

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, NOVEMBER 19, 2013**

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
Vicki Collins	§	Commissioner
Lynda Johnson	§	Commissioner
Brett Kemp	§	Commissioner
James Koehler	§	Commissioner

The following Commissioners were absent:

Michael Griffith	§	Commissioner
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The following staff member were present:

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

PLANNING AND ZONING COMMISSION MEETING

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:10 PM and called the first item on the agenda.

CONSENT AGENDA

- 1. Consideration of Planning and Zoning Commission Minutes Dated:**
 - October 15, 2013
- 2. Consideration of Planning and Zoning Commission Minutes Dated:**
 - October 29, 2013
- 3. Approve the 2014 regular scheduled meeting dates for the Planning & Zoning Commission (Case No. M01-2013-14)**

Vice Chairman Seeds moved to **approve** the Consent Agenda Items.

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Approved

Chairman Weaver moved Agenda Item No. 13 to be heard as the first agenda item on the Regular Agenda.

REGULAR AGENDA

- 13. Consider and act upon a request from staff for an interpretation on a definition and land use category based on the authority given in Section 2.02 of the City's Zoning Ordinance adopted by Ordinance 2013-24, as amended. (Case No. M02-2013-17)**

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

The following spoke regarding this item:

- Jeff Fransis, 251 Masters Lane
- Ronald Greeson, 241 Masters Lane
- Bresnt Edminster, 241 Parks Street
- Brett Schaffer, 231 Masters Lane
- Tim Savins, 8431 Glen Eagles

Chairman Weaver moved to **interpret** this request to be classified similar to a Swim, Tennis, Raquetball, (*City of Midlothian Zoning Ordinance, Section 2.04 Use Table, d) Recreational & entertainment, # 7*), which requires a Specific Use Permit (SUP) in the Single Family Three (SF3) District.

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Approved

REGULAR AGENDA CONTINUED

- 4. Consider and act upon a final plat Plainview Manor** containing \pm 76.616 acres, out of the Coleman F Jenkins Survey, Abstract 591 and located east of Plainview Road, in the Extra Territorial Jurisdiction (ETJ) of the City of Midlothian, Texas (Case No. FP09-2012-120)

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

Chairman Weaver moved to **approve** this item with the accompanying variance as presented.

Motion was seconded by Commissioner Johnson.

Action Taken: (6-0) Approved

- 5. Consider and act upon a preliminary plat of Waters Edge**, containing \pm 63.0393 acres in the J. Crane Survey, Abstract No. 247, and the A. J. Lowrance Survey, Abstract No. 625, being generally located \pm 1,680 feet north of Mockingbird Lane and fronting along the west side of Walnut Grove Road, in the City of Midlothian, Texas (Case No. PP02-2013-10)

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

Commissioner Koehler moved to **approve** this item as presented.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (6-0) Approved

PUBLIC HEARING

- 6. Conduct a public hearing and act upon a request to rezone \pm 83.68 acres from Medium Industrial (MI) and Light Industrial (LI) Districts to Heavy Industrial (HI) District.** The property is located in the Railport Business Park being a part of the Samuel G. Haynie Survey, Abstract No. 526, William Mullen Survey, Abstract No. 748, Bucknam Canfield Survey, Abstract No. 196 and the Moses Lapham Survey, Abstract No. 648. The subject property is located \pm 2,200 feet southeast of U.S Hwy 67 and southwest of Railport Parkway, in the City of Midlothian, Texas (Case No. Z01-2013-03)

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 speakers on this item, Chairman Weaver moved to **close** the public hearing. Motion was seconded by Vice Chairman Seeds.

Action Taken: (6-0) Closed Public Hearing

Chairman Weaver moved to **approve** this item as presented.

Motion was seconded by Commissioner Koehler

Action Taken: (6-0) Approved

- 7. Conduct a public hearing and act upon a request to rezone \pm 5.688 acres from Agricultural (A) District to Single Family One (SF-1) District.** Property is located in the GB Glover Survey, Abstract 1219, and is located east of Singleton Road and south of FM 875, in the City of Midlothian, Texas (Case No. Z02-2013-05)

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 on this item in support:

Kenneth Powers – 1140 W. FM 875, Midlothian, TX 76065

Vice Chairman Seeds moved to **close** the public hearing. Motion was seconded by Commissioner Collins.

Action Taken: (6-0) Closed Public Hearing

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

Motion was seconded by Vice Chairman Seeds

Action Taken: (6-0) Approved

Chairman Weaver asked that Public Hearing Agenda Items No. 8 & 9 to be heard together.

