

**NOTICE OF A REGULAR SCHEDULED MEETING FOR THE
CITY OF MIDLOTHIAN PLANNING AND ZONING COMMISSION
TUESDAY, JUNE 30, 2009**

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

PLANNING AND ZONING COMMISSION MEETING—5:30 PM

CONSENT AGENDA

1. **Discussion and Consideration on Planning and Zoning Commission Minutes Dated:**
May 19, 2009

PUBLIC HEARING AGENDA

2. **Conduct a public hearing and act upon a rezoning request for property currently zoned Light Industrial (LI) District to a Planned Development (PD) District for surface mineral extraction and associated uses.** Property is out of the George F. Holman Survey, Abstract 460, and the H.K. Hendricks Survey, Abstract 488, containing \pm 79.100 acres, and generally located east of Old Dallas Hwy and being divided by Dove Lane and \pm 650 feet south of Gifco Road (Case No. Z05-2008-33)

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements
- Adjourn

I, John Garfield, Director of Planning 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 26th day of June, 2009, at or before 5:00 P.M.



John A. Garfield, AICP
Director of Planning

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, MAY 19, 2009**

The Planning and Zoning Commission for the City of Midlothian met on Tuesday evening, May 19, 2009 at City Hall located at 104 West Avenue E, Midlothian, Texas.

The following Commissioners were present:

Jon Herrin	§	Vice Chairman
Robert Cunningham	§	Commissioner
Jack Burleson, Sr.	§	Commissioner
Sandra Hill	§	Commissioner
Johnny Lee Stanley	§	Commissioner

The following Commissioners were absent:

Larry Pool	§	Chairman
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The following staff members were present:

John Garfield, AICP	§	Director of Planning
Alberto Mares, AICP	§	Current Planning Manager
Ryan Spencer, AICP	§	Comp. Planning Manager

**WORKSHOP
ADMINISTRATIVE CONFERENCE ROOM**

Vice Chairman Herrin called the Workshop to order at 6:41 PM

- Discussion on technical issues regarding May 19, 2009 Agenda Items for the Planning and Zoning Commission Meeting
- Continue discussion on updating Fencing Regulations
 - Alberto Mares & John Garfield presented the Commissioners with an update on the proposed Fencing Regulations
- Discussion on proposed 8th Street Overlay District Standards
 - Alberto Mares presented the Commissioners with a preliminary draft development standards for the proposed overlay district and explained the procedures of such an overlay district
- Discussion on results of Downtown Visioning Exercise
 - Ryan Spencer presented the Commissioners with the results of the Downtown Visioning Exercise from May 18, 2009.
- Continue discussion of Comprehensive Plan's Sustainability Goals
 - Ryan Spencer presented the Commissioners with an update on the Sustainability Goals chapter of the Comprehensive Plan.
- Discussion of converting some land uses from Specific Use Permits (SUP) to Special Exceptions (SE)
 - Alberto Mares presented the Commissioners with a preliminary draft list of proposed land use changes
- Discussion on City Council Agenda Items (Past, Present, Future)

Workshop adjourned at 7:00 PM – Commissioners moved to the City Hall Council Chambers

PLANNING AND ZONING COMMISSION MEETING

Vice Chairman Herrin called the Planning and Zoning Commission Meeting to order at 7:03 PM and called the first item on the agenda.

Commissioner Burleson moved the minutes from Consent Agenda to Regular Agenda due to previous Commissioners' absence and to clarify language.

REGULAR AGENDA

1. Discussion and Consideration on Planning and Zoning Commission Minutes Dated:
April 21, 2009

Commissioner Burleson moved to **approve** the minutes with the following changes.
Article VII-Section 7.9-1 (proposed amendment)

A.

