

CORRECTED PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 1, 2005, with the briefing at 11:30 a.m. in Room 5ES and the public hearing at 1:50 p.m. in the City Council Chambers of City Hall. Presiding were Betty Culbreath, Chair and Bulldog Cunningham, Acting Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Starter, Clarence Gary, Angela Marshall, Erik Wilson, Michael Miranda, 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: Carol Brandon. There are two 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: George Campbell

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) **S056-031**

Motion: It was moved to **approve** an application to plat a 0.13 acre tract of land in Block 6234 into one lot on Lake June Place, east of Pemberton Hill Road, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath

Against: 0

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Speakers: None

(2) **S056-032**

Motion: It was moved to **approve** an application to plat a 8.16 acre tract of land in Block 5958 into one lot at the southeast corner of Kernack Street and Phinney Avenue, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath

Against: 0

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Speakers: None

(3) **S056-034**

Motion: It was moved to **approve** an application to plat a 6.59 acre tract of land in Block 7665 into one lot at the southeast corner of Loop 12 and Preakness Lane, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath

Against: 0

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Speakers: For: None

Individual Item - Preliminary Plat

(4) **S056-029**

Motion: It was moved to **deny** an application to replat lot 2A, Block 1/5563 in order to remove a platted 50 ft. building line along Glenleigh Drive and a 25 ft. Platted building line along Manchester Drive at the northwest corner of Glenleigh Drive and Manchester Drive, due to failure to comply with Section 51A-4.401 of the Dallas Development Code.

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

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

*out of the room, shown voting in favor

Speakers: For: Brandon McCrary, 11460 Royalsitire Dr., Dallas, TX, 75230
Vern Berry, 6009 Beltline Rd., Dallas, TX, 75254
Against: David McCallum, 4427 Glenleigh Dr., Dallas, TX, 75220
Genie Chappell, 9226 Rockbrook Dr., Dallas, TX, 75220

(5) **S056-030**

Motion I: It was moved to **deny** an application to replat lot 5, Block 3/5065 in order to reduce a 25 ft. platted building line along Rexford Drive to 15 ft. at the southwest corner of Rexford Drive and Glencrest Lane, due to failure to comply with Section 51A-4.401 of the Dallas Development Code.

Maker: Emmons
Second: Marshall
Result: Failed: 6 to 6
For: 6 - Strater*, Gary, Marshall, Miranda, Avery, Emmons

Against: 6 - Neumann, Wilson, Cunningham, Buehler, Scott, Culbreath
Absent: 1 - Brandon
Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Motion II: It was moved to **approve** an application to replat lot 5, Block 3/5065 in order to reduce a 25 ft. platted building line along Rexford Drive to 15 ft. at the southwest corner of Rexford Drive and Glencrest Lane, subject to the conditions listed in the docket.

Maker: Neumann

Second: Scott

Result: Carried: 7 to 5

For: 7 - Strater*, Neumann, Wilson, Cunningham,
Buehler, Scott, Culbreath

Against: 5 - Gary, Marshall, Miranda, Avery, Emmons

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Speakers: For: Ed Simons, 900 Jackson St., Dallas, TX, 75202
Robert Elliott, 8608 Glencrest Ln., Dallas, TX, 75209
Travis Singleton, 5838 Llano Ave., Dallas, TX, 75206
Dan Fancher, 17250 Dallas Parkway, Dallas, TX, 75248
Against: None

(6) **S056-033**

Motion I: It was moved to **deny** an application to replat lots 11 and 12, Block D/7111 into one, 0.22 acre lot on McBroom Street, east of Rutz Street, due to failure to comply with Section 51A-8.503 of the Dallas Development Code.

Maker: Gary

Second: Emmons

Result: Failed: 4 to 8

For: 4 - Strater*, Gary, Avery, Emmons

Against: 8 - Neumann, Marshall, Wilson, Miranda,
Cunningham, Buehler, Scott, Culbreath

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Motion II: It was moved to **approval** an application to replat lots 11 and 12, Block D/7111 into one, 0.22 acre lot on McBroom Street, east of Rutz Street, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Neumann

Result: Carried: 9 to 3

For: 9 - Neumann, Strater*, Marshall, Wilson, Miranda,
Cunningham, Buehler, Scott, Culbreath

Against: 3 - Gary, Avery, Emmons
Absent: 1 - Brandon
Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Speakers: For: Julius Whittier, 632 N. Manus Dr., Dallas, TX, 75224
Against: None

(7) **S056-035**

Motion: It was moved to **approve** an application to revise a previously approved preliminary plat (S045-326) in Block 8682, in order to create a 133 lot single family residential subdivision with 3 common areas, at the north corner of Mountain Creek Parkway and Eagle Ford Road, subject to the conditions listed in the docket with an additional condition that sidewalks be installed as required by Section 51A-8.606 of the Dallas Development Code.

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

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

Speakers: For: Mark Spear, 17300 Dallas Parkway, Dallas, TX, 75248
Against: Tommy Johnson, 7201 Long Canyon Trl., Dallas, TX, 75249
Wayne Dye, 7964 Glenway Dr., Dallas, TX, 75249
Sally Ann Dye, 7964 Glenway Dr., Dallas, TX, 75249

Miscellaneous Docket

M056-002

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to development plan and landscape plan, subject to revised conditions referring building setbacks and porte cochere setbacks for Planned Development Subdistrict No. 37-D, on Hall Street, between Hood Street and Sale Street.

Maker: Emmons
Second: Scott
Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler, Scott,
Emmons, Culbreath

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

Speakers: None

M056-007

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 608, on Churchill Way, west of Preston Road.

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

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

Speakers: None

Z045-275(DW)

Planner: David Whitley

Motion: It was moved to **approve** a conceptual plan and a development plan submitted in conjunction with an application for a Planned Development Subdistrict zoned HC Heavy Commercial Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of McKinney Avenue and St. Paul Street.

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

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

Speakers: None

Miscellaneous Docket - Under Advisement

W056-001

Planner: Neva Dean

Motion: It was moved to **approve** a wavier of the two-year waiting period in order to submit an application to create a new subdistrict within the Planned Development District No. 714 and amend public deed restrictions on the east side of Bahama Drive, southeast of Fort Worth Avenue.

Maker: Gary
Second: Marshall
Result: Carried: 12 to 0
For: 12 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath
Against: 0
Absent: 1 - Brandon
Vacancy: 2 - District 7, District 12

Zoning Cases – Under Advisement

1. Z023-179 (MM)

Planner: David Cossum

Motion: In considering an application to expand and amend Specific Use Permit No. 85 for a Cemetery on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with Specific Use Permit No. 85, on Lombardy Lane, east of Brockbank Drive and west of Harwell Drive, it was moved to **hold** this case under advisement until December 15, 2005; with the public hearing being closed.

Maker: Miranda
Second: Marshall
Result: Carried: 12 to 0
For: 12 - Neumann, Strater Gary*, Marshall, Wilson, Miranda, Cunningham, Avery, Buehler, Scott, Emmons, Culbreath
Against: 0
Absent: 1 - Brandon
Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 221
Replies: For: 5 Against: 2

Speakers: None

2. **Z045-308 (WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to the development plan, subject to revised conditions for Planned Development District No. 517 for a Country Club with private membership, south of Gaston Avenue, east of Abrams Road.

Maker: Emmons

Second: Gary

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler, Scott,
Emmons, Culbreath

Against: 0

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

Notices: Area: 500 Mailed: 450
Replies: For: 31 Against: 27

Speakers: None

3. **Z045-314 (WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** to create new deed restrictions with the northern tract's hours of operation remain from 6:00 a.m. to 10:00 p.m. Monday thru Saturday and 10:00 a.m. to 8:00 p.m. on Sunday on property zoned a CS Community Service District with deed restrictions and the approval of the termination of the existing deed restrictions on the west line of St. Augustine Road, north of Military Parkway.

Maker: Wilson

Second: Marshall

Substitute Motion: It was moved to recommend **approval** to create new deed restrictions with the change in the hours of operation for the northern track as requested by the applicant to be consistent with the existing hours of operation currently for the southern track (6:00 a.m. to 11:00 p.m. Monday thru Saturday and 10:00 a.m. to 10:00 p.m. on Sundays) on property zoned a CS Community Service District and approval of the termination of the existing deed restrictions on the west line of St. Augustine Road, north of Military Parkway.

Maker: Cunningham
Second: Avery
Result: Carried: 7 to 5
For: 7 - Neumann, Strater, Cunningham, Avery,
Buehler, Scott, Culbreath

Against: 5 - Gary, Marshall, Miranda, Wilson, Emmons
Absent: 1 - Brandon
Vacancy: 2 - District 7, District 12

Notices: Area: 400 Mailed: 117
Replies: For: 1 Against: 1

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Matt Weldong, 9757 Military Parkway, Dallas, TX, 75227
Against: None

Zoning Cases - Individual

4. **Z056-115 (WE)**

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for Vehicle Display, Sales and Services on property zoned Subdistrict 1 of Planned Development District 621, the Old Trinity and Design Special Purpose District, on the east line of Industrial Boulevard, between Cole Street and Howell Street, it was moved to **hold** this case under advisement until December 8, 2005.

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

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

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

Speakers: None

5. Z056-109 (JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a Specific Use Permit for an Alcoholic Beverage Establishment use to be used as a private club on property zoned an MU-2 Mixed Use District on the southeast side of Skillman Street, south of Adleta Boulevard, it was moved to **hold** this case under advisement until December 15, 2005.

Maker: Emmons
Second: Marshall
Result: Carried: 12 to

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler, Scott,
Emmons, Culbreath

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

Notices: Area: 200 Mailed: 5
Replies: For: 0 Against: 0

Speakers: None

6. Z056-111 (MM)

Planner: Michael Finley

Motion: It was moved to recommend **approval** of an IR Industrial Research District in lieu of the applicant's request for an IM Industrial Manufacturing District on property zoned an IR Industrial District and an R-7.5(A) Single Family District on the northwest corner of Crown Road and Newberry Street.

Maker: Miranda
Second: Marshall
Result: Carried: 12 to 0

For: 12 - Neumann, Strater*, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery*, Buehler, Scott,
Emmons, Culbreath

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

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 22
Replies: For: 2 Against: 2

Speakers: For: Jerry Lankenau, 2537 Millcroft Ln., Carrollton, TX, 75006
Ryan Ribb, 918 Dragon, Dallas, TX, 75207
Against: None

Development Code Amendment – Under Advisement

DCA 045-010

Planner: Richard Brown

Motion: It was moved to recommend **approval** of amending the Dallas Development Code to revise Section 51A-4.702, the regulations regarding consideration for a minor amendment to a development plan and landscape plan relating to a planned development district and Section 51A-4.219, the regulations regarding consideration for a minor amendment to a site plan and landscape plan related to a specific use permit with staff's revised recommendation (dated 12-1-05); striking the language under Section 4, (h) Amendments to the development plan, (B), "change the uses permitted".

Maker: Cunningham

Second: Miranda

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler, Scott,
Emmons, Culbreath

Against: 0

Absent: 1 - Brandon

Vacancy: 2 - District 7, District 12

Speakers: None

Landmark Commission Appeal

CA045-434(JA)

Planner: Leif Sandberg

Motion: It was moved to **reverse** the decision of the Landmark Commission to deny a Certificate of Appropriateness (CA045-434(JA)) for the Bluit Building at 2036 Commerce Street and approve staff's original recommendation of approval.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler, Scott,
Emmons, Culbreath

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

Speakers: Applicant: Joe Grisham, 2036 Commerce St., Dallas, TX, 75201
Andrea Allen, 6414 McCommas Blvd., Dallas, TX, 75214
City: Casey Burgess, Assistant City Attorney

Other Matters

2006 Calendar

The Commission discussed and agreed to make the following revision to the City Plan Commission 2006 calendar:

January 12, 2006 - Meet
January 19, 2006 - Off

Committee Appointments

Chairwoman Culbreath made the following community member appointments to the Zoning and Ordinance Advisory Committee:

Bill Creasey - Lawyer
Jack Craycroft - Architect

Minutes

Motion: It was moved to **approve** the minutes of the November 17, 2005 meeting, subject to corrections.

Maker: Cunningham

Second: Marshall

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Cunningham, Avery, Buehler,
Emmons, Culbreath

Against: 0

Absent: 2 - Brandon, Scott**

Vacancy: 2 - District 7, District 12

**Commissioner Scott left before vote was taken

Adjournment

Motion: The hearing adjourned at 5:22 p.m.

Betty Culbreath, Chair