

**PLANNING AND ZONING
MINUTES
March 04, 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, March 04, 2019.

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

Alternate Commissioners present: None.

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Senior Planner Rolandrea Russell, Senior Planner Elizabeth Shaughnessy, Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, Planner Radford Dickson, and Account Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:38 p.m.

Opening Item

1. Pledge of Allegiance

Announcements

2. Development Services Director, Chuck Harrington announced the commission appointment of Karmen Bryant. He also announced the tentative joint Planning Commission and City Council meeting for the public hearing on the new zoning ordinance.

Consent Items

Commissioner Lawrence moved to approve the Consent Items; 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.

3. Approved a motion approving the following minutes:
 - a. Planning & Zoning Meeting Minutes for February 19, 2019.

4. Approved a proposed Preliminary Plat of Grassland Estates West, Section 11, being a plat of a 15.83-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. Council District 4)
5. Approved a proposed Preliminary plat of Lone Star Trails II, Section 2, being a plat of 23.58-acre tract of land in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located approximately 1,079-feet east of the intersection of Fairgrounds Road and Occidental Parkway. Council District 1)
6. Approved a proposed Preliminary Plat of Westridge Park Addition Section 44, being a plat of a 17.55-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. ETJ, Extraterritorial Jurisdiction)
7. Approved a proposed Preliminary Plat of Branson Addition, being a plat of a 11.96 Acre Tract of Land out of N/PART of Section 31, Block 40, T-1-S, T.&P., R.R. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of W. County Road 77 and Holdridge Road. Extraterritorial Jurisdiction.)
8. Approved a proposed Preliminary Plat of Llano Country Addition being a Plat of 5.00 Acre Tract of Land out of Section 23, Block 40, T-1-S, T&P RR. Co., City and County of Midland, Texas. (Generally located on the northwest corner of the interaction of Briarwood Avenue and Golden Gate Drive. Council District 4)
9. Approved a proposed Final Plat of Adobe Meadows, Section 8, being a replat of Lot 15, Block 2, and Lot 1, Block 3, and the previously vacated 0.566-acre portion of Guadalupe Street right of way, adjacent to Blocks 2 and 3, all out of Adobe Meadows, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of State Highway 349 and Mockingbird Lane. Council District 1).
10. Approved a proposed Final Plat of Circuit Acres being a plat of a 5-acre tract of land out of the Northeast/4 of Section 26, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1119, approximately 657-feet south of East County Road 64. Extraterritorial Jurisdiction).
11. Approved a proposed Preliminary Plat of West Terminal Addition, Section 8, being a re plat of Lot 8, Block 7, West Terminal Addition, Section 4, and a 66.16-acre tract of land out of Section 1, Block 41, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast corner of the intersection of West County Road 100 and South County Road 1301. Extraterritorial Jurisdiction).
12. Approved a proposed Preliminary Plat of Corporate Ranch Addition, being a plat of a 30.02 Acre Tract of Land out of Section 28, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas.
(Generally located on the southeast corner of the intersection of North County Road 1270 and West County Road 60. ETJ, Extraterritorial Jurisdiction)
13. Approved a proposed Preliminary Plat of Original Town, Section 19, being a re-plat of

Lots 1 through 12, and a 0.138-acre portion of previously vacated alley right-of-way all out of Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W. Kentucky Avenue. Council District 3)

Public Hearings

14. Hold a public hearing and consider a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on Lot 4, Block 1, SCP Midland West, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive. Council District 4)

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

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

The applicant Robert Rendall with Stonehawk Capital was present. He gave a summary of the project and was open to questions.

The public hearing was closed at 3:44 p.m.

Commissioner Gardaphe moved to approve a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on Lot 4, Block 1, SCP Midland West, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive. Council District 4); seconded by Commissioner Williams.

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

15. Hold a public hearing and consider a request by Stonehawk Capital Partners, LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land out of Section 14, Block 39, T-1-S, T.&P., RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Edwards Street, approximately 156-feet north of Fiesta Avenue. Council District 2)

Planner Rolandrea Russell 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 Robert Rendall with Stonehawk Capital was present. He gave a summary of the project and was open for question.

