

PLANNING AND ZONING MINUTES

April 06, 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, April 06, 2020.

Commissioners present: Josh Sparks, Chase Gardaphe, Reggie Lawrence, and Karmen Bryant.

Alternate Commissioners present: Lucy Sisniega.

Commissioners absent: Kevin Wilton, Warren Ivey, and Diane Williams.

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

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

The Planning and Zoning Commission meeting will convene at 3:30 p.m. on April 6, 2020, in Council Chambers, City Hall, 300 N. Loraine Street, Midland, Texas, and via videoconference.

Join Zoom Meeting: <https://zoom.us/j/5025640077>

Meeting ID: 502 564 0077

One tap mobile:

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Public comment will be allowed in person or via the above conference call number above or in the "Chat" function in the video conference option.

Opening Item

1. Pledge of Allegiance

Announcements

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. (Please limit comments to three minutes or less.)

With no one wishing to speak, the public comment was opened and closed at 3:33 p.m.

Consent Items

Commissioner Gardaphe moved to approve Consent Agenda items 3 through 15; seconded by Commissioner Lawrence.

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

3. Approved a motion approving the following minutes:
 - a. Planning & Zoning Commission Meeting Minutes for March 16, 2020.
4. Approved a proposed Final Plat of College Heights Addition, Section 7, being a residential re-plat of Lots 8 and 9, Block 27, College Heights, City and County of Midland, Texas. (Generally located on the north side of W. Washington Avenue, approximately 87 – feet east of Carlton Street. Council District 3)
5. Approved a proposed Final Plat of Freeland Addition, Section 12, being a plat of a 1.986-acre tract of land located in Section 33 and Section 40, Block 38, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Elkins Road, approximately 155-feet north of East County Road 81. Council District 2)
6. Approved a proposed Final Plat of Green Hill Terrace, Section 17, being a residential re-plat of Lots 12 and 13, Block 2, Green Hill Terrace, and a previously vacated 0.15-acre portion of public access easement adjacent to said lot, City and County of Midland, Texas. (Generally located on the west side of Tattenham Corner, approximately 613 – feet west of Keenland Drive. Council District 1)
7. Approved a proposed Final Plat of JAM Addition, being a plat of a 2.03-acre tract of land located in Section 41, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1151, approximately 109-feet south of East County Road 85. Extraterritorial Jurisdiction)
8. Approved a proposed Final Plat of Orchid Alli, being a plat of a 5-acre tract of land located in the north part of the C.A. Miller Survey, Abstract Number 633, Block 38, T-2-S, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 2,188-feet east of Farm to Market 1213. Extraterritorial Jurisdiction)
9. Approved a proposed Final Plat of Sixtywest Ranch Estates, Section 2 being a re-plat of Lot 15, Sixtywest Ranch Estates, Midland County, Texas. (Generally located on the southeast corner of the intersection of North County Road 1283 and West County Road 60. Extraterritorial Jurisdiction)
10. Approved a proposed Preliminary Plat of Dyno Addition, being a 2-acre tract of land located in the west part of the S/3 of Section 47, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of FM 307, approximately 805-feet east of S. County Road 1130. Extraterritorial Jurisdiction)
11. Approved a proposed Final Plat of East Midland Addition, Section 21, being a residential replat of the south half of Block 55, and a previously vacated 0.128-acre portion of N. Adams Street right-of-way adjacent to said property, all out of East Midland Addition, City and County of Midland, TX. (Generally located on the northwest corner of the intersection of Garden LN and N. Jackson St. Council District 2)
12. Approved a proposed Preliminary Plat of Greenwood Retail Addition, being a plat of a 4-acre tract of land located in the west part of the S/3 of Section 47, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of S. County Road 1130, approximately 422-feet north of Farm to Market Road 307. Extraterritorial Jurisdiction)
13. Approved a proposed Preliminary Plat of Empire Heights, Section 3, being a plat of a 6.005-acre tract of land located in Section 47, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 94, approximately 230-feet west of South County Road 1123. Extraterritorial Jurisdiction)
14. Approved a proposed Final Plat of W.C. Barber Addition Section 3, being a plat of a 0.814-acre tract of land and a 0.06-acre portion of previously vacated alley right-of-way, all located in the SE/4 of the NE/4 of Section 26, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, TX. (Generally located on the southwest corner of intersection of W. Estes Ave. and N. Main St. Council District 2)
15. Approved a proposed Final Plat of Ashlin Place, Section 3, being a re-plat of the south 212 feet of Tract 31, Northwest Acres, City and County of Midland, Texas. (Generally located on the north side of W. Golf Course Road, approximately 466 feet east of Western Drive. Council District 3)

Public Hearings

16. Hold a public hearing and consider a request by Cork & Pig Tavern – Ally Village, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a

5,460 square foot portion of Lot 2, Block 1, Corporate Plaza, Section 21, City and County of Midland, Texas. (Generally located on the south side of Spring Park Drive, approximately 685-feet east of N. Big Spring Street. Council District 2)

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

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

The applicant, Mr. Buena Ventura, 3778 W. 5th Street, Fort Worth, was present. He gave a summary of the project and was open for question.

