

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 29, 2005, with the briefing starting at 11:52 a.m. in Room 5ES and the public hearing at 1:40 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, Michael Miranda, 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: None. There are four vacancies, District 5, District 7, 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) **S045-352**

Motion: It was moved to **approve** an application to replat lots 12 and 13, Block B/6519 into one, 3.8 acre lot on Shady Trail, and north of Walnut Hill Lane, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Strater, Neumann, Gary, Marshall, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(2) **S045-353**

Motion: It was moved to **approve** an application to plat a 0.99 acre tract of land in Block 6529 into one lot on Merrell Road, west of Ables Lane, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Strater, Neumann, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(3) **S045-354**

Motion: It was moved to **approve** an application to replat lot A, Block 5/800, part of lot 5, Block 5/800 and abandoned street R.O.W. into one, 3.83 acre lot at the west corner of Fitzhugh Avenue and East Side Avenue, subject to conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Strater, Neumann, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: For: None

Amending Plats

(4) **S034-327**

Motion: It was moved to **approve** an application to amend the Coronado Townhome Addition, in order to correct lot 8, Block A/2698 to lot 27, Block A/2698 at the south corner of Coronado Avenue and Grand Avenue, subject to conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Strater, Neumann, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Miscellaneous Docket

M045-042

Motion: It was moved to **deny** a minor amendment to the development plan of Planned Development District No. 608 on Church Hill Way, west of Preston Road due to it not qualifying for a minor amendment regarding drainage.

Maker: Emmons

Second: Neumann

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

M045-045

Motion: It was moved to **approve** a minor amendment to the development plan of Planned Development District No. 713 on Alpha Road and Noel Road.

Maker: Cunningham

Second: Brandon

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

M045-046

Motion: It was moved to **approve** a minor amendment to the landscape plan within the Subarea D-1, Subdistrict D portion of Planned Development District No. 305 on the east corner of McKinney Avenue and Blackburn Avenue.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

W045-010

Motion: It was moved to **deny** a wavier of the two-year waiting period in order to submit an application to amend Planned Development District No. 691 to amend the hours of operation for a restaurant on property bounded by Greenville Avenue, Alta Street, Summit Avenue, and Lewis Street.

Maker: Strater

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Z045-287 (DW)

Motion: It was moved to **approve** a development plan, landscape plan, elevations and conditions submitted in conjunction with an application for a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District, on the north side of Forest Lane, west of Abrams Road with the following revisions: 1) Revised conditions submitted to and discussed in staff briefing; 2) Development Plan subject to following revisions before submission to Council: a) 15 foot buffer along Forest Lane; b) notation reflecting the deletion of "4' high decorative metal fence where wall is greater than 30" in height" and substitution of 4' high wrought iron comparable metal fence along all of west and north boundaries, south side of Lot 2 and east side of the tract along the line of Intown Suites; c) deletion of noted "access easement" to Abrams Road; d) Site Data – deletion of first box with specific square footage for building and garden center; and e) convert up to 20 compact spaces along both east and west boundaries to full size spaces with correction of the number of parking spaces to occur in Site Data block and conditions if necessary. 3) Landscape Plan subject to the following revisions before submission to Council: a) deletion of notation regarding landscape on Forest Lane medium; b) 9 six-inch transplanted Live Oak trees to be revised to eight inch transplanted Live Oak trees with the notation in Tree Legend on pages 1 and 2 with deletion of "from Waco Tree Farm"; c) Design Standards – deletion of "or 3' tall solid wood, brick or masonry fence or 3' tall earthen berm."

Maker: Avery
Second: Marshall
Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Reconsideration of Z045-287(DW)

Motion I: It was moved to **approve** the reconsideration of the previous motion for a development plan, landscape plan and conditions submitted in conjunction with an application for a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District, on the north side of Forest Lane, west of Abrams Road.

Maker: Avery

Second: Brandon

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Motion II: It was moved to **approve** the previous motion for a development plan, landscape plan and conditions submitted in conjunction with an application for a Planned Development District for MU-3 Mixed Use District uses, subject to the previously added conditions including a provision of "Local Utilities" to the main uses on property zoned an MU-3 Mixed Use District, on the north side of Forest Lane, west of Abrams Road.

Maker: Avery

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Z045-278 (RB)

Motion: It was moved to **approve** a revised development plan and conditions submitted in conjunction with an application for a Planned Development District for a child-care facility and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, with retention of Specific Use Permit No. 49 for a Private school, on the west line of Midway Road, north of Royal Lane.

Maker: Scott
Second: Brandon
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Zoning Cases – Consent

1. **Z045-280 (RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for certain CR Community Retail District Uses and Multifamily Uses on property zoned an NS(A) Neighborhood Service District and an IR Industrial Research District, subject to resolving the median location going east on Mockingbird and driveway location on Mockingbird (Option B) with staff, so long as the driveway location does not line up with Lockheed, and showing this on the development plan and landscape plan to be forwarded to Council on the southwest corner of Mockingbird Lane and Haggar Way.

