

**NOTICE OF A REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, JANUARY 15, 2008**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regularly Scheduled Meeting of the Midlothian Planning and Zoning Commission, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

WORKSHOP – 6:00 PM

Workshop will be held in the Development Services Conference Room

- Discuss Technical Issues regarding January 15, 2008 Agenda Items
- Discuss City Council Agenda Items (Past, Present and Future)
- Discuss technical items: Approval standards for SUP's and guide lines for establishments that sell alcohol

CONSENT AGENDA – 7:00 PM

1. **Consider and Take Action on Planning and Zoning Commission Minutes Dated:**
December 18, 2007

PUBLIC HEARING AGENDA

2. **Continue a public hearing and act upon an ordinance to consider proposed amendments, additions, and changes to the City of Midlothian's Subdivision Ordinance 88-14, as amended,** consistent with Texas Local Government Code, Chapter 212, providing a Severability Clause; and providing an effective date (Case No. OS01-2005-24)
3. **Continue a public hearing and act upon an ordinance to consider proposed amendments and changes to the City of Midlothian Zoning Ordinance 89-13, as amended:** Article 6, Section 6.1, (Planned Development Amenities); and, any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance and, establishing an effective date (Case OZ06-2006-148)

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements
- Adjourn

I, John Garfield, Planning Director for the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 11th day of January, 2008, at or before 5:00 P.M.

John Garfield, AICP
Planning Director

ATTEST: _____
Kathleen Hamilton, Executive Assistant

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 18, 2007**

The Planning and Zoning Commission for the City of Midlothian met on Thursday evening, in the City Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas, the following The following Commissioners were present:

Larry Pool	§	Chairman
Shawn Yarbrough	§	Vice Chairman
Sandra Hill	§	Commissioner
Denise Wright	§	Commissioner
Jon Herrin	§	Commissioner
Robert Cunningham	§	Commissioner

The following staff members were present:

Jon Garfield, AICP	§	Planning Director
Alberto Mares, AICP	§	Current Planning Manager
Ryan Spencer, AICP	§	Comprehensive Planning Manager
Lori Hall	§	Development Processing Clerk

CALL TO ORDER – 7:05 PM

Chairman Pool called the meeting to order
Chairman Pool pulled Agenda Item #1 from the Consent Agenda.
Chairman Pool called the first item on the agenda.

REGULAR AGENDA

- 1. Consider and Take Action on Planning and Zoning Commission Minutes Dated:**
November 15, 2007

Commissioner Wright moved to **approve** the minutes.
Motion was seconded by Vice Chairman Yarbrough.
Action Taken: (6-0) Approved

Chairman Pool called the next item on the agenda.

- 2. Consider/discuss and act upon a request for a variance to the City of Midlothian Subdivision Ordinance 88-14, as amended, Section 3.16.1 (division of property) for Duval Place Addition, Lots 1-8, Block 1(Case No. M03-2007-26)**

Property contains ± 13.698 acres, and is generally located west of Plainview Road and east of Ledgestone Lane, in the Extraterritorial Jurisdiction (ETJ), of the City of Midlothian, Ellis County, Texas

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

The following Spoke in regards to this request:
E.D. Hill, E.D. Hill & Associates

Vice Chairman Yarbrough moved to **approve** this request with the following conditions:

1. Section 3.16 to allow a right-of-way reservation instead of a right-of-way dedication of Ledgestone Lane and shall be maintained by the property owners until such time it is conveyed to the City/County for future right-of-way.
2. Section 6.14.3 to allow direct driveway access for Lot 2 onto Plainview Road.

Motion was seconded by Commissioner Herrin.

Action Taken: (6-0) Approved

REGULAR AGENDA

Chairman Pool called the next item on the agenda.

3. Consider/discuss and act upon a preliminary plat of Eastridge Plaza Lots 1-9, Block 1 (Case No. PP01-2007-22)

Property contains ± 14.181 acres, and is generally located north of East Main Street and ± 382 feet west of North Midlothian Parkway, in the City of Midlothian, Texas

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

Commissioner Herrin moved to **approve** this request as presented.

Motion was seconded by Commissioner Hill.

Action Taken: (6-0) Approved

PUBLIC HEARING

Chairman Pool called the next item on the agenda.

4. Continue a public hearing to consider a rezone request of property known as Eastridge Plaza from Light Industrial (LI) District to a Planned Development (PD) District for retail & office uses (Case No. Z01-2007-05)

Property contains ± 14.181 acres and generally located north of US Hwy 287 and 120 feet west of Midlothian Parkway

Alberto Mares presented the agenda and advise the Commissioners that the applicant wishes to withdraw this case.

Commissioner Hill moved to **accept** the applicants request for withdrawal.

Motion was seconded by Commissioner Cunningham.

Action Taken: (6-0) Case Withdrawn

Chairman Pool called the next item on the agenda.

