

**MINUTES  
PLANNING AND ZONING COMMISSION  
TUESDAY, FEBRUARY 18, 2014**

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

**The following Commissioners were present:**

Ross Weaver	§	Chairman
Robert Seeds	§	Vice Chairman
Vicki Collins	§	Commissioner
Michael Griffith	§	Commissioner
Lynda Johnson	§	Commissioner
James Koehler	§	Commissioner

**The following Commissioners were absent:**

Brett Kemp	§	Commissioner
------------	---	--------------

**The following staff member were present:**

Kevin Lasher	§	Director of Planning
Alberto Mares	§	Planning Manager
Marcos Narvaez	§	Planner/GIS Coordinator
Kathleen Hamilton	§	Planning Assistant

**PLANNING AND ZONING COMMISSION MEETING**

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:7 PM and called the first item on the agenda.

**CONSENT AGENDA**

**1. Consideration of Planning and Zoning Commission Minutes Dated:**

- December 17, 2013

Vice Chairman Seeds moved to **approve** the Consent Agenda Item.

Motion was seconded by Commissioner Griffith.

**Action Taken: (6-0) Approved**

**PUBLIC HEARING AGENDA**

**2. Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, to rezone ± 4.377 acres from the current Planned Development (PD-33) District (multi-family and retail uses) to a Planned Development District (PD) for residential use (townhomes). Property is located in the WM Hawkins Survey, Abstract 465 and is generally located north of East Ridge Drive and ± 400 feet east of North 14<sup>th</sup> Street, in the City of Midlothian, Texas (Case No. Z06-2013-30)**

Staff addressed the Commissioners and stated that the applicant has asked to table this public hearing to the March 18, 2014, Planning and Zoning Commissioners Meeting.

Chairman Weaver moved to table the public hearing for Case #Z06-2013-30 to the March 18, 2014, Planning and Zoning Commissioners Meeting.

Motion was seconded by Commissioner Griffith.

**Action Taken: (6-0) Tabled**

**3. Conduct a public hearing and act upon a request for a Specific Use Permit (SUP) to allow a veterinary clinic for domestic animals at 4470 East Hwy 287, Suite 600. Property is currently zoned Commercial (C) District, and is located south of Hwy 287 and 1,725 feet southeast of Bryan Place, in the City of Midlothian, Texas (Case No. SUP03-2013-36)**

Staff presented the agenda item and welcomed questions from the Commissioners.

Chairman Weaver addressed the audience for any input regarding this public hearing case.

The following spoke in regards to this case:

1. Ken Pritchett – Applicant

**PUBLIC HEARING AGENDA- CONTINUED**

Vice Chairman Seeds moved to **close** the public hearing. Motion was seconded by Commissioner Koehler.

**Action Taken: (6-0) Closed Public Hearing**

Chairman Weaver moved to **approve** this item as presented, with the following staff recommendations:

- 1) All tenant separation walls (demising walls) will need to extend to the roof deck.
- 2) An additional layer of 5/8" gyp board will need to be added to the inside surfaces of the tenant demising walls with new joint and base caulking applied in a manner that mitigates the transmission of sound through the wall structure.
- 3) A layer of sheet vinyl (or rubber) would be applied to the new gyp board layer on the inside wall to provide additional covering of wall joint seams and gaps to mitigate microbe formation, and to enhance the sound attenuation capabilities of the wall itself. This additional application is typical for veterinary clinics that contain surgery facilities.
- 4) This use shall only include the diagnosis and treatment of diseases and injuries of animals, especially domestic animals. On-site diagnosis and treatment of large, hooved animals shall not be allowed at this location.
- 5) Outside boarding of any animals shall be prohibited. Boarding shall be limited to only those animals which are required to be kept overnight as a result of a surgical procedure or for treatment of a medical condition. Any animals kept overnight shall be kept indoors.
- 6) At the time of building permit submittal, the applicant shall submit to-scale drawings of the fire sprinkler layout and fire alarm device layout for the existing tenant space. Should, any modifications be proposed to either system, the Fire Department will require engineered plans of the modified systems for review and approval.

