

CORRECTED PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 3, 2006, with the starting at 10:50 a.m. in Room 5ES and the public hearing at 1:30 p.m. in the City Council Chambers of City Hall. Presiding were Betty Culbreath, Chair and Dave Neumann, Acting Vice Chair. The following Commissioners were present during the hearing: Jeff Strater, Clarence Gary, Erik Wilson, Michael Miranda, Ann Bagley, Robert Weiss, Bill Avery, Chris Buehler, Dennis Burnham and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Angela Marshall, Carol Brandon and Robert Ekblad. 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: Allen Heist

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) **S056-307**

Motion: It was moved to **approve** an application to plat Tract I and II in Block 2/6013 into one 1.067 acre lot on the northeast side of E. Ledbetter Drive between R.L. Thornton Freeway and Marsalis Avenue, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(2) **S056-309**

Motion: It was moved to **approve** an application to plat a tract of land in Block 6213 into one 32.53 acre lot on the west side of Big Town Boulevard between Eastpoint Drive and Forney Road, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(3) **S056-312**

Motion: It was moved to **approve** an application to plat a 19.97 acre tract of land in Block C/7553 into three lots of 11.498, 5.0 and 3.042 acres each on the northeast corner of Westmoreland Road and W. Wheatland Road, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(4) **S056-313**

Motion: It was moved to **approve** an application to replat part of Lot 1-D of the Miracle Development Addition and part of Lot 2B of the Miracle Ford Addition in Block 5716 and plat a portion of a tract of land in Block 5716 into three lots of 8.907, 1.689, and 0.682 acres each on the north side of Inwood Road between Nash Street and Lemmon Avenue, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(5) **S056-314**

Motion: It was moved to **approve** an application to plat a 7.6132 acre tract of land in Block 7554 into three lots of 5.4752, 1.1198, and 1.0182 acres each bordered by Wheatland Road, Chrysalis Drive, Cliff Creek Crossing, and Hampton Road, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(6) **S056-315**

Motion: It was moved to **approve** an application to plat a 38.9426 acre tract of land in Block 7554 into eight lots ranging in size from 0.9292 to 11.995 acres bordered by I-20 service road, Bainbridge Drive, Cliff Creek Crossing, Chrysalis Drive, and Wheatland Road, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(7) **S056-316**

Motion: It was moved to **approve** an application to plat a 59.095 acre tract of land in Blocks 8025, 8026 & 8027 into one lot on the southwest corner of Kiest Boulevard and Duncanville Road, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

(8) **S056-317**

Motion: It was moved to **approve** an application to replat all of Lots 19 & 20 and a portion of Lots 23 & 24 in Block 2301, comprising 2.658 acres, into a 35 lot Shared Access Area Development on Hawthorne Avenue, west of Afton Street, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Speakers: None

(9) **S056-318**

Motion: It was moved to **approve** an application to replat all of Lots 28 & 32 and a portion of Lots 23 & 24 in Block 2301, comprising 2.851 acres, into a 36 lot Shared Access Area Development on Hawthorne Avenue west of Afton Street, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Speakers: None

Individual items – Residential Replats

(10) **S056-306**

Motion: It was moved to **approve** an application to replat Lots 2 & 4 and Tract 1 in Block A/6904 into one 8.3481 acre lot on Houston School Road south of E. Red Bird Lane, subject to compliance with the conditions listed in the docket.

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Speakers: None

(11) **S056-310**

Motion: It was moved to **approve** an application to replat Lot 9 in Block 1/5253 to create two lots of 34,570.61 sq. ft. (0.7936 ac.) and 37,992.2 sq. ft. (0.8721 ac.) each at 8130 Garland Road, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Speakers: For: Robert Jones, 1234 San Rafael, Dallas, TX, 75218
Against: None

(12) **S056-311**

Motion: It was moved to **approve** an application to replat Lot 1 and abandoned parkland along Preston Road in Block B/5480 to create one 24,944.84 sq. ft. (0.5726 ac.) lot at 6007 Stefani Drive, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Speakers: None

Miscellaneous Docket

M056-041

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for Subarea 1 Development Plan for Planned Development District No. 145 on the northwest corner of Routh Street and Flora Street.

Maker: Buehler

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

M056-043

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 597 on Pennsylvania Avenue, between Holmes Street and Julius Schepps Freeway.

Maker: Buehler

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Speakers: None

Zoning Cases - Consent

1. **Z056-272(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District on property zoned an NO(A) Neighborhood Office District on the east line of Westmoreland Road, north of Camp Wisdom Road.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 400 Mailed: 38
Replies: For: 1 Against: 1

Speakers: None

2. **Z056-253(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 641 for a Private Country Club use, subject to a clubhouse plan on property zoned an R-1ac(A) Single Family District and an MF-1(A) Multifamily District, an area generally bounded by Dallas North Tollway, the Dallas County line, White Rock Creek, and Keller Springs Road.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 500 Mailed: 924
Replies: For: 72 Against: 3

Speakers: None

3. **Z056-269(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Specific Use Permit for convalescent and nursing home, hospice care, and related uses for a permanent time period, subject to a site plan, landscape plan and conditions on property zoned Subarea 3 within Planned Development District No. 298, the Bryan Place Special Purpose District on the northeast side of N. Haskell Avenue, north of Bryan Street.

Maker: Strater
Second: Weiss
Result: Carried: 9 to 3
For: 9 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Burnham, Emmons, Culbreath

Against: 3 - Miranda, Avery, Buehler
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 300 Mailed: 25
Replies: For: 2 Against: 0

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Karen Pemberton, 3211 Trevolle Pl., Dallas, TX, 75204
Against: None

Zoning Cases – Under Advisement

4. **Z056-235(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial without prejudice** of an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Richmond Avenue, west of Alderson Street.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 200 Mailed: 94
Replies: For: 0 Against: 4

Speakers: None

5. **Z056-121(RB)**

Planner: Richard Brown

Motion: In considering an application for a TH-2(A) Townhouse District on property zoned an R-7.5(A) Single Family District on the northwest line of 52nd Street, west of Sunnyvale Street it was moved to **hold** this case under advisement until December 21, 2006.

Maker: Wilson

Second: Avery

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Notices: Area: 200 Mailed: 19
Replies: For: 0 Against: 0

Speakers: None

6. **Z056-247(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for RR Regional Retail District Uses, subject to a Tract 1A development plan/Tract1, Tract 2 conceptual plan; landscape plan; signage elevation; and revised conditions on property zoned an RR Regional Retail District and the Tract 1A portion of Planned Development District No. 598, in an area generally bounded by Cliff Creek Crossing, Hampton Road, Wheatland Road, I-20 and Bainbridge Drive with an added provision to reflect the floor area as follows: Maximum floor area for Tract 1A is 137,000 square feet, maximum floor area for the balance of Tract 1 is 294,030 square feet and maximum floor area for Tract 2 is 68,907 square feet.

Maker: Wilson

Second: Emmons

Result: Carried: 12 to 0

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 500 Mailed: 145
Replies: For: 8 Against: 8

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

7. Z056-263(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Utility or government installation other than listed for a Police maintenance facility for a permanent time period, subject to a site plan and conditions on property within the Mixed Use Subdistrict of Planned Development District No. 625, on the north line of Camp Wisdom Road, west of Lancaster Road.

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

Against: 0
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 400 Mailed: 2
Replies: For: 0 Against: 0

Speakers: None

8. Z056-224(WE)

Planner: Warren Ellis

Motion I: It was moved to recommend **denial** of an amendment to the deed restrictions for a restaurant use on property zoned a GR General Retail Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the east line of McKinney Avenue, southwest of Armstrong Street.

Maker: Emmons
Second: Buehler
Result: Carried: 10 to 2
For: 10 - Neumann, Strater, Gary, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Emmons

Against: 2 - Wilson, Culbreath
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Substitute Motion: It was moved to recommend **denial** of an amendment to the deed restrictions for outside seating and recommended **approval** of an amendment to the deed restrictions for changes in hours of operation; specifically to close at 12:00 a.m. Sunday through Thursday and 2:00 a.m. on Fridays and Saturdays on property zoned a GR General Retail Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the east line of McKinney Avenue, southwest of Armstrong Street.

Maker: Neumann
Second: Culbreath
Result: Failed: 3 to 9
For: 3 - Neumann, Wilson, Culbreath

Against: 9 - Strater, Gary, Miranda, Bagley, Weiss, Avery,
Buehler, Burnham, Emmons
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 200 Mailed: 62
Replies: For: 0 Against: 0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Dustin Warren, 4411 McKinney Ave., Dallas, TX, 75205
Cretia Drydale, Address not given
Against: Erica Bachmann, 4411 McKinney Ave., Dallas, TX, 75205
Shelly Bergman, 4412 McKinney Ave., Dallas, TX, 75205
Staff: Jennifer Ritchie, Assistant City Attorney

Note: The motion and the substitute motion were made and voted on for both Z056-224(WE) and Z056-273(WE) together.

