

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 27, 2007, with the briefing starting at 10:35 a.m. in Room 5ES and the public hearing at 1:30 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, Ann Bagley, Erma Jones-Dodd, Chris Buehler, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Peggy Hill and Bill Cunningham. There is one vacancy - District 6.

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: 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) **S067-264**

Motion: It was moved to **approve** an application to replat Lots 1 thru 3 and a tract of land in City Block A/5127 into one 4.3716 acre lot on the southwest corner of Stevens Forest Drive and Mary Cliff Road, northwest corner subject to compliance with the conditions listed in the docket.

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

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

(2) **S067-266**

An application to plat a tract of land in City Block 7749 into one 5.004 acre lot on the east side of N. Central Expressway (US75) between Forest Lane and LBJ Freeway (I635)

This item was withdrawn before the hearing date

(3) **S067-267**

Motion: It was moved to **approve** an application to replat part of Lots 19 thru 21 in City Block 3/5687 and part of Lot 1 in City Block 1/5695 into one 28,878 sq. ft. lot between the Dallas North Tollway and Eastern Avenue south of Lovers Lane, subject to compliance with the conditions listed in the docket with Condition #10 revised to read "On the final plat provide a three (3) foot wide sidewalk and utility easement along Eastern Avenue".

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

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

(4) **S067-268**

Motion: It was moved to **approve** an application to replat part of Lots 1 thru 3 and the remainder of Lots 4 & 5 in City Block A/3414 and all of City Blocks 3422 & 3423 into one 2.6034 acre lot on the north corner of Plowman Avenue and N. Zang Boulevard, subject to compliance with the conditions listed in the docket.

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

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

Individual Item Agenda - Residential Replats

(5) **S067-262**

Motion: It was moved to **approve** an application to replat Lots 7, 8, 19 & 20 in City Block E/7590 into one 3.265 acre lot between Willoughby Boulevard and Sedgemoor Avenue south of Beckleymeade Avenue, subject to compliance with the conditions listed in the docket.

Maker: Ekblad
Second: Jones-Dodd
Result: Carried: 11 to 1

For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad

Against: 1 - Emmons
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

(6) **S067-265**

Motion: It was moved to **approve** an application to replat Lot 3 in City Block 6960 into an eighteen lot Shared Access Development on the south side of Blue Ridge Boulevard west of Kimball Ridge Drive, subject to compliance with the conditions listed in the docket with Condition #46 added to read "Submit a tree survey to the arborist in Room 105, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., for review and approval prior to submittal of the final plat or application for an early release building permit, whichever occurs first".

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

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

Miscellaneous Docket

M067-047

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 1620 for a Commercial amusement (inside) use limited to a Class A dance hall and an Alcoholic beverage establishment for a private-club bar on the east line of the Dallas North Tollway, north of Belt Line Road.

Maker: Bagley
Second: Wolfish
Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

Z067-251(RB)

Planner: Richard Brown

Motion I: It was moved to **approve** a site plan in conjunction with an application for a Specific Use Permit for an Alcoholic beverage establishment for a Private club-bar on property zoned a CR Community Retail District on the southeast corner of Midway Road and Frankford Road.

Maker: Bagley
Second: Wolfish
Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Speakers: None

Zoning Cases – Consent

1. **Z067-300(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an R-5(A) Single Family District on an internal parcel northeast of Shadow Creek Drive and Spikerush Court

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

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish, Ekblad, Emmons

*out of the room, shown voting in favor

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

Notices: Area: 200 Mailed: 6
Replies: For: 0 Against: 0

Speakers: None

2. Z067-133(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 conditions on property zoned a CR Community Retail District, on the west corner of Vermont Avenue and Ewing Avenue.

Maker: Strater
Second: Ekblad
Result: Carried: 11 to 0
For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6
Conflict: 1 - Buehler*

* out of the room when vote taken

Notices: Area: 200 Mailed: 11
Replies: For: 0 Against: 0

Speakers: None

3. Z067-301(OTH)

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of a CR Community Retail District with retention of the Dry Liquor Control Overlay on property zoned an LO-1(A)-D Limited Office District with a Dry Liquor Control Overlay on the north side of Garland Road, southwest of Buckner Boulevard.