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

Commissioner Lawrence moved to approve a request by Stonehawk Capital Partners,

LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land out of Section 14, Block 39, T-1-S, T.&P., RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Edwards Street, approximately 156-feet north of Fiesta Avenue. Council District 2); seconded by Commissioner Wilton.

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

16. Hold a public hearing and consider a request for a Specific Use Permit without Term for rock quarries, sand, gravel and excavations on an 11.44-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Cynthia Drive, approximately 1,800-feet east of North Fairgrounds Road. Council District 2

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

Commissioner Williams asked if this was a temporary thing. Staff deferred to the applicant.

Commissioner Wilton asked if staff new why the Code Administration had an issue with the dust that will be created. He asked if the Planning department had a better handle on how much dust this would create.

Development Services Director Chuck Harrington explained that this is a unique request and the ordinance is not very clear. He suggested that if the commission has issues with the dust control the issue could be referred to City Council. Mr. Harrington also deferred all further questions to the applicant.

The public hearing was opened at 3:52 p.m.

The applicant Terry Bryant with Jones Brothers was present. He gave a summary of the project and was open for questions.

He explained the procedures used to control the dust to a minimum. He also explained that they are regulated by TCEQ, and they have guidelines they have to follow.

Commissioner Wilton asked if the state set the standards for dust control. Mr. Bryant explained that yes the state does.

Commissioner Williams asked if they were actually pouring or excavating. Mr. Bryant explained that they are excavating, which would leave a hole.

Commissioner Gardaphe asked approximately how deep the hole would be. Mr. Bryant said approximately 20 feet.

Resident Cesar Cordova spoke in opposition of the project due to the already existing dust issue. He also had concerns with the underground pipelines and the vibrations.

Mr. Bryant with Jones Bros. addressed Mr. Cordova's questions. He explained the measures that would be taken to handle the dust control.

Commissioner Gardaphe asked if they would be opposed to paving Cynthia road. Mr. Bryant stated that it would be something they would sit down with the city about.

Commissioner Sparks asked about the issue with the pipeline. Mr. Bryant explained that this isn't a drilling project so the pipeline is not a concern.

Commissioner Gardaphe asked if they were going straight out Cynthia road or if they would be using Fairgrounds. Mr. Bryant explained that their intention is to only use Cynthia Road.

The public hearing was closed at 4:02 p.m.

Commissioner Gardaphe expressed concerns about the size of the hole that will be made.

Commissioner Sparks explained that the project would ultimately make the area better.

Commissioner Lawrence asked how it would be like in the future from the planning and zoning standpoint.

Commissioner Gardaphe again expressed his concerns over the safety of the size of the hole.

Commissioner Sparks stated that he was sure they would follow whatever safety guards as part of the procedure.

Commissioner Williams stated that she understands the need for this project, but she has concerns for future development.

Commissioner Wilton stated that you can see other areas that have be excavated without following standards, and at least, this project is following standards set by the state.

Commissioner Gardaphe stated that that area is a playa; he asked if the applicant had met with the city to use that as a future drainage. Mr. Bryant stated that they hadn't, but they had looked into that for a future development.

Commissioner Wilton asked if they owned or leased the property. Mr. Bryant explained that they own it.

Mr. Bryant also stated that if a project did go in that required a detention basin this would be an excellent opportunity for that use.

Commissioner Sparks stated that there are plenty of opportunities for use once the excavation is complete. He also stated that he knows the reputation of Jones Bros., and he is confident in their intentions.

Commissioner Ivey moved to approve a request for a Specific Use Permit without Term

for rock quarries, sand, gravel and excavations on an 11.44-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Cynthia Drive, approximately 1,800-feet east of North Fairgrounds Road. Council District 2; seconded by Commissioner Gardaphe.

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

17. Hold a public hearing and consider a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on a 4,200 square foot portion of Lots 13 and east half of 14, Block 56, Original Town, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately, 115 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.

Commissioner Wilton asked how the restroom issue was going to be addressed. Planner Elizabeth Shaughnessy explained that there is one on that level and more available on the second level.

Commissioner Gardaphe explained that this was the same way the previous restaurant operated.

Commissioner Lawrence asked how they will handle alcohol in the lobby. Staff deferred to the applicant for further questions.

The public hearing was opened at 4:16 p.m.

