

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 4, 2008**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, August 4, 2008 at 6:00 p.m. in the Turk Cannady/Cedar Hill Room, 285 Uptown Blvd. Building 100, Cedar Hill, Texas.

Present: Chairman Bill Strother, Vice-Chairman David Rush and Commissioners Stephen Mason, Tim Hamilton, Theresa Brooks, Todd Hinton and Gehrig Saldaña.

Absent: none.

I. Call the meeting to order

Chairman Strother called the meeting to order at 6:07 p.m. declaring it an open meeting in which a quorum was present and the meeting notice was duly posted.

II. Approve the minutes of the July 21, 2008 regular meeting

A motion was made by Commissioner Brooks to approve the minutes July 21, 2008 regular meeting, as presented. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 6 – Chairman Strother and Commissioners Mason, Saldana, Hamilton, Brooks and Hinton

Nays: 0

Abstention: 1 - Vice-Chairman Rush

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case Number 08-29 – CONDUCT A PUBLIC HEARING and consider a request to revise Section 9 of Ordinance #2007-136, which will **extend the deadline to submit a PD Development Plan** for approximately 156.81-acres of land out of Abstract 1122, generally located at the northwest corner of Cockrell Hill Road and Bear Creek Road. *Requested by William Parsons of Spyglass Hill GP, LLC.*

Bill Parsons, 17480 Dallas Parkway, Suite 107, Dallas, TX 75287, stepped forth to present this request and answer any questions from the Commission.

Mr. Parsons stated that last year he submitted a development plan, which was approved by the Planning & Zoning Commission; however City Council postponed their approval and instead revised the deadline to submit a development plan until 2008. The Council cited the poor housing market and the City's major overhaul of the Comprehensive Plan in making their decision.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

Commissioner Brooks stated that she did not have a problem with the granting of the requested one-year extension and so made a motion to approve Case number 08-29, as presented. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Saldana, Hamilton, Brooks and Hinton

Nays: 0

Chairman Strother declared the motion carried.

V. Case Number 08-32 - CONDUCT A PUBLIC HEARING and a request for a **Conditional Use Permit** to allow for a drive-in restaurant within the Old Town Corridor zoning district, located at 230 West Beltline Road. *Requested by Darren Heitman on behalf of White Rhino Coffee House.*

Norman Patten of Norman Patten & Associates, 701 West Beltline Road, Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Patten passed out an additional handout for the Commission to review. He stated his client is proposing to add a deck, additional parking, and a drive-in service window. This window will allow an attendant to walk out and serve customers.

Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

No one spoke.

Commissioner Brooks asked Mr. Patten if the awning was attached to the roofline because it appeared in the drawings provided to the Commission that there was a gap between the two.

Mr. Patten stated that there was a small connecting cover from the house to the awning itself, just over the doorway.

Commissioner Brooks also asked Mr. Patten if he had checked with the City's sign regulations, to ensure that the logo on the awning complies with codes.

Mr. Patten stated that he did not feel there would not be an issue with the logo on the awning and the City's sign regulations but he would verify that to ensure compliance.

Vice-Chairman Rush asked Mr. Patten what would prevent patrons from parking in the 4 parking spaces designated for the service window.

Mr. Patten stated that there would be no parking signs installed to prevent customers other than those being served by the window from parking in those spaces.

Chairman Strother asked Mr. Patten how they proposed to anchor the supports for the awning into the ground.

Mr. Patten stated that the supports for the awning would be anchored into concrete with bollards to prevent cars from running into them.

Commissioner Hinton asked Mr. Patten if he was aware of the ARB's comments.

Mr. Patten stated yes, he was aware of the comments and would address them accordingly.

Commissioner Brooks asked Mr. Patten if there had been any comments from the personnel at the Library.

Mr. Patten stated he had not specifically spoken to any of the library staff, but it was his client's intent to encourage pedestrian traffic between the library and the coffee house.

At the request of the Commission, Pat Bonds, Director for the Cedar Hill Library stepped up to the podium to comment on this proposal. She stated she was in support of the project. She also stated that there had been some discussion about installing a pathway to make it easier for patrons to walk back and forth from the library to the coffee house.

Chairman Strother asked Mr. Patten if there would be entertainment on the outdoor deck.

Mr. Patten stated no, not at this time.

Commissioner Hamilton thanked Ms. Bonds for her input.

The Commission also noted the receipt of a letter in support of this project from Phillips Properties.

A motion was made by Commissioner Hinton to approve Case number 08-32, subject to the following staff comment: 1) protect the awning's supports from damage with elevated islands, bollards or masonry supports; and the following recommendations of the ARB: 1) the proposed canvas awning shall be gable-style, constructed at a pitch to match that of the front porch roof and be connected to the proposed door and landing to be placed at the west side of building; 2) any signage on the awning shall be in conformance with sign ordinance; 3) awning shall be hunter or forest green in hue. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 7– Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Brooks, Saldana, Hamilton, and Hinton.

