

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on July 20, 2006, with the starting at 11:25 a.m. in Room 5ES and the public hearing at 1:46 p.m. in the City Council Chambers of City Hall. Presiding were Carol Brandon, Acting Chair and Ann Bagley, Acting Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Strater, Clarence Gary, Angela Marshall, Erik Wilson, Michael Miranda, Robert Weiss, Bill Avery, Chris Buehler, Dennis Burnham, Robert Ekblad and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Betty Culbreath. 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: 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) **S056-301**

Motion: It was moved to **approve** an application to create a 31 lot Community Unit Development on a 10.42 tract of land in Block 8819 on the northwest side of Woody Road east of Garden Grove Drive, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson*,
Miranda*, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S056-302**

Motion: It was moved to **approve** an application to replat a tract of land in Block 4/6951 into one 1.686 acre lot on the northwest corner of Platinum Way and Westmoreland Road, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson*,
Miranda*, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S056-303**

Motion: It was moved to **approve** an application to replat Lot 9 in Block 5/2043, comprising 0.184 acres (8,000 sq. ft.), into a 4 lot Shared Access Area Development on the northeast side of Bowser Avenue, southeast of Prescott Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson*,
Miranda*, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(4) **S056-304**

Motion: It was moved to **approve** an application to plat a 3.629 acre tract of land in Block 32/3352 into one lot on the north side of E. Tilden Street between Englewood Drive and Plowman Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson*,
Miranda*, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(5) **S056-305**

Motion: It was moved to **approve** an application to plat a 3.5281 acre tract of land in Blocks 518 & 519 into two lots of 2.8802 and 0.6478 acres each bordered by N. St. Paul Street, Ross Avenue, N. Akard Street, and Munger Avenue, subject to compliance with the conditions listed in the docket.

Maker: Marshall

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson*,
Miranda*, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Individual items – Residential Replats

(6) **S056-300**

Motion: It was moved to **deny** an application to replat Lot 7 in Block 3/5663 on the northwest corner of Surrey Circle and Farquhar Lane by moving the platted building line along Farquhar Lane from an undetermined distance (approx. 25 feet) to 10 feet, due to non compliance with Section 8.503(a) of the Dallas Development Code.

Maker: Ekblad

Second: Neumann

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

Speakers: For: Jim Cole, 3629 Cragmont Ave., Dallas, TX, 75205
Against: Steve Leary, 5422 Farquhar Ln., Dallas, TX, 75209
Hale Patrick, 5427 Farquhar Ln., Dallas, TX, 75209

(7) **S012-288RB**

Motion: It was moved to **approve** an application to amend the Light Pointe Place Addition Phase II plat to add "Community Unit Development" to the title block and a lot area table to sheet 2, subject to compliance with the conditions listed in the docket.

Maker: Bagley

Second: Weiss

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Bagley, Brandon, Weiss, Avery,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

Speakers: None

Miscellaneous Docket

Z056-227(RB)

Planner: Richard Brown

Motion: It was moved to **approve** a development plan, Audelia Road Planting plan, Private Street Maintenance agreement and conditions submitted in conjunction with an application for a Planned Development District for Single family uses and private streets on the east line of Audelia Road, south of Shadow Way with the following added conditions to Section 106, Accessory Uses: Limitation on the floor area of accessory use to no more than 30 square feet and any accessory uses have a rear yard setback of 25 feet.

Maker: Avery

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann*, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler*, Burnham, Ekblad, Emmons*

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

D056-016

Planner: Olga Torres-Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 525, north of Rock Quarry Road, west of Pinnacle Park Boulevard.

Maker: Emmons

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler*, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

D056-017

Planner: Olga Torres-Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 525, south of Rock Quarry Road, west of Pinnacle Park Boulevard, north of West Davis Street.

Maker: Emmons

Second: Marshall

Result: Carried: 14 to 0

For: 14 - Neumann, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler*, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Zoning Cases - Consent

1. **Z056-194(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an RR Regional Retail District on property designated as the Tract 1C portion of Planned Development District No. 240 along the south line of IH 20, east of Hampton Road.

Maker: Weiss

Second: Bagley

Result: Carried: 14 to 0

For: 14 - Neumann*, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler*, Burnham, Ekblad, Emmons

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 4

Replies: For: 0 Against: 0

Speakers: None

2. **Z056-247(RB)**

Planner: Richard Brown

Motion: In considering an application for a Planned Development District for RR Regional Retail District Uses on property zoned an RR Regional Retail District and the Tract 1A portion of Planned Development District No. 598 in an area generally bounded by Cliff Creek Crossing, Hampton Road, Wheatland Road, I-20 and Bainbridge Drive, it was moved to **hold** this case under advisement until August 3, 2006.

