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

CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET
December 7, 2020 - 3:30 PM
Council Chambers – City Hall

Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, and via videoconference using the following information:

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:
https://us02web.zoom.us/j/84578753993
Or iPhone one-tap :
US: +13462487799,,84578753993# or +16699006833,,84578753993#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592
Webinar ID: 845 7875 3993
International numbers available: https://us02web.zoom.us/u/kB6GUdQwO

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 November 16, 2020.

3. Consider a proposed Preliminary Plat of Lone Star Trails II, Section 9, being a plat of a 64.91-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection Carriage Road and Occidental Parkway. Council District 1) (DEVELOPMENT SERVICES)

4. Consider a proposed Preliminary Plat of Cotton Addition, being a plat of a 10.21-acre tract of land located in the south half of the southeast quarter of Section 30, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of W. County Road 150, approximately 362 feet west of S. FM 1788. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

5. Consider a proposed Correction Plat of Midland International Airport Industrial Park, Section 8, being a replat a 0.03-acre portion of Lot 1A, Block 1; a 0.01-acre portion of Lot 1A, Block 2; a 0.21-acre portion of Lot 2A, Block 2; a 19.91-acre portion of Lot 1A, Block 13; a 0.05-acre portion of the Rail Road Spur; and a 0.96-acre portion of Earhart Drive right of way, all out of Midland International Airport Industrial Park, City and County of Midland, Texas. (Generally located on the east side La Force Boulevard, approximately 1,148-feet south of Windecker Street. Council District 4) (DEVELOPMENT SERVICES)

6. Consider a proposed Preliminary Plat of Mayfield Place Addition, Section 8, being a re-plat of Lots 3 and 4, Block 3, Mayfield Place Addition, Section 6, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane. Council District 1) (DEVELOPMENT SERVICES)

7. Consider a proposed Final Plat of Southwest Crossing, Section 8, being a plat of a 7.338-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 123, approximately 350 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

8. Consider a proposed Final Plat of Southwest Crossing, Section 9, being a plat of a 7.338-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 123, approximately 750 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

9. Consider a proposed Final Plat of Southwest Crossing, Section 11, being a plat of a 5.202-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located on the north side of West County Road 123, approximately 1,240 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

10. Consider a proposed Preliminary Plat of Southwest Crossing, Section 12, being a plat of a 15-acre tract of land located in Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and

County of Midland, Texas. (Generally located on the southeast corner of the intersection of Lote Bush Drive and West Interstate 20. Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

11. Hold a public hearing and consider a request by Betenbough Homes for a zone change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 42.30-acre tract of land located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Carriage Road, approximately 1,740 feet south of Occidental Parkway. Council District 1) (DEVELOPMENT SERVICES)

12. Hold a public hearing and consider a proposed Preliminary Plat of Sheeler Addition, Section 10, being a residential re-plat of Lots 17 and 18, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Griffin Avenue and South Fisher Street. Council District 2) (DEVELOPMENT SERVICES)

13. Hold a public hearing and consider a request by Sierra Strickland for a zone change from PD, Planned District for an Office Center to an amended PD, Planned Development District for an Office Center on Lots 14 and 15, Block 1, Wadley Heights, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Mogford Street and West Wadley Avenue. Council District 3) (DEVELOPMENT SERVICES)

14. Hold a public hearing and consider a request by Angelia Govan for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 3 less the east 2.14 acres, Block 15A, Oxford Heights, Section 7, City and County of Midland, Texas. (Generally located on the north side of West Illinois Avenue, approximately 800 feet east of North Midland Drive. Council District 4) (DEVELOPMENT SERVICES)

15. Hold a public hearing and consider a request by Garrett Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 9,357 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas. (Generally located on the south side of W. 250 Loop North, approximately 1,036-feet east of N. Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)

16. Hold a public hearing and consider a request by Jose Chavez for a zone change from SF-2, Single Family Dwelling District, to SF-3 Single Family Dwelling District on Lot 4, Block 194, Southern Addition, and Lot 3, Block 2, South Park Addition, City and County of Midland Texas. (Generally located on the east side of South Jefferson Street, approximately 150 feet south of East Florida Avenue. Council District 2) (DEVELOPMENT SERVICES)

17. Hold a public hearing and consider a proposed Preliminary Plat of Westcliff Addition, Section 5, being a residential re-plat of Lots 1 through 3, Block 6, Westcliff Addition, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection

of Princeton Avenue and Westcliff Drive. Council District 4) (DEVELOPMENT SERVICES)

MISCELLANEOUS

Cristina Odenborg Burns
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
November 16, 2020
Council Chambers – City Hall

The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 pm, November 16, 2020.

Commissioners present:	Dianne Williams, Lucy Sisniega, Chase Gardaphe, Zachary Deck, Emily Holeva, Adrian Carrasco, Stacy Grosse
Commissioners absent:	Karmen Bryant, Reggie Lawrence
Staff members present:	Cristina Odenborg Burns, Elizabeth Shaughnessy, Glenda Arroyo-Cruz, Joseph Marynak, Charles Harrington, Valerie Sherman, Dalia Salinas

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

The public comment period was opened at 3:31 pm. With no one wishing to speak, the public comment period was closed at 3:31 pm.

CONSENT ITEMS

Commissioner Gardaphe moved to approve the Consent Items 2 through 8; seconded by Commissioner Deck.

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

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for November 2, 2020.

3. Consider a proposed Preliminary Plat of Rocky Addition, being a plat of a 2.0 acres tract of land located in the SW/4 of Section 23, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 137, approximately 182 feet east of South County Road 1187. Extraterritorial Jurisdiction)

4. Consider a proposed Final Plat of Vista Del Pueblo, Section 2, being a residential replat of Lots 1 and 12, Block 2, Vista Del Pueblo, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Linda Vida Drive and Nueva Vida Circle. Council District 2)

5. Consider a proposed Preliminary Plat of Lozoya Addition, Section 2, being a plat of a 4.42-acre tract of land located in the southeast quarter of Section 12, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of N. FM 1788, approximately 1,054 feet south of W. County Road 35. Extraterritorial Jurisdiction)

6. Consider a proposed Preliminary Plat of Spanish Trails Station, Section 4, being a replat of Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland, Texas. (Generally located on the north side of West Interstate 20, approximately 435 feet west of South County Road 1250. Council District 2)

7. Consider a proposed Final Plat of Pando Acres Addition, being a plat of a 3.45-acre tract of land located in Section 11, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally

located on the east side of S. State Highway 349, approximately 337-feet north of E. County Road 119. Extraterritorial Jurisdiction)

8. Consider a proposed Final Plat of Southwest Crossing, Section 10, being a plat of an 8-acre tract of land located in Section 13, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the north side of West County Road 123, approximately 1,535 feet west of South County Road 1235. Extraterritorial Jurisdiction)

PUBLIC HEARINGS

9. Hold a public hearing and consider a request by Joe and Irma Dominguez for a zone change from a LI, Light Industrial District, in part, and SF-3, Single-Family Dwelling District, in part, to SF-3, Single-Family Dwelling District, on Lot 15A, Block 133, Southern Addition, Section 18, City and County of Midland, Texas. (Generally located on the east side of South Weatherford Drive, approximately 75-feet north of East Washington Avenue. Council District 2)

   Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

   The public hearing was opened at 3:35 p.m.

   The applicant was not present.

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

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

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

10. Hold a public hearing and consider a request by Aaron Burrell for a zone change from BP, I-20 Business Park District, in part; RR, Regional Retail District, in part; and LI, Light Industrial District in part, to BP, I-20 Business Park on a 15 acre tract of land located in Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Lote Bush Drive and West Interstate 20. Council District 2)

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

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

    The applicant was not present.

    The public hearing was closed at 3:39 p.m.

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

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

MISCELLANEOUS

11. Consider a motion approving the 2021 Planning and Zoning Commission meeting dates.

    Planning Manager Cristina Odenborg Burns gave an overview of the proposed Planning and Zoning commission meeting schedule for 2021.

Commissioner Carrasco moved to approve the 2021 Planning and Zoning commissioner Meeting dates; seconded by Commissioner Deck.

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

With no further items or business to come before the Commission, Vice Chairman Sisniega adjourned the meeting at 3:42 p.m.

Reggie Lawrence, Chairman Date

Cristina Odenborg Burns, Planning Division Manager Date
Department of Development Services

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Lone Star Trails II, Section 9, being a plat of a 64.91-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection Carriage Road and Occidental Parkway. Council District 1) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

_X_ **Approve** _____ **Deny** _____ **Directional/Informational**

Details of Request:

The applicant, Betenbough Homes In., is requesting to plat a 64.91-acre tract of land located in Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, into three hundred and nineteen (319) residential lots. A preliminary plat for this property was previously approved at the August 5, 2019 Planning and Zoning Commission and the August 27 City Council meeting. However, the developer is now proposing a different lot layout.

Current Zoning:

SF-3, Single-Family Dwelling District.

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

Departmental Review:

ENGINEERING: (Approved with Conditions)

ROW: ROW is fine as shown.

PAVING: Paving improvements have not been submitted. Construct roads shown to

City Standards for entire platted frontage.

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

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

PRO RATA: None.

SEWER: None existing. Construct 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.

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.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Are they really at preliminary plat and still don't have street names picked yet?

STREET NAME AND TRAFFIC CONTROL SIGN FEE – Estimated fee due at Final Plat submittal = 16 new intersections created at $500/intersection = $8000. Fee shall be adjusted based on number of intersections if Final Plat is phased.

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

No objections to plat.

FIRE: (Approved)

All future development shall meet the requirements of the IFC 2015 Ed. as well as locally adopted city ordinances

CODE COMPLIANCE: (Approved with Conditions)

No Oil or Gas wells identified within 500 ft. permitted well radius. The Pioneer “A” Lease Stimson Burley Well #1 is identified on the plat at the corner of -Street B and Battle Avenue. The plat identifies the well as an operating well and needs to identified as a plugged and abandoned well. No building permits are allowed over plugged and abandoned well bores.

CODE ADMINISTATION: (Approved)

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

SURVEYOR: (Approved)

Check the distance value shown along the south ROW line of Occidental Parkway (S89 06 49E 1825.07').

COLORADO RIVER MUNICIPAL WATER DISTRICT:

No Comments.

PLANNING:

Label a point of beginning (POB).

Double check metes and bounds.

Rename Rio Place as it does not align with the portion of west Carriage Road.

Rename the cul-de-sac portion of Draw Court.

The minimum lot width in the SF-3, Single Family Dwelling is 50 feet and 5,500 square feet, respectively. However, the applicant has submitted a zone change request. This zone change must be approved prior to final plat approval.

Provide a minimum scale of 1” = 200 feet

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

Staff recommends approval of the preliminary plat of Lone Star Trails II, Section 9, subject to conditions A through D.

Conditions:

A. That the technical items listed above are addressed.

B. That the required public improvements are adequately met.

C. That a drainage study is approved.

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

Attachments:

Proposed Preliminary Plat
Application
Maps

LONE STAR TRAILS II, SECTION 9

BEING A 64.91 ACRE TRACT OF LAND IN SECTION 7, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	260.00'	111.16'	110.31'	S 76°41'26" W	24°29'26"
C2	260.00'	111.16'	110.31'	S 76°41'26" W	24°29'26"
C3	60.00'	147.20'	127.30'	N 38°10'22" E	109°25'22"
C4	60.00'	104.13'	96.93'	S 51°43'55" E	72°45'45"
C5	60.00'	36.57'	35.57'	S 65°04'09" W	34°01'51"
C6	60.00'	314.16'	60.00'	N 13°55'23" W	300°00'00"
C7	60.00'	124.81'	112.53'	S 59°13'49" E	89°23'07"
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C8	260.00'	169.39'	166.39'	S 83°10'22" W	152°25'27"
C9	200.00'	53.84'	53.68'	N 85°10'27" E	15°25'27"
C10	200.00'	92.87'	92.04'	N 50°31'13" E	26°36'50"
C11	200.00'	41.18'	41.10'	N 06°47'04" E	11°47'47"
C12	60.00'	314.16'	60.00'	N 00°53'11" E	300°00'00"
C13	60.00'	106.13'	98.93'	S 31°49'33" E	101°23'43"
C14	260.00'	53.53'	53.44'	S 06°47'04" W	11°47'47"
C15	60.00'	42.76'	41.86'	S 89°04'24" W	40°49'40"
C16	60.00'	314.16'	60.00'	S 14°53'18" E	300°00'00"
C17	60.00'	124.81'	112.53'	S 89°13'49" E	89°23'07"
C18	140.00'	65.01'	64.43'	S 00°37'13" E	26°36'20"

LINE	BEARING	DISTANCE
L1	N 30°40'11" E	28.13'
L2	N 59°33'18" W	28.28'
L3	N 30°26'42" E	83.86'
L4	N 59°33'18" W	83.86'
L5	N 30°26'42" E	28.28'
L6	N 59°33'18" W	28.28'
L7	S 30°40'11" W	28.13'
L8	S 59°33'18" E	28.28'
L9	N 30°26'24" E	28.13'
L10	N 59°33'36" W	28.44'
L11	N 30°40'11" E	28.13'
L12	N 59°13'49" W	28.44'
L13	S 76°04'37" W	24.23'
L14	N 76°04'37" E	59.65'
L15	S 59°13'49" E	28.44'
L16	N 30°46'24" E	28.13'
L17	N 59°13'49" W	28.44'
L18	S 28°36'00" W	27.04'
L19	S 59°33'18" E	28.28'
L20	N 30°26'24" E	28.13'
L21	S 30°46'24" W	28.13'
L22	S 59°13'36" E	28.44'
L23	N 30°46'11" E	28.13'
L24	S 59°13'49" E	28.44'
L25	S 30°46'24" W	28.13'
L26	N 59°13'36" W	28.44'
L27	S 59°13'49" E	28.44'
L28	N 38°10'27" E	24.23'
L29	N 51°49'33" W	31.82'
L30	S 30°46'11" W	28.13'

LINE	BEARING	DISTANCE
L31	S 61°24'00" E	29.48'
L32	N 28°36'00" E	28.28'
L33	N 00°53'11" E	28.28'
L34	N 44°06'49" W	28.28'
L35	S 89°06'49" E	24.23'
L36	N 51°49'33" W	51.82'
L37	S 76°04'37" W	43.42'
L38	S 51°49'33" E	31.82'
L39	N 76°04'37" E	43.42'
L40	S 00°53'11" W	21.40'
L41	S 32°18'59" E	28.28'
L42	N 72°27'44" E	46.78'
L43	S 75°27'44" W	46.79'
L44	S 57°41'16" W	28.28'
L45	S 12°40'58" W	46.49'
L46	S 58°50'23" E	28.28'
L47	S 75°27'44" W	20.00'

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "LONE STAR TRAILS II, SECTION 9" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this_____day of _____, 2020.

SIGNED:_____

PRINT:_____
Chairman

ATTEST:_____

PRINT:_____
Secretary

REMAINDER OF 354.08 ACRE TRACT Doc. No. 2017-36824 M.C.O.P.R.

Legal Description for Lone Star Trails II, Section 9.

Being a 64.91 Acre Tract of Land in a 354.08 Acre Tract recorded in Document No. 2017-36824, Official Public Records, located in Section 7, Block 38, T-1-S, T&P RR Co Survey, City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10726946.28', E:1761918.68') a ½" iron rod found in the north line of said 354.08 acre tract and the Midland-Martin County Line for the northeast corner of this tract, whence a ½" iron rod found in the east line of said Section 7 at the northeast corner of said 354.08 acre tract bears South 89°06'49" East, a distance of 606.85 feet;

Thence through said 354.08 acre tract the following seven (7) courses and distances:

1. South 14°32'16" East, a distance of 1722.33 feet to a ½" iron rod found for a point of deflection in the east line of this tract;
2. South 75°27'44" West, a distance of 95.00 feet to a ½" iron rod found for a point of deflection in the east line of this tract
3. South 30°27'44" West, a distance of 28.28 feet to a ½" iron rod found for a point of deflection in the east line of this tract;
4. South 14°32'16" East, a distance of 98.82 feet to a ½" iron rod found for a point of curvature in the east line of this tract;
5. With a curve to the right in a southwesterly direction, said curve having a radius length of 80.00 feet, an arc length of 95.77 feet, a delta angle of 68°35'30", and a chord length of 90.15 feet bearing South 19°45'29" West to a ½" iron rod found for a point of tangency in the east line of this tract;
6. South 13°55'23" East, a distance of 120.65 feet to a ½" iron rod found for the southeast corner of this tract;
7. South 76°04'30" West, a distance of 1055.66 feet to a ½" iron rod found in the east right of way line of Carriage Road for the southwest corner of this tract;

Thence with the east right of way line of said Carriage Road the following eighteen (18) courses and distances:

1. North 18°52'38" West, a distance of 95.42 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
2. North 28°35'56" East, a distance of 27.04 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
3. North 18°52'38" West, a distance of 60.22 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
4. North 61°24'04" West, a distance of 29.48 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
5. North 18°52'38" West, a distance of 186.90 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
6. North 26°14'24" East, a distance of 28.23 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
7. North 18°52'38" West, a distance of 60.00 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
8. North 63°45'36" West, a distance of 28.34 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
9. North 18°52'38" West, a distance of 1445.72 feet to a ½" iron rod found for a point of curvature in the west line of this tract;
10. With a curve to the right in a northwesterly direction, said curve having a radius length of 500.00 feet, an arc length of 172.47 feet, a delta angle of 19°45'49", and a chord length of 171.62 feet bearing North 08°59'43" West to a ½" iron rod found for a point of tangency in the west line of this tract;
11. North 00°53'11" East, a distance of 23.49 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
12. North 45°53'11" East, a distance of 28.28 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
13. South 89°06'49" East, a distance of 12.46 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
14. North 00°53'11" East, a distance of 60.00 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
15. North 44°06'49" West, a distance of 28.28 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
16. North 00°53'11" East, a distance of 90.00 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
17. North 45°53'11" East, a distance of 28.28 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
18. North 00°53'11" East, a distance of 60.01 feet to a ½" iron rod found in the north line of said 354.08 acre tract and the Midland-Martin County Line for the northwest corner of this tract;

Thence South 89°06'49" East with the north line of said 354.08 acre tract and the Midland-Martin County Line, a distance of 1289.10 feet to a to the Point of Beginning.

Containing 64.91 surface acres of land.

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

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

10 November 2020
DATE

AARON SCOTT BURRELL TX RPLS 5689

STATE OF TEXAS · AARON SCOTT BURRELL · 5689 · REGISTERED PROFESSIONAL LAND SURVEYOR

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

FLOOD NOTE:
Special Flood Hazard Areas as graphically scaled from FEMA Map No. 48329C0100F, Dated September 16, 2005, Prepared for Midland County, Texas are shown hereon.

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

Bearings shown on this survey are relative to the Texas Coordinate System, NAD 1983, Central Zone (CORS).

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ ATMOS ENERGY PRINT NAME

SIGNED: _____ ONCOR ELECTRIC DELIVERY PRINT NAME

SIGNED: _____ AT&T TEXAS PRINT NAME

SIGNED: _____ SUDDENLINK COMMUNICATIONS PRINT NAME

SIGNED: _____ GRANDE COMMUNICATIONS PRINT NAME

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, _____, Agent of Betenbough Homes Inc. as the recorded owner of a 64.91 Acre Tract of Land, out of a 354.00 Acre Tract of Land, as recorded in Instrument No. 2017-36824, Official Public Records, Midland County, Texas, located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, and more particularly shown and described hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, _____, Agent of Betenbough Homes Inc., do hereby adopt this plat designating the herein above described property as "LONE STAR TRAILS II, SECTION 8" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the_____day of_____, 2020.

_____
By: _____
Agent of Betenbough Homes Inc.

ACKNOWLEDGMENT

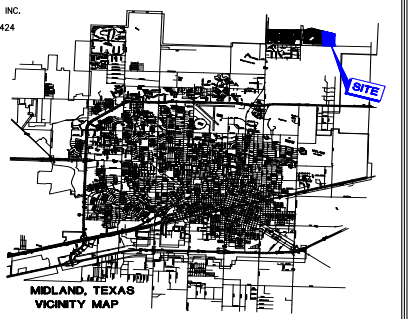
THE STATE OF TEXAS
COUNTY OF MIDLAND

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

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

OWNER:
BETENBOUGH HOMES INC.
6305 82nd STREET
LUBBOCK, TEXAS 79424
806-797-9494



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

Professional Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
415 W. Wall St., Suite 204
Midland, Texas 79701
432-848-4439
P.O. Box 81041 aabsurveyors.com
Midland, Texas 79708
TBPLS Firm No. 10194217

Page 1 of 1
LSTII-9 Prelim

Scale 1" = 100'

LEGEND
● Fd ½" Iron Rod
○ Set ½" Iron Rod
------ Utility Easement

PRELIMINARY PLAT
LONE STAR TRAILS II, SECTION 9

MIDLAND
Planning Division

Preliminary Plat Application

Project Number:
Case Number: P-20-0966

Proposed Subdivision Plat Name: Preliminary Plat, Lone Star Trails Section 9

Legal Description (attached sealed Metes and Bounds):
Being a 64.91 Acre Tract of Land in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas

Property Owner Printed Name: Betenbough Homes		Phone (806) 412 - 6611 Email Ronniew@betenbough.com	
Address 6305 82nd Street	City Lubbock	State Texas	Zip 79424

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Current Zoning: 1F-3 One-Family Dwelling District

Reason for Platting: New Development for Single Family Homes

Plat Information	Total Acreage: 64.91
Type: ☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Residential Lots: 319	Number of Multi-Family Dwelling Units: N/A

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: 11/10/20

Property Owner (printed) : Ronnie Wallace

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*)

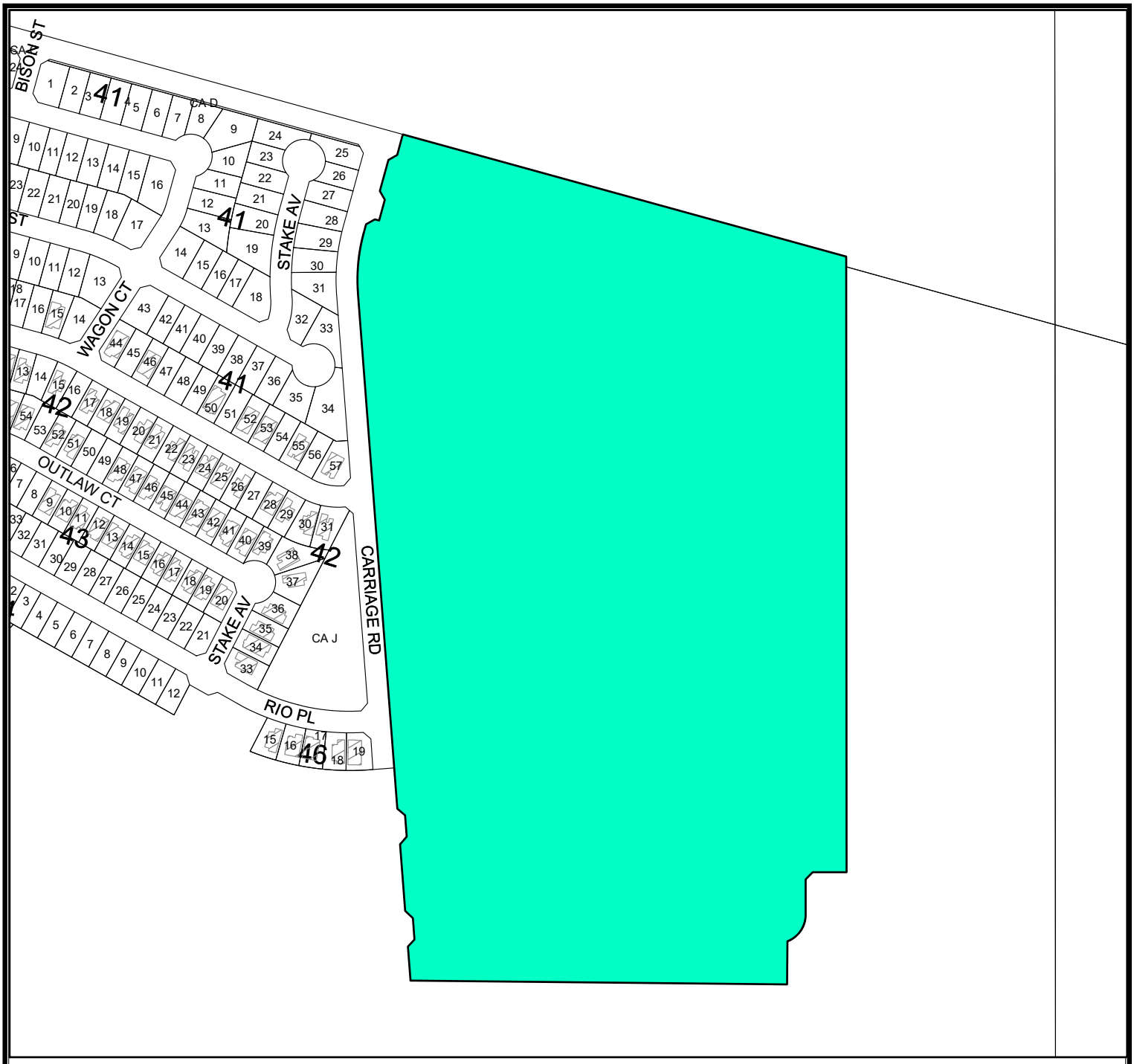
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
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)	will email
Check #_____		RECEIVED NOV 10 2020
Received By: VSherman	Date:	BY:

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



LOCATION MAP

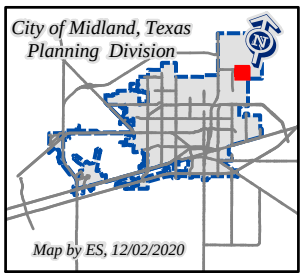
P-20-0966 **Scale: 1" = 250'**

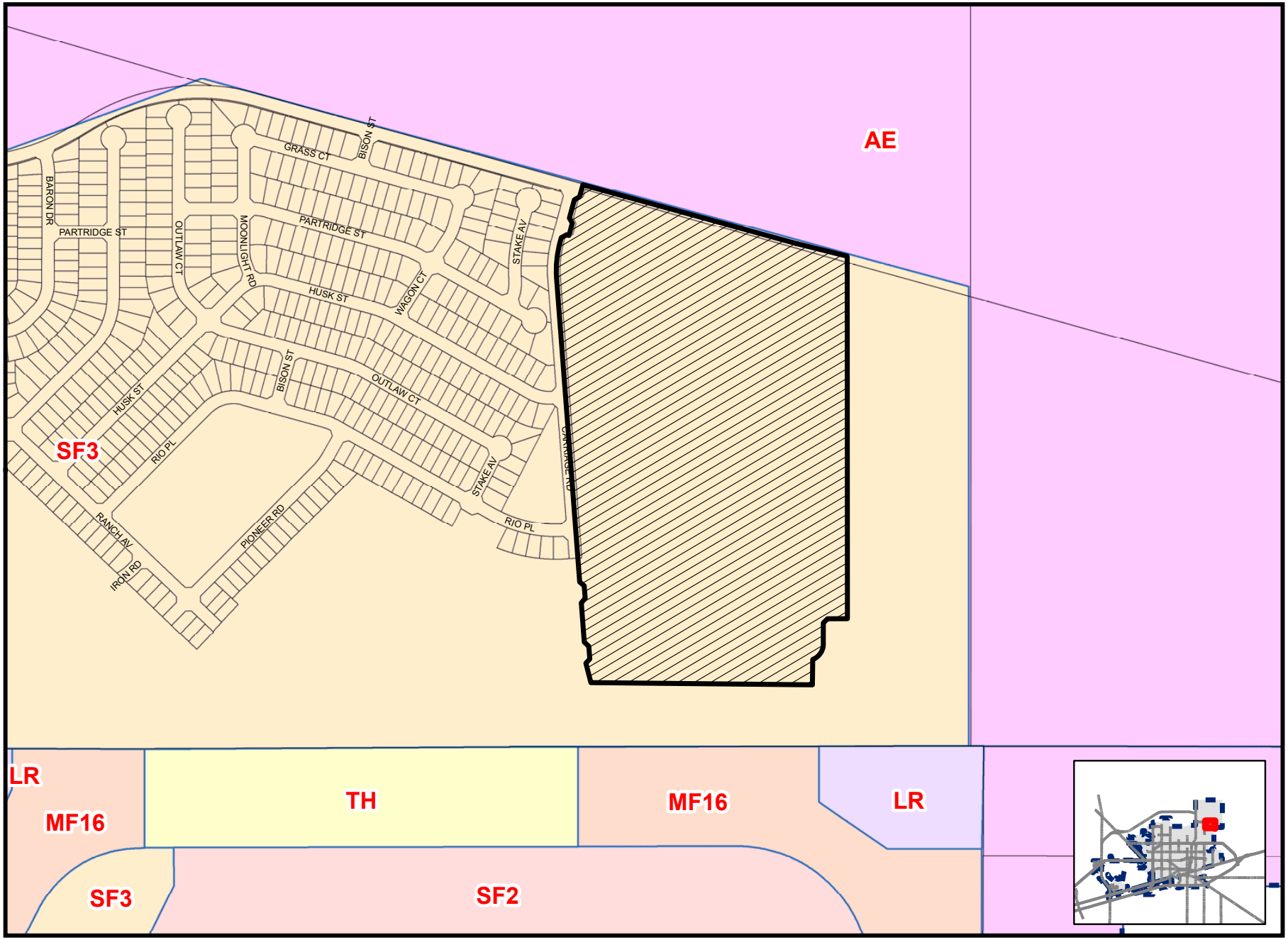
Consider a proposed Preliminary Plat of Lone Star Trails II, Section 9, being a plat of a 64.91-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Carriage Road and North Occidental Parkway. Council District 1

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By ES, 11/18/2020

P-20-0966

Scale: 1" = 200'

ZONING MAP

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Valerie A. Sherman, Senior Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Cotton Addition, being a plat of a 10.21-acre tract of land located in the south half of the southeast quarter of Section 30, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. Generally located on the north side of W. County Road 150, approximately 362 feet west of S. FM 1788. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The property owner, A&M Threaders, Inc., is proposing to plat a 10.21-acre tract of land located in the south half of the southeast quarter of Section 30, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas, into one (1) lot for a septic tank permit.

Current Zoning:

Extraterritorial Jurisdiction.

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

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Property in ETJ. No Impact Fee statement required.

ROW:

PAVING: WCR 150 is not paved to City Standards. Pave WCR 150 to City Standards along the entire platted frontage or request a deferral.

WATER: No water existing. Install water line along platted frontage or request a deferral.

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

PRO RATA: None

SEWER: No sewer existing. Install Sewer lines along the entire platted frontage or request a deferral.

DRAINAGE: Drainage Report Required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

No objections to plat.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

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

PLANNING:

The final plat should be titled, “Cotton Addition.”

Provide a second northing and easting.

Please verify metes and bounds on the east side of the property. The east side plat boundary is off by approximately 25 feet.

Remove existing site conditions from the final plat.

Provide an owner’s certificate, acknowledgment, surveyor’s certificate, certificate of approval, utility companies certificates, and a location for the recording information.

Staff recommends approval of the Preliminary Plat of Cotton Addition, subject to conditions A through D.

Conditions:

A. That the technical items listed above are addressed.

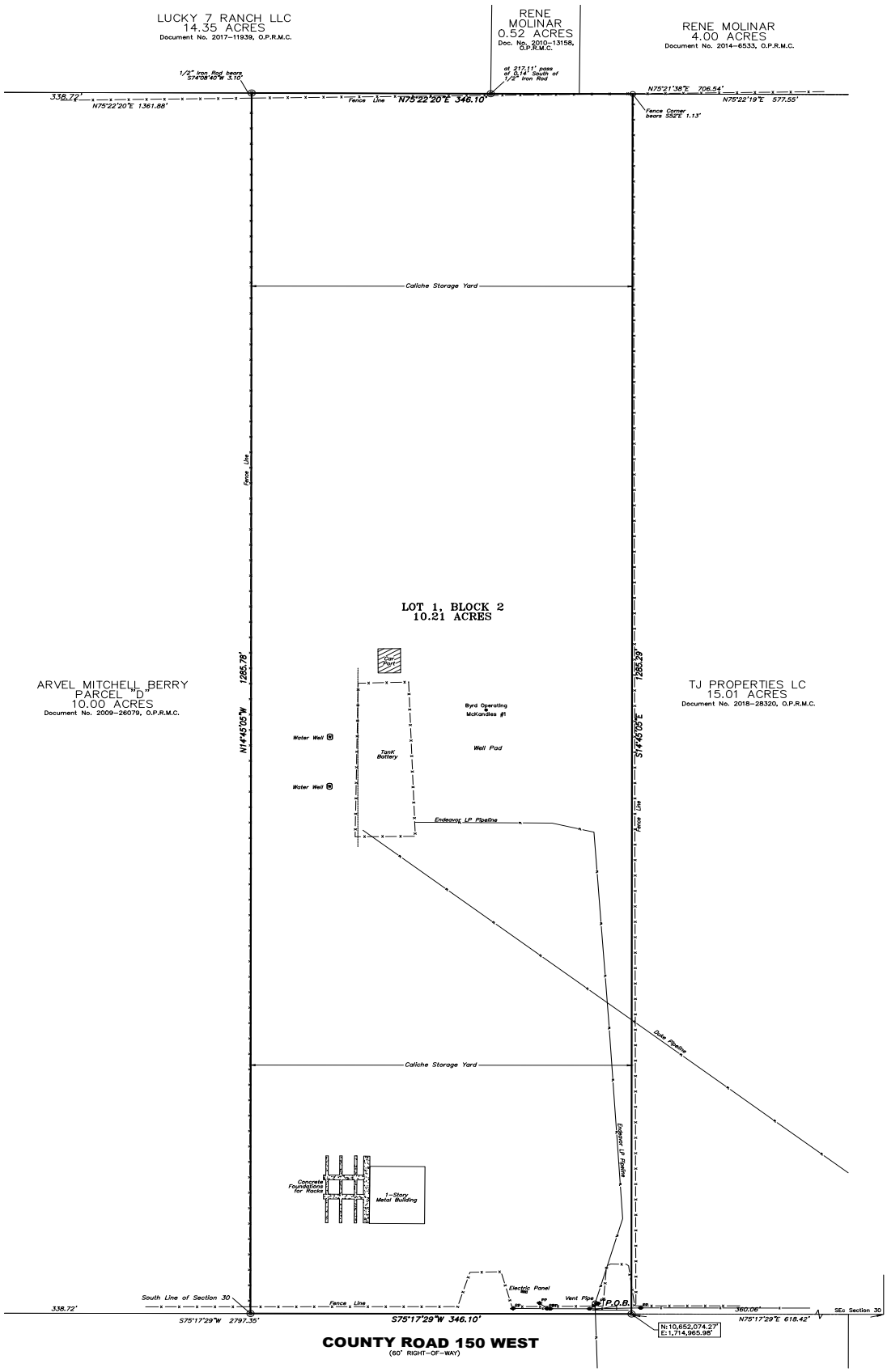
B. That a drainage study is approved.

C. That all required public improvements are addressed.

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

Attachments:

Proposed Preliminary Plat
Application
Map



PRELIMINARY PLAT

COTTON ADDITION SECTION 2

BEING A 10.21 ACRE TRACT
LOCATED IN THE SOUTH HALF OF THE
SOUTHEAST QUARTER OF SECTION 30,
BLOCK 40, T-2-S, T.&P. RR. CO. SURVEY,
MIDLAND COUNTY, TEXAS

N

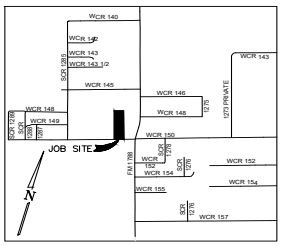
GRAPHIC SCALE IN FEET

0 50' 100' 150'

1" = 50'

LEGEND

- = Set 1/2" Iron Rod with Plastic Cap marked "PLS 1974"
- = Found 1/2" Iron Rod with Plastic Cap marked "PLS 1974" unless noted otherwise
- = Power Pole/Drop Pole
- = Guy Wire
- = Fence
- = Overhead Electric Line
- = Concrete
- = Awning



VICINITY MAP
Not to Scale

Drawing File: Muswell-10.21AcTr.Dwg
Crd File: Schaurber40.Crd
Drawn by: Gene M. Rodriguez
Scale: 1"=50'
Date: 10/29/2020

STATE PLANE COORDINATE NOTE

BEARINGS, DISTANCES, AND COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 1983/86, CENTRAL ZONE, WITH A COMBINED GRID FACTOR OF 0.9998706, AND A THETA ANGLE EQUAL TO -0°58'10" AT CITY OF MIDLAND GPS STATION "WARFIELD" WITH PUBLISHED VALUES OF N=10,664,066.87 AND E=1,712,554.02 IN U.S. SURVEY FEET.

GENERAL NOTES

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

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

3. A BLANKET EASEMENT OF INGRESS AND EGRESS IS HEREBY GRANTED FOR MUSWELL ADDITION, TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH CONTAINERS, SAVE AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OR STRUCTURE. SAID EASEMENT IS CONDITIONED SUCH THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT UNTIL EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

4. THE SUBJECT PROPERTY IS LOCATED INSIDE THE EXTRA TERRITORIAL JURISDICTION AND DOES NOT HAVE ZONING CLASSIFICATION.

5. BASED ON THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY NUMBER 481239, SHEET NUMBER 48329C0200 F, WITH AN EFFECTIVE DATE OF DECEMBER 6, 1999 AND 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:

A&M THREADERS, INC.
10500 West County Road 150
Midland, Texas 79706

Contact:

Jay Scudder
(432)638-5412

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

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-20-0378
Case Number: P-20-0965

Proposed Subdivision Plat Name: COTTON ADDITION, SECTION 2

Legal Description (attached sealed Metes and Bounds): Being a 10.21 Acre Tract Located in the South Half of the Southeast Quarter of Section 30, Block 40, T-2-S, T.&P. RR. Co. Survey, Midland County, Texas

Property Owner Printed Name: A&M Threaders, Inc.		Phone (432) 638-5412 Email Kenny.scudder@Muswellservices.com	
Address 10500 W. County Road 150	City Midland	State TX	Zip 79706

Developer *(if different than Owner)* Printed Name: NA		Phone (432) 638-5412 Email	
Address	City	State	Zip

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Piper Surveying Co., Inc. Printed Name: J. Stan Piper, RPLS		Phone (432) ~~638-5412~~ 550-7810 Email Stan@PiperSurveying.com	
Address PO Box 60432	City Midland	State TX	Zip 79711

Current Zoning: N/A

Reason for Platting: Septic Tank Permit

Plat Information	Total Acreage:	10.21 Acres
Type: ☐ Single-Family Residential ■ Commercial	☐ Multi-Family Residential ■ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 1	Number of Multi-family Dwelling Units: N/A	

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

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

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

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

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

Property Owner (signature):	Date: _____

Property Owner (printed) : _____

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

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

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 the owner of _____ or is authorized by Mr Kenny Scudder 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.

J. Stan Piper
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 4th day of November, 2020, to certify which witness my hand and seal of office.

NOTARY PUBLIC STATE OF TEXAS
CECILIA C GONZALEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 09/27/2022
ID# 131740918

Cecilia C. Gonzalez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

Received By:	Date:

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

LOCATION MAP

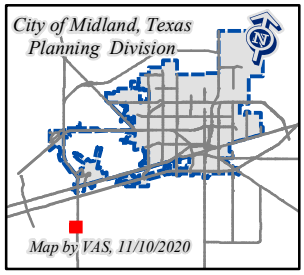
SUB-20-0378 **Scale: 1" = 250'**

Proposed preliminary plat of Cotton Addition, being a plat of a 10.21-acre tract of land located in the south half of the southeast quarter of Section 30, Block 40, T-2-S, T&P, RR. Co. Survey, Midland County, Texas.

Generally located on the north side of W. County Road 150, approximately 362 feet west of S. FM 1788. (Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

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

SUBJECT: **Consider a proposed Correction Plat of Midland International Airport Industrial Park, Section 8, being a replat a 0.03-acre portion of Lot 1A, Block 1; a 0.01-acre portion of Lot 1A, Block 2; a 0.21-acre portion of Lot 2A, Block 2; a 19.91-acre portion of Lot 1A, Block 13; a 0.05-acre portion of the Rail Road Spur; and a 0.96-acre portion of Earhart Drive right of way, all out of Midland International Airport Industrial Park, City and County of Midland, Texas. (Generally located on the east side La Force Boulevard, approximately 1,148-feet south of Windecker Street. Council District 4) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

TP, Technology Park District, and PD, Planned Development District for and Office Center.

Preliminary Plat Approval:

The applicant, Parkhill, is proposing a correction plat of Midland International Airport Industrial Park, Section 8, to correct an easement in Lot 4.

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

Departmental Review:

This proposed Final Plat of Midland International Airport Industrial Park, Section 8 has been circulated to all city departments for their review. The comments are below.

Engineering: (Approved)

1) IMPACT FEE: Impact fee statement is okay as shown.

2) ROW: Okay as shown.

3) Paving: Earhart and Enterprise are constructed to City Standards.

4) Water: Water Is constructed according to Phase 1 Plans.

5) Fire Hydrants: Fire hydrants installed in accordance with Fire Marshal's requirements.

6) Pro Rata Due: None.

7) Sewer: Sewer lines are constructed to Phase 1 plans.

8) Drainage: Drainage study approved by City of Midland.

9) Easements: Easements okay as shown.

10) Sidewalk: Sidewalks are constructed according to Phase 1 plans.

11) Dimensions:

12) Other:

Transportation: (Approved)

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

No objections to plat.

Fire: (Approved)

No additional comments.

Code Compliance: (Approved)

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

Building Inspection: (Approved)

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

Planning:

The legal description on the plat face should match the legal description of the already recorded Midland International Airport Industrial Park, Section 8.

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

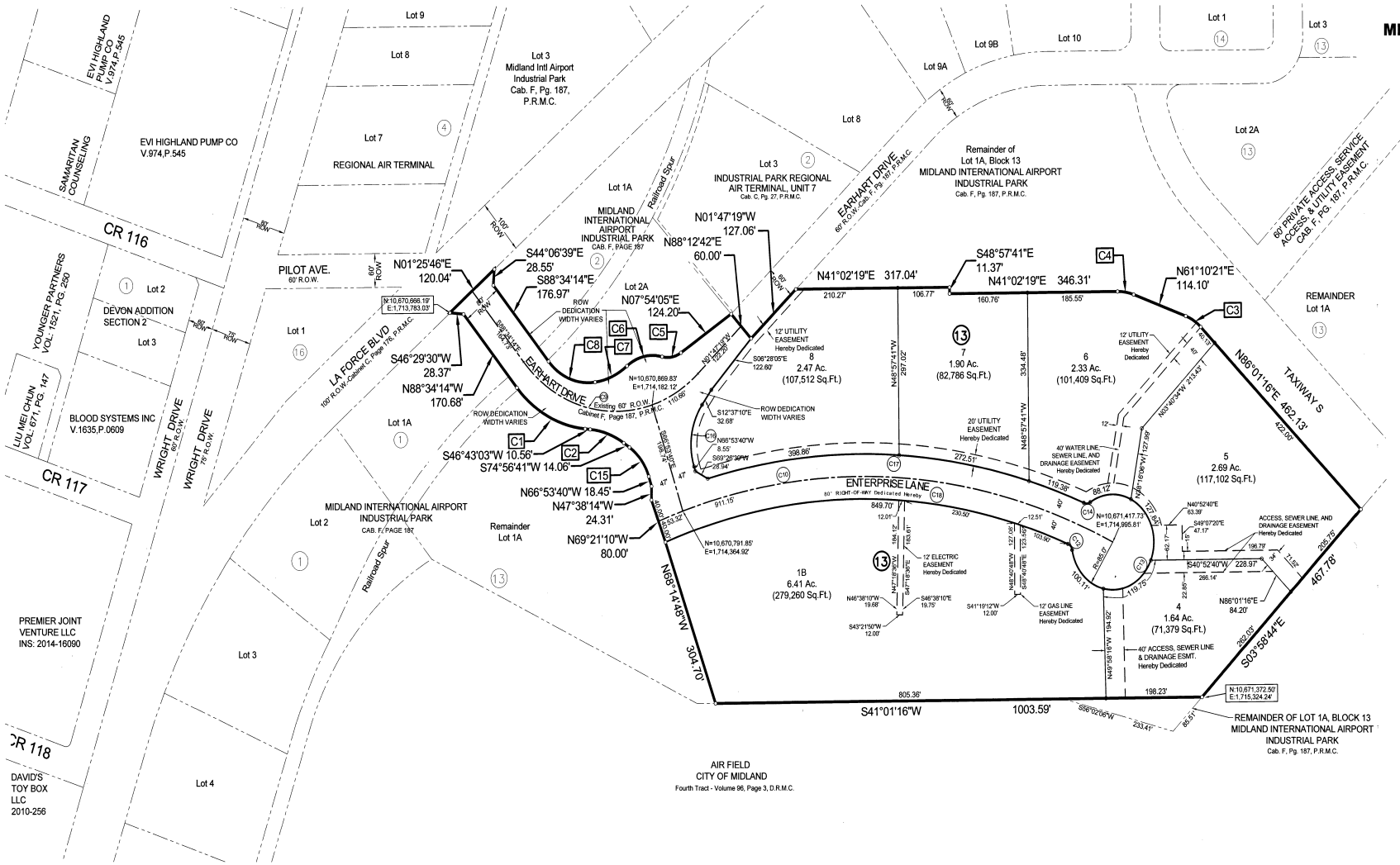
Staff recommends approval of the Final Plat of Midland International Airport Industrial Park, Section 8, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



CORRECTION PLAT

MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK SECTION 8

Being a 21.31 Ac. Replat of Parts of Lot 1A, Block 1, Lots 1A and 2A, Block 2, Lot 1A, Block 13, Utility Easement and Railroad Spur, Earhart Drive All in MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, An Addition to the City and County of Midland, Texas Recorded in Cabinet F, Page 187, P.R.M.C.

100' 50' 0 100'
Original Scale: 1"=100'

LEGEND

- PROPOSED PLAT LIMITS
- PROPOSED STREET R/W & BLOCK LINES
- EXISTING PLATTED LOTS & STREET R/W
- EXISTING EASEMENTS
- PROPOSED EASEMENTS
- PROPOSED LOT LINE
- SET 1/2" IRON ROD WITH PLASTIC CAP MARKED "PLS 1974" AT EACH LOT CORNER WHERE POSSIBLE

NOTES

1. A BLANKET EASEMENT OF INGRESS AND EGRESS WILL BE GRANTED FOR MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, SECTION 8 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH CONTAINERS, SAVE AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OR STRUCTURE. SAID EASEMENT IS CONDITIONED SUCH THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT UNTIL EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.
2. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. THIS DEVELOPMENT FALLS WITHIN THE MIDLAND INTERNATIONAL AIRPORT AOZ-4 ZONE.
5. BASED ON THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY NUMBER 480477, SHEET NUMBER 48329C0200 F, WITH AN EFFECTIVE DATE OF DECEMBER 6, 1999 AND 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.
6. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
7. RELATIVE TO THE EXISTING DRAINAGE EASEMENT: THE MAINTENANCE OF ANY STORMWATER FACILITY IN THIS EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. PROPERTY OWNER AGREES TO MAINTAIN THE FACILITY IN WORKING ORDER, WITH INSPECTIONS AND CORRECTIVE ACTION MADE AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTIONS AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATOR ON REQUEST, OR MAY BE FORWARDED TO THE CITY ENGINEER'S OFFICE.
8. RELATIVE TO THE EXISTING DRAINAGE EASEMENT: THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.
9. RELATIVE TO THE EXISTING DRAINAGE EASEMENT: THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS, AND ASSIGNS, SHALL HAVE THE FREE AND UNINTERRUPTED RIGHT OF PASSAGE IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REALIGNING, MODIFYING, REPLACING, IMPROVING, ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, REPAIRING, RELOCATING AND REMOVING SAID FACILITIES, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO CUT AND TRIM BUSHES AND TREES, TOGETHER WITH THE RIGHT OF INGRESS, EGRESS AND REGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.
10. RELATIVE TO THE EXISTING DRAINAGE EASEMENT: DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNDULY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDING, ROADWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREIN. WRITTEN PERMISSION FOR ABOVE GROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

OWNER: CITY OF MIDLAND
300 N. LORAINE
P.O. BOX 1152
MIDLAND, TEXAS 79702
(432) 685-7200

ENGINEER: PARKHILL
1700 W. WALL ST
SUITE 100
MIDLAND, TEXAS 79701
(432) 697-1447

CURVE TABLE					
CURVE	ARC L	CHORD L	CHORD BEARING	DELTA ANGLE	RADIUS
C1	162.71'	158.61'	S69°04'24"W	44°42'43"	208.50'
C2	73.90'	73.15'	S60°49'52"W	28°13'39"	150.00'
C3	36.89'	36.61'	N73°35'49"E	24°50'56"	85.07'
C4	33.99'	33.81'	N51°06'20"E	20°08'02"	96.72'
C5	40.76'	39.64'	N31°15'28"E	46°42'46"	50.00'
C6	76.74'	74.12'	N28°32'59"E	52°07'43"	84.34'
C7	72.64'	71.74'	N18°05'01"E	31°18'42"	132.92'
C8	107.12'	102.66'	S62°35'04"W	57°41'24"	106.39'
C9	403.16'	360.15'	N44°49'14"E	93°13'05"	247.80'
C10	964.47'	937.85'	N43°55'54"E	46°49'50"	1180.00'
C12	14.57'	13.93'	S87°16'01"E	59°01'51"	14.14'
C13	435.81'	92.78'	N24°40'07"W	293°49'45"	84.98'
C14	13.80'	13.26'	S36°59'42"W	55°56'28"	14.14'
C15	66.60'	65.38'	S85°58'30"E	38°09'38"	100.00'
C16	115.21'	110.95'	N39°45'25"W	54°16'31"	121.62'
C17	802.75'	788.35'	S44°32'20"W	37°42'01"	1220.00'
C18	849.70'	830.17'	N41°51'53"E	42°42'20"	1140.00'

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.

STATE OF TEXAS
REGISTERED
J. STAN PIPER
1974
PROFESSIONAL LAND SURVEYOR

J. Stan Piper, R.P.L.S. #1974
Piper Surveying Company, Inc., P.O. Box 60432; Midland, Texas 79711
FIRM #10155200

SPECIAL STATE PLANE COORDINATE NOTE

Bearings, distances and coordinates are relative to the Texas State Plane Coordinate System (Central Zone1983 NAD) , with a combined grid factor of 0.99987767 for mean project datum. The theta angle is equal to -00°57'45" at the Airport Reference Point.

OWNER'S CERTIFICATE

STATE OF TEXAS:
COUNTY OF TEXAS:

WHEREAS, THE CITY OF MIDLAND is the record owner of a 21.31 Acre Tract of Land as described above situated in Section 8, Block 40, T-2-S, T.&P. RR Co. Survey, City and County of Midland, Texas and more particularly described hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS :

That we, THE CITY OF MIDLAND do hereby adopt this plat designating the hereinabove described property as MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, SECTION 8 to the City and County of Midland, Texas, and we do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS our hands at MIDLAND, Texas, this the _____ day of _____ 2020.

By: _____
CITY OF MIDLAND – MAYOR Patrick Peyton

STATE OF TEXAS:
COUNTY OF TEXAS:

This instrument was acknowledged before me on _____ 2020 by Patrick Peyton, as Mayor of the City of Midland, Texas.

_____
Notary Public Signature

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Jeffry R. Henderson
Oncor Electric Delivery Service (PLEASE PRINT)

Luis.Montez Digitally signed by Luis.Montez Date: 2020.11.05 15:06:32 -06'00'
SuddenLink Communications (PLEASE PRINT)

Mark Lieb
Atmos Energy Mark Lieb (PLEASE PRINT)

Grande Communications (PLEASE PRINT)

Rosalinda Garcia
AT&T Texas Rosalinda Garcia (PLEASE PRINT)

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, SECTION 8 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this ____th day of _____2020.

_____ (SIGN) _____ (SIGN)
Chairman Secretary

_____ (PRINT) _____ (PRINT)

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

MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK SECTION 8

MIDLAND
Planning Division

Final Plat Application

Project Number:
Case Number: P-20-0968

Proposed Subdivision Plat Name: Midland International Airport Industrial Park, Section 8

Legal Description (attached sealed Metes and Bounds): Being a 49.90± Ac. Replat of Lots 1A through Lot 5, Block 1, Lots 1A and 2A, Block 2 and a 23.21 Ac. portion of Lot 1A, Block 13, 1.64 Acre of Utility Easement and Railroad Spur and 1.10 Ac. Portion of Earhart Drive in Midland International Airport Industrial Park an Addition to the City of Midland, Texas and 13.04 Ac. out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County Texas.

Property Owner Printed Name: City of Mildand		Phone (432) 697-1049 Email	
Address P.O. Box 1152	City Midland	State TX	Zip 79702

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Parkhill, Smith, & Cooper Printed Name: Josh Wallender (PSC Job # 01.9756.14)		Phone (432) 697-1447 Email jwallender@team-psc.com	
Address 1700 West Wall, Suite 100	City Midland	State Texas	Zip 79701

Current Zoning: IP-3 and PDOC

Reason for Platting: Development of Commercial lots

Plat Information	Total Acreage: 51.65 Ac.
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Residential Lots:	Number of Multi-Family Dwelling Units: N/A

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

Items to be submitted with this application form:

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

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

☐ Applicant would like a reproduction made for their records

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

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

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

Property Owner (signature):	Date:

Property Owner (printed) :_____

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Shelby Freeman
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 12th day of November, 2020, to certify which witness my hand and seal of office.

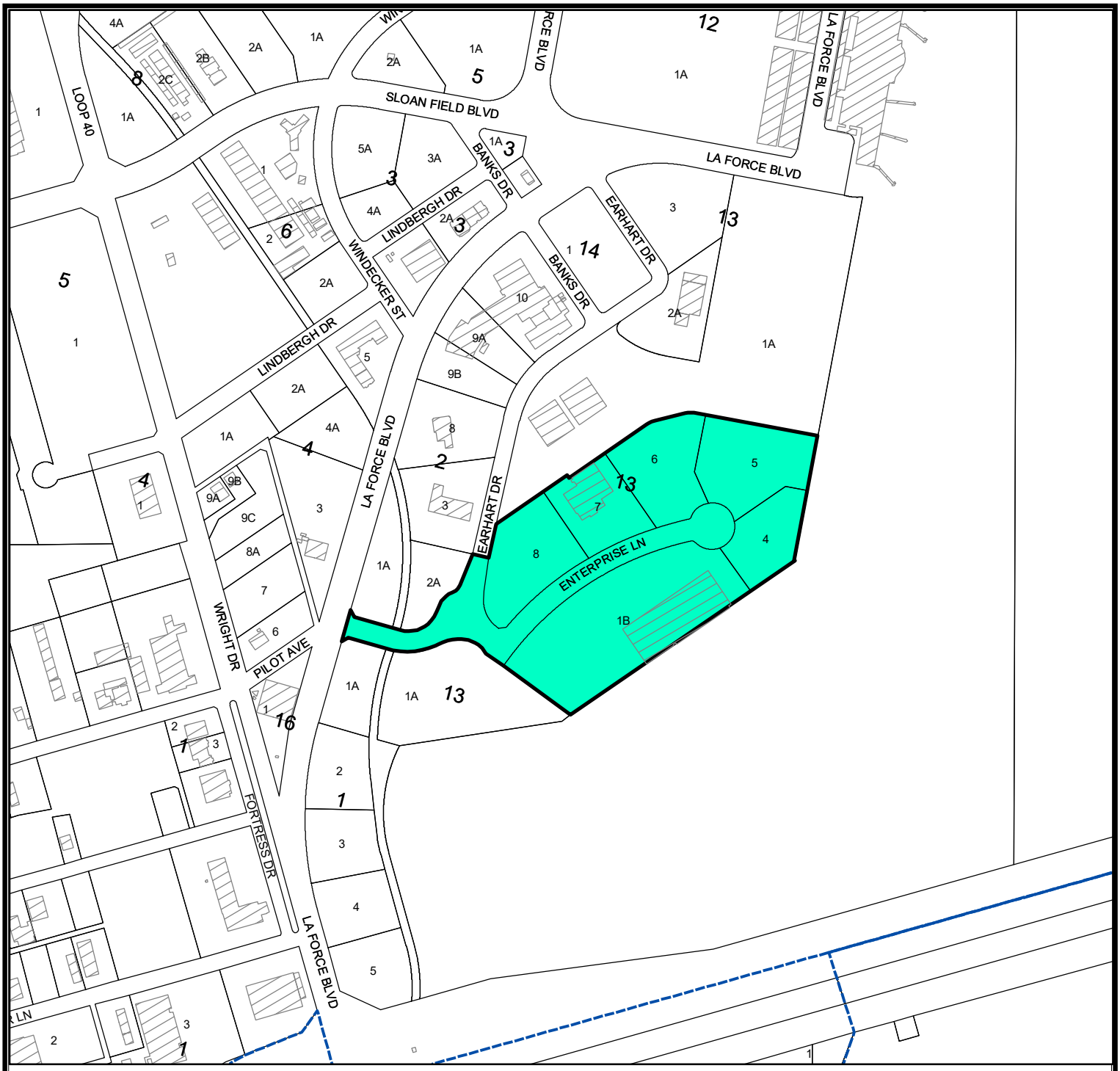
ILENA CARRASCO
Notary ID #132031433
My Commission Expires
May 30, 2023

Ilena Carrasco
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☑ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☑ Mylar	☐ 1 Copy of Plat (11x17)	☐ Public Improvements
☐ Application Fee	☐ Title Opinion	☑ Recording Fee
Check #_____	☑ Tax Certificates	Check # 1471
Received By: Joseph Maynard		Date: RECEIVED NOV 12 2020 BY:

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



LOCATION MAP

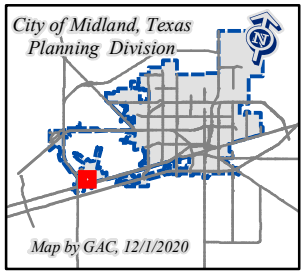
P-20-0968 **Scale: 1" = 400'**

Proposed correction plat of Midland International Airport Industrial Park, Section 8, being a replat of a 0.03-acre portion of Lot 1A, Block 1; a 0.01-acre portion of Lot 1A Block 2; a 0.21-acre portion of Lot 2A, Block 2; a 19.91-acre portion of Lot 1A, Block 13; a 0.05-acre portion of the Rail Road Spur; and a 0.96-acre portion of Earhart Drive right of way, all out of Midland International Airport Industrial Park, City and County of Midland, Texas.

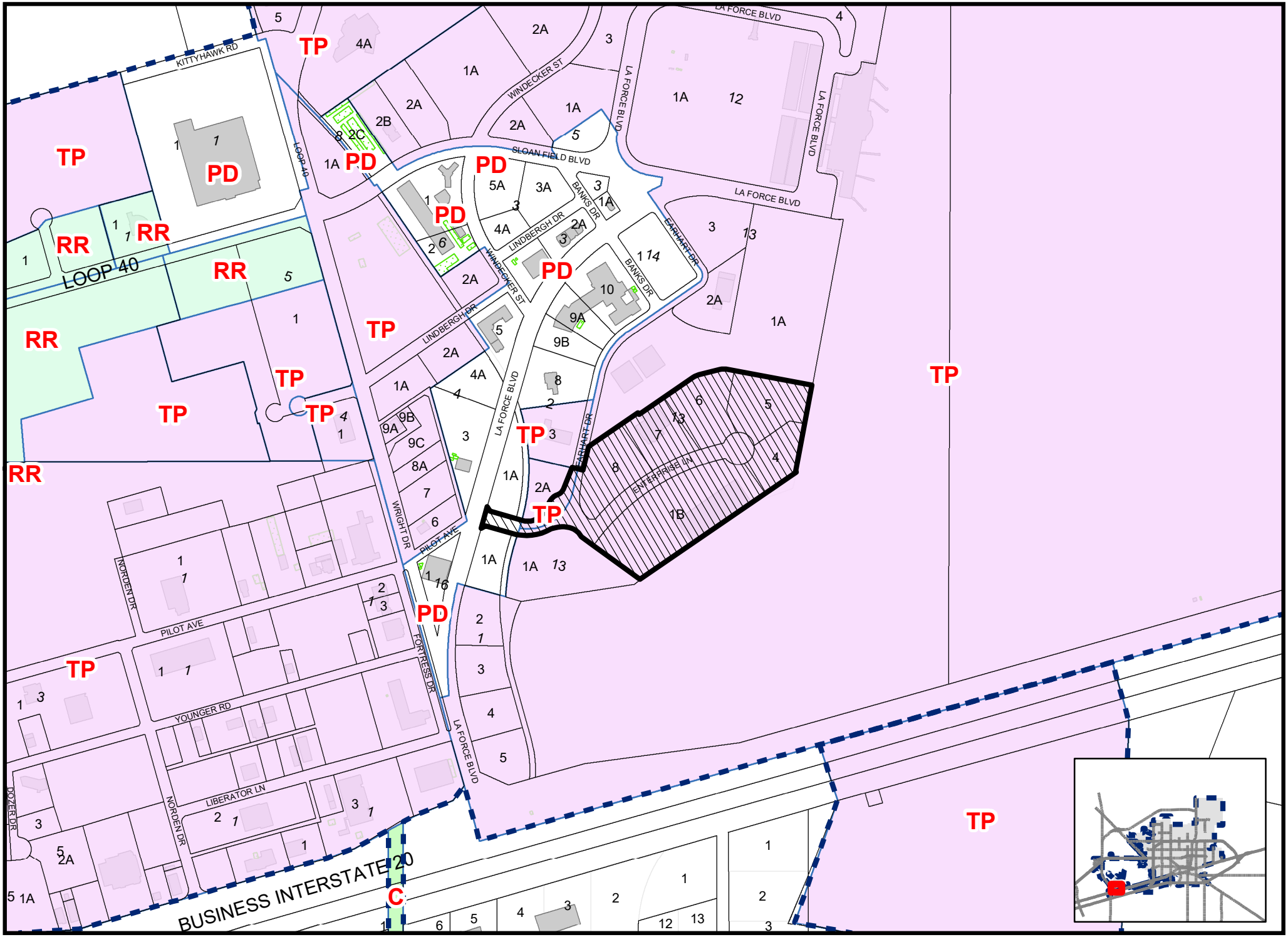
Generally located on the east side La Force Boulevard, approximately 1,148-feet south of Windecker Street. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 12/1/2020

PACKET

PZD-0968

Scale: 1" = 200'

ZONING MAP

Page 5.32

December 7, 2020

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

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Mayfield Place Addition, Section 8, being a re-plat of Lots 3 and 4, Block 3, Mayfield Place Addition, Section 6, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane. Council District 1) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Dunaway Associates, is proposing to re-plat lots 3 and 4, Block 3, Mayfield Place Addition, Section 6, into one (1) lot for the development of an office and retail center.

Current Zoning:

RR, Regional Retail District.

Departmental Review:

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact fee statement okay as shown.

ROW: ROW okay as shown

PAVING: The developer's obligation to pave North Midkiff has already been fulfilled. No paving improvements are required.

WATER: Water existing in Bromley, Midkiff, and Mockingbird. No water improvements required.

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

PRO RATA: None

SEWER: No sewer existing along North Midkiff. Install wastewater line along Midkiff for the length of the platted frontage.

DRAINAGE: Provide a drainage letter that indicates the intention to excavate the drainage pond to its finished dimensions and connect the existing storm drain to the pond. These two items were not addressed in the previous drainage letter. Please revise and resubmit. Also, reference the existing drainage report on the plat face.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

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

No objections to plat.

FIRE: (Approved)

All future development shall meet the requirements of IFC 2015 ed. as well as locally adopted city ordinances.

Additional fire hydrants may be required to meet the fire flow requirements of the project.

CODE COMPLIANCE: (Approved)

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

CRMWD:

The District has reviewed the plat you sent regarding the Mayfield Place Addition. As indicated on the sketch plat by Dunaway Engineering, we have 3 Pipelines running across the South section of the property.

Our pipeline and easements carry certain restrictions prohibiting the construction of habitable structures as well as other features designed to protect the pipeline. All proposed crossing utilities must cross under the pipeline with a minimum clearance of two feet and be encased throughout the easement.

In order to help ensure the integrity of this pipeline, CRMWD requests that a copy of the proposed construction plans be provided for this property for review. This review will allow CRMWD to the opportunity to provide comments prior to issuance of the final construction plans and will help to make the construction process go smoother. Electronic copies of the plans can be provided via e-mail.

Feel free to contact me at 432-267-6341 or at kwkruegerPcrmwd.org if you have any questions regarding this matter.

GIS:

I noticed that on the easement for the CRMWD water lines. They don't reference the documentation for that easement. I also noticed that on the adjacent property lot 2. We have a drainage basin in the map that is not shown.

PLANNING:

Under the certificate of approval, include the section number of the proposed plat and the chairman's name should be Reggie Lawrence and the secretary's name should be Cristina Odenborg Burns.

Remove lot lines that call out for the former Lots 3 and 4.

For the northern direction call on the eastern lot line, the coordinate direction should be S14-27-49E.

Remove the sixth utility company signature line.

Staff recommends approval of the preliminary plat of Mayfield Place Addition, Section 8, subject to conditions A through D.

Conditions:

A. That the technical items listed above are addressed.

B. That all required public improvements are addressed.

C. That a drainage letter is approved.

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

Attachments:

Proposed Preliminary Plat
Application
Maps

Owner
SUMMIT WEST RESOURCES, LP
550 W TEXAS AVE STE 700
Midland, Texas 79701
(432) 682-9800
Contact: Matt Johnson

NOTES:

1. The basis of the bearings shown hereon is the Texas State Coordinate System, Central Zone, (NAD83). All bearings and distances shown hereon are NAD83 Surface values using a scale factor of 0.999911092.
2. Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permits.
3. Any utility company, developer or other entity installing, repairing, maintaining or relocating a utility line or permanent improvement within utility easements must restore the premises as nearly as possible to its original condition following any such work at its sole expense.
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. A blanket refuse easement of ingress and egress for garbage and trash collection purposes is hereby granted.
6. All property corners are set 5/8–inch iron rod with yellow cap stamped "DUNAWAY ASSOCIATES LP" unless otherwise noted.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name:

ONCOR ELECTRIC DELIVERY Print Name:

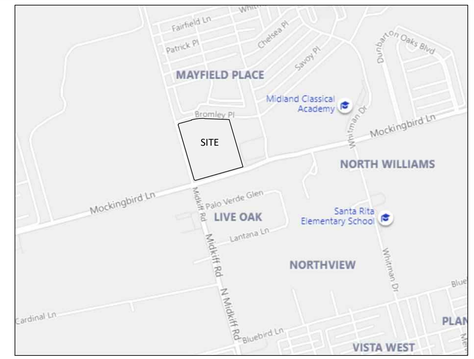
SUDDENLINK Print Name:

GRANDE COMMUNICATIONS Print Name:

AT&T–TEXAS Print Name:

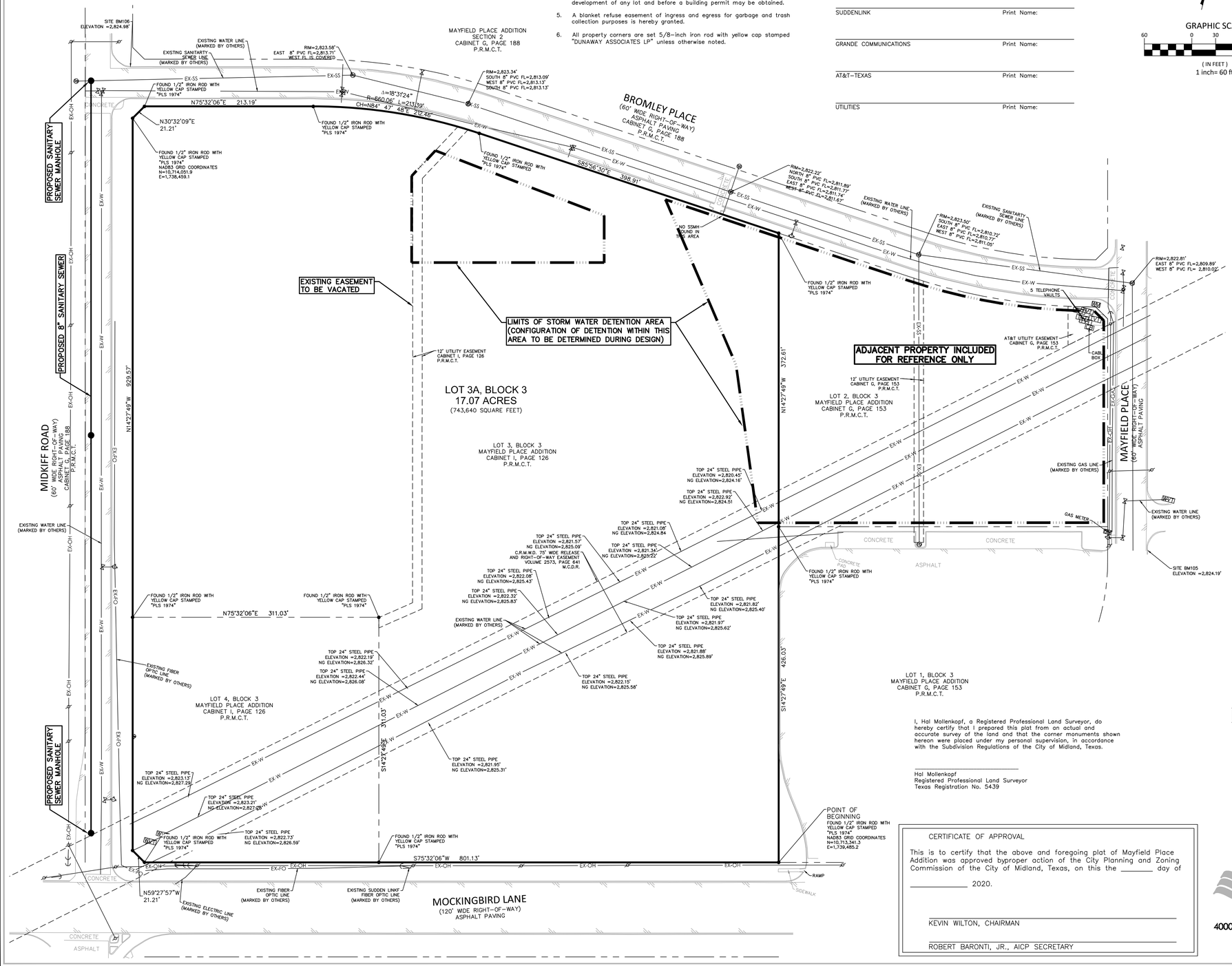
UTILITIES Print Name:

GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
1 inch= 60 ft.



VICINITY MAP
NOT TO SCALE

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



NOTE:
THE PURPOSE OF THIS PRELIMINARY PLAT IS TO MERGE EXISTING BLOCK 3, LOTS 3 & 4 INTO LOT 3A.

OWNER'S CERTIFICATE

STATE OF TEXAS, COUNTY OF MIDLAND:

WHEREAS Summit West Resources LP, is the record owner of Lots 3 & 4, Block 3, Mayfield Place Addition, situated in Section 9, Block X, H.P. Hilliard Survey, County of Midland, and more particularly described hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Summit West Resources LP, do hereby adopt this plat designating the herein above described property as Lot 3A, Block 3, Mayfield Place Addition, Section 8, 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 the _____ day of _____ 2020.

_____
Representative of: Summit West Resources LP

STATE OF TEXAS, COUNTY OF MIDLAND:

This instrument was acknowledged before me on _____ _____ , 2020,

by _____ on behalf of Summit West Resources LP.

_____
Notary Public Signature

I, Hal Mollenkopf, 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 were placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Midland, Texas.

_____
Hal Mollenkopf
Registered Professional Land Surveyor
Texas Registration No. 5439

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of Mayfield Place Addition was approved byproper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this the _____ day of _____ 2020.

_____
KEVIN WILTON, CHAIRMAN

_____
ROBERT BARONTI, JR., AICP SECRETARY

PRELIMINARY PLAT
MAYFIELD PLACE ADDITION, SECTION 8
LOT 3A, BLOCK 3

BEING A REPLAT OF ALL OF LOTS 3 AND 4, BLOCK 3, MAYFIELD PLACE ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND ACCORDING TO THE PLAT RECORDED IN CABINET I, SLIDE 126, PLAT RECORDS MIDLAND COUNTY, TEXAS.
SITUATED IN SECTION 9, BLOCK X
H.P. HILLIARD SURVEY
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

DUNAWAY
4000 N. Big Spring Street • Suite 101 • Midland, Texas 79705
Tel: 432.699.4889
(TX REG. F-1114)

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

PLOTTED BY: Cesar Barron ON: Wednesday, November 11, 2020 AT: 9:33 AM P:\EPATH\ C:\Production\4000\004000\4000100\Civil\Drawings\Plat Sheets\PREL PLAT.dwg

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-20-0375
Case Number: P-20-0967

Proposed Subdivision Plat Name: Mayfield Place Addition, Section 8. Lot 3A, Block 3

Legal Description (attached sealed Metes and Bounds): Metes and Bounds included as attachment.

Property Owner Printed Name: Summit West Resources, LP		Phone (432) 682 9800 Email mjohnson@summitpetroleumllc.com	
Address 550 W. Texas Avenue, Suite 700	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: Dunaway Associates Printed Name: Nicholas Powell		Phone (817) 335 1121 Email npowell@dunawayassociates.com	
Address 550 Bailey Avenue, Suite 400	City Fort Worth	State TX	Zip 76107

Current Zoning: PD

Reason for Platting: Merging of lots 3 & 4 into lot 3A

Plat Information	Total Acreage:	17.07 ac.
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)		
Number of Lots:	Number of Multi-family Dwelling Units: 0	

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: 11/11/2020

Property Owner (printed) : Matt Johnson - President & COO

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 Matt Johnson who, being by me duly sworn, upon oath says: That (s)he is the ~~owner~~ President of Summit West Resources, LP or is authorized by Summit West Resources LP 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 November, 20 20, to certify which witness my hand and seal of office.

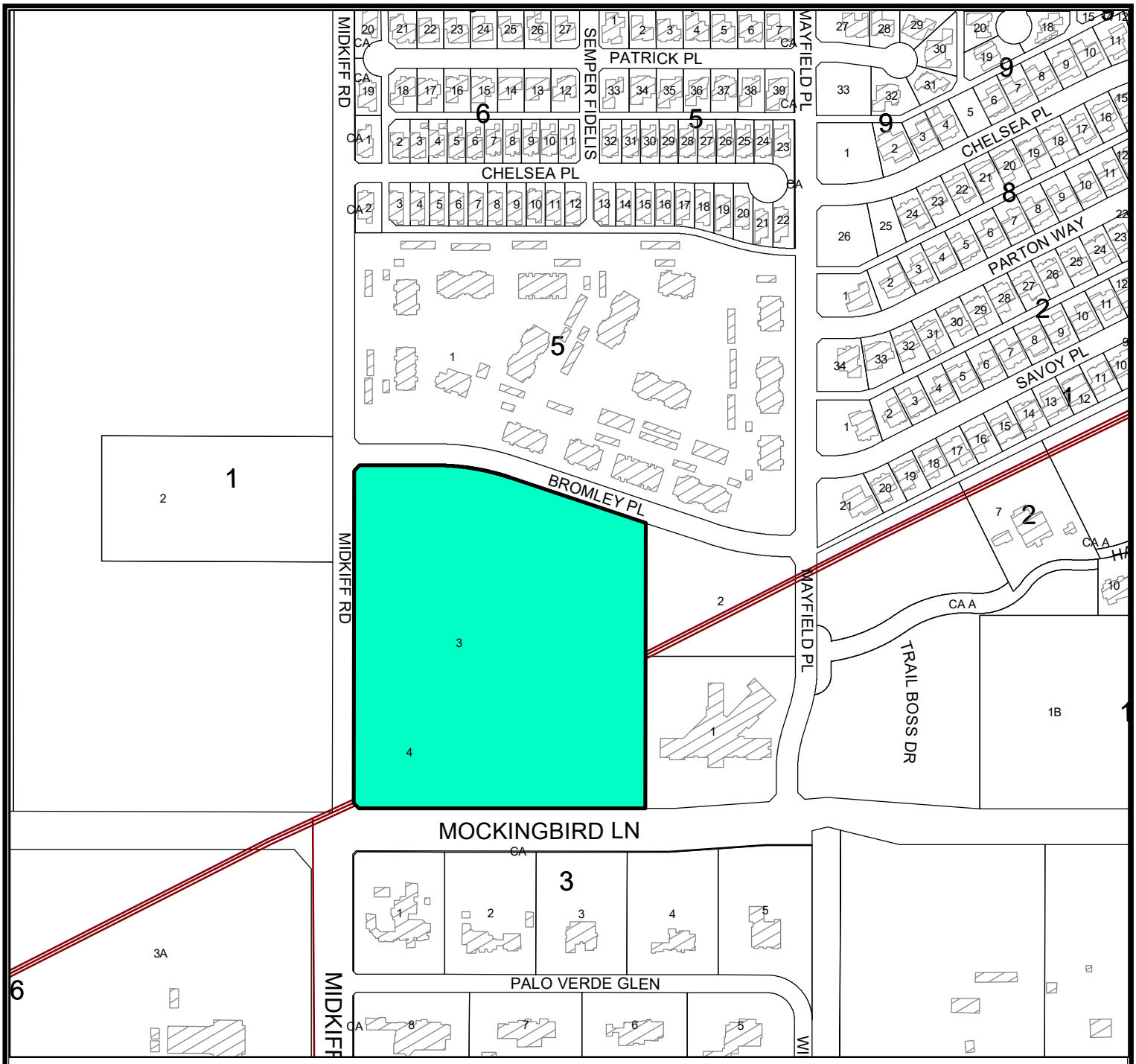
JEFFREY M LANG
Notary Public, State of Texas
Notary ID 12830939-2
My Commission Exp. 06-24-2022

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☐ Application Fee	☐ 1 Copy of Plat (11x17)	
Check #_____		
Received By:		Date:

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



LOCATION MAP

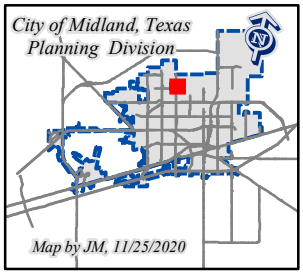
SUB-20-0375 **Scale: 1" = 400'**

Proposed plat of Mayfield Place Addition, Section 8, being a re-plat of Lots 3 and 4, Block 3, Mayfield Place Addition, Section 6, City and County of Midland, Texas.

Generally located at the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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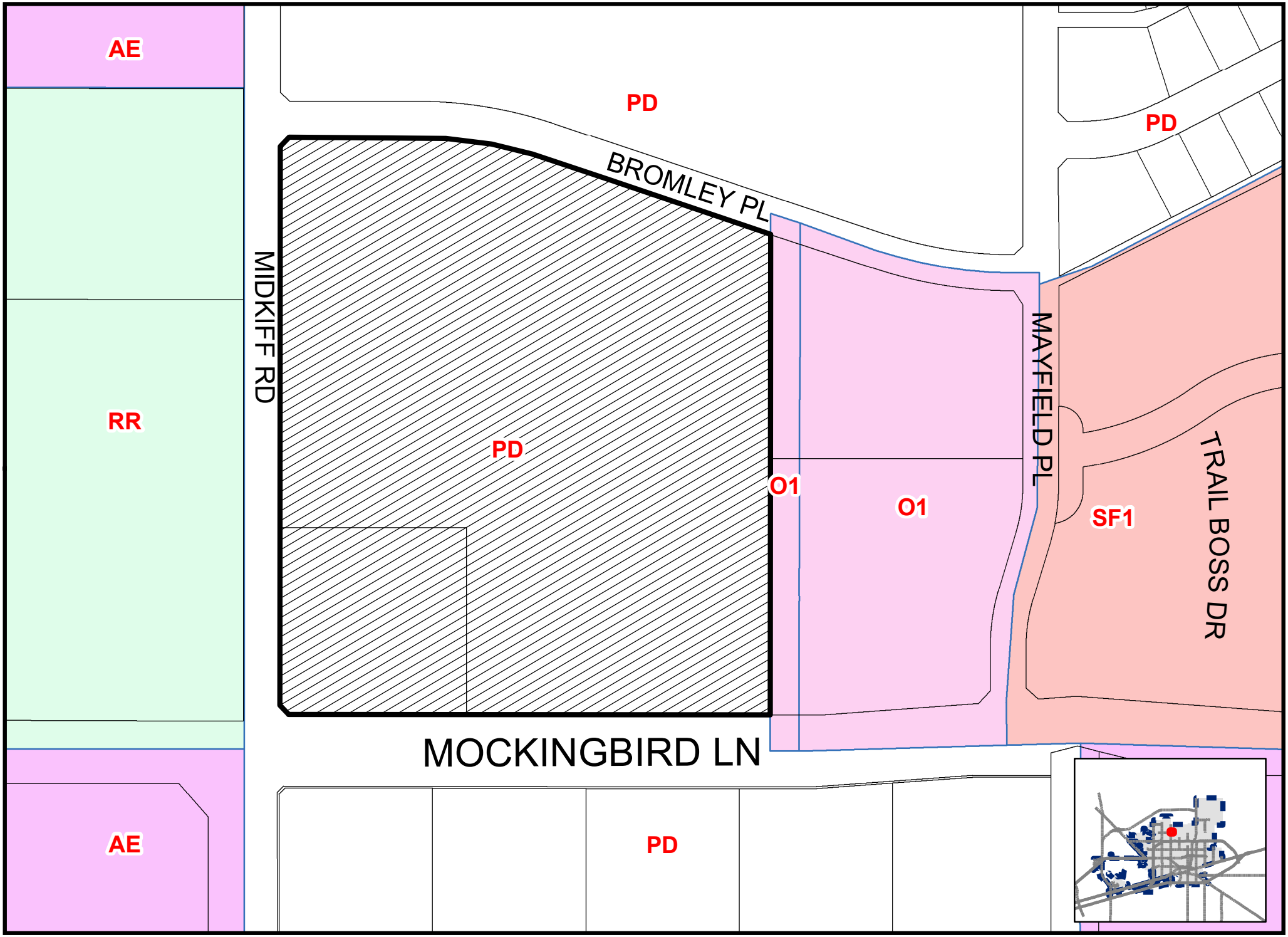
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By Jm, 11/30/2020

PACKET

SKB-20-0375

Scale: 1" = 200'

ZONING MAP

December 7, 2020

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN MAKING DECISIONS. RELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Final Plat of Southwest Crossing, Section 8, being a plat of a 7.338-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 123, approximately 350 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

Extraterritorial Jurisdiction

Preliminary Plat Approval:

The Preliminary Plat was approved at the October 5, 2020 Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

ENGINEERING: (Approved)

IMPACT FEES: The plat is located outside of Service Areas no Impact Fee note required.

