

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 15, 2005, with the briefing starting at 11:27 a.m. in Room 5ES and the public hearing at 1:59 p.m. in the City Council Chambers of City Hall. Presiding were Bruce Wilke, Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Strater, Clarence Gary, Angela Marshall, Bulldog Cunningham, Bill Avery, Carol Scott and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Melvin Traylor. There are four vacancies, District 5, District 6, District 12 and Place 15.

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: George Campbell

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) **S045-333**

**Motion:** It was moved to **approve** an application to replat lot 1, Block B/7005 in order to dedicate access, drainage, water and wastewater easements at the northeast corner of Noel Road and Southern Boulevard, subject to the conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

(2) **S045-334**

**Motion:** It was moved to **approve** an application to replat part of lot 2, Block A/7557 into one, 1.15 acre lot on Old Hickory Trail, south of W. Wheatland road, subject to the conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

(3) **S045-335**

**Motion:** It was moved to **approve** an application to plat a 0.43 acre tract of land in Block J/1846 into 3 lots on Penelope Street, southwest of Gertrude Street, subject to conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

(4) **S045-309R**

**Motion:** It was moved to **approve** an application to revise a previously approved preliminary plat, S45-309, in order to plat tracts of land in Block A/73 and abandoned alley Rights-Of Way into one, 2.75 acre lot bounded by S. Field Street, Wood Street, S. Akard Street and Young Street, subject to conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

(5) **S045-338**

**Motion:** It was moved to **approve** an application to plat abandoned Hobbs Avenue R.O.W. and tracts of land in Blocks D/2659, B/2208 and 2657 into one, 3.12 acre lot between S. Haskell Avenue and Alpine Street, east of Beeman Avenue, subject to the conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

Amending Plat

(6) **S045-149**

**Motion:** It was moved to **approve** an application to amend the Woolfolk Addition in order to amend the Floodway Easement on lot 1C, Block A/7463, on Grovedale Drive, north of Churchill Way, subject to conditions listed in the docket.

Maker: Marshall  
Second: Scott  
Result: Carried: 10 to 0  
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham\*, Avery, Wilke, Scott, Emmons

Against: 0  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

**Speakers:** None

Individual Items – Residential Replat

(7) **S045-332**

**Motion:** It was moved to **approve** an application to replat lots 12 and 13, Block H/7590 into one, 1.39 acre lot at the northwest corner of Springfield Avenue and Willoughby Boulevard, subject to compliance with the conditions listed in the docket with an added condition that the applicant submit a revised plat showing the remainder of Lots 14 and 15 combined as a single lot fronting on Springfield Avenue.

Maker: Brandon  
Second: Marshall  
Result: Carried: 7 to 3  
For: 7 - Strater, Marshall, Brandon, Cunningham, Wilke, Scott, Emmons

Against: 3 - Neumann, Gary, Avery  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** For: Don Davis, 806 Carriage Way, Duncanville, TX, 75137  
Against: None

(8) **S045-336**

**Motion:** It was moved to **approve** an application to replat lots 5 and 6, Block 4/5650 into one, 0.82 acre lot on Stonegate Drive west of Devonshire Drive, subject to the conditions listed in the docket.

Maker: Scott  
Second: Cunningham  
Result: Carried: 9 to 1  
For: 9 - Strater, Gary, Marshall, Brandon, Cunningham,  
Avery, Wilke, Scott, Emmons

Against: 1 - Neumann  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** None

(9) **S034-337**

**Motion:** It was moved to **approve** an application to replat 4A, Block 3/5522 into one, 1.33 acre lot and one, 1.0 acre lot on Harry's Lane, east of Lennox Lane, subject to the conditions listed in the docket.

Maker: Scott  
Second: Brandon  
Result: Carried: 10 to 0  
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, Traylor 12, Place 15

**Speakers:** None

(A) **S045-085R**

**Motion:** It was moved to **approve** an application to amend the previously approved and recorded plat to reduce the 18 foot building line to a 10 foot building line on Lots 1B thru 1F in City Block H/573 on Thomas Avenue between Clay Alley and Allen Street, subject to conditions listed in the docket.

