

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on April 16, 2009, with the briefing starting at 11:12 a.m. in Room 5ES and the public hearing at 1:38 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Chris Buehler, Vice Chair. The following Commissioners were present during the hearing: James Prothro, Liz Wally, Clarence Gary, Michael Davis, Emma Rodgers, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Bob Weiss, Tom Lueder, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. 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: 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) **S089-082**

**Motion:** It was moved to **approve** an application to create a 3.24 acre lot out of six tracts of land in City Block 6357 located at the intersection of U.S. Highway No. 75 (C.F. Hawn Frwy.) and Turin Drive, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Lavallaisaa  
Second: Wally  
Result: Carried: 15 to 0

For: 15 - Prothro\*, Wally, Gary\*, Davis\*, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

(2) **S089-083**

**Motion:** It was moved to **approve** an application to create a 9,951 sq. ft. lot out of a tract of land in City Block 823 located at the intersection of Benson Street and Hill Avenue, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Lavallaisaa  
Second: Wally  
Result: Carried: 15 to 0

For: 15 - Prothro\*, Wally, Gary\*, Davis\*, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

Residential Replat

(3) **S089-081**

**Motion:** It was moved to **approve** an application to replat all of Lots 12 through 26 in City Block 3/2540 into one 39,384 sq. ft. lot located at the intersection of Bexar Street and Hooper Avenue, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Bagley  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(4) **S089-084**

**Motion:** It was moved to **approve** an application to replat 11.2488 acres containing all of Lot 1A in City Block I/5628 and part of City Block 5626 into one lot located at the intersection of Douglas Avenue and Colgate Avenue, northwest corner, subject to compliance with the conditions listed in the docket with an amendment to replace Condition 12 and Condition 13 with the following: "On the final plat, dedicate a 1.5' Public Sidewalk and Public Utility easement along Colgate Avenue and Lomo Alto Drive."

Maker: Ekblad  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

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

**Note:** It was moved by Commissioner Buehler and seconded by Commissioner Weiss to change the order of the agenda and hear Authorization of Hearing items, next. The Commission voted unanimously to change the order of the agenda.

Miscellaneous Docket

**M089-023**

Planner: Richard Brown

**Motion:** In considering a variance and exception to Design Standards for Section 51A-4.605 of the Dallas Development Code to establish design standards and appropriate zoning districts for a general merchandise and food store use 100,000 sq. ft. or more and design standards for furniture stores and home improvement stores that are 100,000 sq. ft. or more on the south corner of Lemmon Avenue and Atwell Street, it was moved to **hold** this case under advisement until April 23, 2009.

Maker: Emmons  
Second: Weiss

Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0

Absent: 0

Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

**M089-024**

Planner: Richard Brown

**Motion:** It was moved to **approve** of a minor amendment to the development plan and planting plan for Planned Development District No. 482 for CR Community Retail District Uses in an area bounded by Inwood Road, West Lovers Lane, Greenway Boulevard and Boaz Street.

Maker: Emmons

Second: Weiss

Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0

Absent: 0

Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

Zoning Cases – Consent

**1. Z089-159(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1344 for an Open-enrollment Charter School or Private school for a three-year period, with eligibility for automatic renewal of additions three-year periods, subject to a revised site plan, revised landscape plan and revised conditions on property zoned an MF-1(A) Multifamily District, on the northeast corner of Frankford Road and Marsh Lane.

Maker: Wolfish  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** None

## 2. Z089-135(WE)

Planner: Warren Ellis

**Motion:** In considering an application for an amendment to create two tracts within Planned Development District No. 183 for MU-3 Mixed Use District uses on the southeast corner of North Haskell Avenue and North Central Expressway, it was moved to **hold** this case under advisement until May 7, 2009.

Maker: Wolfish  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

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

**Speakers:** None

3. **Z089-156(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of the termination of deed restrictions on property zoned an LI Light Industrial District Regional Retail District on the south side of I-20 Frontage Road, east of Honeysuckle Lane.

Maker: Wolfish  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 84  
**Replies:** For: 6 Against: 4

**Speakers:** None

4. **Z089-166(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of an IM Industrial Manufacturing District on property zoned an IR Industrial Research District on the north side of West Commerce Street, east of Edgefield Avenue.

