
**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF AUGUST 16, 2022**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, August 16, 2022 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: Chairperson Lisa Thierry, Vice-Chairperson Jay Patton, and Commissioners Gerald White, Dr. Allena Anderson, and Steven Hendon

Absent: Commissioners Maranda Auzenne and Jami McCain

City Staff Members Present: Director of Planning, LaShondra Stringfellow; Senior Planner, Maria Peña; Planner, Katherine Linares; and Planning Executive Secretary, Debra Kalsnes

1. Call the Meeting to Order.

Chairperson Thierry called the meeting to order at 6:06 p.m. declaring it an open meeting in which a quorum was present, and the meeting notice was duly posted.

2. Approve the minutes of the July 19, 2022 regular meeting.

A motion was made by Vice-Chairperson Patton and seconded by Commissioner Hendon to approve the minutes of the July 19, 2022 regular meeting. The vote was as follows:

Ayes: 4 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners Anderson, and Hendon

Nays: None

Abstain: Commissioner White was absent.

The motion carried.

3. Citizens Forum/Public Comments.

There were none.

4. Public Hearing Items:

1. **Case No. CUP-470-2022** – Conduct a public hearing and consider an application for a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant [Harold's Chicken] on property zoned "LR" (Local Retail District), generally located on the northwest side of Highway 67, east of FM 1382, with the
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approximate address being 510 North J. Elmer Weaver Freeway, Suite 317 [formerly Fuzzy's Taco Shop].

Applicant: Jacqueline Hicks, Harold's Chicken Dallas, LLC

Property Owner: Kay Mead, RPI Cedar Hill, LTD.

Planner Linares briefed the Commission on the request. She indicated staff recommended approval subject to the following conditions:

1. The operation of the use is subject to the site plan and floor plan with attachments and the requirements in Section 4.1.4 of the Zoning Ordinance.
2. This Conditional Use Permit is only valid for the operator "Harold's Chicken Dallas, LLC". A new CUP shall be required if the operator on the TABC license changes.
3. There shall be no walk-up window access and no drive-through facility.
4. Entertainment uses included, but not limited to, dancing and live music shall require an amendment to the Conditional Use Permit.

Chairperson Thierry asked if there were any questions for staff from the Commissioners. There were none.

Chairperson Thierry asked the applicant to come forward and address the Commission. Jacqueline Hicks at 241 FM 1382, Suite 317, Cedar Hill, TX, came forward, gave a statement and indicated she was available to answer questions.

The applicant responded to the Commission's questions regarding the menu, hours of operation, and the business concept.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support or opposition of this request. No one came forward.

Chairperson Thierry closed the public hearing.

Chairperson Thierry asked the Commission if there were additional questions of staff or the applicant. There were none.

Chairperson Thierry asked the Commission to deliberate and make a motion.

Commissioner Anderson made a motion to approve subject to staff's conditions.

The motion was seconded by Commissioner White.

Ayes: 5 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Anderson and Hendon

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this application would be considered by City Council on August 23, 2022.

2. **Case No. CUP-475-2022** – Conduct a public hearing and consider an application for a Conditional Use Permit (CUP) for “mini-warehouse/self-storage” on property zoned “LR” (Local Retail) District, located on the north side of East Belt Line Road, west of South Joe Wilson Road with the approximate address being 615 East Belt Line Road.
Representative: Norman Patten, Norman Patten & Associates
Applicant/Property Owner: Wes Pool, Eastside Shops & Storage

Planner Linares briefed the Commission on the request. She indicated staff recommended approval subject to the following conditions:

1. The mini-warehouses shall be restricted to the area shown on the conceptual site plan.
2. The height of the mini-warehouses shall be limited to 20 feet and 2 stories.
3. The proposed building elevations shall be consistent with the building elevations plan and meet the following standards:
 1. A minimum of seventy (70) percent of each wall surface area excluding windows and doors shall be finished with at least one primary building material such as brick material, concrete masonry units, glass walls and stone material as defined in Section 5.8 of the Zoning Ordinance.
 2. A maximum of thirty (30) percent of each wall surface area excluding windows and doors may be finished with secondary building materials such as acrylic matrix or synthetic plaster finish, concrete panel construction, fiber cementitious material, stucco and tile as defined in Section 5.8 of the Zoning Ordinance. Acrylic matrix or synthetic plaster finish and stucco are prohibited on the bottom eight (8) feet of the structure.
 3. A maximum of ten (10) percent of each wall surface area excluding windows and doors may be finished with an accent building material such as cedar wood products and metal cladding.
4. Paint colors and building material colors shall consist of muted, earth tone colors in the brown, beige, and grey palettes.
5. Where the subject site adjoins PD residential zoning to the east, a 6-foot-tall masonry wall is required to be constructed in accordance with Section 5.3.2(c) of the zoning ordinance.
6. If the CUP is approved, submit the required site plan, landscape plan and civil plans that comply with city ordinances.

Chairperson Thierry asked if there were any questions for staff from the Commissioners. There were none.

Chairperson Thierry asked the applicant to come forward and address the Commission. Norman Patten at 413 Cedar Street, Cedar Hill, and Wes Pool at 615 E. Belt Line, Cedar Hill, TX, came forward, gave a statement and indicated they were available to answer questions.

Chairperson Thierry asked if there were any questions for the applicant from the Commissioners.

Vice-Chairperson Patton asked if the applicant was satisfied with the staff's conditions and Mr. Patten stated they were.

The applicant also responded to the Commission's questions regarding line of sight with the residential sub-division, if the residential developer was notified, trees would be placed on parking islands, and that the high-pressure gas easement presents restrictions.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support or opposition of this request. No one came forward.

Chairperson Thierry closed the public hearing.

Chairperson Thierry asked the Commission if there were additional questions of staff or the applicant.

Staff responded to Commissioner Anderson's question regarding the 6-foot masonry wall which would need to be approved by the gas company.

Chairperson Thierry asked the Commission to deliberate.

Vice-Chairperson Patton and Commissioner White commented on the applicant's compliance with their previous requests.

Commissioner Anderson questioned what retail would occupy the front of the building which is unknown at this time.

Commissioner Hendon appreciated the architecture and concern for the masonry wall to delineate the housing development from the storage facility.

Commissioner White made a motion to approve subject to staff's conditions.

The motion was seconded by Commissioner Hendon.

Ayes: 5 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Anderson and Hendon

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this application would be considered by City Council on August 23, 2022.

- 3. Case No. CUP-405-2021** – Conduct a public hearing and consider an application for a Conditional Use Permit for an “electrical generating plant” [battery storage facility] on property zoned “LR” (Local Retail) District, generally located on the east corner of North
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Joe Wilson Road and Highway 67 (J. Elmer Weaver Freeway) with the approximate address being 1100 Block of N. J. Elmer Weaver Freeway.

Representative: Trenton Robertson, MasterPlan

Applicant: Gregory A. Forero, HGP Storage LLC

Property Owner: Lindsey Morse, LLSE LLC

Senior Planner Peña briefed the Commission on the request. She indicated staff recommended approval subject to the following conditions:

1. Development of the use shall comply with the approved site layout, site renderings and landscape layout for the subject site.
2. The mixture of shrubs and ornamental grasses shall be continuous along the front of the proposed masonry wall.
3. No outdoor storage of vehicles, materials, equipment, parts, or pallets shall be allowed outside of the masonry wall.
4. No stacking of storage containers shall be allowed.
5. The storage containers and any equipment needed for this use shall not exceed the 1-foot minimum below the masonry wall height installed.
6. A noise monitor shall be installed and placed near the gate entrance so that noise levels can be verified by the City as needed.
7. The applicant will coordinate with the Fire Department on education and response strategies in case of an emergency.
8. Install a 4-foot-wide sidewalk, per city standards, as required by the Subdivision Ordinance along the entire street frontage.

