PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on February 28, 2008, with the briefing starting at 11:30 a.m. in Room 5ES and the public hearing at 1:34 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Chris Buehler, Vice Chair. The following Commissioners were present during the hearing: James Prothro, Jeff Starter, Clarence Gary, Michael Davis, Emma Rodgers, John Lozano, Ann Bagley, Erma Jones-Dodd, Bob Weiss, Tom Lueder, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. 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:

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.

Minor Amending Plat

(1) **S078-105**

Motion: It was moved to **approve** an application to create one 0.500 acre lot, and one 0.945 acre lot from a 1.445 acre tract of land in City Block 7080 on 10410 Northwest Highway at Solta Drive, subject to compliance with the conditions listed in the docket.

Maker: Weiss Second: Rodgers Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

(2) **S078-106**

Motion: It was moved to **approve** an application to create one lot from a 0.65 acre tract of land in City Block 5402 on Greenville Avenue at Milton Street, southeast corner, subject to compliance with the conditions listed in the docket.

Maker: Weiss Second: Rodgers Result: Carried: 15 to 0

- For: 15 Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
- Against:0Absent:0Vacancy:0

Speakers: None

(3) **S078-107**

Motion: It was moved to **approve** an application to revise a previously approved plat (S056-232) on a 13.4599 acre tract of land in City Block A/7081 into one 3.679 acre lot, one 5.320 acre lot and one 4.460 acre lot on E. Northwest Highway at Lullwater Drive, Northwest corner, subject to compliance with the conditions listed in the docket with a correction to the agenda indicating the zoning as Planned Development District No. 775.

Maker: Weiss Second: Rodgers Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

(4) **S078-108**

Motion: It was moved to **approve** an application to create one 5.3203 acre lot and one 11.8206 acre lot from an 18.5215 acre tract of land, in City Block 8761 at the southeast corner of the Dallas North Tollway and State Highway 190, subject to compliance with the conditions listed in the docket with condition #20 deleted.

Maker:	Weiss
Second:	Rodgers
Result:	Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

(5) **S078-110**

Motion: It was moved to **approve** an application to replat a 2.878 acre tract of land in City Block 2318 into one lot on Maple Avenue, south of Hudnall Street, subject to compliance with the conditions listed in the docket.

Maker: Weiss Second: Rodgers Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

(6) **S078-111**

Motion: It was moved to **approve** an application to replat a 0.304 acre tract of land containing part of Lots 15 and 16 in City Block D/1994 into an 8 lot Shared Access Development on 2411 and 2415 W. Garrett Avenue, northwest of Capitol Avenue, subject to compliance with the conditions listed in the docket.

Maker: Weiss Second: Rodgers Result: Carried: 15 to 0

- For: 15 Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
- Against: 0 Absent: 0 Vacancy: 0

Speakers: None

(7) **S078-112**

Motion: It was moved to **approve** an application to create a 6.050 acre lot in City Block 6488 on Bickham Road at Sandy Lane, northwest corner, subject to compliance with the conditions listed in the docket.

	Maker: Weiss Second: Rodge Result: Carried	
	For:	15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
	Against: Absent: Vacancy:	0 0 0
• •		

Speakers: None

Residential Replats

(8) **S078-101**

Motion: It was moved to **approve** an application to replat a 4.2955 acre tract of land containing a previously recorded plat for a 36 lot Shared Access Area Development to abandon a portion of a utility easement from Lots 45 and 55 in City Block C/7295 on Ferguson Road, northeast of the northeast line of Lakeland Drive, subject to compliance with the conditions listed in the docket.

Maker: Weiss Second: Bagley Result: Carried: 15 to 0

- For: 15 Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
- Against:0Absent:0Vacancy:0

Speakers: None

(9) **S078-102**

Motion: It was moved to **deny** an application to replat a 0.36 acre tract of land containing all of Lot 23 and part of Lot 24 in City Block 17/5244 on 8626 Groveland Drive between Lakeland Drive and Sanford Avenue, subject to compliance with the conditions listed in the docket, due to non compliance with Section 51A–8.503 of the Dallas Development Code.

