

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

**June 20, 2023 - 3:30 PM
Council Chambers – City Hall**



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

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning & Zoning meeting minutes for June 5, 2023.

PUBLIC HEARINGS

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

3. Consider a request by Charles Hodges for an Initial Zoning of RR, Regional Retail District on a 17.345-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of State Highway 191, approximately 700-feet west of Highway 158.) (DEVELOPMENT SERVICES)
4. Consider a request by Yelena Fiester for a Zone Change from PD, Planned Development District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center, on Lot 2E, Block 33, Northgate Addition, Section 21 (Correction Plat), City and County of Midland, Texas. (Generally located on the northeast corner of Northcrest Drive and West Loop 250 North. - Council District 1) (DEVELOPMENT SERVICES)
5. Consider a request by Leovardo Leon for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lots 1 and 2, Block 182, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of South Big Spring Street and West Florida Avenue. - Council District 2) (DEVELOPMENT SERVICES)

6. Consider a request by Ariel Windsor, for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premise Consumption in a Bar, on a 1,595-square foot portion of Lot 24, Block 53, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Main Street and East Texas Avenue. - Council District 2) (DEVELOPMENT SERVICES)
7. Consider a request by Besim Jaha for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a 6,529-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of North Garfield Street and West Loop 250 North. - Council District 1) (DEVELOPMENT SERVICES)
8. Consider a request by Lori Michele Kettle for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Bar, on a 3,400-square foot portion of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of North Main Street, approximately 25-feet south of East Illinois Avenue. - Council District 2) (DEVELOPMENT SERVICES)
9. Consider a request by Schumann Engineering for a Preliminary Plat of Vista Del Pueblo, Section 3, being a Residential Replat of Lots 5 & 6 and 8-10, Block 1, and Lots 7 & 8, Block 2, Vista Del Pueblo, City and County of Midland, Texas. (Generally located east of Todd Drive approximately 560 feet north of Linda Vida Drive. – Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of W.W. Harris Addition, Section 6, being a Residential Replat of Lot 7, Block 6, W.W. Harris Addition, Section 5, and a 0.310-acre tract of land out of the east half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Mississippi Avenue and Edwards Street. – Council District 2) (DEVELOPMENT SERVICES)
11. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Warehouse Road Addition, being a Plat of an 8.220-acre tract in the southeast quarter of Section 5, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of Warehouse Road and West Stokes Avenue. - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Jeffrey S. Fisher
Planning Division Manager
Department of Development Services

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

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
MINUTES
June 5, 2023
Council Chambers – City Hall**



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:31 PM, June 05, 2023.

Commissioners present: Beverly Dillow, Lucy Sisniega, Adrian Carrasco, Abraham Bejil, Steven Villela

Commissioners absent: Dianne Williams, Zachary Deck, Emily Holeva, Sallie Vega

Staff members present: Diana E. Geerts, Landon Ochoa, Charles Harrington, Alexandra Walling, Rolandrea Russell, Jeffrey S. Fisher

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning & Zoning meeting minutes for May 15, 2023.

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

3. Motion approving a Final Plat of Wild West Addition, being a Plat of a 16.14-acre tract of land in Section 24, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the east side of South County Road 1232, immediately southwest of West County Road 130. – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

4. Motion approving a Final Plat of Nolte Addition, being a Plat of a 10.99-acre tract of land in Section 15, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the east side of Farm to Market Road 715, approximately 1,520-feet south of East County Road 130. - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

5. Motion approving a Final Plat of Morningside Addition, Section 12, being a Residential Replat of a 0.62-acre portion of Tract 16, Morningside Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Main Street and Humble Avenue. - Council District 2) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

6. Motion approving a Final Plat of Elmwood Addition, Section 8, being a Replat of Lot 1 and the north 18.44-feet of Lot 2, Block 15, Elmwood Addition, Section 2, Lots 1-3 and the south 25-feet of Lot 7, Block 11, Elmwood Extension, Section 2, and a 0.042-acre portion of vacated alley right-of-way, located adjacent to Lots 1-3, Block 11, Elmwood Addition, and Lot 1, Block 15, Elmwood Addition, Section 2, City and County of Midland, Texas. (Generally located on the west side of North Big Spring Street, approximately 140-feet south of West Cuthbert Avenue. – Council District 3) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:
AYE: Dillow, Sisniega, Carrasco, Bejil, Villela
NAY: None
ABSTAIN: None
ABSENT: Williams, Deck, Holeva, Vega

7. Motion approving a Final Plat of West 191 Industrial Park, Section 11, being a Replat of Lots 17 and 18, Block 1, West 191 Industrial Park, Section 9, City and County of Midland, Texas. (Generally located on the south side of West County Road 117, approximately 1,680-feet east of North Farm-to-Market Road 1788. - Council District 4) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:
AYE: Dillow, Sisniega, Carrasco, Bejil, Villela
NAY: None
ABSTAIN: None
ABSENT: Williams, Deck, Holeva, Vega

8. Motion approving a Final Plat of West End Addition, Section 28, being a Replat of Lot 1 and the east half of Lot 2, Block 76, West End Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Texas Avenue and North N Street. - Council District 3) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:
AYE: Dillow, Sisniega, Carrasco, Bejil, Villela
NAY: None
ABSTAIN: None
ABSENT: Williams, Deck, Holeva, Vega

9. Motion approving a Final Plat of Seymour Addition, Section 15, being a Plat of a 10-acre tract of land in Block 40, Section 31, T-1-S T&P RR. Co Survey, County of Midland, Texas. (Generally located on the north side of West County Road 72, approximately 785 feet east of Farm-to-Market Road 1788. - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve the Consent Agenda, excluding item(s) none; seconded by Abraham Bejil.

The motion passed by the following vote:
AYE: Dillow, Sisniega, Carrasco, Bejil, Villela
NAY: None
ABSTAIN: None
ABSENT: Williams, Deck, Holeva, Vega

PUBLIC HEARINGS

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

10. Consider a request by Schumann Engineering for a proposed Preliminary Plat of Country Sky Addition, Section 29, being a Residential Replat of Lot 18, Block 1, Country Sky Addition, Section 3, City and County of Midland, Texas. (Generally located on the east side of Tumbleweed Trail, approximately 1,270-feet south of Briarwood Avenue. – Council District 4) (DEVELOPMENT SERVICES)

Senior Planner, Alexandra Walling presented an overview of the project to the Commission. No letters of objection were received.

Staff recommended approval.

Chairwomen Sisniega opened the public hearing at 3:35 PM.

With no one wishing to speak public hearing was closed at 3:36 PM

Abraham Bejil moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

11. Consider a request by Leovardo Leon for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lots 1 and 2, Block 182, City and County of Midland, Texas. (Generally located on the southwest corner of South Big Spring Street and Florida Avenue. - Council District 2) (DEVELOPMENT SERVICES)

Item was pulled.

MISCELLANEOUS

12. Motion approving with staff's recommendations a proposed Preliminary Plat of Midland Community Theatre, being a Plat of a 4.677-acre tract of land out of Section 15, Block 39, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the north side of West Wadley Avenue, approximately 1,000-feet west of North I Street. – Council District 3) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

13. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Stoneridge, Section 3, being a Replat of Lot 1, Block 4, Stoneridge, Midland County, Texas. (Generally located northwest of the intersection of South County Road 1130 and Farm-to-Market Road 307. – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

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

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

14. Motion approving with staff's recommended conditions a Preliminary Plat of TGPC Holdings Addition, being a Plat of a 2.00-acre tract out of Section 27, Block 38, T-1-S, T & P, RR. Co. Survey, Midland County, Texas. (Generally located on the northeast side of Loop 250, approximately 1826-feet southeast of North CR 1140. – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

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

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

15. Motion approving with staff's recommendations a proposed Preliminary Plat of Legacy Addition, Section 11, being a Plat of a 24.897-acre tract of land in Sections 38 and 47, Block 40, T-1-S, T.&P. RR Survey, Midland County, Texas. (Generally located on the southeast corner of Potomac Parkway and Victory Parkway. – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Abraham Bejil moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

16. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Whataco Addition, Section 2, being a Replat of Lot 2, Block 1, Whataco Addition, City and County of Midland, Texas. (Generally located on the southeast corner of South Fairgrounds Road and State Highway 158. – Council District 2) (DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

17. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Redneck Retreat, Section 2, being a Plat of a 13.44-acre tract of land out of the west half of Section 15, Block 38, T-2-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally located on the east side of Farm-to-Market Road 715, approximately 790-feet south of East County Road 130. – Extraterritorial District) (DEVELOPMENT SERVICES)

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

The motion passed by the following vote:

AYE: Dillow, Sisniega, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Williams, Deck, Holeva, Vega

With no further items or business to come before the Commission, Chairwoman Sisniega adjourned the meeting at 3:48 PM

Lucy Sisniega, Chairwoman

Date

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

Date



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Senior Planner

SUBJECT: Consider a request by Charles Hodges for an Initial Zoning of RR, Regional Retail District on a 17.345-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of State Highway 191, approximately 700-feet west of Highway 158.) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Charles Hodges, is requesting the initial zoning of RR, Regional Retail of a 17.345-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas which is currently being annexed into the city for the provision of city services.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Surrounding Zoning and Land Use:

The properties to the north are zoned SF-3 and PD, Planned District for a Housing Development. The properties to the east are zoned RR, Regional Retail District, and are vacant. The properties to the south are zoned RR, Regional Retail District, and are vacant. The properties to the west are in the ETJ and are vacant.

Analysis:

The applicant, Charles Hodges, is requesting an initial zoning of the annexed land to RR, Regional Retail District.

The site is currently in the process of being annexed into City Limits as well as in the process of being platted.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: (Approved)

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

Transportation: (Approved)

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

Fire: (Approved)

No objection.

Code Administration: (Approved)

No Objection.

Oil and Gas: (Approved)

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

GIS: (Approved)

No comment.

Planning:

The Future Land Use Map in the Tall City Tomorrow Comprehensive Plan calls for Urban-Medium (U-M) and Urban-High (U-H) utilization in this area which represents commercial land uses, single-family dwellings, and high connectivity with good access to highways, freeways, and arterial roads.

As this proposed initial zoning conforms to the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this initial zoning of RR, Regional Retail District subject to condition A.

Condition(s):

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

Letters of Objection:

As of June 14, 2023, staff has not received any objection letters.

Attachments:

Application
Petition, Field Notes and Survey (Exhibit A)
Maps



**Annexation/Initial Zoning
Application**

Project Number:

Case Number:

A-23-0033
2-23-0329

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

Printed Name: Charles Hodges

Phone (972) 387-1000

Email
chodges@hodesusa.com

Address
13642 Omega Road

City
Dallas

State
Texas

Zip
75244

Property Owner

Printed Name: Bass Pro Outdoor World, L.L.C.

Phone (972) 387-1000

Email
CRGreene@basspro.com

Address
2500 E. Kearney

City
Springfield

State
Missouri

Zip
65898

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: Charles Hodges

Phone (972) 387-1000

Email

Address

City

State

Zip

Street Address: N/A... 17.345 Acre Tract of Land at Northwest Corner of Hwys 158 and 191

Legal Description

Lot: Section 35 Block: 40

Subdivision: Township 1 South, Texas

Current Zoning:

N/A

Proposed Zone: Mixed Use/Commercial

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

Reason for Annexation/Zone Change Request: _____

Provision of City Services and Economic Incentives

Present Use of Property: Agricultural

Proposed Use of Property: Mixed Use Development

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

Increasing City Revenue, attracting tourism, etc.

Describe how this annexation/zone change will affect adjacent properties: _____

Will add value to all surrounding properties

Submittal and Fees

Items to be submitted with this application form:

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

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: April 13, 2023
Applicant (printed): Charles Hodges	
Property Owner (signature): <u>[Signature]</u>	Date: April 13, 2023
Property Owner (printed): Bass Pro Outdoor World, L.L.C	
The Annexation/Initial Zoning 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.	

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~~ DALLAS

Before me, the undersigned authority, on this day personally appeared Charles M. Hodges who, being by me duly sworn, upon oath says: That (s)he is authorized by Bass Pro Outdoor World 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 18th day of April, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, ~~MIDLAND COUNTY~~, TEXAS
DALLAS COUNTY

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Metes and Bounds (Sealed by Surveyor)
☒ Application Fee <u>waived.</u>	☒ Files in Digital Format (PDF/JPEG)
Check # _____	☒ Petition
Received By: _____	Date: _____

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

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract of land described in Exhibit A, which is attached hereto and incorporated herein (the "Property"), **Bass Pro Outdoor World, L.L.C.**, a Missouri limited liability company ("Owner"), submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

OWNER

By:

Signature

Printed Name

Title

THE STATE OF Missouri §

COUNTY OF Greene §

This instrument was acknowledged before me on the 4th day of April, 2023, by Kevin Maliszewski in the capacity herein stated.

MY COMMISSION EXPIRES

8/5/2024

Notary Public, State of Missouri

TAMMY L. CAMERON
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Aug. 5, 2024
Commission #12521666

EXHIBIT A TO PETITION FOR ANNEXATION

FIELD NOTE DESCRIPTION OF A 17.345 ACRE TRACT OF LAND, SITUATED IN SECTION 35, BLOCK 40, TOWNSHIP 1 SOUTH, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, BEING A PORTION OF THAT SAME LAND AS DESCRIBED AS TRACT SEVEN IN A WARRANTY DEED FILED AS DOCUMENT NUMBER 2008-26873 IN VOLUME 3131 ON PAGE 210 OF THE OFFICIAL PUBLIC RECORDS (OPR) OF SAID MIDLAND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT N.(Y):10693732.66, E.(X):1726261.95, A POINT WITHIN A TXDOT TYPE I CONCRETE MONUMENT (TYPE I) FOUND AND ACCEPTED AS BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 191, AS DESCRIBED IN VOLUME 715 ON PAGE 287 OF SAID "OPR" AT THE SOUTHEAST CORNER OF A TRACT DESCRIBED AS AN 80-FOOT-WIDE DRAINAGE EASEMENT IN VOLUME 715 ON PAGE 280 OF SAID "OPR" AND BEING THE SOUTHWEST CORNER OF A CALLED 7.573 ACRE TRACT IN DOCUMENT NUMBER 2018-31010 OF SAID "OPR", THENCE S.75°15'20"W., ALONG SAID RIGHT-OF-WAY, 79.47 FEET TO A "TYPE I" FOUND FOR THE POINT OF BEGINNING AND THE SOUTHEAST CORNER HEREOF;

THENCE S.75°15'20"W., ALONG SAID RIGHT-OF-WAY, 724.82 FEET TO A "TYPE I" FOUND FOR AN ANGLE CORNER HEREOF;

THENCE S.71°08'16"W., ALONG SAID RIGHT-OF-WAY, 80.97 FEET TO A POINT THAT BEARS S.14°44'01"E., 0.31 FEET FROM A ONE HALF INCH IRON ROD WITH A PLASTIC CAP MARKED "WAI 5714" (WAI) FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.14°44'01"W., ACROSS SAID TRACT SEVEN, 742.30 FEET TO A "WAI" FOUND FOR THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET AND A CHORD BEARING AND DISTANCE OF N.22°58'18"W., 62.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE 63.08 FEET TO A "WAI" FOUND FOR A POINT OF DEFLECTION HEREOF;

THENCE N.79°38'54"W., 30.25 FEET TO A "WAI" FOUND FOR AN ANGLE CORNER HEREOF;

THENCE N.30°32'30"W., 99.89 FEET TO A "WAI" FOUND FOR A POINT OF DEFLECTION AND THE POINT OF CURVATURE FOR A CURVE TO THE NORTHEAST HAVING A RADIUS OF 550.00 FEET AND A CHORD BEARING AND DISTANCE OF N.45°10'40"E., 271.48 FEET FOR THE NORTHWEST CORNER HEREOF;

THENCE ALONG THE ARC OF SAID CURVE 274.32 FEET TO A "WAI" FOUND FOR A POINT OF TANGENCY HEREOF;

THENCE N.30°55'14"E., 384.19 FEET TO A ONE HALF INCH IRON ROD FOUND FOR A CUTBACK CORNER HEREOF;

THENCE N.14°40'14"W., 28.28 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 158; BEING THE NORTHEAST LINE OF SAID "TRACT SEVEN" THAT BEARS S.69°42'03"W., 0.23 FEET FROM A ONE HALF INCH IRON ROD, FOR THE NORTH CORNER HEREOF;

THENCE S.59°05'27"E., ALONG SAID TRACT SEVEN AND SAID RIGHT OF WAY, A DISTANCE OF 120.15 FEET TO A ONE-HALF INCH IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514" (RPC) SET FOR THE NORTH NORTHEAST CORNER HEREOF;

