
**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF AUGUST 6, 2024**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on Tuesday, August 6, 2024 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, Steven Hendon, Allena Anderson, Jami McCain and Lew Blackburn

Absent: None

City Staff Members Present: Chasidy Benson, Planning Director; Maria Peña, Planning Manager; and Josue De La Vega, Senior Planner

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 July 16, 2024 briefing and regular meetings.

A motion was made by Commissioner Anderson and seconded by Commissioner White to approve the minutes of the July 16, 2024, briefing and regular meetings. The vote was as follows:

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

Nays: None

Abstain: None

The motion carried.

3. Citizens Forum/Public Comments.

There were none.

4. Public Hearing Item

- a. Case No. CUP-653-2024** – Conduct a public hearing and consider an application for a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-premise consumption and a Conditional Use Permit (CUP) for "commercial amusement other than listed (indoors)" in conjunction with a restaurant, on property zoned Local Retail (LR)
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District, generally located east of South Clark Road, approximately 690 feet south of East Belt Line Road, with the approximate address being 130 South Clark Road.

Applicant: Lluliana Hernandez with Restaurant La Toska

Representative: Michael Martinez, MS with Pueblito Enterprise LLC

Property Owner: EOJ Business Trust

Senior Planner De La Vega briefed the Commission on the request. He indicated that staff recommends approval subject to the following conditions:

1. The operation of the uses is subject to the site plan and floor plan with attachments and the requirements in Section 4.1.4 of the Zoning Ordinance.
2. The Conditional Use Permit to sell and serve alcoholic beverages for on-premise consumption and for "commercial amusement other than listed (indoors)" is only valid for the operator "Restaurant La Toska". A new CUP shall be required if the operator on the TABC license changes.
3. Commercial amusement shall be limited to the interior of the building.
4. The commercial amusement shall not have operational hours outside of the restaurant's operating hours and shall operate as an accessory use to this restaurant.
5. There shall be no outdoor amplified sound/music or outdoor live music permitted.
6. 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.
7. Any additional commercial amusement uses/activities including, but not limited to a dance floor 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. Lluliana Hernandez at 1018 Hummingbird Dr., Desoto, TX, came forward, made a brief statement, and stated she was available to answer questions.

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

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. There were none.

Commissioner Blackburn made a motion to approve 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, Hendon, Anderson, McCain, and Blackburn

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on August 27, 2024.

- b. Case No. CUP-655-2024** – Conduct a public hearing and consider an application for a Conditional Use Permit (CUP) and a Site Plan for drone delivery of retail goods on a property zoned “LR” (Local Retail) District, within the Uptown Overlay, generally located on the west side of Uptown Boulevard, south side of West F.M. Road 1382 with the approximate address being 621 Uptown Boulevard.
Applicant: Ian Bright with Wing Aviation, LLC
Property Owners: Walmart Stores Texas LLC

Senior Planner De La Vega briefed the Commission on the request. He indicated that staff recommends approval subject to the following conditions:

1. This Conditional Use Permit is only applicable and valid for the site and scope of work identified on the approved site plan with attachments.
2. The Conditional Use Permit is only valid for 1 year from the date of Certificate of Occupancy issuance.
3. The Conditional Use Permit is only valid for the operator Wing Aviation, LLC
4. Drone delivery of retail goods shall operate as an accessory use to the Walmart Supercenter.
5. For the purposes of this Conditional Use Permit, the proposed drone delivery operation would be considered a Commercial Drone Delivery Hub (Small) with one Drone Staging Area (nest), as defined below:

Commercial Drone Delivery Hub (Small) An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small, unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Area A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas, and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment.

6. No more than one (1) nest should be allowed under this Conditional Use Permit.
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7. In the event the operation of the use exceeds the maximum noise levels stipulated by the Zoning Ordinance, the operator shall take all necessary noise attenuation measures to reduce the noise levels in accordance with the Zoning Ordinance.

