

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 21, 2006, with the briefing starting at 11:48 a.m. in Room 5ES and the public hearing at 1:40 p.m. in the City Council Chambers of City Hall. Presiding were Dave Neumann, Acting Chair and Dennis Burnham, 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, Chris Buehler and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Peggy Hill, Robert Ekblad and Betty Culbreath. 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: Michael Grace

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) **S056-143R**

Motion: It was moved to **approve** an application to plat a 3.5470 acre tract of land in City Block 6/1511 into one lot at the northeast corner of McKinney Avenue and Noble Avenue, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

(2) **S067-045**

Motion: It was moved to **approve** an application to replat 0.469 acres being part of Lots 3 and 4 in City Block 1024 and a tract of land in City Block 1/1024 into one lot at the northeast corner of Congress Avenue and Hood Street, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

(3) **S067-047**

Motion: It was moved to **approve** an application to replat 7.613 acres being all of Lot 2 in City Block F/7202 into 5 lots at the northeast corner of Cockrell Hill Road and Interstate 30, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

(4) **S067-048**

Motion: It was moved to **approve** an application to plat a 1.89 acre tract of land in City Block D/6508 into one lot on the north side of Manana Drive, east of Newkirk Street, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

(5) **S067-049**

Motion: It was moved to **approve** an application to plat a 49.648 acre tract of land in City Block 7543 into one lot on the east side of Cockrell Hill Road extending east to the west side of Westmoreland Road, north of Wheatland Road and south of Interstate 20, subject to compliance with the conditions listed in the docket.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

(6) **S067-050**

Motion: It was moved to **approve** an application to replat all of Lot 13 in City Block 2/1906 into six lots ranging in size from 1,574.99 sq.ft. to 2,700 sq.ft. at the northeast corner of Matilda Street and Oram Street, subject to compliance with the conditions listed in the docket with an amendment to Condition #21 to read as follows: "Increase the size of the 10 foot mutual access easement to 20 feet, remove from the face of the plat and record via separate instrument".

Maker: Emmons
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

(7) **S067-051**

Motion: It was moved to **approve** an application to replat 1.888 acres containing Lot 1 in City Block A/1502, Lots 3A and 6A in City Block F/1502 and Lots 1 and 2 in City Block F/1502 into a 1.599 acre lot and a 1.888 acre lot at the southeast corner of Cedar Springs and Douglas Avenue, subject to compliance with the conditions listed in the docket.

Maker: Emmons
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

Individual Items – Residential Replats

(8) **S067-043**

Motion: It was moved to **approve** an application to replat the east 65' of Lot 9 and all of Lot 10 into one 0.702 acre lot and to reduce the building line from 60' to 47' along Gloster Road and from 35' to 22' along Rockbrook Drive in City Block B/5561 at 4546 Gloster Road at the southwest corner of Gloster Road and Rockbrook Drive, subject to compliance with the conditions listed in the docket with Conditions 14 and 15 to be combined into one condition and amended to read as follows: "For all structures, the building line is 60 feet along Gloster Road and 35 feet along Rockbrook Drive except for that portion of the existing structure as shown on this plat that existed as of December 21, 2006 in front of the building lines ("the existing structure"). For the existing structure, the building line follows the footprint of the existing structure. A person may renovate, remodel, repair or rebuilding the existing structure; except that the right to rebuild the existing structure ceases if the existing structure is destroyed by the intentional act of the owner."

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: For: Tom Rasco, 1109 Holbrook Dr., Garland, TX, 75040
Wayne Shelton, 4619 Stonehollow Way, Dallas, TX, 75287
Marijane Shelton, 4619 Stonehollow Way, Dallas, TX, 75287
Against: Genie Chappell, 9226 Rockbrook Dr., Dallas, TX, 75220
Colon Brown, 9443 Rockbrook Dr., Dallas, TX, 75220
Ida Jane Bailey, 4406 Manning Ln., Dallas, TX, 75220
Don Jopling, 4530 Gloster Rd., Dallas, TX, 75220
Flo Leslie, 4416 Manning Ln., Dallas, TX, 75220

(9) **S067-046**

Motion: It was moved to **approve** an application to replat Lot 1A in City Block T/8751 into one 444,513 sq.ft. lot and thirteen lots ranging in size from 5,250 sq.ft. to 9,292 sq.ft. at the northeast corner of Kelly Boulevard and Timberglen Road, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

Miscellaneous Docket

M067-009

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Planned Development District No. 17 to provide for a 1,000 square foot addition adjacent to the east line of Preston Road, on the northeast corner of Preston Road and Dilbeck Lane.

Maker: Marshall
Second: Bagley
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

M067-010

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 8 to provide for additional multifamily dwelling units on the northeast line of Blackburn Street, between Oak Lawn Avenue and Turtle Creek.

Maker: Marshall
Second: Bagley
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

M067-011

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan -Tract I portion of Planned Development District No. 710 for CR Community Retail District Uses on the southeast corner of Illinois Avenue and Coombs Creek Drive.

Maker: Marshall
Second: Bagley
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

M067-012

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan and landscape plan for Specific Use Permit No. 1256 for a Child-care facility and a Private school on the north line of Oates Drive, between Vinewood Drive and Beechmont Drive.

Maker: Marshall
Second: Bagley
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

M067-013

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan within Subdistrict C- West Zone in Planned Development District No. 305 for Mixed Uses on the northeast line of Blackburn Street, between McKinney Avenue and Cole Avenue.

