

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 16, 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
Dan Altman	§	Commissioner
Vicki Collins	§	Commissioner
Lynda Johnson	§	Commissioner
Brett Kemp	§	Commissioner
James Koehler	§	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
Jennifer Penn	§	Administrative Assistant

PLANNING AND ZONING COMMISSION MEETING

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:11 PM and stated that several of the public hearing cases on tonight’s Planning and Zoning Commissioner Meeting’s Agenda will be either tabled or continued, with that said Chairman Weaver moved to hear those cases first.

PUBLIC HEARING

4. 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 ± 213.897 acres from the current Agricultural (A) District to a Single Family One (SF-1) District. Property is located in the Shelby Smith Survey, Abstract 973, the J.W. Singleton Survey, Abstract 1246, the G. Garcia Survey, Abstract 419, the J.B. Orr Survey, Abstract 818, and the A.J Cornelius Survey, Abstract 1285. Property is generally located north of FM 875, in the City of Midlothian, Texas (Case No. Z21-2013-99)

Chairman Weaver moved to **table** this case indefinitely.

Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Tabled Indefinitely

10. Conduct a public hearing to consider and act upon a request to rezone Planned Development District No. 62 (PD-62) for single family residential uses by amending and expanding said PD-62, and its adopted regulations, with the addition of 63.789 acres of land for residential uses (single family lots ranging from 8,000 SF to 14,000 SF) and open spaces. The subject 63.789 acre expansion property is currently zoned Agricultural (A) District and is generally located on the west side of Walnut Grove Road, ± 2,300 feet south of FM 1387 in the City of Midlothian, Texas. (Case No. Z20-2013-96)

Chairman Weaver moved to **continue** this case to the October 21, 2014, Planning and Zoning Meeting.

Motion was seconded by Commissioner Johnson.

Action Taken: (7-0) Continued

11. 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 ± 33.29 acres from the current Agricultural (A) District to a Planned Development (PD) District for residential uses (single family lots ranging from 9,600 SF to 18,000 SF +) and open spaces. Property is in the Asa Newton Survey, Abstract No. 802 and generally located at the northeast intersection of FM 663 and Tower Road, in the City of Midlothian, Texas (Case No. Z18-2013-89)

Chairman Weaver moved to **table** this case indefinitely.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Tabled Indefinitely

PUBLIC HEARING

- 5. Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance No. 2013-24, as amended, and amending Ordinances 2014-10 and 2014-25, establishing Planned Development (PD-66) District for single family residential uses for McAlpin Manor, by amending land use provisions and expanding said PD-66 into ±3.829 acres composed of three (3) single family lots. The subject property is situated in the J. Poindexter Survey, Abstract 882 and is generally located south and west of McAlpin Road, ±1,681 feet north of FM 875, in the City of Midlothian, Texas. (Case No. Z23-2013-103)**

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

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

Motion was seconded by Commissioner Collins.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to **approve** the amendments to the City of Midlothian Zoning Ordinance No. 2013-24, as amended, and amending Ordinances 2014-10 and 2014-25, establishing Planned Development (PD-66) District.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Approved

- 6. Continue a public hearing and act upon a replat of H.E. Redden Estates, Lots 2.** Property contains ± 4.915 acres located east of Bryson Lane and ± 1,860 feet north of FM 1387, in the City of Midlothian, Texas. (Case No. RP03-2013-98)

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

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

Motion was seconded by Commissioner Koehler.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to **approve** the replat with the denial of the Variance to Section 6.14.3 and subject to the following condition:

- 1) No additional subdivision of property shall occur in its current state, unless the access easement is converted into a public right-of-way (ROW) and maintained by the City and meets the City's standards.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Approved

- 7. Conduct a public hearing and act upon a Specific Use Permit (SUP) request from David Greeson to allow a soccer/athletic facility at 241 Masters Lane.** Property is currently zoned Single Family Three (SF-3) District, and contains ± 4.672 acres in Twin Creeks, Unit 4, Lot 33R, Block 4, in the City of Midlothian, Texas. (Case No. SUP05-2013-117)

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

The following spoke regarding this request:

1. Michael Brownlee – Applicant Lawyer
2. Gregg D. Lundberg – Lawyer of Jeff and Diane Francis – 251 Masters Lane
3. Brooke Greeson – 241 Masters Lane
4. Diane Summers – 203 Williamsburg - Ovilla
5. Johnny Ranger – 416 South Walnut Grove
6. Kira Rodgers – 320 Covington Lane - Ovilla
7. Cindy Carey – 5211 Masters Lane
8. Tawny Schaffer – 231 Masters Lane
9. David Greeson – Applicant – 241 Masters Lane

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

Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to recommend **approval** the Specific Use Permit subject to the following conditions:

