

**NOTICE OF A SCHEDULED MEETING FOR THE
CITY OF MIDLOTHIAN PLANNING AND ZONING COMMISSION
TUESDAY, JULY 19, 2011**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a 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 / 7:00 PM
City Council Chambers**

REGULAR AGENDA

1. Election of Officers

CONSENT AGENDA

**2. Discussion and Consideration on Planning and Zoning Commission Minutes Dated:
May 17, 2011**


PUBLIC HEARING AGENDA

3. Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended, to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

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 a 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 15th day of July, 2011, at or before 5:00 P.M.



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

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, MAY 17, 2011**

The Planning and Zoning Commission for the City of Midlothian met on Tuesday evening, April 19, 2010 at City Hall located at 104 West Avenue E, Midlothian, Texas.

The following Commissioners were present:

Jon Herrin	§	Vice Chairman
Jack Burleson, Sr.	§	Commissioner
Vicki Collins	§	Commissioner
Wayne Sibley	§	Commissioner

The following Commissioners were absent:

Larry Pool	§	Chairman
Lynda Johnson	§	Commissioner
Mike Rodgers	§	Commissioner

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	§	Executive Assistant

PLANNING AND ZONING COMMISSION MEETING

Vice Chairman Herrin called the Planning and Zoning Commission Meeting to order at 7:01 PM.

CONSENT AGENDA

**1. Discussion and Consideration on Planning and Zoning Commission Minutes Dated:
April 19, 2011**

Commissioner Sibley moved to **approve** the Consent Agenda.

Commissioner Collins second the motion with a small correction to the minutes in regarding “The following Commissioners were *present*”, should read “The following Commissioners were *absent*”.

Action Taken: (3-1) Approve

Commissioner Burleson abstained.

Chairman Pool called the next item on the agenda.

REGULAR AGENDA

2. Consider and act upon a request to approve a non-single family architectural elevation, site plan and landscaping plan as stated in Ordinance 2010-14 MidTowne (PD-42). Property is in the MidTowne Development, Block 24, Lot 1R-FA and is located at the northeast intersection of Alex Lane and George Hopper Road, in the City of Midlothian, Texas (Case No. SP02-2010-44)

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

Commissioner Sibley moved to **approve** this agenda item as presented.

Commissioner Burleson moved to amend the motion to approve the plan subject to the following conditions:

1. Civil Plans to show deletion of on-street parking, showing rear onsite parking. Utility connections and erosion control measures and completed construction of those until this building can be given a certificate of occupancy.
2. Shall adhere to all other requirements found in Ordinance 2010-14.

REGULAR AGENDA CONTINUED

3. The number of restrooms shall comply with the City Building and Plumbing Codes based on use as stated in the approved building permit when issued.
4. All parking to be off street.

John Garfield, AICP stated to the Commissioners that the City Council has already indorsed the on-street parking for this site and set by ordinance.

Commissioner Burleson relayed that he still objected to the on-street parking along George Hopper Road.

Monty Anderson the applicant spoke and welcomed questions from the Commissioners.

Commissioner Sibley moved to amend the motion by Commissioner Burleson to approve the plan subject to the following conditions:

1. Civil Plans to show rear onsite parking. Utility connections and erosion control measures and completed construction of those until this building can be given a certificate of occupancy.
2. Shall adhere to all other requirements found in Ordinance 2010-14.
3. The number of restrooms shall comply with the City Building and Plumbing Codes based on use as stated in the approved building permit when issued.

Motion was seconded by Commissioner Collins.

Action Taken: (3-1) Approve

Commissioner Burleson voted to deny.

Vice Chairman Herrin called the next item on the agenda.

PUBLIC HEARING AGENDA

- 3. Conduct a public hearing and act upon a replat of Duvall Farm, Lot 1, being ± 13.698 acres into Duvall Place Addition Lots, 1-3, Block 1.** Property is located west and north of Plainview Road and 170 ft. east of Emo Street (Sergeant Place Addition), in the Extra-Territorial Jurisdiction (ETJ) of the City of Midlothian, Ellis County, Texas. (Case No. RP03-2010-43)

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

The following spoke in regards to this agenda item:

Patricia Duvall Burnett – Ashford Road – Oppose the use of the Duvall name on the replat.

Paul Proctor - Applicant

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

Motion was seconded by Commissioner Burleson.