ROW: Fine as shown.

PAVING: No frontage along Public ROW.

WATER: No frontage along Public ROW.

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

PRO RATA: None.

SEWER: No frontage along Public ROW.

DRAINAGE: Drainage study approved on 9.23.20

EASEMENTS: Show existing and proposed.

SIDEWALKS: No frontage along Public ROW.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

Not in City limits- no oil or gas jurisdiction.

PLANNING:

No comments

Staff recommends approval of the final plat of Southwest Crossing, Section 8, subject to condition A.

Conditions:

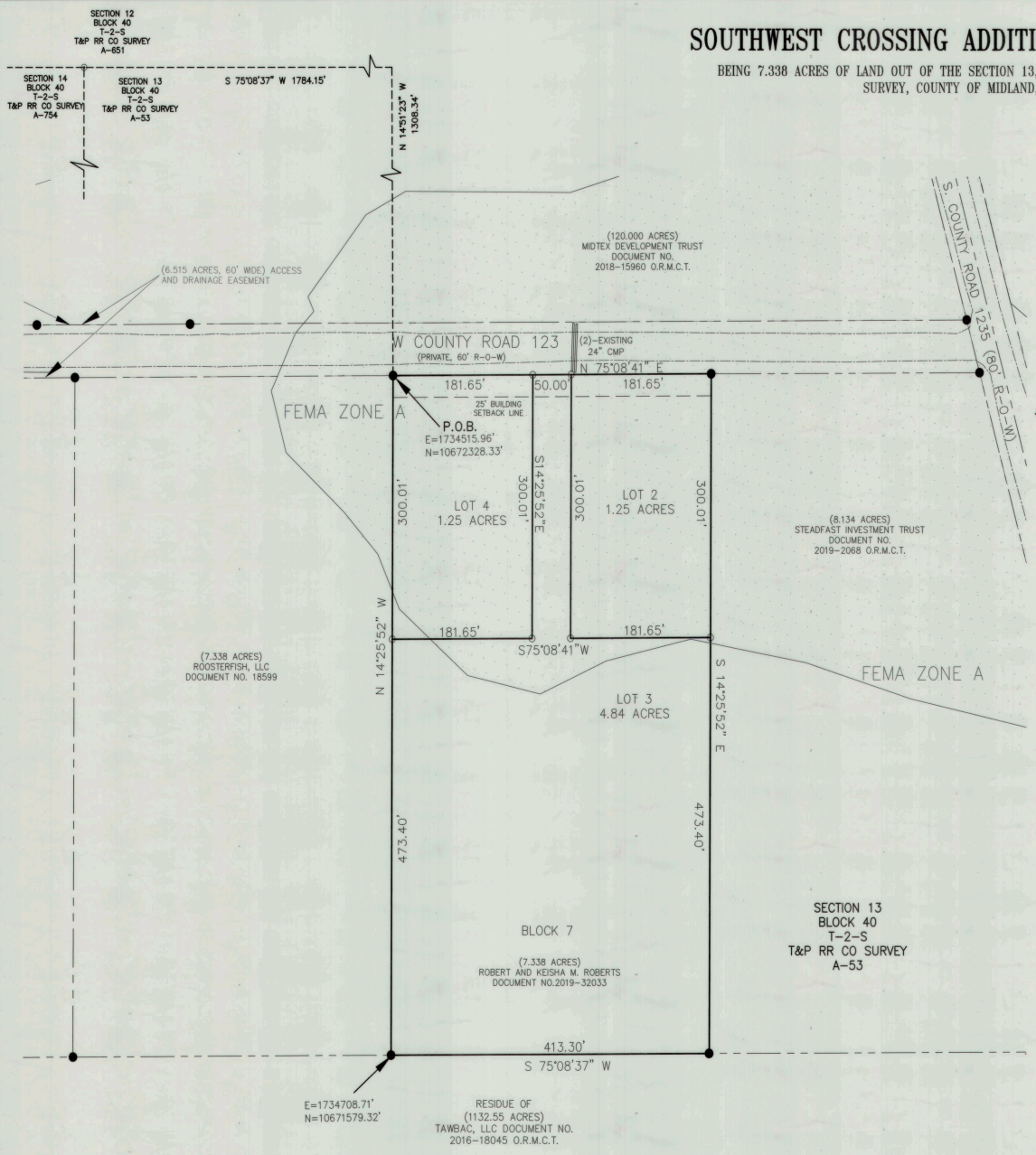
A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Maps
Application

SOUTHWEST CROSSING ADDITION, SECTION 8

BEING 7.338 ACRES OF LAND OUT OF THE SECTION 13, BLOCK 40, T-2-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS



NOTE:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
2. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN PART IN ZONE A AND IS WITHIN A 100-YEAR FLOOD HAZARD AREA OF WHICH A BASE FLOOD ELEVATION OF 2832 FEET HAS BEEN DETERMINED AND IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0200F AND 48329C0184F BOTH WITH A REVISED DATE OF SEPTEMBER 16, 2005.
5. 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."

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, ROBERT L. ROBERTS III & KEISHA M. ROBERTS are the record owner of a 7.338 acre tract of land, being out of Section 13, Block 40, T-2-S, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, ROBERT L. ROBERTS III & KEISHA M. ROBERTS, do hereby adopt this plat designating the herein above described property as "SOUTHWEST CROSSING ADDITION, SECTION 8", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

ROBERT L. ROBERTS III — Date 11-14-2020

KEISHA M. ROBERTS — Date 11-15-2020

70 0 70 140
SCALE: 1" = 70'
BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83, TEXAS CENTRAL ZONE (4203), US FEET.

OWNER: ROBERT L. ROBERTS III
KEISHA M. ROBERTS
3410 WOODHAVEN DR.
MIDLAND, TEXAS 79707

LEGEND

- ☼ IRON PIPE FOUND
- ● IRON ROD WITH BLUE CAP MARKED "JFW FIRM #101173-00"
- ○ SET IRON ROD
- ——— DENOTES PROPOSED SUBDIVISION LINE
- — — — DENOTES PROPOSED LOT BOUNDARY
- ——P——— DENOTES EXISTING PIPELINE
- ——————— DENOTES EXISTING EASEMENT

D.R.M.C. DEED RECORDS OF MIDLAND COUNTY
O.R.M.C.T. OFFICIAL RECORDS OF MIDLAND COUNTY TEXAS

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

ATMOS ENERGY — BY: Mark Lieb — MARK LIEB

AT&T — BY: Kenneth P. Spencer — KENNETH P. SPENCER

SUDDENLINK COMMUNICATION — BY: Luis Montez — Luis Montez

GRANDE COMMUNICATION — BY: Bill Bentley — Bill Bentley

ONCOR ELECTRIC DELIVERY — BY: Pablo Villa-Martinez — Pablo Villa-Martinez

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

This is to certify that the above and foregoing plat of "SOUTHWEST CROSSING ADDITION, SECTION 8" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the ____ day of _____, 2020, A.D.

REGGIE LAWRENCE, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }{
COUNTY OF MIDLAND }{

Before me, the undersigned authority, on this day personally appeared Robert | Keisha Roberts to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the 15 day of November 2020, A.D.

Ashlee Danielle Crouch
Notary Public in and for the State of Texas
Ashlee Danielle Crouch
Printed name of Notary
My commission expires: 3/16/2024

Ashlee Danielle Crouch
My Commission Expires
03/16/2024
ID No. 132405648

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

DATED: NOVEMBER 10, 2020

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

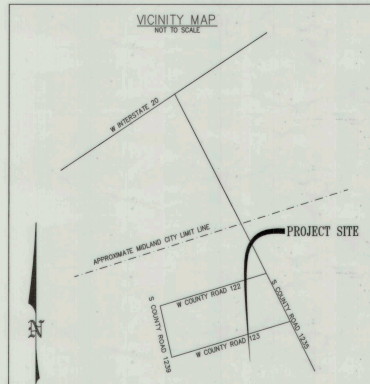
STATE OF TEXAS — W.D. Watson, Jr. — 1989 — REGISTERED PROFESSIONAL LAND SURVEYOR

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

Watson Professional Group Inc
CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
P.O. DRAWER 1108
MIDLAND, TEXAS 79702
(432) 520-2000
FAX (432) 520-2012
FIRM#10100300
wdwatson@wpg-us.com

JOB NO.: 20-1011-00 DRAFT AJ REV. 0
FILE: S:MIDLAND/15 ACRE SUB/ALL ACREAGE.DGN

VICINITY MAP
NOT TO SCALE



MIDLAND Planning Division

Final Plat Application

Project Number: SUB-20-0341

Case Number: P-20-0974

Proposed Subdivision Plat Name: SOUTHWEST CROSSING ADDITION, SECTION 8

Legal Description (attached sealed Metes and Bounds): 7.338 ACRES OF LAND LYING IN AND BEING OUT OF SECTION 13, BLOCK 40 T-2-S, T&P RR CO SURVEY, IN MIDLAND COUNTY, TEXAS.

Property Owner Robert and Keisha Roberts Printed Name: Robert L Roberts III		Phone (432) 664-3443 Email bobby@rlrobertstx.com	
Address 3410 Woodhaven Dr.	City Midland	State Texas	Zip 79707

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Watson Professional Group Printed Name: ASHLEE JOHNSON		Phone (432)520-9200 Email ajohnson@wpg-us.com	
Address P.O. Drawer 11186	City Midland	State Texas	Zip 79702

Current Zoning:

Reason for Platting: Ownership

Plat Information	Total Acreage: 7.338
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 3	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat
- 1 Signed Mylar (or more if applicant does not request a signed reproduction
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & 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: 11-13-2020

Property Owner (printed): Robert Roberts

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.

NOTARY PUBLIC STATE OF TEXAS
Ashlee Danielle Crouch
My Commission Expires
03/16/2024
ID No. 132406546

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ashlee Johnson
Authorized Agent (*signature*)

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

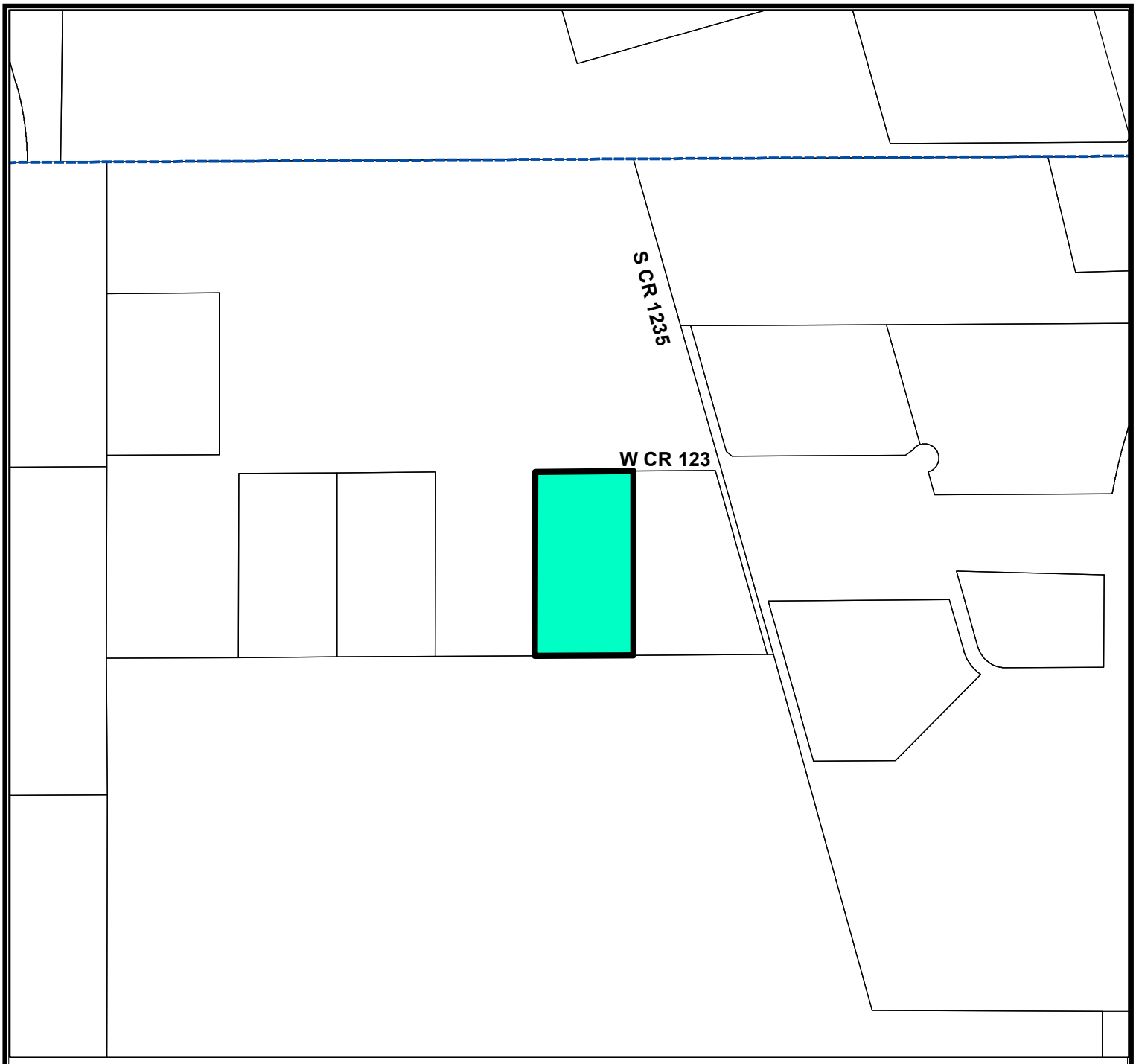
NOTARY PUBLIC STATE OF TEXAS
Ashlee [illegible]le Crouch
My Commission Expires
03/16/2024
ID No. 132406546

Ashlee Danielle Crouch
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☑ Property Owner Authorization	☑ 1 Copy of Dimensioned Plat	☑ Plat in Digital Format (PDF/JPEG)
☑ Mylar	☑ 1 Copy of Plat (11x17)	☐ CADD File
☑ Application Fee	☑ Title Opinion	☐ Public Improvement
Check # 10401	☑ Tax Certificates	☑ Recording Fee
		Check # 10404
Received By: Joseph Maynard		Date: RECEIVED NOV 20 2020 BY:

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



LOCATION MAP

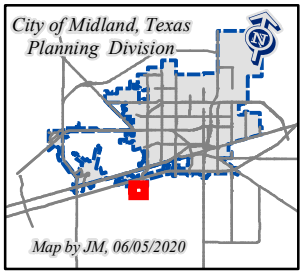
SUB-20-0341 **Scale: 1" = 600'**

Proposed plat of Southwest Crossing, Section 8, being a plat of a 7.338-acre tract of land located in Section 13, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas.

Generally located on the south side of West County Road 123, approximately 350 feet west of South County Road 1235.(Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Final Plat of Southwest Crossing, Section 9, being a plat of a 7.338-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 123, approximately 750 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

Extraterritorial Jurisdiction

Details of Request:

The applicant, Watson Professional Group, is requesting to plat a 7.338-acre tract of land into two (2) lots for ownership purposes.

Preliminary Plat Approval:

The Preliminary Plat was approved at the August 3, 2020 Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

ENGINEERING: (Approved)

IMPACT FEES: The plat is located outside of Service Areas no Impact Fee note required.

ROW: Fine as shown.

PAVING: No frontage along Public ROW.

WATER: No frontage along Public ROW.

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

PRO RATA: None.

SEWER: No frontage along Public ROW.

DRAINAGE: Drainage Study Required Approved 9.23.20

EASEMENTS: Show existing and proposed.

SIDEWALKS: No frontage along Public ROW.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections to plat.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

Not in City limits- no oil or gas jurisdiction.

PLANNING:

Remove the existing slabs from the face of the plat.

Remove one of the points of beginning (POB).

Staff recommends approval of the final plat of Southwest Crossing, Section 9, subject to condition A.

Conditions:

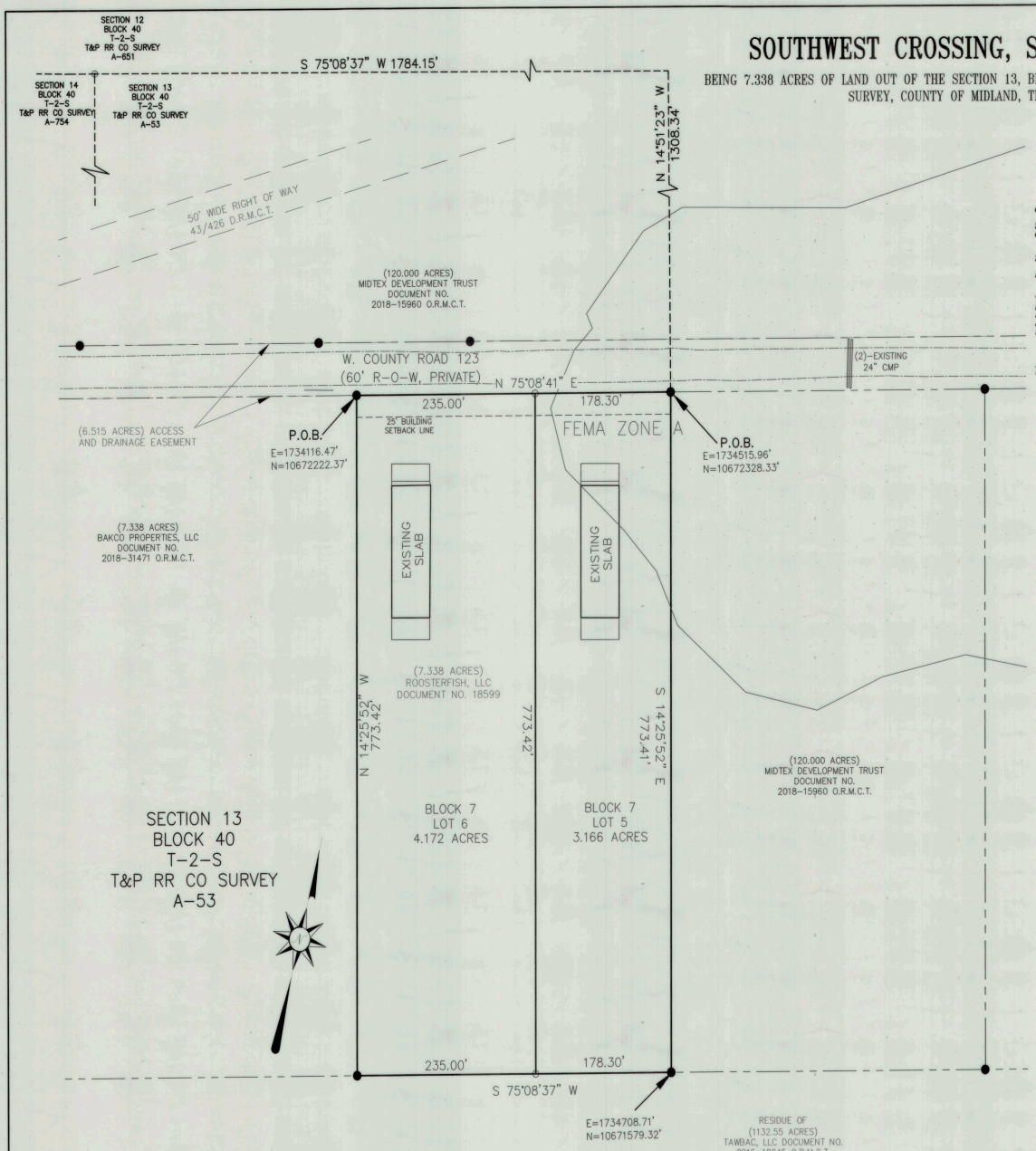
A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Maps
Application

SOUTHWEST CROSSING, SECTION 9

BEING 7.338 ACRES OF LAND OUT OF THE SECTION 13, BLOCK 40, T-2-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, Roosterfish LLC is the record owner of a 7.338 acre tract of land, being out of Section 13, Block 40, T-2-S, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Roosterfish, LLC do hereby adopt this plat designating the herein above described property as "SOUTHWEST CROSSING, SECTION 9", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers and condition said easement that no construction shall commence on said lot or lots until the exact location of trash containers therewith have been selected and approved by the Director of Utilities.

ROOSTERFISH, LLC — Date 11-11-2020

SCALE: 1" = 70'

70 0 70 140

BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83, TEXAS CENTRAL ZONE (4203), US FEET.

OWNER: ROOSTERFISH LLC
2806 FLINTROCK TRACE, SUITE A102
AUSTIN, TEXAS 78738

LEGEND

- ☆ IRON PIPE FOUND
- ● IRON ROD WITH BLUE CAP MARKED "JFW FIRM #101173-00"
- DENOTES PROPOSED SUBDIVISION LINE
- DENOTES PROPOSED LOT BOUNDARY
- DENOTES EXISTING PIPELINE
- DENOTES EXISTING EASEMENT

D.R.M.C. DEED RECORDS OF MIDLAND COUNTY
O.R.M.C.T. OFFICIAL RECORDS OF MIDLAND COUNTY TEXAS

NOTE:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
2. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN PART IN ZONE A AND IS WITHIN A 100-YEAR FLOOD HAZARD AREA OF WHICH A BASE FLOOD ELEVATION HAS BEEN DETERMINED AND IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0200F AND 48329C0184F BOTH WITH A REVISED DATE OF SEPTEMBER 16, 2005.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: Mark Lieb — MARK LIEB

AT&T
BY: Kenneth P. Spencer — KENNETH P. SPENCER

SUDDENLINK COMMUNICATION
BY: Luis Montez — Luis Montez

GRANDE COMMUNICATION
BY: Bill Bentley — Bill Bentley

ONCOR ELECTRIC DELIVERY
BY: Pablo Villa-Martinez — Pablo Villa-Martinez

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

This is to certify that the above and foregoing plat of "SOUTHWEST CROSSING, SECTION 9" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the ____ day of _____ 2020, A.D.

REGGIE LAWRENCE, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }{
COUNTY OF MIDLAND }{

Before me, the undersigned authority, on this day personally appeared Brent Gonzales known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the 11 day of November 2020, A.D.

Ashlee Danielle Crouch
Notary Public in and for the State of Texas

Ashlee Danielle Crouch
Printed name of Notary
My commission expires: 5/16/2024

Ashlee Danielle Crouch
My Commission Expires
05/16/2024
ID No. 132405546

SURVEYOR'S CERTIFICATE

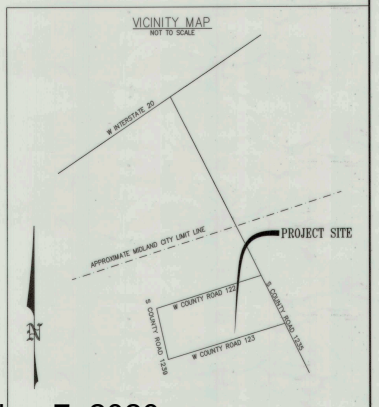
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

DATED: SEPTEMBER 24, 2020

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

STATE OF TEXAS — W.D. Watson, JR. — 1989 — REGISTERED PROFESSIONAL LAND SURVEYOR

VICINITY MAP
NOT TO SCALE



Watson Professional Group Inc
CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-2020
FAX (432) 520-2022
FIRM#10164900
wdwatson@wpg-us.com

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

JOB NO.: 20-1007-00 DRAFT AJ REV 0
FILE: S:\MIDLAND\15 ACRE SUB\ALL 4 [illegible]

MIDLAND Planning Division

Final Plat Application

Project Number: SUB-20-0342

Case Number: P-20-0976

Proposed Subdivision Plat Name: SOUTHWEST CROSSING ADDITION, SECTION 9

Legal Description (attached sealed Metes and Bounds):
7.338 ACRES OF LAND LYING IN AND BEING OUT OF SECTION 13, BLOCK 40 T-2-S, T&P RR CO SURVEY, IN MIDLAND COUNTY, TEXAS.

Property Owner ROOSTERFISH LLC Printed Name: BRENT GONZALES		Phone (512) 904-0401 Email brent@boucvalt.com	
Address 2802 Flintrock Trace, Suite B104	City AUSTIN	State Texas	Zip 78738
Developer *(if different than Owner)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip
Representative *(if acting as Agent, see affidavit on page 2)* Firm: Watson Professional Group Printed Name: ASHLEE JOHNSON		Phone (432)520-9200 Email ajohnson@wpg-us.com	
Address P.O. Drawer 11186	City Midland	State Texas	Zip 79702

Current Zoning:

Reason for Platting: Ownership

Plat Information		Total Acreage: 7.338
Type:	☐ Single-Family Residential	☐ Multi-Family Residential
	☐ Commercial	☒ Extraterritorial Jurisdiction (ETJ)
Number of Lots: 2		Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat
- 1 Signed Mylar (or more if applicant does not request a signed reproduction
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & 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: 11-11-2020

Property Owner (printed) : Brent E. Gonzales

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.

NOTARY PUBLIC STATE OF TEXAS
Ashlee Danielle Crouch
My Commission Expires
03/18/2024
ID No. 132406546

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ashlee Johnson
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 20 day of November, 2020, to certify which witness my hand and seal of office.

NOTARY PUBLIC STATE OF TEXAS
Ashlee [illegible] Crouch
My Comm[illegible]pires
03/15/202[illegible]
ID No. 132[illegible]

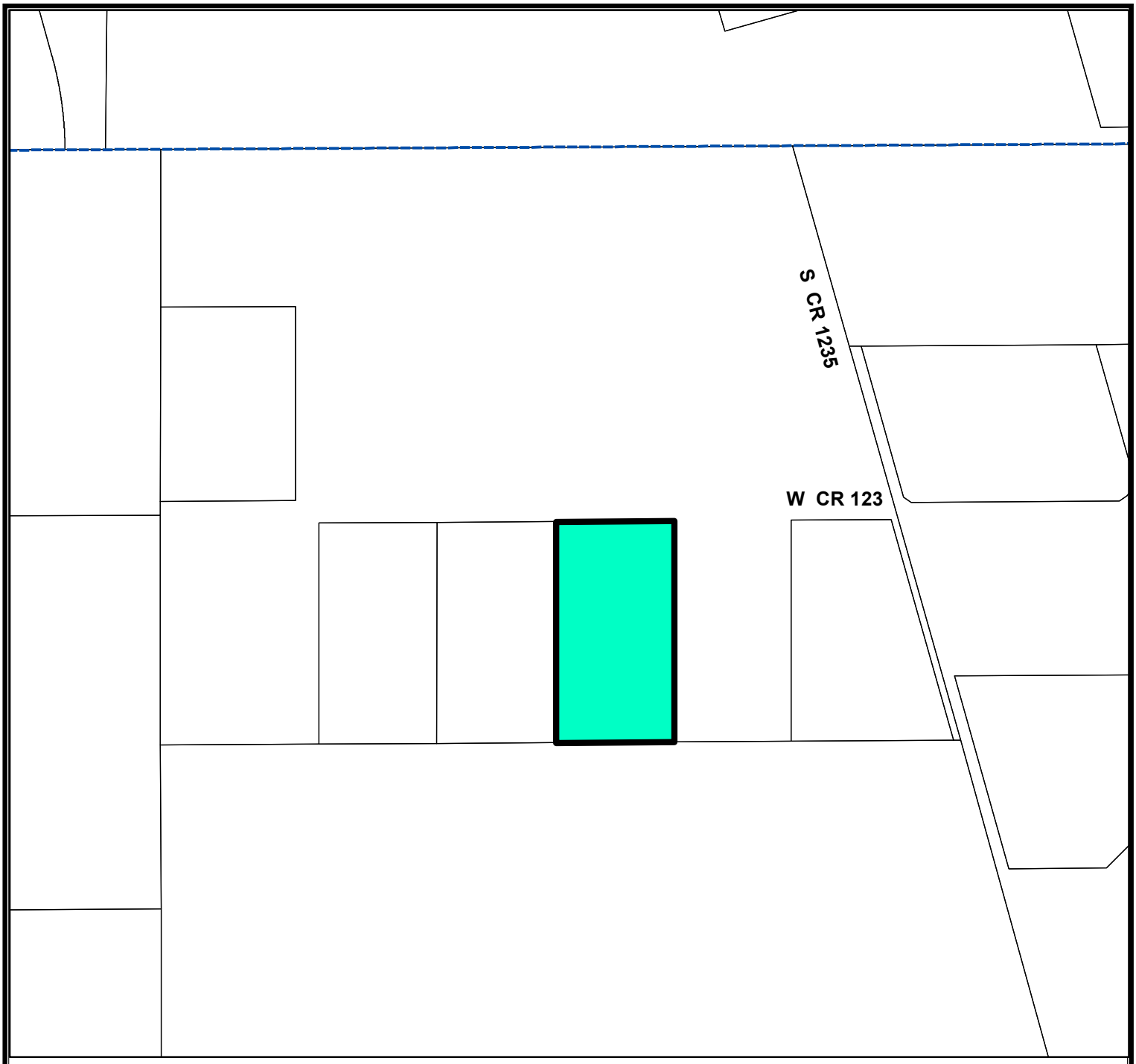
Ashlee Danielle Crouch
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☑ Property Owner Authorization	☑ 1 Copy of Dimensioned Plat	☑ Plat in Digital Format (PDF/JPEG)
☑ Mylar	☑ 1 Copy of Plat (11x17)	☐ CADD File
☑ Application Fee	☑ Title Opinion	☐ Public Improvement
Check # 10400	☑ Tax Certificates	☑ Recording Fee
		Check # 10403
Received By: Joseph Maynard		Date: RECEIVED NOV 20 2020

BY: .....

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



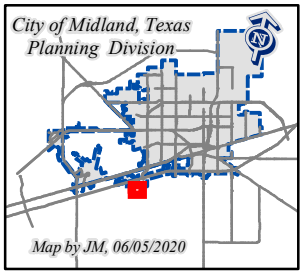
LOCATION MAP

SUB-20-0342 **Scale: 1" = 500'**

Proposed plat of Southwest Crossing, Section 9, being a plat of a 7.338 acre tract of land located in the Section 13, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. Generally located on the south side of West County Road 123, approximately 750 feet west of South County Road 1235. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020

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

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

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Final Plat of Southwest Crossing, Section 11, being a plat of a 5.202-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located on the north side of West County Road 123, approximately 1,240 feet west of South County Road 1235. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

Extraterritorial Jurisdiction

Preliminary Plat Approval:

The Preliminary Plat was approved at the August 3, 2020 Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

ENGINEERING: (Approved)

IMPACT FEES: The plat is located outside of Service Areas no Impact Fee note required.

ROW: Fine as shown.

PAVING: No frontage along Public ROW.

WATER: No frontage along Public ROW.

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

PRO RATA: None.

SEWER: No frontage along Public ROW.

DRAINAGE: Drainage study approved on 9.23.20

EASEMENTS: Show existing and proposed.

SIDEWALKS: No frontage along Public ROW.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

Not in City limits- no oil or gas jurisdiction.

PLANNING:

No comments

Staff recommends approval of the Final Plat of Southwest Crossing, Section 11, subject to condition A.

Conditions:

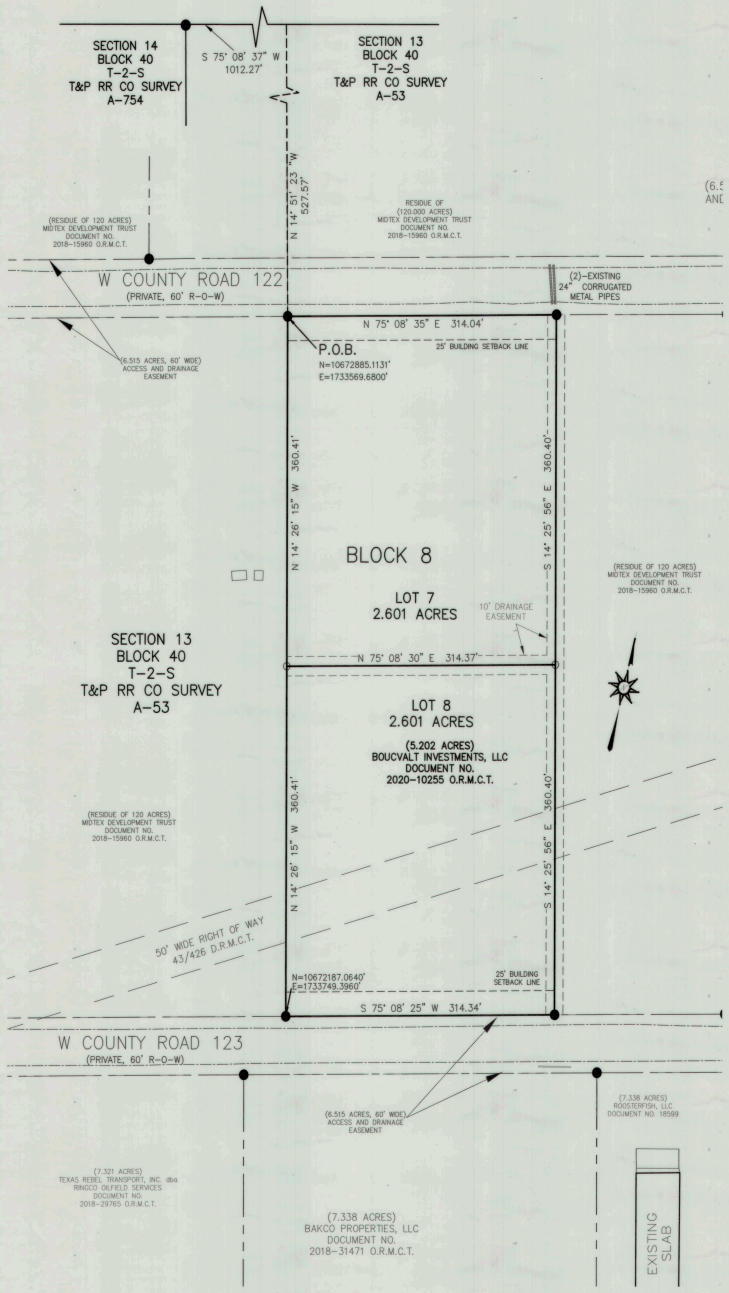
A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Maps
Application

SOUTHWEST CROSSING, SECTION 11

BEING 5.202 ACRES OF LAND OUT OF THE SECTION 13, BLOCK 40, T-2-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS



NOTE:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE", UTILIZING CITY OF MIDLAND CONTROL MONUMENT "44/93"
2. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANEL NO. 48329C0184F BOTH WITH A REVISED DATE OF SEPTEMBER 16, 2005.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, BOUCVALT INVESTMENTS, LLC is the record owner of a 5.202 acre tract of land, being out of Section 13, Block 40, T-2-S, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, BOUCVALT INVESTMENTS, LLC do hereby adopt this plat designating the herein above described property as "SOUTHWEST CROSSING, SECTION 11", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

BOUCVALT INVESTMENTS, LLC — Date 11-11-2020

70 0 70 140
SCALE: 1" = 70'
BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83, TEXAS CENTRAL ZONE (4203), US FEET.

OWNER: BOUCVALT INVESTMENTS, LLC
2802 FLINTROCK TRACE, SUITE B104
AUSTIN, TEXAS 78738

ATMOS ENERGY
BY: Mark Lieb — MARK LIEB

AT&T
BY: KENNETH P. SPENCER

SUDDENLINK COMMUNICATION
BY: Luis Montez

GRANDE COMMUNICATION
BY: Bill Bentley

ONCOR ELECTRIC DELIVERY
BY: Pablo Villa-Martinez

LEGEND

- IRON PIPE FOUND
- IRON ROD WITH BLUE CAP MARKED "JFW FIRM #101173-00" SET
- DENOTES PROPOSED SUBDIVISION LINE
- DENOTES PROPOSED LOT BOUNDARY
- P — DENOTES EXISTING PIPELINE
- DENOTES EXISTING CAULICHE ROAD
- DENOTES EXISTING EASEMENT

D.R.M.C. DEED RECORDS OF MIDLAND COUNTY
O.R.M.C.T. OFFICIAL RECORDS OF MIDLAND COUNTY TEXAS

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

This is to certify that the above and foregoing plat of "SOUTHWEST CROSSING, SECTION 11" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the ____ day of _____ 2020, A.D.

REGGIE LAWRENCE, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }{
COUNTY OF MIDLAND }{

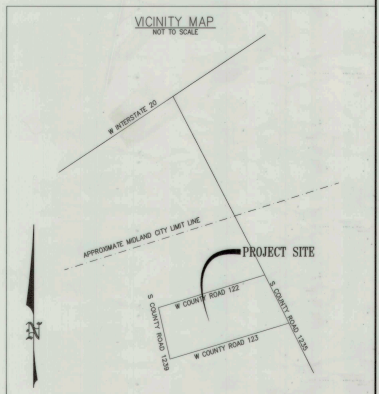
Ashlee Danielle Crouch
My Commission Expires
03/16/2024
ID No. 132405648

Before me, the undersigned authority, on this day personally appeared Brent Gonzales known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the 11 day of November 2020, A.D.

Ashlee Danielle Crouch
Notary Public in and for the State of Texas
Ashlee Danielle Crouch
Printed name of Notary
My commission expires: 3/16/2024

VICINITY MAP
NOT TO SCALE



SURVEYOR'S CERTIFICATE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

DATED: SEPTEMBER 28, 2020

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

STATE OF TEXAS
W.D. Watson, JR.
1989
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Watson Professional Group Inc
CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-8200
FAX (432) 520-2012
FIRM#10160300
wdwatson@wpg-us.com

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

JOB NO.: 20-1033-00 DRAFT AJ REV. 0
FILE: S:MIDLAND/15 ACRE SUB/ALL 4 [illegible]

MIDLAND Planning Division

Final Plat Application

Project Number: SUB20-0348

Case Number: P-20-0975

Proposed Subdivision Plat Name: SOUTHWEST CROSSING ADDITION, SECTION 11

Legal Description (attached sealed Metes and Bounds): 5.202 ACRES OF LAND LYING IN AND BEING OUT OF SECTION 13, BLOCK 40 T-2-S, T&P RR CO SURVEY, IN MIDLAND COUNTY, TEXAS.

Property Owner Boucvalt Investments, LLC Printed Name: BRENT GONZALES		Phone (512) 904-0401 Email brent@boucvalt.com	
Address 2802 Flintrock Trace, Suite B104	City AUSTIN	State Texas	Zip 78738

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Watson Professional Group Printed Name: ASHLEE JOHNSON		Phone (432)520-9200 Email ajohnson@wpg-us.com	
Address P.O. Drawer 11186	City Midland	State Texas	Zip 79702

Current Zoning:

Reason for Platting: Ownership

Plat Information	Total Acreage: 5.202
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 2	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat
- 1 Signed Mylar (or more if applicant does not request a signed reproduction
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & 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: 11-11-2020

Property Owner (printed) : Brent E. Gonzales

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 Ashlee Johnson who, being by me duly sworn, upon oath says: That (s)he is authorized by Brent Gonzales, 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 20 day of November, 20 20, to certify which witness my hand and seal of office.

[signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

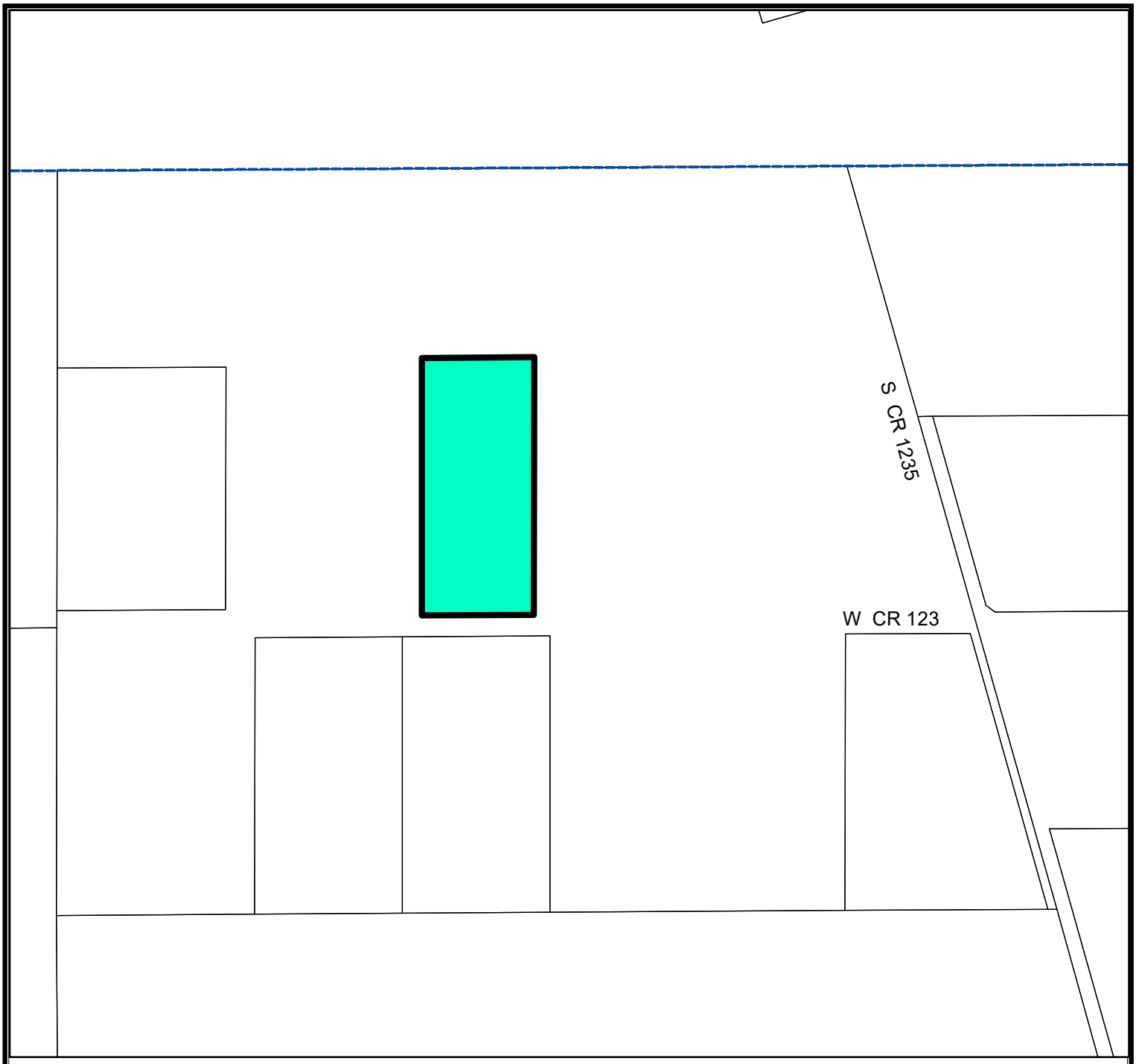
NOTARY PUBLIC STATE OF TEXAS
Ashlee Danielle Crouch
My Commission Expires
03/16/2024
ID No. 132406546

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

FOR OFFICE USE ONLY		
☑ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☑ Plat in Digital Format (PDF/JPEG)
☑ Mylar	☑ 1 Copy of Plat (11x17)	☐ CADD File
☑ Application Fee	☑ Title Opinion	☐ Public Improvement
Check # 10399	☑ Tax Certificates	☑ Recording Fee Check # 10402
Received By: Joseph Maynek		Date:

RECEIVED
NOV 20 2020
By: JM

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



LOCATION MAP

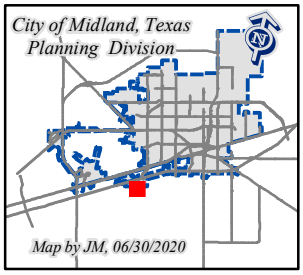
P-20-0874 **Scale: 1" = 400'**

Proposed plat of Southwest Crossing, Section 11, being a plat of a 5.202-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas.

Generally located on the north side of West County Road 123, approximately 1,240 feet west of South County Road 1235. (Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Southwest Crossing, Section 12, being a plat of a 15-acre tract of land located in Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Lote Bush Drive and West Interstate 20. Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Aaron Burrell Land Surveyors, is requesting to plat a 15-acre tract of land located in Section 12, Block 40, T-2-S, T&P RR. Co Survey, into one (1) lot for development.

Current Zoning:

BP, I-20 Business Park District, in part; RR, Regional Retail District, in part; and LI, Light Industrial District, in part.

Departmental Review:

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

AS OF OCT. 1ST 2019 THE FOLLOWING NOTE REGARDING IMPACT FEES IS REQUIRED ON THE FACE OF THE PLAT: Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the permitting process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.

ROW: 60’ ROW for Lote Bush Dr. is fine as shown. TxDOT review comments are as follows:

TxDOT comment, “Access should not be allowed to IH 20 frontage road for this plat. Access should be provided from Lote Bush Dr. It also looks like a detention basin from the truck stop drains across this plat to the larger TxDOT easement that would need to be accommodated.”

PAVING: Interstate 20 Frontage road is TxDOT facility, built and maintained by TxDOT, no improvements required. Lote Bush Dr. roadway okay as is. There may be additional comments in the future based on any ROW changes during the preliminary phase.

WATER: 12” water exists in Lote Bush Dr. west of tract, okay as is. No public water improvements required.

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

PRO RATA: None.

SEWER: None existing along frontage. Construct wastewater to City standards along entire platted frontage, or request a deferral.

DRAINAGE: Drainage study required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

TxDOT comment, “Access should not be allowed to IH 20 frontage road for this plat. Access should be provided from Lote Bush Dr. It also looks like a detention basin from the truck stop drains across this plat to the larger TxDOT easement that would need to be accommodated.”

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

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.

FIRE: (Approved with Conditions)

All future development shall meet the requirements of IFC 2015 ed. as well as locally adopted city ordinances

Additional fire hydrants may be required to meet min spacing and fire flow requirements.

CODE COMPLIANCE: (Approved)

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

PLANNING:

No comments.

Staff recommends approval of the preliminary plat of Southwest Crossing, Section 12, subject to conditions A through C.

Conditions:

A. That all required public improvements are addressed.

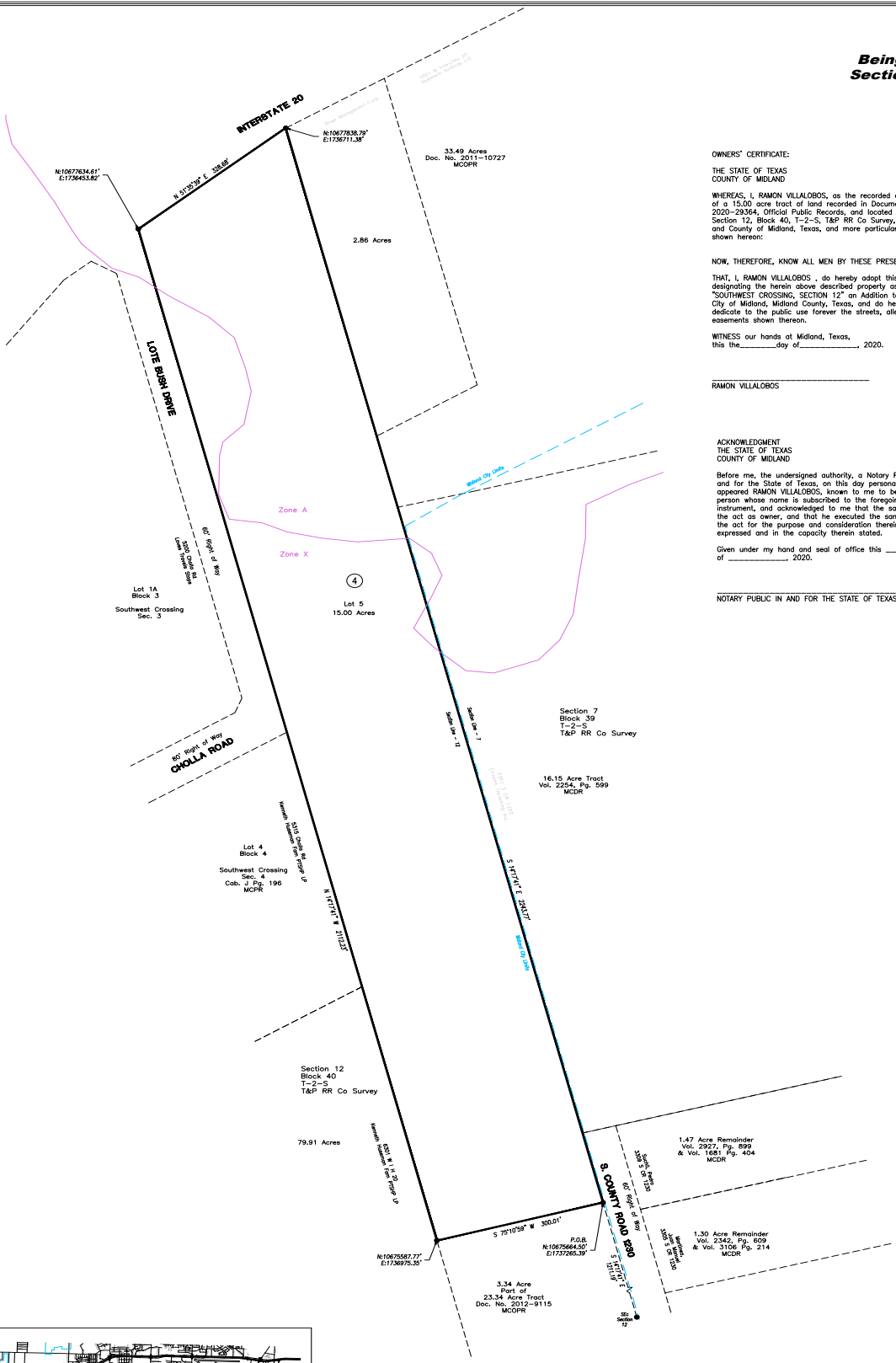
B. That a drainage study is approved.

C. 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
Warranty Deed
Maps

SOUTHWEST CROSSING
SECTION 12
Being a Subdivision of 15.00 Acres of Land in Section 12, Block 40, T-2-S, T&P RR Co Survey, City and County of Midland, Texas.



OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, RAMON VILLALOBOS, as the recorded owner of a 15.00 acre tract of land recorded in Document No. 2020-29364, Official Public Records, and located in Section 12, Block 40, T-2-S, T&P RR Co Survey, City and County of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, RAMON VILLALOBOS , do hereby adopt this plat designating the herein above described property as "SOUTHWEST CROSSING, SECTION 12" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the_____day of_____, 2020.

_____
RAMON VILLALOBOS

ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

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

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, MARINA VILLALOBOS, as the recorded owner of a 15.00 acre tract of land recorded in Document No. 2020-29364, Official Public Records, and located in Section 12, Block 40, T-2-S, T&P RR Co Survey, City and County of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, MARINA VILLALOBOS , do hereby adopt this plat designating the herein above described property as "SOUTHWEST CROSSING, SECTION 12" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the_____day of_____, 2020.

_____
MARINA VILLALOBOS

ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

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

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Legal Description:

Being a 15.00 Acre Tract of Land in a 23.34 Acre Tract recorded in Document No. 2012-9115, Official Public Records, in Section 12, Block 40, T-2-S, T&P RR Co Survey, City of Midland, Midland County, Texas.

Beginning at (N:10675664.50', E:1737265.39') a 1/2" iron rod with cap marked "ASB 5689" set in the east line of said Section 12, the west line of Section 7, Block 39, T-2-S, and the west right of way line of South County Road 1230 for the southeast corner of this tract, whence a 1/2" iron rod found at the southeast corner of said Section 12 bears South 14°17'41" East, a distance of 1211.19 feet;

Thence South 75°10'59" West across said 23.34 acre tract, a distance of 300.01 feet to a 1/2" iron rod set in the west line of said 23.34 acre tract and the east line of a 79.91 acre remainder tract in said Section 12, being the southwest corner of this tract;

Thence North 14°17'41" West with the west line of said 23.34 acre tract and the east line of said 79.91 acre remainder tract, passing the northeast corner of said 79.91 acre remainder tract and the southeast corner of Lot 4, Block 4, Southwest Crossing, Section 4, then passing the northeast corner of said Lot 4, Block 4 and the southeast corner of the intersection of Cholla Road and Lote Bush Drive, continuing with the east right of way line of said Lote Bush Drive for a total distance of 2112.23 feet to a 1/2" iron rod found in the south right of way line of Interstate 20 at the northwest corner of said 23.34 acre tract, being the northwest corner of this tract;

Thence North 51°35'39" East with the south right of way line of said Interstate 20, a distance of 328.68 feet to a 1/2" iron rod found in the east line of said Section 12 and the west line of said Section 7 at the northeast corner of said 23.34 acre tract, being the northeast corner of this tract;

Thence South 14°17'41" East with the east line of said Section 12 and the west line of said Section 7, passing the north end of said South County Road 1230, continuing with the west right of way line of said South County Road 1230 for a total distance of 2243.77 feet to the Point of Beginning.

Containing 15.00 acres of land.

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

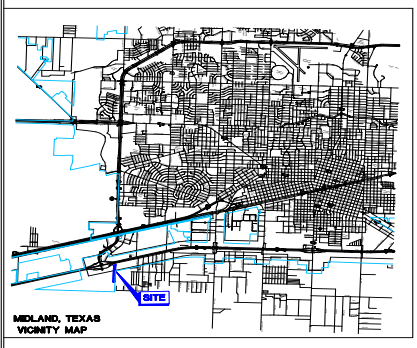
NOTES:

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

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

3. A PORTION OF THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 48329C0184F, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS, A PORTION IS IN ZONE A AND DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA, AS SHOWN.

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



MIDLAND, TEXAS
VICINITY MAP

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ ATMOS ENERGY PRINT NAME

SIGNED: _____ ONCOR ELECTRIC DELIVERY PRINT NAME

SIGNED: _____ AT&T TEXAS PRINT NAME

SIGNED: _____ SUDDENLINK COMMUNICATIONS PRINT NAME

SIGNED: _____ GRANDE COMMUNICATIONS PRINT NAME

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "SOUTHWEST CROSSING, SECTION 12" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this_____day of _____, 2020.

SIGNED:_____

PRINT:_____
Chairman

ATTEST:_____

PRINT:_____
Secretary

OWNER:

RAMON & MARINA VILLALOBOS
4504 PASADENA DRIVE
MIDLAND, TEXAS 79703
432-230-6018

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

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

STATE OF TEXAS
REGISTERED
AARON SCOTT BURRELL
5689
PROFESSIONAL
SURVEYOR

_____ November 2020
DATE

AARON SCOTT BURRELL TX RPLS 5689

LEGEND
- Fd ½" Iron Rod
- Set ½" Iron Rod
- Utility Easement

0' 100'
Scale 1" = 100'

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
415 W. Wall St., Suite 204
Midland, Texas 79701
432-848-4439
P.O. Box 51041 ashsurveyors.com
Midland, Texas 79708
TBPLS Firm No. 10194217

Page 1 of 1
2020-752 PP

PRELIMINARY PLAT
SOUTHWEST CROSSING, SECTION 12

MIDLAND Planning Division

Preliminary Plat Application

Project Number: SUB-20-0374
Case Number: P-20-969

Proposed Subdivision Plat Name: Southwest Crossing, Section 12

Legal Description (attached sealed Metes and Bounds): 15.00 Acres in Section 12, Blk 40, T-2-S, T&P RR Co Survey, Midland County, Texas

Property Owner Printed Name: Ramon Villalobos		Phone (432) 230-6018 Email	
Address 4504 Pasadena Dr.	City Midland	State TX	Zip 79703
Developer *(if different than Owner)* Printed Name: N/A		Phone ( ) Email	
Address	City	State	Zip
Representative *(if acting as Agent, see affidavit on page 2)* Firm: Aaron Burrell Land Surveyors, LLC Printed Name: Aaron Burrell		Phone ( ) Email	
Address 415 W Wall St. #204	City Midland	State TX	Zip 79701

Current Zoning: Case running concurrent for BP

Reason for Platting: Permits

Plat Information	Total Acreage:	15.00
Type: ☐ Single-Family Residential ☐ Multi-Family Residential		
☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)		
Number of Lots: 1	Number of Multi-family Dwelling Units:	0

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): [signature] Date: 11-10-20

Property Owner (printed) : Ramon Villalobos

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Aaron Burrell who, being by me duly sworn, upon oath says: That (s)he is the owner of — or is authorized by Ramon & Marina Villalobos 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 12th day of November, 2020, to certify which witness my hand and seal of office.

KAYLIE KIRKPATRICK
COMM. EXPIRES 6-21-2022
NOTARY ID 13161447-6

Kaylie Kirkpatrick
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ 1 Copy of Dimensioned Plat	☑ Plat in Digital Format (PDF/JPEG)
☑ Application Fee	☑ 1 Copy of Plat (11x17)	
Check # 1276		

RECEIVED
NOV 13 2020
BY: [signature]

Received By: Joseph Marquez Date:

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

Warranty Deed with Vendor's Lien

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

Date: October 1, 2020

Grantor: Carlos S. Urias and spouse AnaBell M. Urias

Grantee: Ramon Villalobos and spouse Marina Villalobos

Grantee's Mailing Address (including county):

4504 Pasadena Dr
Midland, Midland County, Texas 79703

Consideration:

For and in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is agreed and confessed, and by these presents do hereby grant, sell, and convey.

A note of even date executed by Grantee, payable to the order of Carlos S. Urias and spouse AnaBell M. Urias, in the principal amount of SEVEN HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS ($725,000.00). This note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor and by a first-lien deed of trust of even date from Grantee to Leah Martin, Trustee.

Property (including any improvements):

BEING A 15.0 ACRE TRACT OF LAND IN A 23.34 ACRE TRACT RECORDED IN DOCUMENT NO. 2012-9115, OFFICIAL PUBLIC RECORDS, IN SECTION 12, BLOCK 40, T-2-S, T&P RR CO SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.

BEGINNING AT (N:10675664.50', E: 1737265.39') A ½" IRON ROD WITH CAP MARKED "ASB 5689" SET IN THE EAST LINE OF SAID SECTION 12, THE WEST LINE OF SECTION 7, BLOCK 39, T-2-S, AND THE WEST RIGHT OF WAY LINE OF SOUTH COUNTY ROAD 1230 FOR THE SOUTHEAST CORNER OF THIS TRACT, WHENCE A ½" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 12 BEARS SOUTH 14°17'41" EAST, A DISTANCE OF 1211.19 FEET;

THENCE SOUTH 75°10'59" WEST ACROSS SAID 23.34 ACRE TRACT, A DISTANCE OF 300.01 FEET TO A ½" IRON ROD SET IN THE WEST LINE OF SAID 23.34 ACRE TRACT AND THE EAST LINE OF A 79.91 ACRE REMAINDER TRACT IN SAID SECTION 12, BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°17'41" WEST WITH THE WEST LINE OF SAID 23.34 ACRE TRACT AND THE EAST LINE OF SAID 79.91 ACRE REMAINDER TRACT, PASSING THE NORTHEAST CORNER OF SAID 79.91 ACRE REMAINDER TRACT, PASSING THE NORTHEAST CORNER OF SAID 79.91 ACRE REMAINDER TRACT AND THE SOUTHEAST CORNER OF LOT 4, BLOCK 4, SOUTHWEST

CROSSING, SECTION 4, THEN PASSING THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 4 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF CHOLLA ROAD AND LOTE BUSH DRIVE, CONTINUINING WITH THE EAST RIGHT OF WAY LINE OF SAID LOTE BUSH DRIVE FOR A TOTAL DISTANCE OF 2112.23 FEET TO A ½" IRON ROD FOUND IN THE SOUTH RIGHT OF WAY LINE OF INTERSTATE 20 AT THE NORTHWEST CORNER OF SAID 23.34 ACRE TRACT, BEING THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 51°35'39" EAST WITH THE SOUTH RIGHT OF WAY LINE OF SAID INTERSTATE 20, A DISTANCE OF 328.68 FEET TO A ½" IRON ROD FOUND IN THE EAST LINE OF SAID SECTION 12 AND THE WEST LINE OF SAID SECTION 7 AT THE NORTHEAST CORNER OF SAID 23.34 ACRE TRACT, BEING THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°17'41" EAST WITH THE EAST LINE OF SAID SECTION 12 AND THE WEST LINE OF SAID SECTION 7, PASSING THE NORTH END OF SAID SOUTH COUNTY ROAD 1230, CONTINUING WITH THE WEST RIGHT OF WAY LINE OF SAID SOUTH COUNTY ROAD 1230 FOR A TOTAL DISTANCE OF 2243.77 FEET TO THE POINT OF BEGINNING,

CONTAINING 15.00 ACRES OF LAND

Exceptions to Conveyance and Warranty:

All oil, gas and other minerals in, on or under said land reserved by prior grantors. Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate that affect the Property; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2020 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located recorded in the Official Records of Midland County, Texas; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; and homestead or community property or survivorship rights, if any, of any spouse of Grantor.

Restrictions:

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restrictions, relating to the hereinabove described property as now reflected by the records of the County Clerk of Midland County, Texas.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

Expressed Vendor's Lien:

But it is expressly agreed and stipulated that the Vendor's Lien and superior title in and to the above-described premises, is retained against the above-described property, premises, and improvements until the above

described note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute. Delma Castillo, (Lender), at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinabove described Note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Lender and the same are hereby TRANSFERRED AND ASSIGNED to said Lender, its successors and assigns.

When the context requires, singular nouns and pronouns include the plural.

Carlos S. Urias

Carlos S. Urias

Anabell M. Urias

AnaBell M. Urias

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me on the 15th day of October, 2020 by Carlos S. Urias and spouse AnaBell M. Urias.

JOHN BRIAN MARTIN
My Notary ID # 6300567
Expires May 16, 2024

NOTARY PUBLIC, STATE OF TEXAS

"J. Brian Martin and the Law Office of J. Brian Martin does not warrant title herein described in any way since a title examination has been declined by the parties hereto and the information about the legal description and capacity of the parties has been provided only by the parties and not an independent title professional."

Midland County
Alison Haley
Midland County
Clerk

Instrument Number: 29364

eRecording - Real Property

Recorded On: October 02, 2020 08:42 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: $34.00

********** **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:	29364
Receipt Number:	20201002000007
Recorded Date/Time:	October 02, 2020 08:42 AM
User:	Clarisa S
Station:	cc10297

Record and Return To:

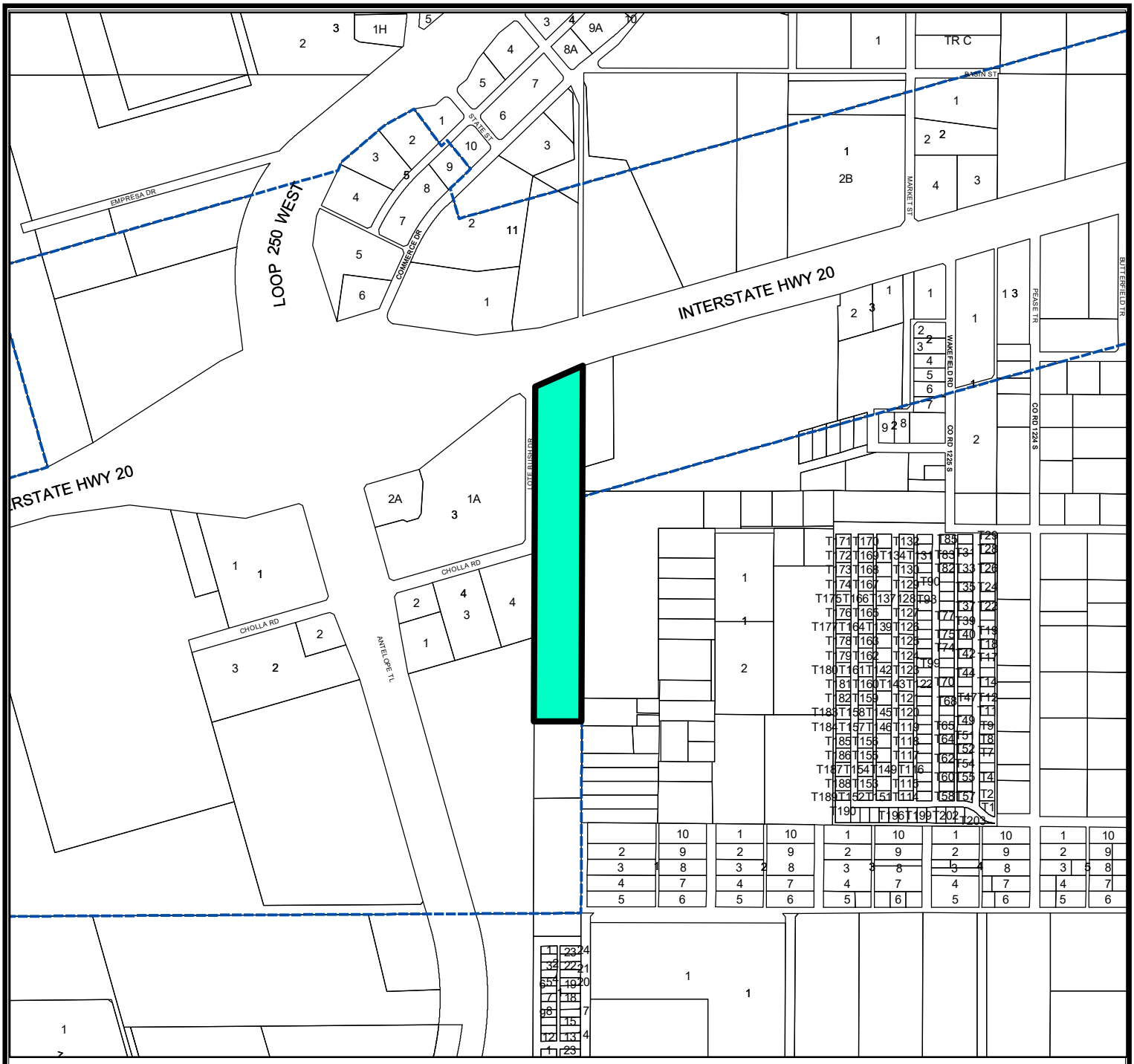
eRecording Partners

COUNTY COURT MIDLAND COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MIDLAND

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



LOCATION MAP

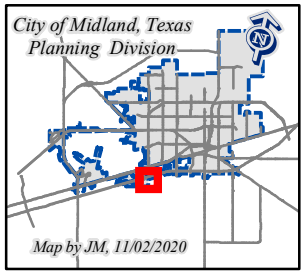
SUB-20-0374 **Scale: 1" = 900'**

Proposed plat of Southwest Crossing, Section 12, being a plat of a 15 acre tract of land located in Section 12, Block 40, T-2-S, T&P RR Co. City and County of Midland, Texas.

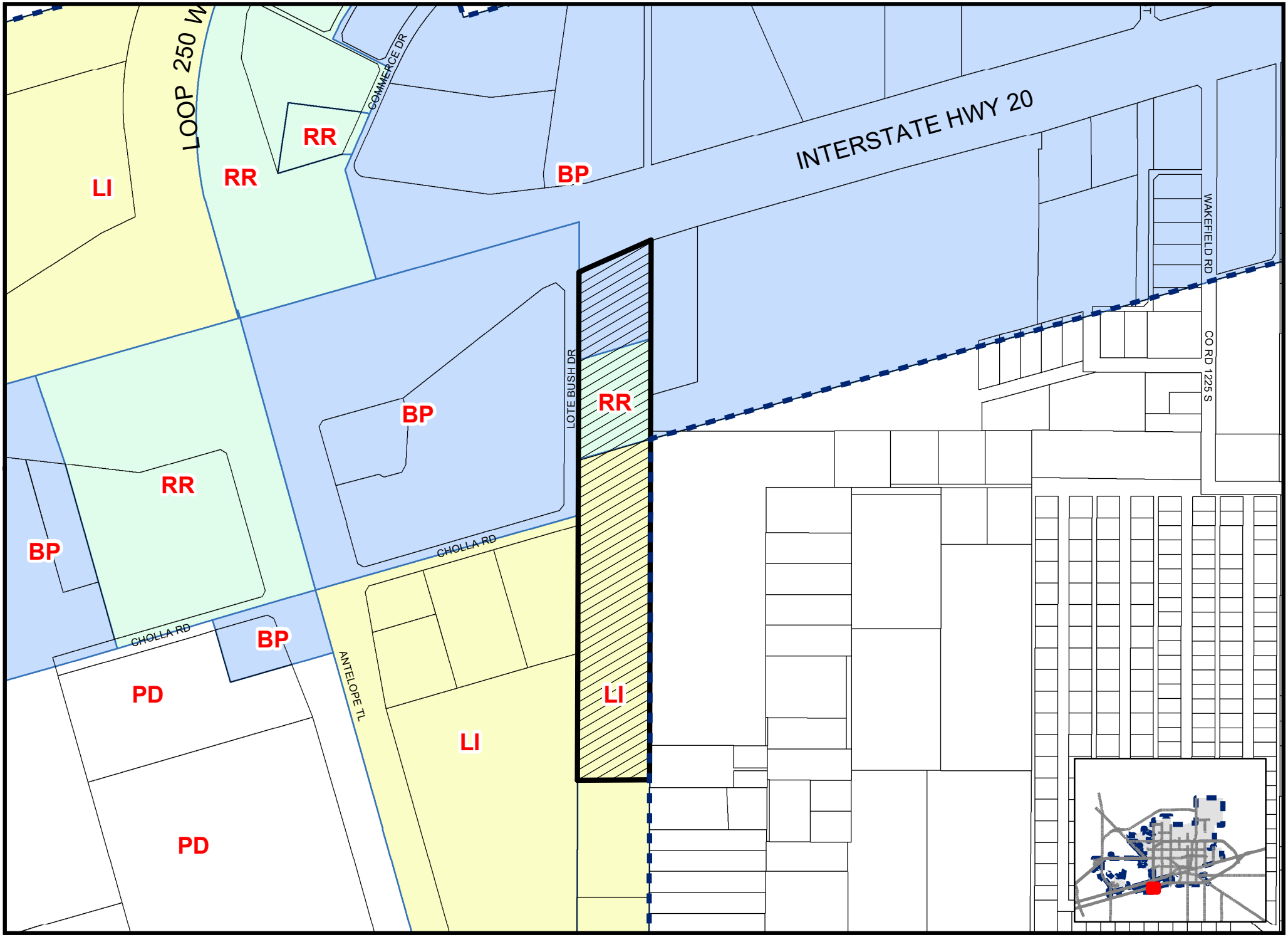
Generally located on the southeast corner of the intersection of Lote Bush Drive and West Interstate 20. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By Jm, 11/30/2020

PACKET

SKB-20-0374

Scale: 1" = 500'

ZONING MAP

Page 07

December 7, 2020

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

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by Betenbough Homes for a zone change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 42.30-acre tract of land located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Carriage Road, approximately 1,740 feet south of Occidental Parkway. Council District 1) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-3, Single-Family Dwelling District.

Details of Request:

The applicant, Betenbough Homes is requesting approval of a zone change to allow for the development of smaller, more affordable homes.

Surrounding Zoning and Land Use:

The properties to the north, east, south and west are zoned AE, Agricultural Estate District and SF-3, Single Family Dwelling District and the location of vacant land and residences, respectively.

Analysis:

The applicant, Betenbough Homes is requesting approval of a zone change for the development of smaller, more affordable homes. This proposed subdivision will have a total of two hundred and thirty-one (231) residential lots and two (2) common areas. The current zoning of this property is SF-3, Single-Family Dwelling District, which requires a

minimum lot area of 5,500 square feet. With this zone change, the developer will be able to plat 104 lots with a minimum width of 45 feet, ranging in areas of 4,773 to 5,347 square feet; however, the majority of the lots with reduced lot widths will have a square footage of 5,175.

The appropriate setbacks and maximum height of future development must meet the regulations as described in Section 5.04 Residential Zoning District Dimensional Regulations chart.

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

Engineering: (Approved)

No objection to zone change.

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

Fire: (Approved)

No objections to zone change

All future development is required to meet the IFC 2015 standards and all locally adopted ordinances.

Building: (Approved)

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

Code Compliance: (Approved with Conditions)

No Oil or Gas wells identified within 500 ft. permitted well radius. The Pioneer “A” Lease Stimson Burley Well #1 is identified on the plat at the corner of -Street B and Battle Avenue. The plat identifies the well as an operating well and needs to identified as a plugged and abandoned well. No building permits are allowed over plugged and abandoned well bores.

Transportation: (Approved)

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

No objection to zone change.

Planning:

If this Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development is approved, staff recommends that it should be subject to conditions A through D.

Conditions:

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

B. **That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit B.**

C. **That the minimum lot width shall be 45 feet.**

D. **That the minimum lot area shall be 4,773 square feet.**

Letters of Objection:

As of December 2, 2020, staff has not received any letters of objection.

Attachments:

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

METES & BOUNDS DESCRIPTION

42.30 ACRE TRACT IN SECTION 7, BLOCK 38, T-1-S, T&P RR Co SURVEY, CITY & COUNTY OF MIDLAND, TEXAS.

Legal Description for Zoning:

Being a 42.30 Acre Tract of Land in a 354.08 acre tract recorded in Document No. 2017–36824, Official Public Records, located in Section 7, Block 38, T–1–S, T&P RR Co. Survey, City of Midland, Midland County, Texas.

Boundary being more fully described as follows:

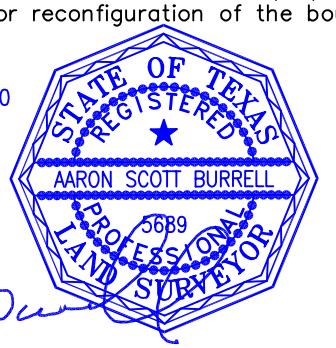
Beginning at (N: N:10725123.27', E:1761112.75') a point in the east right of way line of Carriage Road at an extension of the north right of way line of Fox Court for a point of deflection in the west line of this tract, whence a 1/2" iron rod found at the southeast corner of said Section 7 bears South 81°19'16" East, a distance of 1983.34 feet;
Thence through said 354.08 acre tract the following twelve (12) courses and distances:
1. North 18°34'09" West, a distance of 530.00 feet to a point of deflection in the west line of this tract;
2. North 18°38'35" West, a distance of 60.20 feet to a point of deflection in the west line of this tract;
3. North 76°04'37" East, a distance of 699.35 feet to a point of deflection in the west line of this tract;
4. North 14°32'16" West, a distance of 1078.88 feet to a point for the northwest corner of this tract;
5. South 89°06'49" East, a distance of 601.67 feet to a point for the southeast corner of this tract;
6. South 14°32'16" East, a distance of 1660.08 feet to a point of deflection in the east line of this tract;
7. South 75°27'44" West, a distance of 95.00 feet to a point of deflection in the east line of this tract;
8. South 30°27'44" West, a distance of 28.28 feet to a point of deflection in the east line of this tract;
9. South 14°32'16" East, a distance of 98.82 feet to a point of curvature in the east line of this tract;
10. With a curve to the right in a southwesterly direction, said curve having a radius length of 80.00 feet, an arc length of 95.77 feet, a delta angle of 68°35'30", and a chord length of 90.15 feet bearing South 19°45'29" West to a point of tangency in the east line of this tract;
11. South 13°55'23" East, a distance of 120.65 feet to a to a point for the southeast corner of this tract;
12. South 76°04'30" West, a distance of 1035.70 feet to a point for the southwest corner of this tract;

Thence North 18°51'48" West passing the east right of way line of said Carriage Road and continuing with said east right of way line of said Carriage Road for a total distance of 464.19 feet to a to the Point of Beginning;
Containing 42.30 total surface acres of land.

Bearings, distances and coordinates are based on the Texas Coordinate System, NAD 83, Central Zone (CORS). Acreage stated is horizontal surface as measured.

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.

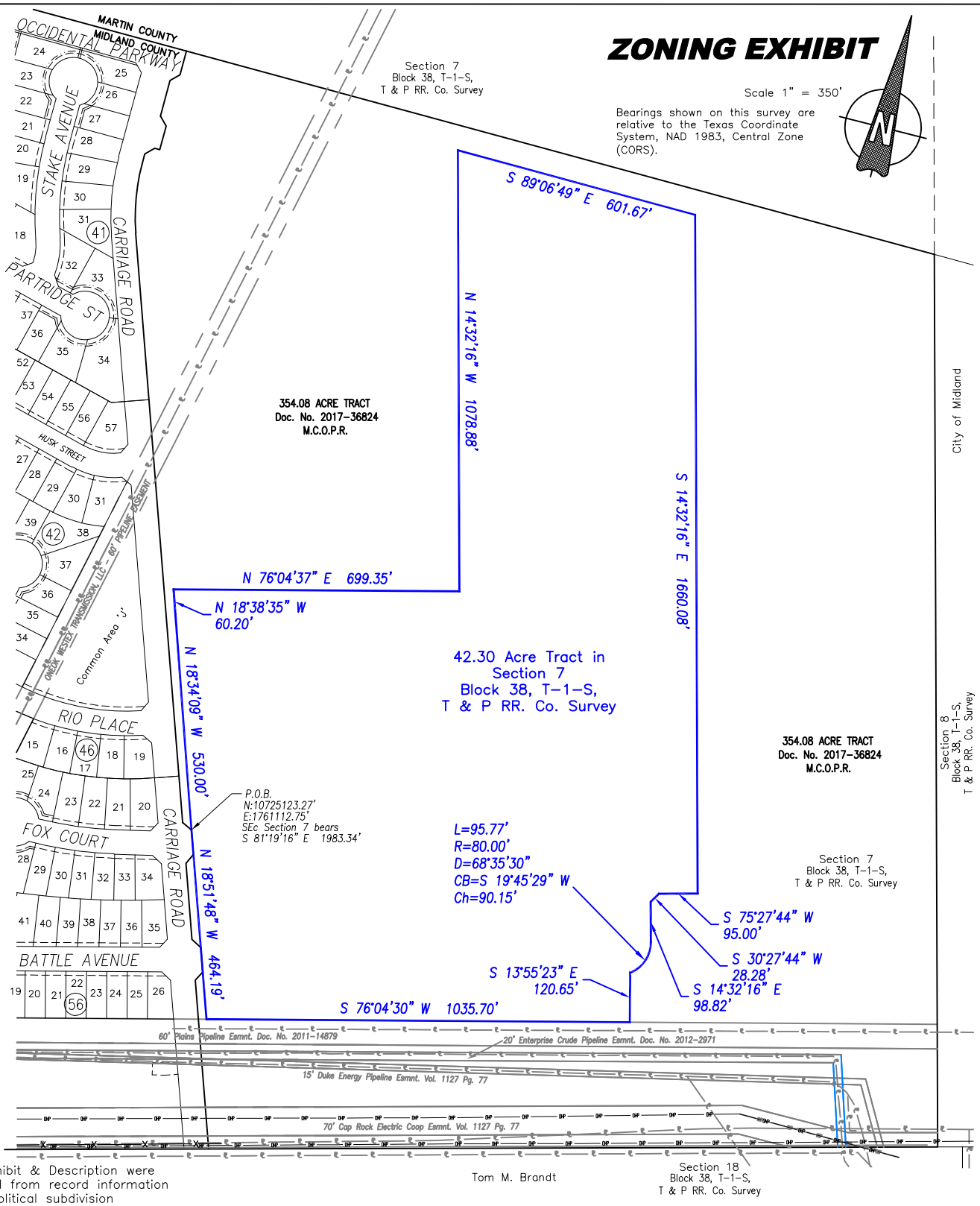
16 October 2020



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

AARON BURRELL LAND SURVEYORS, LLC.

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



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

16 October 2020

42.30 ACRE TRACT IN SECTION 7, BLOCK 38, T-1-S, T&P RR Co SURVEY, CITY & COUNTY OF MIDLAND, TEXAS.

AARON BURRELL LAND SURVEYORS, LLC.

