

**PLANNING AND ZONING  
MINUTES  
July 02, 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, July 02, 2018.

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

Alternate Commissioners present: None

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Interim Manager Cristina Odenborg, Senior Planner Rolandrea Russell, Planner Elizabeth Shaughnessy, Planner Taslima Khandaker and Account Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:30 p.m.

**Opening Item**

1. Pledge of Allegiance

**Consent Items**

2. Approved a motion approving the consent items 3-14; Minutes for the June 18, 2018 meeting differed to the following meeting.

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

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

3. Approved a proposed Preliminary Plat of Treece Addition, being a plat of a 5.00-acre tract of land out of the NW/4 of Section 14, Block 38, T-2-S, T&P RR. CO. Survey Midland County, Texas. (Generally located on the east side of East County Road 123, approximately 785-feet south of South County Road 1161. ETJ, Extraterritorial Jurisdiction)

4. Approved a proposed Final Plat for Permian Estates, Section 19, being a replat of Lots 2 and 3, Block 92, Permian Estates, Section 8, City and County of Midland, Texas. (Generally located on the west side of South Midkiff Road, approximately 138-feet north of West Wall Street. Council District 2)
5. Approved a proposed Final Plat of Gardens Addition, section 8, being a replat of Lots 2, 3, and 4 of the replat of Lots 2 through 5 of Block 17 and 18, Garden Addition, City and County, Midland, Texas. (Generally located on the southwest corner of the in the intersection West Michigan Avenue and Kent Street. Council District 3)
6. Approved a proposed Final Plat for Overstreet Addition, Section 11, being a plat of a 0.33-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey City and County, Midland, Texas. (Generally located on the south side of East New Jersey, approximately 507-feet east of Allen Street. Council District 2)
7. Approved a proposed Preliminary Plat of Rambler Estate being a Plat of 1.50 Acre Tract of Land out of Section 33, Block 38, T-1-S, T&P. RR. Co. Survey, City and County of Midland County, Texas. (Generally located on the west side of N. County Road 1140, approximately 500 feet north of E. County Road 73. (Extraterritorial Jurisdiction.)
8. Approved a proposed Preliminary Plat of Decker Addition being a Plat of a 10.00 Acre Tract of Land out of the SW/4 Section 7, Block 39, T-2-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located at the northwest corner of S. County Road 1227 and W. County Road 116. (Extraterritorial Jurisdiction.)
9. Approved a proposed Preliminary Plat of Kelview Heights, Section 11 being a Re-Plat of Lots 6 through 8, Block 12, Kelview Heights, City and County of Midland, Texas. (Generally located at the northeast corner of Loma Drive and Pecan Avenue. Council District 3.)
10. Approved a proposed Preliminary Plat of Windy Hollow, Section 2 being a 0.97 Acre Tract of Land out of the NE/ of Section 47, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas (Generally located at the northeast corner of N. County Road 1120 and E. County Road 95. Extraterritorial Jurisdiction)
11. Approved a proposed Preliminary Plat of White Addition, being a plat of a 6.44-acre tract of land out of Southwest/4 of Section 9, Block 39, T-2-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the west-side of S. County Road 1207, approximately 350-Feet north of W. County Road 116. (ETJ, Extraterritorial Jurisdiction)
12. Approved a proposed Preliminary Plat of Chase Five Addition being a plat of 41.945-acre tract of land out of T.F. Spencer Survey A-592, Midland County, Texas. (Generally located on the east side of Farm-to-Market 1213, approximately 225-feet south of East County Road 132. Extraterritorial Jurisdiction)
13. Approved a proposed Final Plat of West 191 Industrial Park, Section 5 being a 5.54-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the south side of West County Road 77, approximately 2,500-feet east of North Farm-to-Market Road 1788. Council District 4)

14. Approved the Declaration of Covenants, Conditions, Restrictions Easements, Charges and Liens on and for Los Patios Addition, Section 5. Being a 49.99-acre tract out of Section 25, Block 40, T-1-S, T&P Railroad Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Ave, approximately 900-feet west of Holiday Hill Road. Council District 4)

**Public Hearings**

15. Hold a public hearing and consider a request by Brandon Easterling for a Zone Change from a LR-2, Local Retail District and MF-1, Multiple Family Dwelling District, to PD, Planned District for a Housing Development on Lot 15 Block 2 and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Mockingbird Lane and Big Spring Street. Council District 1)

Planner Elizabeth Shaughnessy gave an overview of the project. With 3 letters of objection received, staff recommended approval.

The public hearing was open at 3:35

The Applicant was not present.

The Public hearing was closed at 3:36

Commissioner Gardaphe moved to approve a request by Brandon Easterling for a Zone Change from a LR-2, Local Retail District and MF-1, Multiple Family Dwelling District, to PD, Planned District for a Housing Development on Lot 15 Block 2 and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Mockingbird Lane and Big Spring Street. Council District 1); seconded by Commissioner Ivey.

