

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on February 23, 2006, with the briefing at 10:45 p.m. in Room 5ES and the public hearing at 1:34 p.m. in the City Council Chambers of City Hall. Presiding were Betty Culbreath, Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Starter, Angela Marshall, Erik Wilson, Michael Miranda, Ann Bagley, Robert Weiss, Bill Avery, Chris Buehler, Dennis Burnham, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Clarence Gary. There are no vacancies.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Development Services.

PUBLIC HEARINGS:

Subdivision Docket

Planner: Paul Nelson

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Preliminary Plats - Consent Items

(1) **S056-125**

Note: This case was approved on the consent agenda and then reconsidered

Motion: It was moved to **approve** an application to plat a 0.7 acre tract of land in Block 641 into a 21 lot Shared Access Development on San Jacinto Street, southwest of Caddo Street, subject to compliance with the conditions listed.

Maker: Marshall

Second: Miranda

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

**Commissioner Brandon moved to reconsider S056-125
Commissioner Marshall seconded the motion
The Commission unanimously voted to reconsider**

Motion: It was moved to **approve** an application to plat a 0.7 acre tract of land in Block 641 into a 21 lot Shared Access Development on San Jacinto Street, southwest of Caddo Street, subject to compliance with the conditions listed in the docket with an added condition to read as follow: "The guest parking not be located within the required 5 foot front yard of San Jacinto".

Maker: Emmons
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(2) S056-126

Motion: It was moved to **approve** an application to replat part of lots 13 and 14 and all of lots 15 and 16, Block 4/1509 into one, 0.82 acre lot at the southwest corner of Oaklawn Avenue and Avondale Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(3) **S056-130**

Motion: It was moved to **approve** an application to replat lots 2B and 2C, Block 12/959 into one, 6.26 acre lot at the southeast corner of Cedar Springs Road and Carlisle Street, subject to compliance with conditions listed in the docket and with an added condition to remove the building set back lines from the final plat.

Maker: Marshall

Second: Miranda

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(4) **S056-131**

Motion: It was moved to **approve** an application to replat part of Block M/7940 of Brookhollow Place, Section Four Addition into one, 1.38 acre lot on Brookriver Drive, south of Hollow Brook Lane, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Miranda

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(5) **S056-132**

Motion: It was moved to **approve** an application to plat a 1.38 acre tract of land in Block 7554 into one lot at the southwest corner of Kirnwood Drive and Hampton Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(6) S056-133

Motion: It was moved to **approve** an application to plat a 7.87 acre tract of land in Block A/5806 into one lot at the east corner of Military Parkway and Hunnicut Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(7) S056-136

Motion: It was moved to **approve** an application to plat a 0.96 acre tract of land in Block 5172 into one lot, north and east of the northeast corner of W. Illinois Avenue and Cockrell Hill Road, subject to compliance with the conditions listed in the docket and with an added condition to read as follow: "A portion of Illinois Avenue must be abandon by City Council prior to the final plat".

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(8) S056-137

Motion: It was moved to **approve** an application to replat lots 7 and 8, Block 15/8342 into one, 0.54 acre lot at the southeast corner of W. Jefferson Boulevard and S. Morrocco Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(9) S056-138

Motion: It was moved to **approve** an application to replat part of lots 3, 4 and 5, Block 1/3450 into one, 0.57 acre lot on S. Hampton Road, north of Clarendon Drive, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(10) **S056-139**

Motion: It was moved to **approve** an application to plat a 3.87 acre tract of land in Block B/6537 into one lot on Joe Field Road, west of Stemmons Freeway, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Miranda

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

Individual Items – Residential Replats

(11) **S056-117**

Motion: It was moved to **approve** an application to plat a 9.96 acre tract of land in Block B/8680 into a 40 lot Single Family Residential Subdivision on Camp Wisdom Road, west of Clarkridge Drive, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(12) **S056-127**

Motion: It was moved to **approve** an application to amend the Enclave at Wyrick Estates Addition, in order to add front building lines on E. Northwest Highway, east of Lake Highlands Drive, subject to compliance with the conditions listed in the docket.

