

**PLANNING AND ZONING  
MINUTES  
May 07, 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, May 07, 2018.

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

Alternate Commissioners present: Justin Nicholas.

Commissioners absent: Terry Gammage and Diane Williams.

Staff members present: Development Services Director Chuck Harrington, Planning Division Interim Manager Cristina Odenborg, Senior Planner Jeremy McNeil, Planner Rolandrea Russell, Planner Elizabeth Shaughnessy, 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**

Commissioner Wilton moved to approve consent items 3-12, excluding item 6; the motion was seconded by Commissioner Lawrence.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

2. Approved a motion approving the following minutes:
  - a. Minutes for Planning & Zoning Meeting on April 16, 2018.
3. Approved a proposed Final Plat of Fernando Heights Addition, being a 30.0-acre tract of land out of W.S. Everett Survey, Block 38, T-2-S, Midland County, Texas. (Generally located on the south side of E. County Road 140 and approximately 1270-feet west of S. County Road 1160. ETJ, Extraterritorial Jurisdiction)
4. Approved a proposed Preliminary Plat of Garden Twenty Addition, Section 4 being a replat of Lot 2, Block 1, Garden Twenty Addition, Section 2, City and County of Midland Texas. (Generally located on the south corner of intersection East Interstate 20, and East State Highway 158. Council District 2)

5. Approved a proposed Preliminary Plat of Campgrounds Addition, being a plat of an 11.651-acre tract of land out of Section 32, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of intersection W County Road 157 and S County Road 1270. ETJ, Extraterritorial Jurisdiction)
6. Approved a proposed Preliminary Plat of Double Eagle Addition, being a plat of a 12.87-acre tract of land out of the SE/4 of Section 35, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1120, approximately 1,525-feet south of East State Highway 80. ETJ, Extraterritorial Jurisdiction) **(Pulled to be deliberated separately)**

Commissioner Gardaphe moved to approve the preliminary plat at Double Eagle Addition; the motion was seconded by Commissioner Ivey.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, and Lawrence. Nay: None. Abstain: Nichols. Absent: Diane Williams and Terry Gammage.

7. Approved a proposed Final Plat for Longview Subdivision, Section 3, being a replat of Lot 1, Block 30, Longview Subdivision, Section 2, Midland County, Texas. (Generally located southwest of the intersection of West County Road 50 and North County Road 1270. ETJ, Extraterritorial Jurisdiction)
8. Approved a proposed Final Plat of Cotton Addition, being a plat of a 10.01-acre tract of land located in the S/2 of the SE/4 of Section 30, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas. (Generally located north of West County Road 150, approximately 1,390-feet west of South FM 1788. ETJ, Extraterritorial Jurisdiction)
9. Approved a proposed final plat of Lone Star Trails, Section 10, being a 19.47 acre tract of land in Section 12, Block 39, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas. (Generally located at the southeast corner of Buffalo Gap and Lone Star Lane. Council District 1)
10. Approved a proposed final plat of Phoenix Park 2, being a 24.28-acre tract of land out of Section 16, Block 40, T-2-S, and 1.37 acre right-of-way out of Section 17, T&P RR Co. Survey, Midland County, Texas. (Generally located at the southeast corner of W Interstate 20 and South County Road 1270. ETJ, Extraterritorial Jurisdiction)
11. Approved a proposed final plat of Grassland Estates West, Section 10, being a 36.360-acre tract of land out of section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the north corner of Brandy Hill Road and Mosswood Drive.)
12. Approved a proposed Preliminary Plat of Midland (1210) DTP Addition being a 2.0-acre tract of land out of Section 20, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located west of South County Road 1210, approximately 622 feet north of West County Road 116. Extraterritorial Jurisdiction)

### **Public Hearings**

13. Hold a public hearing and consider a request by Clark Inc. for a Zone Change from 1F-2, One-Family Dwelling District, to O-1, Office District on Lots 1 and 2, Block 64, Permian Estates, City and County of Midland, Texas. (Generally located at the

southeast corner of the intersection of Thomason Drive and South Midland Drive. Council District 2)

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

The public hearing was opened at 3:39 p.m.

Applicant Andrew Mellon, was present, and gave a summary of the project and was open for questions; no questions were asked.

The public hearing was closed at 3:40 p.m.

Commissioner Lawrence moved to approve a request by Clark Inc. for a Zone Change from 1F-2, One-Family Dwelling District, to O-1, Office District on Lots 1 and 2, Block 64, Permian Estates, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of Thomason Drive and South Midland Drive. Council District 2); the motion was seconded by Commissioner Gardaphe.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

14. Hold a public hearing and consider a request by Kevin Patel for a Zone Change from a LR-2, Local Retail District to O-2, Office District, on Lot 7, Block 2, Amaron Addition, City and County of Midland, Texas. (Generally located on the east side of Camp Drive, approximately 250-feet north of the intersection of Camp Drive and Crump Street. Council District 2)

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

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

The representative for Triangle Engineering was present and open to question; no questions were asked.

