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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of July 6, 2010**

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

*Present: Vice-Chairman Todd Hinton and Commissioners Bill Strother, Gehrig Saldaña, Lisa Thierry, Bill Nanry and Tim Hamilton.*

*Absent: Theresa Brooks.*

**I. Call the meeting to order**

Vice-Chairman Hinton 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.

Vice-Chairman Hinton introduced the two new Planning & Zoning Commissioners, Lisa Thierry and Bill Nanry and thanked them for their willingness to serve.

**II. Approval the minutes of the June 1, 2010 regular meeting**

A motion was made by Commissioner Hamilton to approve the June 1, 2010 minutes, as presented. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 4 – Vice-Chairman Hinton and Commissioners Strother, Saldana, and Hamilton.

Nays: 0

Abstention: 2- Commissioners Nanry and Thierry.

Vice-Chairman Hinton declared the motion carried.

**III. Citizens Forum**

No one spoke

**IV. Case No. 10-07 – Review and consider the site plan** of a parking lot addition located at the northeast corner of Meadowridge Drive and West Belt Line Road, more commonly known as **909 West Belt Line Rd.** Requested by Clark Stephenson of A&A Real Estate.

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*Due to a potential conflict of interest, Commissioner Saldana, stepped down from the dais and did not participate in deliberations for this matter.*

*Clark Stephenson, owner of A&A Real Estate, 909 West Belt Line Rd, Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.*

Mr. Stephenson stated that they would like to add some additional parking to their existing site.

Commissioner Hamilton asked the applicant if he was aware of City staff's comment regarding the driveway.

Mr. Stephenson stated that he is aware of the comment regarding the drive approach being too narrow for two way ingress and egress; however, the driveway is as it was constructed by the City.

A motion was made by Commissioner Strother to approve Case Number 10-07, as presented. The motion was seconded by Commissioner Nanry. The vote was as follows:

Ayes: 5 – Vice-Chairman Hinton and Commissioners Strother, Nanry, Thierry, and Hamilton.

Nays: 0

Abstention: 1-Saldana.

Vice-Chairman Hinton declared the motion carried.

**V. Case No. 10-09 – Review and consider the Final Plat and Civil Plans of Lot 1, Block A, Beltline Bank of America Addition, creating 2 non-residential lots on 3.0027-acres of land out of Abstract 881, generally located on the southeast corner of U.S. Highway 67 and East Belt Line Rd. Requested by Mathew Thomas of Thomas Site Development Engineering, Inc.**

*Mathew Thomas of Thomas Site Development Engineering, Inc., 4604 Bill Simmons Rd., Colleyville, TX 76034, stepped forth to present this request and answer any questions from the Commission.*

Mr. Thomas stated that this property has never been platted and the purpose of this final plat is to subdivide the property to create two lots, one for the bank and one for Burger King.

Commissioner Strother asked the applicant if he was aware of a comment from the City Engineer requesting a letter from the adjacent property owner regarding storm water discharge onto their property.

Mr. Thomas stated that he has sent a letter to the two adjacent property owners but as of today he has not heard from them. He stated that this site has always naturally drained onto the adjacent property and that with this development they would not be increasing that flow

Commissioner Strother asked Rod Tyler, Director of Planning, if this is a particular issue with the City Engineer.

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Mr. Tyler stated that the Commission could make obtaining this letter a condition of the plat approval; however, he could foresee a situation of the owners being non-responsive and so he had some concerns about making the approval contingent upon the letter. He stressed that the City does want assurances from the applicant that he has made every reasonable attempt to contact and inform the adjacent property owners.

There was some brief discussion amongst the Commission, which included the applicant, on the pros and cons of requiring a letter from the adjacent property owners regarding storm water discharge. The Commission ultimately decided based on the calculations presented by the applicant and his attempts at contacting the adjacent property owners that they would not make approval of this plat contingent upon receiving a letter from the adjacent property owners.

Commissioner Nanry asked the applicant to comment on the traffic flow between the two lots, as well as the drive approach to the Burger King site from U.S. Highway 67.

Mr. Thomas stated that they have a shared access easement with the Bank of America tract and with the relocation of the drive approach onto East Belt Line Rd and the new drive approach onto U.S. Highway 67; the traffic flow is significantly improved.

Commissioner Hamilton stated that he's observed a lot of traffic in and around the Bank of America site and expressed some concerns about the additional traffic that will be generated by Burger King.

Mr. Thomas stated that the existing drive lanes are substandard, with the lanes being very narrow but with this plan they are actually correcting these issues.

