

CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
March 1, 2021
Council Chambers – City Hall



The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:33 p.m., on March 01, 2021.

Commissioners present: Stacy Grosse, Reggie Lawrence, Dianne Williams, Lucy Sisniega, Zachary Deck, Emily Holeva, Adrian Carrasco

Commissioners absent: Karmen Bryant, Chase Gardaphe

Staff members present: Dalia Salinas, Cristina Odenborg Burns, Joseph Marynak, Charles Harrington, Valerie Sherman, Kelly Martinez

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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.) Commissioner Lawrence opened the public comment period at 3:33 p.m. With no one wishing to speak, the public comment period was closed at 3:35 p.m.

CONSENT ITEMS

Commissioner Williams moved to approve the Consent Items 2 and 5 through 9 (excluding items 3 and 4); seconded by Commissioner Sisniega.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Deck, Grosse, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for February 22, 2021.
3. Consider a reinstatement of the proposed Preliminary Plat of West 191 Industrial Park, Section 6, being a plat of a 33.95-acre tract of land in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of State Highway 191, approximately 171-feet east of North Farm-to-Market Road 1788. Council District 4 and Extraterritorial Jurisdiction)
Item was pulled from the agenda by the applicant
4. Consider a proposed Final Plat of West 191 Industrial Park, Section 6, being a plat of a 33.95-acre tract of land located in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of State Highway 191, approximately 171-feet east of North Farm-to-Market Road 1788. Council District 4 and Extraterritorial Jurisdiction)
Item was pulled from the agenda by the applicant
5. Consider a proposed Preliminary Plat of the IDEA Henry School Site, being a plat of a 26.8621-acres tract of land located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Briarwood Avenue and Navasota Drive. Council District 4 and Extraterritorial Jurisdiction)

6. Consider a proposed Final Plat of North Midkiff Addition, Section 4, being a plat of a 1.01-acre tract of land located in Section 9, Block X, HP Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Happy Trail Drive, approximately 574 feet west of Whitman Drive. Council District 1)
7. Consider a proposed Preliminary Plat of Villareal Estates, being a plat of a 14.06-acre tract of land located in Section 1, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located approximately 1,340 feet west of S. Tradewinds Boulevard and approximately 1,315 feet north of W. State Highway 80. Extraterritorial Jurisdiction)
8. Consider a proposed Final Plat of Saddleback Estates Addition, being a plat of a 72.256-acres tract of land located in the northeast quarter of Section 46, Block 38, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1130 and E. County Road 95. Extraterritorial Jurisdiction)
9. Consider a proposed Preliminary Plat of Witcher Addition, Section 3, being a re-plat of Lot 2, Block 1, Witcher Addition, Section 2, and a plat of a 2.25-acre tract of land and a 0.417-acre portion of a previously vacated alley right of way located in Section 8, Block 40, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Norden Drive and West State Highway 80. Council District 4).

PUBLIC HEARINGS

10. Hold a public hearing and consider a request by Ana M. Armendariz for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on a 1,166 square foot portion of Lot 1, Block 27, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Ohio Avenue and N. Colorado Street. Council District 2)

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

Commissioner Williams asked if based on the request hours of alcohol sales, it is going from a restaurant to a bar. Planning Manager Cristina Odenborg Burns explained that it was just an adjustment in hours to allow for flexibility in the future or if they have any special events. She also deferred any further questions to the applicant.

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

The applicant, Edgar Armendariz, was present and open for questions.

Commissioner Williams asked the applicant about the proposed change in hours. Mr. Armendariz explained that if they were approved, they were considering opening at later hours, but they currently are not.

Commissioner Lawrence asked if there are currently any outdoor serviceable areas. Mr. Armendariz explained that all of their serviceable areas are inside the property.

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

Commissioner Lawrence moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

11. Hold a public hearing and consider a request by Hannah Streun for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a bar, on a 1,988-square foot portion of Lots 1 and 2 and the east 23.5 feet of Lot 3, Block 65, Original Town, City and County of Midland, TX. (Generally located on the southwest corner of the intersection of W. Wall Street and S. Loraine Street. Council District 2)

Planning 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 3:47 p.m.

The applicant was not present.

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

Commissioner Sisniega moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

12. Hold a public hearing and consider a request by Midland-Odessa Golf Corp., for the initial zoning of a 21.91-acre tract of land located in Lot 1, Block 21, Grassland Estates, Section 16, Midland County, Texas. (Generally located approximately 266 feet east of Homeland Drive and approximately 258 feet east of Homestead Boulevard. Extraterritorial Jurisdiction)

Planning Manager Cristina Odenborg Burns gave an overview of the project. With 20 letters of objection received, staff recommended approval.

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

The applicant, Ben Sanchez with Parkhill, was present but deferred to staff.

James Garrity, 6404 Homestead, Midland, Texas, with the Grasslands HOA spoke in opposition to the project due to the impact it would make on the local wildlife.