Maker: Weiss
Second: Marshall
Result: Carried: 10 to 2
For: 10 - Prothro, Gary, Marshall, Woolen Lipscomb, Jones-Dodd, Weiss, Buehler*, Wolfish, Ekblad, Emmons

Against: 2 - Strater, Bagley
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 23
Replies: For: 3 Against: 1

Speakers: For: None
Against: Jean Wootan, 7210 Lakewood Blvd., Dallas, TX, 75214

4. **Z067-303(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of an MU-1 Mixed Use District on property zoned MF-2(A) Multifamily District on the north side of Garland Road, southwest of Buckner Boulevard.

Maker: Strater
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

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

Speakers: None

Zoning Cases – Under Advisement

5. **Z067-262(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an MO-1 Mixed Office District, subject to new deed restrictions volunteered by the applicant and **approval** of the termination of the existing deed restrictions, on the southeast corner of LBJ Freeway and Forest Lane.

Maker: Bagley
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 60
Replies: For: 2 Against: 4

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

6. Z067-225(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Specific Use Permit for vehicle or engine repair and maintenance use for a one-year with eligibility for automatic renewal for one additional one-year time period, subject to a site plan and staff's conditions on property zoned Subdistrict 3 within Planned Development District No. 533, the CF Hawn Special Purpose District No. 1 on the northeast side of CF Hawn Freeway, south of Lake June Road with the hours of operation changed to 8:30 a.m. to 6:30 p.m., Monday through Saturday.

Maker: Woolen Lipscomb
Second: Ekblad
Result: Carried: 10 to 2
For: 10 - Prothro, Strater, Gary, Woolen Lipscomb, Bagley,
Jones-Dodd, Buehler*, Wolfish, Ekblad, Emmons

Against: 2 - Marshall, Weiss
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Amendment to Motion: It was moved to **amend** the time period to one-year, with eligibility for automatic renewal for one additional one-year time period on property zoned Subdistrict 3 within Planned Development District No. 533, the CF Hawn Special Purpose District No. 1 on the northeast side of CF Hawn Freeway, south of Lake June Road.

Maker: Jones-Dodd
Second: Bagley
Result: Carried: 12 to 0
For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler*, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8
Replies: For: 1 Against: 0

Speakers: For: Dolores Brackens, 6520 C.F. Hawn Freeway, Dallas, TX, 75217
Johnny Brackens, 6520 C.F. Hawn Freeway, Dallas, TX, 75217
Against: None

7. Z067-178(WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for TH-2(A) Townhouse District uses and non-residential uses on property zoned a TH-1(A) Townhouse District, on the north side of Northwest Highway, west of Midway Road, it was moved to **hold** this case under advisement until October 25, 2007.

Maker: Ekblad
Second: Woolen Lipscomb
Result: Carried: 11 to 0
For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Weiss, Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6
Abstained: 1 - Jones-Dodd*

*Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 55
Replies: For: 4 Against: 5

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
James L. Narey, Jr., 4188 Wilada Dr., Dallas, TX, 75220
Against: None

Individual Cases

8. **Z067-302(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for multifamily uses and limited non-residential uses, subject to a revised conceptual plan, and staff's conditions on property zoned an MF-2(A) Multifamily District, on the north side of La Vista Drive, east of Grand Avenue with the following revised conditions: 1) Prohibit tattoo parlors, massage studios and body piercing studios 2) Provide public access requiring a sidewalk from La Vista to the Santa Fe Trail 3) Limit the total amount of retail space to 15,000 sq. ft. 4) Amend the perimeter setbacks to 15 feet and 5) Height of 42 ft. for single family residential uses.

Maker: Strater

Second: Buehler

Result: Carried: 11 to 1

For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler, Ekblad, Emmons

Against: 1 - Wolfish

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

Amendment to Motion: It was moved to **amend** the motion to include the Guest parking for shared access development as follows: One space per eight units.

