
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of March 1, 2011

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, March 1, 2011 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Present: Chairman Theresa Brooks, Vice-Chairman Bill Strother and Commissioners Gehrig Saldaña, Tim Hamilton and Bill Nanry.

Absent: Commissioner Lisa Thierry.

I. Call the meeting to order

Chairman Brooks 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 February 15, 2011 regular meeting

A motion was made by Vice-Chairman Strother to table consideration of the February 15, 2011 meeting minutes. The motion was seconded by Commissioner Nanry. The vote was as follows:

Ayes: 5 – Chairman Brooks, Vice-Chairman Strother and Commissioners Saldaña, Nanry, and Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 10-35 – Conduct a Public Hearing and consider a request for a **change in zoning** from SF-22 (single-family residential, 22,000 sq. ft. lot minimums) to RR-Rural Residential (single-family 2 acre lot minimums) on 9.25-acres of land out of Abstract 132, more commonly known as 914 S. Clark Rd. *Requested by Chris Campbell.*

Chris Campbell, 2303 Yale Dr. Arlington, TX 76015 stepped forth to present this request and answer any questions from the Commission.

Mr. Campbell would like to keep horses on the property and build a stable to store feed and other items for the care and maintenance of his horses.

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

No one spoke.

Chairman Brooks 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 Brooks closed the public hearing and opened the floor discussion by the Commission.

Chairman Brooks asked the applicant if the horses and stables were for personal use and not in conjunction with some sort of business or for the boarding of animals.

Mr. Campbell stated that the horses and stables were only for his personal use.

Chairman Brooks asked the applicant how many horses were proposed to be kept on site.

Mr. Campbell stated that he will have 2 - 3 horses and a stable or barn to store feed and other items for the care and maintenance of his horses.

Commissioner Nanry asked the applicant if he intended to eventually move to the property.

Mr. Campbell stated yes, he intends to build a house on this site, but he was not ready to do so at this time.

Commissioner Nanry asked the applicant to explain how he proposed to contain the animals on the property.

Mr. Campbell stated that he would construct a 5 ft. pipe fence to contain the horses to the rear of the property, and also fence off an additionally 2 acres for an orchard.

A motion was made by Commissioner Hamilton to approve Case No. 10-35, as presented. The motion was seconded by Commissioner Saldaña. The vote was as follows:

Ayes: 5 – Chairman Brooks, Vice-Chairman Strother and Commissioners Saldaña, Hamilton, and Nanry.

Nays: 0

Chairman Brooks declared the motion carried.

V. Case No. 11-02 – Conduct a Public Hearing and consider a request for a **Conditional Use Permit to serve alcoholic beverages** in conjunction with a restaurant. The restaurant is zoned Planned Development for Local Retail uses and is located at 305 West FM 1382, Suite 114. *Requested by Cecil R. Brewster of RAI Beverages, LLC. on behalf of Black Eyed Pea.*

Cheri Aguirre, regional manager for Black Eyed Pea Restaurants, 2140 Brownstone Ct. Grapevine TX 76051 stepped forth to present this request and answer any questions from the Commission.

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

No one spoke.

Chairman Brooks 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 Brooks closed the public hearing and opened the floor discussion by the Commission.

Commissioner Nanry asked the applicant if the site plan that is enclosed in the Commission's packet shows the actual configuration of the restaurant.

Ms. Aguirre stated that they were working with an architect and a contractor to do some interior modifications, specifically the addition of some booths along the walls, removing the walk-up counter and adding some interior walls.

Chairman Brooks stated that she was disappointed at the quality of the applicant's submission, namely the fact that the site plan enclosed was for Petaluma and not for Black Eyed Pea. As an example, Chairman Brooks stated that she assumed there would not be a walk-up order counter, as shown on the enclosed plans.

Ms. Aguirre stated that is correct; there will be no walk-up counter, that area would actually be walled off and made part of the kitchen area.

Commissioner Hamilton asked the applicant why they submitted plans for Petaluma.

Ms. Aguirre apologized and stated that they were working with an attorney and given the impression it would be possible to sale alcoholic beverages under Petaluma's alcohol permit; however, that turned out not to be the case. As a result, they were unable to get revised plans in to the City in time for this meeting. She stated that they are working on the plans now and will provide them as soon as possible.

Vice-Chairman Strother asked the applicant when they were planning to open.

Ms. Aguirre stated that they intended to open on April 1, 2011.

Chairman Brooks, posing her question to City staff, asked how this project could possibly be impacted if the City Council were to review a different set of drawings than those that were presented to the P&Z.

In response, Mr. Tyler asked the Chairman Brooks if she felt the Commission would be comfortable with making a recommendation on a plan that they have not seen.

A motion was made by Commissioner Nanry to table action on Case No. 11-02, until such time as the applicant can provide a revised interior site plan. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

Ayes: 5 – Chairman Brooks, Vice-Chairman Strother and Commissioners Saldaña, Hamilton and Nanry.

Nays: 0

Chairman Brooks declared the motion carried.

VI. Conduct a Public Hearing and consider proposed amendments to the Comprehensive Zoning Ordinance (Ordinance No. 2001-64, as amended) by adding certain permitted and conditional uses to the **Industrial Park zoning district classification** and amending the use chart and definitions accordingly.

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

No one spoke.

Chairman Brooks 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 Brooks closed the public hearing and opened the floor discussion by the Commission.

Mr. Tyler stated that the enclosed draft ordinance contains all of the changes that have been discussed by the Commission over the past few weeks. He also reviewed with the Commission their options for adopting the ordinance

Commissioner Nanry stated that he had done some research on three categories, plastic, rubber and chemical manufacturing. He stated that with rubber and plastic, if you are working with the finished products, there is low odor emission. However, with chemical and allied products, Commissioner Nanry stated that he does not feel comfortable with allowing this use, even conditionally in the IP district. He stated he would like to see that it only be allowed in the Industrial zoning district. Other than this one item, he felt comfortable with the proposed amendments, as presented.

Vice-Chairman Strother asked Commissioner Nanry if he felt the Conditional Use Permit (CUP) process would provide enough of a safeguard in accessing a proposed request in this category.

Commissioner Nanry stated that he did not feel the CUP process provided enough of a safeguard, especially given the fact that, from a staff perspective, we wouldn't have the expertise to make determinations as to the safety of a proposal.

Chairman Brooks asked Commissioner Hamilton of his thoughts on the matter.

Commissioner Hamilton stated that he agreed with Commissioner Nanry's viewpoints.

Commissioner Saldana stated that he also agreed with Commissioner Nanry's viewpoints.

Chairman Brooks stated that she did not share the other Commissioners concerns on safety and stated that she felt as though the CUP process would be an effective tool in assessing proposals on a case by case basis.

A motion was made by Commissioner Nanry to approve the ordinance, with the amendment of striking completely the reference of Allied and Chemical Manufacturing from the IP zoning district. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 4 – Vice-Chairman Strother and Commissioners Saldaña, Hamilton and Nanry.

Nays: 1 - Chairman Brooks

Chairman Brooks declared the motion carried.

VII Staff Reports & Discussion Items

1. Discussion of a draft ordinance regarding
Minimum Exterior Construction Requirements

Discussion on this item was deferred to a future meeting.

2. Recent Submittals

Don Gore, Planner, reviewed with the Commission the upcoming cases.

VIII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:45 p.m.

Theresa Brooks
Chairman

Belinda L. Huff
Development Services Coordinator
