
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of May 16, 2017

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, May 16, 2017 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: Chad McCurdy, Gehrig Saldana, Michael Deeds, and Lisa Thierry.

Commissioner Absent: Timothy Hamilton

City Staff members present: Rod Tyler, Director of Planning; LaShondra Stringfellow, Asst. Director of Planning; Dana Woods, Planner, and Sharon Davis, Executive Secretary of Planning.

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 April 18, 2017 regular meeting

A motion was made by Commissioner McCurdy and seconded by Commissioner Deeds to approve the minutes of the April 18, 2017 regular meeting. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners McCurdy, Deed, Saldana, and Thierry

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case 17-09 – Review and consider a preliminary plat and layout plans for the Lilacs of Cedar Hill Addition, Lot 1 of Block A, located on the northwest corner of Cedar Street and Church Street; requested by Derek Heitman on behalf of Sarah W. Moore for Dillard on Cedar, LLC.

Ms. Dana Woods, Planner presented the staff report. The subject site is unplatte. There is a 5' ROW dedication along the east side of the property. There will also be a sidewalk and utility easement on the south and east sides of the property. Staff finds that the replat complies with all applicable ordinances and design standards. Staff recommends approval.

Commissioner McCurdy indicated in the best interest of the commission and public that he would be abstaining due to owning property that is within 200 feet of the subject property.

Mr. Norman Patton, 413 Cedar St. is representing the owner who could not be there. He indicated he would answer any questions the Commission might have.

Commissioner Deeds asked about the proposed occupancy of the 7 units.

Mr. Patton indicated that they were individual units so it would be the occupancy load of 7 units.

Commissioner Deeds made a motion to recommend approval of Case 17-09. The motion was seconded by Commissioner Saldana. The vote was as follows:

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

Nays: 0

Abstain: 1 – Commissioner McCurdy

Chairman Brooks declared the motion carried.

V. Case 17-10 - Conduct a public hearing, review and consider an application for a Conditional Use Permit for an auto rental with alternative equivalent screening on property zoned "LR" – Local Retail District, legally described as Tract 27 of the Joseph Munden Survey, Abstract 881, generally located on the southeast side of Highway 67, south of West Belt Line Road with the approximate address being 202 South J. Elmer Weaver Freeway; requested by Jordan Woolf of Conifer Real Estate Inc. on behalf of Deborah Rose Woodall McDaniel for Enterprise Rental Car.

Ms. Dana Woods, Planner presented the staff report. The applicant requests a Conditional Use Permit (CUP) to operate an auto rental on this site. Auto rental does not permit the sale of new or used vehicles. A CUP is required for an auto rental in the "LR" district. Staff finds the conditional use complies with the factors for consideration. Staff recommends approval subject to the following conditions being met prior to issuance of a building permit: the property shall be platted; provide a lighting plan; revise the drainage areas to closely match the Q100 for EX-B existing conditions flowing into the apartment complex and discharge the remainder flow to the street; and provide approval from TxDOT for the proposed drive approach.

Commissioner Deeds asked about the type of lighting plan for this type of business and whether or not shielding is required.

Ms. Woods indicated there will be directional lighting to focus light down so it doesn't spill over into the adjacent property.

Mr. Rod Tyler, Planning Director indicated there is a minimum and maximum light they can produce. The applicant has to show documentation that the amount of spillage of light is not over the property line and must be night sky compliant.

Mr. Jordan Wolf, Applicant/Developer, Conifer Real Estate, Inc., 3317 Chaparral Lane, Ft. Worth indicated he would answer any questions the Commission might have.

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

No one spoke.

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

Commissioner Deeds asked if there will be any lights on after closing for security purposes.

Mr. Wolf indicated they would be on until around 11pm to 12 am and then turned back on at 5 or 6 am in the morning.

Commissioner McCurdy asked if there were any plans for fencing and what kind of security precautions would be taken on the property.

Mr. Wolf indicated there would not be a fence just additional landscaping along the back of the property. There will be security cameras and an alarm system in the building.

Commissioner Saldana asked if the applicant had approval from TxDOT for the curb cut.

The applicant indicated they are working with staff in getting a letter from the City indicating preliminary plans are into TxDOT. TxDOT indicated if the City was in support of the curb cut they would approve it.

Commissioner McCurdy made a motion to recommend approval of Case 17-10 subject to the following conditions being met prior to issuance of a building permit: property shall be platted; provide a lighting plan; revise the drainage areas to closely match the Q100 for EX-B existing conditions flowing into the apartment complex and discharge the remainder flow to the street; and provide approval from TxDOT for the proposed drive approach. The motion was seconded by Commissioner Thierry. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VI. **Case 17-12** - Conduct a public hearing, review and consider an application for a Conditional Use Permit (CUP) for a restaurant with attendant accessory use of the sale of alcoholic beverages for on-premise consumption and commercial amusement (indoor and outdoor) uses on property zoned "Old Town Corridor" Sub-District within the Old Town District and the Uptown Overlay, legally described as Lot 5, Block 2, of the E. D. Balcoms Addition, and located on the south side of Cooper Street, west of Highway 67 with the approximate address being 316 Cooper Street; requested by Raymond Tyree Jr. [Trios Grill].

