

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

**October 17, 2022 - 3:30 PM
Council Chambers – City Hall**



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

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86462334791>

Or One tap mobile :

US: +13462487799,,86462334791# or +16694449171,,86462334791#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 436 2866

Webinar ID: 864 6233 4791

International numbers available: <https://us02web.zoom.us/j/86462334791>

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission Meeting minutes for October 3, 2022.
3. Motion approving a Final Plat of Mockingbird Heights, Section 14, being a plat of a 4.14-

acre tract of land out of the west part of a 39.93-acres tract, all being out of the West/2 of Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side on Valwood Drive, approximately 500-feet north of Tanforan Drive - Council District 1) (DEVELOPMENT SERVICES)

4. Motion approving a Final Plat of Kelview Heights, Section 12, being a replat of Lots 6 & 7, Block 9, Kelview Heights, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Loma Drive and W. Pine Avenue - Council District 3) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Northwestern Addition, Section 19, being a replat of a 10.81-acre tract of land out of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,703-feet east of N. Midland Drive - Council District 1) (DEVELOPMENT SERVICES)
6. Motion approving a Final Plat of Carrollwood Addition, a 31.29 - acre tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the west side of Antelope Trail, approximately 3,000-feet north of west County Road 140 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
7. Motion approving a Final Plat of Plunk Addition, Section 11, being a plat of the 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway, approximately 270-feet west of Allen St. - Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

8. Consider a request by Nader Mezher for a zone change from O-1, Office District, to RR, Regional Retail District, on Lot 1, Block 26, Wedgwood Park, Section 4, City and County of Midland, Texas. (Generally located on the east side of N. Midland Drive, approximately 510-feet north of Neely Avenue – Council District 3) (DEVELOPMENT SERVICES)
9. Motion approving a Final Plat Skyview Development, Section 10, being a 1.7-acre tract of land out of Lot 6, Block 7, Skyview Development, City and County of Midland, Texas. (Generally located on the Northwest corner of the intersection of Todd Road and Marie Drive. - Council District 2) (DEVELOPMENT SERVICES)
10. Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate to PD, Planned Development District for an Office Center on 5.720-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Green Tree Boulevard and North Midland Drive - Council District 1) (DEVELOPMENT SERVICES)
11. Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate to PD, Planned Development District for a Housing Development on 20.719-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

(Generally located on the east side of N. Midland Drive, approximately 433-feet south of Green Tree Boulevard -Council District 1) (DEVELOPMENT SERVICES)

MISCELLANEOUS

12. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Mockingbird Heights, Section 15 being a plat of a 26.44-acre tract of land out of a 331.25-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Green Tree Boulevard and N. Midland Drive – Council District 1) (DEVELOPMENT SERVICES)
13. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Redneck Retreat, 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 920-feet east of FM715 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Elizabeth Shaughnessy
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 3, 2022
Council Chambers – City Hall**



The Planning & Zoning Commissioner convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., October 03, 2022.

Commissioners present: Lucy Sisniega, Stacy Grosse, Emily Holeva, Abraham Bejil, Emily Holeva

Commissioners absent: Dianne Williams, Zachary Deck, Adrian Carrasco

Staff members present: Elizabeth Shaughnessy, Landon Ochoa, James Reber, Alexandra Walling, Dalia Salinas

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

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

CONSENT ITEMS

Commissioner Holeva moved to approve the consent items 2-5; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

2. Motion approving the Planning and Zoning Commission Meeting minutes for September 19, 2022.
3. Motion approving a Final Plat of Desert Scene Addition, being a plat of 11.480-acre tract of land out of Section 20, Block 39, T-2-S, T&P RR CO. Survey, Midland County, Texas. (Generally located on the south side of West County Road 140, approximately 460-feet west of South County Road 1210 - Extraterritorial Jurisdiction)
4. Motion approving a Final Plat of West Midland Addition, Section 2, being a 1.37-acre tract of land, being all or part of Lots 1, 2, 3, and 4, Block 4, West Midland Addition, an addition to the City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. "F" Street and W. Illinois Avenue – Council District 3)
5. Motion approving a Final Plat of Galindo Addition, Section 1 being a 7.532 -acres tract of land out of S.W/4 of Section 21, Block 39, T-2-S, T & P RR Co Survey, County of Midland, Texas. (Generally located on the northeast corner of the intersection of County Road 1210 and County Road 140 - Extraterritorial Jurisdiction)

PUBLIC HEARINGS

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

6. Motion to approve with staff's recommended conditions, a proposed plat of Mockingbird Ridge, being a residential plat of a 317.56-acre tract of land, situated in Section 18, Block 38, T-1-S, A-734, T&P RY. CO. Survey, City of Midland, Midland County, Texas. Generally located on the northeast corner of the intersection of North Fairgrounds and East Mockingbird Road. (Council District 1)

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

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

The applicant, Ronnie Wallace with Betenbough homes was present and available for questions.

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

Commissioner Grosse moved to approve this request; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

7. Consider a request by Zhanwei Deng, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a Restaurant on a 1,483 square foot portion of Lot 3G, Block 6, Scotsdale Addition, Section 19, City and County of Midland, Texas. Generally located on the south side of West Wadley, approximately 575 feet west of the intersection of West Wadley and North Midkiff - Council District 4)

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

Commissioner Sisniega asked the application was for an existing restaurant. Staff explained that it is the same building but a new business.

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

The applicant was not present.

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

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

8. Consider a request by Erica Hernandez for a zone change from HI, Heavy Industrial District, to SF-3, Single-Family Dwelling District, on Lot 7, Block 50, East Midland Addition, City and County of Midland, Texas. (Generally located on the northeast side of the intersection of South Street and North Madison Street, approximately 930-feet east of North Lamesa Road - Council District 2)

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

The public hearing was opened at 3:45 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:46

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

MISCELLANEOUS

9. Motion approving with staff's recommended conditions a proposed Preliminary 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 S. Lamesa Road and Albert Avenue - Council District 2)

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Lancer Addition, being a 35.51-acre tract out of Block 38, T-2-S, A. M. Cobb Preemption Survey, Midland County, Texas. (Generally located on the east side of F.M. 1213, approximately 2,225 feet north of East County Road 130 - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

11. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Palermo Crest Addition, being a 0.36-acre tract of land and a 0.96-tract of land all out of Section 1, Block 39, T-2-S, T & P, RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner on the intersection of South Lamesa Road and East Gist Avenue – Council District 2)

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Grosse, Holeva, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Carrasco

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

Lucy Sisniega, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of Mockingbird Heights, Section 14, being a plat of a 4.14-acre tract of land out of the west part of a 39.93-acres tract, all being out of the West/2 of Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side on Valwood Drive, approximately 500-feet north of Tanforan Drive - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

PD, Planned Development District for a Housing Development.

Preliminary Plat Approval:

The applicant, M Jackson Construction, is proposing to plat a 4.14-acre tract of land out of the west part of a 39.93-acres tract all being out of the West/2 of Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas into (8) eight lots for a residential development. The Preliminary Plat was approved at the September 7, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: Approved

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

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

PAVING: Paving improvements have been installed and are in the process of being accepted. [For Applicant's Information Only.]

WATER: Water improvements have been installed and are in the process of being accepted. [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: Section 395.081 applies only to a city that has not adopted impact fees, the impact fee ordinance superseded this ordinance thus pro-rata is null for this area. [For Applicant's Information Only.]

SEWER: Wastewater improvements have been installed and are in the process of being accepted. [For Applicant's Information Only.]

DRAINAGE: Drainage study has been approved. [For Applicant's Information Only.]

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

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

Fire: Approved

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

Oil and Gas: Approved

No Oil and Gas Issues. City Permitted Oil & Gas Well identified and includes 500 ft. radius with no impact to building permits for the plat.

Code Administration: Approved

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

GIS: Approved

No comments.

CRMWD: Approved

No comments.

Planning:

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Mockingbird Heights, Section 14 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Sub-21-0447

Case Number:

P-22-1424

Proposed Subdivision Plat Name: Mockingbird Heights, Section 14**Legal Description (attached sealed Metes and Bounds):** See attached**Property Owner**

Printed Name: M Jackson Construction 1, Ltd.

Phone (432) 559-5128

Email
chase@newtoncivil.com

Address 3209 Caldera Blvd.

City Midland

State TX

Zip 79705

Developer (if different than Owner)

Printed Name: Same as owner

Phone (432) 559-5128

Email
chase@newtoncivil.com

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: Chase Dunnam

Phone (432) 559-5128

Email
chase@newtoncivil.com

Address 4501A Santa Rosa Dr.

City Midland

State TX

Zip 79707

Current Zoning: PD, Ordinance 7109. Underlying zoning is SF-1**Reason for Platting:** Single family homes**Plat Information**

Total Acreage: 4.14

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

Number of Lots: 8

Number of Multi-Family Dwelling Units: 0

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Nick Jackson

Date: 8.31.22

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☒ Application Fee

Check # 1256

☒ 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 # 1257

Received By:

lexie walling

Date:

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

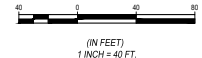
FINAL PLAT
MOCKINGBIRD HEIGHTS, SECTION 14

BEING A PLAT OF A 4.14 ACRES TRACT OF LAND OUT OF THE WEST PART OF A 39.93 ACRES TRACT ALL BEING OUT OF THE WEST 1/2 OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY MIDLAND COUNTY, TEXAS

LEGEND

- Found 1/2" Iron rod with plastic cap stamped "0.0"
- Set 1/2" Iron rod with plastic cap stamped "RPLS 4170"

GRAPHIC SCALE



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MIKE JACKSON and MILTON LARY, are the record owners of a 4.14 acres tract of land out the west part of a 39.93 acres tract all being out of the West half of Section 8, Block "X", H.P. HILLIARD SURVEY, Midland County, Texas and being more particularly shown hereon:

Now, therefore, know all men by these presents:

That we, Mike Jackson and Milton Lary, do hereby adopt this plat designating the hereinabove described property as MOCKINGBIRD HEIGHTS, SECTION 14, on addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.

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

M. JACKSON CONSTRUCTION L.L.D.
MIKE JACKSON, MANAGING MEMBER

M.R. LARY, INC.
MILTON LARY, MANAGING MEMBER

OWNER:

M. JACKSON CONSTRUCTION L.L.D.
3208 CALDERA BLVD.
MIDLAND, TEXAS 79705
(432)699-6908

M.R. LARY, INC.
3403 CALDERA BLVD.
MIDLAND, TX 79707
(432)694-5488

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____, 2022 by Mike Jackson.

Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____, 2022 by Milton Lary.

Notary Public, State of Texas

LOCATION MAP

N.T.S.

MOCKINGBIRD HEIGHTS, SECTION 9
CAB. I, PG. 18

MOCKINGBIRD HEIGHTS, SECTION 9
CAB. I, PG. 18

GREENVILLE CT.
(60' ROW)

EVANS 1
DEVELOPMENT LTD
(UNPLATTED)

UTILITY COMPANY CERTIFICATE:

This plat has been checked for accessibility of utilities.

SURVEYOR'S CERTIFICATE:

Know all Men by these Presents:
That I, Bruce R. Pennell, 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 and County of Midland, Texas.

CERTIFICATE OF APPROVAL:

For approval by the Commission:

This is to certify that the above and foregoing plat of MOCKINGBIRD HEIGHTS, SECTION 14 was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____, 2022.

Lucy Shieraga, Chairman

Elizabeth Shaughnessy, Secretary



Bruce R. Pennell, R.P.L.S. No. 4170

- NOTE:
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 - APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
 - BEARINGS/DISTANCES/COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
 - THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 43220C0007 DATED SEPTEMBER 16, 2005.
 - IF THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 43220C0007 DATED SEPTEMBER 16, 2005, 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.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

CABINET

PAGE

MOCKINGBIRD HEIGHTS, SECTION 14

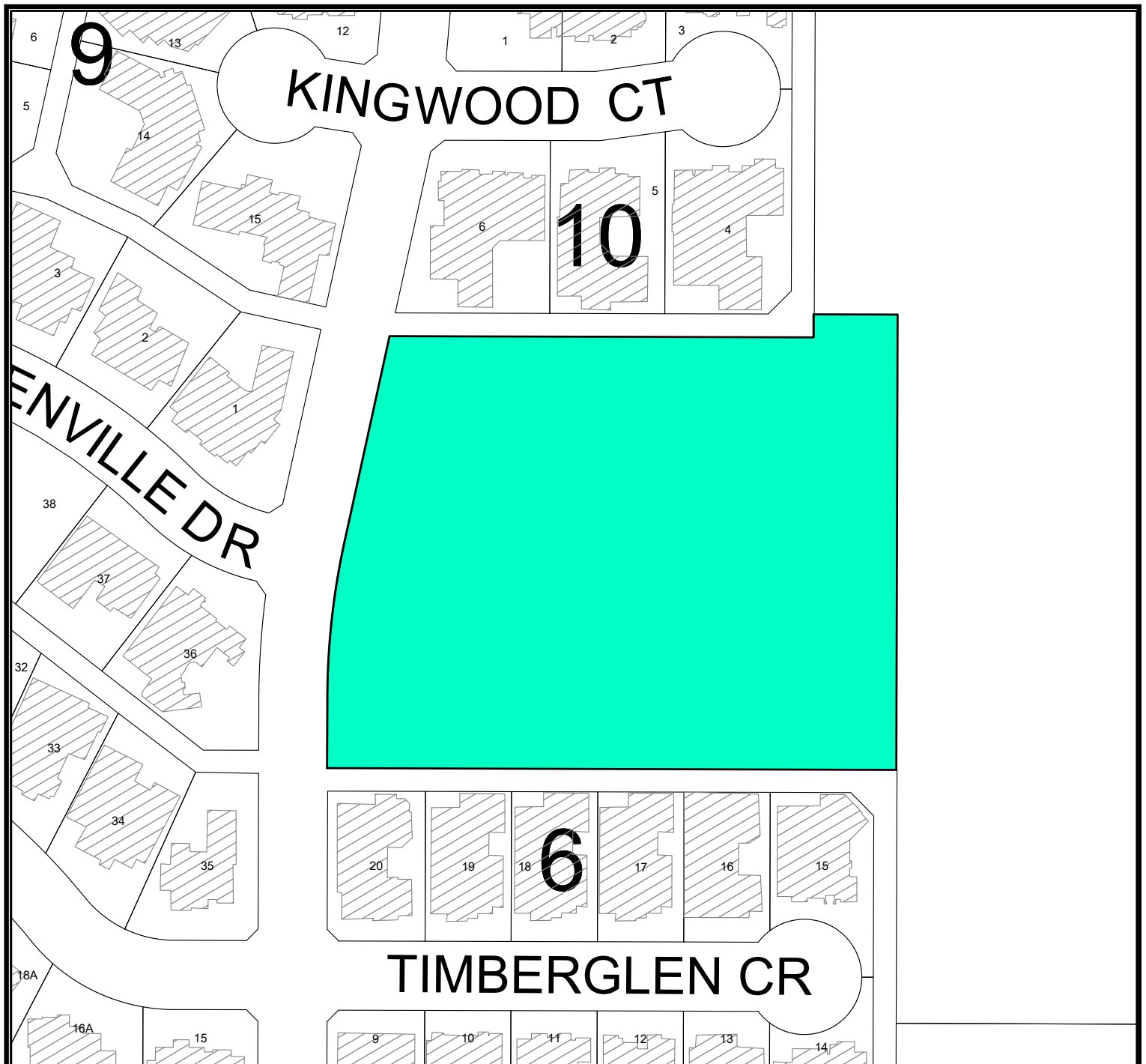
SCALE: 1" = 40' DRAWN BY: CND

DATE: August 2022 FILE NAME:

NEWTON ENGINEERING, P.C.

4014 Santa Rosa Dr. P.O. Box 4901 & 4902 Midland, Texas 79707 (432) 699-6907

FINAL PLAT PROJECT NUMBER 19-MEN-051



LOCATION MAP

SUB-21-0447

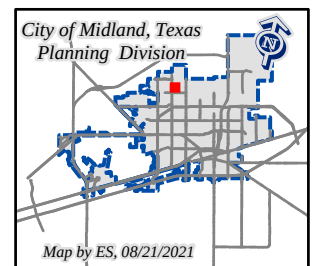
Scale: 1" = 1,500'

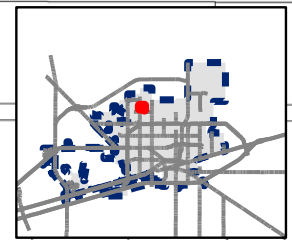
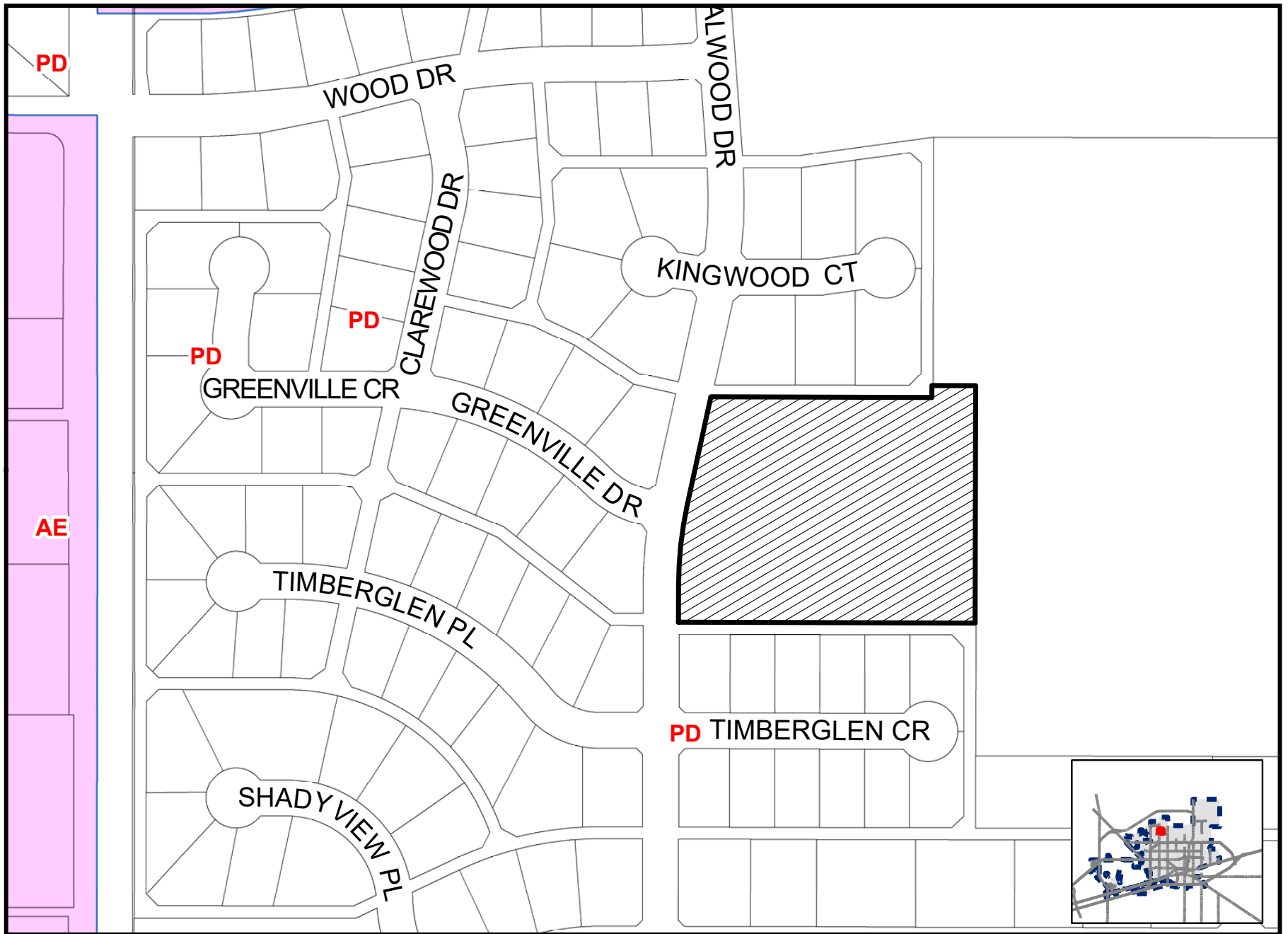
Proposed Plat of Mockingbird Heights, Section 14, being a plat of a 4.14 acres tract of land out of the west part of a 39.93 acres tract all being out of the West/2 of Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas.

Generally located on the east side on Valwood Drive, approximately 500 feet north of Tanforan Drive. (Council District 1).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of Kelview Heights, Section 12, being a replat of Lots 6 & 7, Block 9, Kelview Heights, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Loma Drive and W. Pine Avenue - Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

PD, Planned Development District for an Office Center.

Preliminary Plat Approval:

The applicant, Watson Professional Group, is requesting to replat lots 6 & 7, Block 9, Kelview Heights, City and County of Midland, Texas, to combine two lots into one for permitting purposed. The Preliminary Plat was approved at the March 7, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

Engineering: Approved

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

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

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

WATER: 6" water exists in Loma Street, okay as is. 4" water exists in W Pine Street, okay as is. No public water improvements required. [For the Applicant's information only.]

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

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

SEWER: 8" sewer exists in alley East of tract, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

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

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

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

Fire: Approved

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

Oil and Gas: Approved

No Oil and Gas Issues.

Code Administration: Approved

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

GIS: Approved

No comments.

Planning:

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Kelview Heights, Section 12 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: SUB-21-0475
Case Number: P-22-1433

Proposed Subdivision Plat Name: Kelview Heights, Section 12

Legal Description (attached sealed Metes and Bounds): _____

BEING A REPLAT OF LOTS 6 AND 7, BLOCK 9, KELVIEW HEIGHTS, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.

Property Owner

Printed Name: **Maria Del Carmen Guzman**

Phone (432) 296-1578

Email: olguzman@yahoo.com

Address: **2700 Loma Drive**

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: Watson Professional Group Inc

Printed Name: **Dana Canul**

Phone (432) 269-9577

Email _____

dcanul@wpg-us.com

Address: **9915 SCR 1213**

City: **Midland**

State: **TX**

Zip: **79706**

Current Zoning: Planned Development District

Reason for Platting: Building Permit

Plat Information

Total Acreage: **0.412 Acres**

Type: ☒ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **1**

Number of Multi-Family Dwelling Units: _____

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Maria Del Carmen Guzman

Date: 9-16-2022

Property Owner (printed): MARIA DEL CARMEN GUZMAN

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 Dana Canal who, being by me duly sworn, upon oath says: That (s)he is authorized by Maria Del Carmen Guzman, 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.

Dana Canal

Authorized Agent (signature)

Subscribed and sworn to before me, this 16 day of September, 20 22, to certify which witness my hand and seal of office.



Terri Lynn Johnson

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>11313</u> | ☒ Tax Certificates | ☒ Recording Fee |
| | | Check # <u>11314</u> |

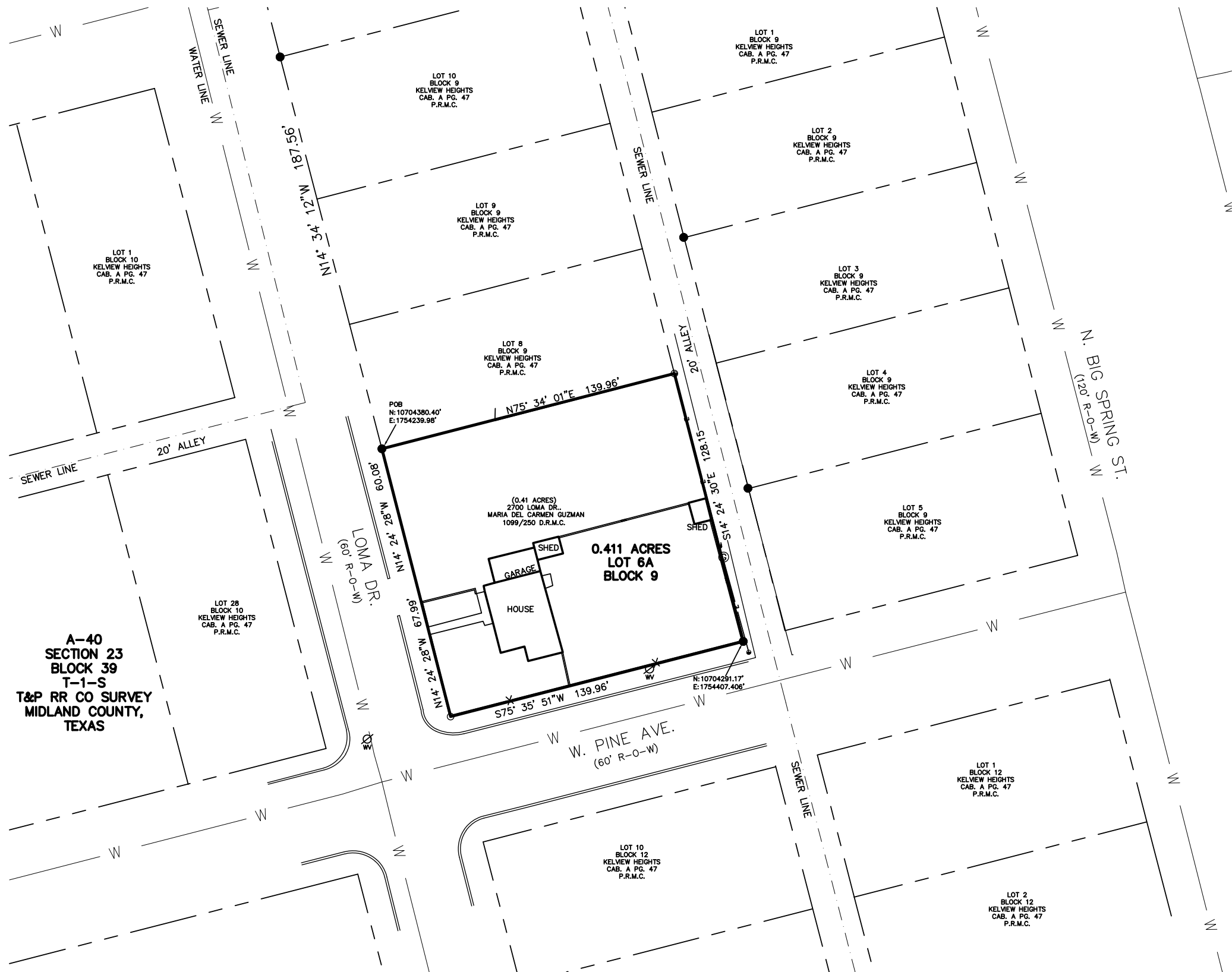
Received By: Alexandra Walling

Date: SEP 20 2022

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

KELVIEW HEIGHTS, SECTION 12

BEING A REPLAT OF LOTS 6 & 7, BLOCK 9, KELVIEW HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS.



