

**NOTICE OF A REGULAR SCHEDULED MEETING FOR THE  
CITY OF MIDLOTHIAN PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 18, 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 AND CITY COUNCIL JOINT WORKSHOP—6:00 PM**  
Workshop will be held in the City Hall Council Chambers

- Discussion of Wind Energy Systems

**PLANNING AND ZONING COMMISSION MEETING—7:00 PM**

**CONSENT AGENDA**

1. **Discussion and Consideration on Planning and Zoning Commission Minutes Dated:**
  - July 21, 2009

**PUBLIC HEARING AGENDA**

2. **Conduct a public hearing to consider and act upon an Ordinance amending the City of Midlothian's Zoning Ordinance, 89-13, as amended, Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and creating Article 15 (Wind Energy Systems) and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ07-2008-27)**
3. **Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow an electronic message sign (LED) for the Midlothian Conference Center, 1 Community Circle Drive.** Property is zoned General Professional (GP) District, and generally located south of Hwy 287, east of 14<sup>th</sup> Street and north of Mt. Zion, in the City of Midlothian (Case No. SUP04-2008-43)


**MISCELLANEOUS DISCUSSION**

- Staff and Commissioner Announcements
- Adjourn

**PLANNING AND ZONING COMMISSION WORKSHOP**

- Discussion of Windsor Hills Concept Plan

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 14th day of August, 2009, at or before 5:00 P.M.

  
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**John A. Garfield, AICP**  
Director of Planning

**MINUTES  
PLANNING AND ZONING COMMISSION  
TUESDAY, JULY 21, 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:**

Larry Pool	§	Chairman
Jon Herrin	§	Vice Chairman
Jack Burleson, Sr.	§	Commissioner
Sandra Hill	§	Commissioner
Mike Rodgers	§	Commissioner
Wayne Sibley	§	Commissioner

**The following Commissioners were absent:**

Robert Cunningham	§	Commissioner
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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	§	Comprehensive Planning Manager
Kathleen Hamilton	§	Exec. Asst. to the Planning Director

**WORKSHOP**

*(HELD IN THE ADMINSTRATIVE CONFERENCE ROOM)*

Workshop began at 6:01 PM

- Oath of Office given to:
  - Mike Rodgers
  - Wayne Sibley
- Election of Officers:
  - Larry Pool re-elected as Chairman
  - Jon Herrin re-elected as Vice Chairman
- Discuss technical issues regarding July 21, 2009 Agenda Items

Workshop adjourned at 6:59 PM

**PLANNING AND ZONING COMMISSION MEETING**

Chairman Pool called the Planning and Zoning Commission Meeting to order at 7:04 PM and called the first item on the agenda.

**CONSENT AGENDA**

1. **Discussion and Consideration on Planning and Zoning Commission Minutes Dated:**  
June 30, 2009

Vice Chairman Herrin moved to **approve** the minutes as presented.

Motion was seconded by Commissioner Burleson.

**Action Taken: (3-0-3) Approved**

The following Abstained:

1. Chairman Pool
2. Commissioner Rodgers
3. Commissioner Sibley

Chairman Pool called the next item on the agenda.

**REGULAR AGENDA**

2. Consider and act upon a request for approval for a minor plat and sewer waiver of Manning's Meadow, Lots 1 and 2 with variances to Sections 6.14.3, 6.17.1, and 6.17.2 of the Subdivision Ordinance. Property is out of the J.B. Orr Survey, Abstract No. 818, and containing ± 5.975 acres, and is generally located north of FM 875 and ± 6,564 feet east of FM 663, in the City of Midlothian, Texas (Case No. MP02-2008-37)

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

Commissioner Sibley moved to **approve** the Minor Plat of Manning's Meadow, Lot 1 and 2, the sewer waiver, subject to the following conditions:...

- 1) The design of each proposed septic system meets all State and/or Ellis County requirements.
- 2) One septic system per lot.
- 3) That connection to the City sewer system is made within 18 months of availability to the site.

