

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on October 15, 2009, with the briefing starting at 11:05 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 Michael Davis, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Emma Rodgers, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Bob Weiss, Tom Lueder, Sally Wolfish and Neil Emmons. The following Commissioner as absent from this hearing as defined in the City Plan Commission rules: Michael Schwartz. There is one vacancy (District 11).

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: 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 Agenda - Preliminary Plat

(1) **S089-141**

Motion: It was moved to **approve** an application to replat a 4.657 acre lot from a tract of land containing part of Lot 1A, City Block D/836 located in the Victory Marketing Center Addition; all of Lots 5 thru 8 in City Block 377 and all of Lots 9 and 10 Block 378 in the A.A. Johnson Addition; part of Lots 12, 13, 15 and all of Lot 14 in City Block 300 of the C.H. Alexander Addition; part of abandoned Binford Street, Summer Street and River Street, and part of an abandoned 14 foot alley dividing Lots 6 and 7 in City Block 377; and part of abandoned Wesley Alley on Broom Street at Field Street, west corner, subject to compliance with the conditions listed in the docket with Condition #10 "On the final plat dedicate 25 feet of R.O.W. from the centerline of Field Street." Changed to read: "On the final plat indicate the width of the R.O.W. for Field Street at it's narrowest point." In addition delete Condition #19 which reads: "Capacity of existing wastewater system id questionable. Submit proposed G.P.M. of the development for investigation." and Condition #23 which reads:

“On the final plat the storm sewer easement (Vol.2379, Pg. 566) and the 20 foot water line easement (Vol. 2004082, Pg. 9) need to be noted as “abandoned” by ordinance # on the face of the plat.”

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

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

(2) **S089-143**

Motion: It was moved to **approve** an application to create a 7.812 acre lot from a tract of land located in City Block 4893 on S. Lancaster Road north of Loop 12, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

Residential Replats

(3) **S089-137**

Motion: It was moved to **approve** an application to replat an 8.064 acre tract of land to create one lot located within City Block 6144 and containing part of Brownwood Park on Walnut Hill Lane between Webb Chapel Road on the west and Bowman Boulevard on the east, subject to compliance with the conditions listed in the docket with the exception that Condition #9 which reads: " On the final plat dedicate 50 feet of R.O.W. from the existing centerline of Walnut Hill

Lane”; and Condition #19 which reads: “On the final plat provide a mutual access easement by separate instrument and place the recording information on the face of the plat.” be deleted.

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

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

(4) S089-138

Motion: It was moved to **approve** an application to replat a 0.418 acre tract of land containing Lots 177F and 177G located in City Block 1/6949 into one lot on 4428 and 4432 Barstow Boulevard on the south line of Barstow Boulevard beginning at a point 358.87 feet west of the west line of S. Cockrell Hill Road, subject to compliance with the conditions listed in the docket.

Maker: R. Davis
Second: Weiss
Result: Carried: 11 to 2

For: 11 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Lavallaisaa, Weiss, Lueder, Emmons,
Alcantar

Against: 2 - Bagley, Wolfish
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: For: Xavier Chapa, 1711 W. Irving Blvd., Irving, TX, 75061
Against: None

(5) S089-140

Motion: It was moved to **approve** an application to replat a 0.11 acre tract of land containing all of Lot 6 located in the Turtle Creek Circle 2 Addition and a portion of common area into one lot in City Block A/995 on 2830 Park Bridge Court, subject to compliance with the conditions listed in the docket.

Maker: Emmons
Second: M. Davis
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

Miscellaneous Docket

M089-043

Motion: It was moved to **approve** a minor amendment to the site plan and landscape plan for Specific Use Permit No. 740 for a Private school on the northwest corner of Walnut Hill Lane and White Rock Trail.

Maker: Lueder
Second: Wolfish
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

M089-045

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District 254 on the northwest corner of Frankford Road and Gibbons Drive.

Maker: Lueder
Second: Wolfish
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

M089-047

Note: Assistant City Attorney Casey Burgess left the room due to a conflict of interest

Motion: It was moved to **approve** a minor amendment to the Tract IV development plan for Planned Development District No. 278 for Office and Related Uses on the terminus of Pegasus Park Drive, north of Irving Boulevard.

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

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Speakers: None

Zoning Cases – Consent

1. Z089-253(RB)

Planner: Richard Brown

Motion: In considering an application for a Planned Development District for a Private school, Child-care facility, and R-1ac(A) Single Family District Use on property zoned an R-1ac(A) Single Family District on the north line of Northwest Highway, between Inwood Road and Meadowbrook Drive, it was moved to **hold** this case under advisement until October 22, 2009.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 56
Replies: For: 3 Against: 3

Speakers: None

2. Z089-267(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Medical clinic for a three-year and seven month period, subject to a site plan and revised conditions on property within the Tract 1a portion of Planned Development District No. 225, H/25, the State Thomas Special Purpose District, on the northwest line of Thomas Avenue, north of Fairmount Avenue.