- 8. Conduct a public hearing and act upon a request to rezone \pm 1.100 acres from Agricultural (A) District to Single Family One (SF-1) District.** Property is located at the northwest corner of the intersection of Kirk Road and Lon Hayes, in the City of Midlothian, Texas (Case No. Z03-2013-08)

PUBLIC HEARING CONTINUED

- 9. Conduct a public hearing and act upon a request for a Specific Use Permit (SUP) to allow a daycare on property currently zoned Single Family One (SF-1) District.** Property contains \pm 1.100 acres and is located at the northwest corner of the intersection of Kirk Road and Lon Hayes, in the City of Midlothian, Texas (Case No. SUP01-2013-09)

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

Chairman Weaver addressed the audience for any input regarding the public hearing. The applicant Raj Gill addressed the commissioners regarding these items.

Commissioner Koehler moved to **close** the public hearings regarding Agenda Items No. 8 & 9. Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Closed Public Hearing

Chairman Weaver moved to **approve** Agenda Item No. 8 as presented.

Motion was seconded Commissioner Kemp.

Action Taken: (6-0) Approved

Chairman Weaver moved to **approve** Agenda Item No. 9 with the following conditions:

1. The applicant shall complete the masonry construction and meet the minimum 90% masonry requirement at the end of two (2) years after City Council adoption of the SUP ordinance. Should the masonry exterior not be completed at the end of the 2-year period, the SUP for the daycare use for the subject 1.1-acre tract shall expire and terminated by the City Council.
2. The on-site sewage facility shall be reviewed by a professional engineer or registered sanitarian to verify the facility is adequately sized and designed to accommodate the additional bathroom facilities, prior to the issuance of a certificate of occupancy (CO).
3. The child/day care center must meet all requirements set forth in the City's Building Codes and Fire Codes as well as meet the minimum requirements set forth by the State of Texas and Child Protective Services.
4. The hours of operation shall be limited to the period from 6am to 8:30pm.
5. The parking area shall be stripped designating parking stalls and fire lanes.
6. A 6-foot high wooden fence, or a 6-foot high decorative wrought iron fence with landscape shrubs, shall be placed along the northern property line of the subject 1.1-acre tract.
7. Per the City's current zoning regulations, repeated violations of an SUP approval will result in termination of the SUP by the City Council.

- 10. Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) to allow installation and use of radio antennas towers** at 1) Wastewater Treatment Plant (1750 Auger Road); 2) Railport Lift Station (3031 Railport Parkway); 3) East Lift Station (800 E. Avenue F) and 4) Southeast Lift Station (5078 East US Highway 287), all located in the City of Midlothian, Texas (SUP02-2013-12)

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 speakers on this item, Vice Chairman Seeds moved to **close** the public hearing. Motion was seconded by Commissioner Koehler.

Action Taken: (6-0) Closed Public Hearing

Vice Chairman Seeds moved to **approve** this item as presented.

Motion was seconded by Commissioner Johnson.

Action Taken: (6-0) Approved

- 11. Conduct a public hearing to consider and act upon a request to rezone \pm 30.29 acres from the current Agricultural (A) District to a Planned Development District (PD)** for residential uses (single family lots ranging from 7,500 SF to 9,000 SF +) and open spaces. Property is generally located at the northeast intersection of Mockingbird Lane and Onward Road, in the City of Midlothian, Texas (Case No. Z04-2013-11)

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

PUBLIC HEARING CONTINUED

Chairman Weaver addressed the audience for any input regarding the public hearing. The applicant Charles Jowell addressed the commissioners regarding this item.

Chairman Weaver moved to **close** the public hearing. Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Closed Public Hearing

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

- 1) This planned development shall contain no more than 103 residential lots & 3 open space lots and consists of three (3) proposed product types consisting of lots sizes ranging from 7,500 – 8,000 square feet (60 lots); 8,000 – 9,000 square feet (13 lots), and 9,000 + square feet (30 lots).
- 2) The right-of-way dedication for Onward Road shall be dedicated at the platting stage, as shown in the attached site plan.
- 3) The development shall provide 2 enhanced entryways with stamped and stained concrete onto Onward Road, which shall also be constructed with flared intersections to provide better traffic-turning circulation. This includes nose stubs on median openings onto Onward Road.
- 4) Decorative street lights shall be placed at every intersection and at the end of each cul-de-sac. Each street light shall be shielded and downcast. A lighting plan shall be submitted at the preliminary plat stage to indicate the placement of all decorative street lights required by this Ordinance.
- 5) Minimum architectural requirements and elements shall apply within this development:

