
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of March 16, 2010

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, March 16, 2010 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, Wallace Swayze, Gehrig Saldaña and Tim Hamilton.

Absent: Commissioner Theresa Brooks

I. Call the meeting to order

Chairman Mason called the meeting to order at 6:03 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 February 16, 2010 meeting

A motion was made by Commissioner Strother to approve the minutes of the February 16, 2010, as amended during the briefing session. The motion was seconded by Vice-Chairman Hinton. The vote was as follows:

Ayes: 4 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother and Hamilton.

Nays: 0

Abstention: 2 - Commissioners Saldana and Swayze.

Chairman Mason declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 09-11 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit (CUP) for a (Private) Nature Center within an "SF-E" - Single Family Estate Residential zoning district, being 293.58-acres of land, generally located south of FM 1382, between Northwood University and Mobley Road. *Requested by Brent Brown of Brown Architects, on behalf of Audubon Texas.*

Dan Finnell of Brown Architects, 2814 Main Street, Suite 102, Dallas, TX 75226, along with Chris Culak of Audubon Texas, 2502 Marvin Ave, Dallas, TX 75211 stepped forth to present this request and answer any questions from the Commission.

Mr. Culak stated that they are seeking approval of their revised site plan for Audubon/Dogwood Canyon.

Commissioner Strother made a motion to remove this item from the table. Vice-Chairman Hinton seconded the motion.

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

No one spoke.

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

1. Joe Beard, 9534 Loma Vista Dr., Dallas, TX 75243

Mr. Beard stated that, even with the revised site plan, he still has some issues with this project. The revised site plan still shows trails on his property. He would like assurance that this project will not impact his property in any way.

Vice-Chairman Hinton asked Mr. Beard if he has contacted Brown Architects or the Audubon to share with them the information, i.e. recorded deeds showing the encroachment onto his property.

Mr. Bread stated that he has not spoken to the applicants, he was under the impression they would be contacting him prior to tonight's meeting. He stated that he'd like to see a 200 ft. trail buffer to all residential property lines. He also voiced concerns about the safety, referring to the Audubon's plans for school children to visit and hike the trails, stating that there is a rattlesnake den in the vicinity of proposed trails.

2. MC Crivello of Pyramid Realty, 350 Oaks Trail #210, Garland TX

Mr. Crivello stated that he and his business partner owned approximately 31 acres near the Audubon's proposed trail area. He presented a concept plan for a possible future development of single family lots. He stated that there is an easement from their property to Mobley Rd. that is not shown on the Audubon's site plan. He wants assurance that this easement will not be disturbed and they will have the opportunity to develop their property if and when they so desire.

Vice-Chairman Hinton asked Mr. Beard and Mr. Crivello to provide all of their documentation to the applicants.

3. Malvin Johnson, 1119 Mobley Rd., Cedar Hill, TX 75104
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Mr. Johnson stated that he is not really opposed to the proposed project; however, he does have an issue with the placement of the trails. He stated that the plans seem very vague and that the 50 ft. buffer as specified on the Audubon's plan isn't adequate. He would like to see something formal and in writing as to what the applicants are proposing and where exactly the trails are to be located.

4. Al Daneshian, 350 Oaks Trail #210, Garland, TX 75043

Mr. Daneshian stated that he owns 8 acres and with a business partner owns an additional 23 acres. He stated that they have an easement from their property to Mobley Rd. and wants to ensure that their easement would not be affected by this request. He stated that he does not want people crossing their easement.

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

Mr. Culak, along with Dan Finnell, returned to the podium to address the comments from the Commission and members of the audience.

Mr. Culak, referring to their revised exhibit, stated that they have met with the City and the County and received letters of permission from each to develop and use their property. He stated that they have not seen any of documents or exhibits presented this evening by the adjacent property owners. He said that in some instances the 50 ft. buffer may not be adequate and they are willing to make adjustments as they develop the trails. He stressed that they have complied with the all requests and requirements of the City and are will work with the adjacent property owners and their concerns.

Vice-Chairman Hinton asked the applicant how they proposed resolve the conflicts the adjacent property owners have, specifically with the deeds showing encroachment onto their property. The rationale behind tabling of this CUP request was to allow time to get in contact with those property owners and work out these discrepancies.

Mr. Culak stated that they are willing to revise the buffer zone as they develop the site. Fifty feet will be the standard that is written down on their plans, but they understand that there can and will be adjustments made as they construct the trails. Also he stated that in some areas, the natural topography and grade differences provides an additional natural buffer.

Commissioner Swayze posed a question for City Staff, asking if there was a policy regarding buffer zones located near the escarpment. In other words, because of the unique topographical features of the escarpment, is there a standard or guideline for buffer zones?

Don Gore, City Planner, stated that there is not a policy governing buffer zones located near the escarpment.

Vice-Chairman Hinton, also directing this question to City Staff, asked that, based on Commissioner Swayze's comment; can the P&Z make a recommendation specifically related to the buffer zone and its location near the escarpment?

Mr. Gore stated that he Planning & Zoning Commission can make such a recommendation.

Commissioner Hamilton commented that he would like to see a resolution to this matter that would make everyone happy.

Chairman Mason asked the applicants how they verify property lines.

Mr. Finnell stated that they rely on Dallas County Appraisal District to verify property lines.

Chairman Mason asked how they verified easements or deeds.

Mr. Finnell stated that they would verify easements or deeds through their surveyor or civil engineer.

Commissioner Hamilton stated that he would like to know just how many easements or right-of-way documents that are unaccounted for.

Mr. Culak stated that they were unaware of the documents presented tonight.

Chairman Mason asked the applicant if, as the project progresses, do they intent to contact the adjacent property owners?

Mr. Culak replied yes, as we develop the trails, we will contact the property owners.

Chairman Mason asked how long would it take to design and build the trails.

Mr. Culak stated that construction of the visitor center building would commence first, within the next 6 months, as well as some trails located near the building. Full development of trails would occur in about 2 years.

Chairman Mason asked the applicant if they are aware of City staff's comments regarding mitigation of tree loss and City Council's approval of the alternative masonry material.

Mr. Culak stated that they are aware of these issues.

A motion was made by Vice-Chairman Hinton to approve Case No. 09-11, subject to the applicant obtaining City Council approval for the use of fiber cement siding material, applicant providing the number of trees to be removed and proposed mitigation of said tree loss and appropriate easements, Right-Of-Ways and any other any property issues being accounted for and corrected. The motion was seconded by Commissioner Strother. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

V. Case No. 10-01 – Review and consider the Site Plan of 327 Houston St. Requested by Susan Crenshaw.

Susan Crenshaw, 327 Houston St. Cedar Hill, TX 75104, stepped forth to present this request and answer and questions from the Commission.

A motion was made by Commissioner Strother to approve Case Number 10-01, as presented. The motion was seconded by Commissioner Swayze. The vote was as follows:

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

Nays: 0

Chairman Mason declared the motion carried.

VI. Staff Reports

1. Recent Submittals
2. Electronic Agenda Packets & Planning Website

Don Gore, City Planner, reviewed with the Commission recent submittals and upcoming cases.

Mr. Gore then asked the Commission for their feedback on the electronic P&Z packets

Commissioner Swayze stated that he really like the format, particularly having the agenda item wording pasted into the body of an email, so that he can quickly see what the Commission would be considering.

Vice-Chairman Hinton stated that he also really liked the electronic packets.

Chairman Mason stated that he liked having the paper packets in addition to the electronic packets.

Mr. Gore then briefly reviewed with the Commission the Planning page on the City's website. He asked them to be prepared at the next P&Z meeting to comment on their likes and dislikes and also offer any suggestions on changes to content or form.

VII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:08 p.m.

Stephen Douglas-Mason
Chairman

Belinda L. Huff
Planning Secretary
