

**MINUTES
PLANNING AND ZONING COMMISSION
Meeting of February 19, 2007**

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on MONDAY, February 19, 2007 at 6:00 p.m. in the Council Chambers of City Hall, Cedar Hill, Texas.

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

Absent: Theresa Brooks

One position vacant.

I. Call the meeting to order

Chairman Deburr called the meeting to order at 6:06 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 5, 2007 meeting

A motion was made by Commissioner Saldaña to approve the minutes of the February 5, 2007 meeting, as presented. The motion was seconded by Commissioner Mason. The vote was as follows:

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

Nays: 0

Chairman Deburr declared the motion carried.

III. Citizens Forum

No one spoke.

IV. Case Number 07-02 – REMOVE FROM TABLE and consider a revised Site Plan of 402 Lee Street. Requested by Dustin Ledbetter of Phillips Properties.

Vice-Chairman Strother made a motion to remove this item from the table.

The motion was seconded by Commissioner Rush.

Dustin Ledbetter of Phillips Properties, 110 South Broad Street, Cedar Hill, TX 75104, and Ricky Watkins, operator of the daycare stepped forth to present this request and answer any questions from the Commission.

Commissioner Rush asked Mr. Ledbetter if there had been any changes to the site plan since the last P&Z meeting.

Mr. Ledbetter stated no, there have been no changes to the site plan.

Brooks Garnett, engineer in training, for the City of Cedar Hill, explained to the Commission the traffic count information including in their packet. Mr. Garnett stated that, even at peak times, the traffic volume in this area was deemed as moderate.

Vice-Chairman Strother stated he had concerns about traffic on Cooper Street during peak travel times and stated that if the Commission were to approve this site plan, he would like to specify that the entrance to the daycare facility be from Cooper Street and exiting onto Lee Street.

Commissioner Rush asked Mr. Garnett if excessive speed has been an issue on either of these streets.

Mr. Garnett stated yes, speeding is an issue in this area. The posted speed is 30 mph on both streets and 39 mph is the average speed recorded.

Vice-Chairman Strother thanked the staff at Public Works for providing the traffic count data so quickly.

Commissioner Mason stated that he stands by his original position to deny this request unless the applicant can revise their site layout, possibly by removing some parking spaces, in order to comply with the minimum driveway spacing requirements.

Commissioner Rush asked Rod Tyler, Director of Planning, who would handle a request for a speed limit change.

Mr. Tyler stated that request would start with the Public Works department, who would in turn prepare an ordinance for City Council to approve.

A motion was made by Vice-Chairman Strother to deny Case Number 07-02. The motion was seconded by Commissioner Mason. The vote was as follows:

Ayes: 4- Chairman Deburr, Vice-Chairman Strother and Commissioners Mason and Saldaña.

Nays: 1 – Commissioner Rush

Chairman Deburr declared the motion carried.

- V. Case Number 07-01 – Review and consider the Preliminary Plat of Barrix Addition showing 4 residential lots on 2.9,775-sq. ft. non-residential building on 2.9608-acres of land out of Abstract 304, generally located in the 500 block of S. Clark Road, south of Weaver Street. Requested by Jim Riley of Brockette, Davis, Drake.**

Tony Martin, representative for Sumeer Homes, P.O. Box 825, Waxahachie, TX 75168 stepped forth to present this request and answer any questions from the Commission.

Mr. Martin stated his client would like to build four upscale single family residences on this property.

Commissioner Saldana asked the applicant if this would be a gated development.

Mr. Martin stated no, this would not be a gated development.

A motion was made by Commissioner Rush to approve Case Number 07-01, subject to staff comments. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Deburr declared the motion carried.

VI. Report regarding a proposed Tree Preservation Ordinance

Mayor Pro Tem Cory Spillman briefed the Commission on some of the history of this project. He explained that the Council, after conducting a workshop and being briefed on this issue, has determined we need to focus on getting an ordinance in effect very soon to save a diminishing natural resource. He stated that in the Commission's packet, there is a copy of a draft tree ordinance prepared by our land use attorney, with the assistance of himself and Rod Tyler, Director of Planning. At this time he would like to get some direction from Commission, to find out if this ordinance is heading in the direction the P&Z would like to see. Mr. Tyler illustrated with a Power Point presentation, the concepts contained in the draft tree ordinance.

Commissioner Mason asked if a tree expert had been consulted to assist with the preparation of an ordinance.

Mayor Pro Tem Spillman stated yes, but that was one of the things that went wrong with the first attempt at drafting an ordinance. It produced an ordinance so complex, that we felt it could not be implemented and enforced by current city staff.

Commissioner Mason asked who then would enforce this ordinance.

Mr. Tyler stated we do not have anyone on staff to enforce a tree ordinance at this time.

Secretary's note – Vice Chairman Strother left at 6:46.

Commissioner Rush asked if a homeowner could cut down trees on their lot.

Mr. Tyler stated yes, once the home is occupied; this ordinance is no longer applicable.

Chairman DeBurr asked Mayor Pro Tem Spillman, what time frame was the City Council looking at for getting an ordinance in place.

Mayor Pro Tem Spillman stated yesterday. This is very important to the City Council and they would like for the P&Z get the ball rolling on this process ASAP.

Chairman DeBurr asked Mr. Tyler how this ordinance factors in with the Comprehensive Plan update.

Mr. Tyler stated they would be two distinctly different projects; the tree ordinance is a very, very detailed project, whereas the Comprehensive Plan update is very broad, big picture project.

Mayor Pro Tem Spillman stated the P&Z should make sure they understand this ordinance, since they would be the first in line for questions from the development community and citizens.

Commissioner Saldana asked if this ordinance was modeled after any other City's tree ordinance.

Mayor Pro Tem Spillman stated, no, the attorney, Rod and he got together and came up with, what they felt was a very unique ordinance, tailored exclusively for Cedar Hill.

VII. Report regarding update of the Comprehensive Plan

City Planner Leslie Price stated that in the P&Z packet there is a scope of services agreement from Dunkin Sefko, our consultant retained for the Comprehensive Plan update. Ms. Price, with the help of a Power Point presentation, illustrated how the update process would work and briefly outlined the areas that are to be revised. She stated this update would take into consideration, among other things, 2000 census information, future projections for City services and the input from citizens appointed to a steering committee by City Council.

Chairman DeBurr asked City staff outside of the public hearing phases, what is the P&Z's role at this time.

Mr. Tyler stated the role of the P&Z was minimal right now; City staff primarily wanted the Commission to review the scope of services to ensure everyone understands it. He further stated that the Mayor has made it clear he wants a large amount of citizen input in this update process. City Council will appoint a steering committee of approximately 15-20 members, and it would possibly include two P&Z Commissioners and two City Council members.

VIII. Report regarding Loop 9

Mr. Tyler, using a laptop and a projector, reviewed with the Commission Loop 9's website, navigating through the various pages to familiarize the P&Z with the information contained on this site. He reviewed with the Commission in detail the two proposed alignments and discussed the pros and cons of each alignment.

IX. Staff Reports

Belinda Huff, Planning Secretary, reviewed with the Commission new and pending submittals.

X. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:00 p.m.

Detrick DeBurr
Chairman

Belinda L. Huff
Planning Secretary
