

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on February 9, 2006, with the bus tour starting at 9:40 a.m. followed by the briefing at 12:32 p.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 Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Starter, Angela Marshall, Erik Wilson, Michael Miranda, Ann Bagley, Robert Weiss, Bill Avery, 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: Clarence Gary. 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: 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) **S056-114**

Motion: It was moved to **approve** an application to create two 5.1977 acre lots in City Block 8310 from a 10.3954 acre tract of land on Cedardale Road between Cleveland Road and North Dallas Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Brandon

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(2) **S056-115**

Motion: It was moved to **approve** an application to replat Lots 1 through 11, and 17 through 28, and parts of Lots 15 and 16 in City Block 18/141 into a 28 Lot "Shared Access Area Development" on a 1.149 acre tract of land bounded by N. Central Expressway, Canton Street and Pearl Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(3) **S056-116**

Motion: It was moved to **approve** an application to create three lots ranging in size from 2.59 acres to 8.42 acres in size from a 19.44 acre tract of land in City Blocks 2/1003, A/1277, 396, 397, 398 and 399 between Stemmons Freeway and North Houston Street, subject to compliance with conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(4) **S056-118**

Motion: It was moved to **approve** an application to create an 8 lot subdivision from a 0.339 acre tract of land in City Block 152 on Farmers Market Way at Marilla Street, southwesterly corner, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Brandon

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(5) **S056-119**

Motion: It was moved to **approve** an application to replat part of Lot 8 in City Block C/1993 containing 0.372 acres into 8 lots ranging in size from 1,715 square feet to 3,123 square feet on Henderson Avenue at Belmont Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Brandon

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

(6) **S056-120**

Motion: It was moved to **approve** an application to replat all of Lots 1 and 2 and part of Lot 3 in City Block B/5023 into one 0.499 tract of land at W. Lovers Lane at Devonshire Drive, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(7) **S056-121**

Motion: It was moved to **approve** an application to replat a 1.662 acre tract of land containing part of City Blocks 152, 5/155, 4/156, and 300 feet of T&NO Railroad reservation and 150 foot wide Rail Road Spur into a 36 lot Shared access Area Development with lots ranging in size from 1,330 square feet to 2,797 square feet on Marilla Street between Central Expressway and Farmers Market Way, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(8) **S056-122**

Motion: It was moved to **approve** an application to replat part of Lot 8 in City Block C/1993 into a 32 Lot "Shared Access Area Development" on a 1.440 acre tract of land on Belmont Avenue southwest of Henderson Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(9) **S056-123**

Motion: It was moved to **approve** an application to replat a 0.33 acre tract of land containing all of Lots 25 and 26 in City Block 12/2027 into one lot on Prescott Avenue east of Douglas Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

(10) **S056-124**

Motion: It was moved to **approve** an application to create one 14.569 acre lot in City Block 6509 on Walnut Hill Lane, west of Interstate 35 East, subject to compliance with the conditions listed in the docket.

Maker: Marshall
Second: Brandon
Result: Carried: 14 to 0
For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 1 - Gary
Vacancy: 0

Speakers: None

Individual Items – Residential Replats

(11) **S056-113**

Motion: It was moved to **deny** an application to reduce the existing 50 foot building line to a 40 foot building line along the east right of way line of Strait Lane and to **deny** reducing the existing 40 foot building line to a 16 foot building line along the north line of Calleja Way but **approval** of removing the building line along the north line of Calleja Way on Lot 1A in City Block 5524 at 10430 Strait Lane at Calleja Way.

Maker: Miranda

Second: Brandon

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

Miscellaneous Docket

M056-009

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan and landscape plan for Specific Use Permit No. 1551, on the northeast corner of IH-30 and Westmoreland Road.

Maker: Brandon

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

W056-004

Planner: Neva Dean

Motion: It was moved to **approve** a wavier from the two-year waiting period in order to submit an application for an amendment to Planned Development Subdistrict No. 39 in Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Maple Avenue and Wolf Street.