Maker: Emmons
Second: Brandon
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 256

Replies: For: 157 Against: 1

Speakers: For: Art Anderson, 5400 Renaissance Towers, Dallas, TX, 75270
Green Williams, 7306 Kaywood Dr., Dallas, TX, 75209
Nancy Hart, 6405 Bordeaux Ave., Dallas, TX, 75209
Pam Green, 6504 Lockheed Ave., Dallas, TX, 75209
Joyce Lockley, 4718 Wateka Dr., Dallas, TX, 75209
Pat White, 4714 Wildwood Rd., Dallas, TX, 75209
Against: Rick Gonzales, 4263 S. Cresthaven Rd., Dallas, TX, 75209

2. **Z045-285 (MM)**

Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of a Specific Use Permit for a General Merchandise or Food Store 100,000 square feet or more on property zoned a CR Community Retail District, for a permanent time period, subject to a site plan, landscape plan, and conditions on the northeast corner of Marsh Lane and West Northwest Highway.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 400

Mailed: 69

Replies: For: 4

Against: 3

Speakers: None

3. **Z045-286 (MM)**

Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of an NO(A) Neighborhood Office District on property zoned an R-10(A) Single Family District on the southeast corner of the intersection of Forest Lane and Cromwell Drive.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 200

Mailed: 10

Replies: For: 1

Against: 0

Speakers: None

Zoning Cases – Under Advisement

A. **Z045-265 (MM)**

Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 405 for a child-care facility and private school on property zoned an R-16(A) Single Family District for a permanent time period, subject to a site plan, landscape plan and conditions including a condition to limit school enrollment to 180 students on the southeast corner of Northaven Road and Quincy Lane.

Maker: Scott

Second: Brandon

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0

Absent: 0

Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300

Mailed: 25

Replies: For: 3

Against: 2

Speakers: For: Edward Green, 12720 Sunlight Dr., Dallas, TX, 75230

Against: None

B. **Z045-281 (DW)**

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Bank or Savings and Loan Office with Drive-in Window Service on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a 18-month time period, subject to the applicant's revised conditions, and a revised site plan to label driveways to Maple-Routh Connection as "A" and "B" on the southeast side of McKinney Avenue, southwest of Maple-Routh Connection.

Maker: Emmons

Second: Brandon

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Miranda,
Brandon, Cunningham, Avery, Wilke, Scott,
Emmons

Against: 0
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300 Mailed: 14
Replies: For: 0 Against: 0

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

Landmark Commission Appeal

Munger Place Historic District

Motion: It was moved to **reverse** the decision of the Landmark Commission to deny a Certificate of Appropriateness (CA045-390(JA)) in the Munger Place Historic District at 4915 Reiger Avenue and **approve** a Certificate of Appropriateness for both the glass blocks and the gate.

Maker: Cunningham
Second: Brandon
Result: Carried: 7 to 4
For: 7 - Neumann, Marshall, Miranda, Brandon,
Cunningham, Avery, Scott

Against: 4 - Strater, Gary, Wilke, Emmons
Absent: 0
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: Appellant: Jeff Grover, 4121 Travis St., Dallas, TX, 75204
Doug Shanahan, 2012 Coventry Pl., Keller, TX, 76248
City: Casey Burgess, Assistant City Attorney
Staff: Jim Anderson, Landmark Commission
John Rogers, Assistant City Attorney

Other Matters

Proposed 2006 CPC Calendar

Motion I: It was moved to **approve** the proposed 2006 City Plan Commission calendar, subject to the following revisions: Off - March 16, May 25, June 8, August 10, September 28 and October 26. Meet - March 30 and August 31.

Maker: Scott
Second: Neumann
Result: Failed: 5 to 5

For: 5 - Neumann, Brandon, Cunningham, Wilke,
Scott

Against: 5 - Gary, Marshall, Miranda, Avery, Emmons
Absent: 1 - Strater**
Vacancy: 4 - District 5, District 7, District 12, Place 15

**Commissioner Strater left, before vote taken

Motion II: It was moved to **approve** the proposed 2006 City Plan Commission calendar, subject to the following revisions: Off - March 16, May 25, June 8, July 27, August 10, September 28 and October 26. Meet - March 30 and August 31.

Maker: Emmons

Second: Avery

Result: Carried: 7 to 3

For: 7 - Gary, Marshall, Miranda, Brandon, Avery,
Wilke, Emmons

Against: 3 - Neumann, Cunningham, Scott

Absent: 1 - Strater*

Vacancy: 4 - District 5, District 7, District 12, Place 15

**Commissioner Strater left, before vote taken

Minutes

Motion: It was moved to **approve** the minutes of the September 22, 2005 meeting, subject to corrections.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Gary, Marshall, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Strater

Vacancy: 4 - District 5, District 7, District 12, Place 15

Adjournment

Motion: It was moved to adjourn the hearing at 5:02 p.m.

Maker: Cunningham

Second: Marshall

Result: Carried: 10 to 0

For: 10 - Neumann, Gary, Marshall, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons
Against: 0
Absent: 1 - Strater
Vacancy: 4 - District 5, District 7, District 12, Place 15

Bruce Wilke, Chair