AFFIDAVIT OF YOLANDA HERNANDEZ

THE STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, personally appeared YOLANDA HERNANDEZ, who, being by me duly sworn, deposed as follows:

My name is Yolanda Hernandez, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of the City Plan Commission ("the CPC"). Attached hereto are the minutes in connection with the public hearing of the City Plan Commission that was held on December 16, 2004. This document is a copy of records kept by Yolanda Hernandez in the regular course of business, and it was the regular course of business and was part of the activities of the City for an employee or representative of the City with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. These are matters observed pursuant to duty imposed by law as to which matters there was a duty to report. The record attached hereto is the original or exact duplicate of the original.

Yolanda Hernandez
YOLANDA HERNANDEZ, Affiant

SWORN TO AND SUBSCRIBED before me on the 28th day of May, 2009.

Chanlee Garcia
Notary Public, State of Texas

CHANLEE GARCIA
Notary Public
State of Texas
My Comm. Expires 10-06-2010

Chanlee Garcia
Printed Name

10/06/2010
My Commission Expires

GOVERNMENT EXHIBIT
1518
3:07-CR-0289-M

040027

CITY PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 16, 2004, with the bus tour of Fort Worth Avenue Land Use Planning Study area starting at 9:28 a.m. followed by the briefing in Room 5ES and the public hearing beginning at 1:41 p.m. in the City Council Chambers of City Hall. Presiding was Bruce Wilke, Chair and Carol Brandon, Vice-chair. The following Commissioners were present during the hearing: Joel Vera, Jeff Strater, Clarence Gary, Angela Marshall, D'Angelo Lee, Diana Alonzo, Melvin Traylor, Bulldog Cunningham, Carol Scott, Neil Emmons and Ralph Isenberg. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Bill Avery and Ilene Perkett. 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.

Preliminary Plats - Consent Items

(1) **S045-045**

Motion: It was moved to **approve** an application to plat an 8.6 acre tract of land in Blocks 4015, B/4017, C/4017 and abandoned Obenchain St. R.O.W. into 4 lots at the northwest corner of Ft. Worth Avenue and Sylvan Avenue. subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(2) **S045-047**

Motion: It was moved to **approve** an application to replat lot 1, Block A/6613 and a tract of land in Block 6613 into one, 6.25 acre lot on Harry Hines Blvd., north of Royal Lane, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against: 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(3) **S045-048**

Motion: It was moved to **approve**, an application to plat two (0.29 ac. and 0.47 ac.) tracts of land in Block 6720 into 3 lots at the northwest and southwest corners of Amity Lane and Cymbal Drive, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against: 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(4) **S045-051**

Motion: It was moved to **approve** an application to replat lot 1, Block 2/7574 and a tract of land in Block 2/7574 into 2 lots at the northwest corner of I-35 and Wheatland Road., subject to the conditions listed in the docket

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(5) **S045-052**

Motion: It was moved to **approve** an application to plat a 2.77 acre tract of land in Block 6379 into 2 lots on Forest Lane, west of Preston Road, subject to the conditions listed in the docket

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(6) **S045-053**

Motion: It was moved to **approve** an application to plat a 20.17 acre tract of land in Block 7209, 7210 and 7212 into 1 lot at the northeast corner of Cockrell Hill Road and Rock Quarry Road, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(7) **S045-054**

Motion: It was moved to **approve** an application to plat a 0.79 acre tract of land in Block 7527 into one lot at the southeast corner of Audelia Road and Kingsley Road, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(8) **S034-370R**

Motion: It was moved to **approve** an application to revise a previously approved plat (S034-370R) in order to plat a 5.35 acre tract of land in Block 6786 into one lot on St. Augustine Road, north of Military Pkwy, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(9) **S045-057**

Motion: It was moved to **approve** an application to plat a 2.28 acre tract of land in Block C/388 into one lot on Broom Street and Houston Street Extension, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(10) **S034-238R**

Applicant withdrew the request

(11) **S045-046**

Motion: It was moved to **approve** an application to replat lots F-1 and E-2, Block S/4988 into one, 1.86 acre lot on Cherokee Trail and Linwood Avenue, subject to compliance with conditions listed in the docket.

