

PLANNING AND ZONING MINUTES

May 18, 2020

3:30 p.m.

The Planning and Zoning Commission convened in regular session in the Midland City Hall Council Chamber, 300 North Loraine, Midland, Texas, on, May 18, 2020.

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

Alternate Commissioners present: None.

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Elizabeth Shaughnessy, Senior Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, and Administrative Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:31 p.m.

Opening Item

1. Pledge of Allegiance

Announcements

Planning Manager Cristina Odenborg Burns announced the departure of Senior Planner Taslima Khandaker. Her last day with the City of Midland will be May 29, 2020.

Public Comment

2. 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.

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

Consent Items

Commissioner Gardaphe moved to approve Consent Items, excluding items # 4 & 7; seconded by Commissioner Lawrence.

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

3. Approved a motion approving the following minutes:
4. Approved a proposed Final Plat of Ortloff Addition, Section 7, being a re-plat of Lots 3 and 4, Block 1, Ortloff Addition, Section 5, City and County of Midland, Texas. (Generally located on the west side of Westcliff Drive, approximately 291 feet south of Andrews Highway. Council District 4)

Commissioner Lawrence moved to approve Consent Item # 4; seconded by Commissioner Bryant.

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

5. Approved a proposed Final Plat of Lilly Heights, Section 12, being a replat of Lots 3 and 4, Block 6, Lilly Heights, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Andrews Highway and Tarleton Street. Council District 4)
6. Approved a proposed Preliminary Plat of JLCL Addition, being a plat of a 5.700-acre tract of land located in the NW/4 of Section 15, Block 39, T-2-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1198, approximately 732-feet south of West

County Road 120. Extraterritorial Jurisdiction)

7. Denied a proposed Preliminary Plat of Saddleback Estates Addition, being a plat of a 72.256-acre tract of land located in the northeast quarter of Section 46, Block 38, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1130 and E. County Road 95. Extraterritorial Jurisdiction)

Commissioner Ivey asked why staff would approve this proposed plat without requiring changes to the existing road.

Planning Division Manager Cristina Odenborg Burns explained that staff recommended approval because the applicant met all the requirements for a subdivision in the ETJ. Mrs. Burns went on to explain that it can be requested of the applicant, but it cannot be made a requirement.

The representative, Paladin Huckaba with Maverick Engineering, gave more information in regards to the project and explained that the owner chose to go with a private road instead of a public road because it was the owner's preference.

Commissioner Ivey expressed that although he understands the owners' rights, he believes that it is in the public's best interest to extend Rawhide to the east and the west.

Mr. Huckaba readdressed the commission again to explain that the Maverick Engineering would be happy to discuss with the applicant any possibilities of a concession on their part.

Commissioner Lawrence asked staff if the properties on the south portion have any right-away or setbacks for road to go through. Mrs. Burns confirmed that no; there currently are not any roads.

Commissioner Lawrence stated that he sees the reasoning of both sides. He asked what would be the processes for the applicant if the commission denies the application.

Planning Division Manager explained what the process would be if the commission denies the application.

Mr. Huckaba stated again that Maverick Engineering would be willing to bring to the table the discussion between the county and the applicant the possibility of dedicating the right-away.

Commissioner Ivey stated that neither he nor the commission are requesting that the right-away be dedicated; he is just stating that it be left unused.

Commissioner Ivey moved to Deny Consent Item, #7; seconded by Commissioner Williams.

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

Public Hearings

8. Hold a public hearing and consider a request by KW Commercial Investment Advisors, for a zone change from AE, Agriculture Estate District, and PD, Planning District for a Housing Development, to C, Commercial District, on a 5-acre portion of Lot 2, Block 2, and a 0.87 acre portion of "Reserved" tract, all out of Green Hill Terrace, and a 0.55 acre portion of previously vacated Holiday Hill Rd right-of-way, adjacent to said lot, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Rd, approximately 345 ft north of Mockingbird Lane. Council District 1)

Planner Elizabeth Shaughnessy gave an overview of the project. With 36 letters of objection received, and 12 being within the 200 foot buffer, staff recommended denial.

The public hearing was opened at 4:07 p.m.

The applicant, John Owens 1021 Quaker Ave, Lubbock TX, was present. He spoke on behalf of the project and was open to questions.

Business owner, David Poster 10805 Miami Ave, Lubbock TX, spoke on behalf of the project. He explained that he understands the concerns of the residents, but he believes that the self-storage facility is in the neighborhoods best interest because it would provide a great buffer.

