

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on March 4, 2010, with the briefing starting at 11:05 a.m. in Room 5ES and the public hearing at 1:35 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Michael Davis, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Emma Rodgers, John Lozano, Ann Bagley, Myrtle Lavallaisaa, Gloria Tarpley, Bruce Bernbaum, Sally Wolfish, Michael Schwartz and Bill Peterson. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. There is one vacancy – District 10.

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: Michael Grace

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.

Consent Agenda - Preliminary Plat

(1) S090-057

Motion: It was moved to **approve** an application to create a 7.8496 acre lot out of a tract of land in City Block 5185 located at the intersection of N. Central Expressway and SMU Boulevard; southeast corner, subject to compliance with the conditions listed in the docket.

Maker: Bagley
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: None

(2) **S090-060**

Motion: It was moved to **approve** an application to create one 9.00 acre lot out of a tract of land in City Block A/8712 located at the intersection of Spur 408 and Grady Niblo Road; northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Bagley
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: None

(3) **S090-061**

Motion: It was moved to **approve** an application to create a 1.25 acre lot out of a tract of land in City Block B/8472 located in the 7800 block of R.L. Thornton Freeway (Interstate 30), subject to compliance with the conditions listed in the docket.

Maker: Bagley
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: None

Residential Replat

(4) **S090-056**

Motion: It was moved to **approve** an application to replat 0.878 acres containing Lots 6A, 7A and 8A of the replat of Lots 6, 7, 8 and 9 Carroll Avenue Addition in City Block 1402 to dedicate 5,614 sq. ft. of right-of-way and create one 0.749 acre lot located at the intersection of Bank Avenue and Gurley Avenue; southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Wally
Second: Anglin
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: None

Miscellaneous Docket

D090-004

Olga Torres Holyoak

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development Subdistrict No. 87, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Field Street and Broom Street.

Maker: Wally
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: For: Bill Haas, Address not given
Against: None

Zoning Cases – Consent

1. **Z089-278(RB)**

Planner: Richard Brown

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-7.5(A) Single Family District Uses, subject to a revised development plan providing for 20 foot side yards, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District with deed restrictions providing for maximum density, structure height, and access provisions on the south line of Teagarden Road, west of Haymarket Road.

Maker: Lavallaisaa
Second: Rodgers
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10
Conflict: 1 - M. Davis

Reconsideration

Z089-278(RB)

Planner: Richard Brown

Motion I: It was moved to **reconsider** the action taken earlier in the meeting, which was to recommend approval of a Planned Development District for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses, subject to a revised development plan providing for 20 foot side yards, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District with deed restrictions providing for maximum density, structure height, and access provisions on the south line of Teagarden Road, west of Haymarket Road.

Maker: Lavallaisaa
Second: Bagley
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10
Conflict: 1 - M. Davis

Motion II: It was moved to **suspend** the CPC Rules of Procedure to allow citizens to speak on Z089-278(RB).

Maker: Lavallaisaa
Second: Wally
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10
Conflict: 1 - M. Davis

Motion III: It was moved to recommend **approval** of a Planned Development District for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses, subject to a revised development plan providing for 20 foot side yards, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District with deed restrictions providing for maximum density, structure height, and access provisions on the south line of Teagarden Road, west of Haymarket Road.

Maker: Lavallaisaa
Second: Rodgers
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10
Conflict: 1 - M. Davis

Notices: Area: 500 Mailed: 24
Replies: For: 0 Against: 2

Speakers: For: None
Against: William T. Weed, 10849 County Rd., 4079A, Scurry, TX, 75158
Terry Hebb, 10015 Teagarden Rd., Dallas, TX, 75217

2. Z089-281(RB)

Planner: Richard Brown

Motion: In considering an application for a Planned Development District for a Public school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 173 for the Veteran's Hospital on the northeast line of Lancaster Avenue, north of 52nd Street, it was moved to **hold** this case under advisement until March 18, 2010.

Maker: Rodgers
Second: Lozano
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10
Conflict: 1 - M. Davis

Error in notification

Speakers: None

3. Z089-213(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial parking lot for a five-year time period, with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the southeast corner of Elm Street and Second Avenue.

Maker: Wally
Second: Peterson
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis*, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 15
Replies: For: 8 Against: 0

Speakers: None

Zoning Cases – Under Advisement

4. Z090-125(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern and a commercial amusement (inside) on property zoned a CS Commercial Service District on the southwest line of Carroll Avenue; northwest of Willow Street.

Maker: Wally
Second: Wolfish
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin*, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

*out of the room, shown voting in favor

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

Speakers: For: Marleen Mar, 2605 Beaumont St., Fort Worth, TX, 76103
Against: Pedro Vaca, 4403 East Side Ave., Dallas, TX, 75226
Hassan Ramadan, 4403 Willow St., Dallas, TX, 75244
Dot LaSalle, 402 N. Good Latimer Expressway, Dallas, TX, 75204

Note: It was moved by Commissioner Lavallaisaa and seconded by Commissioner Bagley to change the order of the agenda and reconsider item Z089-278(RB), next. The Commission voted unanimously to change the order of the agenda. Commissioner Michael Davis left the room due to conflict.

Zoning Cases – Individual

5. **Z089-262(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of amendments to a conceptual plan, development plans for infrastructure improvements, and all staff's recommended conditions with the exception of the applicant's revised recommended video board provisions to include the following: 1) Maximum size of a video board sign is 1,500 square feet; 2) Video display area of the video board sign may not exceed 500 square feet; and 3) Message area within the remaining 1,000 square feet of video board sign can not change more than one time in a 24 hour period for Planned Development District No. 758, on both sides of Walnut Hill Lane, east of Skillman Avenue.

Maker: Tarpley
Second: Lozano
Result: Carried: 10 to 4

For: 10 - R. Davis, Anglin, M. Davis, Lozano,
Lavallaisaa, Tarpley, Bernbaum, Schwartz,
Peterson, Alcantar

Against: 4 - Wally, Bagley, Rodgers, Wolfish
Absent: 0
Vacancy: 1 - District 10

Amending Motion: It was moved to **amend** the motion to accept the applicant's recommended video board conditions.

Maker: R. Davis
Second: None
Result: Failed for lack of a second

Notices: Area: 500 Mailed: 327
Replies: For: 2 Against: 12

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Dave Dierkes, 613 Aqua Dr., Dallas, TX, 75218
Stephanie Colovas, 3831 Turtle Creek Blvd., Dallas, TX, 75219
Against: None

Development Code Amendments – Under Advisement

DCA089-003

Planner: David Cossum

Motion: It was moved to **remand** consideration of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.702; amending requirements for development plans and conceptual plans for planned development districts to the Zoning Ordinance Committee and re-advertize for the March 18, 2010, City Plan Commission meeting.

Maker: Bagley
Second: Anglin
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Speakers: For: None
Against: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Robert Reeves, 900 Jackson St., Dallas, TX, 75202
James Dodd, 3595 Ray Rd., Dallas, TX, 75241

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 18, 2010, City Plan Commission meeting, subject to corrections.

Maker: Wolfish
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Adjournment

Motion: It was moved to **adjourn** the March 4, 2010, City Plan Commission meeting at 3:40 p.m.

Maker: Wally
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Joe Alcantar, Chair