...and variances to the following sections of the Subdivision Ordinance 88-14, with the following conditions:

- 1) Section 6.17.1, and Section 6.17.2, as presented (water system, fire hydrant, and water-line size)
- 2) Section 6.14.3, to allow direct residential driveway connection onto F.M. 875 with the condition that only one shared driveway cut of a minimum 24 feet wide be allowed onto FM 875, based on the location approval from Tx-DOT.

Motion was seconded by Commissioner Rodgers.

**Action Taken: (6-0) Approved**

Chairman Pool called the next item on the agenda.

**PUBLIC HEARING AGENDA**

3. Conduct a public hearing to consider a request for approval of a replat of Texanna Ranch, Phase One, Block A, Lots 13R-23R; Block B, Lots 19R-36R; Block C, Lots 21R & 22R; Block D, Lots 13R-14R (replat of 23 lots into 33 lots). Property contains ± 12.5 acres, and is generally located north of FM 1387 and east of Bryson Lane, in the City of Midlothian, Texas (Case NO. RP02-2008-36)

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

No one spoke in regards to this case.

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

Motion was seconded by Vice Chairman Herrin.

**Action Taken: (6-0) Closed Public Hearing**

Vice Chairman Herrin moved to **approve** this agenda item, as presented.

Motion was seconded by Commissioner Sibley.

**Action Taken: (6-0) Approved**

Chairman Pool called the next item on the agenda.

**PUBLIC HEARING AGENDA - CONTINUED**

4. **Conduct a public hearing to consider and act upon an Ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended**, amending Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and Article XIII (Commercial Communications Towers) to allow wind energy turbines and towers, and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date. This amendment is primarily designed to regulate small domestic wind energy systems. (Case No. OZ07-2008-27)

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

No one spoke in regards to this case.

Vice Chairman Herrin moved to **close** the public hearing.

Motion was seconded by Commissioner Burleson.

**Action Taken: (6-0) Closed Public Hearing**

Vice Chairman Herrin moved to **approve** this agenda item, with the following changes:

- Change the proposed Section 13.1.1 c) to read as follows:  
**c) Construction Standards**  
Communication mounts and communication towers must be installed as per the manufacturer's **instructions that are certified and sealed** ~~or under the seal of a registered~~ **by a** professional engineer **licensed by** ~~of~~ the State of Texas and shall be inspected and approved by the Building Official.
- Change the proposed Section 13.2.a.6 to read as follows:  
The tower for a wind energy system shall be **located in the rear of the principal structure on the property with a fall zone equal to 110% the height of the tower and** no part of the wind system structure, including guy wire anchors, may extend closer than ~~fifteen (15)~~ **five (5)** feet to the property boundaries of the installation site.
- Change the proposed Section 13.2.a.14 to read as follows:  
**14. Inspection Required by Owner.**
  - i) A wind energy system shall be inspected once every ~~36~~ **60** months by a **City-approved** third-party inspector to assure that the system is working properly and not posing any adverse public safety issues. The homeowner or inspector shall file a report with the City's **Building Official**.
- Change the proposed Section 13.2.d.1.i & Section 13.2.d.1.iii to read as follows:
  - i) A wind energy system is attached or mounted on ~~the roof of a~~ structure, regardless of lot size **(the fall zone requirement is waived for roof-mounted or attached systems)**
  - iii) The wind energy system is placed ~~on the rear exterior of a home~~ away from public view,
- Delete the proposed Section 13.2.d.2 as follows and renumber accordingly:  
~~2) Any approval of a Special Exception (SE) for a wind energy system may be brought back to the Zoning Board of Adjustment (ZBA) for renewal after five (5) years.~~

**PUBLIC HEARING AGENDA - CONTINUED**

- Change the proposed Section 13.2.e.2.iii & Section 13.2.e.2.iv to read as follows:
  - iii) Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind energy structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the City's adopted version of the International Building Code and certified by a professional engineer licensed by the State of Texas, shall also be submitted. ~~This analysis is frequently supplied by the manufacturer.~~
  - iv) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail, to allow for a determination that the manner of installation conforms to the City's adopted version of the National Electrical Code. ~~This information is frequently supplied by the manufacturer.~~

Motion was seconded by Commissioner Sibley.

