
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of February 16, 2010

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, February 16, 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 and Tim Hamilton.

Absent: Commissioners Wallace Swayze and Gehrig Saldaña.

I. Call the meeting to order

Chairman Mason called the meeting to order at 6:05 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 January 19, 2010 and February 2, 2010 meetings

A motion was made by Commissioner Brooks to remove from the table the January 19, 2010 minutes. Commissioner Hamilton seconded the motion.

A motion was made by Vice-Chairman Hinton to approve the minutes of the January 19, 2010, as presented. The motion was seconded by Commissioner Brooks. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

A motion was made by Commissioner Brooks to approve the minutes of the February 2, 2010, as presented. The motion was seconded by Commissioner Hamilton. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 09-11 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit (CUP) for a (Private) Nature Center within an “SF-E” - Single Family Estate Residential zoning district, being 293.58-acres of land, generally located south of FM 1382, between Northwood University and Mobley Road. *Requested by Brent Brown of Brown Architects, on behalf of Audubon Texas.*

Chris Culak of Audubon Texas, 2502 Marvin Ave, Dallas, TX 75211 stepped forth to present this request and answer any questions from the Commission.

Mr. Culak stated that he would like the Commission to table consideration of this item to allow them time to resubmit a revised site plan.

Commissioner Hamilton asked Mr. Culak to explain how such an error, in reference to the boundaries of the tract under consideration, could have occurred.

Mr. Culak stated that what was submitted to the City was an overall concept plan of the entire canyon area. He admitted it was a mistake on their part submitting the wrong plan and assured the Commission that they plan to conduct business only on the properties they own or have the permission to use.

Vice-Chairman Hinton asked Mr. Culak how much additional time they would need to submit a revised plan.

Mr. Culak stated that they could have the revised plans to the City by the Commission’s next scheduled meeting on March 2, 2010.

Vice-Chairman Hinton stated that the next available date would be March 16, 2010.

Commissioner Brooks asked City Staff if that would be enough time for review.

Rod W. Tyler, Director of Planning, stated that about 7 days prior to the Planning & Zoning Commission meeting is sufficient for City Staff to review the revised plans.

Chairman Mason asked the applicant to comment on the proposed trail’s buffer along residential property lines.

Ms. Culak stated that they are proposing a 50 ft. buffer from the residential property lines. He stated that it is not their intent to disrupt anyone’s property. The trails would be built over an extended period of time and that throughout the process they would visit with the neighbors in the area to ensure they are not upsetting them in any way.

Commissioner Brooks asked that the Commission proceed with the public hearing so that the citizens in the audience would not have to wait any longer.

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.

1. Mel Shope, 933 Mobley Rd., Cedar Hill, TX 75104

Mr. Shope stated he wasn't really for or against this request; he was primarily concerned about access to the site, whether it will come from Mobley Rd. or FM 1382 and the additional traffic this proposed request may generate.

2. Joe Beard, 9534 Loma Vista Dr., Dallas, TX 75243

Mr. Beard stated that he has submitted written protest to the City. He would like assurance that this project will not impact his property in any way.

3. David Robertson, 613 Armadillo Ct., Cedar Hill, TX 75104

Mr. Robertson stated that he was actually in support of this project, in general. However, he stated that he had concerns about traffic and the 50 ft. buffer from residential properties. He wants to ensure that with a trail near his home, his privacy is maintained. Finally, he expressed concerns about fire safety and the possibility that people may smoke while they are on the trails.

4. Al Daneshian, 350 Oaks Trail #210, Garland, TX 75043

Mr. Daneshian stated that he owns 8 acres and with a business partner owns an additional 23 acres, all contained within this request. He stated that they have an easement from their property to Mobley Rd. and wants to ensure that their easement would not be affected by this request.

5. Malvin Johnson, 1119 Mobley Rd., Cedar Hill, TX 75104

Mr. Johnson stated that he is not really opposed to the proposed project; however he does have an issue with trail placement. Citing noise as a potential issue, he stated that a 50 ft. buffer is not enough and wants to make sure that the trails are placed well away from private property.

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

Mr. Culak, along with Dan Finnell of Brown Architects, 2814 Main St. Dallas, TX 75226 returned to the podium to address any comments from the Commission and members of the audience.

Mr. Culak stated that the only access to the trails will be from FM 1382, not from Mobley Rd. The Audubon will perform and be responsible for all maintenance within the site including fallen trees and the monitoring of visitors. Additionally, Staff will be present on site throughout the day.

Commissioner Hamilton again asked about the trail's proposed alignment.

Mr. Culak stated that the exhibit in the Commission's packet is an old [trail] alignment. He requests that the Commission table consideration of this item to allow them time to submit a revised plan, showing the trails on property that they own. Additionally he stated that they would like to meet with all of the area property owners and will make sure that they are comfortable with the trail alignment.

Commissioner Hamilton stated that he would like to see that the Audubon works with the property owners.

Vice-Chairman Hinton stated that a 50 ft. buffer does not seem sufficient and asked the applicant to consider expanding it.

Mr. Culak stated that the plans are not set in stone and they would take a look at the width and placement of the buffer zone. He stated it is their desire to be good neighbors and will work with the area property owners.

Commissioner Strother asked the applicants to make sure the property owners are made aware of their revised plans.

Chairman Mason stated that he appreciated the applicant's flexible and willingness to work with both the City and the surrounding property owners.

A motion was made by Commissioner Strother to table this request, but leaving the public hearing open, to allow the applicant time to submit revised plans. The motion was seconded by Vice-Chairman Hinton. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

For the benefit of the audience Mr. Tyler stated that the public hearing is still open and that no additional public notice would be sent out. The revised plans will be available for inspection at least 7 days prior to the March 16, 2010 meeting.

V. Case No. 09-43 – Review and consider the Final Plat and Civil Plans of Lot 1, Block A, Audubon Addition, creating 1 lot on 4.3582-acres of land out of Abstract 539, generally located south of FM 1382 and approximately 750 ft. west of Northwood University Road. *Requested by Brent Brown of Brown Architects, on behalf of Audubon Texas.*

Chris Culak of Audubon Texas, 2502 Marvin Ave, Dallas, TX 75211 stepped forth to present this request and answer any questions from the Commission.

Commissioner Brooks asked the applicant if he was aware of a comment by City Staff regarding the removal of wording on the face of the plat.

Mr. Culak stated that he was aware of the comment and would address it accordingly.

A motion was made by Vice-Chairman Hinton to approve Case Number 09-43, subject to the removal of the wording *shared facility tract* from the face of the plat. The motion was seconded by Commissioner Strother. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

VI. Staff Reports

1. Recent Submittals

This item was covered during the briefing session.

VII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:40 p.m.

Stephen Douglas-Mason
Chairman

Belinda L. Huff
Planning Secretary
