

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

**October 16, 2023 - 3:30 PM
Council Chambers – City Hall**



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

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning & Zoning meeting minutes for October 2, 2023.
3. Motion approving a Final Plat of West 191 Industrial Park, Section 12, being a Replat of Lot 11, Block 1, West 191 Industrial Park, Section 6, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Farm-to-Market Road 1788 and West County Road 77). **(DISTRICT: 4 AND NONE) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of West 191 Industrial Park, Section 13, being a Replat of Lot 7, Block 2, West 191 Industrial Park, Section 6, City and County of Midland, Texas (Generally located on the east side of Farm-to-Market Road 1788, approximately 425 feet south of West County Road 77). **(DISTRICT: 4) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of Johnston Addition, Section 2, being a Replat of Lot 7, Block 1, Johnston Addition Correction Plat, Midland County, Texas (Generally located at the southeast corner of South County Road 1270 and West County Road 139) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
6. Motion approving a Final Plat of Carrollwood Addition, Section 2, being a 31.58-tract of land out of Section 24, Block 40, T-2-S T&P RR Co. Survey, Midland County, Texas (Generally located on the east side of Antelope Trail, approximately 2,790 feet north of West County Road 140) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

PUBLIC HEARINGS

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

7. Consider a request by Midland County Hospital District and Debbie Parchman Reese for a Zone Change from PD, Planned Development District for a Medical Center, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital on a 23.93-acre tract of land out of Section 27, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland Texas, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Kent Street and West Michigan Avenue) **(DISTRICT: 3) (DEVELOPMENT SERVICES)**
8. Consider a request by Raul Carrasco Jr., for a Zone Change from O-1, Office District to SF-3, Single-Family Dwelling District on Lot 4, Block 12, Cowden Addition, City and County of Midland, Texas (Generally located on the west side of Bryant Street approximately 125 feet north of Hart Avenue) **(DISTRICT: 3) (DEVELOPMENT SERVICES)**
9. Consider request by Steven Villela, for a Zone Change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 18, Block 1, Edwards Addition, City and County of Midland, Texas (Generally located on the west side of North Dallas Street approximately 260 feet north of Mississippi Avenue) **(DISTRICT: 2) (DEVELOPMENT SERVICES)**
10. Consider a request by Leela S. Pillarisetty, for a Zone Change from PD, Planned District for a Shopping Center to RR, Regional Retail District on Lot 3A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 165 feet east of Belmont Street). **(DISTRICT: 2) (DEVELOPMENT SERVICES)**
11. Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on-premises consumption in a Restaurant on Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive). **(DISTRICT: 4) (DEVELOPMENT SERVICES)**
12. Consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for Amusement, Commercial (outdoors), on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North. **(DISTRICT: 3) (DEVELOPMENT SERVICES)**

13. Consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for a Mobile Food Vendor Park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North **(DISTRICT: 3)**
(DEVELOPMENT SERVICES)
14. Consider a request by Christopher Sean Elphick for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Mobile Food Vendor Park and an Amusement, Commercial Outdoor Facility, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North **(DISTRICT: 3)**
(DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

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

MISCELLANEOUS

16. Motion approving with staff's recommended conditions a Preliminary Plat of Quail Ridge Addition, Section 9, being a Replat of Lots 8 & 9, Block 12, Quail Ridge Addition, Section 8, City and County of Midland, Texas (Generally located on the north side of Starling Drive, approximately 290 feet west of Chukar Lane) **(DISTRICT: 2) (DEVELOPMENT SERVICES)**
17. Motion approving with staff's recommended conditions a Preliminary Plat of West Fork Addition, Section 2, being 5.394-acres situated as two tracts out of Section 35, Block 40, T-I-S T&P RR. Co. Survey, City and County of Midland, Texas (Generally located north of State Highway 191, approximately 490 feet west of State Highway 158, and generally located west of State Highway 158, approximately 540 feet north of State Highway 191 **(DISTRICT 4) (DEVELOPMENT SERVICES)**
18. Motion approving with staff's recommended conditions a Preliminary Plat of West Fork Addition, Section 3, being a Replat of Lots 1 & 2, Block 1, West Fork Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of West State Highway 158 and State Highway 191). **(DISTRICT: 4) (DEVELOPMENT SERVICES)**
19. Motion approving with staff's recommended conditions a Preliminary Plat of Southern Meadows Industrial, Section 2, being a Replat of Lots 1 & 2, Block 1, Southern Meadows

Industrial, Midland County, Texas. Generally located on the northwest corner of the intersection of East County Road 140 and the proposed South County Road 1180. **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

20. Motion approving with staff's recommended conditions a Preliminary Plat of Redneck Retreat, Section 5, being a 10.00-acre tract of land out of Section 15, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the southeast corner of Farm-to-Market Road 715 and East County Road 130) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
21. Motion approving with staff's recommended conditions a Preliminary Plat of Redneck Retreat, Section 6, being a 20.00-acre tract of land out of Section 15, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the north side of East County Road 140, approximately 1,570 feet west of South County Road 1160) (DISTRICT: NONE) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)
22. Motion approving a reinstatement with staff's recommended conditions of an approved Preliminary Plat of Cooney Addition, being a 4.23-Acre tract of land located in the northeast/4 of Section 22, Block 39, T. & P. R.R. Co. Survey, County of Midland, Texas (Generally located on the west side of South Highway 349, approximately 635 feet south of West County Road 130) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
23. Motion approving a Final Plat of Cooney Addition, being a 4.23-Acre tract of land located in the northeast/4 of Section 22, Block 39, T. & P. R.R. Co. Survey, County of Midland, Texas. (Generally located on the west side of S Highway 349, approximately 635 feet south of W. County Rd 130) (DISTRICT: NONE) (DEVELOPMENT SERVICES)
24. Motion approving with staff's recommended conditions a Preliminary Plat of 349 Retail Addition, being a Replat of Lot 1, Block 1, TSC Development, Section 1, and Lot 1, Block 1, Midland Country Club Estates Addition, City and County of Midland, Texas. (Generally located on the west side of North State Highway 349, approximately 400 feet south of Occidental Parkway). **(DISTRICT: 1)(DEVELOPMENT SERVICES)**
25. Motion approving with staff's recommended conditions a Preliminary Plat of The Park at 1788 South, Section 3, being a replat of Lots 12 and 29, Block 1, The Park at 1788 South, Midland County, Texas. (Generally located at the southwest corner of South County Road 1275 and West County Road 146) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Jeffrey S. Fisher
Planning Division Manager
Department of Development Services

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

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

October 2, 2023

Council Chambers – City Hall



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:32pm, October 02, 2023.

Commissioners present: Lucy Sisniega, Adrian Carrasco, Abraham Bejil, Sallie Vega, Steven Villela

Commissioners absent: Dianne Williams, Zachary Deck, Emily Holeva

Staff members present: Landon Ochoa, Rolandrea Russell, Jeffrey S. Fisher, Alexis M. Martinez, Daniel Humbert

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning & Zoning meeting minutes for September 18, 2023.
3. Motion approving a Final Plat of Tahoe Lakes Addition, Section 5, being a Plat of a 4.29-acre tract of land located in Section 1, Block 39, T-2-S, T&P Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of South Lamesa Road and Albert Avenue) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of Westridge Park Addition, Section 51, being an 8.677-acre tract of land located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the northwest corner of Leisure Drive and South Loop 250) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of Lozoya Addition, Section 3, being a Replat of Lots 2 and

3, Block 1, Lozoya Addition, Section 2, Midland County, Texas. (Generally located on the west side of Farm-to-Market Road 1788, approximately 1,275-feet north of County Road 40) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

PUBLIC HEARINGS

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

MISCELLANEOUS

6. Motion approving a reinstatement with staff's recommended conditions an approved Preliminary Plat of Crestview Heights, Section 5, being a Replat of the north 14.92-feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Illinois Avenue and North Midkiff Road **(DISTRICT 2) (DEVELOPMENT SERVICES)**)

Abraham Bejil moved to approve this request; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

7. Motion approving a Final Plat of Crestview Heights, Section 5, being a Replat of the north 14.92-feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Illinois Avenue and North Midkiff Road **(DISTRICT 2) (DEVELOPMENT SERVICES)**)

Adrian Carrasco moved to approve this request; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

8. Motion approving with staff's recommended conditions a Preliminary Plat of Pioneer Natural Resources USA Addition, being a Plat of an 87.55-acre tract of land out of Sections

33 and 40, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located at the northwest corner of the intersection of North County Road 1140 and East State Highway 80) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

9. Motion approving with staff's recommended conditions a Preliminary Plat of Hines Addition, Section 4, being a Replat of Lot 7 and 8, Block 6, Hines Addition, City and County of Midland, Texas (Generally located at the northwest corner of South L Street and Rhode Island Avenue) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve this request; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

10. Motion approving with staff's recommended conditions a Preliminary Plat of Villa Industrial Park, being a 15.61-acre tract of land out of the southeast quarter of Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland, County, Texas (Generally located on the southwest corner of the intersection of West County Road 74 and Holdridge Road) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve this request; seconded by Sallie Vega.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva

11. Motion approving with staff's recommended conditions a Preliminary Plat of YMCA Addition, Section 1, being a Plat of a 25.195-acre tract of land out of Sections 23 and 24, 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 Golden Gate Drive and Mockingbird Lane) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to deny this request; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Sisniega, Carrasco, Bejil, Vega, Villela

NAY: None
ABSTAIN: None
ABSENT: Williams, Deck, Holeva

With no further items or business to come before the Commission, Chair Sisniega adjourned the meeting at 4:33pm

Lucy Sisniega, Chair

Date

Jeffrey S. Fisher, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: Planning and Zoning Commission

FROM: Jeff Fisher, Planning Manager

SUBJECT: Motion approving a Final Plat of West Industrial Park, Section 12, being a Replat of Lot 11, Block 1, West 191 Industrial Park, Section, 6, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Farm-to-Market Road 1788 and West County Road 77) (DISTRICT: 4 and NONE) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District, in part, and Extraterritorial Jurisdiction, in part.

Preliminary Plat Approval:

The applicant, Newton Engineering, PC, is requesting to replat the current property into seven lots for future development. The Preliminary Plat was approved at the September 5, 2023, Planning and Zoning Commission meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

IMPACT FEES: Impact fee statement okay as shown. [For Applicant's Information Only.]

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

PAVING: N FM 1788 is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

W CR 77 is a private road according to Midland County who confirmed this on 7/29/23, no improvements required. [For Applicant's Information Only.]

WATER: 8" water main exists in easement/ alley south of tract, and 12" water main along N FM 1788 west of tract, and a 16" waterline exists in W CR 77 north of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 12" wastewater line along the easement south of tract. No public water improvements required. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

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

OIL AND GAS: (Approved)

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

GIS: (Approved)

No comments.

MIDLAND COUNTY PUBLIC WORKS: (Approved)

No comments.

HEALTH DEPARTMENT: (Approved)

No comments.

CRMWD: (Approved)

No comments.

PLANNING: (Approved)

No comments.

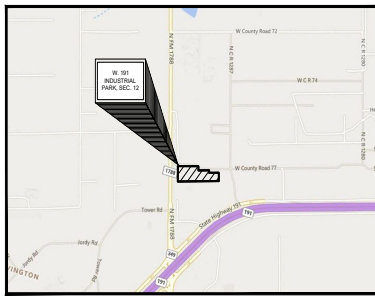
Staff recommends approval of a Final Plat of West 191 Industrial Park, Section 12, subject to Condition A.

Condition:

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

Attachments:

Proposed Final Plat
Application
Maps



LOCATION MAP
N.T.S.

WEST 191 INDUSTRIAL PARK, SECTION 12

BEING A REPLAT OF LOT 11, BLOCK 1,
WEST 191 INDUSTRIAL PARK, SECTION 6,
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP

— BOUNDARY LINE
- - - ADJACENT PROPERTY

GRAPHIC SCALE
0 50' 100'
(IN FEET)
1 inch = 50 ft.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MOORE CASEY PROPERTIES, LLC, IS THE RECORD OWNER OF ALL OF THAT CERTAIN LAND SHOWN ON THIS PLAT AND DESIGNATED AS WEST 191 INDUSTRIAL PARK, SECTION 12, BEING A REPLAT OF LOT 11, BLOCK 1, WEST 191 INDUSTRIAL PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, CASEY JONES, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS WEST 191 INDUSTRIAL PARK ADDITION, SECTION 12 AND HEREBY DEDICATE TO THE PUBLIC USE FOREVER OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS AT MIDLAND, TEXAS, THIS ____ DAY OF ____, 2023.

MOORE CASEY PROPERTIES, LLC
CASEY JONES, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON ____, 2023 BY CASEY JONES.

NOTARY PUBLIC, STATE OF 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/COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, WITH A COMBINED GRID FACTOR OF 0.000000000 AND THEIR ANGLE OF 0.000000000.
4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 4820C0200F DATED SEPTEMBER 16, 2005.
5. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
6. ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE, OR ENLARGE AN EXISTING STRUCTURE OR ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN A CEA MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-1.4.1, 11-1.4.2, AND TABLE OF THE CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE ADMINISTRATIVE AGENCY.
7. DECLARATION OF RESTRICTIVE COVENANTS REGARDING THIS DEVELOPMENT FILED OF RECORD IN INSTRUMENT NO. 2019-1748, DATE 09-12-2019, MIDLAND COUNTY, TEXAS.
8. AS PER CITY OF MIDLAND, NO STRUCTURES SHALL BE BUILT OVER PLUGGED OR ABANDONED WELLS.
9. CITY LIMIT LINE IS BASED ON CITY OF MIDLAND GIS. DISTANCES ARE APPROXIMATE.
10. MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS.
11. A BLANKET EASEMENT OF INGRESS AND EGRESS FOR GARAGE AND TRASH COLLECTION PURPOSES IS HEREBY GRANTED.

OWNER:

MOORE CASEY PROPERTIES, LLC
PO BOX 51896
MIDLAND, TEXAS 79710

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____
DATE _____

CERTIFICATE OF APPROVAL: FOR APPROVAL BY THE COMMISSION:

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

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF WEST 191 INDUSTRIAL PARK ADDITION, SECTION 12, WAS APPROVED BY PROPER ACTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS ____ DAY OF ____, 2023.

SURVEYOR'S CERTIFICATE:

THAT I, DOW E KELLY, 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 WERE FOUND PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.



Page 3.14

REGISTERED PROFESSIONAL SURVEYOR

Signed: _____
Onor Electric Delivery Company

Signed: _____
Optimum

Signed: _____
A. T. & T.

Signed: _____
Astound Broadband

Signed: _____
Atmos Energy

PACKET

Signed: _____
Lucy Stanigro, Chairman

Signed: _____
Jeff Fisher, Secretary



NEWTON ENGINEERING, PC

4301A Santa Rosa Dr. F-13805 2481 E. 2nd St.
Midland, Texas 79707 F-10194509 Odessa, Texas 79701
(432) 770-1700 (432) 833-0707

October 16, 2023

DATE: SEPTEMBER 2023

SCALE: 1"=50'

FINAL PLAT

PROJECT NUMBER
23-ME06191



Final Plat Application

Project Number: SUB-23-0643
Case Number: P-23-1787

Proposed Subdivision Plat Name: West 191 Industrial Park, Section 12

Legal Description (attached sealed Metes and Bounds): submitted with preliminary plat application

Property Owner

Printed Name: Moore Casey Properties, LLC

Phone (432) 352-3186

Email
casey_1jones@yahoo.com

Address P.O. Box 51896

City Midland

State TX

Zip 79710

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: Kyle L. Newton, PE

Phone (432) 935-0707

Email

kyle@newtoncivil.com

Address 4501 Santa Rosa Drive

City Midland

State TX

Zip 79707

Current Zoning: RR

Reason for Platting: Create 7 lots for development purposes

Plat Information

Total Acreage: 7.64

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 7

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Casey Jones

Date: 09 / 13 / 2023

Property Owner (printed) : Casey Jones

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.

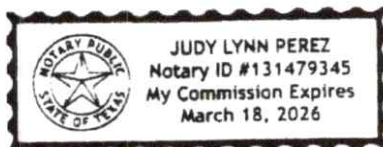
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Kyle Newton
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of Sept, 2023, to certify which witness my hand and seal of office.



Judy Lynn Perez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

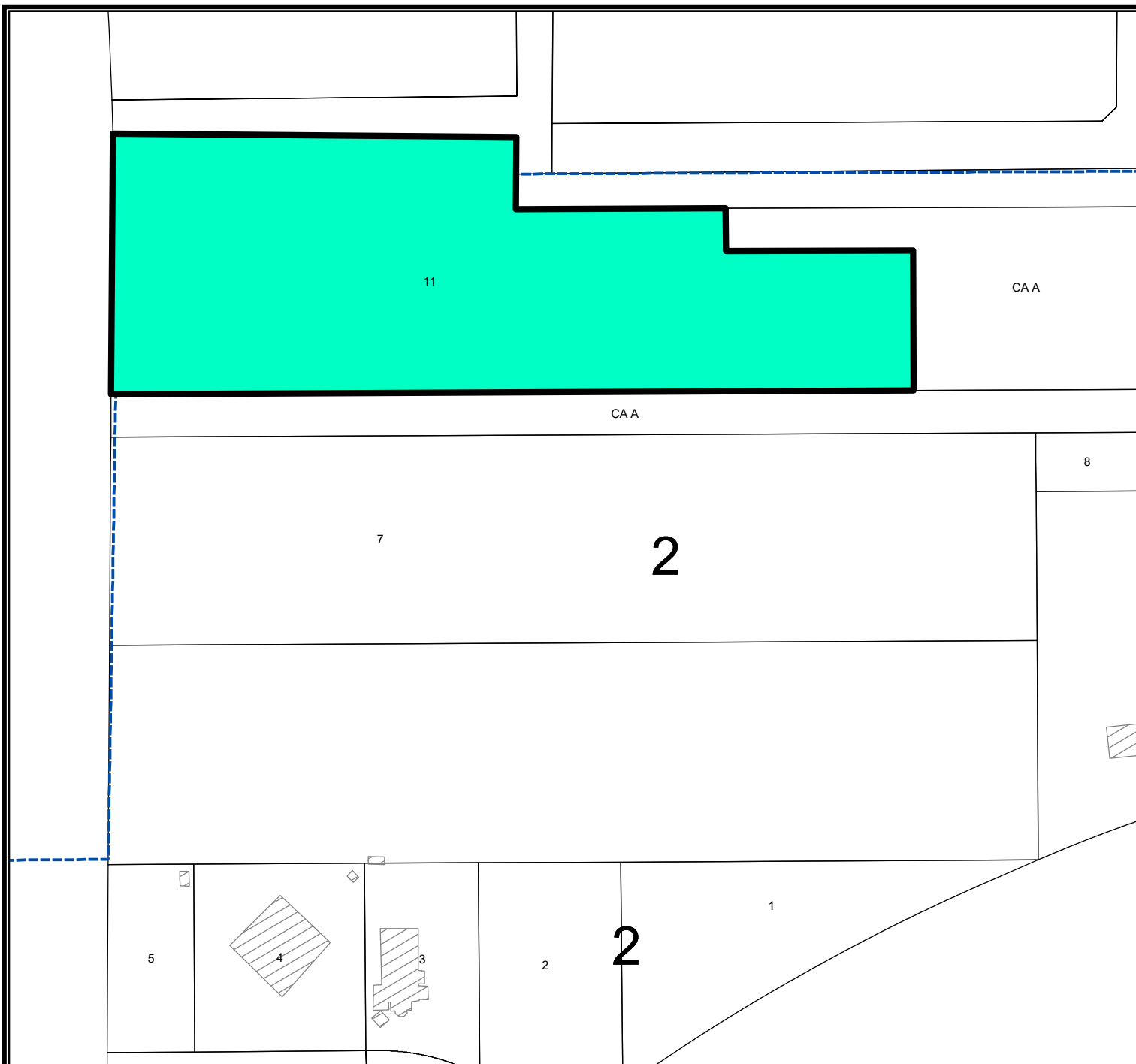
FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>1570</u> | ☒ Tax Certificates | ☒ Recording Fee |
| | | Check # <u>1571</u> |

Received By: *Sandra White*

Date: SEP 18 2023

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



LOCATION MAP

SUB-23-00643

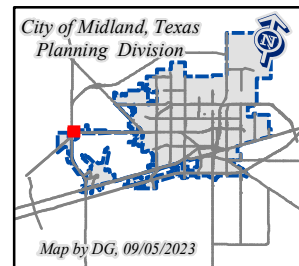
Scale: 1" = 200'

Proposed plat of West 191 Industrial Park, Section 12, being a Replat of Lot 11, Block 1, West 191 Industrial Park, Section 6, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Farm-to-Market Road 1788 and West County Road 77 (DISTRICT 4 and NONE)

LEGEND

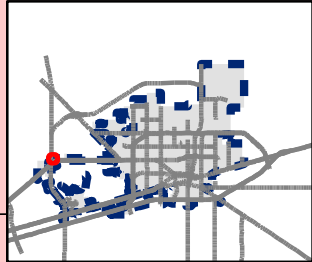
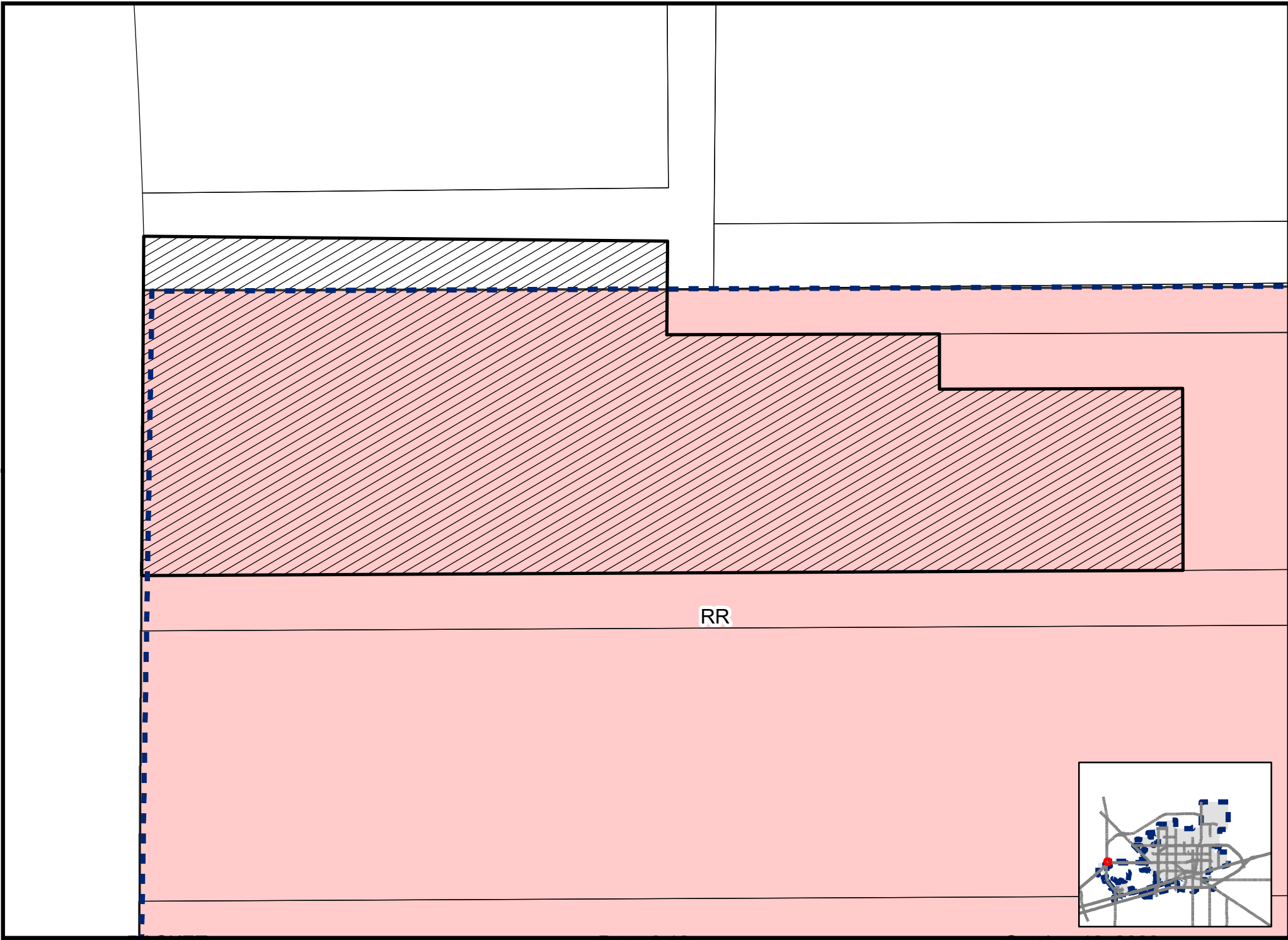
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: Planning and Zoning Commission

FROM: Jeff Fisher, Planning Manager

SUBJECT: Motion approving a Final Plat of West Industrial Park, Section 13, being a Replat of Lot 7, Block 2, West 191 Industrial Park, Section, 6, City and County of Midland, Texas (Generally located on the east side of Farm-to-Market Road 1788, approximately 425 feet south of West County Road 77). (DISTRICT: 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Preliminary Plat Approval:

The applicant, Newton Engineering, PC, is requesting to replat the current property into nine lots for future development. The Preliminary Plat was approved at the September 5, 2023, Planning and Zoning Commission meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

IMPACT FEES: Impact fee statement okay as shown. [For Applicant's Information Only.]

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

PAVING: N FM 1788 is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 8" water main exists in easement north of tract, and 12" water main along N FM 1788 west of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: Sewer existing for the development along HWY 191. No public wastewater improvements required. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER:

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

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

OIL AND GAS: (Approved)

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

GIS: (Approved)

No comments.

PLANNING: (Approved)

No comments.

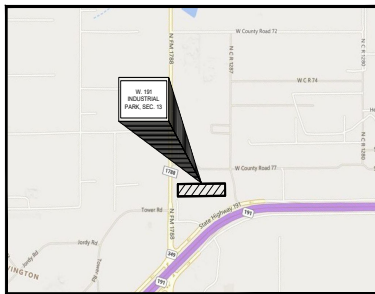
Staff recommends approval of a Final Plat of West 191 Industrial Park, Section 13, subject to Condition A.

Condition:

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

Attachments:

Proposed Final Plat
Application
Maps



LOCATION MAP
N.T.S.

- 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 REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, WITH A COMBINED GRID FACTOR OF 0.99999989 AND A TILT ANGLE OF -40' 00".
 4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 48302002P DATED SEPTEMBER 6, 2003.
 5. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
 6. ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE, OR ENLARGE AN EXISTING STRUCTURE OR ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN ADD-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11.6, 11-11.8, AND TABLE 10F OF THE CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE ADMINISTRATIVE AGENCY.
 7. DECLARATION OF RESTRICTIVE COVENANTS REGARDING THIS DEVELOPMENT FILED OF RECORD IN INSTRUMENT NO. 2019-17148, DATE 09-10-2019, MIDLAND COUNTY, TEXAS.
 8. A BLANKET EASEMENT OF INGRESS AND EGRESS FOR GARBAGE AND TRASH COLLECTION PURPOSES IS HEREBY GRANTED.

WEST 191 INDUSTRIAL PARK, SECTION 13

BEING A REPLAT OF LOT 7, BLOCK 2,
WEST 191 INDUSTRIAL PARK, SECTION 6,
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP SET WHERE POSSIBLE
- BOUNDARY LINE
- - - ADJACENT PROPERTY

GRAPHIC SCALE
0 50' 100'
(IN FEET)
1 inch = 50 ft.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MOORE CASEY PROPERTIES, LLC, IS THE RECORD OWNER OF ALL OF THAT CERTAIN LAND SHOWN ON THIS PLAT AND DESIGNATED AS WEST 191 INDUSTRIAL PARK, SECTION 13, BEING A REPLAT OF LOT 7, BLOCK 2, WEST 191 INDUSTRIAL PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, CASEY JONES, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS WEST 191 INDUSTRIAL PARK ADDITION, SECTION 13 AND HEREBY DEDICATE TO THE PUBLIC USE FOREVER OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS AT MIDLAND, TEXAS, THIS ____ DAY OF ____, 2023.

MOORE CASEY PROPERTIES, LLC
CASEY JONES, MANAGING MEMBER

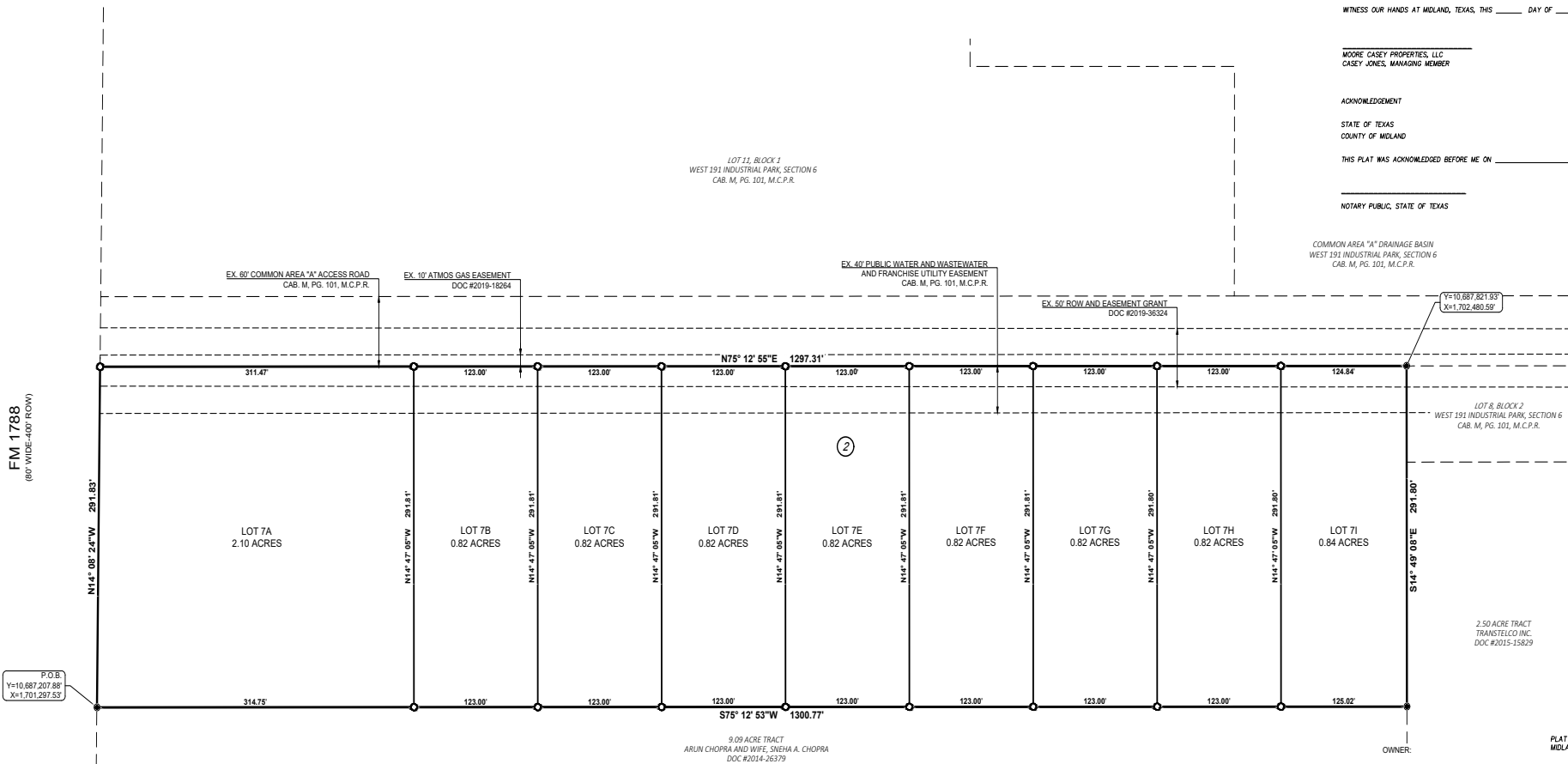
ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON ____, 2023 BY CASEY JONES.

NOTARY PUBLIC, STATE OF TEXAS

COMMON AREA "A" DRAINAGE BASIN
WEST 191 INDUSTRIAL PARK, SECTION 6
CAB. M. PG. 101, M.C.P.R.



CERTIFICATE OF APPROVAL: FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF WEST 191 INDUSTRIAL PARK ADDITION, SECTION 13, WAS APPROVED BY PROPER ACTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS ____ DAY OF ____, 2023.

SURVEYOR'S CERTIFICATE:

THAT I, DOW E KELLY, 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 WERE FOUND PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.



Page 4.22

REGISTERED PROFESSIONAL SURVEYOR

Signed: _____
Onco Electric Delivery Company

Signed: _____
Optimum

Signed: _____
A. T. & T.

Signed: _____
Astound Broadband

Signed: _____
Altair Energy

PACKET

Signed: _____
Lucy Staniga, Chairman

Signed: _____
Jeff Fisher, Secretary



NEWTON ENGINEERING, PC
4301A Santa Rosa Dr. P-13855 2481 E. 2nd St.
Midland, Texas 79707 F-10194509 Odessa, Texas 79761
(432) 770-1100 (432) 933-0707

October 16, 2023
DATE: SEPTEMBER 2023

SCALE: 1"=50'

FINAL PLAT

PROJECT NUMBER
23-ME06191



Final Plat Application

Project Number: SUB-23-0642
Case Number: P-23-1786

Proposed Subdivision Plat Name: West 191 Industrial Park, Section 13

Legal Description (attached sealed Metes and Bounds): submitted with preliminary plat application

Property Owner

Printed Name: Moore Casey Properties, LLC

Phone (432) 352-3186

Email
casey_1jones@yahoo.com

Address P.O. Box 51896

City Midland

State TX

Zip 79710

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: Kyle L. Newton, PE

Phone (432) 935-0707

Email

kyle@newtoncivil.com

Address 4501A Santa Rosa Drive

City Midland

State TX

Zip 79707

Current Zoning: RR

Reason for Platting: Create 9 lots for development purposes

Plat Information

Total Acreage: 8.70

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 9

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Casey Jones

Date: 09 / 15 / 2023

Property Owner (printed) : Casey Jones

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.

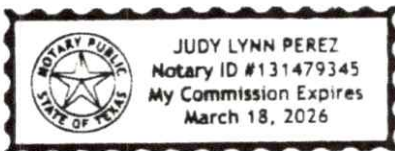
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Kyle Newton
Authorized Agent (signature)

Subscribed and sworn to before me, this 18 day of Sept, 2023, to certify which witness my hand and seal of office.



Judy Lynn Perez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Mylar

☒ Application Fee

Check # 1572

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☒ Public Improvement

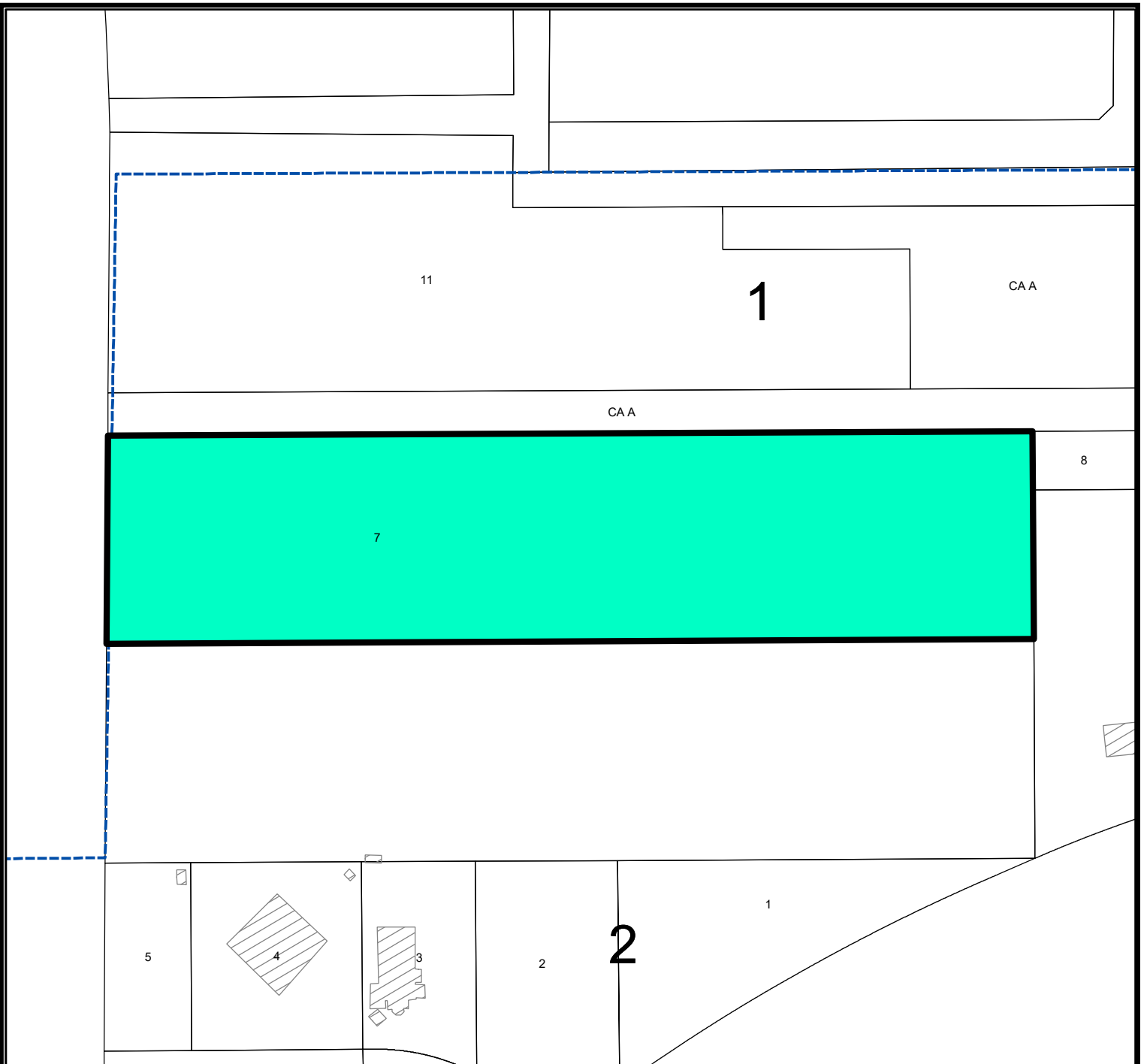
☒ Recording Fee

Check # 1573

Received By: *London Ochoa*

Date: SEP 18 2023

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



LOCATION MAP

SUB-23-00642

Scale: 1" = 200'

Proposed plat of West 191 Industrial Park, Section 13, being a Replat of Lot 7, Block 2, West 191 Industrial Park, Section 6, City and County of Midland, Texas.

Generally located on the east side of Farm-to-Market Road 1788, approximately 425 feet south of West County Road 77 (DISTRICT 4)

LEGEND

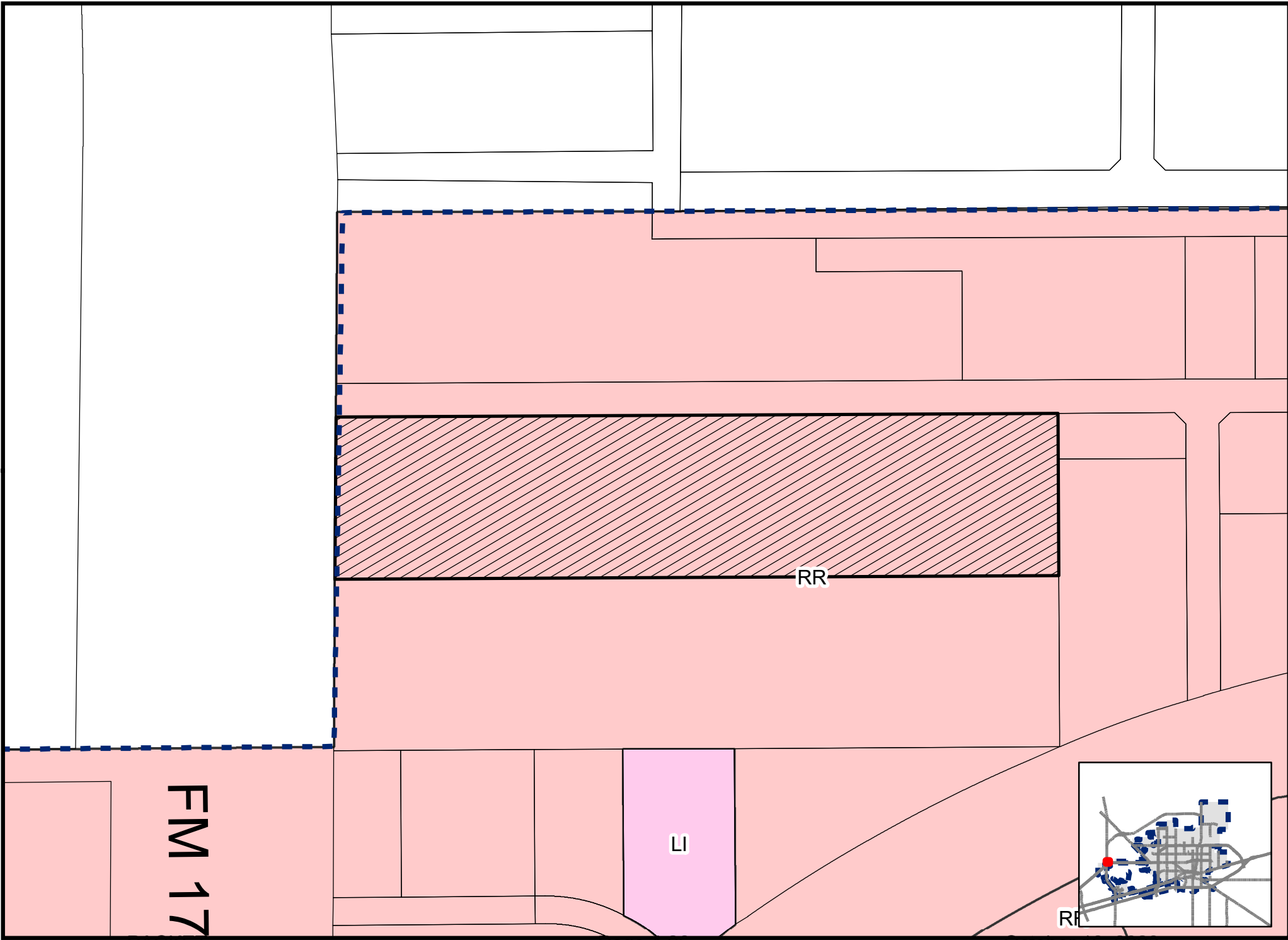
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



PACKET

Page 4.26

October 16, 2023





Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Johnston Addition, Section 2, being a Replat of Lot 7, Block 1, Johnston Addition Correction Plat, Midland County, Texas (Generally located at the southeast corner of South County Road 1270 and West County Road 139) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The property owner is combining two lots into one for future development. This replat satisfies the conditions and requirements of 11-2-3-I of the Subdivision Ordinance and is being processed using the short form approval procedure.

Final Plat Requirements:

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

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

Below are the departments' comments.

ENGINEERING: (Approved)

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

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

PAVING: None existing. However, paving improvements were administratively deferred March 5, 2019. [For Applicant's Information Only.]

WATER: None existing. However, public water improvements were administratively deferred March 5, 2019.[For Applicant's Information Only.]

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

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

SEWER: None existing. However, public wastewater improvements were administratively deferred March 5, 2019.[For Applicant's Information Only.]

DRAINAGE: Drainage statement received and is approved for platting purposes. [For Applicant's Information Only.]

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

SIDEWALKS: Required at building permit. However, no city building permits are issued within the county. No sidewalk improvements needed at this time. [For Applicant's Information Only.]

OTHER:

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

BUILDING CODE: (Approved)

Outside of city limits. No jurisdiction.

GIS:

No comments.

MIDLAND COUNTY PUBLIC WORKS:

No comments.

MIDLAND COUNTY HEALTH DEPARTMENT:

Yes, the health department will review application from the 2 proposed lot of JOHNSTON ADDITION, REPLAT OF LOT 7, BLOCK 1, Johnston Addition correction plat the lots 7 A & B is 3.9 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

CRMWD:

We do not have any comments on this plat.

PLANNING: (Approved)

No comments.

Staff recommends approval of the Final Plat of Johnston Addition, Section 2, subject to condition A.

