

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

**November 15, 2021 - 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/86888177929>

Or One tap mobile :

US: +13462487799,,86888177929# or +16699006833,,86888177929#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 868 8817 7929

International numbers available: <https://us02web.zoom.us/j/86888177929>

The Planning and Zoning Commission may discuss, consider, and take action on any item listed on this agenda.

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 November 1, 2021.

3. Motion approving a Final Plat of Quail Run, Section 1, being a plat of a 40.51-acre tract located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)
4. Motion approving a Final Plat of DeLacey Addition, being a plat of a 21.698-acre tract of land located in the southeast quarter of Section 23, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of E. County Road 140, approximately 5,582 feet west of F.M. 715. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Country Sky Addition, Section 27 being a residential re-plat of the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32 acre tract of land located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Briarwood Avenue and Tumbleweed Trail. Council District 4) (DEVELOPMENT SERVICES)
6. Motion approving a Final Plat of Hanks South Industrial Park, being a plat of an 80-acre tract of land out of Block 38, T-2-S, B.F. Walcott Survey, Abstract 1156, and a 75-acre tract of land out of Block 38, T-2-S, C.A. Winborn Survey, Abstract 511, Midland County, Texas. (Generally located at the northwest corner of the intersection of South County Road 1160 and East County Road 150. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

7. Motion approving a request by Gary Bellomy for a zone change from PD, Planned Development District for a Housing Development, Office Center, and Shopping Center, to an Amended PD, Planned Development District for a Housing Development, Office Center, and Shopping Center on a 57.55-acre tract of land located in Section 1, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Interstate 20, approximately 530 feet east of South Lamesa Road. Council District 2) (DEVELOPMENT SERVICES)
8. Motion approving a request by Schumann Engineering for a Zone Change from HI, Heavy Industrial District to SF-3, Single-Family Dwelling District on the south 50 feet of the northwest quarter, also known as Lots 3 & 4, Block 50, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of N. Madison Street, approximately 100 feet to the south of Orchard Lane. Council District 2) (DEVELOPMENT SERVICES)
9. Motion approving a request by Mahendra Patel for a zone change from O-2, Office District to C, Commercial District on Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven

Court Right-of-Way, all out of Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Dr. Council District 4) (DEVELOPMENT SERVICES)

10. A motion approving a Final Plat of North Midkiff Addition, Section 5 being a replat of Lot 10, Block 2, North Midkiff Addition, Section 3, and a plat of a 0.549-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the south side of Happy Trail, approximately 840-feet east of Mayfield Place. Council District 1) (DEVELOPMENT SERVICES)

MISCELLANEOUS

11. Motion approving with staff recommendations a Preliminary Plat of Pavilion Park, Section 14 being a replat of Lot 1B, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 353-feet south of East Mockingbird Lane. Council District 1) (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
November 1, 2021
Council Chambers – City Hall**



The Planning & Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., November 01, 2021.

Commissioners present: Stacy Grosse, Karmen Bryant, Dianne Williams, Lucy Sisniega, Chase Gardaphe, Emily Holeva, Adrian Carrasco

Commissioners absent: Beverly Dillow, Joshua Sparks, Zachary Deck

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Kelly Martinez, Cole Furqueron, 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 hearing period at 3:31 p.m. With no one wishing the public comment period was closed at 3:32 p.m.

CONSENT ITEMS

Commissioner Williams moved to approve the Consent Items 2-5; seconded by Commissioner Carrasco.

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Deck

2. Motion approving the Planning and Zoning Commission meeting minutes for October 18, 2021
3. Motion approving a proposed Final Plat of Big Horn Addition, being a plat of a 10.00-acre tract of land out of Section 17, Block 40, T-2-S, T&P RR Co. Survey, Midland County Texas. (Generally located on the south side of W. Industrial Avenue, approximately 450 feet west of S. County Road 1276. Extraterritorial Jurisdiction)
4. Motion approving a proposed Final Plat of Patriot Leap being a plat of a 19.929-acre tract of land located in Section 20, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the north side of West Cnty Rd 140, approximately 1,246 feet west of South County Road 1210 - Extraterritorial Jurisdiction)
5. Motion approving a proposed Final Plat of Yates 191 Addition being a plat of a 5-acre tract of land located Section 32, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the north of South Highway 191, approximately 1,232-feet west of Westlake. Council District 4)

PUBLIC HEARINGS

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

6. Motion approving a request by Lusso Real Estate, LLC for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Service on a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of State Highway 191 and Avalon Drive. Council District 4)

Senior Planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:36 p.m.

The applicant was not present.

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

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Deck

7. Motion approving a request by Terictika Deary, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a nightclub, on a 4,000 square foot portion of Lot 31, Block 10, Permian Estates, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Thomason Drive and W. Wall Street. Council District 2)

Senior Planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:40 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:40 p.m.

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Deck

MISCELLANEOUS

8. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Lone Star Trails II, Section 13, being a plat of a 25.20-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Occidental Parkway, approximately 1, 335 - feet east of Carriage Road. Council District 1)

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Deck

9. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Sturgis Addition, being a plat of a 12.654 acres tract of land located the NE/4 of Section 21, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side on W. County Road 130, approximately 1,055-feet west of S. County Road 1200 - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco

NAY: None
ABSTAIN: None
ABSENT: Deck

10. Motion approving with staff's recommended conditions of a proposed Final Plat of Country Sky Addition, Section 27 being a residential re-plat of the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32 acre tract of land located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Briarwood Avenue and Tumbleweed Trail. Council District 4)

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

The motion passed by the following vote: 7 to 0
AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Deck

11. Motion approving with staff's recommended conditions a proposed Final Plat of Tahoe Lakes Addition, Section 3, being a re-plat of Lot 2, Block 1, Tahoe Lakes Addition, Section 2 and a plat of a 11.73-acre tract of land located in the SW/4 of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of I-20, approximately 465 ft east of Lamesa Rd. Council District 2)

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

The motion passed by the following vote: 7 to 0
AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Deck

12. Motion approving with staff's recommended conditions of a proposed Preliminary Plat of Southwest Crossing, Section 19, being a plat of a 1.83-acre tract of land located in Section 12, Block 40, T-2-S, T&P RR. Co Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Cholla Road and Lote Bush Drive – Council District 2)

Senior Planner Cole Furqueron gave an overview of the project and was open for questions.

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

The motion passed by the following vote: 7 to 0
AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Deck

13. Motion approving with staff's recommended conditions of a proposed preliminary plat of Southern Addition, Section 25, being a replat of Lots 10, 11, and 12, Block 182, Southern Addition, City and County of Midland, Texas. (Generally located on the southeast intersection of the corner of W Florida Avenue and S. Marienfeld - Council District 2)

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

The motion passed by the following vote: 7 to 0
AYE: Sisniega, Williams Gardaphe, Holeva, Bryant, Grosse, Carrasco
NAY: None

ABSTAIN: None
ABSENT: Deck

With no further items or business to come before the Commission, Chairman Sisniega adjourned the meeting at 3:57 p.m.

Lucy Sisniega, Chairman	Date
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Elizabeth Shaughnessy, Planning Division Manager Department of Development Services	Date
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Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of Quail Run, Section 1, being a plat of a 40.51-acre tract located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-3, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, Landgraf, Crutcher, & Associates, is requesting to plat a 40.51-acre tract located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, into 164 residential lots. The Preliminary Plat was approved at the November 18, 2019 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.

Departmental Review:

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

Below are the departments' comments.

Engineering: (Approved)

* * * Letter of credit and OPC approved on 5/3/2021 per direction of Jose Ortiz * * *

ROW: Ok as shown.

PAVING: Final inspection has not been requested. Public Infrastructure has not been accepted by the City.

WATER: Final inspection has not been requested. Public Infrastructure has not been accepted by the City.

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

PRO RATA: Pro-Rata payments will be replaced with impact fees.

SEWER: Final inspection has not been requested. Public Infrastructure has not been accepted by the City.

DRAINAGE: Drainage Study Approved on- 09/18/2021

EASEMENTS: Ok as shown.

SIDEWALKS: Required with building permit. Sidewalks required on collector/arterial roadways, along common areas and ADA ramps required at corners before public infrastructure is accepted.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

Comment from sketch plat still not addressed, "What's the future plan for the lease road and well site when the oil well goes away?"

STREET NAME AND TRAFFIC CONTROL SIGN FEE – Estimated fee due at Final Plat submittal = 9 new intersections created at \$500/intersection = \$4500 Fee shall be adjusted based on number of intersections if Final Plat is phased. "

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

Fire: (Approved)

No additional comments

Code Compliance: (Approved with Conditions)

The P&A well is identified and no other oil and gas issues.

Building Inspection: (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.

Planning:

All departments' comments have been satisfied.

Staff recommends approval of the Quail Run, Section 1, 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
Map



Final Plat Application

Project Number:

Sub-19-0278

Case Number:

021-1069

Proposed Subdivision Plat Name: Quail Run Section 1

Legal Description (attached sealed Metes and Bounds):

40.51 Acre tract located in Section 9, Block X, H.P. Hillard Survey City and County of Midland, Texas.

Property Owner

Printed Name: DR Horton-Texas Ltd.

Phone ()
Email

Address 6751 North Freeway

City Fort Worth

State TX

Zip 76131

Developer (if different than Owner)

Printed Name: D.R. Horton, LLC

Phone (817) 230-0800

Email SKHoward@drhorton.com
RAPoland@drhorton.com

Address 6751 North Freeway

City Fort Worth

State TX

Zip 76131

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

Firm: LCA INC

Printed Name: LCA

Phone (432) 332-5058

Email
LCA@LCAODESSA.COMAddress 521 N. Texas
AvenueCity
OdessaState
TXZip
79761

Current Zoning: SF-3; PDHD; 2F-- Zoning case submitted to Zone entire tract to SF-3

Reason for Platting: to create a Single Family residential area with approx. 164 lots. Future building permits will be required

Plat Information

Total Acreage: 40.51

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

Number of Residential Lots: 164

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

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

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

Property Owner (signature):

Date:

Property Owner (printed):

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Levi Bryand (LCA-Agent) who, being by me duly sworn, upon oath says: That (s)he is authorized by DR Horton-Texas 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.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 14th day of April, 20 21, to certify which witness my hand and seal of office.



Melanie Martinez

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>39021</u>	☐ Tax Certificates	Check # <u>39022</u>

Received By: V. Shuman

Date:

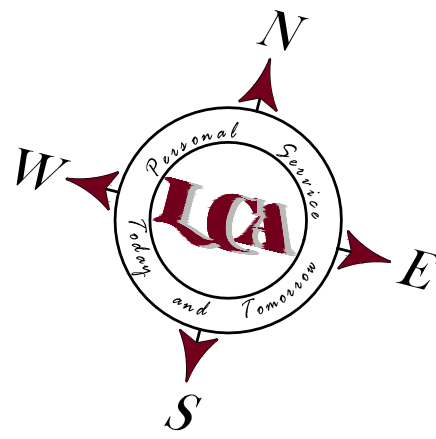
RECEIVED
APR 14 2021

BY: VS

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

Final Plat Application 3

Revised 12/6/16



LEGEND

- (CM) CONTROL MONUMENT AS DESCRIBED
- SET 3/8" SPIKE W/2" ALUMINUM WASHER STAMPED "LCA ODESSA TX"
- SET 1/2" I.R. W/CAP "LCA ODESSA TX"
- OH— EXISTING OVERHEAD ELECTRIC
- PL— EXISTING PIPE LINE
- M.C.P.R. MIDLAND COUNTY PLAT RECORDS
- M.C.D.R. MIDLAND COUNTY DEED RECORDS
- O.P.R.M.C.T. OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEING ALL OF THAT CERTAIN CALLED 40.42-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2020-2854 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y=10,716,913.76' & X=1,737,659.22') A 3/8" SPIKE WITH 2" ALUMINUM WASHER STAMPED "LCA ODESSA TX" SET ON THE WEST LINE OF SAID SECTION 9 FOR THE NORTHWEST CORNER OF THIS TRACT AND THE SOUTHWEST CORNER OF THAT CERTAIN 40.495-ACRE TRACT 3 IN SAID VOLUME 713 PAGE 434 & VOLUME 739 PAGE 739, WHENCE THE COMPUTED NORTHWEST CORNER OF SAID SECTION 9, BEARS NORTH 14°27'49" WEST, A DISTANCE OF 1,327.5 FEET, SAID COMPUTED CORNER BEING REFERENCED BY A 1/2" IRON ROD (CONTROL MONUMENT) BEARING SOUTH 75°32'02" WEST, A DISTANCE OF 20.1 FEET;

THENCE NORTH 75°32'02" EAST WITH THE COMMON NORTH LINE OF SAID 40.543-ACRE TRACT AND THE SOUTH LINE OF SAID 40.495-ACRE TRACT AND THE CENTERLINE OF A 60-FOOT PUBLIC RIGHT-OF-WAY AS DESCRIBED IN VOLUME 658, PAGE 288 OF SAID MIDLAND COUNTY DEED RECORDS, A DISTANCE OF 1,330.50 FEET TO A 3/8" SPIKE WITH 2" ALUMINUM WASHER STAMPED "LCA ODESSA TX" SET AT THE COMMON NORTHEAST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF SAID 40.495-ACRE TRACT;

THENCE SOUTH 14°27'49" EAST, PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID 60-FOOT PUBLIC RIGHT-OF-WAY, A DISTANCE OF 1,323.34 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE SOUTHEAST CORNER OF THIS TRACT ON THE NORTH LINE OF MAYFIELD PLACE ADDITION SECTION 9 AS DESCRIBED IN CABINET 1, PAGE 118 OF THE MIDLAND COUNTY PLAT RECORDS;

THENCE SOUTH 75°32'34" WEST WITH THE NORTH LINE OF SAID MAYFIELD PLACE ADDITION, A DISTANCE OF 1,330.50 FEET TO A 3/8" SPIKE WITH 2" ALUMINUM WASHER STAMPED "LCA ODESSA TX" SET AT THE SOUTHWEST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF SAID MAYFIELD PLACE ADDITION AND BEING ON THE WEST LINE OF SAID SECTION 9, WHENCE A 3/8" SPIKE WITH 2" ALUMINUM WASHER STAMPED "PLS 1974" (CONTROL MONUMENT) FOUND AT THE SOUTHWEST CORNER OF SAID SECTION 9 BEARS SOUTH 14°27'49" EAST, A DISTANCE OF 2,652.17 FEET;

THENCE NORTH 14°27'49" WEST WITH THE WEST LINE OF SAID SECTION 9, A DISTANCE OF 1,323.13 FEET TO THE POINT OF THE BEGINNING CONTAINING 40.42-SURFACE ACRES.

GENERAL NOTES

- Approval of a site plan by the City of Midland may be required before this lot may be developed and before a building permit may be obtained.
- Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law subject to fines and withholding of utilities and building permits.
- This is a survey of the same property as described in volume 713, page 424, volume 739, page 739 and volume 606, page 151 of the Midland County Deed Records.
- This property is located in the northwest quarter of Section 9, Block X, H.P. Hilliard survey, Midland County, Texas.
- Bearings, distances and coordinates are based upon the Texas Coordinate System, Central Zone with a theta angle of -00°55'41" and a combined grid factor of 0.999920268 near the center of the survey.
- The property lies in both Zone A and Zone X per the FEMA/FIRM Panel 48329C0067F, dated September 16, 2005. The Finished Floor Elevations (FFE) of the Lots 23-43, Block 1 are shown on the adjacent chart.
- 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 in fees may not be addressed against the tract unless the number of service units to be developed on the tract increases.
- Comply with the existing drainage analysis titled Quail Run, Section 1, scaled by John F. Landgraf, P.E., and approved by the City of Midland on September 18, 2020 by Adrian Acosta, or any revisions, corrections, amendments, or replacements of this drainage analysis that are approved by the City of Midland.
- The CHAPS #2 (API No. 42-32938309) operated by PIONEER NATURAL RESOURCES USA, INC. has been plugged per the Railroad Commission of Texas, Oil & Gas Division W-3, dated 17 September 2021. There shall be no buildings built over the wellbore.

Lot #	F.F.E.
23	2818.1
24	2818
25	2817.9
26	2817.8
27	2817.7
28	2817.6
29	2817.5
30	2817.4
31	2817.3
32	2817.2
33	2817.1
34	2816.9
35	2816.7
36	2816.6
37	2816.5
38	2816.5
39	2816.9
40	2816.9
41	2816.9
42	2816.9
43	2816.7

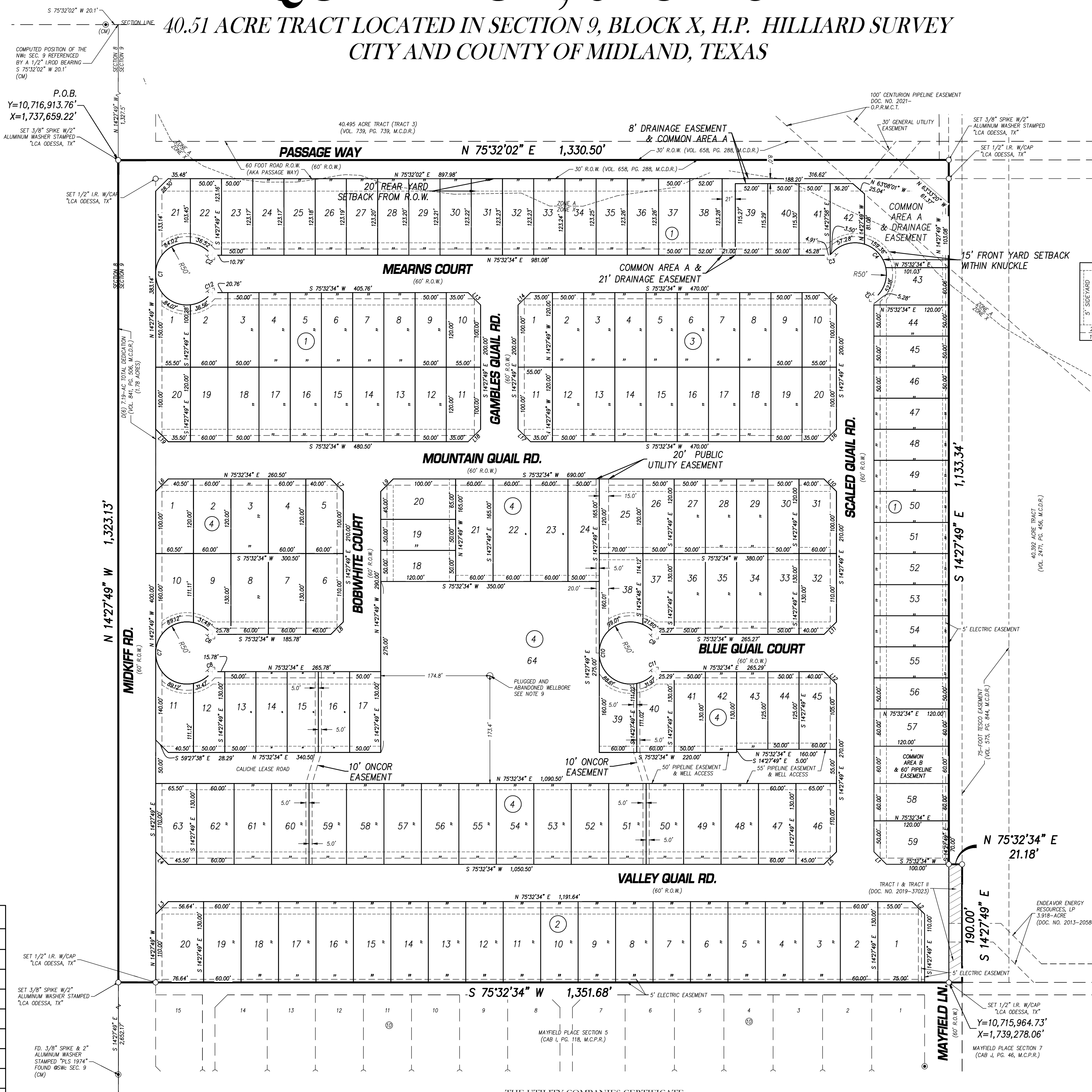
LINE TABLE				
LINE #	BEARING	DISTANCE		
L1	S 59°27'38" E	28.29'		
L2	N 59°27'38" W	28.29'		
L3	S 30°32'22" W	28.28'		
L4	S 59°27'38" E	28.29'		
L5	N 30°32'22" E	28.28'		
L6	S 30°32'22" W	28.28'		
L7	N 59°27'38" W	28.29'		
L8	N 30°32'22" E	28.28'		
L9	S 30°32'22" W	28.28'		
L10	N 59°27'38" W	28.29'		
L11	N 30°32'22" E	28.28'		
L12	N 59°27'38" W	28.29'		
L13	N 59°27'38" W	28.29'		
L14	S 30°32'22" W	28.28'		
L16	N 30°32'22" E	28.28'		
L17	S 59°27'38" E	28.29'		
L18	N 30°32'22" E	28.28'		
L19	S 59°27'38" E	28.29'		

CURVE TABLE					
Curve #	DELTA	RADIUS	LENGTH	CD. BEARING	CD. DIST.
C1	276°22'46"	50.00'	241.19'	N 14°29'02" W	66.67'
C2	48°09'47"	10.00'	8.41'	S 80°22'33" E	8.16'
C3	48°11'23"	10.00'	8.41'	N 51°26'52" E	8.16'
C4	182°37'00"	50.00'	159.36'	S 57°34'56" E	99.97'
C5	48°11'23"	10.00'	8.41'	N 09°37'52" E	8.16'
C6	48°11'23"	10.00'	8.41'	S 80°21'45" E	8.16'
C7	276°22'46"	50.00'	241.19'	S 14°27'26" E	66.67'
C8	48°11'23"	10.00'	8.41'	N 51°26'52" E	8.16'
C9	48°11'48"	10.00'	8.41'	S 80°21'32" E	8.17'
C10	276°22'46"	50.00'	241.19'	N 14°27'01" W	66.67'
C11	48°10'58"	10.00'	8.41'	S 51°27'05" W	8.16'
C12	48°12'59"	10.00'	8.42'	S 51°26'04" W	8.17'

ENG. _____ E.T. _____
SWY. _____ OFF. _____
LCA JOB No. 2019-049

FINAL PLAT QUAIL RUN, SECTION 1

40.51 ACRE TRACT LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY
CITY AND COUNTY OF MIDLAND, TEXAS



THE UTILITY COMPANIES CERTIFICATE

This plat has been checked for accessibility of utilities

CERTIFICATE OF APPROVAL

For approval by the Commission:

This is to certify that the above and foregoing Plat of Quail Run, Section 1, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas

on this _____ day of _____, 2021.

SIGNED: _____

CHAIRMAN OF PLANNING & ZONING
LUCY SINSIEGA

SIGNED: _____

SECRETARY OF PLANNING & ZONING
ELIZABETH SHAUGHNESSY

ATMOS ENERGY

AT&T TELEPHONE COMPANY

ONCOR ELECTRIC

SUDENLINK COMMUNICATIONS

GRANDE COMMUNICATIONS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS:

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



JOHN F. LANDGRAF, R.P.L.S. # 2410

OWNER: D.R. HORTON-TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP
6751 NORTH FREEWAY
FORT WORTH, TEXAS 76131
PHONE: (817) 230-0800

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

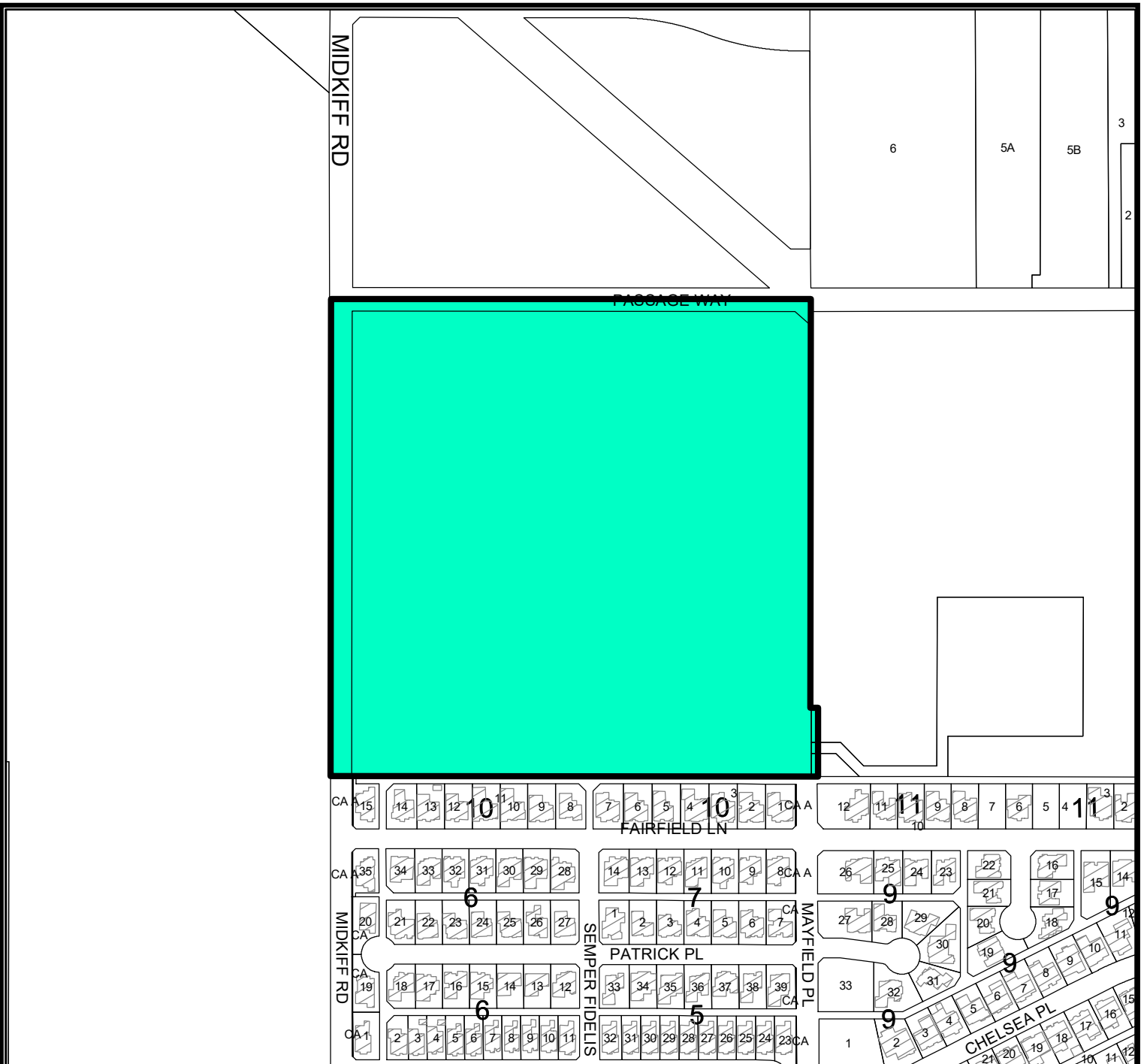
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

No. _____ CABINET _____

DATE _____ PAGE _____

QUAIL RUN, SECTION 1
ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com





LOCATION MAP

SUB-19-0278

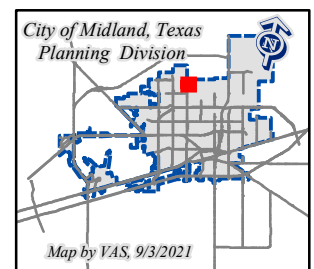
Scale: 1" = 400'

Proposed plat of Quail Run, Section 1, being a plat of a 40.51-acre tract of land out of the NW/4 of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. (Council District 1)

LEGEND

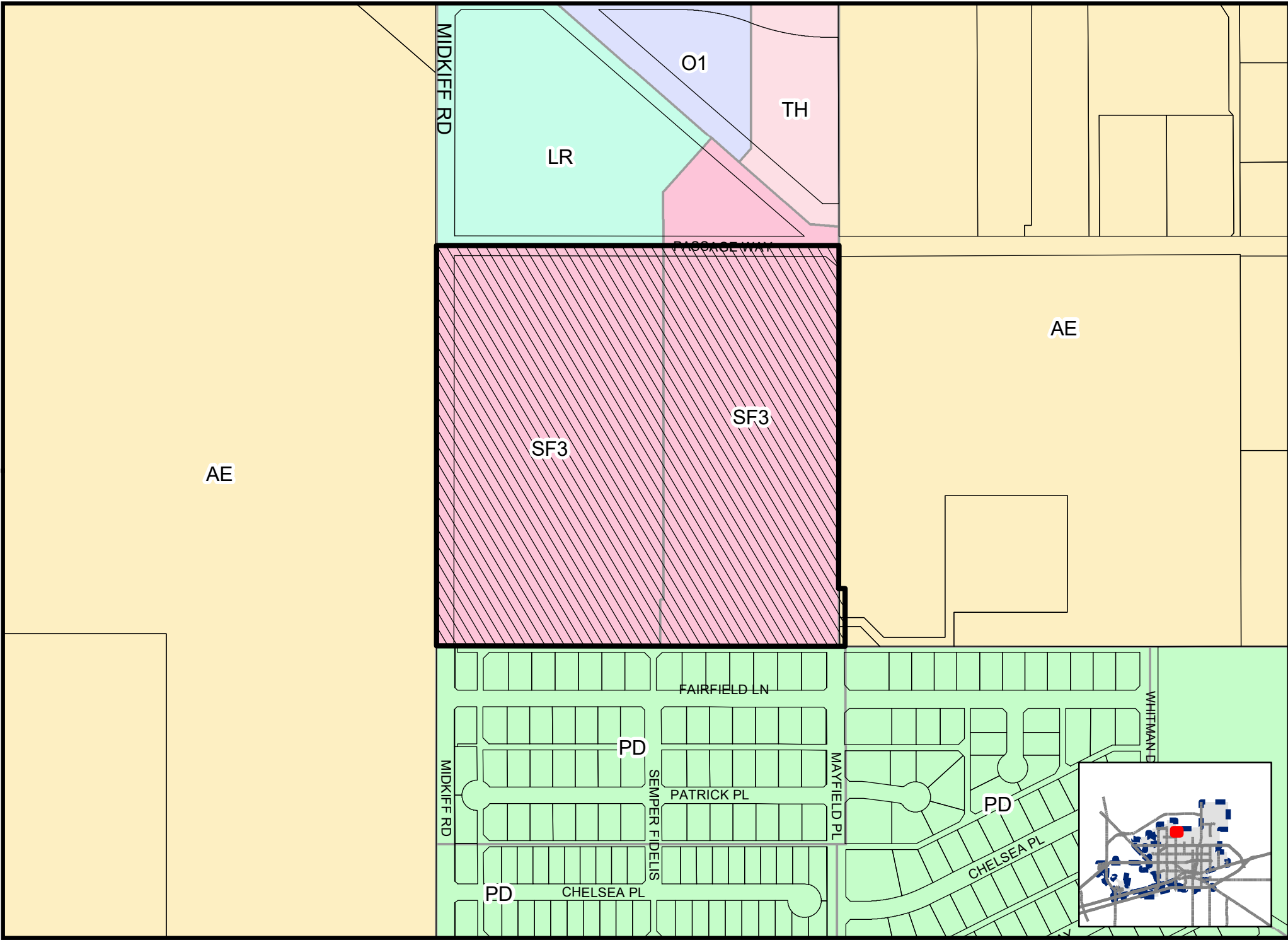
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of DeLacey Addition, being a plat of a 21.698-acre tract of land located in the southeast quarter of Section 23, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of E. County Road 140, approximately 5,582 feet west of F.M. 715. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

The property owner, DeLacey Properties, LLC is proposing to plat a 21.698-acre tract of land located in the southwest quarter of Section 23, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, into six (6) lots for ownership purposes and to obtain septic tank permits. The Preliminary Plat was approved at the October 4, 2021, 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: Plat is located outside of service areas. [For the Applicant's information only.]

ROW: Okay as shown

PAVING: Paving requirements were administratively approved on 08/18/2021

WATER: Water requirements were administratively approved on 08/18/2021

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

SEWER: Wastewater requirements were administratively approved on 08/18/2021

If an on-site sewage facility is going to be proposed for this site than be mindful of the following requirements:

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.

[For the Applicant's information only.]

DRAINAGE: Drainage study was approved on 08/18/2021

EASEMENTS: Okay as shown.

SIDEWALKS: Sidewalk requirements were administratively approved on 08/18/2021

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

It is the Developer's responsibility to contact the Midland County Road & Bridge Department (R&B) prior to submitting the Final Plat in order to initiate the road dedication process for any new road or road improvements that are planned to be turned over to the County for maintenance. Additional information is available on the R&B website. [For the Applicant's information only.]

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

Fire: Approved

No additional comments.

Oil and Gas: Approved

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

Code Administration: Approved

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

MIDLAND COUNTY PUBLIC WORKS:

They will need to apply for a permit to attach to ECR 140. They can get this permit at the County Court House at the Public Works Department.

MIDLAND COUNTY:

Please make sure you get a driveway permit for the intersection at ECR 140. Any future driveways will need to be permitted as well.

Coordinate with 911 district to get road #'s and addresses.

Follow Regulation 9.2 on setback guidelines – 50 feet off of ECR 140 and 25 feet off of all other roads.

Follow Regulation 10.8 by getting Well Water Availability Study for area.

HEALTH DEPARTMENT:

Yes, the health department will review applications from the 6 proposed lots of Delacey Addition, PLAT OF A 21 ACRE TRACT OF LAND OUT OF SOUTHEAST QUARTER OF SECTION 23, BLOCK 39, T-2-S, T. & P. RR. CO. SURVEY lot 1 is 3.6 acre, lot 2 is 3.6 acre, lot 3 is 3.6 acre, lot 4 is 3.6 acre, lot 5 is 3.6 acre, and lot 6 is 3.6 acre, to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

CRMWD:

No comments.

Planning: Approved

All departments' comments have been satisfied.

Staff recommends approval of the Final Plat of DeLacey Addition, subject to condition

A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: 34B-21-0451
Case Number: D-21-1221

Proposed Subdivision Plat Name: Delacey Addition

Legal Description (attached sealed Metes and Bounds): Being a 22.698 Acre Tract of Land Out of the Southeast Quarter of Section 23, Block 39, T-2-S, T & P RR Co. Survey, in Midland County, Texas

Property Owner <u>Delacey</u> Printed Name: <u>Delacey Properties LLC, Devan Adams</u>		Phone 432-559-6069 Email devandams@yahoo.com	
Address <u>PO Box 3513</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79702</u>

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

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Watson Professional Group</u> Printed Name: <u>Ashlee Johnson</u>		Phone (<u>432</u>) <u>520-92200</u> Email <u>ajohnson@wpg-us.com</u>	
Address <u>PO Drawer 11186</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79702</u>

Current Zoning: ETJ

Reason for Platting: Ownership/Development/Septic Permit

Plat Information	Total Acreage: <u>21.698</u>
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: <u>6</u>	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): Devan Adams Date: 10-27-21

Property Owner (printed): Devan Adams

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ashlee Johnson
Authorized Agent (signature)

Subscribed and sworn to before me, this 27 day of October, 2021, to certify which witness my hand and seal of office.

Ashlee Danielle Crouch
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



FOR OFFICE USE ONLY		
BY: <u>CF</u>	☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ Plat in Digital Format (PDF/JPEG)
☒ Application Fee	☒ Title Opinion	☒ CADD File
Check # <u>10873</u>	☒ Tax Certificates	☒ Public Improvement
Received By: <u>Heather</u>		☒ Recording Fee
		Check # <u>10872</u>
		Date: <u>10-27-21</u>

PROPOSED PLAT OF DELACEY ADDITION

BEING A PLAT OF A 21.698-ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 23, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, DELACEY PROPERTIES LLC is the record owner of a 22.194 acre tract of land, being out of Section 9, Block 39, T-2-S, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, DELACEY PROPERTIES, do hereby adopt this plat designating the herein above described property as "DELACEY ADDITION", 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.

DELACEY PROPERTIES LLC _____ Date _____

CERTIFICATE OF APPROVAL
STATE OF TEXAS }
COUNTY OF MIDLAND }

This is to certify that the above and foregoing plat of "DELACEY ADDITION" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the _____ day of _____, 2021, A.D.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }
COUNTY OF MIDLAND }

Before me, the undersigned authority, 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 executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the _____ day of _____, 2021, A.D.

Notary Public in and for the State of Texas

Printed name of Notary _____
My commission expires: _____

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

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Mark Lieke Mark Lieke
ATMOS ENERGY
BY: _____

Jerry Underwood
ATMOS ENERGY
BY: JERRY UNDERWOOD

SUDDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

David Hutchason
ONCOR ELECTRIC DELIVERY
BY: _____

SECTION 24
BLOCK 39
T-2-S
T & P RR CO. SURVEY

SECTION 26
BLOCK 39
T-2-S
T & P RR CO. SURVEY

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.

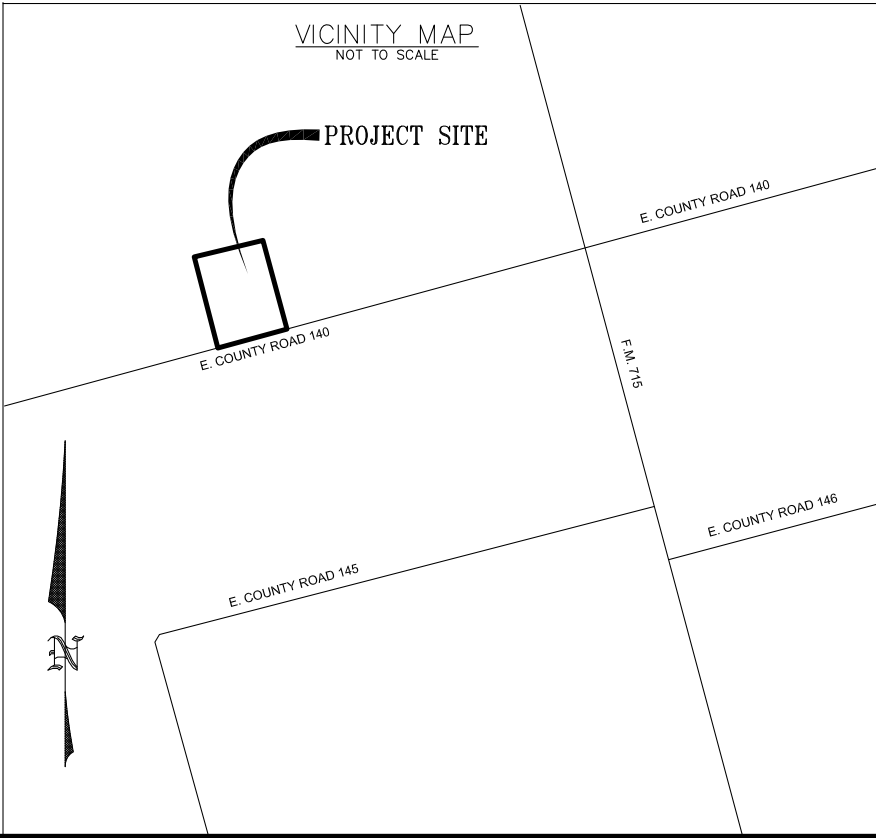
DATED: OCTOBER 13, 2021

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

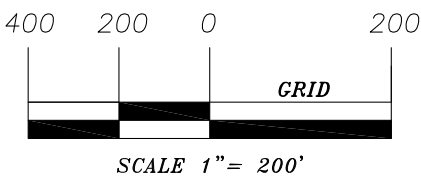


GENERAL NOTES:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN PART IN ZONE A AND IS WITHIN A 100-YEAR FLOOD HAZARD AREA OF WHICH A BASE FLOOD ELEVATION HAS BEEN DETERMINED TO BE 2761 FEET (SEE DRAINAGE REPORT FOR PIONEER INDUSTRIAL PARK THAT IS ON FILE WITH THE CITY OF MIDLAND) AND IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0216F WITH A REVISED DATE OF SEPTEMBER 16, 2005.



