

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
February 6, 2023
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 3:30 p.m., February 06, 2023.

Commissioners present: Lucy Sisniega, Dianne Williams, Stacy Grosse, Abraham Bejil, Beverly Dillow

Commissioners absent: Zachary Deck, Emily Holeva, Adrian Carrasco

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Kelly Martinez, Jeff Fisher, James Reber, Landon Ochoa, Alexandra Walling, 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.

Commissioner Sisniega opened the public comment period at 3:31. With no one wishing to speak, the public comment period was closed at 3:32 p.m.

CONSENT ITEMS

Commissioner Williams moved to approve; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

2. Motion approving the Planning & Zoning meeting minutes for January 3, 2023.
3. Motion approving the Planning & Zoning meeting minutes for January 17, 2023.
4. Motion approving a Final Plat of Stallion Park Addition, being a 4.57-acre tract of land out of Section 9, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Sunglo, approximately 151-feet east of Acapulco Road. – Council District 2)

PUBLIC HEARINGS

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

5. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Warwick Addition, Section 4, being a replat of Lots 1, 2 and 3, Block 6, Warwick Addition, City and County of Midland, Texas. (Generally located on the northeast corner on the intersection of Shell Avenue and North "L" Street. – Council District 3)

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

The public hearing was opened at 4:40 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:40 p.m.

Commissioner Grosse moved to approve this item; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

6. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Melody Acres Section 16, being a 1.00-acre tract of land out of the southeast quarter of Section 7, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tanforan Avenue and Oriole Drive. – Council District 4)

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

The public hearing was opened at 4:42 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:42 p.m.

Abraham Bejil moved to approve this request; seconded by Stacy Grosse.

The motion passed by the following vote: 5 to 0
AYE: Sisniega, Williams, Grosse, Bejil, Dillow
NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

7. Consider a request by MIDPYR LLC/Roger Gearhart for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Bar, on a 7,464-square foot portion of Lot 1, Block 8, Claydesta Plaza, City and County of Midland, Texas. (Generally located on the southwest corner of Desta Drive and Smith Road – 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 4:45 p.m.

The applicant was present but deferred to staff.

the public hearing was closed at 4:45 p.m.

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

The motion passed by the following vote: 5 to 0
AYE: Sisniega, Williams, Grosse, Bejil, Dillow
NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

8. Consider a request by Lee Sanchez, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a cocktail lounge, on a 2,781 square foot portion of Block 64, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of W. Wall Street and S. Colorado Street - Council District 2)

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 4:47 p.m.

The applicant was not present.

The public hearing was closed at 4:48 p.m.
Commissioner Grosse moved to approve this request; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0
AYE: Sisniega, Williams, Grosse, Bejil, Dillow
NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

9. Consider a request by Karen Hopkins for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant on Lot 4, Block 44, Fairmont Park, Section 18, City and County of Midland, Texas. (Generally located on the west side of North Midland Drive approximately 550 feet south of West Loop 250. - Council District 1)

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

The public hearing was opened 4:51 p.m.

The applicant was not present.

The public hearing was closed at 4:51 p.m.

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

The motion passed by the following vote: 5 to 0
AYE: Sisniega, Williams, Grosse, Bejil, Dillow
NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

10. Consider a request by Alexander Gamboa for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a coffee shop and bar, on Lot 1, Block 27, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Ohio Avenue and N. Colorado Street. Council District 2)

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

The public hearing was opened at 4:54 p.m.

Commissioner Sisniega asked how would they fulfill the parking requirement. Staff explained that they received permission from the adjacent parking lot and it is owned by the same owner.

The applicant was present but deferred to staff.

The public hearing was closed at 4:56 p.m.

Commissioner Bejil moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0
AYE: Sisniega, Williams, Grosse, Bejil, Dillow
NAY: None
ABSTAIN: None
ABSENT: Deck, Holeva, Carrasco

11. Consider a request by Steve Jeter, d/b/a The Venue, to repeal Ordinance No. 8961, which granted a Specific Use Designation without Term that allowed an accessory building to be used for living or sleeping quarters on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas. (Generally located on the west side of Elkins Rd, approximately one mile north of Business Interstate 20 - Council District 2)

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

The public hearing was opened at 4:59 p.m.

The applicant was not present.

The public hearing was closed at 4:59 p.m.