Action Taken: (4-0) Close Public Hearing

Commissioner Burleson moved to **approve** this replat with the following suggestion:

1. Change name of replat

Motion was seconded by Commissioner Sibley.

Action Taken: (4-0) Approve

Vice Chairman Herrin called the next item on the agenda.

- 4. Conduct a public hearing and act upon a replat of Northridge Addition, Unit IV, a 3.563 acre section of Lot 157 into Pebble Creek Addition Lots 1–11, Block A.** Property is located west of North 9th Street and south of Pebble Creek, in the City of Midlothian, Texas (Case No. RP02-2010-42)

PUBLIC HEARING AGENDA CONTINUED

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

The following spoke in regards to this agenda item:
Bill King – 394 Rolling Hills

Commissioner Sibley moved to **close** the public hearing.
Motion was seconded by Commissioner Burluson.

Action Taken: (4-0) Close Public Hearing

Commissioner Sibley moved to **approve** this replat with the following conditions:

1. Any additional units beyond the 10 shall require an upgrade of the lift station to provide adequate service for the 2nd phase of the project. Coordination with Public Works and the City Engineer are required.
2. Waiver of the required 20 ft. right-of-way dedication to 15 ft along North 9th Street.

Motion was seconded by Commissioner Burluson.

Action Taken: (4-0) Approve

Vice Chairman Herrin called the next item on the agenda.

- 5. Conduct a public hearing to consider and act upon a request to amend Ordinance 2003-49, the Lawson Farms PD, to reflect changes due to the recent purchase of parkland by the City of Midlothian.** Property contains ± 290 acres and is generally located east of FM 663 and north of Ashford Lane, in the City of Midlothian, Texas (Case No. Z05-2010-33)

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

There were no speakers in regards to this agenda item.

Commissioner Collins moved to **close** the public hearing.
Motion was seconded by Commissioner Sibley.

Action Taken: (4-0) Close Public Hearing

Commissioner Burluson moved to **approve** the amendments to Ordinance 2003-49, the Lawson Farms PD with the conditions presented by staff.

Motion was seconded by Commissioner Sibley.

Action Taken: (4-0) Approve

Vice Chairman Herrin suspended the Planning and Zoning Commission Meeting and convened the Capital Improvement Advisory Committee (CIAC) Meeting at 7:44 PM.

Following the adjournment of the CIAC, Vice Chairman Herrin reconvened the Planning and Zoning Commission Meeting at 8:20 PM.

Vice Chairman Herrin called the next item on the agenda.

- 6. Conduct a public hearing to consider and act upon a request to rezone property located at 1411 North Hwy 67 from its current Commercial (C) District to a proposed Planned Development (PD) District for restaurant and general professional/office uses.** Property contains ± 0.3978 acres and is located at the northeast corner of the southbound U.S. Highway 67 service road and North 9th Street.(Case No. Z06-2010-40) (*withdrawn*)

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

PUBLIC HEARING AGENDA CONTINUED

There were no speakers in regards to this agenda item.

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

Motion was seconded by Commissioner Burluson.

Action Taken: (4-0) Close Public Hearing

Commissioner Collins moved to recommended **denial without prejudice** due to the applicant's decision to withdraw the case.

Motion was seconded by Commissioner Burluson.

Action Taken: (4-0) Approve

Vice Chairman Herrin called the next item on the agenda.

- 7. Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended,** to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

Alberto Mares, AICP, presented the agenda item.

There were no speakers in regards to this agenda item.

Commissioner Burluson moved to **continue** the public hearing to the June 21, 2011 P&Z Meeting.

Motion was seconded by Commissioner Sibley.

Action Taken: (4-0) Continue Public Hearing

Vice Chairman Herrin called the next item on the agenda.

- 8. Conduct a public hearing to consider a request to delete Appendix D of the Subdivision Regulations** to create a separate stand-alone ordinance related to the City's Development Fee Schedule (Case No. OS02-2010-49)

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

There were no speakers in regards to this agenda item.

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

Motion was seconded by Commissioner Burluson.

Action Taken: (4-0) Close Public Hearing

Commissioner Sibley moved to **approve** to delete Appendix D (Fee Schedule) of the Subdivision Regulations as the 1st of 2 steps to make the Fee Schedule a separate stand-alone ordinance.

Motion was seconded by Commissioner Collins.

Action Taken: (4-0) Approve

Vice Chairman Herrin called the next item on the agenda.

- 9. Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended,** revising Section 10 (Economic 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. CP02-2010-46)

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

There were no speakers in regards to this agenda item.

PUBLIC HEARING AGENDA CONTINUED

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

Motion was seconded by Commissioner Burleson.

Action Taken: (4-0) Close Public Hearing

Commissioner Sibley moved to **approve** as presented by staff.

Motion was seconded by Commissioner Collins.

Action Taken: (4-0) Approve

Vice Chairman Herrin called the next item on the agenda.

REGULAR AGENDA CONTINUED

10. Consider and act upon the proposed Strategic Guide (Capital Projects). A Long-Range Planning document to be utilized by the City of Midlothian Staff, boards and Commissions to assist with decision-making (Case No. M06-2010-45)

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

Commissioner Collins moved to **approve** as presented by staff.

Motion was seconded by Commissioner Burleson.

Action Taken: (4-0) Approve

MISCELLANEOUS DISCUSSION

- Staff and Commissioner Announcements – none
- Adjourn

Commissioner Sibley moved to adjourn the meeting.

Motion was seconded by Commissioner Collins.

Action Taken (4-0) Meeting Adjourned at 8:40 pm

John Garfield, AICP, Planning Director

07/19/11
Date Approved

EXECUTIVE SUMMARY
AGENDA ITEM NO. 3
ZONING ORDINANCE 89-13, FORMAT
CASE NO. OZ03-2010-24

Project Highlights:

Reorganize and reformat existing Zoning Ordinance

P&Z Commission Recommendation:

Staff Recommendation:

Approval, with changes previously read into the record.

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

AGENDA ITEM NO. 3

AGENDA CAPTION:

Continue a public hearing to consider and act upon a new Zoning Ordinance to amend the current Ordinance 89-13, as amended, to reformat and reorganize, creating new sections and subsections, and including illustrations (Case No. OZ03-2010-24)

BACKGROUND

Case Update:

At its *April 19, 2011* meeting, the Planning & Zoning Commission reviewed and discussed each section as delegated, and continued the public hearing to the *May 21, 2011* meeting. The May public hearing was continued to the *June 21, 2011* meeting, due to the absence of 3 of the 7 Commissioners. The June 21, 2011 was cancelled due to a posting error, therefore the case was continued to the meeting on July 19, 2011.

Reason for Request:

This new Zoning Ordinance is designed to simplify, reorganize, and reformat the existing Zoning Ordinance. It has been amended approximately 70 times since 1989 and it has been increasingly difficult to navigate and understand by developers and citizens. The changes proposed with this new Zoning Ordinance will make it easier to navigate for anyone by putting similar development regulations into relevant sections and with better graphics and illustrations to complement the regulations.

Below are the sections as they were divided among the Commissioners along with *key* changes proposed during the discussions in April. Please note that not all changes are included below, but will be a part of the final revision before taking it to the City Council.

Section 1 & 2 Commissioner Burleson:

- Add website to list of where agendas are posted for public hearings (the City already does this)
- Language in Section 1.38 a will be revised 'building permit and/or Certificate of Occupancy' to the end of the sentence
- Will look into using pastel colors on the Use Table to allow for easier readability
- Will look into renumbering the Use Table
- Added SUP to terminal/rail to GP & CR in the Use Table subsection e

Section 3 Vice Chairman Herrin & Commissioner Sibley

- Eliminating the minimum lot size for PDs and UVPDs
- Reducing or deleting the minimum lot sizes of bed & breakfast uses
- Removing the restaurant requirement from the hotel SUP (Section 3.7211)

Section 4 Commissioner Collins & Commissioner Rodgers

- Insert a fence subsection that relates to Multifamily Residential Adjacency to Single Family Residential and Nonresidential uses (to coincide and match with the Fence Table)
- Reword Section 4.223 (Wrought Iron Fence Standards)
- Commissioner Rodgers stated he would provide language to enhance the sections that relate to wrought iron and PVC fence standards
- Deleted various uses from the approved Home Occupation Section (Section 4.302, #13) and moving others towards requiring a Special Exception from the Zoning Board of Adjustment (ZBA).
- Making secondary dwelling units a Special Exception from the Zoning Board of Adjustment (ZBA) in all traditional single-family districts.

