
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 1, 2017

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on **TUESDAY, August 1, 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, Michael Lewis, Michael Deeds, and Timothy Hamilton.

Absent: Commissioner Lisa Thierry

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 McCurdy 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 July 18, 2017 regular meeting

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

Ayes: 6 – Chairman McCurdy, Vice-Chairman Brooks, Commissioners Strother, Hamilton, Deeds, and Lewis.

Nays: 0

Chairman McCurdy declared the motion carried.

III. Citizens Forum

The following citizens spoke: Linda K. Myers, 715 Sleepy Hollow Dr.; M. G. Johnson, 1119 Mobley Rd.

IV. Case 17-17 – Review and consider a preliminary plat and layout plans for Preston Trail Center Addition, located southeast of the intersection of Straus Road and FM 1382; requested by Ryan Johnson of Covenant Development, LLC on behalf of Lisa Kahn Betros, Isabel Kahn and ALK Realty, Ltd.

Ms. LaShondra Stringfellow, Asst. Planning Director presented the staff report. Staff finds that the preliminary plat and layout plans complies with all applicable ordinances and design standards. Staff recommends approval subject to: 1) label a private detention easement in

the area of the detention pond on the final plat; and 2) label the width of all trail easements on the final plat.

Mr. Jason Brumm, Covenant Development, LLC, P. O. Box 670, Sherman, did not have any questions or comments for the Commission.

Commissioner Strother asked if there were any unresolved issues. The Commission also had several questions about the preservation and mitigation of trees on the site.

Ms. Stringfellow indicated that there were no unresolved issues at the Preliminary Plat stage. There will be about 3 acres just above the detention pond that will be preserved. There are mostly cedars and oaks on the property now. The initial plans indicate about 6 varieties of trees being planted.

Commissioner Deeds made a motion to recommend approval of Case 17-17 subject staff's conditions. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 6 – Chairman McCurdy, Vice-Chairman Brooks, Commissioners Lewis, Hamilton, Strother and Deeds

Nays: 0

Chairman McCurdy declared the motion carried.

V. Case 17-21 – Review and consider a final plat and construction plans for the Enterprise Rental Addition, Lot 1 of Block 1, 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 Jim Shindler and Jordan Woolf of Conifer Enterprise, LLC on behalf of Enterprise Rental Car.

Ms. Dana Woods presented the staff report. Staff finds that the final plat complies with all applicable ordinances and design standards and recommends approval.

Mr. Jordan Woolf, Conifer Enterprises, LLC, 260 Miron Dr., Ste. 108, Southlake, did not have any questions or comments for the Commission.

The Commission did not have any questions or comments for staff or the applicant.

Vice-Chairman Brooks made a motion to recommend approval of Case 17-21. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 6 – Chairman McCurdy, Vice-Chairman Brooks, Commissioners Lewis, Hamilton, Strother and Deeds

Nays: 0

Chairman McCurdy declared the motion carried.

VI. Case 17-22 - Conduct a public hearing, review and consider an application for a Conditional Use Permit (CUP) for a Child Care-Registered Family Home on property zoned Planned Development District No. 84-698, legally described as Lot 26, Block 4 of the Sweetbriar at High Pointe Phase III Replat Addition, located north of Copeland Drive and on the west side of Boyd Street with the approximate address being 1345 Boyd Street; requested by Camilli Foster [Tree of Life Daycare].

Chairman McCurdy stated that he was abstaining from the vote because since he owns property within 200 feet of the subject site.

Ms. Dana Woods presented the staff report. She stated that the applicant has promoted through 3 levels of home childcare licensure with the state. The first level, listed home was obtained on December 14, 2009 and followed by a registered home on June 10 2010. The applicant received the current Licensed Child-care Home status on January 5, 2016. A CUP is required for all registered family homes on lot sizes less than 22,000 sq. ft. Staff recommends approval subject to the following conditions:

- 1) The residents of 1345 Boyd shall park in the designated parking area for the single-family home located to the rear.
- 2) The drop-off and pick-up schedule shall prohibit more than two children to be dropped-off or picked-up at one time with a minimum interval of 15 minutes between transition times.
- 3) Drop-off and pick-up shall be in a southbound manner in order to provide the children access to the home without crossing vehicular traffic lanes.
- 4) Trash shall be picked up after each child transition.
- 5) The CUP shall expire after one year from the date of approval.

Ms. Camilli Foster, applicant, Tree of Life Child Care, 1345 Boyd St., indicated she would answer any questions the commission might have.

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

The following persons spoke in favor of the request: Myrna Snyder, 3839 Gannon Lane; Dana Moore, 1525 Chapman.

Vice-Chairman Brooks asked if there was anyone wishing to speak in opposition of this request.

The following persons spoke in opposition to the request: Delores Shaw, President of Highpointe HOA, 1509 Chapman; James & Martha Sigmund, 1403 Pemberton Pl; Darlene McDonald, 243 Breseman St.

Vice-Chairman Brooks noted that the Planning and Zoning Commission received a letter from Mr. Larry Williams at 1341 Boyd St. registering opposition to this request.

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

Commissioner Lewis indicated that a common problem throughout the whole city is noise, traffic and trash. He said it is not an isolated case. Denying the CUP would impact the applicant, parents, and children.

Commissioner Deeds asked about the hours of operation, and the number and ages of children being cared for.

Ms. Camilli Foster indicated her business was open 24 hours but operated from 5:45 am to 8:00 pm. Occasionally, a doctor or nurse will need night care for a child and that child could be dropped off. There are usually 6-8 children ranging in ages from 18 months to 12 years old.

Commissioner Strother stated that the state license showed that it had expired July, 2016 and asked if it had been extended. He indicated the property is zoned for residential use and not for commercial use.

Ms. Foster indicated that she had renewed it to January, 2018.

Vice-Chairman Brooks asked where staff parked. She asked the applicant if it ever occurred to her to ask the City if the business was allowed.

Ms. Foster indicated the employee's park in the back. She did not know to inquire the City about a business in a home.

Commissioner Deeds asked why staff was recommending approval of this CUP.

Ms. Stringfellow indicated that staff tries to do as much research as possible beforehand to make a recommendation.

Commissioner Hamilton made a motion to recommend approval of Case 17-22. The motion was seconded by Commissioner Lewis. The vote was as follows:

Ayes: 2 – Commissioners Lewis, and Hamilton

Nays: 3 – Vice-Chairman Brooks, Commissioners Strother and Deeds

The motion failed.

Ms. Stringfellow asked if there was a substitute motion from the prevailing side.

Vice-Chairman Brooks made a motion to deny the request of Case 17-22. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 3 – Vice-Chairman Brooks, Commissioners Strother and Deeds

Nays: 2 –Commissioners Lewis, and Hamilton

Ms. Stringfellow indicated that the applicant could appeal this item to City Council. Staff would need a letter in writing within 10 days if the applicant wishes to appeal.

VII. Staff Reports and Discussion Items

1. Ms. Stringfellow informed the Commission of the current development applications.
2. Ms. Stringfellow asked the Commission if they would be available for training on Tuesday, August 22, 2017.

VIII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:30 pm.



Chad McCurdy
Chairman



Sharon Davis
Executive Secretary