

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
MINUTES
May 6, 2024
Council Chambers – City Hall**



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at , May 06, 2024.

Commissioners present: Brennan Berry, Lucy Sisniega, John Burkholder, Abraham Bejil, Steven Villela, Joshua Sparks, Dara Richardson

Commissioners absent: Emily Holeva, Adrian Carrasco

Staff members present: Alexis M. Martinez, Elizabeth Triggs, Xavier Bauguess, Andrew Meyers, Diana E. Geerts, Daniel Humbert, Sarah Yeilding

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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.)

CONSENT ITEMS

2. Motion approving a Final Plat of Haley Heights Addition, being a replat of a 0.42-acre portion Of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South Mckenzie Street and West Francis Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DEVELOPMENT SERVICES)**

Steven Villela moved to approve Motion No.; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

3. Motion approving a Final Plat of Melody Acres, Section 18, being a replat of Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas. (Generally located on the north

side of Tanforan Avenue, approximately 200-
feet east of Oriole Drive.) (DISTRICT 4) (DEVELOPMENT SERVICES)
(DISTRICT 4) (DEVELOPMENT SERVICES)

Planning Manager Xavier Bauguess gave an overview of this project.

Commissioner John Burkholder asked for more information on the letters of objection in the agenda packet but not in the presentation. Since there was 36.6% objection he wanted to ensure that those objections had been straightened out.

Planning Manager Xavier Bauguess explained that the objection letters were for a previous City Council meeting regarding the special exception and did not apply to the current request.

Commissioner Steven Villela asked if any notification letters had been sent out for today's project.

Planning Manager Xavier Bauguess replied that notification letters were sent out for the Final Plat.

Commissioner John Burkholder clarified that there were no letters of objection for today's consideration.

Planning Manager Xavier Bauguess confirmed that there were no letters of objection for the Final Plat being discussed today.

Chair Lucy Sisneiga asked for clarification on when the letters of objection were and why the commissioners did not receive them.

Planning Manager Xavier Bauguess clarified that the letters of objection being discussed were from a City Council meeting for a Special Exception which the Planning & Zoning committee does not hear. The City Council approved the request to reduce the minimum acreage with the Special Exception from 2 acres to 1.6.

Chair Lucy Sisneiga asked what the minimum acreage is for an AE since it is usually 2 acres.

Planning Manager Xavier Bauguess explained that the minimum acreage for an AE is 2 acres, however, the Special Exception, passed by City Council reduced the minimum acreage to 1.6 in this project. Because the plat meets the Special Exception granted by City Council the plat meets the code.

Chair Lucy Sisneiga asked if the special exception would be what would continue being allowed in the area.

Planning Manager Xavier Bauguess replied that he could not speak to future council decisions on Special Exceptions, however, for the matter at hand the minimum acreage is

1.6 because of the Special exception and thus complies with code and must be approved.

Commissioner Steven Villela asked for clarification on it not meeting the minimum for the code.

Planning Manager Xavier Bauguess restated that the Final Plat meets the code because it meets the Special Exception approved by City Council and thus the Final Plat must be granted.

Commissioner Steven Villela continued that it is not 2 acres so it does not meet the minimum for the code.

Alternate Commissioner Joshua Sparks reiterated that it does comply with code because the City Council reduced the minimum acreage to 1.6 for this project therefore the code for this one project is less than 2 acres. He then moved to make a motion of approval.

Joshua Sparks moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Burkholder, Bejil, Villela, Sparks

NAY: None

ABSTAIN: Sisniega, Richardson

ABSENT: Holeva, Carrasco

4. Motion approving a proposed Final Plat of West End Addition, Section 31, being a replat of Lot 6 and the west half of Lot 5, Block 12, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Texas Avenue and North D Street) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve Motion No.; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

5. Motion approving a Final Plat of West End Addition, Section 33, being a Replat of Lots 5 & 6, Block 3, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Illinois Avenue and North D Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve Motion No.; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

6. Motion approving with the condition that a revised plat with the requested access easement is submitted, a final plat of Sunset Acres, Section 10 being a 7.01-acre tract of land and a 0.25-acre portion of Sinclair Avenue right-of-way and a 0.08-acre portion of alley right-of-way, all out of Tract 2, Sunset Acres, City and County of Midland, Texas. (Generally located northeast of the intersection of Upland Street and W. Golf Course Road.) (DEVELOPMENT SERVICES) (DISTRICT 3) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve Motion No.; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

7. Motion approving a Final Plat of Original Town, Section 26, being a replat of Lots 1 through 24 and a 0.138-acre portion of previously vacated alley right-of-way, Block 97, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of S. Main Street and E. Indiana Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve Motion No.; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

PUBLIC HEARINGS

The Planning and Zoning Commission will hold public hearings on the following items:

8. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 2, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of South Lee Street, approximately 55 feet south of East California Avenue.) (Council District 2) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Associate Planner Alexis Martinez gave an overview of this project.