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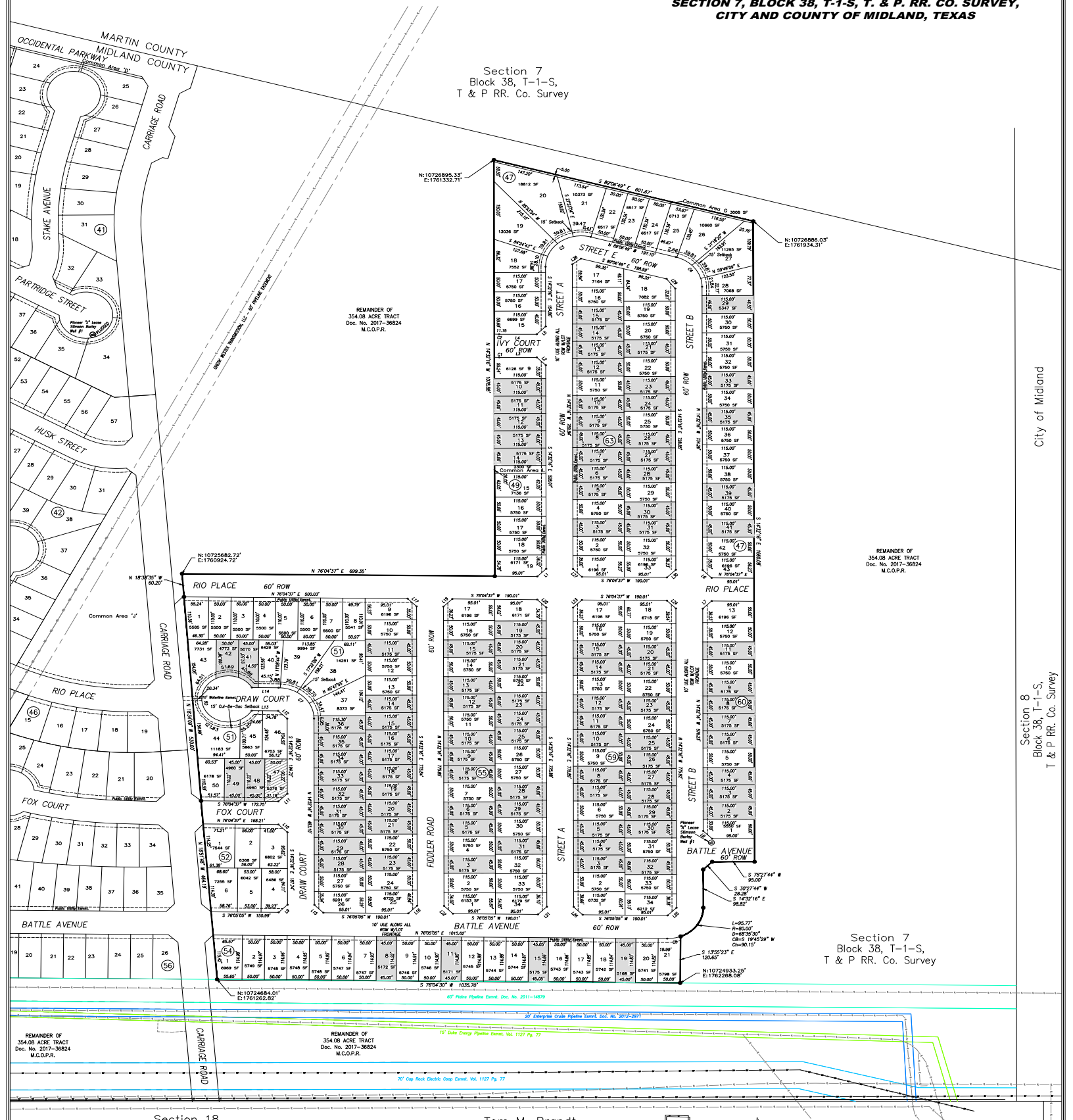
SITE PLAN

LONE STAR TRAILS II

BEING A 42.30 ACRE TRACT OF LAND IN SECTION 7, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	260.00'	11.15'	11.15'	S 76°41'26" W	2°27'28"
C2	200.00'	11.15'	11.15'	N 77°03'34" E	3°11'41"
C3	80.00'	142.20'	123.30'	N 38°10'27" E	105°38'02"
C4	80.00'	104.13'	96.93'	S 51°49'33" E	74°34'53"
C5	80.00'	30.76'	30.57'	S 63°04'09" W	22°01'51"
C6	60.00'	1314.16'	60.00'	N 13°55'23" W	1255°00'09"
C7	80.00'	124.81'	112.53'	S 59°13'49" E	89°23'07"

LINE	BEARING	DISTANCE
L1	N 30°46'11" E	28.13'
L2	N 59°32'18" W	28.28'
L3	S 76°27'44" W	63.86'
L4	N 76°27'44" E	63.86'
L5	N 30°27'44" E	28.28'
L6	S 59°13'49" E	28.44'
L7	S 30°46'11" W	28.13'
L8	S 59°32'18" E	28.28'
L9	S 30°27'44" W	28.28'
L10	N 59°13'49" W	28.44'
L11	N 30°46'11" E	28.13'
L12	N 59°13'49" W	28.44'
L13	S 76°04'37" W	59.44'
L14	N 76°04'37" E	59.86'
L15	S 59°13'36" E	28.44'
L16	N 30°46'24" E	28.13'
L17	N 59°13'49" W	28.44'
L18	S 28°36'00" W	22.04'
L19	N 30°46'11" E	28.13'
L20	S 59°13'49" E	28.44'
L21	S 30°46'24" W	28.13'
L22	N 59°13'36" W	28.44'
L23	N 30°46'11" E	28.13'
L24	S 59°13'49" E	28.44'
L25	N 30°46'24" E	28.13'
L26	N 59°13'36" W	28.44'
L27	S 59°13'49" E	28.44'
L28	S 30°46'24" W	28.13'
L29	S 59°13'36" E	28.44'
L30	S 30°46'24" W	28.13'

Scale 1" = 100'

LEGEND
- Fd ½" Iron Rod
- Set ½" Iron Rod
- Utility Easement

OWNER:
BETENBOUGH HOMES INC.
6305 82nd STREET
LUBBOCK, TEXAS 79424
806-792-0484

FLOOD NOTE:
Special Flood Hazard Areas as graphically scaled from FEMA Map No. 48329C0100F, Dated September 16, 2005, Prepared for Midland County, Texas are shown hereon.

Bearings shown on this survey are relative to the Texas Coordinate System, NAD 1983, Central Zone (CORS).

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
415 W. Wall St., Suite 204
Midland, Texas 79701
432-848-4439
P.O. Box 81041
Midland, Texas 79708
TBPLS Firm No. 10194217
asbsurveyors.com

Page 1 of 1
LSTI-9 Site Plan

MIDLAND, TEXAS
VICINITY MAP

LOT COUNT

Residential: 231 lots
Common Area/Drainage: 2 lots

1 lot — Sq. Ft. Variance
103 lots — Sq. Ft. & Width Variance

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-20-0204

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone (806) 412 - 6611	
Printed Name: Ronnie Wallace, Betenbough Homes		Email Ronniew@betenbough.com	
Address 6305 82nd Street	City Lubbock	State Texas	Zip 79424

Property Owner		Phone (806) 412 - 6611	
Printed Name: Betenbough Homes		Email Ronniew@betenbough.com	
Address 6305 82nd Street	City Lubbock	State Texas	Zip 79424

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

Street Address: See Attached Site Plan

Legal Description
Lot: See Attached Plat Block: See Attached Plat Subdivision: 42.30 Acre Tract In Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas (Lone Star Trails)

Current Zoning: SF-3

Proposed Zone: PD (Planned District)
(List by tracts if more than one district is requested)

Reason for Zone Change Request Request to build affordable, smaller homes on lots less than 5,500 Total Square Feet and therefore requesting PD (Planned District) Zone designation. (See attached Site Plan)

Present Use of Property: Vacant

Proposed Use of Property: Single Family Homes

How would this zone change affect the public health, safety and welfare?
Our smaller homes provide an additional, affordable option for new homeowners in Midland.

Describe how conditions affecting the property have changed since present zoning designation: We want to meet the needs of future homebuyers in Midland, especially with the current economic climate.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland' $650 (Fee for PD)
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
NOV 10 2020

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: November 10, 2020
Applicant (printed): Ronnie Wallace, Land Planner, Betenbough Homes	
Property Owner (signature):	Date: November 10, 2020
Property Owner (printed) : Ronnie Wallace, Land Planner, Betenbough Homes	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

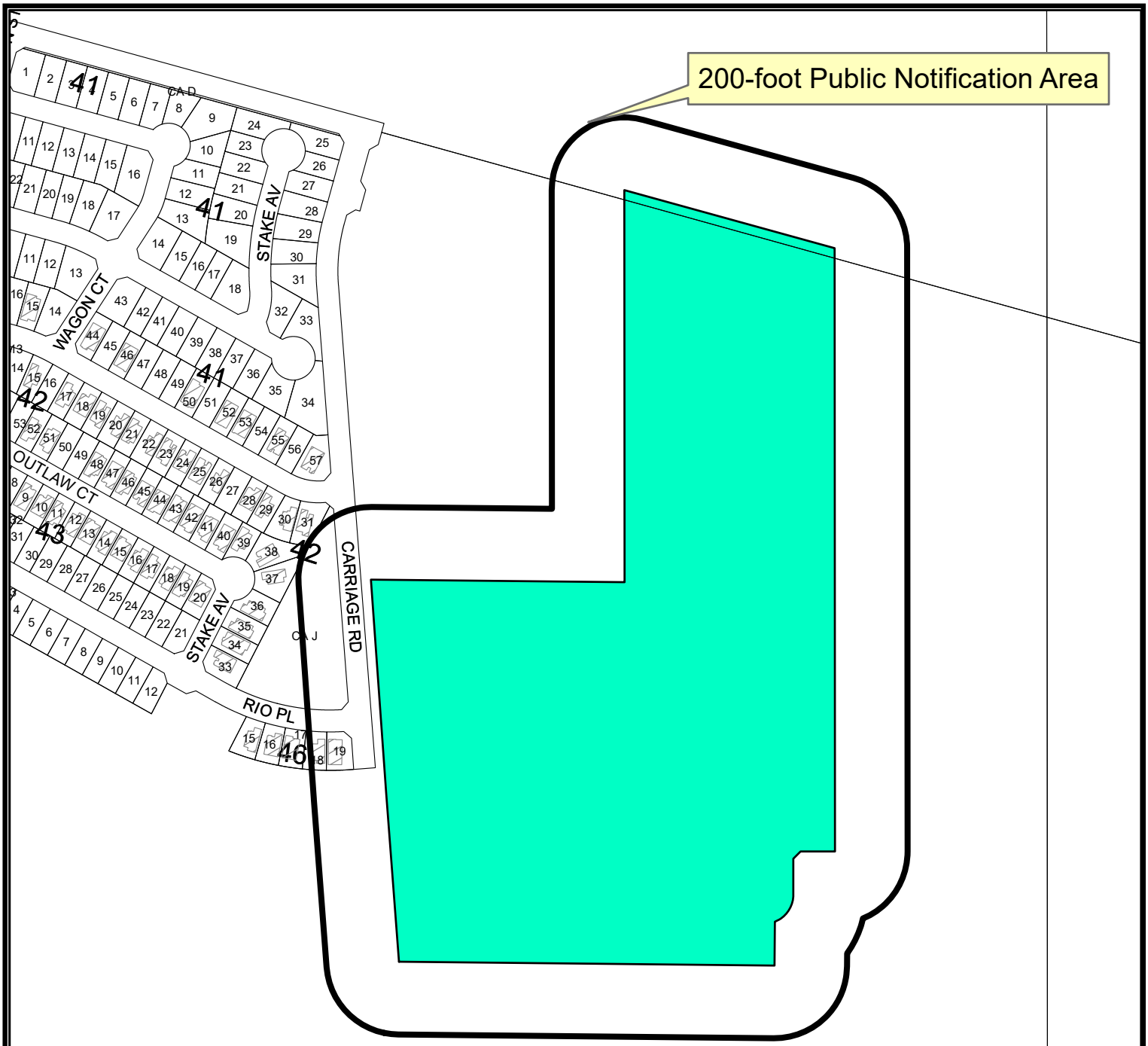
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG) will email
Check #_____	
Received By: V. Shaman	Date: 11-10-2020

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



LOCATION MAP

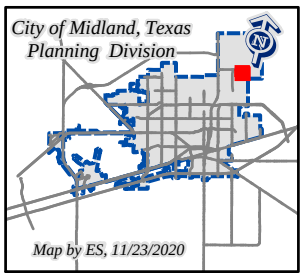
Z-20-0204 **Scale: 1" = 250'**

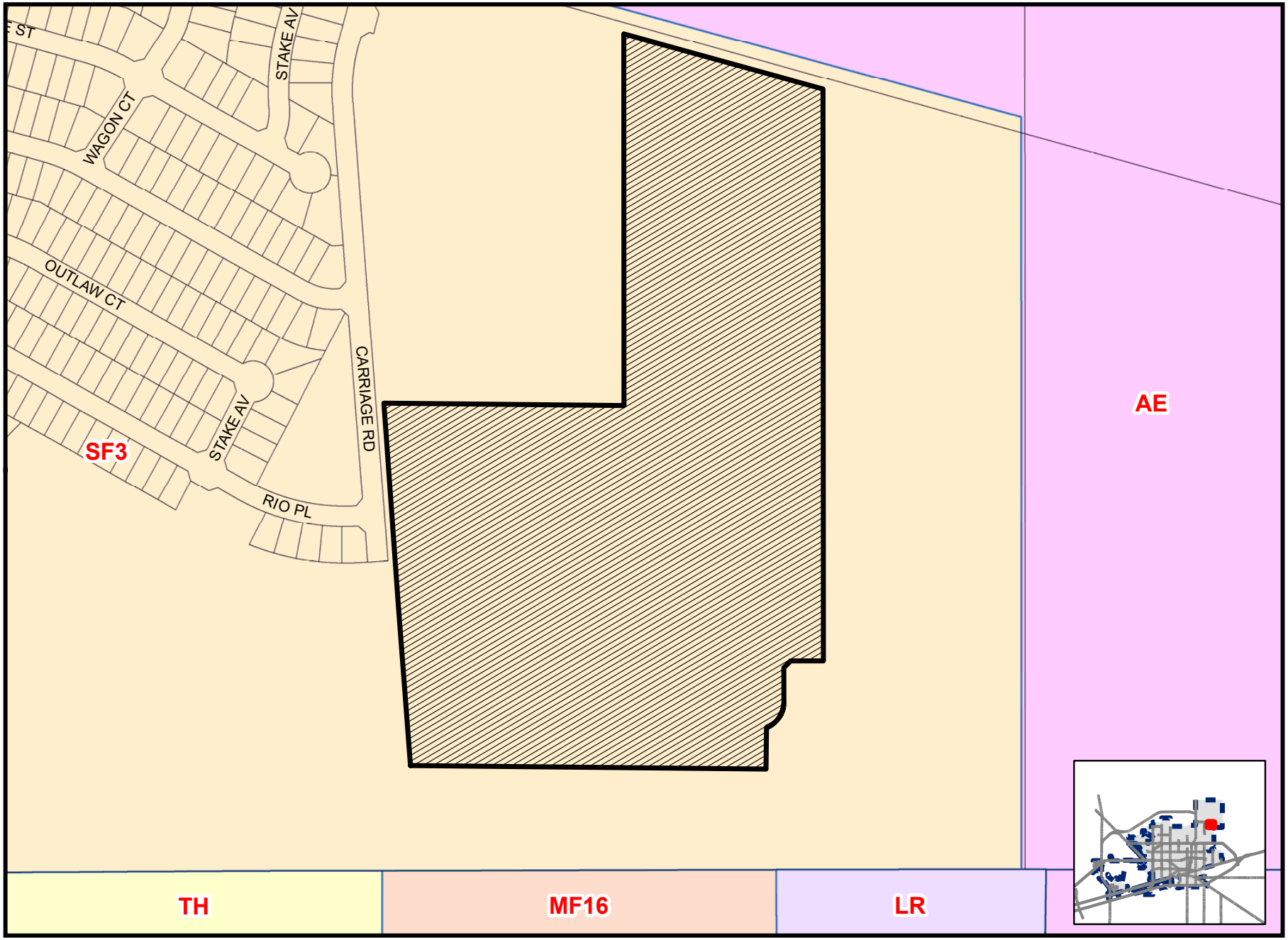
Consider a request by Betenbough Homes for a Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 42.30 acre tract of land located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas.

Generally located on the east side of Carriage Road, approximately 1,740 feet south of Occidental Parkway.(Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By ES, 12/02/2020

Z-20-0204

Scale: 1" = 200'

ZONING MAP

PACKET
Page 11.87
December 7, 2020

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

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

SUBJECT: **Hold a public hearing and consider a proposed Preliminary Plat of Sheeler Addition, Section 10, being a residential re-plat of Lots 17 and 18, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Griffin Avenue and South Fisher Street. Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, S. W. Howell, Inc., is proposing to re-plat Lots 17 and 18, Block 2, Sheeler Addition, City and County of Midland, Texas, into one (1) lot to combine the two existing lots. This plat is considered a residential replat, which requires a public hearing.

Current Zoning:

MH, Manufactured Housing District.

Departmental Review:

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

Engineering: (Approved with Conditions)

AS OF OCTOBER 1ST 2019 THE FOLLOWING NOTE REGARDING IMPACT FEES MUST BE SHOWN ON THE FACE OF THE PLAT: Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the permitting process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.

ROW: ROW is fine as shown on W. Griffin Ave. and S Fisher St.

PAVING: Fisher roadway is okay as shown.

WATER: 6” water exists in Fisher Street, okay as is. No public water improvements required. 6” water exists in Griffin east of tract, okay as is. No public water improvements required.

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

PRO RATA: None.

SEWER: 6” sewer exists in Fisher Street, okay as is. No public wastewater improvements required.

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

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

No objections to plat.

Fire: (Approved)

No additions to comments.

Code Compliance: (Approved)

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

Surveyor: (Approved)

No comments.

Building: (Approved)

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

Planning: (Approved)

The following technical items need to be addressed:

A Point of Beginning (POB) should be labeled where the coordinates are.

Chairman signature line needs to be updated to Reggie Lawrence.

Provide the property owner's information on the plat face.

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

Staff recommends approval of this preliminary plat of Sheeler Addition, Section 10, subject to conditions A and B.

Conditions:

A. That the technical items be addressed.

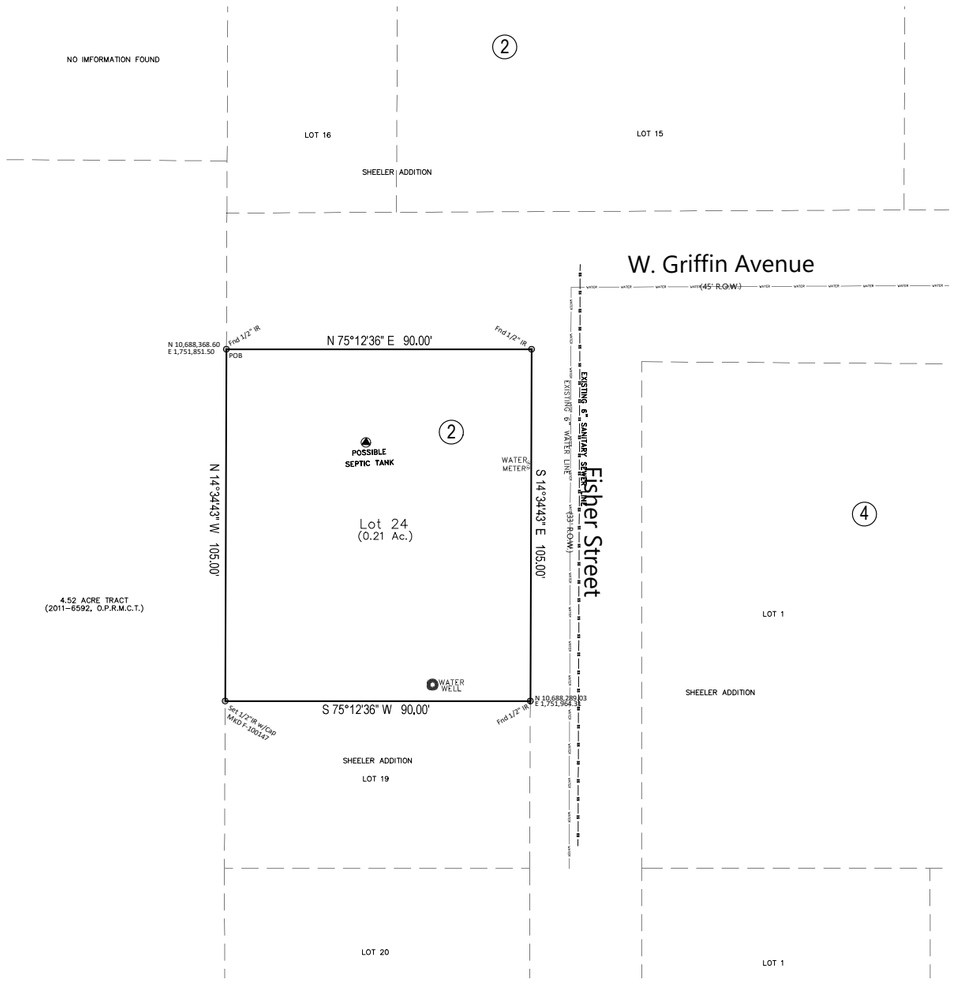
B. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

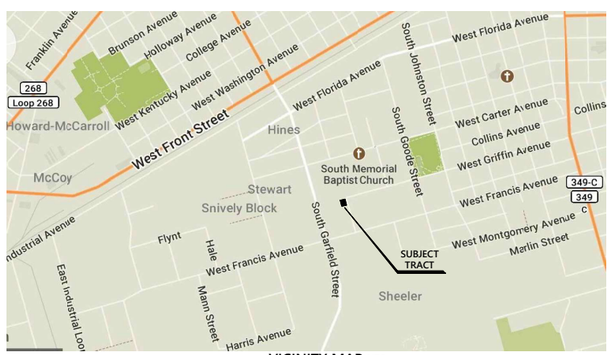
Attachments:

Proposed Preliminary Plat
Application
Maps

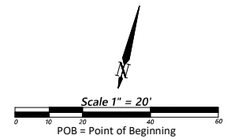
SHEELER ADDITION, SECTION 10

BEING A REPLAT OF LOTS 17 & 18, BLOCK 2, SHEELER ADDITION
AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS





VICINITY MAP NTS



POB = Point of Beginning

LEGEND

= PROPERTY LINE

= PROPERTY CORNER

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. BEARINGS ARE RELATIVE TO THE PLAT OF SHEELER ADDITION RECORDED IN CABINET C, PAGE 181, PLAT RECORDS OF MIDLAND COUNTY, TEXAS.
3. COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011).
4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOT(S) MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
5. THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X AS INTERPRETED FROM OUR FILE COPY OF FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS, PANEL NO. 48329C0202F DATED SEPTEMBER 16, 2005. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THIS INFORMATION; THE LOCAL FEMA FLOOD PLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR VERIFICATION.

UTILITY COMPANY CERTIFICATE

This plat has been check for accessibility of utilities.

Atmos Energy

Oncor Electric Delivery

A T & T

Grande Communications

SuddenLink Communications

Texas 811
Know what's below. Call before you dig.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

KNOW ALL MEN BY THESE PRESENTS

That I, Sam Howell, II, A Registered Professional Land Surveyor of the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my supervision.

DATED _____

S. W. HOWELL, INC.

SAM HOWELL, II
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4631

STATE OF TEXAS · REGISTERED · SAM HOWELL II · 4631 · PROFESSIONAL LAND SURVEYOR

OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, Victor Zubia Gonzales and Leonarda Ortega Gonzales are the record owners of Lot 17 and Lot 18, Block 2, Sheeler Addition, an addition to the City of Midland, Midland County, Texas, and more particularly described hereon:

FIELD NOTES OF A 0.21 ACRE TRACT OF LAND BEING LOTS 17 AND 18, BLOCK 2, SHEELER ADDITION, RECORDED IN CABINET C, PAGE 181, PLAT RECORDS OF MIDLAND COUNTY, TEXAS, MIDLAND COUNTY, TEXAS:

BEGINNING at a 1/2 inch iron rod found in the south Right of Way line of West Griffin Avenue and the east boundary line of a 4.52 acre tract described in Instrument Number 2011-6592, Official Public Records of Midland County, Texas, for the northwest corner of Lot 17, Block 2, Sheeler Addition, an addition to the City of Midland, Midland County, Texas, recorded in Cabinet C, Page 181, Plat Records of Midland County, Texas, and for this tract;

THENCE N 75°12'36" E, with the south Right of Way line of said W. Griffin Avenue and the north boundary line of said Lot 17, 90.00 feet, to a 1/2 inch iron rod found in the south Right of Way line of said W. Griffin Avenue and the west Right of Way line of Fisher Street for the northeast corner of said Lot 17 and this tract;

THENCE S 14°34'43" E, with the west Right of Way line of said Fisher Street and the east boundary line of said Lot 17 and Lot 18 of said Block 2, 105.00 feet, to a 1/2 inch iron rod found for the northeast corner of said Lot 19 of said Block 2 and for the southeast corner of said Lot 18 and this tract;

THENCE S 75°12'36" W, with the north boundary line of said Lot 19 and the south boundary line of said Lot 18, 90.00 feet, to a 1/2 inch iron rod with cap marked "Howell F-100147" set in the east boundary line of said 4.52 acre tract for the southwest corner of said Lot 18 and this tract;

THENCE N 14°34'43" W, with the east boundary line of said 4.52 acre tract and the west boundary line of said Lot 18 and said Lot 17, 105.00 feet, to the Point of Beginning and containing 0.21 acres of land.

ACKNOWLEDGEMENT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Victor Zubia Gonzales and Leonarda Ortega Gonzales do hereby adopt this plat designating the hereon described property as "SHEELER ADDITION, Section 10" Being a 0.21 acre tract of land in City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements as shown hereon,

WITNESS my hand at Midland County, Texas this _____day of _____, 2020.

Victor Zubia Gonzales

Leonarda Ortega Gonzales

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on_____ , 2020, by Victor Zubia Gonzales.

My Commission Expires: _____

Notary Public, State of Texas

Printed Name of Notary

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on_____ , 2020, by Leonarda Ortega Gonzales.

My Commission Expires: _____

Notary Public, State of Texas

Printed Name of Notary

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "SHEELER ADDITION, SECTION 10," was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____ , 2020.

JOSH SPARKS
Chairman of Planning and Zoning Commission

CRISTINA ODENBORG-BURNS
Secretary of Planning and Zoning Commission

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO._____ CABINET _____

DATE: _____ PAGE _____

INSTRUMENT NUMBER: _____

S.W. HOWELL, INC.
409 East 57th Street, Odessa, Texas, 79762
Phone: (432) 367-5711
swh@swhowell.com
TEXAS SURVEYING FIRM #F-100147-00
TEXAS ENGINEERING FIRM #F-173
Engineering, Surveying and Land Planning

Job Number:	Drawn by:	Date:
20-36263	RJD	October 2020

Owner Information:	
Name:	Victor Zubia and Leonarda Ortega Gonzales
Address:	1400 S. Fisher Street & 1801 W. Griffin Avenue
	Midland, Texas 79701

PACKET
Page 12.95
December 7, 2020

MIDLAND Planning Division

Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Sheeler Addition, Section 10

Legal Description (attached sealed Metes and Bounds): Lots 17 and 18, Block 2, Sheeler Addition, recorded in Cabinet C, Page 181, Plat Records of Midland County, Texas

Property Owner Printed Name: Victor Zubia Gonzales & Leonarda O. Gonzales		Phone (432) 664-6076 Email alexlove1945@gmail.com	
Address 1400 Fisher Street	City Midland	State TX	Zip 79701

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: S. W. Howell, Inc. Printed Name: Janie Howell		Phone (432) 367-5711 Email J.howell@swhowell.com	
Address 409 E 57th Street	City Odessa	State TX	Zip 79762

Current Zoning: MH Mobile Home Dwelling District

Reason for Platting: combine two lots into one

Plat Information	Total Acreage: 0.21 acres
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:

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 Janie Howell who, being by me duly sworn, upon oath says: That (s)he is authorized by Victor and Leonardo Gonzales, 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.

Janie Howell
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 14th day of October, 2020, to certify which witness my hand and seal of office.

VILMA G SIMENTAL
Notary ID #126487005
My Commission Expires
March 28, 2022

Vilma G Simental
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

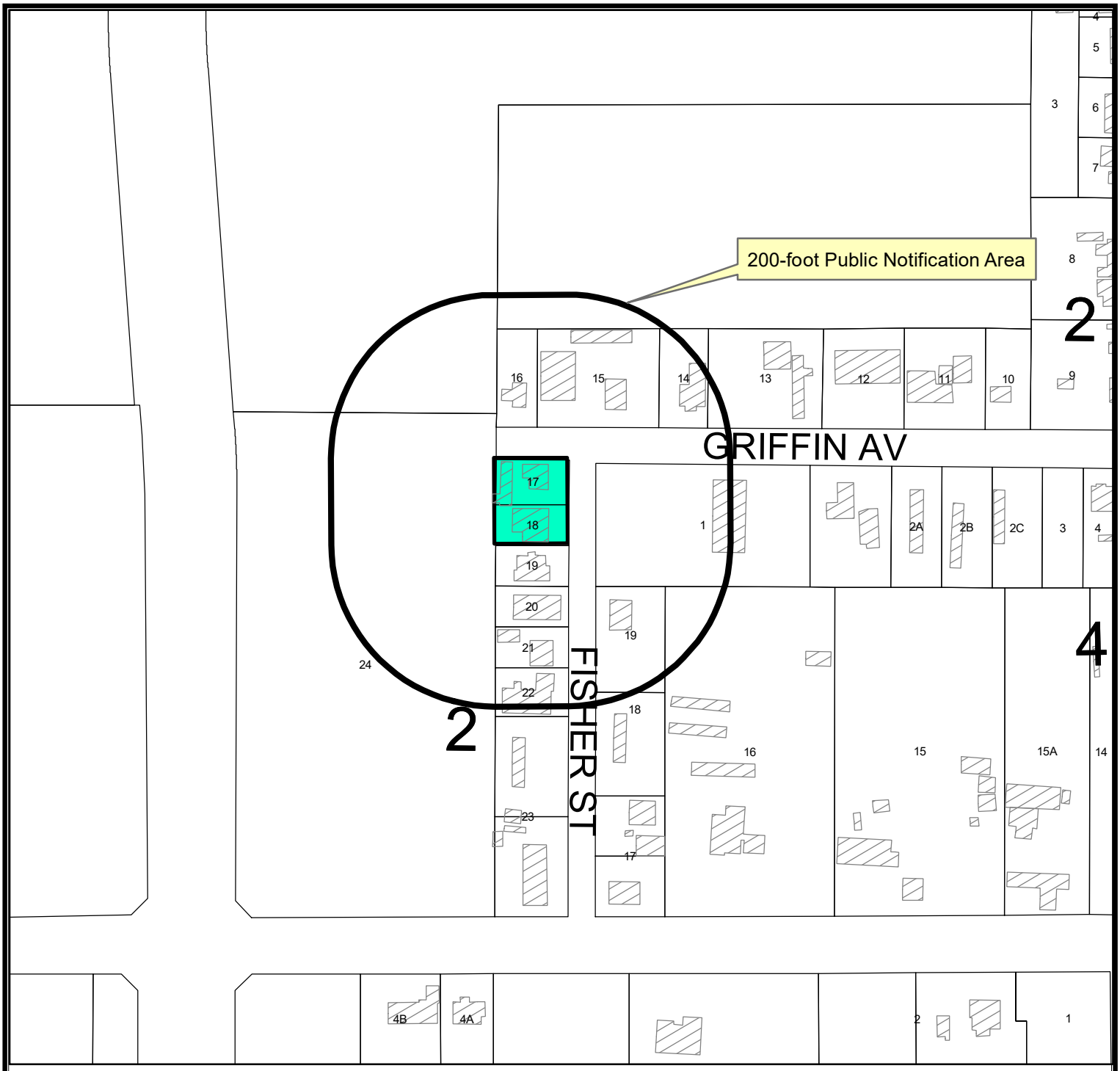
FOR OFFICE USE ONLY

☐ 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.****

PACKET
Page 12.97
December 7, 2020



LOCATION MAP

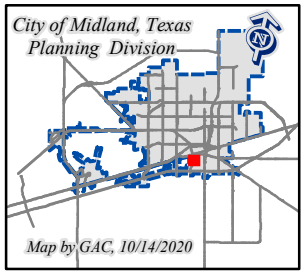
SUB-20-0361 **Scale: 1" = 400'**

Proposed plat of Sheeler Addition, Section 10, being a re-plat of Lots 17 and 18, Block 2, Sheeler Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of West Griffin Avenue and South Fisher Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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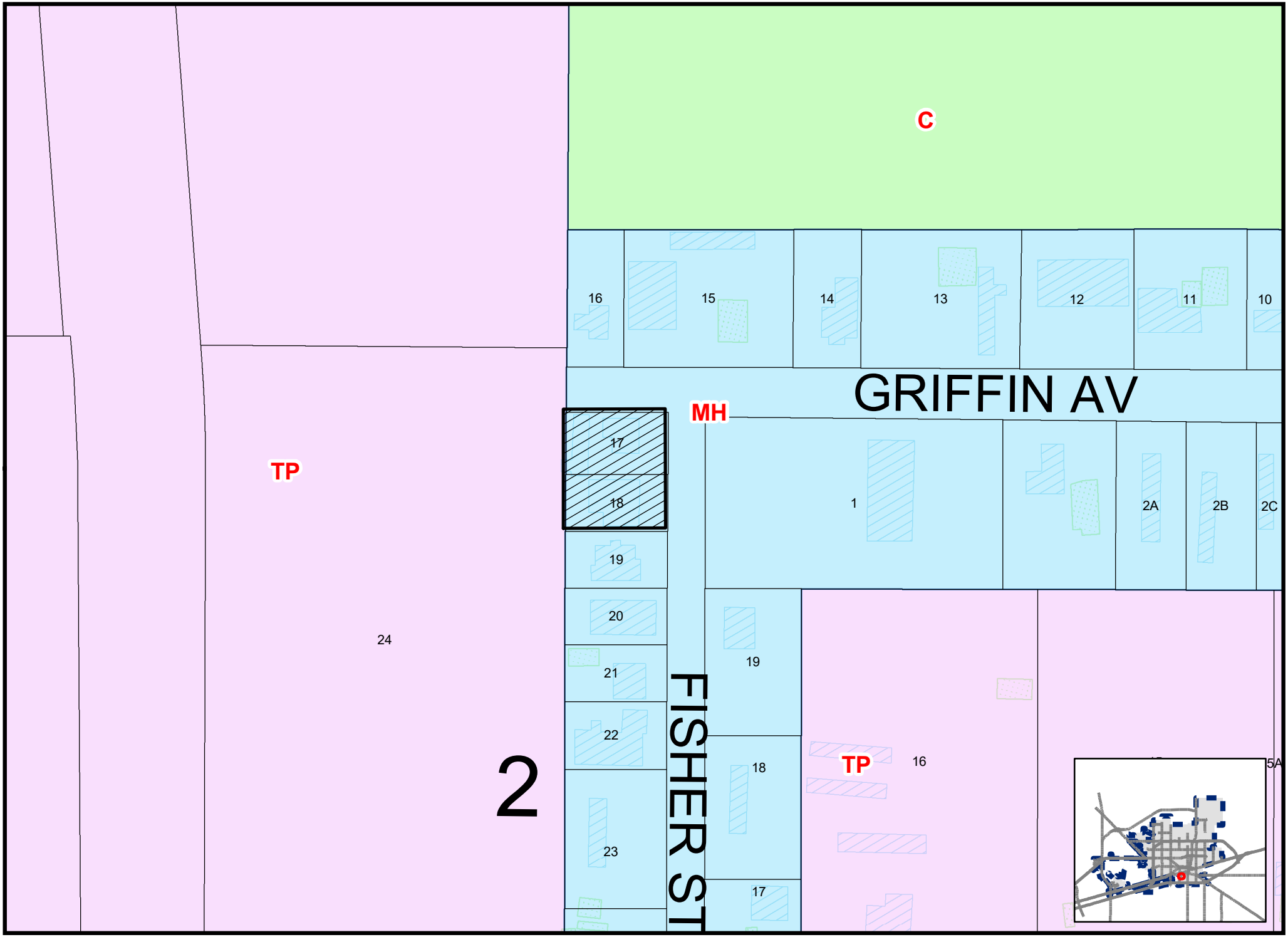

Map By GAC, 09/8/2020 PACKET SKB-20-0361 Scale: 1" = 200' Page 1 of 1

ZONING MAP

December 7, 2020

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W Griffin Ave
1700

MIDLAND
Solid Waste Department

1400
1400
1400

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

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

SUBJECT: **Hold a public hearing and consider a request by Sierra Strickland for a zone change from PD, Planned District for an Office Center to an amended PD, Planned Development District for an Office Center on Lots 14 and 15, Block 1, Wadley Heights, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Mogford Street and West Wadley Avenue. Council District 3) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

PD, Planned Development District for an Office Center (Ordinance No. 4934, 4975, and 6902.

Departmental Review:

Surrounding Zoning and Land Use:

The property to the north is zoned SF-2, Single-Family Dwelling District and the location of a residence. The properties to the east are zoned PD, Planned District for an Office Center and the location of an insurance facility. The property to the south and across West Wadley Avenue is zoned PD, Planned Development District for a Shopping Center and the location of a grocery store. The property to the west is zoned 2F, Two-Family Dwelling Duplex District and the location of a duplex.

Analysis:

The property is located at 2304 West Wadley Avenue and was previously an office for the American Cancer Society. The applicant is now proposing an animal emergency hospital at the location.

Per the Zoning Ordinance, a Veterinarian Clinic is permitted in the O-2, Office District. Veterinarian Clinics are also permitted in the O-1, Office District, with the approval of a Specific Use Designation. The property is regulated by Ordinance No. 4934, 4975 and 6902; however, there is no underlying zoning described in these ordinances.

The applicant would like to amend the existing planned district to allow for a Veterinarian Clinic and to include an underlying zoning district.

The approximate square footage of the building is 6,693 square feet. The floor plan shown hereto as Exhibit A, illustrates the layout of the veterinarian clinic. No additional changes or modifications of the property are being proposed.

The proposed hours for the facility are:

Monday through Friday from 6:00 P.M. to 8:00 A.M., of the following day
Saturday from 12:00 P.M. to 8:00 A.M., of the following day.

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

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Our staff has examined the FEMA flood map and it appears that this property lies partially within Zone AH, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood.

We have researched our files and could not find an elevation certificate on-file for the subject property.

We recommend that an Elevation Certificate be prepared for this property. With an Elevation Certificate, the flood insurance premiums could be reduced if the building is shown to be above the Base Flood Elevation (BFE). An Elevation Certificate must be prepared and signed by a land surveyor or professional engineer licensed to practice in the State of Texas. Please submit a copy of the new Elevation Certificate to our office so that we can update our elevation records.

Transportation: (Approved)

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

No objection to zone change.

Fire: (Approved)

No comments.

Oil and Gas: (Approved)

No Oil and Gas issues.

Planning:

Per the Future Land Use map, this location is designated as Urban-Medium Neighborhood Center. Potential zoning for this area includes Office District; therefore, this zone change complies with the Future Land Use plan.

Staff recommends approval of the zone change from a PD, Planned District for an Office Center to an amended PD, Planned Development District for an Office Center, subject to conditions A through E.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the O-1, Office Center District.**

B. **That this property shall conform to the floor plan, which is attached hereto and incorporated herein as Exhibit A.**

C. **That the use of a veterinary clinic is allowed.**

D. **That the hours of operation shall be limited to:**

Monday through Friday from 6:00 P.M. to 8:00 A.M., of the following day
Saturday from 12:00 P.M. to 8:00 A.M., of the following day

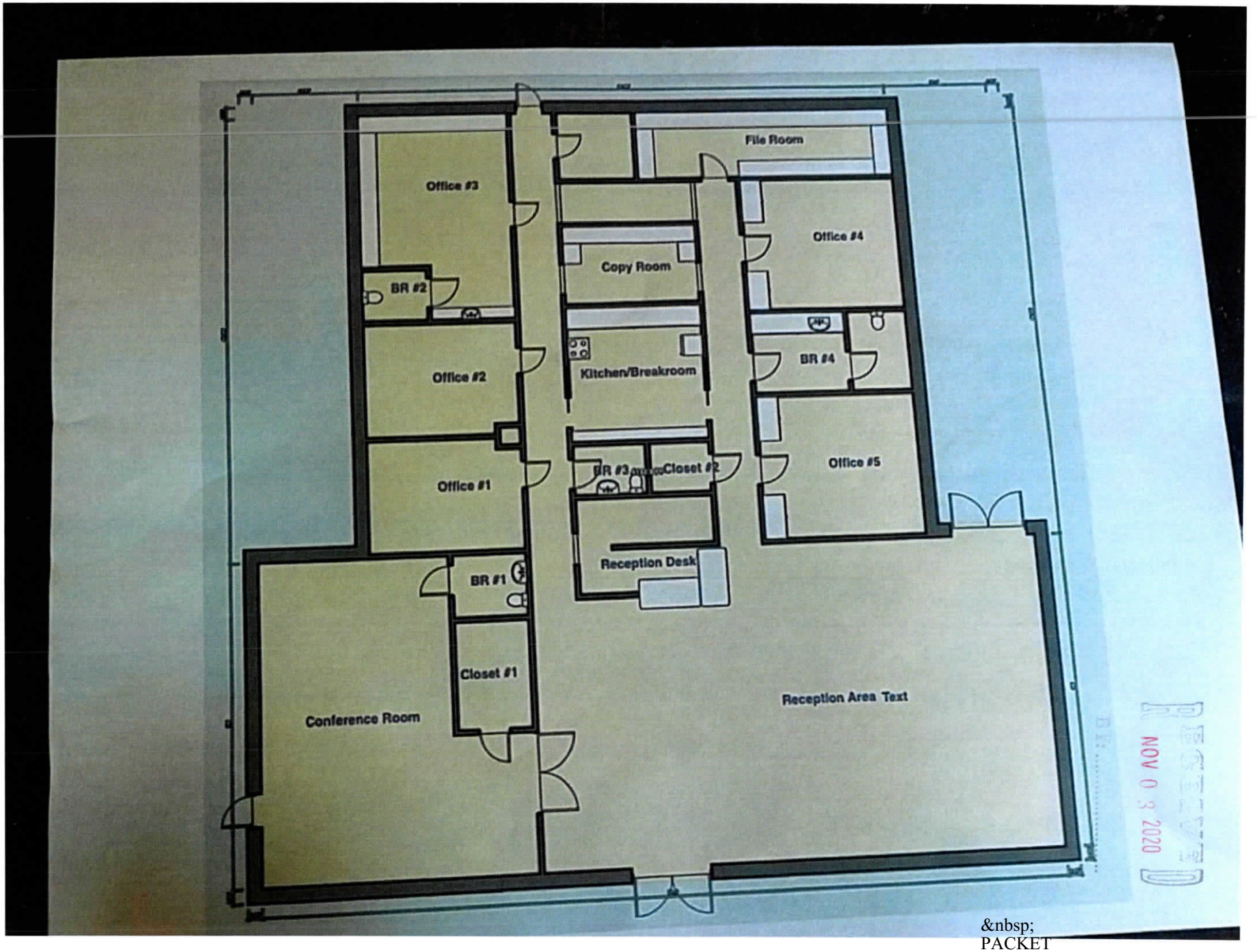
E. **That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code**

Letters of Objection:

As of December 2, 2020, staff has not received any letters of objection.

