
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of July 20, 2010

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, July 20, 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 Theresa Brooks, Gehrig Saldaña, Lisa Thierry, Bill Nanry and Tim Hamilton.

Absent: Commissioner Bill Strother

I. Call the meeting to order

Vice-Chairman Hinton 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. Approval the minutes of the July 6, 2010 regular meeting

A motion was made by Commissioner Hamilton to approve the July 6, 2010 minutes, as presented. The motion was seconded by Commissioner Nanry. The vote was as follows:

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

Nays: 0

Abstention: 1- Commissioner Brooks.

Vice-Chairman Hinton declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 10-11 – CONDUCT A PUBLIC HEARING and consider a request to revise **Section 9 of Planned Development Ordinance No. 2009-389**, which will extend the deadline to submit a PD Development Plan for Stonehill Addition. The subject property is approximately 156.81-acres of land out of Abstract 1122, generally located at the northwest corner of Cockrell Hill Road and Bear Creek Road. *Requested by William Parsons of Spyglass Hill GP, LLC.*

William Parsons, 5624 Shurbert Ct. Dallas, TX 75252, stepped forth to present this request and answer any questions from the Commission.

Mr. Parsons stated that he is requesting a two, rather than one, year extension for this project because of problems related to the poor housing market.

Vice-Chairman Hinton opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Vice-Chairman Hinton closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Vice-Chairman Hinton closed the public hearing for this item and opened the floor to the Commission for discussion.

Commissioner Hamilton asked the applicant if he believes he'll be able to start building houses within 2 years.

Mr. Parsons stated that it's difficult to say. He stressed that under the current conditions, they have enough [lot] inventory to support the subdivision and that he believes when the housing market improvements, this area of Cedar Hill will be highly desirable.

Commissioner Hamilton stated he was looking for some indication of when the extension requests would end.

Mr. Parsons stated that he was not very optimistic at this point in time, but the housing market will recover, it just seems as though it's recovering a bit slower than everyone would like.

A motion was made by Commissioner Brooks to approve Case Number 10-11, as presented. The motion was seconded by Commissioner Hamilton. The vote was as follows:

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

Nays: 0

Vice-Chairman Hinton declared the motion carried.

V. Case No. 10-05 – Review and consider a request for a Re-Plat of Lots 64R-67R, 68 & 69, Block 6, The Meadows at High Point Phase II INTO Lots 65R-1, 66R-1, 67R-1, 68R & 69R Block 6, The Meadows at High Pointe Phase II being 2.401-acres of land out of Abstract 124, generally located on the west side of Hamilton Drive, between Hamilton Court and Hickman Drive. Requested by Edward Eckart of Goodwin and Marshall, Inc.

Joel Barton of Goodwin & Marshall, Inc., 2405 Mustang Dr., Grapevine, TX 76051, stepped forth to present this request and answer any questions from the Commission.

Mr. Barton stated that this plat was previously approved by City Council, but that approval had lapsed, so they have resubmitted and request approval.

Commissioner Brooks asked the applicant if the documents were ready for City signatures.

Mr. Barton stated yes, there were no changes to the plat and it's ready to be signed by the City and recorded.

A motion was made by Commissioner Brooks to approve Case Number 10-05, as presented. The motion was seconded by Commissioner Saldana. The vote was as follows:

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

Nays: 0

Vice-Chairman Hinton declared the motion carried.

VI. Case No. 10-12 – Review and consider the Site Plan of Lot 1B-R, Block 9, High Pointe Addition, more commonly known as 1420 High Pointe Lane. *Requested by Chris Conant of More Cabbage.*

Chris Conant, 2484 Lakewood Dr., Grand Prairie, TX 75054, stepped forth to present this request and answer any questions from the Commission.

Mr. Conant stated that he recently received approval on a zoning change request for this property and is now seeking site plan approval for a small office and art studio.

Commissioner Hamilton asked the applicant if he was aware of staff's comments.

Mr. Conant stated he was aware of the comments; however, he was somewhat concerned regarding the City's request to build a sidewalk along Breseman St. He stated that he does not own that strip of land and is trying to obtain an easement for a driveway.

Commissioner Brooks stated that she believes the construction of a sidewalk is the applicant's responsibility, particularly because he is requesting primary access to his business from Breseman St. Additionally, she asked if he was planning on purchasing that strip of land.

Mr. Conant stated that it has been very difficult to get in contact with the adjacent property owner and he has considered the possibility of purchasing it, but at this time he is only seeking to obtain the driveway easement.

Commissioner Brooks asked the applicant if he has secured the easement.

Mr. Conant stated that the required document is in the works and he should have it very soon.

Commissioner Brooks reiterated her comment regarding the importance of a sidewalk along this section of Breseman St. She stated that she believes the applicant's site modifications do constitute an improvement; therefore, compliance with the City's requirements for the installation of a sidewalk is warranted.

Mr. Conant stated he does not feel as though he should be responsible for constructing a sidewalk on someone else's property. He is unclear of what is meant by the comment of "improvement".

Commissioner Thierry asked the applicant, if he were to purchase the property, would he then build the sidewalk.

Mr. Conant stated he isn't opposed to building the sidewalk, but at this time it would be of considerable expense to a small business owner such as himself. He suggested the option of perhaps working with the PID on the construction and maintenance of a sidewalk along this segment of Breseman St.

Commissioner Brooks stated that she wanted to make it clear to the Commission, as well as the applicant, that this site plan approval pertains only to a small office and art studio and not for the wedding/banquet facility the applicant is proposing in a future phase.

Commissioner Hamilton asked the applicant if he has provided the City Engineer with the information he has requested.

Mr. Conant stated that he has spoken with the City Engineer and that he is working on getting him the requested information.

A motion was made by Vice-Chairman Hinton to approve Case Number 10-12, subject to Staff's comments. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 4 – Vice-Chairman Hinton and Commissioners Nanry, Thierry, and Hamilton.

Nays: 2- Commissioners Brooks and Saldana

Vice-Chairman Hinton declared the motion carried.

Vice-Chairman Hinton stated that since the Commission tabled Case No. 09-40 on June 1, 2010, the applicant has requested their application be split into two proposals, one for the addition of a porte-cochere and the other for the construction of a parking lot. Vice-Chairman Hinton requested a motion to remove Case No. 09-40 from the table.

Commissioner Brooks made a motion, followed by a second from Commissioner Nanry to remove from the table Case No. 09-40. The vote was as follows:

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

Nays: 0

Vice-Chairman Hinton declared the motion carried.

Vice-Chairman asked the Commission if they would be opposed to the reordering of the agenda, so that they could consider Case No. 10-15 before Case No. 09-40. Seeing no one in opposition, Vice-Chairman Hinton processed to Case No. 10-15.

VIII. Case No. 10-15 – Review and consider the Site Plan of First Baptist Church showing the addition of a porte-cochere, located at 602 W. Belt Line Road. Requested by Rod Ekern of Hagan Engineering, Inc.

Mike Bostic, 420 Cross Creek Ct. Waxahachie, TX, 75167, stepped forth to present this request and answer any questions from the Commission.

Vice-Chairman Hinton asked if any portion of the porte-cochere would extend over the property line.

Mr. Bostic replied no.

Vice-Chairman Hinton asked the applicant if he was aware of staff's comments.

Mr. Bostic replied yes.

Commissioner Brooks asked the applicant when the file was split, did that cause any changes to the plans.

Mr. Bostic replied no. The request is the same as previously considered, to construct an all-weather cover that allows for traffic to pass through, essentially a pick up and drop off area. It will be located on the west side of the education building and constructed of similar materials as the existing building. Additionally, they are re-aligning the existing driveways to allow for better traffic flow.

A motion was made by Commissioner Brooks to approve Case Number 10-15, subject to the following conditions: 1) the applicant providing civil, grading and drainage plans prior to the issuance of a building permit; 2) the applicant revising the site plan to provide 20 ft. curb returns and a 24 ft. wide drive approach along Broad Street; and 3) no portion of this addition extending into the driveway. The motion was seconded by Commissioner Hamilton. The vote was as follows:

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

Nays: 0

Vice-Chairman Hinton declared the motion carried.

VII. Case No. 09-40 – Review and consider the Site Plan of First Baptist Church showing the addition of a parking lot on Lot 2 R-2, Block 1, First Baptist Church of Cedar Hill Addition, located at the northwest corner of Main and Cedar Streets. Requested by Rod Ekern of Hagan Engineering, Inc.

Mike Bostic, 420 Cross Creek Ct. Waxahachie, TX, 75167, stepped forth to present this request and answer any questions from the Commission.

Vice-Chairman Hinton asked the applicant to please remove from the plans any references to the porte-cochere.

Mr. Bostic stated that he would revise the plans accordingly.

Vice-Chairman Hinton asked the applicant if there had been any changes to the plans since this item was tabled.

Mr. Bostic replied no.

Vice-Chairman Hinton stated that previously there were some concerns over whether or not the City could require a certain style of lighting. The City attorney has determined that the City is within its right to specify a certain style of lighting in this zoning district. He asked the applicant how many different types of historic style lighting did they considered.

Mr. Bostic stated that they looked at styles similar to the fixtures already in place in the downtown area and the cost of such lighting fixtures was substantially more than the shoebox style lighting fixtures shown on their plans. He stated part of the cost difference was due to the fact that with the historic style lighting fixtures, they calculated they would need 6 rather than 4 fixtures to adequately illuminate the parking lot.

Vice-Chairman Hinton asked City staff if there was a certain type of lighting fixture the City prefers.

Rod Tyler, Director of Planning, stated that there is no preferred brand; they are several different types of historic lighting fixtures that would meet the ordinance requirements.

Vice-Chairman Hinton asked the applicant if he was made aware of this requirement during the course of the development review process.

Mr. Bostic replied yes.

Commissioner Brooks stated that she feels keeping the period style lighting is important to the old town district. She then asked the applicant to comment on their proposed 4 ft. wide sidewalk instead of 5 ft., as recommended by the Main Street Board.

Mr. Bostic stated that they are trying to match the existing 4 ft. wide sidewalk near the bank.

Vice-Chairman Hinton stated that he understood the applicant's primary objective is to have as many parking spaces as possible on their lot. In regards to setbacks, one of his concerns is not losing any of the existing parking spaces along Cedar St. Additionally, Vice-Chairman Hinton stated that he doesn't want to lose any of the drive [lane] width along this portion of Cedar St. He asked the applicant if there is any way to address the setback issue and still maintain the existing 15 parking spaces along Cedar St. as well as the current width of the street. Could a masonry screening wall be an option?

Mr. Bostic stated that the church would have to look at the cost of constructing a masonry wall and asked if there is anything else besides the wall that would suffice.

There was considerable discussion on the issue of setbacks and the landscape buffer area.

Mr. Bostic stressed that if the church did not receive a variance to the setback issue they would potentially lose too many parking spaces, rendering the project unfeasible for the church to construct. Additionally, there are a number of protected trees that may be lost.

The Commission ultimately decided that they would allow for a variance to the 30 ft. setback requirement and a reduction in the required landscape buffer, provided that the following conditions were met:

1. The north curb on Cedar St. stays in its current location, thereby protecting the existing parking and street width;
2. A 4 ft. wide sidewalk along Cedar St.;
3. Where the landscape buffer is less than 3 ft. wide, then a 30 in. brick wall or a 30-40 in. wrought iron fence, in addition to the landscaping, shall be required.

Commissioner Brooks commented that the site plan shows rolling gates and asked the applicant if the parking lot was for the church's use only.

Mr. Bostic stated as he has stated in the past, the church is willing to be a good neighbor in the downtown area and share their parking lot for public use. Their only prohibition to this would be in the event they had certain church functions, then the parking area may be blocked off from public use.

Commissioner Brooks asked the applicant to comment on the signage [on their lot] that states parking permits are required.

Mr. Bostic stated that initially the church was afraid that they would be inundated by patrons to the Babe's Restaurant, hence the signs and barriers. However, those parking concerns never materialized so they removed the barriers, but not the signs.

Vice-Chairman Hinton stated that what Mr. Bostic said is fair; since the church is building it, they should have first access to the parking lot. He also stated that he truly believes the church is willing to be a good neighbor.

A motion was made by Vice-Chairman Hinton to approve Case Number 09-40, subject to the following conditions: 1) the use of period style lighting in the parking lot; 2) to allow the parking lot to encroach into the 30 ft. setback, provided that the proposed Cedar St. curb line be in the same location as the south edge of the existing sidewalk; 3) that the proposed 5 ft. wide sidewalk along Cedar St be changed to 4 ft. wide and to allow the landscape strip to be reduced to accommodate these changes; and 4) should any portion of the landscape strip along Cedar St. result in less than 3 ft. wide, there shall be a 30 in. tall brick wall or 30-40 in. wrought iron fence along with the landscaping. The motion was seconded by Commissioner Brooks. The vote was as follows:

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

Nays: 0

Vice-Chairman Hinton declared the motion carried.

IX. Staff Reports & Discussion Items

1. Planning and Zoning Commission policies and procedures overview

Rod Tyler, Director of Planning, reviewed with the Commission the new Commissioner's Packet, which included details of the City's Board and Commission attendance policy.

2. Recent Submittals

Don Gore, City Planner, reviewed with the Commission recently submitted cases and upcoming agenda items.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:00 p.m.

Todd Hinton
Vice-Chairman

Belinda L. Huff
Planning Secretary
