

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
MINUTES
June 3, 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 , June 03, 2024.

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

Commissioners absent: Emily Holeva, Abraham Bejil

Staff members present: Landon Ochoa, 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 Planning & Zoning meeting minutes from May 20, 2024.

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

3. Motion approving a Final Plat of East Midland Addition, Section 23, being a replat of the east 129 feet of the west 279 feet of Block 93, East Midland Addition, Section, City and County of Midland, Texas. (Generally located on the south side of Orchard Lane, approximately 150 feet west of North Benton Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

4. Motion approving a Final Plat of West End Addition, Section 27, being a residential replat of Lots 7-12, Block 93, Lots 1- 12, Block 94, the abandoned alley in Block 94, a 0.263-acre portion of Block 96, the North 40-feet of the west 175-feet of Block 104, Lots 1-5, Block 105, the abandoned portions of Brunson Avenue, the abandoned portions of West Indiana Avenue and South K Street, all out of the West End Addition, Vol. 17 Pages 614 & 615, Midland County Deed Records, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Missouri Avenue and South J Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

5. Motion approving, with the condition of all required public improvements have been satisfied by the Engineering department before filing for recording with the County Clerk of Midland, a Final Plat of Mockingbird Ridge, Section 7, being a 33.65-acre tract of land, situated in Section 18, Block 38, T-1-S, A-734, T&P RY. Co. Survey, City and County of Midland, Texas. (Generally located north of Blazing Saddle Boulevard, approximately 130 feet east of Purtils Creek Drive.) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

6. Motion approving a Final plat of Westridge Park Addition, Section 54, being a replat of a 4.33-acre tract of land out of Lot 4A, Block 5, Westridge Park Addition, Section 53, City and County of Midland, Texas. (Generally located southwest of the intersection of Deauville Boulevard and North Loop 250 West.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Carrasco, Villela, Sparks, Richardson
NAY: None
ABSTAIN: None
ABSENT: Holeva, Bejil

7. Motion to approving a proposed Final Plat of MIDCO LEB, being a replat of a 53.71-acre tract of land out of Lot 1, Block 1, Parsley Addition, Midland County, Texas. (Generally located on the northwest corner of the intersection of Farm to Market Road 715 and East County Road 120) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Carrasco, Villela, Sparks, Richardson
NAY: None
ABSTAIN: None
ABSENT: Holeva, Bejil

8. Motion approving a Final Plat of Goree Addition, Section 1, being a Replat of the west half of the portion of Block 8, Original Town of Midland and the west half of the portion of Block 8, Homestead Addition, and an 897 square foot and a 925 square foot street abandonment, City and County of Midland, Texas. (Generally located northeast of the intersection of North Loraine Street and West Ohio Avenue) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Carrasco, Villela, Sparks, Richardson
NAY: None
ABSTAIN: None
ABSENT: Holeva, Bejil

9. Motion approving a Final Plat of Original Town, Section 27 being a replat of Lots 10, 11 & 12, Block 82, Original Town, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of East Indiana Avenue and South Fort Worth Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Carrasco, Villela, Sparks, Richardson
NAY: None
ABSTAIN: None
ABSENT: Holeva, Bejil

10. Motion approving a Final Plat of Parkway South Addition, Section 4, being a replat of Lot 1, Block 2, Parkway South Addition, Section 2, an 8.0-acre tract of land and a 0.429-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, in part, and a replat of

Lot 1, Block 2, Parkway South Addition, Section 2, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of South Lamesa Road and East Gist Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

11. Motion approving, with the condition of the public water improvements have been installed and accepted by the City prior to issuance of the Certificate of Occupancy. Building permits for structures within the current floodplain boundary can not be issued until the LOMR-F has been approved by FEMA and in effect, a Final Plat of 349 Ranch Estates, Section 25 being a replat of Lot 55, Block 8, 349 Ranch Estates, City and County of Midland, Texas. (Generally located immediately east of Tejas, approximately 190 Feet South of Navajo.) **(DEVELOPMENT SERVICES) (COUNCIL DISTRICT 1) (DISTRICT 1) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

PUBLIC HEARINGS

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

12. Motion to approve, with staff's recommended conditions, a proposed Preliminary Plat of Grasslands Estates, Section 26, being a replat of Lot 1, Block 21, Grasslands Estates, Section 16, City and County of Midland, Texas. (Generally located at the southwest corner of West Wadley Avenue and Callaway Drive.) (Council District 4) (Development Services) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Planner Andrew Meyers gave an overview of this project.

Commissioner Steven Villela mentioned he had received multiple concerns that it is a residential replat.

Planner Andrew Meyers clarified that part of the plat is zoned AE which is a residential zoning but the use is a wildlife rehabilitation center and not residential housing.

