

**PLANNING AND ZONING
MINUTES
May 15, 2017
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, January 19, 2016.

Commissioners present: Jane Wolf, Chase Gardaphe, Josh Sparks, Warren Ivey, Reggie Lawrence, Jay Norris and Brad Bullock.

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Jessica Carpenter, Senior Planner Kevin Crosby, Senior Planner Cristina Odenborg, Planner Ted Helm, Planner Kierra Williams, Planner Geoff Solomonson, and Account Clerk Diana Rodriguez.

Chairwoman Wolf called the meeting to order at ____ p.m.

Opening Item

pdm Jessica stated CI # 3-6

1. Pledge of Allegiance
 - a. Announcements

Consent Items

2. Approved a motion approving the following minutes:

- a. Minutes for the May 1, 2017 meeting.

Commissioner Sparks Moved to approve Consent Agenda items 2 - 15 excluding 3, 4, 5, 6; seconded by Commissioner Lawrence.

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

3. Consider a reinstatement of an approved Preliminary Plat of Sunset Ridge Addition, being a 66.81-acre tract of land out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of E. Loop 250 North, approximately 1,600 feet east of N. Fairgrounds Road. Council District 1)

Commissioner Sparks Moved to approve a reinstatement of an approved Preliminary Plat of Sunset Ridge Addition, being a 66.81-acre tract of land out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of E. Loop 250 North, approximately 1,600 feet east of N. Fairgrounds Road. Council District 1); seconded by Commissioner Bullock.

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

4. Consider a proposed Final Plat of Sunset Ridge Addition, being a 66.81-acre tract of land out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of E. Loop 250 North, approximately 1,600 feet east of N. Fairgrounds Road. Council District 1)

Commissioner Bullock Moved to approve a proposed Final Plat of Sunset Ridge Addition, being a 66.81-acre tract of land out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of E. Loop 250 North, approximately 1,600 feet east of N. Fairgrounds Road. Council District 1); seconded by Commissioner Lawrence.

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

5. Consider a reinstatement of an approved Preliminary Plat of Blackbird Estates Addition, being a 20.90-acre tract of land out of Section 5, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Bluebird Lane, approximately 500-feet east of N. Midland Drive. Council District 1)

Commissioner Lawrence Moved to approve a reinstatement of an approved Preliminary Plat of Blackbird Estates Addition, being a 20.90-acre tract of land out of Section 5, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Bluebird Lane, approximately 500-feet east of N. Midland Drive. Council District 1)
; seconded by Commissioner Sparks.

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

6. Consider a proposed Final Plat of Blackbird Estates Addition, being a 20.90-acre tract of land out of Section 5, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Bluebird Lane, approximately 500-feet east of N. Midland Drive. Council District 1)

Commissioner Sparks Moved to approve a proposed Final Plat of Blackbird Estates Addition, being a 20.90-acre tract of land out of Section 5, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Bluebird Lane, approximately 500-feet east of N. Midland Drive. Council District 1); seconded by Commissioner Ivey.

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

7. Consider a proposed Final Plat of Whitson Realty Addition, being a plat of 9.87 acre tract of land, out of the Northwest ¼ of Section 11, Block 39, T-2-S, T. & P. RR. CO. Survey, City and County of Midland, Texas. (Generally located east of Rankin Highway, approximately 560-feet south of Interstate-2- Frontage Road. Council District 3)
8. Consider a proposed Final Plat of Arbor Park, Section 6, being a replat of Lot 1, Block 10, Arbor Park, Section 5, City and County of Midland, Texas. (Generally located at the southwest intersection of Sunshine Parkway and Idlewilde Drive. Council District 4)
9. Consider a proposed Final Plat of Freeland Addition, Section 11, being a plat of 9.67 acres, out of the northeast ¼ of Section 41, Block 38, T-1-S, City and Midland County, Texas. (Generally located on the westside of North Elkins Road, approximately 290-feet south of East Golf Course Road. Council District 2)
10. Consider a proposed Final Plat of Cowden Addition, Section 4, being a replat of a 0.36 acre tract of land, out of the remaining North 1/2 of Lots 2, 3, 4, and all of Lot 5, Block 34, Cowden Addition, City and County of Midland, Texas. (Generally located at the southwest intersection of W. Estes Avenue and N. Big Springs. Council District 3)
11. Consider a proposed Final Plat of Town & Country Annex, Section 10, being a replat of Lots 1A and 3, Block 7, Town & Country Annex Section 9, City and County of Midland, Texas. (Generally located southeast of the intersection of W. Cuthbert Avenue and N. Midkiff Road. Council District 3)
12. Consider a proposed Final Plat of Sunita Addition, being a 10.00-acre tract of land out of the north half of E Fain Survey, Abstract No. 1422, Block 38, T-2-S, T&P RR. Company Survey, Midland County, Texas. (Generally located southwest of the intersection of E. County Road 130 and S. County Road 1140. ETJ, Extraterritorial Jurisdiction)
13. Considered a proposed Final Plat of Rickard Addition, being a 0.65-acre tract of land out of Section 28, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of East Loop 250 North, approximately 1,600-feet east of North County Road 1140. ETJ, Extraterritorial Jurisdiction)
14. Consider a proposed Final Plat of Cardinal Addition, being a 1.00- acre tract of land out of Section 30, Block 40, T-2-S T&P RR. Company Survey, Midland County, Texas. (Generally located northwest of the intersection of W. County Road 148 and S. County Road 1285. ETJ, Extraterritorial Jurisdiction)
15. Consider a proposed Preliminary Plat of The Way, being a 28.975 acre tract of land out of Section 29, Block 38, T-1-S-RR CO. Survey, Midland County, Texas. (Generally located on the east side of Todd Drive, approximately 1,800-feet south of E. Loop 250 North. ETJ, Extraterritorial Jurisdiction)

Public Hearings

16. Hold a public hearing and consider a request by GHA Architecture/Development for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 720-feet west of N. Midkiff Road. Council District 1)

Planner Alex Dixon gave an overview of the project.

