
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of January 15, 2013

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, January 15, 2013 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Planning & Zoning Commissioners present: Chairman Theresa Brooks, Vice-Chairman Bill Strother, and Commissioners: Gehrig Saldana, Tim Hamilton, Michael Deeds and Lisa Thierry.

Absent: Commissioner Stephanie Freeman

City Staff members present: Rod Tyler, Director of Planning, Don Gore, Planner

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:01 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 October 16, 2012 regular meeting

A motion was made by Commissioner Deeds to approve the October 16, 2012 regular meeting minutes. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

Ayes: 6- Chairman Brooks, Vice-Chairman Strother and Commissioners Thierry, Saldana, Deeds, and Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 12-27 – CONDUCT A PUBLIC HEARING and consider a request for a **Conditional Use Permit** to expand a Used Merchandise, Furniture, Antique Shop, Rummage, Second Hand Store (Indoor Only) (Plato's Closet), within a Local Retail zoning district, located at 213 North Highway 67, Suite 700-A, *requested by David C. George of Kite Realty Group*

The applicant, David George, 30 South Meridian Street, Suite 1100 Indianapolis, IN, stepped forth to present this request and answer any questions from the Commission.

Mr. George stated that the owner of Plato's closet could not be here today due to climate weather, and apologized for them. He did state that the franchise called Plato's Closet is very

successful, and the tenants are looking to expand their current store to the adjacent lease space within the Cedar Hill Village strip shopping mall, which includes Los Luples restaurant and Sport Clips barber shop.

Mr. George stated that Plato's Closet franchise is a little different than the typical second hand store in that it very upper end in the teenage market.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

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

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion among the commissioners.

Commissioner Hamilton stated that the business has done well.

Chairman Brooks, asked if the applicant was the property owner.

Mr. George stated that he represents the property owner, Kite Realty Group, which owns 60 properties across the country, with two in Cedar Hill.

Chairman Brooks, asked why the applicant not be present.

Mr. George stated that the applicant would be here but the wintery weather is such that they were concerned about getting to the meeting with such icy road conditions.

Chairman Brooks, asked if the Expansion Plan Exhibit include the additional lease area requested in the conditional use permit.

Mr. George stated that it did.

Commissioner Deeds asked if the Planning and Zoning Commission can consider a case with the applicant not present.

Mr. Rod Tyler, Director of Planning, stated that the commission may act on the case without the applicant being present.

Commissioner Deeds asked when the tenant anticipated the leasing space.

Mr. George stated that they intend to occupy the adjacent space as soon as possible.

Commissioner Deeds asked if the lease was for the new space as well as the old space.

Mr. George stated that they did.

Commissioner Deeds stated that he was disappointed that the tenant couldn't make the meeting.

Chairman Brooks, asked the commission if there are any questions they feel they don't have the answers to make a determination on the development request.

Chairman Brooks, asked Mr. George, if the tenant planned to change the hours of operation.

Mr. George stated, that would they would keep the current hours of operation.

Chairman Brooks, asked if Plato's Closet is a franchise.

Mr. George stated yes, and would be held to those rules associated with the franchise.

Chairman Brooks, asked if conditional use permits run with the land or if it was tied to the owner or operator.

Mr. Tyler stated, the conditional use permit is authorized for this location, and they can sell it, and would have to operate within the confines of the approved conditional use permit. However if they let the conditional use permit lapse, then the applicant would have to re-apply for the conditional use permit.

Commissioner Strother, asked Mr. Tyler, if the Zoning Ordinance included any restrictions with this land use.

Mr. Tyler, stated that there were none specified, however the Commission may specify any type of conditions/restriction on the conditional use permit, which should be included as conditions in the motion.

Commissioner Strother, stated that he had concerns with the broad definition of second hand store to include furniture and etc.

Mr. George, stated that he wouldn't have any problems with restricting the use to only apparel, clothing and accessories.

A motion was made by Commissioner Deeds to approve Case No. 12-27. The motion was seconded by Commissioner Hamilton.

Chairman Strother, offered a friendly amendment to the motion to restrict the conditional use permit to only include, clothing, apparel and accessories.

Commissioner Deeds and Hamilton stated they accepted the friendly amendment.

The vote was as follows:

Ayes: 6– Chairman Brooks, Vice-Chairman Strother and Commissioners Thierry, Saldana, Deeds, Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

V. Staff Reports & Discussion Items

1. Update on City Center, Ph 2

Rod Tyler, Director of Planning, gave a brief progress report on the status of the City Center Phase 2 Development Plan, which is guided by the City Center Advisory Committee. Mr. Tyler's presentation comprised of a synopsis of all the meetings to date which includes the Kick-off Meeting (December 13, 2012), and the Market Study Meeting (January 10, 2013).

Mr. Tyler also went over several ways for the Commission to get involved with the City Center Development plan via social media.

In response to questions from the Commission, Mr. Tyler explained the city approval process for businesses wanting to sell beer/wine for off-premise consumption.

VI. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:17 p.m.

Theresa Brooks
Chairman

Don Gore
Planner
