

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 17, 2006, with the starting at 11:12 a.m. in Room 5ES and the public hearing at 1:42 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, Angela Marshall, Erik Wilson, Michael Miranda, 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: Carol Brandon. 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) **S056-319**

Motion: It was moved to **approve** an application to replat of all of Block 4/2316 and Lots 19 thru 24 of Block L/2313 into one 4.034 acre lot on the east corner of Denton Drive and Minert Street, east side of Clara Drive and Fairmount Street, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Buehler

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Wilson, Brandon

Vacancy: 0

Speakers: None

(2) **S056-321**

Motion: It was moved to **approve** an application to plat part of a 4.40 acre tract of land and all of a 0.892 acre tract of land in Block 6509 into one lot of 4.8064 acres on the northwest corner of Stemmons Freeway (I-35E) and Manana Drive, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Buehler

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Wilson, Brandon

Vacancy: 0

Speakers: None

(3) **S056-322**

Motion: It was moved to **approve** an application to replat Lots 1 through 5 and Lots 7 through 17 and a part of Lot 6 in Block C/549 into two lots of 1.153 and 1.550 acres each bordered by Routh Street, State Street, Fairmount Street, and McKinney Avenue, subject to compliance with the conditions listed in the docket with a provision to include Lot 1A, but exclude Lot 6A on the basis of non compliance with Section 8.503(a) of the Dallas Development Code.

Maker: Emmons

Second: Miranda

Result: Carried: 12 to 1

For: 12 - Neumann, Strater, Gary, Marshall, Miranda, Bagley, Weiss, Avery, Buehler, Burnham, Emmons, Ekblad

Against: 1 - Culbreath

Absent: 2 - Wilson**, Brandon

Vacancy: 0

** Commissioner Wilson arrived, after vote taken

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Against: Judy Smith Hearst, 2512 Thomas Ave., Dallas, TX, 75201

(5) **S056-325**

Motion: It was moved to **approve** an application to replat Lot 10 in Block X/1861 into four lots ranging in size from 1,368 sq. ft. to 2,343 sq. ft. on the east side of Hubert Street between Live Oak Street and Bryan Street, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Buehler

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Wilson, Brandon

Vacancy: 0

Speakers: None

(6) **S056-326**

Motion: It was moved to **approve** an application to replat all of Lot 28 and a part of Lots 29 & 30 in Block A/1446 into one lot on the southwest corner of S. Haskell Avenue and S. Fitzhugh Avenue, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Buehler

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Wilson, Brandon

Vacancy: 0

Speakers: None

Individual items – Residential Replats

(7) **S056-327**

Motion: It was moved to **approve** an application to replat Lots 10, 11 & 12 in Block A/5425 into one 3.22 acre lot on the northeast side of Fisher Road southeast of Trammel Drive, subject to compliance with the conditions listed in the docket.

Maker: Weiss

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

Miscellaneous Docket

M056-042

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for site plan and landscape plan for Specific Use Permit No. 1297, on the southeast corner of Stemmons Freeway and Rentzel Street.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

M056-044

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for Planned Development Subdistrict No. 23, on Clyde Lane, southeast of McKinney Avenue, subject to Clyde Lane remaining a one-way.

Maker: Emmons

Second: Marshall

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: For: Michael Jung, 4400 Bank of America Plaza, Dallas, TX, 75202
Robert Fenta, Address not given
Kelton Gunner, Address not given
Against: Tom Lardner, 5811 Redwood Ct., Dallas, TX, 75209
Frances James, 4322 St. Francis Ave., Dallas, TX, 75227

D056-018

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan for Planned Development District No. 701, on the south side of Grady Niblo Road, west of Kiwanis Road.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

D056-019

Planner: Frank Dominguez

Motion: In considering a development plan for Planned Development District No. 174, on the west corner of Lemmon Avenue and Carlisle Street it was moved to **hold** this case indefinitely.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

D056-021

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan for Planned Development District No. 625, on the north side of Camp Wisdom Road, west of Lancaster Road.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

W056-011

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of a two-year waiting period in order to submit an application for an amendment to Specific Use Permit No. 1385 on both sides of Motor Street, southwest of Harry Hines Boulevard.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Speakers: None

Zoning Cases - Consent

1. Z056-280(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a three-year period with eligibility for automatic renewals for additional three-years periods, subject to a site plan and revised conditions on property zoned an R-10(A) Single Family District on the east corner of Diceman Drive and Old Gate Road.

Maker: Weiss
Second: Avery
Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Notices: Area: 300 Mailed: 53
Replies: For: 6 Against: 3

Speakers: None

2. Z056-275(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CA-1(A) H/2 Central Area District within Historic District No. 2, the West End Historic District, on the west line of North Lamar Street, between Corbin Street and Hord Street.

