

**MINUTES
PLANNING AND ZONING COMMISSION
TUESDAY, OCTOBER 16, 2012**

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

The following Commissioners were present:

Robert Seeds	§	Vice-Chairman
Brett Kemp	§	Commissioner
Vicki Collins	§	Commissioner
Michael Griffith	§	Commissioner
Lynda Johnson	§	Commissioner
James Koehler	§	Commissioner

The following Commissioners were absent:

Ross Weaver	§	Chairman
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The following staff member was present:

John Taylor, AICP	§	Director of Planning
Alberto Mares, AICP	§	Current Planning Manager
Ryan Spencer, AICP	§	Comprehensive Planning Manager
Kathleen Hamilton	§	Planning Department Assistant

PLANNING AND ZONING COMMISSION MEETING

Vice-Chairman Seeds called the Planning and Zoning Commission Meeting to order at 7:05 and called the first item on the agenda.

CONSENT AGENDA

1. Discussion and Consideration on the Planning and Zoning Commission Minutes Dated: September 18, 2012

Commissioner Collins moved to **approve** the minutes.

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Approved

PUBLIC HEARING AGENDA

2. Conduct a public hearing to consider and act upon a request to rezone ± 61.30 acres from the current Agricultural (A) District to a Single Family Four (SF-4) District. Property is in the W.M. Rawls Survey, Abstract No. 915 and located west of FM 663 and ± 670 feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. Z11-2011-80)

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

The following spoke regarding this zoning request:

Opposition

Betty and Tommy Peck – Goosedown Court

Mike Clark – Buck Horn Court

David Gross - Elk Horn Drive

Larry McDonald – Starwashed Drive

Duff Hale – Starwashed Drive

Sam Rodgers – Cedar Drive

Tina Gage- Buck Horn Court

Bud Toering – Starwashed Drive

Jason Mathews – Buck Horn Court

Neal Lucas – Elk Horn Drive

Donna Mullins – Starwashed Drive

John Johns – Belmont

Matt Cameron – Quail Hollow Drive

Sharlene Cazares – Reindeer Court

Applicant – Charles Jowell

Commissioner Kemp moved to **continue** the public hearing to the November 16, 2012, Planning and Zoning Commissioners Meeting.

Motion was seconded by Commissioner Collins.

Action Taken: (6-0) Continue Public Hearing

PUBLIC HEARING CONTINUED:

3. Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, primarily amending setback requirements for Accessory Buildings found in Sections 5.1-4, 5.1A-5, 5.1B-5, 5.1C-5, 5.1D-5, 5.4A-4, 5.5-4, 5.6-4, 5.7-4, 5.8-4, 5.9-4, 5.10-4, 5.11-4, 5.12-4, 5.13-4, 5.14-4, 5.15-4, 5.16-4, 7.1-2, 7.2 and 7.3, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ01-2012-01)

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

No one spoke in regards to this request.

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

Motion was seconded by Commissioner Johnson.

Action Taken: (6-0) Close Public Hearing

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

Motion was seconded by Commissioner Collins.

Action Taken: (6-0) Approve

4. Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, amending Section 7.4-2, Political Signs, and Section 7.4-20, Definitions, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ014-2011-40)

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

The following spoke regarding this request:

Brenda Hailer

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

Motion was seconded by Commissioner Collins.

Action Taken: (6-0) Close Public Hearing

Commissioner Griffith moved to **approve** this amendment to The City of Midlothian Zoning Ordinance, 89-13, as amended, by amending Section 7.4, as follows, while keeping the rest of this Article in full force and effect:

Section 7.4-2 Political Signs:

- a) Political signs may be placed in all zoning districts located within the City of Midlothian. The City shall NOT require a sign permit for any political sign that meets all of the following criteria:
 - 1) eight (8) feet in height or less
 - 2) 36 square feet in area or less
 - 3) is not illuminated internally or externally
 - 4) does not have any moving elements
- b) Any political sign failing to match any of the above criteria may apply for a Temporary Sign Permit and meet other requirements listed within Section 7.4 and the zoning district in which said political sign is located.
- c) No sign shall be erected on private property without the expressed written or verbal permission of the owner of the property.
- d) No political signs shall be located on any public or City-owned property, with the following exception:
 - 1) Political signs on City-owned property designated as a polling place shall only be placed within a designated area, determined in advance by the manager of the

PUBLIC HEARING CONTINUED:

affected property (e.g., Conference Center Manager, etc.). Political signs placed within this designated area shall be limited to a maximum two (2) per candidate or Political Action Committee (PAC) official statement regarding a referendum. Political signs shall only be placed one (1) week prior to the start of the early voting period and be picked up no later than five (5) days after the election day. Signs placed outside this designated area, designated time, or having more than the maximum allowable may be picked up by the City without notice.

- e) Overnight parking of vehicles displaying political signs on City-owned property shall be prohibited. Any vehicle left overnight is subject to towing at the owner's expense.
- f) Any sign found to be in violation may be removed by the Code Enforcement Department immediately.

Section 7.4-20 Definitions:

Political Signs:

A temporary unlit sign pertaining to any national, state, county, or local election supporting or opposing an announced candidate, a party affiliation, a particular issue or referendum and/or primarily contains a political message.

Motion was seconded by Vice-Chairman Seeds.

Action Taken: (4-2) Approve

The following Commissioners voted in opposition:

1. Commissioner Griffith
2. Commissioner Johnson

5. Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, amending Section 7.4-10, Signs Located in the Central Business District, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ02-2012-02)

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

No one spoke in regards to this request.

