
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 21, 2018

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, August 21, 2018 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: Vice-Chairperson Theresa Brooks, and Commissioners: Lisa Thierry, Bill Strother, Maranda Auzenne, Michael Deeds, Timothy Hamilton, and Michael Lewis

Absent: None

City Staff members present: Director of Planning, LaShondra Stringfellow; Senior Planner, Maria Peña; Planner, Dana Woods; Executive Secretary, Katie Cenicola

I. Call the Meeting to Order.

Vice-Chairperson 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 July 17, 2018 regular meeting.

A motion was made by Commissioner Hamilton and seconded by Commissioner Thierry to approve the minutes of the July 17, 2018 regular meeting. The vote was as follows:

Ayes: 5 – Vice-Chairperson Brooks, Commissioners Thierry, Strother, Auzenne, Hamilton

Nays: None

Abstentions: 1 – Commissioner Lewis

Commissioner Lewis abstained because he was not present at the meeting on July 17, 2018.

Commissioner Deeds was not in the room at the time the vote was taken.

Vice-Chairperson Brooks declared the motion carried.

III. Citizens Forum.

No one spoke.

IV. Public Hearing Items:

1. **Case Nos. CUP-77-2018, CUP-87-2018, and CUP-88-2018** – Conduct a public hearing on applications for Conditional Use Permits (CUP) for “gas and fuel sales”, a “zoo (private)”, and a “car wash” with alternative exterior building materials and alternative equivalent screening on property zoned “LR” (Local Retail District), legally described as a portion of the Joseph Coombs Survey, Abstract No. 292, located on the northwest side of North J. Elmer Weaver Freeway, west of North Joe Wilson Road with the approximate address being in the 1100 block of North J. Elmer Weaver Freeway.

Applicant: Mark W. Dietz, Fuel City Dream Maker, LLC

Property Owner: Dan Vedral, Vedral Donald 2011 Irrevocable Trust

Senior Planner, Maria Peña, briefed the Commission on the Conditional Use Permit requests. She indicated that staff recommends approval subject to the following conditions:

The conditions for CUP-77-2018:

1. The property shall be platted prior to issuance of a building permit.
2. A lighting plan that meets the requirements of the Zoning Ordinance shall be approved prior to issuance of a building permit.
3. A minimum 4-foot wide concrete sidewalk within the Joe Wilson Road right-of-way shall be constructed with the development.
4. The gas and fuel sales shall be subject to and limited to the area shown on the site plan and its accompanying plans.

The conditions for CUP-87-2018:

1. The property shall be platted prior to issuance of a building permit.
2. A lighting plan that meets the requirements of the Zoning Ordinance shall be approved prior to issuance of a building permit.
3. The private zoo shall be subject to and limited to the area shown on the site plan and its accompanying plans.
4. The number of animals shall be limited to 12.
5. An emergency response and evacuation plan including 24-hour primary contact information shall be approved by the Animal Control Division prior to issuance of a Certificate of Occupancy.
6. The property owner is required to respond within one hour to any instance that an animal(s) escape (s) the contained area.
7. An animal care taker shall visit the site weekly.

8. Prior to issuance of a certificate of occupancy, provide confirmation as to the necessity of a zoological permit from the Texas Parks and Wildlife

The conditions for CUP-88-2018:

1. The property shall be platted prior to issuance of a building permit.
2. A lighting plan that meets the requirements of the Zoning Ordinance shall be approved prior to issuance of a building permit.
3. Provide approval from TXDOT for the proposed drive approach, decal lane and drainage connection prior to issuance of a building permit.
4. Provide approval from Oncor for the proposed tree locations and detention pond prior to issuance of a building permit.
5. The car wash shall be subject to and limited to the area shown on the site plan and its accompanying plans.

Vice-Chairperson Brooks asked the Commission if they had any questions for staff.

Commissioner Lewis asked if the Commission can reduce the number of animals allowed on site.

Director, LaShondra Stringfellow, indicated yes.

Commissioner Deeds asked if the animals would be kept in one large area.

Ms. Peña indicated yes.

Vice-Chairperson Brooks asked the applicant to address the commission. Joseph Bickham briefed the Commission on the history of Fuel City and on the Conditional Use Permit requests.

Vice-Chairperson Brooks asked the Commission if they had any questions for the applicant.

