

Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at or following the time specified, to consider the following:

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Consider a motion approving the Planning and Zoning Commission Meeting Minutes for October 16, 2023.
3. Motion approving a Final Plat of East Midland Addition, Section 22, being a Residential Replat of Lot 1-6, Block 9, East Midland Addition, a 0.03-acre portion of adjacent North Madison Street right-of-way, and a 0.03-acre portion of adjacent North Carver Street right-of-way, City and County of Midland, Texas. (Generally located at the southeast corner of North Madison Street and Garden Lane) (DISTRICT 2) (DEVELOPMENT SERVICES)
4. Motion approving a Final Plat of Fannin Terrace, Section 9, being a Replat of Lots 8 and 9, Block 1, Fannin Terrace, Section 4, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Maberry Street and Terrace Avenue) (DISTRICT 3) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Permian Basin Health Center, Section 1, being a 50.31-acre tract of land, located in Section 42, Block 40, T-1-S, T&P RR CO Survey, County of Midland, Texas (Generally located approximately 1,550-feet south of State Highway 191, and approximately 1,725-feet east of North Farm-to-Market Road 1788 (DEVELOPMENT SERVICES)
6. Motion approving a Final Plat of Tall City Addition, Section 3, being a 7.80-acre tract of land out of Section 8, Block 38, T-2-S, T. & P. R.R. CO. Survey, County of Midland, Texas. (Generally located at the northwest corner of the intersection on South County Road 1156 and East County Road 120) (DISTRICT: NONE) (DEVELOPMENT SERVICES)
7. Motion approving a Final Plat of Villa Industrial Park, being a 15.61-acre tract of land out of the southeast quarter of Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland, County, Texas (Generally located on the southeast corner of the intersection of West County Road 74 and North County Road 1280) (DEVELOPMENT SERVICES)
8. Motion approving a Final Plat of W.C. Barber Addition, Section 5, being a 0.42-acre portion of previously vacated alley right-of-way out of the southeast quarter of Section 26, Block 39 T-1-S, T&P RR CO. Survey, City and County of Midland, Texas (Generally located on the south side of West Estes Avenue approximately 155 feet west of North Main Street) (DISTRICT: 2) (DEVELOPMENT SERVICES)
9. Motion approving a Final Plat of Wedgwood Park, Section 16, being a replat of the north 3.241 acres of Lot 1, Block 26, Wedgwood Park Addition, Fourth Section, an Addition to the City and County of Midland, Texas. (Generally located Generally located on the south of West Dengar Avenue approximately 45-feet east of North Midland Drive) (District 3) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

10. Consider a request by Alan Biel for a Specific Use Designation for an Accessory Dwelling Unit, on Lot 14, Block 5, University Park Addition, City and County of Midland, Texas. (Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street) (COUNCIL DISTRICT: 3) (DEVELOPMENT SERVICES)
11. Consider a request by Boot Lake Ranch Property Owner, LLC for a zone change from, AE, Agricultural Estate District, to LR, Local Retail District for an 80.96-acre portion of Lot 1, Block 21, Grasslands Estates, Section 16, City and County of Midland, Texas. (Generally located on the south side of West Wadley Avenue approximately 500 feet west of Highland Boulevard) (DISTRICT 4) (DEVELOPMENT SERVICES)
12. Consider a request by Charles Harrington for a Specific Use Designation without Term for a Wildlife Rehabilitation Center, on a 51.097-acre tract of land located on Lot 1, Block 21, Grassland Estates, Section 16, City and County of Midland, Texas. (Generally located approximately 2,500 feet south of W. Wadley Avenue and 1,600 feet west of Grassland Boulevard. DISTRICT 4) (DEVELOPMENT SERVICES)
13. Consider a request by Jennifer A. Chacon for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a 3,261-square foot portion of Lot 1A, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of East Mockingbird Lane and North Big Spring Street – DISTRICT 1) (DEVELOPMENT SERVICES)
14. Consider a request by Kendall Howard for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a -square foot portion of Lot 1, Block 1, less the east 120 feet by the south 150 feet, Myatt Addition, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of West Wadley Ave and North Garfield Street - DISTRICT 3) (DEVELOPMENT SERVICES)
15. Consider a request by Schumann Engineering for the approval of a Final Plat of Homestead Addition, Section 21, being a Replat of the northwest 0.32-acres of Block 17, Homestead Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Fort Worth Street and East Kansas Avenue) (DISTRICT 2) (DEVELOPMENT SERVICES)
16. Consider a request by Scott Dufford for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption at a Recreation Center, on Lot 1, Block 1, Bush Tennis Center Addition, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue approximately 431 feet west of Santa Rosa) (DISTRICT 4) (DEVELOPMENT SERVICES)
17. Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on a 22,000-square foot portion of Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)

MISCELLANEOUS

18. Motion approving with staff's recommended conditions, a Preliminary Plat of Harmony School Addition, Section 1, being a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. Generally located north of East Loop 250, approximately 115-feet east of Meadowside Street. (DISTRICT 1) (DEVELOPMENT SERVICES)
19. Consider a proposed Preliminary Plat of The Vineyard Addition, Section 13 being a 309.21-acre tract of land out the W/2 of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of Mockingbird Lane and Avalon Drive) (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
20. Motion approving a Final Plat of The Vineyard Addition, Section 10, being a Plat of a 31.356-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located immediately west of Sherwood approximately 1,300 feet east of Avalon Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)
21. Motion approving reinstatement of an approved Preliminary Plat for Vineyard Addition, Section 5, being 140.278 acres of land out of Section 13, Block 40 T-1-S, T&P RR Co. Survey, City and County of

Midland, Texas. (Generally located southwest of the intersection of Holiday Hill Road and Green Tree Boulevard) (DISTRICT 4) (DEVELOPMENT SERVICES) **(DEVELOPMENT SERVICES)**

22. Motion approving with staff's recommended conditions a Final Plat of The Vineyard Addition, Section 11, being a Plat of a 29.274 tract of land located in in the east half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located immediately west of Green Tree Boulevard and immediately north of Woodrose) (DISTRICT 4) **(DEVELOPMENT SERVICES)**

Jeffrey S. Fisher
Planning Division Manager
Department of Development Services

The City of Midland Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Division at 432-685-7400 or write to us at P.O. Box 1152, Midland, Texas 79702, at least 48 hours in advance of the meeting.

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

October 16, 2023

Council Chambers – City Hall



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30pm, October 16, 2023.

Commissioners present: Lucy Sisniega, Zachary Deck, Emily Holeva, Adrian Carrasco, Sallie Vega

Commissioners absent: Dianne Williams, Abraham Bejil, Steven Villela

Staff members present: Landon Ochoa, Rolandrea Russell, Alexis M. Martinez, Daniel Humbert, Andrew Meyers

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 & Zoning meeting minutes for October 2, 2023.
3. Motion approving a Final Plat of West 191 Industrial Park, Section 12, being a Replat of Lot 11, Block 1, West 191 Industrial Park, Section 6, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Farm-to-Market Road 1788 and West County Road 77). **(DISTRICT: 4 AND NONE) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of West 191 Industrial Park, Section 13, being a Replat of Lot 7, Block 2, West 191 Industrial Park, Section 6, City and County of Midland, Texas (Generally located on the east side of Farm-to-Market Road 1788, approximately 425 feet south of West County Road 77). **(DISTRICT: 4) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of Johnston Addition, Section 2, being a Replat of Lot 7, Block 1, Johnston Addition Correction Plat, Midland County, Texas (Generally located at the

southeast corner of South County Road 1270 and West County Road 139) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

6. Motion approving a Final Plat of Carrollwood Addition, Section 2, being a 31.58-tract of land out of Section 24, Block 40, T-2-S T&P RR Co. Survey, Midland County, Texas (Generally located on the east side of Antelope Trail, approximately 2,790 feet north of West Country Road 140) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve the consent agenda items; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

PUBLIC HEARINGS

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

7. Consider a request by Midland County Hospital District and Debbie Parchman Reese for a Zone Change from PD, Planned Development District for a Medical Center, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital on a 23.93-acre tract of land out of Section 27, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland Texas, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Kent Street and West Michigan Avenue) **(DISTRICT: 3) (DEVELOPMENT SERVICES)**

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

The public hearing was opened at 3:39pm.

Concerned resident, Ofiela wanted clarification on the zone change and if it will affect her friends property.

The public hearing was closed at 3:42pm.

Adrian Carrasco moved to approve this request amending condition C to require compliance with Section 11-1-6.02 of the City Code.; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

8. Consider a request by Raul Carrasco Jr., for a Zone Change from O-1, Office District to SF-3, Single-Family Dwelling District on Lot 4, Block 12, Cowden Addition, City and

County of Midland, Texas (Generally located on the west side of Bryant Street approximately 125 feet north of Hart Avenue) **(DISTRICT: 3) (DEVELOPMENT SERVICES)**

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

The public hearing was open at 3:44pm.

There was no one wishing to speak on the item.

The public hearing was closed at 3:45pm.

Zachary Deck moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

9.

Consider request by Steven Villela, for a Zone Change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 18, Block 1, Edwards Addition, City and County of Midland, Texas (Generally located on the west side of North Dallas Street approximately 260 feet north of Mississippi Avenue) **(DISTRICT: 2) (DEVELOPMENT SERVICES)**

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

The public hearing was open at 3:46pm.

There was no one wishing to speak on the item

The public hearing was closed at 3:47pm.

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

10.

Consider a request by Leela S. Pillarisetty, for a Zone Change from PD, Planned District for a Shopping Center to RR, Regional Retail District on Lot 3A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the north

side of West Longview Avenue, approximately 165 feet east of Belmont Street).
(DISTRICT: 2) (DEVELOPMENT SERVICES)

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

The public hearing was open at 3:48pm.

There was no one wishing to speak on this item.

The public hearing was closed at 3:49pm.

Zachary Deck moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

11.

Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on-premises consumption in a Restaurant on Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive).
(DISTRICT: 4) (DEVELOPMENT SERVICES)

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

The public hearing was opened at 3:50m.

There was no one wishing to speak on this item.

The public hearing was closed at 3:51pm.

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

12.

Consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for Amusement, Commercial (outdoors), on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the

intersection of North Big Spring Street and West Loop 250 North. **(DISTRICT: 3)**
(DEVELOPMENT SERVICES)

Interim Director of Development Services Rolandrea Russell gave an overview of the project. No letters of objection were received; staff recommend approval.

The public hearing was opened at 3:57pm.

Applicant, Christopher Sean Elphick, addressed the comments about the parking and the steps they are doing to fix the issue.

The public hearing was closed at 4:18pm.

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

The motion passed by the following vote:

AYE: Deck, Holeva, Carrasco, Vega

NAY: Sisniega

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

13. Consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for a Mobile Food Vendor Park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North **(DISTRICT: 3)**
(DEVELOPMENT SERVICES)

Interim Director of Development Services Rolandrea Russell gave an overview of the project. No letters of objection were received; staff recommend approval.

The public hearing was opened at 4:22pm.

Applicant, Christopher Sean Elphick, addressed the comments about the the bathroom portables and how many to add.

The public hearing was closed at 4:24pm.

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

The motion passed by the following vote:

AYE: Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: Sisniega

ABSENT: Williams, Bejil, Villela

14. Consider a request by Christopher Sean Elphick for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Mobile Food Vendor Park and an Amusement, Commercial Outdoor Facility, on Lot 1, Block 1, Claydesta Plaza

North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North **(DISTRICT: 3)**
(DEVELOPMENT SERVICES)

Interim Director of Development Services Rolandrea Russell gave an overview of the project. No letters of objection were received; staff recommend approval.

The public hearing was opened at 4:30pm.

Applicant, Christopher Sean Elphick, closed out by addressing the issues of parking, bathrooms, and amplified music.

The public hearing was closed at 4:31pm.

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

The motion passed by the following vote:

AYE: Deck, Holeva, Carrasco, Vega

NAY: Sisniega

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

PUBLIC HEARINGS

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

15. Consider a city-initiated request to amend Title XI, "Planning and Development", Chapter 11, "Airport Height Hazard and Compatible Land Use Zoning," of the City Code of Midland, Texas so as to replace the Midland International Airport Compatible Land Use Zoning Map dated June 2014 with the revised Midland International Air and Space Port compatible land use zoning map. (DISTRICT: ALL) (AIRPORT)

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

MISCELLANEOUS

16. Motion approving with staff's recommended conditions a Preliminary Plat of Quail Ridge Addition, Section 9, being a Replat of Lots 8 & 9, Block 12, Quail Ridge Addition, Section 8, City and County of Midland, Texas (Generally located on the north side of Starling Drive, approximately 290 feet west of Chukar Lane) **(DISTRICT: 2) (DEVELOPMENT SERVICES)**

Zachary Deck moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

17. Motion approving with staff's recommended conditions a Preliminary Plat of West Fork Addition, Section 2, being 5.394-acres situated as two tracts out of Section 35, Block 40, T-I-S T&P RR. Co. Survey, City and County of Midland, Texas (Generally located north of State Highway 191, approximately 490 feet west of State Highway 158, and generally located west of State Highway 158, approximately 540 feet north of State Highway 191) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve this request; seconded by Zachary Deck.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

18. Motion approving with staff's recommended conditions a Preliminary Plat of West Fork Addition, Section 3, being a Replat of Lots 1 & 2, Block 1, West Fork Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of West State Highway 158 and State Highway 191). **(DISTRICT: 4) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

19. Motion approving with staff's recommended conditions a Preliminary Plat of Southern Meadows Industrial, Section 2, being a Replat of Lots 1 & 2, Block 1, Southern Meadows Industrial, Midland County, Texas. Generally located on the northwest corner of the intersection of East County Road 140 and the proposed South County Road 1180. **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

20. Motion approving with staff's recommended conditions a Preliminary Plat of Redneck Retreat, Section 5, being a 10.00-acre tract of land out of Section 15, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the southeast corner of Farm-to-Market Road 715 and East County Road 130) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Zachary Deck moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

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

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

22. Motion approving a reinstatement with staff's recommended conditions of an approved Preliminary Plat of Cooney Addition, being a 4.23-Acre tract of land located in the northeast/4 of Section 22, Block 39, T. & P. R.R. Co. Survey, County of Midland, Texas (Generally located on the west side of South Highway 349, approximately 635 feet south of West County Road 130) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Zachary Deck moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

23. Motion approving a Final Plat of Cooney Addition, being a 4.23-Acre tract of land located in the northeast/4 of Section 22, Block 39, T. & P. R.R. Co. Survey, County of Midland, Texas. (Generally located on the west side of S Highway 349, approximately 635 feet south of W. County Rd 130) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve this request; seconded by Zachary Deck.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

24.

Motion approving with staff's recommended conditions a Preliminary Plat of 349 Retail Addition, being a Replat of Lot 1, Block 1, TSC Development, Section 1, and Lot 1, Block 1, Midland Country Club Estates Addition, City and County of Midland, Texas. (Generally located on the west side of North State Highway 349, approximately 400 feet south of Occidental Parkway). **(DISTRICT: 1)(DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

25.

Motion approving with staff's recommended conditions a Preliminary Plat of The Park at 1788 South, Section 3, being a replat of Lots 12 and 29, Block 1, The Park at 1788 South, Midland County, Texas. (Generally located at the southwest corner of South County Road 1275 and West County Road 146) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Zachary Deck moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Sisniega, Deck, Holeva, Carrasco, Vega

NAY: None

ABSTAIN: None

ABSENT: Williams, Bejil, Villela

With no further items or business to come before the Commission, Chair Sisniega adjourned the meeting at 4:53pm

Lucy Sisniega, Chair

Date

Cristina Burns, Director of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of East Midland Addition, Section 22, being a Residential Replat of Lot 1-6, Block 9, East Midland Addition, a 0.03-acre portion of adjacent North Madison Street right-of-way, and a 0.03-acre portion of adjacent North Carver Street right-of-way, City and County of Midland, Texas. (Generally located at the southeast corner of North Madison Street and Garden Lane.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-2, Single-Family Dwelling District.

Preliminary Plat Approval:

The preliminary plat was approved at the September 18, 2023, Planning and Zoning Commission meeting. The applicant, Schumann Surveying, is requesting to replat six lots and vacated street right-of-way portions of North Madison Street and North Carver Street adjacent to the plat into one (1) lot.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

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

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

PAVING: Garden roadway, Carver roadway, Madison roadway are okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 4" water exists in Garden Street, okay as is. 6" water exists in Carver Street, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 6" sewer exists in alley South of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

Fire: (Approved)

No comments

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

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

GIS: (Approved)

No comments.

Planning: (Approved)

Staff recommends approval of the Final Plat of East Midland Addition, Section 22, subject to condition A

Condition(s):

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

Attachments:

Proposed Final Plat
Application
Maps

EAST MIDLAND ADDITION,
SECTION 22.

BEING A REPLAT OF LOTS 1-6, BLOCK 9, EAST MIDLAND ADDITION
AND TWO 10' RIGHT-OF-WAY VACATION, (ORDINANCE 10419), CITY
AND COUNTY OF MIDLAND, TEXAS.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF LOTS 1-6, BLOCK 9, EAST MIDLAND ADDITION, AN ADDITION TO THE CITY OF MIDLAND, TEXAS, AS PER THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 52, OF THE PLAT RECORDS OF MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 1.03 ACRE TRACT KNOWN AS LOT'S 1-6, BLOCK 9, EAST MIDLAND ADDITION, AN ADDITION TO THE CITY OF MIDLAND, TEXAS, AS PER THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 52, OF THE PLAT RECORDS OF MIDLAND COUNTY, TEXAS, AND THE EAST 14 FEET OF MADISON STREET AND THE WEST 14 FEET OF CARVER STREET, SAID 1.03 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR SET (N-10698634.89, E-17600771.15) IN THE NEW EAST RIGHT OF WAY OF MADISON STREET AND THE SOUTH RIGHT OF WAY OF GARDEN LANE FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH THE NORTHWEST BLOCK CORNER OF SAID BLOCK 9 BEARS NORTH 75°43'31" EAST 10.00 FEET;

THENCE NORTH 75°43'31", ALONG SAID SOUTH RIGHT OF WAY, EAST 320.00 FEET TO A REINF BAR SET IN SAID SOUTH RIGHT OF WAY AND THE NEW WEST RIGHT OF WAY OF CARVER STREET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°16'29" EAST, ALONG SAID NEW WEST RIGHT OF WAY, 140.00 FEET TO A REINF BAR SET IN FOR THE SOUTHEAST CORNER OF THIS TRACT AND BEING THE NORTHEAST CORNER OF A 20 FEET ALLEY;

THENCE SOUTH 75°43'31" WEST, ALONG THE NORTH LINE OF SAID 20' ALLEY, 320.00 FEET TO A REINF BAR SET IN THE SAID NEW EAST RIGHT OF WAY OF MADISON STREET FOR THE SOUTHWEST CORNER OF THIS TRACT AND ALSO BEING THE NORTHWEST CORNER OF SAID 20' ALLEY;

THENCE NORTH 14°16'29" WEST 140.00 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS EAST MIDLAND ADDITION AN ADDITION OF 1.03 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

EVA RODRIGUEZ

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023,
BY EVA RODRIGUEZ.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS EAST MIDLAND ADDITION AN ADDITION OF 1.03 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

THE MOST REVEREND MICHAEL J. SIS, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF SAN ANGELO.

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY THE MOST REVEREND MICHAEL J. SIS,
BISHOP OF THE ROMAN CATHOLIC DIOCESE OF SAN ANGELO.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

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

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUBDIVISION NAME WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: CHAIRMAN LUCY SIGNEGA

ATTEST: SECRETARY CRISTINA O. BURNS

NO.	DATE	DESCRIPTION	BY
1	01/20/2023	SKETCH PLAN	JG

DRAWN BY: JG DATE: 01/20/2023
CHECKED BY: ED/RJ PROJECT NO.: 79220
JOB NO.: 79220 SHEET: 1 OF 1

November 6, 2023



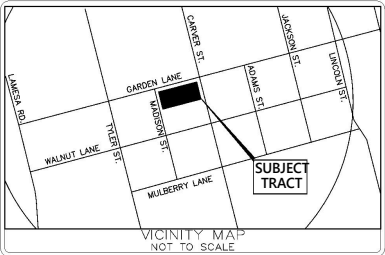
SCHUMANN
A LATERAL LAND COMPANY

LAND SURVEYING
PHYSICAL 101.0146000

300 N. UNIVERSITY STREET
SUITE 100
MIDLAND, TEXAS 79701

Office (432) 684-2548

EAST MIDLAND ADDITION, SECTION 22



LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- ADJOINING PROPERTIES
- - - OVERHEAD ELECTRIC
- - - UTILITY EASEMENT

GRAPHIC SCALE
0 100 200
(1 INCH = 100' FEET)

OWNER(S):
THE MOST REVEREND MICHAEL J. SIS, BISHOP OF
THE ROMAN CATHOLIC DIOCESE OF SAN ANGELO.

PO BOX 1829
SAN ANGELO, TX 76902
325-651-7500 (PHONE)
325-651-6688 (FAX)

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. 483290009F SEPTEMBER 16, 2005, ZONE "X".
- ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE AOZ-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: ONCOR ELECTRIC DELIVER COMPANY
SIGNED: AT&T TEXAS
SIGNED: ATMOS ENERGY
SIGNED: OPTIMUM COMMUNICATIONS
SIGNED: ASTOUND COMMUNICATIONS

PACKET



Final Plat Application

Project Number:

Case Number:

SUB-23-0607
P-23-1805

Proposed Subdivision Plat Name: EAST MIDLAND ADDITION, SECTION 22

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF LOTS 1-6, BLOCK 9, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS

Eva V. Rodriguez (Lot 1)

Property Owner

Printed Name:

Dioces of San Angelo (2-6) - Michael Wyse
Phone (325) 651-7500
Email mwyse@sanangelodiocese.org

Address

PO Box 1829

City

San Angelo

State:

TX

Zip

76902

Developer (if different than Owner)

Printed Name:

Address

City

Phone ()

Email

State

Zip

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

Firm: SCHUMANN SURVEYING, INC.

Printed Name: EDUARDO ALEMAN

Address

800 N. MARENFELD SUITE 100

City

MIDLAND

Phone ()

Email

State TX

Zip 79701

Current Zoning: SF-2

Reason for Platting: TO COMBINE ALL SIX LOTS INTO 1 LOT

Plat Information

Total Acreage: 1.03

Type:

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Mike Wyse, CHANCELLOR

Date: 9/26/2023

Property Owner (printed): Mike Wyse

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.

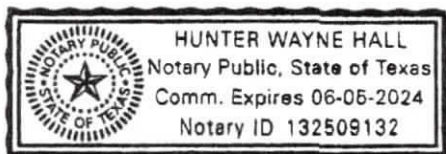
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Mike, 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 Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 26th day of September, 20 23, to certify which witness my hand and seal of office.



H. H.
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

Received By: Daniel Humber

Date: 10-10-23

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

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): X Eva V. Rodriguez

Date: 10-6-2023

Property Owner (printed): EVA V. RODRIGUEZ

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.

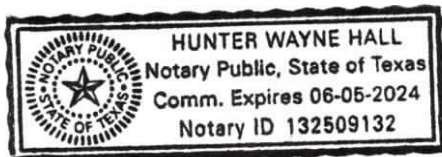
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Akman who, being by me duly sworn, upon oath says: That (s)he is authorized by Eva Rodriguez 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 Akman
Authorized Agent (signature)

Subscribed and sworn to before me, this 6th day of October, 20 23, to certify which witness my hand and seal of office.



H. H.
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☒ Application Fee

Check # paid

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☒ Public Improvement

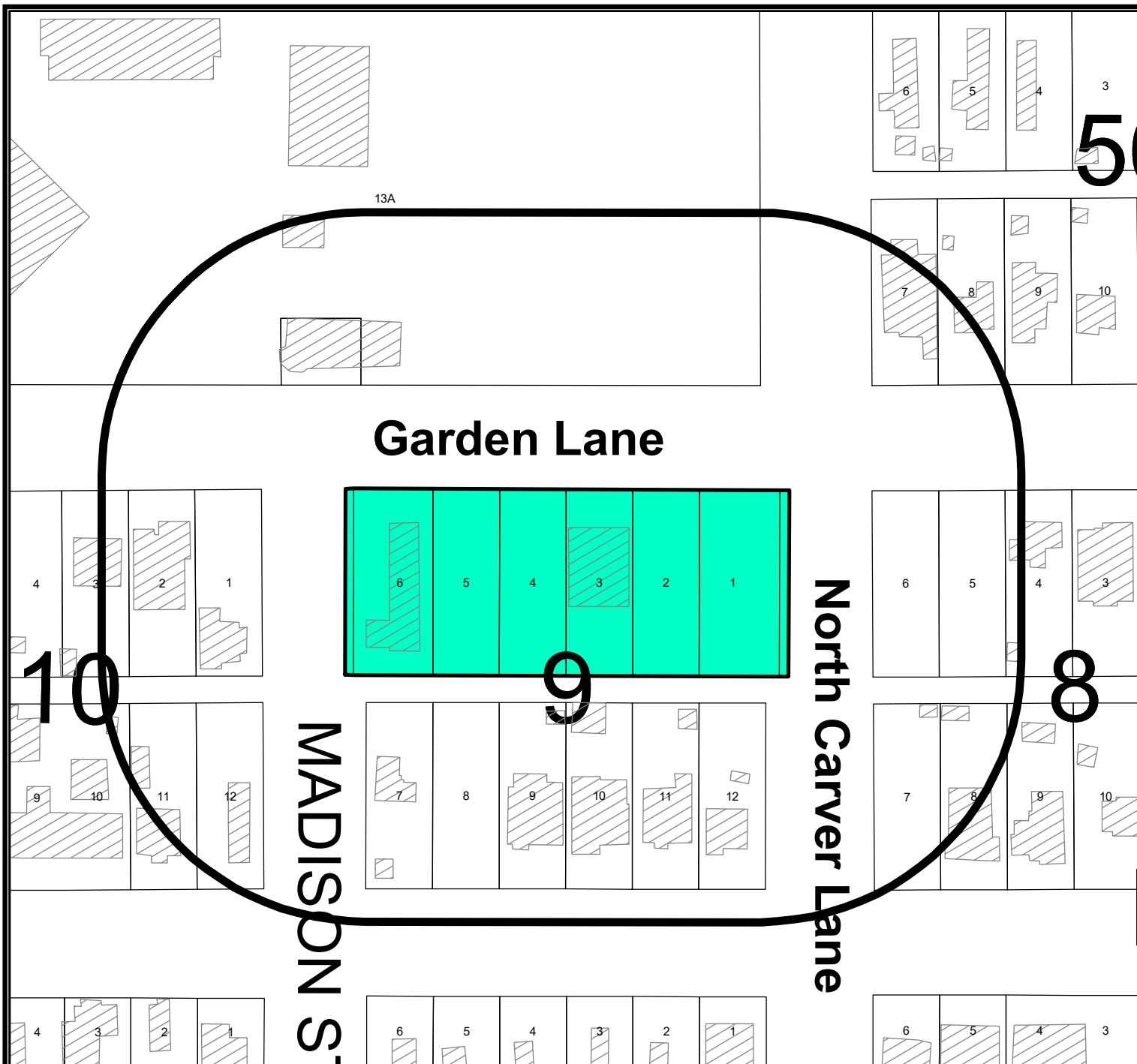
☒ Recording Fee

Check # paid

Received By: Jeff Fisher

Date: 10-9-23

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



LOCATION MAP

SUB-23-0607

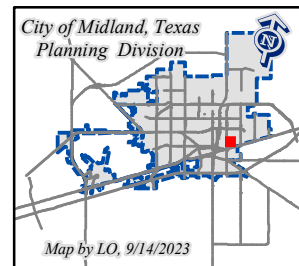
Scale: 1" = 1,298'

Proposed Plat of East Midland Addition, Section 22, being a Residential Replat of Lots 1-6, Block 9, East Midland Addition, a 0.03-acre portion of adjacent North Madison Street right-of-way, and a 0.03-acre portion of adjacent North Carver Street right-of-way, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Madison Street and Garden Lane (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

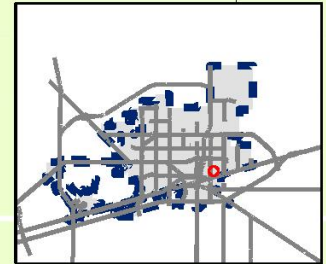
GARDEN LN

N. CARVER ST

SF2

MH

MADISON





Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Fannin Terrace, Section 9, being a Replat of Lot 8, the east 79 feet of lot 9, and the west foot of Lot 10, Block 1, Fannin Terrace, Section 4, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Maberry Street and Terrace Avenue) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-1, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, Schumann Engineering, is requesting replat Lots 8 and 9, Block 1, Fannin Terrace, Section 4, City and County of Midland, Texas.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

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

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

PAVING: Terrace Ave. and Mayberry St okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 6" water exists in Terrace Ave. north of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 6" sewer exists in alley south of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER:

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

No Oil and Gas issues.

GIS: (Approved)

No comments.

PLANNING: (Approved with Conditions)

Staff recommends approval of the Final Plat of Fannin Terrace, Section 9 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: _____

Proposed Subdivision Plat Name: FANNIN TERRACE, SECTION 9**Legal Description (attached sealed Metes and Bounds):** BEING A REPLAT OF LOTS 8 AND 9, BLOCK 1,
FANNIN TERRACE, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS**Property Owner**

Printed Name: DERRELL J. TAYLOR

Phone ()

Email

jacqueline13805@gmail.com

Address 2513 TERRACE AVE.

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 SURVEYING, INC.

Printed Name: EDUARDO ALEMAN

Phone (432) 684 9548

Email

ealeman@schumannsurveying.net

Address 800 N. MARENFIELD SUITE 100

City MIDLAND

State TX

Zip 79701

Current Zoning: SF-1**Reason for Platting:** TO OBTAIN CONSTRUCTION PERMITS**Plat Information**

Total Acreage: 0.51

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): [Signature] Date: 10-10-23
Property Owner (printed): Jactyn Taylor & Derrell Taylor

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.

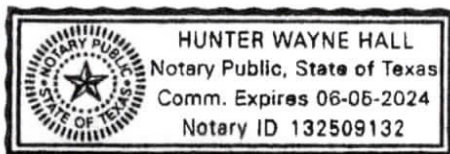
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Taylor, 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 10th day of October, 20 23, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

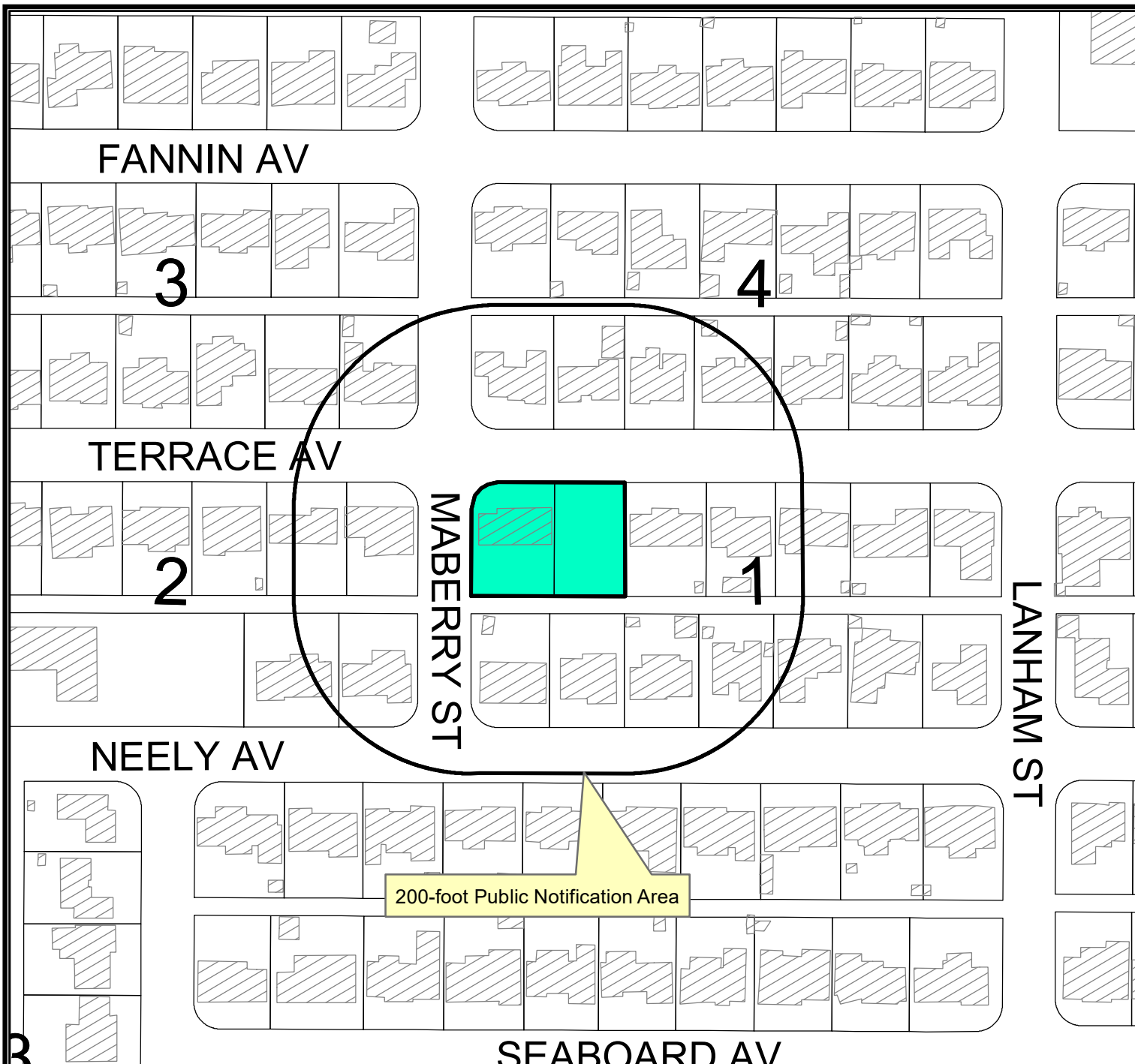
FOR OFFICE USE ONLY

- | | | |
|---|--|---|
| ☐ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☒ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # _____ | ☒ Tax Certificates | ☒ Recording Fee <u>2085</u> |

Received By: Janet Humbert

Date: OCT 10 2023

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



LOCATION MAP

SUB-23-0632

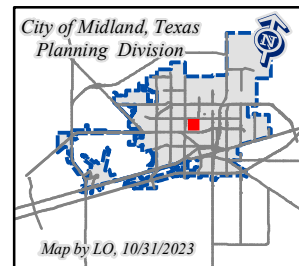
Scale: 1" = 1,947'

Proposed Plat of Fannin Terrace, Section 9, being a Replat of Lot 8, the east 79 feet of lot 9, and the west foot of Lot 10, Block 1, Fannin Terrace, Section 4, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Maberry Street and Terrace Avenue (DISTRICT 3)

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.

FANNIN AV

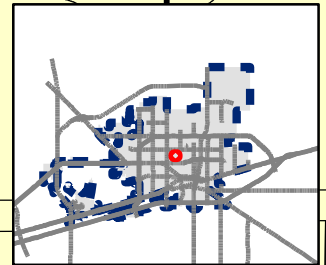
TERRACE AV

SF1

MABERRY ST

LANHAM S

NEELY AV





Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of Permian Basin Behavioral Health Center, Section 1, being a 50.31-acre tract of land, located in Section 42, Block 40, T-1-S, T&P RR CO Survey, Midland County, Texas (Generally located approximately 1,550-feet south of State Highway 191 and approximately 1,725-feet east of North Farm-to-Market Road 1788 (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The preliminary plat was approved at the September 18, 2023, Planning and Zoning Commission meeting. The property owner is platting for the annexation and development of a new Behavioral Health Hospital.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

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

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

PAVING: No frontage along Public ROW. [For the Applicant's information only.]

WATER: No frontage along Public ROW. [For the Applicant's information only.]

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

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

SEWER: No frontage along Public ROW. [For the Applicant's information only.]

DRAINAGE: Drainage report was approved for platting purposes. [For the Applicant's information only.]

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

Fire: (Approved)

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

Oil and Gas: (Approved)

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

Building Code: (Approved)

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

GIS: (Approved)

No comments.

Planning: (Approved)

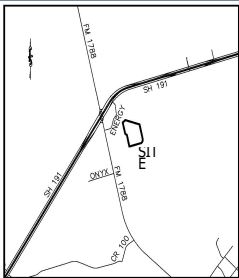
All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.

Condition(s):

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

Attachments:

Proposed Final Plat
Application
Maps



VICINITY MAP TO MAP

UTILITY COMPANY'S CERTIFICATE
This plot has been checked for accessibility of utilities.

ATMOS ENERGY Print Name: _____
ONCOR ELECTRIC DELIVERY Print Name: _____
ASTOUND BROADBAND Print Name: _____
OPTIMUM Print Name: _____
AT&T-TEXAS Print Name: _____

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plot of PERMIAN BASIN BEHAVIORAL HEALTH CENTER was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this the _____ day of _____, 2023.

CHAIRMAN _____

SECRETARY _____

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plot of PERMIAN BASIN BEHAVIORAL HEALTH CENTER was approved by proper action of the Director of Engineering and Development of the City of Midland, Texas, on this the _____ day of _____, 2023.

DIRECTOR, ENGINEERING & DEVELOPMENT _____

OWNER'S CERTIFICATE

STATE OF TEXAS, COUNTY OF MIDLAND:

WHEREAS PERMIAN BASIN BEHAVIORAL HEALTH CENTER, is the record owner of the tract of land situated in Section 42, Block 40, Township 1 South, T. & P. RR. Co. Survey, County of Midland, and more particularly described herein.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, PERMIAN BASIN BEHAVIORAL HEALTH CENTER, do hereby adopt this plat designating the herein above described property as PERMIAN BASIN BEHAVIORAL HEALTH CENTER ADDITION, to the City of Midland, Texas, and we do hereby dedicate to the public use forever the streets, alleys, and easements shown hereon.

WITNESS our hands at Midland, Texas, this _____ day of _____, 2023.

Representative of: PERMIAN BASIN BEHAVIORAL HEALTH CENTER _____

STATE OF TEXAS, COUNTY OF MIDLAND:

Before Me, the undersigned authority, on this day personally appeared _____ known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said PERMIAN BASIN BEHAVIORAL HEALTH CENTER, as the Authorized Agent thereof, and for the purpose and consideration therein expressed and in the capacity therein stated, and that he was authorized to do so.

Given under my hand and seal of office this the _____ day of _____, 2023.

Notary Public in and for the State of Texas _____

My commission expires _____



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76102
TEXAS REGISTERED SURVEYING FIRM NO. 10098100

ENGINEER/SURVEYOR
DUNAWAY ASSOCIATES, L.P.
550 Bailey Avenue
Suite 400
Fort Worth, Texas 76102
Tel: 817.335.1121
Contact: Tim Hair

OWNER
PERMIAN BASIN BEHAVIORAL HEALTH CENTER
400 Rosalind Redfern Grover Parkway
Midland, Texas 79701
(817) 335-1121
Contact: Russell Meyers

CUMBERLAND AND WESTERN
RESOURCES, LLC
(PORTION OF TRACT FOURTEEN)
VOLUME 3131, PAGE 210
O.P.R.M.C.T.

Page 5.32

PAGE 1 OF 1

SURVEYOR'S CERTIFICATE

I, Alan Moore, 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 hereon are in place and in accordance with the City of Midland, Texas.

Alan Moore
Registered Professional Land Surveyor
Texas Registration No. 5537

October 5, 2023



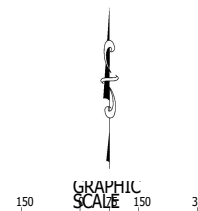
DIAMONDBACK O&G, LLC.
(TRACT C)
DOCUMENT NUMBER
2014-19954
O.P.R.M.C.T.

FINAL
PERMIAN BASIN
BEHAVIORAL
HEALTH CENTER
SECTION 42, BLOCK 40, T-1-S,
T&P RR CO. SURVEY
CITY AND COUNTY OF
MIDLAND, TEXAS

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



O.P.R.M.C.T. = OFFICIAL PUBLIC RECORDS MIDLAND COUNTY, TEXAS

DIAMONDBACK O&G, LLC.
(TRACT C)
DOCUMENT NUMBER
2014-19954
O.P.R.M.C.T.



Final Plat Application

Project Number:

SUB-23-0649

Case Number:

P-23-1822

Proposed Subdivision Plat Name: Permian Basin Behavioral Health Center, Section 1**Legal Description (attached sealed Metes and Bounds):**Being a 50.31 acre tract of land out of section 42, block 40, T-1-S, T&P RR Co.
Survey City and County of Midland, Texas**Property Owner**

Printed Name: Permian Basin Behavioral Health Center

Phone (432)661-8000

Email

russellmeyers@midlandmemorialfoundatin.org

Address

City

State

Zip

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Dunaway

Printed Name: Tim Hair

Phone (432)669-4889

Email

thair@dunaway.com

Address 4000 N. Big Spring Street Suite 101

City Midland

State TX

Zip 79705

Current Zoning: Regional Retail**Reason for Platting:** Annexation and development of new Behavioral Health Hospital**Plat Information**

Total Acreage: 50.31

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

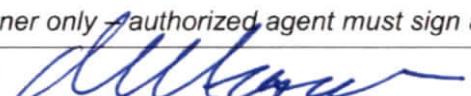
For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):



Date:

10/10/23

Property Owner (printed):

Russell Meyers

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of October, 2023, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

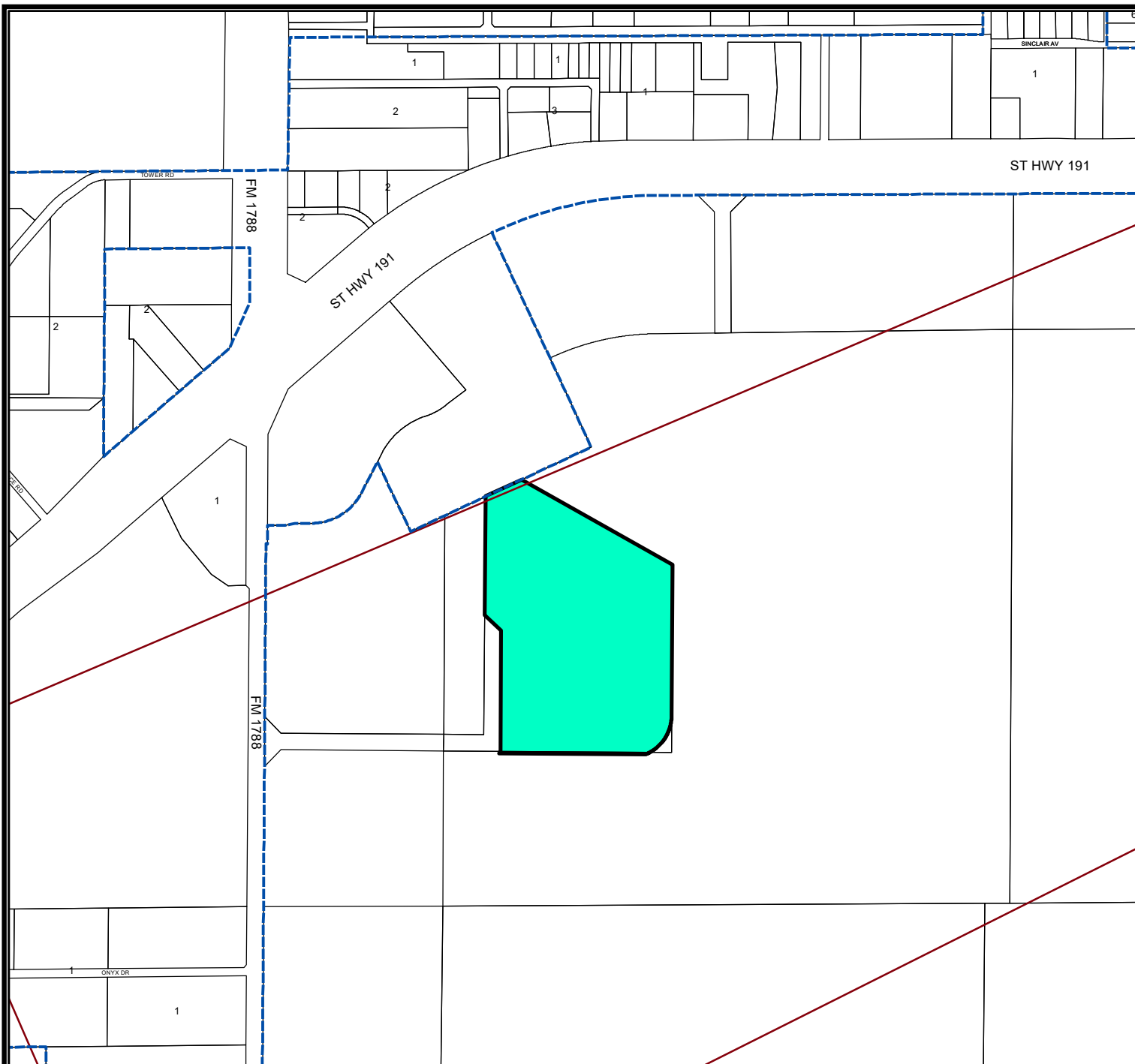
FOR OFFICE USE ONLY

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

Received By: **Jeff Fisher**

Date: **10-10-23**

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



LOCATION MAP

SUB-23-0649

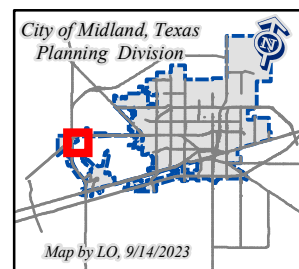
Scale: 1" = 200'

Proposed Plat of Permian Basin Behavioral Health Center, Section 1, being a 50.31-acre tract of land, located in Section 42, Block 40, T-1-S, T&P RR CO Survey, County of Midland, Texas.

Generally located approximately 1,550-feet south of State Highway 191, and approximately 1,725-feet east of North Farm-to-Market Road 1788.
(District: None)

LEGEND

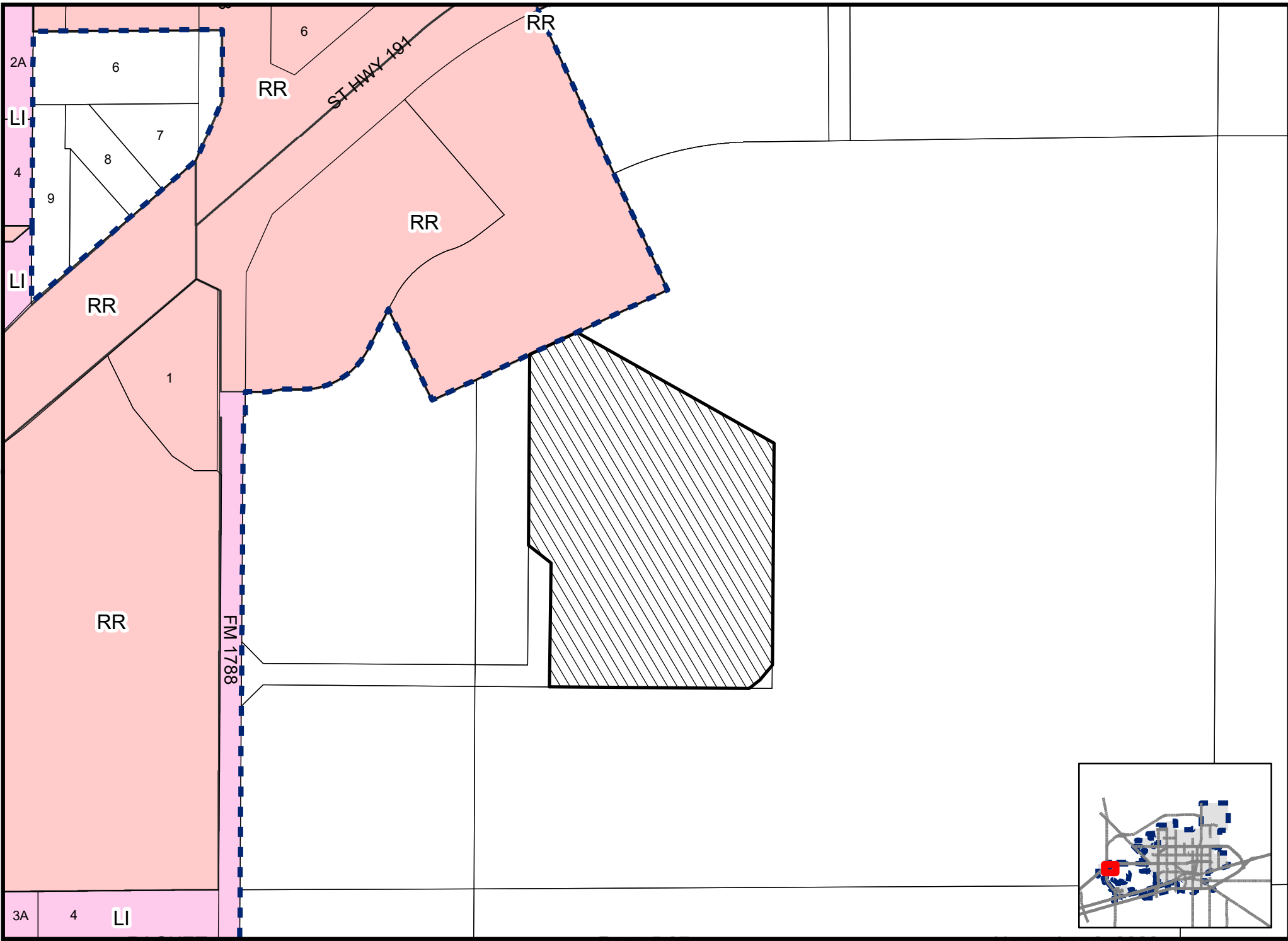
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



PACKET

Page 5.37

November 6, 2023

Map By DH, 9/29/2023

SUB-23-0649

Scale: 1" = 8,042'

ZONING MAP



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



Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Motion approving a Final Plat of Tall City Addition, Section 3, being a 7.80-acre tract of land located out of Section 8, Block 38, T-2-S, T. & P. R.R. CO. Survey, Midland County, Texas. (Generally located at the northwest corner of the intersection on South County Road 1156 and East County Road 120) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The original Preliminary Plat was approved by the Planning and Zoning Commission on August 21, 2023.

Final Plat Requirements:

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

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

Below are the departments' comments.

ENGINEERING: (Approved)

IMPACT FEES: Plat outside designated service areas. Note not required. [For Applicant's Information Only.]

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

PAVING: Deferral request for paving improvements were administratively approved on 10/16/2023. [For Applicant's Information Only.]

*S. County Rd. 1156 is a private road, paving improvements not required. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 10/16/2023. [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: Deferral request for sewer improvements were administratively approved on 10/16/2023. [For Applicant's Information Only.]

DRAINAGE: Drainage report was approved for platting purposes [For Applicant's Information Only.]

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

SIDEWALKS: Required at building permit. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

DIMENSION: * * *

OTHER:

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

BUILDING CODE: (Approved)

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

GIS: (Approved)

30' pipeline easement and 30' private ROW should not extend into ROW dedication.

Midland Health Department: (Approved)

Yes, the health department will review application from the 1 proposed lot of Tall City, Section 3, PLAT OF A 7.8 ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 38, T-2-S, T. & P. RR. CO. SURVEY the lot is 7.4 acre property owner must contact the pipeline company to get the setback to their pipeline before any excavation can occur to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Midland County: (Approved)

No Comments

Planning: (Approved)

All comments have been addressed.

Condition:

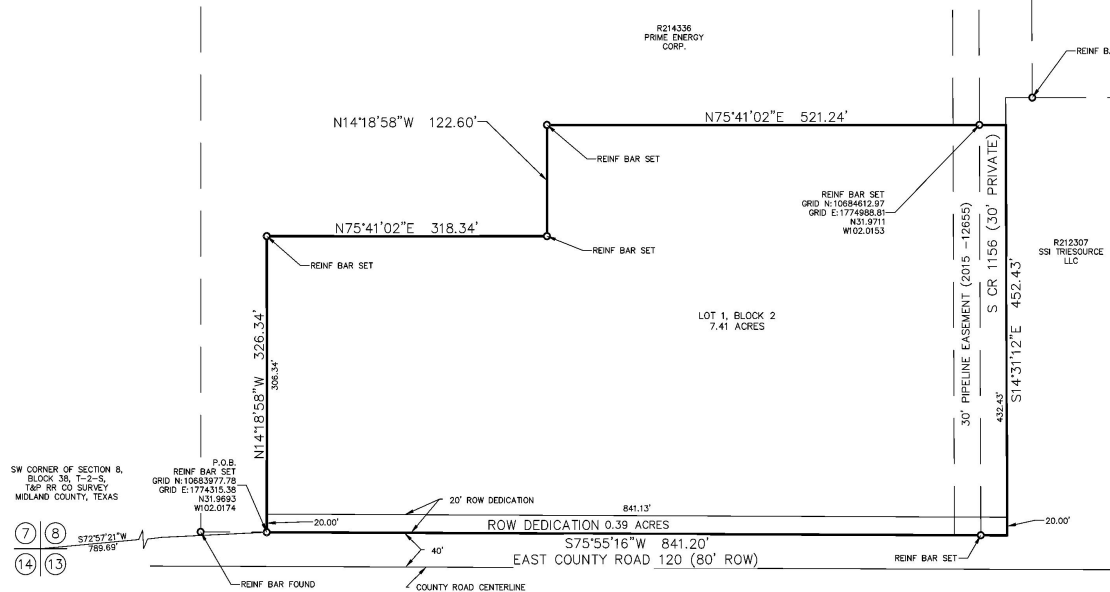
- A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Final Plat
Application
Maps

TALL CITY ADDITION SECTION 3

BEING A 7.80-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.



SW CORNER OF SECTION 8,
BLOCK 38, T-2-S,
T&P RR CO. SURVEY,
MIDLAND COUNTY, TEXAS

P.O.B.
REINF BAR SET
GRID N:10683977.78
GRID E:1774315.38
N31.9953
W102.0174

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2023, BY EDDIC VILLA

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. PROPERTY IS IN MAP NUMBER 48329C0207, WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2005, AND PROPERTY IS IN ZONE "X" ACCORDING TO THIS PANEL.
- ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE A02-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.
- MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE. MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- - - ADJOINING PROPERTIES
- - - SECTION LINE
- - - UTILITY EASEMENT

OWNER(S):

EDDIC VILLA

eddic@esallientfield.com

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE SOUTHWEST PART OF SECTION 8, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 7.80 ACRE TRACT OF LAND, OUT OF THE SOUTHWEST PART OF SECTION 8, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, SAID 7.80 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR SET (N:10683977.78, E:1774315.38) IN THE NORTH RIGHT OF WAY OF EAST COUNTY ROAD 120 FOR THE SOUTHWEST CORNER OF THIS TRACT, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 8 BEARS SOUTH 72°57'21" WEST 789.69 FEET;

THENCE NORTH 14°18'58" WEST 326.34 FEET TO A REINF BAR SET FOR THE MOST WESTERN MOST NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°41'02" EAST 318.34 FEET TO A REINF BAR SET FOR AN INTERIOR CORNER OF THIS TRACT;

THENCE NORTH 14°18'58" WEST 122.60 FEET TO A REINF BAR SET FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°41'02" EAST 521.24 FEET TO A REINF BAR SET IN THE EAST RIGHT OF WAY OF SOUTH COUNTY ROAD 1156 FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°31'12" EAST, ALONG SAID EAST RIGHT OF WAY, 452.43 FEET A REINF BAR SET IN SAID NORTH RIGHT OF WAY FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 75°55'16" WEST, ALONG SAID NORTH RIGHT OF WAY, 841.20 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS TALL CITY, SECTION 3, AN ADDITION OF 7.80 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 2023.

EDDIC VILLA

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

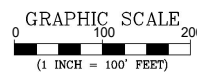
THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF TALL CITY ADDITION, SECTION 3, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SINIEGA

ATTEST: _____
SECRETARY JEFF FISHER

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

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



RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
				JG	05/02/2023
				ED/RJ	
				79388	
				1	1



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: **TALL CITY, SECTION 3**

Legal Description (attached sealed Metes and Bounds): PROPOSED PLAT OF A 7.80 ACRE TRACT OF LAND
OUT OF SECTION 8, BLOCK 38, T-2-S, T&P RR CO SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Property Owner
Printed Name: **EDDIC VILLA**

Phone ()
Email
EALEMAN@SCHUMANNONLINE.NET

Address	City	State	Zip
---------	------	-------	-----

Developer (if different than Owner)
Printed Name:

Phone ()
Email
EALEMAN@SCHUMANNONLINE.NET

Address	City	State	Zip
---------	------	-------	-----

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

Firm: SCHUMANN SURVEYING, INC.

Printed Name: **EDUARDO ALEMAN**

Phone ()
Email
EALEMAN@SCHUMANNONLINE.NET

Address 800 N. MARENFIELD STREET	City MIDLAND	State TX	Zip 79701
---	---------------------	-----------------	------------------

Current Zoning:

Reason for Platting: TO OBTAIN SEPTIC PERMIT AND ADDRESS

Plat Information

Total Acreage: **7.80**

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

Number of Lots: 1	Number of Multi-Family Dwelling Units:
--------------------------	--

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

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

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

Property Owner (signature) Eddie Villa Date 10-1-23

Property Owner (printed) Eddie Villa

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.

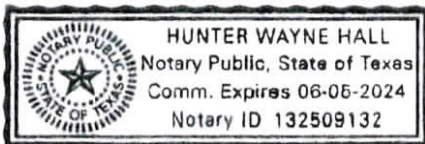
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Eddie Villa, 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.

Edوارد Aleman
 Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of October, 20 23 to certify which witness my hand and seal of office.



H. H.
 NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

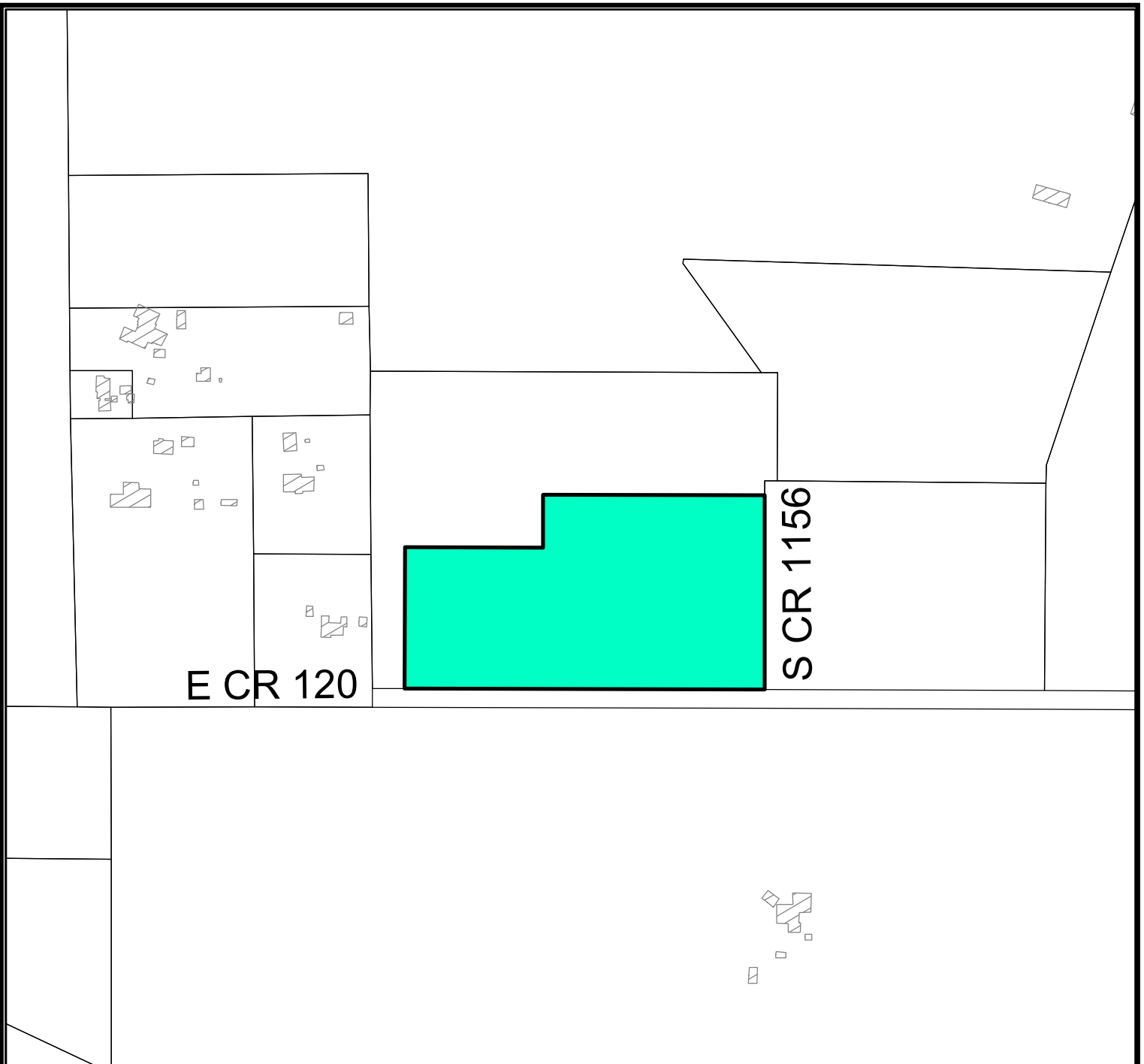
FOR OFFICE USE ONLY

☐ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☒ 1 Copy of Plat (11x17)	☐ CADD File
☒ Application Fee	☒ Title Opinion	☒ Public Improvement
Check # <u>2089</u>	☐ Tax Certificates	☒ Recording Fee <u>2089</u>

Received By Daniel Hernandez

Date OCT-10-2023

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



LOCATION MAP

P-23-1813

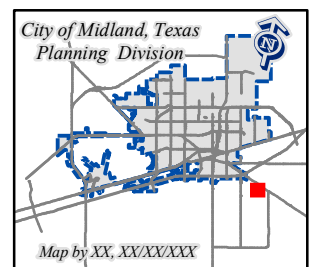
Scale: 1" = 4000'

Proposed plat of Tall City, Section 3, being a 7.80-acre tract of land out of Section 8, Block 38, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of East County Road 120 and South County Road 1156. – (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of Villa Industrial Park, being a 15.61-acre tract of land out of the southeast quarter of Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland, County, Texas (Generally located on the southeast corner of the intersection of West County Road 74 and North County Road 1280) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The preliminary plat was approved at the October 2, 2023, Planning and Zoning Commission meeting. The applicant, Schumann Engineering, is requesting to replat an unplatted tract into four lots for future development.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

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

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

PAVING: No frontage along Public ROW. [For the Applicant's information only.]

WATER: No frontage along Public ROW. [For the Applicant's information only.]

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

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

SEWER: No frontage along Public ROW. [For the Applicant's information only.]

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

Fire: (Approved)

No comments

Oil and Gas: (Approved)

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

Building Code: (Approved)

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

GIS: (Approved)

No comments.

MIDLAND COUNTY PUBLIC WORKS: (Approved with conditions)

No comments.

HEALTH DEPARTMENT: (Approved)

Yes, the health department will review applications from the 4 proposed lots of Villa Industrial Park, PLAT OF A 15.6 ACRE TRACT OF LAND OUT OF THE SOUTHEAST/4 OF SECTION 31, BLOCK 40, T-1-S, T. & P. RR. CO. SURVEY, lots 1 is 4.25 acre, lot 2 is 4.25 acre, lot 3 is 4.25 acre and lot 4 is 2.5 acre, to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

CRMWD: (Approved)

No comments.

Planning: (Approved)

Staff recommends approval of the Final Plat of Villa Industrial Park, subject to Condition A.

Condition(s):

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

Attachments:

Proposed Final Plat
Application
Maps

VILLA INDUSTRIAL PARK

BEING A 15.61-ACRE TRACT OF LAND OUT OF THE
SOUTHEAST QUARTER OF SECTION 31, BLOCK 40, T-1-S, T&P
RR CO. SURVEY, MIDLAND COUNTY, TEXAS.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 31, BLOCK 40, T-1-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 15.61 ACRE TRACT OF LAND, OUT OF THE SOUTHEAST 1/4 OF SECTION 31, BLOCK 40, T-1-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, SAID 15.61 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINFORCED BAR SET (N:10691013.82, E:1705513.12) IN THE WEST RIGHT OF WAY LINE OF HOLDRIDGE ROAD FOR THE MOST SOUTHERLY NORTHEAST CORNER OF THIS TRACT, FROM WHICH THE NE CORNER OF SAID SECTION 31 BEARS NORTH 75°52'46" EAST 60.09 FEET AND NORTH 14°07'14" WEST 2414.48 FEET ;

THENCE SOUTH 14°07'14" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF SAID HOLDRIDGE ROAD, 1320.27 FEET TO A REINFORCED BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 75°14'51" WEST 506.06 FEET TO A REINFORCED BAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°09'03" WEST 1345.59 FEET TO A REINFORCED BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°50'57" EAST 486.74 FEET TO A REINFORCED BAR SET FOR THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 59°07'39" EAST 28.28 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS VILLA INDUSTRIAL PARK AN ADDITION OF 15.61 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

RESILIENT DEVELOPERS, LLC.

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY RESILIENT DEVELOPERS, LLC.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUBDIVISION NAME WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SINIEGA

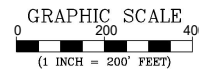
ATTEST: _____
SECRETARY JEFF FISHER

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

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



November 6, 2023



NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
				JG	04/27/2023
				CHECKED BY:	ED/RJ
				PROJECT NO.:	79,346
				JOB NO.:	1 OF 1

OWNER:
RESILIENT DEVELOPERS, LLC.
PO BOX. 52636
MIDLAND, TEXAS 79710

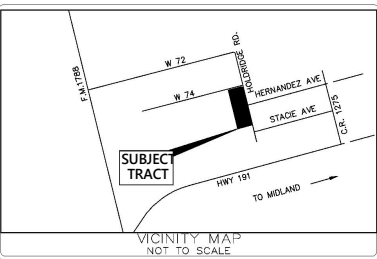
LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- - - ADJOINING PROPERTIES
- - - SECTION LINE
- - - UTILITY EASEMENT

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. PROPERTY IS IN FEMA PANEL 48329C0200F, WITH AN EFFECTIVE DATE OF SEPTEMBER 16, 2005, THIS PROPERTY IS IN ZONE "X". PER FEMA FIRMETTE.
- MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE. MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES. THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

Page 7.48



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
OPTIMUM COMMUNICATIONS

SIGNED: _____
ASTOUND COMMUNICATIONS

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

PACKET

VILLA INDUSTRIAL PARK



Final Plat Application

Project Number:

SUB-23-0623

Case Number:

P-23-1809

Proposed Subdivision Plat Name: VILLA INDUSTRIAL PARK**Legal Description (attached sealed Metes and Bounds):** BEING A 15.61-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.**Property Owner**

Printed Name: RESILIENT DEVELOPERS, LLC.

Phone (432) 284-9169

Email: eddic@resilientoilfield.com

Address: PO BOX. 52636

City: MIDLAND,

State: TEXAS

Zip: 79710

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 SURVEYING

Phone (432) 684-5548

Email:

Printed Name: ED ALEMAN

ealeman@schumannonline.net

Address: 800 N. Marienfeld, Suite 100

City: Midland

State: TX

Zip: 79701

Current Zoning: NA**Reason for Platting:** Obtain Septic Permits and addresses**Plat Information**

Total Acreage: 15.61

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):

Eddie Villa
Eddie Villa

Date: 10-1-23

Property Owner (printed):

Eddie Villa

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.

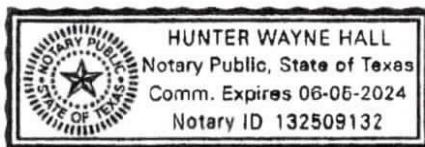
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Eddie Villa, 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 1st day of October, 20 23 to certify which witness my hand and seal of office.



H. H. Hall

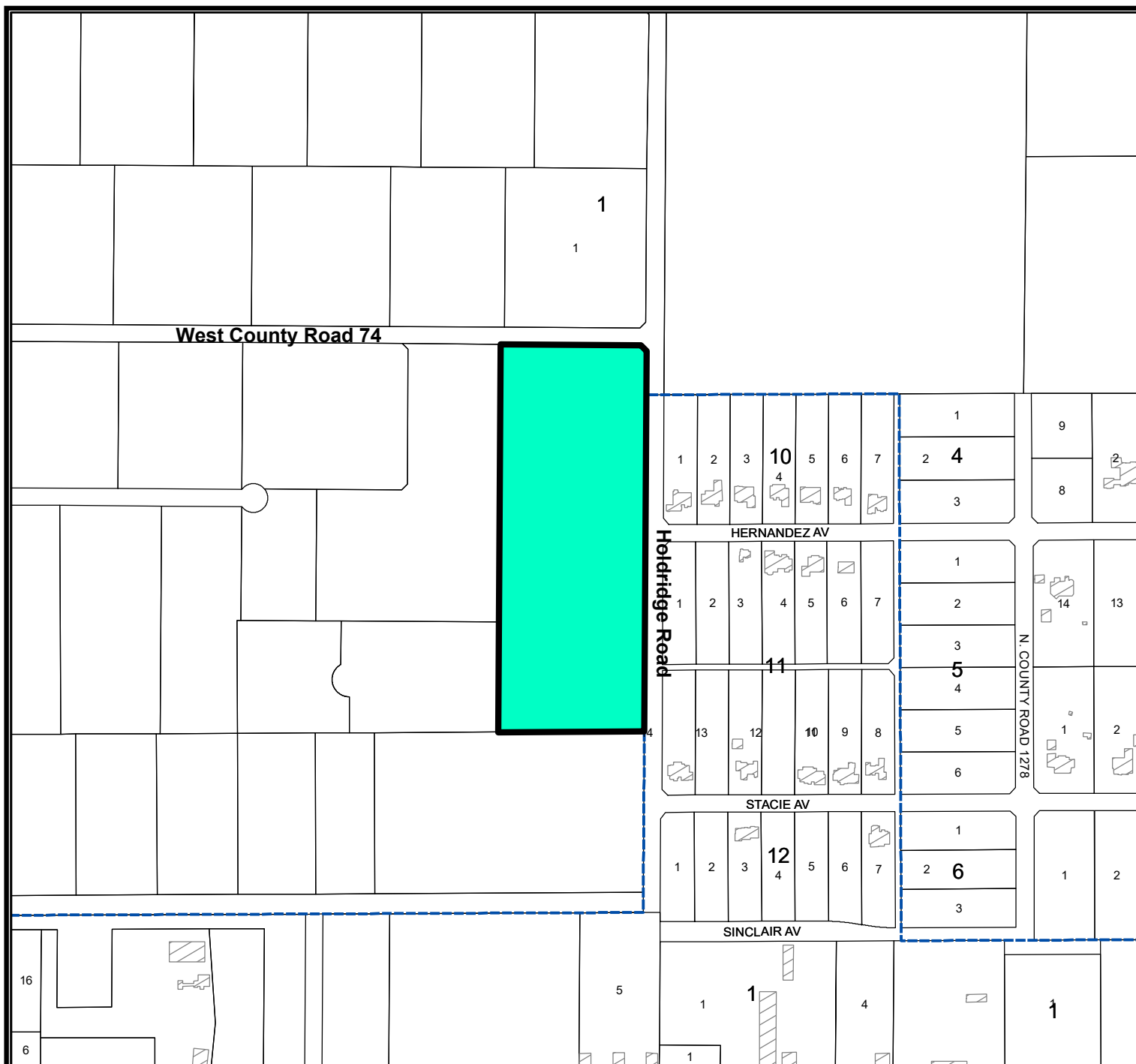
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☐ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # | ☒ Tax Certificates | ☒ Recording Fee |
| Received By: <i>Daniel Han</i> | | Check # <i>20230901</i> |

Date: OCT 09 2023

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



LOCATION MAP

P-23-1629

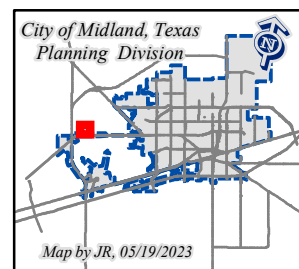
Scale: 1" = 200'

Proposed plat of Villa Industrial Park, being a 15.61-acre tract of land out of the Southeast Quarter of Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas.

Generally located on the southwest corner of the intersection of West County Road 74 and Holdridge Road. (DISTRICT: NONE)

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:
Jeff Fisher

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Motion approving a Final Plat of W.C. Barber Addition, Section 5, being a 0.42-acre tract of land and a 0.03-acre portion of previously vacated alley right-of-way all out of the southeast quarter of Section 26, Block 39 T-1-S, T&P RR CO. Survey, City and County of Midland, Texas (Generally located on the south side of West Estes Avenue, approximately 155 feet west of North Main Street) (DISTRICT: 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF3- Single Family Household

Preliminary Plat Approval:

The property owner is platting previously unplatted land to develop a single-family home. This use is in accordance with the Tall City plan and satisfies the conditions and requirements of 11-2-3-I of the Subdivision Ordinance and is being processed using the short form approval procedure.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

ENGINEERING: (Approved)

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

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

PAVING: Estes roadway okay as is. No public paving improvements required. [For the Applicant's information only.]

WATER: 6" water exists in Estes Ave, okay as is. No public water improvements required. [For the Applicant's information only.]

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

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

SEWER: 6" sewer exists in Estes Ave with a manhole located west of the property. Service lateral for proposed plat can connect to the existing manhole. Adjacent lots are already connected to sewer and extending the sewer line would only benefit the proposed property. [For the Applicant's information only.]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

No Oil and Gas issues.

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2023 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

All of alley east of plat was not vacated in Ord 9918. To remedy this, please depict vacation from ordinance 9918 and label. Lot should be 14.

Planning: (Approved with Conditions)

All comments have been addressed.

Condition:

- 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

W.C. BARBER ADDITION SECTION 5

BEING A 0.42-ACRE TRACT OF LAND AND A 0.03-ACRE
PORTION OF PREVIOUSLY VACATED ALLEY RIGHT-OF-WAY OUT
OF THE SOUTHEAST QUARTER OF SECTION 26, BLOCK 39
T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND,
TEXAS.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 26, BLOCK 39, T-1-S, T & P,
RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 0.42 ACRE TRACT OF LAND, OUT OF THE SOUTHEAST 1/4 OF SECTION 26, BLOCK 39, T-1-S, T & P, RR CO.
SURVEY, MIDLAND COUNTY, TEXAS. SAID 0.42 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR SET (N:10698842.38, E:1756410.41) IN THE SOUTH RIGHT OF WAY LINE OF
WEST ESTES AVENUE AND IN THE EAST RIGHT OF WAY LINE OF A 15' ALLEY (INSTRUMENT # 2013-25602)
FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH THE NE CORNER OF LOT 13, BLOCK 1, W.C.
BARBER ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF MIDLAND COUNTY, TEXAS
BEARS SOUTH 75°55'49" WEST 15.00 FEET;

THENCE NORTH 75°55'49" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID WETS ESTES AVENUE,
7.80 FEET TO A REINF BAR SET FOR AN EXTERIOR CORNER OF THIS TRACT;

THENCE NORTH 85°10'49" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID WETS ESTES AVENUE,
161.29 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°04'11" EAST 132.53 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS
TRACT;

THENCE SOUTH 75°57'13" WEST 50.04 FEET TO A REINF BAR SET FOR THE MOST SOUTHERLY SOUTHWEST
CORNER OF THIS TRACT;

THENCE NORTH 13°57'44" WEST 51.24 FEET TO A REINF BAR SET FOR AN INTERIOR CORNER OF THIS TRACT;

THENCE SOUTH 75°31'19" WEST 117.06 FEET TO A REINF BAR SET IN SAID EAST RIGHT OF WAY LINE OF
SAID 15' ALLEY, FOR THE MOST NORTHERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°03'50" WEST 108.03 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINAFORE DESCRIBED PROPERTY AS W.C. BARBER ADDITION SECTION 3, AN ADDITION
OF 0.42 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS,
(AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

JESUS CARNERO

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINAFORE DESCRIBED PROPERTY AS W.C. BARBER ADDITION SECTION 3, AN ADDITION
OF 0.42 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS,
(AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

ROSA CARNERO

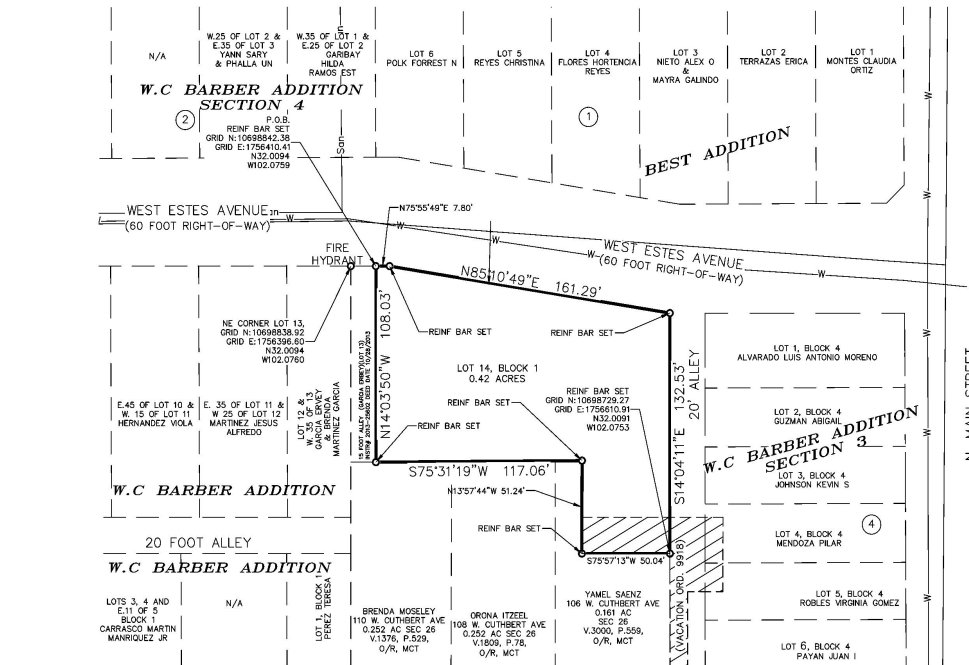
THAT I, R.J. DAUM, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT
I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT
THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL
SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE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



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



November 6, 2023



LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- - - ADJOINING PROPERTIES
- - - SECTION LINE
- - - UTILITY EASEMENT

OWNER:

JESUS AND ROSA CARNERO
1000 W. KENTUCKY AVE.
MIDLAND, TEXAS 79701
(432) 556-7074

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY JESUS CARNERO

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY ROSA CARNERO

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

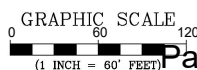
CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUBDIVISION NAME WAS
APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE
CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: CHAIRMAN LUCY SISNECA

ATTEST: SECRETARY



Page 8.55

NOTES:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS
OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM"
TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
2. MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW
PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE
NOTED.
3. 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.
4. 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.
5. 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 INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT
UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE
TRACT INCREASES.
6. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY
THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED
FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS
REZONED FOR A MORE INTENSIVE USE.
7. REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND
FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN
FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT
FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. THIS PROPERTY
IS IN MAP PANEL 48329C0089F WITH AN EFFECTIVE DATE OF SEPTEMBER
16, 2005, AND IS IN ZONE "X" ACCORDING TO THIS PANEL.
8. ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD,
REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE
OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE A02-4 MUST
APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED
UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT
HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS
11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD
OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE
SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: ONCOR ELECTRIC DELIVER COMPANY

SIGNED: AT&T TEXAS

SIGNED: ATMOS ENERGY

SIGNED: OPTIMUM COMMUNICATIONS

SIGNED: ASTOUND COMMUNICATIONS

PACKET



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: W.C. Barber Add'n Section 5.Legal Description (attached sealed Metes and Bounds): Being a 0.42 ac. Tract of Land and a 0.03 ac. Portion Previously Vacated Alley R.O.W. out the SE 1/4 of Section 26, BK 39, T-1-S, T&P RR Co. Survey, City & County of Midland, Tx**Property Owner**Printed Name: Rosa Carnero & Jesus Carnero

Phone (432) 556-7074

Email

Address 1000 W. KentuckyCity MidlandState TxZip 79101**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 SurveyingPrinted Name: Ed Aleman

Phone (432) 684-5548

Email

ealeman@schumannonline.netAddress 800 N. Maricofeld, Suite 100City MidlandState TxZip 79101Current Zoning: Addressed Building Permits.Reason for Platting: SF3**Plat Information**Total Acreage: 0.42.Type: ☒ Single-Family Residential☐ Multi-Family Residential☐ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Rosa Carnero - Jesus Carnero

Date: 10-1-23

Property Owner (printed): Rosa Carnero & Jesus Carnero

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.

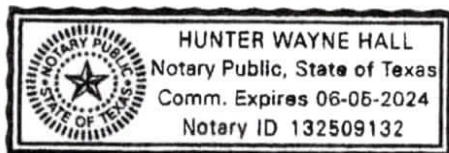
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Rosa Carnero, 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 Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of October, 20 23, to certify which witness my hand and seal of office.



H. Hall
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

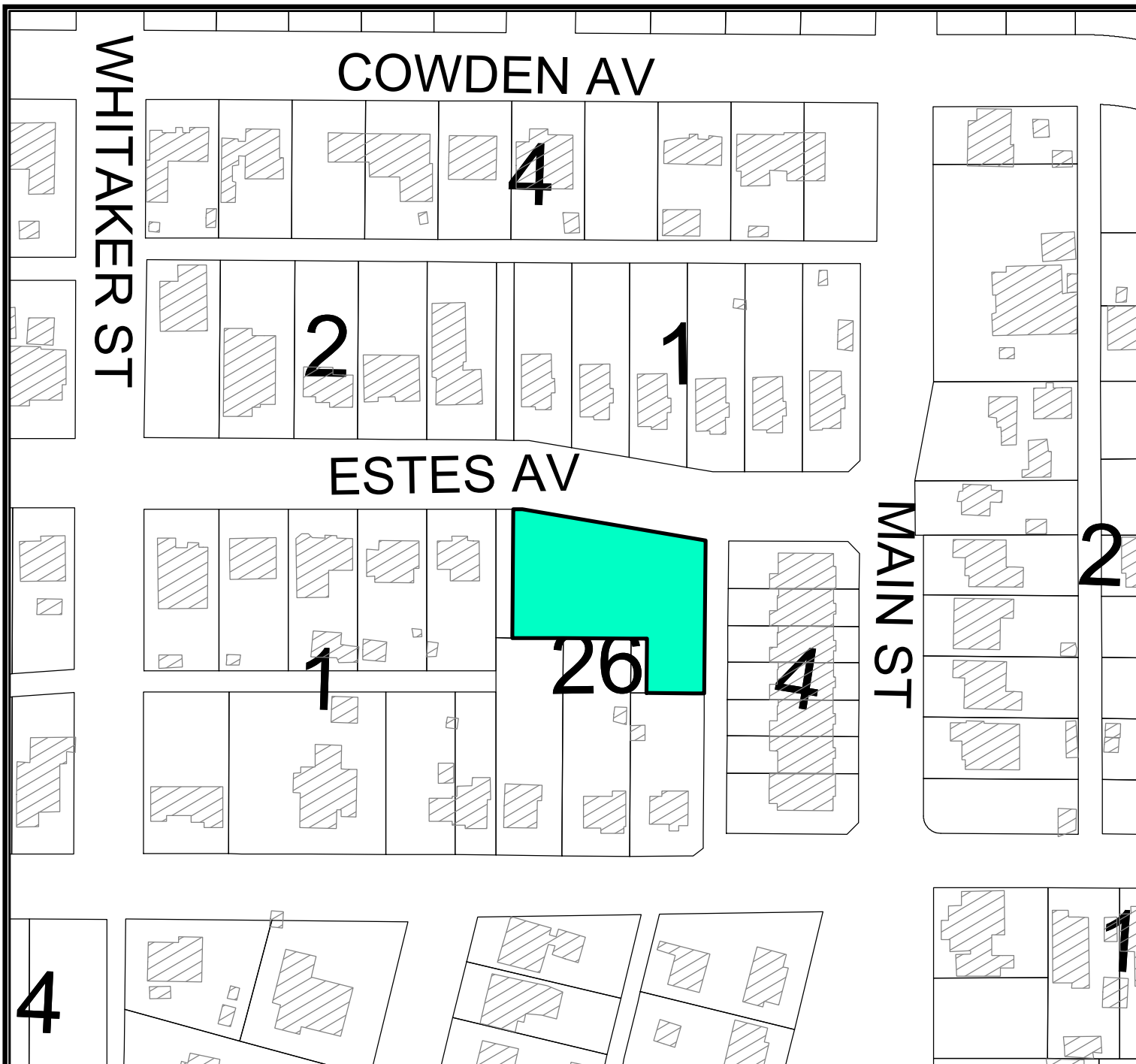
FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar <u>submitting later</u> | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>2080</u> <u>Paid Online</u> | ☒ Tax Certificates | ☒ Recording Fee |

Received By: Linda Ochoa

Date: OCT 9 2023

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



LOCATION MAP

P-23-1814

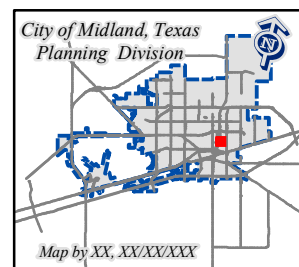
Scale: 1" = 1500'

Proposed plat of Lot 14, being a 0.42-acre tract of land out of the Southeast Quarter of Section 26, Block 39 T-1-3, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the south side of West Estes Avenue, approximately 160 feet west of North Main Street – (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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

ESTES AV

SF3

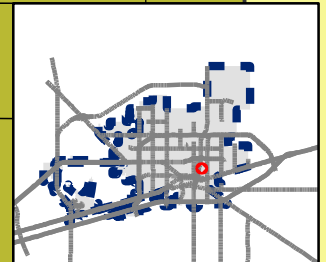
SF2

SF2

SF3

TH

MAIN ST





Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of Wedgwood Park, Section 16, being a replat of the north 3.241 acres of Lot 1, Block 26, Wedgwood Park Addition, Fourth Section, City and County of Midland, Texas. (Generally located on the east side of North Midland Drive, approximately 45-feet south of West Dengar Avenue) (District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Preliminary Plat Approval:

This plat was approved through short form procedure.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

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

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

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

WATER: 33" water exists in Midland Dr, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 6" sewer exists in alley , okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Drainage report has been approved for platting purposes. [For Applicant's Information Only.]

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

Fire: (Approved)

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

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

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

GIS: (Approved)

No comments.

Planning: (Approved)

Staff recommends approval of the Final Plat of Wedgwood Park, Section 16, subject to condition A

Condition(s):

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

Attachments:

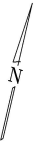
Proposed Final Plat
Application
Maps

WEDGWOOD PARK ADDITION, SECTION 16

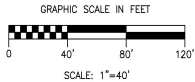
BEING A RE-PLAT OF LOT 1, BLOCK 26, WEDGWOOD PARK ADDITION, FOURTH SECTION, AN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- = Set 1/2" Iron Rod with Plastic Cap marked "PLS 1974"
- ⊗ = Found 1/2" Iron Rod
- = Plot Limits Boundary
- - - = Easements



VICINITY MAP
Not to Scale



GENERAL NOTES

- Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permits.
- Approval of a site plan by the City of Midland may be required before the development of any lot and before a building permit may be obtained.
- A blanket easement of ingress and egress is hereby granted for WEDGWOOD PARK ADDITION, SECTION 16 to the City of Midland for garbage and trash collection and location and maintenance of trash containers, sewer and except those areas occupied by a building or structure, said easement is conditioned such that no construction shall commence on said lot until exact location of said containers and the easements in connection therewith have been selected and approved by the director of utilities.
- Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 480477, Sheet Number 48329-0089 F, revised September 16, 2005, the surveyed property is not located in a special flood hazard area according to the map. The flood zone classification for the surveyed property is Zone X.

OWNER:

Mr. Property Holdings, LLC
500 E. Louisiana Ave.
Midland, Texas 79701

Contact:
NADER MEZHER
(432) 790-5880

ENGINEER:

BERRY ENGINEERS, LLC
83 Broad St NW
Cleveland, TN 37311

Contact:
CHRISTOPHER M. BERRY, PE, PTOE
(432) 790-5880

PREPARED BY:

PIPER SURVEYING CO., INC.
FIRM NO. 10155200
P.O. Box 60432
Midland, TX 79711

Contact:
J. STAN PIPER, RPLS #1974
(432) 550-7810

N. MIDLAND DRIVE
(100' Right-of-Way)

W. DENGAR AVENUE

LOT 24, BLOCK 26
1.319 Acres

LOT 25, BLOCK 26
1.922 Acres

Lot 1A, Block 26
Wedgwood Park, Section 6
Cabinet B, Page 74, P.R.M.C.

STATE PLANE COORDINATE NOTE

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combine grid factor of 0.999893704, and a theta angle equal to -0°56'15.078" at station "E89-3590" with published values of Y= 10,694,702.93 and X= 1,732,273.22 in U.S. Survey Feet.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

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

J. Stan Piper, R.P.L.S. #1974
Piper Surveying Company, Inc., P.O. Box 60432, Midland, Texas 79711
Firm No. 10155200

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Oncor Electric Delivery Service PLEASE PRINT

AT&T Texas PLEASE PRINT

Atmos Energy PLEASE PRINT

SuddenLink Communications PLEASE PRINT

Grande Communications PLEASE PRINT

OWNER'S CERTIFICATE

Whereas, MR PROPERTY HOLDINGS, LLC, is the record owner of 3.241 Acres of Land located in the North Part of Lot 1, Block 26, Wedgwood Park Addition, Fourth Section, an addition to the City of Midland, Midland County, Texas, and more particularly described herein.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS :

That We, MR PROPERTY HOLDINGS, LLC, do hereby adopt this plat designating the hereinabove described property as WEDGWOOD PARK ADDITION, SECTION 16 to the City of Midland, Texas, and I do hereby dedicated to the public use forever the streets, alleys, and easements (and parkways) shown thereon.

WITNESS our hands at Midland, Texas, this ____ day of _____, 2023.

MEMBER MR PROPERTY HOLDINGS, LLC.

STATE OF TEXAS :
COUNTY OF MIDLAND :

This instrument was acknowledged before me on _____, 2023 by NADER MEZHER, on behalf of said Corporation.

Notary Public Signature

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____

November 6, 2023
WEDGWOOD PARK ADDITION SECTION 16

PACKET

Page 9.63



Final Plat Application

Project Number:

Case Number:

SUB-23-0681
P-23-1818**Proposed Subdivision Plat Name:** Wedgwood Park Addition, Section 16**Legal Description (attached sealed Metes and Bounds):** Being a Re-Plat of the North 3.241 Acres of Lot 1, Block 26, Wedgwood Park Addition, Fourth Section, An Addition to the City of Midland, Midland County, Texas**Property Owner**

Printed Name: MR Property Holdings, LLC.

Phone (423) 790-5880

Email
cberry@berryengineers.com

Address 500 E. Louisiana Avenue

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Piper Surveying Company, Inc.

Printed Name: J. Stan Piper, RPLS #1974

Phone (432) 550-7810

Email

stan@pipersurveying.com

Address PO Box 60432

City Midland

State TX

Zip 79711

Current Zoning: RR, Regional Retail District**Reason for Platting:** Re-Plat for new commercial buildings**Plat Information**

Total Acreage: 3.241

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

Number of Lots: 2

Number of Multi-Family Dwelling Units: 0

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): [Signature]

Date: 10/09/23

Property Owner (printed): Nader Mezher, Managing Member MR Property Holdings 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.

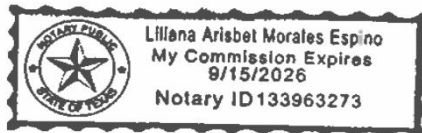
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 18 day of September, 20 23, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☐ Application Fee

Check # 23732

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☐ Title Opinion been reviewed

☐ Tax Certificates as directed

☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☒ Public Improvement 77 18 19

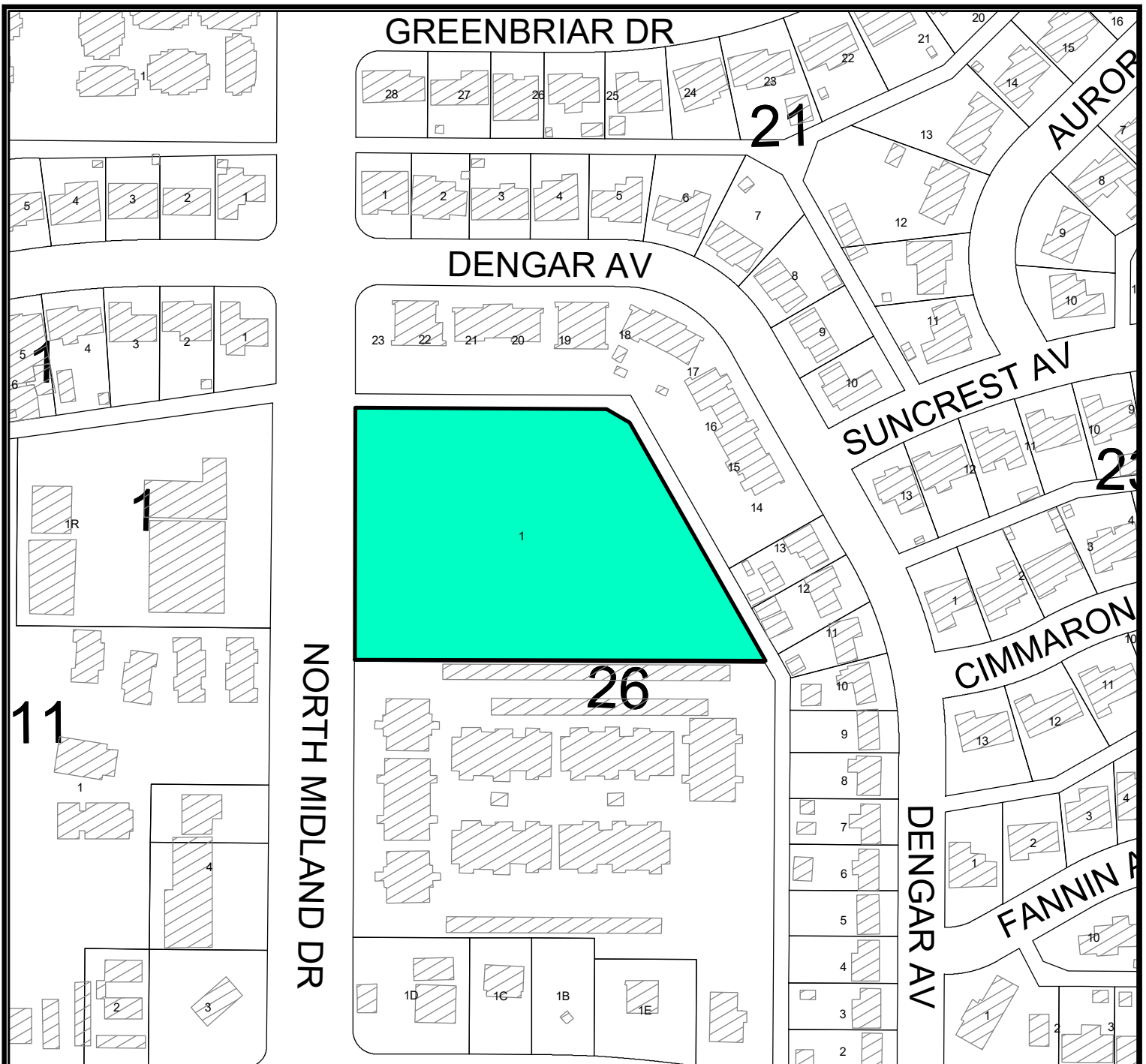
☒ Recording Fee

Check # 2373

Received By: Daniel Humbert

Date: OCT 09 2023

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



LOCATION MAP

SUB-23-1789

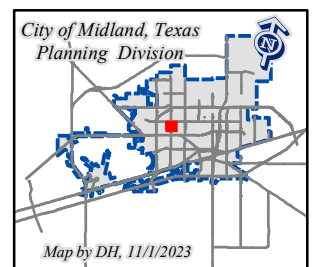
Scale: 1" = 2,226'

Motion approving a Final Plat of Wedgwood Park, Section 16, being a replat of the north 3.241 acres of Lot 1, Block 26, Wedgwood Park Addition, Fourth Section, an Addition to the City and County of Midland, Texas.

(Generally located Generally located on the south of West Dengar Avenue approximately 45-feet east of North Midland Drive) (District 3)

LEGEND

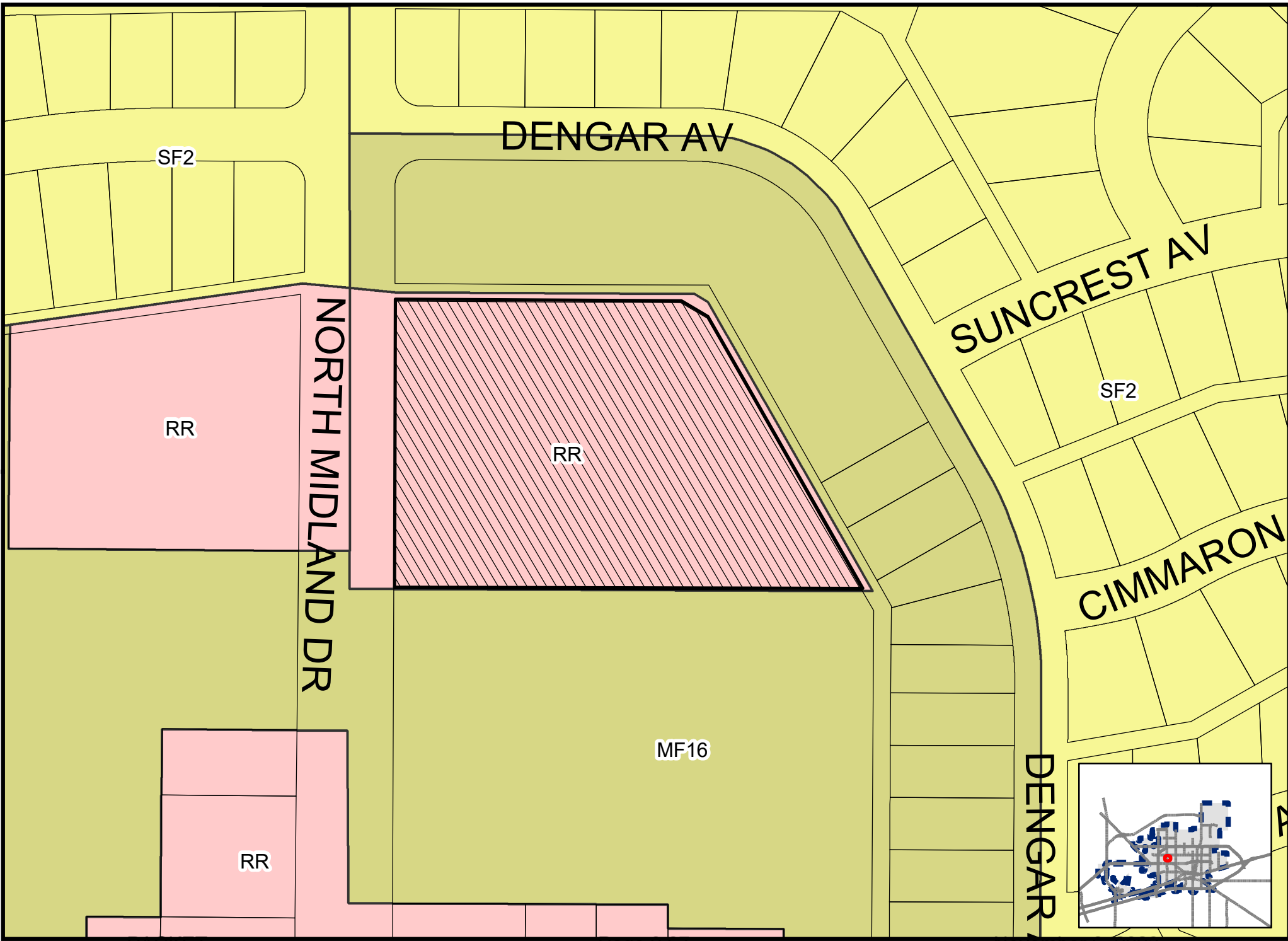
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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:
Cristina O. Burns

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Consider a request by Alan Biel for a Specific Use Designation for an Accessory Dwelling Unit, on Lot 14, Block 5, University Park Addition, City and County of Midland, Texas. (Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street) (COUNCIL DISTRICT: 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Alan Biel is requesting a Specific Use Designation (SUDwo) without Term for an Accessory Dwelling Unit.

Current Zoning:

SF-1, Single-Family Dwelling District.

Surrounding Zoning and Land Use:

The property is currently zoned SF-1, Single-Family Dwelling District. All surrounding properties are zoned SF-1, Single-Family Dwelling District and are residences.

Analysis:

The applicant, Alan Biel, is requesting a Specific Use Designation, without Term, for an accessory dwelling unit to amend the existing specific use permit without term for an accessory building which prohibits vehicular access from the alley. Per City of Midland Zoning Ordinance, Section 4.03, Use Chart, an accessory dwelling unit is permitted in this zoning district upon approval of a specific use designation. The floor plan attached hereto as Exhibit "A" shows an existing guest house of 708 square feet.

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

C. Accessory Dwelling Units and Use Limitations

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

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

Engineering: (Approved)

See Transportation's comment, otherwise no objection. [For Applicant's Information Only.]

Transportation: (Approved)

Alley access connections shall have a permanent opening of not more than 25 feet per separately owned parcel.

Building Code: (Approved)

No objections.

Fire: (Approved)

No objections.

Planning: (Approved)

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

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

Letters of Objection:

As of November 1, 2023, staff has received four letters of objection for this request.

Condition:

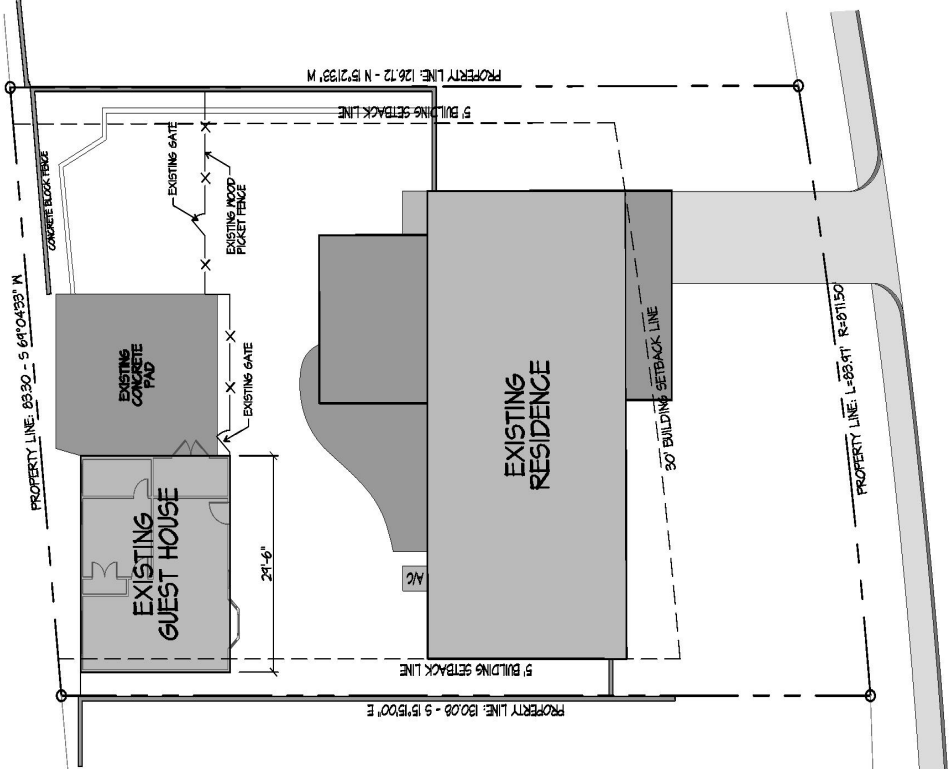
- A. That the use and development of this property shall conform to the regulations of the SF-1, Single-Family Dwelling District.**
- B. That the use and development of the Property for the Specific Use shall significantly conform to the site plan, which is attached hereto as Exhibit “A” and incorporated herein for all purposes.**
- C. The total number of people, who live on the property, including the principal residence and the Accessory Dwelling Unit, shall not exceed that of a “Family” as defined in the Zoning Ordinance.**
- D. That the floor area of the accessory building shall not exceed 708 contiguous square feet.**
- E. That vehicular access shall be allowed from the alley.**
- F. That the accessory building shall be used as a living quarters for family members or guests and shall not be rented as a separate dwelling unit or used for any commercial purpose.**

Attachments:

Site Plan (Exhibit A)
Application
Maps
Ordinance 8493

LOT 14, BLOCK 5
UNIVERSITY PARK
MIDLAND COUNTY, TEXAS

20' ALLEY



2003 HARVARD AVENUE
(60' ROW)

01 SITE PLAN
SCALE: 1"=20'-0"

• ALL DIMENSIONS TO OUTSIDE OF PLATE





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

Case Number:

SUD&W-23-0034

Ord. Number:

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

Printed Name: Alan Biel

Phone (432) 889-3714

Email bielenterprises@gmail.com

Address 2003 Harvard Ave

City Midland

State TX

Zip 79701

Property Owner

Printed Name: Alan Biel

Phone (432) 889-3714

Email bielenterprises@gmail.com

Address 2003 Harvard Ave

City Midland

State TX

Zip 79701

Representative (if different from Applicant or Property Owner)

Firm: n/a

Printed Name: Alan Biel

Phone (432) 889-3714

Email bielenterprises@gmail.com

Address 2003 Harvard Ave

City Midland

State TX

Zip 79701

Type of Permit: Special Use

For Office Use Only

☐ with Term

☐ without Term

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

Street Address: 2003 Harvard Ave

Legal Description

Lot: 14 Block: 5 Subdivision: University Park

Current Zoning: Single Family

Maximum Floor Area: n/a

Maximum Occupancy: n/a

Proposed hours and days of use or operation: n/a

Reason for request: To remove the condition of not having vehicular access to the alley from a prior Special Use Permit that was approved many years ago, before I purchased this property.

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: Alley access for parking, carports, and garages is very common in this neighborhood, as are guest houses. It is far better for the general welfare and safety of all involved to have alley access for parking than for occupants and guests to have to park on the main street and cross street and walk to the property.

Submittal and Fees

Items to be submitted with this application form:

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

Signatures	
Applicant (signature): <u>Alan Biel</u>	Date: <u>10/10/23</u>
Applicant (printed): Alan Biel	
Property Owner (signature): <u>Alan Biel</u>	Date: <u>10/10/23</u>
Property Owner (printed): Alan Biel	
<i>The Specific Use Designation 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.</i> <i>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.</i>	

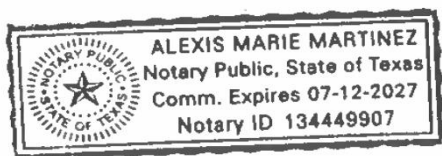
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Alan Biel
Authorized Agent (signature)

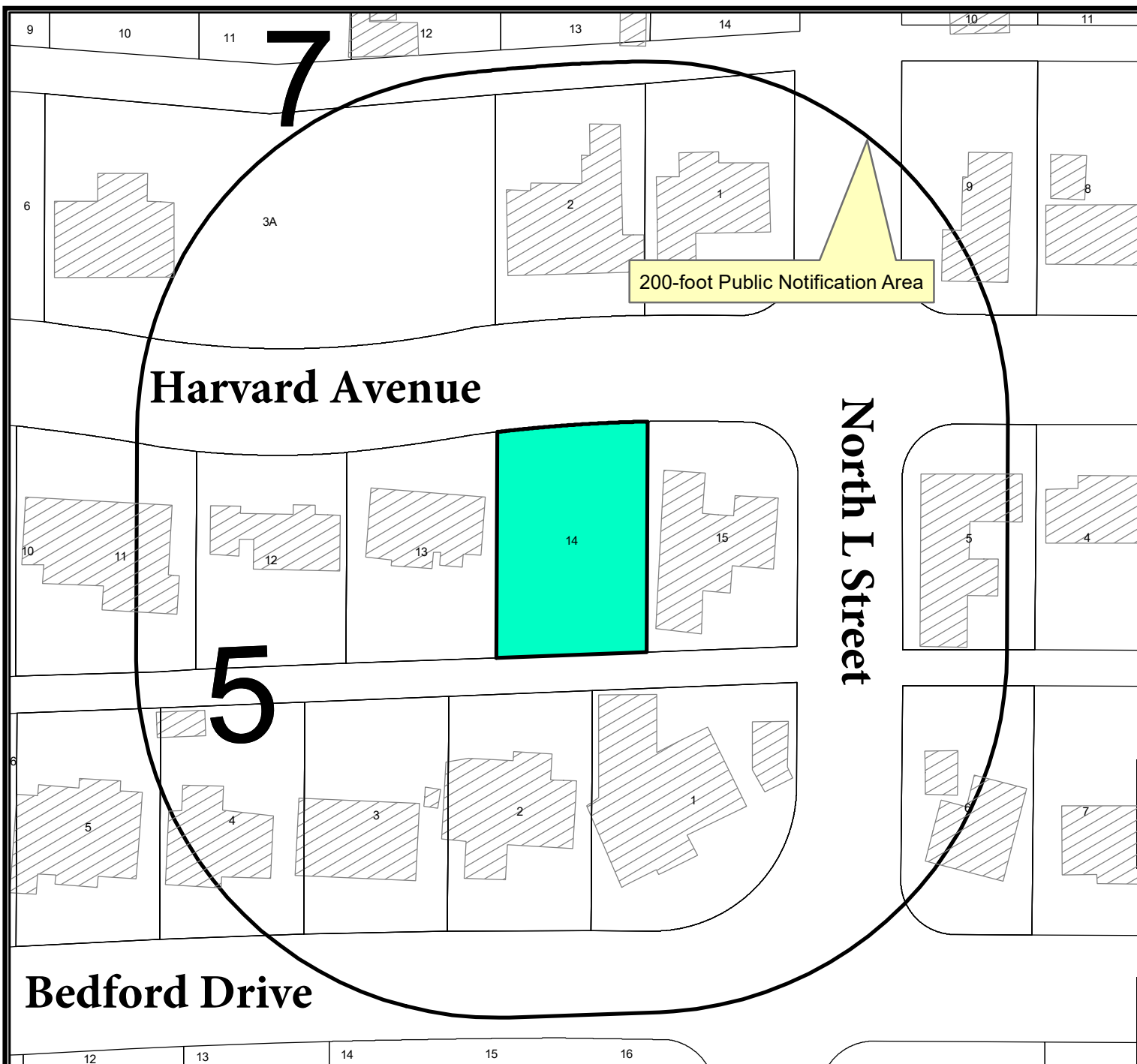
Subscribed and sworn to before me, this 10th day of October, 20 23, to certify which witness my hand and seal of office.



Alexis Marie Martinez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☐ Application Fee Check # _____	☐ Dimensioned Site Plan ☐ Site Plan in Digital Format (PDF/JPEG)
Received By: <u>Darrel Humbert</u>	Date: <u>10 10 23</u>

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



LOCATION MAP

SUDwo-23-0039

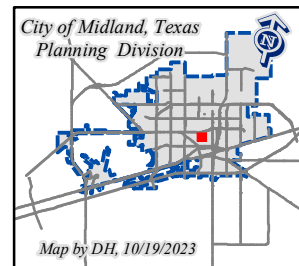
Scale: 1" = 960'

Consider a request by Alan Biel for a Specific Use Designation without term, for an Accessory Dwelling Unit on Lot 14, Block 5, University Park Addition, City and County of Midland, Texas.

Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street. (District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

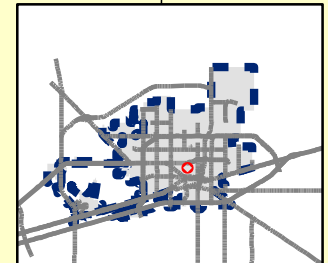
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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

Harvard Avenue

North I Street

SF1











ORDINANCE NO. 8493

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 14, BLOCK 5, UNIVERSITY PARK, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the health, safety and general welfare will be best served by the granting of a Specific Use Permit, set out hereinafter, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned 1F-1, One-Family Dwelling District, to wit:

Lot 14, Block 5, University Park, City and County of Midland, Texas;

is hereby changed to permit same to be used under a Specific Use Permit Without Term for an accessory building to be used for living or sleeping quarters, together with the uses permitted in a 1F-1, One-Family Dwelling District, subject to the following conditions:

1. That the floor area of the accessory building shall not exceed 708 contiguous square feet.
2. That the garage door along the alley shall be replaced with a solid wall to be part of the accessory building.
3. That vehicular access shall be prohibited from the alley.
4. That the accessory building shall be used as a living quarters for family members or guests and shall not be rented as a separate dwelling unit or used for any commercial purpose.
5. That Mr. Jeff Cole shall obtain a Certificate of Occupancy for the accessory building prior to its use as living or sleeping quarters.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of January, A.D., 2007; and passed to second reading

on motion of Council member Morgan, seconded by Council member Perry, by the following vote:

Council members voting "AYE": Morgan, Perry, Dingus,
Simpson, Dufford and
Hailey

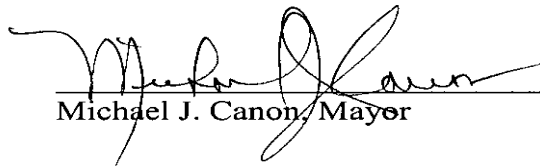
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hailey, seconded by Council member Morgan, on the 13th day of February, A.D., 2007, at a regular meeting of the City Council:

Council members voting "AYE": Hailey, Morgan, Perry,
Dingus, Canon and
Simpson

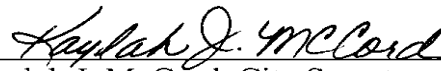
Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of February, A.D., 2007.



Michael J. Canon, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

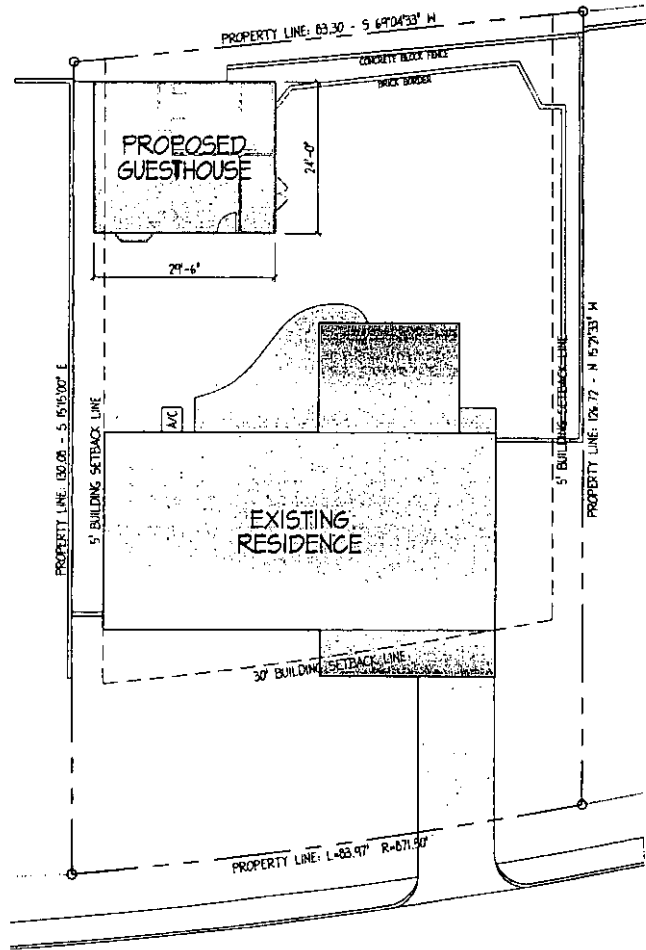
APPROVED AS TO FORM:



Keith Stretcher, City Attorney

LOT 14, BLOCK 5
UNIVERSITY PARK
MIDLAND COUNTY, TEXAS

20' ALLEY



2003 HARVARD AVENUE
(60' R.O.W.)

○ SITE PLAN
SCALE: 1"=20'-0"
• ALL DIMENSIONS TO OUTSIDE OF PLATE

CASE NO. S-06-016

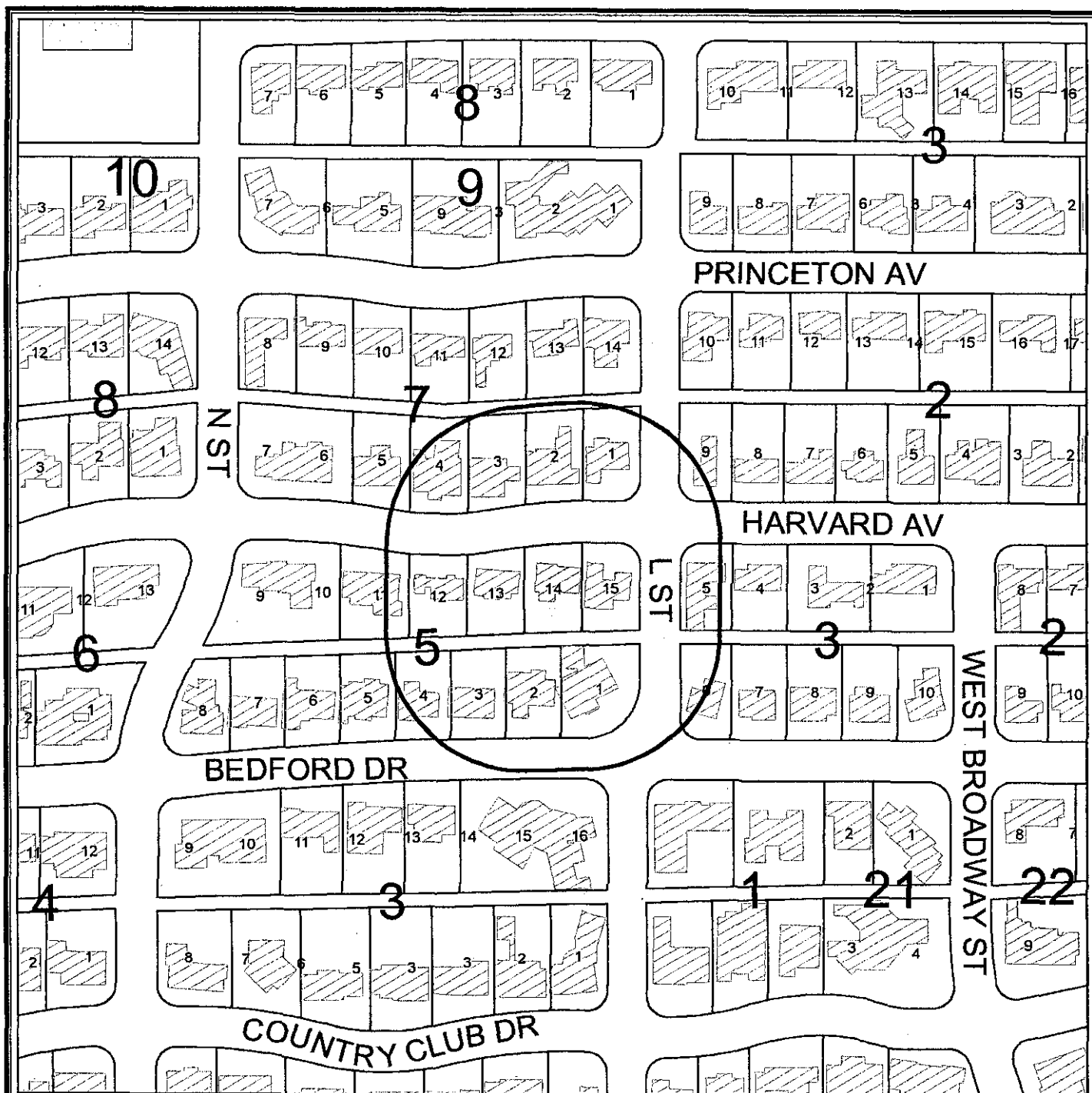
SHEET NO. OF 04	A-11	SHEET NUMBER
-----------------	------	--------------

COLE GUEST HOUSE 2003 HARVARD AVE. MIDLAND, TEXAS 79701 PROJECT NUMBER: 06102

SHEET TITLE SITE PLAN

 CORNERSTONE DESIGN GROUP PHONE: (432) 664-0005
--

DATE 07/20/20 REVISION AND DRAWN BY



PROPERTY OWNER NOTIFICATION MAP

S - 06 - 016

Scale: 1" = 200'

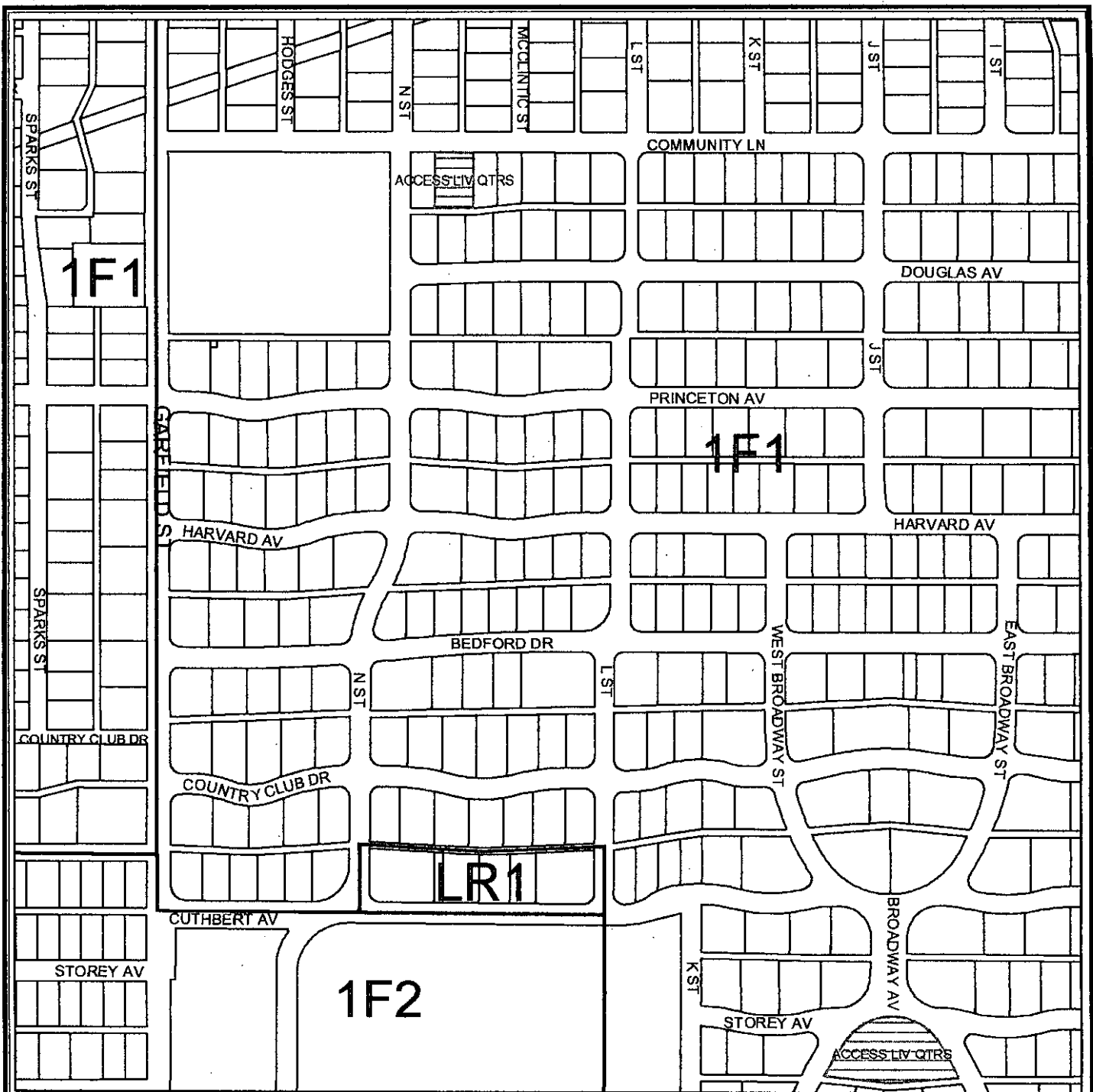
Consider a request for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters on Lot 4, Block 5, University Park, City and County of Midland, Texas.

LEGEND

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

City of Midland, Texas
Planning Division





ZONING MAP

S - 06 - 016

Scale: 1" = 400'

Consider a request for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters on Lot 4, Block 5, University Park, City and County of Midland, Texas.

LEGEND

 ZONING

 PARCELS

 CITY LIMITS

 SPECIFIC USE PERMITS

 PUBLIC BLDGS

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	BUSINESS PARK
P	PARKING
O1, O2	OFFICE
NS	NEIGHBORHOOD SERVICE
LR1, LR2, LR3	LOCAL RETAIL
C1, C2, C3	COMMERCIAL
IP, IP1, IP2, IP3	INDUSTRIAL PARK
LI	LIGHT INDUSTRY
HI	HEAVY INDUSTRY

BP	BUSINESS PARK
P	PARKING
O1, O2	OFFICE
NS	NEIGHBORHOOD SERVICE
LR1, LR2, LR3	LOCAL RETAIL
C1, C2, C3	COMMERCIAL
IP, IP1, IP2, IP3	INDUSTRIAL PARK
LI	LIGHT INDUSTRY
HI	HEAVY INDUSTRY



Case Number: 5-06-016

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

Applicant: Jeff Cole 432.349.8665 (c)
Phone

Address: 2003 Harvard Ave.
Street Address
Midland TX 79701
City State Zip Code

Property Owner: Jeff Cole

Address: 2003 Harvard Ave.
Street Address
Midland TX 79701
City State Zip Code

Operator: Jeff Cole
(Individual who will operate or manage the facility if different from applicant or owner)

Address: 2003 Harvard Ave Midland 79701 (432) 349-8665
(Street Address) (Zip Code) (Phone)

Type of Permit: Accessory Living Quarters SUP with Term: Yes ☒ No

Street address and Legal Description of property on which Specific Use Permit is desired (complete Lot, Block, and Land Subdivision Name, or, if not in a recorded plat, attach a Metes and Bounds description.)

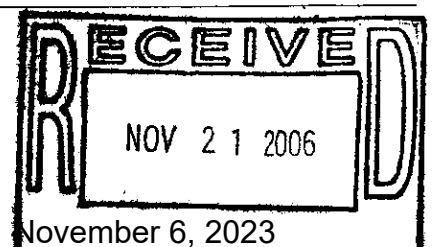
Site plan or location drawing shall be attached when applicable (16 copies) and a CD in .pdf and .jpg format shall be submitted containing the site plan or location drawing.

Present Zoning Classification: I-F1, One-Family Dwelling District

Maximum Floor Area: main: 2782 accessory: 708

Maximum Seating Capacity / Occupancy: N/A

Reason for request: Care for Mother-in-law.



Proposed hours and days of use or operation: _____

Reasons in applicant's opinion why the requested Specific Use will not adversely affect the public safety, health, morals, general welfare, and convenience: _____

Applicant's Signature: [Signature] Date: 11/21/06

Property Owner's Signature: [Signature] Date: 11/21/06

NOTE: If the property owner is to be represented by an authorized agent, the agent should show the property owner's name and his own on the lines provided above and complete the affidavit below.

A \$300.00 fee must accompany all requests. If no public hearing is called, then 80% of this fee will be refunded. On property annexed within one (1) year and zoned AE, Agriculture Estate District, no filing fee shall be required. All materials, including exhibits, submitted in support of this application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

(Signature of Affiant)

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

Notary Public, Midland County, Texas

FOR OFFICE USE ONLY	
Rec'd By: <u>DFC</u>	Date: <u>11/21/06</u>
Assigned: <u>DC</u>	
For: <u>P+2</u>	On: <u>12/18/06</u>

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

Revised 03/1/06

PLANNING AND ZONING COMMISSION

December 18, 2006

CASE: S-06-016.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit without Term for an Accessory Building for Living and Sleeping Quarters.

APPLICANT/OWNER: Jeff Cole.

LEGAL DESCRIPTION: Lot 14, Block 5, University Park, City and County of Midland, Texas.

LOCATION: Generally located on the south side of Harvard Avenue, approximately 100 feet west of N. "L" Street.

DETAILS OF REQUEST:

1. Mr. Cole is requesting permission to convert a detached garage, located in the rear of the lot, into living and sleeping quarters for use by his mother-in-law. The accessory building is 708 square feet in area and the main house is 2,782 square feet in area. If approved, this permit would run with the land without opportunity for future review.

SURROUNDING ZONING AND LAND USE:

2. This property is located in a large 1F-1, One-Family Dwelling District that is fully developed with single family residences. There are two specific use permits for accessory living quarters within a four block radius as well as many other detached accessory structures, some of which may be non-conforming guest quarters.

CODE REQUIREMENTS AND POLICY:

3. The Zoning Code provides for approval of a specific use permit, without term, for an accessory building for living or sleeping quarters in any district provided it shall not be rented as a separate dwelling unit. The Planning and Zoning Commission has adopted guidelines to help ensure consistency in reviewing this type of application. The policy recommends that the accessory building not exceed 35% of the principal residence floor area or 600 square feet, whichever is larger; that vehicular access from an adjacent street or alley be avoided; that doors in the accessory building be accessed through the rear yard of the principal residence rather than from an adjacent street or alley; and that the Specific Use Permit specify the occupant or for what purpose the accessory dwelling may be occupied.

ANALYSIS:

4. This proposal meets all of the policy guidelines. With respect to the size, a 708 square-foot building would be 25% of the size of the primary residence. Regarding access, the garage currently opens onto the alley. Mr. Cole has stated that with the remodel, the garage entrance will become a solid wall and access to the accessory structure will be from inside the yard only; a pedestrian gate to the alley is permitted. The proposed occupant is the applicant's mother-in-law. This request to convert an existing building to living quarters would meet all of the typical requirements for such a use. In addition, as there are other such structures in the vicinity, the request seems reasonable.

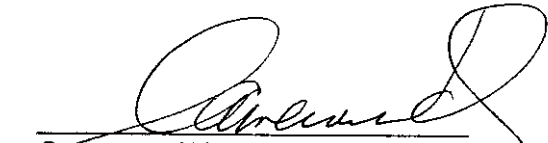
STAFF RECOMMENDATION:

We recommend approval of this request for a Specific Use Permit without Term for accessory living and sleeping quarters, subject to the following conditions:

- A. That the floor area of the accessory building shall not exceed 708 square feet;
- B. That the garage door along the alley shall be replaced with a solid wall as part of the accessory building;
- C. That vehicular access shall be prohibited from the alley;
- D. That the accessory building shall be used as living quarters for family members or guests and shall not be rented as a separate dwelling unit or

used for any commercial purpose;

E. That Mr. Cole shall obtain a Certificate of Occupancy for the accessory building prior to its use as living or sleeping quarters.


Cameron Walker, Planning Division Manager
Department of Development Services
Donna Cervantes, Planner
Department of Development Services

Attachments:

Application
Maps
Site Plan

**Planning and Zoning Commission Meeting
Minutes from December 18, 2006**

S-06-016 - Hold a public hearing and consider a request by **Jeff Cole** for a *Specific Use Permit without Term* for an accessory building for living or sleeping quarters on Lot 14, Block 5, University Park, City and County of Midland, Texas. (Generally located on the south side of Harvard Avenue, approximately 100 feet west of N. "L" Street.)

Mr. Jeff Cole, 2003 Harvard Ave. of Midland, spoke as the owner of the property. He stated the request is to allow a detached garage to be converted into living and sleeping quarters for a relative.

Ms. Cervantes presented the staff report. She stated the applicant is requesting to convert a detached garage into living and sleeping quarters for his mother-in-law. The accessory building is located in the rear of the lot and is 708 square feet in area. Ms. Cervantes commented that access to the structure would be from inside the yard only. The proposal meets all of the policy guidelines; therefore, the Staff recommends approval of the request subject to Conditions A – E of the staff report.

Chairman Hotchkiss asked if anyone in the audience wished to speak in favor or in opposition of the request. There being none, the public hearing was closed.

Chairman Hotchkiss called for a motion. Mr. Bergman made a motion to approve the request as submitted subject to Conditions A – E of the Staff Recommendation. Ms. Ferguson seconded the motion and the motion passed unanimously.



City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: January 23, 2007
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: S-06-016; Jeff Cole - SUP

Purpose:

Hold a public hearing at 11:09 a.m. and consider an ordinance on a request by Jeff Cole for a Specific Use Permit without Term for an Accessory Building for Living and Sleeping Quarters.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Mr. Cole is requesting permission to convert a 708 sq ft detached garage located in the rear of his lot into living and sleeping quarters for use by his mother-in-law.