Maker: Bagley
Second: Wilson
Result: Carried: 14 to 0
For: 14 - Neumann*, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons
Against: 0
Absent: 1 - Culbreath
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 145
Replies: For: 5 Against: 7

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

3. **Z056-263(RB)**

Planner: Richard Brown

Motion: In considering an application for a Specific Use Permit for a Utility or government installation other than listed for a Police maintenance facility on property within the Mixed Use Subdistrict of Planned Development District No. 625 on the north line of Camp Wisdom Road, west of Lancaster Road, it was moved to **hold** this case under advisement until August 3, 2006.

Maker: Weiss
Second: Marshall
Result: Carried: 14 to 0
For: 14 - Neumann*, Strater, Gary, Marshall, Wilson, Miranda, Bagley, Brandon, Weiss, Avery, Buehler, Burnham, Ekblad, Emmons
Against: 0
Absent: 1 - Culbreath
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 2
Replies: For: 0 Against: 0

Speakers: None

4. **Z056-264(RB)**

Planner: Richard Brown

Motion I: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a Private school on property zoned an R-16(A) Single Family District on the southwest corner of Belt Line Road and Emeraldwood Drive.

Maker: Buehler
Second: Miranda
Result: Failed: 2 to 11
For: 2 - Miranda, Buehler

Against: 11 - Neumann, Strater, Gary, Wilson, Bagley,
Brandon, Weiss, Avery, Burnham, Ekblad,
Emmons
Absent: 2 - Marshall**, Culbreath
Vacancy: 0

** Commissioner Marshall left, before vote taken

Motion II: It was moved to recommend **approval** of a Specific Use Permit for a Private school for a two-year period, subject to a site plan and condition on property zoned an R-16(A) Single Family District on the southwest corner of Belt Line Road and Emeraldwood Drive with a revised condition of a maximum enrollment of 70 students.

Maker: Bagley
Second: Avery
Result: Carried: 11 to 2
For: 11 - Neumann, Strater, Gary, Wilson, Bagley,
Brandon, Weiss, Avery, Burnham, Ekblad,
Emmons

Against: 2 - Miranda, Buehler
Absent: 2 - Marshall**, Culbreath
Vacancy: 0

** Commissioner Marshall left, before vote taken

Notices: Area: 300 Mailed: 46
Replies: For: 2 Against: 13

Speakers: For: Beth Cale, 6748 Leameadow Dr., Dallas, TX, 75248
James Pyles, 902 Waterford Way, Euless, TX, 76039
Against: Roland Freeman, 6508 Briarmeade Trl., Dallas, TX, 75254
Wayne Huber, 6242 Emeraldwood Pl., Dallas, TX, 75254
Alan Weiss, 6212 Emeraldwood Pl., Dallas, TX, 75254
Edward Masek, 6248 Emeraldwood Pl., Dallas, TX, 75254

5. **Z056-259(OTH)**

Planner: Olga Torres-Holyoak

Motion: In considering an application for a R-1/2ac(A) Single Family District on property zoned an A(A) Agricultural District on the east side of South St. Augustine Road, south of Haymarket Road, it was moved to **hold** this case under advisement until August 24, 2006, with instruction to re-advertise to the expanded area.

Maker: Strater

Second: Emmons

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Notices: Area: 300 Mailed: 8

Replies: For: 0 Against: 0

Speakers: None

6. **Z056-262(OTH)**

Planner: Olga Torres-Holyoak

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District on property zoned an MF-1(A) Multifamily District on the southeast corner of Fitzhugh Avenue and Homer Street.

Maker: Strater

Second: Emmons

Result: Carried: 13 to 0

For: 13 - Neumann, Strater, Gary, Wilson, Miranda,
Bagley, Brandon, Weiss, Avery, Buehler,
Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Notices: Area: 300 Mailed: 31
Replies: For: 4 Against: 0

Speakers: None

7. Z056-261(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a twenty-year period with eligibility for automatic renewals for twenty-year periods, subject to a site plan and conditions on property zoned Subarea 3A within Planned Development District No. 317, the Cedars Special Purpose District on the northeast side of Cockrell Avenue, east of Alexander Street.

Maker: Strater

Second: Burnham

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Miranda, Bagley, Brandon,
Weiss, Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 2 - Marshall, Culbreath

Vacancy: 0

Abstained: 3 - Gary, Wilson, Avery

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: Lisa Schmidt, 12 Arrow Head Cir., Hickory Creek, TX, 75065
Against: Wilson Roe, 800 McKee St., Dallas, TX, 75225

Zoning Cases – Under Advisement

A. Z045-254(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 the applicant's revised conditions on property zoned as Planned Development District No. 29 for Retail and Multiple Family Uses on the northwest corner of Walnut Hill Lane and North Central Expressway.