7. Tower foundation blueprints or drawings, sealed by a ~~licensed~~ professional engineer licensed from the State of Texas,
8. Tower blueprint or drawing sealed by a ~~licensed~~ professional engineer licensed from the State of Texas,

O. A building permit shall be required for the installation of a small wind energy system.

3. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a ~~licensed~~ professional engineer licensed from the State of Texas shall also be submitted. This analysis is frequently supplied by the manufacturer

Motion was seconded by Commissioner Hill.

Action Taken: (3-0-2) Approved

Commissioners Stanley & Cunningham abstained due to absence from the previous meeting.

Vice Chairman Herrin called the next item on the agenda.

PUBLIC HEARING AGENDA

2. Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow a restaurant at 4470 E. Hwy. 287, Suite 100. Property is zoned Commercial (C) District, containing ± 3.34 acres in the Walnut Grove Center South, Block 1, Lot 2R, and generally located south of E. Hwy 287 and ± 1,700 feet east of Bryan Place, in the City of Midlothian

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

The following spoke in regards to this case:

Bryan Pritchett, Property Owner

Tammy McHorse, Business Owner

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

Motion was seconded by Commissioner Burleson.

Action Taken: (5-0) Closed Public Hearing

Commissioner Cunningham moved to **approve** as presented by staff without the drive-thru window.

Motion was seconded by Commissioner Hill.

Action Taken: (5-0) Approved

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements
 - Commissioner Wright resigned effective immediately
 - Vacancy to be filled in July by Nominations Subcommittee
- Adjourn

Commissioner Cunningham moved to **Adjourn**.

Motion was seconded by Commissioner Hill.

Action Taken: (5-0) Adjourned at approximately 7:09 PM

John Garfield, AICP, Planning Director

06/16/2009
Date Approved

EXECUTIVE SUMMARY
AGENDA ITEM NO. 2
REZONE REQUEST
ASH GROVE TEXAS, LP

Applicant: Kevin Blankenship

Proposed Use: Surface Mineral Extraction and associated uses

Issues: None

Highlight of Conditions:

- Exclusive mineral extraction/surface mining; no blasting methods
- 15-foot high landscaped berm with a minimum 4:1 slope
- Landscaping placed in on top of berm

Staff Recommendations:

Staff recommends **approval** of the rezone request with attached conditions, as presented.

For additional details on this case, please see the attached staff report.

AGENDA ITEM NO. 2

AGENDA CAPTION:

Conduct a public hearing and act upon a rezoning request for property currently zoned Light Industrial (LI) District to a Planned Development (PD) District for surface mineral extraction and associated uses. Property is out of the George F. Holman Survey, Abstract 460, and the H.K. Hendricks Survey, Abstract 488, containing \pm 79.100 acres, and generally located east of Old Dallas Hwy and being divided by Dove Lane and \pm 650 feet south of Gifco Road (Case No. Z05-2008-33)

BACKGROUND INFORMATION

Applicant/Owner: Ash Grove Texas, L.P.

Proposed Request:

Ash Grove Texas, L.P. is requesting to rezone \pm 79.1 acres for surface mining and mineral extraction uses. The property to the south, although owned by Ash Grove, is not a part of the requested rezone. In addition, a future realigned 90-foot thoroughfare and this undeveloped property will serve as a transitional buffer between any uses located to the south.

Existing Use/Property History:

The property is currently zoned Light Industrial (LI), which does not allow for mining operations. Ash Grove has always designated this area as future quarry before any current and existing development occurred.