- LEGEND
- IRON ROD FOUND (R/S) SPIKE NAIL (SN)
 - IRON ROD W/ CAP SET
 - CONC. MONUMENT W/ BRASS CAP
 - FENCE CORNER POST (FNC)
 - CONC. R-0-W MARKER FOUND
 - POWER POLE
 - GAS METER
 - WATER VALVE
 - OVERHEAD ELEC. LINE
 - DRAIN GUY
 - FENCE
 - WATER LINE
 - SEWER LINE
 - TYP. CENTERLINE
 - C.V. OVERHEAD ELECTRIC TRANSMISSION LINE
 - 1-LINE RECORD CALL
 - BRG-DOT RECORD CALL
 - D.R.M.C. DEED RECORDS MIDLAND COUNTY, TEXAS
 - O.R.D.C. OFFICIAL RECORDS MIDLAND COUNTY, TEXAS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, MARIA DEL CARMEN GUZMAN is the record owner of Lots 6 and 7, Block 9, Kelview Heights, an addition to the City of Midland, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARIA DEL CARMEN GUZMAN, do hereby adopt this plat designating the herein above described property as "KELVIEW HEIGHTS, SECTION 12", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

Maria Del Carmen Guzman 9-30-2022
MARI DEL CARMEN GUZMAN Date

CERTIFICATE OF APPROVAL
STATE OF TEXAS
COUNTY OF MIDLAND

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

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Mark Lieb
ATMOS ENERGY
BY: Mark Lieb

Jerry Underwood
BY: Jerry Underwood

Luis Montez
OPTIMUM
BY: Luis Montez

Ruben Guerra
GRANDE COMUNICACION
BY: Ruben Guerra

Martin Arguello
ONCOR ELECTRIC DELIVERY
BY: Martin Arguello

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

ACKNOWLEDGEMENT
STATE OF TEXAS
COUNTY OF MIDLAND

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

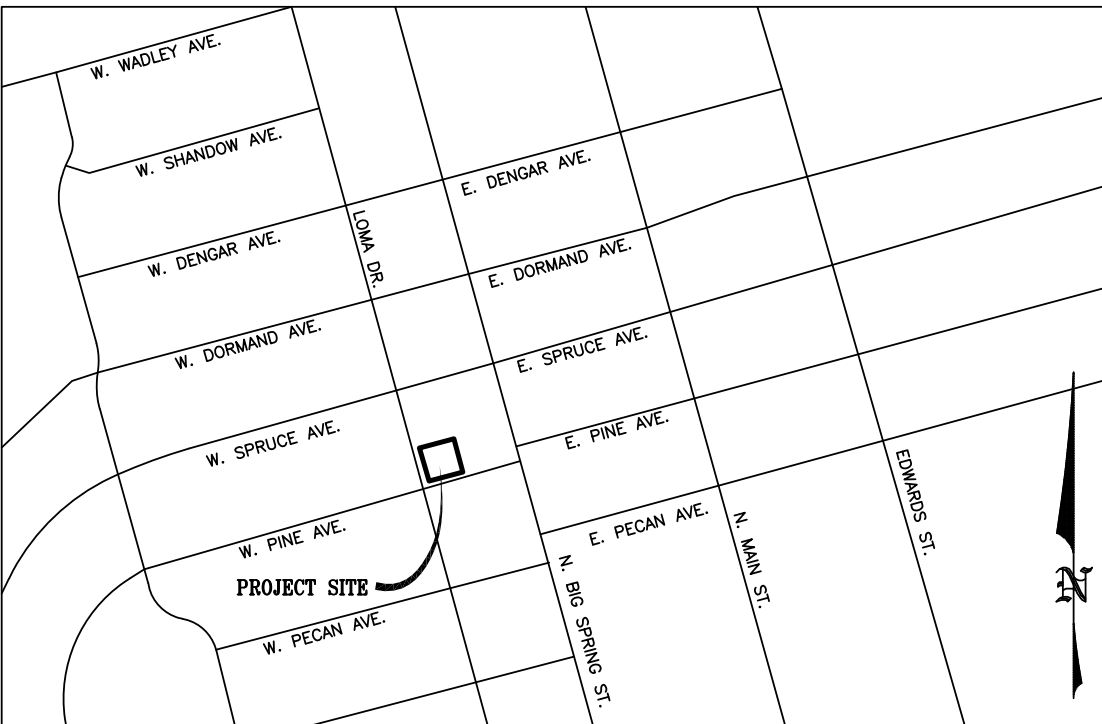
Given under my hand and seal of office this the 30 day of Sept, 2022, A.D.

Terri Lynn Johnson
Notary Public in and for the State of Texas

Printed name of Notary
My commission expires: 1-4-2025



VICINITY MAP
NOT TO SCALE



KELVIEW HEIGHTS, SECTION 12

OWNER: MARIA DEL CARMEN GUZMAN
2700 LOMA DR
MIDLAND, TX 79705
432-296-1578

SURVEYOR'S CERTIFICATE

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

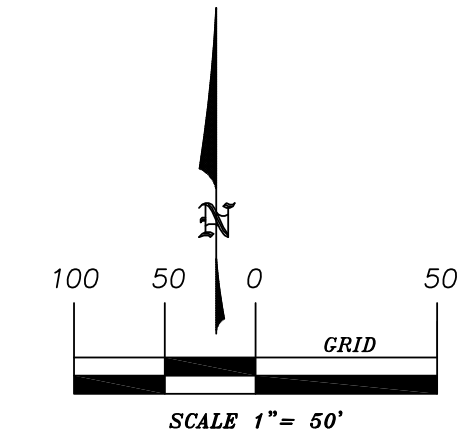
DATED: AUGUST 4, 2022

Albert E. Fuller
ALBERT E. FULLER
REGISTERED PROFESSIONAL LAND SURVEYOR
#4842



NOTE:

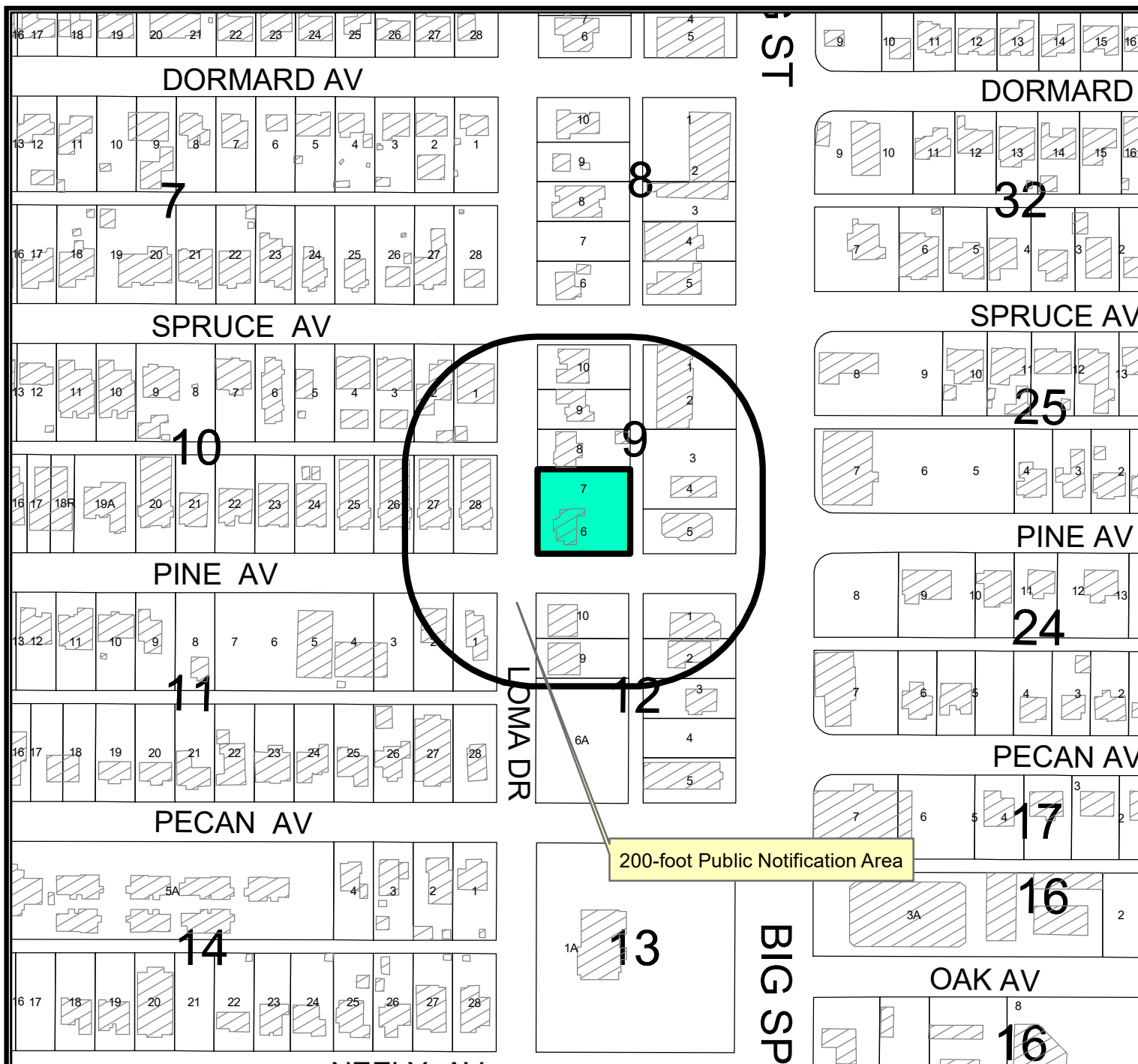
- BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0089F AND WITH A REVISED DATE OF SEPTEMBER 16, 2005.
- 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.



P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-9200
FAX (432) 520-9212
FIRM#10146900

CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS

JOB NO.: 21-1096-00 DRAFT A1 REV. 0
FILE: T:MIDLAND/SUB. PLATS/21-1096 KELVIEW REPLAT/2 lots pine and loma.dwg



LOCATION MAP

SUB-21-1281

Scale: 1" = 200'

Proposed plat of Kelview Heights Section 12, being a replat of Lots 6 & 7, Block 9, Kelview Heights, an Addition to the City of Midland, Midland County, Texas.

Generally located on the northeast corner of the intersection of Loma Drive and Pine Avenue.
(Council District 3)

LEGEND

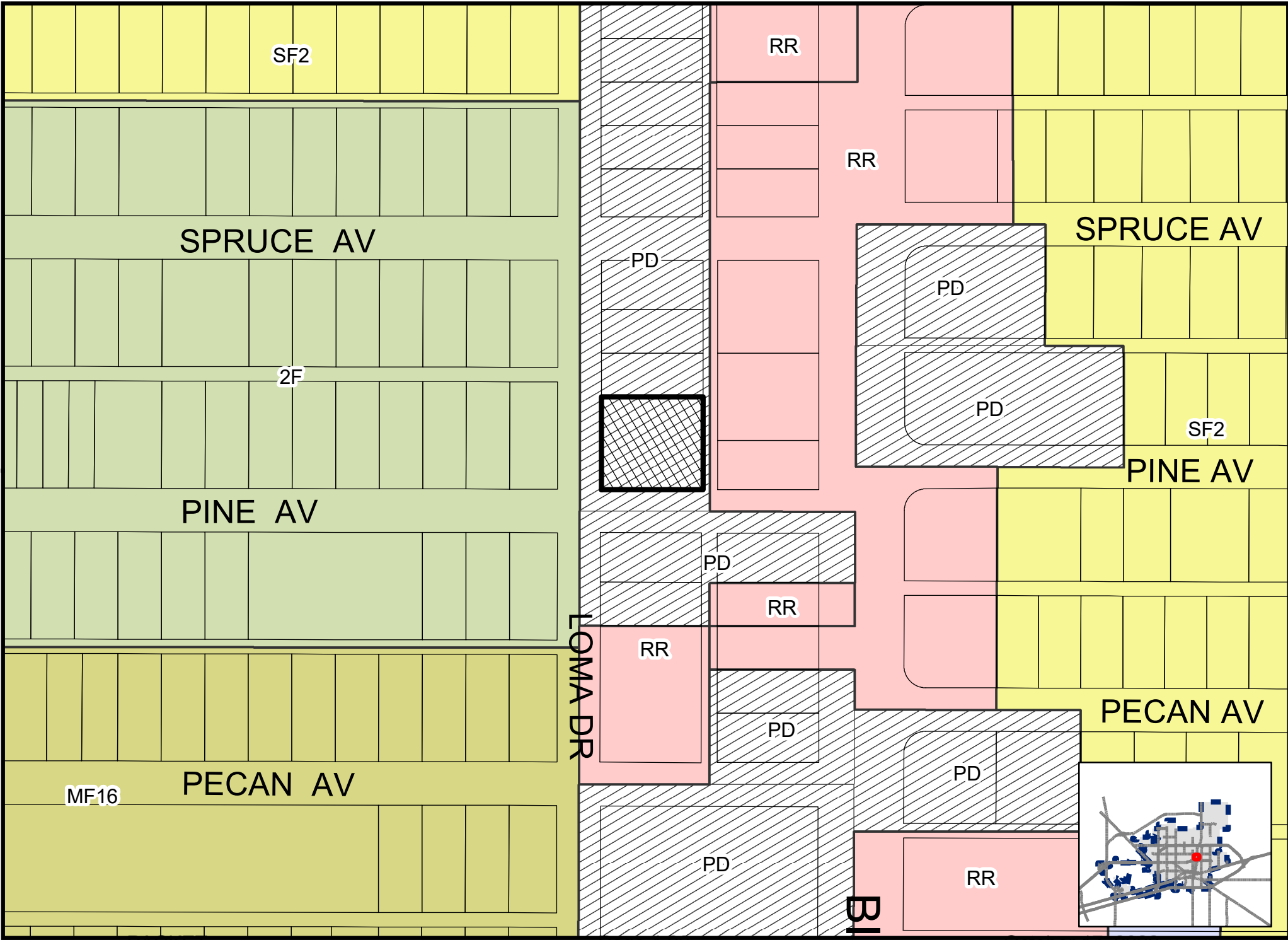
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Motion approving a Final Plat of Northwestern Addition, Section 19, being a replat of a 10.81-acre tract of land out of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,703-foot east of N. Midland Drive - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

AE, Agricultural District.

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting a replat of a 10.81-acre tract of land out of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas, for building construction purposes. The Preliminary Plat was approved at the July 05, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

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, 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)

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

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

PAVING: Mockingbird okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 24" water exists in Mockingbird, okay as is. No public water improvements required. [For the Applicant's information only.]

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

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

SEWER: 8" sewer exists in Mockingbird, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Approved for platting purposes. [For the Applicant's information only.]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

Driveways or other access points are approved only with construction drawing review.

[For the Applicant's information only.]

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

No Oil and Gas issues.

GIS: (Approved)

No Comments.

PLANNING: (Approved)

All departments' comments have been satisfied.

Staff recommends approval of Final Plat of Northwestern Addition, Section 19, subject to condition A.

Conditions:

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

Attachments:

Proposed Final
Maps
Application



Final Plat Application

Project Number:

34B-22-0541

Case Number:

P-22-1436

Proposed Subdivision Plat Name: Northwestern Addition, Section 19**Legal Description (attached sealed Metes and Bounds):** Being a Replat of a 10.81 Acre Tract of Land out of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas**Property Owner**

Printed Name: Northwestern Baptist Church of Midland

Phone ()

Email

Address Route 5, Box 948

City Midland

State TX

Zip 79703

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: 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: AE**Reason for Platting:** ownership purposes**Plat Information**

Total Acreage: 10.81

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Bob Higley

Date:

9/26/22

Property Owner (printed):

Bob Higley

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

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

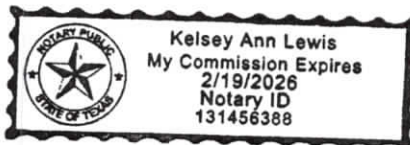
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS COUNTY OF MIDLAND

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

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 27th day of September, 2022, 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

☒ Mylar

☒ Application Fee

Check # 3914

☒ 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 # 3915

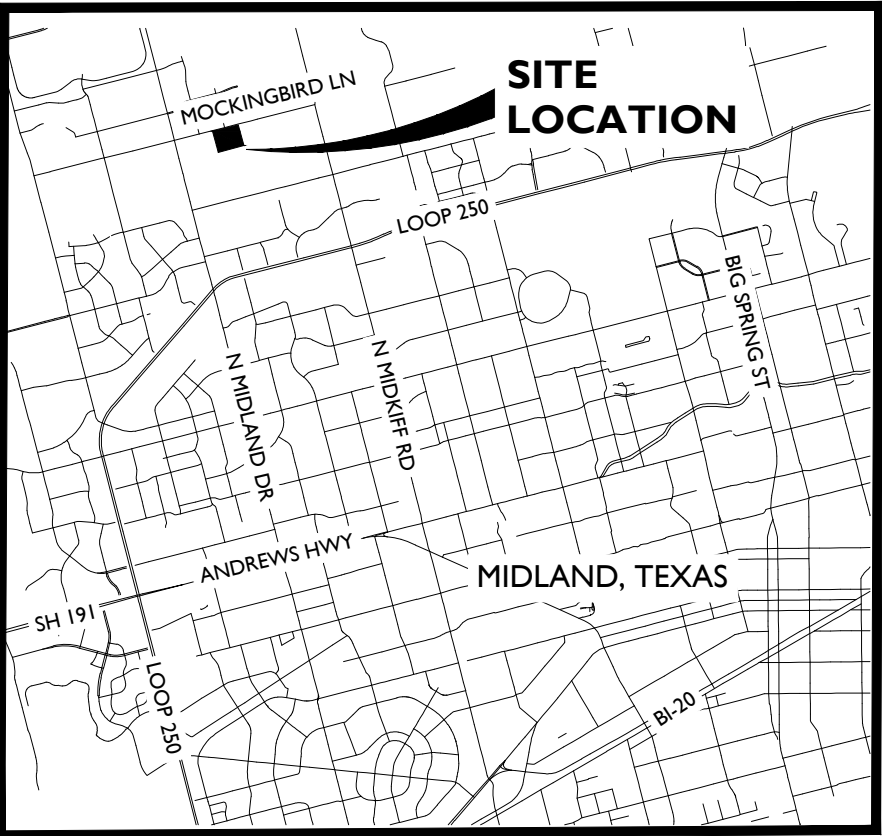
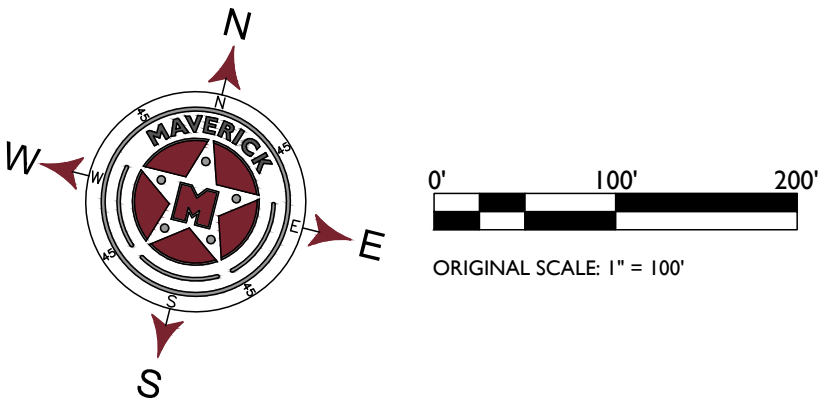
Received By: Jane Rive

Date: 9/28/22

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

NORTHWESTERN ADDITION
SECTION 19

BEING A REPLAT OF A 10.81-ACRE TRACT OF LAND OUT OF
LOT 2, BLOCK 1, NORTHWESTERN ADDITION, CITY AND
COUNTY OF MIDLAND, TEXAS.

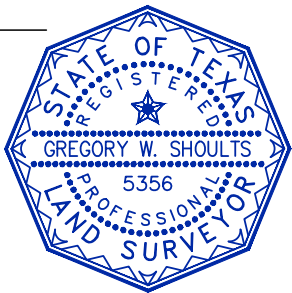


SURVEYOR'S CERTIFICATE

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
GREGORY W. SHOULTS RPLSH5356
MAVERICK ENGINEERING (TX FIRM #10194514)
1909 W. WALL STREET, SUITE, K
MIDLAND, TX 79701



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS NORTHWESTERN BAPTIST CHURCH OF MIDLAND, INC., IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 5, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT NORTHWESTERN BAPTIST CHURCH OF MIDLAND, INC., BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS NORTHWESTERN ADDITION, SECTION 19, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON; AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE 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.

WITNESS MY HAND AT _____, M.,

THE _____ DAY OF _____, 2022.

BY: _____

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

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF NORTHWESTERN ADDITION, SECTION 19, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____ DAY OF _____, 2022.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

SURVEY NOTES:

1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, U.S. SURVEY FOOT.
2. 1/2 INCH IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM # 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.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

VICINITY MAP

N.T.S.

LEGEND

- DENOTES SET 1/2" IRON ROD W/RED PLASTIC CAP MARKED "MAVERICK 10194514"
- DENOTES 1/2" IRON ROD FOUND, UNLESS OTHERWISE NOTED
- DENOTES BOUNDARY LINE
- - - - - DENOTES EXISTING EASEMENT LINE
- DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
- DENOTES DEED RECORDS, MIDLAND CO., TX
- DENOTES PLAT RECORDS, MIDLAND CO., TX
- DENOTES FLOODPLAIN

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

ATMOS ENERGY

BY: _____

GRANDE COMMUNICATION

BY: _____

AT&T

BY: _____

ONCOR ELECTRIC DELIVERY

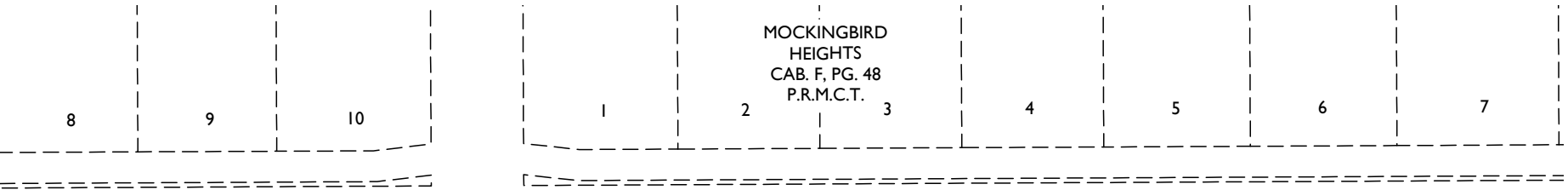
BY: _____

SUDENLINK COMMUNICATION

BY: _____

PROPERTY OWNER

NORTHWESTERN BAPTIST
CHURCH OF MIDLAND, INC.
ROUTE 5, BOX 948
MIDLAND, TX 79703
DEED INSTRUMENT #1984-13937



MOCKINGBIRD LANE (100' R.O.W.)

N 75°40'27" E 719.67'

POB
1/2" IRF W/ CAP MARKED
"WATSON & ASSOC."
N:10712298.74'
E:1735857.65'

LOT 1A
BLOCK 1
NORTHWESTERN
ADDITION,
SECTION 9
CAB. E, PG. 244
P.R.M.C.T.

①
LOT 2A
10.81 ACRES
470,822 SF

LOT 3
BLOCK 1
NORTHWESTERN
ADDITION,
SECTION 5
CAB. E, PG. 224
P.R.M.C.T.

1.99-ACRE DRAINAGE EASEMENT
DEDICATED PER THIS PLAT

N 75°40'32" E 359.01'

10' SURFACE DRAINAGE
EASEMENT REF. CAB. D,
PG. 210 P.R.M.C.T.

10' TESCO EASEMENT
VOL. 430, PG. 353
D.R.M.C.T.

S 12°06'52" E 132.75'

FEMA ZONE "X"

S 14°30'57" E 668.17'

FEMA ZONE
"AH"
BFE: 2824

1/2" IRF W/ CAP MARKED
"WATSON & ASSOC."
N:10711651.90'
E:1736025.13'

LOT 4
BLOCK 1
NORTHWESTERN
ADDITION,
SECTION 17
CAB. M, PG. 90
P.R.M.C.T.

(5.510 ACRES)
JAMES C.
THOMAS
DOC. NO.
2020-9080
O.P.R.M.C.T.

LOT 1
BLOCK 1
NORTHWESTERN
ADDITION,
SECTION 16
CAB. L, PG. 44
P.R.M.C.T.

(7.730 ACRES)
CLIFTON A.
FLETCHER
VOL. 634, PG. 205
D.R.M.C.T.