Condition:

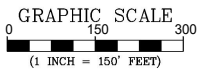
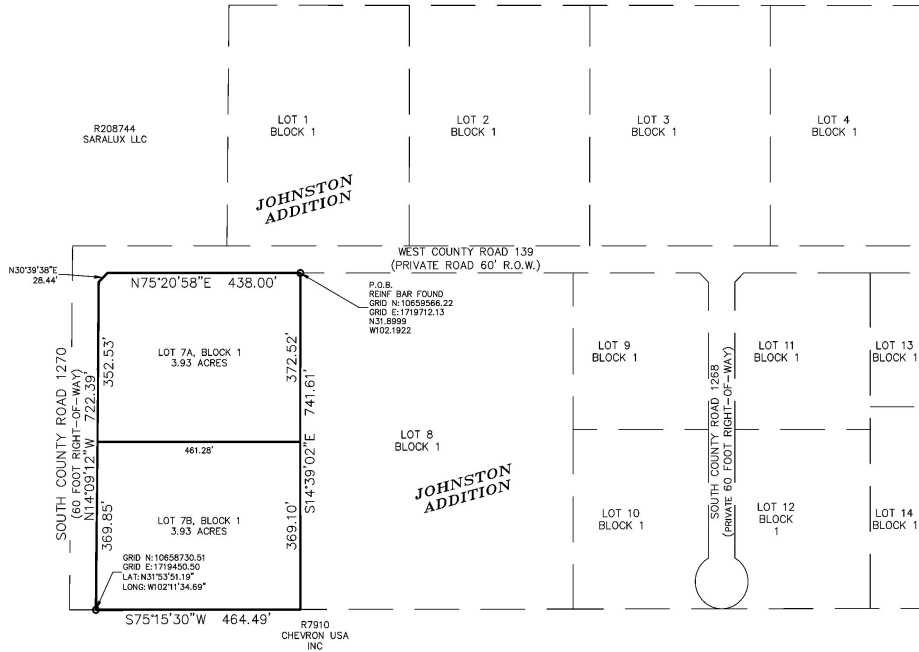
- A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Final Plat
Application
Maps

JOHNSTON ADDITION, SECTION 2

BEING A REPLAT OF LOT 7, BLOCK 1,
JOHNSTON ADDITION CORRECTION PLAT
MIDLAND COUNTY, TEXAS



LEGEND:

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINAFORE DESCRIBED PROPERTY AS JOHNSTON ADDITION, AN ADDITION OF 7.85 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

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

1270 DEVELOPMENT GROUP, LLC

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY 1270 DEVELOPMENT GROUP, LLC.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF JOHNSTON ADDITION SECTION 2 WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SISKIENGA

ATTEST: _____
SECRETARY JEFF FISHER

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(S):

1270 DEVELOPMENT GROUP, LLC
4212 S. C.R. 1200
MIDLAND, TX 79706



RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
				JG	07/20/2023
				CHECKED BY:	ED/RJ
				PROJECT NO.:	79,695
				JOB NO.:	79,695
				SHEET:	1 OF 1

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





Final Plat Application

Project Number: SUB-23-0658
Case Number: P-23-1801

Proposed Subdivision Plat Name: JOHNSTON ADDITION, SECTION 2

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF LOT 7, BLOCK 1,
JOHNSTON ADDITION CORRECTION PLAT, MIDLAND COUNTY, TEXAS

Property Owner

Printed Name: **BRANDON ADAMS**

Phone (432) 684-5584

Email
ealeman@schumannonline.net

Address 4212 S. C.R. 1200

City MIDLAND

State TX

Zip 79706

Developer (if different than Owner)

Printed Name:

Phone (432) 684-5584

Email
ealeman@schumannonline.net

Address

City

State

Zip

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

Firm: SCHUMANN SURVEYING, INC

Printed Name: EDUARDO ALEMAN

Phone (432) 684-5584

Email
ealeman@schumannonline.net

Address 800 N. MARENFIELD SUITE 100

City MIDLAND

State TX

Zip 79701

Current Zoning:

Reason for Platting: TO SPLIT LOT 7 INTO 2 LOTS (7A & 7B)

Plat Information

Total Acreage: 7.85

Type: ☐ Single-Family Residential

☒ Multi-Family Residential

☐ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 2

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Brandon Adams

Date: 9/18/2023

Property Owner (printed): Brandon Adams

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

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

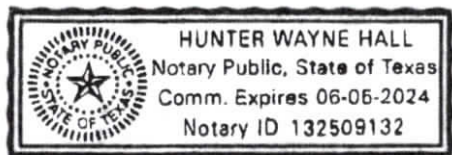
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ed Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of Sept, 2023, to certify which witness my hand and seal of office.



HWH

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☒ Application Fee

Check # Paid online

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☒ Public Improvement

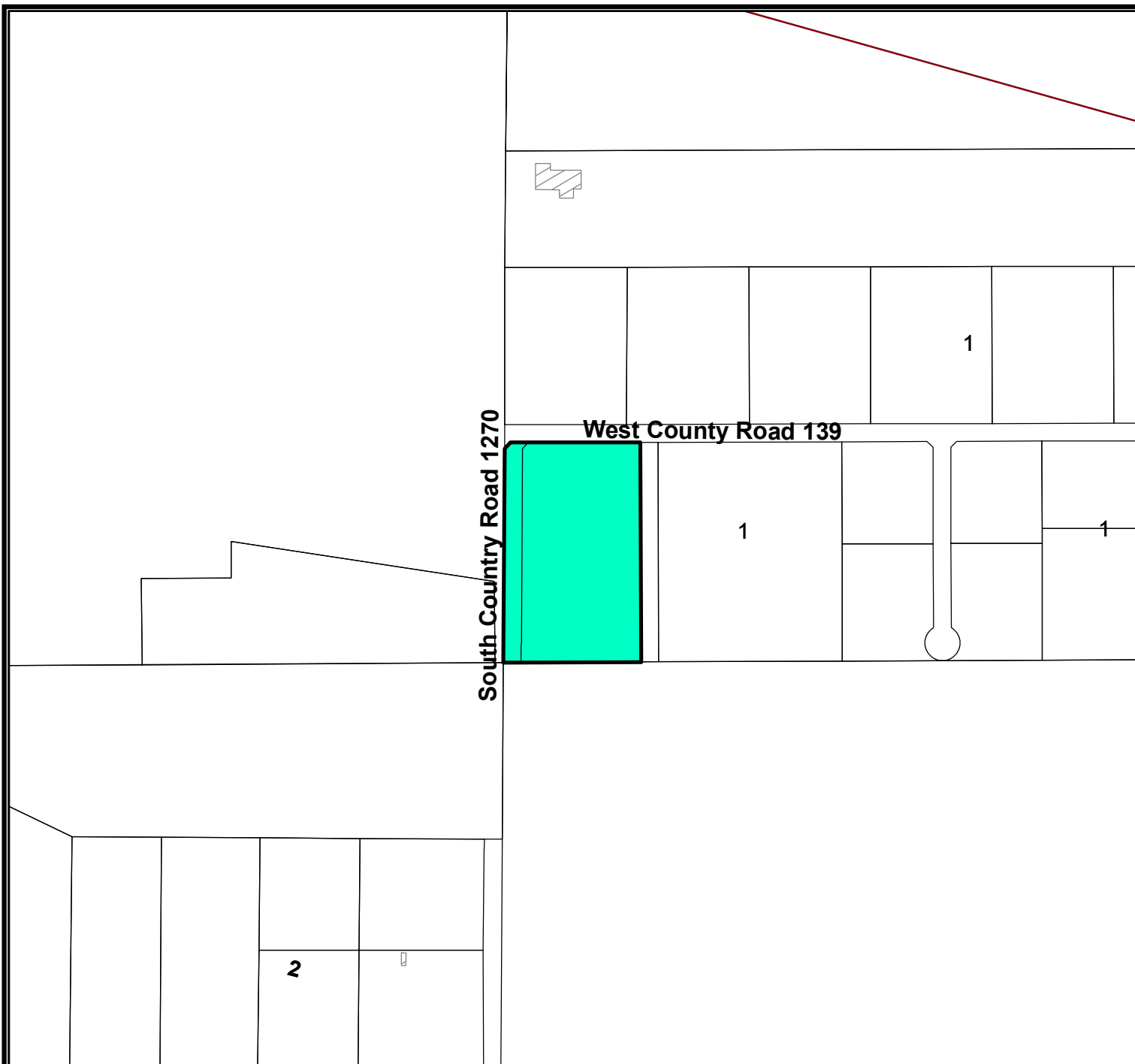
☒ Recording Fee

Check # SEP 20 2023

Received By: Brandon Adams

Date:

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



LOCATION MAP

SUB-23-0658

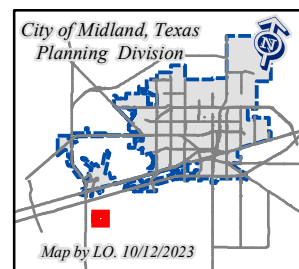
Scale: 1" = 5,842'

Proposed Plat of Johnston Addition, Section 2, being a Replat of Lot 7, Block 1, Johnston Addition Correction Plat, Midland County, Texas.

Generally located at the southeast corner of South County Road 1270 and West County Road 139 (DISTRICT: NONE)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

On September 18, 2023, the Planning and Zoning Commission recommended that the preliminary plat be approved by City Council. On October 10, 2023, City Council approved the preliminary plat. The property owner is requesting to plat an existing tract into six platted lots to obtain septic permits and addresses.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

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

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

PAVING: Deferral request for paving improvements were administratively approved on 9/8/2023. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 9/8/2023. [For Applicant's Information Only.]

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

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

SEWER: Deferral request for wastewater improvements were administratively approved on 9/8/2023. [For Applicant's Information Only.]

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

Fire: (Approved)

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

Oil and Gas: (Approved)

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

Building Code: (Approved)

ETJ No jurisdiction.

GIS: (Approved)

No comments.

MIDLAND COUNTY PUBLIC WORKS: (Approved)

No comments.

MIDLAND COUNTY HEALTH DEPARTMENT: (Approved)

No comments.

CRMWD: (Approved)

No comments.

Planning: (Approved)

No comments.

Staff recommends approval of the Final Plat of Carrollwood Addition, Section 2, subject to Condition A.

Condition(s):

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

Attachments:

Proposed Final Plat
Application
Maps

CARROLLWOOD ADDITION
SECTION 2,
BEING A 31.58 ACRE TRACT OUT OF THE NORTHEAST QUARTER
OF SECTION 24, BLOCK 40,
T-2-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS

NOTES:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
2. MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
3. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
5. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
6. REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR.
7. ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE ADD-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FED NOTE DESCRIPTION OF A 31.58 ACRE TRACT OF LAND, OUT OF THE NORTHEAST 1/4 OF SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS: S&D 31.58 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINF BAR FOUND (N:10668487.92; E:1739095.41) "LCA" FOR THE NORTHEAST CORNER OF THIS TRACT, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 24 BEARS NORTH 14°22'52" WEST 881.32 FEET;

THENCE SOUTH 14°22'52" EAST 1775.89 FEET TO A REINF BAR FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 75°12'54" WEST 619.21 FEET TO A REINF BAR SET IN THE EAST RIGHT OF WAY OF ANTELOPE TRAIL ROAD FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE BEGINNING OF A CURVE;

THENCE 824.71' ALONG A CURVE WITH A RADIUS OF 1850.00' AND A DELTA ANGLE OF 25°32'31", AND A CHORD BEARING OF NORTH 27°09'09" WEST 817.90 FEET TO A 1/2" REINF BAR FOUND, "LCA" FOR AN EXTERIOR CORNER OF THIS TRACT;

THENCE NORTH 14°22'52" WEST 982.59 FEET TO A REINF BAR FOUND, "LCA" FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°37'08" EAST 800.00 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS CARROLLWOOD ADDITION, SECTION 2, AN ADDITION OF 31.58 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

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

DAT SOUTH JV, LLC

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY DAT SOUTH JV, LLC

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CARROLLWOOD ADDITION, SECTION 2, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SISNEGA

ATTEST: _____
SECRETARY JEFF FISHER

OWNER:

DAT SOUTH JV, LLC
8 THE GREEN
STE R
DOVER, DE 19901

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
TEXAS RPLS 4826

GRAPHIC SCALE
0 200 400
(1 INCH = 200' FEET)

NO.	DATE	DESCRIPTION	BY

DRAWN BY: JG
CHECKED BY: ED/RJ
JOB NO.: 79,400
DATE: 08/07/2023
PROJECT NO.: 79,400
SHEET: 1 OF 1

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

SCHUMANN
A LATERAL LAND COMPANY
LAND SURVEYING
100 N. MIDLAND STREET
SUITE 100
MIDLAND, TEXAS 79701
Office (432) 684-2548



Final Plat Application

Project Number: SUB 23 0667

Case Number: _____

Proposed Subdivision Plat Name: **CARROLLWOOD ADDITION, SECTION 2**

Legal Description (attached sealed Metes and Bounds): BEING A 31.58 ACRE TRACT OUT OF THE NORTHEAST QUARTER OF SECTION 24, BLOCK 40, T-2-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS

Property Owner

Printed Name: **DAT SOUTH JV, LLC**

Phone ()
Email

Address **8 THE GREEN STE R**

City **DOVER**

State **DE**

Zip **19901**

Developer (if different than Owner)

Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: SCHUMANN SURVEYING, INC.

Printed Name: **EDUARDO ALEMAN**

Phone ()
Email

Address **800 N. MARENFELD SUITE 100**

City **MIDLAND**

State **TX**

Zip **79701**

Current Zoning:

Reason for Platting: TO OBTAIN SEPTIC PERMITS AND ADDRESS

Plat Information

Total Acreage: **31.58**

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **6**

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): 

Date: 09/18/2023

Property Owner (printed): Ian Denholm

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

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

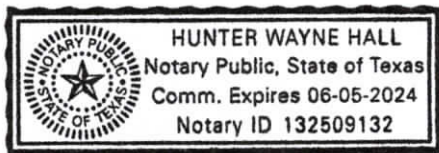
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

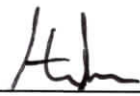
STATE OF TEXAS
COUNTY OF MIDLAND

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


Authorized Agent (signature)

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




NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|--|
| ☒ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☒ Title Opinion | ☐ Public Improvement |
| Check # _____ | ☒ Tax Certificates | ☐ Recording Fee |
| | | Check # <u>2076</u> |

Received By: Daniel Humbert

Date: SEP 19 2023

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



LOCATION MAP

P-23-1758

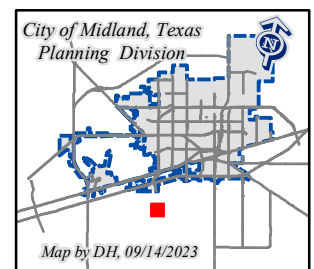
Scale: 1" = 3,831'

Carrollwood Addition, Section 2, being a 31.58-acre tract of land out of Section 24, Block 40, T-2-S T&P RR Co. Survey, Midland County, Texas.

Generally located on the east side of Antelope Trail, approximately 2,790-feet north of West County Road 140 (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Senior Planner

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

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

The applicants, Midland County Hospital District and Debbie Parchman Reese, are requesting a Zone Change from PD, Planned Development District for a Medical Center (Ordinance No. 8738), in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center, to expand the PD boundary, expand the existing hospital, and construct a new medical office building with new parking.

Current Zoning:

PD, Planned District for a Medical and Hospital District (Ordinance No. 8738), in part, and O-1, Office District, in part.

Surrounding Zoning and Land Use:

The properties to the north are zoned O-1, Office District, and the location of medical and professional offices. The properties to the east are zoned O-1, Office District, SF-2, Single-Family Dwelling District, and PD, Planned District for a Transition District and the location of offices and residences. The properties to the south are zoned O-1, Office District and RR, Regional Retail District, and the location of a school and a pharmacy. The properties to the west are zoned RR, Regional Retail, and the location of various businesses.

Analysis:

The applicants, Midland County Hospital District and Debbie Parchman Reese are requesting approval of a Zone Change to expand the boundaries of the Planned District, expansion and modification of the existing hospital, and construction of a new medical office building and parking. A request to vacate a portion of North N Street and the alley shown in Exhibit A has been submitted to the City and is currently under review. The Preliminary Plat was approved at the May 15, 2023, Planning and Zoning Commission meeting.

The existing Planned District has an underlying base zoning of O-2, Office District. The proposed zone change for the expansion of the boundaries of the Planned District will retain O-2, Office District underlying base zoning.

The submitted site plan illustrates the proposed infill of the courtyards and expansion of the third floor of the existing hospital campus, a future garden, a new office building, and additional parking. The south tower will eventually be demolished.

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

Fire: (Approved)

No objection.

Building: (Approved)

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

Engineering: (Approved)

No objections to zone change. [For Applicant's Information Only.]

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

Oil and Gas: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

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

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

Planning: (Approved)

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Goal #2 of Chapter 7-*Tall City Central District Plan*, which aims to "Create a 'cultural core' in Downtown Midland that is a living, working, and entertainment destination." The development of medical offices in this area would help advance the Central District towards this goal as it would improve the City's medical services and create employment opportunities.

Therefore, staff recommends approval of this Zone Change from PD, Planned Development District for a Medical Center (Ordinance No. 8738), in part, and O-1, Office District, in part to PD, Planned Development District for a Medical Center with a base zoning of O-2, Office District subject to conditions A through D.

Conditions:

- A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "B".**
- B. That this property shall be subject to the regulations of the O-2, Office District, except as otherwise stated below.**

C. That the parking shown on Exhibit “B” shall be considered illustrative, with the minimum number of parking spaces required determined Section 11-1-9.06.A.4. of the City Code

D. That Ordinance 8738 shall be repealed.

Letters of Objection:

Staff has not received any letters of objection as of October 12, 2023.

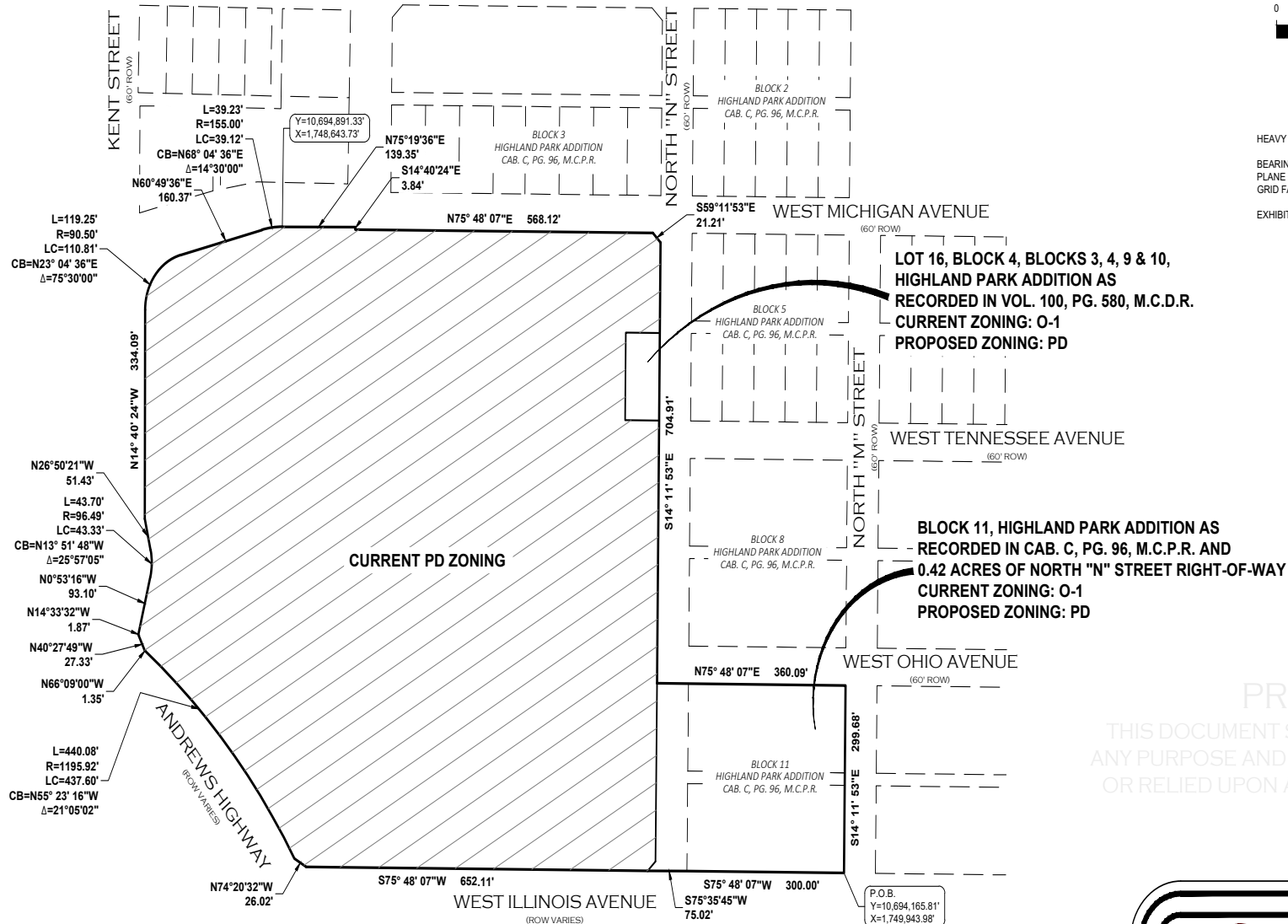
Attachments:

Application
Survey (Exhibit A)
Site Plan (Exhibit B)
Renderings (Illustrative Only)
Maps



BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE. COMBINED GRID FACTOR OF 0.999901786 AND A THETA ANGLE OF -00°54'32".

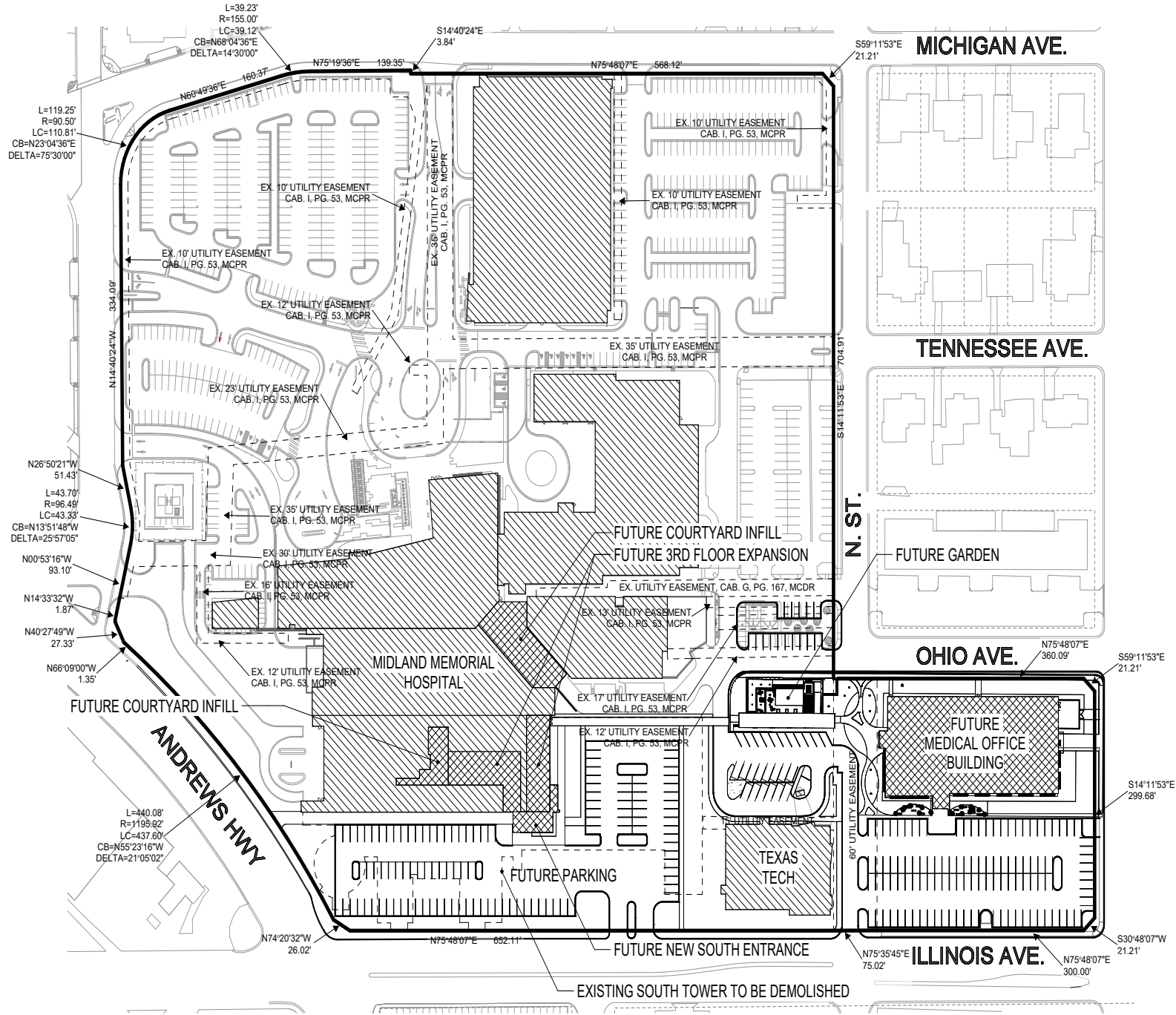
EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



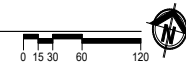
THIS DOCUMENT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND 20740-6001.



4501A Santa Rosa Dr. F-13856 2481 E. 2nd St.
Midland, Texas 79707 F-10194800 Odessa, Texas 79761
(432) 935-0707 (432) 935-0707



1 MASTER PLAN
SCALE: 1" = 60'-0"



PACKET

October 16, 2023









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

Project Number: _____

Case Number: 2-23-0392

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

Printed Name: Midland County Hospital District

Phone ()

Email

Address 2200 W. Illinois Avenue

City Midland

State Tx

Zip 79701

Property Owner

Printed Name: Same as applicant

Phone ()

Email

Address

City

State

Zip

Representative (if different from Applicant or Property Owner)

Firm: Newton Engineering, PC

Printed Name: Kyle L. Newton, PE, SIT

Phone (432) 935-0707

Email

kyle@newtoncivil.com

Address 4501A Santa Rosa Drive

City Midland

State Tx

Zip 79707

Street Address: See Attachment 'A'

Legal Description See Attachment 'A'

Lot: Block: Subdivision:

Current Zoning: O1

Proposed Zone: PD

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

Reason for Zone Change Request: As directed by planning department to make zoning consistent with the main hospital campus.

Present Use of Property: Parking

Proposed Use of Property: Parking/New Professional Office Building

How would this zone change affect the public health, safety and welfare? No adverse affect

Describe how conditions affecting the property have changed since present zoning designation: No changes

Submittal and Fees

Items to be submitted with this application form:

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

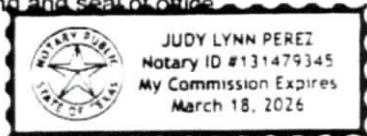
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: <u>8/10/23</u>
Applicant (printed): <u>Stephen Bowerman</u> (President/CEO - Midland Memorial Hospital)	
Property Owner (signature): <u>[Signature]</u>	Date: <u>8/10/23</u>
Property Owner (printed): <u>Stephen Bowerman</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.	
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Kyle Newton who, being by me duly sworn, upon oath says That (s)he is the owner of _____ or authorized by Midland County Hospital District 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 21 day of August, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1563</u>	
Received By: <u>[Signature]</u>	Date: <u>SEP 05 2023</u>

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

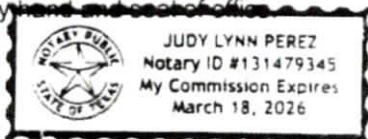
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Deb P. Reese</u>	Date: <u>8/10/2023</u>
Applicant (printed): <u>Debbie P. Reese</u>	
Property Owner (signature): <u>Deb P. Reese</u>	Date: <u>8/10/2023</u>
Property Owner (printed): <u>Debbie P. Reese</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Kyle Newton who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Debbie Parchman Reese, 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

Kyle Newton
Authorized Agent (signature)

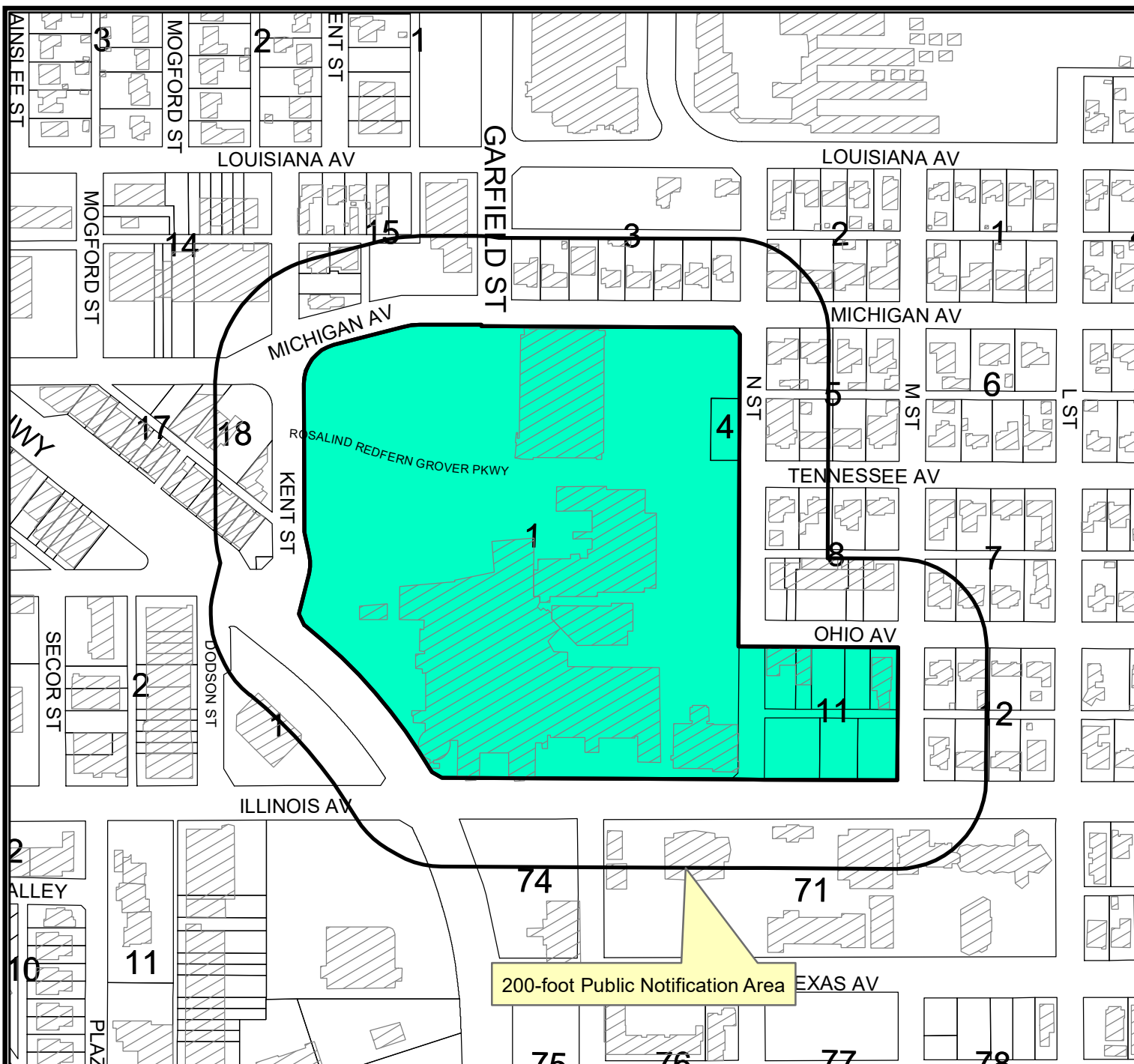
Subscribed and sworn to before me, this 21 day of August, 2023, to certify which witness my hand and seal of office.



Judy Lynn Perez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # <u>1563</u>	
Received By: <u>Deb P. Reese</u>	Date: <u>SEP 05 2023</u>

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



LOCATION MAP

Z-23-0342

Scale: 1" = 3,895'

Consider a request by Midland County Hospital District and Debbie Reese for a Zone Change from, PD, Planned Development District for a Medical Center, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center on Lot 1A, Block 1, Midland Memorial Hospital, Section 2, Lot 16, Block 4, Highland Park Addition, Block 11, Highland Park Addition, a 0.42-acre portion of the North N Street right-of-way between West Ohio Street and West Illinois Street, and a 0.14-acre alley within Block 11, City and County of Midland, Texas.

Generally located on the southeast corner of Kent Street and West Michigan Avenue. (DISTRICT 3)

LEGEND

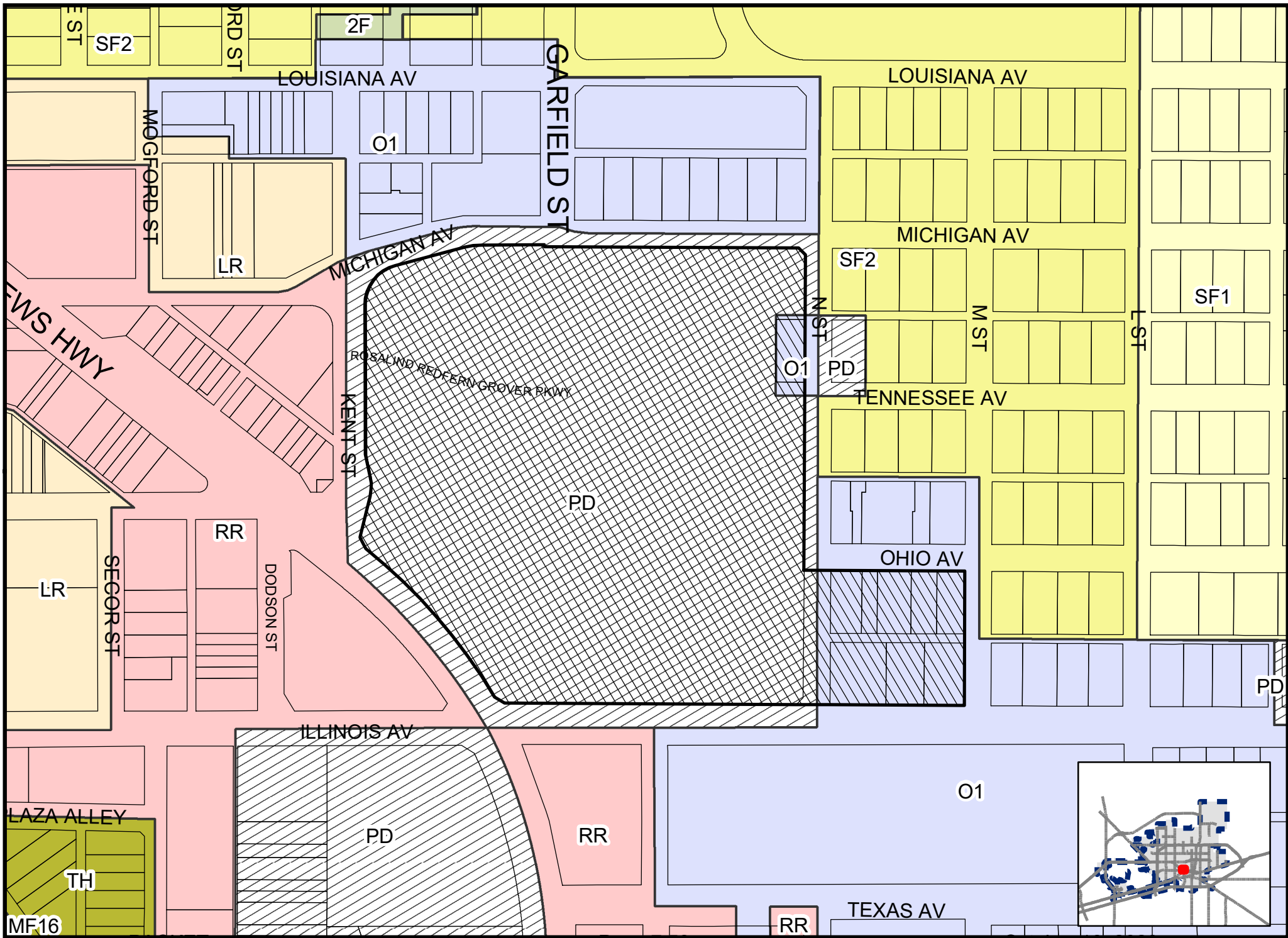
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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

















Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Consider a request by Raul Carrasco Jr. for a Zone Change from, O-1, Office District, to SF-3, Single-Family Dwelling District on Lot 4, Block 12, Cowden Addition, City and County of Midland, Texas (Generally located west of Bryant Street approximately 100-feet north of Hart Avenue (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Raul Carrasco Jr., is requesting a Zone Change from O-1, Office District, to SF-3, Single-Family Dwelling District for a carport addition onto the existing single-family home.

Current Zoning:

O-1, Office District.

Surrounding Zoning and Land Use:

The properties to the north and south are zoned O-1, Office District, and the location of existing single-family homes. The property to the east is zoned LR, Local Retail District, and the location of a retail store. The property to the west is zoned SF-2, Single-Family Dwelling District, and presently vacant.

Analysis:

The applicant plans to build a carport addition onto the existing single-family home. Per the previous zoning ordinance, single-family homes were allowed within this zoning district. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family homes within an O-1, Office District, and therefore, a zone change is required. The

property would comply with the proposed SF-3, Single-Family Dwelling District which allows the 50-foot wide lot.

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

Fire: (Approved)

No comments.

Oil and Gas: (Approved)

No Oil and Gas issues.

Engineering: (Approved)

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

Building: (Approved)

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

Transportation: (Approved)

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

Planning:

The property is located within a residential neighborhood with adjacent properties to the north, south and west also containing single-family homes. This request fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision, which designates the property Urban Residential-Medium (UR-M), which calls for a mix of housing types, including single-family detached, single-family attached and townhouse uses. The UR-M designation also supports Single-Family Dwelling District zoning which is consistent with the SF-2 zoning immediately to the west. The existing single-family dwelling with a carport would be consistent with this designation.

Therefore, staff recommends approval of this zone change from O-1, Office District to SF-3, Single-Family Dwelling District, subject to condition A.

Condition:

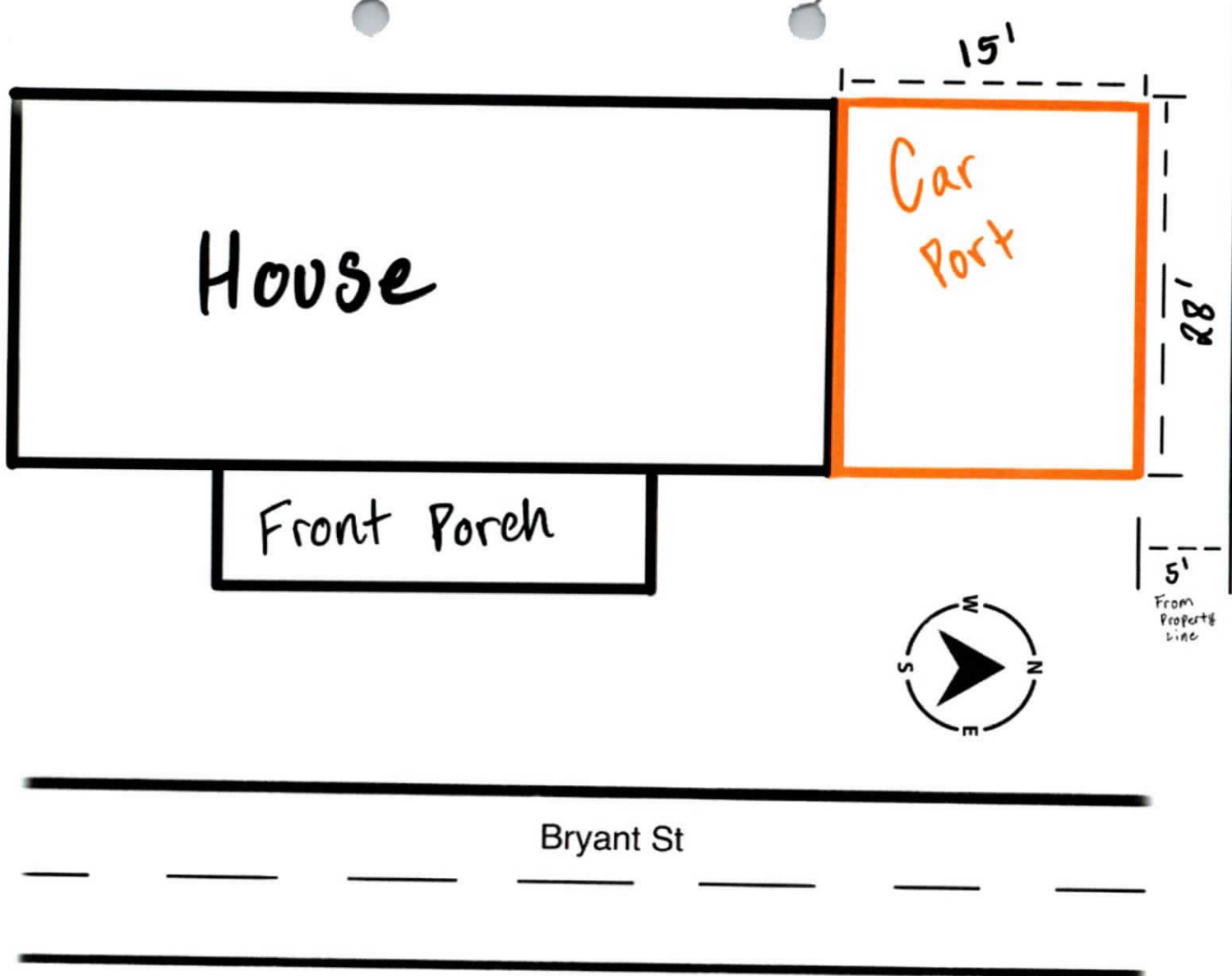
A. That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.

Letters of Objection:

As of October 12, 2023, Staff has received one letter of objection for this request.

Attachments:

Site Plan
Application
Maps

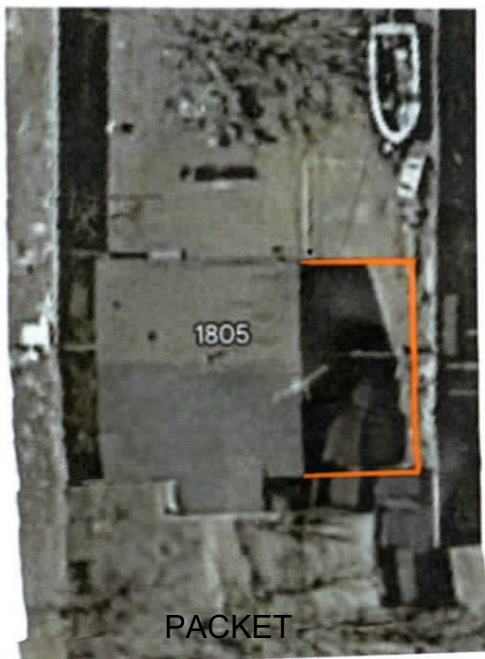


RECEIVED
SEP 05 2023

BY:

Property Info:

1805 Bryant St
Midland, TX 79701
Lot: 004 Blk: 012



PACKET

Car Port: 28' x 15'

Material: Sheet Metal
6x4 Posts
2x12 Beams

October 16, 2023



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

Project Number: _____

Case Number: 2-23-0346

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Raul Carrasco Jr</u>		Phone <u>(432) 238-0531</u> Email <u>raulcarrascosr@gmail.com</u>	
Address <u>1805 Bryant St</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Property Owner Printed Name: <u>Raul Carrasco Jr</u>		Phone <u>(432) 238-0531</u> Email _____	
Address <u>1805 Bryant St</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>1805 Bryant St Midland, Tx 79701</u>		
Legal Description Lot: <u>004</u> Block: <u>012</u> Subdivision: _____		

Current Zoning: <u>04, Office district</u>	Proposed Zone: <u>SF2 - single-family dwelling</u> (List by tracts if more than one district is requested) <u>District</u>
---	--

Reason for Zone Change Request: <u>Car Port Addition to Home</u> <u>Current zone doesn't allow for permits to be issued.</u>
--

Present Use of Property: <u>Single-Family Dwelling</u>

Proposed Use of Property: <u>Single-Family Dwelling</u>
--

How would this zone change affect the public health, safety and welfare? <u>It would not affect any of the above.</u>
--

Describe how conditions affecting the property have changed since present zoning designation: <u>Present and current zoning is incorrect. This property has always been a single-family dwelling.</u>
--

Submittal and Fees

Items to be submitted with this application form:

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

RECEIVED
SEP 05 2023

BY:

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

Applicant (signature): [Signature] Date: 09-05-23

Applicant (printed): Raul Carraseo Jr

Property Owner (signature): [Signature] Date: 09-05-23

Property Owner (printed): Raul Carraseo Jr

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☐ Plans in Digital Format (PDF/JPEG)

Check # 43

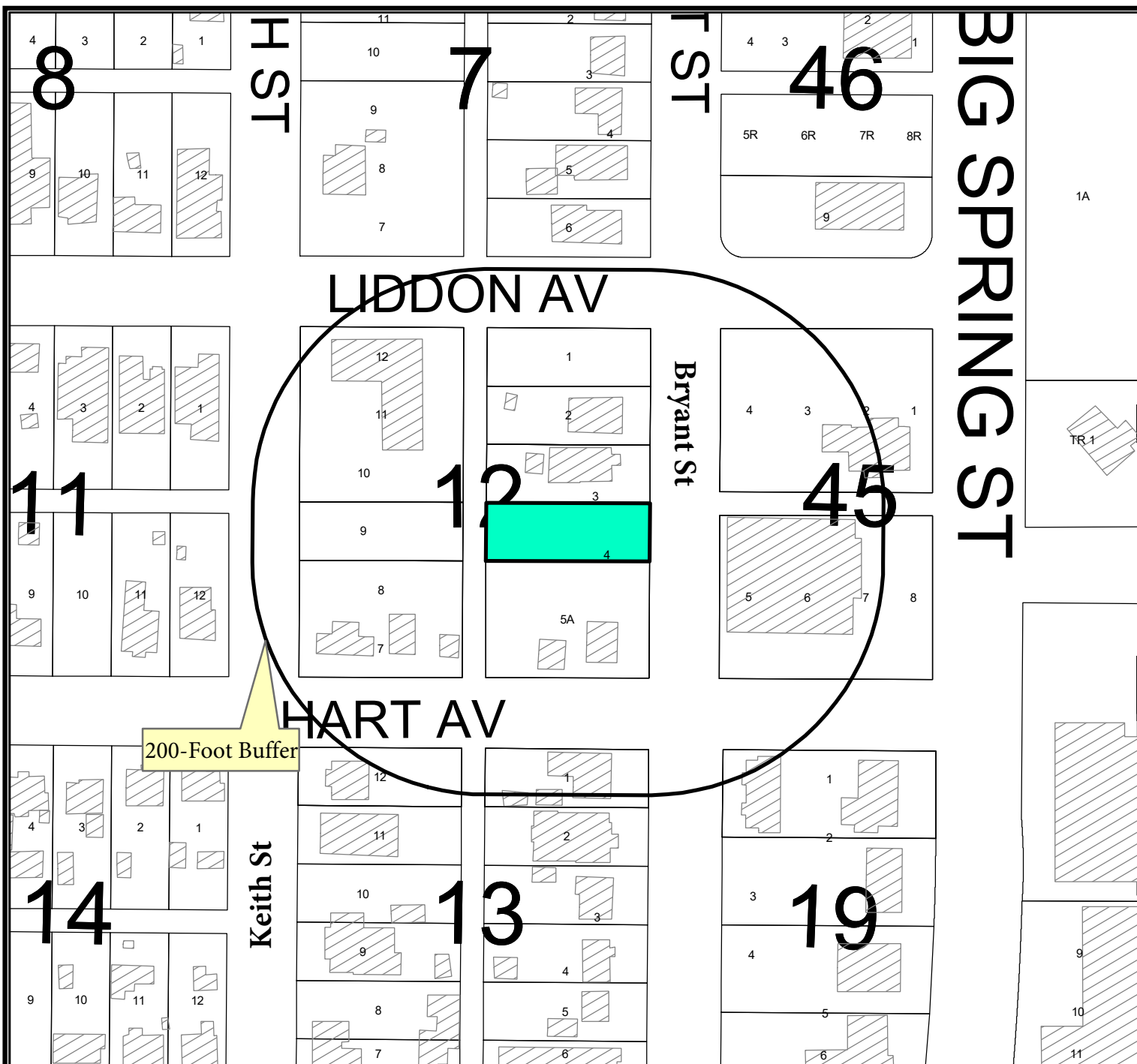
Received By: LO

Date:

RECEIVED
SEP 05 2023

BY: LO

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



LOCATION MAP

Z-23-0346

Scale: 1" = 1,480'

A request by Raul Carrasco Jr. for a zone change from, O-1, Office District, to SF-2, Single-Family Dwelling District on Lot 4, Block 12, Cowden Addition, City and County of Midland, Texas.