Zoning Cases – Individual

9. Z056-273(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a Planned Development Subdistrict for GR General Retail Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, a Specific Use Permit for a restaurant without a drive through service and an amendment to the deed restrictions on property zoned a GR General Retail Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, on the east line of McKinney Avenue, southwest of Armstrong Street.

Maker: Emmons
Second: Buehler
Result: Carried: 10 to 2
For: 10 - Neumann, Strater, Gary, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Emmons

Against: 2 - Wilson, Culbreath
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Substitute Motion: It was moved to recommend **denial** of an amendment to the deed restrictions for outside seating and recommended **approval** of an amendment to the deed restrictions for changes in hours of operation; specifically to close at 12:00 a.m. Sunday through Thursday and 2:00 a.m. on Fridays and Saturdays on property zoned a GR General Retail Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the east line of McKinney Avenue, southwest of Armstrong Street.

Maker: Neumann
Second: Culbreath
Result: Failed: 3 to 9
For: 3 - Neumann, Wilson, Culbreath

Against: 9 - Strater, Gary, Miranda, Bagley, Weiss, Avery,
Buehler, Burnham, Emmons
Absent: 3 - Marshall, Brandon, Ekblad
Vacancy: 0

Notices: Area: 500 Mailed: 135
Replies: For: 5 Against: 0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Against: Erica Bachmann, 4411 McKinney Ave., Dallas, TX, 75205
Shelly Bergman, 4412 McKinney Ave., Dallas, TX, 75205

Note: The motion and the substitute motion were made and voted on for both Z056-224(WE) and Z056-273(WE) together.

10. **Z056-254(WE)**

Planner: Warren Ellis

Motion: In considering an application of a Specific Use Permit for a commercial amusement (inside) for a dance hall on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, on the west corner of Grand Avenue and Harwood Street, it was moved to **hold** this case under advisement until August 31, 2006 with instructions to staff to re-advertise to include all property used for the use.

Maker: Bagley

Second: Weiss

Result: Carried: 12 to 0

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

Against: 0

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

Notices: Area: 200

Mailed: 20

Replies: For: 1

Against: 1

Speakers: None

11. **Z056-203(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Planned Development District for a public school other than an open enrollment charter school and R-10(A) Single Family District uses, subject to site plan and conditions on property zoned an R-10(A) Single Family District on the southwest corner of Edd Road and Garden Grove Drive.

Maker: Avery

Second: Buehler

Result: Carried: 11 to 1

For: 11 - Neumann, Strater, Gary, Wilson, Miranda, Weiss, Avery, Buehler, Burnham*, Emmons, Culbreath*

Against: 1 - Bagley

Absent: 3 - Marshall, Brandon, Ekblad

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 138
Replies: For: 0 Against: 2

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

12. **Z056-268(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an amendment to Tract 1 within Planned Development District No. 340, subject to applicant's conditions and a conceptual plan within Planned Development District No. 340, on the southeast corner of Bishop Avenue and Colorado Boulevard.

Maker: Neumann
Second: Weiss
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Weiss, Buehler, Burnham, Culbreath

Against: 0
Absent: 4 - Marshall, Brandon, Ekblad, Emmons**
Vacancy: 0
Abstained: 1 - Avery***

** Commissioner Emmons left, before vote taken

*** abstained due to bus tour requirement

Notices: Area: 500 Mailed: 39
Replies: For: 4 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Vicki Keene, 738 Cedar Hill Ave., Dallas, TX, 75208
Jack Keene, 738 Cedar Hill Ave., Dallas, TX, 75208
Gary Corona, 4011 Commerce St., Dallas, TX, 75226
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 20, 2006, meeting, subject to corrections.

Maker: Buehler
Second: Weiss
Result: Carried: 10 to 0

For: 10 - Neumann, Gary, Wilson, Miranda, Bagley,
Weiss, Avery, Buehler, Burnham, Culbreath

Against: 0
Absent: 5 - Strater**, Marshall, Brandon, Ekblad, Emmons
Vacancy: 0

** Commissioner Strater left, before vote taken

Speakers: None

Adjournment

The hearing **adjourn** at 4:49 p.m.

Betty Culbreath, Chair