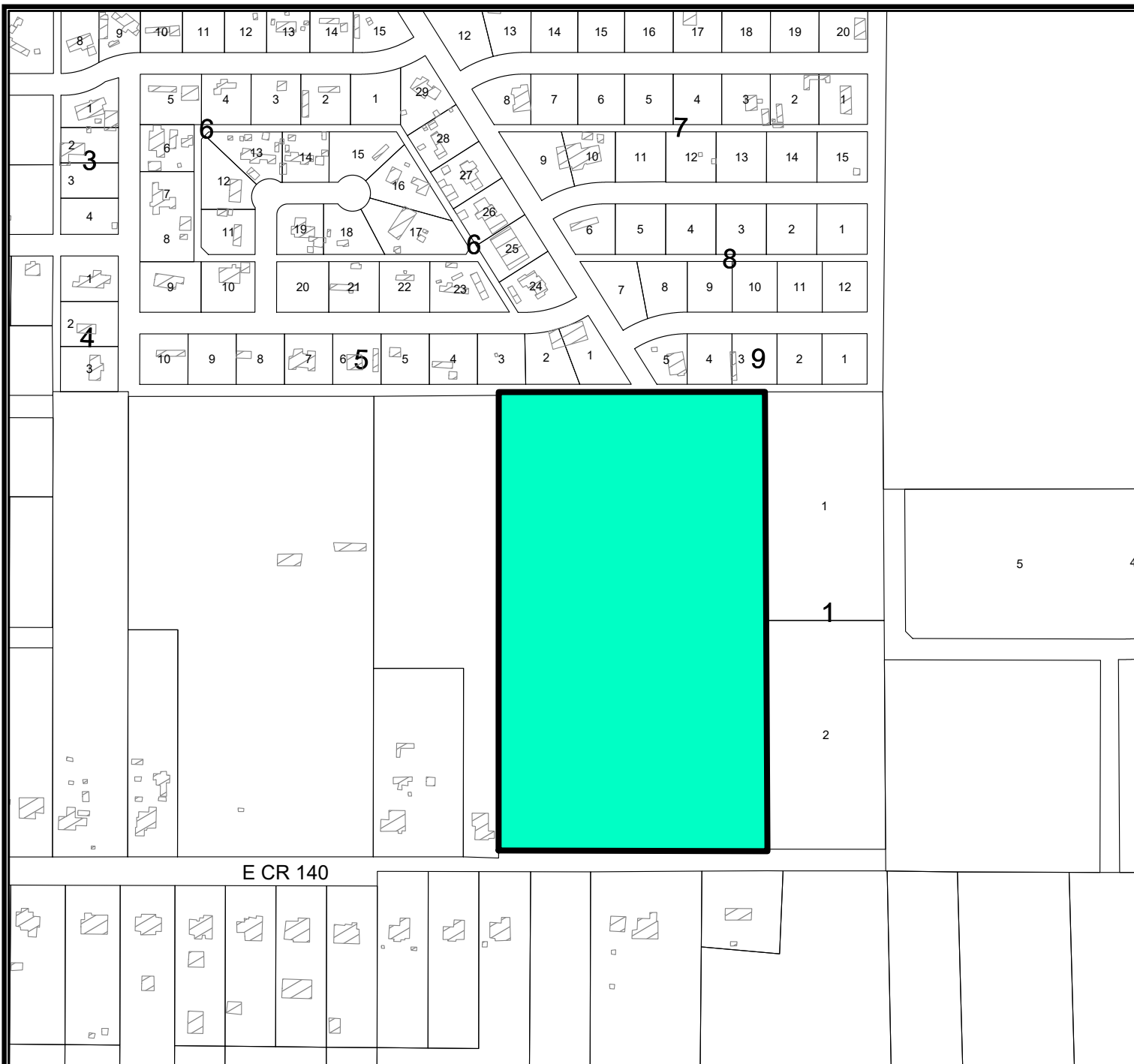
SECTION 23
BLOCK 39
T-2-S
T & P RR CO. SURVEY



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

CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS

JOB NO.: 21-1054-00 DRAFT AJ REV. 0
FILE: T: MIDLAND/TITLE SURVEYS/ 21-1054 22 ACRE SUB PIONEER



LOCATION MAP

SUB-21-0451

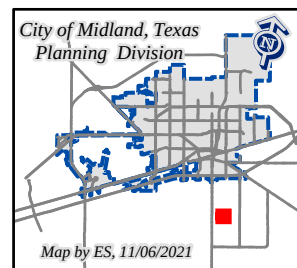
Scale: 1" = 4,200'

Proposed plat of DeLacey Addition, being a plat of a 21.698-acre tract of land located in the southeast quarter of Section 23, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas.

Generally located on the north side of E. County Road 140, approximately 5,582 feet west of F.M. 715. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of Country Sky Addition, Section 27 being a residential re-plat of the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32 acre tract of land located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Briarwood Avenue and Tumbleweed Trail. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

CE, Country Estate District.

Preliminary Plat Approval:

The property owner, Henderco, LLC, is proposing to replat the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32-acre tract of land located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas into four (4) residential lots for ownership purposes, which requires a public hearing. The Preliminary Plat was approved at the August 2, 2021, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

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

Departmental Review:

ENGINEERING: (Approved)

* * * Updated 2021.11.09" * * *

IMPACT FEES: Impact fee statement okay as shown.

ROW: ROW okay as shown.

PAVING: Paving requirements were administratively approved on 11/08/2021

WATER: 36" water exists in Briarwood Ave north of tract, okay as is. 12" water exists in Tumbleweed Trail east of tract, okay as is. No public water improvements required.

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

PRO RATA: None

SEWER: Wastewater requirements were administratively approved on 11/08/2021

DRAINAGE: Drainage study was approved for platting purposes on 8/17/21.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

No objections to plat.

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 COMPLIANCE: (Approved)

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

FIRE: (Approved)

No additional comments.

PLANNING:

All departments' comments have been satisfied.

Staff recommends denial of the Final Plat of Country Sky Addition, Section 27 provided however, that if it is approved, staff recommends that it should be 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:

Case Number:

SUB-21-0427
D-21-1212**Proposed Subdivision Plat Name:** Country Sky Addition, Section 27**Legal Description (attached sealed Metes and Bounds):** Being a Re-Plat of the Northern 2.19 Acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a Plat of a 2.32 Acre Tract of Land Located in Section 26, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas**Property Owner** James C Henderson
Printed Name: Henderco LLCPhone ()
Email

Address PO Box 1712

City Midland

State TX

Zip 79702

Developer (if different than Owner)
Printed Name:Phone ()
Email

Address

City

State

Zip

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

Firm: 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: CE**Reason for Platting:** Ownership Purposes**Plat Information**

Total Acreage: 3.936

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

Number of Lots: 4

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

[Signature]

Date: 10/7/21

Property Owner (printed):

James C. Henderson

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 James C Henderson/Henderson, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 11th day of October, 20 21, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

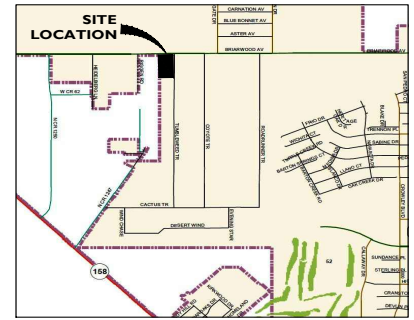
FOR OFFICE USE ONLY

☒ 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>3608</u>	☒ Tax Certificates	☒ Recording Fee
Received By: <i>[Signature]</i>		Check # <u>3609</u>
		Date: <u>10-13-21</u>

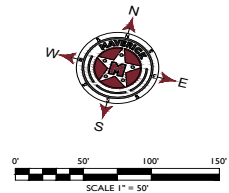
****Application will not be considered for scheduling until reviewed by a planner.****

COUNTRY SKY ADDITION SECTION 27

BEING A REPLAT OF THE NORTHERN 2.19 ACRES OF LOT 2, BLOCK 4, COUNTRY
SKY ADDITION, SECTION 3, AND A PLAT OF A 2.32 ACRE TRACT OF LAND
LOCATED IN SECTION 26, BLOCK 40, T-1-S, T&P RR. Co. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS



VICINITY MAP
N.T.S.



LEGEND

- DENOTES SET 1/2-INCH IRON ROD W/RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES PROPOSED LOT CORNER
- DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
- DENOTES DEED RECORDS, MIDLAND CO., TX
- DENOTES PLAT RECORDS, MIDLAND CO., TX
- DENOTES BOUNDARY LINE
- DENOTES EXISTING SECTION LINE
- DENOTES EXISTING EASEMENT LINE
- DENOTES PROPOSED EASEMENT LINE
- DENOTES EXISTING LOTS

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP FLOOD INSURANCE RATE MAPS #4832PC064E AND #4832PC064P, BOTH DATED SEPTEMBER 18, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X" DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

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

UTILITY COMPANY'S CERTIFICATE

This plot has been checked for accessibility of utilities.

Investigated by: Mark Lick

MAVERICK ENGINEERING

BY: Mark Lick

Investigated by: Guadalupe Hernandez

MAVERICK ENGINEERING

BY: Guadalupe Hernandez

Investigated by: Louis Montoya

MAVERICK ENGINEERING

BY: Louis Montoya

Investigated by: Walter Miller

MAVERICK ENGINEERING

BY: Walter Miller

INTEGRAL ELECTRIC DELIVERY

BY: Walter Miller

PROPERTY OWNER

HENDERSON, LLC

PO BOX 1712

MIDLAND, TX 79702

DEED INSTRUMENT: #2006-26418

#2011-17966

JAMES C HENDERSON

PO BOX 1712

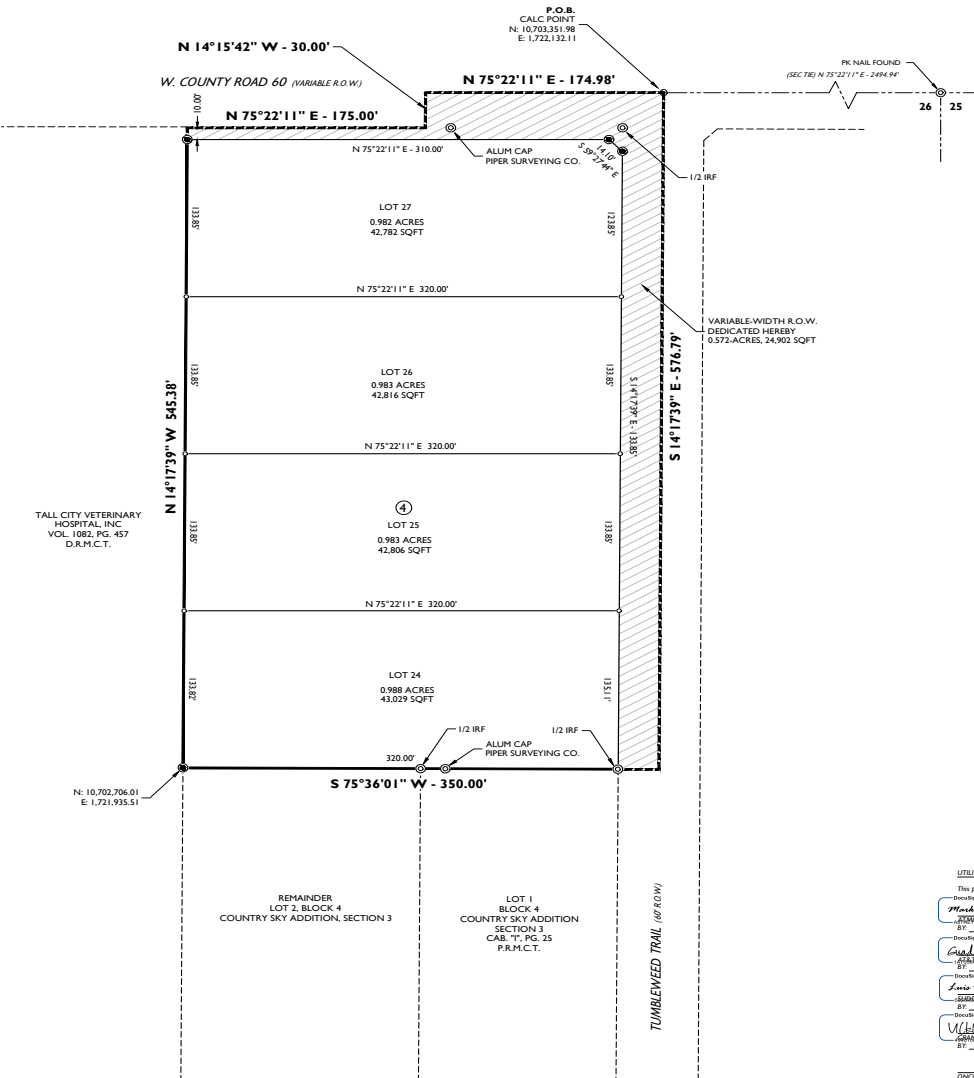
MIDLAND, TX 79702

DEED INSTRUMENT: #2006-18647

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



OWNER'S CERTIFICATE

THE STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS JAMES C HENDERSON, is the record owner of a tract of land situated in

Section 26, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That JAMES C HENDERSON, being the owner of the land shown on this plat designated as COUNTRY SKY ADDITION, SECTION 27, in Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use for 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 shall easement that no construction shall commence on said lot or lots until the exact location of said easements therewith has been selected and approved by the Director of Utilities.

WITNESS my hand at _____, Mo.

this _____ day of _____, 2021.

By JAMES C HENDERSON

OWNER'S CERTIFICATE

THE STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS HENDERSON, LLC, is the record owner of a tract of land situated in Section 26,

Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That HENDERSON, LLC, being the owner of the land shown on this plat designated as COUNTRY SKY ADDITION, SECTION 27, in Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use for 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 shall easement that no construction shall commence on said lot or lots until the exact location of said easements therewith has been selected and approved by the Director of Utilities.

WITNESS my hand at _____, Mo.

this _____ day of _____, 2021.

By JAMES C HENDERSON

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of COUNTRY SKY ADDITION, SECTION 27, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____, 2021.

REGGIE LAWRENCE, CHAIRMAN

ELIZABETH SHADDOREY, SECRETARY

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BASIS OF BEARINGS, COORDINATES AND DISTANCES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, US SURVEY FOOT.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
 - (1) THE REPRESENTED LOTS ARE REPLATED FOR SUBDIVISION INTO MORE THAN ONE LOT OR
 - (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- LOT 27 SHALL NOT UTILIZE DIRECT VEHICLE ACCESS TO BRIARWOOD AVENUE (WEST COUNTY ROAD 40). DRIVEWAYS AND OTHER ACCESS POINTS ARE APPROVED ONLY WITH CONSTRUCTION DRAWING APPROVAL.
- 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.

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 JAMES C. HENDERSON, 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 _____ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF MIDLAND

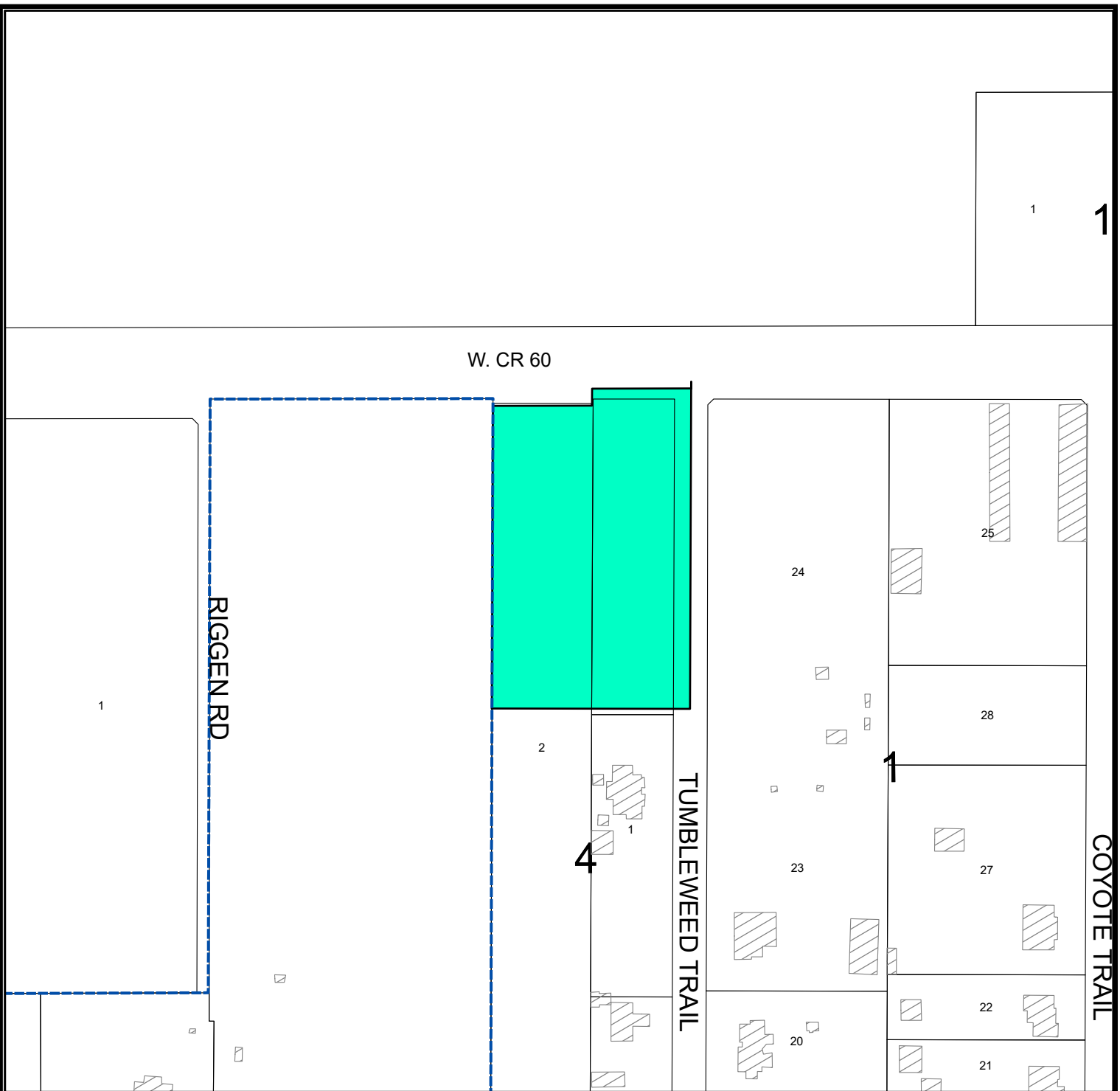
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JAMES C. HENDERSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as owner, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this _____ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: S-10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

**COUNTRY SKY ADDITION,
SECTION 27**



LOCATION MAP

SUB-21-0427

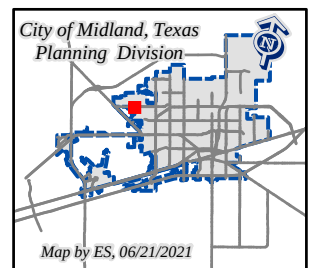
Scale: 1" = 250'

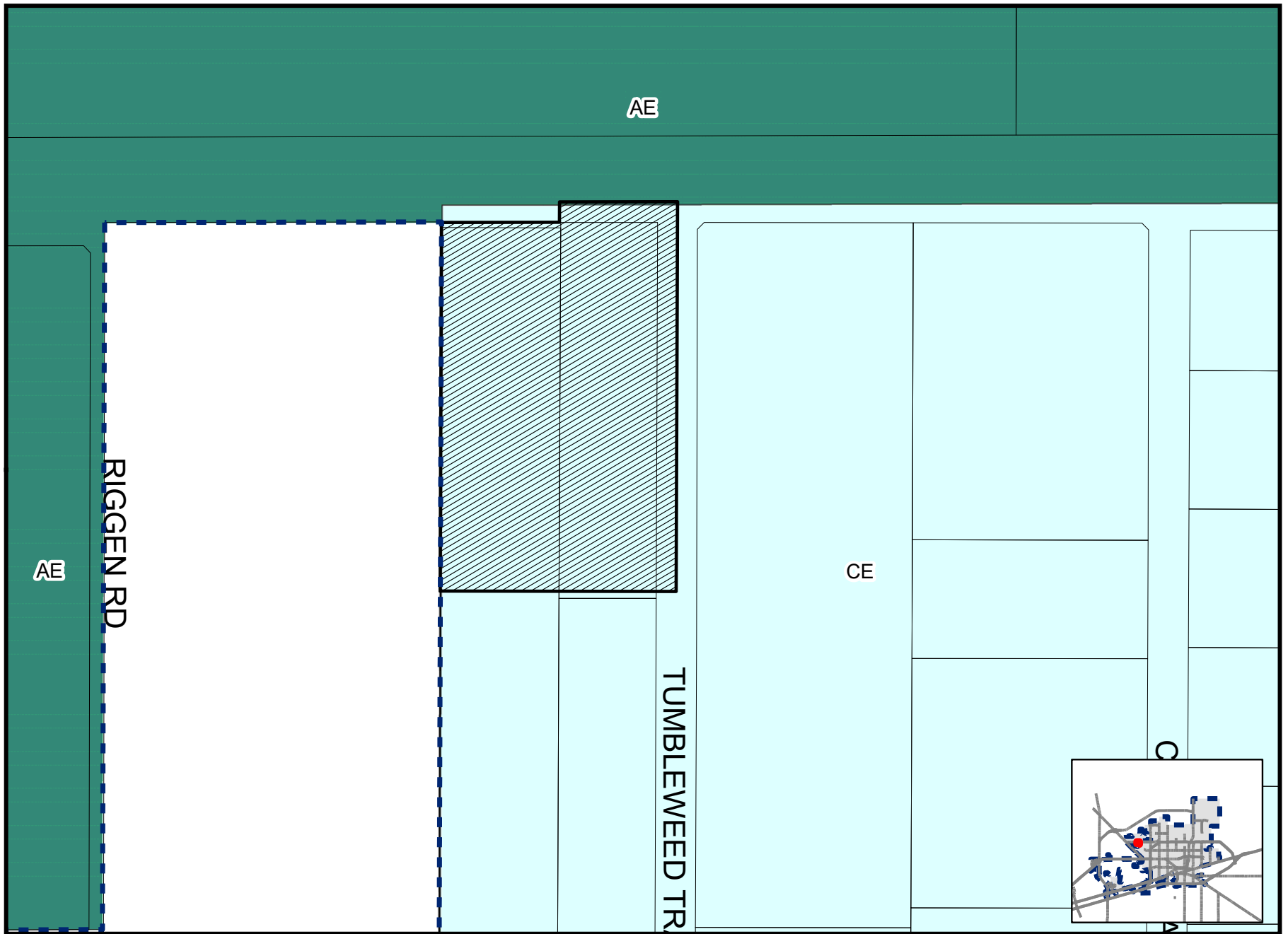
Proposed Plat of Country Sky Addition, Section 27, replat of the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32 acre tract of land located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of Briarwood Avenue and Tumbleweed Trail.
(Council District 4).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Motion approving a Final Plat of Hanks South Industrial Park, being a plat of an 80-acre tract of land out of Block 38, T-2-S, B.F. Walcott Survey, Abstract 1156, and a 75-acre tract of land out of Block 38, T-2-S, C.A. Winborn Survey, Abstract 511, Midland County, Texas. (Generally located at the northwest corner of the intersection of South County Road 1160 and East County Road 150. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

The applicant, Watson Professional Group, Inc., is proposing to plat an 80-acre tract of land located in 38, T-2-S, B.F. Walcott Survey, Abstract 1156, and a 75-acre tract of land located in Block 38, T-2-S, C.A. Winborn Survey, Abstract 511, Midland County, Texas, into thirty-two (32) lots for development.

Preliminary Plat Approval:

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

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:

Engineering: Approved

IMPACT FEES: Property is outside of the designated service areas.

ROW: See Transportation's comments.

PAVING: Paving requirements were administratively approved on 11/11/2020.

WATER: Water requirements were administratively approved on 11/11/2020.

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

PRO RATA: NONE

SEWER: Wastewater requirements were administratively approved on 11/11/2020

DRAINAGE: Drainage study approved for platting purposes 11/17/2020

EASEMENTS: Show existing and proposed.

SIDEWALKS: Sidewalk requirements were administratively approved on 11/11/2020.

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

It is the Developer's responsibility to contact the Midland County Road & Bridge Department (R&B) prior to submitting the Final Plat in order to initiate the road dedication process for any new road or road improvements that are planned to be turned over to the County for maintenance. Additional information is available on the R&B website.

Fire: Approved

Recommend following the requirement of IFC 2015 ed. and local city ordinances.

Oil and Gas: Approved

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

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.

Planning:

All departments' comments have been satisfied.

Staff recommends approval of the Final Plat of Hanks South Industrial Park, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Case Number:

SUB-19-0248
P-21-1194**Proposed Subdivision Plat Name:** Hanks South Industrial Park**Legal Description (attached sealed Metes and Bounds):** BEING A PLAT OF AN 80-ACRE TRACT OF LAND OUT OF BLOCK 38, T-2-S, B.F. WOLCOTT SURVEY, ABSTRACT 1156, AND A 75-ACRE TRACT OF LAND OUT OF BLOCK 38, T-2-S, C.A. WINBORN SURVEY, ABSTRACT 511, MIDLAND COUNTY, TEXAS

Property Owner Miss Henley Holdings, LP Printed Name: Tallian Thompson		Phone (432) 230-5066 Email thompsonoffice@yahoo.com	
Address PO. Box 177	City DENNIS	State TX	Zip 764395

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: ASHLEE JOHNSON		Phone (432) 520-9200 Email AJOHNSON@WPG-US.COM	
Address PO DRAWER 11186	City MIDLAND	State TEXAS	Zip 79702

Current Zoning:
Reason for Platting: OWNERSHIP/DEVELOPMENT

Plat Information	Total Acreage: 154.813
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 32	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

RECEIVED
SEP 15 2021
BY: CF

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: 8/10/2021

Property Owner (printed): Tallian Thompson

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ashlee Johnson
Authorized Agent (signature)

Subscribed and sworn to before me, this 14th day of September, 20 21, to certify which witness my hand and seal of office.



Ashlee Danielle Crouch

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ CADD File
☒ Application Fee	☒ Title Opinion	☒ Public Improvement
Check # <u>10824</u>	☒ Tax Certificates	Check # <u>10821</u>
Received By: <u>KM</u>		Date: <u>9/14/21</u>

P E C
 SEP 14 2021
 By: KM

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

HANKS SOUTH INDUSTRIAL PARK

BEING A PLAT OF AN 80-ACRE TRACT OF LAND OUT OF BLOCK 38, T-2-S, B.F. WOLCOTT SURVEY, ABSTRACT 1156, AND A 75-ACRE TRACT OF LAND OUT OF BLOCK 38, T-2-S, C.A. WINBORN SURVEY, ABSTRACT 511, MIDLAND COUNTY, TEXAS

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Mark Lieber
ATMOS ENERGY
BY: _____

Jerry Underwood
AT&T
BY: **JERRY UNDERWOOD**

Luis Montez
SUDDENLINK COMMUNICATION
BY: **Luis Montez**

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

GRANDE COMMUNICATIONS
BY: _____

GENERAL NOTES:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83, TEXAS CENTRAL ZONE (4203), US FEET.
- ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN PART IN ZONE A AND IS WITHIN A 100-YEAR FLOOD HAZARD AREA OF WHICH NO BASE FLOOD ELEVATION HAS BEEN DETERMINED AND IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANEL NO. 48329C0217F WITH A REVISED DATE OF SEPTEMBER 16, 2005.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND REVIEW OF THE ABSTRACT OF TITLE. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.

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 MIDLAND COUNTY, TEXAS.

DATED: OCTOBER 1, 2021

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

PRELIMINARY

THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEWED
OR RELIED UPON AS A FINAL
SURVEY DOCUMENT.

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "HANKS SOUTH INDUSTRIAL PARK", was approved by the proper action of the Planning and Zoning Commission of the City of Midland, Texas on this the _____ day of _____, 2021

Signed: _____
LUCY SISNIEGA, CHAIRMAN

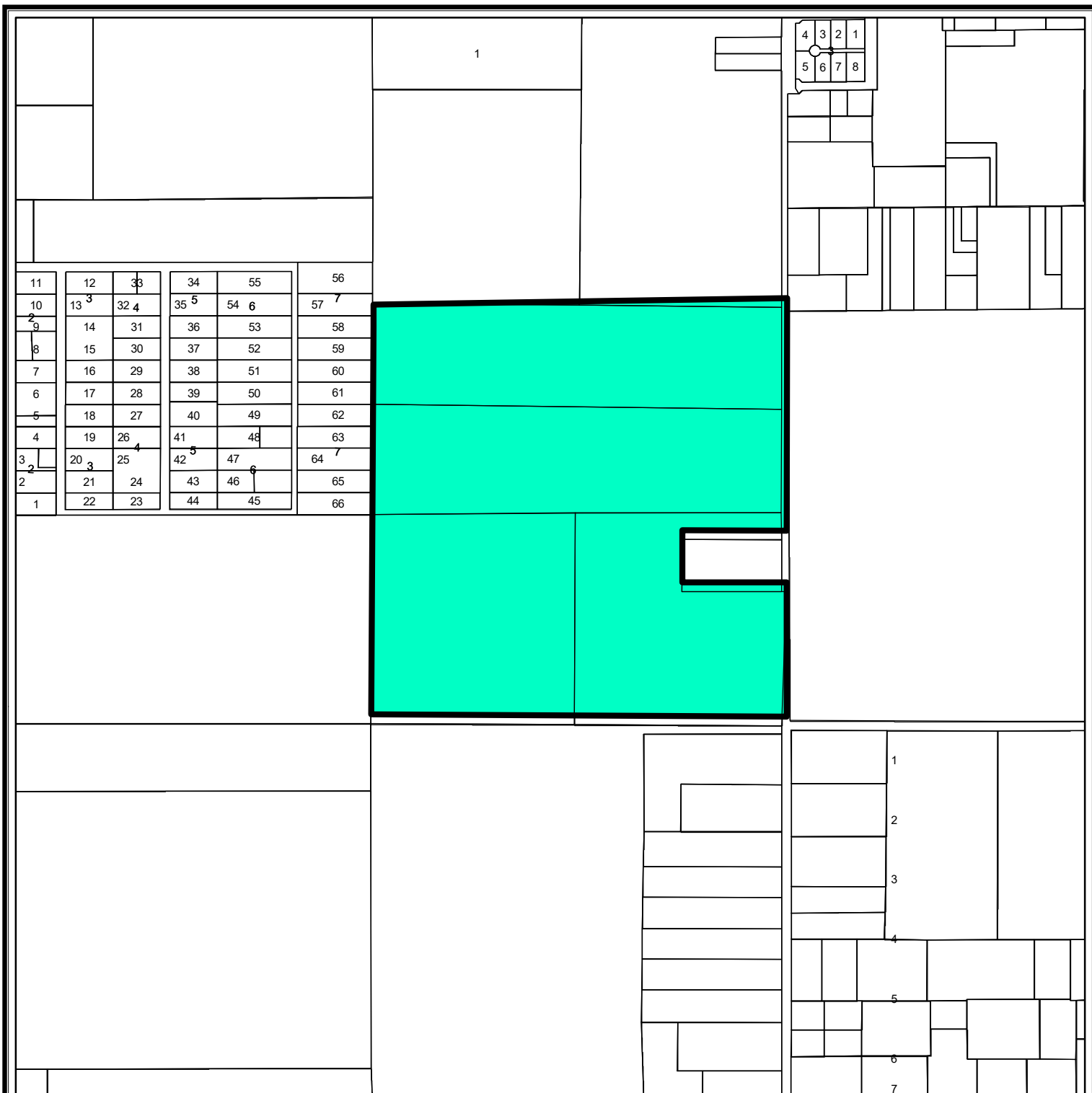
Signed: _____
ELIZABETH SHAUGHNESSY, SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS.

NO. _____ CABINET _____

DATE _____ PAGE _____





LOCATION MAP

SUB-19-0248

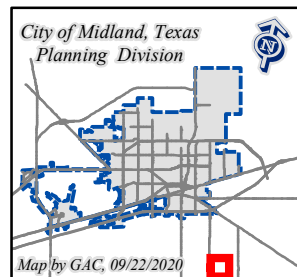
Scale: 1" = 250'

Proposed plat of Hanks South Industrial Park, being a plat of an 80-acre tract of land located in Block 38 T-2-S, B.F. Walcott Survey, Abstract 1156, and a 75-acre tract of land located in Block 38, T-2-S, C.A. Winborn Survey, Abstract 511, Midland County, Texas.

Generally located at the northwest corner of the intersection of South County Road 1160 and East County Road 150. (ETJ), Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020

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

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



Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: Planning and Zoning Commission

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a request by Gary Bellomy for a zone change from PD, Planned Development District for a Housing Development, Office Center, and Shopping Center, to an Amended PD, Planned Development District for a Housing Development, Office Center, and Shopping Center on a 57.55-acre tract of land located in Section 1, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Interstate 20, approximately 530 feet east of South Lamesa Road. Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Purpose:

The applicant, Gary Bellomy, is requesting a zone change from PD, Planned Development District for a Housing Development, Office Center, and Shopping Center (Ordinance No. 10206) to an amended PD, Planned Development District for a Housing Development, Office Center, and Shopping Center.

Current Zoning:

PD, Planned Development District for a Housing Development, Office Center, and Shopping Center. (Ordinance No. 10206)

Surrounding Zoning and Land Use:

The property to the north is zoned MF-16, Multiple Family Dwelling District and the location of an apartment complex. The property to the east is zoned LI, Light Industrial, in part; and BP, I-20 Business park in part, and the location of an industrial business. The properties to the south is zoned BP, I-20 Business Park and RR, Regional Retail District and the location of a pump jack and vacant land. The property to the west is zoned MF-22, Multiple-Family Dwelling District and the location of an apartment complex that is under construction.

Analysis:

The applicant, Gary Bellomy, is requesting a zone change to amend the current PD, Planned Development District for a Housing Development, Office Center, and Shopping Center. (Ordinance No. 10206) to adopt a guiding Regulating Plan for this unique development. If approved, the development will need to conform to the adopted Site Plan and Regulating Plan (extracted from exhibit D), and the Regulating Plan and Development Standards 07/27/2021 ® (Exhibit D).

The site will consist of a mix of uses including office, retail, hotel, single-family residential, townhomes, multi-family residential, and a school. This development would integrate with the neighboring apartment complex to the west and is in the process of being constructed to reflect this integration.

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

Fire: (Approved)

No objection to zone change.

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.

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City tomorrow comprehensive plan, as this area calls for Employment Reserve Uses. This designation calls for multiple-family housing when integrated with holistic development. As the proposed district integrates a myriad of uses, it is in conformance with the guiding principles of this designation.

This development also aligns with several other aspects of the Tall City Tomorrow Plan. Principle 5 of Chapter 3, requests planning for community amenities such as parks and open spaces space to support “community activity, personal interaction a sense of place, and ultimately a sense of ownership in the community.” Additionally, Principle 8 of the same chapter requests that land use policies and regulations support the creation of more balanced neighborhoods, which include “a variety of housing options, access to open space, and contain activity centers such as parks ”Chapter 9 of the Tall City Tomorrow Plan also seeks to keep us aware of the need for parks and recreational development as Midland continues to expand. Goal 1 of Chapter 9 seeks to provide park facilities accessible to the growing population, nothing that “Midland’s historic trend has been to focus on the need for housing and commercial needs during growth periods without the consideration of additional open space needs. This development fits all of these goals and principles by creating a community with integrated uses, pedestrian friendly streets, and plenty of park and open space areas for residents to recreate in.

Therefore, staff recommends approval of this Zone Change on the above-described property from PD, Planned Development District for a Housing Development, Office Center, and Shopping Center, to amended PD, Planned

Development District for a Housing Development, Office Center, and Shopping Center, subject to condition A through C.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the TH, Townhouse District except as stated below.**
- B. That the development of this property shall significantly conform to the Site Plan of Section 3.1 the *Regulating Plan* (Exhibit B) and Section 4.0 *Summary of Frontage Types* (Exhibit C) of the Regulating Plan and Development Standards 07/27/2021 ® (Exhibit D).**
- C. That the use and development of this property shall conform to the PD-Planned Development District as set forth in the submitted “Regulating Plan and Development Standards 07/27/2021 ®” (Exhibit D).**

Letters of Objection:

Staff has not received any letters of objection as of November 10, 2021.

Attachments:

Report
Metes and Bounds (Exhibit A)
Section 3.1 Regulating Plan (Exhibit B)
Section 4.0 Summary of Frontage Types (Exhibit C)
Regulating Plan and Development Standards 07/27/2021 ® (Exhibit D)
Application
Maps



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

Project Number: 2-21-0266
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Gary Bellomy		Phone (512) 694-8839 Email garyb@landdesignstudio.com	
Address 3307 Northland Drive, Suite 240	City Austin	State TX	Zip 78731

Property Owner Printed Name: Zekelman Property, LLC		Phone (734) 582-2650 Email brandon.ryckman@zekelman.com	
Address 100 West Big Beaver Road, Suite 390	City Troy	State MI	Zip 48084

Representative (if different from Applicant or Property Owner) Firm: Land Design Studio Printed Name: Gary Bellomy		Phone (512) 694-8839 Email garyb@landdesignstudio.com	
Address 3307 Northland Drive, Suite 240	City Austin	State Texas	Zip 78731

Street Address: <u>N/A - Interstate 20 frontage road between La Mesa Rd and Fairgrounds Rd</u>
Legal Description <u>Section 1, Block 39, T-2-S T&P RR Co Survey, see attachment</u>
Lot: <u>N/A</u> Block: <u>39</u> Subdivision: <u>Carolcrest</u>

Current Zoning: Manufactured Housing and Business Park	Proposed Zone: Planned Development (List by tracts if more than one district is requested)
--	--

Reason for Zone Change Request: To allow a mixed used project.

Present Use of Property: Vacant land

Proposed Use of Property: Planned Development based on attached Regulating Plan.

How would this zone change affect the public health, safety and welfare? Provide housing opportunities for a variety of income levels with adjacent neighborhood services. All plan elements are in a well connected, walkable form which promotes healthy living.

These project elements are consistent with many of the goals found in the current Comprehensive Plan.

Describe how conditions affecting the property have changed since present zoning designation: Present zoning is TH, Townhouse However the Future Land Use Map designates the tract as a Future Planning Area. The Planned Development designation being sought and the concepts it includes are well aligned with the vision put forth in the Tall City Tomorrow Plan.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland' ~\$2,500.00
- Dimensioned Site Plan see Regulating Plan
- Digital Copies of Site Plan (PDF/JPEG)

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

Applicant (signature):

Date: 9-10-21

Applicant (printed): Gary Bellomy

Property Owner (signature):

Date:

Property Owner (printed):

Brandon Ryckman

Digitally signed by Brandon Ryckman
DN: cn=US,
email=brandon.ryckman@modular.com,
ou=2-Modular, ou=Vice President,
fieldServices, cn=Brandon Ryckman
Date: 2021.09.13 08:35:06-0400

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

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

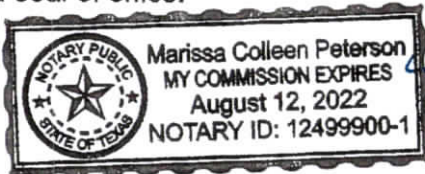
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF TRAVIS

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of September, 2021, to certify which witness my hand and seal of office.



NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Dimensioned Site Plan

☒ Application Fee

☐ Plans in Digital Format (PDF/JPEG)

Check # 39346

Received By:

Date:

09 September, 2021

City of Midland- Planning Department
Attn: Cristina Odenborg Burns
300 N. Loraine
Midland, Texas 79702

To whom it may concern:

I/We, Gary Bellomy, authorize LCA to act as our agent for the platting/zoning purposes regarding our project Tahoe Lakes Addition, Section 3. As Client we consent to LCA signing all applications and/or needed documentation, receiving all comments and/or needed information and representing me/us at any all hearings for the duration of this project.

Sincerely,

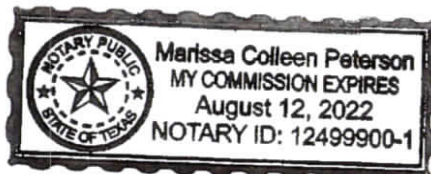

By: Gary Bellomy
Title: Applicant
Company: Land Design Studio

September 9, 2021
Date:

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Gary Bellomy, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Applicant for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of September, A.D., 2021.




Notary Public in and for the State of Texas

My Commission Expires: 08/12/2022



ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

lca@lcaodessa.com

521 N. Texas Ave. • Odessa, Texas 79761

(432) 332-5058 or 580-8812 • Fax (432) 332-8812

Engineering Firm# 001363 • Surveying Firm# 10034300

**METES & BOUNDS DESCRIPTION
OF A 57.55-ACRE TRACT
LOCATED IN SECTION 1, BLOCK 39, T-2-S
T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS**

BEING A 57.55-ACRE REMAINDER OF THAT CERTAIN 101.49-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-4195 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y=10,688,784.49' & X= 1,762,775.17') A 3/8" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF LOT 1 BLOCK 1 TAHOE LAKES ADDITION, AS RECORDED IN CABINET I, PAGE 190 OF THE MIDLAND COUNTY PLAT RECORDS AND ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF LATTA STREET AS DESCRIBED IN DOCUMENT NO. 2008-22815 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS HAVING A RADIAL BEARING OF NORTH 37°19'47" WEST;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 330.00 FEET, A DELTA ANGLE OF 33°32'10", AN ARC LENGTH OF 193.15 FEET, A CHORD LENGTH OF 190.41 FEET BEARING NORTH 35°54'06" EAST TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE NORTH 19°08'00" EAST WITH THE SOUTH RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 195.48 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT A POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 330.00 FEET, A DELTA ANGLE OF 23°09'45", AN ARC LENGTH OF 133.41 FEET, A CHORD LENGTH OF 132.50 FEET BEARING NORTH 07°33'08" EAST TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE POINT OF TANGENCY;

THENCE NORTH 04°01'57" WEST WITH THE EASTERN RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 24.19 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 295.00 FEET, A DELTA ANGLE OF 23°10'30", AN ARC LENGTH OF 119.32 FEET, A CHORD LENGTH OF 118.51 FEET BEARING NORTH

THENCE NORTH 19°04'24" EAST WITH THE EAST RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 36.38 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX SET AT THE WEST CORNER OF THAT CERTAIN 7.53-ACRE TRACT CURRENTLY IN THE NAME OF MIDLAND COUNTY ON THE EAST RIGHT-OF-WAY LINE OF SAID LATTA STREET, WHENCE A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID LATTA STREET AND THE SOUTHERN RIGHT-OF-WAY OF E. TAYLOR AVENUE BEARS NORTH 19°03'10" EAST, A DISTANCE OF 300.00 FEET;

THENCE SOUTH 23°20'09" WEST WITH A WEST LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 48.93 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT A POINT OF DEFLECTION OF THIS SURVEY:

THENCE SOUTH 23°29'35" WEST WITH A WEST LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 300.87 FEET TO A 3/8" IRON ROD FOUND AT THE SOUTHERNMOST WEST CORNER OF SAID 5.57-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY:

THENCE SOUTH 23°35'54" WEST WITH THE WESTERN LINE OF SAID 4.92-ACRE TRACT, A DISTANCE OF 363.93 FEET TO A ½" IRON ROD (CONTROL MONUMENT) FOUND AT THE WEST CORNER OF SAID 4.92-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 19°04'38" WEST WITH THE WESTERN LINE OF SAID 2.15-ACRE TRACT, A DISTANCE OF 269.33 FEET TO A ½" IRON ROD FOUND AT THE WEST CORNER OF SAID 2.15-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY;

PACKET
Page 7.49
November 15, 2021

LENGTH OF 257.03 FEET, A CHORD LENGTH OF 254.52 FEET BEARING NORTH 07°47'45" EAST TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE END OF THIS CURVE;

THENCE NORTH 21°41'20" EAST, A DISTANCE OF 522.76 FEET TO 3/8" IRON ROD SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A NORTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 556.30 FEET, A DELTA ANGLE OF 44°23'54", AN ARC LENGTH OF 431.07 FEET, A CHORD LENGTH OF 420.37 FEET BEARING NORTH 00°30'36" WEST TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE NORTH 22°42'31" WEST, DISTANCE OF 86.39 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 32°04'31" WEST, DISTANCE OF 61.92 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT AN ELL CORNER OF THIS TRACT;

THENCE NORTH 42°34'20" WEST, DISTANCE OF 168.30 FEET TO THE POINT OF THE BEGINNING CONTAINING 57.55 SURFACE ACRES.