- 1) The field in the rear of the property shall be used for soccer/athletic practices only. Any additional athletic facility training or sports field alteration shall require an additional SUP approval by the Planning & Zoning Commission and City Council.
- 2) No more than 2 organized sports practices shall occur on any given calendar week and each practice shall last a maximum of 90 minutes. No tournaments or team scrimmages shall occur onsite
- 3) The lighting shall be downcast and shielded and lighting structures shall have a maximum height of 30 feet.
- 4) All lighting shall be oriented onto the fields and away from the adjacent residential uses and shall be turned off immediately at 8:30pm with an automatic timer.
- 5) All lighting towers shall be engineered to withstand a wind load of 90 mph with a gust factor. A maximum 30 foot-candles shall be allowed for the entire field.
- 6) The placement of any required fire lanes for this use shall be reviewed and recommended under the direction of the Fire Chief.
- 7) Parking on the grass shall be allowed provided it is located more than 300 feet from the public street. A minimum of 25 parking spaces, or 1 space per player utilizing the field (whichever is greater), shall be required.
- 8) No grading shall occur in the floodplain without a valid permit from the city, state or federal government.
- 9) No commercial activity (i.e. concessions or any item available for purchase) shall occur on this site.
- 10) No signage advertising shall be allowed.
- 11) At minimum, a 4-foot metal rail fence with agricultural wiring shall be placed along the back perimeter of the property that contains the practice field. A minimum of ornamental trees and feathered grasses, spaced 30 feet apart interchangeably, shall be placed along the northern and southern portions that are adjacent to the field. This screening shall be irrigated and be maintained at all times
- 12) Any noise produced on the sports field shall not be amplified through the use of any sound system or equipment, radio, bullhorn, or other similar instrument.
- 13) The property owner shall indemnify the City of Midlothian from damages or injuries.
- 14) The City Council, at a notified public hearing, after receiving a recommendation from the Planning & Zoning Commission rendered at a notified public hearing, shall review the operational history for this facility within 12 months after the initial adoption date of this Ordinance.

Motion was seconded by Commissioner Altman.

Action Taken: (4-3) Approved

With the following nays: Commissioner's Kemp, Seeds and Koehler.

- 8. Conduct a public hearing and act upon a Specific Use Permit (SUP) request for Beef O'Brady Restaurant.** Property is currently zoned Community Retail (CR) District, and contains ± 1.316 acres, being in the William Hawkins Survey, Abstract No. 465 and the B.F. Hawkins Survey, Abstract No. 464, and generally located south of George Hopper Road ± 500 feet east of Silken Crossing, in the City of Midlothian, Texas. (Case No. SUP04-2013-115)

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

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

Motion was seconded by Commissioner Collins.

Action Taken: (7-0) Close Public Hearing

Vice Chairman Seeds moved to recommend **approval** the Specific Use Permit subject to the following conditions:

- 1) This SUP shall only be for restaurant uses with an outdoor seating area.
- 2) New drive cut off of George Hopper Road shall align with the existing drive cuts across the street. A road stub to the east shall be required. If the future adjacent use to the south is compatible to this use, a

road stub to the south shall be provided, at the cost of the future adjacent property owner, with the approval of the property owner and City Engineer.

- 3) Compliance required with any storm water management regulations and any other engineering-related ordinance.
- 4) Based on the site plan submitted, this use shall provide 79 parking spaces.
- 5) The design of the building shall be based on the plans submitted and found in Attachment #2.
- 6) The landscaping plan shall be approved as shown in Attachment #4 with street trees along George Hopper Road staggered every 30 feet along with shrubs to screen the vehicles.
- 7) To avoid the appearance of a long blank wall along the south elevation, ornamental grasses and ornamental trees shall be added to the existing proposal of Glossy Abelia shrub and Verbena groundcover.
- 8) Any ground sign or building signage installed shall meet the City's Sign Regulations. No pole signs shall be allowed.
- 9) All fire-related codes, building and health-related codes shall be followed at all times.

Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Approved

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 \pm 4.374 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 \pm 400 feet east of North 14th Street, in the City of Midlothian, Texas (Case No. Z06-2013-30)

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

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

Motion was seconded by Commissioner Johnson.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to **approve** the rezone as presented.

Motion was seconded by Commissioner Altman.

Action Taken: (7-0) Approved

12. **Conduct a public hearing and act upon an amendment to Section 3.5500 of the City of Midlothian Zoning Ordinance (Ordinance 2013-24, as amended).** The purpose of this amendment is to revise the development standards for residential zoning districts. (Case No. OZ05-2013-121)

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

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

Motion was seconded by Commissioner Koehler.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to **approve** the rezone as presented.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Approved

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none

Chairman Weaver moved to **adjourn** the meeting.

Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Meeting Adjourned at 9:36 pm



Kevin Lasker, Planning Director

10/21/2014