

## PLANNING AND ZONING MINUTES

October 07, 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, October 07, 2019.

Commissioners present: Chase Gardaphe, Josh Sparks, Dianne Williams, Warren Ivey, Reggie Lawrence and Karmen Bryant.

Alternate Commissioners present: Lucy Sisniega

Commissioners absent: Kevin Wilton.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Rolandrea Russell, Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, Administrative 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 Gardaphe moved to approve the Consent Items; seconded by Commissioner Lawrence.

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

2. Approved a motion approving the following minutes:
  - a. Planning & Zoning Commission Meeting Minutes for September 16, 2019.
3. Approved a proposed Final Plat of Avalon Park Addition, being a plat of a 25.410-acre tract of land out of Section 38, Blk 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, TX. (Generally located approximately 896-feet south of State Hyw 191 and 1,020-feet west of Avalon DR.. Council District 4)
4. Approved a proposed Preliminary Plat of Polo Club Addition, Section 9, being a plat of an 8.467-acre tract of land out of the NW/4 of Section 3, Block 'X', H.P. Hilliard Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Polo Club Road, approximately 673-feet north of Cardinal Lane. Council District 1)
5. Approved a proposed Preliminary Plat of Orchid Alli, being a plat of a 5-acre tract of land out of the north part of the C.A. Miller Survey, Abstract Number 633, Block 38, T-2-S, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 2,188-feet east of Farm to Market 1213. Extraterritorial Jurisdiction)
6. Approved a proposed Preliminary Plat of Original Town, Section 18, being a re-plat of Lots 1 through 12 and a 0.14-acre portion of previously vacated alley right-of-way, Block 88; Lots 1 through 5, Lots 8 through 12, the north 30 feet of Lot 6, the north 30 feet of Lot 7, a 0.13-acre portion of previously vacated alley right-of-way, and a 0.19-acre portion of previously vacated right-of-way, Block 93; and a 0.50 – acre portion of previously vacated W. Indiana Avenue right-of-way adjacent to Blocks 88 and 93; all out of Original Town Addition, City

and County of Midland, Texas. (Generally located on the southwest corner of the intersection of N. Big Spring Street and N. Missouri Ave. Council District 2)

7. Approved a proposed Preliminary Plat of Barnes Addition being a plat of a 5-acre tract of land out of the southeast quarter of Section 33, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1140, approximately 191-feet north of East County Road 77. Extraterritorial Jurisdiction).
8. Approved a proposed Preliminary Plat of Ashlin Place, Section 3, being a plat of a 0.487 Acre Tract of Land out of Section 22, Block 39, T-1-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of West Golf Course Road, approximately 465.7 feet east of Western Drive. Council District 3)

### **Public Hearings**

9. Hold a public hearing and consider a request by Terramark, LP for the initial zoning of a 9.784-acre tract of land located in Section 5, Block 39, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West Industrial Avenue, approximately 454-feet east of South Midland Drive. Extraterritorial Jurisdiction).

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

The public hearing was opened at 3:35 p.m.

The applicant, Steven Marcum representing Terramark, gave an overview of the project and was open to questions.

The public hearing was closed at 3:36 p.m.

Commissioner Gardaphe moved to approve a request by Terramark, LP for the initial zoning of a 9.784-acre tract of land located in Section 5, Block 39, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West Industrial Avenue, approximately 454-feet east of South Midland Drive. Extraterritorial Jurisdiction); seconded by Commissioner Williams.

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

10. Hold a public hearing and consider a request by Brian Levy dba Fat Bird, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 2,400 - square foot portion of Lot 5A, Block 1A, Midkiff Plaza, Section 16, City and County of Midland, Texas. (Generally located on the south side of Courtyard Drive, approximately 865 feet east of North Midkiff Road. - Council District 3).

Senior Planner Rolandrea Russell 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 deferred to staff.

The public hearing was closed at 3:39 p.m.

Commissioner Lawrence moved to approve a request by Brian Levy dba Fat Bird, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 2,400 - square foot portion of Lot 5A, Block 1A, Midkiff Plaza, Section 16, City and County of Midland,

Texas. (Generally located on the south side of Courtyard Drive, approximately 865 feet east of North Midkiff Road. - Council District 3); seconded by Commissioner Sisniega.

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

11. Hold a public hearing and consider a request by Vine Pizza, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 5,800 - square foot portion of Block 1, less the 250 x 150 NW corner and less the 224 x 150 SW corner, Re-plat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas. (Generally located on the south side of West Wadley Avenue, approximately 310 feet east of North Midkiff Road. - Council District 3).

