## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 17, 2005, with the briefing at 10:20 a.m. in Room 5ES and the public hearing at 1:31 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, Clarence Gary, Angela Marshall, Erik Wilson, Michael Miranda, Bulldog Cunningham, Bill Avery, Chris Buehler, Carol Scott and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: None. There are three vacancies, District 7 and District 12.

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) **S056-022**

**Motion:** It was moved to **approve** an application to create a 16 lot single family subdivision from a 4.086 acre tract of land in City Block 6254 on Pemberton Hill Road north of Jeane Street, subject to the conditions listed in the docket.

Maker: Second: Result:	Marsha	ll					
	For:	13 -	Neumann, Miranda, Buehler, So	Brandon,	Cuni	ningham,	
•	ainst: sent:	0					

Vacancy: 2 - District 7, District 12

\*out of the room, shown voting in favor

Speakers: None

# (2) **S056-023**

**Motion:** It was moved to **approve** an application to replat Lots 15 and 16 in City Block 309 into two lots from a 0.4589 acre tract of land on Skiles Street, between Live Oak Street and Carmel Street, subject to the conditions listed in the docket.

Maker: Cunnin Second: Marsha Result: Carried	
For:	13 - Neumann, Strater*, Gary, Marshall, Wilson, Miranda, Brandon, Cunningham, Avery*, Buehler, Scott, Emmons, Culbreath
Against:	0
Absent:	0
Vacancy:	2 - District 7, District 12
*out of the r	oom, shown voting in favor

Speakers: None

# (3) **S056-024**

**Motion:** It was moved to **approve** an application to replat create one, 0.8264 acre lot from a tract of land in City Block 43/8 on North Houston Street at Ross Avenue, subject to the conditions listed in the docket.

Maker: Cur Second: Ma Result: Car Fo	shall

Speakers: For: None

## (4) **S056-025**

**Motion:** It was moved to **approve** an application to create a 51 lot residential subdivision from a 11.7451 acre tract of land in City Block 8822 on S. Belt Line Road between Seagoville Road and Garden Grove Road, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:	Marsha	II	
	For:	13 -	Neumann, Strater*, Gary, Marshall, Wilson,
			Miranda, Brandon, Cunningham, Avery*,
			Buehler, Scott, Emmons, Culbreath
Aga	ainst:	0	
Abs	sent:	0	

Vacancy: 2 - District 7, District 12

\*out of the room, shown voting in favor

# Speakers: None

## (5) **S056-027**

**Motion:** It was moved to **approve** an application to replat Lots 2 and 3 in City Block 1/1974 and Lots 1, 2 and 3 in City Block 2/1975 into one 0.8311 acre lot on N. Henderson Avenue and Belmont Avenue, subject to the conditions listed in the docket.

Maker: Second: Result:	Marsha	Í	
	For:	<ul> <li>13 - Neumann, Strater*, Gary, Marshall, V</li> <li>Miranda, Brandon, Cunningham, A</li> <li>Buehler, Scott, Emmons, Culbreath</li> </ul>	
Aga	ainst:	0	
Abs	sent:	0	
Vac	cancy:	2 - District 7, District 12	
*ou	t of the re	oom, shown voting in favor	

#### (6) **S056-020**

**Motion I:** It was moved to **approve** an application to replat a 0.1653 acre tract of land being part of Lot 4 in City Block S/1484 into five lots on Hubert Street at Hudson Street, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:	Culbrea	ath	1
	For:	2 -	Brandon, Culbreath
Aga	ainst:	11	- Neumann, Strater, Gary, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons
	sent: cancy:	0 2 -	District 7, District 12

**Motion II:** It was moved to **deny** an application to replat a 0.1653 acre tract of land being part of Lot 4 in City Block S/1484 into five lots on Hubert Street at Hudson Street, southwest corner, due to failure to comply with Section 51A-8.503 of the Dallas Development Code.

Maker: Second: Result:	Avery	: 12 to 1
	For:	12 - Neumann, Strater, Gary, Marshall, Wilson,
		Miranda, Brandon*, Cunningham, Avery,
		Buehler, Scott, Emmons
Aga	ainst:	1 - Culbreath
0	sent:	0
Vac	cancy:	2 - District 7, District 12
*ou	t of the ro	oom, shown voting in favor

Speakers: For: Kyle King, 6917 Kingsbury Dr., Dallas, TX, 75231 Craig Lemp, 5807 Lewis St., Dallas, TX, 75206 Against: None Individual Item - Residential Replats

## (7) **S056-019**

**Motion:** It was moved to **approve** an application to replat a 2.673 acre tract of land in Lot 1 of City Block 6255 into 10 lots on Pemberton Hill Road at Jeane Street, subject to compliance with the conditions listed in the docket.

Maker: Cunningham Second: Marshall Result: Carried: 13 to 0 For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Brandon\*, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath

Against:0Absent:0Vacancy:2 - District 7, District 12

\*out of the room, shown voting in favor

Speakers: None

## (8) **S056-021**

**Motion:** It was moved to **approve** an application to replat Lot 6 in City Block 4/7460 and all of Lots A and B in City Block 5/7460 and all of an abandoned 15 foot wide alley and revocation of an offer to dedicate right of way for Talmadge Lane; and removal of platted building lines on 11.116 acres of land on Churchill Way east of Preston Road, subject to compliance with the conditions listed in the docket.

Maker: Buehler Second: Marsha Result: Carried For:	II
,	0 0 2 - District 7, District 12 room, shown voting in favor

## (9) **S056-026**

**Motion:** It was moved to **deny** an application to replat all of Lots 11 and 12 in City Block 4/2159 into one 0.4591 acre lot at 6243 and 6245 Vickery Boulevard at Alderson Street, northwest corner, due to failure to comply with Section 51A-8.503 of the Dallas Development Code.

S	econd:	Emmon Neumar Carried For:	nn
	Abs	ainst: sent: cancy:	1 - Culbreath 0 2 - District 7, District 12
Speakers:	Fo	r: Reinh	nard Ziegler, 7139 Edge Dr., Dallas, TX, 75231

Against: Marilynn Copus, 6314 Vanderbilt Ave., Dallas, TX, 75214

## Certificates of Appropriateness for Signs

#### Uptown Sign District

## 0510285005

Planner: Michael Finley

**Motion:** It was moved to **approve** an application for a Certificate of Appropriateness for the instillation of a 72.5 square feet illuminated channel letter wall sign on the west elevation of 2222 McKinney Avenue.

Maker: Second: Result:	Marsha		o 0				
			Neumann, Miranda, Buehler, So	Brandon,	, Cur	ningham,	
٨	vin at:	0					

Against: 0 Absent: 0 Vacancy 2 - District 7, District 12

\*out of the room, shown voting in favor

#### 0510285007

#### Planner: Michael Finley

**Motion:** It was moved to **approve** an application for a Certificate of Appropriateness for the instillation of a 72.5 square feet illuminated channel letter wall sign on the south elevation of 2222 McKinney Avenue.

Maker: Emmons Second: Marshall Result: Carried: 13 to 0 For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath\*

Against:0Absent:0Vacancy2 - District 7, District 12

\*out of the room, shown voting in favor

Speakers: None

#### Downtown Sign District

#### 0510075011

#### Planner: Michael Finley

**Motion:** It was moved to **approve** an application for a Certificate of Appropriateness for the instillation of a 16 square feet monument sign on the south side of the building (Main street and St. Paul Street) at 1717 Main Street.

Maker:	Emmons					
Second:	Marshall					
Result:	Carried: 13 to	0				
	For: 13 -	Neumann,	Strater,	Gary,	Marshall,	Wilson,
		Miranda,	Brandon,	, Čur	nningham,	Avery,
		Buehler, Sc	ott, Emm	ons, Cu	Ibreath*	•

Against:0Absent:0Vacancy2 - District 7, District 12

\*out of the room, shown voting in favor

#### 0510215004

#### Planner: Michael Finley

**Motion:** It was moved to **approve** an application for a Certificate of Appropriateness for the instillation of a 115 square feet monument (pylon) sign on the northwest corner of Woodall Rodgers Freeway and North Harwood Street at 1919 Woodall Rodgers Freeway, subject to the sign meeting setback regulation on both street frontages.

Maker: Emmons Second: Marshall Result: Carried: 13 to 0 For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath\*

Against:0Absent:0Vacancy2 - District 7, District 12

\*out of the room, shown voting in favor

Speakers: None

#### Thoroughfare Plan Amendment

**Motion:** It was moved to **approve** an amendment to the City of Dallas' CBD Streets and Vehicular Circulation Plan to delete Jack Evans Street from Woodall Rodgers to Ross Avenue.

Maker: Emmons Second: Marshall Result: Carried: 13 to 0 For: 13 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath\*

Against:0Absent:0Vacancy2 - District 7, District 12

\*out of the room, shown voting in favor

#### Zoning Cases – Consent

## 1. Z045-308 (WE)

Planner: Warren Ellis

**Motion:** In considering an application for an amendment to the development plan for Planned Development District No. 517 for a Country Club with private membership, south of Gaston Avenue, east of Abrams Road, it was moved to recommend **hold** this case under advisement until December 1, 2005.

	Maker: Second: Result:	Carried	all d: 13 to 0 13 - Neumann, Strater, Gary, Marshall, W	/ilson, Avery,
Notices: Replies:	Abs	ainst: sent: cancy: 500 29	0 0 2 - District 7, District 12 Mailed: 450 Against: 26	

Speakers: None

# 2. Z056-102 (WE)

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of amending Planned Development District No. 620 for a private school and child-care facility, subject to the revised development plan, revised conditions and revised landscape plan on the northeast corner of Northaven Road and Inwood Road with the following revisions: <u>Fencing</u> Section 51-620.112 deletion of "(b) A bollard and chain vehicular barrier must be installed on the northern Property line in order to make the TXU right-of-way easement inaccessible to vehicular traffic from the Church, School and child-care facility." <u>Landscaping</u> Section 51P-620.110 addition of "(e) A landscaping hedge be placed along the Property line on Northaven in front of the proposed parking for screening purposes."

Maker:	Scott
Second:	Avery
Result:	Carried: 12 to 0
	For: 12 - Neumann, Strater, Gary, Wilson, Miranda,
	Brandon, Cunningham, Avery, Buehler, Scott,
	Emmons, Culbreath

Against:	0
Absent:	1 - Marshall**
Vacancy:	2 - District 7, District 12

\*\*Commissioner Marshall left, before vote taken

Notices:	Area:	500	Mailed:	88
Replies:	For:	5	Against:	4

**Speakers**: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202 Against: Larry Smith, 5320 Northaven Rd., Dallas, TX, 75229

## 3. Z056-103 (WE)

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of amending the conceptual plan and revised conditions for Planned Development District No. 287 for the Dallas Arboretum & Botanical Garden, on the west line of Garland Road at Lakeland Drive.

	Maker: Second: Result:	Brandoi Carried	n
	Abs		0 1 - Marshall 2 - District 7, District 12
Notices: Replies:	Area: For:	500 9	Mailed: 176 Against: 8

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202 Mary Brinager, 3131 Maple Ave., Dallas, TX, 75201 Against: Louis Wages, 8646 Angora St., Dallas, TX, 75218

## Zoning Cases - Under Advisement

## 4. Z045-222 (WE)

Planner: Warren Ellis

**Motion:** In considering an application for an amendment to Tract 4 for personal service uses within Planned Development Subdistrict No. 1 for office, surface parking and MF-2 Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Hall Street and Reagan Street, it was moved to **hold** this case under advisement until December 15, 2005.

	Maker: Second: Result:		-
	itesuit.		12 - Neumann, Strater, Gary, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott,
			Emmons, Culbreath
	Abs		0 1 - Marshall 2 - District 7, District 12
Notices:	Area	500	Mailed: 124
Replies:	For:	2	Against: 1
Speaker	<b>s</b> : None	<b>;</b>	

## 5. **Z045-268 (MM)**

Planner: Maureen Meredith

**Motion:** It was moved to recommend **denial without prejudice** of an amendment to Planned Development District No. 572 for a public or private school and to request a Specific Use Permit for a tower/antenna for cellular communication on property zoned a Planned Development District No. 572, on the southeast corner of Pleasant Valley Drive and Chimney Hill Lane.

	Maker: Second: Result:	Carried	
	Abs		0 1 - Marshall 2 - District 7, District 12
Notices: Replies:		500 5	Mailed: 129 Against: 46

#### 6. **Z045-297 (JP)**

#### Planner: Jennifer Hiromoto

**Motion:** In considering an application for a Planned Development Subdistrict for single family, multiple family and mixed uses on property zoned an MF-2 Multiple Family Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bounded by Lemmon Avenue, Mahanna Street, City Limit line, Miles Street, Holland Avenue, Dorothy Street, Bowser Avenue, and Cedar Plaza Lane, it was moved to **hold** this case under advisement until December 8, 2005.

	Maker: Second: Result:	Carried	-
	Abs	ainst: sent: cancy:	0 1 - Marshall 2 - District 7, District 12
Notices:	Area	: 500	Mailed: 406
Replies:	For:	30	Against: 5
Speakers	s: None	;	

## 7. Z045-249 (RB)

#### Planner: Richard Brown

Motion I: It was moved to recommend approval of a Planned Development District for Mixed Uses on property zoned an MU-3 Mixed Use District, on the southeast corner of Mockingbird Lane and North Central Expressway with the site plan and recommended conditions to return on a future miscellaneous docket with the following revisions: Under Yard, Lot, and Space Regulations (c) Density (2) Tract 2 to read as follows "Maximum number of dwelling units is 152 per acre." Under (e) Height (1) Tract 1 (A) and (2) Tract 2 (A) strike the residential proximity slope language. Under Ingress/Egress (b) delete "rightturn in, only" language. Under Roadway Improvements (b) delete "right-turn in, only" language. Add a condition to read as follows: "Prior to the issuance of a final certificate of occupancy for Tract I of the property a pedestrian crosswalk with surface level pedestrian directional safety lighting installed in the paved surface must be installed across Mockingbird Lane from the sidewalk adjacent to the property to the sidewalk on the north side of Mockingbird Lane. Also the Department of Streets and Sanitation and the Department of Public Works and Transportation (as appropriate) should cooperate expeditiously in the installation of the lighted crosswalk required in this Section.

Maker: Emmons Second: Neumann Result: Carried: 11 to 1 For: 11 - Neumann, Strater, Gary, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath Against: 1 - Brandon Absent: 1 - Marshall

Vacancy: 2 - District 7, District 12

**Amendment I:** It was moved to recommend **denial** of the added conditions for a lighting pedestrian crosswalk.

Maker: Second: Result:	Brando	n					
	For:	6 -	Neumann,	Wilson,	Brandor	n, Cun	ningham,
			Scott, Culbr	eath			0 /
Aga	ainst:	6	- Strater, Emmons	Gary, M	liranda,	Avery,	Buehler,
Absent:		1 -	Marshall				
Vacancy:		2 -	District 7, Di	strict 12			

**Amendment II:** It was moved to recommend **approval** to amend the main motion and delete the right-turn and left-turn and follow staff's recommendation of right-turn in, only.

	Maker: Second: Result:	Failed:	
	Aga	ainst:	10 - Strater, Gary, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath
		sent: cancy:	1 - Marshall 2 - District 7, District 12
Notices: Replies:		500 5	Mailed: 55 Against: 2

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202 Don Epperson, 7208 Winterwood Ln., Dallas, TX, 75248 Philip Brosseam, 4809 Cole Ave., Dallas, TX, 75205 John DeShazo, 330 Union Station, Dallas, TX Against: None

## 8. Z045-275 (DW)

Planner: David Whitley

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for HC Heavy Commercial uses on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the east corner of McKinney Avenue and St. Paul Street with the conceptual plan, development plan and conditions to return on a future miscellaneous docket.

	Maker: Second: Result:	Carried:	-
	Abs	ainst: sent: cancy:	0 1 - Marshall 2 - District 7, District 12
Notices: Replies:		: 500 0	Mailed: 127 Against: 52
Speakers	<b>s</b> : For:		Cothrum, 900 Jackson St., Dallas, TX, 75202 Brink, 1999 McKinney Ave., Dallas, TX, 75201

Against: Thomas Smith, 1925 Cedar Springs Rd., Dallas, TX, 75201

# Zoning Cases - Individual Items

## 9. **Z045-305 (DW)**

## Planner: David Whitley

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for Commercial Amusement (inside) use for a Dance Hall (Class A) for a two-year period, subject to a site plan and revised recommended conditions including Hours of Operation as follows: Monday thru Thursday 9:00 a.m. to 9:00 p.m. and Friday thru Sunday 12:00 p.m. to 2:00 a.m., on property zoned a CS Commercial Service District, on the west corner of East Grand Avenue and St. Mary Avenue.

Maker: Strater Second: Culbreath Result: Carried: 12 to 0 For: 12 - Neumann, Strater, Gary, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath

	Against: Absent: Vacancy:	0 1 - Marshall 2 - District 7, District 12			
Notices:	Area: 300	Mailed: 22			
Replies:	For: 2	Against: 2			

Speakers: For: Jaime Tamayo, Address Not Given Against: None

# 10. Z045-310 (WE)

Replies:

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Planned Development District for a Branch YMCA and R-16(A) Single Family District uses, subject to a development plan, landscape plan and conditions and the termination of Specific Use Permit No. 50, on property zoned an R-16(A) Single Family District, on the south line of Northaven Road, east of Midway Road with the deletion of 51P-110 (b) which calls for a 8 ft high sold screening fence.

	Maker: Second: Result:	Carried	: 12 to 0 12 - Neumann, Strater, Gary, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath
	Abs		0 1 - Marshall 2 - District 7, District 12
Notices:	Area	500	Mailed: 78

Against:

8

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202

Against: None

For:

9

#### 11. Z056-101 (RB)

## Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to the conceptual plan and conditions for Planned Development District No. 577 for a Vehicle display, sales, and service use, and a GO(A) General Office District on the east line of North Central Expressway, between Meadow Road and Royal Lane.

	Maker:	Scott	_
	Second:	Brando	n
	Result:	Carried	: 12 to 0
		For:	12 - Neumann, Strater, Gary, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath
	Abs	iinst: ent: ancy:	0 1 - Marshall 2 - District 7, District 12
Notices: Replies:		500 1	Mailed: 99 Against: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202 Against: None

## 12. Z056-106 (RB)

## Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an IM Industrial Manufacturing District and a Specific Use Permit for an Industrial (outside) potentially incompatible use for a Concrete crushing plant on property zoned an IR Industrial Research District on the west line of Conveyor Lane, southwest of Inwood Road with the site plan and conditions to return on a future miscellaneous docket.

	Maker: Second: Result:	Carried	r
	Abs	ainst: sent: cancy:	0 4 - Strater**, Marshall, Emmons**, Culbreath** 2 - District 7, District 12
Notices: Replies:		: 500 1	Mailed: 6 Against: 1

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Speakers: For: Paul Baker, 8204 Elmbrook Dr., Dallas, TX, 75247 Against: Pittman Haymore, 2911 Turtle Creek Blvd., Dallas, TX, 75219

> \*\*Commissioner Strater left, before vote taken \*\*Commissioner Emmons left, before vote taken \*\*Commissioner Culbreath left, before vote taken

## Other Matters

#### <u>Minutes</u>

**Motion:** It was moved to **approve** the minutes of the November 10, 2005 meeting, subject to corrections.

Maker: Scott Second: Wilson Result: Carried: 9 to 0 For: 9 - Neumann, Gary, Wilson, Miranda, Brandon, Cunningham, Avery, Buehler, Scott Against: 0 Absent: 4 - Strater, Marshall, Emmons, Culbreath Vacancy: 2 - District 7, District 12

#### Adjournment

**Motion:** The hearing adjourned at 5:48 p.m.

Betty Culbreath, Chair