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

16. Hold a public hearing and consider a request by Furniture Row USA LLC for a Zone Change from a PD, Planned District for a Shopping Center, to LR-2, Local Retail District on a 2.60 Acre Tract of Land in Section 4, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of Whitman Drive and Loop 250 North. Council District 1)

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

The public hearing was opened at 3:38

The application was present but deferred to staff.

The public hearing was closed at 3:39

Commissioner Lawrence moved to approve a request by Furniture Row USA LLC for a Zone Change from a PD, Planned District for a Shopping Center, to LR-2, Local Retail District on a 2.60 Acre Tract of Land in Section 4, Block X, H.P. Hilliard Survey, City and

County of Midland, Texas. (Generally located on the northwest corner of Whitman Drive and Loop 250 North. Council District 1); seconded by Commissioner Williams.

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

17. Hold a public hearing and consider a request by Joval LLC for a Zone Change from a LR-2, Local Retail District, to an LI, Light Industrial District on Lot 2, Block 1, West 191 Industrial Park, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 2,400-feet west of North County Road 1275. Council District 4)

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

Commissioner Wilton asked why building staff requested denial but planning is still recommending approval. Staff answered the question.

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

The application was not present.

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

Commissioner Gardaphe moved to approve a request by Joval LLC for a Zone Change from a LR-2, Local Retail District, to an LI, Light Industrial District on Lot 2, Block 1, West 191 Industrial Park, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 2,400-feet west of North County Road 1275. Council District 4); seconded by Commissioner Nichols.

Commissioner Lawrence, Gardaphe and Sparks discussed with staff their concerns about zoning all or part of 191 into a Light Industrial district. They questioned the existence of the nonconforming property.

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

18. Hold a public hearing and consider a request by Winkelmann & Associates Inc., for a Zone Change from PD, Planned District for an Office Center to LR-3, Local Retail District on Lot 1A, Block 6, Barberdale Addition, Section 3, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Wadley Avenue and North Main Street. Council District 2)

Planner Rolandrea Russell gave an overview of the project. With one letter of objection received, staff recommended approval.

The public hearing was opened at 3:49 p.m.

The application was present but deferred to staff.

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

Commissioner Lawrence moved to approve a request by Winkelmann & Associates Inc., for a Zone Change from PD, Planned District for an Office Center to LR-3, Local Retail District on Lot 1A, Block 6, Barberdale Addition, Section 3, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Wadley Avenue and North Main Street. Council District 2); seconded by Commissioner Ivey.

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

19. Hold public hearings and consider requests by John Gannon Inc., for two Specific Use Permits with Term:

- a. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for an Electronic Billboard on the north portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to Market 1788. Council District 4)

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

Commissioner Lawrence asked the distance from the other billboard; staff answered the question.

Commissioner Gardaphe asked if there are any issues for the oncoming aircraft and if these signs were replacing signs; staff answered the question.

Commissioner Sparks asked the amount of years for the terms; staff answered the question.

Commissioner Wilton asked if the billboards conformed to the sign code; staff answered the question.

The public hearing was open at 3:58 p.m.

The applicant was present but deferred to staff.

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

Commissioner Sparks moved to approve a request by John Gannon, Inc., for a Specific Use Permit with Term for an Electronic Billboard on the north portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to Market 1788. Council District 4) seconded by Commissioner Nichols.

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

- b. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on the south portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to Market 1788. Council District 4)

Commissioner Sparks asked for the distance between the on premises sign and the second electronic billboard; staff answered the question.

Commissioner Gardaphe asked if there was any issues for landing aircraft; staff answered the questions.

Commissioner Lawrence asked about the square footage of the electronic sign; staff answered the question.

Commissioner Sparks asked for the amount of years allowed for "with term" SUP; staff answered the question.

Commissioner Wilton asked if the city's policies on billboard signs had changed; staff answered the question.

Commissioner Gardaphe asked why these signs didn't not have to replace other signs; staff answered the question.

The public hearing was open at 3:58 p.m.

The applicant was present but deferred to staff.

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

Commissioner Sparks moved to approve a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on the south portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to Market 1788. Council District 4) seconded by Commissioner Nichols.

Commissioner Lawrence asked how many other billboards are located on 1788; the applicant answered the question.

Commissioner Sparks discussed the appropriateness of the location of the billboard.

Commissioner Lawrence discussed that although he agrees about the location, he is not a fan of electronic signs.

Commissioner Wilton discussed the fact that the previous billboard had been turned down.

Development Service Director Chuck Harrington discussed the changes that have taken place that now allow for these billboards.

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

**Miscellaneous**

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:08 p.m.

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Josh Sparks, Chairman

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Date

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Cristina Odenborg, Interim Planning Division Manager  
Development Services Department

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Date