

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of April 7, 2008**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, April 7, 2008 at 6:00 p.m. in the Council Chambers of City Hall, 502 Cedar Street, Cedar Hill, Texas.

Present: Chairman Bill Strother, Vice-Chairman David Rush and Commissioners Stephen Mason, Tim Hamilton, Theresa Brooks, Gehrig Saldaña, and Todd Hinton.

Absent: none

I. Call the meeting to order

Chairman Strother called the meeting to order at 6:02 p.m. declaring it an open meeting in which a quorum was present and the meeting notice was duly posted.

II. Approve the minutes of the March 3, 2008 and the March 17, 2008 meetings

A motion was made by Vice-Chairman Rush to approve the minutes of the March 3, 2008 and the March 17, 2008 meetings, with the changes noted during the briefing session. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldaña and Hinton

Nays: 0

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case Number 07-70 – CONDUCT A PUBLIC HEARING and consider a request for a **Conditional Use Permit** to operate a non-residential use (restaurant) within the Old Town-Residential zoning district, located at 207 Wilson Street, Cedar Hill, TX. *Requested by David Thomas Gros.*

David Thomas Gros, 6427 Rosalie Drive, Dallas, TX 75236, stepped forth to present this request and answer any questions from the Commission.

Mr. Gros stated this would be a small, neighborhood restaurant similar to those found in his hometown of New Orleans.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

Vice Chairman Rush asked the applicant about the restaurant's seating capacity and if there were plans for outdoor seating.

Mr. Gros stated that they could seat about 40 people inside with additional covered outdoor seating.

Commissioner Brooks, referring to the applicant's narrative, expressed some concern about music being played outdoors.

Mr. Gros stated that there would be very soft music playing through a speaker system, and that it should not disturb any of the adjacent residences.

Commissioner Brooks also asked the applicant what type of lighting they are proposing for the outdoor seating area and if they planned to serve alcohol in the future.

Mr. Gros stated that they would have candle-type lighting for the outdoor seating area and there were no plans for the restaurant to sell or serve alcohol in the future.

Commissioner Mason asked the applicant if they could relocate the dumpster so that it would be greater than 50 feet from an existing residence. Additionally, he pointed out that the plans did not show the height of the dumpster's enclosure.

Mr. Gros stated that he has spoken with the adjacent property owner and they do not object to the dumpster's proposed location. He also stated that they would comply fully with the City's height requirements for a dumpster enclosure.

A motion was made by Commissioner Saldana to approve Case number 07-70, subject to the comments of the Downtown Architectural Review Board and the site plan being revised to show the height of the dumpster. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

- V. Case Number 08-01 – CONDUCT A PUBLIC HEARING** and consider a request for a **Conditional Use Permit to serve alcoholic beverages** in conjunction with a restaurant. The restaurant is zoned Planned Development for Local Retail, located at 305 West F. M. 1382, Suite 401, Cedar Hill, TX. *Requested by Christopher Degan on behalf of Razzoo's Cajun Café.*

Chris Degan, 5080 Spectrum Dr. Suite # 806, Addison, TX. 75001, stepped forth to present this request and answer any questions from the Commission.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

Commission Hinton commented that the number of parking spaces shown on the applicant's site plan seemed to be less than what the City requires for a restaurant.

Mr. Degan stated that there was sufficient parking onsite for the restaurant and that he would revise the parking table accordingly.

A motion was made by Vice-Chairman Rush to approve Case number 08-01, subject to the parking table being revised to comply with City ordinances. The motion was seconded by Commissioner Brooks. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

The Commission, during the briefing session, made a change to the original order of the agenda.

- VI. Case Number 08-06 – CONDUCT A PUBLIC HEARING** and consider the **Re-Plat** of Lot 3, Block A, Cedar Hill Town Center **INTO** Lots 3R-A and 3R-B, Block A, Cedar Hill Town Center on 11.223-acres of land out on Abstracts 306 & 1472, generally located southeast of F.M. 1382 and Uptown Blvd. *Requested by Rusty Glover of Halff Associates.*

Neal Cuckerbaum of Sandler Southwest, 4965 Preston Park Blvd., Suite 100, Plano, TX 75093, stepped forth to present this request and answer any questions from the Commission.

