
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of November 3, 2009

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, November 3, 2009 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Present: Chairman Stephen Douglas-Mason, Vice-Chairman Todd Hinton and Commissioners Bill Strother, Tim Hamilton, Gehrig Saldaña and Wallace Swayze.

Absent: Theresa Brooks.

I. Call the meeting to order

Chairman Mason 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.

II. Approval the minutes of the October 20, 2009 meetings

A motion was made by Vice-Chairman Hinton to approval the minutes of the October 20, 2009 meeting minutes, as amended during the briefing session. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 09-36 – Review and consider the Preliminary Plat and Plans of Lots 4 & 5, Block B, Cedar Hill Village Addition, showing 2 non-residential lots on 2.723-acres of land out of Abstract 1472, generally located at the southeast corner of Clancy Noland Drive and Uptown Boulevard. Requested by Jim Riley of Brockette, Davis, Drake, Inc.

Jim Riley of Brockett, Davis, Drake, Inc., 4144 North Central Expressway, Suite 1100, Dallas, TX 75204 stepped forth to present this request and answer any questions from the Commission.

Mr. Riley stated he is requesting approval of the preliminary plat for 2 lots; however, they have no plans to build at this time. Their intent in getting the preliminary plat approval at this time was to get things ready for when the economy turns around. He stated he was aware of the concern regarding the parking easement being located along Uptown Boulevard; however, this was an agreement they had made with JC Penney in 2003 to get them to locate here.

Commissioner Swayze asked how they intended to handle the parking agreement, and if they have spoken with JC Penney.

Mr. Riley stated that they had not talked with JC Penney; that once a tenant was lined up they would get with JC Penney then. He said at that time they would know what the new tenant wanted and would have something to present to JC Penney.

Commissioner Strother asked if they would reconsider the lot configuration to accommodate a future tenant. Mr. Riley responded that they would.

Vice-Chairman Hinton asked Mr. Riley again if they have had any discussions with JC Penney. To which Mr. Riley stated that they wanted to at least get through the Preliminary Plat and Final Plat stage before approaching JC Penney.

Commissioner Swayze stated that the preliminary plat does not meet the zoning requirements as presented and since Mr. Riley hasn't spoken with JC Penney about removing the easement, he was still unsure how Mr. Riley would overcome the conditional part of the approval, if the Commission were to approve the preliminary plat conditionally.

Mr. Riley stated the easement will remain until they get a user at which time they would have something to show JC Penney and could approach them at that time.

Vice-Chairman Hinton stated that he was a little confused; according to Cedar Hill's ordinances, the parking was going to have to go in a certain area, in this instance, hidden behind the future building. He asked Mr. Riley why they couldn't go to JC Penney with that information. It didn't seem to matter who the building was for.

Mr. Riley stated that they have not gone to JC Penney. He further stated that none of the other buildings along Uptown Boulevard complied with this requirement; that most retailers want their parking in front of their building.

In response to a question from Vice-Chairman Hinton, Mr. Tyler stated that staff reviews preliminary plats with respect to all city codes and this preliminary plat does not comply with the zoning code because the parking easement limited parking to be along Uptown Boulevard.

A motion was made by Commissioner Strother to recommend denial of this request until such time the parking easement is cleared up. The motion was seconded by Commissioner Saldaña. The vote was as follows:

Ayes: 6 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña and Swayze.

Nays: 0

Chairman Mason declared the motion carried.

V. Staff Reports

a. Recent Submittals

This item was covered during the briefing session.

VI. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:21 p.m.

Stephen Douglas-Mason
Chairman

Rod W. Tyler
Director of Planning
