
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 18, 2015

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, August 18, 2015 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: Chairman Theresa Brooks, Vice-Chairman Bill Strother, Commissioners: Timothy Hamilton, Michael Deeds, Adriane Martin, Lisa Thierry (arrived late) and Gehrig Saldana

City Staff members present: Don Gore, Senior Planner, Colby Collins, Planning Intern and Sharon Davis, Executive Secretary.

I. Call the meeting to order

Chairman Brooks 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. Approve the minutes of the August 8, 2015 regular meeting

A motion was made by Commissioner Deeds and seconded by Commissioner Hamilton to approve the minutes of the August 8, 2015 regular meeting. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother, Commissioners, Martin, Deeds, Hamilton, and Saldana

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case No. 15-18 – Conduct a Public Hearing and consider a request for a conditional use permit for a funeral home or mortuary within the Local Retail District on Lot 1, Block A, Canyon Properties Addition, being 1.9405 acres, more commonly known as 1395 N. Hwy 67.

Mr. Don Gore, Sr. Planner delivered the staff report by stating the applicant intends to utilizing an existing 8,270 sq. ft. building located at 1395 J Elmer Weaver Freeway as a funeral home. There will be no exterior alternations other than a 10' canopy added to the western elevation as well as a 78' porte cochere along the southern elevation. The property is zoned "LR" Local Retail. The letter of intent indicates the proposed funeral home will provide traditional burial services from 9:00 am to 9:00 pm Monday-Saturday. The landscape plan shows a combination of a 6'

masonry screening wall and 3" caliper trees along the western property line adjacent to the Winter Haven Subdivision.

The landscape plan shows the parking area to be screened by intermittent and not continuous dwarf Buford Hollies along Hwy 67. The Zoning Ordinance requires parking areas to be screened with a berm, masonry wall, or continuous landscape hedge minimum 3 feet in height from the right-of-way. Staff recommends the landscape plan be revised to show a continuous landscape hedge screening. The landscape plan also shows a combination of a 6 foot masonry screening wall and 3" caliper trees along the western property line adjacent to the Winter Haven Subdivision. The Zoning Ordinance requires a masonry screening device of at least 6 feet in height between non-residential districts and residential districts. Staff would like to see the species and the number of trees needed for the screening. The submitted site plan does not provide the linear length of the pews. The parking regulations require one (1) parking space for every 200 sq. ft. and one (1) parking space for every four (4) seats. Staff recommends applicant revise the parking table to provide the linear pew length and that parking has been provided as per ordinance. The site plan shows additional parking resulting in an increase in runoff. Staff recommends the applicant provide a grading plan showing the site drains appropriately. Staff cannot recommend approval at this time.

Commissioner Thierry arrived at 6:09 pm.

Mr. Derick Jennings, 4228 S. Lancaster Road, Dallas indicated they had been in business for the last 9-1/2 years. There is a need for death care in the City of Cedar Hill. The applicant is willing to adhere to what is needed to make sure all the codes and regulations are met. The applicant believes the property location will provide economic growth as well as excellent visibility for business. The activities of the funeral home would not be visible to the neighbors.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

Mr. David Thomas, Tegrus Construction, 1395 N. Hwy 67, noted the facility was built in 1997 and was used to store their construction equipment. There are currently two fences and shrubs and trees that are 12' high along the property line. He stated that they were currently cleaning up the yard and would like to recommend approval of the funeral home. He stated he thought it would be a great addition to the City.

Mr. Regional Sharp, Sharp & Henderson Consulting Service, P. O. Box 763968, Dallas, stated there is an existing screening wall and will be providing an additional masonry screening device to the front of the property and will be adding a screening wall to the back of the property to accommodate the residence from viewing the funeral home and is in favor of the funeral home.

There being no one else approach, Chairman Brooks closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition of this request.

Mr. Phillip Campbell, 1014 Grover Court, had the following concerns: the negative impact on property value, the increase in traffic, the psychological distress, environmental impact such as sharing the same sewer system.

Ms. Tiffany Jones, 1034 Ruth St, owns the home that is adjacent to the property line. Applicant did some research and found there could be a 15% reduction in property value. The funeral home could add a crematory at a later date. The environmental impact is also a concern. There's also the concern that living in a second story home, you could still see over the screening and see the activity of the funeral home.

Ms. Michelle McNeill, 1331 Shields Ave, was concerned that notifications were not sent to everyone in the subdivision since it will affect everyone's property not just the properties that are adjacent to the subject property. She noted that she would have never bought her home if she knew there was going to be a funeral home. The applicant requested that boundaries be put in place in making a crematory or do further studies of how the quality of air and water could affect the environment.

Ms. Lavonda Washington, 1030 Ruth St., had concerns with property value and the noise from the increase in traffic in the area. There's also the concern that living in a second story home, you could still see over the screening and see the activity of the funeral home.