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

Commissioner Gardaphe moved to approve a request by Cork & Pig Tavern – Ally Village, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 5,460 square foot portion of Lot 2, Block 1, Corporate Plaza, Section 21, City and County of Midland, Texas. (Generally located on the south side of Spring Park Drive, approximately 685-feet east of N. Big Spring Street. Council District 2); seconded by Commissioner Sisniega.

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

17. Hold a public hearing and consider a Final Plat of Cowden Addition, Section 5, being a residential re-plat of Lot 6, Block 34, Cowden Addition, and Lot 1, Block 34, Cowden Addition, Section 4, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Estes Avenue and North Marienfeld Street. Council District 3)

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

The public hearing was open at 3:46 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:48 p.m.

Commissioner Lawrence moved to approve a Final Plat of Cowden Addition, Section 5, being a residential re-plat of Lot 6, Block 34, Cowden Addition, and Lot 1, Block 34, Cowden Addition, Section 4, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Estes Avenue and North Marienfeld Street. Council District 3); seconded by Commissioner Bryant.

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

18. Hold a public hearing and consider a request by Elvira Garcia for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lots 13 and 14, Block 145, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Baird Street, approximately 110-feet north of East Pennsylvania Avenue. Council District 2)

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

The public hearing was opened at 3:50 p.m.

The applicant was not present.

The public hearing was closed at 3:51 p.m.

Commissioner Bryant moved to approve a request by Elvira Garcia for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lots 13 and 14, Block 145, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Baird Street, approximately 110-feet north of East Pennsylvania Avenue. Council District 2); seconded by Commissioner Sisniega.

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

19. Hold a public hearing and consider a request by Maverick Engineering for a zone change from PD, Planned District for an Office Center to PD, Planned Development District for a Housing Development on Lot 2A, Block 1, Corporate Plaza, Section 20, City and County of Midland, Texas. (Generally located on the north side of Corporate Drive, approximately 550-feet east of North Big Spring. Council District 2)

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

Commissioner Lawrence asked if storage and parking don't meet the minimum requirements according to the new zoning code, would they have been allowed according to the old requirements.

Planning Division Manager Cristina Odenborg Burns confirmed that it would have been allowed within the old code requirements.

Commissioner Gardaphe asked what the procedure would be to ensure that certain percentage of units are going to reserve for senior use.

Planning Division Manager Cristina Odenborg Burns stated that the city currently does not have a procedure to ensure that certain units be set aside for seniors.

Commissioner Gardaphe asked if it could be a loophole for them to say that the units are for senior in order to limit their parking requirements.

Planning Division Manager Cristina Odenborg Burns stated that an application for housing credits has been applied for, but the city does not have any way to monitor it.

The commissioners discussed the issues with the storage shortage and lack of parking and also the possibilities that the units reserved for seniors wouldn't be used for seniors.

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

The applicant was not present.

The public hearing was closed at 4:08 p.m.

Commissioner Lawrence suggested it would be in everyone's best interest to defer to the next meeting so that the applicant can be present for further questioning.

Commissioner Lawrence moved to defer a request by Maverick Engineering for a zone change from PD, Planned District for an Office Center to PD, Planned Development District for a Housing Development on Lot 2A, Block 1, Corporate Plaza, Section 20, City and County of Midland, Texas. (Generally located on the north side of Corporate Drive, approximately 550-feet east of North Big Spring. Council District 2) to the April 20, 2020 meeting; seconded by Commissioner Gardaphe.

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

20. Hold a public hearing and consider a request by Maverick Engineering for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned Development District for a Housing Development on Lots 19 through 31, Block 5; Lots 1 through 16, Block 8; Lots 1 through 9, Block 9; and Lots 1 through 4, Block 10; all out of Quail Ridge Addition, Section 6, Lots 10 through 20, Block 9; Lots 5 through 18, Block 10; and Lots 1 through 14, Block 11; all out of Quail Ridge Addition, Section 7; a 7.432-acre portion of Lot 1, Block 1, Quail Ridge Addition; and a previously vacated 0.004-acre portion of Beachwood Street right-of-way, Quail Ridge Addition, Section 2; City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Chukar Lane and Beachwood Street. 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 4:18 p.m.

The applicant was not present.