Maker: Buehler
Second: Weiss

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

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

Speakers: None

3. **Z056-276(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of an amendment to the development plan and landscape plan, subject to the revised development plan and landscape plan for Planned Development Subdistrict No. 37 for O-2 Office Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Hall Street and Hood Street.

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Notices: Area: 500 Mailed: 482
Replies: For: 2 Against: 0

Speakers: None

4. **Z056-251(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of the Community Retail District, **approval** of the Specific Use Permit for a mini-ware house use, and **approval** of an amendment to deed restrictions on property zoned a TH-3(A) Townhouse District on the north side of Sarah Lee Drive, west of CF Hawn Freeway.

Maker: Wilson
Second: Gary
Result: Failed: 6 to 7
For: 6 - Neumann, Gary, Wilson, Burnham*, Emmons*,
Culbreath

Against: 7 - Strater, Marshall, Miranda, Bagley, Weiss,
Buehler, Ekblad
Absent: 1 - Brandon
Vacancy: 0
Abstained: 1 - Avery***

*out of the room, shown voting in favor

*** abstained due to bus tour requirement

Notices: Area: 400 Mailed: 64
Replies: For: 1 Against: 4

Speakers: For: Richard Rozier, 1805 N. Westmoreland, Desoto, TX, 75115
Against: Albert Warren, 6246 Godfrey Ave., Dallas, TX, 75217

5. **Z056-267(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 736, subject to a conceptual plan and conditions on the southwest corner of Clark Road and Panavision Trail.

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Notices: Area: 500 Mailed: 117
Replies: For: 2 Against: 8

Speakers: None

Zoning Cases – Under Advisement

6. **Z056-200(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial** of a TH-3(A) Townhouse District on property zoned an R-7.5(A) Single Family District on the east side of Marsalis Avenue, north of Ann Arbor Avenue.

Maker: Marshall

Second: Neumann

Result: Carried: 12 to 2

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Avery, Buehler,
Emmons, Ekblad

Against: 2 - Burnham, Culbreath

Absent: 1 - Brandon

Vacancy: 0

Notices: Area: 300 Mailed: 54

Replies: For: 2 Against: 0

Speakers: For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75204
Patricia Hawkins, 4519 Vandervort Dr., Dallas, TX, 75216
Against: Michael Davis, 6000 S. Westmoreland, Dallas, TX, 75237
Helen Henderson, 4243 Summit Ridge Dr., Dallas, TX, 75216
Dwayne Caraway, 1934 Argyle, Dallas, TX, 75203
Sybil Hawkins, 4250 Summit Ridge Dr., Dallas, TX, 75216

Zoning Cases – Individual

7. **Z056-278(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **denial** of a Specific Use Permit for a Commercial Motor Vehicle Parking use on property zoned a CS Commercial Service District on the south side of Cedardale Drive, east of Bonnie View.

Maker: Bagley

Second: Gary

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Brandon

Vacancy: 0

Notices: Area: 300 Mailed: 9
Replies: For: 1 Against: 0

Speakers: For: Emmanuel McSween, 345 Cole Rd., Red Oak, TX, 75232
Against: None

Development Code Amendment

DCA 056-014

David Cossum

Motion: It was moved to recommend **approval** of an amendment to Chapter 51A of the Dallas Development Code, Article VIII, "Plat Regulations," delegating authority to the Subdivision Administrator to approve those plats, subdivisions, and replats of land within the corporate limits and extraterritorial jurisdiction of the city that are authorized to be delegated to city staff under Section 212.0065(a)(1) and (2) of the Texas Local Government Code with certain limitations, and amendments to the expiration date of approved plats where no progress has been made towards completion of the project as authorized by Texas Local Government Code Section 245.005.

Maker: Neumann

Second: Wilson

Result: Carried: 12 to 2

For: 12 - Neumann, Gary, Marshall, Wilson, Miranda,
Bagley, Weiss, Avery, Buehler, Burnham,
Ekblad, Culbreath

Against: 2 - Strater, Emmons

Absent: 1 - Brandon

Vacancy: 0

Speakers: None

Other Matters

Motion: It was moved to **approve** an amendment to the 2006 City Plan Commission calendar as follows:

October 19, 2006 - Off
October 26, 2006 - Meet

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Speakers: None

Minutes

Motion: It was moved to **approve** the minutes of the August 3, 2006, meeting, subject to corrections.

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

Against: 0
Absent: 1 - Brandon
Vacancy: 0

Speakers: None

Adjournment

The hearing **adjourn** at 4:39 p.m.

Betty Culbreath, Chair