

PLAN COMMISSION MINUTES CORRECTION

The City Plan Commission held a regular Zoning Hearing on May 11, 2006, with the bus tour starting at 9:08 a.m. followed by the briefing at 12:20 p.m. in Room 5ES and the public hearing at 1:33 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 Strater, Clarence Gary, Erik Wilson, Michael Miranda, Ann Bagley, Robert Weiss, Bill Avery, Chris Buehler, Dennis Burnham, Robert Ekblad and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Angela Marshall. 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) **034-088**

Motion: It was moved to **approve** an application for a minor amendment submitted in accordance with Section 212.016 of the Local Government Code to correct scrivener's errors on the Final Plat for "Royal Oaks Office Suites Addition" located on 8600 Greenville Avenue at Royal Lane, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Neumann

Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Marshall
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S056-231**

Motion: It was moved to **approve** an application to replat all of City Block 742 into one 2.475 acre lot bordered by Live Oak Street, Washington Avenue, St. Joseph Street, and Swiss Avenue, subject to compliance with the conditions listed in the docket with added Conditions 10 and 11.

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

Against: 0
Absent: 1 - Marshall
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S056-232**

Motion: It was moved to **approve** an application to replat 13.459 acres containing Lot 1 in City Block A/7081 to remove existing easements and to create new easements on E. Northwest Highway at Lullwater Drive, northwest corner, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 1 - Marshall
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Individual Items – Residential Replats

(4) **S056-226**

Motion: It was moved to **approve** an application to replat part of Lot 10 in City Block 1/5492 to create two 14,625 square foot lots on 6043 Meadow Road east of Preston Road, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

Speakers: None

(5) **S056-227**

Motion: It was moved to **approve** an application to replat Lot 23 in City Block E/7588 into two 10,000 square foot lots on Beckley View Avenue, south of Beckleymeade Avenue, subject to compliance with the conditions listed in the docket.

Maker: Brandon

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(6) **S056-228**

Motion: It was moved to **approve** an application to replat Lot 1 being a 0.6651 acre tract of land in City Block 16/6866 into one 9,658.76 square foot lot, one 9,657.99 square foot lot, and one 9,658.00 square foot lot on Highland Woods Drive between Bonnie View Road and Bluffman Drive, subject to compliance with the conditions listed in the docket.

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

Against: 0
Absent: 1 - Marshall
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(7) **S056-229**

Motion: It was moved to **approve** an application to replat a 0.9950 acre tract of land containing part of Lot A in City Block 6133 and all of Lot 11 in City Block 1/6133 into one; 8,141.35 square foot lot; one, 7,784.53 square foot lot; one, 10,247.23 square foot lot, and one, 17,169.4 square foot lot on Peavy Road, and Harter Road, southeast of Northcliff Drive, subject to compliance with the conditions listed in the docket with Condition 10 revised to read as follows: "On the final plat abandon the 15 foot easement on Lot 11 by separate document."

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

Against: 0
Absent: 1 - Marshall
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(8) **S056-233**

Motion: It was moved to **approve** an application to replat a 0.3492 acre tract of land containing part of Lots 6 and 7 in City Block C/795 ½ into one lot on 4738 Victor Street, southwest of N. Prairie Street, subject to compliance with the conditions listed in the docket.

Maker: Strater

Second: Wilson

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket

M056-030

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 716, on the northwest and southeast line of Bertrand Avenue, north of Scyene Road.

Maker: Bagley

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

M056-034

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development/landscape plan for Planned Development District No. 507, on the north line of Wheatland Road, east of South R. L. Thornton Freeway (IH 35).

Maker: Bagley

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Zoning Cases - Consent

2. Z056-209(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Utility or government installation other than listed for the Dallas County Institute of Forensic Sciences, for a permanent time period, subject to a site plan and conditions on property zoned an MU-3 Mixed Use District on the southwest line of IH 35, between Motor Street and Wycliff Avenue.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 30

Replies: For: 3 Against: 1

Speakers: For: Dan Savage, 411 Elm St., Dallas, TX, 75202
Against: None

3. **Z056-216(DW)**

Planner: David Whitley

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1553 for an open-enrollment charter school, subject to a site plan and conditions amended to limit the maximum number of class room to 25 on property zoned an MU-1 Mixed Use District and Subarea 4 within Planned Development District No. 316, the Jefferson Area Special Purpose District on the northeast corner of Zang Boulevard and Sunset Avenue..

Maker: Neumann

Second: Miranda

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

Notices: Area: 200 Mailed: 28

Replies: For: 3 Against: 0

Speakers: None

4. **Z056-219(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** a Specific Use Permit for a private school for a five-year period with automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CS Commercial Service District, on the east line of Davenport Road, north of Nutwood Circle.

