
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of September 20, 2016

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, September 20, 2016 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 Deeds, Gehrig Saldana, Timothy Hamilton and Lisa Thierry

City Staff members present: Rod Tyler, Director of Planning, LaShondra Stringfellow, Asst. Director of Planning 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 September 6, 2016 regular meeting

A motion was made by Commissioner Deeds and seconded by Commissioner Hamilton to approve the minutes of the September 6, 2016 regular meeting. The vote was as follows:

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

Nays: 0

Abstain: 1 – Chairman Brooks

Chairman Brooks declared the motion carried.

Secretary's Note: Commissioners McCurdy and Thierry arrived at 6:03.

III. Citizens Forum

No one spoke.

IV. Case No. 16-34 - Conduct a public hearing, review and consider an application for a Conditional Use Permit for a restaurant with alcoholic beverage sales and consumption on a portion of Lot 2, Block A of the Uptown Village at Cedar Hill Addition zoned Planned Development District No. 05-226, with the approximate address being 305 W. FM 1382, Suite 316; requested by David Levine on behalf of Uptown Village at Cedar Hill, L.P.

Ms. LaShondra Stringfellow, Asst. Director of Planning delivered the staff report. Staff recommends approval subject to the operation of the use which is subject to the alcoholic beverage site plan with attachments and there shall be no dance floor, gaming devices or electronic amusement machines.

Mr. David Levine, 146 Westcott, Ste. 200, Houston, indicated he would 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 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 Commission did not have any questions for the applicant.

Commissioner McCurdy made a motion to recommend approval of Case 16-34 subject to the operation of the use which is subject to the alcoholic beverage site plan with attachments and that there shall be no dance floor, gaming devices or electronic amusement machines. The motion was seconded by Commissioner Deeds. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

V. Case No. 16-36 - Review and consider a preliminary plat, layout plans and variance to Section 20-22(b) of the Subdivision Ordinance for the Shenandoah Center Addition, containing Tract A-R; Lots 1-2, Block A; and Lots 1-2, Block B and being a replat of Tract A of the Sleepy Hollow Addition, located on the southwest side of FM 1382 and north and south of Shenandoah Drive; requested by Douglas Mousel on behalf of Cedar Hill Partners, L.P.

Ms. LaShondra Stringfellow, Asst. Director of Planning indicated staff had received an interest in a dentist office on Lot 1, Blk. A. Lot 2, Block A and Lot 2, Block B will be considered open space and will be maintained by the HOA. The owner is requesting a variance to not provide sanitary sewer so as to leave these lots in their natural state. There is also a drainage easement which makes these lots unbuildable. Staff finds the preliminary plat and layout plans comply with all applicable ordinances and design standards and the variance request

meets the test described in Section 20-25 of the Subdivision Ordinance. Staff recommends approval subject to the applicant providing an amended covenants, conditions and restrictions upon recordation of the final plat adding Lot 2, Block B and Lot 2, Block A as area to be maintained by the HOA and the restriction that these lots cannot be transferred or conveyed without acknowledgement by the city.

Commissioner Deeds asked what authority the City has to require the HOA to maintain the property.

Mr. Rod Tyler indicated it was like any other property and that code enforcement would hand out a notice of violation if there was a code violation with the property.

Mr. Doug Mousel, 5850 Granite Parkway, Plano indicated he would answer any questions the Commission might have.

Commissioner Hamilton asked if there was any drainage on the property.

Mr. Mousel indicated there was a lot of topography as well as trees shown on the property and therefore was not developable.

Commissioner Deeds made a motion to recommend approval of Case 16-36 subject to the applicant providing an amended covenants, conditions and restrictions upon recordation of the final plat adding Lot 2, Block B and Lot 2, Block A as area to be maintained by the HOA and the restriction that these lots cannot be transferred or conveyed without acknowledgement by the city and the variance request meets the test described in Section 20-25 of the Subdivision Ordinance. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VI. Case No. 16-37 - Conduct a public hearing, review and consider a final plat and plans for the Shenandoah Center Addition, containing Tract A-R; Lots 1-2, Block A; and Lots 1-2, Block B and being a replat of Tract A of the Sleepy Hollow Addition, located on the southwest side of FM 1382 and north and south of Shenandoah Drive; requested by Douglas Mousel on behalf of Cedar Hill Partners, L.P.

Ms. LaShondra Stringfellow, Asst. Director of Planning delivered the staff report. Staff finds the preliminary plat and layout plans comply with all applicable ordinances and design standards. Staff recommends approval subject to the applicant providing an amended covenants, conditions and restrictions upon recordation of the final plat adding Lot 2, Block B and Lot 2, Block A as area to be maintained by the HOA and the restriction that these lots cannot be transferred or conveyed without acknowledgement by the city.

