

AGENDA FOR PLANNING AND ZONING
COMMISSION
March 18, 2019 – 3:30 PM
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, at or following the time specified, to consider the following:

Opening Item

1. Pledge of Allegiance

Announcements

Consent Items

2. Consider a motion approving the following minutes:
 - a. Planning and Zoning Meeting Minutes for March 4, 2019.
3. Consider a proposed Correction Plat of Johnston Addition, being a 75.3-acre tract of land out of Section 21, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located east of S. County Road 1270, approximately 1,500-feet north of W. County Road 143.)
4. Consider a proposed Final Plat of Corporate Plaza, Section 22, being a Re-Plat of Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 1,721 - feet south of E. Loop 250 N. Council District 2).
5. Consider a proposed Final Plat of Bent Tree Addition, Section 7, being a replat of Lot 1, Block 2, Bent Tree Addition, Section 6, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Bluebird Lane and North Midkiff Road. Council District 1).
6. Consider a Proposed Final Plat of OMG Addition, Section 5, being a 6.18-acre tract of land out of Section 24, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1175 and E. County Road 140. Extraterritorial Jurisdiction).
7. Consider a proposed Preliminary Plat of Triangle Addition, being a Plat of a 5.02 Acre Tract of Land out of the N/Part of Section 31, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of W. County Road 74, approximately 430 feet east of N. County Road 1287. Extraterritorial Jurisdiction).

8. Consider a proposed Final Plat of Midstream Addition, being a Plat of a 10.00-acre tract of land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located approximately 661-feet north of East County Road 60 and approximately 785-feet east of North County Road 1147. Extraterritorial Jurisdiction)
9. Consider a proposed preliminary Plat of Bob Law Addition, being a Plat of a 13.67-acre tract of land out of the E. Fain & L.F. Heard Survey, Abstract 1422, Block 38, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of East County Road 133 and South County Road 1140. Extraterritorial Jurisdiction)
10. Consider a proposed Preliminary Plat of Vaquero Addition, Section 2, being a Plat of a 2.00-acre tract of land out of the NW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 73, approximately 762-feet west of North County Road 1125. Extraterritorial Jurisdiction)
11. Consider a proposed Preliminary Plat of Polo Club Addition, Section 8, being a Plat of a 11.19-acre tract of land out of the NW/4 of Section 3, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Polo Club Road and Bluebird Lane. Council District 1)
12. Consider a proposed Preliminary Plat of Noir Addition, being a plat of a 13.745 acre tract of land, being an 11.438 Acre Tract of land out of Section 28, Block 38, T-1-S, T&P R.R. Co. Survey and a 2.307-acre tract of land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1148, approximately 1,177 feet north of East County Road 72. Extraterritorial Jurisdiction)

Public Hearings

13. Hold a public hearing and consider a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of N. Main Street, approximately 65-feet south of E. Illinois Avenue. Council District 2)
14. Hold a public hearing and consider a request by Coraima Garibay for a Specific Use Permit with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1, Block 172, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East California Avenue and South Terrell Street. Council District 2)

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.

**PLANNING AND ZONING
MINUTES
March 04, 2019
3:30 p.m.**

The Planning and Zoning Commission convened in regular session in the Midland City Hall Council Chamber, 300 North Loraine, Midland, Texas, on, March 04, 2019.

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

Alternate Commissioners present: None.

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Senior Planner Rolandrea Russell, Senior Planner Elizabeth Shaughnessy, Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, Planner Radford Dickson, and Account Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:38 p.m.

Opening Item

1. Pledge of Allegiance

Announcements

2. Development Services Director, Chuck Harrington announced the commission appointment of Karmen Bryant. He also announced the tentative joint Planning Commission and City Council meeting for the public hearing on the new zoning ordinance.

Consent Items

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

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

3. Approved a motion approving the following minutes:
 - a. Planning & Zoning Meeting Minutes for February 19, 2019.

4. Approved a proposed Preliminary Plat of Grassland Estates West, Section 11, being a plat of a 15.83-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. Council District 4)
5. Approved a proposed Preliminary plat of Lone Star Trails II, Section 2, being a plat of 23.58-acre tract of land in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located approximately 1,079-feet east of the intersection of Fairgrounds Road and Occidental Parkway. Council District 1)
6. Approved a proposed Preliminary Plat of Westridge Park Addition Section 44, being a plat of a 17.55-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. ETJ, Extraterritorial Jurisdiction)
7. Approved a proposed Preliminary Plat of Branson Addition, being a plat of a 11.96 Acre Tract of Land out of N/PART of Section 31, Block 40, T-1-S, T.&P., R.R. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of W. County Road 77 and Holdridge Road. Extraterritorial Jurisdiction.)
8. Approved a proposed Preliminary Plat of Llano Country Addition being a Plat of 5.00 Acre Tract of Land out of Section 23, Block 40, T-1-S, T&P RR. Co., City and County of Midland, Texas. (Generally located on the northwest corner of the interaction of Briarwood Avenue and Golden Gate Drive. Council District 4)
9. Approved a proposed Final Plat of Adobe Meadows, Section 8, being a replat of Lot 15, Block 2, and Lot 1, Block 3, and the previously vacated 0.566-acre portion of Guadalupe Street right of way, adjacent to Blocks 2 and 3, all out of Adobe Meadows, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of State Highway 349 and Mockingbird Lane. Council District 1).
10. Approved a proposed Final Plat of Circuit Acres being a plat of a 5-acre tract of land out of the Northeast/4 of Section 26, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1119, approximately 657-feet south of East County Road 64. Extraterritorial Jurisdiction).
11. Approved a proposed Preliminary Plat of West Terminal Addition, Section 8, being a re plat of Lot 8, Block 7, West Terminal Addition, Section 4, and a 66.16-acre tract of land out of Section 1, Block 41, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast corner of the intersection of West County Road 100 and South County Road 1301. Extraterritorial Jurisdiction).
12. Approved a proposed Preliminary Plat of Corporate Ranch Addition, being a plat of a 30.02 Acre Tract of Land out of Section 28, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas.
(Generally located on the southeast corner of the intersection of North County Road 1270 and West County Road 60. ETJ, Extraterritorial Jurisdiction)
13. Approved a proposed Preliminary Plat of Original Town, Section 19, being a re-plat of

Lots 1 through 12, and a 0.138-acre portion of previously vacated alley right-of-way all out of Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W. Kentucky Avenue. Council District 3)

Public Hearings

14. Hold a public hearing and consider a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on Lot 4, Block 1, SCP Midland West, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive. Council District 4)

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

The public hearing was open at 3:43 p.m.

The applicant Robert Rendall with Stonehawk Capital was present. He gave a summary of the project and was open to questions.

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

Commissioner Gardaphe moved to approve a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on Lot 4, Block 1, SCP Midland West, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive. Council District 4); seconded by Commissioner Williams.

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

15. Hold a public hearing and consider a request by Stonehawk Capital Partners, LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land out of Section 14, Block 39, T-1-S, T.&P., RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Edwards Street, approximately 156-feet north of Fiesta Avenue. Council District 2)

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

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

The applicant Robert Rendall with Stonehawk Capital was present. He gave a summary of the project and was open for question.

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

Commissioner Lawrence moved to approve a request by Stonehawk Capital Partners,

LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land out of Section 14, Block 39, T-1-S, T.&P., RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Edwards Street, approximately 156-feet north of Fiesta Avenue. Council District 2); seconded by Commissioner Wilton.

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

16. Hold a public hearing and consider a request for a Specific Use Permit without Term for rock quarries, sand, gravel and excavations on an 11.44-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Cynthia Drive, approximately 1,800-feet east of North Fairgrounds Road. Council District 2

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

Commissioner Williams asked if this was a temporary thing. Staff deferred to the applicant.

Commissioner Wilton asked if staff new why the Code Administration had an issue with the dust that will be created. He asked if the Planning department had a better handle on how much dust this would create.

Development Services Director Chuck Harrington explained that this is a unique request and the ordinance is not very clear. He suggested that if the commission has issues with the dust control the issue could be referred to City Council. Mr. Harrington also deferred all further questions to the applicant.

The public hearing was opened at 3:52 p.m.

The applicant Terry Bryant with Jones Brothers was present. He gave a summary of the project and was open for questions.

He explained the procedures used to control the dust to a minimum. He also explained that they are regulated by TCEQ, and they have guidelines they have to follow.

Commissioner Wilton asked if the state set the standards for dust control. Mr. Bryant explained that yes the state does.

Commissioner Williams asked if they were actually pouring or excavating. Mr. Bryant explained that they are excavating, which would leave a hole.

Commissioner Gardaphe asked approximately how deep the hole would be. Mr. Bryant said approximately 20 feet.

Resident Cesar Cordova spoke in opposition of the project due to the already existing dust issue. He also had concerns with the underground pipelines and the vibrations.

Mr. Bryant with Jones Bros. addressed Mr. Cordova's questions. He explained the measures that would be taken to handle the dust control.

Commissioner Gardaphe asked if they would be opposed to paving Cynthia road. Mr. Bryant stated that it would be something they would sit down with the city about.

Commissioner Sparks asked about the issue with the pipeline. Mr. Bryant explained that this isn't a drilling project so the pipeline is not a concern.

Commissioner Gardaphe asked if they were going straight out Cynthia road or if they would be using Fairgrounds. Mr. Bryant explained that their intention is to only use Cynthia Road.

The public hearing was closed at 4:02 p.m.

Commissioner Gardaphe expressed concerns about the size of the hole that will be made.

Commissioner Sparks explained that the project would ultimately make the area better.

Commissioner Lawrence asked how it would be like in the future from the planning and zoning standpoint.

Commissioner Gardaphe again expressed his concerns over the safety of the size of the hole.

Commissioner Sparks stated that he was sure they would follow whatever safety guards as part of the procedure.

Commissioner Williams stated that she understands the need for this project, but she has concerns for future development.

Commissioner Wilton stated that you can see other areas that have be excavated without following standards, and at least, this project is following standards set by the state.

Commissioner Gardaphe stated that that area is a playa; he asked if the applicant had met with the city to use that as a future drainage. Mr. Bryant stated that they hadn't, but they had looked into that for a future development.

Commissioner Wilton asked if they owned or leased the property. Mr. Bryant explained that they own it.

Mr. Bryant also stated that if a project did go in that required a detention basin this would be an excellent opportunity for that use.

Commissioner Sparks stated that there are plenty of opportunities for use once the excavation is complete. He also stated that he knows the reputation of Jones Bros., and he is confident in their intentions.

Commissioner Ivey moved to approve a request for a Specific Use Permit without Term

for rock quarries, sand, gravel and excavations on an 11.44-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Cynthia Drive, approximately 1,800-feet east of North Fairgrounds Road. Council District 2; seconded by Commissioner Gardaphe.

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

17. Hold a public hearing and consider a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on a 4,200 square foot portion of Lots 13 and east half of 14, Block 56, Original Town, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately, 115 feet east of N. Big Spring Street. Council District 2).

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

Commissioner Wilton asked how the restroom issue was going to be addressed. Planner Elizabeth Shaughnessy explained that there is one on that level and more available on the second level.

Commissioner Gardaphe explained that this was the same way the previous restaurant operated.

Commissioner Lawrence asked how they will handle alcohol in the lobby. Staff deferred to the applicant for further questions.

The public hearing was opened at 4:16 p.m.

The applicant Sonny Aguilar was present. He gave a summary of the project and addressed the questions presented by the commissioners.

The public hearing was closed at 4:18 p.m.

Commissioner Gardaphe moved to approve a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on a 4,200 square foot portion of Lots 13 and east half of 14, Block 56, Original Town, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately, 115 feet east of N. Big Spring Street. Council District 2). seconded by Commissioner Bryant.

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

18. Hold a public hearing and consider a residential replat of Plantation Hills, Section 23, being a replat of Lot 3, Block 25, Plantation Hills, Section 10, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Whitman Drive and Bluebird Lane. Council District 1).

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

Commissioner Sparks asked to have the lot sizes restated. Planner Taslima Khandaker explained that the minimum requirement is 2 acres and the lots in questions are 3.72 and 2.73.

Commissioner Lawrence asked if they were they dividing it into two separate lots north and south and what road is just to the west. Planner Taslima Khandaker explained that yes it will be two separate lots and Whitman drive is the road to the west.

The public hearing was opened at 4:22 p.m.

The applicant was present and deferred to staff.

Resident Tina Viana asked if it was 2 or 4 acres and what use they are planning on selling for. Commissioner Gardaphe explained that it can be sold as two separate 2 acre lots or as one 4-acre lot. Commissioner Sparks explained that it is designated for AE (Agricultural Estates), and it will keep this zoning.

Ms. Viana asked if when the property is sold where the access roads would be. Commissioner Sparks explained that it's not known right now.

Development Services Director Chuck Harrington spoke to clarify that Whitman drive would be the access road. He also clarified that a church can go into any zoning district as long as it meets all the code requirements.

The applicant Josh Wallender with Parkhill, Smith & Cooper, addressed the resident's concerns and was open for questions. He went on to explain that the owner has not provided what he intends to use the property for, so they are not aware if it will be a church.

Commissioner Lawrence asked what the initial intent was. Mr. Wallender explained that it was initially going to be used for a church, but the project fell through.

The public hearing was closed at 4:29 p.m.

Commissioner Lawrence voiced his concerns with the lots being greater than 2 acres.

Commissioner Sparks stated that he thinks it would be great to have it subdivided and he doesn't have any concerns with school traffic.

Commissioner Bryant moved to approve a residential replat of Plantation Hills, Section 23, being a replat of Lot 3, Block 25, Plantation Hills, Section 10, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Whitman Drive and Bluebird Lane. Council District 1); seconded by Commissioner Ivey.

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

19. Hold a public hearing and consider a request by Ravi C. Borra for Site Plan Approval on

Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the north side of Northbrook Lane, approximately 265-feet northwest of West Loop 250 North Frontage Road. Council District 1)

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 4:34 p.m.

The applicant Julio Davila, contractor for Dr. Ravi Borra, was present. He gave a summary of the project and was open for questions.

The public hearing was closed at 4:35 p.m.

Commissioner Lawrence moved to approve a request by Ravi C. Borra for Site Plan Approval on Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the north side of Northbrook Lane, approximately 265-feet northwest of West Loop 250 North Frontage Road. Council District 1); seconded by Commissioner Bryant.

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

20. Hold public hearing and consider a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District on Lots 1 through 12 and a previously vacated 0.138-acres portion of alley right-of-way, Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W. Kentucky Avenue. Council District 3)

Planner Radford Dickson gave a summary of the project. With no letters of objections received, staff recommended approval.

Commissioner Wilton stated the current zoning is restrictive, so changing it to C3 would allow a variety of things to be built. He asked if a church can go in any zoning district why it needs to be changed.

Development Services Director Chuck Harrington explained that staff recommended the change in order to accommodate the building's needs.

The public hearing was opened at 4:40 p.m.

The applicant was not present.

The public hearing was closed at 4:40 p.m.

Commissioner Williams moved to approve a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District on Lots 1 through 12 and a previously vacated 0.138-acres portion of alley right-of-way, Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W.

Kentucky Avenue. Council District 3); seconded by Commissioner Ivey.

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

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:41 p.m.

Josh Sparks, Chairman

Date

Cristina Odenborg Burns, Planning Division Manager
Development Services Department

Date



Planning and Zoning Commission

MEETING DATE: March 18, 2019

TO: Planning and Zoning Commission

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Consider a proposed Correction Plat of Johnston Addition, being a 75.3-acre tract of land out of Section 21, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located east of S. County Road 1270, approximately 1,500-feet north of W. County Road 143.)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The final plat of Johnston Addition was approved by the Planning and Zoning Commission on September 4, 2018. The applicant, Davis and Elaine Johnston, are now requesting a correction plat, to dedicate additional right-of-way per county specifications.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Final Plat Requirements:

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

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

ENGINEERING: (Approved with Conditions)

Updated comments: 3/5/2019

ROW: Dedicate 20'x20' corner clips at all intersections.

PAVING: Paving, water, wastewater and sidewalk public improvements deferred by Administrative deferral approved 3/5/2019.

WATER: Paving, water, wastewater and sidewalk public improvements deferred by Administrative deferral approved 3/5/2019.

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

PRO RATA: None.

SEWER: Paving, water, wastewater and sidewalk public improvements deferred by Administrative deferral approved 3/5/2019.

DRAINAGE: Comply with previous drainage report prepared by Skyline Engineering for B. Adams Addition, Section 2.

EASEMENTS: Okay as shown.

SIDEWALKS: Paving, water, wastewater and sidewalk public improvements deferred by Administrative deferral approved 3/5/2019.

DIMENSION: * * *

OTHER: * * *

*** 2/21/2019 - Plat denied to move forward to P & Z until, ROW corner clips dedicated with plat and deferral approved for water, wastewater, paving and sidewalk improvements is received and approved. ***

ROW: Dedicate 20'x20' corner clips at all intersections.

PAVING: All roadways are sub-standard, construct to City Standards for entire platted frontage or request a deferral. Applicant has stated interior roads will be built to County specifications.

WATER: None existing. Construct water to City standards along entire 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, hydrant top or bonnet shall be color coded per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None.

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

DRAINAGE: Comply with previous drainage report prepared by Skyline Engineering for B. Adams Addition, Section 2.

EASEMENTS: Show existing and proposed.

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

DIMENSION: * * *

OTHER: Note original project was reviewed under name B. Adams Addition, Section 2 until final plat. Administrative deferral for water, wastewater, paving and sidewalk improvements along S CR 1270 was approved on August 1, 2018. Now, interior roads will be within public ROW so those water, wastewater, paving and sidewalk improvements must be deferred, as well.

TRANSPORTATION: (Approved)

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

No objections to plat.

CODE ADMINISTRATION: (Approved)

ETJ, no jurisdiction

CODE COMPLIANCE: (Approved)

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

FIRE: (Approved)

ETJ; No comment.

PLANNING:

All departments' comments have been satisfied.

Conditions:

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

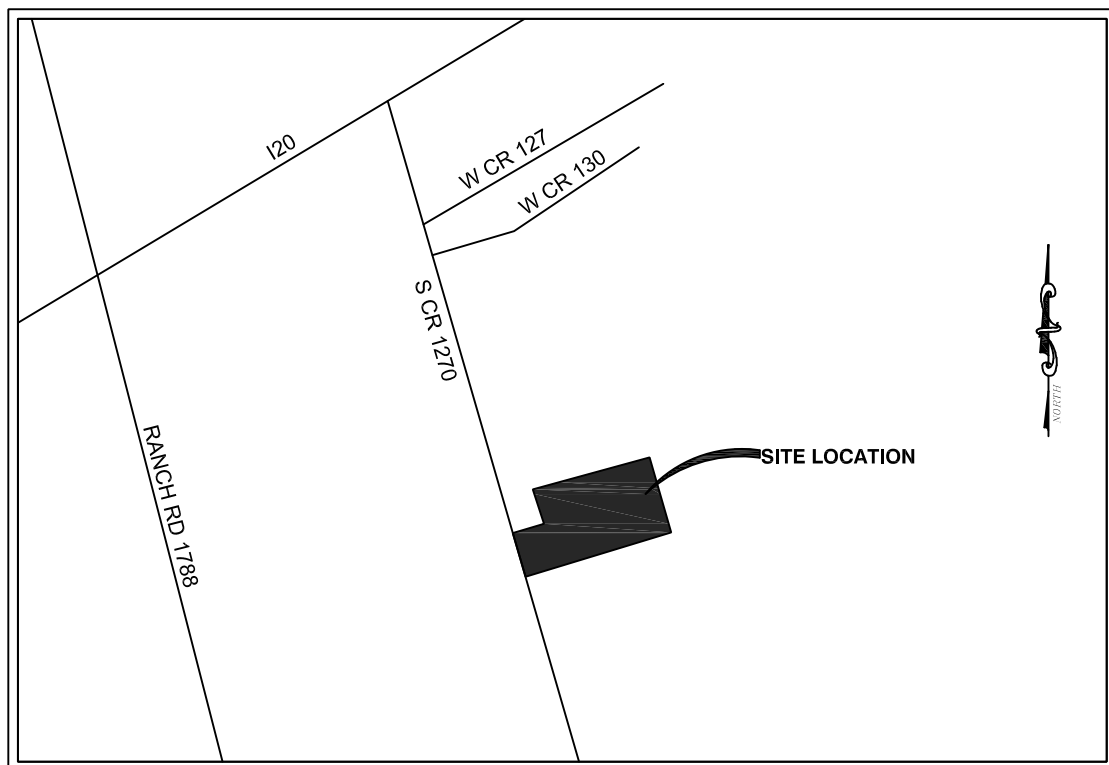
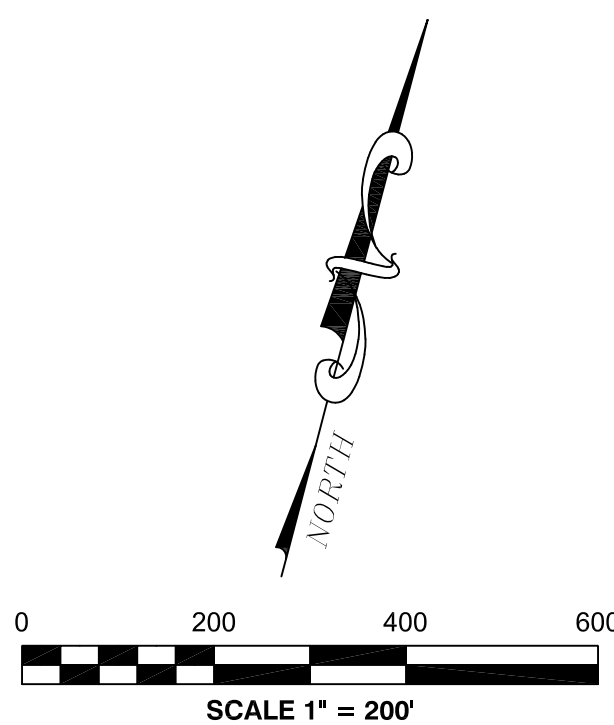
Attachments:

Proposed Final Plat
Application
Maps

JOHNSTON ADDITION

- CORRECTION PLAT -

BEING A 75.3 ACRE TRACT OF LAND OUT OF
SECTION 21, BLOCK 40, T-2-S, T&P RR. CO. SURVEY,
MIDLAND COUNTY, TEXAS.



VICINITY MAP
N.T.S.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS DAVID JOHNSTON, is the record owner of a tract of land described herein as A 75.3 ACRE TRACT OF LAND OUT OF SECTION 21, BLOCK 40, T-2-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That DAVID JOHNSTON, being the owner of the aforementioned land shown on this plat designated as a portion of JOHNSTON ADDITION, an Addition to Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS my hand at Midland, Texas, this

the _____ day of _____, 2019.

By: DAVID JOHNSTON

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS ELAINE JOHNSTON, is the record owner of a tract of land described herein as A 75.3 ACRE TRACT OF LAND OUT OF SECTION 21, BLOCK 40, T-2-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That ELAINE JOHNSTON, being the owner of the aforementioned land shown on this plat designated as a portion of JOHNSTON ADDITION, an Addition to Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS my hand at Midland, Texas, this

the _____ day of _____, 2019.

By: ELAINE JOHNSTON

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, DAVID JOHNSTON & ELAINE JOHNSTON known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as owner, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Barney Dan Arnold, R.P.L.S.,
Registration Number - 6224



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



OFFICE: (254) 629-8550 FAX: (254) 629-8524
EMAIL: danny.arnold@skylinecivilgroup.com
TBPLS FIRM NO. 101685-00

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

ATMOS ENERGY

BY: _____

GRANDE COMMUNICATION

BY: _____

AT&T

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____

SUDDENLINK COMMUNICATION

BY: _____

CERTIFICATE OF APPROVAL

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

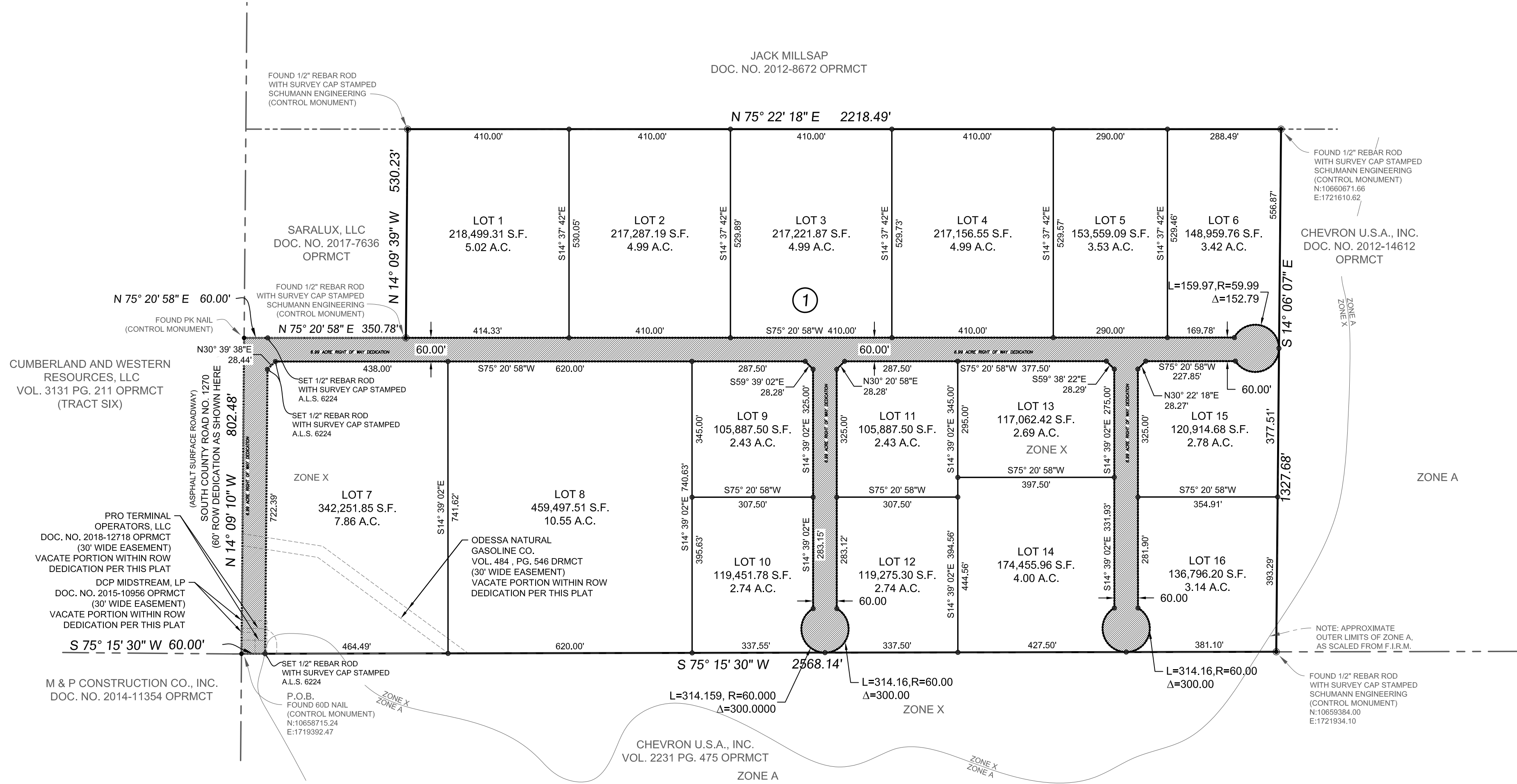
the _____ day of _____, 2019.

CHAIRMAN, JOSH SPARKS

SECRETARY, CRISTINA ODENBORG

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATES 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 75.3 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN SIXTEEN TRACTS OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.



LEGEND

- DENOTES FOUND CONTROL MONUMENT (UNLESS OTHERWISE NOTED)
- SET 1/2" REBAR ROD DENOTES WITH SURVEY CAP STAMPED A.L.S. 6224
- DENOTES PLAT BOUNDARY LINE
- - - DENOTES ADJACENT LOT LINE
- - - DENOTES ACCESS, UTILITY AND DRAINAGE EASEMENT
- ▨ DENOTES 60' ROW DEDICATION

NOTES:

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS, UNINCORPORATED AREA, COMMUNITY PANEL NO. 481239 0200 F AND BY MAP NUMBER 4832C0200F, DATED SEPTEMBER 16TH, 2005, A PORTION OF THIS PROPERTY IS SITUATED WITHIN ZONE A, WHICH IS DEFINED AS A SPECIAL FLOOD HAZARD AREA WITH NO BASE FLOOD ELEVATIONS DETERMINED. THE REMAINING PORTION OF THIS PROPERTY IS IN ZONE X, WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

PROPERTY OWNER
DAVID & ELAINE JOHNSTON
PO BOX 14944
ODESSA, TX 79768

JOHNSTON ADDITION
CORRECTION PLAT



Final Plat Application

Project Number: Sub-18-0089
Case Number: P-19-0450

Proposed Subdivision Plat Name: Johnston Addition (Correction Plat)

Legal Description (attached sealed Metes and Bounds): Attached Survey

Property Owner

Printed Name: David & Elaine Johnston

Address: PO Box 14944

City: Odessa

Phone (432) 238-2101

Email: brandon.adams@a-j construction.net

State: TX

Zip: 79768

Developer (if different than Owner)

Printed Name: Same

Address:

City:

Phone ()

Email:

State:

Zip:

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

Firm: Skyline Civil Group

Printed Name: Stephen T. Marcum

Address: 3323 N. Midland Drive Ste. 113-166

City: Midland

Phone (432) 685-1226

Email: smarcum@skylinecivilgroup.com

State: TX

Zip: 79707

Current Zoning: ETJ

Reason for Platting: Correction Plat - Dedicate Additional Row / widen per county specs.

Plat Information

Total Acreage: 75.3

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Residential Lots: N/A

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'

RECEIVED

FEB 13 2019

OFFICE OF THE CITY CLERK

1000 MIDLAND AVENUE, SUITE 1000, MIDLAND, TX 79701

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): David M. Johnston Date: 02/13/19

Property Owner (printed): David M. Johnston

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.

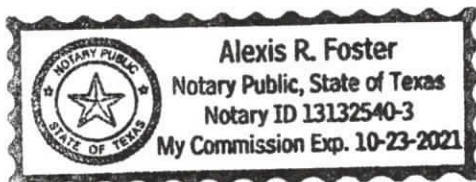
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Stephen T. Marcum
Authorized Agent (signature)

Subscribed and sworn to before me, this 13th day of February, 2019, to certify which witness my hand and seal of office.



Alexis Foster
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☒ 1 Copy of Plat (11x17)	☒ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>5079</u>	☐ Tax Certificates	Check # <u>5078</u>
Received By: <u>ES</u>		Date: _____

FEB 13 2019

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

South CR 1270

West CR 143

CA

12

2

13

14

15

CA

11

28

35

34

CA

10

27

1

9

25

33B

8

24

33A

23

22

21

32

LOCATION MAP

SUB- 18 - 0089

Scale: 1" = 300'

Consider a proposed Final Plat of Johnston Addition, being a 75.3-acre tract of land out of Section 21, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.

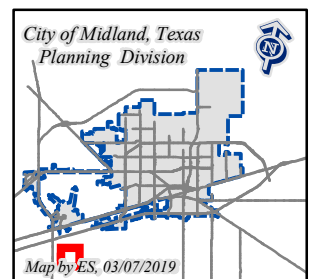
Generally located east of S. County Road 1270, approximately 1,500-feet north of W. County Road 143. (Extraterritorial Jurisdiction).

LEGEND

--- CITY LIMITS

□ PARCEL

▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019

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

MEETING DATE: March 18, 2019

TO: Planning and Zoning Commission

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Consider a proposed Final Plat of Corporate Plaza, Section 22, being a Re-Plat of a Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 1,721 - feet south of E. Loop 250 N. - Council District 2).

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant's property is located on the east side of North Big Spring Street, approximately 1,721 - feet south of E. Loop 250 N. The property owner, First Basin Credit Union, is seeking to re-plat the property into three (3) lots for ownership purpose.

Current Zoning:

LR-2, Local Retail District (Ordinance No. 9833) and O-2, Office District.

Preliminary Plat Approval:

This plat qualified for the short form procedure.

Final Plat Requirements:

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

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

ENGINEERING: (Approved with Conditions)

See easements comments for conditional approval.

ROW: TxDOT review comments:

“From TxDOT Access Management Standards, access spacing for this location would be 360’. There is currently an access to the hotel to the north and a roadway to the south with only 375’ separation. Adding another access would be significantly below the recommended spacing requirements.

Post-development drainage/runoff should not be changed/increased from pre-development conditions.”

PAVING: N Big Spring is a TxDOT facility, built and maintained by TxDOT, no public paving improvements required.

WATER: Existing 8" water main in N Big Spring ROW, construct water to Lot 2C to City standards.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal.

PRO RATA: None.

SEWER: 8" wastewater main exists in easement along the east boundary of Lot 2C, construct sewer to serve Lot 2A and Lot 2B, provide easement for wastewater through Lot 2C.

DRAINAGE: Drainage study received and approved on January 30, 2019 for platting purposes. Additional drainage analysis will be required at building permit review.

EASEMENTS: Owner's certificate should include access for City to maintain water and wastewater services and not just garbage collection.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER:

A. All public infrastructure improvements and plat to comply with City of Midland – Engineering Services, Fire Department & Utilities Policy Statement – City Standards & Development Requirements. (Found on-line at:

<http://www.midlandtexas.gov/DocumentCenter/View/2625>)

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

TRANSPORTATION: (Approved)

No additions or changes to site access are approved with plat or zoning review.

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

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

No objections to plat.

CODE ADMINISTRATION: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

No Oil or Gas wells identified within 500 ft. radius of location on plat.

FIRE: (Approved)

No comments.

PLANNING:

All departments' comments have been satisfied.

Conditions:

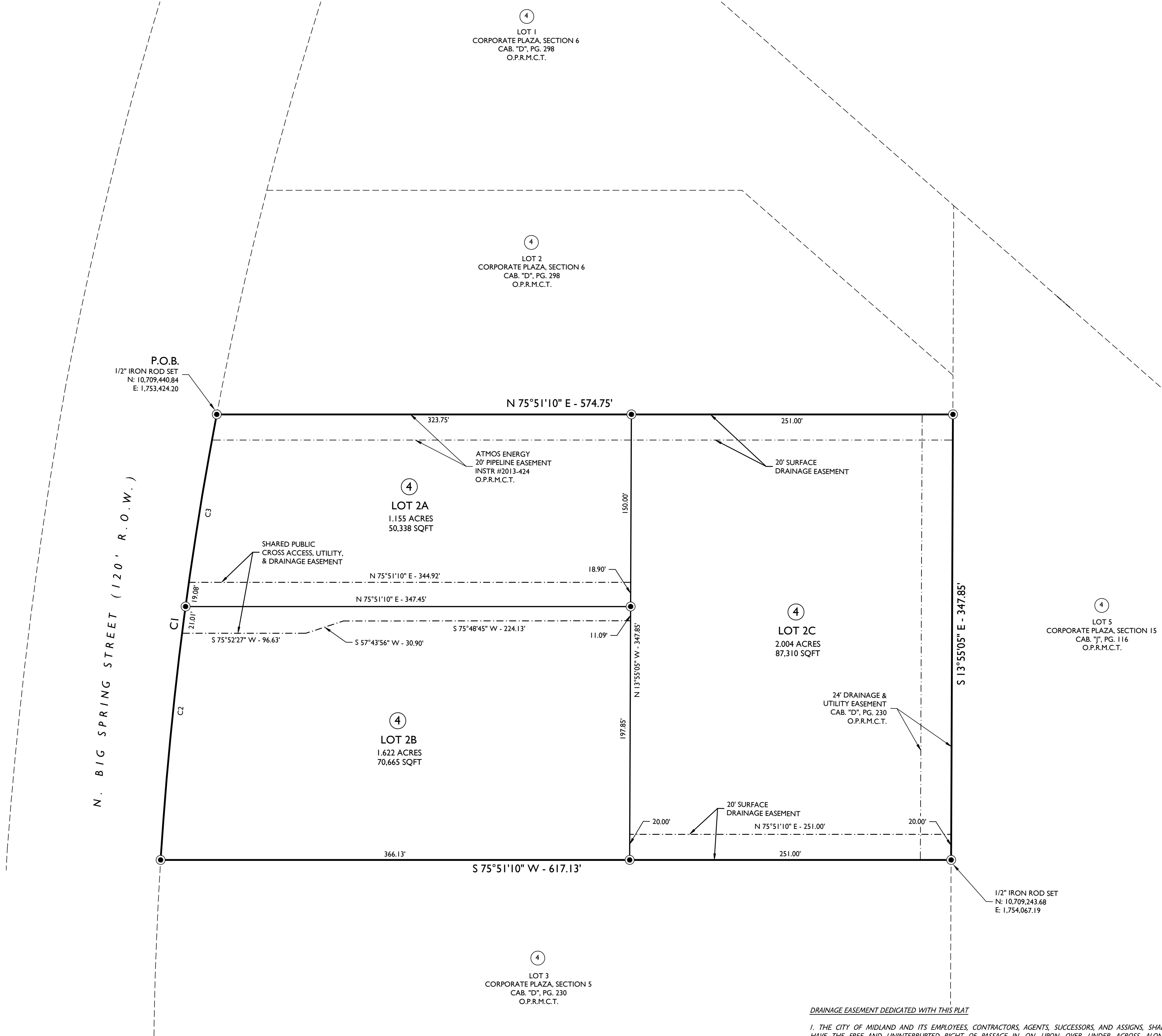
- A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps

CORPORATE PLAZA, SECTION 22

BEING A REPLAT OF LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5
CITY AND COUNTY OF MIDLAND, TEXAS



PROPERTY OWNER

FIRST BASIN CREDIT UNION
2740 N. COUNTY ROAD WEST
ODESSA, TX 79764
INSTR #10207-9447

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0200P, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

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

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BEARINGS/DISTANCES/COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOTS ARE REPLATED FOR SUBDIVISION INTO MORE THAN ONE LOT OR
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- HEREBY ESTABLISHED IS A 30' SHARED ACCESS, CROSS-ACCESS AND UTILITY EASEMENT FOR ALL LOTS 2A, 2B, & 2C, BLOCK 4 OF THIS INSTRUMENT.

DRAINAGE EASEMENT DEDICATED WITH THIS PLAT

- 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 DRAINAGE IMPROVEMENTS, 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.
- DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNLAWFULLY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDING, ROADWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREON. WRITTEN PERMISSION FOR ABOVE GROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.
- THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.
- THE 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.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF ECTOR

WHEREAS FIRST BASIN CREDIT UNION, is the record owner of a tract of land situated in Section 14, Block 39, T-1-S, T&P RR. Co Survey, City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FIRST BASIN CREDIT UNION, being the owner of the land shown on this plat designated as CORPORATE PLAZA, SECTION 22, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith has been selected and approved by the Director of Utilities.

WITNESS my hand at _____, M., this
the _____ day of _____, 2019.

By: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF ECTOR

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as owner, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of CORPORATE PLAZA, SECTION 22, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2019.

JOSH SPARKS, CHAIRMAN

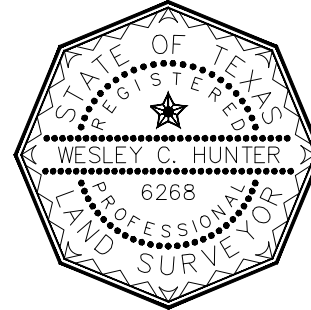
CRISTINA ODENBORG BURNS, SECRETARY

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, WESLEY C. HUNTER, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plat was prepared from an actual and accurate survey of the land and that the corner monuments shown thereon were properly located under my personal supervision, in accordance with the Subdivision Regulations of the City of Texas.

