

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 22, 2005, with the briefing starting at 10:58 a.m. in Room 5ES and the public hearing at 1:51 p.m. in the City Council Chambers of City Hall. Presiding were Bruce Wilke, Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Strater, Clarence Gary, Michael Miranda, Bulldog Cunningham, Bill Avery, Carol Scott and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Angela Marshall. There are four vacancies, District 5, District 7, District 12 and Place 15.

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) **S045-319R**

Motion: It was moved to **approve** an application to replat Lots 1 thru 4 in City Block B/1474 into a 15 lot residential development on a 0.6657 acre tract of land bordered by La Vista Avenue, S. Matilda Street, Lewis Street, and Hope Street, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(2) **S045-339**

Motion: It was moved to **approve** an application to replat Lot 8 in City Block B/7206 into one 9.925 acre lot and one 2.652 acre lot from a 12.577 acre lot on Chalk Hill Road south of Interstate 30, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons
Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(3) **S045-340**

Motion: It was moved to **approve** an application to replat all of lots 1A, 1B, 1C, and Lot 2 and a 3.09 acre tract of land in City Block 8412 into one 17.1910 acre lot on Forest Lane west of Abrams Road and IH-635 east, subject to conditions listed in the docket.

Maker: Avery
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons
Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: For: James Hall, 12700 Park Central Dr., Dallas, TX, 75251
Against: Thomas Hendricks, 9112 Coral Cove Dr., Dallas, TX, 75243
Steve Stolte, 9402 Spring Hollow Dr., Dallas, TX, 75243
Rick Gonzales, 4263 S. Cresthaven Rd., Dallas, TX, 75209

(4) **S045-341**

Motion: It was moved to **approve** an application to replat part of City Block M/7940 into one, 1.0422 acre lot on Hollow Brook Lane at IH-35E, southeast corner, subject to conditions listed in the docket.

Maker: Miranda
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(5) **S045-342**

Motion: It was moved to **approve** an application to replat a 9.7011 acre tract of land in City Block A/8071 into one 3.1821 acre lot and one 6.5189 acre lot on Dilworth Road between Pagemill Road and Hillguard Road, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(6) **S045-343**

Motion: It was moved to **approve** an application to replat Lots 45 thru 59 in City Block 1/2340 into one, 1.9972 acre lot on Cedarplaza Lane between Cedar Springs Road and Lemmon Avenue, subject to conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(7) **S045-344**

Motion: It was moved to **approve** an application to create one, 9,075 square foot lot from a tract of land in City Block 737 on Swiss Avenue at Moreland Avenue.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(8) **S045-346**

Motion: It was moved to **approve** an application to create one 3.251 acre lot from part of City Block A/7735 on Park Central Place between Merit Drive and Churchill Way, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(9) **S045-347**

Motion: It was moved to **approve** an application to replat Lots 14, 15 and 16 in City Block 2/674 into one 7,520 sq. ft. lot and one 16,480 sq. ft. lot on Fitzhugh Avenue east of Monarch Street, subject to the conditions listed in the docket.

Maker: Strater
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

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

(10) **S045-349**

Motion: It was moved to **approve** an application to replat Lots 5, 6 and part of Lot 7 in City Block 33/1235 into one 0.810 acre lot on 4615, 4619 & 4703 E. Grand Avenue southwest of Caldwell Street, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(11) **S045-350**

Motion: It was moved to **approve** an application to replat all of Lots 1, 2 and 3 in City Block 9/1919 into one 8,640 sq. ft. lot, one 6,600 sq. ft. lot, and one 5,760 sq. ft. lot on Greenville Avenue and Vickery Boulevard, southeast corner, subject to the conditions listed in the docket.

Maker: Emmons
Second: Cunningham
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Miranda, Brandon, Cunningham,
Avery, Wilke, Scott, Emmons

Against: 1 - Neumann
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(12) **S045-351**

Motion: It was moved to **approve** an application to replat Lots 9, 10, 11, and 12 into one 0.8228 acre lot in City Block 4/1339 on Fairmount Street at Shelby Avenue, east corner, subject to the conditions listed in the docket.

Maker: Strater
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Individual Items – Residential Replat

(13) **S045-345**

Motion: It was moved to **approve** an application to replat all of Lot 1 and a tract of land in City Block 6734 into 7 lots on Lake June Road at Cheyenne Road, northeast corner, subject to the conditions listed in the docket.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, Traylor 12, Place 15

Speakers: None

(14) **S012-072R1**

Motion: It was moved to **approve** a replat of “Mountain Creek Lake, Installment No. 1 Addition”; to appeal the requirement of placing an “Avigation Easement and Release” on the face of the plat; to amend the plat by adding a 3 foot wide barrier easement along the east line of Hardy Rd., provide corner clips and certain building lines on lots, and add certain utility easements on lots in City Blocks 206A/6113, 206B/6113, 206C/6113, 206D/6113, 206E/6113, and 206F/6113 on Hardy Rd, north of the north line of Marshall Dr., if extended, subject to conditions listed in the docket with a note on the final plat that states: “The owner applied for a wavier of the requirement that it provide an avigation easement and release which the City Plan Commission granted.”