Adjacent Zoning Districts:

North: Heavy Industrial (HI)
South: Light Industrial (LI) & Single Family Four (SF-4)
East: Heavy Industrial (HI)
West: Heavy Industrial (HI)

Existing Land Uses:

Future quarry
 Undeveloped/
 Future quarry
 Future quarry

Land Use Module Designation: Industrial Module

Comprehensive Plan Analysis:

Surface mining is an allowed use within this module and this request meets the following Locational Criteria for the Industrial Module:

- LC1.** The impact of potential industrial uses on adjacent existing residential uses and environmentally sensitive areas should be considered when determining the appropriate intensity of uses for particular areas.
- LC2.** Buffers and screens are important components in industrial development patterns. They are used to minimize the adverse impacts of light, noise, and views of truck traffic, storage yards, movement of freight, and manufacturing processes. They should be used in the planning for industrial development as needed.
- LC3.** Transportation networks should be well planned to ensure adequate/appropriate levels of service.
- LC4.** Public facilities can be planned as an amenity for this module. These areas can be the focus for planning and site organization. This planning will allow pedestrian linkages to and from public facilities and the adjacent development.

Comprehensive Plan Analysis *continued*:

LC5. Open space should be used as an amenity for surrounding development. Many times the open space takes the form of a floodplain, wetlands, or stands of existing trees. This integration can occur in many ways; a common method is to have a road front the open space allowing a public view, access to the amenity.

Public Notifications:

A total of four (4) property owner notification (PON) letters were mailed to property owners within 200 feet of the subject site. To date, staff has not received any letter regarding this rezone request. Tentatively, this case is scheduled to be heard by City Council on Tuesday, July 21, 2009.

DEVELOPMENT STANDARDS

Landscaping/Fencing:

A proposed 15-foot high landscaped berm shall be placed on the southern end of this property that will parallel the future realigned 90-foot thoroughfare. This berm shall consist of a mix of indigenous deciduous and evergreen trees spaced at a minimum of 40 feet apart to reduce the expected noise and visual impacts that surface mining may have on the surrounding properties. The berm is not expected to obstruct the flow of any creeks, rivers, or other natural waterways.

CURRENT PLANNING ANALYSIS

This proposed rezone will allow Ash Grove the opportunity to extract minerals on their property while providing enough screening and buffering from mitigating negative noise and visual impacts from surrounding property. Ash Grove also owns to the property to the south and has stated that they do not have any plans to develop the land, however, Ash Grove is open to listening to the City on any proposals on this land from retail development to open space preservation. Any additional request for mining beyond the current rezone boundaries would require an additional rezone application. In addition, heavy intense uses that are allowed in the Light Industrial (LI) district would require a Specific Use Permit (SUP).

ATTACHMENTS

- | | |
|-----------------|-------------------|
| 1) Location Map | 3) Zoning Survey |
| 2) Aerial | 4) PON's Received |

RECOMMENDATION

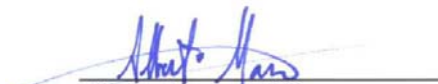
According to the Comprehensive Plan's Industrial Module, staff recommends **approval** of this rezone request from Light Industrial (LI) District to a Planned Development (PD) District for surface mineral extraction, subject to the following conditions:

- 1) The ± 79.1 acres shall be exclusively for mineral extraction/surface mining and no blasting methods shall be allowed.
- 2) A 15-foot high landscaped berm with a minimum 4:1 slope shall be placed on the south end of this property with a mix of indigenous deciduous and evergreen trees upon commencement of full scale mining operations.
- 3) Trees shall be spaced a minimum of 40 feet apart in a zigzag pattern.
- 4) The berm shall be constructed in a manner that does not obstruct the flow of creeks, rivers, or other natural waterways.
- 5) At the completion of mining, this tract may become a part of Midlothian's plant quarry reclamation plan.