Maker: Emmons

Second: Avery

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Speakers: None

Zoning Cases - Individual

1. Z034-297 (MM)

Planner: Michael Finley

Motion: In considering an application to expand and amend Specific Use Permit No. 1450 for an Open Enrollment Charter School on property zoned an R-7.5(A) Single Family District on the southwest corner of West Illinois Street and Chalmers Street, it was moved to **hold** this case under advisement until February 23, 2006

Maker: Marshall

Second: Miranda

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Notices: Area: 300

Mailed: 72

Replies: For: 1

Against: 0

Speakers: None

Zoning Cases – Under Advisement

2. **Z056-136(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial without prejudice** for a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the northwest corner of Old Seagoville Road and Marks Drive.

Maker: Brandon

Second: Strater

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Notices: Area: 200 Mailed: 10

Replies: For: 1 Against: 4

Speakers: For: None

Against: Connie June Evans, 232 Marks Dr., Dallas, TX, 75217

3. **Z056-138 (WE)**

Planner: Warren Ellis

Motion I: It was moved to recommend **approval** of a Specific Use Permit for a Tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and staff's recommended conditions on property zoned an R-7.5(A) Single Family District on the southeast line of Ferguson Road, between Hibiscus Drive and Pasteur Avenue with an additional condition specifying canister type cell tower.

Maker: Bagley

Second: Marshall

Result: Failed: 5 to 8

For: 5 - Strater, Marshall, Bagley, Avery, Emmons

Against: 8 - Neumann, Wilson, Miranda, Brandon, Weiss, Burnham, Ekblad, Culbreath

Absent: 1 - Gary

Vacancy: 0

Conflict: 1 - Buehler

Motion II: In considering an application for a Specific Use Permit for a Tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District on the southeast line of Ferguson Road, between Hibiscus Drive and Pasteur Avenue, it was moved to **hold** this case under advisement to a future docket.

Maker: Bagley
Second: Marshall
Result: Failed: 6 to 7
For: 6 - Marshall, Wilson, Bagley, Avery, Ekblad, Emmons
Against: 7 - Neumann, Strater, Miranda, Brandon, Weiss, Burnham, Culbreath
Absent: 1 - Gary
Vacancy: 0
Conflict: 1 - Buehler

Motion III: It was moved to recommend **approval** of a Specific Use Permit for a Tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and staff's recommended conditions (flush mount) on property zoned an R-7.5(A) Single Family District on the southeast line of Ferguson Road, between Hibiscus Drive and Pasteur Avenue.

Maker: Neumann
Second: Miranda
Result: Carried: 10 to 3
For: 10 - Neumann, Marshall, Wilson, Miranda, Brandon, Weiss, Burnham, Ekblad, Emmons, Culbreath
Against: 3 - Strater, Bagley, Avery
Absent: 1 - Gary
Vacancy: 0
Conflict: 1 - Buehler

Notices: Area: 300 Mailed: 17
Replies: For: 1 Against: 3

Speakers: For: Dave Kirk, 11830 Webb Chapel Rd., Dallas, TX, 75234
Against: Susan Walker, 5820 Gardendale Dr., Dallas, TX, 75228

A. **Z056-148 (WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a CS Commercial Service District on property zoned a CR Community Retail District on the southeast corner of Bernal Drive and Iroquois Drive.

Maker: Miranda

Second: Buehler

Result: Carried: 8 to 6

For: 8 - Strater, Marshall, Miranda, Bagley, Weiss,
Buehler, Burnham, Emmons

Against: 6 - Neumann, Wilson, Brandon, Avery, Ekblad,
Culbreath

Absent: 1 - Gary

Vacancy: 0

Notices: Area: 300 Mailed: 43

Replies: For: 2 Against: 3

Speakers: For: Armando Artiga, 422 Irving Dr., Dallas, TX, 75061
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 2, 2006, meeting, subject to corrections.

Maker: Brandon

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the hearing at 3:15 p.m.

Maker: Neumann

Second: Avery

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Marshall, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons, Culbreath

Against: 0

Absent: 1 - Gary

Vacancy: 0

Betty Culbreath, Chair