PLANNING AND ZONING
MINUTES
February 04, 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, February 04, 2019.

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

Alternate Commissioners present: None.

Commissioners absent: Chase Gardaphe and Justin Nichols.

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

Chairman Sparks called the meeting to order at 3:31 p.m.

Opening Item

1. Pledge of Allegiance

Announcements

Consent Items

Commissioner Lawrence moved to approve items 1-9 & 11; seconded by Commissioner Williams.

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

2. Approved a motion approving the following minutes:

   a. Planning & Zoning Meeting Minutes for January 7. 2019.

3. Approved a proposed Final Plat of TK Addition, being a plat of a 10.625-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located east of South County Road 1223 Half, approximately 700-feet south of West County Road 120. ETJ, Extraterritorial Jurisdiction)

4. Approved a proposed Preliminary Plat of Westridge Park Addition, Section 42 being a plat of 9.75-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of Tradewinds Boulevard Drive and Thomason Drive. Council District 4)

5. Approved a proposed Final Plat of Crestgate Addition, Section 48, being an 8.390 Acre Tract of Land out of the NE/4 of Section 5, Block X, HP Hilliard Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Bluebird Lane and Diamond Drive. Council District 1).

6. Approved a proposed Final 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, 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).

7. Approved a proposed Final Plat of Sanders Addition being a Plat of a 7.16 Acre Tract of Land out of the NE/4 of the SW/4 of Section 34, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located 1,320 feet north of E. Business I-20, approximately 425 feet west of N. County Road 1135. Extraterritorial Jurisdiction).

8. Approved a proposed Final Plat of Pavilion Park, Section 11, being a re plat of Lot 1, Block 1, Pavilion Park, City and County of Midland, Texas. (Generally located on the southeast corner of East Mockingbird Lane and North Big Spring Street. Council District 1)

9. Approved a proposed Preliminary Plat of Venky Addition being a plat of a 26.36-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast corner of West County Road 120 and South County Road 1230. Extraterritorial Jurisdiction).

10. Approved a proposed Preliminary Plat of In the Black Rentals Addition, being a Plat of a 6.93 acre tract of land out of Section 16, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the north side of West County Road 130, approximately 722-feet east of South County Road 1265. Extraterritorial Jurisdiction)

Item pulled to discuss at the end of the Agenda.

11. Approved a proposed Preliminary Plat of Brooks Addition, Section 4, being a Plat of a 2.000 acre tract of land out of Section 47, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the north side of Farm to Market Road 307, approximately 1,210-feet east of South County Road 1130. Extraterritorial Jurisdiction)

Public Hearings

12. Hold a public hearing and consider a request by Dahlia Development, LLC. for a Zone Change from 1F-2, One-Family Dwelling District to AE, Agriculture Estate District on a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Garfield Street, approximately 594-feet north of Mockingbird Lane. Council District 1)

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

Commissioner Lawrence asked if prior to March of 2018, the property was zoned AE?

Planner Rolandrea Russell answered "Yes, it was zoned AE".

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

The applicant was present but deferred to staff.

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

Commissioner Lawrence moved to approve a request by Dahlia Development, LLC. for a Zone Change from 1F-2, One-Family Dwelling District to AE, Agriculture Estate District on a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Garfield Street, approximately 594-feet north of Mockingbird Lane. Council District 1); seconded by Commissioner Ivey.

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

13. Hold a public hearing and consider a request by SBC, LP for Site Plan Approval on a 13.36-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. Council District 4)

Planner Rolandrea Russell gave an overview of the project; she provided the commissioners with the correct acreage. With no letters of objection received, staff recommended approval.

Commissioner Sparks stated that the units per acre ratio seemed higher then what has previously been approved and asked what the allowed density is. Planner Rolandrea Russell explained that based on the current code the allowed density is 16 units per acre; however an average of 22 units per acre have been approved.