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 LOT IS REPLATTED 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 DEVELOPED ON THE TRACT INCREASED.
5. 1.99 ACRE DRAINAGE EASEMENT DEDICATED HEREBY IS RESERVED FOR A PRIVATE RETENTION BASIN FOR STORM WATER RUNOFF ORIGINATING FROM LOT 2A HEREOF, AND FROM LOT 1A, BLOCK 1, NORTHWESTERN ADDITION, SECTION 9, AS FILED IN CABINET "E", PAGE 244, PLAT RECORDS OF MIDLAND COUNTY, TEXAS. COMPLY WITH APPROVED DRAINAGE PLAN TITLED "NORTHWESTERN ADDITION, SECTION 19 DRAINAGE LETTER," SEALED BY CHAD THOMAS, P.E., AND APPROVED BY THE CITY OF MIDLAND ON AUGUST 18, 2022, OR ANY REVISIONS, CORRECTIONS, AMENDMENTS, OR REPLACEMENTS OF THIS DRAINAGE ANALYSIS THAT ARE APPROVED BY THE CITY OF MIDLAND.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0067F, DATED SEPTEMBER 16, 2005:

PORTIONS OF THIS PROPERTY LIE WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS OF MINIMAL FLOOD HAZARD DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN"

PORTIONS OF THIS PROPERTY AS SHOWN HEREON LIE WITHIN ZONE "AH", DESIGNATED AS "AREAS SUBJECT TO INUNDATION BY 1-PERCENT-ANNUAL-CHANCE SHALLOW FLOODING (USUALLY AREAS OF PONDING) WHERE AVERAGE DEPTHS ARE BETWEEN ONE AND THREE FEET. BASE FLOOD ELEVATIONS (BFE'S) DERIVED FROM DETAILED HYDRAULIC ANALYSES ARE SHOWN IN THIS ZONE. MANDATORY FLOOD INSURANCE PURCHASE REQUIREMENTS AND FLOODPLAIN MANAGEMENT STANDARDS APPLY."

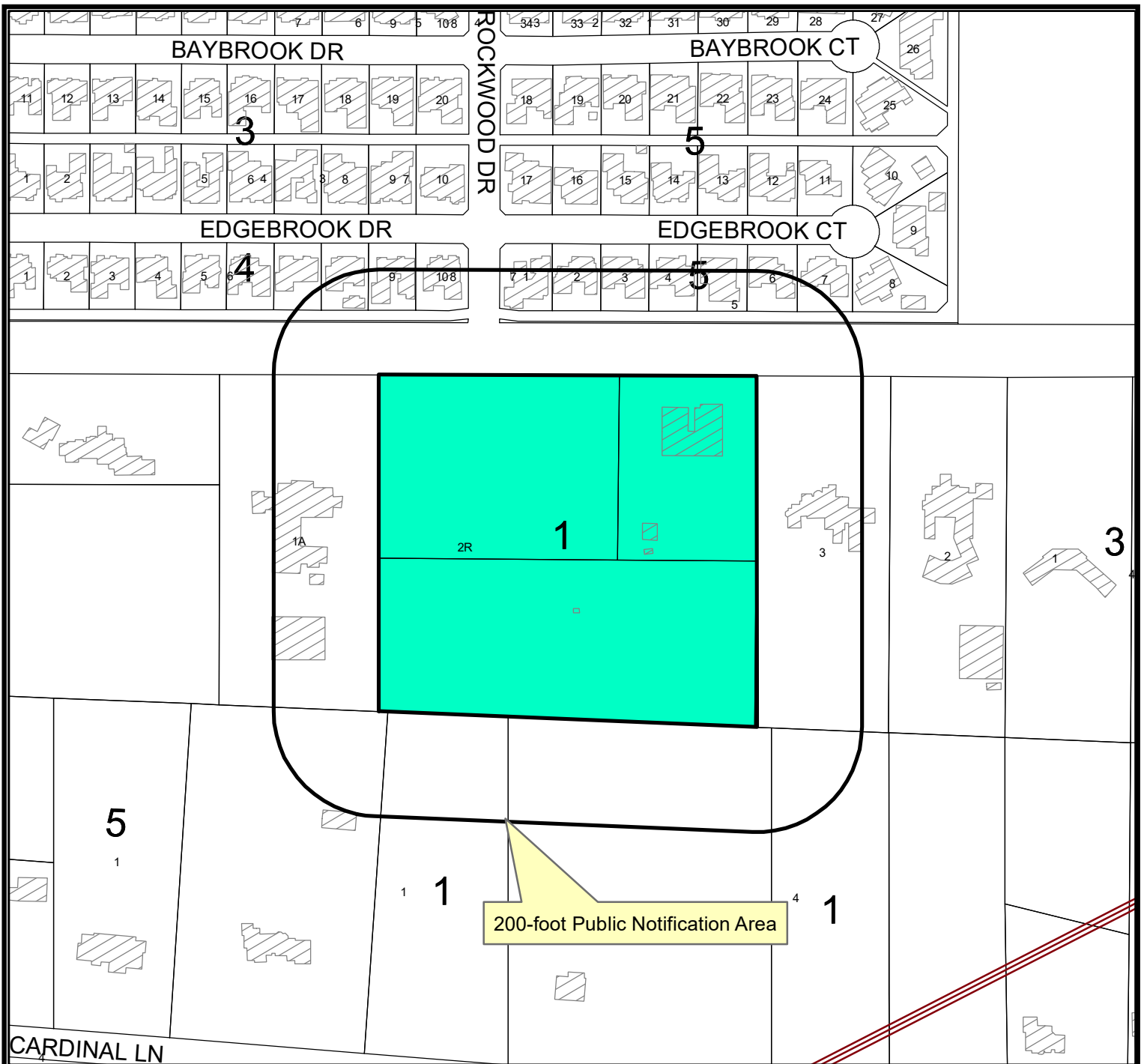
THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART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



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

NORTHWESTERN ADDITION
SECTION 19



LOCATION MAP

SUB-22-0541

Scale: 1" = 200'

A Proposed plat of Northwestern Addition, Section 19, being a portion of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas..

Generally located on south side of Mockingbird Lane, approximately 1,703-feet east of N. Midland Drive. (Council District 1)

LEGEND

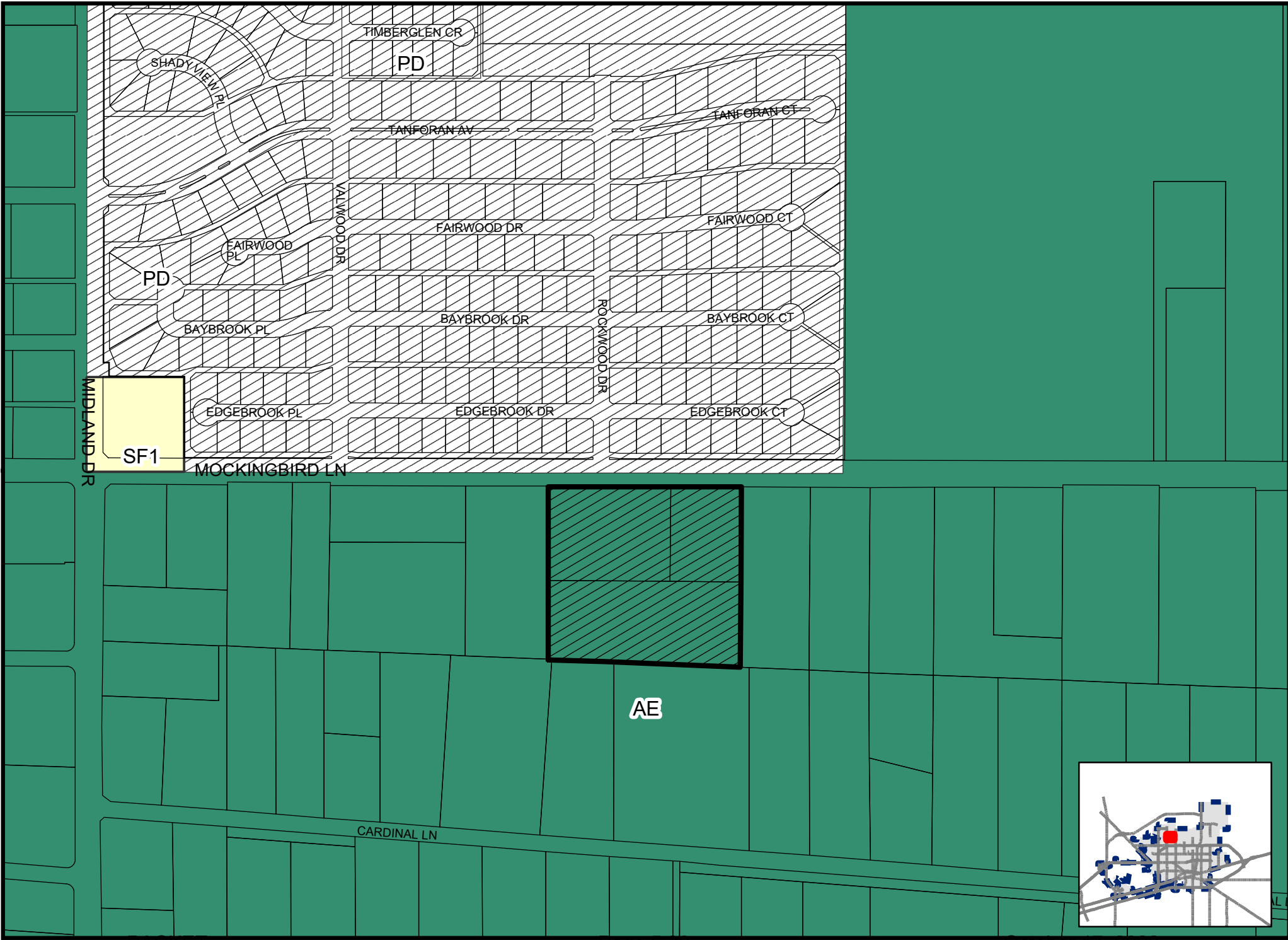
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Planner

SUBJECT: Motion approving a Final Plat of Carrollwood Addition, a 31.29 - acre tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the west side of Antelope Trail, approximately 3,000-feet north of west County Road 140 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

The property is zoned C, Commercial District.

Preliminary Plat Approval:

The property applicant, Eduardo Aleman, is proposing to plat a 31.29 - acre tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. The Preliminary Plat was approved at the September 6, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

ENGINEERING: (Approval)

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

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

PAVING: Paving improvements were administratively approved on 10/11/2022. [For Applicant's Information Only.]

WATER: Water improvements were administratively approved on 10/11/2022. [For Applicant's Information Only.]

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

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

SEWER: Wastewater improvements were administratively approved on 10/11/2022. [For Applicant's Information Only.]

DRAINAGE: Drainage report approved for platting purposes on 8/18/22. [For Applicant's Information Only.]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No objections.

CODE COMPLIANCE: (Approved)

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

GIS: (Approved)

No comment.

CRMWD: (Approved)

No comments.

Health:

No Comment.

Martin County: (Approved)

They will need to apply for a permit to tie into SCR 1232.

Midland County: (Approved)

No comments.

PLANNING: (Approved)

All departments' comments have been satisfied.

The planning department supports approval of the Final Plat of Carrollwood Addition 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:

Application
Proposed Final Plat
Map



Final Plat Application

Project Number:

Case Number:

Sub-22-0530
P-22-1437Proposed Subdivision Plat Name: **Carrollwood Addition**Legal Description (attached sealed Metes and Bounds): **Being a 31.29 acre tract of land in the NE part of Section 24, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.****Property Owner**Printed Name: **Danny Carroll - Antelope Trails Industrial Park, LLC**Phone (**432**) **563-1240**

Email

dannyt@dannyspaving.com

Address

City

State

Zip

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: **Schumann Engineering**Printed Name: **Eduardo L. Aleman**Phone (**432**) **684-5548**

Email

ealeman@schumannonline.netAddress **800 N. Marienfeld, Suite 100**City **Midland**State **TX**Zip **79701****Current Zoning:**

Reason for Platting: _____

Plat InformationTotal Acreage: **31.29**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): [Signature]

Date: 9/28/2022

Property Owner (printed): Danny Carroll

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.

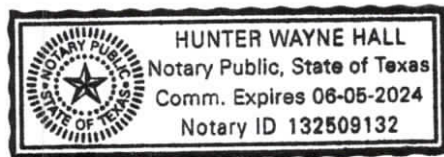
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Danny Carroll, 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 28th day of Sept, 20 22, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>Authorization form</u> | ☒ Tax Certificates | ☒ Recording Fee |
| | | Check # <u>1906</u> |

Received By: [Signature]

Date: 9/29

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

CARROLLWOOD ADDITION

A SUBDIVISION OF 31.29 ACRES
IN THE SOUTHEAST PART OF
SECTION 24, BLOCK 40, 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 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 31.29 ACRE TRACT OF LAND, OUT OF THE SOUTHEAST PART OF SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS. SAID 31.29 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH REINF BAR FOUND (N: 1066526.28, E:1738622.66) IN THE CURVED WEST RIGHT OF WAY LINE OF SOUTH COUNTY ROAD 1223, ALSO KNOWN AS ANTELOPE TRAIL, FOR THE SOUTHEAST CORNER OF THIS TRACT FROM WHICH THE SOUTHEAST CORNER OF SECTION 24, BLOCK 40, T-2-S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS, BEARS NORTH 75°14'23" EAST, 945.41 FEET AND SOUTH 14°22'36" EAST, 2657.06 FEET;

THENCE SOUTH 75°14'23" WEST, 1776.84 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 16°47'31" WEST, 812.54 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°37'01" EAST, 1656.48 FEET TO A 1/2 INCH REINF BAR FOUND IN THE CURVED WEST RIGHT OF WAY LINE OF SAID SOUTH COUNTY ROAD 1223 FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE IN A SOUTHEASTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 819.86 FEET, RADIUS OF 2150.00 FEET, CENTRAL ANGLE OF 21°50'55", CHORD DIRECTION OF SOUTH 25°18'37" EAST, AND A CHORD DISTANCE OF 814.90 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 A SUBDIVISION OF 31.29 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 _____, 2022.

ANTELOPE TRAILS INDUSTRIAL PARK LLC,

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2022, BY ANTELOPE TRAILS INDUSTRIAL PARK LLC.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

OWNER(S):

ANTELOPE TRAILS INDUSTRIAL PARK
LLC, 12820 E. HIGHWAY 191,
MIDLAND, TX 79707
(432) 563-1240
dannyt@dannyspaving.com

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CARROLLWOOD ADDITION, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2022.

SIGNED: _____
CHAIRMAN LUCY SISNIEGA

ATTEST: _____
SECRETARY ELIZABETH SHAUGHNESSY

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

RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY
1	06/21/2022	SKETCH PLAN	JD
2	07/27/2022	PRELIMINARY	JD

DRAWN BY: JD DATE: 06/21/2022

CHECKED BY: ED/RJ PROJECT NO.: 78426

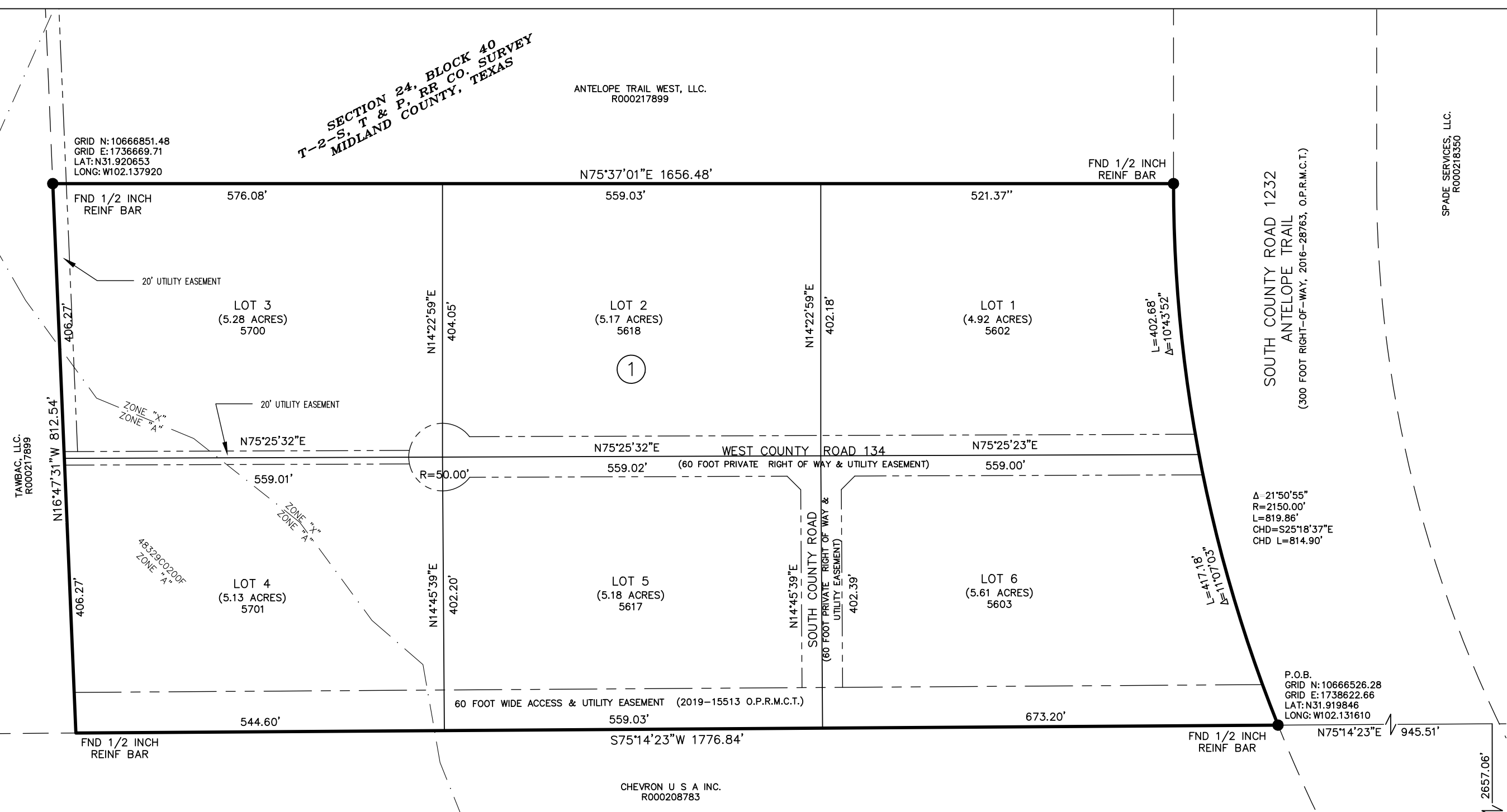
JOB NO.: 78,633 SHEET: 1 OF 1

STATE OF TEXAS
REGISTERED PROFESSIONAL LAND SURVEYOR
RJ DAUM
4826

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

SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM No. 71880 - TEXAS FIRM No. 10149500
(432) 684-5548

800 N. MARSHFIELD ST. #100
MIDLAND, TEXAS 79701



LEGEND:

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

VICINITY MAP
NOT TO SCALE

MIDLAND

INTERSTATE 20

ANTELOPE TRAIL

SUBJECT PROPERTY

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

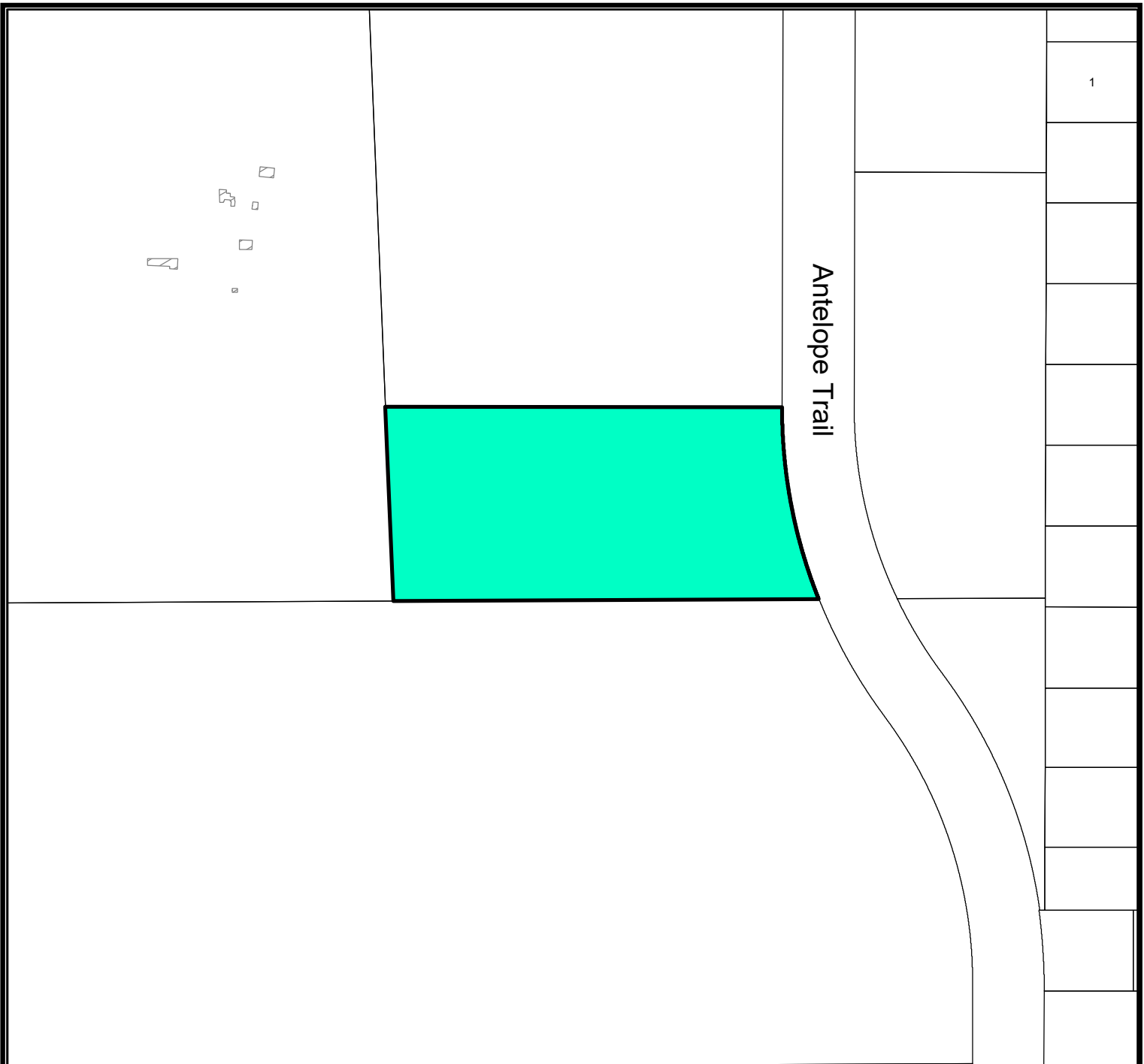
SIGNED: _____
ATMOS ENERGY

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.
 - APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
 - INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
 - THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
 - REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR.
 - ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE AOZ-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

CARROLLWOOD ADDITION



LOCATION MAP

SUB-22-0530

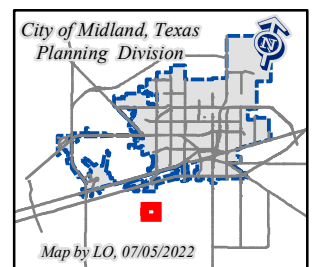
Scale: 1" = 7,227'

Proposed plat of Carrollwood Addition,
a 31.29 - acres tract of land out of the northeast
quarter of Section 24, Block 40, T-2-S, T&P, RR
Co. Survey, Midland County, Texas.

Generally located on the west side of Antelope
Trail, approximately 3,000-feet north of west
County Road 140 - Extraterritorial Jurisdiction

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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OR OTHER DECISIONS BASED SOLELY ON THE
INFORMATION CONTAINED HEREIN.

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



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Planner

SUBJECT: Motion approving a Final Plat of Plunk Addition, Section 11, being a plat of the 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway, approximately 270-foot west of Allen St. - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

The property is zoned C, Commercial District.

Preliminary Plat Approval:

The property applicant, Marcus Hostas, is proposing to plat a 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. The Preliminary Plat was approved at the June 6, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

ENGINEERING: (Approved)

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

ROW: Refer to transportation's comments for R.O.W. [For the Applicant's information only.]

PAVING: Garden City Highway is TxDOT facility, built and maintained by TxDOT, no improvements required.

WATER: 6" water exists in Garden City Highway, okay as is. [For the Applicant's information only.]

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

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

SEWER: Wastewater requirements were deferred and administratively approved on 10/4/2022. [For the Applicant's information only.]

DRAINAGE: No Drainage Report required at this time. Existing site is developed; if proposing to re-develop site drainage can be reviewed with building permit. [For the Applicant's information only.]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

TxDOT comments, "Site already has an existing access. No additional access to SH 158 should be accommodated."

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.

CODE COMPLIANCE: (Approved)

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

CODE ADMINISTRATION: (Approved)

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

GIS: (Approved)

No Comments.

CRMWD: (Approved)

We do not have any comments on this plat.

Health Department: (Approved)

Yes, the health department will review application from the 1 proposed lot of PLUNK ADDITION SECTION 11, PLAT OF A .69 ACRE TRACT OF LAND IN SECTION 1, BLOCK 39, T-2-S, T. & P. RR. CO. SURVEY the lot is .69 acre to ensure the proposed plans for the existing structure 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)

All departments' comments have been satisfied.

Staff recommends approval of the Final Plat of Plunk Addition, Section 11 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

Project Number: SUB-22-0496
Case Number: P-22-1435

Proposed Subdivision Plat Name: Plunk Addition, Section 11

Legal Description (attached sealed Metes and Bounds): 0.69 Acres in Section 1, Block 39, T-2-S, T.&P. R.R. CO. SURVEY, MIDLAND, TX.

