
**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF SEPTEMBER 19, 2023**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, September 19, 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. Allena 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 6:01 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 September 5, 2023 regular meeting.

A motion was made by Commissioner White and seconded by Vice-Chairperson Patton to approve the minutes of the September 5, 2023, regular meeting. The vote was as follows:

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

Nays: None

Abstain: 1 – Commissioner Hendon (not present at this meeting)

The motion carried.

3. Citizens Forum/Public Comments.

There were none.

4. Public Hearing Items

1. **Case No. CUP-574-2023** - An application for a Conditional Use Permit for "commercial amusement (indoor)" for 1) an axe throwing business and 2) on-site consumption of hookah on property zoned "LR" (Local Retail District), generally located north of N J Elmer

Weaver Freeway, with the approximate address being 1431 N J Elmer Weaver Freeway, Suite 200.

Representative: Michael Berkowitz/Colonial Commercial Real Estate, LLC.

Applicant: Lynn Miller Jr./Rekt

Property Owner: DFW Oracle Venture Two, LLC.

Planning Director Benson briefed the Commission on the requests. She indicated that staff recommends approval of the "commercial amusement (indoor)" for the axe throwing business 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 3.20 of the Zoning Ordinance.
2. This Conditional Use Permit is only valid for the operator "Lynn Miller/Rekt". A new CUP shall be required if the operator changes.
3. 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.
4. Any other proposed commercial amusement uses/activities shall require an amendment to the Conditional Use Permit.

Staff recommends approval of the "commercial amusement (indoor)" limited to the sale and 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, limiting the space to approximately 170 square feet. No on-site consumption of hookah shall be permitted outside of the noted area.
2. This Conditional Use Permit (CUP) shall only be valid for the operator "Lynn Miller/Rekt" at this location. A new operator shall require a new CUP.
3. The space designated for hookah consumption must comply with all applicable sections of the Smoking Ordinance.
4. The hookah area shall not have operational hours outside of the axe throwing and shall operate as an accessory use to the overall business.

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

Staff responded to the Commission's questions regarding the safety aspect of axe throwing, the concern of illegal parking in the parking lot, and that BYOB would not be regulated by TABC and not a consideration before the Board.

Chairperson Thierry asked the applicant to come forward and address the Commission. Lynn Miller, Jr., 111 Old Spanish Trail, Waxahachie, 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 questions regarding the addition of hookah with the existing cigar lounge next door, that the axe throwing would be strictly recreational and non-competitive, the age limit for axe throwing, consideration of restricting the entry age to 18

and older after 9:00 pm, and the pricing structure for axe throwing(hourly charge). The applicant also stated there would be insurance and required waivers for this business.

Chairperson Thierry opened the public hearing. She asked if there was anyone wishing to speak in support or opposition of the requests. 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 the Commission's concern of no regulation of the BYOB explaining that the CUP could be revoked through the process outlined in the Zoning Ordinance if found to be detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Commissioner White made a motion to approve the "commercial amusement (indoor)" for the axe throwing business 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

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

The motion was seconded by Commissioner McCain.

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

Nays: 2 - Chairperson Thierry and Commissioner Malone

Abstain: None

Chairperson Thierry declared the motions carried and stated that this case would be considered by City Council on October 10, 2023.

5. Regular Items

1. **Case No. FP-579-2023** – Consider an application for a final plat for the Porter Addition, Lot 1 and 2, Block A and a variance to Section 20-22(b), Chapter 20 – Subdivision Regulations on property zoned "SF-10" (Single-Family Residential – 10,000 square feet minimum lot size) District located on the east side of South Clark Road and south of Weaver Street with the approximate address being 622 South Clark Road.
Applicants and Property Owners: Connie Furguson and Sabrina Porter
Representative: Eric Spooner, Spooner and Associates

Planning Manager Peña briefed the Commission on the requests. She indicated that staff recommended 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. Sabrina and Joel Porter at 630 S. Clark Rd., Cedar Hill, TX, came forward, made a brief statement, and stated they were available to answer questions.

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

Staff responded to the Commission's question stating the final plat would be for two lots, that Lot 2 could continue the onsite septic system with the approved variance, and explained the park land and dedication fee requirement.

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

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

The motion was seconded by Vice-Chairperson Patton.

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

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on September 26, 2023.

At this point, Commissioner White left the meeting, at approximately 7:10pm.

2. Case No. SP-581-2023 – Consider an application for a site plan on property zoned "LR" (Local Retail) within the "UT" (Uptown Overlay) District, generally located on the east side of Uptown Boulevard, north of Clancy Nolan Drive with the approximate address being 618 Uptown Boulevard.

Representative: Erica Bruce-May, Contineo Group

Applicant: Butch Baur, Waffle House, Inc.

Property Owners: Baranda Paul, Cedar Hill South Plaza, LLC

Planning Manager Peña briefed the Commission on the requests. She indicated that staff recommended 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 addition of trees on the landscape plan, the 50% transparency on the front of the building, and a shared parking agreement.

Chairperson Thierry asked the applicant to come forward and address the Commission. Butch Baur with Waffle House at 5986 Financial Dr, Norcross, GA, 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 question stating that they would comply with the 50% transparency and that their hours of operation would be 24/7.

Chairperson Thierry asked the Commission if there were any 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 Malone.

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

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on October 10, 2023.

3. Case No. SP-582-2023 – Consider an application for a site plan on property zoned "I" (Industrial) District, generally located on the west side of South Cedar Hill Road, north of Mount Lebanon Road, with the approximate address being 1001 South Cedar Hill Road.

Applicant: Martin (Bo) Stewart, Zephyr Cranes, Inc.

Property Owner: Martin (Bo) Stewart, Zephyr Cranes, Inc.

Planning Director Benson briefed the Commission on the requests. She indicated that staff recommended 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. Lon Whitten at 3940 County Meadow Road, Granbury, TX, representing the property owner, Bo Stewart, 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 question stating that this would be for a shell building.

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

The motion was seconded by Commissioner Hendon.

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

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on October 10, 2023.

6. Other Business Items

1. Consider approval of meeting dates for 2024.

Commissioner McCain made a motion to approve the meeting dates for 2024. The motion was seconded by Vice-Chairperson Patton.

The vote was as follows:

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

Nays: None

Chairperson Thierry declared the motion carried.

2. Conduct an election for Chairperson for the Planning and Zoning Commission.

Commissioner McCain made a motion to nominate Commissioner Thierry. The motion was seconded by Commissioner Malone.

The vote was as follows:

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

Nays: None

Chairperson Thierry declared the motion carried.

3. Conduct an election for Vice-Chairperson for the Planning and Zoning Commission.

Commissioner Thierry made a motion to nominate Commissioner Patton for Vice-Chairperson. The motion was seconded by Commissioner Hendon.

The vote was as follows:

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

Nays: None

Chairperson Thierry declared the motion carried.

6. Staff Reports.

Planning Director Benson informed the Commission of the Community Planning Month proclamation presented at the September 26th City Council meeting and asked the Commissioners to join. She also informed the Commission of the activities the Planning Department would be participating in including National Night Out, Country Day, Coffee & Pastries with Planners, and Scare on the Square, and asked the Commissioners to join if available. She informed the Commissioners of the Zoning Code rewrite which would take place over the next couple of years and that the next meeting would be on October 10, 2023.

7. Adjourn.

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

The meeting adjourned at 7:44 p.m.

Lisa Thierry, Chairperson

Lisa Thierry
Chairperson

Debra Kalsnes

Debra Kalsnes
Planning Executive Assistant