

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, JUNE 19, 2012**

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

The following Commissioners were present:

John Herrin	§	Vice-Chairman
Jack Burleson, Sr.	§	Commissioner
Vicki Collins	§	Commissioner - absent until presentation of #4
Lynda Johnson	§	Commissioner
Robert Seeds	§	Commissioner
Ross Weaver	§	Commissioner

The following Commission was absent:

Larry Pool	§	Chairman
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The following staff member was present:

Alberto Mares, AICP	§	Interim Planning Director
Jessica Kommer	§	Parks Clerk

PLANNING AND ZONING COMMISSION MEETING

Due to Chairman Pool being absent, Vice-Chairman Herrin presided over the meeting.

Vice-Chairman Herrin called the Planning and Zoning Commission Meeting to order at 7:03 PM and moved the consent item to the Regular Agenda.

CONSENT AGENDA

1. Discussion and Consideration on Planning and Zoning Commission Minutes Dated:

April 17, 2012

Commissioner Weaver moved to **approve** the minutes with the following corrections:

- Agenda Item 2 strike all comments regarding dumpsters out of the text.
- Agenda Item 3 approval conditions 3 change approval condition from *“The truck tire shop shall be limited to 1,400 square feet and shall not exceed 10% of the proposed area”* to *“The truck tire shop shall be approximately 1,400 square feet with an allowance not to exceed 10% or 1,540 square feet”*.

Motion was seconded by Commissioner Burleson.

Action Taken: (3-0) Approved

Commissioner Johnson and Seeds abstained.

Vice Chairman Herrin called the next item on the agenda.

PUBLIC HEARING AGENDA

2. Continue a public hearing to consider and act upon a request to establish a Historic Preservation Overlay (H) designation for the Midlothian Cemetery, located west of 9th Street and ± 500 feet south of Main Street. This Historical Landmark Designation is intended to protect, enhance and perpetuate historical landmarks which represents or reflect distinctive and important elements of the City. (Case No. Z02-2011-24)

Alberto Mares presented the agenda item.

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

Motion was seconded by Commissioner Seeds.

Action Taken: (5-0) Close Public Hearing

Commissioner Burleson moved to recommend **approval** of this request, as presented.

Motion was seconded by Commissioner Johnson

Action Taken: (5-0) Approved

PUBLIC HEARING AGENDA CONTINUED

- 3. Conduct a public hearing to consider and act upon a request to establish a Historic Preservation Overlay (H) designation for the Newton Cemetery**, located at the end of Walter Stephenson Road. This Historical Landmark Designation is intended to protect, enhance and perpetuate historical landmarks which represents or reflect distinctive and important elements of the City. (Case No. Z07-2011-56)

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

Motion was seconded by Commissioner Seed.

Action Taken: (5-0) Close Public Hearing

Commissioner Johnson moved to recommend **approval** of this request, as presented.

Motion was seconded by Commissioner Seeds.

Action Taken: (5-0) Approved

Chairman Herrin called the next item on the agenda.

Commissioner Collins arrived for the meeting and took her place at the dais.

- 4. Conduct a public hearing and act upon an ordinance amending Section 6.7, North 8th Street District (N8) of the City of Midlothian Zoning Ordinance 89-13, as amended**, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ02-2011-57)

Alberto Mares presented the agenda item.

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

Motion was seconded by Commissioner Burleson.

Action Taken: (6-0) Close Public Hearing

Commissioner Weaver moved to recommend **approval** of this request, with the following amendments:

Section 6.7-3

- B. 8) Restaurants over 1,000 square feet seating area, with an approved Specific Use Permit (SUP); restaurants up to 1,000 square feet seating area are allowed by-right provided all other Zoning & Subdivision requirements are met.

Section 6.7-4

- 4) Signage shall be consistent with the following requirements:
- b) Wall signage shall be integrated into the building and be of a style that complements the architecture of the structure. (See section 7.4-8.3)
 - 1) Wall signage may be externally lit only.
 - 4) No electronic message signs shall be allowed.

Motion was seconded by Commissioner Seeds.

Action Taken: (6-0) Approved

Chairman Herrin called the next item on the agenda.

- 5. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP), to allow a restaurant on property currently zoned North 8th Street (N8) District.** Property address is 303 North 8th Street, and is located northeast of the intersection of West Avenue E and North 8th Street in the City of Midlothian, Texas (Case No .SUP05-2011-31)

Alberto Mares presented the agenda item.

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

PUBLIC HEARING AGENDA CONTINUED

Motion was seconded by Commissioner Weaver.

Action Taken: (6-0) Close Public Hearing

Commissioner Burleson moved to recommend **approval** of this request, as presented.

Motion was seconded by Commissioner Seed

Action Taken: (6-0) Approved

Chairman Herrin called the next item on the agenda.

- 6. Conduct a public hearing and act upon an ordinance amending Section 7.4-8.3 (Signs Located in the General Professional (GP), Community Retail (CR) or Commercial (C) District), specifically amending electronic sign messages, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ03-2011-60)**

Alberto Mares presented the agenda item.

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

Motion was seconded by Commissioner Weaver.

Action Taken: (6-0) Close Public Hearing

Commissioner Weaver moved to recommend **approval** of this request, with the following amendments:

- Increase the maximum sign area for electronic message signs from 25% to 55%
- Eliminate the 500-foot perimeter requirement of placement from an existing sign
- Kept the SUP procedure in place and review each on a case-by-case basis.
- Eliminate the neon signage requirement
- Eliminate the sign border requirement

Motion was seconded by Commissioner Burleson.

Action Taken: (6-0) Approved

Chairman Herrin called the next item on the agenda.

MISCELLANEOUS ITEMS

- Staff Announcements – Chairman Pool and Commissioner Burleson last meeting.
- Adjourn – Vice Chairman Herrin adjourned the meeting.

Meeting Adjourned at 8:45 pm



Alberto Mares, AICP, Interim Planning Director

07-17-2012
Date Approved