Property Owner

Printed Name: JESUS R. SOLIS AND GUADALUPE R. HERNANDEZ

Phone 432.235.8111
Email

Address 1400 GARDEN CITY HIGHWAY

City MIDLAND

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone 432.235.8111
Email

Address

City

State

Zip

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

Firm: HPF CONSULTING

Printed Name: MARCUS HOSTAS

Phone 432.235.8111
Email

Address 3106 N. BIG SPRING STREET

City MIDLAND

State TX

Zip 79705

Current Zoning: C, COMMERCIAL DISTRICT

Reason for Platting: NEW CONSTRUCTION

Plat Information

Total Acreage: 0.69

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date:

Property Owner (printed):

Guadalupe R. Hernandez Jesus R Solis

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☒ Mylar

☒ 1 Copy of Plat (11x17)

☒ CADD File

☒ Application Fee

☒ Title Opinion

☒ Public Improvement

Check # 2363

☒ Tax Certificates

☒ Recording Fee

Check # 2363

Received By: [Signature]

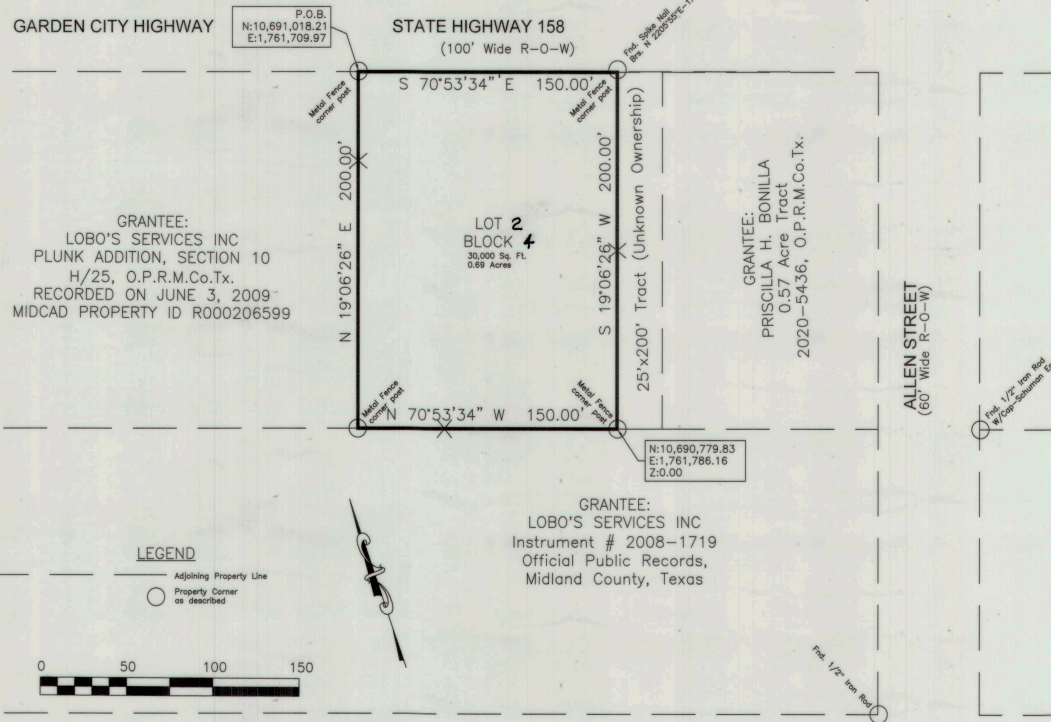
Date: SEP 28 2022

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

PLUNK ADDITION, SECTION 11

BEING A PLAT OF THE 0.69 ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39,
T-2-S, T. & P. R.R. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

AREA MAP
NOT TO SCALE



GRANTEE:
LOBO'S SERVICES INC
Instrument # 2008-1719
Official Public Records,
Midland County, Texas

OWNERS CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS JESUS R. SOLIS AND GUADALUPE R. HERNANDEZ ARE THE RECORD OWNERS OF A TRACT OF LAND DESCRIBED HEREIN AS A 0.69 ACRE TRACT SITUATED IN SECTION 1, BLOCK 39, T-2-S, T. & P.R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT JESUS R. SOLIS AND GUADALUPE R. HERNANDEZ, BEING THE OWNERS OF THE AFOREMENTIONED LAND SHOWN ON THIS PLAT DESIGNATED AS PLUNK ADDITION, SECTION 11, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, AND EASEMENTS, SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS

THE 28th DAY OF July, 2022.

BY: *Guadalupe R. Hernandez*

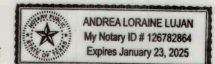
ACKNOWLEDGEMENT:

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, JESUS R. SOLIS AND GUADALUPE R. HERNANDEZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS THE OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE 28th DAY OF July, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.



CERTIFICATE OF APPROVAL
FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE FOREGOING PLAT OF "PLUNK ADDITION, SECTION 11" WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS:

SIGNED: CHAIRMAN _____ LUCY SISNIEGA

ATTEST: SECRETARY _____ ELIZABETH SHAUGHNESSY



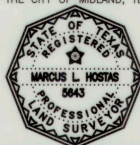
ENGINEERING AND DESIGN
TEXAS REGISTERED
TBPELS FIRM 10194683
3106 N. Big Spring Street
Midland, Texas
432-235-8111
marcus.hostas@hdtconsultants.com

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARCUS L. HOSTAS, 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 WAS PROPERLY LOCATED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

MARCUS L. HOSTAS, RPLS
TX. REGISTRATION NUMBER: 5643



Mark Hostas
ATMOS ENERGY
BY: Mark Hostas

Ken Spencer
BY: Ken Spencer

Luis Montez
SUDDENLINK COMMUNICATION
BY: Luis Montez

Vicki Byler
GRANDE COMMUNICATION
BY: Vicki Byler

Martin Arzuella
ONCOR ELECTRONICS
BY: Martin Arzuella

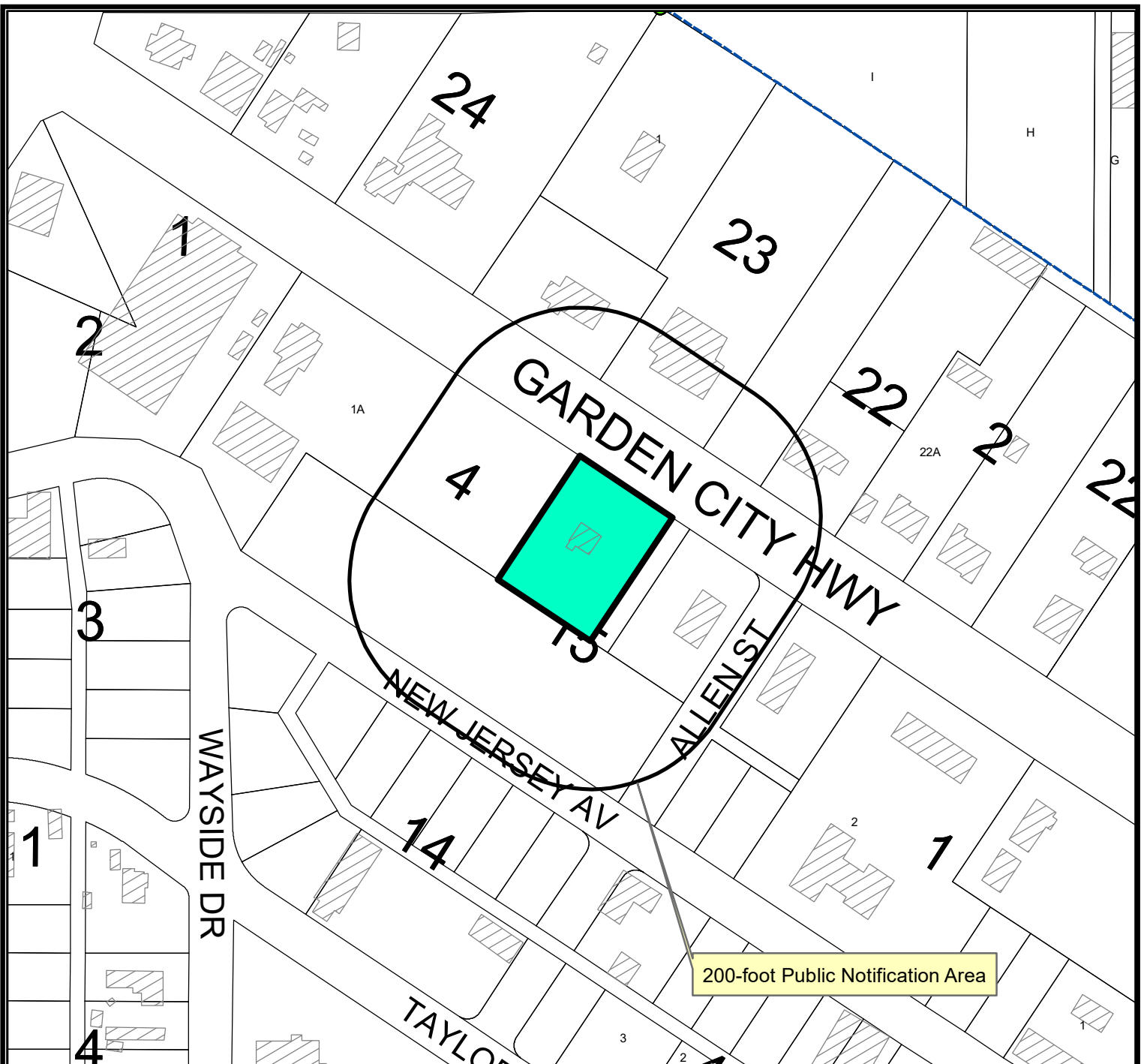
OWNERS:
JESUS R. SOLIS AND
GUADALUPE R. HERNANDEZ
1400 Garden City Highway,
Midland, Texas 79701
432-296-9005
432-214-1268

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

October 17, 2022

PACKET

Page 7.44



LOCATION MAP

SUB-22-0496

Scale: 1" = 200'

Proposed plat of Plunk Addition, Section 11 being a plat of the 0.69 acres of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas.

Generally located on the south side of Garden City Highway, approximately 270-feet west of Allen St. (Council District 2).

LEGEND

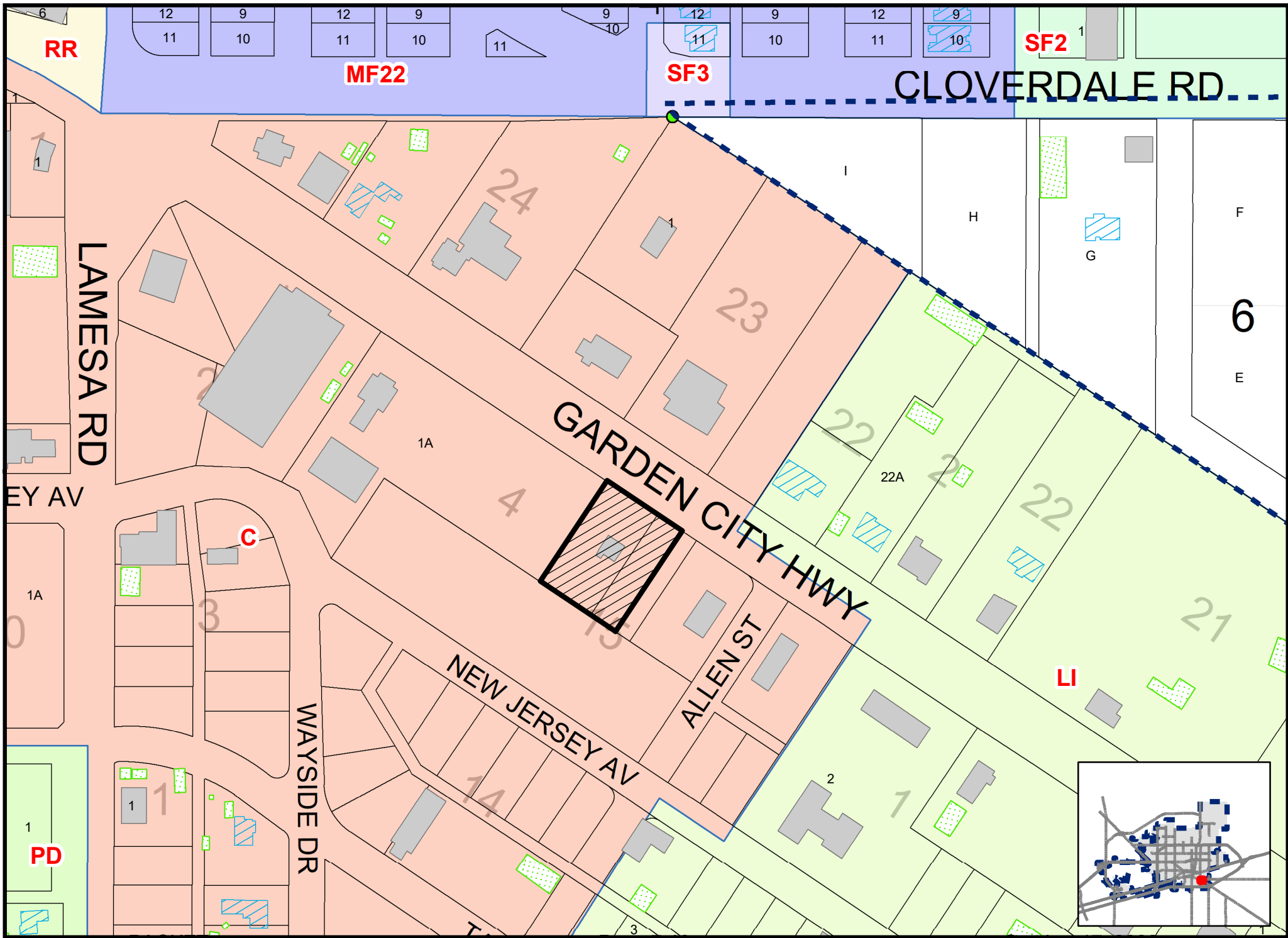
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



PACKET

Page 7.46

October 17, 2022





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Consider a request by Nader Mezher for a zone change from O-1, Office District, to RR, Regional Retail District, on Lot 1, Block 26, Wedgwood Park, Section 4, City and County of Midland, Texas. (Generally located on the east side of N. Midland Drive, approximately 510-feet north of Neely Avenue - Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Nader Mezher, is requesting a Zone Change from O-1, Office District to RR, Regional Retail District, for a future development of retail and office space located at 2800 North Midland Drive.

Current Zoning:

HI, Heavy Industrial District.

Surrounding Zoning and Land Use:

The properties to the north and east are zoned HI, Heavy Industrial District, with the exception of three lots to the north and east who's zoning has been corrected to SF-3, Single-Family Dwelling District. Properties to the west zoned MF-22, Multi-Family Dwelling District. Properties to the south are zoned LI, Light Industrial District, RR, Regional Retail District, with the exception of four lots who's zoning has been corrected to SF-3, Single-Family Dwelling District.

Analysis:

The property is currently vacant and in the process of being platted. They are proposing to develop the property for office use and retail. The current zoning district does not allow for the development of an office center and retail. Therefore, the new proposed district will allow flexibility in the development of offices and retail.

They will need to comply with Section 5.05, Nonresidential Zoning District Dimensional Regulations Chart and Chapter 9-Landscaping Regulations.

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

Fire: (Approved)

No objections

Building: (Approved)

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

Engineering: (Approved)

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

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

Code: (Approved)

No Oil and Gas Issues.

Transportation: (Approved with Conditions)

No access will be allowed on South St. Access should be on the side street.

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):

The request does not fit with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision. This designation calls for UR-M, Urban Residential-Medium. These areas are designed to be neighborhoods that incorporate a mix of housing types, including single-family attached and detached, and townhouse uses. In addition to housing, civic uses would generally be allowed in this area. The City of Midland Planning Department supports this rezone because the surrounding area already has many offices and business uses bordering the single-family dwellings. Urban Residential-Medium is intended to create a high-level connectivity between developments both residential and commercial.

Therefore, staff recommends approval of this zone change from O-1, Office District to RR, Regional Retail District to conditions A

Conditions:

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

Letters of Objection:

Staff has received two letters of objection as of October 13, 2022.

Attachments:

Application
Maps
Survey (Exhibit A)



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

Project Number: 2-22-0308
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Nader Mezher</u>		Phone (832) <u>509-6216</u> Email _____	
Address <u>703 W Indiana Ave #28</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Property Owner Printed Name: <u>MR Property Holdings LLC</u>		Phone (832) <u>509-6216</u> Email _____	
Address <u>1001 Sinclair Ave</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>

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

Street Address: <u>2800 N Midland Dr, Midland TX 79707</u>	
Legal Description Lot: <u>001</u> Block: <u>026</u> Subdivision: <u>WEDGEWOOD PARK, SEC 4</u>	

Current Zoning: <u>01</u>	Proposed Zone: <u>RR</u> (List by tracts if more than one district is requested)
----------------------------------	--

Reason for Zone Change Request: <u>New Development</u>

Present Use of Property: <u>Vacant</u>

Proposed Use of Property: <u>Retail</u>
--

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

Describe how conditions affecting the property have changed since present zoning designation: <u>Building was demolished</u>

Submittal and Fees

Items to be submitted with this application form:

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

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

Applicant (signature):

Date: 09/28/2022

Applicant (printed): Nader Mezher

Property Owner (signature):

Date: 09/28/2022

Property Owner (printed): MR Property Holdings LLC

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.

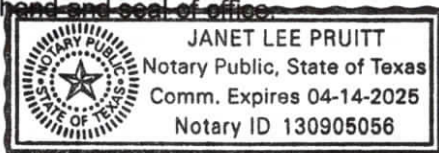
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 28 day of September, 2022, to certify which witness my hand and seal of office.



Janet Lee Pruitt

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # Credit Card

Received By: James Reber

Date: 9/28/22

RECEIVED
SEP 28 2022

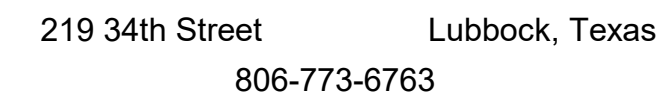
BY: James Reber

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

A	24
B	15
C	11
D	5
E	47
F	10
G	6
H	10
I	6
J	6
K	30
L	33
M	7
Grand total	210



NORT



NOT FOR USE IN CONSTRUCTION OR REGULATORY
APPROVAL.

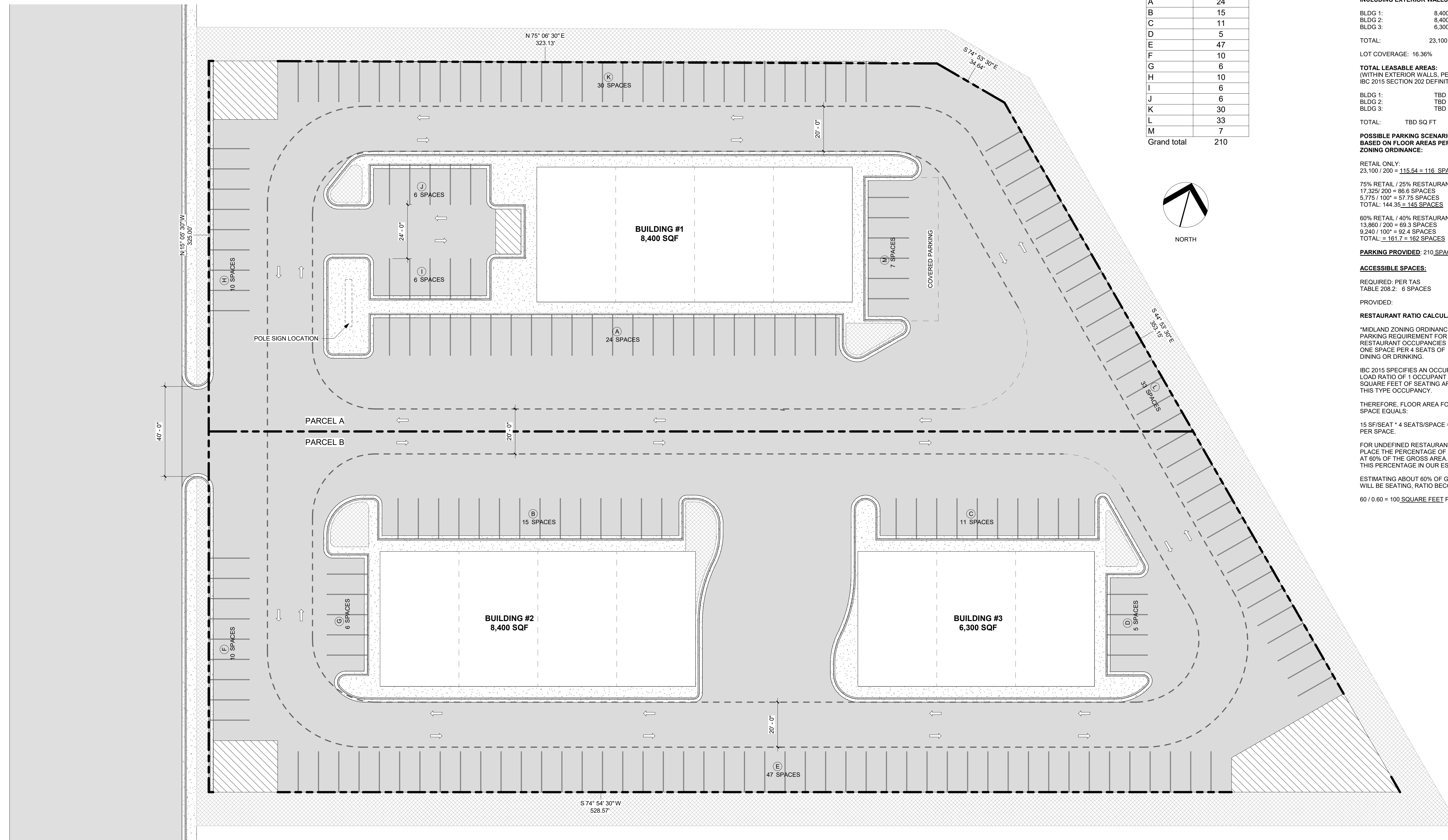
	Consultant
Address	
Address	
Address	
Phone	

Architectural Site Plan

Checked By	Checker
------------	---------

Scale	1" = 20'-0"
-------	-------------

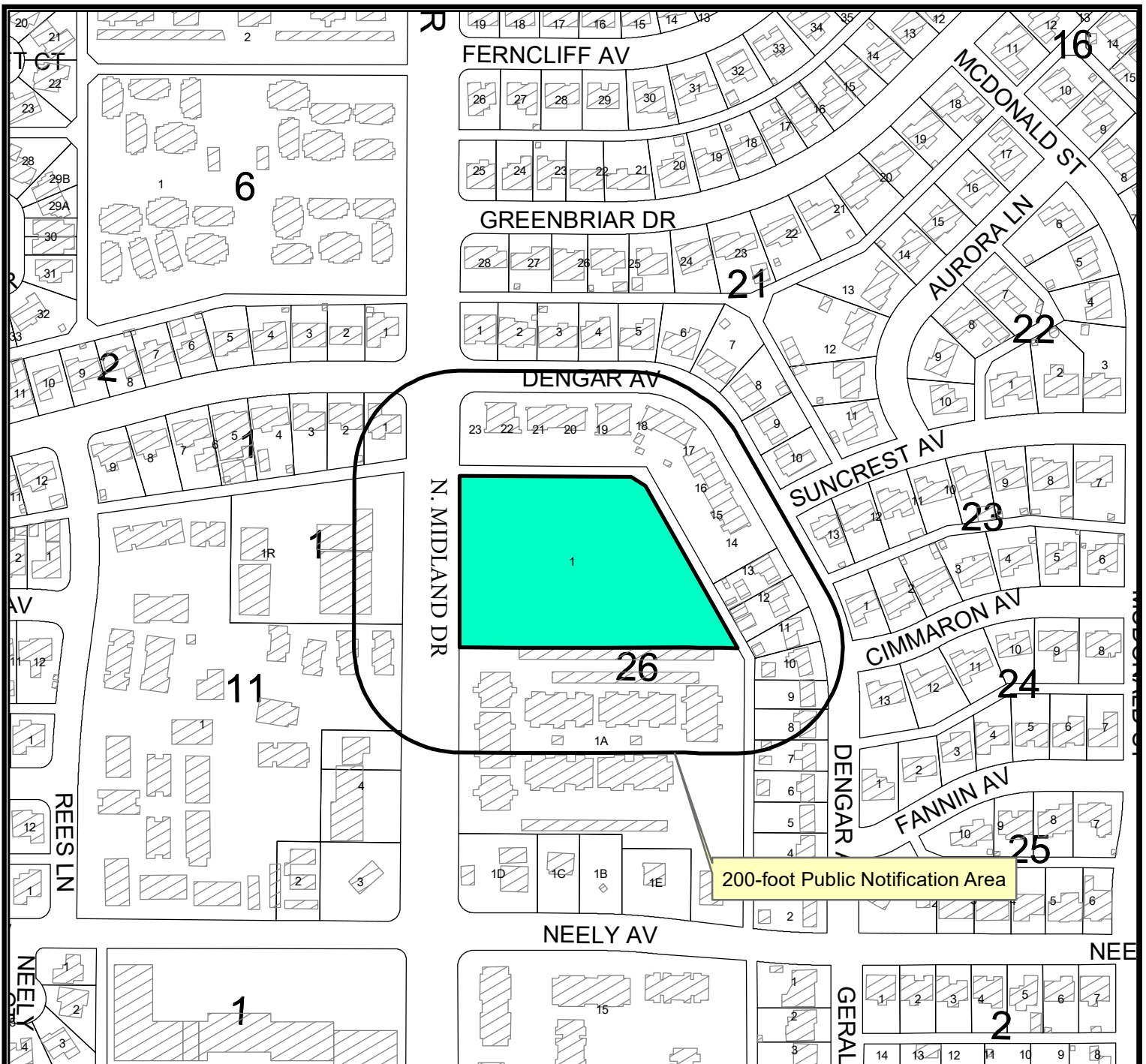
PACKET
Page 8.5
October 17, 2017



1
A-101.1

Site Plan

1" = 20'-0"



LOCATION MAP

Z-22-0308

Scale: 1" = 200'

Consider a request by Nader Mezher for a zone change from O-1, Office District, to RR, Regional Retail District, on Lot 1, Block 26, Wedgwood Park, Section 4, City and County of Midland, Texas.

