
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of March 20, 2012

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, March 20, 2012 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Present: Chairman Theresa Brooks, Vice-Chairman Bill Strother and Commissioners Lisa Thierry, Stephanie Freeman, Gehrig Saldana and Tim Hamilton.

Absent: None

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:04 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 February 21, 2012 regular meeting

A motion was made by Commissioner Hamilton to approve the minutes of the February 21, 2012, with a minor correction. The motion was seconded by Commissioner Freeman. The vote was as follows:

Ayes: 5- Chairman Brooks, Vice-Chairman Strother and Commissioners Thierry, Freeman and Hamilton.

Nays: 0

Abstention: 1 - Commissioner Saldana

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 12-01 - CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit to operate an audio recording studio retreat within a "SF-E" (Single-Family Estate) zoning district, located at 1737 Valley View Lane. Requested by Brian Woods.

Dr. Brian Woods, 1737 Valley View Ln. Cedar Hill, TX 75104 stepped forth to present this request and answer any questions from the Commission.

Dr. Woods stated that last fall they applied for a text amendment to the zoning code to allow for this use conditionally within a single-family estate zoning district.

He stated that they intend to add 1 parking space but would like to retain the residential feel to the property, so they do not want to pave the entire 13 required parking spaces and will seek a variance to this requirement. With respect to fire protection, they have on-site a well based system and will provide evidence that this system can support adequate pressure and fire protection for the site. With respect to the Fire Marshal's comments, the bridge accessing the property is an old Dallas Co. bridge and they intend to provide an engineering report stating the bridge can support a fire truck.

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 any one wishing to speak in opposition.

1. Al Armistead – 2004 Valley View Ln, Cedar Hill, TX 75104 – Mr. Armistead stated that he has lived at this residence since 1987 and does not want a business adjacent to his neighborhood. Having a business in a residential area could possibly hurt property values. Also, Mr. Armistead stated that the Homeowners Association (HOA) does not allow businesses in this neighborhood. The previous property owner was given access to this property through an easement owned by the HOA and at that time, the HOA was assured that the property would be used for residential purposes only. He also cited increased traffic as a concern. Finally, Mr. Armistead asked for those in the audience who were opposed to this request to stand. 16 people stood.
 2. Tom Kelly – 804 Tangleway Ct., Cedar Hill, TX 75104 – Mr. Kelly stated that he does not want a business in his neighborhood. He expressed deep concern about fire protection and doesn't think a well based system is adequate. If a fire were to occur, it would place surrounding homes in jeopardy.
 3. Steve Brazill - 1912 Pecan Ridge Ct., Cedar Hill, TX 75104 – Mr. Brazill stated that he is strongly opposed to a business in a residential area. He also has concerns about fire protection.
 4. William Bozarth - 1812 Valley View Dr., Cedar Hill, TX 75104 – Mr. Bozarth stated that he is strongly opposed to having a business in a residential area. Also expressed concerns about the amount of traffic a business could generate in the area.
 5. Tamika Jones - 1736 Valley View Dr. Cedar Hill, TX 75104 – Ms. Jones stated that the entrance to this property is directly across the street from her house. She too expressed concerns about increased traffic and the impact having a business nearby would have on her property values.
 6. Mike White - 2004 Valley View Dr., Cedar Hill, TX 75104 – Mr. White stated that he would to see property values preserved. Also is concerned about traffic and does not feel it is appropriate to have a business in a residential area.
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7. Judy Bozarth - 1812 Valley View Dr., Cedar Hill, TX 75104 – Ms. Bozarth, who has resided at this location for 15 years, stated that she is strongly opposed to having a music studio in a residential area. She also stated that the driveway accessing this property is very narrow and does not believe it can support a fire truck.

Chairman Brooks closed the public hearing and opened the floor for discussion.

Commissioner Freeman asked the applicant why they chose this site.

Dr. Woods stated that the 4 principal owners purchased this property in August of 2010, with the intention of storing and using their music equipment. They would like to add a room for audio recording. In response to concerns about traffic, he stated that the amount of traffic being generated now is the same as it has been since 2010. They do not want to install paved parking space, for their purposes they don't need parking; they want to preserve the site as residential in nature. Additionally, the remote location of the house, being far away from adjacent homes, seemed like a good place to store our equipment. He pointed out the zoning on this property is residential; we want it to remain residential.

Commissioner Freeman asked the applicant to explain the term "retreat", as it relates to this request.

Dr. Woods stated that they do not need a place for other to rent the studio to record music. They chose the word "retreat" after speaking with city staff. The primary purpose is for personal use and for the site to remain a residence.

Vice-Chairman Strother asked the applicant if they had right of use of the access drive, since they do not own it.

Dr. Woods stated that he believe this access easement was deeded separately and he has paid taxes on the easement.

Commissioner Hamilton asked the applicant when they intend to provide the two engineering requests, regarding whether or not the well based system could produce a water supply for fire protection as well as a report showing the bridge accessing the property can support a fire truck.

Dr. Woods stated that they understand all this information must be provided prior to the issuance of a building permit. Additionally, he stated that he would like to meet with the HOA and some of the other property owners to help alleviate their concerns. He requested the Commission table this request so they can meet with the adjacent property owners.

Commissioner Saldana commented that he believes taking time to meet and discuss this with the adjacent property owners is a wise decision.

Chairman Brooks, commented to city staff, if they [city staff] made a recommendation for approval, the Commission does not necessarily need to adhere to that recommendation.

Commissioner Thierry asked the applicant if he was a member of the HOA.

Dr. Woods stated that he doesn't know if they are members or not. He stated that they have not paid any dues to the HOA.

Chairman Brooks asked the applicant if they intent to have overnight guests at the property.

Dr. Woods stated yes, occasionally they may have overnight guests; however, he stressed this is not an option they would market or advertise.

Chairman Brooks stated that the Conditional Use Permit (CUP) stays with the property; therefore, if this owner leaves, another might come in and operate the same use. Additionally, she stated that she stands behind the need for parking.

Commissioner Hamilton asked the Commission to table this request to allow the applicant time to meet with the community.

Chairman Brooks stated she feels tabling the request is the appropriate thing to do.

Dr. Woods stated that he did not realize that a CUP is associated with the land and asked if there is any way to waive that in this instance.

Rod Tyler, Director of Planning stated that this is a land use matter; therefore, the standard could not be waived.

A motion was made by Commissioner Hamilton to table this request until the applicant meets with the community group to discuss their concerns. The motion was seconded by Commissioner Saldana.

Prior to the vote, Mr. Tyler informed the Commission that since the public hearing has been closed, no additional notice or public hearing will be associated with this request, but that at the direction of the Commission, staff could re-advertise [a public hearing] for this request.

Chairman Brooks stated that she would like it if the public had another opportunity to speak regarding this request.

Mr. Tyler stated that the City will not re-notify for this request until instructed to do so by the applicant.

The vote was as follows:

Ayes: 4 – Chairman Brooks, Vice-Chairman Strother and Commissioners Saldana and Hamilton.

Nays: 2 - Commissioners Freeman and Thierry.

Chairman Brooks declared the motion carried.

V. Case No. 12-05 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit to operate second-hand store within a “LR” - Local Retail zoning district, located at 320 S. Clark Road, Suites F, G & H. Requested by Sandy Eddy on behalf of the Cedar Hill Food Pantry.

Sandy Eddy, 934 Cresthill Dr., Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Ms. Eddy stated that they would like to expand their existing operations into another lease space. Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

1. Gordon Farerber - 736 Monique Ct., Cedar Hill, TX 75104 – Mr. Farerber, a member of the Board of Directors for the Cedar Hill Food Pantry, stated that they have appliances and furniture currently in storage that they would like to sell, but cannot because they did not have enough space to display these large items in the store. Currently the larger items, as well as a sizable donation of tools and other items from Wal-Mart, are being housed in 2 storage units because they have outgrown our existing storefront.
2. Larry Meyne - 1016 Lighthouse Ct., Grand Prairie, TX, also a member of the Board of Directors for the Cedar Hill Food Pantry, stated that in January and February of 2012, they have seen a huge increase in the number of people coming in to receive food and other household items. The need for assistance Mr. Meyne said is growing rapidly, and they need to expand their resale store operations to support this increase.

Chairman Brooks closed that portion of the public hearing and opened the floor for any one wishing to speak in opposition.

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion.

Commissioner Hamilton stated that he applauded the efforts of the Cedar Hill Food Pantry in assisting the citizens of Cedar Hill.

Chairman Brooks concurred with Commissioner Hamilton and thanked Ms. Eddy and the volunteers at the Food Pantry and New 2 You for their hard work.

A motion was made by Vice-Chairman Strother to approve Case No. 12-05, as presented. The motion was seconded by Commissioner Freeman. The vote was as follows:

Ayes: 6 – Chairman Brooks, Vice-Chairman Strother and Commissioners Freeman, Thierry, Saldana and Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

VI. Staff Reports & Discussion Items

1. Recent Submittals

This item was covered during the briefing session.

VII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:10 p.m.

Theresa Brooks
Chairman

Belinda L. Huff
Development Services Coordinator