Maker: Gary  
Second: Brandon  
Result: Carried: 10 to 0  
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** For: Ed Simons, 900 Jackson St., Dallas, TX, 75225  
Against: Jack Irwin, 2812 Thomas Ave., Dallas, TX, 75204  
Staff: Leif Sandberg, Development Services Department

Miscellaneous Docket

**W045-009**

**Motion:** It was moved to **deny** a waiver of the two-year waiting period to submit an application to amend the Planned Development District to reduce the number of parking spaces and number of site trees required on property bounded by Berridge Lane, St. Francis Avenue, Trace Road and Chariot Drive.

Maker: Marshall  
Second: Brandon  
Result: Carried: 10 to 0  
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** None

Zoning Cases – Consent

**The Commission heard Z045-270(MM) at the beginning of the Consent docket.**

**1. Z045-260 (WE)**

Planner: Warren Ellis

**Motion:** In considering an application for a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, located on the southeast corner of Nuestra Drive and Wozencraft Drive it was moved to **hold** this case under advisement until September 22, 2005.

Maker: Emmons  
Second: Brandon  
Result: Carried: 9 to 0  
For: 9 - Neumann, Strater, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

Against: 0  
Absent: 2 - Traylor, Scott\*\*  
Vacancy: 4 - District 5, District 6, District 12, Place 15

\* Commissioner Scott left, before vote taken.

**Notices:** Area: 500 Mailed: 219  
**Replies:** For: 14 Against: 14

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Sylvia Acuff, 5931 Meletio Ln., Dallas, TX, 75230  
Against: Dr. Robert Prince, 5708 McShann Rd., Dallas, TX, 75230  
Max Glauben, 5708 Charlestown Dr., Dallas, TX, 75230  
Barbara Lord Watkins, 5624 McShann Rd., Dallas, TX, 75230  
James Hardin, 5615 McShann Rd., Dallas, TX, 75230

**2. Z045-270 (MM)**

Planner: Maureen Meredith

**Motion:** It was moved to recommend **approval** of an O-2 Office Subdistrict on property zoned an O-1 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with deed restrictions volunteered by the applicant on the east corner of the intersection of McKinney Avenue and Elizabeth Street.

Maker: Emmons  
Second: Marshall  
Result: Carried: 10 to 0  
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0  
Absent: 1 - Traylor  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Notices:** Area: 200 Mailed: 74  
**Replies:** For: 2 Against: 0

**Speakers:** None

**3. Z045-271 (WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 344 for a commercial amusement (inside and outside) to reconfigure the equestrian center, provide additional parking spaces and other related uses (including height), subject to a development plan and conditions on the north side of Park Lane, northwest of Abrams Road.

Maker: Cunningham  
Second: Marshall  
Result: Carried: 8 to 0  
For: 8 - Neumann, Gary, Marshall, Brandon\*,  
Cunningham, Avery, Wilke, Emmons

Against: 0  
Absent: 3 - Strater\*\*, Traylor, Scott  
Vacancy: 4 - District 5, District 6, District 12, Place 15

\*out of the room, shown voting in favor

\*\* Commissioner Strater left, before vote taken.

**Notices:** Area: 500 Mailed: 200  
**Replies:** For: 0 Against: 0

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: Margaret Cottingham, 6215 Copperhill Dr., Dallas, TX, 75248  
Saeed Mahboubi, 6769 Abrams Rd., Dallas, TX, 75229

#### Zoning Cases – Under Advisement

#### 4. Z045-257 (JP)

Planner: Jennifer Pitner

**Motion:** It was moved to recommend **approval** of a MF-2(A) Multifamily District with modified deed restrictions (deleting the language “In addition, the Property is located within the flight path of Love Field Airport.” and references to “overhead flights”.) and an avigation easement volunteered by the applicant on property zoned an IR Industrial Research District on the northeast side of Maple Avenue, northwest of Kimsey Drive.