Maker: Scott
Second: Emmons
Result: Carried: 13 to 0
For: 13 - Vera, Strater*, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: For: Robert Reeves, 500 S. Ervay St., Dallas, TX, 75201
Pat White, 4714 Wildwood Rd., Dallas, TX, 75209
Against: None

(12) **S045-049**

Motion: It was moved to **approve** an application to replat lot 1, Block 20/8758, lot 20A, Block J/8727 and a tract of land in Block J/8727 into 2 lots, subject to compliance with the conditions listed in the docket and the addition of Condition #15 which states: "On the final plat remove the strip of land along the east line of Lot 24 from the plat."

Maker: Brandon
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary*, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: For: Robert Rayfield, 1707 Hillcrest, Dallas, TX,
Against: Brenda Fakheri, 8432 Creekbluff Dr., Dallas, TX, 75249

Miscellaneous Docket

M045-002 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for site plan and landscape plan for Specific Use Permit No. 1550, for a medical clinic or ambulatory surgical center and an in-patient rehabilitation facility on the west line of North Central Expressway, north of Park Lane

Maker: Scott
Second: Brandon
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Speakers: None

M045-004 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for development plan and landscape plan for Planned Development District No. 400, for a Private school on the northwest and southwest corners of Midway Road and Merrell Road

Maker: Scott
Second: Brandon
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Speakers: None

Zoning Cases – Consent

1. Z034-332 (RB) Planner: Richard Brown

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to revised deed restrictions volunteered by the applicant, on property zoned an R-7.5(A) Single Family District, on the northeast quadrant of C. F. Hawn Freeway and Woody Road.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 41
Replies: For: 4 Against: 0

Speakers: None

2. Z045-106(WE) Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, CR Community Retail District uses, TH-3(A) Townhouse District uses, private recreation center, club or area, and open spaces and a private street, subject to a conceptual plan, development plans and staff's revised recommended conditions, on property zoned an MF-2(A) Multifamily District, a CR Community Retail District, a TH-3(A) Townhouse District, and an R-7.5(A) Single Family District on the east line of Abrams Road, south of Forest Lane.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 171
Replies: For: 51 Against: 3

Speakers: None

3. Z045-109(WE) Planner: Warren Ellis

Motion I: It was moved to recommend **approval** of a Planned Development District for institutional uses, subject to a development plan, landscape plan and revised conditions, on property zoned a CC Community Commercial Subdistrict and an R-5(A) Single Family Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Scyene Road and Bertrand Street (Part of Consent Agenda)

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Motion 2: It was moved to **reconsider** an application for a Planned Development District for institutional uses, on property zoned a CC Community Commercial Subdistrict and an R-5(A) Single Family Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Scyene Road and Bertrand Street.

Maker: Traylor
Second: Brandon
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Speakers: None

Motion 3: It was moved to recommend **approval** of a Planned Development District for institutional uses, subject to a development plan, landscape plan and staff's revised conditions, on property zoned a CC Community Commercial Subdistrict and an R-5(A) Single Family Subdistrict, within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast corner of Scyene Road and Bertrand Street.

Maker: Traylor
Second: Brandon
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Notices: Area: 500 Mailed: 227
Replies: For: 9 Against: 4

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX 75201
Donald Parish, 302 Glen Oaks Blvd., Dallas, TX, 75232
Willie Mae Coleman, 3802 York St., Dallas, TX 75210
Chester Green, 3132 Lagow St., Dallas, TX, 75216
Against: Eula Bryant, 2510 South Blvd., Dallas, TX, 75215

4. Z045-113(DW) Planner: David Whitley

Motion: It was moved to recommend **approval** of an amendment to portions of Planned Development District No. 260, subject to revised conditions requiring that the homeowner group be notified of the submittal of any landscape plans, development plans or minor amendments, and approval of a Specific Use Permit for medical clinic or ambulatory surgical center for a 50-year period, subject to a site plan and conditions with retention of Specific Use Permit No 1414 for a financial Institution with drive-through window service, north of Park Lane and west of Central Expressway

