

CITY PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 5, 2004, with the briefing starting at 10:55 a.m. in Room 5ES and the public hearing at 1:39 p.m. in the City Council Chambers of City Hall. Presiding were Bulldog Cunningham, Acting Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Joel Vera, Clarence Gary, Neil Emmons, Carol Scott, Melvin Traylor, Bill Avery, Diana Alonzo, D'Angelo Lee, Ilene Perkett and Angela Marshall. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Bruce Wilke, Chair. There are two vacancies: District 15 and District 2.

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: George Campbell

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) S034-289

Motion: It was moved to **approve** an application to create 9 lots from a 2.52 acre tract of land in Block 8765 at the northwest corner of Haymarket Road and Sewell Circle, subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall, Brandon, Cunningham, Traylor, Avery, Lee, Alonzo and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2 - District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

**GOVERNMENT
EXHIBIT**

1534

3:07-CR-0289-M

(2) S034-290

Motion: It was moved to **approve** an application to plat a 14.37 acre tract of land in Blocks B/5217 and C/5217 into one lot on Fair Oaks Avenue, east of Pineland Drive, subject to the conditions listed in the docket.

Maker: Scott

Second: Perkett

Result: Carried: 12 to 0

For: 12 - Vera, Gary, *Emmons, Scott, Marshall, Brandon, Cunningham, Traylor, Avery, Lee, Alonzo and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(3) S034-291

Motion: It was moved to **approve** an application to plat a 28.77 acre tract of land in Block 7680 into one lot at the southeast corner of Crestline Ave. and Rickover Drive, subject to the conditions listed in the docket.

Maker: Scott

Second: Perkett

Result: Carried: 12 to 0

For: 12 - Vera, Gary, *Emmons, Scott, Marshall, Brandon, Cunningham, Traylor, Avery, Alonzo, Lee and Perkett

Against: 0 -

Absent: 1 - Wilke,

Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(4) S034-292

Motion: It was moved to **approve** an application to plat a 14.145 acre tract of land in Block 6643 into one lot at the north corner of Buckner Blvd. and Mercer Drive, subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(5) S034-295

Motion: It was moved to **approve** an application to replat lots 1-7, Block F/941 into one, 0.8 acre lot at the east corner of Bookout Street and Wolf Street, subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(6) S034-296

Motion: It was moved to **approve** an application to replat lots 3-17, Block 9/3875 into one, 3.77 acre lot at the northeast corner of Corinth St. and Morrell St., subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett

Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(7) S034-297

Motion: It was moved to **approve** an application to replat lots 11, 12 and 13, Block A/913 into six lots at the east corner of Browder St. and McKee St., subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(8) S034-298

Motion: It was moved to **approve** an application to replat lots 8 and 9, Block 77 into one, 0.24 acre lot on Main St., west of Ervay St., subject to the conditions listed in the docket.

Maker: Scott
Second: Perkett
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

(8) S034-299

Motion: It was moved to **approve** an application to plat an 85.89 acre tract of land in Block B/8735 into one lot at the southeast corner of Coit Road and Frankford Road, subject to the conditions listed in the docket, with condition #8 for S034-299 amended to read "and construction for right turn lanes".

Maker: Scott

Second: Perkett

Result: Carried: 12 to 0

For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers:None

Correction Plat

(10) S023-025

Motion: It was moved to **approve** an application to amend the Lowe's Northeast Addition in order to correct recording information "Quit Claim Deed, Vol. 2003117, Pg. 0369" to "City of Dallas Ordinance Number 25251" at the northwest corner of E. Northwest Highway and Jupiter Road, subject to the conditions listed in the docket.

Maker: Scott

Second: Perkett

Result: Carried: 12 to 0

For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett

Against: 0 -

Absent: 1 - Marshall

Vacancy: 2- District 15 and District 2

*Emmons out of room shown voting in favor.

Speakers: None

Residential Replats - Individual Items

(11) S034-287

Motion: It was moved to **approve** an application to replat lot 1, Block A/6406 and lot 2A, Block A/6406 into one, 2.34 acre lot at the southeast corner of Marsh Lane and High Vista Drive, subject to the conditions listed in the docket.

Maker: Scott

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and *Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

*Perkett out of room shown voting in favor.

Speakers: None

Miscellaneous Docket

W034-036

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment for a development plan for the Tract B-1 portion of Planned Development District No. 308 for MU-1 Mixed Use District and CR Community Retail District Uses on the northeast corner of Forest Lane and Webb Chapel Road.

Maker: Brandon

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

W034-013

Planner: Neva Dean

Motion: It was moved to **deny** a waiver of the two-year waiting period in order to submit an application to seek a zoning change from an R-7.5(A) Single Family District to a CR Community Retail District on the northwest corner of Springfield Road and Bluecrest Drive.

