

**NOTICE OF A SCHEDULED MEETING FOR THE  
CITY OF MIDLOTHIAN PLANNING AND ZONING COMMISSION  
TUESDAY, APRIL 19, 2011**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a scheduled Meeting of the Midlothian Planning and Zoning Commission, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

**PLANNING AND ZONING COMMISSION MEETING / 7:00 PM  
City Council Chambers**

**CONSENT AGENDA**

- 1. Discussion and Consideration on Planning and Zoning Commission Minutes Dated:**  
March 24, 2011

**PUBLIC HEARING AGENDA**

- 2. Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended,** to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

**MISCELLANEOUS DISCUSSION**

- Staff and Commissioner Announcements
- Adjourn

I, John Garfield, Director of Planning for the City of Midlothian, Texas, do hereby certify that this Notice of a Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 15th day of April, 2011, at or before 5:00 P.M.

  
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John A. Garfield, AICP  
Director of Planning

**MINUTES  
PLANNING AND ZONING COMMISSION  
THURSDAY, MARCH 24, 2011**

The Planning and Zoning Commission for the City of Midlothian met on Thursday evening, March 24, 2010 at City Hall located at 104 West Avenue E, Midlothian, Texas.

**The following Commissioners were present:**

Larry Pool	§	Chairman
Jon Herrin	§	Vice Chairman
Jack Burleson, Sr.	§	Commissioner
Vicki Collins	§	Commissioner
Lynda Johnson	§	Commissioner
Mike Rodgers	§	Commissioner
Wayne Sibley	§	Commissioner

**The following staff members were present:**

John Garfield, AICP	§	Director of Planning
Alberto Mares, AICP	§	Current Planning Manager
Ryan Spencer, AICP	§	Comprehensive Planning Manager
Kathleen Hamilton	§	Executive Assistant

**PLANNING AND ZONING COMMISSION MEETING**

Chairman Pool called the Planning and Zoning Commission Meeting to order at 7:01 PM.

**CONSENT AGENDA**

Commissioner Burleson requested to pull Agenda 1, Minutes of the February 15, 2011 Planning and Zoning Meeting to the Regular Agenda.

**REGULAR AGENDA**

**1. Discussion and Consideration of Planning and Zoning Commission Minutes Dated:  
February 15, 2011**

Commissioner Sibley moved to **approve** this agenda item with the following corrections:  
Agenda Item 1, **condition of approval to read as follows:**

- 1) That if the City Council denies the on-street parking along George Hopper Road, the number of minimum required parking shall be met onsite.*

Motion was seconded by Commissioner Collins.

**Action Taken: (5-2) Approve**

The following Commissioners abstained:

1. Commissioner Johnson
2. Commissioner Rodgers

Chairman Pool called the next item on the agenda.

**2. Consider and act upon a masonry exemption for a proposed residential structure in Planned Development 15, Ordinance 2000-13, Old Farm House Estates, located at 4801 Wisteria Lane. (Case No. M04-2010-30)**

Alberto Mares, AICP, presented the agenda item and welcomed questions from the Commissioners.

Commissioner Burleson moved to **approve** this request, with the following criteria set forth in Planned Development 15, Ordinance 2003-13:

- (1) Compliance with City Building and Fire Code

**REGULAR AGENDA CONTINUED:**

Motion was seconded by Commissioner Sibley.

**Action Taken: (7-0) Approve**

Chairman Pool called the next item on the agenda.

**PUBLIC HEARING AGENDA**

3. **Conduct a public hearing to consider and act upon an application to amend Ordinances 2005-38 & 2010-19, the Planned Development Ordinances for Midlothian Meadows Phase VI (PD-14A-1)** by reducing side yard setbacks from 6 feet to 5 feet. Property is east of Walter Stephenson Road and north of US Hwy 287. (Case No. Z03-2010-31)

Alberto Mares, AICP, presented the agenda item and welcomed questions from the Commissioners.

The following spoke regarding this case:

Terry Weaver- Applicant- Sterling Development – 815 Main Street, Midlothian, TX 76065

Steve Flores – DR Horton

Commissioner Sibley moved to **close** the public hearing.

Motion was seconded by Vice Chairman Herrin.

**Action Taken: (7-0) Close Public Hearing**

Commissioner Burleson moved to **approve** the amendments to Ordinances 2005-38 & 2010-19 by amending the side yard setbacks from 6 feet to 5 feet.

Motion was seconded by Commissioner Sibley.

**Action Taken: (7-0) Approve**

Chairman Pool called the next item on the agenda.

4. **Conduct a public hearing to consider and act upon an Ordinance amending Ordinance No. 2010-14, the MidTowne Planned Development Ordinance (PD-41)**, to allow independent senior living uses and approve conceptual site plans and elevations for proposed use located at the southwest corner of George Hopper Road and the southern extension of Abigail Way. (Case No. Z04-2010-32)

Alberto Mares, AICP, presented the agenda item and welcomed questions from the Commissioners.

The following spoke regarding this case:

Monty Anderson- Applicant- Option Real Estate

Commissioner Sibley moved to **close** the public hearing.

Motion was seconded by Commissioner Rodgers.

**Action Taken: (7-0) Close Public Hearing**

Commissioner Sibley moved to **approve** the amendment to Ordinance No. 2010-14, the MidTowne Planned Development Ordinance (PD-41) by adding the following to *B. Condition of Use*:

- 24) b) The residential portions of this Planned Development not listed in 12) above shall be limited to senior living and assisted living uses.

Motion was seconded by Vice Chairman Herrin.

**Action Taken: (7-0) Approve**

Chairman Pool called the next item on the agenda.

**PUBLIC HEARING AGENDA CONTINUED**

5. **Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended,** to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

Alberto Mares, AICP, presented the agenda item and welcomed questions from the Commissioners.

Commissioner Burleson recommended delegating certain sections of the Proposed Ordinance to the Commissioners for review, Chairman Pool asked for volunteers for the sections that have revisions, and to report their findings at the April 19, Planning and Zoning Meeting:

- Section 1 – 2....Commissioner Burleson
- Section 3.....Vice Chairman Herrin and Commissioner Sibley
- Section 4.....Commissioner Collins and Commissioner Rodgers
- Section 5.....Commissioner Johnson and Commissioner Rodgers
- Section 6 – 11...Chairman Pool

Commissioner Collins moved to **continue** the public hearing to the April 19 P&Z Meeting.  
Motion was seconded by Commissioner Sibley.

**Action Taken: (7-0) Continue Public Hearing**

Chairman Pool called the next item on the agenda.

6. **Conduct a public hearing to consider and act upon an Ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended,** specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: 1). The reclassification of FM 1387 to a Major Arterial, 2). The reclassification of Ashford Lane to a major collector, 3). The extension of a unnamed Major Collector Street, 4). The realignment and reclassification of the Tower Road to a major collector, 5). The realignment and reclassification of Brookhollow Drive to a major collector/Minor Arterial, 6). The realignment of FM 875, or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2010-23)

Ryan Spencer, AICP, presented the agenda item and welcomed questions from the Commissioners.

Commissioner Sibley moved to **close** the public hearing.  
Motion was seconded by Commissioner Rodgers.

**Action Taken: (7-0) Close Public Hearing**

Commissioner Herrin moved to **approve** as presented by staff.

Motion was seconded by Vice Chairman Herrin.

**Action Taken: (7-0) Approve**

**MISCELLANEOUS DISCUSSION**

- Staff and Commissioner Announcements - none
- Adjourn

Commissioner Sibley moved to adjourn the meeting.  
Motion was seconded by Commissioner Johnson.

**Action Taken (7-0) Meeting Adjourned at 7:38 pm**

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**John Garfield, AICP, Planning Director**

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**04/19/2011**  
**Date Approved**

**EXECUTIVE SUMMARY**  
**AGENDA ITEM NO. 2**  
**ZONING ORDINANCE 89-13, FORMAT**  
**CASE NO. OZ03-2010-24**

**Project Highlights:**

Reorganize and reformat existing Zoning Ordinance

**P&Z Commission Recommendation:**

**Staff Recommendation:**

Based on input from the Commissioners at this hearing, staff will make a recommendation whether to continue this case to the May 2011 meeting or whether to recommend approval.

**For additional details on this case, please see the attached staff report.**

## AGENDA ITEM NO. 2

### **AGENDA CAPTION:**

**Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended,** to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

### **BACKGROUND**

#### **Case Update:**

At its last meeting in March 24, 2011, the Planning & Zoning Commission decided to delegate sections of the proposed ordinance to the Commissioners for additional review due to its size and to report their findings at this meeting. The following was the way the sections were broken up for review.

Section 1 – 2	Commissioner Burleson
Section 3	Vice Chairman Herrin & Commissioner Sibley
Section 4	Commissioner Collins & Commissioner Rodgers
Section 5	Commissioner Johnson & Commissioner Rodgers
Section 6 – 11	Chairman Pool

#### **Reason for Request:**

This new Zoning Ordinance is designed to simplify, reorganize, and reformat the existing Zoning Ordinance. It has been amended approximately 70 times since 1989 and it has been increasingly difficult to navigate and understand by developers and citizens. The changes proposed with this new Zoning Ordinance will make it easier to navigate for anyone by putting similar development regulations into relevant sections and with better graphics and illustrations to complement the regulations.

