

**PLANNING AND ZONING
MINUTES
November 18, 2019
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, November 18, 2019.

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, 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. Approved a motion to adopt the following reasonable rules regarding the public's right to address the Planning and Zoning Commission during an open meeting:
 - I. Before the Planning and Zoning Commission (the "Commission") considers the items on the agenda for the meeting, the Commission shall hold a public comment period during which members of the public may address the Commission regarding items on the agenda for which public hearings will not be held.
 - II. A member of the public who desires to address the Commission regarding an item on the agenda for which a public hearing will not be held shall do so during the public comment period. Except during public hearings, the Commission is not required to allow members of the public to address the Commission during the meeting after the public comment period has been closed.
 - III. A member of the public who addresses the Commission shall limit the scope of

his or her comments to items that are on the agenda for the meeting.

IV. A member of the public who addresses the Commission shall limit his or her comments to not more than three (3) minutes; provided, however, that a non-English speaking member of the public who addresses the Commission through a translator shall limit his or her comments to not more than six (6) minutes. The Secretary of the Commission, the Director of Development Services, the Planning Division Manager, or a designee of said Secretary, Director, or Manager may notify the Commission upon the expiration of the applicable time limit. The Chairperson or presiding member of the Commission may allow additional time at his or her sole discretion.

V. The provision of Rule IV allowing a member of the public who addresses the Commission through a translator six (6) minutes to address the Commission shall apply only if simultaneous translation equipment that allows the Commission to hear the translated public testimony simultaneously is not utilized at the meeting of the Commission.

3. 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

4. Approved a motion approving the following minutes:

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

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

- a. Planning & Zoning Commission Meeting Minutes for November 4, 2019.

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

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

5. Consider a proposed Preliminary Plat of Corporate Plaza, Section 25, being a Re-Plat of Lot 7, Block 3, Corporate Plaza, Section 16, and Lot 6A, Block 3, Corporate Plaza, Section 9, City and County of Midland, Texas. (Generally located on east side of N. Big Spring, approximately 75-feet south of Spring Park Drive. Council District 2)

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

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

6. Consider a reinstatement of an approved Preliminary Plat of Legacy Addition, Section 5,

being a plat of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Arlington Road, approximately 1,780-feet south of State Highway 191. ETJ, Extraterritorial Jurisdiction).

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

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

7. Consider a proposed Final Plat of Legacy Addition, Section 9, being a plat of a 24.15-acre portion located in Section 38, Block 40, T-1-S, T&P Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Anthem Road, approximately 124-feet west of Minuteman Road. Council District 4).

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

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

8. Consider a proposed Preliminary Plat of Plains Pipeline, being a plat of an 18.25-acre tract of land out of Section 41, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of North County Road 1160 and East County Road 90. ETJ, Extraterritorial Jurisdiction)

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

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

9. Consider a proposed Final Plat of Ortega Acres, being a plat of a 10-acre tract of land out of the west half of Section 19, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the east side of South County Road 1226, approximately 1,315-feet south of West County Road 130. Extraterritorial Jurisdiction)

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

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

10. Consider a proposed Preliminary Plat of Quail Run, Section 1, being a plat of a 67.35-acre tract of land out of the NW/4 of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. Council District 1)

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

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

Public Hearings

11. Hold a public hearing and consider a request by Family Promise of Midland, for site plan approval on the south half of Block 23, Gardens Addition, City and County of Midland, Texas. (Generally located on the northwest corner of Ward Street and W. Ohio Avenue. Council District 3)

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

The public hearing was opened at 3:40 p.m.

The applicant, Tom Miller with Family Promise, gave a summary of the project and was open to questions.

Commissioner Gardaphe as

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

Commissioner Gardaphe moved to approve a request by Family Promise of Midland, for site plan approval on the south half of Block 23, Gardens Addition, City and County of Midland, Texas. (Generally located on the northwest corner of Ward Street and W. Ohio Avenue. Council District 3); seconded by Commissioner Sisniega.

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

12. Hold a public hearing and consider a proposed Preliminary Plat of Green Hill Terrace, Section 17, being a residential re-plat of Lots 12 and 13, Block 2, Green Hill Terrace, and a previously vacated 0.15 acre portion of public access easement adjacent to said lot, City and County of Midland, Texas. (Generally located on the west side of Tattenham corner, approximately 613 – feet west of Keenland Drive. Council District 1)

Planner Elizabeth Shaughnessy gave an overview of the project. With 1 letter of objection received, staff recommended approval.

The public hearing was opened at 3:43 p.m.

The applicant was present but deferred to staff.

