

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 16, 2006, with the briefing starting at 11:23 a.m. in Room 5ES and the public hearing at 1:44 p.m. in the City Council Chambers of City Hall. Presiding were Betty Culbreath, Chair and Dave Neumann, Vice Chair. The following Commissioners were present during the hearing: Jeff Strater, Clarence Gary, Erik Wilson, Ann Bagley, Robert Weiss, Peggy Hill, Chris Buehler, Dennis Burnham, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Angela Marshall and Michael Miranda. There is one vacancy: District 8.

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) **S067-020**

Motion: It was moved to **approve** an application to plat an 0.626 acre tract in City Block W/679 into a 16 lot Shared Access Area Development on the north side of Bryan Street between Matilda Street and Greenville Avenue, subject to compliance with the conditions listed in the docket.

Maker: Gary

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

(2) **S067-023**

Motion: It was moved to **approve** an application to plat a 5.7299 acre tract of land in City Block C/5711 into one lot on Maple Avenue southeast of Kimsey Drive, subject to compliance with the conditions listed in the docket.

Maker: Gary

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

(3) **S067-025**

Motion: It was moved to **approve** an application to plat a 6.0 acre tract of land in City Block 8796 into one lot on the northwest corner of C. F. Hawn Freeway (US 175) and Silverado Drive, subject to compliance with the conditions listed in the docket.

Maker: Gary

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

Individual Items – Residential Replats

(4) **S067-019**

Motion: It was moved to **approve** an application to combine Lots 6 thru 8 in City Block 5/6887 into one 0.4742 acre lot at the northeast corner of Simpson-Stuart Road and Teague Drive, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Speakers: None

(5) **S067-021**

Motion: It was moved to **approve** an application to correct a previously approved plat by labeling a 25 foot front yard setback line along Lacompte Drive and a 15 foot side yard setback line along Belteau Lane for Lot 49 in City Block 26/6129, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Speakers: None

(6) **S067-022**

Motion: It was moved to **approve** an application to replat a 1.76 acre tract of land in City Block 6/6889 into 11 lots ranging in size from 6,252.01 sq. ft. to 10,991.48 sq. ft. bounded by Pall Mall Avenue, Tracy Road, Gooch Street, and Kite Street, subject to compliance with the conditions listed in the docket.

Maker: Weiss

Second: Gary

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

(7) **S067-024**

Motion: It was moved to **approve** an application to replat Lot 3 in City Block I/2477 into two lots of 4,269.89 sq. ft. and 4,488.55 sq. ft. each on the west side of La Foy Boulevard at Beverly Drive, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

(8) **S067-026**

Motion: It was moved to **approve** an application to revise the Kessler Woods Addition Phase II (S045-213) by combining Lots 13 & 14 into one lot and removing the 25 foot building lines along Stevens Village Drive and Stevens Forest Drive on Lots 25 thru 28 in City Block 3A/4736, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Gary

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: For: None

Against: Albert Parker, 6318 Elum Rd., Dallas, TX

Street Name Change – Under Advisement

NC056-002

Motion: It was moved to **deny** the street name change of Calleja Way, a cul-de-sac street along Strait Lane between Walnut Hill Lane and Manson Court to “Yip Court”.

Maker: Emmons

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham*, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: For: Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75226

Against: None

Miscellaneous Docket

D056-034

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan for Planned Development District No. 322 on the southeast corner of the Dallas North Tollway and Alpha Road.

Maker: Emmons

Second: Buehler

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

D067-001

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan for Planned Development Subdistrict No. 74 within Planned Development District No. 193, the Oak Lawn Special Purpose District on Cedar Springs Road and McKinnon Street, north of Pearl Street.

Maker: Emmons

Second: Buehler

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

W067-003

Planner: Neva Dean

Motion: It was moved to **approve** a wavier of the two-year waiting period in order to submit an application for an amendment to, and an expansion of, Planned Development District No. 368 for a private school and child-care facility on the south side of Churchill Way, east of Preston Road.

Maker: Buehler

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket – Under Advisement

D056-002

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development District No. 341, for Cluster Housing District uses, on the west side of Stevens Village Drive, north of Davis Street.

