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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of November 17, 2015**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, November 17, 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: Timothy Hamilton, Adriane Martin and Gehrig Saldana*

*Absent: Commissioners Michael Deeds and Lisa Thierry*

*City Staff members present: Rod Tyler, Director, Don Gore, Senior Planner, Colby Collins, Planning Intern 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 November 3, 2015 regular meeting**

A motion was made by Commissioner Hamilton and seconded by Commissioner Saldana to approve the minutes of the November 3, 2015 regular meeting. The vote was as follows:

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

Abstain: 1 – Commissioner Martin

Nays: 0

Chairman Brooks declared the motion carried.

**III. Citizens Forum**

No one spoke.

**IV. Case No. 15-30 – Conduct a Public Hearing and consider a request for a Conditional Use Permit to serve alcoholic beverages in conjunction with a restaurant within the "LR" Local Retail zoning district, located at 436 N, Hwy 67; requested by Jon Featherston with Dimension Group on behalf of Old Chicago and Taproom.**

Mr. Don Gore, Sr. Planner delivered the staff report by stating the applicant is proposing a new pizza restaurant with alcoholic beverage service located in the former 5,000 sq. ft. Foundry retail store located in the Staples Shopping Center. The Zoning Ordinance prohibits an

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establishment serving alcohol within 300 feet of a church, public school, public hospital and 500 feet from a residentially-zoned property. Also, the Ordinance requires a minimum of 60% of total annual sales be from food or a maximum of 40% alcohol sales. The applicant indicated in their letter of intent their total annual food sales will be 70%, which is consistent with the ordinance. The applicant complies with the parking and landscape requirements outlined in the Zoning Ordinance. Based on this, Staff recommends approval.

Applicant was not present.

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.

The Commissioners had no questions or comments.

Commissioner Martin made a motion to recommend approval of Case 15-30. The motion was seconded by Commissioner Saldana. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried unanimously.

**V. Case 15-33 – Conduct a Public Hearing and consider a proposed zoning change** in the Historic Downtown from the "I" (Industrial) zoning district to: OT-Sq. (Old Town Square) for Area 1; OT-Res. (Old Town Residential) for Area 2; and OT-Corr. (Old Town Corridor) for Area 3 as described as follows:

**Area 1** – That area currently zoned Industrial and located west of the railroad tracks, south of Brandenburg Street, east of Ramsey Street and north of the northern lot line of 217 Ramsey Street;

**Area 2** – That area currently zoned Industrial and located on the east side of Ramsey Street (including all of 217 and 321 Ramsey Street); east of the railroad tracks, north of Cedar View Street; west of a line located approximately 500 feet

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east of the railroad tracks; and south of a line extended from the northern property line of 217 Ramsey Street;

**Area 3** – That area currently zoned Industrial and located southeast of the 500 block of Tidwell Street (including 500, 504, and 506 Tidwell Street and the parcel of land located on the western corner of Tidwell Street and U. S. Hwy 67).

Mr. Don Gore, Sr. Planner delivered the staff report by stating that in 2014 the City Council adopted the City Center Development Plan which encourages a walkable design and mixed use within the Historic Downtown. A portion of the downtown is zoned "I" Industrial which contradicts the goals of the City Center Plan. The Planning and Zoning Commission came up with the interim zoning to change the "I" Industrial zoning to "OT-Sq." – Old Town Square, "OT-Corr" – Old Town Corridor and "OT-Res." – Old Town Residential to be more consistent with the City Center Plan and made a recommendation to City Council. City Council was in support of this and recommended notifying the property owners of this proposed Zoning plan. The property owners within the area planned for rezoning were notified of a public workshop on October 8, 2015. Only one property owner along Tidwell was present and he supported the rezoning plan. City Council instructed staff to draft up an ordinance for this rezoning.

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.

Mr. Jason Heitman, 722 and 724 Houston St. which is located on the western side of Houston Street at the Tidwell Street intersection, asked if his properties would be effective by this rezoning.

