
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of November 7, 2017

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, November 7, 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 Chad McCurdy, Vice-Chairman Theresa Brooks, and Commissioners: Bill Strother, Michael Lewis, Lisa Thierry, and Michael Deeds

Absent: Commissioner Hamilton

City Staff members present: LaShondra Stringfellow, Director of Planning; Dana Woods, Planner; Robert Woodbury, City Engineer; and Sharon Davis, Executive Secretary of Planning

I. Call the Meeting to Order

Vice-Chairman Brooks called the meeting to order at 6:01 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 October 17, 2017 regular meeting

A motion was made by Commissioner Deeds and seconded by Commissioner Lewis to approve the minutes of the October 17, 2017 regular meeting. The vote was as follows:

Ayes: 4 – Vice-Chairman Brooks, Commissioners Strother, Deeds, and Lewis

Abstain: 1 – Commissioner Thierry

Nays: 0

Vice-Chairman Brooks declared the motion carried.

III. Citizens Forum

Two people spoke: Wes Pool, 611 E. Belt Line; Malvin Johnson, 1119 Mobley Rd.

Chairman McCurdy arrived at 6:03.

IV. Public Hearings:

1. **Case No. 17-29** – Conduct a public hearing 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 on property zoned "LR" Local Retail District on property legally described as a portion of Lot 3, Block A of the Walmart Neighborhood Market at East Belt Line Road Addition, and located
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southeast of the intersection of East Belt Line Road and South Joe Wilson Road with the approximate address being 824 East Belt Line Road, Suite 300. *Applicant: Sana Orabi, Belt Investment LLC [Orabi's]; Property Owner: DREH LLC*

Commissioner Deeds left the meeting.

Dana Woods, Planner presented the staff report. She said the CUP meets the factors for consideration of a CUP and complies with the standards for an alcoholic beverage site plan. Staff recommended approval subject to the following conditions:

- 1) The operation of the use is subject to the alcoholic beverage site plan with attachments.
- 2) This Conditional Use Permit does not permit alcoholic beverages for off-site consumption.
- 3) There shall be no gaming devices, dance floor and electronic amusement machines in the restaurant.
- 4) The hours of operation are restricted from 11:00 am to 1:00 am.

Chairman McCurdy asked the applicant if she would like to address the Commission. The applicant, Sana Orabi, 824 E. Belt Line Rd, Ste. 300 addressed the Commission regarding plans for the business. She indicated she would answer any questions the Commission might have.

Chairman McCurdy opened the public hearing for anyone wishing to speak in support of this request. One person spoke in support: Linda Myers, 715 Sleepy Hollow Dr.

Chairman McCurdy asked if there was anyone wishing to speak in opposition to this request. One person spoke in opposition: Kim Rimmer, 603 Lemons Dr.

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

Commissioners did not have any questions.

Vice-Chairman Brooks made a motion to recommend approval of Case No. 17-29. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 5 – Chairman McCurdy, Vice-Chairman Brooks, Commissioners Strother, Thierry, and Lewis

Nays: 0

Chairman McCurdy declared the motion carried.

Commissioner Deeds return to the meeting.

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2. **Case No. 17-30** – Conduct a public hearing and consider an application for a change in zoning from "SF-22" (Single-Family Residential District – minimum 22,000-square-foot lots) to "LR" (Local Retail District) on property legally described as Tract 15 of the S.J. Baggett Survey, Abstract 131, located on the north side of West Belt Line Road, west of Meadowridge Drive. Applicant and Property Owner: Abdiel Ruiz [1179 W. Belt Line LTD CO]

Vice-Chairman Brooks made a statement that her mother-in-law Paula Jean Brooks owns property at 906 W. Belt Line but is not within the required 200 feet of the subject property. Therefore, she would be voting.

LaShondra Stringfellow, Planning Director presented the staff report. She said the applicant requests "LR" (Local Retail) zoning. However, the Commission could recommend and City Council could approve "NS" (Neighborhood Service) zoning because it is a more restrictive zoning district. Staff recommended approval of "NS" (Neighborhood Service) or "LR" (Local Retail) zoning.

Commissioner Deeds asked if there was a reason why Neighborhood Service would not be a good fit for this location.

Ms. Stringfellow discussed the differences in the Local Retail and Neighborhood Service zoning districts. She said Neighborhood Service would limit the size of a building and the hours of operation. In addition, she said there are architectural standards that would have to be met.

Chairman McCurdy opened the public hearing for anyone wishing to speak in support of this request. The applicant's representative, Norman Patten, 413 Cedar St. addressed the Commission on the plans for the site. The applicant/property owner, Mr. Abdiel Ruiz, 1001 Stonewood Dr. showed a presentation and indicated he would answer any questions. Malvin Johnson, 1119 Mobley Rd also spoke in favor.