**Action Taken: (6-0) Approved**

Chairman Pool called the next item on the agenda.

5. **Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended**, adding Section 13 (Sustainable Development), and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. CP02-2008-40)

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

No one spoke in regards to this case.

Things to discuss at the next meeting:

- More public input on Comprehensive Plan goals & objectives
- Some goals appear to be conflicting with others in this section & other chapters
- Put in a section on Air Quality
- Revising Goal 3
- Making goals less specific and more general

**MISCELLANEOUS DISCUSSION**

- Staff and Commissioner Announcements
- Adjourn

Commissioner Sibley moved to **Adjourn.**

Motion was seconded by Commissioner Rodgers.

**Action Taken: (6-0) Adjourned at approximately 8:03 PM**

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**John Garfield, AICP, Planning Director**

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**08/18/2009**  
**Date Approved**

**EXECUTIVE SUMMARY**  
**AGENDA ITEM 2**  
**CASE NO. OZ07-2008-27**  
**ZONING ORDINANCE AMENDMENT**

**Project Highlights:**

1. Regulates wind energy systems
2. 1 system for every 3 acres
3. Maximum height of 80 feet, unless exempted by a SUP
4. SUP if do not meet all required regulations.

**P&Z Recommendation:**

**Recommendation:**

Staff recommends **approval**, as presented.

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

## AGENDA ITEM NO. 2

### AGENDA CAPTION:

Conduct a public hearing to consider and act upon an Ordinance amending the City of Midlothian's Zoning Ordinance, 89-13, as amended, Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and creating Article 15 (Wind Energy Systems) and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ07-2008-27)

### BACKGROUND

#### Reason for Request:

There have been various requests and inquires regarding wind energy systems within the City limits and with the price of energy continuously going higher, many people are wanting to cut their energy costs by looking towards other alternative energy sources.

This is the 3<sup>rd</sup> version of this ordinance amendment. Below are the major highlighted portions and differences from previous versions:

- A stand-alone article is created specifically for wind energy systems (Article 15)
- Allow 1 for every 3 acres.
- SUP if do not meet all the established regulations or if a roof-mounted system (Special Exceptions are no longer a part of this ordinance).
- No lattice or guy towers. Only monopole structures allowed.
- Setbacks from property lines equal to height & length of one blade and no setback requirements from buildings versus an unobstructed fall zone equal to 110% of the tower height
- Inspections required the first 3 years and every 5 years thereafter
- Inoperable systems have 6 months to make it operational

### ATTACHMENTS

1. Proposed Ordinance (for approval)

### RECOMMENDATION

Staff recommends **approval** of this ordinance amendment, as presented.

#### SUBMITTED AND PRESENTED BY:

Alberto Mares, AICP, Current Planning Manager  
Tuesday, August 18, 2009, Planning & Zoning Commission Meeting



Alberto Mares, AICP  
Current Planning Manager

#### REVIEWED BY:

John A. Garfield, AICP, Director of Planning  
Tuesday, August 18, 2009, Planning & Zoning Commission Meeting



John A. Garfield, AICP  
Director of Planning

**Ordinance No. 2009-DRAFT**

An Ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended, amending Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and creating Article XV (Wind Energy Systems) to allow wind energy turbines and towers, and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date

**WHEREAS**, the City of Midlothian ("City") is a Home Rule City with a Charter approved by the voters of the City pursuant to Article II, Section 5 of the Texas Constitution; and,

**WHEREAS**, the purpose of these regulations are to provide for the construction and operation of wind energy systems in the City, subject to reasonable conditions that will protect the public health, safety and welfare; and,

