

---

**MINUTES  
PLANNING AND ZONING COMMISSION  
Meeting of October 20, 2009**

---

*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, October 20, 2009 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Blvd. Building 100, Cedar Hill, Texas.*

*Present: Chairman Stephen Douglas-Mason, Vice-Chairman Todd Hinton and Commissioners Bill Strother, Tim Hamilton, Gehrig Saldaña, Wallace Swayze and Theresa Brooks.*

*Absent: None.*

**I. Call the meeting to order**

Chairman Mason called the meeting to order at 6:00 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 September 15, 2009 and October 6, 2009 meetings**

A motion was made by Commissioner Brooks to approve the minutes of the September 15, 2009 meeting minutes, as presented. The motion was seconded by Vice-Chairman Hinton. The vote was as follows:

Ayes: 7 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña, Swayze and Brooks.

Nays: 0

Chairman Mason declared the motion carried.

A motion was made by Commissioner Hamilton to approve the minutes of the October 6, 2009 meeting, as presented. The motion was seconded by Commissioner Strother.

The vote was as follows:

Ayes: 5 - Chairman Mason, and Commissioners Strother, Hamilton, Saldaña and Brooks.

Nays: 0

Abstentions: Vice-Chairman Hinton and Commissioner Swayze.

Chairman Mason declared the motion carried.

**III. Citizens Forum**

---

No one spoke

**IV. Case No. 09-31 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit** for Indoor Amusement Services within a “PD” – Planned Development District for Local Retail, located at 305 West F.M. 1382, Suite 403, Cedar Hill, TX. *Requested by Laura Espinoza and Julie Molina of It’s a Girl Thang.*

*Jodie Wilder of CMA Architects, 4130 Commerce St. Suite 105, Dallas, TX 75226 stepped forth to present this request and answer any questions from the Commission.*

Ms. Wilder stated that this establishment offers special themed birthday parties, which may include costumes, make-up and nail services, for girls ages 3-17. The owners are relocating to the Uptown Village Shopping Center from their current location at 818 North Highway 67, near Pleasant Run Rd.

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

No one spoke.

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

Commissioner Swazye asked the applicant if the new location is larger than the existing location.

Ms. Wilder stated that it is slightly larger than the current location, but more importantly, the new location offers increased visibility.

Chairman Mason asked the applicant if this is a second location.

Ms. Wilder stated no, there will be only one location.

A motion was made by Commissioner Strother to approve Case No. 09-31, as presented. The motion was seconded by Commissioner Brooks. The vote was as follows:

Ayes: 7 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña, Swayze and Brooks.

Nays: 0

Chairman Mason declared the motion carried.

---

- 
- V. Case No. 09-33 – CONDUCT A PUBLIC HEARING and consider a request for a revised Conditional Use Permit to serve Alcoholic Beverages in conjunction with a restaurant** within a “PD” – Planned Development District for Local Retail, located at 305 West F.M. 1382, Suite 114, Cedar Hill, TX. *Requested by Maxwell Buehler of Petaluma Café.*

*Gary Buehler of Petaluma Café, 8728 Arbor Park Ct., Dallas, TX 75243, stepped forth to present this request and answer any questions from the Commission.*

Mr. Buehler stated that originally they applied for a permit to serve alcoholic beverages until 9 pm, but due to increased requests for private parties, they would now like to amend their hours for the sale and service of alcohol to 1 am.

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

No one spoke.

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

Commissioner Hamilton asked the applicant if there were any restaurants near Petaluma Café that stayed open to 1 am.

Mr. Buehler stated that he wasn't sure if there were any other restaurants near them that stayed open to 1 am.

A motion was made by Commissioner Hamilton to approve Case No. 09-33, as presented. The motion was seconded by Commissioner Strother. The vote was as follows:

Ayes: 7 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña, Swayze and Brooks.

Nays: 0

Chairman Mason declared the motion carried.

- VI. Case No. 09-24 - Review and consider the Site Plan of Central States Warehouse** showing a 22,889-sq. ft. building addition on 9.074-acres of land out of Abstract 138, generally located north of U.S. Highway 67 and east of Grisby Way. *Requested by Glen Schiech of Tegrus Construction Company.*

*Keith Hamilton of Hamilton Duffy, 8241 Mid-Cities Blvd, North Richland Hills, TX 76182 stepped forth to present this request and answer any questions from the Commission.*

---

Mr. Hamilton state that the purpose of this expansion was for additional office and warehouse space.

Chairman Mason asked the applicant what type of business is Central States.

Mr. Hamilton stated that they were a metal fabrication company.

Commissioner Swazyze asked the applicant if the warehouse was for storage of finished product.

Mr. Hamilton stated that he wasn't sure what would be stored in the additional warehouse space.