SUBMITTED AND PRESENTED BY:

Alberto Mares, AICP, Current Planning Manager

Tuesday, June 30, 2009 Planning & Zoning Commission Meeting



Alberto Mares, AICP
Current Planning Manager

REVIEWED BY:

John A. Garfield, AICP, Director of Planning

Tuesday, June 30, 2009 Planning & Zoning Commission Meeting



John A. Garfield, AICP
Director of Planning



1 inch = 400 feet

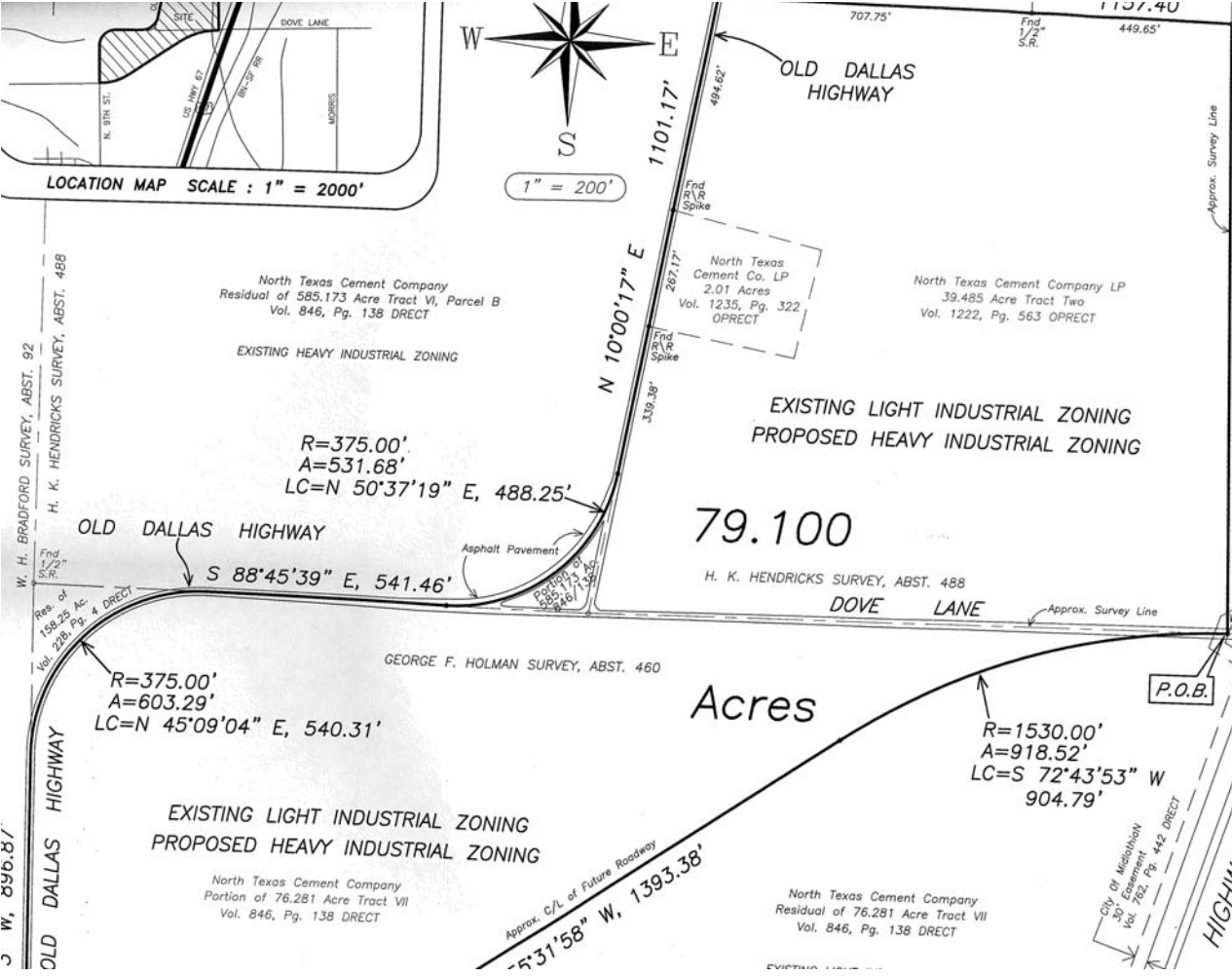
Ash Grove Rezone





Ash Grove Rezoning

ATTACHMENT 3



ATTACHMENT 4

NONE