

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, NOVEMBER 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
Dan Altman	§	Commissioner
Brett Kemp	§	Commissioner
Lynda Johnson	§	Commissioner

The following Commissioners were absent:

James Koehler	§	Commissioner
Vicki Collins	§	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 7:12 PM.

CONSENT AGENDA

1. Consideration of Planning and Zoning Commission Minutes Dated:

- October 21, 2014

2. Approve the 2015 regularly scheduled meetings for the Planning and Zoning Commission.

Vice Chair Seeds moved to **approve** the two Consent Agenda Items as presented.

Motion was seconded by Commissioner Kemp.

Action Taken: (5-0) Approved

REGULAR AGENDA

3. Consider and act upon request for a variance to Section 6.14.3 of the Subdivision Regulations (Ordinance 88-14, as amended driveway access onto a minor thoroughfare) for Duvall Place Addition, Lots 1R-A and 4R-B. Property contains ±2.195 acres and located on Ledgestone Lane ± 325 feet north of Plainview Road in the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas (Case No. M03-2014-09).

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

Chairman Weaver moved to **approve** the agenda item as presented with the following recommendations:

1. Only one shared drive approach shall be allowed for 2 lots accessing onto Ledgestone Lane.
2. Shall meet all the requirements set forth by the City Engineer.
3. An amended Developers' Agreement shall be approved by the City Council prior to this variance taking effect.

Motion was seconded by Vice Chair Seeds.

Action Taken: (5-0) Approved

4. Consider and act upon a request for a masonry exemption from the City of Midlothian Zoning Ordinance 2013-24, Section 4.5502, for 4191 U.S. Highway 67. Property is currently zoned Light Industrial (LI) District and contains ± 17.89 acres, and located west of U.S. Highway 67, and ± 1,750 feet south of Shiloh Road, in the City of Midlothian, Texas (Case No. M24-2013-127)

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

Chairman Weaver moved to **approve** the agenda item as presented.

Motion was seconded by Commissioner Johnson.

Action Taken: (5-0) Approved

PUBLIC HEARING

5. **Consider and act upon a request for a Specific Use Permit (SUP) to allow a secondary dwelling unit on 430 South Clinton Lane.** Property currently contains 0.99 acres and is zoned Single Family Three (SF-3) District, being located west of South Clinton Lane Road, ± 375 feet of Cottonwood Drive, in the City of Midlothian, Texas (Case No. SUP 01-2014-06)

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

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

Commissioner Altman seconded the motion.

Action Taken: (5-0) Closed Public Hearing

Commissioner Seeds moved to **approve** this case with the following conditions:

1. Shall meet all the requirements of the City of Midlothian Zoning Ordinance, 2013-24, as amended, *Section 3.5700 (a)*.
2. The living area of the secondary dwelling unit shall not exceed 860 square feet.
3. The non-living area of the secondary dwelling unit shall not exceed 590 square feet.

Motion was seconded by Commissioner Kemp.

Action Taken: (5-0) Approved

6. **Conduct a public hearing to consider and act upon a rezone request 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 ±31.336 acres) and open spaces (±1.954 acres). Property is situated in the ASA Newton Survey, Abstract No. 802 and generally located at the intersection of F.M. 663 and Tower Road in the City of Midlothian, Texas. (Case No. Z18-2013-89)

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

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

Motion was seconded by Vice Chair Seeds.

Action Taken: (5-0) Closed Public Hearing

Chairman Weaver moved to **approve** this case with the following conditions:

1. Amend widening road from 22 feet with City participation or 20 feet without City participation.
2. Front Facing Garages only.
3. 7.5 foot easement with a 6-foot high masonry wall placed inside the 10-foot easement. On the private lot side, would be a 5-foot wide fence maintenance easement.

Motion was seconded by Vice Chair Seeds.