Chairperson Thierry asked if there were any questions for staff from the Commissioners.

Staff responded to the Commission's question regarding the 200-foot notification area.

Chairperson Thierry asked the applicant to come forward and address the Commission. Trenton Robertson and Dallas Cothrum with Masterplan at 2201 Main St., Suite 1280, Dallas, TX, and Lars Lisell with HGP Storage at 162 Decatur St., Brooklyn, NY, came forward, gave a brief presentation and indicated they were available to answer questions.

Chairperson Thierry asked if there were any questions for the applicant from the Commissioners.

The applicant responded to the Commission's questions stating that HGP Storage was the private entity serviced by Masterplan, the battery/generator stores power to be sold back to ERCOT, the issues of safety were from fire and explosion, and that the power can be re-directed to surrounding areas. The applicant informed the Commission that full power capacity is 10-20 MW.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support of this request. No one came forward.

Chairperson Thierry asked if there was anyone wishing to speak in opposition of this request. Charles Hogard, Treasurer of Galilean Baptist Church at 1155 N Hwy 67, Cedar Hill, TX, came

forward and questioned if this would affect their communication interference with the batteries being so close to their church.

Chairperson Thierry closed the public hearing.

Chairperson Thierry asked the Commission if there were additional questions of staff or the applicant.

Mr. Lisell addressed the concerns of Galilean Baptist Church regarding the impact on the communication abilities of the church.

Chairperson Thierry asked the Commission to deliberate and make a motion.

Commissioner Hendon made a motion to approve subject to staff's conditions.

The motion was seconded by Commissioner White.

Ayes: 5 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Anderson and Hendon

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this application would be considered by City Council on August 23, 2022.

5. Regular Items:

1. **Case No. FP-472-2022** – Consider an application for a final plat for the Cedar Hill Addition, Lots 8R-A1-1 - 8R-A1-5, Block C being a replat of Lot 8R-A1 and a variance to Section 20-21 of the Subdivision Ordinance on property zoned "LR" (Local Retail) District, located on the south side of Highway 67, east of FM 1382, with the approximate address being 420 North J. Elmer Weaver Freeway.
Applicant: Brian Umberger, Winkelmann & Associates, Inc.
Property Owners: Zeshan Tabani, T Cedar Hill Crossing TX, LLC

Senior Planner Peña briefed the Commission on the request. She indicated staff recommends approval subject to the conditions in the staff report.

Chairperson Thierry asked if there were any questions for staff from the Commissioners. There were none.

Chairperson Thierry asked the applicant to come forward and address the Commission. Brian Umberger with Winkelmann & Associates at 6750 Hillcrest Plaza Dr., Suite 2115, Dallas, TX, came forward, gave a brief statement and stated he was available to answer questions.

Chairperson Thierry asked if there were any questions for the applicant from the Commissioners.

The applicant responded to the Commission's questions stating the reason for the plats was for resell.

Chairperson Thierry asked the Commission to deliberate and to make a motion.

Commissioner White made a motion to approve subject to staff's conditions.

The motion was seconded by Vice-Chairperson Patton.

Ayes: 5 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Anderson, and Hendon

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this application would be considered by City Council on August 23, 2022.

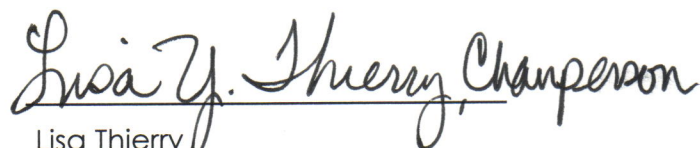
6. Staff Reports.

Director Stringfellow updated the Commission on the new attendance requirements and the upcoming meeting.

7. Adjourn.

Vice-Chairperson Patton made a motion to adjourn and it was seconded by Commissioner Hendon.

The meeting adjourned at 8:15 p.m.


Lisa Thierry
Chairperson



Debra Kalsnes
Planning Executive Secretary