Maker: Emmons  
Second: Marshall  
Result: Carried: 8 to 0  
For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

Against: 0  
Absent: 3 - Strater, Traylor, Scott  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Notices:** Area: 400 Mailed: 58  
**Replies:** For: 10 Against: 4

**Speakers:** For: Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75226  
Against: Gabriela Cailide, 2200 Ross Ave., Dallas, TX, 75251



A. **Z045-233 (RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to the conceptual plan and conditions for Planned Development District No. 143, for Office uses and a Plant nursery subject to a new conceptual plan (Conceptual Plan B), a revised existing conceptual plan (Conceptual Plan A), and revised conditions volunteered by the applicant with the exception of the no build zone around the pond on the northwest corner of LBJ Freeway and Valley View Lane.

Maker: Emmons

Second: Brandon

Result: Carried: 8 to 0

For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

Against: 0

Absent: 3 - Strater, Traylor, Scott

Vacancy: 4 - District 5, District 6, District 12, Place 15

**Notices:** Area: 500 Mailed: 43

**Replies:** For: 4 Against: 10

**Speakers:** For: Kirk Williams, 5400 Renaissance Towers, Dallas, TX, 75270

Keith Koop, 5629 Meaders Ln., Dallas, TX, 75229

Against: Michael Jung, 901 Main St., Dallas, TX, 75202

Zoning Cases – Individual Items

5. **Z045-272 (WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **denial** of a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District on the east line of Greenspan Avenue, south of Midvale Drive and north of High Fall Drive.

Maker: Marshall

Second: Brandon

Result: Carried: 6 to 0

For: 6 - Neumann, Gary, Marshall, Brandon, Wilke,  
Emmons

Against: 2 - Cunningham, Avery

Absent: 3 - Strater, Traylor, Scott

Vacancy: 4 - District 5, District 6, District 12, Place 15

**Notices:** Area: 200 Mailed: 30  
**Replies:** For: 4 Against: 1

**Speakers:** For: Shirley Turner Ray, 1316 Rusticwood Dr., DeSoto, TX, 75115  
Larry Ray, 1316 Rusticwood Dr., DeSoto, TX, 75115  
Against: None

Development Code Amendment

**DCA 045-012**

Planner: David Cossum

**Motion:** It was moved to recommend **approval** of amending Chapter 51 to establish Handicapped Group Dwelling Unit & Group Residential Facility uses to be consistent with the use provisions of Chapter 51A.

Maker: Cunningham  
Second: Marshall  
Result: Carried: 8 to 0  
For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons  
Against: 0  
Absent: 3 - Strater, Traylor, Scott  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** None

**The Commission convened into Executive Session at 5:43 p.m.**

\* Chairman Wilke left, before the beginning of Executive Session

**The Commission reconvened into Open Session at 6:17 p.m.**

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Other Matters

CPC Rules of Procedure Consideration of proposed amendment to the Commission's rules of procedure

**Motion I:** In considering a recommendation to the Commission on proposed amendments to the Commission's rules of procedure it was moved to **hold** this matter under advisement until September 22, 2005.

Maker: Avery  
Second: Emmons  
Result: Failed: 8 to 0  
For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

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Against: 0  
Absent: 3 - Strater, Traylor, Scott  
Vacancy: 4 - District 5, District 6, District 12, Place 15

**Speakers:** None

The CPC Rules Committee agreed to meet in room 5ES on Thursday, September 22, 2005; at 9:00 a.m.

Minutes

**Motion:** It was moved to **approve** the minutes of the September 8, 2005 meeting, subject to corrections.

Maker: Cunningham

Second: Marshall

Result: Carried: 8 to 0

For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

Against: 0

Absent: 3 - Strater, Traylor, Scott

Vacancy: 4 - District 5, District 6, District 12, Place 15

Adjournment

**Motion:** It was moved to adjourn the hearing at 6:26 p.m.

Maker: Cunningham

Second: Marshall

Result: Carried: 8 to 0

For: 8 - Neumann, Gary, Marshall, Brandon,  
Cunningham, Avery, Wilke, Emmons

Against: 0

Absent: 3 - Strater, Traylor, Scott

Vacancy: 4 - District 5, District 6, District 12, Place 15

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Bruce Wilke, Chair