Attachments:

Floor Plan (Exhibit A)
Application
Maps
Ordinance No. 4934, 4975, and 6902


File Room
Office #3
Office #4
Copy Room
BR #2
Office #2
Kitchen/Breakroom
BR #4
Office #5
Office #1
BR #3
Closet #2
Reception Desk
BR #1
Closet #1
Conference Room
Reception Area Text
NOV 0 3 2020

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0203

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone ( ) 4325572132	
Printed Name: Sierra Strickland		Email carteblanche247@gmail.com	
Address 4408 Saint Andrews Drive	City Midland	State TX	Zip 79707

Property Owner		Phone ( ) 8535683	
Printed Name: Lafonda Property LLC		Email djagp3@gmail.com	
Address 3501 Trinity Meadows Drive	City Midland	State TX	Zip 79707

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

Street Address: 2304 W Wadley

Legal Description
Lot: Block: Subdivision:

Current Zoning: Plan development/office

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

Reason for Zone Change Request: To allow a veterinary practice

Present Use of Property: vacant

Proposed Use of Property: Animal Emergency Hospital

How would this zone change affect the public health, safety and welfare?
The change would not negatively affect the public but instead provide a service to the community.

Describe how conditions affecting the property have changed since present zoning designation: There will be no changes to the property itself.

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)

NOV 03 2020

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Sierra Strickland	Date: 10/30/2020
Applicant (printed): Sierra Strickland	
Property Owner (signature): Jill Clements	Date: 10/30/2020
Property Owner (printed) : Jill Clements	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

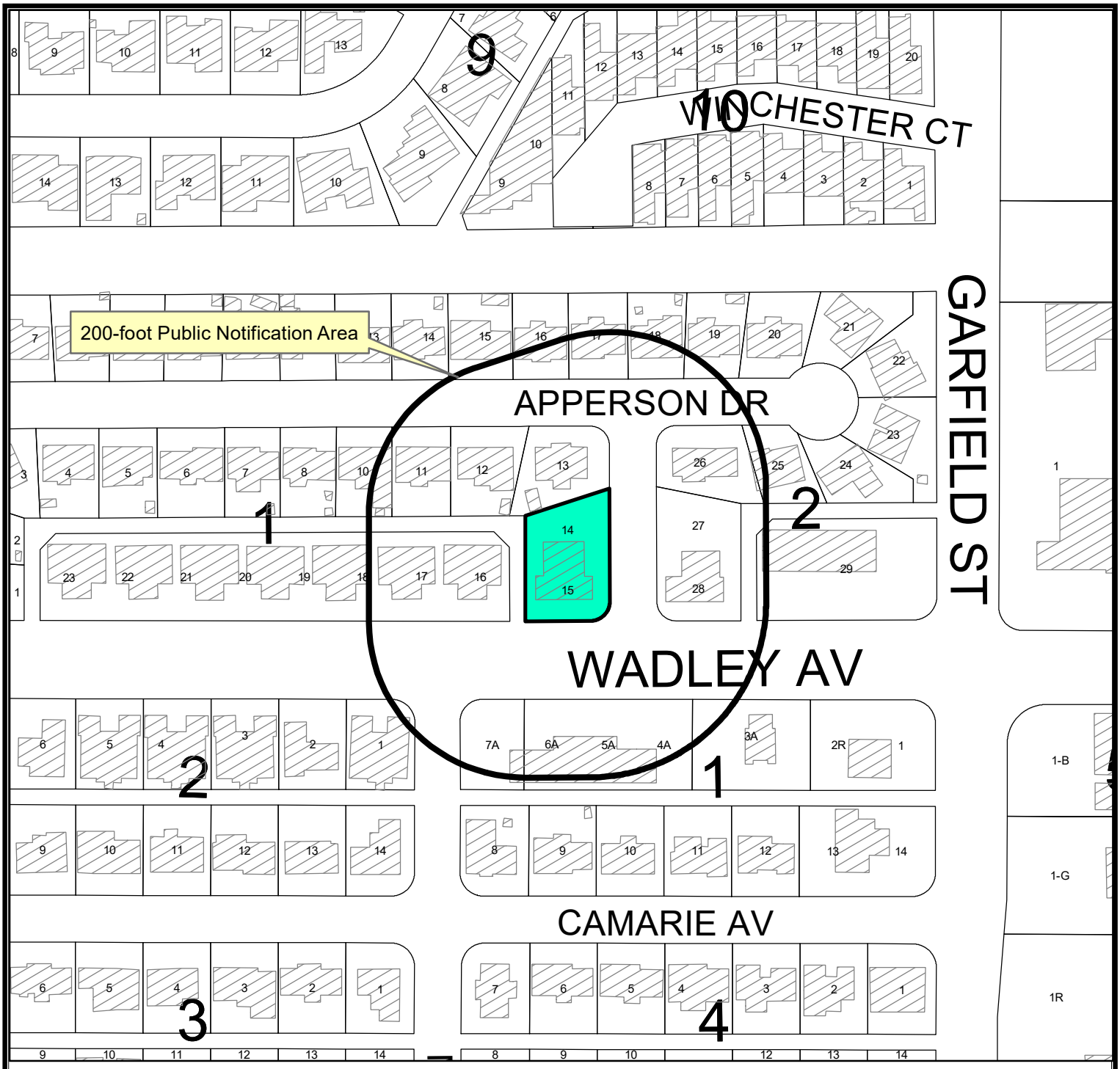
FOR OFFICE USE ONLY

- ☑ Property Owner Authorization
- ☑ Application Fee
  Check # CC authorization form
- ☑ Dimensioned Site Plan
- ☑ Plans in Digital Format (PDF/JPEG)

Received By: gac

Date: NOV 03 2020

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



LOCATION MAP

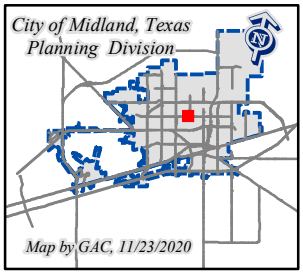
Z-20-0203 **Scale: 1" = 200'**

Consider a request by Sierra Strickland for a zone change from a PD, Planned District for an Office Development to an amended PD, Planned Development District for an Office Center on Lots 14 and 15, Block 1, Wadley Heights, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of Mogford Street and West Wadley Avenue. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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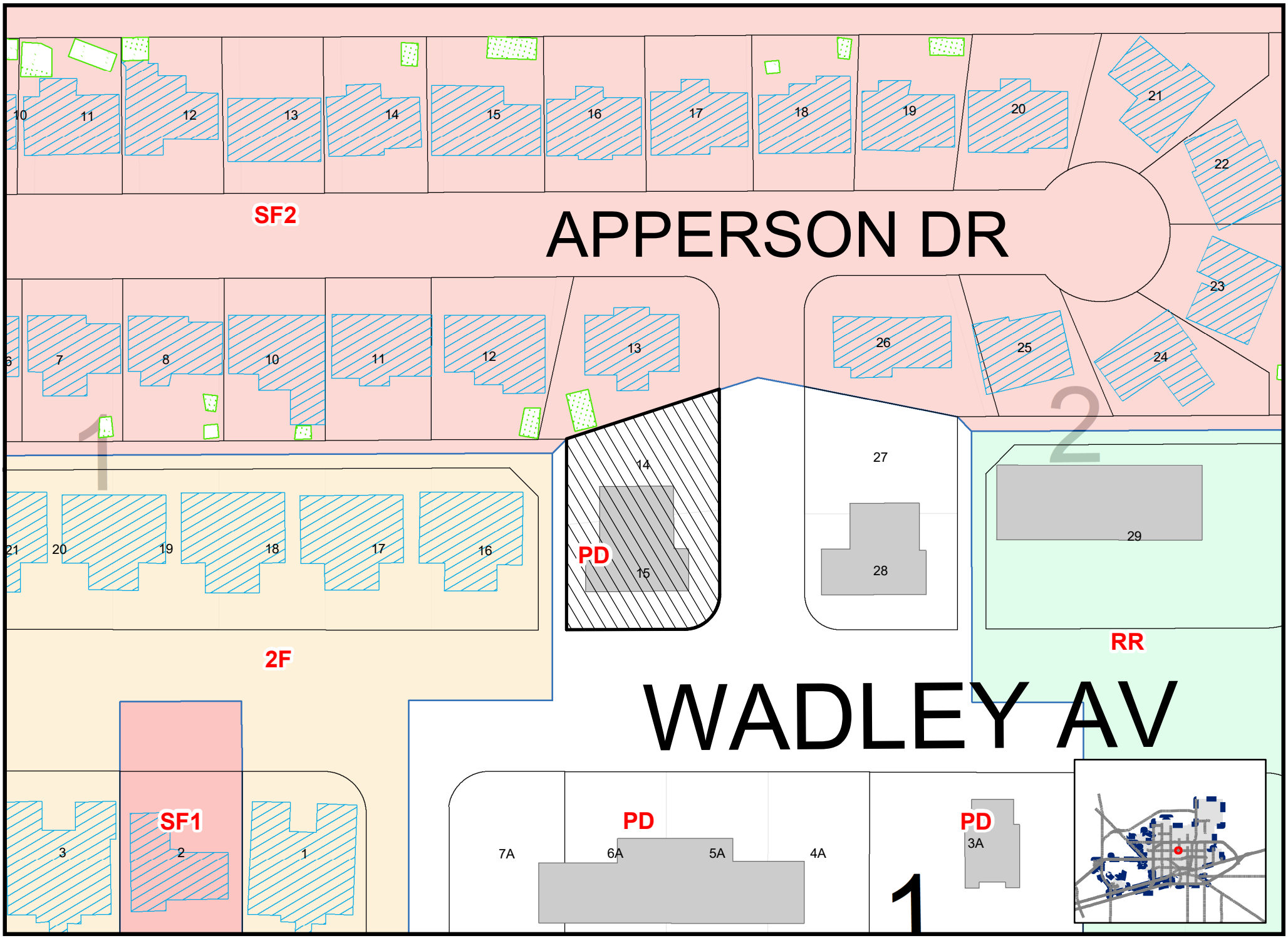

Map By GAC, 11/23/2020 PACKET 2-20-0203 Scale: 1" = 200' ZONING MAP Page 13 of 12 December 7, 2020

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ORDINANCE NO. 4934

AN ORDINANCE AMENDING CHAPTER 1, TITLE XI OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED HEREIN, WHICH IS PRESENTLY ZONED "1F-2" (ONE FAMILY DWELLING DISTRICT), TO BE USED AS A "PLANNED DISTRICT" FOR AN OFFICE CENTER; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLANS, ORDINANCES AND SPECIFICATIONS SET OUT OR REFERRED TO HEREIN; PROVIDING A PENALTY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, all of which is presently zoned "1F-2" (One Family Dwelling District) and it shall be used as a "Planned District" for an office center, subject to special conditions and restrictions hereinafter set out.

Said property is described as follows:

Lots 27 and 28, Block 2, Wadley Heights 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.

SECTION TWO. That said property as shown on the plat attached hereto as Exhibit "A" and the site plan thereof attached hereto as Exhibit "B" and made a part hereof for all legal purposes, shall be subject to the special conditions and restrictions hereinafter set out:

A. That the property described above and drawn on the attached exhibits shall be developed and used for an office center pursuant to the provisions of this zoning ordinance and the various building codes of the City of Midland, Texas.

B. That development and maintenance shall be strictly in conformance with the site plan insofar as ingress and egress to the property, building setback and lot coverage are concerned.

C. That the maximum height of the building shall be one standard story.

D. That the size and shape of the building shall be as shown on Exhibit "B" attached hereto.

E. That a minimum of fifteen (15) offstreet parking spaces be provided on the above described property as shown on Exhibit "B."

F. That all signs identifying the office center comply with the provisions of the City Code which regulate "lF-2" zones.

G. That all other development standards shall be as specified in the City Code for a "lF-2" zone.

H. That sidewalks conforming to specifications of the City Code shall be provided at the expense of the developer at the direction of the Director of Public Works.

SECTION THREE. That the plat and site plan for these improvements be attached hereto as exhibits and made a part hereof for all legal purposes. A true copy of the plat and site plan shall be retained by the Director of Planning and furnished to the Building Inspector for observance in the issuing of permits for these improvements and subsequent Certificates of Occupancy.

SECTION FOUR. That any person, firm or corporation violating any of the terms or provisions of this ordinance shall be subject to a fine not to exceed One Hundred Dollars ($100), as provided

in Section 1-3-1 of the City Code of Midland, Texas; and in the alternative, any such violations may be restrained by injunctive or other equitable relief in a court of proper jurisdiction. Each day any violation of this ordinance shall continue, shall constitute a separate offense.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 25th day of March, A.D., 1975; and passed to second reading on motion of Councilman Holt, seconded by Councilman Martin, by the following vote:

Councilmen voting "AYE": Holt, Martin, and Neill

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion by Councilman Holt, seconded by Councilman Martin, on the 8th day of April, A.D., 1975, at a regular meeting of the City Counci:

Councilmen voting "AYE": Holt, Martin, Neill, Kent, and Cahoon

Councilmen voting "NAY": None

PASSED AND APPROVED THIS 8th day of April, A.D., 1975.

Ernest Angelo, Jr., Mayor

ATTEST:

J. W. McCullough, City Secretary

APPROVED:

J. M. Nuessle, City Attorney

ORDINANCE NO. 4975

AN ORDINANCE AMENDING SUBSECTIONS B, D, AND E OF SECTION ONE OF ORDINANCE NO. 4934 SO AS TO ALLOW A LARGER BUILDING AND A TWO-CAR COVERED CARPORT ATTACHED TO SAID BUILDING WITHIN THE PLANNED DISTRICT CREATED BY SAID ORDINANCE NO. 4934; PROVIDING FOR A NEW SITE PLAN FOR SAID PLANNED DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DECLARING AN EMERGENCY

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 teh amendment of the "Planned District" created by Ordinance No. 4934 as 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 Subsections B, D and E of Section One of Ordinance No. 4934, adopted April 8, 1975, are hereby amended to hereafter read as follows:

B. That development and maintenance shall be strictly in conformance with the site plan insofar as ingress and egress to the property and building setbacks are concerned.

D. That the size and shape of the building shall be substantially as shown on Exhibit "B" attached hereto, but in no event shall the size of the building exceed 3,500 square feet.

E. That a minimum of fifteen (15) offstreet parking spaces shall be provided on the above described property and

a two-car covered carport may be attached to said building, all as shown on Exhibit "B."

SECTION TWO. That a new site plan is hereby substituted for the site plan marked Exhibit "B," and attached to said Ordinance No. 4934; said new site plan being marked Exhibit "B," attached hereto and made a part hereof for all legal purposes. A true copy of said new site plan shall be retained by the Director of Planning and furnished to the Building Inspector, together with the plat attached to said Ordinance No. 4934, for observance in the issuing of permits for the improvements and subsequent Certificates of Occupancy.

SECTION THREE. The provisions of this ordinance are to to 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 City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the penalty provision contained in said Ordinance No. 4934, in the manner and for the length of time prescribed by law as an alternative method of publication.

SECTION SIX. The fact that a public necessity appears to exist for the immediate development of the above described property in order to protect the general welfare of the people of

the City of Midland, Texas, creates an emergency requiring that the Charter Rule that all ordinances be read at two separate regular meetings of the City Council be suspended and that this ordinance be fully adopted and made effective from the date of its passage and approval on one reading.

WHEREUPON, Councilman Tighe moved the adoption of the emergency clause and the passage of the foregoing ordinance as an emergency matter, to be effective from its passage this date; such motion being duly seconded by Councilman Thomas, the following vote was taken:

Councilmen voting "AYE": Tighe, Thomas, Martin, Neill, Cahoon, and Angelo

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote, the motion having been made by Councilman Tighe, and seconded by Councilman Thomas, at a regular meeting of the City Council of the City of Midland, Texas, on this the 22nd day of July, A.D., 1975.

Councilmen voting "AYE": Tighe, Thomas, Angelo, Cahoon, Neill, and Martin

Councilmen voting "NAY": None

PASSED AND APPROVED this the 22nd day of July, A.D., 1975.

Ernest Angelo, Jr., Mayor

ATTEST:

J. W. McCullough, City Secretary

APPROVED AS TO FORM:

J. M. Nuessle, City Attorney

#3b. & 4b.

75-256

July 2, 1975

TO: Honorable Mayor and City Councilmen

FROM: Fred W. Poe, Assistant City Manager

SUBJECT: Preliminary Plats

Preliminary plats for both items 3b and 4b were sent to you earlier. We have no objections to preliminary approval of these plats, but do have some reservations about final approval. The street to serve Epoch Properties to the west of these two plats has never been dedicated. Apparently these two plats abut at approximately the point the street was planned to cross this property. We have been told that their attorney is working on the dedication and it should be in our hands by Monday or Tuesday.

Perhaps this point can be cleared by your approving the preliminary plats subject to the street dedication if we have not received the proper instruments by Council meeting time.

#23 & 24

75-378

July 17, 1975

TO: Honorable Mayor and City Councilmen

FROM: Fred W. Poe, Assistant City Manager

SUBJECT: Second Readings on Zone Changes

These two items are for second reading. We know of no additional information being requested following the first reading. However, we would like to point out one particular item of concern.

As you know, the street that is platted between these two tracts extends westward to connect with a street on the Epoch property recently rezoned. At the first hearing we had received an instrument concerning the street dedication which Mr. Nuessle had not had the opportunity to read prior to the meeting. Since that time he has read the instrument and it does not give the type of street dedication that we require. Mr. Nuessle has been in contact with the attorney who prepared the instrument and has advised him of the corrections needed in order to make this a valid dedication for a public street. To date we have had no reply or corrected instrument from him. We have called Mr. Don Roderick's office yesterday and today, but have been unable to talk to him and he has not returned our call.

Since Mr. Roderick is the real estate agent selling the property and both sales are contingent upon rezoning, we wanted to advise him that we were going to recommend against approval of the ordinances on second reading until the proper street dedication instruments are received. We realize that this perhaps can be handled in the replatting process, but this can also lead to problems if they delay in their platting. Since they say they are willing to dedicate the street, we see no point in not giving the dedication at this time so that we don't have to secure it later. Therefore, our recommendation is that we not approve these ordinances for rezoning on second reading until the proper street dedication is received and approved by Mr. Nuessle. If we receive this prior to Council meeting time and everything is in order, we will at that time recommend approval.

#21

75-388

July 18, 1975

TO: Honorable Mayor and City Councilmen

FROM: Fred W. Poe, Assistant City Manager

SUBJECT: Bill Hickey's Zone Request

Mr. Hickey has asked that I advise you that at the public hearing he is going to ask for approval on an emergency basis. His reason will be that this is simply a minor amendment to the planned district and in effect does not change any of the pertinent points of the planned district ordinance. If this had not been in a planned district, no public hearing would have been required.

Mr. Hickey's tenant is anxious to occupy the building and he is anxious to begin construction. He was honest in saying that he did not believe that he would lose his prospective tenant if the second reading was required, but his request for an emergency was more on the basis of this being a rather insignificant change. Also, it will be three weeks until the next Council meeting plus the fact he has been before the Planning and Zoning and the City Council already on two different occasions for this one planned district.

pr

ORDINANCE NO. 6902

AN ORDINANCE AMENDING ORDINANCE NO. 4975 WHICH AMENDED ORDINANCE NO. 4934 WHICH CREATED A "PLANNED DISTRICT" FOR AN OFFICE DEVELOPMENT SO AS TO PROVIDE A NEW SITE PLAN FOR SAID "PLANNED 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); 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 amendment of Ordinance No. 4975 which amended the "Planned District" created by Ordinance 4934 as set out hereinafter;

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

SECTION ONE. That a new site plan, attached hereto as Exhibit "B", is hereby substituted for the site plan marked as Exhibit "B" and attached to Ordinance No. 4975 which amended a "Planned District" for an Office Development created by Ordinance No. 4934.

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

SECTION THREE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be un-

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

SECTION FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2.000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 10th day of January, A.D., 1989; and passed to second reading on motion of Council member Rendall, seconded by Council member Heck, by the following vote:

Council members voting "AYE":	Rendall, Heck, Williams, Monaghan, Thomas, and Marcum
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 Rendall, seconded by Council member Williams, on the 24th day of January, A.D., 1989, at a regular meeting of the City Council:

Council members voting "AYE":	Rendall, Williams, Marcum, Heck, Monaghan, Thomas, and Corrales
Council members voting "NAY":	None

PASSED AND APPROVED THIS 24th day of January, A.D., 1989.

Carroll M. Thomas

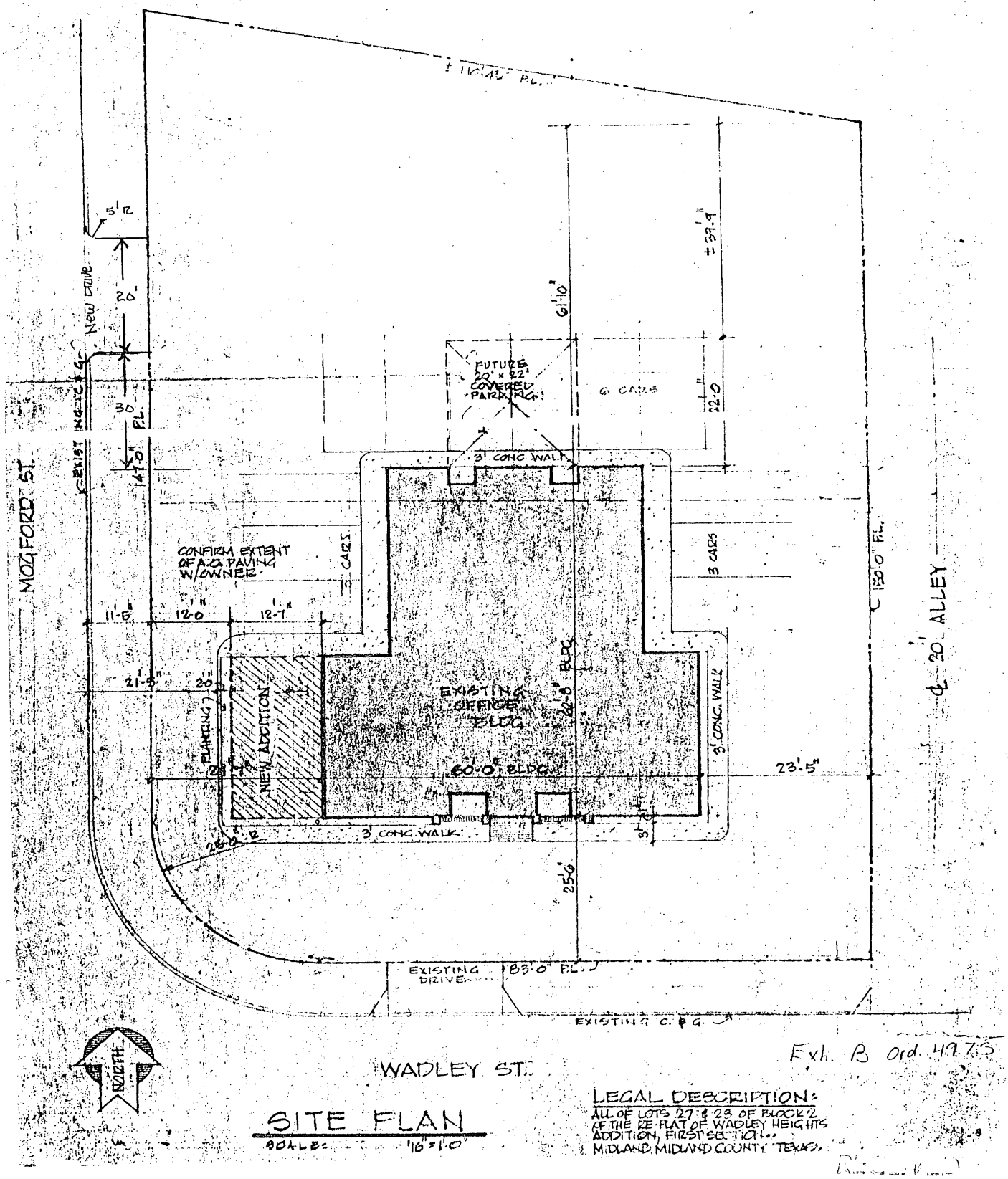
Carroll M. Thomas, Mayor

ATTEST:

B. C. Clanton, City Secretary

APPROVED AS TO FORM:

David W. Reagan, City Attorney



Exh. B Ord. 4975

SITE PLAN

JAN 10 1989

PLANNING & DEVELOPMENT
CITY OF MIDLAND

StateFarm
Eddy
Ohlenburg
Hogford
T&T
DONUTS

NATURAL FOODS
MARKET

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a request by Angelia Govan for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 3 less the east 2.14 acres, Block 15A, Oxford Heights, Section 7, City and County of Midland, Texas. (Generally located on the north side of West Illinois Avenue approximately 800 feet east of North Midland Drive. Council District 4) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Departmental Review:

Details of Request:

The applicant, Angelia Govan, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, for Doris J's Kitchen, located at 4200 West Illinois Avenue, Suite # 160.

Surrounding Zoning and Land Use:

The properties to the north and west are zoned RR, Regional Retail District and the locations of a storage facility and a shopping center, respectively. The property to the east is zoned PD, Planned Development District for a Housing Development (Ordinance No. 9051) and the location of an apartment complex. The property to the south is zoned O-1, Office District, and the location of a church.

Analysis:

This property is located in the RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a specific use designation with term.

The site is located at 4200 West Illinois Avenue, Suite #160, and does not currently have a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The site currently has adequate parking and restroom facilities. The proposed hours of operation are the following:

Thursday through Saturday from 11:00 a.m. to 8:00 p.m.
Sunday from 11:00 a.m. to 4:00 p.m.

The applicant is requesting the same hours for alcohol service for Thursday through Saturday, and no alcohol service on Sunday. The sale and on-premises consumption of alcoholic beverages will be limited to a 1,476 square foot area, which includes the dining area.

Per Midland City Code 5.4.4. –Prohibited place of business

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

There are no churches, private schools, public schools, public school grounds, athletic stadium, or public hospitals within 300 feet measurement from the front door in a direct line across intersection where they occur within this site. Along the property lines, there is a church, which lies approximately 80 feet south of the restaurant's property; however, the front door to front door measurement for these locations is approximately 470 feet.

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objection.

Transportation: (Approved)

No objection.

Building Code: (Approved)

The SUD for is Doris J's Kitchen is acceptable. The property must adhere to the current maximum occupant load of 98. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) Doris J’s Kitchen will create a vibrant atmosphere where residents can feel relaxed and enjoy drinks with their meals.

This request meets all requirements; therefore, staff recommends approval of the request for a 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 1,476 square feet as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

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

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

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

Thursday through Saturday from 11:00 a.m. to 8:00 p.m.

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.

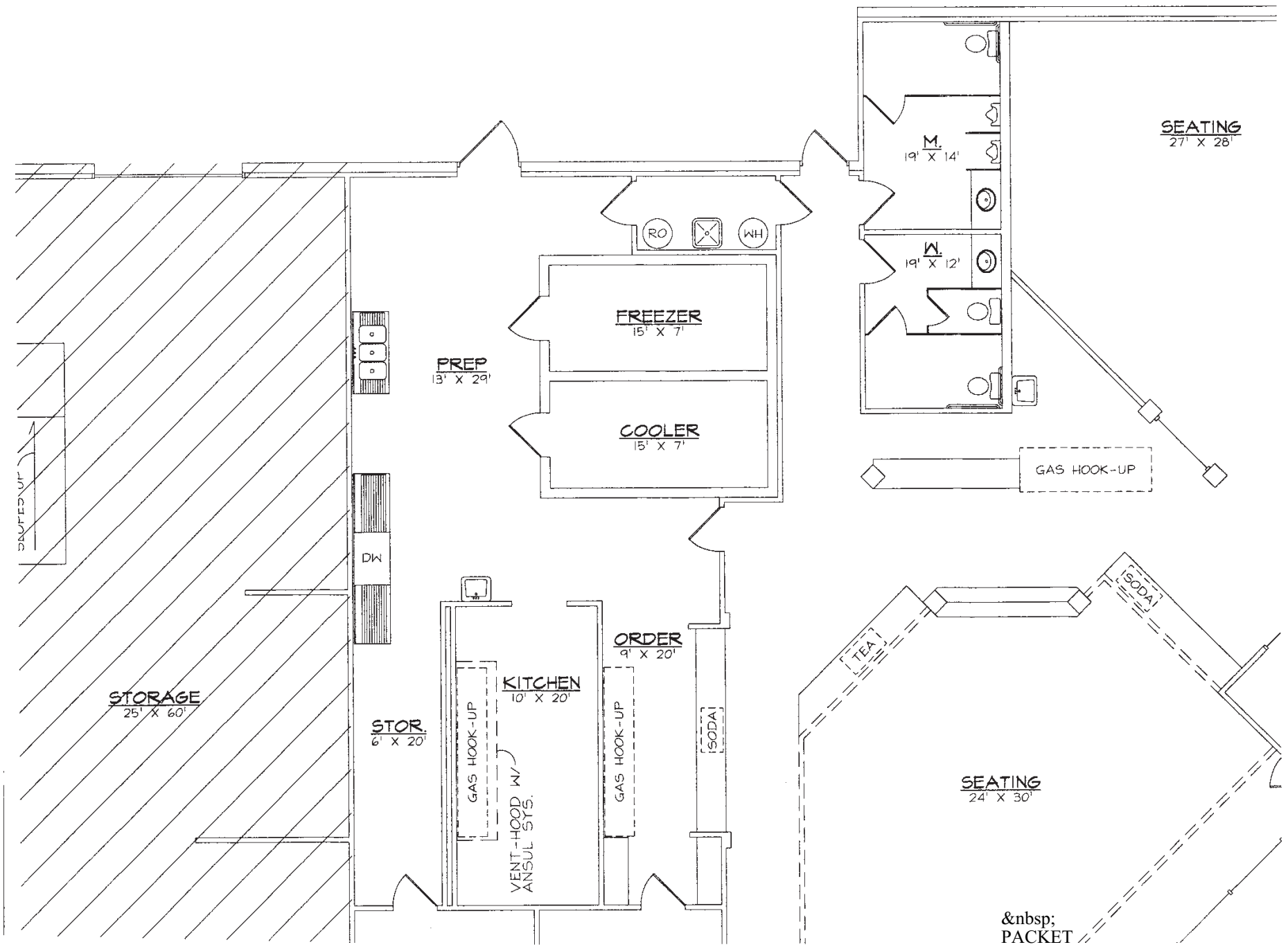
G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of December 2, 2020, staff has not received any letters of objection.

Attachments:

Floor Plan (Exhibit A)
Application
Maps


SEATING
27' X 28'
M.
19' X 14'
W.
19' X 12'
RO
WH
FREEZER
15' X 7'
PREP
13' X 29'
COOLER
15' X 7'
GAS HOOK-UP
DW
ORDER
9' X 20'
KITCHEN
10' X 20'
STORAGE
25' X 60'
STOR.
6' X 20'
GAS HOOK-UP
VENT-HOOD W/
ANSUL SYS.
GAS HOOK-UP
SODA
TEA
SODA
SEATING
24' X 30'

MIDLAND
Planning Division

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

Project Number: SUP-20-0088

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Angelia Govan		Phone (432) 260-8646 Email adgovan@gmail.com	
Address 1611 English DR.	City Midland	State TX	Zip 79705

Property Owner Printed Name: EMB Texas Venture c/o LMB Group Ltd.		Phone (432) 686-2800 Email info@lmbgroup.com	
Address 3300 N.A St.bldg 5 suite 100	City Midland	State TX	Zip 79705

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

Street Address: 4200 W Illinois #160

Business Name: Doris J's Kitchen

Legal Description
Lot: 160 Block: 4200 Subdivision: West Village

Current Zoning: commerical

Reason for Request: Beer and wine license

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

Proposed/Current Days and Hours of Operation: Thursday-Saturday 11am-8pm, Sunday 11-4

Proposed Days and Hours of Alcohol Service: Thursday-Saturday 11am-8pm

Total Square Footage of Business: 5000

Square Footage of Alcohol Serviceable Area: 500

Restroom Fixtures:			
Men	**Toilets/Urinals:** 1 / 2	**Bathroom Sinks:** 1
Women	**Toilets:** 2	**Bathroom Sinks:** 1

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): angelia govan	Date: 10/24/20
Applicant (printed): Angelia Govan	
Property Owner (signature): Bill Courtney	Date: 10/24/20
Property Owner (printed): Bill Courtney EMB Texas Venture	

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 William E. Courtney who, being by me duly sworn, upon oath says: That (s)he is authorized by EMB Texas Venture, 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 28th day of October, 20 20, to certify which witness my hand and seal of office.

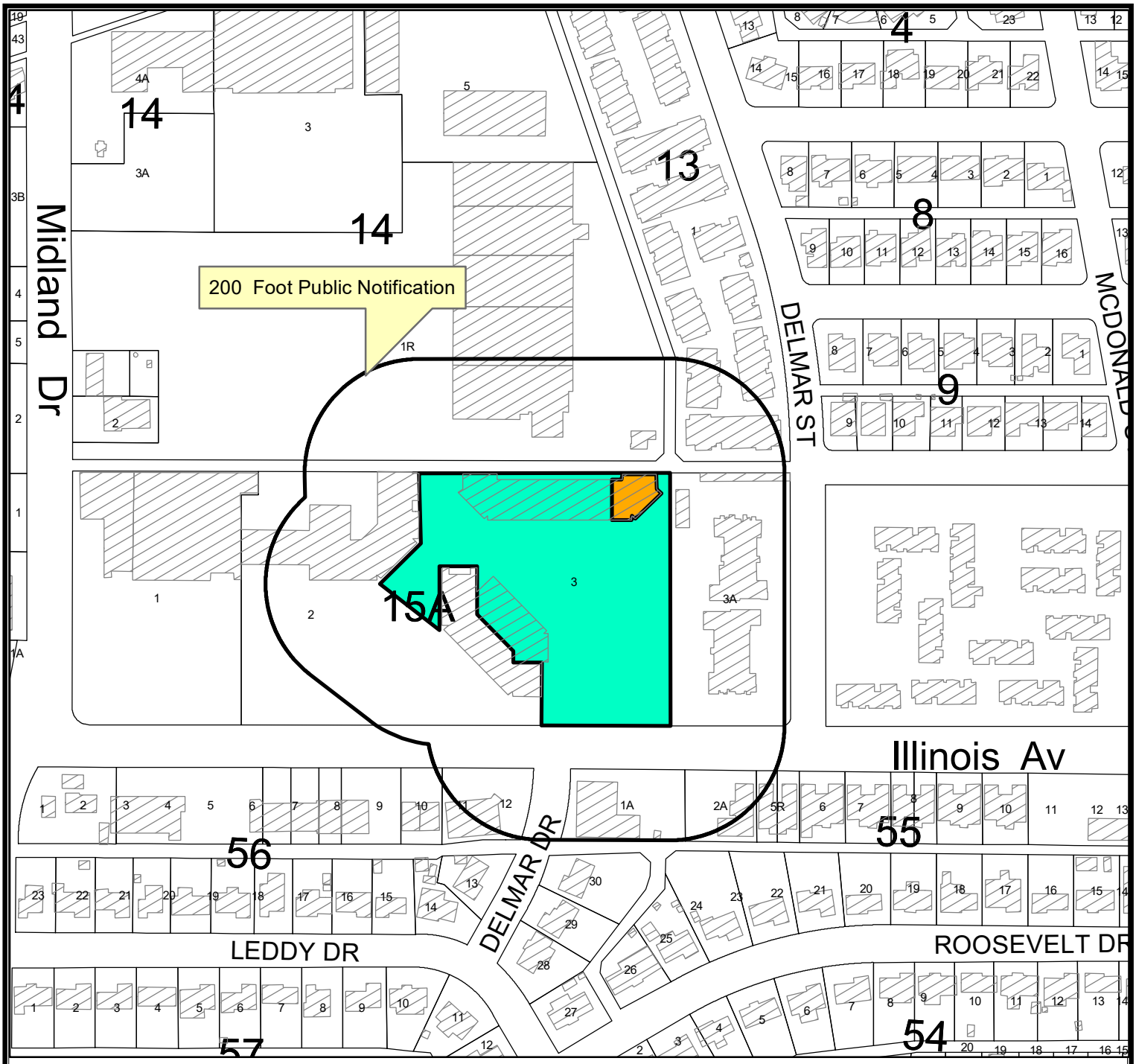
INAS SAYAGE
COMM. #2300217
Notary Public · California
Alameda County
My Comm. Expires Aug. 4, 2023

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 #_____	☐ Plans in Digital Format (PDF/JPEG)
Received By:_____	Date:_____

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



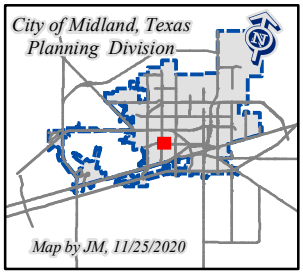
LOCATION MAP

SUD-20-0088 **Scale: 1" = 250'**

Hold a public hearing and consider a request by Angelia Govan, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 3, Block 15a, Oxford Heights, Section 7, City and County of Midland, Texas.
Generally located on the north side of West Illinois Avenue approximately 800 feet east of North Midland Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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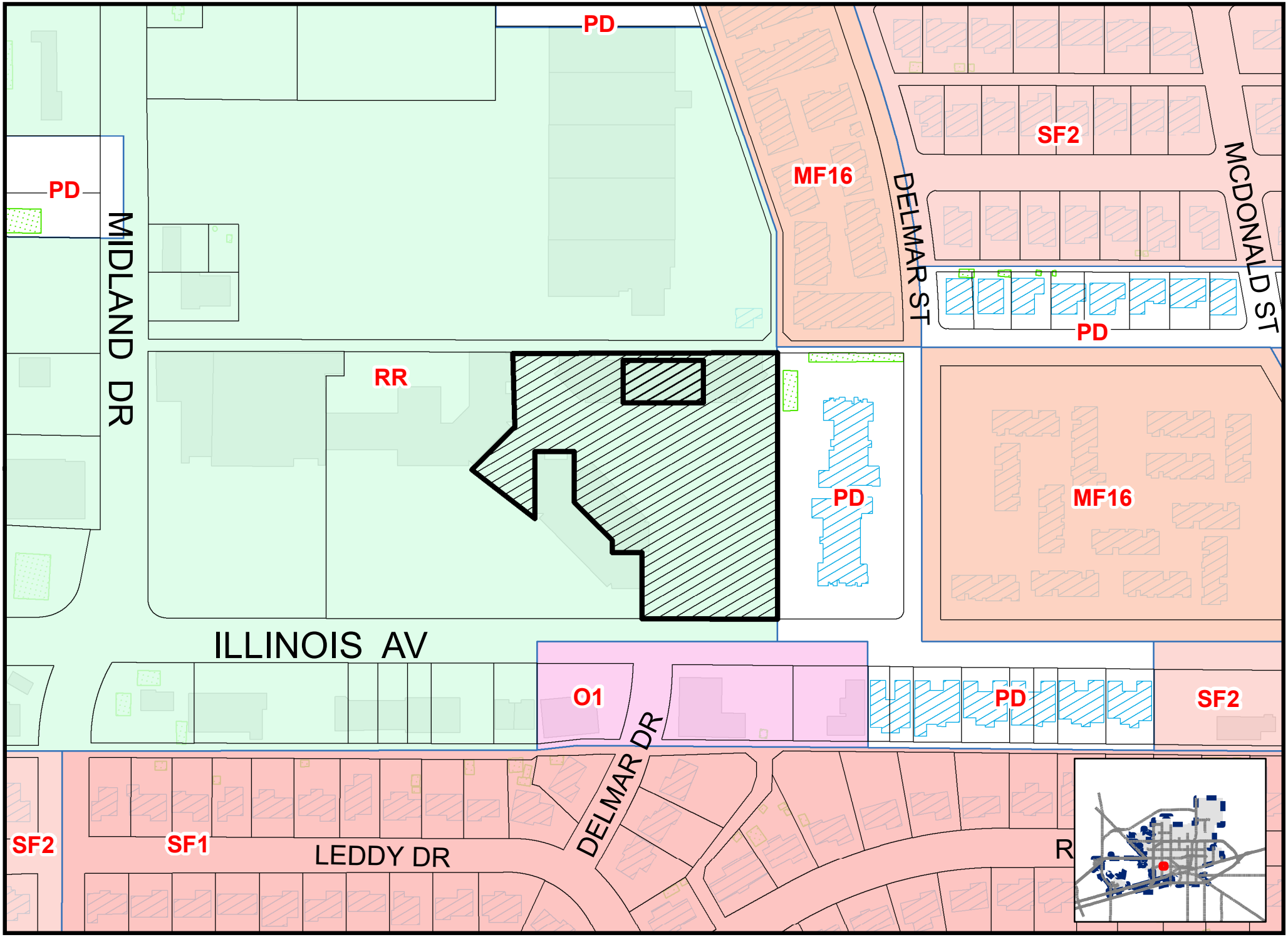
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 11/24/2020 PACKET SUD-20-0088 Scale: 1" = 200' Page 14.140

ZONING MAP

December 7, 2020

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ICE
PURIFIED
ICE

SPACE
AVAILABLE
570-9020

SEED
The SEED Church

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a request by Garrett Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 9,357 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas. (Generally located on the south side of W. 250 Loop North, approximately 1,036-feet east of N. Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

PD, Planned District for a Shopping Center. (Ordinance 6398)

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north and west are zoned RR, Regional Retail District, and are the locations of shopping centers. The properties to the east and south are zoned PD, Planned District for a Shopping Center, and are the locations of shopping centers.