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

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 47
Replies: For: 2 Against: 3

Speakers: For: Myron Mims, 3129 Ross Ave., Dallas, TX, 75204
Daron Tapscott, 5230 Goodwin Ave., Dallas, TX, 75206
Against: George Pelletier, 4500 Westway, Dallas, TX, 75205
Bo Price, 2317 Routh St., Dallas, TX, 75201
Jay Murray, 2512 State St., Dallas, TX, 75201
Kevin Grace, 2315 Routh St., Dallas, TX, 75201
Tom McBride, 2500 State St., Dallas, TX, 75201
Jim Hailey, 2508 State St., Dallas, TX, 75201

3. **Z089-268(OTH)**

Planner: OlgaTorres- Holyoak

Motion: It was moved to recommend **approval** to the renewal of Specific Use Permit No. 1566 for a vehicle display, sales and service use for a three-year period with eligibility for automatic renewal for additional three-year periods, subject to a site plan and conditions on property within Subdistrict 2 of Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3 on the south side of C.F. Hawn Freeway, between Prairie Creek Road and S. St. Augustine Road.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 14
Replies: For: 1 Against: 0

Speakers: None

4. **Z089-275(OTH)**

Planner: OlgaTorres Holyoak

Motion: It was moved to recommend **approval** to amend Specific Use Permit No. 1767 for an alcohol beverage establishment for a bar, lounge, or tavern, subject to revised conditions on property zoned Planned Development District No. 269 the Deep Ellum/Near East Side Special Purpose District, on the north side of Commerce Street, east of Good Latimer Expressway.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 18
Replies: For: 1 Against: 0
Speakers: None

5. **Z089-249(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District on property zoned an A(A) Agricultural District on the east side of Prater Road, south of LBJ Freeway.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 14
Replies: For: 2 Against: 0
Speakers: None

6. **Z089-255(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a private school for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, landscape plan and conditions on property zoned an R-7.5(A) Single Family District on the southwest corner of Gus Thomasson Road and Shiloh Road.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 400 Mailed: 126
Replies: For: 6 Against: 4
Speakers: None

7. **Z089-256(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a private recreation center, club, or area for a five-year time period with eligibility for automatic renewals for additional five-year time periods, subject to a revised site plan, landscape plan and conditions on property zoned an NO(A) Neighborhood Office District on the west line of White Rock Trail, north of Walnut Hill Lane.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons, Alcantar

Against: 0
Absent: 1 - Schwartz
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 17
Replies: For: 5 Against: 0
Speakers: None

8. **Z089-258(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 781 for MF-2(A) Multifamily District uses and **approval** of a Specific Use Permit for office/medical clinic uses for a five-year period, subject to a site plan and conditions on the northeast line of Emerald Isle, north of Garland Road with the following change to Section 51P-781.107 (c) The following uses are permitted by Specific Use Permit only and must be in a structure existing on the date of ordinance passage.

Maker: Weiss
Second: Wolfish
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 46
Replies: For: 3 Against: 1

Speakers: None

9. **Z089-243(WE)**

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for a commercial amusement (inside) for a Class A dance hall and an alcoholic beverage establishment for a private-club bar on property zoned a CR Community Retail District on the north side of W. Camp Wisdom Road, west of Del Rey Drive, it was moved to **hold** this case under advisement until November 19, 2009.

Maker: Lavallaisaa
Second: Lueder
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Notices: Area: 400 Mailed: 32
Replies: For: 1 Against: 0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75201
Against: Valentina Collins, 6207 Lakehurst Ave., Dallas, TX, 75230

Zoning Cases – Individual

10. **Z089-236(WE)**

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for residential uses on property zoned an A(A) Agricultural District, on the north side of Barnes Bridge Road, east of Bobtown Road, it was moved to **hold** this case under advisement until December 17, 2009.

Maker: Weiss
Second: M. Davis
Result: Carried: 11 to 1

For: 11 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Alcantar

Against: 1 - Emmons
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Amending Motion: It was moved to **amend** the motion and hold the case under advisement until January 7, 2010.

Maker: Emmons
Second: Wally
Result: Failed: 5 to 7

For: 5 - Wally, Lavallaisaa, Wolfish, Emmons, Alcantar

Against: 7 - M. Davis, Anglin, Rodgers, Lozano, Bagley,
Lueder, Weiss,
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 242
Replies: For: 7 Against: 23

Speakers: For: Jeff Miles, 16301 Quorum Dr., Addison, TX, 75001
Against: Sherry Sefko, 1701 N. Market St., Dallas, TX, 75238
Deborah Franklin, 629 Pecan Creek Dr., Sunnyvale TX, 75182
David Byrd, 225 Barnes Bridge Rd., Sunnyvale, TX, 75182
Against (Did not speak): Cheryl Giacomazzi, 217 Brazos Ln., Sunnyvale, TX, 75182
Barbara Thomas, 477 East Fork Rd., Sunnyvale, TX, 75182
Ashlee Yates, 224 Manor Way, Sunnyvale, TX, 75182
Paula Yates, 224 Manor Way, Sunnyvale, TX, 75182
Ann Barbier Mueller, 5941 Averill Way, Dallas, TX, 75225
Scott Campell, 291 Old Mill Rd., Sunnyvale, TX, 75182
Deborah Geis, 112 Sunview St., Sunnyvale, TX, 75182
LaVenia Morgan, 116 Sunview St., Sunnyvale, TX, 75182

11. Z089-244(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for gas drilling and production for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to a site/operation plan for drilling, a site/operation plan for production, and staff's recommended conditions with the following conditions added: 1) No drilling any closer than 600 feet from residential structures. 1) Under FRACTURING: Except as provided in this subsection, fracturing activities may occur during daylight hours, seven days a week, except that flowback operations may occur 24

hours a day, seven days a week. See Section 51A-12.105(m)(1). If a residential use is located within 600 feet of a well head when written notice is given to the gas inspector of the intent to fracture a well, fracturing activities may only occur during daylight hours for no longer than 90_days per 365 day period, except that flowback operations may occur 24 hours a day. 2) Under SCREENING/LANDSCAPING, Prior to the issuance of a building permit for drilling, a minimum eight foot-tall green vinyl coated fence must be provided in the location as shown on the attached plans. Within 60 days after the first well is in production, a landscape plan must be submitted to the building official that provides for the following along all four sides of the Property: A. Large evergreen shrubs, a minimum seven gallon each at the time of planting, planted no greater than six feet on-center. B. All materials must be capable of obtaining a solid appearance and a minimum height of eight feet within three years from date of planting. C. A minimum three foot-wide mulched planting bed must be provided for all landscape materials. D. All plant materials required in this subsection must be maintained in a healthy, growing condition at all times and **approval** of the revised deed restrictions volunteered by the abutting property owner within Tract 1 of Planned Development District No. 741 for MU-3 Mixed Use District uses and an A(A) Agricultural District, east of Belt Line Road, north of Hackberry Road.

Maker: Lozano
Second: Wolfish
Result: Carried: 11 to 0

For: 11 - Wally, M. Davis, Rodgers, Lozano, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Emmons,
Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11
Conflict: 1 - Anglin

Notices: Area: 1000 Mailed: 5
Replies: For: 0 Against: 0

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

Development Code Amendments

DCA078-014

David Cossum

Motion: In considering an amendment to Chapter 51A, Section 3.102(a) Creation; membership; appointment, the Dallas Development Code, to amend regulations pertaining to Board of Adjustment Panel Size, it was moved to **hold** this case under advisement until October 22, 2009.

Maker: Emmons
Second: Weiss
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Speakers: None

DCA089-002

David Cossum

Motion: It was moved to recommend **approval** of an amendment to Chapter 51A, Section 51A-4.501, the Dallas Development Code, allowing demolition of historic structures pursuant to a court order; allowing the fire marshal to summarily abate hazards; and re-numbering certain subsections of Section 51A-4.501, subject to Zoning Ordinance Advisory Committee's recommendations.

Maker: Bagley
Second: Wally
Result: Carried: 7 to 5

For: 7 - Wally, Rodgers, Bagley, Lavallaisaa, Weiss,
Wolfish, Emmons,

Against: 5 - Anglin, M. Davis, Lozano, Lueder, Alcantar
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Speakers: For: Scott Potter, 4843 Junius St., Dallas, TX, 75246
Daron Tapscott, 5230 Goodwin, Dallas, TX, 75206
Julian Peterson, 2711 Gaston Ave., Dallas, TX, 75226
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214
Against: None
Staff: Chris Bowers, Assistant City Attorney
Tammy Palomino, Assistant City Attorney

Other Matters

City Plan Commission 2010 Calendar

Motion: It was moved to recommend **approval** of the 2010 City Plan Commission calendar.

Maker: Emmons
Second: Wolfish
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Minutes

Motion: It was moved to **approve** the minutes of the September 24, 2009, City Plan Commission meeting, subject to corrections.

Maker: Weiss
Second: Lozano
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Adjournment

Motion: It was moved to **adjourn** the October 15, 2009, City Plan Commission meeting at 4:46 p.m.

Maker: Weiss
Second: Lozano
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Joe Alcantar, Chair