
**MINUTES
PLANNING AND ZONING COMMISSION
MEETING OF APRIL 6, 2021**

The Planning and Zoning Commission of the City of Cedar Hill, Texas conducted a meeting by telephone conference on Tuesday, April 6, 2021, at 6:02 p.m.

Planning & Zoning Commissioners Present: Chairperson Michael Deeds, and Commissioners: Andrea Flores, Timothy Hamilton, Jay Patton, and Jerry White.

Planning & Zoning Commissioners Absent: Vice-Chairperson Maranda Auzenne and Commissioner Lisa Thiery.

City Staff Members present: Director of Planning, LaShondra Stringfellow; Senior Planner, Maria Peña; Planner, Katherine Linares, and Executive Secretary, Debra Kalsnes.

I. Call the Meeting to Order.

Chairperson Deeds called the meeting to order at 6:02 p.m. declaring it an open meeting in which a quorum was present, and the meeting notice was duly posted.

II. Approve the amended minutes of the February 2, 2021, regular meeting.

A motion was made by Commissioner Hamilton and seconded by Commissioner White to approve the minutes of the February 2, 2021, regular meeting. The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

III. Public Comment.

There was one public comment for Case No. FP-337-2021, which was e-mailed to the Commissioners on Monday, April 5, 2021 at 10:08 a.m. This was also included in the agenda posting.

IV. Public Hearing Items:

1. **Case No. CUP-326-2021** – Conduct a public hearing and consider an application for a Conditional Use Permit for "general merchandise store other than listed" for the sale of tobacco and vapor products and accessories on property zoned "LR" (Local Retail) generally located on the south side FM 1382, east of Uptown Boulevard with the approximate address being 140 FM 1382 Suite 177.
 Representative: Chris Sanchez, Plainview TX LLC DBA Glass City
 Applicant: Gurmeet Josan, Plainview TX LLC DBA Glass City
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Property Owner: A.S. Turng, Red 99 Invest LTD

Senior Planner Maria Peña briefed the Commission on the request. She stated that if the Commission were to approve, it should be with the following conditions:

- 1) This Conditional Use Permit (CUP) shall only be valid for the Glass City at this location. A new operator shall require a new CUP.
- 2) The Conditional Use Permit shall be subject to the site plan and floor plan.
- 3) There shall be no dance floor, gaming devices or electronic amusement machines and commercial amusement uses (such as, but not limited to, a gathering space for the use of the tobacco and vapor products in the store) shall require a CUP.
- 4) This CUP shall be limited to the legal sale of tobacco and vapor products and accessories.
- 5) Hours of operation will be limited to 9 am to 9 pm Monday through Thursday; 9 am to 10 pm Friday and Saturday; and 11 am to 7 pm on Sundays.

Chairperson Deeds stated that there are currently four vape stores in Cedar Hill. He asked what standard Planning used to decide another store of this nature was acceptable. Referencing a study noted in the staff report, Director Stringfellow indicated that it found vape stores tend to open in areas with vulnerable populations. The city should be careful of the concentration of them in a certain area. Furthermore, she stated that the other stores in Cedar Hill did not have to acquire a CUP and as a result, did not have to go through this vetting process.

Chairperson Deeds asked the applicant to address the Commission. Chris Sanchez, Glass City, 140 FM 1382, Cedar Hill, TX 75104, addressed the Commission and stated Glass City is a premium high-end vape shop. They keep their security measures at a maximum and enforce ID's. They only sell to customers over the age of 21. They are selective with their employees and pride themselves on getting people off nicotine. The applicant indicated he was available to answer questions.

Commissioner White wanted to be sure there was no on-site consumption of product at the location and the applicant said that was correct.

There were no other questions from the Commissioners.

Chairperson Deeds opened the public hearing to anyone wishing to speak in support or opposition of this request. There were none.

Chairperson Deeds closed the public hearing.

Commissioner Flores stated opposition. Based upon the fourth factor for consideration noted in the staff report, she believes an additional store could have a negative impact upon the community. Tobacco stores tend to be in POC (people of color) communities and younger people seem to have a tendency to have an addiction to vaping.

Commissioner Hamilton made a motion to approve.

The motion was seconded by Commissioner White.

The vote was as follows:

Ayes: 3 – Commissioners Hamilton, Patton, and White

Nays: 2 - Chairperson Deeds and Commissioner Flores

Per Section 2.1.3 of the Zoning Ordinance, an affirmative vote of at least four members of the Planning and Zoning Commission shall be necessary for the passage of any recommendation to the City Council. Therefore, the motion failed.