Generally located west of Bryant Street approximately 125-feet north of Hart Avenue (Council District 3)

LEGEND

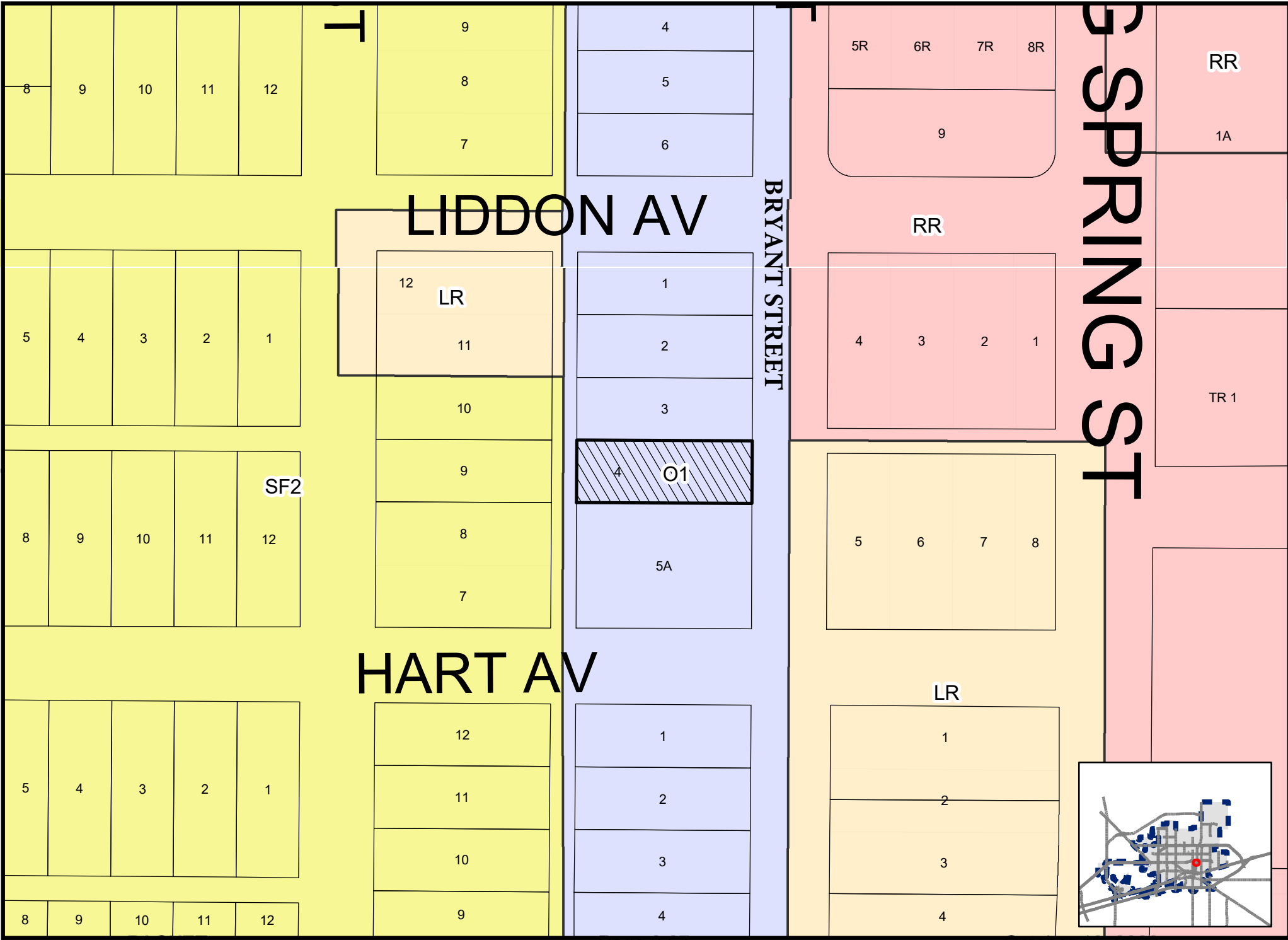
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Consider a request by Steven Villela for a zone change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 18, Block 1, Edwards Addition, City and County of Midland, Texas. (Generally located on the west side of North Dallas Street approximately 260± feet north of Mississippi Avenue). (District: 2) (Development Services)

Recommended Planning and Zoning Commission Action:

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

Purpose:

The applicant, Steven Villela, is requesting a Zone Change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District to construct a house on the property.

Current Zoning:

MF-16, Multiple-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are all zoned MF-16, Multiple-Family Dwelling District, and the location of single-family residences.

Analysis:

The property owner plans to construct a single-family residence on the property which the current zoning classification does not allow.

The previous zoning ordinance allowed single-family homes to be constructed in the MF-16, Multiple-Family Dwelling District. As of July 1, 2019, the updated zoning ordinance does not allow single-family residential uses with the MF-16, Multiple-Family Dwelling

District. Based on the current and surrounding land uses in this neighborhood a zone change to SF-3, Single-Family Dwelling District is compatible with existing and adjacent land uses and lot dimensions.

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

Fire: (Approved)

No comments

Building: (Approved)

No Oil and Gas issues.

Engineering:(Approved)

No objections to zoning/zone change. [For Applicant's Information Only.]

Code: (Approved)

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

Transportation: (Approved)

No objections to zoning/zone change. [For Applicant's Information Only.]

Planning:

The Tall City Tomorrow Comprehensive Plan designates the existing MF-16 portion Urban Residential-Medium (UR-M), which calls for a mix of housing types, including single-family detached, single-family attached, and townhouse uses. Therefore a single-family-dwelling would be consistent with this designation.

Staff recommends approval of this zone change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District subject to condition A.

Condition:

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

Letters of Objection:

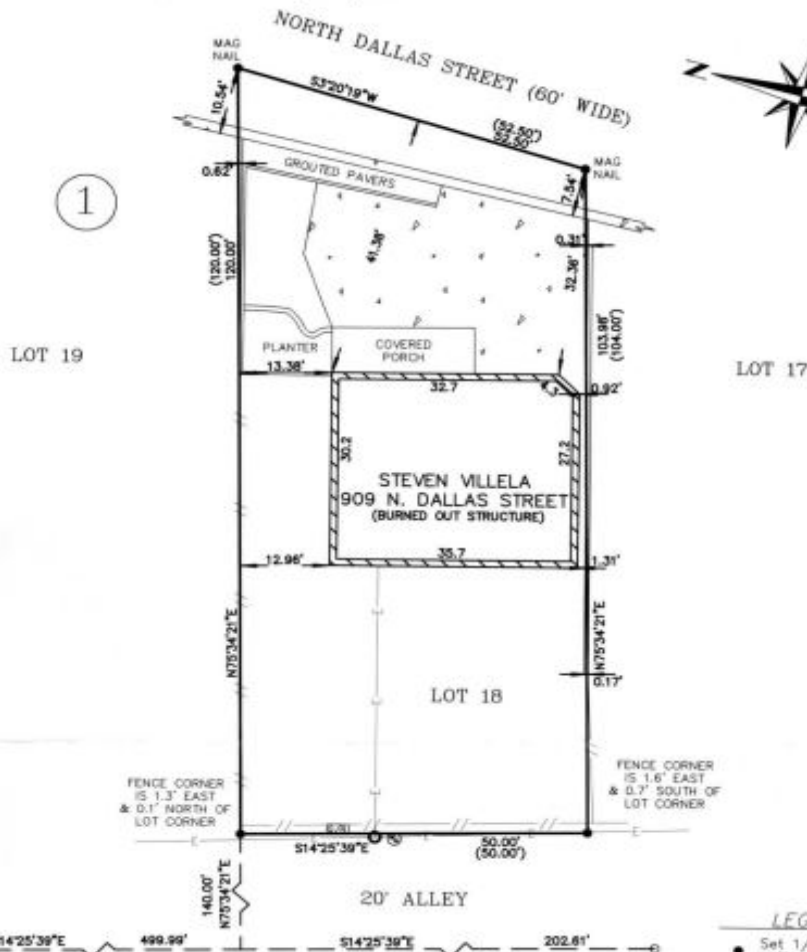
As of October 10, 2023, staff has received no letters of objection for this request.

Attachments:

Survey
Application
Maps

* COPYRIGHT 2023

This survey plot is being provided solely for the use of Steven Vilela, & Lone Star Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plot except as is necessary in conjunction with the original transaction dated May 22, 2023, which shall take place within 90 days after the survey was provided.



The following Easements, Rights-of-way, and Restrictive covenants as listed on the title commitment furnished by:
Lone Star Abstract and Title Co., Inc.,
G.F. No: 311016

Restrictive Covenants:
Vol. 85, Pg. 284,
Deed Records,
Midland Co., Texas

Census Tract: 102

This tract is in Flood Zone "X" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0089 F

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

Dated this the 22nd day of May 2023.

Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 05/22/2023

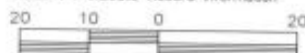
IF SURVEYOR'S SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT

PENNELL LAND SURVEYING			
PROFESSIONAL LAND SURVEYING			
P.O. BOX 51622, MIDLAND, TEXAS 79710			
VOICE: (432)570-6256	FAX: (432)682-3262	MOBILE: (432)528-1027	
ABSTRACT OFFICE: LONE STAR	G.F. #: 311016	COMMITMENT EFFECTIVE DATE: 04/28/2023	
CAD FILE: BRP24090	DATA FILE: 90SDALLAS	DRAWN BY: TORY P.	FIRM NO.: 10193978

- LEGEND**
- Set 1/2" I.R. W/Cap "RPLS 4170"
 - End 1/2" I.R.
 - Gas Riser
 - Water Meter
 - Power Pole
 - Overhead Electric Line
 - Dilapidated Wood, Wire, & Metal Fence line

Basis of Bearings:
NAD 83 Lambert Grid

Bearings and Distances Shown
Inside () Indicate Record Information



SCALE: 1" = 20'





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

Project Number: Z-23-0347

Case Number: _____

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

Printed Name: Steven Villela

Phone (432) 235 4792
Email Steven@stevenvillela.com

Address P.O. Box 10721

City Midland

State TX

Zip 79702

Property Owner

Printed Name: Steven Villela

Phone (432) 235 4792
Email Steven@stevenvillela.com

Address P.O. Box 10721 Midland, TX 79702

City Midland

State TX

Zip 79702

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()
Email

Address

City

State

Zip

Street Address: 909 N. Dallas Midland, TX 79701

Legal Description

Lot: 18 Block: 1 Subdivision: Edwards

Current Zoning: MF-16

Proposed Zone: SF-3

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

Reason for Zone Change Request: Not complaint with MF-16 size requirements and would be what was previously built their and comparable to neighbors

Present Use of Property: Residential/Sigle Family Dwelling

Proposed Use of Property: Residential/Sigle Family Dwelling

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

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

Submittal and Fees

Items to be submitted with this application form:

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

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

Applicant (signature): Steven Villela

Date: Sep 19, 2023

Applicant (printed): Steven Villela

Property Owner (signature): Steven Villela SV

Date: Sep 19, 2023

Property Owner (printed): Steven Villela

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Sep 19, 23 who, being by me duly sworn, upon oath says: That (s)he is the owner of 909 N Dallas or authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☐ Application Fee Waived (District 2)

☒ Plans in Digital Format (PDF/JPEG)

Check # _____
Per Interim Director

Received By: London Ochoa

Date:

SEP 19 2023

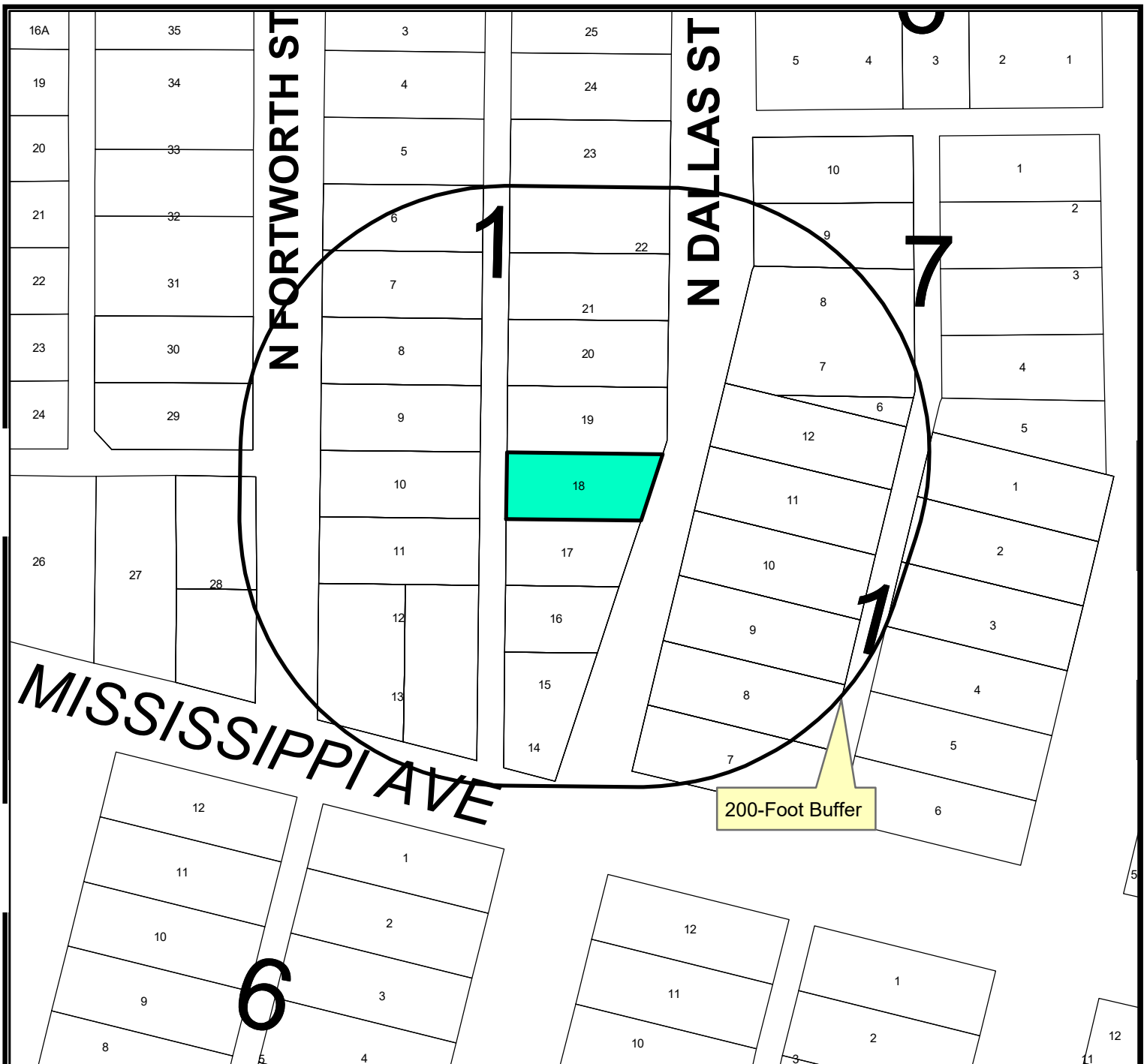
BT:

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

PACKET

Page 9.77

October 16, 2023



LOCATION MAP

Z-23-0347

Scale: 1" = 1,297'

A request by Steven Villela for a Zone Change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 18, Block 1, Edwards Addition, City and County of Midland, Texas.

Generally located west of North Dallas Street approximately 260-feet north of Mississippi Avenue (Council District 2)

LEGEND

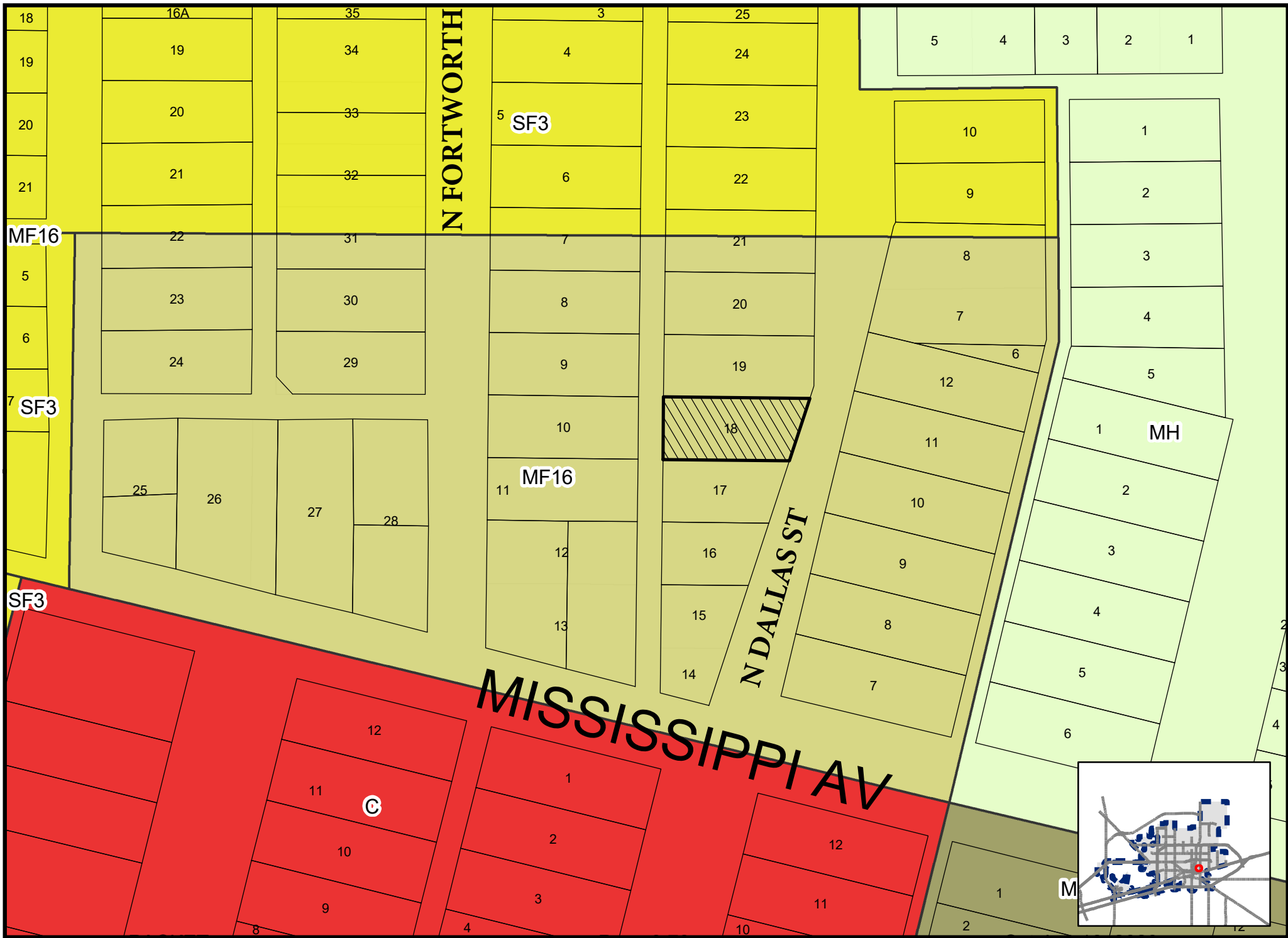
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Consider a request by Leela S. Pillarisetty, for a Zone Change from PD, Planned District for a Shopping Center to RR, Regional Retail District on Lot 3A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 165± feet east of Belmont Street). (DISTRICT: 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Leela S. Pillarisetty, is requesting a Zone Change from PD, Planned District for a Shopping Center (Ordinance 8471) to RR, Regional Retail District for future development.

Current Zoning:

PD, Planned District for a Shopping Center (Ordinance 8471).

Surrounding Zoning and Land Use:

The properties to the north and east are zoned RR, Regional Retail District, and location of commercial uses. The properties to the south and west are zoned PD, Planned District for a Shopping Center (Ordinance 8239), and Planned District for a Shopping Center (Ordinance 8471) respectively, and the location of commercial uses.

Analysis:

The applicant is proposing to develop the subject lot located at 300 W Longview Avenue in a manner that does not conform with the regulations and site plan approved by the City Council in Ordinance 8471. The applicant is requesting to have the property zoned RR,

Regional Retail District, and will develop the property in compliance with the regulations and standards of the RR, Regional Retail District.

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

Fire: (Approved)

No objection.

Oil and Gas: (Approved)

No Oil and Gas issues.

Engineering: (Approved)

No Objections. [For Applicant's Information Only.] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Building: (Approved)

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

Transportation: (Approved)

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

Planning:

This request complies with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision, which designates the property within the Gateway Corridor Area. This area allows for a range of industrial, office, or even retail development as long as it supports or strengthens major employment uses. The property is surrounded by retail and employment uses and this zone change would therefore strengthen and support these uses.

Staff recommends approval of this zone change from PD, Planned District a Shopping Center, to RR, Regional Retail District, subject to condition A.

Condition:

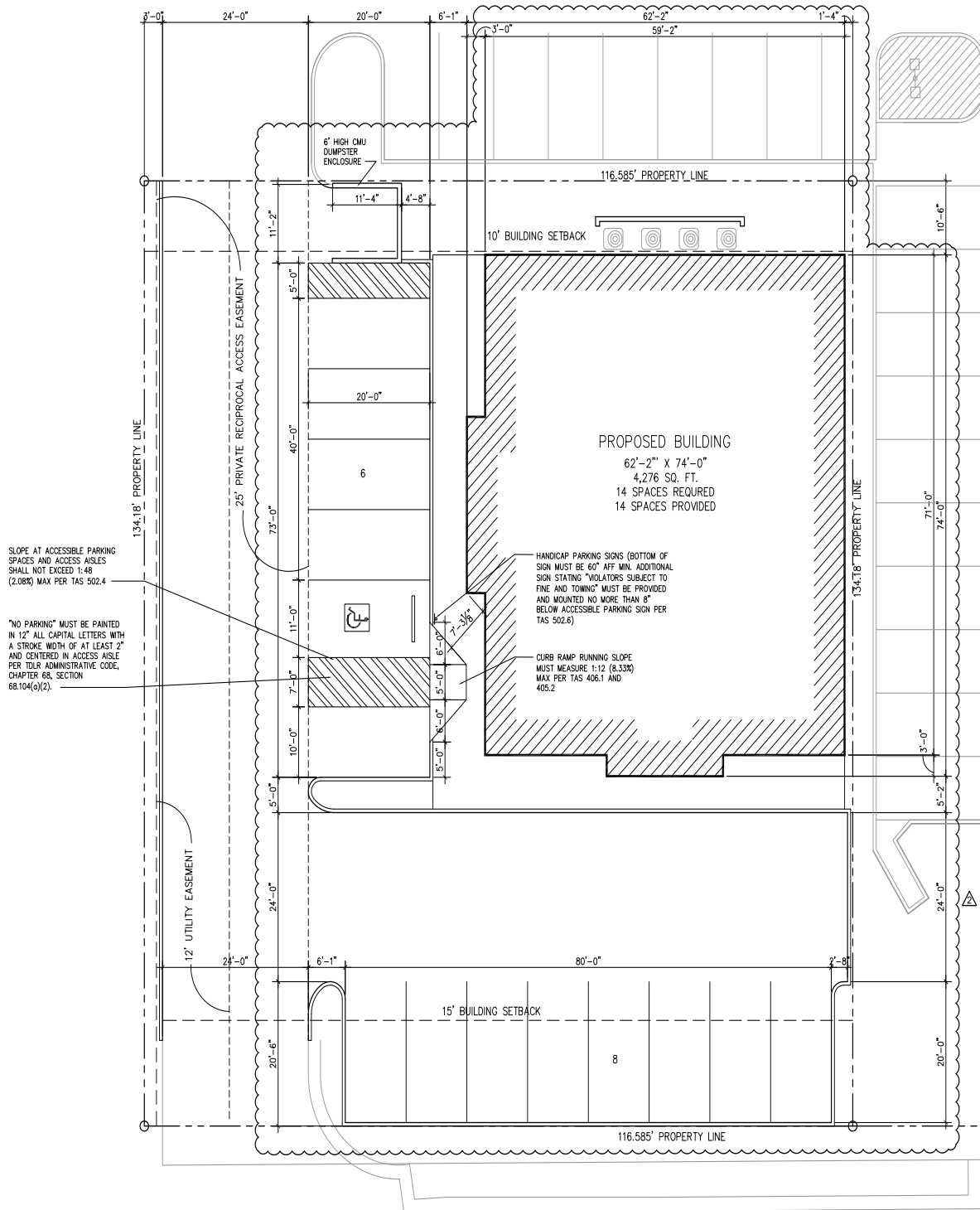
- A. That the use and development of this property shall conform to the regulations of the RR, Regional Retail District.**

Letters of Objection:

As of October 10, 2023, staff has received no letters of objection for this request.

Attachments:

Site Plan
Application
Maps





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

Project Number: _____

Case Number: **2-23-0348**

Applicant (if acting as Agent, see affidavit on page 2)
Printed Name: Leela S. Pillarisetty

Address
4501A Santa Rosa Dr. 421 N. Tom Green Ave

City
Midland Odessa

Phone (432) 770-0499 432-878
Email drleela@shavath@yahoo.com
john@newtoncivil.com

State
Texas
Zip
79707 79761

Property Owner
Printed Name: Lee Legacy Realty LLC

Address
3139 San Saba Dr.

City
Odessa

Phone (432) 770-0499
Email
ncsturgeon@ncsturgeon.com

State
Texas
Zip
79765

Representative (if different from Applicant or Property Owner)
Firm: Newton Engineering, PC

Printed Name: John Newton

Address
4501A Santa Rosa Dr.

City
Midland

Phone (432) 770-0499
Email

john@newtoncivil.com

State
Tx
Zip
79707

Street Address: 300 W Longview Ave.

Legal Description

Lot: 3A Block: 52 Subdivision: BELMONT

Current Zoning:

PD-SP

Proposed Zone: PD-SP

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

Reason for Zone Change Request: TO ADJUST THE SITE PLAN FOR THIS AREA TO REFLECT THE INTENDED USE FOR THIS PROPERTY

Present Use of Property: VACANT

Proposed Use of Property: RETAIL

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

This zone change would not adversely affect the public in any way.

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

A retail site is being planned for this area which needs to amend the site plan of the PD.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee - Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan PDF/JPEG)

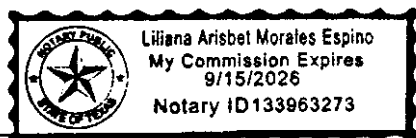
Signature (by property owner only - authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: 8-21-23
Applicant (printed): <u>LEELA S PILLARISETTY</u>	
Property Owner (signature): <u>[Signature]</u>	Date: 8-21-23
Property Owner (printed): <u>LEELA S PILLARISETTY, Lee Legacy Realty, LLC</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.	
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

**STATE OF TEXAS
COUNTY OF MIDLAND**

Before me, the undersigned authority, on this day personally appear John M. Newton who, being by me duly sworn, upon oath says: That (s)he is the owner of Lot 3A Belmont or authorized by Leela Pillarisetty 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.

John M. Newton
Authorized Agent (signature)

Subscribed and sworn to before me, this 18 day of September, 2023, to certify which witness my hand and seal of office.



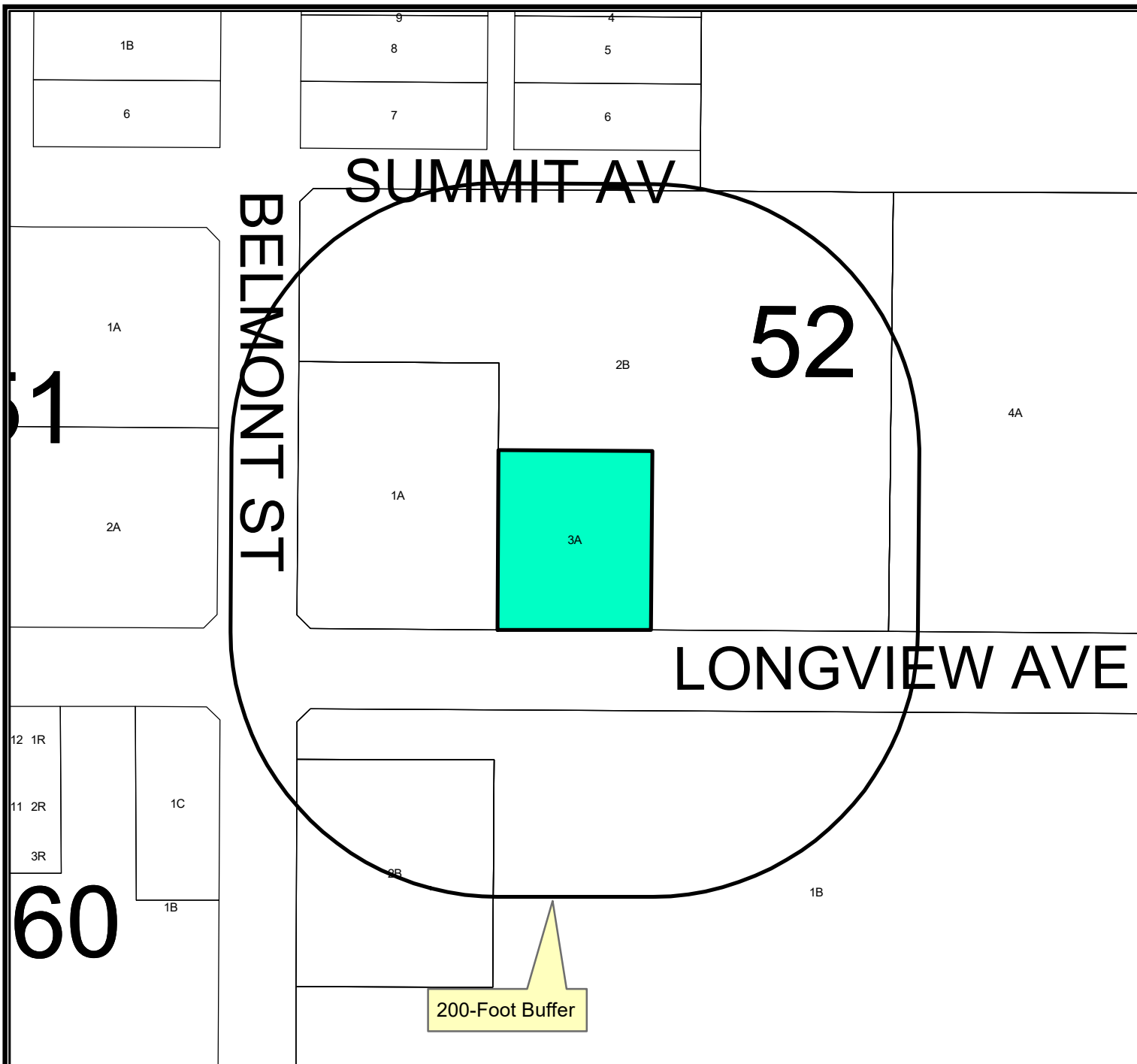
[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1608</u>	

Received By: Daniel Humber Date: 9-19-23

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



LOCATION MAP

Z-23-0348

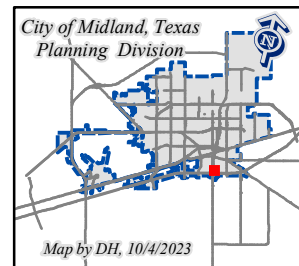
Scale: 1" = 1,297'

A request by Leela S. Pillarisetty for a zone change from PD, Planned Development District (Ordinance 8471) for a shopping center to RR, Regional Retail District for a shopping center on Lot 3A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas.

Generally located north of West Longview Avenue approximately 165-feet from Belmont Street (Council District 2)

LEGEND

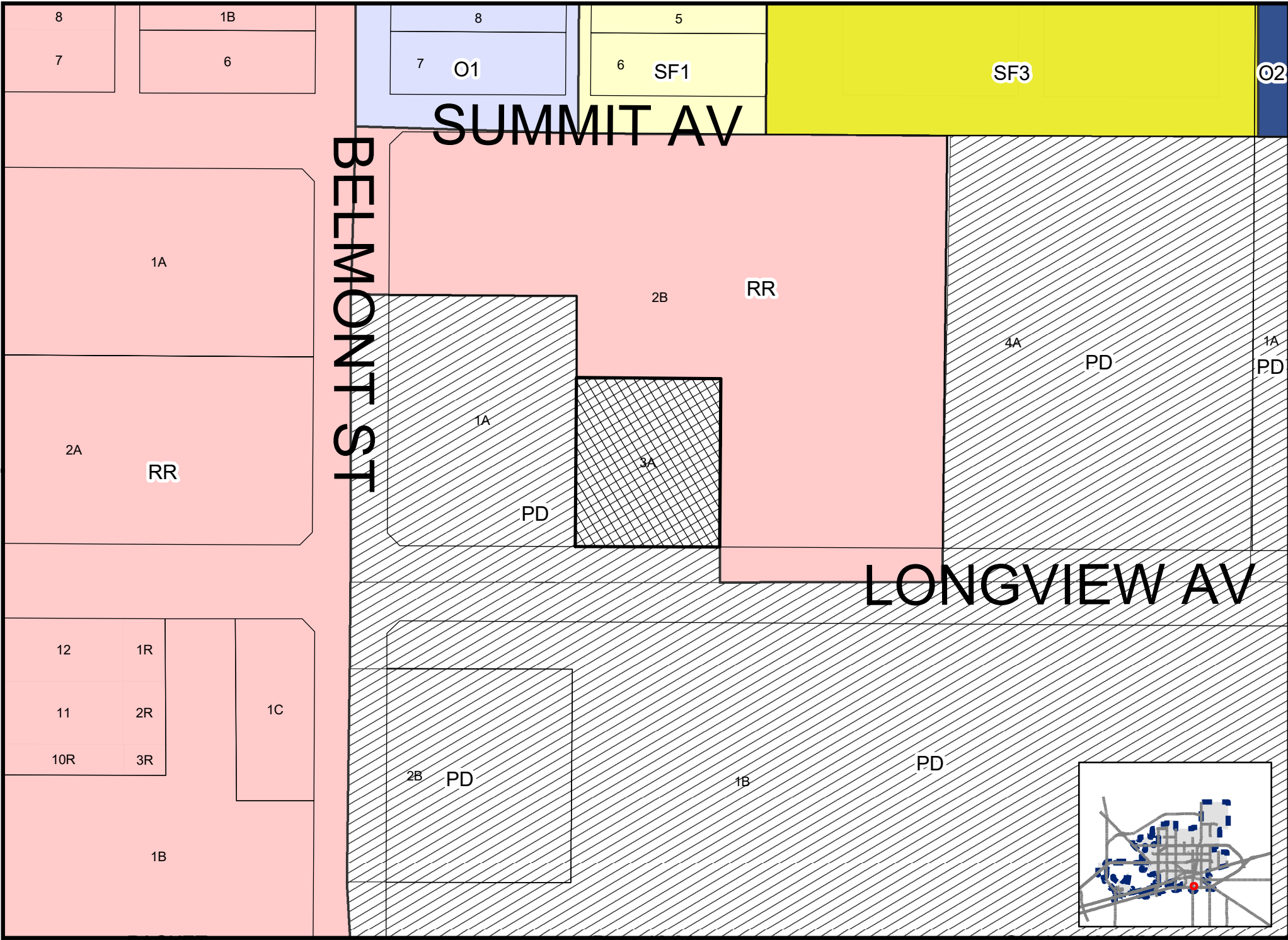
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



SUMMIT AV

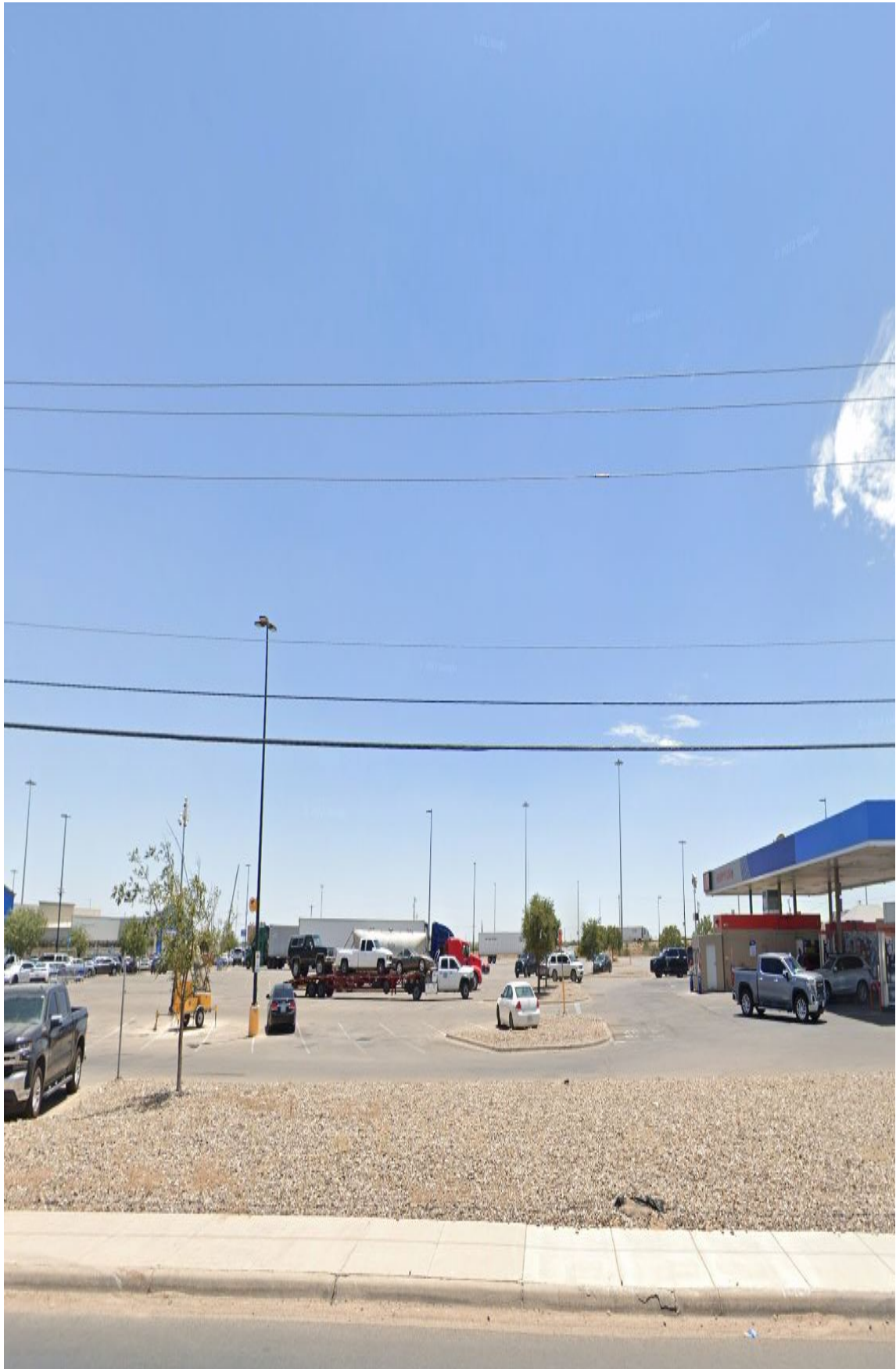
BELMONT ST

LONGVIEW AV













Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on a 6,711 portion of Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Theresa Lane, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages for on-premises consumption in a restaurant known as the Lounge located at 5606 Starboard Drive.

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for Housing Development and are the locations of apartments and a vacant lot. The property to the east is zoned RR, Regional Retail District and is in development. Further east there is a property zoned PD, Planned District for Shopping Center and is the location of a hotel. The property to the south is zoned PD, Planned District for a Shopping Center and is the location of a theater. The property to the southwest

is zoned RR and is the location of a Shopping Center. The Property to the west is zoned O-2, Office District and is the location of a hotel.

Analysis:

The applicant is requesting a Specific Use Designation for a restaurant located at 5606 Starboard Drive, to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property's zoning permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 22,000 square feet, with an alcohol serviceable area of 6,711 square feet. The site is currently under construction with a building permit. Per the plans approved for the building permit, the site will have adequate parking, access, and internal circulation.

The restaurant has the following hours of operation:

**Monday through Thursday from 10 a.m. to 10 p.m.
Friday through Sunday from 10 a.m. to 12 p.m.**

The restaurant is proposing the following hours of alcohol service:

**Monday through Thursday from 10 a.m. to 2 a.m. (the next day)
Friday through Sunday from 10 a.m. to 2 a.m. (the next day)**

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

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

There are no schools or churches within 300 feet of the property.

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

Fire: (Approved)

No comments or objections.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

No comment.

Planning: (Approved)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to "Encourage the development of places where Midland residents can gather and socialize to build connections." The Lounge is an establishment that will provide Midland residents with a unique social gathering experience.