Maker: Brandon
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(13) **S056-128**

Motion: It was moved to **approve** an application to replat lots 1 and 2, Block A/5496 into one, 1.3 acre lot on Northport Drive at Brookshire Drive, subject to compliance with the conditions listed in the docket.

Maker: Ekblad
Second: Brandon
Result: Carried: 9 to 5
For: 9 - Strater, Marshall, Wilson, Brandon, Avery,
Burnham, Ekblad, Emmons, Culbreath

Against: 5 - Neumann, Miranda, Bagley, Weiss, Buehler
Absent: 1 - Gary
Vacancy: 0

Speakers: For: Ed Simons, 900 Jackson St., Dallas, TX, 75202
Against: None

(14) **S056-134**

Motion: It was moved to **approve** an application to replat lot 25, Block E/7588 into 2 lots on Beckley View Avenue, south of Beckleymeade Avenue, subject to compliance with the conditions listed in the docket.

Maker: Brandon
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(15) **S056-135**

Motion: It was moved to **approve** an application to replat lots 12 and 13, Block 4/1984 into one, 1 acre lot on Carolyncrest Drive, east of Wendover Road, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(16) **S056-140**

Motion: It was moved to **approve** an application to plat a 6.54 acre tract of land in Blocks 8760 and 8721 into one lot on Clark Road, south of W. Camp Wisdom Road, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

Miscellaneous Docket

M056-016

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 464, on the southeast corner of Wheatland Road and Bolton Boone Drive.

Maker: Brandon
Second: Buehler
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

M056-012

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development Subdistrict No. 39, on the west corner of Maple Avenue and Wolf Street.

Maker: Brandon
Second: Buehler
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

M056-014

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 697, on the northwest line of Good-Latimer Expressway, southeast of Ferris Street.

Maker: Brandon
Second: Buehler
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

M056-015

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Tract III portion of Planned Development District No. 44, on the northeast corner of Greenville Avenue and LBJ Freeway.

Maker: Brandon
Second: Buehler
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

Z045-296(RB)

Planner: Richard Brown

Motion: It was moved to **approve** conceptual plan and conditions submitted in conjunction with an amendment to Planned Development District No. 174 on the west corner of Lemmon Avenue and Carlisle Street with a change and added condition. Change (3) on Page 11 to read as follows: "(3) Street trees. A small street tree must be provided for every 50 feet of frontage, with a minimum of two trees per lot. A small tree must have a minimum caliper width of tree inches, with the exception of multi-trunk trees which may have a minimum caliper width of two inches per trunk. Street trees must be located within five feet of the street curb. If the buffer zone is located in the public right-of-way, street trees must be located in the public right-of-way." Add ordinance language limiting density to 260 as shown on the conceptual plan.

Maker: Emmons
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

Zoning Cases - Individual

1. **Z045-309(MM)**

Planner: Michael Finley

Motion: It was moved to recommend **approval** to amend and expand Specific Use Permit No. 1344 for a college, university, or seminary, a community service center, and a police or fire station to allow a private school or an open enrollment charter school, subject to a site plan and revised conditions on property zoned an MF-1(A) Multifamily District, on the northeast corner of Frankford Road and Marsh Lane.

Maker: Burnham
Second: Ekblad
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda*,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 8
Replies: For: 0 Against: 0

Speakers: None

2. **Z056-160(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned an TH-3(A) Townhouse District and an IR Industrial Research District, on the northwest corner of Vilbig Street and TX Pacific Railroad.

Maker: Buehler
Second: Avery
Result: Carried: 13 to 1

For: 13 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Weiss, Avery, Buehler, Burnham,
Ekblad, Emmons, Culbreath

Against: 1 - Brandon
Absent: 1 - Gary
Vacancy: 0

Notices: Area: 200 Mailed: 70
Replies: For: 1 Against: 0

Speakers: None

3. **Z056-161(JH)**

Planner: Jennifer Hiromoto

Motion I: It was moved to recommend **approval** of a GR General Retail Subdistrict on the P Subdistrict portion and **approval** of a Specific Use Permit for a Bank or Savings and Loan Office with drive-through lanes for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions on property zoned a P Parking Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Avondale Avenue and Oak Lawn Avenue.