Analysis:

The property is located in a PD, Planned District for a Shopping Center, governed by Ordinance 6398, which has an underlying zoning of RR, Regional Retail District. This zoning district permits the sale and on premises consumption of alcoholic beverages in a restaurant, with the approval of a Specific Use Designation with Term.

The site is located at 3001 W. Loop 250 North, Building D, and does not currently have

a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The serviceable area will have a maximum indoor floor area of 2,600 square feet with an additional 470 square feet of patio floor space. The site currently has adequate parking and restroom facilities. The applicant is requesting alcohol service hours as the following:

Monday through Saturday, 11:00 a.m. to 10:00 p.m.

The proposed hours of operation are the same as stated above.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objection to zone change.

Building Code: (Approved)

The SUD for Blue Sky is acceptable. The property must adhere to the maximum occupant load of 204. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow, page 137)

Blue Sky of Texas will create a vibrant atmosphere where residents can feel relaxed and enjoy burgers along with beer and wine.

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 restaurant, subject to Condition A through G.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 3,070 square feet as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

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

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

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

Monday through Saturday, from 11:00 a.m. to 10:00 p.m.

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.

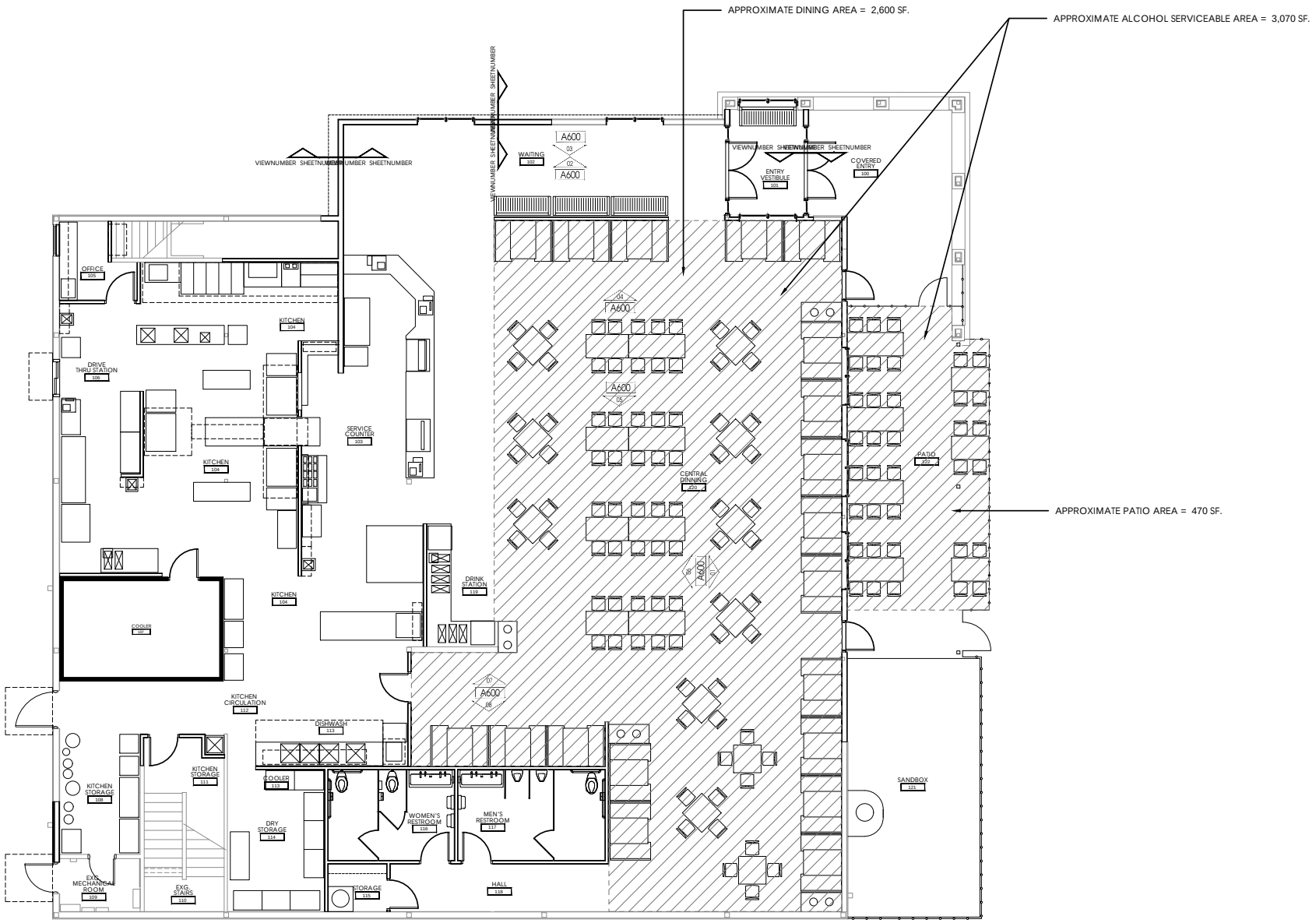
G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of December 2, 2020, staff has not received any letters of objection.

Attachments:

Floor Plan (Exhibit A)
Site Plan
Application
Warranty Deed
Maps
Ordinance 6398



01 SCHEMATIC DIMENSION PLAN
SCALE 3/16" = 1'-0"

PACKET
Page 15.148
December 7, 2020

PLAN MATERIALS

EARTH
POROUS FILL (STONE OR GRAVEL, ETC.)
ROCK
LIGHTWEIGHT CONCRETE
STRUCTURAL CONCRETE
BRICK (COMMON OR FACE)
CONCRETE MASONRY UNITS (CMU)
CUT STONE
MARBLE
RUBBLE STONE
SOAPSTONE, SLATE
METAL (LARGE SCALE)
METAL (SMALL SCALE)
RESILIENT FLOORING
ACOUSTICAL TILE
TERRAZZO
PLASTER, SAND, CEMENT, GROUT
GYPSUM WALL BOARD (SHEETROCK), ETC.)
CERAMIC TILE
GLASS (LARGE SCALE)
INSULATION (RIGID)
INSULATION (LOOSE OR BATT)
WOOD - ROUGH (CONTINUOUS)
WOOD - ROUGH (NON-CONTINUOUS)
WOOD - FINISHED
PLYWOOD (LARGE SCALE)

PLAN SYMBOLS

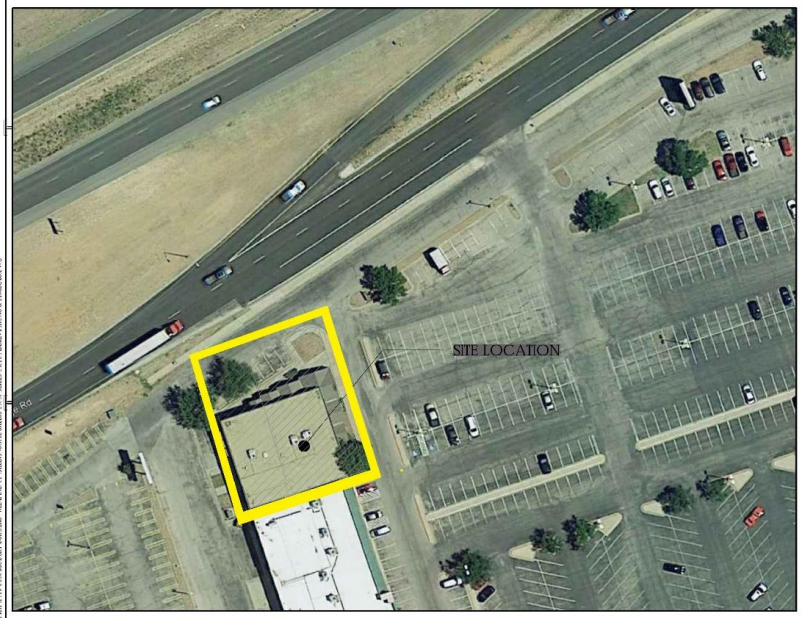
EXTERIOR ELEVATION
INTERIOR ELEVATION
WALL SECTION
BUILDING SECTION
DETAIL SECTION
ENLARGED DETAIL
DOOR TAG
WINDOW TAG
STORE FRONT TAG
ROOM TAG
WALL TYPE TAG
COLUMN REFERENCE GRID
DRAWING REVISION NUMBER (NUMBER)
NORTH POINT
MATERIAL C
VARIOUS IDENTIFICATION TAG (LETTER OR NUMBER)
VARIOUS IDENTIFICATION TAG (LETTER OR NUMBER)
VARIOUS IDENTIFICATION TAG (LETTER OR NUMBER)
STANDARD PLUMBING CONFIGURATION LABEL
TOILET ACCESSORY IDENTIFICATION
PLUMBING FIXTURE IDENTIFICATION
EQUIPMENT IDENTIFICATION

ABBREVIATIONS

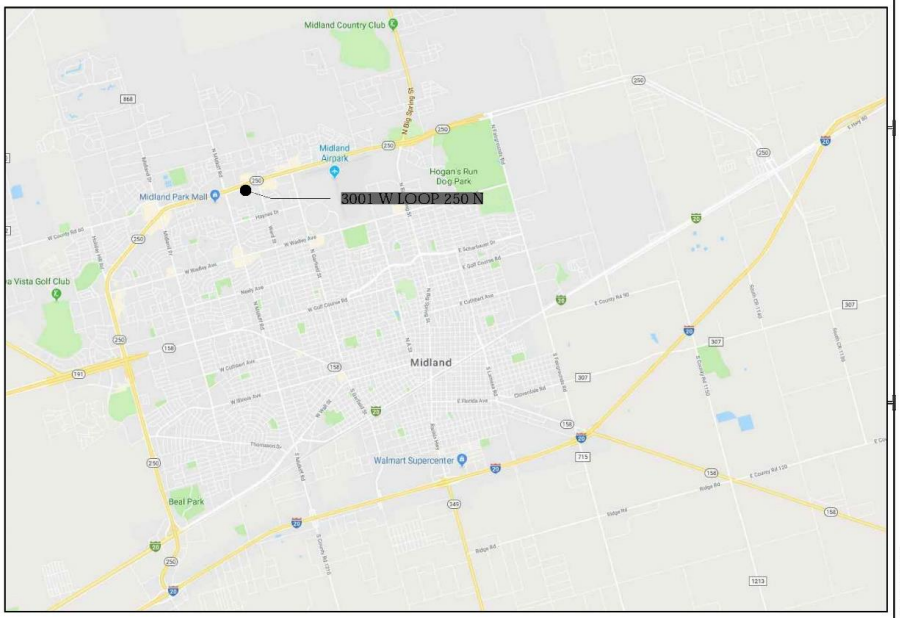
ABV	=	ABOVE FINISH FLOOR	CONT	=	CONTINUOUS					SHW	= SHOWER
AC	=	ACOUSTICAL	CRDR	=	CORRIDOR	GALV	= GALVANIZED	NIC	= NOT IN CONTRACT	SIM	= SIMILAR
ACT	=	ACOUSTICAL TILE	CRS	=	COURSE	GA	= GAUGE	NIS	= NOT TO SCALE	SD	= SOAP DISPENSER
AF	=	ACCESS PANEL	CTK	=	CURTAIN BRACE	GC	= GENERAL CONTRACTOR	NO	= NUMBER	SC	= SOLID CORE
ADJ	=	ADJUSTABLE				GL	= GLASS/GLAZING			SCFV	= SOLID CORE FLUSH VENEER
AGG	=	AGGREGATE	DF	=	DAMPROOFING	GB	= GRAB BAR	OFF	= OFFICE	SS	= SPLASH BLOCK
A/C	=	AIR CONDITIONING	DTL	=	DETAIL	GD	= GRADE	OC	= ON CENTER	SQ	= SQUARE
ALT	=	ALTERNATE			HAMMER	GP	= GYPSUM	OPG	= OPENING	SST	= STAINLESS STEEL
AL	=	ALUMINUM	DIM	=	DIMENSION	GDW	= GYPSUM DRYWALL	OPH	= OPPOSITE HAND	STD	= STANDARD
ALTHR	=	ALUMINUM THRESHOLD	DR	=	DOOR			OH	= OVERHEAD	ST	= STEEL
AB	=	ANCHOR BOLT	DBL	=	DOUBLE	HDW	= HARDWARE			STO	= STORAGE
L	=	ANGLE	DS	=	DOWNSPOUT	HDWD	= HARDWOOD	PTD	= PAINTED	STRU	= STRUCTURE
ANOD	=	ANODIZED	DWR	=	DRAWER	HT	= HEIGHT	PNTGR	= PAINT GRADE	SUS	= SUSPENDED
APP	=	APPROXIMATE	DWG	=	DRAWING	HC	= HOLLOW CORE	PR	= PAIR		
AD	=	ARBA DRAIN				HCFV	= HOLLOW CORE FINISH	PTLW	= PAPER TOWEL DISPENSER	TKBD	= TACK BOARD
AT	=	ASPHALT TILE				VENEER				TKS	= TACK STRIP
@	=	AT	EA	=	EACH					TKSF	= TACK SURFACE
			EC	=	ELECTRICAL CONTRACTOR	HM	= HOLLOW METAL	PTN	= PARTITION	TC	= TEACHERS CABINET
			EWC	=	ELECTRIC WATER COOLER	HOR	= HORIZONTAL	PLAS	= PLASTER	TPH	= TELEPHONE
BE	=	BEAM	EDF	=	ELECTRIC DRINKING			PLT	= PLASTIC	TPR	= TERRAZZO
BM	=	BENCH MARK	FOUNTAIN			INS	= INSULATION	PL	= PLATE/PROPERTY LINE	TLT	= TOILET
BLK	=	BLOCK	EL	=	ELEVATION	INT	= INTERIOR	PG	= PLATE GLASS	TOD	= TOP OF DECK
BLKG	=	BLOCKING	EQP	=	EQUIPMENT			PWD	= PLYWOOD	TOP	= TOP OF PLATE
BD	=	BOARD	EXG	=	EXISTING	JT	= JOINT	PCP	= PORTLAND CEMENT PLASTER	TOS	= TOP OF SLAB / TOP OF STEEL
BW	=	BOTH WAYS	EXGR	=	EXISTING GRADE			PT	= PRE-FINISHED	TPH	= TOILET PAPER HOLDER
BRK	=	BRICK	EXPAN	=	EXPANSION	LAM	= LAMINATE			TCM	= TOP OF CURB ELEVATION
BRZ	=	BRONZE	EJ	=	EXPANSION JOINT	LAV	= LAVATORY	QT	= QUARRY TILE	TYP	= TYPICAL
BLDG	=	BUILDING	EXP	=	EXPOSED	LW	= LIGHTWEIGHT	RAD	= RADIUS		
BUR	=	BUILT UP ROOF	EXT	=	EXTERIOR	MFR	= MANUFACTURER	RFNT	= REFRIGERATOR	UNO	= UNLESS NOTED OTHERWISE
						MAS	= MASONRY		REINFORCE/REINFORCEMENT	URS	= URINAL SCREEN
CAB	=	CABINET	FT	=	FEET	MD	= MASONRY DIMENSION	RBQ	= REQUIRED		
CR	=	CAULK	FIN	=	FINISH	MO	= MASONRY OPENING	RAG	= RETURN AIR GRILLE	VERT	= VERTICAL
CLG	=	CEILING	FF	=	FINISH FLOOR	MIL	= MATERIAL	RD	= ROOF DRAIN	VWC	= VINYL WALL COVERING
			FGD	=	FINISH GRADE	MAX	= MAXIMUM	RM	= ROOM	VCT	= VINYL COMPOSITION TILE
℄	=	CENTER LINE	FE	=	FIRE EXTINGUISHER	MC	= MEDICINE CABINET	RO	= ROUGH OPENING		
CT	=	CERAMIC TILE	FEC	=	FIRE EXTINGUISHER CABINET	MMB	= MEMBRANE			WR	= WATER PROOFING
CMTD	=	CHAMFERED	FHC	=	FIRE HOSE CABINET	MET	= METAL	SND	= SANITARY NAPKIN DISPENSER	WP	= WATERPROOFING
CLR	=	CLEAR	FLR	=	FLOOR	MIN	= MINIMUM	SNR	= SANITARY NAPKIN	WT	= WEIGHT
CSO	=	CLOSET				MR	= MIRROR	RECEPTACLE		W/	= WITH
CH	=	COAT HOOK	FD	=	FLOOR DRAIN	MB	= MOPBOARD			W/O	= WITHOUT
COL	=	COLUMN	FLDR	=	FOLDING	MD	= MODEL	SNT	= SEALANT	WSCT	= WINSCOT
CONC	=	CONCRETE	FS	=	FOOT SCRAPER	MB	= MOP BASIN	SLD	= SEALED	WD	= WOOD
CMU	=	CONCRETE MASONRY UNITS	FUR	=	FURRING	MUL	= MULLION	SSK	= SERVICE SINK	WIN	= WINDOW

DRAWING SHEET LAYOUT GRID

30	29	28	27	26	25
24	23	22	21	20	19
18	17	16	15	14	13
12	11	10	9	8	7
6	5	4	3	2	1



02 PROJECT VICINITY MAP
SCALE NOT TO SCALE



01 PROJECT LOCATION MAP
SCALE NOT TO SCALE

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ARCHITECTURE & PLANNING
2315 50TH ST. Suite A
Lubbock, TX 79412
806-702-8669
www.wcadesignstudio.com

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REPRODUCTION FORBIDDEN WITHOUT WRITTEN PERMISSION FROM WCA DESIGN STUDIO, LLC

BLUE SKY BURGERS - MIDLAND 01
3001 W LOOP 250 N END CAP
MIDLAND, TEXAS 79705

REVISIONS

SEE ADDED DRAWING:
AOR: --
PM: ZCG
QC: CMS

02/21/2020
DATE
PROJECT NUMBER
2019-5409

A010
SHEET NUMBER

A010 ABBREVIATIONS & SYMBOLS

PHASE 1 : PRICING SET

MIDLAND
Planning Division

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

Project Number: SUD-20-0089

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Garrett Haley		Phone (806) 722-1022 Email garrett@wheelhousetexas.com	
Address 6502 Slide Road, Suite #200	City Lubbock	State TX	Zip 79424

Property Owner Printed Name: Grant Gafford		Phone (806) 722-1202 Email grant@wheelhousetexas.com	
Address 6502 Slide Road, Suite #200	City Lubbock	State TX	Zip 79424

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

Street Address: 3001 W Loop 250 N

Business Name: Blue Sky of Texas

Legal Description
Lot: 2A Block: 1A Subdivision: Midkiff Plaza, Section 8

Current Zoning: Planned Development District

Reason for Request: Our tenant, Blue Sky of Texas, intends to offer beer and wine on their restaurant menu

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

Proposed/Current Days and Hours of Operation: Monday - Saturday, 11am - 10pm

Proposed Days and Hours of Alcohol Service: Monday - Saturday, 11am - 10pm

Total Square Footage of Business: 9,357 SF

Square Footage of Alcohol Serviceable Area: 3,070 SF

Restroom Fixtures: *Men*	**Toilets/Urinals:** 2 / 2	**Bathroom Sinks:** 3
Women	**Toilets:** 3	**Bathroom Sinks:** 3

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: 11/10/2020
Applicant (printed): Garrett Haley	
Property Owner (signature):	Date: 11/10/2020
Property Owner (printed) : Grant Gafford, manager	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☑ Property Owner Authorization	☑ Dimensioned Floor Plan
☑ Application Fee	☑ Site Plan
Check # CC authorization	☑ Plans in Digital Format (PDF/JPEG)
Received By: Emailed	Date: 11-11-20

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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MIDLAND	§	

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, and the further consideration of a certain promissory note of even date herewith in the principal amount recited therein (the ***"Note"***), executed by Grantee (hereinafter defined) and payable to the order of WELLINGTON STATE BANK, a Texas banking corporation (***"Lender"***), the payment of which Note is secured by the vendor's lien retained herein, and is additionally secured by a deed of trust of even date herewith, executed by Grantee to Todd Pope, Trustee, for the benefit of Lender, JANET S. WALTON, INDIVIDUALLY AND AS INDEPENDENT ADMINISTRATIX OF THE ESTATE OF JUDKINS WALTON, DECEASED CAUSE NO. P19473 (***"Grantor"***), for and in consideration of the sum of Ten Dollars ($10.00) cash and other good and valuable consideration paid by WH MID 3001 LOOP 250, LP, a Texas limited partnership (***"Grantee"***), whose mailing address is 6502 Slide Road, Suite 202, Lubbock, Texas 79424, HAS GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES GRANT, BARGAIN, SELL and CONVEY unto Grantee all that certain land situated in Midland County, Texas, and described on **Exhibit "A"** which is attached hereto and incorporated herein by reference for all purposes, together with all appurtenances thereon or in anywise appertaining thereto and all buildings, structures, fixtures and improvements located thereon (said land, improvements and appurtenances being herein together referred to as the "***Property***").

This conveyance is made subject to the Permitted Exceptions set forth in **Exhibit "B"** hereto, to the extent the same are valid and subsisting and affect the Property, and except for ad valorem taxes assessed against the Property for the calendar year in which this conveyance becomes effective (which are hereby assumed by Grantee), Grantee does not assume or in any manner agree to pay or indemnify Grantor for any indebtedness secured by any lien against, or interest in, the Property or any portion thereof.

TO HAVE AND TO HOLD the Property unto Grantee, and Grantee's heirs, legal representatives, successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's heirs, legal representatives, successors and assigns to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's heirs, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof subject, however, as aforesaid, when the claim is by, through, and under Grantor, but not otherwise.

For the same consideration, Grantor hereby GRANTS, BARGAINS, SELLS and CONVEYS, without warranty express or implied, all interest, if any, of Grantor in (i) strips or gores, if any, between the Property and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Property.

PACKET
Page 15.153
December 7, 2020

To secure the payment of the Note, the vendor's lien and superior title are retained against the Property until the Note and all interest thereon is fully paid and satisfied according to its face, tenor, effect and reading, and Grantor, for value received from the Lender, as recited above, does hereby TRANSFER, ASSIGN, and SET OVER, without recourse, unto the Lender, its successors and assigns, said vendor's lien retained to secure the Note together with the superior title remaining in Grantor.

[SIGNATURE PAGE FOLLOWS]

PACKET
Page 15.154
December 7, 2020

EXECUTED this 30th day of December, 2019.

GRANTOR:

Janet S. Walton

Janet S. Walton, individually and
as Independent Administratix of the Estate of
Judkins Walton, Deceased Cause No. P19473

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me on the 30th day of December, 2019, by Janet S. Walton, individually and as Independent Administratix of the Estate of Judkins Walton, Deceased Cause No. P19473.

NOTARY PUBLIC STATE OF TEXAS
RUBY KAMALI
My Notary ID # 125761745
Expires July 14, 2022

Name (Print):_____
Notary Public, State of Texas

After Recording, Return To:
WH MID 3001 LOOP 250, LP
6502 Slide Road, Suite 202
Lubbock, Texas 79424

PACKET
Page 15.155
December 7, 2020

EXHIBIT A
Legal Description of the Property

BEING 0.643 ACRE OF LAND, LYING IN AND BEING SITUATED OUT SECTION 16, BLOCK 39, T-1-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, BEING THE NORTHWEST PORTION OF LOT 2A, BLOCK 1A, MIDKIFF PLAZA, SECTION 8, AN ADDITION TO THE CITY OF MIDLAND RECORDED IN CABINET D, PAGE 332 OF THE PLAT RECORDS OF MIDLAND COUNTY, TEXAS, AND BEING ALL OF THAT SAME 0.643 ACRE TRACT CONVEYED TO JUDD WALTON BY DEED RECORDED IN VOLUME 1460, PAGE 521 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS; SAID 0.643 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JOHN F. WATSON & COMPANY IN AUGUST, 2019:

Beginning at point in the south r-o-w line of Loop 250 for the northerly common corner of said Lot 2A and Midkiff Plaza, Section 13, an addition to the City of Midland recorded in Cabinet F, Page 31 of said Plat Records, and the northwest corner hereof and from which a concrete monument with brass cap (TXDOT monument) found for an angle point of said r-o-w line bears South 60°46'10" West a distance of 234.13 feet along said r-o-w line;

THENCE North 60°46'10" East a distance of 199.98 feet along said r-o-w line to a point for the northeast corner hereof and from which an iron rod with aluminum cap found for an angle point of said r-o-w line bears North 60°46'10" East a distance of 284.66 feet along said r-o-w line;

THENCE South 14°20'57" East a distance of 170.20 feet to a 60D nail set for the southeast corner hereof;

THENCE South 75°26'51" West a distance of 193.27 feet to a 60D nail set in the common line of said Midkiff Plaza, Section 13 and said Lot 2A for the southwest corner hereof;

THENCE North 14°20'57" West a distance of 119.53 feet along said common line to the POINT OF BEGINNING and containing 0.643 acre of land, more or less.

PACKET
Page 15.156
December 7, 2020

EXHIBIT B
Permitted Exceptions

1. Oil and Gas Leases of record under Document No. 2019-2437 and 2019-3101, Official Records, Midland County, Texas as noted on survey by John G. Watson, RPLS No. 5498, of John F. Watson & Company, dated August 31, 2019.

2. Easement to Energas of record in Volume 877, Page 85, Deed Records, Midland County, Texas as noted on survey by John G. Watson, RPLS No. 5498, of John F. Watson & Company, dated August 31, 2019.

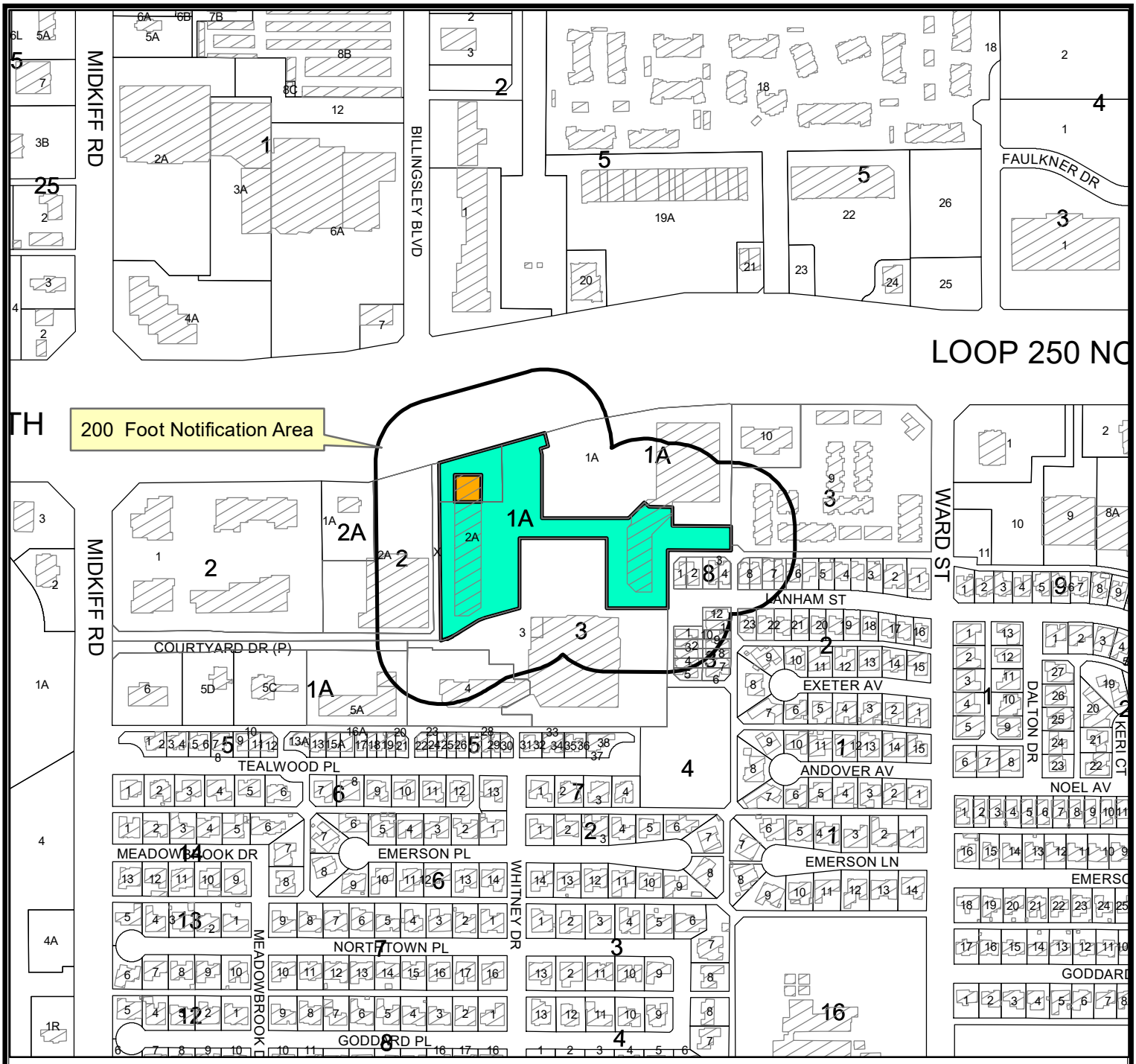
3. Easements executed by Midland Plaza of record in Volume 783, Page 350 and 366, Deed Records, Midland County, Texas as noted on survey by John G. Watson, RPLS No. 5498, of John F. Watson & Company, dated August 31, 2019.

4. 10' TESCO Easement of record in Volume 737, Page 172, Deed Records, Midland County, Texas as noted on survey by John G. Watson, RPLS No. 5498, of John F. Watson & Company, dated August 31, 2019.

5. 30' Access, 20' Utility, and 26' Drainage Easement as shown on survey prepared by John F. Watson.

6. Easements rights of way and setback lines as shown on the plat of record in Cabinet D, Page 332, Plat Records, Midland County, Texas as noted on survey by John G. Watson, RPLS No. 5498, of John F. Watson & Company, dated August 31, 2019.

PACKET
Page 15.157
December 7, 2020



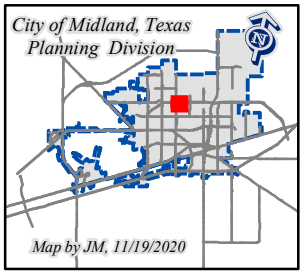
LOCATION MAP

SUD-20-0089 **Scale: 1" = 450'**

Hold a public hearing and consider a request by Garrett Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 9,357 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas.
Generally located on the south side of W. Loop 250 N., approximately 1,036-feet east of N. Midkiff Road. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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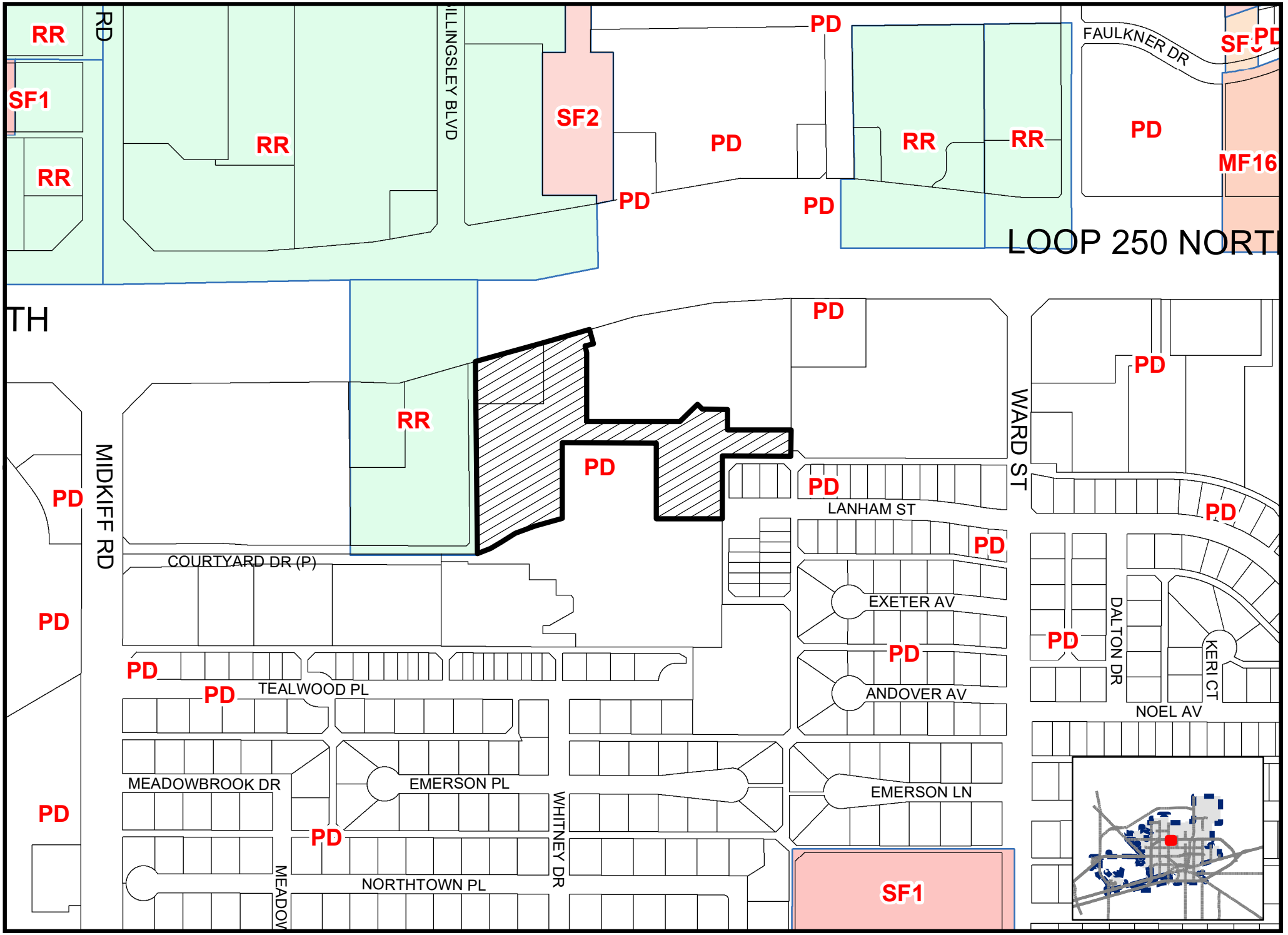
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By Jm, 11/30/2020

PACKET SKD-20-0089

Scale: 1" = 350'

ZONING MAP

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December 7, 2020

ORDINANCE NO. 6398

AN ORDINANCE REPEALING ORDINANCE NO. 5965 AND AMENDING ORDINANCE NO. 5476 CREATING A "PLANNED DISTRICT" FOR A HOUSING PROJECT AND SHOPPING CENTER SO AS TO ADOPT DETAILED SITE PLAN 1 AND DETAILED SITE PLAN 2 WHICH WOULD PERTAIN TO A PORTION OF THE SHOPPING CENTER AREA AND TO ADD A NEW PARAGRAPH G TO SECTION TWO OF ORDINANCE NO. 5476; PROVIDING FOR CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS ($1,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Ditricts" 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 repealing Ordinance No. 5965 and amending the "Planned District" created by Ordinance No. 5476 as 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 said Ordinance No. 5476 should be amended so as to adopt the attached Detailed Site Plan 1 and Detailed Site Plan 2, attached hereto as Exhibits "A" and "B", and made a part hereof for all legal purposes, which pertained to a portion of the shopping center area of the "Planned District".

SECTION TWO. That Section Two of said Ordinance No. 5476 is hereby amended so as to add a new Paragraph G to hereafter read as follows:

G. That development of the property shall meet the following special conditions:

1. That development of the property within the area shown on the attached detailed site plans identified as Exhibit "A", Detailed Site Plan 1, and Exhibit "B", Detailed Site Plan 2, shall conform in all respects to the regulations applicable to an "LR-2", Local Retail District, except where greater height limits are specified for office buildings on the site plan and, in addition, shall conform to the said site plans in all respects.

2. The maximum height of the office building identified on Exhibit "B", Detailed Site Plan 2, adjacent to Loop 250, shall be two (2) stories and shall not exceed forty-two (42) feet, including accessory structures such as chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, and other mechanical equipment and parapet walls which extend above roof level. The identified office building shall not exceed 25,100 square feet in gross building floor area.

3. The single story retail building identified on Exhibit "B", Detailed Site Plan 2, shall not exceed a maximum twenty (20) feet in height and a maximum 23,357 square feet in floor area.

4. That each building shown on Exhibit "A", Detailed Site Plan 1, and Exhibit "B", Detailed Site Plan 2, shall be constructed within the perimeter of the building lines as shown and dimensioned on said exhibits.

5. That areas identified as landscaped areas on Exhibit "A", Detailed Site Plan 1, and Exhibit "B", Detailed Site Plan 2, including those areas within the rights-of-way of Loop 250, which are not areas which would be devoted to required public sidewalks, shall be planted in natural plant materials and shall thereafter be maintained in a healthy, growing condition.

6. That entrances along those walls of buildings identified with an asterisk (*) on Exhibits "A" and "B" shall be exclusively public entrances to main retail, dining and other customer space, or to main office space and shall not include entrances to stock or service areas or noncustomer office areas supporting retail use, or to kitchen areas of the buildings.

7. That business signs shall be located only on the face of the building, except for the three (3) pole or pylon signs described on Exhibit "A", Detailed Site Plan 1.

8. That a final plat of that area described in Exhibit "B", Detailed Site Plan 2, shall be approved and filed of record in the Midland County Courthouse prior to the issuance of a building permit on any portion of the area within this tract.

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

SECTION 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, and Ordinance No. 5965 is expressly repealed.

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 one thousand dollars ($1,000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 8th day of May, A.D., 1984; and passed to second reading on motion of Councilman Davidson, seconded by Councilman Hatfield, by the following vote:

Councilmen voting "AYE":	Davidson, Hatfield, Akins, Marcum and Hotchkiss
Councilmen voting "NAY":	None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Hotchkiss, seconded by Councilman Davidson, on the

22nd day of May, A.D., 1984, at a regular meeting of the City Council:

Councilmen voting "AYE": Hotchkiss, Davidson, Akins, and Hatfield

Councilmen voting "NAY": None

PASSED AND APPROVED THIS 22nd day of May, A.D., 1984.

G. Thane Akins, Mayor

ATTEST:

B. C. Clanton, City Secretary

APPROVED AS TO FORM:

J. M. Nuessle, City Attorney

HILLIARD
Michaels
Ashley
Pier 1 Imports

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a request by Jose Chavez for a zone change from SF-2, Single Family Dwelling District, to SF-3 Single Family Dwelling District on Lot 4, Block 194, Southern Addition, and Lot 3, Block 2, South Park Addition, City and County of Midland Texas. (Generally located on the east side of South Jefferson Street, approximately 150 feet south of East Florida Avenue. Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-2, Single Family Dwelling District.

Departmental Review:

Details of Request:

The applicant, Jose Chavez, is requesting to rezone the properties located at 907 and 909 S. Jefferson Street for the purposes of re-platting and for construction of single-family homes.

Surrounding Zoning and Land Use:

The properties to the north and east are zoned RR, Regional Retail District and the locations of vacant land and a Dollar General, respectively. The properties to the south and west are zoned SF-2, Single Family Dwelling District and the locations of vacant land and single-family housing, respectively.