WESLEY C. HUNTER, R.P.L.S.
Registered Professional Land Surveyor #6268
Maverick Survey, LLC (TX Firm #10194452)
1909 W. Wall Street, Suite K
Midland, TX 79701



UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDEENLINK COMMUNICATION
BY: _____

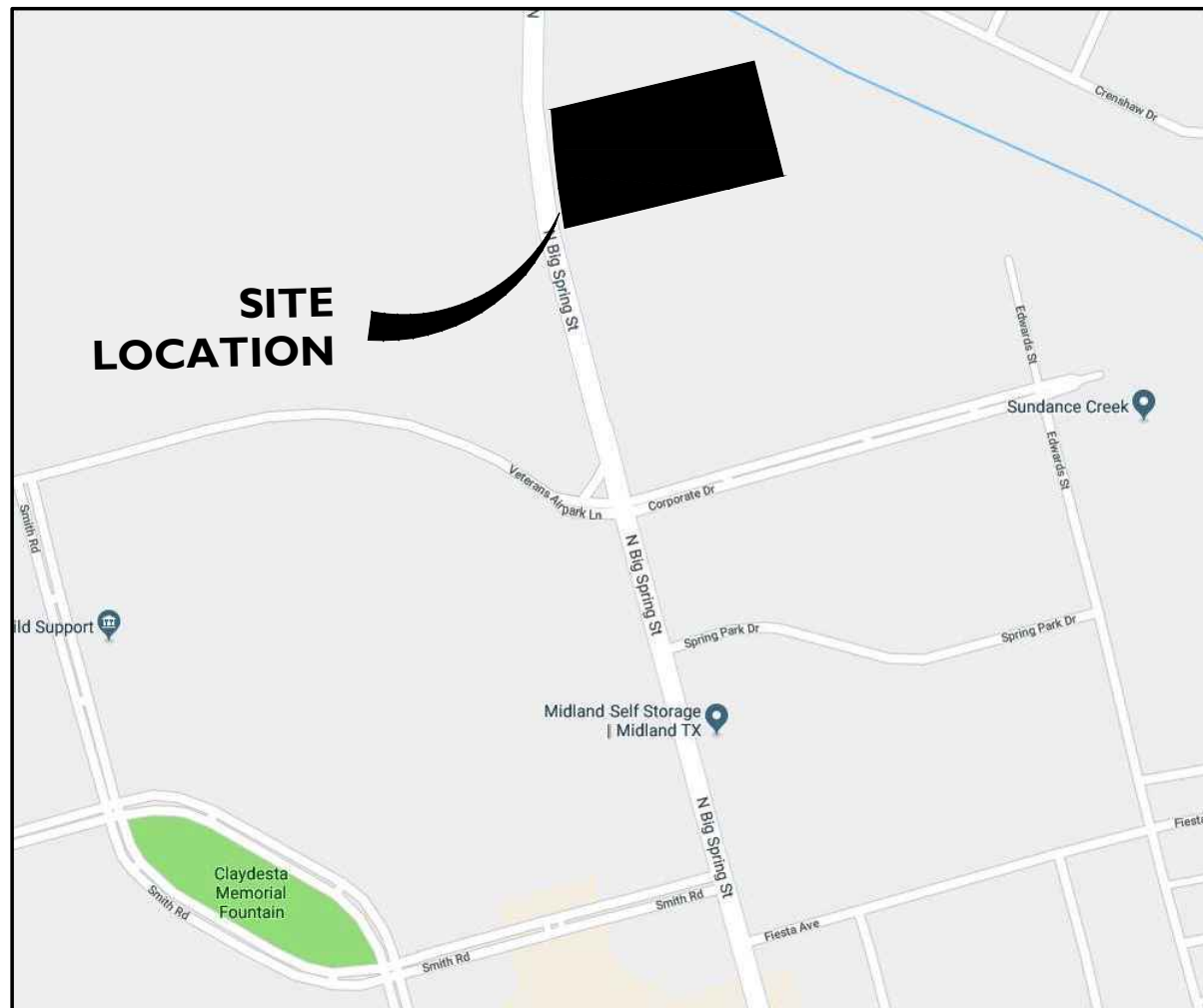
GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



VICINITY MAP

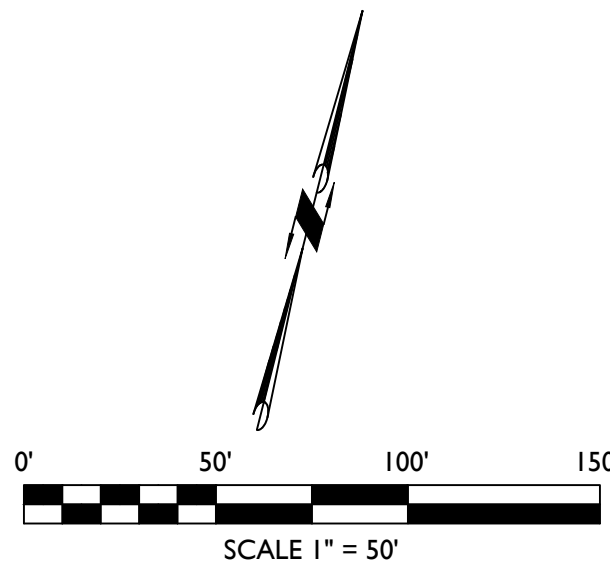
N.T.S.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	350.82'	2805.00'	07°09'57"	N 06°58'30" W	350.59'
C2	198.84'	2805.00'	04°03'42"	N 08°31'38" W	198.80'
C3	151.97'	2805.00'	03°06'15"	N 04°56'39" W	151.96'

LEGEND

- DENOTES SET 1/2-INCH IRON ROD
- P.R.M.C.T. OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
- DENOTES BOUNDARY LINE
- - - - - DENOTES PROPOSED EASEMENT LINE



MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194452
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

CORPORATE PLAZA, SECTION 22



Final Plat Application

Project Number

Case Number:

SUB-18-0148
P-19-0409**Proposed Subdivision Plat Name:** Corporate Plaza, Section 22**Legal Description (attached sealed Metes and Bounds):** Being a Re-Plat of Lot 2, Block 4
Corporate Plaza, Section 5, City and County of Midland, Texas**Property Owner**

Printed Name: First Basin Credit Union

Phone ()
Email

Address 2740 N County Rd West

City Odessa

State TX

Zip 79764

Developer (if different than Owner)

Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999
Email

Address 1909 W. Wall Street, Ste. K

City Midland

State TX

Zip 79701

Current Zoning: LR2**Reason for Platting:** Ownership Purposes**Plat Information**

Total Acreage: 4.781

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

Number of Residential Lots: 0

Number of Multi-Family Dwelling Units: 0

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

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

JAN 16 2019

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: 1/15/19

Property Owner (printed): Shem Culpepper

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.

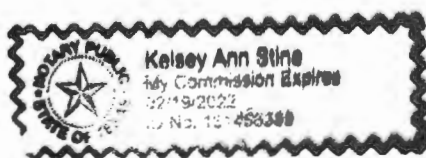
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Mellen who, being by me duly sworn, upon oath says: That (s)he is authorized by First Basin Credit Union, 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 11th day of January, 20 19, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

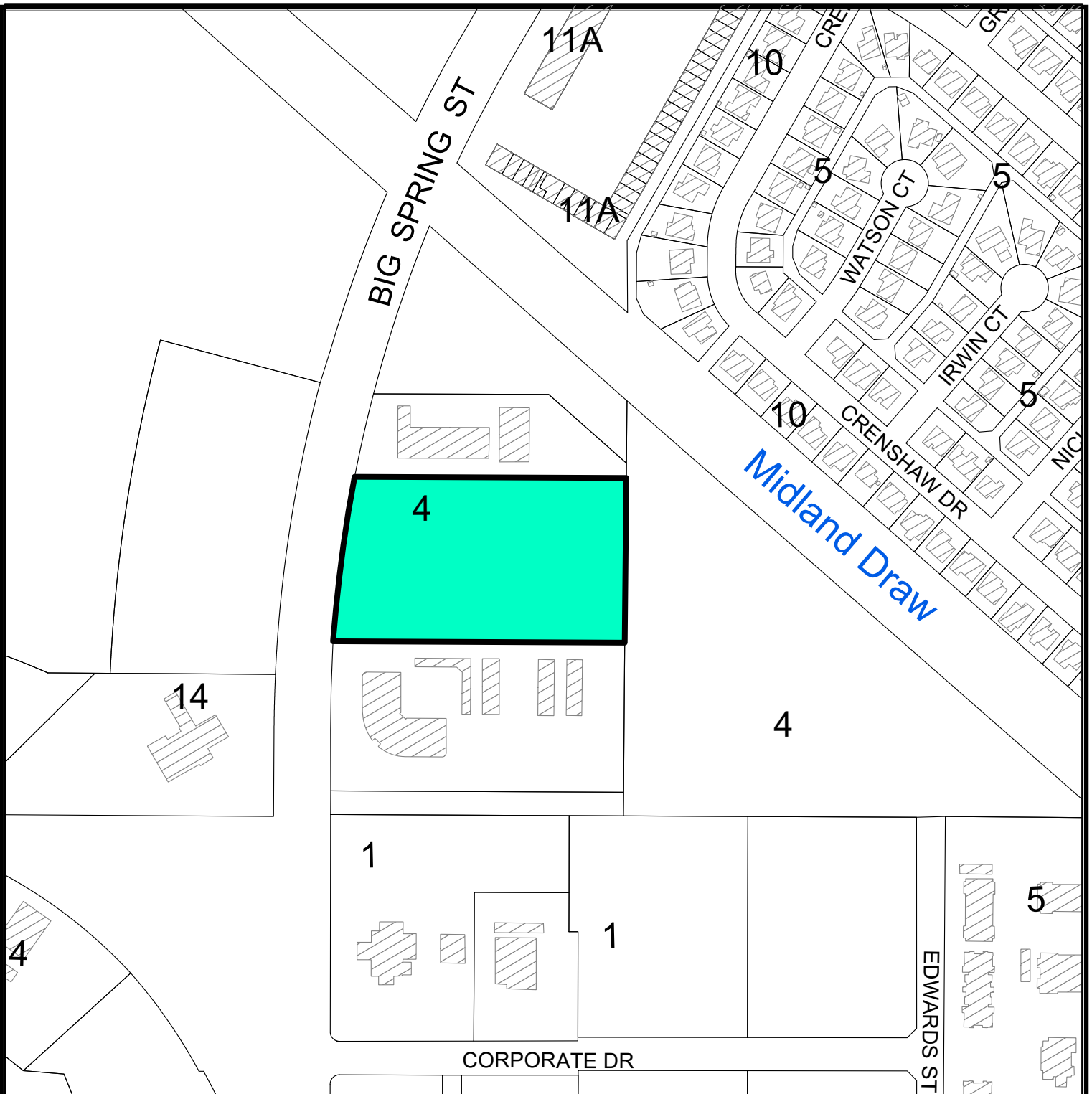
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☒ 1 Copy of Plat (11x17)	☒ Public Improvements
☒ Application Fee	☐ Title Opinion	☒ Recording Fee
Check # <u>2533</u>	☒ Tax Certificates	Check # <u>2534</u>

Received By: Talun

Date: 1/16/14

Missing Attorney
Opinion (Lance Holland)

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



LOCATION MAP

SUB-18-0148

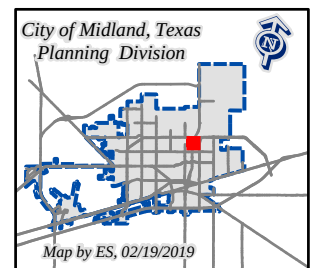
Scale: 1" = 200'

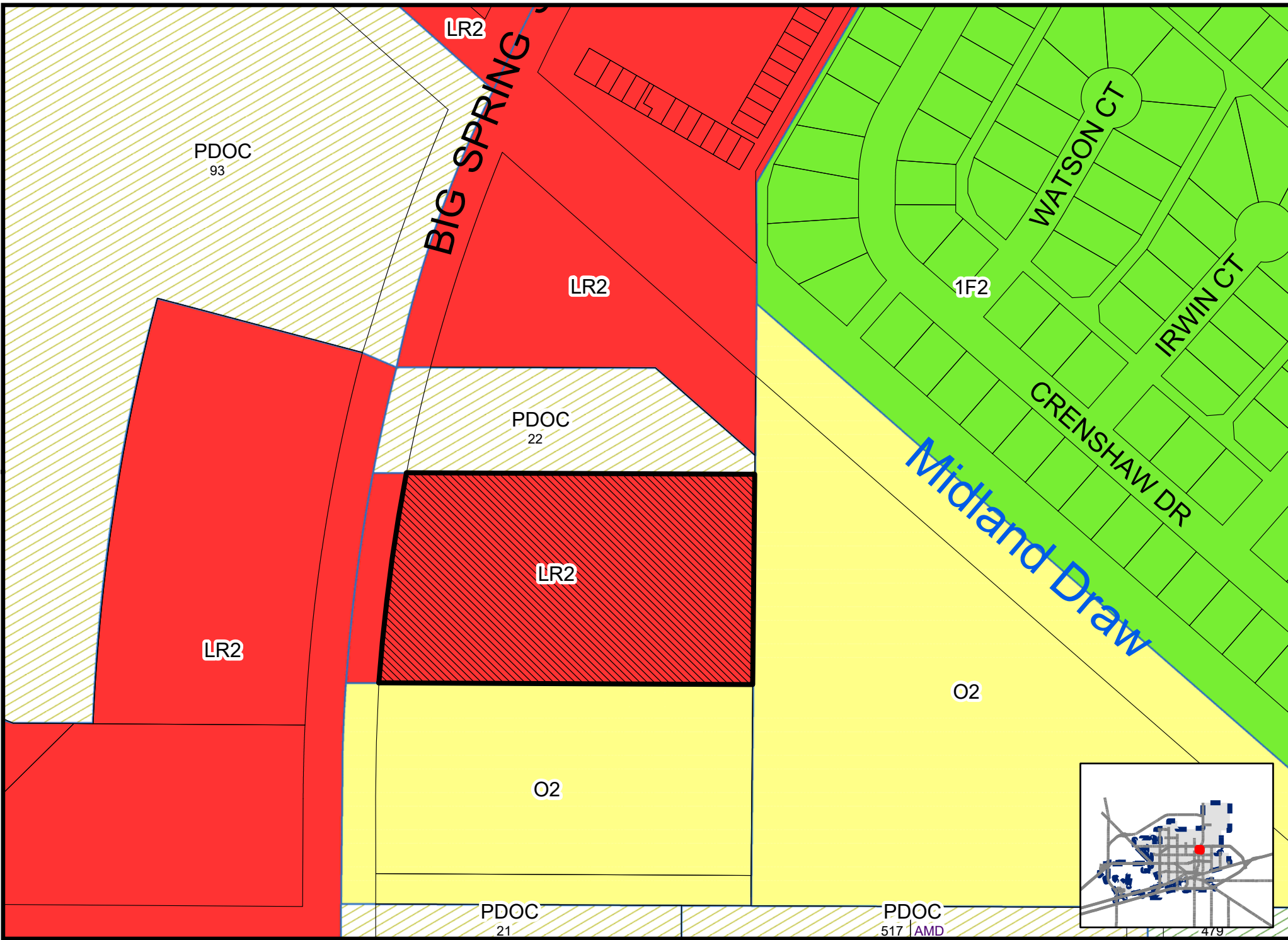
Consider a request for a proposed Plat of Corporate Plaza, Section 22, being a Re-Plat of a Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas.

Generally located on the west side of North Big Spring Street, approximately 1,721 - feet south of E. Loop 250 N. - (Council District 2).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg

MEETING DATE: March 18, 2019

TO: Planning and Zoning Commission

FROM: Taslima Khandaker, Planner

SUBJECT: Consider a proposed Final Plat of Bent Tree Addition, Section 7, being a replat of Lot 1, Block 2, Bent Tree Addition, Section 6, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Bluebird Lane and North Midkiff Road. Council District 1).

Recommended Planning and Zoning Commission Action:

☒ **Approve**

☐ **Deny**

☐ **Direction/Informational**

Current Zoning:

O-1, Office District.

Preliminary Plat Approval:

The applicant's property is located at 5000 North Midkiff Road. The applicant is requesting to re plat the property into (2) two for future development. This application is being processed using the short form procedure at the request of the applicant on January 18, 2019.

Final Plat Requirements:

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

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

Below are the departments' comments.

Code Compliance: (Approved)

No Oil or Gas wells identified within 500 ft. radius of location on plat.

Fire: (Approved)

No additional changes.

Building Code: (Approved)

No comments.

Transportation: (Approved)

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

No objections to plat.

Engineering: (Approved with Conditions)

ROW: ROW okay as shown.

PAVING: Midkiff and Bluebird paving okay as is; no public paving improvements required.

WATER: Existing 12" Water main in Bluebird and 16" in Midkiff; no public water improvements required.

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

PRO RATA: None.

SEWER: Existing 4" sewer installed with Section 6 to service Lot 1, will from both Lot 1A & Lot 1B; no public sewer improvements required.

DRAINAGE: Comply with drainage study for Section 6 or supply revised drainage study if proposed development does not comply with previous drainage study.

EASEMENTS: Okay as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: Access to Lot 1B will be through access easements only, no driveway to lot will be permitted.

Planning:

Staff recommends approval subject to Condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps

BENT TREE ADDITION, SECTION 7

A replat of Lot 1, Block 2, Bent Tree Addition, Section 6, City of Midland, Midland County, Texas

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, TOMJUL LP is the record owner of a 1.664 acre tract out of Section 6, Bent Tree addition, Cabinet L page 40, Plat Records, Midland County Texas, in the Southwest quarter of section 4 Block "X", H P Hilliard Survey, Midland County, Texas, known as, Lot 1 Block 2, Bent Tree addition, Section 6, 1.664 acres in all, as described below:

BEGINNING at a 5/8" iron rod w/cap stamped "CEC" found at the northwest corner of said Lot 1, for the northwest corner of this parcel, said corner having a coordinate value of N=10,710,486.34 ft., E= 1,739,401.41 ft.;

THENCE North 75°45'58" East, 386.42 feet, to the northeast corner of said Lot 1 and adjacent Lot 2, Block 2, for the northeast corner of this parcel, said corner having a coordinate value of N=10,710,581.35 ft., E= 1,739,775.97 ft.;

THENCE South 14°29'50" East, with the common boundary of Lots 1 and 2, 178.77 feet, to the south common corner of said Lots 1 and 2, for the southeast corner of this parcel;

THENCE South 75°45'58" West, with the common boundary of Lot 3, Block 2, 406.42 feet, to a 5/8" iron rod w/cap stamped "CEC" found on the easterly right-of-way of Midkiff Road at the southwest corner of Lot 1 and this parcel;

THENCE North 14°29'50" East, 158.77 feet, with said right-of-way of Midkiff Road, to a 5/8" iron rod w/cap stamped "CEC" found at an angle point to the right;

THENCE North 30°38'04" East, continuing with said right-of-way, 28.22 feet, to the POINT OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____ do(es) hereby adopt this plat designating the hereinabove described property as BENT TREE ADDITION, SECTION 6, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets, alleys, easements, and drainage basins shown thereon.

WITNESS our hands at Midland, Texas, this the _____ day of _____, 20____.

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF _____

This plat was acknowledged before me on _____ by TOMJUL, LP .

Notary Public, State of Texas

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of _____ Addition was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____, 20____.

Signed:

Joshua Sparks, Chairman

Attest:

Cristina Odenberg Burns, Secretary

UTILITY COMPANY'S CERTIFICATE.

This plat has been checked for accessibility of utilities.

Atmos Energy

AT&T

Oncor

Suddenlink Communications

Grande Communications

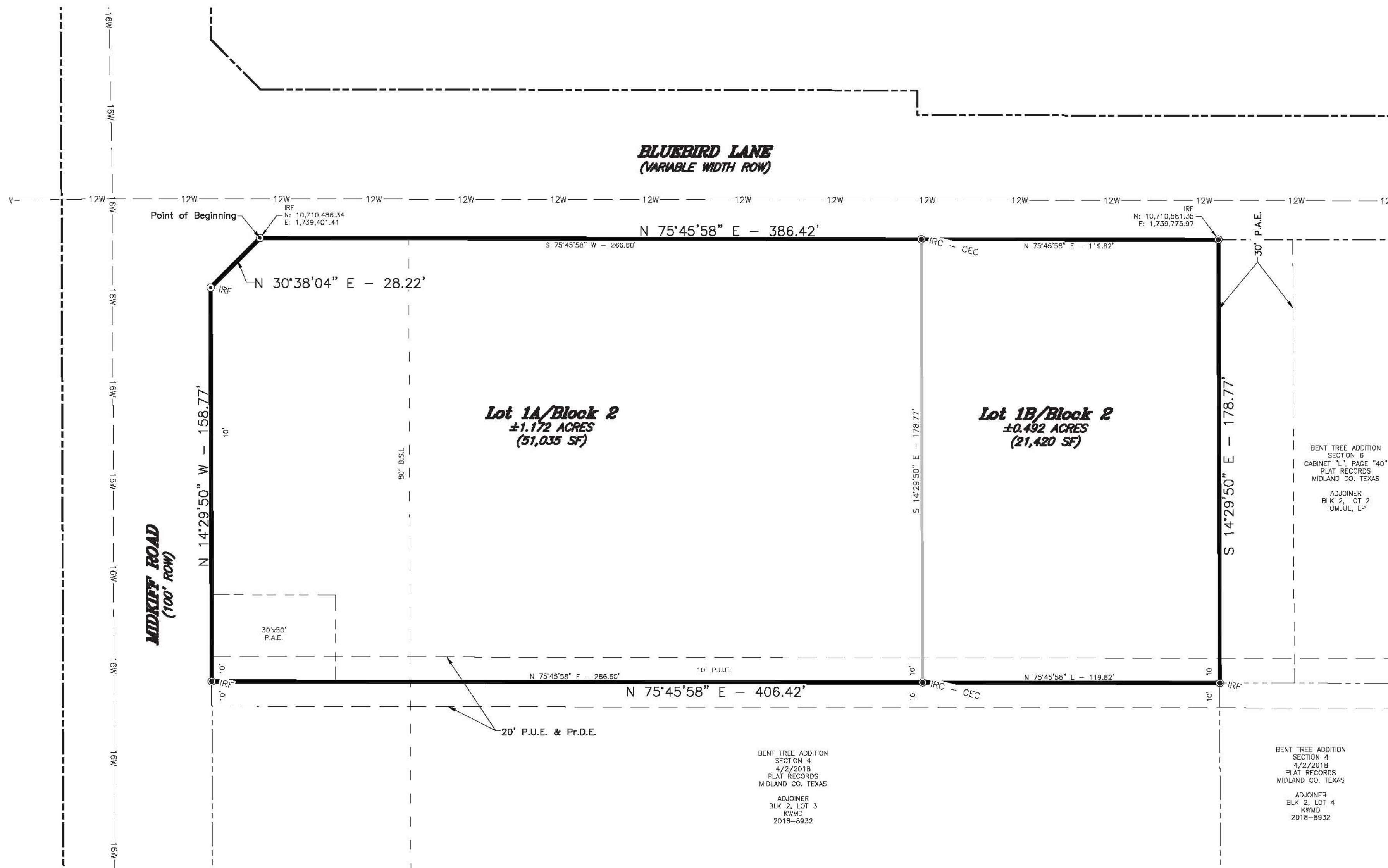
PROPERTY OWNER

Tomjul, LP
423 Solomon Ln,
Midland, Texas 79705

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



BENT TREE ADDITION
SECTION 4
4/2/2018
PLAT RECORDS
MIDLAND CO. TEXAS
ADJONER
BLK 2, LOT 3
KRMG
2018-8932

BENT TREE ADDITION
SECTION 4
4/2/2018
PLAT RECORDS
MIDLAND CO. TEXAS
ADJONER
BLK 2, LOT 4
KRMG
2018-8932

NOTES:

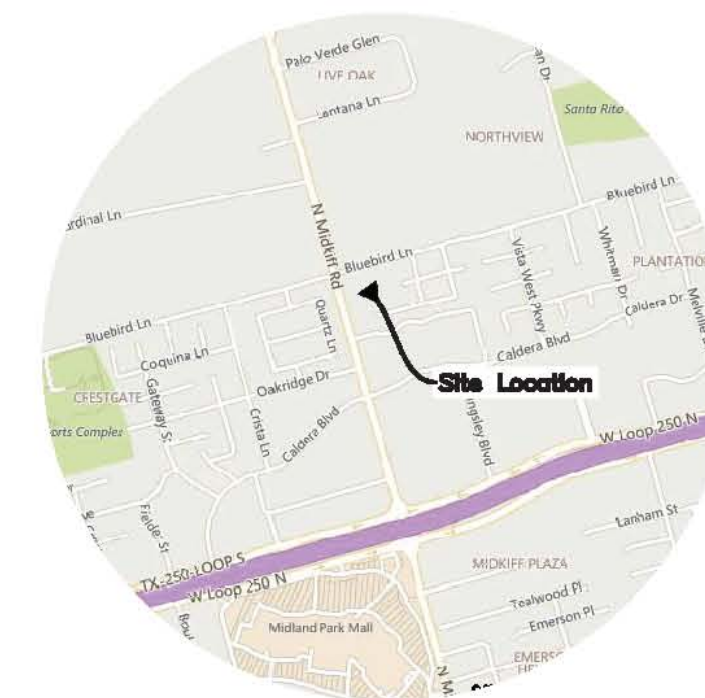
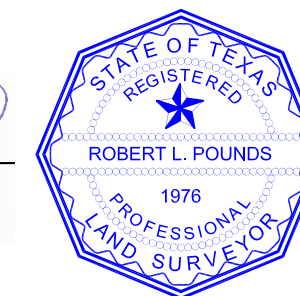
- Bearings, distances and coordinates based on the Texas Coordinate System, Central Zone, NAD83.
- Selling a portion of this addition by metes and bounds may be a violation of City Ordinance and state law and subject to fines and withholding of utilities and building permits.
- Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before a building permit may be obtained.
- According to the Flood Insurance Rate Maps for Midland County, Texas and Incorporated Areas, Map Number 48329C0067 F, effective September 16, 2005, this property is not located in a 100-year flood hazard area.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- This survey does not constitute a title search by Surveyor. All other easements have been shown on the survey.
- Every document of record reviewed and considered as a part of this survey is noted hereon. No abstract of title, nor title commitment, nor results of the title searches were furnished to the surveyor. There may exist other documents of record that would affect this parcel.
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert L. Pounds, 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.

Robert L. Pounds, R.P.L.S.
Texas No. 1976

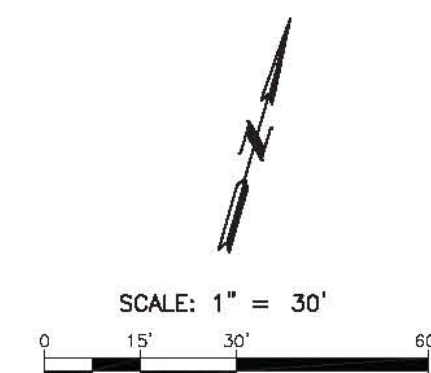


VICINITY MAP

LEGEND

- - 5/8" Iron Rod Found (IRF) "CEC"
- - 5/8" Iron Rod Set - CEC
- A.A.A. - Building Setback Line
- P.U.E. - Public Utility Easement
- P.A.E. - Public Access Easement
- Pr.D.E. - Private Drainage Easement
- IRF - Iron Rod Found

- Subdivision Boundary
- Property Line
- Easement Lines
- Building Setback Line



BENT TREE ADDITION

SECTION 7 BEING A REPLAT OF LOT 1, BLOCK 2, BENT TREE ADDITION, SECTION 6

MIDLAND, MIDLAND COUNTY, TEXAS
January 16, 2019

Owner:
TOMJUL LP
423 SOLOMON LN
MIDLAND, TX 79705

CENTERLINE
ENGINEERING &
CONSULTING, LLC

10210 Frankford Ave, Ste. 410
Lubbock, TX 79424
(806) 441-7183
TBPE Reg No. F-16173
TBPLS Reg No. 10194378



Final Plat Application

Project Number:

SUB-19-0455

Case Number:

P-19-0455

Proposed Subdivision Plat Name: Bent Tree Addition Section 7**Legal Description (attached sealed Metes and Bounds):**

Acres: 1.664, Lot: 001, Blk: 002, Subd: BENT TREE SEC 6, BLK: 001, LOT: 001, ADDN: BENT TREE SEC 6

Property Owner

Printed Name: TOMJUL, LP

Phone (432) 352-6407

Email jagreen52@icloud.com

Address 423 Solomon Ln.

City Midland

State TX

Zip 79705

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Centerline Engineering & Consulting, LLC

Printed Name: Daniel R. Wetzel, P.E.

Phone (806) 470-8686

Email dwetzel@centerlineengineering.net

Address 10210 Frankford Ave, Ste 410

City Lubbock

State TX

Zip 79424

Current Zoning: O-1**Reason for Platting:** Subdivision of Tract**Plat Information**

Total Acreage: 1.664

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

Number of Residential Lots: 0

Number of Multi-Family Dwelling Units: 0

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

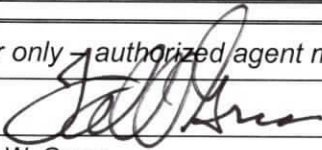
For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):



Date:

2/21/19

Property Owner (printed) : Tom W. Green

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

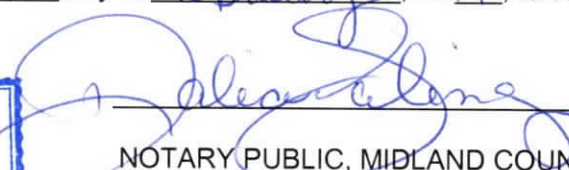
Josh S. Ward

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

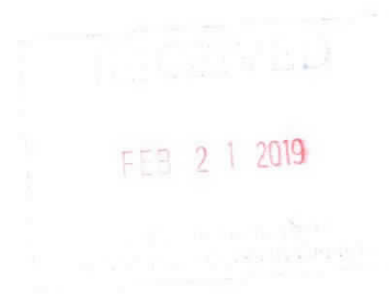
Subscribed and sworn to before me, this 21st day of February, 2019, to certify which witness my hand and seal of office.



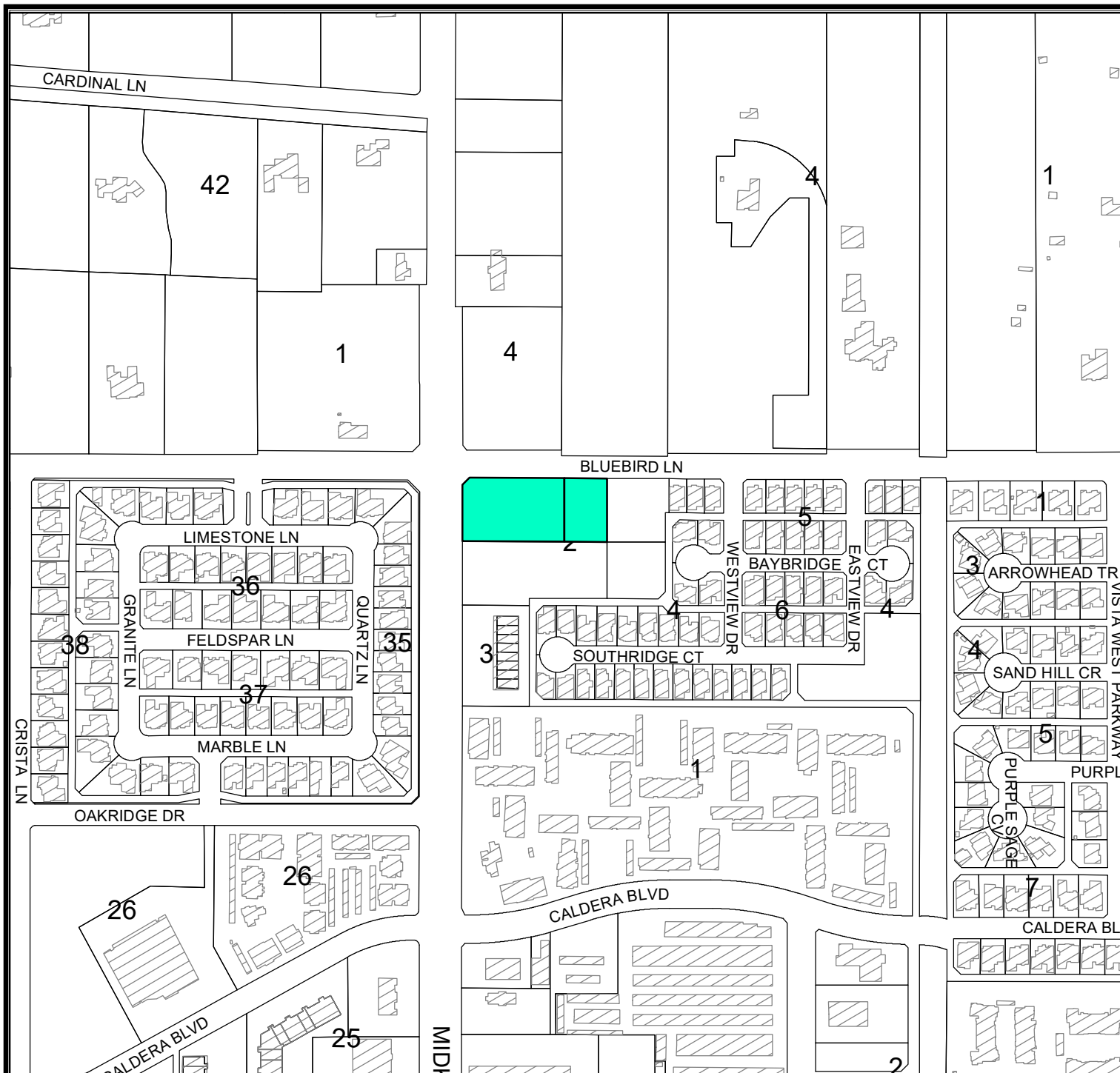

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☐ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG) <i>will send</i>
☐ Mylar	☐ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>2009</u>	☐ Tax Certificates <i>will send</i>	Check # <u>2011</u>
Received By: <u><i>[Signature]</i></u>		Date: <u>2/21/19</u>



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



LOCATION MAP

SUB-19-0165

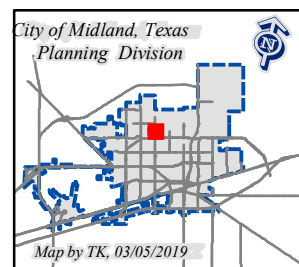
Scale: 1" = 400'

Consider a request for a proposed Plat of Bent Tree Addition, Section 7, being a replat of Lot 1, Block 2, Bent Tree Addition, Section 6, City and County of Midland, Texas.

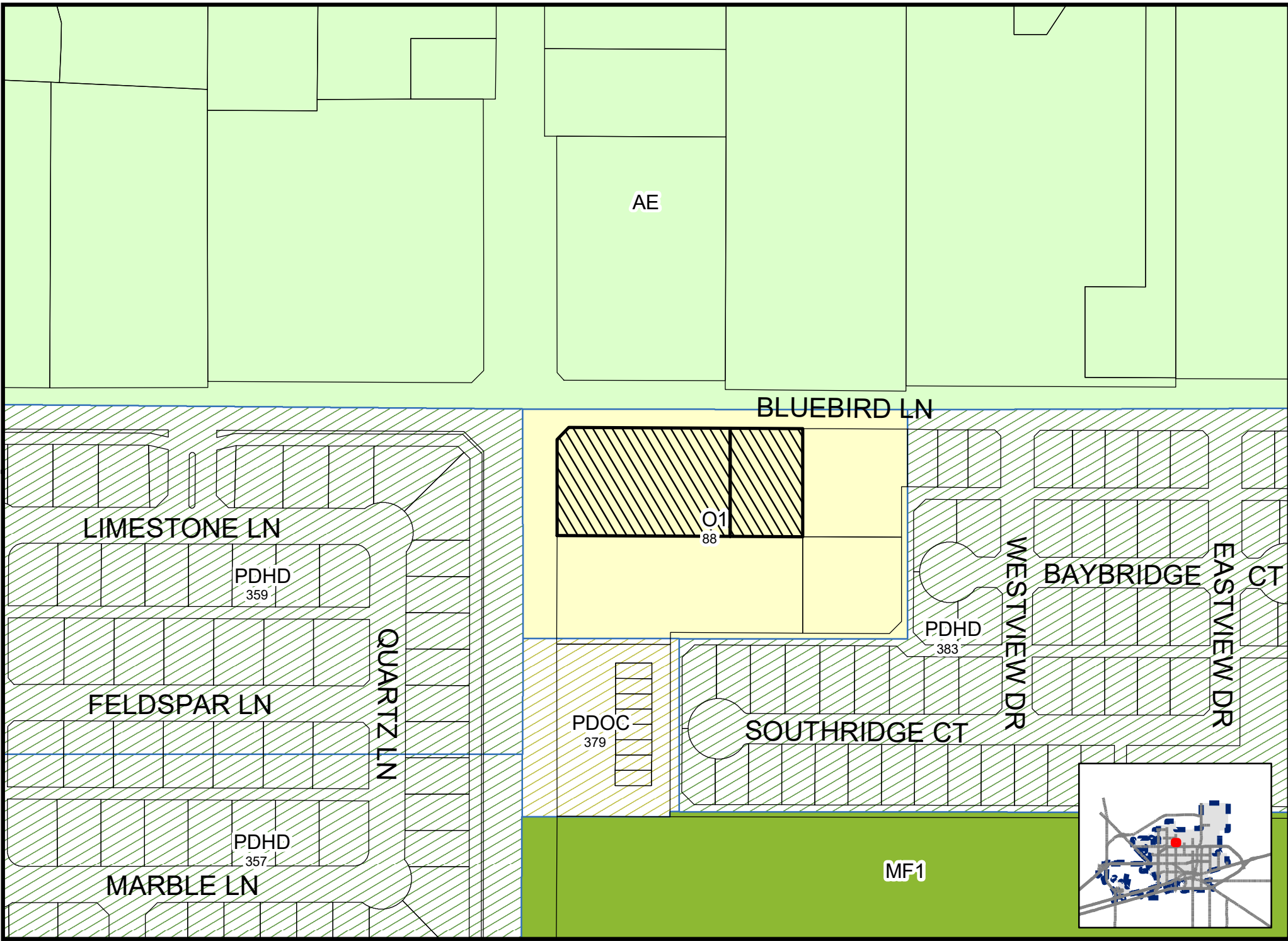
Generally located on the southeast corner of the intersection of Bluebird Lane and North Midkiff Road. Council District 1.

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
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

MEETING DATE: March 18, 2019

TO: Planning and Zoning Commission

FROM: Taslima Khandaker, Planner

SUBJECT: Consider a Proposed Final Plat of OMG Addition, Section 5, being a 6.18-acre tract of land out of Section 24, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1175 and E. County Road 140. Extraterritorial Jurisdiction).

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The Preliminary Plat was approved at the March 7, 2016 Planning and Zoning Commission Meeting. This is a Final Plat of a 6.18-acre portion of the previously approved Preliminary Plat.

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. The final plat attached hereto has been circulated to all pertinent City departments and their comments, conditions and requirements as follows:

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

CODE COMPLIANCE: (Approved)

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

ENGINEERING : (Approved with Conditions)

ROW: Okay as shown.

PAVING: Paving, water, wastewater, and sidewalk improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015.

WATER: Paving, water, wastewater, and sidewalk improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply

PRO RATA: None.

SEWER: Paving, water, wastewater, and sidewalk improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015.

DRAINAGE: Comply with approved OMG Addition drainage study and note added for required on-site detention.

EASEMENTS: Okay as shown.

SIDEWALKS: Paving, water, wastewater, and sidewalk improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015.

DIMENSION: * * *

OTHER: Label E CR 140 on plat face.

FIRE: (Approved)

ETJ; No comments.

GIS:

I drew a red line using the metes and bounds of the proposed plat. Please see attached map. As you can see, we have two lots under Lot 1 Block 1 even though they are separated by a street. OMG Section 2 shouldn't have ever been recorded under Lot 1 Block 1, but it was. This could be an opportunity to fix it. I suggest that we ask the developer to tell us what the plan is for those 2 parcels west of OMG 2nd and treat those 4 parcels as a whole. If those two parcels are going to be part of Block 3 we should try to get them to replat OMG 2nd and make that lot "Lot 2 Block 3". Therefore the two parcels to the west of OMG 2nd can be Lot 3 and Lot 4 of Block 3.

TRANSPORTATION: (Approved)

No objections to plat.