This proposal meets all of the policy guidelines used to evaluate these requests. With respect to the size, the accessory building would be 25% of the size of the primary residence. Regarding access, the garage will be closed off from alley and vehicular access will be from the front yard; a pedestrian gate to the alley is permitted. We have received no letters of objections and find the request to be reasonable.

Attachments: Application, Maps, Exhibit A - Site Plan

CDS



AWTREY STATON
2002 BEDFORD DR
MIDLAND TX 79701

PUBLIC NOTICE

OCT 30 2023

The **Planning and Zoning Commission** of the City of Midland, Texas will hold a public hearing at **3:30 p.m.** on **Monday, November 6, 2023**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Alan Biel** for approval of a **Specific Use Designation Without Term** on the following described property:

LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and Midland County, Texas.
LOCATION: Generally located south of Harvard Avenue, approximately 95 feet west of North L Street (District 3)
CURRENT ZONING: SF-1, Single-Family Dwelling District
SPECIFIC USE: Alley Access for Parking

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

I object to this request ✓ yes

Comments: Please respect & enforce zoning restrictions!

Required Information: MR. BIEL IS A REAL ESTATE PROFESSIONAL AND IS VERY FAMILIAR WITH ZONING
STATON AWTREY
Property Owner's Signature Printed Name
2002 BEDFORD DRIVE
MIDLAND TX 79701
Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 20, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

Rolandra Russell
FOR, Rolandra Russell
Interim Director of Development Services
Department of Development Services

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

www.MidlandTexas.gov

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



SENSIBAUGH JOHN ANDREW
2001 HARVARD AV
MIDLAND TX 79701

PUBLIC NOTICE

RECEIVED
OCT 13 2023

BY: at 3:30 p.m. on

The Planning and Zoning Commission of the City of Midland, Texas will hold a public hearing at 3:30 p.m. on Monday, November 6, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by Alan Biel for approval of a **Specific Use Designation Without Term** on the following described property:

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LOCATION: Generally located south of Harvard Avenue, approximately 95 feet west of North L Street (District 3)
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SPECIFIC USE: Alley Access for Parking

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

I object to this request ☒

Comments: Please refer to attachments to explain my objection. The parking area is already built and in use. The property is also set up as a dual family rental.

Required Information: John A. Sensibaugh John A. Sensibaugh 2001 Harvard Ave.
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 20, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

FOR: [Signature] ACM
Rolandrea Russell
Interim Director of Development Services
Department of Development Services

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

www.MidlandTexas.gov

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

Reference Document

A1 & A2 – Images showing that the parking pad is already built and in use

A3 – Picture showing the 10 ft fence separating the main house from the Guest House

B – Police report from May 2023 showing a disturbance and documenting that the Guest House is occupied

C – Screen captures of the Guest House listing “2003 Harvard Ave #2” – showing price, 1 bed/1 bath, and also the included “2 private oversized concrete parking spots”

D – Screen capture of the main house rental listing “2003 Harvard Ave” – showing price and 4 bed/3 bath

E1 & E2 – City of Midland zoning map; zoning map of area in question showing single family zoning district

F1 - F4 – City of Midland Zoning Ordinance including: Zoning Land Use Regulations and Zoning Definitions

COMMUNICATIONS

Event Report

Event ID: 2305-11590

Call Ref #: 16

Date/Time Received: 05/22/23 04:53:45

Rpt #:

Prime 3738

Services Involved

Call Source: W911

Unit: JOHNSON, LONDON WILLIAM

LAW

Location: 2003 HARVARD AV

GUEST HOUSE

X-ST: N/L ST
N/N ST

Jur: CAD Service: LAW Agency: MPD

SubBeat: P4 District: P4

RA: 0421

Business:

Phone:

GP: P4B

Nature: CHECK PERSON

Alarm Lvl: 1 Priority: 2

Medical Priority:

Reclassified Nature:

Caller: TROY

Phone: (432) 556-9591

Alarm Type:

Addr: 2003 HARVARD AV

Vehicle #:

St:

Report Only: No

Race:

Sex:

Age:

Call Taker: JLOZANO

Console: CCDS

Geo-Verified Addr.: Yes Nature Summary Code:

Disposition: CLR

Close Comments:

Notes:

(3738) SUBJ GOA [05/22/23 05:11:44 AREED] WILL BE BEHIND COMPL HOUSE ON THE GUEST HOUSE [05/22/23 04:55:51 JLOZANO] there was a lady that came to his house asking for 2 subj, ashley and joey. Compl states the ashley subj lives in the back of his property and the female is knocking on the door and is upset [05/22/23 04:55:19 JLOZANO]

Times

Call Received: 05/22/23 04:53:45

Time From Call Received

Call Routed: 05/22/23 04:55:52

000:02:07

Unit Reaction:

000:04:58 (1st Dispatch to 1st Arrive)

Call Take Finished: 05/22/23 04:55:52

000:02:07

En-Route:

(1st Dispatch to 1st En-Route)

1st Dispatch: 05/22/23 04:57:34

000:03:49

(Time Held)

On-Scene: 000:09:54 (1st Arrive to Last Clear)

1st En-Route: 05/22/23 04:57:34

000:03:49

(Reaction Time)

1st Arrive: 05/22/23 05:02:32

000:08:47

Last Clear: 05/22/23 05:12:26

000:18:41

Radio Log

Unit: EmpID Type Description

Time Stamp

Comments (may truncate in portrait)

Close

User

5:06



More Listings



This pad was taken off the market on 03/14/23.

Explore listings in the same area.

2003 Harvard Ave #2

Midland, TX 79701

\$1,500

Monthly Rent

1

Beds

1

Baths

Find similar homes



This listing
2003 Harvard
Ave #2



811 W Louisiana Ave
#GUESTHOUSE

See more listings in Midland >

AA

hotpads.com



5:07



Highlights



Dogs Allowed



In-unit washer / dryer



Lawn



Dishwasher, refrigerator, microwave o...



Listed 8 months ago



Updated 7 months ago



Commute

Add destination



About 2003 Harvard Ave #2

This 1 bed/1 bath/office executive rental is finally available for rent! 10 foot ceilings throughout, open floor plan, granite eat-in island, large office, huge bathroom with quartz vanity and soaking tub, 2 private oversized concrete parking spots, huge laundry room, beautiful shaded patio and yard, pet friendly with deposit. Very quiet, very nice

AA

hotpads.com



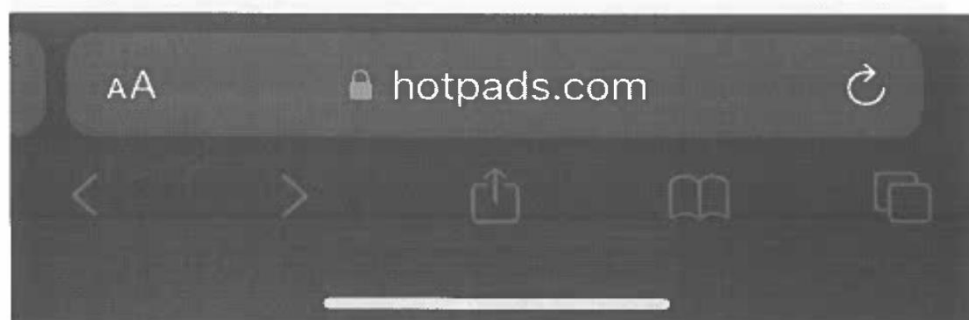


room, beautiful shaded patio and yard, pet friendly with deposit. Very quiet, very nice neighborhood just minutes from downtown Midland and the duck pond!

^ Apartment amenities

Property amenities

- Breakfast nook
- Building Deposit Fee Maximum: 1500
- Building Deposit Fee Minimum: 1500
- Cable TV Ready
- Ceiling Fan
- Dishwasher
- Dryer
- Electricity included in rent
- Fenced Yard
- Garbage Disposal
- Laundry: In Unit
- Lawn
- Living room
- Master bath



5:07



- Living room
- Master bath
- Microwave Oven
- Mud room
- Office
- Patio Balcony
- Refrigerator
- Sprinkler System
- Storage Space
- Washer
- Water included in rent
- Year Built: 2010

Unit amenities

- Attic
- Balcony
- Granite countertop
- Porch
- Range/Oven
- Vaulted Ceiling



Pet policy



AA

hotpads.com



5:15



More Listings



Gallery

Map

Street view



This pad was taken off the market on 05/19/23.

Explore listings in the same area.

2003 Harvard Ave

Midland, TX 79701

\$3,600

Monthly Rent

4

Beds

3

Baths

2176

Sqft

Find similar homes



This listing
2003 Harvard Ave



6116 E Ridge View St



902 Gallantry Ln

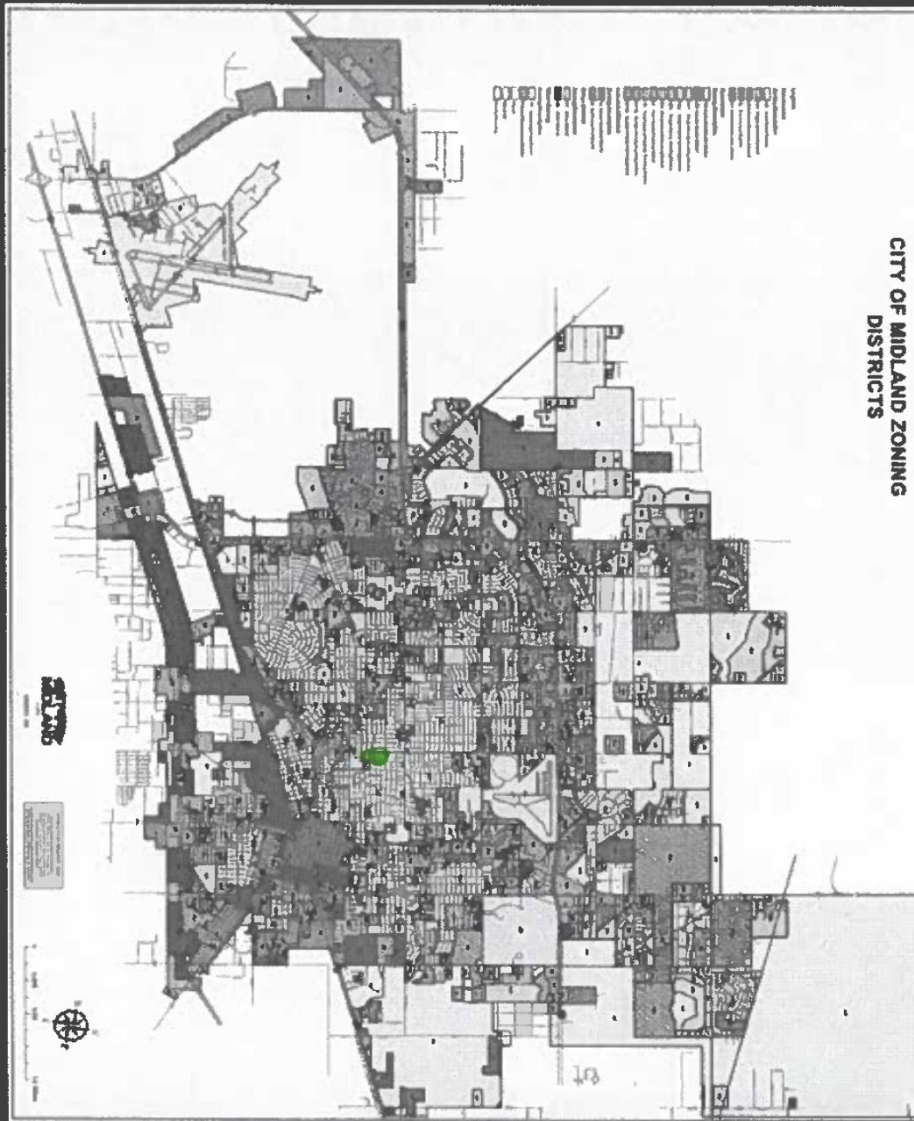
See more listings in Midland >

AA

hotpads.com



E1



E2



B. Accessory Buildings and Use Limitations

1. See table for maximum number of Accessory Buildings.
2. An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode within the following zoning districts.
 - a. AE, Agricultural Estate District
 - b. CE, Country Estate District
 - c. **SF-1, Single-Family Dwelling District**
 - d. SF-2, Single-Family Dwelling District
 - e. SF-3, Single-Family Dwelling District
 - f. MH, Manufactured Housing District
3. Any Accessory Building that is not a part of the principal building shall be separated from the principal building by a minimum of 10 feet.
4. The exterior facade of all Accessory Buildings shall be constructed to meet the requirements of Section **6.04 Building Facade Material Standards**.
5. In the nonresidential districts, an Accessory Building shall not exceed the height of the principal building and shall not exceed 50 percent of the floor area of the principal building, and shall be used for purposes accessory and incidental to the main use.

C. Accessory Dwelling Units and Use Limitations

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

D. Architectural Elements for Residential Accessory Buildings

1. A detached Accessory Building having an area equal to or greater than 400 square feet shall meet the building material requirements of Section **6.04 Building Facade Material Standards**. An Accessory Building located on lots greater than 5 acres shall not be subject to these requirements.
2. The color and material of the roof of the Accessory Building having an area equal to or greater than 400 square feet must closely resemble the color and materials of the roof of the main structure unless the Accessory Building is prefabricated or prefinished.
3. Utility, mechanical, and HVAC facilities shall be screened from public view.
4. Accessory Dwelling Units are required to meet the development, zoning, and building requirements including building, electrical, fire, mechanical, and plumbing requirements.

5. The principal residence and the Accessory Dwelling Units cannot exceed the maximum lot coverage or encroach in the setbacks for the property as regulated in the applicable zoning district.
6. Accessory Dwelling Units shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan.
7. Accessory Dwelling Units must be designed to preserve or compliment the architectural design, style,

F2

ge 6



Section 2. Zoning Definitions

2.01. Standard Zoning Definitions

Words and terms not expressly defined in this section are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, according to their customary usage in the practice of municipal planning and engineering.

1. **Abandonment**
To cease or discontinue a use or activity, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
2. **Abutting**
Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
3. **Access**
A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
4. **Accessory Building**
A subordinate building incidental to the main structure.
5. **Accessory Dwelling Unit**
Living quarters either attached or detached from the principal residence and used as an Accessory Use without renting or leasing as a residence by either guests or persons employed to provide domestic services to the occupants of the principal residence.
6. **Accessory Use**
A use that is clearly and customarily incidental and secondary to the Principal Use of land or building(s), and that is located upon the same lot, and that does not change the character thereof.
7. **Adult Day-Care Services**
A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services or its successor.
8. **Agricultural Use**
Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops, grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.
9. **Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing**
This industry comprises establishments primarily engaged in (1) manufacturing air-conditioning (except motor vehicle) and warm air furnace equipment or (2) manufacturing commercial and industrial refrigeration and freezer equipment. Uses include air-conditioning and warm air heating combination units manufacturing, humidifying equipment (except portable) manufacturing, air-conditioning compressors (except motor vehicle) manufacturing, refrigerated counter and display cases manufacturing, air-conditioning condensers and condensing units manufacturing, refrigerated drinking fountains manufacturing, dehumidifiers (except portable electric) manufacturing, snow making machinery manufacturing, heat pumps manufacturing, soda fountain cooling and dispensing equipment manufacturing.



400 square feet must closely resemble the color and materials of the roof of the main structure unless the Accessory Building is prefabricated or prefinished.

mechanical, and HVAC facilities shall be screened from public view.

110 of 171

Accessory Dwelling Units are required to meet the development, zoning, and building requirements including building, electrical, fire, mechanical, and plumbing requirements.



Page 107

Section 4: Zoning Land Use Regulations

City of Midland: Zoning Ordinance

5. The principal residence and the Accessory Dwelling Units cannot exceed the maximum lot coverage or encroach in the setbacks for the property as regulated in the applicable zoning district.
6. Accessory Dwelling Units shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan.
7. Accessory Dwelling Units must be designed to preserve or compliment the architectural design, style, and appearance of the principal residence.
8. Building setbacks for Accessory Dwelling Units shall comply with all required building setbacks for the applicable zoning district.
9. No Accessory Dwelling Unit may be sold or leased separately from the principal residence.
10. Required Accessory Dwelling Unit materials are to be submitted with residential construction:
 - a. A site plan, drawn to scale, showing the principal dwelling, accessory structures and the proposed Accessory Dwelling Unit.
 - b. A floor plan, drawn to scale, of the principal dwelling and the proposed Accessory Dwelling Unit.
 - c. Elevations of the principal dwelling and proposed Accessory Dwelling Unit showing the existing and proposed architectural design and exterior building color, material, and finish.

Page 108



City of Midland: Zoning Ordinance

Section 4: Zoning Land Use Regulations

C. Small Wind Energy Systems

1. Accessory Use

Small Wind Energy Systems are allowed as an accessory use in all Residential Zoning Districts.



Section 2: Zoning Definitions

City of Midland: Zoning Ordinance

132. **Engineering Services Director**
The person so designated by the City to provide oversight for and have responsibility of the City's Engineering Department. This term shall also include any designee of the Engineering Services Director.
133. **Equestrian Center**
An improved area, lighted and generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.
134. **Equipment Rental (Heavy)**
An establishment that rents large equipment and machinery such as compressors, backhoes, front-end loaders, roller compactors, generators, tree coppers, trailers, bulldozers, trenching machines, sky lifts, tractors, and dump trucks. This equipment can be self-propelled or because of its size must be hauled or towed. The equipment is generally stored outside. This use may involve the starting and running of machinery.
135. **Equipment Repair Shop**
Business providing basic repair services for mechanical equipment.
136. **ETJ**
See Extraterritorial Jurisdiction (ETJ).
137. **Exterminating Company**
A business providing services for the extermination of rodents and insects.
138. **Extraterritorial Jurisdiction (ETJ)**
The unincorporated area, not a part of any other municipality, that is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward up to the distance stipulated in Chapter 42 of the Texas Local Government Code, as may be amended, according to the population of the City, and in which area the City may apply its Subdivision Regulations and other ordinances and regulations specifically provided by State law to be applied within the Extraterritorial Jurisdiction (ETJ).
139. **Family**
A person living alone, or one of the following groups of people living as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
- a. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
 - b. Four unrelated people; or
 - c. Two unrelated people and any children (including adopted children) related to either of them.
140. **Farmer's Market**
An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
141. **Fee Schedule**
A separate document listing fees for various City Applications, prepared by the City Manager or designee and approved by City Council and which may be amended periodically.
142. **Feed Store**
An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.



City of Midland: Zoning Ordinance

Section 2: Zoning Definitions

143. **Firearms Sales Establishment**
An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.
144. **Floodplain**
An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the Flood Insurance Rate Map (FIRM) of the City.
145. **Floor Area**
The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other



HAEST HARRISON J
2000 HARVARD AVE
MIDLAND TX 79701

OCT 23 2023

PUBLIC NOTICE

The Planning and Zoning Commission of the City of Midland, Texas will hold a public hearing at 3:30 p.m. on **Monday, November 6, 2023**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Alan Biel** for approval of a **Specific Use Designation Without Term** on the following described property:

LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and Midland County, Texas.
LOCATION: Generally located south of Harvard Avenue, approximately 95 feet west of North L Street (District 3)
CURRENT ZONING: SF-1, Single-Family Dwelling District
SPECIFIC USE: Alley Access for Parking

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

I object to this request ☒

Comments: _____

Required Information:

Harrison Haest Harrison Haest 2000 Harvard Ave, Midland, TX 79701
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 20, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

Rolandra Russell
FOR, Rolandra Russell
Interim Director of Development Services
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989. Videoconference information will be available by accessing the meeting agenda at <https://www.midlandtexas.gov/987/primegov-meeting>

www.MidlandTexas.gov

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



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LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and County of Midland, Texas.

LOCATION: Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street. (District 3)

CURRENT ZONING: SF-1, Single-Family Dwelling District

SPECIFIC USE: Accessory Dwelling Unit

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

I object to this request ☒

Comments: I hate to see multiple rentals per property

Required Information:

[Signature] K. Bryan Reeves 2008 Harvard
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 16

Date Mailed: October 27, 2023

Case Number: SUDwo-23-0039

Case Name: 2003 Harvard

DH Planner's Initials

Cristina O. Burns
Director of Development Services
Department of Development Services

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

www.MidlandTexas.gov

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



SENSIBAUGH JOHN ANDREV
2001 HARVARD AV
MIDLAND TX 79701

RECEIVED
NOV 02 2023

PUBLIC NOTICE

BY:

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LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and County of Midland, Texas.
LOCATION: Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street. (District 3)
CURRENT ZONING: SF-1, Single-Family Dwelling District
SPECIFIC USE: Accessory Dwelling Unit

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

I object to this request ☒

Comments: The property "Accessory Dwelling Unit" in question already has tenants. It is in addition to the tenants in the main house property. Please see attachments.

Required Information:

Hailey M. Sensibaugh Hailey M. Sensibaugh 2001 HARVARD AVE.
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 27, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
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Cristina O. Burns
Cristina O. Burns
Director of Development Services
Department of Development Services

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www.MidlandTexas.gov

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

COMMUNICATIONS

Event Report

Event ID: 2305-11590

Call Ref #: 16

Date/Time Received: 05/22/23 04:53:45

Rpt #:	Prime 3738	Services Involved																			
Call Source: W911	Unit: JOHNSON, LONDON WILLIAM	LAW																			
Location: 2003 HARVARD AV		GUEST HOUSE																			
N L ST	Jur: CAD	Service: LAW	Agency: MPD																		
X-ST	St/Beat: P4	District: P4	RA: 0421																		
N N ST	Phone:		GP: P4B																		
Business:																					
Nature: CHECK PERSON	Alarm Lvl: 1	Priority: 2	Medical Priority:																		
Reclassified Nature:																					
Caller: TROY	Phone: (432) 556-9591	Alarm:	Alarm Type:																		
Addr: 2003 HARVARD AV																					
Vehicle #:	St:	Report Only:	No Race: Sex: Age:																		
Call Taker: JLOZANO	Console: CCD5																				
Geo-Verified Addr.: Yes	Nature Summary Code:	Disposition: CLR	Close Comments:																		
Notes: [3738] SUBJ GOA [05/22/23 05:11:44 AREED] WILL BE BEHIND COMPL HOUSE ON THE GUEST HOUSE [05/22/23 04:55:51 JLOZANO] there was a lady that came to his house asking for 2 subj, ashley and joey, compl states the ahnsley subj lives in the back of his property and the female is knocking on the door and is upset [05/22/23 04:55:19 JLOZANO]																					
<table border="1"> <thead> <tr> <th colspan="2">Times</th> </tr> <tr> <th>Time From</th> <th>Call Received</th> </tr> </thead> <tbody> <tr> <td>Call Received: 05/22/23 04:53:45</td> <td>Unit Reaction: 000:04:58 (1st Dispatch to 1st Arrive)</td> </tr> <tr> <td>Call Routed: 05/22/23 04:55:52</td> <td>En-Route: (1st Dispatch to 1st En-Route)</td> </tr> <tr> <td>Call Take Finished: 05/22/23 04:55:52</td> <td>On-Scene: 000:09:54 (1st Arrive to Last Clear)</td> </tr> <tr> <td>1st Dispatch: 05/22/23 04:57:34</td> <td>(Time Field)</td> </tr> <tr> <td>1st En-Route: 05/22/23 04:57:34</td> <td>(Reaction Time)</td> </tr> <tr> <td>1st Arrive: 05/22/23 05:02:32</td> <td></td> </tr> <tr> <td>Last Clear: 05/22/23 05:12:26</td> <td></td> </tr> </tbody> </table>				Times		Time From	Call Received	Call Received: 05/22/23 04:53:45	Unit Reaction: 000:04:58 (1st Dispatch to 1st Arrive)	Call Routed: 05/22/23 04:55:52	En-Route: (1st Dispatch to 1st En-Route)	Call Take Finished: 05/22/23 04:55:52	On-Scene: 000:09:54 (1st Arrive to Last Clear)	1st Dispatch: 05/22/23 04:57:34	(Time Field)	1st En-Route: 05/22/23 04:57:34	(Reaction Time)	1st Arrive: 05/22/23 05:02:32		Last Clear: 05/22/23 05:12:26	
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Radio Log

Close
Code
User

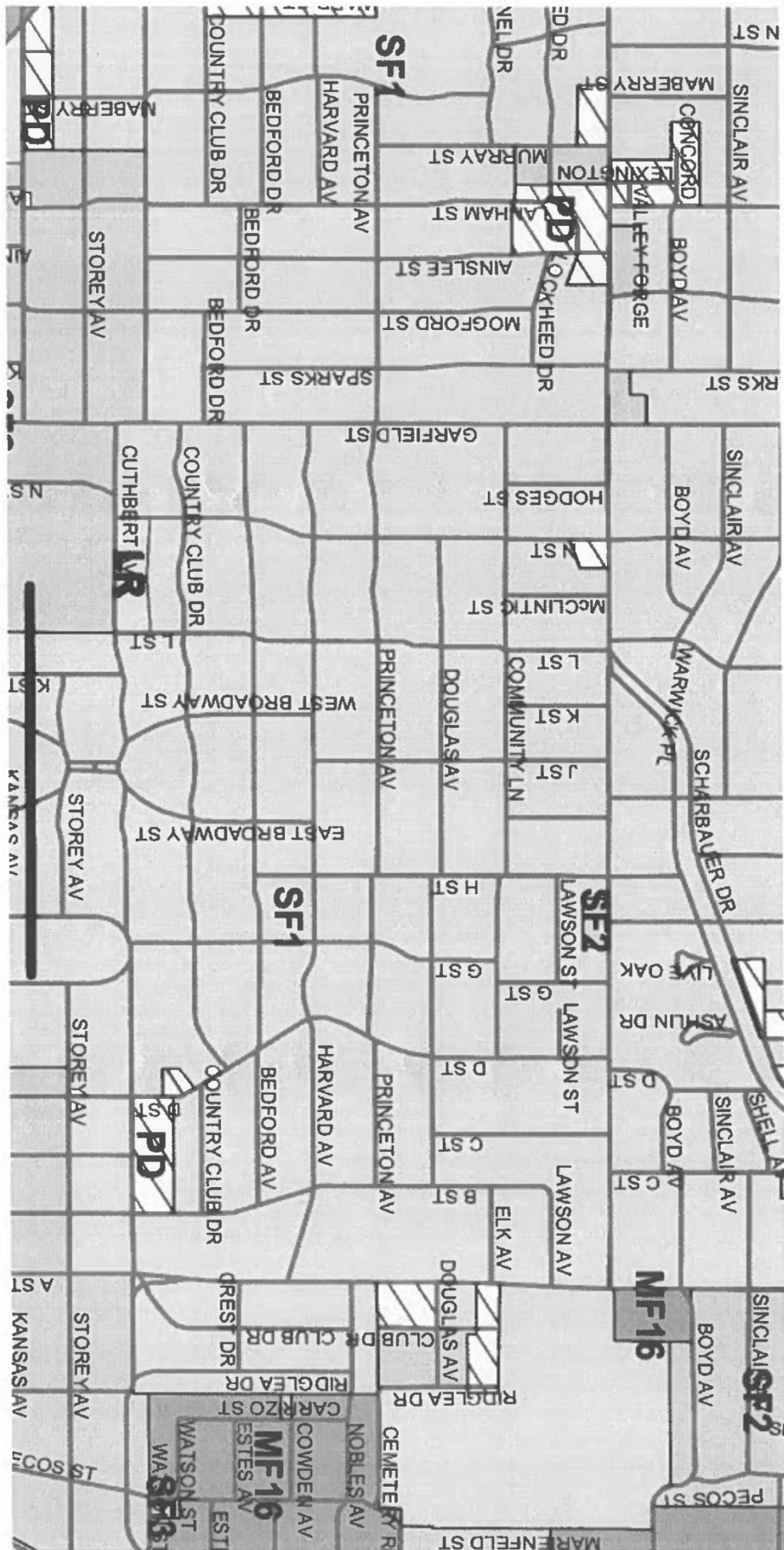
CITY OF MIDLAND ZONING DISTRICTS

Legend:

- 1. Single-Family Detached
- 2. Single-Family Attached
- 3. Medium-Density Residential
- 4. High-Density Residential
- 5. Office
- 6. Business
- 7. Industrial
- 8. Heavy Industrial
- 9. Public Use
- 10. Community Center
- 11. School
- 12. Church
- 13. Cemetery
- 14. Park
- 15. Open Space
- 16. Water
- 17. Wetlands
- 18. Flood Hazard
- 19. Historic District
- 20. Unzoned

Scale: 0 to 1/4 mile

North Arrow



B. Accessory Buildings and Use Limitations

1. See table for maximum number of Accessory Buildings.
2. An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode within the following zoning districts.
 - a. AE, Agricultural Estate District
 - b. CE, Country Estate District
 - c. SF-1, Single-Family Dwelling District
 - d. SF-2, Single-Family Dwelling District
 - e. SF-3, Single-Family Dwelling District
 - f. MH, Manufactured Housing District
3. Any Accessory Building that is not a part of the principal building shall be separated from the principal building by a minimum of 10 feet.
4. The exterior façade of all Accessory Buildings shall be constructed to meet the requirements of Section 6.04 Building Facade Material Standards.
5. In the nonresidential districts, an Accessory Building shall not exceed the height of the principal building and shall not exceed 50 percent of the floor area of the principal building, and shall be used for purposes accessory and incidental to the main use.

C. Accessory Dwelling Units and Use Limitations

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

D. Architectural Elements for Residential Accessory Buildings

1. A detached Accessory Building having an area equal to or greater than 400 square feet shall meet the building material requirements of Section 6.04 Building Facade Material Standards. An Accessory Building located on lots greater than 5 acres shall not be subject to these requirements.
2. The color and material of the roof of the Accessory Building having an area equal to or greater than 400 square feet must closely resemble the color and materials of the roof of the main structure unless the Accessory Building is prefabricated or prefinished.
3. Utility, mechanical, and HVAC facilities shall be screened from public view.
4. Accessory Dwelling Units are required to meet the development, zoning, and building requirements including building, electrical, fire, mechanical, and plumbing requirements.

5. The principal residence and the Accessory Dwelling Units cannot exceed the maximum lot coverage or encroach in the setbacks for the property as regulated in the applicable zoning district.
6. Accessory Dwelling Units shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan.
7. Accessory Dwelling Units must be designed to preserve or compliment the architectural design, style,

400 square feet must closely resemble the color and materials of the roof of the main structure unless the Accessory Building is prefabricated or prefinished.

mechanical, and HVAC facilities shall be screened from public view.

110 of 171

Accessory Dwelling Units are required to meet the development, zoning, and building requirements including building, electrical, fire, mechanical, and plumbing requirements.



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Section 4: Zoning Land Use Regulations

City of Midland: Zoning Ordinance

5. The principal residence and the Accessory Dwelling Units cannot exceed the maximum lot coverage or encroach in the setbacks for the property as regulated in the applicable zoning district.
6. Accessory Dwelling Units shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan.
7. Accessory Dwelling Units must be designed to preserve or complement the architectural design, style, and appearance of the principal residence.
8. Building setbacks for Accessory Dwelling Units shall comply with all required building setbacks for the applicable zoning district.
9. No Accessory Dwelling Unit may be sold or leased separately from the principal residence.
10. Required Accessory Dwelling Unit materials are to be submitted with residential construction:
 - a. A site plan, drawn to scale, showing the principal dwelling, accessory structures and the proposed Accessory Dwelling Unit.
 - b. A floor plan, drawn to scale, of the principal dwelling and the proposed Accessory Dwelling Unit.
 - c. Elevations of the principal dwelling and proposed Accessory Dwelling Unit showing the existing and proposed architectural design and exterior building color, material, and finish.

Page 108



City of Midland: Zoning Ordinance

Section 4: Zoning Land Use Regulations

E. Small Wind Energy Systems

1. Accessory Use

Small Wind Energy Systems are allowed as an accessory use in all Residential Zoning Districts.



Section 2: Zoning Definitions

City of Midland: Zoning Ordinance

132. Engineering Services Director

The person so designated by the City to provide oversight for and have responsibility of the City's Engineering Department. This term shall also include any designee of the Engineering Services Director.

133. Equestrian Center

An improved area, lighted and generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.

134. Equipment Rental (Heavy)

An establishment that rents large equipment and machinery such as compressors, backhoes, front-end loaders, roller compactors, generators, tree coppers, trailers, bulldozers, trenching machines, sky lifts, tractors, and dump trucks. This equipment can be self-propelled or because of its size must be hauled or towed. The equipment is generally stored outside. This use may involve the starting and running of machinery.

135. Equipment Repair Shop

Business providing basic repair services for mechanical equipment.

136. ETJ

See Extraterritorial Jurisdiction (ETJ).

137. Exterminating Company

A business providing services for the extermination of rodents and insects.

138. Extraterritorial Jurisdiction (ETJ)

The unincorporated area, not a part of any other municipality, that is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward up to the distance stipulated in Chapter 42 of the Texas Local Government Code, as may be amended, according to the population of the City, and in which area the City may apply its Subdivision Regulations and other ordinances and regulations specifically provided by State law to be applied within the Extraterritorial Jurisdiction (ETJ).

139. Family

A person living alone, or one of the following groups of people living as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- a. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- b. Four unrelated people; or
- c. Two unrelated people and any children (including adopted children) related to either of them.

140. Former's Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

141. Fee Schedule

A separate document listing fees for various City Applications, prepared by the City Manager or designee and approved by City Council and which may be amended periodically.

142. Feed Store

An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

143. Firearms Sales Establishment

An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

144. Floodplain

An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the Flood Insurance Rate Map (FIRM) of the City.

145. Floor Area

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other



Section 2. Zoning Definitions

2.01. Standard Zoning Definitions

Words and terms not expressly defined in this section are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, according to their customary usage in the practice of municipal planning and engineering.

1. **Abandonment**

To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2. **Abutting**

Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

3. **Access**

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

4. **Accessory Building**

A subordinate building incidental to the main structure.

5. **Accessory Dwelling Unit**

Living quarters either attached or detached from the principal residence and used as an Accessory Use without renting or leasing as a residence by either guests or persons employed to provide domestic services to the occupants of the principal residence.

6. **Accessory Use**

A use that is clearly and customarily incidental and secondary to the Principal Use of land or building(s), and that is located upon the same lot, and that does not change the character thereof.

7. **Adult Day-Care Services**

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services or its successor.

8. **Agricultural Use**

Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops, grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.

9. **Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing**

This industry comprises establishments primarily engaged in (1) manufacturing air-conditioning (except motor vehicle) and warm air furnace equipment or (2) manufacturing commercial and industrial refrigeration and freezer equipment. Uses include air-conditioning and warm air heating combination units manufacturing, humidifying equipment (except portable) manufacturing, air-conditioning compressors (except motor vehicle) manufacturing, refrigerated counter and display cases manufacturing, air-conditioning condensers and condensing units manufacturing, refrigerated drinking fountains manufacturing, dehumidifiers (except portable electric) manufacturing, snow making machinery manufacturing, heat pumps manufacturing, soda fountain cooling and dispensing equipment manufacturing.





HOBBY CAROLYN ANNE
2004 BEDFORD DR
MIDLAND TX 79701

NOV 03 2023

PUBLIC NOTICE

BY:

The Planning and Zoning Commission of the City of Midland, Texas will hold a public hearing at 3:30 p.m. on Monday, November 6, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by Alan Biel for approval of a Specific Use Designation Without Term on the following described property:

LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and Midland County, Texas.
LOCATION: Generally located south of Harvard Avenue, approximately 95 feet west of North L Street (District 3)
CURRENT ZONING: SF-1, Single-Family Dwelling District
SPECIFIC USE: Alley Access for Parking

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

I object to this request ☒ This is a strange request since parking already exists. I object to this property

Comments: owner renting multiple structures -

Required Information: Carolyn Hobby 2004 Bedford Dr

Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 20, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

in a residential single family
Rolandrea Russell
Interim Director of Development Services
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989. Videoconference information will be available by accessing the meeting agenda at <https://www.midlandtexas.gov/987/primegov-meeting>

zoned neighborhood
object object object - I guess existing parking pdd was not permitted.
www.MidlandTexas.gov
Planning Division • 300 N. Loraine, Midland TX 79702 • 432-685-7400



AARON JO ANN
2005 HARVARD AVE
MIDLAND TX 79701-5755

NOV 08 2023

PUBLIC NOTICE

The **Planning and Zoning Commission** of the City of Midland, Texas will hold a public hearing at **3:30 p.m.** on **Monday, November 6, 2023**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Alan Biel** for approval of a **Specific Use Designation Without Term** on the following described property:

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I object to this request ☒

Comments: multifamily leasing - no additional space for new addition

Required Information:

JoAnn Aaron
Property Owner's Signature

JO ANN AARON
Printed Name

2005 Harvard Ave.
Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 20, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

Rolandra Russell
FOR, Rolandra Russell
Interim Director of Development Services
Department of Development Services

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

www.MidlandTexas.gov

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



NOV 03 2023

HOBBY CAROLYN ANNE
2004 BEDFORD DR
MIDLAND TX 79701

PUBLIC NOTICE

The Planning and Zoning Commission of the City of Midland, Texas will hold a public hearing at 3:30 p.m. on Monday, November 6, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by Alan Biel for approval of a Specific Use Designation Without Term on the following described property:

LEGAL DESCRIPTION: Lot 14, Block 5, University Park Addition, City and County of Midland, Texas.

LOCATION: Generally located on the south side of Harvard Avenue, approximately 95 feet west of North L Street. (District 3)

CURRENT ZONING: SF-1, Single-Family Dwelling District

SPECIFIC USE: Accessory Dwelling Unit

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

I object to this request ☒

Comments:

Enforce city code !!
Strange request - DENY DENY DENY

Required information:

Property Owner's Signature

Carolyn Hobby

Printed Name

Carolyn Hobby

Property Address (No P. O. Boxes)

2004 Bedford

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

Notices Mailed: 16
Date Mailed: October 27, 2023
Case Number: SUDwo-23-0039
Case Name: 2003 Harvard
DH Planner's Initials

Cristina O. Burns

Director of Development Services
Department of Development Services

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

see earlier notice denying -
ENFORCE CITY CODE!
www.MidlandTexas.gov

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



Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Boot Lake Ranch Property Owner, LLC for a zone change from, AE, Agricultural Estate District, to LR, Local Retail District for an 80.91-acre portion of Lot 1, Block 21, Grasslands Estates, Section 16, City and County of Midland, Texas. (Generally located on the south side of West Wadley Avenue, approximately 500 feet west of Highland Boulevard) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Boot Lake Ranch Property Owner, LLC, is requesting a zone change from AE, Agricultural Estate District to LR, Local Retail District for retail and office use.

Current Zoning:

AE, Agricultural Estate District

Surrounding Zoning and Land Use:

The property to the north is zoned AE, Agricultural Estate District and is the location of a church. The majority of the properties to the east are zoned SF-2, Single-Family Dwelling District and are the locations of residences. The properties to the south are zoned SF-1 and are the locations of residences. There is also a vacant property southeast which is zoned PD, Planned District for an Office Center. The school is also located southeast and is zoned SF-2. The

properties to the southwest are zoned SF-1 and PD, Planned District for Housing Development and are the locations of residences. The properties to the west are zoned SF-1 and are the locations of residences. The properties to the northwest are zoned CE, Country Estate District and PD, Planned District for Housing Development and are the locations of vacant properties and residences.

Analysis:

The applicant, Boot Lake Ranch, LLC, is requesting this zone change to prepare the property for future retail and office use. This use is not permitted in the property's current zoning district. Therefore, they are requesting that the property's zoning be changed to LR, Local Retail District to allow the use.

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

Fire: (Approved)

No objection.

Building: (Approved)

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

Engineering: (Approved)

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

Code Compliance: (Approved)

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

Transportation: (Approved)

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

Planning: (Approved with Conditions)

The Future Land Use Map in Chapter 3 of the Tall City Comprehensive Plan designates this area as Park/Open Space which calls for uses that are “limited, primarily natural as this is the site of the former Nueva Vista golf Course. However, Chapter 3 also designates this property as being part of the Current Development area which encourages mixed use developments with similar land use intensities along the arterial corridors. This request would help fulfill that policy.

Additionally, the request would be consistent with the surrounding land use as the area has a mix of non-residential and residential uses. There are several properties to the east along Wadley Avenue that are zoned LR, Local Retail District and the locations of offices and medical facilities. The property is also adjacent to an area designated as Urban-Medium which calls for single-family and multi-family housings, churches, commercial, and mixed uses.

Therefore, staff recommends approval of this zone change from AE, Agricultural Estate District to LR, Local Retail District subject to conditions 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 November 2, 2023.

Attachments:

Application
Survey (Exhibit A)
Maps

**METES & BOUNDS DESCRIPTION FOR
80.91 ACRES IN LOT 1, BLOCK 21,
GRASSLANDS ADDITION, SECTION 16,
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.**

Legal Description for Zoning:

Agricultural Estate District to Local Retail District:

Being 80.91 Acres of Land located in Lot 1, Block 21, Grassland Addition, Section 16, City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10699346.42',E:1726077.73') a point in the south right of way line of Wadley Avenue for the northwest corner of this tract, whence the original northwest corner of said Lot 1 bears South 77°50'03" West, a distance of 236.20 feet and the southwest corner of said Section 25 bears South 21°26'04" West, a distance of 538.38 feet;

Thence with a curve to the right having a radius length of 940.00 feet, an arc length of 101.48 feet, a delta angle of 06°11'08", and a chord length of 101.43 feet bearing North 68°02'20" East to a point of tangency in the north line of this tract;

Thence North 71°07'14" East, a distance of 38.13 feet to a point of deflection in the north line of this tract;

Thence North 75°30'55" East, a distance of 50.39 feet to a point of curvature in the north line of this tract;

Thence with a curve to the left having a radius length of 1550.00 feet, an arc length of 175.52 feet, a delta angle of 06°29'18", and a chord length of 175.43 feet bearing North 72°16'15" East to a point of tangency in the north line of this tract;

Thence North 69°01'36" East, a distance of 172.06 feet to a point of curvature in the north line of this tract;

Thence with a curve to the right having a radius length of 1925.85 feet, an arc length of 816.70 feet, a delta angle of 24°17'51", and a chord length of 810.59 feet bearing North 81°10'39" East to a point for the northeast corner of this tract;

Thence South 00°00'00" West, a distance of 167.32 feet to a point of curvature in the east line of this tract;

Thence with a curve to the left having a radius length of 340.00 feet, an arc length of 198.18 feet, a delta angle of 33°23'48", and a chord length of 195.39 feet bearing South 16°41'54" East to a point of tangency in the east line of this tract;

Thence South 33°23'48" East, a distance of 501.24 feet to a point of curvature in the east line of this tract;

Thence with a curve to the right having a radius length of 640.00 feet, an arc length of 365.24 feet, a delta angle of 32°41'54", and a chord length of 360.31 feet bearing South 17°02'51" East to a point of tangency in the east line of this tract;

Thence South 00°41'53" East, a distance of 1446.85 feet to a point for the southeast corner of this tract;

Thence with a curve to the right having a radius length of 2038.67 an arc length of 1342.86 a delta angle of 37°44'25", and a chord length of 1318.71 feet bearing North 78°55'32" West to a point of tangency in the south line of this tract;

Thence North 60°03'19" West, a distance of 401.44 feet to a point for the southwest corner of this tract;

Thence with a curve to the left having a radius length of 1276.00 feet, an arc length of 951.57 feet, a delta angle of 42°43'41", and a chord length of 929.67 feet bearing North 06°42'43" East to a point of tangency in the west line of this tract;

Thence North 14°32'51" West, a distance of 914.27 feet to the Point of Beginning.

Containing 80.91 acres of land.

Bearings, distances, and coordinates are relative to the Texas Coordinate System, NAD 83, Central Zone (CORS).

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

03 November 2023



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

ZONING EXHIBIT

Professional Land Surveying & Mapping

Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217

415 W. Wall St., Suite 204 P.O. Box 81041
Midland, Texas 79701 Midland, Texas 79708

432-848-4439

www.asbsurveyors.com

Page 2 of 2
2023-690r Z-LR

**BEING 80.91 ACRES IN
LOT 1, BLOCK 21,
GRASSLANDS ADDITION,
SECTION 16,
CITY OF MIDLAND,
MIDLAND COUNTY,
TEXAS.**

This Exhibit & Description were prepared from record information for a political subdivision (zoning) and do not represent an actual on the ground survey.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	940.00'	101.48'	101.43'	N 68°02'20" E	6°11'08"
C2	1925.85'	773.25'	768.66'	N 81°49'26" E	2°39'07"
C3	340.00'	198.18'	195.39'	S 16°41'54" E	3°23'48"
C4	640.00'	365.24'	360.31'	S 17°02'51" E	3°24'15"
C5	2038.67'	1342.86'	1318.71'	N 78°55'32" W	37°44'25"
C6	1276.00'	951.57'	929.67'	N 06°42'43" E	42°43'41"
C7	1550.00'	175.52'	175.43'	N 72°16'15" E	6°29'18"
C8	1925.85'	816.70'	810.59'	N 81°10'39" E	24°17'51"

LINE BEARING	DISTANCE
L1 N 71°07'14" E	479.15'
L2 S 00°00'00" W	167.32'
L3 S 33°23'48" E	501.24'
L4 S 00°41'53" E	1446.85'
L5 N 60°03'19" W	401.44'
L6 N 14°32'51" W	914.27'
L7 N 71°07'14" E	38.13'
L8 N 75°30'55" E	50.39'
L9 N 69°01'36" E	172.06'

David & Krista D. Turner
Blk. 3, Lot 27,
Country Sky Sec 13
Cob. I, Pg. 123, MOPR

SBC, L.P.
W/2 SEC 35
Vol. 1801, Pg. 113 MOPR

GRASSLAND ESTATES WEST
SECTION 10
Cob. I, Pg. 304 MOPR

SBC, L.P.
N. Part SEC 35
Vol. 1798, Pg. 305 MOPR

Vol. 1798, Pg. 305 MOPR

Cob. F, Pg. 157, MOPR

30' Access Easement
in Lot 1, Block 21,
Grassland Estates,
Section 16

Plugged Oil Well

51.097 Acres
in Lot 1, Block 21,
Grassland Estates,
Section 16

03 November 2023

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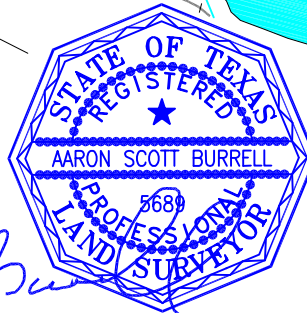
DRY POND

DRY POND

DRY POND

DRY POND

AARON BURRELL
LAND SURVEYORS, LLC.



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

ZONING EXHIBIT

Professional Land Surveying & Mapping

Aaron Burrell Land Surveyors, LLC

TBPLS Firm No. 10194217

415 W. Wall St., Suite 204
Midland, Texas 79701

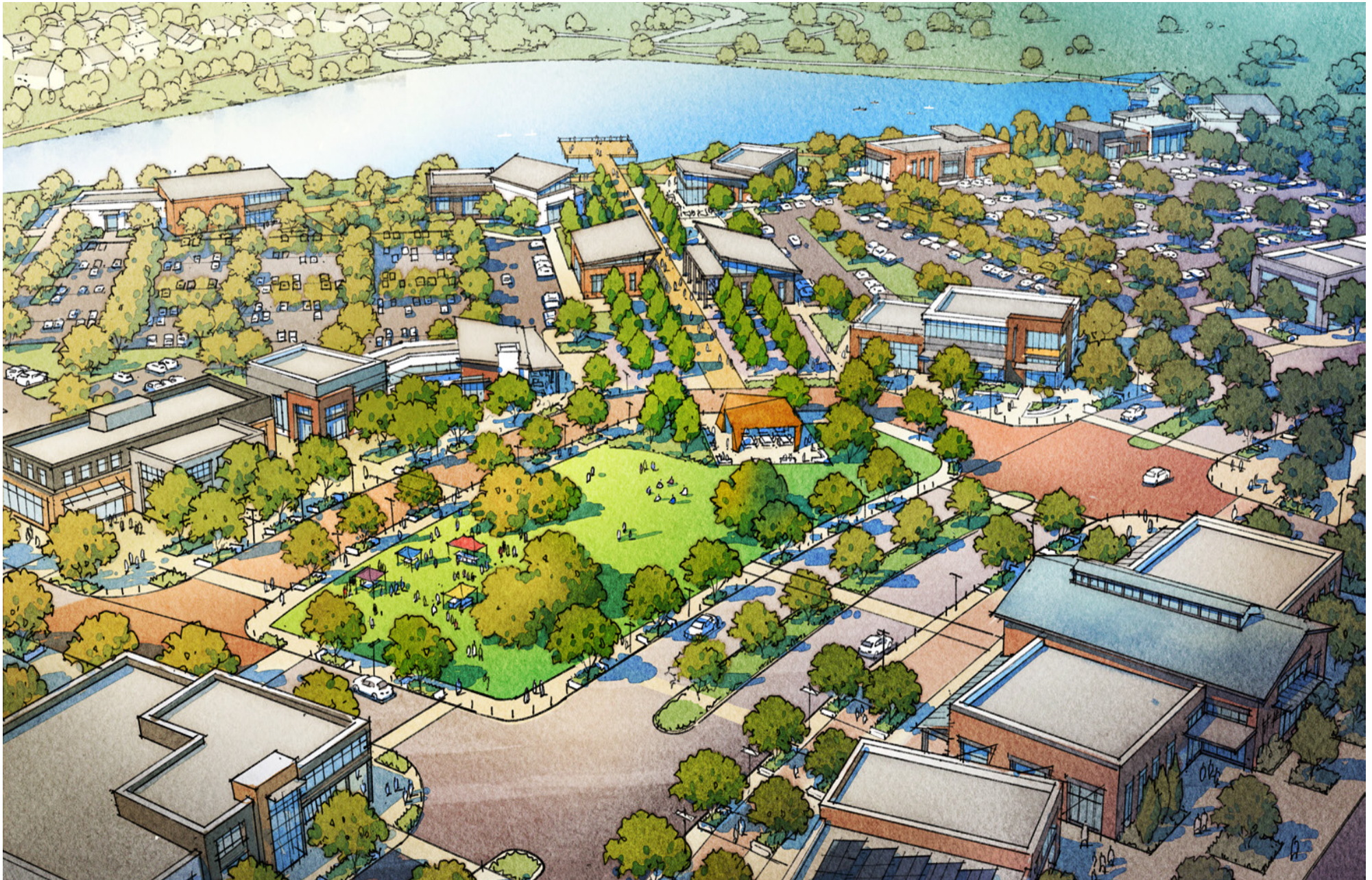
P.O. Box 81041
Midland, Texas 79708

432-848-4439

www.asbsurveyors.com

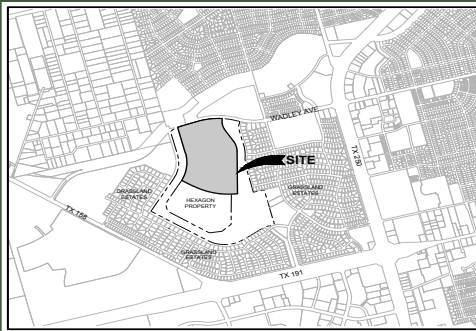
Page 1 of 2
2023-690R Z-LR











VICINITY MAP

LEGEND

- 480.975 AC. AREA TO BE REZONED TO "LR" LOCAL RETAIL
- PROPERTY LINE
- PROPOSED RIGHT OF WAY
- PHASE 1
- PROPOSED PUBLIC STREETS
- PROPOSED RETAIL PAVED AREAS

NOTES:

- THIS PROJECT WILL COMPLY WITH "LR" LOCAL RETAIL ZONING REGULATIONS.
- THIS PROJECT WILL COMPLY WITH THE CITY OF MIDLAND STANDARDS FOR ALL PUBLIC INFRASTRUCTURE.



PACKET





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

Project Number: _____

Case Number: _____

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

Printed Name: Boot Lake Ranch Property Owner, LLC

Phone (432) 260-5081

Email
adam@dahliacompanies.com

Address
1031 Andrews Highway, Suite 205

City
Midland

State
TX

Zip
79701

Property Owner

Printed Name: Boot Lake Ranch Property Owner, LLC

Phone (432) 260-5081

Email
adam@dahliacompanies.com

Address
1031 Andrews Highway, Suite 205

City
Midland

State
TX

Zip
79701

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()

Email

Address

City

State

Zip

Street Address: 6101 W Wadley Ave.

Legal Description A 80.96 Acre Tract out of Lot 1, Block 21, reference Exhibit A

Lot: Block: Subdivision: Grassland Estates Addition

Current Zoning:

AE Agricultural Estate

Proposed Zone: LR Local Retail

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

Reason for Zone Change Request: _____

To permit the development of a mix of commercial / retail and office

Present Use of Property: Closed golf course

Proposed Use of Property: Commercial / Retail and Office

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

In addition to the proposed commercial use, the development will also contain public access to various improvements, such as trails and open spaces, providing amenities to the adjacent neighborhoods.

Describe how conditions affecting the property have changed since present zoning designation: _____

The proposed development will create a retail and entertainment destination hub by redeveloping the underutilized land.

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)

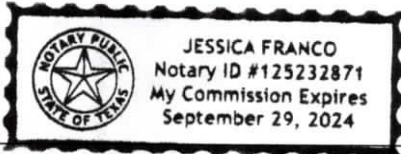
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: 10/09/2023
Applicant (printed): <u>Adam Cunyus</u>	
Property Owner (signature): <u>[Signature]</u>	Date: 10/09/2023
Property Owner (printed): <u>Boot Lake Ranch Property Owner, LLC</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 Adam Cunyus who, being by me duly sworn, upon oath says: That (s)he is the owner of Boot Lake Ranch Property Owner, LLC or authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

[Signature]
Authorized Agent (signature)

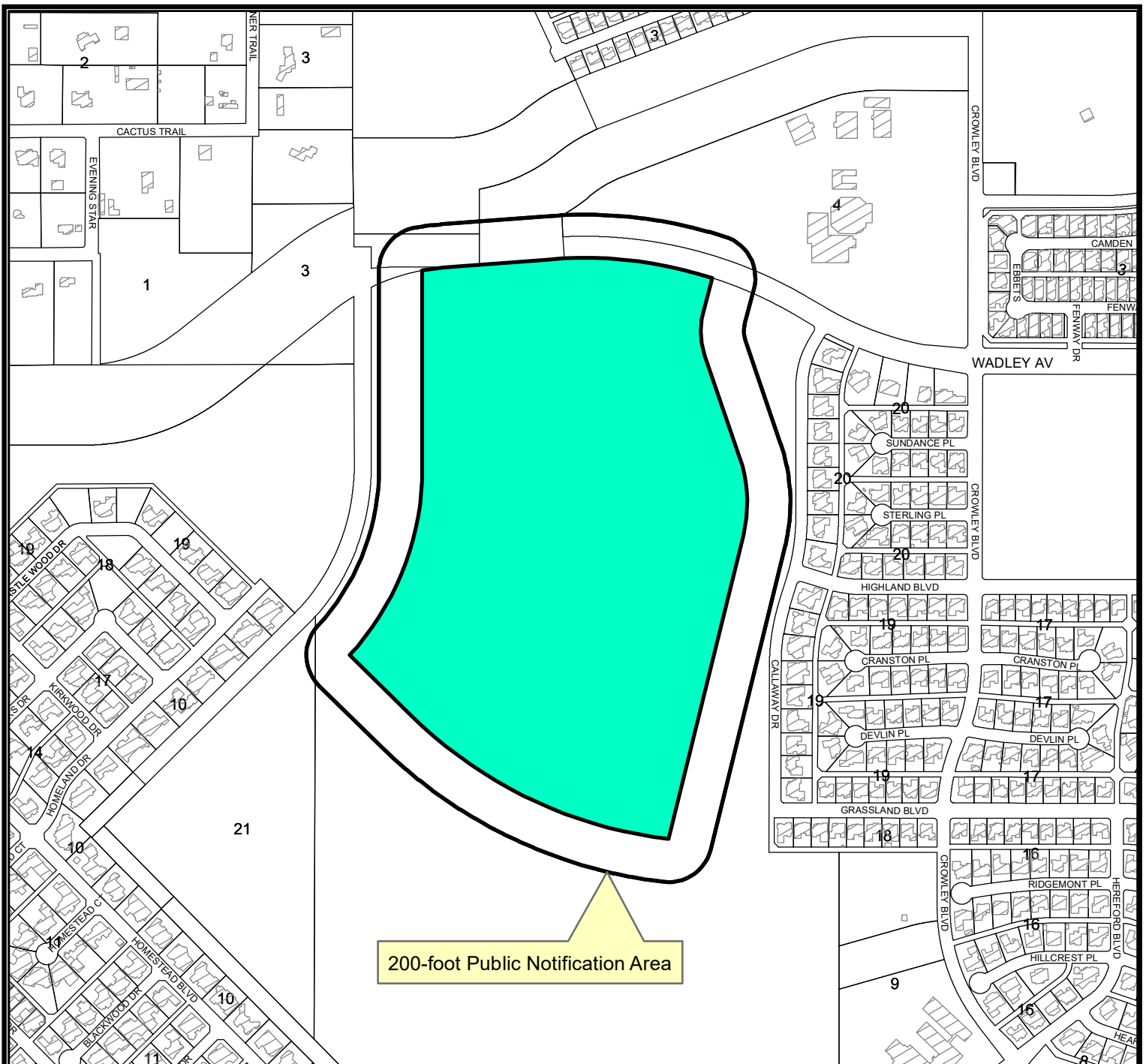
Subscribed and sworn to before me, this 9 day of October, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1014</u>	
Received By: <u>[Signature]</u>	Date: <u>Oct 9 2023</u>

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



200-foot Public Notification Area

LOCATION MAP

Z-23-0349

Scale: 1" = 8000'

Consider a request by Boot Lake Ranch Property Owner, LLC for a zone change from, AE, Agricultural Estate District, to LR, Local Retail District for an 80.96-acre portion of Lot 1, Block 21, Grasslands Estates, Section 16, City and County of Midland, Texas.

Generally located on the south side of West Wadley Avenue, approximately 500 feet west of Highland Boulevard (Council District 4)

LEGEND

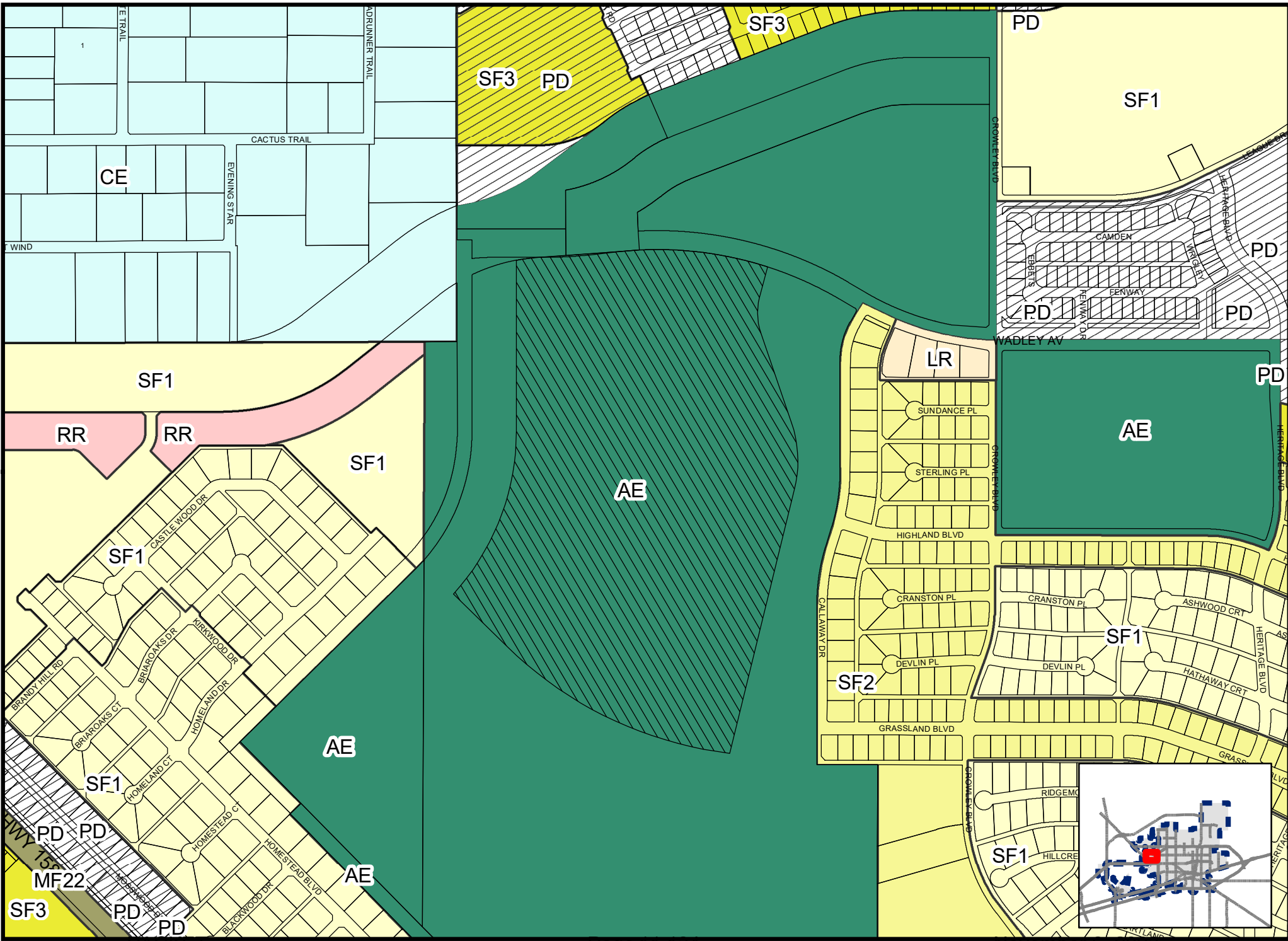
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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PACKET

Page 11.134

November 6, 2023

Map By LO, 11/1/2023

Z-23-0349

Scale: 1" = 7750'

ZONING MAP



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Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Charles Harrington for a Specific Use Designation without Term for a Wildlife Rehabilitation Center, on a 51.097-acre tract of land located on Lot 1, Block 21, Grassland Estates, Section 16, City and County of Midland, Texas. (Generally located approximately 2,500 feet south of W. Wadley Avenue and 1,600 feet west of Grassland Boulevard. DISTRICT 4) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

AE, Agricultural Estate District.

Details of Request:

The applicant, Charles Harrington, is requesting a Specific Use Designation (SUD) without Term for a Wildlife Rehabilitation Center to develop a zoo on the property.

Surrounding Zoning and Land Use:

The properties to the north are zoned AE, Agricultural Estate District, and are vacant. The properties to the east, south, and west are zoned SF-2, Single-Family Dwelling District, and SF-1, Single Family Dwelling District, and the location of residences.

Analysis:

The property is located at 6101 W. Wadley Avenue and is the location of the former Nueva Vista Golf Course. The property is zoned AE, Agricultural Estate District, which allows for the use of a Wildlife Rehabilitation Center with a Specific Use Designation without Term.

The proposed use of the property is a zoo; however, the most similar use in the Zoning Ordinance is a Wildlife Rehabilitation Center.

Per the City Code, a Wildlife Rehabilitation Center shall be on tracts of land of not less than two acres, and animals located on the property should also be always kept in enclosures.

There will be a buffer of natural/open area between the proposed zoo and existing residences, and the primary hours of operation for the zoo will be during the day with occasional special events that will not occur later than 10 PM. Animal security and care for the proposed zoo will meet the standards of the Association of Zoos and Aquariums, which exceeds USDA standards.

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

Fire: (Approved)

No comments.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

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

Planning: (Approved with Conditions)

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to "Encourage the development of places where Midland residents can gather and socialize to build connections." This zoo will enhance the quality of life in Midland and will be a destination where Midland residents will gather and socialize.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation without Term for the Wildlife Rehabilitation Center, subject to Conditions A through E.

Conditions:

A. That the use and development of the property shall significantly conform to the site plan, Exhibit “B.”

B. That the property may be a zoo in which wild animals, poisonous snakes, and other animals may be kept.

C. That animals shall be always kept in enclosures unless being handled by a trained expert for educational purposes.

C. That the occupancy of the Wildlife Rehabilitation Center shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

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

E. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of Wildlife Rehabilitation Facility to ensure that the conditions of this permit are satisfied.

Letters of Objection:

As of November 1, 2023, staff has not received any letters of objection.

Attachments:

Application
Metes and Bounds (Exhibit A)
Site Plan (Exhibit B)
Maps

**METES AND BOUNDS DESCRIPTION FOR A
51.097 ACRE TRACT OF LAND IN
LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16,
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.**

Legal Description:

TRACT ONE (1):

Being a 51.097 Acre Tract of Land located in Lot 1, Block 21, Grassland Estates, Section 16, City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10697067.74',E:1727657.05') a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for the northeast corner of this tract, whence a $\frac{1}{2}$ " iron rod found at the southeast corner of Lot 1, Block 21, Grassland Estates, Section 16 recorded in Cabinet F Page 157, Midland County Plat Records bears South 50°46'24" East, a distance of 1638.39 feet;

Thence South 00°25'37" West, a distance of 1022.20 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for the southeast corner of this tract;

Thence South 48°04'59" West, a distance of 356.62 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for a point of deflection in the south line of this tract;

Thence South 81°21'17" West, a distance of 375.27 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for a point of deflection in the south line of this tract;

Thence North 58°58'30" West, a distance of 1389.76 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for the southwest corner of this tract;

Thence with a curve to the right in a northwesterly direction, said curve having a radius length of 339.42 feet, an arc length of 373.03 feet, a delta angle of 62°58'09", and a chord length of 354.54 feet bearing North 08°57'57" West to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for a point of tangency in the west line of this tract;

Thence North 30°55'47" East, a distance of 840.21 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for the northwest corner of this tract;

Thence South 60°03'19" East, a distance of 401.44 feet to a $\frac{1}{2}$ " iron rod with cap marked 'ASB 5689' set for a point of curvature in the north line of this tract;

Thence with a curve to the left in a southeasterly direction, said curve having a radius length of 2038.67 feet, an arc length of 1158.35 feet a delta angle of 32°33'17", and a chord length of 1142.83 feet bearing South 76°19'58" East to the Point of Beginning.

Containing 51.097 acres of land.

Bearings, Distances, and Coordinates are based on the Texas Coordinate System, NAD 83, Central Zone (CORS).

29 June 2023



PACKET



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689
Page 12 of 142

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217

415 W. Wall St., Suite 204 P.O. Box 81041
Midland, Texas 79701 Midland, Texas 79708

432-848-4439

November 6, 2023
www.aaronsurveyors.com

Page 2 of 3
2023-522a





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

Case Number: _____

Ord. Number: _____

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

Printed Name: Charles Harrington

Phone (432) 818-0415

Email
charrington@crowquest.com

Address 18 Desta Dr,

City Midland

State TX

Zip 79705

Property Owner

Printed Name: Nueva Boot, LLC

Phone (432) 818-0415

Email
charrington@crowquest.com

Address: P.O. Box 52268

City: Midland

State: TX

Zip: 79710

Representative (if different from Applicant or Property Owner)

Firm: Crownquest Operating, LLC

Printed Name: Charles Harrington

Phone (432) 818-0415

Email
charrington@crowquest.com

Address 18 Desta Dr.

City Midland

State TX

Zip 79705

Type of Permit: **SUD without Term**

For Office Use Only

☐ with Term

☐ without Term

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

Street Address: 6101 W. Wadley Ave.

Legal Description

Lot: 1

Block: 21

Subdivision: Grassland Estates

Current Zoning: AE

Maximum Floor Area: N/A

Maximum Occupancy: N/A

Proposed hours and days of use or operation: _____

Primarily day light hours with special events no later than 10:00 p.m.

Reason for request: _____

SUD to allow for recreational facility

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: Project is far removed from any residential development. Animal security and care will be to the Association of Zoos and Aquariums standards which far exceeds USDA standards. Zoo will offer a Quality of Life project for Midland

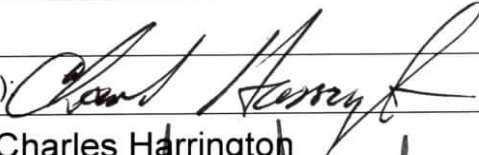
Submittal and Fees

Items to be submitted with this application form:

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

Signatures

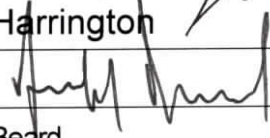
Applicant (signature):



Date: 10/09/2023

Applicant (printed): Charles Harrington

Property Owner (signature):



Date: 10/09/2023

Property Owner (printed): Jeff Beard

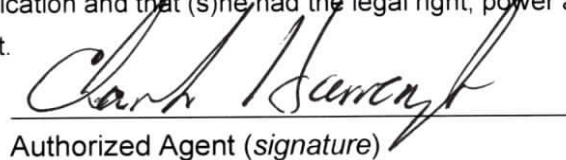
The Specific Use Designation shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for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

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

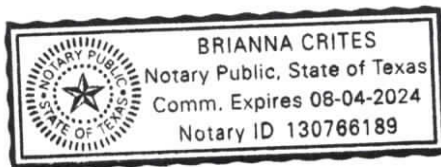
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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


Authorized Agent (signature)

Subscribed and sworn to before me, this 6 day of October, 2023, to certify which witness my hand and seal of office.



Brianna Crites
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Site Plan in Digital Format (PDF/JPEG)

Check #

1296

Received By:

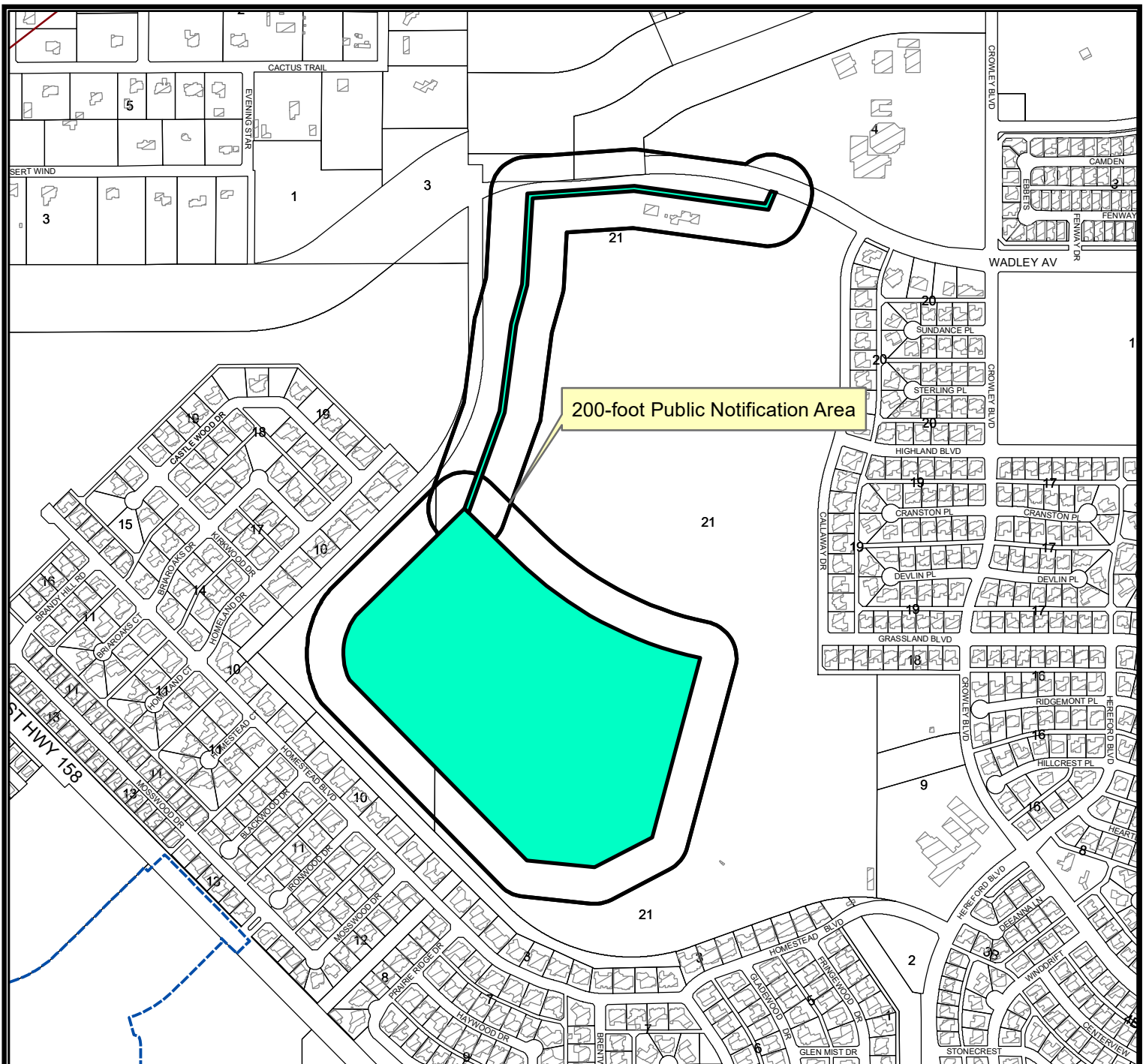
Jeff Fisher

Date:

10-9-23

RECEIVED
OCT 09 2023

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



LOCATION MAP

SUDwo-23-0038

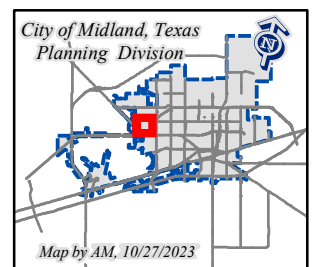
Scale: 1" = 9500'

Consider a request by Charles Harrington for a Specific Use Designation without Term for a Wildlife Rehabilitation Center on a 51.097-acre portion of Lot 1, Block 21, Grasslands Estates, Section 16, City and County of Midland, Texas.

Generally located approximately 2,500 feet south of West Wadley Ave and 1,600 feet west of Grasslands Boulevard (Council District 4)

LEGEND

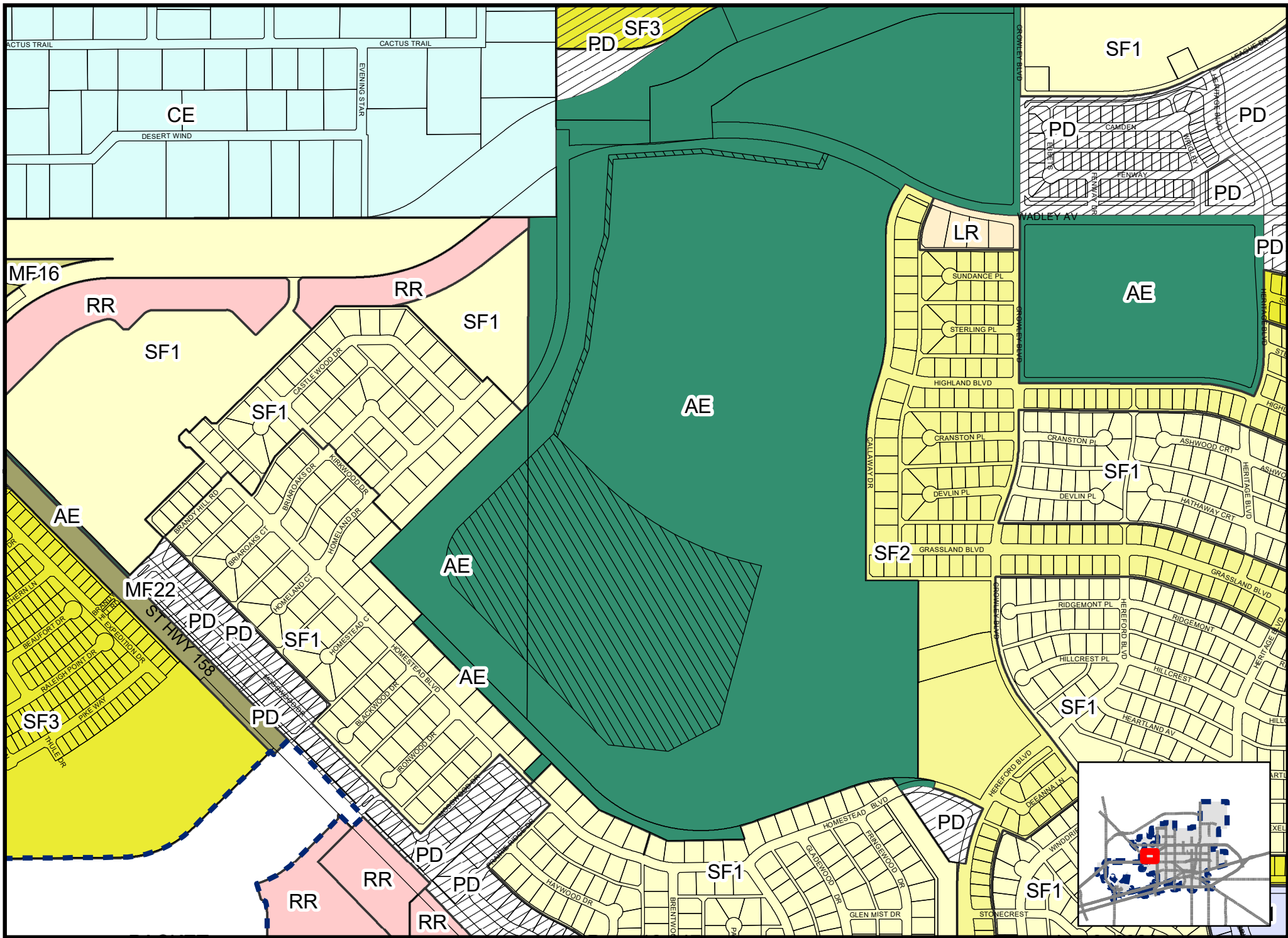
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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PACKET

Page 12.147

November 6, 2023

Map By ES, 7/8/2021

SUDwo-23-0038

Scale: 1" = 9000'

ZONING MAP



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Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Consider a request by Jennifer A. Chacon for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a 3,261-square foot portion of Lot 1A, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of East Mockingbird Lane and North Big Spring Street. DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The property directly to the north is zoned PD, Planned District for a Housing Development and the location of an apartment complex. The properties to the east and the south are also zoned RR, Regional Retail District, and the location of vacant land and a Wendys, respectively. To the west, the property is zoned MF-16, Multi-Family Dwelling District, and is a multi-family complex.

Analysis:

The property is zoned RR, Regional Retail District. The RR zoning allows for the sales of Alcoholic Beverages for On-Premises Consumption in a Restaurant with the approval of an SUD. The total area of the restaurant, Cervceria 19, is 4,363-square feet, and the proposed alcohol serviceable area is 3,261-square feet.

Cerveceria is not currently in operation. The attached site and floor plans are illustrative of the restaurant that will be attached to Jack's Convenience Store. Cerveceria 19 will have an alcoholic serviceable area of 3,261-square feet, this includes an inside serviceable area of 2,256-square feet and an outside 1,005-square foot patio area.

The applicant shares a building, and parking lot, with a convenience store. These uses, together, require a minimum of 45 total parking spaces. The total number of spaces furnished is well over that minimum, at 80 parking spaces.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

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

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

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

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

Departmental Review:

Fire: (Approved)

No objections to zone change

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for Cervceria 19 is acceptable. The property must adhere to the maximum occupant load of 217 persons for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to* “Encourage the development of places where Midland residents can gather and socialize to build connections.” Cervceria 19 is a destination where Midland residents will gather and socialize.

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

Conditions:

A. That the serviceable area of the establishment shall be limited to approximately 3,261 square feet as shown in Exhibit “A”.

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

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

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

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

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

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

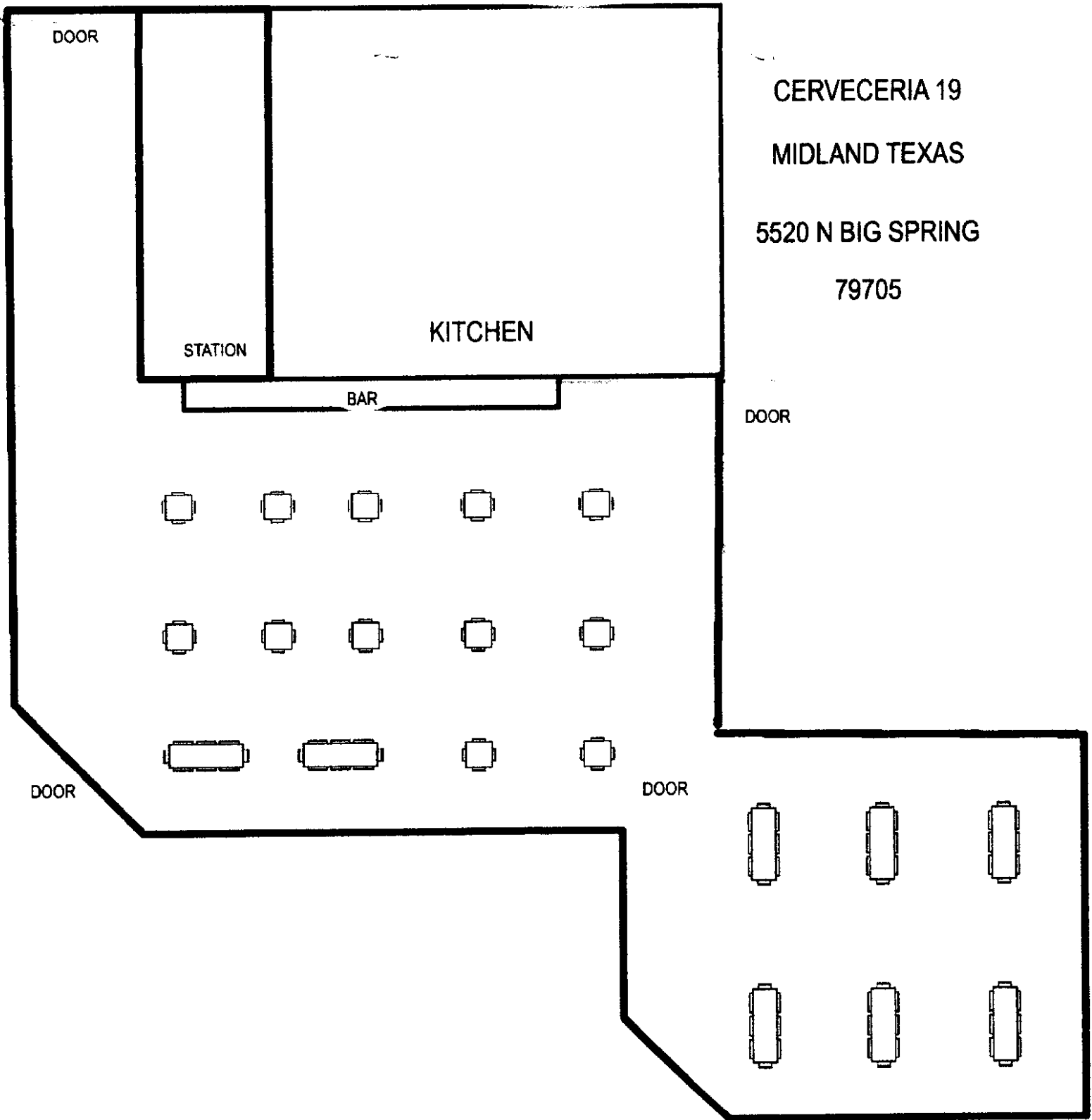
G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of November 1, 2023, staff has not received any letters of objection.

Attachments:

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

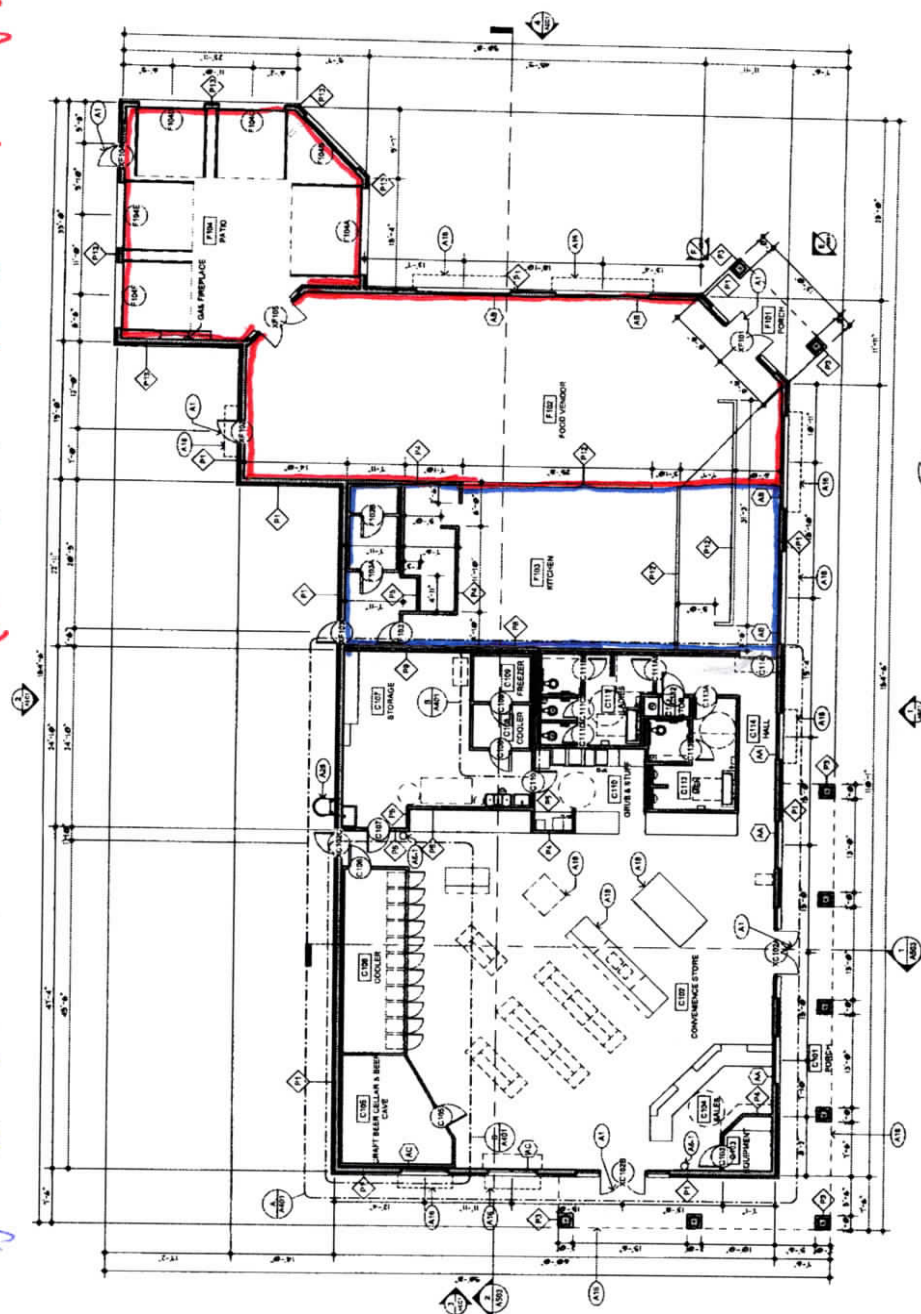


CERVECERIA 19

MIDLAND TEXAS

5520 N BIG SPRING

79705



- Area to Sell Alcohol. (3,261)
- Kitchen Area

TKC1-4263 sq ft

ARCHITECTURAL - NOTES

- FLOOR AND GROUND AREA WITHIN THE REQUIRED ADA & TAG CLEARANCES (5'-0" x 5'-0" MIN.) TO BE LEVEL AND CLEAR.
- WALL HUNG FIRE EXTINGUISHER
- LINE OF ROOF ARCHES
- EQUIPMENT BY OTHERS - SEE SHEET A401
- FIXED STEEL LADDER WITH 1" RUNGOS ATTACHED TO FLOOR AND STRUCTURE ABOVE

MOCKINGBIRD LANE (100' ROW)

N. BIG SPRING ST. (120' ROW)

5.75' 42.46" W - 512.50'

CONCRETE JOINTING NOTE

HAVERICK DOES NOT SUPPLY CONCRETE JOINTING PLANE OR REINFORCING BARS. CONTRACTOR IS RESPONSIBLE FOR CONCRETE JOINTING PLANE DEVELOPMENT AND IMPLEMENTATION. HAVERICK CAN PROVIDE THE SERVICE TO THE CONTRACTOR AT AN ADDITIONAL EXPENSE. PLEASE CONTACT HAVERICK FOR MORE INFORMATION ON THIS ADDITIONAL DESIGN SERVICE.

DIMENSIONAL NOTE

DIFFERENCES SHOWN ARE TYPICALLY TO BACK OF CURS UNLESS NOTED OTHERWISE.

LEGEND

-  DENSITY ROUND INDICATOR AT NORTH
 END OF 15' 17" HIGH ACO
 DENSITY ROUND INDICATOR AT NORTH
 END OF 15' 17" HIGH ACO
 DENSITY ROUND INDICATOR
 DENSITY ROUND INDICATOR
 DENSITY ROUND OF APPROX. 7
 DENSITY ROUNDING LOGS
 DENSITY ROUNDING LOGS
 DENSITY ROUNDING LOGS
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**Specific Use Designation with
Term for the Sale of Alcoholic
Beverages for On-Premises
Consumption**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Jennifer A. Chacon</u>		Phone () Email	
Address <u>2319 Sagebrush Rd</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>
Property Owner Printed Name:		Phone () Email	
Address	City	State	Zip

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

Street Address: <u>5520 N Big Spring St</u>			
Business Name: <u>Cerveceria 19</u>			
Legal Description Lot: <u>A</u> Block: <u>1</u> Subdivision: <u>Pavilion Park.</u>			
Current Zoning: <u>RR</u>			
Reason for Request: <u>Sell Alcohol</u>			

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Restaurant</u>			
Proposed/Current Days and Hours of Operation: <u>Monday to Sunday 11:00am to 12:00am</u>			
Proposed Days and Hours of Alcohol Service: <u>Monday to Sunday 11:00am to 12:00am</u>			
Total Square Footage of Business: <u>4363</u>			
Square Footage of Alcohol Serviceable Area: <u>3261</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 / 2</u>	Bathroom Sinks: <u>2</u>
	Women	Toilets: <u>3</u>	Bathroom Sinks: <u>2</u>

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

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

SignaturesApplicant (signature): Jennifer A. ChaconDate: 9-20-23Applicant (printed): Jennifer A. Chacon

Property Owner (signature): _____

Date: _____

Property Owner (printed): _____

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

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

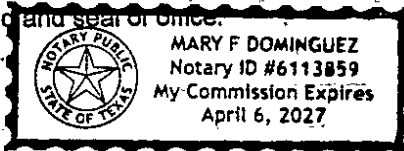
If an agent is authorized by the property owner to file and execute application on behalf of property owner, agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

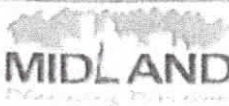
Before me, the undersigned authority, on this day personally appeared JENNIFER A. CHACON who, being by me duly sworn, upon oath says: That (s)he is authorized by MATTHEW DENNING, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right,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

JENNIFER A. CHACON

Subscribed and sworn to before me, this 20th day of September, 2023, to certify which witness my hand and seal of office.


[Signature]
 Notary Public
FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Floor Plan☒ Application Fee☒ Site PlanCheck # 1001☒ Plans in Digital Format (PDF/JPEG)Received By: [Signature]Date: 10-9-23

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

	Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption		Project Number _____
			Case Number _____

Applicant (if acting as Agent see affidavit on page 2)		Phone (432) 661-0158	
Printed Name: Jennifer A. Chacon		Email: Sergio-arios144@outlook.com	
Address: 2319 Sage Brush Rd	City: Midland	State: TX	Zip: 79705

Property Owner		Phone ()	
Printed Name: HIG SOF1 GSS, LLC		Email	
Address: 373 E 800 S	City: ORRM	State: UT	Zip: 84097

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

Street Address: 5520 N Big Spring St			
Business Name: Cerveceria 19			
Legal Description			
Lot: 1A	Block: 1	Subdivision: Pavilion Park.	
Current Zoning: RR			
Reason for Request: Sell Alcohol.			

Type of Business (restaurant, bar, lounge, nightclub, etc.): Restaurant			
Proposed/Current Days and Hours of Operation: _____			
monday to Sunday 11:00am - 12:00am			
Proposed Days and Hours of Alcohol Service: _____			
monday to Sunday 11:00am - 12:00am			
Total Square Footage of Business: 4363 square foot			
Square Footage of Alcohol Serviceable Area: 3261 square foot			
Restroom Fixtures:	Men	Toilets/Urinals: 1 / 2	Bathroom Sinks: 2
	Women	Toilets: 3	Bathroom Sinks: 2

items to be submitted with this application form:

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

Applicant (signature): Jennifer A. Chocon

Date: 9-11-23

Applicant (printed): Jennisey A. Chacon

Property Owner (signature):

Date: 9/20/23

Property Owner (printed): Matthew Denny - CEO H2E Soft 655 LLC

The City of Midland is an Equal Opportunity Employer. Minorities and women are encouraged to apply. This is a full-time position. The City of Midland is an Equal Opportunity Employer. Minorities and women are encouraged to apply. This is a full-time position.

* This work was funded by a grant from the National Science Foundation, Grant Number DMR-08-06794.

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

STATE OF TEXAS

COUNTY OF MIDLAND

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

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

Notary Public.

☐ **Property Owner Authorization**

☐ Dimensioned Floor Plan☐ Application Fee

□ Site Plan

Check #

☐ Plans in Digital Format (PDF/JPEG)

Received By:

Date:

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

SUD Alcoholic Beverages Application

2

Revised 07/02/19

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

Phone ()

Email

Applicant (if not an Agent, see affidavit on page 2)

Printed Name Shirley A. Chason

Address

5520 N Big Spring St

City

Midland

Phone ()

Email

Service areas: 406-2-4000

Staff

1A

Zip

79705

Property Owner

Printed Name HIG SOF1 GSS, LLC

Address

373 E 800 S

City

ORRM

Phone

Email

806-317-0234

State

UT

Zip

84097

Representative (if different from Applicant or Property Owner)

Firm

Printed Name

Address

City

Phone ()

Email

State

Zip

Street Address:

5520 N Big Spring St

Business Name:

Cervaria 19

Legal Description

Lot: 1ABlock: 1

Subdivision:

Pavilion Park.

Current Zoning:

RR

Reason for Request:

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

Proposed/Current Days and Hours of Operation:

Monday to Sunday 11:00am - 12:00am

Proposed Days and Hours of Alcohol Service:

Monday to Sunday 11:00am - 12:00amTotal Square Footage of Business: 4363 square footSquare Footage of Alcohol Serviceable Area: 3261 square foot

Restroom Fixtures:

Men

Toilets/Urinals:

1 1 2

Bathroom Sinks:

2

Women

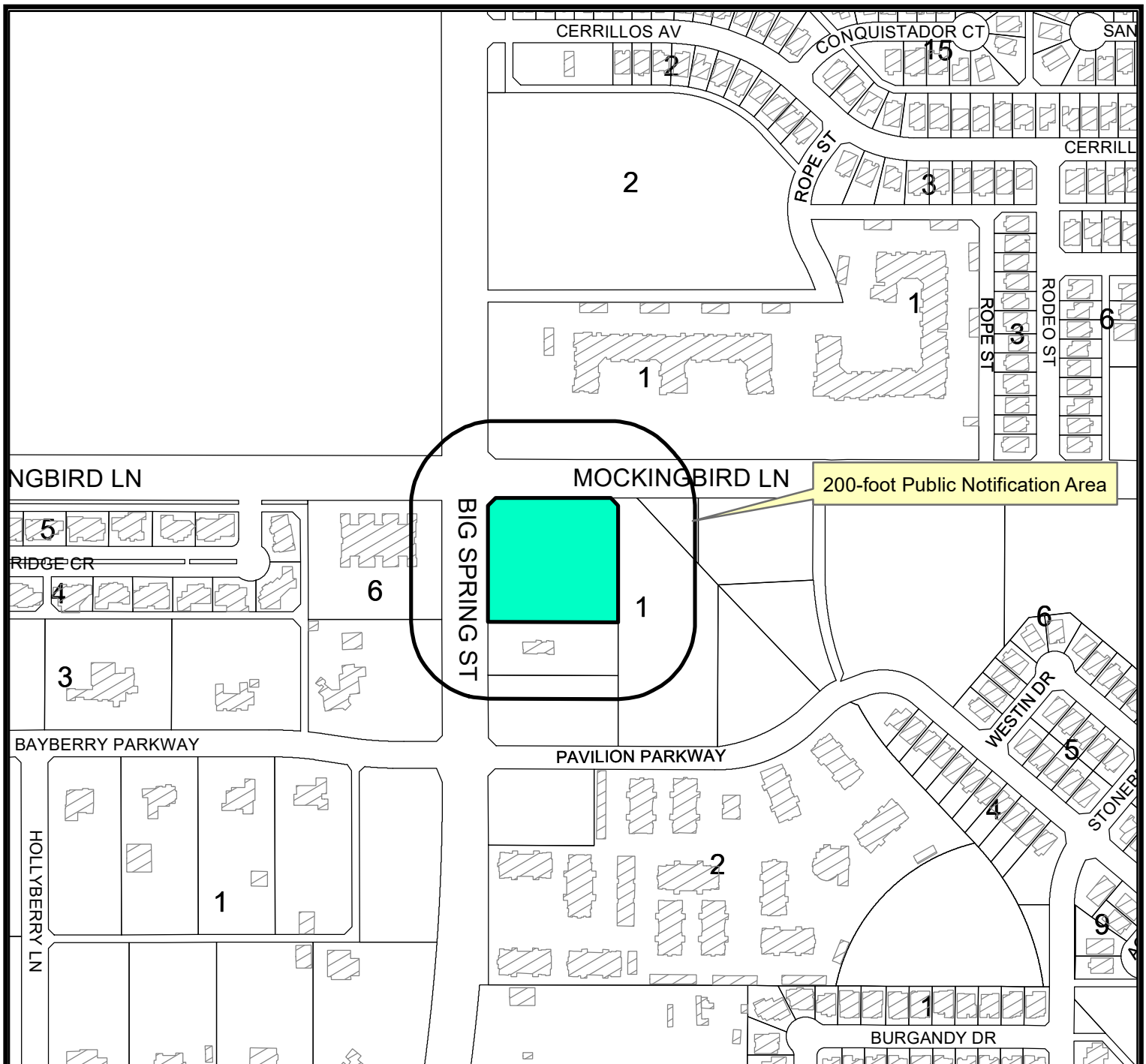
Toilets:

3

Bathroom Sinks:

2

November 6, 2023



LOCATION MAP

SUD-23-0168

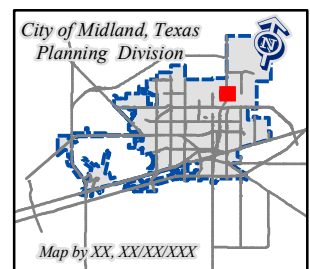
Scale: 1" = 4500'

Consider a request by Jennifer Chacon for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages for on premises consumption in a restuarant on 4,363 square foot portion of Lot 1A, Block 1, Pavillion Park, Section 11, City and County of Midland, Texas.

Generally located at the southeast corner of the intersection of East Mockingbird Lane and North Big Spring Street. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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PD

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MOCKINGBIR

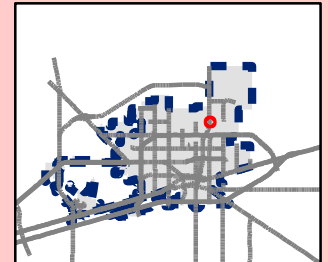
MF16

BIG SPRING ST

AE

RR

O1



PACKET

Page 13.167

November 6, 2023













Planning and Zoning Commission

Approved for Agenda:
Cristina O. Burns

MEETING DATE: November 06, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Consider a request by Kendall Howard for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a 4,336.5-square foot portion of Lot 1, Block 1, less the east 120 feet by the south 150 feet, Myatt Addition, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of West Wadley Ave and North Garfield Street. DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

To the north across the draw is SF1, Single Family Dwelling District, and is the location of Midland College. To the east, the property is zoned MF-16, Multi Family Dwelling District. This property is the location of apartment homes. Directly to the south is zoned RR, Regional Retail District. Across from the property, there is a gas station and a shopping center. To the west, there is a mix of zoning incorporating both RR, Regional Retail District, and SF-2, Single Family Dwelling District. In the RR district, there is a shopping center. In the SF-2 district, there is a residential neighborhood.

Analysis:

The property is located at 2200 W Wadley Ave and is zoned RR, Regional Retail District. The RR zoning allows for the sales of Alcoholic Beverages for On-Premises Consumption in a Restaurant with the approval of an SUD. The total area of the restaurant, The Palms Cuban Cocina, is 4,336.5-square feet and the proposed alcohol serviceable area is

2,618.6-square feet. The property has an existing SUP, Specific Use Permit with Term, that was approved in 2006. However, the former restaurant has closed, and a new restaurant would like to sell alcohol on premises for patrons to enjoy with their meal.

The business is in a shopping center with numerous other businesses and restaurants. All the uses require a minimum space count of 116 parking spaces. The area sufficiently provides these with a total of 144 spaces.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

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

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

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

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

Departmental Review:

Fire: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for The Palms Cuban Cocina is acceptable. The property must adhere to the maximum occupant load of 174 persons for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

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

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

Conditions:

A. That the serviceable area of the establishment shall be limited to approximately 2,618.6 square feet as shown in Exhibit “A”.

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

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

Monday through Sunday from 11 a.m. to 12 a.m. (the next day)

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

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

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

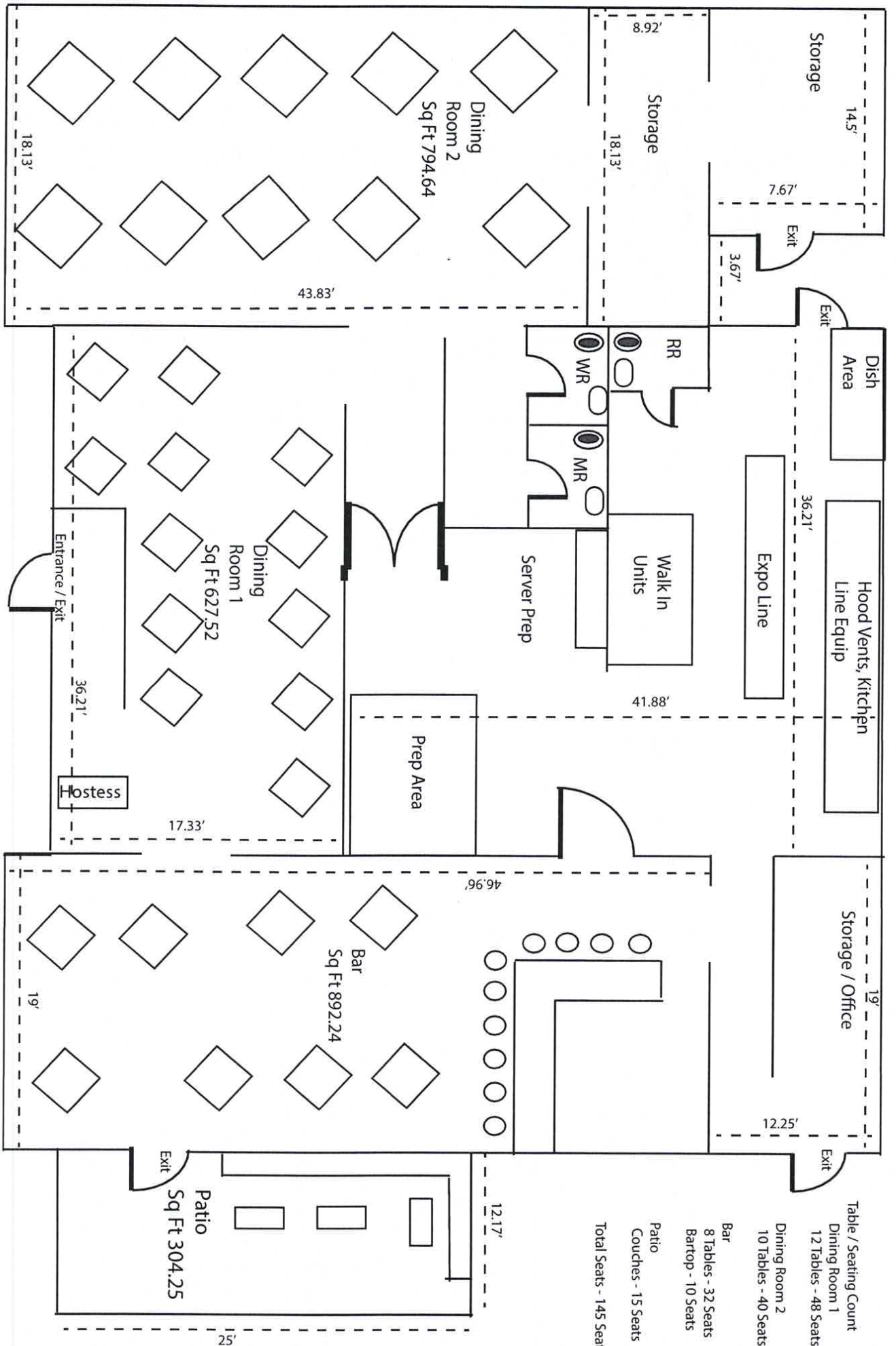
G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

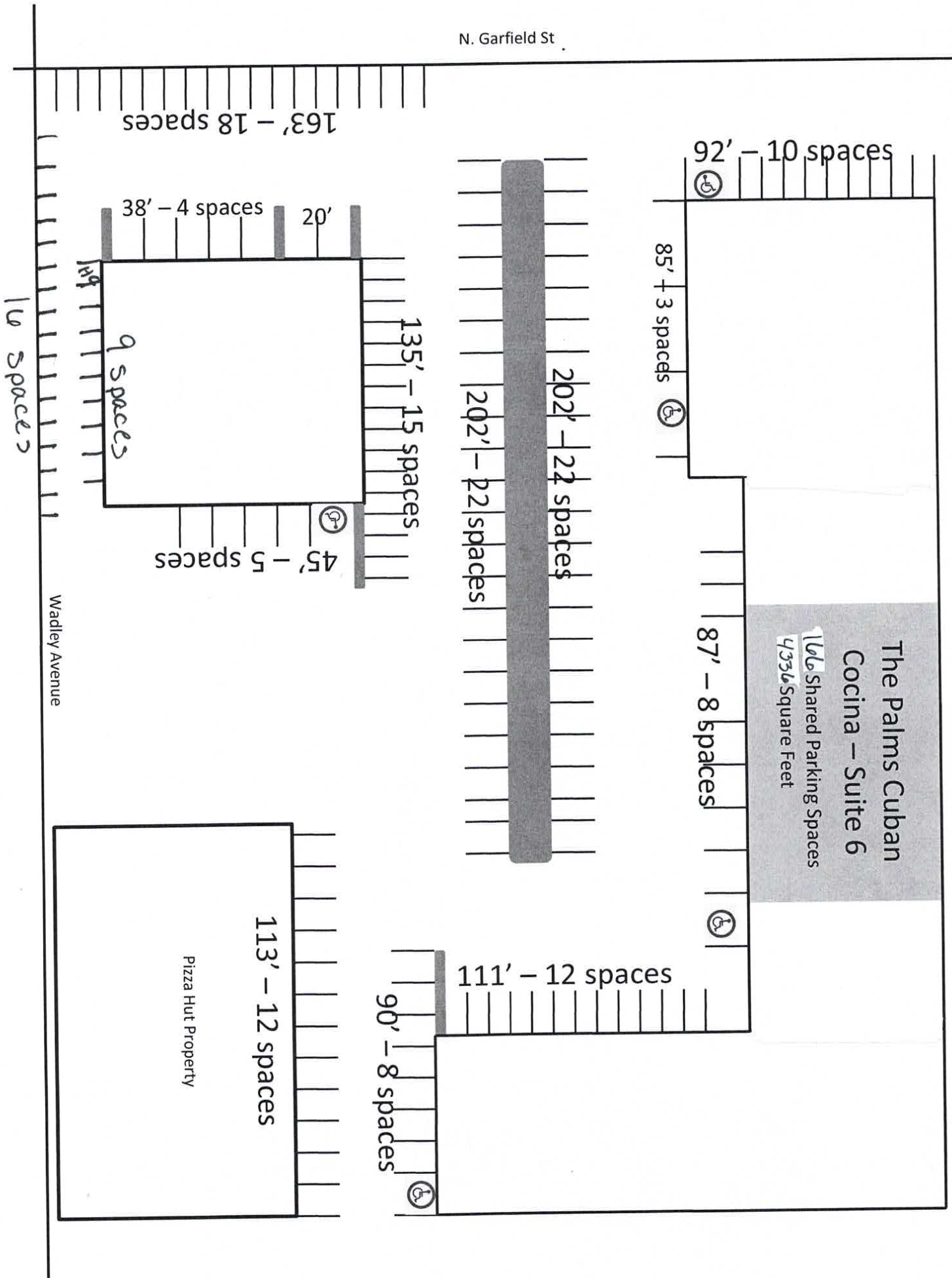
Letters of Objection:

As of November 1, 2023, staff has not received any letters of objection.

Attachments:

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







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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Kendall Howard</u>		Phone (806) 783-8774 Email <u>mnm240@hotmail.com</u>	
Address <u>10401 Indiana</u>	City <u>Lubbock</u>	State <u>TX</u>	Zip <u>79423</u>
Property Owner Printed Name: <u>ORSRP, Ltd</u>		Phone (432) 683-8484 Email <u>rickm@midwayrealestate.com</u>	
Address <u>PO Box 2492</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79702</u>
Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: _____		Phone () _____ Email _____	
Address	City	State	Zip
Street Address: <u>2200 W. Wadley Suite 6, Midland Tx</u>			
Business Name: <u>The Palms Cuban Cocina</u>			
Legal Description Lot: <u>0000</u> Block: <u>001</u> Subdivision: <u>All Less 120 x 150 ADDN: Myatt</u>			
Current Zoning:			
Reason for Request: <u>Mixed Beverage Permit, Food & Beverage Permit</u>			
Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Restaurant</u>			
Proposed/Current Days and Hours of Operation: <u>Monday - Sunday 11AM - 12AM</u>			
Proposed Days and Hours of Alcohol Service: <u>Monday - Sunday 11AM - 12AM</u>			
Total Square Footage of Business: <u>4336.56</u>			
Square Footage of Alcohol Serviceable Area: <u>2618.65</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 1</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>1</u>	Bathroom Sinks: <u>1</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

Date: 10/2/23

Applicant (printed):

Kendall Howard

Property Owner (signature):

Date: 10/2/23

Property Owner (printed):

Kendall Howard

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

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

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

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared KENDALL E. HOWARD who, being by me duly sworn, upon oath says: That (s)he is authorized by DRSPP LTD., 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.

Subscribed and sworn to before me, this 2nd day of OCTOBER, 2023, to certify which witness my hand and seal of office.



Notary Public

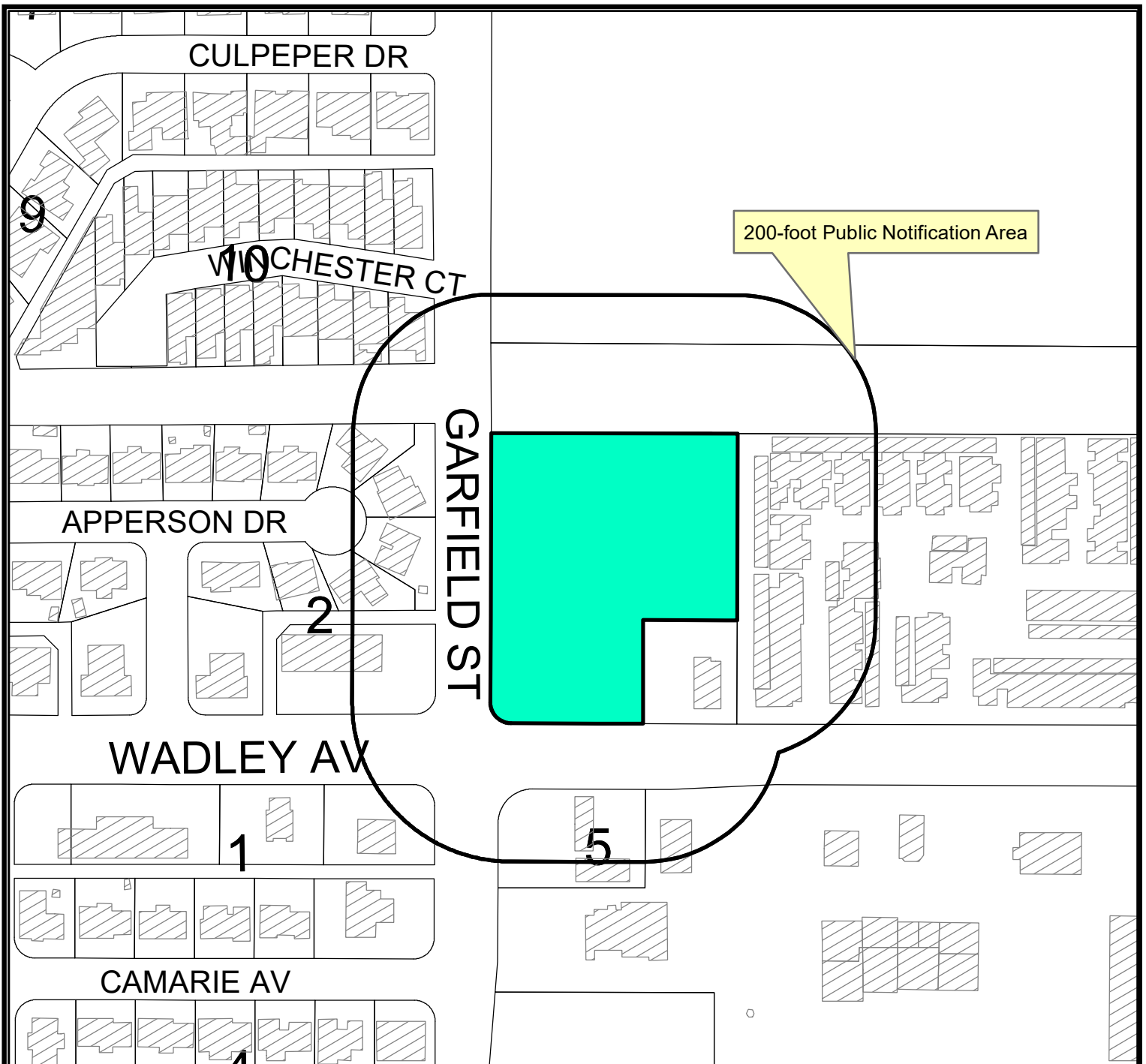
FOR OFFICE USE ONLY

- | | |
|---|---|
| ☐ Property Owner Authorization | ☐ Dimensioned Floor Plan |
| ☐ Application Fee | ☐ Site Plan |
| Check # _____ | ☐ Plans in Digital Format (PDF/JPEG) |

Received By: _____

Date: _____

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



LOCATION MAP

SUD-23-0167

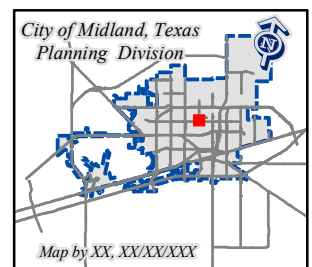
Scale: 1" = 2500'

Consider a request by Kendall Howard for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages for on Premises Consumption in a Restaurant on 4,336 square foot portion of Lot 1, Block 1, less the east 120 feet by the south 150 feet, Myatt Addition, City and County of Midland, Texas.

Generally located at the northeast corner of the intersection of North Garfield Street and West Wadley Ave.

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.

WINCHESTER CT

PD

SF1

SF2

PERSON DR

GARFIELD ST

RR

PD

PD

MF16

WADLEY AV

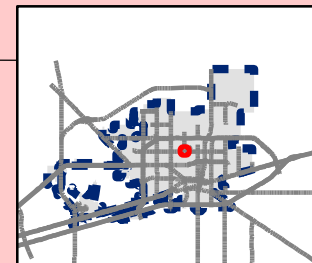
PD

PD

SF1

PD

PACKET













Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Schumann Engineering for the approval of a Final Plat of Homestead Addition, Section 21, being a Replat of the northwest 0.32-acres of Block 17, Homestead Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Fort Worth Street and East Kansas Avenue) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-3, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, Schumann Surveying, Inc., is requesting to replat the northwest 0.32-acres of Block 17, Homestead Addition, City and County of Midland, Texas into two lots to build single-family homes. The applicant has also applied for a Zone Change from C, Commercial District, to SF-3, Single-Family Dwelling District, (Ordinance No. 10436) and a Special Exception to allow the corner lot with a minimum lot width of 50 feet instead of the required 55 feet (Ordinance No. 10435). Both these requests were approved by City Council on September 26, 2023.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

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

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

PAVING: E. Kansas Ave. and N. Fort Worth Ave. roadway okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 8" water line exists in E Kansas, and a 6" waterline exists in N Fort Worth Ave. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 6" waterline located in the alley, No public wastewater improvements required. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER:

TRANSPORTATION: (Approved)

No additions or changes to site access are approved with plat or zoning review.

Driveways or other access points are approved only with construction drawing review.
[For the Applicant's information only.]

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

No Oil and Gas issues.

GIS: (Approved)

No comments

PLANNING: (Approved with Conditions)

Staff recommends approval of the Final Plat of Homestead Addition, Section 21 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
Ordinance No. 10435
Ordinance No. 10436

HOMESTEAD ADDITION,
SECTION 21
BEING A REPLAT OF THE NORTHWEST 0.32 ACRES
OF BLOCK 17, HOMESTEAD ADDITION,
AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, SECTION 21, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR FOUND (N:10697127.95, E:1757977.13) IN THE EAST RIGHT OF WAY OF FORT WORTH AVENUE, AND IN THE SOUTH RIGHT OF WAY LINE OF KANSAS AVENUE FOR THE NORTHWEST CORNER OF THIS TRACT, ALSO BEING THE NORTHWEST BLOCK CORNER OF SAID BLOCK 17;

THENCE NORTH 89°32'56" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID KANSAS AVENUE, 140.00 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 0°27'04" EAST 100.00 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 89°32'56" WEST 140.00 FEET TO A REINF BAR SET IN SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 0°27'04" WEST, ALONG SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE, 100.00 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS HOMESTEAD ADDITION, SECTION 21, BLOCK 17, AN ADDITION OF 0.32 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2023.

JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 20____, BY JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF HOMESTEAD ADDITION, SECTION 21 WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SINEGA

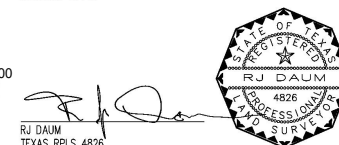
ATTEST: _____
SECRETARY CRISTINA O. BURNS

OWNER(S):

JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION
1206 E PENNSYLVANIA
MIDLAND, TX 79701
432-889-7005

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.

0 50 100
GRAPHIC SCALE
(1 INCH = 50' FEET)



RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
1	06/08/2023	PRELIMINARY	JG	JG	04/17/2023
CHECKED BY: ED/RJ				PROJECT NO.:	79,305
JOB NO.:				SHEET:	1 OF 1



Page 15.189

HOMESTEAD ADDITION, SECTION 21

BLOCK 7
HOMESTEAD ADDITION

BLOCK 6
HOMESTEAD ADDITION

KANSAS AVENUE
(80 FOOT RIGHT-OF-WAY)

708 N. FORT WORTH AVENUE
(80 FOOT RIGHT-OF-WAY)

BLOCK 16
HOMESTEAD ADDITION

DALLAS ST. AVENUE
(80 FOOT RIGHT-OF-WAY)

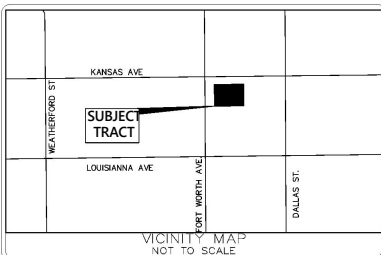
LOUISIANA AVENUE
(80 FOOT RIGHT-OF-WAY)

LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- ADJOINING PROPERTIES
- SECTION LINE
- UTILITY EASEMENT
- FENCE LINE
- OVERHEAD ELECTRIC
- UTILITY POLE
- FIRE HYDRANT
- WATER VALVE
- WATER LINE
- SEWER LINE

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. PROPERTY ACCORDING TO FEMA FLOOD PLAIN MAPS IS IN PANEL 48329C0089F, SEPTEMBER 16, 2005. THIS PROPERTY IS IN ZONE "X" UNSHAGED.
- ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE ADD-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
OPTIMUM COMMUNICATIONS

SIGNED: _____
ASTOUND COMMUNICATIONS

PACKET



Final Plat Application

Project Number:

Case Number:

SUB-23-06/6
7-23-1811

Proposed Subdivision Plat Name: Homestead Addn, Section 21

Legal Description (attached sealed Metes and Bounds): Being a replat of the NW 0.32 acres of Bk 17, Homestead Addn, An Addn to the City of Midland, Midland County Texas.

Property Owner

Printed Name:

Address

City

Phone (432) 889-7005
Email

State

Zip

Developer (if different than Owner)

Printed Name:

Address

City

Phone ()
Email

State

Zip

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

Firm:

Printed Name:

Address

City

Phone (432) 684-5548
Email

State

Zip

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

Total Acreage:

Type:

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

Number of Lots:

Number of Multi-Family Dwelling Units:

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

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

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): Jorge Chavez Date: 10-9-23

Property Owner (printed): Jorge Chavez

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

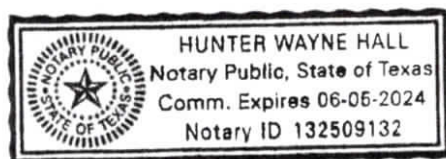
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says. That (s)he is the owner of _____ or is authorized by Jorge Chavez 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 9th day of October, 20 23, to certify which witness my hand and seal of office.

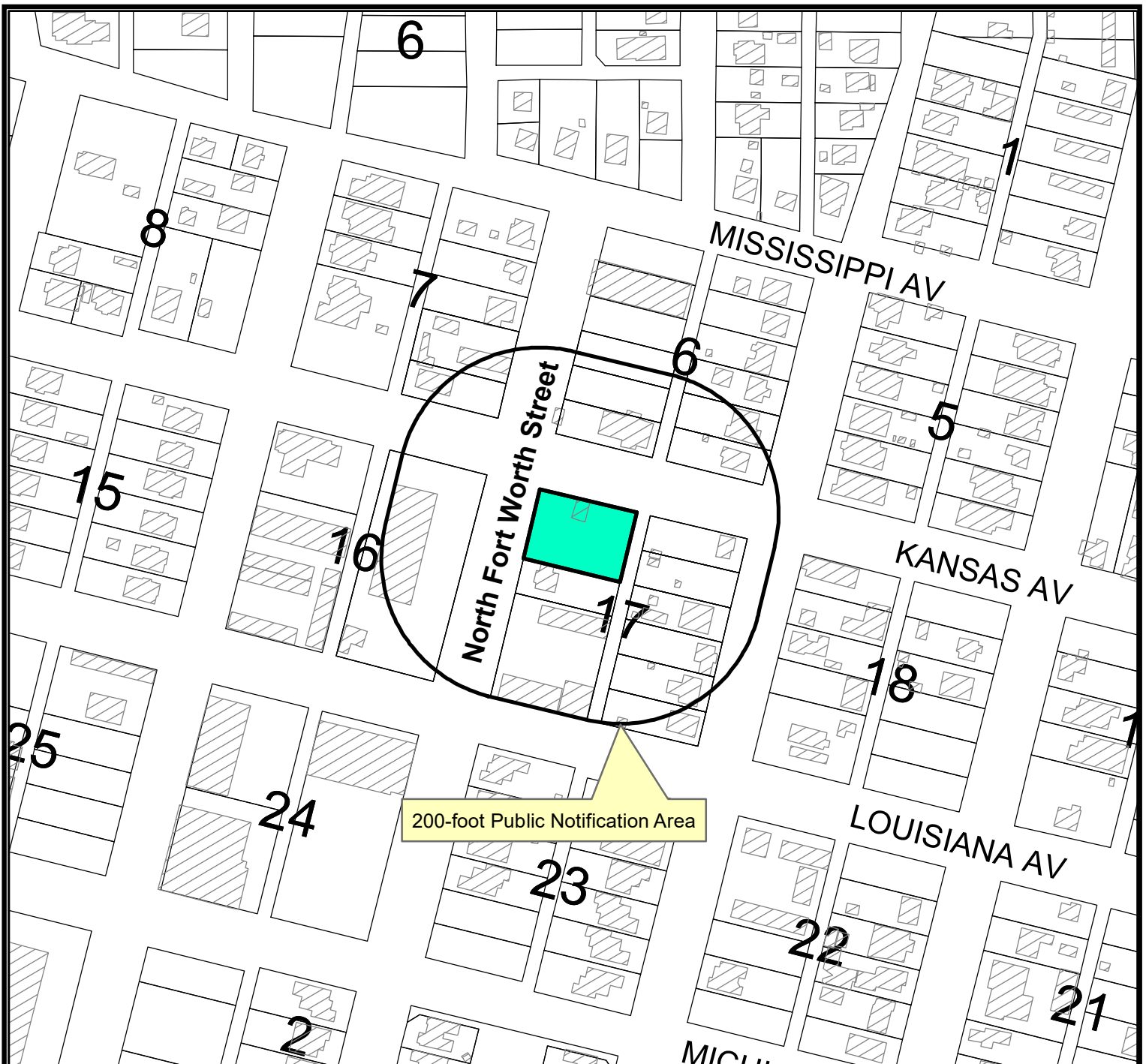


H. H.
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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)	☒ Public Improvements
Check # <u>Paid online</u>	☒ Title Opinion	☒ Recording fee <u>2290</u>
Received By: <u>London Ochoa</u>	Date: <u>OCT 09 2023</u>	

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



LOCATION MAP

P-23-1811

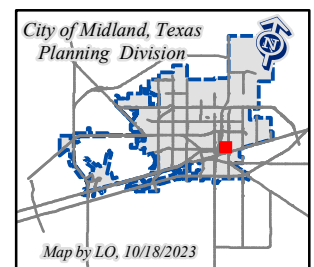
Scale: 1" = 2,434'

Proposed Plat of Homestead Addition, Section 21, being a Replat of the northwest 0.32-acres of Block 17, Homestead Addition, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Fort Worth Street and East Kansas Avenue (Council District 2)

LEGEND

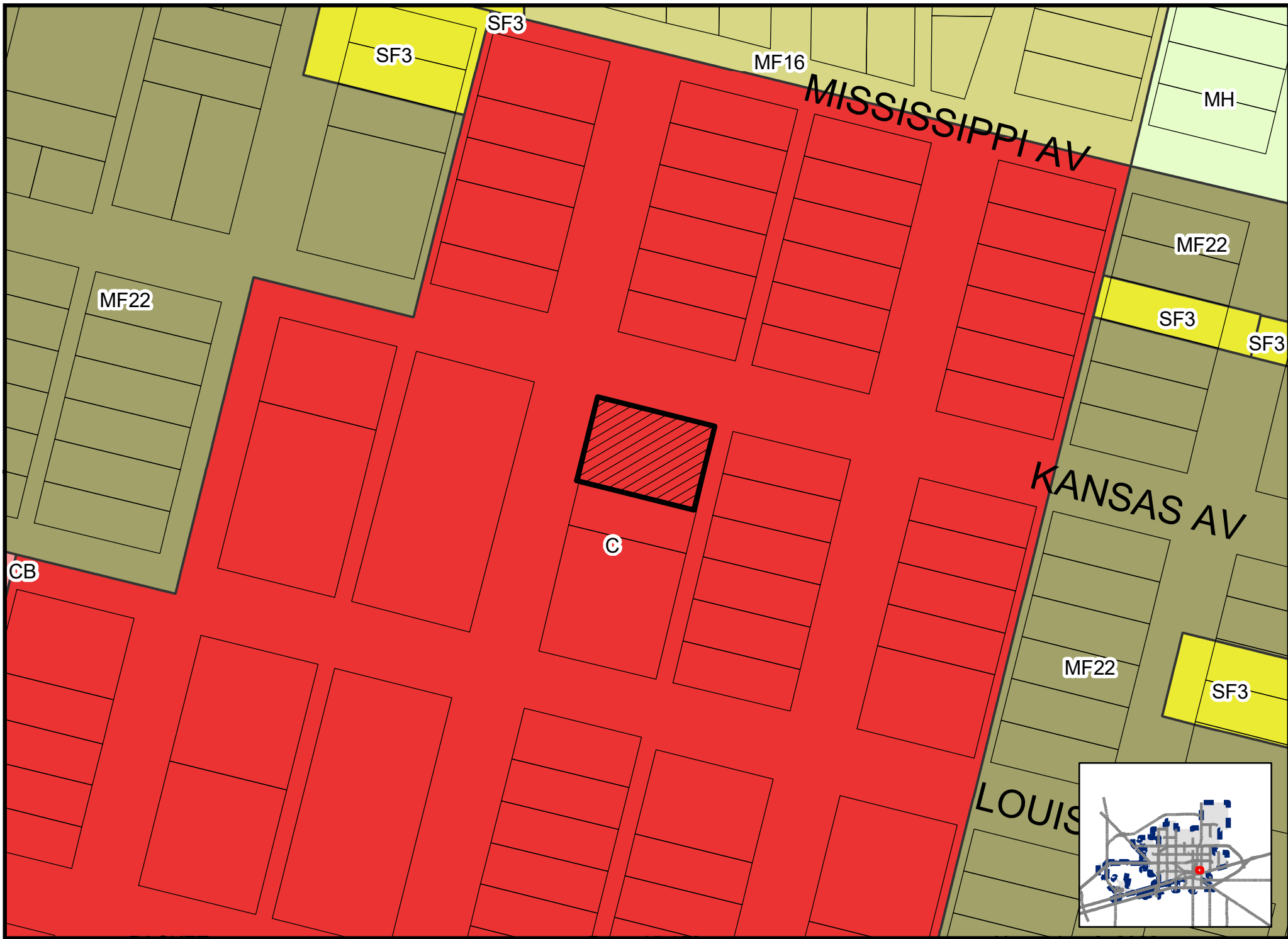
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



ORDINANCE NO. 10435

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Ordinance, pursuant to Section 11-1-7, for

the purposes herein stated, subject to special conditions;

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

SECTION ONE. That a special exception is hereby granted for the property described as a 0.32-acre tract of land, being the north 100 feet of the northwest quarter of Block 17, Homestead Addition, City and County of Midland, Texas (the "Property"), said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein. Said special exception shall allow a reduced minimum lot width in the event that the Zoning District Map of the City of Midland, Texas, is amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

SECTION TWO. That said special exception is subject to the following special conditions:

- A. That the minimum lot width shall be 50 feet.
- B. That said special exception shall be of no force or effect unless and until:
 - 1. the Property is rezoned as described in Section One of this ordinance; and
 - 2. a replat of the Property that satisfies Subsection A above has been approved by the City of Midland and recorded in the official real property records of Midland County, Texas.

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

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of

Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

SECTION SIX. The City Secretary is hereby authorized and directed to file this ordinance with the Office of the County Clerk for purposes of recordation.

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of September, A.D., 2023; and passed to second reading on motion of Council member Norman, seconded by Council member Corrales, by the following vote:

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

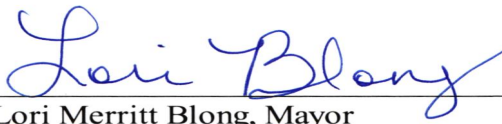
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Ladd, seconded by Council member Poole, on the 26th day of September, A.D., 2023, at a regular meeting of the City Council:

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

Council members voting "NAY": None

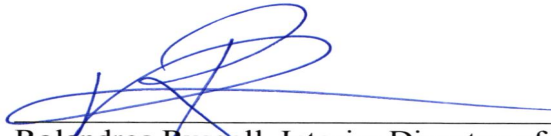
PASSED AND APPROVED THIS 26th day of September, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:

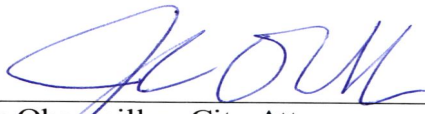

John Ohnemiller, City Attorney



EXHIBIT "A"



SCHUMANN
SURVEYING, INC.
A LATERAL LAND COMPANY

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, , AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR FOUND (N:10697127.95, E:1757977.13) IN THE EAST RIGHT OF WAY OF FORT WORTH AVENUE, AND IN THE SOUTH RIGHT OF WAY LINE OF KANSAS AVENUE FOR THE NORTHWEST CORNER OF THIS TRACT, ALSO BEING THE NORTHWEST BLOCK CORNER OF SAID BLOCK 17;

THENCE NORTH 89°32'56" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID KANSAS AVENUE, 140.00 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 0°27'04" EAST 100.00 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

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



City Council Meeting

Item Number: 17
Meeting Date: September 12, 2023, September 26, 2023
To: City Council / City Manager
From: Landon Ochoa, Senior Planner
Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Schumann Surveying, Inc., is requesting a Special Exception from the City of Midland Zoning Ordinance for reduced lot width for a corner lot from the required 55 feet to a lot width of 50 feet.

