

**PLANNING AND ZONING
MINUTES
June 17, 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, June 17, 2019.

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

Alternate Commissioners present: None.

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, Planner Radford Dickson, Administrative Clerk Dalia Salinas, and Administrative Assistant Mirna Acosta.

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

Opening Item

1. Pledge of Allegiance

Announcements

Consent Items

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

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

2. Approved a motion approving the following minutes:
 - a. Planning & Zoning Commission Meeting Minutes for June 3, 2019.
3. Approved a proposed Final Plat of Westridge Park Addition, Section 42 being a plat of a 9.75-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of Tradewinds Boulevard Dr. and Thomason Drive. Council District 4)
4. Approved a proposed Final Plat of Wilshire Park Addition, Section 23, being a replat of Lots 1 and 2, Block 162; the south 3.138-acres of Lot 1, Block 163; and the previously vacated 0.505-acres portion of Executive Drive right-of-way, all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of South Loop 250 West and Leisure Drive. Council District 4)
5. Approved a proposed Preliminary Plat of Pioneer Industrial Park, being a Plat of a 43.196-acre tract of land

out of the N/Part of Section 25, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of FM 715, approximately 456-feet south of East County Road 140. Extraterritorial Jurisdiction).

6. Approved a proposed Final Plat of Vaquero Addition, Section 2, being a Plat of a 2.00-acre tract of land out of the NW/4 of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 73, approximately 762-feet west of North County Road 1125. Extraterritorial Jurisdiction)
7. Approved a proposed Final Plat of West End Addition, Section 23, being a Replat of Lots 1 through 6, Block 77, and a previously vacated 0.10-acre portion of West Texas Avenue right-of-way located adjacent to said lots, all out of West End Addition, City and County of Midland, Texas. (Generally located on the south side of West Texas Avenue between North N Street and North M Street. Council District 3)
8. Approved a proposed Preliminary Plat of Westridge Park Addition, Section 45, being a re-plat of an 8.21 acre portion of Lot 6B, Block 3, Westridge Park Addition, Section 12, City and County of Midland, Texas. (Generally located on the north side of Deauville Boulevard, approximately 351-feet west of Tradewinds Boulevard. Council District 4)
9. Approved a reinstatement of the approved Preliminary Plat of Polo Club Addition, Section 7 being a plat of a 9.51-acre tract of land in Section 10, Block X, H.P. Hillard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,289-feet east of North Garfield Street. Council District 1)
10. Approved a proposed Final Plat of Polo Club Addition, Section 7, being a plat of a 9.51-acre tract of land out of Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,289-feet east of North Garfield Street. Council District 1)

Public Hearings

11. Hold a public hearing and consider a request by Patrick Carrasco for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant, on a 4,175 square foot portion of the west 1.5 feet of Lot 3, all of Lots 4 through 6, and the east 24.25 feet of Lot 7, Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located on the south side of the W. Wall Street, approximately 188 – feet east of S. Colorado Street. - Council District 2).

Planner Elizabeth Shaughnessy gave an overview of the project. With one letter of objection received, staff recommended approval.

The public hearing was opened at 3:37 p.m.

The applicant was not present.

The public hearing was closed at 3:37 p.m.

Commissioner Lawrence moved to approve a request by Patrick Carrasco for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant, on a 4,175 square foot portion of the west 1.5 feet of Lot 3, all of Lots 4 through 6, and the east 24.25 feet of Lot 7, Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located on the south side of the W. Wall Street, approximately 188 – feet east of S. Colorado Street. - Council District 2); seconded by Commissioner Williams.

Commissioner Sparks commented on the complaints listed in the one letter of objection received. He asked if there was not a better use for the purposed space. He asked the other Commissioners if they had any issues with this applicant being allowed to sever alcohol until 2 a.m.

Commissioner Wilton commented that this is just the direction in which Midland is headed due to the increase in growth. Commissioner Wilton and Lawrence also commented that the complaints by the letter submitted should have been addressed by the city's Code Enforcement.

Planning Manager Cristina Odenborg Burns stated that the objection letter was submitted in person, and the resident was referred to Code Enforcement.

Commissioner Sparks recommended amending the serviceable hours to midnight instead of 2 a.m.

Development Services Director Chuck Harrington then reminded the commissioners that they can only make recommendations to City Council to amend the serviceable hours.

Commissioner Sparks moved to recommend to City Council to amend the serviceable hours to midnight instead of 2 a.m.; Commissioner Wilton seconded the motion. The motion for the recommendation carried by the following vote: AYE: Wilton, Williams, Sparks, Lawrence, and Bryant. NAY: None. ABSTAIN: None. ABSENT: Ivey and Gardaphe.