**WHEREAS**, Congress has funded at least nine programs totaling \$25.5 billion in the American Recovery and Reinvestment Act in which energy efficiency, public building retrofit, renewable energy, weatherization, upgrades to the electrical grid and green workforce development play an essential role; and,

**WHEREAS**, Congress has included \$20 billion in tax incentives to encourage conservation and support development of wind, solar and other renewable energy sources; and,

**WHEREAS**, wind power technology has evolved to the extent that the cost of generation is making this renewable source of electrical energy more cost competitive; and

**WHEREAS**, the City desires to promote rather than restrict development of alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems; and,

**WHEREAS**, the City desires to create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy; and,

**WHEREAS**, the City desires to protect and enhance air quality, limit the effects of climate change and decrease use of fossil fuels; and,

**WHEREAS**, the City supports and desires to promote and achieve the national goals of energy independence; and,

**WHEREAS**, the City of Midlothian recognizes that wind energy is an abundant, renewable and environmentally friendly resource, and that its conversion to electrical power reduces dependence on non-renewable energy sources and decreases air and water pollution resulting from conventional energy sources; and,

**WHEREAS**, the City Council, under Resolution 2008-10 supports the State's energy efficiency goals established in Senate Bill 12 of the 80<sup>th</sup> session of the Texas State Legislature; and,



**WHEREAS**, the City has already started a city-wide green initiative project such as city-wide residential recycling, designated certain days to pick up of hazardous waste materials; and,

**WHEREAS**, the City has performed an energy audit of all public buildings and made energy efficient changes throughout as a part of the City Smart program sponsored by Oncor Electric Delivery; and,

**WHEREAS**, the City has approved an award-winning sustainable development called MidTowne which is based on the principles of energy independence and each residential home will be EnergyStar certified and all non-residential structures will meet the standards set forth by LEED (Leadership in Energy and Environmental Design); and,

**WHEREAS**, the City desires to encourage alternative energy development in locations where the technology is viable and environmental, economic and social impacts can be mitigated; and,

**WHEREAS**, the City desires to ensure that the community develops in a manner which reflects the objectives and values of the community's citizenry, property owners and decision makers; and,

**WHEREAS**, the City Council finds and concludes that amending the Zoning Ordinance is in the best interest of the public and in support of the health, safety, morals and general welfare of the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS:**

**Section 1. Recitals.** The above premises are found to be true and correct, and shall be incorporated into the body of this ordinance as if fully set forth.

**Section 2. Article III Amendments.** Zoning Ordinance, Ordinance No. 89-13, as amended, hereby is further amended as follows by adding the following definitions to Section 3.1 (General Definitions) while keeping the rest of this Article in full force and effect:

- a) **Wind Turbine Tower:**  
The freestanding monopole structure, or attached to a structure that supports a wind turbine for a wind-driven energy system
- b) **Rotor:**  
Wind turbine component which consists of the blades and hub.
- c) **Wind Energy System:**  
A wind-driven energy system that converts wind energy into electricity through the use and consisting of a wind turbine, a tower, and associated control or conversion electronics. These systems shall be used to reduce domestic on-site consumption of electric utility power.-

**Section 3. Article IV Amendments.** Zoning Ordinance, Ordinance No. 89-13, as amended, hereby is further amended as follows while keeping the rest of this Article in full force and effect:

- a. Adding “Wind Energy System” to Section 4.4-C.9 Use Table (Utility, Accessory and Incidental) with the following text in all zoning districts: See Article XV for further details.