Recommended City Council Action:

Approve

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant has applied for a Zone Change from C, Commercial District, to SF-3, Single-Family Dwelling District. On August 7, 2023, the Planning and Zoning Commission's recommended motion for approval failed by a 2-2 vote.

The Preliminary Plat was approved with conditions on August 21, 2023, Planning and Zoning Commission meeting. The property is located at 708 North Fort Worth Avenue and is a vacant lot. The applicant is requesting a special exception to the minimum lot width requirement for a corner lot zoned SF-3, Single-Family Dwelling District.

Per our City of Midland Zoning Ordinance, *Section 5.04 – Residential Zoning District Dimensional Regulations Chart*, concerning the minimum lot width for a corner lot in SF-3.

*SF-3, Single Family Dwelling District
Lot Dimensions
Minimum Lot Width
Corner Lot – 55 feet*

This request has been circulated to all pertinent City departments for review. Below are the departments comments.

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, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

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

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

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

Planning (Approved):

The property is vacant and surrounded by residential uses to the south and east, including the corner lot immediately to the east which also has a 50-foot lot width. Based on current residential uses in this area a minimum lot width of 50 feet for the corner lot is in line with the existing developments.

The Tall City Tomorrow Comprehensive Plan, Chapter 4 - Housing & Neighborhoods, Goals 3 and 4 encourages infill developments to provide affordable and diverse housing options for all income levels. The reduction in the lot width for the corner will aid in carrying out these policies within the City of Midland.

Staff recommends approval of this Special Exception subject to conditions A through C.

Condition:

- A. That the minimum allowable lot width for a corner lot shall be fifty feet (50').**
- B. That the associated request for a Zone Change from C, Commercial District to SF-3, Single-Family Dwelling District be approved by City Council.**
- C. That a Final Plat for a Replat of the property be approved by the Planning & Zoning Commission.**

Letters of Objection:

Staff has not received any letters of objection as of August 31, 2023.

Attachments:

Metes & Bounds (Exhibit A)
Preliminary Plat
Application
Maps

City Manager's Office

EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, , AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

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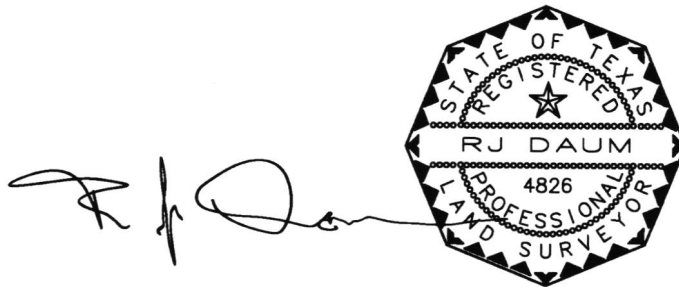
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**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: _____		Phone () Email _____	
Address _____	City _____	State _____	Zip _____

Property Owner Printed Name: JORGE CHAVEZ		Phone () Email _____	
Address _____	City _____	State _____	Zip _____

Representative (if different from Applicant or Property Owner) Firm: SCHUMANN SURVEYING, INC. Printed Name: ED ALEMAN		Phone (432) 684-5548 Email EALEMAN@SCHUMANNONLINE.NET	
Address 800 N. MARIENFELD	City MIDLAND	State TX	Zip 79701

Street Address: 708 N. FORT WORTH AVENUE

Legal Description
Lot: _____ Block: 17 Subdivision: HOMESTEAD ADDITION, SECTION 21

Current Zoning: "C" COMMERCIAL	Proposed Zone: SINGLE FAMILY RESIDENTIAL, LOT 1 & LOT 2 (List by tracts if more than one district is requested)
--	---

Reason for Zone Change Request: To build house

Present Use of Property: VACANT

Proposed Use of Property: Residential

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

Describe how conditions affecting the property have changed since present zoning designation: _____

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

PACKET

17.11

September 26, 2023

PACKET

Page 15.205

November 6, 2023

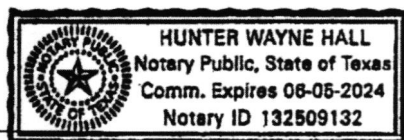
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): <u>Jorge Chavez</u>	Date: <u>6-15-23</u>
Property Owner (printed): <u>Jorge Chavez</u>	
The Zone Change/Planned District Amendment/Site Plan 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 Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Jorge Chavez, 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.

Edوارد Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 15th day of June, 20 23, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>2039</u>	
Received By: <u>London Robles</u>	Date: <u>JUL 24 2023</u>

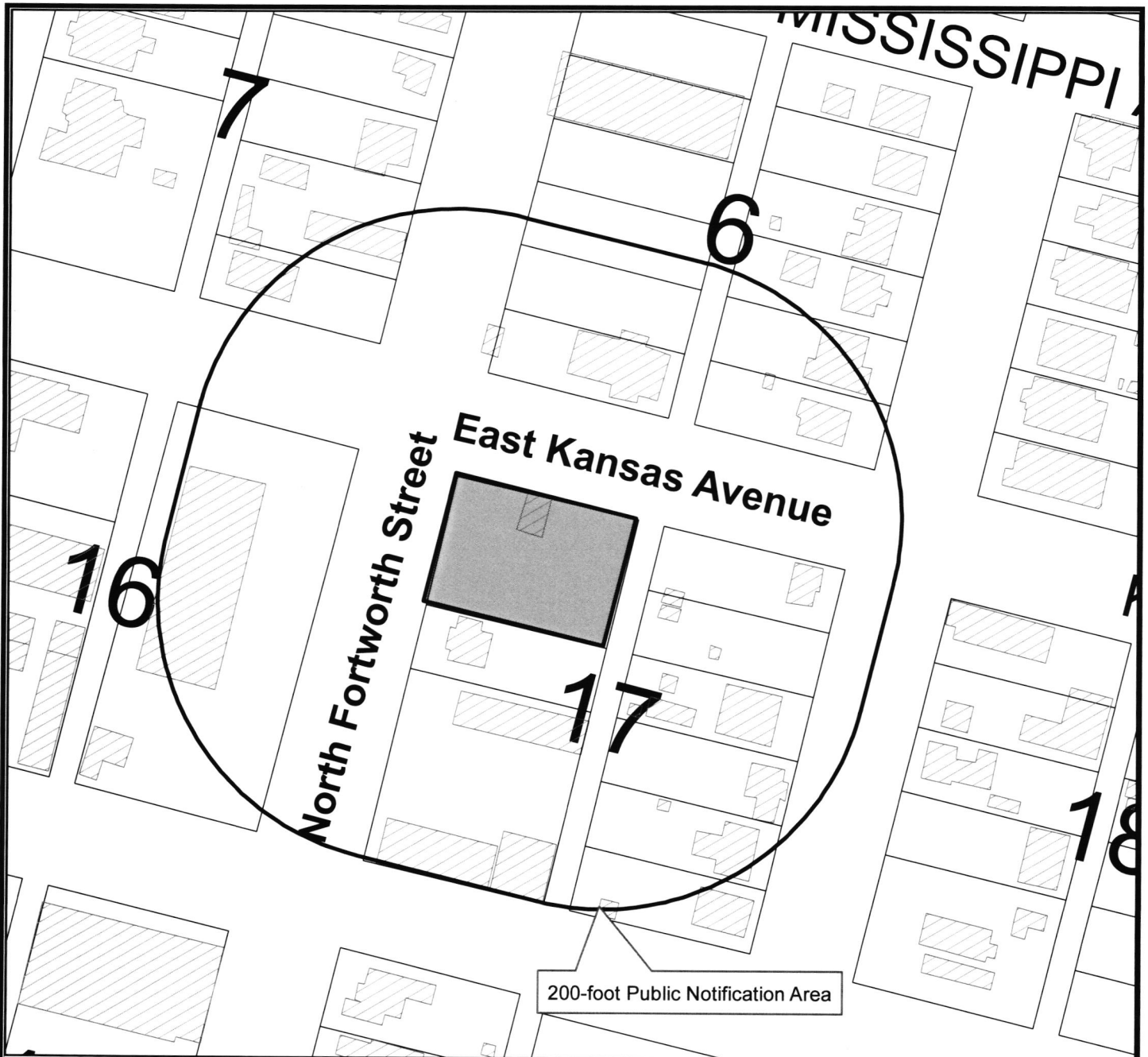
BY:

PACKET

17.12

September 26, 2023

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



LOCATION MAP

E-23-0101

Scale: 1" = 1,1303'

A request by Jorge Chavez for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning the minimum lot width for a corner lot on 0.321-acres out of the northwest quarter of Block 17, Homestead Addition, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Fort Worth Street and East Kansas Avenue. (Council District 2)

LEGEND

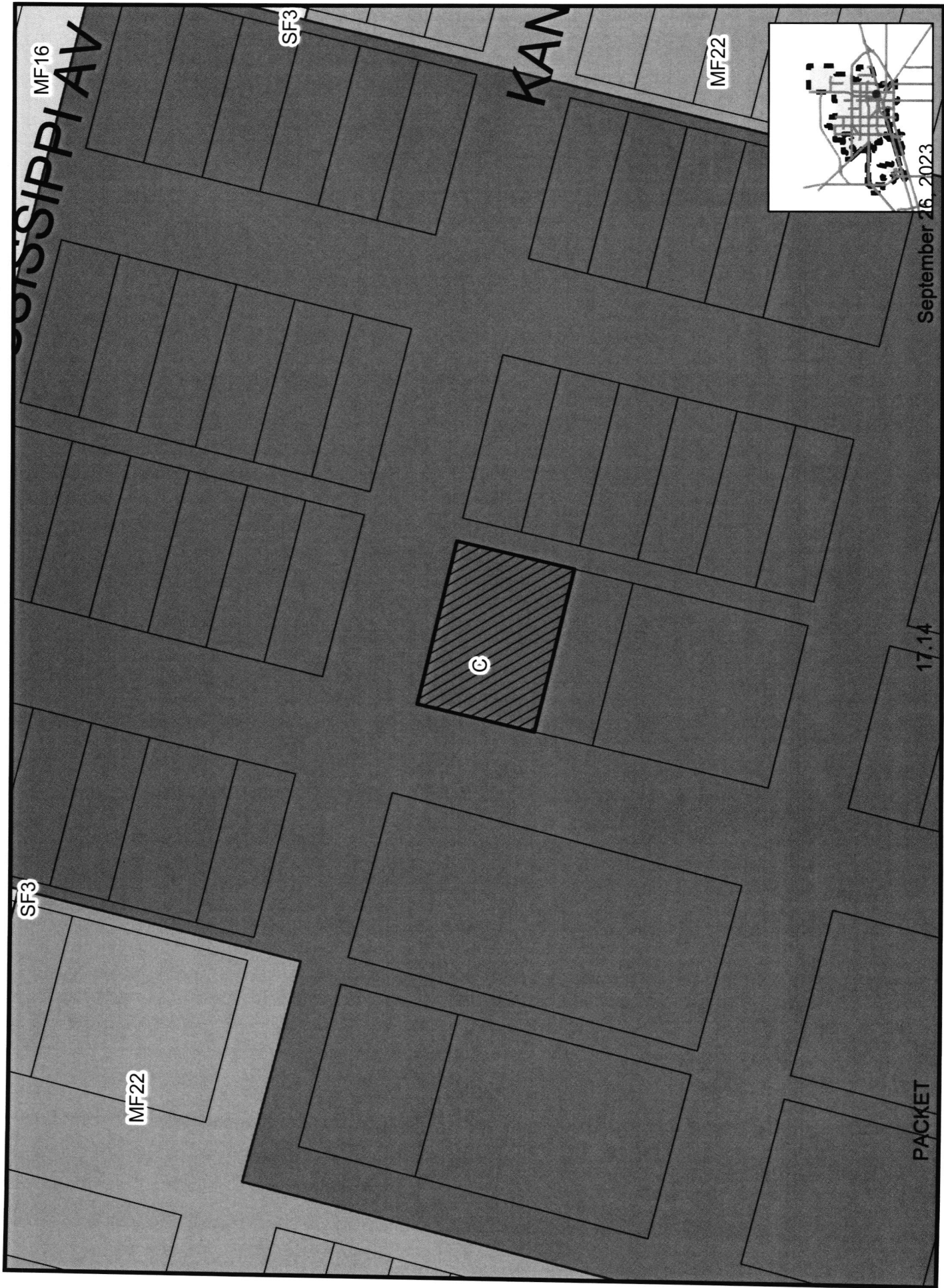
- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

THIS DATA IS NOT A SUBSTITUTE FOR A PROFESSIONAL SURVEY OR IS IT DESIGNED TO BE USED AS ONE. ANY 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.

September 26, 2023



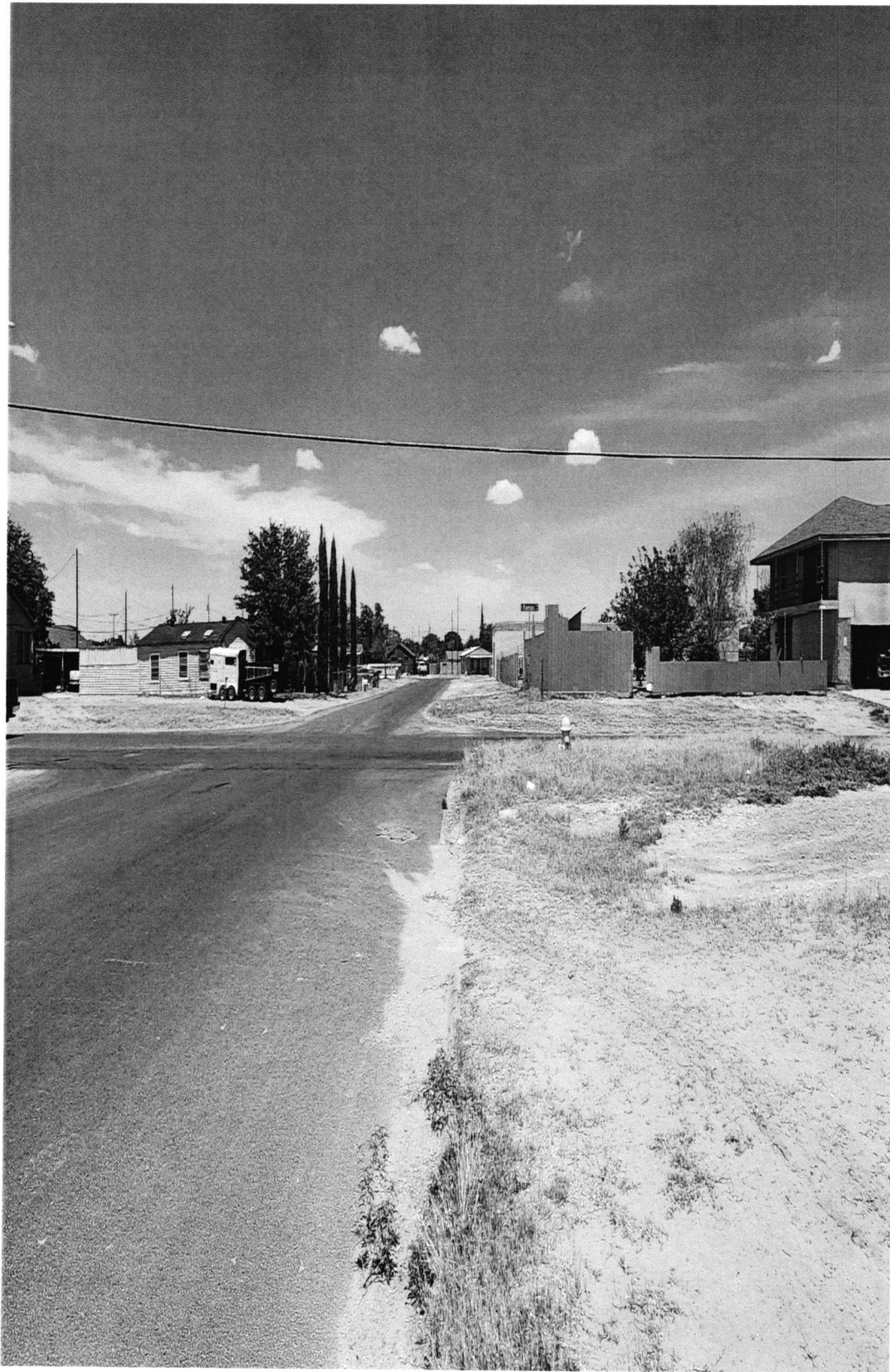
ZONING MAP

Scale: 1" = 1,200'

E-23-0101

Map By: L.O. 7/25/2023

© THE CITY OF MIDLAND - 2021. THIS DATA IS IN A PUBLIC DOMAIN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE CITY OF MIDLAND. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DATA.



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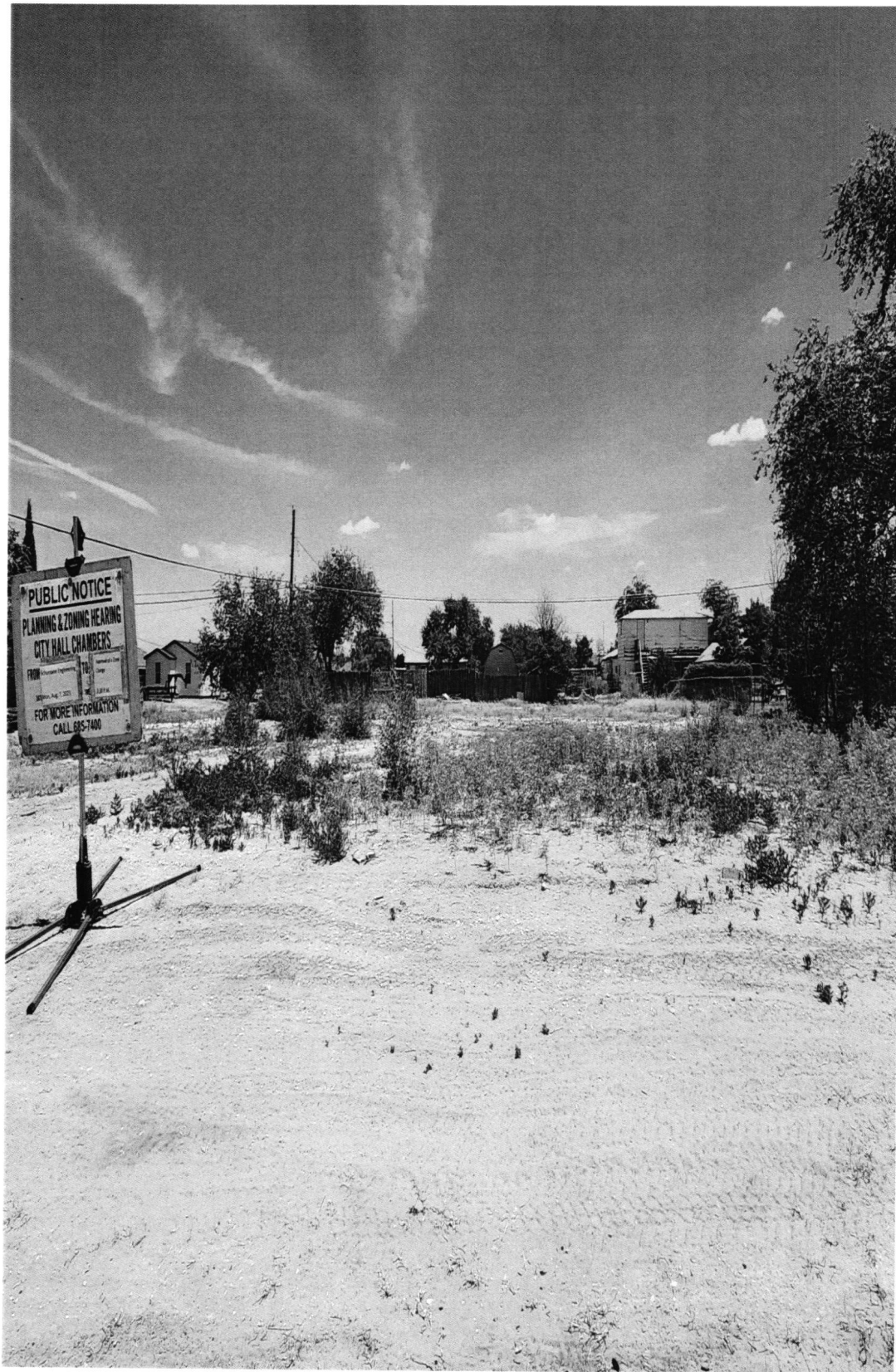
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September 26, 2023

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Page 15.209

November 6, 2023



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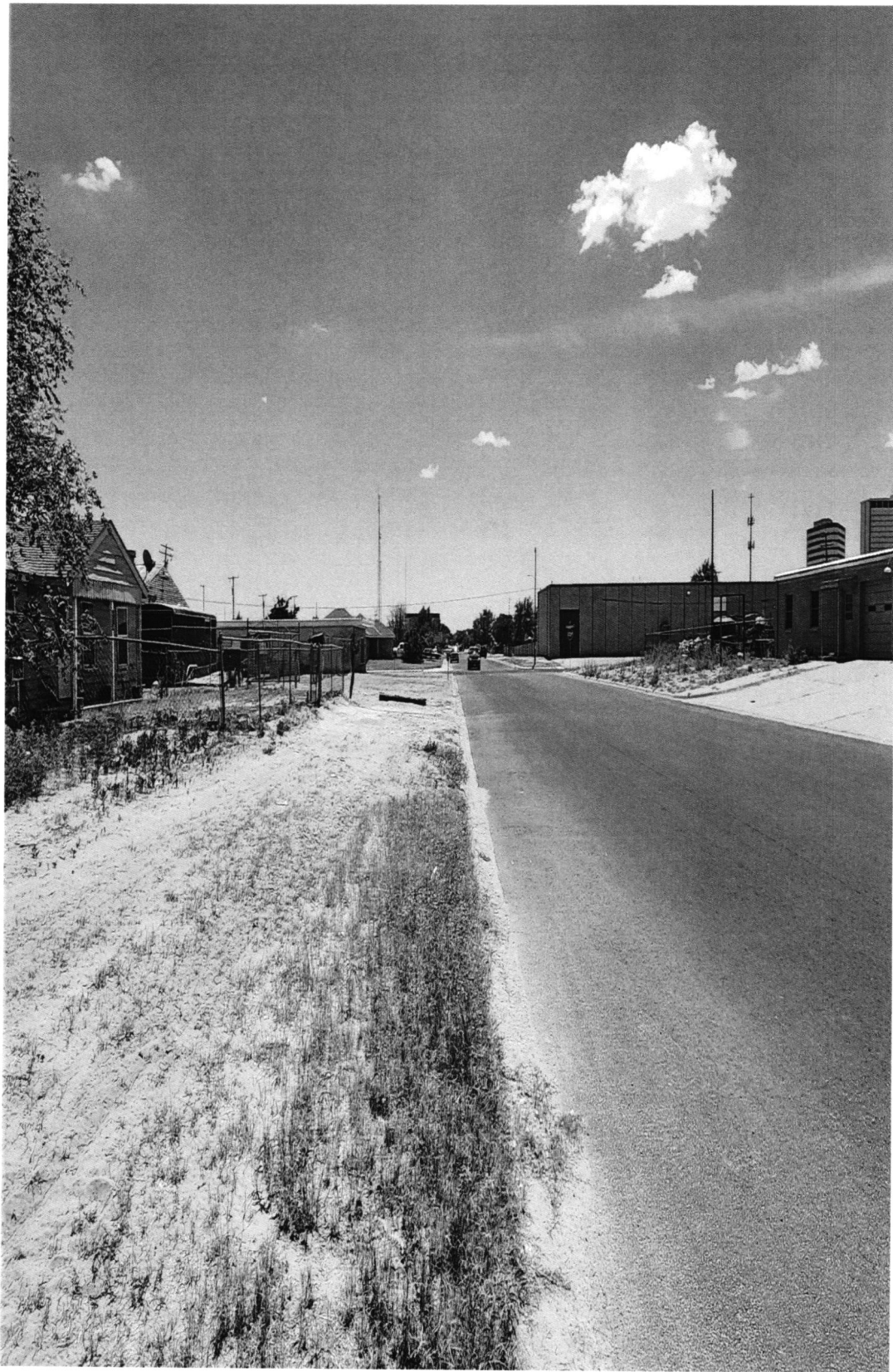
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September 26, 2023

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Page 15.210

November 6, 2023



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17.17

September 26, 2023

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Page 15.211

November 6, 2023



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17.18

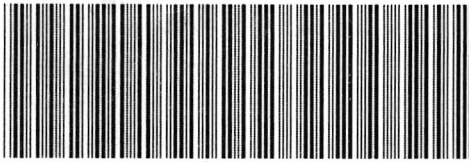
September 26, 2023

PACKET

Page 15.212

November 6, 2023

10435



VG-66-2023-23379

Midland County
Alison Haley
Midland County Clerk

Instrument Number: 23379

Real Property Recordings

Recorded On: September 28, 2023 09:21 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

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

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

File Information:

Document Number: 23379
Receipt Number: 20230928000043
Recorded Date/Time: September 28, 2023 09:21 AM
User: Cristina G
Station: cc12028

Record and Return To:

CITY OF MIDLAND
ATTN: JAN HAMILTON
P.O. BOX 1152
MIDLAND TX 79701



STATE OF TEXAS

Midland County

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

Alison Haley
Midland County Clerk
Midland County, TX

PACKET

Page 15.214

Alison Haley
November 6, 2023

CERTIFICATION

THE STATE OF TEXAS

COUNTY OF MIDLAND

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

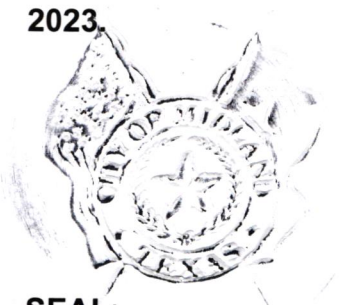
ORDINANCE NO. 10435

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

which was duly passed and approved at a regular meeting of the City Council of said City on the **26th** day of **September 2023** showing those present, the motions made, and votes taken in connection with said Ordinance.

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

WITNESS my hand and seal of said City this the **28th** day of **September 2023**.



SEAL:


Marcia Bentley-German,
City Governance Officer/ City Secretary

ORDINANCE NO. 10435

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Ordinance, pursuant to Section 11-1-7, for

the purposes herein stated, subject to special conditions;

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

SECTION ONE. That a special exception is hereby granted for the property described as a 0.32-acre tract of land, being the north 100 feet of the northwest quarter of Block 17, Homestead Addition, City and County of Midland, Texas (the "Property"), said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein. Said special exception shall allow a reduced minimum lot width in the event that the Zoning District Map of the City of Midland, Texas, is amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

SECTION TWO. That said special exception is subject to the following special conditions:

- A. That the minimum lot width shall be 50 feet.
- B. That said special exception shall be of no force or effect unless and until:
 - 1. the Property is rezoned as described in Section One of this ordinance; and
 - 2. a replat of the Property that satisfies Subsection A above has been approved by the City of Midland and recorded in the official real property records of Midland County, Texas.

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

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of

Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

SECTION SIX. The City Secretary is hereby authorized and directed to file this ordinance with the Office of the County Clerk for purposes of recordation.

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of September, A.D., 2023; and passed to second reading on motion of Council member Norman, seconded by Council member Corrales, by the following vote:

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

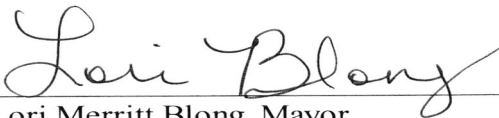
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Ladd, seconded by Council member Poole, on the 26th day of September, A.D., 2023, at a regular meeting of the City Council:

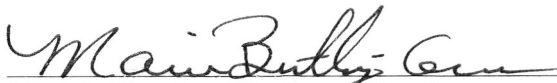
Council members voting "AYE": Stretcher Burkes, Corrales, Poole, Blong, Dufford, Ladd, Norman

Council members voting "NAY": None

PASSED AND APPROVED THIS 26th day of September, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney

EXHIBIT "A"



SCHUMANN
SURVEYING, INC.

A LATERAL LAND COMPANY

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, , AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR FOUND (N:10697127.95, E:1757977.13) IN THE EAST RIGHT OF WAY OF FORT WORTH AVENUE, AND IN THE SOUTH RIGHT OF WAY LINE OF KANSAS AVENUE FOR THE NORTHWEST CORNER OF THIS TRACT, ALSO BEING THE NORTHWEST BLOCK CORNER OF SAID BLOCK 17;

THENCE NORTH 89°32'56" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID KANSAS AVENUE, 140.00 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 0°27'04" EAST 100.00 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 89°32'56" WEST 140.00 FEET TO A REINF BAR SET IN SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 0°27'04" WEST, ALONG SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE, 100.00 FEET TO THE PLACE OF BEGINNING.

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

ORDINANCE NO. 10436

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 0.32-acre tract of land, being the north 100 feet of the northwest quarter of Block 17, Homestead Addition, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of September, A.D., 2023; and passed to second reading on motion of Council member Norman, seconded by Council member Ladd, by the following vote:

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

Council members voting "NAY": None

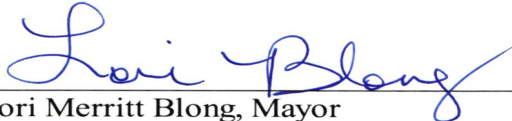
The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Norman, seconded by Council

member Corrales, on the 26th day of September, A.D., 2023, at a regular meeting of the City Council:

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

Council members voting "NAY": None

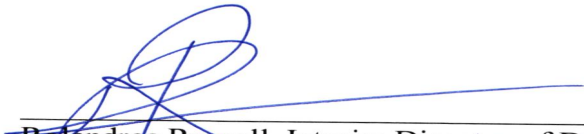
PASSED AND APPROVED THIS 26th day of September, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:

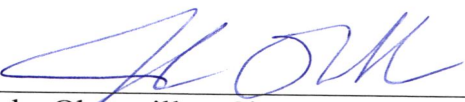

John O'Hea, City Attorney



EXHIBIT "A"



SCHUMANN
SURVEYING, INC.
A LATERAL LAND COMPANY

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, , AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

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THENCE NORTH 89°32'56" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID KANSAS AVENUE, 140.00 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 0°27'04" EAST 100.00 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 89°32'56" WEST 140.00 FEET TO A REINF BAR SET IN SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 0°27'04" WEST, ALONG SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE, 100.00 FEET TO THE PLACE OF BEGINNING.

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



City Council Meeting

Item Number: 18
Meeting Date: September 12, 2023, September 26, 2023
To: City Council / City Manager
From: Landon Ochoa, Senior Planner
Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant is requesting a zone change from C, Commercial to SF-3, Single-Family Dwelling District to allow the property to be used for the construction of houses.

Recommended City Council Action:

Approve

Fiscal Impact:

This request has no significant impact on the City's budget.

Current Zoning:

C, Commercial District.

Surrounding Zoning and Land Use:

The properties to the north, east, and south are zoned C, Commercial, and the location of residential uses. The property to the west is zoned C, Commercial, and the location of residential uses. The property to the west is zoned C, Commercial, and the location of a non-residential building.

Analysis:

The applicant is requesting this zone change to construct single-family homes. The previous zoning ordinance allowed single-family homes to be constructed in commercial zoning districts. As of July 1, 2019, the updated zoning ordinance does not allow the use of single-family homes within C, Commercial District. Based on the current residential uses in this neighborhood the zone change to SF-3, Single-Family Dwelling District-3 is compatible with the existing land uses.

The applicant has submitted a preliminary plat for the property to be replatted into two lots and for an exception to allow the corner lot with a minimum 50-foot lot width instead of the required 55 feet. The SF-3, Single-Family-3 Dwelling District zoning and special exception will allow the two single-family homes to be built on the lots. On August 7, 2023, the Planning and Zoning Commission recommended the motion for approval fail by a 2-2 vote.

The Preliminary Plat was approved with conditions at the August 21, 2023, Planning and Zoning Commission meeting.

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

Fire: (Approved)

No objection.

Building: (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 Applicant's Information Only.]

Code: (Approved)

No Oil and Gas Issues.

Transportation: (Approved)

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

Planning:

The Tall City Tomorrow Comprehensive Plan, Chapter 4 - Housing & Neighborhoods, Goals 3 and 4 encourages infill developments to provide affordable and diverse housing options for all income levels. This request is consistent with the referenced goals.

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

Condition:

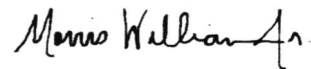
- A. That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.**

Letters of Objection:

As of August 31, 2023, staff has received no letters of objection for this request.

Attachments:

Metes and Bounds (Exhibit A)
Application
Maps



City Manager's Office

EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 0.32 ACRE TRACT OF LAND, OUT OF THE NORTHWEST HALF OF BLOCK 17, HOMESTEAD ADDITION, , AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 242, DEED RECORDS OF MIDLAND COUNTY, TEXAS. SAID 0.32 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

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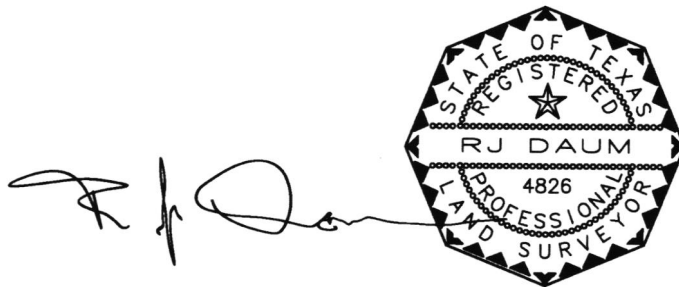
THENCE NORTH 89°32'56" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID KANSAS AVENUE, 140.00 FEET TO A REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

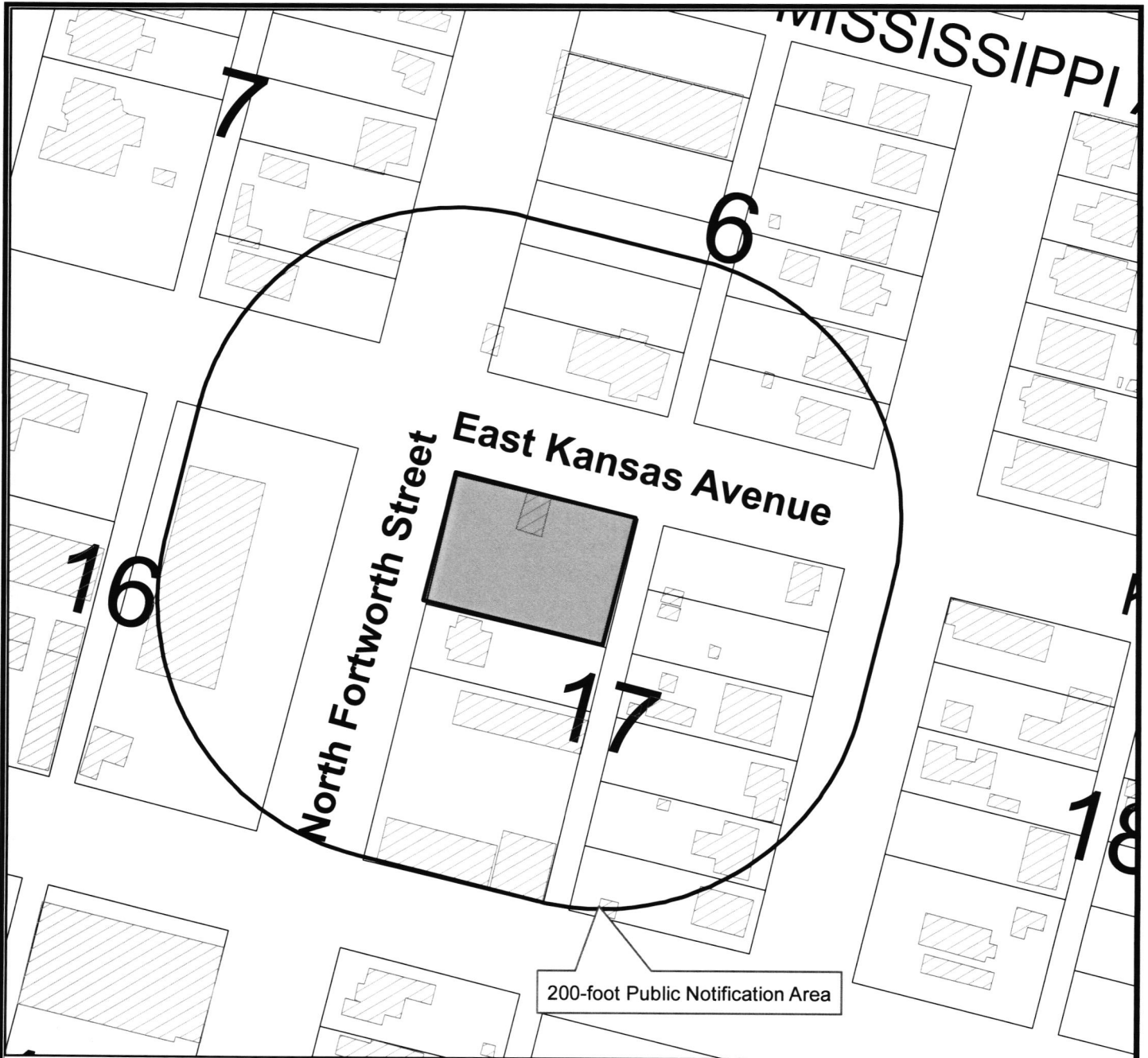
THENCE SOUTH 0°27'04" EAST 100.00 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 89°32'56" WEST 140.00 FEET TO A REINF BAR SET IN SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 0°27'04" WEST, ALONG SAID EAST RIGHT OF WAY LINE OF SAID FORT WORTH AVENUE, 100.00 FEET TO THE PLACE OF BEGINNING.

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





LOCATION MAP

Z-23-0337

Scale: 1" = 1,1303'

A request by Schumann Engineering for a zone change from, C, Commercial District to SF-3, Single-Family Dwelling District out of a 0.321-acre tract of land, being the north 100 feet of the northwest quarter, Block 17, Homestead Addition, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Fort Worth Street and East Kansas Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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September 26, 2023

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

Project Number: _____

Case Number: 2-23-0337

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: _____		Phone () Email _____	
Address _____	City _____	State _____	Zip _____

Property Owner Printed Name: <u>JORGE CHAVEZ</u>		Phone () Email _____	
Address _____	City _____	State _____	Zip _____

Representative (if different from Applicant or Property Owner) Firm: <u>SCHUMANN SURVEYING, INC.</u> Printed Name: <u>ED ALEMAN</u>		Phone (432) 684-5548 Email <u>EALEMAN@SCHUMANNONLINE.NET</u>	
Address <u>800 N. MARIENFELD</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79701</u>

Street Address: <u>708 N. FORT WORTH AVENUE</u>	
Legal Description Lot: _____ Block: <u>17</u> Subdivision: <u>HOMESTEAD ADDITION, SECTION 21</u>	

Current Zoning: "C" COMMERCIAL	Proposed Zone: <u>SINGLE FAMILY RESIDENTIAL, LOT 1 & LOT 2</u> (List by tracts if more than one district is requested)
--	--

Reason for Zone Change Request: To build house

Present Use of Property: VACANT

Proposed Use of Property: Residential

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

Describe how conditions affecting the property have changed since present zoning designation: _____

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

PACKET

18.10

September 26, 2023

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): <u>Jorge Char</u>	Date: <u>6-15-23</u>
Property Owner (printed): <u>Jorge Chavez</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

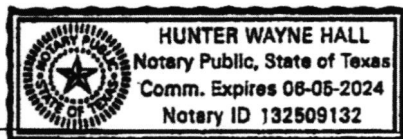
STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Jorge Chavez, 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.

Edواردo Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 15th day of June, 20 23 to certify which witness my hand and seal of office.

HL



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>2039</u>	
Received By: <u>London Edoo</u>	Date: <u>JUL 10 2023</u>

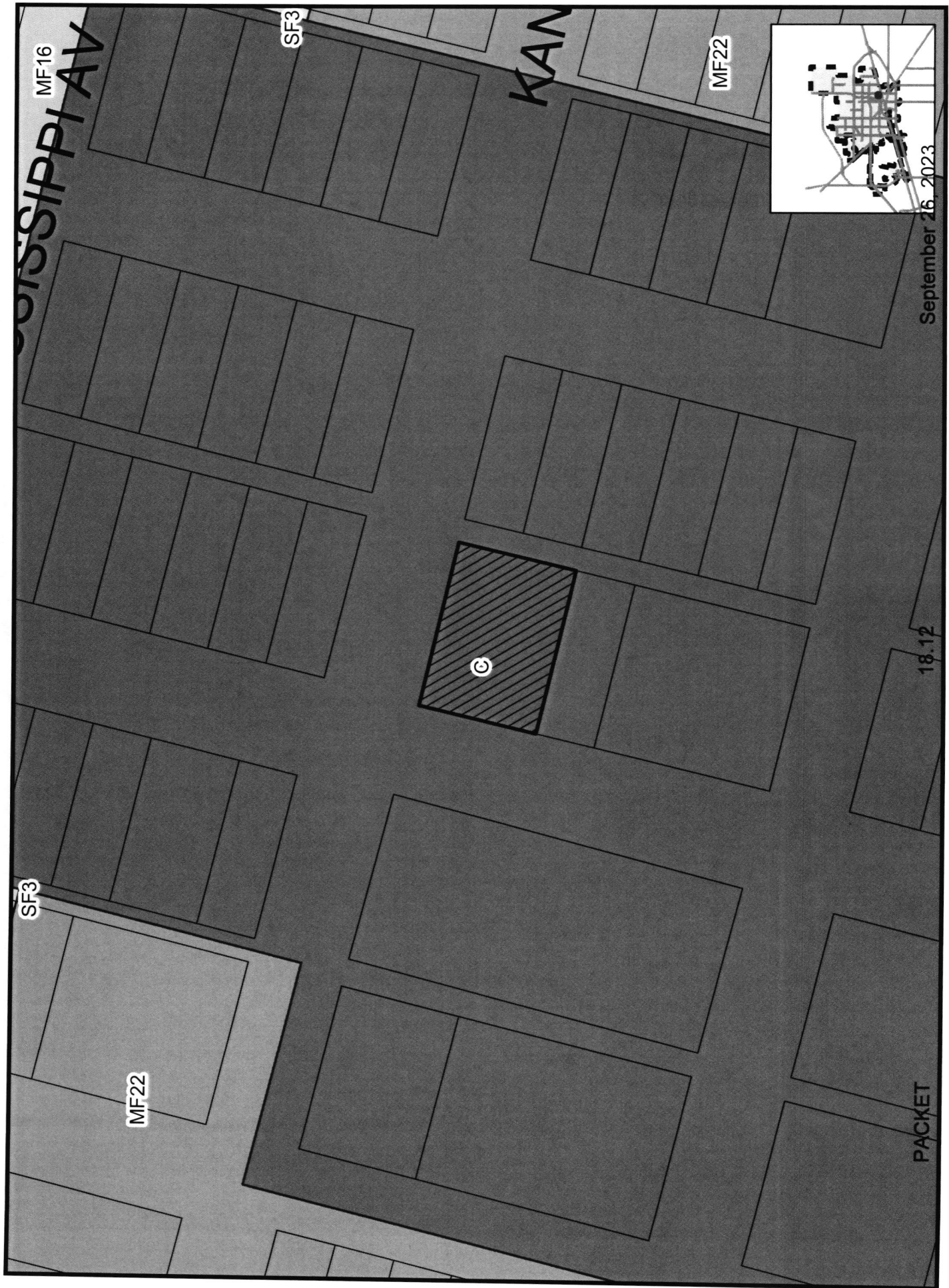
BY:

PACKET

18.11

September 26, 2023

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



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ZONING MAP

Scale: 1" = 1,200'

Z-23-0337

Map By: LO, 7/25/2023



PACKET

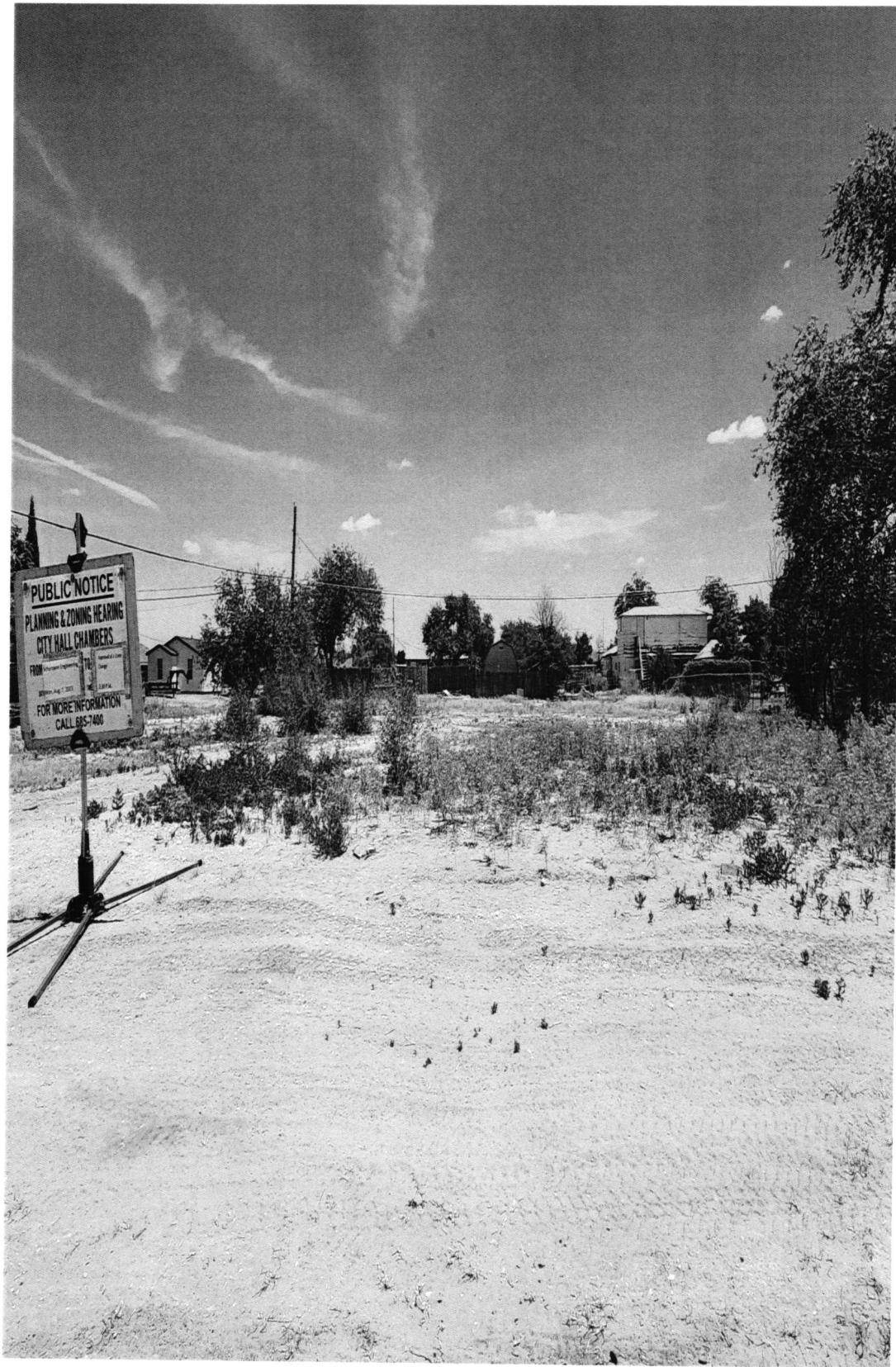
18.13

September 26, 2023

PACKET

Page 15.235

November 6, 2023



PACKET

18.14

September 26, 2023

PACKET

Page 15.236

November 6, 2023



PACKET

18.15

September 26, 2023

PACKET

Page 15.237

November 6, 2023



PACKET

18.16

September 26, 2023

PACKET

Page 15.238

November 6, 2023



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Scott Dufford for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption at a Recreation Facility, on Lot 1, Block 1, Bush Tennis Center Addition, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 431 feet west of Santa Rosa Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Scott Dufford, is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption for a Recreation Center.

Current Zoning:

LR, Local Retail District

Surrounding Zoning and Land Use:

The property to the north is zoned LR, Local Retail District and is vacant land. There is another 7.74-acre tract of land to the north which is located in the ETJ and is the location of an oil well. A property to the east is located in the ETJ and is the location of oil wells. There is another property to the east zoned MF-16, Multiple-Family Dwelling District, which is currently vacant. The properties to the south are zoned PD, Planned District for Housing Development are the locations of residences. The property to the west is zoned PD, Planned District for a Recreational Center. Another 7.7-acre tract of land to the west is located in the ETJ and is vacant.

Analysis:

The property is located at 5700 Briarwood Avenue and is the location of the Bush Tennis Center. The property is currently zoned LR, Local Retail District and currently does not have any active SUDs. The LR zoning allows for Alcoholic Beverages Sales for On-Premises Consumption with the approval of an SUD. The proposed alcohol serviceable area is the entirety of the property. The site is currently under construction with a building permit. Per the plans approved for the building permit, the site will have adequate parking, access, and internal circulation.

The proposed hours of operation:

Sunday-Saturday from 8 a.m. to 1 a.m., of the following day

The proposed hours of alcohol service:

Sunday-Saturday from 8 a.m. to 1 a.m., of the following day

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

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

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

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

Fire: (Approved)

No objections All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for the Bush Tennis Center is acceptable. The property must adhere to the maximum occupant load of 37 persons for the alcohol serviceable area indicated on the application. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

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

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

Conditions:

- A. That the alcohol serviceable area of the restaurant shall be limited to the entirety of Lot 1, Block 1, Bush Tennis Center Addition.**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:**

Sunday-Saturday from 8 a.m. to 1 a.m., of the following day

- D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- E. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

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

Letters of Objection:

As of November 2, 2023, staff has not received any letters of objection.

Attachments:

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



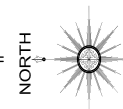
Total Concession Building
2,202 SF



PACKET

Page 16.244

1 SITE PLAN
SCALE: 1"=60'-0"



November 6, 2023

LEGEND

PROPOSED CONCRETE
WALKING SURFACES

BUILDING LEGEND		
BLDG. #	BUILDING NAME	BLDG. AREA
1	PRO SHOP/OFFICE/LOCKER ROOM BLDG.	8,332 S.F.
2	CONCESSIONS/RESTROOM BLDG.	1,620 S.F.

ISSUES
7-28-2019 CITY REVIEW

A NEW FACILITY FOR:
BUSH TENNIS CENTER
7700 BRAMWOOD AVENUE
MIDLAND, TEXAS 79707
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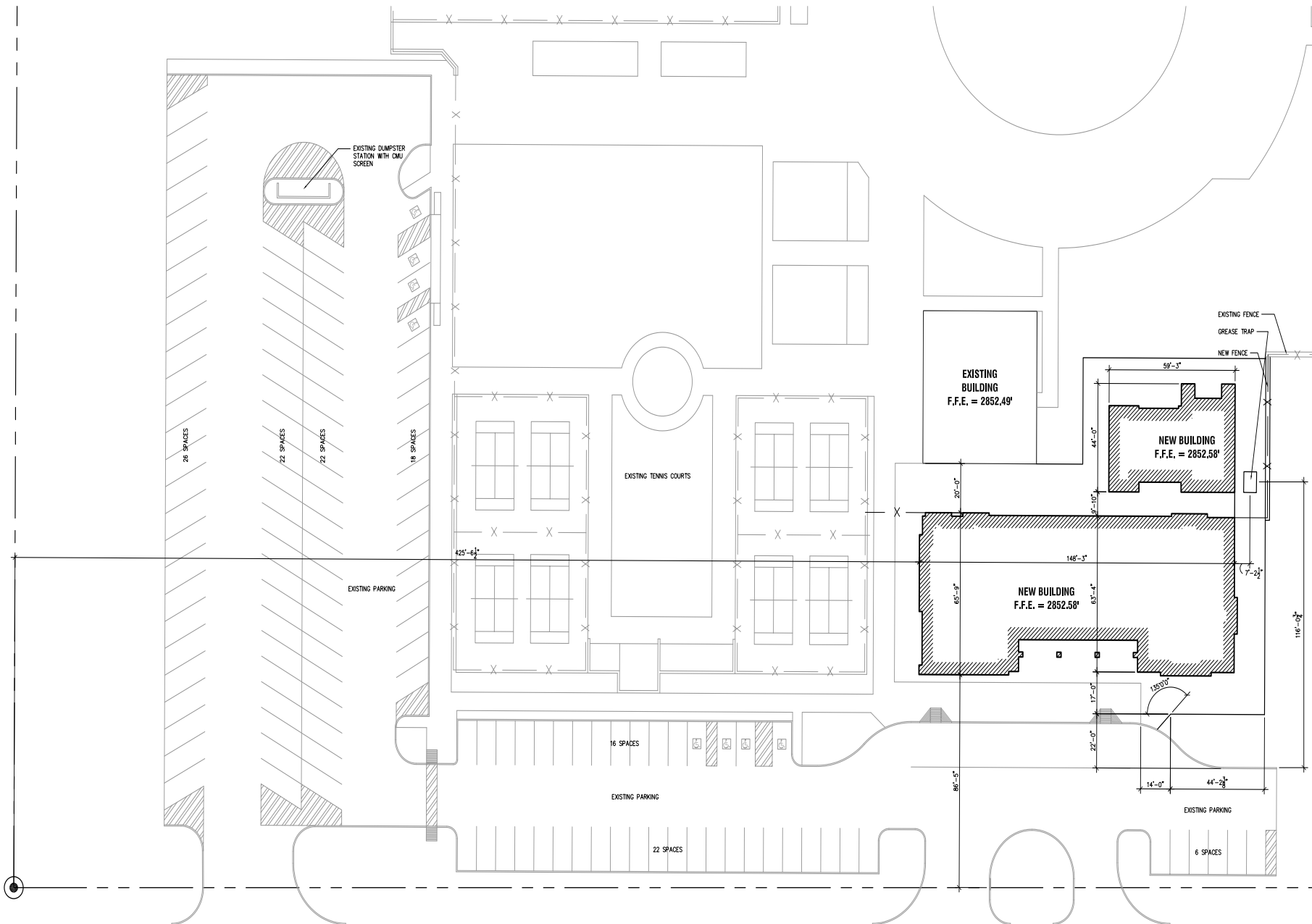
7-28-2019

TDLR #
TAB52019012156

CONSTRUCTION · DESIGN
www.hkssturgeon.com
PHONE 432 563-5393
P.O. BOX 60708 • MIDLAND • TEXAS • 79711-0708

hks
STURGEON

A1.0
SITE PLAN



NOTE
PROVIDE VISION SCREEN AROUND
MECHANICAL UNITS PER CITY OF
MIDLAND REQUIREMENTS

BRIARWOOD AVENUE

PACKET

1 ENLARGED SITE PLAN
SCALE: 1"=20'-0"

Page 16.245



November 6, 2023

ISSUES
7-28-2019 CITY REVIEW
4-24-2019 AC SCREEN HWT

A NEW FACILITY FOR:
BUSH TENNIS CENTER
7700 BUSH AVENUE
MIDLAND, TEXAS 79707
THIS DOCUMENT IS THE PROPERTY OF STURGEON & ASSOCIATES, P.C. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF STURGEON & ASSOCIATES, P.C.

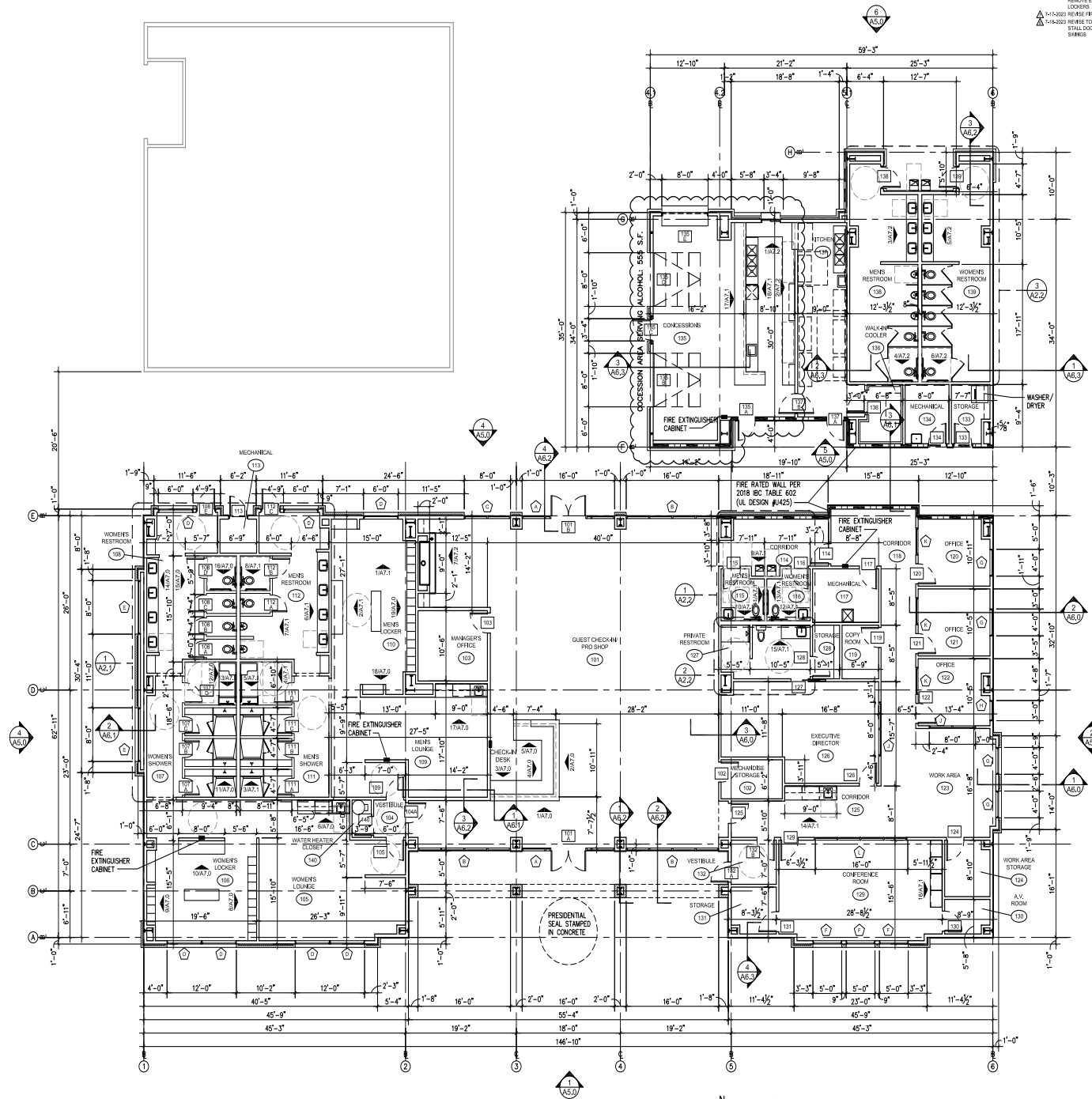
7-28-2019

TDLR #
TAB52019012156

CONSTRUCTION · DESIGN
www.sturgeon.com
PHONE 432 563-3393
P.O. BOX 60708 • MIDLAND • TEXAS • 79711-0708



A1.1
ENLARGED
SITE PLAN





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

Project Number:

Case Number: SUD-23-0165

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>A. SCOTT DUFFORD</u>		Phone (<u>432 559 8471</u>) Email: <u>ScottDufford@VastEnergyPartner.com</u>	
Address: <u>5025 MIKA VISTA CIRCLE</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79705</u>

Property Owner Printed Name: <u>BUSH TENNIS CENTER</u>		Phone (<u>432 559 8471</u>) Email: <u>SAME AS ABOVE</u>	
Address: <u>5700 BRIARWOOD AVE</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79707</u>

Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: <u>A. SCOTT DUFFORD</u>		Phone (<u>432 559 8471</u>) Email: _____	
Address: <u>SAME AS ABOVE</u>	City: _____	State: _____	Zip: _____

Street Address: <u>5700 BRIARWOOD AVE MIDLAND TX 79707</u>			
Business Name: <u>CURLY FRY HOLDINGS II, LLC dba MIDLANDS CENTRAL COURT GRILLE</u>			
Legal Description Lot: <u>BTC</u> Block: <u>1</u> Subdivision: <u>BUSH TENNIS CENTER</u>			
Current Zoning: <u>RETAIL/RESTAURANT/COMMERCIAL</u>			
Reason for Request: <u>SUD FOR TABC PERMIT SALE OF ALCOHOL FOR ON PREMISES CONSUMPTION</u>			

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>RESTAURANT/BAR</u>			
Proposed/Current Days and Hours of Operation: <u>SATURDAY - SUNDAY 8AM - 1PM</u> <u>SUNDAY - SATURDAY 7-DAYS/WEEK</u>			
Proposed Days and Hours of Alcohol Service: <u>SATURDAY - SUNDAY 8AM - 1PM</u> <u>SUNDAY - SATURDAY 7-DAYS/WEEK</u>			
Total Square Footage of Business: <u>2,204</u> <u>2,202</u> <u>(16)</u> <u>OUTDOORS</u>			
Square Footage of Alcohol Serviceable Area: <u>Inside</u> <u>555</u> <u>(16)</u> <u>OUTDOORS</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>214</u>	Bathroom Sinks: <u>4</u>
	Women	Toilets: <u>4</u>	Bathroom Sinks: <u>4</u>

← TOTAL ENTIRETY OF LOT BTC BLOCK 1
FOR SERVICEABLE AREA

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

A. Scott Dufford

Date: 10/3/23

Applicant (printed):

A. SCOTT DUFFORD

Property Owner (signature):

Timothy Stallard

Date: 10/3/23

Property Owner (printed):

BUSH TENNIS CENTER Timothy Stallard

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

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

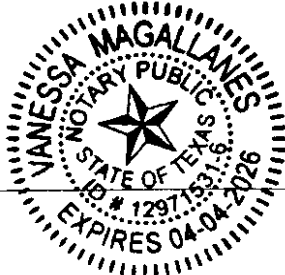
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared A. SCOTT DUFFORD who, being by me duly sworn, upon oath says: That (s)he is authorized by A. SCOTT DUFFORD, 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. Scott Dufford
Authorized Agent (signature)

Subscribed and sworn to before me, this 3rd day of October, 20 23, to certify which witness my hand and seal of office.

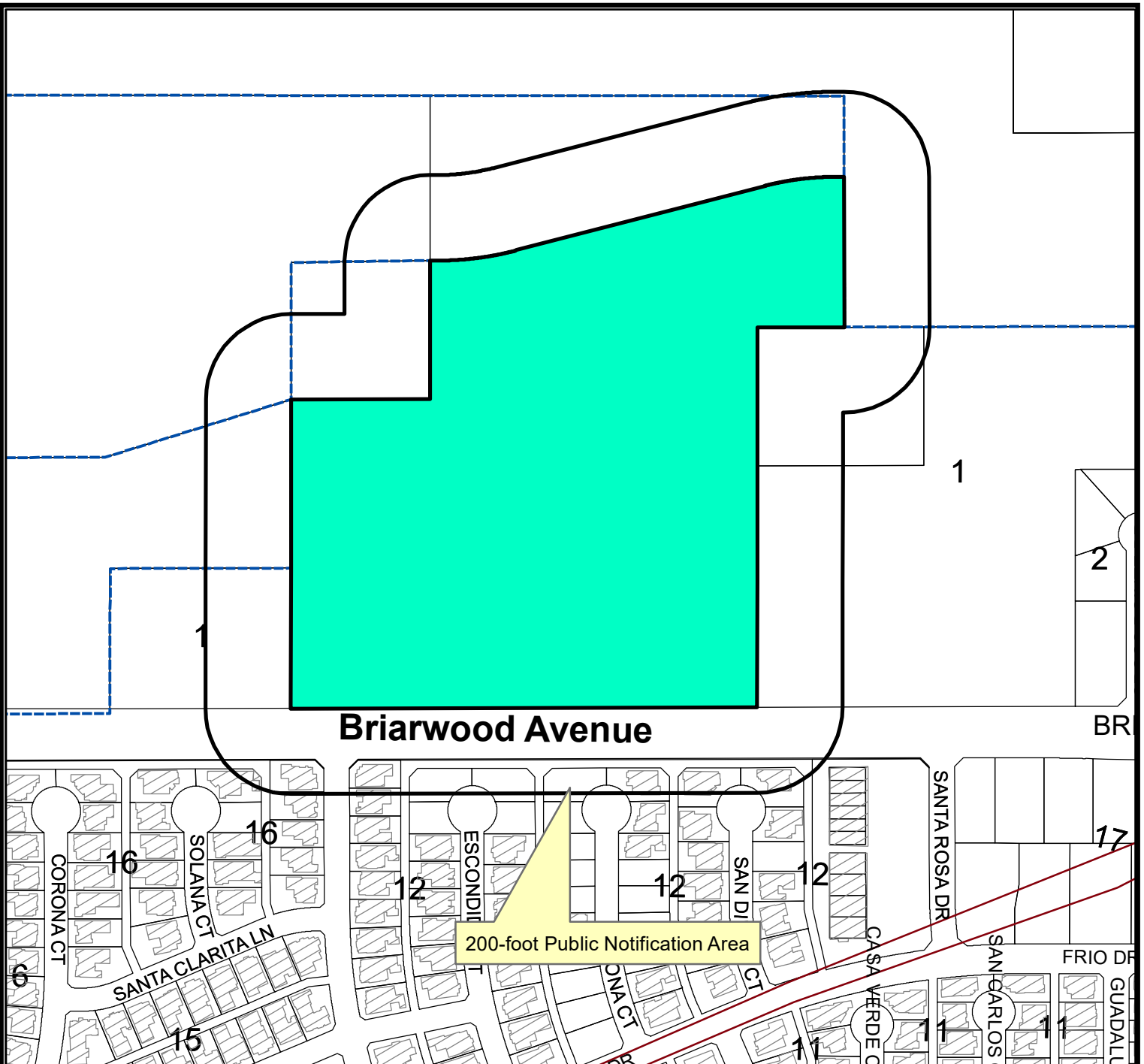


Vanessa Magallanes
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # <u>paid</u>	☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>Jeff Fisher</u>	Date: <u>10-9-23</u>

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



LOCATION MAP

SUD-23-0165

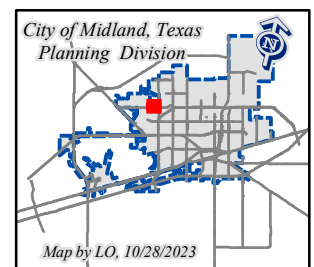
Scale: 1" = 4,057'

Consider a request by Scott Dufford for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, at Recreation Facility on Lot 1, Block 1, Bush Tennis Center, City and County of Midland, Texas.