Maker: Strater

Second: Buehler

Result: Failed: 5 to 7

For: 5 - Strater, Marshall, Woolen Lipscomb, Jones-Dodd, Buehler

Against: 7 - Prothro, Gary, Bagley, Weiss, Wolfish, Ekblad, Emmons

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 107

Replies: For: 5 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
William Dees, 7510 E. Grand Ave., Dallas, TX, 75214
Rick Wilson, 7510 E. Grand Ave., Dallas, TX, 75214
Lauren Odell, 300 Crescent Ct., Dallas, TX, 75201
Against: None

9. Z067-296(WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for multifamily uses on property zoned an IR Industrial Research District, on the west side of Market Center Boulevard, north of Turtle Creek Boulevard with consideration being given to the creation of a new subdistrict within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, it was moved to **hold** this case under advisement until October 11, 2007 and instruct staff to re-advertise for a Planned Development District for Mixed uses.

Maker: Strater

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler, Wolfish, Ekblad, Emmons

Against: 0

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

Notices: Area: 500

Mailed: 34

Replies: For: 5

Against: 0

Speakers: None

10. Z067-307(OTH)

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of a D(A) Duplex District on the west side of Shadow Bend Drive, north of Meadow Road with consideration given to a TH-1(A) Townhouse District.

Maker: Buehler

Second: Prothro

Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Buehler, Wolfish, Ekblad, Emmons

Against: 0

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

Notices: Area: 200

Mailed: 43

Replies: For: 8

Against: 1

Speakers: For: Peter Ryan, 5610 Caruth Blvd., Dallas, TX, 75209
Celina Gonzales, 10417 Shadow Bend Dr., Dallas, TX, 75207
Against: None

11. **Z067-272(OTH)**

Planner: Olga Torres-Holyoak

Motion: In considering an application to create a new subdistrict within Planned Development District No. 714, West Commerce Street/Fort Worth Avenue Special Purpose District, on property zoned a TH-3(A) Townhouse District, on the northeast corner of the terminus of Folsom Street, north of Fort Worth Avenue, east of Willomet Avenue, it was moved to recommend **hold** this case under advisement until October 4, 2007.

Maker: Bagley

Second: Prothro

Result: Carried: 11 to 0

For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Wolfish, Ekblad,
Emmons

Against: 0

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

Abstained: 1 - Buehler*

*Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 47

Replies: For: 2 Against: 1

Speakers: None

12. **Z067-286(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **denial** of an RR Regional Retail District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the northeast corner of Ann Arbor Avenue and Marsalis Avenue.

Maker: Marshall

Second: Buehler

Result: Carried: 11 to 1

For: 11 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler, Ekblad,
Emmons

Against: 1 - Wolfish

Absent: 2 - Hill, Cunningham

Vacancy: 1 - District 6

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

Speakers: For: Dennis Fisher, 10249 Sweet Gum, Dallas, TX, 75249
Against: Jerry Lawrence, 4210 Kushla Ave., Dallas, TX, 75216

13. **Z067-281(MF)**

Planner: Michael Finley

Motion: In considering an application for an amendment to Planned Development District No. 717 for single family uses on property on Oren Street and Westrock Drive, southwest from Stults Road, it was moved to **hold** this case under advisement until October 11, 2007.

Maker: Buehler
Second: Jones-Dodd
Result: Carried: 12 to 0
For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 110
Replies: For: 2 Against: 5

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

Other Matters

CPC Committee Appointments and Reports - None

Minutes

Motion: It was moved to **approve** the minutes of the September 20, 2007, meeting, subject to corrections.

Maker: Buehler
Second: Marshall
Result: Carried: 12 to 0
For: 12 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb,
Bagley, Jones-Dodd, Weiss, Buehler, Wolfish,
Ekblad, Emmons

Against: 0
Absent: 2 - Hill, Cunningham
Vacancy: 1 - District 6

Speakers: None

Adjournment

The hearing adjourned at 4:27 p.m.

Robert Weiss, Chair