

**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF AUGUST 1, 2023**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, August 1, 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, Dr. Allen Anderson, Steven Hendon, Jami McCain, and Gerald Malone

Absent: None

City Staff Members Present: Chasidy Benson, Planning Director; Maria Peña, Planning Manager; and Debra Kalsnes, Planning Executive Assistant

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 June 20, 2023 regular meeting.

A motion was made by Commissioner Hendon and seconded by Commissioner McCain to approve the minutes of the June 20, 2023, regular meeting. The vote was as follows:

Ayes: 6 – Chairperson Thierry, and Commissioners White, Anderson, Hendon, McCain, and Malone

Nays: None

Abstain: 1 - Vice-Chairperson Jay Patton (not present at this meeting)

The motion carried.

3. Citizens Forum/Public Comments.

There were none.

4. Public Hearing Items

1. Case No. CUP-565-2023 – 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 and "commercial amusement (indoor)" limited to sale for on-site consumption of hookah on property zoned "LR" (Local Retail District) within the

Uptown Overlay, generally located on the east side of Uptown Boulevard, south of West FM Road 1382 with the approximate address being 642 Uptown Boulevard, Suite 202.

Representative: Nazneen Merani

Applicant: Babita Kanda, Baani 1, Inc.

Property Owner: Peter Park, P&A Management, LLC

Planning Manager Peña briefed the Commission on the requests. She indicated that staff recommends approval of the sale of alcoholic beverages for on-premise consumption 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 "Baani 1 INC". A new CUP shall be required if the operator on the TABC license changes;
3. There shall be no walk-up window access;
4. The drive-through facility shall not be utilized without reconsideration of the Conditional Use Permit;
5. This Conditional Use Permit excludes the use of games of chance; gambling-like device versions of bingo, keno, blackjack, lottery, roulette, video poker, eight-liners or similar electronic, electromechanical, or mechanical games, or facsimiles thereof;
6. Any other proposed commercial amusement uses/activities shall require an amendment to the Conditional Use Permit;

and approval of the "commercial amusement (indoors)" limited to the sale for on-site consumption of hookah subject to the following conditions:

1. The operation of the use is subject to the site plan and floor plan with attachments;
2. This Conditional Use Permit (CUP) shall only be valid for the operator "Baani 1 INC" at this location. A new operator shall require a new CUP;
3. The hookah area shall not have operational hours outside of the restaurant and shall operate as an accessory use to the restaurant.

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

Staff responded to the Commission's questions regarding the description of hookah and the products used, the hours of operation, and the ventilation system for hookah.

Chairperson Thierry asked the applicant to come forward and address the Commission. Ali Rahil at 649 Gray Stone Lane, 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.

The applicant responded to the Commission's request for a description of hookah explaining that it is a water-based smoking device for flavored tobacco and nicotine-free herbs. The applicant explained that the glass partition between the area designated for hookah and the restaurant, would allow staff to monitor users to ensure the hookah would not be tampered with,

that they would require identification to ensure that the user would be of legal smoking age, and the percentage of sales for alcohol and hookah.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support or opposition of the request for the sale of alcoholic beverages for on-premise consumption. No one came forward.

Chairperson Thierry then asked if there was anyone wishing to speak in support or opposition of the request for the "commercial amusement (indoors)" limited to the sale for on-site consumption of hookah. 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 Patton made a motion to approve the sale of alcoholic beverages for on-premise consumption subject to the conditions in the staff report.

The motion was seconded by Commissioner White.

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

Nays: None

Abstain: None

Commissioner McCain made a motion to approve the "commercial amusement (indoors)" limited to the sale for on-site consumption of hookah subject to the conditions in the staff report.

The motion was seconded by Commissioner Anderson.

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

Nays: 1 - Chairperson Thierry

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on August 22, 2023.

5. Staff Reports.

Planning Director Benson formally introduced herself as our new Planning Director and informed the Commission that the next meeting would be on August 15th. Chairperson Thierry welcomed the new Planning Director and the new Commissioner, Gerald Malone.

6. Adjourn.

Commissioner Patton made a motion to adjourn and it was seconded by Commissioner Malone.

The meeting adjourned at 6:37 p.m.

Lisa Y. Thierry, Chairperson
Lisa Thierry
Chairperson

Debra Kalsnes

Debra Kalsnes
Planning Executive Assistant