Motion was seconded by Commissioner Johnson.

**Action Taken: (6-0) Approved**

- 4. Conduct a public hearing to consider and act upon an Ordinance amending the Zoning Ordinance of the City of Midlothian, Texas, specifically Ordinance No. 2013-24, as amended,** extending the boundaries and adopted regulations of PD-61, approved under Ordinance 2013-40 and rezone  $\pm 12.195$  acres from the current Agricultural (A) District to PD-61; Said  $\pm 12.195$  acres being situated in the W. W. Rawls Survey, Abstract No. 915 and located west of FM 663 and  $\pm 2,200$  feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. Z07-2013-35)

Staff presented the agenda item and welcomed questions from the Commissioners.

Chairman Weaver addressed the audience for any input regarding this public hearing case.

The following spoke in regards to this case:

1. Mark Shelton – Engineer, Civil Solutions
2. Wayne Orr – 2841 FM 663

Vice Chairman Seeds moved to **close** the public hearing. Motion was seconded by Commissioner Collins.

**Action Taken: (6-0) Closed Public Hearing**

Commissioner Collins moved to **approve** this item to extend the boundaries and adopted regulations of PD-61 to  $\pm 12.195$  acres with the following changes made to the condition of approval to reflect the updated site plan in Ordinance 2013-24, as amended:

- 2) This planned development shall contain no more than 193 residential lots with 5 different lot types (see breakdown below):
  - 80-84 foot wide lots 88 lots
  - 85-89 foot wide lots 34 lots
  - 90-99 foot wide lots 21 lots
  - 100 + foot wide lots 50 lots
- 4) A second point of access onto FM 663 shall be required and built prior to beginning of construction of Phases 2-4.

**PUBLIC HEARING AGENDA- CONTINUED**

- 5) A total of approximately 25 decorative streetlights shall be placed throughout this 81-acre development as indicated in the site development plan (every intersection and every 600 feet).
- 9) A total 7.663 acres of open space, as shown on the approved development site plan, shall be maintained by the Autumn Run Homeowners Association.
- 13) An expanded private park measuring 1.091 acres shall be placed, based on the development site plan, with a 14-foot high pavilion measuring 24 feet wide and a playground measuring approximately 2,300 square feet with slides, swings and climbers that complies with Consumer Product Safety Commission (CPSC), American Safety for Testing Materials (ASTM), and American with Disabilities Act (ADA) regulations.
- 16) The wrought iron type fence for the open space lot on the southern side of this tract shall set back a minimum 15 feet from the property line and the area in between shall be screened with vegetative screening.

Motion was seconded by Commissioner Johnson.

**Action Taken: (6-0) Approved**

**REGULAR AGENDA**

The Commissioners agreed to staff recommendation on presenting Agenda Item No.'s 5 and 6 together, however to be acted on separately.

5. **Consider and act upon a preliminary plat of Autumn Run, Phases 1-4.** Property contains  $\pm$  81.607 acres, and is in the W. W. Rawls Survey, Abstract No. 915 and located west of FM 663 and  $\pm$  670 feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. PP05-2013-31)

Staff presented the both agenda items and welcomed questions from the Commissioners.

Chairman Weaver moved to **approve** the preliminary plat as with the following conditions:

- 1) The rezone to extend the boundaries of PD-61 shall be approved by City Council prior to the final approval of the remaining acreage in the preliminary plat. Upon successful rezone, the remaining acreage shall be approved and be part of the overall preliminary plat approval. No final plat of this area shall be accepted until this area is successfully rezoned or meets the requirements of the current zoning district in place at the time of application.

Motion was seconded by Commissioner Griffith.

