
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of April 21, 2015

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, April 21, 2015 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Blvd, Bldg. 100, Cedar Hill, TX.

Planning & Zoning Commissioners present: Chairman Theresa Brooks, Vice-Chairman Bill Strother, Commissioners: Gehrig Saldana, Lisa Thierry, Michael Deeds and Timothy Hamilton.

Absent: Commissioner Adriane Martin

City Staff members present: Don Gore, Senior Planner, and Sharon Davis, Executive Secretary.

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:01 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 March 17, 2015 regular meeting

A motion was made by Commissioner Hamilton and seconded by Commissioner Saldana to approve the minutes of the March 17, 2015 regular meeting. The vote was as follows:

Ayes: 5 – Chairman Brooks, Vice-Chairman Strother, Commissioners, Thierry, Saldana, and Hamilton

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

Commissioner Deeds arrived at 6:09 pm.

IV. Case No. 15-05 - Review and consider the Final Plat and Civil Plans of Lot 1, Block A, Church of the Nazarene, creating one non-residential lot on 3.129 acres out of Abstract 304, located at 308 Belt Line Road; requested by Victor Jackson on behalf of Building the Kingdom Church of the Nazarene.

Don Gore delivered the staff report by stating the applicant was proposing to plat approximately 3.129 acres and dedicate the necessary easements for a 1,192 sq. ft. expansion of an existing church. He stated the final plat was consistent with the zoning district's standards and subdivision ordinances and that Staff recommended approval.

Pastor Victor Jackson, 308 Belt Line Road, came forward to answer any questions the Commission may have.

The Commission did not have any questions.

Commissioner Hamilton made a motion to recommended approval of Case 15-05. The motion was seconded by Commissioner Thierry. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

V. Case No. 14-34 – Review and consider a Site Plan of a church addition, located at 308 Belt Line Road; requested by Victor Jackson on behalf of Building the Kingdom, Church of the Nazarene.

Mr. Gore delivered the staff report by stating the applicant was proposing to construct a 1,192 sq. ft. expansion to an existing 5,514 sq. ft. church on 3.13 acres. There were three issues that needed to be corrected. First, the Zoning Code requires a minimum of 26 trees; however, the site plan shows 34 trees. Staff suggests the applicant revise the site plan to show the correct street yard calculation and required street trees. Second, the proposed site plan shows residentially zoned property to the south of the subject property. The screening standards in the Zoning Ordinance requires non-residential zoned properties to construct a masonry screening wall to buffer it from residential uses. Staff suggests the applicant revise the site plan to show a 50' conservation buffer along the southern property line. Finally, the applicant needs to show the 40' drainage easement on the site plan.

The Commission did not have any questions.

Commissioner Deeds made a motion to recommended approval of Case 14-34 subject to the three items from Staff's recommendation. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VI. Case No. 15-02 - CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit for a restaurant with alcoholic beverage sales and service within the "LR" Local Retail zoning district, located at 401 N. J. Elmer Weaver Freeway; requested by Joshua A. Millsap of Bury-DFW, Inc. on behalf of Pollo Tropical.

Mr. Gore delivered the staff report by stating the applicant was proposing a new restaurant with alcoholic beverage service. The restaurant will have a drive-thru with the planned business hours being from 10:30 am to 12 am, Monday-Sunday. The restaurant will not have gaming devices, a dance floor, or electronic amusement on the premises. There are no churches, schools, or hospitals in the area. The application complies with city regulations; therefore, Staff recommends approval of the proposed condition use permit, as presented.

Joshua Millsap at 5310 Harvest Hill Road, Dallas, TX stated the restaurant will be serving three (3) kinds of beer and rum will be behind the bar for rum drinks.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

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

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

Chairman Brooks asked if this was a limited or a full bar establishment.

Commissioner Deeds asked if alcohol was for on premise consumption only and if it would be served thru the drive thru as well as the outside patio.

Mr. Millsap indicated there would be limited alcohol served and would be served for on premise consumption in the restaurant as well as the outside patio only.

Commissioner Deeds made a motion to recommended approval of Case 15-02. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VII. Case No. 15-07 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit for a restaurant with alcoholic beverage sales and service within the "LR" Local Retail zoning district, located at 1435 N. J Elmer Weaver Freeway, Ste. 200; requested by Don L. Turner on behalf of Donavan's Grill and Bar.

Mr. Gore delivered the staff report by stating the applicant was requesting a conditional use permit to allow for the sale of alcoholic beverages in conjunction with a restaurant. The site was previously occupied by the Buzzer Restaurant and prior to that The Ranch Steak House. There will be no gaming devices, dance floor or electronic amusement on the premises with the hours of operation being Monday-Sunday 11AM-1AM. There are no churches, schools, hospitals in the area. The application complies with city regulations; therefore, Staff recommends approval of the proposed condition use permit, as presented.

Don Turner, 1435 N. Hwy 67, Ste. 200 came forward to answer any questions the Commission might have.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

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

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

Commissioner Deeds asked if there was room for large groups and/or parties. Would there be any rebuilding of the interior.

Mr. Turner indicated the restaurant was capable of handling large parties. The only interior work planned is some touchup painting.

Commissioner Deeds made a motion to recommended approval of Case 15-07. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VIII. Case No. 15-06 – CONDUCT A PUBLIC HEARING and consider an amendment to the text of the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended), providing for a change in Article IV – Entitled “Use Chart” by adding Solar Panel Systems (Accessory Use) and Solar Panel Systems (Primary Use) as authorized land uses; and providing use regulations; definitions; a savings clause, a severability clause, and an effective date.

Mr. Gore delivered the staff report by stating the packet included a draft ordinance with minor changes highlighted/red lined. Also added were public comments from Mr. Orenstein and Mr.

Lepinski with additional background information (i.e. minutes, previous standards that have been discussed).

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

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

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

James Orenstein, 1802 Rocky Creek Dr., Duncanville, stated he was here to support the blueline version of the proposed ordinance amendment outline in the April 15 email that is included in the packet. This version removed Sections E & F regarding installation and maintenance. In researching the NCTCOG Solar Ready II project, there was one line that talked about solar energy shall be maintained and in good working order. He questioned if it needs to be in the solar section or if there was another area it could fall under in the zoning code.

Commissioner Deeds had several concerns. In reading an article, it stated that a city restricted issuance of any permits for additional solar panels. The utility company could not handle the additional capacity thru their lines. Mr. Deeds was concerned if Oncor could handle any additional capacity thru their lines and does the City of Cedar Hill have the authority to mandate this. Do all permits require documentation between Oncor and the City. Why were sections E&F eliminated from the proposed ordinance. Does a solar panel create a hazard if it is not maintained and where is it stated or is it stated if maintenance is required.

Mr. Orenstein stated any electric system connected to the grid has to get an interconnection agreement with the utility company.

Mr. Gore stated that Section D was eliminated because it didn't make sense. Solar panels do not shine light or create noise. Section E and F were eliminated because the building code makes sure the installer adheres to the manufacturer's specifications of installing solar panels. It would not need to be stated in the zoning code also. The maintenance of solar panels would be handled by the inspection department. The code officers would be able to check on solar panels on their daily neighborhood inspections.

Chairman Brooks felt that the maintenance of solar panels could take place in another ordinance, not this one.

Commissioner Saldana made a motion to recommended approval of Case 15-06. The motion was seconded by Commissioner Thierry. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

IX. Staff Reports & Discussion Items

1. Recent Submittals

Mr. Gore reviewed the recently submitted cases with the Commission.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:04 pm.



Theresa Brooks
Chairman



Sharon Davis
Executive Secretary