Generally located on the north side of Briarwood Avenue approximately 431 feet west of Santa Rosa Drive (Council District 4)

LEGEND

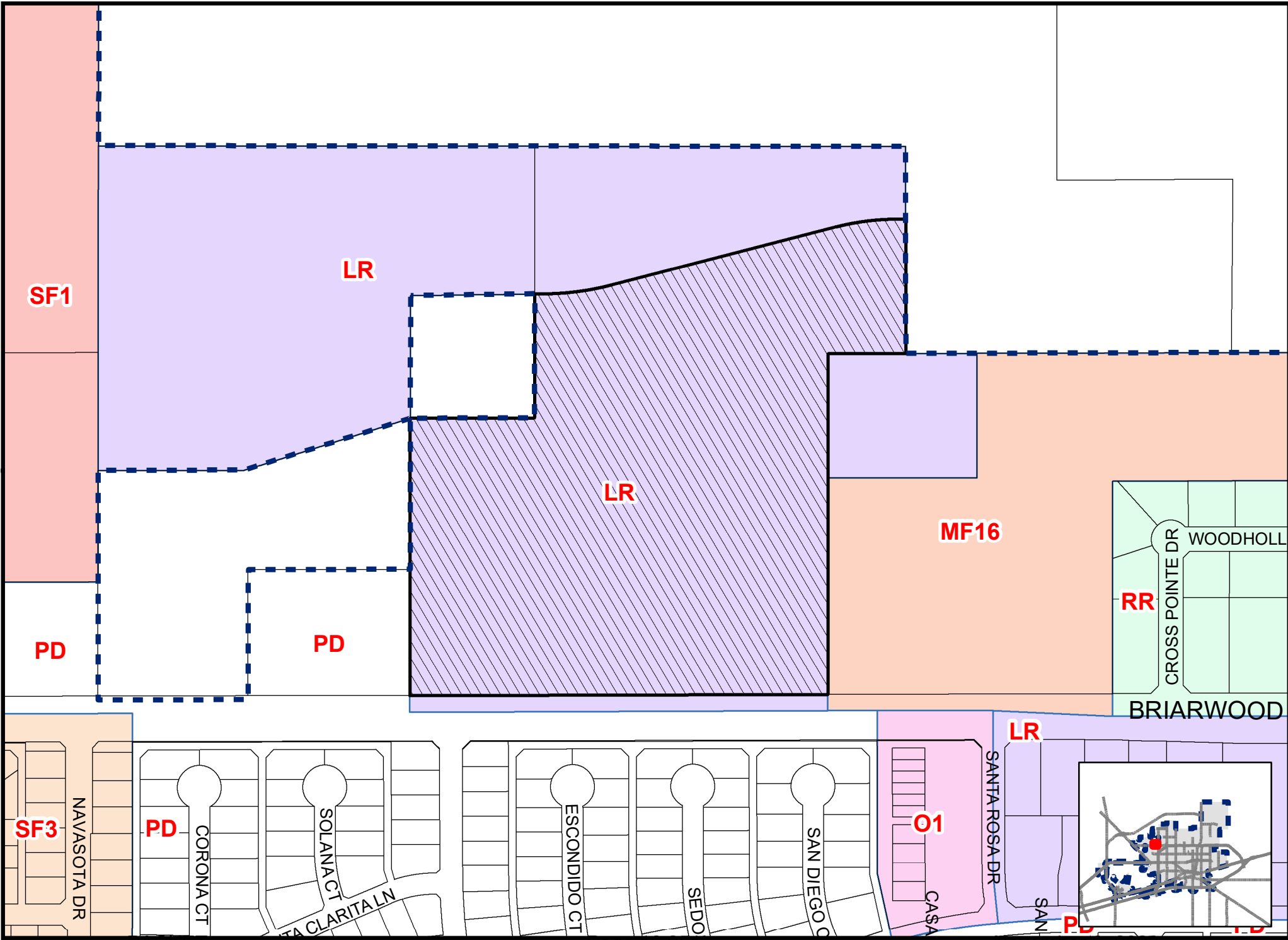
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



PACKET

Page 16.251

November 6, 2023















Planning and Zoning Commission

Approved for
Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on a 22,000-square foot portion of Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Theresa Lane, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages for on-premises consumption in a restaurant known as the Lounge located at 5606 Starboard Drive.

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for Housing Development and are the locations of apartments and a vacant lot. The property to the east is zoned RR, Regional Retail District and is in development. Further east there is a property zoned PD, Planned District for Shopping Center and is the location of a hotel. The property to the south is zoned PD, Planned District for a Shopping Center and is the location of a theater. The property to the southwest

is zoned RR and is the location of a Shopping Center. The Property to the west is zoned O-2, Office District and is the location of a hotel.

Analysis:

The applicant is requesting a Specific Use Designation for a restaurant located at 5606 Starboard Drive, to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property's zoning permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 22,000 square feet, with an alcohol serviceable area of 6,711 square feet. The site is currently under construction with a building permit. Per the plans approved for the building permit, the site will have adequate parking, access, and internal circulation.

The restaurant has the following hours of operation:

**Monday through Thursday from 10 a.m. to 10 p.m.
Friday through Sunday from 10 a.m. to 12 p.m.**

The restaurant is proposing the following hours of alcohol service:

Monday through Sunday from 10 a.m. to 2 a.m. (the next day)

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

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

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

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

Fire: (Approved)

No comments or objections.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

No comment.

Planning: (Approved)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to "Encourage the development of places where Midland residents can gather and socialize to build connections." The Lounge is an establishment that will provide Midland residents with a unique social gathering experience.

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

Conditions:

- A. That the serviceable area of the restaurant shall be limited to approximately 6,711 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Monday through Sunday from 10 a.m. to 2 a.m. (the next day)**
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

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

Letters of Objection:

Staff has not received any letters of objection as of October 31, 2023

Attachments:

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



H3 DIGITAL DESIGN

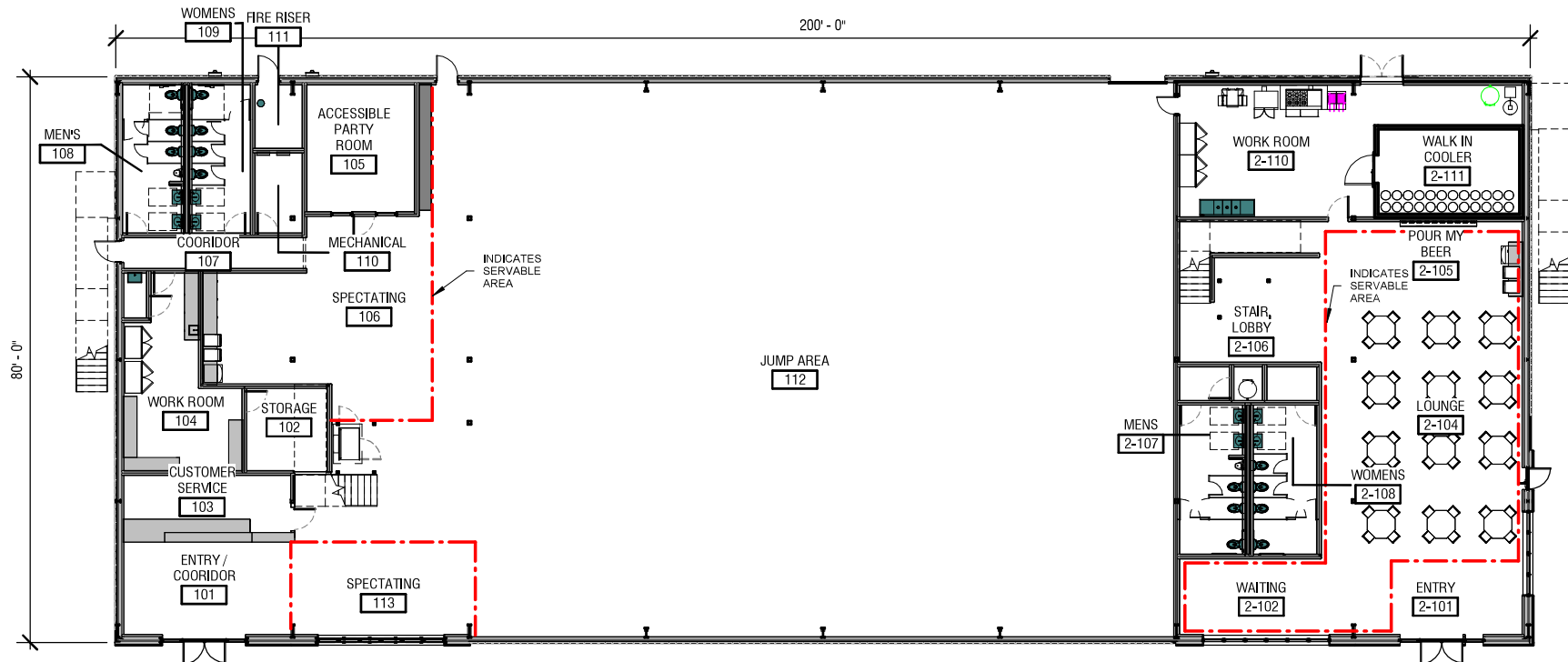
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

LEVEL 1

references
detail 1/16" = 1'-0"

date 09/19/23
CCMJ MANAGEMENT



1

OVERALL FLOOR PLAN

1/16" = 1'-0"



H3 DIGITAL DESIGN

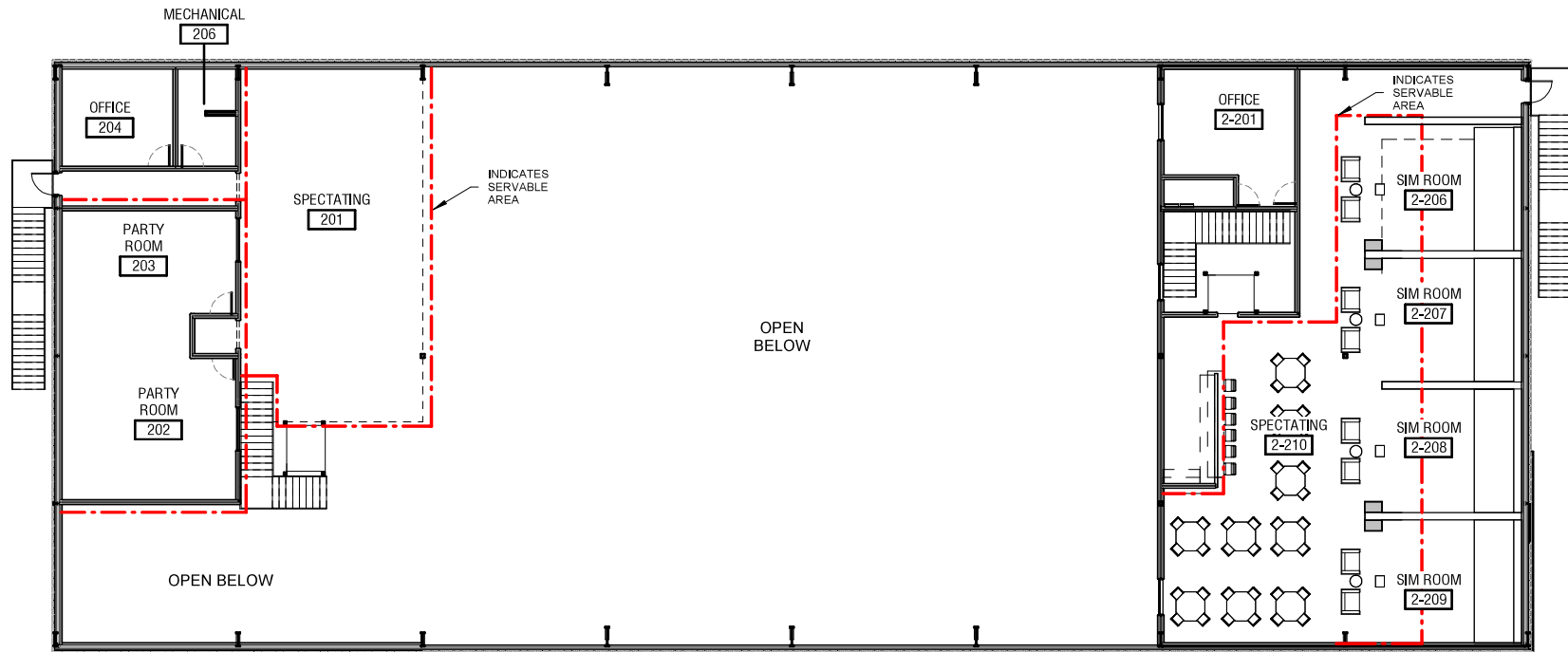
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

LEVEL 2

references
detail 1/16" = 1'-0"

date 09/19/23
CCMJ MANAGEMENT



1

OVERALL FLOOR PLAN LEVEL 2
1/16" = 1'-0"



H3 DIGITAL DESIGN

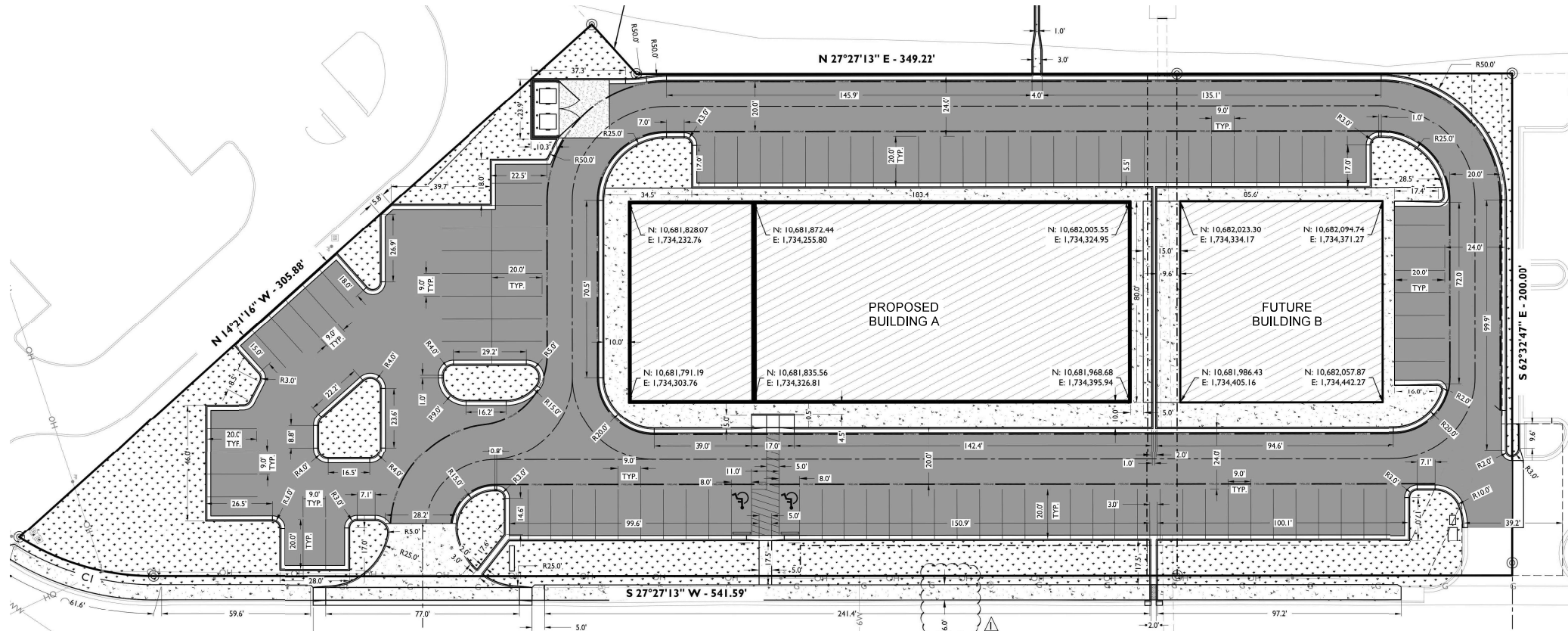
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

SITE PLAN

references
detail: 1" = 10'-0"

date 09/19/23
CCMJ MANAGEMENT



1

PROPOSED SITE PLAN

1" = 10'-0"

PROPOSED PARKING SPACES

95 REGULAR
2 HANDICAP
97 SPACES TOTAL



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Theresa Lane</u>		Phone (432) 967-3703 Email: <u>legacydancecoach@yahoo.com</u>	
Address <u>5111 BRIGHTON PL</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79705</u>

Property Owner Printed Name: <u>OPEN DOOR REAL ESTATE</u>		Phone (432) 967-3703 Email: <u>legacydancecoach@yahoo.com</u>	
Address <u>5606 STARBOARD</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79706</u>

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

Street Address: <u>5606 STARBOARD DR MIDLAND 79706</u>	
Business Name: <u>THE LOUNGE</u>	
Legal Description Lot: <u>12</u> Block: <u>3</u> Subdivision: <u>Gateway Plaza Addition Sec 14</u>	
Current Zoning: <u>RR</u>	
Reason for Request: <u>TO PROVIDE A DRINK WITH A CUSTOMER'S MEAL.</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>RESTAURANT</u>			
Proposed/Current Days and Hours of Operation: _____ <u>MON-THUR 10 AM-10 PM, FRI, SAT, SUN 10 AM-12 MID</u>			
Proposed Days and Hours of Alcohol Service: _____ <u>MON-THUR 10 AM-10PM FRI, SAT, SUN 10 AM-12 MID</u>			
Total Square Footage of Business: <u>22,000</u>			
Square Footage of Alcohol Serviceable Area: <u>16,711</u>			
Restroom Fixtures:	<u>Men</u>	Toilets/Urinals: <u>4 1 4</u>	Bathroom Sinks: <u>4</u>
	<u>Women</u>	Toilets: <u>6</u>	Bathroom Sinks: <u>4</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

Date: 8-30-23

Applicant (printed): Theresa Lane

Property Owner (signature):

Date: 8-30-23

Property Owner (printed): Theresa Lane

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

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

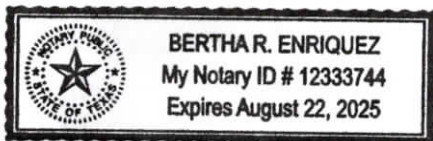
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 11th day of September, 2023, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☒ Site Plan

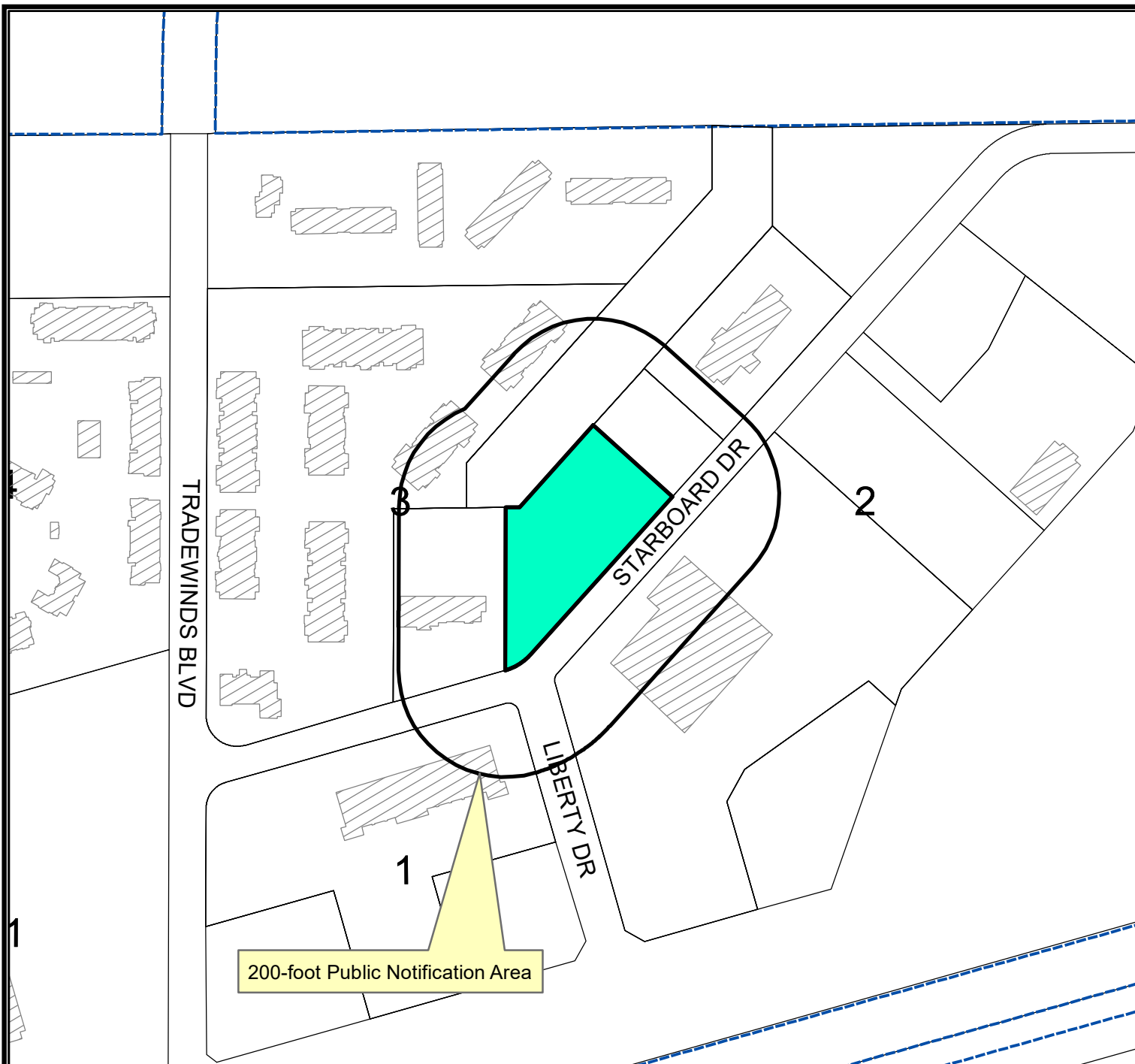
Check # 1028

☒ Plans in Digital Format (PDF/JPEG)

Received By: Jeff Fisher

Date: 9/18/2023

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



LOCATION MAP

SUD-23-0164

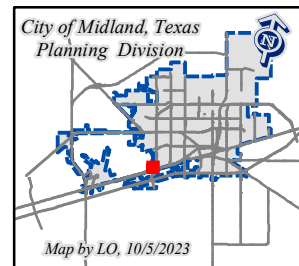
Scale: 1" = 3,246'

Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on 22,000-square foot portion of Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas.

Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive (Council District 4)

LEGEND

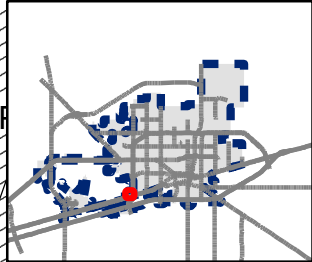
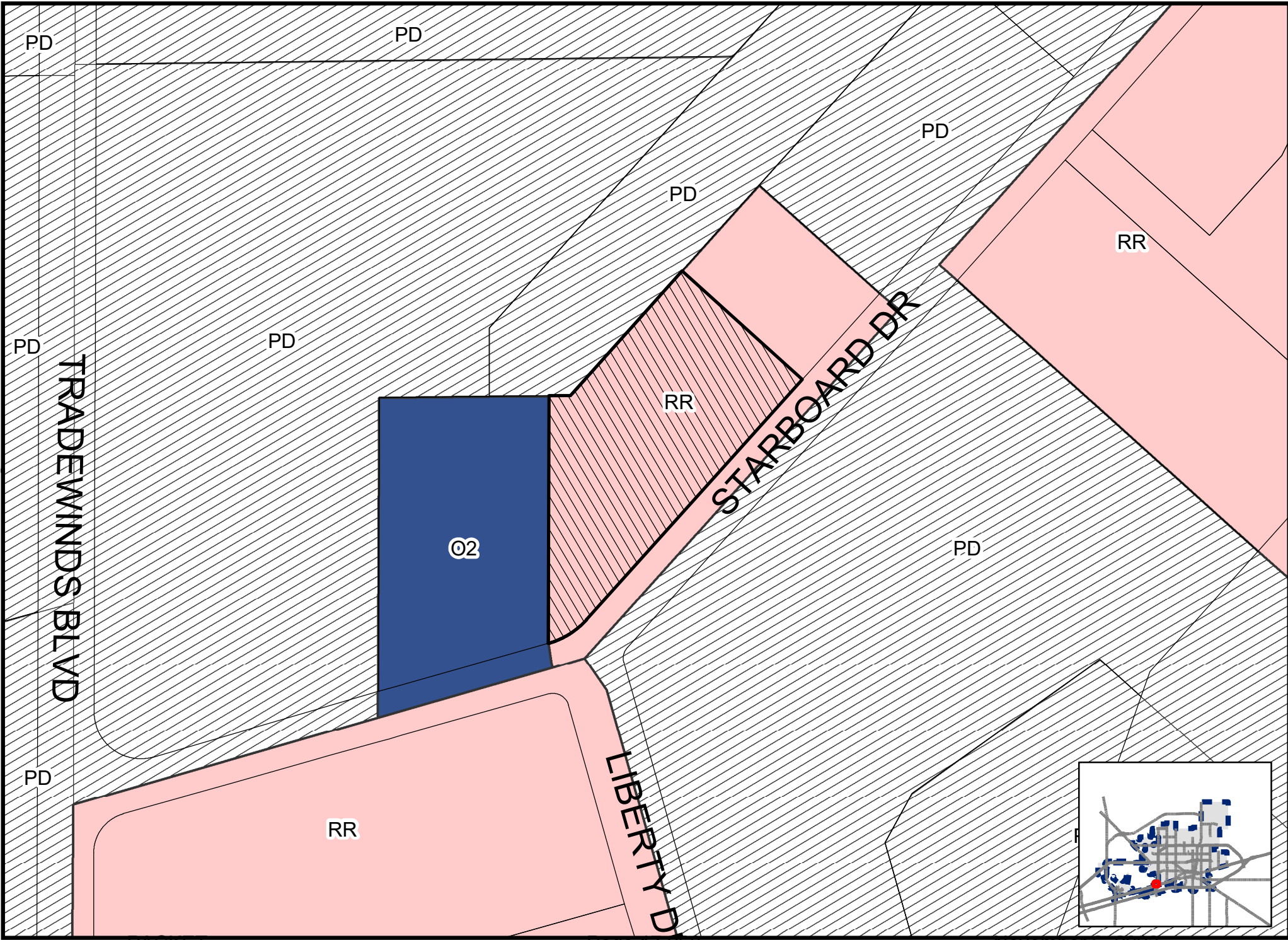
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions, a Preliminary Plat of Harmony School Addition, Section 1, being a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. Generally located north of East Loop 250, approximately 115-feet east of Meadowside Street. (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, LCA, is requesting to plat a 30.96-acre tract for the future development of a school.

Current Zoning:

AE, Agricultural Estate District, in part, and SF-1, Single-Family Dwelling District

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

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to

change depending on time of new code edition adoption in the City of Midland and date of permit application.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

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

PAVING: LOOP 250 Frontage Road is TxDOT facility, built and maintained by TxDOT, no improvements required. [For the Applicant's information only.]

WATER: Extend water main along Loop 250 frontage road. [For the Applicant's information only.]

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

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

SEWER: 6" sewer exists in alley, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Drainage report is approved for platting purposes. [For Applicant's Information Only.]

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

OIL AND GAS: (Approved with Conditions)

The Plugged and Abandoned (P&A) well identified per RRC map Well No. 2 Hofferkamp "D" #1 was identified on previous plat reviewed in September and now has been removed. The P&A well needs to be identified. Previously requested -in the notations #9 include "No structure shall be built over an abandoned well."

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

GIS: (Approved)

Please label plat to the west of this plat. (Sunset Ridge) Call on east of plat should be S14-24-40E (currently N14-24-40W)

CRMWD:

We do not have any comments on this plat.

PLANNING: (Approved with Conditions)

At the final plat stage:

Provide proof of ownership as it doesn't match what is on MCAD.

Add a locator map. 11-2-3(A)1(b)

The Secretary of the Planning and Zoning Commission is now Cristina O. Burns. Please Change the name of the Secretary. [Informational]

The acknowledgement should read: This plat was acknowledged before me on (DATE) by (NAME OF OWNERS SIGNING ABOVE). 11-2-3(H)3(m)

Staff recommends approval of the Preliminary Plat of Harmony School Addition, Section 1, subject to conditions A and B.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**
- B. Approval by the City Council shall be required prior to consideration of a final plat by the commission on which any preliminary plat which: Is ten hectares (25 acres) or more in area and is located in any survey section (approximately one square mile) which does not contain a publicly owned site or sites intended for both a public school and park, or public site reservation. [Midland City Code 11-2-3(D)11(a)6].**

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number: SUB-23-6675

Case Number: _____

Proposed Subdivision Plat Name: Harmony School Addition, Section 1

Legal Description (attached sealed Metes and Bounds): Being a 30.96-Acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.Property Owner Harmony Public Schools Attn: Nihat Bayhan, Deputy
Printed Name: SuperintendentPhone (713) 343-3333
Email nbayhan@harmonytx.gov

Address 9321 W. Sam Houston Parkway S

City Houston

State TX

Zip 77099

Developer (if different than Owner)

Printed Name: Gignac Architects

Phone (361) 884-2661

Email nickgignac@gignac-associates.com

Address 416 Starr

City Corpus Christi

State TX

Zip 78401

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

Firm: Landgraf, Crutcher & Associates

Printed Name: LCA

Phone (432) 332-5058

Email lca@lcaodessa.com

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: AE

Reason for Platting: Development of a School Site

Plat Information

Total Acreage: 30.96

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

Number of Residential Lots: 1

Number of Multi-Family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: 10/09/23

Property Owner (printed): Nihat Bayhan

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

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

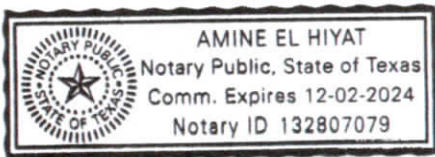
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of October, 2023, to certify which witness my hand and seal of office.



Amine El Hyat

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)

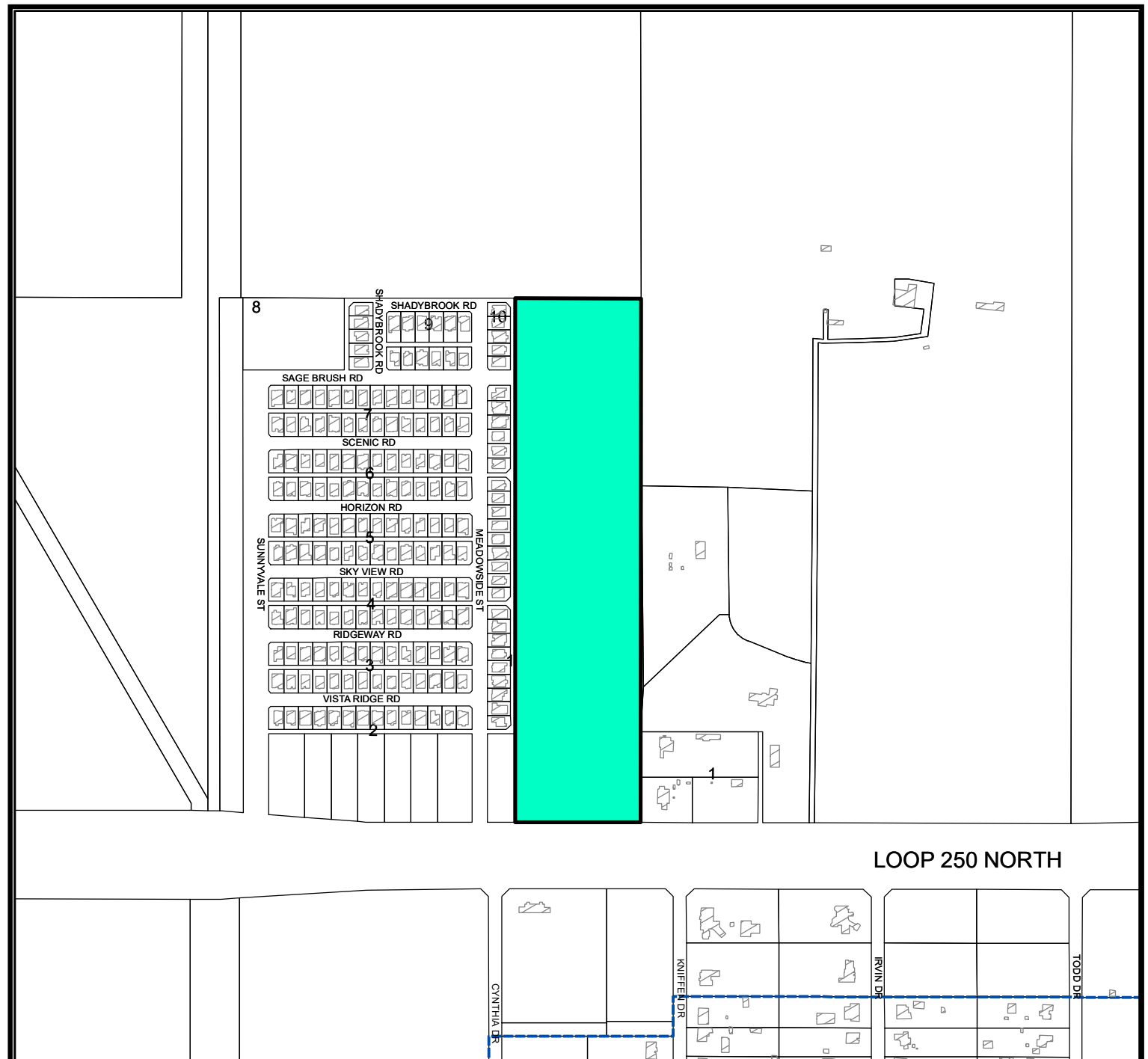
Check # 41674

RECEIVED
OCT 09 2023

Received By: Linda Ochoa

Date:

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



LOOP 250 NORTH

LOCATION MAP

SUB-23-0675

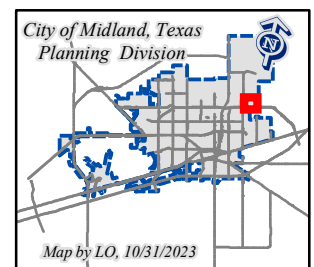
Scale: 1" = 7,790'

Proposed Plat of Harmony School Addition, Section 1, being a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located north of East Loop 250, approximately 115-feet east of Meadowside Street (DISTRICT 1)

LEGEND

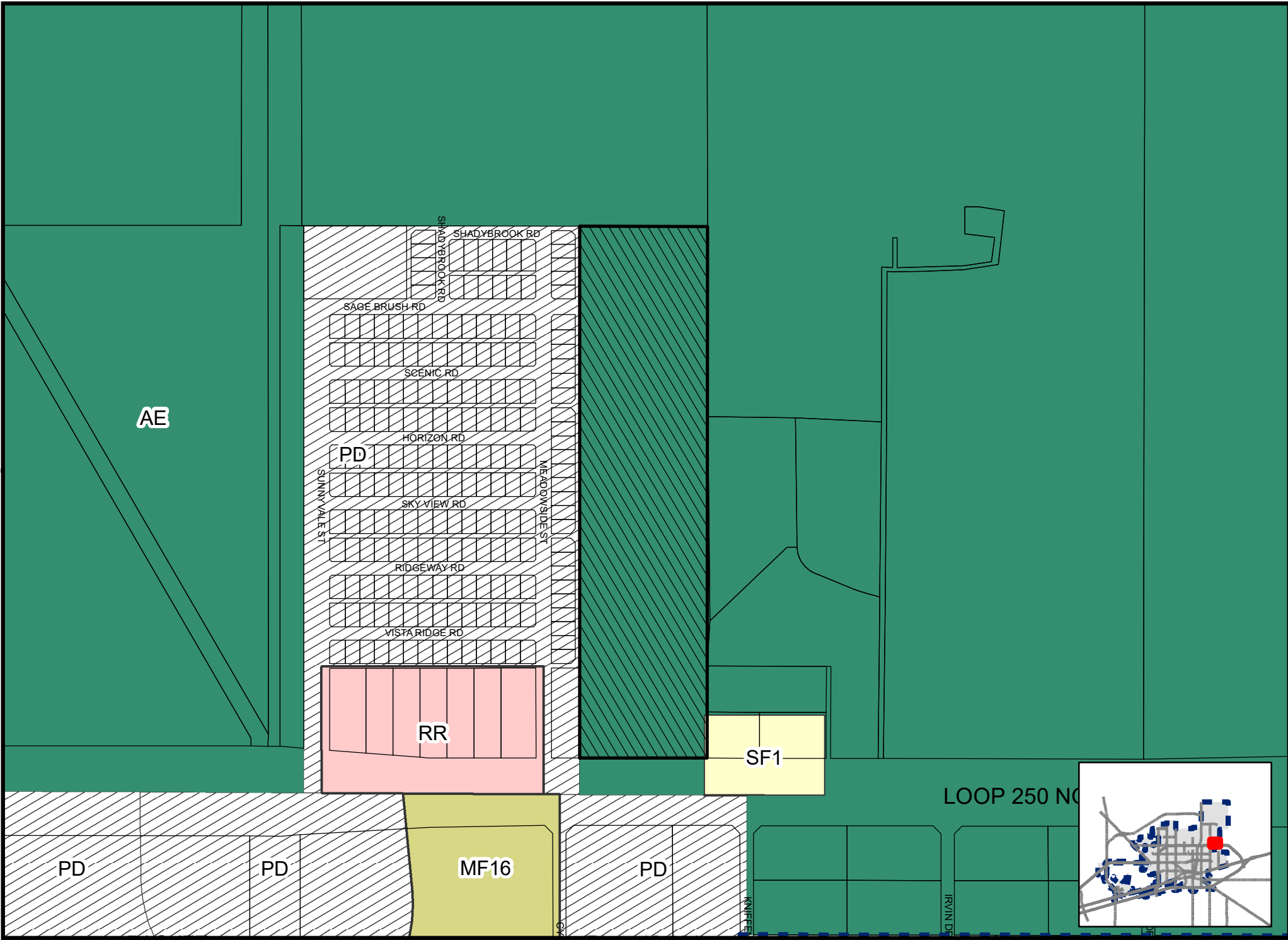
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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AE

PD

RR

SF1

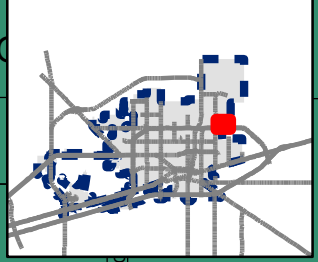
MF16

PD

PD

PD

LOOP 250 N



PACKET

Page 18.281

November 6, 2023

Map By LO, 10/31/2023

SUB-23-0675

Scale: 1" = 6,466'

ZONING MAP



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Planning and Zoning Commission

Approved for Agenda:

Cristina Burns

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a reinstatement of an approved Preliminary Plat of The Vineyard Addition, Section 13 being a 309.21-acre tract of land out the W/2 of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of Mockingbird Lane and Avalon Drive. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Purpose:

The applicant, The Vineyard Reserve, LLC, is proposing to plat a 309.21-acre tract of land out the W/2 of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas on the northeast corner of the intersection of Mockingbird Lane and Avalon Drive into five hundred and forty-seven (547) lots.

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Surrounding Zoning and Land Use:

The property to the north is located in the ETJ, Extraterritorial Jurisdiction and the location of vacant land. The properties to the east are zoned 1F-1, One-Family Dwelling District (Ordinance No. 9320), 1F-3, One-Family Dwelling District (Ordinance No. 9139), FD, Future Development District (Ordinance No. 8597) and PD, Planned District for

Housing Development (Ordinance No. 9319) and are currently vacant. Properties to the west are zoned CE, Country Estates District and located in the ETJ, Extraterritorial Jurisdiction and the location of the residences and vacant land. The properties to the south are zoned FD, Future Development District (Ordinance No. 9014), 1F-3, One Family Dwelling District and LR-2, Local Retail District and the location of vacant land. This request has been routed to all respective departments for internal review. The comments are below.

Engineering: Approved with Conditions

ROW: Dedicate 60' ROW for Mockingbird (future roadway corridor). Other interior ROW okay per discussions with Engineer and Engineering Services Director.

PAVING: Construct all roadways and alleys to City standards for entire platted frontage.

WATER: None existing. Construct to City standards along entire platted frontage, serving all lots with looped system (no dead end water lines in cul-de-sacs). Water pressure and volume studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal.

PRO RATA: None.

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

DRAINAGE: Drainage study required. FEMA Firm data to be on plat face.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Sidewalks required on collector/arterial roadways, along common areas and ADA ramps required at corners before public infrastructure is accepted. Sidewalk for individual single family residential lots will be required at building permit.

DIMENSION: * * *

OTHER:

1. Previous comments requested that Section 18 roadway alignment be revised for oil field traffic to not cross Red Caboose to get to Well #313. This re-alignment is not shown in this submittal.
2. All public infrastructure improvements and plat to comply with City of Midland – Engineering Services, Fire Department & Utilities Policy Statement – City Standards & Development Requirements. (Found on-line at: <http://www.midlandtexas.gov/DocumentCenter/View/2625>).

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

Transportation: Approved with Conditions

APPROVED AS NOTED -- Well #1305 (Avalon at Fall Creek) access should use existing path direct to Avalon and not connect via the residentially-loaded collector street. Remove well access shown to Fall Creek.

Per Management direction, Traffic Ops will have no further comments about the substandard ROW and roadway widths.

Street lighting is required along public street frontages.

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

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

Utilities:

The water model has to be tied into the City of Midland's water model to see the effect of the system as a whole. The model is on the FTP site under water model. For now what they have done for the sewer is adequate.

Once the land is annexed there is water and sewer in the vicinity of the addition. It is up to the developer/engineer to determine if there is adequate capacity for the development.

Fire: Approved

No comments.

Surveyor: Approved

Show state plane coordinates of two plat corners.

Show bearings and distances of plat boundary.

Colorado River Municipal Water District

No comments.

Code Administration: Approved

Variances granted previously for proximity to oil wells.

Oil and Gas: Approved

Variances previously approved on August 28, 2012 allowing up to the minimum of 135 ft. for all permitted wells located in Section 1, 12, 13 of blk 40.

GIS:

The northing and easting values were switched. Instead of N: 1724408.6175 and E: 10714793.8371 it should be N: 10714793.8371 E: 1724408.6175. Both sets of northing and easting need to be corrected.

Planning:

Per City of Midland Ordinance Section 11-2-3, Platting Procedures, this plat requires City Council approval.

11. Approval by the Council.

(a) Approval by the Council shall be required prior to consideration of a final plat by the commission for any preliminary plat which:

(6) Is ten hectares (25 acres) or more in area and is located in any survey section (approximately one square mile) which does not contain a publicly owned site or sites intended for both a public school and park, or public site reservation therefor;

Add the recording information for The Vineyard Addition, Section 7 on the face of plat.

Street name Horseshoe already exists within the City of Midland database.

If there is a Declaration of Restrictive Covenants, it must be approved by the Planning and Zoning Commission prior to final plat approval.

Per the Texas Administrative Code lots located in the ETJ, Extraterritorial Jurisdiction are required to be a minimum of one (1) acre due the necessity of a septic system and/or not being served by public water system.

Add Utility Companies' Certificate and signature blocks.

Add Owner's Certificate.

Add certificate of approval.

Add Surveyor's Certificate.

Add recording information fill in.

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

Staff recommends approval subject to conditions A-C.

Conditions:

- A. That the drainage study is approved as addressed above.
- B. That the technical items listed above are addressed.
- C. That an annexation application has been approved or being processed by City Council.
- D. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number:

34B-18-0107

Case Number:

P-18-0259

Proposed Subdivision Plat Name: THE VINEYARD ADDITION SECTION 13 WEST**Legal Description (attached sealed Metes and Bounds):** 309.24 ACRES OF LAND OUT OF THE WEST HALF OF SECTION 13, BLOCK 40,

TOWNSHIP-1-SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, COUNTY OF MIDLAND, TEXAS, BEING ALSO OUT OF THE TRACT IN SPECIAL WARRANTY DEED AS RECORDED

IN VOLUME 1364, PAGE 591, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXT, SAVE AND EXCEPT A 3.08 ACRE TRACT OF LAND AS RECORDED IN DOCUMENT NUMBER 2007-25142, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS.

Property Owner

Printed Name: THE VINEYARD RESERVE, LLC

Phone (432) 687-1777

Email chuckh@forl.com

Address 6101 HOLIDAY HILL

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: WESTWOOD PROFESSIONAL SERVICES

Printed Name: KERRY J. KOEHLER, PE

Phone (210) 265-8300

Email kerry.koehler@westwoodps.com

Address 1718 DRY CREEK WAY, SUITE 110

City SAN ANTONIO

State TX

Zip 78259

Current Zoning: N/A**Reason for Platting:** PROPOSED MULTIPLE SUBDIVISION DEVELOPMENT**Plat Information**

Total Acreage: 309.24 Acres

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

Number of Residential Lots: 547

Number of Multi-Family Dwelling Units:

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

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

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

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

Provisions

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

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

Property Owner (signature):

Date:

Property Owner (printed) : _____

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS**FOR OFFICE USE ONLY**

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

Received By:

Date:

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

October 6, 2023

Charles Harrington
Director of Development Services
City of Midland
300 N. Loraine
Midland, Texas 79702

**Re: Preliminary Plat Reinstatement Request
The Vineyard Addition Section 13 West**

Dear Mr. Harrington:

The reinstatement of The Vineyard Addition Section 13 West Preliminary Plat is requested on the behalf of the Vineyard Reserve, LLC. The Preliminary Plat of the Vineyard Addition Section 13 West, being a 309.21-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, Midland County, Texas (generally located on the northeast corner of the intersection of Mockingbird Land and Avalon Drive) was approved by City Council on January 8, 2019.

A copy of the approved Preliminary Plat has been provided as an attachment to this request. Please advise if any additional information is needed for reinstatement of The Vineyard Addition Section 13 West Preliminary Plat.

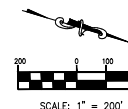
Sincerely,

WESTWOOD PROFESSIONAL SERVICES, INC

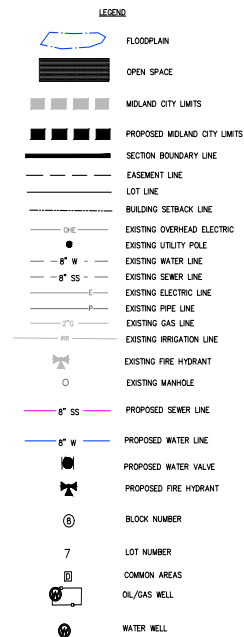


Drew A. Defendorf, P.E.
Project Manager

LOCATION MAP
(NOT TO SCALE)



LEGEND



LAND USE

SECTION	LOT SIZE	# OF LOTS	ACREAGE	LAND USE
10	65'X120'	64	25.62	SINGLE FAMI
11	90'X150'	60	56.11	SINGLE FAMI
12	65'X120'	55	23.89	SINGLE FAMI
13	90'X150'	44	38.59	SINGLE FAMI
15	90'X150'	44	48.07	SINGLE FAMI
16	90'X150'	74	42.48	SINGLE FAMI
17	65'X120'	64	37.17	SINGLE FAMI
18	65'X120'	98	42.24	SINGLE FAMI
19	65'X120'	44	16.69	SINGLE FAMI

SINGLE-FAMILY TOTALS

LOT SIZE	TOTAL LOT COUNT
65'x120'	325
90'x150'	222

COMMON AREAS

PARCEL	AREA (AC.)	AREA (SF.)	PARCEL	AREA (AC.)	AREA (SF.)
W	0.540	23504	AH	1.410	61400
X	0.342	14884	AI	3.329	144995
Y	1.498	65255	AJ	1.221	53165
Z	1.392	60648	AK	2.875	125249
AA	3.148	137160	AL	0.133	5792
AB	1.056	46007	AM	0.068	2982
AC	0.950	41391	AN	0.071	3075
AD	7.510	327149	AO	0.028	1200
AE	1.538	67012	AP	0.236	10289
AF	3.613	157165	AQ	0.169	7358
AG	1.857	72174	AR	0.366	14832

OWNER:
VINEYARD RESERVE, LLC
6101 HOLIDAY HILL ROAD
MIDLAND, TEXAS 79707
TEL: (432) 687-1777

CONTACT:
KERRY J. KOEHLER, P.E.
COURSEN-KOEHLER ENGINEERING
& ASSOCIATES
A DIVISION OF WESTWOOD
1718 DRY CREEK WAY, SUITE 110
SAN ANTONIO, TX 78259
TEL: (210) 265-8300

THE VINEYARD ADDITION
SECTION 13 WEST

GOORBEN-KUEHLER
ENGINEERING & ARCHITECTS

1758 Dry Creek Way, Suite 110 • San Antonio, Texas 78259
Tel: 210.295.8300 • Fax: 210.295.5530
TBPB Firm No. F-11756 • TBPLS Firm No. 10194364
www.westwoodps.com

SUBMITTAL DATE: 7/25/18

Page 19.290

November 6, 2023

SUBMITTAL DATE: 7/25/18

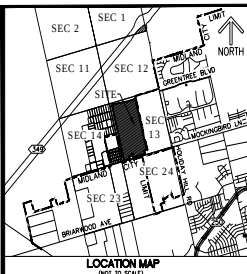
SHEET 1 OF 2

PACKE

Page 19.29November 6, 2023

SHEET 2 OF 2

THE VINEYARD ADDITION SECTION 13 WEST PRELIMINARY PLAT



LEGEND

	FLOODPLAIN
	OPEN SPACE
	MIDLAND CITY LIMITS
	PROPOSED MIDLAND CITY LIMITS
	SECTION BOUNDARY LINE
	EASEMENT LINE
	LOT LINE
	BUILDING SETBACK LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING UTILITY POLE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING ELECTRIC LINE
	EXISTING PIPE LINE
	EXISTING GAS LINE
	EXISTING IRRIGATION LINE
	EXISTING FIRE HYDRANT
	EXISTING MANHOLE
	PROPOSED SEWER LINE
	PROPOSED WATER LINE
	PROPOSED WATER VALVE
	PROPOSED FIRE HYDRANT
	BLOCK NUMBER
	LOT NUMBER
	COMMON AREAS
	OIL/GAS WELL
	WATER WELL

LAND USE

SECTION	LOT SIZE	# OF LOTS	ACREAGE	LAND USE
10	65'X120'	64	25.82	SINGLE FAMILY
11	80'X150'	64	36.11	SINGLE FAMILY
12	65'X120'	56	23.89	SINGLE FAMILY
13	80'X150'	51	38.59	SINGLE FAMILY
15	80'X150'	48	48.07	SINGLE FAMILY
16	80'X150'	84	42.48	SINGLE FAMILY
17	65'X120'	63	37.17	SINGLE FAMILY
18	65'X120'	97	42.24	SINGLE FAMILY
19	65'X120'	44	16.69	SINGLE FAMILY

SINGLE-FAMILY TOTALS

LOT SIZE	TOTAL LOT COUNT
65'X120'	324
80'X150'	247

COMMON AREAS

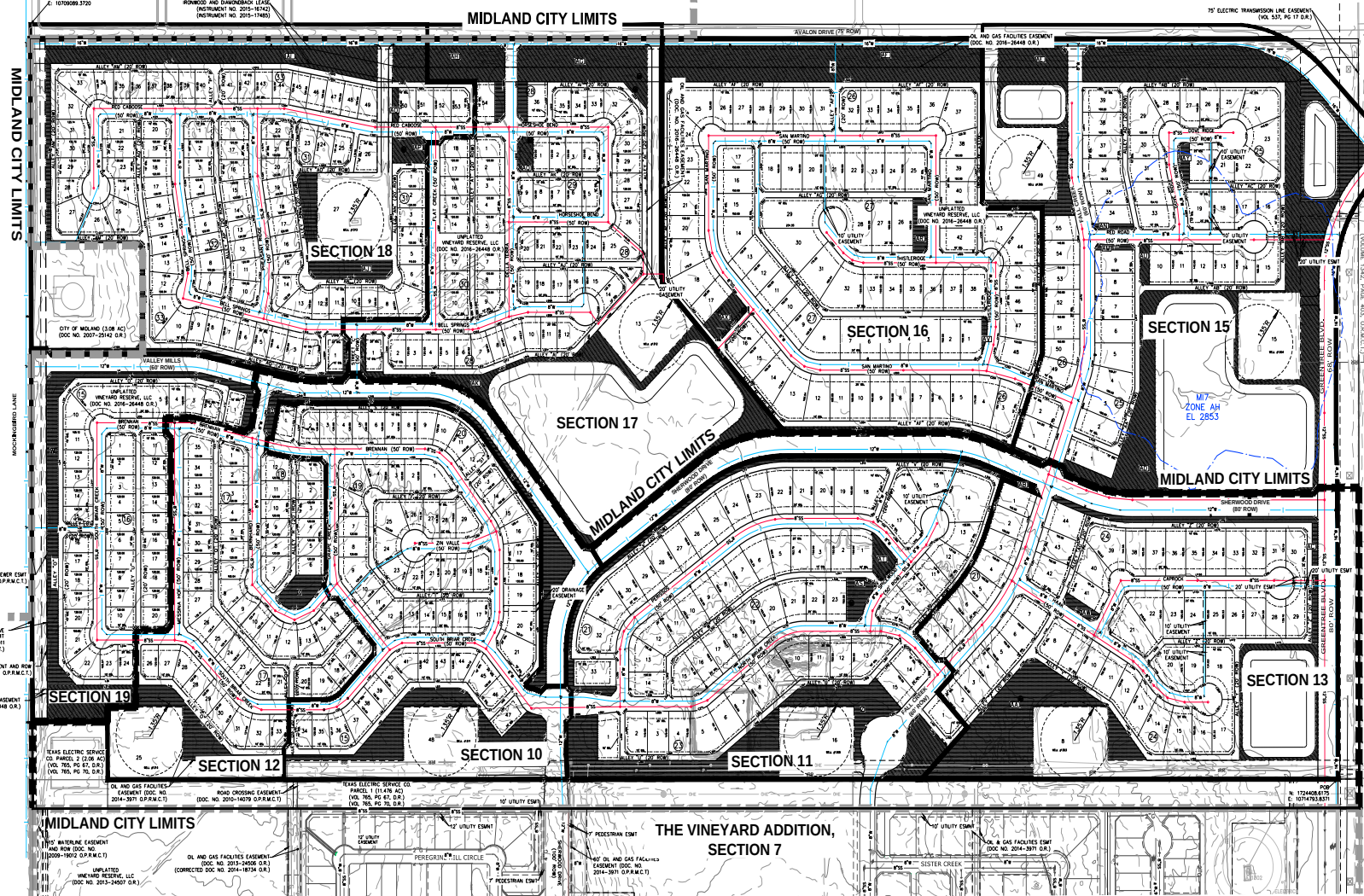
PARCEL	AREA (AC.)	AREA (SF.)	PARCEL	AREA (AC.)	AREA (SF.)
W	5.394	234989	AK	2.936	127913
X	0.342	14884	AM	0.068	2982
Y	1.498	65255	AN	0.071	3075
Z	3.319	140221	AO	0.069	3000
AA	3.788	165026	AP	0.236	10289
AB	1.181	51480	AQ	0.169	7358
AC	1.117	48841	AR	0.242	10557
AD	7.611	331556	AS	0.294	12820
AE	1.536	67012	AT	0.221	9633
AF	3.613	157365	AU	0.116	5041
AG	1.657	72174	AV	0.047	2035
AH	1.390	60550	AW	0.132	5766
AI	3.329	144995	AX	0.317	13807
AJ	1.221	53165	AY	0.317	13807

OWNER:
VINEYARD RESERVE, LLC
6101 HOLLEY HILL ROAD
MIDLAND, TEXAS 79707
TEL: (432) 687-1777

CONTACT:
KERRY J. KOEHLER, P.E.
COURBEN-KOEHLER ENGINEERING & ASSOCIATES
A DIVISION OF WESTWOOD
1718 DRY CREEK WAY, SUITE 110
SAN ANTONIO, TEXAS 78258
(214) 265-2650
www.koebler.com

THE VINEYARD ADDITION
SECTION 13 WEST
COURBEN-KOEHLER
ENGINEERING & ASSOCIATES
A DIVISION OF WESTWOOD
1718 DRY CREEK WAY, SUITE 110 • SAN ANTONIO, TEXAS 78258
TEL: (214) 265-2650 • FAX: (214) 265-2651
TIFIN File No. 141750 • TIFIN File No. 1510454
www.koebler.com

SUBMITTAL DATE: 7/25/23 SHEET 1 OF 2

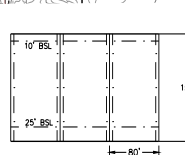
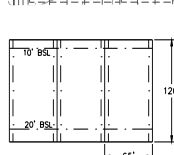


BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLAT COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983

APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THOSE LOTS MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED

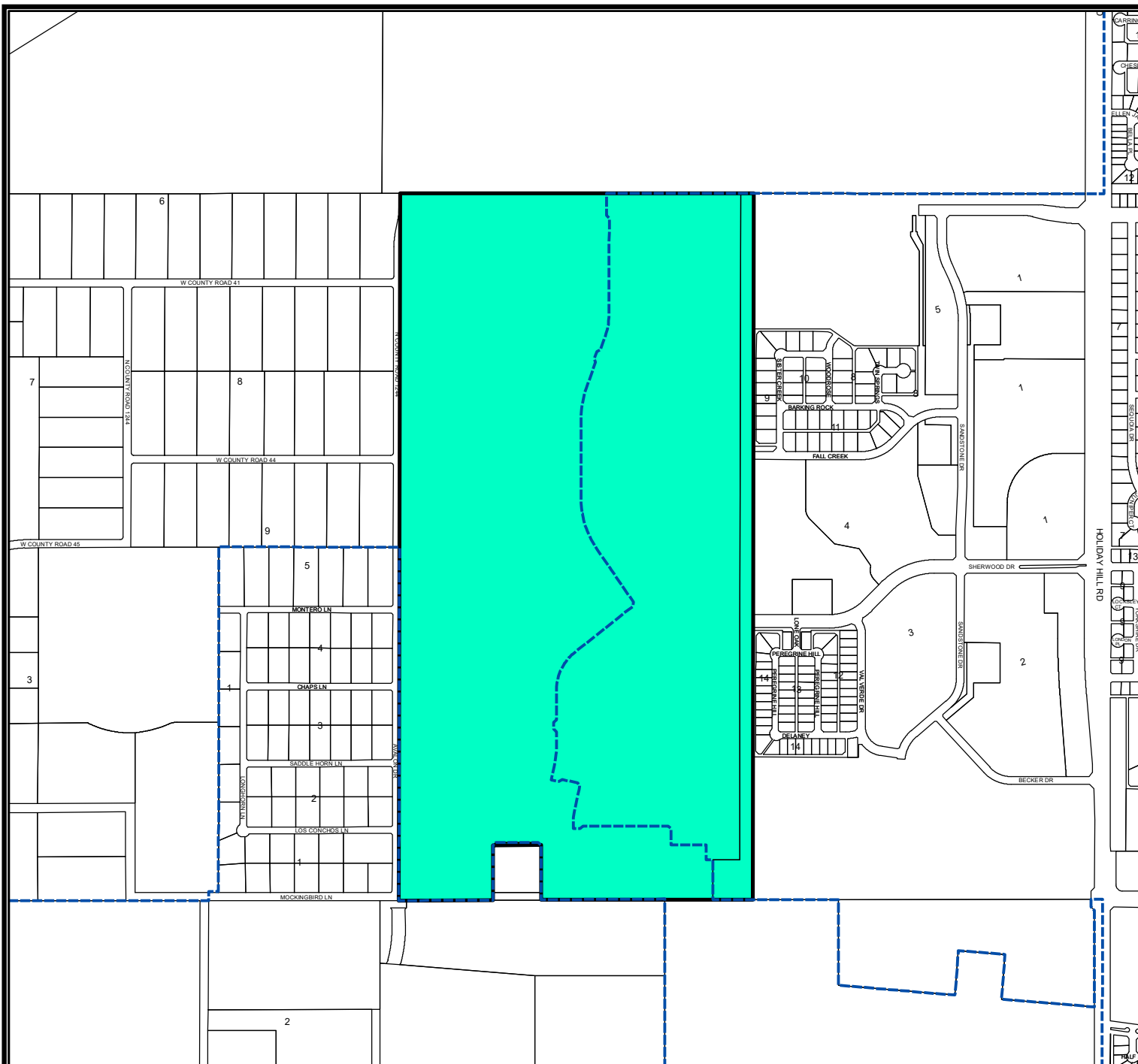
SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHDRAWAL OF UTILITIES AND BUILDING PERMITS

PACKET



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November 6, 2023



LOCATION MAP

SUB-18-0107

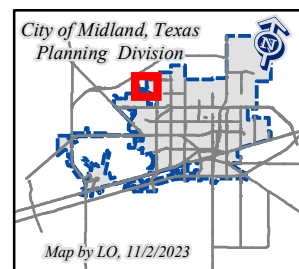
Scale: 1" = 12,983'

Preliminary Plat of The Vineyard Addition, Section 13 being a 309.21-acre tract of land out the W/2 of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas.

(Generally located on the northeast corner of the intersection of Mockingbird Lane and Avalon Drive.
(Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion denying a Final Plat of The Vineyard Addition, Section 10, being a Plat of a 31.356-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located immediately west of Sherwood approximately 1,300 feet east of Avalon Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve X Deny Directional/Informational

Current Zoning:

SF-2, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, Westwood Professional Services, is requesting to plat a 309.24-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR, Co. Survey, Midland County, Texas into 547 lots. The Planning & Zoning Commission previously recommended approval of this preliminary plat December 17, 2018. The City Council approved it on January 1, 2019. However, a Final Plat was not submitted and approved within one year of the Preliminary Plat's approval time. Pursuant to Chapter 2 of Title XI of the Midland City Code, the applicant may request to reinstate the Preliminary Plat with lapsed approval and the Planning and Zoning Commission may approve this reinstatement at its discretion.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

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

ROW: Okay as shown, per Engineering Services Director non-conforming widths are pre-approved. [For the Applicant's information only.]

PAVING: Pavement improvements have been installed and accepted [For the Applicant's information only.]

WATER: Water improvements have been installed and accepted [For the Applicant's information only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. [For the Applicant's information only.]

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

SEWER: Wastewater improvements have been installed and accepted [For the Applicant's information only.]

DRAINAGE: Preliminary drainage study has been approved. [For the Applicant's information only.]

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

SIDEWALKS: Wastewater improvements have been installed and accepted [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

OIL AND GAS: (Approved)

No Oil & Gas well concerns. Non-permitted well AX 1311 identified and has minimum 135 ft. radius. Informational: Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures. Any plugged and abandoned (P&A) well would need to be identified. No structure shall be built over an abandoned well.

GIS: (Approved)

Please dash line for Oil and Gas facilities easement in Common Area W. Please label POB.

PLANNING: (Denied)

The legal description should read, "Being a Plat of a 31.356-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas.

Please show the names of adjacent subdivisions or additions or the names of record owners of adjoining parcels of unplatted land. 11-2-3(A)1(d)

Provide the square footage of each lot so Planning can verify that they meet the minimum lot area for the SF-2, Single-Family Dwelling District [Informational]

Lot 18, Block 19, Lot 34, Block 19, Lot 2, Block 20, Lot 13, Block 20, and Lot 21, Block 20 do not meet the minimum lot width for a corner lot in the SF-2. Redesign the lots. 11-1-5.04

The Certificate of Approval should begin with "For approval by the Commission." 11-2-3(H)3(m)

Please add the names of the Planning & Zoning Commission Chairman and Secretary. In the Certificate of Approval. The name of the Chairman is Lucy Sisniega and the name of the Secretary is Cristina Burns. 11-2-3(H)3(m)

The Acknowledgement should read: This plat was acknowledged before me on (DATE) by (NAME OF OWNERS SIGNING ABOVE). 11-2-3(H)3(m)

Please update the Utility Company Certificate. Suddenlink is now called Optimum. Grande Communications is now Astound. 11-2-3(H)3(m)

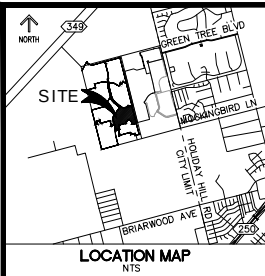
Staff recommends denial of the Final Plat of The Vineyard Addition, Section 10. However, should the Commission approve it, staff recommends that it be subject to subject to conditions A

Condition:

- 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



LOCATION MAP
NTS

LEGEND:

- BOUNDARY
- INTERNAL LOTLINE
- EXISTING PROPERTY
- CENTERLINE ROAD
- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD (WESTWOOD)
- O.R.M.C.T. OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS
- D.R.M.C.T. DEED RECORDS OF MIDLAND COUNTY, TEXAS
- P.R.M.C.T. PLAT RECORDS OF MIDLAND COUNTY, TEXAS
- B.S.L. BUILDING SETBACK LINE
- ESMT EASEMENT
- 13 BLOCK NUMBER
- Y COMMON AREAS

DRAINAGE EASEMENT, GRANTED WITH THIS PLAT:

- THE MAINTENANCE OF ANY STORMWATER FACILITY IN THIS EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. PROPERTY OWNER AGREES TO MAINTAIN THE FACILITY IN WORKING ORDER, WITH INSPECTIONS AND CORRECTIVE ACTION MADE AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTION AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATOR ON REQUEST, OR MAY BE FORWARDED TO THE CITY ENGINEER'S OFFICE.
- THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.
- THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS, AND ASSIGNS, SHALL HAVE FREE AND UNINTERRUPTED PASSAGE IN, ON, UPON, OVER, UNDER, ACROSS, ALONG, AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REPAIRING, REPLACING, IMPROVING, ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, RELOCATING, AND REMOVING SAID FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO CUT AND TRIM BUSHES AND TREES, TOGETHER WITH THE RIGHT OF INGRESS, EGRESS, AND EGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.
- DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNLAWFULLY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS, AND/OR ASSIGNS THAT NO BUILDINGS, ROADWAYS, OR CURBS AND OUTLETS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREIN, WRITTEN PERMISSION FOR ABOVEGROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

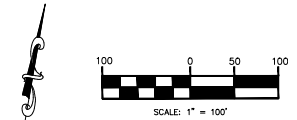
COMMON AREAS

PARCEL	AREA (SF)	AREA (AC)
W	82683.44	50. FT. 1.898 AC.
Y	65780.80	50. FT. 1.510 AC.

