

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of November 18, 2008**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, November 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, Todd Hinton, Theresa Brooks and Gehrig Saldaña.

Absent: Tim Hamilton.

I. Call the meeting to order

Chairman Strother called the meeting to order at 6:01 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 October 20, 2008 regular meeting

A motion was made by Vice-Chairman Rush to approve the minutes October 20, 2008 regular meeting, with the corrections noted during the briefing session. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 6 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Hinton, Saldana and Brooks.

Nays: 0

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case Number 08-39 – CONDUCT A PUBLIC HEARING and consider a request for a change in zoning FROM – “LR” – Local Retail TO “PD-MF” – Planned Development for Multi-Family on 12.97-acres of land out of Abstract 1472, generally located on the northwest corner of Pioneer Trail and Uptown Blvd. *Requested by Carl Starry on behalf of Trammell Crow Residential.*

Carl Starry, Managing Director of Trammell Crow Residential, 2001 Bryan Street, Dallas, TX 75201, stepped forth to present this request and answer any questions.

Due to technical difficulties, Mr. Starry was not able to show a PowerPoint presentation to the Commission.

Mr. Starry stated this project would be branded as a “Class A” product, the highest urban residential development they build.

Mr. Starry stated that his company, Trammell Crow Residential, is the largest multi-family developer in the Country, with their headquarters located in Dallas, TX. They currently have six projects in the Dallas/Ft. Worth area, either under construction or near completion.

With this project they are attempting to create an urban, brownstone appearance with porches and stoops along Uptown Blvd. and Pioneer Trail. Amenities would include a state of the art fitness center, movie room and business center. These are many of the amenities that renters have expressed they want and/or need.

Mr. Starry went on to state this development would be a first for this southwest area of Dallas. Given the millions of square feet of existing retail space within walking distance, the Uptown Overlay area is a prime location for a horizontal mixed-use development.

The building facades would incorporate prairie style architecture, with 100% masonry, either stone or stucco. The stairways were designed to be all interior, giving the appearance of retail with the use of storefront type windows.

Additionally, they proposed with this development extensive landscaping. Their goal is to create a vibrant streetscape along Uptown Blvd. with parallel parking available on both Uptown Blvd. and Pioneer Trail.

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

1. Frank Mihalopoulos of Corinth Properties, 4645 North Central Expressway, Dallas, TX 75205

Mr. Mihalopoulos stated this project represents the final piece in creating a total mixed-use development in the Uptown area. The retail, entertainment, office, City Government Center components are all in place, the only thing left is high end, high density residential.

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

1. Tony Wright, 421 North Balfour Dr., Cedar Hill, TX 75104

Mr. Wright stated that this proposal seems like a very nice development but he is worried about criminal activity. He referred to a Dallas Morning News article, which states that many crimes occur within 100 ft. of a multi-family development. Also he is concerned that if the developer cannot attract or sustain their price point, then rents would be lowered, thereby attracting a bad element. He would like some assurances that this property will maintain its high-end standing.

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

Commissioner Hinton, referred to the applicant's proposal in the Commission's packet, asked if indeed all of the exteriors were 100% masonry.

Mr. Starry stated yes; however, Hardie Board, which is a cementeous material, is used on some of the patio areas. He understands that the standards presented to the Commission stated 80% masonry, but this project would be 100%.

Commissioner Hinton commented that there seemed to be quite a few deviations from the categorical multi-family standards outlined in the zoning code.

Mr. Starry replied that they needed the increase in density to create the urban village feel.

Commission Brooks asked the applicant if he was aware that Public Works and the Police Department were not in support their proposal of parallel parking. Also, if the on-street parking is removed, would they still be able to meet the minimum parking requirements.

Mr. Starry stated yes and as per the recommendation of the Main Street Development and Preservation Board, they will remove the parallel parking proposed on Uptown Blvd, but it will remain on Pioneer Trail.

Commissioner Brooks asked if the garages provided direct access to an apartment unit.

Mr. Starry replied, yes, about half of the units have direct garage access.

Referring back to a comment the applicant made about porches and stoops along Uptown Blvd. and Pioneer Trail, Commissioner Brooks asked the applicant, given the lay of the land, how will this be accomplished.

Mr. Starry stated that there is a dramatic drop in elevation between Uptown Blvd. and the creek, but they do not propose to flatten or grade the site. In some cases there will be 4 or 5 steps up to a porch or stoop.

Commissioner Brooks asked Mr. Starry, who would be responsible for the maintenance of the landscaping throughout this development.

Mr. Starry stated that the property management would maintain the landscaping.

Also, Commissioner Brooks asked the applicant, once this project is complete, will Trammell Crow Residential retain ownership.

Mr. Starry stated that for the first few years Trammell Crow will retain ownership of the development, but then they would sell it most likely to a large investment firm or insurance company.

Lastly, Commissioner Brooks asked if there were any plans to use the areas proposed to be in their natural state.

Mr. Starry stated yes, these areas would be graded and most likely used for a proposed trail connection.

Chairman Strother asked the applicant if the local, on-site management company would remain if and when the property was sold.

Mr. Starry stated yes. They work very closely with the management company; they maintain all their properties in the DFW area. They are a local company, just like Trammell Crow Residential and the two conduct weekly meetings, some of which are on-site.

Chairman Strother stated the amenity list for this project is impressive, but asked about security, and if there would be any on-site courtesy officers.

Mr. Starry said for a property of this size, they would typically look for off-duty police officers to patrol the grounds in exchange for free or reduced rent.

Vice-Chairman Rush, referring to the elevations, asked what material other than brick was being proposed.

Mr. Starry stated that they are using brick and stucco.

Vice-Chairman Rush asked the applicant to specify where exactly the Hardie Board was being used.

Mr. Starry stated they were utilizing Hardie Board on some of the overhangs around the patio areas.

Commissioner Brooks stated that there seemed to be a discrepancy with one of the exhibits and asked would the proposed roofing have a 25 or 30 year warranty.

Mr. Starry replied that the roofing would have at least 25 year warranty.

Vice-Chairman Rush asked the applicant about lighting for the project and whether or not it was Dark Sky compliant. Also, he expressed some concern about the proposed on-street parking.

Mr. Starry stated that they use primarily tree lighting, with some small, architecture lighting features on the buildings.

Chairman Strother commented that the plans show heavy landscaping.

Mr. Starry said yes, they have a big investment in landscaping for this project. They want to really showcase the quality of this development. They propose to plant at least 4-5 in. caliper trees.

Commissioner Mason asked the applicant if they are proposing any fencing around the development.

Mr. Starry stated there is no fencing proposed around the perimeter of the development, just open space. They are leaving open access to the adjacent property owned by Dr. Crawford. There is however controlled access to the living areas and each unit has its own security system.

Commissioner Mason asked the applicant, with this development, what age group are they hoping to attract.

Mr. Starry stated that the rent will start at approximately \$1000 per month, with a minimum \$36,000 income requirement for a one bedroom, so they are targeting college educated, young professionals between the ages of 25 to 35.

Commissioner Hinton, referring to the proposed Comprehensive Plan, stated that this area is designated for mixed-use development. This proposal is for a high density residential development only and as such, doesn't really fit into the mixed-use concept. Also, Commissioner Hinton stated that he did not see any of the enhanced design standards that would make this project stand out from the typical apartment development.

Mr. Starry replied that the philosophies of New Urbanism specify fairly high density residential within a mixed-use environment. The unique streetscape they are proposing with this development, a vehicle roundabout, extensive use of landscaping, a fountain feature, all of these amenities and design features help to create a walkable community, that go along with the vast amount of retail existing in the area.

David Hensley of Hensley Lamkin Rachel, Inc., 14881 Quorum Dr., Dallas, TX. 75254, the architect for this project, stated that indeed this proposal is different from the typical multi-family design, but that was purposefully done. With this concept, they are trying to create a walkable community, where people are encouraged to walk to work or to the various retail and entertainment options in the area. This model doesn't work for all areas of Cedar Hill, but it works in the Uptown area.

Vice-Chairman Rush asked how wide the proposed sidewalks on Uptown Blvd. and Pioneer Trail were.

Mr. Starry stated, in accordance with the Main Street Development and Preservation Board's recommendation, the sidewalks are 5 ft. wide.

Vice-Chairman Rush commented that wider sidewalks were very appealing and asked that with the removal of on-street parking, could the sidewalks be widened further.

Mr. Starry agreed but stated they could not encroach onto the 20 ft. Oncor utility easement that is along Uptown Blvd.

Chairman Strother asked if this project would be built in phases.

Mr. Starry stated no, the buildings would all be built at the same time.

Commission Saldana asked the applicant if they were still looking at close on this property at the end of 2008.

Mr. Starry replied that given the current market conditions, they hope to close sometime in the spring of 2009. They are optimistic that after the holidays and with the new administration, the financial market should open up.

Chairman Strother questioned the applicant optimistic outlook.

Mr. Starry stated they are very excited and believe the project will go forward. He said there is a pent-up demand for multi-family in Cedar Hill.

Vice-Chairman Rush referring again to the sidewalk issue asked if they would be constructed like standard concrete sidewalks.

Mr. Starry stated the sidewalks would incorporate certain design aspects, such as decorative, two-tone paving stones.

There being no further questions, Commission Brooks made a motion to approve Case number 08-39, subject to the recommendations of the Main Street Development and Preservation Board, with the exception of the wider sidewalk, the removal of on-street parking along Uptown Blvd., 100% masonry on all exterior façades, roofs to have a minimum 30 yr. warranty and increase landscaping to replace parallel parking. Commissioner Saldana seconded the motion.

Vice-Chairman Rush wished to amend the motion to state no on-street parking.

Commissioner Brooks accepted the amendment and Commissioner Saldana stated his second still stands.

The vote was as follows:

Ayes: 5 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Saldana, and Brooks.

Nays: 1 – Commissioner Hinton

Chairman Strother declared the motion carried.

- V. **Case No. 08-51 – Review and consider** the Amended Site Plan of Lot 3R-A, Blk A, Cedar Hill Town Center, Phase IV (requesting alternative detention pond screening), being 3.92-acres of land out of Abstract 1472, generally located south and west of FM 1382 and North Clark Rd. *Requested by Neal Cukerbaum of Sandler Southwest Corp.*

Neal Cukerbaum of Sandler Southwest Corp, 4965 Preston Park Blvd. Suite 100, Plano, TX., 75093 stepped forth to present this request and answer any questions.

Mr. Cuckerbaum stated that they would like to install a black, plastic-coated chain-link fence around the detention pond behind Phase III. He stated the installation of a wrought-iron fence, as required by the standards of the Uptown Overlay District, would be very expensive and may pose a maintenance issue. He further stated the fence would be heavily landscaped with vines.

Vice-Chairman Rush commented to Mr. Cuckerbaum that he did not have an issue with the fencing material due to its location; but he was more concerned about the vegetation covering the fence. He asked if the vegetation would be irrigated and who would be responsible for the maintenance of it.

Mr. Cuckerbaum stated that all of the site's landscaping would be irrigated. As for maintenance, they have an agreement in place that is similar to a Property Owners Association (POA); all of the properties that would benefit from the detention pond would contribute to a maintenance fund. This would include the office site currently under construction, the hotel site that is held by the Economic Development Corporation, and the retail properties. Instead of implementing a formal POA, the largest individual property owner, because they would pay the largest assessment, would be responsible for the maintenance.

Vice-Chairman Rush asked Mr. Cuckerbaum, without a formal POA in place, how can you ensure the maintenance gets done?

Mr. Cuckerbaum replied that basically all the property owners would do their best to comply simply because they wouldn't want something unsightly near their building.

Commission Hinton made a general comment that there was a significant difference in curb appeal between a wrought-iron fence and a chain-link fence.

Commissioner Brooks asked the applicant if this would be the same or similar fencing that is around the detention areas at Uptown Village.

Mr. Cuckerbaum stated yes, virtually identical to the fencing used at Uptown Village.

Commission Hinton asked if the fencing would be the same as what was used around the Red Robin detention area.

Vice-Chairman Rush responded to Commission Hinton's question by stating the Red Robin fencing was wrought-iron. The Planning & Zoning Commission required the developer to install the wrought-iron fencing, as specified by ordinance, primarily due to its proximity to U.S. Hwy 67.

Mr. Cuckerbaum stated that he understood the rationale of the Commission requiring the wrought-iron fencing on a property that had frontage on a major roadway, but this fence would be behind buildings and not really visible from the street. The additional \$20,000 it would cost for the wrought-iron fencing he felt could be put to better use such as additional landscaping.

Commissioner Hinton stated he did not see anything in Mr. Cuckerbaum's proposal for additional landscaping.

Mr. Cuckerbaum stated no additional landscaping is proposed with this request. He stated they were already spending over \$250,000 in landscaping for their sites thus more than satisfying the requirements of the Uptown Overlay District.

Seeing no further discussion, Commissioner Mason made a motion to approve Case number 08-51, as presented. Commissioner Brooks seconded the motion.

The vote was as follows:

Ayes: 6 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Saldana, Hinton and Brooks.

Nays: 0 –

Chairman Strother declared the motion carried.

VI. Staff Reports

1. Update on Lake View Hills Fresh Water Supply District

Rod Tyler, Director of Planning, stated that there hasn't been much change on this item since the last time he briefed the Commission on October 6, 2008. To summarize, this is a proposed housing development, outside the city limits, in Ellis County, with the primary point of access being on Lake Ridge Parkway in Cedar Hill. City staff has reviewed the project's Traffic Impact Analysis (TIA) and at this time, the City's traffic consultant is reviewing the TIA.

2. Update on Mansfield Road Context Sensitive Design

Don Gore, City Planner, stated that the City has come up with a recommendation regarding this project and has forwarded that to our consultants. Mr. Gore stated that this project is still in design phase, and to look for more on this sometime next year.

3. Update on Gas Drilling Proposals

Mr. Tyler stated the City Council is in the process of appointing a steering committee to help review the proposals the City's received.

Vice Chairman Rush stated that perhaps Cedar Hill we could borrow some of the wording from the City of Garland's ordinance regarding a windmill ordinance.

Mr. Tyler stated that there is a lot of work in developing gas drilling ordinances, and one element would be to review the gas grilling ordinances of some of the surrounding cities.

Commissioner Hinton commented that there is a drilling site at the Ash Grove facility in Midlothian and suggested maybe the Commission as well as staff take a field trip to the site to observe operations.

Mr. Tyler stated that staff could set up a field trip for the Commission and for scheduling purposes would have at least a two week advance notice.

4. Recent Submittals

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

5. Discussion on **2008 Comprehensive Plan Adoption & Implementation**

Mr. Gore briefed the Commission on the Comprehensive Plan adoption progress. He stated that City Council conducted a public hearing on November 11, 2008. Also, the City's consultant, Dan Sefko gave a PowerPoint presentation. Approximately 7 or 8 people spoke in opposition to the Plan with 2 speaking in favor of the Plan. City Council decided to keep the public hearing open until their next regularly scheduled meeting on November 25, 2008. Finally, Mr. Gore informed the Commission of the various measures Staff took to publicize the public hearing before City Council. Staff received praise from citizens on the extra effort taken to notify of the public hearing.

Vice-Chairman Rush stated that he and Bill Strother were at the Council meeting and that most of the comments received expressed opposition to Loop 9.

On the issue of Comprehensive Plan implementation, Mr. Gore reviewed with the Commission Chapter 8 of the Plan and outlined immediate priorities.

VII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:45 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary
