

# **PLANNING AND ZONING MINUTES**

**July 15, 2019**

**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, July 15, 2019.

Commissioners present: Chase Gardaphe, Kevin Wilton, Dianne Williams, and Reggie Lawrence.

Alternate Commissioners present: None.

Commissioners absent: Joshua Sparks, Warren Ivey and Karmen Bryant.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Elizabeth Shaughnessy, Planner Glenda Arroyo-Cruz, Planner Radford Dickson and Administrative Assistant Mirna Acosta.

Chairman Sparks called the meeting to order at 3:30 p.m.

## **Opening Item**

1. Pledge of Allegiance

## **Announcements**

## **Consent Items**

Commissioner Gardaphe moved to approve the Consent Items; seconded by Commissioner Williams.

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

2. Approved a motion approving the following minutes:
  - a. Planning & Zoning Commission Meeting Minutes for July 1, 2019.
3. Approved a proposed Preliminary Plat of Midland (1150) DTP Addition, being a plat of a 2.33 acre tract of land out of the NW/4 of Section 21, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the east side of N. County Road 1150, approximately 982 feet south of E. County Road 50. Extraterritorial Jurisdiction)
4. Approved a proposed Preliminary Plat of Monomoy Addition, being a plat of a 0.41-acre tract of land out of the southeast quarter of Tract F-3, Section 2, Block 40, T-2-S, T&P RR Co. Survey; a 3.20-acre tract of land out of the southwest quarter of Section 1, Block 40, T-2-S, T&P RR Co. Survey; and a 5.34-acre tract of land out of the north half of Section 12, Block 40, T-2-S, T & P RR Co. Survey; Midland County, Texas. (Generally located on the south side of W. Industrial

Avenue, approximately 999-feet west of Agri Road. Extraterritorial Jurisdiction).

5. Approved a proposed Preliminary Plat of Southwest Crossing, Section 5, being a plat of a 10.67-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas; and a 95.22-acre tract of land out of Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located south of Interstate Highway 20, approximately 947-feet west of Antelope Trail. Council District 2 and Extraterritorial Jurisdiction).
6. Approved a proposed Preliminary Plat of Gatewood Addition, being a plat of a 14.350-acre tract of land out of the NW/4 of Section 32, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located approximately 866-feet south of West County Road 150 and approximately 2,124-feet east of South Farm to Market Road 1788. Extraterritorial Jurisdiction)
7. Approved a proposed Preliminary Plat of Garrett RV Park, being a plat of a 1-acre tract of land out of Section 17, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 120, between South County Road 1215 and South County Road 1216. Extraterritorial Jurisdiction)
8. Approved a proposed Preliminary Plat of Indian Acres, Section 3, being a plat of a 2.69-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Interstate 20, approximately 694 feet west of South Lamesa Road. Council District 2)

### **Public Hearings**

9. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on Lot 1 (less the south 20-feet), Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Beal Parkway and Thomason Drive. Council District 4).

Planning Manager Cristina Odenborg Burns gave an overview of the project. With one letter of objection received, staff recommended approval.

Commissioner Williams asked if there were going to be changes made to the original application. Planning Manager Cristina Odenborg Burns deferred to the applicant.

The public hearing was opened at 3:35 p.m.

The applicant, Andrew Mellen with Maverick Engineering, was present.

Mr. Mellen explained that the applicant had not originally explained that the project would be market rate units. Because of a miscommunication, it was presented as senior housing, but it should have been market rate the entire time. He also explained that the only other change made was changing the site plan a little to accommodate more parking to comply with the new zoning code.

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

Commissioner Gardaphe moved to approve a request by Maverick Engineering for a Zone

Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on Lot 1 (less the south 20-feet), Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Beal Parkway and Thomason Drive. Council District 4); seconded by Commissioner Wilton.

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

10. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 2.254-acre portion of Lot 1, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Beal Parkway and Thomason Drive. Council District 4)

Planning Manager Cristina Odenborg Burns gave an overview of the project. With one letter of objection received, staff recommended approval.

The public hearing was opened at 3:39 P.M.

The applicant, Andrew Mellen with Maverick Engineering, was present.

Commissioner Williams asked if there are plans for a roundabout. Mr. Mellen explained that the applicant is willing to accommodate a site plan for a roundabout.

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

Commissioner Gardaphe moved to approve a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 2.254-acre portion of Lot 1, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Beal Parkway and Thomason Drive. Council District 4); seconded by Commissioner Wilton.

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

11. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from a 1F-1, One Family Dwelling District, to O-1, Office District on the south 3.91-acres of Tract 3, Wallace Heights Addition, City and County of Midland, Texas.(Generally located on the north side of Andrews Highway, approximately 229-feet east of Bates Street. Council District 4)

Planner Glenda Arroyo-Cruz gave an overview of the project. With two letters of objection received, staff recommended that if this request for a zone change is approved it shall be subject to condition A.

The public hearing was opened at 3:43 p.m.

The applicant, Andrew Mellen with Maverick Engineering, was present.

Mr. Mellen explained that they want to re-zone the property as O-1 so that an office complex can be constructed.

Commissioner Lawrence asked about the access. Mr. Mellen explained that the only access would be in the front.

Resident Craig Pearson, 1802 Bates Street, spoke in opposition to the project due to the mixing of zoning areas and the loss of privacy to his back yard. He also had concerns with the noise level and the increased amount of traffic.

Resident Dan Deano, 1714 Bates Street, spoke in opposition to the project. He had the same arguments as the previous resident but also wanted to know why project could not be done on a different lot.

