

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on January 4, 2007, with the briefing starting at 11:50 a.m. in Room 5ES and the public hearing at 1:38 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, Angela Marshall, Erik Wilson, Michael Miranda, Ann Bagley, Erma Jones-Dodd, Robert Weiss, Peggy Hill, Chris Buehler, Robert Ekblad and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: None. There is one vacancy: District 12.

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: Paul Nelson

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) **S045-234**

Motion: It was moved to **approve** an application for a Minor Amending Plat to increase the lot width of Lots 1 thru 6 in City Block 2/983 from 19.92 feet wide to 20 feet wide on N. Haskell Avenue between Cole Avenue and Travis Street, subject to compliance with the conditions listed in the docket including a 2nd added condition which states "Prior to submittal of the final plat for recording the existing 15 foot easement and right of way that exists across Lots 34 and 35 and extends from N. Haskell Avenue into Pool Drive must be abandoned by ordinance and the ordinance number placed on the plat or abandoned by separate instrument and the document number placed on the plat."

Maker: Gary
Second: Wilson
Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

(2) **S067-052**

Motion: It was moved to **approve** an application to create one 0.5393 acre lot, one 0.7068 acre lot, and one 0.8419 acre lot from a 2.0879 acre tract of land in City Block B/8472 on the R.L. Thornton (I-30E) Service Road beginning at a point 432.95 feet west of Deer Creek Drive, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

(3) **S067-053**

Motion: It was moved to **approve** an application to replat a 0.9578 acre tract of land containing all of Lots 1, 2 and 3 and part of Lots 4, 5 and 6 in City Block 1/2078 into 2 lots on Abrams Road between Richmond Avenue and Belmont Avenue, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

(4) **S067-055**

Motion: It was moved to **approve** an application to create one 0.5295 acre lot in City Block 6248 on 6636 C. F. Hawn Freeway, northwest of N. Jim Miller Road, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

(5) **S067-057**

Motion: It was moved to **approve** an application to replat all of City Block 6452 and all of City Blocks 1/6452, 2/6452, 3/6452 and 4/6452, and to be abandoned Doric Street, Century Street, and part of Abernathy Avenue into two lots totaling 31.4238 acres on Abernathy Avenue at Lombardy Lane, northeast quadrant, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Wilson
Result: Carried: 13 to 0
For: 13 - Neumann, Strater, Gary, Marshall*, Wilson,
Miranda, Jones-Dodd, Weiss, Hill, Buehler,
Ekblad, Emmons, Culbreath

Against: 0
Absent: 0
Vacancy: 1 - District 12
Conflict: 1 - Bagley

*out of the room, shown voting in favor

Speakers: None

(6) **S067-058**

Motion: It was moved to **approve** an application to replat part of City Block 5747 and A/5748 to create one 3.3182 acre lot on Motor Street east of Harry Hines Blvd., subject to compliance with the conditions listed in the docket.

Maker: Weiss

Second: Wilson

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Marshall*, Wilson, Miranda, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Conflict: 1 - Bagley

*out of the room, shown voting in favor

Speakers: None

(7) **S067-060**

Motion: It was moved to **approve** an application to create one 23.222 acre lot, one 21.4333 acre lot and one 18.155 acre lot from a 63.2936 acre tract of land in City Blocks 7212 and 7214 on Adler Drive east of Cockrell Hill Drive on the south line of Interstate 30E, subject to compliance with the conditions listed in the docket.

Maker: Gary

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

(8) **S067-061**

Motion: It was moved to **approve** an application to replat all of Lots 3D and 3F in City Block 7290 into one 2.253 acre lot on North Central Expressway at Royal Lane, northeast corner, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

Individual Items – Residential Replats

(9) **S067-054**

Motion: It was moved to **approve** an application to replat Lots 8, 9, and 10 in City Block 2/6004 into one 1.005 acre lot on 4122 S. Marsallis Avenue at Brookmere Avenue, northeast corner, 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, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0
Absent: 0
Vacancy: 1 - District 12

Speakers: None

(10) **S067-056**

Motion: It was moved to **approve** an application to replat one 0.179 acre tract of land containing all of Lot 29 in City Block C/2964 to reduce the existing 35 foot platted front building line to 30 feet on 7207 E. Mockingbird Lane between Rockview Street on the east and Rockaway Street on the west, subject to compliance with the conditions listed in the docket.

Maker: Weiss

Second: Buehler

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: For: Billy Duckworth, 707 Easy St., Garland, TX

Against: Christina Duncan, 7148 E. Mockingbird Ln., Dallas, TX, 75214
Betty Crum, 7142 E. Mockingbird Ln., Dallas, TX, 75214

(11) **S067-059**

Motion: It was moved to **approve** an application to replat part of Lots 13 and 14 in City Block A/7164 into one 0.207 acre lot on 3903 and 3907 Ingersol St. at Leath Avenue, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Miranda

Second: Weiss

Result: Carried: 9 to 5

For: 9 - Neumann, Strater, Gary, Marshall, Miranda,
Jones-Dodd, Weiss, Hill, Culbreath

Against: 5 - Wilson, Bagley, Buehler, Ekblad, Emmons

Absent: 0

Vacancy: 1 - District 12

Speakers: None

(12) **S067-062**

Motion: It was moved to **approve** an application to replat part of Lot 1, City Block 1/8213, and replat all of Lots 2, 3, 4 and 10 in City Block B/8212 to make minor lot line adjustments by removing property from Lot 1 Block 8213 and to add the same total area to Lots 2, 3, 4, and 10 in Block B/8212 fronting on Keller Springs Road south of Braewood Place and east of Glen Abbey Drive, subject to compliance with the conditions listed in the docket with the following correction to Condition #12, the deletion of Knoll Trail and the insertion of Keller Springs.