Maker: Buehler

Second: Gary

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Note: The Commission voted on Miscellaneous item Z056-183(JH), Zoning Case item Z056-220(JH), and Special Provision Sign District Amendment item SPSD 067-001 together. Commissioner Hill and Commissioner Burnham abstained from Z056-183(JH), Z056-220(JH) and SPSD067-001 due to bus tour requirements on Z056-220(JH).

Z056-183(JH)

Planner: Jennifer Hiromoto

Motion: In considering Planned Development District conditions, Specific Use Permit conditions and site plan submitted in conjunction with an application for a Planned Development District for R-7.5(A) uses and manufactured home park use and a Specific Use Permit for a manufactured home park use on property zoned an R-7.5(A) Single Family District on Highland Road, south of Barbaree Boulevard, it was moved to **hold** this case under advisement indefinitely.

Maker: Emmons

Second: Weiss

Result: Carried: 9 to 1

For: 9 - Neumann, Strater, Gary, Wilson, Weiss,
Buehler, Ekblad, Emmons, Culbreath

Against: 1 - Bagley

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Abstained: 2 - Hill***, Burnham***

***Commissioner Hill abstained, due to bus tour requirements

***Commissioner Burnham abstained, due to bus tour requirements

Speakers: None

Certificates of Appropriateness for Signs

Uptown Sign District

0610171083

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation a 96 square feet post and panel detached sign reading '**Rosewood Court – Spring 2008**' plus additional leasing information at 2101 Cedar Springs Road on the northeast corner of the intersection of Cedar Springs Road and McKinnon Avenue (Dallas North Tollway)

Maker: Emmons

Second: Strater

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Jefferson Sign District

0609131035

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a 224 square feet flat attached box sign reading '**ENVIOS DE DINERO - OrderExpress**' plus additional information at 535 West Jefferson Boulevard above the windows on the south façade of the building on the north side of Jefferson Boulevard, east of Llewellyn Avenue

Maker: Neumann
Second: Weiss
Result: Carried: 8 to 4
For: 8 - Neumann, Strater, Gary, Hill, Weiss, Buehler,
Ekblad, Culbreath

Against: 4 - Wilson, Bagley, Burnham, Emmons
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Speakers: None

Downtown Sign District

0610251020

Planner: Michael Finley

Motion: In considering a Certificate of Appropriateness for the installation of a 180 square feet projecting attached wall sign with illuminated graphics and no text at 300 North Akard Street above the garage entrance on the west façade of the building facing Akard Street at Federal Street, it was moved to **hold** this case under advisement until December 21, 2006.

Maker: Buehler
Second: Weiss
Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Speakers: None

Zoning Cases - Consent

1. **Z056-320(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an open enrollment charter school for a two-year period, subject to a site plan and revised conditions on property zoned an R-7.5(A) Single Family District, on the south line of LynnaCre Drive, west of Knoxville Drive.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Hill, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 30

Replies: For: 0 Against: 0

Speakers: For: Eugene Thomas, 5654 Winding Woods Trail, Dallas, TX, 75227
Against: None

2. **Z056-324(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an NS(A) Neighborhood Service District on property zoned a TH-3(A) Townhouse District, on the west line of Tyler Street, south of Page Avenue.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Hill, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 20
Replies: For: 1 Against: 0

Speakers: For: None
Against: Maggie Hernandez, 1817 S. Vernon Ave., Dallas, TX, 75224

3. Z056-337(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to, and an expansion of, Planned Development District No. 286 for a convalescent center and nursing home, subject to a revised development plan, landscape plan and conditions, and **approval** of the termination of Specific Use Permit No. 553 for a private school on property zoned a TH-2(A) Townhouse District and Planned Development District No. 286 on the northwest corner of Greenville Avenue and Stults Road with the conditions and plan return on a future miscellaneous docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Hill, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 75
Replies: For: 7 Against: 1

Speakers: None

4. **Z056-338(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Alcoholic Beverage Establishment for a bar, lounge, or tavern for a five-year period with eligibility for automatic renewals for additional five-year period, subject to a site plan and staff's revised conditions within Planned Development District No. 85 for Shopping Center, Office-2 and Multiple Family-3 uses, on the northeast corner of Greenville Avenue and Pineland Drive.