Generally located on the east side of N. Midland Drive, approximately 510-feet north of Neely Avenue. (Council District 3)

LEGEND

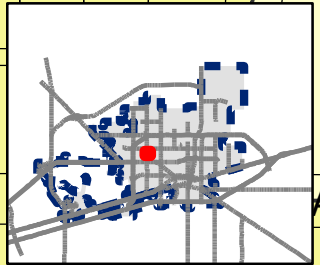
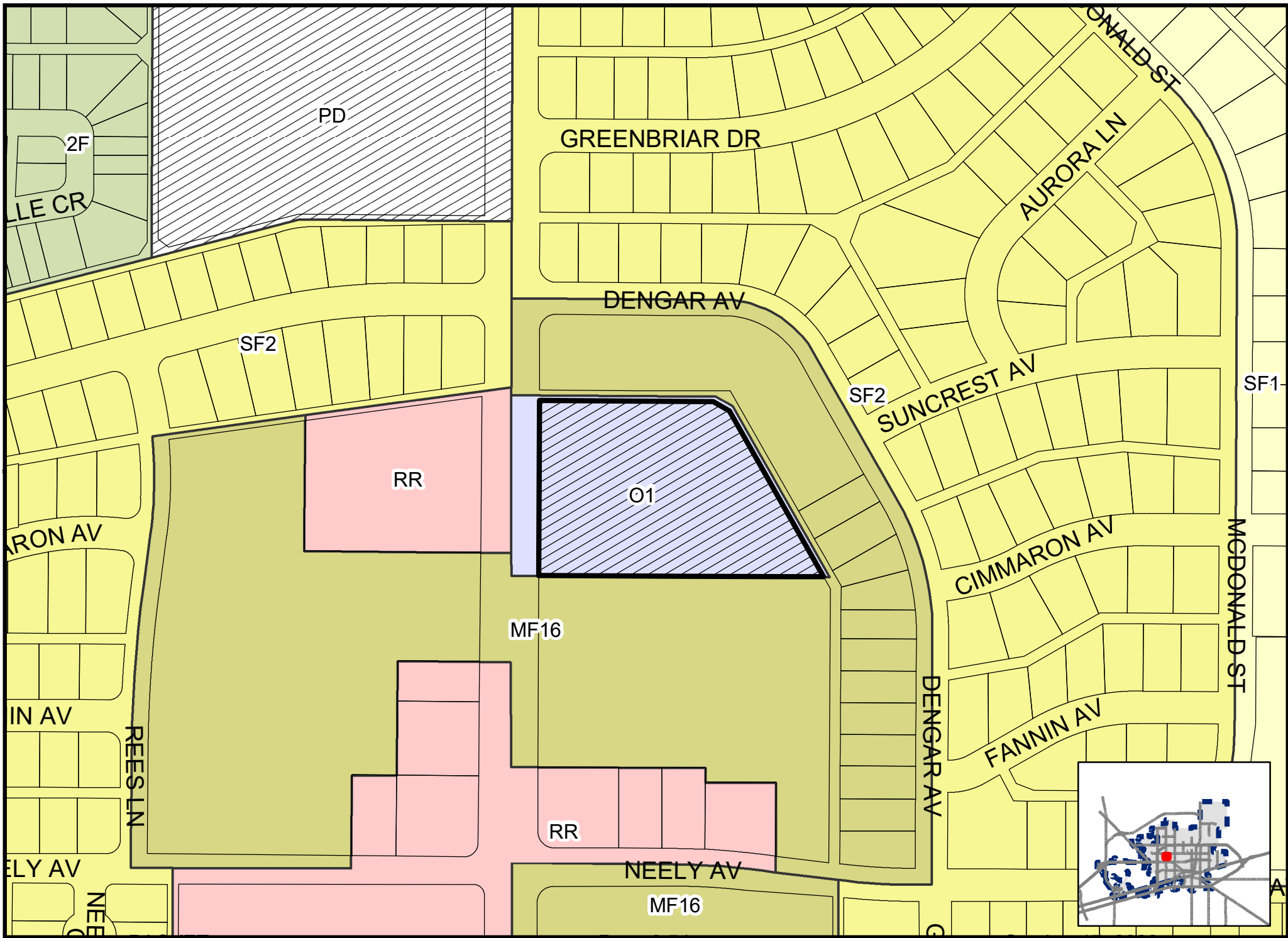
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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











Planning and Zoning Commission

I received your notice about the property behind my residence formerly Terrace West Nursing home wanting a zoning change. 1, Block 26 Wedgewood Park, Section 4, City and County of Midland, Texas

My concerns are with the access to my alley facing garage. We have lived and owned this property for over 23 years. The alley is very narrow and getting cars into our garage is difficult. The former occupant of the property in question, Terrace West was gracious enough to leave us 15' of space past the alley pavement to use in order to get our cars in our garages. This is reflected by the current fence line on that property and highlighted in red on the map. The area in question measures 15' x 96'. It is directly behind my residence. There is currently a fence in place and this space is ample for us to safely and conveniently access our property. We are requesting that any new building would allow this current spacing remain in place.

I have always taken care of this small strip of property. Mowing, trash pickup and such and would continue to do so if allowed.

My wife and I are concerned with losing this little slice of land with any new building. This would make our property nearly impossible to access and turn our cars into the garage. Area is noted on attached map.

I do not wish to deny the property owners their right. But would like to make note of our concern and possibly create an agreement with the new property owners and or city to continue having this area left open or unimpeded with any new building or future use.

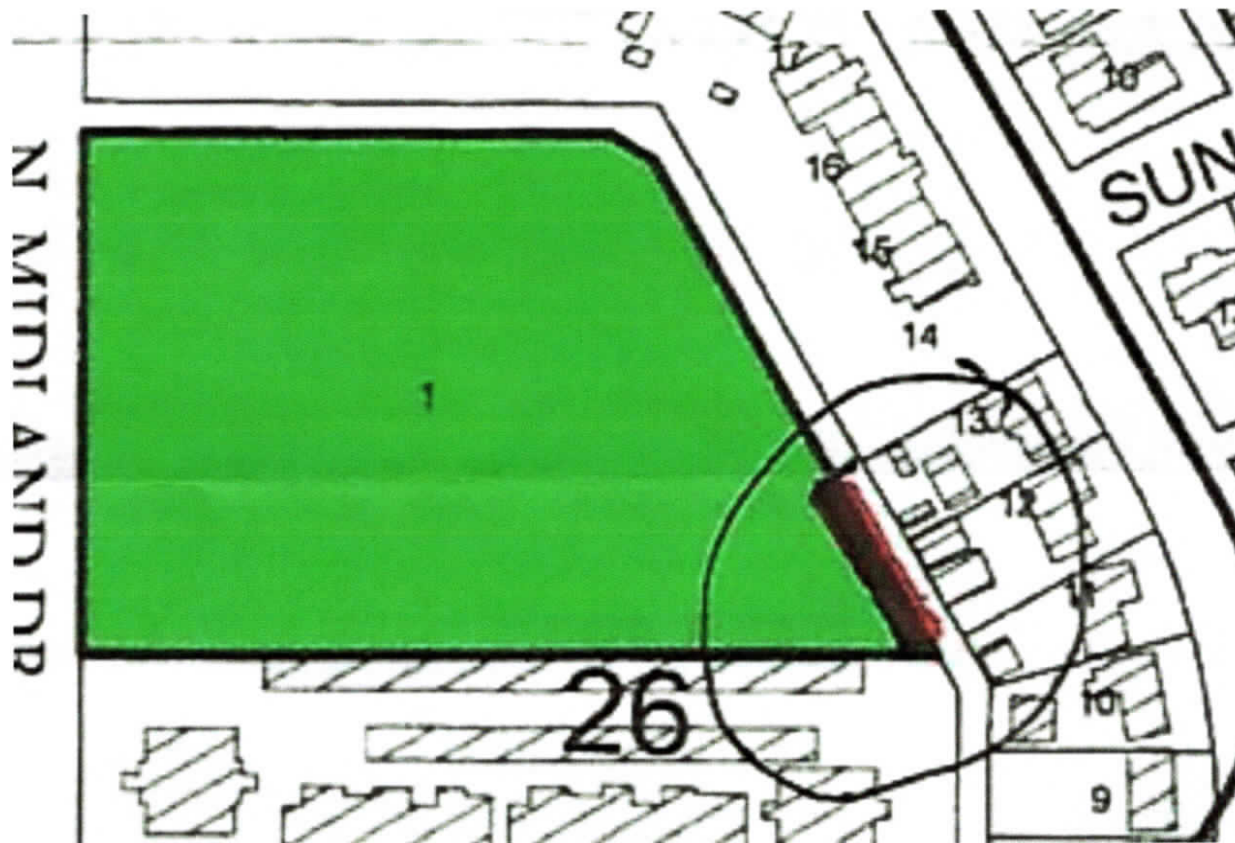
Regards

 10/10/22

Randall A. Skinner
4321 W. Dengar Ave
Midland Texas 79707
432-634-3889

RECEIVED
OCT 13 2022

BY:



Area in circle has historically been allowed for access by resident at 4321 W. Dengar. Randall A. Skinner
This is used as access to resident's garage. Space allows cars to turn in and back out safely

Measurement 15' wide and 96' long It is currently denoted by wooden fence line.

RECEIVED
OCT 13 2022



RECEIVED
OCT 13 2022

PUBLIC NOTICE

SKINNER RANDALL
4321 W DENGAR AV
MIDLAND TX 79707

The **Planning and Zoning Commission** of the City of Midland, Texas will hold a public hearing at **3:30 p.m.** on **Tuesday, October 17, 2022**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Nader Mezher** for approval of a **Zone Change** on the following described property:

LEGAL DESCRIPTION: Lot 1, Block 26, Wedgwood Park, Section 4, City and County of Midland, Texas.

LOCATION: Generally located on the east side of N. Midland Drive, approximately 510 feet north of Neely Avenue. (Council District 3)

PROPOSED ZONING: **From:** O-1, Office District
To: RR, Regional Retail District

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

I object to this request

Comments: Lived At current Address for 23 yrs. Concerns this will Restrict my Access To my Alley Garage. I am owner, Area is noted in Red on map - See Attached Note Please

Required Information:

Property Owner's Signature

RANDALL A. SKINNER
Printed Name

4321 W. Dengar.
Property Address (No P. O. Boxes)

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

Notices Mailed: 16
Date Mailed: October 7, 2022
Case Number: Z-22-0308
Case Name: 2800 N Midland Dr
JR Planner's Initials

Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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

www.MidlandTexas.gov

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



OCT 13 2022

PUBLIC NOTICE

The **City Council** of the City of Midland, Texas will hold a public hearing at **10 a.m. on Tuesday, October 25, 2022**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Nader Mezher** for approval of a **Zone Change** on the following described property:

LEGAL DESCRIPTION: Lot 1, Block 26, Wedgwood Park, Section 4, City and County of Midland, Texas.

LOCATION: Generally located on the east side of N. Midland Drive, approximately 510 feet north of Neely Avenue. (Council District 3)

PROPOSED ZONING: **From:** O-1, Office District
To: RR, Regional Retail District

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

I object to this request ☒ Comments: Area is noted in red on map
Afraid this will impede my access to my alley garage. - I Am owner

Required Information:

[Signature]
Property Owner's Signature

Randall A. Skinner
Printed Name

4321 W Dengar
Property Address (No P. O. Boxes)

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

Notices Mailed: 16

Date Mailed: October 7, 2022

Case Number: Z-22-0308

Case Name: 2800 N Midland Dr

JR Planner's Initials

Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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

Videoconference information will be available by accessing the meeting agenda at <https://www.midlandtexas.gov/967/primegov-meeting>

SKINNER RANDALL
4321 W DENGAR AV
MIDLAND TX 79707

www.MidlandTexas.gov

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



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Planner

SUBJECT: Motion approving a Final Plat Skyview Development, Section 10, being a 1.7-acre tract of land out of Lot 6, Block 7, Skyview Development, City and County of Midland, Texas. (Generally located on the Northwest corner of the intersection of Todd Road and Marie Drive. - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

CE, Country Estate District.

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting to plat a 1.7-acre tract of land out of Lot 6, Block 7, Skyview Development, City and County of Midland, Texas for ownership purposes. This property is zoned CE, Country Estate District. This is considered a residential replat and requires a public hearing. [Midland City Code 11-2-7(A)2(b)]

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: Approved

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

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

PAVING: Paving improvements were administratively approved on 06/14/2022. [For Applicant's Information Only.]

WATER: Water improvements were administratively approved on 06/14/2022. [For Applicant's Information Only.]

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

PRO RATA: None.

SEWER: Sewer improvements were administratively approved on 06/14/2022. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

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

Fire: Approved

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

Oil and Gas: Approved

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

Code Administration: Approved

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

GIS: Approved

No comments.

Planning: Approved

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Skyview Development, Section 10 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: Sub-22-0505
Case Number: P-22-1434

Proposed Subdivision Plat Name: Skyview Development, Section 10

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lot 6, Block 7, Skyview Development, Midland County, Texas

Property Owner Blaine Travis Bushman & April Marie Bushman
Printed Name:

Phone ()
Email

Address 4901 N Granite Ln

City Midland

State TX

Zip 79720

Developer (if different than Owner)
Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: AE

Reason for Platting: ownership purposes

Plat Information

Total Acreage: 1.70

Type: ☒ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): [Signature]

Date: 9-23-22

Property Owner (printed): April Bushman

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

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

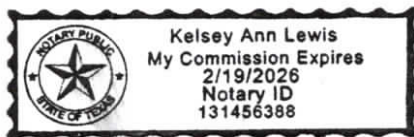
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L Mellen who, being by me duly sworn, upon oath says: That (s)he is authorized by April Bushman, 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 13th day of September, 2022, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar (missing)

☒ Application Fee

Check # 3016

☒ 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 # 3017

Received By: KM

Date: 9/28/22

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

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

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

Property Owner (signature): Travis Bushman Date: 9-23-2022
Property Owner (printed): Travis Bushman

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

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

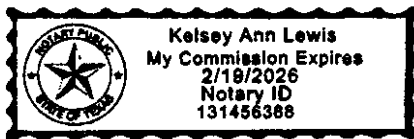
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Mellen who, being by me duly sworn, upon oath says: That (s)he is authorized by Travis Bushman, 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 23rd day of September, 2022, 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) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # _____ | ☐ Tax Certificates | ☐ Recording Fee |
| | | Check # _____ |

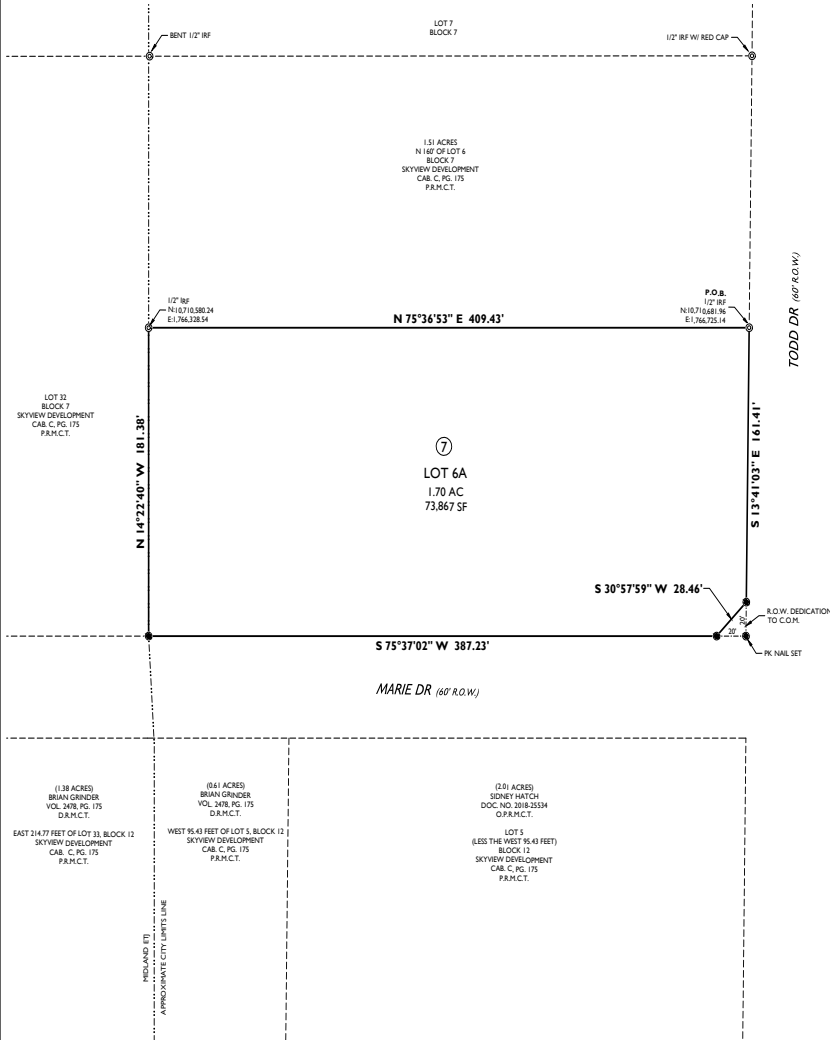
Received By: _____

Date: _____

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

SKYVIEW DEVELOPMENT, SECTION 10

BEING A 1.70 ACRE TRACT
OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT,
MIDLAND COUNTY, TEXAS



FEIN NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S FLOOD INSURANCE RATE MAP #4832C01000, DATED SEPTEMBER 14, 2005, THIS PROPERTY IS WITHIN THE UNFLOODED 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 MANMADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK ENGINEERING.

SURVEY NOTES

1. BASIS OF BEARING, COORDINATES, DISTANCES AND ACRES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE, GCS, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. U.S. SURVEY FOOT WITH A CONVERGENCE ANGLE (Bearing of 45°22'39.53\"/>
2. 1/2\"/>
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 PIPELINES, IF ANY, IS APPROXIMATE BASED UPON OBSERVED EXISTING SIGNAGE, CITY OF MIDLAND GIS AND VISUAL EVIDENCE, OR BY ONE-CALL 811 SITE MARKINGS AT THE TIME OF THIS SURVEY. ONE-CALL IS RECOMMENDED. CALL 1-800-GET-IT-FAST FOR LOCATES PRIOR TO ANY CONSTRUCTION OR EXCAVATION.

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 LOT IS SUBMITTED 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 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 INCREASED.

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. Shoultz
GREGORY W. SHOULTS #10194514
MAVERICK ENGINEERING (TX FIRM #10194514)
4901 N. WALL STREET, SUITE K
MIDLAND, TX 79701



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS BLAINE TRAVIS BUSHMAN & APRIL MARIE BUSHMAN ARE THE RECORD OWNERS OF A TRACT OF LAND SITUATED IN SECTION 30, BLOCK 38, T-1-S, T-8-R RAILWAY CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT BLAINE TRAVIS BUSHMAN & APRIL MARIE BUSHMAN, BEING THE OWNERS OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS SKYVIEW DEVELOPMENT, SECTION 10, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBMITTED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRAIL CONTAINERS AND ACCESS THEREIN, AND CONSIDERATION AND AGREEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, M.,
THE _____ DAY OF _____, 2022.

BY: BLAINE TRAVIS BUSHMAN

BY: APRIL MARIE BUSHMAN

LEGEND

- DENOTES SET 1/2\"/>
 - ⊙ DENOTES ROUND MONUMENT AS NOTED
 - DENOTES BOUNDARY LINE
 - - - - - DENOTES PROPOSED EASEMENT (R.O.W.)
 - - - - - DENOTES APPROXIMATE CITY LIMITS LINE
 - - - - - DENOTES EXISTING LOT LINES
 - - - - - DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
 - - - - - DENOTES DEED RECORDS, MIDLAND CO., TX
 - - - - - DENOTES PLAT RECORDS, MIDLAND CO., TX
- OP.M.C.T.
D.R.M.C.T.
P.R.M.C.T.

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: BLAINE TRAVIS BUSHMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBMITTED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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: APRIL MARIE BUSHMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBMITTED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SKYVIEW DEVELOPMENT, SECTION 10, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____ DAY OF _____, 2022.

LUCY DOMEGA, CHAIRMAN

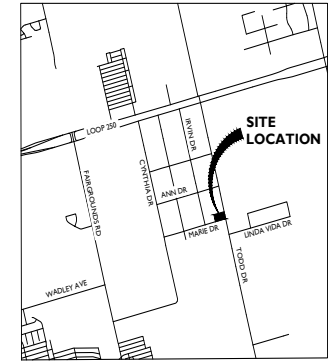
ELIZABETH SHAUGHNESSY, SECRETARY

PROPERTY OWNER

BLAINE TRAVIS BUSHMAN & APRIL MARIE BUSHMAN
4901 N. CRANITE LN.
MIDLAND, MIDLAND COUNTY, TEXAS 79720
DEED INSTRUMENT # 2021-34440

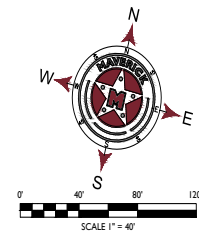
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____



VICINITY MAP

N.T.S.



UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

AT&TS ENERGY

BY: _____

AT&T

BY: _____

OPTIMISM

BY: _____

GRANDE COMMUNICATION

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____



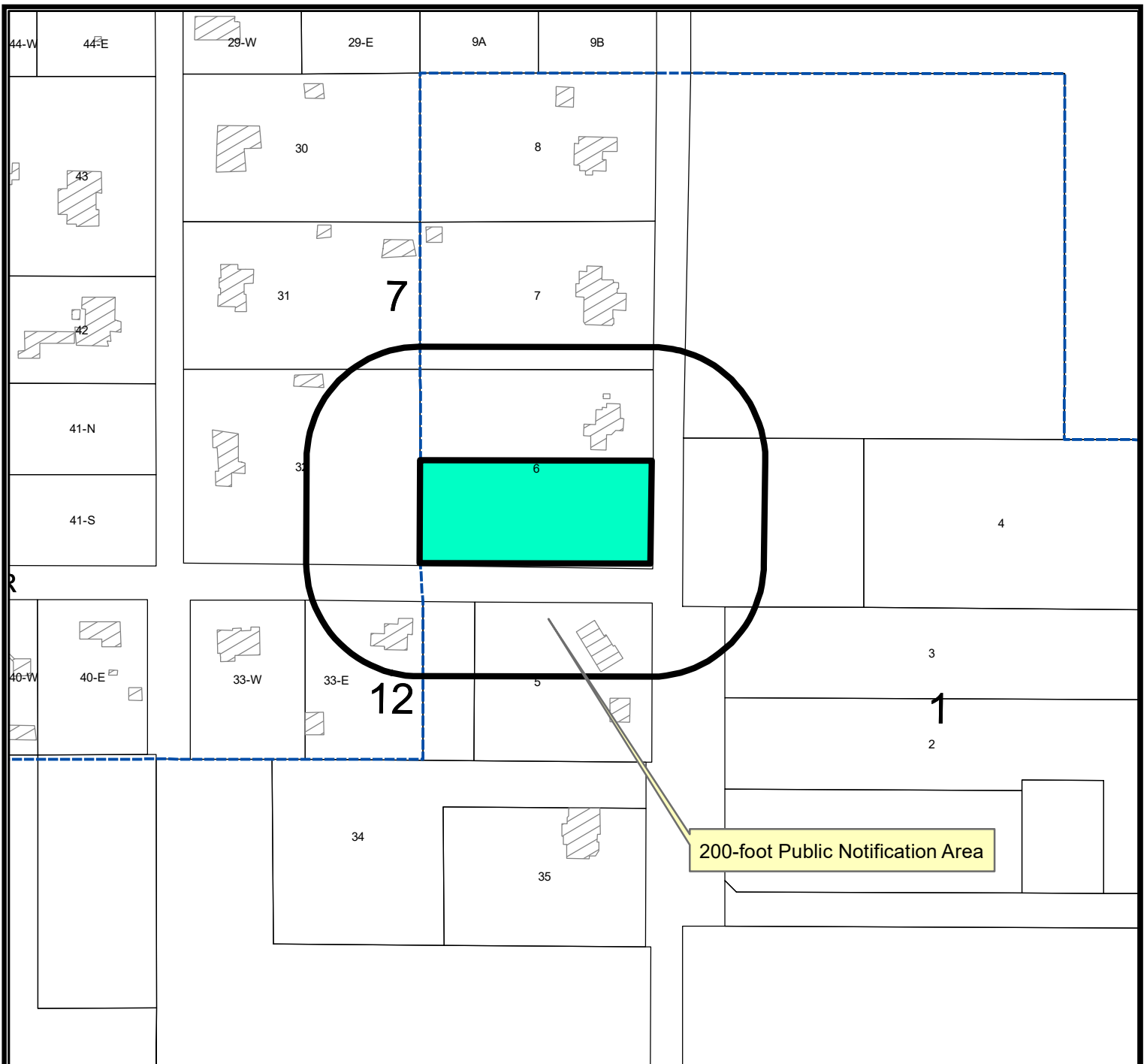
MAVERICK
ENGINEERING & SURVEY

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 362-0999 Fax: (432) 362-0989
www.Maverick-Eng.com

SKYVIEW DEVELOPMENT
SECTION 10
October 13, 2022

PACKET

Page 9.69



LOCATION MAP

SUB-22-0505

Scale: 1" = 200'

Proposed Plat of Skyview Development, Section 10, being a plat of a 1.70-acre tract of land out of Lot 6, Block 7, Skyview Development, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of Todd Road and Marie Drive (Council District 2)

LEGEND

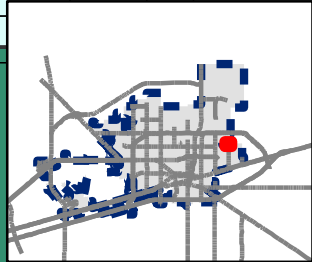
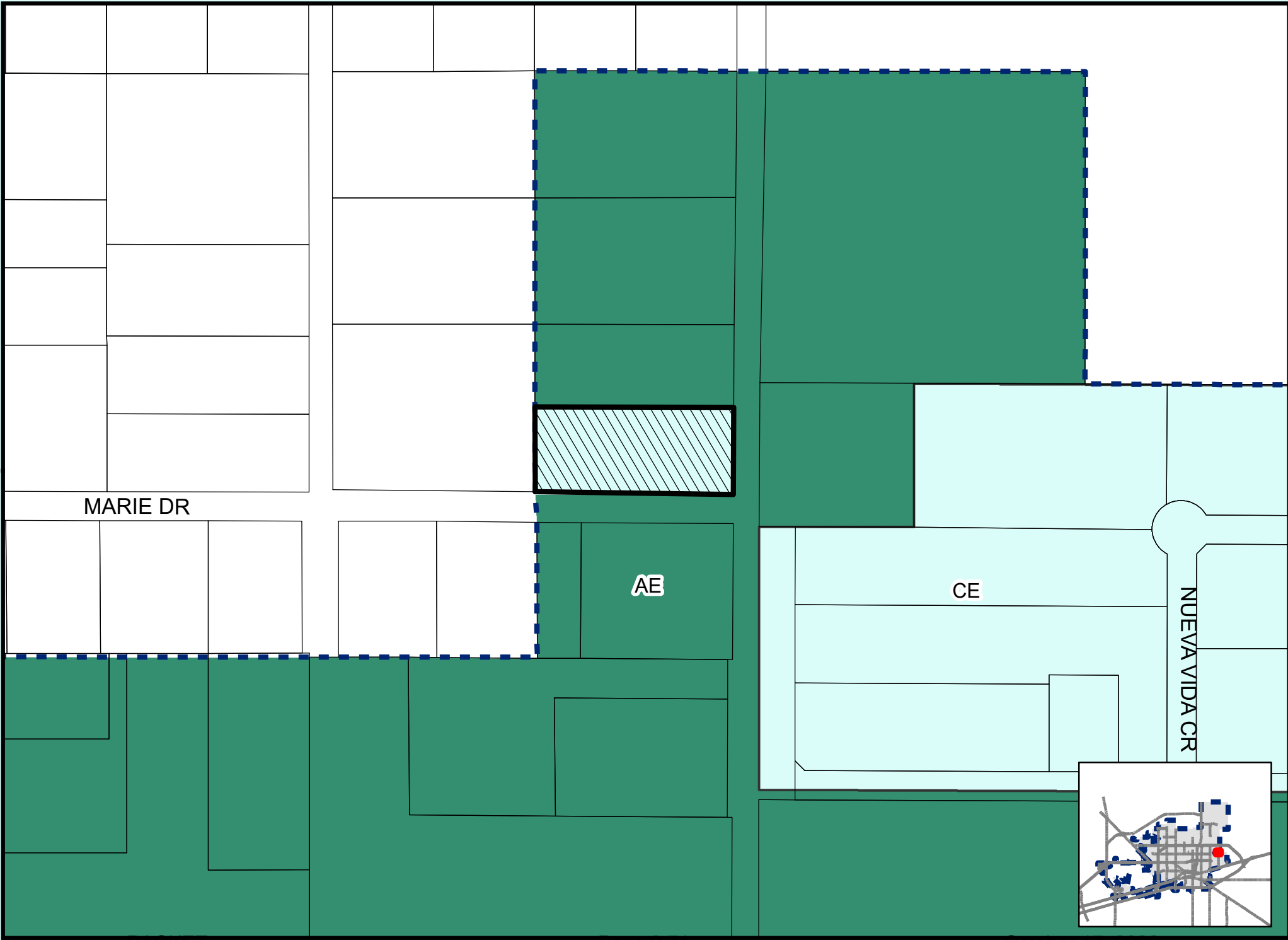
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate to PD, Planned Development District for an Office Center on 5.720-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Green Tree Boulevard and North Midland Drive - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve Deny X Directional/Informational

Purpose:

The applicant, Evans 1, LTD, is requesting a zone change from AE, Agricultural Estates to PD, Planned Development of an Office Center on a 5.720-acre tract of land located in Section 8, Block X, H.P. Hilliard survey, City and County of Midland Texas for the purpose to develop an office center.