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

No one spoke.

Chairman Brooks 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 Commission did not have any questions from the applicant.

Commissioner Deeds made a motion to recommend approval of Case 16-37 subject to the applicant providing an amended covenants, conditions and restrictions upon recordation of the final plat adding Lot 2, Block B and Lot 2, Block A as area to be maintained by the HOA and the restriction that these lots cannot be transferred or conveyed without acknowledgement by the city. The motion was seconded by Commissioner Thierry. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

VII. Case No. 16-33 - Review and consider final plat and plans for the Legacy Crossing Addition, Phase 1, Block 1, Lot 1, located on the south side of Pleasant Run Road, east of Joe Wilson Road with the approximate address being 918 East Pleasant Run Road; requested by Rod Zielke on behalf of Stewart Hoffman.

Ms. LaShondra Stringfellow, Asst. Director of Planning indicated the previous preliminary plat was approved on Feb. 16, 2016 by P&Z and Mar. 8, 2016 by City Council. The current preliminary plat is being reduced in size which still complies since it does not increase the number of lots nor change the infrastructure that has to be provided. Staff finds that the final plat complies with the preliminary plat, all applicable city ordinances and design standards. Staff recommends approval subject to the execution and recordation of an off-site drainage easement prior to recordation of the plat.

Mr. Rod Zielke, 1111S. Main St. Grapevine, indicated he would answer any questions the commission might have.

The Commission did not have any questions for the applicant.

Vice-Chairman Strother made a motion to recommend approval of Case 16-33 subject to execution and recordation of an off-site drainage easement prior to recordation of the plat. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7- Chairman Brooks, Vice-Chairman Strother, Commissioners Thierry, Deeds, McCurdy, Saldana, and Hamilton

Nays: 0

Chairman Brooks declared the motion carried.

VIII. Case No. 16-26 - Review and consider a site plan for a medical office with alternative equivalent screening on the proposed Lot 1, Block 1, Phase 1, Legacy Crossing Addition, located on the south side of Pleasant Run Road, east of Joe Wilson Road with the approximate address being 918 East Pleasant Run Road; requested by Kim Ward on behalf of JPS Legacy, LLC

Ms. LaShondra Stringfellow, Asst. Director of Planning indicated the applicant is proposing to construct a 5,900 sq. ft. medical office as well as a 7,000 sq. ft. structure for future use. The applicant was able to mitigate trees that were being removed by planting trees in the street yard, side yard and more internal to the site, closer to the building sites. In lieu of a 6' masonry wall, the applicant is proposing an alternative screening of shrubs and red cedar trees along 195 feet of the eastern property line. A 6' foot masonry fence is also proposed along 34 feet of the remaining eastern property line. Staff has requested that the applicant coordinate with the owner of the multiple-family structure next door to replace 4' of the wood fence in front of the property with wrought iron. There is also a 20-40 foot wide detention pond between the proposed planting and the drive aisle. Staff finds that the site plan complies with the Zoning Ordinance, all applicable design standards and ordinances. The alternative screening is equivalent to the screening requirement based upon the proposed plantings and the distance between the multiple-family structures and the driveway/parking lot.

Commissioner Hamilton asked why wrought iron is being used in the front yard.

Mr. Rod Tyler indicated this type of screening would be more open for a front yard.

Commissioner McCurdy asked if staff is recommending that a wrought iron fence be placed all along the eastern property line.

Ms. LaShondra indicated no. It would be wrought iron in the front yard and then a 6' masonry wall followed by shrubs and trees. The existing fence on the adjacent property would stay.

Ms. Kim Ward, 1207 Hampshire Ln., Ste. #105, Dallas handed out an exhibit to the Commission which showed the different types of screening being used. The applicant indicated she has not been able to get in contact with the adjacent property owner to ask about the fencing.

Commissioner McCurdy asked what happens if the applicant is not able to make contact with the adjacent property owner would halt the project.

Mr. Tyler indicated if the applicant could not make contact with the adjacent property owner or if the property owner did not want to go forward with replacing the fence, the applicant can still go forward with their project and the wood fence would remain.

Commissioner Deeds made a motion to recommend approval of Case 16-26 with the alternative screening being equivalent to the screening requirement based upon the proposed plantings and the distance between the multiple-family structures and the driveway/parking lot and a good faith effort to work with the adjacent property owner with the installation of a wrought iron fence at applicant's expense. The motion was seconded by Commissioner Thierry. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

IX. Staff Reports and Discussion Items

1. Staff reviewed with the Commission the current development applications.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:15 pm.



Theresa Brooks
Chairman



Sharon Davis
Executive Secretary