Maker: Lozano  
Second: Rodgers  
Result: Carried: 14 to 0

For: 14 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0  
Conflict: 1 - Wolfish

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 1

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

Zoning Cases – Under Advisement

5. **Z089-143(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a recycling collection center for a two-year period, subject to a site plan and conditions on property zoned an IR Industrial Research District within a designated floor plain, on the east line of Wire Way, north of Lombardy Lane.

Maker: Lozano  
Second: Wally  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 11  
**Replies:** For: 1 Against: 2

**Speakers:** For: Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75226  
Against: None

Zoning Cases – Individual

7. **Z089-147(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **denial** of a Planned Development District for CS Commercial Service District Uses on property zoned a CS Commercial Service District on the northeast corner of IH 30 and Cockrell Hill Road.

Maker: Emmons  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 13  
**Replies:** For: 1 Against: 1

**Speakers:** For: Albert Jarrell, 5055 Keller Springs, Addison, TX, 75001  
Renee Ferguson, 1602 S. Beltline Rd., Dallas, TX, 75253  
Against: None

#### Authorization of Hearings

#### **Buckner Boulevard**

**Motion:** It was moved to **authorize** a public hearing to determine the proper zoning on property zoned Subarea 1 and Subarea 2 within Planned Development District No. 366 on the east side of Buckner Boulevard between Military Parkway and Ricardo Drive with consideration given to creating a new Subarea within Planned Development District No. 366.

Maker: Davis  
Second: Lueder  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None



**Davis Street**

**Motion:** In considering an authorization of a public hearing to determine the proper zoning on property zoned R-5(A) Single Family District, R-7.5(A) Single Family District, D(A) Duplex District with Historic Overlay No. 123 on a portion and Specific Use Permit No. 814 on a portion, TH-3(A) Townhouse District with deed restrictions on a portion, MF-2(A) Multifamily District, MU-1 Mixed Use District, LO-1 Limited Office District with a D Dry Liquor Control Overlay on a portion, NS Neighborhood Service District, CR Community Retail District, CS Commercial Service District, P(A) Parking District, Planned Development District No. 87 with Historic Overlay No. 15, Planned Development District No. 160 with Historic Overlay No. 59 on a portion and Specific Use Permit No. 1733 on a portion, Planned Development District No. 340, Planned Development District No. 631, Planned Development District No. 768, Conservation District No. 1, Conservation District No. 7 with Historic Overlay No. 95 on a portion generally along West Davis Street from North Plymouth Road to North Zang Boulevard extending to West Jefferson Boulevard from North Plymouth Road to North Hampton Road; to West 10<sup>th</sup> Street (both sides) between Sylvan Avenue and North Zang Boulevard; including both sides of North Bishop Avenue from West Davis Street to south of Colorado Boulevard; between Cedar Hill Avenue and Van Buren Avenue from West Davis Street to 5<sup>th</sup> Street; between North Polk Street and North Tyler Street from Canty Street to 8<sup>th</sup> Street (both sides). Consideration to be given to appropriate zoning for the area including use, development standards, parking, landscape, sign, and other appropriate regulations that protects and enhances existing neighborhoods with consideration given to the land use recommendations contained in the Bishop/Davis Land Use and Zoning Study done by GFF Planning, it was moved to **hold** this case under advisement until May 14, 2009.

Maker: Prothro  
Second: Emmons  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** For: Vicki Keene, 738 Cedar Hill, Dallas, TX, 75208  
Rick Garza, 1314 Kings Highway, Dallas, TX, 75208  
Jim Lake, Jr., 1350 Manufacturing St., Dallas, TX, 75207  
Amanda Moreno Cross, 1116 Kensington Dr., Dallas, TX, 75208  
Bob Stimson, 707 Tenna Loma Ct., Dallas, TX, 75208

Against: None

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Other Matters

**Motion:** It was moved to **approve** the City Plan Commission's FY2006-07 and FY2007-08 Annual Reports.

Maker: Wolfish  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

Minutes

**Motion:** It was moved to **approve** the minutes of the April 2, 2009, City Plan Commission meeting, subject to corrections.

Maker: Wolfish  
Second: Lueder  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

Adjournment

**Motion:** It was moved to **adjourn** the April 16, 2009, City Plan Commission meeting at 2:24 p.m.

Maker: Emmons  
Second: Ekblad  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary\*, Davis\*, Rodgers,  
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,  
Buehler, Wolfish, Ekblad, Emmons, Alcantar\*

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

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Joe Alcantar, Chair