BACKGROUND continued:

Section 5 **Commissioner Johnson & Commissioner Rodgers**

- Commissioner Rodgers stated he would provide language to enhance the sections that relate to metal roofs, wrought iron and PVC fence standards

Section 6 – 11 **Chairman Pool**

- Chairman Pool reviewed these sections and found no major changes as these sections are relatively left intact.

Below are some changes included within this new proposed Zoning Ordinance:

Table of Contents:

- The ordinance has a new numbering system and has been formatted accordingly
- Each section is divided into its respective categories and separates residential regulations from non-residential standards for clarity

Section 1:

- Combined the Sections 1, 2, 8, and 12 from the current Zoning Ordinance into this one section as it all relates to administration and procedures.
- Allows staff to insert more graphics and illustrations into the Zoning Ordinance without additional action from P&Z and City Council if it helps clarify the regulations further & allow staff to make minor corrections if it doesn't change the intent of the adopted regulation.

Section 2:

- Added Rural Residential Conservation District to the residential section of the Use Table and classified Agricultural as nonresidential zoning district
- Made single family uses by SUP in Agricultural if not a part of farm or ranch and inserted them as SUP in CBD as stated in Section 6
- Makes all secondary dwelling units by Special Exception in all single-family residential districts (changed from SUPs)
- Allows Crematoriums as a permitted use in Agricultural District
- Added Wind Energy Systems (single as allowed uses and multiples as SUPs) to the Use Table
- Added Copy Center use to Mail Services
- Added Greenhouse, Pet Shops, and Feed Stores as permitted uses in Agricultural District

Section 3:

- Inserted reference table/quick guide for all commonly asked FAQs in each zoning district
- Added illustrations and graphics for each district with examples of minimum lot and site requirements
- Added Rural Residential Conservation District designed to promote clustering of homes while maintaining open spaces
- Deletes minimum lot size requirements for PDs (3 acres) and UVPDs (10,000 square feet)
- Changed the language for expiration dates for PDs to ensure compliance with State law
- Added SUP criteria for restaurants, convenience stores/gas stations, supermarkets, auto repair shops, car washes, hotels/motels, and moved compressor stations and Residential CBD uses from other sections into this one.
- Referenced the Joint Airport Zoning Regulations adopted in 2009

Section 4:

- Combined all regulations that applied to residential uses (Accessory Buildings, Masonry Standards, Fence Standards, Home Occupations, Parking, Garage/Garage Conversion, Landscaping, Signage, Secondary Dwelling Units)

BACKGROUND continued:

- Expanded the Home Occupation Section by providing more standards and expanded approved and prohibited examples and making some by Special Exception with review from the Zoning Board of Adjustment
- Added a 20-square foot requirement for storage for lawn equipment, storage, etc. in addition to 380 square feet for garage

Section 5:

- Combined all regulations that applied to nonresidential uses (Accessory Buildings, Masonry Standards, Fence Standards, Parking, Landscaping, Signage)
- Provided 25% parking maximum for all nonresidential uses to prevent over-parking
- Deletes SUP requirements for homebuilder signs

Section 6:

- No changes on Commercial Communications Tower (Section 13 in current Zoning Ordinance)
- Added a new section that specifically regulates telecommunications antenna independent from Commercial Communications Tower including construction, design, screening and appearance

Section 7:

- No changes on Wind Energy Systems (Section 15 in the current Zoning Ordinance)

Section 8:

- No changes on Sexually Oriented Businesses (Section 14 in the current Zoning Ordinance)

Section 9:

- No changes on Non-Conforming Lot, Uses, and Structures (Section 9 in the current Zoning Ordinance)

Section 10:

- No changes on Zoning Board of Adjustment (Section 11 in the current Zoning Ordinance)

Section 31:

- Placed all definitions, previously found in General Definitions (current Section 3), Sign Regulations (current Section 7.4), Masonry Regulations (current Section 7.8) and Sexually-Oriented Businesses (current Section 14) into one section.


ATTACHMENTS

1. Proposed Zoning Ordinance (hardcopy was distributed in February, 2011)

RECOMMENDATIONS

Staff recommends approval, as presented.

SUBMITTED AND PRESENTED BY: Alberto Mares, AICP, Current Planning Manager
Tuesday, July 19, 2011 Planning and Zoning Commission Meeting


Alberto Mares, AICP
Current Planning Manager

REVIEWED BY: John A. Garfield, AICP, Planning Director
Tuesday, July 19, 2011 Planning and Zoning Commission Meeting


John A. Garfield, AICP
Director of Planning