Cindy Smith, 6412 Homestead, Midland, Texas, spoke in opposition to the project due to the lowering of their property value.

Ken Smith, 6412 Homestead, Midland, Texas, spoke in opposition of the project due to the increase in trash to the area.

Kelly Cook, 5415 Ridgemont Ct, Midland, Texas, spoke in opposition to the project due to the need for more nature areas, sport venues.

David Percy, 5720 Hillcrest, Midland, Texas, spoke in opposition of the project due to lack of information about the plans of the project and the future development.

Kim Helm, 6508 Homestead, Midland, Texas, spoke in opposition to the project due to her belief that Midland is not in need of another apartment complex.

Amy stretcher-Burkes, 6508 Homestead, Midland, Texas, spoke in opposition to the project due the project in question not being in the city limits of Midland.

Kerri Payne, 2704 Homeland, Midland, Texas, spoke in opposition of the project due to the effects of the property value in the area.

Autumn Winkles, 5601 Ridgemont, Midland, Texas, spoke in opposition to the project due to the effects it will have to the community.

Dan Bobble, 6020 Homestead, Midland, Texas, spoke in opposition to the project due the proximity of the project to his property.

Jay May, 6400 Homestead, Midland, Texas, spoke in opposition to the project due to the effect to the local wildlife and to the environment.

Wyatt Shipley, 6711 Briaroaks, Midland, Texas, spoke in opposition to the project due to the entrance and egress proposed.

Dharpan Bhakta, 6108 Homestead, Midland, Texas, spoke in opposition of the project because of the needs for the green space.

Vicky Beyer, 6900 Homestead, Midland, Texas, spoke in opposition to the project due to the increase in population to the area.

Maneesh Kumar, 2608 Homestead, Midland, Texas, spoke in opposition to the project due to the impact on climate change.

Jill Reed, 5502 Homeland, Midland, Texas, spoke in opposition to the project due to the need for the golf course to remain.

Tandra McConnel, 5612 Grassland Estates, Midland, Texas, spoke in opposition to the project due to the negative impact to the neighborhood.

Zack Ellis, Midland, Texas, spoke in opposition to the project due to the elimination of much needed green space.

The applicant, Eric West with Parkhill, readdressed the commission to answer some of the questions. He explained that the proposed annexation is a portion of the golf course that was never annexed, and he explained that the request presented today is just an initial zoning request.

He stated that the owner of the golf course has been trying to sell the property for some time.

He ended by stating the future plans for the exact layout will be presented later.

Commissioner Carrasco asked if the property was located in city limits. Staff confirmed that it is outside of the city limits.

Commissioner Deck asked if a specific zoning has to be chosen in order to annex. He also asked if any services are missing since it is outside the city limits. Planning Manager Cristina Odenborg Burns explained that when a property is annexed there has to be a designated zoning. She also explained that currently properties outside of city limits do not receive services from the city.

Commissioner Deck asked if the annexation of this property is completely separate from the development or future plans to the golf course. Mrs. Burns explained that the annexation does establish a zoning, but the application would have to come back with a plat in order to subdivide.

Commissioner Lawrence recapped to the audience in chambers what was just discussed and opened the floor up for any new questions the audience might have.

Ken Smith readdressed the commission to ask why the annexation is not to zone the property as AE zoned. Commissioner Lawrence addressed Mr. Smith's question.

Elka Kumar, 2608 Homeland, Midland, Texas, spoke in opposition to the project. She questioned the need for the project.

Eric West readdressed the commission. He explained the proposed size of the lots. He also explained that the land plan is being handled by the landowner and would be discussed at the next meeting.

Fred Nobles spoke in opposition of the project due to the way the golf course will be cut apart.

Eric West addressed the commission again to explain that zoning and platting are two different items. He explained that the site plan would become part of what happens next.

The public hearing was closed at 4:53 p.m.

Commissioner Carrasco asked the staff if the developer has ever tried to develop this area. Staff clarified that this is the first attempt to annex.

Commissioner Deck spoke to the audience to explain the annexation procedure.

Commissioner Lawrence spoke to the public to point out the major points discussed. He also explained part of the city's need to use unconventional land in order to develop. He explained the city's legal rights to use land in the extraterritorial jurisdiction.

Commissioner Carrasco thanked the public for their participation.

Commissioner Deck moved to deny this request; seconded by Commissioner Williams.

The motion to deny passed by the following vote:

AYE: Lawrence, Williams, Deck, Grosse, Holeva, Carrasco

NAY: None

ABSTAIN: Sisniega

ABSENT: Bryant, Gardaphe

13. Hold a public hearing and consider a request by Cung Lian Ni for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 1,881 square foot portion of Block 1, less the 250-foot by 150-foot northwest corner and less the 224-foot by 150-foot southwest corner, Replat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 277 feet east of N. Midkiff Road. Council District 3)

Senior Planner Valerie Sherman gave an overview of the project. With one letter of objection received, staff recommended approval.

The public hearing was opened at 5:04 p.m.

The applicant was not present.