Mr. Cuckerbaum stated that this re-plat contains property just south of the existing Cedar Hill Town Center, Phase II Addition. He also stated he was aware of Staff's comments regarding the relocation of a water easement and an offsite loading easement and said they would not have a problem complying with these requirements.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

A motion was made by Commissioner Brooks to approve Case number 08-06, subject to the easternmost water easement on Lot 3R-B being moved so that it is contiguous with the ROW line of N. Clark Road; and the loading area shown on the eastern portion of Lot 3R-B being contained within an access easement. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

VII. Case Number 08-07 – Review and consider the Site Plan of Lot 3R-A, Block A, Cedar Hill Town Center showing 2 non-residential buildings on 3.932-acres of land out of Abstract 306, generally located southeast of F.M. 1382 and Uptown Blvd. *Requested by Rusty Glover of Halff Associates.*

Neal Cuckerbaum of Sandler Southwest, 4965 Preston Park Blvd., Suite 100, Plano, TX 75093, stepped forth to present this request and answer any questions from the Commission.

Mr. Cuckerbaum stated the building elevations for site would be similar to what they've done in Phase I, with metal & canvas canopies and the same color scheme of stone & stucco on the facades. Since this building will back up directly to the existing Phase II development, there would be glass & public access from both the front and rear sides of the building.

There was a question of whether or not the use of canvas on the canopies complied with the Uptown Overlay District standards and if it would create a maintenance problem in the future.

City Planner Leslie Price stated that the use of canvas was acceptable relative to the Uptown Overlay District's standards.

Mr. Cukerbaum stated that they were alternating the use of canvas and metal for the canopies, both as a cost savings measure and for aesthetics reasons. They propose to use a rust color canvas; and even when factoring in future maintenance and/or replacement of the canopies, the cost differential between metal and canvas was quite significant.

A motion was made by Commissioner Mason to approve Case number 08-07, as presented. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

VIII. Case Number 08-10 – Review and consider the Preliminary Plat and Plans of Lot 1, Block A, McDonald's Addition showing one non-residential lot on 1.082-acres of land out of Abstracts 392 & 711, generally located north and west of U.S. Highway 67 and F.M. 1382. *Requested by Ben Sims of Adams Consulting Engineers, Inc.*

Ben Sims of Adams Consulting Engineers, 500 Nolan Dr. Suite #550, Southlake, TX 76092, stepped forth to present this request and answer any questions from the Commission.

Mr. Sims stated that this would be one of the largest and newest prototype of the Mc Donald's restaurants in the area.

Vice-Chairman Rush asked the applicant how long would it take to rebuild the restaurant and would they be open at all during the construction.

Mr. Sims stated that it takes approximately 90-120 days to rebuild the restaurant and that they would close down completely.

A motion was made by Commissioner Mason to approve Case number 08-10, subject to the plat being revised to show the addition of an easement. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

IX. Case Number 08-11 – CONDUCT A PUBLIC HEARING and consider the **Re-Plat** of Lots 14 &15, and portions of Lots 17, 18, 19, 20, 21 and 22, Block 4, Pleasant Run Farms Addition **INTO** Lots 14-R1, 14-R2 and 14-R3, Block 4, Pleasant Run Farms Addition on 4.256-acres of land out of Abstract 292, Dallas County, more commonly know as 523 Antoine Street. *Requested by Kim Chong.*

Monte Hudson of Hudson Engineering, 132 Main Street, Suite 200, Grand Prairie, TX 75050, stepped forth to present this request and answer any questions from the Commission.

Mr. Hudson stated that this re-plat created four lots, one for a proposed hotel and the remaining three are for future use.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

1. Joy Miller, 425 Antoine St, Cedar Hill, TX 75104

Ms. Miller stated that she was opposed to a hotel being located on this site. She also commented about noise and loud music coming from Best Buy.

2. Joyce Smith, Cedar Hill, TX 75104

Ms. Smith asked for help in getting her lawnmower back from someone claiming to be a lawnmower repairman.

Chairman Strother informed Ms. Smith that the Commission could not assist her with this issue and suggested instead she contact the police department.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

Commissioner Brooks asked Mr. Hudson if he was aware of Staff's comments regarding this request.

Mr. Hudson stated he was aware of Staff's comments and would address them accordingly.

A motion was made by Commissioner Brooks to approve Case number 08-11, subject to subject to certain easement label changes and lot number revision on the plat. The motion was seconded by Vice-Chairman Rush. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

X. Staff Reports

Rod Tyler, Director of Planning, reviewed with the Commission recent submittals and upcoming agenda items. Additionally, Mr. Tyler also updated the Commission on the current status of the Comprehensive Plan update.

XI. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:45 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary
