

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

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, July 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, Todd Hinton. Gehrig Saldaña arrived at 6:29 p.m.*

*Absent: Theresa Brooks*

**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 May 5, 2008 workshop, the May 19, 2008 regular meeting and the May 19 workshop**

A motion was made by Vice-Chairman Rush to approve the minutes of the workshop, the June 16, 2008 regular meeting with a couple of corrections to the May 19 regular meeting minutes. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Hamilton, and Hinton

Nays: 0

Chairman Strother declared the motion carried.

**III. Citizens Forum**

No one spoke.

**IV. Case Number 08-23 – Review and consider the Site Plan of a portion of Lot 1-R, Block 1, Hillcrest Addition, Section One for an educational center and church expansion located at 265 Pleasant Run Road. Requested by Alan Hucaby of GHLA, Inc.**

*Bobby Fletcher, 265 Pleasant Run Road, Cedar Hill, stepped forth to represent the applicant and answer any questions from the Commission.*

Mr. Hucaby explained that the site plan application was for an educational center and church expansion located at 265 Pleasant Run Road.

Commissioner Mason asked if the applicant is cognizant of the water line design and associated utility easement as well as the approved traffic control signage being provided.

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The applicant answered yes.

Commissioner Rush asked Staff if the conditions are required to be satisfied prior to the issuance of building permit.

Staff answered yes.

A motion was made by Vice-Chairman Rush to approve this request as conditioned in the Staff report. The motion was seconded by Commissioner Mason. The vote was as follows:

Ayes: 5 – Chairman Strother and Vice-Chairman Rush and Commissioners Hamilton, Mason, and Hinton

Nays: 0 –

Chairman Strother declared the motion carried.

- V. Case Number 08-20 - CONDUCT A PUBLIC HEARING** and consider a request for a Conditional Use Permit to serve Alcoholic Beverages in conjunction with the expansion of the restaurant. The restaurant is zoned Local Retail and is located at 1435 N. Highway 67, Suite 200. *Requested by Bill Engle on behalf of The Ranch Steakhouse.*

*Bill Engle, 1435 N. Highway 67, Suite 200* 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.

Commissioner Hamilton asked at what time would the restaurant close, the applicant stated, that the restaurant will close at 10pm during the week and 11pm during the weekend. The applicant has stated that the hours of operation will not change from the current hours of operation.

A motion was made by Commissioner Mason to approve Case number 08-20, as presented. The motion was seconded by Vice-Chairman Rush. The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Hamilton, and Hinton

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Nays: 0

Chairman Strother declared the motion carried.

**VI. Case Number 08-24 – CONDUCT A PUBLIC HEARING** and consider a request for a **change in zoning from SF-10** (single-family 10,000 sq. ft. lot minimums) to **LR-Local Retail** 41.891-acres of land out of Abstract 876, generally located southwest of U.S. Highway 67 and Wintergreen Road. *Requested by James Brown of James M. Brown Partners, Inc. on behalf of P.T. Swamy of Ganapathy, Ltd.*

*James Brown of P.T. Swamy of Ganapathy, 6750 Hillcrest Plaza Drive Suite 325, Dallas, TX 75230, stepped forth to present this request and answer any questions from the Commission.*

The applicant indicated that the subject property will be developed for an Academy sport goods store, along with several 1-2 acre pad sites that would include restaurants or other types of retail. The applicant understood that this was a zoning meeting, and not a site plan public hearing, however it would be helpful to provide a concept plan to illustrate the proposed development. The southern portion of the site would perhaps develop into office, self storage or another retail opportunity, but those plans for that portion are not absolute at this time. Being the developer of proposed retail development, the applicant would like to be sensitive to the adjacent property owner's concerns. The applicant expressed that he has met with the adjacent property owners to the east extensively, and has tried to address their issues such as, wall height for a screening wall, and 60 foot landscape buffer between the residences to the east and the proposed development. The applicant further explained that the residences are requesting a 10ft screening wall, the city's minimum standard is 6 feet, and due to the cost of the construction of a masonry screening wall would be exuberant, the applicant stated he would compromise with a 8 foot screening wall. Concerning the 60 foot landscape buffer: the current configuration of the site, it already has a 15 foot buffer plus a 35 of ROW totaling approximately 50 feet, however the buffer along with the right-of-way isn't where the adjacent property owners would like to have it. The applicant stated that he anticipated erecting a screening wall adjacent to their fence, and have having the necessary buffers. But the property owners indicated that they would like to have the buffer adjacent to the property owner's fence, then erecting a wall. The applicant stated that he is very confident that they can come to some type of consensus regarding these issues. The applicant stated, that his objective is to resolve the concerns of the adjacent property owners by time the City Council Considers the proposed zoning change.

