

~~FILED~~
CITY PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 4, 2004; with the briefing starting at 10:58 a.m. in Room 5ES and the public hearing at 1:48 p.m. in the City Council Chambers of City Hall. Presiding was Carol Scott, Acting Chair and Carol Brandon, Vice-Chair. The following Commissioners were present during the hearing: Joel Vera, Jeff Strater, Clarence Gary, Angela Marshall, Diana Alonzo, Melvin Traylor, Carol Brandon, Bulldog Cunningham, Bill Avery, Neil Emmons and Ralph Isenberg. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: D'Angelo Lee, Bruce Wilke 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: 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) S045-003

Motion: It was moved to **approve** an application to plat a 6.88 acre tract of land in Block H/6237 into 1 lot on S. Buckner Boulevard, south of Bruton Road, subject to the conditions listed in the docket

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0 -

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GOVERNMENT
EXHIBIT

1516

3:07-CR-0289-M

COD_DS 0000011

*out of the room, shown voting in favor

Speakers: None

(2) S045-005

Motion: It was moved to approve an application to plat a 16.35 acre tract of land in Blocks 4628 and 5720 into one lot at the northeast corner of Denton Drive and Inwood Road, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(3) S045-006

Motion: It was moved to approve an application to plat a 0.96 acre tract of land in Block 8604 into one lot on Clark Road, south of Wheatland Road, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(7) S045-013

Motion: It was moved to approve an application to plat a 2.82 acre tract of land in Block 6949 into 1 lot on Duncanville Road, at Ranchero Lane, subject to the conditions listed in the docket

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(8) S045-014

Motion: It was moved to approve an application to plat a 33.66 acre tract of land in Blocks 6218, 6779 and 6781 into an 88 lot Community Unit Development on Military Parkway, west of Prairie Creek Road., subject to the conditions listed in the docket

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(4) S045-008

Plat was withdrawn prior to hearing and no action was taken.

(5) S045-009

Motion: It was moved to **approve** an application to plat a 0.53 acre tract of land in block 6676 into 2 lots at the southwest corner of N. Masters Drive and Kittyhawk Lane, subject to the conditions listed in the docket

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against 0

Absent 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(6) S045-011

Motion: It was moved to **approve** an application to plat a 12.56 acre tract of land in Block 6031 into 2 lots at the southwest corner of Hampton Road and Perryton Drive., subject to the conditions listed in the docket

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(9) S045-015

Motion: It was moved to **approve** an application to plat a 1.42 acre tract of land in Block P/2870 into 11 lots at the southeast corner of Skillman Street and Winton Street., subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Residential Replats - Individual Items

(10) S045-016

Motion: It was moved to **approve** an application to replat lots 1A-R, 5A, 5B and 4, Block B/5797 into 3 lots at the south corner of Stemmons Freeway and Storey Lane., subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

(11) S045-017

Motion: It was moved to approve an application to replat lots 8-16, Block 5/7915 into one, 1.41 acre lot on Record Crossing, west of Lee Hall Drive., subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(12) S045-018

Motion: It was moved to approve an application to plat a 2.47 acre tract of land in Block 3421 into 2 lots at the northeast corner of N. Zang Boulevard and E. Colorado Boulevard, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(13) S045-019

Motion: It was moved to approve an application to plat tracts of land in Blocks 238, 239, 240 and abandoned Patterson Avenue R.O.W. into one, 3.56 acre lot at the west corner of N. St Paul Street and Federal Street., subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall*, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

*out of the room, shown voting in favor

Speakers: None

Individual Items - Agenda

(14) S034-310R2

Motion: It was moved to approve an application to replat lots 18-22, Block 8/2026 into 2 lots at the southeast corner of Herschel Avenue and Throckmorton Street, subject to the conditions listed in the docket, final approval by Council of the pending zoning case and recording of deed restrictions volunteered in conjunction with the zoning case.

Maker: Emmons

Second: Brandon

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75201
Against: None

(15) S045-004

Motion: It was moved to approve an application to replat part of lots 8 and 9, Block 2/5575 into one, 1.1 acre lot, on Daniieldale Road, west of Beckley Crest Ave, subject to the conditions listed in the docket.

Maker: Brandon

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Speakers: None

(16) S045-007

Motion: It was moved to approve an application to replat lots 15 and 16, Block D/2984 into one, 0.43 acre lot, on Cedar Oaks Boulevard, south of the south line of Genoa Way, subject to the conditions listed in the docket.

Maker: Marshall

Second: Emmons

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Speakers: None

(17) S045-012

Motion: It was moved to approve an application to replat lots 1-14, Block 30/3652 and abandoned alley R.O.W. into one, 2.53 acre lot at the northeast corner of S. Marsalis Avenue and Illinois Avenue, subject to the conditions listed in the docket.

Maker: Alonzo

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy: 0

Speakers: None

Miscellaneous Docket

D034-030

Planner: Frank Dominguez

Motion: It was moved to approve a development plan for Planned Development District No. 582, the Victory Planned Development District, generally located east of Stemmons Freeway and north of Woodall Rodgers Freeway.

