

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 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

PLANNING AND ZONING COMMISSION MEETING

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

CONSENT AGENDA

1. **Consider and act upon the Planning and Zoning Commission Minutes Dated:**
 - **November 17, 2015**

2. **Consider and act upon a determination of significant/insignificant change for Condition #11 in the PD-60 ordinance and the final plat of Kensington Park North, Phase 2. Property contains ± 26.915 acres of land in the A.W. Tucker Survey, Abstract 1096, located ± 500 feet south from the corner of North Walnut Grove and Mockingbird Lane in the City of Midlothian, Texas (Case No. FP01-2015-16).**

3. **Consider and act upon a final plat and septic waiver of Four Trees Addition and septic waiver for Ashford Prairie Estates, Lot 1R, Block 11. Property contains ± 195.585 acres in the S. Fredrick Survey, Abstract No. 357, E. Bryson Survey, Abstract 117, and the John Crane Survey, Abstract 246, being located at the northeast corner of future North Walnut Grove Road and West Shiloh Road, in the City of Midlothian, Texas. (Case No. FP02-2015-18, M06-2015-21, & M07-2015-22)**

Chairman Weaver moved to remove Item 4 from the Consent Agenda. Motion was seconded by Commissioner Johnson and carried unanimously (7-0). Vice-Chairman Seeds moved to approve the amended Consent Agenda as submitted. Motion was seconded by Commissioner Kemp and carried unanimously (7-0).

Action Taken: (7-0) Approved

Chairman Weaver left the dais citing a conflict of interest. Vice-Chairman Seeds assumed control of the meeting and announced a change in the agenda order.

REGULAR AGENDA

5. **Consider and act upon an ordinance rezoning ± 185.85 acres from Agricultural (A) District to a Planned Development District No. 82 (PD-82) for residential, open spaces, and corporate uses; Property is in the J. Powers Survey, Abstract No. 838, C.R. Werley Survey, Abstract No. 1187, J. Grimes Survey, Abstract No. 1327, and the L.W. Stewart Survey, Abstract No. 997, and generally located south of Hayes Road (Case No. Z02-2015-04).**

Staff presented the agenda item noting the revised options for the development and welcomed questions from the Commissioners. Vice-Chairman Seeds moved to approve Item 5 as recommended by staff with additional recommendation. Motion was seconded by Commissioner Johnson and failed by a vote of 2-4-1 with Commissioners Koehler, Altman, Seeds, and Kemp voting in opposition. Commissioner Altman moved to deny Item 5. Motion was seconded by Commissioner Koehler and carried by a vote of 5-1-1 with Commissioner Kemp voting in opposition.

Action Taken: (5-1) Denied

- 4. Consider and act upon a final plat and septic waiver of Legacy Estates Phase 1. Property contains ± 82.626 acres in the A.R. Newton Survey, Abstract No. 793 and the Mary Powers Survey, Abstract No. 843, located at the southwest corner of FM 1387 and FM 664, in the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas (Case No. FP03-2015-20, Case No. M08-2015-23)**

Staff presented the agenda item and welcomed questions from the Commissioners. Commissioner Altman moved to approve Item 4 as presented by staff. Motion was seconded by Commissioner Reed and carried unanimously (6-0-1).

Action Taken: (6-0) Approved

Chairman Weaver returned to the dais and resumed control of the meeting.

PUBLIC HEARING

- 6. Continue a public hearing and act upon an ordinance to rezone ± 131.61 acres from the current Agricultural (A) District to a Planned Development (PD) District for Heritage Crossing containing residential, community retail, professional office, and open spaces uses. Property is in the J. Smith Survey, Abstract #972, R.W. Tucker Survey, Abstract #1311, and the J. Powers Survey, Abstract #838, and generally located at the northeast corner of FM 1387 and North Walnut Grove Road (Case No. Z01-2015-03).**

Staff presented the agenda item noting a change in the minimum house size for Type A and B from 1,800 square feet to 1,400 square feet and welcomed questions from the Commissioners. The applicant, Scott Pendery (7851 Clark Court), responded to questions and comments from the Commissioners. Commissioner Kemp moved to close the Public Hearing. Motion was seconded by Vice-Chairman Seeds and carried unanimously (7-0). Chairman Weaver moved to approve Item 6 as presented with additional recommendations. Motion was seconded by Commissioner Altman and carried unanimously (7-0).