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

Commissioner Williams asked if there was a link between the two properties are. Planning Division Manager Cristina Odenborg Burns explained that they were linked in the back, and that the owner was present to answer any further questions.

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

The applicant, Raymond Blanchard, was present. He gave an overview of the project and was open for questions.

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

Commissioner Gardaphe moved to approve a request by Vine Pizza, LLC, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 5,800 - square foot portion of Block 1, less the 250 x 150 NW corner and less the 224 x 150 SW corner, Re-plat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas. (Generally located on the south side of West Wadley Avenue, approximately 310 feet east of North Midkiff Road. - Council District 3); seconded by Commissioner Bryant.

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

12. Hold a public hearing and consider a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of Bunche Street, approximately 56-feet south of E. California Avenue. 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 3:46 p.m.

The applicant deferred to staff.

The public hearing was closed at 3:46 p.m.

Commissioner Williams moved to approve a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of Bunche Street, approximately 56-feet south of E. California Avenue. Council District 2); seconded by Commissioner Lawrence.

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

Sisniega. NAY: None. ABSTAIN: None. ABSENT: Wilton.

13. Hold a public hearing and consider a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 23, Block 56, Park Avenue Heights, City and County of Midland, Texas. (Generally located on the north side of E. Pennsylvania Avenue, approximately 216-foot east of S. Lamesa Road. 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 3:47 p.m.

The applicant deferred to staff.

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

Commissioner Lawrence moved to approve a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 23, Block 56, Park Avenue Heights, City and County of Midland, Texas. (Generally located on the north side of E. Pennsylvania Avenue, approximately 216-foot east of S. Lamesa Road. Council District 2); seconded by Commissioner Lucy Sisniega.

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

14. Hold a public hearing and consider a request by Gonzalo Ornelas, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lots 3 and 11, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of Bunche Street, approximately 114-foot south of E. California Avenue, and on the northeast corner of the intersection of S. Madison Street and Cloverdale Road. 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 3: 50 p.m.

The applicant was not present.

The public hearing was closed at 3:50 p.m.

Commissioner Bryant moved to approve a request by Gonzalo Ornelas, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lots 3 and 11, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of Bunche Street, approximately 114-foot south of E. California Avenue, and on the northeast corner of the intersection of S. Madison Street and Cloverdale Road. Council District 2); seconded by Commissioner Lawrence.

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

15. Hold a public hearing and consider a request by Jesus Jurado, for a zone change from C, Commercial District, to SF-3, Single Family Dwelling District, on Lots 11 through 13, Block 118, Southern Addition, City and County of Midland, Texas. (Generally located on the north side of E. New York Avenue, approximately 164-foot east of S. Baird Street. Council District 2).

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

The public hearing was opened at 3:52 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:52 p.m.

Commissioner Bryant moved to approve a request by Jesus Jurado, for a zone change from C, Commercial District, to SF-3, Single Family Dwelling District, on Lots 11 through 13, Block 118, Southern Addition, City and County of Midland, TX. (Generally located on the north side of E. New York Avenue, approximately 164-feet east of S. Baird Street. Council District 2); seconded by Commissioner Williams.

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

16. Hold a public hearing and consider a proposed Preliminary Plat of Lindsay Acres, Section 11 being a residential re-plot of the west half less 0.798-acres of Tract 5; the west 100 feet of the north 134.4-feet of Block 6; and 204-feet of the north 134.4 feet of the west part of Block 6; all out of Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. Council District 2)

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 3:54 p.m.

The applicant was present but deferred to staff.

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

Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Lindsay Acres, Section 11 being a residential re-plot of the west half less 0.798-acres of Tract 5; the west 100 feet of the north 134.4-feet of Block 6; and 204-feet of the north 134.4 feet of the west part of Block 6; all out of Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. Council District 2); seconded by Commissioner Sisniega.

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

17. Hold a public hearing and consider a request by Scott. A. Mommer for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center on Lot 6, Block 45, Fairmont Park, Section 15, City and County of Midland, Texas. (Generally located approximately 809-feet south of West Loop 250 North and approximately 643-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 Gardaphe asked if any of the displays were going to be enclosed. Planning Division Manager Cristina Odenborg Burn explained that the tool center will be an actual addition to the building with an enclosure in the back, but the rental equipment will be placed just out on the lot.