Maker: Gary
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Miscellaneous Docket

D045-026

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development District No. 438, on the west side of Calumet Avenue, north of Meredith Street.

Maker: Gary
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

D045-035

Motion: It was moved to **approve** a development plan for Planned Development District No. 525, on the northeast corner of Davis Street and Cockrell Hill Road.

Maker: Gary
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Z045-239(WE)

Motion: It was moved to **approve** deed restrictions volunteered by the applicant submitted in conjunction with an application for an R-10(A) Single Family District on property zoned an A(A) Agricultural District and R-10(A) Single Family District on the north side of Middlefield Road, east of St. Augustine Road.

Maker: Gary
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Zoning Cases – Consent

1. Z045-277 (RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** to create a new subarea within the Area 5 portion of Planned Development District No. 465, the Arlington Park Special Purpose District, to permit a Special Residential Use, subject to revised conditions on the southwest corner of Chattanooga Place and Lee Hall Drive with the retention of Specific Use Permit No. 897 for a convent.

Maker: Strater
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 69
Replies: For: 4 Against: 0

Speakers: None

2. Z045-281 (DW)

Planner: David Whitley

Motion: In considering an application for a Specific Use Permit for a Bank or Savings and Loan Office with Drive-in window service on property zoned an C Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast side of McKinney Avenue, southwest of Maple-Routh Connection it was moved to **hold** this case under advisement until September 29, 2005.

Maker: Emmons
Second: Scott
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300 Mailed: 14
Replies: For: 0 Against: 0

Speakers: None

Zoning Cases – Under Advisement

A. **Z045-260 (WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses, subject to a development plan and conditions on property zoned an R-16(A) Single Family District, located on the southeast corner of Nuestra Drive and Wozencraft Drive.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 219
Replies: For: 14 Against: 15

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

3. **Z045-265 (MM)**

Planner: Maureen Meredith

Motion: In considering an application to amend Specific Use Permit No. 405 for a child-care facility and private school on property zoned an R-16(A) Single Family District on the southeast corner of Northaven Road and Quincy Lane it was moved to **hold** this case under advisement until September 29, 2005.

Maker: Scott
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300 Mailed: 25
Replies: For: 3 Against: 2

Speakers: None

Zoning Cases – Individual Items

4. **Z045-278 (RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for a child-care facility and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, with retention of Specific Use Permit No. 49, on the west line of Midway Road, north of Royal Lane, subject to a revised development plan and conditions to return on a future miscellaneous docket.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons
Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 62
Replies: For: 5 Against: 12

Speakers: For: Kirk Williams, 5400 Renaissance Towers, Dallas, TX, 75270
Max Tanner, Jr., 4151 Royal Ln., Dallas, TX, 75229
Mary Ann Green, 5442 La Sierra Dr., Dallas, TX, 75231
Gary Cunningham, 918 Dragon St., Dallas, TX, 7520
Against: Frank Yantis, 10908 Cinderella Ln., Dallas, TX, 75229

5. **Z045-287 (DW)**

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District, on the north side of Forest Lane, west of Abrams Road, subject to a development plan, landscape plan and conditions to return on the September 29, 2005, miscellaneous docket.

Maker: Avery
Second: Cunningham
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons
Against: 1 - Neumann
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 236
Replies: For: 6 Against: 1

Speakers: For: John Christon, 9628 Heatherdale Dr., Dallas, TXS, 75243
Charles Sebesta, 9027 Glen Springs Cir., Dallas, TX, 75243
James Christon, 15900 Dooley Rd., Addison, TX, 75001
James Hall, 12700 Park Central Dr., Dallas, TX, 75251
Against: Julie Noel, 9536 Heatherdale Dr., Dallas, TX, 75243
Emery Powell, 9505 Meadowknoll Dr., Dallas, TX, 75243
Rick Gonzales, 4263 S. Cresthaven Rd., Dallas, TX, 75209
Thomas Hendricks, 9112 Coral Cove Dr., Dallas, TX, 75243
Nicole Christofilis, 9406 Hunters Creek, Dallas, TX, 75243
Steve Stolte, 9402 Spring Hollow Dr., Dallas, TX, 75243

Authorization of Hearing

Motion: It was moved to **authorize** a public hearing to determine the proper zoning on property zoned an R-5(A) and R-7.5(A) Single Family Districts, on property bounded by Mountain Creek Lake/Mountain Creek, Dallas City Limits, Marshall Drive in Grand Prairie and Interstate 20.

Maker: Gary
Second: Emmons
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons
Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Other Matters

CPC Rules of Procedure Consideration of proposed amendment to the Commission's rules of procedure

Motion: It was moved to **approve** the City Plan Commission report of recommended proposed amendments to the Commission's rules of procedure.

Maker: Scott
Second: Gary
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Chairman Wilke informed the Commission that all appointments to Committees are in a holdover status.

Chairman Wilke made the following appointment to the Zoning Ordinance Advisory Committee: David S. Neumann

Minutes

Motion: It was moved to **approve** the minutes of the September 8, 2005 meeting, subject to corrections.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Starter, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Adjournment

Motion: It was moved to adjourn the hearing at 7:07 p.m.

Maker: Brandon

Second: Cunningham

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Bruce Wilke, Chair