Commissioner Hamilton asked the applicant what the rationale is behind having animals.

The applicant indicated that it was part of their brand to differentiate themselves from similar uses.

Commissioner Deeds asked about the signage.

The applicant indicated that they would not address signage until these requests were approved.

Commissioner Thierry asked about animal breeding and alcohol sales.

The applicant indicated that they place animals of the same gender and species on a site. So, there is no breeding. The applicant indicated that they are applying for a TABC permit to sell beer and wine for off-premise consumption.

Commissioner Lewis asked about security.

The applicant indicated that there would be security only if they felt there was a need. They did not feel this location would need security.

Vice-Chairperson Brooks asked the applicant to confirm the hours of operation.

The applicant indicated that food and fuel would be open 24 hours a day, while the car wash would be open from 8:00 a.m. to 8:00 p.m.

Commissioner Deeds asked if this was the first location that was near a neighborhood.

The applicant indicated that the location in Haltom City is also near a neighborhood.

Commissioner Lewis asked if they had any complaints about the smell.

The applicant indicated that they had not had any complaints.

Commissioner Deeds asked if they would have cameras on site.

The applicant indicated that this would be the case.

Commissioner Strother asked what was special about this property.

The applicant indicated they like the visibility from the freeway and traffic.

Commissioner Auzenne asked about noise complaints.

The applicant indicated that they had not had any noise complaints and were not anticipating any at this location.

Commissioner Auzenne asked about the traffic.

The applicant indicated that they did a traffic impact analysis that was approved by the Texas Department of Transportation. It indicated that a right-turn lane was needed.

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

No one spoke in support.

Vice-Chairperson Brooks asked if there was anyone wishing to speak in opposition to this request. Thirteen people spoke in opposition: Ted Bolden, 1190 Holly Lane; Corinne Anthony,

610 Brookside; Jeanie Miles, 590 Hillside; Anthony Jones, 1121 Beachwood Lane; Brenda Rainwater, 1011 Holly Lane; Timothy Bowles, 1101 Holly Lane; James Cardell, 938 Wooded Creek; Kate Gaudin, 681 Hillside; Gaylor Neumann, 901 Cedar Terrace; Maranda Cornish, 721 Honey Suckle; Louis Gaudin, 681 Hillside; Vernon Flanagan, 1041 Holly Lane; and Gayle Humpba, 451 Shady Brook.

Vice-Chairperson Brooks closed the public hearing and asked the applicant to address the questions and concerns from those who spoke in opposition.

The applicant addressed the questions and concerns including drainage and noise.

Commissioner Auzenne expressed concern regarding the safety of the children. She also expressed concerns about bringing additional traffic without a plan to ensure that there is a walkable path that would create a safe passage for those walking in the area.

2. **Case No. CUP-77-2018** – Consider an application for a Conditional Use Permit (CUP) for “gas and fuel sales” with alternative exterior building materials and alternative equivalent screening on property zoned “LR” (Local Retail District), legally described as a portion of the Joseph Coombs Survey, Abstract No. 292, located on the northwest side of North J. Elmer Weaver Freeway, west of North Joe Wilson Road with the approximate address being in the 1100 block of North J. Elmer Weaver Freeway.

Applicant: Mark W. Dietz, Fuel City Dream Maker, LLC

Property Owner: Dan Vedral, Vedral Donald 2011 Irrevocable Trust

Commissioner Lewis asked the applicant to consider having security on site.

The applicant agreed to have security on site for a period of 6 months from the hours of 12:00 a.m. to 5:00 a.m., at which time they would reassess the need.

After deliberation, Commissioner Deeds made a motion to recommend approval subject to staff's conditions including the additional condition:

1. For the first 6 months of operation, security will be in place between the hours of 12:00 a.m. to 5:00 a.m.

The motion was seconded by Commissioner Lewis.

The vote was as follows:

Ayes: 3 – Vice-Chairperson Brooks and Commissioners Deeds and Lewis

Nays: 4 – Commissioners Theirry, Strother, Auzenne, and Hamilton

Vice-Chairperson Brooks declared the motion failed.

A second motion was made by Commissioner Auzenne to recommend denial.

The motion was seconded by Commissioner Hamilton.