Analysis:

The properties are located at 907 and 909 S. Jefferson Street and are currently zoned SF-2, Single Family Dwelling District. The applicant is currently re-platting these lots because of their odd shape and non-conformance with the zoning ordinance. Straightening the lot line results in a lot width, which does not meet the 65 feet required of the current zoning district. Changing the zoning of this property to SF-3, Single Family Dwelling District, will bring these lots into conformance with the current zoning ordinance. Additionally, the surrounding residential properties do not meet the lot width standard for the SF-2, Single Family Dwelling District either. The properties in question are in the process of being re-platted to match the lot widths of surrounding lots.

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

Fire: (Approved)

No comments.

Building: (Approved)

No objection.

Engineering: (Approved)

No objections to zoning/zone change.

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

Code: (Approved)

No Oil or Gas issues.

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area calls for Urban Medium uses. This designation serves to connect commercial, office, and mixed-

use areas with residential uses. Therefore, the construction of single-family housing at this location is in conformance with the recommendations of the Tall City Tomorrow plan as it provides for the integration of uses.

Staff recommends approval of this zone change from SF-2, Single Family Dwelling District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of December 2, 2020.

Attachments:

Application
Maps
Proposed Plat of Southern Addition, Section 19

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0205

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Eduardo Aleman		Phone (432) 254-0327 Email ealeman@schumannonline.net	
Address	City	State	Zip

Property Owner Printed Name: Jose Chavez		Phone (432) 254-0327 Email 432 254-0327	
Address 1611 North Lamesa Road	City Midland	State TX	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: Schumann Engineering Printed Name: Eduardo Aleman		Phone (432) 254-0327 Email	
Address 800 N. Marienfeld Suite 100	City Midland	State TX	Zip 79701

Street Address: 907 & 909 South Jefferson

Legal Description
Lot: 3 Block: 4 Subdivision: Southern Section 19

Current Zoning: SF-2	**Proposed Zone:** SF-3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: To meet minimum lot width requirements

Present Use of Property: Vacant

Proposed Use of Property: Residence

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)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Eduardo L Aleman	Date: 11/10/2020
Applicant (printed): Eduardo L. Aleman	
Property Owner (signature):	Date: 11/10/2020
Property Owner (printed) : Jose Chavez	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Eduardo Aleman who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Jose 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 L Aleman
Authorized Agent (*signature*)

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

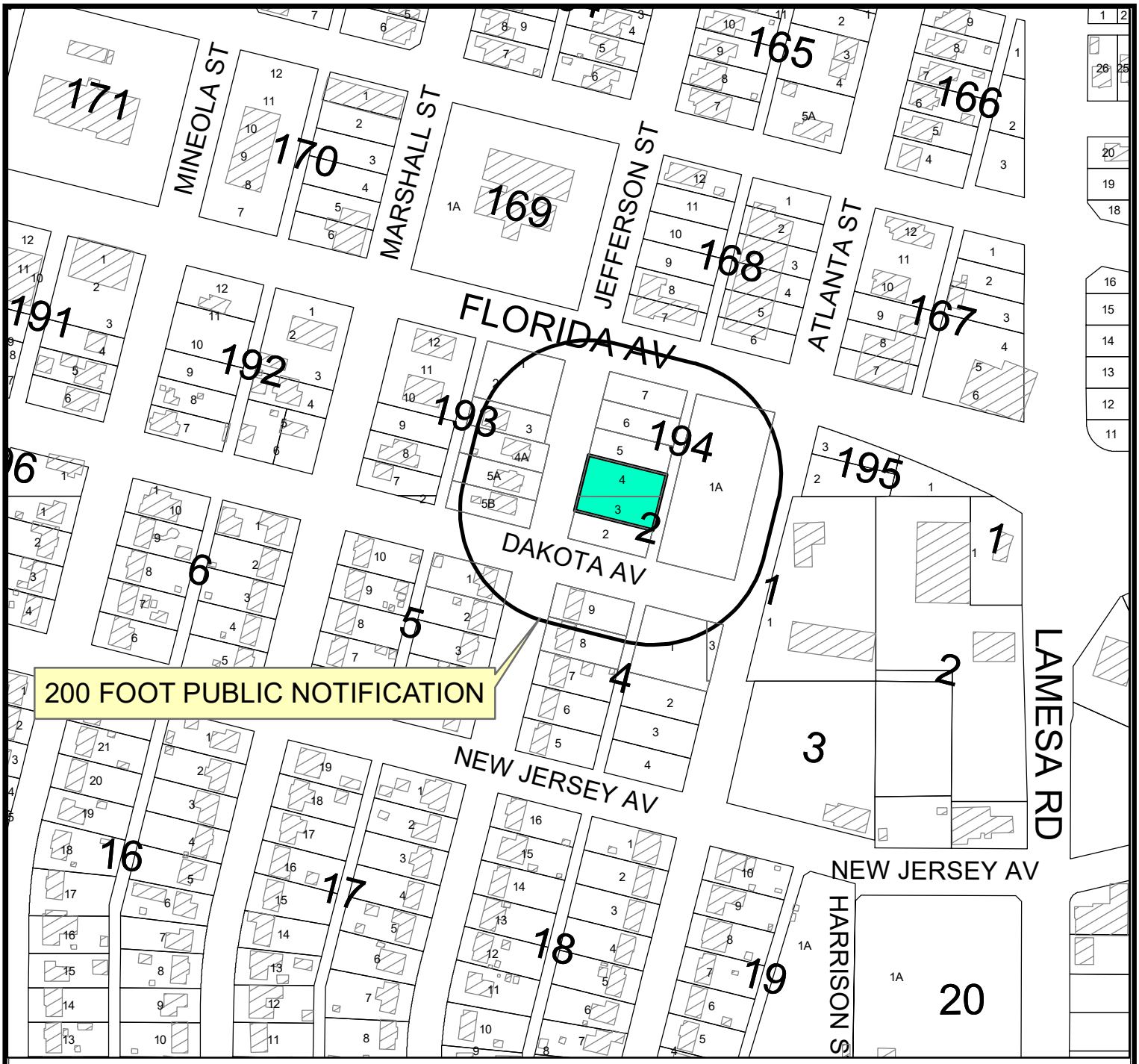
HUNTER WAYNE HALL
Notary Public, State of Texas
Comm. Expires 06-05-2024
Notary ID 132509132

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 1451	
Received By: Joseph Maryonek	Date: RECEIVED NOV 13 2020 By:

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



LOCATION MAP

Z-20-0205 **Scale: 1" = 250'**

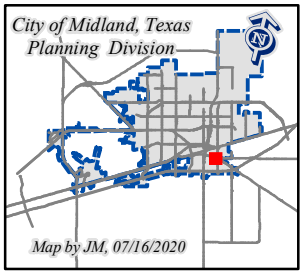
Consier a request by Jose Chavez, for a zone change from SF-2, Single Family Dwelling District to SF-3, Single Family Dwelling District on Lot 4, Block 194, Southern

Addition, and Lot 3, Block 2, South Park Addition, City and County of Midland, Texas.

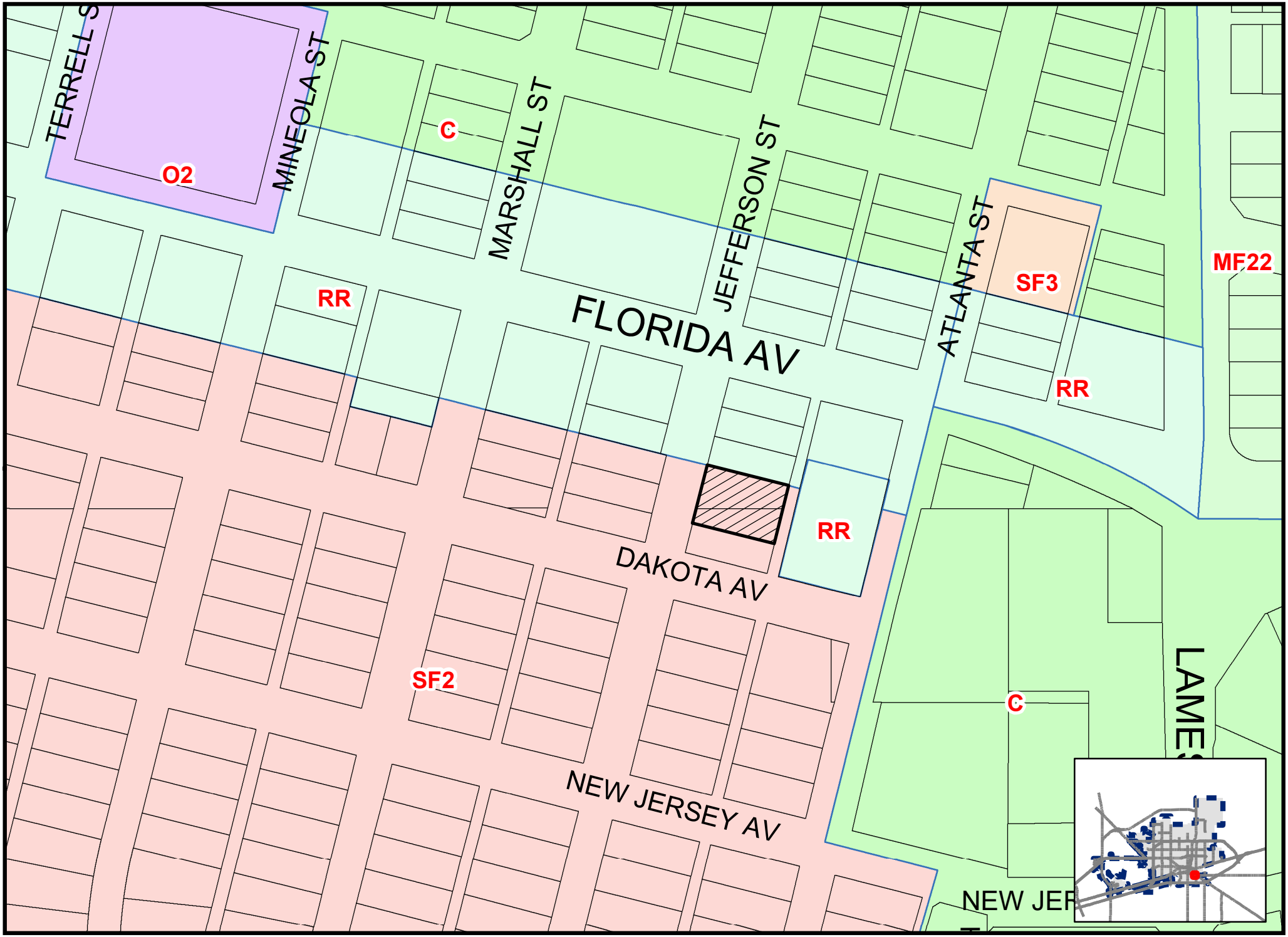
Generally located on the east side of South Jefferson Street, approximately 150 feet south of East Florida Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 07/16/2020

PACKET

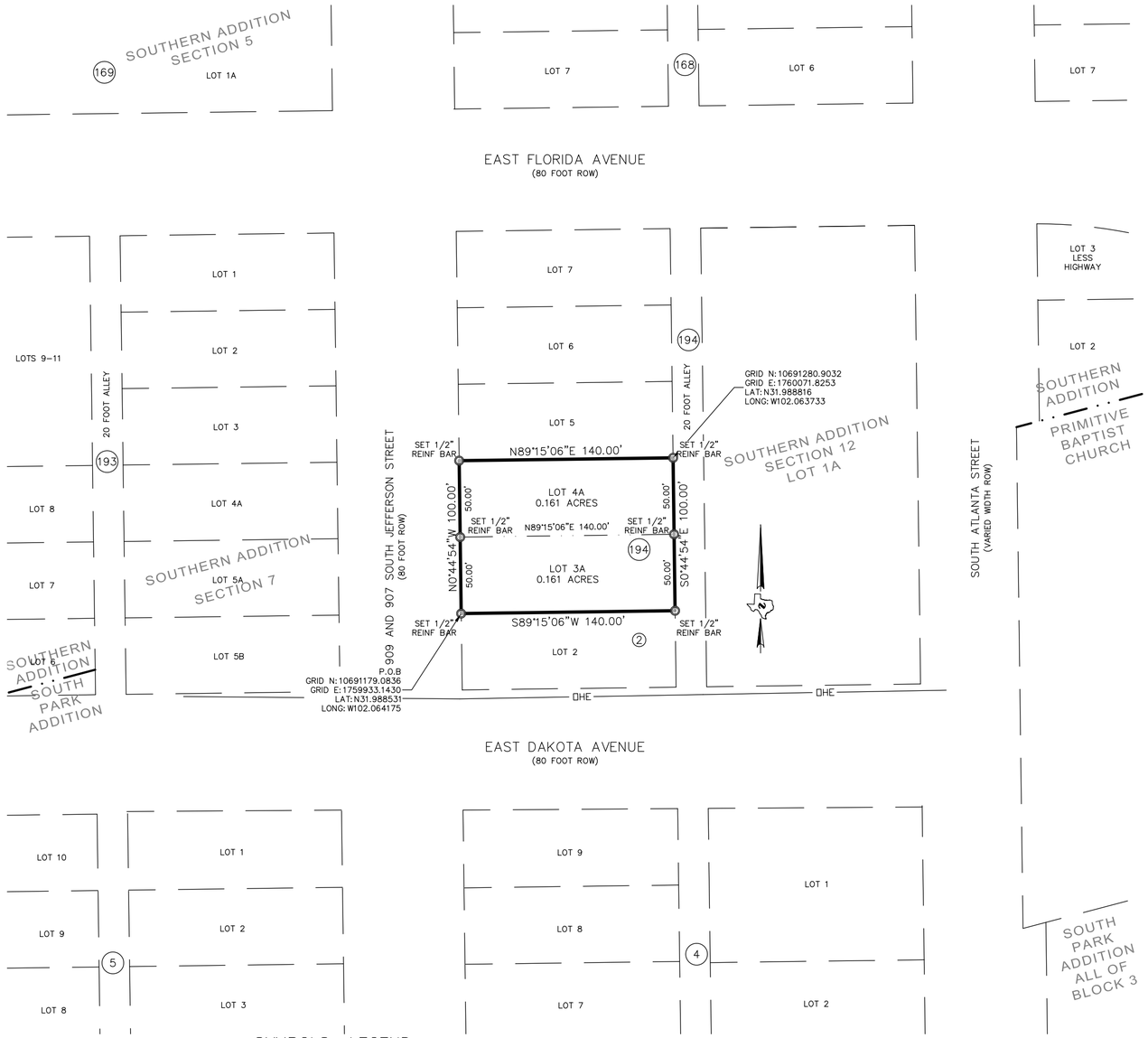
Z-20-205

Scale: 1" = 200'

ZONING MAP

December 7, 2020

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN MAKING DECISIONS SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



SYMBOLS LEGEND

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

SOUTHERN ADDITION, SECTION 19

BEING A REPLAT OF LOT 4, BLOCK 194 SOUTHERN ADDITION AND LOT 3, BLOCK 2, SOUTH PARK ADDITION ADDITIONS TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF A TRACT OF LAND BEING LOT 4, BLOCK 194 SOUTHERN ADDITION AND LOT 3, BLOCK 2, SOUTH PARK ADDITION, ADDITIONS TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS SOUTHERN ADDITION, SECTION 19, AN ADDITION TO THE CITY OF MIDLAND, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

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

_____
JOSE CHAVEZ – JOSE CONSTRUCTION

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS_____DAY OF _____, 20_____, JOSE CHAVEZ – JOSE CONSTRUCTION.

_____
NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOTES:

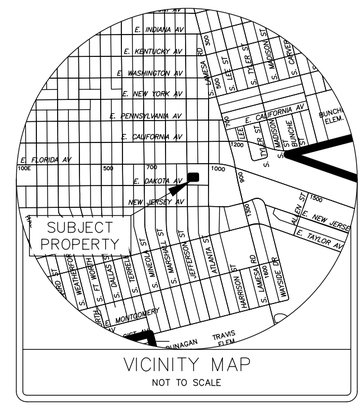
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

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

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

4. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE .0322 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN TWO TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

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



OWNER:

JOSE CONSTRUCTION
JOSE CHAVEZ
1611 NORTH LAMESA ROAD
MIDLAND TX 79705
(575) 694-3413
ferre_chavez@ymail.com

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SOUTHERN ADDITION, SECTION 19. WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2020.

SIGNED: _____
CHAIRMAN REGGIE LAWRENCE

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

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

_____
RJ DAUM
TEXAS RPLS 4826

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET _____
DATE_____PAGE_____

GRAPHIC SCALE
0 60' 120'
(IN FEET)
1 inch = 60 ft.

NO.	DATE	DESCRIPTION	BY
2	8/10/20	FINAL PLAT	KDS
1	7/1/2020	APPLIED NEW SECTION NUMBER	KDS

DRAWN BY: KDS DATE: 2/24/2020
CHECKED BY: RJD DRAWING NO.: 77212JC
JOB NO.: 77,212 SHEET 1 OF 1

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

SOUTHERN ADDITION, SECTION 19

PACKET
Page 16.175
December 7, 2020

Auto Tech

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **December 07, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a proposed Preliminary Plat of Westcliff Addition, Section 5, being a residential re-plat of Lots 1 through 3, Block 6, Westcliff Addition, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Princeton Avenue and Westcliff Drive. Council District 4) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, S.W. Howell Inc., is requesting to re-plat Lots 1 through 3, Block 6, Westcliff Addition, into one (1) lot for the construction of a church. This is considered a residential replat, which requires a public hearing.

Current Zoning:

2F, Two Family Dwelling (Duplex) District.

Departmental Review:

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

It would be helpful if grid bearings were shown. When our gis people input non grid bearings as shown on the plat combined with grid coordinates this could create a situation where the plat does not appear to close.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact Fee statement okay as shown.

ROW: ROW okay as shown.

PAVING: Westcliff Drive is not currently paved to City Standards. Construct Westcliff to City Standards along the platted frontage.

WATER: Water exists in Westcliff, however, it does not extend the full length of the platted frontage. Loop water line through the alley on the East side of the development or request a deferral.

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

PRO RATA: None.

SEWER: No Sewer Existing in Westcliff. Install Sewer line to City of Midland Standards along the alley to the east of the property or request a deferral.

DRAINAGE: Drainage report required.

EASEMENTS: Show any existing and proposed easements.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

No objections to plat.

FIRE: (Approved)

All future development shall meet the requirements of the 2015 ed. of the IFC as well as locally adopted city ordinances.

Additional fire hydrants may be required to meet min spacing ad fire low requirements

CODE COMPLIANCE: (Approved)

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

GIS:

We have property corners of this area. I noticed that they reference finding one the southwest corner “½ IR w/Cap MKD “4170”. However, the property corner on the map is three feet off, and they are supposed to be the same. The other iron rod on the north west corner does match with the map. I would ask Richard in Survey what he thinks. If we go with their current survey, the length to the alley becomes 17 instead of 20 feet.

PLANNING:

No comments

Staff recommends approval of the preliminary plat of Westcliff Addition, Section 5 subject to conditions A through D.

Letters of Objection:

Staff has received one letter of objection as of December 2, 2020.

Conditions:

A. That the technical items listed above are addressed.

B. That all required public improvements are addressed.

C. That a drainage study is approved.

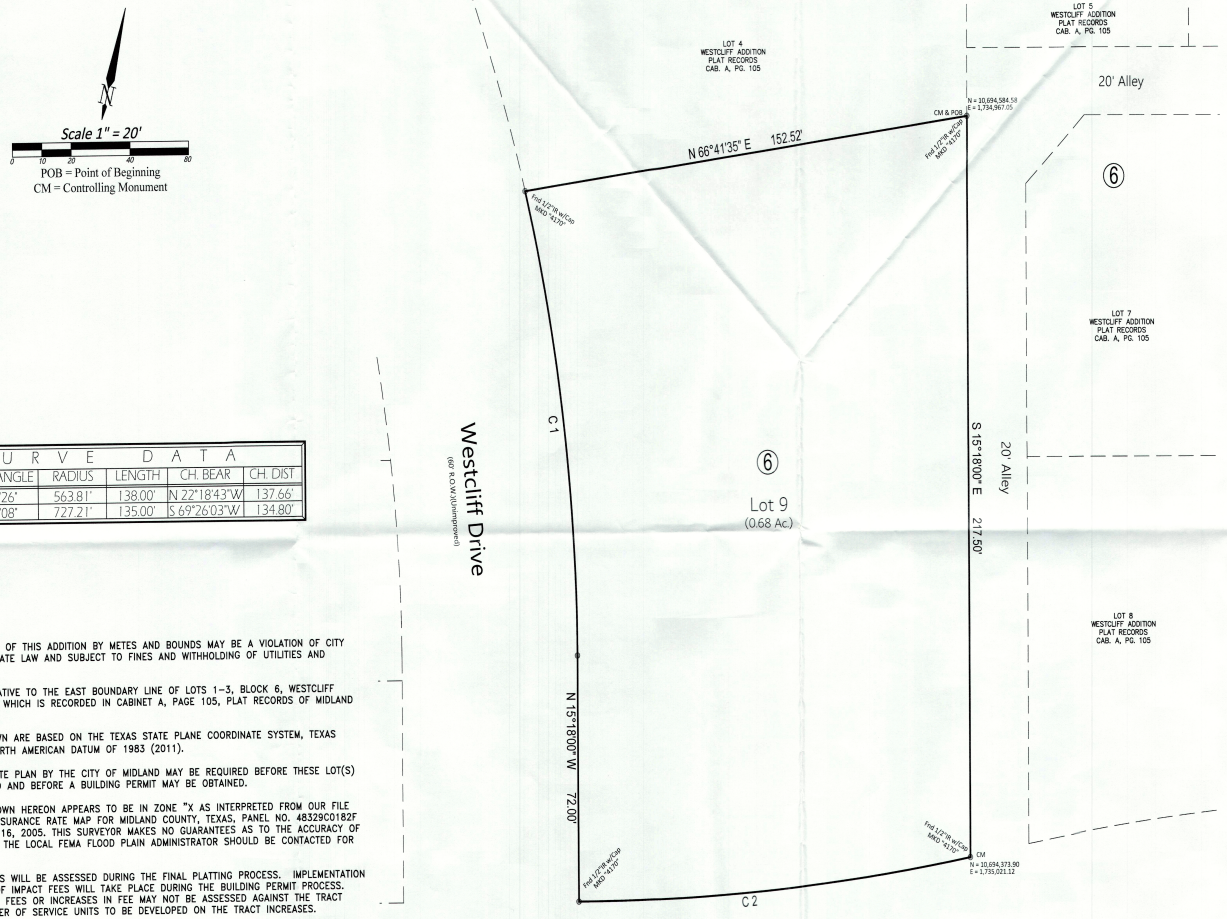
D. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Preliminary Plat
Maps
Application
Letter of Objection

WESTCLIFF ADDITION, SECTION 5

BEING A REPLAT OF LOTS 1-3, BLOCK 6, WESTCLIFF ADDITION, AN ADDITION TO THE CITY OF MIDLAND AND BEING A SUBDIVISION OF 0.68 ACRES IN SECTION 30, BLOCK 39, T-1-S, T&P RY. CO. SURVEY, MIDLAND COUNTY, TEXAS

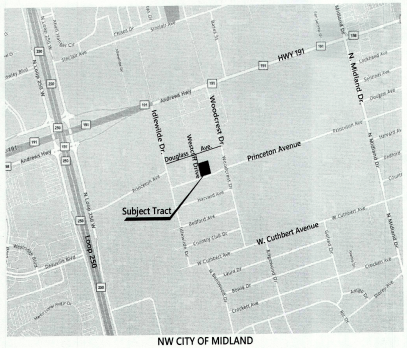


CURVE DATA					
NO.	DELTA ANGLE	RADIUS	LENGTH	CH. BEAR	CH. DIST.
1	14°01'26"	563.81'	138.00'	N 22°18'43"W	137.66'
2	10°38'08"	727.21'	135.00'	S 69°26'03"W	134.80'

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. BEARINGS ARE RELATIVE TO THE EAST BOUNDARY LINE OF LOTS 1-3, BLOCK 6, WESTCLIFF ADDITION, PLAT OF WHICH IS RECORDED IN CABINET A, PAGE 105, PLAT RECORDS OF MIDLAND COUNTY, TEXAS..
3. COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011).
4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOT(S) MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
5. THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "X AS INTERPRETED FROM OUR FILE COPY OF FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS, PANEL NO. 48329C0182F DATED SEPTEMBER 16, 2005. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THIS INFORMATION; THE LOCAL FEMA FLOOD PLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR VERIFICATION.
6. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEE MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

VICINITY MAP: NTS



NW CITY OF MIDLAND

UTILITY COMPANY CERTIFICATE

This plat has been check for accessibility of utilities.

Atmos Energy

Oncor Electric Delivery

A T & T

Grande Communications

SuddenLink Communications

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

KNOW ALL MEN BY THESE PRESENTS

That I, Sam Howell, II, A Registered Professional Land Surveyor of the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my supervision.

DATED _____

S. W. Howell, Inc.

SAM HOWELL, II
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4581

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

OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, EXODUS CHURCH OF GOD are the record owners of Lots 1-3, Block 6, Westcliff Addition, an addition to the City of Midland, Midland County, Texas, recorded in Cabinet B, Page 176, Plat Records of Midland County, Texas, and more particularly described hereon:

FIELD NOTES OF A 0.68 ACRE TRACT BEING LOTS 1-3, BLOCK 6, WESTCLIFF ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, RECORDED IN CABINET B, PAGE 176, PLAT RECORDS OF MIDLAND COUNTY, TEXAS:

BEGINNING at a 1/2 inch iron rod with cap marked "RPLS 4170" found in the west line of a 20 foot wide north-south alley for the southeast corner of Lot 4, Block 6, Westcliff Addition, an addition to the City of Midland, Midland County, Texas, as recorded in Cabinet B, Page 176, Plat Records of Midland County, Texas, and for the northeast corner of Lot 3 of said Block 6 and this tract;

THENCE S 15°18'00" E, with the west line of said 20 foot wide north-south alley and the east boundary line of Lot 3 and Lots 2 and 1 of said Block 6, 217.50 feet, to a 1/2 inch iron rod with cap marked "RPLS 4170" found in the north Right of Way line of Princeton Avenue for the southeast corner of said Lot 1 and this tract;

THENCE with the north Right of Way line of said Princeton Avenue southwesterly with a curve to the right having an arc length of 135.00 feet, radius of 727.21 feet, central angle of 10°38'08", chord bearing of N 69°26'03" W, and a chord distance of 134.80 feet, to a 1/2 inch iron rod with cap marked "RPLS 4170" found in the east boundary line of Westcliff Drive for the southwest corner of said Lot 1 and for this tract;

THENCE N 15°18'00" W, with the east Right of Way line of said Westcliff Drive and the west boundary line of said Lot 1, and partially with the west boundary line of said Lot 2, 72.00 feet, to a point for a Point of Curvature;

HENCE with the west Right of Way line of said Westcliff Drive and the west boundary line of said Lot 2 and said Lot 3 northwesterly with a curve to the left having an arc length of 138.00 feet, radius of 563.81 feet, central angle of 14°01'26", chord bearing of N 22°18'43" W, and a chord distance of 137.66 feet, to a 1/2 inch iron rod with cap marked "RPLS 4170" found in the east boundary line of Westcliff Drive for the southwest corner of said Lot 4 and for the northwest corner of said Lot 3 and for this tract;

THENCE N 66°41'35" E, with the south boundary line of said Lot 4 and the north boundary line of said Lot 3, 152.52 feet, to the Point of Beginning and containing 0.68 acres of land.

ACKNOWLEDGEMENT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, EXODUS CHURCH OF GOD, do hereby adopt this plat designating the herein hereon described property as "WESTCLIFF ADDITION, SECTION 5", an addition to the City of Midland, Midland County, Texas, Being a 0.68 acre tract of land in Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements as shown hereon,

WITNESS my hand at Midland County, Texas this _____day of _____, 2020.

EXODUS CHURCH OF GOD PEOPLE

Ademolu Adeyemi Olubajo, Pastor and Trustee

Oluwafunmilayo Rachael Olubajo, Trustee

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on _____, 2020, by Ademolu Adeyemi Olubajo, Pastor and Trustee, of EXODUS CHURCH OF GOD PEOPLE.

My Commission Expires:_____

Notary Public, State of Texas

Printed Name of Notary

STATE OF TEXAS
COUNTY OF MIDLAND

This instrument was acknowledged before me on _____, 2020, by Oluwafunmilayo Rachael Olubajo, Trustee, of EXODUS CHURCH OF GOD PEOPLE.

My Commission Expires:_____

Notary Public, State of Texas

Printed Name of Notary

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "REPLAT OF LOTS 1-3, BLOCK 6, WESTCLIFF ADDITION" was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____, 2020.

REGGIE LAWRENCE
Chairman of Planning and Zoning Commission

CRISTINA ODENBORG-BURNS
Secretary of Planning and Zoning Commission

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO._____ CABINET _____

DATE: _____ PAGE _____

INSTRUMENT NUMBER: _____

Texas 811 Know what's below. Call before you dig.

S.W. HOWELL, INC.
409 East 57th Street, Odessa, Texas, 79762
Phone: (432) 367-5711
swh@swhowell.com
TEXAS SURVEYING FIRM #F-100147-00
TEXAS ENGINEERING FIRM #F-172
Engineering, Surveying and Land Planning

Job Number:	Drawn by:	Date:
20-36187	RJR	September 2020

Owner Information:	
Name:	EXODUS CHURCH OF GOD
Address:	414 MILE HIGH LANE
	MIDLAND, TX 79706

MIDLAND Planning Division

Preliminary Plat Application

Project Number: SUB-20-0360
Case Number: P-20-0970

Proposed Subdivision Plat Name: Westcliff Addition, Section 5

Legal Description (attached sealed Metes and Bounds): Lots 1-3, Block 6 Westcliff Addition

Property Owner Printed Name: Exodus Church of God People		Phone (612) 812-7062 Email exodoschurch_midlandtx@yahoo.com	
Address 1404 Westcliff Dr	City Midland	State TX	Zip 79703
Developer *(if different than Owner)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip
Representative *(if acting as Agent, see affidavit on page 2)* Firm: S.W. Howell Inc. Printed Name: Janie Howell		Phone (432) 367-5711 Email J.Howell@swhowell.com	
Address 409 E 57th	City Odessa	State TX	Zip 79762

Current Zoning: 2F-Two Family Dwelling District

Reason for Platting: Combine 3 Lots into 1 for building site to construct a church

Plat Information		Total Acreage: 0.68 Acres
Type:	☐ Single-Family Residential	☐ Multi-Family Residential
	☒ Commercial	☐ Extraterritorial Jurisdiction (ETJ)
Number of Lots:		Number of Multi-Family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

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

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

Property Owner (signature):	Date:

Property Owner (printed) :_____

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Janie Howell who, being by me duly sworn, upon oath says: That (s)he is authorized by The Exodus Church of God, 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.

Janie Howell
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 10th day of November, 2020, to certify which witness my hand and seal of office.

NOTARY PUBLIC STATE OF TEXAS
VILMA G SIMENTAL
Notary ID #126487005
My Commission Expires
March 28, 2022

Vilma G Simental
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

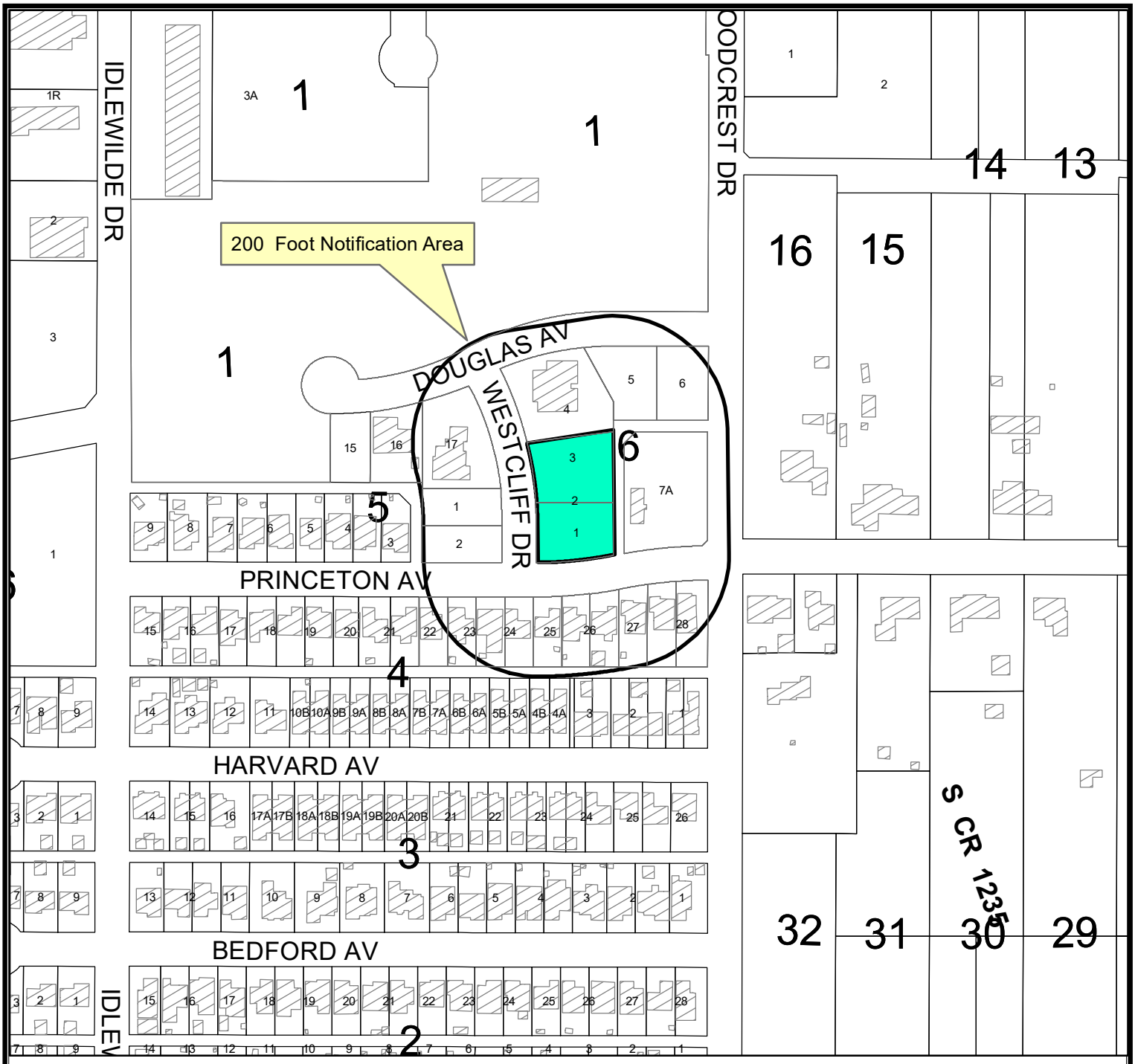
☑ Property Owner Authorization ☑ 1 Copy of Dimensioned Plat ☐ Plat in Digital Format (PDF/JPEG)

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

Check # 7993

Received By: Joseph Marycek	Date: RECEIVED NOV 13 2020 BY: [signature]

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



LOCATION MAP

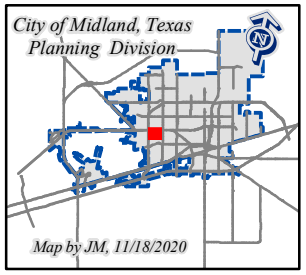
SUB-20-0360 **Scale: 1" = 250'**

Proposed plat of Westcliff Addition, Section 5 being a re-plat of Lots 1 through 3, Block 6, Westcliff Addition, City and County of Midland, Texas.

Generally located at the northeast corner of the intersection of Princeton Avenue and Westcliff Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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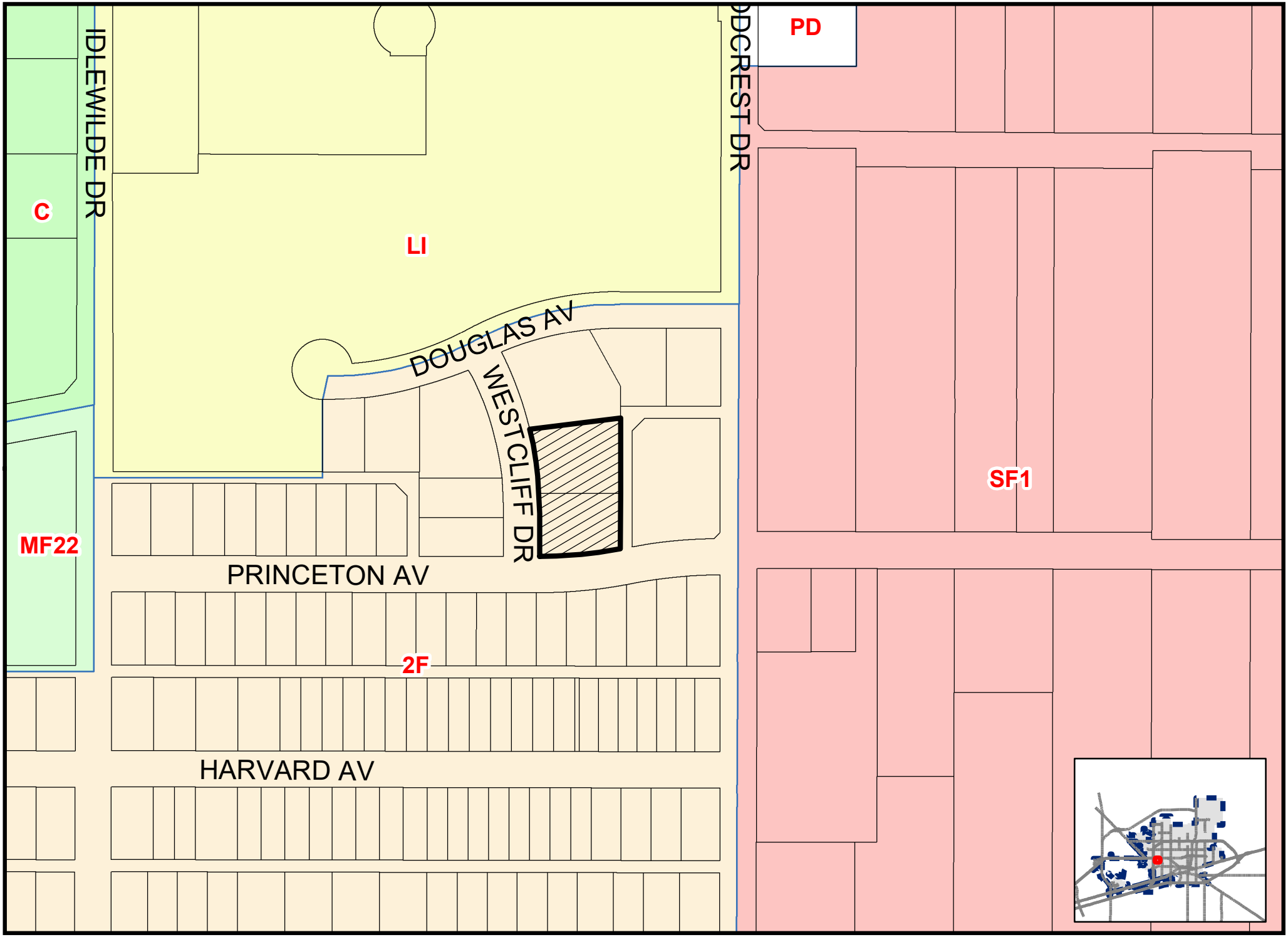
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By Jm, 11/30/2020

PACKET SKB-20-0360

Scale: 1" = 200'

ZONING MAP

December 7, 2020

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MIDLAND
Planning Division

RECEIVED
DEC 0 1 2020
BY: .....

BORRERO-VELAZQUEZ
DOMINGO & NOEMI FLORES-
SILVA

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, December 7, 2020,** in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79702 and via videoconference, on a request by **S.W. Howell, Inc.** for approval of a **Residential Re-plat** on the following described property:

LEGAL DESCRIPTION: Lots 1 through 3, Block 6, Westcliff Addition, City and County of Midland Texas

LOCATION: Generally located at the northeast corner of the intersection of Princeton Avenue and Westcliff Drive (Council District 4)

CURRENT ZONING: 2F, Two Family Dwelling (Duplex) District

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

I object to this request ✓

Comments:

Required Information:

Property Owner's Signature | Domingo Borrero-Velázquez (Printed Name) | 4711 Princeton Ave. (Property Address (No P. O. Boxes))

If any further information is desired, please contact the Planning Division, at (432) 685-7400. Si usted desea más información en Español sobre este caso, llame al: (432) 685-7400

Notices Mailed: 18
Date Mailed: 11/20/2020
Case Number: P-20-0970
Case Name: Westcliff Addition, Section 5
JM Planner's Initials

Cristina Odenborg Burns
Planning Division Manager
Department of Development Services

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

Videoconference information can be obtained by viewing the agenda for this meeting accessible at www.midlandtexas.gov/967/PrimeGov-Meetings.

Princeton St
STOP
2244