

CITY PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on January 20, 2005, with the briefing starting at 10:30 a.m. in Room 5ES and the public hearing beginning at 1:58 p.m. in the City Council Chambers of City Hall. Presiding was Bruce Wilke, Chair and Carol Brandon, Vice-chair. The following Commissioners were present during the hearing: Joel Vera, Jeff Strater, Clarence Gary, Angela Marshall, D'Angelo Lee, Diana Alonzo, Melvin Traylor, Bulldog Cunningham, Bill Avery, Ilene Perkett, Carol Scott, Neil Emmons and Ralph Isenberg. There are no vacancies.

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) **S045-011R**

Motion: It was moved to **approve** an application to revise a previously approved preliminary plat (S045-011) in order to create one, 12.56 acre lot in Block 6031, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(2) **S045-083**

Motion: It was moved to **approve** an application to plat a 0.62 acre tract of land in Block A/5056 into 3 lots at the northwest corner of Midway Road and Crest Haven Road, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

Speakers: None

*out of the room, shown voting in favor

(3) **S045-084**

Motion: It was moved to **approve** an application to replat part of lot 6, Block 6266 into 2 lots on Loop 12, west of US Hwy. 175, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(4) **S045-085**

Motion: It was moved to **approve** an application to replat part of lots 1, 2 and 3, Block H/573 into 5 lots on Thomas Avenue, west of Allen Street, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(5) **S045-086**

Motion: It was moved to **approve** an application to replat lot 1, Block A/993 and a tract of land in Blocks 993 and 994 into one, 5.85 acre lot on Bowen Street, east of Cedar Springs Avenue, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(6) **S045-087**

Motion: It was moved to **approve** an application to replat part of lots 2 and 7, Block B/7222 into one, 0.53 acre lot on Singleton Boulevard, east of Esmelda Drive, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(7) **S045-088**

Motion: It was moved to **approve** an application to plat a 2.68 acre tract of land in Block 3386 into a 10 lot Shared Access Development on Cedar Hill Avenue, south of Colorado Boulevard, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 14 to 0

For: 14 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*

Against: 0

Absent: 0

Conflict 1 - Isenberg

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(8) **S045-089**

Motion: It was moved to **approve** an application to replat lot 3, Block 8073 into 2 lots on Skillman Street at Forestview Street, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(9) **S045-091**

Motion I: It was moved to **approve** an application to plat a 0.99 acre tract of land in Block 6724 into 4 lots at the northwest corner of Limestone Drive and Leroy Road, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(10) **S045-092**

Motion: It was moved to **approve** an application to plat a 30.9 acre tract of land in Block 7482 into a 134 lot Community Unit Development on E. Northwest Highway, east of Plano Road, subject to the conditions listed in the docket with the deletion of condition #10, regarding a corner clip dedication.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(11) **S045-093**

Motion: It was moved to **approve** an application to replat the Twin Sixties Addition, Revised and a portion of a street easement for Twin Sixties Drive into 2 lots on N. Central Expressway, north of Mockingbird Lane, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery*, Wilke, Perkett, Scott, Emmons*, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(12) **S045-094**

Motion: It was moved to **approve** an application to replat lot 4, Block 14/5453 in order to abandon a water easement on the south property line and dedicate new water easements, on N. Central Expressway, north of Park Lane, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 15 to 0
For: 15 - Vera*, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Cunningham, Avery*, Wilke,
Perkett, Scott, Emmons*, Isenberg

Against: 0
Absent: 0
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Individual Items – Residential Replats

(13) **S045-090R**

Motion I: It was moved to **approve** an application to replat part of lots 29 and 30, Block B/7030 into a 7 lot Community Unit Development at the east corner of Highland Drive and Barbaree Boulevard subject to the conditions listed in the docket.

Maker: Traylor
Second: None

(Motion failed for lack of a second)

Motion II: It was moved to **deny** an application to replat part of lots 29 and 30, Block B/7030 into a 7 lot Community Unit Development at the east corner of Highland Drive and Barbaree Boulevard because it did not comply with section 51A-8.503, in that the proposed plat is inconsistent with the established platting pattern in the surrounding area.

Maker: Isenberg
Second: Lee
Result: Carried: 14 to 1
For: 14 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Brandon, Cunningham, Avery, Wilke, Perkett,
Scott, Emmons, Isenberg

Against: 1 - Traylor
Absent: 0
Vacancy 0

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201
Linda Blainey, Address not given
Charles McGee, 3350 Blackburn St., Dallas, TX, 75204
Against: Alan Daniels, 8106 Barbaree Blvd., Dallas, TX, 75228
Carol Lyons, 8255 Barbaree Blvd., Dallas, TX, 75228
Frances Bagley, 8157 Barbaree Blvd., Dallas, TX, 75228
Peter Winkelman, 8282 Barbaree Blvd., Dallas, TX, 75228
Chris Lyons, 8255 Barbaree Blvd., Dallas, TX, 75228
Marty Ray, 8166 Barbaree Blvd., Dallas, TX, 75228
Jim Alexander, 8231 Barbaree Blvd., Dallas, TX, 75228
Bari Larsen, 8298 Barbaree Blvd, Dallas, TX, 75228
Ann Bagley, 8139 Barbaree Blvd., Dallas, TX, 75228
Robert Devilbiss, 8134 Barbaree Blvd., Dallas, TX, 75228