Ms. Dana Woods, Planner gave the staff report. The applicant requests to sell and serve alcoholic beverages for on-premise consumption. The CUP is also needed for the live entertainment that is proposed inside and outside the restaurant. The original CUP for Trios Grill was granted in 2006. Operations were discontinued from mid-January to sometime in March, 2017 for a TABC violation. TABC has since re-instated the TABC license to sell and serve alcohol. Staff recommends denial of the request for outdoor commercial amusement (outdoor music/live entertainment). Staff recommends approval for the sale of alcoholic beverages for on-premise consumption and indoor commercial amusement subject to the following conditions:

1. The operation of the use is subject to the alcoholic beverage site plan and requirements in Section 4.1.4 of the Zoning Ordinance.
2. This Conditional Use Permit does not permit alcoholic beverages for off-site consumption.
3. Music and live entertainment (commercial amusement) is restricted to indoors and shall not exceed 63 dBA at the property line.
4. The hours of operation are restricted from 11:00 am to 1:00 am.
5. Amusement arcades are limited to less than four devices.
6. There shall be no dance floor.
7. On a quarterly basis, no later than on the 10th day of the month following each quarter, the operator shall file with the city secretary a copy of the filings supplied to the State of Texas for sales tax and alcoholic beverage tax purposes showing the allocation of sales from food and alcoholic beverages.

Mr. Raymond Tyree, Property Owner, 3610 Oak Tree Lane, Midlothian, indicated he would answer any questions the Commission might have. He also stated the reason he wanted outdoor music and entertainment was that it would bring in additional business. He indicated he could install barn doors as a buffer for the music.

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

No one spoke in favor of this request.

There were three persons that spoke in opposition of this request.

Mr. Randy Moon – 313 Cooper St.
Mr. Gary Moon – 318 S. Main St.

Ms. Mary Fay Clark Brandenburg – 311 Cooper

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

The Commission had several questions which included the following: 1) how long has the applicant owned the property and if he is the sole owner; 2) how was the applicant involved in the business before it closed; and 3) why the TACB license was pulled.

Mr. Tyree indicated his wife was involved in the business but he was not. When the business started having issues, they decided to leave. TABC pulled Trios Grill license in October, 2016 due to drugs being involved. The business was shut down in February, 2017 and reopened in mid-March. He took over the business in January, 2017 and is the sole owner of the property. However, he stated "Ms. Mickey and Ms. Cheryl are the owners of Trios Grill."

Commissioner Deeds asked if the request is denied, when could the applicant reapply.

Mr. Rod Tyler, Director of Planning indicated the applicant could appeal to City Council. If City Council denied, then it would depend on if City Council denied with or without prejudice.

Commissioner Deeds asked how the applicant might control the noise.

Mr. Tyree indicated that he has asked staff if he could install barn doors to help buffer the music. He also indicated that music would no longer be allowed for weddings and other events that are held in the gazebo area.

Commissioner Thierry made a motion to recommend denial for outdoor commercial amusement (outdoor music/live entertainment) and approval for the sale of alcoholic beverages for on-premise consumption and indoor commercial amusement of Case 17-12 subject to the following conditions:

1. The operation of the use is subject to the alcoholic beverage site plan and requirements in Section 4.1.4 of the Zoning Ordinance.
2. This Conditional Use Permit does not permit alcoholic beverages for off-site consumption.
3. Music and live entertainment (commercial amusement) is restricted to indoors and shall not exceed 63 dBA at the property line.
4. The hours of operation are restricted from 11:00 am to 1:00 am.
5. Amusement arcades are limited to less than four devices.
6. There shall be no dance floor.
7. On a quarterly basis, no later than on the 10th day of the month following each quarter, the operator shall file with the city secretary a copy of the filings supplied to the State of Texas for sales tax and alcoholic beverage tax purposes showing the allocation of sales from food and alcoholic beverages.

The motion was seconded by Commissioner Deeds. The vote was as follows:

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

Nays: 1 – Commissioner McCurdy

Chairman Brooks declared the motion carried.