HEALTH:

Yes, the health department will review application from the 1 proposed lot of OMG Addition Section 5, PLAT OF A 6.1 ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 39,T-2-S, T. & P. RR. CO. SURVEY the lot is 5.6 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Planning:

Show pipeline on northern section of lot.

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

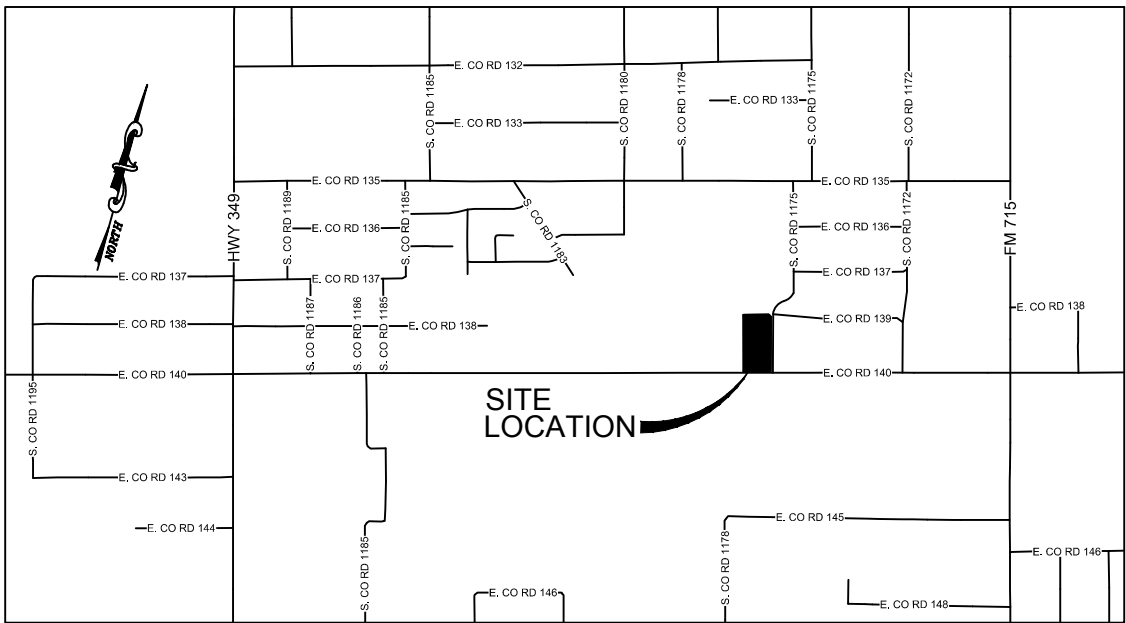
Conditions:

- 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
Map

FINAL PLAT
OMG ADDITION, SECTION 5
BEING A PLAT OF 6.18 - ACRE TRACT OF LAND OUT OF
SECTION 24, BLOCK 39, T-2-S, T & P RR CO. SURVEY,
MIDLAND COUNTY, TEXAS



VICINITY MAP
(NOT TO SCALE)

OMG ADDITION,
SECTION 4

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS DLC CAPITAL, LLC is the record owner of a tract of land situated in the
of Section 24, Block 39, T-2-S, T&P RR. Co. Survey, County of Midland,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

the _____ day of _____, 2019.

DLC CAPITAL, LLC:

By: LARRY COOK

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of
Texas, on this day personally appeared, LARRY COOK, known to me to be the
person whose name is subscribed to the foregoing instrument, and acknowledged
to me that he was acting as the authorized agent of DLC CAPITAL, LLC, and that
he executed the same for the purposes and consideration therein expressed, and
in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2019.

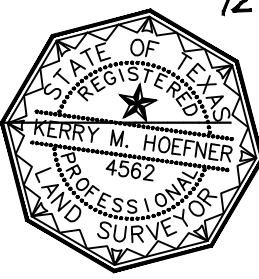
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Kerry M. Hoefner
KERRY M. HOEFNER, RPLS 4562
1216 BRYANT ST.
BENBROOK, TX 76126
214.714.2340



12 MAR, 2019

LEGEND

- DENOTES SET 1/2-INCH IRON ROD w/RED PLASTIC CAP MARKED "WEST CO. MIDLAND"
- DENOTES BOUNDARY LINE
- DENOTES 60.0' R.O.W. TO BE DEDICATED
- DENOTES 1/4 OF E. COUNTY ROAD 140
- DENOTES ROADWAY EASEMENT
- DENOTES EXISTING R.O.W.
- DENOTES SURROUNDING PROPERTY
- C.C.R.M.C.T.
- D.R.M.C.T.
- COUNTY CLERK'S RECORDS MIDLAND COUNTY, TEXAS
- DEED RECORD MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

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

the _____ day of _____, 2019.

JOSH SPARKS, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

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: _____

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE: _____ PAGE _____

OWNER:
DLC CAPITAL, LLC
PO BOX 9818
Midland, Texas 79708

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

MARCH 2019
OMG ADDITION, SECTION 5

E CO RD 139
Roadway Easement
Inst# 2015-1784 C.C.R.M.C.T.

C1

N75° 40' 10"E
328.83'

S59° 36' 21"E
28.42'

N:10,672,054.07
E:1,767,836.67

MILES B#1

2

LOT 2
5.6744 Acres

DLC CAPITAL, LLC
INST# 2018-9197
O.P.R.M.C.T.

OMG
INST# 2014-26130
C.C.R.M.C.T.

S30° 39' 37"W
28.29'

S75° 39' 05"W 346.98'

60' R.O.W. TO BE DEDICATED

S75° 39' 05"W
367.28'

MONTEVALLO, INC.
N/PART, SEC. 25, BLK. 39
VOL. 610, PG. 380
D.R.M.C.T.

FND. MAG NAIL
N: 10,670,834.80
E: 1,765,967.98

P.O.B.
N:10,671,267.02
E:1,767,657.69

E CO RD 140
1744.11'

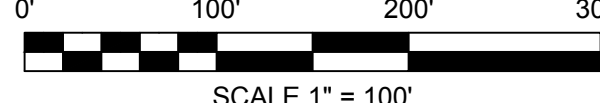
CURVE TABLE					
CURVE#	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	14.16'	970.00'	0° 50' 10"	N 75° 15' 11" E	14.15'

NOTICE:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- COORDINATES, BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.

NOTE:

- WHEN LOT 1 DEVELOPS, LOT 1 SHALL PROVIDE 1.03 ACRE FOOT (45,028 S.F.) OF ONSITE DETENTION, OR AS DESIGNED BY A PROFESSIONAL ENGINEER.





Final Plat Application

Project Number:

Case Number:

PL-00049-2015
P-19-0961**Proposed Subdivision Plat Name:** OMG ADDITON, SECTION 5**Legal Description (attached sealed Metes and Bounds):** BEING A PLAT OF 6.1847 ACRES OUT OF SECTION 24, BLOCK 39, T-2-S T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS**Property Owner**Printed Name: **DLC CAPITAL, LLC**

Phone 432-522-1777

Email

Address PO BOX 9818

City Midland

State TX

Zip 79708

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: WEST COMPANY OF MIDLAND, LLC - LARRY WALKER

Printed Name:

Phone 432-684-0865

Email

LWALKER@TEAM-WEST.COM

Address 110 W LOUISIANA AVE, STE. 110

City MIDLAND

State TX

Zip 79705

Current Zoning:**Reason for Platting:** Future Development**Plat Information**

Total Acreage: 6.1847

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

Number of Residential Lots: 1

Number of Multi-Family Dwelling Units:

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

- 2 FOLDED Copies of Dimensioned Plat
- 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'

RECEIVED

FEB 26 2019

CITY OF MIDLAND

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: 2/11/19

Property Owner (printed):

LARRY COOK

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

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

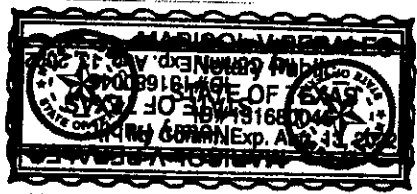
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 11TH day of February, 20 19, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☐ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☒ Mylar <i>missing</i>	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>24761</u>	☒ Tax Certificates	Check # <u>24763</u>
Received By: <i>[Signature]</i>		Date: <u>2/26/19</u>

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



LOCATION MAP

PR-000049-2015

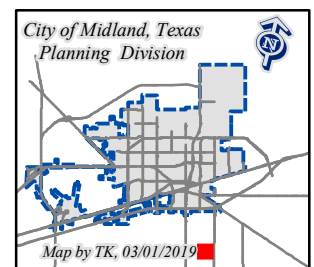
Scale: 1" = 400'

Consider a request for a proposed Final Plat of OMG Addition, Section 5, being a 6.18-acre tract of land out of Section 24, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas.

Generally located on the northwest corner of the intersection of S. County Road 1175 and E. County Road 140. Extraterritorial Jurisdiction.

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
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

MEETING DATE: March 18, 2019

TO: PLANNING AND ZONING COMMISSION

FROM: Taslima Khandaker, Planner

SUBJECT: Consider a proposed Preliminary Plat of Triangle Addition, being a Plat of a 5.01-acre tract of land out of the N/Part of Section 31, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of W. County Road 74, approximately 430 feet east of N. County Road 1287. Extraterritorial Jurisdiction).

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Landgraf, Crutcher & Associates, is proposing to plat a 5.01-acre tract of land out of the N/Part of Section 31, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas, for future development.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

BUILDING CODE: (Approved)

ETJ, no jurisdiction, however an AOZ-4 determination is required.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

ROW: ROW okay as shown, does not front public ROW only access easements.

PAVING: As shown, W CR 74 & W CR 75 are access easements; no public paving improvements required.

WATER: None existing. W CR 74 & W CR 75 are access easements, not public ROW; 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.

PRO RATA: None.

SEWER: None existing. W CR 74 & W CR 75 are access easements, not public ROW; no wastewater improvements required.

DRAINAGE: Drainage study required. FEMA Firm data to be on plat face.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Not adjacent to public ROW; no sidewalk improvements required.

DIMENSION: * * *

OTHER: Delete General Note 3.

TRANSPORTATION: (Approved)

No objections to plat.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

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

UTILITIES:

This plat is outside the City limits and will not have access to City water or sewer.

HEALTH:

Yes, the health department will review application from the 1 proposed lot of Triangle Addition, PLAT OF A 5.01 ACRE TRACT OF LAND OUT OF SECTION 31, BLOCK 40,T-1-S, T. & P. RR. CO. SURVEY the lot is 5.01 acre to ensure the proposed plans

on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING:

Property is located in the AOZ-4, Airport Overlay Zoning District. If structures are being constructed on the property, apply for Airport Overlay Zoning waiver. The waiver will be processed through the building official. AOZ-4 determination application was not submitted.

Remove general note #3.

Change the Secretary of Planning & Zoning on the Certificate of Approval signature block to: Cristina Odenborg Burns.

Provide ROW of W. CR 74 and W. CR 75.

Label the "Cinco T" subdivision, located to the northeast of the property. This is platted land.

Conditions:

- A. That a drainage study is approved.
- B. That the technical items listed above are addressed.
- 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
Maps
Application

PRELIMINARY PLAT

TRIANGLE ADDITION

BEING A 5.01 ACRE TRACT LOCATED IN
SECTION 31, BLOCK 40, T-1-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, MONOMY PROPERTIES MIDLAND TX 3, LLC. IS THE RECORD OWNER THAT CERTAIN 5.01 ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2018-23754 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY TEXAS, AND LOCATED IN SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y= 10,690,375.29' AND X= 1,702,898.73') A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX (CONTROL MONUMENT)" FOUND AT THE NORTHEAST CORNER OF THAT CERTAIN 5.01-ACRE TRACT, IN THE SOUTH LINE OF A 60-FOOT ACCESS EASEMENT AS DESCRIBED IN SAID DOCUMENT NO. 2018-23754 BEING THE NORTHWEST CORNER OF THAT CERTAIN 5.01-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2014-26384 OF SAID OFFICIAL PUBLIC RECORDS MIDLAND COUNTY TEXAS, WHENCE A 2" GALVANIZED IRON PIPE (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF THAT CERTAIN 467.05-ACRE TRACT AS DESCRIBED IN VOLUME 2443 PAGE 254 OF THE MIDLAND COUNTY DEED RECORDS AND ALSO BEING THE NORTHEAST CORNER OF SECTION 31 BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS BEARS NORTH 75°50'57" EAST, A DISTANCE OF 2,751.18 FEET AND NORTH 14°07'14" WEST, A DISTANCE OF 2,394.64 FEET;

THENCE SOUTH 14°09'03" EAST, WITH THE WEST LINE OF SAID 5.01-ACRE TRACT, A DISTANCE OF 508.00 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT THE SOUTHWEST CORNER OF SAID 5.01-ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT, AND BEING IN THE NORTH LINE OF A 60-FOOT ACCESS EASEMENT AS DESCRIBED IN SAID DOCUMENT NO. 2018-23754;

THENCE SOUTH 75°50'57" WEST, WITH THE NORTH LINE OF SAID 60-FOOT ACCESS EASEMENT, A DISTANCE OF 429.60 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE SOUTHWEST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF THAT CERTAIN 5.01-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2014-13543 OF SAID OFFICIAL PUBLIC RECORDS MIDLAND COUNTY TEXAS;

THENCE NORTH 14°09'03" WEST, WITH THE EAST LINE OF SAID 5.01-ACRE TRACT, A DISTANCE OF 508.00 FEET TO A MAG-NAIL WITH WASHER MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF SAID 5.01-ACRE TRACT FOR THE NORTHWEST CORNER OF THIS TRACT AND BEING IN THE SOUTH LINE OF SAID 60-FOOT ACCESS EASEMENT;

THENCE NORTH 75°50'57" EAST, WITH THE SOUTH LINE OF SAID 60-FOOT ACCESS EASEMENT, A DISTANCE OF 429.60 FEET TO THE POINT OF THE BEGINNING CONTAINING 5.01 SURFACE ACRES OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Mark C. Martis, do hereby adopt this plat designating the herein described property as , an addition to Midland County, Texas, and do hereby dedicate to the public use forever the streets, alley and easements shown thereon for the purpose and consideration therein expressed, and an easement of egress and ingress for trash collection, and location and maintenance of trash containers, and as a condition of said easement that no construction shall commence on the said lot or lots until the exact location of said containers there with have been selected and approved by the Director of Utilities.

WITNESS our hands at Midland, Texas this the ____ day of ____ 2019.

MARK C. MARTIS
OWNER, MONOMOY PROPERTIES MIDLAND TX. 3 LLC

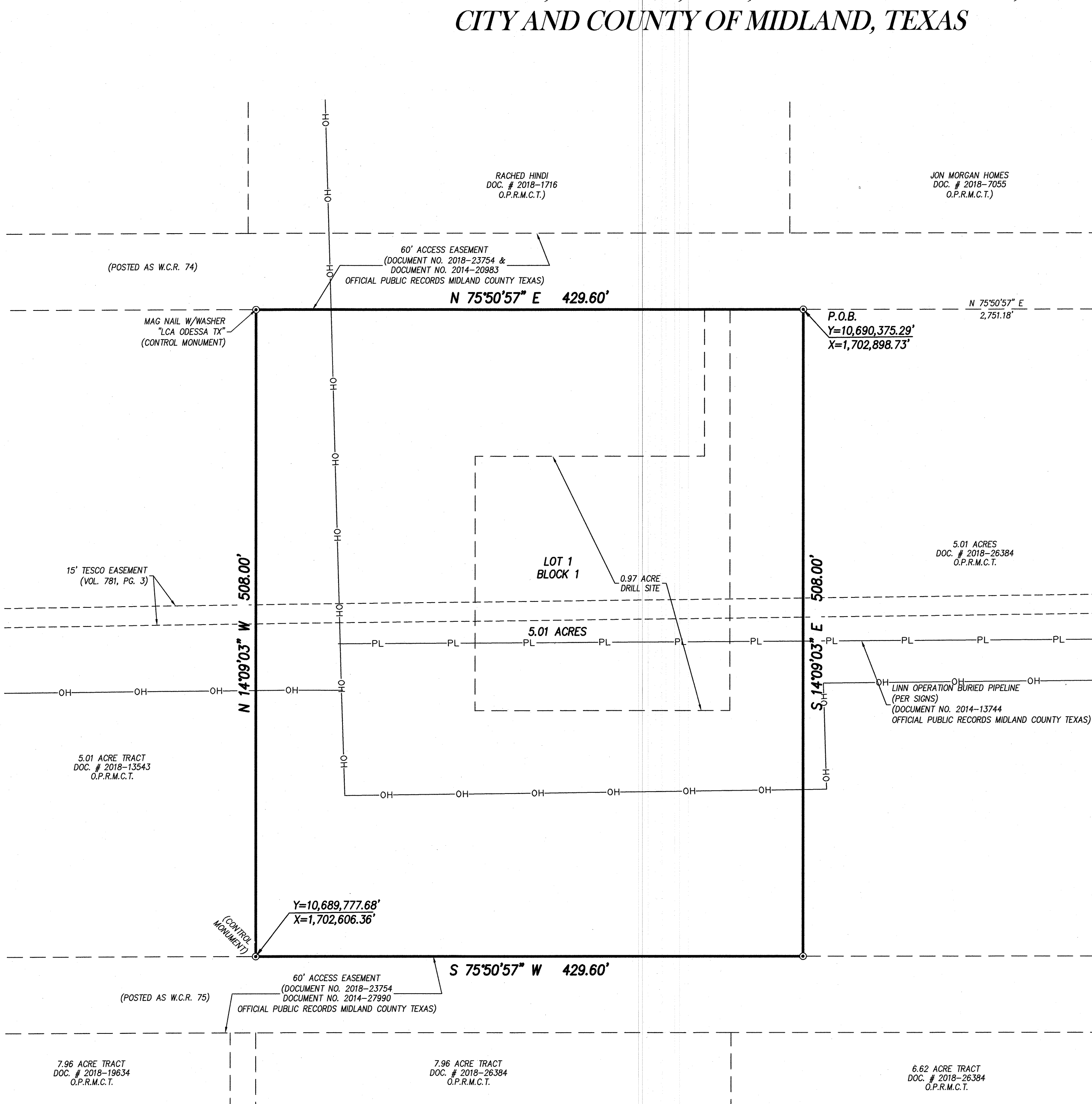
THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark C. Martis, 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 consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of ____ 2019.

My commission expires: _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



THE UTILITY COMPANIES CERTIFICATE
This plat has been checked for accessibility of utilities

CERTIFICATE OF APPROVAL

For approval by the Commission:

This is to certify that the above and foregoing Plat of Triangle Addition, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this ____ day of ____.

SIGNED: _____
CHAIRMAN OF PLANNING & ZONING
JOSH SPARKS

SIGNED: _____
SECRETARY OF PLANNING & ZONING
CRISTINA ODENBORG

ATMOS ENERGY
MARK LIEB

ONCOR ELECTRIC
DAVID HASKOVEC

GRANDE COMMUNICATIONS
MISSEY CHAVEZ

AT&T TELEPHONE COMPANY
JERRY UNDERWOOD

SUDDENLINK COMMUNICATIONS
LUIS MONTEZ

SHARYLAND UTILITIES
DOUG MCGEE

SPECIAL STATE PLANE COORDINATE NOTE

THE BEARINGS, DISTANCES AND COORDINATES RECITED ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, BASED ON THE CITY OF MIDLAND GPS CONTROL MONUMENT "1788/191" (Y=10,685,645.76' AND X=1,701,676.80') WITH A THETA ANGLE OF -00°59'17" AND A COMBINED GRID FACTOR OF 0.999883440 AS PUBLISHED IN US SURVEY FEET.

GENERAL NOTES

- Approval of a site plan by the City of Midland may be required before this lot may be developed and before a building permit may be obtained.
- Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law subject to fines and withholding of utilities and building permits.
- Contours shown hereon are from the City of Midland GIS Department.
- This property may lie within the Airport Overlay Zone (Ordinance No. 9302)

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, John F. Landgraf, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plat was prepared from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Midland, Texas.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND SHALL
NOT BE USED FOR VIEWED OR RELIED
UPON AS A FINAL SURVEY DOCUMENT.
JOHN F. LANDGRAF, R.P.L.S. # 2410

MONOMOY PROPERTIES MIDLAND TX 3, LLC
OWNER: 10100 SANTA MONICA BLVD
SUITE 200
LOS ANGELES, CA 90067
MARK C. MARTIS

ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.
521 NORTH TEXAS
ODESSA, TEXAS 79761-5131
PHONE: (432) 332-5058

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



TRIANGLE ADDITION



ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

521 North Texas, Odessa Tx. 79761 F-001363 F-10034300

Phone # (432) 332-5058

E-Mail : lca@lcaodessa.com

Personal Service, Today and Tomorrow



Preliminary Plat Application

Project Number:

Case Number:

345-18-0106
P-19-0441

Proposed Subdivision Plat Name: Triangle Addition

Legal Description (attached sealed Metes and Bounds): Being a ^{5.01}~~XX~~ Acre tract of land out of the North Part of Section 31, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas.

Property Owner

Printed Name: Triangle G, Inc. Attn: Breck Gifford

Phone ()

Email

Address 485 Russel Lane

City Weatherford

State TX

Zip 76087

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Landgraf, Crutcher & Associates

Printed Name: LCA

Phone (432) 332-5058

Email lca@lcaodessa.com

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: Locaed outside of the City limit line- No zoning required**Reason for Platting:** Future Building Permits Required**Plat Information**Total Acreage: ~~XX~~ 5.01Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)

Number of Residential Lots: 0

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

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

RECEIVED

FEB 6 2019

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 George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Triangle G, Inc. Attn: Breck Gifford 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.

George E. Thornley
Authorized Agent (signature)

Subscribed and sworn to before me, this 6th day of February, 20 19, to certify which witness my hand and seal of office.



Melanie Martinez

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

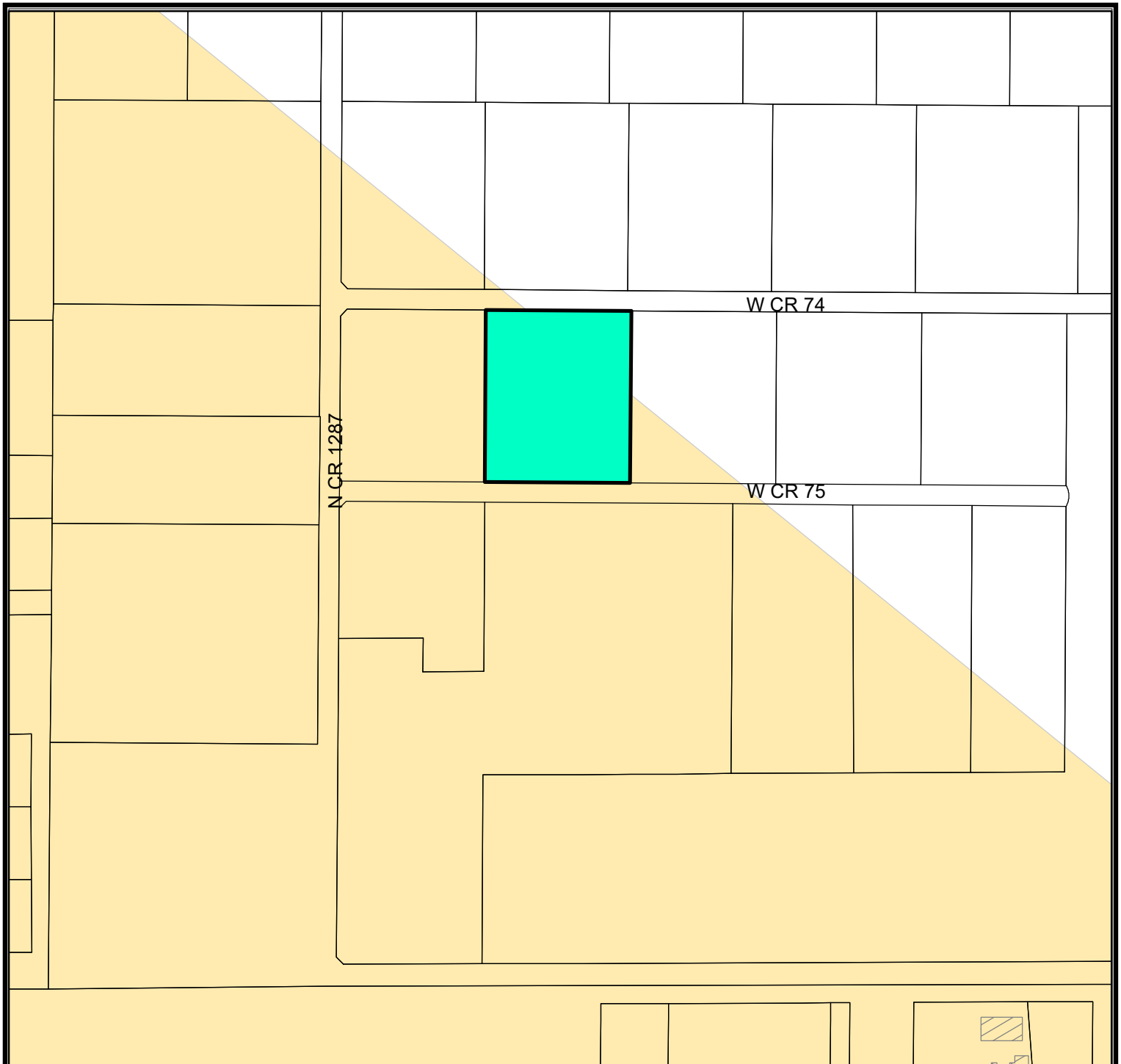
☒ 1 Copy of Plat (11x17)

Check # 37184

Received By: [Signature]

Date: 2/6/19

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



LOCATION MAP

SUB-18-0106

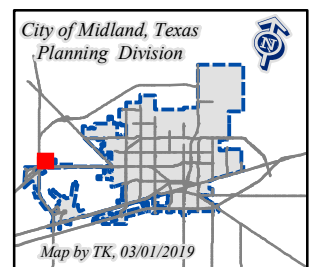
Scale: 1" = 400'

Proposed plat of Triangle Addition, being a Plat of a 5.01-acre tract of land out of the N/Part of Section 31, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas.

Generally located on the south side of W. County Road 74, approximately 430 feet east of N. County Road 1287. Extraterritorial Jurisdiction.

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS
- AIRPORT PROTECTION ZONE



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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

MEETING DATE: 3/18/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Consider a proposed Final Plat of Midstream Addition, being a Plat of a 10.00-acre tract of land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located approximately 661-feet north of East County Road 60 and approximately 785-feet east of North County Road 1147. Extraterritorial Jurisdiction)

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The applicant's property is located approximately 661-feet north of East County Road 60 and approximately 785-feet east of North County Road 1147. The applicant, Schumann Engineering, is requesting to plat a 10.00-acre tract of land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, into two (2) lots to obtain septic permits. The preliminary plat was approved at the December 17, 2018 Planning and Zoning Commission Meeting

Final Plat Requirements:

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

This proposed Final Plat of Midstream Addition has been circulated to all city departments for their review.

Engineering: (Approved)

ROW: No ROW dedicated to tract, only accessible through access easement.

PAVING: No public ROW along tract frontage, no public roadway improvements required.

WATER: No public ROW along tract frontage, no public water line improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal.

SEWER: No public ROW along tract frontage, no public wastewater improvements required.

DRAINAGE: Drainage study received and approved for platting purposes - comply with report.

EASEMENTS: Okay as shown.

SIDEWALKS: No public ROW along tract frontage, no public sidewalk improvements required.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No comments.

Fire: (Approved)

ETJ: No comments.

Code Compliance: (Approved)

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

Building: (Approved)

ETJ, No jurisdiction.

Planning:

All departments' comments have been satisfied.

Attachments:

Proposed Final Plat
Application
Map

MIDSTREAM ADDITION

BEING A PLAT OF A 10.00 ACRE TRACT
OF LAND OUT OF
SECTION 16, BLOCK 38, T-1-S,
T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS.

OWNER:

PERMIAN MIDSTREAM, LLC
JOSH BROOKS, PARTNER
P. O. BOX 1177
ANDREWS, TEXAS 797154
(617) 584-2889

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, WE ARE THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 16, BLOCK 38, T-1-S, T&P RR CO SURVEY, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

PERMIAN MIDSTREAM, LLC
JOSH BROOKS, PARTNER

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, PERMIAN MIDSTREAM, LLC, JOSH BROOKS, PARTNER.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOTES:

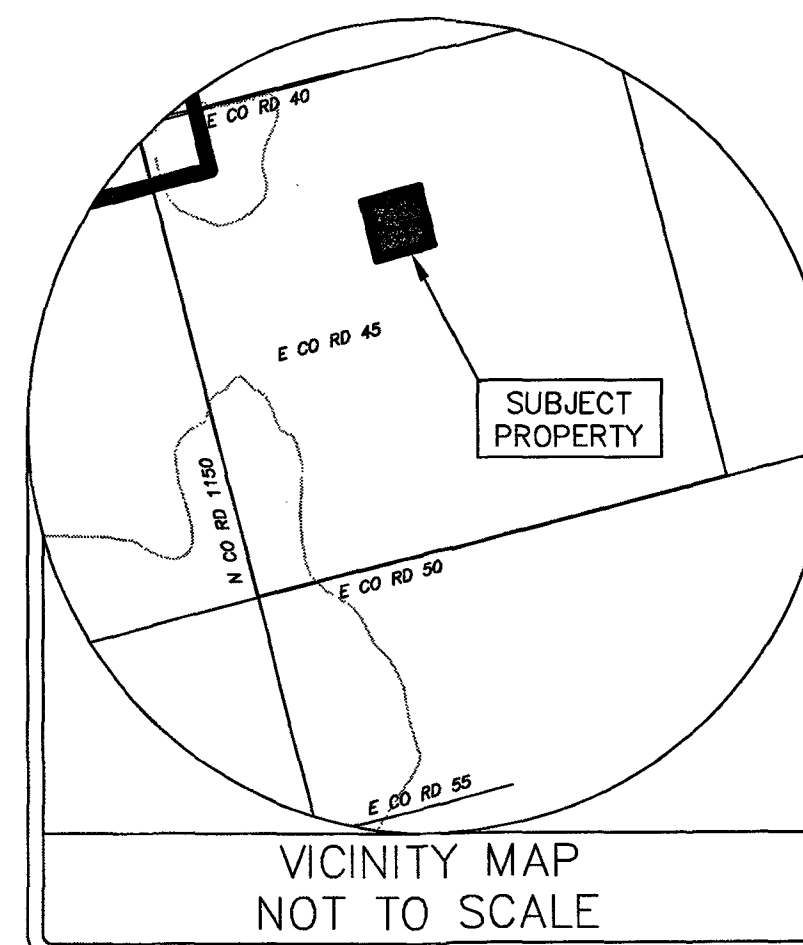
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING 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 10.00 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN TWO TRACTS OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

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

SCHUMANN ENGINEERING CO., INC.

REGISTERED PROFESSIONAL LAND SURVEYORS REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1880 TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504 Office (432) 684-5548
MIDLAND, TEXAS 79702-0504 Fax (432) 684-6973

DRAWN BY:	CAK	DATE:	10/18/2018
CHECKED BY:	RJD	DRAWING NO.:	76.340/JB
JOB NO.:	76,340	SHEET	1 OF 1



CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF MIDSTREAM ADDITION WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2018.

SIGNED: _____
CHAIRMAN JOSH SPARKS

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

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

RJ DAUM
RPLS 4826



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

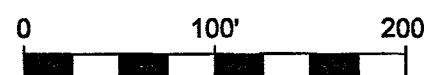
SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

R1975
SHENANDOAH BAR M RANCH LLC - 330.868 ACRES
SEC 16, BLK 38, T-1-S

POB - TOPOGRAPHIC
GRID N:10725355.3490
GRID E:1770727.9050
LAT:N32°04'58.4008"
LONG:W102°01'51.7669"

R1975
SHENANDOAH BAR M RANCH LLC - 330.868 ACRES
SEC 16, BLK 38, T-1-S

* FND 1/2"
REINF BAR
"TOPOGRAPHIC"

FND 120d
NAIL

60 FOOT ACCESS EASEMENT

FND 120d
NAIL

120D
GRID N:10724888.4610
GRID E:1771528.7580
LAT:N32°04'53.9922"
LONG:W102°01'42.4010"

R213611
HGJ LLC - 10.00 ACRES
SEC 16, BLK 38, T-1-S

48329-C0100F
ZONE "X"
SEPTEMBER 15, 2005

S74°48'39"W 660.07'

EAST COUNTY ROAD 45

FND FENCE
CORNER POST

R212293
JOSE MONTANEZ - 10.315 ACRES
4309 EAST COUNTY ROAD 45
SEC 16, BLK 38, T-1-S

N74°48'39"E 660.07'

N74°48'39"E 660.07'

S141°14'42"E 659.98'

S141°14'42"E 659.98'

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Final Plat Application

Project Number:

Case Number:

SUB-18-0137
P-19-0463**Proposed Subdivision Plat Name:** MIDSTREAM ADDITION**Legal Description (attached sealed Metes and Bounds):** Being a Plat of a 10.00 Acre Tract of Land out of Section 16, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas**Property Owner**

Printed Name:

Permian Midstream, LLC

Josh Brooks, Partner

Phone (617) 584-2889

Email

Address P.O. Box 1177

City Andrews

State TX

Zip 79714

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

*Firm: Schumann Engineering Co., Inc.

Printed Name: Cynthia A. Klatt

Phone (432) 684-5548

Email

cindy@schumannonline.net

Address P.O. Box 504

City Midland

State TX

Zip 79702-0504

Current Zoning:**Reason for Platting:** To obtain septic permit**Plat Information**

Total Acreage: 10.00 Acres

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

Number of Residential Lots: 0

Number of Multi-Family Dwelling Units: 0

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

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

RECEIVED

FEB 27 2019

CITY OF MIDLAND
PLANNING DIVISION OFFICE

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):

Joshua Brooks

Date:

1-24-19

Property Owner (printed):

Joshua C. Brooks

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.

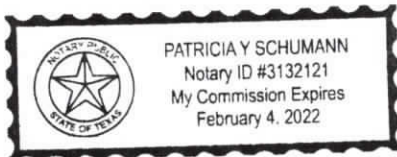
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Cynthia A. Klatt
Authorized Agent (signature)

Subscribed and sworn to before me, this 24th day of January, 20 19, to certify which witness my hand and seal of office.



Patricia Y. Schumann
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

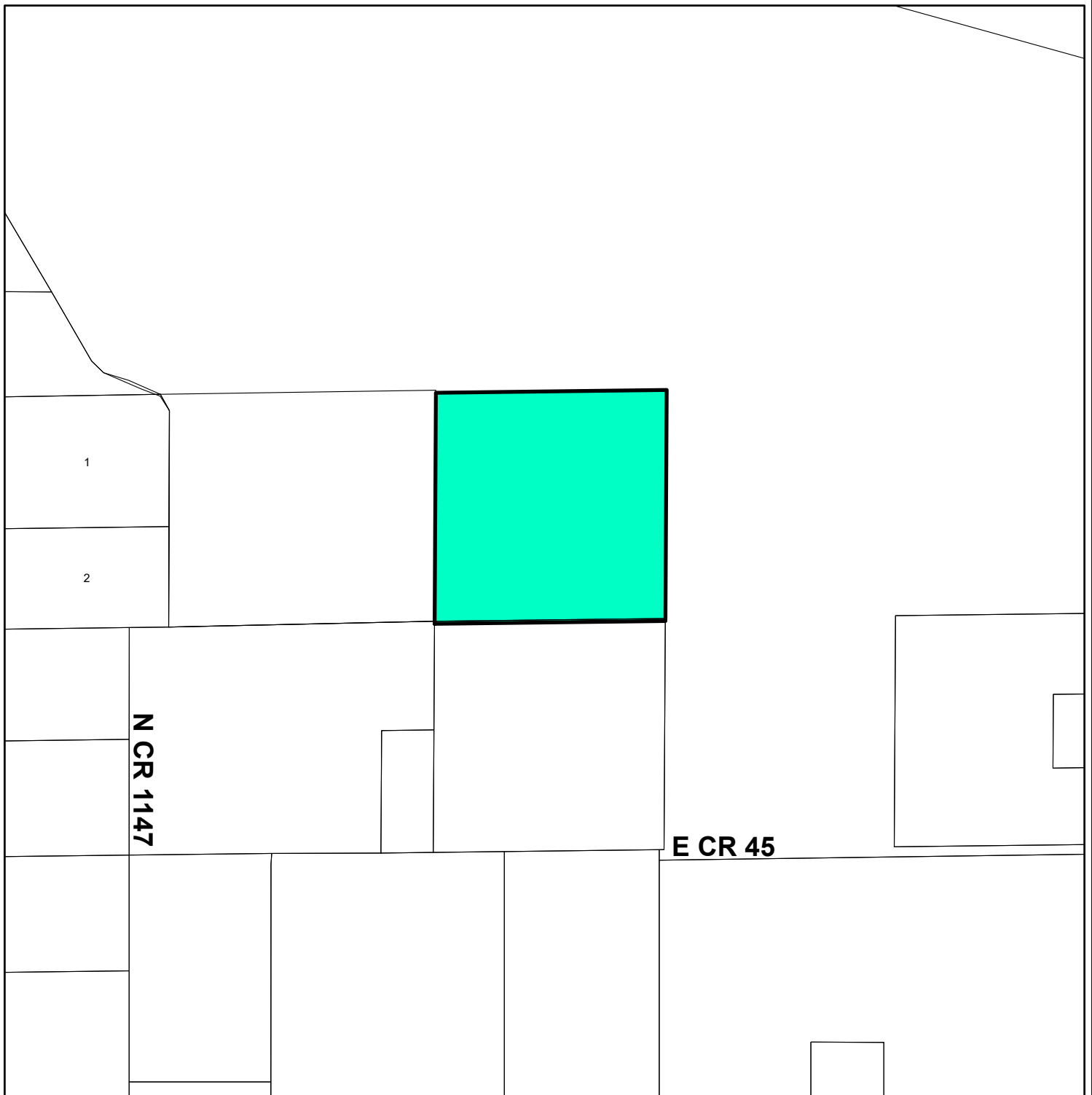
****Application will not be considered for scheduling until reviewed by a planner.****

1. The first part of the document is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the company. The names are listed in alphabetical order, and each name is followed by the position to which the person has been appointed.

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 11454	☒ Title Opinion	☒ Recording Fee
Check # <u>11455</u>	☒ Tax Certificates	Check # <u>11455</u>
Received By: <u>Glenda Arroyo-Cruz</u>		Date: <u>FEB 27 2019</u>

RECEIVED
FEB 27 2019
CITY OF MIDLAND
PLANNING DIVISION OFFICE

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



LOCATION MAP

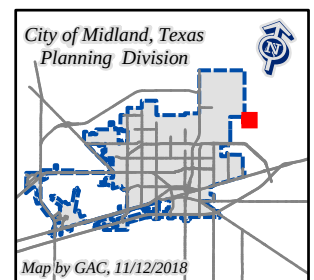
SUB- 18 - 0137 Scale: 1" = 300'

Consider a proposed Plat of Midstream Addition, being a Plat of a 10.00 Acre tract of land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, County of Midland, Texas.

Generally located approximately 661-feet north of East County Road 45, and approximately 785-feet east of North County Road 1147.(Extraterritorial Jurisdiction).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg

MEETING DATE: 3/18/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Consider a proposed preliminary Plat of Bob Law Addition, being a Plat of a 13.67-acre tract of land out of the E. Fain & L.F. Heard Survey, Abstract 1422, Block 38, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of East County Road 133 and South County Road 1140. Extraterritorial Jurisdiction)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Schumann Engineering, is proposing to plat a 13.67-acre tract of land out of the E. Fain & L.F. Heard Survey, Abstract 1422, Block 38, T-2-S, T&P. RR. Co. Survey, Midland County, Texas, into four (4) lots for ownership purposes and to obtain septic permits.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Engineering: (Approved with Conditions)

ROW: Okay as shown.

PAVING: C CR 1140 & E CR 133 are sub-standard, construct to City Standards for entire platted frontage or request a deferral.