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

Conditions:

- A. That the serviceable area of the restaurant shall be limited to approximately 6,711 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Monday through Thursday from 10 a.m. to 2 a.m. (the next day)**
 - Friday through Sunday from 10 a.m. to 2 a.m. (the next day)**
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**

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

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

Letters of Objection:

Staff has not received any letters of objection as of October 13, 2023

Attachments:

Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Application
Maps



H3 DIGITAL DESIGN

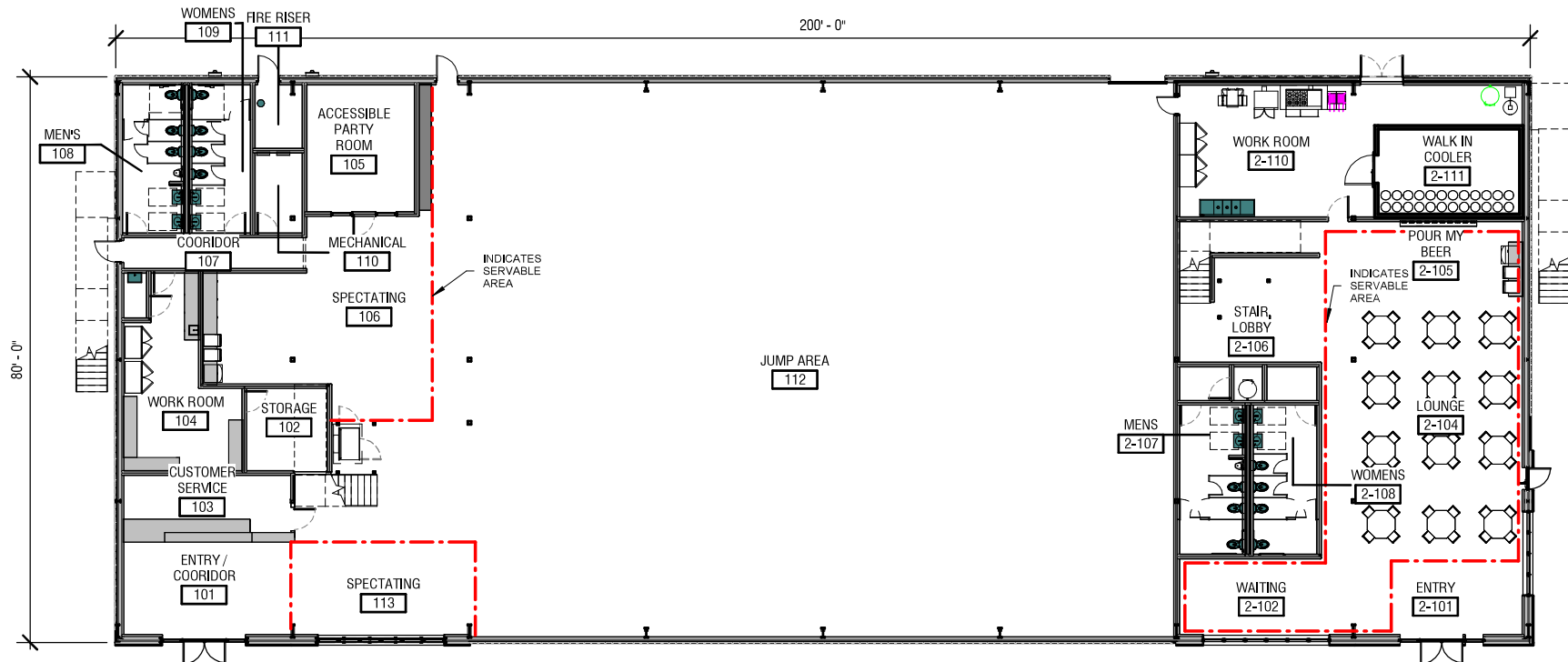
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

LEVEL 1

references
detail 1/16" = 1'-0"

date 09/19/23
CCMJ MANAGEMENT



1

OVERALL FLOOR PLAN

1/16" = 1'-0"



H3 DIGITAL DESIGN

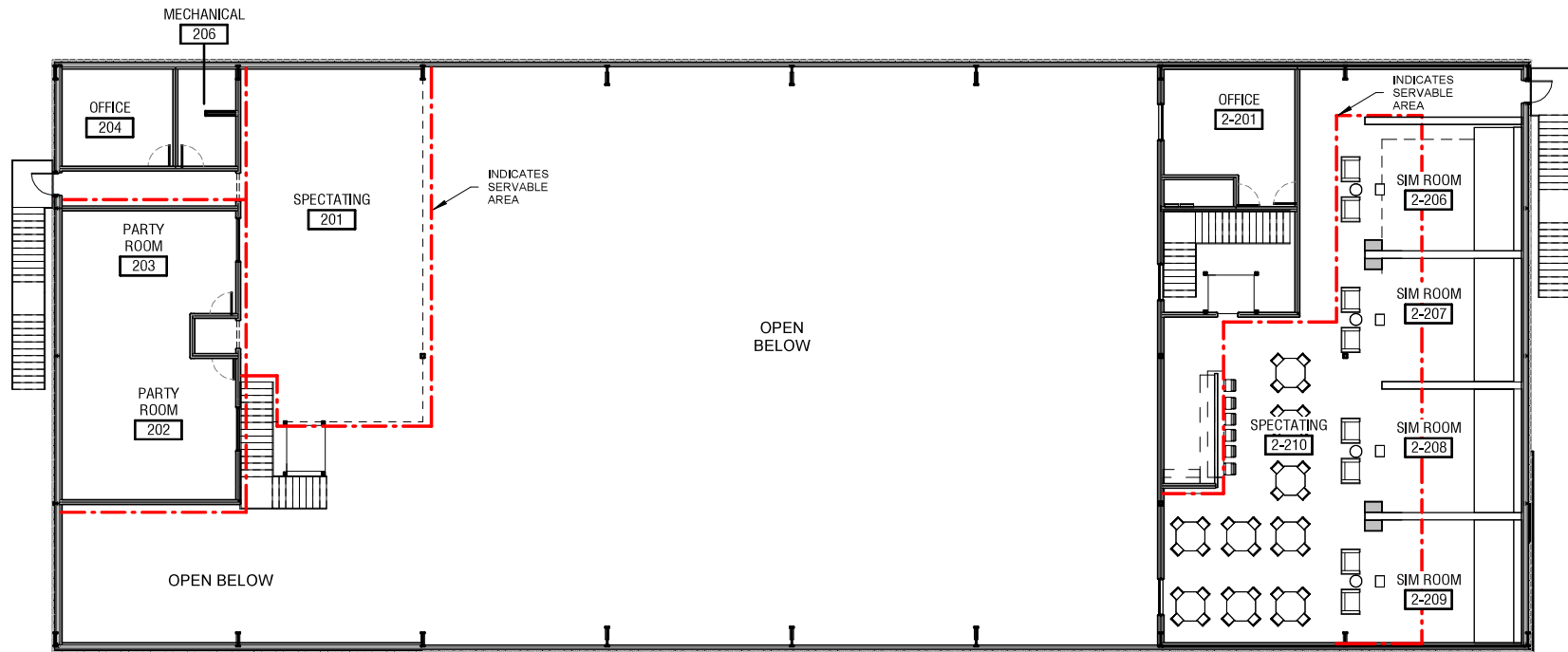
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

LEVEL 2

references
detail 1/16" = 1'-0"

date 09/19/23
CCMJ MANAGEMENT



1

OVERALL FLOOR PLAN LEVEL 2
1/16" = 1'-0"



H3 DIGITAL DESIGN

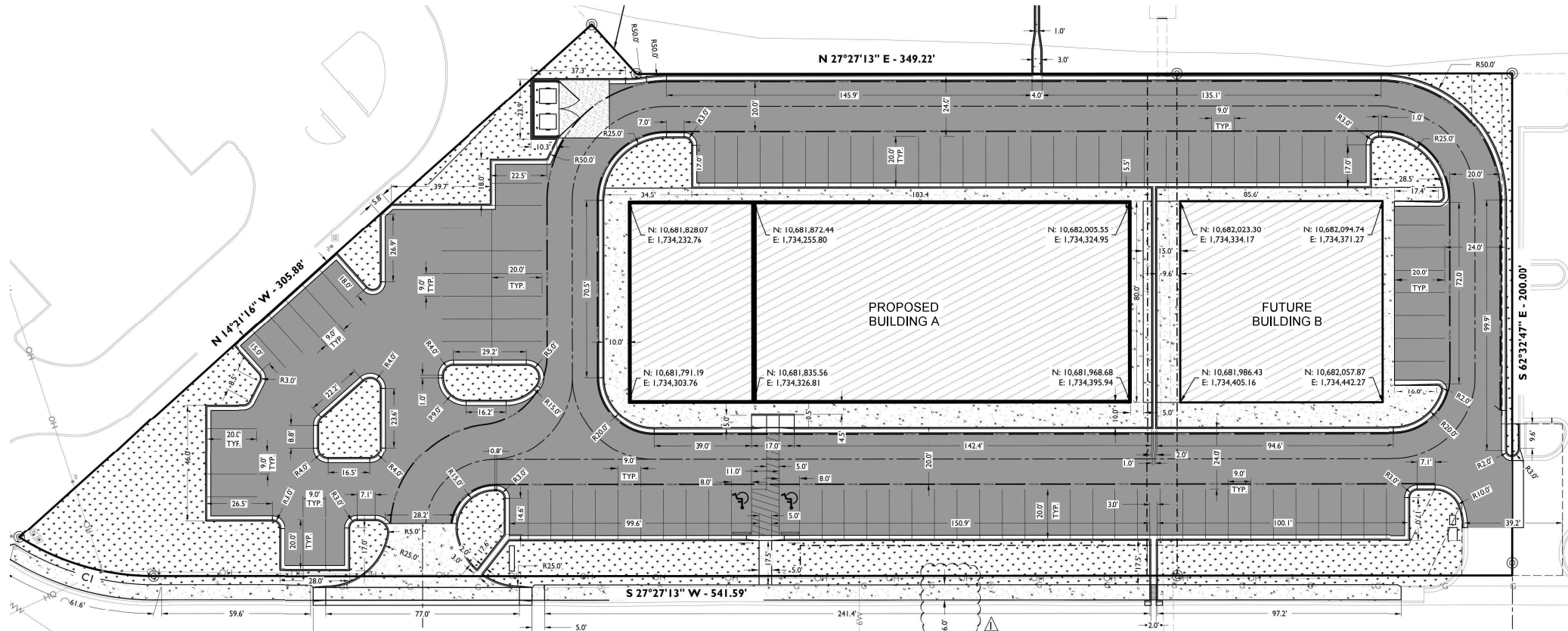
MIDLAND, TEXAS

phone 432-559-4859
email tj@hddwtx.com

SITE PLAN

references
detail: 1" = 10'-0"

date 09/19/23
CCMJ MANAGEMENT



1

PROPOSED SITE PLAN

1" = 10'-0"

PROPOSED PARKING SPACES

95 REGULAR
2 HANDICAP
97 SPACES TOTAL



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Theresa Lane</u>		Phone (432) 967-3703 Email: <u>legacydancecoach@yahoo.com</u>	
Address <u>5111 BRIGHTON PL</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79705</u>

Property Owner Printed Name: <u>OPEN DOOR REAL ESTATE</u>		Phone (432) 967-3703 Email: <u>legacydancecoach@yahoo.com</u>	
Address <u>5606 STARBOARD</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79706</u>

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

Street Address: <u>5606 STARBOARD DR MIDLAND 79706</u>	
Business Name: <u>THE LOUNGE</u>	
Legal Description Lot: <u>12</u> Block: <u>3</u> Subdivision: <u>Gateway Plaza Addition Sec 14</u>	
Current Zoning: <u>RR</u>	
Reason for Request: <u>TO PROVIDE A DRINK WITH A CUSTOMER'S MEAL.</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>RESTAURANT</u>			
Proposed/Current Days and Hours of Operation: _____ <u>MON-THUR 10 AM-10 PM, FRI, SAT, SUN 10 AM-12 MID</u>			
Proposed Days and Hours of Alcohol Service: _____ <u>MON-THUR 10 AM-10PM FRI, SAT, SUN 10 AM-12 MID</u>			
Total Square Footage of Business: <u>22,000</u>			
Square Footage of Alcohol Serviceable Area: <u>16,711</u>			
Restroom Fixtures:	<u>Men</u>	Toilets/Urinals: <u>4 1 4</u>	Bathroom Sinks: <u>4</u>
	<u>Women</u>	Toilets: <u>6</u>	Bathroom Sinks: <u>4</u>

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)
- Kitchen (if applicable)
- Total Square Footage
- Serviceable Square Footage

Signatures

Applicant (signature):

Date: 8-30-23

Applicant (printed): Theresa Lane

Property Owner (signature):

Date: 8-30-23

Property Owner (printed): Theresa Lane

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

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

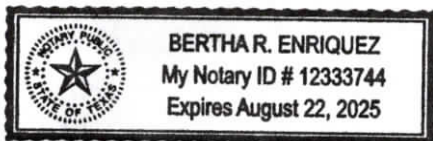
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 11th day of September, 2023, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☒ Site Plan

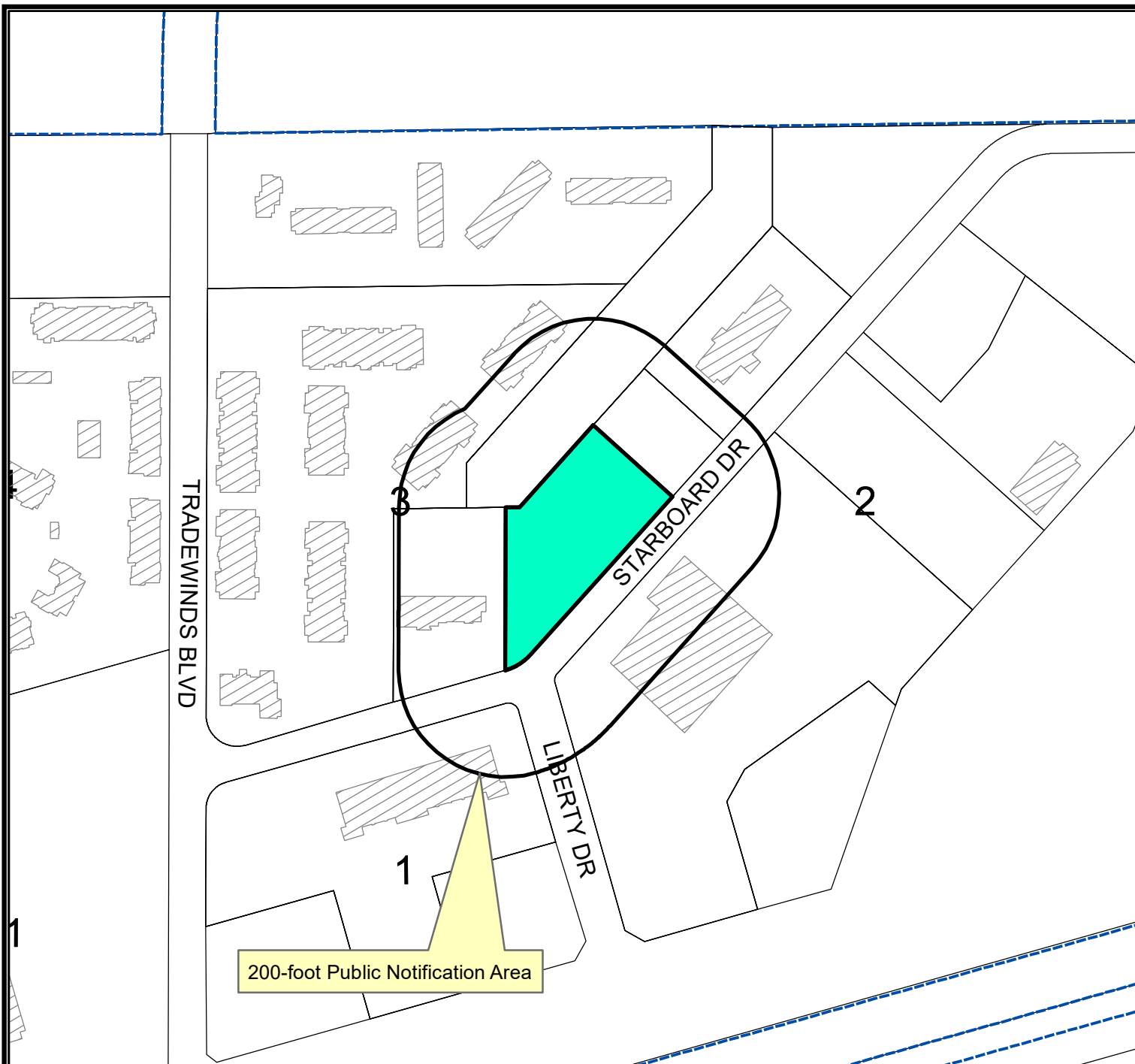
Check # 1028

☒ Plans in Digital Format (PDF/JPEG)

Received By: Jeff Fisher

Date: 9/18/2023

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



LOCATION MAP

SUD-23--0164

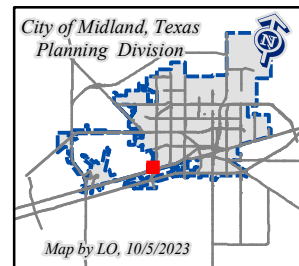
Scale: 1" = 3,246'

Consider a request by Theresa Lane for a Specific Use Designation for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on Lot 12, Block 3, Gateway Plaza Addition, Section 14, City and County of Midland, Texas.

Generally located at the northeast corner of the intersection of Liberty Drive and Starboard Drive (Council District 4)

LEGEND

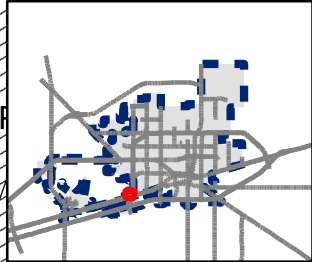
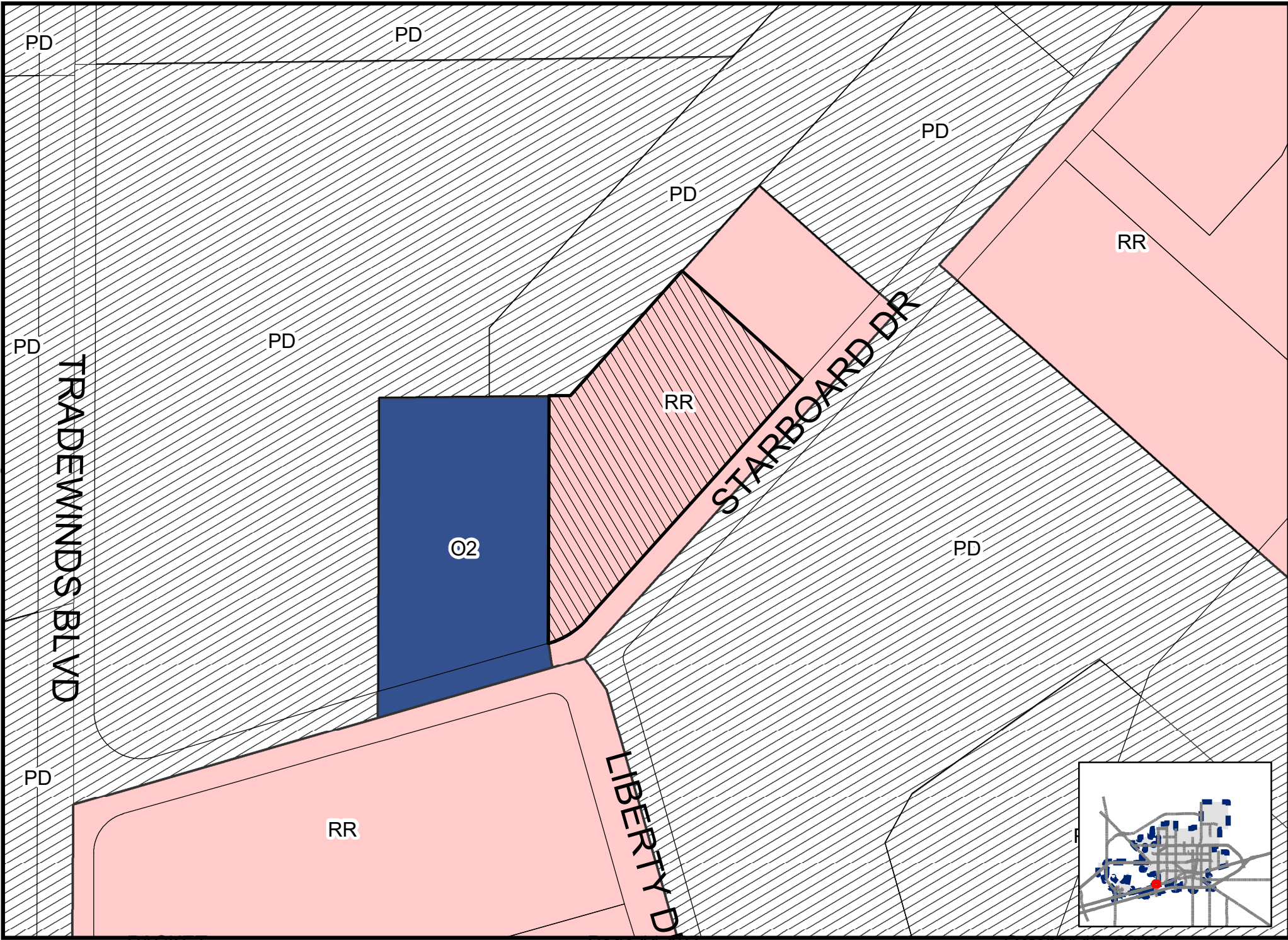
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Jeff Fisher, Planning Manager

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Christopher Sean Elphick is requesting a Specific Use Designation (SUDwo) without Term for an outdoor entertainment facility defined in the Zoning Ordinance as Amusement, Commercial (outdoor).

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned Development District for a Recreation Center (Ordinance 7322) and RR, Regional Retail District, and the location of a golf course and sports complex. The properties to the east are zoned RR, Regional Retail District, and the location of a retail shopping plaza and gas station. The property to the south is zoned PD, Planned Development District for an Office Center (Ordinance 5695). The properties to the west are zoned 2-F, Two-Family Dwelling District (Duplex) District and SF-1, Single-Family Dwelling District and the location of Midland Airpark.

Analysis:

The applicant, Christopher Sean Elphick, is requesting a Specific Use Designation (SUDwo) without Term for Amusement, Commercial (outdoor).

On September 14, 2021, City Council approved the applicant's original SUDs for the mobile food vendor park (Ordinance 10232) and the sale of all alcoholic beverages (Ordinance 10233), but the applicant has since expanded on the property, added concerts and events, and its alcoholic beverages SUD expired on September 14, 2023. On June 14, 2022, a Special Exception was allow granted by City Council to allow the parking lot be paved with asphalt millings as opposed to the standard of asphalt or concrete for three (3) years.

The new SUDwo will allow concerts, ticketed events, cook-offs, private events and charity events to take place on the property with an additional Temporary Land Use (TLU) permit. The applicant has also applied for an SUDwo for a mobile food vendor park, and SUD to renew the sale of alcoholic beverages for on-premises consumption on the property. The TLU will also be required per Section 11-1-4.04.A.5.e of the City Code which prohibits exterior auditory devices for the concerts, and 11-1-4.05.A.8 which prohibits any temporary activity involving music after 10:00p.m. or that includes the sale of alcoholic beverages.

The site plan (Exhibit A) provided shows the property and associated buildings and parking area after full built-out.

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

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

Several of the permanent structures have been put into place without permits and inspections. The SUD request is reasonable; however, my approval of the SUD is contingent upon all structures having proper permits pulled and all inspections performed. These non-permitted structures include a mobile home, office/shed, shipping containers, shade structures, fencing, signage, and two large tanks used as decoration that sit on either side of the stage. The owners/operators of this property are also looking to increase upon the original SUD for larger events, once a maximum occupant load is given there will need to be a recalculation for permanent restroom facilities which could also trigger the need for additional permits and inspections. Temporary sanitary facilities are not acceptable to cover the increased occupant load, must be permanent. Each one of the individual unpermitted structures must have their own permit which calls for a separate

permit submittal for each one. Each submittal will require a completed permit application, site plan that reflects the location of the structure and related distance measurements to adjoining structures and property lines, floor plans of the structure or detailed drawings of their construction, written scope of work or structure specifications, and any other information that can help describe the situation. These permits will need to be applied for by a licensed and bonded contractor. All permitted structures require inspections, those that are just now being permitted will also need a full set of inspections. If the structures are completed and, in a state, to where all inspections cannot be made, a third-party inspector such as a Texas licensed structural engineer, will need to make the inspections and give to the Building Official a signed and stamped letter stating that the permitted structure in question is of sound construction and poses no threat to life safety and will not compromise the site in any way. It is recommended that until the new SUD is approved, the previously approved SUD's with the original occupant load of 400 persons should be strictly adhered to. Many complaints from citizens regarding the amount of dirt/dust coming from the parking areas around the site have been made to our department. Asphalt Millings are going to be required by the City of Midland Planning division for the parking surfaces so this will eventually be addressed. Before the site is covered with millings, a plan must be put into place to control blowing dust. Frequent watering of the ground before automobile traffic comes to the site before and during an event is highly recommended. Any event that takes place that will go over the current or future occupancy load and/or deviates from the location's intended use will need to apply for a TLU on top of the SUD. We cannot provide an updated occupant load with the Alcohol Serviceable Area SQ FT alone, we must have each public occupied area defined by what kind of seating/standing area there will be and the SQ FT of each of those areas.

Fire: (Approved)

The International Fire Code does not have provisions for permanent event site to operate as "Temporary". A Fire Lane and the internal access driveway are required that is capable of supporting 75,000 lbs. constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements. All future events should be permitted under a separate TLU.

Oil and Gas: (Approved)

No objections.

Planning: (Approved)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, "Encourage the development of places where Midland residents can gather and socialize to build connections" (Tall City Tomorrow page 137). The Tailgate will create a vibrant atmosphere where residents can feel relaxed and enjoy alcoholic beverages with their food.

The proposed SUD for Outdoor Amusement, Commercial (outdoors) is consistent with the Tall City Comprehensive Plan policies. Staff recommends approval of the request of the Specific Use Designation without Term for Outdoor Amusement, Commercial (outdoors), subject to Conditions A to L.

Letters of Objection:

As of October 12, 2023, staff has received no letters of objection for this request.

Conditions:

- A. That the Establishment shall significantly conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes.**
- B. That the operator of the Establishment shall place a sign at the driveway notifying drivers that a left turn onto North Big Spring Street is prohibited.**
- C. That the operator of the Establishment shall provide a 20- foot- wide fire lane around the facility capable of supporting 75,000 lbs. and constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements.**
- D. That the days and hours of operation of the Establishment shall be limited to Monday through Sunday from 11: 00a.m. to 12: 00a.m. (midnight).**
- E. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- F. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.**
- G. That the development and operation of the Establishment shall conform to Section 11-1-4.04.A.5 of the City Code and all other applicable laws, ordinances, and regulations.**
- H. The operator of the Establishment shall notify the City' s Planning Division in writing of the name, address, telephone number, and e-mail address of the person who has been designated on -site manager of the Establishment who is responsible for the orderly organization of the Establishment, the cleanliness of the Property, and the Establishment's compliance with all applicable rules and regulations during business hours. If the City' s Planning Division is not so notified, it shall be presumed that Christopher Sean Elphick is the on-site manager of the Establishment.**
- I. That the operator of the Establishment shall obtain a Certificate of Occupancy prior to commencing operation of the Establishment to ensure that the conditions of this Specific Use Designation Without Term are satisfied.**
- J. The operator shall install a three-foot tall fence along the West Loop 250 North frontage to prevent vehicular traffic from entering or exiting the site from West Loop 250 North.**

- K. To the extent that events on the property require a temporary land use permit under Section 11-1-4.05 of the City Code, or to the extent that exterior auditory devices are used ,the applicant shall obtain a temporary land use permit.**
- L. With respect to parking the applicant shall comply with respect the Ordinance 10320 or any superseding.**

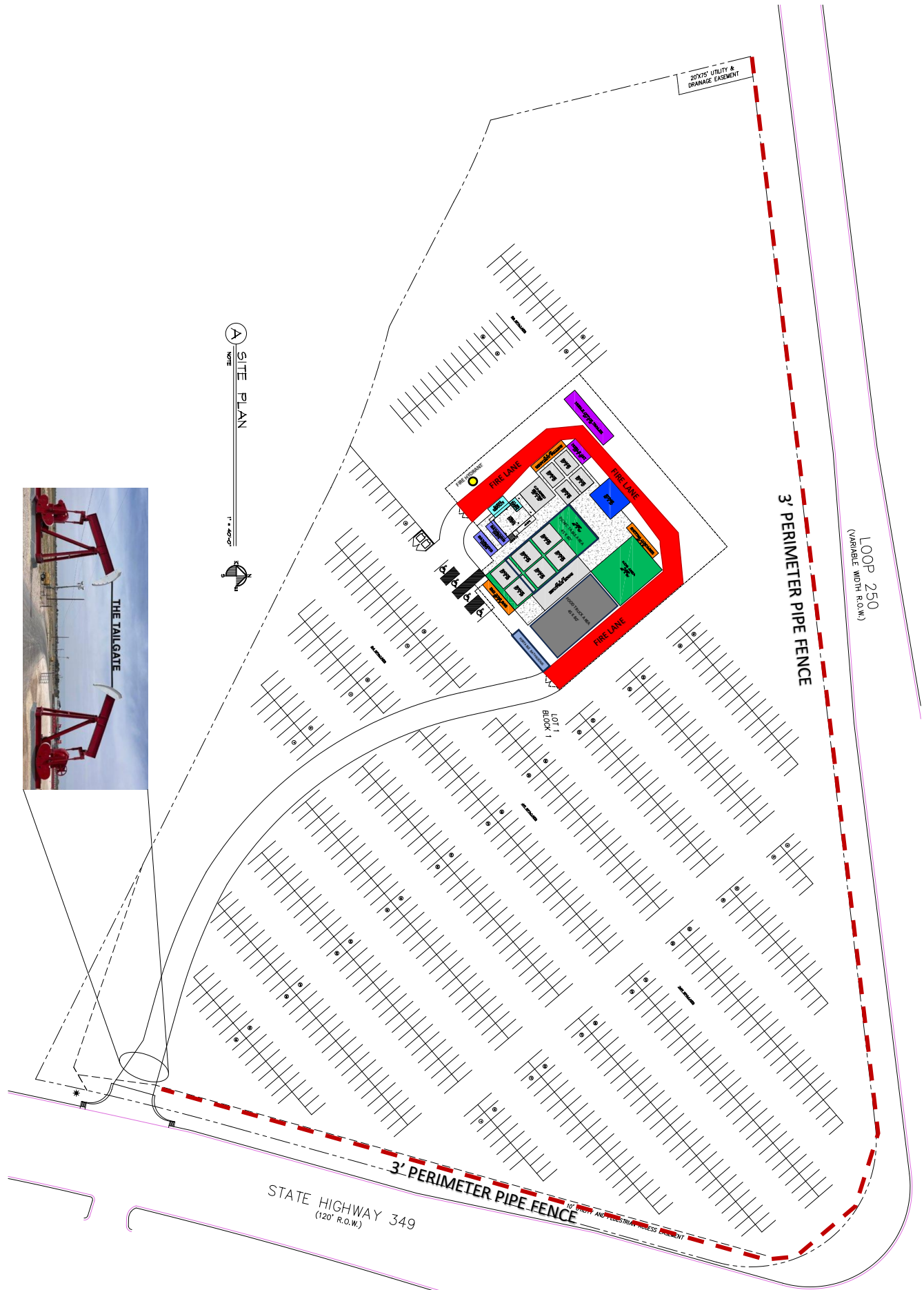
Attachments:

Site Plan (Exhibit A)
Application
Maps





NOTE
A SITE PLAN
1" = 400'



LOOP 250
(VARIABLE WIDTH R.O.W.)

3' PERIMETER PIPE FENCE

STATE HIGHWAY 349
(120' R.O.W.)

3' PERIMETER PIPE FENCE
10' SETBACK AND PERMIT REQUIRED

THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER AND/OR ALL SUBCONTRACTORS OR THEIR REPRESENTATIVES WORKING FROM THESE PLANS AND SPECIFICATIONS SHALL NOT SCALE INFORMATION FROM THIS DRAWING, BUT MUST CONTACT THE DESIGNER REGARDING MEASUREMENTS. IF SUCH MEASUREMENTS DO NOT APPEAR CORRECT OR ALSO DO NOT CORRECTLY TO THE INDICATED SIZE, IT SHALL ALSO BE THE RESPONSIBILITY OF THE G.C./C.M. AND THE SUBCONTRACTORS TO READ ALL NOTES AND TEXT ON THE DRAWINGS PRIOR TO BIDDING AND/OR PROCEEDING WITH ANY WORK. THE G.C./C.M. SHALL COORDINATE ANY DISCREPANCIES BETWEEN SUBCONTRACTORS PRIOR TO PROCEEDING WITH ANY WORK AND CONTACT THE DESIGNER REGARDING SAID DISCREPANCIES PRIOR TO INSTALLATION OF ANY CONSTRUCTION MATERIALS.

SHEET NO. S-1
BY: J M DRAFTING & DESIGN
P.O. BOX 4081, MIDLAND, TX. 79704
C: (432) 426-5247
E-MAIL: jmartink@gmail.com
OF 25 SHEETS
PACKET

© COPYRIGHT, J M DRAFTING & DESIGN
2023 FEDERAL COPYRIGHT PROTECTION
EXTENDING TO DERIVATIVE PLANS
IS APPLICABLE TO INTENTIONAL AND
UNINTENTIONAL INFRINGEMENTS
AND PROVIDES FOR SPECIFIC
STATUTORY DAMAGES, BOTH
CIVIL AND CRIMINAL, AND FOR
REASONABLE ATTORNEY'S
FEES AND COSTS.
Page 12 of 18

NEW SITE PLAN FOR: THE TAILGATE
4401 N BIG SPRING ST
MIDLAND
JOB # JG28042
DATE ISSUED: JUNE 15, 2023
REVISED:
October 16, 2023



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

Case Number: SUD No 23-0035
Ord. Number: _____

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

Printed Name: Christopher Sean Elphick

Address: 11 Marshall Ct

City: Midland

Phone: (432) 553-9250

Email: sean@thetailgatemidland.com

State: TX

Zip: 79705

Property Owner

Printed Name: H-E-B, LP

Address: P.O. Box 839999

City: San Antonio
Midland

Phone: (210) 938-8766

Email: scott.ben@heb.com

State: TX

Zip: 78283

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Address: _____

City: _____

Phone: () _____

Email: _____

State: _____

Zip: _____

Type of Permit:

For Office Use Only

☐ with Term

☒ without Term

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

Street Address: 4401 N. Big Spring St.

Legal Description

Lot: 1 Block: 1 Subdivision: Cay Dista Plaza North, Section 4

Current Zoning: Regional Retail (RR)

Maximum Floor Area: 17,038

Maximum Occupancy: 1,000

Proposed hours and days of use or operation: Thursday - Sunday 11am - 12am

Reason for request: Concerts, Ticketed Events, Cook-Offs, Food Trucks

Private Events, Charity Fundraisers

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: The Tailgate provides a safe and fun atmosphere for the community to enjoy outdoor events

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

SEKDate 9/19/23Applicant (printed): Christopher Sean Elphick

Property Owner (signature):

JBDate 9/19/23Property Owner (printed): Benjamin Scott, GVP & Real Estate and SCD, LLC

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

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

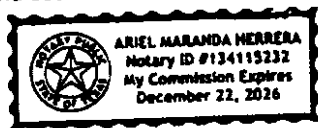
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

SEK
Authorized Agent (signature)

Subscribed and sworn to before me, this 19 day of September, 2023, to certify which witness my hand and seal of office.

ariel herrera

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

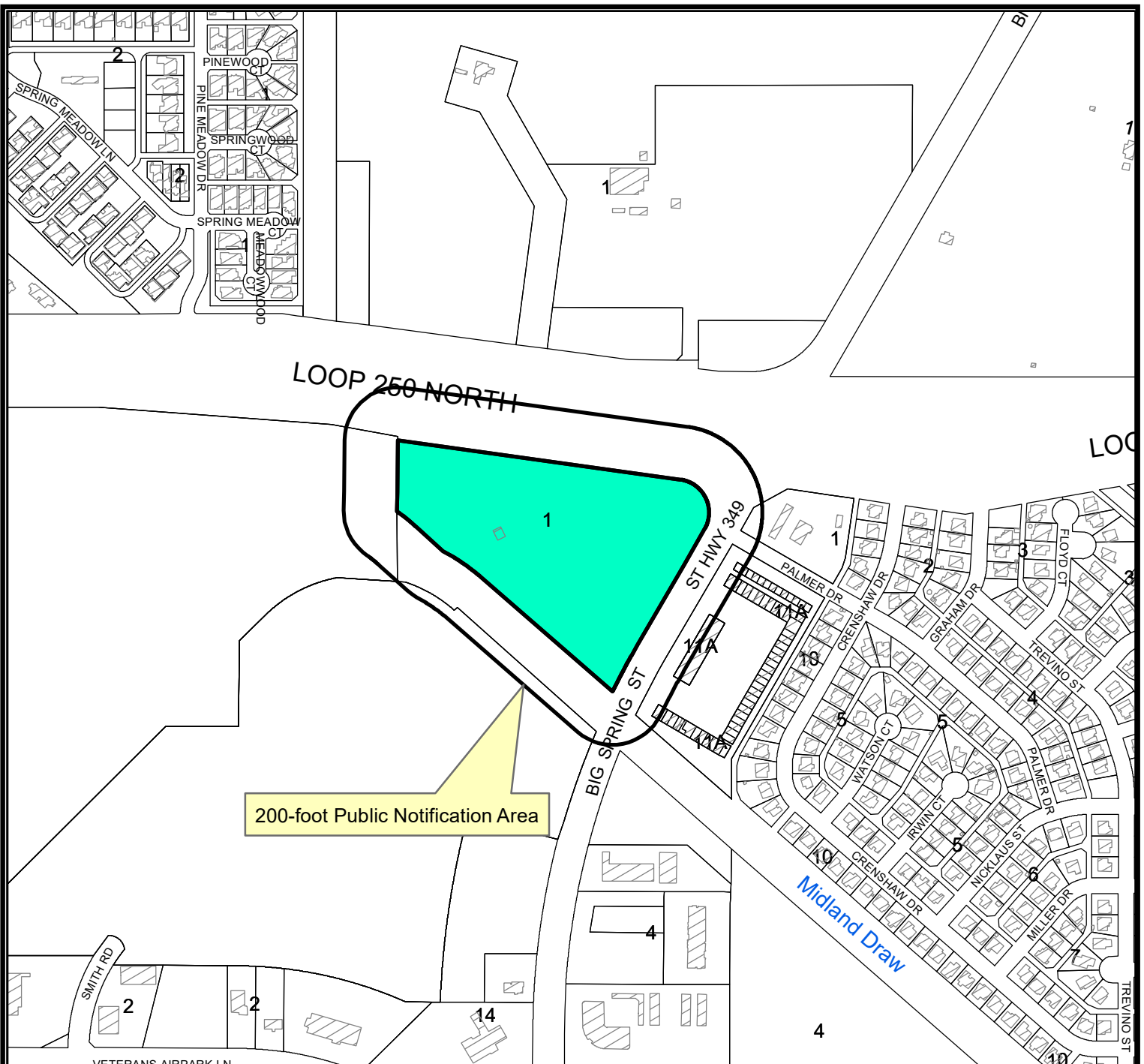
FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Site Plan☒ Application Fee invoice☒ Site Plan in Digital Format (PDF/JPEG)Check # card 00090980Received By: Jeff FisherDate: 9-19-2023

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

SUD Application

2

Revised 07/02/19



LOCATION MAP

SUDwo-23-0035

Scale: 1" = 6,492'

Consider a request by Christopher Sean Elphick for a Specific Use Designation without term for Amusement, Commercial (outdoors) on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of State Highway 349 and Loop 250 North (Council District 3)

LEGEND

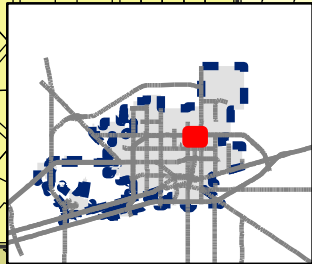
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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















Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Jeff Fisher, Planning Manager

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Christopher Sean Elphick is requesting a Specific Use Designation (SUDwo) without Term for a mobile food vendor park.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned Development District for a Recreation Center (Ordinance 7322) and RR, Regional Retail District, and the location of a golf course and sports complex. The properties to the east are zoned RR, Regional Retail District, and the location of a retail shopping plaza and gas station. The property to the south is zoned PD, Planned Development District for an Office Center (Ordinance 5695). The properties to the west are zoned 2-F, Two-Family Dwelling District (Duplex) District and SF-1, Single-Family Dwelling District and the location of Midland Airpark.

Analysis:

The applicant, Christopher Sean Elphick, is requesting a Specific Use Designation (SUDwo) without Term for a Mobile Food Vendor Park.

On September 14, 2021, City Council approved the applicant's original SUDs for the mobile food vendor park (Ordinance 10232) and the sale of all alcoholic beverages (Ordinance 10233), but the applicant has since expanded on the property, added concerts and events, and its alcoholic beverages SUD expired on September 14, 2023. On June 14, 2022, a Special Exception was allow granted by City Council to allow the parking lot be paved with asphalt millings as opposed to the standard of asphalt or concrete for three (3) years.

The new SUDwo will allow the expanded site plan for a mobile food vendor park. The applicant has also applied for an SUD to allow an outdoor commercial amusement facility with associated concerts, ticketed events, cook-offs, private events and charity events to take place on the property, and an SUD to renew the sale of alcoholic beverages for on-premises consumption on the property. A TLU will be required per Section 11-1-4.04.A.5.e of the City Code which prohibits exterior auditory devices for the concerts, and 11-1-4.05.A.8 which prohibits any temporary activity involving music after 10:00p.m. or that includes the sale of alcoholic beverages.

The site plan (Exhibit A) provided shows the property and associated buildings and parking area after full built-out.

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

Engineering: (Approved)

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

Transportation: (Approved with Conditions)

A fence will be required to prevent attendees from driving over the Loop 250 frontage curb, which is a traffic safety concern.

Building Code: (Approved with Conditions)

Several of the permanent structures have been put into place without permits and inspections. The SUD request is reasonable; however, my approval of the SUD is contingent upon all structures having proper permits pulled and all inspections performed. These non-permitted structures include a mobile home, office/shed, shipping containers, shade structures, fencing, signage, and two large tanks used as decoration that sit on either side of the stage. The owners/operators of this property are also looking to increase upon the original SUD for larger events, once a maximum occupant load is given there will need to be a recalculation for permanent restroom facilities which could also trigger the need for additional permits and inspections. Temporary sanitary facilities are not acceptable to cover the increased occupant load, must be permanent. Each one of the

individual unpermitted structures must have their own permit which calls for a separate permit submittal for each one. Each submittal will require a completed permit application, site plan that reflects the location of the structure and related distance measurements to adjoining structures and property lines, floor plans of the structure or detailed drawings of their construction, written scope of work or structure specifications, and any other information that can help describe the situation. These permits will need to be applied for by a licensed and bonded contractor. All permitted structures require inspections, those that are just now being permitted will also need a full set of inspections. If the structures are completed and, in a state, to where all inspections cannot be made, a third-party inspector such as a Texas licensed structural engineer, will need to make the inspections and give to the Building Official a signed and stamped letter stating that the permitted structure in question is of sound construction and poses no threat to life safety and will not compromise the site in any way. It is recommended that until the new SUD is approved, the previously approved SUD's with the original occupant load of 400 persons should be strictly adhered to. Many complaints from citizens regarding the amount of dirt/dust coming from the parking areas around the site have been made to our department. Asphalt Millings are going to be required by the City of Midland Planning division for the parking surfaces so this will eventually be addressed. Before the site is covered with millings, a plan must be put into place to control blowing dust. Frequent watering of the ground before automobile traffic comes to the site before and during an event is highly recommended. Any event that takes place that will go over the current or future occupancy load and/or deviates from the location's intended use will need to apply for a TLU on top of the SUD. We cannot provide an updated occupant load with the Alcohol Serviceable Area SQ FT alone, we must have each public occupied area defined by what kind of seating/standing area there will be and the SQ FT of each of those areas.

Fire: (Approved with Conditions)

The International Fire Code does not have provisions for permanent event site to operate as "Temporary". A Fire Lane and the internal access driveway are required that is capable of supporting 75,000 lbs. constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements. All future events should be permitted under a separate TLU.

Oil and Gas: (Approved)

No objections.

Planning: (Approved)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, "Encourage the development of places where Midland residents can gather and socialize to build connections" (Tall City Tomorrow page 137). The Tailgate will create a vibrant atmosphere where residents can feel relaxed and enjoy alcoholic beverages with their food.

The proposed SUDwo for a Mobile Food Vendor Park is consistent with the Tall City Comprehensive Plan policies. Staff recommends approval of the request of the Specific

Use Designation without Term for a Mobile Food Vendor Park, subject to Conditions A to N.

Letters of Objection:

As of October 12, 2023, staff has received no letters of objection for this request.

Conditions:

- A. That the Establishment shall significantly conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes.**
- B. That the operator of the Establishment shall place a sign at the driveway notifying drivers that a left turn onto North Big Spring Street is prohibited.**
- C. That the operator of the Establishment shall provide a 20- foot- wide fire lane around the facility capable of supporting 75,000 lbs. and constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements.**
- D. That the days and hours of operation of the Establishment shall be limited to Monday through Sunday from 11: 00a.m. to 12: 00a.m. (midnight).**
- E. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- F. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.**
- G. That the sale and on -premises consumption of alcoholic beverages shall be prohibited unless a Specific Use Designation With Term for the sale and on-premises consumption of alcoholic beverages is approved and effective.**
- H. That the development and operation of the Establishment shall conform to Section 11-1-4.04.A.14 of the City Code and all other applicable laws, ordinances, and regulations.**
- I. The operator of the Establishment shall notify the City' s Planning Division in writing of the name, address, telephone number, and e-mail address of the person who has been designated on -site manager of the Establishment who is responsible for the orderly organization of the Establishment, the cleanliness of the Property, and the Establishment's compliance with all applicable rules and regulations during business hours. If the City' s Planning Division is not so notified, it shall be presumed that Christopher Sean Elphick is the on-site manager of the Establishment.**
- J. That the operator of the Establishment shall obtain a Certificate of Occupancy prior to commencing operation of the Establishment to ensure**

that the conditions of this Specific Use Designation Without Term are satisfied.

- K. The operator shall install a three-foot tall fence along the West Loop 250 North frontage to prevent vehicular traffic from entering or exiting the site from West Loop 250 North.
- L. To the extent that events on the property require a temporary land use permit under Section 11-1-4.05 of the City Code, or to the extent that exterior auditory devices are used ,the applicant shall obtain a temporary land use permit.
- M. With respect to parking the applicant shall comply with respect the Ordinance 10320 or any superseding.
- N. That the above conditions supersede the original conditions stipulated in Ordinance 10232.

Attachments:

Site Plan (Exhibit A)
Application
Maps



NOTE
A SITE PLAN
1" = 400'



STATE HIGHWAY 349
(120' R.O.W.)

3' PERIMETER PIPE FENCE
10' SETBACK AND PERIMETER FENCE PRESENT

3' PERIMETER PIPE FENCE

LOOP 250
(VARIABLE WIDTH R.O.W.)

20'x75' UTILITY & DRAINAGE EASEMENT

THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER AND/OR ALL SUBCONTRACTORS OR THEIR REPRESENTATIVES WORKING FROM THESE PLANS AND SPECIFICATIONS SHALL NOT SCALE INFORMATION FROM THIS DRAWING, BUT MUST CONTACT THE DESIGNER REGARDING MEASUREMENTS. IF SUCH MEASUREMENTS DO NOT APPEAR CORRECT OR ALSO DO NOT CORRECTLY TO THE INDICATED SIZE, IT SHALL ALSO BE THE RESPONSIBILITY OF THE G.C./C.M. AND THE SUBCONTRACTORS TO READ ALL NOTES AND TEXT ON THE DRAWINGS PRIOR TO BIDDING AND/OR PROCEEDING WITH ANY WORK. THE G.C./C.M. SHALL COORDINATE ANY DISCREPANCIES BETWEEN SUBCONTRACTORS PRIOR TO PROCEEDING WITH ANY WORK AND CONTACT THE DESIGNER REGARDING SAID DISCREPANCIES PRIOR TO INSTALLATION OF ANY CONSTRUCTION MATERIALS.

SHEET NO. S-1
BY: J M DRAFTING & DESIGN
P.O. BOX 4081, MIDLAND, TX. 79704
C: (432) 426-5247
E-MAIL: jmartink@gmail.com

© COPYRIGHT, J M DRAFTING & DESIGN
2023 FEDERAL COPYRIGHT PROTECTION
EXTENDING TO DERIVATIVE PLANS
IS APPLICABLE TO INTENTIONAL AND
UNINTENTIONAL INFRINGEMENTS
AND PROVIDES FOR SPECIFIC
STATUTORY DAMAGES BOTH
CIVIL AND CRIMINAL. ANY OTHER
STATEMENTS TO THE CONTRARY
ARE HEREBY DENIED.

NEW SITE PLAN FOR: THE TAILGATE
4401 N BIG SPRING ST
MIDLAND
JOB # JG28042
DATE ISSUED: JUNE 15, 2023
REVISED:
October 16, 2023



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

Case Number: SUDwo-23-0037
Ord. Number: _____

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

Printed Name: Christopher Sean Elphick

Address: 11 Marchelle Ct

City: Midland

Phone: (432) 553-7250

Email: scan@thetailgatemidland.com

State: TX

Zip: 79705

Property Owner

Printed Name: H-E-B, LP

Address: P.O. Box 839999

City: San Antonio

Phone: (210) 938-8766

Email: scott.ben@heb.com

State: TX

Zip: 78233

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Address: _____

City: _____

Phone ()
Email: _____

State: _____

Zip: _____

Type of Permit: Food Trucks

For Office Use Only

☐ with Term

☒ without Term

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

Street Address: 4401 N. Big Spring St.

Legal Description

Lot: 1 Block: 1 Subdivision: Clayesta Plaza North, Section 4

Current Zoning: Regional Retail (RR)

Maximum Floor Area: 17,038

Maximum Occupancy: 1,000

Proposed hours and days of use or operation: Thursday - Sunday 11am - 12am

Reason for request: To have Food Trucks on location

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: The Tailgate provides a safe and fun atmosphere for the community to enjoy outdoor events

Submittal and Fees

Items to be submitted with this application form:

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

SignaturesApplicant (signature) [Signature]Date 9/19/23Applicant (printed): Christopher Scott ElphickProperty Owner (signature) [Signature]Date 9/19/23Property Owner (printed): Benjamin Scott, GVP + R. H. Island LLC, BE L, L.P.

