
**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF JUNE 6, 2023**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, June 6, 2023 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, Maranda Auzenne, Allena Anderson, Steven Hendon, and Jami McCain

Absent: None

City Staff Members Present: Deputy City Manager, Melissa Valadez-Cummings; Planning Manager, Maria Peña; City Engineer, Robert Woodbury; Planner, Katherine Linares; and Planning Executive Assistant, Debra Kalsnes

1. Call the Meeting to Order.

Chairperson Thierry 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.

2. Approve the minutes of the April 18, 2023 regular meeting.

A motion was made by Commissioner White and seconded by Commissioner Hendon to approve the minutes of the April 18, 2023, regular meeting. The vote was as follows:

Ayes: 6 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Auzenne, Hendon, and McCain

Nays: None

Abstain: Commissioner Anderson (absent)

The motion carried.

3. Citizens Forum/Public Comments.

There were none.

4. Public Hearing Items:

- 1. Cases No. CUP-546-2023** - Conduct a public hearing and consider an application for a Conditional Use Permit (CUP) for "auto glass repair/tinting" on property zoned "LR" (Local Retail) District within the Uptown Overlay, located on the east side of North Clark Road,

northwest of J. Elmer Weaver Freeway (Highway 67) with the approximate address being 408 North Clark Road.

Representative: Justin Obringer, Grid Architects

Applicant: Daniel Hussey, Safelite AutoGlass

Property Owner: Margaret Foster, Realty Income Corporation

Planner Linares briefed the Commission on the requests. They indicated that staff recommends approval subject to the following conditions:

1. The re-submission of the required site plan and landscape plan 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. Joe Cutshall, manager of Safelite Auto Glass, at 1441 Aldridge Drive, Lancaster TX, came forward and stated he was available for questions.

The Commission had no questions for the applicant.

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.

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

The motion was seconded by Commissioner Anderson.

Ayes: 7 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Auzenne, Anderson, Hendon, and McCain

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

2. **Case No. CUP-547-2023** – Conduct a public hearing and consider an application for a Conditional Use Permit for "general merchandise store other than listed" limited to the sale of tobacco, vapor products and associated accessories on property zoned "LR"

(Local Retail), generally located on the northwest side of Highway 67, east of FM 1382 with the approximate address being 241 East FM 1382, Suite 321.

Applicant: Ali Daka, AIK Group #2 LLC

Representative: Hatem Hantouli, AIK Group #2 LLC

Property Owner: Kay Mead, RPI Cedar Hill, LTD

Planning Manager Peña briefed the Commission on the requests. She indicated, if this Conditional Use Permit is approved, the following conditions should be included:

1. This Conditional Use Permit (CUP) shall only be valid for Smokeys Paradise #6 at this location. A new operator shall require a new CUP.
2. The Conditional Use Permit shall be subject to the site plan and floor plan.
3. There shall be no dance floor, gaming devices or electronic amusement machines and commercial amusement uses (such as, but not limited to, a gathering space for the use of the tobacco and vapor products in the store) shall require a CUP.
4. This CUP shall be limited to the legal sale of tobacco and vapor products and accessories.

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

Staff responded to the Commission's questions stating that the property owners were notified, and it was confirmed that this would be retail only with no indoor or outdoor seating area for the use of product.

Chairperson Thierry asked the applicant to come forward and address the Commission. Hatem Hantouli with AIK Group at 7903 Shoshoni Drive, Arlington, TX, came forward and stated that he was available to answer questions.

The applicant responded to the Commission's questions and confirmed staff's prior statements. He stated that they have multiple similar retail stores in the metroplex and that they have been in business for 5 to 6 years.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support. Cory McCord, Director of Leasing for the shopping center, at 6904 Blake Drive, Arlington, TX, came forward and made a statement in support, stating it would be a retail store only and that they have made it clear in their leasing terms that no indoor or outdoor areas would be used for the use of product.

Chairperson Thierry asked if there was anyone wishing to speak opposition of this request. No one came forward.

Chairperson Thierry closed the public hearing.

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

The applicant answered the Commission's question stating that the target consumer would be adults over 21 years of age.

Commissioner Auzenne stated that this would not be in line with the community's vision for Highway 67. Vice-Chairperson Patton stated though he was not happy with the use, it meets the conditions of the shopping center. Commissioner McCain stated that she would have liked letters from the surrounding businesses acknowledging the business proposed.

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

The motion was seconded by Commissioner Anderson.

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

Nays: 3 - Chairperson Thierry and Commissioners Auzenne and McCain

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

3. Case No. PD-SP-551-2023 – Conduct a public hearing and consider an application for a Planned Development-Site Plan on property zoned Planned Development District No. 2022-775 [The Madison], generally located on the northwest corner of East Wintergreen Road and North J. Elmer Weaver Freeway [Highway 67], with the approximate address being in the 1490 Block of North J. Elmer Weaver Freeway.

Representative: *Robert Lewis, Kimley-Horn*

Applicant/Property Owner: *Nicholas Balsamo, Kalterra Capital Partners Phoenix, LP*

Planner Linares briefed the Commission on the requests. She indicated that staff recommends approval subject to staff conditions listed 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. Nicholas Balsamo with Kalterra at 1845 Woodall Rodgers Freeway, Suite 1160, Dallas, TX, and Robert Lewis with Kimley-Horn at 2600 North Central Expressway, Richardson, TX, came forward and stated that they were available to answer questions.