Maker: Buehler

Second: Weiss

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: For: Ross Melton, 4500 Mercantile Center Plaza, Fort Worth, TX, 76137
Against: None

Miscellaneous Docket

M067-001

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 582, the Victory Planned Development District in an area generally bounded by property north of Hi Line Drive, the M.K.&T. Railroad to the east, Continental Avenue to the south, and Stemmons Freeway to the west.

Maker: Strater

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

M067-004

Planner: Richard Brown

Motion: In considering a minor amendment to the development plan for Planned Development District No. 582, the Victory Planned Development District in an area generally bounded by property north of Hi Line Drive, the M.K.&T. Railroad to the east, Continental Avenue to the south, and Stemmons Freeway to the west, it was moved to **hold** this case under advisement until January 25, 2007.

Maker: Strater

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

Z067-110(RB)

Planner: Richard Brown

Motion: It was moved to **approve** a conceptual plan and conditions submitted in conjunction with an application for a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses with retention of the Dry Liquor Control Overlay on a portion of the site, on property zoned an LC Light Commercial Subdistrict 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 in an area generally bounded by Harwood Street, Jack Street, McKinnon Street, and Ivan Street including the following two conditions: 1) "Katy Trail 'The developer will provide public access via sidewalk, bridge, or easement from the property to Katy Trail prior to receiving a certificate of occupancy.'" and 2) Add the following language to Landscaping section: "Section (a)(4) '51P-193.126(b)(3)(D) does not apply in this district.'"

Maker: Strater

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Against: None

D067-003

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development Subdistrict No. 53, within Planned Development District No. 193 with retention of Historic Overlay District No. 94 (St. Ann's School) on property generally located at N. Harwood Street, Moody Street and Harry Hines Boulevard.

Maker: Strater

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

W067-005

Planner: Neva Dean

Motion: It was moved to **approve** a wavier of a two-year waiting period in order to submit an application for an amendment to Planned Development District No. 724 on the northeast corner of Walnut Hill Lane and Hedgeway Drive.

Maker: Strater

Second: Wilson

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

Zoning Cases – Under Advisement

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

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Planned Development District for Single Family uses, subject to a development plan and applicant's conditions 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 with the development plan to return on a future miscellaneous docket.

Maker: Gary
Second: Culbreath

Substitute Motion: In considering an application for a Planned Development District for Single Family uses, subject to a development plan and staff's recommended conditions 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 January 25, 2007.

Maker: Neumann
Second: Miranda
Result: Carried: 13 to 1

For: 13 - Neumann, Gary, Marshall, Wilson, Miranda,
Bagley, Jones-Dodd, Weiss, Hill, Buehler,
Ekblad, Emmons, Culbreath

Against: 1 - Strater
Absent: 0
Vacancy: 1 - District 12

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

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75220
Against: Nancy Moffett, 3114 Mapleleaf Ln., Dallas, TX, 75233

Zoning Cases - Individual

2. **Z067-117(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District with deed restrictions volunteered by the applicant on the south side of Webb Chapel Extension, northeast of Overlake Drive.

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

Against: 0
Absent: 0
Vacancy: 1 - District 12

Notices: Area: 200 Mailed: 27
Replies: For: 0 Against: 2

Speakers: None

Development Code Amendments

DCA 056-019

Motion: It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, regarding the number of notification signs required to be posted and the timing of the posting for notification signs required for public hearings before the City Plan Commission, the Landmark Commission, and the Board of Adjustment.

Maker: Neumann
Second: Jones-Dodd
Result: Carried: 13 to 0
For: 13 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Jones-Dodd, Weiss, Hill, Buehler*,
Ekblad, Emmons, Culbreath

Against: 1 - Miranda
Absent: 0
Vacancy: 1 - District 12

*out of the room, shown voting in favor

Speakers: None

DCA 056-020

Motion: It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, regarding the applicability of a residential proximity slope height restriction to a monopole cellular tower use when a Specific Use Permit is required with an amendment under Section 51A-4.212-10.1(b)(3) Monopole Cellar Tower Use to add the following language, "The impact of a structure height on adjacent residential districts must be considered in the Specific Use Permit process."

Maker: Neumann

Second: Jones-Dodd

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Bagley, Jones-Dodd, Weiss, Hill, Buehler*, Ekblad, Emmons, Culbreath

Against: 1 - Miranda

Absent: 0

Vacancy: 1 - District 12

*out of the room, shown voting in favor

Speakers: None

Other Matters

Amendment to 2007 City Plan Commission Calendar

Motion: It was moved to **approve** an amendment to the 2007 City Plan Commission Calendar to begin public hearings at 6:00 p.m. for a trial period.

Maker: Buehler

Second: Miranda

Result: Carried: 10 to 4

For: 10 - Neumann, Strater, Gary, Wilson, Miranda, Weiss, Hill, Buehler, Ekblad, Culbreath

Against: 4 - Marshall, Bagley, Jones-Dodd, Emmons

Absent: 0

Vacancy: 1 - District 12

Speakers: None

Minutes

Motion: It was moved to **approve** the minutes of the December 21, 2006, meetings, subject to corrections.

Maker: Buehler

Second: Ekblad

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

Adjournment

Motion: It was moved to **adjourn** the hearing at 3:25 p.m.

Maker: Wilson

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons, Culbreath

Against: 0

Absent: 0

Vacancy: 1 - District 12

Speakers: None

Robert Weiss, Chair