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

Staff responded to the Commission's question stating that the request was for one nest and a one-year pilot period.

Chairperson Thierry asked the applicant to come forward and address the Commission. Ivan Jaime with Walmart at 16503 Nacogdoches Rd., San Antonio, TX; Catherine Lovett with Wing Drone Delivery at 2801 Live Oak St., Dallas, TX; and Juan Moreira with Kimley-Horn at 10101 Reunion Pl, Suite 400, San Antonio, TX, came forward, made a brief statement, and stated they were available to answer questions.

Chairperson Thierry asked the Commission if there were any questions of the applicant.

Ms. Lovett and Mr. Jaime responded to the Commission's questions regarding the no fly zones, delivery radius, liability of damages by drones, demand for service from existing nest sites, and cost structure for the delivery fee. The applicant also provided information regarding ongoing community engagement efforts by Wing within the City.

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. There were none.

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

The motion was seconded by Commissioner Anderson.

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

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 13, 2024.

4. Regular Items

- a. Case No. SP-583-2023** – Consider an application for a site plan (SP-583-2023) on property zoned “OT-Corr” (Old Town Corridor) District within the Uptown Overlay District and located on the north side of West Belt Line Road, west of Meadow Ridge Drive with the approximate address being 1003 West Belt Line Road.
Applicant: Juan Ontiveros, Gotstuff Inc.
Property Owner: Miguel & Ramona Ontiveros, Gotstuff Inc.

Senior Planner De La Vega briefed the Commission on the request. He 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 question stating that this is a retail establishment selling general merchandise, and that all signage would be approved by Building Inspections.

Chairperson Thierry asked the applicant to come forward and address the Commission. Norman Patten at 413 Cedar St, Cedar Hill, TX, came forward, made a brief statement, and stated he was available to answer questions.

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

The applicant responded to the Commission's question stating that the owner was enthusiastic and initially began work without Site Plan approval. Mr. Patten also confirmed that this would be a custom leather shop.

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

The motion was seconded by Commissioner White.

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

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on August 27, 2024.

- b. Case No. FP-660-2024** – Consider an application for a final plat for the Gotstuff Addition, Lot 1, Block 1, on property zoned “OT-C” (Old Town Corridor) Sub-District, within the Uptown Overlay, and located on the north side of West Belt Line Road, west of Meadow Ridge Drive with the approximate address being 1003 West Belt Line Road.
Applicant: Norman Patten, Norman Patten & Associates.
Property Owners: Miguel & Ramona Ontiveros, Gotstuff Inc.
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Senior Planner De La Vega briefed the Commission on the request. He 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. Norman Patten at 413 Cedar St, Cedar Hill, TX, came forward, made a brief statement, and stated he was available to answer questions.

Chairperson Thierry asked the Commission if there were 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 Vice-Chairperson Patton.

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

Nays: None

Abstain: None

Chairperson Thierry declared the motion carried and stated that this case would be considered by City Council on August 27, 2024.

6. Closed Session

- a. Closed Session called pursuant to Section 551.071 of the Texas Government Code: Consultation with the City's attorneys on the following matters in which the duty of the attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the requirements of the Texas Open meetings Act.

- Laws, procedures and duties for the Planning and Zoning Commission

The Planning and Zoning Commission entered into closed session at 7:29 pm.

7. Reconvene in Open Session and consider any action needed as a result of the Closed Session.

The Planning and Zoning Commission reconvened into open session at 9:04 pm. No action was taken as a result of the closed session.

8. Staff Reports.

Planning Director Benson stated that so far there would not be a meeting on August 20th or September 3rd at this time.

9. Adjourn.

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

The meeting adjourned at 9:05 p.m.

Handwritten signature of Lisa Thierry in blue ink.

Lisa Thierry
Chairperson

Handwritten signature of Debra Kalsnes in black ink.

Debra Kalsnes
Planning Executive Assistant