5. Conduct a public hearing and act upon a rezone request to amend the Original Texanna Ranch (PD-39) Ordinance 2006-44 (Case No. Z04-2007-23)

The property owner is requesting to amend the 15 foot right-of-way along FM 1387 to be used as a 15 foot landscape buffer and to amend current building setback lines for specific residential lots in cul-de-sacs from 20-30 feet to 35 feet. Property is located north of FM 1387 and ± 980 feet east of Bryson Lane

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

The following spoke in regards to this request:

Jay Childs, Dietz Engineering

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

Motion was seconded by Vice Chairman Yarbrough.

Action Taken: (6-0) Closed

Commissioner Herrin moved to approve this request with the following conditions:

1. An amendment to Thoroughfare Plan showing a reduction in right-of-way width on F.M. 1387 shall be finalized prior to the application for right-of-way abandonment.
2. The right-of-way abandonment of the 15 feet shall be approved prior to the acceptance of a revised plat.

PUBLIC HEARING CONTINUED

3. The sight visibility triangle will need to extend from its current location to the right-of-way line to create a 25-foot triangle (currently 10 feet).
4. A revised plat shall be submitted showing the above changes including a plat note stating the location of a sewer line and utility easement in the back yards of the affected lots.
5. The revised plat shall also show the 15-foot strip of right-of-way to be abandoned as a lot to be maintained by the Homeowners' Association (HOA).
6. The ordinance number referencing the right-of-way abandonment shall be shown on the replat
7. All other portions of this PD ordinance shall remain.
8. Submit a revised landscaping plan showing reduced landscaping buffer of five (5) feet.

Motion was seconded by Vice Chairman Yarbrough.

Action Taken: (5-1) Approved

Commissioner Hill opposed.

Chairman Pool called the next item on the agenda.

6. Continue a public hearing to consider an amendment to Ordinance 2007-15, as amended, the City of Midlothian's Comprehensive Plan (Case No. CP01-2007-06)

Amending the Thoroughfare and Future Land Use Plan by adding and revising certain road segments to the Thoroughfare Plan Map and amending certain land use designations to the Future Land Use Plan providing a severability clause & an effective date

Ryan Spencer presented the agenda item and welcomed questions from the Commissioners.

There were no speakers in regards to this request.

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

Motion was seconded by Commissioner Hill.

Action Taken: (6-0) Closed

Vice Chairman Yarbrough moved to **approve** this request as presented.

Motion was seconded by Commissioner Hill.

Action Taken: (6-0) Approved

Chairman Pool called the next item on the agenda.

7. Conduct a public hearing to consider and act upon amendments to the City of Midlothian Zoning Ordinance 89-13, as amended (Case No. OZ05-2007-25)

Amending Article 14, "Adult Entertainment establishment regulations" with new regulations related to the creation of sexually oriented business, and any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

There were no speakers in regards to this request.

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

Motion was seconded by Commissioner Herrin.

Action Taken: (6-0) Closed

Commissioner Herrin moved to **approve** this request as presented by staff.

Motion was seconded by Commissioner Wright.

Action Taken: (6-0) Approved

PUBLIC HEARING CONTINUED

Chairman Pool called the next item on the agenda.

8. Continue a public hearing to consider and act upon amendments to the City of Midlothian Zoning Ordinance, adopted by Ordinance 89-13, as amended (Case No. OZ03-2007-17)

Amending Article 7, Section 7.8-7, the Masonry Regulations in Industrial Districts and any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

Mayor Boyce Whatley spoke to the Commissioner explaining the reasoning behind this case being remanded back to the Planning and Zoning Commissioner as a result from the Planning Subcommittee meeting on December 5, 2007.

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

Motion was seconded by Commissioner Cunningham.

Action Taken: (6-0) Closed

Commissioner Wright moved to **approve** this request as presented by staff.

Motion was seconded by Commissioner Herrin.

Action Taken: (4-2) Approved

Commissioner Cunningham and Vice Chairman Yarbrough opposed.

Chairman Pool called the next item on the agenda.

9. Conduct a public hearing to consider and act upon amendments to the City of Midlothian Zoning Ordinance 89-13, as amended (Case No. OZ04-2007-24)

Amending Article 7, Section 7.7, the Screening and Fencing Regulations, and any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

There were no speakers in regards to this request.

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

Motion was seconded by Commissioner Hill.

Action Taken: (6-0) Closed

Commissioner Herrin moved to **approve** this request as presented by staff.

Motion was seconded by Commissioner Hill.

Action Taken: (6-0) Approved

Chairman Pool called the next item on the agenda.

10. Continue a Public Hearing and act upon an ordinance regarding amendments to the city of Midlothian Zoning Ordinance 89-13, as amended (Case OZ06-2006-148)

To consider proposed amendments and changes to the City of Midlothian Zoning Ordinance 89-13, as amended: Article 6, Section 6.1, (Planned Development Amenities); and, any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance and, establishing an effective date

Alberto Mares presented the agenda item and welcomed questions from the Commissioners.

