
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 23, 2011

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, August 23, 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, Stephanie Freeman, Lisa Thierry and Tim Hamilton.

Absent: None

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:04 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 July 19, 2011 regular meeting

A motion was made by Commissioner Hamilton to approve the minutes of the July 19, 2011, as presented. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

Chairman Brooks announced that, to accommodate the applicant's scheduling conflict with another city's planning meeting, Items XI and XII would be moved to the beginning of the agenda.

XI. Case No. 11-21 – Review and consider the Final Plat and Civil Plans of Lot 1, Block A, Belt Line/Joe Wilson, creating 1 non-residential lot on 1.8884-acres of land out of Abstract 435, generally located on the northeast corner of Belt Line Rd and Joe Wilson Rd. *Requested by Bryan M. Burger of Burger Engineering, LLC.*

Bryan M. Burger of Burger Engineering, LLC, 17103 Preston Rd, Dallas, TX 75248, stepped forth to present this request and answer any questions from the Commission.

Chairman Brooks asked the applicant if was aware of the staff's comments

Mr. Burger stated that he was aware of the staff comments and would address them accordingly.

A motion was made by Vice-Chairman Strother to approve Case No. 11-21, subject to staff's comments. The motion was seconded by Commissioner Saldaña. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

XII. Case No. 11-22 – Review and consider the Site Plan of a 17,886 sq. ft. grocery store (Aldi) on Lot 1, Block A, Belt Line/Joe Wilson being 1.8884-acres of land, generally located on the northeast corner of Belt Line Rd and Joe Wilson Rd. *Requested by Bryan M. Burger of Burger Engineering, LLC.*

Bryan M. Burger of Burger Engineering, LLC, 17103 Preston Rd, Dallas, TX 75248, stepped forth to present this request and answer any questions from the Commission.

Seeing no comments, Vice-Chairman Strother made a motion to approve Case No. 11-22, as presented. The motion was seconded by Commissioner Hamilton. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

IV. Case No. 11-19 – Conduct a Public Hearing and consider a request for a Conditional Use Permit to operate a "Maternity Home" within a Local Retail zoning district, located at 1595 Mt. Lebanon Rd., Cedar Hill, TX. *Requested by Chris Franke.*

Rob Franke, 1132 Stoney Creek, Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Franke stated this facility is intended to serve crisis pregnancies, specifically young women ages 18 and up, who do not have a place to live or a means to support themselves. They

would be allowed to stay for approximately 6 months to 1 year. Ultimately this facility could house about 14-16 young women at a time and provide a very structured and monitored program for them to follow. Additional services would include counseling and GED and parenting skills classes.

Chairman Brooks opened the floor for anyone wishing to speak in favor 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 asked the applicant to step back to the podium to answer questions from the Commission.

Chairman Brooks asked the applicant if there will be any medical treatment provided to the occupants of this facility.

Mr. Franke stated that no medical treatment would be provided on-site. There will; however, be a private room available for counseling and for doctors to make routine checkups.

Commissioner Hamilton asked the applicant what would be expected of them while they are at this facility.

Mr. Franke stated that the occupants will have a daily schedule to follow; for example, they will be responsible for doing their own laundry, preparing meals and cleaning their rooms. No outside television programming will be allowed. The program is at will, so they have to make a commitment to follow the rules.

Commissioner Thierry asked if job training classes would be available.

Mr. Franke stated that at this time, there will not be job training classes available; however, they will have GED classes.

Vice-Chairman Strother asked the applicant if they would accept referrals from Bridges Safe House.

Mr. Franke stated yes, we will close closely with Bridges Safe House.

A motion was made by Commissioner Hamilton to approve Case No. 11-19, as presented. The motion was seconded by Commissioner Freeman. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

V. Case No. 11-23 – Conduct a Public Hearing and consider a request for a proposed amendment to the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended) by adding "Studio Retreat for Audio Recording" as a Conditional Use within "SF-E" (Single-Family Estate) and all non-residential zoning districts and providing for an associated definition and supplemental regulations. Requested by Brian Woods.

Brian Woods, 1737 Valley View Ln., Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Chairman Brooks opened the floor for anyone wishing to speak in favor 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 to the Commission for discussion.

Commissioner Hamilton asked the applicant to explain what exactly a studio retreat for audio recording is.

Mr. Woods showed the Commission a PowerPoint presentation he thought would help to explain the details of his request. He stated that the subject property, 1737 Valley View Ln was purchased by himself and two others, Shane and Shane, who are a very popular Christian music group. He stated that they would like to use this location for small group meetings on Wednesday nights and to store equipment and record music.