Mr. Rod Tyler, Planning Director indicated his property was zoned "SF-7" Single Family Residential - 7,000 sq. ft. and was not part of this rezoning proposal.

There being no one else that approached the Commission, Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

Commissioner Hamilton asked if the city had received anything from other citizens that opposed this rezoning.

Ms. Sharon Davis, Planning Secretary indicated that she had received three calls of which, Mr. Bob Ladd at 506 Tidwell, was the only citizen that had opposed this request. Mr. Ladd had also submitted an email opposing the rezoning of his property.

Chairman Brooks read the email sent to Don Gore from Mr. Ladd which generally stated that he understood the city did not want industrial zoning along Tidwell Street but that he thought both sides of Tidwell Street should be zoned the same. The email also implied that by having

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the property on the north side of Tidwell zoned Local Retail and his property zoned Old Town Corridor would impair his ability to sell his property. After reading the email allowed, Chairman Brooks asked if there were existing uses on this property,

Mr. Tyler indicated Mr. Ladd's property is vacate.

Commissioner Martin asked if Mr. Ladd had anybody interested in buying his property.

Mr. Gore indicated when Mr. Ladd had talked he did not indicate that he had anyone interested in his property at the time.

Commissioner Hamilton asked if there was a way to do the rezoning and make Mr. Ladd happy at the same time.

Chairman Brooks indicated since Mr. Ladd was not present to discuss this issue there was no way of knowing what would make him happy. Chairman Brooks suggested moving forward with the plan to safeguard the land identified and have industrial taken off, so industrial developments do not take place. This area may need another look at in the future; therefore, Mr. Ladd would have another opportunity, at that time, to voice his opinion.

Vice-Chairman Strother asked if Road "A" would have an impact with the rezoning on the existing properties.

Mr. Tyler indicated yes, very likely but the final alignment of Road "A" is not know at this time.

Mr. Jason Heitman indicated he may want to rezone his property to "I" Industrial in the future but with the addition of Road "A" going in could lock up that opportunity for him to do so.

Chairman Brooks suggested to Mr. Heitman that he get with staff to discuss the City Center Plan vision for a better understand of the City's plans for Cedar Hill.

Vice-Chairman Strother made a motion to recommend approval of Case 15-33. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 4 – Chairman Brooks, Vice-Chairman Strother, Commissioners, Martin, and Saldana.

Nays: 1 – Commissioner Hamilton

Chairman Brooks declared the motion carried.

**VII. Case 15-34 – Conduct a Public Hearing and consider a proposal to amend the text of Section 3.13 of the Comprehensive Zoning Ordinance** (Ordinance No. 2001-64, as amended), by eliminating the frontage requirements on Belt Line Road or on Cooper Street and eliminating site plan approval by the Downtown Architectural Review Committee, P&Z and City Council for single family structures in the OT- Residential District.

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Mr. Don Gore, Sr. Planner delivered the staff report indicating to accommodate the recommendations of the Interim Zoning Plan there are two text amendments recommended. The first one is the text amendment in Section 3.13 which requires Site Plan approval for all developments within the Historic Downtown and that approval must be considered by Main Street, Planning and Zoning Commission and City Council. The Main Street Board felt that the requirement was counterproductive and burdensome for property owners to make repairs and improvements to their homes. The second text amendment is the Old Town Corridor development standards which are written for properties along Belt Line and Cooper Street. Since P&Z would like to expand this zoning district to properties along Tidwell Street, it would be appropriate to remove the requirement to have frontage on Belt Line and Cooper Street.

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.

The Commissioners had no questions or comments.

Commissioner Hamilton made a motion to recommend approval of Case 15-34. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried unanimously.

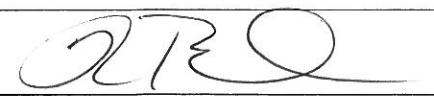
## **VII. Staff Reports and Discussion Items**

1. Recent Submittals

## **VIII. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:49 pm.

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Theresa Brooks  
Chairman



Sharon Davis  
Executive Secretary