Maker: Emmons
Second: Buehler

Substitute Motion: It was moved to recommend **approval** of a GR General Retail Subdistrict on the P Subdistrict portion and **approval** of a Specific Use Permit for a Bank or Savings and Loan Office with drive-through lanes for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions on property zoned a P Parking Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Avondale Avenue and Oak Lawn Avenue.

Maker: Brandon
Second: None
Result: Failed for lack of a second

Amended Motion I: It was moved to recommend **approval** of a GR General Retail Subdistrict on the P Subdistrict portion and **approval** of a Specific Use Permit for a Bank or Savings and Loan Office with drive-through lanes for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned a P Parking Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Avondale Avenue and Oak Lawn Avenue.

Maker: Emmons
Second: Buehler

Amended Motion II: It was moved to recommend **approval** of a GR General Retail Subdistrict on the P Subdistrict portion and **approval** of a Specific Use Permit for a Bank or Savings and Loan Office with drive-through lanes for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned a P Parking Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Avondale Avenue and Oak Lawn Avenue.

Maker: Emmons
Second: Marshall

Result: Carried: 12 to 2

For: 12 - Neumann, Marshall, Wilson, Miranda,
Brandon, Weiss, Avery, Buehler, Burnham,
Ekblad, Emmons, Culbreath

Against: 2 - Strater, Bagley
Absent: 1 - Gary
Vacancy: 0

Speakers: For: Bryan Burger, 14800 Quorum Road, Dallas, TX, 75254
Ken Clausen, Address not given
Lawrence Cates, 14800 Quorum Road, Dallas, TX, 75254
Against: None

Commissioner Weiss moved to reconsider Z056-161(JH).

Commissioner Miranda seconded the motion.

The Commission voted unanimously to reconsider.

****Commissioner Brandon left, before vote taken**

****Commissioner Marshall left, before vote taken**

Motion: In reconsidering an application for a GR General Retail Subdistrict on the P Subdistrict portion and a Specific Use Permit for a Bank or Savings and Loan Office with drive-through lanes, on property zoned a P Parking Subdistrict and a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Avondale Avenue and Oak Lawn Avenue, it was moved to **hold** this case under advisement until March 9, 2006.

Maker: Ekblad
Second: Weiss
Result: Carried: 12 to 0
For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken
**Commissioner Marshall left, before vote taken

Notices: Area: 200 Mailed: 48
Replies: For: 0 Against: 0

4. Z056-163(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an MU-2 Mixed Use District with retention of the D Dry Liquor Control Overlay, subject to deed restrictions volunteered by the applicant on property zoned an MU-1 Mixed Use District with a D Dry Liquor Control Overlay and LO-2 Limited Office District with a D Dry Liquor Control Overlay on the southwest corner of Northaven Road and Central Expressway with deed restrictions to return on a future miscellaneous docket.

Maker: Buehler
Second: Miranda
Result: Carried: 14 to 0
For: 14 - Neumann, Strater*, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 219
Replies: For: 3 Against: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Timothy Allen, 11120 Valley Dale, Dallas, TX, 75230
Haim Winer, 7882 La Cabeza Dr., Dallas, TX, 75248

Zoning Cases – Under Advisement

5. **Z056-143(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses, subject to a development plan and applicant's conditions on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property generally bounded by Cedar Springs Road, Hawthorne Avenue, Hartford Street, and the northern half of Raleigh Street with a change to (e) Height for multiple family uses to read as follows: "(e) Height for multiple family uses The maximum height as noted on the development plan", and with the development plan and conditions to return on a future miscellaneous docket.

Maker: Emmons

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater*, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 117
Replies: For: 3 Against: 5

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Stewart ABul, 6928 Lupton, Dallas, TX, 75225
Against: None

6. **Z056-156(RB)**

Planner: Richard Brown

Motion: In considering an application for a Planned Development District for TH-1(A) Townhouse District Uses and Private streets on property zoned an R-7.5(A) Single Family District, on the east line of Audelia Road, south of Shadow Way with consideration being given to the granting of an R-5(A) Single Family District and a Specific Use Permit for Private streets, it was moved to **hold** this case under advisement until March 2, 2006.