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

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

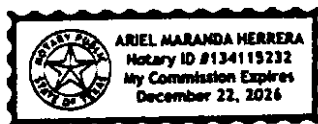
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

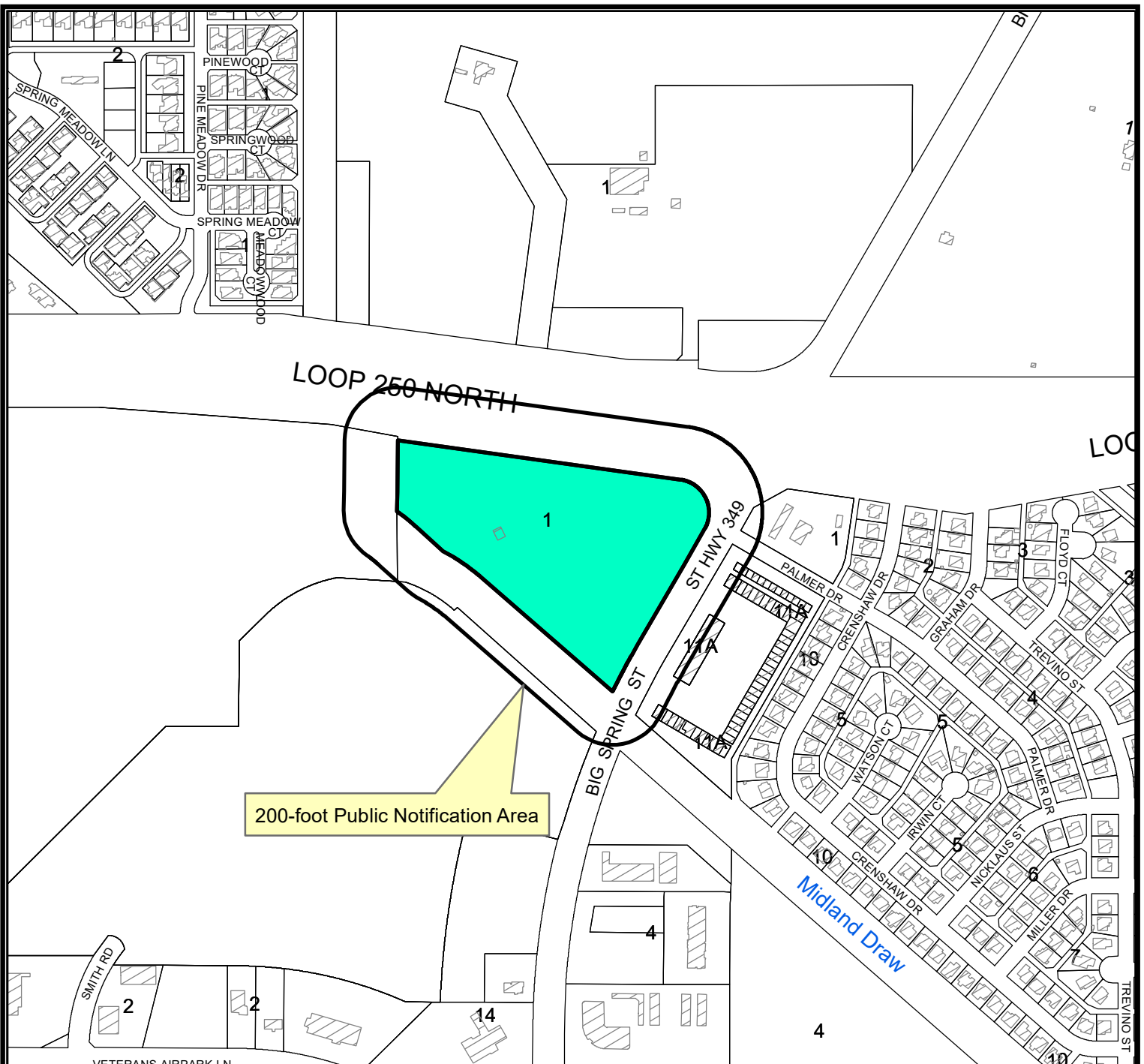
Subscribed and sworn to before me, this 19 day of September, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Site Plan☒ Application Fee☒ Site Plan in Digital Format (PDF/JPEG)Check # CarrReceived By: Jeff FisherDate: 9-19-2023

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



LOCATION MAP

SUDwo-23-0037

Scale: 1" = 6,492'

Consider a request by Christopher Sean Elphick for a Specific Use Designaion without term for a Mobile Food Vendor Park on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of State Highway 349 and Loop 250 North (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Jeff Fisher, Planning Manager

SUBJECT: Consider a request by Christopher Sean Elphick for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Mobile Food Vendor Park and an Amusement, Commercial Outdoor Facility, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and Midland County, Texas (Generally located at the southwest corner of the intersection of North Big Spring Street and West Loop 250 North (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Christopher Sean Elphick, is requesting a Specific Use Designation with Term (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Mobile Food Vendor Park and an Amusement, Commercial Outdoor Facility.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned Development District for a Recreation Center (Ordinance 7322) and RR, Regional Retail District, and the location of a golf course and sports complex. The properties to the east are zoned RR, Regional Retail District, and the location of a retail shopping plaza and gas station. The property to the south is zoned PD, Planned Development District for an Office Center (Ordinance 5695). The properties to the west are zoned 2-F, Two-Family Dwelling District (Duplex) District and SF-1, Single-Family Dwelling District and the location of Midland Airpark.

Analysis:

The property is zoned RR, Regional Retail District which allows for Alcoholic Beverages Sales for On-Premises Consumption with the approval of an SUD. The total alcohol serviceable area is 17,038 square feet.

On September 14, 2021, City Council approved the applicant's original SUD for the sale of all alcoholic beverages (Ordinance 10233), but the applicant has since expanded on the property, added concerts and events, and its alcoholic beverages SUD expired on September 14, 2023. The applicant has also applied for SUDs for a mobile food vendor park and amusement, commercial (outdoor) facility on the property.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 12 a.m.

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 12 a.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 project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved with Conditions)

The International Fire Code does not have provisions for permanent event site to operate as "Temporary". A Fire Lane and the internal access driveway are required that is capable of supporting 75,000 lbs. constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements. All future events should be permitted under a separate TLU.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved with Conditions)

Several of the permanent structures have been put into place without permits and inspections. The SUD request is reasonable; however, my approval of the SUD is contingent upon all structures having proper permits pulled and all inspections performed. These non-permitted structures include a mobile home, office/shed, shipping containers, shade structures, fencing, signage, and two large tanks used as decoration that sit on either side of the stage. The owners/operators of this property are also looking to increase upon the original SUD for larger events, once a maximum occupant load is given there will need to be a recalculation for permanent restroom facilities which could also trigger the need for additional permits and inspections. Temporary sanitary facilities are not acceptable to cover the increased occupant load, must be permanent. Each one of the individual unpermitted structures must have their own permit which calls for a separate permit submittal for each one. Each submittal will require a completed permit application, site plan that reflects the location of the structure and related distance measurements to adjoining structures and property lines, floor plans of the structure or detailed drawings of their construction, written scope of work or structure specifications, and any other information that can help describe the situation. These permits will need to be applied for by a licensed and bonded contractor. All permitted structures require inspections, those that are just now being permitted will also need a full set of inspections. If the structures are completed and, in a state, to where all inspections cannot be made, a third-party inspector such as a Texas licensed structural engineer, will need to make the inspections and give to the Building Official a signed and stamped letter stating that the permitted structure in question is of sound construction and poses no threat to life safety and will not compromise the site in any way. It is recommended that until the new SUD is approved, the previously approved SUD's with the original occupant load of 400 persons should be strictly adhered to. Many complaints from citizens regarding the amount of dirt/dust coming from the parking areas around the site have been made to our department. Asphalt Millings are going to be required by the City of Midland Planning division for the parking surfaces so this will eventually be addressed. Before the site is covered with millings, a plan must be put into place to control blowing dust. Frequent watering of the ground before automobile traffic comes to the site before and during an event is highly recommended. Any event that takes place that will go over the current or future occupancy load and/or deviates from the location's intended use will need to apply for a TLU on top of the SUD. We cannot provide an updated occupant load with the Alcohol Serviceable Area SQ FT alone, we must have each public occupied area defined by what kind of seating/standing area there will be and the SQ FT of each of those areas.

Planning:

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, "Encourage the development of places where Midland residents can gather and socialize to build connections" (Tall City Tomorrow page 137). The Tailgate will create a vibrant atmosphere where residents can feel relaxed and enjoy alcoholic beverages with their food.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Mobile Food Vendor Park and an Amusement, Commercial Outdoor Facility, subject to Condition A through H.

Conditions:

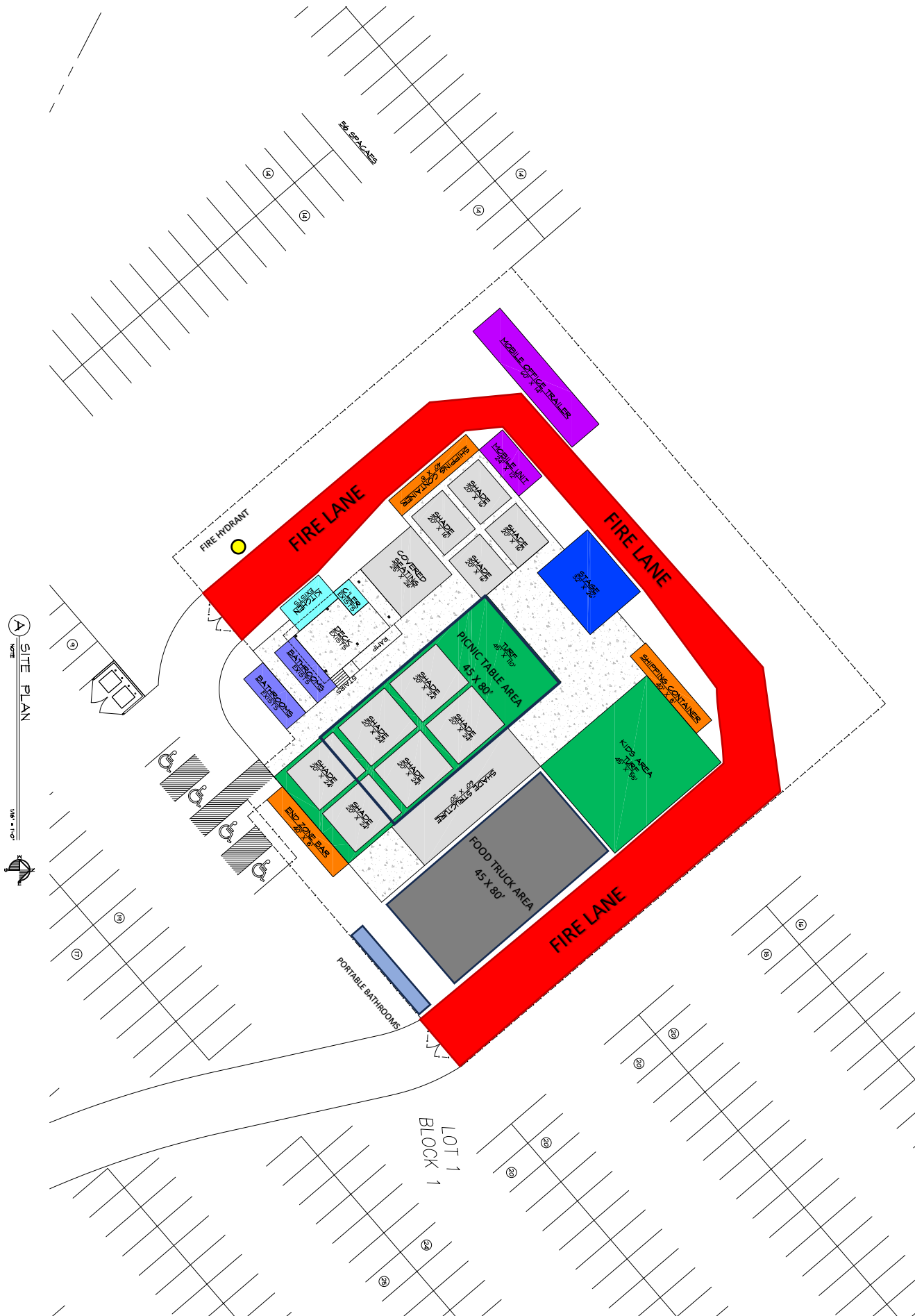
- A. That the alcohol serviceable area of the establishment shall be limited to approximately 17,038-square feet, as shown in Exhibit A.**
- B. That the operator of the Establishment shall place a sign at the driveway notifying drivers that a left turn onto North Big Spring Street is prohibited.**
- C. That the operator of the Establishment shall provide a 20- foot- wide fire lane around the facility capable of supporting 75,000 lbs. and constructed of an all-weather surface that provides access within 150' of all portions. The fire lane must be marked in accordance with fire code requirements.**
- D. That the permitted hours of the sale of alcoholic beverages shall be limited to:**
Monday through Sunday from 11:00 a.m. to 2:00 a.m.
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- F. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- G. That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.**
- H. That this approval be conditional on obtaining approval for a mobile food vendor park and amusement, commercial (outdoor) facility for the same property and attached site plan (Exhibit A).**

Letters of Objection:

As of October 16, 2023, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps



THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER AND/OR ALL SUBCONTRACTORS OR THEIR REPRESENTATIVES WORKING FROM THESE PLANS AND SPECIFICATIONS SHALL NOT SCALE INFORMATION FROM SAID DRAWINGS, BUT MUST CONTACT THE DESIGNER REGARDING MEASUREMENTS. IF SUCH MEASUREMENTS DO NOT APPEAR CORRECT OR ADD UP CORRECTLY TO THE INDICATED SIZE, IT SHALL ALSO BE THE RESPONSIBILITY OF THE G.C./C.M. AND THE SUBCONTRACTORS TO READ ALL NOTES AND TEXT ON THE DRAWINGS PRIOR TO BIDDING AND/OR PROCEEDING WITH ANY WORK. THE G.C./C.M. SHALL COORDINATE ANY DISCREPANCIES BETWEEN SUBCONTRACTORS PRIOR TO PROCEEDING WITH ANY WORK AND CONTACT THE DESIGNER REGARDING SAID DISCREPANCIES PRIOR TO INSTALLATION OF ANY CONSTRUCTION MATERIALS.

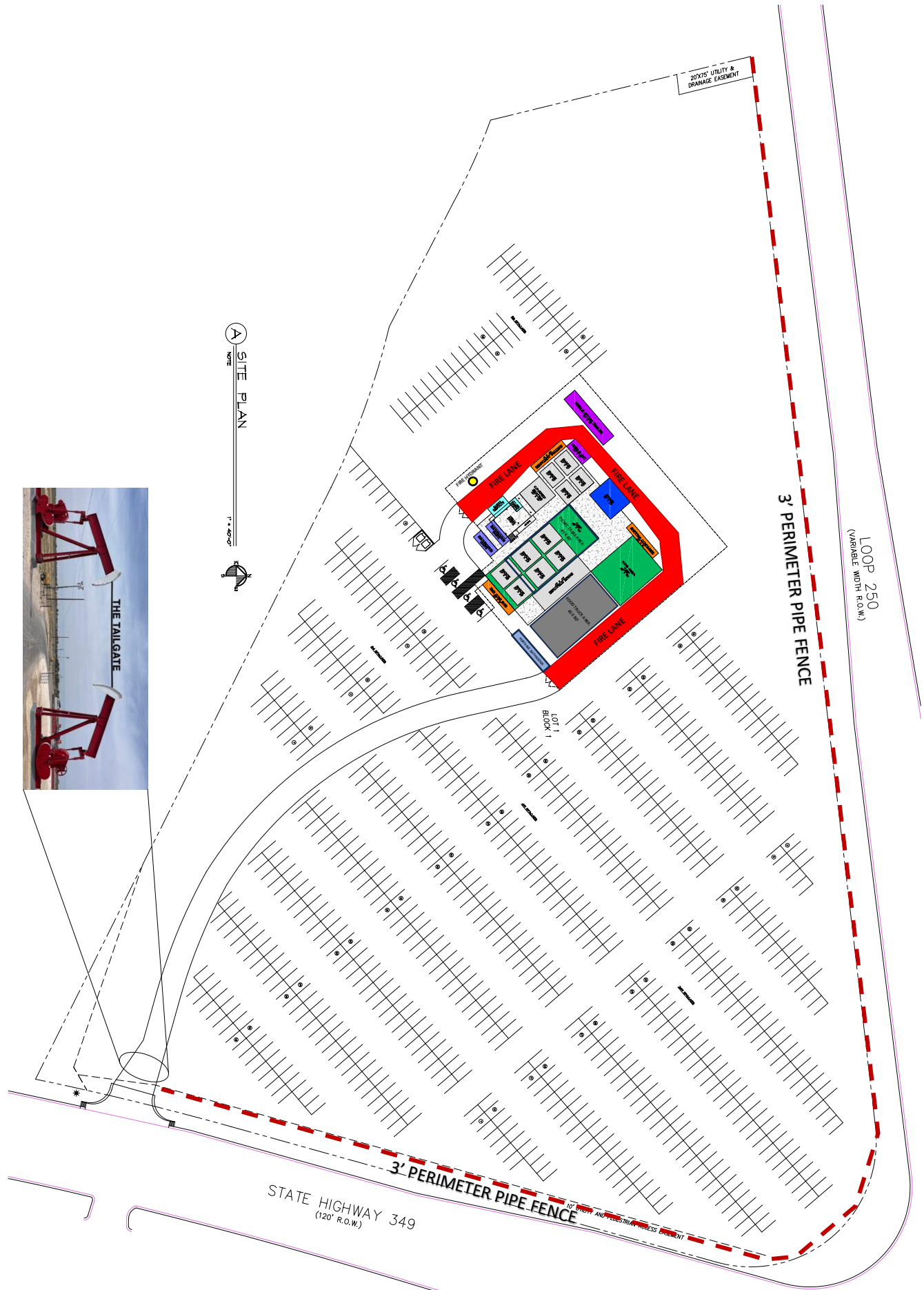
SHEET NO. **S-2**
 BY: **J.M. DRAFTING & DESIGN**
 P.O. BOX 4091 MIDLAND, TX. 79704
 C: (432) 425-5247
 E-MAIL: jmdrafting@gmail.com

© COPYRIGHT, J.M. DRAFTING & DESIGN
 2023 FEDERAL COPYRIGHT PROTECTION
 EXTENDING TO DERIVATIVE PLANS
 IS APPLICABLE TO INTENTIONAL AND
 UNAUTHORIZED REPRODUCTIONS
 AND PRODUCTIONS IN ANY FORM OR
 BY ANY MEANS, ELECTRONIC OR
 MECHANICAL, INCLUDING PHOTOCOPYING,
 RECORDING, OR BY ANY INFORMATION
 STORAGE AND RETRIEVAL SYSTEM.

NEW SITE PLAN FOR
THE TAILGATE
 4401 N. BIG SPRING ST.
 MIDLAND
 JOB # J-23042
 DATE ISSUED:
 JUNE 15, 2023
 REVISED:
 October 16, 2023



NOTE
 A SITE PLAN
 1" = 400'



THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER AND/OR ALL SUBCONTRACTORS OR THEIR REPRESENTATIVES WORKING FROM THESE PLANS AND SPECIFICATIONS SHALL NOT SCALE INFORMATION FROM THIS DRAWING, BUT MUST CONTACT THE DESIGNER REGARDING MEASUREMENTS. IF SUCH MEASUREMENTS DO NOT APPEAR CORRECT OR ALSO DO NOT CORRECTLY TO THE INDICATED SIZE, IT SHALL ALSO BE THE RESPONSIBILITY OF THE G.C./C.M. AND THE SUBCONTRACTORS TO READ ALL NOTES AND TEXT ON THE DRAWINGS PRIOR TO BIDDING AND/OR PROCEEDING WITH ANY WORK. THE G.C./C.M. SHALL COORDINATE ANY DISCREPANCIES BETWEEN SUBCONTRACTORS PRIOR TO PROCEEDING WITH ANY WORK AND CONTACT THE DESIGNER REGARDING SAID DISCREPANCIES PRIOR TO INSTALLATION OF ANY CONSTRUCTION MATERIALS.

SHEET NO. S-1
 BY: J M DRAFTING & DESIGN
 P.O. BOX 4081 MIDLAND, TX. 79704
 C: (432) 426-5247
 E-MAIL: jmartink@gmail.com

© COPYRIGHT, J M DRAFTING & DESIGN
 2023 FEDERAL COPYRIGHT PROTECTION
 EXTENDING TO DERIVATIVE PLANS
 IS APPLICABLE TO INTENTIONAL AND
 UNINTENTIONAL INFRINGEMENTS
 AND PROVIDES FOR SPECIFIC
 STATUTORY DAMAGES BOTH
 CIVIL AND CRIMINAL. ANY OTHER
 STATEMENTS TO THE CONTRARY
 ARE HEREBY REJECTED.

Page 14 of 49

NEW SITE PLAN FOR: THE TAILGATE
 4401 N BIG SPRING ST
 MIDLAND

JOB # JG28042

DATE ISSUED: JUNE 15, 2023
 REVISED:

October 16, 2023



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

Project Number SUD 23-0161
Case Number _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Christopher Sean Elphick		Phone (432) 553-9250 Email: sean@thetailgatemidland.com	
Address: 11 Marchelle Ct	City: Midland	State: TX	Zip: 79705

Property Owner Printed Name: H-E-B, LP		Phone (210) 938-8766 Email: scott.ben@heb.com	
Address: P.O. Box 83999	City: San Antonio	State: TX	Zip: 78283

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

Street Address: 4401 N. Big Spring St.

Business Name: Midland Tailgate, LP dba The Tailgate

Legal Description

Lot: 1 Block: 1 Subdivision: ClayDesta Plaza North, Section 4

Current Zoning: Regional Retail (RR)

Reason for Request: Sale of alcoholic beverages for On-Premises consumption

Type of Business (restaurant, bar, lounge, nightclub, etc.): Outdoor Bar & Event Venue

Proposed/Current Days and Hours of Operation: Thursday - Sunday 11am - 12am

Proposed Days and Hours of Alcohol Service: Thursday - Sunday 11am - 12am

Total Square Footage of Business: 21,060 sf.

Square Footage of Alcohol Serviceable Area: 17,038 sf.

Restroom Fixtures:	Men	Toilets/Urinals: 3 / 0	Bathroom Sinks: 2
	Women	Toilets: 4	Bathroom Sinks: 2

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
- Dimensioned Site Plan showing
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)
- Kitchen (if applicable)
- Total Square Footage
- Serviceable Square Footage

Signatures

Applicant (signature):

Date 9/19/23

Applicant (printed) Christopher Sean Elphick

Property Owner (signature):

Date 9/19/23

Property Owner (printed) Benjamin Scott, GVP of Real Estate and SCD, H-E-B, LP.

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

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

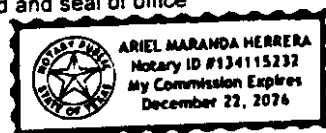
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 19 day of September, 2023, to certify which witness my hand and seal of office



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

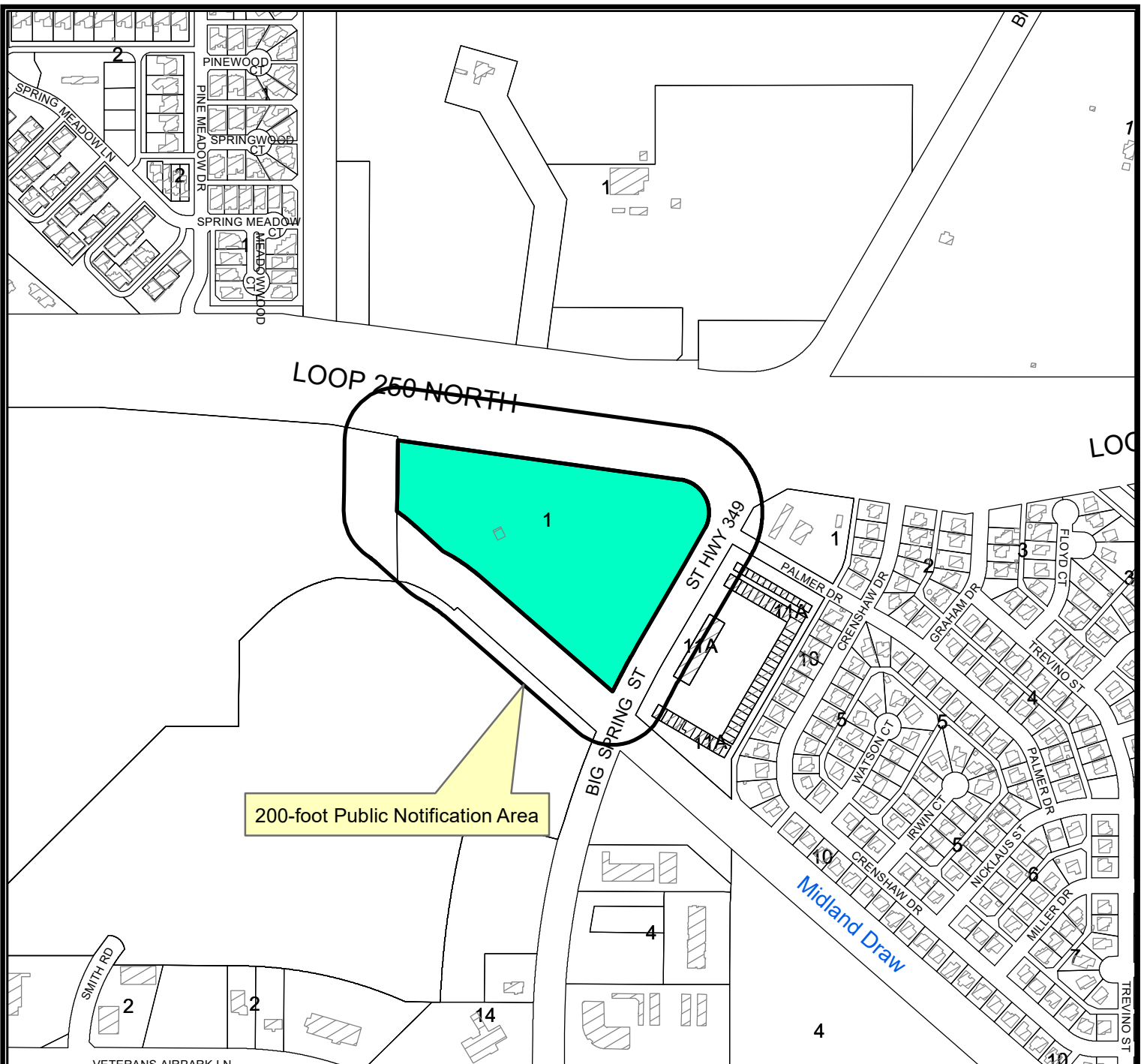
FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee <i>invoice</i>	☒ Site Plan
Check # <i>card 00000979</i>	☒ Plans in Digital Format (PDF/JPEG)
Received By <i>Jeff Fisher</i>	Date <i>9-19-2023</i>

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

SUD Alcoholic Beverages Application

3

Revised 10/1/2021



LOCATION MAP

SUD-23-0161

Scale: 1" = 6,492'

Consider a request by Christopher Sean Elphick for a Specific Use Designation with term for the sale of all alcoholic beverages for on-premise consumption in a mobile food vendor park and amusement commercial outdoor facility on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of State Highway 349 and Loop 250 North (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













Airport Zoning Commission

Approved for Agenda:
Rolandrea Russell

MEETING DATE: October 16, 2023

TO: AIRPORT ZONING COMMISSION

FROM: Justine Ruff, Director of Airports

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

Recommended Airport Zoning Commission Action:

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

Discussion:

In 2014 the City of Midland received an FAA Part 420 Spaceport License. As part of the licensing process, the City undertook an evaluation to identify the areas near MAF that needed to be protected for incompatible land use for both the safety of the general public and the plans for the development of the spaceport, this resulted in the current Airport Overlay Zone 4 (AOZ4) compatible land use zoning. This was completed in August 2014 when the Council passed Ordinance No. 9302 to establish the AOZ4.

Over the last ten years, the City has experienced considerable economic growth, leading to a population increase of over 30%. To accommodate future growth, modifications to the AOZ4 must be considered. The City should aim to facilitate both a thriving local economy and population through thoughtful planning and development policies. By examining potential launch and reentry flight paths, as well as the City's economic growth plans, an adjustment has been proposed for the AOZ4. Removing the northeast section, where future development is anticipated, while keeping the more frequently used southeast leg will maintain launch and reentry capabilities for runways 10/28 and 16R/34L. The licensed northeast departure trajectory would be discontinued to accommodate community expansion.

Staff recommends approval of the proposed amendment.

Attachments:

Draft Ordinance

ORDINANCE NO. __

AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER XI, “AIRPORT HEIGHT HAZARD AND COMPATIBLE LAND USE ZONING,” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REPLACE THE MIDLAND INTERNATIONAL AIRPORT COMPATIBLE LAND USE ZONING MAP DATED JUNE 2014 WITH THE REVISED MIDLAND INTERNATIONAL AIRPORT COMPATIBLE LAND USE ZONING MAP; 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, on September 15, 2014, the Federal Aviation Administration (“FAA”) issued the City of Midland Launch Site Operator License No. LSO 14-015, and accompanying License Order No. LSO 14-015, to operate Midland International Air and Space Port (the “*Spaceport*”) as a launch site for reusable launch vehicles, the first such license and order to be issued in the United States of America; and

WHEREAS, on September 12, 2019, the FAA issued the City of Midland License Order No. LSO 14-015A (Rev 1), modifying License No. 14-015 to extend the term of the license for five (5) years from September 15, 2019, the effective date of the order; and

WHEREAS, in recognition of the importance of the Spaceport to the economic vitality of the City of Midland and the surrounding Permian Basin region, the City of Midland invested considerable public resources in the Spaceport, including in its pursuit of LSO 14-015; and

WHEREAS, on August 12, 2014, in order to protect the public investment in the Spaceport, the City of Midland passed Ordinance No. 9302 to establish Airport Overlay Zone 4 (“AOZ-4”), which is depicted on the Midland International Airport Compatible Land Use Zoning Map dated June 2014, to protect the Spaceport from hazards and incompatible land uses that could endanger either flights in the air or people on the ground relating to the launch site operations; and

WHEREAS, since the passage of Ordinance No. 9302, the planned launch site operations at the Spaceport have changed; and

WHEREAS, the original plan for launch site operations at the Spaceport included horizontal take-off and landing of reusable launch vehicles utilizing runway 16R/34L at either a northern or southern trajectory; and

WHEREAS, such horizontal take-offs and landings never took place, and the City of Midland no longer plans on future launches involving horizontal take-off and landings utilizing runway 16R/34L in a northern trajectory; future take-off and landings, horizontal or otherwise, for launch site operations will take place on runway 10/28 or runway 16R/34L in a southern trajectory, or will not involve horizontal take-off and landings or reusable launch site vehicles at all and will utilize other means of landing and take-off (such as vertical or aerial launches); and

WHEREAS, because runway 16R/34L will no longer be used for horizontal take-off and landing of reusable launch vehicles in a northern trajectory, the footprint of AOZ-4 as depicted on the Midland International Airport Compatible Land Use Zoning Map dated June 2014, no longer needs to extend as far northeast as originally established; and

WHEREAS, to better reflect the future launch site operations at the Spaceport, the City of Midland desires to modify AOZ-4 by replacing the Midland International Airport Compatible Use Zoning AOZ-4 Map dated June 2014 with the Midland International Airport Compatible Use Zoning AOZ-4 Map dated April 2023 to reflect the changes in planned launch site operations; and

WHEREAS, the City Council finds that all procedural requirements necessary for the adoption of this ordinance have been complied with and satisfied; and

WHEREAS, the City Council it to be in the public interest to make certain amendments to Title XI, Chapter 11, of the City Code of Midland Texas, so as to replace the Midland International Airport Compatible Use Zoning AOZ-4 Map dated June 2014 with the Midland International Airport Compatible Use Zoning AOZ-4 Map dated April 2023;

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

SECTION ONE. That the findings and recitals contained in the preamble of this ordinance are hereby adopted, approved, and made a part of this ordinance for all purposes.

SECTION TWO. That Midland Municipal Code, Title XI, “Planning and Development,” Chapter 11, “Airport Height Hazard and Compatible Land Use Zoning,” Section 2, “Purpose,” is hereby amended to read in its entirety as follows:

“11-11-2. - Purpose.

To ensure compliance with federal law and regulations governing public safety and compatible land uses around commercial airports and around authorized launch sites for reusable launch vehicles; to regulate and restrict the height of Structures and objects of natural growth; and otherwise to regulate the use of property in the vicinity of the Midland International Airport or Midland Airpark by creating appropriate zones and establishing the boundaries thereof; to protect public safety by restricting incompatible land uses in the vicinity of Midland International Airport or Midland Airpark by creating appropriate zones and establishing the boundaries thereof; to provide for restrictions on use and development of property within such zones and the enforcement of such restrictions; to define certain terms used herein; to refer to the Midland International Airport Hazard Zoning Map, Midland International Airport Compatible Land Use Zoning AOZ-1, AOZ-2 and AOZ-3 Map, the Midland Airpark Hazard Zoning Map, and the Midland Airpark Compatible Land Use Zoning Map, all dated June 2014, and the Midland International Airport Compatible Land Use Zoning AOZ-4 Map dated April 2023, which are collectively incorporated by reference and made a part of this Chapter as if fully set forth herein; to provide for a board of adjustment; and to impose penalties.”

SECTION THREE. That Midland Municipal Code, Title XI, “Planning and Development,” Chapter 11, “Airport Height Hazard and Compatible Land Use Zoning,” Section 8, “Airport Overlay Zones,” Subsection A, “Creation of Airport Overlay Zones (AOZs),” is hereby amended to read in its entirety as follows:

“11-11-8. Airport Overlay Zones.

- A. Creation of Airport Overlay Zones (AOZs): In order to carry out the provisions of this Chapter, there are hereby created and established certain Airport Overlay Zones for the purposes of regulating and promoting uses of land within each zone that do not endanger the health, safety, and general welfare of the owners, occupants, or users of the land because of noise or vibrations or the risk of personal injury or property damage created by the operations of the Airport, including the taking off and landing of Aircraft. Within the Controlled Compatible Land Use Areas around Midland International Airport and the Midland Airpark, four AOZs are defined in this Section 11-11-8. These zones are shown on the Midland Airpark Compatible Land Use Zoning Map and the Midland International Airport Compatible Land Use Zoning AOZ-1, AOZ-2 and AOZ-3 Map, each dated June 2014, and the Midland International Airport

Compatible Land Use Zoning AOZ-4 Map dated April 2023. All four zones are used at Midland International Airport, while only three zones are used at the Midland Airpark. The AOZs are hereby defined and established as follows:

(1) Airport Overlay Zone 1 (AOZ-1): That portion of the controlled compatible land use area between the 65 and 70 DNL contour lines.

(2) Airport Overlay Zone 2 (AOZ-2): That portion of the controlled compatible land use area between the 70 and 75 DNL contour lines.

(3) Airport Overlay Zone 3 (AOZ-3): That portion of the controlled compatible land use area between the 75 and 80 DNL contour lines.

(4) Airport Overlay Zone 4 (AOZ-4): That portion of the controlled compatible land use area designated as launch site safety corridors.”

SECTION FOUR. That the Midland International Airport Compatible Land Use Zoning AOZ-4 Map dated June 2014 is hereby stricken and replaced with the Midland International Airport Compatible Land Use Zoning AOZ-4 Map dated April 2023, which is attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION FIVE. That the definitions given in Section 11-11-4 of the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the day of _____, A.D., 2023; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2023, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2023.

Lori Merritt Blong, Mayor

ATTEST:

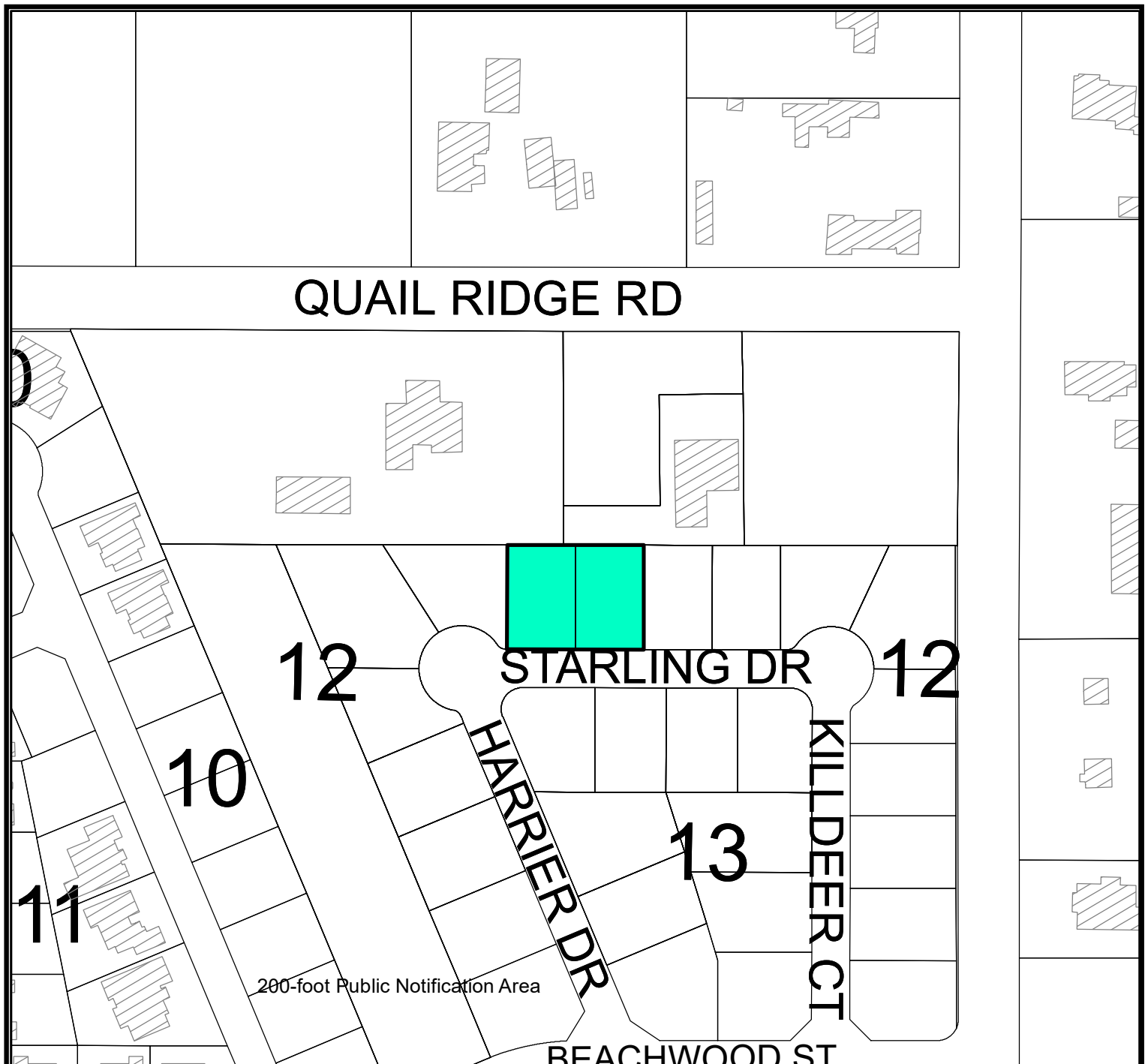
Marcia Bentley-German City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Justine Ruff, Director of Airports

APPROVED AS TO FORM ONLY:

John Ohnemiller, City Attorney



LOCATION MAP

SUB-23-0654

Scale: 1" = 1,623'

Proposed Plat of Quail Ridge Addition, Section 9, being a Replat of Lots 8 & 9, Block 12, Quail Ridge Addition, Section 8, City and County of Midland, Texas.

Generally located north of Starling Drive, approximately 290-feet west of Chukar Lane. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Preliminary Plat Application

Project Number: P-23-1800
Case Number: SUB-23-0654

Proposed Subdivision Plat Name: Quail Ridge Addition, Section 9

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lots 8 & 9, Block 12, Quail Ridge Addition, Section 8, an Addition to the City and County of Midland, Texas

Property Owner

Printed Name: Quail Ridge Part Investments LP

Phone (432) 262-0999
Email

Address PO Box 50653

City Midland

State TX

Zip 79710

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999
Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999
Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: PD

Reason for Platting: ownership purposes

Plat Information

Total Acreage:

0.28

Type: ☒ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature): Troy Hunt

Date: 9/14/2023

Property Owner (printed): Troy Hunt - Quail Ridge Park Investments

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

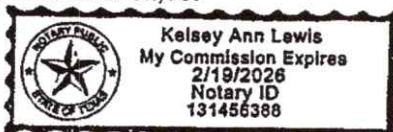
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Mellen who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Quail Ridge Park Investments 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.

Andrew L. Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of September, 2023, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

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 # paid

Received By: Jeff Fisher

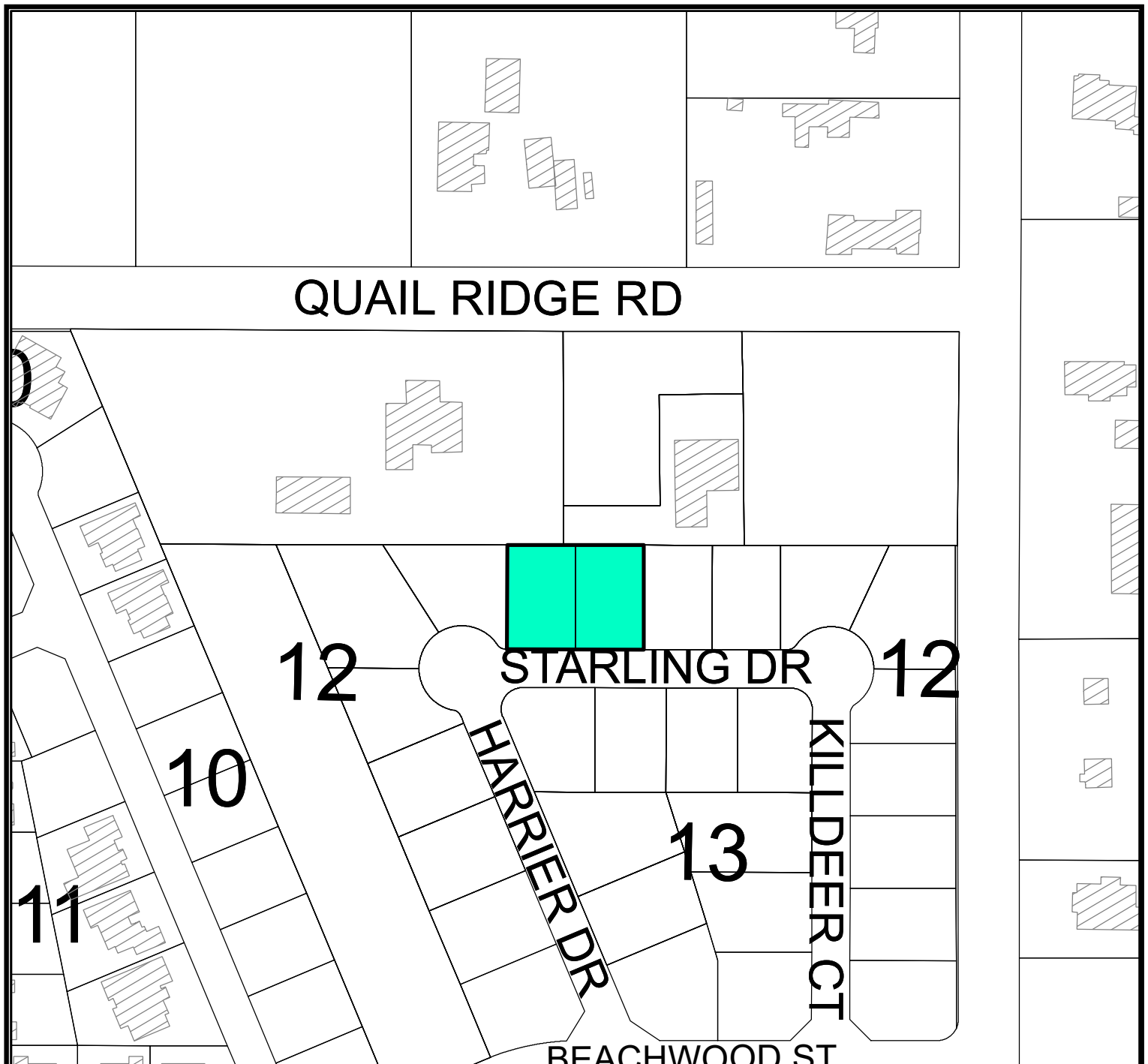
Date: Sept. 18/2023

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

Preliminary Plat Application

2

Revised 07/01/19



SUB-23-0654

Scale: 1" = 1,623'

Proposed Plat of Quail Ridge Addition, Section 9, being a Replat of Lots 8 & 9, Block 12, Quail Ridge Addition, Section 8, City and County of Midland, Texas.

Generally located north of Starling Drive, approximately 290-feet west of Chukar Lane. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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

QUAIL RIDGE RD

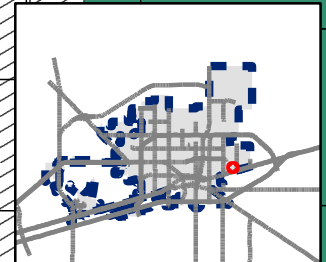
AE

STARLING DR

PD

HARRIER DR

KILLDEER C





Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Jeff Fisher, Planning Manager

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Maverick Engineering, is requesting to plat two unplatted tracts into four lots for future development.

Current Zoning:

RR, Regional Retail District.

Departmental Review:

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

Engineering: (Approved)

IMPACT FEES: There are no impact fees associated with this plat. Plat outside designated service areas. [For Applicant's Information Only.]

ROW: TxDOT review requested. [For Applicant's Information Only.]

PAVING: State Highway 158 and State Highway 191 are TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 30" water exists North of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: The SH 158 Wastewater Plans that will extend the wastewater along the frontage of the plat has been approved; these wastewater improvements will be installed with the development within West Fork Addition, Section 1. [For Applicant's Information Only.]

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

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

DIMENSION: * * *

OTHER: * * *

Transportation:

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

Surveyor: (Approved with Conditions)

Add missing dimensions as needed along the plat lines.

Fire: (Approved)

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

Building Inspection: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC, the 2015 International Fire Codes, local

city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Oil and Gas: (Approved)

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

GIS: (Approved with Conditions)

No boundary calls. Cannot review plat.

Planning: (Approved with Conditions)

At the final plat stage:

Provide a title opinion.

Add to note 5 or a new note providing a blanket refuse collection easement for all lots.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

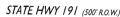
Attachments:

Proposed Preliminary Plat
Application
Maps

WEST FORK ADDITION, SECTION 2

OUT OF SECTION 35, BLOCK 40.

T-I-S. T&P RY. CO. SURVEY, CITY AND
COUNTY OF MIDLAND, TEXAS



ANNEXATION
AGREEMENT
DOC. #2009-20614
O.P.R.M.C.T.

PACKET

FEMA
NOTA

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.P. FLOOD INSURANCE RATE MAP #48379C0200F DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE X-1, WHICH IS CATEGORIZED AS AN AREA OF MINOR FLOOD HAZARD. IT IS NOTED THAT THE FLOOD DAMAGE CHANCE FOR THIS PROPERTY IS LIMITED TO LESS THAN ONE PERCENT. THIS PROPERTY WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND ARE EXPECTED TO OCCUR. THESE FLOODS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. HEIGHTS SHOWN ON THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK CIVIL & SURVEY, LLC.

OWNER'S

COUNTY OF
MIDLAND, MID

[illegible]

ACKNOWLEDGMENTS

THE STATE OF

IN WITNESS WHEREOF, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED TO ME _____, KNOWN TO ME TO BE THE PERSONAL SIGNER OF THE FOREGOING INSTRUMENT AND KNOWN TO ME TO BE A _____, WHO WAS ACTING AS _____, AND HE/ SHE/ IT/ THEY, 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 _____, 20____, AT _____, _____, THE STATE OF TEXAS.

CERTIFICATE

THIS IS TO CERTIFY

APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND TEXAS ON THIS 2023.

LUCY SISNIEGA

JEFFREY FISHER

SURVEYOR'S

CERTIFICATION BY
 THAT I, PRECIOUS W. SHULTS, A REGISTERED PROFESSIONAL
 ENGINEER IN THE STATE OF TEXAS, DO
 HEREBY CERTIFY THAT THE ABOVE INFORMATION IS
 TRUE AND ACCURATE. **THIS DOCUMENT FOR
 PRELIMINARY - IT SHALL NOT BE RECORDED FOR
 ANY PURPOSE**
 PRECIOUS W. SHULTS
 REGISTERED PROFESSIONAL ENGINEERING (TX)
 1909 W. WALL STREET, SUITE
 MIDLAND, TX 79701

DEVELOPMENT

NOTES

BOUNDED BY THE CITY OF MIDLAND AND SUBJECT TO FINES
AND PENALTIES FOR VIOLATION OF THE CITY OF MIDLAND MAY BE
RECALLED AT ANY TIME BEFORE A BUILDING PERMIT MAY BE
OBTAINED FOR SUCH PROJECTS. PERMITS MAY BE REQUIRED BY
THE CITY OF MIDLAND FOR SUCH PROJECTS.
AS HERE REPRESENTED THIS MAP IS RELATTFD FOR
THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE
THAN THAT WHICH WOULD BE ASSIGNED DURING THE FINAL
PLATTING OF THE TRACT. THE TRACT WILL TAKE PLACE DURING THE
COLLECTION OF THE FEES WITHIN THE TRACT. THE TRACT
WILL BE INCREASED IN SIZE AND THE TRACT WILL NOT BE
NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT
INCREASED.

SURVEY

NOTES:
1. BASIS OF BEA

1. THE ALABAMA COMMISSION ON HISTORIC AND PREHISTORIC MONUMENTS AND PLACES SHALL BE PLACED IN ACCORDANCE WITH A FINAL SURVEY DATED BY THE SURVEYOR.
2. AND THE MONUMENT OR PLACES SHALL BE LOCATED AS SHOWN ON THE PLANS OF RECORD FOR THE DATA FILED IN THE COMPLETION OF THIS SURVEY.
3. THE MONUMENT OR PLACES SHALL BE LOCATED AS SHOWN ON THE PLANS OF RECORD FOR THE DATA FILED IN THE COMPLETION OF THIS SURVEY.
4. THE MONUMENT OR PLACES SHALL BE LOCATED AS SHOWN ON THE PLANS OF RECORD FOR THE DATA FILED IN THE COMPLETION OF THIS SURVEY.
5. THE MONUMENT OR PLACES SHALL BE LOCATED AS SHOWN ON THE PLANS OF RECORD FOR THE DATA FILED IN THE COMPLETION OF THIS SURVEY.

UTILITY COMB

AT&T

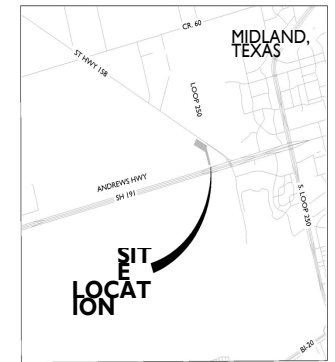
OPTIMU

ASTOUND

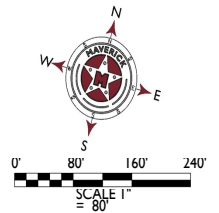
ONCOR-ELECTRIC

PROPERTY
OWNED BY
MIDLAND
COUNTY RECORDS (214)-
381-1702
1301 S AKARD
STREET
MIDLAND, TEXAS 79201
DEED INSTRUMENT
2022-7552
10/1/2022

PLAT FILED FOR
RECORD
MIDLAND
COUNTY TEXAS
CABINET _____ C
DATE _____
PAGE _____



VICINITY



LEGE

1XDOT TYPE "I"
 CONCRETE MONUMENT
 2RGS. W/ 1/4" MARKED
 3PLASTER CEMENT #194514"
 4ALUMINUM MONUMENT
 5AND 1/2"
 6OFFICIAL PUBLIC RECORDS,
 7MIDLAND CO., TX
 8PLAT RECORDS, MIDLAND
 9MIDLAND CO., TX
 10BOUNDARY LINE
 11POLYMER
 12PROPERTY LINES
 13EXISTING
 14EASEMENT LINE
 15PROPOSED
 16EASEMENT LINE



MAVERICK
CIVIL ENGINEERING /
LAND SURVEYING
1909 West Wall
Street, Suite K
Englewood, CO 80150
1508901
SURVEY FIRM #:
10194514
Tel: (432) 262-0999 Fax:
(432) 262-0989

Tel: (432) 262-0999 Fax:
(432) 262-0989

**WEST FORK
ADDITION,
SECTION 2**



Preliminary Plat Application

Project Number: SUB-23-0630
Case Number: P-23-1797

Proposed Subdivision Plat Name: West Fork Addition, Section 2

Legal Description (attached sealed Metes and Bounds): Being 5.394 Acres Situated as Two Tracts out of Section 35 Block 40, T-1-S, T&P, RY. Co. Survey, City and County of Midland, Texas

Property Owner

Printed Name: Midland 158 LLC

Phone (432) 262-0999
Email

Address 1901 N Akard St

City Dallas

State TX

Zip 75201

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999
Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999
Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: ETJ

Reason for Platting: ownership purposes

Plat Information

Total Acreage: 5.394

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 4

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

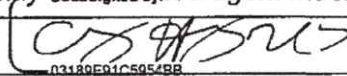
If yes, contact the City Engineer at (432) 685-7286

Provisions

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

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

Property Owner (signature):



Date: 9/14/2023

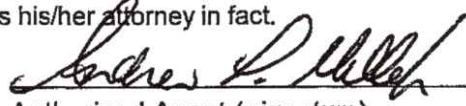
Property Owner (printed): Coy Haynes - Midland 158 LLC

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

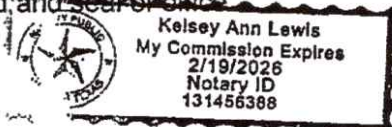
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Meller who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Midland 158 LLC the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.


Authorized Agent (signature)

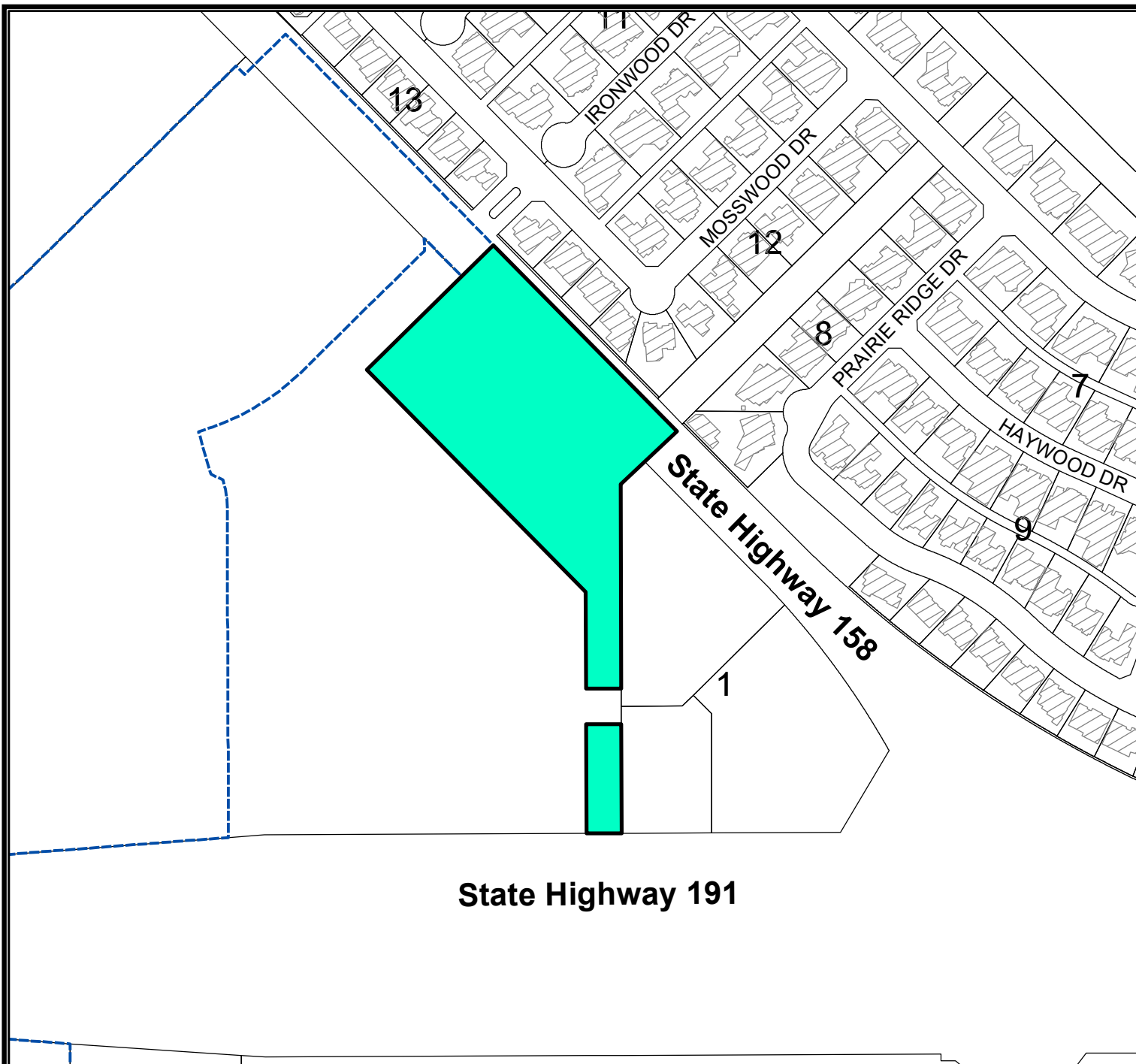
Subscribed and sworn to before me, this 18th day of September, 2023, to certify which witness my hand and seal of office.




NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ 1 Copy of Dimensioned Plat☒ Plat in Digital Format (PDF/JPEG)☒ Application Fee☒ 1 Copy of Plat (11x17)Check # paidReceived By: Jeff FisherDate: 9-18-2023

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



LOCATION MAP

SUB-23-0630

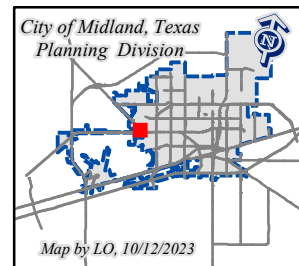
Scale: 1" = 3,895'

Proposed plat of West Fork Addition, Section 2, being 5.394-acres situated as two tracts out of Section 35, Block 40, T-I-S T&P. RR. Co. Survey, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of State Highway 191 and State Highway 158 (ETJ)

LEGEND

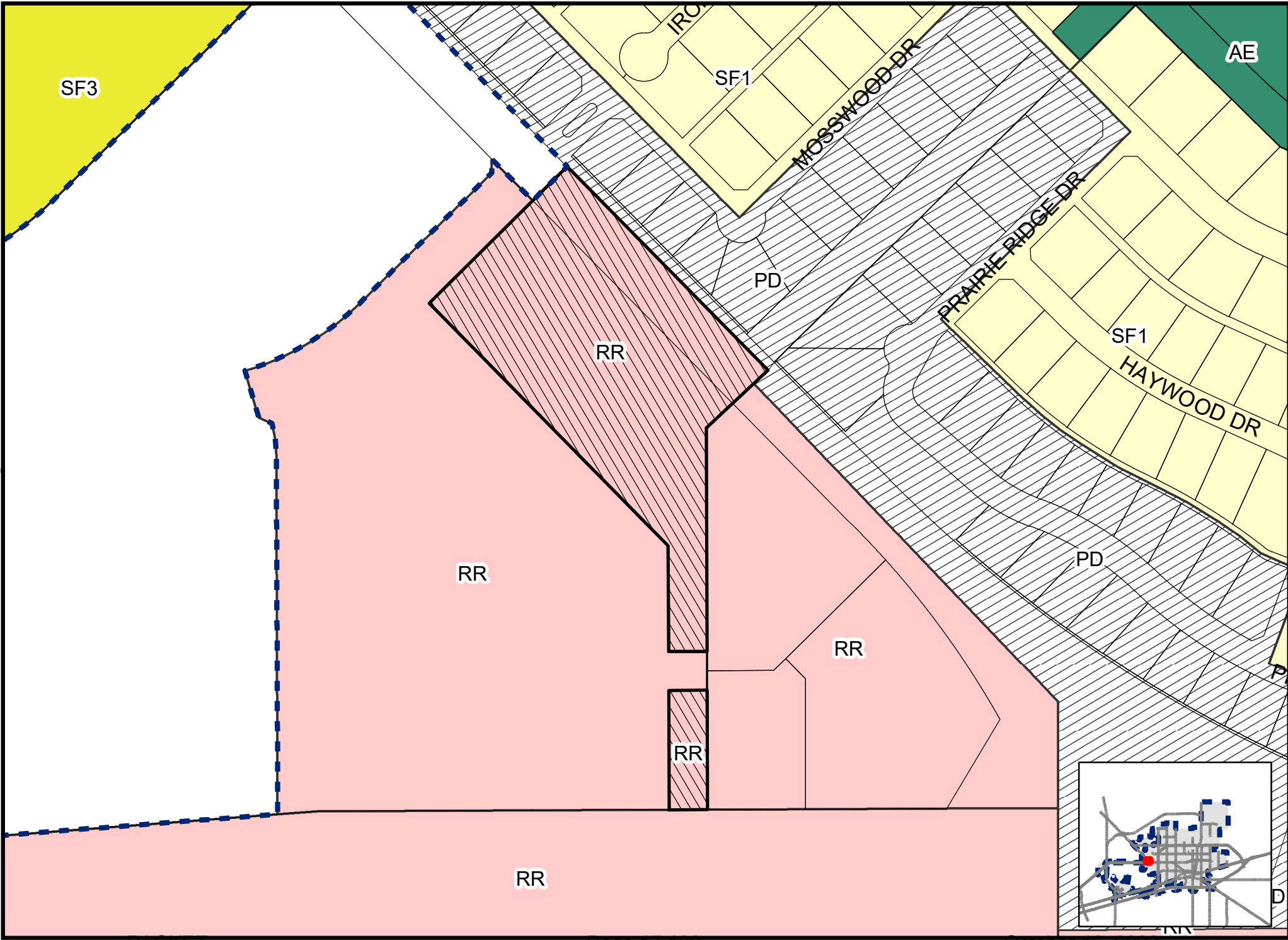
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

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

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Maverick Engineering, is requesting to replat Lots 1 & 2, Block 1, West Fork Addition, City and County of Midland, Texas. The property is proposed to be replatted into six lots for future development,

Current Zoning:

RR, Regional Retail District

Departmental Review:

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

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

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

PAVING: SH 191 and SH 158 Frontage roads are TxDOT facilities, built and maintained by TxDOT, no improvements are required. [For Applicant's Information Only.]

WATER: Existing 30-inch water main on State Highway 158. Water improvements along SH 191 were administratively approved on 11/01/2022. [For Applicant's Information Only.]

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

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

SEWER: Wastewater improvements along SH 191 were administratively approved on 11/01/2022.

The SH 158 Wastewater plan set has been approved; SH 158 Wastewater Improvements will be tact onto the building permit. Defer the timing of the wastewater improvement installation. [For Applicant's Information Only.]

DRAINAGE: The drainage report has been received and in review with building permit/parking lot permit [For Applicant's Information Only.]

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

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

DIMENSION: * * *

OTHER: Defer the timing of the wastewater improvement installation. [For Applicant's Information Only.]

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

OIL AND GAS: (Approved)

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

GIS: (Approved)

Please provide recording information for existing drainage easement (inside CA:A). (2023-6682) Please dedicate last remaining portion of Drainage Easement in CA:A. Will provide markup. Lots can be 8-12.

PLANNING: (Approved with Conditions)

The drainage report must be approved by Engineering before the final plat can be submitted. [Informational]

Add recording information to all easements already dedicated. No recording information was provided for the drainage basin. [Informational]

Provide the property owner's phone number in the owner information. [Midland City Code 11-2-3(A)1(a)]

Staff recommends approval of the Preliminary Plat of West Fork Addition, Section 3, subject to condition A.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps

BEING A RE-PLAT OF LOTS 1 AND 2, BLOCK 1, WEST FORK
ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANG
C1	68.32'	53.00'	63.69'	S 06° 03' 45" E	73° 51' 24"

THAT I, GREGORY W. SHOULTS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACCURATE AND COMPLETE SURVEY OF THE LANDS AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED AND SET BY ME OR MY PERSONAL SUPERVISOR, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACTS OF THE STATE OF TEXAS.

**PRELIMINARY THIS DOCUMENT
SHALL NOT BE RECORDED
FOR ANY PURPOSE**

GREGORY W. SHOULTS
REGISTERED PROFESSIONAL LAND SURVEYOR
1909 W. WALL STREET, SUITE K,
MIDLAND, TX 79701

THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS AND ASSIGNS, SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND REPAIR OF THE PROPERTY DESCRIBED HEREIN AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYOUTING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REPAIRING, MODIFYING, IMPROVING, MAINTAINING, OPERATING AND REMOVING THE PROPERTY DESCRIBED HEREIN AND THROUGH THE PROPERTY DESCRIBED HEREIN, INCLUDING BUT NOT LIMITED TO THE RIGHT OF WAY AND THOSE RIGHTS AND EASEMENTS NECESSARY TO THE PROTECTION, MAINTENANCE AND REPAIR OF THE PROPERTY DESCRIBED HEREIN, UNDER, ACROSS AND THROUGH THE PROPERTY DESCRIBED HEREIN.

DEVELOPER SHALL NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IN SUCH A MANNER AS TO INTERFERE WITH THE PROTECTION, MAINTENANCE AND REPAIR OF THE PROPERTY DESCRIBED HEREIN AND THROUGH THE PROPERTY DESCRIBED HEREIN. DEVELOPER EXPRESSLY CONVEYANTS AND AGREES FOR THE CITY, LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS TO WAIVE ALL RIGHTS OF EASEMENT AND CUTTING AND TO BE RELEASED FROM THE PROPERTY DESCRIBED HEREIN, WITHOUT WARRANTY, FROM ANY CLAIMS, DAMAGES, LOSSES OR INJURIES THAT MAY BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

3. THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO ANTICIPATE DISCONTINUES IN THE FUNCTION OF THE PROPERTY DESCRIBED HEREIN AND THROUGH THE PROPERTY DESCRIBED HEREIN IF THE CITY FINES IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.

4. THE MAINTENANCE OF SANITARY UTILITIES IN THIS AGREEMENT IS THE RESPONSIBILITY OF THE CITY OF MIDLAND. THE CITY OF MIDLAND SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND REPAIRS AND CORRECTIVE ACTION WORKS AT LEAST ANNUALLY REQUIRED OF SUCH PROPERTIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND REPAIRS OF SUCH PROPERTIES ON REQUEST, AND NOT BE FORWARDED TO THE CITY OF MIDLAND OFFICE.

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 CIVIL & SURVEY, LLC.

1. SELLING A PORTION OF THIS ADJUNCTION BY FEES AND BONDS 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. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
 - (1) THE REPRESENTED LOTS ARE REPORTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR
 - (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
4. IMPACT FEES WILL BE ASSSESSED DURING THE FINAL PLANNING PROCESS, IMPLEMENTATION AND COLLECTION OF THE IMPACT FEES. THE CITY OF MIDLAND HAS THE FOLLOWING REVENUE PROCESS: ADDITIONAL IMPACT FEES OR INCREASED IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASED.
5. LOTS 4 & 5, THIS TRACT, HEREBY ADJOIN A NEARBY MUNICIPAL CROSS ACCESS, CROSS ALLEY, AND PARKING DEVELOPMENT WITH THE EXISTING LOT 3, BLOCK 1, VIA ALL IMPROVED PAVED DRIVES LOCATED BETWEEN THE TRACT AND THE EXISTING LOT 3, BLOCK 1.

1. BASIS OF BEARING, COORDINATES, DISTANCE AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, U.S. SURVEY FOOT WITH A CONVERGENCE ANGLE (LONG) OF $0^{\circ}54'51.02''$ AND A COMBINED SCALE FACTOR OF 0.999980361, AT A TX D2 ALUMINUM CAP CONTROL MARK LOCATED AT N 10693706.99; E 1726246.47; U 2865.82
2. 1/2" IRON ROD WITH RED PLASTIC CAP MARKED "MAYERICK FIRM # 10194514" AT ALL SET CORNERS, UNLESS OTHERWISE SPECIFIED.
3. SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAYERICK ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.



WEST FORK ADDITION,
October 16, 2023



Preliminary Plat Application

Project Number:

Case Number:

SUB-23-0661
P-23-1791

Proposed Subdivision Plat Name: West Fork Addition, Section 3

Legal Description (attached sealed Metes and Bounds): Being a Re-Plat of Lots 1 and 2, Block 1, West Fork Addition
City and County of Midland, Texas**Property Owner**

Printed Name:

CG 191 & 158 LLC

Phone (432) 262-0999

Email

Address 1901 N Akard St

City Dallas

State TX

Zip 75201

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: RR

Reason for Platting: ownership purposes

Plat Information

Total Acreage: 6.196

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

Number of Lots: 6

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

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

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

Provisions

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

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

Property Owner (signature): [Signature] Date: 9/14/2023

Property Owner (printed): Coy Haynes - CG 1915158 LLC

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

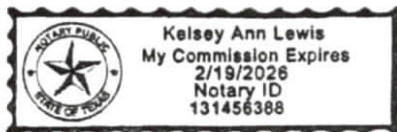
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Miller who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by CG 1915158 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 15th day of September, 2023, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

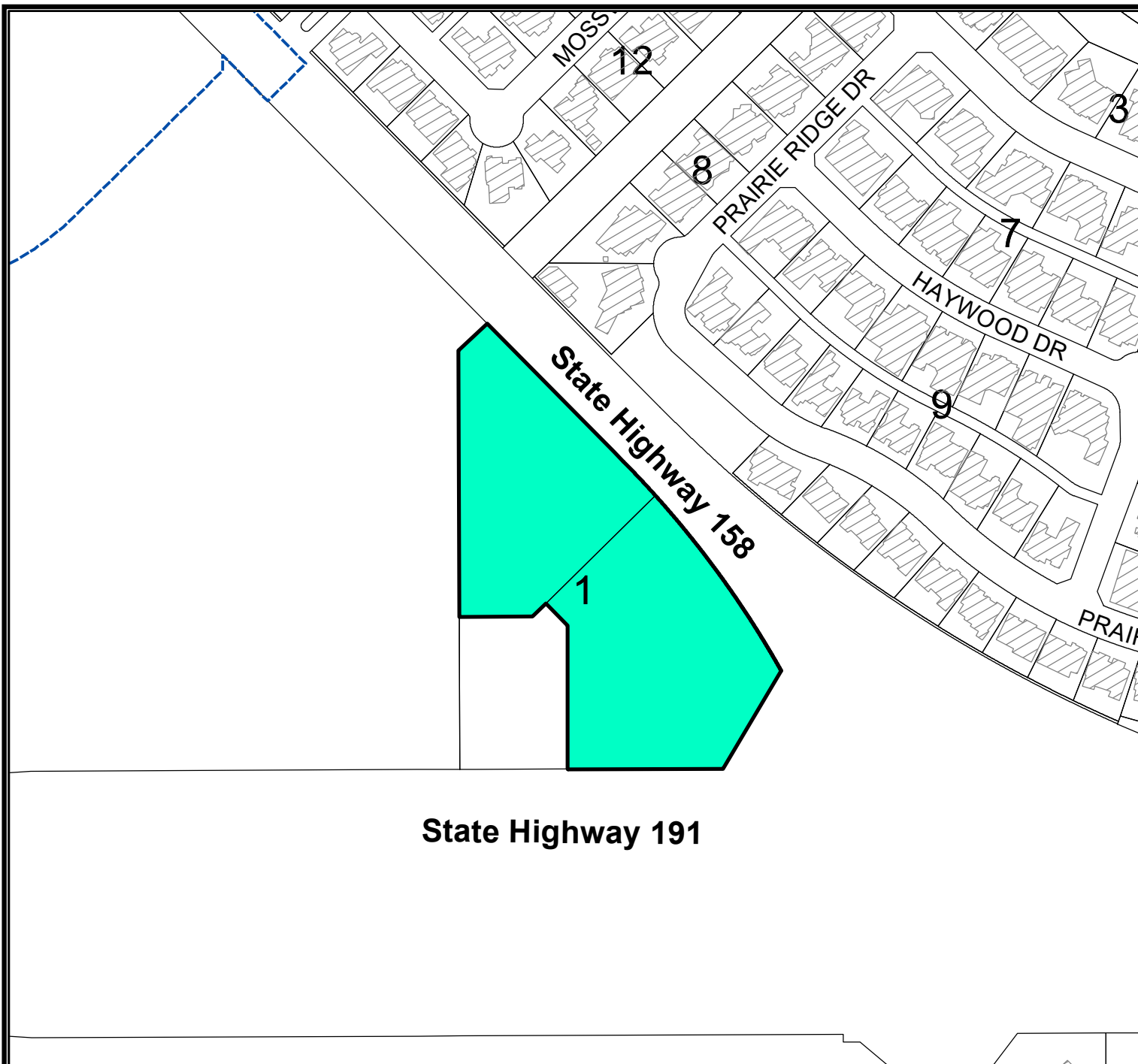
- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Application Fee | ☒ 1 Copy of Plat (11x17) | |

Check # 4396

Received By: [Signature]

Date: SEP 19 2023

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



LOCATION MAP

SUB-23-0661

Scale: 1" = 3,246'

Proposed Plat of West Fork Addition, Section 3, being a Replat of Lots 1 & 2, Block 1, West Fork Addition, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of West State Highway 158 and State Highway 191 (Council District 4)

LEGEND

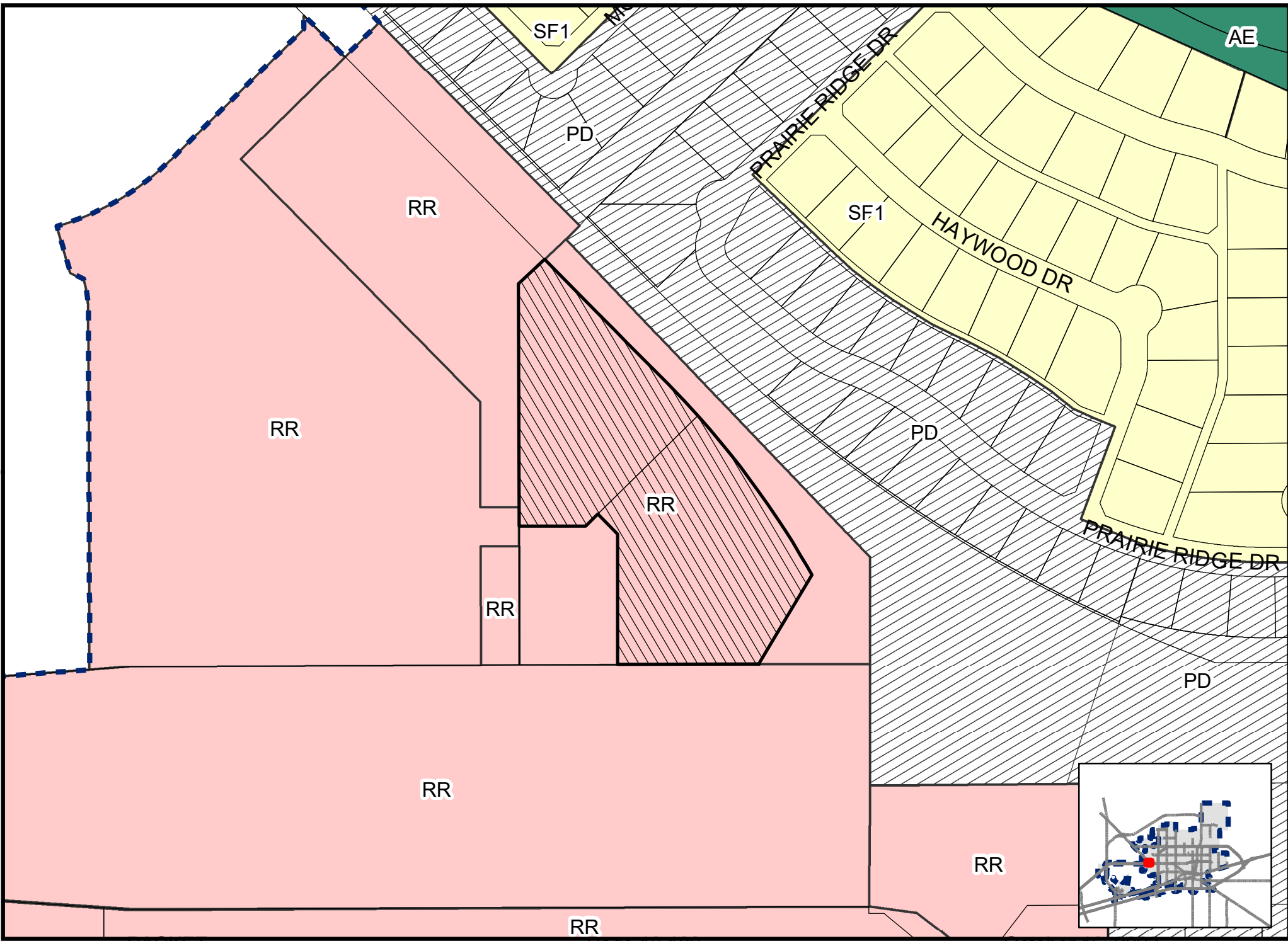
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



PACKET

Page 18.189

October 16, 2023

Map By L.O. 10/12/2023

SUB-23-0661

Scale: 1" = 2,989'

ZONING MAP



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



Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Maverick Engineering, is requesting to replat Lots 1 & 2, Block 1, Southern Meadows Industrial, Midland County, Texas for ownership purposes. The property is proposed to be replatted into seven lots at a minimum of one acre.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Departmental Review:

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

BUILDING CODE: (Approved)

Outside of city limits. No jurisdiction.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

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

PAVING: Previous deferral request that was administratively approved on May 14, 2019 is still valid for the proposed re-plat. [For the Applicant's information only.]

WATER: Previous deferral request that was administratively approved on May 14, 2019 is still valid for the proposed re-plat. [For the Applicant's information only.]

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

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

SEWER: Previous deferral request that was administratively approved on May 14, 2019 is still valid for the proposed re-plat. [For the Applicant's information only.]

DRAINAGE: Drainage study has been submitted and is in review. [For Applicant's Information Only.]

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Denied)

Sketch plat comments not addressed, "Provide this project's share of a 120 ft total right-of-way (60 ft half-street right-of-way) on CR 40 and CR 1180 for the entire length. [Reference City Code Section 11-2-5(C)2.]." (Maverick has been notified)

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

GIS: (Approved)

Provide recording information for 80' Public Access Easement, 10' Drainage Easement, 60' Access, Utility, and Drainage Easement, and existing 20' Private Access Easement.

MIDLAND COUNTY:

A drainage study is needed. The roads to the west, while they are shown on the plat, do not actually exist and therefore leave lots 6, 7, 8 & 9 with insufficient access.

HEALTH DEPARTMENT:

Yes, the health department will review applications from the 7 proposed lots of Southern Meadows Industrial, Section 2, REPLAT OF LOTS 1 & 2, BLOCK 1, SOUTHERN MEADOWS INDUSTRIAL, lot 3 is 3 acre, lot 4 is 1.3 acre, lots 5 to 9 are 1 acre, property owner must contact the pipeline company to get the setback to their pipeline before any excavation can occur to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well and existing structures on the properties and the water wells on the adjacent properties.

CRMWD:

We do not have any comments on this plat.

PLANNING: (Approved with Conditions)

The drainage report must be approved by Engineering before the final plat can be submitted. [Informational]

The legal description should read, "Being a replat of Lots 1 & 2, Block 1, Southern Meadows Industrial, Midland County, Texas." [Informational]

Relocate the title block to the lower right-hand corner of the page. [Midland City Code 11-2-3(A)1(a)].

The title block must include the following: [Midland City Code 11-2-3(A)1(a)]

- i. The proposed subdivision name.
- ii. The owner's name, address, and phone number.
- iii. The name of a contact person with address and phone number.

Add recording information to all easements per GIS comment. [Informational]

Remove Lamesa Road and keep South County Road 180. [Informational]

The certificate of approval needs to say "For approval by the Commission". [Midland City Code 11-2-3(H)3(m3)]

The Acknowledgement should read, "This plat was acknowledged before me on (DATE) by (NAME OF OWNERS SIGNING ABOVE)." [Midland City Code 11-2-3(H)3(m3)]

Staff recommends approval of the Preliminary Plat of Southern Meadows Industrial, Section 2, subject to conditions A.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

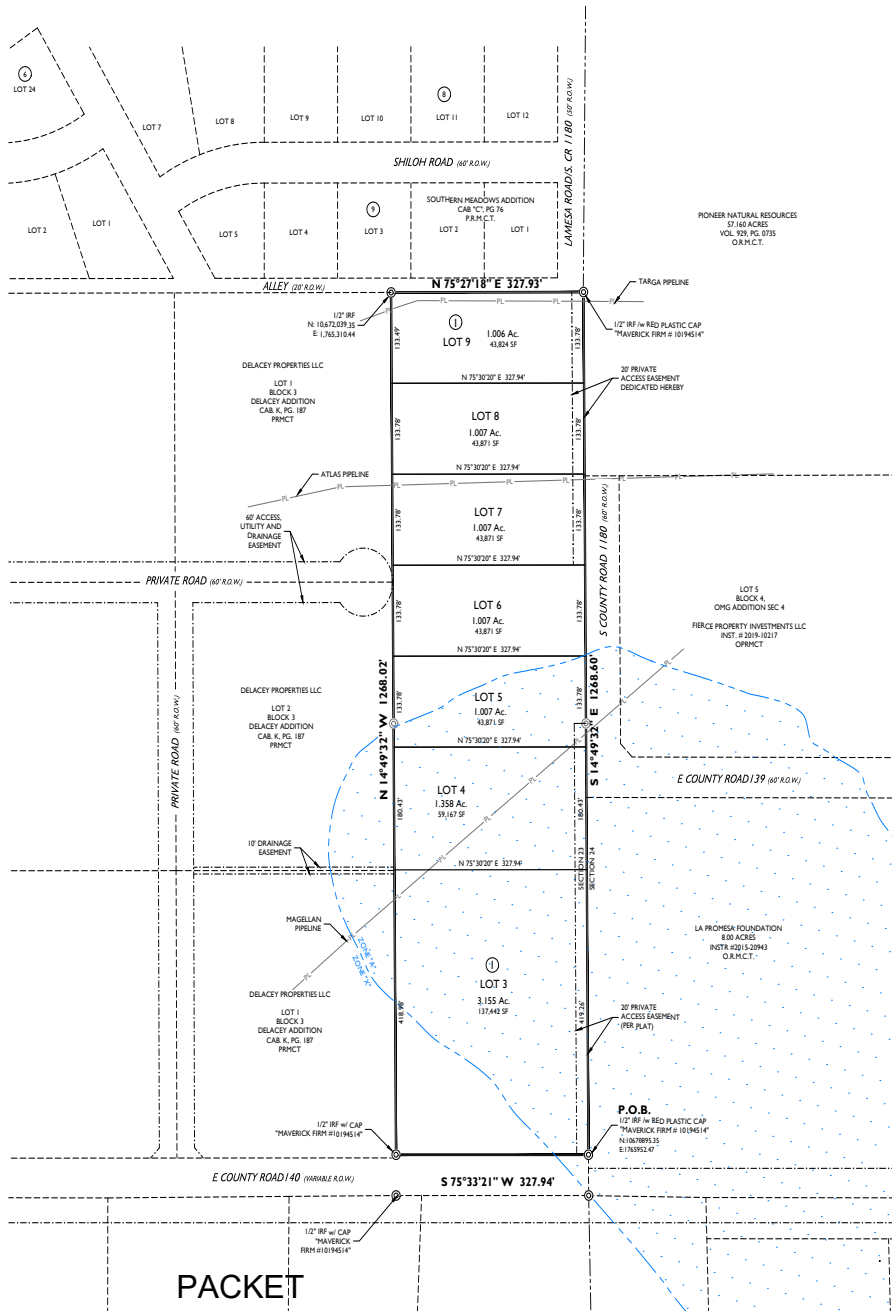
Attachments:

Proposed Preliminary Plat
Application
Maps

Preliminary Plat

SOUTHERN MEADOWS INDUSTRIAL SECTION 2

BEING A REPLAT OF LOTS 1 & 2, BLOCK 1, SOUTHERN MEADOWS INDUSTRIAL,
AN ADDITION TO MIDLAND COUNTY, TEXAS



PACKET

Page 19.194

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GREGORY W. SHOLETS, R.F.S.,
REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE
MONUMENTS SHOWN THEREON WERE PROPERLY PLACED AND THE SURVEY
CONFORMS WITH THE SUBDIVISION REGULATIONS OF MIDLAND COUNTY, 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.**

GREGORY W. SHOLETS, R.F.S.,
REGISTERED PROFESSIONAL LAND SURVEYOR,
MAVERICK ENGINEERING / LAND SURVEYING
1909 W. WALL STREET, SUITE K
MIDLAND, TX 79701

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS CHRYSLER FINANCIAL GROUP, INC. IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 22,
BLOCK 25, T-15, T-16, T-17, T-18, T-19, T-20, T-21, T-22, T-23, T-24, T-25, T-26, T-27, T-28, T-29, T-30, T-31, T-32, T-33, T-34, T-35, T-36, T-37, T-38, T-39, T-40, T-41, T-42, T-43, T-44, T-45, T-46, T-47, T-48, T-49, T-50, T-51, T-52, T-53, T-54, T-55, T-56, T-57, T-58, T-59, T-60, T-61, T-62, T-63, T-64, T-65, T-66, T-67, T-68, T-69, T-70, T-71, T-72, T-73, T-74, T-75, T-76, T-77, T-78, T-79, T-80, T-81, T-82, T-83, T-84, T-85, T-86, T-87, T-88, T-89, T-90, T-91, T-92, T-93, T-94, T-95, T-96, T-97, T-98, T-99, T-100, T-101, T-102, T-103, T-104, T-105, T-106, T-107, T-108, T-109, T-110, T-111, T-112, T-113, T-114, T-115, T-116, T-117, T-118, T-119, T-120, T-121, T-122, T-123, T-124, T-125, T-126, T-127, T-128, T-129, T-130, T-131, T-132, T-133, T-134, T-135, T-136, T-137, T-138, T-139, T-140, T-141, T-142, T-143, T-144, T-145, T-146, T-147, T-148, T-149, T-150, T-151, T-152, T-153, T-154, T-155, T-156, T-157, T-158, T-159, T-160, T-161, T-162, T-163, T-164, T-165, T-166, T-167, T-168, T-169, T-170, T-171, T-172, T-173, T-174, T-175, T-176, T-177, T-178, T-179, T-180, T-181, T-182, T-183, T-184, T-185, T-186, T-187, T-188, T-189, T-190, T-191, T-192, T-193, T-194, T-195, T-196, T-197, T-198, T-199, T-200, T-201, T-202, T-203, T-204, T-205, T-206, T-207, T-208, T-209, T-210, T-211, T-212, T-213, T-214, T-215, T-216, T-217, T-218, T-219, T-220, T-221, T-222, T-223, T-224, T-225, T-226, T-227, T-228, T-229, T-230, T-231, T-232, T-233, T-234, T-235, T-236, T-237, T-238, T-239, T-240, T-241, T-242, T-243, T-244, T-245, T-246, T-247, T-248, T-249, T-250, T-251, T-252, T-253, T-254, T-255, T-256, T-257, T-258, T-259, T-260, T-261, T-262, T-263, T-264, T-265, T-266, T-267, T-268, T-269, T-270, T-271, T-272, T-273, T-274, T-275, T-276, T-277, T-278, T-279, T-280, T-281, T-282, T-283, T-284, T-285, T-286, T-287, T-288, T-289, T-290, T-291, T-292, T-293, T-294, T-295, T-296, T-297, T-298, T-299, T-300, T-301, T-302, T-303, T-304, T-305, T-306, T-307, T-308, T-309, T-310, T-311, T-312, T-313, T-314, T-315, T-316, T-317, T-318, T-319, T-320, T-321, T-322, T-323, T-324, T-325, T-326, T-327, T-328, T-329, T-330, T-331, T-332, T-333, T-334, T-335, T-336, T-337, T-338, T-339, T-340, T-341, T-342, T-343, T-344, T-345, T-346, T-347, T-348, T-349, T-350, T-351, T-352, T-353, T-354, T-355, T-356, T-357, T-358, T-359, T-360, T-361, T-362, T-363, T-364, T-365, T-366, T-367, T-368, T-369, T-370, T-371, T-372, T-373, T-374, T-375, T-376, T-377, T-378, T-379, T-380, T-381, T-382, T-383, T-384, T-385, T-386, T-387, T-388, T-389, T-390, T-391, T-392, T-393, T-394, T-395, T-396, T-397, T-398, T-399, T-400, T-401, T-402, T-403, T-404, T-405, T-406, T-407, T-408, T-409, T-410, T-411, T-412, T-413, T-414, T-415, T-416, T-417, T-418, T-419, T-420, T-421, T-422, T-423, T-424, T-425, T-426, T-427, T-428, T-429, T-430, T-431, T-432, T-433, T-434, T-435, T-436, T-437, T-438, T-439, T-440, T-441, T-442, T-443, T-444, T-445, T-446, T-447, T-448, T-449, T-450, T-451, T-452, T-453, T-454, T-455, T-456, T-457, T-458, T-459, T-460, T-461, T-462, T-463, T-464, T-465, T-466, T-467, T-468, T-469, T-470, T-471, T-472, T-473, T-474, T-475, T-476, T-477, T-478, T-479, T-480, T-481, T-482, T-483, T-484, T-485, T-486, T-487, T-488, T-489, T-490, T-491, T-492, T-493, T-494, T-495, T-496, T-497, T-498, T-499, T-500, T-501, T-502, T-503, T-504, T-505, T-506, T-507, T-508, T-509, T-510, T-511, T-512, T-513, T-514, T-515, T-516, T-517, T-518, T-519, T-520, T-521, T-522, T-523, T-524, T-525, T-526, T-527, T-528, T-529, T-530, T-531, T-532, T-533, T-534, T-535, T-536, T-537, T-538, T-539, T-540, T-541, T-542, T-543, T-544, T-545, T-546, T-547, T-548, T-549, T-550, T-551, T-552, T-553, T-554, T-555, T-556, T-557, T-558, T-559, T-560, T-561, T-562, T-563, T-564, T-565, T-566, T-567, T-568, T-569, T-570, T-571, T-572, T-573, T-574, T-575, T-576, T-577, T-578, T-579, T-580, T-581, T-582, T-583, T-584, T-585, T-586, T-587, T-588, T-589, T-590, T-591, T-592, T-593, T-594, T-595, T-596, T-597, T-598, T-599, T-600, T-601, T-602, T-603, T-604, T-605, T-606, T-607, T-608, T-609, T-610, T-611, T-612, T-613, T-614, T-615, T-616, T-617, T-618, T-619, T-620, T-621, T-622, T-623, T-624, T-625, T-626, T-627, T-628, T-629, T-630, T-631, T-632, T-633, T-634, T-635, T-636, T-637, T-638, T-639, T-640, T-641, T-642, T-643, T-644, T-645, T-646, T-647, T-648, T-649, T-650, T-651, T-652, T-653, T-654, T-655, T-656, T-657, T-658, T-659, T-660, T-661, T-662, T-663, T-664, T-665, T-666, T-667, T-668, T-669, T-670, T-671, T-672, T-673, T-674, T-675, T-676, T-677, T-678, T-679, T-680, T-681, T-682, T-683, T-684, T-685, T-686, T-687, T-688, T-689, T-690, T-691, T-692, T-693, T-694, T-695, T-696, T-697, T-698, T-699, T-700, T-701, T-702, T-703, T-704, T-705, T-706, T-707, T-708, T-709, T-710, T-711, T-712, T-713, T-714, T-715, T-716, T-717, T-718, T-719, T-720, T-721, T-722, T-723, T-724, T-725, T-726, T-727, T-728, T-729, T-730, T-731, T-732, T-733, T-734, T-735, T-736, T-737, T-738, T-739, T-740, T-741, T-742, T-743, T-744, T-745, T-746, T-747, T-748, T-749, T-750, T-751, T-752, T-753, T-754, T-755, T-756, T-757, T-758, T-759, T-760, T-761, T-762, T-763, T-764, T-765, T-766, T-767, T-768, T-769, T-770, T-771, T-772, T-773, T-774, T-775, T-776, T-777, T-778, T-779, T-780, T-781, T-782, T-783, T-784, T-785, T-786, T-787, T-788, T-789, T-790, T-791, T-792, T-793, T-794, T-795, T-796, T-797, T-798, T-799, T-800, T-801, T-802, T-803, T-804, T-805, T-806, T-807, T-808, T-809, T-810, T-811, T-812, T-813, T-814, T-815, T-816, T-817, T-818, T-819, T-820, T-821, T-822, T-823, T-824, T-825, T-826, T-827, T-828, T-829, T-830, T-831, T-832, T-833, T-834, T-835, T-836, T-837, T-838, T-839, T-840, T-841, T-842, T-843, T-844, T-845, T-846, T-847, T-848, T-849, T-850, T-851, T-852, T-853, T-854, T-855, T-856, T-857, T-858, T-859, T-860, T-861, T-862, T-863, T-864, T-865, T-866, T-867, T-868, T-869, T-870, T-871, T-872, T-873, T-874, T-875, T-876, T-877, T-878, T-879, T-880, T-881, T-882, T-883, T-884, T-885, T-886, T-887, T-888, T-889, T-890, T-891, T-892, T-893, T-894, T-895, T-896, T-897, T-898, T-899, T-900, T-901, T-902, T-903, T-904, T-905, T-906, T-907, T-908, T-909, T-910, T-911, T-912, T-913, T-914, T-915, T-916, T-917, T-918, T-919, T-920, T-921, T-922, T-923, T-924, T-925, T-926, T-927, T-928, T-929, T-930, T-931, T-932, T-933, T-934, T-935, T-936, T-937, T-938, T-939, T-940, T-941, T-942, T-943, T-944, T-945, T-946, T-947, T-948, T-949, T-950, T-951, T-952, T-953, T-954, T-955, T-956, T-957, T-958, T-959, T-960, T-961, T-962, T-963, T-964, T-965, T-966, T-967, T-968, T-969, T-970, T-971, T-972, T-973, T-974, T-975, T-976, T-977, T-978, T-979, T-980, T-981, T-982, T-983, T-984, T-985, T-986, T-987, T-988, T-989, T-990, T-991, T-992, T-993, T-994, T-995, T-996, T-997, T-998, T-999, T-1000, T-1001, T-1002, T-1003, T-1004, T-1005, T-1006, T-1007, T-1008, T-1009, T-1010, T-1011, T-1012, T-1013, T-1014, T-1015, T-1016, T-1017, T-1018, T-1019, T-1020, T-1021, T-1022, T-1023, T-1024, T-1025, T-1026, T-1027, T-1028, T-1029, T-1030, T-1031, T-1032, T-1033, T-1034, T-1035, T-1036, T-1037, T-1038, T-1039, T-1040, T-1041, T-1042, T-1043, T-1044, T-1045, T-1046, T-1047, T-1048, T-1049, T-1050, T-1051, T-1052, T-1053, T-1054, T-1055, T-1056, T-1057, T-1058, T-1059, T-1060, T-1061, T-1062, T-1063, T-1064, T-1065, T-1066, T-1067, T-1068, T-1069, T-1070, T-1071, T-1072, T-1073, T-1074, T-1075, T-1076, T-1077, T-1078, T-1079, T-1080, T-1081, T-1082, T-1083, T-1084, T-1085, T-1086, T-1087, T-1088, T-1089, T-1090, T-1091, T-1092, T-1093, T-1094, T-1095, T-1096, T-1097, T-1098, T-1099, T-1100, T-1101, T-1102, T-1103, T-1104, T-1105, T-1106, T-1107, T-1108, T-1109, T-1110, T-1111, T-1112, T-1113, T-1114, T-1115, T-1116, T-1117, T-1118, T-1119, T-1120, T-1121, T-1122, T-1123, T-1124, T-1125, T-1126, T-1127, T-1128, T-1129, T-1130, T-1131, T-1132, T-1133, T-1134, T-1135, T-1136, T-1137, T-1138, T-1139, T-1140, T-1141, T-1142, T-1143, T-1144, T-1145, T-1146, T-1147, T-1148, T-1149, T-1150, T-1151, T-1152, T-1153, T-1154, T-1155, T-1156, T-1157, T-1158, T-1159, T-1160, T-1161, T-1162, T-1163, T-1164, T-1165, T-1166, T-1167, T-1168, T-1169, T-1170, T-1171, T-1172, T-1173, T-1174, T-1175, T-1176, T-1177, T-1178, T-1179, T-1180, T-1181, T-1182, T-1183, T-1184, T-1185, T-1186, T-1187, T-1188, T-1189, T-1190, T-1191, T-1192, T-1193, T-1194, T-1195, T-1196, T-1197, T-1198, T-1199, T-1200, T-1201, T-1202, T-1203, T-1204, T-1205, T-1206, T-1207, T-1208, T-1209, T-1210, T-1211, T-1212, T-1213, T-1214, T-1215, T-1216, T-1217, T-1218, T-1219, T-1220, T-1221, T-1222, T-1223, T-1224, T-1225, T-1226, T-1227, T-1228, T-1229, T-1230, T-1231, T-1232, T-1233, T-1234, T-1235, T-1236, T-1237, T-1238, T-1239, T-1240, T-1241, T-1242, T-1243, T-1244, T-1245, T-1246, T-1247, T-1248, T-1249, T-1250, T-1251, T-1252, T-1253, T-1254, T-1255, T-1256, T-1257, T-1258, T-1259, T-1260, T-1261, T-1262, T-1263, T-1264, T-1265, T-1266, T-1267, T-1268, T-1269, T-1270, T-1271, T-1272, T-1273, T-1274, T-1275, T-1276, T-1277, T-1278, T-1279, T-1280, T-1281, T-1282, T-1283, T-1284, T-1285, T-1286, T-1287, T-1288, T-1289, T-1290, T-1291, T-1292, T-1293, T-1294, T-1295, T-1296, T-1297, T-1298, T-1299, T-1300, T-1301, T-1302, T-1303, T-1304, T-1305, T-1306, T-1307, T-1308, T-1309, T-1310, T-1311, T-1312, T-1313, T-1314, T-1315, T-1316, T-1317, T-1318, T-1319, T-1320, T-1321, T-1322, T-1323, T-1324, T-1325, T-1326, T-1327, T-1328, T-1329, T-1330, T-1331, T-1332, T-1333, T-1334, T-1335, T-1336, T-1337, T-1338, T-1339, T-1340, T-1341, T-1342, T-1343, T-1344, T-1345, T-1346, T-1347, T-1348, T-1349, T-1350, T-1351, T-1352, T-1353, T-1354, T-1355, T-1356, T-1357, T-1358, T-1359, T-1360, T-1361, T-1362, T-1363, T-1364, T-1365, T-1366, T-1367, T-1368, T-1369, T-1370, T-1371, T-1372, T-1373, T-1374, T-1375, T-1376, T-1377, T-1378, T-1379, T-1380, T-1381, T-1382, T-1383, T-1384, T-1385, T-1386, T-1387, T-1388, T-1389, T-1390, T-1391, T-1392, T-1393, T-1394, T-1395, T-1396, T-1397, T-1398, T-1399, T-1400, T-1401, T-1402, T-1403, T-1404, T-1405, T-1406, T-1407, T-1408, T-1409, T-1410, T-1411, T-1412, T-1413, T-1414, T-1415, T-1416, T-1417, T-1418, T-1419, T-1420, T-1421, T-1422, T-1423, T-1424, T-1425, T-1426, T-1427, T-1428, T-1429, T-1430, T-1431, T-1432, T-1433, T-1434, T-1435, T-1436, T-1437, T-1438, T-1439, T-1440, T-1441, T-1442, T-1443, T-1444, T-1445, T-1446, T-1447, T-1448, T-1449, T-1450, T-1451, T-1452, T-1453, T-1454, T-1455, T-1456, T-1457, T-1458, T-1459, T-1460, T-1461, T-1462, T-1463, T-1464, T-1465, T-1466, T-1467, T-1468, T-1469, T-1470, T-1471, T-1472, T-1473, T-1474, T-1475, T-1476, T-1477, T-1478, T-1479, T-1480, T-1481, T-1482, T-1483, T-1484, T-1485, T-1486, T-1487, T-1488, T-1489, T-1490, T-1491, T-1492, T-1493, T-1494, T-1495, T-1496, T-1497, T-1498, T-1499, T-1500, T-1501, T-1502, T-1503, T-1504, T-1505, T-1506, T-1507, T-1508, T-1509, T-1510, T-1511, T-1512, T-1513, T-1514, T-1515, T-1516, T-1517, T-1518, T-1519, T-1520, T-1521, T-1522, T-1523, T-1524, T-1525, T-1526, T-1527, T-1528, T-1529, T-1530, T-1531, T-1532, T-1533, T-1534, T-1535, T-1536, T-1537, T-1538, T-1539, T-1540, T-1541, T-1542, T-1543, T-1544, T-1545, T-1546, T-1547, T-1548, T-1549, T-1550, T-1551, T-1552, T-1553, T-1554, T-1555, T-1556, T-1557, T-1558, T-1559, T-1560, T-1561, T-1562, T-1563, T-1564, T-1565, T-1566, T-1567, T-1568, T-1569, T-1570, T-1571, T-1572, T-1573, T-1574, T-1575, T-1576, T-1577, T-1578, T-1579, T-1580, T-1581, T-1582, T-1583, T-1584, T-1585, T-1586, T-1587, T-1588, T-1589, T-1590, T-1591, T-1592, T-1593, T-1594, T-1595, T-1596, T-1597, T-1598, T-1599, T-1600, T-1601, T-1602, T-1603, T-1604, T-1605, T-1606, T-1607, T-1608, T-1609, T-1610, T-1611, T-1612, T-1613, T-1614, T-1615, T-1616, T-1617, T-1618, T-1619, T-1620, T-1621, T-1622, T-1623, T-1624, T-1625, T-1626, T-1627, T-1628, T-1629, T-1630, T-1631, T-1632, T-1633, T-1634, T-1635, T-1636, T-1637, T-1638, T-1639, T-1640, T-1641, T-1642, T-1643, T-1644, T-1645, T-1646, T-1647, T-1648, T-1649, T-1650, T-1651, T-1652, T-1653, T-1654, T-1655, T-1656, T-1657, T-1658, T-1659, T-1660, T-1661, T-1662, T-1663, T-1664, T-1665, T-1666, T-1667, T-1668, T-1669, T-1670, T-1671, T-1672, T-1673, T-1674, T-1675, T-1676, T-1677, T-1678, T-1679, T-1680, T-1681, T-1682, T-1683, T-1684, T-1685, T-1686, T-1687, T-1688, T-1689, T-1690, T-1691, T-1692, T-1693, T-1694, T-1695, T-1696, T-1697, T-1698, T-1699, T-1700, T-1701, T-1702, T-1703, T-1704, T-1705, T-1706, T-1707, T-1708, T-1709, T-1710, T-1711, T-1712, T-1713, T-1714, T-1715, T-1716, T-1717, T-1718, T-1719, T-1720, T-1721, T-1722, T-1723, T-1724, T-1725, T-1726, T-1727, T-1728, T-1729, T-1730, T-1731, T-1732, T-1733, T-1734, T-1735, T-1736, T-1737, T-1738, T-1739, T-1740, T-1741, T-1742, T-1743, T-1744, T-1745, T-1746, T-1747, T-1748, T-1749, T-1750, T-1751, T-1752, T-1753, T-1754, T-1755, T-1756, T-1757, T-1758, T-1759, T-1760, T-1761, T-1762, T-1763, T-1764



Preliminary Plat Application

Project Number: SRB-23-0670Case Number: P-23-1793Proposed Subdivision Plat Name: Southern Meadows Industrial, Section 2Legal Description (attached sealed Metes and Bounds): Being a Replat of Lots 1 & 2, Block 1, Southern Meadows Industrial, an Addition to Midland County, Texas**Property Owner**Printed Name: CM Butler Construction LLC

Phone (432) 262-0999

Email

Address 4416 Briarwood Ave Ste 110 Box 23City MidlandState TXZip 79707**Developer (if different than Owner)**

Printed Name:

Phone (432) 262-0999

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick EngineeringPrinted Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.comAddress 1909 W Wall St Ste KCity MidlandState TXZip 79701Current Zoning: ETJReason for Platting: ownership purposes**Plat Information**

Total Acreage:

9.547Type: ☐ Single-Family Residential☐ Multi-Family Residential☐ Commercial☒ Extraterritorial Jurisdiction (ETJ)Number of Lots: 7

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

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

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

Provisions

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

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

Property Owner (signature):

Date: 9/18/23

Property Owner (printed) : Christopher M. Butler

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

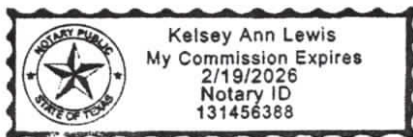
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS COUNTY OF MIDLAND

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

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of September, 2023, to certify which witness my hand and seal of office.



Kelsey Ann Lewis
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 #

4392

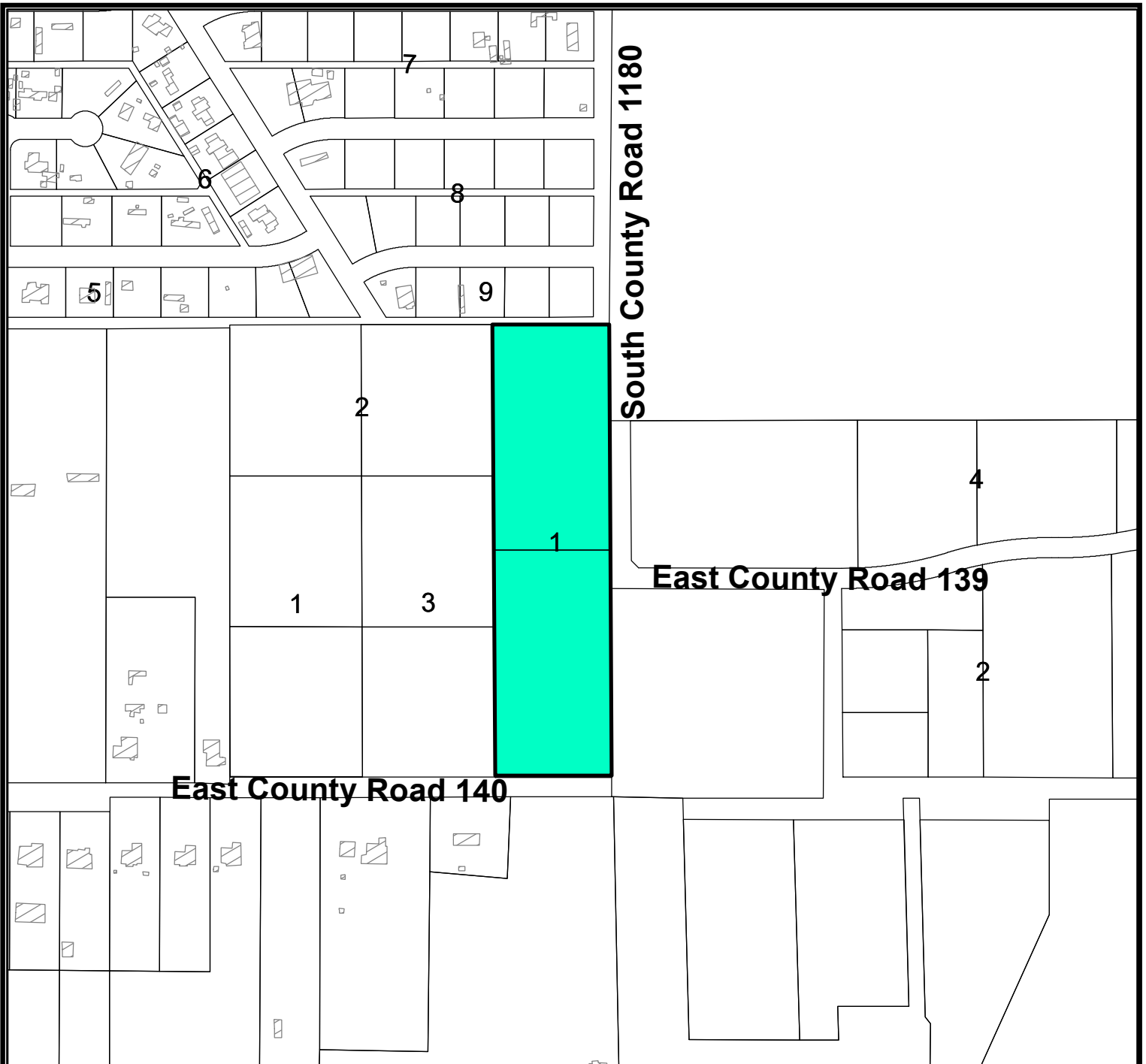
Received By:

Landon Debra

Date:

SEP 18 2023

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



LOCATION MAP

SUB-23-0670

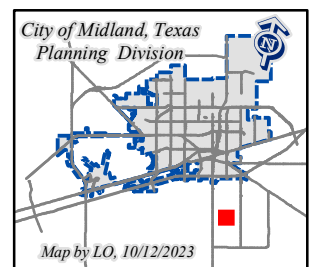
Scale: 1" = 4,869'

Proposed Plat of Southern Meadows Industrial, Section 2, being a Replat of Lots 1 & 2, Block 1, Southern Meadows Industrial, Midland County, Texas.

Generally located on the northwest corner of the intersection of East County Road and the proposed South County Road 1180 (ETJ)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Schumann Surveying, Inc. is requesting to plat a 10-acre tract to obtain septic permits and addresses.

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.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: There are no impact fees associated with this plat. Plat outside designated service areas. [For Applicant's Information Only.]

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

PAVING: Deferral request for paving improvements were administratively approved on 09/20/2023. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 09/20/2023. [For Applicant's Information Only.]

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

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

SEWER: Deferral request for sewer improvements were administratively approved on 09/20/2023. [For Applicant's Information Only.]

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

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

SIDEWALKS: Required at building permit. However, no city building permits are issued within the county. No sidewalk improvements needed at this time. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

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

OIL AND GAS: (Approved)

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

GIS: (Approved)

Please label easement's purpose. Is there a 60' easement west of this plat? There is 60' between this plat and Redneck Retreat, Sec 1. ROW says "dedication."

MIDLAND COUNTY PUBLIC WORKS: (Approved with conditions)

The vicinity map needs to be fixed, the property is in the wrong place, frontage needs to be shown on ECR 130, coordination with TxDot for FM 715.

HEALTH DEPARTMENT: (Approved)

Yes, the health department will review applications from the 3 proposed lots of REDNECK RETREAT SECTION 5, PLAT OF A 10 ACRE TRACT OF LAND OUT OF THE NORTHWEST OF SECTION 15, BLOCK 38, T-2-S, T. & P. RR. CO. SURVEY each lot 1 is 2.9, lot 2 is 3 acre, lot 3 is 3 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

CRMWD: (Approved)

Were comments provided? If so, put them here, otherwise, "No comments."

PLANNING: (Approved with Conditions)

At the final plat stage:

Provide a title opinion.

Provide volume/page information of abutting property owners.

Provide documentation showing all signing authorities for the LLC and create a signature line for each under Owner Certificate on the plat.

Add the town and county name under property owner.

Add "Planning and Zoning Commission" after Chairman and Secretary.

Staff recommends approval of the Preliminary Plat of Redneck Retreat, Section 5, subject to condition A.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps



1687

Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: REDNECK RETREAT, SECTION 5

Legal Description (attached sealed Metes and Bounds): BEING A 10.00 ACRE TRACT OF LAND
LOCATED IN SECTION 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Property Owner

Printed Name: STARR RENTAL PROPERTIES, LLC

Phone (432) 684-5548

Email

Address 2810 MARIE DR

City MIDLAND

State TX

Zip 79705

Developer (if different than Owner)

Printed Name:

Phone (432) 684-5548

Email

Address

City

State

Zip

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

Firm: SCHUMANN SURVEYING, INC

Printed Name: EDUARDO ALEMAN

Phone (432) 684-5548

Email

Address 800 N. MARENFELD SUITE 100

City MIDLAND

State TX

Zip 79701

Current Zoning: _____

Reason for Platting: TO OBTAIN SEPTIC PERMITS AND ADDRESS

Plat Information

Total Acreage: 10

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 3

Number of Multi-family Dwelling Units: _____

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: 9-18-23

Property Owner (printed): Buck Starr

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

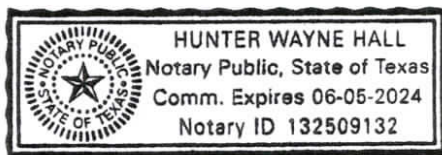
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland

STATE OF TEXAS
COUNTY OF MIDLAND

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

Eduardo J Aleman
Authorized Agent (signature)

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



H. H.
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

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

Check # _____

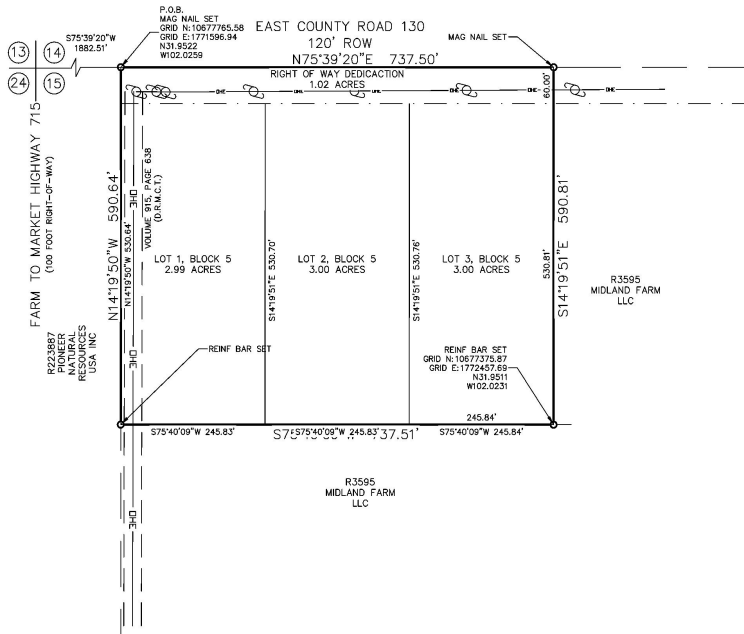
Received By: Daniel Humber

Date: SEP 19 2023

BY: _____

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

NW CORNER OF SECTION 15,
BLOCK 38, T-2-S,
T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS



PRELIMINARY
REDNECK RETREAT,
SECTION 5
BEING A 10.00 ACRE TRACT OF LAND
LOCATED IN SECTION 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY,
MIDLAND COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE SOUTHEAST PART OF SECTION 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 10.00 ACRE TRACT OF LAND, OUT OF THE NORTHWEST PART OF SECTION 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, SAID 10.00 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT BEGINNING AT A MAG NAIL SET (N:10677765.58, E:1771596.94) IN THE CENTERLINE OF EAST COUNTY ROAD 130 FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 75°39'20" WEST 1882.51 FEET;

THENCE NORTH 75°39'20" EAST, ALONG SAID CENTERLINE, 737.50 FEET TO A MAG NAIL SET, IN SAID CENTERLINE, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°19'51" EAST 590.64 FEET TO A REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 75°39'20" WEST 737.51 FEET TO A REINF BAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°19'50" WEST 590.64 FEET TO THE PLACE OF BEGINNING.

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS REDNECK RETREAT, SECTION 5, AN ADDITION OF 10.00 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

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

STARR RENTAL PROPERTIES LLC

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2023, BY STARR RENTAL PROPERTIES, LLC

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF REDNECK RETREAT, SECTION 5, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2023.

SIGNED: _____
CHAIRMAN LUCY SISNEGA

ATTEST: _____
SECRETARY JEFF FISHER

LEGEND:

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

OWNER:

STARR RENTAL PROPERTIES, LLC
2810 MARIE DR
MIDLAND, TX 79705

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
TEXAS RPLS 4826



PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____



SCHUMANN
SURVEYING, INC.
A LATERAL LAND COMPANY

100 W. UNIVERSITY STREET
SUITE 100
MIDLAND, TEXAS 79701

TEXAS FIRM No. 10148600

Office (432) 684-3548

NO.	DATE	DESCRIPTION	BY
1	06/27/2023	DRAWN BY: JG	
2		CHECKED BY: ED/RJ	
3		PROJECT NO.: 79,660	
4		JOB NO.: 79,660	
5		SHEET: 1 OF 1	

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
OPTIMUM COMMUNICATIONS

SIGNED: _____
ASTOUND COMMUNICATIONS

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. THIS PROPERTY IS IN FEMA'S FLOOD INSURANCE RATE MAP NO. 48329C0209F, EFFECTIVE DATE, SEPTEMBER 16, 2005, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, ALL OF TRACT IS IN ZONE "X".

PACKET

1

4

3

2

1

E CR 130

1

2

3

4

LOCATION MAP

SUB-23-0647

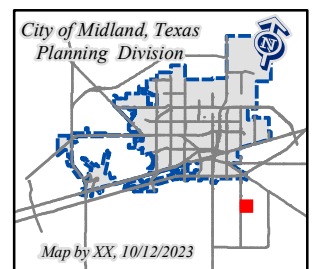
Scale: 1" = 2,947'

Proposed plat of Redneck Retreat, Section 5, being a 10.00-acre tract of land out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas.

Generally located on the southeast corner of Farm-to-Market Road 715 and East County Road 130 (Extraterritorial Jurisdiction)

LEGEND

-  CITY LIMITS
-  PARCEL
-  PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Schumann Surveying, Inc. is requesting to plat a 20.00-acre tract to obtain a septic permit and address.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

BUILDING CODE: (Approved)

Not in city limits. No jurisdiction.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

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

PAVING: Deferral request for paving improvements were administratively approved on 09/27/2023. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 09/27/2023. [For Applicant's Information Only.]

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

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

SEWER: Sewer improvements were administratively approved on 09/27/2023. [For Applicant's Information Only.]

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

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

SIDEWALKS: Required at building permit. However, no city building permits are issued within the county. No sidewalk improvements needed at this time. [For Applicant's Information Only.]

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

GIS: (Approved)

Block 4, Lot 1 is taken. Lot can be 3.

MIDLAND COUNTY PUBLIC WORKS: (Approved)

Yes, the health department will review application from the 1 proposed lot of Redneck Retreat, Section 6, PLAT OF A 20 ACRE TRACT OF LAND OUT OF THE SOUTHEAST OF SECTION 15, BLOCK 38, T-2-S, T. & P. RR. CO. SURVEY the lot is 19.2 acres property owner must contact the pipeline company to get the setback to their pipeline before any excavation can occur to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

MIDLAND COUNTY HEALTH DEPARTMENT: (Approved)

No comments.

CRMWD: (Approved)

No comments.

PLANNING: (Approved with Conditions)

At the final plat stage:

Provide a title opinion. [Informational].

Staff recommends approval of the Preliminary Plat of Redneck Retreat, Section 6, subject to condition A.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number: SUD-23-0651

Case Number: P-23-1794

Proposed Subdivision Plat Name: REDNECK RETREAT SECTION 6

Legal Description (attached sealed Metes and Bounds): BEING A 20.00-ACRE TRACT OF LAND, LOCATED IN OUT OF SECTION 15, BLOCK 38, T-2-S, T&P R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS.

Property Owner
Printed Name: **TEXAS NNN, LLC.**

Phone (432) 254-0327
Email

Address **25528 GENESEE TRAIL RD**

City **GOLDEN,**

State **COLORADO** Zip **80401**

Developer (if different than Owner)
Printed Name:

Phone (432) 254-0327
Email

Address

City

State

Zip

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

Firm: SCHUMANN SURVEYING

Printed Name: **ED ALEMAN**

Phone (432) 254-0327
Email

EALEMAN@SCHUMANNONLINE.NET

Address **800 N. MARIENFELD**

City **MIDLAND**

State **TX**

Zip **79701**

Current Zoning: ETJ

Reason for Platting: TO OBTAIN ADDRESS AND SEPTIC PERMITS

Plat Information

Total Acreage: **20**

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **1**

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature): [Signature] Date: 9/18/2023

Property Owner (printed): SHANNON GIBLOCK

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

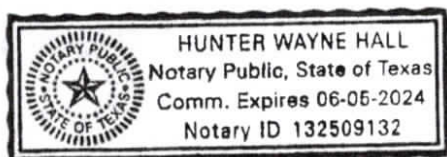
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared ED ALEMAN who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by SHANNON 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 _____ day of _____, 20 __, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

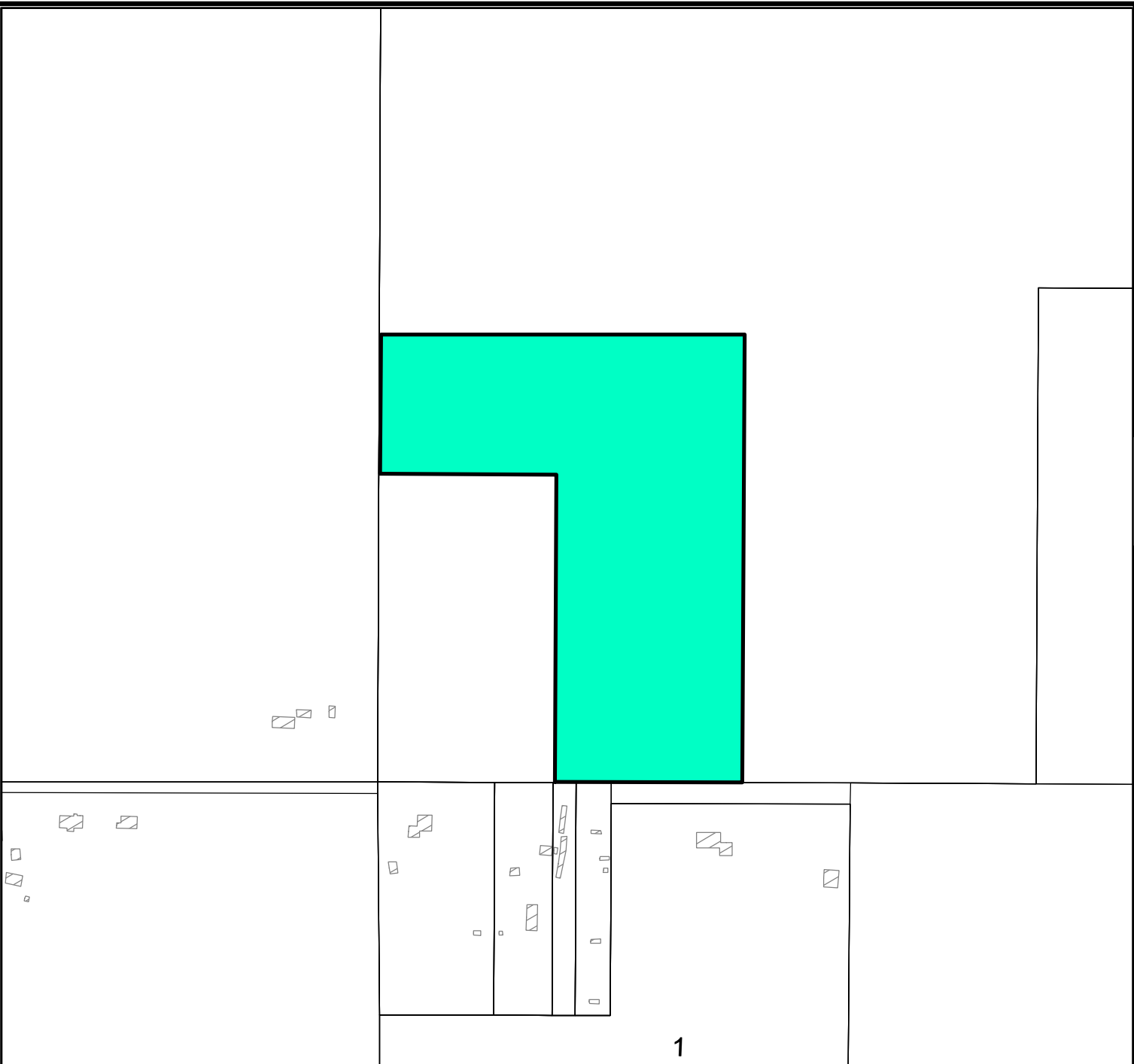
☒ Property Owner Authorization ☒ 1 Copy of Dimensioned Plat ☒ Plat in Digital Format (PDF/JPEG)
☐ Application Fee ☒ 1 Copy of Plat (11x17)
Check # _____

Received By: Daniel Hansen

Date: SEP 19 2023

BY:

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



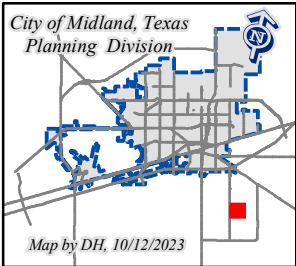
LOCATION MAP

SUB-23-0651 **Scale: 1" = 4,912'**

Proposed plat of Redneck Retreat, Section 6, being a 20.00-acre tract of land, out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas.

Generally located on the north side of East County Road 140, approximately 1,570 feet west of South County Road 1160 (Extraterritorial Jurisdiction)

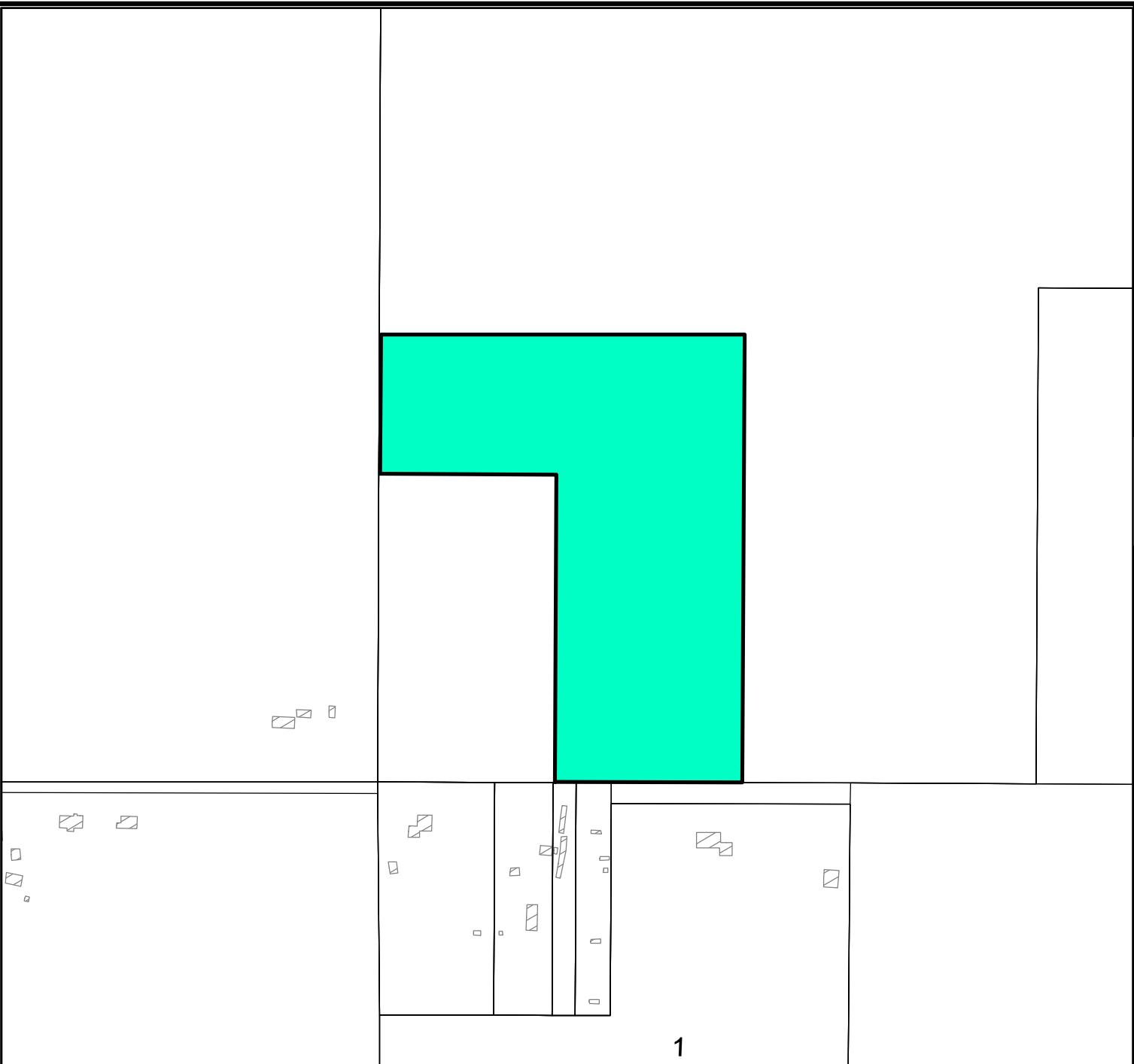
- LEGEND**
- CITY LIMITS
 - PARCEL
 - PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



LOCATION MAP

SUB-23-0651

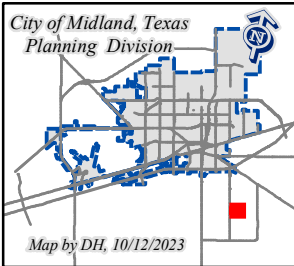
Scale: 1" = 4,912'

Proposed plat of Redneck Retreat, Section 6, being a 20.00-acre tract of land, out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas.

Generally located on the north side of East County Road 140, approximately 1,570 feet west of South County Road 1160 (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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



Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The original Preliminary Plat was approved by the Planning and Zoning Commission on September 19, 2022, and this plat is being Reinstated at this Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

ENGINEERING: (Approved)

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

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

PAVING: S State Highway 349 is a TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 08/23/2023. [For Applicant's Information Only.]

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

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

SEWER: Deferral request for sewer improvements were administratively approved on 08/23/2023. [For Applicant's Information Only.]

DRAINAGE: Drainage report is not required due to the existing site already being developed and are only proposing to install an OSSF. [For Applicant's Information Only.]

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

SIDEWALKS: Required at building permit. However, no city building permits are issued within the county. No sidewalk improvements needed at this time. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

BUILDING CODE: (Approved)

ETJ No jurisdiction.

GIS:

Parcel above this plat extends slightly more east than visual shows. (about 10') Plat itself is fine.

PUBLIC WORKS:

No comments.

CRMWD:

No comments.

HEALTH DEPARTMENT:

No comments.

Planning: (Approved)

No comments.

Staff recommends approval of the Preliminary Plat of Lozoya Addition, Section 3, subject to condition A.

Condition:

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

Attachments:

Proposed Final Plat
Application
Maps



Preliminary Plat Application

LCA Job #22-037

Project Number:

Case Number:

P 23-0502
P 23-1803**Proposed Subdivision Plat Name:** Cooney Addition**Legal Description (attached sealed Metes and Bounds):** Being a 4.23 acre tract of land located in the Northeast/4 of Section 22, Block 39, T-2-S, T&P RR. Co. Survey Midland County, Texas.**Property Owner**

Printed Name: Midland Texas RV I, LLC Attn: Seth Clark

Phone (318) 990-0208

Email sdc30m50@yahoo.com

Address 4610 S. State Hwy 349

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: Landgraf, Crutcher & Associates

Phone (432) 332-5058

Email lca@lcaodessa.com

Printed Name: LCA

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: Not Zoned**Reason for Platting:** Septic Permit needed to upgrade system**Plat Information**

Total Acreage: 4.23

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

Number of Residential Lots: 1

Number of Multi-Family Dwelling Units:

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

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

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

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

Provisions

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

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

Property Owner (signature):

Date:

Property Owner (printed):

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

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

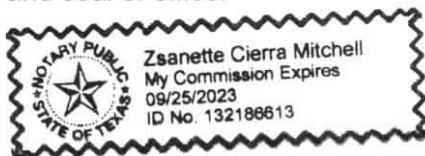
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Midland Texas RV I 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.

George E. Thornley
Authorized Agent (signature)

Subscribed and sworn to before me, this 19 day of September, 20 23, to certify which witness my hand and seal of office.



Zsazette Mitchell

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 # 10

Received By: JEFF Fisher

Date: 9-19-2023

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



ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

lca@lcaodessa.com

521 N. Texas Ave. • Odessa, Texas 79761

(432) 332-5058 or 580-8812 • Fax (432) 332-8812

Engineering Firm# 001363 • Surveying Firm# 10034300

25 August 2026

Daniel Humbert
City of Midland
Planning Department
300 N. Loraine
Midland, Texas 79702

RE: COONEY ADDITION

Dear Mr. Humbert.,

LCA is requesting the reinstatement of the Preliminary Plat for COONEY ADDITION, being a 4.23-acre tract located in Section NE/4 of Section 22, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. For your reference I have attached the authorization letter for George E. Thornley to be the Authorized Agent.

We trust that receipt of this letter will keep the Preliminary Plat on schedule for the 18 September meeting.

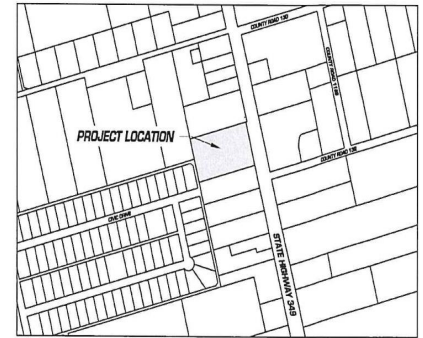
Sincerely

LCA

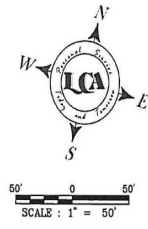
George E. Thornley
Authorized Agent

LCA Project No. 2022-037.1

PRELIMINARY PLAT
COONEY ADDITION
 BEING A 4.23 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST 1/4
 OF SECTION 22, BLOCK 39, T-2-S, T&P, RR. CO. SURVEY
 MIDLAND COUNTY, TEXAS



VICINITY MAP
 SCALE: N.T.S.



NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Stephen Cooney, do hereby adopt this plat designating the herein described property as Cooney Addition, an addition to Midland County, Texas, and do hereby declare to the public use for the streets, alleys and easements shown hereon 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 condition void agreement that no construction shall commence on the said lot or lots until the exact location of said containers there with have been redacted and approval by the Director of Utilities.

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

ACME PLUS, LLC
 STEPHEN COONEY

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 Stephen Cooney, 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 purpose and consideration therein expressed, and in the capacity therein stated.

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

My commission expires: _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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 REPRODUCED AS A FINAL SURVEY DOCUMENT.
 John F. Landgraf, R.P.L.S., # 2430

OWNER: ACME PLUS, LLC
 STEPHEN COONEY
 4804 S. STATE HWY. 349
 MIDLAND, TX 79705

ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.
 521 NORTH TEXAS
 ODESSA, TEXAS 79661-5131
 PHONE: (432) 332-5038

PLAY FILED FOR RECORD
 MIDLAND COUNTY, TEXAS

No. _____ CABINET _____
 DATE _____ PAGE _____



COONEY ADDITION
 October 16, 2023



521 North Texas, Odessa Tx. 79761 F-001363 F-10031300
 Phone: (432) 332-5038 E-Mail: lca@landessa.com

OWNER'S CERTIFICATE:

STATE OF TEXAS §
 COUNTY OF MIDLAND §

WHEREAS, ACME PLUS, LLC IS THE RECORD OWNER OF THAT CERTAIN CALLED 4.23-ACRE TRACT OF LAND LOCATED IN SECTION 22, BLOCK 39, T-2-S, T&P RR. CO. SURVEY, MIDLAND COUNTY TEXAS AS DESCRIBED IN DOCUMENT NO. 2014-1840 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

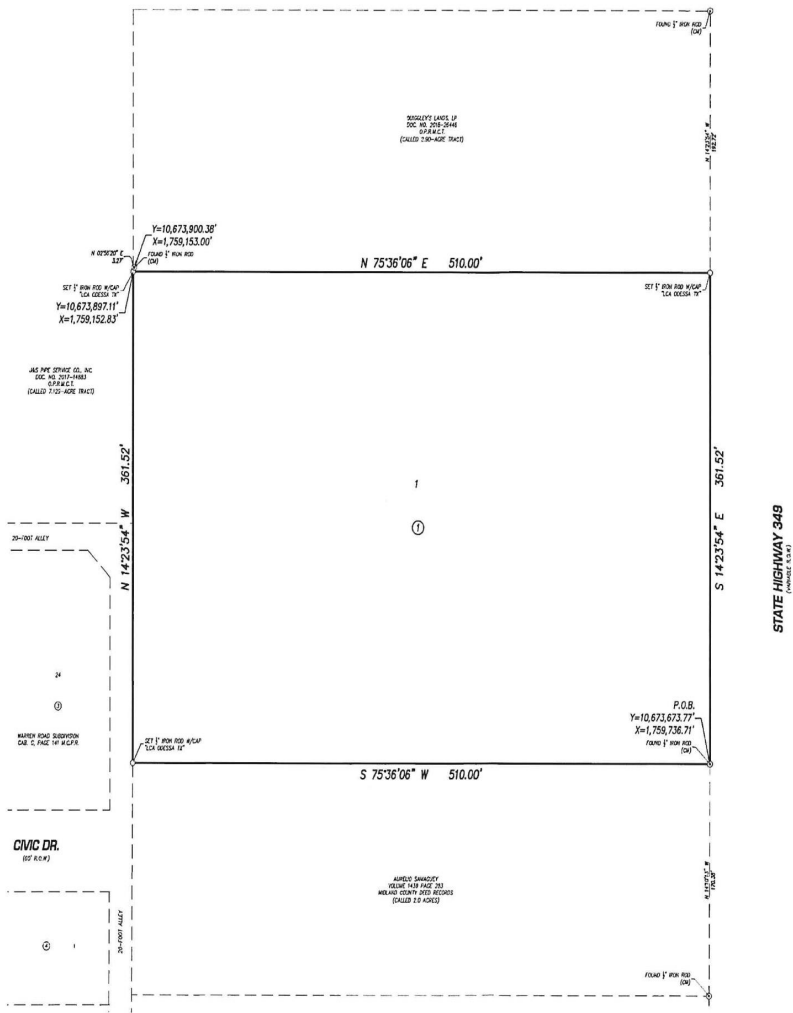
BEGINNING AT (Y= 10,673,673.77' & X= 1,759,736.71') A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF SAID 4.23-ACRE TRACT ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY 349 AND THE NORTHEAST CORNER OF THAT CERTAIN CALLED 2.00-ACRE TRACT AS DESCRIBED IN VOLUME 1439 PAGE 283 OF THE MIDLAND COUNTY DEED RECORDS, WHENCE A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF SAID 2.00-ACRE TRACT BEARS SOUTH 14°10'12" EAST, A DISTANCE OF 170.38 FEET;

THENCE SOUTH 75°36'06" WEST WITH THE NORTH LINE OF SAID CALLED 2.00-ACRE TRACT, A DISTANCE OF 510.00 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE SOUTHWEST CORNER OF THIS TRACT ON THE EAST LINE OF A 20-FOOT ALLEY AS DESCRIBED ON THE WARREN ROAD SUBDIVISION PLAT RECORDED IN CABINET C, PAGE 141 OF THE MIDLAND COUNTY PLAT RECORDS;

THENCE NORTH 14°23'54" WEST WITH THE EAST LINE OF SAID 20-FOOT ALLEY, PASS THE NORTHEAST CORNER OF SAID WARREN ROAD SUBDIVISION AT 176.3 FEET, CONTINUING WITH THE EAST LINE OF THAT CERTAIN CALLED 7.139-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2017-14883 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, FOR A TOTAL DISTANCE OF 361.52 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE NORTHWEST CORNER OF THIS TRACT, WHENCE A FOUND 1/2" IRON ROD (CALLED FOR & CONTROL MONUMENT) BEARS NORTH 02°59'23" EAST, A DISTANCE OF 3.27 FEET;

THENCE NORTH 75°36'06" EAST WITH THE SOUTH LINE OF THAT CERTAIN CALLED 2.00-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2018-26448 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, A DISTANCE OF 510.00 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE NORTHEAST CORNER OF THIS TRACT ON THE WEST RIGHT-OF-WAY OF SAID S. STATE HIGHWAY 349, WHENCE A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF SAID 2.00-ACRE TRACT BEARS NORTH 14°23'55" WEST, A DISTANCE OF 192.72 FEET;

THENCE SOUTH 14°23'55" EAST WITH THE WEST RIGHT-OF-WAY OF SAID S. STATE HIGHWAY 349, A DISTANCE OF 361.52 FEET TO THE POINT OF THE BEGINNING CONTAINING 4.23 SURFACE ACRES.