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral based on located in the South Midland Utility District.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal.

PRO RATA: None.

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

DRAINAGE: Drainage study required. FEMA Firm data to be on plat face.

EASEMENTS: Show existing and proposed.

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No objections to plat.

Surveyor: (Approved)

No comments.

Fire: (Approved)

ETJ; No Comments.

Code Compliance: (Approved)

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

Building: (Approved)

ETJ, No jurisdiction.

GIS:

The proposed plat is on the north half of E. FAIN SURVEY, ABSTRACT NO.1422, BLOCK 38, T-2-S, T. & P. RR. CO. SURVEY, Midland County, Texas.

Planning:

The following technical items need to be addressed:

Update the year on the Certificate of Approval to 2019.

Please provide documentation showing ownership or transfer of ownership for proposed lot. Midland Central Appraisal District shows the owner to be as Somers & Watson Investments LLC.

The acreage for the whole property on Midland Central Appraisal District shows to be 64.50. Please verify acreage.

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

Staff recommends approval subject to conditions A through D.

Conditions:

- A. That the technical items listed above are addressed.
- B. That the 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
Application
Maps

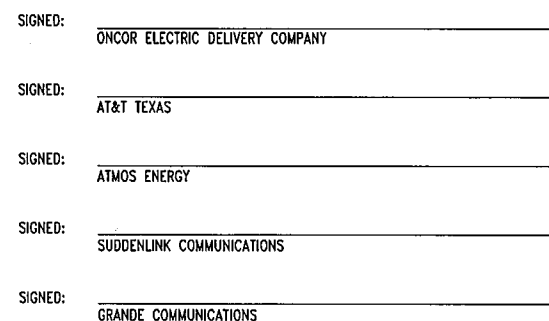
BOB LAW ADDITION

VICINITY MAP
NOT TO SCALE

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

REGISTERED PROFESSIONAL LAND SURVEYORS	REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering	Land Surveying
TEXAS FIRM No. P1880	TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504	Office (432) 684-5548
MIDLAND, TEXAS 79702-0504	Fax (432) 684-6973

BOB LAW ADDITION



(IN FEET)
1 inch = 100 ft.

				DRAWN BY: KDS	DATE: 11/15/2018
1	12/5/2018	PREPARED PRELIMINARY PLAT	CAK/KDS	CHECKED BY: RJD	DRAWN BY: RJD
NO.	DATE	DESCRIPTION	BY	JOB NO. 76,448	SHEET 1 OF 1

BOB LAW ADDITION



Preliminary Plat Application

Project Number:

SUB-18-0145

Case Number:

49-0453

Proposed Subdivision Plat Name: BOB LAW ADDITION**Legal Description (attached sealed Metes and Bounds):** Being a Plat of a 13.67 Acre Tract of Land out of 69.50 Acres out of Section 102 of L.F. Herd Survey, Abstract 1398, Block 38, T-2-S, T&P RR Co Survey, Midland County, Texas**Property Owner**

Neal Summers

Printed Name:

Phone (432) 264-8588

Email

Address

5701 East Co Rd 98

City

Midland

State

TX

Zip

79706

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Cynthia A. Klatt

Phone (432) 684-5548

Email

cindy@schumannonline.net

Address

P.O. Box 504

City

Midland

State

TX

Zip

79702-0504

Current Zoning:**Reason for Platting:** To build four sites with Septic Systems**Plat Information**

Total Acreage: 69.500 Acres

Type:

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

Number of Residential Lots:

0

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

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

RECEIVED

FEB 20 2019

CITY OF MIDLAND

1000 N. MIDLAND AVE. SUITE 1000

MIDLAND, TEXAS 79701

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):

Neal Summers

Date: 2-20-19

Property Owner (printed):

Neal Summers

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.

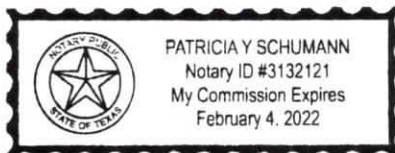
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Cynthia A. Klatt
Authorized Agent (signature)

Subscribed and sworn to before me, this 20th day of February, 20 19, to certify which witness my hand and seal of office.



Patricia Y. Schumann
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

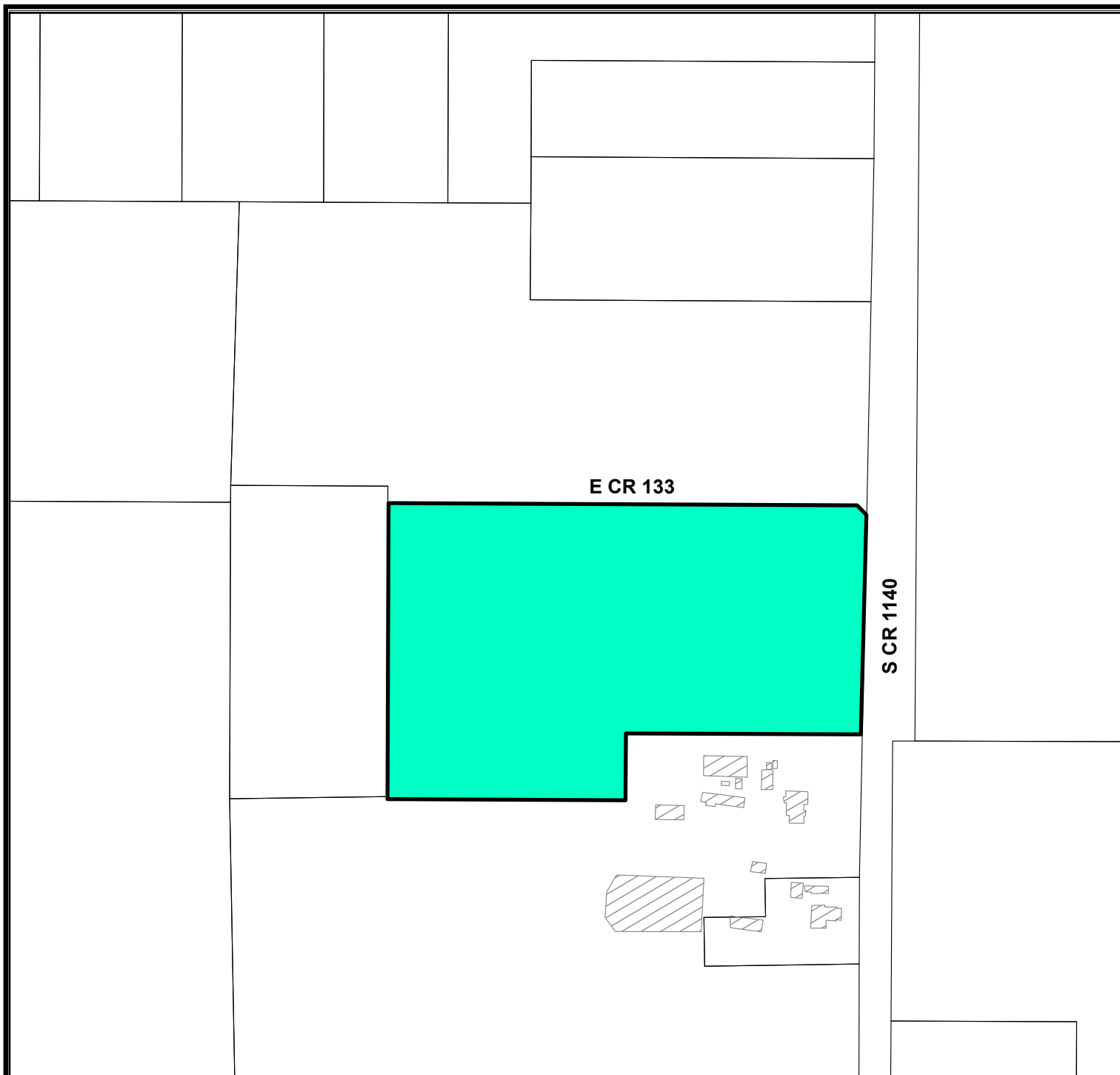
☒ 1 Copy of Plat (11x17)

Check # 11498

Received By: Glenda Arroyo-Cruz

Date: FEB 20 2019

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



LOCATION MAP

SUB-18-0145

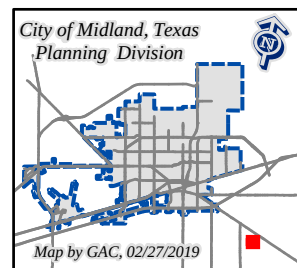
Scale: 1" = 400'

Consider a proposed Plat of Bob Law Addition, being a Plat of a 13.67-acre tract of land out of the E. Fain & L.F. Heard Survey, Abstract 1422, Block 38, T-2-S, T&P. RR. Co. Survey, Midland County, Texas.

Generally located on the southwest corner of the intersection of East County Road 133 and South County Road 1140. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019

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

MEETING DATE: 3/18/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Consider a proposed Preliminary Plat of Vaquero Addition, Section 2, being a Plat of a 2.00-acre tract of land out of the NW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 73, approximately 762-feet west of North County Road 1125. Extraterritorial Jurisdiction)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Schumann Engineering, is proposing to plat a 2.00 acre tract of land out of the NW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, into two (2) lots to obtain septic permits.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Engineering: (Approved with Conditions)

ROW: Okay as shown. Private roadway aligns with E CR 73.

PAVING: Private roadway dedication indicated on plat face. Roadway not public ROW so no paving improvements required.

WATER: None existing. No public ROW frontage, so no public water improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall

be spaced no more than 400' apart, hydrant top or bonnet shall be color coded per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None.

SEWER: None existing. No public ROW frontage, so no public wastewater improvements required.

DRAINAGE: Drainage study required. FEMA Firm data is shown on plat face. Entire site in Zone A. Floodplain development permit required for any development on tract.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Not adjacent to public ROW; no sidewalk improvements required.

DIMENSION: * * *

OTHER: Vaquero Addition plat is not included in Development Services Subdivision Plats folder on server.

Transportation: (Approved)

No objections to plat.

Surveyor: (Approved)

No comments.

Fire: (Approved)

ETJ; No comments.

Code Compliance: (Approved)

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

Building: (Approved)

ETJ, no jurisdiction.

Utilities:

This plat is outside the City Limits and will not have access to City water or sewer.

Health Department:

Yes, the health department will review applications from the 2 proposed lots of Vaquero Addition Section 2, PLAT OF A 2 ACRE TRACT OF LAND

OUT OF THE NORTHWEST ¼ OF SECTION 35, BLOCK 38,T-1-S, T. & P. RR. CO. SURVEY each lot is 1 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Planning:

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

Staff recommends approval subject to conditions A through B.

Conditions:

- A. That a drainage study is approved.
- 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:

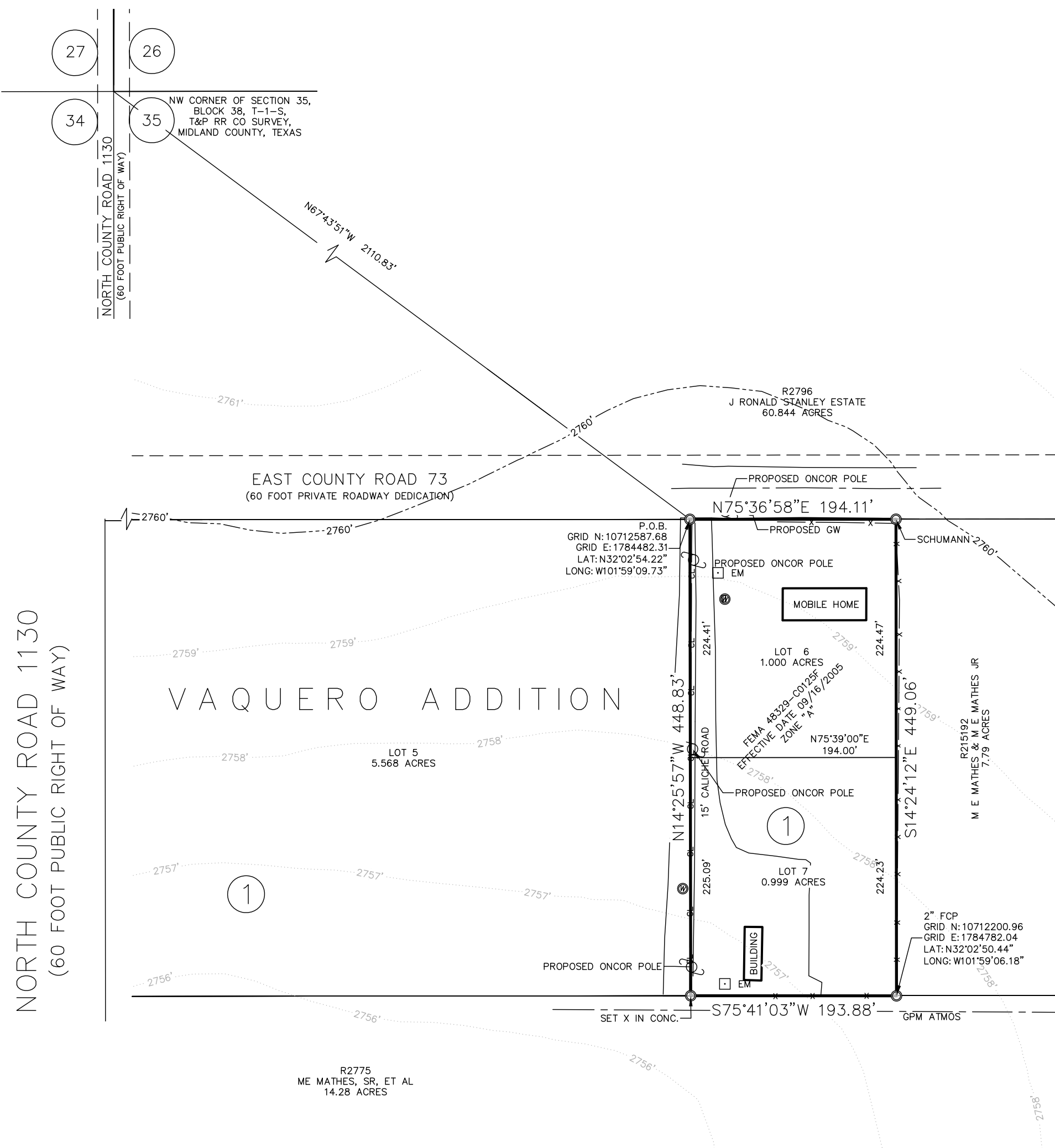
Proposed Preliminary Plat
Application
Maps

VAQUERO ADDITION

SECTION 2

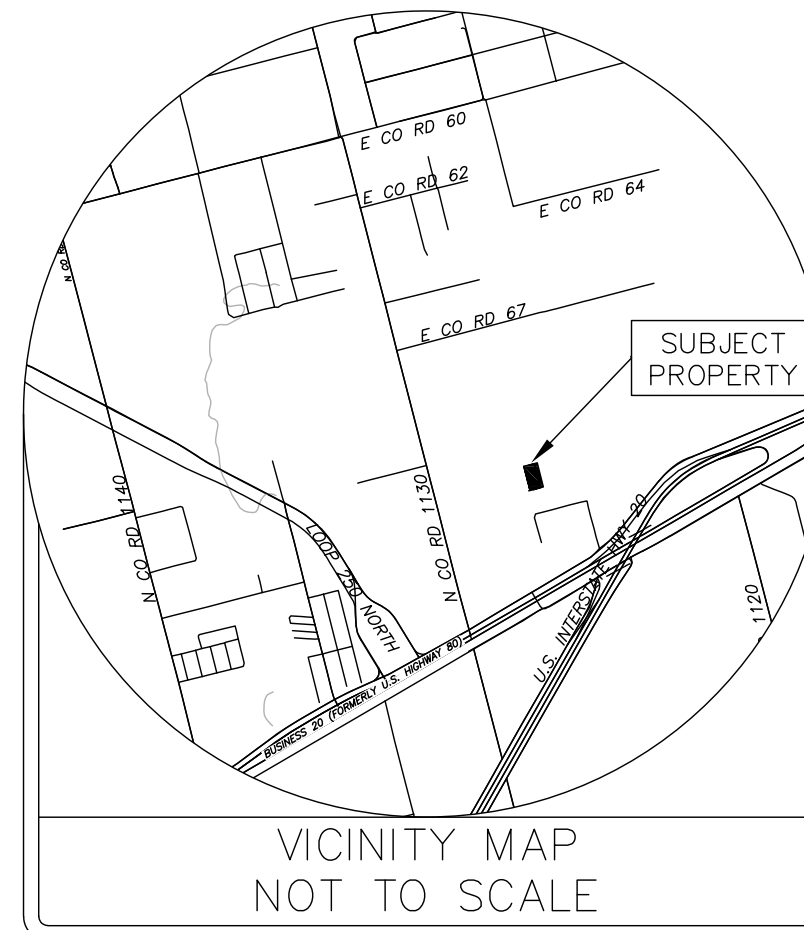
SCHUMANN ENGINEERING CO., INC.
 REGISTERED PROFESSIONAL LAND SURVEYORS REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering ~ Land Surveying
 TEXAS FIRM No. F1880 TEXAS FIRM No. 10149500
 408 N. PECOS STREET - P. O. BOX 504 Office (432) 684-5548
 MIDLAND, TEXAS 79702-0504 Fax (432) 684-6973

				DRAWN BY: CG	DATE: 01/17/2019
				CHECKED BY: RJD	DRAWING NO.: 76567D
NO.	DATE	DESCRIPTION	RY	QTY: 76,567	SHEET 1 OF 1

Vaquero Addition Section 2

A horizontal scale bar with tick marks at 0, 100', and 200'. The bar is divided into alternating black and white segments, with a total length of 200 feet.

DAMIAN HERNANDEZ
6312 EAST COUNTY ROAD 73
MIDLAND, TX 79706
(561) 371-8672
damiancarreno@yahoo.com



SIGNED: _____
GRANDE COMMUNICATIONS



Preliminary Plat Application

Project Number:

Case Number:

SUB-19-074
19-0452**Proposed Subdivision Plat Name:** VAQUERO ADDITION SECTION 2**Legal Description (attached sealed Metes and Bounds):** Being a Plat of a 2.00 Acre Tract of Land out of the Northwest/4 of Section 35, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas**Property Owner**

Damian Hernandez

Printed Name:

Phone (541) 371-8672

Email

lolivas250@outlook.com

Address

6312 East Co Rd 73

City

Midland

State

TX

Zip

79706

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Cynthia A. Klatt

Phone (432) 684-5548

Email

cindy@schumannonline.net

Address

P.O. Box 504

City

Midland

State

TX

Zip

79702-0504

Current Zoning:**Reason for Platting:** To obtain Septic System**Plat Information**

Total Acreage: 2.00 Acres

Type:

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

Number of Residential Lots:

2

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

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

Provisions

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

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

Property Owner (signature):

Date: 02/18/2019

Property Owner (printed):

DAMIAN CARRENO HERNANDEZ

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.

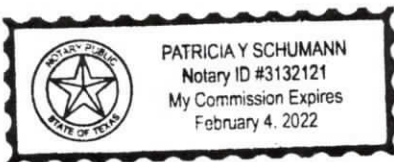
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Cynthia A. Klatt who, being by me duly sworn, upon oath says: That (s)he is authorized by DAMIAN C. HERNANDEZ, 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.

Cynthia A. Klatt
Authorized Agent (signature)

Subscribed and sworn to before me, this 18TH day of February, 20 19, to certify which witness my hand and seal of office.



Patricia Y. Schumann
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 # 11486

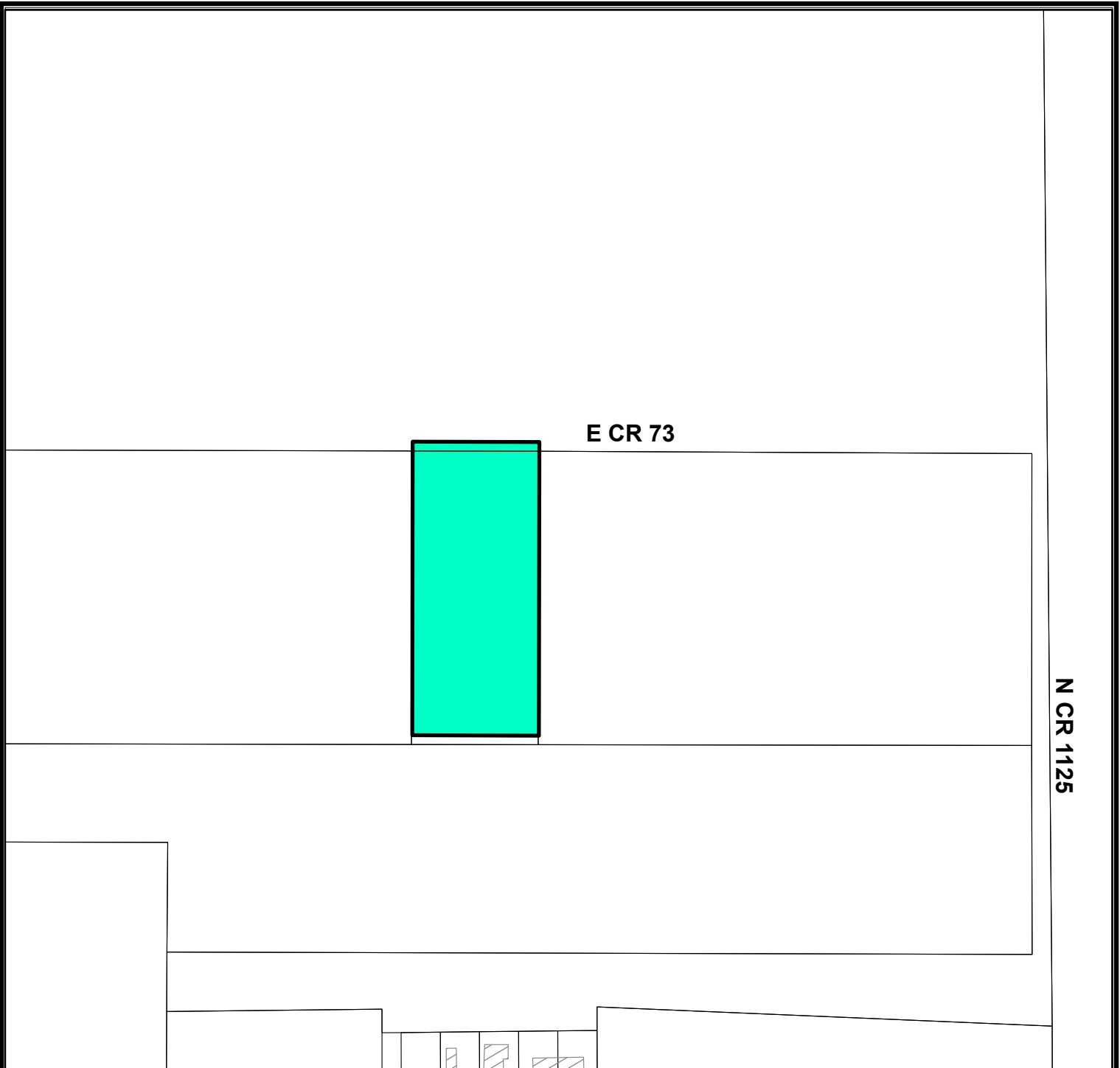
Received By: ES

Date:

FEB 19 2019

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





LOCATION MAP

SUB-19-0174

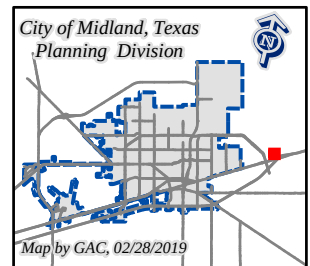
Scale: 1" = 400'

Consider a proposed plat of Vaquero Addition, Section 2, being a Plat of a 2.00 acre tract of land out of the NW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas.

Generally located on the south side of East County Road 73, approximately 762-feet west of North County Road 1125. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019

THIS DATA IS NOT A SUBSTITUTE 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

MEETING DATE: 3/18/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Radford Dickson, Planner

SUBJECT: Consider a Proposed Preliminary Plat of Polo Club Addition, Section 8, being a Plat of a 11.19-acre tract of land out of the NW/4 of Section 3, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Polo Club Road and Bluebird Lane. Council District 1)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Schumann Engineering, is proposing to plat a 11.19-acre tract of land out of the NW/4 of Section 3, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, into four (4) lots.

Current Zoning:

AE, Agricultural Estate.

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

BUILDING CODE: (Approved)

No comments

SURVEYOR: (Approved)

Check acreage on 10' road dedication.

ENGINEERING: (Approved with Conditions)

ROW: Okay as shown.

PAVING: Polo Club paving is sub-standard, construct to City Standards for entire platted frontage or request a deferral. Bluebird paving is okay as is.

WATER: 12" water exists in part of Polo Club - construct to City standards in Polo Club from end of existing line to end of platted frontage (connecting to existing 6" in Cardinal), 12" water exists in Blue Bird.

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

PRO RATA: None.

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

DRAINAGE: Drainage study required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Requirements will be evaluated with building permit.

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

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

TRANSPORTATION: (Approved)

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

No objections to plat.

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

No Oil or Gas wells identified within 500 ft. radius of location on plat.

HEALTH:

Yes, the health department will review applications from the 4 proposed lots of Polo Club Addition, Section 8, PLAT OF A 11.16 ACRE TRACT OF LAND OUT OF THE NORTHWEST ¼ OF SECTION 3, H P HILLIARD SURVEY BLOCK X MIDLAND COUNTY TEXAS each lot is 2 acres and above to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING: (Approved with conditions)

The legal description should read, "Being a plat of a 11.19- acre tract of land out of the NW/4 of Section 3, Block X, H.P. Hilliard Survey, City and County of Midland, Texas."

Remove topography lines.

Be aware of Texas Railroad Commission pipelines located outside of the easements.

Midland Central Appraisal District shows acreage of the property to be 11.19; verify acreage.

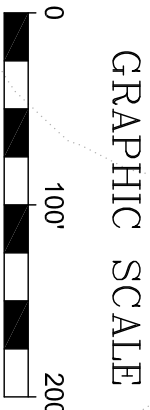
All department's comments must be addressed as a condition of final plat approval subject to conditions A through D.

Conditions:

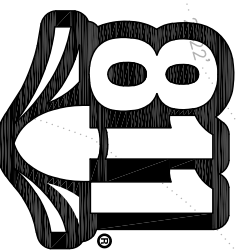
- A. That the technical items listed above are addressed.
- B. That the required Public Improvements are adequately met.
- C. That a drainage study is approved.
- D. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Preliminary Plat
Maps
Application



(IN FEET)
1 inch = 100 ft.



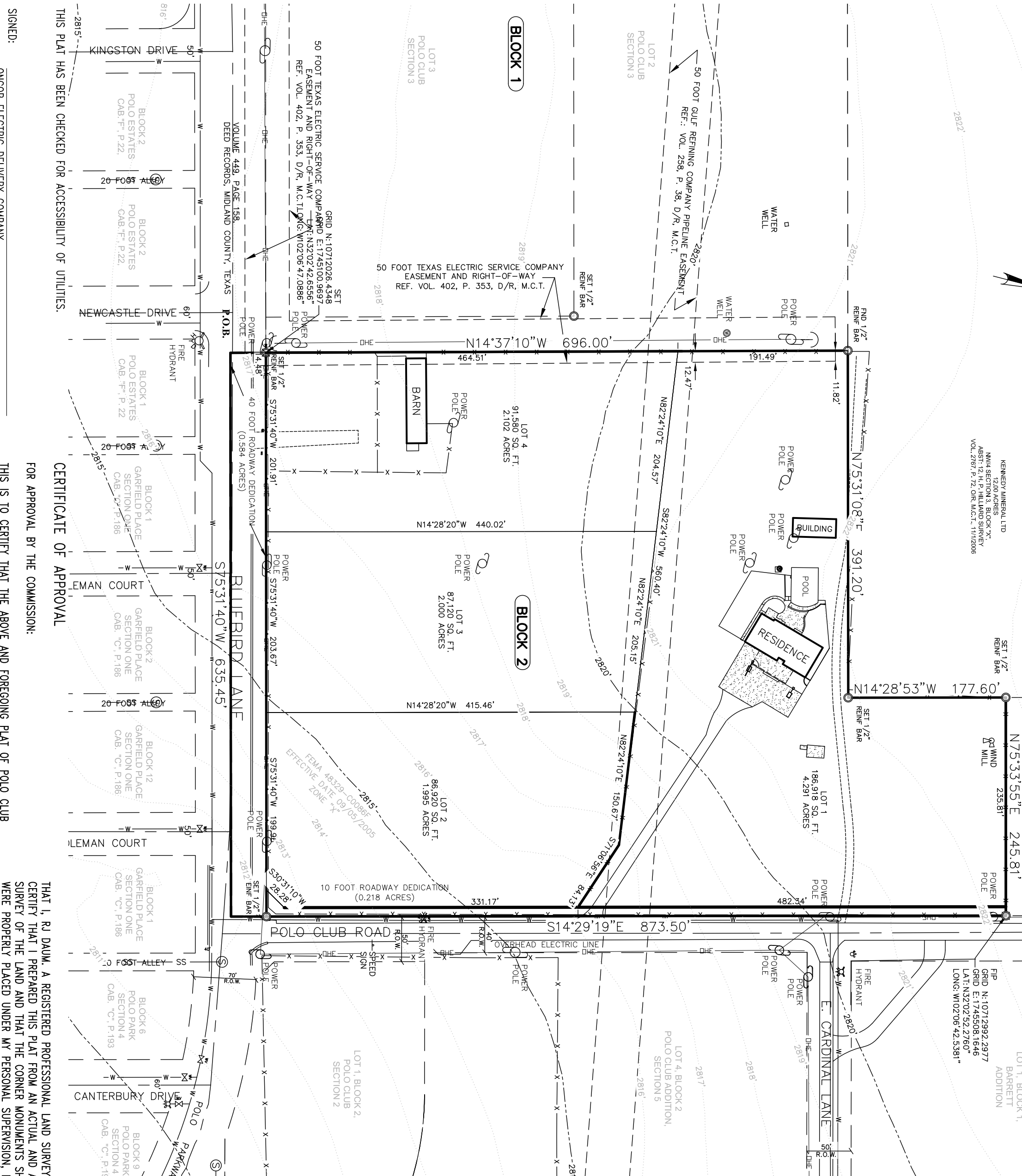
Know what's below.
Call before you dig.

ELANE MCCREGER
1.88 ACRES
SECTION 3, BLOCK "X", H. P. HILLIARD SURVEY
H. P. HILLIARD SURVEY, ABST. 12
V.2354, P.280, O&L, MCT 465204
V.2354, P.280, O&L, MCT 465204

CLAYTON W. WILLIAMS, 3.07 ACRES
SECTION 3, BLOCK "X", H. P. HILLIARD SURVEY
H. P. HILLIARD SURVEY, ABST. 12
V.2354, P.280, O&L, MCT 465204
V.2354, P.280, O&L, MCT 465204

RYAN OWEN
2.19 ACRES
SECTION 3, BLOCK "X", H. P. HILLIARD SURVEY
H. P. HILLIARD SURVEY, ABST. 12
V.2354, P.280, O&L, MCT 465204
V.2354, P.280, O&L, MCT 465204

KENNEDY MINERAL LTD.
12.00 ACRES
SECTION 3, BLOCK "X", H. P. HILLIARD SURVEY
H. P. HILLIARD SURVEY, ABST. 12
V.2354, P.280, O&L, MCT 465204
V.2354, P.280, O&L, MCT 465204



SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

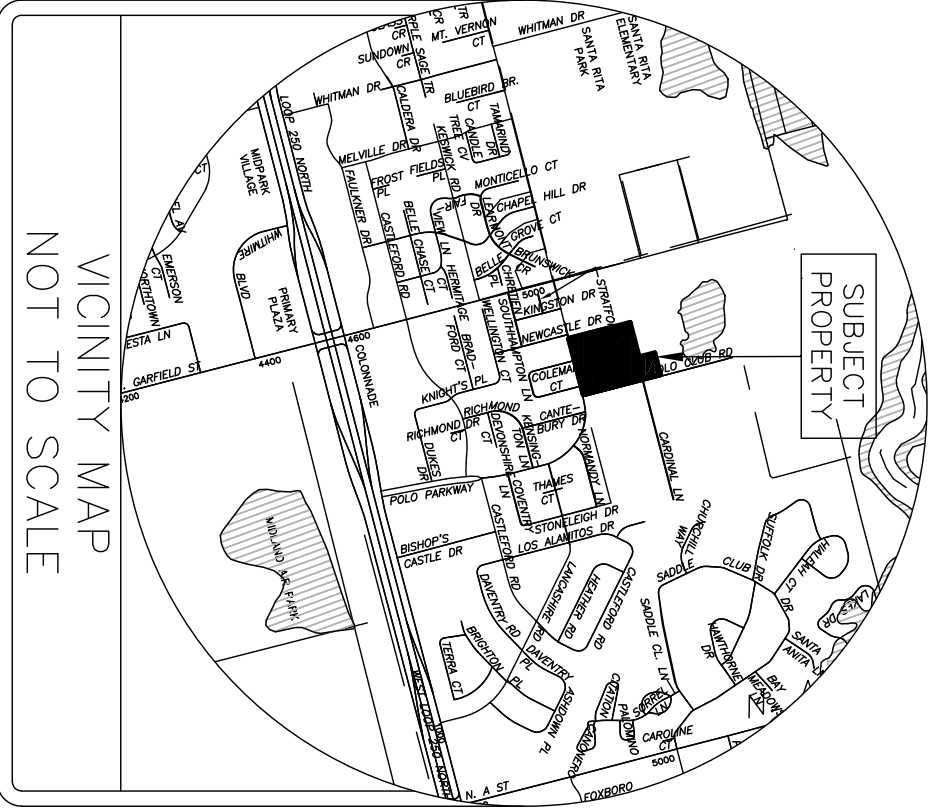
SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL
FOR APPROVAL BY THE COMMISSION:
THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF POLO CLUB ADDITION SECTION 6 WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2019.

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.

OWNER:

JIMMY ZACHRY
5115 POLO CLUB ROAD
MIDLAND, TEXAS 79705
(432) 528-1337



VICINITY MAP
NOT TO SCALE

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

DRAWN BY:	KDS	DATE:	12/12/2018
CHECKED BY:	CAK	DRAWING NO.:	76579JZ
JOB NO.:	76,579	SHEET	1 OF 1

SCHUMANN ENGINEERING CO., INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
LICENSED STATE LAND SURVEYORS
TEXAS and NEW MEXICO

Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1880
408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504

Office (432) 884-5548
Fax (432) 884-8973

PRELIMINARY PLAT

POLO CLUB ADDITION, SECTION 8

A PLAT OF A 11.190 ACRE TRACT
OF LAND OUT OF
THE NW/4 OF SECTION 3,
H. P. HILLIARD SURVEY, BLOCK "X",
CITY AND COUNTY OF MIDLAND, TEXAS.

STATE OF TEXAS
COUNTY OF MIDLAND
WHEREAS, I AM THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 3, BLOCK "X", H. P. HILLIARD SURVEY, AND MORE PARTICULARLY DESCRIBED HEREON.
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HERENAFORE DESCRIBED PROPERTY AS POLO CLUB ADDITION SECTION 8, 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____.

JIMMY ZACHRY

STATE OF TEXAS:
COUNTY OF MIDLAND:
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
DAY OF _____, 20____, WEBB H. McDANIEL.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY MEETS 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 AND DISTANCES SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.
5. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS (1) THE 11.16 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN FOUR TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.



Preliminary Plat Application

Project Number:

Case Number:

SUB-19-0179
P-19-0454**Proposed Subdivision Plat Name:** POLO CLUB ADDITION SECTION 8**Legal Description (attached sealed Metes and Bounds):** Being a Plat of an 11.16 Acre Tract of Land out of the NW/4 of Section 3, H.P. Hilliard Survey, Block "X", Midland County, Texas**Property Owner**

JIMMY DALE ZACHARY

Printed Name:

Phone (432) 528-1337

Email jzacl@sbcglobal.net

Address

515 POLO CLUB ROAD

City

MIDLAND

State

TX

Zip

79705

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Cynthia A. Klatt

Phone (432) 684-5548

Email

cindy@schumannonline.net

Address

P.O. Box 504

City Midland

State TX

Zip

79702-0504

Current Zoning:**Reason for Platting:** To divide into separate Lots**Plat Information**

Total Acreage: 11.16 Acres

Type:

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

Number of Residential Lots:

4

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

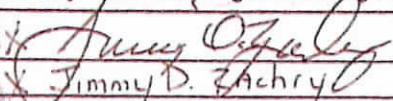
If yes, contact the City Engineer at (432) 685-7286

Provisions

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

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

Property Owner (signature):



Date: 02/19/2019

Property Owner (printed):

Jimmy D. Zachry

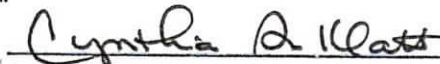
The Preliminary Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the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

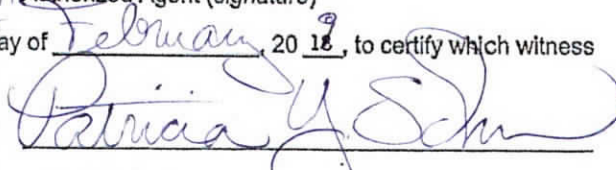
Before me, the undersigned authority, on this day personally appeared Cynthia A. Klatt who, being by me duly sworn, upon oath says: That (s)he is authorized by Jimmy Zachry, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power 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 20th day of February, 20 19, to certify which witness my hand and seal of office.



