PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on June 7, 2007, with the briefing starting at 11:20 a.m. in Room 5ES and the public hearing at 1:37 p.m. in the City Council Chambers of City Hall. Presiding were Bob Weiss, Chair and Angela Marshall, Vice Chair. The following Commissioners were present during the hearing: James Prothro, Jeff Strater, Clarence Gary, Debra Woolen Lipscomb, Michael Miranda, Ann Bagley, Erma Jones-Dodd, Peggy Hill, Chris Buehler, Robert Ekblad, Neil Emmons and Bill Cunningham. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Sally Wolfish. 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:

<u>Subdivision Docket</u> Planner: Allen Heist

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) **S067-169**

Motion: It was moved to **approve** an application to replat all of Lot 10 and the south 40 feet of Lot 9 in City Block 10/5201 into one 30,800 sq. ft. lot on the west side of Twin Hills Avenue north of the Twin Hills Connection, subject to compliance with the conditions listed in the docket with Condition #9 amended to read as follows: "On the final plat the provide a 8 foot sidewalk and utility easement along twin hills Avenue".

Maker: Marshall Second: Prothro

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb*, Miranda*, Bagley, Jones-Dodd, Weiss,

Hill, Buehler, Ekblad, Emmons, Cunningham

Against: C

1 - Wolfish

Absent: Vacancy:

0

*out of the room, shown voting in favor

Speakers: None

(2) S067-170

Motion: It was moved to **approve** an application to replat all of Lot 2 and part of Lots 1 & 3 in City Block A/2387, all of Lot 2 and part of Lots 1 & 3 in City Block 1/2339, all of Lots 15 & 16 and part of Lots 1 thru 8 in City Block 3/2391, all of Lots 2 thru 15 and part of Lots 1 & 16 in City Block 5/2393, all of Lots 2 thru 10 and Lot A and part of Lots 1 & B in City Block 2396 into 51 lots ranging from 3,000 sq. ft. to 5,895 sq. ft. located along the southeast side of Spring Avenue between Troy Street and Lyons Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall Second: Prothro

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen

Lipscomb*, Miranda*, Bagley, Jones-Dodd, Weiss,

Hill, Buehler, Ekblad, Emmons, Cunningham

Against: C

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S067-171**

Motion: It was moved to **approve** an application to replat Lot 1 and four unplatted tracts in City Block 7/767 into one 1.1517 acre lot at the north corner of Gaston Avenue and Haskell Avenue, subject to compliance with the conditions listed in the docket with the deletion of Condition #12 and to be replaced by a note to read as follows: "Prior to final plat designate Haskell as a special thoroughfare with a 65 feet right-a-way".

Maker: Marshall Second: Prothro

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(4) S067-172

Motion: It was moved to **approve** an application to plat a 10.606 tract of land in City Block 8291 & 8292 into one lot on the north side of the I-20 (L.B.J. Freeway) service road between Cedar Ranch Drive & Bonnie View Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall Second: Prothro

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb*, Miranda*, Bagley, Jones-Dodd, Weiss,

Hill, Buehler, Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(5) **S067-173**

Motion: It was moved to **approve** an application to plat five tracts of land in City Block B/8827 into five lots ranging in size from 7,279.94 sq. ft. to 7,305.41 sq. ft. on the northwest side of Beauford Road between Sunview Drive and Elk Creek Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall Second: Prothro

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(6) **S067-174**

Motion: It was moved to **approve** an application to plat two tracts of land comprising 2.357 acres in City Block 7398 into six lots ranging in size from 14,265 sq. ft. to 20,272 sq. ft. on the northwest side of Oates Drive between Buckner Boulevard and Vinewood Drive, subject to compliance with the conditions listed in the docket.

Maker: Cunningham Second: Marshall

Result: Carried: 13 to 0

For: 13 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Miranda*, Bagley, Jones-Dodd*, Weiss, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0 Conflict: 1 - Hill

*out of the room, shown voting in favor

Speakers: None

(7) S067-175

Motion: It was moved to **approve** an application to replat 1.188 acres containing Lots 4 thru 6 in City Block T/1484 and Lots 24 & 25 in City Block 19/1874 into a 28 lot Shared Access Development on the south side of Hudson Street east of Hubert Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall Second: Prothro

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(8) **S067-176**

Motion: It was moved to **approve** an application to replat Lots 19G, 19H, 19J, 19K, 19L & 19M in City Block 8/1883 into one 14,014 sq. ft. lot on the north corner of Gaston Avenue and N. Glasgow Drive, subject to compliance with the conditions listed in the docket.