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

12. Hold a public hearing and consider a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center to an LR-2, Local Retail District on Lot Plot A, The Village, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately 15 feet east of E. Circle Drive. - Council District 2).

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

Commissioner Wilton commented that the obvious reason they are making this request is so they can stack up the tires and rims in front of the building.

Planner Elizabeth Shaughnessy explained that the LR-2 is going to change to RR in the new zoning code starting July 1st, which means they will be equal in zoning regulations, with the exception that RR will allow outside displays.

Commissioner Wilton asked if they are allowed to do the displays why change the zoning now. Planning Division Manager Cristina Odenborg Burns explained that the permit they had to allow for the display has expired, and the applicant was in non-conformity.

The public hearing was opened at 3:55 p.m.

The applicant, Emily Osley with Texas Tire, spoke of behalf of the business owner.

Commissioner Lawrence asked her how long the business has been at the location. She explained that it used to be The Muffler Shop, but it has been their business, Texas Tire, since March of 2019.

Commissioner Wilton stated that he has passed by many times and seen tires stacked up outside. Mrs. Osley explained that there should never be; she went on to say that they don't sell or keep used tires on the property, so she doesn't think they have ever stacked them up outside.

The public hearing was closed at 3:57 p.m.

Commissioner Bryant moved to approve a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center to an LR-2, Local Retail District on Lot Plot A, The Village, City and County of Midland, Texas. (Generally located on the north side of W. Wall Street, approximately 15 feet east of E. Circle Drive. - Council

District 2); seconded by Commissioner Lawrence.

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

13. Hold a public hearing and consider a request by Chase Gardaphe for a Specific Use Permit without Term for a Mobile Home Park on a 49.85-acre tract of land out of the south portion of Block 83, the west portion of Block 84, the north half of Blocks 85 and 86, and including a vacated 5.192-acre portion of Benton Avenue right-of-way and Poplar Lane right-of-way, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of N. Fairgrounds Road, approximately 617-feet north of E. Cuthbert Avenue. Council District 2).

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

Commissioner Lawrence asked what the proposed density was. Planner Taslima Khandaker explained that the proposed density is 6 units per acre. However, the location can approximately fit 600, so if they were to do the 600 units, the proposed density would be 12 units per acre.

Commissioner Lawrence asked what the allowed unit square footage is. Planner Taslima Khandaker explained that a double wide can be up to 2,432 Square feet.

Commissioner Lawrence then asked what the minimum space for the lot itself is. He stated that the minimum lot size is 3,500 square feet but the proposed is less than that.

Planning Division Manager Cristina Odenborg Burns explained that each lot is 81 feet by 55 feet which totals 4,455 feet per each lot. She explained that the separate square footage listed are the size of the actual mobile homes.

Commissioner Sparks asked if for each lot they could actually have two individual single wide homes. Staff confirmed that yes they can have 2 single wide homes and that three tiny homes are also a possibility.

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

The applicant, Chase Gardaphe was present. He gave a summary of the project and was open for questions.

Commissioner Lawrence asked if the proposed distance between each unit was 10 feet. Mr. Gardaphe explained that per building code you can have a minimum of 10 feet between homes.

Commissioner Lawrence then asked if the homes had fire rated walls. Mr. Gardaphe explained that when these homes are built in the factory they are built to code, which includes fire rated walls.

Commissioner Lawrence stated that he thought the minimum distance was 15 feet between structures. Planning Division Manager Cristina Odenborg Burns explained that the code requires 20 feet setback from mobile home to mobile home.

Commissioner Sparks asked if there was a reason why it is 20 feet for mobile homes verses 10 feet for a constructed home. Planning Division Manager Cristina Odenborg Burns explained that at the moment the planning division could not answer that question.

Commissioner Lawrence asked if the site for this project was going to be the same as what they currently have at Stonegate. Mr. Gardaphe explained that technically the lots on this project are larger than the ones at Stonegate.

Commissioner Williams asked if he was the provider of the mobile homes or do people move in their own. Mr. Gardaphe explained that they only lease the lots, and the residents are responsible for seeking out their own dealer.

Commissioner Williams also asked if it is written in the lease what standard of mobile home is required. Mr. Gardaphe explained that the mobile home standards are written within the lease.

Commissioner Sparks asked if the current facility meets the requirements that are now set forth or were there any special approvals. Mr. Gardaphe explained that the current facility does have a few variances that were approved.

Commissioner Lawrence asked what the street widths were-26 or 28. Mr. Gardaphe explained that they are 26 up to 35, the same as Stonegate.

Commissioner Lawrence asked if they projected a year from now what the occupancy might be. Mr. Gardaphe had no actual projection but did use Stonegate as a reference for what it may occur.

Commissioner Lawrence asked if they planned for RV's. Mr. Gardaphe stated that RV's are not anticipated.

