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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of March 5, 2015**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, March 5, 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 and Commissioners: Gehrig Saldana, Lisa Thierry, Adriane Martin, Michael Deeds and Timothy Hamilton.*

*City Staff members present: Rod Tyler, Director of Planning, Don Gore, Senior Planner, and Sharon Davis, Executive Secretary.*

**I. Call the meeting to order**

Chairman Brooks called the meeting to order at 6:00 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 17, 2015 regular meeting**

A motion was made by Commissioner Hamilton and seconded by Vice-Chairman Strother to approve the minutes of the February 17, 2015 regular meeting. The vote was as follows:

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

Nays: 0

Abstain: 2 – Commissioner Deeds and Martin

Chairman Brooks declared the motion carried.

**III. Citizens Forum**

Dolores Shaw, 1509 Chapman St., presented a Citizen's petition opposing a Neighborhood Walmart Market to include a gas station in the High Pointe community. Even though Walmart has withdrawn their application to build in the High Pointe community, there is still the fear they will try to reapply. The community wants to go on record that they are not in favor of this. The community feels a Walmart would bring the following issues: increase traffic throughout the Wintergreen area, gas pumps would bring the property value down, selling of beer and wine would bring crime and trash in the area, the appearance of the Walmart after several years and it being open 24 hours.

**IV. Case No. 15-04 – CONDUCT A PUBLIC HEARING** and consider a proposed amendment to Section 4.1.4.C of the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended),

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that would allow the sale of alcoholic beverages for on premise consumption in conjunction with a restaurant that has a drive thru.

Don Gore stated the zoning code text amendment was City initiated. Currently, the alcoholic beverage requirements prohibit City Council to consider a drive in or drive thru restaurant with on premise consumption of an alcoholic beverage. A concern might be what would happen if a business sold alcoholic beverages thru a drive thru window. TABC requirements prohibit the sale of any alcoholic beverage through a drive thru window. This is taken care of by the state. Staff took a survey of adjacent cities to see if they had any requirements that prohibit the sale of alcoholic beverage in conjunction with a drive thru restaurant. City Hill is the only city that has regulations for City Council to consider it.

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.

Commissioner Deeds asked if there were other restaurants that have this concept. He indicated he wants what's best for the community as a whole and in favor of attracting more business to Cedar Hill.

Greg Porter indicated after having a conversation with Pollo Tropical about selling alcoholic beverages through a drive thru window; went to the Planning staff to discuss. After this conversation, it was felt it would be good to bring it before the Commissioners to discuss and initiate a process.

Rod Tyler indicated the current TABC laws preexist so the regulations we have are redundant to TABC because they pre-date them. We may want to loosen up our rules and make them more consistent with TABC rules but not make them more restrictive. TABC rules state if you have a license to sell for on premise consumption it cannot leave the premises. If you have a license for off premises consumption you cannot allow it to be consumed on site. The cities that were surveyed do not have stricter rules than TABC. They go by TABC rules.

Commissioner Martin asked what entity enforces the TABC rules. If this amendment passes will the Commission still have the option to approve or disapprove the applications for CUP with alcoholic beverage sales that come in.

Mr. Tyler indicated TABC has their own enforcement agency. If the police see something wrong they can take action or pass it on to TABC. The Commission still has the option to approve or not approve each application that comes in.

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Chairman Brooks indicated she was in favor of this change and felt the City was too strict and that the regulations need to be loosened up.

Commissioner Strother made a motion to recommended approval of Case 15-04. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Martin, Thierry and Saldana.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

#### **V. Presentation by the City Manager**

Greg Porter wanted to let the Commission know he appreciates all that they do and for giving up their time to serve on the board. He also wanted to give an introduction as to where we are in the City. Mr. Porter wanted the Commission to be aware of these important themes. These themes are: there is still a lot of growth left in the community; there have been residential improvements in the last year; on the commercial side there has been three (3) million sq. ft. of retail. We are the retail center of southwest Dallas County, southern part of Dallas County, northern part of Ellis County and a little of Johnson County; uptown was brought here to bring an entire different sector level of retail to this area; there is not much industrial left but there are several large companies (i.e. IDX, Dallas Aeronautical) and the existing companies are expanding; people are looking for smaller/dense/transit living which the City Center will bring: transit; mixed use; natural beauty and economics.

Vice-Chairman Strother stated that he is working with the people at Uptown village to resolve some issues.

Mr. Porter stated that the City is working with Trademark to fix things up and adding amenities.

Commissioner Hamilton asked about the Phillips property.

Mr. Porter stated the City has purchased it and will be redeveloped it into restaurants.

#### **VI. Staff Reports & Discussion Items**

##### **1. Recent Submittals**

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

#### **VII. Adjourn**

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A motion was made, followed by a second for adjournment. The meeting adjourned at 7:00 pm.



Theresa Brooks  
Chairman



Sharon Davis  
Executive Secretary