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

Commissioner Lawrence moved to approve a request by Maverick Engineering for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned Development District for a Housing Development on Lots 19 through 31, Block 5; Lots 1 through 16, Block 8; Lots 1 through 9, Block 9; and Lots 1 through 4, Block 10; all out of Quail Ridge Addition, Section 6, Lots 10 through 20, Block 9; Lots 5 through 18, Block 10; and Lots 1 through 14, Block 11; all out of Quail Ridge Addition, Section 7; a 7.432-acre portion of Lot 1, Block 1, Quail Ridge Addition; and a previously vacated 0.004-acre portion of Beachwood Street right-of-way, Quail Ridge Addition, Section 2; City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Chukar Lane and Beachwood Street. Council District 2); seconded by Commissioner Sisniega.

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

21. Hold a public hearing and consider a request by Garret Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 6,166 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas. (Generally located on the south side of W. 250 Loop North, approximately 1,036-feet east of N. Midkiff Road. Council District 1)

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

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

The applicant, Garret Haley, was present. He gave a summary of the project and was open for questions. He asked staff if the SUD can only be used for the current tenant or would it be transferable to other future tenants.

Planning Division Manager Cristina Odenborg Burns explained the guidelines for the SUD.

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

Commissioner Lawrence moved to approve a request by Garret Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 6,166 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas. (Generally located on the south side of W. 250 Loop North, approximately 1,036-feet east of N. Midkiff Road. Council District 1); seconded by Commissioner Sisniega.

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

22. Hold a public hearing and consider a request by Midland Platinum, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, on Lot 2A, Block 3, Westridge Park Addition, Section 10, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 300-feet south of Andrews Highway. Council District 4)

Planner Joseph Marynak gave an overview of the project. With one letter of objection received; staff recommended approval.

The public hearing was opened at 4:29 p.m.

The applicant, Mr. Pedro Villa, was present but deferred to staff.

The public hearing was closed at 4:30 p.m.

Commissioner Lawrence moved to approve a request by Midland Platinum, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, on Lot 2A, Block 3, Westridge Park Addition, Section 10, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 300-feet south of Andrews Highway. Council District 4); seconded by Commissioner Bryant.

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

23. Hold a public hearing and consider a request by Alexandra Brinker for a Specific Use Designation With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,472 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Garfield Street and Castleford Road. Council District 1)

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

The public hearing was opened at 4:34 p.m.

The applicant was not present.

The public hearing was closed at 4:34 p.m.

Commissioner Gardaphe moved to approve a request by Alexandra Brinker for a Specific Use Designation With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,472 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Garfield Street and Castleford Road. Council District 1); seconded by Commissioner Sisniega.

After the motions were made, Commissioner Sparks asked if City Council had been allowing serviceable hours on Sundays before 11:00 a.m.

Planning Division Manager Cristina Odenborg Burns said that she doesn't know what this council's recommendation is, but the last council did recommend 11:00 a.m.

Commissioner Gardaphe suggested proceeding with the vote and letting City Council handle any changes needing to be made.

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

24. Hold a public hearing and consider a request by Jorge Chavez for a Zone Change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 14, Block 1, Eastover Addition, City and County of Midland, Texas. (Generally located on the east side of N. Adams Street, approximately 80-feet south of E. Illinois Avenue. Council District 2)

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

The public hearing was opened at 4:40 p.m.

The applicant was not present.

The public hearing was closed at 4:40 p.m.

Commissioner Sisniega moved to approve a request by Jorge Chavez for a Zone Change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 14, Block 1, Eastover Addition, City and County of Midland, Texas. (Generally located on the east side of N. Adams Street, approximately 80-feet south of E. Illinois Avenue. Council District 2); seconded by Commissioner Lawrence.

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

25. Hold a public hearing and consider a request by Midland (King) DTP, LLC, for a zone change from LI, Light Industrial District to C, Commercial District on Lots 3 and 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Garden City Highway and King Street. Council District 2)

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

The public hearing was opened at 4:43 p.m.

Bog Gage with GBT Reality, 9010 Overlook BLVD, Tennessee spoke on behalf of the applicant. He gave a summary of the project and was open for questions.

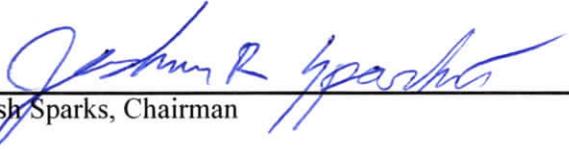
The public hearing was closed at 4:44 p.m.

Commissioner Gardaphe moved to approve a request by Midland (King) DTP, LLC, for a zone change from LI, Light Industrial District to C, Commercial District on Lots 3 and 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Garden City Highway and King Street. Council District 2); seconded by Commissioner Sisniega.

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

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:45 p.m.



Josh Sparks, Chairman

4/20/20

Date



Cristina Odenborg Burns, Planning Division Manager
Development Services Department

4/20/20

Date