Miscellaneous Docket

M045-014

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development/landscape plan for Planned Development District No. 298, the Bryan Area Special Purpose District, southwest of Skiles Street on Live Oak Street and Carmel Street

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery, Wilke, Perkett*, Scott, Emmons, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

D045-006

Planner: Frank Dominquez

Motion: It was moved to **approve** a development plan for Planned Development District No. 691, to provide for the development of multifamily, retail and townhouse uses on Greenville Avenue, Lewis Street, Summit Avenue and Alta Avenue

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery, Wilke, Perkett*, Scott, Emmons, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket - Under Advisement

M045-009

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan and the landscape plan for the Phase II portion of Specific Use Permit No 1399 for a Utility or government installation other than listed on the east corner of Stemmons Freeway and Storey Lane

Maker: Cunningham

Second: Marshall

Result: Carried: 15 to 0

For: 15 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery, Wilke, Perkett*, Scott, Emmons, Isenberg

Against: 0

Absent: 0

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Certificates of Appropriateness for Signs

0412081035

Planner: Michael Finley

Motion: In considering a Certificate of Appropriateness for the installation of a 112 square feet attached vinyl premise sign at 409 Second Avenue it was moved to **hold** this case under advisement until January 27, 2005

Maker: Starter
Second: Perkett
Result: Carried: 14 to 1
For: 14 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Avery, Wilke, Perkett, Scott, Emmons, Isenberg

Against: 1 - Cunningham
Absent: 0
Vacancy 0

Speakers: None

Zoning Cases - Consent

1. Z034-237(DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Planned Development District for IR Industrial Research District uses plus an Industrial (outside) use not potentially incompatible, subject to a development plan and staff's recommended conditions to include sound decimal level limit for the area, reconstruction condition, demolition conditions, an 8 foot chain link fence on three sides and a 6 foot solid screening along Singleton Boulevard on property zoned an IR Industrial Research District on the southeast corner of Singleton Boulevard and Westerfield Avenue

Maker: Gary
Second: Brandon
Result: Carried: 15 to 0
For: 15 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Avery, Wilke, Perkett*, Scott, Emmons, Isenberg

Against: 0
Absent: 0
Vacancy 0

*out of the room, shown voting in favor

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

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201
Stan Armstrong, 3700 Ross Ave., Dallas, TX, 75201
Against: None

2. Z045-128(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** for a Specific Use Permit for a Child-care Facility for a five year period with eligibility for automatic renewals for additional five year periods, subject to revised site plan and revised conditions on property zoned an R-7.5(A) Single Family District on the southwest corner of Illinois Avenue and Salerno Street

Maker: Gary
Second: Brandon
Result: Carried: 15 to 0
For: 15 - Vera, Strater, Gary, Marshall*, Lee, Alonzo,
Traylor, Brandon, Cunningham, Avery, Wilke,
Perkett, Scott, Emmons, Isenberg

Against: 0
Absent: 0
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 1

Speakers: None

3. Z045-133(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** for a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant use for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south line of R. L. Thornton Freeway, east of St. Francis Avenue

Maker: Traylor
Second: Brandon
Result: Carried: 12 to 3

For: 12 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Cunningham, Avery, Wilke,
Scott

Against: 3 – Perkett, Emmons, Isenberg
Absent: 0
Vacancy 0

Notices: Area: 200 Mailed: 6
Replies: For: 1 Against: 0

Speakers: For: Ed Simmons, 500 S. Ervay, Dallas, TX, 75201
Against: Polita Flemming, 5840 Emrose Ave., Dallas, TX, 75227
Frances James, 4322 St. Francis Ave., Dallas, TX, 75227

4. Z045-136(MM)

Planner: Maureen Meredith

Motion: It was moved to recommend **approval** for an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District on the south side of Seagoville Road, between Ravenview Road and Edd Road

Maker: Brandon
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Avery, Wilke, Perkett, Scott,
Emmons, Isenberg

Against: 0
Absent: 1 – Cunningham**
Vacancy 0

**Commissioner Cunningham left before vote was taken.

Notices: Area: 400 Mailed: 18
Replies: For: 1 Against: 5

Speakers: For: Tom Rasco, 1109 Holbrook, Garland, TX, 75040
Nancy Bingham, 3450 Jordan Valley Rd., Dallas, TX, 75253
Theodore Wojtowicz, 704 Fern Creek Dr., Dallas, TX, 75253
Stan Armstrong, 3700 Ross Ave., Dallas, TX, 75201
Against: Janeen Andrew, 911 Edd Rd., Dallas, TX, 75253

Zoning Cases – Under Advisement

5. Z034-324 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** of an amendment to the public deed restrictions on property zoned an R-7.5(A) Single Family District on the east side of Seagoville Road at Edd Road

Maker: Brandon

Second: Isenberg

Result: Carried: 12 to 2

For: 12 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Wilke, Perkett, Emmons, Isenberg