Commissioner Sparks asked if there is only the one main ingress and egress to Fairgrounds. Mr. Gardaphe explained that there is the one of off Fairgrounds, but there are also three on the west side of the property that will encourage people to exit from there.

Commissioner Lawrence asked if there were any exits from the North or South. Mr. Gardaphe explained that due to utility lines and a pipe yard there are no exits on either the North or South.

Resident Golden Gibbs spoke in opposition of the project due to the traffic issues it will cause on Tilden street. Commissioner Sparks confirmed that the three ingress and egress do pour out onto Tilden.

Mr. Gardaphe explained that traffic will primarily be going in the other direction and shouldn't be impacting Mrs. Golden's residency.

Commissioner Williams asked what the space to the north was. Mr. Gardaphe explained that it is a utility easement.

Commissioner Wilton asked if there were going to be any deed restrictions in place. Mr. Gardaphe explained that as the owner of all the lots there will be rules and regulation that the residents will have to abide by or face eviction.

Commissioner Sparks stated that the possibility of having the mobile homes space out only 10 feet is still an issue with him. He asked what the spacing is at the Stonegate site. Mr. Gardaphe explained that at Stonegate the spacing is 10 feet from the back of the home to the back of the home.

Commissioner Lawrence asked what the spacing at Stonegate is from side to side. Mr. Gardaphe explained that from side to side it is 20 foot spacing.

Commissioner Lawrence asked if the fire department approved the site plan. Planner Taslima Khandaker explained that the site plan was approved by fire.

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

Commissioner Wilton stated that although he believes the units are too dense, he understands that the city does need to offer more living space.

Commissioner Sparks agreed that it does have the possibility to become too dense but that maybe a cap can be placed by council.

The Commissioners discussed the possibilities of the property becoming too dense and the issue of the lack of distance between the mobile homes.

The Commissioners agreed to make the following recommendations to City Council:

1. Review the possibility of decreasing the density.
2. Review the possibility of increasing the allowable distance between homes.

Commissioner Williams moved to approve a request by Chase Gardaphe for a Specific Use Permit without Term for a Mobile Home Park on a 49.85-acre tract of land out of the south portion of Block 83, the west portion of Block 84, the north half of Blocks 85 and 86, and including a vacated 5.192-acre portion of Benton Avenue right-of-way and Poplar Lane right-of-way, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of N. Fairgrounds Road, approximately 617-feet north of E. Cuthbert Avenue. Council District 2); seconded by Commissioner Wilton.

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

14. Hold a Public Hearing and consider a request by Newton Engineering, for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned District for a Housing Development on a 26.15-acre tract of land out of the Southwest/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of N. Fairgrounds Road, approximately 715-feet south of E. Pecan Avenue. Council District 2).

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

The public hearing was opened at 4:57 p.m.

The applicant John Newton, with Newton Engineering, was present. He gave a summary of the project and was open to questions.

Resident Marty Villarreal spoke in opposition of the project. She had questions in regards to the amount of units being built. Commissioner Sparks explained that the amount of units has been reduced from the original plan.

Mrs. Villarreal also asked where the traffic will be diverted through. Planning Manager Cristina Odenborg Burns explained, using the projected map, where traffic will be going through.

Mrs. Villarreal also asked if they will be putting in new city lights or traffic lights. Commissioner Sparks explained that the City generally does a traffic study, and if it warrants addition lights, they will do that. Planning Division Manager Cristina Odenborg Burns also explained that the property will have to be platted, and traffic will be taken into consideration.

The public hearing was closed at 5:01 p.m.

Commissioner Lawrence moved to approve a request by Newton Engineering, for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned District for a Housing Development on a 26.15-acre tract of land out of the Southwest/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of N. Fairgrounds Road, approximately 715-feet south of E. Pecan Avenue. Council District 2); seconded by Commissioner Bryant.

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

15. Hold a public hearing and consider a request by JMR Dental SVC for Site Plan Approval on Lot 5, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of West Loop 250 North and Northbrook Lane. 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 5:04 p.m.

The applicant was present but deferred to staff.

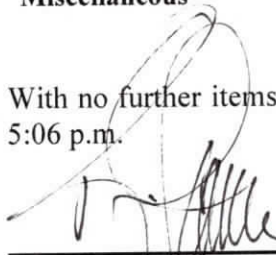
The public hearing was closed at 5:05 p.m.

Commissioner Lawrence moved to approve Hold a public hearing and consider a request by JMR Dental SVC for Site Plan Approval on Lot 5, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of West Loop 250 North and Northbrook Lane. Council District 1); seconded by Commissioner Williams.

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

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 5:06 p.m.



Josh Sparks, Chairman

07.01.19
Date



Cristina Odenborg Burns, Planning Division Manager
Development Services Department

7/1/2019
Date