VII. Case 17-11 - Conduct a public hearing, review and consider an application for an amendment to Planned Development District No. 03-138 on property legally described as a portion of the Ambrose Powers Survey, Abstract No. 1122 and located on the northwest corner of Bear Creek Road and Cockrell Hill Road, requested by *William Parsons for Parsons Family Trust.*

Ms. LaShondra Stringfellow, Asst. Director of Planning delivered the staff report. The applicant requests to amend the Planned Development District to extend the time period to approve a development plan from August 30, 2017 to August 30, 2019. This application is the eighth request to extend the time period to approve a development plan. Staff recommends approval of the amendment to extend the time period to approve a development plan from August 30, 2017 to August 30, 2019 subject to the following amendments:

- 1) The areas delineated on "Exhibit B" as "Loop 9 R.O.W. Reserve" and "Loop 9 Dedication" may not be representative of the alignment for the Loop 9 thoroughfare, a state facility. Submittal of the development plan and plats shall incorporate the alignment for the Loop 9 thoroughfare as determined by the Texas Department of Transportation.
- 2) The area delineated on "Exhibit B" as "Public Park" may not be representative of the area needed for parks and trails as shown on the Parks Master Plan. Submittal of the development plan and plats shall delineate the final boundary and/or alignment subject to approval by the Parks Department.
- 3) With adoption and subsequent amendments to this Planned Development District, the City of Cedar Hill neither requires nor accepts the right-of-way dedication referenced along Bear Creek Road in "Exhibit C" under the section for "Rights of Way & HOA Lots and Easements – Bear Creek Road/Loop 9". The alignment shall be shown on the development plan and plats for the property subject to the determination by the Texas Department of Transportation.

Mr. Bill Parsons, 5624 Shubert Ct., Dallas, indicated he would be okay with whatever recommendation the Commission made. He indicated there were two easements – a temporary grading easement and water line easement – he is waiting to sign that the city has in its possession. If Parks has any doubt about whether they will use the property for a park, then he will want to revisit these easements before they are signed.

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

No one spoke.

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

Commissioner Deeds asked why this project continues to be pushed back.

Mr. Parson stated there was a lack of demand.

Commissioner McCurdy made a motion to recommend approval of Case 17-11 to extend the time period to approve a development plan from August 30, 2017 to August 30, 2019 subject to following amendments:

- 1) The areas delineated on "Exhibit B" as "Loop 9 R.O.W. Reserve" and "Loop 9 Dedication" may not be representative of the alignment for the Loop 9 thoroughfare, a state facility. Submittal of the development plan and plats shall incorporate the alignment for the Loop 9 thoroughfare as determined by the Texas Department of Transportation.
- 2) The area delineated on "Exhibit B" as "Public Park" may not be representative of the area needed for parks and trails as shown on the Parks Master Plan. Submittal of the development plan and plats shall delineate the final boundary and/or alignment subject to approval by the Parks Department.
- 3) With adoption and subsequent amendments to this Planned Development District, the City of Cedar Hill neither requires nor accepts the right-of-way dedication referenced along Bear Creek Road in "Exhibit C" under the section for "Rights of Way & HOA Lots and Easements – Bear Creek Road/Loop 9". The alignment shall be shown on the development plan and plats for the property subject to the determination by the Texas Department of Transportation.

The motion was seconded by Commissioner Deeds. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VIII. Case 17-13 - Conduct a public hearing, review and consider an application for a change in zoning within the Old Town District and the Uptown Overlay **FROM** Old Town Residential Sub-District **TO** Old Town Square Sub-District on property located on the north side of Cedar Street, east of South Main Street with the approximate address being 409 Cedar Street; *requested by Jason Heitman on behalf of Sarah Moor for Dillard on Cedar, LLC.*

Commissioner McCurdy indicated in the best interest of the commission and public that he would be abstaining due to owning property next door.

Ms. LaShondra Stringfellow, Assistant Director of Planning presented the staff report. In 2003, this property was rezoned from the requested Old Town Square Sub-District to the current Old Town Residential Sub-District. At that time, the property owner only wanted to reside on the property. The property had to be rezoned because residential uses are not permitted on the ground level in the Old Town Square Sub-District. There is a three story, 4,385 sq. ft. residential structure in which the structure is proposed to be converted into a mixed use structure for retail on the first floor, office on the second floor and a residential unit on the third floor. Staff's only concern with rezoning this property is the provision of parking for the proposed uses. However, a site plan would have to be considered by the Commission and City Council at a later date showing the provisions for parking. Ms. Stringfellow discussed the potential options for parking. Staff recommends approval finding that the request meets the factors for zoning changes in Section 2.3.1.

Mr. Norman Patton, 413 Cedar Street, is representing the owner who is out of town. He indicated he would answer any questions the Commission might have.

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

Randy Moon, 313 Cooper St. spoke in favor of this request.

No one spoke in opposition of this request.

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

Commissioner Deeds asked how long until the building is converted and will the top floor be for a single resident or multiple.

Mr. Patton indicated the owner is anxious to get the project going. The top floor will be for a single resident.

Commissioner Deeds made a motion to recommend approval of Case 17-13. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Abstain: 1 – Commissioner McCurdy

Chairman Brooks declared the motion carried.

Nays: 0

Abstain: 1 – Commissioner McCurdy

Chairman Brooks declared the motion carried.

IX. Staff Reports and Discussion Items

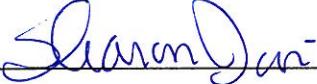
1. Mr. LaShondra Stringfellow informed the Commission of the current development applications.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:38 pm.



Theresa Brooks
Chairman



Sharon Davis
Executive Secretary