

**PLANNING AND ZONING
MINUTES
October 15, 2018
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, October 15, 2018.

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

Alternate Commissioners present: Karmen Bryant and Stacy Grosse

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg-Burns, Senior Planner Rolandrea Russell, Planner Taslima Khandaker, Planner Elizabeth Shaughnessy, Planner Glenda Arroyo-Cruz and Account Clerk Dalia Salinas.

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

Opening Item

1. Pledge of Allegiance

Consent Items

2. Approved a motion approving the following minutes:

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

- a. Planning & Zoning Commission Minutes for October 1, 2018.

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

3. Consider a proposed Final Plat of Hawk View Addition, Section 4 being a replat of Lots 29 through 32, and Common Area, Block 1, Lots 1 and 2, 8 and 9, 12 through 15 and

Drainage Common Area Block 2, Hawk View Addition, and Lots 33A and 33B, 34 and 35, Block 1, Hawk View Addition, Section 3, all out of Section 29, Block 40, T-2S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of West County Road 150 and South County Road 1270. ETJ, Extraterritorial Jurisdiction.)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

4. Consider a proposed Preliminary Plat of Pilot 191, Section 1 being a 10.00-acre tract of land located in Section 37, Block 41, T-1-S, T&P RR Co. Survey, City and County of Midland Texas. (Generally located on the southwest corner of the intersection of State Highway 191 and North Farm-to-Market 1788. Council District 4)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

5. Consider a proposed Final Plat of Original Town Addition, Section 16 being a Re-Plat of the West half of Block 2, Original Town Addition, City and County of Midland, Texas. (Generally located on the northeast corner of N. Mineola Street and E. Tennessee Avenue. Council District 2).

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

6. Consider a proposed Preliminary Plat of Crestgate Addition, Section 49, being a plat of a 2.89 Acre Tract of Land out of the NE/4 of Section 5, Block X, H.P. Hilliard Survey, Abstract 14, City and County of Midland, Texas. (Generally located on the south side of Cardinal Lane, approximately 500-ft. west of N. Midkiff Road. - Council District 1)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ; seconded by Commissioner Williams.

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

7. Consider a proposed Final Plat of Southern Addition, Section 15, being a replat of Lots 11 and Lot 12, Block 154, Southern Addition, City and County of Midland, Texas. (Generally located at the southeast corner of South Big Spring Street and West Pennsylvania Avenue. Council District 2).

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ;

seconded by Commissioner Williams.

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

8. Consider a proposed Final Plat of Gateway Plaza, Section 11, being a replat of Lot 8, Block 3, Gateway Plaza, Section 2, and Lot 7B, Block 3, Gateway Plaza, Section 10, City and County of Midland, Texas. (Generally located on the northwest corner of Starboard Drive and South Tradewinds Boulevard. Council District 4)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ;
seconded by Commissioner Williams.

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

9. Consider a proposed Preliminary Plat of West Terminal Addition, Section 7, being a replat of the east 3.38 acres of Lot 4 and Lot 5, Block 5, West Terminal Addition, Section 2, Midland County, Texas. (Generally located north of West County Road 100, approximately 970-feet east of South County Road 1295. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ;
seconded by Commissioner Williams.

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

10. Consider a proposed Final Plat of Rancho Fernandez being a plat of a 4.980-acre tract of land out of the Southeast/4 of Section 22, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of East County Road 60, approximately 375 feet east of North County Road 1133. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Agenda items 2 - 10 excluding ;
seconded by Commissioner Williams.

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

Public Hearings

11. Hold a public hearing and consider a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10, 250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1)

Commissioner Gardaphe Moved to approve a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10, 250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on

the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1); seconded by Commissioner Bryant.

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

12. Hold a public hearing and consider a request by We Can't Believe It's Not, LLC dba Butter, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on 4,633 square feet of Lot 2, Block 1, Corporate Plaza Addition, Section 21, City and County of Midland, Texas. (Generally located on the south side of Spring Park Drive, approximately 685-ft. from N. Big Spring. Council District 2).

Commissioner Williams Moved to approve by We Can't Believe It's Not, LLC dba Butter, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on 4,633 square feet of Lot 2, Block 1, Corporate Plaza Addition, Section 21, City and County of Midland, Texas. (Generally located on the south side of Spring Park Drive, approximately 685-ft. from N. Big Spring. Council District 2).; seconded by Commissioner Gardaphe.

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

13. Hold a public hearing and consider a request by Chapel Samuels, for a Specific Use Permit without term for a Mobile Home Park on Lot 1, Block 1, Replat of Blocks 1 and 2, Hollandale Heights, City and County of Midland, Texas. (Generally located on the north side of E. Dormard Avenue, approximately 516–feet east of North Lamesa Road. - Council District 2).

Commissioner Gardaphe Moved to differ the request by Chapel Samuels, for a Specific Use Permit without term for a Mobile Home Park on Lot 1, Block 1, Replat of Blocks 1 and 2, Hollandale Heights, City and County of Midland, Texas. (Generally located on the north side of E. Dormard Avenue, approximately 516–feet east of North Lamesa Road. - Council District 2).; seconded by Commissioner Williams.

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

Planner Elizabeth Shaughnessy gave an overview of the project. With 8 letter of objections received; staff recommends approval, subject with conditions.

Commissioner Sparks asked what the footage between mobile homes is, staff answered the question.