Maker:	Weiss
Second:	Emmons
Result:	Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley*, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

*out of the room, shown voting in favor

Speakers: For: Steven Janeway, 5061 Avery Ln., the Colony, TX, 75056 Against: None

(10) **S078-103**

Motion: It was moved to **approve** an application to replat part of City Block 3/5523 into one 2.3819 acre lot on 10711 Strait Lane north of Harry's Lane, subject to compliance with the conditions listed in the docket.

Maker: Ekblad Second: Davis Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley*, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:0Absent:0Vacancy:0

*out of the room, shown voting in favor

Speakers: None

(11) **S078-104**

Removal of Building Lines Motion: It was moved to **deny** the removal of the existing 50 foot platted building line from Lot 44C and the removal of the existing 40 foot platted building line on Lot 44A on 9824 and 9844 Rockbrook Drive south of Meadowood Road, due to non compliance with Section 51A-8.505 of the Dallas Development Code.

Maker: Second: Result:		: 15 to 0
	For:	15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley*, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Abs	ainst: sent: cancy:	0 0 0

*out of the room, shown voting in favor

Replat Motion: It was moved to **approve** the replat a 2.429 acre tract of land containing all of Lots 44A and 44C in City Block 5543 into one 2.429 acre lot on 9824 and 9844 Rockbrook Drive south of Meadowood Road with Condition #13 revised to read: "On the final plat provide a 1.5 foot sidewalk and public utility easement along Rockbrook Drive and Meadowood Road."

Maker: Second: Result:	Buehler		o 0
	For:	15 -	Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley*, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Abs	ainst: sent: cancy:	0 0 0	

Speakers: For: Ed Simons, 900 Jackson St., Dallas, TX, 75202 Against: Charles Price, 9839 Rockbrook Dr., Dallas, TX, 75220

(12) **S078-114**

Motion I: In considering an application to replat a 0.290 acre tract of land containing all of Lot 8 in City Block 8/5498 to reduce the existing 50 foot platted building line to a 35 foot platted building line on 6448 Pemberton Drive between Tibbs Street and Edgemere Drive, it was moved to **hold** this case under advisement until March 6, 2008.

Maker: Second: Result:	Buehle		9
	For:	6 -	Davis, Lueder, Buehler, Ekblad, Emmons*, Alcantar
Aga	ainst:	9	- Prothro, Strater, Gary, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Wolfish
	sent: cancy:	0 0	

*out of the room, shown voting in favor

Commissioner Buehler moved for the Commission to convene to Executive Session regarding S078-114. Commissioner Weiss seconded the motion.

Motion II: It was moved to **deny** an application to replat a 0.290 acre tract of land containing all of Lot 8 in City Block 8/5498 to reduce the existing 50 foot platted building line to a 35 foot platted building line on 6448 Pemberton Drive between Tibbs Street and Edgemere Drive, due to non compliance with Section 51A-8.505 of the Dallas Development Code.

Maker: Second: Result:	Rodger	
	For:	14 - Prothro, Strater, Gary, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons*, Alcantar
Abs	ainst: sent: cancy:	1 - Davis 0 0

Speakers: For: Jonathan Vinson, 901 main St., Dallas, TX, 75202 Against: Poota Banerjee, M.D., 6430 Pemberton Dr., Dallas, TX, 75230 Pam Hall, 6436 Pemberton Dr., Dallas, TX, 75230

(13) **S078-115**

Motion: It was moved to **approve** an application to replat a 42.143 acre tract of land containing part of Lot 1, City Block S/5455 and all of Lot 1A, City Block S/5455 into one 17.341 acre lot, and one 24.801 acre lot on N. Central Expressway; at Walnut Hill Lane, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Buehler Second: Wolfish Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: For: William Cothrum, 900 Jackson St., Dallas, TX, 75202 Against: None

Miscellaneous Docket

M078-008

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the landscape plan for Planned Development District No. 308 for MU-1 Mixed Use District and CR Community Retail District Uses on the northeast corner of Forest Lane and Webb Chapel Road.

Maker: Weiss Second: Strater Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0 Absent: 0 Vacancy: 0

Speakers: None

M078-009

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan to provide for a relocation of a portion of an internal expansion area northward and adjacent to the baseball field for Planned Development District No. 703 for a Public school and R-7.5(A) Single Family District Uses on the southeast corner of Hillcrest Road and Lakehurst Avenue.

Maker: Weiss Second: Strater Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

M078-115

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan to provide for the removal of a notation on the approved site plan that identifies required off-street parking on an abutting lot on the southwest line of Exposition Avenue, east of Ash Lane.

Maker: Weiss Second: Strater Result: Carried: 15 to 0

> For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

Motion: It was moved to **approve** a minor amendment to the development plan to provide for a guardhouse and specific locations for water tower, transformer, and storage tank infrastructure for Planned Development District No. 521 for Mixed Uses on the northwest line Mountain Creek Parkway, north of IH 20.

Maker:WeissSecond:StraterResult:Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

Speakers: None

W078-007

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to amend the sign provisions in the Planned Development District for RR Regional Retail District uses plus multifamily uses on the north corner of Northwest Highway and Skillman Street.

	Maker: Second: Result:		
		For:	15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
	Abs	ainst: sent: cancy:	0 0 0
	*00	t of the r	room, shown voting in favor
Speakers	s: Fo	or: Robe	ert Reeves, 900 Jackson St., Dallas, TX, 75202

M078-116

Certificates of Appropriateness for Signs

Downtown Sign District

0801311039

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a 112 square foot Upper Level flat attached wall sign containing the AT&T logo with the letters "**at&t**" on the northeast façade facing Hawkins Street at 2400 Ross Avenue.

Maker:	Buehler
Second:	Wolfish
Result:	Carried: 15 to 0

For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

*out of the room, shown voting in favor

Speakers: None

Zoning Cases - Consent

1. Z078-150(MAW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant with <u>retention</u> of the Dry Liquor Control Overlay on property zoned an MU-2-D Mixed Use District with a Dry Liquor Control Overlay on the northeast corner of Josey Lane and Forest Lane.

Maker: Second: Result:	Wolfish	10 t	o 5			
	For:	10 -	Prothro, Stra Lueder, Wolf		, Davis, Lozan d, Alcantar	o, Weiss,
Aga	ainst:	5	- Rodgers, Emmons	Bagley,	Jones-Dodd,	Buehler,
	sent: cancy:	0 0				

Notices:	Area:	400	Mailed:	15
Replies:	For:	0	Against:	0

Speakers: For: Tommy Mann, 5400 Renaissance Tower, Dallas, TX, 75270 Against: None

2. **Z078-152(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of the termination of the existing deed restrictions on property zoned an MU-1 Mixed Use District, on the southwest corner of Greenville Avenue and Markville Drive.

Maker: Lueder Second: Lozano Result: Carried: 15 to 0 For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

*out of the room, shown voting in favor

Notices:	Area:	300	Mailed:	11
Replies:	For:	0	Against:	1

Speakers: For: Rob Baldwin, 401 Exposition Ave., Dallas, TX, 75206 Against: None

Zoning Cases – Under Advisement

3. Z067-238(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** of an MU-1 Mixed Use District, an R-5(A) Single Family District and a TH-3(A) Townhouse District on property zoned an A(A) Agricultural District, on the north side of Barnes Bridge Road, east of Bobtown Road.

Maker: Weiss Second: Buehler Result: Carried: 14 to 1

- For: 14 Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Alcantar
- Against: 1 Emmons Absent: 0
- Vacancy: 0

Notices:	Area:	500	Mailed:	249
Replies:	For:	6	Against:	23

Speakers:	For:	William Cothrum, 900 Jackson St., Dallas, TX, 75202
-		Mark Bryza, 1717 Main St., Dallas, TX, 75115
	Against:	Deborah Franklin, 629 pecan Creek Dr., Sunnyvale, TX, 75182
	-	Suzan Kedron, 901 Main St., Dallas, TX, 75202
		Jim Phaup, 127 Collins Rd., Sunnyvale, TX, 75182

4. **Z078-113(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** of an IM Industrial Manufacturing District on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay, on the west side of Parkdale Drive, north of Military Parkway.

Maker: Bagley Second: Weiss Result: Carried: 15 to 0

> For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:0Absent:0Vacancy:0

*out of the room, shown voting in favor

Notices:	Area:	400	Mailed:	19
Replies:	For:	3	Against:	9

Speakers: For: None Against: Susan Foster, 2701 N. Dallas Parkway, Plano, TX, 75093

5. **Z067-337(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial** of an MF-1(A) Multifamily District on property zoned an R-7.5(A) Single Family District on the east line of Houston School Road, north of Wheatland Road.

Maker: Jones-Dodd Second: Davis Result: Carried: 15 to 0 For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley*, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar Against: 0 Absent: 0 Vacancy: 0 *out of the room, shown voting in favor Aroo: 400 Mailad: 15 Noticos

notices:	Area.	400	Malled.	15	
Replies:	For:	2	Against:	2	

Speakers: For: Regina Brown, 8160 Houston School Rd., Dallas, TX, 75241 Against: None

Authorization of Hearings - Under Advisement

Motion: In considering the authorization of a public hearing to determine the proper zoning on property zoned an R-7.5(A) Single Family District with a portion encumbered with volunteered deed restrictions and Specific Use Permit Nos. 104, 105, 253, 652, 1161, 1502, and 1510 on a portion, an MF-2(A) Multifamily District with a portion encumbered with volunteered deed restrictions, an MF-2(A)(SAH) Multifamily District with a portion encumbered with volunteered deed restrictions a D-1 Dry Liquor Control Overlay on a portion, a D(A) Duplex District, a TH-3(A) Townhouse District with a portion encumbered with volunteered deed restrictions, a MH(A) Mobile Home District, an NS(A) Neighborhood Service District with a portion encumbered with volunteered deed restrictions with a D and D-1 Dry Liquor Control Overlay on a portion, a CR Community Retail District with a portion encumbered with volunteered deed restrictions and a D-1 Dry Liquor Control Overlay on a portion, a CS Commercial Service District, an RR Regional Retail District with a portion encumbered with volunteered deed restrictions and a D and D-1 Dry Liquor Control Overlay on a portion and Specific Use Permit Nos. 923 and 1585 on a portion, a MC-1 Multiple Commercial District with a D-1 Dry Liquor Control Overlay on a portion, a MC-3 Multiple Commercial District, Planned Development District No. 83, Planned Development District No. 605 and Planned Development District 721 in an area generally bound by Forney Road, Lawnview Avenue, and Buckner Blvd. and R.L. Thornton Freeway with consideration being given to a Planned Development District, it was moved to hold this case under advisement indefinitely.

> Maker: Davis Second: Bagley Result: Carried: 15 to 0 For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd*, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0 Absent: 0 Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Landmark Commission Appeal

Motion: In considering an appeal of the Landmark Commission decision to deny a Certificate of Appropriateness (CA067-403(MD) at 5800 La Vista Court) to paint the brick without Certificate of Appropriateness approval within the Edison/La Vista Court Historic District, it was moved to **uphold** the decision of the Landmark Commission.

Maker: Emmons Second: Weiss Result: Carried: 15 to 0 15 - Prothro, Strater*, For: Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar Against: 0 Absent: 0 Vacancy: 0 *out of the room, shown voting in favor Speakers: For: None City Staff: Mark Doty, Senior City Planner Casey Burgess, Assistant City Attorney

Other Matters

CPC Committee Appointments and Reports - None

<u>Minutes</u>

Motion: It was moved to **approve** the minutes of the February 14, 2008, City Plan Commission meeting, subject to corrections.

Maker: Weiss Second: Buehler Result: Carried: 15 to 0

> For: 15 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against:	0
Absent:	0
Vacancy:	0

*out of the room, shown voting in favor

<u>Adjournment</u>

Motion: It was moved to adjourn the February 28, 2008, City Plan Commission meeting at 5:53 p.m.

Maker: Davis Second: Prothro Result: Carried: 15 to 0

- For: 15 Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
- Against: 0
- Absent: 0
- Vacancy: 0

Joe Alcantar, Chair