PATRICIA Y SCHUMANN
Notary ID #3132121
My Commission Expires
February 4, 2022

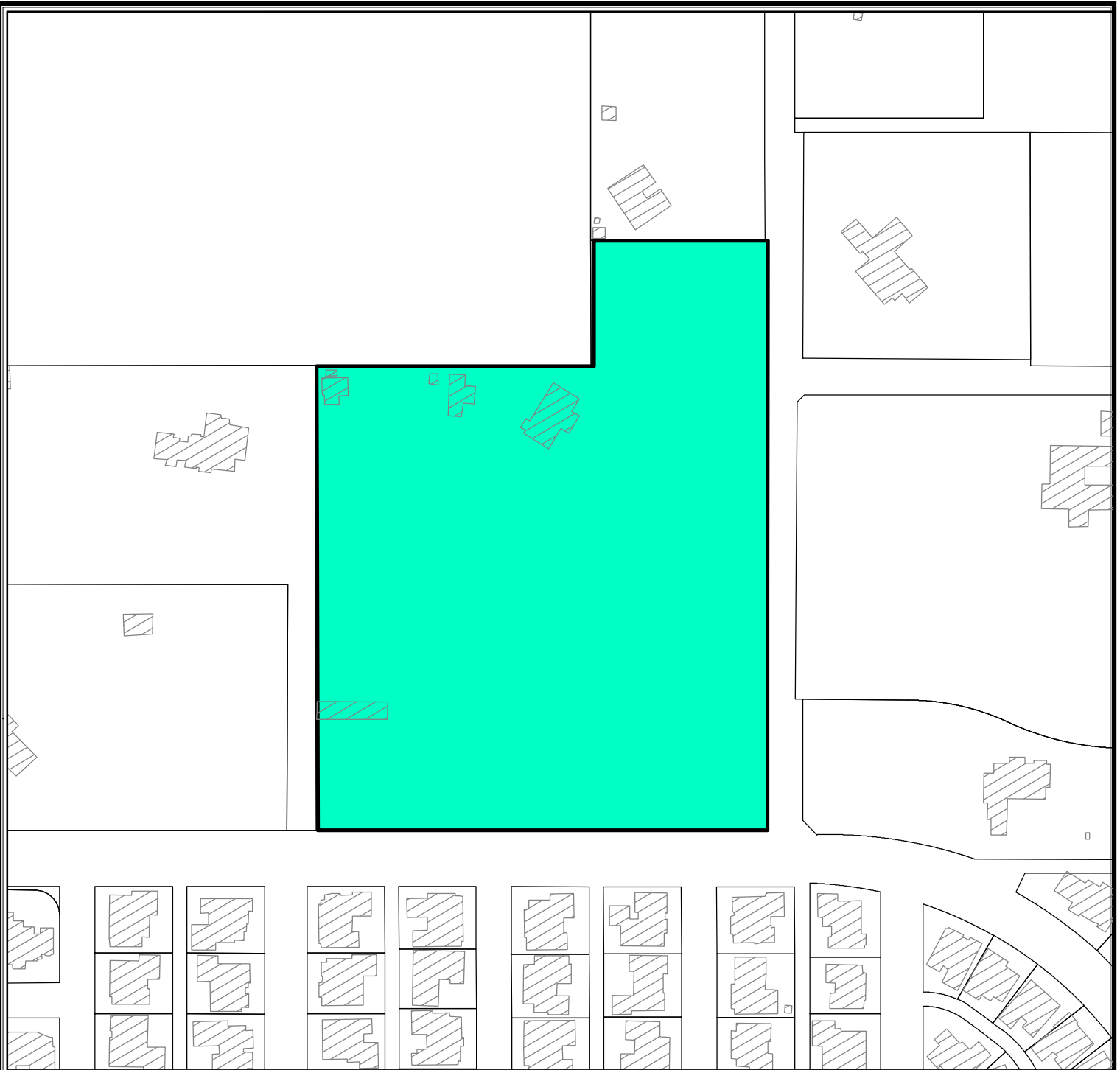

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS**FOR OFFICE USE ONLY**

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

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

Check # 11499Received By: Rad DicksonDate: FEB 20 2019

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



LOCATION MAP

SUB-19-0197

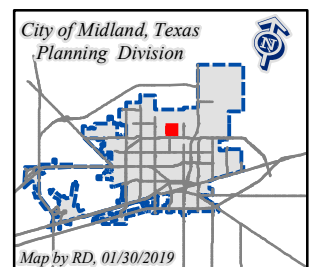
Scale: 1" = 200'

Polo Club Addition, Section 8, being a Plat of a 11.19-acre tract of land out of the NW/4 of Section 3, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of Polo Club Road and Bluebird Lane.
(Council District 1)

LEGEND

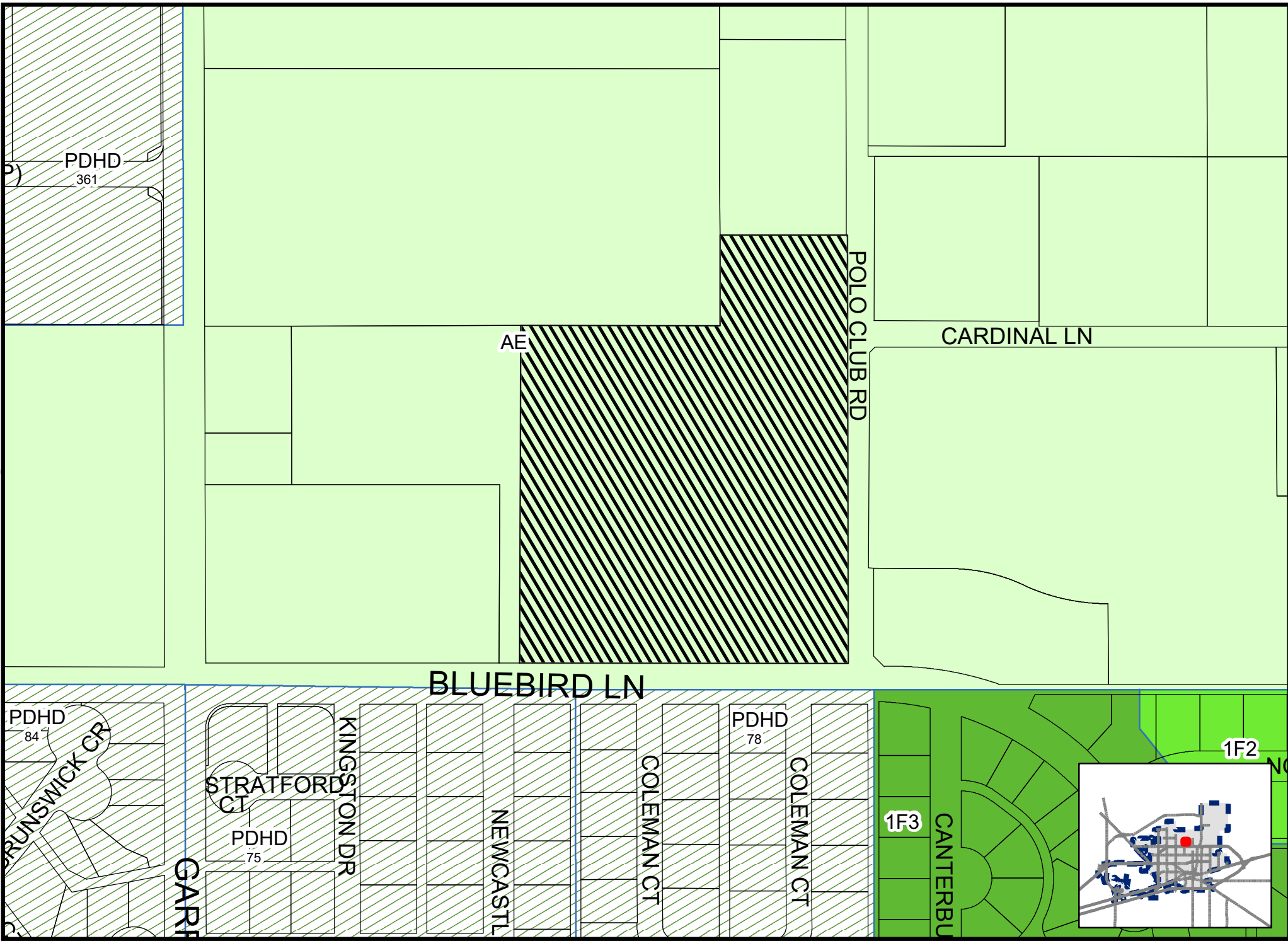
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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





Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg

MEETING DATE: 3/18/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Radford Dickson, Planner

SUBJECT: Consider a proposed Preliminary Plat of Noir Addition, being a plat of a 13.745 acre tract of land, being an 11.438 Acre Tract of land out of Section 28, Block 38, T-1-S, T&P R.R. Co. Survey and a 2.307-acre tract of land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1148, approximately 1,177 feet north of East County Road 72. ETJ, Extraterritorial jurisdiction)

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Details of Request:

The applicant, Schumann Engineering, is proposing to plat a 13.745 acre tract of land, being a plat of a 13.745 acre tract of land, being an 11.438 Acre Tract of land out of Section 28, Block 38, T-1-S, T&P R.R. Co. Survey and a 2.307-acre tract of land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, into one (1) lot to obtain a septic permit.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Engineering (Approved with Conditions):

ROW: ROW okay as shown.

PAVING: N CR 1148 is sub-standard, construct to City Standards for entire platted frontage or request a deferral (minimum requirement is to build to County standards if

deferral to City standard is approved, 2018 aerial phot shows paving ends at northern property line.)

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral based on located in the South Midland Utility District.

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

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

PRO RATA: None.

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

DRAINAGE: Drainage study required.

EASEMENTS: Show existing and proposed.

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

Transportation (Approved):

No objections to plat.

Surveyor: (Approved)

No comments.

Fire: (Approved)

ETJ, no comments.

Code Compliance: (Approved)

ETJ, no jurisdiction.

Building: (Approved)

ETJ, no jurisdiction.

Health:

The health department will review application from the 1 proposed lot of Noir Addition, PLAT OF A 13.75 ACRE TRACT OF LAND OUT OF THE SOUTHWEST/4 OF

SECTION 28, SECTION 33 BLOCK 38,T-1-S, T. & P. RR. CO. SURVEY the lot is 13.75 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Planning:

The following technical items need to be addressed:

Update legal description. "Being a plat of a 13.745 acre tract of land, being an 11.438 Acre Tract of land out of Section 28, Block 38, T-1-S, T&P R.R. Co. Survey and a 2.307-acre tract of land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas."

Clearly label existing street names, width of right-of-way and paving conditions.

The property owners mailing address on the application and plat must match what is on record at the Midland Central Appraisal District.

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

Staff recommends approval 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
Location Map
Application

PRELIMINARY PLAT
NOIR ADDITION

BEING A PLAT OF A 13.745 ACRE TRACT OF LAND,
BEING 11.438 ACRE TRACT OUT OF SECTION 28,
AND A 2.307 ACRE TRACT OUT OF SECTION 33,
ALL IN BLOCK 38, T-1-S, T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS



STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, WE ARE THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTIONS 28 AND 33, BLOCK 38, T-1-S, T&P RR CO SURVEY, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

BROOKLINE REH, LLC
RICK PIERCE, MANAGER

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 20____, BROOKLINE REH, LLC, RICK PIERCE, MANAGER.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

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 NOIR ADDITION, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2019.

SIGNED: _____
CHAIRMAN JOSH SPARKS

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

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

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.

RJ DAUM
RPLS 4826

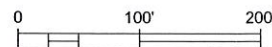


NO.	DATE	DESCRIPTION	BY	DRAWN BY: CG	DATE: 1/7/2019
				CHECKED BY: RJ	DRAWING NO.: 76550RP
				JOB NO.: 76,550	SHEET 1 OF 1

OWNER:

RICK PIERCE, MANAGER
BROOKLINE REH, LLC
200 PARK AVENUE, SUITE 5800
NEW YORK, NY 10166
MAIN: (212) 551-4115
MOBILE: (716) 512-5101
rpierce@brooklineholdings.com

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. THIS TRACT IS ON FEMA'S FLOOD MAP 48329-C0088F, EFFECTIVE DATE OF SEPTEMBER 16, 2005, AND IS IN ZONE "X".

SET 1/2" REINF BAR

FND 1/2" REINF BAR

R-208289
EAGLE WATCH INVESTMENTS, INC.
2.21 ACRES
SW/4 SEC. 28, BLK. 38, T-1-S

N75°28'26"E 1205.43'

1145.01'

FND SCHUMANN
GRID N:10711818.44
GRID E:1774698.06
LAT: N32°02'45.16"
LONG: W102°01'03.25"

FND 1/2" REINF BAR

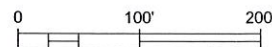
N14°35'52"W 496.01'

NORTH COUNTY ROAD 1148
(0.675 ACRES WITHIN 60 FOOT RIGHT OF WAY)

FND 1/2" REINF BAR

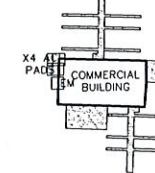
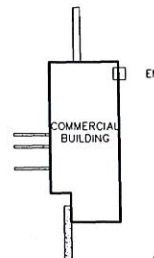
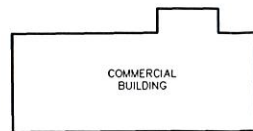
P.O.B. SCHUMANN
GRID N:10711036.19
GRID E:1773656.17
LAT: N32°02'37.26"
LONG: W102°01'15.21"

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

ENRON GAS PROCESSING
60' ROW V.1056, P.280, D/R, MCT



LOT 1
569,347 SQ. FT.
13.07 ACRES

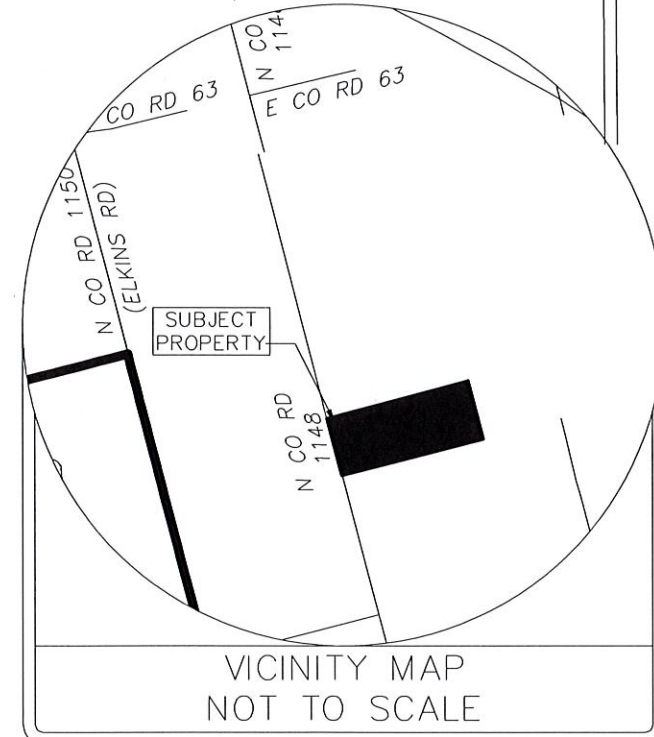
PARKER & PARSLEY PIPELINE
V.1004, P.35, D/R, MCT SEC 28
V.960, P.673, D/R, MCT SEC 33

S14°20'41"E 416.78'

PIONEER NATURAL RESOURCES USA
E/2 SEC. 28, BLK. 38, T-1-S

R-208782
MANUEL A. CASTRO
7.42 ACRES
E/2 SEC. 33,
BLK. 38, T-1-S

R-209065
NABORS WELL SERVICE CO.
16.811 ACRES
NW/4 SEC. 33, BLK. 38, T-1-S



VICINITY MAP
NOT TO SCALE

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

SCHUMANN ENGINEERING CO., INC.

REGISTERED PROFESSIONAL LAND SURVEYORS REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1880 TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504 Office (432) 684-5548
MIDLAND, TEXAS 79702-0504 Fax (432) 684-6973

NOIR ADDITION

NOIR ADDITION



Preliminary Plat Application

Project Number:

Case Number:

SUB-19-0170
19-0446

Proposed Subdivision Plat Name: NOIR ADDITION

Legal Description (attached sealed Metes and Bounds): Being a Plat of a 13.745 Acre Tract, being 11.438 Acres out of Section 28 and a 2.307 Acre Tract out of Section 33, ALL in Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas**Property Owner**Rick Pierce
Brookline REH, LLC

Phone (212) 551-4115

Email (716) 512-5101

rpierce@brooklineholdings.com

Printed Name:

Address 200 Park Avenue Suite 5800

City New York

State NY

Zip 10166

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Cynthia A. Klatt

Phone (432) 684-5548

Email

cindy@schumannonline.net

Address P.O. Box 504

City Midland

State TX

Zip 79702-0504

Current Zoning:

Reason for Platting: To obtain Septic Permits

Plat Information

Total Acreage: 13.745 Acres

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

Number of Residential Lots: 0

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'

RECEIVED

FEB 13 2019

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

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

Provisions

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

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

Property Owner (signature): [Signature]

Date: 2/10/19

Property Owner (printed): Frederick Pierce

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.

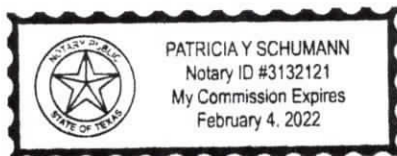
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Cynthia A. Klatt who, being by me duly sworn, upon oath says: That (s)he is authorized by FREDERICK PIERCE, 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 11TH day of February, 20 19, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☐ 1 Copy of Plat (11x17)

Check # 11471

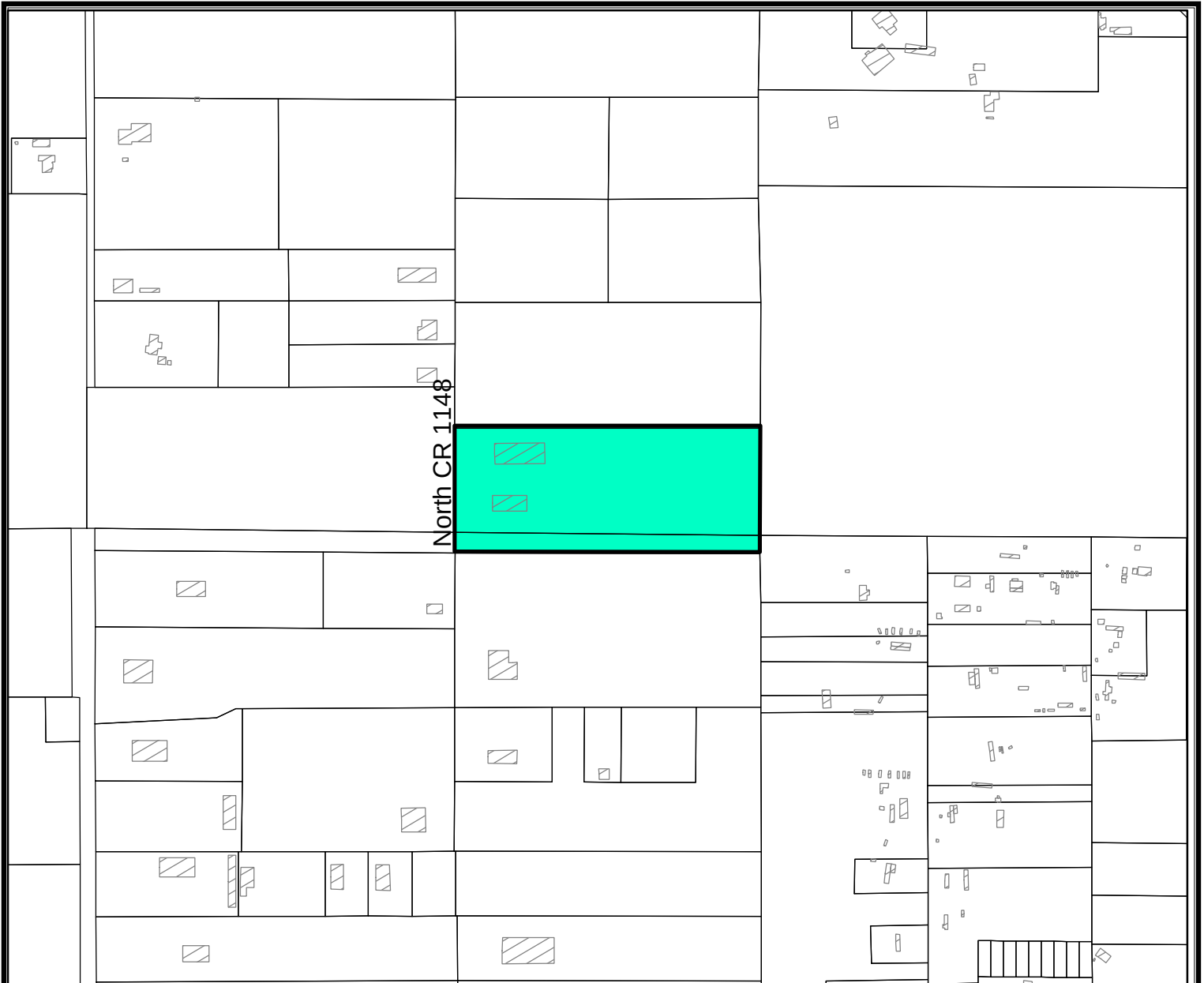
Received By: ES

Date:

FEB 13 2019

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

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.



LOCATION MAP

SUB-19-0170

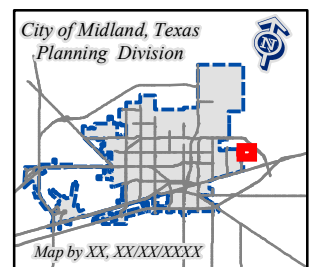
Scale: 1" = 400'

Consider a request for Noir Addition, being a Plat of a 13.745 acre tract of land, being an 11.438 Acre Tract of land out of Section 28, Block 38, 2.307-acre tract out of Section 33, all out of Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas.

Generally located on the west side of North County Road 1148, approximately 1,177 feet north of East County Road 72 (ETJ)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg

MEETING DATE: March 18, 2019

TO: Planning and Zoning Commission

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of N. Main Street, approximately 65-feet south of E. Illinois Avenue. Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Crystalyn Wright, is requesting to Amend the current Specific Use Permit with Term (SUP) for the sale of all alcoholic beverages, for on-premises consumption, in a bar for The Buffalo Nickel by Cibolo Creek, located at 216 N. Main Street.

Current Zoning:

C-1, Central Area District.

Surrounding Zoning and Land Use:

This property is located at 216 N. Main Street, in the C-1, Central Area District. To the north, east, south, and west is also zoned C-1, Central Area District, and the locations of First United Methodist Church, a parking lot, and office buildings, respectively.

Analysis:

The property is located in the C-1, Central Area District, which allows for the sale of all alcoholic beverages for on-premises consumption with a Specific Use Permit with Term.

Approximately 330 feet to the south of this property, Bourbon St. D.C., located at 120 N. Main Street, has a specific use permit with term for the sale of all alcoholic beverages for on-premises in a lounge (Ordinance No. 8953).

The subject property has an existing Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar (Ordinance No. 9796). This Specific Use Permit with Term was approved on August 14, 2018, allowing for the following alcoholic serviceable hours of:

*Monday through Thursday from 3:00 p.m. to 11:00 p.m.
Friday and Saturday from 3:00 p.m. to 12:00 a.m. (midnight)
Sunday from 12:00 p.m. (noon) to 9:00 p.m.*

The applicant is now requesting an amendment to the current Specific Use Permit with Term for a bar for the sale of all alcoholic beverages for on-premises consumption, to facilitate their extended business hours. The floor area of the bar will be 3,400-square feet, of which 2,036-square feet will be alcohol serviceable area. The new proposed days and hours of operation for the bar are the following:

*Monday through Saturday from 3:00 p.m. to 12:00 a.m. (midnight)
Sunday from 12:00 p.m. (noon) to 12:00 a.m. (midnight)*

The applicant is requesting the same days and hours for alcohol service.

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

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

First United Methodist Church is located north of this property. The church has several doors located on N. Main Street; however, the walking distance between the proposed The Buffalo Nickel by Cibolo Creek and the door of the sanctuary is approximately 390 feet.

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

Engineering: (Approved)

No comments

Transportation: (Approved)

No comments.

Fire: (Approved)

No comments

Code Administration: (Approved)

Shall meet requirements of current SUP for the Buffalo Nickel.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 7-Central District Plan, Goal 1*, "Establish Downtown Midland as a regional destination." (Tall City Tomorrow page 137) The Buffalo Nickel by Cibolo Creek will be a destination where Midland residents can gather and socialize.

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

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 2,036-square feet, as shown in Exhibit A.**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages shall be limited to:**
 - Monday through Saturday from 3:00 p.m. to 12:00 a.m. (midnight)***
 - Sunday from 12:00 p.m. (noon) to 12:00 a.m. (midnight)***
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- E. That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.**

Letters of Objection:

As of March 13, 2019, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Maps
Ordinances No. 8732 & 8953

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26



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

Project Number: 21P-19-0040
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Crystalyn Wright</u>		Phone (512) 589-3494 cell Email (432) 247-5256 mainline <u>c.wright@thebuffalonickelbar.com</u>	
Address <u>216 N. Main Street</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Property Owner Printed Name: <u>WSTV, LLC - Scott Gunn</u>		Phone (432) 553-8886 Email _____	
Address <u>206 N. main Street</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

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

Street Address: <u>216 N. Main Street</u>	
Business Name: <u>The Buffalo Nickel Bar by Cibolo Creek</u>	
Legal Description Lot: <u>S/2 of Lot 12</u> Block: <u>38</u> Subdivision: <u>Original town / Plat V3-P232</u>	
Current Zoning: <u>C1 - Central Area District</u>	
Reason for Request: <u>extend business hours from 3pm - midnight on Monday to Saturday / Sunday 12pm - 12am</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Bar</u>	
Proposed/Current Days and Hours of Operation: <u>Mon - Saturday 3pm - 12am</u> proposed <u>Current: Mon-Thurs 3-11 / Friday Sat 3-12 / Sun 12-4 / Sunday 12pm - 12am</u>	
Proposed Days and Hours of Alcohol Service: <u>same as above</u> <u>Mon - Sat 3pm - 12am / Sunday 12pm - 12am</u>	
Total Square Footage of Business: <u>3400 sqft</u>	
Square Footage of Alcohol Serviceable Area: <u>2036 sqft</u>	
Restroom Fixtures:	Toilets/Urinals: <u>1 1 1</u>
Men	Bathroom Sinks: <u>1</u>
Women	Toilets: <u>1</u>
	Bathroom Sinks: <u>1</u>

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen
 - 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): Crystalyn Wright

Date: 2/22/19

Applicant (printed): Crystalyn Wright

Property Owner (signature): Scott Gunn

Date: 2/22/19

Property Owner (printed): Scott Gunn

The Specific Use Permit 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 Crystalyn Book Wright who, being by me duly sworn, upon oath says: That (s)he is authorized by Scott Gunn, 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.

Scott Gunn
Authorized Agent (signature)

Subscribed and sworn to before me, this 22 day of February, 2019, to certify which witness my hand and seal of office.



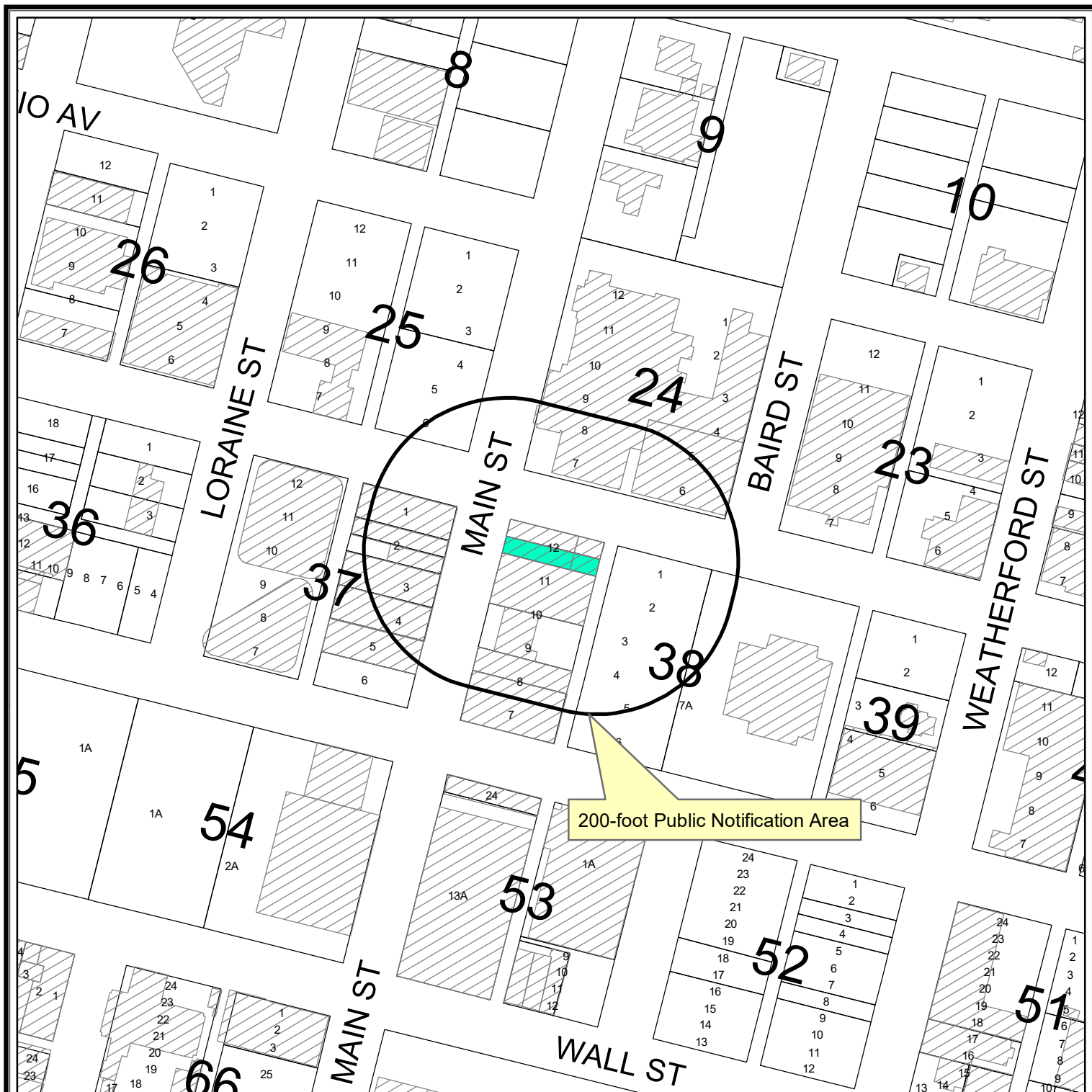
Brandon Nichols
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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



FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # <u>Credit Card</u>	☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>Diana Rodriguez</u>	Date: _____

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



LOCATION MAP

SUP-19-0040

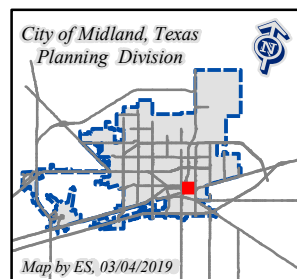
Scale: 1" = 200'

Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas.

Generally located on the east side of N. Main Street, approximately 65-feet south of E. Illinois Avenue. (Council District 2)

LEGEND

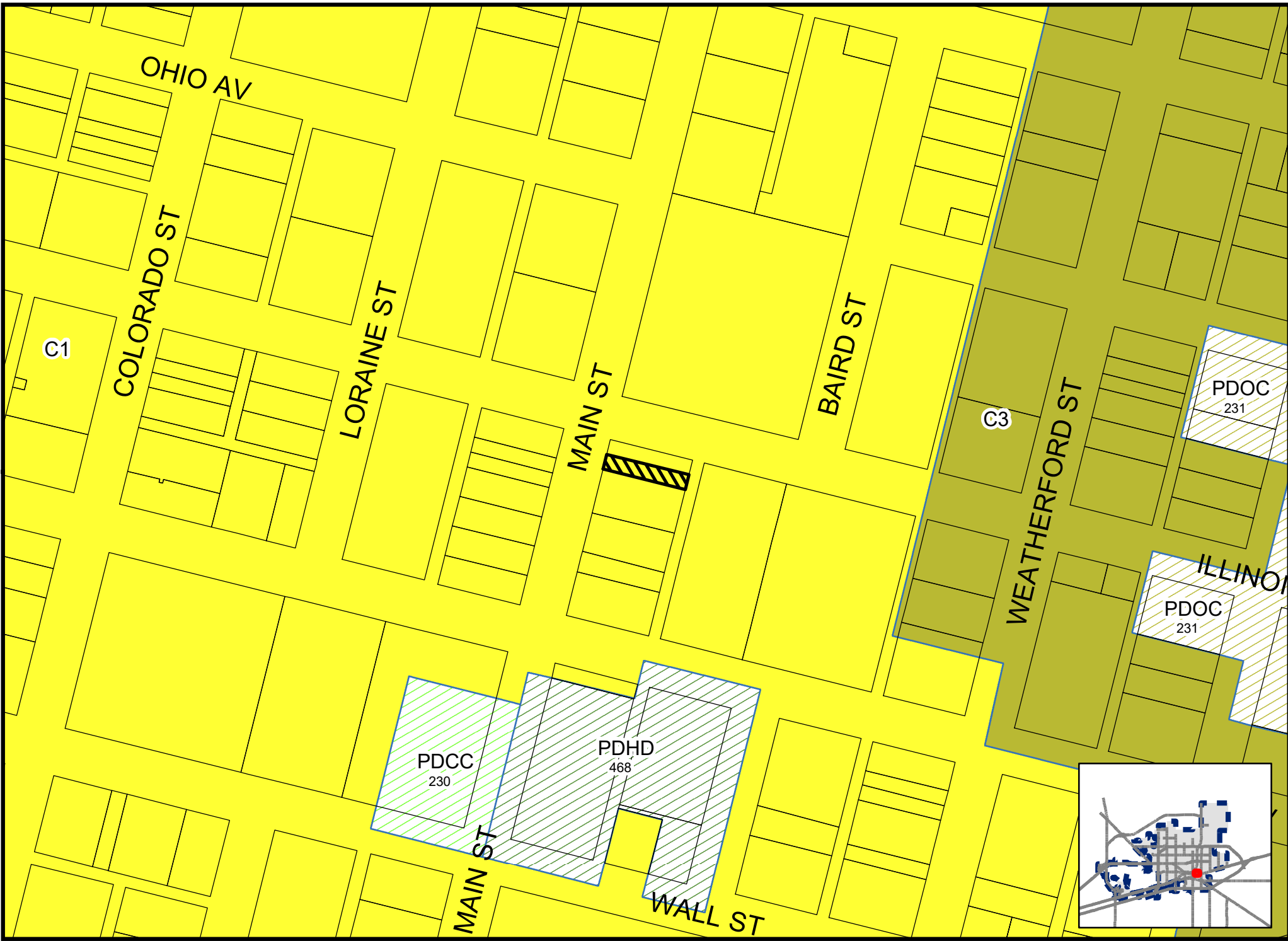
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



ORDINANCE NO. 8732

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

The south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a lounge, together with

the uses permitted in the present C-1, Central Area District.

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

- A. That the location of the lounge shall conform in all respects to the site plan which is attached hereto as Exhibit "A" and incorporated herein for all legal purposes.
- B. That the combined area of the building and patio shall not exceed 3,500 square feet.
- C. That the maximum occupancy shall be 200 persons.
- D. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following:

Monday through Saturday: 10:00 a.m. to 12:00 a.m. (midnight)

- E. That the operation of the lounge shall conform to all laws established by the City of Midland and the State of Texas.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of June, A.D., 2009; and passed to second reading on motion of Council member Morgan, seconded by Council member Hailey, by the following vote:

Council members voting "AYE": **Morgan, Hailey, Morales, Trost, Perry, Dufford and James**

Council members voting "NAY": **None**

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hailey, seconded by Council member Morales, on the 14th day of July, A.D., 2009, at a regular meeting of the City Council:

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

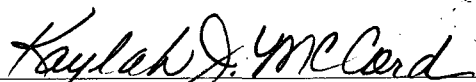
Council members voting "NAY": **None**

PASSED AND APPROVED THIS 14th day of July, A.D., 2009.



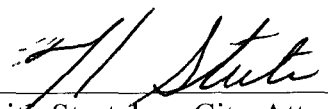
W. Wesley Perry, Mayor **Mayor pro tem for**

ATTEST:



Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

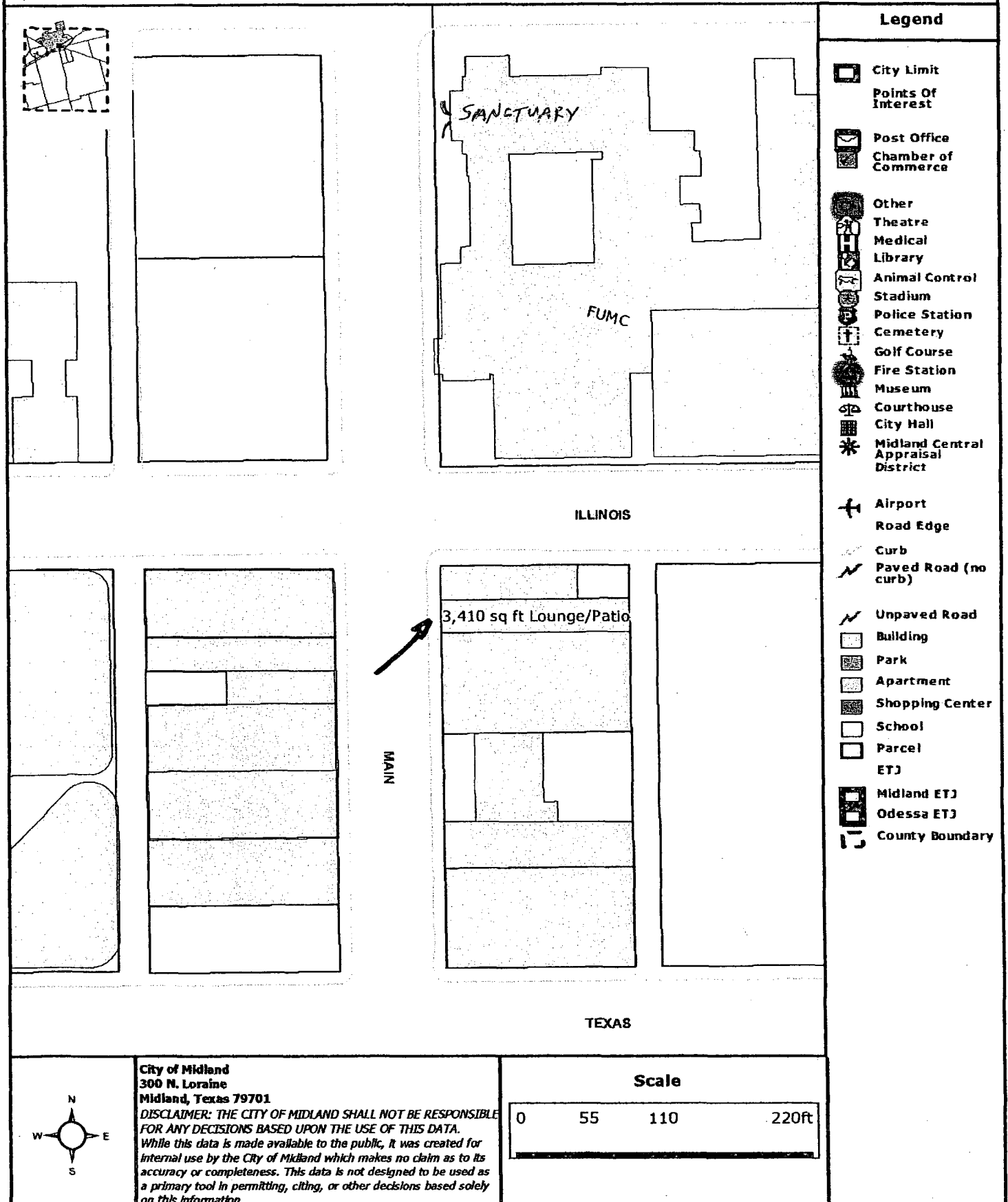


Keith Stretcher, City Attorney



Le'Dun, Inc.

SUP for a Lounge



Printed: 5/26/2009 12:18:42 PM

EXHIBIT A

CASE NO. S-09-006



City Council Agenda

Approved for Agenda:
CSharp
City Manager's Office

MEETING DATE: June 9, 2009

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-09-006; Le'Dun, Inc. - SUP for a Lounge

Purpose:

Hold a public hearing at 11:09 a.m. and consider an ordinance on a request by Le'Dun, Inc. (Joe Dunham) for a Specific Use Permit with Term for on-premise consumption of alcoholic beverages in a Lounge.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Mr. and Mrs. Dunham plan to open a 3,400 sq ft cigar lounge within a vacant building on Main St., just south of Illinois Ave., offering beer and wine for on-premise consumption and live music indoors. The maximum occupancy would be 200 and hours of operation are proposed as Monday – Saturday from 10:00 a.m. to 12:00 midnight.

Residential lofts are under construction next door to the proposed location and the First United Methodist Church (FUMC) property is less than a block away. City Code, in adherence with TABC, requires a 300-foot minimum spacing between a business that sells alcoholic beverages and any church or public school, which is to be measured "along the property lines of the street fronts and from front door to front door". To determine whether the spacing requirement is met between these two properties, the front door to the church must be identified. Although FUMC covers an entire city block and has multiple doors leading into various portions of the building, only one is labeled as the "Sanctuary" door.

We find it reasonable to consider this prominently identified door as the main entrance and therefore the front door to the church. The distance from the front door of the proposed lounge to the Church's Sanctuary door measures at over 400 feet; therefore, the request meets the Code requirements.

The Comprehensive Plan identifies this type of business as appropriate for downtown and it fits in with City's on-going efforts to revitalize the area. Furthermore, we believe that the proximity of residential uses, rather than being a deterrent, actually enhances the diversity expected in a vibrant downtown.

One letter of opposition has been received from the First United Methodist Church. At public hearing held by the P&Z Commission on June 1, 2009, a church representative stated that the FUMC Trustees, Council, and Senior Pastor oppose the request because there is another church door on Illinois and Main that is less than 300 feet from the lounge. The P&Z Commission supported the request with a vote of 5 in favor and 1 abstention. As of the time of this report, the opposition stands at 22.7%.

Attachment:
Exhibit A - Site Plan

PLANNING AND ZONING COMMISSION

June 1, 2009

CASE: S-09-006

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for on-premise consumption of alcoholic beverages in a Lounge.

APPLICANT: Le'Dun, Inc. (Joe L. Dunham).