Against: 2 – Avery, Scott

Absent: 1 - Cunningham

Vacancy 0

Notices: Area: 500

Mailed: 52

Replies: For: 1

Against: 10

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201

Tom Gerbert, 400 N. St. Paul St., Dallas, TX

Against: Nancy Bingham, 3450 Jordan Valley Rd., Dallas, TX, 75253

Theodore Wojtowicz, 704 Fern Creek Dr., Dallas, TX 75253

J.R. Kanaman, 12440 Foothill Dr., Dallas, TX, 75253

6. Z034-328(DW)

Planner: David Whitley

Motion: It was moved to recommend **denial without prejudice** of an MU-2 Mixed Use District on property zoned a CR Community Retail District with deed restrictions volunteered by the applicant and an avigation easement that limit height and provide sound attenuation for residential uses southwest of Overlake Drive and southeast of Community Drive

Maker: Alonzo

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Avery, Wilke, Perkett, Scott, Emmons, Isenberg

Against: 0

Absent: 1 - Cunningham

Vacancy 0

Notices: Area: 400 Mailed: 32
Replies: For: 2 Against: 0
Speakers: None

Zoning Cases – Individual

7. Z045-132(RB)

Planner: Richard Brown

Motion: In considering an application of an MU-3 Mixed Use District with removal of the D Dry Liquor Control Overlay on property zoned an LO-3-D Limited Office District with a Dry Liquor Control Overlay on the north corner of Washington Avenue and Worth Street it was moved to **hold** this case under advisement until February 10, 2005.

Maker: Strater
Second: Vera
Result: Carried: 14 to 0
For: 14 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon*, Avery, Wilke, Perkett, Scott,
Emmons, Isenberg

Against: 0
Absent: 1 - Cunningham
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 4
Replies: For: 1 Against: 0
Speakers: None

8. Z034-112(DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Refuse Transfer Station for a five year period, with eligibility for automatic five year renewal periods subject to a site plan and development plan on property zoned an IM Industrial Manufacturing District on the northeast side of Childs Street, east of Pontiac Street, south of Cedar Crest Boulevard with conditions and the plan to come back on a future miscellaneous docket

Maker: Strater
Second: Brandon
Result: Carried: 11 to 1
For: 11 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Brandon, Avery, Wilke, Perkett, Scott

Against: 1 - Traylor
Absent: 3 – Cunningham, Emmons**, Isenberg**
Vacancy 0

**Commissioner Emmons left before vote was taken.

**Commissioner Isenberg left before vote was taken.

Notices: Area: 300 Mailed: 12
Replies: For: 2 Against: 0

Speakers: For: William Cothrum, 500 S. Ervay St., Dallas, TX, 75201
Against: None

9. Z045-126(DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 568 to reduce the screening requirements to a 6 foot chain link fence and **approval** of a development plan and landscape plan on the southwest corner of Perryton Drive and Hampton Road

Maker: Gary
Second: Brandon
Result: Carried: 12 to 0
For: 12 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Avery, Wilke, Perkett, Scott

Against: 0
Absent: 3 – Cunningham, Emmons, Isenberg
Vacancy 0

Notices: Area: 500 Mailed: 42
Replies: For: 2 Against: 5

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201
Against: None

Trinity River Corridor Plan

JoAnn Wilkerson

It was moved to recommend approval of the adoption of the Trinity River Corridor Plan to be used as a guide in the implementation of future developments in the area generally bounded by Royal Lane to the north and I20 on the south and approximately 1.5 miles on either side of the Trinity River

Maker: Brandon

Second: Strater

Result: Carried: 9 to 0

For: 9 - Vera, Strater, Gary, Traylor, Brandon, Avery,
Wilke, Perkett, Scott

Against: 0

Absent: 6 – Marshall**, Lee**, Alonzo**, Cunningham, Emmons,
Isenberg

Vacancy 0

**Commissioner Marshall left before vote was taken.

**Commissioner Lee left before vote was taken.

**Commissioner Alonzo left before vote was taken.

Speakers: For: Mark Bowers, 701 Commerce St., Dallas, TX, 752
Luis Tamayo, 14755 Preston Rd., Dallas, TX, 752
Against: None

Other Matters

Minutes: January 6, 2005

Motion: It was moved to **approve** the minutes of the January 6, 2005 meeting, subject to corrections.

Maker: Perkett

Second: Vera

Result: Carried: 9 to 0

For: 9 - Vera, Strater, Gary, Traylor, Brandon, Avery,
Wilke, Perkett, Scott

Against 0

Absent: 6 - Marshall, Lee, Alonzo, Cunningham, Emmons,
Isenberg

Vacancy 0

Adjournment

Motion: It was moved to **adjourn** the hearing at 7:14 p.m.

Maker: Brandon

Second: Perkett

Result: Carried: 9 to 0

For: 9 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Cunningham, Avery, Wilke,
Perkett, Scott, Emmons, Isenberg

Against 0

Absent: 6 - Marshall, Lee, Alonzo, Cunningham, Emmons,
Isenberg

Vacancy 0

Bruce Wilke, Chair