**Section 4. Article XIII Amendments.** Zoning Ordinance, Ordinance No. 89-13, as amended, hereby is further amended by creating a new Article XV entitled “Wind Energy Systems” as follows:

## **ARTICLE XV**

### **WIND ENERGY SYSTEMS**

#### **Section 15.1 Requirements**

- a) All wind energy systems shall be administratively-approved if the following requirements listed below are met. Upon satisfaction all these requirements, a building permit shall be required.
  - 1) Only domestic wind energy system that supplants on-site commercial electric energy consumption shall be allowed per platted property or tract of land.
  - 2) No more than one (1) wind energy system shall be allowed for every three (3) acre tracts of land after a primary structure has been constructed; a second wind energy system on such a tract may be allowed if granted by Specific Use Permit (SUP).
  - 3) The maximum height of a wind energy system tower shall be 80 feet (excluding blades), unless otherwise exempted by a Specific Use Permit (SUP).
  - 4) Wind energy systems shall comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
  - 5) All wind energy system towers shall have blueprints, drawings, etc of the tower and foundation sealed by a professional engineer licensed by the State of Texas.
  - 6) Installation shall be limited to either the side or rear yard.
  - 7) Only monopole type structures shall be allowed.
  - 8) Roof-mounted wind energy systems shall be prohibited on residential structures and allowed by Specific Use Permit (SUP) on non-residential structures.
  - 9) Wind energy systems proposed to be installed within the 100-year floodplain shall have approval of the City Engineer and, where applicable, the U.S. Army Corps of Engineers and will require to take such measures, as required by the City Engineer, to protect the sites from damage from potential flooding.
  - 10) No part of the wind energy system shall be placed in any easement without the approval of the easement holder.
  - 11) The tower for a wind energy system shall be set back from the property line by a minimum distance equal to the overall structure height (pole height plus the length of one blade). There shall be no setback requirements between buildings

or dwellings on the affected property. Any set back distance shorter than this requirement must be approved by Specific Use Permit (SUP).

- 12) All wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes.
  - i) Mechanical brakes shall be operated in a fail-safe mode.
  - ii) Stall regulation shall not be considered a sufficient braking system for over speed protection.
- 13) Any installation of wind energy systems shall be installed by a factory-approved contractor meeting all the City's adopted codes and regulations.
- 14) All electrical wires associated with a wind energy system shall be protected by an electrical conduit as approved in the City's most-recently adopted Electrical Code.
- 15) Wind energy systems shall not exceed 65 decibels (dB), measured at the property line.
- 16) Only warnings signs shall be placed on the wind energy systems that meet the requirements below. In no case shall any type of advertising signs be allowed on any wind energy system. A clearly visible warning sign that states "Caution, High Voltage" shall be placed at the base of the pole, or on the external interconnect box, if installed.
- 17) Climb Prevention/ Locks.
  - i) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - ii) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet from the ground.
- 18) Visual Appearance.
  - i) A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA) and shall not exceed their minimum requirements.
  - ii) All wind energy system towers shall remain painted or finished in the color that was originally applied by the manufacturer, unless otherwise approved in the building permit.

19) Maintenance & Inspections.

A wind energy system shall remain operational and be properly maintained at all times unless approved by City-staff for reasons such as sale of a property, performing routine maintenance or other brief periods of inactivity. A wind energy system shall initially be inspected within three (3) years with subsequent inspections every five (5) years thereafter by a manufacturer-approved inspector to verify the structural integrity of the pole and associated foundation. The homeowner or inspector shall file a report with the City's Building Official.

20) Inoperable Systems

- i) A wind energy system whose equipment is inoperable for six (6) months shall be notified by the Building Official that they have six (6) months from the notice date to restore their system to operating condition.
- ii) If the owner fails, the wind turbine shall be removed from the tower for safety reasons. The tower itself would then be managed under the Public Nuisance language of the City Code.

b) Submittal Requirements

- 1) An operational plan is required with a building permit and shall include the following:
  - i) Boundary survey of the property with setback lines,
  - ii) An as-built survey of the property,
  - iii) Location of the proposed wind energy system,
  - iv) The public rights-of-way that are contiguous with the property,
  - v) Overhead utility lines,
  - vi) Wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type,
  - vii) Tower foundation blueprints or drawings, sealed by a professional engineer licensed by the State of Texas,
  - viii) An engineering analysis of the tower showing compliance with the City's adopted version of the International Building Code and certified by a professional engineer licensed by the State of Texas, shall also be submitted.
- 2) No permit for a wind energy system shall be issued until evidence has been given to the City that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 3) An issued permit shall expire if the wind energy system is not installed and functioning within six (6) months from the date the permit is issued.