Resident Troy Hunt, 4414 N. Midkiff, spoke in favor of the project.

Resident Rodney Roberts, 4515 Bent Trail, spoke in favor of the project.

Resident Dustin Jones, 4915 Tattenham, spoke in opposition of the project due to disruptions the introduction of commercial property will create in the area.

Resident Nancy Peterson, 4916 Tattenham Corner, spoke in opposition to the project due to unpleasant aesthetic.

The applicant readdressed the commission and answered some of the questions and concerns mentioned by the residents.

The public hearing was closed at 4:44 p.m.

Commissioner Lawrence stated that although he does agree that the property may end up being commercial in the future, he does understand the concerns of the residents and can side more with their views.

Commissioner Sparks asked Mr. Jones to restate his comment in regards to the Tall City Tomorrow Plan. Mr. Jones restated that he believes that keeping with the Tall City Tomorrow Plan the property should be used for a parks.

Commissioner Gardaphe stated that right now we are deciding on a zone change, the site plan will come later.

Commissioner Sparks suggested to the commission and staff the possibilities of approving with added restrictions. He asked staff what would be the process for reapplication.

Planning Division Manager Cristina Odenborg Burns explained that a new application would be required, but they would not be made to pay a new fee.

Commissioner Williams asked for staff to explain the difference between the RR zoning and Commercial zoning. Planning Division Manager Cristina Odenborg Burns explained that commercial allows for more intense uses and RR is for more for big box stores and chain restaurants.

Commissioner Williams also asked which one allows for a broader use. Mrs. Burns explained that the commercial zoning allows for broader uses.

Commissioner Williams stated that she believes that with so many factors going on it is not the right time to make a zone change for this area.

Mr. Owens stated that the requested the commercial zone change application was submitted due to the recommendation of the city staff. He stated that he would have preferred to submit for a Planned District (PD) but was told that was not allowed.

Commissioner Sparks explained that the city is trying to get away from PDs. But sometimes going with a planned district is the better option.

Resident Nancy Peterson readdressed the commission to again express the desires of the neighborhood.

Commissioner Gardaphe suggested the commission table any further conversation and address the motion and the second motion to deny.

Commissioner Lawrence moved to deny a request by KW Commercial Investment Advisors, for a zone change from AE, Agriculture Estate District, and PD, Planning District for a Housing Development, to C, Commercial District, on a 5-acre portion of Lot 2, Block 2, and a 0.87 acre portion of the "Reserved" tract, all out of Green Hill Terrace, and a 0.55 acre portion of previously vacated Holiday Hill Road right-of-way, adjacent to said lot, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 345 feet north of Mockingbird Lane. Council District 1); seconded by Commissioner Gardaphe.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Gardaphe, Sparks,

Lawrence, and Bryant. NAY: None. ABSTAIN: None. ABSENT: None.

9. Hold a public hearing and consider a proposed Final Plat of Quail Ridge Addition, Section 8, being a residential re-plat of a 7.858 acre portion of Lot 1, Block 1, Quail Ridge Addition, and a 0.004 acre portion of previously vacated Beachwood Street right-of-way, out of Quail Ridge Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Beachwood Street and Chukar Lane. Council District 2)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 5:16 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 5:17 p.m.

Commissioner Williams moved to approve a proposed Final Plat of Quail Ridge Addition, Section 8, being a residential re-plat of a 7.858 acre portion of Lot 1, Block 1, Quail Ridge Addition, and a 0.004 acre portion of previously vacated Beachwood Street right-of-way, out of Quail Ridge Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Beachwood Street and Chukar Lane. Council District 2); seconded by Commissioner Lawrence.

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

10. Hold a public hearing and consider a proposed Preliminary Plat of Sheeler Addition, Section 9, being a residential re-plat of Lots 7 and 8, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the west side of South K Street, approximately 146-feet north of W. Griffin Avenue. Council District 2)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing opened at 5:19 p.m.

The applicant was not present.


The public hearing closed at 5:19 p.m.

Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Sheeler Addition, Section 9, being a residential re-plat of Lots 7 and 8, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the west side of South K Street, approximately 146-feet north of W. Griffin Avenue. Council District 2); seconded by Commissioner Lawrence.


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

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 5:21 p.m.



Josh Sparks, Chairman



Cristina Odenborg Burns, Planning Division Manager
Development Services Department

6/1/20

Date
6-1-20

Date