Commissioner Hamilton asked the applicant if the neighbors were notified of their intent.

Mr. Woods stated no, not at this time, this is a request for a text amendment to the zoning code.

Commissioner Thierry, seeking confirmation from the applicant asked if this would be for personal use only or could anyone be allowed to come to this location and record music.

Mr. Woods stated that this would be for personal use; however, the recorded music would be sold commercially.

Chairman Brooks asked if anyone would be living on the property.

Mr. Woods stated that there are 2 tenants that live on the property currently and it is their intent to always have someone living there. This would provide a level of security.

Chairman Brooks asked if there would be any signage on the property, advertising this use. Mr. Woods stated that no signage would be erected on the property. They would prefer not to advertise this use, and again stated that it would only be for personal use only.

Chairman Brooks stated that the applicant's request specifics this as a retreat, and if no advertising or signage is planned, then how would others know of the retreat.

Mr. Woods stated that this location would only be used by their personal friends and associates, not advertising to the general public.

Chairman Brooks asked if people would be staying overnight.

Mr. Woods stated yes they would have the option of staying overnight if they so choose to.

Commissioner Thierry asked the applicant if they intent to charge a fee for the use of this facility.

Mr. Woods stated they will charge a use fee, but this fee is not geared towards making a profit, more to cover basic expenses.

Vice-Chairman Strother asked the applicant if they ever intended to make this a commercial venture.

Mr. Woods stated that it was not their primary intent; they only want to utilize this location for their personal use.

Chairman Brooks asked staff, what category would this use be placed under in the zoning use chart.

Don Gore, Planner, stated that this use would be under the classification of personal and business services, where similar types of uses such as art studio, dance studio and photo studio are currently located.

Chairman Brooks posed this question to the Commission; does the City want to have a photo studio in a residential area? She expressed concerns about this opening the door to possibly allowing other types of non-residential uses, personal and business service uses, in residential areas and stated that she was not really in favor of this.

Commissioner Thierry stated that she agreed with Chairman Brooks.

Chairman Brooks stated that she might feel differently if the applicant were to live at this location.

Commissioner Hamilton stated that he believes this 23 acre site would be adequate to house a use such as the one the applicant is describing.

Vice-Chairman Strother stated that this is a unique situation, with such a large piece of property. He went on to say that allowing this use type of use conditionally allows the City the right to evaluate each request to assess its appropriateness and therefore is in favor of making a recommendation to approve this request and forward it to City Council.

A motion was made by Commissioner Hamilton to approve Case No. 11-23, as presented. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

Ayes: 4- Vice-Chairman Strother and Commissioners Saldaña, Freeman and Hamilton.

Nays: 2 - Chairman Brooks and Commissioner Thierry.

Chairman Brooks declared the motion carried.

VI. Case No. 11-25 – Conduct a Public Hearing and consider a request to amend the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended), by removing Section 5.3.3 entitled *Fences in Residential Areas*.

Chairman Brooks opened the floor for anyone wishing to speak in favor 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 to the Commission for discussion.

A motion was made by Vice-Chairman Strother to approve Case No. 11-25, as presented. The motion was seconded by Commissioner Thierry. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VII. Case No. 11-27 – Conduct a Public Hearing and consider a request for a revised Conditional Use Permit to serve Alcoholic Beverages in conjunction with a restaurant within a Local Retail zoning district, located at 430 East Pleasant Run Rd., Cedar Hill,

Texas. Requested by Marcus Schwartz on behalf of Texas BWW Restaurants, Inc. d/b/a Buffalo Wild Wings Grill & Bar.

Ashley Anderson of Gardere Wynne Sewell LLP, 600 Congress Avenue, Suite 3000, Austin, TX 78701, stepped forth to present this request and answer any questions from the Commission.

Chairman Brooks opened the floor for anyone wishing to speak in favor 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 to the Commission for discussion.

Vice-Chairman Strother asked the applicant if this request was being made at this time in order to compete with other restaurants in the area.

Ms. Anderson replied yes.

Commissioner Hamilton asked what other restaurants in the area were open until 1 am.

Ms. Anderson stated that TGI Friday's is open until 1 am.

A motion was made by Commissioner Hamilton to approve Case No. 11-27, as presented. The motion was seconded by Commissioner Freeman. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VIII. Case No. 11-06 – REMOVE FROM TABLE and consider the Site Plan of a 2,240 sq. ft. residential conversion located at 401 Houston St. Requested by Norman Patten of Norman Patten & Associates.

Commissioner Hamilton made a motion to remove this item from the table. The motion was seconded by Vice-Chairman. The vote was as follows:

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

Nays: 0

Chairman Brooks declared this item open for discussion and consideration by the Commission.

Norman Patten of Norman Patten & Associates, 413 Cedar St. Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Patten passed out to the Commission a site plan that was different than the one included in the packet. He stated that originally, the site plan required 8 parking spaces; however, the Board of Adjustments approved 7 parking spaces, with some on street parking. The cost to construct the on-street parking is just not feasible, so he has revised the site plan, the one just presented, that eliminates the on-street parking.

Commissioner Thierry asked the applicant if they planned to remove 1 tree to accommodate the parking lot.

Mr. Patten stated, on the site plan he just presented, there is an 18-in hackberry tree, but this really needs to be removed to allow for the parking. He stated that the applicant will provide additional trees.

Commissioner Thierry asked if the removal of this large tree was subject to compliance with the tree preservation ordinance.

Mr. Patten stated that this type of tree is not a tree that is subject to protection.

Chairman Brooks asked the applicant about the sidewalk required along Houston street.

Mr. Patten stated that they are requesting to escrow the funds for the construction of the sidewalk along Houston St. He stated that the drainage in the area, via bar ditches, makes the construction of sidewalks not feasible. When the City does major improvements in the area to correct the drainage problems, then the escrowed funds could be used to build the sidewalks at that time.

Mr. Gore deferred this question to Elias Sasson, Public Works Director for further clarification.

Mr. Sasson stated from his previous experience in the City of Dallas, with the escrowing of funds, if the City does not use the money in 3 years, then they must return the money, with interest, to the person who originally paid it. The construction of sidewalks when bar ditches are present is challenging, but it can be done, and referenced South Clark Rd. as an example.

Rod Tyler, Director of Planning, stated that the site plan that was just presented to the Commission does not comply with the Uptown Overlay District, with respect to the parking lot layout. He stated that this site plan must be considered by the Main Street Board before the P&Z can make a recommendation on it.

Mr. Patten stated that the Main Street Board did see this plan, but they expressed a desire to save the large Hackberry tree, so he modified the plan to the one that was enclosed in the P&Z packet in an attempt to address their concern.

Chairman Brooks stated that she feels that this item should be tabled to ensure that the Main Street Board has an opportunity to review this plan again.

A motion was made by Commissioner Hamilton to table Case No. 11-06, to allow time for the Main Street Board to review and make a recommendation on the site plan that was presented to the Commission this evening. The motion was seconded by Commissioner Freeman. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

IX. Case No. 11-11 – Review and consider the amended Site Plan of 3 non-residential buildings, totaling 28,008 sq. ft., located at 600 East Belt Line Road. *Requested by Norman Patten of Norman Patten & Associates.*

Norman Patten of Norman Patten & Associates, 413 Cedar St. Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Patten stated that a site plan for this location was submitted and approved previously by the City, but the plans have now been scaled back to 3 smaller buildings.

Chairman Brooks asked if the 40 ft. driveway had been completed.

Mr. Patten said it is still under construction, but is about 50% completed.

A motion was made by Commissioner Hamilton to approve Case No. 11-11, as presented. The motion was seconded by Commissioner Thierry. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

X. Case No. 11-17- Review and consider the Site Plan of a 5,950 sq. ft. non-residential building located at 1445 High Meadows Way. *Requested by Stephen Allison of Cornerstone Builders, LLC.*

Stephen Allison of Cornerstone Builders, LLC, 200 Overlook Dr., Red Oak TX, stepped forth to present this request and answer any questions from the Commission.

Mr. Allison stated that the front portion of this building is intended for offices and the latter half of the building will be available as lease spaces.

Chairman Brooks asked the applicant if he was aware of staff comments.

Mr. Allison stated that they were aware of staff's comments and would address them accordingly.

A motion was made by Vice-Chairman Strother to approve Case No. 11-17, subject to staff's comments. The motion was seconded by Commissioner Freeman. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

XIII. Staff Reports & Discussion Items

i.Recent Submittals

Don Gore, Planner, reviewed with the Commission upcoming cases. Also he provided an update on the Old Town Vision process.

XIV. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:50 p.m.

Theresa Brooks
Chairman

Belinda L. Huff
Development Services Coordinator
