

PLANNING AND ZONING MINUTES

May 06, 2019

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 06, 2019.

Commissioners present: Chase Gardaphe, Josh Sparks, Kevin Wilton, and Dianne Williams,

Alternate Commissioners present: None.

Commissioners absent: Warren Ivey, Reggie Lawrence and Karmen Bryant.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Rolandrea Russell, Senior Planner Elizabeth Shaughnessy, Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, Planner Radford Dickson, Intern Landon Ochoa, and Administrative Clerk Dalia Salinas.

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

Opening Item

1. Pledge of Allegiance

Announcements

Consent Items

Commissioner Wilton moved to approve Consent Agenda items 2 – 10, excluding #5; seconded by Commissioner Williams.

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

2. Approved a motion approving the following minutes:
 - a. Planning & Zoning Meeting Minutes for April 15, 2019.
3. Approved a proposed Final Plat of Lone Star Trails II, Section 1, being a 22.23-acre tract of land located in Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 456-feet east of Fairgrounds Road, and 1,090-feet north of Arapahoe Road. Council District 1)
4. Approved a proposed Final Plat of Berkshire Place, Section 3, being a Re-Plat of a Lots 8 and 9, Block 1, Berkshire Place, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Golf Course Road and N.

Garfield Street. - Council District 3)

5. Consider a proposed Final Plat of Cross Point Addition, Section 3 being a re-plat of Lot 2, Block 1, Cross Pointe Addition, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 320-ft west of Holiday Hill Road. Council District 4) **(This Item Pulled from Agenda)**.
6. Approved a proposed Final Plat of Homestead Addition, Section 17, being a re-plat of Lots 1 and 2, Block 12, Homestead Addition, Section 7, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Colorado Street and W. Louisiana Avenue. - Council District 2)
7. Approved a proposed Final Plat of Ridgeheights Annex, Section 3 being a Plat of a 16.63 Acre Tract of Land out of the SW/4 of Section 13, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland County, Texas. (Generally located on the north side of E. County Road 130, approximately 1,882 feet east of S. County Road 1180. Extraterritorial Jurisdiction.)
8. Approved a proposed Final Plat of Melody Acres, Section 14, being a replat of the north half less the south 25 feet of the north half of Lot 14, Melody Acres, City and County of Midland, Texas. (Generally located on the south side of Meadowlark Lane, approximately 1,334-feet east of Oriole Lane. Council District 1).
9. Approved a proposed Preliminary Plat of Vaquero Addition, being a Plat of a 17.45-acre tract of land out of Section 35, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the east side of North County Road 1130, approximately 2,147-feet north of East Business Interstate 20. Extraterritorial Jurisdiction)
10. Approved a proposed Final Plat of Brooks Addition, Section 4, being a Plat of a 2.000 acre tract of land out of Section 47, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located north of Farm to Market Road 307, approximately 1,210-feet east of South County Road 1130. Extraterritorial Jurisdiction)

Public Hearings

11. Hold a public hearing and consider a request by Tony Frescaz dba Librado, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 6,549 square feet portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West 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 3:37 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:38 p.m.

Commissioner Gardaphe moved to approve a request by Tony Frescaz dba Librado, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 6,549 square feet portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North - Council District 1); seconded by Commissioner Williams.

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

12. Hold a public hearing and consider a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 220-feet west of N. Midkiff Road. Council District 1).

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

The public hearing was opened at 3:41 p.m.

The applicant was not present.

The public hearing was closed at 3:42 p.m.

Commissioner Wilton moved to approve a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 220-feet west of N. Midkiff Road. Council District 1). ; seconded by Commissioner Gardaphe.

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

13. Hold a public hearing and consider a request by Lori Law dba The Lost Cajun, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scottsdale Addition, Section 19, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 312-feet east of Mark Lane. Council District 4).

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

The public hearing was opened at 3:45 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:45 p.m.

Commissioner Wilton asked what the standard or code was for playing music outdoors on the weekends or during certain hours. Planning Manager Cristina Odenborg Burns stated that the code allows for them to play music to a maximum decibel level of 60; she also explained for any type of concert they applicant would have to come in and get a temporary land use permit.

Commissioner Williams moved to approve a request by Lori Law dba The Lost Cajun, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scottsdale Addition, Section 19, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 312-feet east of Mark Lane. Council District 4); seconded by Commissioner Gardaphe.

