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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Meeting of December 20, 2016**

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*The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, December 20, 2016 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Blvd, Bldg. 100, Cedar Hill, TX.*

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

*City Staff members present: Rod Tyler, Director of Planning, LaShondra Stringfellow, Asst. Director of Planning, Dana Woods, Planner and Sharon Davis, Executive Secretary of Planning.*

**I. Call the Meeting to Order**

Chairman Brooks 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 December 6, 2016 regular meeting**

A motion was made by Commissioner Hamilton and seconded by Commissioner Saldana to approve the minutes of the December 6, 2016 regular meeting. The vote was as follows:

Ayes: 4 – Chairman Brooks, Commissioners Hamilton, Saldana, and McCurdy

Abstain: 1 – Commissioner Deeds

Nays: 0

Chairman Brooks declared the motion carried.

Secretary's Note: Vice-Chairman Strother arrived.

**III. Citizens Forum**

No one spoke.

- IV. Case 16-04 – Conduct a public hearing, review and consider an application for a change in zoning from "LR" – Local Retail District within the Uptown Overlay to "PD" – Planned Development District for multiple-family residential (apartment) uses with removal of the Uptown Overlay on property located on the north and south sides of Pioneer Trail between Cedar Hill Road and Uptown Boulevard with the approximate address being 600 North Cedar Hill Road; requested by Brad Copeland on behalf of Crawford Fain Driggs, LLC.**
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Ms. LaShondra Stringfellow, Assistant Director of Planning indicated the applicant is proposing to postpone their application for rezoning for a future date to have the opportunity to have further discussions regarding Staff's recommendations and concerns.

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

Mr. Norman Patten, 413 Cedar St. indicated he had concerns with removing the uptown overlay that could cause problems with future development.

Mr. Wes Pool, 611 E. Belt Line also had concerns with the quality of apartments that might be going in.

Secretary's Note: Commissioner Thierry arrived at 6:09.

Public Hearing was left open for further discussion.

Commissioner Deeds made a motion to recommend postponing this application until the next P&Z meeting on January 17, 2017. The motion was seconded by Commissioner McCurdy. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

- V. Case 16-30 – Conduct a public hearing, review and consider an application for a change in zoning from “LR” – Local Retail District within the Uptown Overlay to “PD” – Planned Development District for multiple-family residential (apartment) uses and certain uses permitted within the “LR” Local Retail District with removal of the Uptown Overlay** on property bounded by FM 1382 on the northeast, Gulf Coast and Santa Fe Railroad on the southeast, and Straus Road on the west with the approximate address being 800 West FM 1382 and 400 Straus Road; *requested by Ryan Johnson of Covenant Development on behalf of Lisa Kahn Betros/Isabel F. Kahn/ALK Realty Ltd.*

Ms. LaShondra Stringfellow, Assistant Director of Planning delivered the staff report. Staff recommends approval subject to staff's condition's noted in the green boxes on the “Planned Development District Standards”. These conditions are recommended to be consistent with the City Center Development Plan, to meet the criteria for a change in zoning, and to comply with the standards and policies of the City of Cedar Hill.

Mr. Bob Rotter, Attorney for Covenant Development, 1700 Redbud, Ste. 300, McKinney addressed the staff proposed landscaping along Straus of 1 canopy tree per 450- sq. ft. by stating it would create an over grounded situation and 1 canopy tree per 900 sq. ft. would

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create more of a tree presents and healthier trees. With this one exception, the Applicant is in agreement with staff's recommendations. The applicant showed a presentation of renderings of how the project would look and feel with an urban setting.

Commissioner Deeds asked to what degree in incorporating topography into the design. Are there areas where the elevation is so sever and steep that it be required to fill in in order to moderate the elevation.

Mr. Yao Hua Yu, Humphreys & Partners Architects, 5339 Alpha Rd., Ste. 300, Dallas indicated on Pleasant Run there is stock and finish; the two grates cannot change because they have to connect to the street. The only area that can be cut and filled is on the back side of the parking lot.

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

Mr. Norman Patten, 413 Cedar St. indicated he had concerns with removing the uptown overlay that could cause problems with future development.

