

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 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
Dan Altman	§	Commissioner
Vicki Collins	§	Commissioner
Lynda Johnson	§	Commissioner
James Koehler	§	Commissioner

The following Commissioners were absent:

Robert Seeds	§	Vice Chairman
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
Jennifer Penn	§	Administrative Assistant

PLANNING AND ZONING COMMISSION MEETING

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:15 PM.

CONSENT AGENDA

1. Consideration of Planning and Zoning Commission Minutes Dated:

- November 18, 2014

Commissioner Johnson moved to **approve** the Consent Agenda Items as presented.

Motion was seconded by Commissioner Altman.

Action Taken: (4-1) Approved

Commissioner Collins abstained due to being absent at the November 18, 2014, meeting.

REGULAR AGENDA

2. Consider and act upon a request for a driveway variance and septic waiver for 2438 Frances Lane.

Property contains ± 2.38 acres generally located at the southeast intersection of Kirk Road and Frances Lane, in the City of Midlothian, Texas (Case No. M06-2014-13)

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

Chairman Weaver moved to **approve** the driveway variance as presented by Staff, which included the following condition.

1. The driveway variance will allow approximately 2,363 feet of asphalt on this property 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 50 feet of concrete shall be used from the beginning of the property.
 - 4) Any culverts installed shall meet City standards and all other required curb or drive-related requirements shall pass any required inspections.

Chairman Weaver also moved to **approve** the request for septic waiver with the following conditions:

- 1) The design of proposed septic system meets all Ellis County and TCEQ requirements.

- 2) No more than one septic system per lot shall be permitted.
- 3) Connection to City sewer system is made within 18 months of availability to the site.

Motion was seconded by Commissioner Koehler.

Action Taken: (5-0) Approved

3. **Consider and act upon a preliminary plat of Bryson Springs.** Property contains \pm 147.231 acres in the J.S. Berry Survey, Abstract No.86 generally located at the southeast intersection of Bryson Road and Springer Road, in the extraterritorial jurisdictions (ETJ) of the City of Midlothian and Ovilla, Texas (Case No. PP01-2014-19)

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

Commissioner Johnson moved to **approve** the preliminary plat as presented by Staff, which included the following condition:

- 1) The required right-of-way dedication for Bryson Road shall be shown in the final plat.

Motion was seconded by Commissioner Collins.

Action Taken: (5-0) Approved

4. **Consider and act upon a preliminary plat of Hawkins MISD.** Property contains \pm 15.25 acres in the Macellus T. Hawkins Survey, Abstract No. 463 and the Benjamin F. Hawkins Survey Abstract No. 464 generally located directly south from the intersection of 14th Street and Mt. Zion Road in the City of Midlothian, Texas (Case No. PP02-2014-21)

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

Chairman Weaver moved to **approve** the preliminary plat as presented by Staff.

Motion was seconded by Commissioner Altman.

Action Taken: (5-0) Approved

5. **Consider and act upon a preliminary plat of Hawkins Meadows.** Property contains \pm 135.922 acres out of the Marcellus T. Hawkins Survey, Abstract No. 463, the John M. Garvin Survey, Abstract No. 424, and the William W. Rawls Survey, Abstract No. 915, being generally located along the east side of FM 663 and \pm 1,900 feet south of U.S. Highway 287, in the City of Midlothian, Texas (Case No. PP03-2014-22)

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

Chairman Weaver moved to **approve** the preliminary plat as presented by Staff.

Motion was seconded by Commissioner Koehler.

Action Taken: (5-0) Approved

Staff noted to the Commissioners that this preliminary plat will also be acted upon at the January 13, 2015 City Council Meeting per the Planned Development (PD-68) District, Ordinance 2014-33 requirements.

PUBLIC HEARING

6. **Conduct a public hearing to consider and act upon a request to rezone \pm 16.033 acres from the current Light Industrial (LI) District to a Medium Industrial (MI) District for general freight trucking and freight transportation uses.** Property is out of the E.C. Bedford Survey, Abstract No. 91, being addressed as 4355 Old Highway 67 N., generally located on the west side of Old Highway 67 N., approximately 1,075 feet south of Tayman Road, in the City of Midlothian, Texas. (Case No. Z03-2014-15)

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

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

Commissioner Johnson seconded the motion.