Current Zoning:

AE, Agricultural Estate District

Surrounding Zoning and Land Use:

The property to the north is zoned SF-1, Single-Family Dwelling District, and the location of oil wells. The properties to the east and south are zoned AE, Agricultural Estates, and the location of vacant land. The property to west is zoned PD, Planned Development District for a Housing Development and Office Center, and the location of residential homes.

Analysis:

The property is currently vacant and in the process of being platted. The current zoning district does not allow for the development of an office center. Therefore, the new

proposed district will allow for the development of offices. As shown in Exhibit B, the applicant is proposing to develop 4 (four) office buildings on site ranging from 13,500 sq. ft. to 17,000 sq ft., in addition provides adequate parking spaces, and circulation.

If approved, the development will need to conform to Section 5.05, Nonresidential Zoning District Dimensional Regulations Chart and Chapter 9-Landscaping Regulations This property is currently not platted. As such, a final plat will need to be adopted prior to any development.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved with Conditions)

No objection to zone change.

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

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

An elevation certificate based off of construction drawings will be required to get a building permit to show compliance to the 1 foot of freeboard above the base flood elevation for residential structures. An elevation certificate based off of finish construction will be required for the Certificate of Occupancy.

Code: (Approved)

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

Transportation: (Approved)

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

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

Planning:

This request is not in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-An Integrated Land Use Vision*. This area has been designated UR-L Urban Residential-Low. This is a restrictive land use emphasizing neighborhoods with single-family detached homes, with smaller lots permitted under special circumstances. Accordingly, this zone change does not reflect the characteristics of the surrounding neighborhood. However, since Midland Drive and Greentree Boulevard are major thoroughfares, an office center at this site would be advantageous as Midland continues to grow Northward. This will eventually be a part of the commercial corridor along Midland Drive. This office development will serve as a buffer between the Arterial Road and the residential communities. This proposed land use will generate less traffic than single-family residential developments would. Additionally, it will provide services to the surrounding communities and any future communities in the area.

If this zone changes from AE, Agricultural Estate District to PD, Planned Development District for an Office Center is approved then staff recommends it should be subject to conditions A through D.

Conditions:

- A. That the use and development of the property shall conform to the regulations of the O-1, Office District**
- B. That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit B.**
- C. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**
- D. That all signage shall conform to the City of Midland Sign Code.**

Letters of Objection:

Staff has not received any letters of objection as of October 12, 2022.

Attachments:

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

Maps



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

Project Number: 2-22-0306
Case Number: _____

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

Printed Name: Evans 1, LTD.

Phone ()

Email
evansoneltd@gmail.com

Address
P.O. Box 7962

City
Midland

State
TX

Zip
79708

Property Owner

Printed Name: Evans 1, LTD.

Phone ()

Email

Address
P.O. Box 7962

City
Midland

State
TX

Zip
79708

Representative (if different from Applicant or Property Owner)

Firm: Newton Engineering, PC

Printed Name: Evans 1, LTD.

Phone ()

Email

chase@newtoncivil.com

Address
4501A Santa Rosa Dr.

City
Midland

State
TX

Zip
79707

Street Address: None assigned. See attached metes and bounds description.

Legal Description

Lot: Block: Subdivision:

Current Zoning:

AE

Proposed Zone: PD, underlying O-1

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

Reason for Zone Change Request: To conform to the development of the site.

Present Use of Property: Vacant undeveloped pasture land

Proposed Use of Property: Office use

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

Describe how conditions affecting the property have changed since present zoning designation: The development of the site has now been planned.

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):

Date:

Applicant (printed):

Property Owner (signature):

Jonathan Evans VP Evans Inc GP

Date:

9/20/22

Property Owner (printed):

Jonathan Evans

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

RECEIVED
SEP 23 2022

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

BY: *John*

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # _____

Received By:

James Reber

Date:

9/23/22

PROPOSED PD ZONING

**LEGAL DESCRIPTION OF A 5.720 ACRE TRACT LOCATED
IN SECTION 8, BLOCK X, H.P. HILLIARD SURVEY,
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS**

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,716,631.16', E= 1,732,301.15') 1/2" iron rod found at the West cutback corner of a 25.281 Acre Tract as described in Volume 1493, Page 602, Official Public Records of Midland County and this tract, from whence the Northwest corner of said Section 8, bears S75°34'43"W, a distance of 59.88 feet and N14°25'17"W, a distance of 269.71 feet;

THENCE N30°35'03"E with the cutback line of said 25.281 Acre Tract and Green Tree Boulevard, a distance of 42.42 feet to a 1/2" iron rod found at the North cutback corner of said 25.281 Acre Tract and this tract;

THENCE N75°35'33"E with common line of said 25.281 Acre Tract and Green Tree Boulevard, a distance of 350.10 feet to a 1/2" iron rod found at a point of curvature of this tract;

THENCE around a curve to the left in an Easterly direction with common line of said 25.281 Acre Tract and Greentree Boulevard, with a radius of 519.95 feet, a delta angle of 11°42'35", an arc length of 106.26 feet and a chord distance of 106.08 feet which bears N69°44'16"E to a point of tangency of this tract;

THENCE N63°52'58"E with common line of said 25.281 Acre Tract and Green Tree Boulevard, a distance of 32.56 feet to a 1/2" iron rod found at the Northeast corner of this tract;

THENCE S14°14'41"E, a distance of 404.06 feet to an interior corner of this tract;

THENCE S34°46'14"E, a distance of 30.00 feet to the Southeast corner of this tract;

THENCE around a curve to the left in an Westerly direction with the centerline of Proposed Anguish Drive with a radius of 1470.00 feet, a delta angle of 1°32'04", an arc length of 39.37 feet and a chord distance of 39.36 feet which bears S54°27'44"W to a point of reverse curvature of this tract;

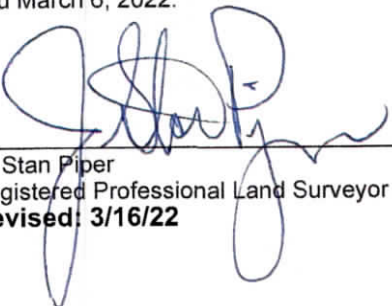
THENCE around a curve to the right in an Westerly direction with the centerline of Proposed Anguish Drive with a radius of 1030.02 feet, a delta angle of 21°54'00", an arc length of 393.70 feet and a chord distance of 391.31 feet which bears S64°38'43"W to a point of tangency of this tract;

THENCE S75°35'44"W with the centerline of Proposed Anguish Drive, a distance of 105.91 feet to a point on the East R.O.W. line of N. Midland Drive as dedicated in Cabinet C, Page 38, Plat Records of Midland County for the Southwest corner of this tract;

THENCE N14°24'16"W with said N. Midland Drive R.O.W., a distance of 473.26 feet to the **PLACE OF BEGINNING**. Tract consists of 5.720 acres of land.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86 Central Zone, with a combined grid factor of 0.999920208, and a theta angle equal to -0°56'08.806" at City of Midland GPS Point "MBIRD" with values of N= 10,711,761.47' and E= 1,733,698.85' in U.S. Survey Feet based on City of Midland GPS Control Survey. To obtain horizontal surface distances multiply the grid distance above by 1.000052379.

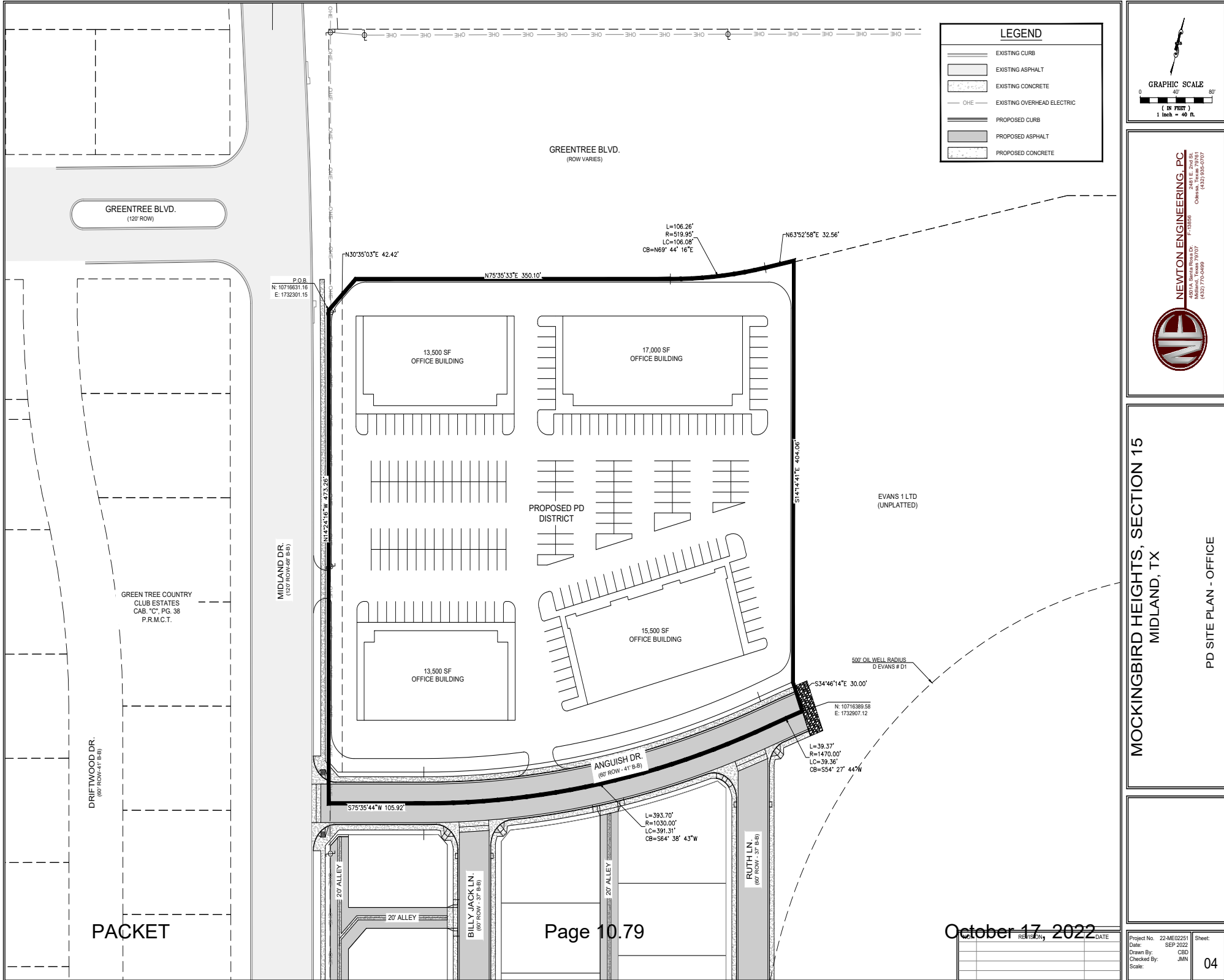
I, J. Stan Piper, Professional Land Surveyor, do hereby certify that this description is based on an actual survey made by me or under my supervision, and that the same is true and correct to the best of my knowledge and belief as surveyed on the ground various dates thru March 6, 2022.


J. Stan Piper
Registered Professional Land Surveyor #1974
Revised: 3/16/22



Prepared for:
Newton Engineering.
Attn.: Chase Dunnam, EIT
4501A Santa Rosa Drive
Midland, Texas 79707

PIPER SURVEYING BOX 60432, MIDLAND, TX 79711, 432-550-7810; FIRM NO. 10155200



LEGEND

- EXISTING CURB
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING OVERHEAD ELECTRIC
- PROPOSED CURB
- PROPOSED ASPHALT
- PROPOSED CONCRETE

GRAPHIC SCALE

0 40' 80'

1 inch = 40 ft

NEWTON ENGINEERING, PC

2481 E. 2nd St.
P.O. Box 110858
Midland, TX 79701
(432) 935-0707

MOCKINGBIRD HEIGHTS, SECTION 15

MIDLAND, TX

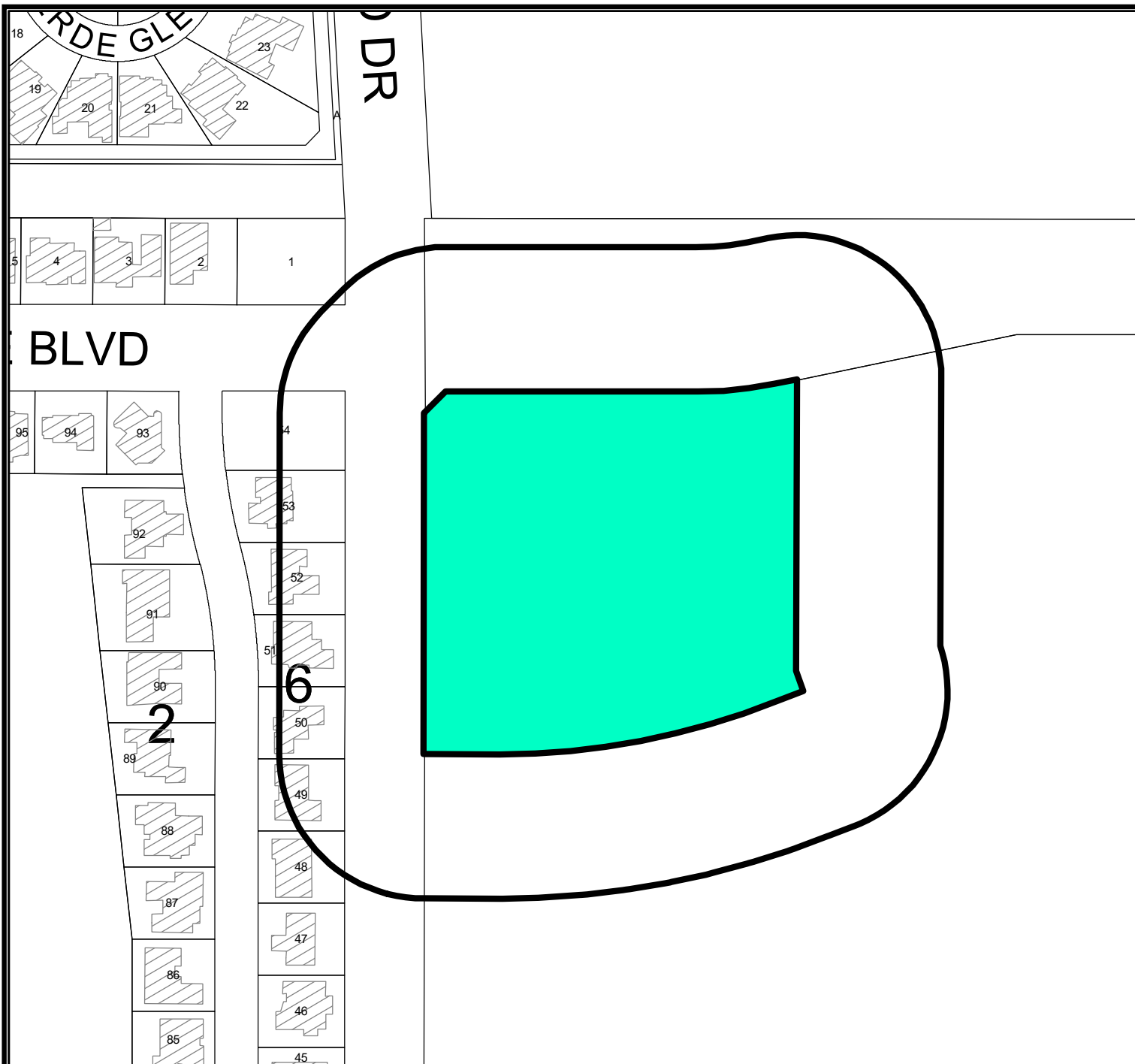
PD SITE PLAN - OFFICE

Project No. 22-ME02251
Date: SEP 2022
Drawn By: CSB
Checked By: JUN
Scale:

Sheet: 04

PACKET

October 17, 2022



LOCATION MAP

Z-22-0306

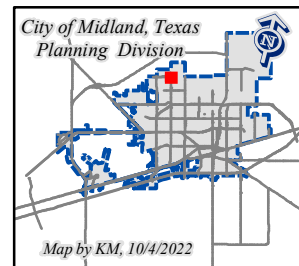
Scale: 1" = 200'

Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate District to PD, Planned Development District for a Housing Development, a 5.720-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on southeast corner of the intersection of Green Tree Boulevard and N. Midland Drive. (Council District 1)

LEGEND

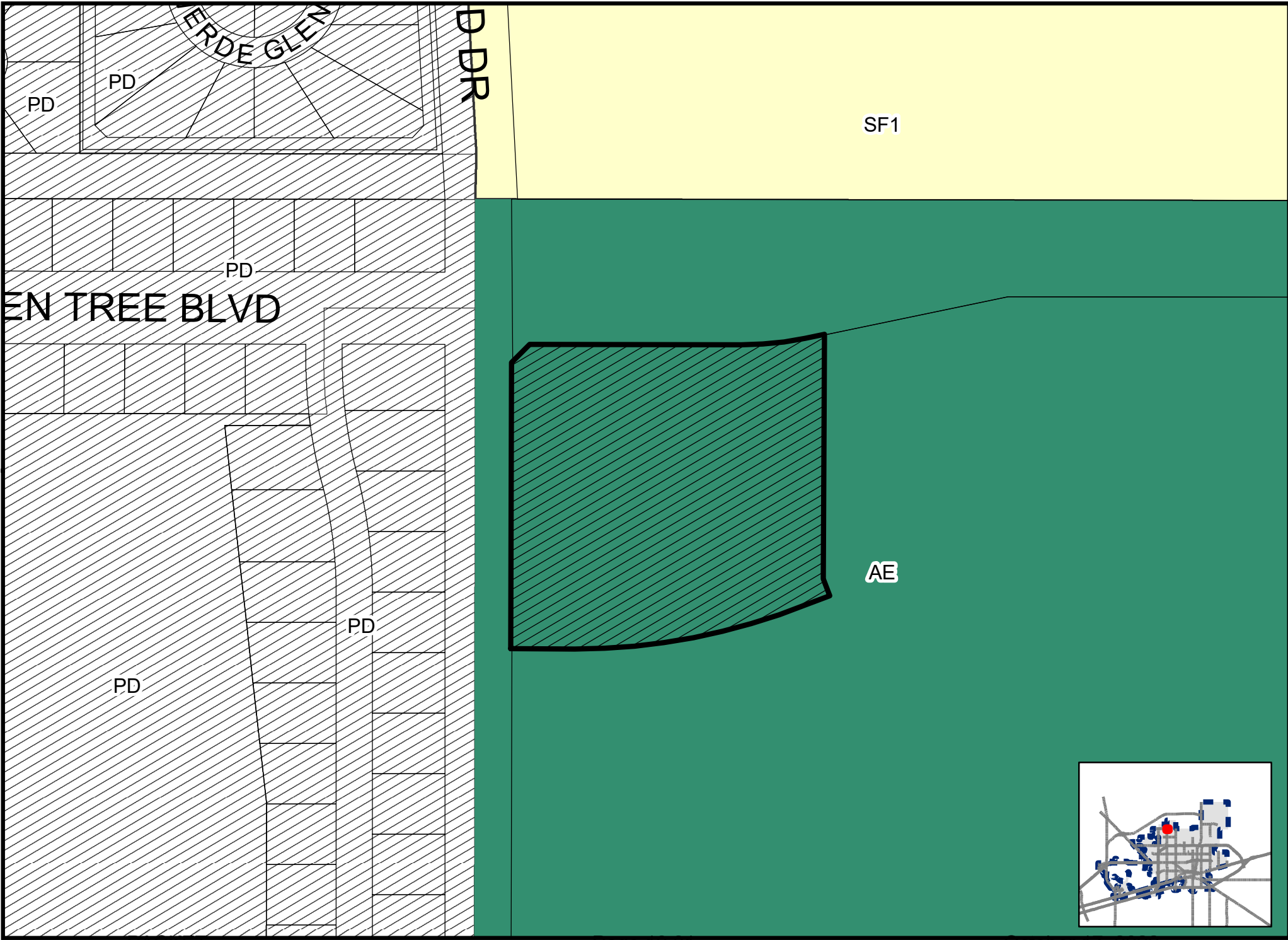
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate to PD, Planned Development District for a Housing Development on 20.719-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of N. Midland Drive, approximately 433-feet south of Green Tree Boulevard - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve Deny X Directional/Informational

Purpose:

The applicant, Evans 1, LTD, is requesting a zone change from AE, Agricultural Estates to PD, Planned Development for a Housing Development on 20.719-acre tract of land located in Section 8, Block X, H.P. Hilliard survey, City and County of Midland Texas for the purpose of building a single-family housing development.

Current Zoning:

AE, Agricultural Estate District.

Surrounding Zoning and Land Use:

The properties to the north and east are zoned AE, Agricultural Estates, and the location of vacant land. The properties to the south and west are zoned PD, Planned Development District for a Housing Development and Office Center, and the location of residential homes.

Analysis:

The property is currently vacant and in the process of being platted. This zone change was deferred by City Council on June 14, 2022. Council suggested the applicant to

bring back the zone change as a PD, Planned Development District. Therefore, the applicant is now proposing to change the zoning from AE, Agricultural Estates to PD, Planned Development District for a Housing Development with an underlying zoning of SF-2, Single Family District, rather than the initial request of SF-3. The new proposed subdivision will have a total of 67 (sixty-seven) residential lots. This is 7 (seven) fewer lots than previously presented. Going to SF-2, Single Family District, reduces the density of the zoning and translates to fewer residential lots, but bigger lot sizes. The smallest lot size is about 7,403 square feet. All proposed lots meet the lot dimension requirements in the SF-2, Single-Family Dwelling District.

If approved the development will have to conform to section 5.04, Residential Zoning District Dimensional Regulations, and sections 6.01 through 6.05, Zoning Development Regulations of the Zoning Ordinance.

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

Departmental Review:

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved with Conditions)

No objection to zone change.

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

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

An elevation certificate based off of construction drawings will be required to get a building permit to show compliance to the 1 foot of freeboard above the base flood elevation for residential structures. An elevation certificate based off of finish construction will be required for the Certificate of Occupancy.

Code: (Approved with Conditions)

The plat identifies the 500 ft. radius around the permitted Diamondback E&P well – D Evans #1 and has received a 320 ft. radius variance on April 26, 2022 that needs to be included on the plat with notation of when received and the resolution number. That information is available from the City Secretary Office or Building Official. I assume the lots inside the 500 are allowed if we could see where the 320 ft. radius variance received. Any occupied residential/commercial building permits inside the approved 320 ft. radius would require a variance to the permitted well from the City Council. If the 320 ft. radius is not identified on the final plat, the plat will be denied.