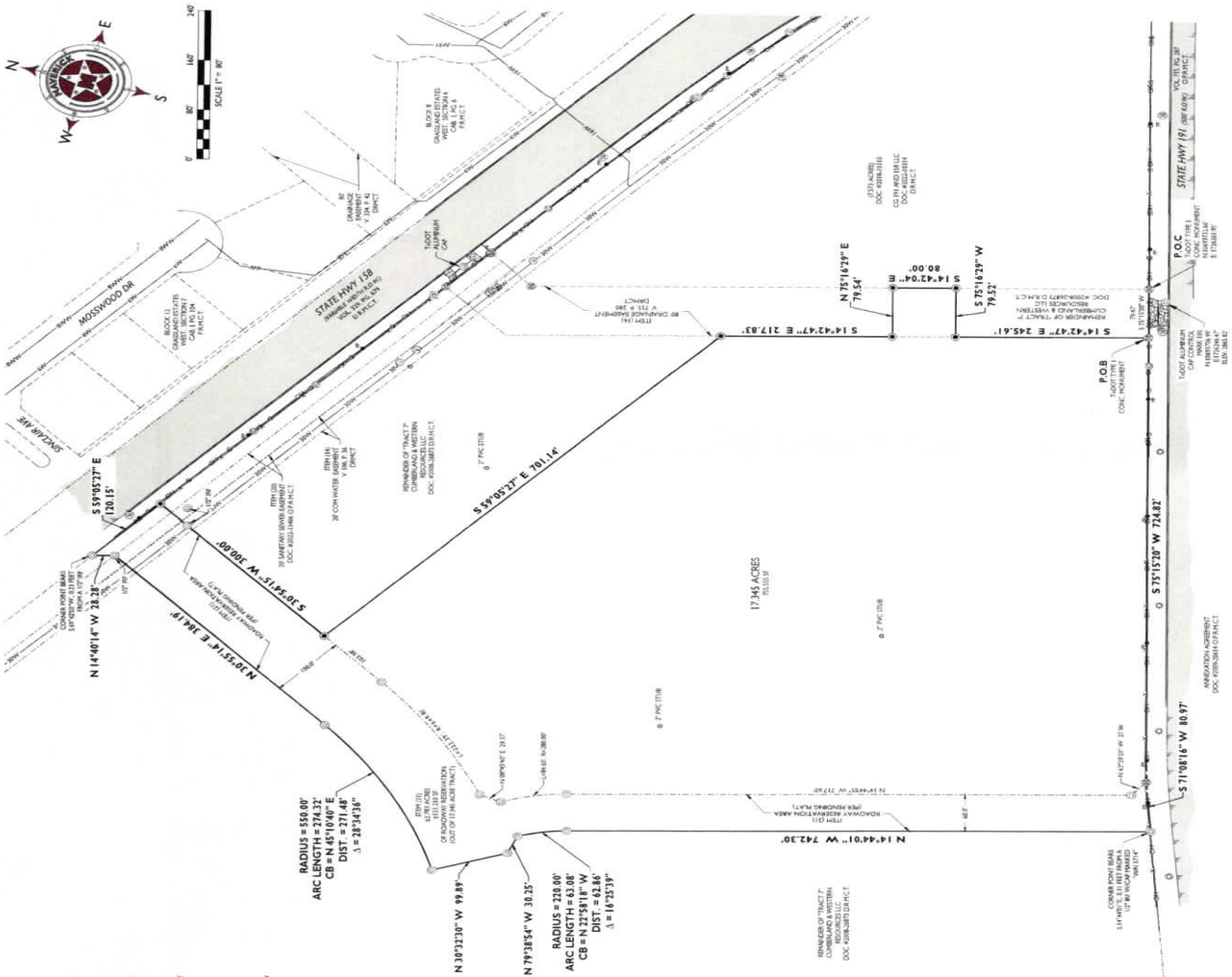
THENCE S.30°54'15"W., A DISTANCE OF 300.00 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

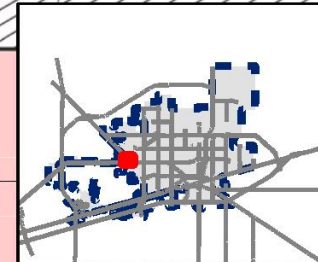
THENCE S.59°05'27"E., A DISTANCE OF 701.14 FEET TO AN "RPC" SET ON THE WEST LINE OF SAID 80-FOOT WIDE DRAINAGE EASEMENT FOR THE EAST NORTHEAST CORNER HEREOF;

THENCE ALONG AND ACROSS SAID DRAINAGE EASEMENT THE FOLLOWING 4 CALLS:

- 1.) S.14°42'47"E., A DISTANCE OF 217.83 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;
- 2.) N.75°16'29"E., A DISTANCE OF 79.54 FEET TO AN "RPC" SET FOR A CORNER HEREOF;
- 3.) S.14°42'04"E., A DISTANCE OF 80.00 FEET TO AN "RPC" SET FOR A CORNER HEREOF;
- 4.) S.75°16'29"W., A DISTANCE OF 79.52 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE S.14°42'47"E., CONTINUING ALONG SAID EASEMENT, 245.61 FEET TO THE POINT OF BEGINNING, CONTAINING 17.345 ACRES OF LAND.

[illegible]

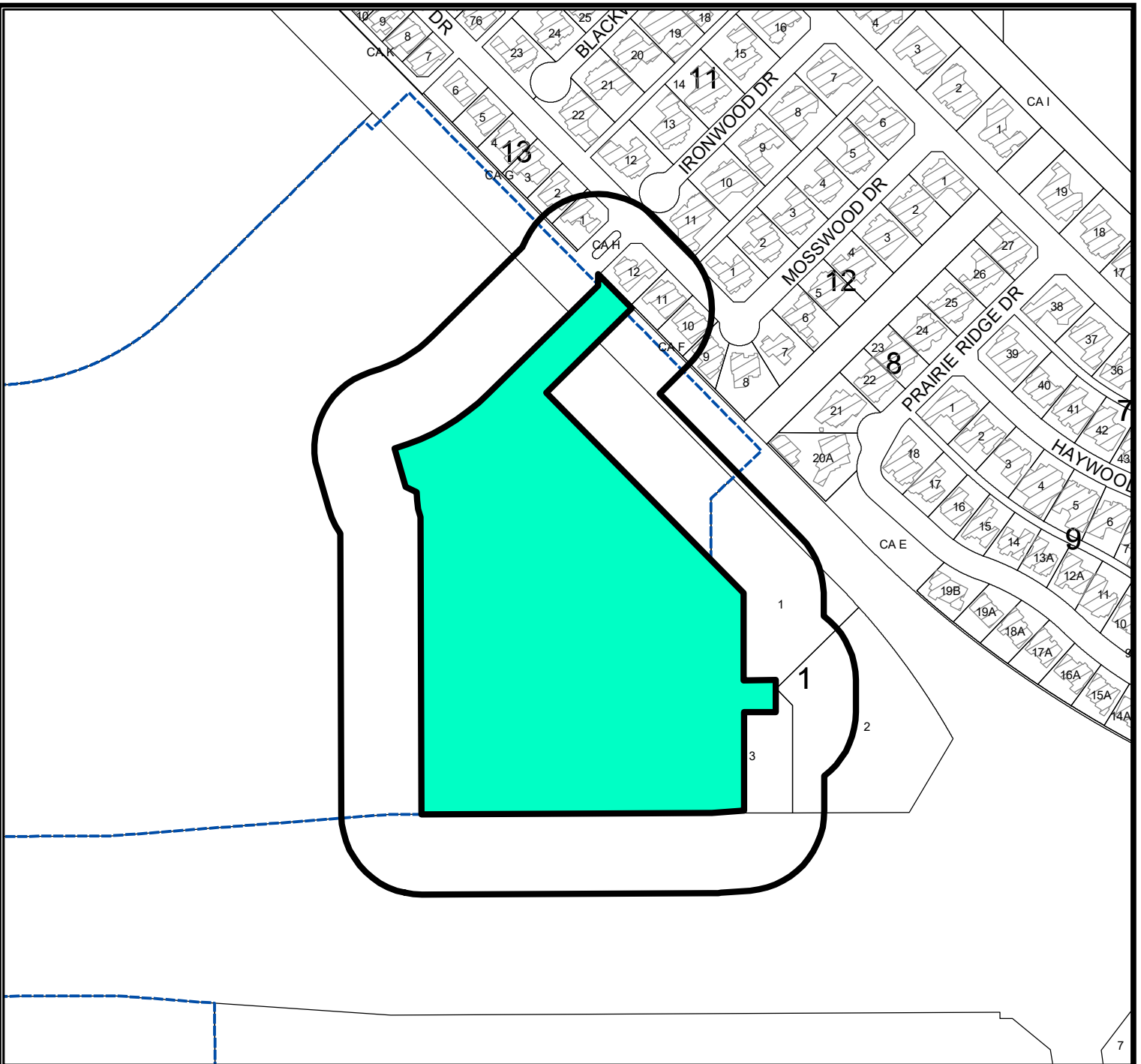












LOCATION MAP

Z-23-0329

Scale: 1" = 200'

An initial zoning of RR, Regional Retail District on a 17.345-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR. Co Survey, Midland County, Texas.

Generally located on the northwest corner of Highway 191, approximately 700-foot west of Highway 158 - (Extraterritorial Jurisdiction)

PACKET

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Senior Planner

SUBJECT: Consider a request by Yelena Fiester for a Zone Change from PD, Planned Development District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center, on Lot 2E, Block 33, Northgate Addition, Section 21 (Correction Plat), City and County of Midland, Texas. (Generally located on the northeast corner of Northcrest Drive and West Loop 250 North. - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Purpose:

The applicant, Yelena Fiester, is requesting a Zone Change from PD, Planned Development District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center to amend the adopted site plan for the addition of a cooler and new parking.

Current Zoning:

PD, Planned Development District for a Shopping Center with a base zoning of RR, Regional Retail District (Ordinance 9725).

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Shopping Center (Ordinance No. 7844) and the location of a retail store. The property to the east is zoned PD, Planned District for a Shopping Center (Ordinance No. 7844) and the location of a restaurant. The properties to the south are zoned PD, Planned District for a Shopping Center and the location of restaurants and retail stores (Ordinance No. 7664). The property to the west is zoned MF-16, Multiple-Family Dwelling District and the location of apartments.

Analysis:

The property is located at 4512 West Loop 250 North Frontage Road and is currently the location of Texas Roadhouse. The applicant is requesting the addition of a ±120 sq. ft. exterior cooler to be attached to the north side of the main building, additional parking on the west side of the restaurant for 99 spaces, and one new disabled parking space on the north side of the restaurant as illustrated on Exhibit "A.". The applicant's original site plan satisfies parking requirements, and the additional 99 spaces (total of 224) will provide additional parking for the restaurant. The additional parking area to the west is contingent on approval by Engineering Services at the site plan stage as it is located within a storm drainage easement.

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

Fire: (Approved)

No comments or 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, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering (Approved):

No 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)

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 fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision. The land use map indicates that this area shall be used for CC, Community Commercial developments which include a broad range of retail uses such as Texas Roadhouse. The current PD includes a base zoning of RR, Regional Retail which allows the restaurant consistent with the Tall City Plan.

The proposed PD zone change will allow for alterations to the previously adopted Site Plan, which includes the exterior cooler and parking additions. These alterations cannot be changed without an amendment to the PD.

Staff recommends approval of this Zone Change from PD, Planned Development District for a Shopping Center, to Amended PD, Planned Development District for a Shopping Center, subject to condition A.

Condition(s):

- A. That the use and development of the property shall significantly conform to the site plan attached hereto as Exhibit "A".**

Letters of Objection:

Staff has not received any letters of objection as of June 14, 2023.

Attachments:

Application
Site Plan (Exhibit A)
Maps



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

Project Number: 2-23-0335

Case Number: _____

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

Printed Name: Yelena Fiester

Phone (682) 552-1572

Email

yfiester@greenbergfarrow.com

Address

601 Sante Fe Dr

City

Louisville

State

TX

Zip

75077

Property Owner

Printed Name: Roadhouse Holdings of TX LTD

Phone (502) 855-5556

Email

caitlin.kicaid@texasroadhouse.com

Address

6040 Dutchmans Lane Ste #400

City

Louisville

State

KY

Zip

40205

Representative (if different from Applicant or Property Owner)

Firm: GreenbergFarrow

Printed Name: Yelena Fiester

Phone ()

Email

Address

City

State

Zip

Street Address: 4512 W Loop 250 N Frontage Rd., Midland TX

Legal Description

Lot: 02E Block: 033 Subdivision: Northgate, Section 21 (correction plat)

Current Zoning:

PD - case #Z-93-022

Proposed Zone:

Same - no change

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

Reason for Zone Change Request:

No zone change request. Submit a revised site plan for approval.

Proposed revisions: adding 120 SF cooler at the rear of restaurant and converting the existing on-site detention to underground detention. That will allow to use that space for additional parking.

Present Use of Property: Restaurant

Proposed Use of Property: Restaurant

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

Describe how conditions affecting the property have changed since present zoning designation: No zone change. Submitting for site plan amendment due to the exterior cooler addition and parking lot addition.

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 05/10/2023

Applicant (printed): Yelena Fiester

Property Owner (signature): Caitlin Kincaid

Date: 05/10/2023

Property Owner (printed): Caitlin Kincaid

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

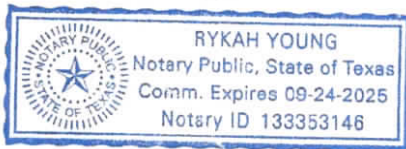
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Yelena Fiester who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Roadhouse Holdings 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 10 day of May, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization

☐ Dimensioned Site Plan

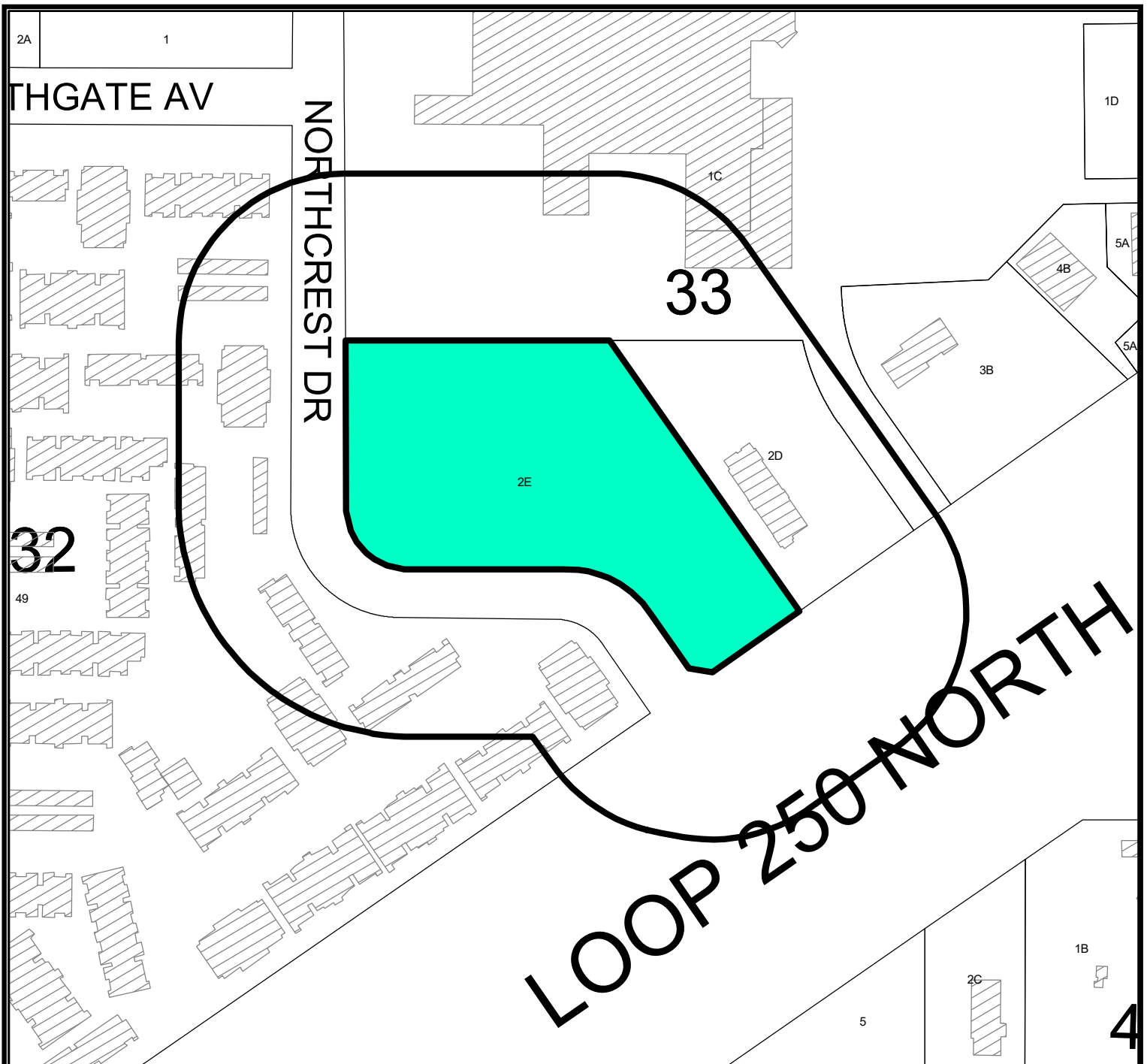
☐ Application Fee

☐ Plans in Digital Format (PDF/JPEG)

Check # _____

Received By: _____

Date: _____



LOCATION MAP

Z-23-0335

Scale: 1" = 200'

Consider a request by Roadhouse Holdings of Texas, Ltd. for a zone change from PD, Planned Development District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center, on Lot 2E, Block 33, Northgate Addition, Section 21 (Correction Plat), City and County of Midland, Texas.