BEARINGS, DISTANCES AND COORDINATES ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, BASED ON THE CITY OF MIDLAND GPS CONTROL MONUMENT "LAM 20" (Y=10,686,841.66' AND X=1,761,908.42", ELEVATION = 2775.01 NAVD 29) WITH A THETA ANGLE OF -00°53'17" WITH A COMBINED GRID FACTOR OF 0.999893673 AS PUBLISHED IN US SURVEY FEET.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LCA

JOHN F. LANDGRAF, RPLS 2410
27 May 2021

LCA PROJECT NO. 2021-001



Section 3.1 The Regulating Plan

LEGEND

FRONTAGE TYPES

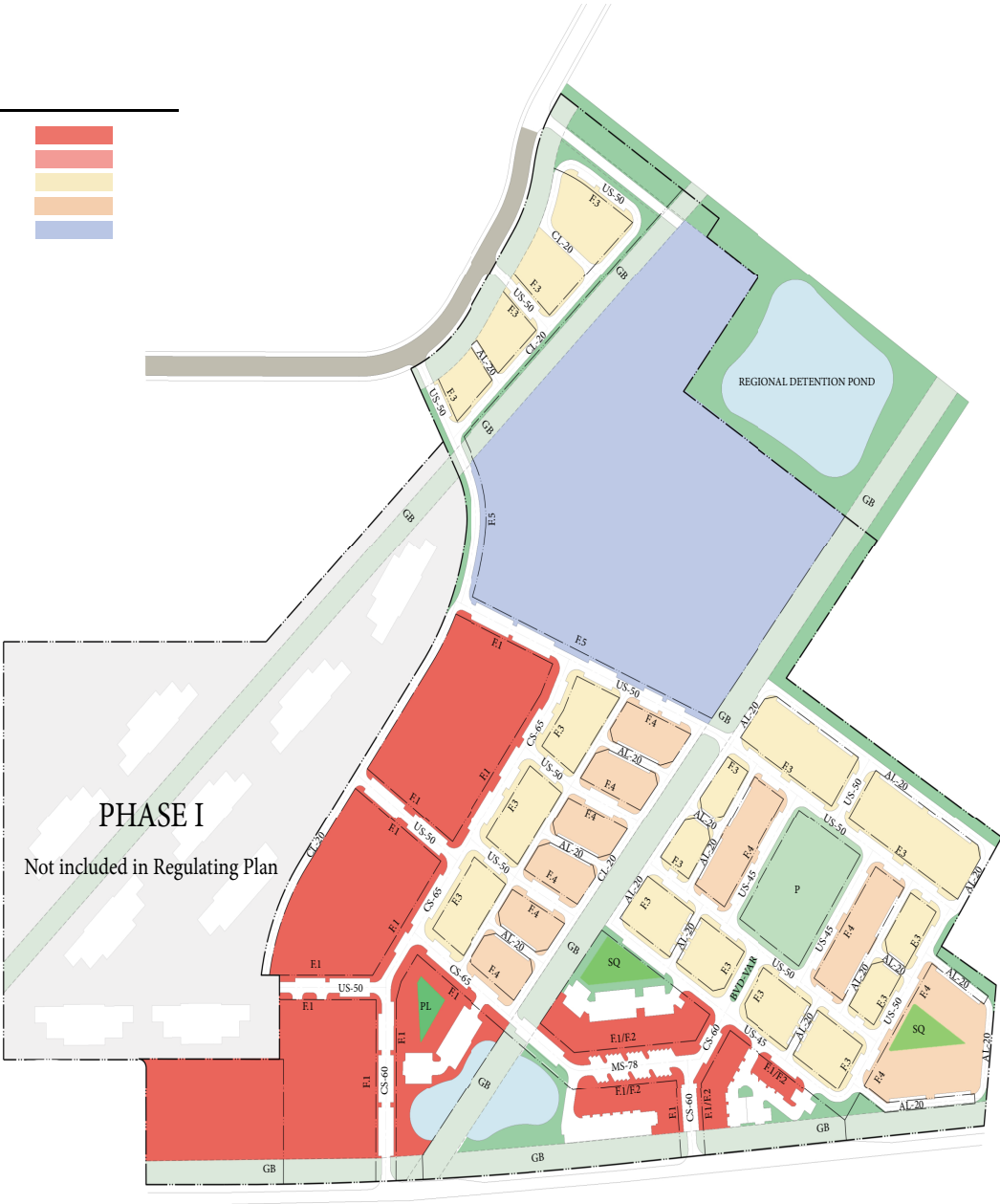
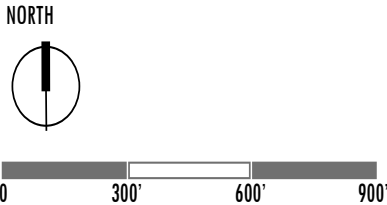
F1	(Section 4.1) Type F1:	Main Street Commercial	
F2	(Section 4.2) Type F2:	Live/Work	
F3	(Section 4.3) Type F3:	Townhouse	
F4	(Section 4.4) Type F4:	Side Yard House	
F5	(Section 4.5) Type F5:	Education / Civic	

STREET TYPES

MS-78	Main Street 78' R.O.W.
BVD-VAR	Boulevard Variable R.O.W.
CS-65	Commercial Street 65' R.O.W.
CS-60	Commercial Street 60' R.O.W.
US-50	Urban Street 50' R.O.W.
US-45	Urban Street 45' R.O.W.
US-40	Urban Street 40' R.O.W.
CL-20	Commercial Alley 20' Access Easement
AL-20	Residential Alley 20' Access Easement

PUBLIC OPEN SPACE

PL	Plaza	
SQ	Square	
GR	Green	
GB	Greenbelt	
P	Park	



Section 4.0

Summary of Frontage Types

Complete detailed requirements of Frontage Types can be found in Sections 4.1 through 4.5

FRONTAGES	F1 (See Section F1) Main Street Commercial	F2 (See Section F2) Live/Work	F3 (See Section F3) Townhouse	F4 (See Section F4) Sideyard House	F5 (See Section F5) Education
PERMITTED USES	Retail Sales and Service (20,000 SF max per tenant) Office/Research and Development Lodging/Hotel Multi-Family Residential Single Family Attached Residential Day Care	Limited Retail (≤3,000 SF) Limited Office (≤3,000 SF) Lodging/Hotel (≤10 rooms) Multi-Family Residential (≤10 dwelling units) Single Family Attached Residential	Single Family Attached Residential	Single Family Detached Residential Ancillary unit	Public or private School
CONDITIONAL USES	Manufacturing (10,000 SF max. per tenant) Congregate Care (100 room max)	None	Home Occupation	Home Occupation	None
PROHIBITED USES	Vehicle Sales Auto Service & Repair Auto Parts Sales Gas Stations Auto Body Painting and Repair Drive-Through Commercial Storage & Warehouse Single Family Detached Residential Sexually-Oriented Businesses	Same as F1 - Main Street	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing
LOT WIDTH	30' min. 240' max (30' increments)	20' min. 40' max	20' min. 40' max	35' min. 60' max	90' min. no max.
LOT DEPTH	No Minimum Maximum limited by block size	No Minimum Maximum limited by block size	80' min. 125' max.	80' min. 150' max.	50' min. no max.
BUILDING HEIGHT	2 stories or 25' minimum 5 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 2.5 stories maximum	2 stories minimum 5 stories maximum
SIDE SETBACK	None	None	None	2.5' on one side & 10' on the opposite side	5'
BUILD-TO LINE	0' to 10' from property line (on designated primary frontage)	0' to 10' from property line (on designated primary frontage)	10' from property line (on designated primary frontage)	20' from property line (on designated primary frontage)	90' from property line (on designated primary frontage)
REAR SETBACK	None	None	5' from Alley	5' from Alley	N/A
PARKING RATIOS					
Retail	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Office	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Lodging/Hotel	1 space per Room	1 space per Room	N/A	N/A	N/A
Residential	1.5 spaces per Unit	1.5 spaces per Unit	2 spaces per Primary Unit plus 1 space per ancillary unit	2 spaces per Primary Unit plus 1 space per ancillary unit	N/A
Congregate Care	1.0 spaces per every 2 beds	NA	NA	NA	N/A
Manufacturing	1.0 spaces per 600 GSF	N/A	N/A	N/A	N/A
Education	1.0 spaces per 400 GSF	N/A	N/A	N/A	1.0 spaces per 400 GSF

Table 4.01

OASIS

A NEW VISION FOR DEVELOPMENT IN MIDLAND



REGULATING PLAN AND DEVELOPMENT STANDARDS
07/27/2021 (R)

Oasis
Regulating Plan and Development Standards
Midland, Texas

CITY COUNCIL

Patrick Payton • Mayor
Scott Dufford • Council Member
Spencer Robnett • Council Member
John Norman • Council Member
Jack Ladd • Council Member
Lori Blong • Council Member
Michael Trost • Council Member

PLANNING AND ZONING COMMISSION

Cristina Odenborg Burns • Planning Manager
Chuck Harrington • Development Services
Reggie Lawrence • Commission Chair
Lucy Sisniega • Commission Vice Chair
Zachary Deck • Commission Member
Chase Gardaphe • Commission Member
Stacy Jo Grosse • Commission Member
Diane Williams • Commission Member
Karen Bryant • Commission Member
Emily Holeva • Alternates
Adrian Carrasco • Alternates

OASIS PLANNING TEAM

Land Design Studio • Urban Planning & Design
LCA • Civil Engineers

PLANNED DEVELOPMENT CREATION

An action creating the PLANNED DEVELOPMENT district number _____ for Oasis.

This Regulating Plan is approved by the Planning and Zoning Commission on _____, 2021
and takes effect on _____, 2021

Passed and Approved:

_____, 2021 _____ Chairman

Attest: _____ Recording Secretary

Table of Contents

Section 1.0	Introduction : Why use Development Standards?	6
Section 2.0	How to Use These Standards	8
Section 2.1	Illustrative Plan	9
Section 3.0	Definitions	10
Section 3.1	The Regulating Plan	11
Section 4.0	Summary of Frontage Types	12
Section 4.1	Frontage Type F1 : Main Street Commercial	14
Section 4.2	Frontage Type F2 : Live/work	16
Section 4.3	Frontage Type F3 : Townhouse	18
Section 4.4	Frontage Type F4 : Sideyard House	20
Section 4.5	Frontage Type F5 : Education	22
Section 5.0	Street Types	24
Section 5.1	Street Type MS-78: Main Street 78' R.O.W.	25
Section 5.2	Street Type BVD- VAR : Boulevard Variable R.O.W.	25
Section 5.3	Street Type CS-65 : Commercial Street 65' R.O.W.	26
Section 5.4	Street Type CS-60 : Commercial Street 60' R.O.W.	26
Section 5.5	Street Type US-50 : Urban Street 50' R.O.W.	27
Section 5.6	Street Type US-45 : Urban Street 45' R.O.W.	27
Section 5.7	Street Type US-40 : Urban Street 40' R.O.W.	28
Section 5.8	Street Type CL-20 : Commercial Alley 20' Easement	28
Section 5.9	Street Type AL-20 : Residential Alley 20' Easement	29
Section 6.0	Utility Standards	30
Section 7.0	Public Space Standards	32
Section 8.0	Landscape Standards	33
Section 9.0	Drainage Standards	34
Section 10.0	Bike Path Plan	35
Section 11.0	Lighting Standards	36
Section 12.0	Signage Standards	37
Section 13.0	Amendment Procedure/Other Codes and Development Regulations Applicable	38

Section 1.0

Introduction : Why use Development Standards?

The Oasis Plan

Oasis was conceived as a new mixed-use, mixed-income neighborhood for the City of Midland, offering local retail, daily services, and residential development all in close proximity to one another. The goal is to offer a quality development in a previously undeveloped area near the core of the city.

While this form of development is traditional from a historic standpoint, it no longer represents conventional suburban development patterns. Traditional Neighborhood Development principles form the backbone for the design decisions that have been made in creating the Oasis plan. Many of these principles are rooted in time-tested methodologies and practices, but vary from current development models in most cities around the country. Consequently, the Oasis team has crafted a Regulating Plan and Development Standards in order to assist the City of Midland in administration of the development and allow the Master Developer to utilize a new form of development regulation in the build-out of Oasis.

The Regulating Plan and Development Standards streamlines the entitlement and site planning process while outlining the desired form of development in greater detail than single purpose zoning regulations.

PRINCIPLES OF TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

These are the principles that have been integrated into the Oasis plan. Each principle is followed by the reason or condition that has caused us to pursue this form of development.

1. **Cluster retail and basic services together along a single street, without expansive parking lots between them.**

This allows people to 'park once' and walk from store to store, reducing vehicle-miles traveled and the congestion often associated with new suburban retail locations.

2. **Locate the parking behind the building, shading the parking and providing broad sidewalks in front of the stores, shaded by street trees.**

Shaded parking and pedestrian-oriented sidewalks greatly

enhances the experience of coming and going from that retail space. Trees have consistently been shown to increase land values, even if only used to shade or screen parking.

3. **Integrate residential in close proximity to retail to create a more walkable, sustainable, and usable neighborhood.**

If people can walk or bike to work or shopping locations, a second household vehicle may become optional. This flexibility is also enhanced by alternative transportation options. In communities around Texas and around the country, neighborhoods offering this degree of flexibility are consistently becoming more desirable than neighborhoods that isolate residential from commercial uses.

4. **Buildings are required to be built adjacent to the edge of the sidewalk, clearly defining a public street space known as 'the public realm'. Parking is predominantly located in the back of buildings, improving the visual connection of buildings to the street. Parking is connected to the front sidewalk by pedestrian passages between buildings.**

Placing commercial space directly on the sidewalk improves the experience of walking along the sidewalk and improves the retailing performance by a continuous pedestrian activity zone.

5. **Provide moderately dense housing alternatives for people less interested in, or not needing a large house and yard.**

Conventional suburban housing is often designed for families with two parents and kids, assuming they are looking for a large house and yard. This demographic now represents a much smaller part of the market than it used to, and increasingly, buyers are looking for smaller homes with less maintenance. The townhouse and cottage neighborhoods included in Oasis are designed to offer a variety of homes catering to a variety of ages and income levels.



Above is an artist's rendering of the desired look and feel of a commercial/mixed use street in Oasis - retail shop fronts are pulled up to the shaded sidewalk, parking is provided along the street and behind the buildings. Sidewalks are generous and street widths are narrower than usual. All streets are designed to accommodate pedestrians and cyclists as well as low speed auto traffic.



Oasis' Main Street encourages development of retail frontages and public spaces. This artist's rendering illustrates the possibility of a public open space anchoring one side of the street. Evening entertainment and dining within Oasis would add to the quality of the neighborhood by offering walkable destinations other than just for shopping.



The plan includes a location for a K-12 public charter school. Additionally, Oasis has several acres of public open space of various sizes located throughout the community.

Section 2.0 How to Use These Standards

The intent of the Development Standards is to create a clear and predictable system of mandatory design standards that become enabling tools to create a more varied and inherently richer form of community. This form of community embraces a diversity of uses, people, and buildings. The standards are prescriptive, that is, they delineate the desired result and enable its success. The standards are graphic by nature as drawings can more clearly communicate what is prescribed under, or enabled by the standards. The standards are organized into four principle sections, The Regulating Plan, The Frontage Types, The Street Types and Other Standards. Used in

concert, these four components form a "Graphical User Interface" utilized by the public and private sectors to expedite the permitting and development process.

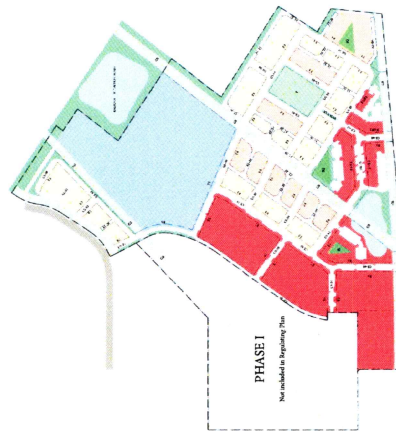
DEVELOPMENT PROCEDURE

Component developments in the various Frontage Type Districts will have the incentive of speed to delivery in that the first two steps in the development process, Zoning and Preliminary Plat, are approved by the adoption of this Regulating Plan. Final plats will follow the same procedure as other projects, but will be aided by

being components of the Regulating Plan. Building permits and approval of construction plans for infrastructure will follow the review and approval procedures currently in place.

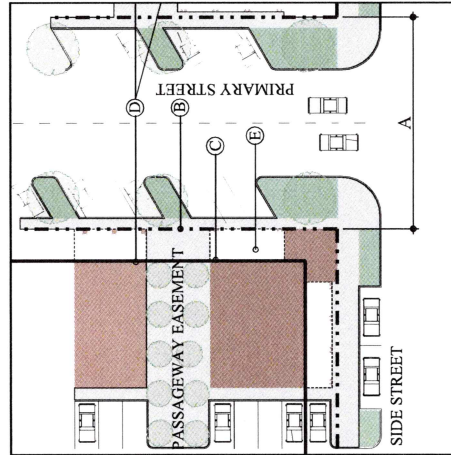
THE REGULATING PLAN

The Regulating Plan lays out the street grid and precisely marks the various urban design regulations within the Standards which are used to produce the community design or town plan. The Regulating Plan designates where and how the Frontage Types are appropriately combined with the various Street Types. The Regulating Plan also designates sites to be set aside for public open spaces and special sites reserved for civic buildings (such as town halls, schools, and churches).



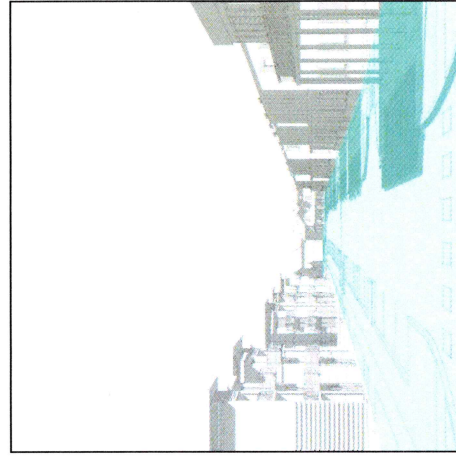
THE FRONTAGE TYPES

The Frontage types take the place of typical zoning categories. Each Frontage type defines the required placement of buildings (build-to-line), the minimum and maximum height, parking standards, architectural standards, and allowable uses for the property. By using a Frontage type instead of traditional zoning, the standards require that buildings meet the sidewalk in a particular way, ensuring the quality of the pedestrian experience.



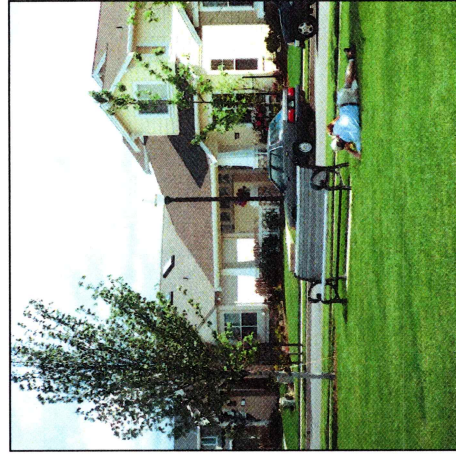
THE STREET TYPES

The Street Types set out, according to the Regulating Plan, the physical parameters of each street including right-of-way and pavement width, design speed, parking, placement of street trees, etc. The Street Type combined with the Frontage Type establishes the all-important public realm. The public realm is the space defined by opposing building fronts which contains the sidewalks, streets, and open spaces.



OTHER STANDARDS

Other Standards including Open Space, Landscape, Drainage and Signage augment the Frontage and Street Types by filling in important details. These details serve to define the quality of the community beyond what type of building should be built. They set out and ensure what the quality of the public realm will be.



Section 2.1 Illustrative Plan

THE ILLUSTRATIVE PLAN

This plan for Oasis represents one potential build-out option and is not intended to replace individual site plans. Streets, block patterns, and land uses shown on this plan are defined and enabled by the Regulating Plan on the following pages.



Section 3.0 Definitions

For the purposes of these Development Standards, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section:

Accessory Dwelling Units

A secondary living space which shares ownership and utility connections, and which is on-site with a primary living space and that may be contained within the same structure as is the primary living space, or may be contained in a separate structure.

Appurtenances: Spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overhangs the Sidewalk, while the Facade at Sidewalk level remains at the Build to Line.

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Bed and Breakfast: An owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping or other markings.

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes circumscribed by Thoroughfares.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are often equipped with Slip Roads buffering Sidewalks and buildings.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and/or municipal parking.

Build to Line (BTL): The line within a property defining the maximum horizontal distance between a building and the adjacent street right of way line.

City: refers to the City of Midland, Texas

Civic Building: a building operated by not-for-profit organizations dedicated to arts, culture, education, economic development, recreation, religion, government, transit, and municipal parking, or for use approved by Oasis.

Civic Uses: The use of a parcel of land for one or more of the following purposes: park and recreation services, cultural services, religious assembly use, safety and medical services, or transit stops.

defined by landscaping rather than building Frontages and having at least one boundary fronting on a public right-of-way.

Half-Story: the portion of a buildings habitable, conditioned space such as an attic or basement with windows.

Home Occupation: non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Outbuilding.

Live-Work (or Work-Live): a Mixed Use unit consisting of a Commercial and Residential Functions. The Commercial and/or Residential Function may be anywhere in the unit. It may be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry or it may be leased.

Lodging: Premises available for daily and weekly renting of bedrooms.

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length along the Principal Frontage Line of a Lot.

Oasis: Oasis Development Corporation, a Texas Limited Liability Company, or assigns; serves as the owner and development entity for the Oasis project.

Off-Street Parking: Vehicular parking outside the street right-of-way that have adequate drives, aisles, and turning and maneuvering areas for access and usability.

Office: uses associated with buildings occupied for the transaction of business, excluding retail and manufacturing.

On-Street Parking: Vehicular parking contained on the street pavement (public and private streets) located outside the primary travel way, which spaces shall be designated and located parallel or at an angle to the street centerline.

Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, which may include floodplain and wetland areas, within a development area and intended for the use and enjoyment of residents of the development area and, where designated, the community at large, which may be landscaped and improved.

Park: a Public Space type that is available for rest and recreation, may be privately developed and maintained but publicly accessible and having at least one boundary fronting on a public right-of-way.

Planned Development (PD): a development in which the applicable code restrictions, other density requirements, may be modified and/or applied to the development as a whole rather than to each individual lot.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages and having at least one boundary fronting on a public right-of-way.

Primary Street: The primary street will be determined based on the following criteria:

1. The street with the highest street classification;
2. The street abutting the longest face of the block;
3. The street generally parallel to an alley within the block.

Principal Building: the main building on a Lot, usually located toward the Frontage.

Regulating Plan: a Zoning Map or set of maps that shows the Use Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the Development Standards.

Retail: uses for commercial enterprises established for the sale of goods and services.

Residential: uses associated with buildings occupied for the purpose of long term human habitation, excluding short term lodging.

Shared Parking Factor: an accounting for parking spaces that are available to more than one Function.

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade.

Side Yard Lot: A Lot created for the purpose of a dwelling to be constructed along or near an interior side Lot line with a yard created on the opposite side of the Lot.

Sideward Building: a building that occupies one side of the Lot with a Setback for a yard on the other side. This type can be a Single or Duplex depending on whether it abuts the neighboring house.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed and having at least one boundary fronting on a public right-of-way.

Story: a habitable level within a building, excluding an Attic or raised basement and not exceeding 15 feet in height.

Town Architect/Design Review Board: A licensed Architect or designated committee, contracted by Oasis, with the responsibility of reviewing development concepts, finished construction drawings or completed construction for aesthetic compliance with the overall concept of the Oasis project.

Section 3.1 **The Regulating Plan**

LEGEND

FRONTAGE TYPES

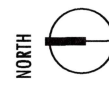
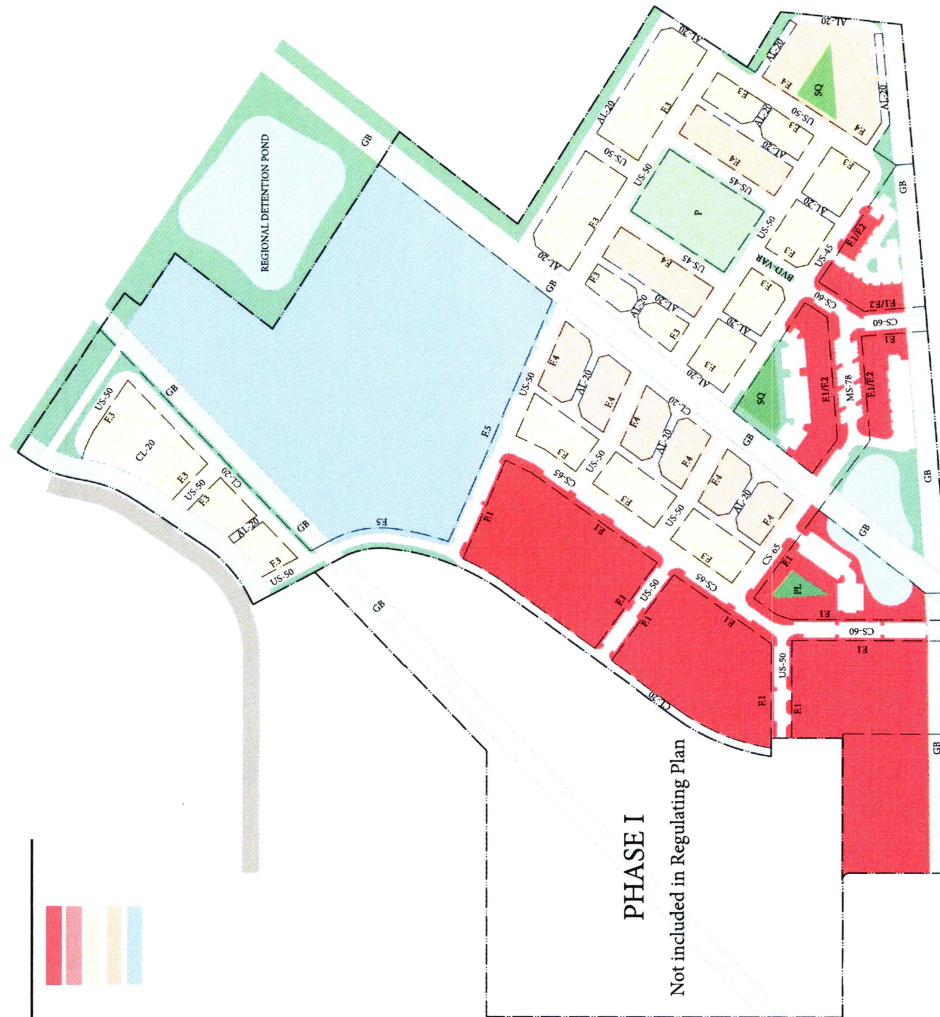
F1	(Section 4.1) Type F1:	Main Street Commercial
F2	(Section 4.2) Type F2:	Live/Work
F3	(Section 4.3) Type F3:	Townhouse
F4	(Section 4.4) Type F4:	Side Yard House
F5	(Section 4.5) Type F5:	Education / Civic

STREET TYPES

MS-78	Main Street 78' R.O.W.
BVD-VAR	Boulevard Variable R.O.W.
CS-65	Commercial Street 65' R.O.W.
CS-60	Commercial Street 60' R.O.W.
US-50	Urban Street 50' R.O.W.
US-45	Urban Street 45' R.O.W.
US-40	Urban Street 40' R.O.W.
CL-20	Commercial Alley 20' Access Easement
AL-20	Residential Alley 20' Access Easement

PUBLIC OPEN SPACE

PL	Plaza
SQ	Square
GR	Green
GB	Greenbelt
P	Park



Section 4.0

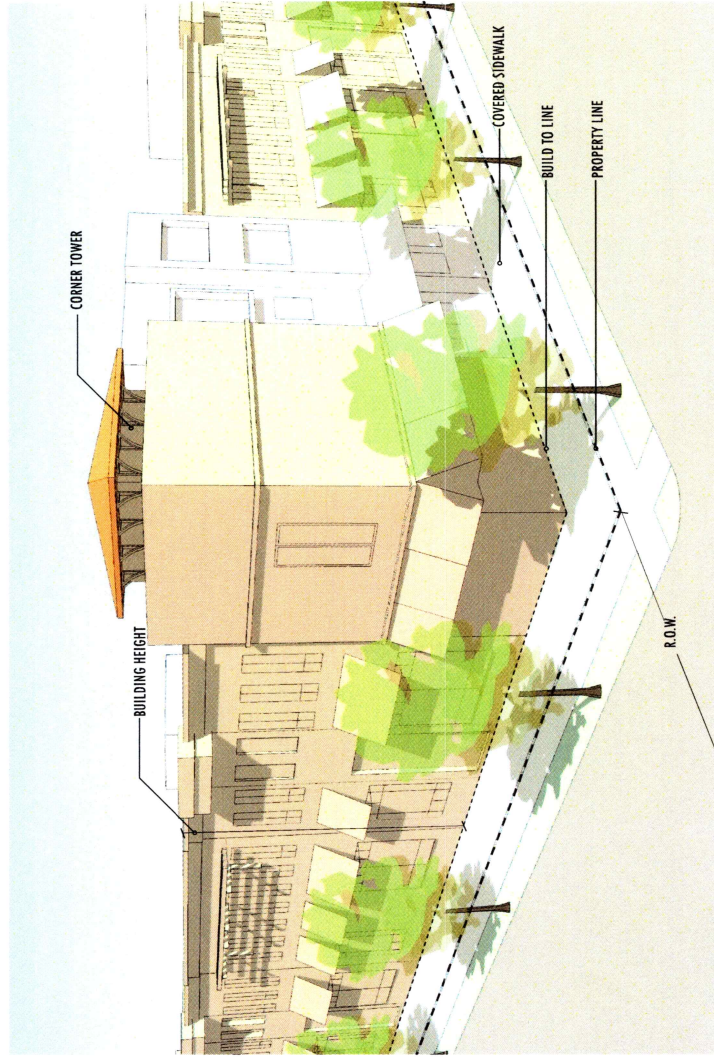
Summary of Frontage Types

HOW DOES A FRONTAGE TYPE CODE WORK?

The Oasis Regulating Plan is a Frontage Type code; this means that land uses, height restrictions, parking requirements, etc. are defined by street frontage, rather than by zoning of a particular parcel. In most cases, a parcel will have only one frontage designation; however, unlike traditional zoning, the Frontage Type code prescribes the location of buildings in a way that forms a quality public realm between buildings.

Another unique element of this Frontage Type code is that density is limited primarily by parking requirements. There is no mandated mix of uses, nor compatibility restrictions; instead, frontage types have been assigned in a way that forms a cohesive neighborhood with market flexibility as the project is built out.

Each Frontage Type has a text description and a site plan diagram to help illustrate the intended regulation. The summary Table 4.01, gives a snapshot of the five frontage types designated within the Oasis Regulating Plan.



Section 4.0

Summary of Frontage Types

Complete detailed requirements of Frontage Types can be found in Sections 4.1 through 4.5

FRONTAGES	F1 (See Section F1) Main Street Commercial	F2 (See Section F2) Live/Work	F3 (See Section F3) Townhouse	F4 (See Section F4) Sideyard House	F5 (See Section F5) Education
PERMITTED USES	Retail Sales and Service (20,000 SF max per tenant) Office/Research and Development Lodging/Hotel Multi-Family Residential Single Family Attached Residential Day Care	Limited Retail (≤3,000 SF) Limited Office (≤3,000 SF) Lodging/Hotel (≤10 rooms) Multi-Family Residential (≤10 dwelling units) Single Family Attached Residential	Single Family Attached Residential	Single Family Detached Residential Ancillary unit	Public or private School
CONDITIONAL USES	Manufacturing (10,000 SF max. per tenant) Congregate Care (100 room max)	None	Home Occupation	Home Occupation	None
PROHIBITED USES	Vehicle Sales Auto Service & Repair Auto Parts Sales Gas Stations Auto Body Painting and Repair Drive-Through Commercial Storage & Warehouse Single Family Detached Residential Sexually-Oriented Businesses	Same as F1 - Main Street	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing
LOT WIDTH	30' min. 240' max (30' increments)	20' min. 40' max	20' min. 40' max	35' min. 60' max	90' min. no max.
LOT DEPTH	No Minimum Maximum limited by block size	No Minimum Maximum limited by block size	80' min. 125' max.	80' min. 150' max.	50' min. no max.
BUILDING HEIGHT	2 stories or 25' minimum 5 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 2.5 stories maximum	2 stories minimum 5 stories maximum
SIDE SETBACK	None	None	None	2.5' on one side & 10' on the opposite side	5'
BUILD-TO LINE	0' to 10' from property line (on designated primary frontage)	0' to 10' from property line (on designated primary frontage)	10' from property line (on designated primary frontage)	20' from property line (on designated primary frontage)	90' from property line (on designated primary frontage)
REAR SETBACK	None	None	5' from Alley	5' from Alley	N/A
PARKING RATIOS					
Retail	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Office	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Lodging/Hotel	1 space per Room	1 space per Room	N/A	N/A	N/A
Residential	1.5 spaces per Unit	1.5 spaces per Unit	2 spaces per Primary Unit plus 1 space per ancillary unit	2 spaces per Primary Unit plus 1 space per ancillary unit	N/A
Congregate Care	1.0 spaces per every 2 beds	NA	NA	NA	N/A
Manufacturing	1.0 spaces per 600 GSF	N/A	N/A	N/A	N/A
Education	1.0 spaces per 400 GSF	N/A	N/A	N/A	1.0 spaces per 400 GSF

Table 4.01

Section 4.1

Frontage Type F1 : Main Street Commercial

4.1.1 DEVELOPMENT REGULATIONS

4.1.1.1 BUILDING PLACEMENT

- A) Build-to Line:
1) Primary building facade shall be constructed along a minimum of 80% of the total length of the Build-to-Line.
2) If a forecourt is utilized it may occupy up to 50% of the frontage
- B) Rear and side setbacks:
Not required
- C) Encroachment:
Arcades and corner towers with occupied or unoccupied space may encroach beyond the Build-to Line to the Property Line. Arcades and corner towers shall encroach a maximum of 10'. No corner tower shall have more than 300 SF on the ground floor encroaching beyond the Build-to line.
- D) Pedestrian Passageways:
If parking is provided behind a building, pedestrian passageway must be provided at the ground level providing access to the parking area from the front of the Right-of-Way. The passageway shall be a minimum 15' in width and one full floor in height. The passageway may be covered by additional occupied floors or a roof structure.
1. When pedestrian passageways are required, one must be provided for every 150' of frontage.
- E) Covered sidewalks:
Covered sidewalks shall be constructed along a minimum of 80% of the primary building facade. Covered sidewalks may be provided as arcades or shop-fronts (fig.4.1A).
1) Covered sidewalks and associated structures may encroach beyond the build-to-line up to the property line. Occupiable space may be constructed above the covered sidewalk and may also encroach beyond the build-to-line up to the property line.
2) Building facades with a covered sidewalk may be constructed a maximum of 3' behind the build-to-line.
3) Arcades shall be constructed to provide a minimum of 8' clear walkway between vertical supports and building facade.
4) Shop-fronts (fig.4.1A) shall provide a minimum of 8' of continuous covered walkway width.
5) If the building does not occupy the entire frontage the sidewalk must still occupy 100% of the frontage.
- F) 1st Floor Elevation:
The finish floor of the first level shall be at grade with street sidewalk or made accessible to disabled persons in compliance with the Americans With Disabilities Act and Texas Accessibility Standards.

- G) Minimum and Maximum Wall Height:
The maximum building height shall be five stories. Buildings shall be a minimum of two stories or 25' in height at the primary building facade.

4.1.1.2 PARKING

- A) Parking spaces shall be 9' width by 18' depth, up to 10% of the total spaces may be assigned as oversized spaces with a width of 10' and a depth of 20'.
B) On-site parking is allowed only at the rear of the building.
C) On-Street Parking in front of building may be used to satisfy minimum parking requirements (see Use Standards below)
D) Shared Parking Standards:
Shared parking standards may replace conventional parking requirements outlined in Use Standards below. Minimum parking requirements may be reduced by 15% percent if shared parking lots serve more than a single use (e.g. Restaurants and Office) long term shared parking agreement shall apply.
E) Parking supply may not exceed the minimum parking requirements outlined in the Use Standards by more than 15%.
F) Parking Garages
Structured parking may be provided for optimal land use efficiency. Parking structure shall meet architectural standards.

4.1.2 USE STANDARDS

4.1.2.1 RETAIL

- A) Defined Retail Use:
Retail uses include commercial enterprises established for the sales of goods and services including shops, entertainment establishments, banking, restaurants, and hotel lobbies, eateries and day care facilities.
1) No single retail space shall exceed 20,000 SF per floor.
2) Retail uses shall provide parking at 4 spaces per 1,000 square feet.

4.1.2.2 OFFICE

- A) Office Uses Defined:
Office uses are those associated with buildings occupied for the transaction of business, excluding retail and manufacturing.
1) Office uses shall provide parking at 4 spaces per 1,000 square feet (no maximum square footage)

4.1.2.3 LODGING

- A) Lodging Uses Defined:
Lodging uses are those associated with buildings occupied for short-term (not to exceed three consecutive weeks) human habitation.

- 1) Lodging uses shall provide 1 parking space per lodging unit. (no maximum number of units)

4.1.2.4 RESIDENTIAL

- A) Residential Uses Defined:
Residential uses are those associated with buildings occupied for the purpose of long term human habitation, excluding lodging.
1) Residential uses shall provide designated parking at 1.5 spaces per dwelling unit. (no maximum density)
2) Multifamily residential uses may provide detached garages for up to 10% of total dwelling units and may include storage outside dwelling unit not to exceed a rate of 2 storage units per garage.

4.1.2.5 CONDITIONAL USES

- A) Conditional Uses Defined:
Conditional Uses are considered exceptional situations that must have the approval of the Design Review Board or Town Architect. The following may be acceptable conditional uses in areas designated F1:
1) Limited Manufacturing:
No single manufacturing occupied building space shall exceed 10,000 SF. All rear service yards and visible materials must be screened by a solid masonry wall at least 6 ft. tall. The parking requirement shall be negotiated according to the specific manufacturing activity. Screens shall match adjacent architecture.
2) Congregate Care:
Longterm residential facilities offering skilled nursing services are allowed, not to exceed 100 beds. Related single family attached residences for individuals utilizing services of the congregate care facility are allowed so long as they are owned and managed by the congregate care provider.

4.1.2.6 PROHIBITED USES

- A) See prohibited use Table 4.01

4.1.3 ARCHITECTURAL STANDARDS

Architectural standards shall be enforced by the Oasis Master Developer.

4.1.3.1 ARCHITECTURAL CHARACTER

All architectural design shall reflect the vernacular traditions of the West Texas region. The following architectural standards allow for a variety of interpretations, both contemporary and historic.

- A) Building massing and facades:
No single building facade type shall exceed 90' in length along the primary Build-to-Line; change in massing or materials shall constitute a change in facade type.

- B) Exterior walls:
All exterior-building walls shall be finished in brick, native stone, cast stone, stucco, cementitious board (Hardie), wood or engineered wood. Exterior insulation finishing system (E.I.F.S.) may be used above the first story or a minimum of 12' above grade, whichever is higher. Galvanized or factory finished metal paneling is permitted, but may be used on no more than 50% of exterior elevations.
- C) Change in materials:
Shall occur along a horizontal line (with the heavier material at the bottom), or at the joint along an inside corner. Facades shall include no more than three major materials.

- D) Awnings and canopies:
Shall be made of sheet metal or canvas/poly membrane. Plastic or vinyl awnings are not permitted. Trellises and sun shading devices are recommended and shall be made of wood or metal.

- E) Signage: refer to signage standards (section 9.0)

- F) Bicycle racks:
One bicycle rack shall be provided per 10,000 square feet of occupied building area. Bike racks may be ganged together block-by-block and located in the Passageway Easements.