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

12. Consider a request by Drew Wegman for a Zone Change from MF-16, Multiple-Family Dwelling District to TH, Townhouse (Attached) Dwelling District on a 4.73-acre tract of land out of Lot 22, Block 22, Western Hills Addition, Section 2, City and County of Midland, Texas. (Generally located to the east of Beal Parkway, approximately 154-feet south of Blue Haven Drive – Council District 4)

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

The public hearing was opened at 5:02 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 5:03 p.m.

Commissioner Bejil moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

13. Consider a request by Maverick Engineering for a Zone Change from MF-22, Multiple-Family Dwelling District, to RR, Regional Retail District, on Lot 1, Block E-1, Johnson-Moran, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Andrews Highway and West Kansas Avenue - Council District 3)

Item Pulled from the Agenda

14. Consider a request by Brad Schwab for a Zone Change from LI, Light Industrial District to MF-22, Multiple-Family Dwelling District 8.823-acre tract of land out of Lot 1, Block 1, Ortloff Addition, Section 2, City and County of Midland, Texas. (Generally located on east side of Westcliff Drive approximately 335 feet south of Andrews Highway - Council District 3)

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

Commissioner Sisniega ask if the plan was in compliance with the Comprehensive Plan. Staff explained that it is not in compliance, however it would act as a buffer between offices and houses.

Commissioner Bejil asked what is the intended use. Staff explained that it is for senior (55 and up) living facility.

The public hearing was opened at 5:08 p.m.

The applicant Brad Schwab, Omaha Nebraska, was present. He addressed the commission and explained the purpose of the project.

Commissioner Williams asked if children would be permitted to live at the facility. Mr. Schwab explained that typically there are no children but it could happen in certain circumstances.

Commissioner Williams asked how many elevators would there be for the entire building. Mr. Schwab explained that the building would have 3 elevators.

Resident Lory Dawson, 1608 Country Club, Midland Texas, spoke in opposition to this item.

David Diaz 208 Marienfeld Street, Midland Texas, with Midland Development Corp, spoke in favor of the project.

Resident Byron Fender, 1600 Idlewild, Midland Texas, Midland Texas spoke in opposition of this item.

Resident Landon Torres, 4703 Andrew Highway, Midland Texas, spoke in opposition of this item.

The applicant, Brad Schwab, readdressed the commission to answer some of the questions proposed by the residents.

The public hearing was closed at 5:42 p.m.

Commissioner Bejil moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

15. Consider a request by Jorge Chavez for a Zone Change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lot 3, Block 155, Southern Addition, City and County of Midland, Texas. (Generally located on the west side of South Loraine, approximately 143-feet south of intersection West Pennsylvania – Council District 2)

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

The public hearing was opened at 5:46 p.m.

The applicant

The public hearing was closed at 5:46 p.m.

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

16. Consider a request by Jorge Chavez for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 12, Block 21, Moody Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N Madison Street and E. Illinois Avenue - Council District 2)

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 5:50 p.m.

The applicant was not present.

The public hearing was closed at 5:50 p.m.

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

17. Consider a request by Scott A. Mommer Consulting C/O Cassie Permenter for a Zone Change from PD, Planned Development District for a Shopping Center to PD, Planned Development District for a Shopping

Center, on Lot 6, Block 45, Fairmont Park, Section 15, City and County of Midland, Texas. (Generally located approximately 809-feet south of West Loop 250 North and approximately 643-feet west of North Midland Drive - Council District 1)

Item Pulled from the Agenda

18. Consider a request by CG 191 and 158 LLC for the Initial Zoning of a 10.817-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast corner of the intersection of W State Highway 158 and State Highway 191)

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

The public hearing was opened at 5:53 p.m.

The applicant, Andrew Mellon with Maverick Engineering spoke on behalf of the applicant.

The public hearing was closed at 5:54 p.m.

Commissioner Grosse moved to approve this request; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

19. Consider a request by D. R. Horton – Texas LTD for an Initial Zoning of SF-3, Single-Family Dwelling District of a 24.014-acre tract of land located in Sections 38 and 47, Block 40, T-1-S, T&P RR. Co Survey, Midland County, Texas. (Generally located on the east side of Victory Parkway approximately 245 feet south of Hall of Fame Boulevard)

Planner Landon Ochoa gave an overview of the project. With 44 confirmed letters of objection received, staff recommended approval.

The public hearing was opened at 3:35 p.m.

The applicant, Eric West with Parkhill Engineering who is representing D.R. Horton West, addressed the commission.

Commissioner Bejil asked what would be the proposed number of households for this area. He also asked if the added vehicles would have to use Avalon Drive.

Mr. West explained that Avalon drive be used and that it would be able to handle the added traffic because it is an arterial road.

Commissioner Williams stated that in her observation, most of houses in that area have cars parked in the streets, she stated that this is concerning because the streets are not very big. Commissioner Williams also stated that the density of an SF-3 neighborhood is what is most concerning.

Mr. West stated that they are is a market need for these types neighborhoods because these neighborhoods offer housing for first time buyers.

Commissioner Bejil asked if any traffic studies have been done in this area. Staff deferred the question to the city's traffic engineers.

Commissioner Sisniega asked if the developer has to work with the City when trying to develop a new area.

Taha Sakrani, City of Midland Traffic Engineer, addressed the commission to answer traffic related questions. Mr. Sakrani, using the City street map, explained how traffic would be directed. He also explained that all arterial roads can handle up to 45,000 vehicles. He also stated that at present time Avalon Drive is handling up to 8,000 vehicles per day.

Resident Alex Garcia, 6702 Crown Point Court, Midland, Texas, spoke in opposition to this item.

Resident Ramon Sanchez, 6601 Crown Point Court, Midland, Texas spoke in opposition to this item.

Resident Sean Corbin, 620 Victory Park, Midland, Texas spoke in opposition to this item.

Resident, Dwain Frank, 6707 Jamestown, Midland Texas, spoke in opposition to this item.

Resident Stephanie Martin 902 Founders Road, Midland Texas, spoke in opposition to this item.

Resident Kayla Ghastlier, 5404 Hall of Fame Blvd, Midland Texas, spoke in opposition to this item.

The applicant, Eric West, readdressed the commission to answer some of the question presented by the residents.

Commissioner Sisniega ask Mr. West to explain to the audience what the Comprehensive Plan was.

Mr. West explained that it is a plan used to plan future development based on anticipated growth.

Commissioner Sisniega also asked Mr. West to explain what impact fees are. Mr. West explained that it a fee around 4 to 5 thousand per lot and it is used to handle the costs of impact brought on by new development.

Taha Sakrani, readdressed the commission to answer the question of a traffic study done by the city.

Director of Development Services, Charles Harrington, addressed the commission to answer questions.

Commissioner Bejil asked if there is a set timeline for improvements to this particular arterial road. Mr. Harrington explained that a timeline has never been established, traditionally the city allows the development to take place to put more of the burden on the developer.

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

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

The motion to deny passed by the following vote: 4 to 1

AYE: Williams, Grosse, Bejil, Dillow

NAY: Sisniega

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

MISCELLANEOUS

20. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Legacy Addition, Section 11, being a plat of a 24.014-acre tract of land out of Section 35, Block 40, T-1-S, T & P. R.R. Co. Survey, Midland County, Texas. (Generally located on the east side of Victory Parkway approximately 245 feet south of Hall of Fame Boulevard. - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 4 to 1

AYE: Grosse, Dillow, Williams, Bejil

NAY: Sisniega

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

21. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Southwest Crossing, Section 20 being a plat of a 60.008-acre tract of land out of Section 14, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located 500 feet west of the intersection of South County Road 1239 and West County Road 122 – Extraterritorial Jurisdiction)

Commissioner Grosse moved to approve this request; seconded by Commissioner Bejil.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

22. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Southwest Crossing, Section 21, being a 10.535-acre tract of land out of Section 13, Block 40, T-2-S, T & P. R.R. Co. Survey, Midland County, Texas. (Generally located on the intersection of South County Road 1235 and West County Road 122. - Extraterritorial Jurisdiction)

Commissioner Bejil moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

23. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Bankhead Addition, Section 13, being a 1.00-acre tract of land out of the SW/4 of Section 33, Block 39, T-2-S, T & P R.R. Co. Survey, City and County of Midland, Texas. (Generally located 315-feet south of Front Street, approximately 588-feet east of South Midkiff Road - Council District 2)

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

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

24. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Dunham Acres, Section 2, being a plat of a 4.97-acre tract of land out of Section 18, Block 40, T-2-S, T&P, RR, Co. Survey, Midland County, Texas. (Generally located on southeast corner of the intersection of W. County Road 122 and S. County Road 1290 - Extraterritorial Jurisdiction)

Commissioner Williams moved to approve; seconded by Commissioner Grosse.

The motion passed by the following vote: 5 to 0

AYE: Sisniega, Williams, Grosse, Bejil, Dillow

NAY: None

ABSTAIN: None

ABSENT: Deck, Holeva, Carrasco

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


Lucy Sisniega, Chairwomen

2-21-23
Date


Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

2-21-23
Date