Commissioner Thierry asked the applicant if he had an anticipated date of when he may receive a letter from the adjacent property owner regard the storm water discharge issue.

Mr. Thomas stated that he does not have a date but he has been working with a broker on this matter. There are two property owners, one of which has deferred a decision on this matter to the other. When the City Engineer asked him for this letter about a week or so ago, he immediately sent a letter and a copy of the plans to the adjacent property owners and copied the City Engineer.

Commissioner Strother asked the applicant if there will be a driveway to access the parking lot to the south of this site.

Mr. Thomas stated there is a slight grade difference, but that they will have access to the parking lot on the south side.

A motion was made by Commissioner Hamilton to approve Case Number 10-09, as presented. The motion was seconded by Commissioner Strother. The vote was as follows:

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Ayes: 6 – Vice-Chairman Hinton and Commissioners Strother, Saldana, Nanry, Thierry, and Hamilton.

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Nays: 0

Vice-Chairman Hinton declared the motion carried.

**VI. Case No. 10-10 – Review and consider the Site Plan of Burger King on Lot 1, Block A, Beltline Bank of America Addition, generally located on the southeast corner of U.S. Highway 67 and East Belt Line Rd. *Requested by Mathew Thomas of Thomas Site Development Engineering, Inc.***

*Mathew Thomas of Thomas Site Development Engineering, Inc., 4604 Bill Simmons Rd., Colleyville, TX 76034*, stepped forth to present this request and answer any questions from the Commission.

Mr. Thomas stated that he was here representing Fire Brand Properties. He stated that he has been working very closely with City staff for some time on this project and believes he has addressed all of their comments.

Vice-Chairman Hinton asked the applicant if he was aware of City staff's comments regarding the site's lighting being Dark Sky compliant and showing the height of the dumpster enclosure.

Mr. Thomas stated he was aware of these comments and has addressed them accordingly.

A motion was made by Commissioner Strother to approve Case Number 10-10, as presented. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 6 – Vice-Chairman Hinton and Commissioners Strother, Saldana, Nanry, Thierry, and Hamilton.

Nays: 0

Vice-Chairman Hinton declared the motion carried.

**VII. Staff Reports & Discussion Items**

1. Planning and Zoning Commission Rules and Regulations Overview

Rod Tyler, Director of Planning, asked the Commission what meeting they would like to consider the election of officers.

Commissioner Strother stated that he would not be in attendance at the July 8, 2010 City Council/Planning & Zoning Commission joint workshop and the July 20, 2010 Planning & Zoning Commission meeting.

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After some brief discussion, the Commission settled on the August 3, 2010 regular meeting, placing consideration of this item at the beginning of the agenda.

Mr. Tyler, referencing the computers at each of the Commissioner's stations, gave a brief overview of how to review and navigate through the electronic P&Z packet. He included information on Staff's process of compiling the documents, reports, etc. that encompass the P&Z packet.

Mr. Tyler also stressed the importance of, once the packet is emailed out to all of the Commissioners that they cannot engage in any discussions whatsoever regarding the packet's contents, as this would constitute a violation of the Open Meetings Act.

Mr. Tyler then explained in detail how the Commission can access their packet from the email City staff sends out.

Mr. Tyler reviewed in some detail the following topics with the Commission:

- Case load
- Acceptance of a development application
- The Development Review Committee (DRC) review process
- Scheduling of an application for a P&Z agenda
- Proposed residential wind generated energy ordinance
- Gas well drilling ordinance
- Masonry Standards.

Commissioner Thierry asked City staff if she were to be approached by a member of the general public regarding a development case or issue would she be allowed to discuss the details of the case with them.

Mr. Tyler stated that she may tell them as much as she knows or feels comfortable discussing and that she could always refer them to City staff for additional information. He emphasized that the items we deal with are public information.

Vice-Chairman Hinton commented on something Mr. Tyler stated to him previously, with respect to the recommendations made by the Planning & Zoning Commission. He stated that if the vote by the Commission is unanimous, the item will be placed on the City Council's consent agenda, he asked Mr. Tyler to explain this further.

Mr. Tyler stated that was correct, if Commission's vote is unanimous, the item will be placed on the consent agenda, with the City Council having discretion on whether or not they want to remove an item from the consent agenda to discuss details of the case further. Mr. Tyler stated that, although rare, the City Council could render a decision that is contrary to the Planning & Zoning Commission's recommendation(s).

## 2. Recent Submittals

This item was covered during the Commission's briefing session.

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### **VIII. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:18 p.m.

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Todd Hinton  
Vice-Chairman

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Belinda L. Huff  
Planning Secretary