- G) Roofs:
1) Pitched roofs:
Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile. Composition shingles are permitted only where not visible from a public right-of-way. Pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 3/12. Porch and arcade roofs may be 2/12 min. Pitch. Mansard roofs are not permitted.
2) Flat roofs may be made of built-up roofing or a membrane roofing system.

- 3) Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level from either the front or side. Screening devices may be parapet extensions or free standing and shall be of material similar to the base building.

- H) Glazing:
Glazed openings shall be at least 40 percent of the wall surface along a build-to line at the ground level and 25 percent on upper floors. Glazing shall not exceed 80 percent.

- 1) Framing shall be commercial grade painted wood, aluminum, or steel.
2) Glazing shall be clear; no reflective or spandrel glass is permitted.
3) Window openings shall be vertical or square in proportion.

Section 4.1

Frontage Type F1 : Main Street Commercial

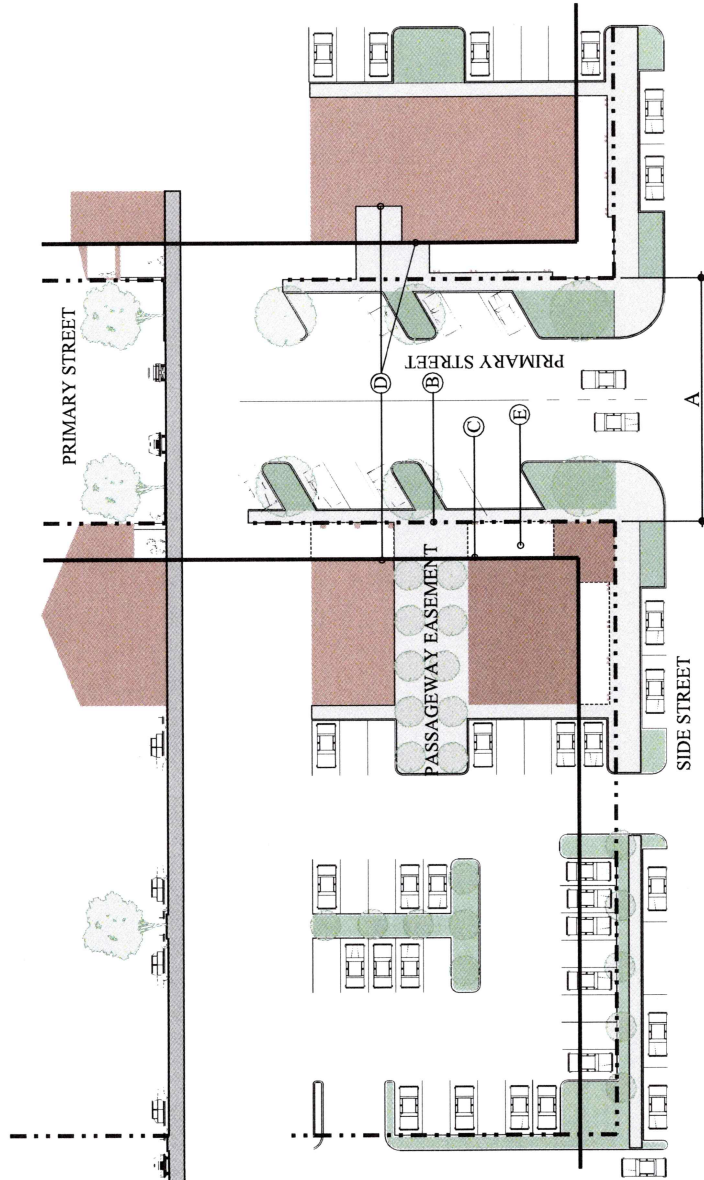


Figure 4.1 Frontage Type - Main Street Commercial

KEYED NOTES

Frontage Type F1: Main Street Commercial

- (A) Right of Way; see street types and standards
- (B) Property Line
- (C) The Build-to-Line, 0' to 10' setback from the property line
- (D) Primary Building Facade; constructed along 80% of the length of the Build-to-Line
- (E) Covered Sidewalk; may encroach in the setback up to the property line, minimum of 8' deep
- (F) First floor elevation flush with sidewalk or fully accessible
- (G) Building height; 2 stories or 25' minimum; 5 stories maximum

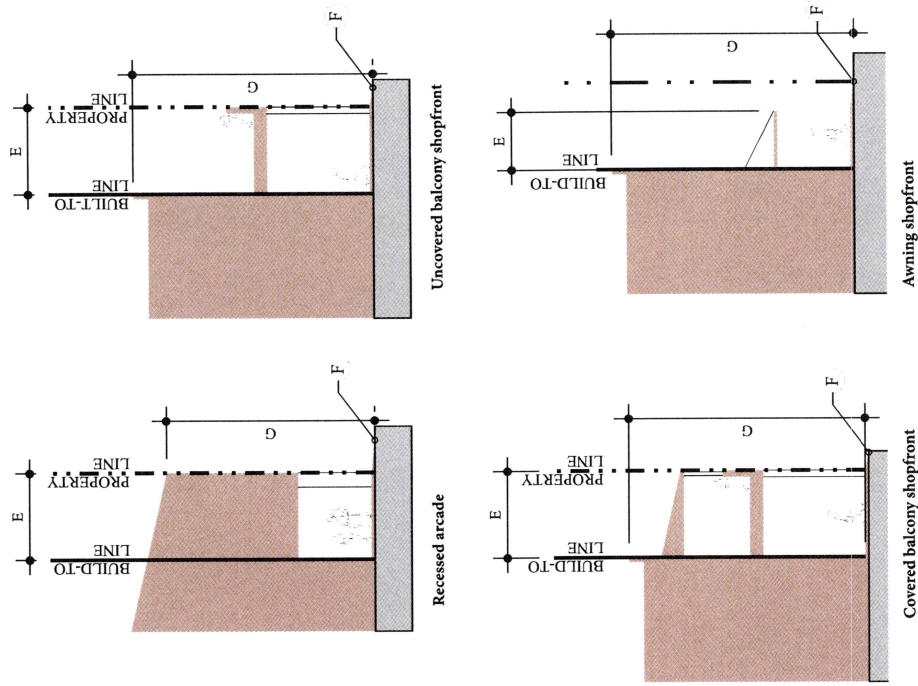


Figure 4.1A
STREET FRONTAGE ARCHITECTURAL OPTIONS

Section 4.2

Frontage Type F2 : Live-Work

4.2.1 DEVELOPMENT REGULATIONS

4.2.1.1 BUILDING PLACEMENT

- A) Build-to Line:
 - 1) Primary building facade shall be constructed along a minimum of 80% of the total length of the Build-to-Line.
- B) Rear and side setbacks:
 - Not required
- D) Encroachment:
 - Corner towers, bay windows, or canopies with occupied or unoccupied space may encroach a maximum of 5' beyond the Build-to-Line. No corner tower shall have more than 300 SF on the ground floor encroaching beyond the Build-to-Line.
 - 1) Stoops, porches or balconies may encroach a maximum of 8' beyond the Build-to-Line.
 - 2) If a stoop is provided, it shall be a minimum of 30 square feet.
 - 3) Stoops and/or porches shall be spaced no more than 60 linear feet along the Build-to-Line within a single parcel.
- E) Pedestrian Passageways:
 - None required
- F) Covered sidewalks:
 - Not required
- J) 1st Floor Elevation:
 - The finish floor of the first level shall be at grade with street sidewalk or made accessible to disabled persons in compliance with the Americans With Disabilities Act and Texas accessibility standards.
- K) Minimum and Maximum Wall Height:
 - The maximum building height shall be three stories. Buildings shall be a minimum of two stories at the primary building facade.

4.2.1.2 PARKING

- A) Parking spaces shall be 9' in width by 18' depth, up to 10% of the total spaces may be assigned as oversized spaces with a width of 10' and a depth of 20'.
- B) On-site parking is allowed only at the rear of the building.
- C) On-Street Parking in front of building may be used to satisfy minimum parking requirements (see Use Standards below)
- D) Shared Parking Standards:
 - Shared parking standards may replace conventional parking requirements outlined in Use Standards below. Minimum parking requirements may be reduced by 15% percent if shared

parking lots serve more than a single use (e.g. Restaurants and Office)

- E) Parking supply may not exceed the minimum parking requirements outlined in the Use Standards by more than 25%.

F) Parking Garages

Structured parking may be provided for optimal land use efficiency. Parking structure shall meet architectural standards.

4.2.2 USE STANDARDS

4.2.2.1 RETAIL (limited)

- A) Defined Retail Use:
 - Retail uses include commercial enterprises established for the sales of goods and services including shops, entertainment establishments, banking, restaurants, and hotel lobbies and eateries.
 - 1) Retail uses shall provide parking at 4 spaces per 1,000 square feet (maximum of 3,000 square feet)

4.2.2.2 OFFICE (limited)

- A) Office Uses Defined:
 - Office uses are those associated with buildings occupied for the transaction of business, excluding retail and manufacturing.
 - 1) Office uses shall provide parking at 4 spaces per 1,000 square feet (maximum of 3,000 square feet)

4.2.2.3 LODGING (limited)

- A) Lodging Uses Defined:
 - Lodging uses are those associated with buildings occupied for short-term human habitation.
 - 1) Lodging uses shall provide 1 parking space per lodging unit. (maximum of 10 units)

4.2.2.4 RESIDENTIAL

- A) Residential Uses Defined:
 - Residential uses are those associated with buildings occupied for the purpose of long term human habitation, excluding lodging.
 - 1) Residential uses shall provide designated parking at 1.5 spaces per dwelling unit. (no maximum density)
 - 2) Parking for conditional uses and non-conventional unit sizes may be modified with approval of the Town Architect.

4.2.2.5 CONDITIONAL USES

- A) Conditional Uses Defined:
 - Conditional Uses are considered exceptional situations that must have the approval of the Master Developer. The following may be acceptable conditional uses in areas designated F2:
 - 1) Multifamily Residential:
 - Townhouse lots may be combined to create multifamily development parcels. Architectural massing shall remain consistent with that of surrounding uses, as determined by the Town Architect. Multifamily uses shall be allowed a maximum height of 4 stories and not exceed 20 dwelling

- units. A maximum of 25% of all combined F2 and F3 frontage may be used for Multifamily Residential.
- 2) Home occupation permitted

4.2.2.6 PROHIBITED USES

- A) See prohibited use Table 4.01.

4.2.3 ARCHITECTURAL STANDARDS

Architectural standards shall be enforced by the Oasis Master Developer.

4.1.3.1 ARCHITECTURAL CHARACTER

All architectural design shall reflect the vernacular traditions of the West Texas region. The following architectural standards allow for a variety of interpretations, both contemporary and historicist.

A) Building massing and facades:

No single building facade type shall exceed 90' in length along the primary Build-to-Line; change in massing or materials shall constitute a change in facade type.

B) Exterior walls:

All exterior-building walls shall be finished in brick, native stone, cast stone, stucco, cementitious board (Hardie), wood or engineered wood. Exterior insulation finishing system (E.I.F.S.) may be used above the first story or a minimum of 12' above grade, whichever is higher. Galvanized or factory finished metal paneling is permitted, but may be used on no more than 50% of exterior elevations.

C) Change in materials:

Shall occur along a horizontal line (with the heavier material at the bottom), or at the joint along an inside corner. Facades shall include no more than three major materials.

D) Awnings and canopies:

Shall be made of sheet metal or canvas/poly membrane. Plastic or vinyl awnings are not permitted. Trellises and sun shading devices are recommended and shall be made of wood or metal.

E) Signage: refer to signage standards (section 9.0)

F) Bicycle racks:

One bicycle rack shall be provided per 10,000 square feet of occupied building area. Bike racks may be ganged together block-by-block and located in the Passageway Easements.

G) Roofs:

- 1) Pitched roofs:
 - Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile. Composition shingles are permitted only where not visible from a public right-of-way. Pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 3/12. Porch and arcade roofs may be 2/12 min.

- Pitch. Mansard roofs are not permitted.
- 2) Flat roofs may be made of built-up roofing or a membrane roofing system.

- 3) Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level from either the front or side. Screening devices may be parapet extensions or free standing and shall be of material similar to the base building.

H) Glazing:

Glazed openings shall be at least 30 percent of the wall surface along a build-to line at the ground level and 20 percent on upper floors. Glazing shall not exceed 70 percent.

- 1) Framing shall be commercial grade painted wood, aluminum, or steel.
- 2) Glazing shall be clear; no reflective or spandrel glass is permitted.
- 3) Window openings shall be vertical or square in proportion.

Section 4.2
Frontage Type F2 : Live-Work

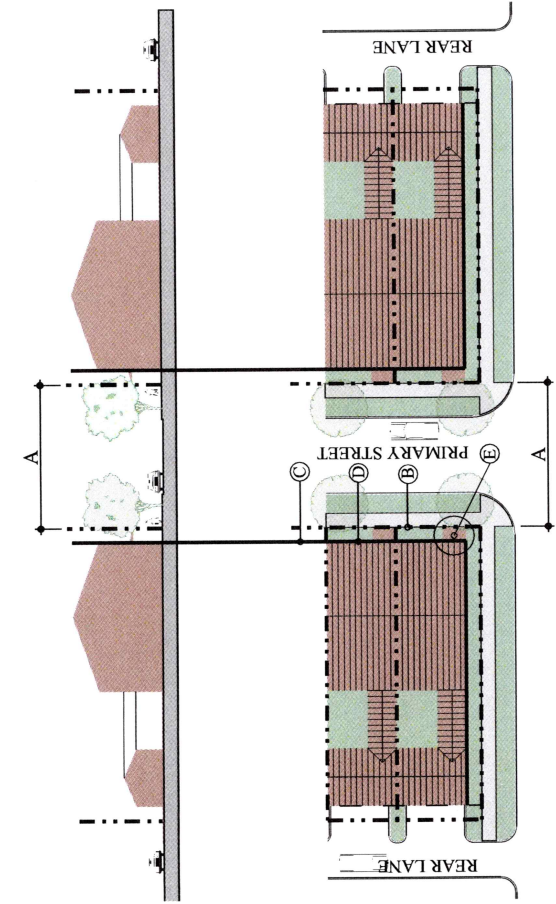


Figure 4.2: Frontage Type - Livework

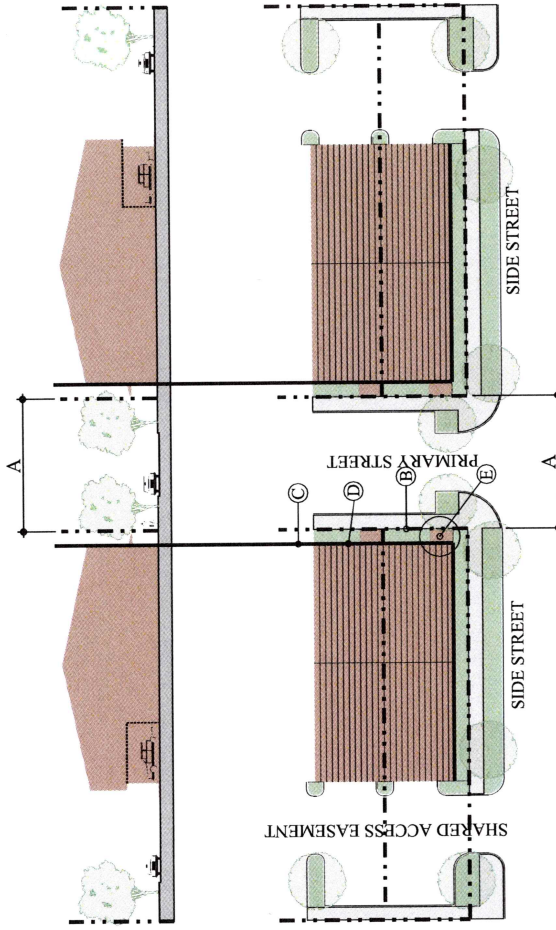


Figure 4.2a
 TYPE F2 with TUCK-UNDER GARAGE

Figure 4.2b
 TYPE F2 with PROJECTING STOOP

KEYED NOTES

Frontage Type F2: Livework

- (A) Right of Way; see street types and standards
- (B) Property Line
- (C) The Build-to-Line, 0' to 10' setback from the property line
- (D) Primary Building Facade; constructed along 80% of the length of the Build-to-Line
- (E) Porch/Stoop Encroachment
- (F) Building height; 2 stories or 25' minimum; 3 stories maximum

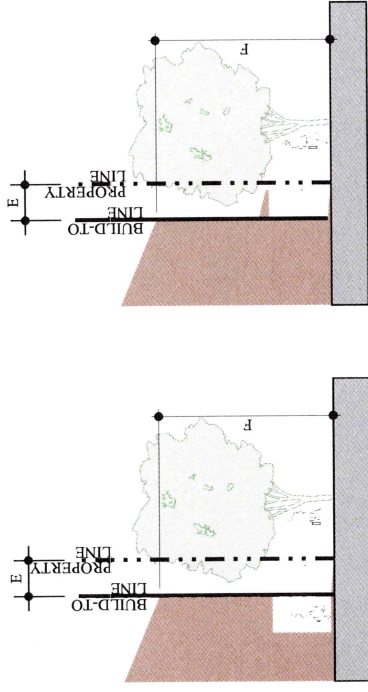


Figure 4.2c
 TYPE F2 with RECESSED STOOP

Figure 4.2d
 TYPE F2 with PROJECTING STOOP

Section 4.3

Frontage Type F3 : Townhouse

4.3.1 DEVELOPMENT REGULATIONS

4.3.1.1 BUILDING PLACEMENT

- A) Build-to Line:
 - 1) 10' setback from the front property line
 - 1) Primary building facade shall be constructed along a minimum of 80% of the total length of the Build-to-Line.
- B) Rear and side setbacks:
 - Not required
- C) Encroachment:
 - Corner towers, bay windows, or canopies with occupied or unoccupied space may encroach a maximum of 3' beyond the Build-to-Line. No corner tower shall have more than 300 SF on the ground floor encroaching beyond the Build-to-Line.
 - 1) Stoops, porches or balconies may encroach a maximum of 8' beyond the Build-to-Line.
 - 2) If a stoop is provided, it shall be a minimum of 30 square feet.
 - 3) Stoops and/or porches shall be spaced no more than 60 linear feet along the Build-to-Line within a single parcel.
- D) Pedestrian Passageways:
 - None required
- E) Covered sidewalks:
 - Not required
- F) 1st Floor Elevation:
 - The finish floor of the first level shall be a minimum of 24 inches above the sidewalk or top of curb.
- G) Minimum and Maximum Wall Height:
 - The maximum building height shall be three stories. Buildings shall be a minimum of two stories at the primary building facade.

4.3.1.2 PARKING

- A) Parking spaces shall be 9' in width by 18' depth, up to 10% of the total spaces may be assigned as oversized spaces with a width of 10' and a depth of 20'.
- B) On-site parking is allowed only at the rear of the building.
- C) On-Street Parking in front of building may be used to supplement minimum parking requirements (see Use Standards below)
- D) Shared Parking Standards:
 - Shared parking standards may NOT replace minimum parking standards in areas designated F3.

- E) Parking supply may not exceed the minimum parking requirements outlined in the Use Standards by more than 15%.
- F) Parking garages shall count as required parking.

4.3.2 USE STANDARDS

4.3.2.4 RESIDENTIAL

- A) Residential Uses Defined:
 - Residential uses are those associated with buildings occupied for the purpose of long term human habitation, excluding lodging.
 - 1) Residential uses shall provide designated parking at 2 spaces per dwelling unit. (no maximum density)
 - 2) Parking for conditional uses and non-conventional unit sizes may be modified with approval of the Town Architect.

4.3.2.5 CONDITIONAL USES

- A) Conditional Uses Defined:
 - Conditional Uses are considered exceptional situations that must have the approval of the Town Architect or district Design Review Board. The following may be acceptable conditional uses in areas designated F3:
 - 1) Multifamily Residential:
 - Townhouse lots may be combined to create multifamily development parcels. Architectural massing shall remain consistent with that of surrounding uses, as determined by the Town Architect. Multifamily uses shall be allowed a maximum height of 4 stories and not exceed 20 dwelling units. A maximum of 25% of all combined F2 and F3 frontage may be used for Multifamily Residential.
 - 2) Home occupation permitted

4.3.2.6 PROHIBITED USES

- A) See prohibited use Table 4.01.

4.3.3 ARCHITECTURAL STANDARDS

Architectural standards shall be enforced by the Oasis Master Developer.

4.3.3.1 ARCHITECTURAL CHARACTER

All architectural design shall reflect the vernacular traditions of the Central Texas region. The following architectural standards allow for a variety of interpretations, both contemporary and historicist.

- A) Building massing and facades
 - No single building facade type shall exceed 30' in length along the primary Build-to-Line; change in massing or materials shall constitute a change in facade type.
- B) Exterior walls:
 - All exterior-building walls shall be finished in brick, native stone, cast stone, stucco, cementitious board (Hardie), or wood. Exterior insulation finishing system (EIFS) may not be used.

Galvanized or weathered metal paneling is permitted, but may be used on no more than 50% of exterior elevations.

- C) Change in materials:
 - Shall occur along a horizontal line (with the heavier material at the bottom), or at the joint along an inside corner. Facades shall include no more than three major materials.

- D) Awnings and canopies:
 - Shall be made of sheet metal or canvas membrane. Plastic, fabric or vinyl awnings are not permitted. Trellises and sun shading devices are recommended and shall be made of wood or metal.

E) Roofs

- 1) Pitched roofs:
 - Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile. No composition shingles are permitted.
 - Pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 3/12. Porch and arcade roofs may be 2/12 min. Pitch. Mansard roofs are not permitted.
- 2) Flat roofs may be made of built-up roofing or a membrane roofing system.
- 3) Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.

Section 4.3

Frontage Type F3 : Townhouse

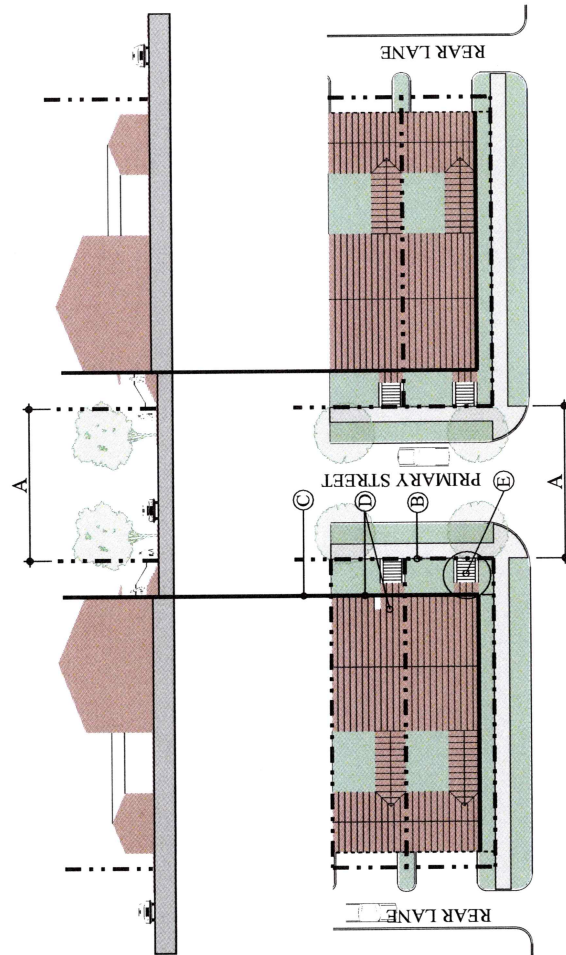


Figure 4.3: Frontage Type - Townhouse

KEYED NOTES

Frontage Type F3: Townhouse

- (A) Right of Way; see street types and standards
- (B) Property Line
- (C) The Build-to-Line, 10' setback from the property line
- (D) Primary Building Facade; constructed along 80% of the length of the Build-to-Line
- (E) Porch/Stoop Encroachment
- (F) First floor elevation min. 24" above sidewalk
- (G) Building height; 2 stories or 25' minimum; 3 stories maximum

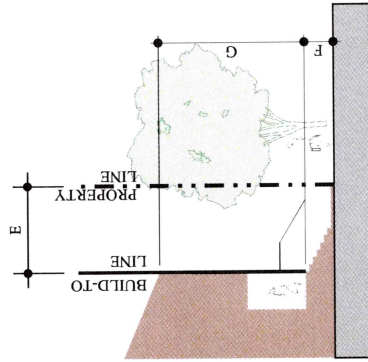


Figure 4.3a
TYPE F3 with RECESSED STOOP

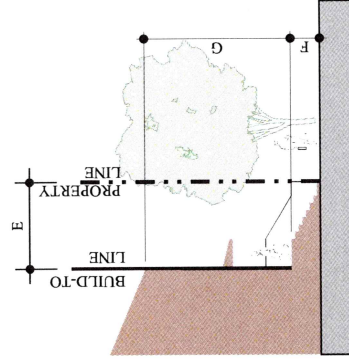


Figure 4.3b
TYPE F3 with PROJECTING STOOP

Section 4.4

Frontage Type F4 : Sideyard House

4.4.1 DEVELOPMENT REGULATIONS

4.4.1.1 BUILDING PLACEMENT

- A) Build-to Line:
A 20' setback from the front property line
1) Primary building facade shall be constructed along a minimum of 50% of the total length of the Build-to-Line.
- B) Rear and side setbacks:
1) 5' rear setback
2) 2.5' side setback on one side; 10' side setback on opposite side.
3) 10' street sideyard setback where the lot occupies the end of a block.
- D) Encroachment:
Corner towers, bay windows, or canopies with occupied or unoccupied space may encroach a maximum of 3' beyond the Build-to-Line. No corner tower shall have more than 300 SF on the ground floor encroaching beyond the Build-to-Line.
1) Stoops, porches or balconies may encroach a maximum of 10' beyond the Build-to-Line.
2) If a stoop is provided, it shall be a minimum of 30 square feet.
3) If a porch is provided, it shall be a minimum of 8' deep.
- E) Pedestrian Passageways:
None required
- F) Covered sidewalks:
Not required

J) 1st Floor Elevation:
The finish floor of the first level shall be a minimum of 24 inches above the sidewalk.

K) Minimum and Maximum Wall Height:
The maximum building height shall be two and one-half stories. Buildings shall be a minimum of two stories at the primary building facade.

4.4.1.2 PARKING

- A) Off street parking spaces shall be 9' in width by 18' depth, up to 10% of the total spaces may be assigned as oversized spaces with a width of 10' and a depth of 20'.
- B) On-site parking is allowed only at the rear of the building.
- C) On-Street Parking in front of building may be used to supplement minimum parking requirements (see Use Standards below)

D) Shared Parking Standards:
Shared parking standards may NOT replace minimum parking standards in areas designated F4.

E) Parking supply may not exceed the minimum parking requirements outlined in the Use Standards by more than 15%.

F) Parking garages shall count as required parking

4.4.2 USE STANDARDS

4.4.2.4 RESIDENTIAL

- A) Residential Uses Defined:
Residential uses are those associated with buildings occupied for the purpose of long term human habitation, excluding lodging.
1) Residential uses shall provide designated parking at 2 spaces per dwelling unit plus 1 space per accessory dwelling unit (no maximum density)
2) Parking for conditional uses and non-conventional unit sizes may be modified with approval of the Town Architect.

4.4.2.5 CONDITIONAL USES

- A) Conditional Uses Defined:
Conditional Uses are considered exceptional situations that must have the approval of the Town Architect. The following may be acceptable conditional uses in areas designated F4:
1) Multifamily Residential is not permitted
2) Home occupation permitted
3) Ancillary units permitted

4.4.2.6 PROHIBITED USES

- A) See prohibited use Table 4.01.

4.4.3 ARCHITECTURAL STANDARDS

Architectural standards shall be enforced by the Oasis Master Developer.

4.4.3.1 ARCHITECTURAL CHARACTER

All architectural design shall reflect the vernacular traditions of the Central Texas region. The following architectural standards allow for a variety of interpretations, both contemporary and historicist.

- A) Building massing and facades
No single building facade type shall exceed 30' in length along the primary Build-to-Line; change in massing or materials shall constitute a change in facade type.

- B) Exterior walls:
All exterior-building walls shall be finished in brick, native stone, cast stone, stucco, cementitious board (Hardie) or wood. Exterior insulation finishing system (E.I.F.S.) may not be used. Galvanized or weathered metal paneling is permitted, but may be used on no more than 50% of exterior elevations.

C) Change in materials:
Shall occur along a horizontal line (with the heavier material at the bottom), or at the joint along an inside corner. Facades shall include no more than three major materials.

D) Awnings and canopies:
Shall be made of sheet metal or canvas membrane. Plastic, fabric or vinyl awnings are not permitted. Trellises and sun shading devices are recommended and shall be made of wood or metal.

G) Roofs

- 1) Pitched roofs:
Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile. No composition shingles are permitted. Pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 3/12. Porch and arcade roofs may be 2/12 min. Pitch. Mansard roofs are not permitted.
- 2) Flat roofs may be made of built-up roofing or a membrane roofing system.
- 3) Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.

Section 4.4

Frontage Type F4 : Sideyard House

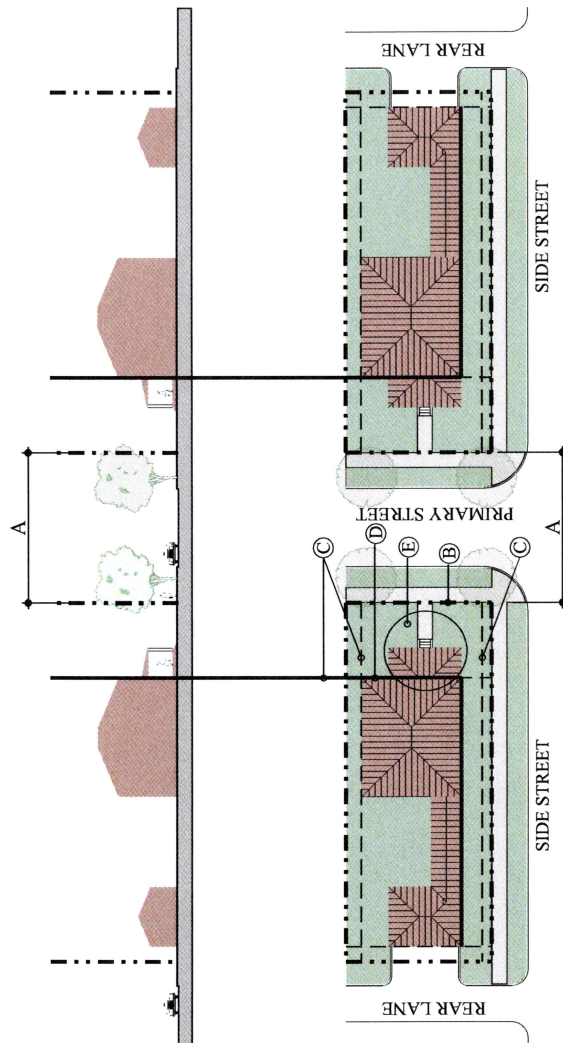


Figure 4.4: Frontage Type - Sideyard

KEYED NOTES

Frontage Type F4: Sideyard

- (A) Right of Way; see street types and standards
- (B) Property Line
- (C) The Build-to-Line, 20' setback from the front property line, 5' rear and side setback, 2.5' side setback on one side.
- (D) Primary Building Facade; constructed along 80% of the length of the Build-to-Line
- (E) Porch/Stoop Encroachment
- (F) First floor elevation min. 24" above sidewalk
- (G) Building height; 2 stories or 25' minimum; 2.5 stories maximum

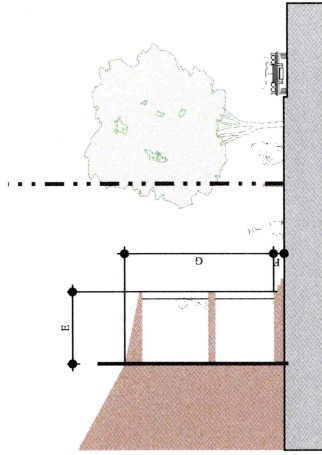


Figure 4.4a
TYPE F4 with COLONNADE

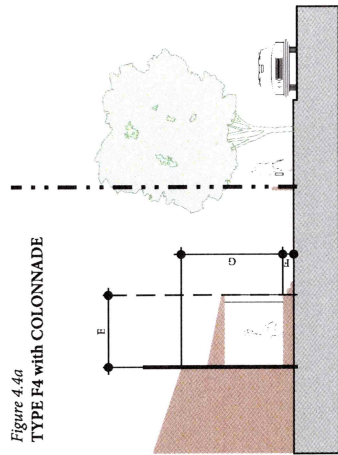


Figure 4.4b
TYPE F4 with ONE STORY PORCH

Section 4.5

Frontage Type F5 : Education (Special District)

4.4.1 DEVELOPMENT REGULATIONS

4.4.1.1 BUILDING PLACEMENT

- A) Build-to Line:
A 90' setback from the front property line
1) Primary building facade shall be constructed along a minimum of 50% of the total length of the Build-to-Line.
B) Rear and side setbacks:
1) 5' rear setback
2) 5' side setback
D) Encroachment:
Corner towers, or canopies with occupied or unoccupied space may encroach a maximum of 30' beyond the Build-to-Line. No corner tower shall have more than 1,000 SF on the ground floor encroaching beyond the Build-to-Line.

E) Pedestrian Passageways:
None required

F) Covered sidewalks:
Recommended for primary student entries.

J) 1st Floor Elevation:
The finish floor of the first level shall be at grade with street sidewalk or made accessible to disabled persons in compliance with the Americans With Disabilities Act and Texas accessibility standards.

K) Minimum and Maximum Wall Height:
The minimum building height shall be two and maximum five stories. Ancillary structures may be one story.

4.4.1.2 PARKING

- A) Parking spaces shall be 9' in width by 18' depth, up to 10% of the total spaces may be assigned as oversized spaces with a width of 10' and a depth of 20'.
B) On-site parking is allowed only behind the building.
C) On-Street Parking in front of building may be used to satisfy visitor parking requirements.
D) Shared Parking Standards:
Shared parking standards may NOT replace minimum parking standards in areas designated F5.
E) Parking supply may not exceed the minimum parking requirements outlined in the Use Standards by more than 15%.

4.4.2 USE STANDARDS

4.4.2.4 EDUCATIONAL

A) Educational Uses Defined:
Educational uses are those associated with buildings occupied for the purpose of educational instruction and related services, for public school grades Pre-K through 12.
1) Educational uses shall provide designated parking at one space per 400 gross square feet excluding ancillary structures, play fields, etc not to exceed 200 spaces. Visitor spaces shall be included in the total parking allowed.

4.4.2.5 CONDITIONAL USES

None are allowed.

4.4.2.6 PROHIBITED USES

A) See prohibited use Table 4.01.

4.4.3 ARCHITECTURAL STANDARDS

Architectural standards shall be enforced by the Oasis Master Developer.

4.4.3.1 ARCHITECTURAL CHARACTER

All architectural design shall reflect the vernacular traditions of the West Texas region. The following architectural standards allow for a variety of interpretations, both contemporary and historic.

- A) Building massing and facades
No single building facade type shall exceed 180 feet in length along the primary Build-to-Line; change in massing or materials shall constitute a change in facade type.
B) Exterior walls:
All exterior-building walls shall be finished in brick, native stone, cast stone, stucco or cementitious board (Hardie). Exterior insulation finishing system (E.I.F.S.) may not be used. Galvanized or factory finished metal paneling is permitted, but may be used on no more than 50% of exterior elevations.

C) Change in materials:
Shall occur along a horizontal line (with the heavier material at the bottom), or at the joint along an inside corner. Facades shall include no more than three major materials.

D) Awnings and canopies:
Shall be made of factory finished metal or other permanent roofing materials. Plastic, fabric or vinyl awnings are not permitted. Trellises and sun shading devices are recommended and shall be made of wood or metal.

G) Roofs

- 1) Pitched roofs:
Pitched roofs may be clad in factory finished or galvanized

metal, clay or concrete tile. No composition shingles are permitted. Pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 3/12. Canopy, colonnade and arcade roofs may be 1/12 min. Pitch. Mansard roofs are not permitted.
2) Flat roofs may be made of built-up roofing or a membrane roofing system.
3) Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level, including adjacent public rights-of-way.

Section 4.5
Frontage Type F5 : Education (Special District)

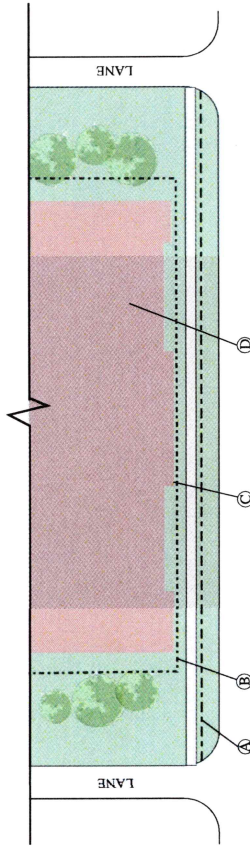


Figure 4.5: Frontage Type - Education

KEYED NOTES

Frontage Type F5: Education

- (A) Right of Way; see street types and standards
- (B) Property Line:
- (C) The Build-to-Line, 10' setback from the property line, 5' rear and side setback
- (D) Primary Building Facade; constructed along 75% of the length of the Build-to-Line
- (E) Porch/Stoop Encroachment
- (F) Building height 2 stories or 25' minimum, 5 stories maximum

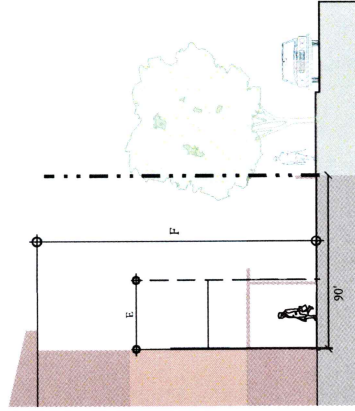


Figure 4.5a
 TYPE F5 with ONE STORY PORCH

Section 5.0
Street Types

HOW DO STREET TYPES AFFECT DEVELOPMENT?

The frontage types outlined in the previous section of these standards are paired with street types to define the general character and quality of public space within the plan. The Regulating Plan defines locations for each street type and frontage type. The remainder of the Development Standards fills in the gaps, specifying landscape and drainage requirements, utility locations, open space programming, etc.

SEQUENCING

All streets within the Oasis PD shall be built in complete block lengths. A block is defined as a section of street from the intersection of one perpendicular street to the next. If the street-type has a parallel alley, the alley and access to it must be built at the same time as the street.

The following street types are detailed in this section:

- MS-78: Main Street 78' R.O.W.
- BVD-VAR: Boulevard Variable R.O.W.
- CS-65: Commercial Street 65' R.O.W.
- CS-60: Commercial Street 60' R.O.W.
- US-50: Urban Street 50' R.O.W.
- US-45: Urban Street 45' R.O.W.
- US-40: Urban Street 40' R.O.W.
- CL-20: Commercial Alley 20' Access Easement
- AL-20: Residential Alley 20' Access Easement

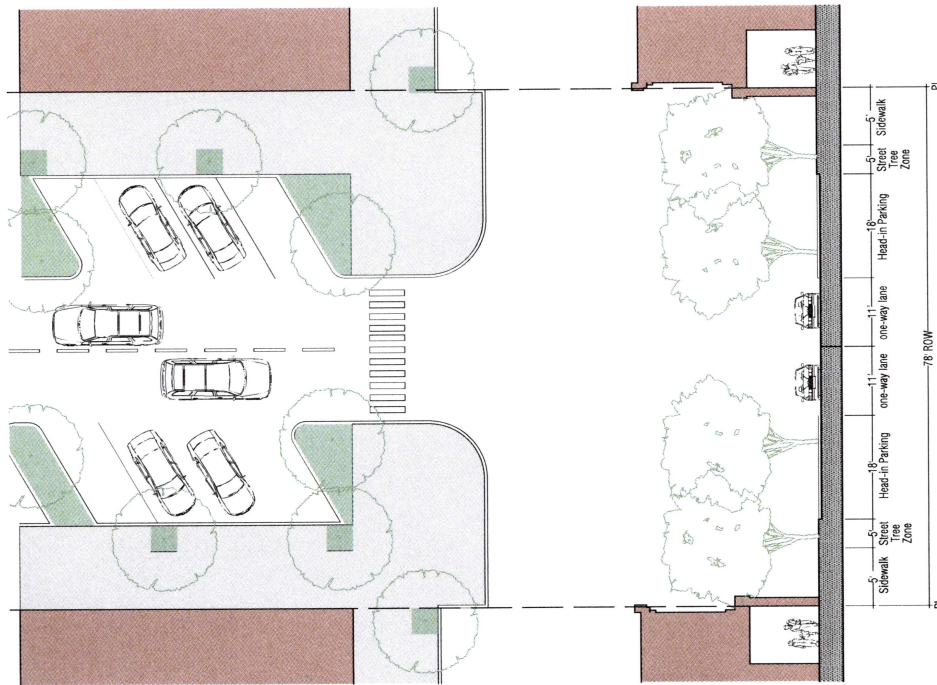
OWNERSHIP AND MAINTENANCE

All streets within the Oasis PD shall be built to meet City of Midland construction standards. However, geometric layout, design speed and details including bulb-outs, pedestrian crossings, sidewalks etc. shall be controlled by this Code.

Maintenance of streets and sidewalks in public rights-of-way shall be performed by a private property owners association as provided for in Section 13.5 of this Code.