Commissioner John Burkholder asked for a timetable of the plat and building process.

Planner Andrew Meyers replied that the image before them is the plat and differed to the applicant for questions on any building timeline.

The public hearing was opened at 3:42 p.m.

Zoo Midland Project Coordinator Chuck Herrington commented that they are excited to get this project moving forward and to get more details planned.

Chair Lucy Sisneiga clarified that there would be no residential housing,

Zoo Midland Project Coordinator Chuck Herrington confirmed there would be no residential housing.

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

Adrian Carrasco moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

13. Motion approving a request by Andrea Diaz for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Service on Lot 1A, Block 4, Plunk 10th, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway approximately 568-feet west of Allen Street. (District 2) **(DISTRICT 2)** **(DEVELOPMENT SERVICES)**

Senior Planner Diana Geerts gave an overview of the project.

Commissioner Adrian Carrasco asked if the applicant was the owner of Lobo Services or if it was a lease.

Senior Planner Diana Geerts clarified it is a lease of a 10x10 office, the bathrooms and 18 parking spots.

Commissioner John Burkholder asked if the lease cut into the required parking for Lobo Services.

Senior Planner Diana Geerts replied there is sufficient parking.

Chair Lucy Sisneiga asked if the parking spots were corresponding to square footage.

Senior Planner Diana Geerts answered that the parking is more than sufficient for the 100 square foot office being leased as well as the additional spots for the selling of vehicles on the lot and the remainder for Lobo Services.

Planning Manager Xavier Bauguess states the code requirement for offices is 1 space for each 400 square feet of foot area with a minimum of 5 spaces, so the 10x10 office is 100 square feet and would need the 5 parking spaces and for the retail portion is 1 space per 300 for another 3 parking spaces which raises the applicant to needing 8. Which leaves sufficient parking for Lobo Services to operate as well as the applicant.

Commissioner Steven Villela asked for clarification on how often an SUD With Term comes before the commission verses the SUD Without Term.

Planning Manager Xavier Bauguess replied that there are the two types, the SUD With Term for alcohol use comes before the commission more often but the zoning code does define both types of SUD within it.

Commissioner Steven Villela asked if the applicant left could a new person come in and operate under the existing SUD.

Senior Planner Diana Geerts replied the new business would have to come back for their own SUD since the application is specific to the business applying and would have to do the process for their business.

Alternate Commissioner Joshua Sparks mentioned concerns over the business hours only being four hours of operation.

Senior Planner Diana Geerts answered that those were the hours the applicant designated as times for business to be conducted for the car sales.

Planning Manager Xavier Bauguess stated that the hours are noted in condition "C" of the staff report and ordinance. If the applicant wanted to change those times they would have to come back for a new SUD.

Commissioner Adrian Carrasco asked if the applicant is aware of the limitations and process.

Senior Planner Diana Geerts explained that the application process included a conversation about the process of an amendment if one becomes necessary.

Planning Manager Xavier Bauguess mentions the application is in the packet as an exhibit showing what hours the applicant applied for.

Commissioner Brennan Berry asked if the applicant violated the hours on the application if the SUD would be revoked.

Planning Manager Xavier Bauguess replied that yes the SUD could be repealed if the applicant does not operate within the approved conditions.

Alternate Commissioner Joshua Sparks expresses concern over the limitations of the hours.

Senior Planner Diana Geerts explained that the hours may be set as a trial basis for the new business giving an example of restaurants commonly setting trial hours for SUD's With Term.

Commissioner John Burkholder asked if the applicant would have to come back to the commission to change the time.

Senior Planner Diana Geerts comments that they would have to come back for even a slight change to the operating time.

Chair Lucy Sisneiga asks that the applicant is aware of the need to return if the hours change.

Senior Planner Diana Geerts states it was explained.

Chair Lucy Sisneiga expresses concern over the hours and the process to change them.

Senior Planner Diana Geerts states the applicant was informed and suggested to attend the meeting to be able to answer questions. She explains that she has spoken to the applicant to confirm the days and times of operation and discuss the process.

Alternate Commissioner Dara Richardson asks if Lobo Services chooses to sell at a future date would having an SUD on the property affect the sale.

Planning Manager Xavier Bauguess stated the SUD would have no affect on the property sale.

Senior Planner Diana Geerts emphasizes that it is a private agreement and when the new owner comes in they can chose to not continue any lease.

Chair Lucy Sisneiga remarks that the commission is concerned over the applicants choice in hours and understanding of the process.

The public hearing was opened at 3:56p.m.

The applicant was not present and there was no one who wished to speak on the item.

The public hearing was closed at 3:56p.m.

