

PLANNING AND ZONING MINUTES

October 21, 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, October 21, 2019.

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

Alternate Commissioners present: Lucy Sisniega.

Commissioners absent: Chase Gardaphe and Warren Ivey.

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

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

Opening Item

1. Pledge of Allegiance

Consent Items

Commissioner Lawrence moved to approve Consent Items; seconded by Commissioner Williams.

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

2. Approved a motion approving the following minutes:

- a. Planning & Zoning Commission Meeting Minutes for October 7, 2019.

3. Approved a proposed Preliminary Plat of Claydesta Plaza, Section 14 being a replat of Lot 2, Block 14, Claydesta Plaza, Section 7, City and County of Midland, Texas. (Generally located on the west side of North Big Spring Street, approximately 805-feet north of Veterans Airpark Lane. Council District 3)
4. Approved a proposed Preliminary Plat of Grassland Estates West, Section 12 being a plat of 30.307-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located approximately 722-feet west of the intersection State Highway 158 and State Highway 191. Extraterritorial Jurisdiction)
5. Approved a proposed Final Plat of Lone Star Trails II, Section 2, being a plat of a 23.58-acre tract of land in Sec. 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, TX. (Generally located approximately 1,079-feet east of intersection of Fairgrounds Rd and Occidental Pkwy. Council District 1)
6. Approved a proposed Final Plat of Polo Club Addition, Section 8, being a plat of 11.190-acre tract of land out of the NW/4 of Section 3, Block 'X', H.P. Hillard Survey, City and County of Midland, TX. (Generally located on the northwest corner of the intersection of Polo Club Rd and Bluebird Lane. Council District 1)
7. Approved a proposed Final Plat of 349 Ranch Estates, Section 21, being a re-plat of Lot 14, Block 12, 349 Ranch Estates, City and County of Midland, Texas. (Generally located on the north side of Washita Court, approximately 140-feet west of Choctaw. Council District 1)
8. Approved a proposed Final Plat of Cross Pointe, Section 2, being a re-plat of Lot 3, Block 1, Cross Pointe

- Addition, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 625 feet west of Holiday Road. Council District 4)
9. Approved a proposed Final Plat of Ol'Roberts Addition being a plat of 11.94 Acre Tract of Land out of SW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, and a .093 Acre tract of land out of the SW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Abstract 27, Midland County, Texas. (Generally located on the southeast corner of E. Highway 80 and N. County Road 1130. Extraterritorial Jurisdiction.)
 10. Approved a proposed Final Plat of South 1788 Commercial, being a plat of a 10.04-acre tract of land out of Section 18, Section 19, and Section 20, all out of Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of West Interstate 20 East and South Farm to Market 1788. Extraterritorial Jurisdiction)
 11. Approved a proposed Final Plat of The Park at 1788 South, Section 2, being a replat of Lot 10, Block 1, The Park at 1788 South, Midland County, Texas. (Generally located on the southeast corner of the intersection of West County Road 148 and South County Road 1275. Extraterritorial Jurisdiction)
 12. Approved a reinstatement of the proposed Preliminary Plat of Community Place being a plat of a 5.83-acre tract of land out of the Southeast/4 of Section 22, Block 38, T-1-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 55, approximately 545-feet west of North County Road 1130. Extraterritorial Jurisdiction)
 13. Approved a proposed Final Plat of Community Place being a plat of a 5.79-acre tract of land out of the Southeast/4 of Section 22, Block 38, T-1-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 55, approximately 545-feet west of North County Road 1130. Extraterritorial Jurisdiction).
 14. Approved a proposed Final Plat of Eastway Addition, being a plat of a 4.012-acre tract of land out of the NE/4 of Section 39, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of Loop 250 and East Interstate 20. Extraterritorial Jurisdiction)
 15. Approved a proposed Final Plat of Gateway Plaza, Section 13, being a replat of Lots 5 and 6, Block 3, Gateway Plaza Addition, Section 2, City and County of Midland, Texas. (Generally located on the north side of Starboard Drive, approximately 570-feet east of S. Tradewinds Boulevard. Council District 4).
 16. Approved a proposed Final 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; all out of Midland County, Texas. (Generally located on the south side of W. Industrial Avenue, approximately 999-feet west of Agri Road. Extraterritorial Jurisdiction).
 17. Approved a proposed Final Plat of OMG Addition, Section 7, being a plat of a 9.4-acre tract of land out of the south part Section 24, Block 39, T-2-S, T&P RR Co. Survey, Midland County, TX. (Generally located east side of FM 715, approximately 513-feet north of E. County Rd 140. Extraterritorial Jurisdiction).
 18. Approved a proposed Final Plat of Venky Addition being a plat of a 26.36-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast corner of West County Rd 120 and South County Road 1230. Extraterritorial Jurisdiction).
 19. Approved a proposed Final Plat of Western Hills, Section 14, being a replat of Lot 6C, Block 20, and a previously vacated .375-acre portion of Pasadena Drive and alley Right-of-Way, adjacent to said lot, Western Hills, Section 13, City and County of Midland, Texas. (Generally located west of Pasadena Drive, approximately 383-feet west of S. Eisenhower Drive. Council District 4).

