

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

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

Alternate Commissioners present: Justin Nichols.

Commissioners absent: Kevin Wilton, Reggie Lawrence.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Jessica Carpenter, Senior Planner Kierra Williams, Planner Janna Keller, Planner Rolandrea Russell, and Account Clerk Dalia Salinas-Tejeda.

Chairman Sparks called the meeting to order at 3:35 p.m.

Opening Item

1. Pledge of Allegiance

Consent Items

2. Approved a motion approving the following minutes:
 - a. Minutes for February 20, 2018
3. Approved a proposed Preliminary Plat of Young 3rd Addition, being a 11.544-acre tract of land out of Section 16, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northeast of South County Road 1210, approximately 417 feet north of West County Road 130.- Extraterritorial Jurisdiction)
4. Approved a proposed Preliminary Plat of Rancho Fernandez, being a plat of 4.62-acres out of Section 22, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of East County Road 60, approximately 498-feet east of North County Road 1135. ETJ, Extraterritorial Jurisdiction)
5. Approved a proposed Preliminary Plat of Reese Acres Industrial Park, being 65.972 acres of land out of Section 12, Block 39, T-2-S, T&P, RR Co. Survey, Midland county, Texas. Generally located on East County Road 117 approximately 290 feet east of South County Road 1180. ETJ, Extraterritorial Jurisdiction)

6. Approved a proposed Final Plat of Fallin Addition, being a 1.50-acre tract of land out of Section 15, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located west of South State Highway 349, approximately 1,715-feet south of West County Road. ETJ, Extraterritorial Jurisdiction)
7. Approved a proposed Final 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)
8. Approved a proposed Final Plat 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)
9. Approved a proposed Final Plat of Clariant Addition, being a 28.15-acre tract of land out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, County of Midland, Texas. (Generally located on the south side of East State Highway 158, approximately 2,000 feet east of East Interstate 20. ETJ, Extraterritorial Jurisdiction)
10. Approved a proposed Final Plat of Parklea Addition, Section 6, being a replat of Lots 1, 2, 3, and 4, Block 4, Parklea Addition, City and County of Midland, Texas. (Generally located at the northwest corner of Wall Street and Truman Avenue. Council District 2)

Commissioner Gardaphe moved to approve consent items 2-10; motion seconded by Commissioner Williams.

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

Public Hearings

11. Hold a public hearing and consider a request by Regal Licensing, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Movie Theater, on Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 750-feet west of Henry Koontz Boulevard. Council District 1)

Planner Janna Keller gave an overview of the project. Staff recommended approval. No objections were received.

Commissioner Sparks questioned why the previous application had been denied.

Planning Division Manager Jessica Carpenter defaulted to Development Services Director Chuck Harrington to reply, since she was not employed by the City of Midland during that time.

Development Services Director Chuck Harrington said the previous applications were met with opposition by locals.

Applicant Marcus Schwatz, 7132 Regal Lane, Knoxville TN, explained the new food items added and the safety measures to be taken regarding alcohol sales and staff. He stated the no other Regal Theaters have ever had any violations.

The public hearing was opened.

With no one wishing to speak, the public hearing was closed.

Commissioner Ivey moved to approve a request by Regal Licensing, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Movie Theater, on Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 750-feet west of Henry Koontz Boulevard. Council District 1); seconded by Commissioner Bullock.

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

12. Hold a public hearing and consider a request by El Jimador Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a bar on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of South Big Spring Street and West Dakota Avenue. Council District 2).

Planner Rolandrea Russell gave an overview of the project. Staff recommended approval. No objections were received.

Commissioner Sparks asked what the hours of operation would be and if the ownership had changed.

Planner Rolandrea Russell answered that the hours of operation had not changed but the ownership had changed.

The public hearing was opened.

With no one wishing to speak the public hearing was closed.

Commissioner Ivey moved to approve a request by El Jimador Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a bar on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of South Big Spring Street and West Dakota Avenue. Council District 2); seconded by Commissioner Williams.

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

13. Hold a public hearing and consider a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southwest of the intersection of Becker

Drive and Holiday Hill Road. Council District 1)

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

Applicant Buck Benson was present but differed to staff.

With no one wishing to speak, the public hearing was closed.

Commissioner Gardaphe moved to approve a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southwest of the intersection of Becker Drive and Holiday Hill Road. Council District 1); seconded by Commissioner Bullock.

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

- 14. Hold a public hearing and consider a proposed Preliminary Plat of Rocking "M" Ranch Section 2, a 21.43-acre tract of land being a replat of Lots 1 and 2, Block 1, Rocking "M" Ranch City, and County of Midland, Texas. (Generally located on the northeast corner of E. County Road 77 and Todd Road. Council District 2)

Planner Janna Keller gave an overview of the project. Staff recommended approval. No objections were received.

With no one wishing to speak the public hearing was closed.

Commissioner Bullock moved to approve a proposed Preliminary Plat of Rocking "M" Ranch Section 2, a 21.43-acre tract of land being a replat of Lots 1 and 2, Block 1, Rocking "M" Ranch City, and County of Midland, Texas. (Generally located on the northeast corner of E. County Road 77 and Todd Road. Council District 2); seconded by Commissioner Ivey.

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

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:30 p.m.

Josh Sparks, Chairman

Date

Jessica Carpenter, Planning Division Manager

Date

Development Services Department