Public hearing was opened at 3:57p.m.

Applicant was present but deferred to staff.

Public hearing closed at 3:58 p.m.

Steven Villela moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

9. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 1, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located southwest intersection of S. Lee Street and East California Avenue.) (Council District 2)
(DISTRICT 2) (DEVELOPMENT SERVICES)

Associate Planner Alexis Martinez gave an overview of this project.

Public hearing was opened at 4:00p.m.

Applicant was present but deferred to staff.

Public hearing closed at 4:00 p.m.

Steven Villela moved to approve; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

10. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 3, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located west of S. Lee Street, approximately 110 feet south of E. California Avenue.) (DISTRICT 2)
(DEVELOPMENT SERVICES) (DISTRICT 2) (DEVELOPMENT SERVICES)

Associate Planner Alexis Martinez gave an overview of this project.

Public hearing was opened at 4:02p.m.

Applicant was present but deferred to staff.

Public hearing closed at 4:03 p.m.

Steven Villela moved to approve; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

11. Consider a request by Darpan Bhakta for a Specific Use Designation with Term for the sale of beer and wine for On-Premises Consumption in a Hotel Lounge, on Lot 31A, Block 39, Fairmont Park Addition, Section 38, City and County of Midland, Texas. (Generally located on east side of W Loop 250 N frontage road approximately 920 feet north of Tremont Avenue. **(DISTRICT 1) (DEVELOPMENT SERVICES)**)

Abraham Bejil moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

Senior Planner Diana Geerts gave an overview of this project.

Public hearing was opened at 4:05p.m.

Applicant was present but deferred to staff.

Public hearing closed at 4:06 p.m.

12. Consider a request by Twin Restaurants Midland for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lot 24C, Block 6, Crestgate Addition, Section 27, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North approximately 350-feet east of N Midland Drive. **(DISTRICT 1) (DEVELOPMENT SERVICES)**)

Senior Planner Diana Geerts gave an overview of this project. She noted 10 letters of objection were received, however, only 2 letters were in the notification area with the other 8 objection letters were outside the 200 ft notification area.

Commissioner Abraham Bejil asked what percentage the letters of objection were.

Senior Planner Diana Geerts explained that 20% is the amount to call for super majority at city council. Today there was a 12% objection, so staff was recommending approval.

Chair Lucy Sisneiga asked if the percentage of objection received complied with the code.

Senior Planner Diana Geerts confirmed the percentage of objection was within the allowable range and met code. Because of this staff was recommending approval.

Commissioner John Burkholder asked how long the notice window was.

Senior Planner Diana Geerts replied the notice window in this project was both 10 days and 14 plus because the notices were sent out twice.

Chair Lucy Sisneiga thanked Senior Planner Diana Geerts for answering their questions.

Public hearing was opened at 4:10p.m.

Applicant was present but deferred to staff.

Jimmy McKay at 4307 Crestwood Ave spoke in objection. He is not fond of liquor being sold that close to his backdoor. He understands business but is concerned it is not good for property values or for the safety of the location. His concern is the alley opening directly behind the proposed location is in line with his driveway. He is concerned about the alley being narrow and people being hurt. He also mentioned he had spoken to his immediate neighbors on either side and they too objected for the same reason.

Commissioner John Burkholder asked if he submitted his letter of objection.

Jimmy McKay at 4307 Crestwood Ave confirmed he had mailed it the day he received it.

Commissioner Abraham Bejil encouraged the resident to speak out at City Council.

Jimmy McKay at 4307 Crestwood Ave stated he wasn't sure when the right time to speak was. He inquired about the date of City Council.

Senior Planner Diana Geerts answered the next City Council would be May 28, 2024.

Chair Lucy Sisneiga responded that the Planning & Zoning Commission only votes on what follows the code. She also reminded everyone that the previous restaurant in the same location served alcohol. She then encouraged the resident to speak about his concerns at City Council.

Public hearing closed at 4:14 p.m.

Brennan Berry moved to approve this request; seconded by Joshua Sparks.

The motion passed by the following vote:

AYE: Berry, Sisniega, Sparks, Richardson

NAY: Villela

ABSTAIN: Burkholder, Bejil

ABSENT: Holeva, Carrasco

13. Consider a request by Jose Mendez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on all of Lot 7 and the south 48 feet of Lot 8, Block 41, Greenwood Addition, Third, Fourth, and Fifth Sections, City and

County of Midland, Texas. (Generally located on the east side of South Webster Street, approximately 65-feet south of E. Pennsylvania Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Planner Daniel Humbert gave an overview of this project.

