
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of August 19, 2014

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, August 19, 2014 at 6:00 p.m. in T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Planning & Zoning Commissioners present: Chairman Theresa Brooks, Vice-Chairman Bill Strother and Commissioners: Michael Deeds, Adriane Martin, Lisa Thierry, Gehrig Saldana and Timothy Hamilton

City Staff members present: Rod Tyler, Director of Planning, Don Gore, Senior Planner; Sharon Davis, Executive Secretary and Lance Knox, Planning Intern.

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:01 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 July 15, 2014 regular meeting

A motion was made by Commissioner Deeds to approve the minutes of the July 15, 2014 regular meeting. The motion was seconded by Commissioner Hamilton. The vote was as follows:

Ayes: 5 – Vice-Chairman Strother, Commissioner Martin, Saldana, Hamilton and Deeds

Nays: 0

Abstain: 2 – Commissioner Thierry and Chairman Brooks

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case No. 2014-24 – CONDUCT A PUBLIC HEARING and consider a request for a Conditional Use Permit for a convenience store within the "LR" (Local Retail) zoning district, being part of Lot 2R, NWC Clark Rd. and Belt Line Rd. Addition, located at 125 N. Clark Rd., Ste. 110, Cedar Hill, TX 75104; requested by Paul Le on behalf of Good Good Vapor.

Mr. Gore noted that the applicant is proposing a convenience store at the corner of Joe Wilson and Belt Line Road. The establishment will be selling electronic cigarettes, a device meant to simulate tobacco smoking, along with accessories and e-liquid. The subject property is zoned

LR – “Local Retail” and a convenience store is an allowed use within the LR zoning district provided a Conditional Use Permit (CUP) is first obtained from City Council.

Commissioner Deeds asked if we had seen this case before.

Mr. Gore indicated there was a past case that requested a CUP for the sale of electronic cigarettes in a convenience store.

Mr. Le, 4210 Bent Oaks Dr., Arlington, TX presented the request to sell electronic cigarettes, accessories and e-liquid in a convenience store. He also quoted some statistics about smoking related deaths due to smoking.

Chairman Brooks opened the public hearing for anyone wishing to speak in support 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 of this request.

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion.

Commissioner Deeds noted that the application form submitted by the applicant stated that the intended future land use was for “tobacco and electronic cigarettes” and asked if this was how the land use is designated in the Zoning Code or is the applicant intending to sale tobacco as well.

Mr. Gore stated that was in error, that the future land use plan designation for this property was retail.

Mr. Tyler indicated that “tobacco and electronic cigarettes” is not specifically called out in the Zoning Code and staff had classified this use as a convenience store, which requires a Conditional Use Permit, and, as such, would allow the retail sales of electronic cigarettes and other products.

Vice-Chairman Strother felt that electronic cigarettes will one day be just as harmful as cigarettes and felt the City of Cedar Hill does not need another store that sales electronic cigarette but the way the ordinance reads that he had no basis for denial.

Commissioner Martin asked if there was an ordinance that prohibits minors from purchasing electronic cigarettes and e-liquid.

Mr. Le stated that the customer has to be 18 and they are carded.

Mr. Gore also noted that the city council had recently adopted an ordinance that prohibited the sale of electronic cigarettes and e-liquid to minors.

Commissioner Hamilton made a motion to recommended approval of Case 14-24 as presented. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 7 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Saldana, Thierry and Martin.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

- V. Case No. 2014-26 – CONDUCT A PUBLIC HEARING and consider a request for Conditional Use Permit** for an Auto, Truck, Trailer Dealer (Primarily Used), within the “I” Industrial zoning district, being 1.28 acres, Lot 1, Marble Estates Addition, located at 1201 S. Cedar Hill Rd., Cedar Hill, TX 75104; *requested by William Bailey on behalf of Silver Star Motors.*

Mr. Gore stated the applicant is proposing to utilize three existing metal buildings located on 1.2 acres to sell used cars. The applicant indicated that it’s not a traditional used car lot, in that most of the sales would be generated by the internet and most of the vehicles would be stored indoors. The hours of operation would be from 9AM to 6:30PM. The zoning ordinance requires one loading area at a size of 10’x45’. Staff recommends applicant revise site plan to show this.

Mr. William Bailey, 1142 Pleasant Dr., Midlothian, TX, and Mr. George Dolezal, 5010 Monroe Dr., Midlothian, TX presented the request to sale used cars via the internet and storing the vehicles in a storage building.

Chairman Brooks opened the public hearing for anyone wishing to speak in support 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 of this request.

No one spoke.

Chairman Brooks closed the public hearing and opened the floor for discussion.

Commissioner Deeds asked if this was a new business or if they were relocating. He also asked if the cars were ready for sale or would there be any maintenance required like changing and disposing of oil, antifreeze, etc. Would the vehicles be stored indoors and/or outdoors.

Mr. Bailey stated that they were relocating from Arlington. He stated part of the facility would be where the vehicles would have detailed work done before going to the showroom for internet sales. Most of their customers are out of state. Any auto maintenance services would be sub-contracted out to other companies. The majority of the vehicles would be stored in a storage building with an area outdoors for overflow.

Commissioner Hamilton asked what kind of vehicles they would be selling and if the applicant provided warranties on the vehicles.

Mr. Bailey stated they mostly sale work trucks, three quarter ton trucks and high class cars. They also issue warranties on these vehicles.

Commissioner Thierry asked how long the cars are kept in their inventory and if they ship the vehicles or if the customer picks them up at the site.

Mr. Bailey stated that 80% of their vehicles are kept no longer than 27 days and those vehicles are shipped as well as the customer picking them up.

Commissioner Hamilton asked if the applicant sold to just the customer or to dealerships as well.

Mr. Bailey stated they sell to the customer, dealerships as well as to municipalities. They also offer financing.

Vice-Chairman Strother asked if they purchase their vehicles from auctions.

Mr. Bailey stated their vehicles are purchased from auction houses as well as many avenues such as franchise stores.

Commissioner Deeds made a motion to recommended approval of Case 14-26 subject to applicant revising the site plan to show the location of a 10'x45' loading dock. The motion was seconded by Commissioner Martin. The vote was as follows:

Ayes: 7 – Chairman Brooks, Vice-Chairman Strother, Commissioners Deeds, Hamilton, Saldana, Thierry and Martin.

Nays: 0

Chairman Brooks declared the motion carried unanimously.

VI. Staff Reports & Discussion Items

1. Recent Submittals

Mr. Gore reviewed the recently submitted cases with the Commission.

Mr. Tyler reported that the City Council had a joint meeting with the EDC and a consultant gave a preliminary study of the old Phillips Properties which indicated that the market and timing was

good for the redevelopment of the property. He also gave an update to the Commissioners on the code audit being done in conjunction with the City Center Plan. He told the Commission that staff had seen a draft copy of the report and had forwarded comments to the consultants so they could prepare for the up-and-coming code audit workshop.

Mr. Gore indicated the code audit workshop would be October 22 and 23, 2014.

VII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:47 pm.

Theresa Brooks
Chairman

Sharon Davis
Executive Secretary