The vote was as follows:

Ayes: 4 – Commissioners Theirry, Strother, Auzenne, and Hamilton

Nays: 3 – Vice-Chairperson Brooks and Commissioners Deeds and Lewis

Vice-Chairperson Brooks declared the motion carried.

3. Case No. CUP-87-2018 – Consider an application for a Conditional Use Permit (CUP) for a "zoo (private)" with alternative exterior building materials and alternative equivalent screening on property zoned "LR" (Local Retail District), legally described as a portion of the Joseph Coombs Survey, Abstract No. 292, located on the northwest side of North J. Elmer Weaver Freeway, west of North Joe Wilson Road with the approximate address being in the 1100 block of North J. Elmer Weaver Freeway.

Applicant: Mark W. Dietz, Fuel City Dream Maker, LLC

Property Owner: Dan Vedral, Vedral Donald 2011 Irrevocable Trust

Commissioner Strother made a motion to recommend denial.

The motion was seconded by Commissioner Auzenne.

The vote was as follows:

Ayes: 4 – Commissioners Theirry, Strother, Auzenne, and Hamilton

Nays: 3 – Vice-Chairperson Brooks and Commissioners Deeds and Lewis

Vice-Chairperson Brooks declared the motion carried.

4. Case No. CUP-88-2018 – Consider an application for a Conditional Use Permit (CUP) for a "car wash" with alternative exterior building materials on property zoned "LR" (Local Retail District), legally described as a portion of the Joseph Coombs Survey, Abstract No. 292, located on the northwest side of North J. Elmer Weaver Freeway, west of North Joe Wilson Road with the approximate address being in the 1100 block of North J. Elmer Weaver Freeway.

Applicant: Mark W. Dietz, Fuel City Dream Maker, LLC

Property Owner: Dan Vedral, Vedral Donald 2011 Irrevocable Trust

Commissioner Theirry made a motion to recommend denial.

The motion was seconded by Commissioner Strother.

The vote was as follows:

Ayes: 4 – Commissioners Theirry, Strother, Auzenne, and Hamilton

Nays: 3 – Vice-Chairperson Brooks and Commissioners Deeds and Lewis

Vice-Chairperson Brooks declared the motion carried.

5. Case No. PD-71-2018 – Conduct a public hearing and consider an application for a change in zoning from "NS" (Neighborhood Service District) and "SF-10" (Single-Family Residential District with a minimum lot size of 10,000 square feet) to "PD" (Planned Development District) for retirement housing on property legally described as Tracts 13 and 16 of the James Evans Survey, Abstract No. 435, and located on the south side of East Pleasant Run Road, west of North Duncanville Road with the approximate address being in the 1200-1300 Block of East Pleasant Run Road.

Applicant: *Josh Spoerl, Arrive Architecture Group*

Property Owner: *Vinodbhai T. Patel, East Pleasant Run LTD*

Ms. Peña briefed the Commission on the request. She indicated that staff recommends approval.

Vice-Chairperson Brooks asked the Commission if they had any questions for staff.

Commissioner Hamilton asked about why the parking space for each resident was 1.39 instead of 2 and if that had been done in the City before.

Ms. Stringfellow indicated that similar parking regulations were approved for Preston Trail and Midtown. Staff did not research the parking requirements approved for other senior housing facilities.

Vice-Chairperson Brooks asked the applicant to come forward and address the Commission. Applicant, Mark Tolson briefed the Commission on his request.

Vice-Chairperson Brooks asked the Commission if they had any questions for the applicant.

There were none.

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

No one spoke in favor.

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

No one spoke in opposition.

Vice-Chairperson Brooks closed the public hearing and opened the floor for discussion amongst the Commission.

Commissioner Deeds made a motion to recommend approval.

The motion was seconded by Commissioner Lewis.

The vote was as follows:

Ayes: 7 – Vice-Chairperson Brooks, Commissioners Thierry, Strother, Auzenne, Deeds, Hamilton, and Lewis

Nays: None

Vice-Chairperson Brooks declared the motion carried.

The Commission considered Regular Item 1 before Public Hearing Item 6.

V. Regular Items:

1. **Case No. FP-78-2018** – Consider an application for a final plat for the Fuel City Cedar Hill Addition, Lots 1 – 3 on property zoned “LR” (Local Retail District), located on the northwest side of North J. Elmer Weaver Freeway, west of North Joe Wilson Road with the approximate address being in the 1100 block of North J. Elmer Weaver Freeway.

Applicant: Mark W. Dietz, Fuel City Dream Maker, LLC

Property Owner: Dan Vedral, Vedral Donald 2011 Irrevocable Trust

Ms. Peña briefed the Commission on the request. She indicated that staff recommends approval subject to the following conditions:

1. All offsite access and utility easements shall be executed and noted on the plat prior to being recorded.
2. The applicant shall provide notice of approval from Oncor, Magellan Midstream, and TxDOT prior to recordation of the plat.

Vice-Chairperson Brooks asked the Commission if they had any questions for staff.

There were none.

Commissioner Lewis made a motion to recommend approval subject to staff's conditions.

The motion was seconded by Commissioner Deeds.

The vote was as follows:

Ayes: 7 – Vice-Chairperson Brooks, Commissioners Thierry, Strother, Auzenne, Deeds, Hamilton, and Lewis

Nays: None

Vice-Chairperson Brooks declared the motion carried.

6. **Case No. Z86-2018** – Conduct a public hearing and consider an amendment to the development and exterior construction standards in Chapter 23, entitled "Zoning Ordinance", of the City of Cedar Hill Code of Ordinances.

Ms. Stringfellow briefed the Commission on the request.

Vice-Chairperson Brooks asked the Commission if they had any questions for staff.

Commissioner Thierry asked staff to address the growth of trees in the landscaping section.

Ms. Stringfellow indicated that the pruning of trees was addressed in the landscape maintenance section that was added.

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

No one spoke in favor.

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

No one spoke in opposition.

Vice-Chairperson Brooks closed the public hearing and opened the floor for discussion amongst the Commission.

Commissioner Hamilton made a motion to recommend approval.

The motion was seconded by Commissioner Deeds.

The vote was as follows:

Ayes: 7 – Vice-Chairperson Brooks, Commissioners Thierry, Strother, Auzenne, Deeds, Hamilton, and Lewis

Nays: None

Vice-Chairperson Brooks declared the motion carried.

VI. Other Business Items

1. Conduct an election for chairperson for the Planning and Zoning Commission.

Commissioner Lewis nominated Commissioner Thierry for Chair. The motion was seconded by Commissioner Hamilton.

Commissioner Strother nominated Vice-Chairperson Brooks for Chair. The motion was seconded by Commissioner Deeds.

The vote was as follows:

Commissioner Thierry for Chair:	4 – Commissioners Thierry, Auzenne, Hamilton, and Lewis
Vice-Chairperson Brooks for Chair:	2 - Commissioners Strother and Deeds
Abstain:	1 – Vice-Chairperson Brooks

Vice-Chairperson Brooks declared Commissioner Thierry the new elected Chair.

2. Conduct an election for vice-chairperson for the Planning and Zoning Commission.

Commissioner Deeds nominated Commissioner Brooks for Vice-Chair. The motion was seconded by Commissioner Auzenne.

Commissioner Thierry nominated Commissioner Lewis for Vice-Chair. The motion was seconded by Commissioner Hamilton.

The vote was as follows:

Vice-Chairperson Brooks for Vice-Chair:	4 – Commissioners Strother, Auzenne, Deeds, and Hamilton
Commissioner Lewis for Vice-Chair:	3 - Vice-Chairperson Brooks and Commissioners Thierry and Lewis

Vice-Chairperson Brooks declared herself the new elected Vice-Chairperson.

3. Review potential meeting dates for 2019 (no action to be taken.)

Ms. Stringfellow indicated to the Commission that they review the potential meeting dates for 2019 and be ready at the next meeting to add or take away any meeting dates.

VII. Staff Reports.

1. Update on applications in review.

- 2018**

b. 2017

Ms. Stringfellow informed the Commission of the current development applications

2. Upcoming Meetings

Ms. Stringfellow informed the Commission on upcoming meeting dates.

VIII. Adjourn.

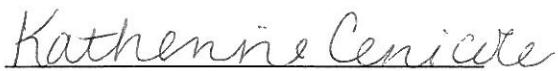
A motion to adjourn was made by Commissioner Deeds.

The motion was seconded by Commissioner Hamilton.

The meeting adjourned at 9:48 p.m.



Theresa Brooks
Vice-Chairperson



Katie Cenicola
Planning Secretary