Section 5.1

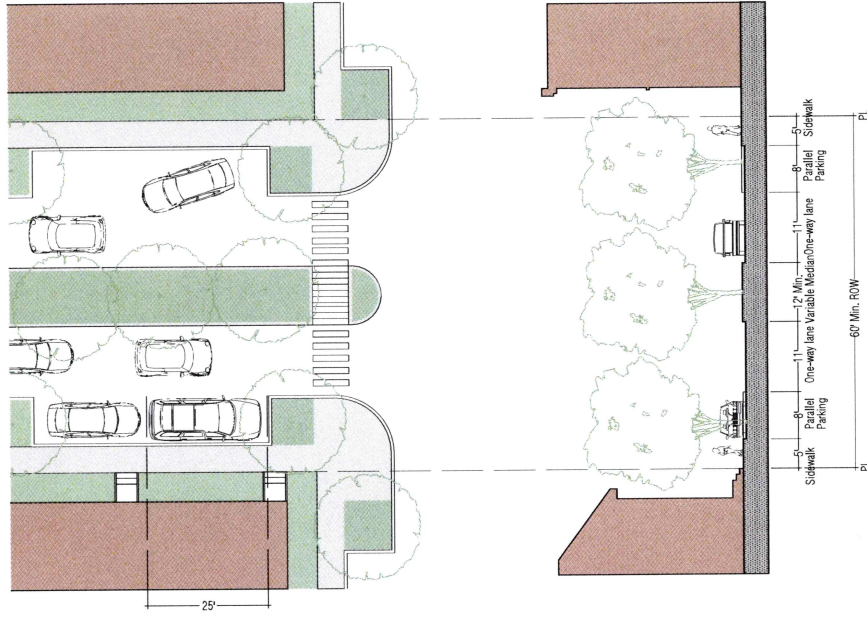
Street Type MS-78 : Main Street 78' R.O.W.



ROW	78'
DESIGN SPEED	25 mph
PAVEMENT WIDTH	58'
PARKING	Head-in both sides
CURB RADIUS	20' radius at street corners
STREET TREES	50' o.c. max.
MIN. CENTERLINE RADII	166'

Section 5.2

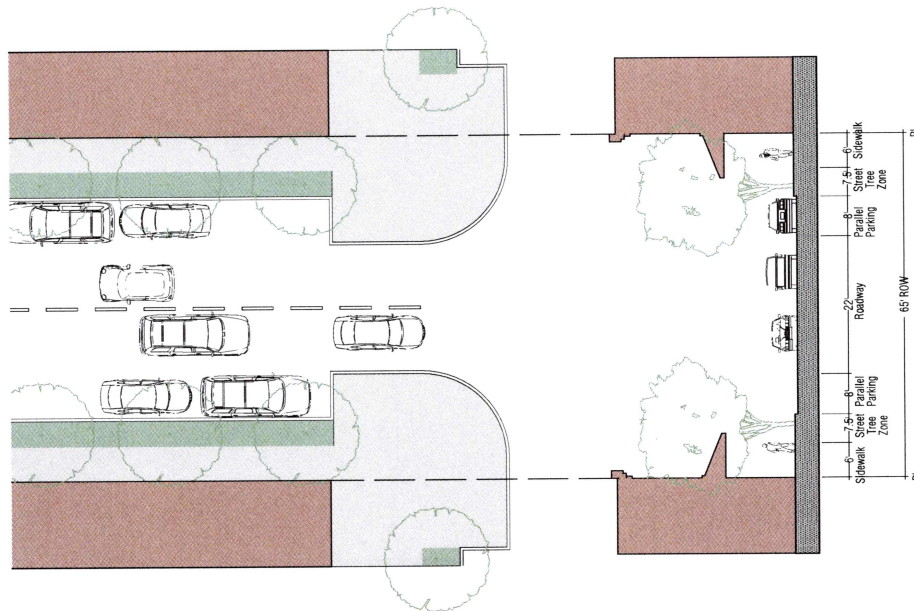
Street Type BVD-VAR : Boulevard Variable R.O.W.



ROW	Min. 60'
DESIGN SPEED	25 mph
PAVEMENT WIDTH	38'
PARKING	Parallel either side (or none)
CURB RADIUS	20' radius at street corners
STREET TREES	50' o.c.
MIN. CENTERLINE RADII	166'

Section 5.3

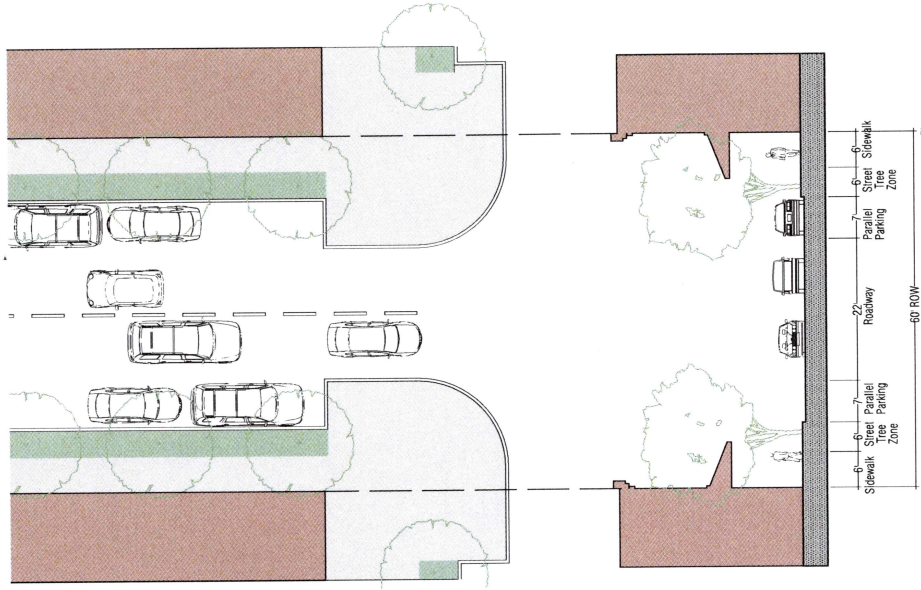
Street Type CS-65 : Commercial Street 65' R.O.W.



ROW	65'
DESIGN SPEED	25 mph
PAVEMENT WIDTH	38'
PARKING	Parallel both sides
CURB RADIUS	20' radius at street corners
STREET TREES	30' o.c.
MIN. CENTERLINE RADII	166'

Section 5.4

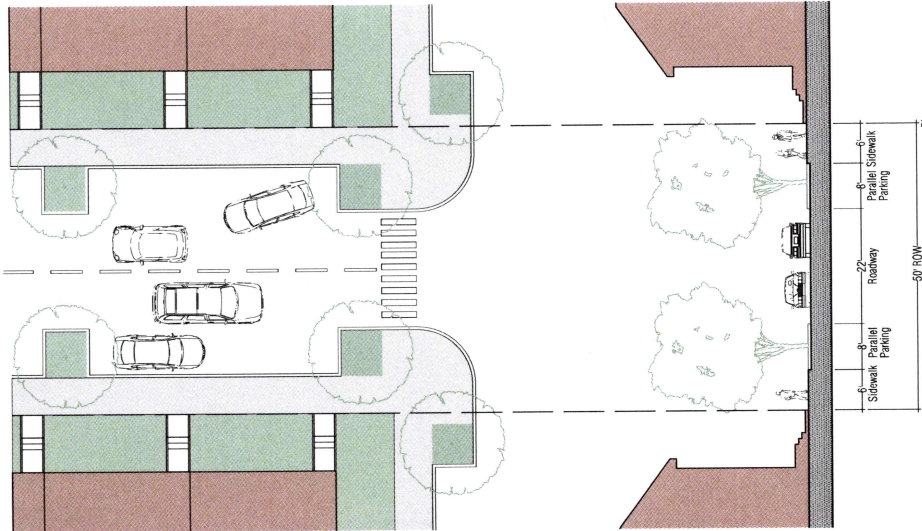
Street Type CS-60 : Commercial Street 60' R.O.W.



ROW	60'
DESIGN SPEED	25 mph
PAVEMENT WIDTH	22'
PARKING	None
CURB RADIUS	20' radius at street corners
STREET TREES	30' o.c.
MIN. CENTERLINE RADII	166'

Section 5.5

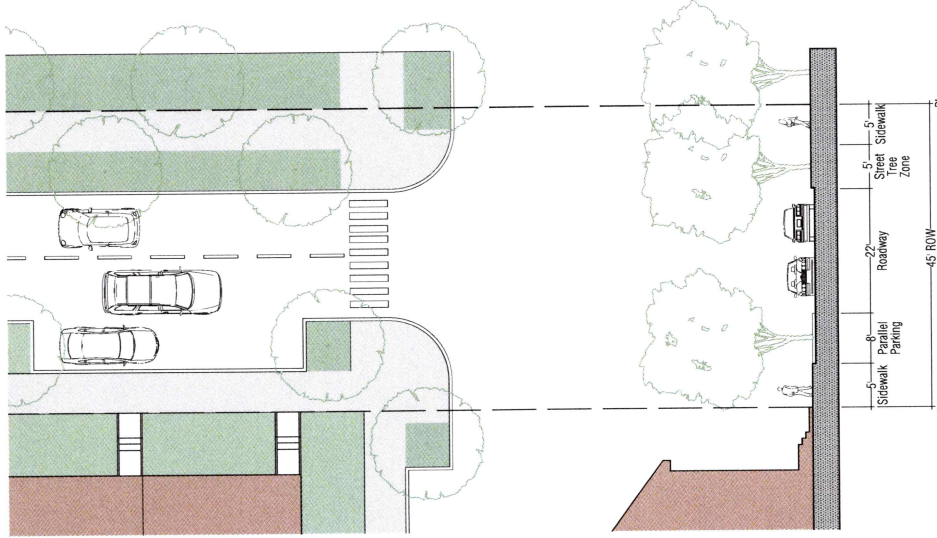
Street Type US-50 : Urban Street 50' R.O.W.



ROW	50'
DESIGN SPEED	20 mph
PAVEMENT WIDTH	38'
PARKING	Parallel both sides
CURB RADIUS	20' radius at street corners
STREET TREES	50' o.c.
MIN. CENTERLINE RADII	90'

Section 5.6

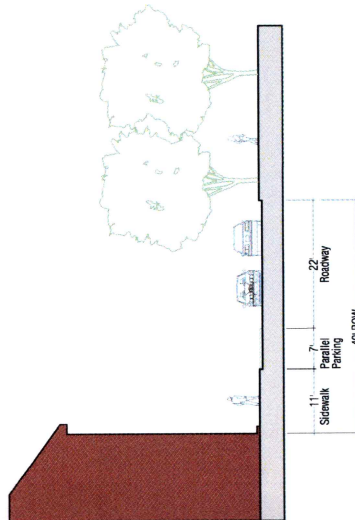
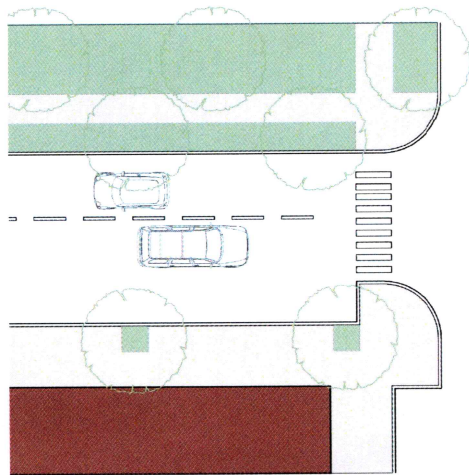
Street Type US-45 : Urban Street 45' R.O.W.



ROW	45'
DESIGN SPEED	20 mph
PAVEMENT WIDTH	30'
PARKING	Parallel Parking one side
CURB RADIUS	20' radius at street corners
STREET TREES	30' o.c.
MIN. CENTERLINE RADII	90'

Section 5.7

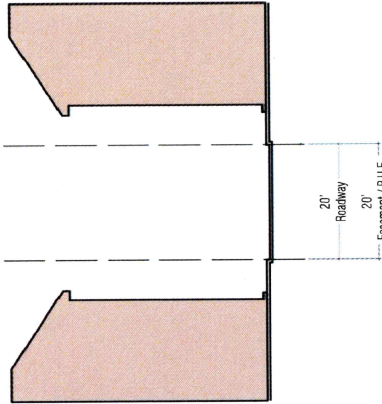
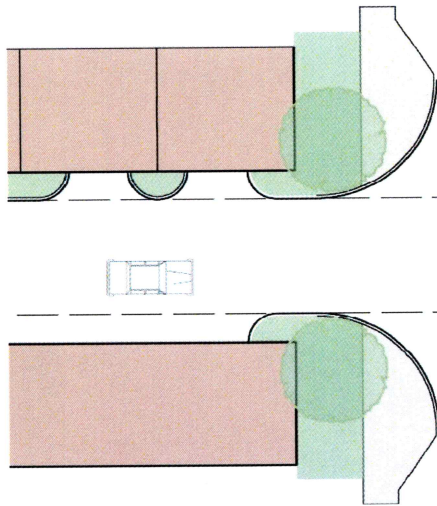
Street Type US-40 : Urban Street 40' R.O.W.



ROW/EASEMENT	40'
DESIGN SPEED	20 mph
PAVEMENT WIDTH	29'
PARKING	Parallel one side
CURB RADIUS	20' radius at street corners
STREET TREES	30' O.C.
MIN. CENTERLINE RADII	90'

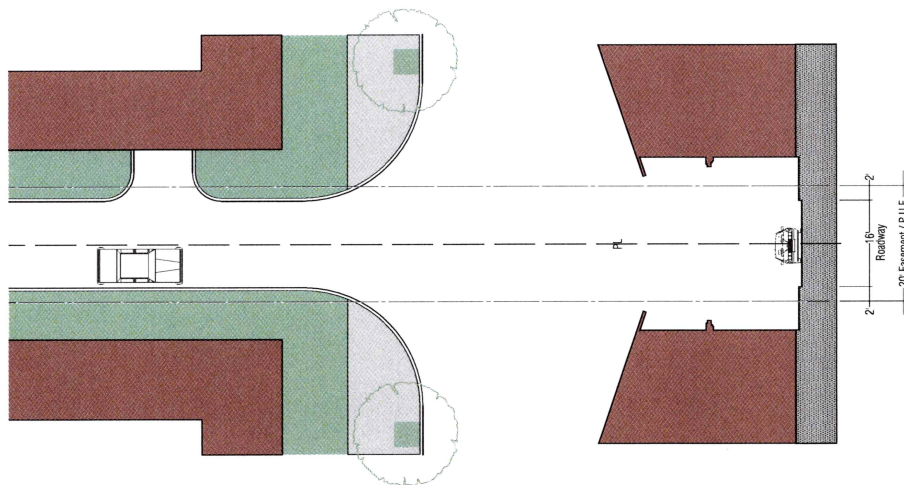
Section 5.8

Street Type CL-20 : Commercial Alley 20' Easement



ROW/EASEMENT	20'
DESIGN SPEED	10 mph
PAVEMENT WIDTH	20'
PARKING	None
CURB RADIUS	20' radius at street corners
STREET TREES	None
MIN. CENTERLINE RADII	50'

Section 5.9
Street Type AL-20 : Residential Alley 20' Easement



ROW/EASEMENT	20'
DESIGN SPEED	10 mph
PAVEMENT WIDTH	16'
PARKING	None
CURB RADIUS	20' radius at street corners
STREET TREES	None
MIN. CENTERLINE RADII	50

Section 6.0 Utility Standards

6.1 UTILITIES

All utilities must be located in 1) a Dedicated Utility Corridor within a Public Right of Way, 2) a public utility easement (P.U.E.) on a lot as indicated on a final plat, 3) or by separate dedication instrument. This includes both Dry Utilities and Wet Utilities. Except for temporary construction site offices, utilities shall be located underground. Dry Utilities in common trenches are allowed, providing required separation distances are maintained. Utilities must follow the pattern in the Typical Utility Corridor Section diagram unless the City Engineer or the City Engineer's designee authorizes deviation from the standards in the diagram.

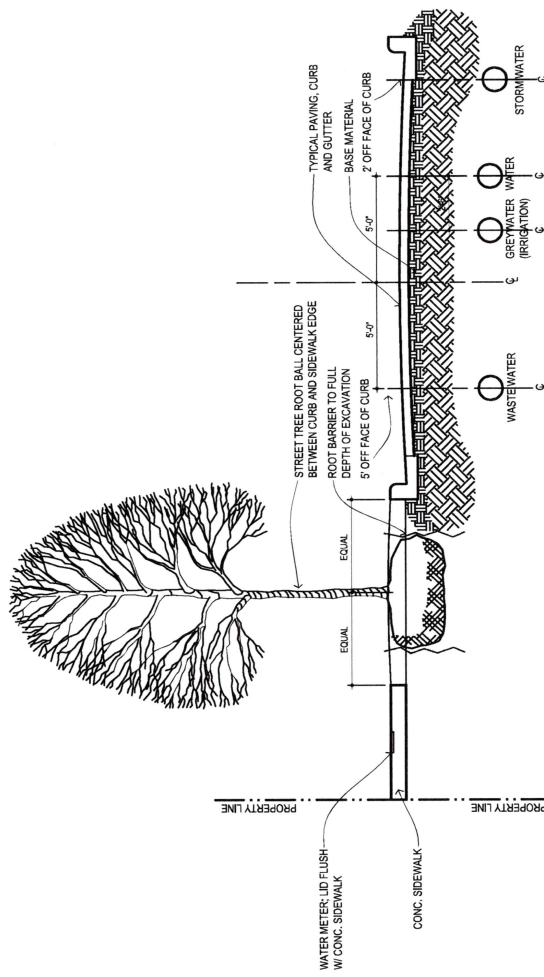


Figure 6a: Typical Utility Corridor Section

Fig. 6b: Assignments



■	WATER METER
●	CLEAN OUT
WW	WASTE WATER
G	GAS LINE
MH	MANHOLE
SL	STREET LIGHT
W	WATER LINE

Section 7.0 Public Space Standards

7.1 INTENT

The following is the intent of the public space standards:

- To create socially active and culturally vibrant public open spaces.
- To create a public open space system which becomes a source of community pride and an attractive feature for encouraging positive town growth.
- To provide for a range of public open space types for community use from highly developed public squares to larger more loosely programmed public greens and greenbelts.
- Public Spaces shall be privately owned, developed and maintained and publicly accessible.

7.2 DEFINITIONS & PROGRAMMING

7.2.1 PLAZA

A plaza is an open area adjacent to, or part of, a civic building or facility. Plaza function as gathering places and may incorporate a variety of temporary activities such as vendors and display stands. Plazas shall be no less than 75% paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 3% grade). The following sizes are recommended but may be larger or smaller depending on the building or facility design. The recommended minimum size is 20,000 sq. ft. and the recommended maximum size shall be 50,000 sq. ft.

- Plantings:**
Plaza interiors may be left unplanted or may be planted with shade trees. If a programming element such as an outdoor cafe or seating area is incorporated then trees may be planted to provide shade. Arbors may also be used as shade elements. Street trees shall be planted as per Street Types Standards (see tree list in Landscape Guidelines).
- Public seating:**
Seating should be provided with exposure to both shady and sunny conditions. Benches or seat walls should provide seating for at 10 linear feet of seating per 1,000 square feet or Plaza area.
- Optional programming elements:**
Optional programming elements might be music concerts, festivals, outdoor cafes or vending areas. Other elements may be considered if determined appropriate by the City.

- Street Lamps:**
Street lighting shall be provided along pedestrian path and marking entrances to the Plaza. At least on half of a foot candle of light shall be provided per 20 ft. of perimeter sidewalk. All light lighting shall be Metal Halide or color corrected LED light sources and shall have full cut-off shields to minimize light pollution.
- Irrigation:**
Irrigation is required for all landscaped areas within the Plaza.

7.2.2 SQUARE

An open space, spatially defined by the facades of surrounding buildings (as a room is defined by its walls), usually surrounded by streets on at least two sides. Squares are at the intersection of important streets and are designed to accommodate public gathering and activities, usually with an area set aside for civic structures or monuments.

- Shade Trees:**

Shade trees (no less than 4 caliper inches at installation and container grown) shall be planted at no less than 1 tree per 2,000 sq. ft. Street trees (as required in the Street Types Standards) shall count towards the minimum number of tree planting. Trees shall be limbed up to a minimum of 10' at maturity. (see tree list in Landscape Standards)

- Small Flowering Trees:**
Small Flowering Trees (no less than 2 caliper inches) shall be planted at no less than 1 tree per 2,000 sq. ft. in groupings no greater than 15' on center. (see tree list in Landscape Standards).

- Lawn:**
In areas requiring turfgrass, only shade tolerant varieties of turfgrass shall be allowed. Decomposed granite and other pervious paving is encouraged in all high traffic areas. Mulched beds and native grasses are encouraged to minimize irrigation demand. Solid sod shall have a sandy loam growing soil, not clay.

- Street Lamps:**
Street lighting shall be provided along pedestrian path and marking entrances to the Square. At least on half of a foot candle of light shall be provided per 20 ft. of perimeter sidewalk. All street lighting shall be Metal Halide or color corrected LED light sources and shall have full cut-off shields to minimize light pollution.

- Public seating:**
Public seating shall include metal, stone or concrete benches placed along pathways. Seating shall be a minimum of 10 linear ft. of seating per 1,000 sq. ft. of square area. Other seating alternatives may be approved or by the Town Architect if they meet the criteria of long term durability and minimal susceptibility to vandalism.

- Irrigation:**
Irrigation is required for all landscaped areas. Irrigation shall be minimized through the use of native and drought resistant landscaping.

- Drinking fountains:**
At least two (2) shall be provided within a Square.

- Other elements:**
Plaza or Square shall incorporate at least one of the following as a primary organizing element to be approved by the Town Architect:

- Fountain or water feature
- Monument, sculpture or statue
- Gazebo, covered pavilion, or shade structure

7.2.3 GREEN

A Green is similar to a Square in that it is spatially defined by the facades of surrounding buildings surrounded by streets on at least two sides. A Green is more informally planted than a Square.

- Shade Trees:**
Shade trees (no less than 4 caliper inches and container grown) shall be planted at no less than 1 tree per 4,000 sq. ft. Street trees (as required in the Street Types Standards) shall count towards the minimum number of tree planting. Trees shall be limbed up to a minimum of 10' at maturity. (see tree list in Landscape Standards)

- Lawn:**
In areas requiring turfgrass, only shade tolerant varieties of



Figure 7a
PLAZA



Figure 7b
SQUARE



Figure 7c
GREEN

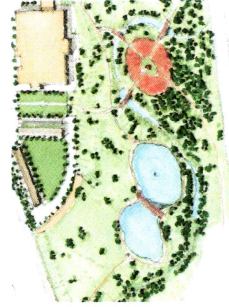


Figure 7d
GREENBELT

turfgrass shall be allowed. Decomposed granite and other pervious paving is encouraged in all high traffic areas. Mulched beds and native grasses are encouraged to minimize irrigation demand.

- Street Lamps:**
At least 1/2 of a foot candle of light shall be provided per 50 ft. of perimeter sidewalk. All street lighting shall be Metal Halide or color corrected LED light sources and shall have full cut-off shields to minimize light pollution.

- Public seating:**
Public seating shall include metal, stone or concrete benches placed along pathways. Seating shall be a minimum of 10 linear ft. of seating per 2,000 sq. ft. of Green area. Other seating alternatives may be approved or by the Town Architect if they meet the criteria of long term durability and minimal susceptibility to vandalism.

- Irrigation:**
Irrigation is required for all landscaped areas. Irrigation shall be minimized through the use of native and drought resistant landscaping.

7.2.4 GREENBELT

Greenbelts are linear greenways or natural preserves which may feature walking or cycling trails and serve to buffer a neighborhood from surrounding non-compatible uses such as highway corridor or industrial district.

Uses may include large scale recreational uses such as golf courses, multiple playing fields, hike and bike trails or other program elements that help to create a green buffer. There are no tree planting requirements along ROW's for greenbelts. Greenbelts shall integrate the existing natural landscape. Newly landscaped area shall be compatible with existing vegetation. Shade trees shall be planted at 1 per 100 linear feet of trail and shall be 2" caliper container grown or 3" balled and burlapped or transplanted trees planted in naturalistic pattern.

7.2.5 PARK

An open space defined by surrounding buildings and vegetation and connecting with streets on at least two sides.

- Paving:**
Parks shall be naturally landscaped, not more than 10% paved.
- Boundaries:**
Parks will be bounded by streets on a minimum of 50% of their perimeter. Parks are encouraged to be entirely bounded by streets.
- Size:**
Minimum size shall be one (1) acre; maximum size shall be three (3) acres. Maximum park size may exceed three (3) acres if through design, the park creates a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features which are an asset to the community (i.e., lake frontage, high ground or significant stands of trees).

7.3 IMPLEMENTATION

All public and private open space improvements shall be constructed or installed at the time of adjacent street and utility infrastructure construction. Park land dedication, fee in lieu or development of parks in value equal to fees in lieu will be accomplished as each 100 dwelling units are platted.

Section 8.0

Landscape Standards

8.1.THE PUBLIC LANDSCAPE

8.1.1 SOIL PRESERVATION

Wherever possible grades for thoroughfare and open spaces shall follow existing topography and drainage patterns. Areas to be left natural shall be fenced and undisturbed during construction. The soil structure for planting strips shall be protected from compaction with protective fencing. During construction, topsoil shall be removed, and stockpiled for later use.

8.1.2 COMPACTION

All planting areas shall be cultivated and top-dressed with organic matter. Deeply compacted areas shall be cultivated to a depth of one foot and top-dressed with an addition of loose topsoil, coarse sand and compost. Ballfields shall be underlain with a mix of coarse sand.

8.1.3 HYDROLOGY / DRAINAGE

All planting areas shall have drainage outlets achieve positive drainage. Playing fields shall be uniformly graded to a 2% -3% slope.

8.1.5 SITE CLEARING / EROSION CONTROL

To prevent erosion, clearing of easements and access routes should not occur more than 60 days prior to construction. Trees to be removed shall be taken down in a manner that will not impact any of the adjacent trees to remain. All trees will have crown and limbs removed before being felled and depending upon the density of vegetation the trunk shall be felled before the stump is removed. It is recommended that limbs and underbrush be chipped shredded and retained on site to be spread as a mulch after construction has finished. The boundary of construction sites shall be marked with a barrier and erosion control fencing on the downhill sides. No clearing operations will be allowed in an unmarked area. When construction is adjacent to a waterway, care should be taken to prevent any excavated material from spilling into the waterway by use of erosion control barriers.

8.1.5 TREE PROTECTION:

Protecting existing trees on site adds value and prevents additional planting costs. In areas of construction where trees are to be preserved, tree protection fencing must be installed and maintained at the dripline. No storage of materials or equipment is allowed within the dripline area of trees to be protected.

With the exception of Protected Trees as defined by the City's General Landscape Ordinance these Oasis landscape standards shall be adhered to in lieu of City's landscape regulations.

8.1.6 PLANT SELECTION

Trees may be selected from the lists outlined below. The use of native shrubs and ground cover species is encouraged given their adaptability to drought and indigenous soil conditions. Plant quality shall follow the highest Nursery Industry Standards.

8.2. PUBLIC OPEN SPACE TREES

8.2.1 STREETS, SQUARES, AND GREENS

The following is a list of trees that may be used in Squares and

Greens, as well as for Street Trees. These trees were selected for their shade providing qualities and their ability to tolerate compaction, drought and pollution typically associated with heavily trafficked areas. Low maintenance and disease resistance are also important qualities for trees in this category. With pruning, these trees have high a branching character so as not interfere with pedestrian and vehicular activities. Street trees shall have a single trunk and should be limbed up to a minimum of 14' at maturity. All street tree plantings shall utilize root barriers to prevent heaving of adjacent paving.

- Live Oak, *Quercus virginiana*
- Bur Oak, *Quercus macrocarpa*
- Texas Red Oak, *Quercus texana*
- Pecan, *Carya illinoensis*
- Bald Cypress, *Taxodium distictum*
- Afghan Pine, *Pinus eldrica*
- Mexican White Oak, *Quercus polymorpha*.

8.2.2 GREENBELT TREES

The following trees may be planted in Greenbelts (as defined in the Open Space Standards) This list of trees was selected for their more naturalistic character which is representative of the above listed public open spaces. Native species are encouraged given their adaptability to native soils and drought conditions:

- Native Large Trees (Mature Height Over 30'):
 - Texas Ash, *Fraxinus texensis*
 - Bald Cypress, *Taxodium distictum*
 - Cedar Elm, *Ulmus crassifolia*
 - Live Oak, *Quercus virginiana*
 - Pecan, *Carya illinoensis*
 - Bur Oak, *Quercus macrocarpa*
 - Chinkapin Oak, *Quercus muhlenbergii*
 - Texas Red Oak, *Quercus texana*
 - Eastern Red Cedar, *Juniperus virginiana*

- Non-Native Large Trees (Mature Height Over 30'):
 - Arizona Cypress, *Cupressus arizonica*
 - Austrian Pine, *Pinus nigra*
 - Goldenraintree, *Koeleruteria paniculata*
 - Italian Stone Pine, *Pinus pinea*
 - Lacebark Elm, *Ulmus parvifolia*

- Native Small Trees (Mature Height 30' or less):

- Crabapple, *Malus spp.*
- Eve's Necklace, *Sophora affinis*
- Goldenball Leadtree, *Leucaena retusa*.
- Mexican Redbud, *Cercis canadensis* var. *mexicana*.
- Mexican-Buckeye, *Ungadia speciosa*.
- Pinyon Pine, *Pinus edulis*.
- Prairie Flameleaf Sumac, *Rhus lanceolata*.
- Texas Mountain Laurel, *Sophora secundiflora*.
- Texas Walnut, *Juglans microcarpa*.
- Desert Willow, *Chilopsis linearis*
- Texas Persimmon, *Diospyros virginiana*
- Texas Pistache, *Pistacia texana*
- Mexican Plum, *Prunus mexicana*

- Texas Redbud, *Cercis canadensis* *texensis*
- Vitex, *Vitex agnus-castus*

- Non-Native Small Trees (Mature Height 30' or less):

- American Smoketree, *Cotinus obovatus*
- Crape Myrtle, *Lagerstroemia indica*
- Chinese Pistache, *Pistacia chinensis*

8.2.3 PARKS

Shade trees shall be 3" caliper container grown or 4" balled and burlapped trees planted in naturalistic pattern. At least 1 tree per 5,000 sf shall be planted. Existing hardwood trees may count toward the minimum number of trees. Trees may be grouped to allow for large lawn cover areas (see tree list in Landscape Standards 8.2.2)

- B) Small Flowering Trees:

Small flowering trees (no less than 2 caliper inches) shall be planted in groupings at no less than 1 per 5,000 SF. (see tree list in Landscape Standards).

- C) Lawns:

Lawns shall include Bermuda grass in sun to partly shade conditions; St. Augustine shall be provided in dense shade. In conditions with a more natural landscape character, coverage should be a mixture of native grass and wildflower seed. This mixture should contain a minimum of three (3) different species of grass and five (5) different species of wildflowers.

- D) Street Lamps:

Street lamps shall be provided along pedestrian paths and at entrances to a Square or Plaza. At least 1/2 of a foot candle must be maintained.

- E) Public seating:

Public seating shall include metal, stone or concrete benches placed along pathways. Seating shall be provided at no less than ten linear feet of seating per 10,000 SF of park area.

- F) Irrigation:

Irrigation is required for all landscaped areas.

8.3 PARKING LOT LANDSCAPES

It is the intent of this section to establish standards in harmony with a city's landscape ordinance. However, due to the different development pattern (i.e. parking behind rather than in front of buildings) these standards shall apply where they may conflict with the landscape ordinance, including the Buffer requirements.

8.3.1 LANDSCAPE ISLANDS

In parking lots, landscaped islands must be provided at the end of all parking rows. Landscaped islands shall have a minimum width of 9 feet measured from back of curb to back of curb. A continuous poured-in-place concrete curb shall be provided around parking islands to prevent vehicular intrusion.

8.3.2 TREE ISLANDS

In addition to landscaping islands at the end of all parking rows,

tree islands shall be incorporated into the parking lot layout every eight spaces to provide for additional shade. Tree islands shall incorporate a continuous poured-in-place concrete curb and shall be a minimum of 5' from back of curb to back of curb.

8.3.3 PARKING LOT TREES

In parking areas, two shade trees shall be planted in landscape islands at the end of all parking rows. A shade tree shall be installed no further than 30' from each stall. In addition, one shade tree will be provided for each five perimeter parking spaces. The parking lot trees will be a minimum 4 inch caliper balled and burlapped or 3 inch caliper container grown.

8.3.4 STREET TREES

Street trees shall be installed in locations shown on Street Types (Section 5.0), and shall be a minimum of 4" caliper, container grown with a minimum branching height of 9'-0".

8.3.5 MAXIMUM AREA OF PARKING SECTIONS

Parking areas shall be broken into individual sections not to exceed 60 cars. Each section shall be separated by a 10' wide major landscaped buffer to provide visual relief.

8.3.6 PARKING LOT SCREENING

Any parking lot fronting along a Build-to-Line shall be landscaped at the perimeter and screened from view. A landscaped strip at least three feet wide shall be planted with a shrub hedge at least 30 inches in height at the time of installation and a mature height of 4' to 5'.

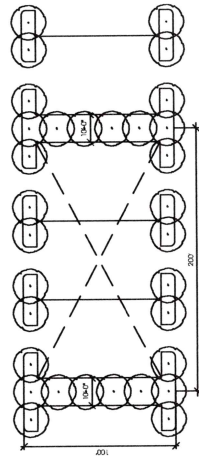


Figure 8a
MAXIMUM PARKING AREA

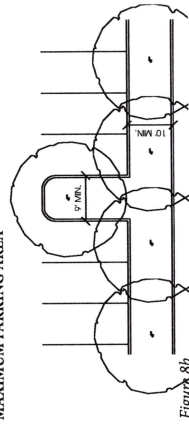


Figure 8b
LANDSCAPE ISLANDS

Section 8.0 Cont. Landscape Standards

Section 9.0 Drainage Standards

8.3.7 STORAGE SCREENING

All loading and storage areas for commercial uses shall be screened from view from public streets and public open space. This provision includes above grade utility transformers, meters, valve boxes or other such apparatus. Screen elements may include permanent walls, fences, plant material or architectural enclosures. Open storage of goods, materials, machinery, equipment, vehicles, plants, trash or other items shall be similarly screened from public view.

8.3.8 IRRIGATION

All landscape areas shall be irrigated with the exception of natural areas and undeveloped areas. All irrigation systems are to be below ground, fully automated systems and in compliance with applicable building code requirements. The use of drip irrigation for shrubs and trees is acceptable. All backflow control devices are to be installed in below-grade Valve boxes or located and screened so that they are not visible from public streets or parking lots. All parking areas, drives and walks are to be "trimmed" to minimize spray onto pavements. Owners shall be required to irrigate to back of the curb of public roads. Oasis will provide reclaimed waste water to all irrigation users.

8.3. EXISTING TREE LOCATIONS

If specimen quality existing trees of 16" DBH or greater are encountered in tree surveys subsequent to the formulation of these standards, modifications to the layout of streets and walks may be considered. Refer to section 11.0 for Revisions to the Regulating Plan.

8.4 IMPLEMENTATION

All public landscape improvements shall be constructed or installed at the time of adjacent street and utility infrastructure construction.

9.1 STORM WATER MANAGEMENT

A Regional Storm Water Management approach is desirable for the Oasis District. The benefits of a regional approach to providing storm water detention over an on-site approach are many. They include the following:

- A greater level of confidence in the hydraulic performance of the regional facilities;
- Less land area required thus increasing taxable land base in the District;
- Centralized, focused long term maintenance and thus a greater level of confidence in the long term function of the regional facility;
- Less overall construction, design, and administration costs;
- The ability to combine the regional facilities into an amenity area.

9.2 DRAINAGE STANDARDS

The Oasis District is anticipated to be a moderately high density and impervious cover area and as such the management of storm water runoff will be essential and critical to the ongoing health, safety, and welfare of not only the District, but also areas downstream of the District.

9.3 FLOODING CONDITIONS

There is increased potential for downstream erosion and degradation of water quality due to the increase in frequency of storm water runoff by the smaller more frequent storm events and corresponding increase in storm runoff volume. The increase in volume of runoff and frequency of storm water runoff events will have the effect of eroding the natural downstream waterways and further the potential for flooding. The effects of this can be mitigated by providing detention for the higher frequency (smaller) storm events and/or providing extended detention or a combination of detention/retention.

9.4 REGIONAL DETENTION

Due to the location of the Oasis District and its direct interface with the Midland County detention facility, accommodating approximately the north half of the project. The south half of the project shall drain to a combination of common area detention facilities.

9.5 WET PONDS

Detention may be combined with irrigation reservoirs and/or aesthetic ponds. Sufficient free board shall be designed into the pond to allow for adequate detention volume. These ponds may also be used to create man made wetlands where appropriate.

9.6 TIME OF IMPLEMENTATION

As with open space and landscape improvements, the implementation of drainage and water quality improvements outlined in this section shall be simultaneous with the development of sub basin served by the various drainage phases.

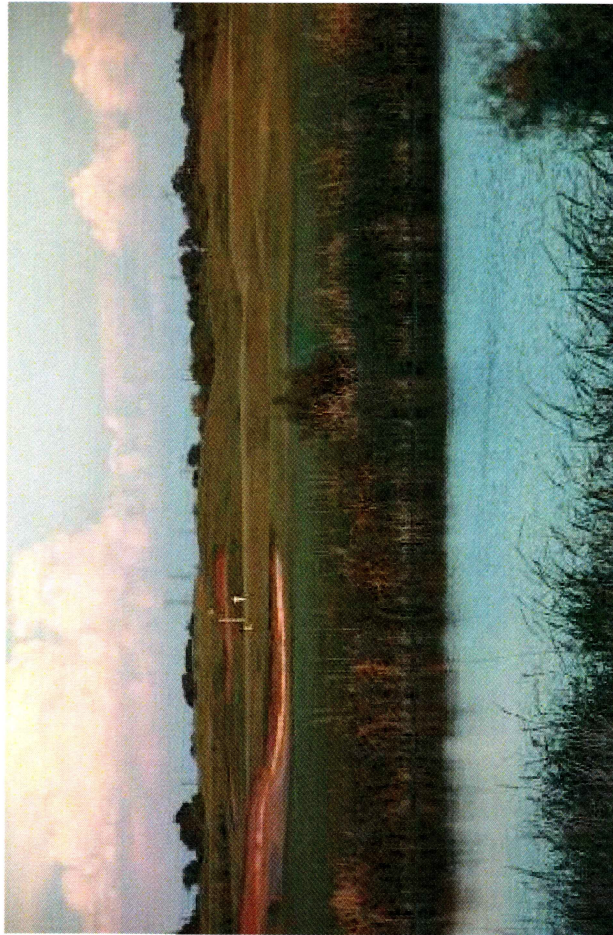


Figure 9a: Storm water management facilities can become a community amenity. (Hogan Park Golf Course, Midland, TX)

Section 10.0 **Bike Path Plan**

LEGEND

- 10' - 12' Bikeway
- 6' - 7' Bike lane / track buffered
- Signed bike paths on regular streets
- Signed crosswalk



Section 11.0 Lighting Standards

11.1 GENERAL INTENT

A) Street lights shall be decorative and blend with the architectural style of the buildings in the Oasis District. Exterior lighting in the Public Right-of-Way will be coordinated with the electric utility provider. Standards for exterior lighting of private development such as parking areas and public spaces shall be subject to the regulations below and enforced by the Master Developer.

B) Street lights and site lights shall provide adequate lighting, while minimizing adverse impacts, such as glare and upward oriented glow. House side shields shall be provided where abutting a residential use. Dark Sky protocols shall be integrated to the greatest extent possible.

11.2 PLACEMENT

A) Along all commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and common open spaces, twelve to fourteen foot high decorative light posts shall be provided at regular intervals. Post shall be spaced at no greater than 60 feet on center on both sides of a commercial or main street and at all street intersections. Lighting on residential streets should be confined to the intersections and corners.

Lighting standards shall be consistent throughout each district.

1) Lighting level along commercial streets shall be no less than one-half foot candle and shall be no greater than two foot candles.

2) Lighting level at an intersection of two residential streets (excluding alleys or access easements) shall be no less than one foot candle and shall be no greater than three foot candles.

3) Lighting level at an intersection of a commercial street and any other street (excluding alleys or access easements) shall be no less than one foot candle and shall be no greater than three foot candles.

4) Lighting level in parking lots shall be no less than one foot candle and shall be no greater than two foot candles.

B) In parking lots, post heights may be extended to a maximum of 18 feet.

11.3 TYPES

A) Use of metal halide or color corrected LED light sources are required. High pressure and sodium and non-color corrected mercury vapor light sources may be considered in special circumstances.

B) Porch light and yard post lighting are encouraged in residential areas. Where yard post lighting is used post and luminaires shall be of compatible styles.



Section 12.0 Signage Standards

12.1 INTENT

The following Standards address the number, location, size and types of allowable signs throughout the Oasis District. These signage standards take precedent over the Midland Signage Ordinance and shall be enforced by the Master Developer. Where this section is silent, the standards of the Midland Sign Ordinance, if any, shall apply.

12.2 TYPE AND PLACEMENT

12.2.1 SIGNS AND EXTERIORS

Signage should be designed to directly relate to the exterior design of the building. Signage should not cover important features or cross transitions between features. Signage should be at the first floor level, should not project above the cornice or fascia line, and should be primarily oriented to the pedestrian with the exception of the commercial district. However, lettering on second story windows, to identify separate uses located there, is appropriate. Anchor tenants (10,000 sq. ft. or greater) may place signage to within two feet of highest point of facade.

12.2.2 PROJECTING SIGNS

Signs should generally be flush with the facade and not protrude more than eight (8) inches from the wall. Projecting signs may be considered when the sign does not conflict with the building's exterior design.

12.2.3 OTHER PERMITTED SIGNS

Under-canopy shingle type signs and signage painted on canopies or awnings are permitted. Symbolic three-dimensional signs, such as barber poles, are encouraged. Moving and rotating signs are not permitted.

12.2.4 FREESTANDING SIGNS

Freestanding signs are allowed to identify a district, or multiple-business complex. In a multiple-business complex one permanent directory or freestanding master identification sign, not to exceed twenty-five (25) square feet per sign face, is allowed at each main entrance to a public street.

12.2.5 SHINGLE SIGN STANDARDS

Shingle sign, also known as blade or projecting signs, may be permitted to be placed on a building frontage only if all of the following Standards are met:

- A) Context
The sign is historically accurate or appropriate for the building
- B) Visibility
The sign does not impair the visibility of adjacent signs
- C) Materials
The size, location and materials of the sign are compatible with the building and conform to the requirements of this section.
- D) Height
The height of the sign does not extend above the cornice line of a

one story building or the sill of a second floor window.

12.2.6 SIGN CONTENT

A permanent sign is limited to the name and graphic logo of the business, the type of service rendered, the principal brand names or classification of merchandise for sale, and street address. Street addresses are mandatory for each building. Brand names may occupy not more than twenty five percent (25%) of the allowable sign area, except for storefront window signs.

12.2.7 NEON SIGNS

Neon signs are permitted only when all of the following Standards are met:

- A) Visibility
The sign does not impair the visibility of adjacent signs.
- B) Materials
The sign, location and materials of the sign are compatible with the building and conform to the other requirements of this Section.
- C) Associated Use
The sign is more appropriate than an otherwise illuminated sign because of its associated use (e.g. nightclub).

12.3 ALLOWABLE SIGN AREA

12.3.1 MAXIMUM SIGN AREA

A maximum area of one-half (1/2) square foot of signing may be permitted for each linear foot of a business on a primary frontage (facing a public street, public parking lot, or public space) not to exceed forty (40) square feet on any one frontage. A maximum of one-fourth (1/4) square foot of signing may be permitted for each linear foot of a business on a secondary frontage (facing an alley, private driveway, an adjacent building, private parking or service area) not to exceed twenty (20) square feet on any one frontage.

12.3.2 APPLICABILITY

The maximum area of signing noted above shall apply to all wall, window and projecting signs and signs painted on awnings. Further, shingle signs shall not exceed twenty (20) square feet per sign face and shall not project more than five (5) feet from the wall. Shingle signs located under canopies may be the width of the canopy.

12.3.3 FIRST FLOOR SIGNS

Each business with first floor frontage or direct sidewalk access may have a pedestrian-oriented sign attached below a canopy not exceeding five (5) square feet per sign face and with a minimum clearance of eight (8) feet above the sidewalk. Such a sign will not count as part of the maximum business sign allowance.

12.3.4 MULTIPLE TENANT SIGNS

Multiple business directories are intended to address situations where businesses have limited visibility from the adjacent street, and may be permitted when not exceeding two (2) square feet per tenant and twenty (20) square feet total per sign face. Such a sign

will not count as part of the maximum business sign allowance.

12.4 MATERIALS

Signs should be painted and/or carved wood, wrought iron, cut out, non reflective metal lettering such as brass, or glass (including stained glass). Signs painted directly on plain surfaces, windows and canvas awnings are generally appropriate. Three dimensional metal "box" signs are not permitted. Decorative neon identification signs may be used as an accent or design feature, but shall not dominate the general appearance of the facade.

12.5 ILLUMINATION

12.5.1 INDIRECT ILLUMINATION

Illumination should generally be indirect such as that provided by "goose necked" light fixtures. In some instances, signs may be flood-lighted or may utilize exposed LED light bulbs.

12.5.2 ILLUMINATED SIGNS NOT PERMITTED

No interior-illuminated signs are permitted. Fluorescent, flashing, and intermittent illumination is not permitted.

12.5.3 ILLUMINATED SCHOOL SIGN

One exception will be allowed in the frontage type F5 to allow one internally lit school marque sign. The internally lit portion of the marque shall not exceed 40 square feet.

12.6 TEMPORARY SIGNS

12.6.1 STORE EVENTS

Temporary signs pertaining to special store events or sales lasting no more than thirty (30) days may be painted or affixed to display windows provided that their total area shall not exceed twenty-five percent (25%) of the window area.

12.6.2 TEMPORARY BANNERS

Banners or other promotional signs may be displayed for up to thirty (30) days. The same or similar signage shall not be replaced within thirty (30) days after removal.

12.7 NON-CONFORMING SIGNS

Non-conforming signs or sign structures shall be removed upon change in tenancy or ownership of the business identified by the sign. No change in copy and/or reuse of non-conforming sign or sign structure shall be permitted in order to identify a new business, product, tenant or occupant.

12.8 UNUSED SIGNS

12.8.1 UNUSED SIGNS

Any sign existing as of or after the effective date of these Standards, which no longer advertises a bona fide business conducted or a product available for purchase by the public, shall be taken down and removed by the owner, agent or person having the beneficial

use of the building or structure or land upon to do so.

12.8.2 SIGN REMOVAL BY CITY OR DEVELOPER

Upon failure to comply with such notice within the time specified in such order, the Developer is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached or, if the sign is not attached to a building, then such expense shall be paid by the owner of the sign.

12.9 ILLEGAL CONSTRUCTION

If the Developer finds that any sign has been constructed or erected, or is being maintained in violation of the provisions of this Section, they shall give written notice of such conditions to the permittee. In the event no valid permit exists, the owner will remove or alter the sign so as to comply with this section within thirty (30) days after such notice. Such signs may be removed or altered to comply at the expense of the permittee or the owner of the property upon which the sign is located.

12.10 STREET ADDRESS SIGNS

Building shall display a numerical address sign indicating the legal address in letters not less than four inches in height and clearly visible from the public street.

12.11 PROHIBITED SIGNS

All auto oriented pylon, pole mounted berm mounted, or off-premise identification signs are prohibited. Off-premise directional signs may be approved on a case-by-case basis by the Design Review Board or Town Architect.

Section 13.0

Amendment Procedure/Other Codes and Development Regulations Applicable

13.1 ADOPTION AND REVISION OF THE REGULATING PLAN

The Regulating Plan for the Oasis District shall be included in the ordinance zoning for the area as the Oasis District.

13.2 REVISION OF THE REGULATING PLAN

13.2.1 MINOR REVISIONS

The Director of Planning, or their designee, may administratively approve minor revisions to the Regulating Plan if the Director determines that there are no adverse effects on areas that are part of a final plat not to the overall intent of the Regulating Plan. The following shall be considered minor revisions:

A) The size of a District Area, including its building or structures, may be revised if the size is increased or decreased by not more than 10% and (a) the Director determines that the basic layout of the District remains the same and (b) the Regulating Plan functions as well as before the revision.

B) The location of a Frontage Type may be revised if the Director determines that the revised location is appropriate.

C) The location or size of an open space may be revised if the overall amount of open space does not decrease by more than ten percent, and the Director determines that the quality and functionality of the revised open space is the same or better.

D) A construction phasing plan for open space improvements may be revised to extend a deadline for completion by not more than six months after the adjacent streets are completed.

E) The locations of major utility facilities and easements may be revised if the Director determines the revised locations are more functional or appropriate.

F) The location of a civic site may be revised if the Director determines that (a) the revised location is appropriate, and (b) the transportation network, the infrastructure, and the overall land use mix are not adversely affected.

13.2.2 MAJOR REVISIONS

All revisions other than those described above are major revisions. Major revisions must be approved by the City Council through a rezoning of the property.

13.3 PRIORITY

Requirements of these standards supersede any inconsistent provisions of the City's Development Codes and Ordinances.

13.4 OTHER PERMITS REQUIRED

A) Building Permit Required
A building permit issued by the City is required for a structure within the District.

B) Construction Permit Required

A construction permit is required for development of more than 1,000 sq. ft. of site area if a building permit is not otherwise required.

C) Site Plan

A site plan must be submitted with the building or construction permit application. A building or construction permit may not be issued unless a site plan complies with these Regulations. A site plan must provide the following information, if applicable:

1. Locations and types of easements;
2. The locations of proposed utility connections;
3. Building location and gross building square footage;
4. Proposed use that complies with the Regulating Plan;
5. Locations, quantity, and dimensions of sidewalks, pedestrian ramps, driveways, parking areas, parking spaces, and off-street loading areas;
6. Information that shows compliance with accessibility requirements;
7. Landscaping, screening, and fencing;
8. Locations of protected trees and significant tree clusters;
9. An erosion and sedimentation control plan;
10. Lot size, setbacks, build-to lines, building height and building coverage;
11. Other information that may be required by the Town Architect or Design Review Board.

D) Architectural Standards

A building or construction permit may not be issued unless the Design Review Board or the Town Architect has certified that the proposed development complies with the architectural standards. This requirement applies to other than single family housing intended for sale.

13.5 PROPERTY OWNERS' ASSOCIATIONS

A) Conditions, Covenants, and Restrictions for all single family residential property within the Oasis District must be filed in the county real property records by the owner before a final subdivision plat may be approved, a lot sold, or a building permit issued.

B) Conditions, Covenants, and Restrictions must be approved by the Master Developer, and they must:

1. Create a Property Owners' Association (or Home Owners' Association) with mandatory membership for each property owner;
2. Establish Design Review Board (DRB) if no Town Architect is hired by the master developer.
3. Establish architectural standards that are in conformity

the neighborhood square.

13.7 LIFE SAFETY CODES

A) Due to the proximity of commercial to residential buildings, voluntary sprinkler compliance should be considered for all commercial buildings and residential buildings over 500 sq. ft. in the district.

B) NFPA Standards for commercial buildings in excess of 500 sq. ft. shall apply.

with the requirements of these standards;

4. Collaborate with the Town Architect or DRB to review projects for compliance with the architectural standards and issue certificates of approval;

5. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting halls, and other common areas;

6. Provide for the maintenance of the landscaping and trees within the right-of-way;

7. Require the collection of assessments from members in an amount sufficient to pay for its functions;

8. Be effective for a term of not less than 50 years;

9. Require that the Property Owners' Association (or Home Owners' Association) obtain the approval of the Director regarding the disposition and management of private open space, community parking facilities, community meeting halls, and other common areas before it may be dissolved; and

10. Require the Property Owners' Association (or Home Owners' Association) obtain the approval of the Director for amendments to the Conditions, Covenants, and Restrictions which relate to provisions required by this chapter.

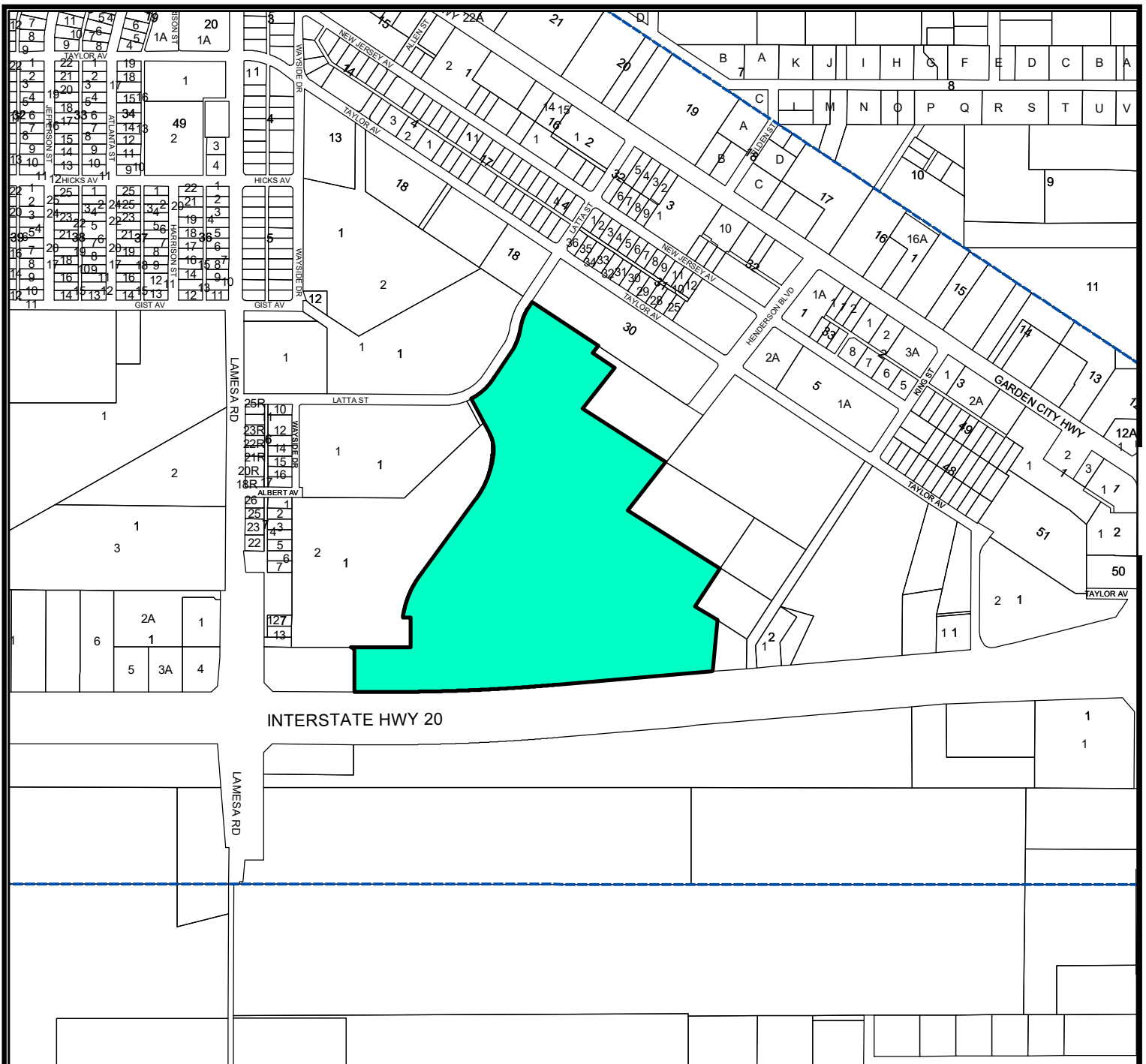
13.6 ARCHITECTURAL STANDARDS

The Property Owners Association may establish separate Architectural Standards for non commercial buildings in the District. If created those standards shall accomplish the following:

A) Conditions, Covenants, and Restrictions shall establish architectural standards for the property within the Oasis District. The standards must comply with this section.

B) The architectural standards must achieve the following objectives:

1. Architectural compatibility between residential and commercial buildings;
2. Human scale design;
3. Integration of uses;
3. Encouragement of pedestrian activity;
5. Buildings that relate to and are oriented toward the street and surrounding buildings;
6. Residential scale buildings in Mixed Residential Areas;
7. Buildings that contain special architectural features to signify entrances to the Neighborhood Center Area and important street intersections; and
8. Neighborhood Center Area buildings that focus activity on



LOCATION MAP

P-21-1196

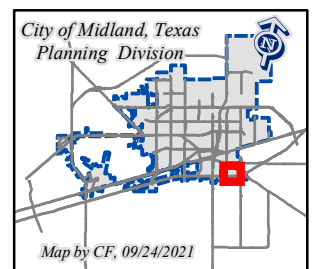
Scale: 1" = 833'

Consider a request by Gary Bellomy for a zone change from a PD, Planned Development District for a Housing Development, Office Center, and Shopping Center to an amended PD, Planned Development District for a Housing Development, Office Center, and Shopping Center on a 57.55-acre tract of land located in Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland Texas .

Generally located on the north side of East Interstate 20, approximately 530 feet east of South Lamesa Road- (Council District 2)

LEGEND

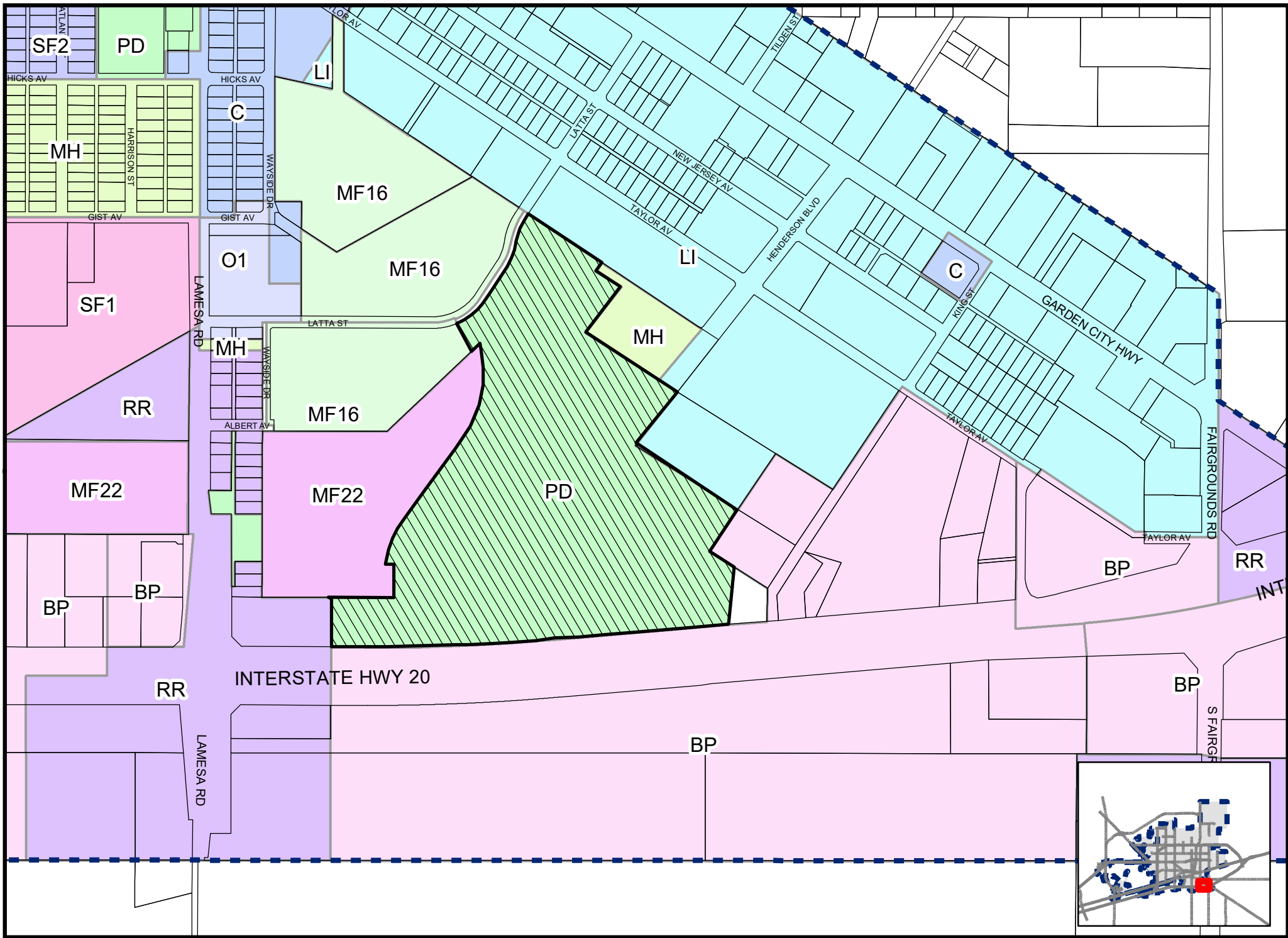
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.











ORDINANCE NO. 10206

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 57.55-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART MH, MANUFACTURED HOUSING DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, AND SHOPPING CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 530 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 57.55-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to PD, Planned Development District for a Housing Development, Office Center, and Shopping Center and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-16, Multiple-Family Dwelling District, in part MH, Manufactured Housing District, in part, and BP, I-20 Business Park, in part, to PD, Planned Development District for a Housing Development, Office Center, and Shopping

Center.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the TH, Townhouse (Attached) Dwelling District.

SECTION THREE. That a site plan, attached hereto as Exhibits "B" and "C" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

- A. That the development and use of the Property shall significantly conform to the site plan attached hereto as Exhibits "B" and "C".
- B. That the landscaping shall significantly conform to the standards set out in Exhibit "D", which is attached hereto and incorporated herein for all purposes.
- C. That the lighting shall significantly conform to the standards set out in Exhibit "E", which is attached hereto and incorporated herein for all purposes, except that all exterior lighting shall be composed of light emitting diodes.
- D. That the signs shall significantly conform to the standards set out in Exhibit "F", which is attached hereto and incorporated herein for all purposes.

SECTION FOUR. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

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

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 13th day of July, A.D., 2021; and passed to second reading on motion of Council member Blong, seconded by Council member Trost, by the following vote:

Council members voting "AYE": Blong, Trost, Payton, Dufford, Ladd, Norman

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Norman, seconded by Council member Ladd, on the 27th day of July, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE": Blong, Trost, Robnett, Payton, Ladd, Norman

Council members voting "NAY": None

PASSED AND APPROVED THIS 27th day of July, A.D., 2021.



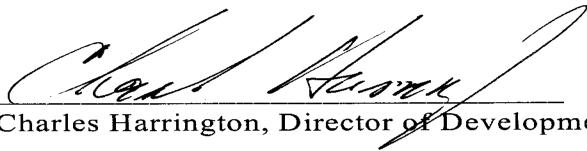
Patrick N. Payton, Mayor

ATTEST:



Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney



ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

lca@lcaodessa.com

521 N. Texas Ave. • Odessa, Texas 79761

(432) 332-5058 or 580-8812 • Fax (432) 332-8812

Engineering Firm# 001363 • Surveying Firm# 10034300

**METES & BOUNDS DESCRIPTION
OF A 57.55-ACRE TRACT
LOCATED IN SECTION 1, BLOCK 39, T-2-S
T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS**

BEING A 57.55-ACRE REMAINDER OF THAT CERTAIN 101.49-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-4195 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y=10,688,784.49' & X= 1,762,775.17') A 3/8" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE NORTHEAST CORNER OF LOT 1 BLOCK 1 TAHOE LAKES ADDITION, AS RECORDED IN CABINET I, PAGE 190 OF THE MIDLAND COUNTY PLAT RECORDS AND ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF THE CURVED SOUTH RIGHT-OF-WAY LINE OF LATTA STREET AS DESCRIBED IN DOCUMENT NO. 2008-22815 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS HAVING A RADIAL BEARING OF NORTH 37°19'47" WEST;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 330.00 FEET, A DELTA ANGLE OF 33°32'10", AN ARC LENGTH OF 193.15 FEET, A CHORD LENGTH OF 190.41 FEET BEARING NORTH 35°54'06" EAST TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE NORTH 19°08'00" EAST WITH THE SOUTH RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 195.48 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT A POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 330.00 FEET, A DELTA ANGLE OF 23°09'45", AN ARC LENGTH OF 133.41 FEET, A CHORD LENGTH OF 132.50 FEET BEARING NORTH 07°33'08" EAST TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE POINT OF TANGENCY;

THENCE NORTH 04°01'57" WEST WITH THE EASTERN RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 24.19 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A NORTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 295.00 FEET, A DELTA ANGLE OF 23°10'30", AN ARC LENGTH OF 119.32 FEET, A CHORD LENGTH OF 118.51 FEET BEARING NORTH

07°33'31" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE POINT OF TANGENCY;

THENCE NORTH 19°04'24" EAST WITH THE EAST RIGHT-OF-WAY OF SAID LATTA STREET, A DISTANCE OF 36.38 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE WEST CORNER OF THAT CERTAIN 7.53-ACRE TRACT CURRENTLY IN THE NAME OF MIDLAND COUNTY ON THE EAST RIGHT-OF-WAY LINE OF SAID LATTA STREET, WHENCE A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID LATTA STREET AND THE SOUTHERN RIGHT-OF-WAY OF E. TAYLOR AVENUE BEARS NORTH 19°03'10" EAST, A DISTANCE OF 300.00 FEET;

THENCE SOUTH 71°05'09" EAST WITH THE SOUTHERN LINE OF SAID 7.53-ACRE TRACT, A DISTANCE OF 467.02 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT AN ELL CORNER OF THIS SURVEY AND THE NORTHERNMOST CORNER OF THAT CERTAIN 5.57-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2014-17375 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY TEXAS;

THENCE SOUTH 23°20'09" WEST WITH A WEST LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 48.93 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT A POINT OF DEFLECTION OF THIS SURVEY;

THENCE SOUTH 71°08'48" EAST WITH A SOUTH LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 152.80 FEET TO A FOUND 3/8" IRON ROD (CONTROL MONUMENT);

THENCE SOUTH 23°29'35" WEST WITH A WEST LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 300.87 FEET TO A 3/8" IRON ROD FOUND AT THE SOUTHERNMOST WEST CORNER OF SAID 5.57-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 71°49'04" EAST WITH THE SOUTHERN LINE OF SAID 5.57-ACRE TRACT, A DISTANCE OF 570.74 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE NORTH CORNER OF THAT CERTAIN 4.92-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-12057 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY TEXAS AND A POINT OF DEFLECTION OF THIS SURVEY;

THENCE SOUTH 23°35'54" WEST WITH THE WESTERN LINE OF SAID 4.92-ACRE TRACT, A DISTANCE OF 363.93 FEET TO A ½" IRON ROD (CONTROL MONUMENT) FOUND AT THE WEST CORNER OF SAID 4.92-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 72°30'41" EAST, WITH THE SOUTH LINE OF SAID 4.92-ACRE TRACT, A DISTANCE OF 627.03 FEET TO A ½" IRON ROD FOUND AT THE SOUTH CORNER OF SAID 4.92-ACRE TRACT, THE NORTH CORNER OF THAT CERTAIN 2.15-ACRE TRACT AS DESCRIBED IN VOLUME 1817, PAGE 300 OF THE DEED RECORDS OF MIDLAND COUNTY TEXAS AND AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 19°04'38" WEST WITH THE WESTERN LINE OF SAID 2.15-ACRE TRACT, A DISTANCE OF 269.33 FEET TO A ½" IRON ROD FOUND AT THE WEST CORNER OF SAID 2.15-ACRE TRACT AND AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 73°48'45" EAST WITH THE SOUTHERN LINE OF SAID 2.15-ACRE TRACT, A DISTANCE OF 157.05 FEET TO A ½" IRON ROD FOUND AT THE

NORTHWEST CORNER OF THAT CERTAIN 1.01-ACRE TRACT AS DESCRIBED IN SAID VOLUME 1817 PAGE 300 OF SAID MIDLAND COUNTY DEED RECORDS FOR AN ELL CORNER OF THIS SURVEY;

THENCE SOUTH 08°35'01" EAST WITH THE WESTERN LINE OF SAID 1.01-ACRE TRACT, A DISTANCE OF 293.86 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE SOUTHWEST CORNER OF SAID 1.01-ACRE TRACT ON THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20 FOR THE EASTERNMOST SOUTHEAST CORNER OF THIS SURVEY;

THENCE SOUTH 70°34'45" WEST WITH THE NORTH RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 20, A DISTANCE OF 899.28 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) CONCRETE MONUMENT WITH A BRASS DISK (CONTROL MONUMENT) FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 11,309.20 FEET, A DELTA ANGLE OF 04°59'56", AN ARC LENGTH OF 986.68 FEET, A CHORD LENGTH OF 986.37 FEET BEARING SOUTH 73°03'27" WEST TO A TXDOT CONCRETE MONUMENT WITH BRASS DISK AT THE POINT OF TANGENCY;

THENCE SOUTH 75°34'27" WEST WITH THE NORTH RIGHT-OF-WAY OF SAID INTERSTATE HIGHWAY 20, A DISTANCE OF 192.73 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE SOUTHEAST CORNER OF THAT CERTAIN 3.30-ACRE TRACT AS DESCRIBED IN VOLUME 1198 PAGE 204 OF SAID MIDLAND COUNTY DEED RECORDS FOR THE WESTERNMOST SOUTHWEST CORNER OF THIS SURVEY;

THENCE NORTH 14°32'03" WEST WITH THE EAST LINE OF SAID 3.30-ACRE TRACT, A DISTANCE OF 242.05 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT A POINT OF CURVATURE;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 18.61 FEET, A DELTA ANGLE OF 89°59'12", AN ARC LENGTH OF 29.23 FEET, A CHORD LENGTH OF 26.32 FEET BEARING NORTH 59°31'38" WEST TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE POINT OF TANGENCY;

THENCE NORTH 75°41'32" EAST, A DISTANCE OF 349.07 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF DEFLECTION OF THIS TRACT;

THENCE NORTH 14°33'23" WEST, A DISTANCE OF 173.46 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF DEFLECTION OF THIS TRACT;

THENCE SOUTH 75°37'36" WEST, A DISTANCE OF 45.07 FEET A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIAL BEARING OF NORTH 83°54'09" EAST;

THENCE ALONG SAID CURVE TO THE RIGHT IN A NORTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 530.00 FEET, A DELTA ANGLE OF 27°47'11", AN ARC

LENGTH OF 257.03 FEET, A CHORD LENGTH OF 254.52 FEET BEARING NORTH 07°47'45" EAST TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE END OF THIS CURVE;

THENCE NORTH 21°41'20" EAST, A DISTANCE OF 522.76 FEET TO 3/8" IRON ROD SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A NORTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 556.30 FEET, A DELTA ANGLE OF 44°23'54", AN ARC LENGTH OF 431.07 FEET, A CHORD LENGTH OF 420.37 FEET BEARING NORTH 00°30'36" WEST TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE NORTH 22°42'31" WEST, DISTANCE OF 86.39 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 32°04'31" WEST, DISTANCE OF 61.92 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT AN ELL CORNER OF THIS TRACT;

THENCE NORTH 42°34'20" WEST, DISTANCE OF 168.30 FEET TO THE POINT OF THE BEGINNING CONTAINING 57.55 SURFACE ACRES.

BEARINGS, DISTANCES AND COORDINATES ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, BASED ON THE CITY OF MIDLAND GPS CONTROL MONUMENT "LAM 20" (Y=10,686,841.66' AND X=1,761,908.42", ELEVATION = 2775.01 NAVD 29) WITH A THETA ANGLE OF -00°53'17" WITH A COMBINED GRID FACTOR OF 0.999893673 AS PUBLISHED IN US SURVEY FEET.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LCA

JOHN F. LANDGRAF, RPLS 2410
27 May 2021

LCA PROJECT NO. 2021-001

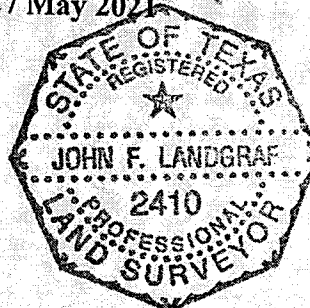


EXHIBIT "B"

Section 3.1 The Regulating Plan

LEGEND

FRONTAGE TYPES

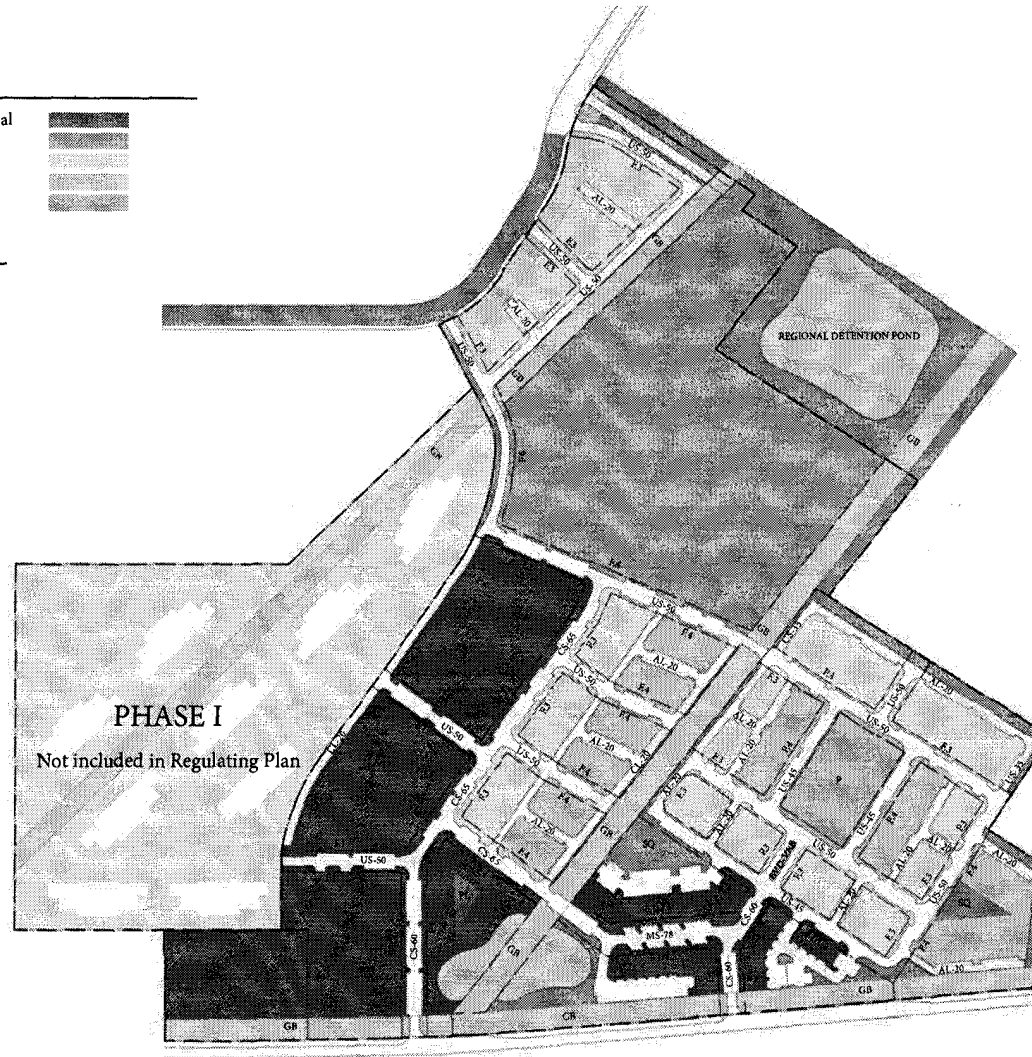
F1	(Section 4.1) Type F1:	Main Street Commercial	
F2	(Section 4.2) Type F2:	Live/Work	
F3	(Section 4.3) Type F3:	Townhouse	
F4	(Section 4.4) Type F4:	Side Yard House	
F5	(Section 4.5) Type F5:	Education / Civic	

STREET TYPES

MS-78	Main Street 78' R.O.W.
BVD-VAR	Boulevard Variable R.O.W.
CS-65	Commercial Street 65' R.O.W.
CS-60	Commercial Street 60' R.O.W.
US-50	Urban Street 50' R.O.W.
US-45	Urban Street 45' R.O.W.
US-40	Urban Street 40' R.O.W.
CL-20	Commercial Alley 20' Access Easement
AL-20	Residential Alley 20' Access Easement

PUBLIC OPEN SPACE

PL	Plaza	
SQ	Square	
GR	Green	
GB	Greenbelt	
P	Park	



NORTH

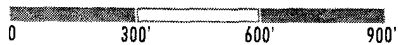


EXHIBIT "C"

Section 4.0

Summary of Frontage Types

Complete detailed requirements of Frontage Types can be found in Sections 4.1 through 4.5

FRONTAGES	F1 (See Section F1) Main Street Commercial	F2 (See Section F2) Live/Work	F3 (See Section F3) Townhouse	F4 (See Section F4) Sideyard House	F5 (See Section F5) Education
PERMITTED USES	Retail Sales and Service (20,000 SF max per tenant) Office/Research and Development Lodging/Hotel Multi-Family Residential Single Family Attached Residential Day Care	Limited Retail (≤3,000 SF) Limited Office (≤3,000 SF) Lodging/Hotel (≤10 rooms) Multi-Family Residential (≤10 dwelling units) Single Family Attached Residential	Single Family Attached Residential	Single Family Detached Residential Ancillary unit	Public or private School
CONDITIONAL USES	Manufacturing (10,000 SF max per tenant) Congregate Care (100 room max)	None	Home Occupation	Home Occupation	None
PROHIBITED USES	Vehicle Sales Auto Service & Repair Auto Parts Sales Gas Stations Auto Body Painting and Repair Drive-Through Commercial Storage & Warehouse Single Family Detached Residential Sexually-Oriented Businesses	Same as F1 - Main Street	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing	Same as F1 - Main Street Plus: Retail Office Manufacturing
LOT WIDTH	30' min. 240' max (30' increments)	20' min. 40' max	20' min. 40' max	35' min. 60' max	90' min. no max.
LOT DEPTH	No Minimum Maximum limited by block size	No Minimum Maximum limited by block size	80' min. 125' max.	80' min. 150' max.	50' min. no max.
BUILDING HEIGHT	2 stories or 25' minimum 5 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 3 stories maximum	2 stories minimum 2.5 stories maximum	2 stories minimum 5 stories maximum
SIDE SETBACK	None	None	None	2.5' on one side & 10' on the opposite side	5'
BUILD-TO LINE	0' to 10' from property line (on designated primary frontage)	0' to 10' from property line (on designated primary frontage)	10' from property line (on designated primary frontage)	20' from property line (on designated primary frontage)	90' from property line (on designated primary frontage)
REAR SETBACK	None	None	5' from Alley	5' from Alley	N/A
PARKING RATIOS					
Retail	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Office	4 spaces per 1000 GSF	4 spaces per 1000 GSF	N/A	N/A	N/A
Lodging/Hotel	1 space per Room	1 space per Room	N/A	N/A	N/A
Residential	1.5 spaces per Unit	1.5 spaces per Unit	2 spaces per Primary Unit plus 1 space per ancillary unit	2 spaces per Primary Unit plus 1 space per ancillary unit	N/A
Congregate Care	1.0 spaces per every 2 beds	NA	NA	NA	N/A
Manufacturing	1.0 spaces per 600 GSF	N/A	N/A	N/A	N/A
Education	1.0 spaces per 575 GSF	N/A	N/A	N/A	1.0 spaces per 575 GSF

Table 4.01

EXHIBIT "D"

Section 8.0

Landscape Standards

8.1 THE PUBLIC LANDSCAPE

8.1.1 SOIL PRESERVATION

Wherever possible grades for thoroughfare and open spaces shall follow existing topography and drainage patterns. Areas to be left natural shall be fenced and undisturbed during construction. The soil structure for planting strips shall be protected from compaction with protective fencing. During construction, topsoil shall be removed, and stockpiled for later use.

8.1.2 COMPACTION

All planting areas shall be cultivated and top-dressed with organic matter. Deeply compacted areas shall be cultivated to a depth of one foot and top-dressed with an addition of loose topsoil, coarse sand and compost. Ballfields shall be underlain with a mix of coarse sand.

8.1.3 HYDROLOGY / DRAINAGE

All planting areas shall have drainage outlets achieve positive drainage. Playing fields shall be uniformly graded to a 2% -3% slope.

8.1.4 SITE CLEARING / EROSION CONTROL

To prevent erosion, clearing of easements and access routes should not occur more than 60 days prior to construction. Trees to be removed shall be taken down in a manner that will not impact any of the adjacent trees to remain. All trees will have crown and limbs removed before being felled and depending upon the density of vegetation the trunk shall be felled before the stump is removed. It is recommended that limbs and underbrush be chipped shredded and retained on site to be spread as a mulch after construction has finished. The boundary of construction sites shall be marked with a barrier and erosion control fencing on the downhill sides. No clearing operations will be allowed in an unmarked area. When construction is adjacent to a waterway, care should be taken to prevent any excavated material from spilling into the waterway by use of erosion control barriers.

8.1.5 TREE PROTECTION:

Protecting existing trees on site adds value and prevents additional planting costs. In areas of construction where trees are to be preserved, tree protection fencing must be installed and maintained at the dripline. No storage of materials or equipment is allowed within the dripline area of trees to be protected.

With the exception of Protected Trees as defined by the City's General Landscape Ordinance these Oasis landscape standards shall be adhered to in lieu of City's landscape regulations.

8.1.6 PLANT SELECTION

Trees may be selected from the lists outlined below. The use of native shrubs and ground cover species is encouraged given their adaptability to drought and indigenous soil conditions. Plant quality shall follow the highest Nursery Industry Standards.

8.2. PUBLIC OPEN SPACE TREES

8.2.1 STREETS, SQUARES, AND GREENS

The following is a list of trees that may be used in Squares and

Greens, as well as for Street Trees. These trees were selected for their shade providing qualities and their ability to tolerate compaction, drought and pollution typically associated with heavily trafficked areas. Low maintenance and disease resistance are also important qualities for trees in this category. With pruning, these trees also have high a branching character so as not interfere with pedestrian and vehicular activities. Street trees shall have a single trunk and should be limbed up to a minimum of 14' at maturity. All street tree plantings shall utilize root barriers to prevent heaving of adjacent paving.

·Live Oak, *Quercus virginiana*
·Bur Oak, *Quercus macrocarpa*
·Texas Red Oak, *Quercus texana*
·Pecan, *Carya illinoensis*
·Bald Cypress, *Taxodium distinctum*
·Afghan Pine, *Pinus eldrica*
·Mexican White Oak, *Quercus polymorpha*.

8.2.2 GREENBELT TREES

The following trees may be planted in Greenbelts (as defined in the Open Space Standards) This list of trees was selected for their more naturalistic character which is representative of the above listed public open spaces. Native species are encouraged given their adaptability to native soils and drought conditions:

Native Large Trees (Mature Height Over 30'):

·Texas Ash, *Fraxinus texensis*
·Bald Cypress, *Taxodium distinctum*
·Cedar Elm, *Ulmus crassifolia*
·Live Oak, *Quercus virginiana*
·Pecan, *Carya illinoensis*
·Bur Oak, *Quercus macrocarpa*
·Chinkapin Oak, *Quercus muhlenbergii*
·Texas Red Oak, *Quercus texana*
·Eastern Red Cedar, *Juniperus virginiana*

Non-Native Large Trees (Mature Height Over 30'):

·Arizona Cypress, *Cupressus arizonica*
·Austrian Pine, *Pinus nigra*
·Goldenrain tree, *Koeleruteria paniculata*
·Italian Stone Pine, *Pinus pinea*
·Lacebark Elm, *Ulmus parvifolia*

Native Small Trees (Mature Height 30' or less):

·Crabapple, *Malus spp.*
·Eve's Necklace, *Sophora affinis*
·Goldenball Leadtree, *Leucaena retusa*
·Mexican Redbud, *Cercis canadensis* var. *mexicana*.
·Mexican-Buckeye, *Ungnadia speciosa*.
·Pinyon Pine, *Pinus edulis*.
·Prairie Flameleaf Sumac, *Rhus lanceolata*.
·Texas Mountain Laurel, *Sophora secundiflora*.
·Texas Walnut, *Juglans microcarpa*.
·Desert Willow, *Chilopsis linearis*
·Texas Persimmon, *Diospyros virginiana*
·Texas Pistache, *Pistacia texana*
·Mexican Plum, *Prunus mexicana*

·Texas Redbud, *Cercis canadensis* *texensis*
·Vitex, *Vitex agnus-castus*

Non-Native Small Trees (Mature Height 30' or less):

·American Smoketree, *Cotinus obovatus*
·Crape Myrtle, *Lagerstroemia indica*
·Chinese Pistache, *Pistacia chinensis*

8.2.3 PARKS

Shade trees shall be 3" caliper container grown or 4" balled and burlapped trees planted in naturalistic pattern. At least 1 tree per 5,000 sf shall be planted. Existing hardwood trees may count toward the minimum number of trees. Trees may be grouped to allow for large lawn cover areas (see tree list in Landscape Standards 8.2.2)

B) Small Flowering Trees:

Small flowering trees (no less than 2 caliper inches) shall be planted in groupings at no less than 1 per 5,000 SF. (see tree list in Landscape Standards).

C) Lawn:

Lawns shall include Bermuda grass in sun to partly shade conditions; St. Augustine shall be provided in dense shade. In conditions with a more natural landscape character, coverage should be a mixture of native grass and wildflower seed. This mixture should contain a minimum of three (3) different species of grass and five (5) different species of wildflowers.

D) Street Lamps:

Street lamps shall be provided along pedestrian paths and at entrances to a Square or Plaza. At least 1/2 of a foot candle must be maintained.

E) Public seating:

Public seating shall include metal, stone or concrete benches placed along pathways. Seating shall be provided at no less than ten linear feet of seating per 10,000 SF of park area.

F) Irrigation:

Irrigation is required for all landscaped areas.

8.3 PARKING LOT LANDSCAPES

It is the intent of this section to establish standards in harmony with a city's landscape ordinance. However, due to the different development pattern (i.e. parking behind rather than in front of buildings) these standards shall apply where they may conflict with the landscape ordinance, including the Buffer requirements.

8.3.1 LANDSCAPE ISLANDS

In parking lots, landscaped islands must be provided at the end of all parking rows. Landscaped islands shall have a minimum width of 9 feet measured from back of curb to back of curb. A continuous poured-in-place concrete curb shall be provided around parking islands to prevent vehicular intrusion.

8.3.2 TREE ISLANDS

In addition to landscaping islands at the end of all parking rows,

tree islands shall be incorporated into the parking lot layout every eight spaces to provide for additional shade. Tree islands shall incorporate a continuous poured-in-place concrete curb and shall be a minimum of 5' from back of curb to back of curb.

8.3.3 PARKING LOT TREES

In parking areas, two shade trees shall be planted in landscape islands at the end of all parking rows. A shade tree shall be installed no further than 30' from each stall. In addition, one shade tree will be provided for each five perimeter parking spaces. The parking lot trees will be a minimum 4 inch caliper balled and burlapped or 3 inch caliper container grown.

8.3.4 STREET TREES

Street trees shall be installed in locations shown on Street Types (Section 5.0), and shall be a minimum of 4" caliper, container grown with a minimum branching height of 9'-0".

8.3.5 MAXIMUM AREA OF PARKING SECTIONS

Parking areas shall be broken into individual sections not to exceed 60 cars. Each section shall be separated by a 10' wide major landscaped buffer to provide visual relief.

8.3.6 PARKING LOT SCREENING

Any parking lot fronting along a Build-to-Line shall be landscaped at the perimeter and screened from view. A landscaped strip at least three feet wide shall be planted with a shrub hedge at least 30 inches in height at the time of installation and a mature height of 4' to 5'.

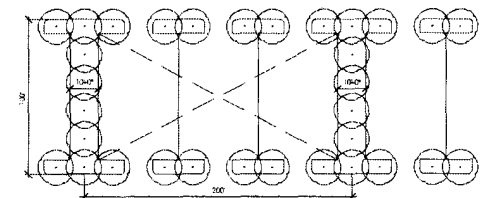


Figure 8a
MAXIMUM PARKING AREA

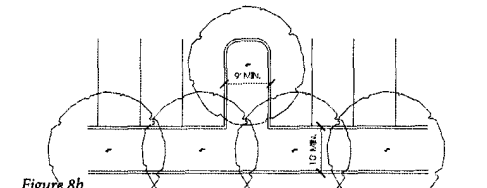


Figure 8b
LANDSCAPE ISLANDS

Section 8.0 Cont. Landscape Standards

8.3.7 STORAGE SCREENING

All loading and storage areas for commercial uses shall be screened from view from public streets and public open space. This provision includes above grade utility transformers, meters, valve boxes or other such apparatus. Screen elements may include permanent walls, fences, plant material or architectural enclosures. Open storage of goods, materials, machinery, equipment, vehicles, plants, trash or other items shall be similarly screened from public view.

8.3.8 IRRIGATION

All landscape areas shall be irrigated with the exception of natural areas and undeveloped areas. All irrigation systems are to be below ground, fully automated systems and in compliance with applicable building code requirements. The use of drip irrigation for shrubs and trees is acceptable. All backflow control devices are to be installed in below-grade Valve boxes or located and screened so that they are not visible from public streets or parking lots. All parking areas, drives and walks are to be "trimmed" to minimize spray onto pavements. Owners shall be required to irrigate to back of the curb of public roads. Oasis will provide reclaimed waste water to all irrigation users.

8.3. EXISTING TREE LOCATIONS

If specimen quality existing trees of 16" DBH or greater are encountered in tree surveys subsequent to the formulation of these standards, modifications to the layout of streets and walks may be considered. Refer to section 11.0 for Revisions to the Regulating Plan.

8.4 IMPLEMENTATION

All public landscape improvements shall be constructed or installed at the time of adjacent street and utility infrastructure construction.

Section 9.0 Drainage Standards

9.1 STORM WATER MANAGEMENT

A Regional Storm water Management approach is desirable for the Oasis District. The benefits of a regional approach to providing storm water detention over an on-site approach are many. They include the following:

- A greater level of confidence in the hydraulic performance of the regional facilities;
- Less land area required thus increasing taxable land base in the District;
- Centralized, focused long term maintenance and thus a greater level of confidence in the long term function of the regional facility;
- Less overall construction, design, and administration costs;
- The ability to combine the regional facilities into an amenity area.

9.2 DRAINAGE STANDARDS

The Oasis District is anticipated to be a moderately high density and impervious cover area and as such the management of storm water runoff will be essential and critical to the ongoing health, safety, and welfare of not only the District, but also areas downstream of the District.

9.3 FLOODING CONDITIONS

There is increased potential for downstream erosion and degradation of water quality due to the increase in frequency of storm water runoff by the smaller more frequent storm events and corresponding increase in storm runoff volume. The increase in volume of runoff and frequency of storm water runoff events will have the effect of eroding the natural downstream waterways and further the potential for flooding. The effects of this can be mitigated by providing detention for the higher frequency (smaller) storm events and/or providing extended detention or a combination of detention/retention.

9.4 REGIONAL DETENTION

Due to the location of the Oasis District and its direct interface with the Midland County detention facility, accommodating approximately the north half of the project. The south half of the project shall drain to a combination of common area detention facilities.

9.5 WET PONDS

Detention may be combined with irrigation reservoirs and/or aesthetic ponds. Sufficient free board shall be designed into the pond to allow for adequate detention volume. These ponds may also be used to create man made wetlands where appropriate.

9.6 TIME OF IMPLEMENTATION

As with open space and landscape improvements, the implementation of drainage and water quality improvements outlined in this section shall be simultaneous with the development of sub basin served by the various drainage phases.



Figure 9a: Storm water management facilities can become a community amenity. (Hogan Park Golf Course, Midland, TX)

EXHIBIT "E"

Section 10.0

Not Used

Section 11.0

Lighting Standards

11.1 GENERAL INTENT

A) Street lights shall be decorative and blend with the architectural style of the buildings in the Oasis District. Exterior lighting in the Public right-of-way will be coordinated with the electric utility provider. Standards for exterior lighting of private development such as parking areas and public spaces shall be subject to the regulations below and enforced by the Master Developer.

B) Street lights and site lights shall provide adequate lighting, while minimizing adverse impacts, such as glare and upward oriented glow. House side shields shall be provided where abutting a residential use. 'Dark Sky' protocols shall be integrated to the greatest extent possible.

11.2 PLACEMENT

A) Along all commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and common open spaces, twelve to fourteen foot high decorative light posts shall be provided at regular intervals. Post shall be spaced at no greater than 60 feet on center on both sides of a commercial or main street and at all street intersections. Lighting on residential streets should be confined to the intersections and corners.

Lighting standards shall be consistent throughout each district.

- 1) Lighting level along commercial streets shall be no less than one-half foot candle and shall be no greater than two foot candles.
- 2) Lighting level at an intersection of two residential streets (excluding alleys or access easements) shall be no less than one foot candle and shall be no greater than three foot candles.
- 3) Lighting level at an intersection of a commercial street and any other street (excluding alleys or access easements) shall be no less than one foot candle and shall be no greater than three foot candles.
- 4) Lighting level in parking lots shall be no less than one foot candle and shall be no greater than two foot candles.

B) In parking lots, post heights may be extended to a maximum of 18 feet.

11.3 TYPES

A) Use of metal halide or color corrected LED light sources are required. High pressure and sodium and non-color corrected mercury vapor light sources may be considered in special circumstances.

B) Porch light and yard post lighting are encouraged in residential areas. Where yard post lighting is used post and luminaires shall be of compatible styles.

EXHIBIT "F"

Section 12.0 Signage Standards

12.1 INTENT

The following Standards address the number, location, size and types of allowable signs throughout the Oasis District. These signage standards take precedent over the Midland Signage Ordinance and shall be enforced by the Master Developer. Where this section is silent, the standards of the Midland Sign Ordinance, if any, shall apply.

12.2 TYPE AND PLACEMENT

12.2.1 SIGNS AND EXTERIORS

Signage should be designed to directly relate to the exterior design of the building. Signage should not cover important features or cross transitions between features. Signage should be at the first floor level, should not project above the cornice or fascia line, and should be primarily oriented to the pedestrian with the exception of the commercial district. However, lettering on second story windows, to identify separate uses located there, is appropriate. Anchor tenants (10,000 sq. ft. or greater) may place signage to within two feet of highest point of facade.

12.2.2 PROJECTING SIGNS

Signs should generally be flush with the facade and not protrude more than eight (8) inches from the wall. Projecting signs may be considered when the sign does not conflict with the building's exterior design.

12.2.3 OTHER PERMITTED SIGNS

Under-canopy shingle type signs and signage painted on canopies or awnings are permitted. Symbolic three-dimensional signs, such as barber poles, are encouraged. Moving and rotating signs are not permitted.

12.2.4 FREESTANDING SIGNS

Freestanding signs are allowed to identify a district, or multiple-business complex. In a multiple business complex one permanent directory or freestanding master identification sign, not to exceed twenty-five (25) square feet per sign face, is allowed at each main entrance to a public street.

12.2.5 SHINGLE SIGN STANDARDS

Shingle sign, also known as blade or projecting signs, may be permitted to be placed on a building frontage only if all of the following Standards are met:

- A) Context
The sign is historically accurate or appropriate for the building
- B) Visibility
The sign does not impair the visibility of adjacent signs
- C) Materials
The size, location and materials of the sign are compatible with the building and conform to the requirements of this section.
- D) Height
The height of the sign does not extend above the cornice line of a

one story building or the sill of a second floor window.

12.2.6 SIGN CONTENT

A permanent sign is limited to the name and graphic logo of the business, the type of service rendered, the principal brand names or classification of merchandise for sale, and street address. Street addresses are mandatory for each building. Brand names may occupy not more than twenty five percent (25%) of the allowable sign area, except for storefront window signs.

12.2.7 NEON SIGNS

Neon signs are permitted only when all of the following Standards are met:

- A) Visibility
The sign does not impair the visibility of adjacent signs.
- B) Materials
The sign, location and materials of the sign are compatible with the building and conform to the other requirements of this Section.
- C) Associated Use
The sign is more appropriate than an otherwise illuminated sign because of its associated use (e.g. nightclub).

12.3 ALLOWABLE SIGN AREA

12.3.1 MAXIMUM SIGN AREA

A maximum area of one-half (1/2) square foot of signage may be permitted for each linear foot of a business on a primary frontage (facing a public street, public parking lot, or public space) not to exceed forty (40) square feet on any one frontage. A maximum of one-fourth (1/4) square foot of signage may be permitted for each linear foot of a business on a secondary frontage (facing an alley, private driveway, an adjacent building, private parking or service area) not to exceed twenty (20) square feet on any one frontage.

12.3.2 APPLICABILITY

The maximum area of signage noted above shall apply to all wall, window and projecting signs and signs painted on awnings. Further, shingle signs shall not exceed twenty (20) square feet per sign face and shall not project more than five (5) feet from the wall. Shingle signs located under canopies may be the width of the canopy.

12.3.3 FIRST FLOOR SIGNS

Each business with first floor frontage or direct sidewalk access may have a pedestrian-oriented sign attached below a canopy not exceeding five (5) square feet per sign face and with a minimum clearance of eight (8) feet above the sidewalk. Such a sign will not count as part of the maximum business sign allowance.

12.3.4 MULTIPLE TENANT SIGNS

Multiple business directories are intended to address situations where businesses have limited visibility from the adjacent street, and may be permitted when not exceeding two (2) square feet per tenant and twenty (20) square feet total per sign face. Such a sign

will not count as part of the maximum business sign allowance.

12.4 MATERIALS

Signs should be painted and/or carved wood, wrought iron, cut out, non reflective metal lettering such as brass, or glass (including stained glass). Signs painted directly on plain surfaces, windows and canvas awnings are generally appropriate. Three dimensional metal "box" signs are not permitted. Decorative neon identification signs may be used as an accent or design feature, but shall not dominate the general appearance of the facade.

12.5 ILLUMINATION

12.5.1 INDIRECT ILLUMINATION

Illumination should generally be indirect such as that provided by "goose necked" light fixtures. In some instances, signs may be flood-lighted or may utilize exposed LED light bulbs.

12.5.2 ILLUMINATED SIGNS NOT PERMITTED

No interior-illuminated signs are permitted. Fluorescent, flashing, and intermittent illumination is not permitted.

12.6 TEMPORARY SIGNS

12.6.1 STORE EVENTS

Temporary signs pertaining to special store events or sales lasting no more than thirty (30) days may be painted or affixed to display windows provided that their total area shall not exceed twenty-five percent (25%) of the window area.

12.6.2 TEMPORARY BANNERS

Banners or other promotional signs may be displayed for up to thirty (30) days. The same or similar signage shall not be replaced within thirty (30) days after removal.

12.7 NON-CONFORMING SIGNS

Non-conforming signs or sign structures shall be removed upon change in tenancy or ownership of the business identified by the sign. No change in copy and/or reuse of non-conforming sign or sign structure shall be permitted in order to identify a new business, product, tenant or occupant.

12.8 UNUSED SIGNS

12.8.1 UNUSED SIGNS

Any sign existing as of or after the effective date of these Standards, which no longer advertises a bona fide business conducted or a product available for purchase by the public, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure or land upon to do so.

12.8.2 SIGN REMOVAL BY CITY OR DEVELOPER

Upon failure to comply with such notice within the time specified in such order, the Developer is authorized to cause removal of such

sign and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached or, if the sign is not attached to a building, then such expense shall be paid by the owner of the sign.

12.9 ILLEGAL CONSTRUCTION

If the Developer finds that any sign has been constructed or erected, or is being maintained in violation of the provisions of this Section, they shall give written notice of such conditions to the permittee. In the event no valid permit exists, the owner will remove or alter the sign so as to comply with this section within thirty (30) days after such notice. Such signs may be removed or altered to comply at the expense of the permittee or the owner of the property upon which the sign is located.

12.10 STREET ADDRESS SIGNS

Building shall display a numerical address sign indicating the legal address in letters not less than four inches in height and clearly visible from the public street.

12.11 PROHIBITED SIGNS

All auto oriented pylon, pole mounted berm mounted, or off-premise identification signs are prohibited. Off-premise directional signs may be approved on a case-by-case basis by the Design Review Board or Town Architect.



Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a request by Schumann Engineering for a Zone Change from HI, Heavy Industrial District to SF-3, Single-Family Dwelling District on the south 50 feet of the northwest quarter, also known as Lots 3 & 4, Block 50, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of N. Madison Street, approximately 100 feet to the south of Orchard Lane. Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Purpose:

The applicant, Schumann Engineering, is requesting a Zone Change from HI, Heavy Industrial District to SF-3 Single-Family Dwelling District at 603 & 605 North Madison Street, to construct a single-family residence on each lot.

Current Zoning:

HI, Heavy Industrial District.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are also zoned HI, Heavy Industrial District and the location of vacant land and single-family residences, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single-family homes. The property meets the minimum lot size requirements for the SF-3, Single Family Dwelling District.

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

Fire: (Approved)

No 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 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.

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objections.

Planning:

Under the previous zoning code, the current zoning district would have allowed for the construction of single-family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Ordinance adopted in 2019, construction of single-family homes was restricted to single-family dwelling districts.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for Urban Medium, a classification which calls for a mix of residential and non-residential uses. As the surrounding lots consist of vacant lots and residences, this zone change will follow the existing characteristics of the surrounding neighborhood and provide additional housing for residents of the City of Midland.

Staff recommends approval of this zone change from HI, Heavy Industrial District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of November 10, 2021.

Attachments:

Application
Plat (Exhibit A)
Maps



Zone Change/Planned District
Amendment/Site Plan Approval

Project Number: 2-21-0270
Case Number: _____

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

Property Owner Printed Name: <u>Gilberto Lopez & Zenaida Flores</u>		Phone (<u>432</u>) <u>210-2741</u> Email _____	
Address <u>607 N. Madison</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Representative (if different from Applicant or Property Owner) Firm: <u>Schumann Engineering</u> Printed Name: <u>Eduardo L. Aleman</u>		Phone (<u>432</u>) <u>684-5548</u> Email <u>eateman@schumannonline.net</u>	
Address <u>800 N. Marientfeld, Suite 100</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>

Street Address: <u>605 N. Madison & 607 N. Madison</u>	
Legal Description Lot: <u>4 & 3</u> Block: <u>50</u> Subdivision: <u>East Midland</u>	

Current Zoning: <u>H1</u>	Proposed Zone: <u>SF3</u> (List by tracts if more than one district is requested)
---------------------------	--

Reason for Zone Change Request: To build a house

Present Use of Property: Vacant lot - Not in use

Proposed Use of Property: Residential

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

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

Submittal and Fees

Items to be submitted with this application form:

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

RECEIVED
OCT 19 2021

BY: CF

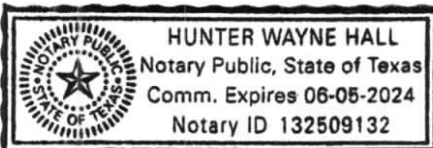
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): <u>Zenaida Flores</u>	Date: <u>10-6-2021</u>
Property Owner (printed): <u>Zenaida Flores</u>	
<i>The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.</i> <i>All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.</i>	

STATE OF TEXAS
COUNTY OF MIDLAND

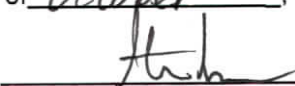
Before me, the undersigned authority, on this day personally appear Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Zenaida, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal 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 7th day of October, 2021, to certify which witness my hand and seal of office.



HUNTER WAYNE HALL
Notary Public, State of Texas
Comm. Expires 06-05-2024
Notary ID 132509132


 NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>1695</u>	☐ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>Wiley Frymer</u>	Date: <u>10-19-21</u>

RECEIVED
 OCT 19 2021
 BY: CC

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

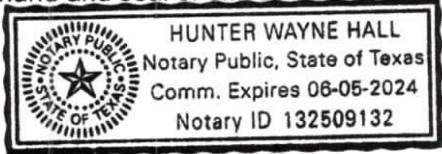
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Eduardo Aleman</u>	Date: <u>10-7-21</u>
Applicant (printed): <u>Eduardo I. Aleman</u>	
Property Owner (signature): <u>X Gilberto Lopez</u>	Date: <u>10-6-21</u>
Property Owner (printed): <u>X Gilberto Lopez</u> <u>10-6-21</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.	
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

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

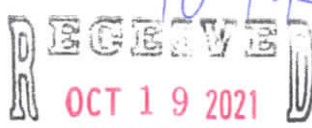
Eduardo I. Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 7th day of October, 2021, to certify which witness my hand and seal of office.



HUNTER WAYNE HALL
Notary Public, State of Texas
Comm. Expires 06-05-2024
Notary ID 132509132

HWH
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1695</u>	
Received By: <u>Ale Funguen</u>	Date: <u>10-19-21</u>
 RECEIVED OCT 19 2021 BY: <u>CF</u>	

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



RECEIVED
OCT 19 2021

BY: *CF*

DATED THIS 12TH DAY OF OCTOBER, 2021

[Signature]
 RJ DAUM
 TEXAS RPLS 4826



SCHUMANN
ENGINEERING CO.

A LATERAL LAND COMPANY

CIVIL ENGINEERING - LAND SURVEYING
 TEXAS FIRM No. F1080 - TEXAS FIRM No. 10149500
 800 N. MARIENFELD STREET
 SUITE 100
 MIDLAND, TEXAS 79701

PACKET

Page 8.118

ZONE CHANGE EXHIBIT

LOTS 3 & 4

BLOCK 50

EAST MIDLAND ADDITION

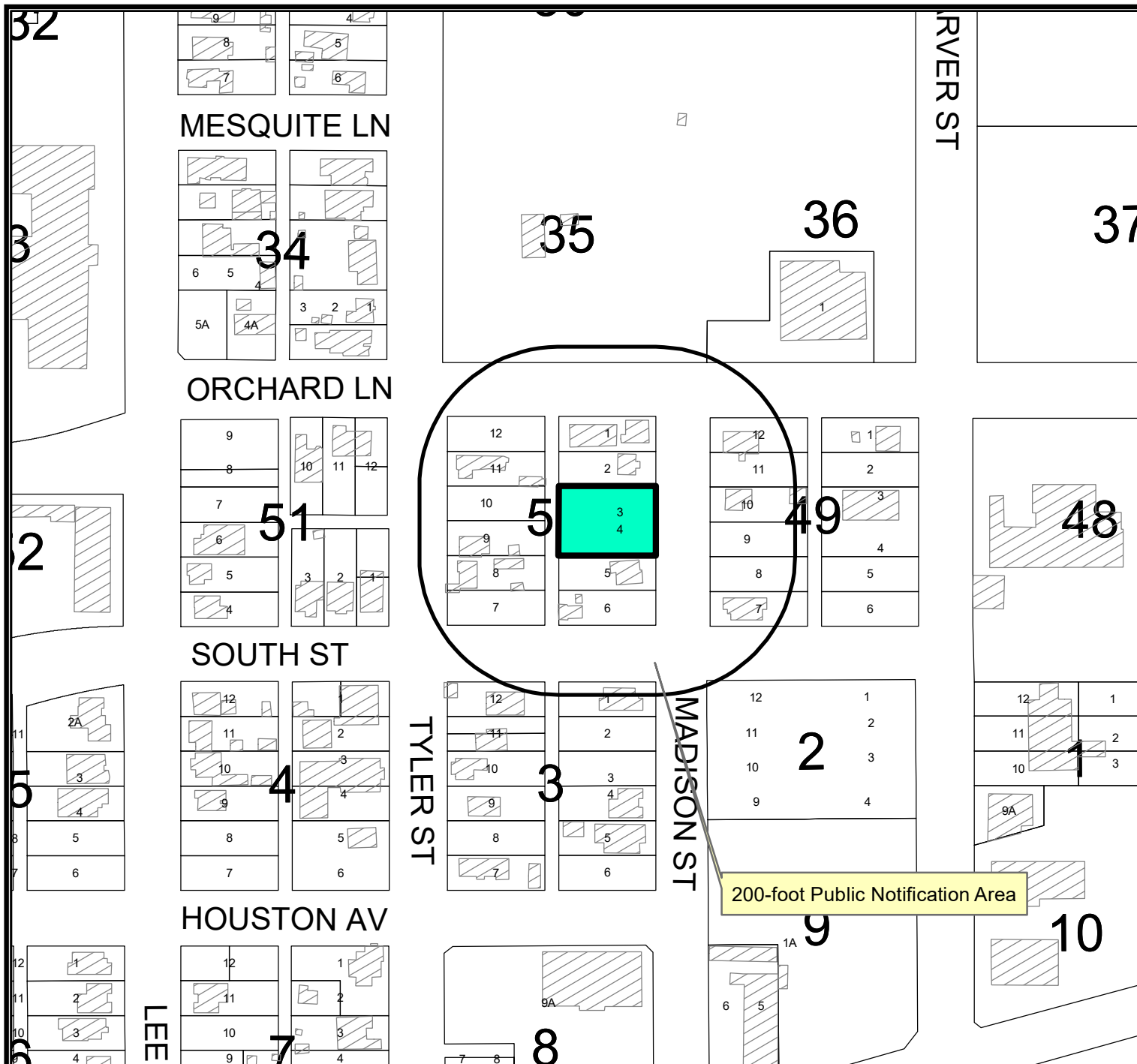
AN ADDITION TO THE CITY OF MIDLAND,
 AS PER PLAT OF RECORD IN
 VOLUME 1, PAGE 52, PLAT RECORDS,

MIDLAND COUNTY, TEXAS

SCALE: 1" = 40'

PROJECT: 78116
 JOB NO.: 78116

November 15, 2021



LOCATION MAP

Z-21-0270

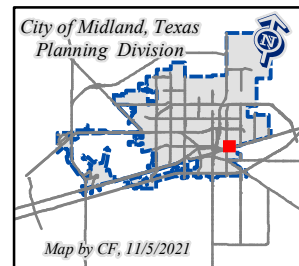
Scale: 1" = 200'

Consider a request by Schumann Engineering for a Zone Change from HI, Heavy Industrial District to SF-3 Single-Family Dwelling District, on Lots 3 & 4, Block 50, East Midland Addition, City and County of Midland, Texas.

Generally located on the west side of N. Madison Street, Approximately 100 feet south of Orchard Lane (Council District 2)

LEGEND

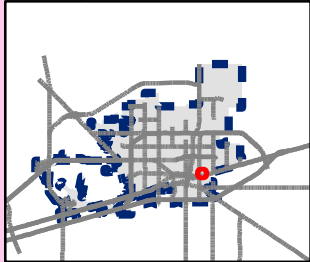
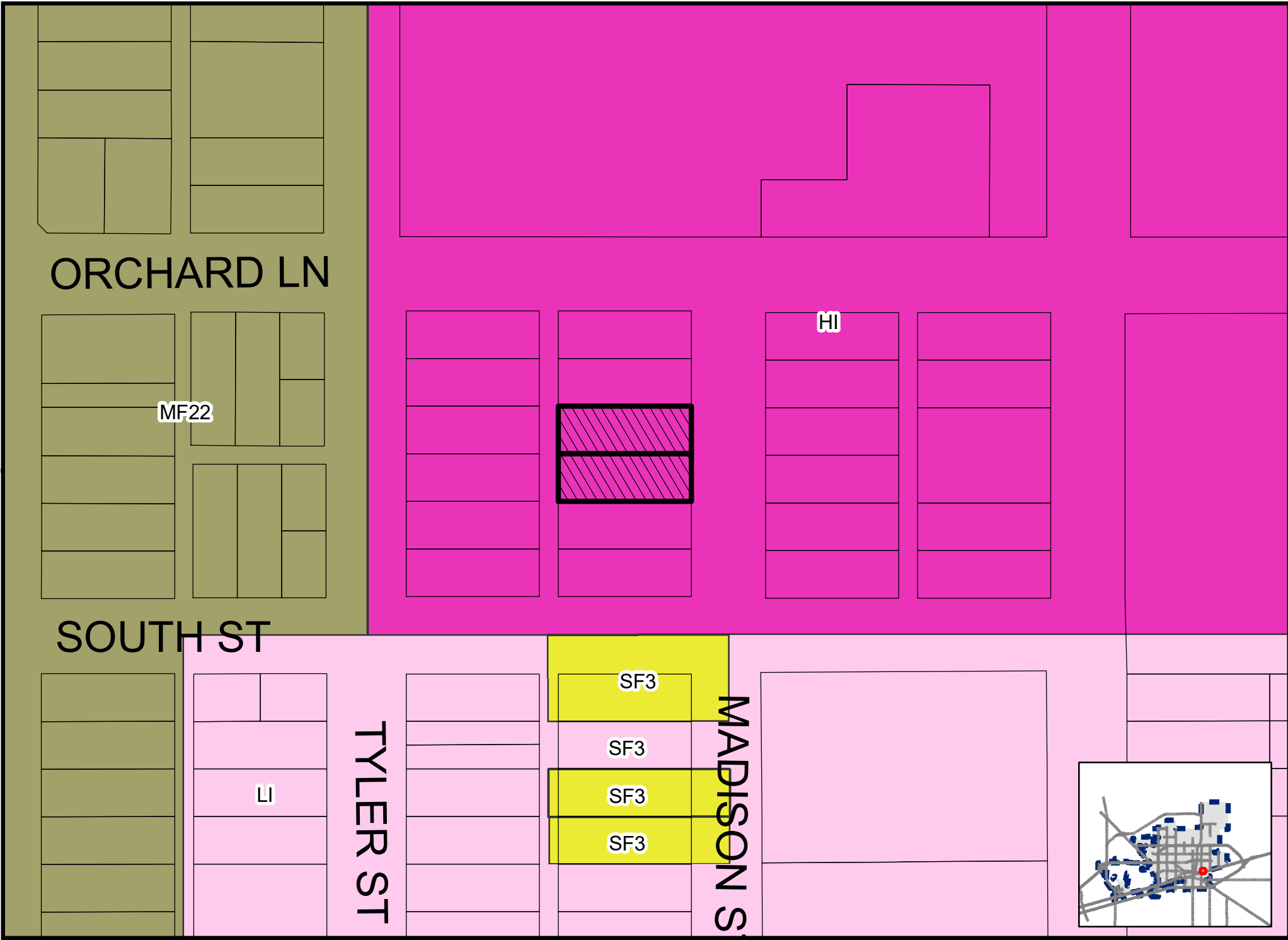
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Mahendra Patel for a zone change from O-2, Office District to C, Commercial District on Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven Court Right-of-Way, all out of Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Dr. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☐ Approve ☒ Deny ☐ Directional/Informational

Purpose:

The applicant, Mahendra Patel, is requesting to rezone the property on Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven Court Right-of-Way, all out of Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas for the development of a self-storage facility.

Current Zoning:

O-2, Office District

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned Development District for a Housing Development, and the location of an apartment complex. The properties to the east are zoned TH, Townhouse District, and 2F-Two-Family Dwelling District and the location of single-family homes and duplexes. The property to the South is zoned PD, Planned Development District for a Shopping Center, and the location of a nursing home. The

property to the west across Loop 250 is zoned ETJ, Extraterritorial Jurisdiction and the location of vacant land.

Analysis:

The property is currently vacant and located on Lots 1-29R, Wilshire Park Addition, Section 11, City and County of Midland, Texas. The applicant, Mahendra Patel, is requesting this zone change to allow for the development of a self-storage facility since the current zoning district (O-2, Office District) does not allow for this type of development.

This vacant property was originally zoned and platted for single-family development. It has since then been rezoned twice with the last rezone being O-2, Office District with the intention of a church being developed in this area. The property is located around other residential properties ranging from single-family to multi-family. The development of storage facility would not follow the characteristics of the existing neighborhood. The intent of any new development should be able to maintain the existing development patterns, provide capable fill in development, and enhance and stabilize the existing neighborhood. Furthermore, this rezone is considered spot zoning. Spot zoning is the process of singling out a small parcel of land for use classification different from and inconsistent with that of the surrounding area for the benefit of the owner of such property. If the property is rezoned to commercial, it could be used for any commercial activity allowed in the zoning district. Thus, the biggest concern would be the number of activities that could eventually go into the building as commercial use.

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

Fire: (Approved)

Proposed occupancy must meet all requirements of IFC 2015 ed. and local ordinances.

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 objection to zone change. [For the 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 the Applicant's information only.]

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway. [Reference City Code Section 9-4-5(D).]

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 not compliant with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-An Integrated Land Use Vision*. This area calls for urban-residential medium, a designation that incorporates a mix of housing types, including single-family detached, single-family attached and townhouse uses. The development of a self-storage facility would not follow the recommendations of the Tall City Tomorrow nor any of the uses allowed in the proposed commercial district.

Staff recommends denial of this request. However, if this request is approved, then staff recommends the zone change from O-2, Office District to C, Commercial District, be subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the C, Commercial District.**

Letters of Objection:

Staff has not received any letters of objection as of November 10, 2021.

Attachments:

Site Plan (Exhibit A)
Application
Maps



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

Project Number: 2-21-0271
Case Number: _____

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

Printed Name: Mahendra Patel

Phone ()
Email

Address 3904 W Wall St

City Midland

State TX

Zip 79703

Property Owner

Printed Name: See Applicant

Phone ()
Email

Address

City

State

Zip

Representative (if different from Applicant or Property Owner)

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

Street Address:

Tract One: Being Lots 1-28 and the West 28' of Lot 29, Block 168, Wilshire Park, Section 11

Legal Description

Tract Two: Being the 20' Alley Adjacent to Lots L-17, and a 0.57 Acre Portion of Blue Haven Court Right of Way
Adjacent to Lots 7-29, Block 168, Wilshire Park, Section 11, an Addition to the City and County of Midland, Texas

Lot: Block: Subdivision:

Current Zoning: O2

Proposed Zone: C

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

Reason for Zone Change Request: To develop a self-storage facility

Present Use of Property: Vacant

Proposed Use of Property: Storage units

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

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

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): <u>Mahendra Patel</u>	Date: <u>10/20/21</u>
Property Owner (printed): <u>Mahendra Patel</u>	

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

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

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 Mahendra Patel, 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 20th day of October, 2021, to certify which witness my hand and seal of office.

Kelsey Ann Stine

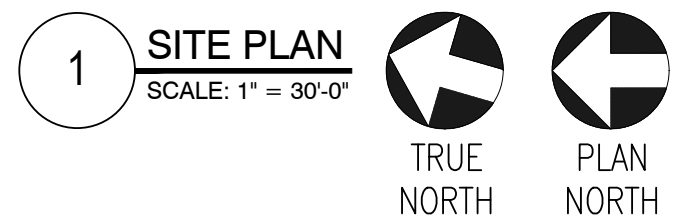
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>3610</u>	☒ Dimensioned Site Plan ☒ Plans in Digital Format (PDF/JPEG) <u>(Not provided)</u>
Received By: <u>[Signature]</u>	Date:

RECEIVED
 OCT 20 2021

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



SITE PLAN NOTES

1. REFER CIVIL DRAWINGS FOR RECORDED PLAT/SURVEY FOR PROPERTY BOUNDARIES, EASEMENTS, SETBACKS, ETC. REPORT ANY DISCREPANCIES TO ARCHITECT PRIOR TO CONSTRUCTION.
2. REFER CIVIL DRAWINGS FOR ALL DRIVE, PARKING, AND CURB LOCATIONS, DETAILS, AND DIMENSIONAL INFORMATION.
3. REFER LANDSCAPE DRAWINGS FOR EXTENTS OF REQUIRED LANDSCAPING.
4. PROVIDE CONCRETE FILLED STEEL TUBE BOLLARD AT BUILDING CORNERS AND BUILDING ENTRIES AT DRIVE AREAS (REF. DETAIL 2/A1.1 FOR LOCATIONS, CIVIL FOR DETAIL).
5. PROVIDE MANUAL FAL SAFE OPERATION, KEY BOX, AND 20"-0" GATE OPENING FOR ELECTRICAL GATE PER FIRE MARSHALL REQUIREMENTS.

**JUST-A-CLOSET
SELF STORAGE #10**

PROJECT NO.	2130
DATE :	10.07.2021
DRAWN :	CAH
REVISIONS:	

**PHASE I
SITE PLAN**

SHEET NO.