Commissioner Cunningham moved to **continue** this request to the January 15, 2007 Planning and Zoning meeting.

MISCELLANEOUS DISCUSSION

Motion was seconded by Commissioner Wright.

Action Taken: (6-0) Continued

- Staff and Commissioner Announcements
 1. There will be a new Planning and Zoning Commissioner appointment at the next City Council meeting on January 8 2007.
- Adjourn

Commissioner Cunningham moved to **Adjourn**.

Motion was seconded by Vice Chairman Yarbrough.

Action Taken: (6-0) Adjourned at approximately 8:05 PM

John Garfield, AICP, Planning Director

1/15/2007
Date Approved



**PLANNING AND ZONING COMMISSION
AGENDA ITEM NO. 2**

AGENDA ITEM:

CONTINUE A PUBLIC HEARING AND ACT UPON AN ORDINANCE TO CONSIDER PROPOSED AMENDMENTS, ADDITIONS, AND CHANGES TO THE CITY OF MIDLOTHIAN'S SUBDIVISION ORDINANCE 88-14, AS AMENDED, CONSISTENT WITH TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE (CASE NO. OS01-2005-24).

CASE UPDATE

On September 19, 2006, the Planning and Zoning Commission voted to continue this case for a period not to exceed one year. On September 18, 2007, at staff's request, the Planning & Zoning Commission continued this case to this hearing date to allow staff additional time to coordinate with the Engineering Department to remove all the technical aspects relating to drainage, street standards, and other infrastructure and public work enhancements from the Subdivision Ordinance and creating a General Design Standards manual. These new standards will include updated Standard Construction Details, Storm Water Management Design Standards and Ordinance, etc. Although these changes will be pulled from the Subdivision Ordinance, they will be cross-reference to the new General Design Standards manual to ensure full compliance with City's regulations. Staff recommends additional time to finalize all the details and coordination of this project.

ALTERNATIVES

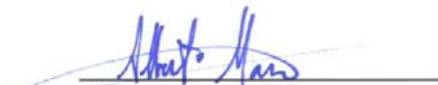
1. Continue the public hearing to the February 19, 2008 meeting.

RECOMMENDATION

Staff recommends these Subdivision Ordinance amendments be **continued to the February 19, 2008** Planning & Zoning Commission meeting.

SUBMITTED AND PRESENTED BY:

Alberto Mares, AICP, Current Planning Manager
Tuesday, January 15, 2008, Planning & Zoning Commission Meeting


Alberto Mares, AICP
Current Planning Manager

REVIEWED BY:

John A. Garfield, AICP, Director of Planning
Tuesday, January 15, 2008, Planning & Zoning Commission Meeting


John A. Garfield, AICP
Director of Planning



**PLANNING AND ZONING COMMISSION
AGENDA ITEM NO. 3**

AGENDA CAPTION:

CONTINUE A PUBLIC HEARING AND ACT UPON AN ORDINANCE REGARDING AMENDMENTS TO THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED (CASE OZ06-2006-148)

TO CONSIDER PROPOSED AMENDMENTS AND CHANGES TO THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED: ARTICLE 6, SECTION 6.1, (PLANNED DEVELOPMENT AMENITIES); AND, ANY OTHER CORRESPONDING ADDITIONS, DELETIONS OR CHANGES TO VARIOUS SECTIONS, ARTICLES AND PROVISIONS CONTAINED IN SAID ZONING ORDINANCE AND, ESTABLISHING AN EFFECTIVE DATE

BACKGROUND

Case Update:

Although the Planning & Zoning Commission recommended approval of these proposed amendments and amenity criteria of the Planned Development section at its October 16, 2007 by a vote of 6-0, the City Council at its November 27, 2007 meeting voted to continue this case to its January 22, 2008 meeting and remand it for additional review by the Planning Subcommittee at its December 5, 2007 meeting.

At the Planning Subcommittee meeting, there were many changes that were substantially different from what the Planning & Zoning Commission recommended and at its December 18, 2007 meeting, the Commission voted to continue this case to the January 15, 2008 meeting. Staff recommends additional time to review, amend, and retool these amendments based on input and feedback from the City Council, Planning Subcommittee, and the Planning & Zoning Commission and recommends continuance to the February 19, 2008 meeting.

ALTERNATIVES


1. Continue the public hearing to the February 19, 2008 meeting.

RECOMMENDATION

Staff recommends these Subdivision Ordinance amendments be **continued to the February 19, 2008** Planning & Zoning Commission meeting.

SUBMITTED AND PRESENTED BY:

Alberto Mares, AICP, Current Planning Manager
Tuesday, January 15, 2008, Planning & Zoning Commission Meeting


Alberto Mares, AICP
Current Planning Manager

REVIEWED BY:

John A. Garfield, AICP, Director of Planning
Tuesday, January 15, 2008, Planning & Zoning Commission Meeting


John A. Garfield, AICP
Director of Planning