

**PLANNING AND ZONING  
MINUTES  
December 03, 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, December 03, 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

**Announcements**

2. Introduce new planner, Radford Dickson.

**Consent Items**

3. Approved a motion approving the following minutes:

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

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

- a. Planning & Zoning Commission Minutes for November 19, 2018.

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

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

4. Consider a proposed a Final Plat of Covington Addition, Section 6, being a 2.55-acre tract of land located in Section 37, Block 41, T-1-S, T&P RR Co. Survey, City and County Midland, Texas. (Generally located on the north side of State Highway 191, approximately 1, 227-feet east of Jordy Road. Council District 4)

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

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

5. Consider a proposed Final Plat Moody Addition, Section 10, being a re-plat of Lots 1-4, Block 9; Lots 5-8, Block 2; a 0.506 Acre Portion of previously Vacated Houston Street Right of Way, adjacent to said lots; and a 0.046 Acre Portion of previously vacated alley right-of-way adjacent to Lots 5-8, Block 2; All out of Moody Addition, City and County of Midland, Texas. (Generally located on the northwest corner of E. Front and N. Carver Street. - Council District 2)

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

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

6. Consider a proposed Final Plat of Acme Addition, being a Plat of a 3.00 Acre Tract of Land out of the S/PT of Section 33, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the north side of W. Front Street, approximately 776 feet west of McGarvey Street. - Council District 2)

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

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

7. Consider a proposed Preliminary Plat of Rapp Addition, being a Plat of a 5.00 Acre tract of land out of the NW/4 of Section 26, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 140, approximately 575-feet east of South County Road 1185. Extraterritorial Jurisdiction)

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

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

## **Public Hearings**

8. Hold a public hearing and consider a request by Younger Partners, Ltd., for the initial zoning of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40.)

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

Commissioner Sparks asked what the plan for the industrial park would be. Planner Russell explained that what is proposed to be has not yet been provided to staff.

The public hearing was opened at 3:37 p.m.

The applicant was not present.

The public hearing was closed at 3:37 p.m.

Commissioner Gardaphe moved to approve a request by Younger Partners, Ltd., for the initial zoning of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40.); seconded by Commissioner Williams.

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

9. Hold a public hearing and consider a request by Cumberland & Western Resources, LLC, for the initial zoning of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive.)

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

Commissioner Williams asked with the are between Avalon and the subject property was. Planner Russell explained.

Commissioner Sparks asked about the right of way.

The public hearing was opened at 3:42 p.m.

The applicant was present but deferred to staff.

Resident Bucky Vaughn requested more information. He explained he did not received a notification. Commissioner Sparks and staff explained that for this he was not in the notification buffer.

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

Commissioner Gardaphe moved to approve a request by Cumberland & Western

Resources, LLC, for the initial zoning of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive.); seconded by Commissioner Ivey.

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

10. Hold a public hearing and consider a request by Greg Clark dba Bully Beds, Inc. for a Specific Use Permit without Term for a Kennel Sanctuary on Lot I, Tract 7, Stockard Acres, City and County of Midland, Texas. (Generally located on the north side of Carter Avenue, approximately 256-feet west of Goode Street. - Council District 2)

Planner Elizabeth Shaughnessy gave an overview of the project. With 7 letters of objection received, staff recommended approval.

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

The applicant, Greg Clark, was present and gave a summary of his project.

Commissioner Sparks asked how long has he already been in business at this current location. Mr. Clark explained that it has been since 2012. It wasn't until recently that he realized he was in need of and SUP. He has been working closely with the former director of Animal Control, but the new director doesn't seem to want to work with them because they mainly take in Pit Bulls.

Commissioner Wilton asked if he was called out due to complaints. The applicant explained that it was a local near by business but he is not aware of who it is.

Commissioner Wilton asked how many dogs are currently at the location, the applicant explained there are somewhere between 40 to 50.

Commissioner Sparks asked what the largest amount of dogs they have had at one time. The applicant explained at one time they had over 90. Commissioner Sparks also asked if they plan on doing any renovation. The applicant explained that they are not but they are looking into moving to a larger place.

Commissioner Wilton asked if the city is requiring insurance and special licensing, the applicant said that they are working with the city on this.

Commissioner Sparks asked what percentages of adopted dogs end up coming back, the applicant said less than 1% come back. And he has never been told that anything negative has ever happened with those dogs.

Co-applicant, Amy Adams, spoke in favor of the project. She explained her history with the breed and how she now cares for them.

Commissioner Sparks asked what the interview process for potential adoption applicants is. Mrs. Adams explained their meet and greet process with an application and fee. They will always take the dog back but they do not provide refunds.

Commissioner Sparks also asked if they do all the neutering on the dogs, Mrs. Adams explained that yes they do. She also explained that they do not deal with puppies very much.

Commissioner Wilton asked how many dogs have they placed since 2012, Mrs. Adams explained they have placed over 200 dogs. Commissioner Wilton asked if they took in stays, Mrs. Adams explained that yes they do, but they keep them separate until they know they are disease free.

Commissioner Williams asked if they kept shot records, Mrs. Adams explained that yes they keep all records for public view.

Commissioner Sparks asked if they ran back ground checks, Mrs. Adams explained that unfortunately they are not set up for that yet. but they rely on references.

Resident Elaina Mills spoke in favor of the project. She was a former assault victim that turned to volunteering for therapy. She volunteered with the kennel and came to love and understand the breed.

Resident Cam Foster spoke in favor of the project, she adopted a Pit Bull from the applicant and was very happy with her dog.

Resident Devon Willis spoke in favor of the project, she has been a long time volunteer at this shelter and others. She has seen how much the applicants do to save this breed and others.

Resident Rumor spoke in favor of the project. She has a service dog and has seen the good these animals can do.

Resident Captain McCurry spoke in opposition of the project. He said being their neighbor is causing problems with the project not due to the work but due to the smell and noise coming from the location. He believes a strict limit needs to be placed and more rules need to be in place.

Resident Byron Fender spoke in opposition of the project. He stated that he has complained for years about the smell and the noise.

Commissioner Wilton asked Mr. Fender if he has lost tenants due to the noise and smell. Mr. Fender explained that due to the fact that he keeps rents low, he has not lost any.

The applicant spoke again, she explained that when Mr. McCurry's father died they went out there and picked up the dogs and re-placed them in homes. She stated that they had been told by other neighbors that Mr. Fender is the only one complaining, she has spoken to the other neighbors and none of them had any complaints.

Commissioner Wilton asked if they had been given 180 days to re-located, Mrs. Adams explained that yes they had but after speaking to Mrs. Hautchiss they figured out that the SUP is what they needed.

The public hearing was closed at 4:37 p.m.

Commissioner Gardaphe moved to approve a request by Greg Clark dba Bully Beds, Inc. for a Specific Use Permit without Term for a Kennel Sanctuary on Lot I, Tract 7, Stockard Acres, City and County of Midland, Texas. (Generally located on the north side of Carter Avenue, approximately 256-feet west of Goode Street. - Council District 2) ; seconded by Commissioner Wilton.

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

### **Miscellaneous**

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

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Chase Gardaphe, Chairman

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Date

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Cristina Odenborg Burns, Planning Division Manager  
Development Services Department

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Date