Action Taken: (5-0) Approved

8. **Conduct a public hearing to consider and act upon a request to rezone ±1,170 acres (Diamond “J” Ranch) from the current Agricultural (A) District to Planned Development (PD) for residential uses (±913 acres of single family detached lots ranging from 5,250 to 10,400 square feet), non-residential uses (commercial and light industrial uses including reservations) and open spaces.** Property encompasses two (2) tracts: the north tract contains ±969 acres being generally located north of U.S. Hwy 287 and east of Walnut Grove Road; and the south tract contains ±201 acres generally located south of the Southern Pacific Railroad and east and southeast of Plainview Road in the City of Midlothian, Texas (Case No. Z01-2014-05)

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

The following spoke regarding this request:

1. Steve Gurrerro-1616 Walnut Grove Road Midlothian 76065
2. Ron Graham- 812 Cockrell Hill Road Ovilla 75154, owner of adjoining property to Diamond J
3. Carolyn Hayman- 3808 Cabeza de Vaca Circle, Midlothian 76065

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

Motion was seconded by Vice Chair Seeds.

Action Taken: (5-0) Public Hearing Closed

Chairman Weaver moved to **approve** this case with the following conditions:

- 1) Project phasing including timing of major amenities and major off-site improvements (Walnut Grove Road and Plainview Rd and bridge). (This could be part of the PD or part of the Development Agreement)
- 2) Off-site infrastructure funding (This can be tied into the Development Agreement and Financing Plan)
- 3) Due to the conceptual nature of the villages there will need to be a village specific site plan (preliminary plat) review and approval process established with final approval by City Council. This village site plan approval will need to occur prior to final platting to ensure conformance with the PD standards. (This process needs to be worked in the language of the PD).
- 4) Fire station location needs to be tied down and approved by the Fire Chief. (This could be part of the PD or the Development Agreement.)
- 5) The effective date of the PD ordinance needs to be timed with the approval of the Development Agreement and the Financing Plan. (This needs to be part of the language in the adopting ordinance of the PD)
- 6) Design Book needs to be adopted as part of the PD ordinance, not as Guidelines but as Standards. (This needs to be part of the language in the adopting ordinance of the PD)
- 7) A minimum residential unit size of 1,600 sf with at least 60% being minimum 1,750 sf (excluding the garage element) be applied to the minimum unit size permitted for those lots platted with a minimum lot width between 50 and 59 feet. An impervious coverage percentage of 65% or more will be required to accommodate this provision.
- 8) The additional details regarding residential design shall be required by establishing the following provisions:
 - a) No one architectural style may be repeated for a distance of four lots, either on the same side or opposite side of the street.
 - b) Minimum 90% Brick/ Stone Masonry Coverage per building elevation,
 - c) Side Entry or Rear Entry Garages shall be required for a minimum of 75% of housing units situated on a platted lot with a width greater than 60',
 - d) Single-family houses shall have façade step backs with a minimum 3 front wall planes stepping back a minimum of 2 feet from the adjoining wall plane on the same façade,
 - e) Residential roof pitches shall be 8:12 and comply with all other applicable building codes related to roofing,
 - f) A reduction of the residential front yard setback up to 10 feet may be permitted for porches that are at least 80 square feet in covered area, and
 - g) Any house plan not meeting all the architectural requirements found in this booklet requires approval from the Architectural Review Board.

Chairman Weaver moved to hear Agenda Item 8 before Agenda Item 7.

7. **Conduct a public hearing to receive public comment on a proposed ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, by the addition of Section 11, Tree Preservation**, including the incorporation of modifications to various articles, sections and subsections of the Zoning Ordinance pertaining to landscaping; providing a conflicts clause; providing a severability clause, providing for the enforcement of said amendments, establishing a penalty for violations, and providing for an effective date (Case No. OZ01-2014-01)

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

Chairman Weaver moved to **continue** this case to the December 16, 2014 Planning and Zoning Commissioners meeting.

Motion was seconded by Commissioner Johnson.

Action Taken: (4-0) Continued to December 16, 2014

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none

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

Motion was seconded by Vice Chair Seeds.

Action Taken: (5-0) Meeting Adjourned at 10:30 pm



Kevin Lasher, Planning Director

12/16/2014