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

Commissioner Bryant moved to approve a proposed Preliminary Plat of Green Hill Terrace, Section 17, being a residential re-plat of Lots 12 and 13, Block 2, Green Hill Terrace, and a previously vacated 0.15 acre portion of public access easement adjacent to said lot, City and County of Midland, Texas. (Generally located on the west side of Tattenham corner, approximately 613 – feet west of Keenland Drive. Council District 1);

seconded by Commissioner Sisniega.

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

13. Hold a public hearing and consider a request by MBC Properties, Inc for a Zone Change from AE, Agricultural-Estate District to SF-1, Single-Family Dwelling District on Tract 14, North Estates, Section 1, City and County of Midland, Texas. (Generally located on the southwest corner of Solomon Lane and Hollyberry Lane. Council District 1)

Planner Elizabeth Shaughnessy gave an overview of the project. With 29 letters of objection received, staff recommended approval with conditions.

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

The applicant Steve Sanchez, gave a summary of the project. He questioned what the condition to "condition A" are. Commissioner Sparks explain the conditon.

Commissioner Wilton asked what the property was zoned at time of purchase.

Resident, Tom Green, spoke in opposition of the project due to the change of the atmosphere in the neighborhood.

Resident, Travis Ventable, spoke in opposition of the project due to the precedent it will set.

Mr. Sanchez addressed some of the quesion by the residents. He explained that he does not intend to apply for a zone change for the newly purchased property. MBC properties spoke on behalf of Mr. Sanchez to further explain the need for the zone change on the current property.

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

Commissioner moved to approve a request by MBC Properties, Inc for a Zone Change from AE, Agricultural-Estate District to SF-1, Single-Family Dwelling District on Tract 14, North Estates, Section 1, City and County of Midland, Texas. (Generally located on the southwest corner of Solomon Lane and Hollyberry Lane. Council District 1); seconded by Commissioner .

14. Hold a public hearing and consider a request by Jose Chavez for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 11, Block 59, Park Avenue Heights Addition, City and County of Midland, Texas. (Generally located on the south side of E. Pennsylvania Avenue, approximately 99-feet west of S. Tyler Street. Council District 2).

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

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

The applicant was not present.

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

Commissioner Williams moved to approve a request by Jose Chavez for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 11, Block 59, Park Avenue Heights Addition, City and County of Midland, Texas. (Generally located on the south side of E. Pennsylvania Avenue, approximately 99-feet west of S. Tyler Street. Council District 2). ; seconded by Commissioner Sisniega.

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

15. Hold a public hearing and consider a request by Midland Community Development Corporation, for a zone change from SF-1, Single Family Dwelling District, in part, and MF-22, Multiple Family Dwelling District, in part, to MF- 16, Multiple Family Dwelling District on a 19.70-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Princeton Avenue, approximately 824-feet west of N. Midland Drive. Council District 4)

Planner Taslima Khandaker gave an overview of the project. With 87 letters of objection received, staff recommended approval.

The public hearing was opened at 4:22 p.m.

The applicant Brad Bullet with Midland Community Development spoke in favor of the project. He gave a summary of the project and was open for question.

Commissioner Wilton asked who the units would be used for. Mr. Bullet explained that a percentage of the units would be used for teachers, and government staff.

Andrew Mellon with Maverick engineering gave an explanation of the site plan.

The public hearing was closed at 4:

Midland Development board member spoke in favor of the project.

Roberta Zillorio, spoke in favor of the project.

James Riggins, spoke in favor of the project. It would help teaching staff to afford a home.

Woodrow Baily, spoke in favor of the project. Would help bring quality teachers and staff to Midland.

David Diaz spoke in favor of the project. As an empty of the project he explained the need for more housing.

Resident, Sharon Humphreys, spoke in opposition of the project due to the number of residents objecting to the project. 130 residents signed an ongoing petition.

Resident Robert Rimal spoke in opposition of the project due to the increase in the utility

uses. The current streets need to be upgraded and the traffic is already dangerous.

Resident Pricilla Valverde spoke in opposition of the project.

Resident Earl Penner spoke in opposition of the project.

Resident Justin Price spoke in opposition of the project.

Resident Andrea Seabrook spoke in opposition to the project.

Resident Mari Martin spoke in opposition of the project.

Resident Keven spoke in opposition of the project.

Resident Cristina Kankwell spoke in opposition of the project.

Resident Sharon Humpreys readdressed the commission.

Resident Rob Wallace spoke in opposition of the project.

Resident Jodi Wallace spoke in opposition of the project.

Resident Laura Schwartz spoke in opposition of the project.

Resident Richard Brantley spoke in opposition of the project.

Resident Ashley Boren spoke in opposition of the project.

Resident Carrie Hernandez spoke in opposition of the project.

Resident Andrew Statler requested an explanation of the percentage of objection.

Resident Kimberly Crisp spoke in opposition of the project.

Applicant readdressed the commission.

Commissioner Sisneiga asked compared to the amount of apartments how many houses could you build.

Commissioner Wilton asked how many units per story and how many stories will it be.

The public hearing was closed at 5:23 p.m.

Commissioner Sparks moved to approve a request by Midland Community Development Corporation, for a zone change from SF-1, Single Family Dwelling District, in part, and MF-22, Multiple Family Dwelling District, in part, to MF- 16, Multiple Family Dwelling District on a 19.70-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Princeton Avenue, approximately 824-feet west of N. Midland Drive. Council District 4)

; seconded by Commissioner Sisniega.

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

16. Hold a public hearing and consider a request by Patrick A. Brown dba Thriving United for a Specific Use Designation without Term for Transitional Housing on Tract 42, Melody Acres, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Oriole Drive and Robin Lane. Council District 1)

Planner Taslima Khandaker gave an overview of the project, with 66 letters of objection received, staff recommended approval.

The public hearing was opened at 5:33 p.m.

The applicant, Pat Brown, gave a summary of the project and then verbally requested a deferral of the project to be moved to the December agenda.

Resident Bill Smith spoke in opposition of the project.

Resident Roberst Garrett spoke in opposition of the project.

Resident Jeff Minor spoke in opposition of the project.

Resident Anna Neil spoke in opposition of the project.

Resident Dug Patterson spoke in opposition of the project.

Resident James Reeves asked to have what the deferral entails. He then spoke in opposition of the project.

Resident Charles Green spoke in opposition of the project.

Resident Larry Adams spoke in opposition of the project as the spokesman of the Green Belt Community.

Resident Susan Conway wanted to get clarity of what the applicant asked in his deferral.

Resident Nefi Morik spoke in opposition of the project.

Resident Austin Grey spoke in opposition of the project.

Resident Nancy Peterson spoke in opposition of the project.

Resident Cris Snow spoke in opposition of the project. He also asked Mr. Brown if any research was done before entering a neighborhood.

Resident Susan Adams readdressed the commission. She asked if the referral is excepted today will they be able to continue to operate.

Resident Jennifer Booker spoke in opposition of the project.

The applicant, Patrick Brown, readdressed the audience and the commission.

The public hearing was closed at 6:20 p.m.

Commissioner Williams moved to approve a deferral to December the request by Patrick A. Brown dba Thriving United for a Specific Use Designation without Term for Transitional Housing on Tract 42, Melody Acres, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Oriole Drive and Robin Lane. Council District 1); seconded by Commissioner Sisniega.

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

Commissioner Gardaphe moved to deny a request by Patrick A. Brown dba Thriving United for a Specific Use Designation without Term for Transitional Housing on Tract 42, Melody Acres, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Oriole Drive and Robin Lane. Council District 1); seconded by Commissioner Wilton.

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

17. Hold a public hearing and consider a request by Lilly Terrazas for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 3, Block 6, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Lee Street, approximately 122-feet south of Houston Avenue. Council District 2)

Planning Division Manager Cristina Odenborg Burns gave an overview of the project. With no letters objection received, staff recommended approval.

The public hearing was opened at 6:26 p.m.

The applicant was not present.

The public hearing was closed at 6:26 p.m.

Commissioner Gardaphe moved to approve a request by Lilly Terrazas for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 3, Block 6, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Lee Street, approximately 122-feet south of Houston Avenue. Council District 2); seconded by Commissioner Williams.

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

18. Hold a public hearing and consider a request by Sergio Arias for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 7,700 square foot portion of Lot 7, less the west five feet, and Lots 8 through 10, Block 20, Belmont Addition, City and County of Midland, Texas.

(Generally located northeast of the intersection of Rankin Highway and West Francis Avenue. Council District 2)

Planning Division Manager Cristina Odenborg Burns gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 6:29 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 6:29 p.m.

Commissioner Gardaphe moved to approve a request by Sergio Arias for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 7,700 square foot portion of Lot 7, less the west five feet, and Lots 8 through 10, Block 20, Belmont Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of Rankin Highway and West Francis Avenue. Council District 2); seconded by Commissioner Bryant.

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

Miscellaneous

19. Approved a motion approving the 2020 Planning and Zoning Commission meeting dates.

Commissioner Sparks moved to approve a motion approving the 2020 Planning and Zoning Commission meeting dates. Removing the December 21st date. ; seconded by Commissioner Wilton.

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

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