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**MINUTES  
PLANNING AND ZONING COMMISSION  
Meeting of March 3, 2009**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, March 3, 2009 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 Theresa Brooks, Todd Hinton, Tim Hamilton, Steve Mason 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 February 3, 2009 and February 17, 2009 regular meetings**

A motion was made by Commissioner Brooks to postpone approval of the February 3 and February 17, 2009 minutes until the next meeting. The motion was seconded by Commissioner Hinton.

The vote was as follows:

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

Nays: 0

Abstention: 1- Commissioner Mason.

Chairman Strother declared the motion carried.

**III. Citizens Forum**

No one spoke

**IV. Case No. 09-03 – Review and consider the Site Plan of 107 and 109 Main St. Requested by Norman Patten & Associates.**

Due to the fact the applicant was not present; Vice-Chairman Rush made a motion to table consideration of Case No. 09-03 until the next meeting. Commissioner Brooks seconded the motion.

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Prior to a vote, Commissioner Mason stated that the applicant has called and said he would be late and asked the Commission if he were to show up prior to the end of the meeting, would the tabled motion still stand?

Commissioner Brooks stated she had questions specifically for the applicant, hence her motion to table consideration of this item.

Vice-Chairman Rush stated he had not heard that the applicant called and said he would be late and so would not have an issue with considering the item if he were to show prior to the end of the P&Z meeting.

Commissioner Brooks asked then if Vice-Chairman Rush removed his motion.

Vice-Chairman stated that he would like to remove his motion to table from the floor.

Commissioner Brooks removed her second.

Chairman Strother stated that since the Commission was in agreement, they would move on to the next agenda item.

## **V. Reports**

### **1. Discussion on 2008 Comprehensive Plan Implementation**

Before beginning tonight's discussion, Don Gore, City Planner, asked if the Commission had any questions or concerns from the previous meeting.

The Commission did not have any questions.

Mr. Gore began reviewing with the Commission the category of Transit Oriented Development (TOD) and stated he was seeking guidance from the Commission on ranking the priorities under this category.

There was much discussion amongst the Commission on the ranking order of the TOD priorities. A primary focus of the discussion was what should be the City's number one priority be, the coordination with neighboring cities to investigate methods to facilitate regional rail or supporting regional rail initiatives presented by North Central Texas Council of Governments and the Regional Mobility Authority.

Also mentioned was the fact that most of these priorities required the coordination of other City departments and as a result perhaps more than one priority could be addressed at a time.

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It was ultimately decided by the Commission to leave the priorities in the order in which they were presented that evening.

*The representative for Item IV arrived at 6:25 p.m. and so the Commission reopened Item IV for consideration.*

**Case No. 09-03 – Review and consider the Site Plan of 107 and 109 Main St.** *Requested by Norman Patten & Associates.*

*Norman Patten of Norman Patten & Associates, 413 Cedar St. Cedar Hill, TX 75104, stepped forth to present this request and answer any questions.*

He stated that his client is proposing improvements to the existing buildings shown on site as a first phase of a much larger scale project planned for this site. The two buildings that front on Main St. would be leased for some retail use and the remaining buildings would continue to be used as storage. The existing asphalt parking area would also be overlaid with new asphalt. For the future phase, his client plans to construct a larger [retail] building that would replace all of the existing buildings but in the interim, would like to make these improvements in order to lease the property immediately.

Commissioner Brooks asked the applicant if 4 parking spaces were being added to the site.

Mr. Patten stated that there are existing 4 parking spaces but they are not striped.

Commissioner Brooks stated that she'd visited the site and didn't see any existing [asphalt] parking, only grass.

Mr. Patten admitted the asphalt surface has deteriorated over time.

Ms. Price informed the Commission that the copy of the site plan included in their packets is incorrect and that Mr. Tyler is getting the correct copy for the Commission to review.

While the Commission was waiting for Mr. Tyler to return, Commissioner Brooks asked the applicant what were the plans for the structure located in the far eastern corner of the lot.

Mr. Patten stated that particular structure will be painted and left as it. The owner is still trying to make a determination if the structure is salvageable. If it is, it may be worth rehabbing; otherwise it will be removed entirely.

Commissioner Brooks, seeking to reconfirm with the applicant, stated as she understood it, the smaller storage buildings on the site were just being painted and not renovated for retail use.

Mr. Patten stated yes; the buildings were being painted and would be used only as personal storage for his client [the owner].

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Commissioner Hinton asked Mr. Patten to clarify his letter requesting the use of evergreen landscaping instead of a masonry screening wall because, as it states in the letter, it provides more flexibility for future development on the site.

Mr. Patten stated that his client's ultimate goal was to construct a larger building on this site, with parking extending to the property line, and perhaps adjoining with adjacent property, so they are requesting a waiver to the screening wall requirement.

Referring to the proposed landscape screening shrubs, Vice-Chairman Rush stated that he has an issue with the use of Redtip Photinias, because of their lack of durability; he requested the applicant consider an alternative evergreen shrub.

