

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 6, 2012, with the briefing starting at 11:05 a.m. in Room 5ES and the public hearing at 1:34 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, Ann Bagley, Myrtle Lavallaisaa, John Shellene, Bruce Bernbaum, Sally Wolfish, Michael Schwartz and Paul E. Ridley. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Emma Rodgers. 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.

Residential Replat:

(1) **S112-180**

Motion: It was moved to **approve** an application to replat a 1.147 acre tract of land containing part of Lots 3, 4, 5, 6, and 7 in City Block 4482, and part of Lots 35 and 36 in City Block 4487 into one lot on property bounded by Hatcher Street, Troy Street, and Spring Avenue, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(2) **S112-181**

Motion: It was moved to **approve** an application to create a 0.8845 acre lot from a tract of land in City Block 1/648 on property located at Ross Avenue and Annex Avenue, south corner, subject to compliance with conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(3) **S112-182**

Motion: It was moved to **approve** an application to create one 2.3388 acre lot and one 1.0837 acre lot from a 3.423 acre tract of land in City Block 8043 on property located at 205 Executive Drive, north of Northwest Highway, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(4) **S112-183**

Motion: It was moved to **approve** an application to replat a 0.511 acre tract of land containing all of Lots 1, 2, 3, 4, 21 and 22 in City Block 3/4756 and a portion of an existing 20 foot alley to be abandoned to create one lot on Hampton Road at Mountain Lake Road, northeast corner, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(5) **S112-184**

Motion: It was moved to **approve** an application to create one 1.2649 acre lot and one 8.4014 acre lot from a 9.6663 acre tract of land in City Block 8334 on property located on Walton Walker Boulevard and West Davis Street, northwest corner, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(6) **S112-188**

Motion: It was moved to **approve** an application to create a 19.15741 acre lot from a tract of land in City Block 5453 on Hillcrest Road at Northwest Highway, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Schwartz
Second: Tarpley
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Shellene, Wolfish,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Rodgers
Vacancy: 0
Conflict: 1 - Bernbaum

Speakers: None

(7) **S112-189**

Motion: It was moved to **approve** an application to replat a 11.4631 acre tract of land containing all of Lot 1A in City Block K/7554 into one 6.215 acre lot, and one 5.248 acre lot on property bounded by Bainbridge Drive, Cliff Creek Crossing, and Interstate Highway 20, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(8) **S112-191**

Motion: It was moved to **approve** an application to create a 4.637 acre lot from a tract of land in City Block 6055 on property on IH 35E between Wycliff Avenue and Medical District Drive, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(9) **S112-192**

Motion: It was moved to **approve** an application to replat a 0.6424 acre tract of land containing all of Lots 5, 6, 7, 8, 9, 10, 11, and 12 in City Block 30/2382 into one 0.5099 acre lot and one 0.1325 acre lot on property on property at 8510, 8512, 8520 and 8522 Denton Drive at Burbank Street, east corner, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

Residential Replats:

(10) **S112-179**

Removal of Building Line Motion: It was moved to **approve** an application to remove the existing five foot side yard building line with the finding of fact that removal of the platted building lines will not require a minimum front, side, or rear yard setback line less than required by the zoning regulation; be contrary to the public interest; adversely affect neighboring properties; or adversely affect the plan for the orderly development of the subdivision along the east line of the property located at 5531 Purdue Boulevard, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Replat Motion: It was moved to **approve** an application to replat a 0.28 acre tract of land containing all of Lot 1 and the west half of a 44 foot reserved strip of land in City Block 4/5015 into one lot on the property located at 5531 Purdue Boulevard, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

(11) **S112-185**

Motion: It was moved to **approve** an application to replat a 6.085 acre tract of land containing all of Lot 1D, all of Lot 8, and part of Lot 2 in City Block 6/5596 to create one lot on property bounded by Park Lane, Hollow Way Road, and Alva Court, subject to compliance with the revised conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: For: Trevor Perlman, 5404 Park Ln., Dallas, TX 75220
Against: Mary Poss, Address not given

(12) **S112-187**

Motion: It was moved to **approve** an application to replat a 0.185 acre tract of land containing all of lots 2 and 3 in City Block F/2812 into one lot located at 7006 Shook Avenue, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

Miscellaneous Docket

W112-019

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 the deed restrictions on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Meandering Way and LBJ Freeway.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Against: None

D112-009

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan, subject to an additional detail note to provide for a customer entrance by gate or door for Subdistrict 1C of Planned Development District No. 714 on Sylvan Avenue, between Fort Worth Avenue and I-30 Service Road.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. **Z112-145(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of the creation of a new Subarea within Tract 1 of Planned Development District No. 314, the Preston Center Special Purpose District, subject to a development plan, landscape plan and conditions on the southwest corner of Douglas Avenue and Northwest Highway.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 500 Mailed: 53
Replies: For: 1 Against: 0

Speakers: None

2. **Z112-227(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for recycling buy-back center for a two-year period, subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District on the south side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 300 Mailed: 34
Replies: For: 0 Against: 0

Speakers: None

3. Z112-273(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of the creation of a new tract within Planned Development District No. 730 for mixed uses, subject to a development plan, landscape plan and conditions on the southwest corner of Bexar Street and Hooper Street.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 500 Mailed: 188
Replies: For: 2 Against: 1

Speakers: None

4. Z112-280(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) for a dance hall within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District for a five-year period, subject to a site plan and conditions on the north side of Royal Lane, between Reeder Road and Harry Hines Boulevard.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 400 Mailed: 36
Replies: For: 1 Against: 1

Speakers: For: Brian Min, 2727 LBJ Freeway, Dallas, TX, 75225
Yon Si, 2529 Royal Ln., Dallas, TX, 75229
Against: Brandon Cho, 2529 Royal Ln., Dallas, TX, 75229

5. **Z112-245(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, west of Masters Road.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 400 Mailed: 73
Replies: For: 2 Against: 1

Speakers: None

6. **Z112-283(JH)**

Planner: Jennifer Hiromoto

Motion: In considering an application for a Subdistrict 1C within Planned Development District No. 621 on property zoned a Subdistrict 1A within Planned Development District No. 621 on the northwest corner of North Riverfront Boulevard and Payne Street, it was moved to **hold** this case under advisement until September 20, 2012, to instruct staff to re-advertize and notice for a Planned Development Subdistrict.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 500 Mailed: 59
Replies: For: 2 Against: 0

Speakers: For: Brent Thompson, 1505 Elm St., Dallas, TX, 75201
Against: None

Zoning Cases – Under Advisement

7. Z112-256(JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a CS Commercial Service District on property zoned a CH Clustered Housing District on the south side of Ronnie Drive and north side of Newt Drive, east of Dickerson Street, it was moved to **hold** this case under advisement until September 20, 2012.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 1 Against: 1

Speakers: None

8. Z112-262(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for a five-year period, subject to a revised site plan and revised conditions to include 1) Paved surfaces must be watered and vacuum-swept as necessary to achieve maximum control of dust emissions from the vehicle traffic; 2) The area currently shown as “No truck parking” on the site plan be revised to allow paving and parking; and 3) Allow hours of operation to reflect applicant’s recommendation Monday thru Friday Midnight to 6:00 p.m. on property zoned an IR Industrial Research District on the northeast corner of Luna Road and Ryan Road.

Maker: Hinojosa
Second: Ridley
Result: Carried: 12 to 2

For: 12 - Davis, Wally, Anglin, Abtahi, Hinojosa,
Lavallaisaa, Tarpley, Bernbaum, Wolfish,
Schwartz, Ridley, Alcantar

Against: 2 - Bagley, Shellene
Absent: 1 - Rodgers
Vacancy: 0

Substitute Motion: It was moved to recommend **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for a three-year period, subject to a revised site plan and revised conditions on property zoned an IR Industrial Research District on the northeast corner of Luna Road and Ryan Road.

Maker: Abtahi
Second: Shellene
Result: Failed: 3 to 11

For: 3 - Abtahi, Bagley, Shellene

Against: 11 - Davis, Wally, Anglin, Hinojosa, Lavallaisaa,
Tarpley, Bernbaum, Wolfish, Schwartz, Ridley,
Alcantar
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 300 Mailed: 8
Replies: For: 0 Against: 1

Speakers: For: Isaac Molina, 2436 Dorrington Dr., Dallas, TX, 75228
Sam Shmaisani, 5608 Normandy Dr., Colleyville, TX, 76034
Against: None
Staff: Freddie Ortiz, City of Dallas, Environmental Quality

Zoning Cases - Individual

9. **Z112-268(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing District, subject to revised deed restrictions volunteered by the applicant on property zoned an IR Industrial/Research District on the south line of Ryan Road, east of Luna Road with revised deed restrictions volunteered by the applicant to return on the September 20, 2012, Miscellaneous Docket.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 400 Mailed: 17
Replies: For: 4 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
FOR (Did not speak): Hugh Rucker, 3200 Dartmouth Ave., Dallas, TX, 75205
Baron Ablon, 5511 Royal Ln., Dallas, TX, 75229
Against: None

10. **Z112-260(MW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Industrial (outside) not potentially incompatible use for a concrete batch plant for a two-year period, subject to a revised site plan and revised conditions to include under DUST CONTROL, ii "vehicle maneuvering areas" on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive.

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

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

Against: 0
Absent: 1 - Rodgers
Vacancy: 0

Notices: Area: 300 Mailed: 15
Replies: For: 1 Against: 0

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: None

Special Provision Sign District

SPSD112-001

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of amendments to the Downtown Special Purpose Sign District, Section 51A-900 of the Dallas City Code, to amend the building occupancy requirements for non-premise district activity videoboard signs on buildings with retail and personal service uses to include commercial parking lot or garage and lodging uses in an area generally bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Maker: Tarpley
Second: Schwartz
Result: Carried: 12 to 1

For: 12 - Davis, Anglin, Abtahi, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Wolfish,
Schwartz, Ridley, Alcantar

Against: 1 - Wally
Absent: 2 - Rodgers, Shellene
Vacancy: 0

Notices: Area: 200 Mailed: 694
Replies: For: 13 Against: 1

Speakers: For: John Crawford, 2200 Ross Ave., Dallas, TX, 75201
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the August 16, 2012 City Plan Commission meetings, subject to corrections.

Maker: Tarpley
Second: Davis
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Abtahi, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Wolfish,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 2 - Rodgers, Shellene
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the September 6, 2012, City Plan Commission meeting at 4:45 p.m.

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

For: 13 - Davis, Wally, Anglin, Abtahi, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Wolfish,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 2 - Rodgers, Shellene
Vacancy: 0

Joe Alcantar, Chair