- 2. Case No. CUP-328-2021** – Conduct a public hearing and consider an application for a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant on property zoned Planned Development District No. 05-226, generally located on the south side of West Pleasant Run Road, northwest of Highway 67 with the approximate address being 305 West FM 1382, Suite 536 [Hillside Village].
Applicant: Muhamed Hadzovic, Mo's Italia Express & Grill, LLC
Representative: Elizabeth Guillen
Property Owner: Margaret Thompson, Prep Hillside Real Estate, LLC

Planner Katherine Linares briefed the Commission on the request. She stated that the staff recommends approval subject to the following conditions:

- 1) The operation of the use is subject to the site plan with attachments and the requirements in Section 4.1.4 of the Zoning Ordinance.
- 2) This Conditional Use Permit is only valid for the operator "Mo's Italia Express". A new CUP shall be required if the operator on the TABC license changes.
- 3) There shall be no walk-up window access and no-drive-through facility.
- 4) Commercial amusement uses shall require an amendment to the Conditional Use Permit.

The Commission had no questions for staff.

Chairperson Deeds asked the applicant to address the Commission. Elizabeth Guillen, 1338 Newton Drive, Cedar Hill, TX 75104, addressed the Commission and stated that this is still a family-run establishment and the addition of alcohol would just be for the pairings with the food. She indicated that she was available to answer questions.

The Commission had no questions for the applicant.

Chairperson Deeds opened the public hearing to anyone wishing to speak in support or opposition of this request. There were none.

Chairperson Deeds closed the public hearing.

Commissioner White made a motion to approve.

The motion was seconded by Commissioner Patton.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

Director Stringfellow noted that this item will be considered by City Council on Tuesday, April 27, 2021.

- 3. Case No. PD-SP-333-2021** – Conduct a public hearing and consider an application for a Planned Development-Site Plan on property zoned Planned Development District No. 2021-716 [Highlands Cottages], generally located on the north side of East Belt Line Road and the west side of North Joe Wilson Road with the approximate address being 211 North Joe Wilson Road.
Representative: Jordan V. Marlia, Huitt-Zollars, Inc.
Applicant: Seth Carpenter, Republic Property Group
Property Owner: Gordon Edwards, Belt Line Joe Wilson 2 LTD

Planner Katherine Linares briefed the Commission on the request. She stated that the staff recommends approval subject to the following conditions:

- 1) Prior to issuance of a building permit, submit a revised landscape plan depicting the required plantings along the detention pond and screening consisting of 4-foot evergreen shrubs along the length of the proposed 6-foot metal wrought iron fence adjacent to North Joe Wilson Road in areas where no ornamental groupings are planted.
- 2) Prior to issuance of a building permit, the final plat and all associated off-site easements shall be recorded.
- 3) Prior to issuance of a building permit, the developer has opted to pay \$103,800 into the tree reforestation fund to mitigate the removal of trees.
- 4) Prior to issuance of a building permit, the developer shall pay \$1,200 per dwelling unit for fees in lieu of dedicating park land and for the park development fee.
- 5) Prior to the issuance of a Certificate of Occupancy, submit and obtain approval of a property maintenance plan as stated in the PD ordinance.
- 6) Prior to the issuance of a Certificate of Occupancy, a neighborhood association shall be established for the tenants and property owner(s) of the subject site and registered with the City.
- 7) Prior to the issuance of a Certificate of Occupancy, inspection of all proposed recreational facilities in order to verify that the proposed square footage, location and use meets the Open Space Requirement.

The Commission had no questions for staff.

Chairperson Deeds asked the applicant to address the Commission. Seth Carpenter addressed the Commission and indicated he was available to answer questions.

Commissioner Patton questioned what the estimated rent for these units would be. Rich Darragh from the property group stated the approximate rent for a 1-bedroom would be \$1200, 2-bedroom \$1700-\$1800 range and 3-bedroom \$2100.

Chairperson Deeds opened the public hearing to anyone wishing to speak in support or opposition of this request. There were none.

Chairperson Deeds closed the public hearing.

Commissioner Hamilton made a motion to approve subject to staff's recommendations.

The motion was seconded by Commissioner Patton.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

Director Stringfellow noted that this item will be considered by City Council on Tuesday, April 13, 2021.