Maker: Brandon

Second: Vera

Result: Carried: 12 to 0

For: 12 - Vera, Gary, Emmons, Marshall, Scott,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

Miscellaneous Docket – Under Advisement

D034-020

Planner: Frank Dominguez

Motion: It was moved to **approve** a development plan and a landscape plan for the development of retail space, an apartment unit, and an underground parking garage use within Planned Development District No. 305 on Blackburn Street between McKinney Avenue and Cole Avenue.

Maker: Brandon

Second: Marshall

Result: Carried: 12 to 0

For: 12- Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

Development Code Amendment

DCA 034-009

Motion: It was moved to **approve** an amendment to the Dallas Development Code, Article XI - Development Incentives, by adding a new Section 51A-11.109.1 granting an abatement of City of Dallas taxes to Recorded Texas Historic Landmarks and State Archeological Landmarks that are owned and operated by non-profits and are open to the public.

Maker: Emmons
Second: Perkett
Result: Carried: 12 to 0
For: 12- Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
*Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Lee out of room shown voting in favor.

Speakers: None

Zoning Cases – Under Advisement

1. Z034-186 (Richard Brown)

Planner: Richard Brown

Motion: It was moved to recommend **approval** a Specific Use Permit for a Child-care facility for a two-year period with provisions for automatic renewal for additional two-year periods, subject to a site plan and staff's recommended conditions, on the southeast corner of Areba Avenue and Brotherton Street,

Maker: Traylor
Second: Marshall
Result: Carried: 12 to 0
For: 12 - Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
*Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

Notices: Area: 200 Mailed: 10
Replies: For: 1 Against: 1

Emmons and Lee out of room shown voting in favor.

Speakers: None

2. Z034-249 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue, between Elizabeth Street and Fitzhugh Street, subject to deed restrictions volunteered by the applicant.

Maker: Emmons

Second: Vera
Result: Carried: 12 to 0
For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
*Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 1

*Lee out of room shown voting in favor.

Speakers: None

3. Z034-255 (DW)

Planner: David Whitley

Motion: It was moved to recommend approval of a Planned Development District for a public school other than an open enrollment charter school and D(A) Duplex uses subject to revised development/landscape plan and staff's recommended conditions revised to require 80 parking spaces on property bounded by Buckner Boulevard, Mercer Drive, Mariposa Drive, and the Gulf Colorado & Santa Fe Railroad.

Maker: Brandon
Second: Perkett
Result: Carried: 12 to 0
For: 12 - *Vera, Gary, *Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

*Out of the room shown voting in favor.

Notices: Area: 500' Mailed: 142
Replies: For: 5 Against: 8

Speakers: Favor: Karl Crawley, [REDACTED] Dallas, TX 75201
Against: None

4. Z034-256 (DW)

Planner: David Whitley

Motion: It was moved to recommend approval of a Planned Development District for a public school other than an open enrollment charter school and R-16(A) Single Family District uses subject to a revised development/landscape plan and staff's conditions revised to not require any additional parking on property bounded by Ridgeside Drive, Welch Road, Rickover Drive and Crestline Avenue.

Maker: Scott

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Gary, Emmons, Scott, Marshall, Brandon, Cunningham, Traylor, Avery, Alonzo, Lee and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

Notices: Area: 500

Mailed: 161

Replies: For: 15

Against: 27

Speakers:

Favor: Karl Crawley, [REDACTED] Dallas, TX 75201

Against: None

5. Z034-257 (DW)

Planner: David Whitley

Motion: In considering an application for an MF-2(A)-D-1 Multifamily District with Dry-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with Dry-1 Liquor Control Overlay on the north side of Bruton Road, east of St. Augustine Road, it was moved hold this case under advisement until August 12, 2004.

Maker: Lee

Second: Brandon

Result: Carried: 11 to 1

For: 11 - Gary, Emmons, Scott, Marshall, Brandon, Cunningham, Traylor, Avery, Alonzo, Lee and Perkett

Against: 1 - Vera

Absent: 1 - Wilke

Vacancy: 2- District 15 and District 2

Notices: Area: 300

Mailed: 27

Replies: For: 0

Against: 1

Speakers:

For: Al Rabalais, [REDACTED] Lewisville, TX 75067

Zoning Cases – Individual

6. Z034-147 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend approval of a Planned Development District for MF-2(A) Multifamily District uses and TH-3(A) Townhouse District uses and certain retail uses with retention of the D Dry Liquor Control Overlay and the MD-1 Modified Delta Overlay, subject to a conceptual plan and revised conditions on property bounded by Greenville Avenue, Alta Street, Summit Avenue and Lewis Street.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee* and Perkett

Against: 0 -

Absent: 1 - Wilke

Vacancy: 2 - District 15 and District 2

*Out of the room, shown voting in favor.