Commissioner Williams asked if there are any plans to annex the area to the east. Planner Rolandrea Russell stated that currently staff is not aware of any potential plans.

Commissioner Lawrence asked what the last 3 story complex was. Commissioner Sparks answered that it was the low income housing on Fairgrounds.

Commissioner Ivey asked what amenities would constitute allowing a higher density. Planner Rolandrea Russell explained that it is at the discretion of City Council.

Planning Division Manager Cristina Odenborg Burns added that 26 units per acre had been previously approved, and the Council does look for amenity tradeoffs.

The public hearing was opened at 3:55 p.m.

The applicant, Brady Hawkins with Stonehawk Capital, gave a summary of the project and was open for questions.

Commissioner Sparks asked what the typical size of an apartment is. Mr. Hawkins explained that it varied.

The public hearing was closed at 3:56 p.m.

Commissioner Ivey moved to approve a request by SBC, LP for Site Plan Approval on a 13.36-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. Council District 4); seconded by Commissioner Williams.

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

14. Hold a public hearing and consider a request by Stonehawk Capital Partners, LLC for Site Plan Approval on a 21.30-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive. Council District 4)

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

The public hearing was opened at 4:00 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:01 p.m.

Commissioner Lawrence moved to approve a request by Stonehawk Capital Partners, LLC for Site Plan Approval on a 21.30-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive. Council District 4); seconded by Commissioner Ivey.

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

15. Hold a public hearing and consider a request by Vineyard Reserve, LLC, for the initial zoning of a 126.126-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road.)

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

The public hearing was opened at 4:03 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:03 p.m.

Commissioner Williams moved to approve a request by Vineyard Reserve, LLC, for the initial zoning of a 126.126-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road.); seconded by Commissioner Lawrence.

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

16. Hold a public hearing and consider a proposed residential replat of Warwick Addition, Section 2, being a replat of Lot 9 and Lot 10 less the East 4-feet, Block 5, Warwick Addition, City and County of Midland, Texas. (Generally located on the south side of Winfield Road, approximately 324 feet west of North L Street. Council District 3).

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

Commissioner Lawrence asked if currently there are two separate structures on the property. Senior Planner Elizabeth Shaughnessy confirmed that yes there are two properties and that the reason for the request is to connect the two.

Commissioner Ivey asked if they would be closing the alley. Senior Planner Elizabeth Shaughnessy explained that there had been a confusion but they would not be closing an alley.

Commissioner Lawrence asked if the setback was appropriate for the property. Planning Division Manager Cristina Odenborg Burns stated that staff would have to look into it because they don't have that information now.

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

The applicant was present but deferred to staff.

The public hearing was closed at 4:08 p.m.

Commissioner Ivey moved to approve a proposed residential replat of Warwick Addition, Section 2, being a replat of Lot 9 and Lot 10 less the East 4-feet, Block 5, Warwick Addition, City and County of Midland, Texas. (Generally located on the south side of Winfield Road, approximately 324 feet west of North L Street. Council District 3); seconded by Commissioner Lawrence.

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

17. Hold a Public Hearing and consider a request by Jay Leeper for a Specific Use Permit, without term, for an accessory building for living or sleeping quarters, on Lot 10, Block 149, Wilshire Park Addition, City and County of Midland, Texas. (Generally located on the west side of Woodcrest Drive, approximately 257-feet south of Ric Drive. Council District 4).

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

The public hearing was opened at 4:13 p.m.

The applicant was present but deferred to staff.

Commissioner Ivey asked the applicant if the residence is occupied. Mr. Leeper explained that it is his current residence. Commissioner Lawrence asked if they ever plan to rent it to a non-family member. Mr. Leeper answered that is not their intention.

The public hearing was closed at 4:14 p.m.

Commissioner Sparks moved to approve a request by Jay Leeper for a Specific Use Permit, without term, for an accessory building for living or sleeping quarters, on Lot 10, Block 149, Wilshire Park Addition, City and County of Midland, Texas. (Generally located on the west side of Woodcrest Drive, approximately 257-feet south of Ric Drive. Council District 4). ; seconded by Commissioner Williams.