**Action Taken: (6-0) Approved**

6. **Consider and act upon a final plat of Autumn Run, Phase One.** Property contains  $\pm$  81.607 acres, and is in the W. W. Rawls Survey, Abstract No. 915 and is located west of FM 663 and  $\pm$  670 feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. FP03-2013-32)

Chairman Weaver moved to **approve** the final plat as presented.

Motion was seconded by Vice Chairman Seeds.

**Action Taken: (6-0) Approved**

7. **Consider and act upon a preliminary plat of McAlpin Manor.** Property contains  $\pm$  249.248 acres and is in the E.A. Braly Survey, Abstract 284, J.P. Survey, Abstract 881, J. Poindexter Survey, Abstract 882 and the E. Sullivan Survey, Abstract 1012 and is located south of McAlpin road and 950 feet west of Kolter Lane, in the City of Midlothian, Texas (Case No. PP04-2013-29)

Staff presented the agenda item and welcomed questions from the Commissioners.

Chairman Weaver moved to **approve** the final plat as presented.

Motion was seconded by Vice Chairman Seeds.

**Action Taken: (6-0) Approved**

Due to conflict of interest regarding Agenda Items No.'s 8 and 9, Chairman Weaver excused himself from the Planning and Zoning Commissioner's Meeting. Vice Chairman Seeds would act as Chairman for those two cases.

**REGULAR AGENDA**

- 8. Consider and act upon a preliminary plat of Springer Estates.** Property contains  $\pm$  45.093 acres in the James P. Laughlin Survey, Abstract 627 and located  $\pm$  600 feet south of the intersection of Springer Way and Springer Road, in the Extraterritorial Jurisdiction (ETJ) of the City of Midlothian, Texas and a request for a variance to the Midlothian Subdivision Regulations Ord. 88-14, as amended. (Case No. PP06-2013-33)

Staff presented the agenda item and welcomed questions from the Commissioners.

Vice Chairman Seeds moved to **approve** this preliminary plat as presented, and a variance to the Subdivision Regulations, *Section 6.11.4* allowing Still Waters Court to have a 1,065-foot cul-de-sac length.

Motion was seconded by Commissioner Griffith.

**Action Taken: (5-0) Approved**

- 9. Consider and act upon a preliminary plat of Texanna Ranch Phase 3.** Property contains  $\pm$  17.847 acres in the A.R. Newton Survey, Abstract 793 and located north of F.M. 1387 and  $\pm$ 980 feet east of Bryson Lane in the City of Midlothian, Texas (Case No. PP07-2013-34)

Staff presented the agenda item and welcomed questions from the Commissioners.

Commissioner Johnson moved to **approve** this preliminary plat as presented.

Motion was seconded by Commissioner Koehler.

**Action Taken: (5-0) Approved**

Chairman Weaver entered the Planning and Zoning Commissioner's Meeting and relieved Vice Chairman Seeds as acting Chairman.

- 10. Consider and act upon a request for a driveway variance for 4510 Tar Road.** Property contains  $\pm$ 13.266 acres and is located east of Tar Road and approximately 1,300 feet south New Shiloh Road, in the City of Midlothian, Texas (Case No. M05-2013-37)

Staff presented the agenda item and welcomed questions from the Commissioners.

Chairman Weaver moved to **approve** this variance request allowing approximately 260-feet of asphalt with the following conditions:

- 1) The minimum radius on the curb cut shall be a minimum 10 feet.
- 2) The minimum driveway width shall be 12 feet.
- 3) A minimum 40 feet of concrete shall be used the beginning of the property.
- 4) Any culverts or approaches installed shall meet City standards and all other required curb or drive-related requirements shall pass any required inspections.

Motion was seconded by Commissioner Collins.

**Action Taken: (6-0) Approved**

**MISCELLANEOUS DISCUSSION**

- Staff and Commissioner Announcements – none

Adjourn – Vice Chairman Seeds moved to **adjourn** the meeting, seconded by Commissioner Johnson.

**Meeting Adjourned at 8:15 pm**

**02/18/2014**