Maker: Marshall

Second: Bagley

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

D067-004

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development District No. 305, for a portion of the "Cityplace" project on the northeast corner of McKinney Avenue and Noble Avenue.

Maker: Marshall

Second: Bagley

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

Z056-337(WE)

Planner: Warren Ellis

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

Maker: Marshall
Second: Bagley
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

Z056-226(WE)

Planner: Warren Ellis

Motion: It was moved to **approve** an extension of 120 days for scheduling for City Council consideration for an application for an MC-2 Multiple Commercial District on property zoned an LO-2 Limited Office District on the northwest corner of Preston Road and Lyndon B. Johnson Freeway (I-635).

Maker: Buehler
Second: Wilson
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

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

Certificates of Appropriateness for Signs

Downtown Sign District

0610271073

Planner: Michael Finley

Motion: It was moved to **approve** an application for the installation of a 1,148.4 square feet flat attached upper-level wall sign with illuminated text reading "**Baylor Health Care System**" at 2001 Bryan Street on the northwest façade between Olive Street and Harwood Street.

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

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

Certificates for Appropriateness for Signs – Under Advisement

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 January 11, 2007.

Maker: Weiss
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Speakers: None

Zoning Cases – Under Advisement

1. Z056-308(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing District and a Specific Use Permit for an outside industrial potentially incompatible use for a two year time period on property zoned an IR Industrial Research District on the north side of Mañana Drive, west of Newkirk Street with volunteered deed restrictions to return on a future miscellaneous docket.

Maker: Miranda
Second: Buehler

Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Notices: Area: 400 Mailed: 7
Replies: For: 1 Against: 1

Speakers: For: Steven Free, 10705 Newkirk St., Dallas, TX, 75220
Ray Fuqua, 6715 Sandgate Dr., Dallas, TX, 76002
Against: Darren Barnett, 300 N. Coit Rd., Richardson, TX, 75080

2. **Z056-327(OTH)**

Planner: Olga Torres- Holyoak

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses, subject to a conceptual plan and the applicant's conditions on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of Cedar Springs Road and Dallas North Tollway with the landscape plan and development plan to return on a future miscellaneous docket before forwarding to Council and the deletion the following language under Section 109, OFF-STREET PARKING AND LOADING (b) (2) "Spaces adjacent to the lot and on a public street may be counted toward this guest parking requirement if one additional two-inch caliper tree is planted on the lot for each on-street guest space".

Maker: Strater
Second: Wilson

Amended Motion: It was moved to **amend** the original motion to include staff's condition "(e)" under Section 108, YARD, LOT, AND SPACE REGULATIONS, Height to read as follows: "For multiple family uses, a building may be erected or altered to exceed 36 feet up to a maximum of 65 feet in height, if a setback of 50 feet is provided for a portion of the building that exceeds 36 feet in height as a shown on the conceptual plan".

Maker: Emmons
Second: Weiss
Result: Carried: 6 to 5
For: 6 - Gary, Marshall, Bagley, Weiss, Buehler,
Emmons

Against: 5 - Neumann, Strater, Wilson, Miranda, Burnham
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Substitute Motion: In considering an application of a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses, subject to a conceptual plan and the applicant's conditions on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of Cedar Springs Road and Dallas North Tollway with the landscape plan and development plan to return on a future miscellaneous docket before forwarding to Council and the deletion of the following language under Section 109, OFF-STREET PARKING AND LOADING (b) (2) "Spaces adjacent to the lot and on a public street may be counted toward this guest parking requirement if one additional two-inch caliper tree is planted on the lot for each on-street guest space"., it was moved to **hold** this case under advisement until January 11, 2007 with the motion of approval still on the table.

Maker: Miranda
Second: Weiss
Result: Carried: 9 to 2
For: 9 - Neumann, Strater, Marshall, Miranda, Wilson
Bagley, Weiss, Buehler, Burnham

Against: 2 - Gary, Emmons
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 156
Replies: For: 5 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Chip McCarthy, 4115 Turtle Creek Blvd., Dallas, TX

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

Planner: Richard Brown

Motion: It was moved to recommend **denial without prejudice** of 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.

Maker: Wilson
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater*, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

*out of the room, shown voting in favor

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

Speakers: None

Zoning Cases - Individual

4. **Z067-110(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses, subject to a conceptual plan and staff's recommended conditions on property zoned an LC Light Commercial District and an MF-3 Multiple Family Subdistrict with the D Dry Liquor Control Overlay on this portion of the site, all within Planned Development District No. 193, the Oak Lawn Special Purpose District and termination of the Dry Liquor Control Overlay that encumbers a small portion of the site in an area generally bounded by Harwood Street, Jack Street, McKinnon Street and Ivan Street with the conditions and conceptual plan to return on a future miscellaneous docket.

Maker: Strater
Second: Marshall
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0
Absent: 3 - Hill, Ekblad, Culbreath
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 27
Replies: For: 1 Against: 0

Speakers: For: Susan Mead, 901 Main St., Dallas, TX, 75201
Jerry Jackson, 7231 Cutler Mill, Dallas, TX, 75248
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the December 7, 2006, meetings, subject to corrections.

Maker: Burnhan

Second: Wilson

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

Adjournment

Motion: It was moved to **adjourn** the hearing at 4:50 p.m.

Maker: Bagley

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Weiss, Buehler, Burnham,
Emmons

Against: 0

Absent: 3 - Hill, Ekblad, Culbreath

Vacancy: 1 - District 8

Speakers: None

Betty Culbreath, Chair