Commissioner Lawrence asked if the project was going to encompass half of their parking lot. Planning Division Manager Cristina Odenborg Burn explained that they are updating their site plan and the project will only take up 10 of their existing parking spaces.

The public hearing was opened at 3:59 p.m.

The applicant was not present.

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

Commissioner Ivey asked when the Tractor Supply business opened weren't they restricted from allowing them to put their products out in the parking areas. Planning Division Manager Cristina Odenborg Burn explained that she does not recall but the new zoning ordinance does allow for outdoor displays under the regional retail district.

Commissioner Lawrence moved to approve a request by Scott. A. Mommer for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center on Lot 6, Block 45, Fairmont Park, Section 15, City and County of Midland, Texas. (Generally located approximately 809-feet south of West Loop 250 North and approximately 643-feet west of North Midland Drive. Council District 1); seconded by Commissioner Bryant.

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

18. Hold a public hearing and consider a request by City of Midland for a zone change from a RR, Regional Retail District and C, Commercial District to SF-3, Single-Family Dwelling District on Lots 1, 2 and 4, Block 137, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of South Lamesa Road and East New York Avenue and on the west side of South Lamesa Road, approximately 216-feet south of East New York Avenue. Council District 2).

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

Commissioner Sparks asked why the city is only making the requests for these 3 lots instead of the entire section. Planning Division Manager Cristina Odenborg Burn explained that these 3 lots are currently owned by the city, and right now Planning is only re-zoning lots owned by the city. All other lots will have to be re-zoned by individual applications.

Commissioner Sparks asked if going forward every lot not owned by the city will have to be re-zoned by individual applications, forcing every contractor to apply for re-zoning before building. Planning Division Manager Cristina Odenborg Burn confirmed that for now that will be the procedure.

The public hearing was opened at 4:04 p.m.

The applicant deferred to staff.

The public hearing was closed at 4:04 p.m.

Commissioner Gardaphe moved to approve a request by City of Midland for a zone change from a RR, Regional Retail District and C, Commercial District to SF-3, Single-Family Dwelling District on Lots 1, 2 and 4, Block 137, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of South Lamesa Road and East New York Avenue and on the west side of South Lamesa Road, approximately 216-feet south of East New York Avenue. Council District 2); seconded by Commissioner Williams.

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

19. Hold a public hearing and consider a request by Jose Mendez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District on Lot 2, Block 28, Greenwood Addition Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the west side of South Stonewall Street, approximately

50-feet south of East New York Avenue. Council District 2).

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 4:05 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:06 p.m.

Commissioner Bryant moved to approve a request by Jose Mendez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District on Lot 2, Block 28, Greenwood Addition Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the west side of South Stonewall Street, approximately 50-feet south of East New York Avenue. Council District 2); seconded by Commissioner and Sisniega.

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

20. Hold a public hearing and consider a request by Weldon Carter for a zone change from a RR, Regional Retail District to SF-3, Single-Family Dwelling District on Lots 1 and 2, Block 7, Greenwood Addition, Second Section, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Indiana Avenue and South Webster Street. Council District 2).

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 4:07 p.m.

The applicant was present but deferred to staff.

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

Commissioner Lawrence moved to approve by Weldon Carter for a zone change from a RR, Regional Retail District to SF-3, Single-Family Dwelling Dist. on Lots 1 and 2, Block 7, Greenwood Add, Second Sec, City and County of Midland, TX. (Generally located on the southwest corner of the intersection of Indiana Ave and South Webster St. Council Dist. 2); seconded by Commissioner Gardaphe.

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

21. Hold a public hearing and consider a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lots 5 and 6, Block 12, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South Webster Street and Washington Avenue. Council District 2).

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 4:09 p.m.

The applicant was present but deferred to staff.

the public hearing was closed at 4:09 p.m.

Commissioner Williams moved to approve a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lots 5 and 6, Block 12, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South Webster Street and Washington Avenue. Council District 2); seconded by Commissioner Bryant.

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

22. Hold a public hearing and consider a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 5, Block 23, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, TX. (Generally located on east side of South Benton St., approximately 60-feet north of East New York Ave. Council District 2).

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 4:11 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:11 p.m.

Commissioner Gardaphe moved to approve a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 5, Block 23, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Benton Street, approximately 60-feet north of East New York Avenue. Council District 2); seconded by Commissioner Sisniega.


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

### Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:12 p.m.

  
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Josh Sparks, Chairman

Oct 21, 2019  
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Date

  
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Cristina Odenborg Burns, Planning Division Manager  
Development Services Department

10/21/2019  
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Date