

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on May 17, 2007, with the briefing starting at 9:50 a.m. in Room 5ES and the public hearing at 1:41 p.m. in the City Council Chambers of City Hall. Presiding were Angela Marshall, Acting Chair and Neil Emmons, Acting Vice Chair. The following Commissioners were present during the hearing: James Prothro, Clarence Gary, Debra Woolen Lipscomb, Michael Miranda, Erma Jones-Dodd, Peggy Hill, Chris Buehler, Sally Wolfish, Robert Ekblad and Bill Cunningham. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Jeff Strater, Bob Weiss and Ann Bagley. 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: Michael Grace

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) **S067-166**

Motion: It was moved to **approve** an application to plat a 1.405 acre tract of land in City Block A/327 into a 20,753.31 sq. ft. lot and a 28,926.01 sq. ft. lot at the intersection of Floyd Street and Texas Street, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Buehler
Second: Jones-Dodd
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda*, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S067-167**

Motion: It was moved to **approve** an application to replat 0.5483 acres of land containing all of Lot 5A and a part of Lot 6 in City Block C/2753 into one 23,886.25 sq. ft. lot on the south side of Gaston Avenue between Auburn Avenue and West Shore Drive, subject to compliance with the conditions listed in the docket with an added provision that the plat will not be recorded if it does not track with ownership lines.

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

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda*, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

*out of the room, shown voting in favor

Speakers: For: Jim Mannes, 9637 Viewside Dr., Dallas, TX, 75231
Against: Robert Hogue, 6936 Gaston Ave., Dallas, TX, 75214

Miscellaneous Docket – Under Advisement

M067-003

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 701 for R-7.5(A) Single Family District uses, south of Grady Niblo Road, west of Kiwanis Road.

Maker: Gary
Second: Jones-Dodd
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Speakers: For: Frank Bracken, 5117 Kiwanis Rd., Dallas, TX, 75236
Against: Melodie Geisler, 1217 Serenade Cir., Plano, TX, 75075

M067-026

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan and landscape plan for Specific Use Permit No. 910, for Public school on the west line of Kelley Boulevard, north of Frankford Road.

Maker: Wolfish
Second: Joes-Dodd
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Speakers: None

M067-030

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 640, for various nonresidential uses on property on all four corners at the intersection of Annex Avenue and Bryan Street.

Maker: Wolfish
Second: Jones-Dodd
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Speakers: None

Certificate of Appropriateness for Signs

Deep Ellum/Near Eat Side Sign District

0704305013

Planner: Michael Finley

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a 40 square feet lit cabinet type, flag style pole sign with the permanent text "DEEP ELLUM PARKING" on both sides with space for non-premise advertising at 2718 Commerce Street, west of Crowds.

Maker: Cunningham
Second: Buehler
Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. Z067-159(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District, subject to revised deed restrictions volunteered by the applicant on the east line of Westmoreland Road between Overcrest Street and Davis Street.

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

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 1

Speakers: None

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

Planner: Jennifer Hiromoto

Motion: In considering an application for a Planned Development District for MF-2(A) Multifamily District uses 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, it was moved to **hold** this case under advisement until June 7, 2007.

Maker: Buehler
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Gary, Woolen Lipscomb, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 169
Replies: For: 8 Against: 3

Speakers: For: Barry Knight, 5400 Renaissance Tower, Dallas, TX, 75270
Against: Carlotta Camacho, 5503 Vickery Blvd., Dallas, TX, 75206

3. **Z067-211(JH)**

Planner: Jennifer Hiromoto

Motion: In considering an application for an RR Regional Retail District on property zoned a CS Commercial Service District on the northeast corner of Cockrell Hill Road and Interstate 30, it was moved to **hold** this case under advisement until June 14, 2007.

Maker: Emmons
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices: Area: 400 Mailed: 6
Replies: For: 0 Against: 0

Speakers: None

4. **Z067-192(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for residential and non-residential uses, subject to a conceptual plan and revised conditions on property zoned an A(A) Agricultural District, between Ledbetter Drive and Spur 408, east of Kiest Boulevard and south of Illinois Avenue.

Maker: Emmons
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices: Area: 500 Mailed: 17
Replies: For: 0 Against: 0

Speakers: None

5. **Z067-144(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and revised conditions on property zoned an R-7.5(A) Single Family District on the south side of Umphress Road, east of Jim Miller Road with the deletion of Condition 5.