Public hearing was opened at 4:05p.m.

Applicant was not present.

Dave Jenkins at 700 S. Webster St spoke in support. He wanted to bring two points before the commission. His first was thanking the commissioners and staff for their time and service. His second matter was a concern for the safety of the children, veterans, and seniors on their block. He wanted the commission to consider finishing the sidewalks on the block to help keep the children who walk in the neighborhood safe and off the street where the construction vehicles for this project would be.

Commissioner Steven Villela encouraged the resident to speak with Developmental Service Officer Elizabeth Triggs about who would be best to talk to about the sidewalks since the P&Z Commission did not cover that subject matter.

Dave Jenkins at 700 S. Webster St asked if the commissioners could comment in favor of the sidewalks to encourage the City to take action on the sidewalks being completed.

Chair Lucy Sisneiga agreed and suggested that perhaps the contractors impact fees could be put towards the sidewalks being completed.

Developmental Service Officer Elizabeth Triggs said she would speak with Assistant City Manager Jose Ortiz about the impact fees and other options in regards with finishing the sidewalk.

Dave Jenkins at 700 S. Webster thanked the commission and staff for their time and effort.

Chair Lucy Sisneiga reiterated that solutions for the sidewalk would be discussed.

Developmental Service Officer Elizabeth Triggs committed to looking into the sidewalk concerns.

Public hearing closed at 4:24 p.m.

Steven Villela moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

14. Hold a public hearing and consider a request by Schumann Surveying for a zone change from MF-22, Multiple-Family Dwelling District, to 2F, Two-Family Dwelling (Duplex) District for a one-acre tract of land out of Tract 1, Bizzell Kiser Addition, City and County of Midland, Texas. (Generally located on the north side of East Montgomery Avenue, approximately 135 feet east of South Fort Worth Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Planning Manager Xavier Bauguess gave an overview of this project.

Commissioner Steven Villela asked if a replat would be coming next for the project.

Planning Manager Xavier Bauguess replied that yes, a replat would be coming after the zone change. He specified that there were reviews for minimum requirements made for the rezoning and would be reviewed a second time for the replating.

Public hearing was opened at 4:27p.m.

Applicant was not present.

Public hearing closed 4:28 p.m.

Steven Villela moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

15. Hold a public hearing and consider a request by Antojo Pura Vida for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on a 4,799-square-foot portion of the south 32 feet of Lot 2 and all of Lots 3 through 6, Block 205, Southern Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Big Spring Street and West New Jersey Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Planning Manager Xavier Bauguess gave an overview of this project.

Alternate Commissioner Joshua Sparks asked for clarification on why the extended hours for the SUD were beyond the normal operating hours of the business.

Planning Manager Xavier Bauguess replied that to his knowledge it was in case a special event such as a sporting event ran past the standard time.

Public hearing was opened at 4:32p.m.

Applicant was not present.

Public hearing closed at 4:32 p.m.

John Burkholder moved to approve this request; seconded by Brennan Berry.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

16. Hold a public hearing and consider a request by Mission Agape for a zone change from SF-2, Single-Family Dwelling District, to O-1, Office District for Lot 2, Block 92, Wilshire Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the south side of Thomason Drive, approximately 240 feet west of South Midland Drive.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Planning Manager Xavier Bauguess gave an overview of this project.

Alternate Commissioner Dara Richardson asked if staff had considered possible traffic concerns if the project continued.

Planning Manager Xavier Bauguess replied that the Transportation Department had reviewed and approved this project and would review again at time of permit request.

Public hearing was opened at 4:37p.m.

Applicant was present but deferred to staff.

Public hearing closed at 4:37 p.m.

Steven Villela moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

MISCELLANEOUS

17. Motion approving a Preliminary Plat of Campgrounds Addition, Section 2, being a replat of a 4.55-acre tract of land out of Lot 7, Block 1, 1788 Industrial Park, County of Midland, Texas. (Generally located on the west side of South County Road 1270, approximately 540 feet north of West County Road 157. (EXTRA TERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Senior Planner Diana Geerts gave an overview of this project.

Commissioner Steven Villela asked if this project currently had RV's on site.

Senior Planner Diana Geerts replied that there were no RV's at this location, however, Campgrounds 1 was currently a man camp.

Steven Villela moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

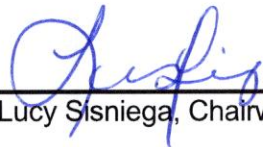
AYE: Berry, Sisniega, Burkholder, Bejil, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco

With no further items or business to come before the Commission, Chairwoman Sisniega adjourned the meeting at



Lucy Sisniega, Chairwoman

5-20-24
Date



Xavier Bauguess, Planning Division Manager
Department of Development Services

5-7-2024
Date