Commissioner Brooks asked the applicant if he was aware of City Staff's comments regarding water line design and easement.

Mr. Hamilton stated that the owners are aware of these comments and have submitted the requested paperwork to the City's Engineering Department for approval.

A motion was made by Commissioner Brooks to approve Case No. 09-24, subject to the water line design meeting the approval of City and being contained within an easement. The motion was seconded by Commissioner Swazyze. The vote was as follows:

Ayes: 7 - Chairman Mason, Vice-Chairman Hinton and Commissioners Strother, Hamilton, Saldaña, Swayze and Brooks.

Nays: 0

Chairman Mason declared the motion carried.

## **VII. Staff Reports**

### **a. Wind turbine update**

Rod Tyler, Director of Planning, reviewed with the Commission the information provided in the packet. A list of previously identified issues was analyzed; staff has come up with suggestions and would now like to receive feedback from the Commission.

Commissioner Strother asked if the building code addresses wind loads.

Mr. Tyler stated yes, the International Building Code does address this issue and engineers designed the standards outlined in the Code.

Commissioner Swayze asked how much latitude is given to a homeowner with respect to performing their own electrical work. He stated that he was primarily referring to an instance when a home is completely off-grid and any work the homeowner performed affected only their home.

Mr. Tyler stated that the electrical code only applied to work that is performed on-grid and did not apply to work done off-grid; therefore no permits, inspections, or requirement for the use of a licensed electrician is required.

---

Commissioner Brooks asked if Mr. Tyler was referring to a building permit or an electrical permit. She stated that surely the City would require a building permit for the construction of a structure such as a wind turbine, and consequently, inspections and licensed trades people would be required for performing said work.

Mr. Tyler stated that currently the City does not allow for the construction of wind turbines. He was referring to Commissioner Swayze's question and how currently the codes only apply to electrical work performed on-grid.

Vice-Chairman Hinton stated that it seems that we have identified a gap in the codes; if a homeowner performs unlicensed electrical work, even just on their own home and because of that work caused some type of accident or a fire for example, the City would still be required to provide emergency services at taxpayer expense. As a City, he stated, we should take whatever appropriate measures are necessary to rectify this gap in the codes.

Commissioner Brooks stated that the Planning & Zoning Commission did not have the authority to make changes the electrical code.

Mr. Tyler stated that the City of Cedar Hill complies with the International Building Codes and the gap in the code that Commissioner Hinton was describing is something on a national level.

There was some discussion amongst the Commission on the issue of electrical work. It was the general consensus of the Commission to require any electrical work shall be inspected by a licensed electrician.

Moving on, Mr. Tyler asked the Commission if they thought some sort of annual permit or inspection should be a requirement; however he stated that he did not encounter any permit or annual inspection requirement in the other regulations he reviewed.

Commissioner Swayze asked if the inspections would be performed by a third party or would someone from the City perform the inspections.

Chairman Mason stated that he felt as though third party inspections would be the best, but that he'd like to see some oversight from the City on the inspections as well. Additionally, he asked Mr. Tyler if a structural and/or geo-technical engineer would be required on a wind turbine project.

Commissioner Brooks asked Mr. Tyler how he was defining a wind turbine.

Mr. Tyler stated that a wind turbine is defined as a monolithic pole that is tied to something with the intent to produce energy.

Commissioner Saldana asked Mr. Tyler in terms of visual clutter, what determines the setback requirement.

Mr. Tyler stated the setback is something he is seeking the Commission's help in determining and should the standard be different in residential and non-residential districts.

Commissioner Strother stated that the standard presented in the packet regarding ongoing maintenance should be 10 years instead of 5.

---

---

Commissioner Swayze stated that any standards the City devised should be limited to personal, onsite consumption and not intended for someone to buy a plot of land specifically for the purpose of constructing several wind turbines and selling the energy produced.

Commissioner Brooks stated that any proposed regulations should specify that wind turbines are an accessory use only.

To recap, Vice-Chairman Hinton stated that the following points were ones that he would like especially noted and/or for city staff to review further:

- Minimum footprint- What ensures that surrounding structures are not damaged in the event of catastrophic blade failure?
- Bolt on wind turbines
- Visual clutter
- Wind turbine on a foreclosed lot, who is responsible for maintenance?
- Structural and/or geo-technical engineer's report required for areas of the City on or near the escarpment.

Chairman Mason asked Mr. Tyler to correct the number on the flow chart exhibit.

Mr. Tyler stated that he would make the recommended changes and would present a revised report to the Commission at an upcoming meeting.

b. Recent Submittals

This item was covered during the briefing session.

**VIII. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:18 p.m.

---

Stephen Douglas-Mason  
Chairman

---

Belinda L. Huff  
Planning Secretary

---