

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on March 6, 2008, with the briefing starting at 10:37 a.m. in Room 5ES and the public hearing at 1:31 p.m. in the City Council Chambers of City Hall. Presiding were Chris Buehler, Acting Chair and Bob Weiss, Acting Vice Chair. The following Commissioners were present during the hearing: James Prothro, Jeff Strater, Clarence Gary, Michael Davis, Emma Rodgers, John Lozano, Ann Bagley, Erma Jones-Dodd, Tom Lueder, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Joe Alcantar. 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) **S078-116**

Motion: It was moved to **approve** an application to create a 3.98 acre lot from Lots 2A, 2B, 3A, 3B and 4A of the Coates Addition, all of Lot 4 of the Anne Johnston Ford Addition (unrecorded), and a tract of land in Block 6528, on Southwell Road west of Shady Trail, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S078-117**

Motion: It was moved to create a one 35.604 acre lot from all of a 35.604 acre tract of land in City Block 211/6113, on Mountain Creek Parkway, north of Merrifield Road **approve** an application to, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S078-118**

Motion: It was moved to **approve** an application to relocate the lot lines for Lot 1C and 2C in City Block I/638, Southwest corner of McKinney Ave and N. Hall Street, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(4) **S078-119**

Motion: It was moved to **approve** an application to replat Lot 2A, Block 5696 in the R.M. Eagle Addition No. 2, a portion of Block E/5697 of the Kroger Addition, and an unplatted parcel of land in City Block E/5697, into one 7.837 acre lot, located on Haggard Way, south of Mockingbird Lane, subject to compliance with the conditions listed in the docket.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(5) **S078-120**

Motion: It was moved to **approve** an application to replat a 33.14 acre tract of land containing Lot 5, Block 7291, Manderville I Addition, Lot 4, Block 7291, Manderville II Addition, Lot 3, Block 7291, High Ridge Addition, and a portion of Manderville Lane (abandoned) into one 8.33 acre lot, one 8.82 acre lot, one 2.078 acre lot, one 0.117 acre lot, one 3.53 acre lot, one 1.07 acre lot, one 0.604 acre lot and one 5.416 acre lot, along Manderville Lane, south of Royal Lane, subject to compliance with the conditions listed in the docket with the following changes: 1) A revision to Condition #15 to read as follows: "The maximum number of lots permitted by this plat is 8." 2) Add Condition #16 to read as follows: "proposed common areas need to be labeled with letters, not numbers."

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(6) **S078-121**

Motion: It was moved to **approve** an application to create one 0.91 acre lot and one 0.69 acre lot, from a 1.60 acre, Lot 3 of the William T. and James M. Ponder Addition, Block 1/6203, on the northeast corner of South Buckner Blvd. and Scyene Road, subject to compliance with the conditions listed in the docket with the following addition of proposed Condition #21: "On the final plat change the proposed 20 foot utility easement by this plat" to "20 foot public utility easement by the plat," or "20 foot utility easement by separate instrument and place the recording information on the face of the final plat."

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(7) **S078-122**

Motion: It was moved to **approve** an application to create one 2.11 acre lot, one 0.74 acre lot, and one 1.87 acre lot, from a 4.71 acre tract of land, locate at the southwest corner of Marsh Lane and Timberglen Road, subject to compliance with the conditions listed in the docket with the following addition of proposed Condition #21: "On the final plat change the proposed 20 foot utility easement by this plat" to "20 foot public utility easement by the plat," or "20 foot utility easement by separate instrument and place the recording information on the face of the final plat."

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater*, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Residential Replats:

(8) **S078-113**

Motion: It was moved to **approve** an application to replat a 5.430 acre tract of land containing part of Lots 3, 4 and 5 in City Block B/5127, and 1.201 tract of land in City Block B/5127 into one lot on Mary Cliff Road, west of Kyle Street, subject to compliance with the conditions listed in the docket with the addition of Condition #17 to read as follows: "On the final plat provide the recording information in note 3 for the existing storm water drainage easement."

Maker: Gary
Second: Emmons
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Speakers: None

Note: The Commission voted unanimously to change the order of the agenda to the following: Miscellaneous Docket, Zoning Cases–Consent, Zoning Cases–Under Advisement, Z078-159(WE), Z078-123(RB), Z067-255(JH) and Z078-161(JH).

Miscellaneous Docket

M078-011

Planner: Richard Brown

Motion: In considering a minor amendment to the development plan for Planned Development District No. 322 for Mixed uses on the northeast corner of LBJ Freeway and the Dallas North Tollway, it was moved to **hold** this case under advisement until March 27, 2008.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Speakers: None

W078-008

Planner: Neva Dean

Motion: In considering a waiver of the two-year waiting period in order to submit an application to expand and amend Tract IIA within Conservation District No. 6, the Hollywood/Santa Monica Conservation District, on Shady Side Lane, both sides, southeast of Lindsley Avenue, it was moved to **hold** this case under advisement until March 27, 2008.

Maker: Weiss
Second: Jones-Dodd
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Speakers: None

W078-009

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to expand and amend Planned Development District No. 770 for multifamily uses and limited non-residential uses on the north side of La Vista Drive, east of Grand Avenue.

Maker: Strater
Second: Weiss
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Speakers: None

W078-010

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to amend Planned Development District No. 752 to allow additional modular classrooms to be added on Edd Road and Garden Grove Drive, south corner.

Maker: Jones-Dodd
Second: Prothro
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. **Z078-154(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Planned Development District for LI Light Industrial District uses, subject to a site plan and conditions and **approval** of an amendment to the deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive.

Maker: Wolfish
Second: Strater
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 500 Mailed: 7
Replies: For: 2 Against: 0

Speakers: For: Jonathan Vinson,
Against: None

2. **Z078-158(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** to renew Specific Use Permit No. 1620 for a commercial amusement (inside) limited to a Class A dance hall and for an alcoholic beverage establishment for private club/bar for a five-year period, subject to a site plan and conditions on property zoned a CR Community Retail District on the east side of Dallas North Parkway, between Beltline Road and Arapaho Road.

Maker: Davis
Second: Weiss
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons*

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 9
Replies: For: 0 Against: 0

Speakers: For: Roger Albright,
Against: None

Zoning Cases – Under Advisement

3. **Z078-132(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial** of an amendment to the deed restrictions on property zoned a CS Commercial Service District on the northeast side of Lemmon Avenue, south of Hopkins Avenue.

Maker: Emmons
Second: Strater
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 300 Mailed: 29
Replies: For: 1 Against: 7

Speakers: For: None
Against: Joyce Lockley, 4718 Wateka Dr., Dallas, TX, 75209

Zoning Cases – Individual

4. **Z067-255(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 317, the Cedars Area Special Purpose District, subject to staff conditions on property zoned, in an area generally bound by I-30, I-45, G.C.&S.F. Railroad, and the M.K.&T. Railroad with the following change: A 40 percent reduction of parking within 1500 feet of the DART Rail station.

Maker: Strater

Second: Rodgers

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0

Absent: 1 - Alcantar

Vacancy: 0

Notices: Area: 200

Mailed: 478

Replies: For: 21

Against: 8

Speakers: For: Doug Caudill, 1529 Sullivan Dr., Dallas, TX, 75229
Wilson Roe, 6814 Hammond Ave., Dallas, TX, 75223
Against: None

5. **Z078-161(JH)**

Planner: Jennifer Hiromoto

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 applicant's conditions on property zoned a CR Community Retail District, on the northeast line of Emerald Isle, north of Garland Road with the following changes 1) Multifamily uses are prohibited. 2) Maximum structure height 38 feet. 3) Maximum of 41 single family dwellings. 4) Article X will be complied with for landscaping following Section 51A-10.125(a)(2)(B). 5) The conceptual plan will be revised to remove all references to Multifamily.

Maker: Weiss

Second: Davis

Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 500 Mailed: 57
Replies: For: 3 Against: 7

Speakers: For: Payman Horri, 5207 Richard Ave., Dallas, TX, 75206
Mary Griggs, 8817 Grenore Dr., Dallas, TX, 75218
Kristin Laminack, 8639 Forest Hills, Dallas, TX, 75218
Mark Wilson, 9258 Biscayne Blvd., Dallas, TX, 75218
Against: None,

6. Z078-159(WE)

Planner: Warren Ellis

Motion: In considering an application to amend Zones 1A and 1B of Planned Development District No. 184 for office, retail and residential uses, on the northeast corner of Carlisle Street and Cedar Spring Road, it was moved to **hold** this case under advisement until April 3, 2008.

Maker: Emmons
Second: Weiss
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 500 Mailed: 66
Replies: For: 5 Against: 11

Speakers: None

7. Z078-123(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a conceptual plan and revised staff's recommended conditions on property zoned an MU-3 Mixed Use District for the portion of the site in the northeast quadrant of IH 635 and Noel Road, and property zoned an MU-2(SAH) Mixed Use District-Affordable for the portion of the site on the south line of Peterson Lane, east of Noel Road with the following changes: 1) Change the name of the "retail package store" to "retail food and beverage store" and delete references to alcoholic beverages. 2)

Retail pavilions must be located on private property or private streets. If a right-of-way becomes a public street, the retail pavilion must be removed. Advertising on retail pavilions is limited to on-premise advertising. 3) Change the minimum height of buildings facing Drive A to 50 feet and three stories for 85 percent of the building façade and 40 feet and two stories for 15 percent of the building façade. 4) Maximum height for structures within 36 feet of residential uses is 75 feet. (applicant's request). 5) Use the staff recommendation on floor area equivalencies. 6) Clarity that parking agreements are required for any remote or special parking located outside the Planned Development District, but that no parking agreement required for remote or special parking located within the Planned Development District. 7) Required that development meet LEEDS certification. 8) Signs must comply with the provisions for business zoning districts, except as provided in the Planned Development conditions, with the following changes to the Planned Development conditions: a) Roofs signs are prohibited. b) Signs may not be Highway Beatification Act (HBA) signs. Delete the provision that the planned development will be considered a commercial zoning district for HBA purposes. c) Video board signs and faced graphics signs may be oriented only toward Drives A, B, and C. d) Delete the provision that states the sign regulations of the Planned Development do not apply to signs that are visible from a public access easement. 9) Use the staff recommendation on the commercial amusement inside use, but allow skating rinks by right. 10) Add private streets as an allowed use by right. Change the definition of "internal drive" to provide that Drive A, B, C may be either private streets with an easement that allows public use, or public streets. 11) Require a minimum six foot side walk where the property abuts LBJ Freeway (staff recommendation). 12) Allow ADA approved tree grates are not considered a sidewalk obstruction. (applicant's request). 13) Trees must have a vertical height clearance of 14 feet above street pavement and eight feet above sidewalks (staff recommendation). 14) Staff recommendation on temporary vendors regarding definition and regulations.

Maker: Buehler
Second: Wolfish
Result: Carried: 13 to 1

For: 13 - Prothro, Strater, Gary, Davis, Rodgers, Bagley,
Jones-Dodd, Weiss, Lueder, Buehler, Wolfish,
Ekblad, Emmons

Against: 1 - Lozano
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 500 Mailed: 113
Replies: For: 3 Against: 0

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75205
Paris Rutherford, 4301 Druid Ln., Dallas, TX, 75205
Against: None

Landmark Commission Appeal

Motion: In considering an appeal of the Landmark Commission decision to deny without prejudice a Certificate of Appropriateness (CD078-011(TC)) 3033 Warren Avenue to demolish the main structure, it was moved to **uphold** the decision of the Landmark Commission.

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

For: 13 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Buehler, Alcantar
Vacancy: 0

Speakers: For: None
City Staff: Tracey Cox, Senior City Planner
Casey Burgess, Assistant City Attorney

Other Matters

CPC Committee Appointments and Reports - **None**

Minutes

Motion: It was moved to **approve** the minutes of the February 28, 2008, City Plan Commission meeting, subject to corrections.

Maker: Emmons
Second: Jones-Dodd
Result: Carried: 13 to 0

For: 13 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Buehler, Alcantar
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the March 6, 2008, City Plan Commission meeting at 3:22 p.m.

Maker: Wolfish
Second: Jones-Dodd
Result: Carried: 13 to 0

For: 13 - Prothro, Strater, Gary, Davis, Rodgers,
Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Buehler, Alcantar
Vacancy: 0

Joe Alcantar, Chair