Commissioner Recommendations:

1. Add two entrances to open space
2. Add an exhibit to the ordinance for a design book
3. Clarify flexibility for roof type

Action Taken: (7-0) Approved

- 7. Conduct a public hearing and act upon an ordinance to rezone ± 0.316 acres from its current Residential Three (R3) to an Urban Village Planned Development District No. 8 (PD 8) for a yoga studio and related uses. Property is in Block 27 of the Original Town of Midlothian, located at the northwest corner of West Avenue F and North 6th Street**

(Case No. Z05-2015-17).

Staff presented the agenda item and welcomed questions from the Commissioners. Lance Rankin (2808 Maple Creek Drive) spoke in support and John Thomas (416 W. Avenue E) spoke in opposition. Vice Chairman Seeds moved to close the Public Hearing. Motion was seconded by Commissioner Johnson and carried unanimously (7-0). Commissioner Altman moved to approve Item 7 as presented by staff with additional recommendations. Motion was seconded by Vice-Chairman Seeds and carried by a vote of 6-1 with Chairman Weaver voting in opposition.

Commissioner Recommendations:

1. Require a minimum exterior masonry of 70%
2. Revise Exhibit D

Action Taken: (6-1) Approved

8. **Conduct a public hearing and act upon an ordinance to rezone ± 914.8 acres from the current Agricultural (A) District and Planned Development District No. 11 (PD-11) containing single family residential, multifamily residential, retail, office and heavy industrial uses to a Planned Development District No. 84 (PD-84) for Windsor Hills containing single family residential, retail, office, and community facilities. Property is in 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, located on the northeast corner of Kimble Road and U.S. Highway 287 (Case No. Z11-2014-88).**

Staff presented the Agenda Item and welcomed questions from the Commissioners. Mark Holliday, (5700 W. Plano Pkwy., Suite 2500, Plano, TX), project engineer representing the applicant, responded to questions from the Commissioners. Chairman Weaver moved to continue the Public Hearing to the January 19, 2016 Planning & Zoning Commission meeting. Motion was seconded by Vice-Chair Seeds and carried unanimously (7-0).

Tammy Jordan, 5436 Shallow Creek, registered her opposition.

Action Taken: (7-0) Continued

9. **Conduct a public hearing and act upon amendments to the Use Table found in Section 2.04 of the Zoning Ordinance. The primary purpose of these amendments are designed to add, modify and/or delete land use categories in certain zoning districts (Case No.OZ01-2015-24).**

Staff presented the Agenda Item and welcomed questions from the Commissioners. Commissioner Altman questioned the use requirements for gun shops. Commissioner Kemp moved to close the Public Hearing. Motion was seconded by Commissioner Koehler and carried unanimously (7-0). Chairman Weaver moved to approved Item 9 with additional recommendations. Motion was seconded by Vice-Chairman Seeds and carried unanimously (7-0).

Commissioner Recommendations:

1. Change the use requirements for gun shops

Action Taken: (7-0) Approved

MISCELLANEOUS DISCUSSION

- **Staff and Commissioner Announcements**


Staff announced the departure of Vice-Chairman Seeds and Commissioner Kemp and their replacements would begin serving at the January meeting.

- **Adjourn**

Commissioner Altman moved to adjourn the meeting. Motion was seconded by Vice-Chairman Seeds and carried unanimously (7-0).

Action Taken: (7-0) Meeting Adjourned at 9:17 p.m.

APPROVED:



Ross Weaver, Chairman

ATTEST:



Kevin Lasher, Planning Director