20. Approved a proposed Final Plat of Hill Crest Acres, Section 13, being a re-plat of the north 386.4-feet of the south half of Tract 18, Hill Crest Acres; Lot 1, Block 1, Hill Crest Acres, Section 2; Lot 1, Block 2, Hill Crest Acres, Section 3; and a 0.339-acre portion of previously vacated Bedford Right-of-Way, located in Section 30, Block 39, T-1-S, T&P RR. Co. Survey; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of West Cuthbert Avenue and North Midland Drive. Council District 4)
21. Approved a proposed Final Plat of Noir Addition, being a plat of a 11.438-acre tract of land out of Section 28, Block 38, T-1-S, T&P R.R. Co. Survey, and a 2.307-acre tract of land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1148, approximately 1,177 feet north of East County Road 72. Extraterritorial Jurisdiction)
22. Approved a proposed Final Plat of Oasis Addition, being a plat of a 10.00-acre tract of land out of Section 10, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, TX. (Generally located on the south side of West Industrial Ave, approximately 440-feet west of South County Road 1250. Extraterritorial Jurisdiction)
23. Approved a proposed Preliminary Plat of Southern Addition, Section 16, being a re-plat of Lots 1 through 5, less the south 30-feet, Block 146, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East New York Avenue and South Baird Street. Council District 2)

Public Hearings

24. Hold a public hearing and consider a request by Cornerstone Funding, LLC for a Zone Change from PD, Planned District for an Office Center to an Amended Planned Development District for an Office Center on Lot 1A, Block 2, Grassland Estates West, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Homestead Boulevard and Hereford Boulevard. Council District 4)

Planner Rolandrea Russell gave an overview of the project. With 24 letters of objection received, staff recommended approval.

Commissioner Sparks asked, out of the letters of objection received how many are from residents within the buffer. Senior Planner Rolandrea Russell explained that it was 2%.

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

The applicant, Luis Zavala with Cornerstone Funding, LLC, was present. He gave a summary of the project and was open for questions.

Resident Tonya Haggard, 2012 Brentwood Drive, spoke in opposition of the project due to the increase in traffic to the neighborhood.

Resident Ciana Smith, 2016 Fringewood Drive, spoke in opposition of the project due to the increase of traffic. She also had concerns with the water issue with the draw.

Resident Charles Terry, 2020 Fringewood Drive, spoke in opposition of the project due to the proposed height of the building. He also has concerns that the building would decrease the value of his home.

Resident Kurt Finkbeiner, 2008 Fringewood Drive, spoke in opposition of the project, he reiterated what the previous residents had stated.

Resident Thomas Scott, 2024 Fringewood Drive, spoke in opposition of the project, he also reiterated what the previous residents had stated, and he wanted to add that the building style of the proposed project would infringe on the privacy of the nearby neighbors.

Resident Virginal Hendley, 2010 Hereford Blvd, spoke in opposition to the project due to the traffic congestion it will cause to the opposing streets.

Resident Victor Salazar, 2008 Hereford Blvd, spoke in opposition to the project due to the safety issues it will cause to the neighborhood. Mr. Salazar also questioned how staff came up the 2% of objection notices. Staff explained that it was 2% because the Nueva Vista Golf Course constitute about 90% of that notice area. Mr. Salazar stated that the calculation is not representative of the community.

Resident Cortney Luema, 5619 Drexel CT, spoke in opposition of the project due to the appearance of the proposed project. She provided photos of existing commercial properties to show that the proposed project does not match with the other commercial properties.

