
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of April 7, 2009

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, April 7, 2009 at 6:00 p.m. in the Turk Cannady/Cedar Hill Room, 285 Uptown Blvd. Building 100, Cedar Hill, Texas.

Present: Chairman Bill Strother, Vice-Chairman David Rush and Commissioners Theresa Brooks, Todd Hinton, Steve Mason and Gehrig Saldaña.

Absent: Tim Hamilton.

I. Call the meeting to order

Chairman Strother 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. Approve the minutes of the February 3, February 17 and March 3, 2009 regular meetings

A motion was made by Vice-Chairman Rush to approve the February 3, February 17, and March 3, 2009 minutes with the corrections noted during the briefing session. The motion was seconded by Commissioner Hinton.

The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Hinton and Saldana.

Nays: 0

**Abstention: 1- Commissioner Mason abstained on the vote for the February 17 minutes only.*

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 08-60 – Review and consider the Preliminary Plat and Plans of Lot 1, Block A, New Beginnings Community Fellowship Addition, showing 1 non-residential lot on 4.761-acres of land out of Abstract 863, generally located southwest of Kingswood Drive and U.S. Highway 67. Requested by Marion Johnson of Design and Development Consultants.

Marion Johnson of Design and Development Consultants, 1802 Creek Crossing, Garland, TX. 75040 along with David Francis, P.E., Criado & Associates, Inc. 4141 Blue Lake Circle, Suite 133, Dallas, TX 75244, stepped forth to present this request and answer any questions from the Commission.

Commissioner Hinton stated he would like the applicant to give the Commission a clear indication of the number of parking spaces proposed with Phase I of this project.

Mr. Johnson stated Phase I is proposed to have approximately 160 parking spaces.

Commissioner Hinton expressed concerns about traffic flow onto Kingswood Drive and asked if a traffic study had been performed to analyze the existing traffic patterns in the area.

Mr. Francis stated no traffic impact studies have been performed in association with this project.

Commissioner Hinton again voiced his concerns regarding the potential [negative] traffic impact for the adjacent residential areas, Kingswood and Wildwood, particularly at peak times such as after Sunday church services.

Mr. Francis stated with the proposed church use you would only have sporadic and brief peak traffic times, such as Sunday mornings. He specified the primary access to this lot is from the U.S. Highway 67 service road and that he did not anticipate Kingswood Drive to be used as a primary route for vehicular traffic.

Commissioner Hinton disagreed with Mr. Francis' assessment. He stated that there is quite a bit of existing traffic in the area and envisioned that Kingswood Drive *would indeed* be used as a primary vehicular [travel] route. He strongly suggested the applicant perform a traffic study in and around the area.

Mr. Johnson stated that they have moved the primary entrance further south on the service road specifically to avoid any potential conflicts with the Kingswood Drive intersection.

Mr. Francis again stated that the primary access to this lot is from the U.S. Highway 67 service road. It is the widest drive, and they have received approval for this drive approach from TXDoT.

Commissioner Hinton stated that he would like to see a copy of the Texas Department of Transportation (TXDoT) permit.

Mr. Francis stated that the City's Public Works Director, Ruth Antebi-Guten, has a copy of the approved permit.

Commissioner Brooks asked the applicants if they were aware of staff's comments.

Mr. Francis stated he was aware of staff's comment regarding the relocation of the wall easement; and he also stated that on a revised and subsequent submittal the wall easement was removed entirely.

Commissioner Hinton asked if the screening wall is proposed to be constructed on the property line.

Mr. Francis answered affirmatively.

Planning Director, Rod Tyler in response to Mr. Francis' comment regarding the removal of the wall easement, asked if they could amend the plat to show a 20' utility easement rather than 15', to ensure no conflicts with the installation of a proposed sewer line and its future maintenance.

Mr. Francis stated that he would have to review the plat as well as the site plan but perhaps they could do a 16' easement.

Mr. Johnson added that he believes there is room for a 20' utility easement.

Commissioner Brooks asked staff if the ingress/egress and parking issues are relative to the consideration of a preliminary plat.

Mr. Tyler stated that ingress/egress and parking concerns are site plan not platting issues. He further stated that as the project progresses, there may be changes to the plans.

Commissioner Hinton stated that he would like to see studies on the traffic counts and circulation patterns in the Kingswood area.