Maker: Emmons

Second: Weiss

Result: Carried: 14 to 0

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

Against: 0

Absent: 1 - Marshall

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 2

Speakers: None

Note: The Commission voted unanimously to change the order of the agenda and vote on the Comprehensive Plan

Zoning Cases – Under Advisement

Note: Commissioner Brandon and Commissioner Neumann served as Chair and Vice Chair, respectively, in Chairwoman Culbreath's absence.

5. Z056-152 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** for an amendment to Planned Development District No. 318 to create a new Subarea for residential uses, an increase in height and the maximum number of stories permitted, on the northwest corner of the North Dallas Parkway at Haverwood Street.

Maker: Burnham

Second: Weiss

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath**

Vacancy: 0

**Chairwoman Culbreath left, before vote taken

Notices: Area: 500 Mailed: 81
Replies: For: 3 Against: 20

Speakers: For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75202
Against: Douglas Peter, 4408 Buttonwood Ct., Dallas, TX, 75287
Brian Williamson, 4206 Briargrove Ln., Dallas, TX, 75287
Greg Brock, 18410 Bay Pines Ln., Dallas, TX, 75287
Vanessa Myers, 4506 Cobblers Ln., Dallas, TX, 75287

6. Z056-207(WE)

Planner: Warren Ellis

Motion: In considering an application for an application for a Planned Development District for single family uses on property zoned an R-1/2 ac(A) Single Family District on the south line of Spring Valley Road, between Hillcrest Road and Preston Road, it was moved to **hold** this case under advisement until June1, 2006.

Maker: Buehler

Second: Weiss

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Notices: Area: 500

Mailed: 32

Replies: For: 2

Against: 10

Speakers: None

7. Z056-108(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Planned Development District, subject to a conceptual plan, development plan, landscape plan and revised conditions to remove the laboratory use on property zoned an RS-I Regional Service Industrial Subdistrict, a P(A) Parking Subdistrict, a MF-2(A) Multifamily Subdistrict, and a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on property bounded by Ervay Street, Grand Avenue, Lamar Street, Parnell Street and GCSF Railroad.

Maker: Bagley

Second: Wilson

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Abstained: 1 - Burnham**

**abstained due to bus tour requirement

Notices: Area: 500 Mailed: 148
Replies: For: 3 Against: 2

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
William Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: Allan Langfield, 2401 S. Ervay St., Dallas, TX, 75215

8. Z056-200(JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a TH-3(A) District on property zoned an R-7.5(A) Single Family District on the east side of Marsalis Avenue, north of Ann Arbor Avenue, it was moved to **hold** this case under advisement until June 22, 2006.

Maker: Emmons
Second: Bagley
Result: Carried: 13 to 0
For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0
Absent: 2 - Marshall, Culbreath
Vacancy: 0

Notices: Area: 300 Mailed: 54
Replies: For: 0 Against: 2

Speakers: For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75202
Against: None

Zoning Cases – Individual

9. Z056-213(DW)

Planner: David Whitley

Motion: In considering an application for a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned an O-2 Office and HC Heavy Commercial Subdistricts with Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of McKinnon Street and Cedar Springs Road, it was moved to **hold** this case under advisement until June 1, 2006.

Maker: Emmons
Second: Bagley
Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda*,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0
Absent: 2 - Marshall, Culbreath
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 42
Replies: For: 2 Against: 3

Speakers: For: None
Against: Jerry Jackson, 7231 Cutler Mill, Dallas, TX, 75248

10. **Z056-222(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 north line of Lyndon B. Johnson Freeway (I-20), east of Lancaster Road.

Maker: Brandon
Second: Weiss
Result: Carried: 13 to 0
For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0
Absent: 2 - Marshall, Culbreath
Vacancy: 0

Notices: Area: 400 Mailed: 62
Replies: For: 3 Against: 2

Speakers: For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75202
Against: Lionel Churchill, 7439 San Jose Ave., Dallas, TX, 75241

Comprehensive Plan

forwardDallas!

Janet Tharp

Motion: In considering the *forwardDallas!* Plan providing a vision for Dallas' future, an overall framework and policies to guide the city in achieving the vision, and an implementation plan and monitoring system, it was moved to close the public hearing and to **hold** the *forwardDallas!* Plan under advisement until June 22, 2006.

Maker: Avery
Second: Weiss

Amendment: It was moved to amend the motion to **hold** the *forwardDallas!* Plan under advisement until June 22, 2006 with the public hearing left open.