Resident James Jones, 1904 Hereford Blvd, spoke in opposition of the project due to the appearance of the proposed project, the increase in traffic and the loss of property value.

Resident Michael Dixon went on record for opposing the project.

Resident Jessica Breiten went on record for opposing the project.

Resident Randal Strickland, 5916 Homestead Blvd, spoke in opposition of the project due to the water drainage to the nearby ditch.

Resident Dan Corrales, 4604 W. Illinois Ave, spoke in opposition to the project. He suggested that the residents of the community would appreciate the opportunity to speak one on one with the developer to try to solve some of the issues.

Resident Lindsay Wilson, 2012 Fringewood Drive, spoke in opposition of the project. She requested further explanation of how the notification buffer was calculated and if the project can be denied if the majority of residents objected.

Planning Manager Cristina Odenborg Burns explained that a supermajority vote is required for 20% or more objections.

Mrs. Wilson also asked if the developer had been in contact with the HOA, and if they hadn't could they be given more time in order for them to contact the HOA.

David Sites, 2012 Hereford Blvd, spoke in opposition of the project. He also objected to the Golf Course being give about 90% of the objection area.

Resident Mark Grounds, 2006 Hereford Blvd, spoke in opposition of the project due to the project being in a flood zone which will increase the amount of water on his property.

Applicant Luis Zavala readdressed the commission and answered some of the residents' questions. He explained that the building will not have accessible windows. It will only have windows at the 3rd floor level in order to permit light to come into the building. Commissioner Wilton asked if the developer would be willing to frost the windows. Mr. Zavala said that they would be willing to frost the windows however, they don't see the need to do so. He went on to explain that the gym is not intended to be available to the general public, the intended use is for the owner and staff only. He also stated that the developer is planning on providing a screening wall. He addressed the question of the landscaping, explaining that they plan on going far beyond what is required by the City. He closed by explaining that the living facility in the plans are intended for client use only, it will never be a rental and that the reason for the extra height is specific to the gym.

Commissioner Lawrence asked what the distance is from the project to the neighbors. Mr. Zavala stated that

it was 215-feet from brick to brick.

Commissioner Wilton asked if it was the basketball court that was dictating the height of the building. Mr. Zavala stated that it was the basketball court and the mechanical equipment.

Commissioner Sparks asked if the developer had done anything to address the traffic. Mr. Zavala explained that as engineers, they have not but that they would be willing to give up half of the parking up because they plan on only needing enough parking for no more than 20 staff members.

Commissioner Sparks asked what type of business the building will be used for. Mr. Zavala explained that it will only be used for office space.

Commissioner Wilton asked if the developer would have a problem meeting with the HOA. Mr. Zavala said they apologize for not having met with the HOA yet, but he did review the HOA document and they are one of two properties that are not mentioned in the HOA document.

The public hearing was closed at 4:31 p.m.

Commissioner Wilton stated that he is having a tough time supporting the project the way that it is.

Commissioner Lawrence stated that he does agree that there needs to be more discussion between the developer, the HOA and the residents.

Commissioner Williams stated that her biggest concern is the increase of traffic for the neighborhood and the appearance change to the neighborhood.

Commissioner Sparks stated that he isn't too concerned with the traffic or the drainage because the City works those issues out. But the issue of appearance, safety and residents' concerns are what he is concerned about. He suggested that a deferment be passed to give more time for discussion.

Commissioner Sisniega agreed with Commissioner Sparks that more time needs to be given for discussion.

Commissioner Wilton moved to defer to the November 4, 2019 meeting, the request by Cornerstone Funding, LLC for a Zone Change from PD, Planned District for an Office Center to an Amended Planned Development District for an Office Center on Lot 1A, Block 2, Grassland Estates West, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Homestead Boulevard and Hereford Boulevard. Council District 4); seconded by Commissioner Lawrence.

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

25. Hold a public hearing and consider a request by Karen Pinard for a Zone Change from TP, Technology Park District to MF-22, Multiple-Family Dwelling District on a 13.620-acre tract of land out of Section 3, Block 39, T-2-S, T&P R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South 'K' Street and East Stokes Avenue. Council District 2)

Planner Rolandrea Russell gave an overview of the project. With 1 letter of objection received, staff recommended approval.

Commissioner Sparks asked if they were or weren't meeting the required percentage of garages. Planner Rolandrea Russell explained that no they do not meet the required percentage of garages.

The public hearing was opened at 4:46 p.m.