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

18. Hold a public hearing and consider a request by Knights of Columbus for a zone change from 1F-1, One Family Dwelling District, to O-1, Office District on Lot 1, Tract 4, Wallace Heights Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Bates Street and Andrews Highway. 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 4:22 p.m.

The applicant, Bob Weidner with the Knights of Columbus, gave a summary of the project and was open for questions.

Commissioner Williams asked if the facility would be used for events. Mr. Weidner explained that only on a small scale for its members' use only.

Commissioner Sparks asked if it was planned to be a one story building. Mr. Weidner confirmed that yes, it will only be one story.

Resident Michael Segouvis asked if the property will ever be used as a rental and if it will be given an alcohol permit.

Resident Myra Rodriguez had the same concerns as the previous speaker. She also asked what the hours of use would be and if they planned on doing anything to improve the parking.

Mr. Weidner explained that they do not intend on renting the building out, and they also have no intentions of acquiring an alcohol license. He explained that they hours of use would vary, but most likely they would use it during the evening hours around 7 p.m. He also stated that if the city required them to make parking adjustments they would be willing to make them.

Commissioner Ivey voiced his concerns about changing the zoning and the possibility of some other business coming in to the property.

The public hearing was closed at 4:29 p.m.

Commissioner Lawrence moved to approve a request by Knights of Columbus for a zone change from 1F-1, One Family Dwelling District, to O-1, Office District on Lot 1, Tract 4, Wallace Heights Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Bates Street and Andrews Highway. Council District 4); seconded by Commissioner Williams.

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

10. Approved a proposed Preliminary Plat of In the Black Rentals Addition, being a Plat of a 6.93 acre tract of land out of Section 16, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the north side of West County Road 130, approximately 722-feet east of South County Road 1265. Extraterritorial Jurisdiction)

City Engineer Shanna McWilliams gave further information on this item. She explained that this is for a preliminary plat. Comments were made, and it was pointed out that the plans do not include West County Road as an arterial. They have changed it to show that the roadway needs a 60 foot dedication. She also stated that she received an email today from the County that confirms that the County does want the right-of-way dedicated. She explained that if this site would dedicate 45 feet and the south side of the road would dedicated 15 feet that would give the 60 feet needed.

Commissioner Sparks stated that the applicant understood that it was supposed to be 30/30. Mrs. McWilliams explained the roadway is on 30 feet of this property, so it wouldn't be beneficial to get 30 feet from the other side.

The applicant stated that west of the property is a 60 foot roadway, so the south side could give 30 feet.

Commissioner Sparks stated that since there seems to be a discrepancy with what had been agreed upon and what is going to happen the best action to take is to defer this.

Cindy Klatt spoke on her experience with these types of projects. She stated that she doesn't think it is fair to take more land from the clients.

Planning Manager Cristina Odenborg Burns reminded the commission that this is only

the preliminary plat; there is time for the applicant to work something out with engineering.

Commissioner Sparks stated again that he recommends the item be deferred to the next meeting and made a motion to do so.

Commissioner Ivey suggested and moved to approve item #10 with the exception of the required 15 feet.

Commissioner Sparks removed his motion after Commissioner Ivey explained an alternative motion.

Commissioner Ivey moved to approve a proposed Preliminary Plat of In the Black Rentals Addition, being a Plat of a 6.93 acre tract of land out of Section 16, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the north side of West County Road 130, approximately 722-feet east of South County Road 1265. Extraterritorial Jurisdiction) with the exception of the additional 15 foot6 right-of-way; seconded by Commissioner Williams.

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

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:40 p.m.

Josh Sparks, Chairman

2/19/19
Date

Cristina Odenborg Burns, Planning Division Manager
Development Services Department

2/19/19
Date