

MINUTES
PLANNING AND ZONING COMMISSION
Meeting of September 15, 2008

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, August 18, 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 6:05 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 18, 2008 regular meeting

A motion was made by Vice-Chairman Rush to approve the minutes August 18, 2008 regular meeting, with the changes noted during the briefing session. 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.

III. Citizens Forum

No one spoke

IV. Case Number 08-35 – CONDUCT A PUBLIC HEARING and consider a request for a **Conditional Use Permit to sell Alcoholic Beverages** in conjunction with a restaurant within Planned Development District No. 05-226 for Local Retail uses, located in Uptown Village at 305 West F M 1382, Suite 316, Cedar Hill, Texas. *Requested by Gary Van Gundy on behalf of Patrizio's Restaurant.*

Gary Van Gundy, President of Bailey & Bailey Restaurants, L.P., 13355 Noel Road, Suite 1820, Dallas, TX 75240 along with Allison McClendon, Special Events & Marketing Manager, stepped forth to present this request and answer any questions from the Commission.

Mr. Van Gundy gave a Power Point presentation illustrating building elevations and a brief history of the restaurant.

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.

Vice-Chairman Rush, referring to a comment Mr. Van Gundy made during his presentation, asked what type of training the restaurant's staff would receive regarding the service of alcoholic beverages.

Mr. Van Gundy stated they had a third party company that provides the TABC mandated training program to all restaurant employees.

Vice-Chairman Rush also asked Mr. Van Gundy if valet parking would be available at Patrizio's.

Mr. Van Gundy stated no there will not be valet parking available at Patrizio's, only at Bailey's Steakhouse.

Commissioner Mason made a motion to approve Case number 08-35, as presented. Commissioner Hamilton seconded the motion.

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 08-38 – CONDUCT A PUBLIC HEARING and consider a request for a **Conditional Use Permit to sell Alcoholic Beverages** in conjunction with a restaurant within Planned Development District No. 05-226 for Local Retail uses, located in Uptown Village at 305 West FM 1382, Suite 314, Cedar Hill, Texas. *Requested by Gary Van Gundy on behalf of Bailey's Prime Plus Steakhouse.*

Gary Van Gundy, President of Bailey & Bailey Restaurants, L.P., 13355 Noel Road, Suite 1820, Dallas, TX 75240 along with Allison McClendon, Special Events & Marketing Manager, stepped forth to present this request and answer any questions from the Commission.

Mr. Van Gundy gave a PowerPoint presentation illustrating building elevations and additional information about the restaurant.

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.

Vice-Chairman Rush made a motion to approve Case number 08-38, as presented. Commissioner Saldana seconded the motion.

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.

VI. Case Number 08-43 – CONDUCT A PUBLIC HEARING and consider the proposed 2008 Comprehensive Plan.

Dan Sefko, of Freese & Nichols, 1701 North Market Street, Suite 500, LB 51, Dallas, TX 75202, gave a PowerPoint overview to the Commission that highlighted several of the key elements of the draft Comprehensive Plan. The presentation included comparisons of the 1999 Comprehensive Plan and the proposed 2008 Comprehensive Plan.

There was general discussion from the Commission regarding land uses around Loop 9, location of proposed rail stations and the Uptown/Downtown areas.

City Planner Don Gore also briefly highlighted comparisons between the 1999 Comprehensive Plan and the proposed 2008 Comprehensive Plan. Some of the major differences he pointed out were:

- State Park Overlook
 - Transit Oriented Development
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- Downtown redevelopment
- Loop 9 corridor
- Mixed use concepts

Finally, Mr. Gore reviewed with the Commission the latest revisions made to the proposed Comprehensive Plan to ensure that all of their issues and/or concerns have been accurately addressed.

Commissioner Hinton asked if the comments regarding the anti-monotony standards been addressed.

Mr. Gore stated yes, the changes to the anti-monotony standards have been made and refereed Commissioner Hinton to Chapter 7, page 14.

Chairman Strother opened the floor for anyone wishing to speak regarding this request.

1. Sue Pope, 476 Hidden Valley Trail, Midlothian, TX. 76065

Ms. Pope stated the notice of the public hearing [meeting] was not advertised properly. Additionally, she stated that the proposed Comprehensive Plan shows many zoning changes to property throughout the City. Referring back to the 1999 Comprehensive Plan, she asked the Commission for answers as to why the zoning of her property changed. She also urged the Commission to delay making any recommendations regarding this proposed plan until they had a chance to hear from her neighbors, many of whom did not show up because they did not know about the meeting.

Chairman Strother responded by stating the process of adopting the proposed Comprehensive Plan was not over and there was still time to make changes to the document. He also suggested that she voice her concerns to the City Council.

Commissioner Brooks tried to clear up some of the misconceptions she believed Ms. Pope had relative to the proposed Comprehensive Plan, as well as further explain some of the issues the City is facing with Loop 9.

2. William Fears – property owner of 1807 Bear Creek Rd. Cedar Hill, TX 75104
Mailing address - 513 Bent Creek Rd., DeSoto, TX 75115

Mr. Fears stated that both of the proposed Loop 9 alignments will affect his property. He would like to see mixed density zoning in the areas around Loop 9.