Maker: Emmons

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor, Brandon, Cunningham, Avery, Scott, Emmons, Isenberg

Against: 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy: 0

Speakers: None

Certificates of Appropriateness for Signs

0409021043

Motion: It was moved to approve a Certificate of Appropriateness for the installation of a 242 square feet attached sign on the south elevation at 1505 Elm Street.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 1

For: 11 - Vera, Strater, Gary, Marshall, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons

Against 1 - Isenberg

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Speakers: None

0409021045

Motion: It was moved to approve an application for a Certificate of Appropriateness for the installation of a 242 square feet attached sign on the north elevation at 1505 Elm Street.

Maker: Emmons

Second: Marshall

Result: Carried: 11 to 1

For: 11 - Vera, Strater, Gary, Marshall, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons

Against 1 - Isenberg

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Speakers: None

Zoning Cases – Consent

1. Z034-290 (RB)

Planner: Richard Brown

Motion: In considering an application for a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned an IR Industrial Research District, on the southeast corner of Emerald Lane and Crown Boulevard, it was moved to hold this case under advisement until November 11, 2004, to allow for the sign to be properly posted.

Maker: Cunningham

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Notices: Area: 200

Mailed: 1

Replies: For: 0

Against: 0

Speakers: None

2. Z034-302 (WE)

Planner: Warren Ellis

Motion 1: It was moved to recommend approval of an application for an amendment to, and an expansion of Planned Development District No. 640 for an Open enrollment charter school on property zoned an MU-1 Mixed Use District, an MF-2(A) Multifamily District, and Planned Development District No. 640, on properties on all four corners at the intersection of Annex Avenue and Bryan Street, subject to a development plan and staff's recommended conditions; adding staff's recommendation on traffic circulation on 2-7 with Exhibit B being the traffic circulation plan on page 2-10, 2-11 and 2-12, with applicant's development plan, on page 2-22 and changing the permitted uses in Tracts I and III to private school, private recreation center club or area (for playgrounds) and police or fire station and local utilities and allowing for a playground in Tract I and with the conditions and plans to return on a future miscellaneous docket.

Maker: Strater

Second: Isenberg

Motion 1 was not acted upon due to the approval of Motion 2

Motion 2: It was moved to recommended approval of the original motion with the addition of and to include a 1340 student capacity to the conditions.

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

Against 0
Absent: 3 - Lee, Wilke, Perkett
Vacancy 0

Notices: Area: 500 Mailed: 151
Replies: For: 7 Against: 7

Speakers: For: Karl Crawley, 500 S. Ervay St., #112B, Dallas, TX, 75201
Rosemary Perimeter, 606 E. Royal Ln., Irving, TX, 75063
Against: Jackie Staley, 4704 Sycamore St., Dallas, TX, 75204

3. Z034-325 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend denial of an application for a Specific Use Permit for a Liquor Store within Subarea 10 of Planned Development District 298, the Bryan Place Special Purpose District, on the northwest corner of Live Oak Street and Liberty Street, for a two year period, subject to a site plan and staff's recommended conditions.

Maker: Emmons
Second: Brandon
Result: Carried: 11 to 1
For: 11 - Vera, Strater*, Gary, Marshall, Alonzo, Traylor,
Brandon, Avery, Scott, Emmons, Isenberg

Against 1 - Cunningham
Absent: 3 - Lee, Wilke, Perkett
Vacancy 0
*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8
Replies: For: 2 Against 3

Speakers: For: Karl Crawley, 500 S. Ervay St., Dallas, TX, #112B, 75201
Larry E. Golman, 5440 Harvest Hill Rd., #167, Dallas, TX
75230
Against: Mark Stinger, 600 E. Las Colinas Blvd., #1800, Irving, TX,
75039
Graham McFarlane, 1601 Elm St., #, Dallas, TX, 75201
Caren Pemberton, 3211 Trevolle Pl., Dallas, TX, 75204
Bob Wise, 3003 Swiss Ave., Dallas, TX, 75204

4. Z034-327 (DW)

Planner: David Whitley

Motion: In considering an application for an MU-2 Mixed Use District on property zoned a CR-D-1 Community Retail District with a Dry-1 Liquor Control Overlay and an MC-1-D-1 Mixed Commercial District with a Dry-1 Liquor Control Overlay, and termination of existing deed restrictions, north of Bruton Road, west of St. Augustine Road it was moved to hold this case under advisement until November 18, 2004.

Maker: Cunningham

Second: Marshall

Result: Carried: 12 to 0

For: 12 - Vera, Strater, Gary, Marshall, Alonzo, Traylor,
Brandon, Cunningham, Avery, Scott, Emmons,
Isenberg

Against 0

Absent: 3 - Lee, Wilke, Perkett

Vacancy 0

Notices: Area: 400

Mailed: 118

Replies: For: 5

Against 1

Speakers: None

Zoning Cases – Under Advisement

5. Z034-307 (DW)

Planner: David Whitley

Motion: It was moved to recommend approval of an application for an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595 on the southwest side of Robert B. Cullum Boulevard, northwest of Birmingham Avenue, subject to the deed restrictions volunteered by the applicant.