Below are some changes included with this new proposed Zoning Ordinance:

#### **Table of Contents:**

- The ordinance has a new numbering system and has been formatted accordingly
- Each section is divided into its respective categories and separates residential regulations from non-residential standards for clarity

#### **Section 1:**

- Combined the Sections 1, 2, 8, and 12 from the current Zoning Ordinance into this one section as it all relates to administration and procedures.
- Allows staff to insert more graphics and illustrations into the Zoning Ordinance without additional action from P&Z and City Council if it helps clarify the regulations further & allow staff to make minor corrections if it doesn't change the intent of the adopted regulation.

#### **Section 2:**

- Added Rural Residential Conservation District to the residential section of the Use Table and classified Agricultural as nonresidential zoning district
- Made single family uses by SUP in Agricultural if not a part of farm or ranch and inserted them as SUP in CBD as stated in Section 6
- Makes all secondary dwelling units a permitted use in all single-family residential districts (changed from SUPs)
- Allows Crematoriums as a permitted use in Agricultural District
- Added Wind Energy Systems (single as allowed uses and multiples as SUPs) to the Use Table

**BACKGROUND continued:**

- Added Copy Center use to Mail Services
- Added Greenhouse, Pet Shops, and Feed Stores as permitted uses in Agricultural District

**Section 3:**

- Inserted reference table/quick guide for all commonly asked FAQs in each zoning district
- Added illustrations and graphics for each district with examples of minimum lot and site requirements
- Added Rural Residential Conservation District designed to promote clustering of homes while maintaining open spaces
- Deletes minimum lot size requirements for PDs (3 acres) and UVPDs (10,000 square feet)
- Changed the language for expiration dates for PDs to ensure compliance with State law
- Added SUP criteria for restaurants, convenience stores/gas stations, supermarkets, auto repair shops, car washes, hotels/motels, and moved compressor stations and Residential CBD uses from other sections into this one.
- Referenced the Joint Airport Zoning Regulations adopted in 2009

**Section 4:**

- Combined all regulations that applied to residential uses (Accessory Buildings, Masonry Standards, Fence Standards, Home Occupations, Parking, Garage/Garage Conversion, Landscaping, Signage, Secondary Dwelling Units)
- Expanded the Home Occupation Section by providing more standards and expanded approved and prohibited examples
- Added a 20-square foot requirement for storage for lawn equipment, storage, etc. in addition to 380 square feet for garage

**Section 5:**

- Combined all regulations that applied to nonresidential uses (Accessory Buildings, Masonry Standards, Fence Standards, Parking, Landscaping, Signage)
- Provided 25% parking maximum for all nonresidential uses to prevent over-parking
- Deletes SUP requirements for homebuilder signs

**Section 6:**

- No changes on Commercial Communications Tower (Section 13 in current Zoning Ordinance)
- Added a new section that specifically regulates telecommunications antenna independent from Commercial Communications Tower including construction, design, screening and appearance

**Section 7:**

- No changes on Wind Energy Systems (Section 15 in the current Zoning Ordinance)

**Section 8:**

- No changes on Sexually Oriented Businesses (Section 14 in the current Zoning Ordinance)

**Section 9:**

- No changes on Non-Conforming Lot, Uses, and Structures (Section 9 in the current Zoning Ordinance)

**BACKGROUND continued:**

**Section 10:**

- No changes on Zoning Board of Adjustment (Section 11 in the current Zoning Ordinance)

**Section 31:**

- Placed all definitions, previously found in General Definitions (current Section 3), Sign Regulations (current Section 7.4), Masonry Regulations (current Section 7.8) and Sexually-Oriented Businesses (current Section 14) into one section.

**ATTACHMENTS**

1. Proposed Zoning Ordinance (hardcopy was distributed in February, 2011)

**RECOMMENDATIONS**

Based on input from the Commissioners at this hearing, staff will make a recommendation whether to continue this case to the May 2011 meeting or whether to recommend approval.

**SUBMITTED AND PRESENTED BY:**

Alberto Mares, AICP, Current Planning Manager  
Tuesday, April 19, 2011 Planning and Zoning Commission Meeting



Alberto Mares, AICP  
Current Planning Manager

**REVIEWED BY:**

John A. Garfield, AICP, Planning Director  
Tuesday, April 19, 2011 Planning and Zoning Commission Meeting



John A. Garfield, AICP  
Director of Planning