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0

For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 26
Replies: For: 2 Against: 0

Speakers: None

5. Z045-115(RB) Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to, and expansion of, Planned Development Subdistrict No. 30 for Multiple Family Subdistrict Uses, and an amendment to, and expansion of, Specific Use Permit No. 1063 for a Community, welfare, or health center, subject to a revised site plan, on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 30 in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street

Maker: Strater
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Notices: Area: 500 Mailed: 157
Replies: For: 7 Against 7

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201

6. Z045-116(RB) Planner: Richard Brown

Motion: In considering an application for an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District, on the northwest line of Mockingbird Lane beginning at the west corner of Mockingbird Lane and Denton Drive it was recommended to **hold** this case under advisement until January 6, 2005 due to the failure of the applicant to post the zoning notice sign..

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 30
Replies: For: 3 Against 1

Speakers: None

7. Z045-119(RB) Planner: Richard Brown

Motion: In considering an application for an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District, on the north corner of Mockingbird Lane and Maple Avenue, it was moved to **hold** this case under advisement until January 6, 2005 due to the failure of the applicant to post the zoning notice sign.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices:	Area:	300	Mailed:	14
Replies:	For:	1	Against:	1

Speakers: None

8. Z045-117 (RB) Planner: Richard Brown

Motion: In considering an application for an amendment to the site plan for Specific Use Permit No. 1228 for a Tower/antenna for cellular communication on property zoned an A(A) Agricultural District, on the west line of Ledbetter Drive, southwest of Walton Walker Boulevard it was moved to **hold** this case under advisement until January 6, 2005due to the failure of the applicant to post the zoning notification sign.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

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

Speakers: None

9. Z045-118 (RB) Planner: Richard Brown

Motion: In considering an application for an amendment to the site plan for Specific Use Permit No. 1169 for a Tower/antenna for cellular communication on property zoned a CR Community Retail District, south of Umphress Road, West of Buckner Blvd it was moved to hold this case under advisement until January 6, 2005 due to the failure of the applicant to post the zoning notification sign.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0 -
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 7
Replies: For: 2 Against 0

Speakers: None

10. Z045-124(MM) Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 370 for IR Industrial Research District uses, a Group Residential Facility and an Overnight General Purpose Shelter, subject to a development plan and conditions, on the northwest corner of the intersection of Calvert Street and Irving Blvd.

Maker: Cunningham
Second: Lee
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall*, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 19
Replies: For: 0 Against 4

Speakers: None

Zoning Cases – Under Advisement

11. Z034-324 (WE) Planner: Warren Ellis

Motion: In considering an application for an amendment to the public deed restrictions on property zoned an R-7.5(A) Single Family District, on the east side of Seagoville Road at Edd Road it was moved to **hold** this case under advisement until January 20, 2005.

Maker: Brandon
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg*

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 52
Replies: For: 1 Against: 10

Speakers: None

12. Z034-327(DW) Planner: David Whitley

Motion: It was moved to recommend **approval** of an MU-2 Mixed Use District with retention of the D-1 Dry Liquor Control Overlay, and **approval** of termination of the existing deed restrictions, on property zoned a CR-D-1 Community Retail District with a Dry Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a Dry Liquor Control Overlay, north of Bruton Road, west of St. Augustine Road subject to deed restrictions volunteered by the applicant that limit the maximum number of dwelling units, provide a minimum amount of retail, personal service and office uses, and limit the maximum structure height.

Maker: Lee
Second: Brandon
Result: Carried: 12 to 1
For: 12 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Isenberg

Against 1- Emmons

Absent: 2 – Avery, Perkett
Vacancy 0

Notices: Area: 400 Mailed: 118
Replies: For: 6 Against 5

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Darren Reagan, 2718 Meadow Dawn Ln., Dallas, TX, 75237
Against: Jerry Tolbert, 9470 Olde Towne Rowe, Dallas, TX, 75227

13. Z034-328(DW) Planner: David Whitley

Motion: In considering an application for an MU-2 Mixed Use District on property zoned a CR Community Retail District with deed restrictions volunteered by the applicant, southwest of Overlake Drive and southeast of Community Drive, it was moved to **hold** this case under advisement until January 20, 2005.