Joshua Sparks moved to approve this request; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

14. Hold a public hearing and consider a request by Schumann Engineering for a zone change

from O-1, Office District to SF-2, Single-Family Dwelling District for Lot 9, Block 1, Westover Place Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Kent Street and West Louisiana Avenue.) **(DISTRICT 3)**
(DEVELOPMENT SERVICES)

Senior Planner Landon Ochoa gave an overview of the project.

Commissioner Steven Villela asked to clarify the zone change.

Planning Manager Xavier Bauguess replied it was to match the surrounding zoning.

Commissioner Steven Villela asked why it would be changing if the building is commercial.

Planning Manager Xavier Bauguess stated that churches are permitted in all zones.

Senior Planner Landon Ochoa added that they were going through the rezone process for re-plat purposes.

Commissioner John Burkholder referenced the slide in the presentation and asked why there is such a disconnect between the church lots with four being one zone and the two being discussed today are different.

Senior Planner Landon Ochoa answered it was probably part of older zoning.

Planning Manager Xavier Bauguess reiterates that houses of worship or churches are allowed by the code in every zoning district. The purpose today is to match zoning of the surrounding lots.

Commissioner Steven Villela asked why they chose to rezone to residential instead of offices.

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

Ed Aleman with Schuman Surveying, the applicant, answered that they chose the residential zoning because it matched the surrounding areas but also because there are four lots matching the residential zoning and these two lots being discussed are office district. So it is easier and more expedient to rezone 2 lots instead of the other 4 which will also match the surrounding areas.

Commissioner John Burkholder asked if it would be easier to sell as office zoning instead of residential unless another church buys it.

Ed Aleman with Schuman Surveying confirmed they were aware of that possibility.

Mila Cruz the owner of a duplex at 701 Kent asked to clarify that the rezoning would not effect her property.

Alternate Commissioner Joshua Sparks replied that it would probably help her property because it was bringing it to a residential zoning.

The public hearing was closed at 4:05p.m.

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

15. Hold a public hearing and consider a request by Schumann Engineering for a zone change from 2F, Two-Family Dwelling (Duplex) District to SF-2, Single-Family Dwelling District for Lot 11, Block 1, Westover Place Addition, City and County of Midland, Texas. (Generally located on the east side of Kent Street, approximately 140 feet north of West Louisiana Avenue.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Senior Planner Landon Ochoa gave an overview of the project mentioning it is the second lot previously discussed in item 14.

There were no further questions by the commissioners.

The public hearing was opened at 4:07p.m.

The applicant differed to the planner. There was no one who wished to speak further on the item.

The public hearing was closed at 4:07p.m.

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

16. Hold a public hearing and consider a request by Moore Casey Properties, LLC for a zone change from RR, Regional Retail District to LI, Light Industrial District for a 6.92-acre tract of land, out of Block 1, Lots 11A-11G, West 191 Industrial Park, Section 12, and a 8.70-acre tract of land, out of Block 2, Lots 7A-7I, West 191 Industrial Park, Section 13., City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. FM 1788 and West County Road 77.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Senior Planner Diana Geerts gave an overview of the project.

Commissioner Steven Villela asked if the item was within the airport overlay zone.

Senior Planner Diana Geerts replied it did not fall within the airport overlay.

Commissioner John Burkholder asked for clarification on the oil well that was mentioned in the staff report and how it will effect building on the property.

Senior Planner Diana Geerts said the oil well is within the 200 foot buffer but the code states a 500 foot buffer.

Commissioner John Burkholder asked if the applicant was aware they could not build within those 500 feet.

Senior Planner Diana Geerts stated the applicant received the same report as the commissioner.

The public hearing was opened at 4:12p.m.

The applicant was not present. There was no one who wished to speak further on the item.

The public hearing was closed at 4:13p.m.

Adrian Carrasco moved to approve this request; seconded by Steven Villela.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

MISCELLANEOUS

17. Motion approving with staff's recommended conditions a Preliminary Plat of Snively Block Addition, Section 15, being a replat of Snively Block Addition, Section 5, a 2.3-acres tract of land out of Lot 1, Block 3, Snively Block, Section 5, City and County of Midland, Texas. (Generally located on the west side of Cotton Flat Road, approximately 517-feet northwest of West Francis Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Senior Planner Diana Geerts gave an overview of the project.

There were no questions on the item.

Steven Villela moved to approve this request; seconded by Joshua Sparks.

The motion passed by the following vote:

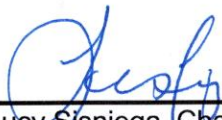
AYE: Berry, Sisniega, Burkholder, Carrasco, Villela, Sparks, Richardson

NAY: None

ABSTAIN: None

ABSENT: Holeva, Bejil

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



Lucy Sisniega, Chairwoman

6-17-2024
Date



Xavier Bauguess, Planning Division Manager
Department of Development Services

6-5-2024
Date