Action Taken: (5-0) Closed Public Hearing

Chairman Weaver moved to **approve** this rezoning request as presented by Staff.

Motion was seconded by Commissioner Altman.

Action Taken: (5-0) Recommended Approval to City Council

7. **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 of the Hartson tract 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)

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

Chairman Weaver addressed the audience for any input regarding the public hearing. The following spoke regarding this item:

Fred and Valarie Smith – 5631 Poppie Circle, Midlothian Texas

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

Commissioner Koehler seconded the motion.

Action Taken: (5-0) Closed Public Hearing

Commissioner Koehler moved to **approve** this rezoning request as presented by Staff.

Motion was seconded by Commissioner Johnson.

Action Taken: (5-0) Recommended Approval to City Council

8. **Conduct a public hearing to consider and act upon a request to rezone ± 0.4108 acres from the current Community Retail (CR) District to an Urban Village Planned Development (UVPD) District for residential and professional office uses.** Property is addressed as 115 West Avenue I and is generally located north of W. Ave. I and ± 280 feet west of FM 663 (South 9th Street), in the City of Midlothian, Texas. (Case No. Z02-2014-07)

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

Chairman Weaver addressed the audience for any input regarding the public hearing. The following spoke regarding this item:

Applicant, Stephen Hidlebaugh, Midlothian Texas

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

Commissioner Collins seconded the motion.

Action Taken: (5-0) Closed Public Hearing

Chairman Weaver moved to **approve** this Urban Village Planned Development (UVPD) District for residential and professional office use, subject to the following conditions:

- 1) This proposed Planned Development shall be limited to owner-occupied residential and professional office-type uses only as outlined in the attached site plan. Retail and other non-office uses are strictly prohibited.
- 2) The exterior shall be restored to look historic in appearance and exterior improvements shall include installing Hardiboard and repainting the structure with more historic-appropriate colors.

- 3) Any new landscape plantings shall be native Texas species and drought-resistant and conform to the City's adopted landscape species list.
- 4) Any freestanding signage along West Avenue I shall be limited to a monument sign with a maximum height of four (4) feet and a maximum area of 20 square feet on a stone base, fully landscaped, with a maximum building signage of six (6) square feet.
- 5) Any exterior pole lighting on this property shall be shielded and be of an architecturally distinct/decorative nature. A lighting plan shall be submitted that satisfies the following design requirements:
 - a) Fully shielded, downcast pole lighting in parking area,
 - b) Pedestrian scale, decorative lampposts and along all pedestrian pathways in interior parking lot.
 - c) Primary lighting in the parking lot shall be of a decorative design, subject to staff approval.
- 6) Any non-standard pavement surfaces must be approved by the Director of Engineering.
- 7) A total of 10 parking spaces shall be provided on site, including the encroachment of 3 parking spaces into the right-of-way of West Avenue I, as shown on the attached site plan, as long as it does not obstruct the travel lanes.

Motion was seconded by Commissioner Johnson.

Action Taken: (5-0) Recommended Approval to City Council

9. **Continue a public hearing and act 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; establishing a Midlothian Tree Mitigation Fund; 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 addressed the audience for any input regarding the public hearing, with no public speakers Chairman Weaver moved to **close the public hearing**.

Commissioner Altman seconded the motion.

Action Taken: (5-0) Closed Public Hearing

Chairman Weaver moved to **table** this case to the January 20, 2015 Planning and Zoning Commissioners meeting.

Motion was seconded by Commissioner Koehler.

Action Taken: (5-0) Tabled to January 20, 2015 Planning and Zoning Commissioners meeting.

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none

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

Motion was seconded by Chairman Weaver.

Action Taken: (5-0) Meeting Adjourned at 8:55 pm



Kevin Lasker, Planning Director

01/20/2015