The public hearing was closed at 5:05 p.m.

Commissioner Grosse moved to approve this request; seconded by Commissioner Sisniega.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

14. Hold a public hearing and consider a request by IDEA Public Schools for the initial zoning of a 24.5578-acre tract of land located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 625 feet north of Briarwood Avenue and approximately 2,153 feet east of Avalon Drive. Extraterritorial Jurisdiction)

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

Commissioner Williams asked if this request had anything to do with item #5 on the consent agenda. Mrs. Sherman explained that item #5 is the proposed plat for this preparty.

The public hearing was opened at 5:09 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 5:09 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Williams.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

15. Hold a public hearing and consider a request by Joseph Costilla for a zone change from RR, Regional Retail District to SF-3, Single-Family Dwelling District on the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas. (Generally located on the west side of S. Jefferson Street, approximately 70 feet south of E. Wall Street. Council District 2)

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

The public hearing was opened at 5:14 p.m.

The applicant was not present.

The public hearing was closed at 5:14 p.m.

Commissioner Sisniega moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

16. Hold a public hearing and consider a request by Eliseo Carreon for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on the south 50 feet of the northwest quarter and the north 50 feet of the southwest quarter of Block 19, Homestead Addition, City and County of Midland, Texas. (Generally located on the east side of North Terrell Street, approximately 143 feet south of East Kansas Avenue. 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 5:16 p.m.

The applicant was not present.

The public hearing was closed at 5:17 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commission Sisniega.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

17. Hold a public hearing and consider a request by Jennifer Cobbs for a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for a Shopping Center on Lot 1C, Block 33, Northgate Addition, Section 26, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Midland Drive and Briarwood Avenue. Council District 1)

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

Commissioner Lawrence asked if this was the same application that was turned in for the south Walmart. Planner Joseph Marynak explained that they are similar applications.

The public hearing was opened at 5:20 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 5:21 p.m.

Commissioner Williams moved to approve this request; seconded by Commissioner Carrasco.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

18. Hold a public hearing and consider a request by Landon Torres for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Service, on a 0.91-acre tract of land located in Section 5, Block X, HP Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of W. Loop 250 North, approximately 966 feet west of N. Midkiff Road. Council District 1)

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

Commissioner Deck asked why there are two plats on the title survey. Planner Joseph Marynak explained that both lots are owned by the applicant, but the application is only on one lot.

The public hearing was opened at 5:28 p.m.

The applicant was present but deferred to staff.

Sherry Merket spoke in opposition of the project due to the precedence it will set and the effect it would have on neighboring property owners.

The applicant, Landon Torres, addressed the commission to answer some of the question. He explained that there will be a minimum of 7 cars at that facility; he explained that their main facility is located on Florida Street.

Commissioner Lawrence stated that although he agrees that the building need to be updated, he does not agree that a car lot would be the right move.

The public hearing was closed at 5:34 p.m.

Commissioner Grosse moved to approve this request; seconded by Commissioner Sisniega.

Mr. Torres addressed the commission again to explain the intent of the proposed business.

The motion failed by the following vote:

AYE: Grosse, Sisniega, Deck

NAY: Lawrence, Williams, Carrasco

ABSTAIN: None

ABSENT: Bryant, Gardaphe, Holeva

19. Hold a public hearing and consider a request by Laramie Acquisitions, LLC for a zone change from PD, Planned Development District for a Transitional District to RR, Regional Retail District on Lot 1, Block 4, Amaron Addition, Section 5, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Wolcott Avenue and Rankin Highway. 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 5:47 p.m.

The applicant was not present

The public hearing was closed at 5:48 p.m.

Commissioner Williams moved to approve this request; seconded by Commissioner Carrasco.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe, Holeva

20. Hold a public hearing and consider a request by Pat Vera Cruz for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 4, Block 39, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the west side of South Benton Street, approximately 150 feet south of E. Pennsylvania Avenue. Council District 2)

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

Commissioner Lawrence asked if there were any issue with the boundaries of this property. Planner Joseph Marynak explained that this property meets the minimum standards.

The public hearing was opened at 5:51 p.m.

The applicant was not present

The public hearing was closed at 5:51 p.m.

Commissioner Deck moved to approve this request; seconded by Commissioner Sisniega.

The motion passed by the following vote:

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Carrasco

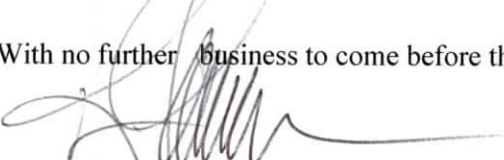
NAY: None

ABSTAIN: None

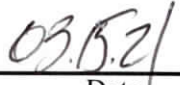
ABSENT: Bryant, Gardaphe, Holeva

MISCELLANEOUS

With no further business to come before the Commission, Chairman Lawrence adjourned the meeting at 5:52 p.m.



Reggie Lawrence, Chairman



Date



Cristina Odenborg Burns, Planning Division Manager
Department of Development Services



Date