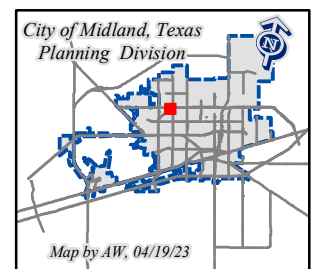
Generally located on the northeast corner of Northcrest Drive and West Loop 250 North. - (Council District 1)

PACKET

Page 4.31

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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June 20, 2023

NORTHGATE AV

NORTHCREST DR

MF16

PD

PD

PD

PD

PD

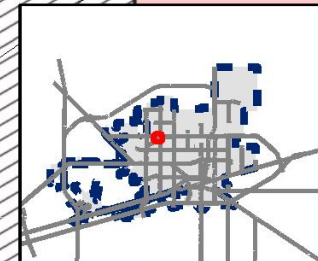
PD

RR

PD

PD

LOOP 250 NORTH



PACKET

Page 4.32

June 20, 2023











PACKET

Page 4.3

June 20, 2023



Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Jeff Fisher, Planning Manager

SUBJECT: Consider a request by Leovardo Leon for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lots 1 and 2, Block 182, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of South Big Spring Street and West Florida Avenue. - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Leovardo Leon, is requesting a Special Use Designation (SUD) for the sale of Alcoholic Beverages for On-Premises Consumption in a restaurant.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The property to the north is zoned RR, Regional Retail District, and the location of a gas station. The properties to the east are zoned RR, Regional Retail District, and the location of a restaurant and automotive dealership. The property to the south is zoned RR, Regional Retail District and the location of retail uses. The property to the west is zoned C, Commercial, and the location of retail uses.

Analysis:

The subject property is zoned RR, Regional Retail District, which allows Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant with the approval of a Specific Use Designation. The total restaurant area is 2,790-square feet with an alcohol serviceable area of 987-square feet.

The applicant is requesting the following days and hours for Alcoholic Beverages Sales for On-Premises Consumption as specified below:

Monday through Sunday from 10:30 a.m. to 12:00 a.m. (midnight)

Per Midland City Code Section 5.4.4. – Prohibited place of business

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

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

Adequate parking has been provided on the site.

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

Fire: (Approved)

No objections.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for Tacos Wey is acceptable. The property must adhere to the maximum occupant load of 65 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Code Compliance: (Approved)

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

Planning: (Approved)

The request is in compliance with *Tall City Tomorrow Plan, Chapter 6-Character Plan Goal 4*, "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137). The approval this Specific Use Designation will provide a place to gather and socialize to build connections.

Staff recommends approval of the request for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, subject to Conditions A through E.

Conditions:

- A. That the alcohol serviceable area of the restaurant shall be limited to approximately 987-square feet as shown on the Floor Plan "Exhibit A", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Monday through Sunday from 10:30 a.m. to 12:00 a.m. (midnight)***
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**

Letters of Objection:

As of May 31, 2023, staff have received no letters of objection for this request.

Attachments:

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



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

Project Number:

SW-23-0157

Case Number:

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

Printed Name: Leovaldo Leon

Phone (281) 830-1286

Email leo@leon777@gmail.com

Address 3611 Shell Ave

City Midland

State
TX

Zip
79705

Property Owner

Printed Name: George O. Sosa

Phone (432)

Email 2625763

Address 1206 Storey Ave.

City Midland

State
TX

Zip

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()

Email

Address

City

State

Zip

Street Address: 900 S. Big Spring Midland TX 79701

Business Name: Tacos Wer

Legal Description

Lot: 182 Block: 182 Subdivision: Southern Addition

Current Zoning: RR

Reason for Request: Restaurant

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

Proposed/Current Days and Hours of Operation: 7 Days 10:30 AM to 12 AM

Proposed Days and Hours of Alcohol Service: 7 Days 10:30 AM to 12 AM

Total Square Footage of Business: 2790

Square Footage of Alcohol Serviceable Area: 987

Restroom Fixtures:

Men

Toilets/Urinals: 1 1 2

Bathroom Sinks: 1

Women

Toilets: 2

Bathroom Sinks: 1

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

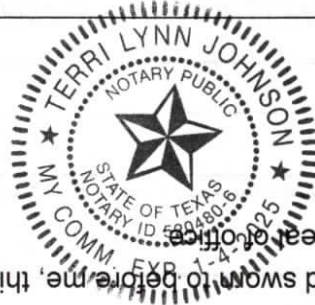
- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen (if applicable)
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint

PACKET

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

BY:

Received By: <u>LT</u>		Date: <u>APR 26 2023</u>
Check # <u>CA</u>	☐ Plans in Digital Format (PDF/JPEG)	FOR OFFICE USE ONLY ☒ Property Owner Authorization ☒ Application Fee ☒ Site Plan ☒ Dimensioned Floor Plan



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

sign said owner's name hereto as his/her attorney in fact.

me duly sworn, upon oath says: That (s)he is authorized by George Sosa, 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

Before me, the undersigned authority, on this day personally appeared Leovardo Leon who, being by

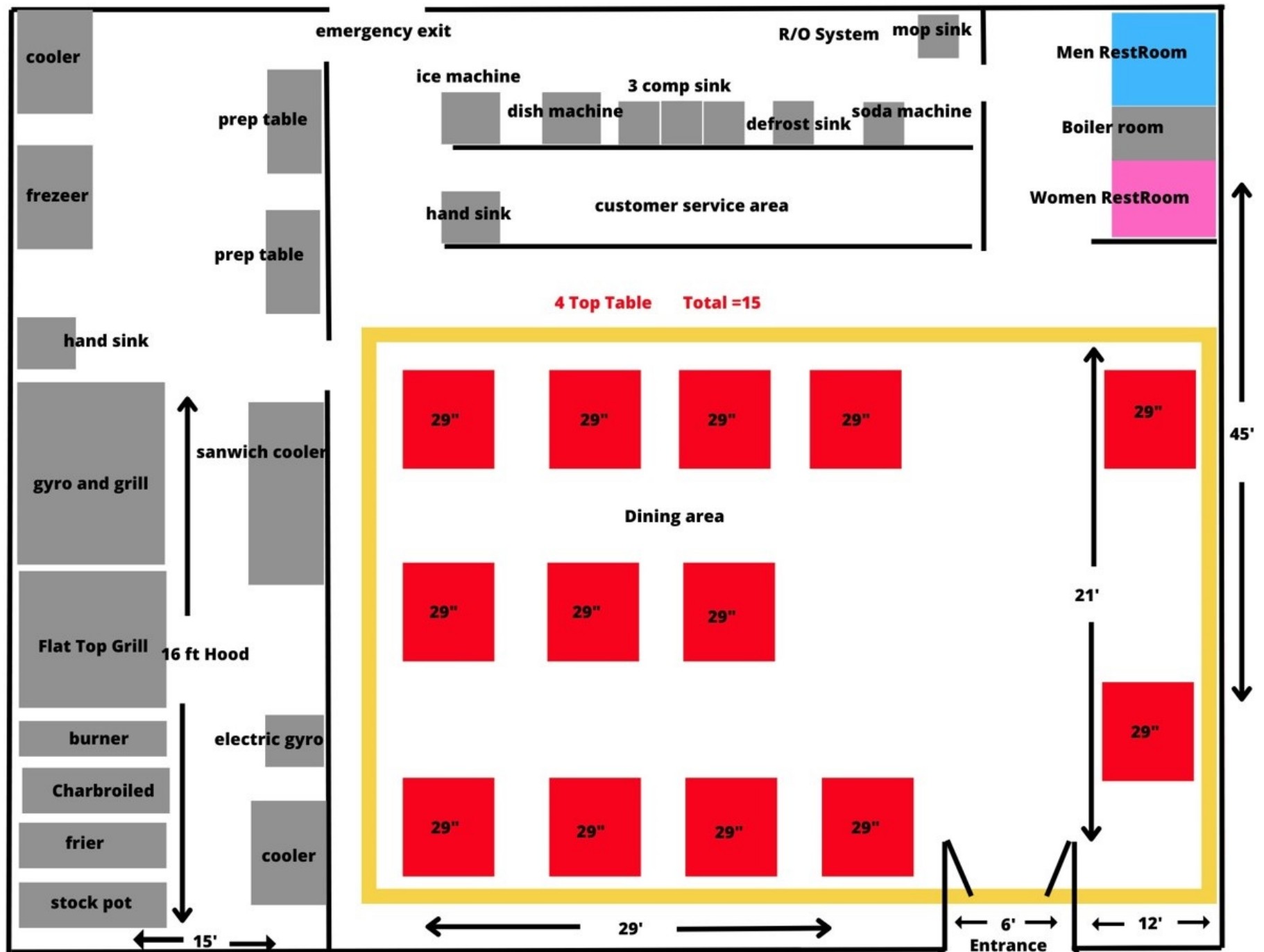
Authorized Agent (signature) [Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXA

STATE OF TEXAS
COUNTY 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.

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.	
The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.	
Property Owner (signature): <u>George R. Sosa</u>	Property Owner (printed): <u>George R. Sosa</u>
Applicant (signature): <u>Leovardo Leon</u>	Applicant (printed): <u>Leovardo Leon</u>
Date: <u>4-18-23</u>	Date: <u>4/13/23</u>



Emergency Exit

Existing Building: 2790 sf

Parking Spaces: 21

Entrance

← 9' →

← 8' →

← 9' →

← 9' →

← 9' →

← 9' →

← 9' →

← 20' →



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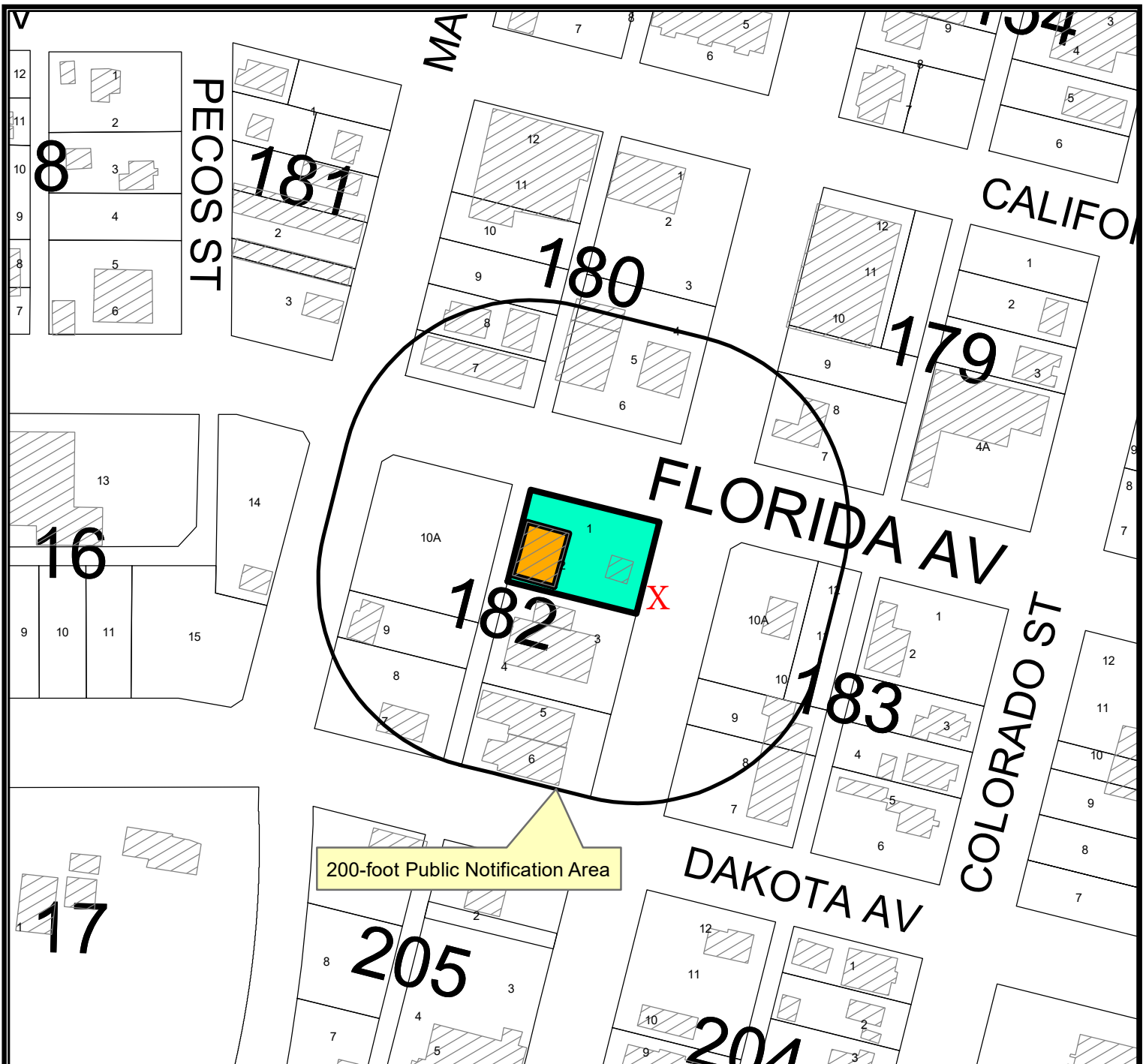
← 6' →

← 20' →

← 6' →

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← 6' →



LOCATION MAP

SUD-23-0157

Scale: 1" = 200'

Request by Leovardo Leon for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption, on Lots 1 and 2, Block 182, Southern Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of South Big Spring Street and West Florida Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Senior Planner

SUBJECT: Consider a request by Ariel Windsor, for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premise Consumption in a Bar, on a 1,595-square foot portion of Lot 24, Block 53, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Main Street and East Texas Avenue. - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Ariel Windsor, is requesting a Specific Use Designation with Term (SUD) for the sale of Alcoholic Beverages Sales, for On-Premises Consumption in a Bar.

Current Zoning:

CB, Central Business District.

Surrounding Zoning and Land Use:

The properties to the north are zoned CB, Central Business District and location of businesses, the properties to the east and south are zoned PD, Planned Development District and location of apartments, and the properties to the west are zoned CB, Central Business District and location of businesses.

Analysis:

The property is zoned CB, Central Business District which allows for Alcoholic Beverages Sales for On-Premises Consumption with the approval of an SUD. The total Bar area is 1,595-square feet with an alcohol serviceable area of 885.5-square feet. The property

has an existing SUD Alcoholic Beverages Sales for On-Premises Consumption in a bar (Ordinance No. 8953). The applicant is requesting an amendment to the current SUD to change their hours from 12:00 p.m. to 1:30 a.m. Monday through Sunday to the hours below.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 2 a.m.

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 2 a.m.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No comments or objections.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for Bourbon Street is acceptable. The property must adhere to the maximum occupant load of 59 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137). The new bar, Bourbon Street, is intended to be a destination where Midland residents can gather and socialize.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, subject to Condition A through E.

Conditions:

- A. That the alcohol serviceable area of the establishment shall be limited to approximately 885.5-square feet, as shown in Exhibit A.**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages shall be limited to:**

Monday through Sunday from 11:00 a.m. to 2:00 a.m.

- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- E. That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.**

Letters of Objection:

As of June 14, 2023, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Maps



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

Project Number: 340-23-0160
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Ariel Windsor</u>		Phone (432) <u>208-1962</u> Email: <u>arielss90@outlook.com</u>	
Address: <u>1408 Harvest Rain St.</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79705</u>

Property Owner Printed Name: <u>Hilda Armentariz</u>		Phone (432) <u>661-2778</u> Email: <u>bourbon.armen@yahoo.com</u>	
Address: <u>120 N. Main St.</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79701</u>

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

Street Address: <u>120 N. Main St. Midland, TX 79701</u>			
Business Name: <u>Bourbon Street DC</u>			
Legal Description Lot: <u>24</u> Block: <u>53</u> Subdivision: <u>Original Town</u>			
Current Zoning: _____			
Reason for Request: <u>New Hours / New Management</u>			

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Bar</u>			
Proposed/Current Days and Hours of Operation: <u>Monday - Sunday 11:00am - 2:00am</u>			
Proposed Days and Hours of Alcohol Service: <u>Monday - Sunday 11:00am - 2:00am</u>			
Total Square Footage of Business: <u>1595 sq. ft.</u>			
Square Footage of Alcohol Serviceable Area: <u>885.5 sq. ft.</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 /</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>1</u>	Bathroom Sinks: <u>1</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

[Signature]

Date: 5/15/23

Applicant (printed):

Ariel Windsor

Property Owner (signature):

[Signature]

Date: 5/15/23

Property Owner (printed):

HILDA (ILDA) ARMENDARIZ

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

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

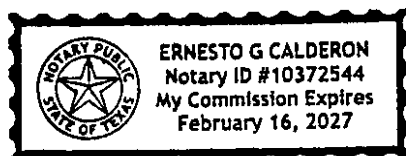
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ariel Windsor who, being by me duly sworn, upon oath says: That (s)he is authorized by Hilda Armendariz, 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 15 day of May, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☐ Site Plan

Check # 2158

☐ Plans in Digital Format (PDF/JPEG)

Received By: DA

Date: RECEIVED

RECEIVED
MAY 24 2023

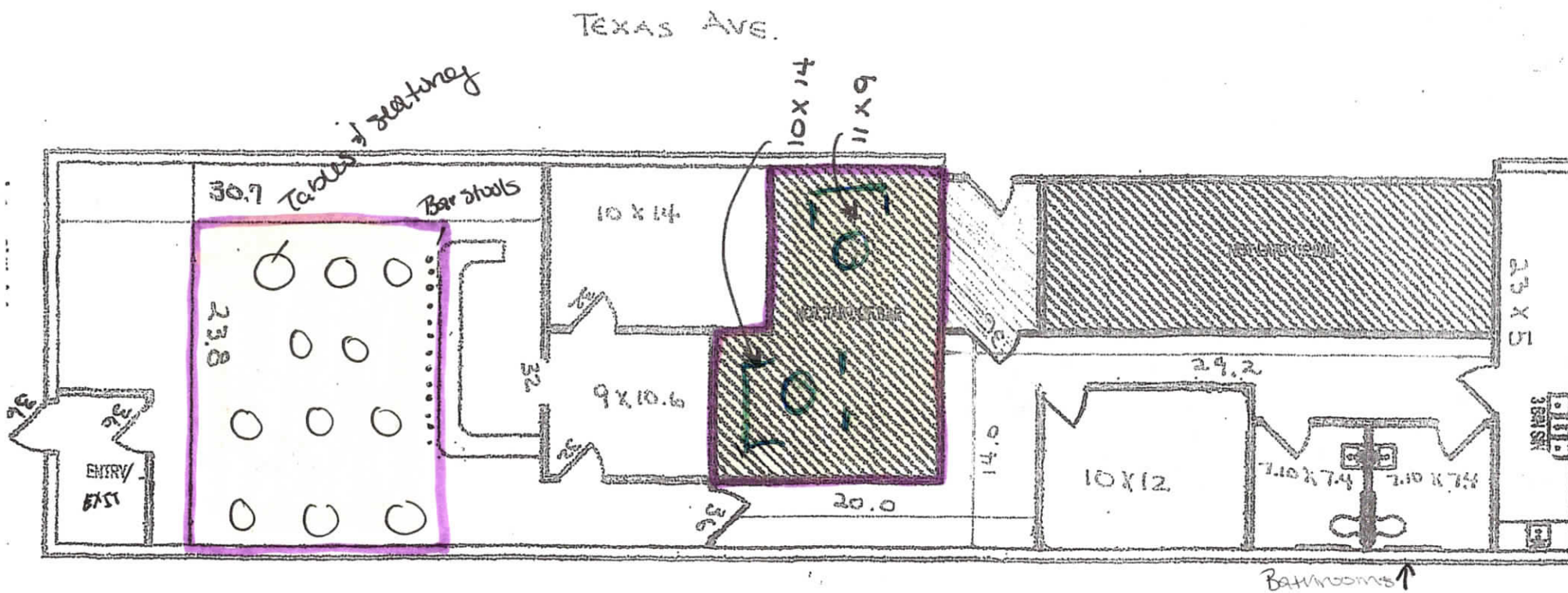
BY:

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

PACKET

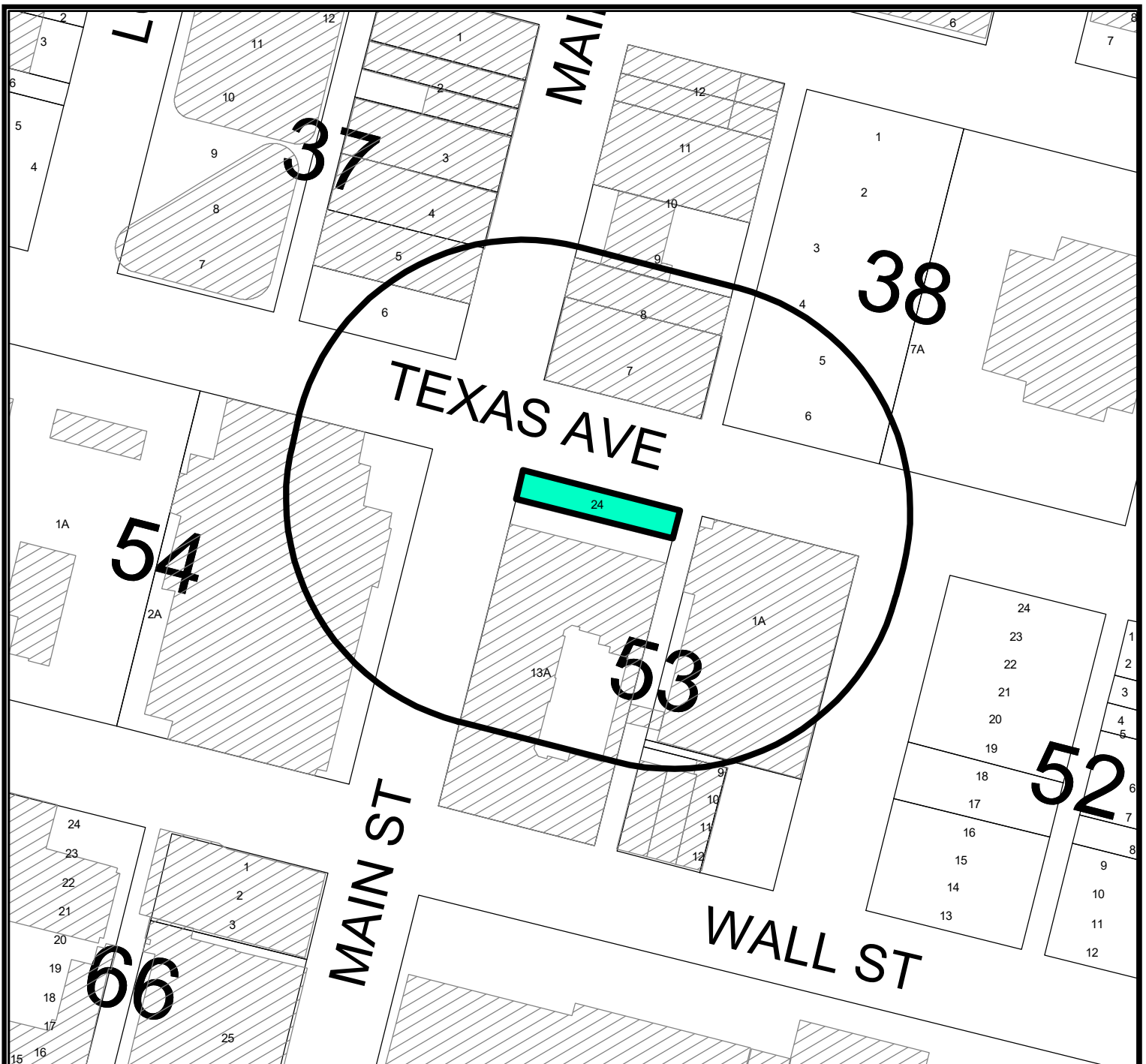
Page 6.54

June 20, 2023



SITE PLAN

EXHIBIT A
PACKET



LOCATION MAP

SUD-23-0160

Scale: 1" = 200'

A Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a bar, on a 1,595-square foot portion of Lot 24, Block 53, Original Town, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Main Street and East Texas Avenue. (Council District 2)

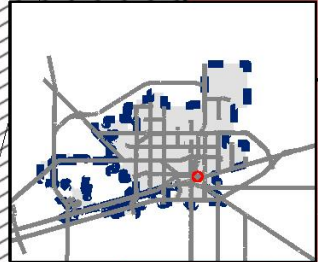
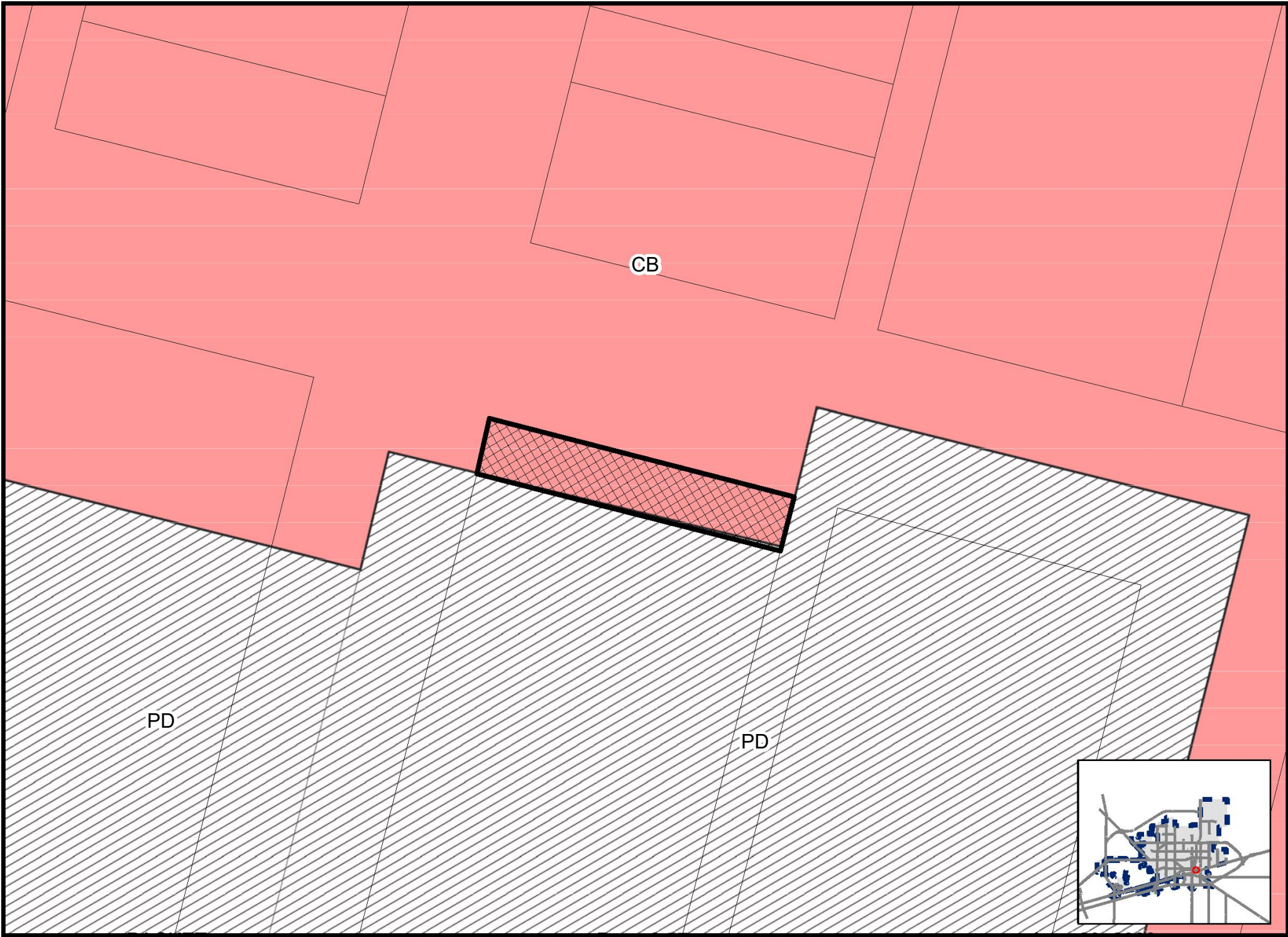
LEGEND

- 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:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Consider a request by Besim Jaha for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on a 6,529-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of North Garfield Street and West Loop 250 North. - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Besim Jaha, is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant.

Current Zoning:

PD, Planned Development District for a Shopping Center. (Ordinance No. 7771)

Surrounding Zoning and Land Use:

The properties to the north are zoned O-1, Office District, and PD, Planned District for a Housing Development (Ordinance No. 7449), and the location of a hotel and assisted living facility respectively. The properties to the east are zoned SF-2, Single-Family Dwelling District, and PD, Planned District for a Shopping Center (Ordinance No. 8261), and the location of single-family houses and mini storage units, respectively. The property to the south is zoned SF-1, Single-Family Dwelling District, and the location of the Midland Airpark. The properties to the west are zoned PD,

Planned District for a Shopping Center (Ordinance No. 7256) and LR, Local Retail District, and the location of retail stores and a hotel, respectively.

Analysis:

The property is zoned PD, Planned District for a Shopping Center. The original Ordinance 5864 approved the Shopping Center with a base zoning of LR-2, Local Retail District which is now RR, Regional Retail District in the current Zoning Ordinance. The RR zoning allows for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant with the approval of an SUD. The total area of the restaurant, Fuoco, is 6,529-square feet and the proposed alcohol serviceable area is 3,569.5-square feet.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 2 a.m. (the next day)

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 2 a.m. (the next day)

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

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

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

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

Fire: (Approved)

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

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.]

Transportation: (Approved)

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

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

Building Code: (Approved)

The SUD is acceptable. The property must adhere to the maximum occupant load of 237 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

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

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, subject to Condition A through G.

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 3,569.5 square feet as shown in Exhibit "A".**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:**

Monday through Sunday from 11 a.m. to 2 a.m. (the next day)

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

- E. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**
- G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of June 14, 2023, staff has not received any letters of objections.

Attachments:

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

RECEIVED
MAY 22 2023
BY: 91300

	Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption	Project Number: _____
		Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)		Phone (432) 606-0851	
Printed Name: <u>Besim Jaha</u>		Email <u>besimjaha@hotmail.com</u>	
Address	City	State	Zip
<u>2515 Broadway Street</u>	<u>Big Spring</u>	<u>Tx</u>	<u>79720</u>

Property Owner		Phone (817) 927-0050	
Printed Name: <u>Colonnade at Polo Park</u>		Email <u>AP@woodcrestcapital.com</u>	
Address	City	State	Zip
<u>3113 S. University Dr.</u>	<u>Ft Worth</u>	<u>Tx</u>	<u>76109</u>

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

Street Address: <u>4610 N. Garfield Street, Midland Tx 79705</u>			
Business Name: <u>FUOCO</u>			
Legal Description			
Lot:	Block:	Subdivision:	
Current Zoning: <u>commercial</u>			
Reason for Request: <u>New Restaurant</u>			

Type of Business (restaurant, bar, lounge, nightclub, etc.):			
Proposed/Current Days and Hours of Operation: <u>Monday - Sunday</u> <u>11:00 am - 9:00 pm</u>			
Proposed Days and Hours of Alcohol Service: <u>Monday - Saturday 11:00 am - 2:00 am</u> <u>Sunday 11:00 - 2:00 am whatever allowed by law</u>			
Total Square Footage of Business: <u>6,529</u>			
Square Footage of Alcohol Serviceable Area: <u>3,569.5 sqft</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 1 2</u>	Bathroom Sinks: <u>2</u>
	Women	Toilets: <u>3</u>	Bathroom Sinks: <u>2</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature): [Signature] Date: _____
Applicant (printed): Besim Jaha
Property Owner (signature): [Signature] Date: 5.22.23
Property Owner (printed): James A Ryffel

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 214 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.

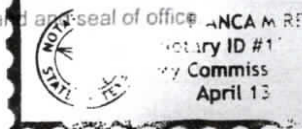
All materials submitted in support of an application or displayed during a public hearing shall remain the property of the City of Midland.

