

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on March 2, 2006, with the briefing at 11:10 a.m. in Room 5ES and the public hearing at 1:35 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, Clarence Gary, Angela Marshall, Erik Wilson, Ann Bagley, Robert Weiss, Bill Avery, Chris Buehler, Dennis Burnham, Robert Ekblad and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Michael Miranda. 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) **S056-141**

Motion: It was moved to **approve** an application to replat Lot 1 in City Block B/8472 into one 0.451 acre lot, and one 2.431 acre lot at IH-30 at Deer Creek Drive, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S056-142**

Motion: It was moved to **approve** an application for a minor amending plat for Lot 7A containing 30.267 acres in City Block B/8222 by adding a street easement on Montfort Drive between Belt Line Road and Arapaho Road, and other public utility easements to the plat, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S056-143**

Motion: It was moved to **approve** an application to replat Lots 1 thru 18 in City Block 6/1511 containing 3.429 acres into one lot on Nobel Avenue between McKinney Avenue and North Central Expressway, subject to compliance with conditions listed in the docket with a change to condition #6 to read as follows: "If the billboard at the southeast corner of the property is not already permitted in this location as a nonconforming structure with respect to setbacks prior to this replat of the property, then prior to the submittal of the final plat either 1) remove the billboard from the areas where it encroaches into the required front and side yards, or 2) obtain a front yard and side yard variance as necessary from the board of adjustment such that the billboard would be permitted at its current location."

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(4) **S056-148**

Motion: It was moved to **approve** an application to create four, 25,900+ square foot lots from a 2.3836 acre tract of land in City Block 6692 on 606 and 608 Cheyenne Road, North of Elam Road, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Individual Items – Residential Replats

(5) **S056-144**

Motion: It was moved to **approve** an application to replat Lots 40 and 41 in City Block 1783 into one 8,960 square foot lot on the north corner of Coolidge Avenue and Rutledge Street, subject to compliance with the conditions listed in the docket with an added condition #8 to read as follows: "If the existing structure on the property is not already permitted in this location as a nonconforming structure with respect to setbacks prior to this replat of the property, then prior to the submittal of the final plat either 1) remove the structure from the areas where it encroaches into the required front and side yards, or 2) obtain a front yard and side yard variance as necessary from the board of adjustment such that the structure would be permitted at its current location."

Maker: Weiss

Second: Brandon

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(6) S056-145

Motion: It was moved to **approve** an application to replat Lot 3 which contains 21, 914.40 square feet in City Block 2/7498 into one 10,292.42 square foot lot, and one 11,621.98 square foot lot on 3223 Barnes Bridge Road, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(7) S056-146

Motion: It was moved to **approve** an application to reduce the platted 20 foot building line to a 12 foot building line on a one hundred foot section of the platted building line along Quincy Lane on Lot 1, City Block B/6388 at 5808 Elderwood Drive, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: For: Charles Constant, 5808 Elderwood Dr., Dallas, TX, 75230

Certificates of Appropriateness for Signs

Deep Ellum/Near East Side Sign District

0601185019

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2703 Commerce Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601185021

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2604 Elm Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601235002

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2906 Elm Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601245001

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2603 Main Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601245002

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2623 Main Street.

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601245003

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a one 40 square feet parking ad sign at 2911 Main Street.

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601245005

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 3028 Main Street.

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601305005

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2505 Elm Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0602015001

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2627 Commerce Street.

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0602015002

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 3001 Elm Street.

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0601305004

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2505 Elm Street (location B).

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

0602105005

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of one 40 square feet parking ad sign at 2701 Elm Street.

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Zoning Cases - Individual

1. Z056-162(DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 16 for RR Regional Retail District uses subject to a landscape plan and staff's recommended conditions and **approval** of an amendment to the beautification easement as it applies to a portion of this property to allow for the installation of landscaping, irrigation, and drainage improvements and to provide for the ongoing maintenance and preservation of the landscaping on the east side of Preston Road, north of LBJ Freeway with the following changes: 1) Delete the word "underground" in the landscape conditions and the easement, 2) Modify the easement paragraphs ii, iii, and iv to match paragraphs b, c, and d of the landscape conditions, 3) Add paragraph vi to the easement to read as follows: "The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document, including but not limited to the use of temporary or portable access onto the Property on both sides of the wall on the west side of this portion of the easement area," 4) Add the following sentence to the access provision in the landscaping condition (b) (a): "Portable or temporary means of access may be used to satisfy the access requirement."

Maker: Buehler

Second: Neumann

Result: Carried: 13 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0
Abstained: 1 - Gary**

*out of the room, shown voting in favor

**abstained from voting, due to bus tour requirement

Notices: Area: 500 Mailed: 26
Replies: For: 3 Against: 1

Speakers: For: Shannon Harcrow, 13130 Preston Rd., Dallas, TX
Against: None

2. Z056-164(DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Industrial (inside) not potentially incompatible use for a ten-year period, subject to a site plan and staff's recommend conditions on property zoned Subdistrict 1b within Planned Development District No. 714, on the southeast corner of Commerce Street and Sylvan Avenue

Maker: Brandon

Second: Weiss

Result: Carried: 13 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0
Abstained: 1 - Gary**

*out of the room, shown voting in favor

**abstained from voting, due to bus tour requirement

Notices: Area: 200 Mailed: 18
Replies: For: 0 Against: 1

Speakers: None

Zoning Cases – Under Advisement

A. **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 the granting of a Specific Use Permit for Private streets, it was moved to **hold** this case under advisement until March 23, 2006.

Maker: Marshall

Second: Brandon

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Miranda

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500

Mailed: 112

Replies: For: 6

Against: 34

Speakers: None

Authorization of Hearings

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

Motion: It was moved to not authorize 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.

Maker: Neumann

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 23, 2006, meeting, subject to corrections.

Maker: Marshall

Second: Brandon

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Miranda
Vacancy: 0

*out of the room, shown voting in favor

Adjournment

The hearing **adjourn** at 2:20 p.m.

Betty Culbreath, Chair