

**MINUTES  
PLANNING AND ZONING COMMISSION  
TUESDAY, JUNE 17, 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:**

Robert Seeds	§	Vice Chairman
Vicki Collins	§	Commissioner
Michael Griffith	§	Commissioner
Lynda Johnson	§	Commissioner
Brett Kemp	§	Commissioner
James Koehler	§	Commissioner

**The following Commissioners were absent:**

Ross Weaver	§	Chairman
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**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**

Due to the absence of Chairman Weaver, Vice Chairman Seeds preceded over the meeting and called the Planning and Zoning Commission Meeting to order at 7:15 PM and called the first item on the agenda.

**CONSENT AGENDA**

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

- May 20, 2014

Commissioner Kemp moved to **approve** the Consent Agenda Items.

Motion was seconded by Commissioner Collins.

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

**Vice Chairman Seeds announced that Public Hearing Agenda Item No. 8 – Case No. Z16-2013-71, will be moved to the beginning of the meeting.**

**PUBLIC HEARING**

**8. Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended,** by rezoning ± 182.76 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family ±163.3 acres*), Commercial/Retail uses (*±7.5 acres*) and open spaces (*±7.6 acres*). Property is generally located south of Mt Zion Road and east of FM 663, in the City of Midlothian, Texas (Case No. Z16-2013-71)

Vice Chairman Seeds announced that this rezone case will be continued to the July 15, 2014 Planning and Zoning Meeting to allow the applicant time to submit additional development standards for this project.

Commissioner Kemp moved to **continue** this case to the July 15, 2014 Planning and Zoning Meeting.

Motion was seconded by Commissioner Koehler.

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

**REGULAR AGENDA**

**2. Consider and act upon a preliminary plat (Case No. PP12-2013-76) and final plat (Case No. FP10-2013-77) for Parkside Estates.** Property contains ±29.395 acres in the P.W. Lowe Survey, Abstract No. 661 and G.W. Smith Survey, Abstract No. 1074 and generally located at the northeast intersection of Mockingbird Lane and Onward Road, in the City of Midlothian, Texas.

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

Staff recommended that the Planning and Zoning Commission act separately on each case below.

Commissioner Johnson moved to **approve** the preliminary plat with the variance to the Subdivision Regulations *Section 6.11.4*, allowing Fern Court and Greenrock Court to exceed the maximum cul-de-sac length by 50 feet and 75 feet.

Motion was seconded by Commissioner Griffith.

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

Commissioner Collins moved to **approve** the final plat as presented

Motion was seconded by Commissioner Johnson.

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

- 3. Consider and act upon a preliminary plat of Hillstone Estates.** Property contains ± 28.875 acres in the Martha Brenan Survey, Abstract No. 43, located on the east side of FM 663, ± 480 feet south of Ashford Lane in the City of Midlothian, Texas (Case No. PP09-2013-52).

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

Vice Chairman Seeds moved to **approve** the preliminary plat and the variance to the Subdivision Regulations Ordinance 88-14, as amended, SECTION 6.11. 4. B, as noted below with the following conditions:

- 1) The cul-de-sac length from the center line of Street “A” shall not exceed 732.62 feet as measured to the center radius point of the cul-de-sac diameter adjoining Street “D”.
- 2) No more than 14 lots shall be served by the cul-de-sac as depicted on the Preliminary Plat drawing revised dated June 3, 2014.
- 3) The Final Plat shall not be reviewed by the Planning and Zoning Commission until the applicant secures required zoning designation approvals for the platted area from the Planning and Zoning Commission and City Council.
- 4) The Final Plat shall not be recorded until a cross access agreement with the property owner adjoining the southern boundary of the platted area has been consummated and recorded for the provision of emergency access only to Street “B” from FM 663.
- 5) All lot lines for the proposed commercial lots that adjoin a residentially zoned property will be required to be screened with a 6-foot high masonry fence in accordance with Section 4.5203 of the Midlothian Zoning Ordinance. Same lot lines would also be subject to a 20-foot building setback.

Motion was seconded by Commissioner Griffith.

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

- 4. Consider and act upon a request for a masonry exemption for 120 W. Avenue K,** being Lot 2, Block 1, of the Daniel Addition. Property contains ± 0.36 acres and is generally located west F.M 663 and ± 214 feet north of Alabama Road, in the City of Midlothian, Texas (Case No. M15-2013-83)

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

Commissioner Collins moved to **approve** this exemption with the following conditions:

1. Submit required building permit.
2. Landscaping shall be placed around structure.

Motion was seconded by Commissioner Griffith.

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

- 5. Consider and act upon a request for a masonry exemption for 140 Sequoia Court, Lot 20, Block 4 of the Twin Creeks Addition.** Property containing ± 0.52 acres, and is generally located South of F.M. 1387 and ± 430 feet north of Sycamore Drive, in the City of Midlothian, Texas (Case No. M16-2013-84)

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

Commissioner Collins moved to **approve** this exemption as presented.

Motion was seconded by Commissioner Johnson.