Maker: Avery
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon*, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath
Against: 0
Absent: 1 - Gary
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 112
Replies: For: 6 Against: 34

Speakers: None

7. **Z056-154(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a TH-3(A) Townhouse District; subject to deed restrictions volunteered by the applicant on property zoned an R-10(A) Single Family District on the west line of Davenport Road, south of Stedman Drive with deed restrictions to return on a future miscellaneous docket.

Maker: Burnham
Second: Avery
Result: Carried: 12 to 1
For: 12 - Neumann, Marshall, Wilson, Miranda, Bagley, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath
Against: 1 - Strater
Absent: 2 - Gary, Brandon**
Vacancy: 0

**Commissioner Brandon left, before vote taken

Notices: Area: 300 Mailed: 60
Replies: For: 4 Against: 6

Speakers: For: Ted Reeder, 1505 Tree Farm Dr., Plano, TX, 96093
Against: Naghman Cheema, 6628 Sawmill Rd., Dallas, TX, 75252
Nasir Malik, 6726 Sawmill Rd., Dallas, TX, 75252

8. **Z056-114(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a Planned Development Subdistrict for HC Heavy Commercial Subdistrict uses on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by McKinney Avenue, Olive Street, Woodall Rodgers Freeway and Harwood Street.

Maker: Emmons

Second: Marshall

Result: Carried: 8 to 5

For: 8 - Strater, Marshall, Wilson, Bagley, Weiss,
Buehler, Burnham, Emmons

Against: 5 - Neumann, Miranda, Avery, Ekblad, Culbreath

Absent: 2 - Gary, Brandon**

Vacancy: 0

**Commissioner Brandon left, before vote taken

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Owen McKlory, Address not given
Ewing Mosley, 4719 Cole Ave., Dallas, TX, 75205
Susan Mead, 901 Main St., Dallas, TX, 75202
Against: David Winter, M.D., 1999 McKinney Ave., Dallas, TX, 75201
Robert Reid, 1999 McKinney Ave., Dallas, TX, 75201
Robert Udashen, 1999 McKinney Ave., Dallas, TX, 75201
Judy Smith Hearst, 2512 Thomas Ave., Dallas, TX, 75201
Dick Brink, 1999 McKinney Ave., Dallas, TX, 75201
Scott Hollock, 1999 McKinney Ave., Dallas, TX, 75201

Commissioner Bagley moved to reconsider Z056-114(WE).

Commissioner Emmons seconded the motion.

The Commission voted unanimously to reconsider.

****Commissioner Brandon left, before vote taken**

****Commissioner Marshall left, before vote taken**

Motion: It was moved to recommend **denial** of a Planned Development Subdistrict for HC Heavy Commercial Subdistrict uses on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by McKinney Avenue, Olive Street, Woodall Rodgers Freeway, and Harwood Street.

Maker: Bagley
Second: Emmons
Result: Failed: 6 to 6
For: 6 - Strater, Bagley, Weiss, Buehler, Burnham, Emmons

Against: 6 - Neumann, Wilson, Miranda, Avery, Ekblad, Culbreath

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Motion II: In considering an application for a Planned Development Subdistrict for HC Heavy Commercial Subdistrict uses on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by McKinney Avenue, Olive Street, Woodall Rodgers Freeway, and Harwood Street, it was move to **hold** this case under advisement until March 9, 2006.

Maker: Neumann
Second: Miranda
Result: Carried: 8 to 4
For: 8 - Neumann, Wilson, Miranda, Weiss, Avery, Burnham, Ekblad, Culbreath

Against: 4 - Strater, Bagley, Buehler, Emmons

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Notices: Area: 500 Mailed: 134
Replies: For: 2 Against: 62

9. Z034-297(MM)

Planner: Michael Finley

Motion: It was moved to recommend **approval** of an expansion and amendment to Specific Use Permit No. 1450 for an Open Enrollment Charter School for a ten-year period, with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District on the southwest corner of West Illinois Street and Chalmers Street.

Maker: Avery

Second: Buehler

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Notices: Area: 300

Mailed: 72

Replies: For: 2

Against: 1

Speakers: None

Zoning Cases – Individual

10. Z056-152(WE)

Planner: Warren Ellis

Motion: In considering an application for an amendment to Planned Development District No. 318 to create a new Subarea for residential uses, an increase in height and the maximum number of stories permitted, on the northwest corner of the North Dallas Parkway and Haverwood Street, it was moved to **hold** this case under advisement until March 9, 2006.