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 request is compliant with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-An Integrated Land Use Vision*. This area has been designated UR-L Urban Residential-Low. This is a restrictive land use emphasizing neighborhoods with single-family detached homes, with smaller lots permitted under special circumstances. Additionally, this development will tie in with the rest of the single-family homes in this area.

If this zone changes from AE, Agricultural Estate District to PD, Planned Development District for a Housing Development is approved, then staff recommends that it should be subject to conditions A and B.

Conditions:

- A. That the use and development of the property shall conform to the regulations of the SF-2, Single-Family Dwelling District.**
- B. That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit B.**

Letters of Objection:

Staff has not received any letters of objection as of October 12, 2022.

Attachments:

Application
Meets and Bounds (Exhibit A)
Site Plan (Exhibit B)

Maps



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

Project Number: 2-22-0305

Case Number: _____

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

Printed Name: Evans 1, LTD.

Phone ()

Email
evansoneltd@gmail.com

Address
P.O. Box 7962

City
Midland

State
TX

Zip
79708

Property Owner

Printed Name: Evans 1, LTD.

Phone ()

Email

Address
P.O. Box 7962

City
Midland

State
TX

Zip
79708

Representative (if different from Applicant or Property Owner)

Firm: Newton Engineering, PC

Printed Name: Evans 1, LTD.

Phone ()

Email

chase@newtoncivil.com

Address
4501A Santa Rosa Dr.

City
Midland

State
TX

Zip
79707

Street Address: None assigned. See attached metes and bounds description.

Legal Description

Lot: _____ Block: _____ Subdivision: Mackinbird Heights, Section 15

Current Zoning:

AE

Proposed Zone: PD (underlying SF-2)

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

Reason for Zone Change Request: To conform to the development of the site.

Present Use of Property: Vacant undeveloped pasture land

Proposed Use of Property: Single Family Residential

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

Describe how conditions affecting the property have changed since present zoning designation: The development of the site has now been planned.

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):

Date:

Applicant (printed):

Property Owner (signature):

Jonathan J Evans VP Evans Inc GP

Date:

9/20/22

Property Owner (printed):

Jonathan Evans

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 #

CC

Received By:

Iexie Walling

Date:

SEP 20 2022

PROPOSED PD ZONING

LEGAL DESCRIPTION OF A 20.719 ACRE TRACT LOCATED IN SECTION 8, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,714,499.93' E= 1,732,848.54') a 1/2" iron rod with plastic cap marked "PLS 1977" previously found at the Northwest corner of Mockingbird Heights, Section 9 as recorded in Cabinet I, Page 18, Plat Records of Midland County and the Southwest corner of this tract, from whence the Northwest corner of said Section 8, bears S75°34'43"W, a distance of 59.23 feet and N14°25'17"W, a distance of 2470.11 feet;

THENCE N14°24'16"W with the East line of said N. Midland Drive dedicated in Cabinet C, Page 38, Plat Records of Midland County, a distance of 1727.15 feet to the Northwest corner of this tract;

THENCE N75°35'44"E with the centerline of Proposed Anguish Drive, a distance of 105.91 feet to a point of curvature of this tract;

THENCE around a curve to the left in an Easterly direction with the centerline of Proposed Anguish Drive with a radius of 1030.00 feet, a delta angle of 21°54'01", an arc length of 393.70 feet and a chord distance of 391.31 feet which bears N64°38'43"E to a point of reverse curvature of this tract;

THENCE around a curve to the right in an Northeasterly direction with the centerline of Proposed Anguish Drive with a radius of 1470.00 feet, a delta angle of 1°32'04", an arc length of 39.37 feet and a chord distance of 39.36 feet which bears N54°27'44"E to a point of tangency of this tract;

THENCE S34°46'14"E, a distance of 30.00 feet to a 1/2" iron rod with plastic cap marked "PLS 1977" previously found at an exterior corner of this tract;

THENCE S54°39'41"W with South line of said Proposed Anguish Drive, a distance of 28.56 feet to an interior corner of this tract;

THENCE S17°42'08"W with a cutback line of said Ruth Lane, a distance of 16.14 feet to an interior corner of this tract;

THENCE S14°24'16"E with an East line of Proposed Ruth Lane, a distance of 1503.06 feet to an interior corner of this tract;

THENCE S63°17'47"E with a cutback line of said Proposed Ruth Lane, a distance of 13.15 feet to an interior corner of this tract;

THENCE around a curve to the right in an Easterly direction along the North R.O.W. line of Proposed Gloria Drive with a radius of 1689.85 feet, a delta angle of 11°30'34", an arc length of 339.45 feet and a chord distance of 338.88 feet which bears N73°44'09"E to a point of reverse curvature of this tract;

THENCE around a curve to the left in an Easterly direction continuing along the North R.O.W. line of Proposed Gloria Drive with a radius of 1000.00 feet, a delta angle of 7°16'30", an arc length of 126.97 feet and a chord distance of 126.89 feet which bears N75°51'11"E to an exterior corner of this tract;

THENCE S18°42'21"E with the East line of Proposed Valwood Drive, a distance of 164.84 feet to the Northeast corner of said Mockingbird Heights, Section 9 and the Southeast corner of this tract;

THENCE around a curve to the right in an Westerly direction across Valwood Drive and the a North line of said Mockingbird Heights, Section 9 with a radius of 1790.00 feet, a delta angle of 1°55'15", an arc length of 60.01 feet and a chord distance of 60.01 feet which bears S70°12'32"W to an exterior corner of this tract;

THENCE N18°42'21"W with the West line of Proposed Valwood Drive, a distance of 98.59 feet to an interior corner of this tract;

THENCE N61°30'46"W with a cutback line of Proposed Valwood Drive and Gloria Drive, a distance of 14.67 feet to an interior corner of this tract;

THENCE around a curve to the right in an Westerly direction with a South line of Proposed Gloria Drive with a radius of 1060.00 feet, a delta angle of 3°32'24", an arc length of 65.49 feet and a chord distance of 65.48 feet which bears S77°43'14"W to a reverse curve of this tract;

THENCE around a curve to the left in an Westerly direction continuing with a South line of Proposed Gloria Drive with a radius of 1629.85 feet, a delta angle of 12°26'57", an arc length of 354.13 feet and a chord distance of 353.43 feet which bears S73°15'58"W to interior corner of this tract;

THENCE S25°50'41"E, a distance of 120.16 feet to an exterior corner of this tract;

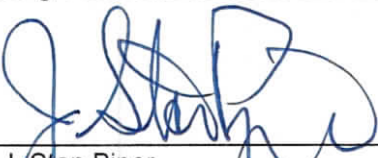
THENCE around a curve to the left in an Westerly direction with a North line of a 20 foot alley with a radius of 1510.00 feet, a delta angle of 6°56'23", an arc length of 182.89 feet and a chord distance of 182.78 feet which bears S63°47'58"W to a point of reverse curvature of this tract;

THENCE around a curve to the right in an Westerly direction with a North line of a 20 foot alley with a radius of 949.94 feet, a delta angle of 15°13'16", an arc length of 252.36 feet and a chord distance of 251.62 feet which bears S67°56'24"W to a point of tangency of this tract;

THENCE S75°33'02"W with a North line of a 20 foot alley, a distance of 88.93 feet the **PLACE OF BEGINNING**. Tract consists of 20.719 acres of land.

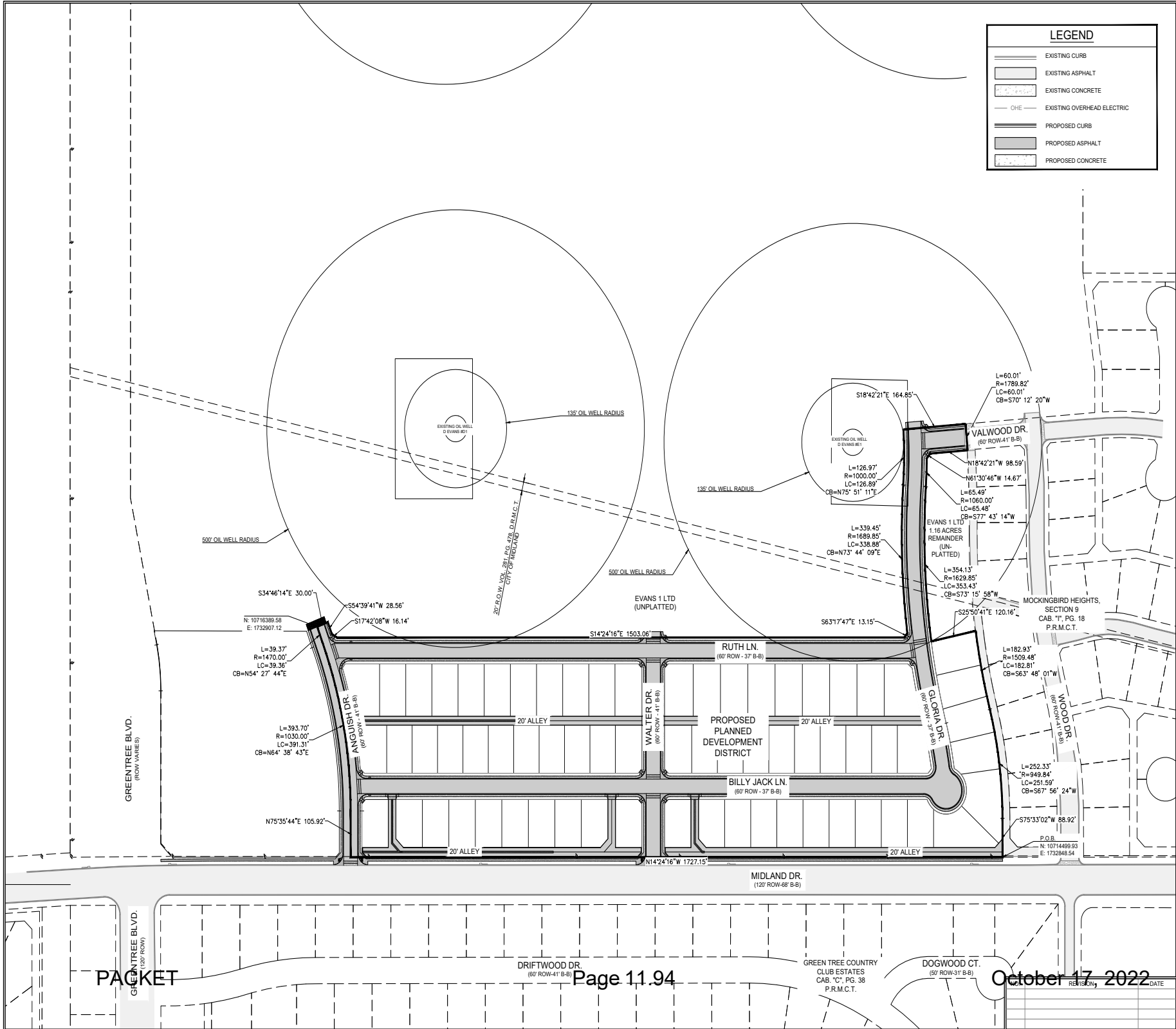
Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86 Central Zone, with a combined grid factor of 0.999920208, and a theta angle equal to -0°56'08.806" at City of Midland GPS Point "MBIRD" with values of N= 10,711,761.47' and E= 1,733,698.85' in U.S. Survey Feet based on City of Midland GPS Control Survey. To obtain horizontal surface distances multiply the grid distance above by 1.000052379.

I, J. Stan Piper, Professional Land Surveyor, do hereby certify that this description is based on an actual survey made by me or under my supervision, and that the same is true and correct to the best of my knowledge and belief as surveyed on the ground various dates thru March 6, 2022.



J. Stan Piper
Registered Professional Land Surveyor #1974
Revised: 3/16/22 & 9/19/22

Prepared for:
Newton Engineering.
Attn.: Chase Dunnam, EIT
4501A Santa Rosa Drive
Midland, Texas 79707



LEGEND

- EXISTING CURB
- EXISTING ASPHALT
- EXISTING CONCRETE
- OHE EXISTING OVERHEAD ELECTRIC
- PROPOSED CURB
- PROPOSED ASPHALT
- PROPOSED CONCRETE

GRAPHIC SCALE

0 100' 200'

1 inch = 100 ft

NEWTON ENGINEERING, PC

2481 E. 2nd St.
4807A Santa Rosa Dr.
P.O. Box 110858
Midland, TX 79701
Tel: (432) 770-0499
Fax: (432) 935-0707

MOCKINGBIRD HEIGHTS, SECTION 15

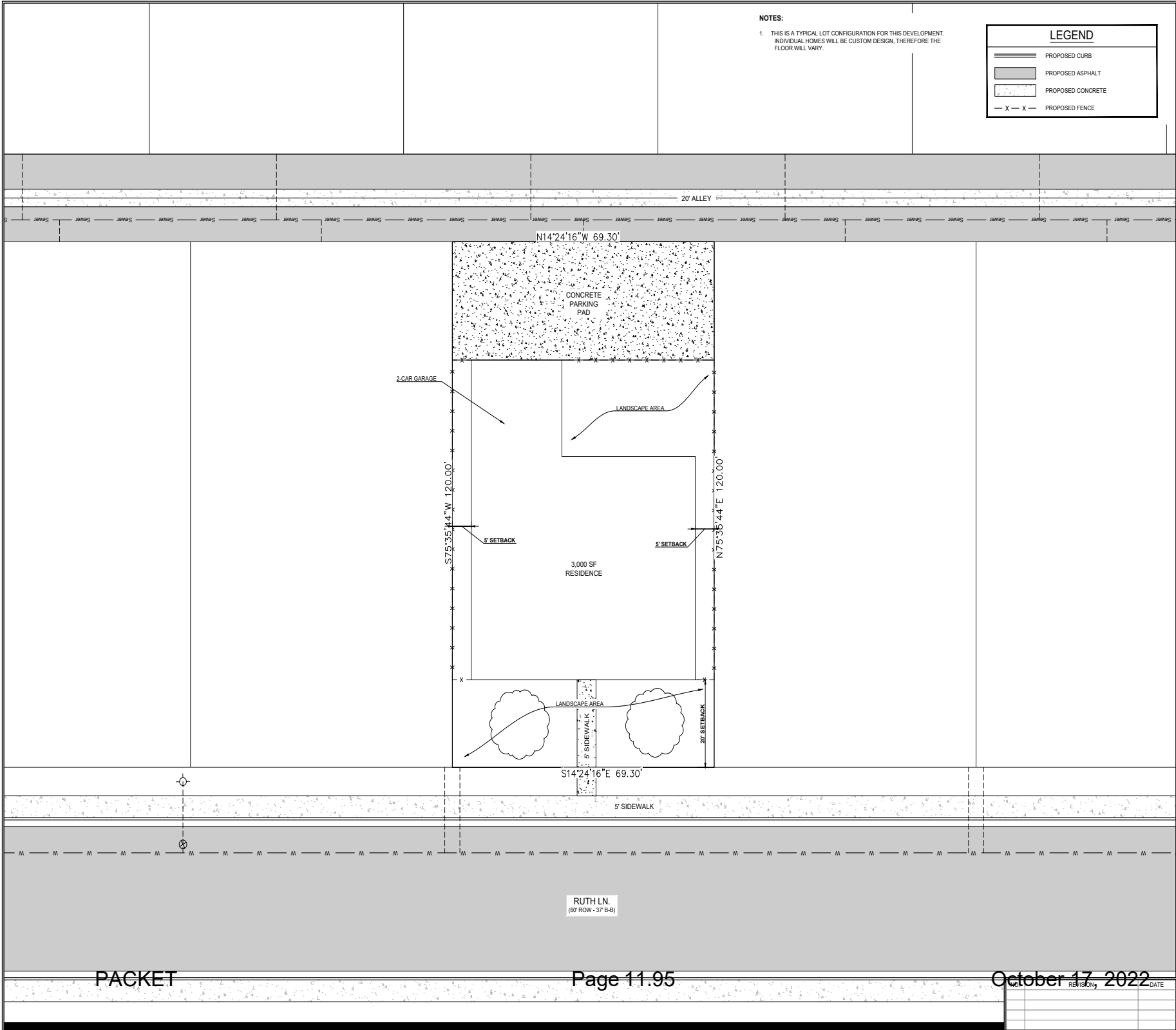
MIDLAND, TX

ZONE CHANGE SITE PLAN

PACKET

October 17, 2022

Project No.	22-ME02251	Sheet:
Date:	SEP 2022	CSD
Drawn By:	CSD	
Checked By:	JUN	
Scale:		



GRAPHIC SCALE

0 10' 20'

(IN FEET)

1 inch = 10 ft.

NEWTON ENGINEERING, P.C.

2481 E. 2nd St.
4807A Santa Rosa St.
Ft. Worth, TX 76106
Office: (817) 932-0707
Cell: (817) 932-0707

MOCKINGBIRD HEIGHTS, SECTION 15

MIDLAND, TX

TYPICAL LOT CONFIGURATION

REVISION	DATE

Project No. 22-ME02251

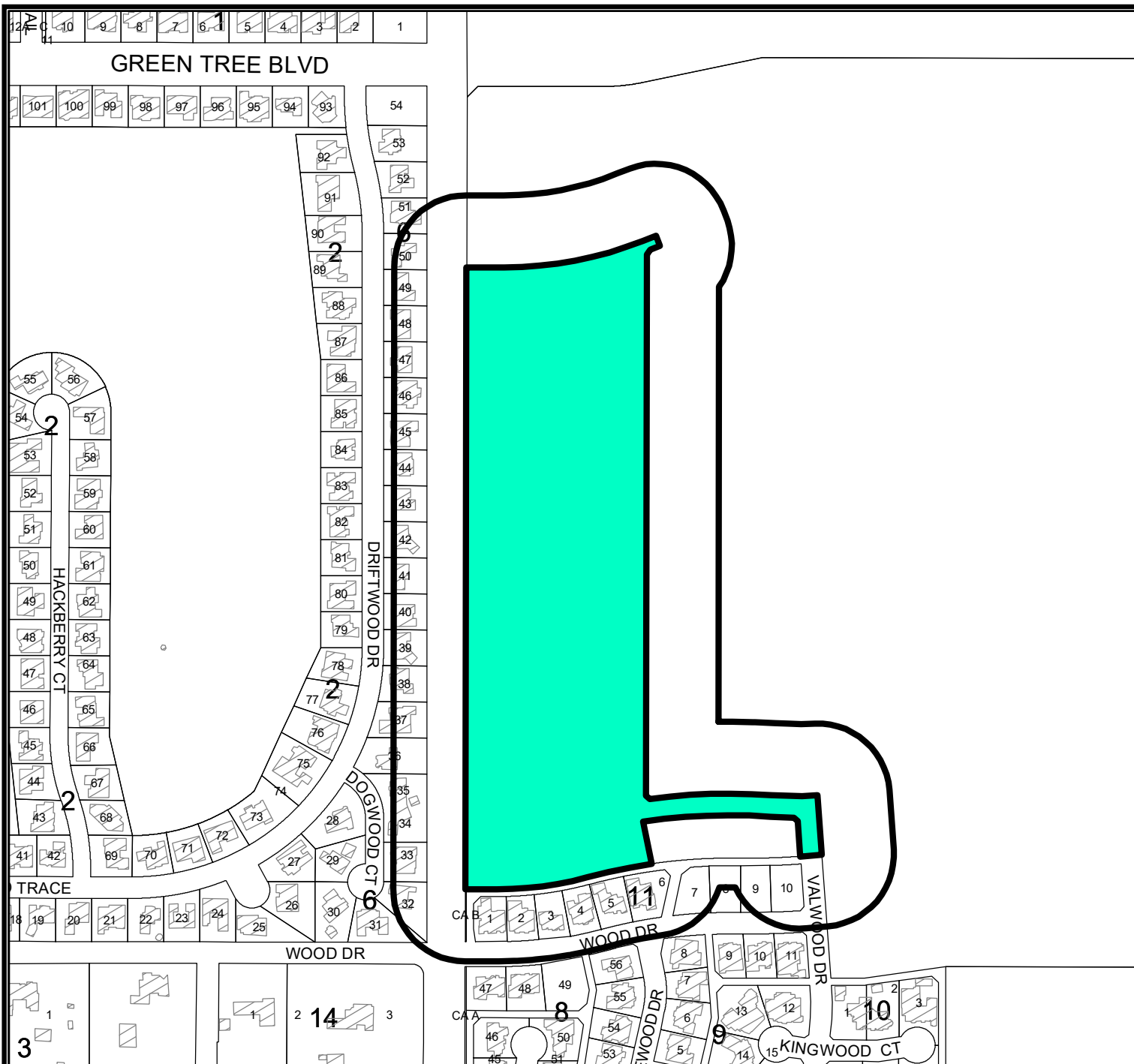
Date: SEP 2022

Drawn By: CBO

Checked By: JUN

Scale:

Sheet: **04**



LOCATION MAP

Z-22-0305

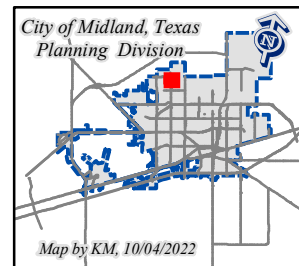
Scale: 1" = 400'

Consider a request by Evans 1, LTD for a zone change from AE, Agricultural Estate District to PD, Planned Development District for a Housing Development, a 20.719-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the east side of N. Midland Drive, approximately 433-feet south of Green Tree Boulevard.
(Council District 1)

LEGEND

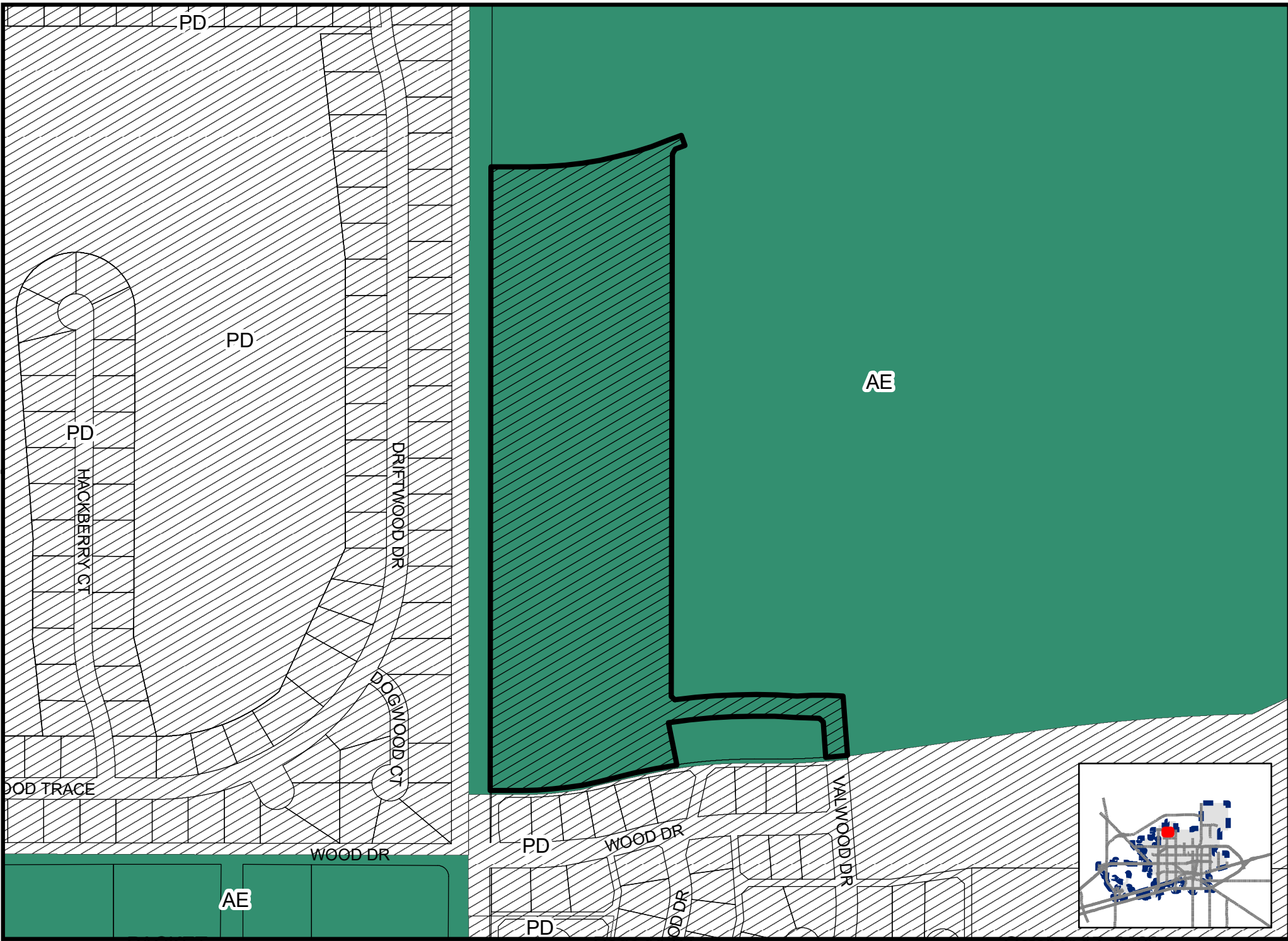
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions a proposed Preliminary Plat of Mockingbird Heights, Section 15 being a plat of a 26.44-acre tract of land out of a 331.25-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Green Tree Boulevard and N. Midland Drive - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Newton Engineering, is proposing to plat a 26.44-acre tract of land out of a 331.25-acre tract of land all out of Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, to develop a residential subdivision and an office center.

Current Zoning:

The property is zoned AE, Agricultural Estate District.

Departmental Review:

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

ENGINEERING: (Approved with Conditions)

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

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

PAVING: Midland Drive and Wood Drive okay as is. No public paving improvements required. Internal paving improvement plans have been submitted and are currently in review. Construct roads shown to City Standards for entire platted frontage. Public infrastructure must be installed and accepted prior to Final Plat. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

WATER: 16" water exists in Midland Drive west of tract, okay as is. 6" water exists in Midland Drive west of tract, okay as is. 16" water exists in Midland Drive south of tract, okay as is. 6" water exists in Valwood Drive southeast of tract, okay as is. 30" water exists in existing easement east of tract, okay as is. No public water improvements required. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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: Section 395.081 applies only to a city that has not adopted impact fees; the impact fee ordinance superseded this ordinance thus pro-rata is null for this area. [For the Applicant's information only.]