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

**PUBLIC HEARING**

- 6. Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, by rezoning ± 212.199 acres from the current Agricultural (A) District to a Planned Development (PD) District** for all uses permitted in the Heavy Industrial (HI) District with additional uses, development and maintenance requirements. Said Property is out of the J. Chamblee Survey, Abstract 192, the L. K. Survey, Abstract No. 593, and the Cuadrilla Irrigation Co. Survey, Abstract No. 1206, located west and south of Miller Road and north and west of US Highway 67, in the City of Midlothian, Texas. (Case No. Z17-2013-80)

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

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

Motion was seconded by Commissioner Kemp.

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

Commissioner Johnson moved to **approve** the ordinance with the addition to Section F.

f. Temporary Signs for each lot.

- i. During construction of a project on an individual lot, one (1) construction/leasing sign is permitted, but shall not exceed 100 s.f. in area. It shall not be more than 4'-0" off the ground to the bottom of the sign. It shall not be illuminated. It shall be removed upon completion of the construction or 90% occupancy of the building.
- ii. After construction completion or 90% occupancy, one sign is permitted indicating "for lease" or "for sale". It shall not exceed 40 s.f. in area. It shall not be more than 4'-0" off the ground to the bottom of the sign. It may be either ground-mounted or building-mounted. It shall not be illuminated. It shall be removed upon close of sale or lease.

Motion was seconded by Commissioner Koehler.

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

- 7. Consider and act upon a request to continue a rezone request of ± 5.7 acres from the current Planned Development District 23 (PD-23) originally designated as a park/open space for Cotton Creek Ranch to Single Family One (SF-1) for residential uses.** Property is Lot 20, Block B in the Cotton Creek Ranch Addition and generally located at the western cul-de-sac of Chuck Wagon Drive and 670 feet west of Rattlesnake Drive, in the City of Midlothian, Texas (Case No. Z10-2013-59)

Staff recommended to the Commissioner that this case be continued indefinitely to allow the applicant and staff additional time to revise the proposal before presenting it.

Vice Chairman Seeds moved to **continue the public hearing indefinitely**.

Motion was seconded by Commissioner Kemp.

**Action Taken: (6-0) Continue Public Hearing Indefinitely**

- 9. Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, by rezoning ± 4.377 acres from the current Planned Development No. 33 (PD-33) District for multi-family and retail uses to a Planned Development District (PD) for residential townhome uses.** Property is located in the W. M. Hawkins Survey, Abstract 465, being 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 presented the agenda item and welcomed questions from the Commissioners.

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

Motion was seconded by Commissioner Collins.

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

Commissioner Griffith moved to **approve** the ordinance with the following addition to the conditions of approval.

A. Central mailboxes that serve the residential units shall be located on HOA Tract #1. A mandatory property owners association shall be responsible for the maintenance of Tract #1.

Motion was seconded by Commissioner Kemp.

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

10. **Consider and act upon an ordinance amending Ordinance 2014-10, Planned Development District (PD-66), McAlpin Manor, by amending Section 3.B.12&13**, to reflect modifications to the screening fence requirements for residential lots backing or siding onto Ledgestone Lane. Property contains ±249.298 acres and is located south of McAlpin Road and ±950 feet west of Kolter Lane, in the City of Midlothian, Texas. (Case No. Z11-2013-61)

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

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

Motion was seconded by Commissioner Kemp.

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

Commissioner Griffith moved to **approve** the amendment to the Planned Development (PD-66) District ordinance with the following addition to the conditions of approval.

1) A fifteen-foot (15') landscape easement shall be provided along Ledgestone Lane with street trees placed every forty-feet (40') adjacent to a six-foot (6') high brick/masonry wall (per fence standards outlined in the Midlothian Zoning Ordinance). Said six-foot (6') high brick/masonry wall shall not be required for those lot approved for driveway access off Ledgestone Lane.

Motion was seconded by Commissioner Johnson.

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

11. **Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2012-34, as amended, Section 4.5810 (Political Signs)**, incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ02-2013-78)

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

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

Motion was seconded by Commissioner Collins.

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

Commissioner Griffith moved to **approve this amendment to the City of Midlothian Zoning Ordinance 2012-34, as amended, as presented**.

Motion was seconded by Commissioner Johnson.

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

12. **Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2012-34, as amended, Section 3.5400 (Residential Landscaping, Streetscaping, and Amenity Standards) and Section 3.5600 (Residential Parking and Garages)**, incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ03-2013-79)

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

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

Motion was seconded by Commissioner Koehler.

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

Vice Chairman Seeds moved to **approve** this amendment to the City of Midlothian Zoning Ordinance 2012-34, as amended, with the following additional option:

3.5602 GARAGE REQUIREMENT

F) If a three (3) car residential garage is oriented towards the front of the house, it shall meet the following requirements:

3. A brick overlay or stamped concrete of contrasting color to the concrete, with a minimum width of 2 feet, shall be placed running perpendicular from the garage wall to the front drive approach.
4. A second brick overlay or stamped concrete of contrasting color to the concrete, shall run parallel to the garage door across the drive approach from the edge of driveway pavement to the opposite edge of the driveway pavement.

Motion was seconded by Commissioner Collins.

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

#### MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none

Adjourn Commissioner Griffith moved to **adjourn** the meeting.

Motion was seconded by Commissioner Kemp.

**Action Taken: (6-0) Meeting Adjourned at 9:20 pm**



Kevin Lasher, Planning Director

**07/15/2014**