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

14. Hold a public hearing and consider a request by VIA Real Estate, LLC, for a zone change from PD, Planned District for a Housing Development, to BP, I-20 Business Park District on a 1.316-acre portion of Lot 1, Block 2, Southwest Crossing, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Cholla Road and Antelope Trail. Council District 2).

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

Commissioner Wilton asked if Antelope Trail and Cholla were paved, and if they will have to re-plate. Planner Taslima Khandaker explained that they will have to replate and within the plating processes the streets will have to be paved. Planning Manager Cristina Odenborg Burns confirmed that information.

Commissioner Sparks asked if there have been any traffic studies in this area due to the high traffic. Planning Manager Cristina Odenborg Burns stated that the Planning Department is not aware of one; however, transportation might have one.

The public hearing was opened at 3:53 p.m.

The applicant was not present.

The public hearing was closed at 3:53 p.m.

Commissioner Gardaphe moved to approve a request by VIA Real Estate, LLC, for a zone change from PD, Planned District for a Housing Development, to BP, I-20 Business Park District on a 1.316-acre portion of Lot 1, Block 2, Southwest Crossing, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Cholla Road and Antelope Trail. Council District 2); seconded by Commissioner Wilton.

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

15. Hold a public hearing and consider a request by Francisco Gomez Castellanos for a

Specific Use Permit with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 3,600 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

Commissioner Wilton asked if the request was for a restaurant and bar. Planner Glenda Arroyo-Cruz clarified that although the letter from the property owner states that it is a restaurant/bar, The Ox is actually just a bar.

Commissioner Wilton also asked that if it is going to be just a bar, if it will be required to provide security. Planning Manager Cristina Odenborg Burns deferred all remaining questions to the applicant.

The public hearing was opened at 4:00 p.m.

The applicant, Francisco Gomes Castellanos, was present. He gave a summary of the project and explained that the business will strictly be a bar; they may serve food at a later time. He stated that the business is registered as "The Ox Bar and Night Club".

Commissioner Wilton asked what the previous use of the building was. The applicant explained that it used to be a ballroom.

The public hearing was closed at 4:04 p.m.

Commissioner Sparks remarked in closing that this business is different from what has been approved for the area. There will be residential homes within 50 feet of the business. He also stated that although the Blue Door does serve alcohol, they differ because they do not have live bands. He stated that these facts are something that should weigh on the commissions mind in approving this type of dance bar. He also pointed out that they do not have anyone present to oppose.

Commissioner Wilton asked if the other tenants are made aware of the proposed incoming business. Planning Manager Cristina Odenborg Burns explained that the notice only goes out to the property owners and nearby residents.

Commissioner Williams moved to approve a request by Francisco Gomez Castellanos for a Specific Use Permit with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 3,600 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1); seconded by Commissioner Gardaphe.

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

16. Hold a public hearing and consider a request by Jun Yu for a Specific Use Permit, with Term, for the sale of beer and wine for on-premises consumption, in a restaurant, on a

3,068 square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the east side of North Midkiff Road, approximately 200-feet north of West Wadley Avenue. Council District 1)

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

The public hearing was opened at 4:09 p.m.

The applicant was not present.

The public hearing was closed at 4:09 p.m.

Commissioner Gardaphe moved to approve a request by Jun Yu for a Specific Use Permit, with Term, for the sale of beer and wine for on-premises consumption, in a restaurant, on a 3,068 square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the east side of North Midkiff Road, approximately 200-feet north of West Wadley Avenue. Council District 1); seconded by Commissioner Wilton.

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

Miscellaneous

17. Consider amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of Midland, Texas, so as to change the heading of said Chapter 1 to "Zoning Ordinance" and to revise and amend the rules, regulations and zoning map contained therein or associated therewith and similar provisions related to land use and development.

Commissioner Wilton moved to approve amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of Midland, Texas, so as to change the heading of said Chapter 1 to "Zoning Ordinance" and to revise and amend the rules, regulations and zoning map contained therein or associated therewith and similar provisions related to land use and development.; seconded by Commissioner Williams.

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


With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:11 p.m.



Josh Sparks, Chairman

5-20-19

Date



Cristina Odenborg Burns, Planning Division Manager

5/23/2019

Date