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

1. Angela Barry Roberson, 1427 Oxbow Drive, stated that she and the adjacent property owners did meet with the applicant to discuss their concerns of the proposed zoning change. She also indicated that the adjacent property owners sent a letter to the Planning and Zoning Commission expressing their concerns of a sufficient buffer between the residences to the east and the subject property. As a member of the Cedar Hill Economic Development Corporation, she understands the importance to bring retail to the city, but they are concerned about the lighting, and noise. Ms. Roberson also stated that since there
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are a number of children in the area, main concern is the sufficient buffer between the proposed development and the existing residences for safety and security reasons.

Chairman Strother asked Ms. Roberson if she was in favor of the proposed zoning change or opposed. Ms. Roberson expressed that she was neutral, in favor to the development with some conditions.

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

1. Gerald Goodwin, 1407 Leavy Lane, appreciated the opportunity to speak on the proposed zoning change. Mr. Goodwin, expressed that his main concern are the children. Mr. Goodwin stated, that he has made an investment in the adjacent neighborhood. Mr. Goodwin stated to the Commission to consider the future of the community as well as the economic prospects of the proposed retail development. Mr. Goodwin, stated that he had concerns regarding the buffer and how and who would maintain it.

Chairman Strother, expressed that only the discussion of the zoning change request will be entertained at this time, and not site plan.

2. Joseph Anderson 1419 Oxbow Drive, is concerned about the aesthetics of the amount of trees that would be removed as well as the environmental concerns. Mr. Anderson requested the applicant do a environmental study of the subject property to ensure there will be minimal negative impacts to the environment and to any open space. He also stated, that he was neutral regarding the proposed zoning change.
3. Cheryl Bowie 1450 Oxbow Drive, disapproves of the proposed zoning change due to the over saturation of retail in the area. He states that the addition of store fronts is not the best use of that property.

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

The applicant, Jim Brown, stated that he was surprised of some of the comments made. Since there isn't consensus among the homeowners, the applicant stated he would like take more time to meet with the adjacent property owners. Mr. Brown stated that the adjacent property owners needed a buffer due to the amount of perceived truck traffic along the rear of the subject property. The applicant stated, that Wal-Mart who has many suppliers, and Academy has only one supplier, which would limit the number of trips generated from trucks dramatically. The applicant stated that he understands the concern regarding open space and preserving trees, however the City of Cedar Hill has a tree preservation ordinance, and intends to obey those ordinances. Mr. Brown stated that he anticipates extending the trail system as well as open spaces along the creek.

Chairman Strother stated that it appears that the applicant is open to additional discussion to assuage any concerns regarding the proposed zoning.

Commissioner Hinton, asked if the applicant has taken into consideration of the lighting, and how it can be a nuisance to the adjacent property owners.

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Mr. Brown, stated, that he has discussed the lighting issue with the architects, to shield the light, as well as there are ordinances in place that address issues regarding lighting.

Commissioner Rush, asked if the pad sites are already zoned LR- Local Retail District, and that regardless the outcome of the proposed zoning case that portion of development will proceed. The applicant stated yes.

Commissioner Mason moved to approve case 08-24 as presented, and seconded by Commissioner Rush.

A motion was made by Commissioner Mason to approve Case number 08-24. The motion was seconded by Vice-Commissioner Rush.

The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Hamilton and Hinton.

Nays: 1- Commissioner Saldana

Chairman Strother declared the motion carried.

**VII. Case Number 08-09 - Review and consider the Preliminary Plat and Plans of Destiny Worship Center** showing 1 non-residential lot on 5-acres of land out of Abstract 1552, generally located south of Parkerville Rd., at Somerset Dr. *Requested by Deborah Roberts of NyAiga Construction & Custom Homes, Inc.*

Deborah Roberts, 445 East FM 1382, Suite 220, presented the proposed preliminary plat for the purpose of the construction of a church.

Commissioner Mason requested what is your scheduled timeline in regards to the construction of the church.

The applicant stated that they are behind schedule to start construction.

Commissioner Rush, requested if the applicant understand the conditions in the staff report.

A motion was made by Commissioner Hinton to approve Case number 08-09 as conditioned in the Staff report. The motion was seconded by Vice-Commissioner Rush.

The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Hamilton and Hinton.

Nays: 1- Commissioner Saldana

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Chairman Strother declared the motion carried.

## **II. Staff Report**

Rod Tyler, Director of Planning, reviewed with the Commission recent submittals and upcoming agenda items.

### **Review and discussion of 2007-2008 draft Comprehensive Plan**

Don Gore, City Planner, reviewed with the Commission Chapters 5 & 6 of the proposed Comprehensive Plan. Several changes were minor changes were discussed. City staff will complied the noted changes and would present them to the Commission at the next meeting.

## **VIII. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 9:05 p.m.

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Bill Strother  
Chairman

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Don Gore  
City Planner

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