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

Motion was seconded by Commissioner Johnson.

Action Taken: (6-0) Close Public Hearing

Vice-Chairman Seeds moved to **approve** this amendment to The City of Midlothian Zoning Ordinance, 89-13, as amended, by amending Section 7.4-10, as follows, while keeping the rest of the Article in full force and effect:

Section 7.4-10 Signs Located in the Central Business District (CBD):

When designing signs within this zoning district, the following design guidelines should be followed:

- Signs should be architecturally integrated and complementary to the overall design of the buildings and provide a compatible appearance with the existing signage of other tenants while keeping the overall character of downtown intact.
- Signs should promote retail and street activity while enhancing the pedestrian experience.
- Signs should enhance the primary design elements or unique architectural features of buildings. Unique design elements should help when determining the size and location of a sign on the building.

a) Wall Signs:

- 1) Each building front may have up to 1 sign per tenant.

PUBLIC HEARING CONTINUED:

- 2) Maximum allowable sign area per tenant shall be 10% of the front or rear building façade area of the tenant space.
 - 3) Wall signage may be flush mounted, painted or extend beyond the building (these signs may extend into the City right-of-way with approval of the Planning Director).
 - 4) The wall sign may either be:
 - i) externally lit, or;
 - ii) only the letters or a border shall be internally lit.
 - 5) Window signage and sidewalk sandwich signs are not included in these maximum signage totals.
- b) Canopy/Awning Sign
- 1) Canopy/awnings signs placed over tenant spaces are allowed and may extend into the City right-of-way with approval of the Planning Director.
 - 2) Signage placed on canopy/awnings are allowed and shall not be internally lit.
- c) Window Signs:
- 1) Windows signs may be painted or applied directly onto the window pane of the building.
 - 2) Window signage may cover up to 25% of the glass pane and shall only promote products or services offered onsite.
 - 3) No opaque tint shall be allowed along any front façade ground-level windows. Any tint provided shall allow at least 70% of the visible light through the windows.
 - 4) Window signage shall not require a sign permit.
- d) Sidewalk Sandwich Signs:
- 1) Sidewalk sandwich signs may be placed on the sidewalk only during business hours and shall only promote products or services offered onsite.
 - 2) Sidewalks signs may be up to 4 feet high and maintain at least 5 feet of sidewalk clearance for pedestrians. These signs may extend into the City right-of-way.
 - 3) Signs shall be properly anchored or weighted against wind.
 - 4) Sidewalk sandwich signs shall not require a sign permit.
- e) Ground Sign:
- 1) Maximum height of five (5) feet
 - 2) Maximum total area of thirty (30) square feet.
 - 3) Sign must include a landscaped, stone-base feature.
 - 4) Ground sign shall not be placed in the right-of-way and shall only be externally lit.
- f) Temporary Signs:
- 1) These signs may include but not limited to banners, flags, etc. and may be placed when related to a holiday, special event, or promotion.
 - 2) Temporary signs may be displayed for up to 90 days per calendar year and shall be removed 10 days after holiday or event.
 - 3) Banners can be a total of up to 20 square feet.
 - 4) A Temporary Sign Permit is required for these types of signs.
- g) Electronic Signs:
- 1) An onsite electronic sign with a maximum display area of 6 square feet may only be installed in an interior window.
 - 2) Electronic signs shall only operate during the hours that the business is open to the public.
 - 3) Electronic signs shall not require a sign permit.
- h) Murals/Historic Signs:
- 1) Murals and historic signs are allowed if they display a historic scene/event or an old business that was once integral to the history of the city.

PUBLIC HEARING CONTINUED:

- 2) Murals and historic signs shall be approved by the Historic Advisory Board prior to getting a Sign Permit.
- i) Prohibition of Signs in the CBD District:
 - 1) The following are strictly prohibited in the CBD District:
 - i) Pole signs
 - ii) Internally lit signs that do not adhere to Section a) above
 - iii) Animated or flashing signs
 - iv) Signs unrelated to the business, products or services offered in the building, except as stated in Section g) above
 - v) Advertising signs on trash cans, planters, and benches
 - vi) Temporary signs made into permanent signs
 - vii) Sign that obscure significant architectural features of the building
 - viii) Signs that are not properly maintained

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Approve

6. Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: 1). The reclassification of 14th St., 2). The deletion of the extension of West Highland Rd., 3.) The deletion of Dove Dr., 4). The deletion of Bluebird Ln., 5). The deletion of an unnamed Minor Collector 6) The realignment of West Highland Rd. and Maggie Ln. or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2012-04)

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

No one spoke in regards to this request.

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

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Close Public Hearing

Vice-Chairman Seeds moved to **approve** this amendment to the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to, while keeping the rest of the Article in full force and effect:

- 1). The reclassification of 14th St.,
- 2). The deletion of the extension of West Highland Rd.,
- 3.) The deletion of Dove Dr.,
- 4). The deletion of Bluebird Ln.,
- 5). The deletion of an unnamed Minor Collector
- 6) The realignment of West Highland Rd. and Maggie Ln.,

Motion was seconded by Commissioner Kemp.

Action Taken: (6-0) Approve


MISCELLANEOUS ITEMS

- Adjourn – Vice Chairman Seeds moved to **adjourn** the meeting.

Meeting Adjourned at 9:00 pm

John M. Taylor, AICP, Director of Planning

11-20-2012



John M. Taylor
Director of Planning