Maker: Alonzo
Second: Isenberg
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Notices: Area: 400 Mailed: 32
Replies: For: 2 Against 0

Speakers: None

14. Z045-104(MM) Planner: Maureen Meredith

Motion: It was moved to recommend **denial without prejudice** of an R-5(A) Single Family District on property zoned an IR Industrial Research District on the north side of Bedford Street, east of Harston Street and west of Vilbig Street

Maker: Gary
Second: Emmons
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

Notices: Area: 200 Mailed: 19
Replies: For: 7 Against 8

Speakers: For: Luis Carrera, 3930 Meredith, Dallas, TX,
Father Jesus Sancho, No address given
Against: Butch McGregor, 5427 Greenbrier Dr., Dallas, TX 75209
Khareich Khareich, 5810 Club Oaks Dr., Dallas, TX, 75248

15. Z045-108(WE) Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for O-1 Office Subdistrict uses, subject to the revised conditions in the docket, a development plan and a landscape plan, with the following changes: 1) revise the landscape plan to include the large tree shown on the applicant's original landscape plan in the visibility triangle, and 2) remove the condition in 113(d) and accept public deed restrictions volunteered by the applicant: "Office uses on the property are limited to occupancy in the existing single family structure as shown on all four elevation sides according to the photographs attached , without exterior alteration other than minor repairs", on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Congress Avenue and Wycliff Avenue

Maker: Strater
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee*, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 198
Replies: For: 4 Against 0

Speakers: For: J.R. Muszynski, 8802 Forest Hills Blvd., Dallas, TX, 75218
Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Carl Ginsberg, 2720 Shelby Ave., Dallas, TX, 75219
Against: None

Zoning Cases – Individual

16. Z034-320(MM) Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of a Planned Development District for uses allowed in an MU-2 Mixed Use District and a GO(A) General Office District, subject to a conceptual plan and staff's revised conditions including the parking ratio of 1.12 spaces per bedroom and deed restrictions volunteered by the applicant to come back on the January 6, 2005 miscellaneous docket, and approval of the termination of existing deed restrictions on property zoned a GO(A) General Office District on the northeast corner of the intersection of Alpha Road and Noel Drive

Maker: Scott
Second: Brandon
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee*, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 – Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 34
Replies: For: 5 Against 0

Speakers: For: Suzan Mead, 901 Main St., Dallas, TX, 75201
Michael Jung, 4300 Bank of America Plz., Dallas, TX, 75202
John DeShazo, 330 Union Station, Dallas, TX
Against: None

17. Z045-121(MM) Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of a CS Commercial District , subject to revised deed restrictions volunteered by the applicant, on property zoned an R-10(A) Single Family District north of the intersection of Seagoville Road and Belt Line Road

Maker: Brandon
Second: Lee
Result: Carried: 12 to 0
For: 12 - Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 3 – Vera**, Avery, Perkett
Vacancy 0

**Commissioner Vera left before vote taken

Notices: Area: 200 Mailed: 15
Replies: For: 3 Against 2

Speakers: For: Darla House, No address given
Against: None

18. Z045-122(MM) Planner: Maureen Meredith

Motion: It was moved to recommend **approval** of 1) the creation of a new subdistrict in Planned Development District No. 70 that allows alcoholic beverage consumption on site, subject to a development plan and conditions; 2) the replacement of the D Dry Liquor Control Overlay with a D-1 Dry Liquor Control Overlay; and 3) a Specific Use Permit for restaurants with alcoholic beverage service, for a ten year time period with eligibility of automatic renewal for ten year time periods subject to a revised site plan and, revised conditions at the northeast corner of the intersection of Northwest Highway and Midway Road.