There being no one else approach, Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

Commissioner Deeds had several questions and concerns for the applicant. He asked the applicant if they had done any research pertaining to the impact of the presence of a funeral home to the adjacent neighborhoods. Was this the only location that the applicant found acceptable in Cedar Hill. Also there were concerns of the environmental factors in the operation of a funeral home such as the release of mercury or amalgams. In the process of preparation of a body for services, does the applicant have any environmental concerns that have been addressed to them. Are the chemicals used in preparation of the body stored onsite. Are they disposed of in the public system. The chemicals that are injected into the body are they released into the environment.

Mr. Jennings indicated they had not done any research on the impact of funeral homes with the adjacent neighborhoods. The proposed location for the funeral home is the only acceptable site at this time. They are not aware of any environmental concerns at this time. All funeral homes use the same disposal as the rest of the City. The drainage from the building will be separate from the Cities. The chemicals used for the embalming process are injected into the body only, not disposed in the public system.

Mr. Sharp indicated the State mandates that any type of embalming fluids be disposed in a separate system from the City. It does not go into the sanitary system. It is two separate systems.

Chairman Brooks asked where the chemicals go if not into the sanitary system.

Mr. Sharp indicated the chemicals go into a filter type system before going into the Cities sanitary system.

Commissioner Deeds asked if the Lancaster location had a filtration system.

Mr. Jennings said no but the new location would have a filtration system and would be below grade.

Chairman Brooks stated that she felt there were no environmental concerns that will affect the surroundings but more of a concern of funeral homes in general coming into their neighborhoods.

Mr. Jennings indicated everything is done from inside the funeral home. There will be a garage so the only thing neighbors would see would be people coming and going from the funeral home and a maybe a closed casket.

Ms. Chandra Jennings indicated they follow the rules and regulations set by the State, the Texas Funeral Commission and OSHA.

Commissioner Deeds asked if the funeral home could come back at a later date and add a crematory.

Mr. Gore indicated at this time it is not permitted unless in conjunction with a cemetery.

Chairman Brooks asked if the funeral home would ever have a Sunday service. She suggested they address that and felt it was a seven day a week operation.

Mr. Jennings indicated there could be a few visitations on Sunday.

Commissioner Thierry indicated in the best interest of the commission and public that she would be abstaining.

Commissioner Deeds made a motion to recommend denial of Case 2015-18. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 4 – Commissioners Deeds, Martin, Saldana, and Hamilton

Nays: 2 –Chairman Brooks and Vice-Chairman Strother

Abstain: 1 - Commissioner Thierry

Chairman Brooks declared the motion carried.

- IV. Case No. 15-19 – Conduct a Public Hearing and consider a request for a proposed amendment to the text of the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended), by adding a definition of “Crematory” and adding it as an authorized land use within certain zoning districts.**
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Mr. Don Gore, Sr. Planner delivered the staff report by stating the applicant is requesting an amendment to the Use Regulations within the Zoning Ordinance to allow for crematories as a use by right within the Industrial District. Also proposed are amendments to add a parking group, as well as a definition of the use. Currently, the zoning ordinance does not allow crematory use unless it is conjunction with a cemetery. Staff conducted a survey of our 13 cities to see if the request was inconsistent with the rest of the surrounding cities in the Metroplex. Mr. Gore went over the results of that survey. The impact on adjacent property owners is minimal as there is very little odor or noise emitting from a crematorium. During the incineration of a body the gases released during the process are discharged through an exhaust system. There is a 4 foot stack on top of the structure that emits those exhaust fumes which are regulated by the Texas Commission on Environmental Quality. The City does not get involved with those regulations. Staff recommends approval of this request.

Mr. Mike Cunningham, 3043 Trevino, Grand Prairie, came forth requesting a text change to allow crematories within the Industrial District and currently has a location in mind. In operating a crematory, there are minimum fumes through the exhaust stack such as water vapor and carbon dioxide. There was a report that was done in Florida that goes into the emission and environmental impact of a crematory.

Mr. Clay Wilkinson, 1103 Pioneers Court, Mansfield, stated they are currently interested in a standalone facility in the industrial district. In the 13 cities that were surveyed, most require a conditional use permit to allow for crematoriums typically as an incidental use to funeral homes. We It was the applicant's understanding that Cedar Hill uses the 13 cities stated in doing their surveys but if you look as to what is customary in the metroplex; it is a use by right in Fort Worth, Arlington, the City of Grand Prairie and many other cities. The reason most ordinances don't deal with crematories is because as a standalone facility it is a new and modern concept. In the next couple of years there will be a need for standalone crematories in that funeral homes are normally in residential areas which crematories are not permitted. We The applicant felt it should be a use by right. He stated that it seems like an acceptable use without being a nuisance to the community.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

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

Mr. Darren Heitman asked that due to the type of business and the potential decrease in property value that the verbiage be changed to require a CUP in the Industrial district.