3. Sam Allen, 1653 South Duncanville Rd. Cedar Hill, TX 75104

Mr. Allen, speaking on behalf of the South Cedar Hill Property Owners Association, read a prepared statement which expresses their opposition to Loop 9. The letter exclusively refers to their opposition to Loop 9, the Trans-Texas Corridor and the proposed widening of Bear Creek Road. *(Mr. Allen gave a copy of this document to the Planning Secretary)* Mr. Allen went on to mention that on his deed there was no disclosure of Loop 9 or of a toll road.

Commissioner Mason, wanting clarification, asked Mr. Allen if he was opposed to the proposed Comprehensive Plan or if he was only opposed to Loop 9.

Mr. Allen stated he was opposed to Loop 9.

4. Susan Clark, 349 Windy Meadow Dr. Cedar Hill, TX 75104

Ms. Clark identified herself as a member of the Comprehensive Plan Steering Committee. Ms. Clark stated that she felt the notice of public hearing was not prominent enough. She further commented that the City already has too much retail development and that she worries about overcrowding and the overdevelopment of our City. Ms. Clark did state she generally agreed with the concepts of the proposed Comprehensive Plan; however, she would rather not see any retail, office, or commercial zoning along the southern sector of Cedar Hill and along Loop 9. Finally, she stated that she would like to see the escarpment area remain undeveloped.

In response to Ms. Clark's remarks, Chairman Strother stated changes can still be made to the proposed Comprehensive Plan.

5. Maurice DuBois, 1470 Bear Creek Rd. Cedar Hill, TX 75104

Mr. DuBois stated Cedar Hill has too much retail development. Additionally, he is opposed to Loop 9.

6. Bill Haga 1380 Bear Creek Rd. Cedar Hill, TX 75104

Mr. Haga stated that over 150 property owners have signed a petition opposing Loop 9 and asked the Commission to table consideration of the proposed Comprehensive Plan. He also stated that the notice of public hearing was not clear and was inadequate.

7. Margaret DuBois 1470 Bear Creek Rd. Cedar Hill, TX 75104

Ms. DuBois stated she was against the proposed Comprehensive Plan, citing concerns about Loop 9.

Commissioner Hamilton asked Ms. DuBois if she was specifically against the proposed Comprehensive Plan or just opposed to Loop 9.

Ms. DuBois stated she was opposed to the Comprehensive Plan and Loop 9. Additionally, she did not want the zoning classification of her property to change.

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

Commissioner Mason asked Mr. Sefko to explain, for the benefit of the audience as well as the Commission, what he knew of the Trans-Texas Corridor project and Loop 9.

Mr. Sefko stated that the Trans-Texas Corridor (TTC) is a proposal by the Governor of Texas to facilitate the transportation of goods from Mexico and ultimately on into Canada. Since the proposal in 1998, the corridor's alignment has changed over time. Mr. Sefko stressed to the Commission that they should not focus too much on the Trans-Texas Corridor project, but rather the Loop 9 project. He stated that Loop 9 is imminent, whether TTC occurs or not, and that they have recommended the City opt for alignment 1, which is what he feels is best for the City. Furthermore, he stated that the City of Midlothian has recommended alignment 1 on their Thoroughfare Plan. The funding for this project is expected to come from a toll.

Commissioner Hamilton reiterated that there are two alignments proposed for Loop 9 and that, as a City, we cannot stop this project from occurring; only choose the alignment that would be more favorable to Cedar Hill.

Mr. Sefko stated that there is actually a third alternative, a "no build" option, but he believes the "no build" option is extremely unlikely.

Commissioner Hinton thanked Ms. Clark and Ms. Pope for their comments. He stated the City is trying their best to manage growth and stressed the issue of Loop 9 is just a small portion of the City's overall Comprehensive Plan. Additionally, he stated there are several things we do have control over; however, Loop 9 is not one of them.

Vice-Chairman Rush also wanted to clarify for the benefit of those in the audience; the passage of the proposed Comprehensive Plan does not mean property will be re-zoned, and as Commission Hinton stated, there are many components of the proposed Comprehensive Plan besides the issue of Loop 9. Since the current 1999 Comprehensive Plan was adopted, there have been many changes within the City and there will be many more in the future.

Commissioner Hinton made a motion to approve [accept] the proposed 2008 Comprehensive Plan, as presented. The motion was seconded by Commissioner Brooks.

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.

VII. Staff Report

Commissioner Saldana questioned Staff about the City's process of legal notification. He stated it would be a good idea to print notice of any upcoming public hearings related to the Comprehensive Plan on the water bills.

Rod Tyler, Director of Planning, with the help of Belinda Huff, Planning Secretary explained to the Commission the process of sending out legal notification to the newspaper.

Leslie Price, City Planner, reviewed with the Commission recent submittals and upcoming agenda items. She also reminded the Commission at their next meeting we will conduct the election of officers.

VIII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:55 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary