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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of April 5, 2011**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, April 5, 2011 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.*

*Present: Chairman Theresa Brooks, Vice-Chairman Bill Strother and Commissioners Gehrig Saldaña, Tim Hamilton, Lisa Thierry and Bill Nany.*

*Absent: None*

**I. Call the meeting to order**

Chairman Brooks called the meeting to order at 6:03 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 15, 2011 regular meetings**

A motion was made by Commissioner Hamilton to approve the minutes of the March 15, 2011, as presented. The motion was seconded by Commissioner Nany. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother and Commissioners Saldaña, Nany, Thierry and Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

**III. Citizens Forum**

No one spoke

**IV. Staff Reports & Discussion Items**

1. Review and Discuss a draft ordinance regarding Minimum Exterior Construction Requirements

Rod W. Tyler, Director of Planning, reviewed with the Commission a draft ordinance regarding minimum exterior construction requirements. He stated that this was a first draft and that staff is seeking feedback and direction from the Commission.

Commissioner Nany asked if the City's vision statement, or some portion thereof, could be incorporated into the purpose statement.

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Mr. Tyler stated that each section of the zoning code has a purpose statement; however, this section, exterior construction requirements, did not. He posed the question to the Commission; do all of the purpose statements need to address the City's vision statement?

Commissioner Hamilton stated that he feels the City's vision and premier statements are already being addressed. He further stated that he doesn't object to incorporating the vision statement into this section; however, would the Commission then need to consider revising the other purpose statements in the zoning code and how would they determine which ones needed to be revised.

Chairman Brooks stated that she doesn't disagree with the concept Commissioner Nanny was proposing, she just wasn't sure how to incorporate the vision statement.

Mr. Tyler stated that staff would look at revising the purpose statement wording.

Moving on to the other elements of this topic, Mr. Tyler noted that a more specific and expanded definition for stucco is being proposed. Finally, referring to the accessory building standards, he stated that the revisions proposed for this section were mostly reorganization of existing text and cross referencing of various sections, etc. He admitted that the draft before the Commission was a little confusing and that staff would further refine it and present a more polished version for their consideration at an upcoming meeting.

Mr. Tyler stated that he would like the Commission to pay particular attention to the non-conforming structure standards. He reviewed the following example with them; if when a structure was built it wasn't required to be masonry, but now a room addition is being proposed, does the addition have to comply with the current masonry standards?

To recap, Mr. Gore stated that staff would revisit and consider revising the purpose statement, accessory building standards and the nonconforming buildings and structures sections and bring this back before the Commission for further discussion.

Commissioner Nanny stated that he felt the cross referencing of sections in the zoning code was important; to ensure that compliance with all standards is achieved.

Chairman Brooks stated that she agreed with Commissioner Nanny. Also she was pleased to see the expanded definition for stucco.

Commissioner Nanny also asked staff to take a look at the definition of a temporary construction building; he stated that he was unclear as to what this actually was referring to.

Chairman Brooks stated that a temporary construction building, or more commonly referred to as a trailer, was a structure permitted by the building official and used on a job site where construction is occurring. Once construction activities are completed, the building official or building inspectors will ensure that the temporary construction trailer is removed.

Mr. Tyler thanked the Commission for their input and stated that staff will review and edit the documents accordingly.

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**2. Review and Discuss a draft ordinance regarding Proposed Wind Powered Energy Systems**

Mr. Tyler reviewed, primarily for the benefit of the new Commissioners, the history, research and study that was involved with the drafting of the proposed wind powered energy systems ordinance. He stated that the City has received a lot of inquires by citizens for this use and as fuel prices continue to rise, and as technology improves, even though Cedar Hill may be located in a marginal area for wind, the need to have standards in place is important. This will ensure that the installation of a wind turbine in a residential area will not negatively impact adjacent property owners. He stated that the sets standards proposed address the concerns previously expressed by the Commission.

Chairman Brooks stated that she was pleased with the definition of non-functioning systems. She stated that was something the Commission struggled with and definition, as proposed, was well worded.

Mr. Tyler briefly reviewed and explained some of the terminology used in the ordinance, such as setbacks and buildable envelope.

Commissioner Nanny asked who or what determines a lot's buildable envelope.

Mr. Tyler stated that the buildable envelope is determined by the setbacks in each of the different zoning district classifications. Also, in residential zoning districts, there is a height limit of 35 ft.

Commissioner Saldana asked staff if, while conducting their research on this subject, they had encountered any references to litigation between property owners regarding the disturbance of their view [by a wind turbine].

Mr. Tyler stated that they had not seen anything to that effect.

Commissioner Nanny asked about an annual permit and why that standard was not included in the proposed ordinance.

Mr. Tyler stated that after further review, it was determined not to be cost effective to administer an annual permit process.

Chairman Brooks stated that she did not anticipate the City receiving many requests; therefore, felt no need to set up a complex system to administer the process.

Commissioner Nanny commented that about one million bats were lost last year due to wind turbines.

Chairman Brooks stated that she felt this issue was similar to that of satellites dishes in the 1970's. The City needs to be proactive and ensure that we are doing what we can to protect citizens.

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Vice-Chairman Strother agreed and stated that the City needs be prepared and have rules and regulations in place for if and when the requests start coming in.

Chairman Brooks complimented staff on their work and stated that she was pleased with the proposed ordinance.

Mr. Tyler again thanked the Commission for their feedback and stated that staff would make some minor changes to the ordinance and then forward it to City Council for their review and comment. He assured the Commission that they would have a final opportunity to discuss this matter prior to staff initiating the amendment process.

### **3. Recent Submittals**

This item was covered during the briefing session.

## **VIII. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:02 p.m.

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Theresa Brooks  
Chairman

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Belinda L. Huff  
Development Services Coordinator

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