There being no one else approach, Chairman Brooks closed the public hearing and opened the floor for discussion among the Commissioners.

Commissioner Deeds had a concern with the mechanical process and how is the environment protected from emissions in the atmosphere.

Mr. Cunningham stated there is a computer system in place that monitors the facility and will shut the crematory down if there is a malfunction. In the cremation process, all that is emitted is smoke that is burned a second time and that is what is exhausted out of the smoke stack and into the air. That is what the after burner is for. What is exhausted is carbon dioxide and water vapor.

Chairman Brooks asked if there would be an issue with mercury and amalgam emitted into the air.

Commissioner Hamilton asked if there would be a smell in the air from the emissions.

Mr. Cunningham stated that the issue with mercury and amalgam are being explored but so far it is not an issue. There would not be a smell from the emissions.

Commissioner Deeds asked if there was a benefit of having a crematory in Cedar Hill. He stated he did not have an issue with a crematory but didn't think they should be permitted by right in the industrial district but each applicant by a CUP.

Mr. Cunningham stated they would contract with a funeral home to provide their cremation service. The benefit would be adding more jobs and business to the City. There will be no dealing with the general public, only operate with the funeral home.

Commissioner Hamilton made a motion to recommend the Zoning Code be amended to allow crematories under a CUP in the Industrial Zoning District. The motion was seconded by Commissioner Deeds. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother and Commissioners Deeds, Martin, Saldana, and Hamilton

Nays: 1 –Commissioner Thierry

Chairman Brooks declared the motion carried.

VI. Case 15-20 - Review and consider the Final Plat and Civil Plans of Lots 1, 2, and 3, Block A, Primax Addition, creating three (3) non-residential lots on 7.063 acres out of Abstract 304, located near the southeast corner of S. Clark Road and E. Belt Line Road; *requested by D. Chris Neill on behalf of Primax Properties.*

Mr. Don Gore, Sr. Planner delivered the staff report by stating the applicant is proposing to plat 7,063 acres creating three (3) non-residential lots and dedicate the necessary easements for the development of these lots. The final plat complies with all policies, ordinances and plans of the City. The only issue is the Thoroughfare Plan shows Belt Line Road and Clark Road as a 4-6 lane divided Principal Arterial requiring 112' of right-of-way. The proposed plat shows the right-of-

way of 100 ft. However, staff would recommend the applicant show the iron rod found across the street to verify the width of the right-of-way of Belt Line Road and Clark Road. Staff recommends approval with this condition.

Mr. Chris Neill, 1100 E. Mooreland St., Charlotte, NC came forward as the applicant to present his request and answer any questions.

There were no questions by the Commission.

Commissioner Deeds made a motion to recommend approval of Case 15-20 subject to the applicant showing property pins across the streets. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

Ayes: 7-Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Saldana, Thierry and Martin

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VII. Case 15-17 - Review and consider the Site Plan of the Advance Auto Parts, on Lot 1, Block A, Primax Addition, generally located near the southeast corner of N. Clark Road and E. Belt Line Road; *requested by D. Chris Neill on behalf of Primax Properties.*

Mr. Don Gore, Sr. Planner delivered the staff report stating the applicant is proposing to construct a 6,864 sq. ft. retail building. They have provided the necessary landscaping, parking and drainage facility. Staff recommends approval as it complies with the City's plans, policies and ordinances.

Mr. Chris Neill, 1100 E. Mooreland St., Charlotte, NC came forward as the applicant to present his request and answer any questions.

There were no questions by the Commission.

Vice-Chairman Strother made a motion to recommend approval of Case 15-17. The motion was seconded by Commissioner Martin. The vote was as follows:

Ayes: 7-Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Saldana, Thierry and Martin

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VIII. Discuss Interim Zoning Plan for Downtown Properties

Mr. Don Gore, Sr. Planner walked through what the Commission had talked about at the last

P&Z meeting. The intent is to make sure there are no industrial type uses potentially come in and be in conflict or inconsistent with the City Center Plan and to allow some of the OT district to come in these areas. The proposed district would be divide the northern area into the Old Town Square, the middle section into the Old Town Corridor and the southern area into Old Town Residential.

The Commission was happy with the proposed district changes.

Mr. Gore indicated the proposal will go to City Council to brief and write up an ordinance and then come back to P&Z for review.

IX. Staff Reports and Discussion Items

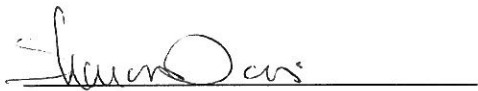
1. Recent Submittals

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:32 pm.



Theresa Brooks
Chairman



Sharon Davis
Executive Secretary