A motion was made by Commissioner Brooks to approve Case No. 08-60, subject to the relocation of the wall/utility easement to the satisfaction of City Staff and for the applicant to consider traffic concerns with the ingress/egress onto Kingswood Drive. The motion was seconded by Commissioner Hinton.

The vote was as follows:

Ayes: 6 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Hinton, Mason and Saldana.

Nays: 0

Chairman Strother declared the motion carried.

IV. Reports

1. Discussion on 2008 Comprehensive Plan Implementation

Don Gore, City Planner, stated that the Commission so far has worked through two of the Comprehensive Plan priorities and a summary of that work is in tonight's packet. He asked if the Commission had any questions before proceeding into tonight's discussion.

Since the Commission did not have any questions, Mr. Gore stated that the topics for this evening's discussion would be Coordination/Trail Plan, Escarpment and Economic Development.

Chairman Strother, commenting on the subject of Transit Oriented Developments (TOD), stated that parking is a big concern in and around the downtown area and this issue needs to be carefully examined so that adequate parking is provided to support a proposed TOD.

Commissioner Hinton stated, relative to a [downtown] parking plan, there is not enough flat land [for parking] and he would like to leave the City's options open to include a parking garage.

Mr. Gore stated he would make note of the comments relative to parking and moved on to the Coordination/Trail Plan priority.

Commissioner Brooks asked Staff if the Parks & Recreations department has been notified of possible changes to their plans.

Mr. Tyler stated yes. He also stated that Staff, as well as the Commission, needs to address the inconsistency with the existing Parks/Trail Plan and the plan specified in the Comprehensive Plan.

Mr. Gore added that since the Parks Department is currently revising their plans, this would be a good time to work with them to ensure consistency between the plans. He asked the Commission for their thoughts on any other entities Staff should consider working with.

Mr. Tyler stated suggested the Audubon Society, Ellis County, North Central Texas COG and the cities of Dallas and Grand Prairie. He further stated that Staff could assembly plans from these various entities for the Commission to study.

Commissioner Hinton stated that he would like to see a presentation from one or more of the previously mentioned entities to help the Commission work through some of these issues. He also stated that he was under the impression that the North Central Texas COG was supposed to make a presentation before the Commission on the subject of TOD.

Mr. Gore stated that he would contact COG regarding a presentation on the issue of TOD.

Vice-Chairman Rush stated that other city departments, such as the Parks Department, should be invited to any presentations as well.

Commissioner Mason stated he believes the [Planning] staff should meet with other city departments first, in order to gather questions for the various presenters.

Mr. Gore stated that they would organize an interdepartmental meeting to get feedback.

Mr. Gore, referring to the issue of requiring non-residential developments to provide at least one connection to surrounding residential land uses, stated that the wording seems inflexible and asked for the Commissions thought.

Vice-Chairman Rush and Commissioner Hinton both stated that if the City does not require this standard, then developers will not comply with it.

Vice-Chairman Rush posed the question of what if the closest residential land use is half mile away, what would the City do in such an instance?

Commissioner Hinton stated he would like to see consistent standards for trail construction.

Vice-Chairman Rush agreed that there should be standardization of the [trail construction] plans.

Commissioner Saldana posed the question of what would be fair and equitable for commercial entities.

Commissioner Hinton stated that there needs to be certain minimum standards and that perhaps the setting aside of bond monies to construct trails when the need and/or demand warrants it.

There was some discussion amongst the Commission on possible solutions to this issue, such as the payment of funds, similar to Park Land Dedication fees, for the future construction of trails.

Commissioner Mason stated that he could foresee an issue with gaps in commercial development which would make connectivity difficult to predict.

Commissioner Brooks questioned the logic of escrowing funds to build [trails] on someone else's property.

Commissioner Hinton explained that as businesses come in funds would be escrowed and when connectivity to residential is possible, build the trail. To protect values, acceptable rates for inflation should also be calculated.

Mr. Tyler pointed out that trails are not simply for recreation, they are part of your transportation plan, so perhaps we should look into imposing trail fees for commercial entities, similar to parkland dedication fees.

Moving on to the next priority, *build on the success of the master trail plan as a means to provide pedestrian/bicycle connectivity throughout the City*, Mr. Gore asked the Commission for their thoughts and comments on this matter.