Chairman McCurdy asked if there was anyone wishing to speak in opposition of this request.

No one spoke.

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

Commissioner Deeds questioned which zoning would be a better fit for the applicant's needs. He asked for additional clarification on the differences between "NS" and "LR" zoning.

Ms. LaShondra Stringfellow indicated with "NS", the parking would have to be on the side or in the rear of the building and there would be a height restriction of one story.

Commissioner Thierry asked why the applicant chose Local Retail instead of Neighborhood Service.

Mr. Ruiz indicated he felt "LR" would be a good fit for his business.

Mr. Patten indicated that he had a discussion with Mr. Ruiz that the size of the lot would limit site development options on the site.

Mr. Ruiz indicated he would prefer to leave his application as "LR" indicating he would need two stories due to the lot size being small.

Commissioner Strother made a motion to recommend approval of Case No. 17-30. The motion was seconded by Commissioner Thierry. The vote was as follows:

Ayes: 5 – Chairman McCurdy, Commissioners Strother, Deeds, Thierry and Lewis

Nays: 1 – Vice-Chairman Brooks

Chairman McCurdy declared the motion carried.

3. **Case No. FP-21-2017** – Conduct a public hearing and consider an application for a final plat (replat) of the Original Town of Cedar Hill Addition, Lot 2R of Block 6 being a replat of portions of Lots 2, 3, 6 and 7 of Block 6 on property zoned Old Town Residential Sub-District, located on the south side of Texas Street, east of Main Street with the approximate address being 408 Texas Street. Applicant: Paul Nelson; Property Owner: Sarah Francis Wylie Moor [Trustee].

Chairman McCurdy recused himself due to owning property within 200 feet of 408 Texas St.

Vice-Chairman Brooks made a statement that her mother-in-law Paula Jean Brooks owns property at 317 and 311 Texas St., but it is not within the required 200 feet of the subject property. Therefore, she would be voting.

Dana Woods, Planner presented the staff report. She stated the plat complied with all applicable ordinances and design standards and recommended approval with the following conditions:

- 1) Add the following note to plat: "Building setbacks shall comply with the zoning ordinance at the time that a building permit is obtained".
- 2) Prior to recordation of the plat, pay parkland dedication and park development fees.

Vice-Chairman Brooks asked the applicant to address the Commission. Mr. Paul Nelson, 1622 Cedar Hill Rd. indicated he would answer any questions .

Vice-Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request. One person spoke in support: Al Armstead, 523 Houston St.

Vice-Chairman Brooks asked if there was anyone wishing to speak in opposition of this request. One person spoke in opposition: Linda Myers, 715 Sleepyhollow. She indicated that she had a question as to whether or not the use would be single family or multi-family.

Vice-Chairman Brooks closed the public hearing and opened the floor for discussion amongst the Commissioners. The Commission asked the applicant to address questions asked by the opposition.

Mr. Nelson indicated that the farmhouse would be for single family use only.

Commissioner Deeds made a motion to recommend approval of Case No. FP-21-2017 subject the following conditions:

- 1) Add the following note to the plat: "Building setbacks shall comply with the zoning ordinance at the time that a building permit is obtained".
- 2) Prior to recordation of the plat, pay park land dedication and park development fees.

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

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

Abstain: 1 – Chairman McCurdy

Nays: 0

Vice-Chairman Brooks declared the motion carried.

V. Regular Agenda:

1. **Case No. SP-13-2017** – Consider and take action on an application for a site plan for mixed uses with retail, a professional office, and an attached residential dwelling unit on property zoned Old Town Square Sub-District within the Uptown Overlay, located on the north side of Cedar Street, east of Main Street with the approximate address being 409 Cedar Street. Applicant: Norman Patten; Property Owner: Dillard on Cedar, LLC [Sarah Wylie Moore].

Chairman McCurdy recused himself due to owning property within 200 feet of 409 Cedar St.

Vice-Chairman Brooks made a statement that her mother-in-law Paul Jean Brooks owns property at 317 and 311 Texas St. and 906 W. Belt Line but is not within the required 200 feet of the subject property. Therefore, she would be voting.

Dana Woods, Planner presented the staff report. She said that on Oct. 13, 2017, the Main Street Development and Preservation Board recommended approval by a vote of 5-0-1 subject to the following condition: Signage be provided on the site directing customers to

additional parking. She indicated that the site plan complied with all applicable ordinances and design standards. Staff recommended approval subject to the following conditions:

- 1) The applicant provide a public easement for the sidewalk.
- 2) Provide signage on the site directing customers to additional parking at 602 W. Belt Line Rd.

Commissioner Lewis asked Staff if there were any concerns with people crossing the street from the church parking lot to get to the subject site.

