

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of September 17, 2007**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, September 17, 2007 at 6:00 p.m. in the Council Chambers of City Hall, 502 Cedar Street, Cedar Hill, Texas.

Present: Chairman Bill Strother, Vice-Chairman David Rush and Commissioners Stephen Mason Theresa Brooks, Gehrige Saldaña, Tim Hamilton and Todd Hinton.

I. Call the meeting to order

Chairman Strother called the meeting to order at 6:03, 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 20, 2007 meeting

A motion was made by Commissioner Brooks to approve the minutes of the August 20, 2007 meeting with one correction. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Brooks, Hamilton, Hinton and Saldaña

Nays: 0

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke.

**IV. Case Number 07-37 – Review and consider the Site Plan of 213 West Beltline Road.
*Requested by Pamela Kincaid of Campuzanos Cedar Hill, LLC.***

Pamela Kincaid, 120 Hummingbird Lane, Ovilla, TX 7515, stepped forth to present this request and answer any questions from the Commission.

Ms. Kincaid stated that she wanted to apologize to Staff and the Commission regarding the confusion in the paperwork associated with this case, she thought her contractor was handling everything, but apparently he was not.

Commissioner Rush stated that he and his wife visit this restaurant often and they enjoy sitting outside on the patio. He did; however, express great concern about the parking, or lack of, and the site's poor traffic circulation. He asked Ms. Kincaid if the storage building located in the rear of the property could be relocated or removed to improve the traffic circulation.

Ms. Kincaid stated that the storage building belongs to Dr. Potter, the property owner, and that he used it for storage. She said at one time they asked him if they could relocate the building but he was hesitant to do so because he feared that he would be unable to obtain a new permit for such a building under the City's current zoning standards.

Commissioner Rush also expressed concerns about the rear lot adjacent to this property, which is owned by Dr. Clark. He stated that many people use that unpaved lot as a short cut from Hood Street to the restaurant and vice versa. He asked the applicant if there was a way to block access to that lot to prevent this from happening or as an alternative, pave a portion of the lot for additional parking or driveway access.

Ms. Kincaid stated that they could not pave the area, but they were considering ways to block access to the rear lot.

Commissioner Brooks also expressed concerns over the parking and traffic circulation on this site. She posed the question more so to the Commission and Staff rather than the applicant, what exactly were they being asked to consider or approve. She stated that if the request was primarily for approval of the use of an alternative building material on the patio addition, in this case canvas, it may not be in the best interest of the Commission to recommend approval.

Ms. Kincaid stated that there are many restaurants in the downtown Dallas area that have similar enclosed canvas patio areas. She said they have spend in exceed of \$30,000 on this enclosure and the heating and air conditioning equipment in it.

Commissioner Brooks stated that she has no problems with outdoor seating or enclosed patio areas. Her primary concern is that this site improvement is clearly nonconforming and in her opinion permanent in nature.

Ms. Kincaid stated that the City is classifying this enclosure as a permanent building addition even though she contends the enclosure is more of a temporary improvement limited to their restaurant operations. She stated it was their intent to eventually apply for an alcoholic beverage permit, and that this additional dining area would be essential to their request.

Commissioner Brooks responded by saying the City has no procedures in place to enforce or limit the use of this addition only to the current occupants.

Chairman Strother echoed that sentiment by stating this addition could be deemed a permanent site improvement and that in all likelihood would increase the value of the property; therefore, a prospective occupant or buyer would expect to have full use of this area, if not for a patio, perhaps for storage or a retail sales area.

Chairman Strother asked Staff that if the applicant could apply for a Conditional Use Permit, believing that this would be a possible way that the City could limit the use of this canvas patio enclosure to this particular occupant.

Rod Tyler, Director of Planning stated that the Conditional Use Permit process would not be a viable alternative. The Conditional Use Permit process governs the occupation of certain uses, not structures, in a particular zoning district. He stated the request before the Commission is for site plan approval, which only addresses issues such as parking, signage, landscaping and building elevations, or in this case building additions.

There was some very lengthy discussion amongst the Commission regarding whether or not this enclosure could be classified as a temporary use, or if there were any other way to configure this parking arrangements to improve site circulation.

It was ultimately determined by the Commission that this use could not be classified as temporary due to the time limitations specified in the zoning code for such uses.

A motion was made by Commissioner Hamilton to approve Case Number 07-37, subject to the recommendations of the Architectural Review Board.

Commissioner Rush offered an amendment to the motion to include the relocation or removal of the storage building to accommodate additional parking or to improve the current parking lot's circulation.

Commissioner Hamilton did not accept the amendment due to the fact he felt the Commission could not impose such a requirement on the applicant because they did not own the property or the building in question.

Commissioner Brooks stated that she felt the relocation or removal of the building was not an option due to the current regulations and standards

The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 5–Chairman Strother, Vice-Chairman Rush and Commissioners Hamilton, Saldaña and Hinton.

Nays: 2–Commissioners Mason and Brooks.

Chairman Strother declared the motion carried.

V. Case Number 07-41 – Review and consider the Site Plan of 230 West Beltline Road.
Requested by Darren Heitman of Texas Tractor Service, LLC.

Chris Parvin, 2456 Lakeland Drive, Grand Prairie, TX, 75054, stepped forth to present this request and answer any questions from the Commission.

Mr. Parvin stated he was a partner in this venture, the White Rhino Coffee House and that his family owned this piece of property.

Chairman Strother asked Mr. Parvin if wireless internet would be available.

Mr. Parvin stated yes, they would provide free wireless internet service for their customers. Commissioner Hinton asked the applicant if they were planning to sell food items.

Mr. Parvin stated in addition to coffee they would sell simple food items, sandwiches, etc. but that all of the food preparation would be done off site and bought in to the coffee house daily.

Commissioner Brooks inquired about this coffee house's hours of operation.

Mr. Parvin stated their proposed hours of operation were 6:30 a.m. to 11 p.m., in order to stay competitive with Starbucks which offers similar hours.

Commissioner Hinton asked the applicant if they would sell any other merchandise such as coffee mugs.

Mr. Parvin stated that they would sell mugs, t-shirts and ground coffee.

Chairman Strother asked the applicant if they had plans for a drive approach onto Cedar Street.

Mr. Parvin stated that there would be no access to Cedar Street.

Commissioner Hinton commented that in Staff's report there seemed to be a concern about the height of the dumpster and also of possibility of excess noise generated by this use.

Mr. Parvin stated the dumpster would be 7 ft. in height which complies with city ordinances. With respect to concerns of excessive noise, he stated that the properties on either side of this site were nonresidential, and that they were not proposing any outdoor seating, so noise should not be an issue.

Chairman Strother asked if there would be any live entertainment.

Mr. Parvin stated that perhaps in a future phase they may have a guitar player but that they would play indoors.

A motion was made by Commissioner Brooks to approve Case Number 07-41, subject to the use of a neutral color on the building's trim and revising the site plan to show dumpster screening details that conforms to city standards. The motion was seconded by Commissioner Mason. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Mason, Brooks, Hamilton, Hinton and Saldaña

Nays: 0

Chairman Strother declared the motion carried.

VI. Discussion regarding proposed amendments to the City of Cedar Hill Zoning Ord #2001-64, as amended.

Leslie Price, City Planner, reviewed with the Commission in detail the proposed amendments to the Zoning Code. They are as follows:

- Appeal procedures, including fee establishment for zoning denial;
- Exceptions to site plan review process;
- Correction to special use references in Old Town district;
- Correction to cross references related to residential uses in the Uptown Overlay standards;
- Addition of CUP conformance to all base district standards;
- Additions to use table & associated parking requirements;
- Additions & corrections of definitions;
- Additions & corrections of supplemental requirements for special off-street parking; and
- Provisions for existing uses and drought or water restrictions added to landscaping regulations.

After some lengthy discussion, the Commission instructed Staff to incorporate various changes and present them to the Commission at a subsequent P&Z meeting.

VII. Staff Report

This item was discussed during the briefing session.

VIII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:30 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary
