

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on October 5, 2006, with the briefing starting at 11:16 a.m. in Room 5ES and the public hearing at 1:30 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, Ann Bagley, Robert Weiss, 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: Michael Miranda and Bill Avery. There is one vacancy: District 8.

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) **S056-366**

Motion: It was moved to **approve** an application to create one, 2.3388 acre lot and one, 1.0837 acre lot from a 3.4226 acre tract of land in City Block D/8043 on 205 Executive Drive, north of E. Northwest Highway, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Speakers: *out of the room, shown voting in favor
None

(2) **S056-367**

Motion: It was moved to **approve** an application to create two, 21,114 square foot lots on a 0.969 acre tract of land in City Block 6413 on 10418 Marsh Lane north of Merrell Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(3) **S056-368**

Motion: It was moved to **approve** an application to replat Lots 1, 2, and 3 in City Block 2/2457 into one 0.5175 acre lot on 5006 – 5014 Lemmon Avenue, northwest of Westside Drive, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(4) **S056-369**

Motion: It was moved to **approve** an application to replat all of Lots 1 and 2, and part of Lot 1B in City Block G/565 into one 0.064 acre lot on 2706 Thomas Avenue at Worthington Street, south corner, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(5) **S056-370**

Motion: It was moved to **approve** an application to create one, 1.3389 acre lot from a tract of land in City Block 6350 on 512 - 522 Holcomb Road at Elam Heights Drive, southeast corner, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(6) **S056-371**

Motion: It was moved to **approve** an application to replat part of Lots 17 and 18 in City Block 1/1337 into one, 0.1254 acre lot on 3824 Brown Street at Shelby Street, east corner, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(7) **S056-372**

Motion: It was moved to **approve** an application to replat part of Lot 45 and all of Lots 6 thru 15 in City Block 21/7890 into one 1.7045 acre lot on Riveredge Drive between Irving Blvd. and E. Levee Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(8) **S056-373**

Motion: It was moved to **approve** an application to replat all of Lots 4, 5 and 6 in City Block 2446 into one 0.4287 acre lot on 4419 Hamilton Avenue, northeast of Foreman Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(9) **S056-375**

Motion: It was moved to **approve** an application to replat part of City Blocks 11/2000 and 14/2000, and all of City Blocks 14/2000 and 14/2001, into one 6.470 acre lot and one 4.212 acre lot from a 10.682 acre tract of land on Homer Street between Fitzhugh Avenue and Kirby Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Individual items – Residential Replats

(10) **S056-364**

Motion: It was moved to **approve** an application for a minor amending plat to define Common Areas 35A, 35B and 35C of a 3.587 acre tract of land containing all of Lots 1 thru 35C in City Block A/4015 on Stafford Avenue at Malone Drive, north of Ft. Worth Avenue, subject to compliance with the conditions listed in the docket.

Maker: Neumann

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

(11) **S056-365**

Motion: It was moved to **approve** an application to replat a 1.273 acre tract of land containing Lots 7 and 8 in City Block 4/4804 into one, 24,110 square foot lot, and one, 31,361 square foot lot from on 8417 San Fernando Way at St. Francis Avenue, north corner, subject to compliance with the conditions listed in the docket.

Maker: Weiss

Second: Emmons

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket

M056-046

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan – Subdistrict 2 portion within Planned Development District No. 732 on the north line of Fort worth Avenue, west of Sylvan Street.

Maker: Neumann

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

Zoning Cases - Consent

1. Z056-248(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a City Plan Commission authorized hearing to determine proper zoning with consideration being given to amending the development plan and conditions for the Residential 2 and Residential 3 portions of Planned Development District No. 222 for SC Shopping Center District Uses on the north line of Frankford Road, west of Preston Road.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 58
Replies: For: 3 Against: 2

Speakers: None

2. **Z056-300(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to the landscape plan, and development plan and revised conditions for Planned Development District No. 344 for a Commercial amusement (inside and outside) uses on the north line of Park Lane, northwest of Abrams Road.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Ekblad, Burnham*, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 218
Replies: For: 1 Against: 0

Speakers: None

3. **Z056-282(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school for a three-year time period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a Dry Liquor Overlay on the northeast corner of Scyene Road and Elva Avenue.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Bagley, Weiss, Buehler, Burnham*, Ekblad, Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 17
Replies: For: 2 Against: 0

Speakers: None

4. **Z056-302(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an IM Industrial Manufacturing District on the south line of West Northwest Highway, west of Newkirk Street.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham*, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 10
Replies: For: 2 Against: 0

Speakers: None

Zoning Cases – Under Advisement

5. **Z056-297(JH)**

Planner: Jennifer Hiromoto

Motion: 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 west side of St. Augustine Road, north of Homeplace Drive, it was moved to **hold** this case under advisement until October 12, 2006.

Maker: Wilson

Second: Buehler

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham*, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Burnham
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Zoning Cases – Individual

6. **Z056-303(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District on the east line of Colonial Avenue at Romine Avenue.

Maker: Weiss
Second: Marshall
Result: Carried: 11 to 1

For: 11 - Neumann, Gary, Marshall, Wilson, Bagley,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 1 - Strater
Absent: 2 - Miranda, Avery
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 31
Replies: For: 1 Against: 1

Speakers: For: Joe Jeffery, Address not given
Sally Johnson, 6234 Lakeshore Dr., Dallas, TX, 75214
Against: James Price, 3639 Wendelkin St., Dallas, TX, 75215
Leola Joyce Price, 3639 Wendelkin St., Dallas, TX, 75216
Albert Williams, 1802 Driskell St., Dallas, TX, 75215
James Ross, 3811 Wendelkin St., Dallas, TX, 75215
Janice Burney, 3821 Colonial Ave., Dallas, TX, 77518
Kathlyn Gilliam, 3817 Wendelkin St., Dallas, TX, 75215

7. Z056-304(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District on the west line of Colonial Avenue, between Driskell Street and Hickman Street.

Maker: Weiss

Second: Marshall

Result: Carried: 11 to 1

For: 11 - Neumann, Gary, Marshall, Wilson, Bagley,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 1 - Starter

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 30

Replies: For: 0 Against: 0

Speakers: For: Joe Jeffery, Address not given

Sally Johnson, 6234 Lakeshore Dr., Dallas, TX, 75214

Against: James Price, 3639 Wendelkin St., Dallas, TX, 75215

Leola Joyce Price, 3639 Wendelkin St., Dallas, TX, 75216

Albert Williams, 1802 Driskell St., Dallas, TX, 75215

James Ross, 3811 Wendelkin St., Dallas, TX, 75215

Janice Burney, 3821 Colonial Ave., Dallas, TX, 77518

Kathlyn Gilliam, 3817 Wendelkin St., Dallas, TX, 75215

8. Z056-305(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District on the west line of Colonial Avenue at Driskell Street.

Maker: Weiss

Second: Marshall

Result: Carried: 11 to 1

For: 11 - Neumann, Gary, Marshall, Wilson, Bagley,
Weiss, Buehler, Burnham, Ekblad, Emmons,
Culbreath

Against: 1 - Strater
Absent: 2 - Miranda, Avery
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 33
Replies: For: 1 Against: 0

Speakers: For: Joe Jeffery, Address not given
Sally Johnson, 6234 Lakeshore Dr., Dallas, TX, 75214
Against: James Price, 3639 Wendelkin St., Dallas, TX, 75215
Leola Joyce Price, 3639 Wendelkin St., Dallas, TX, 75216
Albert Williams, 1802 Driskell St., Dallas, TX, 75215
James Ross, 3811 Wendelkin St., Dallas, TX, 75215
Janice Burney, 3821 Colonial Ave., Dallas, TX, 77518
Kathlyn Gilliam, 3817 Wendelkin St., Dallas, TX, 75215

Development Code Amendments

DCA 056-011

Motion: It was moved to recommend **approval** of an amendment to Chapter 51A, the Dallas Development Code, Section 51A-4.704, to establish appropriate standards for Board of Adjustment consideration of special exceptions for the enlargement of nonconforming uses.

Maker: Neumann
Second: Wilson
Result: Carried: 10 to 2
For: 10 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Buehler, Burnham, Ekblad, Culbreath

Against: 2 - Weiss, Emmons
Absent: 2 - Miranda, Avery
Vacancy: 1 - District 8

Notices: Area: Mailed:
Replies: For: Against:

Speakers: None

DCA 056-012

Motion: It was moved to recommend **approval** of an amendment to Chapter 51A, the Dallas Development Code, Section 51A-7.203, to establish a presumption that whoever's name or contact information is listed on a sign posted in the right of way is responsible for the sign.

Maker: Neumann

Second: Wilson

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Notices: Area: Mailed:

Replies: For: Against:

Speakers: None

DCA 056-013

Motion: It was moved to recommend **approval** of amendments to Chapters 51 and 51A of the Dallas Development Code, Sections 51-4.221, 51A-4.208, and 51A-4.221, to delete the definition and classification of a sexual encounter center.

Maker: Neumann

Second: Wilson

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Notices: Area: Mailed:

Replies: For: Against:

Speakers: None

Authorization of Hearings

Motion: It was moved to **authorize** a hearing to determine proper zoning on property zoned Planned Development District No. 226, an R-10(A) Single Family District, and an A(A) Agricultural District, on the northeast corner of West Red Bird and Kiwanis Road with consideration being given to a conservation district for the Cedar Vista neighborhood.

Maker: Emmons

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Notices: Area: Mailed:

Replies: For: Against:

Speakers: None

Other Matters

Minutes

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

Maker: Marshall

Second: Weiss

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Adjournment

Motion: It was moved to **adjourn** the hearing at 2:25 p.m.

Maker: Weiss

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Bagley, Weiss, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0

Absent: 2 - Miranda, Avery

Vacancy: 1 - District 8

Betty Culbreath, Chair