V. Regular Items:

- 1. Case No. SP-296-2020** - Consider an application for a site plan with an alternative architectural design on property zoned "LR" (Local Retail District), generally located on the southwest corner of East Belt Line Road and Sims Drive, with the approximate address being 538 East Belt Line Road. The property owner/developer consents to an agreement to utilize certain building materials and design with the city's permission to allow a drainage easement onto Highlands South Park.

Applicant: John Gardner, Kirkman Engineering

Property Owner: Johnny Shepperson, Cedar Hill Paradigm JV, LLC

Planner Katherine Linares briefed the Commission on the request. She stated that staff recommends approval subject to the following conditions being complied prior to issuance of a building permit:

- 1) Obtain approval and recordation of the off-site easements for drainage and pedestrian access onto property owned by Cedar Hill Independent School District.
- 2) Obtain approval and recordation of the off-site easement and consent form for drainage onto Highland South Park owned by the City of Cedar Hill.
- 3) Submit and obtain approval for a construction permit from the Texas Department of Transportation (TxDOT) for the construction of the right turn deceleration lane.
- 4) Submit, obtain approval, and record a final plat.

The Commission had no questions for staff.

Chairperson Deeds asked the applicant to address the Commission. John Gardner, Kirkman Engineering, 5200 State Highway 121, Colleyville, TX, stated that the property owner is going above and beyond by adding a turn lane, a drainage easement, and a sidewalk connection. He also addressed the variance of the façade. The applicant indicated he was available to answer questions.

Commissioner Patton asked what were the proposed restaurants for Lot 1. The applicant stated they do not have any concrete tenants at this time, but they are seeking distance-friendly options. Commissioner Deeds asked about escape lanes for the drive throughs on Lot 1 and the applicant pointed these out. Commissioner Flores asked for healthier food options and the applicant indicated they are making attempts to do so.

Commissioner White made a motion to recommend approval subject to the staff's conditions.

The motion was seconded by Commissioner Hamilton.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

2. **Case No. SP-322-2021** – Consider an application for a revised site plan on property zoned "I" (Industrial District) District, located on the east side of American Way, south of Mt. Lebanon Road with the approximate address being 1420 American Way.
Applicant: Jason Gray, Gray Brother Custom Homes
Property Owner: Jason Meek, Acme Truck Lines

Planner Katherine Linares briefed the Commission on the request. She stated that staff recommends approval of this application.

The Commission had no questions for staff.

Chairperson Deeds asked the applicant to address the Commission. Jason Gray, Gray Brother Custom Homes in Midlothian, indicated he was available to answer questions.

The Commission had no questions for the applicant.

Commissioner Patton made a motion to recommend approval subject to the conditions noted in the staff report.

The motion was seconded by Commissioner White.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

Director Stringfellow noted that this item will be considered by City Council on Tuesday, April 27, 2021.

3. **Case No. FP-337-2021** – Consider an application for a final plat for Lots 1-4, Dependable Loop Addition with a variance to Section 20-22(b), Chapter 20 – Subdivision Regulations on property zoned "SF-22" (Single-Family Residential – minimum 22,000-square-foot lots) District located between North Loop Drive and South Loop Drive with the approximate address being 637 South Loop Drive.
Applicant: Luke Keeton, Keeton Surveying Company
Property Owner: Tim Sexton, Dependable Builders, LLC

Senior Planner Maria Peña briefed the Commission on the request. She stated that the final plat was submitted on March 10, 2021. Staff recommends approval subject to the following conditions:

- 1) Add a note to the existing property line: "To be abandoned by this Plat". [Chapter 20, Section 20-11(b)]
- 2) This right-of-way was previously dedicated to the city. Therefore, do not include this portion of the property within boundaries of the property being platted. [Chapter 20, Section 20-11(b)]
- 3) Lots 2, 3 & 4 will have the front yard setback along North Loop Drive with the rear yard along South Loop Drive due to the size of the existing water line on South Loop Drive being 2". There is an existing 8" on North Loop Drive with capacity. Denote the 30-ft front, rear and side setback lines on this plat as follows:
 - a. Lot 1 – Front Yard shall be facing South Loop Drive & Rear Yard shall be facing North Loop Drive.
 - b. Lot 2, Lot 3 & Lot 4 – Front yard shall be facing North Loop Drive & Rear Yard shall be facing South Loop Drive.