The public hearing was closed at 3:44 p.m.

Commissioner Ivey moved to approve a request by Kevin Patel for a Zone Change from a LR-2, Local Retail District to O-2, Office District, on Lot 7, Block 2, Amaron Addition, City and County of Midland, Texas. (Generally located on the east side of Camp Drive, approximately 250-feet north of the intersection of Camp Drive and Crump Street. Council District 2); the motion was seconded by Commissioner Nichols.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

15. Hold a public hearing and consider a request by Landgraf, Crutcher & Associates for a Zone Change from PD, Planned District for a Transition District; O-1, Office District; and O-2, Office District, to C-1, Central Area District, on the east half of Block 32, the south 75 feet of the southwest quarter of Block 32, Block 36, the east half of Block 49, and Block 49 ½, Homestead Addition; Lot 1, Block 32, Homestead Addition, Section 5; and Lot 1, Block 37; Homestead Addition, Section 11; all out of the City and County of Midland, Texas. (Generally located northeast of the intersection of N. A Street and W.

Ohio Avenue. - Council District 3)

Interim Planning Manager Cristina Odenborg requested the deferment of item 15. To be moved to the May 21, 2018 Meeting.

The motion to differ the item to the May 21, 2018 meeting was made by Commissioner Ivey; the motion was seconded by Commissioner Gardaphe.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

16. Hold a public hearing and consider a request by Michael Fleck for a zone change from PD, Planned District for Shopping Center, to an PD, Amended Planned District for a Shopping Center on Lot 1, Block 28, Plantation Hills, Section 14, City and County of Midland, Texas. (Generally located on the south side of Faulkner Drive, approximately 170 feet west of N. Garfield. (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 3:51p.m.

The applicant, Michael Fleck, was present and open to questions. Commissioner Lawrence questioned the plans for the rest of the building and the facade. The applicant answered the question.

The public hearing was closed at 3:52 p.m.

Commissioner Wilton moved to approve a request by Michael Fleck for a zone change from PD, Planned District for Shopping Center, to an PD, Amended Planned District for a Shopping Center on Lot 1, Block 28, Plantation Hills, Section 14, City and County of Midland, Texas. (Generally located on the south side of Faulkner Drive, approximately 170 feet west of N. Garfield. (Council District 1); the motion was seconded by Commissioner Lawrence.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

17. Hold a public hearing and consider a request by Kali A. Davis, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on Lot 1B, Block 2, Corporate Plaza Addition, Section 18, City and County of Midland, Texas. (Generally located on the southwest corner of North Big Spring Street and Spring Park Drive. Council District 2).

Planner Elizabeth Shaughnessy gave an overview of the project. With only one letter of objection received, staff recommended approval.

The Commissioners requested a copy of the one letter of objection and questioned the hours of operation. Both questions were answered by staff.

The public hearing was opened at 3:57 p.m.

The Lawyer for the applicant, David Smith, and the applicant, Kali A. Davis, were present and open for questions. Mr. Smith gave a summary of the project and then

deferred to the owner, Collier Pennington, for further questions.

Commissioner Wilton asked about the procedures that will be used to ensure the safety of gun use and the serving of alcohol. Mr. Pennington explained the safety measures and procedures that will be put in place for the use of guns and the serving of alcohol.

Commissioner Lawrence questioned the procedure that will be used in the VIP area. Mr. Pennington answered the question.

Commissioner Sparks asked for examples of other similar businesses located in the Texas area that might be similar to this one and he asked what safety measures would be used for private and children parties. Mr. Pennington answered the question.

The public hearing was closed at 4:06 p.m.

Commissioner Lawrence moved to approve a request by Kali A. Davis, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on Lot 1B, Block 2, Corporate Plaza Addition, Section 18, City and County of Midland, Texas. (Generally located on the southwest corner of North Big Spring Street and Spring Park Drive. Council District 2); the motion was seconded by Commissioner Ivey.

The motion carried by the following vote: Aye: Gardaphe, Wilton, Ivey, Lawrence, and Nichols. Nay: None. Abstain: None. Absent: Diane Williams and Terry Gammage.

**Miscellaneous**

- 18. Received a presentation by Freese and Nichols, Inc. on the proposed City of Midland Zoning Ordinance. (Planning Admin)

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:31p.m.

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Josh Sparks, Chairman

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Date

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Cristina Odenborg, Interim Planning and Zoning  
Manager

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Date