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 Cooney Addition, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____

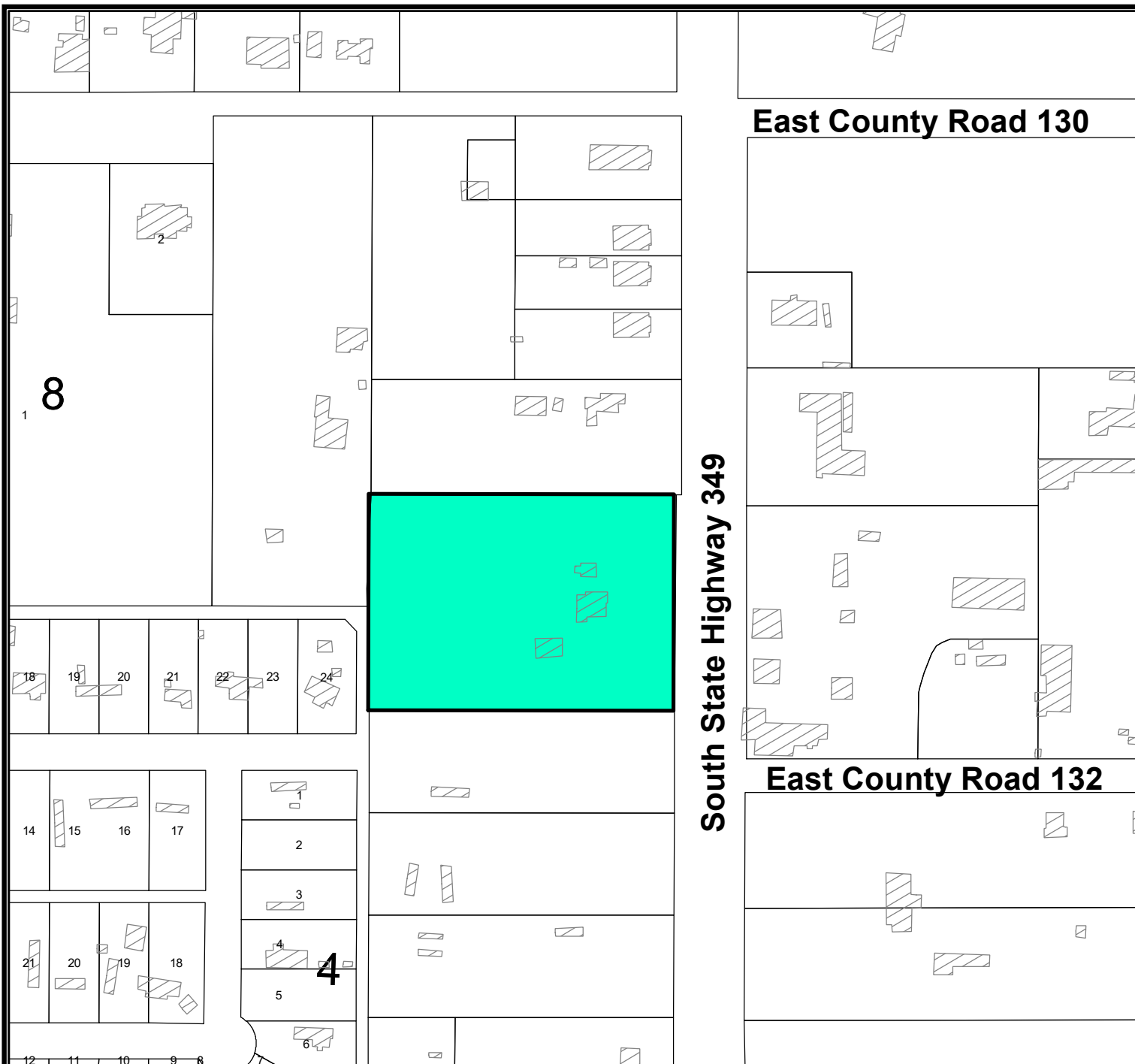
SIGNED: _____
 CHAIRMAN OF PLANNING & ZONING
 LUCY SIBNEYA
 SIGNED: _____
 SECRETARY OF PLANNING & ZONING
 ELIZABETH SHAUGHNESSY

AT&T TELEPHONE COMPANY
 ONCOR ELECTRIC
 SUDDEEN/JKA COMMUNICATIONS
 GRANDE COMMUNICATIONS

LEGEND
 * FOUND 1/2" I.R. W/CAP
 * UNLESS OTHERWISE NOTED
 * SET 1/2" I.R. W/CAP
 * UNLESS OTHERWISE NOTED

- 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 subdivision by metes and bounds may be a violation of city ordinance and state law subject to fines and withholding of utilities and building permits.
 - Bearings & distances shown on this plat are relative to the Texas Coordinate System, NAD 83 with Combined Grid Factor of 0.99998463 and a True Angle of 0.005517". Coordinates are based on the City of Midland Control Monument as published in U.S. Survey Fee as provided by the City of Midland.

PACKET



LOCATION MAP

SUB-22-0502

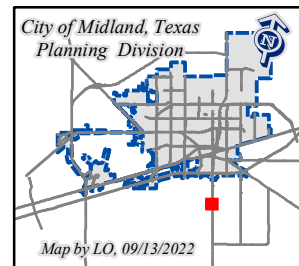
Scale: 1" = 2,891'

Proposed plat of Cooney Addition, being a plat of the 4.23 acre tract of land out of the NE/4 of Section 22, Block 39, T-2-S, T & P. R.R. Co. Survey, Midland County, Texas.

Generally located on the west side of South Highway 349, approximately 635-feet south of West County Rd 130. (ETJ).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg Burns

MEETING DATE: October 16, 2023

TO: **PLANNING AND ZONING COMMISSION**

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The preliminary plat was approved at the September 18, 2023, Planning and Zoning Commission meeting. The property owner is requesting to plat to obtain septic permits and addresses.

Final Plat Requirements:

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

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

Below are the departments' comments.

ENGINEERING: (Approved)

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

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

PAVING: S State Highway 349 is a TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: Deferral request for water improvements were administratively approved on 08/23/2023. [For Applicant's Information Only.]

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

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

SEWER: Deferral request for sewer improvements were administratively approved on 08/23/2023. [For Applicant's Information Only.]

DRAINAGE: Drainage report is not required due to the existing site already being developed and are only proposing to install an OSSF. [For Applicant's Information Only.]

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

SIDEWALKS: Required at building permit. However, no city building permits are issued within the county. No sidewalk improvements needed at this time. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

BUILDING CODE: (Approved)

ETJ No jurisdiction.

GIS:

Parcel above this plat extends slightly more east than visual shows. (about 10') Plat itself is fine.

PUBLIC WORKS:

No comments.

CRMWD:

No comments.

HEALTH DEPARTMENT:

No comments.

Planning: (Approved)

No comments.

Staff recommends approval of the Preliminary Plat of Lozoya Addition, Section 3, subject to condition A.

Condition:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

LCA Job No. 22-037

Project Number: 54B-22-6502

Case Number: P-23-1783

Proposed Subdivision Plat Name: Cooney Addition

Legal Description (attached sealed Metes and Bounds): Being a 4.23 acre tract of land located in the Northeast/4 of Section 22, Block 39, T-2-S, T&P RR. Co. Survey Midland County, Texas.

Property Owner Midland Texas RV I, LLC and Blue Property Management Inc. Attn: Seth Clark *jm*
Printed Name: Management Inc. Attn: Seth Clark
Address 4610 S. State Hwy 349 City Midland State TX Zip 79705
Phone (318)990-0208
Email sdc30m50@yahoo.com

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

Representative (if acting as Agent, see affidavit on page 2)
Firm: Landgraf, Crutcher & Associates
Printed Name: LCA Phone (432) 332-5058
Address 521 N. Texas Avenue City Odessa State TX Zip 79761
Email _____

Current Zoning: Not Zoned

Reason for Platting: Septic Permit needed to upgrade system

Plat Information Total Acreage: 4.23
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'

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date:

Property Owner (printed) :

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Midland Texas RV I 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.

George E. Thornley
Authorized Agent (signature)

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

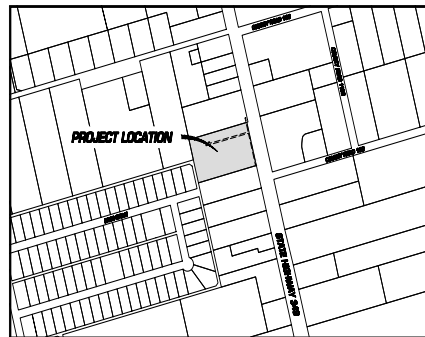


Zsazette Mitchell
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****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>41633</u>	☒ Tax Certificates	Check # <u>41552</u>
Received By: <u>Jeff Fisher</u>		Date: <u>9-18-23</u>

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



VICINITY MAP

SCALE: N.T.S.

COONEY ADDITION

BEING A 4.23 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST/4
OF SECTION 22, BLOCK 39, T-2S, T&P, RR. CO. SURVEY
MIDLAND COUNTY, TEXAS

OWNER'S CERTIFICATE:

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, ACME PLUS, LLC IS THE RECORD OWNER OF THAT CERTAIN CALLED 4.23-ACRE TRACT OF LAND LOCATED IN SECTION 22, BLOCK 39, T-2S, T&P, RR. CO. SURVEY, MIDLAND COUNTY TEXAS AS DESCRIBED IN DOCUMENT NO. 2014-1894 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

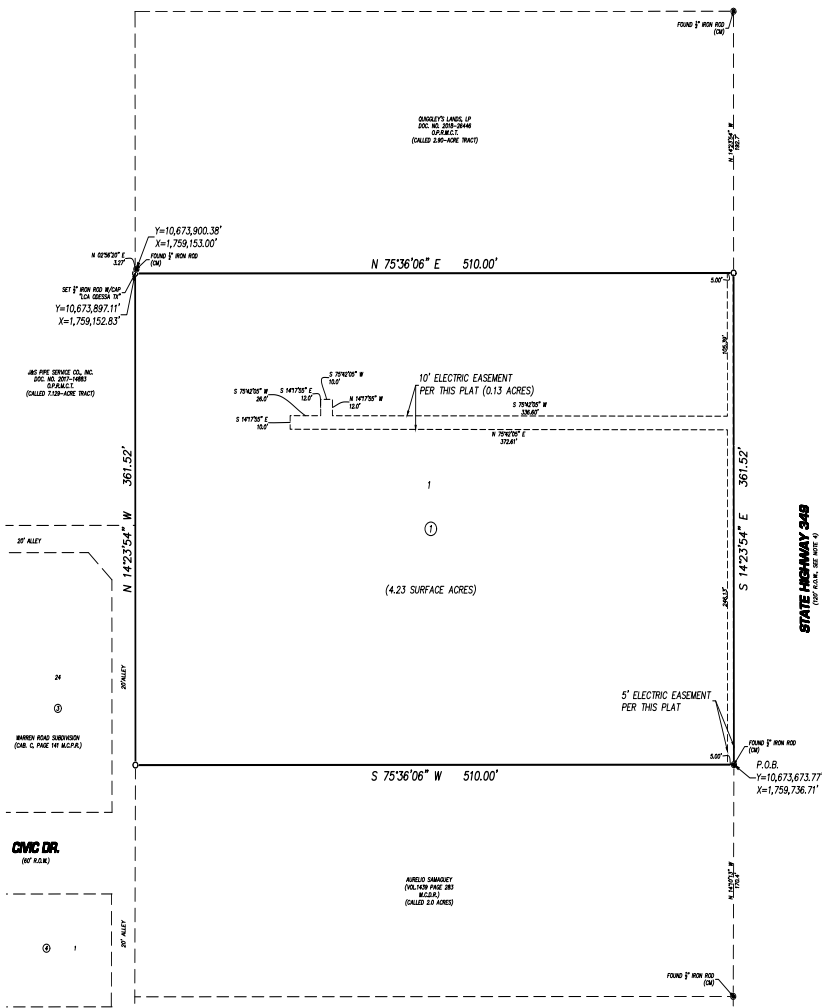
BEGINNING AT (Y= 10,673,673.77' & X= 1,759,736.71') A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF SAID 4.23-ACRE TRACT ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY 349 AND THE NORTHEAST CORNER OF THAT CERTAIN CALLED 2.00-ACRE TRACT AS DESCRIBED IN VOLUME 1439 PAGE 283 OF THE MIDLAND COUNTY DEED RECORDS, WHENCE A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF SAID 2.00-ACRE TRACT BEARS SOUTH 14°10'12" EAST, A DISTANCE OF 170.38 FEET;

THENCE SOUTH 75°36'05" WEST WITH THE NORTH LINE OF SAID CALLED 2.00-ACRE TRACT, A DISTANCE OF 510.00 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE SOUTHWEST CORNER OF THIS TRACT ON THE EAST LINE OF A 20-FOOT ALLEY AS DESCRIBED ON THE WARREN ROAD SUBDIVISION PLAT RECORDED IN CABINET C, PAGE 141 OF THE MIDLAND COUNTY PLAT RECORDS;

THENCE NORTH 14°23'54" WEST WITH THE EAST LINE OF SAID 20-FOOT ALLEY, PASS THE NORTHEAST CORNER OF SAID WARREN ROAD SUBDIVISION AT 176.3 FEET, CONTINUING WITH THE EAST LINE OF THAT CERTAIN CALLED 7.139-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2017-14883 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, FOR A TOTAL DISTANCE OF 361.52 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE NORTHWEST CORNER OF THIS TRACT, WHENCE A FOUND 1/2" IRON ROD (CALLED FOR A CONTROL MONUMENT) BEARS NORTH 02°56'25" EAST, A DISTANCE OF 3.27 FEET;

THENCE NORTH 75°36'05" EAST WITH THE SOUTH LINE OF THAT CERTAIN CALLED 2.90-ACRE TRACT AS DESCRIBED IN DOCUMENT NOT. 2018-26446 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, A DISTANCE OF 510.00 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE NORTHEAST CORNER OF THIS TRACT ON THE WEST RIGHT-OF-WAY OF SAID S. STATE HIGHWAY 349, WHENCE A 1/2" IRON ROD (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF SAID 2.90-ACRE TRACT BEARS NORTH 14°23'55" WEST, A DISTANCE OF 192.72 FEET;

THENCE SOUTH 14°23'55" EAST WITH THE WEST RIGHT-OF-WAY OF SAID S. STATE HIGHWAY 349, A DISTANCE OF 361.52 FEET TO THE POINT OF THE BEGINNING CONTAINING 4.23 SURFACE ACRES.



NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Seth Clark, do hereby adopt this plat designating the herein described property as Cooney Addition, 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 condition 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 _____ day of _____, 2023.

MIDLAND TEXAS RV 1, LLC AND BLUE PROPERTY MANAGEMENT INC.
SETH CLARK, PRESIDENT

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 Seth Clark, 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 _____, 2023.

My commission expires: _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS:

That I, John F. Landgraf, a Registered Professional Land Surveyor of the State of Texas, on this day personally appeared Seth Clark, 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.

John F. Landgraf, R.P.L.S. # 2410



OWNER: MIDLAND TEXAS RV 1, LLC AND BLUE PROPERTY MANAGEMENT INC.
SETH CLARK, PRESIDENT
7023 REINHARDT STREET
PRAIRIE VILLAGE, KANSAS 66208

ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.

321 NORTH TEXAS
ODESSA, TEXAS 79761-5131
PHONE: (432) 332-5058

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

No. _____

DATE: _____

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.
- Bearings & distances shown on this plat are relative to the Texas Coordinate System, NAVD 88 with Combined Grid Factor of 0.999803615 and a Theta Angle of 40°53'17". Coordinates are based on the City of Midland Control Monument as published in U.S. Survey Feet as provided by the City of Midland.
- State Highway 349 is a 120-foot R/W per TxDOT R/W plans.
- The electrical easements shown hereon are to be dedicated per this plat.

COONEY ADDITION

October 16, 2023
LCA LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 E-10034300
Phone # (432) 332-5058 E-Mail: lca@lcaodessa.com



CERTIFICATE OF APPROVAL

For approval by the Commissioner:
This is to certify that the above and foregoing Plat of Cooney 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
LUCY SINSIEGA

SIGNED: _____
SECRETARY OF PLANNING & ZONING
JEFF FISHER

THE UTILITY COMPANIES CERTIFICATE

This plat has been checked for accessibility of utilities

Mark Lebl
ATMOS ENERGY

Jeffrey R. Henderson
OSCOR ELECTRIC

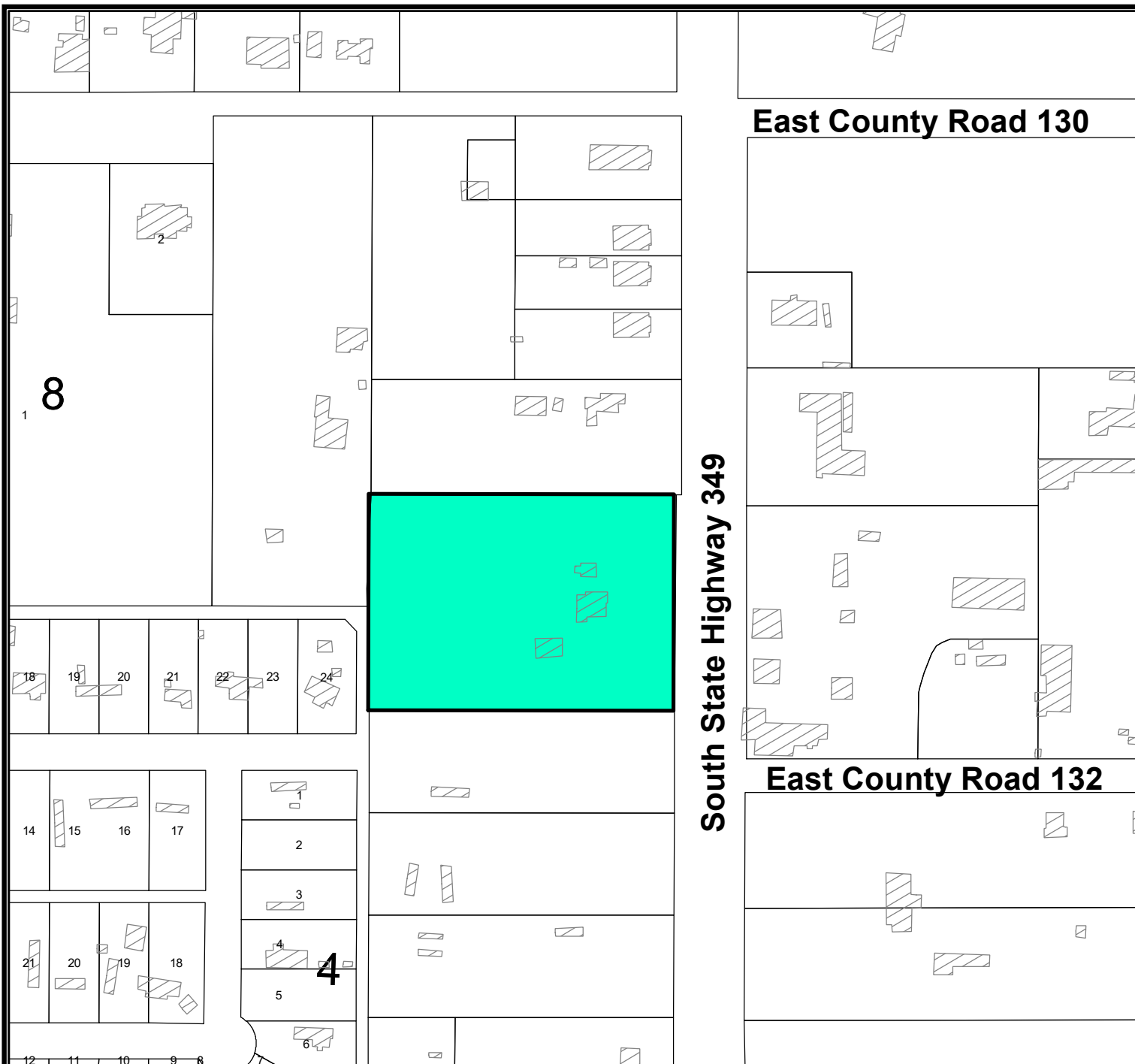
Landgraf Associates
AT&T TELEPHONE COMPANY

Louis Montoy
OPTIMUM

Vicki Byler
ASTOUND BROADBAND

PACKET

Page 23.228



LOCATION MAP

SUB-22-0502

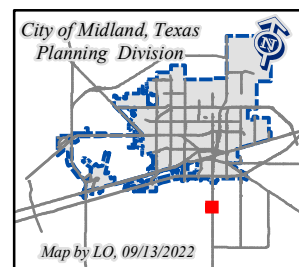
Scale: 1" = 2,891'

Proposed plat of Cooney Addition, being a plat of the 4.23 acre tract of land out of the NE/4 of Section 22, Block 39, T-2-S, T & P. R.R. Co. Survey, Midland County, Texas.

Generally located on the west side of South Highway 349, approximately 635-feet south of West County Rd 130. (ETJ).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for Agenda:
Jeffrey S. Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Maverick Engineering, is requesting to replat two lots for ownership purposes. The property is proposed to be replatted into new lots.

Current Zoning:

RR, Regional Retail District and PD, Planned Development for a shopping center.

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

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to

change depending on time of new code edition adoption in the City of Midland and date of permit application.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

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

PAVING: HWY 349 is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 8" water exists along HWY 349, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: None existing. Construct to City standards along entire platted frontage, serving all lots within the subdivision and to adjacent lot lines along exterior roadways. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Remove the 15 ft northern access easement. No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

FIRE: (Approved)

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

OIL AND GAS: (Approved)

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

GIS: (Approved)

Please provide recording information for 100' Drainage easement south of plat. Please also depict Private Utility Easement south of plat and provide recording information. (From TSC Development)

PLANNING: (Approved with Conditions)

At the final plat:

Provide a title opinion. [Informational].

The east 83 feet of Lot 3 is part of PD Ordinance No. 18185 that included an approved site plan. Per 11-2-3(D)(9) of the Midland City Code. A rezoning will be required at time of future development. [Informational Only]

Description should read: "Being a Replat of Lot 1, Block 1, TSC Development, Section 1 and Lot 1, Block 1, Midland Country Club Estates Addition, City and County of Midland, Texas".

State Highway 349 should read 'North State Highway 349'.

Add "Lucy Sisniega" beside Chairman title block.

Staff recommends approval of the Preliminary Plat of 349 Retail Addition, subject to conditions A.

Conditions:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps

349 RETAIL ADDITION

1. SELLING A PORTION OF THIS ADDITION BY MEANS AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHDRAWING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITES PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
 - (1) THE REPRESENTED LOTS ARE REPARATED FOR SUBDIVISION INTO MORE THAN ONE LOT OR
 - (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
4. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE SERVED BY THE TRACT INCREASES.

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP, FLOOD INSURANCE RATE MAP #4819C2C0100F, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN ZONE "AH", DESIGNATED AS "FLOOD DEPTHS OF 1 TO 3 FEET (USUALITY AREAS OF PONDING)" WITH A BASE FLOOD ELEVATION DETERMINATION OF 2807.9.

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 MAYERKOPF CIVIL & SURVEY, LLC.

BASES OF BEARING, COORDINATES, DISTANCE AND AREAAGE ARE A Lambert CONIC PROJECTION OF THE TEXAS COORDINATE SYSTEM STATE PLANE GRID, CENTRAL ZONE, AND 82.5 SURVEY FOOT PER INCH. COORDINATE ANGLE (RANGE) IS 0°-94°58'40" AND A COMBINED SCALE FACTOR OF 0.99999911 AT 1 NGS 82.5 SURVEY FOOT PER INCH.

1/2" IRON ROD END RED PLASTIC CAP MARKED "MURKERCORR 610" (10) 94514" H AT END CORNERS, UNLESS OTHERWISE SPECIFIED.

SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF HIGHWAY ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.

4 LOCATION OF BURIED UTILITIES AND PRELINES, IF ANY, AT APPROXIMATE BASE LOCATIONS OBSERVED EXISTING CONDUIT, CITY OF MIDLAND GAS AND PUBLIC UTILITY, OR BY ONE-CALIBER 1/4" SPIKE MARKINGS AT THE END OF SURVEY LINE. (SEE RECOMMENDATION CALL A PROTECT-TYPE FOR LOCATIONS PRIOR TO ANY CONSTRUCTION OR EXCAVATION.)

5 THIS IS A PROVISIONAL PRELIMINARY PLAN. IT IS NOT A FINAL PLAN FOR RECORD OR CONSTRUCTION PURPOSES. SEE AMENDMENTS SHOWING HEREON ARE ALSO PROVISIONAL AND SHALL ONLY BE PLACED IN CONJUNCTION WITH THIS PLAN. (SEE RECOMMENDATION CALL A PROTECT-TYPE FOR LOCATIONS PRIOR TO ANY CONSTRUCTION OR EXCAVATION.)

1. 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, MAINTAINING, IMPROVING, REPAIRING, REPLACING, ALTERING, ENLARGING, OR OTHERWISE ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, REPAIRING, RELOCATING AND REMOVING DRAINAGE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO CLIP AND TRIM BUSHES AND TREES TOGETHER WITH THE RIGHT OF INGRESS, EGRESS AND EGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.

2. 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 CONVEYANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS, THAT NO BUILDINGS, ROADSWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY OR ANY PART THEREOF WITHOUT THE WRITTEN PERMISSION FOR ABOVE-GROUND APPOINTMENTS MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

3. 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.

4. 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 REQUIRED AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTIONS AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATION ON REQUEST.

KNOW ALL MEN BY THESE PRESENTS:

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

CREGORY W. SHOULTS RP053536
MAYBECK ENGINEERING (TX FIRM #10194534)
1900 W. WALL STREET, SUITE K
MIDLAND, TX 79701

PRELIMINARY - THIS IS A PRELIMINARY DRAFT OF THE FINAL PLAT. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR REVIEW AND COMMENT ONLY. IT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR REVIEW AND COMMENT ONLY.

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS PIERCE PROPERTY INVESTMENTS, LLC, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT PIERCE PROPERTY INVESTMENTS, LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS A RETAIL ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHENCE THE EASEMENT SHOWN HEREON TO THE PUBLIC USE FOR THE STREETS, ALLEYS, SIDEWALKS, AND SUBURBAN HIGHWAY ADDITION; AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS THERETO, AND CONDITION SAID EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THERewith HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

THE _____ DAY OF _____, 2023.

BY: CHRIS BUTLER, FENCE PROPERTY INVESTMENTS, 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 PERSONALLY APPEARED CHRIS BUTLER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT FORECITED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPTIONED INSTRUMENT GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2021.

Page 24.234

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

BY: _____

BY: _____

BY: _____

BY: _____

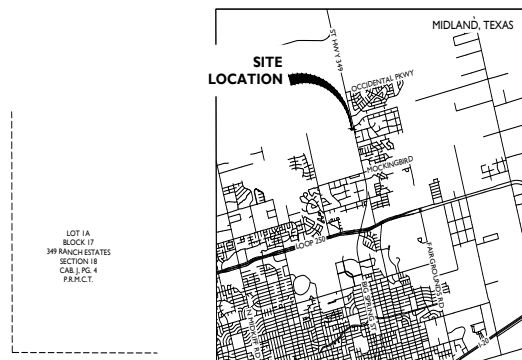
BY: _____

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF 349 RETAIL ADDITION, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

DAY OF _____ 2023.

CHAIRMAN

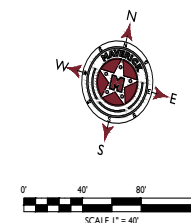
JEFFREY FISHER, SECRETARY



1158

N. I. G.

	DENOTES SET 1/2-INCH IRON ROD W/RED PLASTIC CAP MARKED "MAYBECK FIRM 11014514"
	DENOTES MONUMENT AS NOTED
	DENOTES 'X' IN CONCRETE
	DENOTES BOUNDARY LINE
	DENOTES EXISTING PROPERTY LINES
	DENOTES EXISTING EASEMENT LINE
	DENOTES PROPOSED EASEMENT LINE
	DENOTES EXISTING FLOODPLAIN
	DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
	DENOTES PLAT RECORDS, MIDLAND CO., TX
	DENOTES DEED RECORDS, MIDLAND CO., TX



FIERCE PROPERTY INVESTMENTS, LLC
 4416 BRIARWOOD, SUITE 110 BOX 23
 MIDLAND, TEXAS 79707
 DEED INSTRUMENT #2023-14314 AND
 #2023-14367



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

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

October 31, 2023 RETAIL ADDITION



Preliminary Plat Application

Project Number: SYB-23-0856
Case Number: _____

Proposed Subdivision Plat Name: 349 Retail Addition

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lot 1, Block 1, TSC Development, Section 1 and Lot 1, Block 1, Midland Country Club Estates Addition, City of Midland, Midland County, Texas

Property Owner

Printed Name: Fierce Property Investments LLC

Phone (432) 262-0999
Email

Address 4416 Briarwood Ste 110 Box 23

City Midland

State TX

Zip 79707

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999
Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999
Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: RR&PD

Reason for Platting: ownership purposes

Plat Information

Total Acreage:

5.824

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 3

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: _____

Property Owner (printed) : Christopher M. Butler

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

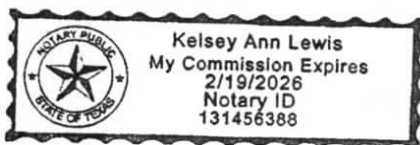
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of September, 2023, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

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)

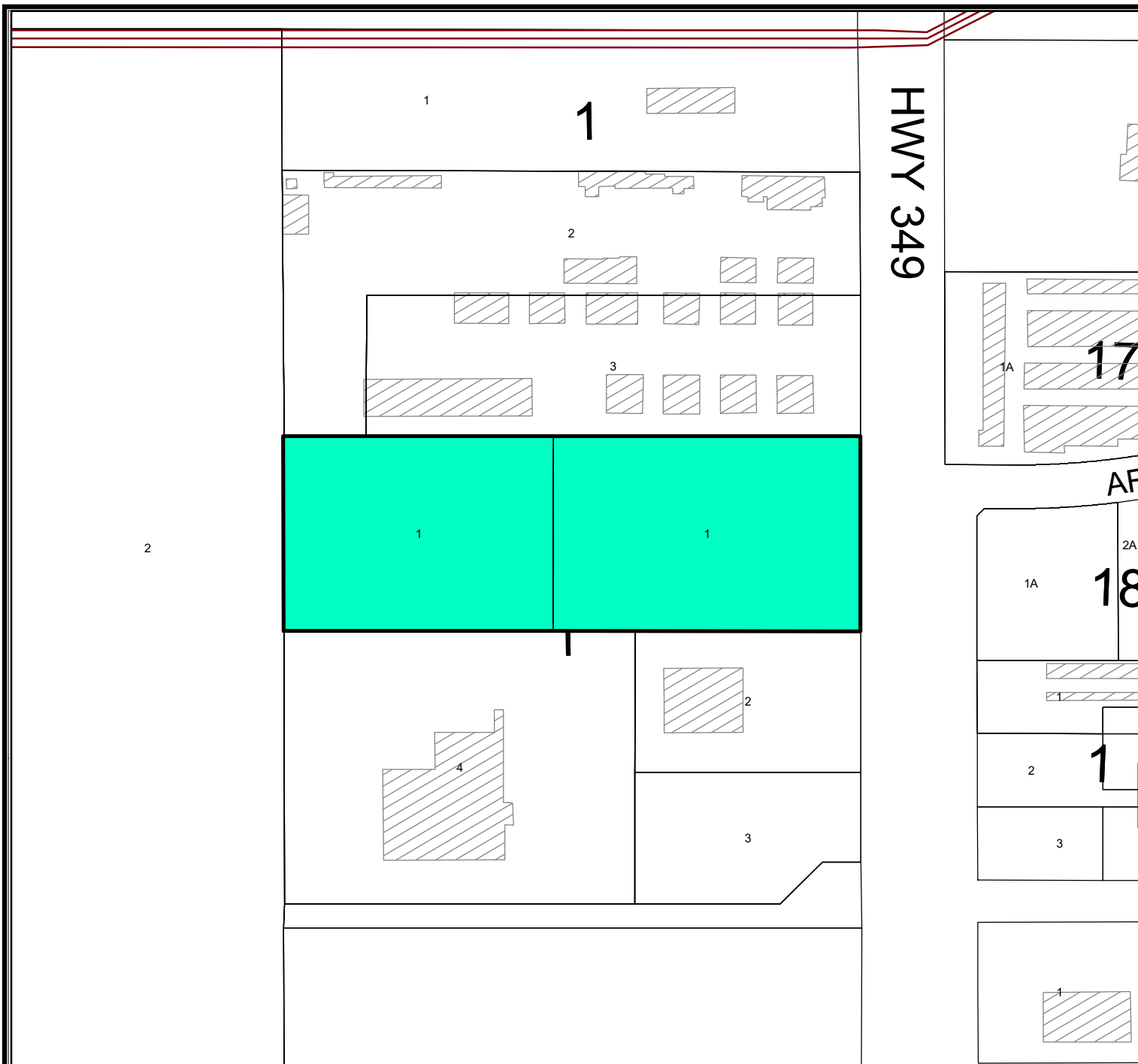
Check # 4393

Received By: Londan Osborn

Date: SEP 19 2023

BY: _____

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



LOCATION MAP

SUB-23-0656

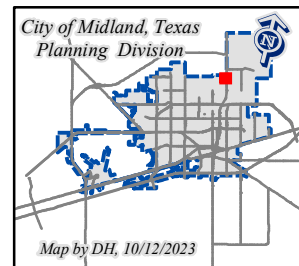
Scale: 1" = 2,456'

Proposed plat of 349 Retail Addition, being a Replat of Lot 1, Block 1, TSC Development, Section 1, and Lot 1, Block 1, Midland Country Club Estates Addition, City and County of Midland, Texas.

Generally located west of North State Highway 349, approximately 400 feet south of Occidental Parkway (District 1)

LEGEND

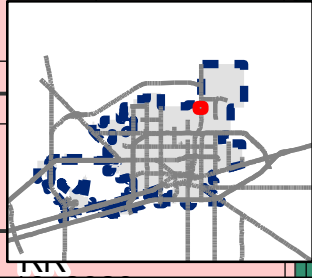
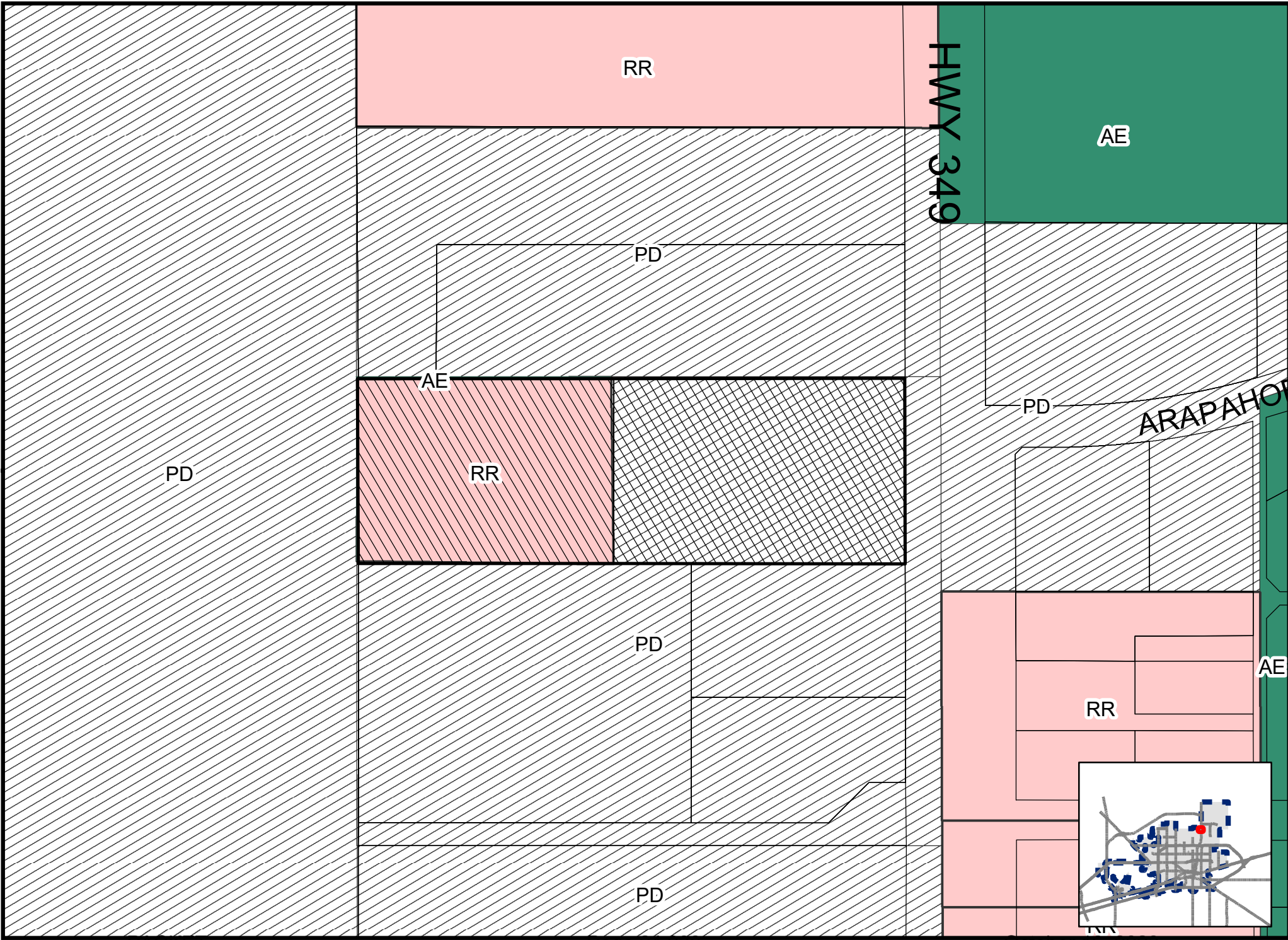
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: October 16, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Maverick Engineering, is requesting to plat two tracts lots for ownership purposes.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

BUILDING CODE: (Approved)

Not in city limits. No jurisdiction.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: There are no impact fees associated with this plat. Plat outside designated service areas. [For Applicant's Information Only.]

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

PAVING: No frontage along Public ROW. [For Applicant's Information Only.]

WATER: No frontage along Public ROW. [For Applicant's Information Only.]

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

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

SEWER: No frontage along Public ROW. [For Applicant's Information Only.]

DRAINAGE: Show compliance with The Park at 1788 South Drainage Letter, prepared by Maverick Engineering and approved by City on 2017. [Reference City Code Sect. 11-2-3(D)8]

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

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

GIS: (Approved)

No comments.

MIDLAND COUNTY PUBLIC WORKS: (Approved with Conditions)

Need to label all 3 roads (WCR 146, SCR 1275 & WCR 148) Private, Add Sct 1.17 for Private roads to the notes. Add the acreage to the description below the name and to the legal description.

CRMWD: (Approved)

No comments.

HEALTH DEPARTMENT: (Approved)

Yes, the health department will review applications from the 2 proposed lots of The Park at 1788, Section 3, REPLAT OF LOTS 12 AND 29, BLOCK I THE PARK AT 1788 SOUTH, MIDLAND TEXAS COUNTY TEXAS lot 29A is 1.5 acre, LOT 12A IS 4.7 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: (Approved with Conditions)

Title opinion is required at the Final Plat stage. [Informational].

The property owner is Park at 1788 South LLC according to MCAD, please change the owner on the plat or provide a warranty deed.

Staff recommends approval of the Preliminary Plat of The Park at 1788 South, Section 3, subject to condition A.

Conditions:

- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number: SUB-23-0669
Case Number: P-23-1799

Proposed Subdivision Plat Name: The Park at 1788 South, Section 3

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lots 12 and 29, Block 1, The Park at 1788 South, Midland County, Texas

Property Owner

Printed Name: Wellstar Properties LLC

Phone (432) 262-0999

Email

Address 15119 Memorial Dr Ste 201

City Houston

State TX

Zip 77079

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: ETJ

Reason for Platting: ownership purposes

Plat Information

Total Acreage:

6.22

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 2

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: 09/14/2023

Property Owner (printed):

Chris de la Nava

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

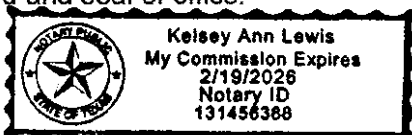
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L. Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of September, 2023, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

Check # _____

Received By:

Daniel Hernandez

Date:

9/18/23

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

PRELIMINARY PLAT

THE PARK AT 1788 SOUTH SECTION 3

BEING A REPLAT OF LOTS 12 AND 29, BLOCK 1,
THE PARK AT 1788 SOUTH, MIDLAND COUNTY, TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GREGORY W. SHOULTS, 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.

GREGORY W. SHOULTS #19383346
MAVERICK ENGINEERING (TX FRM #10194514)
1809 W. WALL STREET, SUITE 4
MIDLAND, TX 79701

**PRELIMINARY - THIS
DOCUMENT SHALL NOT BE
RECORDED FOR ANY
PURPOSE**

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, WELLSTAR PROPERTIES, LLC, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 29,
BLOCK 40, T.S. & T&M 88, CO. SURVEY, MIDLAND COUNTY, TEXAS;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WELLSTAR PROPERTIES, LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS THE
PARK AT 1788 SOUTH, SECTION 3, 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 ACCESS AND EGRESS TO THE CITY OF
MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE
OF TRASH CONTAINERS AND ACCESS THEREON, AND CONSIDERATION SAID EASEMENT THAT NO CONSTRUCTION SHALL
COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN
SEEN AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, TX,
THIS _____ DAY OF _____, 2023.

FOR WELLSTAR PROPERTIES, LLC

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY
PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE
NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS
OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND
IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF THE PARK AT 1788 SOUTH, SECTION 3, WAS
APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS
ON THIS

_____, DAY OF _____, 2023.

LUCKY SOROKA, CHAIRMAN

JEFFREY FISHER, SECRETARY

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF
UTILITIES.

AT&T ENERGY

BY: _____

AT&T

BY: _____

EP&S/ELM

BY: _____

ASTOUND BROADBAND

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____

SURVEY NOTES

1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACRES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83 U.S. SURVEY FOOT WITH A CONVERGENCE ANGLE (Bearing of 4° 54' 48" and a COMBINED SCALE FACTOR OF 0.99999891) AT WEST MIDLAND.
2. 1/2" IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FRM # 10194514" AT ALL SET CORNERS, UNLESS OTHERWISE SPECIFIED.
3. SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAVERICK ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.
4. LOCATION OF BURIED UTILITIES AND PRELINES, IF ANY, ARE APPROXIMATE BASED UPON OBSERVED EXISTING RECORDS, CITY OF MIDLAND GIS AND VISUAL EVIDENCE, OR BY ONE-CALL 811 SITE MARKINGS AT THE TIME OF THIS SURVEY. DUE CARE IS RECOMMENDED: CALL 1-800-832-6888 FOR LOCATES PRIOR TO ANY CONSTRUCTION OR EXCAVATION.
5. THIS IS A PROVISIONAL PRELIMINARY PLAT. THIS IS NOT TO BE RECORDED OR USED FOR CONSTRUCTION PURPOSES. SET MONUMENTS SHOWN HEREON ARE ALSO PROVISIONAL AND SHALL ONLY BE PLACED IN ACCORDANCE WITH A FINAL SURVEY SEALED BY THE SURVEYOR OF RECORDS.

DEVELOPMENT NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
 - (1) THE REPRESENTED LOTS ARE RELAYED FOR SUBDIVISION INTO MORE THAN ONE LOT OR;
 - (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
4. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE LOT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASED.
5. THIS PROPERTY IS IN THE A02-A AIRPORT OVERLAY DISTRICT FOR MIDLAND INTERNATIONAL AIR & SPACE PORT. SEE NOTE BELOW.

A02-A AIRPORT OVERLAY DISTRICT

(NOTE PER 11-11.1 (1) & (2) MIDLAND TEXAS CODE OF ORDINANCES)

ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE, OR ENLARGE AN EXISTING STRUCTURE OR ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE A02-A MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTION 11-11.8, 11-11.9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP FLOOD INSURANCE RATE MAP #48320C0206, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADOWED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 1% 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 CIVIL & SURVEY, LLC.

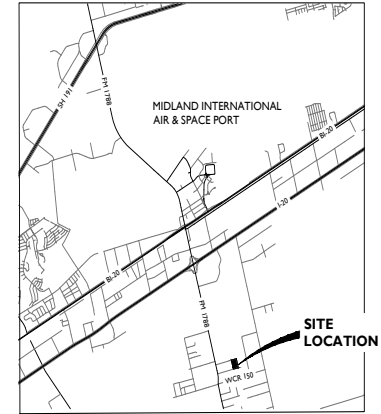
PROPERTY OWNER

WELLSTAR PROPERTIES, LLC
15119 MEMORIAL DRIVE, SUITE 201
HOUSTON, TX 77059
DEED INSTRUMENT #

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

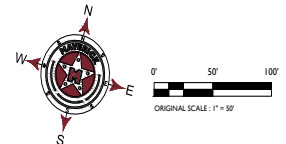
NO. _____

DATE _____



VICINITY MAP

N.T.S.



LEGEND

- SET 1/2-INCH IRON ROD WIRED PLASTIC CAP MARKED "MAVERICK FRM #10194514"
- FOUND MONUMENT AS NOTED
- BOUNDARY LINE
- PROPERTY LINE
- EASEMENT LINE
- P.R.M.C.T. PLAT RECORD MIDLAND COUNTY, TEXAS
- O.P.R.M.C.T. OFFICIAL PUBLIC RECORD MIDLAND COUNTY, TEXAS



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

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

THE PARK AT 1788 SOUTH
October 16, 2023
SECTION 3

PACKET

Page 25.244



LOCATION MAP

SUB-23-0699

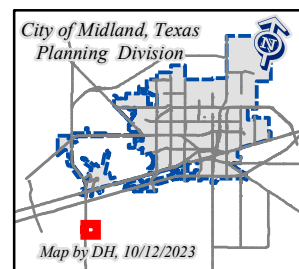
Scale: 1" = 7,073'

Proposed plat of The Park at 1788 South, Section 3, being a replat of Lots 12 and 29, Block 1, The Park at 1788 South, Midland County, Texas.

Generally located at the southwest corner of South County Road 1275 and West County Road 146 (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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