SUBDIVISION PLAT ESTABLISHING

THE VINEYARD ADDITION
SECTION 10

BEING 31.356 ACRES OF LAND OUT OF THE WEST HALF OF SECTION 13, BLOCK 40, TOWNSHIP-1-SOUTH OF THE TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND SAME BEING 31.138 ACRES OUT OF THAT CERTAIN 306.35 ACRE TRACT CONVEYED INTO VINEYARD RESERVE, LLC RECORDED IN DOCUMENT NO. 2016-26448, MIDLAND COUNTY OFFICIAL RECORDS, AND 0.218 ACRES OUT OF THAT CERTAIN 11.476 ACRE PARCEL NO. 1 CONVEYED INTO THE TEXAS ELECTRIC SERVICE COMPANY, RECORDED IN VOLUME 765, PAGE 70, MIDLAND COUNTY DEED RECORDS.



Westwood

Phone (210) 265-8300 211 North Loop 1604 East, Suite 205
TollFree (888) 937-5150 San Antonio, TX 78232
westwood.com

Westwood Professional Services, Inc.
TPELS SURVEYING FIRM NO. 10074301 - TPELS ENGINEERING FIRM NO. 11756
JOB NUMBER: R003841.00

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, IS THE RECORD OWNER OF 31.356 ACRES OF LAND OUT OF THE WEST HALF OF SECTION 13, BLOCK 40, TOWNSHIP-1-SOUTH OF THE TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND SAME BEING 31.138 ACRES OUT OF THAT CERTAIN 306.35 ACRE TRACT CONVEYED INTO VINEYARD RESERVE, LLC RECORDED IN DOCUMENT NO. 2016-26448, MIDLAND COUNTY OFFICIAL RECORDS, AND 0.218 ACRES OUT OF THAT CERTAIN 11.476 ACRE PARCEL NO. 1 CONVEYED INTO THE TEXAS ELECTRIC SERVICE COMPANY, RECORDED IN VOLUME 765, PAGE 70, MIDLAND COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED HEREIN.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I CHARLES F. HEDGES, JR., SENIOR VICE PRESIDENT OF FASKEN MANAGEMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER OF VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS THERETO AND CONDITION, SAID THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THERETO HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES. WITNESS MY HAND AT MIDLAND, TEXAS THIS _____ DAY OF _____, 2023.

VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY

BY: FASKEN MANAGEMENT, LLC
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: _____
NAME: CHARLES F. HEDGES, JR.
TITLE: SENIOR VICE-PRESIDENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHARLES F. HEDGES, JR., SENIOR VICE-PRESIDENT OF FASKEN MANAGEMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER OF VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN EXPRESSED.

GIVE UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

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

ETHAN C. OELKE
REGISTERED PROFESSIONAL LAND SURVEYOR #6926

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF "THE VINEYARD ADDITION, SECTION 10" WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS _____ DAY OF _____, 2023.

CHAIRMAN

SECRETARY

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

November 6, 2023

SHEET 1 OF 2
PREPARATION DATE: 10/6/23

UTILITY COMPANY CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES

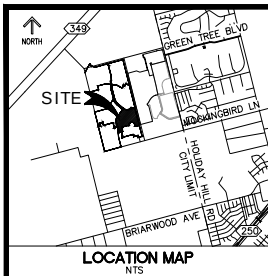
ATMOS ENERGY	PRINT NAME
ONCOR ELECTRIC DELIVERY	PRINT NAME
SUDDENLINK	PRINT NAME
GRANDE COMMUNICATIONS	PRINT NAME
AT&T - TEXAS	PRINT NAME

PACKET

NOTES:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF THE CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- ALL BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE (NAD83) COORDINATES.
- THIS PLAT IS SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VINEYARD ADDITION RECORDED AS DOCUMENT NO. 2019450 IN O.P.R.M.C.T.
- THE MAINTENANCE OF COMMON AREAS SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF MIDLAND.
- ALL SET 1/2" IRON RODS HAVE AN ORANGE PLASTIC CAP STAMPED "WESTWOOD"
- THIS PLAT IS SUBJECT TO REGULATION NO. 2012-277 APPROVED BY THE CITY COUNCIL OF MIDLAND, TEXAS, ON AUGUST 28TH, 2012.

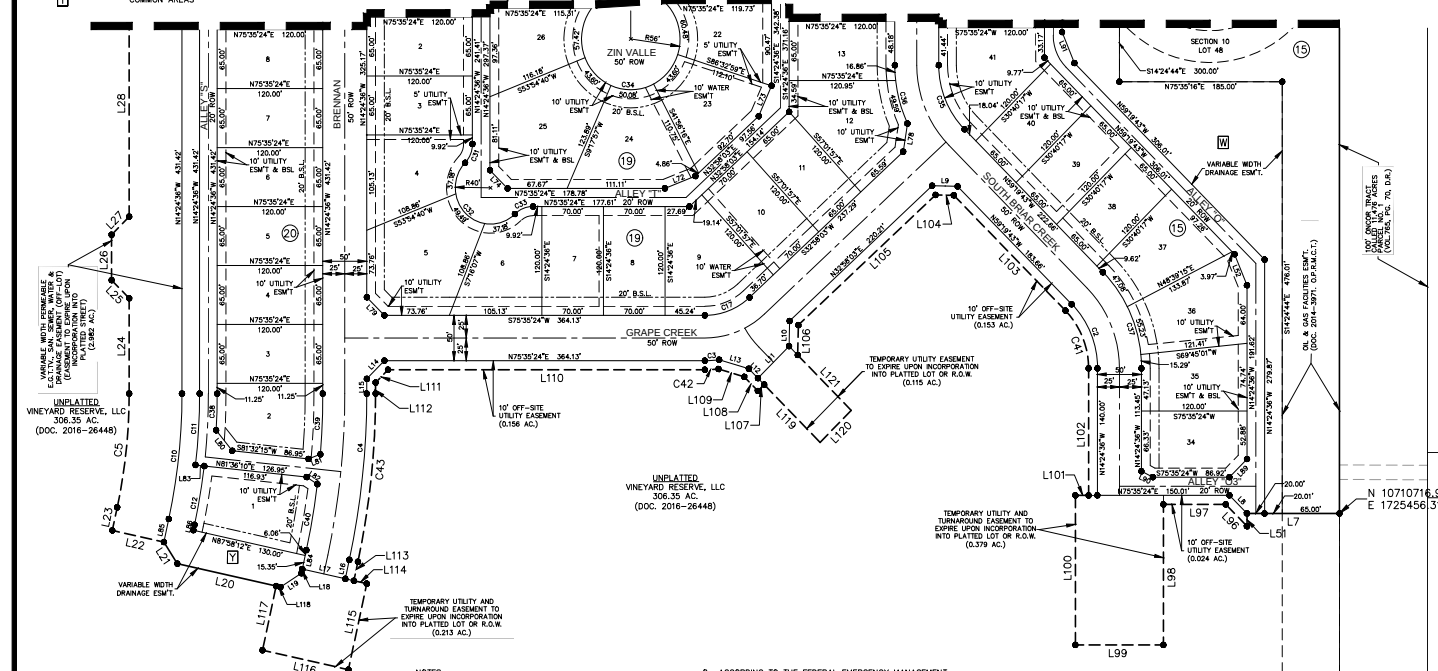
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 48329C0066 F, DATED SEPTEMBER 16, 2005, AS SCALED, THIS PROPERTY IS IN FLOOD ZONE "X" & "AH" (ZONE "X" IS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN).
- PER STAFF RECOMMENDATION FOR APPROVAL ON THE BSL VARIANCE FOR AREAS ZONED 1F-1 AND 1F-2, CONDITIONS ARE AS FOLLOWS:
 - THAT THE MINIMUM REQUIRED FRONT YARD SETBACK FOR ALL LOTS INCLUDED IN THE 77,433 ACRE PORTION OF THE PROPERTY THAT IS ZONED 1F-1, ONE FAMILY DWELLING DISTRICT SHALL BE 20 FEET.
 - THAT THE MINIMUM REQUIRED FRONT YARD SETBACK FOR ALL LOTS INCLUDED IN THE 48,722 ACRE PORTION OF THE PROPERTY THAT IS ZONED 1F-2, ONE FAMILY DWELLING DISTRICT SHALL BE 20 FEET.
 - THAT THE FOLLOWING NOTE SHALL BE ON THE FACE OF THE FINAL PLATS OF THE PROPERTY DESCRIBED: "NO FRONT VEHICLE ACCESS SHALL BE PERMITTED ON LOTS WITH LESS THAN 20 FOOT BSL."



- LEGEND:
- BOUNDARY
 - INTERNAL LOTLINE
 - EXISTING PROPERTY
 - CENTERLINE ROAD
 - FOUND 1/2" IRON ROD
 - SET 1/2" IRON ROD
 - OFFICIAL RECORDS OF MIDLAND COUNTY
 - DEED RECORDS OF MIDLAND COUNTY
 - BUILDING SETBACK LINE
 - EASEMENT
 - BLOCK NUMBER
 - COMMON AREAS

LINE TABLE			LINE TABLE			TABLE			LINE TABLE			LINE TABLE			CURVE TABLE			CURVE TABLE			CURVE TABLE			CURVE TABLE																																																																																																																																																																																																																																																																																																																																																																																																																							
LINE	LENGTH	DIRECTION	LINE	LENGTH	DIRECTION	LINE	LENGTH	DIRECTION	LINE	LENGTH	DIRECTION	LINE	LENGTH	DIRECTION	CURVE	LENGTH	RADIUS	DATA	CHORD BEARING	CHORD LENGTH	CURVE	LENGTH	RADIUS	DATA	CHORD BEARING	CHORD LENGTH																																																																																																																																																																																																																																																																																																																																																																																																																					
L1	127.67	N75°35'55"E	L26	50.00	N14°24'36"W	L51	14.14	S14°24'36"E	L76	16.29	S14°24'36"E	L101	15.00	N75°35'55"E	C1	331.69	355.00	542054"	S77°13'38"E	319.68	C23	37.50	150.00	142031"	S7°14'21"E	37.45																																																																																																																																																																																																																																																																																																																																																																																																																					
L2	28.28	N30°35'55"E	L27	28.28	N30°35'55"E	L52	36.96	N30°52'14"W	L77	100.14	S78°35'53"W	L102	140.00	N14°24'36"W	C2	78.40	100.00	425550"	N14°24'36"E	76.41	C27	14.68	17.00	549302"	S41°58'16"E	33.90																																																																																																																																																																																																																																																																																																																																																																																																																					
L3	82.00	N75°35'55"E	L28	236.34	N14°24'36"W	L53	15.00	N14°24'36"W	L78	31.39	S51°19'27"E	L103	179.63	N59°19'43"W	C3	16.37	125.00	73317"	N7°50'16"E	16.36	C28	15.00	150.00	149330"	N24°10'06"E	50.85																																																																																																																																																																																																																																																																																																																																																																																																																					
L4	28.29	S59°24'21"E	L29	29.25	N55°55'36"E	L54	37.76	N59°19'57"E	L79	28.28	N59°24'36"W	L104	20.79	S78°49'10"W	C4	84.74	855.00	122248"	N8°13'12"E	184.28	C29	51.08	170.00	547507"	N12°01'47"E	15.67																																																																																																																																																																																																																																																																																																																																																																																																																					
L5	106.03	N75°35'55"E	L30	80.00	N39°56'49"E	L55	41.60	S75°35'24"W	L80	28.15	N53°27'45"W	L105	21.92	S32°58'03"W	C5	126.40	585.00	122448"	N8°13'12"E	184.28	C30	16.37	125.00	73317"	N7°50'16"E	16.36																																																																																																																																																																																																																																																																																																																																																																																																																					
L6	93.09	N72°35'55"E	L31	30.44	S77°29'44"W	L56	31.39	S34°32'15"E	L81	14.50	S34°47'45"W	L106	33.06	S13°10'50"E	C6	332.48	370.00	512936"	N11°19'57"E	321.40	C31	246.72	270.00	519370"	S11°19'57"E	234.54																																																																																																																																																																																																																																																																																																																																																																																																																					
L7	105.01	S75°35'16"W	L32	29.61	S57°09'48"E	L57	23.25	N88°25'33"W	L82	14.50	N71°43'14"W	L107	10.00	S30°40'17"W	C7	307.74	430.00	410020"	S83°53'58"E	303.32	C32	134.79	150.00	519398"	N11°19'57"E	130.30																																																																																																																																																																																																																																																																																																																																																																																																																					
L8	28.27	S59°24'21"E	L33	31.99	N39°48'14"E	L58	43.13	S35°25'36"E	L83	14.50	S75°35'24"W	L108	22.96	N59°19'43"W	C8	42.56	164.00	144135"	N2°13'55"E	41.94	C33	89.86	100.00	519298"	S11°19'57"E	86.87																																																																																																																																																																																																																																																																																																																																																																																																																					
L9	28.85	N79°49'10"E	L34	136.04	S75°35'55"E	L59	23.06	S20°49'54"W	L84	20.41	N57°01'48"W	L109	30.44	N87°14'36"W	C9	17.81	37.50	271240"	N50°13'30"E	17.84	C34	28.82	30.00	434203"	N8°28'23"E	22.35																																																																																																																																																																																																																																																																																																																																																																																																																					
L10	27.71	N13°10'50"W	L35	93.12	N78°35'53"E	L60	44.32	N35°35'36"E	L85	20.41	N57°01'48"W	L110	359.93	S75°35'24"W	C10	139.37	645.00	122248"	N8°13'12"E	139.10	C35	22.85	40.00	437240"	N59°24'36"E	79.98																																																																																																																																																																																																																																																																																																																																																																																																																					
L11	50.00	S30°40'17"W	L36	61.92	N34°11'53"E	L61	24.04	S52°50'30"E	L86	20.68	N2°01'48"E	L111	20.00	S30°40'17"W	C11	78.88	645.00	122448"	N11°00'42"E	78.84	C36	22.85	40.00	437240"	S53°24'14"E	22.35																																																																																																																																																																																																																																																																																																																																																																																																																					
L12	14.61	S59°19'43"E	L37	14.64	S29°14'13"E	L62	35.92	N37°04'03"E	L87	43.12	N14°24'36"W	L112	12.10	S14°24'36"E	C12	65.77	707.90	812950"	N4°48'48"E	65.75	C37	283.25	50.00	2894910"	N75°35'20"E	64.44																																																																																																																																																																																																																																																																																																																																																																																																																					
L13	35.12	N87°54'55"E	L38	14.64	S82°22'02"E	L63	74.62	N37°04'30"E	L88	43.12	N14°24'36"W	L113	12.10	S14°24'36"E	C13	78.88	645.00	122448"	N11°00'42"E	78.84	C38	14.61	S59°19'43"E	L39	14.64	S29°14'13"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E	L64	35.92	N37°04'03"E

MATCHLINE "A"



NOTES:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF THE CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- ALL BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE (NAD83) COORDINATES.
- THIS PLAT IS SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VINEYARD ADDITION RECORDED AS DOCUMENT NO. 20119450 IN O.P.R.M.C.T.
- THE MAINTENANCE OF COMMON AREAS SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF MIDLAND.
- ALL SET, 1/2" IRON RODS HAVE AN ORANGE PLASTIC CAP STAMPED "WESTWOOD".
- THIS PLAT IS SUBJECT TO RESOLUTION NO. 2012-277 APPROVED BY THE CITY COUNCIL OF MIDLAND, TEXAS, ON AUGUST 28TH, 2012.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 48330006 F, DATED SEPTEMBER 16, 2005, AS SCALED, THIS PROPERTY IS IN FLOOD ZONE "X" AND "AE" (ZONE "X" IS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN).
- PER STAFF RECOMMENDATION FOR APPROVAL ON THE BSL VARIANCE FOR AREAS ZONED 1F-1 AND 1F-2, CONDITIONS ARE AS FOLLOWS:
A. THAT THE MINIMUM REQUIRED FRONT YARD SETBACK FOR ALL LOTS INCLUDED IN THE 77,433 ACRE PORTION OF THE PROPERTY THAT IS ZONED 1F-1, ONE FAMILY DWELLING DISTRICT SHALL BE 20 FEET.
B. THAT THE MINIMUM REQUIRED FRONT YARD SETBACK FOR ALL LOTS INCLUDED IN THE 48,722 ACRE PORTION OF THE PROPERTY THAT IS ZONED 1F-2, ONE FAMILY DWELLING DISTRICT SHALL BE 20 FEET.
C. THAT THE FOLLOWING NOTE SHALL BE ON THE FACE OF THE FINAL PLATS OF THE PROPERTY DESCRIBED: "NO FRONT VEHICLE ACCESS SHALL BE PERMITTED ON LOTS WITH LESS THAN 20 FOOT BSL."

UTILITY COMPANY CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES

ATMOS ENERGY PRINT NAME

ONCOR ELECTRIC DELIVERY PRINT NAME

SUDENLINK PRINT NAME

GRANDE COMMUNICATIONS PRINT NAME

AT&T - TEXAS PRINT NAME

PACKET

COMMON AREAS

PARCEL	AREA (SF)	AREA (AC)
W	82683.44 SQ. FT.	1.898 AC.
Y	65780.80 SQ. FT.	1.510 AC.

COMMON AREAS

SECTION 10 LOT 48

SECTION 10 LOT 49

SECTION 10 LOT 50

SECTION 10 LOT 51

SECTION 10 LOT 52

SECTION 10 LOT 53

SECTION 10 LOT 54

SECTION 10 LOT 55

SECTION 10 LOT 56

SECTION 10 LOT 57

SECTION 10 LOT 58

SECTION 10 LOT 59

SECTION 10 LOT 60

SECTION 10 LOT 61

SECTION 10 LOT 62

SECTION 10 LOT 63

SECTION 10 LOT 64

SECTION 10 LOT 65

SECTION 10 LOT 66

SECTION 10 LOT 67

SECTION 10 LOT 68

SECTION 10 LOT 69

SECTION 10 LOT 70

SECTION 10 LOT 71

SECTION 10 LOT 72

SECTION 10 LOT 73

SECTION 10 LOT 74

SECTION 10 LOT 75

SECTION 10 LOT 76

SECTION 10 LOT 77

SECTION 10 LOT 78

SECTION 10 LOT 79

SECTION 10 LOT 80

SECTION 10 LOT 81

SECTION 10 LOT 82

SECTION 10 LOT 83

SECTION 10 LOT 84

SECTION 10 LOT 85

SECTION 10 LOT 86

SECTION 10 LOT 87

SECTION 10 LOT 88

SECTION 10 LOT 89

SECTION 10 LOT 90

SECTION 10 LOT 91

SECTION 10 LOT 92

SECTION 10 LOT 93

SECTION 10 LOT 94

SECTION 10 LOT 95

SECTION 10 LOT 96

SECTION 10 LOT 97

SECTION 10 LOT 98

SECTION 10 LOT 99

SECTION 10 LOT 100

SECTION 10 LOT 101

SECTION 10 LOT 102

SECTION 10 LOT 103

SECTION 10 LOT 104

SECTION 10 LOT 105

SECTION 10 LOT 106

SECTION 10 LOT 107

SECTION 10 LOT 108

SECTION 10 LOT 109

SECTION 10 LOT 110

SECTION 10 LOT 111

SECTION 10 LOT 112

SECTION 10 LOT 113

SECTION 10 LOT 114

SECTION 10 LOT 115

SECTION 10 LOT 116

SECTION 10 LOT 117

SECTION 10 LOT 118



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: The Vineyard Addition Section 10**Legal Description (attached sealed Metes and Bounds):** Being 31.356 acres of land out of the west half of Section 13, Block 40, Township-1-South, of the Texas and Pacific Railroad Company Survey, City and County of Midland, Texas and same being 31.138 acres out of that certain 306.35 acre tract conveyed unto Vineyard Reserves, LLC recorded in document No. 2016-26448, Midland County Official Records, and 0.218 acres out of that certain 11.476 acre parcel No. 1 conveyed unto the Texas Electric Service Company, recorded in Volume 765, Page 70, Midland County Deed Records**Property Owner**

Printed Name: Vineyard Reserve, LLC

Phone (956) 791-5000

Email benp@forl.com

Address 6101 Holiday Hill Road

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: Westwood Professional Services

Printed Name: Drew A. Defendorf, PE

Phone (210) 265-8309

Email drew.defendorf@westwoodps.com

Address 211 N Loop 1604 E, Suite 205

City San Antonio

State TX

Zip 78232

Current Zoning:**Reason for Platting:** Property Presently Unplatted**Plat Information**

Total Acreage: 31.356

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

Number of Lots: 64

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) Charles F. Hedges, Jr.

Date: 10/6/2023

Property Owner (printed): Charles F. Hedges, Jr.

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Drew Def
Authorized Agent (signature)

Subscribed and sworn to before me, this 6 day of October, 2023, to certify which witness my hand and seal of office.



Bianca Pizana
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

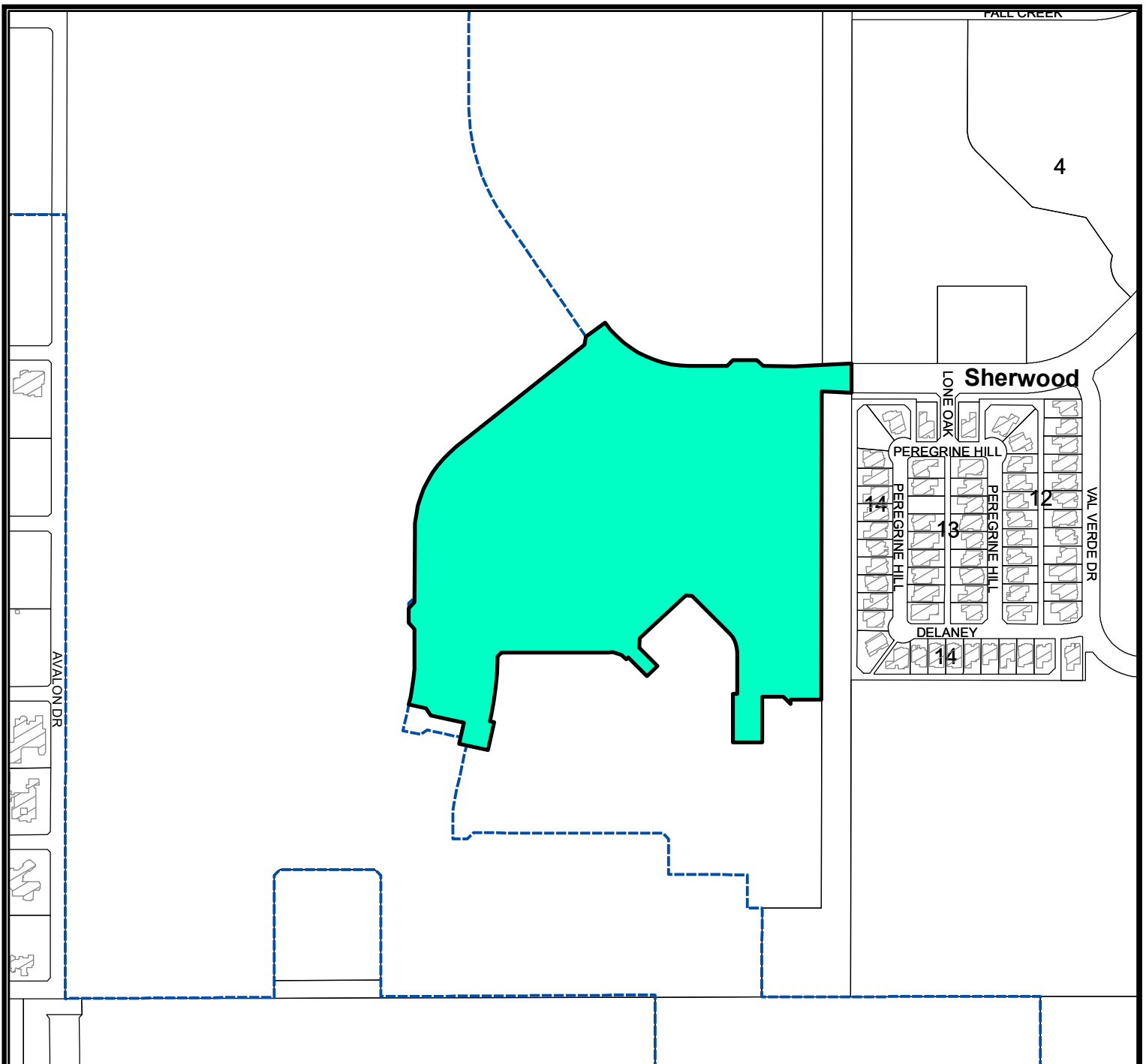
FOR OFFICE USE ONLY

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

Received By: _____

Date: _____

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



LOCATION MAP

P-23-1821

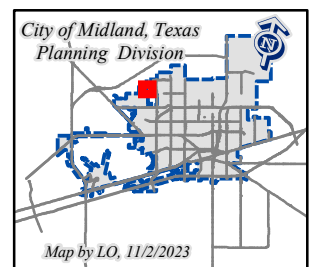
Scale: 1" = 5,842'

Proposed Plat of a 31.356-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas.

Generally located immediately west of Sherwood approximately 1,300 feet east of Avalon Drive (Council District 4)

LEGEND

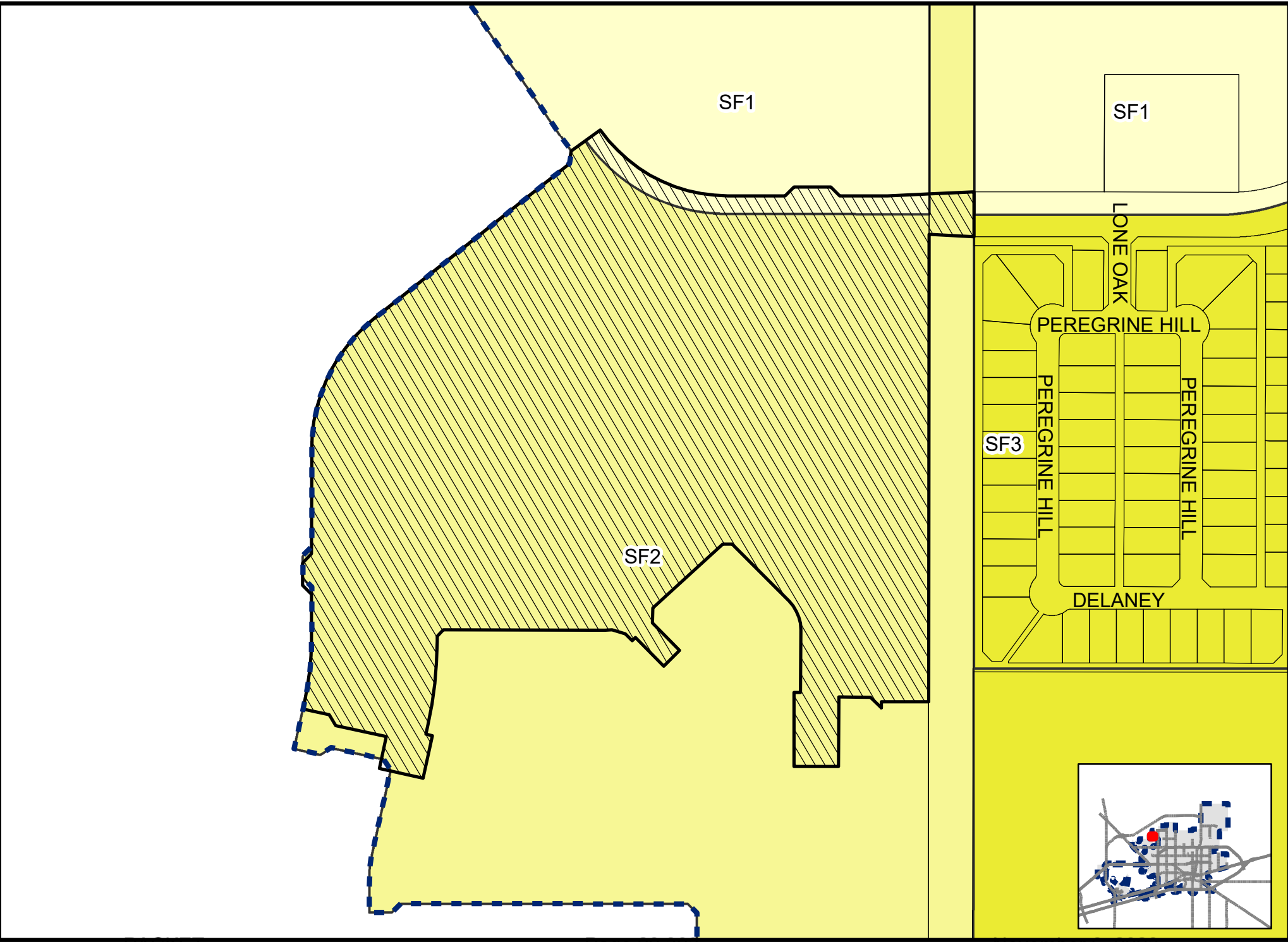
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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





Planning and Zoning Commission

Approved for Agenda:
Cristina Burns

MEETING DATE: November 6, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving reinstatement of an approved Preliminary Plat for Vineyard Addition, Section 5, being 140.278 acres of land out of Section 13, Block 40 T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southwest of the intersection of Holiday Hill Road and Green Tree Boulevard) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, The Vineyard Reserve, LLC, is requesting to reinstate the Vineyard Addition, Section 5 Preliminary Plat, to final phases for future development. The preliminary plat was approved on April 14, 2014, by the Planning and Zoning Commission and approved on May 6, 2014, by City Council.

Current Zoning:

1F-1, One-family Dwelling District, 1F-3, One-family Dwelling District, MF-1, Multi-family Dwelling District, PD, Planned District for a Housing Development (Ordinance No.9319), with an underlying zoning of 1F-3, One-family Dwelling District, PD, Planned District for an Office Center (Ordinance No.9248), with an underlying zoning of O-2, Office District. (Ordinance No.9319)

This project has been routed to all respective City departments for internal review. Below are the departments' comments.

Engineering:

R-O-W is okay as shown.

Paving must meet City standards along all platted ROW.

Must construct water mains to City Standards along all platted frontage.

Install fire hydrants as needed to meet City Fire Code at directives of City Fire Marshal.

Must construct sewer sidewalks to City standards along all platted frontage.

Drainage study received Jan 30, 2015.

Provide easements for water and wastewater across common areas.

Sidewalks are required at building permit for residences. Required prior to recording final plat at arterials, collectors, and along common areas, drainage easements. Pedestrian access ramps must be constructed as part of any new road improvement, prior to COM acceptance of the road.

Detail reference on Sandstone, should state Detail "B" to match detail titles.

Existing water wells must be abandoned per TCEQ requirements.

The "Notes" make a reference to the "North Central Zone" we are in Central Zone.

One of the details seems to be mislabeled "Detail C" is shown twice.

(Similar to Engineering comments made for P-13-107, March 19, 2014.)

Fire:

No additional comments.

Code Administration:

Variances to allow building construction up to 135 feet of an oil well have been approved as of August 8, 2012.

Planning

Special Exception request to reduce front yard setbacks must be approved before recording of the final plat. Request will go before City Council on October 10, 2017 for a public hearing.

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

Conditions:

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

B. That a drainage plan is approved.

C. That the required public improvements are adequately addressed.

Attachments:

Proposed Preliminary Plat
Application
Maps

October 6, 2023

Charles Harrington
Director of Development Services
City of Midland
300 N. Loraine
Midland, Texas 79702

**Re: Preliminary Plat Reinstatement Request
The Vineyard Addition Section 5**

Dear Mr. Harrington:

The reinstatement of The Vineyard Addition Section 5 Preliminary Plat is requested on the behalf of the Vineyard Reserve, LLC. The Preliminary Plat of the Vineyard Addition Section 5, being a 140.28-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas (generally located on the west side of Holiday Hill Road, at the west extension of Green Tree Boulevard) was approved by City Council on May 6, 2014.

A copy of the approved Preliminary Plat has been provided as an attachment to this request. Please advise if any additional information is needed for reinstatement of The Vineyard Addition Section 5 Preliminary Plat.

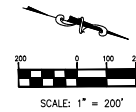
Sincerely,

WESTWOOD PROFESSIONAL SERVICES, INC



Drew A. Defendorf, P.E.
Project Manager

PRELIMINARY PLAT
THE VINEYARD ADDITION
SECTION 5

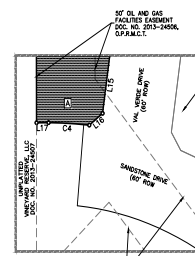


- NOTES:
1. SELLING A PORTION OF THIS ADDITION BY LOTS AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHDRAWAL OF UTILITIES AND BUILDING PERMITS.
 2. NO FINAL PLATS WILL BE APPROVED FOR AREAS THAT HAVE NOT BEEN RECORDED.
 3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
 4. THIS PLAT IS SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VINEYARD ADDITION RECORDED AS DOCUMENT NO. 2019450 IN C.P.A.M.C.T.
 5. ALL BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (NAD83) COORDINATES.
 6. THE MAINTENANCE OF COMMON AREAS SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF MIDLAND.

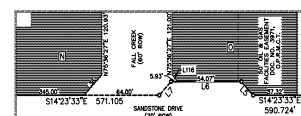
- LEGEND
- FLOODPLAIN
 - FIND IRON PINS
 - SET IRON PINS
 - COMMON AREAS
 - BLOCK NUMBER

COMMON AREA

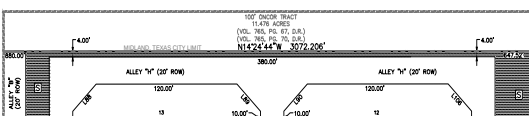
A	7714.05 SQ. FT. 1.83 AC.
B	8823.55 SQ. FT. 0.20 AC.
C	13703.28 SQ. FT. 0.32 AC.
D	960979.41 SQ. FT. 22.06 AC.
E	6587.50 SQ. FT. 0.15 AC.
F	6950.30 SQ. FT. 0.16 AC.
G	6595.06 SQ. FT. 0.15 AC.
H	9009.53 SQ. FT. 0.21 AC.
I	8787.50 SQ. FT. 0.20 AC.
J	8787.50 SQ. FT. 0.20 AC.
K	8787.50 SQ. FT. 0.20 AC.
L	8787.50 SQ. FT. 0.20 AC.
M	9283.94 SQ. FT. 0.21 AC.
N	28801.72 SQ. FT. 0.66 AC.
O	23048.43 SQ. FT. 0.52 AC.
P	2407.54 SQ. FT. 0.06 AC.
Q	4800.00 SQ. FT. 0.11 AC.
R	19301.67 SQ. FT. 0.44 AC.
S	12450.68 SQ. FT. 0.28 AC.
T	8021.39 SQ. FT. 0.18 AC.
U	3875.10 SQ. FT. 0.09 AC.
V	5408.04 SQ. FT. 0.12 AC.



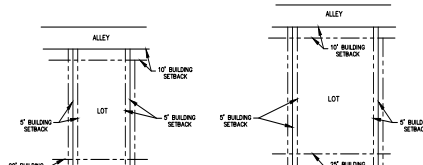
DETAIL "A"
SCALE: 1" = 50'



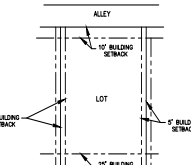
DETAIL "B"
SCALE: 1" = 50'



DETAIL "C"
SCALE: 1" = 50'



TYPICAL 90'x120' LOTS
BUILDING SETBACK DETAIL
NOT TO SCALE



TYPICAL 90'x150' LOTS
BUILDING SETBACK DETAIL
NOT TO SCALE

BENCHMARK
BM #1 - IRON ROD WITH A BLUE CAP SET IN CONCRETE 5' WEST OF THE WEST RIGHT-OF-WAY LINE OF SANDSTONE DRIVE ON THE EXTENDED LOT LINE OF LOTS 2 & 3 IN SECTION 5.
ELEVATION = 2855.44

LEGAL DESCRIPTION
BEING 143.278 ACRES OF LAND OUT OF THE EAST HALF OF SECTION 13, BLOCK 40, TOWNSHIP 1-SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, BEING ALSO OUT OF THE TRACT IN SPECIAL WARRANTY DEED AS RECORDED IN VOLUME 1364, PAGE 591, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS.

Northstar Land Surveying, Inc.
9033 Ave. 56, Suite 105
San Antonio, Texas 78217
(210) 826-4238

COURBEN-KOEHLER
ENGINEERING & ASSOCIATES
13805 Marquette, Suite 200 • San Antonio, Texas 78258
Tel: 210.887.9030 • Fax: 210.885.5230
www.courben-koepler.com • TSPCE Firm No. 5-02047

OWNER OF RECORD
VINEYARD RESERVE, LLC
6101 HOLIDAY HILL ROAD
MIDLAND, TEXAS 79707
TEL: (432) 687-1777

THE VINEYARD ADDITION,
SECTION 5

PRELIMINARY PLAT

THE VINEYARD ADDITION

SECTION 5

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	70.07	S89°25'53"W	L41	28.28	N30°35'55"E	L81	28.28	N59°23'49"W
L2	13.81	S175°01"W	L42	28.28	N59°24'24"W	L82	28.28	N30°36'11"E
L3	80.07	S25°47'01"E	L43	28.28	N30°35'36"E	L83	28.54	N12°52'30"W
L4	13.81	S89°24'02"E	L44	7.07	N59°24'05"W	L84	28.63	N82°30'58"E
L5	14.14	S30°36'27"W	L45	7.07	N30°35'55"E	L85	57.88	N29°31'51"E
L6	60.07	S14°23'33"E	L46	28.28	N59°24'05"W	L86	31.31	N52°33'35"E
L7	14.14	S59°23'33"E	L47	28.28	N30°35'55"E	L87	31.45	N52°33'58"E
L8	206.23	S14°23'33"E	L48	7.07	N59°24'05"W	L88	28.29	N59°24'24"W
L9	28.35	S30°17'59"W	L49	7.07	N30°35'55"E	L89	28.28	N30°35'36"E
L10	138.07	S30°36'27"W	L50	28.29	N59°24'24"W	L90	28.29	N59°24'24"W
L11	20.18	S30°35'23"W	L51	28.28	N30°35'36"E	L91	7.82	N85°49'28"W
L12	100.07	S35°41'39"E	L52	24.01	N85°35'58"W	L92	7.82	N37°01'45"E
L13	29.36	S94°09'11"E	L53	19.33	N85°35'58"W	L93	15.57	N71°20'14"E
L14	15.97	S41°25'42"E	L54	28.88	N30°35'55"E	L94	15.11	N28°31'00"W
L15	110.66	N83°46'37"E	L55	28.28	N59°24'05"W	L95	14.14	N24°27'52"W
L16	14.29	S91°48'16"E	L56	7.07	N30°35'55"E	L96	14.14	N60°32'08"E
L17	10.32	S14°38'28"E	L57	7.07	N59°24'05"W	L97	29.77	N72°27'14"E
L18	163.24	N83°45'01"E	L58	28.28	N59°24'05"W	L98	36.88	N41°55'42"E
L19	70.69	N30°37'38"E	L59	7.07	N30°35'55"E	L99	24.01	N85°55'58"W
L20	22.89	N78°59'38"W	L60	7.07	N59°24'05"W	L100	46.22	N48°04'02"E
L21	8.53	N31°44'42"W	L61	28.28	N30°35'55"E	L101	113.08	N14°28'09"W
L22	8.53	N31°44'42"W	L62	28.28	N59°24'05"W	L102	84.85	N30°31'51"E
L23	28.28	N30°35'55"E	L63	7.07	N30°35'55"E	L103	84.85	N59°28'09"W
L24	28.28	N59°24'24"W	L64	7.07	N59°24'05"W	L104	126.53	N14°28'09"W
L25	28.28	N30°35'36"E	L65	28.28	N30°35'55"E	L105	27.12	N60°32'08"E
L26	28.28	N59°24'05"W	L66	28.28	N59°24'05"W	L106	28.28	N30°35'36"E
L27	21.21	N30°35'55"E	L67	7.07	N30°35'55"E	L107	28.28	N30°35'55"E
L28	21.21	N59°24'05"W	L68	7.07	N59°24'05"W	L108	28.28	N30°35'55"E
L29	21.21	N30°35'55"E	L69	7.07	N30°35'55"E	L109	50.32	N62°12'52"W
L30	21.21	N59°24'05"W	L70	7.07	N59°24'05"W	L110	50.32	N62°12'52"W
L31	28.28	N30°35'55"E	L71	10.69	N30°35'55"E	L111	36.36	N19°56'14"W
L32	28.28	N59°24'05"W	L72	7.24	N12°33'08"E	L112	22.87	N19°56'14"W
L33	14.14	N30°35'55"E	L73	7.24	N58°23'19"W	L113	28.28	N59°28'09"W
L34	14.14	N30°35'55"E	L74	28.28	N30°35'55"E	L114	28.28	N30°31'51"E
L35	23.29	N19°38'25"E	L75	28.28	N59°24'05"W	L115	70.71	N59°23'31"W
L36	21.21	N59°23'33"W	L76	20.07	N20°32'08"E	L116	6.97	N30°36'27"E
L37	28.28	N30°35'55"E	L77	20.07	N20°32'08"E			
L38	28.28	N59°24'05"W	L78	35.47	N41°55'58"W			
L39	7.07	N30°35'55"E	L79	28.28	N30°35'55"E			
L40	28.28	N59°24'05"W	L80	24.01	N85°55'58"W			

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	118.31	800.00	008°28'25"	N27°19'59"W	118.20
C2	83.79	660.00	008°08'32"	N79°40'45"E	93.71
C3	106.16	740.00	008°15'10"	N79°38'28"E	106.07
C4	34.71	364.46	005°27'36"	S11°27'02"E	34.70
C5	299.86	210.00	081°48'43"	S55°19'02"E	275.02
C6	47.16	100.00	027°01'05"	S27°50'12"E	46.72
C7	145.67	350.00	023°50'48"	S42°35'47"W	144.62
C8	432.14	550.00	045°01'05"	S53°55'54"W	421.11
C9	105.11	730.00	058°15'05"	S18°31'02"E	105.02
C10	33.69	730.00	002°38'59"	S37°41'49"E	33.69
C11	24.89	325.00	004°23'14"	N62°41'50"E	24.88
C12	32.41	210.00	008°50'33"	N16°49'24"W	32.38
C13	29.33	190.00	008°50'33"	N16°49'24"W	29.30
C14	67.92	275.00	014°39'05"	N68°31'25"E	67.74
C15	40.16	325.00	007°04'30"	N72°03'30"E	40.14
C16	10.40	15.00	039°42'54"	N55°44'28"E	10.19
C17	147.86	50.00	169°25'49"	N59°24'05"W	99.57
C18	10.40	15.00	039°42'54"	N59°27'22"E	10.19
C19	10.40	15.00	039°42'54"	N34°53'32"W	10.19
C20	147.86	50.00	169°25'49"	N30°35'55"E	99.57
C21	10.40	15.00	039°42'54"	N84°32'38"W	10.19
C22	10.40	15.00	039°42'54"	N55°44'28"E	10.19
C23	147.86	50.00	169°25'49"	N59°24'05"W	99.57
C24	10.40	15.00	039°42'54"	N59°27'22"E	10.19
C25	23.56	15.00	080°07'00"	N59°24'05"W	21.21
C26	23.56	15.00	080°07'00"	N30°35'55"E	21.21
C27	186.52	450.00	021°12'09"	N64°59'50"E	165.58
C28	241.31	300.00	048°05'13"	N52°23'51"E	234.89
C29	286.52	360.00	048°04'40"	N52°23'50"E	287.78
C30	17.25	18.50	052°52'56"	N41°06'48"W	16.63
C31	272.85	54.50	186°50'55"	N79°38'28"E	54.95
C32	17.25	18.50	052°52'56"	N12°06'38"E	16.63
C33	12.48	18.50	038°58'45"	N37°42'27"W	12.24
C34	145.99	50.00	167°17'30"	N30°35'55"E	99.39
C35	12.48	18.50	038°58'45"	N85°54'43"W	12.24
C36	65.92	125.00	030°31'39"	N59°23'37"E	65.16
C37	12.48	18.50	038°58'45"	N85°54'43"W	12.24
C38	45.73	75.00	034°56'13"	N30°34'02"E	45.03
C39	12.48	18.50	038°58'45"	N37°42'27"W	12.24
C40	145.99	50.00	167°17'30"	N30°35'55"E	99.39
C41	12.48	18.50	038°58'45"	N85°54'43"W	12.24

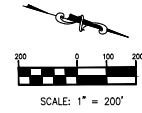
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C42	17.25	18.50	053°25'26"	N48°53'12"E	16.63
C43	272.85	54.50	186°50'52"	N14°24'05"W	64.95
C44	17.25	18.50	053°25'26"	N77°41'22"W	16.63
C45	29.06	18.50	030°00'00"	N30°35'55"E	28.16
C46	192.84	225.00	049°07'51"	N79°50'10"W	187.08
C47	211.82	260.00	033°42'45"	N58°45'05"E	208.78
C48	241.26	300.00	048°04'40"	N52°23'50"E	234.81
C49	150.06	175.00	049°07'51"	N79°50'10"W	145.51
C50	30.68	40.00	043°55'20"	N07°33'35"E	29.62
C51	29.36	18.50	050°07'00"	N30°35'55"E	28.16
C52	24.39	40.00	034°56'13"	N48°53'12"E	24.01
C53	24.39	40.00	034°56'13"	N48°53'12"E	24.01
C54	16.28	17.00	054°52'35"	N48°53'12"E	15.67
C55	126.54	56.00	139°28'21"	N65°44'20"E	101.28
C56	126.54	56.00	139°28'21"	N65°44'20"E	101.28
C57	16.28	17.00	054°52'35"	N78°57'47"W	15.67
C58	127.74	175.00	041°49'18"	N54°41'16"E	124.92
C59	186.35	125.00	080°07'00"	N30°35'55"E	176.78
C60	51.54	70.00	042°11'13"	N83°18'28"W	50.38
C61	36.82	50.00	042°11'13"	N83°18'28"W	35.99
C62	5.46	115.00	002°43'11"	N34°08'02"E	5.46
C63	74.68	115.00	037°11'54"	N04°11'52"E	73.36
C64	141.74	65.00	124°56'13"	N48°04'02"E	115.28
C65	76.95	175.00	025°11'43"	N01°48'13"W	76.34
C66	45.73	75.00	034°56'13"	N48°53'12"E	45.03
C67	21.51	15.00	082°10'40"	N35°09'06"E	19.72
C68	62.47	65.00	055°03'47"	N41°55'58"W	60.09
C69	38.95	38.95	074°22'53"	N73°22'42"E	36.27
C70	267.44	100.00	153°13'45"	N67°13'52"W	194.57
C71	36.45	30.00	067°59'04"	N19°25'02"W	28.91
C72	67.87	15.00	034°56'13"	N37°42'27"W	66.89
C73	70.17	675.00	008°27'59"	N10°00'00"W	70.11
C74	10.40	15.00	039°42'54"	N25°47'41"W	10.19
C75	142.85	50.00	163°48'43"	N36°15'13"E	99.00
C76	11.14	15.00	042°33'39"	N83°07'15"W	10.89
C77	76.22	125.00	034°56'13"	N48°53'12"E	75.05
C78	30.49	30.00	034°56'13"	N48°53'12"E	30.02
C79	16.28	40.00	023°17'45"	N02°45'13"E	16.15
C80	36.44	40.00	055°03'47"	N41°55'58"W	36.08
C81	54.88	90.00	034°56'13"	N48°53'12"E	54.03

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C82	36.44	40.00	055°03'47"	N41°55'58"W	36.08
C83	220.74	530.00	024°19'18"	N28°37'48"W	219.08
C84	92.02	730.00	007°13'20"	N35°10'48"W	91.95
C85	100.84	800.00	007°13'20"	N35°10'48"W	100.77
C86	191.02	450.00	024°19'18"	N28°37'48"W	189.59
C87	94.68	660.00	008°31'07"	N79°38'28"E	94.60
C88	105.16	740.00	008°08'32"	N79°40'45"E	105.07

PRELIMINARY PLAT

THE VINEYARD ADDITION

SECTION 5

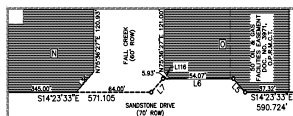
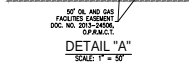
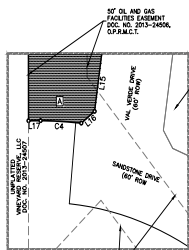


- NOTES:
1. SELLING A PORTION OF THIS ADDITION BY LOTS AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHDRAWAL OF UTILITIES AND BUILDING PERMITS.
 2. NO FINAL PLATS WILL BE APPROVED FOR AREAS THAT HAVE NOT BEEN RECORDED.
 3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
 4. THIS PLAT IS SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VINEYARD ADDITION RECORDED AS DOCUMENT NO. 2019450 IN C.P.M.C.T.
 5. ALL BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (NAD83) COORDINATES.
 6. THE MAINTENANCE OF COMMON AREAS SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF MIDLAND.

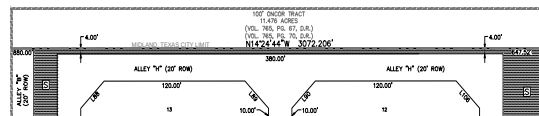
- LEGEND
- FLOODPLAIN
 - FIND IRON PINS
 - SET IRON PINS
 - COMMON AREAS
 - BLOCK NUMBER

COMMON AREA

A	7714.05 SQ. FT. 1.83 AC.
B	8823.55 SQ. FT. 0.20 AC.
C	13703.28 SQ. FT. 0.32 AC.
D	960979.41 SQ. FT. 22.06 AC.
E	6587.50 SQ. FT. 0.15 AC.
F	6950.30 SQ. FT. 0.15 AC.
G	6595.06 SQ. FT. 0.15 AC.
H	9009.53 SQ. FT. 0.21 AC.
I	8787.50 SQ. FT. 0.20 AC.
J	8787.50 SQ. FT. 0.20 AC.
K	8787.50 SQ. FT. 0.20 AC.
L	8787.50 SQ. FT. 0.20 AC.
M	9283.94 SQ. FT. 0.21 AC.
N	28801.72 SQ. FT. 0.66 AC.
O	20048.43 SQ. FT. 0.46 AC.
P	2407.54 SQ. FT. 0.06 AC.
Q	4800.00 SQ. FT. 0.11 AC.
R	19301.67 SQ. FT. 0.44 AC.
S	12450.68 SQ. FT. 0.28 AC.
T	9021.39 SQ. FT. 0.21 AC.
U	3875.10 SQ. FT. 0.09 AC.
V	5408.04 SQ. FT. 0.12 AC.



DETAIL 'B'



DETAIL 'C'

Page 21.310

TYPICAL 60'x120' LOTS
BUILDING SETBACK DETAIL
NOT TO SCALE

TYPICAL 90'x140' & 90'x150' LOTS
BUILDING SETBACK DETAIL
NOT TO SCALE

BENCHMARK
BM #1 - IRON ROD WITH A BLUE CAP SET IN CONCRETE 5' WEST OF THE WEST RIGHT-OF-WAY LINE OF SANDSTONE DRIVE ON THE EXTENDED LOT LINE OF LOTS 2 & 3 IN SECTION 5.
ELEVATION = 2855.44

LEGAL DESCRIPTION
BEING 143,278 ACRES OF LAND OUT OF THE EAST HALF OF SECTION 13, BLOCK 40, TOWNSHIP 1-SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, BEING ALSO OUT OF THE TRACT IN SPECIAL WARRANTY DEED AS RECORDED IN VOLUME 1364, PAGE 591, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS.

Northstar Land Surveying, Inc.
9035 Ave 56, Suite 105
San Antonio, Texas 78217
(210) 826-4238

COURBEN-KOEHLER
ENGINEERING & ASSOCIATES
13805 Highway 330, Suite 200 • San Antonio, Texas 78258
Tel: 210.887.9030 • Fax: 210.885.5230
www.courben-koepler.com • TSPC Firm No. 5-02047

OWNER OF RECORD
VINEYARD RESERVE, LLC
6101 HOLIDAY HILL ROAD
MIDLAND, TEXAS 79707
TEL: (432) 687-1777

THE VINEYARD ADDITION,
SECTION 5

SHEET 1 OF 2

PRELIMINARY PLAT

THE VINEYARD ADDITION

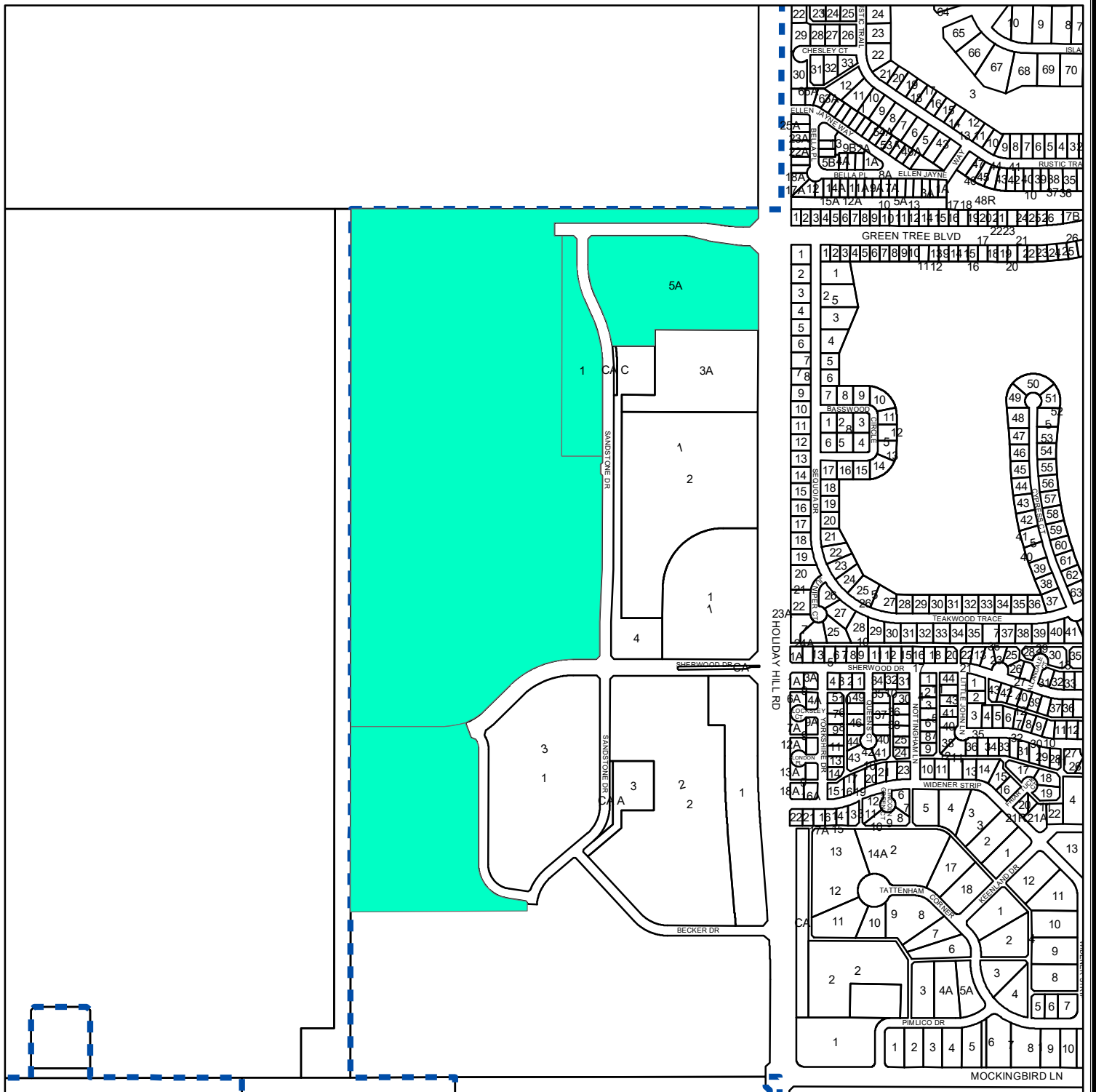
SECTION 5

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	70.07	S89°25'53"W	L41	28.28	N30°35'55"E	L81	28.28	N59°23'49"W
L2	13.81	S175°01"W	L42	28.28	N59°24'24"W	L82	28.29	N30°36'11"E
L3	80.07	S25°47'01"E	L43	28.28	N30°35'36"E	L83	58.54	N12°52'30"W
L4	13.81	S89°24'02"E	L44	7.07	N59°24'05"W	L84	28.63	N82°30'58"E
L5	14.14	S30°36'27"W	L45	7.07	N30°35'55"E	L85	57.88	N29°31'51"E
L6	60.07	S14°23'33"E	L46	28.28	N59°24'05"W	L86	31.31	N52°33'35"E
L7	14.14	S59°23'33"E	L47	28.28	N30°35'55"E	L87	31.45	N52°33'35"E
L8	206.23	S14°23'33"E	L48	7.07	N59°24'05"W	L88	28.29	N59°24'24"W
L9	28.35	S30°17'59"W	L49	7.07	N30°35'55"E	L89	28.28	N30°35'36"E
L10	138.07	S30°36'27"W	L50	28.29	N59°24'24"W	L90	28.29	N59°24'24"W
L11	20.18	S30°35'23"W	L51	28.28	N30°35'36"E	L91	7.82	N85°49'29"W
L12	100.07	S35°41'39"E	L52	24.01	N85°55'58"W	L92	7.82	N37°01'45"E
L13	29.36	S94°09'11"E	L53	19.33	N85°55'58"W	L93	15.57	N71°20'14"E
L14	15.97	S41°25'42"E	L54	28.28	N30°35'55"E	L94	15.11	N28°31'00"W
L15	110.66	N83°46'37"E	L55	28.28	N59°24'05"W	L95	14.14	N24°27'52"W
L16	14.29	S91°48'16"E	L56	7.07	N30°35'55"E	L96	14.14	N60°32'08"E
L17	10.32	S14°38'28"E	L57	7.07	N59°24'05"W	L97	29.77	N72°27'14"E
L18	163.24	N83°45'01"E	L58	28.28	N59°24'05"W	L98	36.88	N41°55'42"W
L19	70.69	N30°37'38"E	L59	7.07	N30°35'55"E	L99	24.01	N85°55'58"W
L20	22.89	N78°59'38"W	L60	7.07	N59°24'05"W	L100	46.22	N48°04'02"E
L21	8.53	N31°44'42"W	L61	28.28	N30°35'55"E	L101	113.08	N14°28'09"W
L22	8.53	N31°44'42"W	L62	28.28	N59°24'05"W	L102	84.85	N30°31'51"E
L23	28.28	N30°35'55"E	L63	7.07	N30°35'55"E	L103	84.85	N59°28'09"W
L24	28.28	N59°24'24"W	L64	7.07	N59°24'05"W	L104	126.53	N14°28'09"W
L25	28.28	N30°35'36"E	L65	28.28	N30°35'55"E	L105	27.12	N60°32'08"E
L26	28.28	N59°24'05"W	L66	28.28	N59°24'05"W	L106	28.28	N30°35'36"E
L27	21.21	N30°35'55"E	L67	7.07	N30°35'55"E	L107	28.28	N30°35'55"E
L28	21.21	N59°24'05"W	L68	7.07	N59°24'05"W	L108	28.28	N30°35'55"E
L29	21.21	N30°35'55"E	L69	7.07	N30°35'55"E	L109	50.32	N62°12'52"W
L30	21.21	N59°24'05"W	L70	7.07	N59°24'05"W	L110	50.32	N62°12'52"W
L31	28.28	N30°35'55"E	L71	10.69	N30°35'55"E	L111	36.36	N1°56'14"W
L32	28.28	N59°24'05"W	L72	7.24	N27°33'05"E	L112	22.85	N1°56'14"W
L33	14.14	N30°35'55"E	L73	7.24	N58°23'19"W	L113	28.28	N59°28'09"W
L34	14.14	N30°35'55"E	L74	28.28	N30°35'55"E	L114	28.28	N30°31'51"E
L35	23.29	N19°38'25"E	L75	28.28	N59°24'05"W	L115	70.71	N59°23'31"W
L36	21.21	N59°23'33"W	L76	20.07	N20°32'08"E	L116	6.97	N30°36'27"E
L37	28.28	N30°35'55"E	L77	20.07	N20°32'08"E			
L38	28.28	N59°24'05"W	L78	35.47	N41°55'58"W			
L39	7.07	N30°35'55"E	L79	28.28	N30°35'55"E			
L40	28.28	N59°24'05"W	L80	24.01	N85°55'58"W			

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	118.31	800.00	008°28'25"	N27°19'59"W
C2	83.79	660.00	008°08'32"	N79°40'45"E
C3	106.16	740.00	008°15'10"	N79°38'28"E
C4	34.71	364.46	005°27'36"	S11°27'02"E
C5	299.86	210.00	081°48'43"	S55°19'02"E
C6	47.16	100.00	027°01'05"	S27°50'12"E
C7	145.67	350.00	023°50'48"	S42°30'47"W
C8	432.14	550.00	045°01'05"	S53°55'54"W
C9	105.11	730.00	008°15'05"	S18°31'02"E
C10	33.69	730.00	002°39'59"	S37°41'49"E
C11	24.89	325.00	004°23'14"	N62°41'50"E
C12	32.41	210.00	008°50'33"	N16°49'24"W
C13	29.33	190.00	008°50'33"	N16°49'24"W
C14	67.92	275.00	014°39'07"	N68°31'25"E
C15	40.16	325.00	007°04'30"	N72°03'30"E
C16	10.40	15.00	039°42'54"	N55°44'28"E
C17	147.86	50.00	169°25'49"	N59°24'05"W
C18	10.40	15.00	039°42'54"	N55°44'28"E
C19	10.40	15.00	039°42'54"	N55°44'28"E
C20	10.40	15.00	039°42'54"	N55°44'28"E
C21	147.86	50.00	169°25'49"	N59°24'05"W
C22	10.40	15.00	039°42'54"	N55°44'28"E
C23	10.40	15.00	039°42'54"	N55°44'28"E
C24	147.86	50.00	169°25'49"	N59°24'05"W
C25	10.40	15.00	039°42'54"	N55°44'28"E
C26	23.56	15.00	080°07'00"	N59°24'05"W
C27	23.56	15.00	080°07'00"	N59°24'05"W
C28	166.52	450.00	021°12'09"	N64°59'50"E
C29	241.31	300.00	048°05'13"	N52°33'51"E
C30	286.52	360.00	048°04'40"	N52°33'51"E
C31	17.25	18.50	053°25'26"	N48°53'12"E
C32	272.85	54.50	286°50'52"	N14°24'05"W
C33	17.25	18.50	053°25'26"	N48°53'12"E
C34	12.48	18.50	037°25'26"	N77°41'22"W
C35	145.99	50.00	167°17'30"	N30°35'55"E
C36	12.48	18.50	037°25'26"	N77°41'22"W
C37	65.92	125.00	030°13'31"	N59°23'31"E
C38	45.73	75.00	034°56'13"	N30°35'55"E
C39	12.48	18.50	037°25'26"	N77°41'22"W
C40	145.99	50.00	167°17'30"	N30°35'55"E
C41	12.48	18.50	037°25'26"	N77°41'22"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C42	17.25	18.50	053°25'26"	N48°53'12"E
C43	272.85	54.50	286°50'52"	N14°24'05"W
C44	17.25	18.50	053°25'26"	N48°53'12"E
C45	29.06	18.50	030°00'00"	N30°35'55"E
C46	192.84	225.00	049°07'51"	N79°50'10"W
C47	211.82	260.00	033°42'45"	N58°45'05"E
C48	241.26	300.00	048°04'40"	N52°33'51"E
C49	150.06	175.00	049°07'51"	N79°50'10"W
C50	30.68	40.00	047°55'20"	N57°33'50"E
C51	29.36	18.50	050°07'00"	N30°35'55"E
C52	24.39	40.00	034°56'13"	N30°35'55"E
C53	24.39	40.00	034°56'13"	N30°35'55"E
C54	16.28	17.00	054°52'35"	N48°53'12"E
C55	126.54	56.00	139°28'21"	N65°44'20"E
C56	126.54	56.00	139°28'21"	N65°44'20"E
C57	16.28	17.00	054°52'35"	N48°53'12"E
C58	127.74	175.00	041°49'18"	N54°41'16"E
C59	186.35	125.00	080°07'00"	N30°35'55"E
C60	51.54	70.00	042°11'13"	N83°18'28"W
C61	36.82	50.00	042°11'13"	N83°18'28"W
C62	5.46	115.00	002°43'11"	N34°08'02"E
C63	74.68	115.00	037°11'54"	N04°11'52"E
C64	141.74	65.00	124°56'13"	N48°04'02"E
C65	76.95	175.00	025°11'43"	N01°48'13"W
C66	45.73	75.00	034°56'13"	N30°35'55"E
C67	21.51	15.00	082°10'40"	N35°09'06"E
C68	62.47	65.00	055°03'47"	N41°55'58"W
C69	38.95	36.00	074°22'53"	N73°20'42"E
C70	267.44	100.00	153°13'45"	N67°13'52"W
C71	36.45	30.00	087°59'04"	N19°25'02"W
C72	67.87	15.00	034°56'13"	N30°35'55"E
C73	70.17	675.00	008°27'59"	N10°00'00"W
C74	10.40	15.00	039°42'54"	N55°44'28"E
C75	142.85	50.00	167°17'30"	N30°35'55"E
C76	11.44	15.00	042°33'39"	N83°10'15"W
C77	76.22	125.00	034°56'13"	N30°35'55"E
C78	30.49	30.00	034°56'13"	N30°35'55"E
C79	16.28	40.00	023°17'45"	N02°45'13"W
C80	36.44	40.00	055°03'47"	N41°55'58"W
C81	54.88	90.00	034°56'13"	N30°35'55"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C82	36.44	40.00	055°03'47"	N41°55'58"W
C83	220.74	530.00	024°19'18"	N28°37'48"W
C84	92.02	730.00	007°13'20"	N35°10'48"W
C85	100.84	800.00	007°13'20"	N35°10'48"W
C86	191.02	450.00	024°19'18"	N28°37'48"W
C87	94.68	660.00	008°31'07"	N79°38'28"E
C88	105.16	740.00	008°08'32"	N79°40'45"E



LOCATION MAP

SUB-17-0230

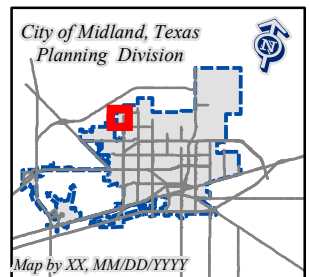
Scale: 1" = 400'

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

Consider a plat for Vineyard Addition, Section 5, being 140.278-acres of land out of Section 13, Block 40, T-1-S, T & P R R Co. Survey, City and County of Midland, Texas.