**Section 5. Text Amended.** The changes to the zoning ordinance affected by Sections 2 thru 5 of this ordinance shall be incorporated into the text of the Zoning Ordinance, Ordinance No. 89-13, as amended.

**Section 6. Conflicts.** This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Midlothian, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances or Code provisions, in which event the conflicting provisions of such ordinances are hereby superseded.

**Section 7. Severability Clause.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it

would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 8. Effective Date.** This ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

**PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS ON THIS THE 25TH DAY OF AUGUST, 2009.**

**APPROVED:**

\_\_\_\_\_  
Boyce L. Whatley, Mayor

**ATTEST:**

\_\_\_\_\_  
Lou Jameson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Don Stout, City Attorney

**EXECUTIVE SUMMARY**  
**AGENDA ITEM NO. 3**  
**SPECIFIC USE PERMIT REQUEST**  
**MIDLOTHIAN CONFERENCE CENTER**  
**1 COMMUNITY CIRCLE DRIVE**  
**(Case No. SUP04-2008-43)**

**Applicant:** Midlothian Community Development Corporation

**Proposed Use:** Electronic message sign

**Issues:** None

**Staff Recommendations:**

Staff recommends **approval**, as presented.

**P&Z Action:**

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



**AGENDA ITEM NO. 3**

**Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow an electronic message sign (LED) for the Midlothian Conference Center, 1 Community Circle Drive.** Property is zoned General Professional (GP) District, and generally located south of Hwy 287, east of 14<sup>th</sup> Street and north of Mt. Zion, in the City of Midlothian (Case No. SUP04-2008-43)

**BACKGROUND INFORMATION**

**Applicant:** Midlothian Community Development Corporation (4B)  
**Owner:** City of Midlothian

**Proposed Request:**

The applicant is seeking to install a ground sign with an electronic message center near the Conference Center on the U.S. Highway 287 service road. A second ground sign will be placed at the southeast corner of U.S. Highway 287 and 14<sup>th</sup> Street but will not have a digital component to it.

**Adjacent Zoning Districts:**

**North:** N/A  
**South:** Agricultural (A)  
**East:** General Professional (GP)  
**West:** Planned Development 30 (PD-30)

**Existing Land Uses:**

U.S. Highway 287  
Residential uses  
Navarro College  
Future hotel site

**Newspaper Advertisement & Property Owner Notifications:**

A total of 5 property owner notification (PON) letters were mailed to property owners within 200 feet of the subject site. To date, staff has not received any property owner notification letters regarding this rezone request.

**DEVELOPMENT STANDARDS**

**Signage:**

The proposed sign will be seven feet in height with an area of approximately 30 square feet. The sign will mirror the architecture of the conference center in material and design. In addition, the perimeter around the sign will be heavily landscaped with a variety of mixture of shrubs and grasses.

**ATTACHMENTS**

- |                   |                          |
|-------------------|--------------------------|
| 1. Location Map   | 2. Details of Sign       |
| 3. Landscape Plan | 4. PON's Received - none |

**RECOMMENDATION**

Staff recommends **approval** of this request to allow an electronic message center sign subject to the following conditions:

1. No off-premise advertisement shall be allowed to be displayed, except for events being held onsite.

**RECOMMENDATION *continued...***

- 2) In addition, the sign may also display upcoming community events, and weather or safety-related information.
- 3) Each message shall remain static for a minimum of 20 seconds and the interval between messages shall be accomplished within one (1) second or less.
- 4) Changeable copy signs shall not contain animation, rolling or running letters or message flashing lights or displays as part of the display.