Maker: Scott
Second: Cunningham
Result: Carried: 12 to 0
For: 12 - Strater, Gary, Marshall, Lee, Alonzo, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 3 – Vera, Avery, Perkett
Vacancy 0

Notices: Area: 300 Mailed: 73
Replies: For: 11 Against 8

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, 75201
Against: None

Land Use Plan — Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of the adoption of a land use study to augment the Fort Worth Avenue Visioning and Conceptual Land-Use Planning Study (December 2003) on West Commerce Street and Fort Worth Avenue that commences at the intersection of Westmoreland Road at Fort Worth Avenue (western boundary) and ends at the intersection of North Beckley Avenue and West Commerce Street (eastern boundary), extending approximately 1/8 to 1/4 mile on either side of the West Commerce/Fort Worth Avenue street right-of-way

Maker: Vera
Second: Gary
Result: Carried: 13 to 0
For: 13 - Vera, Strater, Gary, Marshall, Lee, Alonzo*, Traylor, Brandon, Cunningham, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 2 –Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(Note: Fort Worth Land Use Plan was heard after Zoning Consent Cases)

Development Code Amendment

DCA 045-006 — **Planner:** David Cossum

Motion: In considering amendments to Chapters 51 and 51A of the Dallas Development Code to create a new use for a homeless assistance center and establish appropriate standards for the use with consideration given to amending the standards for an overnight general purpose shelter use, it was moved to follow ZOAC's recommendation of no change with the instruction to staff to study and consider the possibility of authorizing a hearing to determine proper zoning with consideration given to a Planned Development District and a Specific Use Permit provision for this use.

Maker: Traylor
Second: Scott
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Alonzo, Traylor, Brandon, Wilke, Scott, Emmons, Isenberg

Against 1 – Lee
Absent: 5 – Vera, Marshall**, Cunningham**, Avery, Perkett
Vacancy 0

**Commissioner Marshall left before vote taken
**Commissioner Cunningham left before vote taken

Speakers: None

Other Matters

Authorization of Hearings

Motion: In considering an authorization of a hearing to determine the proper zoning on property zoned an MF-2(A) Multifamily District on property generally bound by Live Oak Street, Munger Boulevard, Greenville Avenue, and Ross Avenue with consideration to a single family district it was recommended to **authorize** a hearing.

Maker: Emmons
Second: Lee
Result: Carried: 9 to 0
For: 9 - Strater, Gary, Lee, Alonzo*, Traylor, Brandon, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 5 – Vera, Marshall, Cunningham, Avery, Perkett
Vacancy 0

*out of the room, shown voting in favor

Speakers: For: Maxine Aaronson, 3131 McKinney Ave., Dallas, TX, 75204
Against: None

Authorization of Hearings

Motion: In considering an authorization of a hearing to determine the proper zoning on property zoned a CA-1(A) Central Area District on the southwest corner of South Ervay Street and Cadiz Street, it was recommended to **authorize** a hearing.

Maker: Strater
Second: Lee
Result: Carried: 9 to 0

For: 9 - Strater, Gary, Lee, Traylor, Brandon, Wilke, Scott, Emmons, Isenberg
Against 0
Absent: 6 – Vera, Marshall, Alonzo**, Cunningham, Avery, Perkett
Vacancy 0

**Commissioner Alonzo left before vote taken

Speakers: For: None
Against: Peter Kavanagh, 1620 Handley Dr., Dallas TX, 75208

Minutes

Motion: It was moved to **approve** the minutes of the December 2, 2004 meeting, subject to corrections.

Maker: Emmons
Second: Brandon
Result: Carried: 9 to 0
For: 9 - Strater, Gary, Lee, Traylor, Brandon, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 6 – Vera, Marshall, Alonzo, Cunningham, Avery, Perkett
Vacancy 0

Adjournment

Motion: It was moved to adjourn the hearing at 6:36 p.m.

Maker: Brandon
Second: Scott
Result: Carried: 9 to 0
For: 9 - Strater, Gary, Lee, Traylor, Brandon, Wilke, Scott, Emmons, Isenberg

Against 0
Absent: 6 – Vera, Marshall, Alonzo, Cunningham, Avery, Perkett
Vacancy 0

Bruce Wilke, Chair