Resident Rita Radell spoke, 1806 Bates Street, in opposition of the project. She wanted to go on record as having the same concerns as the other residents.

Resident Richard Case, 1500 Murray Street, spoke in opposition of the project. He wanted to speak on behalf of his tenants and go on record as having the same concerns as the other residents.

Resident Jessica Garrett, 1804 Bates Street, spoke in opposition of the project. She was concerned with the long term impact on the property values. She was also concerned that part of their property would be taken to be used as a city easement.

Commissioner Lawrence deferred to planning staff for her question regarding the easement.

Planning Manager Cristina Odenborg Burns explained that before development the property would need to be re-platted and that is where the discussion of an alley would occur, and the traffic engineer would have the say on that.

Commissioner Wilton explained that a site plan still needs to be submitted in order to know what is going to be done. He explained that this procedure is only to approve the zone change.

Resident Polly Castillo, 1800 Bates, spoke in opposition of the project due to the same concerns as the other residents.

The applicant, Andrew Mellen, explained that the developer is trying to zone the land as a O-1 in order to develop some type of office. He explained that the accommodation of the building will be reviewed during the site plan submittal.

Commissioner Wilton asked what the property directly behind and to the northeast was zoned.

Planning Manager Cristina Odenborg Burns explained that property is a planned district for a transition district, and it seems to have storage on it.

Commissioner Lawrence asked what the height requirement for O-1 is.

Planning Manager Cristina Odenborg Burns explained that the application came in before the new code was adopted, so according to the old code, the height. Requirement is two and a half stories, which is about 28 feet. Commissioner Lawrence then asked what the new zoning

ordinance allows for, and Mrs. Odenborg Burns stated that it is now 35 feet.

The public hearing was closed at 4:04 p.m.

Commissioner Gardaphe moved to approve. With no second, the motion to approve died.

Commissioner Lawrence moved to deny a request by Maverick Engineering for a Zone Change from a 1F-1, One Family Dwelling District, to O-1, Office District on the south 3.91-acres of Tract 3, Wallace Heights Addition, City and County of Midland, Texas.(Generally located on the north side of Andrews Highway, approximately 229-feet east of Bates Street. Council District 4); seconded by Commissioner Williams.

Commissioner Gardaphe spoke in favor of the project. He explained that the residents' concerns are a site plan issue and not a zone change issue.

Commissioner Lawrence explained that he moved to deny due to the fact that there is not a way to know what will become of the land.

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

12. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from a 1F-1, One-Family Dwelling District, to O-1, Office District on Lot 1, Block 2, Hillcrest Acres, Section 3, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Cuthbert Avenue and Midland Drive. Council District 4)

Planner Glenda Arroyo-Cruz gave a summary of the project. With one letter of objection received, staff recommend approval.

The public hearing was opened at 4:12 p.m.

The applicant, Andrew Mellen with Maverick Engineering, was present.

Commissioner Williams asked if there are single family residences to the west. Mr. Mellen explained that the property is currently vacant.

Resident Richard Brantley spoke in opposition of the project due to it being inconsistent to the area; he was also concerned with the increase with traffic. Mr. Brantley also had concerns that the he was not able to find the property owner information.

Mr. Mellen addressed Mr. Brantley's concerns but explained that he does not know who owned the property before, and currently the State is purchasing the property.

The public hearing was closed at 4:18 p.m.

Commissioner Wilton moved to approve and consider a request by Maverick Engineering for a Zone Change from a 1F-1, One-Family Dwelling District, to O-1, Office District on Lot 1, Block 2, Hillcrest Acres, Section 3, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Cuthbert Avenue and Midland Drive. Council District 4); seconded by Commissioner Williams.

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

- 13. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from a 1F-3, One-Family Dwelling District to an O-2, Office District on Lots 1 through 12, Block 42; the west 75.33 feet of Lots 7-12, Block 43; a previously vacated 0.138-acre portion of alley right-of-way located in Block 42; and a previously vacated 0.412-acre portion of South Colorado Street right-of-way located adjacent to Lots 1 through 6, Block 42, and Lots 7 through 12, Block 43; all out of Belmont Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of Belmont Street and West Stokes Avenue. Council Dist 2)

Planner Radford Dickson gave an overview of the project. With no letters of objection received, staff recommended that if the request is approved it shall be subject to condition A.

The public hearing was opened at 4:22 p.m.

Commissioner Wilton asked what the property to the east was and if it was vacant land directly behind it. Planner Radford Dickson explained that there is Rosa’s Café to the east and it is vacant land behind it.

The applicant, Andrew Mellen with Maverick Engineering, was present and gave a summary of the project.

The public hearing was opened at 4:25 p.m.

Commissioner Gardaphe moved to approve a request by Maverick Engineering for a Zone Change from a 1F-3, One-Family Dwelling District to an O-2, Office District on Lots 1 through 12, Block 42; the west 75.33 feet of Lots 7-12, Block 43; a previously vacated 0.138-acre portion of alley right-of-way located in Block 42; and a previously vacated 0.412-acre portion of South Colorado Street right-of-way located adjacent to Lots 1 through 6, Block 42, and Lots 7 through 12, Block 43; all out of Belmont Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of Belmont Street and West Stokes Avenue. Council District 2); seconded by Commissioner Lawrence.

The commissioners discussed the request and the motions on the table.

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

**Miscellaneous**

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:31 p.m.

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Reggie Lawrence, Vice Chairmen

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Date

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Cristina Odenborg Burns, Planning Division Manager

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Date

Development Services Department