The public hearing was opened at 3:49

The application, Andrew Mellon with Maverick Engineering, spoke on behalf of the project and was open for questions.

Resident Natelie London, spoke in opposition of the project.

Resident Jennifer Rider spoke in opposition of the project, due to the increase of crime and the increase of street use.

Resident, Jennifer Valsco spoke in opposition of the project, due to the decrease in property value.

Resident, spoke in opposition of the project due to the close to the school.

Resident Anelia Aranda spoke in opposition of the project due to the property value decrease and the current space of the streets.

Resident Aline Iadher, spoke in opposition of the project due to the location and closeness to the school.

Resident, Kathern Swiney, spoke in opposition of the project due to the closeness of the school.

Resident Jennifer Castriita spoke in opposition of the project due to the drop in home value and the safety to the children.

Resident Kim Hass, spoke in opposition of the the project due to the increase in traffic and crime.

Resident Mrs. Anders spoke in opposition of the project due to the crime rate drop in home value.

The applicant, Andrew Mellen with Maverick Engineering asked to differ the item til after the town hall meeting

The public hearing was closed at 4:04

14. Hold a public hearing and consider a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of alcohol for on-premises consumption, in a parking lot on Lots 11 and 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of W. Ohio Avenue right-of-way, located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of N. Colorado Street and W. Ohio Avenue. Council District 2).

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

Commissioner Sparks asked if this was just a way of getting around the no alcohol for mobile trucks. Staff explained that this was why they are applying for the SUP.

The public hearing was opened at 4:10

The applicant, Sonny Aguilar, was present. He spoke on behalf of the project and was open for question.

Commissioner Sparks asked how the alcohol is already being sold. Mr. Aguilar

explained that this would give him the control of how and when the alcohol is sold. Commissioner Sparks also asked if this would prevent other vendors from selling. Mr. Aguilar explained that it would, TABC will only allow one alcohol vendor per site.

Co-owner, Monica Ramirez spoke in favor of the project.

Resident, Gloria Salazar owner of So-Fly, spoke in favor of the project.

The public hearing was closed at 4:23

Commissioner Sparks asked if this would be cutting the past partnerships out of the deal. Mr. Aguilar explained that they would still be inviting other businesses to come out and sell on special occasions. Commissioner Sparks asked how can that work if he holds the SUP, Mr. Aguilar explained that it would only be one vendor to sell alcohol at a time. Mrs. Ramirez stepped up to further answer. She explained that the vendors are giving an opportunity to sell other goods, or they can vend when located at other locations.

Commissioner Gardaphe asked if they are short staffed who would be able to serve. Mrs. Ramirez explained that the vendors are open to sharing staff.

Commissioner Williams asked for clarification on the permit, is it for the property or for the bus. Mr. Aguilar explained that it would be given to the property not the bus.

Commissioner Sparks asked for clarification on who would be allowed to sell if 2 licenses are on the property.

Commissioner Gardaphe Moved to approve a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of alcohol for on-premises consumption, in a parking lot on Lots 11 and 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of W. Ohio Avenue right-of-way, located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of N. Colorado Street and W. Ohio Avenue. Council District 2).; seconded by Commissioner Bryant.

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

15. Hold a public hearing and consider a request by Maverick Engineering, for a zone change from a PD, Planned District for a Shopping center to PD, Planned District for a Housing Development, on Lots 1 and 2, Block 162; the South 3.138 Acres out of Lot 1, Block 163; and the previously vacated 0.51-Acre portion of Executive Drive right-of-way located adjacent to Lot 2, Block 162, and Lot 1, Block 163; all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas.(Generally located on the northeast corner of South Loop 250 West and Leisure Drive. Council District 4)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received; staff recommended approval.

The public hearing was opened at 4:37

The applicant, Andrew Mellen with Maverick Engineering was present. He gave a summary of the project and was open for questions.

Commissioner Sparks asked the quality of the apartments.

The public hearing was closed at 4:38

Commissioner Bryant Moved to approve a request by Maverick Engineering, for a zone change from a PD, Planned District for a Shopping center to PD, Planned District for a Housing Development, on Lots 1 and 2, Block 162; the South 3.138 Acres out of Lot 1, Block 163; and the previously vacated 0.51-Acre portion of Executive Drive right-of-way located adjacent to Lot 2, Block 162, and Lot 1, Block 163; all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the northeast corner of South Loop 250 West and Leisure Drive. Council District 4)
; seconded by Commissioner Gardaphe.

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

16. Hold a public hearing and consider a request by Vandergriff Group Architects, for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center of Lot 4A, Block 8, Whitburn Estates Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of Whitmire Boulevard, approximately 250 feet south of W. Loop 250 N. Frontage Road. Council District 1)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received; staff recommend approval.

The public hearing was opened at 4:41

The applicant Mark, was present. He gave a summary of the project and was open for questions.

The public hearing was closed at 4:42

Commissioner Williams asked if this would change the manner people return books to the library. The applicant explained that it would not change any current return procedures.

Commissioner Williams Moved to approve a request by Vandergriff Group Architects, for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center of Lot 4A, Block 8, Whitburn Estates Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of Whitmire Boulevard, approximately 250 feet south of W. Loop 250 N. Frontage Road. Council District 1)
; seconded by Commissioner Bryant.

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

Miscellaneous

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

Chase Gardaphe, Chairman

Date

Cristina Odenborg Burns, Planning Division Manager
Development Services Department

Date