OWNER: Wall Street Joint Venture.

LEGAL DESCRIPTION: On the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LOCATION: Generally located near the southeast corner of the intersection of N. Main Street and E. Illinois Avenue.

CURRENT ZONING: C-1, Central Area District.

DETAILS OF REQUEST:

1. Mr. Dunham plans to open a retail cigar lounge within a vacant, 2,410 square foot building on Main St., just south of Illinois Ave; there will also be an outdoor patio area of approximately 1,000 square feet. He wishes to offer beer and wine for on-premise consumption and have live music indoors on a regular basis. Proposed hours of operation are 10:00 a.m. to 12:00 midnight, Monday through Saturday.

SURROUNDING ZONING AND LAND USE:

2. The building is located on Main St. across from the Midland College Petroleum Professional Development Center and north of the Midland County Bond office and the Midland Center. In the vicinity are numerous offices and one residence, plus three residential lofts are under construction on the adjacent lot to the north. At the corner of Main St. and Texas Ave. is an approved location for a nightclub, which is currently vacant. The First United Methodist Church is located to the north, across Illinois Ave.

CITY CODE REQUIREMENTS:

3. Title V - Business Regulations; Chapter IV - Alcoholic Beverages of the City Code, in adherence with TABC guidelines, requires a 300-foot minimum spacing between a business that sells alcoholic beverages and any church or public school. The Code specifies that the distance is to be measured "along the property lines of the street fronts and from front door to front door". With the First United Methodist Church (FUMC) property being less than a block away from the proposed location, there was concern as to whether or not the spacing requirement would be met; the key factor was to determine which door should be considered as the front door. Staff believes that the language of the Code is specific and that a single door is to be identified as the front door. Although FUMC covers an entire city block and has multiple doors leading into various portions of the building, only one is labeled as the Sanctuary door. We find it reasonable to consider this prominently identified door to be the main entrance and therefore the front door to the church. Based on this determination the minimum spacing requirement would be met, since the distance from the front door of the proposed lounge to the Church's Sanctuary door measures at over 400 feet.

ANALYSIS:

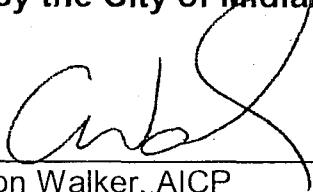
4. Mr. Dunham's request is to sell alcoholic beverages in a 3,400 square foot lounge and patio, with a maximum occupancy of 200 and no alcohol beverage sales past 12:00 midnight. There are no minimum parking spaces required in the C-1 District. We find that the proposal meets the Code requirements and fits in with on-going efforts to revitalize the downtown area; furthermore, we believe that the proximity of residential uses, rather than being a deterrent, actually enhances the diversity expected in a vibrant downtown.

STAFF RECOMMENDATION:

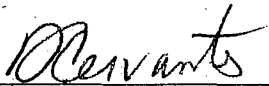
We recommend approval of the request for a Specific Use Permit with Term for the sale and on-premise consumption of alcoholic beverages in a Lounge, subject to the following conditions:

- A. That the location of the Lounge shall conform in all respects to the attached site plan;
- B. That the combined area of the building and patio shall not exceed 3,500 square feet;

- C. That the maximum occupancy shall be 200 persons;
- D. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following: Monday through Saturday: 10:00 a.m. until 12:00 midnight;
- E. That the operation of the Lounge shall conform to all laws established by the City of Midland and the State of Texas.



Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Donna Cervantes, Planner
Department of Development Services

Attachments:

Application
Maps
Exhibit A – Site Plan

Case Number: S-09-006

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

Le'Dun, Inc. - (Joe L. Dunham) 432-685-3306 - 432-664-4333
Applicant Name Contact Phone #s

1902 W. ILLINOIS 79701
Address Zip Code

Wall Street Joint Venture, General Partnership 432-687-3355
Property Owner Name Contact Phone #s

246 N. MAIN 79701
Address Zip Code

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

Address Zip Code

Type of Permit: Tobacco & Beer/wine sales in a Lounge SUP with Term: ☒ Yes ☐ No
(For Office Use)

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

216 N. MAIN.
THE SOUTH ONE-HALF (S/2) OF LOT TWELVE (12), BLOCK THIRTY EIGHT (38), ORIGINAL TOWN, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE THE MAP OR PLAT THEREOF OF RECORD IN VOLUME 3, PAGE 232, PLAT RECORDS, MIDLAND COUNTY, TEXAS.

Current Zoning: C-1

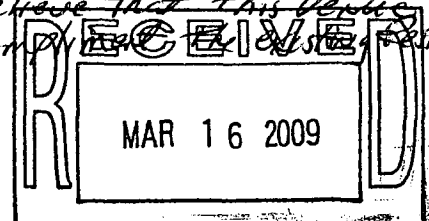
Floor Area: 2410 sq ft Max. Occupancy: 200

Proposed hours and days of use or operation: 10 Am to midnite, 6 days (Mon-Sat.)

Reason for request: Retail Cigar & wine/beer sales

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: This will be an upscale Cigar/wine lounge

Hours of operation approximately 10 am - 12 midnite 6 days, Live music inside of maximum 2 instruments in low volume to encourage customers to talk & visit in Relaxed atmosphere. we believe that this venue will attract more people Downtown and will complement existing restaurants that exist currently.



REQUIRED SUBMITTALS

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

SIGNATURES:

Applicant:

Joe S. Gordon - President Date: 3-9-09

Property Owner:

Frank D. S. Date: 16 Mar-09

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.

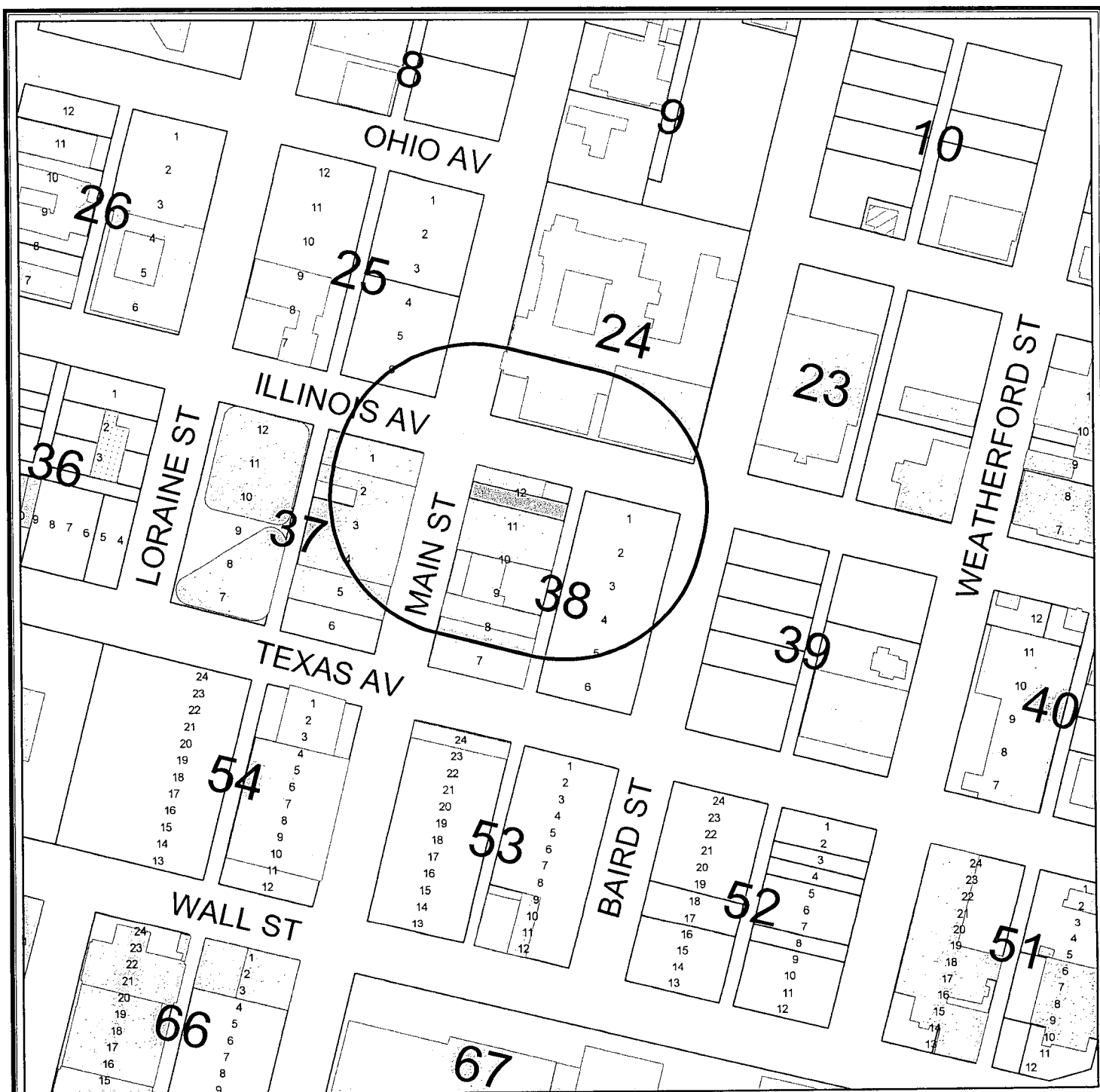
Subscribed and sworn to before me, this _____ day of _____, 20 ____, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

Rec'd By: JL Date: 3/16/09
Assigned: DC
For: P&Z On: 4-20-09

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



PROPERTY OWNER NOTIFICATION MAP

S - 09 - 006

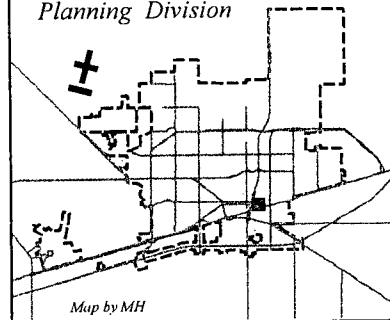
Scale: 1" = 200'

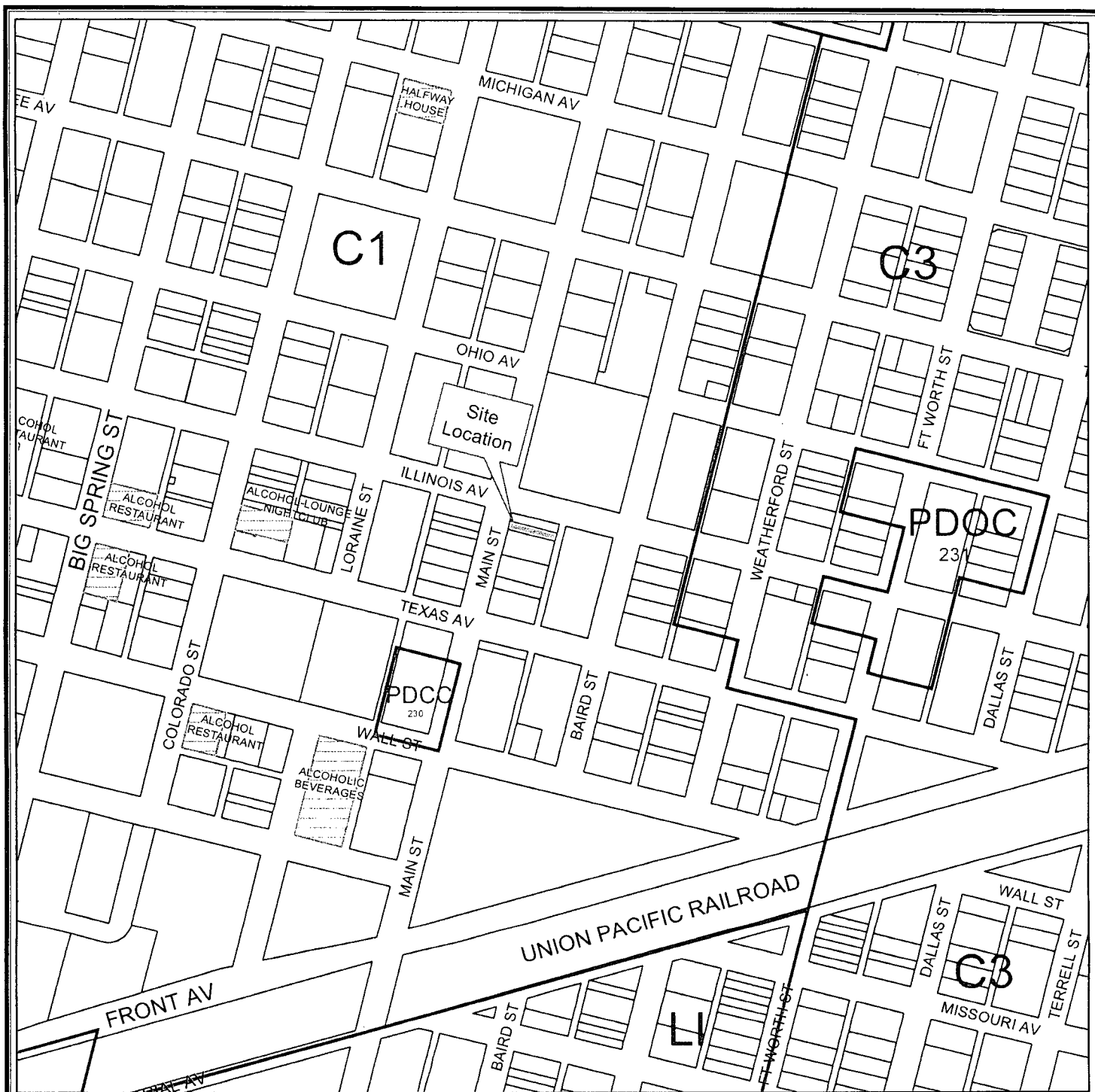
Consider a request for a Specific Use Permit With Term for the sale all alcoholic beverages, for on-premises consumption, in a Lounge, on the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LEGEND

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

City of Midland, Texas
Planning Division





ZONING MAP

S - 09 - 006

Scale: 1" = 400'

Consider a request for a Specific Use Permit With Term for the sale all alcoholic beverages, for on-premises consumption, in a Lounge, on the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LEGEND

ZONING PARCELS SPECIFIC USE PERMITS

ZONING DISTRICTS:

FD FUTURE DEVELOPMENT
PD PLANNED DISTRICT
AE AGRICULTURE ESTATE
CE COUNTRY ESTATE
IF1, IF2, IF3 ONE-FAMILY DWELLING
MH MOBILE HOME DWELLING
TH TOWNHOUSE DWELLING
2F TWO-FAMILY DWELLING
MF1, MF2 MULTIPLE FAMILY DWELLING

BP BUSINESS PARK
P PARKING
01, 02 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
C1, C2, C3 COMMERCIAL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY

BP BUSINESS PARK
P PARKING
01, 02 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
C1, C2, C3 COMMERCIAL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY



ORDINANCE NO. 8953

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 24, BLOCK 53, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST TEXAS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

Lot 24, Block 53, Original Town, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a lounge, together with the uses permitted in the present C-1, Central Area District.

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

- A. That the maximum area of the lounge shall be 1,608 contiguous square feet (identified as the unshaded area of Exhibit "A", which is attached hereto and incorporated herein); the maximum occupancy shall be 80 persons.
- B. That the days and hours of alcoholic beverage sales and consumption shall be limited to Monday through Sunday from 12:00 p.m. (Noon) to 1:30 a.m. of the following day, unless otherwise prohibited by law.
- C. That the operation of the lounge shall conform to all applicable laws established by the City of Midland and the State of Texas.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on

first reading, the 8th day of November, A.D., 2011; and passed to second reading on motion of Council member Trost, seconded by Council member Morales, by the following vote:

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

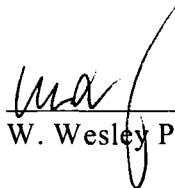
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morales, seconded by Council member Dufford, on the 13th day of December, A.D., 2011, at a regular meeting of the City Council:

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

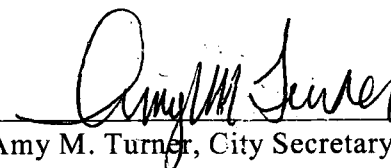
Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of December, A.D., 2011.



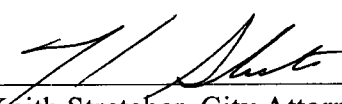
W. Wesley Perry, Mayor

ATTEST:



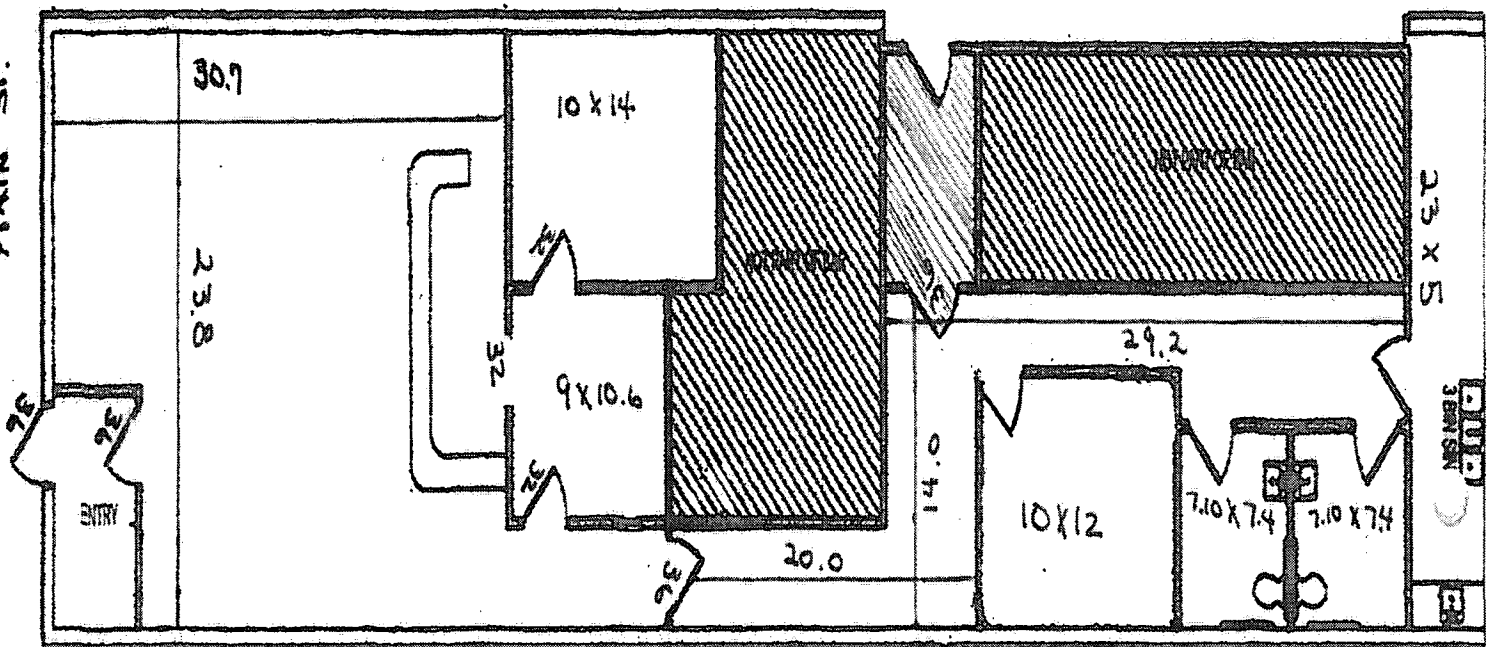
Amy M. Turner, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

TEXAS AVE.



SITE PLAN

EXHIBIT A

CASE NO. S-11-016 35.10



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: December 13, 2011

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-11-016, Bourbon St D.C.

Purpose:

This is the second reading to consider an ordinance on a request by Bourbon St. D.C. for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a lounge. No changes have been made to this item since its first reading on November 8, 2011.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with approving this request.

Discussion:

The applicant plans to open a new lounge offering beer and wine for on-premise consumption and occasional live music at the southeast corner of Main Street and Texas Avenue in a 1,608 square foot portion of the building; the remainder of the building will not be used by the lounge. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

Attachments:

October 17, 2011 Planning & Zoning Commission Staff Report
Proposed Ordinance



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: November 8, 2011

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-11-016, Bourbon St D.C.

Purpose:

Hold a public hearing at approximately 10:36 a.m. and consider an ordinance on a request by Bourbon St. D.C. for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a lounge.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with approving this request.

Discussion:

The applicant plans to open a new lounge offering beer and wine for on-premise consumption and occasional live music at the southeast corner of Main Street and Texas Avenue in a 1,608 square foot portion of the building; the remainder of the building will not be used by the lounge. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

Attachments:

October 17, 2011 Planning & Zoning Commission Staff Report
Proposed Ordinance

**Planning and Zoning Commission
Minutes
October 17, 2011**

S-11-016 - Hold a public hearing and consider a request by **Bourbon ST. D.C.** for a *Specific Use Permit with Term* for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, block 53, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Main Street and East Texas Avenue.)

Chairman Carney opened the public hearing at 4:13 p.m.

The applicant yielded to staff. Senior Planner Ken Van Dyne gave an overview of the item noting the hours of sale would be from 12 p.m. to 1:30 a.m., 7 days a week. The request was to sell alcoholic beverages in a downtown location and staff believed this would add another use for nighttime activity downtown and would keep people downtown after 5 p.m. Staff recommended approval subject to conditions A through C.

A motion for approval was made by Commissioner York, subject to conditions A through C; seconded by Commissioner Ferguson. The motion carried by the following vote: AYE: Lanning, Gatten, Carney Ferguson, Watkins and York. NAY: None. ABSTAIN: None. ABSENT: Wolf, Wilton and Woodruff

PLANNING AND ZONING COMMISSION

October 17, 2011

CASE: S-11-016.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a Lounge.

APPLICANT: Marcelino C. Armendariz.

OWNER: Amber Almodova.

LEGAL DESCRIPTION: Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LOCATION: Generally located on the southeast corner of the intersection of N. Main Street and E. Texas Avenue.

CURRENT ZONING: C-1, Central Area District.

ASSOCIATED CASES: S-09-012, S-11-010.

DETAILS OF REQUEST:

1. The applicant plans to open a lounge offering beer and wine for on-premise consumption and occasional live music in a 1,608 square foot portion of the building on the southeast corner of Main Street and Texas Avenue; the remainder of the building is not used by the bar. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

SURROUNDING ZONING AND LAND USE:

2. The building is located on Main Street across from the Midland Center and immediately south of the Justice Department office. In the vicinity are numerous offices, a restaurant, and on the block to the south is the post office. Residential lofts and Frog's Cigar Bar are located one block to the north. On the northwest corner of Main Street and Texas Avenue is the Ritz Theater which is closed and being renovated.

ANALYSIS:

3. The request is to sell alcoholic beverages at this downtown location, which is being redeveloped with the proposed lounge. The lot does not offer any on-site parking; however, there are no minimum parking spaces required in the C-1, Central Area District. Staff concurs that the proposal fits in with on-going efforts to revitalize the downtown area by offering diverse evening activities.

STAFF RECOMMENDATION:

Staff recommends approval of this request for a Specific Use Permit with Term for the sale and on-premise consumption of alcoholic beverages in a Lounge, subject to the following conditions:

- A. That the maximum area of the Lounge shall be 1,608 square feet and the occupancy shall be 80 persons;**
- B. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following: Each day of the week from 12 noon until 1:30 a.m.;**
- C. That the operation of the Lounge shall conform to all laws established by the City of Midland and the State of Texas.**

Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Ken Van Dyne, Senior Planner
Department of Development Services

Attachments:

Application
Site Plan – Exhibit A
Maps

Case Number: S-11-016

CITY OF MIDLAND
Planning Division

**APPLICATION FOR A SPECIFIC USE PERMIT WITH TERM
FOR THE SALE OF ALCOHOLIC BEVERAGES
FOR ON-PREMISE CONSUMPTION**

BOURBON ST, D.C. 432-661-2778
120 N. MAIN ST, MIDLAND, TX. 79701 432-689-3233
Applicant Name Phone/e-mail
Address Zip Code

AMBER ALMODOVA 432-634-1580
120 N. MAIN ST, MIDLAND, TX. 79701
Property Owner Name Phone/e-mail
Address Zip Code

MARCELINO ARMENDARIZ BOURBON. ARMENAYAN
120 N. MAIN ST, MIDLAND, TX. 79701 COR
Operator (if different from Applicant or Property Owner) Phone/e-mail
Address Zip Code

Type of Business: BAR/LOUNGE
(Restaurant, Bar, Lounge, Nightclub, etc.)

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

120 N. MAIN ST, MIDLAND, TX. 79701
BLOCK 053 LOT 024, ADDN. ORIGINAL TOWN
ACRES 0.080

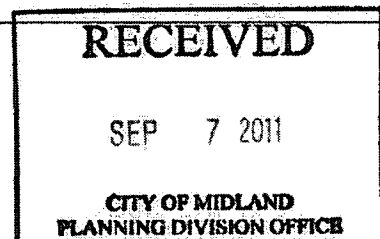
Current Zoning: C-1 CENTRAL AREA DISTRICT

Max. Floor Area: 1608 sq Seating Capacity: 80 sq

Proposed hours and days of alcoholic beverage sales: 7 DAYS A WEEK,
12:00PM - 1:30AM

Reason for request: PUB - SALE OF BEER AND WINE

REQUIRED SUBMITTALS



2. Site plan – 16 copies (FOLDED) ____.
3. On a CD in .pdf and .jpg digital format ____.

SIGNATURES:

Applicant: MC Anlag Date: 8-19-11

Property Owner: Amber Almodera Date: 8-19-11

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

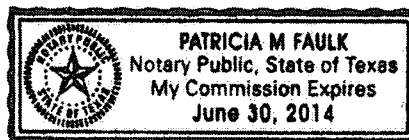
Before me, the undersigned authority, on this day personally appeared

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

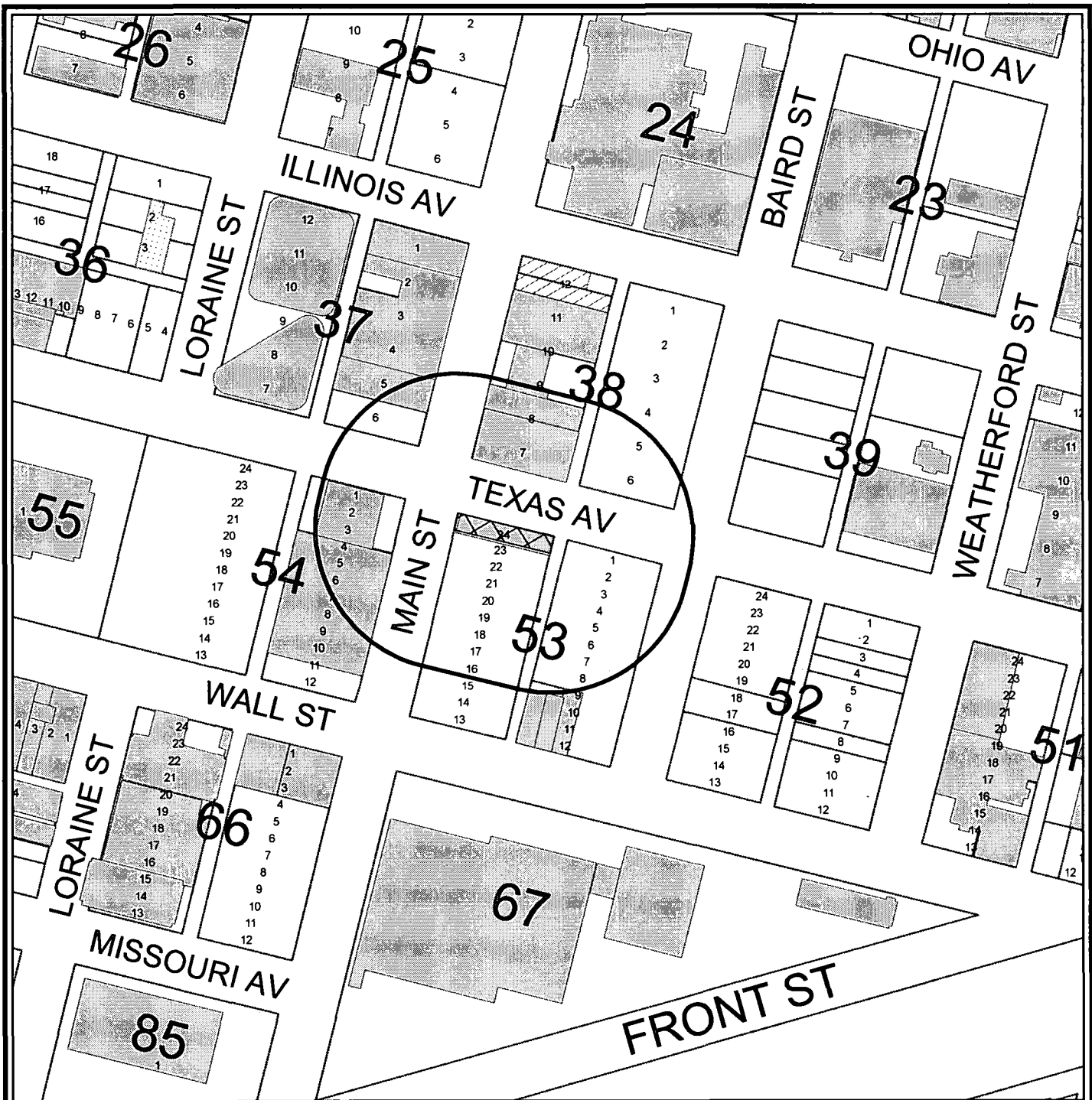
Subscribed and sworn to before me, this 19 day of August, 20 11, to certify which witness my hand and seal of office.

Patricia M. Faulk
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>[Signature]</u>	Date: <u>9/15/11</u>
Assigned: <u>[Signature]</u>	
For: <u>P+Z</u>	On: <u>10/3/11</u> 10/17/11



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



PROPERTY OWNER NOTIFICATION MAP

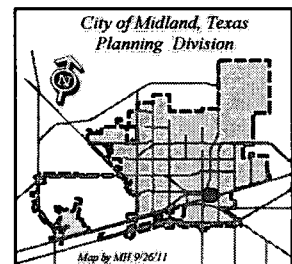
S - 11 - 016

Scale: 1" = 200'

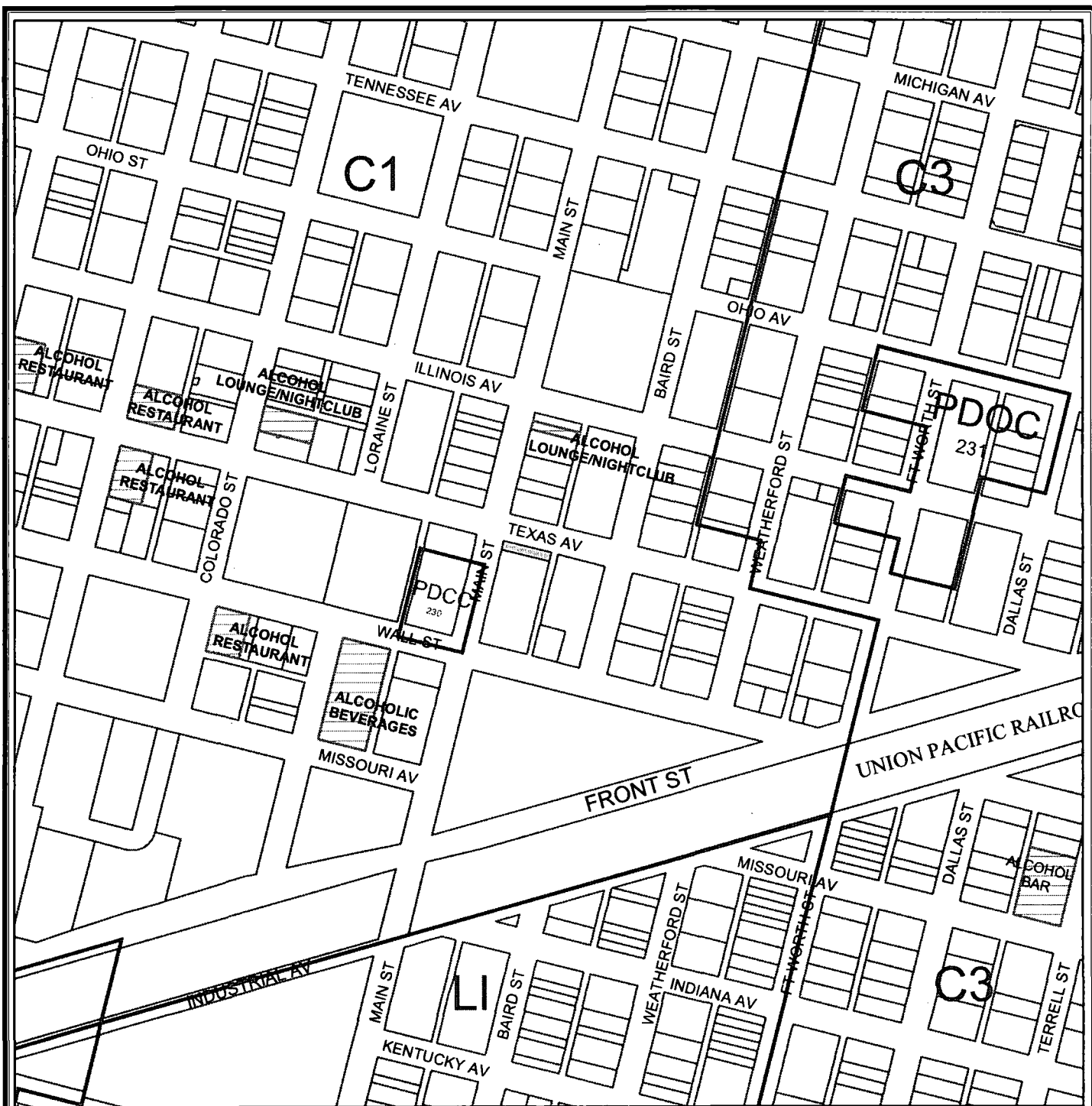
Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LEGEND

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



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ZONING MAP

S - 11 - 016

Scale: 1" = 400'

Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LEGEND

ZONING PARCELS SPECIFIC USE PERMITS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP, IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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ORDINANCE NO. 9796

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

The south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a bar (the

“Establishment”), together with the uses permitted in the present C-1, Central Area District.

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

- A. That the serviceable area of the Establishment shall be limited to approximately 2,036 contiguous square feet as shown in Exhibit “A”, which is attached hereto and incorporated herein.
- B. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.
- C. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.
- D. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Thursday from 3:00 p.m. to 11:00 p.m.;
Friday and Saturday from 3:00 p.m. to 12:00 a.m. (midnight); and
Sunday from 12:00 p.m. (noon) to 9:00 p.m.
- E. That the Establishment shall meet all requirements of the Fire Department and the Code Administration Division.
- 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 11-1-10(G) of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

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

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

subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 14th day of August, A.D., 2018; and passed to second reading on motion of Council member Sparks, seconded by Council member Love, by the following vote:

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

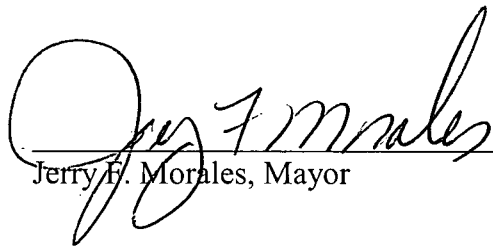
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Dufford, on the 28th day of August, A.D., 2018, at a regular meeting of the City Council:

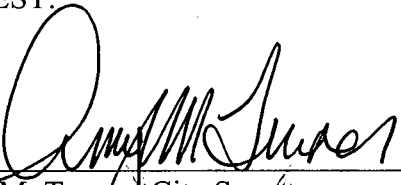
Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 28th day of August, A.D., 2018.

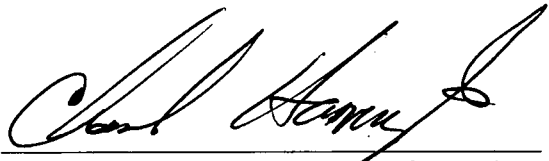

Jerry F. Morales, Mayor

ATTEST:

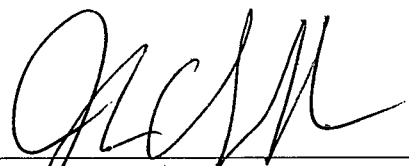

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Frank Salvato, Assistant City Manager


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnmiller, City Attorney

THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

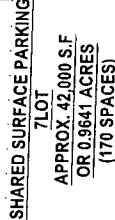
THE BUFFALO NICKEL
LOT 1 + N30 LOT 2 +
S10 CARRIZO STREET, BLOCK 38

2015 IMC - International Mechanical Code
2015 IPC - International Plumbing Code
2015 IFGC - International Fuel Gas Code
IECC - International Energy Conservation Code
2014 NEC - National Electrical Code

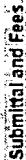
Scale	1" = 30' - 0"	Sheet No.	1
Drawn By	JR	SITE	PIAN

ILLINOIS AVENUE

NORTH MAIN STREET



FLOOR PLAN - SCALE: 1/8" = 1'



- s. to be submitted with this application form:
- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:

- Seating
- Exits
- Restrooms
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint

THE SOUTH ONE-HALF (9/2) OF LOT TWELVE (12), BLOCK THIRTY-
EIGHT (38), ORIGINAL TOWN, AN ADDITION TO THE CITY OF
MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF OF RECORD IN VOLUME 3, PAGE 232, PLAT RECORDS,
MIDLAND COUNTY, TEXAS.

Commonly known as 216 N. Main

Dating as 0.15 acre (6,409 square feet) tract of land; also known as Lot 1 and the North 34.09 feet of Lot 4, Block 49-1/2 and the 18.09 foot of South Carpio Street as abandoned by City Council at Mulholland dated April 2, 1977, all set of Original Towns of Midland, as per plat of record in Volumes 3, Page 232, Deed Record, Midland County, Texas and out of the West part of Section 35, Block 39, T-1-S, 12-R R.R. Co. Survey, Midland County, Texas, and 0.15 acre tract of land, more or less, bounded as follows:

BEGINNING at an "X" made in concrete at the intersection of the South right-of-way of West "A" Avenue and the East right-of-way line of South "A" Street, same being in the West line of said Section 35 for the NW corner of said Block 63-1/2 for the NW corner of this tract.

THENCE East, at 90.00 feet along the South right-of-way line of West Wall Street and along the North line of said Block 65-1/2, to the NE corner of said Lot 1; In all a total distance of 90.00 feet to an "X" made in concrete for the NE corner of the lot at the intersection of the South right-of-way line of West Wall Avenue and the West right-of-way line of South Camino Street and in the East line of said 10.00 feet as abandoned by the City of Milford.

THENCE South 20.00 feet along the West right-of-way line of South Camino Street to a 1/2" nail bar set for the SE corner of this tract, same being the NE corner of Leonard Stange's Tract (O&P, Volume 999, Page 3) (Deed & records, Midland County, Texas).

TRANCE Way 7000 feet along the North line of Leonard Slugs West to a 1/2" reinf. bar set for the SW corner of this tract in the West line of said Section 31 and in the East right-of-way line of South "A" Street.

THENCE N. 14° 02' 10" W. 12.46 feet (REC. - N. 14° 00' 00" W. 27.30 feet) along the East
right-of-way line of South "A" Street to the PLACE OF BEGINNING.



