

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
June 6, 2022
Council Chambers – City Hall**



The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., June 06, 2022.

Commissioners present: Lucy Sisniega, Dianne Williams, Chase Gardaphe, Emily Holeva, Adrian Carrasco, Beverly Dillow

Commissioners absent: Stacy Grosse, Karmen Bryant, Zachary Deck

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Kelly Martinez, Paul Rodriguez, James Reber, Landon Ochoa, Dalia Salinas

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.)

Commissioner Sisniega opened the public comment period at 3:30 p.m. With no one wishing to speak, the public comment period was closed at 3:31 p.m.

CONSENT ITEMS

Commissioner Williams moved to approve the consent items 2-4; seconded by Commissioner Gardaphe.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

2. Motion approving the Planning and Zoning Commission Meeting minutes for May 2, 2022.
3. Motion approving the Planning and Zoning Commission Meeting minutes for May 16, 2022.
4. Motion approving a Final Plat of Lindsay Acres, Section 11, being a replat of a 1.494-acre tract of land out of the west half of Tract 5, Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Montgomery Avenue and Moran Street-Council District 2)

PUBLIC HEARINGS

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

5. Motion approving a request by Julio Lozoya for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Nightclub, on a 3,210-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 428-ft west of N. Midland Drive- Council District 1)

Senior Planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

Commissioner Carrasco asked if the hours proposed match that of the previous occupant. Staff explained that the previous occupant was a restaurant and this establishment is more of a night club.

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

The applicant was present but deferred to staff.

The public hearing was closed at 3:38 p.m.

Commissioner Gardaphe moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

6. Motion approving a request by Joshua Hernandez for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Bar, on a 4,399-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North - Council District 1)

Senior planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:41 p.m.

The applicant was present but deferred to staff.

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

Commissioner Gardaphe moved to approve this request; seconded by Commissioner Williams.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

7. Motion approving a request by Garner Gonzales for a Specific Use Designation without Term, for an Accessory Dwelling Unit, on a 0.41-acre portion of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas. (Generally located on the south side of Live Oak Drive, approximately 233-feet south of Scharbauer Drive - Council District 3)

Senior Planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:45 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:45 p.m.

Commissioner Gardaphe moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

8. Motion approving a request by David Powlen for a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for a Shopping Center on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. Loop 250 W. and Wadley Avenue - Council District 4)

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

Commissioner Williams asked if the intended use was storage or use in the garden center. Staff explained it was for both.

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

The applicant, David Powlen, spoke on behalf of the project. He gave a summary of the project and addressed the commissioner's questions.

The public hearing was closed at 3:49 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Williams.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

9. Motion approving a request by Frank Mendoza for a zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District on a 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 110, approximately 150-ft east of South County Road 1205 - District 2)

Planner Paul Rodriguez gave an overview of the project. With 1 letters of objection received, staff recommended denial.

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

Paladin Huckaba with Maverick Engineering spoke on behalf of the applicant. He gave a brief summary of the project and was open for questions.

The Robert Dominguez, 106 Canyon Drive, Midland, Texas, who is the business owner of the proposed project, addressed the commissioners and was open for questions.

Commissioner Gardaphe asked the Mr. Dominguez what his time frame to complete the project was. The Mr. Dominguez, explained that he was ready to start phase one, which included taking care of his neighbors' concerns.

Commissioner Carrasco asked what the current hours of operations are. Mr. Dominguez explained that right now the hours vary.

Resident Jim Baker, 2609 W CR 110, spoke in opposition of the project due to oil field businesses contaminating the area and because the Mr. Dominguez had been operating illegally for the past 3 years.

Resident Chris Hodge, 115 S. Dewberry, spoke in opposition to the project due to the fact that the Mr. Dominguez had been operating illegally for 3 years and due to road safety issues.

Commissioner Sisniega asked if the homes that are currently running business from the homes are doing so against city code. Director of Development Services, Charles Harrington addressed the commission. He explained that the City would have to further investigate before providing an answer.

Mr. Dominguez readdressed the commission to follow up on some of the commissioner's questions.

Commissioner Carrasco asked the Mr. Dominguez if he had been given any citations due to the "no trucks" rule. The applicant stated that has never been cited for driving trucks on the road.

The public hearing was closed at 4:33 p.m.

Commissioner Williams moved to deny this request; seconded by Commissioner Gardaphe.

The motion to Deny passed by the following vote: 6 to 0
AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Bryant, Deck

10. Motion approving with staff's recommended condition a proposed Preliminary Plat of Daybreak Estates, Section 7, being a replat of Lot 1, Block 23, Daybreak Estates, Section 6, City of Midland, Midland County, Texas. (Generally located on the northeast corner of the intersection of Silent Rain Dr. and Lumina Dr. (Council Dist 1))

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

The public hearing was opened at 4:36 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:37 p.m.,

Commissioner Carrasco moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 6 to 0
AYE: Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Bryant, Deck

MISCELLANEOUS

11. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Plunk Addition, Section 11, being a plat of the 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway & 270 feet west of Allen St. – Council District 2)

Commissioner Carrasco moved to approve; seconded by Commissioner Williams.

The motion passed by the following vote: 6 to 0

AYE: Dillow, Williams, Sisniega, Williams, Gardaphe, Carrasco, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Deck

With no further items or business to come before the Commission, Chairman Sisniega adjourned the meeting at 4:39 p.m.



Lucy Sisniega, Chairman

6-28-22

Date



Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

6-22-27

Date