

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 15, 2015**

The Planning and Zoning Commission for the City of Midlothian met on Tuesday evening, in the City Hall Council Chambers located at 104 West Avenue E, Midlothian, Texas.

The following Commissioners were present:

Ross Weaver	§	Chairman
Robert Seeds	§	Vice Chairman
Dan Altman	§	Commissioner
Lynda Johnson	§	Commissioner
Brett Kemp	§	Commissioner
James Koehler	§	Commissioner
Randy Reed	§	Commissioner

The following staff members were present:

Kevin Lasher, AICP	§	Director of Planning
Alberto Mares, AICP	§	Planning Manager
Marcos Narvaez	§	Planner/GIS Coordinator
Kathleen Hamilton	§	Administrative Assistant

PLANNING AND ZONING COMMISSION MEETING

Chairman Weaver called the Planning and Zoning Commission Meeting to order at 7:08 PM.

CONSENT AGENDA ITEMS

1. **Consider and act upon the Planning and Zoning Commission Minutes Dated:**
 - August 18, 2015
2. **Consider and act upon a revised preliminary plat (Case No. PP14-2013-87) containing ± 175.876 and final plat (Case No. FP09-2014-93) containing ± 20.160 for Dove Creek.** Property is currently zoned PD-64 and generally located south of McAlpin Road and ± 3,421 feet east of FM 663, in the City of Midlothian, Texas.
3. **Consider and act upon proposed amendments to the P&Z Rules of Procedure (Case No. M23-2014-97)**

Commissioner Altman moved to **approve** the Consent Agenda as presented.
Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Approved

REGULAR AGENDA ITEMS

4. **Consider and act upon a request for a masonry exemption for 691 McAda Street.** Property is currently zoned Agricultural (A) District containing ± 0.878 acres, located west of *McAda Street* and ± 651 feet north of Stevie Mike Road, in the City of Midlothian, Ellis County, Texas. (Case No. M21-2014-95)

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 Vice Chairman Seeds.

Action Taken: (7-0) Approved

5. **Consider and act upon a revised site plan (Case No. SP07-2014-101) and preliminary plat (Case No. PP12-2014-89) containing ± 16.199 for Pandera Point (PD-47).** Property contains ± 16.199 acres in the J.W. Kizziar Survey, Abstract No. 609 and the J.E. Hadden Survey, Abstract No. 496 generally located on the east side of Walter Stephenson Road in the City of Midlothian, Texas.

Staff presented the agenda item and welcomed questions from the Commissioners and asked for the Commission to act separately on each case.

Vice Chairman Seeds moved to **approve** Case No. SP07-2014-101, as presented.

Motion was seconded by Commissioner Johnson.

Action Taken: (7-0) Approved

Vice Chairman Seeds moved to **approve** Case No. PP12-2014-89, as presented.

Motion was seconded by Commissioner Johnson.

Action Taken: (7-0) Approved

6. **Consider and act upon a request for a masonry exemption for a detached garage and a variance to the City of Midlothian Standard Construction Detail Ordinance No. 2013-51, (Concrete Pavement, Sheet SD-1), to provide an alternative paving material for an alley drive on 511 N. 1st Street,** generally located on the west side of N. 1st Street and ± 90 feet south of Rockcliff Dr. in the City of Midlothian, Texas. (Case No. M24-2014-98)

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

Commissioner Altman moved to **approve** the masonry exemption for the new garage structure in the rear, as presented, and also moved to **approve** the variance to the Standard Construction Details paving standards, subject to the following conditions:

- 1) The City Engineer shall approve the alternative pavement and design prior to installation.
- 2) The alternative pavement shall be a minimum 12 feet wide and be extended to the southern limits of this property.
- 3) Any new pavement that is not concrete or asphalt shall be good for a period of five (5) years; afterwards, this area shall be paved with asphalt by the property owners.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Approved

7. **Consider and act upon a request for a masonry exemption on 4470 E. Highway 287.** Property is generally located on the south side of East Highway 287 and ± 2,400 feet east of Walnut Grove Road in the City of Midlothian, Texas. (Case No. M20-2014-87)

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

Vice Chairman Seeds moved to **deny** the masonry exemption for structure in the rear on the basis that surrounding business are constructed with masonry as required in the Commercial (C) Zoning District. Also, Vice Chairman Seeds suggested the applicant re-submit the request showing more masonry coverage to the front and side facades.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (6-1) Deny

Commissioner Altman voted in opposition.

PUBLIC HEARING'S

8. **Consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance No. 2013-24, as amended, by rezoning ± 107.225 acres from Agricultural (A) District (± 50 acres) and Planned Development PD-40 District (± 57.219 acres) to a Single Family One (SF-1) District for single family residential uses with a minimum of one acre lots.** Said acreage being situated in the J. Coldiron Survey, Abstract 225, J.T. Powers Survey, Abstract 877 and the E.C. Newton Survey, Abstract 791, being located east and south where Mockingbird Lane curves to the north and south of West Highland Road, in the City of Midlothian, Texas. (Case No. Z12-2014-92)

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

Chairman Weaver addressed the audience for anyone wanting to address the Planning and Zoning Commission in regards to this public hearing, with no one turning in a Citizen Participation Form, Chairman Weaver asked the Commissioners if they had further questions to the applicant or staff.

Commissioner Altman moved to **close** the Public Hearing.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Close Public Hearing

Chairman Weaver moved to **approve** this agenda item, as presented by staff.