Mr. Balsamo responded to the Commission's question and stated that the passive amenities include walking trails and a dog park; they would preserve as much of the tree line as possible, but that the masonry wall was required; the price point would be approximately \$2 per square foot; it would be for 55+ active adults needing no assistance; and there would be approximately 4 retail pads.

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

Chairperson Thierry asked if there was anyone wishing to speak in opposition. Rod Tyler at 1040 Sherman, Cedar Hill, TX, 75104, came forward and made a statement.

Chairperson Thierry closed the public hearing.

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

Mr. Balsamo and staff answered the Commission's question regarding the landscape plan with the adding of trees at 4 caliper inches to re-create a canopy and that there has been outreach with the adjacent neighboring resident.

Mr. Lewis clarified that the trees on the neighboring property would remain and would be what the adjacent resident would see.

Commissioner Hendon stated that the tree preservation would need to be continuously monitored going forward. Mr. Balsamo stated they would keep the lines of communication open, continue to be a good neighbor and keep it as green as possible.

Commissioner Anderson made a motion to approve subject to staff's conditions listed in the staff report.

The motion was seconded by Commissioner White.

Ayes: 6 - Vice-Chairperson Patton, and Commissioners White, Auzenne, Anderson, Hendon, and McCain

Nays: 1 - Chairperson Thierry

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

6. Regular Items

- 1. Case No. FP-553-2023** - Consider an application for a final plat for the Lake Ridge Addition, Section 22, Phase A, Lots 1818R-1, 1818R-2 and 1818R-3, on property zoned "SF-E" District (Single-Family Residential – Estate – minimum 1-acre lots) District located on the south side of Hardwick Lane, east of Alps Court with the approximate address being 2426 Hardwick Lane.

Representative: Krystian Golebiewski, Brittain and Crawford, LLC
Applicants/Property Owners: John E. and Julie E. Hoopman

Planner Linares briefed the Commission on the requests. She indicated that 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. Krystian Golebiewski with Brittain & Crawford, LLC, at 3908 South Freeway, Fort Worth, TX, came forward, made a brief statement, and stated he was available to answer questions.

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

Commissioner White made a motion to approve subject to the conditions in the staff report.

The motion was seconded by Commissioner Auzenne.

Ayes: 7 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Auzenne, Anderson, Hendon, and McCain

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

2. Case No. FP-554-2023 – Consider an application for a final plat for the Cedar Circle Addition, Lot 1, Block A and a variance to Section 20-22(b), Chapter 20 – Subdivision Regulations on property zoned "SF-E" (Single-Family Residential Estate with minimum 1-acre lots) District located on the west side of Cedar Circle, north of Shady Brook Lane with the approximate address being 1203 Cedar Circle.

Applicants/Property Owners: Omar Alonzo and Marissa Hernandez

Planner Linares briefed the Commission on the requests. She indicated that staff recommends approval subject to the conditions listed in the staff report.

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

Staff responded to the Commission's questions regarding the water lines being adequate to support the required fire hydrant and if not, it would be at the owner's expense; and that a drainage easement would be required to be delineated on the final plat.

Chairperson Thierry asked the applicant to come forward and address the Commission. Herbert Gears, 555 Promenade Parkway, Irving, TX, came forward, made a brief statement, and stated he was available to answer questions.

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

Commissioner Auzenne made a motion to approve subject to the conditions in the staff report.

The motion was seconded by Commissioner Hendon.

Ayes: 7 – Chairperson Thierry, Vice-Chairperson Patton, and Commissioners White, Auzenne, Anderson, Hendon, and McCain

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

3. Case No. PP-555-2023 – Consider an application for a preliminary plat for the Madison Addition, Lots 1-5, on property zoned Planned Development District No. 2022-775 [The Madison], generally located on the northwest corner of East Wintergreen Road and North J. Elmer Weaver Freeway [Highway 67], with the approximate address being in the 1490 Block of North J. Elmer Weaver Freeway.

Representative: Robert Lewis, Kimley-Horn

Applicant/Property Owner: Nicholas Balsamo, Kalterra Capital Partners Phoenix, LP

Planner Linares briefed the Commission on the requests. She indicated that staff recommends approval subject to the conditions listed 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. Robert Lewis with Kimley-Horn at 2600 N Central Expressway, Suite 400, Richardson, TX, came forward, made a brief statement, and stated he was available to answer questions.

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

Commissioner Auzenne made a motion to approve subject to the conditions in the staff report.

The motion was seconded by Commissioner White.

Ayes: 6 – Vice-Chairperson Patton, and Commissioners White, Auzenne, Anderson, Hendon, and McCain

Nays: 1 - Chairperson Thierry,

Abstain: None

Chairperson Thierry declared the motion carried and stated this request would be considered by City Council on June 13, 2023.

7. Staff Reports.

Planning Manager Peña briefed the Commission on the applications for the next meeting on June 20th.

8. Adjourn.

Commissioner White made a motion to adjourn and it was seconded by Commissioner Auzenne.

The meeting adjourned at 7:44 p.m.

Lisa Thierry, Chairperson

Lisa Thierry
Chairperson

Debra Kalsnes

Debra Kalsnes
Planning Executive Assistant