

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of May 7, 2007**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, May 7, 2007 at 6:00 p.m. in the Council Chambers of City Hall, Cedar Hill, Texas.

Present: Vice-Chairman Bill Strother and Commissioners David Rush, Theresa Brooks, Stephen Mason and Gehrig Saldaña.

Absent: Chairman Detrick Deburr.

One position vacant.

I. Call the meeting to order

Vice-Chairman Strother called the meeting to order at 6:03 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 April 2, 2007 meeting

A motion was made by Commissioner Rush to approve the minutes of the April 2, 2007 meeting, with two corrections. The motion was seconded by Commissioner Saldaña. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case Number 07-23 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit to serve Alcoholic Beverages in conjunction with a restaurant within a Local Retail zoning district, located at 1435 North Highway 67, Suite 200, Cedar Hill, TX. Requested by Bobby Dyess.

Bobby Dyess, 110 Magnolia Drive, Waxahachie, Texas 75165, stepped forth to present this request and answer any questions from the Commission.

Vice-Chairman Strother opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Vice-Chairman Strother closed that portion of the public hearing and opened the floor for anyone wishing to speak in opposition to this request.

No one spoke.

Vice-Chairman Strother closed the public hearing for this item and opened the floor to the Commission for discussion.

Commissioner Brooks asked the applicant if he was aware of Staff's comment regarding the proposed hours in which alcoholic beverages would be sold.

Mr. Dyess stated he was aware of the comment and that the hours stated in their narrative were incorrect and would be adjusted to comply with City ordinance.

A motion was made by Commissioner Rush to approve Case Number 07-23, subject to the hours of operation being modified to comply with City ordinance. The motion was seconded by Commissioner Mason. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

V. Case Number 07-15 – Review and consider the Site Plan of a 12,000 sq. ft. building on **Lot 1R-C, Blk C, Cedar Hill Village** generally located on Uptown Blvd, north of Cinemark. *Requested by Jim Riley of Brockette Davis Drake, Inc.*

Jim Riley of Brockette, Davis, Drake, Inc. 4144 North Central Expressway, Suite 1100, Dallas, Texas 75204, stepped forth to present this request and answer any questions from the Commission.

A motion was made by Commissioner Brooks to approve Case Number 07-15, as presented, which included certain deviations from the Uptown Overlay district standards. Commissioner Rush asked Commissioner Brooks if this motion included the lighting plans being in compliance with City ordinance. Commissioner Brooks amended her motion to include the lighting plans being in compliance with City ordinance. The motion was seconded by Commissioner Saldaña. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

VI. Case Number 07-16 – Review and consider the Revised Site Plan of Lot 4, Blk C, Cedar Hill Village Phase IV, for a common driveway generally located northeast of Copper Chase Drive and Clancy Nolan Drive. *Requested by Jim Riley of Brockett Davis Drake, Inc.*

Jim Riley of Brockett, Davis, Drake, Inc. 4144 North Central Expressway, Suite 1100, Dallas, Texas 75204, stepped forth to present this request and answer any questions from the Commission.

Mr. Riley stated that this site plan was for a driveway and small parking area, adjacent to Haverty's.

Commissioner Rush asked the applicant if there was any conclusion to whether or not an all way stop sign was needed at the intersection of Copper Chase and Clancy Nolan Drives.

Mr. Riley stated that the City Council asked for that study to be performed by City staff, but to his knowledge it has not been done.

A motion was made by Commissioner Brooks to approve Case Number 07-16, subject to the landscaping and lighting plans being in compliance with City ordinance. The motion was seconded by Commissioner Rush. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

VII. Case Number 07-19 – Review and consider the Final Plat and Civil Plans of Blue Duck Park Addition creating 1 non-residential lot on 3.95-acres of land out of Abstract 138, generally located southeast of U.S. Highway 67 and Cedarview Drive. *Requested by Bobby Spears of Bennett Building Systems.*

Bobby Spears of Bennett Building Systems, 12540 South Highway 35W, Burseson, Texas 76028, stepped forth to present this request and answer any questions from the Commission.

Mr. Spears began by asking the Commission if they had the authority to issue a permit for paving of an 1800 sq. ft. area on this site, prior to the final plat process being completed. He stated this project originally started as a 2700 sq. ft. addition to an existing building but has since evolved into the requirement of preliminary and final platting of the property, which has added considerable expense to the owners. If they could not obtain this permit for the paving prior to the recording of the final plat, he stated the out-of-town owners would be forced to vacate this project.

Mr. Spears also expressed his frustration on conflicting information he had received from City staff on whether or not a permit could be issued prior to the final plat process being completed.

Rod Tyler, Director of Planning, informed Mr. Spears that the Planning & Zoning Commission did not have the authority to discuss matters that were not on their agenda and asked Mr. Spears to please only discuss with the Commission matters directly related to the final plat and civil plans for this project.

To further clarify matters for the Commission, Mr. Tyler reminded them that this request did not include any site plan or permitting issues.

A motion was made by Commissioner Brooks to approve Case Number 07-19, subject to the City Engineer's comments. The motion was seconded by Commissioner Saldaña. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

VIII. Case Number 07-24 – Review and consider the Site Plan of 405 West Beltline Road. Requested by Dustin Ledbetter.

Dustin Ledbetter, 206 South Broad Street, Cedar Hill, 75104, stepped forth to present this request and answer any questions from the Commission.

Mr. Ledbetter stated their intent was to remodel the existing building for office or retail use. He also stated they would tear down the carport and widen the driveway.

A motion was made by Commissioner Mason to approve Case Number 07-24, as presented. The motion was seconded by Commissioner Rush. The vote was as follows:

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

Nays: 0

Vice-Chairman Strother declared the motion carried.

IX. Review and consider staff report regarding proposed Tree Preservation Ordinance

Rod Tyler, Director of Planning, reviewed and discussed with the Commission the comments received from builders, developers and citizens. It was concluded that Staff should incorporate certain changes and present a redline copy of the ordinance to the Commission at their next meeting.

X. Staff Report

Leslie Price, City Planner, reviewed with the Commission recent submittals and upcoming agenda items.

XI. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:15 p.m.

Bill Strother
Vice-Chairman

Belinda L. Huff
Planning Secretary