Motion was seconded by Commissioner Koehler.

Action Taken: (7-0) Approved

9. **Consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance No. 2013-24, as amended, by rezoning ± 53.3462 acres (the Zoning Area) from Agricultural (A) District and Single Family One (SF-1) District to a Planned Development District No. 79 (PD-79) for Commercial (C) uses with architectural controls (Case No. Z10-2014-78); and a Specific Use Permit (SUP) to allow a unified signage plan for ground and pylon signage, with architectural controls, to exceed the size and height of signage typically allowed in the Commercial (C) District (Case No. SUP03-2014-100); said Zoning Area being situated within the M.T. Hawkins Survey, Abstract No. 463, the Benjamin F. Hawkins Survey, Abstract No. 464, and the William Rawlins Survey, Abstract No. 915, in the City of Midlothian, Ellis County, Texas; being located at the southeast corner of the US 287 Bypass and FM 663.**

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

Chairman Weaver addressed the audience for anyone wanting to address the Planning and Zoning Commission or give their written opinion in regards to this public hearing they would need to submit a Planning and Zoning Commission Citizen Participation Form.

The following spoke in opposition:

1. Tiffany Carra – 1720 Windswept Drive, Midlothian, TX 76065
2. Jackie McDonald – 6410 Mt. Peak Court, Midlothian, TX 76065
3. Jacob Dilliplane – 911 South Ridge Drive, Midlothian, TX 76065

The following spoke in support:

1. Alan Jackson – 6261 Fox Hollow, TX 76065
2. James Smith – 5410 Compassion Drive, TX 76065

The developer and applicant addressed the Commissioners for comments or questions.
Commissioner Altman moved to **close** the Public Hearing.

Motion was seconded by Commissioner Johnson.

Action Taken: (7-0) Close Public Hearing

Commissioner Altman moved to **approve** this rezoning request and specific use permit, including all five applicant appeals, with the following condition:

1. That the pylon sign proposed for the middle portion of the frontage along the US 287 Bypass, designated as Pylon No. P-4, not exceed twenty-five feet (25') in height.

Motion was seconded by Vice Chairman Seeds.

Action Taken: (7-0) Approved

REGULAR AGENDA

- 10. Consider and act upon a preliminary plat for Midlothian Towne Crossing, Lots 1-14, Block A**, containing ± 52.5092 acres situated in the Benjamin F. Hawkins Survey, Abstract No. 464, the Marcellus Hawkins Survey, Abstract No. 463, and the William Rawlins Survey, Abstract No. 915, in the City of Midlothian, Ellis County, Texas; being located at the southeast corner of the US Highway 287 Bypass and FM 663. (Case No. PP13-2014-94)

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

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

1. The final plat shall include additional right-of-way dedications along FM 663 to allow for auxiliary lanes.
2. The final plat shall include 25' corner clips on Hawkins Run Road and Harvest Hill Drive at FM 663. Harvest Hill Drive shall be dedicated separately as a public right-of-way extending from the east line of FM 663 eastward to the platted area boundary.
3. The final plat will need to establish easements to accommodate existing utilities and city facilities within Mt. Zion Road and Meadowbrook Drive after these thoroughfares are vacated. Such thoroughfares shall be vacated by separate instrument approved by the City Council and recorded with Ellis County. Said recording information shall be noted on the appropriate phase of the final plat.
4. In conjunction with the aforementioned thoroughfare vacations, a temporary access easement may be required to maintain access to existing residential properties to the east of the platted area. If required, such temporary easement shall be established by separate instrument during the final plat review.
5. The final plat shall include a 10' utility easement along FM 663 and Hawkins Run Road.
6. The final plat shall establish a sanitary sewer easement(s) that traverses the platted area at locations approved by the City Engineer or designee.
7. A separate drainage easement shall be required for the routing of off-site drainage across the platted area at locations approved by the City Engineer or designee.

Motion was seconded by Commissioner Kemp.

Action Taken: (7-0) Approved

- 11. Consider and discuss a rezone for Windsor Hills**, containing ± 914.8 acres (the Zoning Area) from Planned Development 11 (PD-11), Agricultural (A) and Single Family One (SF-1) Districts to a Planned Development District No. ## (PD-##) for residential uses, retail and office uses and community facilities. Said Zoning Area being situated within the M.E.P.&P.R.R. Co. Survey, Abstract No. 761, the Allen Reeves Survey, Abstract No. 939, the B.F. Berry Survey, Abstract No. 157, the Joseph Stewart Survey, Abstract No. 961, and the J. Jones Survey, Abstract No. 583; being located north of the intersection of US Highway 287 and Kimbel Road (**Case No. Z11-2014-88, (Discussion Only)**)

Staff reported to the Commissioners that the main purpose of this agenda item is to receive a presentation from staff and applicant regarding the details of this proposed zoning case.

The Commission was asked to review, deliberate and provide additional direction and input on this request without taking a vote. It is the intention of both the applicant and staff to provide the Commission more time to understand the complexities of this proposal so that they may be able to make a more informed decision and official recommendation at the next meeting. A public hearing will be scheduled on this agenda item for the next regularly meeting of the Planning and Zoning Commission, which is scheduled for October 20, 2015.

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none

Commissioner Altman moved to **adjourn** the meeting.
Commissioner Koehler seconded the motion.

Action Taken: (7-0) Meeting Adjourned at 10:30 pm

10/28/15



Kevin Lasher, Planning Director