Nays: 0

Chairman Strother declared the motion carried.

VI. Case Number 08-27 – Review and consider the Site Plan of Lot 1, Block A, Tri-City Municipal Complex Addition, showing a 9,274 sq. ft. building on 20.917-acres of land out of Abstract 435, located at 1150 E. Pleasant Run Rd. *Requested by David Duman of Quorum Architects.*

David Duman of Quorum Architects, 707 West Vickery, Suite 101, Ft. Worth, TX 76104 stepped forth to present this request and answer any questions from the Commission.

Mr. Duman stated that they have worked closely with city staff on this project. The front entrance element is constructed of a cementitious material and is designed in the shape of a doghouse. The outdoor courtyard has five dog runs. This is designed to increase the dog's activity, which will help with the overall health and wellbeing of the animal, plus provide a place for customers interested in adoption to visit with and get to know the dogs.

Additionally, Mr. Duman stated that they are proposing a 50 ft. landscape buffer instead of a masonry-screening wall; otherwise they would have to cut down more trees and this would further increase their tree mitigation.

Commissioner Hinton asked Mr. Duman how tall was the building.

Mr. Duman stated that the building is approximately 25-30 ft. to the rooftop.

Vice-Chairman Rush wanting further clarification on the lighting plans, asked City Planner Leslie Price about the Dark Sky compliance comment in her report.

Ms. Price stated that to her knowledge the site plan had not been revised to show that the lighting plan was in conformance with Dark Sky standards.

A motion was made by Commissioner Hinton to approve Case number 08-27, subject to the following staff comments: 1) revise the site plan to relocate any trees shown in the ROW to elsewhere in the street-yard; 2) payment of tree mitigation; 3) use of alternative building materials on the front porch of the building; 4) allow a 50-ft. conservation buffer in lieu of a masonry screening wall; and 5) revise plans to ensure compliance with the City's current lighting standards, including Dark Sky standards. The motion was seconded by Vice-Chairman Rush. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Brooks, Saldana, Hamilton, and Hinton.

Nays: 0

Chairman Strother declared the motion carried.

VII. Case Number 08-34 – Review and consider the Preliminary Plat and Plans of Lot 1, Block A, Westar Addition, being 26.959-acres of land out of Abstract 1515, located at 777 Westar Lane. *Requested by Norman Patten of Norman Patten & Associates.*

Norman Patten of Norman Patten & Associates, 701 West Beltline Road, Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Patten stated that the owners of this facility have received a new contract for services and therefore must expand to accommodate the contract.

Commissioner Brooks asked the applicant if he was aware of staff's flood plain comment.

Mr. Patten stated that he was aware of the flood plain comment and at this issue is receiving their full attention. This particular creek has not previously been studied. The only information available is from FEMA maps, but they do not coincide with City topo maps. We should have some additional more detailed information to City staff within two weeks.

A motion was made by Commissioner Brooks to approve Case number 08-34, subject to the following staff comments: 1) all reference to any analysis of the flood plain should be removed from the face of the preliminary plat; 2) note stating that no impedance is placed in the proposed drainage easement or the drainage easement containing the 100-year flood plain; 3) note stating that the final decision on the methodology used to analyze the flood plain will be made by the City; and 4) allow a 50-ft. conservation buffer in lieu of a masonry screening wall.

After some discussion regarding staff's comments and seeing that the issue of screening is not related to preliminary plat approval, Commissioner Brooks amended her motion to strike her remark about the screening wall. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Brooks, Saldana, Hamilton, and Hinton.

Nays: 0

Chairman Strother declared the motion carried.

VIII. Review and discussion of 2007-2008 draft Comprehensive Plan

Don Gore, City Planner, stated that staff just received, today, August 4, the redline version, of the Comprehensive Plan from the Consultant. He stated that staff has conducted a quick review of the redline version and will be prepared to discuss it in more detail with the Commission at the next P&Z meeting.

One of the most notable changes is in Chapter 5, with respect to the issue of light pollution. City staff has reviewed some previously compiled data on this subject and incorporated it into the Plan.

Vice-Chairman Rush stated that he liked what he's reviewed so far, relative to the Dark Sky lighting standards. He suggested adding to the narrative in Chapter 5 the bold print from staff's report.

Mr. Gore stated that staff would provide the Commission with copies of the redline Comprehensive Plan prior to the next P&Z meeting, which would allow them time to review the changes and be prepared to discuss any questions, comments or concerns that they may have at our next meeting.

Rod Tyler, Director of Planning, stated that the timeline originally presented to the Commission two weeks ago has changed. An updated schedule will be discussed at the next P&Z meeting

IX. Staff Report

Leslie Price, City Planner, reviewed with the Commission recent submittals and upcoming agenda items.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:15 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary