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- c. Lot 4 – Side yard (adjacent to Street) shall have a 30-ft setback. [Chapter 20, Section 20-11(b)]
- 4) Revise the note as follows – “Building setbacks, other than what is denoted on the plan, shall comply with the Zoning Ordinance at the time of the building permit.” [Chapter 20, Section 20-11(b)]
 - 5) Connect to the City's sanitary sewer system as required by the Subdivision Ordinance or request a variance in order to utilize an on-site septic system will be required. If a variance to connect to the city's sanitary sewer system is approved, place the following note on the plat: “The lots subject to this subdivision have a variance to the public sewer requirement in Chapter 20, Section 20-22(b) of the Subdivision Ordinance. [Chapter 20, Section 20-22(b)]
 - 6) Send plat notifications to all utility franchises with an attached copy of the plat. [Chapter 20, Section 20-22(c)]
 - 7) Provide 10-ft drainage and utility easement on each side of the new lot lines. [City Design Criteria 903.1 and City Ordinance Section 20-22(1)g]
 - 8) Provide the bearing and distance information for all proposed easements. [Chapter 20, Section 20-22(b)]
 - 9) Place the following note on the plat: “Due to the lack of connectivity of public sanitary sewer and one point of access, only one single-family dwelling shall be permitted per lot. No accessory dwellings shall be permitted.”
 - 10) Prior to recordation of the plat, the developer is required to pay a park land dedication fee of \$500 per proposed lot and a park development fee of \$700 per proposed lot [total of \$4,800]. [Section 20-42(c); Section 20-43(a)]

Chairperson Deeds questioned the 650 feet of sewer line and special circumstances in this situation. Director Stringfellow addressed the question. Commissioner Patton asked to confirm that they are putting in an aerobic system and it was confirmed.

Chairperson Deeds asked the applicant to address the Commission. Tim Sexton, Dependable Builders, 3901 Arlington Highland Blvd, Arlington, TX 76018, indicated he was available to answer questions.

The Commission had no questions for the applicant.

Commissioner Hamilton made a motion to recommend approval subject to staff's conditions.

The motion was seconded by Commissioner White.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

Director Stringfellow noted that this item will be considered by City Council on Tuesday, April 27, 2021.

- 4. Case No. PP-343-2021** – Consider an application for a preliminary plat for the Hillwood Industrial Addition being a portion of a replat of the Heitman Property Addition, Lots 2R, 3R and 4R Block A on property zoned "I" (Industrial District), generally located on the east side of J. Elmer Weaver Freeway, at the south terminus of American Way.

Representative: John Warren, Hillwood

Applicant: Alex Camunez, Pacheco Koch

Property Owners: Elizabeth Townsend, Florida Rock Industries, Inc.; and Melinda M Bauer, Gerald J. Bauer Trust

Senior Planner Maria Peña briefed the Commission on the request. She stated that this preliminary plat was submitted on March 16, 2021 and staff recommends approval subject to the conditions in the staff report.

Chairperson Deeds asked to confirm the warehouse to the north and the location of Loop 9 relative to the site. Ms. Peña stated it was JC Penney and confirmed future Loop 9 was to the south.

Chairperson Deeds asked the applicant to address the Commission. Alex Camunez at 7557 Rambler Road, Dallas, TX 75231, indicated he was available to answer questions.

Commissioner White stated that a gas line bisects the property and asked if they were going to minimize cross traffic over the gas line. This was addressed by the applicant that they were minimizing the crossings.

Commissioner White made a motion to recommend approval subject to staff's conditions.

The motion was seconded by Chairperson Deeds.

The vote was as follows:

Ayes: 5 – Chairperson Deeds and Commissioners Flores, Hamilton, Patton, and White

Nays: None

Chairperson Deeds declared the motion carried.

Chairperson Deeds indicated this item will be considered by City Council on Tuesday, April 13, 2021.

VI. Staff Reports.

1. Update on applications in review and probable applications.

Director Stringfellow updated the Commission.

2. Future meeting dates.

Planning Director LaShondra Stringfellow informed the Commission that the next meeting will be held on May 4, 2021, in-person in the Turk Cannady Room.

VII. Adjourn.

Commissioner Hamilton made a motion to adjourn, and it was seconded by Chairperson Deeds.

The meeting adjourned at 8:05 p.m.



Michael Deeds
Chairperson



Debra Kalsnes
Planning Executive Secretary
