

**PLANNING AND ZONING  
MINUTES  
February 05, 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 February 05, 2018.

Commissioners present: Josh Sparks, Chase Gardaphe, Dianne Williams, Warren Ivey.

Alternate Commissioners present: Terry Gammage.

Commissioners absent: Kevin Wilton, Reggie Lawrence, Justin Nichols, and Brad Bullock.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Jessica Carpenter, Senior Planner Kierra Williams, Senior Planner Jeremy McNeil, Planner Rolandrea Russell, Administrative Assistant Diana Rodriguez and Account Clerk Samantha Madrid.

Chairman Sparks called the meeting to order at 3:39 p.m.

**Opening Item**

1. Pledge of Allegiance

**Consent Items**

2. Approved a motion approving the following minutes:
  - a. Minutes for January 16, 2018 meeting.

Commissioner Gardaphe moved to approve the Consent Items; seconded by Commissioner Williams. The motion carried by the following vote: AYE: Williams, Ivey, Gardaphe, Sparks, and Gammage. NAY: None. ABSTAIN: None. ABSENT: Wilton, Lawrence, Bullock, and Nichols.

3. Approved a proposed Preliminary Plat of Lozano Place being a 5.05-acre tract of land out of Section 24, Block 41, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located southwest of the intersection of West County Road 54 and FM 1277. ETJ, Extraterritorial Jurisdiction)
4. Approved a proposed Preliminary Plat of Northwestern Addition, Section 16, being out of 3.80-acre tract of land out of N/W 4 of Section 5, Block X, H.P. Hilliard Survey, City

and County of Midland, Texas. (Generally located approximately 1,662 feet east of North Midland Drive. Council District 1)

5. Approved a proposed Preliminary Plat of Midkiff Industrial Center Section 25 being a 31.339-acre tract of land out of Section 5, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest intersection of South Midkiff Road and West Interstate 20. Council District 2)
6. Approved a proposed Preliminary Plat of High Plains, being a plat of a 13.067-acre tract of land located in Section 21, Block 39, T-2-S, T & P RR CO. Survey, Midland County, Texas. (Generally located at the southwest intersection of West County Road 130 and South County 1205. ETJ, Extraterritorial Jurisdiction)
7. Approved a proposed Preliminary Plat of Garden Twenty Addition, Section 3, being a 15.03-acre tract of land Section 6, Block 38, T-2-S, T & P RR Co., Survey, City and County of Midland, Texas. (Generally located at the southeast intersection of South Fairgrounds and E I-20 Frontage. Council District 2)
8. Approved a proposed Final Plat of Hawk View Addition, Section 2 being a re-plat of, Lots 22, 23, 24, 25, & 26 Section 29, Block 40, T-2-S, T&P, RR. Co. Survey Midland, Texas. (Generally located on the southeast corner of South County Road 1273 Private, and West County Road 143. ETJ, Extraterritorial Jurisdiction)
9. Approved a proposed Final Plat Hawk View Addition, Section 3 being a re-plat of Hawk View Addition, Lots 33, 34 and Drainage Common Area Section 29, Block 40, T-2-S, T&P, RR. Co. Survey Midland, Texas. (Generally located on the southwest corner of West County Road 143, and South County Road 1270. ETJ, Extraterritorial Jurisdiction)
10. Approved a proposed Final Plat of Sunset Acres, Section 9, being a 1.96 -acre tract of land out of the NE/4 of Section 29, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Golf Course Road, approximately 270-feet west of North Midkiff Road. Council District 3)
11. Approved a proposed Final Plat of Texland Estates, Section 2, being a replat of Lots 6 and 7, Block 1, Texland Estates, City and County of Midland, Texas. (Generally located on the west side of Texland Circle, approximately 950-feet west of Garfield Street. Council District 1)
12. Approved a proposed Final Plat of Country Sky Addition, Section 21 being a replat lots of 6D and 6E, Block 2, Country Sky Addition, Section 11, City and County of Midland Texas. (Generally located on the west side of Roadrunner Trail, approximately 630-feet south of Briarwood Avenue. Council District 4)
13. Approved a proposed Final Plat of Garden Twenty Addition, Section 3, being a 15.03-acre tract of land Section 6, Block 38, T-2-S, T & P RR Co., Survey, City and County of Midland, Texas. (Generally located at the southeast intersection of South Fairgrounds and E I-20 Frontage. Council District 2)
14. Approved a proposed Final Plat of 1788 Industrial Park, Section 2, being a replat of lots 1 and 2, Industrial Park, and a 24.962-acre tract of land out of Section 32, Block 40, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located north of West

County Road 157, approximately 1,500-feet east of South FM 1788. ETJ, Extraterritorial Jurisdiction.)

15. Approved a Preliminary Plat of Phoenix Park 2, being a 25.71-acre tract of land in Section 16 and 17, T-I-S, T &P RR Co. Survey, Midland County, Texas. Generally located at the southwest intersection of South County Road 1270 and W I-20 Frontage. ETJ, Extraterritorial Jurisdictional)
16. Approved a proposed Preliminary Plat of West Terminal Addition, Section 6, being a replat of Lot 10, Block 5, West Terminal Addition, Section 4, Midland County, Texas. (Generally located on the north side of West County Road 100, approximately 150-feet east of South County Road 95. ETJ. Extraterritorial Jurisdiction.)
17. Approved a proposed Final Plat of Timberwolf Estates North, being a 130.0-acre tract of land out of Sections 5 and 8, Block 38, T-1-S, T&P RR. Co. Survey, City of Midland, Martin county, Texas. (Generally located on the west side of North Elkins Road, approximately 695-feet north of Timber Wolf Trail. Council District 1)
18. Approved a request for a proposed Final Plat of Quail Ridge Addition, Section 5, being a replat of common areas A and B, Lots 10-13, Block 3, Lots 16 and 17, Quail Ridge Addition, Section 2, City and County of Midland, Texas. (Generally located on the north side of East Business 1-20, approximately 300-feet west of Chukar Lane. Council District 2)

### **Public Hearings**

19. Hold a public hearing and consider a request by Watson Professional Group Inc., for a proposed Residential Preliminary Replat of Country Sky Addition, Section 24, being a replat of Lot 1, Block 3, Country Sky Addition, Section 3, City and County of Midland, Texas. (Generally located southeast intersection of Briarwood Drive and Roadrunner Trails. Council District 1)

Senior Planner Jeremy McNeil gave an overview of the project. Staff had received no letters of objection. Staff recommended approval.

With no one wishing to speak, the public hearing was opened and immediately closed at 3:46 p.m.

Commissioner Ivey moved to approve a request by Watson Professional Group Inc., for a proposed Residential Preliminary Replat of Country Sky Addition, Section 24, being a replat of Lot 1, Block 3, Country Sky Addition, Section 3, City and County of Midland, Texas. (Generally located southeast of the intersection of Briarwood Drive and Roadrunner Trails. Council District 1); seconded by Commissioner Gardaphe.

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

20. Hold a public hearing and consider a request by Tiffany Marie Castillo for a Specific Use Permit with Term for in home child care center on Lot 9, Block 6, Saddle Club South Section 2, City and County of Midland, Texas. (Generally located on the south side of

Castleford Road, approximately 190-feet east of Heather Road. Council District 1)

Planner Rolandrea Russell gave an overview of the project. The project was recommended for approval by the Engineering and Transportation Departments. Staff had received 6 letters of objection, citing traffic issues, limited parking, and increased liability to the Home Owners Association with the use of the amenities.

The Engineering and Transportation Department comments stated that drop off and pick up should not block the alley approach across Castleford Road.

Building Official Steve Thorpe gave an overview of the building code concerns. Citing that the Texas Child Care Standards and the Building and Fire Code have conflicting views. The Licensed Child Care for Texas states that up to 12 children are allowed. A registered child care can have up to 6 children with 6 after school children. The building code states that any time there are up to 6 children in a home it is now considered a business and no longer a single family residential structure. He stated that there were two ways to approach this. If there are children under the age of 2-1/2, doors have to go directly outside not through areas of higher hazard. In this layout, the proposed exit is through the garage. If there is more than 6 children, there has to be a full commercial grade fire sprinkler system. The state law specifically talks about the number of children being between 6 and 12 but does not address the building code.

Planning Division Manager Jessica Carpenter stated that the Planning Division would like to change the recommendation of approval to a recommendation of denial due to the recent findings by Building Official Steve Thorpe.

Applicant Tiffany Castillo, 5009 Castleford Road, gave a brief overview of her plans and configurations for her project. She stated that she only wishes to have 9-10 children. She stated that these children will be from 2-6 years old, and there will be no after school children.

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

Citizen Anne Evins, 4918 Lancashire Road, Midland, TX, stated that her main concern is liability and general concerns regarding future impact on property values, traffic, and possible future in-home businesses.

Citizen Arthur Rybicki, 5001 Heather Road, Midland, TX, stated that his main concern is that he believes this project would negatively impact the area that they live in in many different ways.

Citizen Jo Sneed, 5012 Castleford Road, Midland, TX, stated that her largest concerns are the increase in traffic, noise, and trash.

Applicant Tiffany Castillo briefly responded to previous comments.

The public hearing was closed at 4:16 p.m.

Commissioner Gardaphe moved to deny a request by Tiffany Marie Castillo for a Specific Use Permit with Term for in home child care center on Lot 9, Block 6, Saddle Club South Section 2, City and County of Midland, Texas. (Generally located on the

south side of Castleford Road approximately 190-feet east of Heather Road. Council District 1); seconded by Commissioner Gammage.

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

21. Hold a public hearing and consider a request by True Star Capital, LLC. for a zone change from 1F-1, One-Family Dwelling District, to 1F-2, One-Family Dwelling District on a 30.75-acre tract of land out of Section 9, Block X, H. P. Hillard Survey, City and County of Midland, Texas. (Generally located west of north Garfield Street, approximately 617-feet north of Mockingbird Lane. Council District 1)

Senior Planner Jeremy McNeil gave an overview of the project. Staff received no letters of objection. Staff recommended approval.

With no one wishing to speak, the public hearing was opened and immediately closed at 4:21 p.m.

Commissioner Gammage moved to approve a request by True Star Capital, LLC. for a zone change from 1F-1, One-Family Dwelling District, to 1F-2, One-Family Dwelling District on a 30.75-acre tract of land out of Section 9, Block X, H. P. Hillard Survey, City and County of Midland, Texas. (Generally located west of north Garfield Street, approximately 617-feet north of Mockingbird Lane. Council District 1); seconded by Commissioner Gardaphe.

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

22. Hold a public hearing and consider a request by Betenbough Homes, LLC. for a Zone Change from AE, Agriculture Estate District, to 1F-3, One-Family Dwelling District on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County Midland, Texas. (Generally located at the northeast intersection of Arapahoe Road and Fairgrounds Road. Council District 1)

Senior Planner Jeremy McNeil gave an overview of the project. Staff received no letters of objection. Staff recommended approval.

With no one wishing to speak, the public hearing was opened and immediately closed at 4:24 p.m.

Commissioner Ivey moved to approve a request by Betenbough Homes, LLC. for a Zone Change from AE, Agriculture Estate District, to 1F-3, One-Family Dwelling District on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County Midland, Texas. (Generally located at the northeast intersection of Arapahoe Road and Fairgrounds Road. Council District 1); seconded by Commissioner Williams.

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

Nichols.

**Miscellaneous**

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:25 p.m.

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Joshua Sparks, Chairman

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Date

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Jessica Carpenter, Planning Division Manager  
Development Services Department

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Date