Mr. Eddie Leidman Weitzman Group, 3102 Maple Ave., Ste. 350, Dallas was in favor of this project.

Mr. Wes Pool, 611 E. Belt Line felt there should be a gateway down Straus due to there is a lot of history down Straus. He felt Straus is not pedestrian friendly at this time. He felt by having 5 story apartments, wider sidewalks and having retail on the bottom and apartments above would be more desirable.

Commissioner Deeds asked Mr. Pool if he felt by widening the sidewalks would put a negative impact on residents by increasing traffic on Straus.

Mr. Pool thought it would be great to have wide sidewalks on both sides of Straus which would decrease the street size which could potentially decrease traffic flow and make Straus more walkable.

Mr. Jay Patten, 1805 W. Belt Line has a business at 875 Straus which is directly across the project site. He felt with the increase in traffic it could be an issue when school lets out; the sidewalk dead ends at his business and would like to have it extended past Bryan Place. Also the sidewalk is not handicapped accessible. He also felt that the business and residents had to comply with the ordinances that were set in place and now potentially be taken away with a new development coming in.

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

Ms. Stringfellow indicated that the ordinance currently does not have any standards that are included in an urban village. That is why there are things in the uptown village that are not included. Staff was adamant about keeping the architectural standards. Every process that is

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in code will stay within this PD for approval. Any changes to the development plan then P&Z would see a development plan. If there are no major changes then P&Z would see a site plan.

Commissioner Deeds asked why the uptown overlay district was being removed and being replaced.

Mr. Rod Tyler, Director of Planning indicated that this developer is asking for a custom zoning district which contains most of the elements in the Uptown Overlay District except it has a different layout because not everything in the Uptown Overlay fits. This custom zoning district will apply to this development only.

Commissioner McCurdy had a concern with the traffic flow, signage and sidewalks that were addressed by the audience. Also would there be a variance to the signage and are there any plans for bike lanes for Straus.

Ms. Stringfellow referred to the Thoroughfare Plan. There are no plans to improve Straus Rd. at this time. All the signage the applicant is proposing is per the signage ordinance. There are no City plans for a bike trail, however there will be a city constructed trail (concrete) along FM 1382 and an 8 foot sidewalk that could be used as a bike trail. There will also be an interior trail within this project. There should be a connector to Crawford Park.

The Commissioners all felt that sidewalks on both side of Straus Rd. would be good and this will be a great addition to Cedar Hill.

Commissioner Deeds made a motion to recommend approval subject to staff's conditions noted in the green boxes on the "Planned Development District Standards". These conditions are recommended to be consistent with the *City Center Development Plan*, to meet the criteria for a change in zoning, and to comply with the standards and policies of the City of Cedar Hill. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

- VI. Case 16-44 - Conduct a public hearing, review and consider a site plan for a site plan for a medical office on property zoned Planned Development District No. 02-114, legally described as Lot 1, Block A of the Shenandoah Center Addition located on the south corner of FM 1382 and Shenandoah Drive with the approximate address being 500 West FM 1382; requested by Terry Cunningham on behalf of Nathan Watson for IKids Dental Offices.**

Ms. LaShondra Stringfellow, Assistant Director of Planning indicated the applicant is proposing a 3,780 sq. ft. medical office with future expansion for 3,360 sq. ft. is proposed to be construction

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on 1.603 acres with construction of parking for both buildings. Staff recommends approval subject to the recording information for the cross-access easement with the adjoining property to the southeast be labeled on the site plan prior to final approval; either a left turn lane be constructed for westbound traffic on Shenandoah Drive or the shrubs in the median be trimmed and maintained at 12 inches in height.

Mr. Terry Cunningham, 3604 S. Cooper St., Ste. 100, Arlington indicated he would answer any questions the Commission might have.

Commissioner Hamilton asked what kind of material is being use on the building.

Mr. Cunningham indicated there is a mixture of material: brick, real stone, hardboard, cultured rock and heavy timber accents.

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

Mr. Doug Mousel, 5850 Granite Parkway, Ste. 100, Plano is in support of this project.

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

Commissioner McCurdy asked how many residents were notified. Is the median maintained by the HOA.