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

For: 13 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Miranda*, Bagley, Jones-Dodd*, Weiss, Hill,

Buehler, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Conflict: 1 - Ekblad

*out of the room, shown voting in favor

Speakers: None

(9) **S067-177**

Motion: It was moved to **approve** an application to replat part of Lots 9 & 10 in City Block E/1527 into two lots of 2,972.9 sq. ft. and 4,007.7 sq. ft. each on the southeast side of Cole Avenue south of Oliver Street, subject to compliance with the conditions listed in the docket.

Maker: Marshall Second: Prothro

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket

D067-009 Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan for Planned Development District No. 582, the Victory Planned Development District on Victory Avenue, Museum Way, Victory Park Lane and High Market Street.

Maker: Starter Second: Marshall

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda*, Bagley, Jones-Dodd*, Weiss, Hill,

Buehler, Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

W067-009 Planner: Neva Dean

Motion: It was moved to **approve** a wavier of the two-year waiting period in order to submit an application for the renewal of Specific Use Permit No. 1604 for an Industrial (outside) potentially incompatible use for a concrete crushing plant on property zoned an IM Industrial Manufacturing District, on the west line of Conveyor Lane, Southwest of Inwood Road.

Maker: Emmons Second: Marshall

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Planner: Tanya Brooks

Planner: Warren Ellis

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Speakers: For: Michael Jung, 4400 Bank of America Plaza, Dallas, TX, 75202

Against: None

Thoroughfare Plan Amendment

Motion: It was moved to **approve** an amendment to the City of Dallas' Thoroughfare Plan to add two new roadways, (1) Unnamed SE5, a special six lane divided principal arterial (SPCL6D) within 113 feet of the right-of-way between Langdon Road and the Hutchins City Limits and (2) Unnamed SE67, a special four lane undivided collector (SPCL 4U) within 72 feet of right-of-way between Unnamed SE5 and Cleveland Road.

Maker: Jones- Dodd

Second: Ekblad

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Speakers: For: Bill Dohlstrom, 901 Main St., Dallas, TX, 75202

Against: None

Zoning Cases - Consent

1. **Z067-221(WE)**

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern for a two-year time period, subject to a site plan and revised conditions on property zoned a CA-1(A) Central Area District on the west line of Hawkins Street, between Federal Street and San Jacinto Street with the hours of operation to change to 11:30 a.m. to 2:00 a.m.

Maker: Emmons Second: Marshall

Planner: Olga Torres Holyoak

Planner: Richard Brown

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Notices:Area:200Mailed:9Replies:For:1Against:3

Speakers: For: Jonathan Scherer, 2700 Swiss Ave., Dallas, TX, 75204

Against: None

2. **Z067-224(OTH)**

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 463, on the southwest corner of North Central Expressway and Northwest Highway.

Maker: Ekblad Second: Marshall

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Notices:Area:200Mailed:99Replies:For:4Against:2

Speakers: None

3. **Z067-219(RB)**

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District on property zoned an A(A) Agricultural District on the west line of Prater Road, north of Oakwood Street.

Maker: Ekblad Second: Marshall

Planner: Richard Brown

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

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

Speakers: None

Zoning Cases - Under Advisement

4. **Z067-158(RB)**

Motion: In considering an application for a Planned Development District for Certain nonresidential uses on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, a CR Community Retail District, an RR Regional Retail District, an LI Industrial District, and an IM Industrial Manufacturing District and the termination of existing deed restrictions on a portion of the site on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road, it was moved to **hold** this case under advisement until June 21, 2007 with a provision that the staff try to put the case on the June 27, 2007, City council agenda.

Maker: Jones-Dodd Second: Marshall

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Notices: Area: 500 Mailed: 124
Replies: For: 7 Against: 9

Speakers: For: Bill Dohlstrom, 901 Main St., Dallas, TX, 75202

Against: None

Planner: Jennifer Hiromoto

Planner: Jennifer Hiromoto

5. **Z067-168(JH)**

Motion: In considering an application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District and Planned Development District No. 533-D, the CF Hawn Special Purpose District with a Dry Liquor Control Overlay on the east side of Jim Miller Road, south of Hodde Street, it was move to **hold** this case under advisement indefinitely and to instruct staff to re-advertise for a Planned Development District.

Maker: Woolen Lipscomb

Second: Buehler

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Notices: Area: 300 Mailed: 12 **Replies:** For: 1 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202

Eugene Thomas, 5654 Winding Woods Trail, Dallas, TX, 75227

Against: None

6. **Z067-169(JH)**

Motion: In considering an application for a CR Community Retail District on property zoned an R-7.5(A) Single Family District on the east side of Jim Miller Road, at Hodde Street, it was move to **hold** this case under advisement indefinitely and to instruct staff to re-advertise for a Planned Development District

Maker: Woolen Lipscomb

Second: Buehler

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Notices:Area: 300Mailed: 12Replies:For: 1Against: 0

Planner: Jennifer Hiromoto

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202

Eugene Thomas, 5654 Winding Woods Trail, Dallas, TX, 75227

Against: None

7. **Z067-185(JH)**

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a conceptual plan and conditions on property zoned an MF-2(A) Multifamily District and a CR Community Retail District on both sides of Bennett Avenue between Manett Street and Capitol Avenue with the reduction of maximum height to 48 feet.

Maker: Strater

Second: Cunningham Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Woolen Lipscomb, Miranda,

Bagley, Jones-Dodd, Hill, Buehler, Ekblad,

Emmons, Cunningham

Against: 0

Absent: 1 - Wolfish

Vacancy: 0

Abstained: 2 - Marshall, Weiss

Commissioners abstained, due to bus tour requirements

Amendment to Motion: It was moved to **amend** the motion so the total of encroachments may not exceed 50 percent per facade.

Maker: Emmons Second: Strater

Result: Carried: 9 to 3

For: 9 - Prothro, Strater, Gary, Woolen Lipscomb, Bagley,

Jones-Dodd, Hill, Buehler, Emmons

Against: 3 - Miranda, Ekblad, Cunningham

Absent: 1 - Wolfish

Vacancy: 0

Abstained: 2 - Marshall, Weiss

Commissioners abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 169
Replies: For: 9 Against: 3

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Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270

Rusty Ross, 5430 LBJ Freeway, Dallas, TX, 75240 Joe Bruce, 5307 Mockingbird Ln., Dallas, TX, 75206

Against: Carlotta Camacho, 5503 Vickery Blvd., Dallas, TX, 75206

8. **Z067-213(JH)** Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road.

Maker: Jones-Dodd Second: Ekblad

Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Woolen Lipscomb, Miranda, Bagley,

Jones-Dodd, Hill, Buehler, Ekblad, Emmons,

Cunningham

Against: 0

Absent: 2 - Strater, Wolfish

Vacancy: 0

Abstained: 2 - Marshall, Weiss

Commissioners abstained, due to bus tour requirements

Notices: Area: 200 Mailed: 70 Replies: For: 10 Against: 4

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270

Against: James Dodd, 3575 Ray Rd., Dallas, TX, 75241

Individual Cases

9. **Z067-171(RB)** Planner: Richard Brown

Motion: It was moved to recommend **denial** of a Specific Use Permit for a Miniwarehouse use on property zoned an RR Regional Retail District, north of the Intersection of Marvin D. Love Freeway and IH 20.

Maker: Jones-Dodd Second: Marshall

Result: Carried: 13 to 0

For: 13 - Prothro, Gary, Marshall, Woolen Lipscomb,

Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler,

Ekblad, Emmons, Cunningham

Planner: David Cossum

Against: 0

Absent: 2 - Strater, Wolfish

Vacancy: 0

Notices: Area: 300 Mailed: 5 **Replies:** For: 0 Against: 0

Speakers: For: Joe Bowers, 1420 Winding Brook Cir., Dallas, TX, 75208

Against: None

10. **Z067-174(DC)**

Motion: It was moved to recommend **approval** of a Planned Development District for NC(E) Neighborhood Commercial Enhanced Subdistrict uses that allows accessory outside display of merchandise, limited to 5 percent of the building area, on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on Second Avenue between Pine Street and Hatcher Street.

Maker: Bagley Second: Marshall

Result: Carried: 11 to 0

For: 11 - Gary, Marshall, Woolen Lipscomb, Miranda,

Bagley, Jones-Dodd, Weiss, Hill, Buehler, Ekblad,

Emmons

Against: 0

Absent: 2 - Strater, Wolfish

Vacancy: 0

Abstained: 2 - Prothro, Cunningham

Commissioners abstained, due to bus tour requirements

Note: The bus tour for this item was on March 29, 2007. Commissioners Prothro was not a CPC member at the time of the bus tour.

Notices: Area: 500 Mailed: 287
Replies: For: 13 Against: 2

Speakers: For: John Atkins, 4501 Second Ave., Dallas, TX, 75210

Jerry Brown, 3605 Wendelkin St., Dallas, TX

Kevin Felder, 8404 Capriola Ln., Dallas, TX, 75228 Ella Bright, 4508 Second Ave., Dallas, TX, 75210 Wilmer Tucker, 3214 Pine St., Dallas, TX, 75215

Against: None

<u>Development Code Amendments</u>

DCA 067-007

Motion: It was moved to recommend **approval** of amendments to Article VII, "Sign Regulations," of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter.

Maker: Cunningham Second: Marshall Result: Failed: 5 to 7

For: 5 - Prothro, Marshall, Weiss, Ekblad, Cunningham

Against: 7 - Gary, Miranda, Bagley, Jones-Dodd, Hill, Buehler,

Emmons

Absent: 3 - Starter, Woolen Lipscomb, Wolfish

Vacancy: 0

Substitute Motion: It was moved to recommend **denial** of amendments to Article VII, "Sign Regulations," of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter.

Maker: Miranda Second: Buehler

Result: Carried: 7 to 5

For: 7 - Gary, Miranda, Bagley, Jones-Dodd, Hill, Buehler,

Emmons

Against: 5 - Prothro, Marshall, Weiss, Ekblad, Cunningham

Absent: 3 - Starter, Woolen Lipscomb, Wolfish

Vacancy: 0

Speakers: For: Skip Trimble, 5936 Woodland Dr., Dallas, TX, 75225

Matt Ritter, 3808 Innisbrook Dr., Irving, TX, 75038

Against: None

Authorization of Hearings

Motion: It was moved to **authorize** a hearing to determine the proper zoning on property zoned Planned Development District No. 317, the Cedars Area Special Purpose District, with consideration being given to amending the district's uses, limited to bar, lounge, or tavern use and commercial amusement (inside) use for a dance hall and amending the development regulations regarding parking and setback requirements in an area generally bounded by I-30, I-45, G.C.&S.F. Railroad, and the M.K.&T. Railroad.

Maker: Emmons Second: Marshall Result: Carried: 10 to 0

For: 10 - Prothro, Gary, Marshall, Bagley, Jones-Dodd,

Weiss, Hill, Buehler, Ekblad, Emmons

Against: 0

Absent: 5 - Strater, Miranda, Woolen Lipscomb, Wolfish,

Cunningham

Vacancy: 0

Speakers: None

Motion: It was moved to **authorize** a hearing to determine the proper zoning on property zoned on property zoned an R-7.5(A) Single Family District and an R-1ac(A) Single Family District with consideration being given to expanding Specific Use Permit No. 131 for a cemetery on the R-1ac(A) portion on the northwest side of Dalgreen Drive, west of Lawther Drive.

Maker: Weiss Second: Emmons

Result: Carried: 10 to 0

For: 10 - Prothro, Gary, Marshall, Bagley, Jones-Dodd,

Weiss, Hill, Buehler, Ekblad, Emmons

Against: 0

Absent: 5 - Strater, Miranda, Woolen Lipscomb, Wolfish,

Cunningham

Vacancy: 0

Speakers: None

Other Matters

CPC Committee Appointments and Reports

Miranda resigned as Chair of the CPC Trinity River Corridor Ad Hoc Committee. Chair Weiss appointed Commissioner Emmons as Chair of the CPC Trinity River Corridor Ad Hoc Committee. Chair Weiss appointed Dan Blizzard as Vice Chair of the CPC Trinity River Corridor Ad Hoc Committee.

Minutes

Motion: It was moved to approve the minutes of the May 17, 2007, meeting,

subject to corrections.

Maker: Marshall Second: Jones- Dodd Result: Carried: 10 to 0

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For: 10 - Prothro, Gary, Marshall, Bagley, Jones-Dodd,

Weiss, Hill, Buehler, Ekblad, Emmons

Against: 0

Absent: 5 - Starter, Miranda, Woolen Lipscomb, Wolfish,

Cunningham

Vacancy: 0

Speakers: None

<u>Adjournment</u>

The hearing adjourned at 5:24 p.m.

Robert Weiss, Chair