Generally located southwest of the intersection of Holiday Hill Road and Greetree Boulevard. (Council District 4)



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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:
Cristina Burns

MEETING DATE: November 6, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion denying a Final Plat of The Vineyard Addition, Section 11, being a Plat of a 29.274 tract of land located in in the east half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located immediately west of Green Tree Boulevard and immediately north of Woodrose) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

_____ Approve X Deny _____ Directional/Informational

Current Zoning:

PD, Planned District for Housing Development (Ordinance No. 9319)

Preliminary Plat Approval:

The applicant, Westwood Professional Services, is requesting to plat a 309.24-acre tract of land out of the west half of Section 13, Block 40, T-1-S, T&P, RR, Co. Survey, Midland County, Texas into 547 lots. The Planning & Zoning Commission previously recommended approval of this preliminary plat on October 2, 2017. The City Council approved it on October 10, 2017. However, a Final Plat was not submitted and approved within one year of the Preliminary Plat's approval time. Pursuant to Chapter 2 of Title XI of the Midland City Code, the applicant may request to reinstate the Preliminary Plat with lapsed approval and the Planning and Zoning Commission may approve this reinstatement at its discretion.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

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

ROW: Okay as shown, per Engineering Services Director non-conforming widths are pre-approved. [For the Applicant's information only.]

PAVING: Pavement improvements have been installed and accepted [For the Applicant's information only.]

WATER: Water improvements have been installed and accepted [For the Applicant's information only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. [For the Applicant's information only.]

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

SEWER: Wastewater improvements have been installed and accepted [For the Applicant's information only.]

DRAINAGE: Preliminary drainage study has been approved. [For the Applicant's information only.]

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

SIDEWALKS: Wastewater improvements have been installed and accepted [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

OIL AND GAS: (Approved with Conditions)

Please include 135 ft radius for Permitted well AX 1302 has variance to 135 ft. under Resolution 2012-277 as noted on plat. Informational: Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures. Any plugged and abandoned (P&A) well would need to be identified. No structure shall be built over an abandoned well.

GIS: (Approved)

Please confirm with Transportation about these roads being private. Common area V is already in use. Please change to "X." Provide calls for variable pedestrian easement if being dedicated with this plat. Please label POB. Are utilities in private streets to be maintained by the City? If so, then a utility easement would be necessary to indicate as such. (does note 5 address this?) Section number can be 11. Is a portion of Common area O, being replatted with this plat?

PLANNING: (Denied)

The property is currently zoned PD, Planned District for Housing Development (Ordinance No. 9319) with a base zoning of SF-3, Single-Family Dwelling District. [Informational]

The name of the Subdivision should be The Vineyard Addition, Section 11. [Informational]

The legal description read, "being a plat of a 29.274 tract of land located in in the east half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas." [Informational]

Include Point of Beginning (POB) coordinates.

Please show the names of adjacent subdivisions or additions or the names of record owners of adjoining parcels of unplatted land. 11-2-3(A)1(d)

Provide the square footage of each lot so Planning can verify that they meet the minimum lot area for the SF-3, Single-Family Dwelling District [Informational]

The Certificate of Approval should begin with "For approval by the Commission." 11-2-3(H)3(m)

The subdivision name in the Certificate of Approval should be The Vineyard Addition, Section 11. [Informational]

Please add the names of the Planning & Zoning Commission Chairman and Secretary. In the Certificate of Approval. 11-2-3(H)3(m)

The Acknowledgement should read: This plat was acknowledged before me on (DATE) by (NAME OF OWNERS SIGNING ABOVE). 11-2-3(H)3(m)

Please update the Utility Company Certificate. Suddenlink is now called Optimum. Grande Communications is now Astound. 11-2-3(H)3(m)

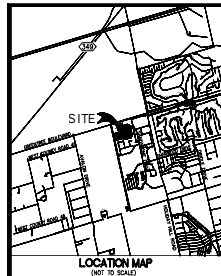
Staff recommends denial of the Final Plat of The Vineyard Addition, Section 11. However, should the Commission approve it, staff recommends that it be subject to subject to conditions A.

Condition:

- 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
Ordinance No. 9319

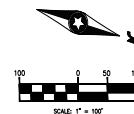


- LEGEND**
- BOUNDARY
 - INTERNAL LOT LINE
 - EXISTING PROPERTY
 - CENTERLINE ROAD
 - SET 1/2" W/IN ROAD (WESTWOOD) UNLESS OTHERWISE NOTED
 - OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS
 - DEED RECORDS OF MIDLAND COUNTY, TEXAS
 - PLAT RECORDS OF MIDLAND COUNTY, TEXAS
 - BUILDING SETBACK LINE
 - EASEMENT
 - BLOCK NUMBER
 - COMMON AREAS
 - ZERO LOT LINE

UNPLATTED
VINEYARD RESERVE, LLC
06/06/2023
(DOC. NO. 2016-06448, G.A.M.C.T.)

THE VINEYARD ADDITION SECTION 14

BEING 29.274 ACRES OF LAND OUT OF THE EAST HALF OF SECTION 13, BLOCK 40, TOWNSHIP 1-SOUTH, RANGE 10E, AND PACIFIC RAILROAD COMPANY SURVEY, CITY OF MIDLAND, COUNTY OF MIDLAND, TEXAS, BEING ALSO OUT OF A 15.154 ACRE TRACT OF LAND IN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2014-1937, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED HEREIN.



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, IS THE RECORD OWNER OF 29.274 ACRES OF LAND OUT OF THE EAST HALF OF SECTION 13, BLOCK 40, TOWNSHIP 1-SOUTH, RANGE 10E, AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, BEING ALSO OUT OF A 15.154 ACRE TRACT OF LAND IN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2014-1937, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED HEREIN;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, CHARLES F. HEDGES, JR., SENIOR VICE-PRESIDENT OF FARMER MANAGEMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER OF VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, DO HEREBY DEVOTED TO THE PUBLIC USE FOREVER THE STREETS ALLEYS AND EASEMENTS SHOWN HEREON AND DO HEREBY GIVE AN EASEMENT OF PARKS AND FORESTS TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS HERETO AND CONSENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESSED MY HAND AT MIDLAND, TEXAS THIS 06 DAY OF 2023

VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY

BY: FARMER MANAGEMENT, LLC

ITS MANAGER

CHARLES F. HEDGES, JR.
SENIOR VICE-PRESIDENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHARLES F. HEDGES, JR., SENIOR VICE-PRESIDENT OF FARMER MANAGEMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER OF VINEYARD RESERVE, LLC, A TEXAS LIMITED LIABILITY COMPANY, KNOWN BY ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN EXPRESSED.

ONE ORDER MY HAND AND SEAL OF OFFICE, THIS 06 DAY OF 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

THAT, I, ETHAN C. DEAR, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THE PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER ADJUSTMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

ETHAN C. DEAR
REGISTERED PROFESSIONAL LAND SURVEYOR #6026

COMMON AREAS

PARCEL AREA (SQ. FT.) AREA (AC)

D 10896.00 SQ. FT. 0.25 AC

P 2407.54 SQ. FT. 0.06 AC

O 4600.00 SQ. FT. 0.11 AC

A 1899.06 SQ. FT. 0.04 AC

S 14269.35 SQ. FT. 0.33 AC

T 9297.36 SQ. FT. 0.21 AC

U 38715.10 SQ. FT. 0.89 AC

V 3346.94 SQ. FT. 0.08 AC

Westwood

Phone (214) 365-8300 211 North Loop 1984 East, Suite 205
Tulsa, OK 74103-1510 San Antonio, TX 78222
www.westwood.com

Westwood Professional Services, Inc.

CREATED BY: WESTWOOD PROFESSIONAL SERVICES, INC. 06/06/2023

OWNER OF RECORD

VINEYARD RESERVE, LLC

6701 HOLIDAY HILL ROAD

MIDLAND, TEXAS 79707

(432) 687-1777

THE VINEYARD ADDITION, SECTION 14

SHEET 1 OF 1

UTILITY COMPANY CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES

XINOS ENERGY PRINT NAME

ONCOR ELECTRIC DELIVERY PRINT NAME

SUDOLINK PRINT NAME

GRANDE COMMUNICATIONS PRINT NAME

AT&T - TEXAS PRINT NAME

NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDARIES MAY BE A VIOLATION OF THE CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND IMPROVING 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. ALL BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE (NAD83) COORDINATES.

4. THIS PLAT IS SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VINEYARD ADDITION RECORDED AS DOCUMENT NO. 2016450 IN G.A.M.C.T.

5. THE MAINTENANCE OF COMMON AREAS SHOWN HEREON SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR HOMEOWNERS ASSOCIATION AND THEIR SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF MIDLAND.

6. ALL SET 1/2" W/IN ROAD HAVE AN ORANGE PLASTIC FLAG STAMPED "WESTWOOD"

7. THIS PLAT IS SUBJECT TO RESOLUTION NO. 2023-277 APPROVED BY THE CITY COUNCIL OF MIDLAND, TEXAS, ON AUGUST 28TH, 2023.

8. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY FLOOD NUMBER 6530006K-1, DATED SEPTEMBER 16, 2005, AND LUMP 19-36-3601-40001, AS SHOWN, THIS PROPERTY IS IN FLOOD ZONE "V" & "H" (ZONE "V" IS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN).

9. 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 BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

10. ALL STREETS CONTAINED WITHIN THIS SUBDIVISION ARE DESIGNATED AS PRIVATE STREETS AND ARE AVAILABLE FOR USE BY ALL UTILITY SYSTEMS.

11. A 100' UTILITY EASEMENT HAS BEEN PROVIDED AT LOT CORNERS WHERE AN ON-GRID ELECTRIC TRANSFORMER IS PROPOSED.

CERTIFICATE OF APPROVAL
THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF THE VINEYARD ADDITION, SECTION 14, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS 06 DAY OF 2023.

CHAIRMAN

SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

Page 22.318

November 6, 2023

THE VINEYARD ADDITION, SECTION 14



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: The Vineyard Addition Section 14**Legal Description (attached sealed Metes and Bounds):** Being 29.274 acres of land out of the east half of Section 13, Block 40, Township-1-South, Texas and Pacific Railroad Company Survey, City and County of Midland, being also out of a 123.16 acre tract of land in Special Warranty Deed as recorded in document number 2014-7937, Official Records of Midland County, Texas**Property Owner**

Printed Name: Vineyard Reserve, LLC

Phone (956) 791-5000

Email benp@forl.com

Address 6101 Holiday Hill Road

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: Westwood Professional Services

Printed Name: Drew A. Defendorf, PE

Phone (210) 265-8309

Email drew.defendorf@westwoodps.com

Address 211 N Loop 1604 E, Suite 205

City San Antonio

State TX

Zip 78232

Current Zoning:**Reason for Platting:** Property Presently Unplatted**Plat Information**

Total Acreage: 29.274

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

Number of Lots: 54

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): Charles F. Hedges, Jr.

Date: 10/6/2023

Property Owner (printed): Charles F. Hedges, Jr.

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Drew Delf
Authorized Agent (signature)

Subscribed and sworn to before me, this 6 day of October, 2023, to certify which witness my hand and seal of office.



Bianca T Pizana
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

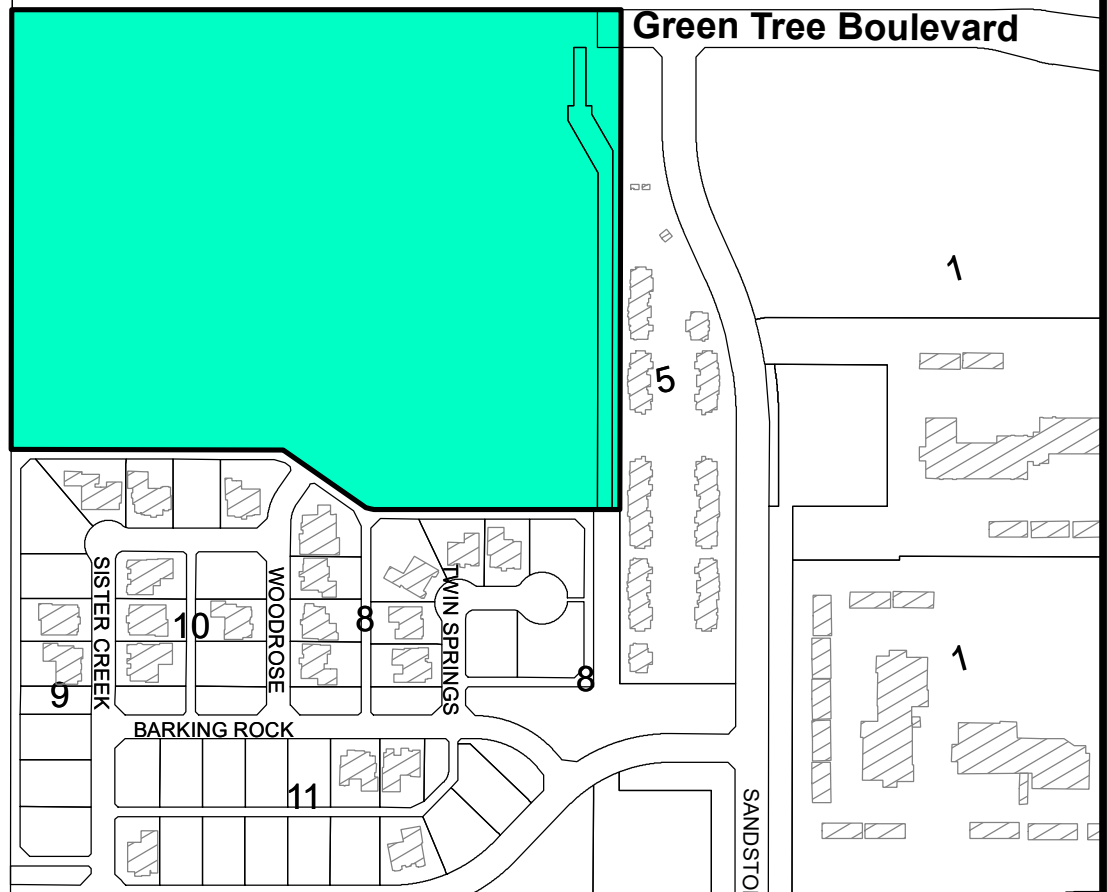
FOR OFFICE USE ONLY

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

Received By: _____

Date: _____

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



LOCATION MAP

P-23-1821

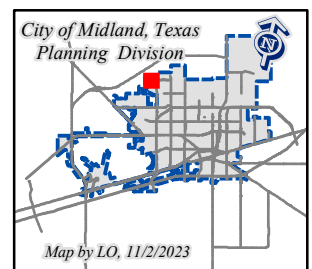
Scale: 1" = 4,869'

Proposed Plat of The Vineyard Addition, Section 11, being a Plat of a 29.274 tract of land located in in the east half of Section 13, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas.

Generally located immediately west of Green Tree Boulevard and immediately north of Woodrose (Council District 4)

LEGEND

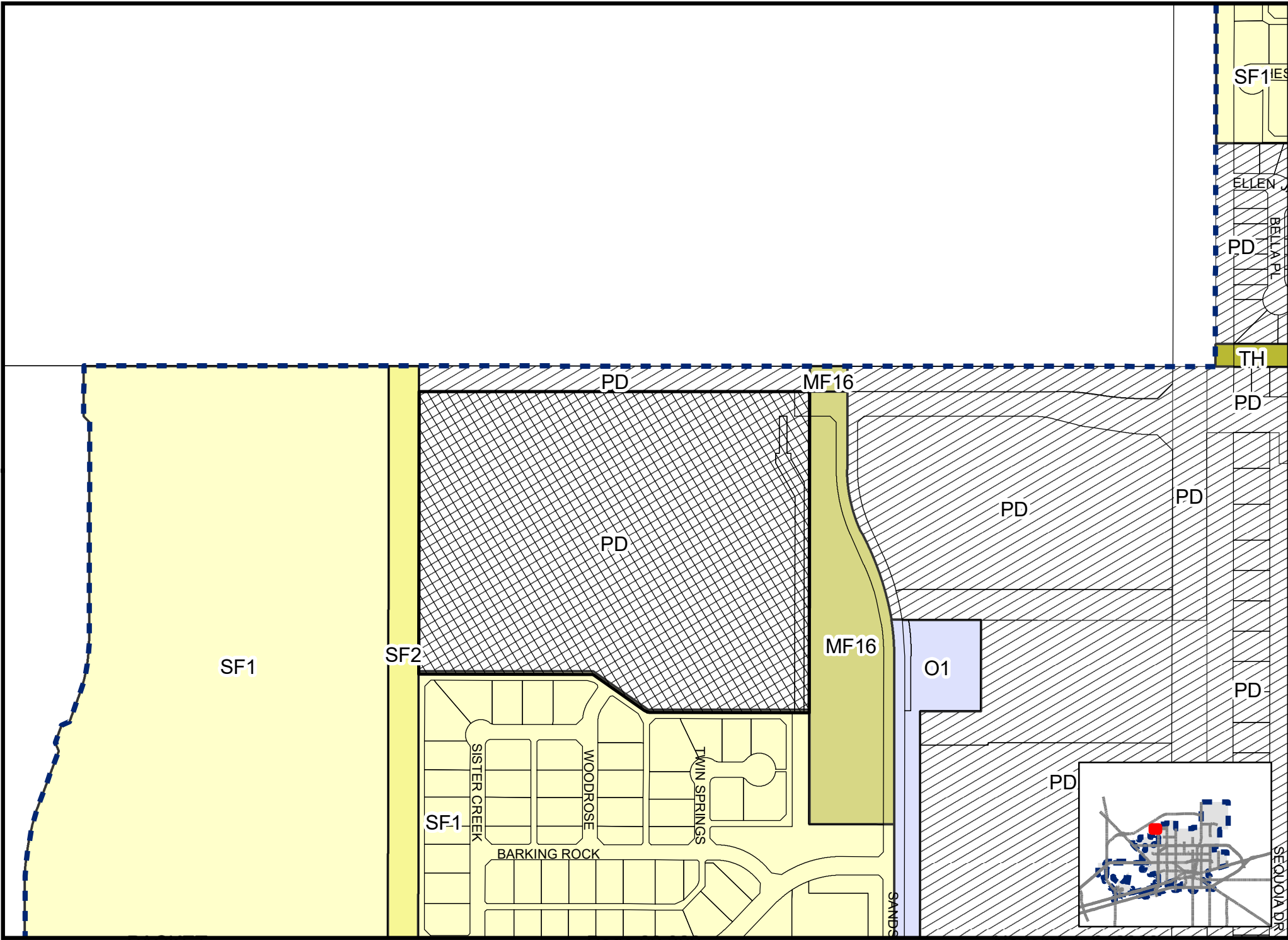
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



ORDINANCE NO. 9319

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 28.97-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED APPROXIMATELY 245 FEET WEST OF SANDSTONE DRIVE, AND APPROXIMATELY 1,620 FEET NORTH OF SHERWOOD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, 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 PD, Planned District for a Housing Development, 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 PD, Planned District for a Housing Development, said property being described as follows:

A 28.97-acre tract of land out of Section 13, 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 “G”, which is attached hereto and incorporated herein.

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

1. That the use and development of this property shall conform to the regulations of the 1F-3, One-Family Dwelling District, except as otherwise stated below.
2. That the front yard setback shall be reduced to 10 feet.
3. That a 5-foot rear yard setback shall be observed for all single-family homes.
4. That the development of this property shall significantly conform to Exhibits “A” through “F”, which are attached hereto and incorporated herein.

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

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

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

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

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish

the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of September, A.D., 2014; and passed to second reading on motion of Council member Hotchkiss, seconded by Council member Lacy, by the following vote:

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

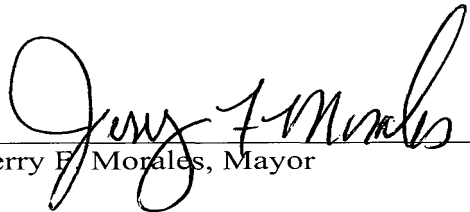
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Sparks, seconded by Council member Lacy, on the 23rd day of September, A.D., 2014, at a regular meeting of the City Council:

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

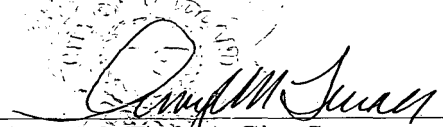
Council members voting "NAY": None

PASSED AND APPROVED THIS 23rd day of September, A.D., 2014.



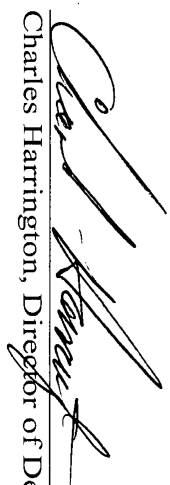
Jerry F. Morales, Mayor

ATTEST:

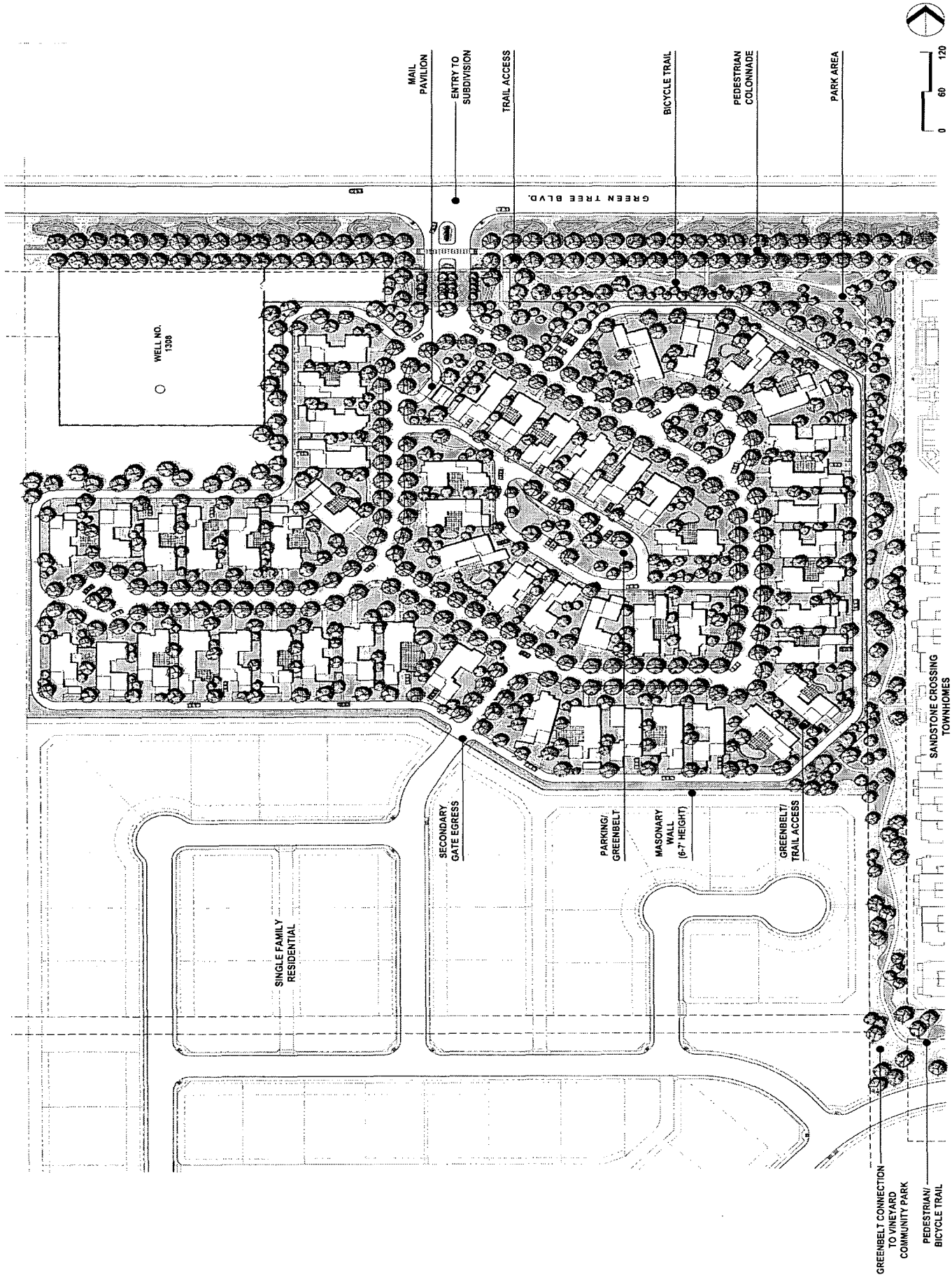
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


Keith Stretcher, City Attorney



THE VINEYARD GARDEN HOMES

Schematic Site Plan
Vineyard Reserve LLC.

MIDLAND, TEXAS

EXHIBIT F



City Council Agenda

Approved for Agenda:
RPatrick
City Manager's Office

MEETING DATE: September 23, 2014

TO: CITY COUNCIL/CITY MANAGER

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

SUBJECT: Consider an ordinance on second reading on a request by Vineyard Reserve, LLC c/o Buck Benson for a zone change from FD, Future Development District, to PD, Planned District for a Housing Development on a 28.97-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas. (Generally located approximately 245 feet west of Sandstone Drive and 1,620 feet north of Sherwood Drive) – District 1.

Purpose:

Consider an ordinance on second reading on a request by Vineyard Reserve, LLC c/o Buck Benson for a zone change from FD, Future Development District, to PD, Planned District for a Housing Development.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

1. The property is currently zoned FD, Future Development District. The applicant is seeking to build a private, gated, garden home community at this location. The proposed site plan shows 54 lots for homes as well as a variety of common area. The applicant is requesting a zone change from FD, Future Development to PD, Planned District for a Housing Development, with an underlying zoning of 1F-3, One-Family Dwelling District. This property will have primary access off of the future extension of Green Tree Boulevard. The site plan shows 54 lots for homes as well

as a variety of common areas for the community to utilize. Secondary access for emergency services will be provided through a gate on Woodrose Street. This proposed development is a gated community and a six to seven foot masonry wall is shown to surround the property. A typical lot layout includes a zero lot line condition, a 10 foot front yard setback, a 5 yard rear yard setback, and a 30 foot street with landscaping and a four foot walking path. Homes will have a metal roof, stone on the lower portion of the home and stucco for the remaining area. A combination of decomposed granite and turf will be used with large shade trees along the street frontage. City Council voted to approve this ordinance on September 9, 2014. This ordinance is now ready for consideration on second and final reading.

RECEIVED

JUL 17 2014

CITY OF MIDLAND
PLANNING DIVISION OFFICE

Northstar Land Surveying, Inc.

9033 Aero Street, Suite 105

San Antonio, Texas 78217

(210) 826-6228

T.B.P.L.S. Firm Registration Number 10193967

**FIELD NOTES FOR
ZONING EXHIBIT**

BEING 28.97 ACRES OF LAND OUT OF A 123.16 ACRE TRACT AS RECORDED IN DOCUMENT NUMBER 2014-7937, OFFICIAL RECORDS OF MIDLAND COUNTY, TEXAS, AND BEING ALSO OUT OF SECTION 13, BLOCK 40, TOWNSHIP-1-SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING: At a found iron rod with "Piper" cap on the west right-of-way line of Holiday Hill Road, the south line of Section 12, Block 40, Texas and Pacific Railroad Company Survey, as recorded in Volume 1342, Page 403, Official Records of Midland County, Texas, the northeast corner of the above referenced 123.16 acre tract;

THENCE: South 75 degrees 32 minutes 26 seconds West (bearings are based on the Texas State Plane Coordinate System Grid for the Central Zone), 2,481.57 feet to a found 5/8 inch iron rod with "Sempco" cap, the northeast corner of an 11.476 acre tract as recorded in Volume 765, Page 70, Deed Records of Midland County, Texas;

THENCE: South 14 degrees 24 minutes 44 seconds East, 84.61 feet coincident with the east line of the above referenced 11.476 acre tract to the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: North 75 degrees 31 minutes 51 seconds East, 1,286.54 feet to a found 1/2 inch iron rod with "Northstar" cap, the northeast corner of the herein described tract;

THENCE: South 14 degrees 23 minutes 33 seconds East, 1,046.61 feet to the southeast corner of the herein described tract;

THENCE: South 75 degrees 35 minutes 55 seconds West, 529.65 feet to an angle point of the herein described tract;

THENCE: North 69 degrees 27 minutes 52 seconds West, 218.27 feet to an angle point of the herein described tract;

Continued

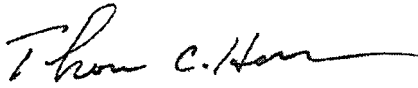
CASE NO. 2-14-036

30.13

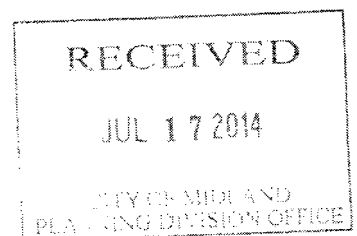
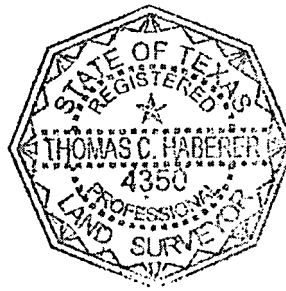
THENCE: South 75 degrees 35 minutes 55 seconds West, 577.62 feet to a point on the east line of the 11.476 acre tract, the southwest corner of the herein described tract;

THENCE: North 14 degrees 24 minutes 44 seconds West, 920.08 feet coincident with the east line of the 11.476 acre tract, to the **POINT OF BEGINNING**, containing 28.97 acres.

This legal description is for zoning purposes only and is not to be used for any other transactions.

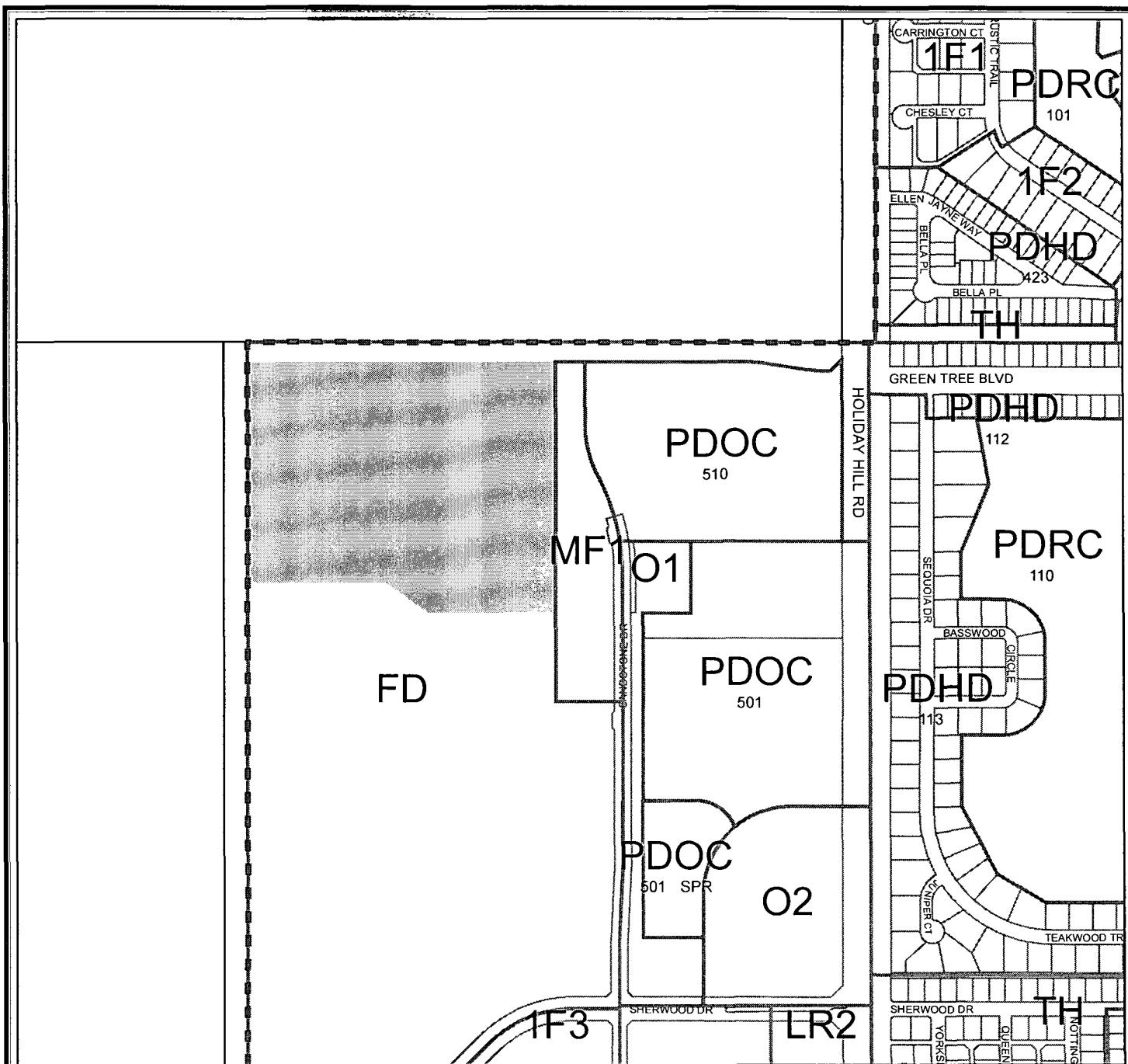


Thomas C. Haberer
Registered Professional Land Surveyor #4350
June 18, 2014
Job No. 5-13-0021-Section 6 (28.97 acres)



CASE NO. 2-14-076

30.14



ZONING MAP

Map by SL 7/30/14

Z - 14 - 036

Scale: 1" = 600'

Consider a request for a zone change from FD, Future Development District, to PD, Planned District for a Housing Development, on a 28.97-acre tract of land out of Section 13, Block 40, T-1-S, T & P RR Co. Survey, City and County of Midland, Texas.

Generally located approximately 245 feet west of Sandstone Drive, 1620 feet north of Sherwood Drive.
(Council District 1)

LEGEND



ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	O1, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP, IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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30.15

RECEIVED

JUL 17 2014

CITY OF MIDLAND
PLANNING DIVISION OFFICE

Case Number: 2-14-036

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

Buck Benson (210) 892-0510 bbenson@pulmanlaw.com

Applicant Name

(Phone/e-mail)

2161 NW Military Hwy, Suite 400 San Antonio, Texas 78213

Address

Zip Code

Vineyard Reserve, LLC

Property Owner Name

(Phone/e-mail)

6101 Holiday Hill

Midland, Texas 79707

Address

Zip Code

Representative Name

(Phone/e-mail)

Address

Zip Code

Street address and Legal Description of property (complete Lot, Block, and Subdivision Name or if unplatted, attach a Metes and Bounds description with surveyor's seal). Each district must be described separately. 28.97 acres. See attached field notes.

PRESENT ZONE: FD REQUESTED ZONE: PD (see attached description)
(List by tracts if more than one district is requested)

Reason for Zone Change Request: To allow for construction of garden home development.

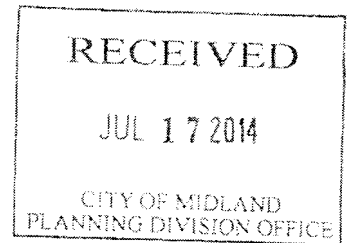
Present Use of Property: Undeveloped

Proposed Use of Property: Garden home development

How will zone change affect the public health, safety and welfare? This request does not adversely affect the health, safety and welfare of general public.

Describe how conditions affecting the property have changed since present zoning designation: Property owner is ready to develop the subject property and there is a demand for garden homes.

Is a Specific Use Permit with Term for alcoholic beverages sales needed? Yes ☒ No



APPLICATION FEES:

- Single, standard zone change: **\$400**. Multiple, standard zone change: add **\$100** per additional district.
- Single PD, Planned District zone change: **\$550**. Multiple PD proposal: add **\$100** per district.
- If a Traffic Impact Analysis is required, a fee of up to \$500.00 will be assessed.

SITE PLAN SUBMITTALS (if applicable):

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

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

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

Property Owner (signature): Buck Benson Date: 7/15/14

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

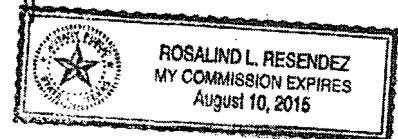
Before me, the undersigned authority, on this day personally appeared Buck Benson who, being by me duly sworn, upon oath says: That (s)he is authorized by Vineyard Resendez the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power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

Authorized Agent (signature)

Subscribed and sworn to before me, this 15th day of July, 2014, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>RL</u>	Date: <u>7/17/14</u>
Assigned: _____	
For: _____	On: _____



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

PLANNING AND ZONING COMMISSION

August 18, 2014

CASE: Z-14-036, Vineyard Reserve c/o Buck Benson # 1.

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

APPLICANT: Buck Benson

OWNER: Vineyard Reserve, LLC

LEGAL DESCRIPTION: A 28.97-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas.

LOCATION: Generally located approximately 245 feet west of Sandstone Drive and 1,620 feet north of Sherwood Drive.

CURRENT ZONING: FD, Future Development District

DETAILS OF REQUEST:

1. The property is currently zoned FD, Future Development District. The applicant is seeking to build a private, gated, garden home community at this location. The proposed site plan shows 54 lots for homes as well as a variety of common area. The applicant is requesting a zone change from FD, Future Development to PD, Planned District for a Housing Development, with an underlying zoning of 1F-3, One-Family Dwelling District, in order to accommodate this plan. This proposed development is part of the larger Vineyard Master Planned Community.

SURROUNDING ZONING AND LAND USE:

2. This property is located south of the future Green Tree Boulevard extension, approximately 245 feet west of Sandstone Drive and 1,620 feet north of Sherwood Drive. The property to the east is zoned MF-1, Multiple-Family Dwelling District for a multi-family townhome development. The property to the south is currently undergoing a zone change from FD to 1F-1, One-Family Dwelling District. The property to the west and north is outside of the City limits.

ANALYSIS:

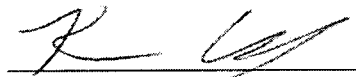
1. This property will have primary access off of the future extension of Green Tree Boulevard. Exhibit A shows 54 lots for homes as well as a variety of common areas for the community to utilize. The proposed site design reflects the approved Preliminary Plat for this area. Secondary access for emergency services will be provided through a gate on Woodrose Street. All gates in this community will have emergency overrides for the Fire Department. This proposed development is a gated community and a six to seven foot masonry wall is shown to surround the

property. A variance for the oil well shown on the site plan was approved in August of 2012 to decrease the buffer to 135 feet. Exhibits B and C illustrate a typical lot layout including a zero lot line condition, a 10 foot front yard setback, a 5 yard rear yard setback, and a 30 foot street with landscaping and a four foot walking path. Exhibit D illustrates a typical elevation for a home in this neighborhood. Homes will have a metal roof, stone on the lower portion of the home and stucco for the remaining area. Exhibit E illustrates the typical landscaping that will exist throughout the development. A combination of decomposed granite and turf will be used with large shade trees along the street frontage. Exhibit F illustrates what the overall site design of the property. The attached illustrative exhibits G through O provide further conceptual designs of what the finished project would look like. The 1F-3 District has a minimum lot size of 5,500 square feet. All lots shown on the proposed site plan exceed this minimum. The future land use plan does not provide guidance for this property as it was annexed after the future land use plan was created. However, this proposed Planned District is consistent with the overall development of the northwest region of Midland and is consistent with the Master Plan for the Vineyard development and surrounding zoning. Staff would recommend approval of this request.

STAFF RECOMMENDATION:

Staff recommends approval of this request for a zone change from FD, Future Development District to PD, Planned District for a Housing Development, subject to the following conditions:

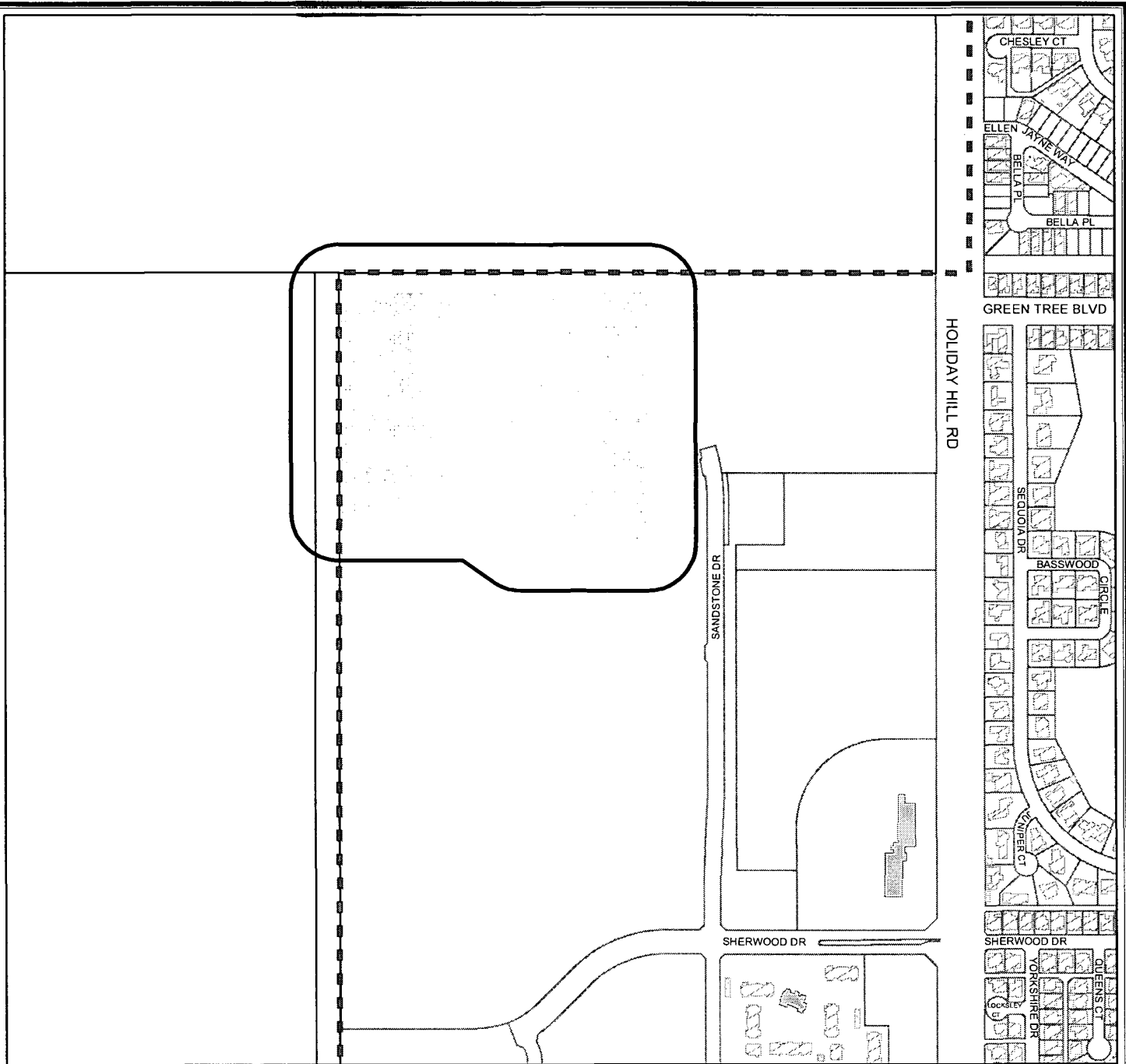
- A. That the use and development of this property shall conform to the regulations of the 1F-3, One-Family Dwelling District, except as stated below.
- B. That the front-yard setback shall be reduced to 15 feet.
- C. That a 5 foot rear yard setback shall be observed for all single-family homes.
- D. Development of this property will significantly conform to Exhibits A through F.


Kevin Crosby, Senior Planner
Department of Development Services


Robert Baronti, Jr., AICP
Planning Division Manager
Department of Development Services
Illustrative Exhibits G through O

Attachments:

Application
Maps
Exhibits A through F



LOCATION MAP

Z - 14 - 036

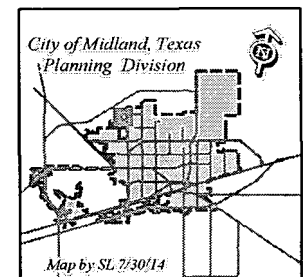
Scale: 1" = 600'

Consider a request for a zone change from FD, Future Development District, to PD, Planned District for a Housing Development, on a 28.97-acre tract of land out of Section 13, Block 40, T-1-S, T & P RR Co. Survey, City and County of Midland, Texas.

Generally located approximately 245 feet west of Sandstone Drive, 1620 feet north of Sherwood Drive.
(Council District 1)

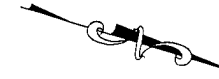
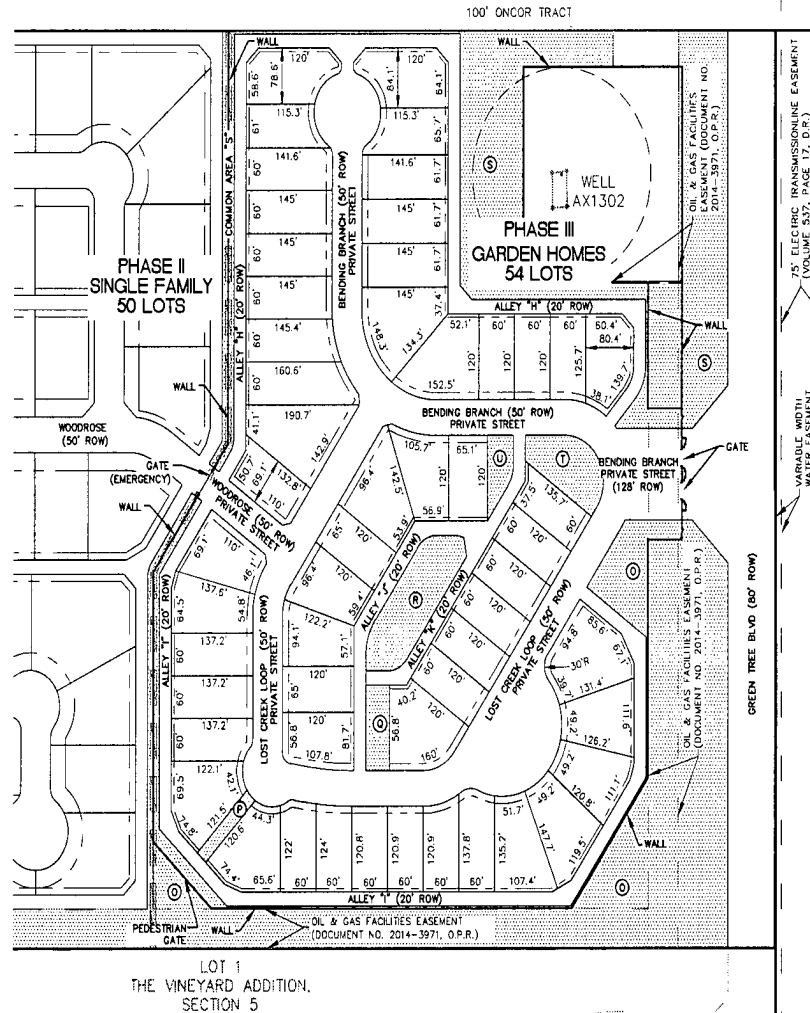
LEGEND

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



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

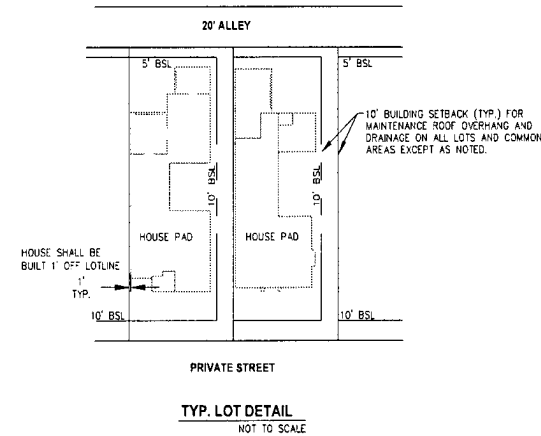
30.20



SCALE: 1" = 200'

LEGEND

- COMMON AREA (A)
- BUILDING SETBACK - - - - -
- PHASE LINE

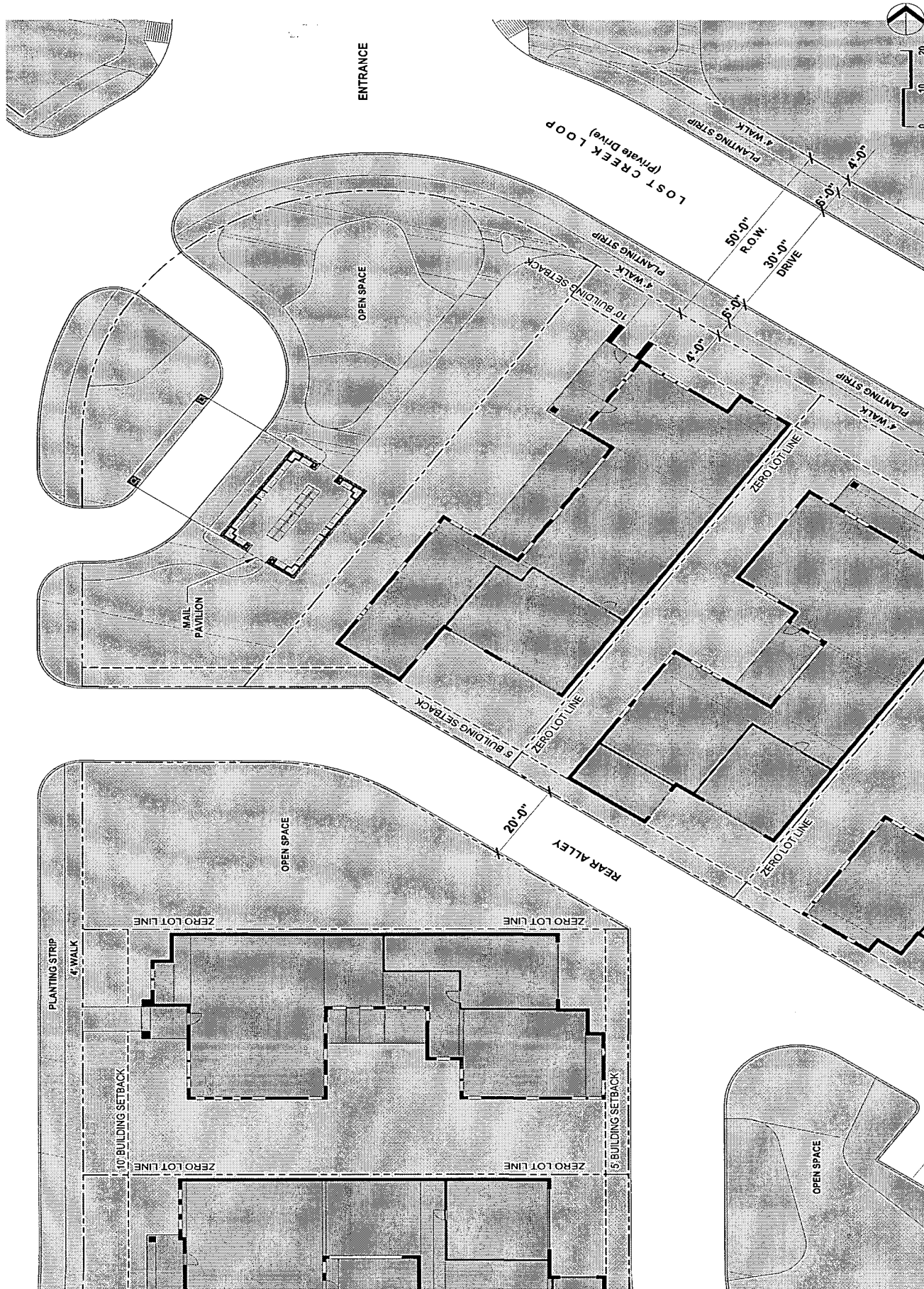


THE VINEYARD ADDITION SECTION 6

GARDEN HOMES EXHIBIT

JOB NO.: 13034.00
DATE: JULY 2014
DRAWN: BP

COURSEN KOEHLER
ENGINEERING & ASSOCIATES
77602 Warfield, Suite 200 - San Antonio, Texas 78216
Tel: 210.807.3030 - Fax: 210.807.3030
www.coursen-koebler.com - TSP# Firm No. F-10747

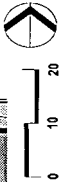
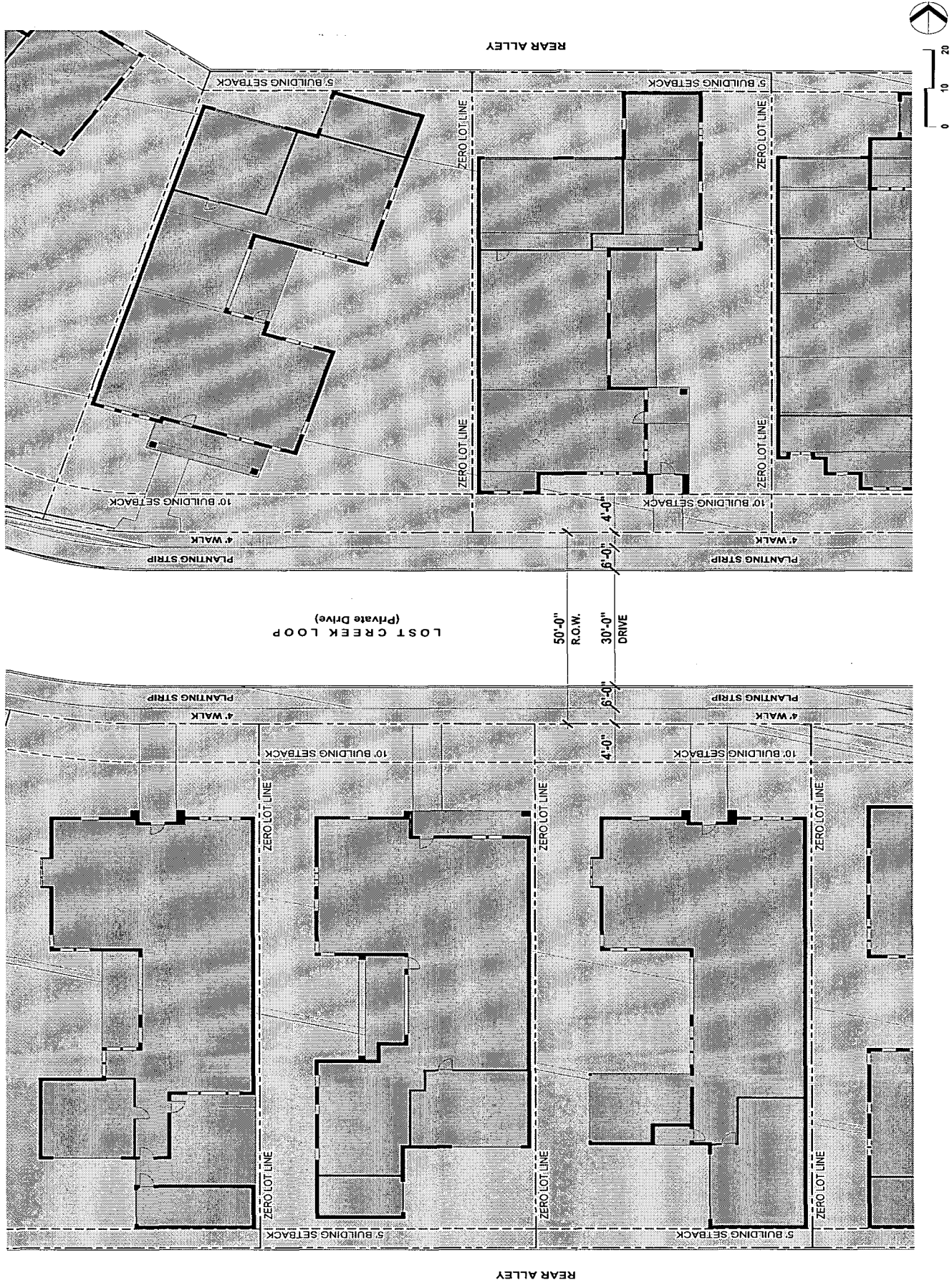


THE VINEYARD GARDEN HOMES

LOT LAYOUT- EXHIBIT A
Vineyard Reserve LLC.

MIDLAND, TEXAS

SAGE GROUP, INC.

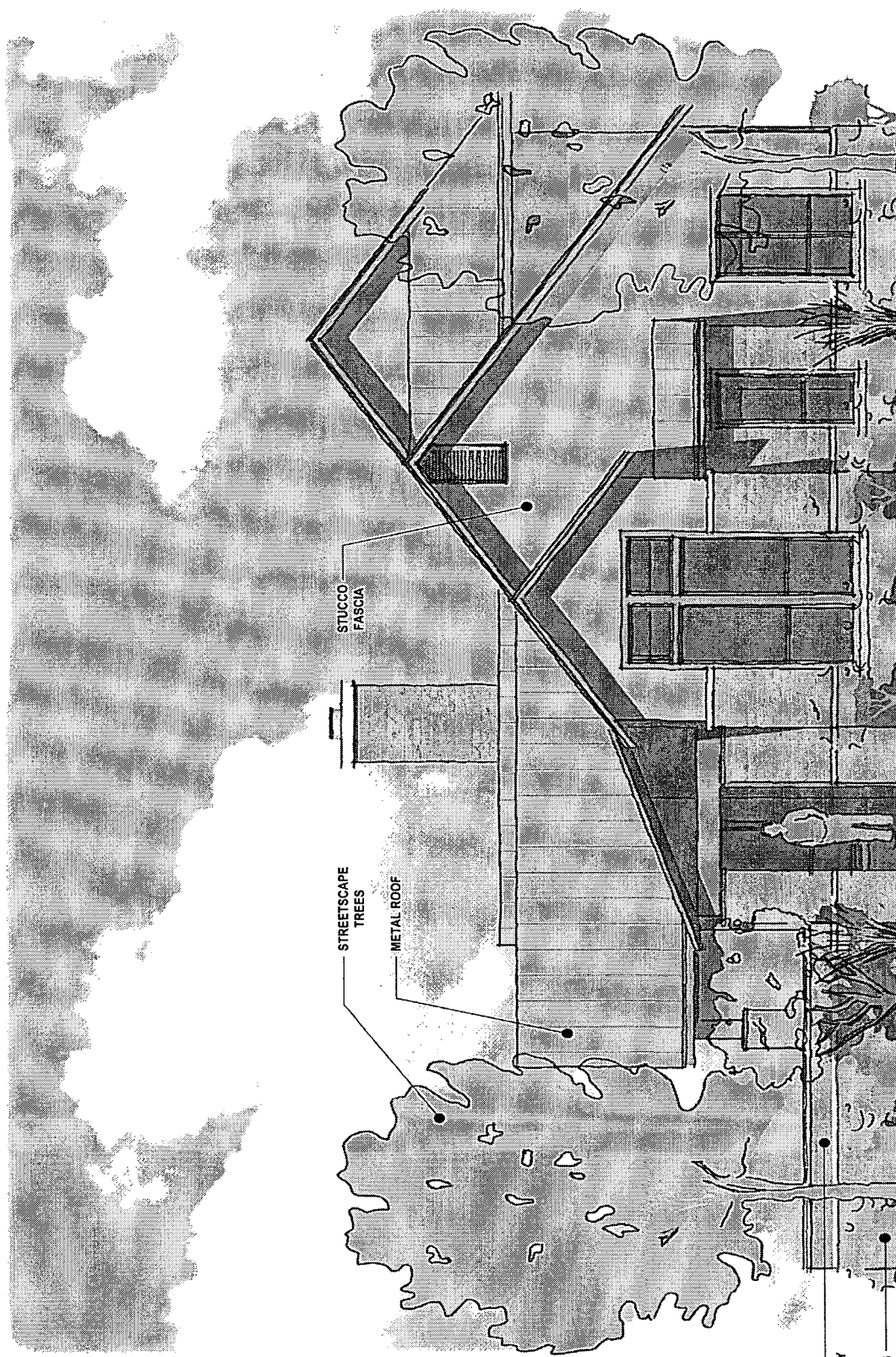


THE VINEYARD GARDEN HOMES

LOT LAYOUT- EXHIBIT B
Vineyard Reserve LLC.

MIDLAND, TEXAS

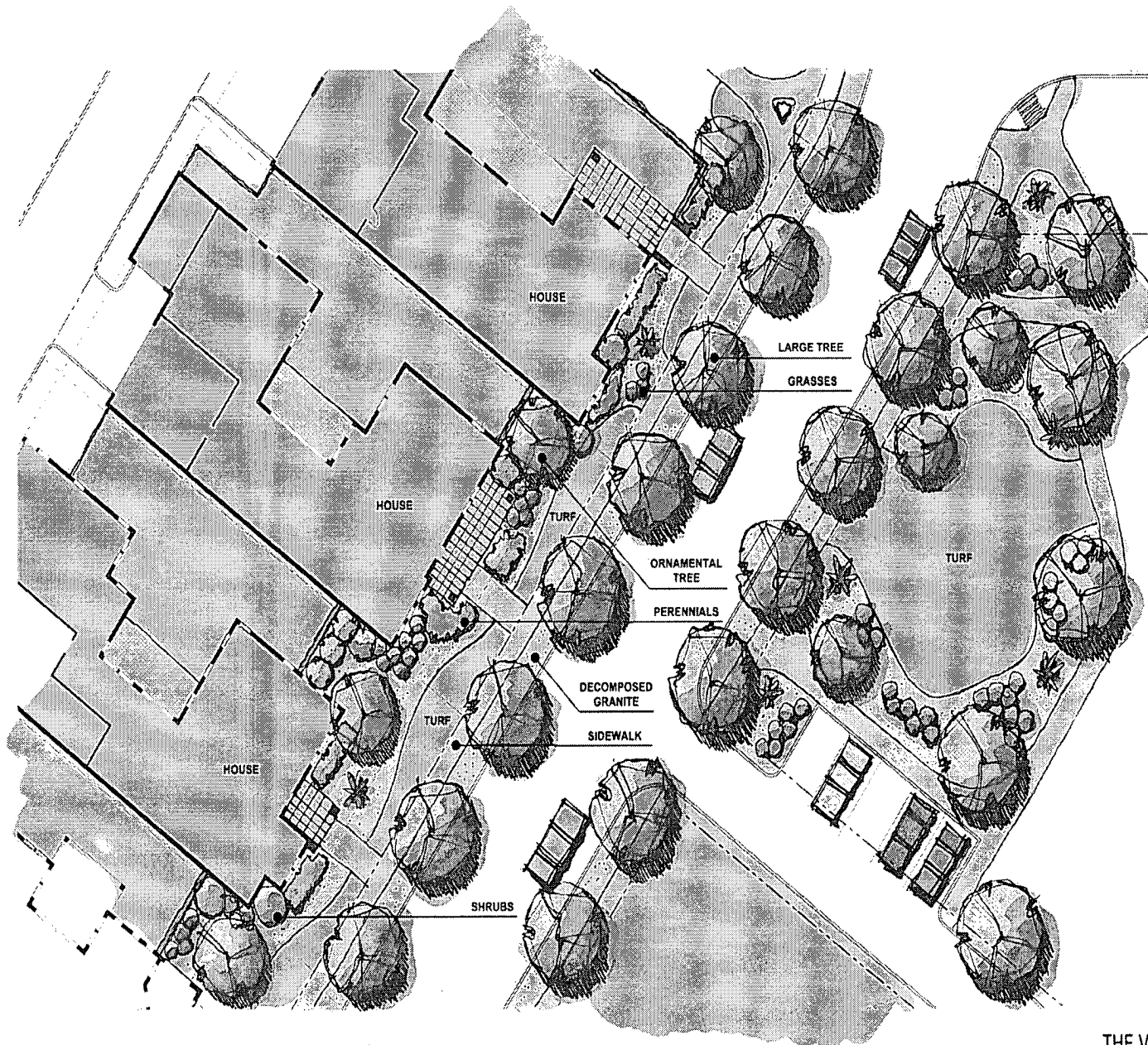




THE VINEYARD GARDEN HOMES

Elevation Study- Unit 'B'
Vineyard Reserve LLC.

MIDLAND, TEXAS



GENERAL NOTES

1. Plant list is schematic to demonstrate a conceptual palette of materials, however, other plant material may be utilized.
2. "Large Trees" to be minimum of 3 Caliper Inches.

SCHEMATIC LANDSCAPE PLAN PLANT PALETTE

COMMON NAME

LARGE TREES

Algon Pine
Bur Oak
Cedar Elm
Lacoba Elm
Live Oak
Texas Red Oak
Japanese Black Pine

GRASSES

Maiden Grass
Gulf Coast Muhly
Lindheimer's Muhly
Switchgrass
Little Blue Stem
Mexican Feather Grass

ORNAMENTAL TREES

Redbud
Desert Willow
Pinyon Pine
Chaste Tree
Texas Mountain Laurel
Yaupon Holly Tree

GROUND COVERS

Green Santolina
Asian Jasmine

PERENNIALS

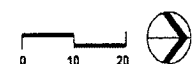
Lantana
Wild Poinsettia
Mealy Cup Sage
Orange Zexmenia

SHRUBS

Abelia
Cenizo
Evergreen Sumac
Texas Sage
Sabine Juniper
Dwarf Yaupon Holly
Red Yucca
Hibiscus
Turk's Cap
Russian Sage
Mexican Brush Sage
Nandina
Yucca pendula
Sotol: Desert Spoon

TURF

Buffalo Grass
Hybrid Bermuda



THE VINEYARD GARDEN HOMES

Schematic Landscape Concept
November 6, 2023

MIDLAND, TEXAS