Ms. Woods indicated there is a long-term plan to align the sidewalk and create parallel parking with The Lilacs.

Commissioner Deeds asked when this might happen.

Ms. LaShondra Stringfellow indicated it could be within five years. Neighborhood and stakeholder meetings would be held in January to discuss future plans for the area.

Mr. Norman Patten, 413 Cedar St. indicated the sidewalk is only missing one piece to be a continuous sidewalk to Main St. There is just a jog in the sidewalk; so, the pedestrian is not leaving the pavement to get to Main St. This should be corrected when street improvements are made.

Vice-Chairman Brooks asked if there have been any plans to open the back of the property for additional parking.

Mr. Patten indicated there has been discussion but no agreements yet.

Commissioner Deeds made a motion to recommend approval of Case No. SP-13-2017 subject to the following conditions:

- 1) The applicant provide a public easement for the sidewalk.
- 2) Provide signage on the site directing customers to additional parking at 602 W. Belt Line Rd.

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

Ayes: 4 –Vice-Chairman Brooks, Commissioners Strother, Deeds,
and Thierry

Abstain: 1 – Chairman McCurdy

Nays: 1 – Commissioner Lewis

Vice-Chairman Brooks declared the motion carried.

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2. **Case No. FP-23-2017** – Consider an application for a vacating plat of The Promontory Addition, Lots 3A-R and 3B-R on property zoned "SF-E" (Single-Family Residential – Estate), located on the north side of Promontory Drive, west of Mobley Road with the approximate address being 1621 and 1625 Promontory Drive. Applicants/Property Owners: Mark and Alexandra Warsop.

LaShondra Stringfellow, Director of Planning presented the staff report. She stated that vacating the plat will not create a nonconforming zoning status relative to regulations for the "SF-E" district; and vacating the plat will not impact any easements or right-of-way dedications because none were included on the plat. Staff recommends approval.

The applicant was not present.

Commissioner Deeds made a motion to recommend approval of Case No. FP-23-2017. The motion was seconded by Commissioner Strother. The vote was as follows:

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

Nays: 0

Chairman McCurdy declared the motion carried.

3. **Case No. FP-15-2017** – Consider and take action on a final plat for the Joe Property Addition, Lot 1 of Block 1 on property zoned "SF-E" (Single-Family Residential Estate) located on the west side of Lakeview Drive, south of Mystic Shore Drive. Applicant/Property Owner: Jose G. Lara [Joe Property and Construction Systems, LLC].

Staff stated the applicant withdrew his application due to the Zoning Board of Adjustments denying the variance for the setbacks and the lot size.

4. **Case No. FP-18-2017** – Consider and take action on a final plat and a variance to Section 20-22(b), Chapter 20 – Subdivision Regulations for the Daniel Coria Addition, Lots 1 and 2, Block 1 on property zoned "SF-15" (Single-Family Residential 15,000-square-foot lots) located on the west side of Mt. Lebanon Road, north of Texas Plume Road. Applicant/Property Owner: Daniel Coria.

Dana Woods, presented the staff report. Staff recommended approval subject to the following conditions prior to recordation of the plat:

- 1) Add the following note to plat: "Building setbacks shall comply with the zoning ordinance at the time that a building permit is obtained."
 - 2) The property owner/developer shall pay park fees in the amount of \$1,000.
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Chairman McCurdy asked what the variance was for, how much it would cost to extend the sewer line from the lift station, and if all the houses along Mt. Lebanon were on septic.

Ms. Woods indicated the variance was for the use of a septic system.

Mr. Robert Woodbury indicated all the houses were on septic and it would be costly to extend the sewer line from Mt. Lebanon to the subject site.

Commissioner Lewis made a motion to recommend approval of Case No. FP-18-2017 subject to the following conditions:

- 1) Add the following note to plat: "Building setbacks shall comply with the zoning ordinance at the time that a building permit is obtained."
- 3) The property owner/developer shall pay park fees in the amount of \$1,000.

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

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

Nays: 0

Chairman McCurdy declared the motion carried.

VI. Staff Reports

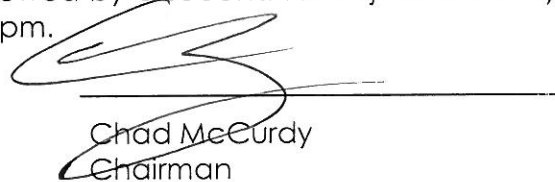
Ms. Stringfellow informed the Commission of the current development applications and upcoming meeting dates.

VII. Adjourn

A motion was made by Commissioner Deeds, followed by a second for adjournment by Vice-Chairman Brooks. The meeting adjourned at 7:54 pm.



Sharon Davis
Executive Secretary



Chad McCurdy
Chairman