Maker: Buehler
Second: None

Split the motion to consider the amendment separately: It was moved to **split** the motion in order to vote on the public hearing issue separately.

Maker: Burnham
Second: Ekblad
Result: Carried: 12 to 2
For: 12 - Neumann, Strater, Gary, Wilson, Bagley,
Brandon, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 2 - Miranda, Avery
Absent: 1 - Marshall
Vacancy: 0

Vote on the amendment to the main motion: It was moved to **vote** on the amendment to the main motion to leave the public hearing open.

Maker: Buehler
Second: Emmons
Result: Carried: 11 to 3
For: 11 - Neumann, Strater, Gary, Wilson, Bagley,
Brandon, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 3 - Miranda, Avery, Weiss
Absent: 1 - Marshall
Vacancy: 0

Vote on the amended motion: It was moved to consider the amended motion, In considering the *forwardDallas!* Plan providing a vision for Dallas' future, an overall framework and policies to guide the city in achieving the vision, and an implemenation plan and monitoring system, to keep the public hearing open and **hold** the *forwardDallas!* Plan under advisement until June 22, 2006.

Maker: Avery

Second: Weiss

Result: Carried: 11 to 2

For: 11 - Neumann, Strater, Gary, Miranda, Bagley,
Brandon, Weiss, Avery, Buehler, Ekblad,
Emmons

Against: 2 - Wilson, Culbreath

Absent: 2 - Marshall, Burnham

Vacancy: 0

Speakers:

Greg Rohan, 3715 Cragmont Ave., Dallas, TX, 75205
Jamie Green, 8117 Preston Rd., Dallas, TX, 75225
Julie Schaar, 3515 Haynie Ave., Dallas, TX, 75205
John Muller, 5365 Montrose Dr., Dallas, TX, 75209
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214
Tom Bonifield, 5714 Swiss Ave., Dallas, TX, 75214
Pamela Ventouras, 1700 Routh St., Dallas, TX, 75201
Joanna Hampton, 4924 Tremont St., Dallas, TX, 75214
Michael Jung, 7143 Fisher Rd., Dallas, TX, 75214
Paul Cauduro, 5816 W. Plano Parkway, Dallas, TX, 75093
David McAtee, 3844 Turtle Creek Dr., Dallas, TX, 75219
Michael Miles, 9704 Dartridge Dr., Dallas, TX, 75238
Jerelyn Arbuckle, 4800 Victor St., Dallas, TX, 75246
Tim Lynch, 6565 N. MacArthur Blvd., Irving, TX, 75039
Gay Hopkins, 6030 Monticello Ave., Dallas, TX, 75206
Delia Jasso, 821 Haines Ave., Dallas, TX
Dedo Kidd, 4315 Glenwood Ave., Dallas, TX, 75205
James Pratt, 3520 Routh St., Dallas, TX, 75219
Liz Wally, 5528 Victor St., Dallas, TX, 75214
Keller Webster, 6931 Colfax, Dallas, TX, 75231

Landmark Commission Appeal

Peak/Suburban District (CA056-086(JA))

Planner: Jim Anderson

Motion: In considering an appeal of the decision of the Landmark Commission to deny a Certificate of Appropriateness (CA056-086(JA)) in the Peak/Suburban District at 6102 Swiss Avenue, it was moved to **uphold** the decision of the Landmark Commission and deny a certificate of appropriateness with the recommendation that the applicant follow through with the Landmark Commission's recommendation to seek a professional to restore the balustrade and concrete trim that was damage and/or changed in color to match its original condition.

Maker: Miranda

Second: Weiss

Result: Carried: 12 to 1

For: 12 - Neumann, Strater, Gary, Wilson, Miranda
Bagley, Brandon, Weiss, Avery, Buehler,
Ekblad, Emmons

Against: 1 - Burnham

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Speakers: Applicant: Bernard Dolenz, 6102 Swiss Ave., Dallas, TX, 75214

City: Casey Burgess, Assistant City Attorney

Against: Tom Bonifield, 5714 Swiss Ave., Dallas, TX, 75214

Sam Bebeau, 5408 Swiss Ave., Dallas, TX, 75214

Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

Authorization of a Hearing

Motion: It was moved to **authorize** a public hearing to determine the proper zoning on the Residential 2 and Residential 3 portion of Planned Development District No. 222 on the north side of Frankford Road, west of Preston Road with consideration given to amending the conditions and development plan of that portion of the Planned Development District.

Maker: Burnham

Second: Wilson

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the May 4, 2006, meeting, subject to corrections.

Maker: Weiss

Second: Emmons

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the hearing at 7:02 p.m.

Maker: Miranda

Second: Buehler

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Betty Culbreath, Chair