The applicant, Tom Houth, 133 Noah Rd, Dallas TX, gave a summary of the project and was open for

questions.

Resident Bryon Fender, 1508 W. Montgomery, spoke in opposition of the project due to the type of residents it would attract. Mr. Fender also requested more information in regard to the site plan.

The applicant, Tom Houth, addressed Mr. Fender's questions. He stated that it irritates him when people question the quality of people who are going to reside in the apartments, because everyone deserves a quality place to live. He then addressed the entrance and explained that the main entrance will be coming of West Francis.

Mr. Fender readdressed the Commission, he questioned how they are going to handle the increased traffic.

Planning Manager Cristina Odenborg Burns explained that the property is not yet platted, it will be during the platting phase that the traffic issues will be addressed.

The public hearing was closed at 4:58 p.m.

Commissioner Williams asked how far from the property is the city boundaries.

Planning Manager Cristina Odenborg Burns explained on the map that it is South of I-20.

Commissioner Lawrence moved to approve a request by Karen Pinard for a Zone Change from TP, Technology Park District to MF-22, Multiple-Family Dwelling District on a 13.620-acre tract of land out of Section 3, Block 39, T-2-S, T&P R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South 'K' Street and East Stokes Avenue. Council District 2); seconded by Commissioner Sparks.

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

26. Hold a public hearing and consider a request by Midland Community Development Corporation, for a zone change from SF-1, Single Family Dwelling District, in part, and MF-22, Multiple Family Dwelling District, in part, to MF- 16, Multiple Family Dwelling District on a 19.70-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Princeton Avenue, approximately 824-feet west of N. Midland Drive. Council District 4).

Item #26 was pulled from the Agenda.

27. Hold a public hearing and consider a request by Philip L. Caudill dba The Destination- Journey's End LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in an event venue, on Lot Q, Tract 1, Stockard Acres, City and County of Midland, Texas. (Generally located on the south side of W. Industrial Avenue, approximately 1,370-feet east of S. Garfield Street. Council District 2).

Planner Taslima Khandaker gave an overview of the project. With 1 letter of objection received, staff recommended approval.

The public hearing was opened at 5:03 p.m.

The applicant was present and deferred to staff.

The public hearing was closed at 5:03 p.m.

Commissioner Wilton asked if parking was an issue for this project. Planning Manager Cristina Odenborg Burns explained that they are providing what is required.

Commissioner Bryant moved to approve a request by Philip L. Caudill dba The Destination- Journey's End LLC

for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in an event venue, on Lot Q, Tract 1, Stockard Acres, City and County of Midland, Texas. (Generally located on the south side of W. Industrial Avenue, approximately 1,370-feet east of S. Garfield Street. Council District 2); seconded by Commissioner Sisniega.

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

28. Hold a public hearing and consider a request by Don Clay for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 1 and 2, Block 6, Moody Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Houston Avenue and North Lee Street. Council District 2)

Planner Glenda Arroyo-Cruz gave an overview of the project. With 1 letter of objection received, staff recommended approval.

The public hearing was opened at 5:07 p.m.

The applicant was not present.

The public hearing was closed at 5:07 p.m.

Commissioner Lawrence moved to approve a request by Don Clay for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 1 and 2, Block 6, Moody Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Houston Avenue and North Lee Street. Council District 2); seconded by Commissioner Williams.

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

29. Hold a public hearing and consider a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Housing Development, in part; and 2F-Two-Family Dwelling District, in part; to SF-3, Single-Family Dwelling District, on a 22.75-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. Council District 1)

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 5:10 p.m.

The applicant was present and deferred to staff.

The public hearing was closed at 5:10 p.m.

Commissioner Williams moved to approve a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Housing Development, in part; and 2F-Two-Family Dwelling District, in part; to SF-3, Single-Family Dwelling District, on a 22.75-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. Council District 1); seconded by Commissioner Sisniega.

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

Announcement

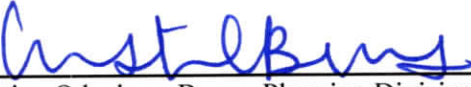
Planning Manager Cristina Odenborg Burns announced the departure of Senior Planner Rolandrea Russell.

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 5:12 p.m.



Josh Sparks, Chairman

Nov 4, 2019
Date



Cristina Odenborg Burns, Planning Division Manager
Development Services Department

11/4/2019
Date