Notices: Area: 500 Mailed: 129

Replies: For: 20 Against: 2

Speakers: For: Jonathan Vinson, [REDACTED] Dallas
Maxine Aaronson, [REDACTED] Dallas
Against: None

7. Z034-245 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend approval of a Planned Development District for MU-1(A) Mixed Use District uses, subject to a revised conceptual plan and revised conditions and approval of the termination of a portion of SUP No. 187 for a cemetery and mortuary use and a private recreation club or area for a golf driving range on the north side of Camp Wisdom Road, east of Manitoba Avenue.

Maker: Lee

Second: Brandon

Result: Carried: 11 to 1

For: 11 - Vera, Gary, Scott, Marshall, Brandon,
Cunningham, Traylor, Avery, Alonzo, Lee and
Perkett

Against: 1 - Emmons

Absent: 1 - Wilke

Vacancy: 2 - District 15 and District 2

Notices: Area: 500 Mailed: 71
Replies: For: 2 Against: 1

Speakers: For: Suzan Kedron, 901 Main Street, #6000, Dallas, TX
Saleem Jafar, 5430 LBJ, Dallas, TX
Against: None

8. Z034-262 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a Specific Use Permit for a Commercial Amusement (inside) for a Class B dance hall use on the northwest corner of Ferguson Road and Oates Drive.

Maker: Traylor
Second: Vera
Result: Carried: 12 to 0
For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo,
Lee and Perkett
Against: 0 -
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

Notices: Area: 300 Mailed: 41
Replies: For: 0 Against: 12

Speakers: For: Johnson Ihemeremadu, [REDACTED], Dallas, TX
Bukky Fisayo, [REDACTED], Dallas, TX
Against: Bob Acker, Pastor, [REDACTED] Dallas, TX
Mike Nurre, [REDACTED] Dallas, TX 75228

9. Z034-264 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a Tower/antenna for cellular communication on north side of Bruton Road, east of St. Augustine Road.

Maker: Lee
Second: Emmons
Result: Carried: 11 to 1
For: 11 - Gary, Emmons, Scott, Marshall, Brandon,
Cunningham, Traylor, Avery, Alonzo, Lee and
Perkett
Against: 1 - Vera
Absent: 1 - Wilke
Vacancy: 2- District 15 and District 2

Notices: Area: 200 Mailed: 6

Replies: For: 1 Against: 0

Speakers: For: Ryan Ivey, [REDACTED] McKinney, TX
Against: None

4:27 P.M. Perkett was excused from the meeting.
4:40 P.M. Lee was excused from the meeting.

OTHER MATTERS

AUTHORIZATION OF A PUBLIC HEARING

In consideration of authorization of a hearing to determine the proper zoning on property zoned an MF-1 Multiple Family Subdistrict, an MF-2 Multiple Family Subdistrict, an O-2 Office Subdistrict, and Planned Development Subdistrict No. 55 within Planned Development District No. 193, the Oak Lawn Special Purpose District on properties that front on Throckmorton Avenue between Avondale Avenue and Hawthorne Avenue, with consideration given to a residential Planned Development Subdistrict for Townhouse Subdistrict uses and O-2 Office Subdistrict uses, including but not limited to appropriate front, side, and rear yard setbacks, it was moved to recommend **approval** of authorizing a hearing to determine proper zoning.

Maker: Emmons
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Traylor, Avery, Alonzo
Against: 0 -
Absent: 3 - Wilke, Lee, Perkett
Vacancy: 2 - District 15 and District 2

Speakers: For: Bill Griffin, [REDACTED] Dallas, TX
Michael Northrup, [REDACTED] Dallas, TX
Ronda Needham, [REDACTED] Dallas, TX
Art Rogers, [REDACTED], Dallas, TX
Sam J. Chantillis, MD, [REDACTED] Dallas, TX
Penny "Pia" Curry, [REDACTED] Dallas, TX
Sandin W. Thomas, [REDACTED], Dallas, TX
Against: Roger Albright, [REDACTED] Dallas, TX 75226
Ben Franklin, [REDACTED] Dallas, TX

Minutes

Motion: It was moved to **approve** the minutes of the July 22, 2004 meeting, subject to corrections.

Maker: Emmons
Second: Brandon
Result: Carried: 10 to 0
For: 12 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Avery, Alonzo and
Traylor
Against: 0 -
Absent: 3 - Wilke, Perkett, Lee
Vacancy: 2- District 15 and District 2

Adjournment:

Motion: It was moved to adjourn the hearing at 5:03 P.M.

Maker: Brandon
Second: Marshall
Result: Carried: 10 to 0
For: 10 - Vera, Gary, Emmons, Scott, Marshall,
Brandon, Cunningham, Avery, Alonzo and
Traylor
Against: 0 -
Absent: 3 - Wilke, Perkett, Lee
Vacancy: 2- District 15 and District 2

Bruce Wilke, Chair