SEWER: 12" sewer exists in Midland Drive west of tract, okay as is. 6" sewer exists in Wood Drive south of tract, okay as is. No public wastewater improvements required. 6" water exists in Valwood Dr. west of tract, okay as is. Internal water improvement plans have been submitted and are currently in review. Construct roads shown to City Standards for entire platted frontage. Public infrastructure must be installed and accepted prior to Final Plat. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

DRAINAGE: Drainage report has been provided and a preliminary review has been conducted.

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

STREET NAME AND TRAFFIC CONTROL SIGN FEE – Estimated fee due at Final Plat submittal = 7 new intersections created at \$500/intersection = \$3500. Fee shall be adjusted based on number of intersections if Final Plat is phased. [Reference City Code Section 11-2-5(C)3(t).]

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)

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

CODE COMPLIANCE: (Approved with Conditions)

The plat identifies the 500 ft. radius around the permitted Diamondback E&P well – D Evans #1 and has received a 320 ft. radius variance on April 26, 2022 that needs to be included on the plat with notation of when received and the resolution number. That information is available from the City Secretary Office or Building Official. I assume the lots inside the 500 ft. radius are allowed if we could see where the 320 ft. radius variance received is located. Any occupied residential/commercial building permits closer than the approved 320 ft. radius would require a variance to the permitted well from the City Council. If the 320 ft. radius is not identified on the final plat, the plat will be denied.

CODE ADMINISTRATION: (Approved)

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

GIS: (Approved)

No comments

SURVEYOR: (Approved)

No comments.

PLANNING: (Approved with Conditions)

This property is zoned AE, Agricultural Estate District. The proposed lot sizes do not meet the current's zoning district minimum lot area of 2 acres. A zone change is required. Lot dimensions must comply with the new proposed zoning district. [Midland City Code 11-2-5(B)2]

This plat is greater than 25 acres; therefore, approval from Council is required. [Midland City Code § 11-2-3(D)11(a)6]

Provide the square footage or acreage of the proposed lots. [For applicant's information only]

Staff recommends approval of the Preliminary Plat of Mockingbird Heights, Section 15 subject to conditions A through D.

Conditions:

- A. Approval of this preliminary plat is conditioned upon the City Council finally approving a zoning district change for the subject property that will result in this preliminary plat conforming to all applicable zoning regulations, including minimum lot area and dimension regulations. [Midland City Code 11-2-5(B)2]
- B. Approval of this preliminary plat is subject to the final plat completion of the infrastructure, which needs to be installed and accepted by the City prior to final platting. [Midland City Code 11-2-3(G)1 & 2]
- C. Approval of this preliminary plat is conditioned upon approval from Council since this plat is greater than 25 acres. [Midland City Code 11-2-3(D)11(a)6]
- D. Approval of this preliminary plat is subject to the payment of the street name and traffic control signs at final. [Midland City Code Section 11-2-5(C)3(t).]

Objection Letters:

Staff had received two objection letters as of October 13, 2022.

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number: Sub-22-0486
Case Number: P-22-1428

Proposed Subdivision Plat Name: Mockingbird Heights, Section 15

Legal Description (attached sealed Metes and Bounds): See attached

Property Owner

Printed Name: Evans 1, LTD.

Phone (432) 559-5128

Email evansoneltd@gmail.com

Address P.O. Box 7962

City Midland

State TX

Zip 79708

Developer (if different than Owner)

Printed Name: Same as owner

Phone (432) 559-5128

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: Chase Dunnam

Phone (432) 559-5128

Email

Address 4501A Santa Rosa Dr.

City Midland

State TX

Zip 79707

Current Zoning: AE

Reason for Platting: Create lots for single family homes and one lot for office use.

Plat Information

Total Acreage: 26.44

Type: ☒ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 67

Number of Multi-family Dwelling Units: 0

Submittal and Fees

Items to be submitted with this application form:

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

SEP 20 2022

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature): _____

Date: _____

Property Owner (printed) : _____

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Chase Dunnam who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Evans I, LTD. 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.

Chase Dunnam
Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

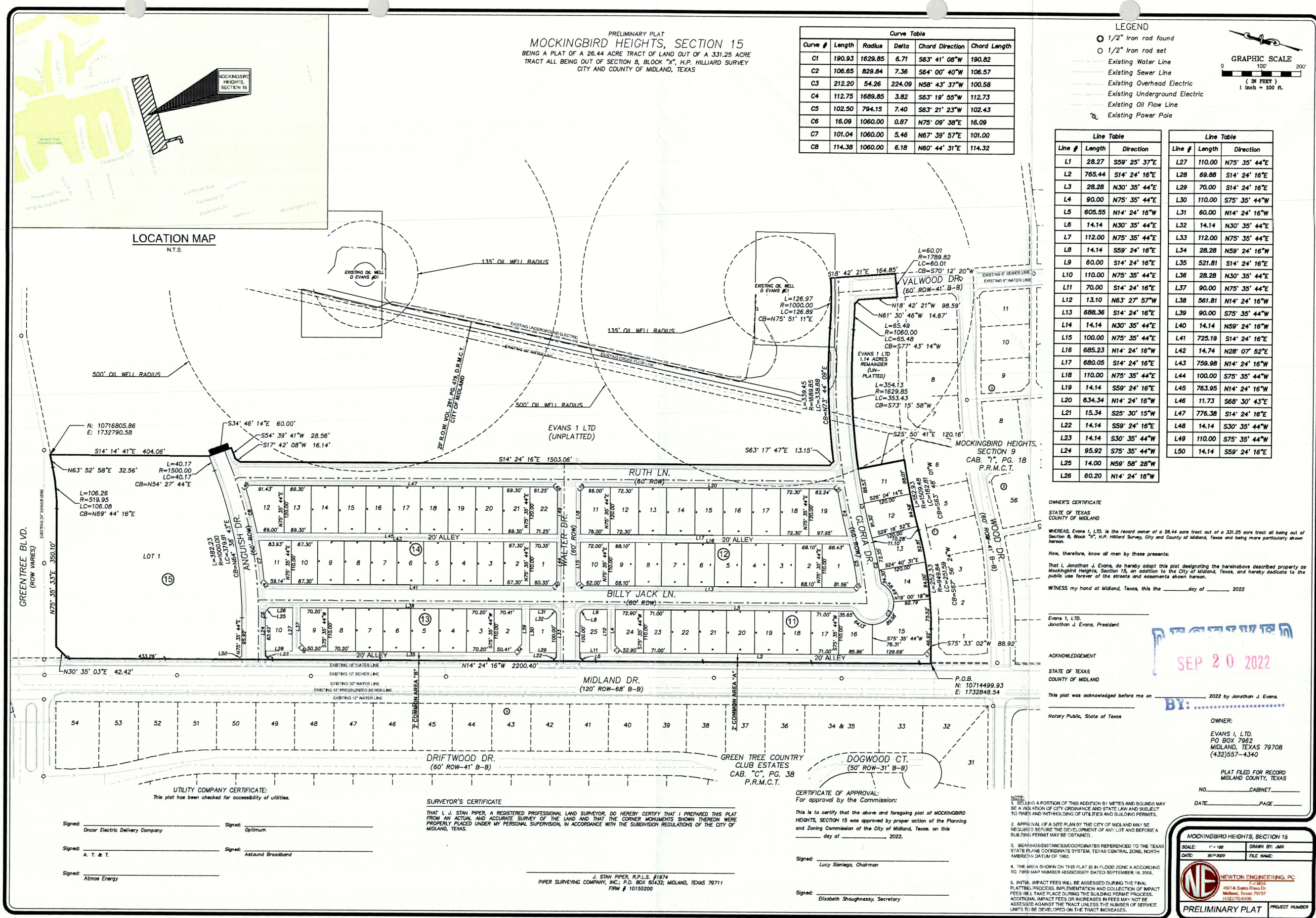
- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Application Fee | ☒ 1 Copy of Plat (11x17) | |

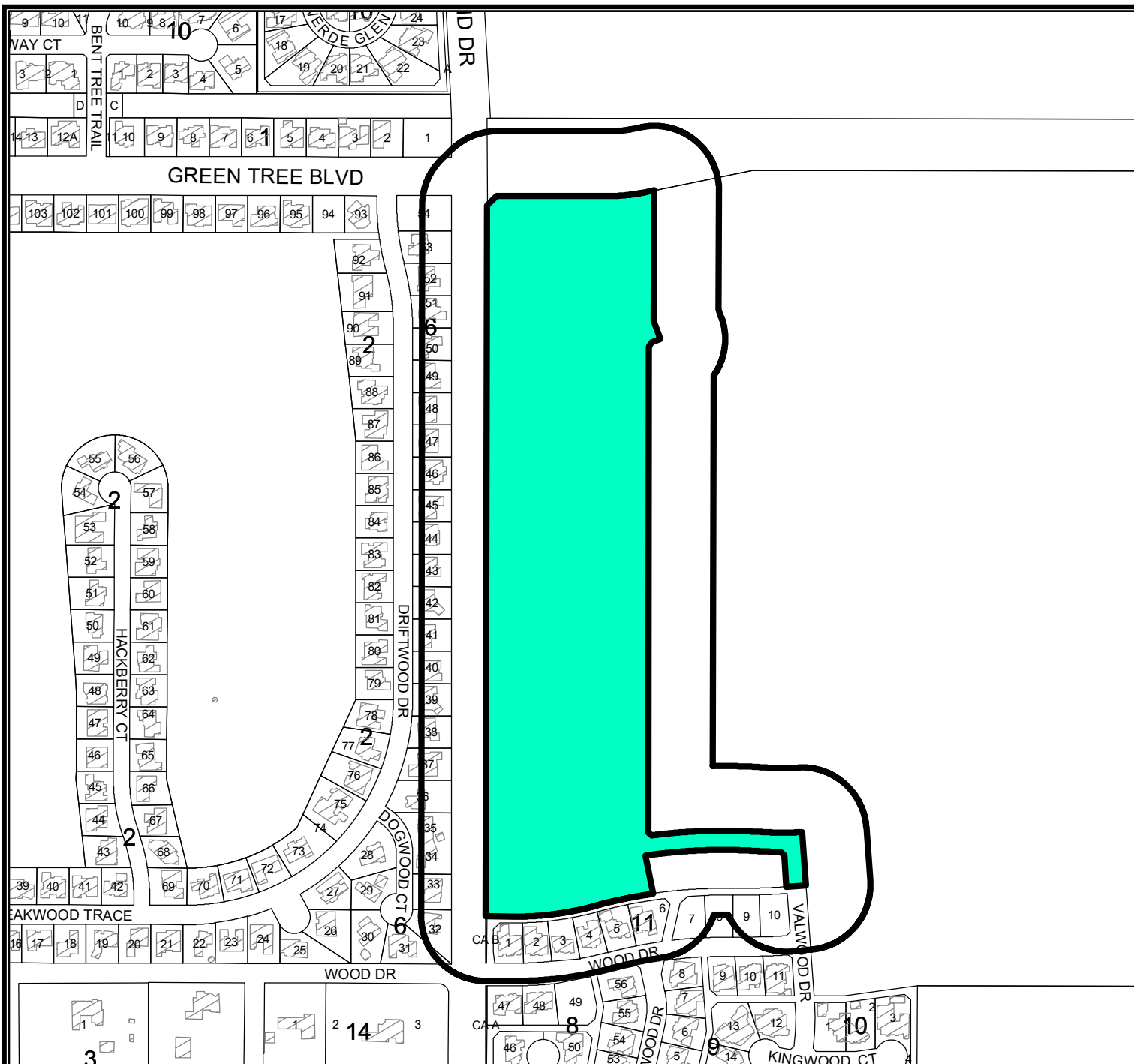
Check # CC

Received By: ES

Date: SEP 20 2022

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





LOCATION MAP

SUB-22-0486

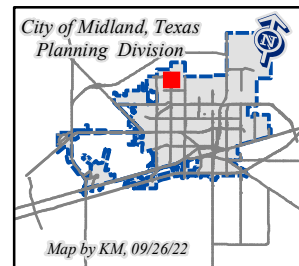
Scale: 1" = 446

Proposed plat of Mockingbird Heights, Section 15 being a plat of a 26.44-acre tract of land out of a 331.25-acre tract of land located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Green Tree Boulevard and N. Midland Drive. (Council District 1)

LEGEND

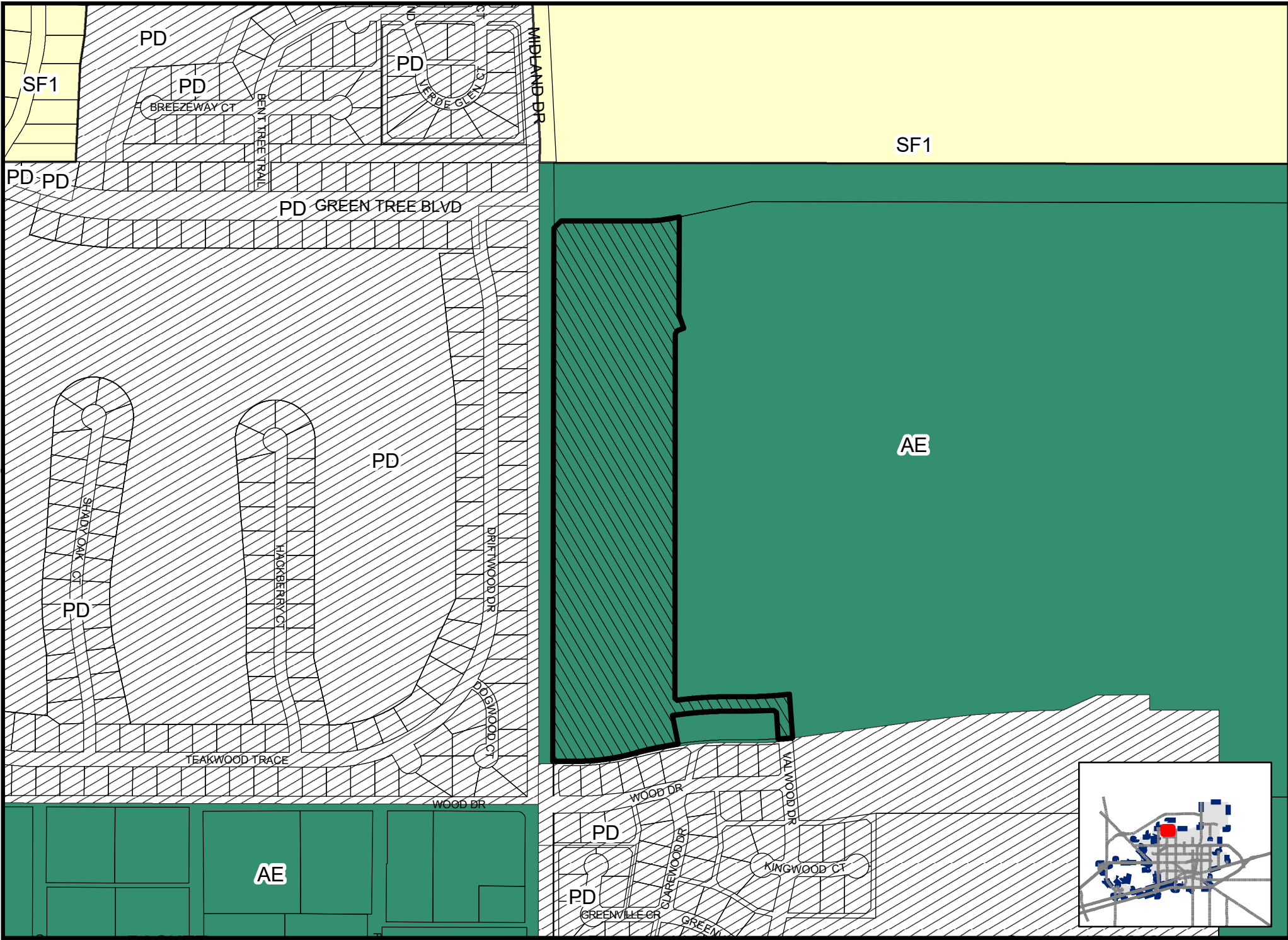
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



PACKET

Page 12.110

October 17, 2022

Map By ES, 7/8/2021

SUB-22-0486

Scale: 1" = 500'

ZONING MAP



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OCT 04 2022

SHRADER BENITA KAY
PO BOX 50185
TX MIDLAND 79710

PUBLIC NOTICE

The **Planning and Zoning Commission**, of the City of Midland, Texas, will hold a public hearing at 3:30 p.m. on **Monday, October 17, 2022**, in the Council Chamber, City Hall, 300 N. Loraine, Midland, TX 79701 and via videoconference on a request by **Newton Engineering** for approval of a **Preliminary Plat** on the following described property:

LEGAL DESCRIPTION: A 26.44-acre tract of land out of a 331.25-acre tract of land located in Section 8, Block X, H.P. Hillard Survey, City and County of Midland, Texas.

LOCATION: Generally located on the southeast corner of the intersection of Green Tree Boulevard and North Midland Drive. (Council District 1)

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

I object to this request ☒ **Comments:** Increased Traffic, Small lots compared to existing Neighbors. Privacy for office area development. Potential child care center.

Required Information:

Benita Kay Shrader
Property Owner's Signature

Benita Kay Shrader
Printed Name

402 Driftwood
Property Address (No P. O. Boxes)
Midland TX 79707

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

Notices Mailed: 33
Date Mailed: September 30, 2022
Case Number: SUB-22-0486
Case Name: Mockingbird Heights, Section 15
KM: Planner's Initials


Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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

RECEIVED
OCT 12 2022



BY:

PUBLIC NOTICE

ATCHLEY BRET L
6300 DRIFTWOOD DR
TX MIDLAND 79707

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I object to this request ☒

Comments:

no! this area can't handle the traffic.

Required Information:

Property Owner's Signature

Alecia Atchley

Printed Name

Alecia Atchley

Property Address (No P. O. Boxes)

6300 Driftwood Dr.

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

Notices Mailed: 33

Date Mailed: September 30, 2022

Case Number: SUB-22-0486

Case Name: Mockingbird Heights, Section 15

KM: Planner's Initials

[Signature]
Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: October 17, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Planner

SUBJECT: Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Redneck Retreat, 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 920-feet east of FM715 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Redneck Metal Buildings, LLC – Clarence Sauer, is requesting to plat a 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas, to obtain septic permits and addresses.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

Departmental Review:

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with conditions)

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

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

PAVING: East County Rd 130 is sub-standard, construct to City Standards for entire platted frontage or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)2]

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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: None existing. Construct wastewater to City standards along entire platted frontage, or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)1 & 11-2-4(A)2(a)] Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre. Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Preliminary drainage report has been submitted and reviewed. A complete drainage report will be required before final approval of plat. FEMA Firm data to be on plat face.

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

SIDEWALKS: Required at building permit. However, subdivision located in county so request a deferral. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

GIS: (Approved)

On the legal description, they have block 15. The correct block is 38.

MIDLAND COUNTY: (Awaiting Comments)

Awaiting Comments.

HEALTH DEPARTMENT: (Awaiting Comments)

Awaiting Comments.

PLANNING:

Staff recommends approval of the Preliminary Plat of Redneck Retreat, subject to condition A.

Conditions:

- A. Approval of this preliminary plat is conditioned upon public improvements being completed prior to the approval of a final plat by the City or with an exception when waived or deferred by the Council. Midland City Code 11-2-3(G)1 & 11-2-4(A)2(a)**

Attachments:

Application
Proposed Plat
Map



Preliminary Plat Application

Project Number: Sub-22-0529
Case Number: P.22-1439

Proposed Subdivision Plat Name: Redneck Retreat

Legal Description (attached sealed Metes and Bounds): A SUBDIVISION OF 12.80 ACRES IN THE NORTHWEST PART OF SECTION 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY 15, BLOCK 38, T-2-S, T & P, RR CO. SURVEY, BLOCK 38, T-2-S, T & P, RR CO. SURVEY 38, T-2-S, T & P, RR CO. SURVEY, T-2-S, T & P, RR CO. SURVEY 2-S, T & P, RR CO. SURVEY-S, T & P, RR CO. SURVEY MIDLAND COUNTY, TEXAS.

Property Owner

Printed Name: Redneck Metal Buildings, LLC - Clarence Sauer

Phone **(432) 458-3716**

Email
clarence@redneckmetalbuildings.com

Address PO Box 53104

City Midland

State TX

Zip 78710

Developer (if different than
Owner) Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Eduardo L. Aleman

Phone **(432) 684-5548**

Email
ealeman@schumannonline.net

Address 800 N. Marienfeld Suite 100

City Midland

State TX

Zip 79701

Current Zoning:

Reason for Platting: To obtain septic permits and addresses.

Plat Information

Total Acreage: **12.80**

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 – authorized agent must sign affidavit below)

Property Owner (signature):



Date:

10-5-22

Property Owner (printed): Clarence Sauer

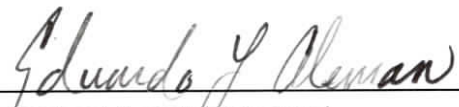
The Preliminary Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the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

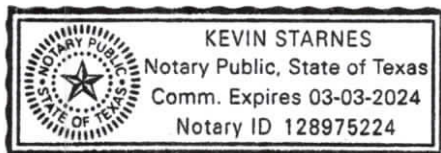
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Clarence Sauer, 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 5th day of October, 20 22, 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)

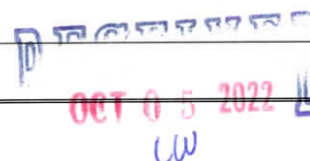
☒ Application Fee

☒ 1 Copy of Plat (11x17)

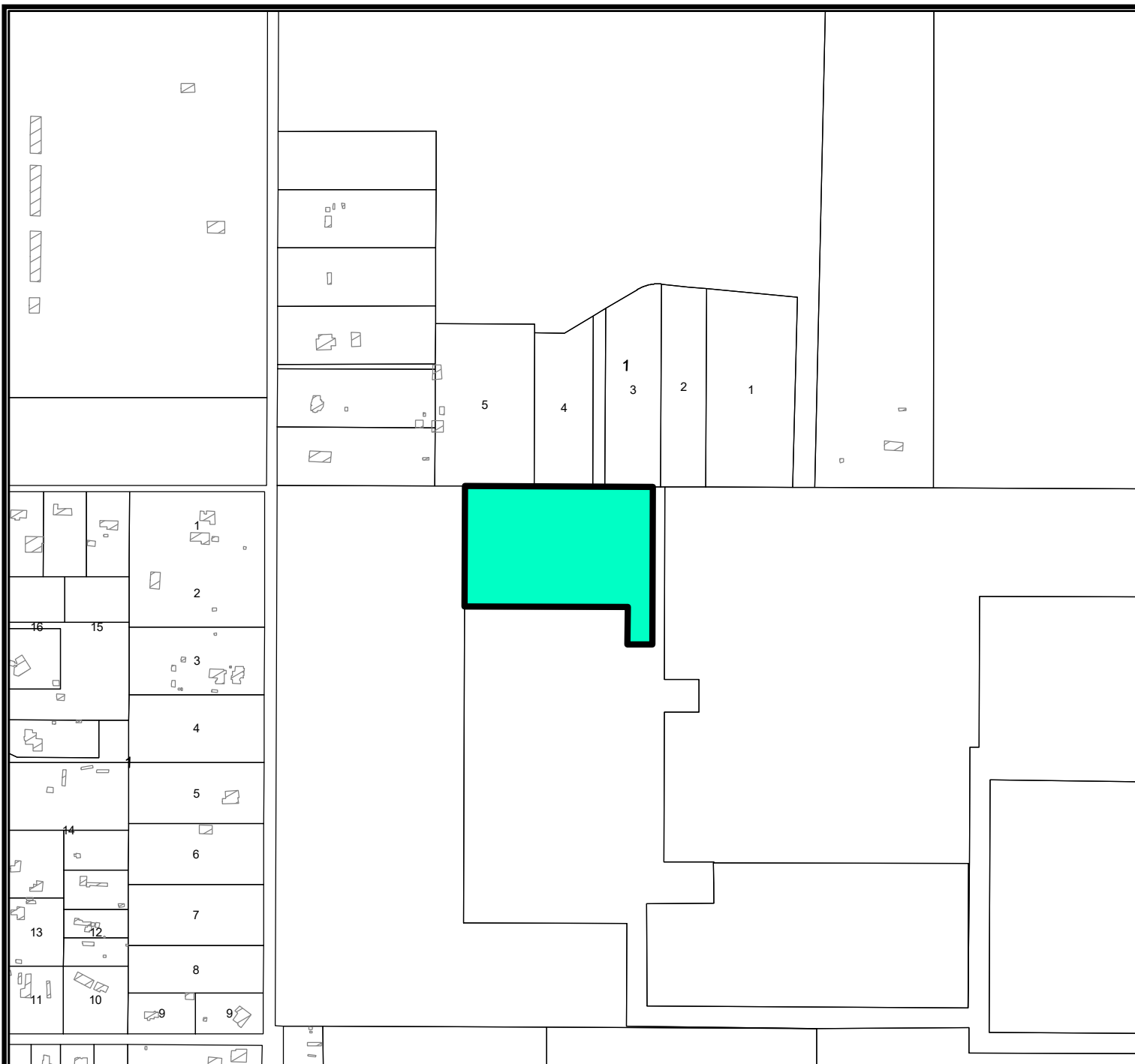
Check # CC

Received By: Lexie Walling

Date:



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



LOCATION MAP

SUD-22-0524

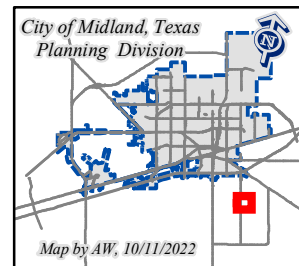
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Proposed plat of a subdivision, being a 12.80-acre tract of land out of the northwest section 15, T-2-S, RR. Co. Survey, Midland County, Texas.

Generally located on the south side of East County Road 130, approximately 920-feet east of FM715. (Extraterritorial Jurisdiction).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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