**SUBMITTED AND PRESENTED BY:**

Alberto Mares, AICP, Current Planning Manager  
Tuesday, August 18, 2009 Planning & Zoning Commission Meeting

  
Alberto Mares, AICP  
Current Planning Manager

**REVIEWED BY:**

John A. Garfield, AICP, Director of Planning  
Tuesday, August 18, 2009 Planning & Zoning Commission Meeting

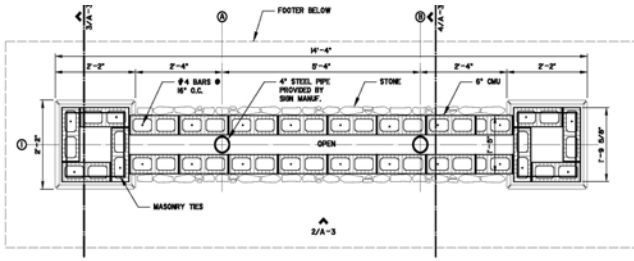
  
John A. Garfield, AICP  
Director of Planning



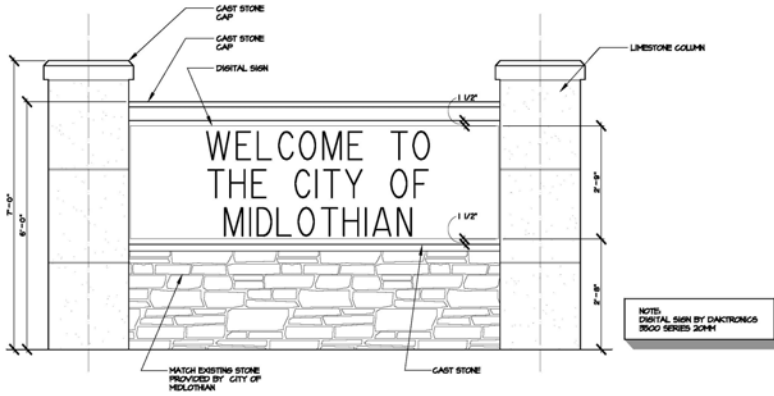


**Subject Property -  
Midlothian Conference Center  
1 Community Circle Drive**

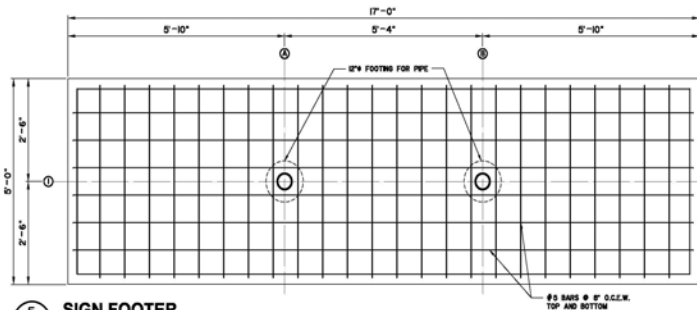
# ATTACHMENT 2



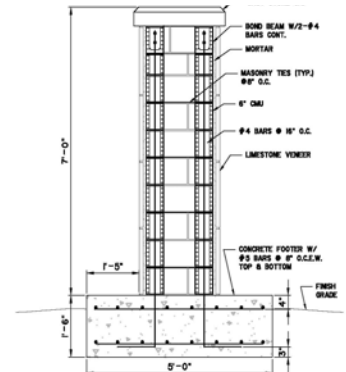
**1 SIGN PLAN VIEW**  
SCALE: 3/4" = 1'-0"



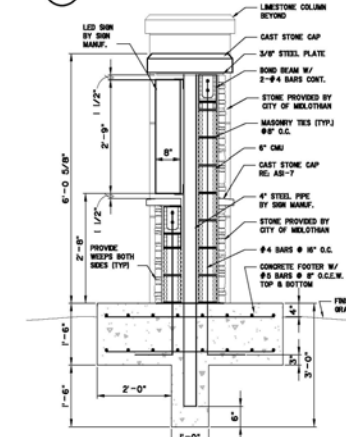
**2 ELEVATION**  
SCALE: 3/4" = 1'-0"