The applicant Sonny Aguilar was present. He gave a summary of the project and addressed the questions presented by the commissioners.

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

Commissioner Gardaphe moved to approve a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on a 4,200 square foot portion of Lots 13 and east half of 14, Block 56, Original Town, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately, 115 feet east of N. Big Spring Street. Council District 2). seconded by Commissioner Bryant.

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

18. Hold a public hearing and consider a residential replat of Plantation Hills, Section 23, being a replat of Lot 3, Block 25, Plantation Hills, Section 10, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Whitman Drive and Bluebird Lane. Council District 1).

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

Commissioner Sparks asked to have the lot sizes restated. Planner Taslima Khandaker explained that the minimum requirement is 2 acres and the lots in questions are 3.72 and 2.73.

Commissioner Lawrence asked if they were they dividing it into two separate lots north and south and what road is just to the west. Planner Taslima Khandaker explained that yes it will be two separate lots and Whitman drive is the road to the west.

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

The applicant was present and deferred to staff.

Resident Tina Viana asked if it was 2 or 4 acres and what use they are planning on selling for. Commissioner Gardaphe explained that it can be sold as two separate 2 acre lots or as one 4-acre lot. Commissioner Sparks explained that it is designated for AE (Agricultural Estates), and it will keep this zoning.

Ms. Viana asked if when the property is sold where the access roads would be. Commissioner Sparks explained that it's not known right now.

Development Services Director Chuck Harrington spoke to clarify that Whitman drive would be the access road. He also clarified that a church can go into any zoning district as long as it meets all the code requirements.

The applicant Josh Wallender with Parkhill, Smith & Cooper, addressed the resident's concerns and was open for questions. He went on to explain that the owner has not provided what he intends to use the property for, so they are not aware if it will be a church.

Commissioner Lawrence asked what the initial intent was. Mr. Wallender explained that it was initially going to be used for a church, but the project fell through.

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

Commissioner Lawrence voiced his concerns with the lots being greater than 2 acres.

Commissioner Sparks stated that he thinks it would be great to have it subdivided and he doesn't have any concerns with school traffic.

Commissioner Bryant moved to approve a residential replat of Plantation Hills, Section 23, being a replat of Lot 3, Block 25, Plantation Hills, Section 10, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Whitman Drive and Bluebird Lane. Council District 1); seconded by Commissioner Ivey.

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

19. Hold a public hearing and consider a request by Ravi C. Borra for Site Plan Approval on

Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the north side of Northbrook Lane, approximately 265-feet northwest of West Loop 250 North Frontage 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 4:34 p.m.

The applicant Julio Davila, contractor for Dr. Ravi Borra, was present. He gave a summary of the project and was open for questions.

The public hearing was closed at 4:35 p.m.

Commissioner Lawrence moved to approve a request by Ravi C. Borra for Site Plan Approval on Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the north side of Northbrook Lane, approximately 265-feet northwest of West Loop 250 North Frontage Road. Council District 1); seconded by Commissioner Bryant.

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

20. Hold public hearing and consider a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District on Lots 1 through 12 and a previously vacated 0.138-acres portion of alley right-of-way, Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W. Kentucky Avenue. Council District 3)

Planner Radford Dickson gave a summary of the project. With no letters of objections received, staff recommended approval.

Commissioner Wilton stated the current zoning is restrictive, so changing it to C3 would allow a variety of things to be built. He asked if a church can go in any zoning district why it needs to be changed.

Development Services Director Chuck Harrington explained that staff recommended the change in order to accommodate the building's needs.

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.

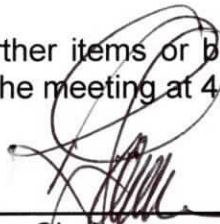
Commissioner Williams moved to approve a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District on Lots 1 through 12 and a previously vacated 0.138-acres portion of alley right-of-way, Block 110, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Pecos Street and W.

Kentucky Avenue. Council District 3); seconded by Commissioner Ivey.

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 4:41 p.m.



Josh Sparks, Chairman
REGGIE LAWRENCE INTERIM CHAIRMAN

04.01.19

Date

Cristina Burns

Cristina Odenborg Burns, Planning Division Manager
Development Services Department

4/1/2019

Date