

**PLANNING AND ZONING
MINUTES
June 15, 2020
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 15, 2020.

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

Alternate Commissioners present: Stacy Grosse

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Elizabeth Shaughnessy, Senior Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, Planner Joseph Marynak, Planner Eric Myers and Administrative Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at ____ p.m.

Opening Item

1. Pledge of Allegiance

Announcements

Public Comment

2. 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

3. Approved a motion approving the following minutes:

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

- a. Planning & Zoning Commission Meeting Minutes for June 1, 2020.

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

4. Consider a proposed Preliminary Plat of Homestead Addition, Section 19, being a Re-Plat of Block 50, Homestead Addition, including a previously vacated 0.15-acre portion of alley right-of-way and a previously vacated 0.20-acre portion of right-of-way adjacent to said block, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Illinois Avenue and N. A Street. Council District 3)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

5. Consider a proposed Preliminary Plat of Skyway Addition, being a plat of a 23.363-acre tract of land located in the E/2 of Section 37, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North FM 1788 and State Highway 191. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

6. Consider a proposed Preliminary Plat of West Terminal Addition, Section 10, being a replat of Lots 9 and 11, Block 5, West Terminal Addition, Section 4, Midland County, Texas. (Generally located on the north side of West County Road 100, approximately 605-feet east of South County Road 1295. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

7. Consider a proposed Final Plat of Lann Addition, being a plat of a 2.410-acre tract of land located in of the SW/4 of Section 23, Block 38, T-1-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 57, approximately 769-feet west of North County Road 1125. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, Bryant.

NAY: None. ABSTAIN: None. ABSENT: Williams, Lawrence, Sisniega, Grosse.

8. Consider a proposed Final Plat of Lindsay Acres, Section 10, being a re-plat of Lot 17, re-plat of Tracts 5 and 6, Lindsay Acres, and Lot 19, Lindsay Acres, Section 9, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Marlin Avenue and Rankin Highway. Council District 2)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

9. Consider a proposed Preliminary Plat of Hannah Addition, Section 3, being a plat of a 15-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1230, approximately 2,660 feet south of West County Road 120. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

10. Consider a proposed Preliminary Plat of Midtex 1 Addition, being a plat of a 15.000-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1235 and W. County Road 123. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

11. Consider a proposed Preliminary Plat of Parsely Addition Section 2, being a plat of a 30.42-acre tract of land located in the South Half of the Southeast Quarter of Section 12, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of FM 715, approximately 1367-feet north of East County Road 120. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items; seconded by Commissioner Ivey.

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

Public Hearings

12. Hold a public hearing and consider a proposed Preliminary Plat of Moody Addition,

Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2)

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

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

The applicant was present but deferred to staff.

Resident Cynthis Bass Pate, 3620 Jasmine st. Denver, Co, spoke in opposition of the project because she believes she is the owner of the property and has future plans for building on the lot in question.

Planning Manager Cristina Odenborg Burns clarified that the property in question is owned by Elsa Marquez.

Commissioner Sparks explained to Mrs. Pate, using the map, which was her property and which was the property in question.

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

Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Moody Addition, Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2); seconded by Commissioner Bryant.

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

13. Hold a public hearing and consider a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters 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 3:48 p.m.

Commissioner Wilton moved to approve Hold a public hearing and consider a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover

Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2); seconded by Commissioner Bryant.

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

Commissioner Ivey moved to approve a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2); seconded by Commissioner Bryant.

14. Hold a public hearing and consider a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2)

Planner Joseph Marynak gave an overview of the project. With letters of objection received, staff recommended denial.

Commissioner Wilton asked if the parking was an issue for this project. Planner Joseph Marynak explained that parking is part of the reason for the staff recommending denial. He also explained what is required by the code. Commissioner Wilton asked if the images could be explained cause site provided is poor quality.

The public hearing was opened at 3:54 p.m.

The applicant Ramona Ruiz, 1600 n, County Road 1230, spoke on behalf of the project. With the help of a Eleasar Sisneros as translator. He explained that Mrs. Ruiz and the adjoining businesses would be willing to share parking. Mrs. Ruiz explained that through her efforts the property has already been cleaned, which has helped the appearance of the neighborhood.

Commissioner Ivey asked the applicant if the property is on the back portion of the Martinez Bakery building. Mr. Sisneros explained that it is on the back of the bakery but the applicant is not the owner, the bakery is owned by a church.

Commissioner Wilton asked the applicant to verify which is the property they own. Mr. Sisneros pointed out on the map the exact location. Commissioner Wilton also asked staff to explain what is being applied for and who is the owner. Planning Manager Cristina Odenborg Burns explained that the applicant is the owner. The issue with the property is that it was sold by metes and bounds.

Mr. Sisneros explained that the previous owners sold the property to Mrs. Ruiz not knowing that the property had been rezoned by the new code. Planning Manager explained that it wasn't not the zoning that changed by the allowed uses.

Business owner Samuel Baeza spoke in favor of the project. He explained that he is also trying to open a shop next to the property in question. He is waiting for the results

of Mrs. Ruiz's application in order to pursue his own.

Commissioner Sparks stated that it looks like in the surrounding areas the seems to only be homes. He asked if there are any other businesses nearby. Mr. Baeza explained that there is a Dollar General and a gas station.

Commissioner Ivey asked if Mr. Beaza owner the bakery and the property south of it. Mr. Baeza explained that he does own part of the bakery and the property to the south.

Planner Joseph Marynak clarified that Mr. Baeza was the property owner.

Resident Rose Jasso, 145 N. 5th Street #215, Monte Bello, Ca, addressed the commissioner with a question in regards to the effects of this zone change to her nearby property.

Commissioner Sparks explained that this zone change would have no barring on her property.

The public hearing was closed at 4:23 p.m.

Commissioner Ivey asked if staff could explain if the zoning were to be changed would the metes and bounds be another obstacle for Mrs. Ruiz to move forward. Planning Manager Cristina Odenborg Burns explained that it would not meet the code requirkments and would require a special exception approval from the council.

Commissioner Wilton asked what the minimum lot requirements was and what the lot in question is.

Commissioner Ivey moved to approve a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2); seconded by Commissioner Gardaphe.

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

Miscellaneous

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

Josh Sparks, Chairman

Date

Cristina Odenborg Burns, Planning Division Manager
Development Services Department

Date