Maker: Emmons
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices: Area: 400 Mailed: 32
Replies: For: 1 Against: 2

Speakers: None

Zoning Cases – Under Advisement

6. **Z056-311(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northeast corner of Simpson Stuart and Interstate 45.

Maker: Woolen Lipscomb
Second: Miranda
Result: Carried: 8 to 0
For: 8 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Buehler, Ekblad, Emmons

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0
Abstained: 4 - Jones-Dodd, Hill, Wolfish, Cunningham

Commissioners abstained, due to bus tour requirements

Note: The bus tour for this item was on November 9, 2006. Commissioners Jones-Dodd, Hill, Wolfish and Cunningham were not CPC members at the time of the bus tour.

Notices: Area: 500 Mailed: 37
Replies: For: 3 Against: 4

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

Individual Cases

7. Z067-177(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District, an R-5(A) Single Family District, subject to deed restriction volunteered by the applicant and an MU-1 Mixed Use District, on property zoned an R-10(A) Single Family District on the southeast corner of St. Augustine Drive and Interstate Highway 20.

Maker: Jones-Dodd

Second: Woolen Lipscomb

Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb*,
Miranda, Jones-Dodd, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0

Absent: 3 - Strater, Bagley, Weiss

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 126

Replies: For: 4 Against: 7

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

Bill Graue, P.O. Box 101168, Dallas, TX, 75214

Against: Marlene Works, 10118 Oakwood Dr., Dallas, TX, 75217

Theresa Harper, 10108 Oakwood Dr., Dallas, TX, 75217

8. Z067-210(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial** of an NS(A) Neighborhood Service District on property zoned an R-16(A) Single Family District on the southeast corner of Jamestown Road and Forest Lane.

Maker: Ekblad

Second: Buehler

Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb,
Miranda, Jones-Dodd*, Hill, Buehler, Wolfish,
Ekblad, Emmons, Cunningham

Against: 0

Absent: 3 - Strater, Bagley, Weiss

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 14
Replies: For: 1 Against: 3

Speakers: For: J.W. Kerr, Jr., 12541 Montego Plz., Dallas, TX, 75230
Zachariah C. Manning, 6247 Walnut Hill Ln., Dallas, TX, 75230
Against: Rhonda Edmundson, 5816 Brookstown, Dallas, TX, 75230
Sylvia Acuff, 5931 Meletio Ln., Dallas, TX, 75230
Katie Day, 5610 Forest Ln., Dallas, TX, 75230
Alisa Sikorski, 5832 Del Roy Dr., Dallas, TX, 75230
Leslie Barnes, 7278 Joyce Way Dr., Dallas, TX, 75225
Meir Tannenbaum, 11730 Jamestown Rd., Dallas, TX, 75230
Richard Peterson, 5839 Boca Raton Dr., Dallas, TX, 75230
Ellen Fleishmann, 5657 Charlestown Dr., Dallas, TX, 75230

9. Z067-212(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial without prejudice** to remove the D Dry Liquor Control Overlay on property zoned a CR-D Commercial Retail District on the southwest corner of Matalee Avenue and Greenville Avenue.

Maker: Emmons
Second: Cunningham
Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Woolen Lipscomb*, Miranda, Jones-Dodd, Hill, Buehler*, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

*out of the room, shown voting in favor
Commissioner abstained, due to bus tour requirements

Notices: Area: 200 Mailed: 28
Replies: For: 3 Against: 1

Speakers: None

10. **Z067-213(JH)**

Planner: Jennifer Hiromoto

Motion: In considering an application for an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road, it was moved to **hold** this case under advisement until June 14, 2007.

Maker: Jones-Dodd
Second: Buehler
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill,
Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda**, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

**Commissioner left, before vote taken
Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 70
Replies: For: 5 Against: 3

Speakers: For: Barry Knight, 5400 Renaissance Tower, Dallas, TX, 75270
Mathew Smith, Address not given
Against: James Dodd, 3575 Ray Rd., Dallas, TX, 75241
Thomas Allen, 200 N. Crest St., Lancaster, TX, 75134

Note: Z067-213(JH) was reconsidered at the end of the meeting.

Motion to reconsider: It was moved to **reconsider** the action taken earlier today, which was to hold consideration of an application until June 14, 2007.

Maker: Jones-Dodd
Second: Buehler
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill,
Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Motion II: In considering an application for an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road, it was moved to **hold** this case under advisement until June 7, 2007.

Maker: Jones-Dodd
Second: Woolen Lipscomb
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill,
Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 70
Replies: For: 5 Against: 3

Speakers: None

11. Z067-190(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a conceptual plan and revised staff conditions on property zoned an MF-1(A) Multifamily District and R-7.5(A) Single Family District on both sides of Walnut Hill Lane, east of Skillman Road with the following additional conditions 1) Approve greater setbacks, but increase the Commission's discretion to 30' rather than 10'; 2) Striping of the on-street parking spaces and soil depth on parking deck planters; 3) Modify the staff's alternative tree mitigation proposal, Section 116(b)(4) to read as follows: "Tree mitigation is not required for trees removed for infrastructure in water retention areas as approved under Article V; 4) Follow staff's recommendation on 119(c) Pedestrian Pathways, change the last word from "Property" to "development plan" and change the water fountain spacing to one every 800 feet.

Maker: Hill
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill,
Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 328
Replies: For: 2 Against: 48

Speakers: For: Myron Dornic, 5026 Maple Springs Blvd., Dallas, TX, 75235
Against: None

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

Planner: Richard Brown

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 7, 2007.

Maker: Jones-Dodd

Second: Buehler

Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Marshall*, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 4 - Strater, Miranda, Bagley, Weiss

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 118
Replies: For: 5 Against: 4

Speakers: For: Bill Dolstrom, Address not given
Against: Charles Ozymy, 9606 Blanco Rd., Lancaster, TX, 75134

13. **Z067-194(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial without prejudice** of a Planned Development District for a Community service center, a Private recreation center, club, or area and MF-2(A) Multifamily District Uses on property zoned an MF-2(A) Multifamily District on property along the west line of Johnson Place, between Munger Avenue and Roseland Avenue.

Maker: Emmons
Second: Prothro
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill,
Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 29
Replies: For: 1 Against: 1

Speakers: None

14. Z067-173(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other residential and nonresidential uses, subject to the applicant's revised conditions, a conceptual plan and a development plan and landscape plan for the Subarea B, C, D, and G portions of the request site, on property zoned an LC Light Commercial District, an MF-3 Multiple Family Subdistrict, an I-2 Industrial Subdistrict, an HC Heavy Commercial Subdistrict, Planned Development Subdistrict No. 18 for I-2 Industrial Subdistrict Uses, Planned Development Subdistrict No. 25-D for O-2 Office Subdistrict Uses, all within Planned Development District No. 193, the Oak Lawn Special Purpose District with the termination of the Dry Liquor Control Overlay that encumbers portions of the site, the termination of existing deed restrictions on a portion of the site, and termination of Planned Development Subdistrict Nos. 18 and 25 in an area generally bounded by McKinnon Street, Moody Street, Akard Street, Ashland Street, Field Street, Payne Street, Harry Hines Boulevard, and Randall Street.

Maker: Emmons
Second: Cunningham
Result: Carried: 11 to 0
For: 11 - Prothro, Gary, Marshall, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0

Notices: Area: 500 Mailed: 131
Replies: For: 13 Against: 11

Speakers: For: Jerry Jackson, 7231 Cutter Mill Dr., Dallas, TX, 75248
Against: Richard Brink, 1999 McKinney Ave., Dallas, TX, 75201

Other Matters

CPC Committee Appointments and Reports - None

Z067-213(JH)

Planner: Jennifer Hiromoto

Motion to reconsider: It was moved to **reconsider** the previous action taken earlier today, which was to hold consideration of an application until June 14, 2007.

Maker: Jones-Dodd
Second: Buehler
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Motion II: In considering this application, it was moved to **hold** this case under advisement until June 7, 2007.

Maker: Jones-Ddod
Second: Woolen Lipscomb
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 70
Replies: For: 5 Against: 3

Speakers: None

Minutes

Motion: It was moved to **approve** the minutes of the May 10, 2007, meeting, subject to corrections.

Maker: Buehler

Second: Emmons

Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Marshall, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 4 - Strater, Miranda, Bagley, Weiss

Vacancy: 0

Speakers: None

Adjournment

Motion: It was moved to **adjourn** the hearing at 5:13 p.m.

Maker: Cunningham

Second: Buehler

Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Marshall, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 4 - Strater, Miranda, Bagley, Weiss

Vacancy: 0

Robert Weiss, Chair