Commissioner Deeds asked if there was a stop sign at Shenandoah and FM 1382.

Ms. Stringfellow indicated there is a stop sign there. There were 9 property owners that were notified and the HOA does regulate the median/landscape.

Mr. Tyler indicated that staff had an issue with site visibility on Shenandoah. Staff did receive a letter from the traffic engineer, if the applicant conforms to this letter then staff is ok with it.

Mr. Cunningham indicated that the landscaping in the median would be trimmed and or pull some shrubs to increase visibility.

Commissioner Hamilton made a motion to recommend approval of Case 16-44 subject to the staff recommends to the recording information for the cross-access easement with the adjoining property to the southeast be labeled on the site plan prior to final approval and the shrubs in the median be trimmed and maintained at 12 inches in height or per their design engineer. The motion was seconded by Commissioner Saldana. The vote was as follows:

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

Nays: 0

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Chairman Brooks declared the motion carried.

- VII. Case No. 16-48 – Conduct a public hearing, review and consider an application for a Conditional Use Permit for a restaurant with attendant accessory use of the sale of alcoholic beverages for on-premise consumption on property zoned “LR” – Local Retail District within the Uptown Overlay**, legally described as a portion of Lot 3RB1, Block A of the Cedar Hill Town Center Addition, generally located on the east side of Uptown Boulevard, south of FM 1382 with the approximate address being 618 North Uptown Boulevard; *requested by Brian Nebel on behalf of SSW Capital, LLC for Hooters.*

Ms. LaShondra Stringfellow, Assistant Director of Planning indicated the applicant is proposing a 5,671 sq. ft. restaurant (Hooters) to be constructed, 163 sq. ft. cooling area and 1014 sq. ft. covered patio and presented the rest of the staff report. Staff recommends approval subject to the prior submittal of a building permit application, submit on-site utility plans and a photometric plan detailing how all lighting on the structure and the site will comply with Sections 5.6.2 and 5.6.4 of the Zoning Ordinance; prior to issuance of a building permit, recordation of a plat for a lot of the site will be required; the operation of the use is subject to the alcoholic beverage site plan with attachments and the requirements in Section 4.1.4 of the Zoning Ordinance and there shall be no dance floor, gaming devices or electronic amusement machines.

Mr. Brian Nebel, 14901 Quorum Dr., Dallas indicated he would answer any questions the Commission might have.

Commissioner Deeds wanted a clarification on documents that were filed. Ms. Claudia Levitas had signed individually and signing individually because she owned this franchise or was there an official capacity that should have been added to the documents.

Mr. Nebel she is one of the signatures of TW Restaurants holder and they are the applicant on the CUP and TABC license.

Commissioner Deeds indicated it seems these are signed individually and request that any approval be subject to her proper capacity be on the documents. Also her title needs to be reflected on the documents.

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

No one spoke.

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

Commissioner Deeds made a motion to recommend approval subject to Staff recommends approval subject to the prior submittal of a building permit application, submit on-site utility plans and a photometric plan detailing how all lighting on the structure and the site will

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comply with Sections 5.6.2 and 5.6.4 of the Zoning Ordinance; prior to issuance of a building permit, recordation of a plat for a lot of the site will be required; the operation of the use is subject to the alcoholic beverage site plan with attachments and the requirements in Section 4.1.4 of the Zoning Ordinance; there shall be no dance floor, gaming devices or electronic amusement machines; and documentation should be corrected to reflect the proper capacity in which the General Counsel and legal officer produce executed documents to reflect being in an individual capacity and not a corporate capacity. The motion was seconded by Vice-Chairman Strother. The vote was as follows:

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

Nays: 0

Chairman Brooks declared the motion carried.

#### **VIII. Staff Reports and Discussion Items**

1. Ms. Stringfellow informed the Commission of the current development applications.

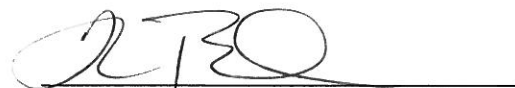
#### **XI. Adjourn**

A motion was made, followed by a second for adjournment. The meeting adjourned at 8:31 pm.



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Sharon Davis  
Executive Secretary



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Theresa Brooks  
Chairman