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

Project Number:

SUP-18-0021

Case Number:

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

Printed Name: Crystalyn Wright

Phone (512) 589-3494

Email: C.Wright@thebuffalonickeelbar.com

Address: 900 Mallard Lake Trail

City: Leander

State: TX

Zip: 78641

Property Owner

Printed Name: Frank Tirey (WSJV, LLC)

Phone (432) 557-1990

Email:

Address: 206 North Main St

City: Midland

State: TX

Zip: 79701

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name:

Phone ()

Email:

Address:

City:

State:

Zip:

Street Address: 206 N. Main Street, Midland, TX 79701

Business Name: The Buffalo Nickel by Cibolo Creek

Legal Description:

Lot: S/2 & 10th Block: 38 Subdivision: Original town/Plat V3-P232

Current Zoning: C1 - Central Area District

Reason for Request: Service of mixed alcoholic beverages for on premise consumption

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

Proposed/Current Days and Hours of Operation: Mon - Thursday 3pm - 11pm
Friday to Saturday 3pm - 12am Sunday 12pm - 9pm

Proposed Days and Hours of Alcohol Service: Same as above

Total Square Footage of Business: 3400 sqft

Square Footage of Alcohol Serviceable Area: 2036 sqft

Restroom Fixtures:

Men:

Toilets/Urinals: 1 1 1

Bathroom Sinks: 1

Women:

Toilets: 1

Bathroom Sinks: 1

RECEIVED

JUN 20 2018

CITY OF MIDLAND
PLANNING DIVISION OFFICE

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
 - 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): Crystalyn Wright Date: 6/19/18

Applicant (printed): Crystalyn Wright

Property Owner (signature): Frank Tirey Date: 6/19/18

Property Owner (printed): Frank Tirey

The Specific Use Permit 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.

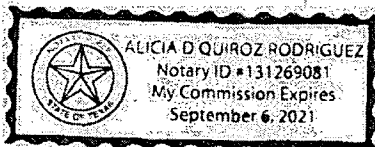
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Crystalyn Wright
Authorized Agent (signature)

Subscribed and sworn to before me, this 19 day of 010, 20 16, to certify which witness my hand and seal of office.

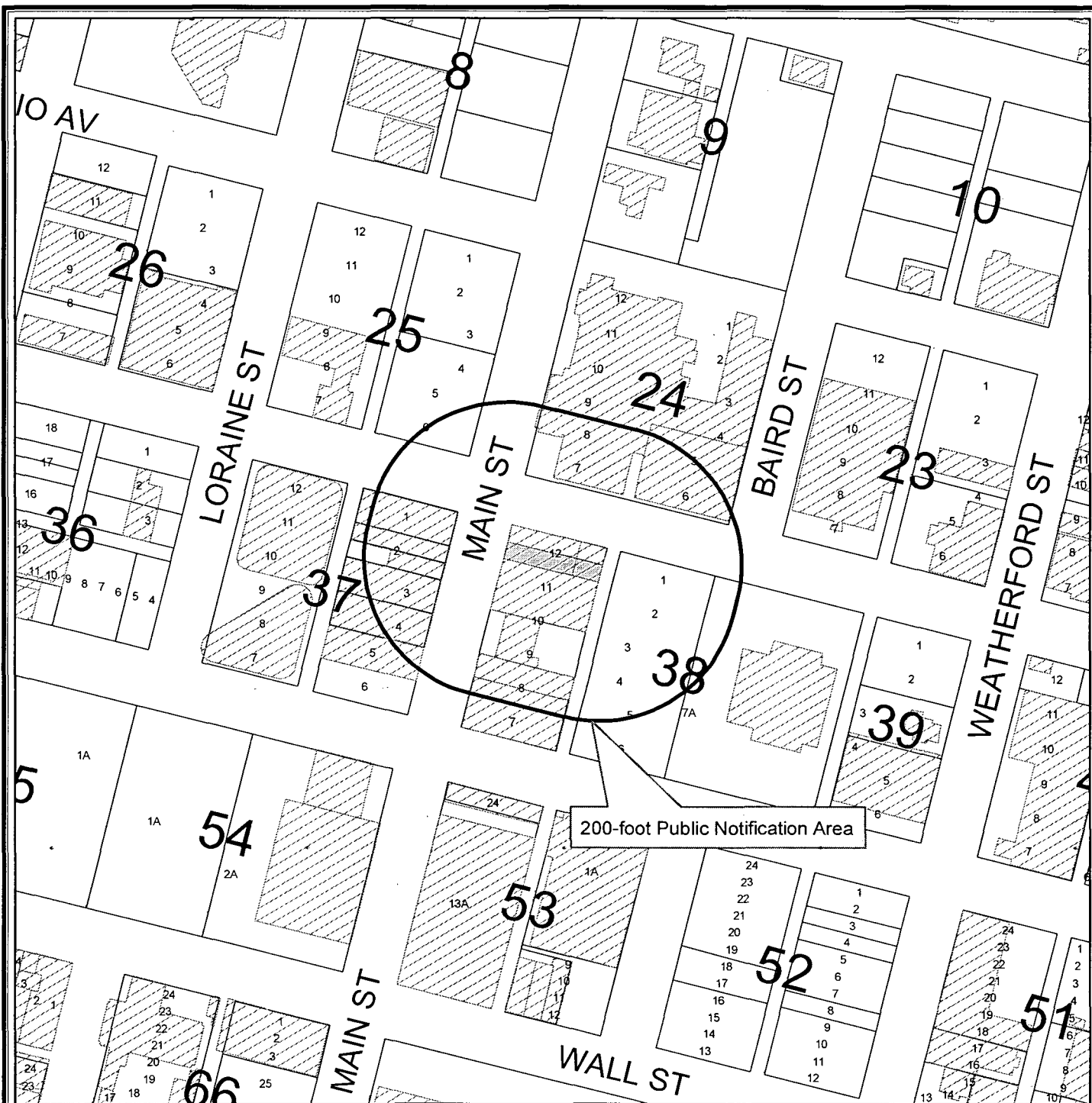


[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # <u>1054</u>	☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>E.S.</u>	Date: <u>6/20/18</u>

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



LOCATION MAP

SUP-18-0021

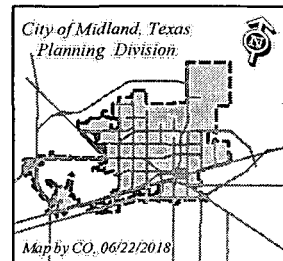
Scale: 1" = 200'

Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas.

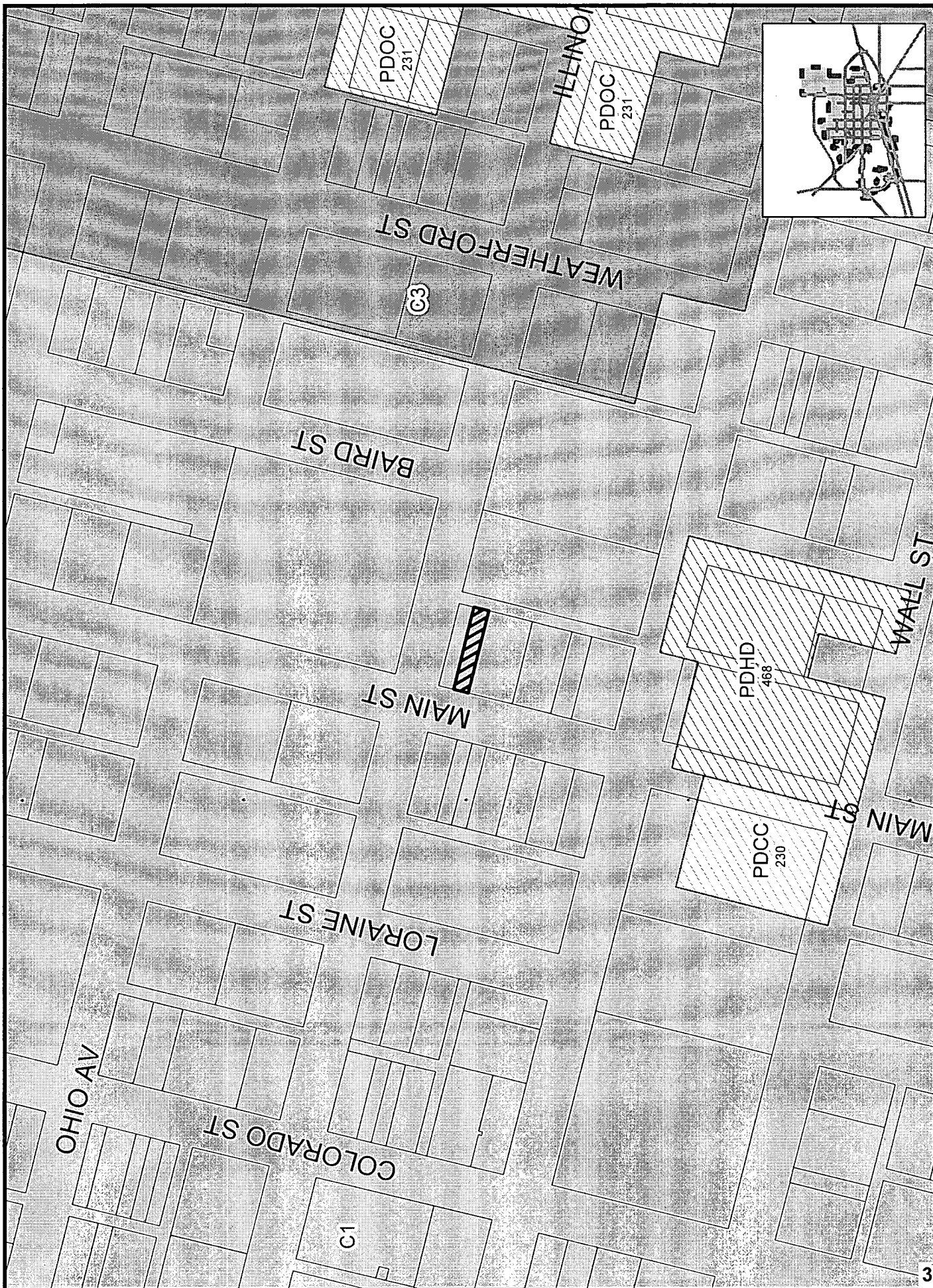
Generally located on the east side of N. Main Street, approximately 65-feet south of E. Illinois Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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



ZONING MAP

Scale: 1" = 200'

SUP-18-0021

By CO 06/20/2018

ORDINANCE NO. 8732

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

The south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a lounge, together with

...
the uses permitted in the present C-1, Central Area District.

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

- A. That the location of the lounge shall conform in all respects to the site plan which is attached hereto as Exhibit "A" and incorporated herein for all legal purposes.
- B. That the combined area of the building and patio shall not exceed 3,500 square feet.
- C. That the maximum occupancy shall be 200 persons.
- D. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following:

Monday through Saturday: 10:00 a.m. to 12:00 a.m. (midnight)

- E. That the operation of the lounge shall conform to all laws established by the City of Midland and the State of Texas.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of June, A.D., 2009; and passed to second reading on motion of Council member Morgan, seconded by Council member Hailey, by the following vote:

Council members voting "AYE": **Morgan, Hailey, Morales, Trost, Perry, Dufford and James**

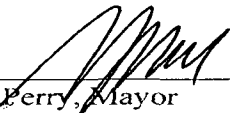
Council members voting "NAY": **None**

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hailey, seconded by Council member Morales, on the 14th day of July, A.D., 2009, at a regular meeting of the City Council:

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

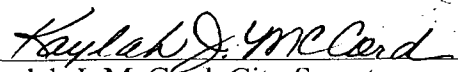
Council members voting "NAY": **None**

PASSED AND APPROVED THIS 14th day of July, A.D., 2009.



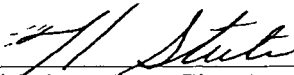
W. Wesley Perry, Mayor **Mayor pro tem for**

ATTEST:



Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

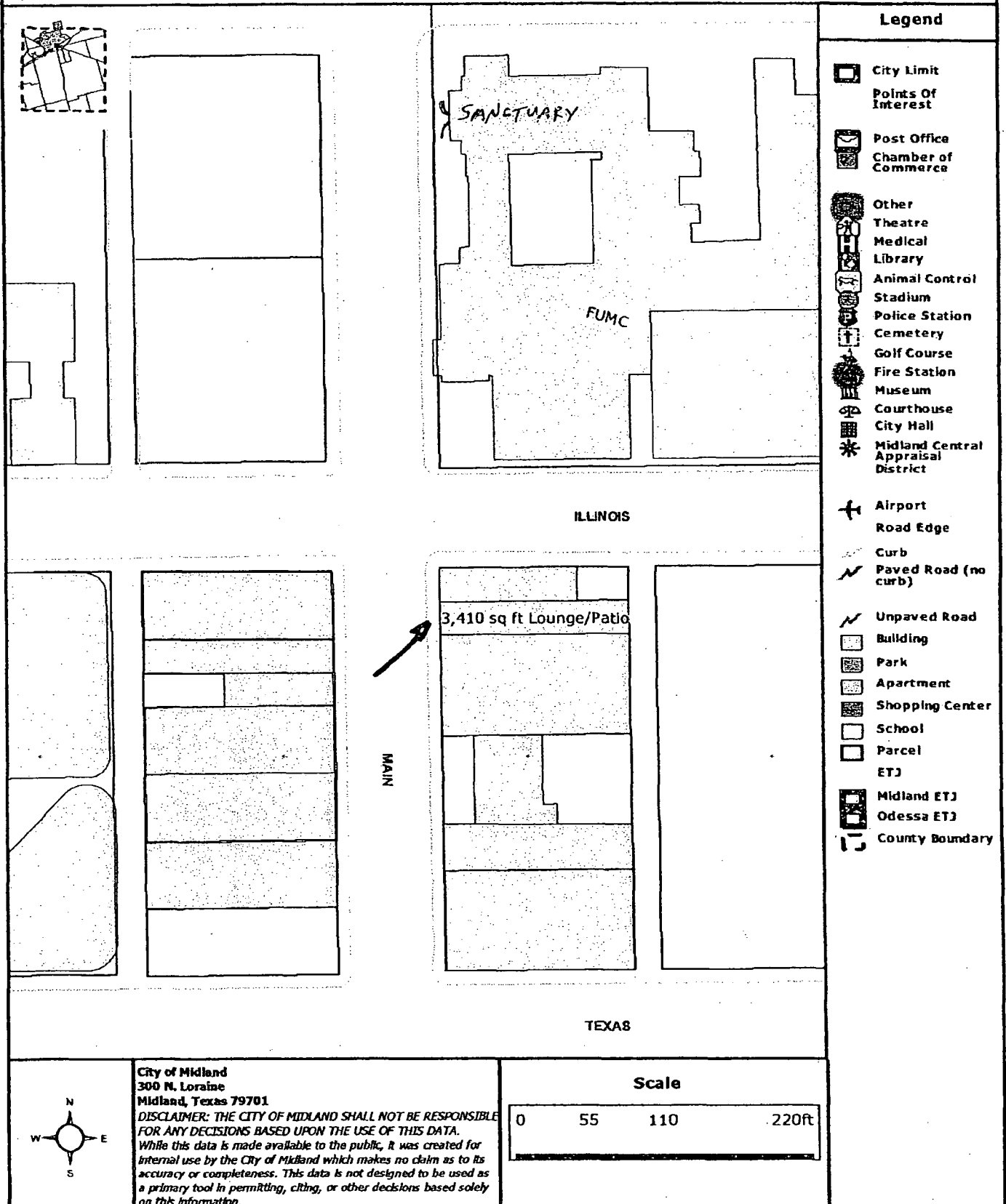


Keith Stretcher, City Attorney



Le'Dun, Inc.

SUP for a Lounge



Printed: 5/26/2009 12:18:42 PM

EXHIBIT A

CASE NO. S-09-30.19



City Council Agenda

Approved for Agenda:
CSharp
City Manager's Office

MEETING DATE: June 9, 2009

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-09-006; Le'Dun, Inc. - SUP for a Lounge

Purpose:

Hold a public hearing at 11:09 a.m. and consider an ordinance on a request by Le'Dun, Inc. (Joe Dunham) for a Specific Use Permit with Term for on-premise consumption of alcoholic beverages in a Lounge.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Mr. and Mrs. Dunham plan to open a 3,400 sq ft cigar lounge within a vacant building on Main St., just south of Illinois Ave., offering beer and wine for on-premise consumption and live music indoors. The maximum occupancy would be 200 and hours of operation are proposed as Monday – Saturday from 10:00 a.m. to 12:00 midnight.

Residential lofts are under construction next door to the proposed location and the First United Methodist Church (FUMC) property is less than a block away. City Code, in adherence with TABC, requires a 300-foot minimum spacing between a business that sells alcoholic beverages and any church or public school, which is to be measured "along the property lines of the street fronts and from front door to front door". To determine whether the spacing requirement is met between these two properties, the front door to the church must be identified. Although FUMC covers an entire city block and has multiple doors leading into various portions of the building, only one is labeled as the "Sanctuary" door.

We find it reasonable to consider this prominently identified door as the main entrance and therefore the front door to the church. The distance from the front door of the proposed lounge to the Church's Sanctuary door measures at over 400 feet; therefore, the request meets the Code requirements.

The Comprehensive Plan identifies this type of business as appropriate for downtown and it fits in with City's on-going efforts to revitalize the area. Furthermore, we believe that the proximity of residential uses, rather than being a deterrent, actually enhances the diversity expected in a vibrant downtown.

One letter of opposition has been received from the First United Methodist Church. At public hearing held by the P&Z Commission on June 1, 2009, a church representative stated that the FUMC Trustees, Council, and Senior Pastor oppose the request because there is another church door on Illinois and Main that is less than 300 feet from the lounge. The P&Z Commission supported the request with a vote of 5 in favor and 1 abstention. As of the time of this report, the opposition stands at 22.7%.

Attachment:
Exhibit A - Site Plan

PLANNING AND ZONING COMMISSION

June 1, 2009

CASE: S-09-006

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for on-premise consumption of alcoholic beverages in a Lounge.

APPLICANT: Le'Dun, Inc. (Joe L. Dunham).

OWNER: Wall Street Joint Venture.

LEGAL DESCRIPTION: On the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LOCATION: Generally located near the southeast corner of the intersection of N. Main Street and E. Illinois Avenue.

CURRENT ZONING: C-1, Central Area District.

DETAILS OF REQUEST:

1. Mr. Dunham plans to open a retail cigar lounge within a vacant, 2,410 square foot building on Main St., just south of Illinois Ave; there will also be an outdoor patio area of approximately 1,000 square feet. He wishes to offer beer and wine for on-premise consumption and have live music indoors on a regular basis. Proposed hours of operation are 10:00 a.m. to 12:00 midnight, Monday through Saturday.

SURROUNDING ZONING AND LAND USE:

2. The building is located on Main St. across from the Midland College Petroleum Professional Development Center and north of the Midland County Bond office and the Midland Center. In the vicinity are numerous offices and one residence, plus three residential lofts are under construction on the adjacent lot to the north. At the corner of Main St. and Texas Ave. is an approved location for a nightclub, which is currently vacant. The First United Methodist Church is located to the north, across Illinois Ave.

CITY CODE REQUIREMENTS:

3. Title V - Business Regulations; Chapter IV - Alcoholic Beverages of the City Code, in adherence with TABC guidelines, requires a 300-foot minimum spacing between a business that sells alcoholic beverages and any church or public school. The Code specifies that the distance is to be measured "along the property lines of the street fronts and from front door to front door". With the First United Methodist Church (FUMC) property being less than a block away from the proposed location, there was concern as to whether or not the spacing requirement would be met; the key factor was to determine which door should be considered as the front door. Staff believes that the language of the Code is specific and that a single door is to be identified as the front door. Although FUMC covers an entire city block and has multiple doors leading into various portions of the building, only one is labeled as the Sanctuary door. We find it reasonable to consider this prominently identified door to be the main entrance and therefore the front door to the church. Based on this determination the minimum spacing requirement would be met, since the distance from the front door of the proposed lounge to the Church's Sanctuary door measures at over 400 feet.

ANALYSIS:

4. Mr. Dunham's request is to sell alcoholic beverages in a 3,400 square foot lounge and patio, with a maximum occupancy of 200 and no alcohol beverage sales past 12:00 midnight. There are no minimum parking spaces required in the C-1 District. We find that the proposal meets the Code requirements and fits in with on-going efforts to revitalize the downtown area; furthermore, we believe that the proximity of residential uses, rather than being a deterrent, actually enhances the diversity expected in a vibrant downtown.

STAFF RECOMMENDATION:

We recommend approval of the request for a Specific Use Permit with Term for the sale and on-premise consumption of alcoholic beverages in a Lounge, subject to the following conditions:

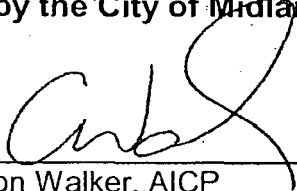
- A. That the location of the Lounge shall conform in all respects to the attached site plan;
- B. That the combined area of the building and patio shall not exceed 3,500 square feet;

PLANNING AND ZONING COMMISSION

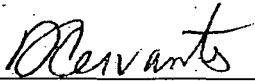
June 1, 2009

S-09-006

- C. That the maximum occupancy shall be 200 persons;**
- D. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following: Monday through Saturday: 10:00 a.m. until 12:00 midnight;**
- E. That the operation of the Lounge shall conform to all laws established by the City of Midland and the State of Texas.**



Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Donna Cervantes, Planner
Department of Development Services

Attachments:

Application
Maps
Exhibit A – Site Plan

Case Number: S-09-006

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

Le'Dun, Inc. - (Joe L. Dunham) 432-685-3306 - 432-664-4333
Applicant Name Contact Phone #s

1902 W. ILLINOIS 79701
Address Zip Code

Wall Street Joint Venture, Daniel Patrick 432-687-3355
Property Owner Name Contact Phone #s

216 N. MAIN 79701
Address Zip Code

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

Address Zip Code

Type of Permit: Tobacco & Beer/wine sales in a SUP with Term: ☒ Yes ☐ No
Lounge (For Office Use)

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

216 N. MAIN.
THE SOUTH ONE-HALF (S/2) OF LOT TWELVE (12), BLOCK THIRTY EIGHT (38), ORIGINAL TOWN, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE THE MAP OR PLAT THEREOF OF RECORD IN VOLUME 3, PAGE 232, PLAT RECORDS, MIDLAND COUNTY, TEXAS.

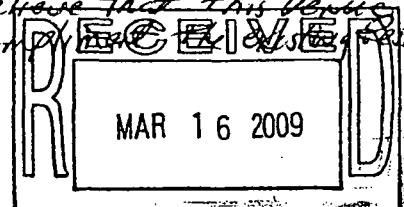
Current Zoning: C-1

Floor Area: 2410 sq ft + 1,000 sq ft Max. Occupancy: 200

Proposed hours and days of use or operation: 10 Am to midnite, 6 days
(Mon-Sat.)

Reason for request: Retail Cigar & wine/Beer sales

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: This will be an upscale Cigar/wine lounge. Hours of operation approximately 10 am - 12 midnite 6 days. Live music inside of maximum 2 instruments in low volume to encourage customers to talk & visit in Relaxed atmosphere. we believe that this lounge will attract more people Downtown and will complement existing restaurants that exist currently.



REQUIRED SUBMITTALS

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

SIGNATURES:

Applicant: Joe S. Vanden - President Date: 3-9-09

Property Owner: Frank D. S. Date: 16 Mar 09

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

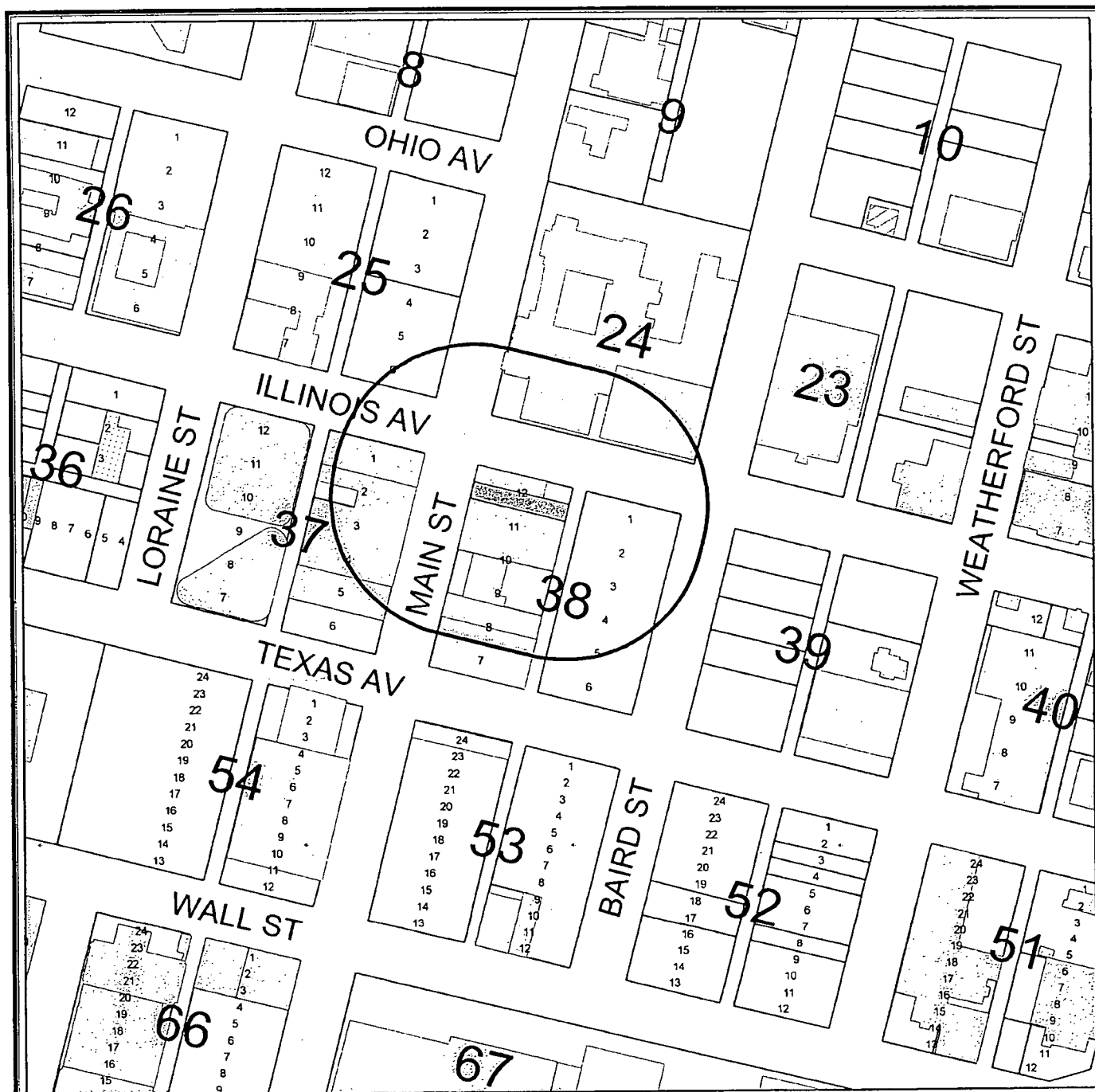
_____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>JC</u>	Date: <u>3/16/09</u>
Assigned: <u>DC</u>	
For: <u>P&Z</u>	On: <u>4-20-09</u>

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



PROPERTY OWNER NOTIFICATION MAP

S - 09 - 006

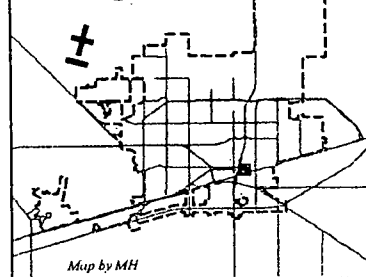
Scale: 1" = 200'

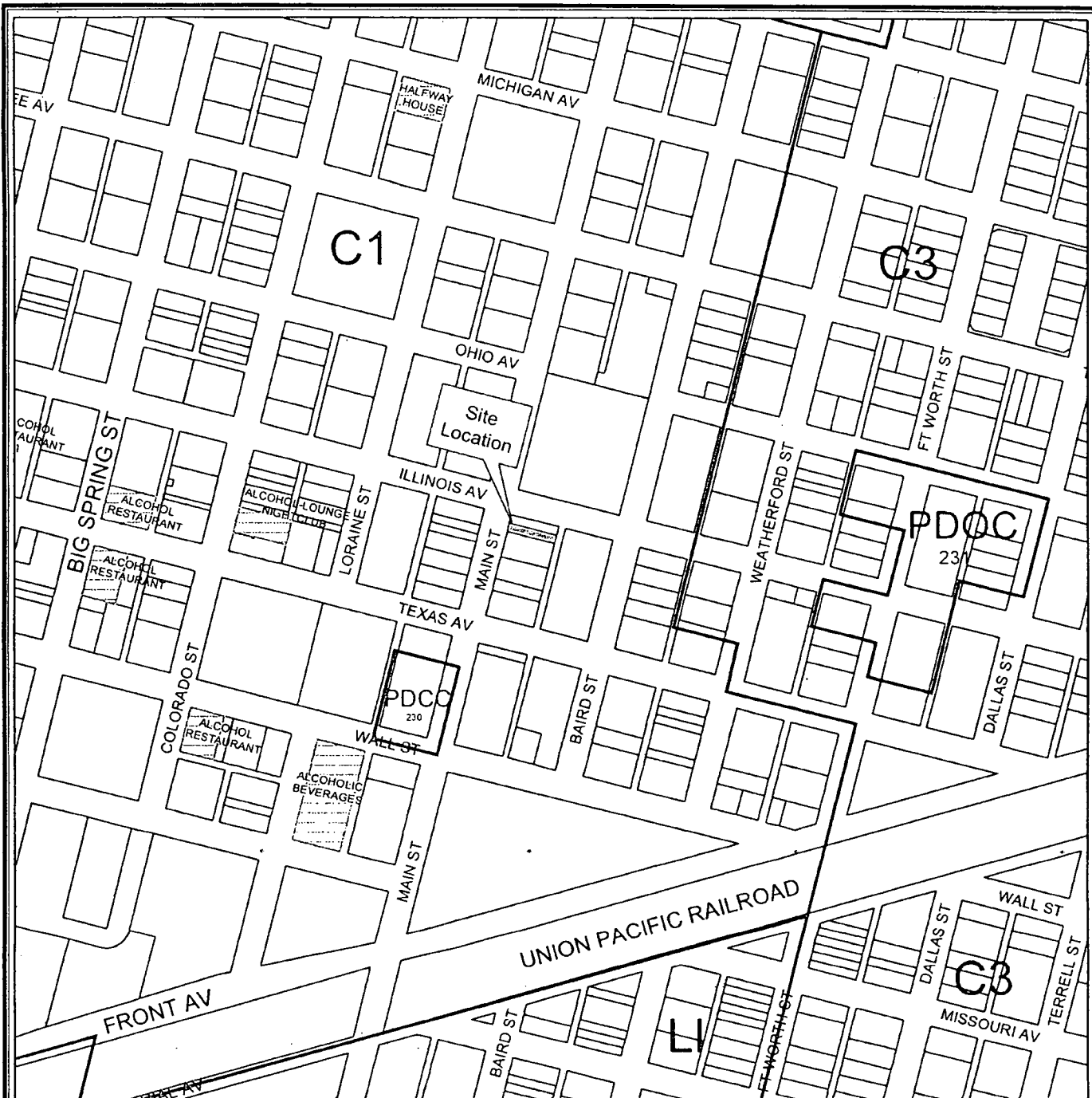
Consider a request for a Specific Use Permit With Term for the sale all alcoholic beverages, for on-premises consumption, in a Lounge, on the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LEGEND

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

City of Midland, Texas
Planning Division





ZONING MAP

S - 09 - 006

Scale: 1" = 400'

Consider a request for a Specific Use Permit With Term for the sale all alcoholic beverages, for on-premises consumption, in a Lounge, on the south half of Lot 12, Block 38, Original Town, City and County of Midland, Texas.

LEGEND

ZONING
 PARCELS
 SPECIFIC USE PERMITS

ZONING DISTRICTS:

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

BP
P
O1, O2
NS
LR1, LR2, LR3
C1, C2, C3
IP, IP1, IP2, IP3
LI
HI

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



ORDINANCE NO. 8953

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 24, BLOCK 53, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST TEXAS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

Lot 24, Block 53, Original Town, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a lounge, together with the uses permitted in the present C-1, Central Area District.

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

- A. That the maximum area of the lounge shall be 1,608 contiguous square feet (identified as the unshaded area of Exhibit "A", which is attached hereto and incorporated herein); the maximum occupancy shall be 80 persons.
- B. That the days and hours of alcoholic beverage sales and consumption shall be limited to Monday through Sunday from 12:00 p.m. (Noon) to 1:30 a.m. of the following day, unless otherwise prohibited by law.
- C. That the operation of the lounge shall conform to all applicable laws established by the City of Midland and the State of Texas.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on

first reading, the 8th day of November, A.D., 2011; and passed to second reading on motion of Council member Trost, seconded by Council member Morales, by the following vote:

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

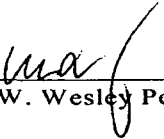
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morales, seconded by Council member Dufford, on the 13th day of December, A.D., 2011, at a regular meeting of the City Council:

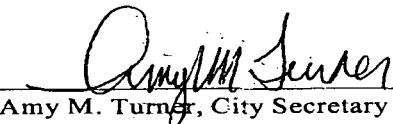
Council members voting "AYE": Morales, Trost, Hailey, Perry, James and Sparks

Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of December, A.D., 2011.


W. Wesley Perry, Mayor

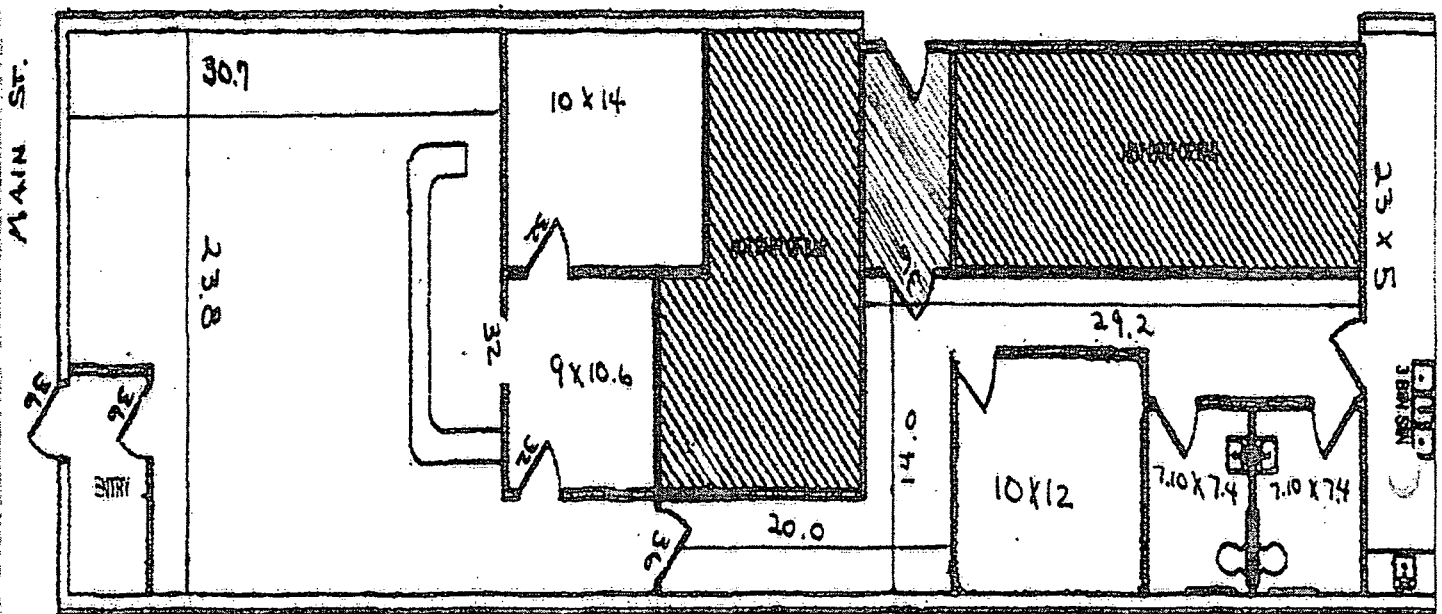
ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney

TEXAS AVE.



SITE PLAN

EXHIBIT A

CASE NO. S-11-016 35.10

30.32



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: December 13, 2011

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-11-016, Bourbon St D.C.

Purpose:

This is the second reading to consider an ordinance on a request by Bourbon St. D.C. for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a lounge. No changes have been made to this item since its first reading on November 8, 2011.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with approving this request.

Discussion:

The applicant plans to open a new lounge offering beer and wine for on-premise consumption and occasional live music at the southeast corner of Main Street and Texas Avenue in a 1,608 square foot portion of the building; the remainder of the building will not be used by the lounge. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

Attachments:

October 17, 2011 Planning & Zoning Commission Staff Report
Proposed Ordinance



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: November 8, 2011

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: S-11-016, Bourbon St D.C.

Purpose:

Hold a public hearing at approximately 10:36 a.m. and consider an ordinance on a request by Bourbon St. D.C. for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a lounge.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with approving this request.

Discussion:

The applicant plans to open a new lounge offering beer and wine for on-premise consumption and occasional live music at the southeast corner of Main Street and Texas Avenue in a 1,608 square foot portion of the building; the remainder of the building will not be used by the lounge. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

Attachments:

October 17, 2011 Planning & Zoning Commission Staff Report
Proposed Ordinance

**Planning and Zoning Commission
Minutes
October 17, 2011**

S-11-016 - Hold a public hearing and consider a request by **Bourbon ST. D.C.** for a *Specific Use Permit with Term* for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, block 53, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Main Street and East Texas Avenue.)

Chairman Carney opened the public hearing at 4:13 p.m.

The applicant yielded to staff. Senior Planner Ken Van Dyne gave an overview of the item noting the hours of sale would be from 12 p.m. to 1:30 a.m., 7 days a week. The request was to sell alcoholic beverages in a downtown location and staff believed this would add another use for nighttime activity downtown and would keep people downtown after 5 p.m. Staff recommended approval subject to conditions A through C.

A motion for approval was made by Commissioner York, subject to conditions A through C; seconded by Commissioner Ferguson. The motion carried by the following vote: AYE: Lanning, Gatten, Carney Ferguson, Watkins and York. NAY: None. ABSTAIN: None. ABSENT: Wolf, Wilton and Woodruff

PLANNING AND ZONING COMMISSION

October 17, 2011

CASE: S-11-016.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a Lounge.

APPLICANT: Marcelino C. Armendariz.

OWNER: Amber Almodova.

LEGAL DESCRIPTION: Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LOCATION: Generally located on the southeast corner of the intersection of N. Main Street and E. Texas Avenue.

CURRENT ZONING: C-1, Central Area District.

ASSOCIATED CASES: S-09-012, S-11-010.

DETAILS OF REQUEST:

1. The applicant plans to open a lounge offering beer and wine for on-premise consumption and occasional live music in a 1,608 square foot portion of the building on the southeast corner of Main Street and Texas Avenue; the remainder of the building is not used by the bar. Proposed hours of operation are 12 noon to 1:30 a.m., seven days a week, with a maximum occupancy of 80 persons.

SURROUNDING ZONING AND LAND USE:

2. The building is located on Main Street across from the Midland Center and immediately south of the Justice Department office. In the vicinity are numerous offices, a restaurant, and on the block to the south is the post office. Residential lofts and Frog's Cigar Bar are located one block to the north. On the northwest corner of Main Street and Texas Avenue is the Ritz Theater which is closed and being renovated.

ANALYSIS:

3. The request is to sell alcoholic beverages at this downtown location, which is being redeveloped with the proposed lounge. The lot does not offer any on-site parking; however, there are no minimum parking spaces required in the C-1, Central Area District. Staff concurs that the proposal fits in with on-going efforts to revitalize the downtown area by offering diverse evening activities.

STAFF RECOMMENDATION:

Staff recommends approval of this request for a Specific Use Permit with Term for the sale and on-premise consumption of alcoholic beverages in a Lounge, subject to the following conditions:

- A. That the maximum area of the Lounge shall be 1,608 square feet and the occupancy shall be 80 persons;
- B. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following: Each day of the week from 12 noon until 1:30 a.m.;
- C. That the operation of the Lounge shall conform to all laws established by the City of Midland and the State of Texas.

Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Ken Van Dyne, Senior Planner
Department of Development Services

Attachments:

Application
Site Plan – Exhibit A
Maps

Case Number: S-11-016

CITY OF MIDLAND
Planning Division

APPLICATION FOR A SPECIFIC USE PERMIT WITH TERM
FOR THE SALE OF ALCOHOLIC BEVERAGES
FOR ON-PREMISE CONSUMPTION

BOURBON ST, D.C. 432-661-2778
120 N. MAIN ST, MIDLAND, TX. 79701 432-689-3233
Applicant Name Phone/e-mail
Address Zip Code

AMBER ALMODOVA 432-634-1580
120 N. MAIN ST, MIDLAND, TX. 79701
Property Owner Name Phone/e-mail
Address Zip Code

MARCELINO ARMENDARIZ BOURBON. ARMENAYAN
120 N. MAIN ST, MIDLAND, TX. 79701 CON
Operator (if different from Applicant or Property Owner) Phone/e-mail
Address Zip Code

Type of Business: BAR/LOUNGE
(Restaurant, Bar, Lounge, Nightclub, etc.)

Street address and Legal Description of property on which SUP is desired (complete Lot, Block, and Subdivision, name, or if unplatted, attach a Metes and Bounds description with surveyor's seal.)
120 N. MAIN ST, MIDLAND TX. 79701
BLOCK 053 LOT 024, ADDN. ORIGINAL TOWN
ACRES 0.080

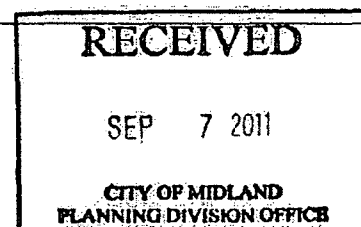
Current Zoning: C-1 CENTRAL AREA DISTRICT

Max. Floor Area: 1608 sq Seating Capacity: 80 hg

Proposed hours and days of alcoholic beverage sales: 7 DAYS A WEEK,
12:00PM - 1:30AM

Reason for request: PUB - SALE OF BEER AND WINE

REQUIRED SUBMITTALS



35.6

30.38

2. Site plan – 16 copies (FOLDED) ____.
3. On a CD in .pdf and .jpg digital format ____.

SIGNATURES:

Applicant: M.C. [Signature] Date: 8-19-11

Property Owner: Amber Almodera Date: 8-19-11

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.

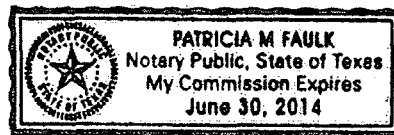
STATE of TEXAS
COUNTY OF MIDLAND

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

Subscribed and sworn to before me, this 19 day of August, 20 11, to certify which witness my hand and seal of office.

Patricia M. Faulk
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>[Signature]</u>	Date: <u>9/15/11</u>
Assigned: <u>[Signature]</u>	
For: <u>P+Z</u>	On: <u>10/3/11</u> 10/17/11



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



PROPERTY OWNER NOTIFICATION MAP

S - 11 - 016

Scale: 1" = 200'

Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LEGEND

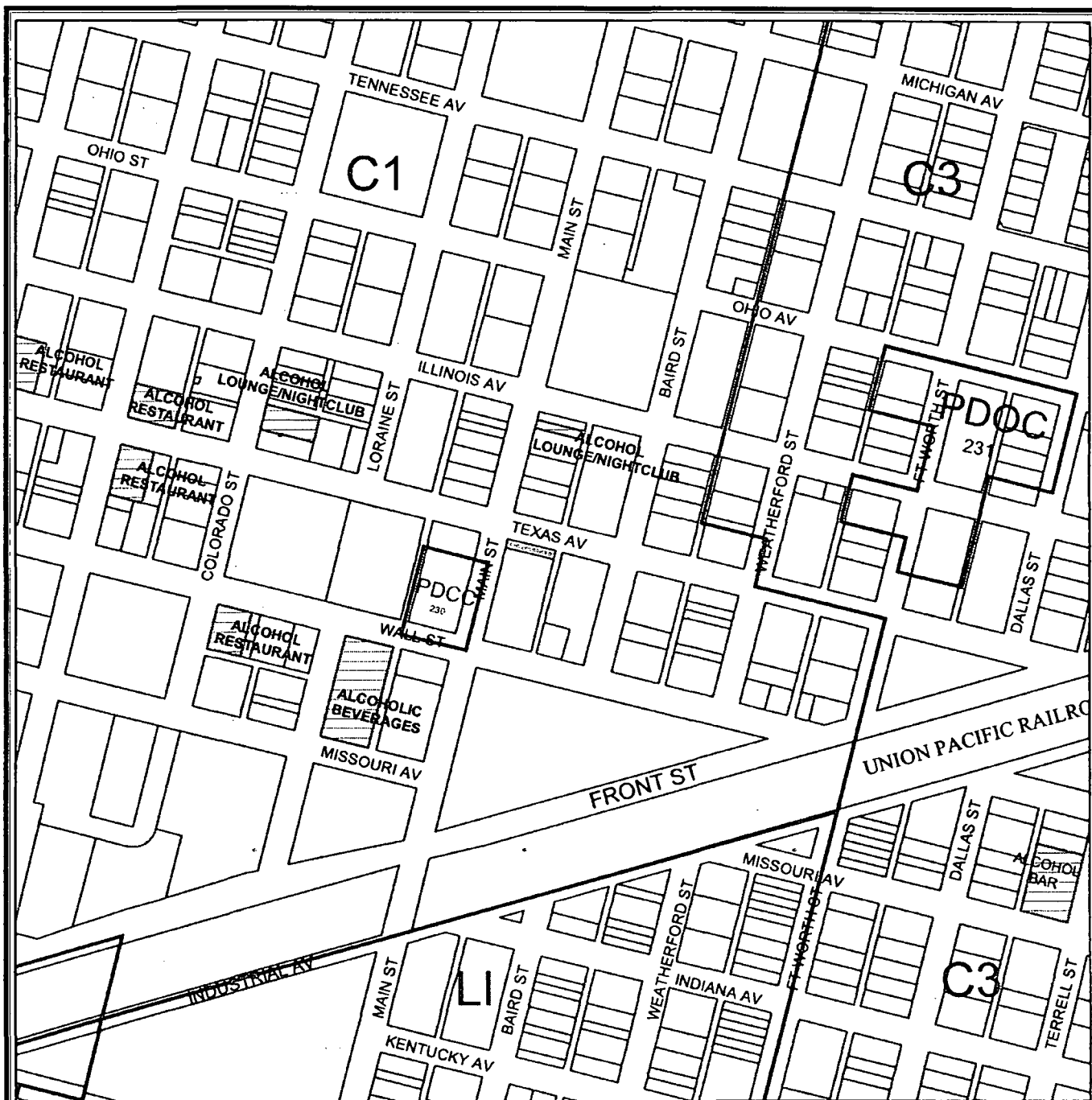
- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS



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35.8

30.40



ZONING MAP

S - 11 - 016

Scale: 1" = 400'

Consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, Block 53, Original Town, City and County of Midland, Texas.

LEGEND

ZONING PARCELS SPECIFIC USE PERMITS

ZONING DISTRICTS:

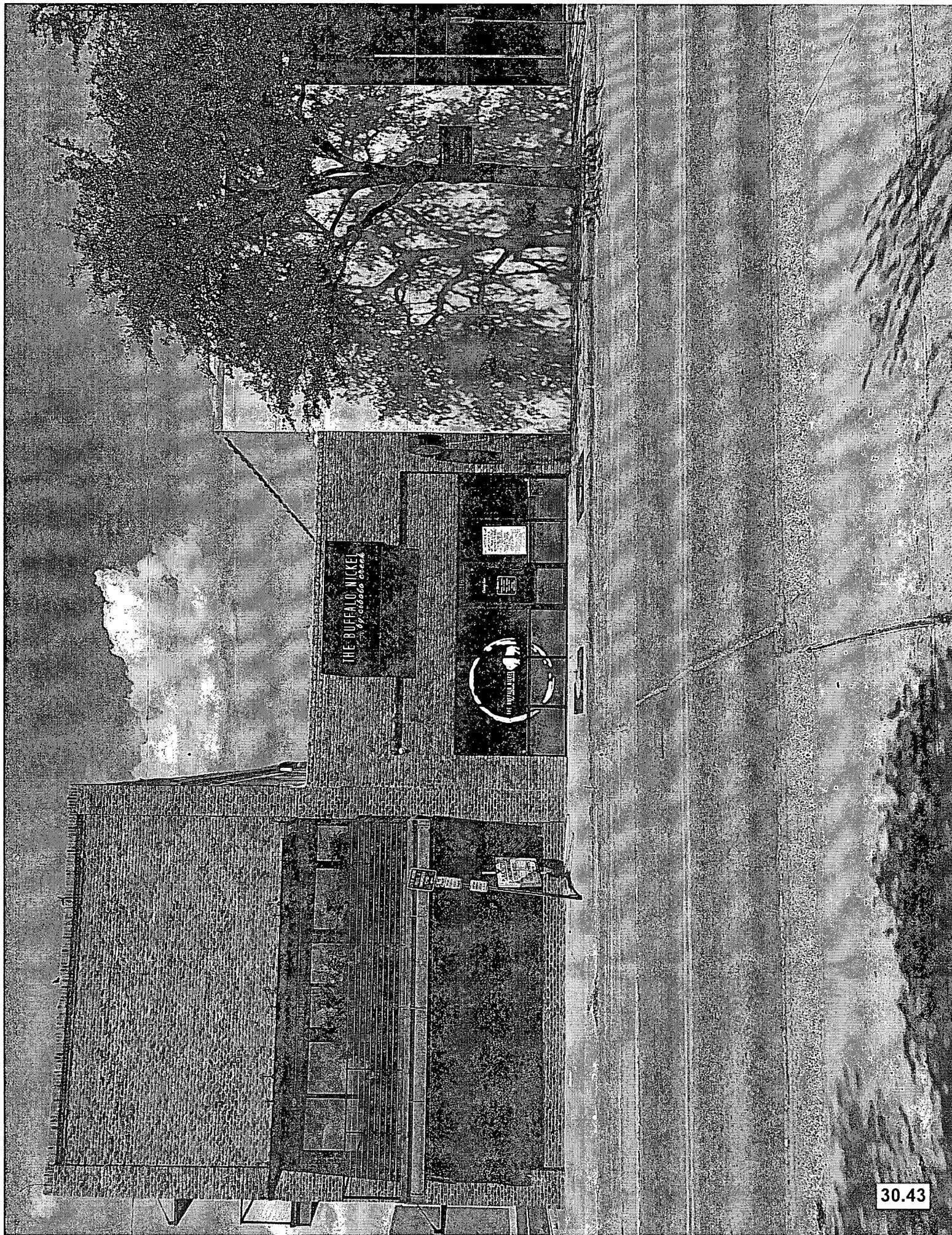
FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP, JP1, IP2, IP3	INDUSTRIAL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

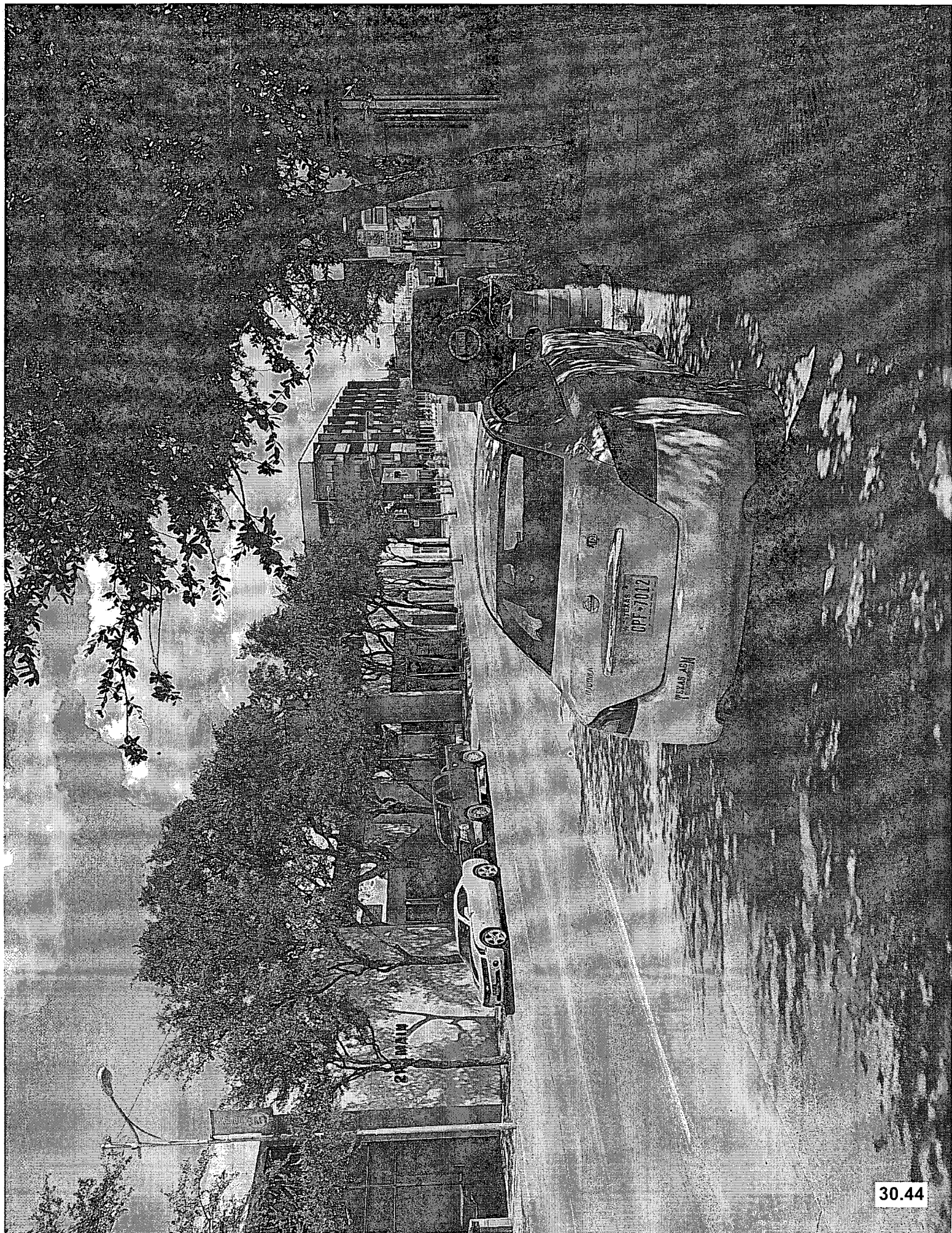
THE CITY OF MIDLAND AND THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE ZONING MAP. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE ZONING MAP. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE ZONING MAP.

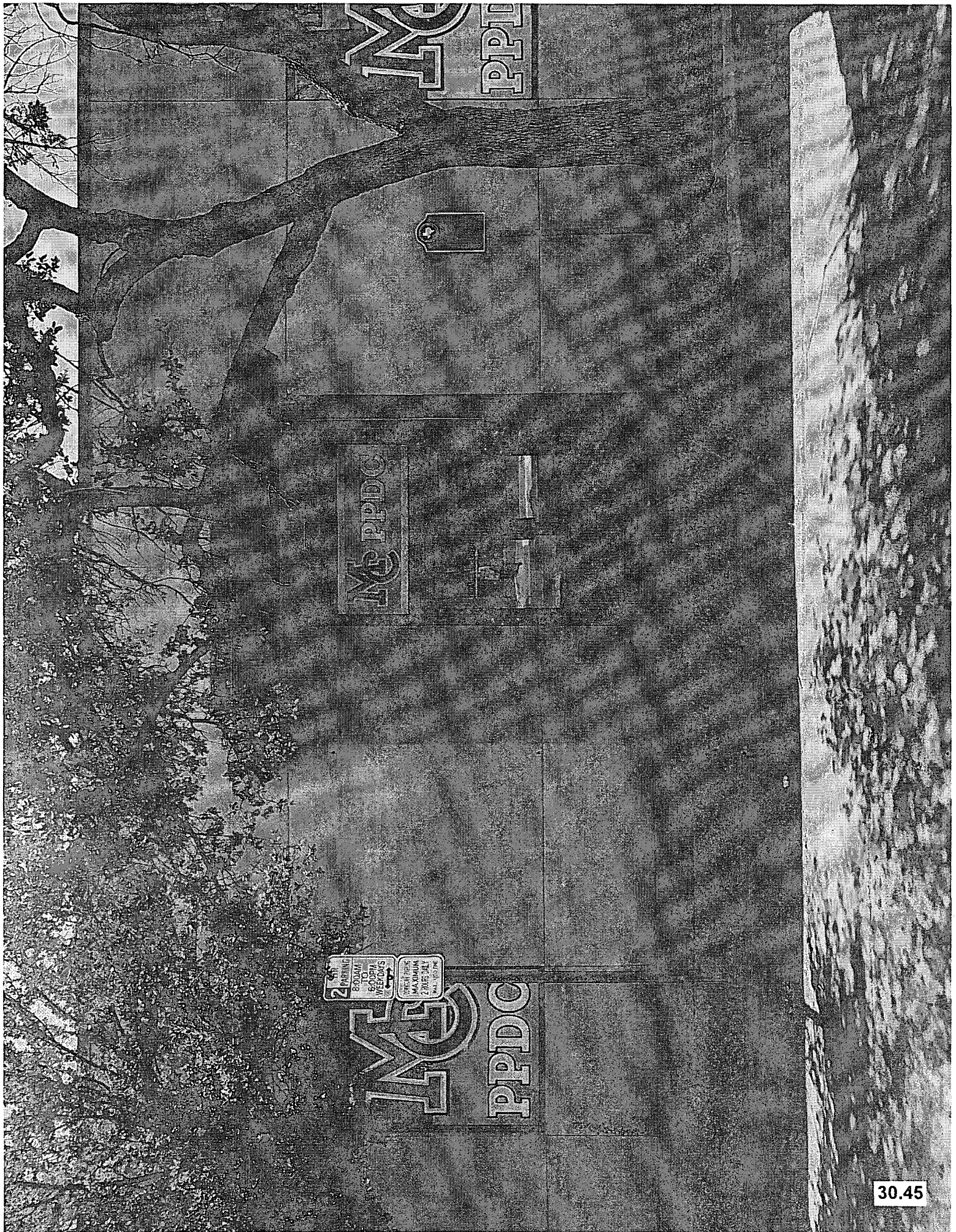
35.9

30.41











City Council Agenda

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: 8/28/2018

TO: City Council / City Manager

APPROVED

FROM: Cristina Odenborg, Downtown Development Coordinator and Interim Planning Manager

SUBJECT: Consider an ordinance on second reading on a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of North Main Street, approximately 65-feet south of East Illinois Avenue. Council District 2)

Purpose:

Hold a public hearing and consider an ordinance on a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant, Crystalyn Wright, is requesting a Specific Use Permit with Term (SUP) for the sale of all alcoholic beverages, for on-premises consumption, in a bar for The Buffalo Nickel by Cibolo Creek.

This property is located at 216 N. Main Street, in the C-1, Central Area District. To the north, east, south, and west is also zoned C-1, Central Area District, and the locations of a First United Methodist Church, a parking lot, and office buildings, respectively. Approximately 330 feet to the south of this property, Bourbon St. D.C., located at 120 N. Main Street, has a specific use permit with term for the sale of all alcoholic beverages for on-premises in a lounge (Ordinance No. 8953).

The property is located in the C-1, Central Area District, which allows for the sale of all alcoholic beverages for on-premises consumption through a Specific Use Permit with Term.

The property has an expired Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a lounge (Ordinance No. 8732). This Specific Use Permit with Term was approved on July 14, 2009, for and allows for the following serviceable hours:

Monday through Saturday from 10:00 a.m. to 12:00 a.m. (midnight)

This specific use permit was not renewed in 2017, and therefore, expired.

The applicant is requesting a Specific Use Permit with Term for a bar for the service of mixed alcoholic beverages for on-premises consumption. The floor area of the bar will be 3,400-square feet, of which 2,036-square feet will be alcohol serviceable area. The proposed days and hours of operation for the bar are the following:

Monday through Thursday from 3:00 p.m. to 11:00 p.m.
Friday and Saturday from 3:00 p.m. to 12:00 a.m. (midnight)
Sunday from 12:00 p.m. (noon) to 9:00 p.m.

The applicant is requesting the same days and hours for alcohol service.

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

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

First United Methodist Church is located on the block north of this property. The church has several doors located on N. Main Street; however, the walking distance between the proposed The Buffalo Nickel by Cibolo Creek and the door of the sanctuary is approximately 390 feet.

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

Engineering and Transportation: (Approved)

No objection.

Fire Inspection: (Approved)

No comments.

Code Administration: (Approved)

No comments.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 7-Central District Plan, Goal 1, "Establish Downtown Midland as a regional destination." (Tall City Tomorrow page 137) The Buffalo Nickel by Cibolo Creek will be a destination where Midland residents can gather and socialize.

The Planning and Zoning Commission recommended approval of this request at their July 16, 2018 meeting.

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

Conditions:

A.That the serviceable area of the establishment shall be limited to approximately 2,036-square feet, as shown in Exhibit A.

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

C.That the permitted hours of the sale of alcoholic beverages shall be limited to:

**Monday through Thursday from 3:00 p.m. to 11:00 p.m.
Friday and Saturday from 3:00 p.m. to 12:00 a.m. (midnight)
Sunday from 12:00 p.m. (noon) to 9:00 p.m.**

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

E.That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.

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

G. That in accordance with Section 11-1-10(G) of the City Code, the establishment shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of August 8, 2018, staff has not received any letters of objection.

Attachments:

Application

Maps

Site Plan (Exhibit A)

Ordinances No. 8732 and 8953





THE BUFFALO NICKEL
by cibola creek



216

NOTICE
AN APPLICANT TO THE
CITY OF HOLLAND
FOR A LICENSE TO
OPERATE A BUSINESS
IN THE CITY OF HOLLAND
MAY BE SUBJECT TO A
PUBLIC HEARING
ON THE MATTER
AT THE CITY CLERK'S
OFFICE ON MONDAY
JUNE 15, 2015 AT 10:00 AM
IN THE CITY CLERK'S
OFFICE AT 216 N. MAIN
ST. HOLLAND, TEXAS

CITY OF HOLLAND
POLICE &
COMMUNICATION
CENTER
216 N. MAIN
ST. HOLLAND, TEXAS
PUBLIC NOTICE
PLANNING BOARD
CITY HALL BOARD
FOR INFORMATION
PUBLIC HEARING

212 N. MAIN
Energy Inc
HOLLAND, TEXAS



210 MAIN

★ TEXAS ★
CPF 7012

TEXAS A&M

210 MAIN
BLOOMING
WISCONSIN
STATE ONLY

LEE LEWIS

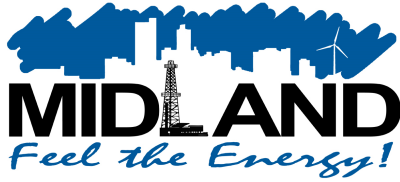


2 HR PARKING
8:00AM TO 6:00PM
WEEKDAYS
DOWNTOWN PARKING
MAXIMUM
2 HOURS DAILY
MAX. \$200 FINE



Enter Around the Corner





Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg

MEETING DATE: 2/19/2019

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a request by Coraima Garibay for a Specific Use Permit with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1, Block 172, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East California Avenue and South Terrell Street. Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Coraima Garibay, is requesting a Specific Use Permit, with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant at 800 South Terrell.

Current Zoning:

LR-3, Local Retail District.

Surrounding Zoning and Land Use:

The properties to the north, across East California Avenue, are zoned LR-3, Local Retail District and the location of residential homes. The properties to the east, across South Terrell Street, are zoned O-2, Office District and the location of a bank. The properties to the south are zoned LR-3, Local Retail District and the location of an industrial office and a grocery store. The properties to the west

are zoned MH, Mobile Home Dwelling District and the location of residential homes.

Analysis:

The property is zoned LR-3, Local Retail District, which permits the sale of alcoholic beverages, in a restaurant, with the approval of a Specific Use Permit.

The restaurant is located at 800 South Terrell Street and currently does not have a Specific Use Permit for the sale of alcoholic beverages.

The floor plan attached hereto as Exhibit A, shows the establishment has a total floor area of 1,590 square feet. The alcohol serviceable area is 1,077 square feet.

The current hours of operation are as stated:

Tuesday through Sunday, 10:00 a.m. to 10:00 p.m.

The applicant is requesting alcohol service hours as the following:

**Tuesday through Saturday, 10:00 a.m. to 10:00 p.m.
Sunday, 12:00 p.m. to 10:00 p.m.**

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No comments.

Building: (Approved)

Occupant load is 80 persons.

Engineering: (Approved)

No comments.

Code Compliance: (Approved)

No comments.

Transportation: (Approved)

No comments.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive plan, Chapter 6 Character Plan - Goal 3, "Create vibrant multi-use destinations that supports activities and residential settings for multiple generations."* (Tall City tomorrow, page 137) If approved, La Patrona Restaurant would attract a variety of diverse public engagement through the form of entertainment and socialization. It would also give the surrounding community easy access to a new social environment.

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

Conditions:

- A. That the serviceable area of the restaurant shall be limited to approximately 1,077 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Tuesday through Saturday, 10:00 a.m. to 10:00 p.m.**
 - Sunday, 12:00 p.m. to 10:00 p.m.**
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**

- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- F. That in accordance with Section 11-1-10(G) of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.**

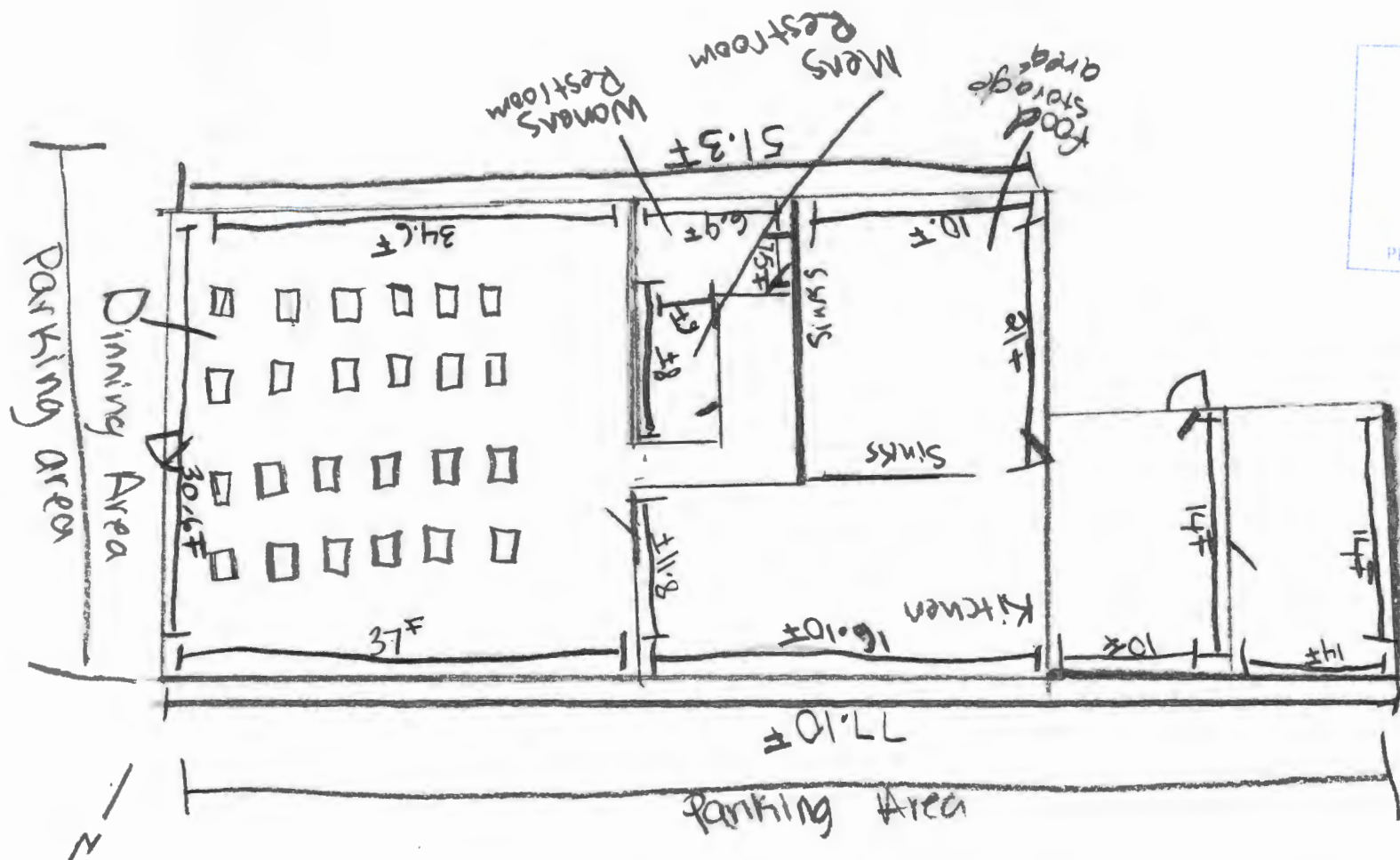
Letters of Objection:

As of March 13, 2019, staff has received no letters of objection.

Attachments:

Floor Plan (Exhibit A)
Application
Maps

STORR ST



Dinning Area: 1,077 Sq Ft

Building: 1,590 Sq Ft

Whole Property: 10,500 Sq Ft

Men's Restroom: 48 Sq Ft

Women Restroom: 51 Sq Ft

E. California ST.



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Cordima Garibay</u>		Phone <u>(432) 215-6436</u> Email <u>garibaycordima@ yahoo.com</u>	
Address <u>4519 Roosevelt DR</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79703</u>

Property Owner Printed Name: <u>Rosa Elia Arila</u>		Phone <u>(432) 557-8536</u> Email _____	
Address <u>1606 WCR 140</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>

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

Street Address: <u>800 S. Terrell ST.</u>		
Business Name: <u>La Patrona</u>		
Legal Description Lot: _____ Block: _____ Subdivision: _____		
Current Zoning: _____		
Reason for Request: <u>Selling alcoholic beverages</u>		

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Restaurant</u>			
Proposed/Current Days and Hours of Operation: <u>Tuesday - Sunday 10am - 10pm</u>			
Proposed Days and Hours of Alcohol Service: <u>Tuesday - Sunday 12pm - 10pm</u> <u>Tuesday - Saturday 10am - 10pm</u>			
Total Square Footage of Business: <u>1,077</u> <u>1,590</u>			
Square Footage of Alcohol Serviceable Area: <u>1,077</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1</u> <u>1</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>1</u>	Bathroom Sinks: <u>1</u>

RECEIVED

JAN 23 2019

CITY OF MIDLAND
PLANNING DIVISION OFFICE

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
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

RECEIVED

JAN 23 2019

Signatures

Applicant (signature):

Coraima Garibay

Date:

1-22-19

Applicant (printed):

Coraima Garibay

Property Owner (signature):

Rosa Elia Avila

Date:

1-22-19

Property Owner (printed):

Rosa Elia Avila

The Specific Use Permit 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.

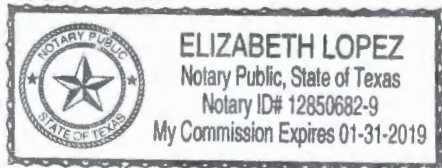
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Coraima C. Garibay who, being by me duly sworn, upon oath says: That (s)he is authorized by Rosa E. Avila, 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.

Coraima Garibay
Authorized Agent (signature)

Subscribed and sworn to before me, this 22nd day of January, 20 19, to certify which witness my hand and seal of office.



Elizabeth Lopez

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 *Cash*

☒ Site Plan

Check # _____

☐ Plans in Digital Format (PDF/JPEG)

Received By: *Glenda A. Cruz*

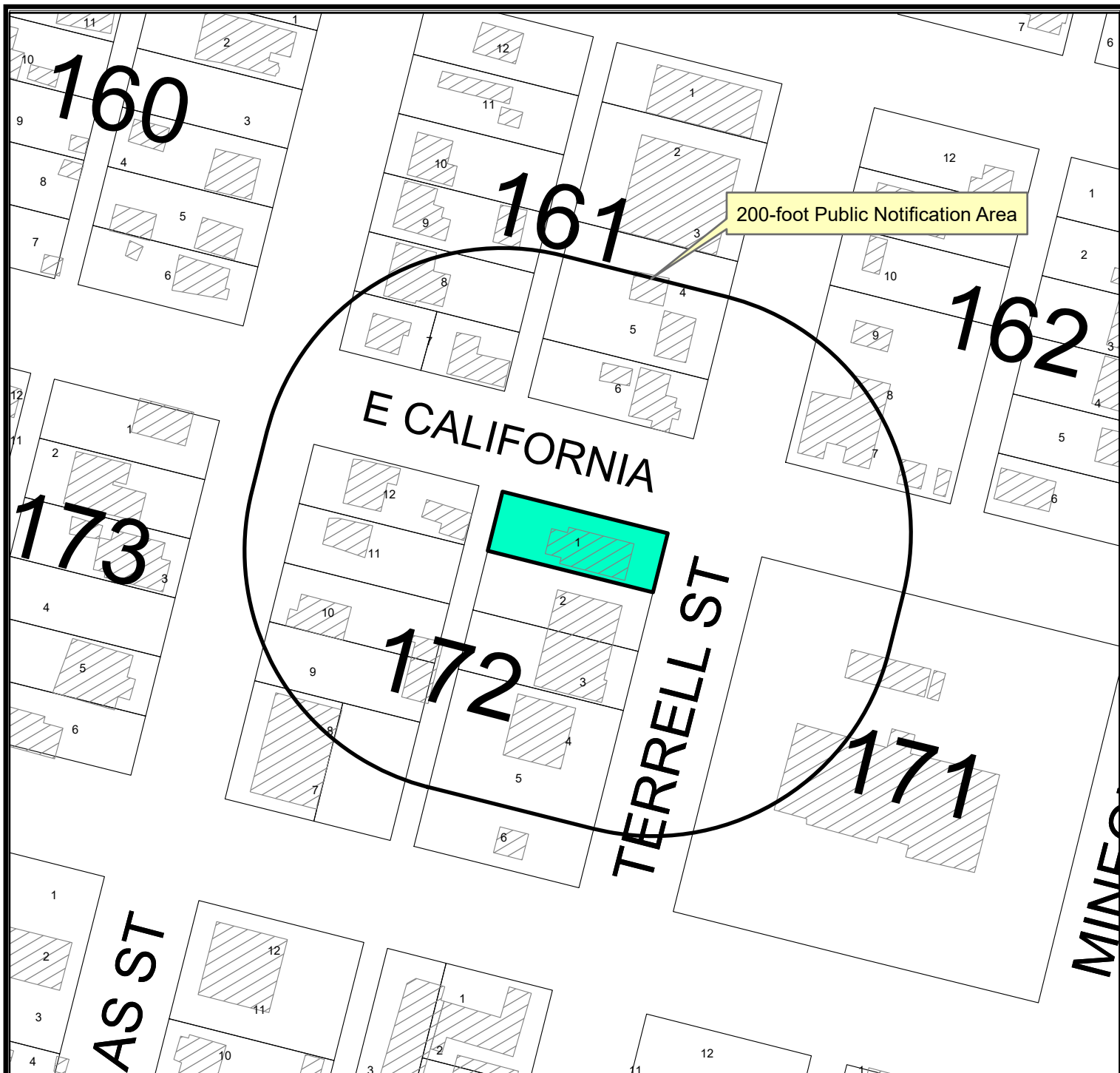
Date: _____

RECEIVED

JAN 23 2019

CITY OF MIDLAND
PLANNING DIVISION OFFICE

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



LOCATION MAP

SUP-19-0038

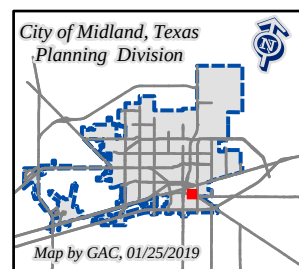
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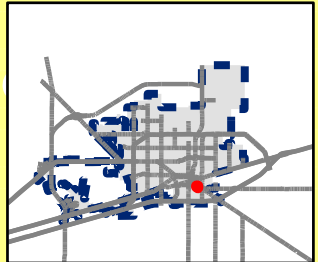
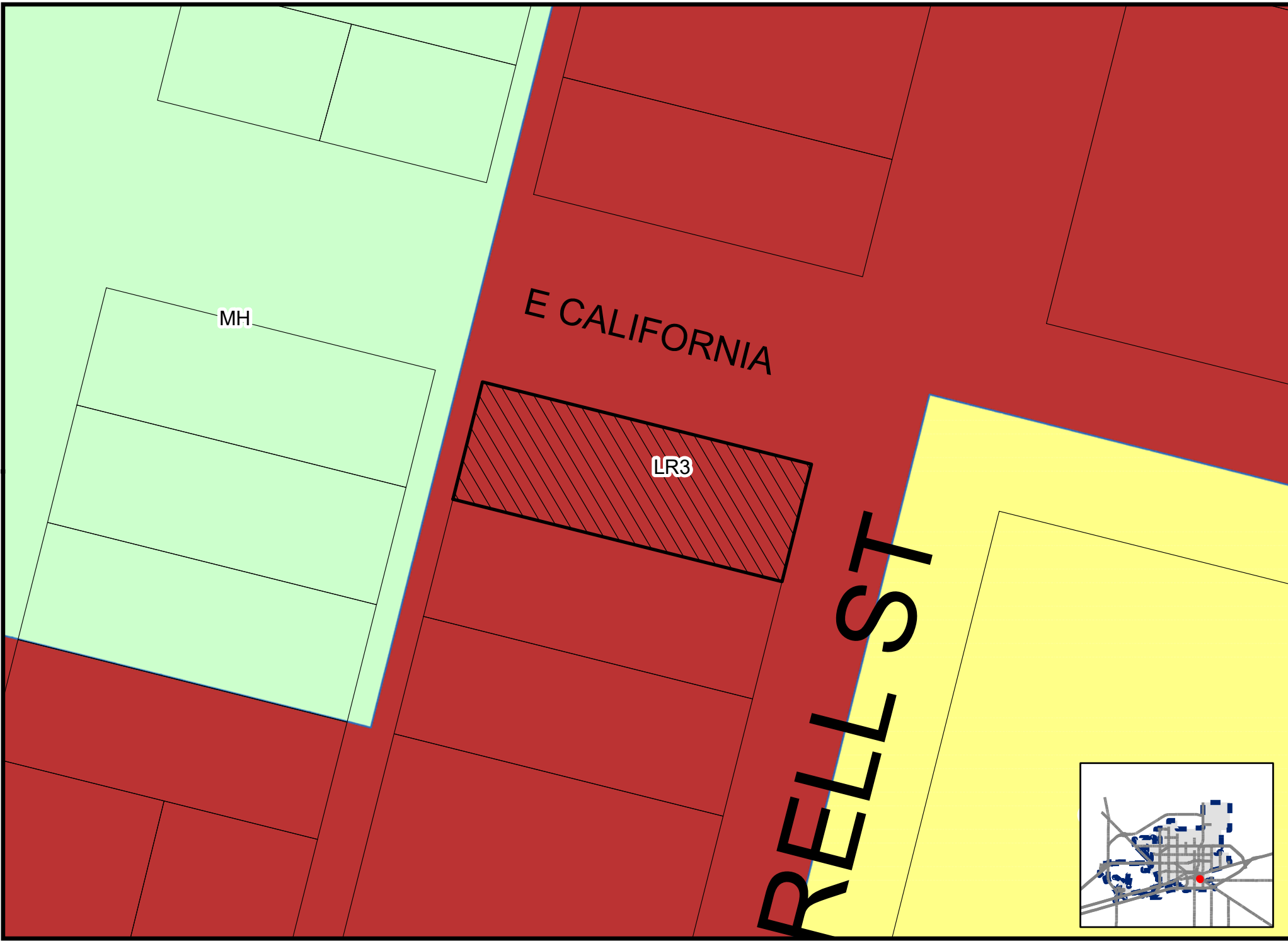
Consider a request by Coraima Garibay for a Specific Use Permit with term, for the sale of beer and wine, for on-premises consumption, in a restaurant, on Lot 1, Block 172, Southern Addition, City and County of Midland, Texas.

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

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







E CALIFORNIA AVE 500

TERRELL ST 500







CE -
TO SELL
ALCOHOLIC
BOTTLED
ATION
PERMIT
LICANT
LICANT
LICANT
LICANT
LICANT

800