

**PLANNING AND ZONING  
MINUTES  
August 01, 2016  
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**

1. Pledge of Allegiance
2. Announcements

**Consent Items**

3. Approved a motion approving the following minutes:

Commissioner Sparks moved to approve Consent Agenda items 3 - 8 excluding 4; seconded by Commissioner Lawrence.

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock. NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

- a. Minutes for the July 18, 2016 meeting.

5. Consider a proposed Preliminary Plat of Devon Addition, Section 6, being a 75.75-acre tract within the west half of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and State Loop 40. - Council District 4)
6. Consider a proposed Final Plat of Belmont Addition, Section 22, being a replat of Lots 1 through 12, Block 42, all of Blocks 43 and 44, and a 0.12-acre alley right-of-way in Block 42, Belmont Addition, City and County of Midland, Texas. (Generally located northwest

of the intersection of Belmont Street and Wolcott Avenue.)

7. Consider a proposed Preliminary Plat of Hillcrest Acres Addition, Section 12, being a replat of a 5.85-acre remainder of the north half of Tract 5, and the remainder of the north 609-feet of Tract 6, and the north 609-feet of the east 91-feet of Tract 7, Hillcrest Acres, Section 1, City and County of Midland, Texas. (Generally located on the south side of Andrews Highway, approximately 620-feet west of N. Midland Drive. - Council District 4)
8. Consider a proposed Final Plat of Windridge Subdivision, Section 3, being a replat of Lot 5A, Block 1, Final Plat of Replat of Lot 5, Windridge Subdivision, Midland County, Texas. (Generally located southeast of the intersection of S. County Road 1120 and E. County Road 92.)

### **Public Hearings**

9. Hold a public hearing and consider a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, on a 3,200- square foot portion of Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located approximately 420-feet west of Rankin Highway, and approximately 465-feet south of Wolcott Avenue.)

Planner Kierra Williams gave an overview of the project.

PHO 337

PHC 338

Commissioner Lawrence Moved to approve a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, on a 3,200- square foot portion of Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located approximately 420-feet west of Rankin Highway, and approximately 465-feet south of Wolcott Avenue.); seconded by Commissioner Ivey.

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock. NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

10. Hold a public hearing and consider a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,700-square foot portion of Lot 5A, Block 7, Claydesta Plaza, Section 12, City and County of Midland, Texas. (Generally on the north side of W. Wadley Avenue, approximately 220-feet west of Desta Drive. - Council District 3)

Planner Ted Helm gave an overview of the project.

PHO 341

PHC 342

Commissioner Bullock Moved to approve a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,700-square foot portion of Lot 5A, Block 7, Claydesta Plaza, Section 12, City and County of Midland, Texas. (Generally on the north side of W. Wadley Avenue, approximately 220-feet west of Desta Drive. - Council District 3); seconded by Commissioner Ivey.

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock. NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

11. Hold a public hearing and consider a request by Wheelhouse Commercial Development for a Zone Change from PD, Planned District for a Transition District to LR-2, Local Retail District on Lot 2, Block 1, Wallace Heights, Section 2, City and County of Midland, Texas. (Generally located on the east side of N. Loop 250 West, approximately 500-feet north of Andrews Highway. - Council District 4)

Planner Ted Helm gives an overview of the project.

Staff has received no letter of objection and recommends approval.

PHO 345

PHC 346

Commissioner Lawrence Moved to approve a request by Wheelhouse Commercial Development for a Zone Change from PD, Planned District for a Transition District to LR-2, Local Retail District on Lot 2, Block 1, Wallace Heights, Section 2, City and County of Midland, Texas. (Generally located on the east side of N. Loop 250 West, approximately 500-feet north of Andrews Highway. - Council District 4); seconded by Commissioner Bullock.

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock. NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

12. Hold a public hearing and consider a proposed Final Plat of Lindsay Acres, Section 8, being a replat of Lot 14, Block 1, Lindsay Acres, City and County of Midland, Texas. (Generally located on the south side of W. Hicks Avenue, approximately 240-feet west of Rankin Highway. - Council District 2)

Planner Ted Helm gives an overview of the project.

Staff recommends approval.

pho 348

PHC 348

Commissioner Sparks Moved to approve a proposed Final Plat of Lindsay Acres, Section 8, being a replat of Lot 14, Block 1, Lindsay Acres, City and County of Midland, Texas. (Generally located on the south side of W. Hicks Avenue, approximately 240-feet west

of Rankin Highway. - Council District 2); seconded by Commissioner Ivey.

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock.  
NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

13. Hold a public hearing and consider a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Todd Drive and E. Highway 80.)

Planner Kierra Williams gives an overview of the project.

8 objections to the zone change and application was withdraw, but is now requesting PD zone change.

11 objection letters received

staff recomendes approval.

Sparks inquired about apposition from counsel

Kierra not from coucil but from neighbors.

Norris today only zone change not site plans.

Lawrence inquired about how many homes are on the property and what will happen to those homes

Planner stated one will be removed the other will stay along with the golf course.

Norris inquired

Sanchez Schuman Eng golf course will remain in place, upgrades to facility, daughter to oversee golf course no final plans to NE corner, establishe site plan requirement in zone change.

PHO 357

Yoyo Ketler 1101 Todd  
concerned about Lr-1 regarding traffic and 18 wheelers coming thru

Norris advised couldnt accept the pic

Mrs Ketler inquired about sign being posted

Lawrence stated traffic sign is a courtsey

Planner Kierra stated not required to post traffic sign

PDM stated the protocol for p&z and CC meetings, stated it is a courtesy

Wayne Young 1301 N Chuckar

Young 30-40% not in favor to the new zone change, no desire to have retail in area.  
Spoke against retail and traffic.

Joyce Tucker speaking in opposition.

Young inquired about a meeting to have been set with

Marian Jones 1307 Todd Dr  
stated she is opposed to zone change

Harold Davis  
1002 Chuckar  
Inquired if they can improve bathroom without changing the zone

Sparks requested staff why zone change is required

PDM Jessica stated cant hold legal permits as a legal non conforming, stated not site plan only zone change oppourtunity to improve golf course

Norris stated any action needs to be approved before restriction

Mike pacelli spoke regarding todd rd becoming major arterial road in the future.

Norris stated if site plan approved, would that bring todd rd up to date?

Lawrence inquired if a traffic survey has been done

Pacelli stated he couldn tell before traffic survey

Norris in addition to site plan would this need to replatted

Kierra stated its in the process

PDM letter of objection currently 43% for zone change, would require super majority to be approved minimum 6-1

Zoe and Johnny Reyes 905 Todd Dr  
Stated she is not building anything wanting to expand and up date  
92 vehicles come from 80 and 9 from todd rd  
6 letter send and only 2 of the opposing live near by

PDM points to clarify projects wouldnt come before the p&z if not compliant

PHC 428

Commissioner Sparks Moved to approve a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Todd Drive and E. Highway 80.); seconded by Commissioner Ivey.

Sparks commented for commission city and for the ones that care about the property, compromise  
todd rd to become major arterial  
traffic can't be controlled, adjustments would be made if danger

Lawrence stated he agreed with Sparks

Bullock also agreed with Sparks and Lawrence fair compromise

Norris zone change that should have been made 30yrs ago, changes and updates brings it up to compliance

The motion carried by the following vote: AYE: Ivey, Sparks, Norris, Lawrence, Bullock.  
NAY: None. ABSTAIN: None. ABSENT: Wolf, Gardaphe.

PHO 436

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