Maker: Buehler

Second: Miranda

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken
**Commissioner Marshall left, before vote taken

Notices: Area: 500 Mailed: 81
Replies: For: 3 Against: 10

Speakers: None

11. **Z056-159(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1465 for a community service center for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plans and staff conditions on a property zoned Planned Development District No. 67, on the northwest corner of University Boulevard and Roper Street.

Maker: Emmons

Second: Wilson

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken
**Commissioner Marshall left, before vote taken

Notices: Area: 200 Mailed: 25
Replies: For: 2 Against: 1

Speakers: For: Joe Prelow, Address not given
Against: Rick Gonzales, 4283 S. Cresthaven, Dallas, TX.

Development Code Amendment

DCA 056-005

Planner: David Cossum

Motion: It was moved to recommend **approval** of amendments to Chapters 51, 51A, and 52 of Dallas City Code, providing and defining a culpable mental state for offenses punishable by a fine exceeding \$500; amending provisions making the agent of the property owner criminally responsible for violations; and providing a penalty not to exceed \$2,000.

Maker: Neumann

Second: Miranda

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Speakers: None

DCA 056-006

Planner: David Cossum

Motion: It was moved to recommend **approval** of amendments to Section 51A-1.106, "Notification Signs Required to be Obtained and Posted," of Chapter 51A of the Dallas Development Code to allow notification signs for Board of Adjustment compliance case to be posted in the public right-of-way (requiring staff to post).

Maker: Neumann

Second: Miranda

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Speakers: None

DCA 056-007

Planner: David Cossum

Motion: It was moved to recommend **approval** of amendments to Section 51A-4.602(d), "Visual Obstruction Regulations," of Chapter 51A, the Dallas Development Code, to permit encroachments into visibility triangles caused by roadway construction or right-of-way acquisition when the director of Public Works and Transportation determines the encroachment will not constitute a traffic hazard.

Maker: Neumann

Second: Miranda

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Speakers: None

Authorization of Hearings

Parry Avenue, R.L. Thornton Freeway, North Central Expressway, and the T&P Railroad Right-of-way

Motion: It was moved to **authorize** a public hearing to determine the proper zoning on property zoned Planned Development District No. 269, the Deep Ellum Planned Development District in an area bounded by Parry Avenue, R.L. Thornton Freeway, North Central Expressway, and the T&P Railroad Right-of-way, with consideration being given to a review of the uses and regulations contained in the Planned Development District, including, but not limited to, dance halls, tattoo and body piercing studio, and bar.

Maker: Strater

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken
**Commissioner Marshall left, before vote taken

Speakers: For: Barry Annino, 2619 Colby, Dallas, TX, 75214
Against: None

Homeland Street and Vilbig Road

Motion: It was moved to **authorize** a public hearing to determine the proper zoning generally located on the on property zoned an CR Community Retail District on the four corners of Homeland Street and Vilbig Road, with consideration being given to a single family district.

Maker: Neumann
Second: Weiss
Result: Carried: 12 to 0
For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken
**Commissioner Marshall left, before vote taken

Speakers: None

East side of Newkirk Street between Crown Road and Cindy Lane (both sides)

Motion: In considering an authorization for a public hearing to determine the proper zoning on property zoned an R-7.5(A) Single Family District on the east side of Newkirk Street between Crown Road and Cindy Lane (both sides), with consideration being given to a non-residential district compatible to surrounding zoning, it was moved to **hold** this matter under advisement until March 2, 2006

Maker: Miranda
Second: Avery
Result: Carried: 12 to 0
For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 3 - Gary, Brandon**, Marshall**
Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 9, 2006, meeting, subject to corrections.

Maker: Miranda

Second: Avery

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 3 - Gary, Brandon**, Marshall**

Vacancy: 0

**Commissioner Brandon left, before vote taken

**Commissioner Marshall left, before vote taken

Adjournment

Motion: The hearing **adjourn** at 5:58 p.m.

Betty Culbreath, Chair