

**PLANNING AND ZONING
MINUTES
December 02, 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, December 02, 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

Public comment opened at 3:32 p.m.

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 3-7 & 10-12; seconded by Commissioner Bryant.

The motion carried by the following vote: AYE: Ivey, Gardaphe, Sparks, Lawrence,

Bryant, Sisniega. NAY: None. ABSTAIN: None. ABSENT: Wilton, Williams.

a. Planning & Zoning Commission Meeting Minutes for November 18, 2019.

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

4. Consider a proposed Final Plat of Claydesta Plaza, Section 14 being a replat of Lot 2, Block 14, Claydesta Plaza, Section 7, City and County of Midland, Texas. (Generally located on the west side of North Big Spring Street, approximately 805-feet north of Veterans Airpark Lane. Council District 3)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

5. Consider a proposed Preliminary Plat of Holy Cross Addition, Section 1, being a Plat of a 34.13 Acre Tract of Land in Section 12, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of Holiday Hill Road, approximately 1,809 - feet north of Green Tree Boulevard. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

6. Consider a proposed Preliminary Plat of Chase Five Addition, Section 2 being a re-plat of Lot 1, Block 1, Chase Five Addition, Midland County, Texas. (Generally located on the east side of Farm-to-Market 1213, approximately 225-feet south of East County Road 132. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

7. Consider a proposed Preliminary Plat of Fields Edge Addition being a plat of a 33.31-acre tract of land out of Section 11, Block 40, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located 935 feet south of West Interstate 20 and 950 feet west of South County Road 1235. Council District 2).

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

8. Consider a reinstatement of an approved Preliminary Plat of Riverbend Addition being a plat of a 119.44-acre tract of land out of the SW/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 769-feet south of E. Pecan Avenue. Council District 2).

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

9. Consider a proposed Final Plat of Riverbend Addition being a plat of 40.85-acre tract of land out of the SW/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 769-feet south of E. Pecan Avenue. Council District 2).

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

10. Consider a proposed Preliminary Plat of West Terminal Addition, Section 9, being a replat of Lot 6, Block 5, West Terminal Addition, Section 2, Midland County, Texas. (Generally located on the north side of W. County Road 100, approximately 415-feet west of S. Farm to Market 1788 Road. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

11. Consider a proposed Preliminary Plat of Entrada Estates, Section 6, being a plat of a 52.35-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North County Road 1271 and West County Road 78. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

12. Consider a proposed Final Plat of Tall City Addition, Section 2, being a re-plat of Lot 1, Block 1, Tall City Addition, Midland County, Texas. (Generally located on the southeast side of South County Road 1161, approximately 353-feet south of East County Road

120. Extraterritorial Jurisdiction)

Commissioner Gardaphe moved to approve Consent Items 3-7 & 10-12; seconded by Commissioner Bryant.

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

Public Hearings

13. Hold a public hearing and consider a request by Cumberland and Western Resources, LLC and L & L Austex, LLC for the initial zoning of a 36.806-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of State Highway 158 and State Highway 191. Extraterritorial Jurisdiction)

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 3:38 p.m.

The applicant, Michael Clark, was present. Mr. Clark gave a summary of the project and was open for questions.

Resident Aaron Cole spoke in opposition of the project due to the increase of sounds and light.

Mr. Clark readdressed the commission to address the concerns of Mrs. Cole. He stated that they are working with TxDot to increase the traffic safety. And in regards to the lighting they will be sticking to the city codes.

Commissioner Sparks asked if there was any other plans.

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

Commissioner Lawrence moved to approve a request by Cumberland and Western Resources, LLC and L & L Austex, LLC for the initial zoning of a 36.806-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of State Highway 158 and State Highway 191. Extraterritorial Jurisdiction); seconded by Commissioner Bryant.

Commissioner Lawrence addressed to the resident the issues with the increase in traffic. He explained that traffic is not something that this commission can address.

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

14. Hold a public hearing and consider a request by Matthew Mildfelt for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a lounge, 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 185-feet west of North Midland Drive. Council District 1)

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

Commissioner Lawrence asked if a previous application for this location was filed. Planning Manager Cristina Odenborg Burns stated that there has not been that she can recall.

The Commissioner discussed the previous and present applicants that have requested that time frame.

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

The applicant was not present. Tomas Munoz spoke on behalf of the applicant Matthew Mildfelt. He gave a summary of the project and was open for question.

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

Commissioner Gardaphe moved to approve a request by Matthew Mildfelt for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a lounge, 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 185-feet west of North Midland Drive. Council District 1); seconded by Commissioner Lawrence.

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

15. Hold a public hearing and consider a request by Nhan Phan for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a restaurant, on a 3,985 square foot portion of Lot 1A, Block 11, Kimber-Lea, Section 11, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Maxwell Drive and North Midkiff Road. Council District 3)

Planner Glenda Arroyo-Cruz gave an overview of the project. With 1 letter of objection received, staff recommended approval.

The public hearing was opened at 3:51 p.m.

The applicant was not present.

The public hearing was closed at 3:51 p.m.

Commissioner Ivey moved to approve a request by Nhan Phan for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a restaurant, on a 3,985 square foot portion of Lot 1A, Block 11, Kimber-Lea, Section 11, City and County of Midland, Texas. (Generally located on the

northeast corner of the intersection of Maxwell Drive and North Midkiff Road. Council District 3); seconded by Commissioner Gardaphe.

Commissioner Lawrence commented on the one letter of object. He stated that he it is not longer a residential area. The commissioner discussed the surrounding businesses.

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

Miscellaneous

Councilwomen Hotchiss spoke in regards to her departure from the City Council. She thanked the commissioners for all that they do.

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