

PLANNING AND ZONING MINUTES

June 15, 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, June 15, 2020.

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

Alternate Commissioners present: None.

Commissioners absent: Diane Williams and Reggie Lawrence.

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

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

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.)

The public comment period was opened at 3:32 pm. With no one wishing to speak, the public comment period was closed at 3:34 p.m.

Consent Items

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

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

3. Approved a motion approving the following minutes:
 - a. Planning & Zoning Commission Meeting Minutes for June 1, 2020.
4. Approved a proposed Preliminary Plat of Homestead Addition, Section 19, being a Re-Plat of Block 50, Homestead Addition, including a previously vacated 0.15-acre portion of alley right-of-way and a previously vacated 0.20-acre portion of right-of-way adjacent to said block, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Illinois Avenue and N. A Street. Council District 3)
5. Approved a proposed Preliminary Plat of Skyway Addition, being a plat of a 23.363-acre tract of land located in the E/2 of Section 37, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North FM 1788 and State Highway 191. Extraterritorial Jurisdiction)
6. Approved a proposed Preliminary Plat of West Terminal Addition, Section 10, being a replat of Lots 9 and 11, Block 5, West Terminal Addition, Section 4, Midland County, Texas. (Generally located on the north side of West County Road 100, approximately 605-feet east of South County Road 1295. Extraterritorial Jurisdiction)
7. Approved a proposed Final Plat of Lann Addition, being a plat of a 2.410-acre tract of land located in of the SW/4 of Section 23, Block 38, T-1-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally

located on the south side of East County Road 57, approximately 769-feet west of North County Road 1125. Extraterritorial Jurisdiction)

8. Approved a proposed Final Plat of Lindsay Acres, Section 10, being a re-plat of Lot 17, re-plat of Tracts 5 and 6, Lindsay Acres, and Lot 19, Lindsay Acres, Section 9, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Marlin Avenue and Rankin Highway. Council District 2)
9. Approved a proposed Preliminary Plat of Hannah Addition, Section 3, being a plat of a 15-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1230, approximately 2,660 feet south of West County Road 120. Extraterritorial Jurisdiction)
10. Approved a proposed Preliminary Plat of Midtex 1 Addition, being a plat of a 15.000-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1235 and W. County Road 123. Extraterritorial Jurisdiction)
11. Approved a proposed Preliminary Plat of Parsely Addition Section 2, being a plat of a 30.42-acre tract of land located in the South Half of the Southeast Quarter of Section 12, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of FM 715, approximately 1367-feet north of East County Road 120. Extraterritorial Jurisdiction)

Public Hearings

12. Hold a public hearing and consider a proposed Preliminary Plat of Moody Addition, Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2)

Planning Manager Cristina Odenborg Burns gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:38 p.m.

The applicant was present but deferred to staff.

Resident Cynthia Bass Pate, 3620 Jasmine St. Denver, CO 80207, spoke in opposition of the project because she believed she was the owner of the property and has future plans for building on the lot in question.

Planning Manager Cristina Odenborg Burns clarified that the property in question is owned by Mrs. Elsa Marquez.

Commissioner Sparks explained to Mrs. Pate, using the map, which was her property and which was the property in question.

The public hearing was closed at 3:45 p.m.

Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Moody Addition, Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2); seconded by Commissioner Bryant.

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

13. Hold a public hearing and consider a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2)

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

The public hearing was opened at 3:47 p.m.

The applicant was not present.

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

Commissioner Wilton moved to approve a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2); seconded by Commissioner Bryant.

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

14. Hold a public hearing and consider a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2)

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

Commissioner Wilton asked if parking was an issue for this project. Planner Joseph Marynak explained that parking is part of the reason why staff is recommending denial. He also explained what is required by the city code. Commissioner Wilton asked the number of parking spaces that would be required. Planner Joseph Marynak explained that the parking lot number would be determined by the occupancy of the building.

Commissioner Wilton commented that the image provided is poor quality and if it should be required that better images are submitted.

The public hearing was opened at 3:54 p.m.

The applicant Ramona Ruiz, 511 N Tyler, spoke on behalf of the project. With the help of Mr. Eleasar Cisneros as her translator. Mr. Cisneros explained that Mrs. Ruiz and the adjoining businesses would be willing to share parking. Mrs. Ruiz explained that through her efforts the property has already been cleaned, which has helped the appearance of the neighborhood.

Commissioner Ivey asked the applicant if the property they are trying to rezone is on the back portion of the Martinez Bakery building and if Mrs. Ruiz is also the owner of the bakery. Mr. Cisneros explained that it is located behind the bakery, but the applicant is not the owner of the bakery. The bakery is owned by a church.

Commissioner Wilton asked the applicant to verify, on the map, which the property Mrs. Ruiz owns. Mr. Cisneros pointed out the exact location on the map.

Commissioner Wilton also asked staff to explain what the applicant is applying for and who the actual owner is. Planning Manager Cristina Odenborg Burns explained that the applicant, Mrs. Ruiz, is the owner and she is currently applying for a zone change. Mrs. Ruiz further explained that the main issue with the property is that it was sold by metes and bounds.

Commissioner Sparks asked if the area was rezoned from Light Industrial. Planning Manager Cristina Odenborg Burns explained that the zoning did not actually change; the uses that are allowed in a Light industrial area are what change with the new code.

Mr. Cisneros explained that the previous owners sold the property to Mrs. Ruiz not knowing that the property had been rezoned by the new code. Planning Manager explained that it wasn't not the zoning that changed by the allowed uses.

Business owner Samuel Baeza spoke in favor of the project. He explained that he is also trying to open a shop next to the property in question. He is waiting for the results of Mrs. Ruiz's application in order to pursue his own zone change application.

Commissioner Sparks stated that it looks like the surrounding areas that have recently developed are only single family homes. He asked if there are any other businesses nearby. Mr. Baeza explained that there is a Dollar General and a gas station in the area.

Commissioner Ivey asked if Mr. Baeza owns the bakery and the property south of it. Mr. Baeza explained that he is co-owner of the bakery and the property to the south.

Resident Rose Jasso, 145 N. 5th Street #215, Monte Bello, Ca, addressed the commission with a question in regards to the effects of this zone change to her nearby property.

Commissioner Sparks explained that this zone change would have no bearing on her property.

The public hearing was closed at 4:23 p.m.

Commissioner Ivey asked staff if the zoning were to be changed would the metes and bounds be another obstacle for Mrs. Ruiz to move forward. Planning Manager Cristina Odenborg Burns explained that it would not meet the code requirements and would require a special exception approval from the City Council.

Commissioner Wilton asked what the minimum lot requirements was. Staff and Commissioner Sparks explained that the minimum lot requirement is 8000 sq. feet.

Commissioner Ivey moved to approve a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2); seconded by Commissioner Gardaphe.

Commissioner Gardaphe and Commissioner Sparks commended the applicant and the business owners who spoke in favor of the project for their attempts and commitments to improve the aesthetics and livelihood of the neighborhood.

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

Miscellaneous

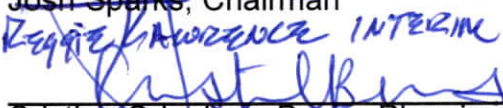
With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:29 p.m.



Josh Sparks, Chairman



Date



Cristina Odenborg Burns, Planning Division Manager
Development Services Department



Date