Staff recommends approval with no letters of objection received

PHO 341

Applicant deferred to staff

PHC 342

Commissioner Lawrence Moved to approve a request by GHA Architecture/Development for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 720-feet west of N. Midkiff Road. Council District 1); seconded by Commissioner Ivey.

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

17. Hold a public hearing and consider a request by Midland Piano Partners, LLC. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 1-J, Block 5, Correction Plat of Colony Place, City and County of Midland, Texas. (Generally located at the southeast intersection of W Wadley Avenue and N. Garfield Street. Council District 3)

Planner Alex Dixon gave an overview of the project.

Staff has received 4 objection letters and recommends approval

Bullocj inquired about the turn SUP hours

PDM Jessica

PHO 346

Applicant Robert Reynolds 6 Dest Drive gave an overview of the request

Bullock inquired about law enforcement

Sparks inquired about the hours for the law enforcements

Applicant stated no agreement at this time, and hours requested

Bullock inquired about hr of operation if they are

Lawrence inquired about employee parking

Applicant stated none in the alley

Erica Lara 509 Delmar

PDM The Turn

Ashley Nelson

Julie represting 40 home owners against the request

Julie gave an overview of the objections from both commercial and residential residents in the shopping center

Lawrence stated about the alley way and the concern of patrons making there way into the neighborhood

Julie stated both, depending of the smoking area will be

Sandra # 7

stated concerns regarding the request

Jessica Johnson #5 Hanover

Gave an overview of the objection to the request

Johnson inquired about the permit

Sparks stated CC could add stipulations to the permit/restrictions that the applicant would have to abide by to continue with the permit

PDM Jessica Carpenter stated a permit does have to be renewed but could be

Johnson inquired about the venezia

Gardaphe stated beer and wine.

PDM Jessica stated different SUP with differeent service

Sparks clarified about Mulberry and Venezia

PDM F/u

Bullock inquired about objection signatures would they oppse with a compromise to hours

Stated no resident/commercial are wanting a bar/lounge

Gardaphe stated certain stipulations

Lawrence inquired about Dr Syeb and his comments

teacher lady

Sparks inquired about the age group

Staley stated not in her neighborhood

Alison

Road 6

stated her concern regarding the request

Lawrence stated Bushidos was tabled

Chelse Rae required zone change

Sparks stated one alley way

Gardaphe stated the zone change

Applicant decible label

Sparks inquired about smoking area

Applicant

Sparks inquired to Syed about smoking area inside or outside

Syeb stated a non smoking area in the lounge

Gardaphe inquired about the patio

PDM not in the site area

Bullock inquired about fence in the back alley

Applicant stated working something with carters

Dr Syeb gave an overview of request

Bullock inquired to applicant the hours of operation

Syeb if needed they can change hours

phc 440

Lawrence inquired to staff

PDM Jessica

Charles Harrington stated 70 decimal to property line

Ivey inquired decimal

Bullock

Charles

Bullock

Charles

Commissioner Sparks Moved to approve a request by Midland Piano Partners, LLC. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, with security from 11 p.m. until 30 minutes after closing and hours of operation from 5pm to 1am Thursday-Saturday on Lot 1-J, Block 5, Correction Plat of Colony Place, City and County of Midland, Texas. (Generally located at the southeast intersection of W Wadley Avenue and N. Garfield Street. Council District 3); seconded by Commissioner Lawrence.

Security from 11 o'clock until after 30 min from closing time.

Restrict hours from 2am. on weekdays to 1am

5-1 thursday thru sat

Vote for amendment only: Sparks

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

18. Hold a public hearing and consider a request by PEH Investments, LTD, for a zone change from a PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to a PD, Planned District for a Shopping Center, on Lot 2C, Block 43, Fairmont Park Addition Section 47, City and County of Midland Texas (Generally located on the southeast side of West Loop 250 N. and approximately 2,025 feet-north of Tremont Avenue. Council District 1).

Planner Janna Keller gave an overview of the request.

No letters of objection have been received and recommends approval

Applicant John Newton referred to staff

phc 453

Commissioner Bullock Moved to approve a request by PEH Investments, LTD, for a zone change from a PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to a PD, Planned District for a Shopping Center, on Lot 2C, Block 43, Fairmont Park Addition Section 47, City and County of Midland Texas (Generally located on the southeast side of West Loop 250 N. and approximately 2,025 feet-north

of Tremont Avenue. Council District 1).; seconded by Commissioner Sparks.

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

Miscellaneous

With no further items or business to come before the Commission, Chairwoman Wolf adjourned the meeting at ____ p.m.

Jane Wolf, Chairwoman

Date

Jessica Carpenter, Secretary

Date