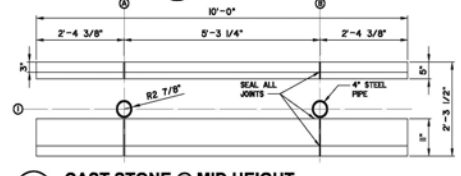
**5 SIGN FOOTER**  
SCALE: 3/4" = 1'-0"



**3 COLUMN SECTION**  
SCALE: 3/4" = 1'-0"

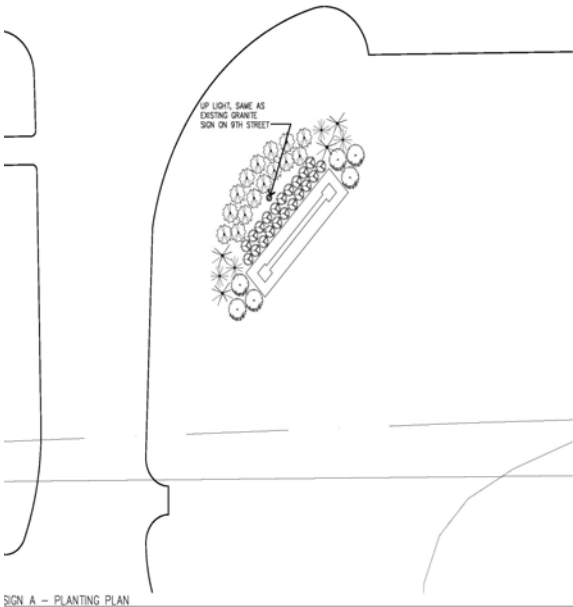


**4 WALL SECTION**  
SCALE: 3/4" = 1'-0"








**6 CAST STONE @ MID HEIGHT**  
SCALE: 3/4" = 1'-0"

ATTACHMENT 3



PLANT LIST

SYMBOL	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	COND.
	12	REGAL MIST	<i>Muhlenbergia capillaris 'Regal Mist'</i>	5 GAL.	
	10	YELLOW YUCCA	<i>Hesperaloe parviflora 'Yellow'</i>	5 GAL.	
	8	RED YUCCA	<i>Hesperaloe parviflora</i>	5 GAL.	
	27	SILVER MOUND	<i>Artemisia schottiana 'Silver Mound'</i>	1 GAL.	
	57	LITTLE BUNNY FOUNTAIN GRASS	<i>Pennisetum alopecuroides 'Little Bunny'</i>	1 GAL.	

PLANTING NOTES

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO FORT WORTH STANDARDS.
2. ALL PLANTS SHALL BE NURSERY GROWN. REFER TO PLANT LIST FOR QUANTITIES AND SPECIFICATIONS.
3. ALL TREES SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
4. THE SITE SHALL BE FINE GRADED PRIOR TO ANY PLANT INSTALLATION. ANY AREAS DISTURBED BY GRADING SHALL BE REGRADED AND SMOOTHED PRIOR TO GRASS PLANTING.
5. THE CONTRACTOR SHALL FLAG UNDERGROUND UTILITY LOCATIONS AND MAINTAIN THESE LOCATIONS UNTIL ALL TREE LOCATIONS ARE APPROVED AND PLANT FITS EXHAUSTED.
6. THE OWNER OR OWNER'S REPRESENTATIVE SHALL APPROVE ALL PLANT LOCATIONS PRIOR TO PLANTING.
7. NO TREE SUBSTITUTIONS, SPECIES OR SIZE, WILL BE ACCEPTED WITHOUT THE PRIOR APPROVAL OF THE OWNER'S REPRESENTATIVE.
8. ALL TREES SHALL BE PLANTED PER DETAILS.
9. CONTRACTOR SHALL ESTABLISH GRASS ON ALL AREAS DISTURBED BY CONSTRUCTION, AS SPECIFIED.

**PON's Received  
None**