Maker: Neumann
Second: Weiss
Result: Carried: 12 to 0
For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Hill, Buehler, Burnham, Ekblad,
Emmons, Culbreath
Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 0

Speakers: None

Zoning Cases – Under Advisement

5. **Z056-318(WE)**

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until December 7, 2006.

Maker: Strater
Second: Weiss
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Wilson, Weiss, Hill,
Buehler, Burnham, Ekblad, Emmons,
Culbreath
Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: Michael Miles, 9704 Dartridge Dr., Dallas, TX, 75238
Against: Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
Patricia Van Winkle, 2524 Brookfield, Dallas, TX, 75235
William Foster, 4504 N. Versailles Ave., Highland Park, TX, 75205

Note: The Commission voted on Miscellaneous item Z056-183(JH), Zoning Case item Z056-220(JH), and Special Provision Sign District Amendment item SPSD 067-001 together. Commissioner Hill and Commissioner Burnham abstained from Z056-183(JH), Z056-220(JH) and SPSD067-001 due to bus tour requirements on Z056-220(JH).

6. **Z056-220(JH)**

Planner: Jennifer Hiromoto

Motion: In considering an application for a Planned Development District for Single Family uses on a property zoned R-16(A) Single Family District, Planned Development District No. 108, and an LO-3 Limited Office District on the east side of Walton Walker Boulevard, north of Country Creek Drive, it was moved to **hold** this case under advisement until December 7, 2006.

Maker: Emmons

Second: Weiss

Result: Carried: 9 to 1

For: 9 - Neumann, Strater, Gary, Wilson, Weiss,
Buehler, Ekblad, Emmons, Culbreath

Against: 1 - Bagley

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Abstained: 2 - Hill***, Burnham***

***Commissioner Hill abstained, due to bus tour requirements

***Commissioner Burnham abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 139
Replies: For: 0 Against: 1

Speakers: None

7. Z056-271(MF)

Planner: Mike Finley

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Tattoo Parlor and Piercing Studio for a five-year period with eligibility for automatic renewals for additional five-year period, subject to a site plan and conditions within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Main Street, west of Pryor Street.

Maker: Strater

Second: Wilson

Result: Carried: 9 to 3

For: 9 - Neumann, Strater, Gary, Wilson, Bagley, Hill,
Buehler, Ekblad, Culbreath

Against: 3 - Weiss, Burnham, Emmons

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 20

Replies: For: 1 Against: 3

Speakers: For: William Cothrum, 900 Jackson St., Dallas, TX, 75201
Orville Jernigan, 2701 Main St., Dallas, TX, 75226
Against: Jeff Bogost, 10300 N. Central Expwy., Dallas, TX, 75231

Note: The Commission voted on Miscellaneous item Z056-183(JH), Zoning Case item Z056-220(JH), and Special Provision Sign District Amendment item SPSD 067-001 together. Commissioner Hill and Commissioner Burnham abstained from Z056-183(JH), Z056-220(JH) and SPSD067-001 due to bus tour requirements on Z056-220(JH).

Special Provision Sign District Amendment

SPSD 067-001

Planner: David Cossum

Motion: In considering an amendment to the provisions of the Victory Special Provision Sign District, Subdistrict A, the Entertainment Complex Subdistrict, to amend the provisions for changeable message signs, generally located at the south corner of Houston Street and All Star Way, it was moved to **hold** this case under advisement until December 7, 2006.

Maker: Emmons

Second: Weiss

Result: Carried: 9 to 1

For: 9 - Neumann, Strater, Gary, Wilson, Weiss,
Buehler, Ekblad, Emmons, Culbreath

Against: 1 - Bagley
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8
Abstained: 2 - Hill***, Burnham***

***Commissioner Hill abstained, due to bus tour requirements

***Commissioner Burnham abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 13
Replies: For: 1 Against: 0

Speakers: For: Bill Dahlstrom, 901 Main St., Dallas, TX, 75201
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the November 9, 2006, meetings, subject to corrections.

Maker: Emmons

Second: Wilson

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Weiss, Hill, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Marshall, Miranda

Vacancy: 1 - District 8

Speakers: None

Adjournment

Motion: The meeting **adjourned** at 3:29 p.m.

Betty Culbreath, Chair