Mr. Patten stated that they could substitute another evergreen plant, the Wax Leaf Ligustrum, which is very hardy and requires little maintenance other than occasional pruning.

Commissioner Brooks asked if there were restrooms in the two main buildings and if so were they handicap accessible.

Mr. Patten stated yes, there are existing restrooms in each building and that both buildings are ADA accessible.

Commissioner Hinton asked the applicant if he was aware of Staff's comment regarding the northerly extension of the hammerhead for increased maneuverability.

Mr. Patten stated that the parking lot layout is a standard parking lot design; 60 ft. back to back double head-in parking, with a 24 ft. fire lane and 18 ft. deep parking spaces. He stated that they typically allow, beyond the end plane of the parking area, in a back out situation, 3 ft. because the rear wheel and bumper of an automobile has an overhang distance of 4 ft., so in essence; you have 7 ft. of back out turning ability. He stated that this is very acceptable in parking lot design standards.

Commissioner Hinton stated that without extending of the hammerhead, it appears the two northwest and southwest parking slots have insufficient maneuvering room.

Mr. Patten stated that he disagreed with Staff's comment. In a single slotted or single loaded parking lot where you have parking on only one side, the City requires a 24 ft. fire lane and 18 ft. [deep] parking space, which calculates to 42 ft. and that is what is shown on the site plan.

Commissioner Hinton asked if the hammerhead were to be extended to the west, would that be off the existing asphalt surface.

Mr. Patten stated that would be problematic because at that point the property slopes sharply beyond the edge of the existing asphalt. We would like to use that area to create a swale to contain the drainage coming from the SE corner of the property, so that it will not continue flowing to the north and onto the adjacent property.

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Chairman Strother asked the applicant if this property been recently acquired by the owner of record. Mr. Patten stated that the property is not a recent acquisition; his client has owned the property for at least 10 years.

Commissioner Hinton again pointed out that Staff disagrees with his parking [lot] design and asked if he has discussed this matter with Staff.

Mr. Patten stated that he did speak to Staff on this matter and that they merely have a difference of opinion on the design.

Commissioner Hinton stated that after reviewing the site plan, he agrees with Staff's assessment that the last two spaces have insufficient maneuvering room. Additionally, he stated that he didn't understand the logic behind the applicant's variance request. If required to construct a [screening] wall, how would that hinder the future development of the property, are they looking to acquire additional lots or would there be an ingress/egress through the [lot] boundaries?

Mr. Patten stated yes, they were planning ingress/egress through the lot boundaries.

Ms. Price stated that the comment about vehicular maneuvering was made by the City Engineer, Robert Woodbury. She asked Mr. Patten to please contact Mr. Woodbury directly to discuss this matter further.

Mr. Patten said he would contact Mr. Woodbury. He also stated that he is willing to do whatever it takes to make the site plan comply.

Commissioner Hinton made a motion to approve Case No. 09-03, subject to evergreen shrubbery in lieu of masonry wall and a longer back-out slot for adequate maneuvering. The motion was seconded by Commissioner Hamilton.

The vote was as follows:

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

Nays: 1 – Commissioner Brooks.

Chairman Strother declared the motion carried.

## **V. Reports**

### **2. Discussion on 2008 Comprehensive Plan Implementation**

*The Commission resumed their discussion on the 2008 Comprehensive Plan Implementation.*

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Vice-Chairman Rush stated he was under the impression that during the Comprehensive Plan meetings, Cedar Hill was coordinating with other entities but not necessarily other cities.

Chairman Strother added that coordination with the City of Midlothian could get complicated since they have the option of working with City of Ft. Worth as well as Dallas.

There was some general discussion on what steps must be taken in order to facilitate a TOD plan for Cedar Hill. Items discussed were as follows:

- Land banking
- Possible sites for a TOD
- Possible public/private partnerships
- Eminent domain and would that apply to a TOD

The Commission ultimately decided that they needed additional information from other sources, such as North Central Texas Council of Governments (NCTCOG), in order to completely and accurately discuss this issue.

Mr. Gore stated that he would look into the possibility of presentation from members of NCTCOG.

Commissioner Hinton asked Staff to review page 3-22 of the Comprehensive Plan, he believes that there may be some incorrect wording on this page.

Mr. Gore stated he would review page 3-22.

Vice-Chairman Rush asked what topic the Commission would be discussing at their next meeting.

Mr. Gore stated the topics for our next meeting are Escarpment & Trail Plan.

### 3. Gas Well Update

Commissioner Hinton briefed the Commission on the progress of Gas Well Committee. He stated that things were going well and that they were continuing to work through previously identified issues. He mentioned that a recurring theme from Staff's survey of other cities that currently have active drilling operations is not to focus too much on the drilling aspect, but focus more on the long term issues of site maintenance, pipeline location, etc.

Mr. Tyler stated he was pleased with Chesapeake's presentation and the Committee responded with several good questions [for Chesapeake].

### 4. Recent Submittals

This item was covered during the briefing session.

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**VI. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:37 p.m.

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Bill Strother  
Chairman

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Belinda L. Huff  
Planning Secretary

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