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

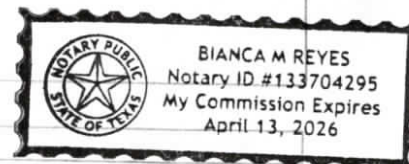
STATE OF TEXAS
COUNTY OF MIDLAND

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 has the legal right, power and authority to
sign said owner's name hereto as his/her attorney in fact. [Signature]

Subscribed and sworn to before me, this 22 day of May, 2023 to certify which witness
my hand and seal of office. Bianca M. Reyes



Notary Public



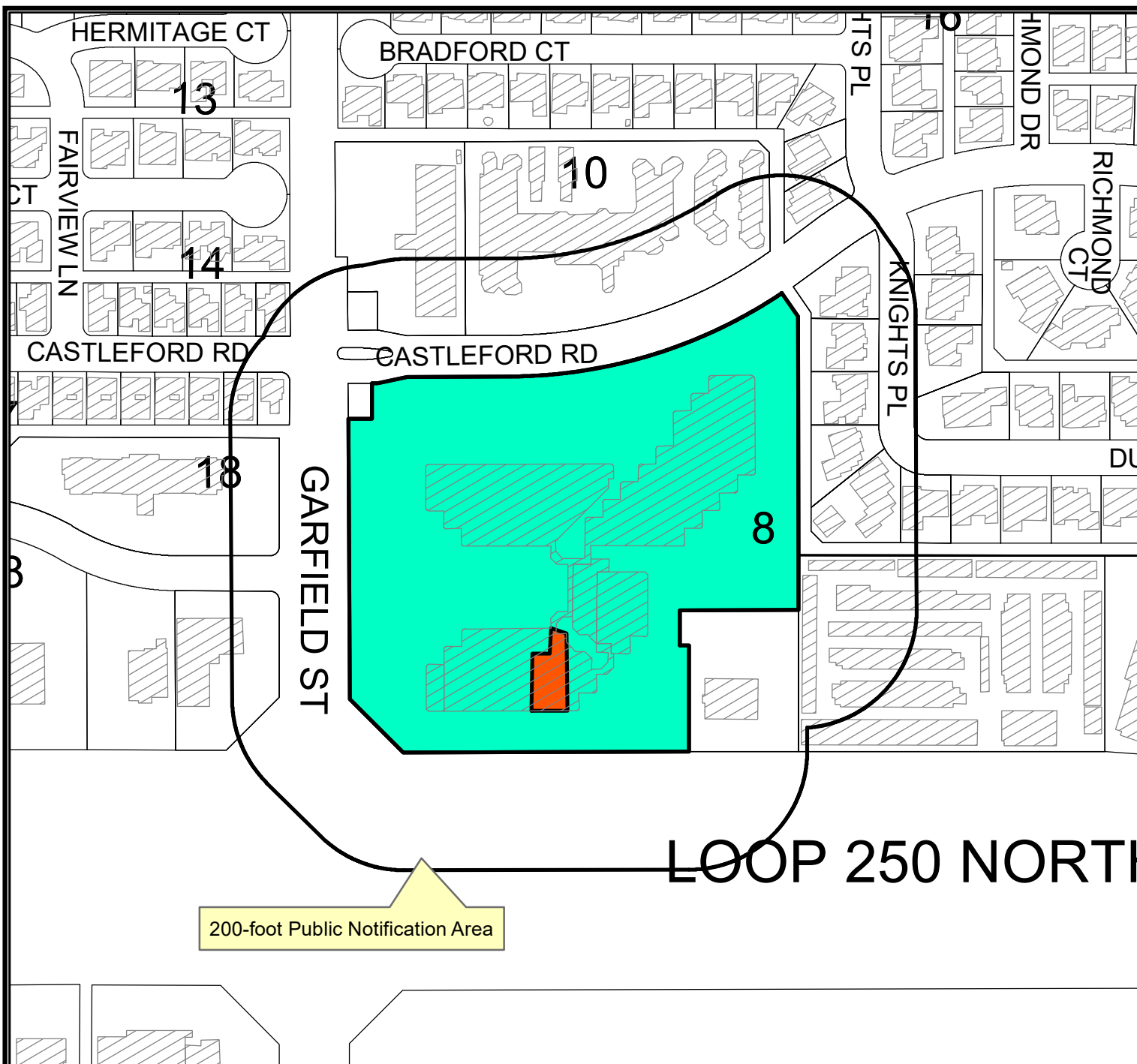
FOR OFFICE USE ONLY

☒ Property Owner Authorization ☒ Dimensioned Floor Plan
☒ Application Fee ☒ Site Plan
Check # Cash ☐ Plans in Digital Format (PDF/JPEG)
Received By [Signature] Date _____

RECEIVED
MAY 22 2023

BY:

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



LOCATION MAP

SUD-23-0159

Scale: 1" = 2,931'

Consider a request by Besim Jaha for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on 6, 529 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Generally located northeast of the intersection of North Garfield Street and West Loop 250 North.

(Council District 1)

PACKET

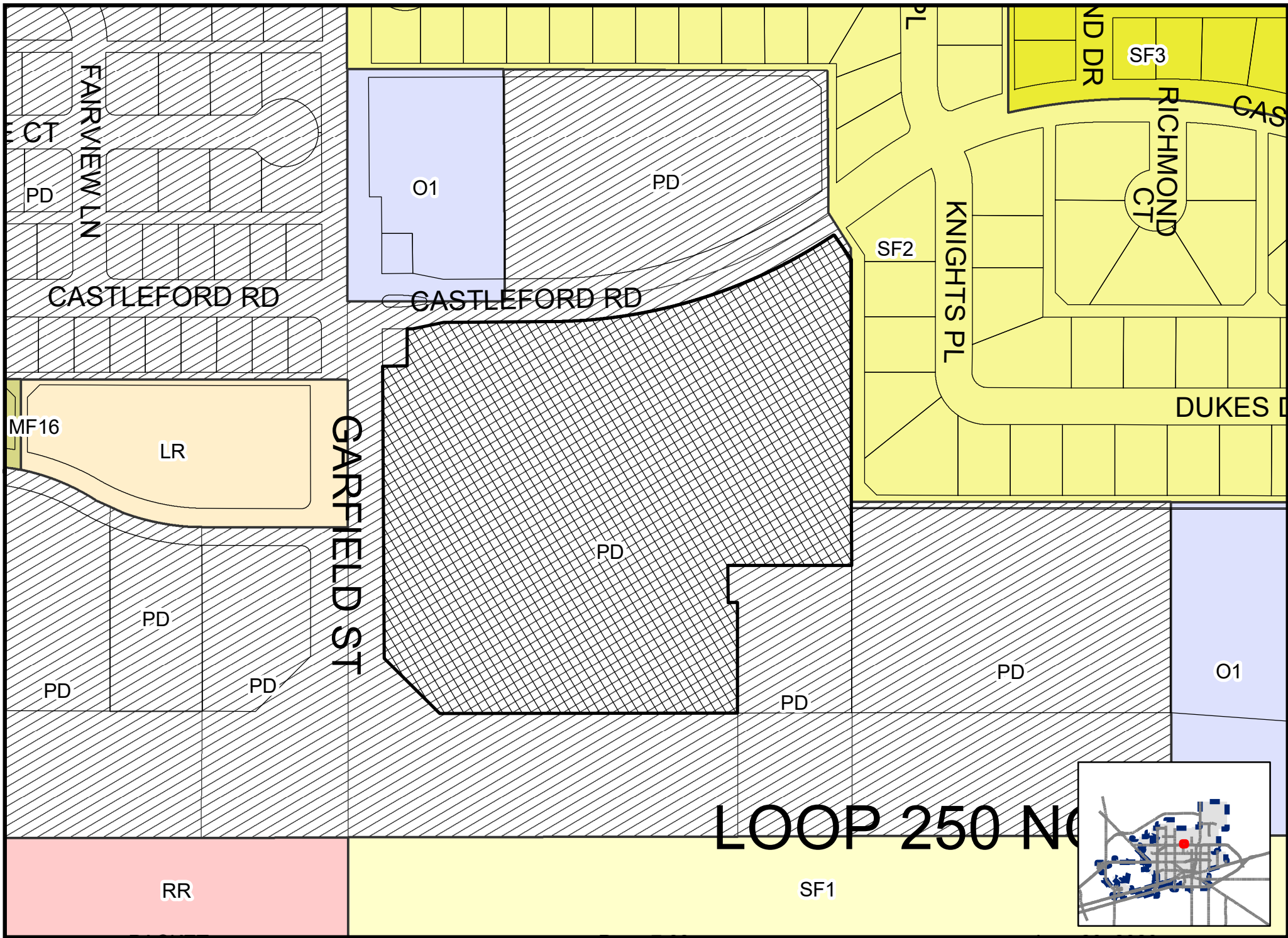
LEGEND

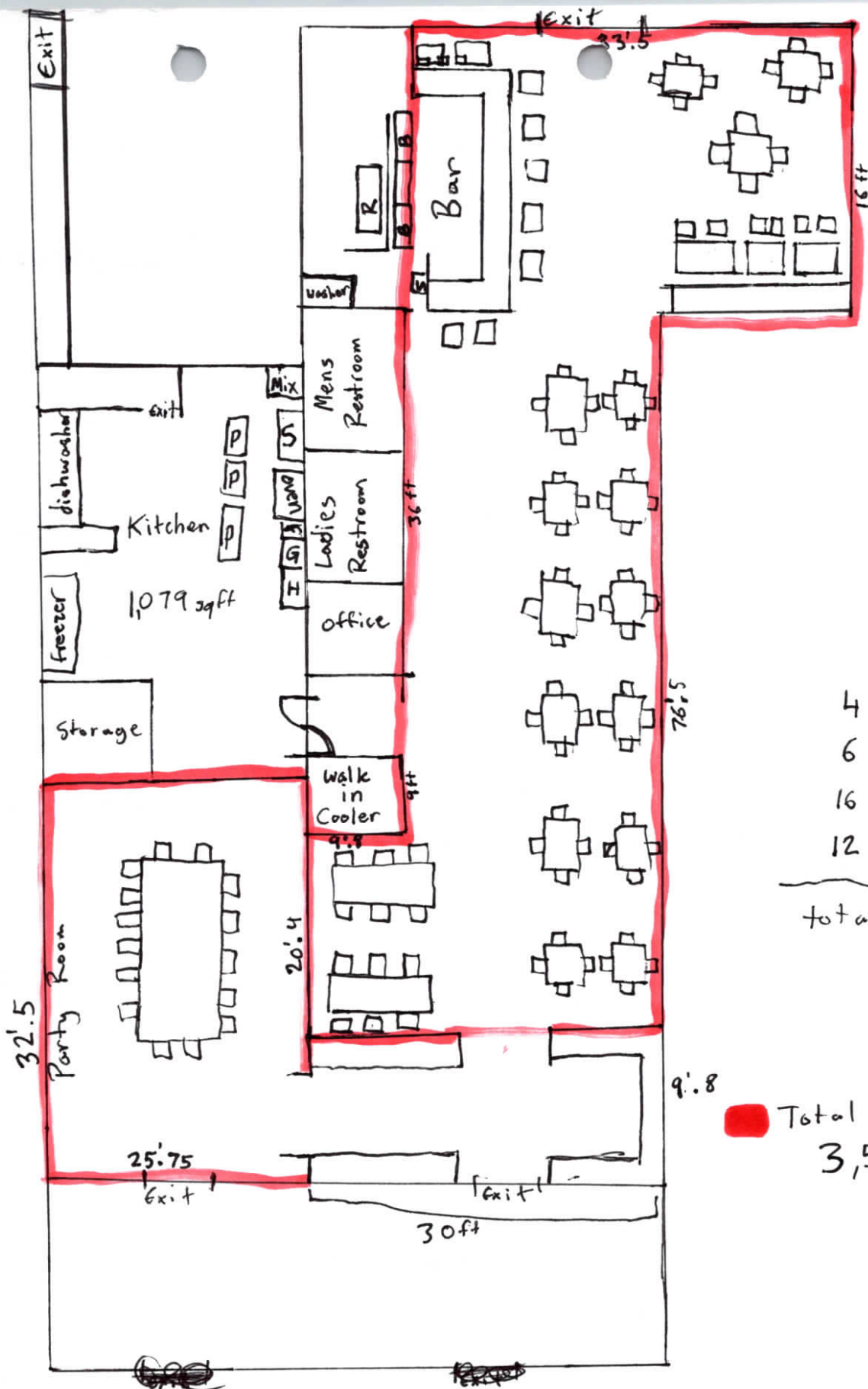
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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S = sink
 B = Beer tap
 R = Refrigerator
 F = fryer
 G = grill
 H = Hot plate
 P = Prep station

4 Top Table 25'
 6 Top Table 2
 16 Top Table 1
 12 Bar seating 1

total 29

9'8" Total Serviceable area
 3,569.5 sqft

RECEIVED
 MAY 22 2023



Parking space 9ft by 16ft
 Parking spaces available 50

RECEIVED
 MAY 22 2023
 June 20, 2023
 BY:

Shared Parking Agreement

As owner(s) of the property located at 4610 N Garfield St., I (we) hereby agree to share all parking spaces (as shown on attached site plan) during the following times and days:

7 days a week 24 hours a day

The following restrictions apply:

NO overnight parking

Required parking

My (our) property requires 24 parking spaces based upon the City's parking lot ordinance. The use of my (our) property is Shopping Center and it contains 107,422 square feet.

The applicant's property requires 50 parking spaces based upon the City's parking lot ordinance. The use of the applicant's property is Restaurant and it contains 6,500 square feet.

Site Plan

Attach a diagram of the entire parking lot. Enumerate spaces to be shared per this agreement. Also indicate any spaces within this lot which are shared with other entities.

Owner Signature: [Signature]

Date: 5/5/2023

Owner Signature: _____

Date: _____

Applicant Signature: _____

Date: _____











Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Senior Planner

SUBJECT: Consider a request by Lori Michele Kettle for a Specific Use Designation with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Bar, on a 3,400-square foot portion of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of North Main Street, approximately 25-feet south of East Illinois Avenue. - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Lori Michele Kettle, is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Bar.

Current Zoning:

CB, Central Business District.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are all zoned CB, Central Business District. A church is located to the north, a parking lot is located to the east, a business office is located to the south, and retail stores to the west of the property.

Analysis:

The property is zoned CB, Central Business District which allows for Alcoholic Beverages Sales for On-Premises Consumption in a Bar with the approval of an SUD. The total bar area is 3,400-square feet and the proposed alcohol serviceable area is 1,835-square feet. The property has an existing SUD for Alcoholic Beverage Sales for On-Premises

Consumption for the same bar, Buffalo Nickel (Ordinance No. 9910). The applicant is requesting this SUD to expand the hours of operation from the current Monday through Saturday from 3:00 p.m. to 11:00 p.m., and Sunday from 12:00 p.m. to 12:00 a.m. to the hours below.

The proposed hours of operation:

Monday through Sunday from 12 p.m. to 2 a.m.

The proposed hours of alcohol service:

Monday through Sunday from 12 p.m. to 2 a.m.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD is approved based on the current occupant load pending that no changes to the occupancy, seating count, physical structure, and/or the floor layout has taken place when compared to previously approved SUDs. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137). The existing Buffalo Nickel is a destination where Midland residents gather and socialize.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, subject to Condition A through E.

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 1,835-square feet, as shown in Exhibit A.**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages shall be limited to:**

Monday through Sunday from 12:00 p.m. to 2:00 a.m.
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- E. That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.**

Letters of Objection:

As of June 14, 2023, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Maps



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

Project Number: SUD-23-0158
Case Number: 44 1-0-0

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>LORI MICHELE KETTLE</u>		Phone (817) <u>723-9896</u> Email: <u>L.Kettle@thebuffalonickelbar.com</u>	
Address <u>8608 Lake Country Drive</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>76179</u>
Property Owner Printed Name: <u>WSJV, LLC Frank Tirey</u>		Phone (713) <u>385-6527</u> Email: <u>becky.thompson@rt-specialty.com</u>	
Address <u>206 North Main St</u>	City <u>MIDLAND</u>	State <u>TX</u>	Zip <u>79701</u>

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

Street Address: <u>216 N Main St, MIDLAND, TX 79701</u>	
Business Name: <u>W and R consultants, LLC dba The Buffalo Nickel by Cibolo Creek</u>	
Legal Description Lot: <u>1+N30'W2</u> Block: <u>38</u> Subdivision: <u>Original Town of MIDLAND</u>	
Current Zoning: <u>C1 Central Area District</u>	
Reason for Request: <u>extension of business hours</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>bar</u>			
Proposed/Current Days and Hours of Operation: <u>MONDAY-SUNDAY 12pm-2am</u> <u>Current: MONDAY-SUNDAY 12pm-12am</u>			
Proposed Days and Hours of Alcohol Service: <u>MONDAY-SUNDAY 12pm-2am</u> <u>Current: Monday-Sunday 12pm-12am</u>			
Total Square Footage of Business: <u>3,400 sq ft</u>			
Square Footage of Alcohol Serviceable Area: <u>1,835 sq ft</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 / 1</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>1</u>	Bathroom Sinks: <u>1</u>

RECEIVED
MAY 04 2023

BY:

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

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

Signatures

Applicant (signature):

Date:

Applicant (printed):

Property Owner (signature):

Date:

Property Owner (printed) :

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

All materials, 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 application on behalf of property owner, agent must complete the affidavit below.

**STATE OF TEXAS
COUNTY OF MIDLAND**

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

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

Notary Public

FOR OFFICE USE ONLY☐ Property Owner Authorization☐ Dimensioned Floor Plan☐ Application Fee☐ Site Plan

Check # _____

☐ Plans in Digital Format (PDF/JPEG)

Received By: _____

Date: _____

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

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

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

Signatures

Applicant (signature):

Date: 5/2/2023

Applicant (printed):

LORI M KETTLE

Property Owner (signature):

Date:

Property Owner (printed):

FRANK TIREY

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

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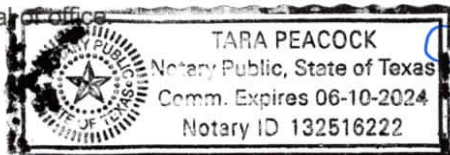
If an agent is authorized by the property owner to file and execute application on behalf of property owner, agent must complete the affidavit below.

STATE OF TEXAS**COUNTY OF MIDLAND**

Tarrant

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

Subscribed and sworn to before me, this 02 day of May, 2023 to certify which witness my hand and seal of office.



Notary Public

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Floor Plan☒ Application Fee☒ Site Plan

Check #

1861

☐ Plans in Digital Format (PDF/JPEG)

Received By:

[Signature]

Date:

RECEIVED
MAY 04 2023

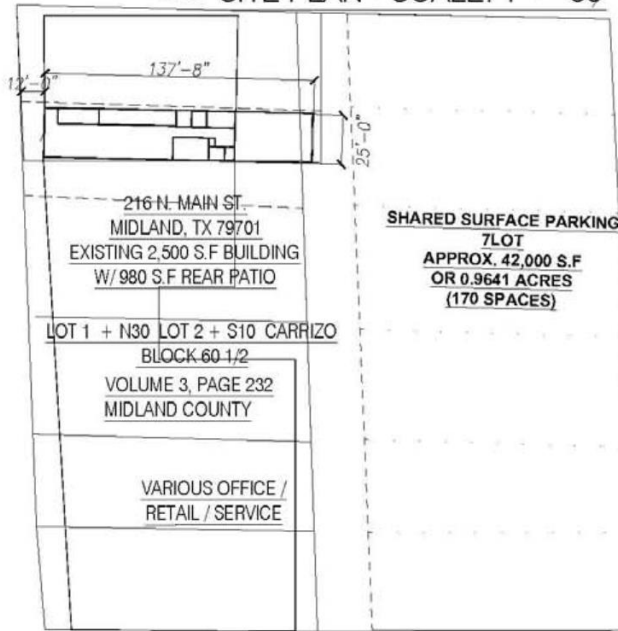
BY:

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

NORTH MAIN STREET

ILLINOIS AVENUE

150'-0" SITE PLAN - SCALE: 1" = 30'



BAIRD STREET



VICINITY MAP - N.T.S.

Submittal and Fees

Items to be submitted with this application form:

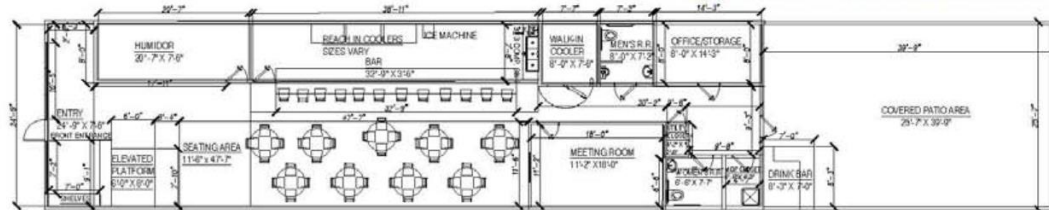
- Application Fee - Payable to the "City of Midland"
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)
- Kitchen
- Total Square Footage
- Serviceable Square Footage

TEXAS AVENUE

PARKING ANALYSIS					
USE	SQUARE FOOTAGE	APPL. RATION 1 CAR PER	PARKING REQUIRED	PARKING PROVIDED	PARKING AVAILABLE
THE BUFFALO NICKEL	3,400	100 SQ. FT.	34	34	170
Legal Art of Southwest	6,400	100 SQ. FT.	26	20	170
NORTH MAIN STREET (VARIOUS USES)	14,000	200 SQ. FT.	55	55	170
TOTAL			115	109	370

170 SPACES ARE PROVIDED
THE LOT MEETS THE 34 PARKING SPACES REQUIRED

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



SERVICEABLE AREA:
2,029 SQUARE FEET

Oak Cliff Drafting Solutions

"Convenient, Conventional & Creative"
DALLAS, ARLINGTON, FORT WORTH,
Grand Prairie, Cedar Hill, Richardson, Mesquite, Plano, Irving,
Lancaster, DeSoto, Duncanville, Irving, Garland,
Glenn Heights, Red Oak, Frisco
TEL: 214-586-6082
email: ocdraftingsolutions@gmail.com
ocdraftingsolutions.com



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, OAK CLIFF DRAFTING SOLUTIONS, WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRADING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Project Name & Address

216 N MAIN ST
MIDLAND, TX
79701
THE BUFFALO NICKEL
LOT 1 + N30 LOT 2 +
S10 CARRIZO STREET, BLOCK 38
VOLUME 3, PAGE 232
MIDLAND COUNTY

APPLICABLE BUILDING CODES:
2015 IBC - International Building Code
2015 IRC - International Residential Code
2015 IFC - International Fire Code
2015 IMC - International Mechanical Code
2015 IPC - International Plumbing Code
2015 IFGC - International Fuel Gas Code
2015 IECC - International Energy Conservation Code
2014 NEC - National Electrical Code

Date
06/20/2018

Scale
1"=30'-0"

Drawn By
JR

Sheet #

1

Sheet Name

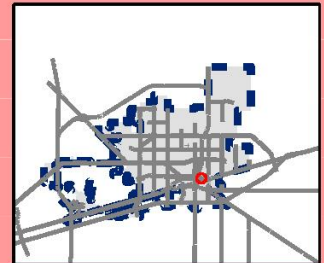
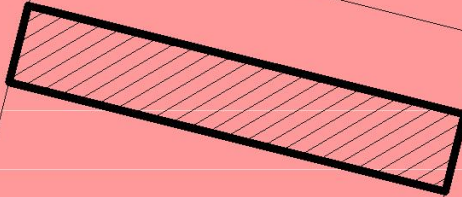
SITE
PLAN

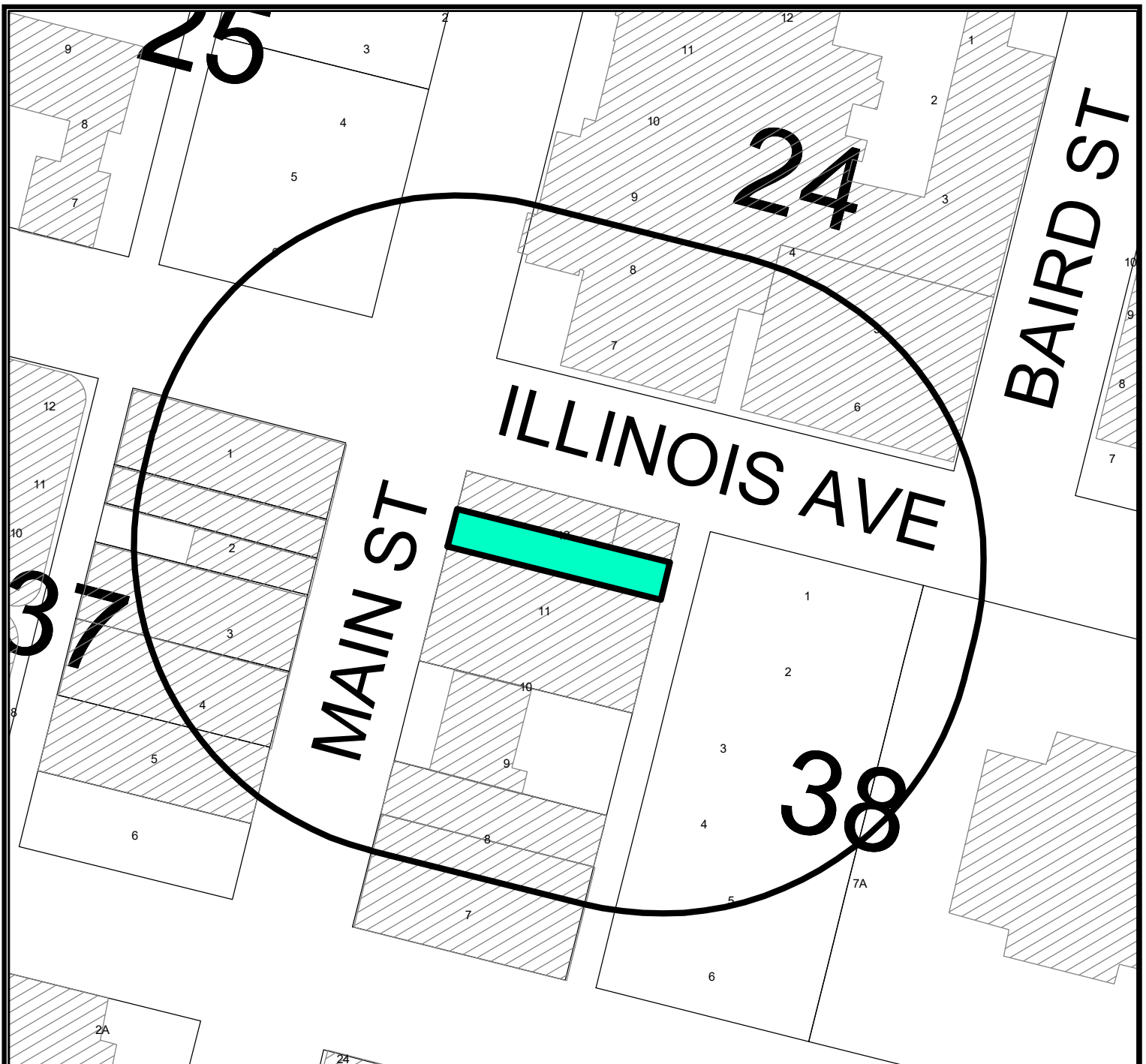
MAIN ST

ILLINOIS AVE

BAIRD

CB





LOCATION MAP

SUD-23-0158

Scale: 1" = 200'

A Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for On-Premises Consumption in a Bar on A 3,400-square foot portion of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas.

Generally located on the east side of North Main Street, approximately 25-feet south of East Illinois Avenue, (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions a Preliminary Plat of Vista Del Pueblo, Section 3, being a Residential Replat of Lots 5 & 6 and 8-10, Block 1, and Lots 7 & 8, Block 2, Vista Del Pueblo, City and County of Midland, Texas. (Generally located east of Todd Drive approximately 560 feet north of Linda Vida Drive. – Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Directional/Informational

Details of Request:

The applicant, Schumann Engineering, is requesting to replat Lots 5-6 and 8-10, Block 1, and Lots 7 & 8, Block 2, Vista Del Pueblo, City and County of Midland, Texas.

Current Zoning:

CE, Country Estate District

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

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved)

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

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

PAVING: No frontage along Public ROW. [For the Applicant's information only.]

WATER: No frontage along Public ROW. [For the Applicant's information only.]

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

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

SEWER: No frontage along Public ROW. [For the Applicant's information only.]

DRAINAGE: Show compliance with Vista Del Pueblo Drainage Report, prepared by Schumann Engineering Co., Inc. and approved by City on 02/23/2017. [Reference City Code Sect. 11-2-3(D)8]

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

SIDEWALKS: No frontage along Public ROW. [For the Applicant's information only.]

DIMENSION: * * *

OTHER: Provide FEMA Firm data and effective date on plat face. [For Applicant's Information Only.]

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved with Conditions)

Update the plat with the Plugged & Abandoned Well Myrtle D #1- Pioneer Natural Resources identified per the RRC viewer map. Located at the S/W corner lot on Nueva Vida Circle. In the notes of plat list well name as Plugged and Abandoned (P&A) and "Building permits will not be allowed to be issued over a P&A well." The P&A is not around lots being addressed but needs to be correct on the plat for the future building permits. Informational: No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures. Any plugged and abandoned (P&A) well would need to be identified. No structures shall be built over an abandoned well.

GIS: (Approved)

In legal description, "As Recorded in Cabinet H, Page 389, Plat Records" is not necessary. Also in legal description, amount of lot 4 being replatted should be indicated. (i.e. the east X feet or the acreage of lot 4 being added to this plat). An additional set of x-y coordinates should be added to the portion for Lots 5-6, 8-10 in block 1 and lots 7-8 of block 2. Block 1, Lot 10 should be 10A. Calls not associated with the portion being platted should be removed. Recording information for 5' utility easement should be added. Curves in Block 1 lots 4 and 5 should be indicated on plat visual. Block 1, Lot 4B should be 4A.

CRMWD: (Approved)

We do not have any comments on this plat.

MIDLAND COUNTY HEALTH:

Yes, the health department will review applications from the 13 proposed lots of Vista Del Pueblo, Section 3, RE-PLAT OF LOTS 4-6 & 8-10 BLOCK 1 AND LOTS 7 & 8 BLOCK 2 VISTA DEL PUEBLO AS RECORDED IN CABINET H PAGE 389, BLOCK 1 lots 4B,5A,5B,6A,6B,8A,9A,9B is 1 acre, lots 8B,10 are 1.2 acre, BLOCK 2 lot 7A is 1.3 acre lot 8a, 8b is 1 acre, to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING: (Approved with Conditions)

Legal description should be "Being a Replat of Lots 5 & 6 and 8-10, Block 1, and Lots 7 & 8, Block 2, County of Midland, Texas." [Informational]

MCAD does not list Linda Diaz as one of the property owners. Please provide proof that Linda Diaz is one of the property owners or remove her name from the face of the plat. [Informational]

MCAD lists Royal Construction & Custom Homes, LLC as the property owner for lot 5, block 1. Provide proof of ownership. [Informational]

Royal Construction and Custom Homes, LLC is not listed as one of the owners in the property owner information. The property owner information must be consistent throughout the face of the plat. [Midland City Code 11-2-3(A)1]

Lot 9B, Block 1, does not meet the minimum lot area required for CE, Country Estate District. [Current Zoning Code Section 5.04] (Probably a typo. Applicant notified)

Provide two northings and eastings. Label one of them the point of beginning. [Informational]

Remove the eighth note regarding the AOZ_Four. The property is not located in the AOZ_Four so it is not necessary. [Informational]

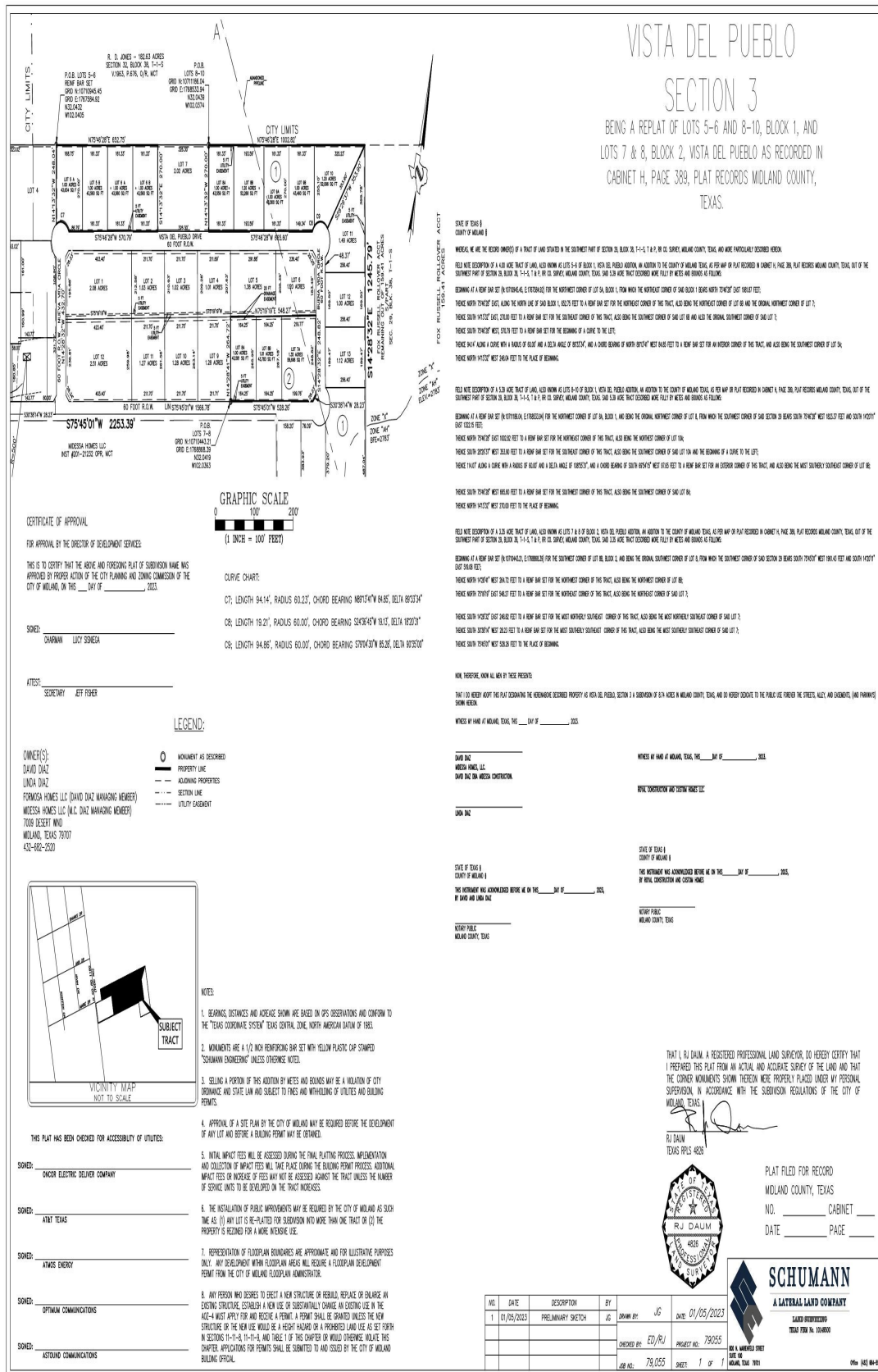
Staff recommends approval of the Preliminary Plat of Vista Del Pueblo, Section 3, subject to condition A.

Condition(s):

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

Attachments:

Proposed Preliminary Plat
Application
Maps





Preliminary Plat Application

Project Number: **SUB-23-0584**
Case Number: **D-23-XXXXXX**
1643

Proposed Subdivision Plat Name: **VISTA DEL PUEBLO SECTION 3**

Legal Description (attached sealed Metes and Bounds): **BEING A REPLAT OF LOTS 4-6 AND 8-10, BLOCK 1, AND LOTS 7 & 8, BLOCK 2, VISTA DEL PUEBLO AS RECORDED IN CABINET H, PAGE 389, PLAT RECORDS MIDLAND COUNTY, TEXAS.**

Property Owner

Printed Name: **DAVID DIAZ**

Phone

Email

Address

City

State

Zip

Developer (if different than Owner) Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: **Schumann Engineering Co., Inc.**

Printed Name: **Eduardo L. Aleman**

Phone **(432) 684-5548**

Email

ealeman@schumannonline.net

Address **800 N. Marienfeld Suite 100**

City **Midland**

State **TX**

Zip **79701**

Current Zoning:

Reason for Platting: **TO SPLIT LOTS**

Plat Information

Total Acreage:

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **16**

Number of Multi-Family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): David Diaz Date: 4-13-23

Property Owner (printed): DAVID DIAZ

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

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

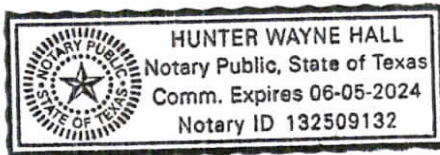
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

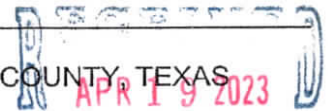
Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority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

Eduardo Aleman
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



BY: _____

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>CC form</u> | ☐ Tax Certificates | ☐ Recording Fee |
| | | Check # <u>CC form</u> |

Received By: James Rober

Date: 4/14/23

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Linda Diaz

Date: 4-13-23

Property Owner (printed): LINDA DIAZ

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

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

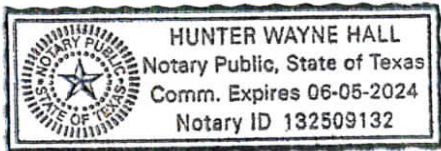
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, 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 Aleman
Authorized Agent (signature)

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



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Mylar

☐ Application Fee

Check # CC form

Received By: _____

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☐ Title Opinion

☐ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☐ Public Improvement

☐ Recording Fee

Check # CC form

Date: 4/19/23

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

PACKET
Final Plat Application

Page 9.98
2

June 20, 2023
Revised 7/01/19

INVOICE

BILLING CONTACT

Ed Aleman
Schumann Engineering Co., Inc.
P.O. Box 504
Midland, TX 797020504



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00089351	04/20/2023	05/20/2023	Paid In Full	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
P-23-1603	Preliminary Plat	\$350.00
SUB TOTAL		\$350.00

TOTAL \$350.00

City of Midland
Planning
300 N Loraine St
P.O. Box 1152
Midland, TX 79701
432-685-7100
Welcome

04/20/2023 04:48PM Dalia S.
21047929-0002
Payment Effective Date 04/20/2023

INVOICE ENERGOV

Aleman, Ed (Schumann Engineering Co., Inc.)

Item:

Preliminary Plat 350.00

350.00

Subtotal 350.00

Total 350.00

TP CC PLAN 350.00

MasterCard *****6245

Ref=3bb0aa4c-c882-4951-a397-139003af218c

Auth=703055

Change due 0.00

Paid by: Aleman, Ed (Schumann
Engineering Co., Inc.)

Thank you for your payment!

CUSTOMER COPY

Authorization for Credit Card Use

PRINT AND COMPLETE AUTHORIZATION AND RETURN

All Information will remain confidential

Name on Card Schumann Engineering
Billing Address 800 N. Marienfeld, Suite 100
Midland, Texas Zip Code: 79701
(Needed to Process Payment)

Card Type Visa ☒ Mastercard

Card Number: 5343 / 8900 / 0514 / 6243

Expiration Date: 02 / / 25

Identification Number: 292
(3 digits on back of card)

Authorized Amount to Charge: \$ 350

I authorize the CITY OF MIDLAND to charge the amount listed above to the card provided herein. I agree to pay for the purchase in accordance with the issuing bank cardholder agreement.

Cardholder--Please Sign and Date

Signature Eduardo Aleman
Date
Printed Name Ed Aleman



Please Submit form to:
Dalia Salinas-Admin Clerk
City of Midland
300 N. Loraine
Midland, TX 79701
432-685-7400
dsalinas@midlandtexas.gov

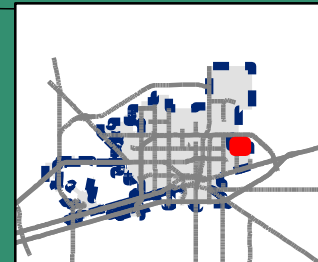
PACKET

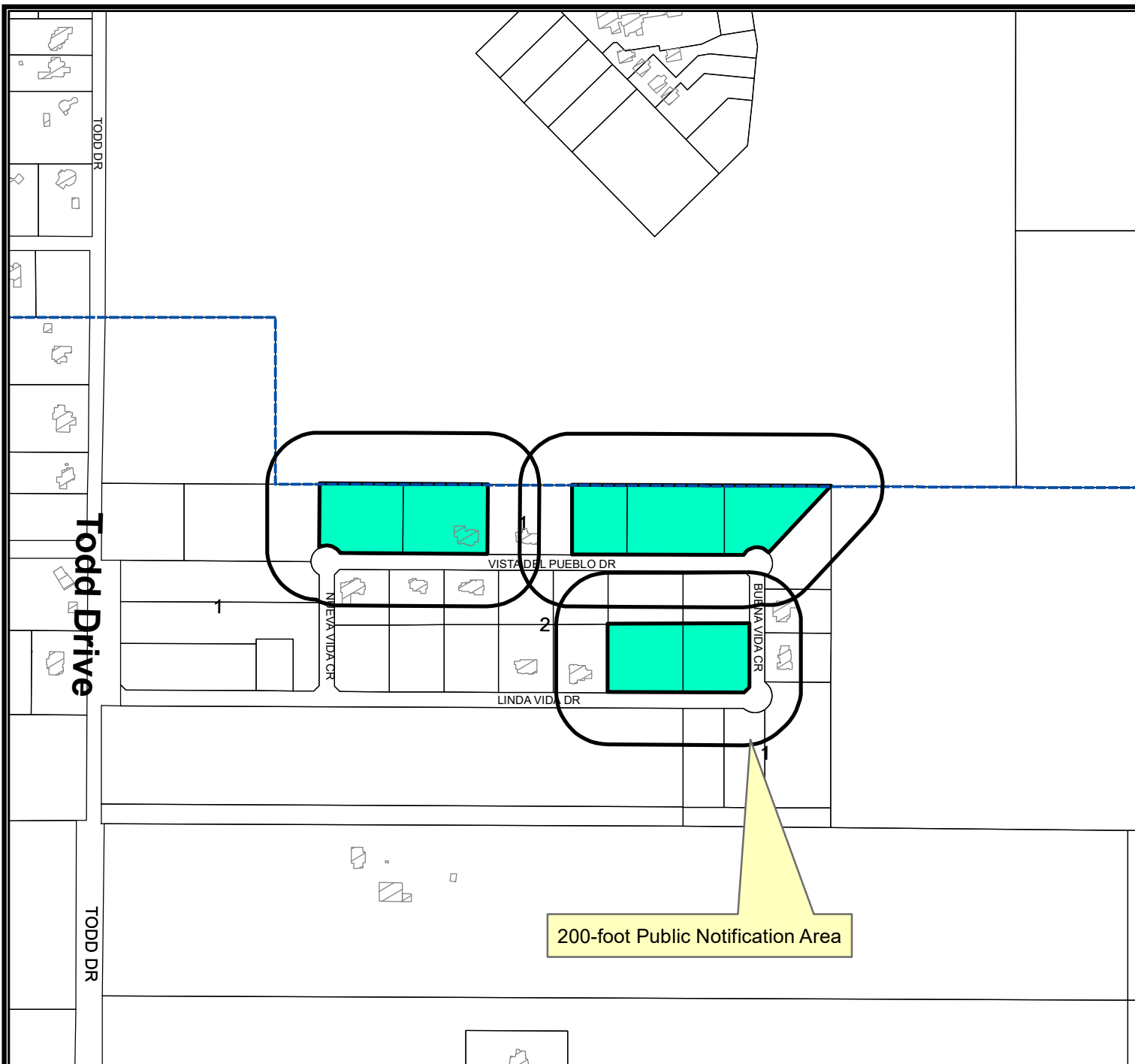
Office Use

Project Name Vista Del Pueblo, Sec 3

Plan# D-23-1603

Invoice# 89351





LOCATION MAP

SUB-23-0584

Scale: 1" = 6,704'

A Preliminary Plat of Vista Del Pueblo, Section 3, being a Re-Plat of Lots 5 & 6 and 8-10, Block 1, and Lots 7 & 8, Block 2, Vista Del Pueblo Addition, City and County of Midland, Texas.

Generally located east of Todd Drive approximately 560 feet north of Linda Vida Drive. (Council District 2)

PACKET

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for
Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions, a proposed Preliminary Plat of W.W. Harris Addition, Section 6, being a Residential Replat of Lot 7, Block 6, W.W. Harris Addition, Section 5, and a 0.310-acre tract of land out of the east half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Mississippi Avenue and Edwards Street. – Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Schumann Engineering, is requesting to replat Lot 7, Block 6, W.W. Harris Addition, Section 5, and a 0.310-acre tract of land out of the east half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, City and County of Midland, Texas into one lot.

Current Zoning:

SF-3, Single-Family Dwelling District.

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

Show bearing/distance along cutback.

ENGINEERING: (Approved with conditions)

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

WATER: 6" water exists in Edwards St. East of tract, a 6" water exists in Mississippi Ave. South of tract, and a 6" water line in alley West of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 6" sewer exists in Edwards St. East of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

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

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

SIDEWALKS: Required at building permit. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

All future development shall meet IFC 2015 and local ordinances.

CODE COMPLIANCE: (Approved)

No Oil and Gas Issues.

GIS: (Approved)

In legal description, it should be a 0.310-acre tract of land out of the east half of the northwest quarter. If 20'x20' ROW is a dedication, please indicate that it is a dedication and the acreage being dedicated. Please label surrounding subdivisions.

PLANNING:

Title opinion is required at the Final Plat stage. [Informational].

Revise legal description in field notes to match legal description to be corrected under plat title [Informational].

Staff recommends approval of the Preliminary Plat of W.W. Harris Addition, Section 6, subject to condition A.

Conditions:

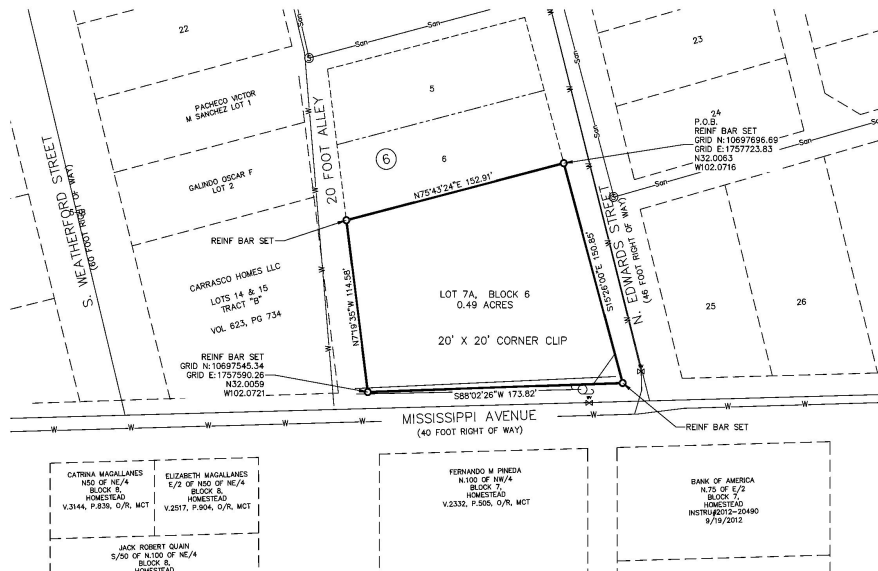
- A. Approval of this preliminary plat is subject to the Final plat including all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.**

Attachments:

Proposed Preliminary Plat
Application
Maps

PRELIMINARY
W.W. HARRIS ADDITION
SECTION 6,

BEING A REPLAT OF LOT 7, BLOCK 6, W.W. HARRIS ADDITION,
SECTION 5 AND A 0.310-ACRE TRACT OF LAND OUT OF THE
WEST HALF OF THE NORTHWEST QUARTER IN THE SOUTHEAST
QUARTER OF SECTION 26, BLOCK 39, T-1-S, CITY AND
COUNTY OF MIDLAND, TEXAS.



LEGEND:

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

OWNER(S):

JOSE L. ZUNIGA
1605 E. SCHARBAUER
MIDLAND, TX 79705
(432) 553-6392
luisc40@hotmail.com

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. PROPERTY IS IN FEMA PANEL 48329C0089F, EFFECTIVE DATE OF SEPTEMBER 16, 2005, PROPERTY IS IN ZONE "X" ACCORDING TO FEMA FLOOD MAP.
- ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE ADD-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

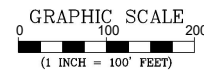
CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUBDIVISION NAME WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF ____, 2023.

SIGNED: _____
CHAIRMAN LUCY SISNEGA

ATTEST: _____
SECRETARY JEFF FISHER



RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY

DRAWN BY:	JG	DATE:	04/28/2023
CHECKED BY:	ED/RJ	PROJECT NO.:	77200
JOB NO.:	79,319	SHEET:	1 of 1

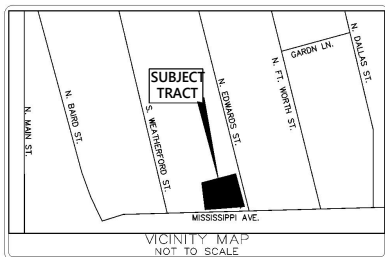
THAT I, RJ DAUM, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY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

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



June 20, 2023

Office (432) 881-5548



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
OPTIMUM COMMUNICATIONS

SIGNED: _____
ASTOUND COMMUNICATIONS

PACKET

Page 10.110



Preliminary Plat Application

Project Number: Sub-23-0624
Case Number: P-23-1651

Proposed Subdivision Plat Name: WW Harris Addition Section 6

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF LOT 7, BLOCK 6, W.W. HARRIS ADDITION, SECTION 5 AND A 0.310-ACRE TRACT OF LAND OUT OF THE WEST HALF OF THE NORTHWEST QUARTER IN THE SOUTHEAST QUARTER OF SECTION 26, BLOCK 39, T-1-S, CITY AND COUNTY OF MIDLAND, TEXAS.

Property Owner

Printed Name: Jose L. Zuniga

Phone (432) 553-6392

Email luispc40@hotmail.com

Address 1605 e Scharbauer dr.

City Midland

State TX

Zip 79705

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Schumann Surveying

Printed Name: Ed Aleman

Phone (432) 254-0327

Email

Address 800 N Marienfeld Suite 100

City Midland

State TX

Zip 79701

Current Zoning: _____

Reason for Platting: _____

Plat Information

Total Acreage: _____

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: _____

Number of Multi-family Dwelling Units: _____

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: 5.24.23

Property Owner (printed): Jose Luis Zuniga

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

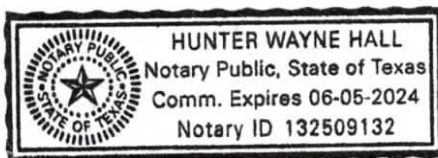
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Charles J. Allen
Authorized Agent (signature)

Subscribed and sworn to before me, this 24th day of May, 20 23, to certify which witness my hand and seal of office.



H. H.
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

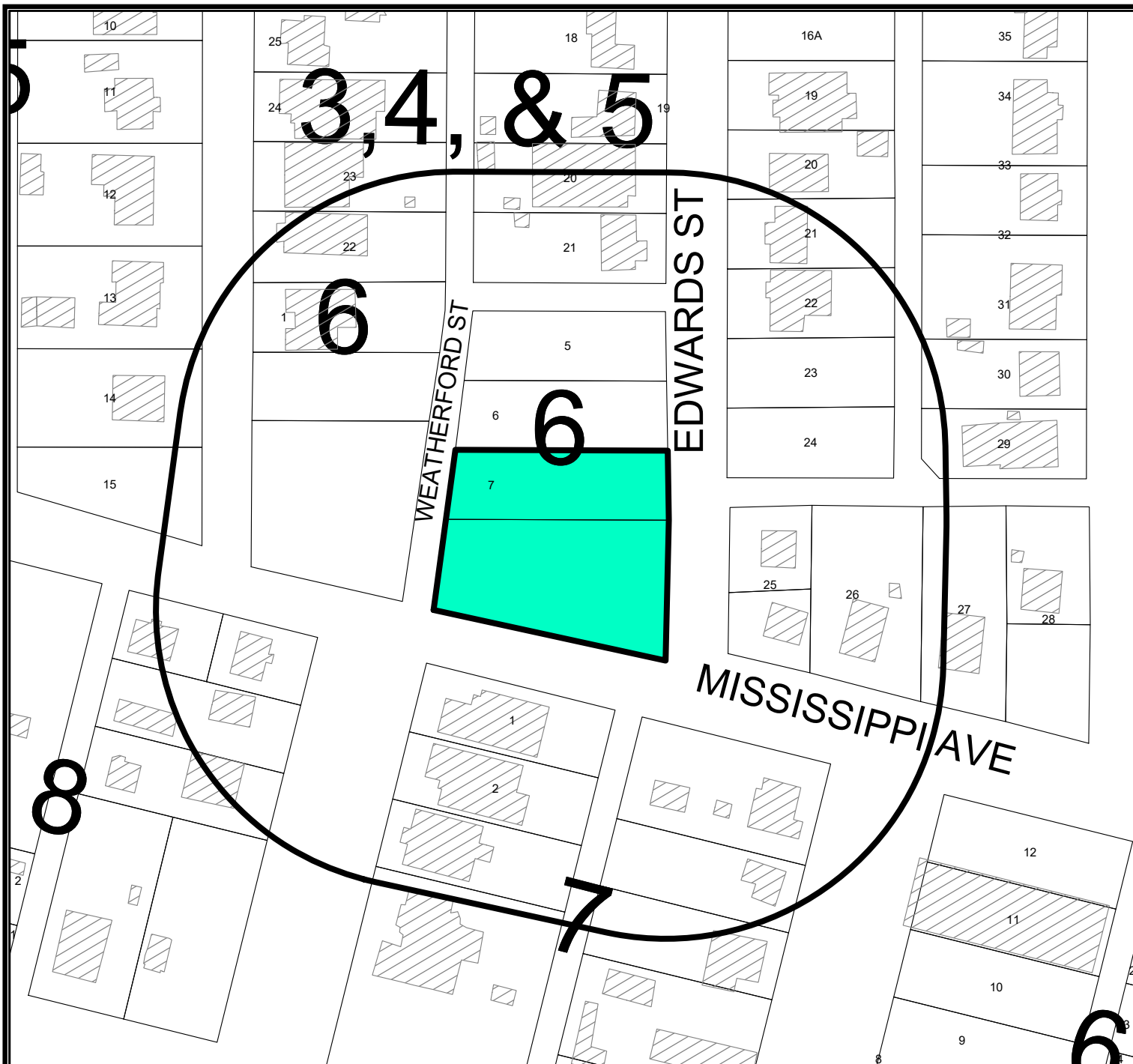
Check # 2007

Received By: AW

Date: MAY 24 2023

BY: AW

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



LOCATION MAP

SUB-23-0624

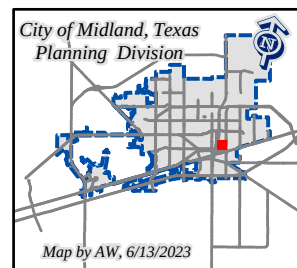
Scale: 1" = 200'

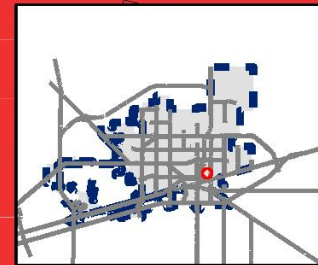
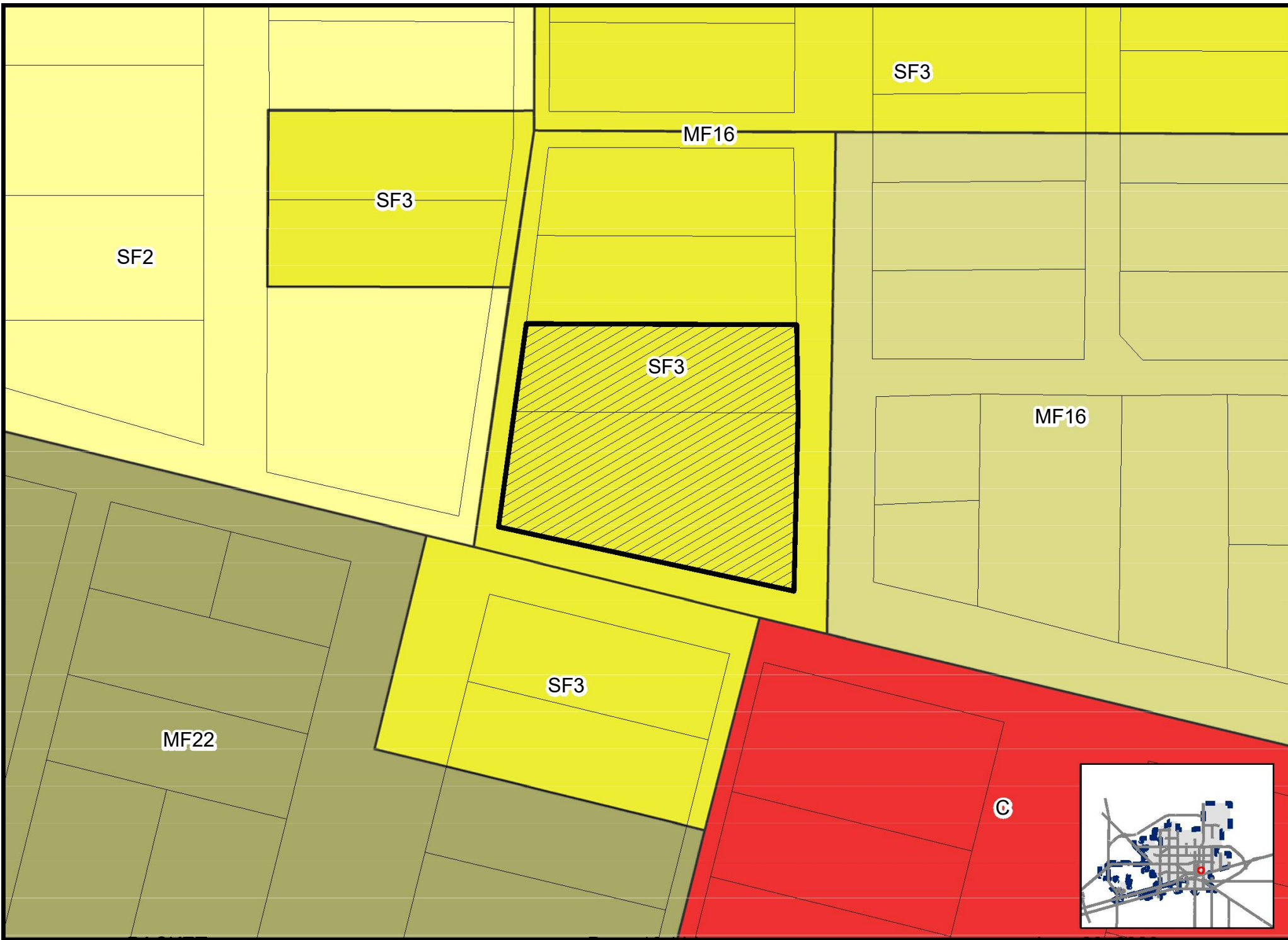
A proposed Preliminary Plat of W.W. Harris Addition, Section 6, being a replat of Lot 7, Block 6, W.W. Harris Addition, Section 5 and a 0.310-acre tract of land out of the west half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of Mississippi Avenue and Edwards Street. - Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Jeff Fisher

MEETING DATE: June 20, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Warehouse Road Addition, being a Plat of an 8.220-acre tract in the southeast quarter of Section 5, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located at the northeast corner of the intersection of Warehouse Road and West Stokes Avenue. - Extraterritorial Jurisdiction)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Schumann Engineering, is requesting to plat an 8.220-acre tract in the southeast quarter of Section 5, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas into four lots.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

BUILDING CODE: (Approved)

No objections. All septic systems are permitted and regulated by the City of Midland Health Department. Septic tanks typically also require new sewer lines to transfer waste

from the building to the tank which will require a plumbing permit from the City of Midland Code Administration department.

SURVEYOR: (Approved)

Show bearing and distance for cutback corner.

ENGINEERING: (Approved with Conditions)

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

ROW: Refer to Transportations comments [For Applicant's Information Only.]

PAVING: Deferral for paving improvements were administratively approved on 05/31/2023. [For Applicant's Information Only.]

WATER: Deferral for water improvements were administratively approved on 05/31/2023. [For Applicant's Information Only.]

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

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

SEWER: Deferral for sewer improvements were administratively approved on 5/31/2023. [For Applicant's Information Only.]

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

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

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

GIS: (Approved)

In metes and bounds, there is a duplicate call of N14-26-12W 219 feet. Lot lines should not extend into ROW dedications. Please include acreage of ROW dedication. Is 20'x20' corner clip being dedicated? If yes, please indicate that it is a dedication on plat visual. Please confirm NE corner, it appears to be in current ROW.

CRMWD:

We do not have any comments on this plat.

MIDLAND COUNTY PUBLIC WORKS:

They will need to get a driveway permit with Public Works to tie into the road.

MIDLAND COUNTY HEALTH:

Yes, the health department will review applications from the 4 proposed lots of Warehouse Road Addition, PLAT OF A 8.2 ACRE TRACT OF LAND OUT OF THE SOUTHEAST ¼ OF SECTION 5, BLOCK 39, T-2-S, T. & P. RR. CO. SURVEY lot 1 is 2.9 acre, lot 2 is 1.7 acre, lot 3 is 1.7 acre, lot 4 is 1.9 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING: (Approved with Conditions)

Correct the spelling of the name of the plat. [Informational]

Remove "Sketch Plan" from the plat face. [Informational]

Legal description should read: "Being an 8.220-acre tract in the southeast quarter of Section 5, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas".

Label right-of-way width of Warehouse Road.

Provide documentation showing who is authorized to sign the Owner's Certificate. [Informational]

Staff recommends approval of the Preliminary Plat of Warehouse Road Addition subject to condition A.

Conditions:

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

Attachments:

Proposed Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number:

Case Number:

SUB-23-01605
P-23-11658

Proposed Subdivision Plat Name: WAREHOUSE ROAD ADDITION

Legal Description (attached sealed Metes and Bounds): BEING A PLAT OF 8.220 ACRES IN THE SOUTHEAST QUARTER OF SECTION 5, BLOCK 39, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Property Owner

Printed Name: DF PROPERTIES 1 LLC

Address 900 WINDING RIDGE TRAIL

City

SOUTHLAKE

Phone (214) 534-7976

Email

justin@nrgrealttygroup.com

State TX

Zip 76092

Developer (if different than Owner)

Printed Name:

Address

City

Phone ()

Email

State

Zip

Representative (if acting as Agent, see affidavit on page

2) Firm: SCHUMANN SURVEYING

Printed Name: EDUARDO L. ALEMAN

Address 800 N. MARIENFELD SUITE 100

City MIDLAND

Phone (432) 684-5548

Email

ealeman@schumannonline.net

State TX

Zip 79701

Current Zoning: _____

Reason for Platting: to obtain septic permits and address

Plat Information

Total Acreage:

8.22

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 4

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):

Date: 5-25-23Property Owner (printed): Justin Dodd

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

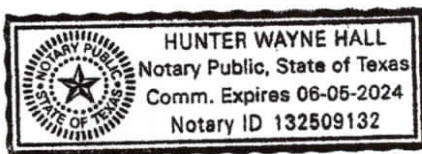
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ed Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 25th day of May, 20 23, to certify which witness my hand and seal of office.



Hunter Wayne Hall
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 # 2003Received By: London OchoaDate: 5/30/23

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

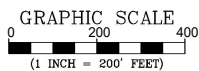
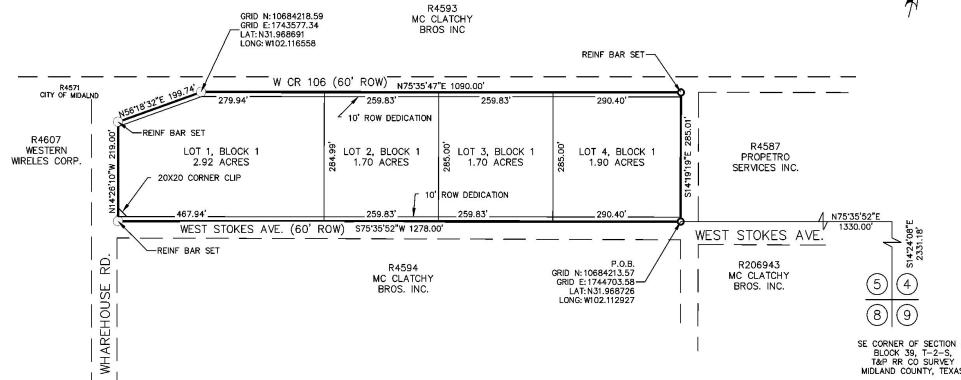
Preliminary Plat Application

2

Revised 07/01/19

SKETCH PLAN WAREHOUSE ROAD ADDITION

BEING A PLAT OF 8.220 ACRES IN THE SOUTHEAST QUARTER OF SECTION 5,
BLOCK 39, T-2-S, T & P, RR CO. SURVEY,
MIDLAND COUNTY, TEXAS



LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- - - ADJOINING PROPERTIES
- - - SECTION LINE
- - - UTILITY EASEMENT
- - - FENCE LINE
- - - OVERHEAD ELECTRIC
- - - UTILITY POLE

OWNER(S):

OF PROPERTIES 1 LLC
800 WINDING RIDGE TRAIL
SOUTH LAKE, TX 76092
214-534-7976
justin@rjgreatgroup.com

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN SECTION 5, BLOCK 39, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 8.22 ACRE TRACT OF LAND, OUT OF SECTION 5, BLOCK 39, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, SAID 8.22 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A REINFORCING BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 5 BEARS NORTH 75°35'52" EAST 1330.00 FEET AND SOUTH 14°24'08" EAST 2331.18 FEET;
THENCE SOUTH 75°35'52" WEST 1278.00 FEET TO A 1/2" REINFORCING BAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE NORTH 14°26'10" WEST 219.00 FEET TO A 1/2" REINFORCING BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;
THENCE NORTH 14°26'10" WEST 219.00 FEET TO A 1/2" REINFORCING BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;
THENCE NORTH 56°18'32" EAST 199.74 FEET TO A 1/2" REINFORCING BAR SET FOR A CORNER OF THIS TRACT;
THENCE NORTH 75°35'47" EAST 1090.00 FEET TO A 1/2" REINFORCING BAR SET FOR A CORNER OF THIS TRACT;
THENCE SOUTH 14°19'19" EAST 285.01 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREBY DESCRIBED PROPERTY AS WAREHOUSE ROAD ADDITION, AN ADDITION OF 8.22 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

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

OF PROPERTIES 1 LLC,

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION.

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

SIGNED: _____
CHAIRMAN LUCY SINEGA

ATTEST: _____
SECRETARY JEFF FISHER

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

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

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF ____, 2023, BY OF PROPERTIES 1 LLC,

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

NOTES:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
2. MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
3. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
5. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
6. REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR. PROPERTY LAYS IN TWO PANEL, 48329C0201F, DATE 09/16/2005 AND 48329C0203F, DATE 09/16/2005. BOTH FIRM PANELS SHOW PROPERTY IN ZONE "X".

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
OPTIMUM COMMUNICATIONS

SIGNED: _____
ASTOUND COMMUNICATIONS

PACKET

Page 11.121

RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
1	03/01/2023	SKETCH PLAN	JG	JG	03/01/2023
CHECKED BY:		ED/RJ	PROJECT NO.: 78333		
JOB NO.:		79,233	SHEET: 1 OF 1		

SCHUMANN
A LATERAL LAND COMPANY
LAND SURVEYING
201 W. UNIVERSITY STREET
SUITE 100
MIDLAND, TEXAS 79701
Office (432) 984-5548

June 20, 2023

WAREHOUSE ROAD ADDITION

WAREHOUSE ROAD ADDITION

Warehouse Road

West Stokes Avenue

LOCATION MAP

SUB-23-0605

Scale: 1" = 3,256'

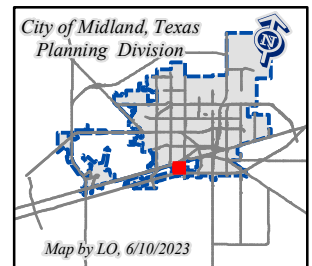
A plat of Warehouse Road Addition, being a plat of 8.220-acres in the southeast quarter of Section 5, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas.

Generally located on the northeast corner of the intersection of Warehouse Road and West Stokes Avenue. (ETJ)

PACKET

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.