Product Type	A	B	C
Minimum Lot Area	7,500 square feet	8,000–9,000 square feet	9,000 + square feet
Number of Lots	60	13	30
Minimum Lot Width	62.5 feet	70 feet	75 feet
Minimum Lot Depth	120 feet	120 feet	120 feet
Lot Coverage	50%		
Minimum Masonry Coverage	90%		
Minimum House Size	Overall minimum 1,800 square feet		
Minimum Front Yard Setback	25 feet		
Minimum Side Yard Setback (interior/corner)	6 feet / 15 feet		
Minimum Rear Yard Setback	15 feet		
Garage orientation	No more than 65% of homes shall have front-entry garages		
HOA	Mandatory		
Minimum Roof Pitch	Overall minimum – 8:12 Secondary roof pitch minimum – 5:12		
Roof Standards	All laminate architectural shingles 3-dimensional appearance and 30-year warranty		
Elevations	Minimum 3 variations in roof planes and cannot repeat for a distance of 5 lots		
Garage standards	<ul style="list-style-type: none"> • Minimum 400 square feet of garage space • Minimum 19-foot depth • Split-garage doors • Decorative doors or wood overlay on insulated metal • All shall have decorative hardware consistent with door style • 2-car garage: door cannot exceed 18 feet in width • 1-car garage: door cannot exceed 9 feet in width • When 2 doors are used, a minimum 1-foot separation with masonry columns in between 		

Minimum of 3 of the following enhanced architectural elements shall be required

- A minimum 2 to be located at each side of the entrance along the front elevation
- Brick mailbox
- At least 100 sf of natural stone on front elevation
- A front porch design with minimum 7-foot depth and 100 sf. The front porch can encroach into the front yard setback by up to 10 feet.
- A minimum one dormer located on the front elevation
- A minimum one bay window of 24-inch projection located on the front elevation or between the fence and street if located on the side

- 6) A total 2.539 acres of open space shall be provided and maintained by the Highview Estates Homeowners Association.
- 7) An interior park site shall be provided and maintained by the Highview Estates HOA and a playground measuring approximately 12,000 square feet shall be provided with slides, swings, climbers, etc. that complies, with Consumer Product Safety Commission (CPSC), American Safety for Testing Materials (ASTM), and American with Disabilities Act (ADA) regulations. An additional access point shall be placed per the specifications of the City Engineer.
- 8) A 15-foot landscape easement shall be provided along Mockingbird Lane and Onward Road with street trees placed every 40 feet adjacent to a 6 ft. brick/masonry wall along this road. The masonry fence and landscaping standards shall meet the standards set forth in the Landscaping and Fencing Regulations.
- 9) Two (2) open area lots totaling 1.92 acres shall be provided along Parkview Drive and behind Greenbriar Court that shall serve as detention ponds for this development (as indicated on the site plan) and shall meet all requirements set forth by the City Engineer.
- 10) A perimeter 6-foot wide walking trail shall be located in the open spaces described in Item #10 above.
- 11) All lots abutting a detention pond, open space or private park, shall require the installation of a non-opaque fence (i.e. wrought iron or architectural steel).
- 12) An 8-foot high upgraded wooden fence (i.e. board-on-board) with a top trim cap shall be constructed along all property lines adjacent to the City-owned lot as shown in Exhibit C for the purpose of screening any associated noise and visual impact.

Motion was seconded by Commissioner Johnson.

Action Taken: (6-0) Approved

12. Continue a public hearing to consider and act upon a request to rezone ± 112.4 acres from the current Agricultural (A) District and Single Family One (SF-1) District to a Planned Development District (PD) for residential uses (single family lots ranging from 6,000 SF to 22,000 SF +) and open spaces. Property is generally located east of Walnut Grove Road and north of FM 1387, in the City of Midlothian, Texas. (Case No. Z17-2012-121)

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 speakers on this item, Chairman Weaver moved to **close** the public hearing. Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Closed Public Hearing

Chairman Weaver moved to **withdraw** this item.

Motion was seconded by Commissioner Collins.

Action Taken: (6-0) Withdrawn

MISCELLANEOUS DISSCUSION

- Staff and Commissioner Announcements – none

Adjourn –Chairman Weaver moved to **adjourn** the meeting, seconded by Commissioner Collins.

Meeting Adjourned at 8:55 pm

11/19/2013