A 1.2

DALLENBACH•COLE
ARCHITECTURE

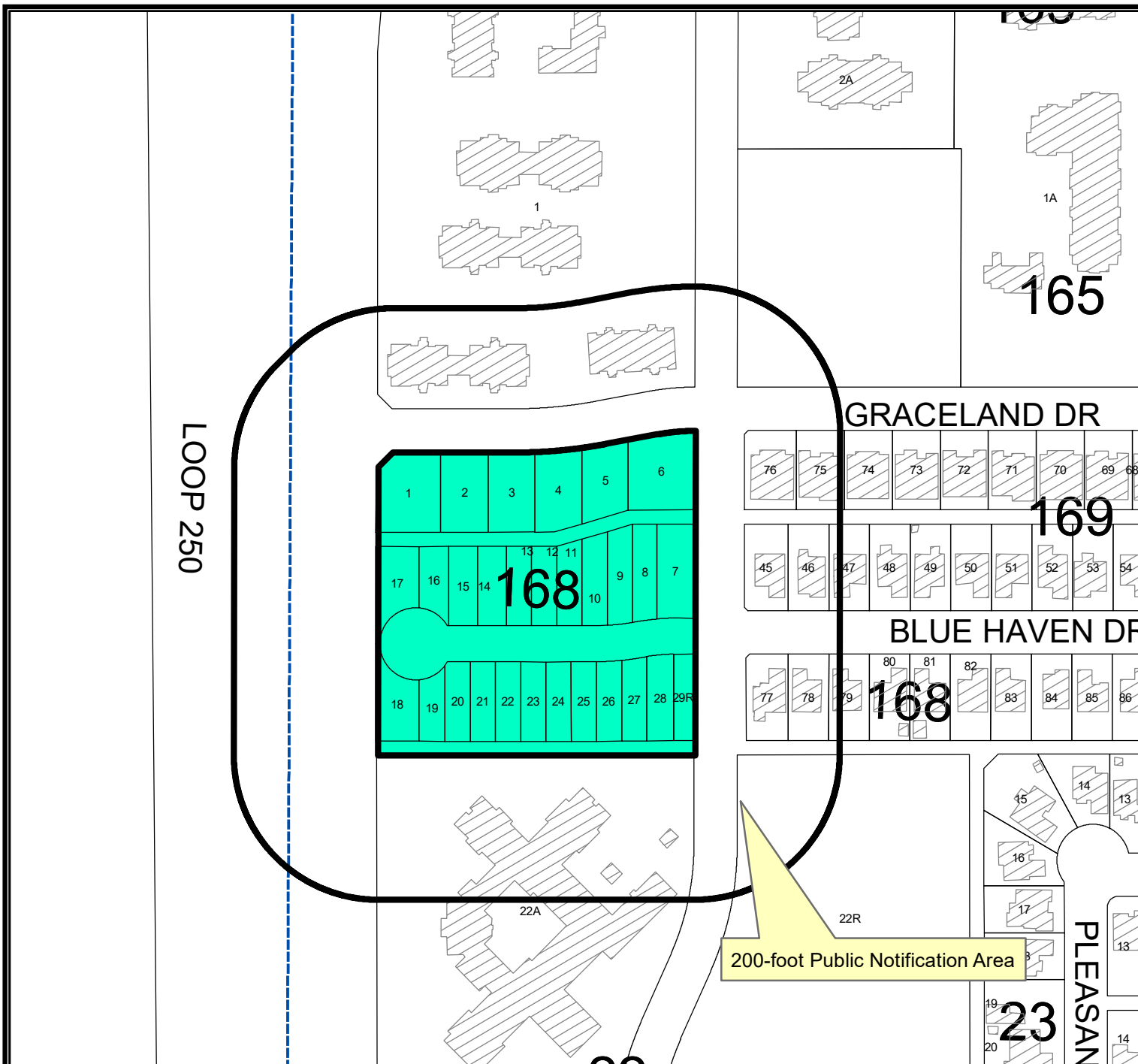
12035 COLWICK - SUITE 200
SAN ANTONIO, TEXAS 78216
WWW.DALLENBACHCOLE.COM
P 210.493.2234



GRACELAND DRIVE
MIDLAND, TX 79703







LOCATION MAP

Z-21-0271

Scale: 1" = 200'

Consider a request by Mahendra Patel for a zone change from O-2, Office District to C, Commercial District on Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven Court Right-of-Way, all out of Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Drive. (Council District 4)

LEGEND

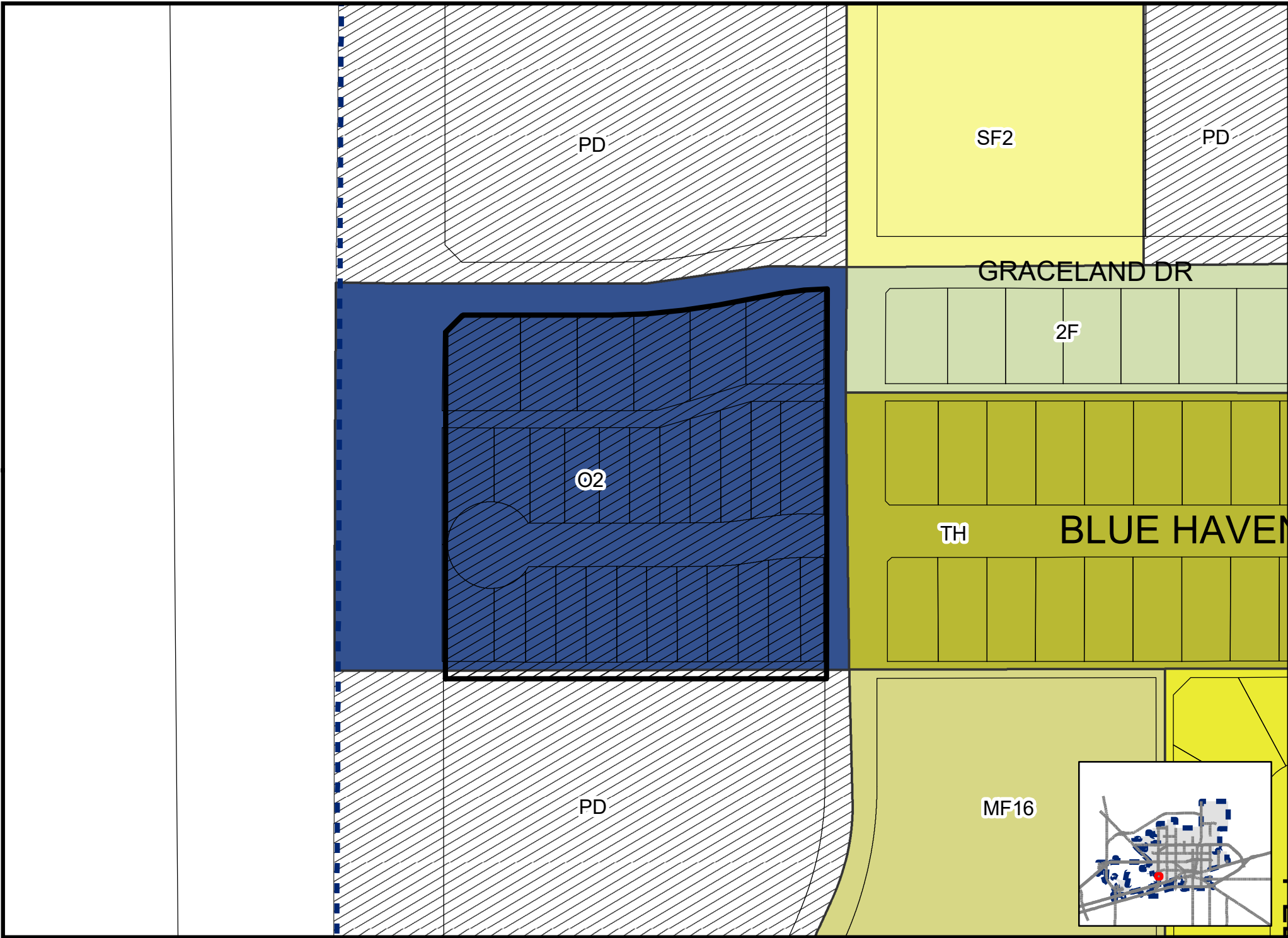
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: A motion approving a Final Plat of North Midkiff Addition, Section 5 being a replat of Lot 10, Block 2, North Midkiff Addition, Section 3, and a plat of a 0.549-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the south side of Happy Trail, approximately 840-feet east of Mayfield Place. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-1, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, Newton Engineering, PC is proposing to replat of Lot 10, Block 2, North Midkiff Addition, Section 3, and plat a 0.549-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas to build a residential home. This plat went short form procedure, and no preliminary plat was required. This is a residential replat; therefore, a public hearing is required per Midland City Code 11-2-7. (A).

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.

Departmental Review:

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

ROW: ROW okay as shown.

PAVING: No frontage along public ROW. No public paving improvements required.

WATER: No frontage along public ROW. 8" water exists in Happy Trails north of tract, okay as is. No public water improvement required.

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

PRO RATA: 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.

SEWER: No frontage along public ROW. 8" sewer exists in Happy Trails north of tract, okay as is. No public wastewater improvements required.

DRAINAGE: No drainage report required for plat.

EASEMENTS: Okay as shown.

SIDEWALKS: Sidewalks required with building permit or request a deferral.

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

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

Fire: Approved

No additional comments.

Oil and Gas: Approved

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.

Planning: Approved

All departments' comments have been satisfied.

Staff recommends approval of the Final Plat of North Midkiff Addition, Section 5, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

SUB-21-0452

Case Number:

P-21-1218

Proposed Subdivision Plat Name: NORTH MIDKIFF SECTION 5**Legal Description (attached sealed Metes and Bounds):** See attached.**Property Owner** HEXAGON PARTNERS, LTD/LUKE DUNN
Printed Name:

Phone (432) 770-0499

Email ldunn@crowquest.com

Address 18 Desta Dr.

City MIDLAND

State TX

Zip 79705

Developer (if different than Owner)

Printed Name: Same as owner.

Phone ()

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: John M. Newton

Phone (432) 770-0499

Email

john@newtoncivil.com

Address 4501A SANTA ROSA DR.

City Midland

State TX

Zip 79707

Current Zoning: SF-1**Reason for Platting:** TO BUILD A RESIDENTIAL HOME**Plat Information**

Total Acreage: 1.18 acres

Type: ☒ Single-Family Residential☐ Multi-Family Residential☐ Commercial

Extraterritorial Jurisdiction (ETJ)

Number of Lots: 2

Number of Multi-Family Dwelling Units: 0

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

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



Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

RECEIVED
10/20/21

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

Property Owner (signature): [Signature]

Date: 9/30/2021

Property Owner (printed): Luke Dunn

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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.

RECEIVED
10-20-21

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

BY:

Property Owner (signature):

Date: 9-30-21

Property Owner (printed):

TIM DUNN GP MANAGER / HEXAGON PARTNERS

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.

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STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

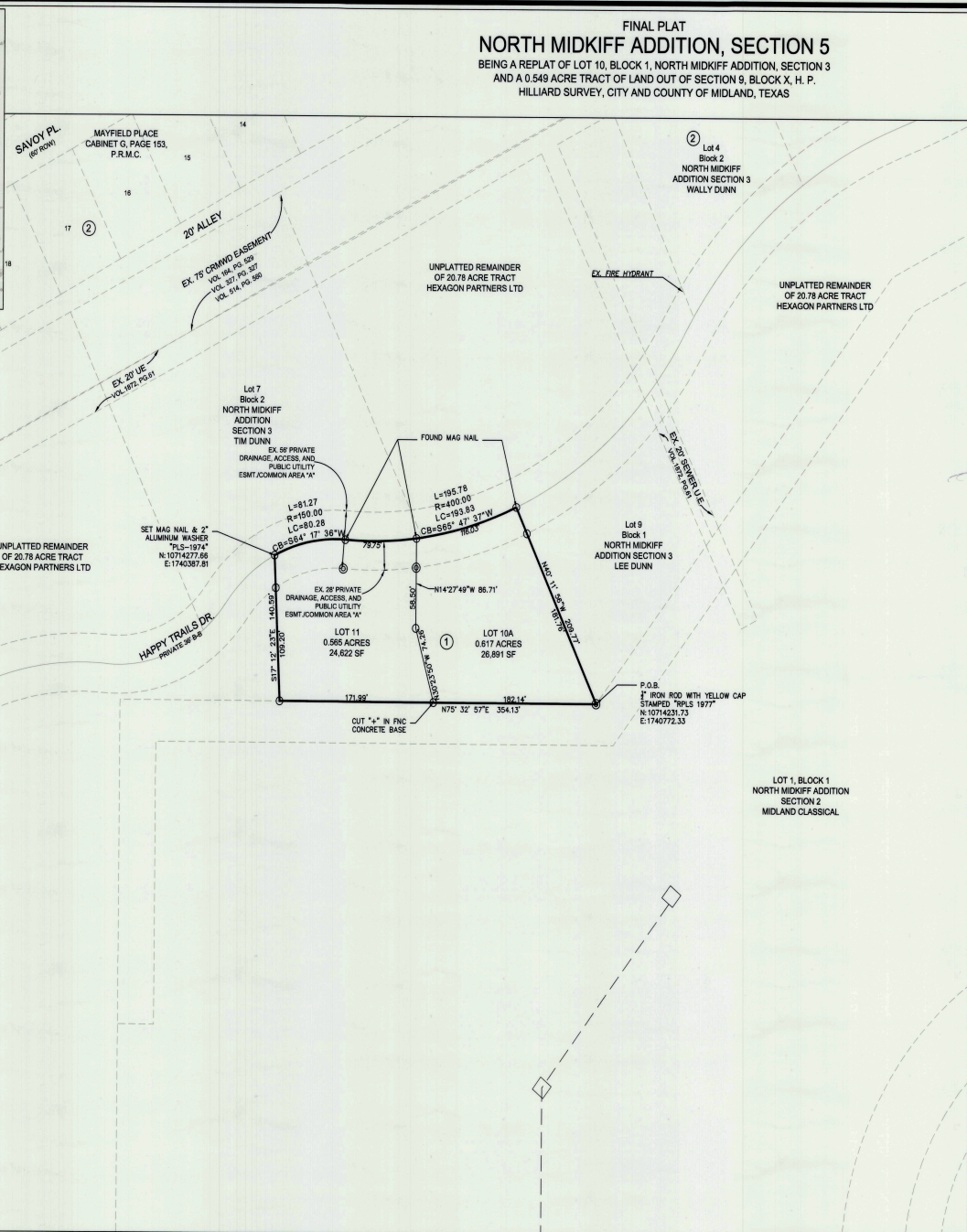
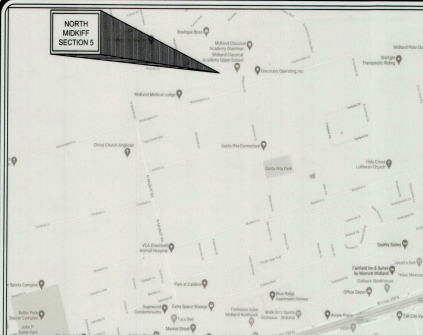
FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☐ Title Opinion	☒ Recording Fee
Check # <u>1071</u>	☒ Tax Certificates	Check # <u>1070</u>
Received By: <u>DL</u>		Date: <u>10/4/21</u>

Put on Hold

RECEIVED
OCT 20 2021

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



LEGEND

- SET 1/2" IRON ROD WITH PLASTIC CAP MARKED "PLS 1974" UNLESS NOTED OTHERWISE
- FOUND 1/2" IRON ROD UNLESS NOTED OTHERWISE

GRAPHIC SCALE

(IN FEET)
1 INCH = 60 FT.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, LUKE DUNN AND HEXAGON PARTNERS, LTD. are the record owners of a 1.18 acre tract containing Lot 10, Block 1, North Midkiff Addition, Section 3 and a 0.549 acre tract of land out of Section 9, Block 2, H.P. Hilliard Survey, Midland County, Texas and being more particularly shown hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, LUKE DUNN AND TIMOTHY M. DUNN, do hereby adopt this plat designating the hereinabove described property as NORTH MIDKIFF ADDITION SECTION 5, an addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.

WITNESS my hand at Midland, Texas, this 30th day of September 2021

LUKE DUNN
LUKE DUNN
HEXAGON PARTNERS, LTD.
TIMOTHY M. DUNN, REGISTERED AGENT

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on September 30th, 2021 by LUKE DUNN.

Paloma Morales
Notary Public, State of Texas



ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on September 30th, 2021 by TIMOTHY M. DUNN.

Michael Tomlin
Notary Public, State of Texas



OWNERS:

HEXAGON PARTNERS LTD
PO BOX 52288
MIDLAND, TEXAS 79710
(432)818-0300

LUKE DUNN
PO BOX 52288
MIDLAND, TEXAS 79710
(432)818-0300

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS, DISTANCES, AND COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 480200007 DATED SEPTEMBER 16, 2005.
5. PRIVATE EASEMENTS SHOWN ON THIS PLAT ARE FOR THE BENEFIT OF ALL LOTS IN NORTH MIDKIFF ADDITION SECTION 3. THE CITY OF MIDLAND RESERVES THE RIGHT TO ENTER AND TAKE CORRECTIVE ACTION FOR DRAINAGE, WATER, AND SEWER FACILITIES NOT ADEQUATELY MAINTAINED TO THE BENEFIT OF ALL LOTS IN NORTH MIDKIFF ADDITION SECTION 3, 4, AND 5.
6. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBERS OF LOTS IN NORTH MIDKIFF ADDITION SECTION 3, 4, AND 5 INCREASES.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____

UTILITY COMPANY CERTIFICATE:

This plat has been checked for accessibility of utilities

Signed: David Hitchason
Onor Electric Delivery Company

Signed: Lucia Montez
Suddeh

Signed: Mark Lieb
Atmos Energy

SURVEYOR'S CERTIFICATE

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

J. Stan Piper
J. STAN PIPER, R.L.S., #1974
Piper Surveying Company, Inc., P.O. Box 60435, Midland, Texas 79711
9/11/21

CERTIFICATE OF APPROVAL:
For approval by the Commission:

This is to certify that the above and foregoing plat of NORTH MIDKIFF ADDITION SECTION 5 was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____, 2021.

Signed: Lucy Sienitga, Chairman

Signed: Elizabeth Shoughnessy, Secretary

NORTH MIDKIFF SECTION 5

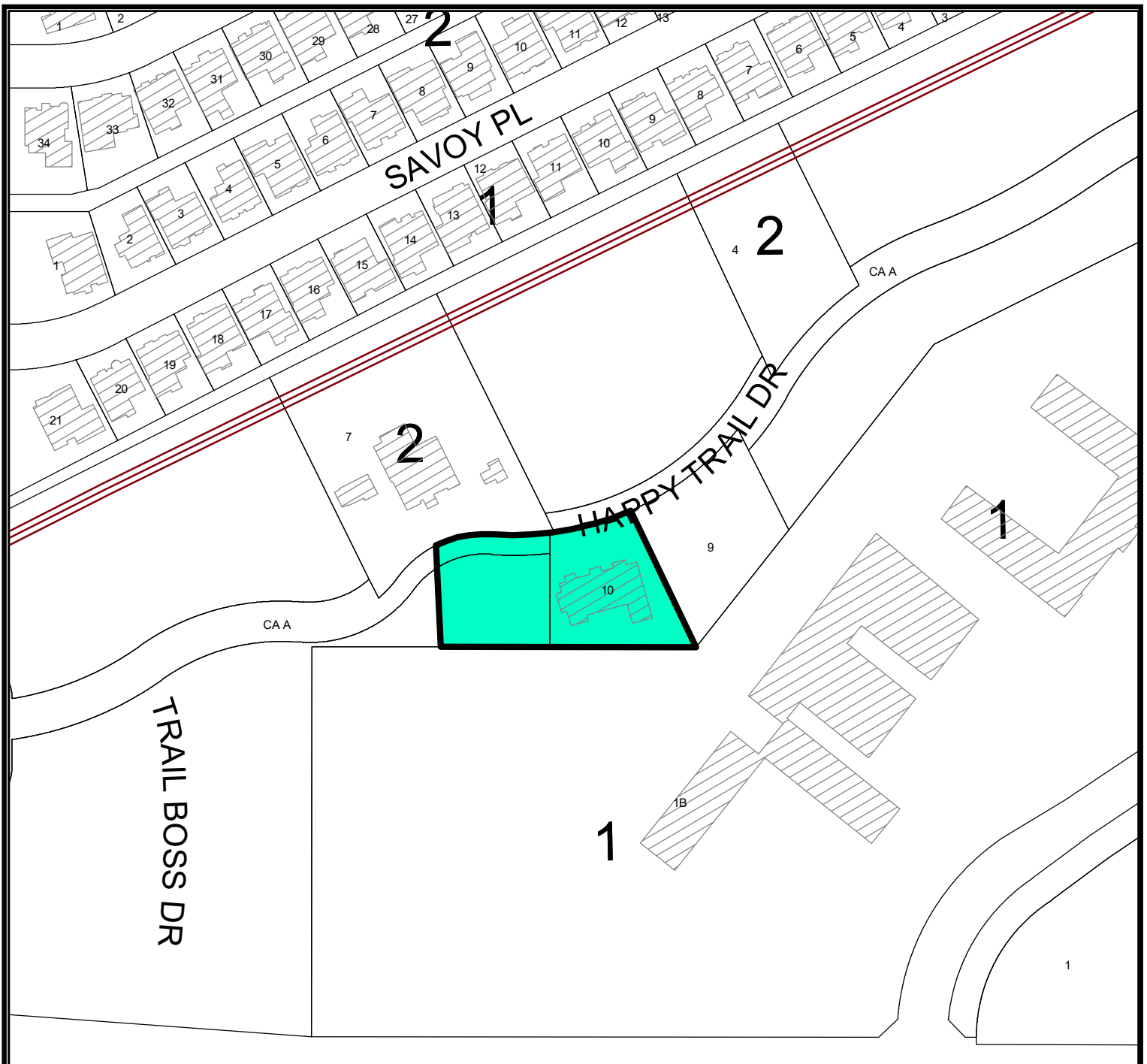
SCALE: 1" = 60' DRAWN BY: JMN
DATE: FEB 2021 FILE NAME:

NEWTON ENGINEERING, PC
P.L.L.C.
4501A Santa Rosa Dr.
Midland, Texas 79707
(432)775-0889

FINAL PLAT

PROJECT NUMBER
20-ME10151

PACKET



LOCATION MAP

SUB-21-0452

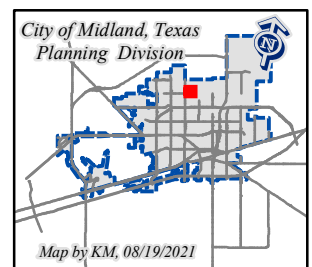
Scale: 1" = 200'

Proposed plat of North Midkiff Addition, Section 5 being a replat of Lot 10, Block 2, North Midkiff Addition, Section 3, and a plat of a 0.549-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the south side of Happy Trail, approximately 840-feet east of Mayfield Place.
(Council District 1)

LEGEND

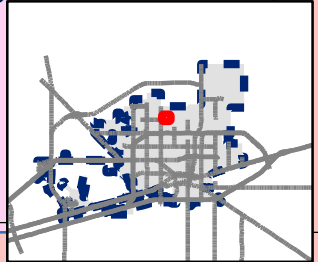
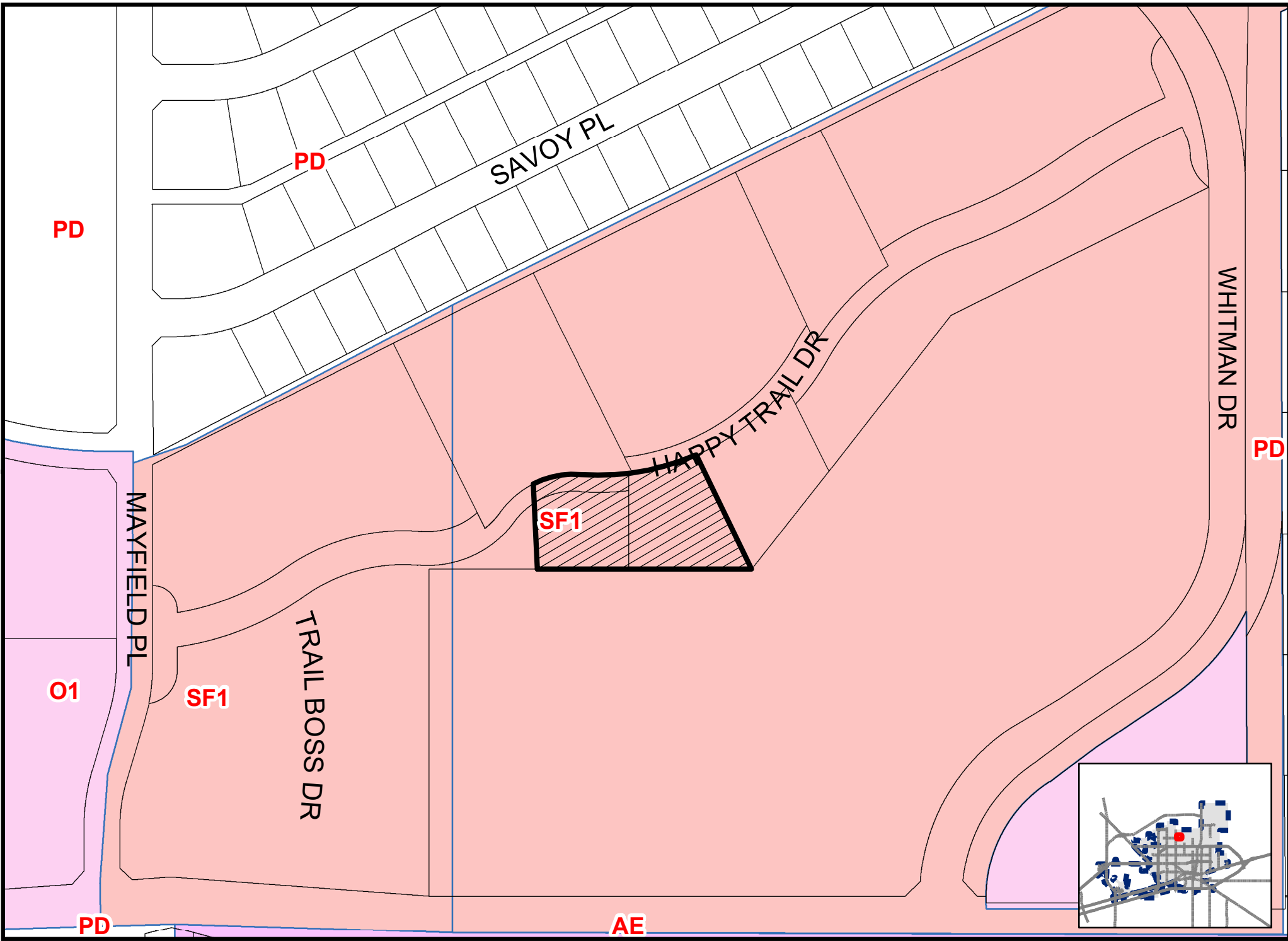
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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: November 15, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving with staff recommendations a Preliminary Plat of Pavilion Park, Section 14 being a replat of Lot 1B, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 353-feet south of East Mockingbird Lane. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Directional/Informational

Details of Request:

The applicant, Lance Armour is requesting to replat Lot 1B, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas to develop Lot 1C as a Wendy's Restaurant.

Current Zoning:

RR, Regional Retail District

Departmental Review:

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

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

No additional comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Add this note on the plat "Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the permitting process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases." [Per Midland City Code Sect. 11-14-6]

ROW: Mockingbird Ln okay as shown. Pavilion Pkwy okay as shown.

PAVING: Mockingbird Ln okay as shown. Pavilion Pkwy okay as shown. Big Spring St. okay as shown.

WATER: 12" water line exists in N. Big Spring St. west of the tract, okay as is. 8" water line exists in Pavilion Pkwy south of the tract, okay as is. No public improvements required.

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

PRO RATA: None.

SEWER: 15" sewer exists in N. Big Spring St. west of tract, okay as is. 12" sewer exists in Pavilion Pkwy, south of tract, okay as is. No public wastewater improvements required.

DRAINAGE: Show compliance with Pavilion Park Sec. 11 & 12 Drainage Study, prepared by Maverick Engineering, and approved by the City on 12/26/2019.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Add a note on plat providing a blanket cross access easement between all lots in all areas where permitted buildings are not existing or proposed. [Reference City Code Section 9-4-5(D), Section 11-2-5(B)1, Section 11-2-5(B)4.]

STREET NAME AND TRAFFIC CONTROL SIGN FEE – No fee expected with this plat.
[For the Applicant's information only.]

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)

No Oil and Gas issues. The nearest oil and gas wells identified with a 500 ft radius and appears to have no impact to plat.

PLANNING:

Owner's Certificate is incomplete. The legal description is missing the block number and the signature line is missing the printed name of the owner. Midland City Code 11-2-3(H)3(m)3.

Staff recommends approval of the proposed Preliminary Plat of Pavilion Park, Section 14 subject to conditions A and B.

Conditions:

- A. Approval of this preliminary plat is conditioned upon the final plat containing a complete owner's certificate. Midland City Code 11-2-3(H)3(m)3.
- B. Approval of this preliminary plat is conditioned upon adding a note on the final plat providing a blanket cross access easement between all lots in all areas where permitted buildings are not existing or proposed. [Reference City Code Section 9-4-5(D), Section 11-2-5(B)1, Section 11-2-5(B)4.]

Attachments:

Proposed Preliminary Plat
Maps
Application



Preliminary Plat Application

Project Number:

Case Number:

SUB-21-046
21-1216

Proposed Subdivision Plat Name: PAVILION PARK SECTION 14

Legal Description (attached sealed Metes and Bounds): REPLAT OF LOT 1B, BLOCK 1, PAVILION PARK, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS.

Property Owner

Printed Name: L&L AUSTEX, LLC, L&L AUSTEX 2018 Real Properties, LLC

Phone (432) 520-2400

Email

Address 3501 W. INDUSTRIAL

City MIDLAND

State TX

Zip 79701

Developer (if different than Owner)

Printed Name: Restaurant Holdings, LLC

Phone (432) 520-2400

Email kbuter@mhgi.net

Address 45 Ottawa AVE SW, STE 600

City Grand Rapids

State MI

Zip 49503

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

Firm: SURVEYING AND MAPPING, LLC

Printed Name: LANCE ARMOUR

Phone (432) 520-2400

Email lance.armour@sam.biz

Address 200 N. LORAIN ST., SUITE 220

City MIDLAND

State TX

Zip 79701

Current Zoning: RR REGIONAL RETAIL DISTRICT

Reason for Platting: Plans to develop Lot 1C as a Wendy's restaurant

Plat Information

Total Acreage:

5.821 ACRES

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

Number of Lots: 3

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

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

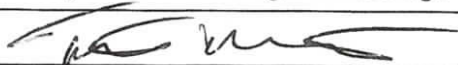
If yes, contact the City Engineer at (432) 685-7286

Provisions

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

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

Property Owner (signature):



Date: 10/19/2021

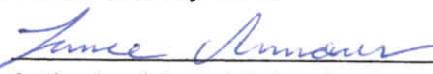
Property Owner (printed): Tim McDermott, Authorized Agent

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.

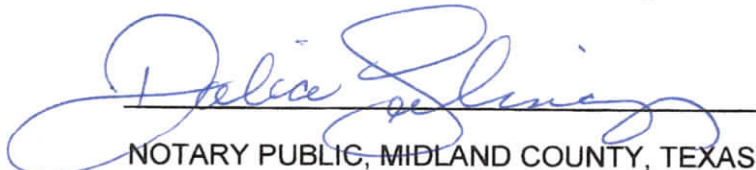
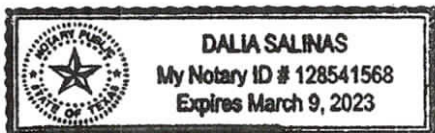
STATE OF TEXAS

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



Authorized Agent (signature)

Subscribed and sworn to before me, this 20th day of October, 2021, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

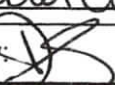
☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

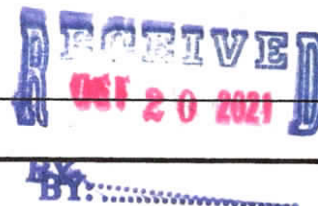
☒ Application Fee

☒ 1 Copy of Plat (11x17)

Check # credit card pm

Received By: 

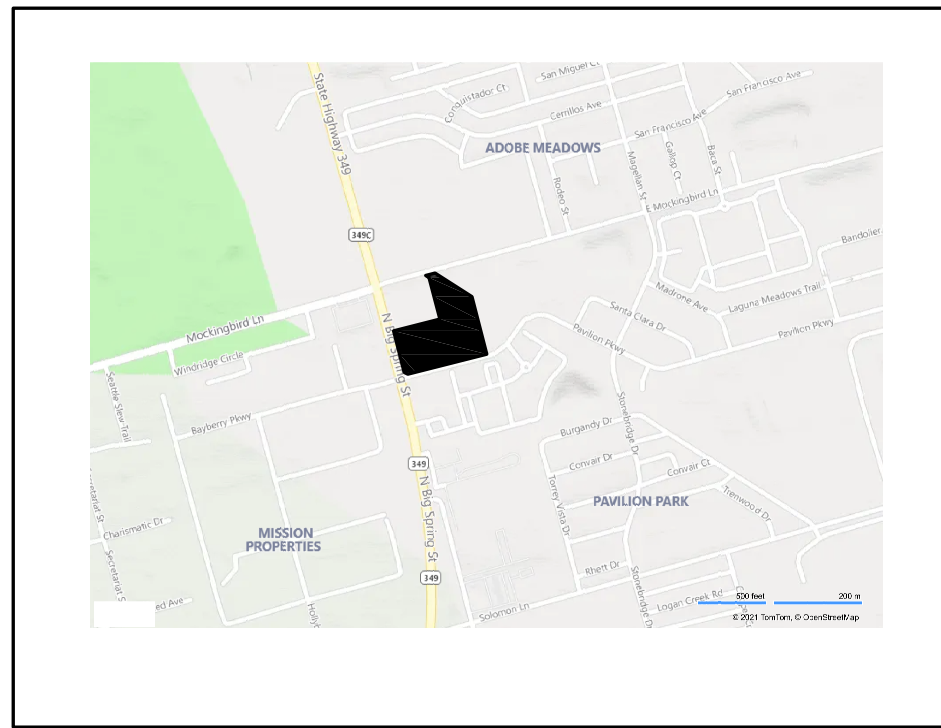
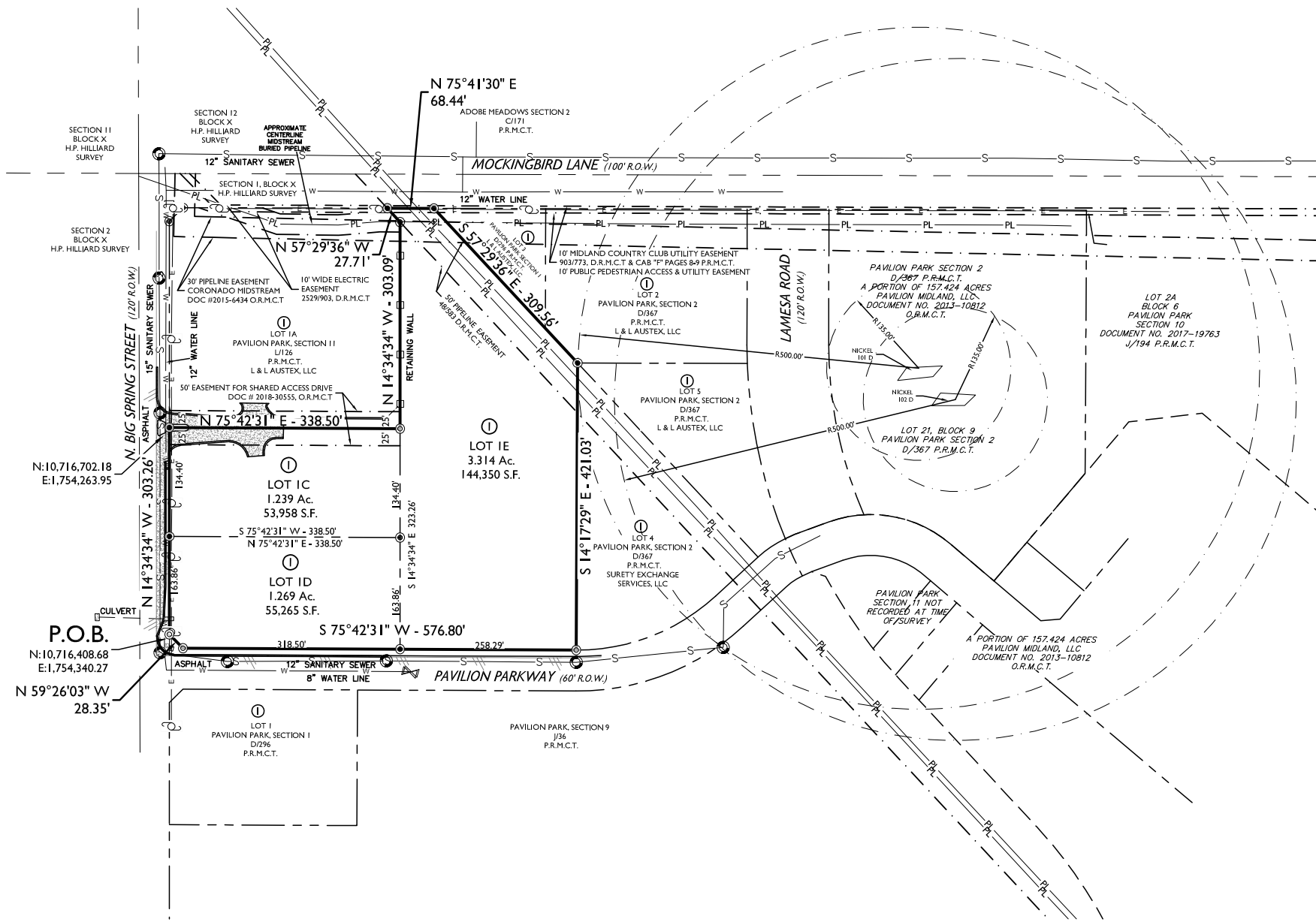
Date:



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

PRELIMINARY PLAT
PAVILION PARK, SECTION 14

BEING A REPLAT OF LOT 1B, BLOCK 1, PAVILION PARK ADDITION, SECTION 11
CITY AND COUNTY OF MIDLAND, TEXAS



VICINITY MAP

N.T.S.

LEGEND

●	DENOTES SET 1/2-INCH IRON ROD
⊙	DENOTES FOUND 1/2" IRON ROD
P.R.M.C.T.	DENOTES PLAT RECORDS, MIDLAND CO., TX
D.R.M.C.T.	DENOTES DEED RECORDS, MIDLAND CO., TX
O.R.M.C.T.	DENOTES OFFICIAL RECORDS, MIDLAND CO., TX
---	DENOTES BOUNDARY LINE
---	DENOTES SURROUNDING PROPERTY
---	DENOTES EXISTING EASEMENT LINE
PL --- PL	DENOTES EXISTING UNDERGROUND PIPELINE
---	DENOTES SECTION LINE
S --- S	DENOTES SANITARY SEWER
⊙	DENOTES SANITARY SEWER MANHOLE
W --- W	DENOTES WATER LINE
⊕	DENOTES WATER VALVE
E --- E	DENOTES OVERHEAD ELECTRIC LINE
⊕	DENOTES POWER POLE

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BEARINGS/DISTANCES/COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR;
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE PERMITTING PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- NO ADDITIONAL DIRECT ACCESS ALLOWED TO BIG SPRING ST.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0087F, DATED SEPTEMBER 16, 2005, REVISED TO REFLECT LOMR 18-06-1903P-48077 EFFECTIVE: NOVEMBER 5, 2018, THIS PROPERTY IS OUTSIDE THE SHADED PORTION OF ZONE "AH", DESIGNATED AS "AREAS BASE FLOOD ELEVATIONS DETERMINED"

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 SURVEYING AND MAPPING, LLC SURVEYING COMPANY.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF _____

WHEREAS L & L AUSTEX, LLC, is the record owner of LOT 1B, PAVILION PARK SECTION 14, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That L & L AUSTEX, LLC, being the owner of the land shown on this plat designated as PAVILION PARK, SECTION 14, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith has been selected and approved by the Director of Utilities.

WITNESS my hand at _____, this

the _____ day of _____, 2021.

By: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF _____

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 _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, LANCE ARMOUR, a Registered Surveyor of the State of Texas, do hereby certify that this plat was prepared from a true and correct copy of the original plat and that the corner monuments shown thereon were properly located under my personal supervision and in accordance with the Subdivision Map Act of the State of Texas.

LANCE ARMOUR, S.S.
Registered Professional Land Surveyor No. 431
SURVEYING AND MAPPING, LLC
200 N. LORRAINE ST., SUITE 220
MIDLAND, TEXAS 79701

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of PAVILION PARK, SECTION 14, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2021.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____



PROPERTY OWNER

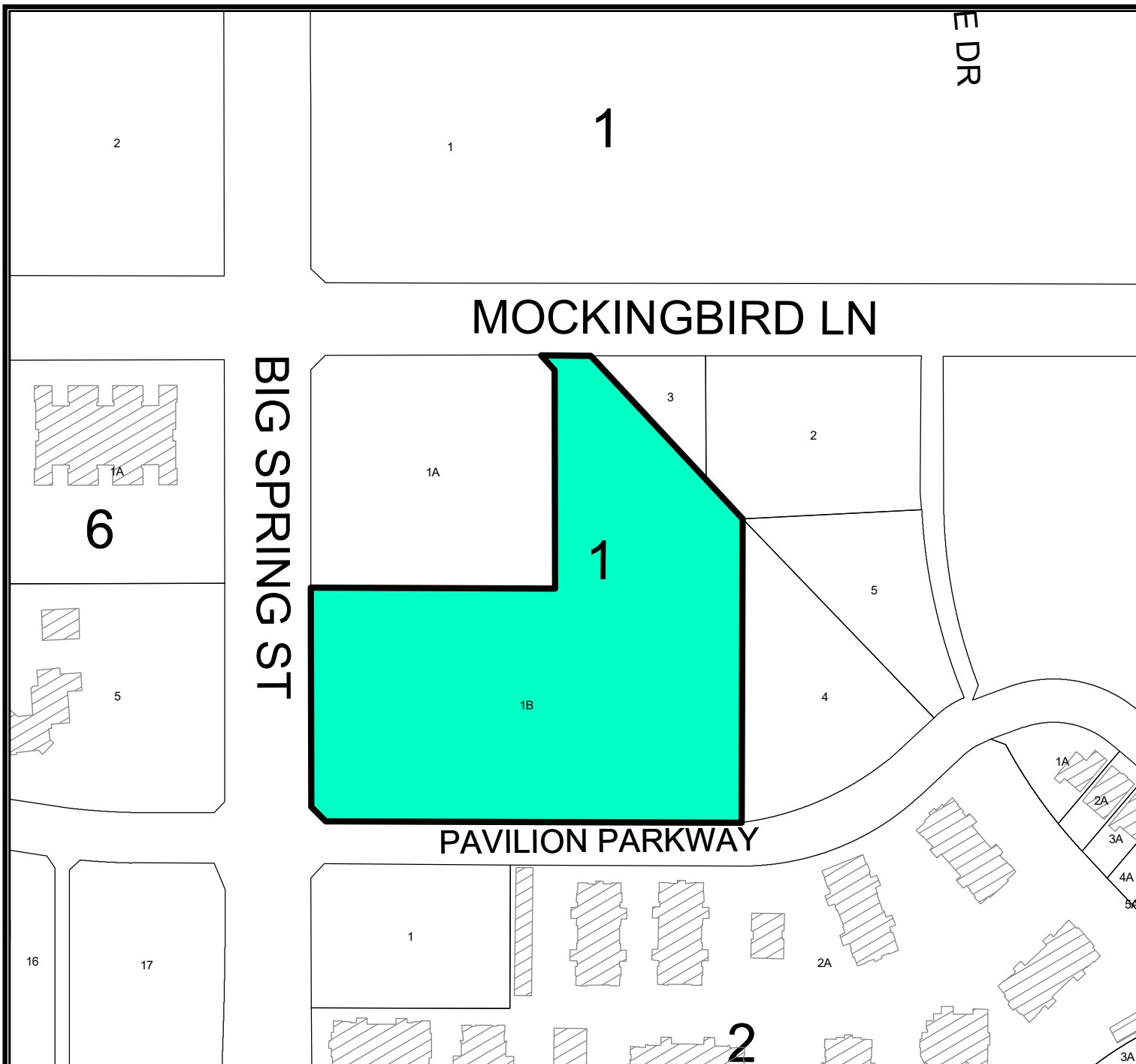
L & L AUSTEX, LLC
3501 W. INDUSTRIAL
MIDLAND, TX 79701
(254) 733-6300
INSTR #2018-26673

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

PAVILION PARK, SECTION 14



LOCATION MAP

SUB-21-0461

Scale: 1" = 200'

Proposed plat of Pavilion Park, Section 14, being a replat of Lot 1B, Block 1, Pavilion Park, Section 11, City and County of Midland, Texas.

Generally located on the east side of North Big Spring Street, approximately 353-feet south of East Mockingbird Lane. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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