Maker: Traylor
Second: Cunningham
Result: Carried: 8 to 3

For: 8 - Vera*, Gary, Alonzo, Traylor, Brandon,
Cunningham, Emmons, Isenberg

Against 3 - Scott, Avery, Strater
Absent: 4 - Marshall**, Lee, Wilke, Perkett
Vacancy 0

*out of the room, shown voting in favor

**Commissioner Marshall left before vote taken

Notices: Area: 200 Mailed: 19
Replies: For: 3 Against 0

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

6. Z034-309 (RB)

Planner: Richard Brown

Motion: In considering an application for an MF-2(A) Multifamily Subdistrict on property zoned an RS-C Regional Service-Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on property bounded by Clarence Street, Harwood Street, Sanger Avenue, and Mansfield Street it was moved to hold this case until November 11, 2004.

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

For: 11 - Vera, Strater, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons, Isenberg

Against 0
Absent: 4 - Marshall, Lee, Wilke, Perkett
Vacancy 0

Notices: Area: 200 Mailed: 19
Replies: For: 1 Against: 2

Speakers: None

7. Z034-312 (RB)

Planner: Richard Brown

Motion: It was moved to recommend approval of an application for an amendment to the site plan and conditions for Specific Use Permit No. 1522 for an Open-enrollment charter school on property zoned an RR Regional Retail District and an MF-2(A) Multifamily District on the south line of Ledbetter Drive, west of Hampton Road, subject to a revised site plan and conditions

Maker: Brandon
Second: Emmons
Result: Carried: 10 to 0
For: 10 - Vera, Strater*, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons

Against 0
Absent: 4 - Marshall, Lee, Wilke, Perkett
Conflict: 1 - Isenberg
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 17
Replies: For: 1 Against: 0

Speakers: For: Jonathan Vinson, 901 Main St., #6000, Dallas, TX,
75202
Against: None

Zoning Cases – Individual

8. Z034-322 (WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for R-16(A) Single Family uses and a private street on property zoned an R-16(A) Single Family District, on the north side of Forest Lane, west of Hillcrest Road it was moved to hold this case under advisement until December 2, 2004.

Maker: Cunningham
Second: Brandon
Result: Carried: 11 to 0
For: 11 - Vera, Strater, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons, Isenberg

Against 0
Absent: 4 - Marshall, Lee, Wilke, Perkett
Vacancy 0

Notices: Area: 500 Mailed: 119
Replies: For: 16 Against 6

Speakers: None

9. 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 November 18, 2004.

Maker: Brandon
Second: Alonzo
Result: Carried: 11 to 0
For: 11 - Vera, Strater, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons, Isenberg

Against 0
Absent: 4 - Marshall, Lee, Wilke, Perkett
Vacancy 0

Notices: Area: 500 Mailed: 52
Replies: For: 1 Against 9

Speakers: None

10. Z034-305 (LS)

Planner: Leif Sandberg

Motion: In considering a City Plan Commission authorized hearing to determine proper zoning on property zoned a CA-1(A) Central Area District with consideration being given to a planned development district to include Arts District zoning regulations similar to those contained in Planned Development District No. 145, on property generally bounded by Ross Avenue, Routh Street, Woodall Rodgers Expressway and Central Expressway it was moved to hold this case under advisement until November 11, 2004.

Maker: Emmons

Second: Vera

Result: Carried: 11 to 0

For: 11 - Vera, Strater, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 4 - Marshall, Lee, Wilke, Perkett

Vacancy 0

Notices: Area: 200

Mailed: 13

Replies: For: 0

Against 4

Speakers: None

Development Code Amendments

DCA 045-003

Planner: Leif Sandberg

Motion: In considering a City Plan Commission authorized hearing to consider an amendment to the development code to apply the sign standards contained in Arts District Special Provision Sign District, on property generally bounded by Ross Avenue, Routh Street, Woodall Rodgers Expressway and Central Expressway it was moved to hold this case under advisement until November 11, 2004.

Maker: Emmons

Second: Vera

Result: Carried: 11 to 0

For: 11 - Vera, Strater, Gary, Alonzo, Traylor, Brandon,
Cunningham, Avery, Scott, Emmons, Isenberg

Against 0

Absent: 4 - Marshall, Lee, Wilke, Perkett

Vacancy 0

Adjournment

Motion: It was moved to adjourn the hearing at 4:55 p.m.

Maker: Brandon

Second: Traylor

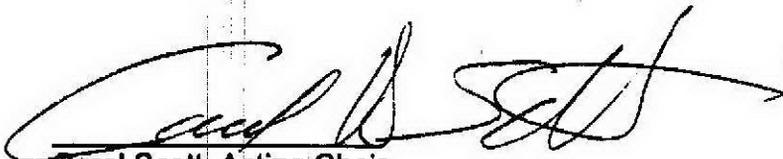
Result: Carried: 11 to 0

For: 11 - Vera, Strater, Gary, Marshall, Lee, Alonzo,
Traylor, Brandon, Cunningham, Avery, Scott,
Emmons, Isenberg

Against 0

Absent: 4 - Marshall, Lee, Wilke, Perkett

Vacancy 0



Carol Scott, Acting Chair