

**MINUTES
PLANNING AND ZONING COMMISSION
SPECIAL-CALLED MEETING
TUESDAY, JULY 29, 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
Lynda Johnson	§	Commissioner
Brett Kemp	§	Commissioner

The following Commissioners were absent:

Vicki Collins	§	Commissioner
James Koehler	§	Commissioner

The following staff member were present:

Kevin Lasher	§	Director of Planning
Alberto Mares	§	Planning Manager
Kathleen Hamilton	§	Planning Assistant

PLANNING AND ZONING COMMISSION MEETING

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:07 PM and called the first item on the agenda.

PUBLIC HEARING

1. **Continuing a public hearing for Hawkins Meadows PD** to consider and act upon a request to rezone ± 183.8 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family ±164.1 acres*), Commercial/Retail uses (*±7.6 acres*) and open spaces (*±12.1 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)

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

The following residents spoke regarding this rezone request:

- Lee Whitehead – 1081 Mt. Zion Road
- Bill Brandon – 1092 Mt. Zion Road
- Ken Thompson – 250 Meadowbrook Lane

The following residents were non-speakers regarding this rezone request:

- Ruth Gonzalez – 3014 Oak Tree Lane
- Leslie Lewis – 3250 Oak Tree Lane
- Tim Thompson
- Charles Allumbaugh – 1021 Hilltop Road
- Donna M. Branum – 1001 Lake Grove Loop

Vice Chairman Seeds moved to **close the public hearing**.

Motion was seconded by Commissioner Kemp.

Action Taken: (4-0) Close Public Hearing

Chairman Weaver moved to **approve** the requested rezone, subject to the following conditions:

- 1) Land uses established by this Planned Development shall include single-family detached residential uses (*approximately 413 lots on ±164.1 acres*), commercial/retail uses (*±7.6 acres*) and open spaces (*±12.1*

acres with ± 3.1 acres of pond-related features) and shall conform to the land use and lot configuration shown on the approved site plan attached hereto as Exhibit C.

- 2) The lot widths in the residential areas shall range from 60 feet to 100 feet with the standards for each lot listed below:
 - a) *60-foot wide lots*
 - i) 109 lots or 26.4% of overall lot count
 - ii) Minimum house size of 2,000 square feet
 - iii) Minimum 20% lots shall have side, rear or J-swing garages (minimum 22 lots)
 - iv) Minimum 100-foot lot depths
 - b) *70-foot wide lots*
 - i) 79 lots or 19.1% of overall lot count
 - ii) Minimum house size of 2,200 square feet
 - iii) Minimum 75% lots shall have side, rear or J-swing garages (minimum 60 lots)
 - iv) Minimum 100-foot lot depths
 - c) *80-foot-wide lots*
 - i) 190 lots or 46% of overall lot count
 - ii) Minimum house size of 2,400 square feet
 - iii) Minimum 75% lots shall have side, rear or J-swing garages (minimum 143 lots)
 - iv) Minimum 100-foot lot depths
 - d) *100-foot-wide lots*
 - i) 35 lots or 8.5% of overall lot count
 - ii) 100-foot-wide Estate lots adjacent to the new City Sports Complex
 - iii) Minimum house size of 2,600 square feet
 - iv) Minimum 75% lots shall have side, rear or J-swing garages (minimum 27 lots)
 - v) Minimum 100-foot lot depths
- 3) The building setbacks in the residential areas shall be as listed below. The setbacks for the nonresidential areas.
 - a) Building Setbacks:
 - a. Front – varies from 15 to 25 feet.
 - i. Houses with front entry and rear entry garages are to have a 25-foot front setbacks.
 - ii. Side entry garages or J-swing garages are allowed to have a 20-foot front setback.
 - iii. Houses with a 3rd car garage may be allowed a front setback of 15 feet.
 - b. Rear – 20 feet.
 - c. Side Setbacks (based on lot width):
 - i. 60s – 5’ setbacks on each side (5/5)
 - ii. 70s & 80s – 10 feet on each side (10/10); or 5 feet on one side & 15 feet on the other side (5/15) if utilizing a side or rear entry garage
 - iii. 100s – 10 feet on each side (10/10); no modified setbacks for side or rear garages.
- 4) In all cases, all garages doors shall be a placed a minimum 20 feet from the front property line. In no cases shall more than 4 garages be allowed on each lot.
- 5) Any 3rd or 4th garages may face the front of a lot provided said garages are screen by a porte-cochere or other architectural feature, or be setback a minimum 50-feet from the fronting right-of-way.
- 6) All garages shall have carriage-style garage doors with a simulated wood color and texture with matching compatible accessories.
- 7) Single-family houses shall have façade step backs with a minimum 3 front planes and minimum step backs of 2 feet each.
- 8) The overall maximum height of the residential houses shall be 36 feet to the top plate of framing.
- 9) Residential roof pitches shall be 8:12 and comply with all other applicable building codes related to roofing.

- 10) A minimum of 15% of all homes shall have large, sitting-style front porches with a minimum 5-foot width. Front porches may protrude into the front building line provided they do not extend into the 15-foot front building line.
- 11) Residential elevations shall only be repeated every 4th lot. No repeat elevations shall be allowed directly across the street.
- 12) Decorative community metal mailboxes shall match decorative streetlights and street signs. The mailboxes shall be uniform within each section of the subdivision. Individual brick mailboxes shall not be allowed.
- 13) The right-of-way for the southern extension of South 14th Street (from US Highway 287 Bypass) and the extension of Autumn Run/Hawkins Run Road (from FM 663 to Mt. Zion Road) shall be dedicated with this Planned Development. The connection onto FM 663 shall line up with the connection to the Autumn Run subdivision situated on the west side of FM 663.
- 14) The developer shall construct ½ of both South 14th Street and Hawkins Run Road (2 lanes each) and shall enter into a development agreement with the City to address other cost-sharing responsibilities regarding these roadways.
- 15) Both South 14th Street and Hawkins Run Road shall be flanked on each side by a 20-foot wide enhanced living landscaping buffer adjacent to residential lots to provide a natural screen between the roadway and the rear fences of the homes (instead of the required 6-foot masonry wall). The key elements in the landscaping buffer shall be 5-foot wide sidewalks, berms with a maximum slope of 3:1 planted with a mix of native plants. The berms shall meander and have varying heights to prevent uniformity. The plants shall have a variety of mature heights to provide visual enhancement to the traveling public. Overstory trees shall be planted at a spacing of 50 feet. Accent trees shall be planted at a spacing of 15-25 feet between overstory trees, depending on species. The plants used in the living landscape buffer and open spaces shall conform to the City's landscape species list.
 - a) A minimum of 50% of all required overstory and accent trees shall be of an evergreen variety for the purpose of maintaining year-around visual screening.
 - b) Said living buffers shall also include seasonal color beds that are changed and maintained by the Public Improvement District.
 - c) The Planning Director or designee shall approve the final design of the berm, associated landscaping, and placement of sidewalks. Any deviation from the approved plant material list shall be subject to the approval of the Planning Director or designee based on the species list provided in Section 4.5400 (Nonresidential Landscaping and Streetscaping Standard) of the Midlothian Zoning Ordinance.
- 16) The requirement to provide a 12,000-square foot equipped playground is waived due to proximity to the new Community Park provided that the developer work with the City to develop a dog park on a 2-acre tract straddling the subject property and the City's property at the south end of the Planned Development. The developer contributions shall consist of fencing, seating, landscaping, irrigation, lighting, garbage cans and pedestals with bag dispensers for pet waste. The Planning Director or designee shall review the specifications prior to construction. If a dog park cannot be established, the said playground shall be located within the development.
- 17) Decorative streetlights shall be provided at every intersection and every 600 feet thereafter. Decorative street signs shall match the decorative streetlights throughout the development.
- 18) Enhanced entry features shall be provided for this development along FM 663 and South 14 Street. These features shall include, but not be limited to, masonry/stone monuments, landscaping, irrigation, lighting, stamped/colored pavement at entries, etc. Such plans and locations shall be reviewed at the time of preliminary plat review.
- 19) A Public Improvement District (PID) shall be required to maintain the proposed landscaping within this corridor as well as many other open space features. The City will work with the developer to help establish the boundaries, maintenance responsibilities, fees, and other procedures affiliated with the PID.
- 20) The landscaping in all public areas and in the living landscape walls along the thoroughfares shall be irrigated and operated by an automatic controller. These systems shall be maintained by the Public Improvement District.

- 21) A development agreement shall be required that addresses construction, cost-sharing and phasing of roadway improvements for South 14th Street and Hawkins Run Road. Such agreement shall also address cost-sharing arrangements for required offsite sanitary sewer facilities.
- 22) A minimum 12.1 acres of open space, including 3.1 acres of pond features, shall be included throughout the Planned Development as showed in the approved site plan attached hereto as Exhibit C. The public open spaces shall provide areas for community gatherings. Larger areas shall have ponds that are aerated with fountains and provide detention/retention to mitigate storm water discharges. These areas shall have 5-foot wide sidewalks to provide interconnectivity with the public thoroughfares, and shall be planted primarily with grasses and accented with native Texas plants.
- 23) The public open spaces shall be enhanced with 5-foot wide concrete trails/sidewalks connecting to the collector streets to facilitate pedestrian circulation from the perimeter streets to the internal parks, ponds and shade trees. Planted tree species shall conform to the pertinent landscaping regulations contained in the Midlothian Zoning Ordinance.
- 24) The development shall preserve as many existing trees as possible to take advantage of the natural tree cover to the greatest extent possible. A specific tree survey shall be performed to determine if a significant numbers of existing trees are on the City's approved material list.
- 25) A detailed drainage study shall be performed to quantify the level of detention required to mitigate fully-developed storm water discharges. In addition, the developer will use the results of the drainage study to make application to FEMA for a Letter of Map Revision. Any drainage plans must be reviewed by the Engineering Department to ensure compliance with the City's storm water management regulations.
- 26) A 6-foot masonry wall shall be required where a commercial land use adjoins a residential land use, and for all dumpster locations in commercial land use areas.
- 27) Any use that abuts an open space shall require a wrought iron fence. Any other fencing required shall conform to the pertinent fencing regulations specified in the Midlothian Zoning Ordinance.
- 28) The non-residential portions of this Planned Development shall be limited to office-type uses and retail uses. Prohibited land uses shall include: carwash, auto repair/service, sexually-oriented business, tattoo shops, video/arcades, tobacco shops, pawn shops and gun shop sales/service/repair. This list may be amended through a Planned Development amendment at a public hearing.
- 29) Site plan, elevations, and landscaping for the initial Planned Development Site Plan for non-residential uses shall be reviewed by both the Planning and Zoning Commission, and City Council for the establishment of a designated architectural design theme.
 - a) All subsequent Planned Development Site Plan submittals shall be reviewed by the Planning and Zoning Commission for conformance with the established designated architectural design theme.
 - i) Approval by the Planning and Zoning Commission shall constitute final approval of said Site Plan.
 - b) Should a subsequent Site Plan submittal be denied by the Planning and Zoning Commission, then such Plan may be appealed to the City Council for final disposition.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (4-0) Approved.

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none
- Adjourn

Commissioner Kemp moved to **adjourn** the meeting.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (4-0) Meeting Adjourned at 8:15 pm

08/19/2014


 Kevin Lasher, Planning Director