Maker: Buehler

Second: Avery

Result: Carried: 12 to 0

For: 12 - Neumann, Gary, Wilson, Miranda, Bagley,
Brandon, Weiss, Avery, Buehler, Burnham,
Ekblad, Emmons

Against: 0
Absent: 3 - Strater**, Marshall, Culbreath
Vacancy: 0

** Commissioner Strater left, before vote taken

Notices: Area: 500 Mailed: 358
Replies: For: 35 Against: 4

Speakers: For: William Cothrum, 900 Jackson St., Dallas, TX, 75202
Jack Craycroft, 5 Hillshire Ct., Dallas, TX, 75225
Eric Anderson, 7327 Lakehurst Ave., Dallas, TX, 75230
Terry Haines, 9116 Clearlake Dr., Dallas, TX, 75225
Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75206
Against: None
Staff: Michael Sultan, City Arborist

8. **Z056-245(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a P(A) Parking District on a property zoned an R-5(A) Single Family District on the north side of Pueblo Street, east of Norwich Street.

Maker: Gary
Second: Emmons
Result: Carried: 10 to 0
For: 10 - Neumann, Gary, Miranda, Bagley, Brandon,
Weiss, Buehler, Burnham, Ekblad, Emmons

Against: 0
Absent: 3 - Strater, Marshall, Culbreath
Vacancy: 0
Abstained: 2 - Wilson, Avery

Notices: Area: 200 Mailed: 33
Replies: For: 4 Against: 0

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

9. **Z056-237(WE)**

Planner: Warren Ellis

Motion: In considering an application for an amendment to the deed restrictions to allow for a curb cut on Briargrove Lane on property zoned an MU-1 Mixed Use District on the northeast corner of Briargrove Lane and Dallas Parkway, it was moved to **hold** this case under advisement until August 24, 2006 with instruction to staff to place on next bus tour agenda.

Maker: Burnham
Second: Avery
Result: Carried: 12 to 0
For: 12 - Neumann, Gary, Wilson, Miranda, Bagley,
Brandon, Weiss, Avery, Buehler, Burnham,
Ekblad, Emmons

Against: 0
Absent: 3 - Strater, Marshall, Culbreath
Vacancy: 0

Notices: Area: 300 Mailed: 15
Replies: For: 0 Against: 2

Speakers: None

Zoning Cases – Individual

10. **Z056-257(WE)**

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for a child-care facility within Subarea 1 of Conservation District No. 1, the King's Highway Conservation District, on the west line of Tyler Street, north of Everts Street, it was moved to **hold** this case under advisement until August 24, 2006.

Maker: Gary
Second: Neumann
Result: Carried: 12to 0
For: 12 - Neumann, Gary, Wilson, Miranda, Bagley,
Brandon, Weiss, Avery, Buehler, Burnham,
Ekblad, Emmons

Against: 0
Absent: 3 - Strater, Marshall, Culbreath
Vacancy: 0

Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 7

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75225
Nancy Paine, 1116 Turner Ave., Dallas, TX, 75208
Mr. Collins, 1116 Turner Ave., Dallas, TX, 75208
Lisa Tully, 664 N. Manus Dr., Dallas, TX, 75224
Jo Richards, 1011 N. Clinton Ave., Dallas, TX, 75208
Against: Tamsen Brown Reed, 819 Turner Ave., Dallas, TX, 75208
Patrica Marriott, 901 Turner Ave., Dallas, TX, 75208
Darrell Beeson, 901 Turner Ave., Dallas, TX, 75208

11. Z056-258(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to reduce the parking requirements within Planned Development District No. 608, for townhome and private streets, on the south line of Churchill Way, east of Hughes Lane.

Maker: Buehler

Second: Weiss

Result: Carried: 9 to 0

For: 9 - Neumann, Miranda, Bagley, Brandon, Weiss,
Buehler, Burnham, Ekblad, Emmons

Against: 0

Absent: 4 - Strater, Marshall, Avery, Culbreath

Vacancy: 0

Abstained: 2 - Gary, Wilson

Notices: Area: 500 Mailed: 77

Replies: For: 4 Against: 2

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75225
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 13, 2006, meeting, subject to corrections.

Maker: Buehler

Second: Miranda

Result: Carried: 11 to 0

For: 11 - Neumann, Gary, Wilson, Miranda, Bagley,
Brandon, Weiss, Buehler, Burnham, Ekblad,
Emmons

Against: 0

Absent: 4 - Strater, Marshall, Avery, Culbreath

Vacancy: 0

Speakers: None

Adjournment

Motion: It was moved to **adjourn** the hearing at 5:41 p.m.

Maker: Bagley

Second: Wilson

Result: Carried: 11 to 0

For: 11 - Neumann, Gary, Wilson, Miranda, Bagley,
Brandon, Weiss, Buehler, Burnham, Ekblad,
Emmons

Against: 0

Absent: 4 - Strater, Marshall, Avery, Culbreath

Vacancy: 0

Speakers: None

Betty Culbreath, Chair