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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of January 5, 2010**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, January 5, 2010 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.*

*Present: Chairman Stephen Douglas-Mason, Vice-Chairman Todd Hinton and Commissioners Bill Strother, Theresa Brooks, Gehrig Saldaña and Wallace Swayze.*

*Absent: Tim Hamilton*

**I. Call the meeting to order**

Chairman Mason 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. Approval the minutes of the December 1, 2009 meeting**

A motion was made by Commissioner Swayze to approval the minutes of the December 1, 2009 meeting minutes, subject to two minor corrections. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Brooks, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

**III. Citizens Forum**

No one spoke

**IV. Case No. 09-21 – Review and consider a revised Site Plan for a portion of 611 E. Beltline Rd.** showing the replacement of certain self-storage buildings with 2 and 3 story retail/office buildings located in **Allsafe Business Park, Phase II Addition**, Abstract 711 and generally located on the north side of East Beltline Rd., west of Joe Wilson Rd. *Requested by Norman Patten of Norman Patten & Associates.*

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

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Mr. Patten stated that this is a complex project involving the removal of some existing buildings and the construction of new buildings. He stated that currently the site is primarily used for mini warehouses, with a portion of the property fronting on Beltline Rd. designated for office/retail. His client would like to expand the office/retail area and create additional parking by removing some of the existing mini-warehouses. To accommodate this proposal, subdivision of the property is necessary which will keep the mini-warehouses on one lot and the office/retail on the other lot. Additionally, he stated that they have met all of the City's landscape and parking requirements.

Commissioner Brooks asked the applicant, with this new proposal, would they still retain the on-site manager/security for the remaining mini-warehouses.

Mr. Patten stated yes, there will be an on-site office and apartment for the manager.

Commissioner Strother commented that access to the expanded office/trail could be problematic because there is not a median cut on in front of this site.

Mr. Patten stated that they have been in talks with the adjacent property owner [bank lot] and they have agreed to allow a cross or common access drive. He stated that his client already has cross access with the car wash lot.

Commissioner Brooks asked the applicant if he was aware of the comments from City staff.

Mr. Patten stated that he was aware of the City's comment on drainage and stated they will work to have that issue resolved prior to the issuance of a building permit.

A motion was made by Commissioner Brooks to approve Case No. 09-21, subject to the applicant providing additional information proving that the site adequately conveys storm water. The motion was seconded by Vice-Chairman Hinton. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Brooks, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

**V. Case No. 09-25 – CONDUCT A PUBLIC HEARING and consider the Re-Plat of Lot 1, Block A, Allsafe Business Park Addition INTO Lots 1R and 2, Block A, Allsafe Business Park Addition** being 5.82-acres of land out of Abstract 711, generally located on the north side of East Beltline Rd., west of Joe Wilson Rd. *Requested by Norman Patten of Norman Patten & Associates.*

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

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Mr. Patten stated that the purpose of this re-plat is to divide the property into two lots so that the mini-warehouses will be on one lot and the office/retail on the other lot. One issue he noted concerning this plat is the location of a proposed property line. The line dissects an existing building, with a portion of that building to be demolished and a portion to remain. Mr. Patten stated that with this plat, he is proposing a situation similar to what you would see on a townhome lot, one building with two different owners, separated by a property line. He requested that any approval the Commission recommended include a statement stating that the approval is contingent upon eliminating any [building] encroachments on the property. Other than this issue, Mr. Patten stated that the plat conforms to City standards; all setbacks and easements have been shown, including the fire lane, which was not illustrated on the original plat.

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

No one spoke.

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

Commissioner Swayze asked the applicant to clarify his statement regarding the proposed “building split”.

Mr. Patten stated that this project is very complex, with the owner actually counting the number of individual mini-warehouse units he could afford to eliminate in order to make both projects profitable. The property line, as shown, seemed like the most logical place to make the separation.

A motion was made by Commissioner Brooks made a motion to approve Case No. 09-25, subject to the plat not being submitted for signatures or recording until the encroachment over the property line is eliminated. The motion was seconded by Commissioner Swayze. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Brooks, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

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**VI. Case No. 09-41 – Review and consider the Final Plat of Lot 4, Block B, Cedar Hill Village Addition** creating 1 non-residential lot on 2.723-acres of land out of Abstract 1472 generally located at the southeast corner of Clancy Noland Drive and Uptown Boulevard. *Requested by Jim Riley of Brockette, Davis, Drake, Inc.*

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*Jim Riley of Brockette, Davis, Drake, 4144 North Central Expressway, Suite 1100, Dallas, TX 75204 stepped forth to present this request and answer any questions from the Commission.*

Chairman Mason asked the applicant if there has been any conversation with the adjacent property owner regarding development.

Mr. Riley stated no, not at this time, his client is simply trying to get the property ready for if and when a development proposal may come through.

A motion was made by Commissioner Swayze made a motion to approve Case No. 09-41, as presented. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Brooks, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

## **VII. Staff Reports**

### **1. Wind Turbine Discussion**

Mr. Tyler stated that he has incorporated the changes the Commission requested a few weeks ago and enclosed in their packet tonight was a draft list of standards to be included in an ordinance. He stated that he feels this encapsulates the issues the City needs to address.

There was some general discussion amongst the Commission on items 1-10, of the document entitled *potential wind energy system standards for residential zoning districts*.

Commissioner Brooks, referencing item number 1, definition of a wind turbine, asked if these regulations covered existing units that are attached to a structure.

Mr. Tyler stated that the definition could be expanded by including the phrase, *including but not limited to and any combination of the following*.

Particular concerns were raised regarding enforcement and penalties for violations, maximum height and setbacks.

Mr. Tyler stated that enforcement and penalties for noncompliance of these standards would fall under Article 6 of the zoning code. As for the Commission's concerns on maximum height and setback requirements, Mr. Tyler stated that compliance with all of the standards would be required, specifically referring items 4 and 5. He further explained to the Commission that he could include a description of a *maximum buildable envelope*, meaning units cannot be within setbacks specified in the zoning district.

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Commissioner Swayze stated that prior to making any definitive recommendations; he would like to see the standards revised to include the wording of maximum buildable envelope.

Vice-Chairman Hinton requested that item number 7 should incorporate the wording *current or most recent* [manufacturer's specifications].

Mr. Tyler stated he would add that wording to item 7.

Referring to item number 8, Commissioner Swayze asked if the City would still require an engineering analysis on units without a foundation.

Mr. Tyler stated that we will leave that decision up to the building official at time of permit.

Moving on to the document entitled *wind energy systems concerns and solutions*, Mr. Tyler asked if the Commission had any comments or questions. He stated that the standards were derived from the concerns and solutions list. He pointed out to the Commission the addition of wording regarding an appeal procedure and special exceptions to this ordinance.

Vice Chairman Hinton praised Mr. Tyler and stated he was pleased with the information that has been presented to the Commission.

In conclusion, Mr. Tyler stated that at the next P&Z meeting he will present a redline strike-out version of the changes discussed tonight for the Commission to review.

## **2. 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 7:18 p.m.

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Stephen Douglas-Mason  
Chairman

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Belinda L. Huff  
Planning Secretary

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