

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of June 2, 2008**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, June 2, 2008 at 6:00 p.m. in the Council Chambers of City Hall, 502 Cedar Street, Cedar Hill, Texas.

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

Absent: none

I. Call the meeting to order

Chairman Strother called the meeting to order at 6:02 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 May 5, 2008 workshop, the May 19, 2008 regular meeting and the May 19 workshop

A motion was made by Vice-Chairman Rush to approve the minutes of the May 5, 2008 workshop, the May 19, 2008 regular meeting and the May 19 workshop, with one correction to the May 19 regular meeting minutes. The motion was seconded by Commissioner Hinton. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldaña and Hinton

Nays: 0

Chairman Strother declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case Number 08-18 – CONDUCT A PUBLIC HEARING and consider a request for a **change in zoning** from SF-7 - single-family 7,000 sq. ft. lot minimums to NS-Neighborhood Services on 0.26-acres of land out of Abstract 392, more commonly known as 404 Springtime Dr., Cedar Hill, TX 75104. *Requested by Jimmy and Peggy Neely.*

Peggy Neely, 404 Springtime Dr. Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

Mrs. Neely stated that they have lived at this residence for 25 years. Her and her husband would now like to move in order to be closer to other family members. Since their property is adjacent

to properties already zoned Neighborhood Services, they feel that this request is reasonable and would increase their property's value and salability.

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

No one spoke.

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.

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

Commissioner Brooks commented that she did not feel this was a wise request. She stated that it would be detrimental to the existing residents by further exaggerating an existing traffic problem on the small residential streets.

Commission Mason asked Mrs. Neely to explain how they felt this change would increase the value of their property.

Mrs. Neely stated that the lot next to them, located on the highway service road, was too small to develop and therefore has been left dormant for many years. They speculated that if the zoning of their lot was changed to Neighborhood Services, then perhaps both lots could be joined and developed together. She has tried to look up the contact information of this adjacent property owner, but has so far been unsuccessful.

Vice-Chairman Rush stated that he felt this request was in line with the surrounding properties.

Chairman Strother stated that he felt this was very close to "spot" zoning and could potentially have a negative impact on the adjacent residential uses.

Prior to making his motion, Commissioner Mason told Mrs. Neely that if she could possibly make arrangements with the property owner to the west to adjoin the two properties, thus allowing highway frontage road access, then perhaps this request would be more palatable to the Commission.

A motion was made by Commissioner Mason to deny this request. The motion was seconded by Commissioner Brooks. The vote was as follows:

Ayes: 5 – Chairman Strother and Commissioners Brooks, Mason, Saldana and Hinton

Nays: 2 - Vice-Chairman Rush and Commissioner Hamilton.

Chairman Strother declared the motion carried.

- V. Case Number 08-19 – 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, located at 305 West FM 1382, Suite 502, Cedar Hill, TX. *Requested by Matt Martinez on behalf of Matt's Rancho Martinez.*

Matt Martinez, 305 West FM 1382, Suite 502, Cedar Hill, TX 75104, stepped forth to present this request and answer any questions from the Commission.

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

No one spoke.

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.

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

Just out of curiosity, Commissioner Brooks asked Mr. Martinez why he waited so long to make this request.

Mr. Martinez stated that the Herring Group approached him approximately 45 days prior to the shopping center's opening and said they would like for him to open a restaurant in this development. He stated because of this very short time frame, his primary focus was not the serving of alcoholic beverages, but on hiring a staff, getting them appropriately trained and serving quality food.

Relative to the service of alcoholic beverages, Commissioner Hinton asked Mr. Martinez what type of training would his staff receive.

Mr. Martinez stated that all employees would be fully trained and certified by the TABC.

A motion was made by Vice-Chairman Rush to approve Case number 08-19, as presented. The motion was seconded by Commissioner Saldana. The vote was as follows:

Ayes: 7 – Chairman Strother, Vice-Chairman Rush and Commissioners Brooks, Mason, Hamilton, Saldana and Hinton

Nays: 0

Chairman Strother declared the motion carried.

VI. Case Number 08-21 – Review and consider the Site Plan of Lot 1, Block A, McDonald’s Cedar Hill Addition showing a 5,340 sq. ft. restaurant on 1.082-acres of land out of Abstracts 392 & 711, generally located north and west of U.S. Highway 67 and F.M. 1382. *Requested by Ben Sims of Adams Consulting Engineers, Inc.*

Ben Sims of Adams Consulting Engineers, 500 Nolan Dr. Suite #550, Southlake, TX 76092, stepped forth to present this request and answer any questions from the Commission.

Commissioner Hinton expressed concerns about this site’s internal and externally traffic circulation. He was particularly concerned about the elimination of one of the drive approaches onto FM 1382.

Mr. Sims stated that TxDot approved, and actually preferred, this design. He stated that there would be 2 way traffic around the entire site, to facilitate traffic flow.

Commissioner Hinton again stated that he felt the loss of one of the drive ways is detrimental and he is strongly opposed to its removal.

There was some general discussion regarding the traffic circulation in and around this site.

Commissioner Mason commented on the double drive-thru design illustrated on the site plan and asked the applicant to explain this design.

Mr. Sims stated that McDonald’s Corporation has done extensive research on the improved efficiency of the double drive-thru design and actually implemented it faster than any other fast food chain. Additionally, he stated that his firm, Adams Engineers, has developed a manual on this design and that it has become the standard for McDonalds nationwide.

Commissioners Hinton and Brooks stated that they have visited restaurants with similar double drive-thru designs and the traffic flow is actually better that a single drive-thru design.

Commissioner Mason asked the applicant if they could redesign the site, perhaps by moving the drive-thru lane to the opposite side of the building, in an effort to improve traffic circulation.

Commissioner Brooks stated that City staff, engineering and the fire department have all reviewed and approved this design, and therefore felt it was too burdensome on the applicant to make such radical changes to their design.

Commissioner Mason asked Mr. Sims if he was aware of staff’s comments regarding this project.

Mr. Sims stated he was aware of these comments and that they have no issues with them and they are working on revising their plans accordingly.

A motion was made by Commissioner Mason to approve Case number 08-21, subject to the following: 1) Final Plat being recorded at Dallas County; 2) Landscaping plan being revised to conform to the Local Retail zoning district standards; and 3) Exterior lighting plan shown to be

compliant with “Dark Sky” lighting regulations. The motion was seconded by Commissioner Hamilton.

The vote was as follows:

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

Nays: 1- Commissioner Hinton.

Chairman Strother declared the motion carried.

VII. Staff Report

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

VIII. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 6:55 p.m.

Bill Strother
Chairman

Belinda L. Huff
Planning Secretary
