

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on May 17, 2012, with the briefing starting at 11:01 a.m. in Room 5ES and the public hearing at 1:30 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Gloria Tarpley, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Robert Abtahi, Tony Hinojosa, Emma Rodgers, Ann Bagley, Myrtl Lavallaisaa, John Shellene, Sally Wolfish, Michael Schwartz and Paul E. Ridley. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Bruce Bernbaum. 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 Sustainable Development and Construction. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes.

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.

Consent Items:

(1) **S112-114**

Motion: It was moved to **approve** an application to replat a 10.228 acre tract of land containing all of Lots 2, 2.1 and 3 in City Block A/6051 on property located at 2524 Ledbetter Drive at South Hampton Road, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene*, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

(2) **S112-115**

Motion: It was moved to **approve** an application to replat a 9.998 acre tract of land containing all of Lot 2 into one 1.154 acre lot and one 8.844 acre Lot in City Block A/6172 located in the northeast quadrant of Fort Worth Avenue and Westmoreland Road, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene*, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

(3) **S112-116**

Motion: It was moved to **approve** an application to replat a portion of Lot 5 and all of Lot 6 in City Block K/1321 into one 0.3452 acre lot located at 3922 Lemmon Avenue, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene*, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

(4) **S112-118**

Motion: It was moved to **approve** an application to replat a 0.47 acre tract of land containing part of Lots 9, 10 and 11 in City Block 4548 into one 0.24 acre lot and one 0.23 acre lot located on Jefferson Boulevard at Hampton Road, northeast corner, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene*, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

(5) **S112-120**

Motion: It was moved to **approve** an application to create a 1.01 acre lot from a tract of land in City Block 6338 on property located at 908 S. Buckner Boulevard, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene*, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Speakers: None

Residential Replats:

(6) **S112-117**

Motion: It was moved to **approve** an application to replat a 0.1506 acre tract of land containing all of Lot 36 in City Block B/7482 to remove the Natural Channel Setback Line on property located at 11302 Goddard Court, subject to compliance with the conditions listed in the docket.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Speakers: None

Miscellaneous Docket

W112-013

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to amend Planned Development Subdistrict No. 91, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Cedar Springs Road and North Dallas Tollway.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

D112-001

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development/landscape plan for Planned Development District No. 743 on the east side of Kiwanis Road, north of Dixie Garden Road.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Speakers: None

Thoroughfare Plan Amendments

Main Street between Akard Street and Ervay Street; Commerce Street between Houston Street and Cesar Chavez Boulevard

Motion: It was moved to **approve** amendments to the CBD Street and Vehicular Circulation Plan to (1) Reduce the right-of-way on Main Street from Akard Street to Ervay Street from 80 feet to 76 feet; and (2) Change the operational characteristic of Commerce Street from Houston Street to Cesar Chavez Boulevard from five lanes eastbound to four lanes eastbound within 80 feet of right-of-way.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Speakers: None

Speakers: For (Did not speak): Pamela Craig, 1222 Commerce St., Dallas, TX, 75201
Against: None

2. **Z112-200(MW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Planned Development District, subject to a development/landscape plan and conditions on property zoned Subdistrict 1 within Planned Development District No. 535, the CF Hawn Special Purpose District No. 3 and an IM Industrial Manufacturing District on the north side of CF Hawn Freeway, west of Haymarket Road.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 500 Mailed: 69
Replies: For: 0 Against: 3

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

3. **Z112-211(MW)**

Planner: Megan Wimer

Motion: In considering an application for a Specific Use Permit for an open-enrollment charter school on property zoned a Light Mixed Use Subdistrict in Planned Development District No. 631, the West Davis Special Purpose District with deed restrictions and an R-7.5(A) Single Family District on the southwest corner of W. Davis Street and N. Dwight Avenue, it was moved to **hold** this case under advisement until June 7, 2012.

Maker: Hinojosa
Second: Davis
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 300 Mailed: 52
Replies: For: 1 Against: 1

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: Richard Sheridan, 3022 Forest Ln., Dallas, TX, 75234

4. Z112-215(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of an NS(A) Neighborhood Service District on property zoned a TH-3(A) Townhouse District on the southwest corner of S. Tyler Street and W. Page Avenue.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 200 Mailed: 24
Replies: For: 0 Against: 0

Speakers: None

5. Z112-111(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northwest corner of Lake June Road and N. Jim Miller Road.

Maker: Abtahi
Second: Shellene
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar*

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Notices: Area: 200 Mailed: 13
Replies: For: 1 Against: 0

Speakers: For: Ashley Anderson, 1601 Elm St., Dallas, TX, 75201
Against: None

6. Z112-188(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way (Loop 12), east of Oklaumon Drive.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar*

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

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

Speakers: None

Zoning Cases – Under Advisement

7. **Z112-197(WE)**

Planner: Warren Ellis

Motion: In considering an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise food store less than 3,500 square feet on property zoned a CS-D Commercial Service District with a D Liquor Control Overlay on the north line of Bruton Road, between Jim Miller Road and Mack Lane, it was moved to **hold** this case under advisement until June 7, 2012.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar*

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Notices: Area: 200 Mailed: 13
Replies: For: 1 Against: 2

Speakers: None

Zoning Cases - Individual

8. **Z090-239(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a NO(A) Neighborhood Office District in lieu of a CS Commercial Service District on property zoned an R-7.5(A) Single Family District on the southeast corner of Marine Way and Stillwell Boulevard.

Maker: Hinojosa
Second: Davis
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 300 Mailed: 35
Replies: For: 4 Against: 0

Speakers: For: Tailim Song, 13140 Coit Rd., Dallas, TX, 75240
Elva Fonseca, 1315 Sierra Blanca Dr., Duncanville, TX, 75116
For (Did not speak): Guillermo Fonseca, 1315 Sierra Blanca Dr., Duncanville, TX, 75116
Teresa Myers, 13140 Coit Rd., Dallas, TX, 75240
Jin Kim, 13140 Coit Rd., Dallas, TX, 75240
Against: None

9. Z112-191(MW)

Planner: Megan Wimer

Motion: In considering an application for a Specific Use Permit for a convenience store with drive-through on property zoned a CR Community Retail District on the south side of West Clarendon Drive, west of Hampton Road, it was moved to **hold** this case under advisement until June 7, 2012.

Maker: Davis
Second: Hinojosa
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 200 Mailed: 23
Replies: For: 0 Against: 1

Speakers: For: Tailim Song, 13140 Coit Rd., Dallas, TX, 75240
Arturo Sierra, 2737 Ivandell Ave., Dallas, TX, 75211
For (Did not speak): Teresa Myers, 13140 Coit Rd., Dallas, TX, 75240
Jin Kim, 13140 Coit Rd., Dallas, TX, 75240
Woojoon Seo, 1317 Miami Dr., Carrollton, TX, 75010
Jay Song, 2828 Forest Ln., Dallas, TX, 75234
Against: None

10. Z112-206(JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a Specific Use Permit for a bar, lounge, or tavern and commercial amusement (inside) for a dance hall use on property zoned Planned Development District No. 269, Tract A, on the southwest corner of Elm Street and N. Crowdus Street, it was moved to **hold** this case under advisement until June 7, 2012.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 200 Mailed: 23
Replies: For: 4 Against: 0

Speakers: None

11. Z112-114(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of the creation of a new Subdistrict (Subdistrict 2A), subject to conditions on property within the Subdistrict 2 portion of Planned Development District No. 534, the C. F. Hawn Special Purpose District No. 2, with a D-1 Liquor Control Overlay, and **approval** of a Specific Use Permit for an Office/showroom warehouse use for a twenty-year period with eligibility for automatic renewal for additional twenty-year periods, subject to a site plan and staff revised conditions to include the following landscape revisions: 1) Within 90 days after City Council approval the landscaping must be provided as follows: a) Screening of off-street parking in the area identified as "Screened Off-Street Parking Area" must be provided with evergreen plant materials located in a bed at least 3 feet wide with minimum soil depth of 24 inches to attain a solid appearance within three years. b) Irrigation Requirements for screening of off street parking must be provided as required in Article X. c) A minimum of one small tree must be planted on each side of the drive approach as shown on the site plan. d) All plant materials must be maintained in healthy growing condition on the southwest line of C. F. Hawn Freeway, southeast of Big Oaks Drive.

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

For: 14 - Davis, Wally*, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

* out of the room, shown voting in favor

Notices: Area: 500 Mailed: 208
Replies: For: 3 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: David Schober, 205 Via Altos, Mesquite, TX, 75150

12. Z112-153(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 82 for O-2 Subdistrict Uses with a D Liquor Control Overlay, subject to a revised development plan to reflect accurate density of 66 units, landscape plan, and staff conditions to include compliance with Turtle Creek Environmental Corridor setbacks, and retention of the D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast line of Fairmount Street, between Enid Street and Turtle Creek Boulevard.

Maker: Ridley
Second: Hinojosa
Result: Carried: 9 to 5

For: 9 - Anglin, Abtahi, Hinojosa, Lavallaisaa, Tarpley,
Shellene, Schwartz, Ridley, Alcantar

Against: 5 - Davis, Wally, Rodgers, Bagley, Wolfish
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 500 Mailed: 275
Replies: For: 0 Against: 1

Speakers: For: Alan Vihant, 610 Mertoy St., Toronto, Canada, M4S1B3
Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Grey Noschese, 500 N. Akard St., Dallas, TX, 75201
Neil Emmons, 2525 Turtle Creek Blvd., Dallas, TX, 75219
Against (Did not speak): Rob Elmore, Address not given

13. Z112-190(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Truck stop for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, landscape plan and staff conditions and **approval** of the termination of Specific Use Permit No. 98 for a Quarrying and Mining Operation on property zoned an IR Industrial Research District on the southeast corner of North Westmoreland Road and West Commerce Street.

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

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Notices: Area: 300 Mailed: 13
Replies: For: 0 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
For (Did not speak): Brian Fetz, 14110 Dallas Pkwy., Dallas, TX, 75254
Kenneth Baca, YMCA Dr., Waxahachie, TX, 75165
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the May 3, 2012, City Plan Commission meeting, subject to corrections.

Maker: Hinojosa
Second: Davis
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the May 17, 2012, City Plan Commission meeting at 4:00 p.m.

Maker: Hinojosa
Second: Davis
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Bernbaum
Vacancy: 0

Joe Alcantar, Chair