Vice-Chairman Rush stated that this priority sounds vague. He also questioned why public works is listed as the responsible entity.

Mr. Tyler stated that this priority is also a transportation issue, not just recreation issue.

Mr. Tyler suggested that the Commission assess the current plan, and then come up with some recommendations based on staff's findings.

Commissioner Brooks stated that she did not see this as a replacement to the existing trail plan, but more of a supplement.

Mr. Tyler stated that the parks trail plan focuses primarily on the recreational aspect [of trails]. What we would like to do is build on that plan but our focus should be more in terms of a transportation than recreational.

Mr. Gore, moving on to the topic of the escarpment, asked the Commission if they had any questions.

Commissioner Hinton commented that the City's Gas Well Committee is also dealing with some issues relative to the escarpment and asked staff should the [P&Z] Commission hold off on making any decisions on this issue until the conclusion of the Gas Well Committee meetings. If not, he would like to re-visit this issue when the Gas Well Committee concludes their meetings.

Commissioner Brooks asked staff if the City receives many requests for variances to develop in or around the escarpment.

Mr. Tyler stated he was unsure of the number of requests for development on or near the escarpment, but there are specific standards, escarpment development plan, that an applicant must submit to the City's engineering department prior to any work commencing. This development plan includes, among other things a geotechnical report that shows any development proposed will not destabilize the escarpment.

Given the information provided by Mr. Tyler, Vice-Chairman Rush stated that this may not be an issue [escarpment] the Commission needs to review or amend.

Commission Hinton stated that the City needs an ordinance that specifically protects the escarpment region. He stated that the City needs to anticipate [escarpment] problems and take steps now to protect the area. Additionally, he stated from reading the packet materials provided, there was nothing in the way of protection for the escarpment area, just suggestions on how or what to build on it.

Commissioner Brooks cautioned that the City should not attempt to regulate or limit a property owner's rights or options to build on their land.

Commissioner Hinton stated that the City needs to protect this particular area and not allow development on it.

Commissioner Brooks again stated that our charge as a City is to balance protection with a property owner's right to develop or build on their property.

Vice-Chairman Rush stated that the Comprehensive Plan Steering Committee evaluated ways to preserve the escarpment area, including the option of public and private partnerships to purchase land

for preservation. There were also talks of developing a hotel and conference center on a hilltop area of land located off F.M. 1382, near High Pointe.

There was some general discussion about the wording of the priorities under the escarpment category.

Commissioner Hinton commented that he could not locate anything in the Comprehensive Plan that discussed the acquisition of land and asked if it should be added.

Mr. Tyler asked the Commission to focus on the current Comprehensive Plan and not to discuss amendments at this time.

Commissioner Hinton stated that, with respect to escarpment protection, the current Comprehensive Plan does not capture what the citizens of Cedar Hill expressed in numerous public meetings, including the instant polling sessions, and that is the preservation and protection of the escarpment area.

Furthermore, Commissioner Hinton stated that he believes there is some conflicting wording of the priorities under the escarpment category. He asked staff to review Goal references 4.1 & 4.2. There is reference to the Escarpment Utilization Area, but what about the remaining escarpment area and how is the protection of this area being addressed. He stated the City has guidelines to develop in the escarpment area, but not to *protect* the escarpment area, a desired sentiment from citizens.

Vice-Chairman Rush stated that he agrees with Commissioner Hinton. He asked that under heading 1, the word development should be changed to "protect".

Chairman Strother stated that the escarpment development ordinance stipulates many "stop gaps" for protection of the escarpment.

Mr. Tyler thanked the Commission for their comments. He stated that staff would review the wording under the escarpment category and will report back to the Commission.

2. Report on proposed Wind Generators Ordinance

Discussion on this item was postponed until the next meeting.

3. Gas Well Update

Mr. Tyler stated that the Committee is down to their last 1, 2 or perhaps 3 meetings. They are continuing to work through their issues list and will soon begin reviewing and populating categories in the gas well ordinance matrix for the Cedar Hill ordinance.

Commissioner Hinton added that there is strong support from the Committee on placing time limitations on Conditional Use Permit approvals, based on zoning classification, similar to the City of Midlothian's gas well ordinance.

4. Recent Submittals

Don Gore reviewed with the Commission recent submittals.

Mr. Tyler also updated the Commission on the status of the Alexan multi-family project.

VI. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:07 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary