

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 7, 2013, with the briefing starting at 11:06 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, Gloria Tarpley, Vice Chair. The following Commissioners were present during the hearing: Mike Anglin, Gabe Soto, Emma Rodgers, Betty Culbreath, Tony Shidid, Tony Hinojosa, Ann Bagley, Myrtl Lavallaisaa, John Shellene, Bruce Bernbaum, Carolyn "Cookie" Peadon, Margot Murphy and Paul E. Ridley. 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 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) **S123-114R1**

Motion: It was moved to **approve** an application to revise the previously approved plat (S123-114) of a 10.043-acre lot into one 1.663-acre lot and one 8.379-acre lot 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: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(2) **S134-001**

Motion: It was moved to **approve** an application to replat a 2.174-acre tract of land containing all of Lots 1, 2, 3, 2A, 2B, and Lot 8, in City Block 79/3060 into one 0.3399-acre lot and one 1.8341-acre lot on property located on Eighth Street (State Highway 180) between Jefferson Blvd. and Ewing Avenue, subject to compliance with the conditions listed in the docket.

Maker: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(3) **S134-002**

Motion: It was moved to **approve** an application to replat a 0.4591-acre tract of land containing all of Lots 7 and 8 and part of Lot 9 in City Block 2/2040 to create one lot on property located at 4428 and 4436 Lemmon Avenue, southeast of Prescott Avenue, subject to compliance with the conditions listed in the docket.

Maker: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(4) S134-003

Motion: It was moved to **approve** an application to create a 3.000 acre lot from a tract of land in City Block A/5989 on property located on Village Fair Drive at Fairshop Drive, subject to compliance with the conditions listed in the docket.

Maker: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(5) S134-005

Motion: It was moved to **approve** an application to replat a 0.3755-acre tract of land containing all of Lots 1, 2, and 3 in City Block 1/932 into one lot on property located at N. Harwood Street at Wolf Street, north corner, subject to compliance with the conditions listed in the docket.

Maker: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

(6) S134-009

Motion: It was moved to **approve** an application to replat a 0.746-acre tract of land in City Block 10/4893 to create one lot on property located on E. Ledbetter Drive east of Lancaster Road, subject to compliance with the conditions listed in the docket.

Maker: Rodgers
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley*, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

Residential Replats:

(7) **S134-008**

Motion: It was moved to **approve** an application to replat a 0.689-acre lot from a tract of land containing all of Lots 20 and 21 in City Block A/8727 into one lot on property located at 6901 and 6903 Levelland Road at Gold Dust Trail, subject to compliance with the conditions listed in the docket.

Maker: Peadon
Second: Culbreath
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: For: Mike Coker, 2700 Swiss Ave., Dallas, TX, 75204
Against: None

Zoning Cases – Consent:

1. **Z123-334(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Convalescent and nursing homes, hospice care, and related institutions use for a ten-year period with eligibility for automatic renewal for additional fifteen-year periods, subject to a site plan and conditions, and **approval** of the termination of existing deed restrictions on property within Subdistrict 4A of Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the northeast line of Bahama Drive, south of Ft. Worth Avenue.

Maker: Anglin
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 400 Mailed: 205
Replies: For: 1 Against: 0

Speakers: None

2. **Z123-362(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1905 for a Late-hours establishment limited to a Restaurant without drive-in or drive-through service for a three-year period, subject to conditions on property zoned Planned Development District No. 842, Greenville Avenue for CR Community Retail District Uses with an MD-1 Modified Delta Overlay on the west line of Greenville Avenue, south of Sears Street.

Maker: Anglin
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 20
Replies: For: 4 Against: 0

Speakers: None

3. **Z123-225(MW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the northwest corner of Barnes Bridge Road and El Capitan Drive.

Maker: Anglin
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

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

Speakers: For (Did not speak): Karla Rios, 1835 Barnes Bridge Rd., Dallas, TX, 75228
Against: None

4. Z123-303(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1924 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northwest corner of Morrell Avenue and South Corinth Street.

Maker: Anglin
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 22
Replies: For: 1 Against: 0

Speakers: None

5. Z123-361(CG)

Planner: Carrie Gordon

Motion I: It was moved to recommend **approval** of a Specific Use Permit for a detached non-premise sign (billboard) use for a 25-year period, subject to a site plan and conditions on property zoned a GO(A) General Office District on the southwest corner of LBJ Freeway and Bank Way Lane (formerly Nelda Lane).

Maker: Hinojosa
Second: Culbreath
Result: Failed: 7 to 8

For: 7 - Soto, Rodgers, Culbreath, Hinojosa,
Lavallaisaa, Bernbaum, Peadon

Against: 8 - Anglin, Shidid, Bagley, Tarpley, Shellene,
Murphy, Ridley, Alcantar

Absent: 0
Vacancy: 0

Motion II: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a detached non-premise sign (billboard) use on property zoned a GO(A) General Office District on the southwest corner of LBJ Freeway and Bank Way Lane (formerly Nelda Lane).

Maker: Ridley
Second: Shellene
Result: Carried: 13 to 2

For: 13 - Anglin, Soto, Rodgers, Shidid, Bagley,
Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 2 - Culbreath, Hinojosa
Vacancy: 0

Notices: Area: 200 Mailed: 2

Replies: For: 0 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: John Cook, 3010 LBJ Frwy., Suite 1401, Dallas, TX, 75234
James Langford, 3001 Bookhout St., Dallas, TX, 75201

6. Z123-329(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 3,500 square feet or less for a two-year period with eligibility for automatic renewal for additional two-year periods, 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 Bruton Road and North Prairie Creek Road.

Maker: Shidid
Second: Hinojosa
Result: Carried: 13 to 2

For: 13 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Alcantar

Against: 2 - Bagley, Ridley
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 2

Speakers: For: Malik Parvez, 1901 Central Dr., Bedford, TX
Against: Yolanda Williams, 1012 Pindar Ave., Dallas, TX, 75217

7. Z123-354(WE)

Planner: Warren Ellis

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 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the east side of North Saint Augustine Road, south of Lake June Road.

Maker: Shidid
Second: Hinojosa
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 1

Speakers: For: Hisham Awadelkariem, 401 Hawthorn Dr., Bedford, TX
Eve Grindstaff, 11016 Ulloa Ln., Dallas, TX, 75228
Artis Hagans, 10651 Wessex Dr., Dallas, TX, 75217
Chamane Connally, 9919 Homeplace Dr., Dallas, TX, 75217
Against: None

Zoning Cases – Under Advisement:

8. Z123-135(WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development Subdistrict for single detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street; it was moved to **hold** this case under advisement until December 5, 2013.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 76
Replies: For: 4 Against: 0

Speakers: None

9. Z123-340(WE)

Planner: Warren Ellis

Motion: In considering an application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, it was moved to **hold** this case under advisement until November 21, 2013.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 217
Replies: For: 13 Against: 1

Speakers: None

Zoning Cases – Individual:

10. Z123-331(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a RR-D Regional Retail District with a D Liquor Control Overlay in lieu of a CS-D Commercial Service District with a D Liquor Control Overlay on property zoned an LO-3-D Limited Office District 3 with a Dry Liquor Overlay, north of West Ledbetter Drive, west of South Hampton Road.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 300 Mailed: 19
Replies: For: 1 Against: 3

Speakers: For: Jin Kim, 13140 Coit Rd., Dallas, TX, 75240
Against: Caroline Jordon, 2647 Deep Hill Cir., Dallas, TX, 75233
Justin Burns, 1236 Hollywood Ave., Dallas, TX, 75208

11. Z123-355(WE)

Planner: Warren Ellis

Motion: In considering an application for a CR Community Retail District on property zoned an R-7.5(A) Single Family District on the southwest corner of Scyene Road and Lewiston Avenue, it was moved to **hold** this case under advisement until December 5, 2013.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

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

Speakers: For: Hisham Awadelkariem, 401 Hawthorn Dr., Bedford, TX
Against: Michael Stuart, 9922 Scyene Rd., Dallas, TX, 75227
Against (Did not speak): Maria Mata, 10002 Scyene Rd., Dallas, TX, 75227

12. Z123-285(RB)

Planner: Richard Brown

Motion: In considering a City Plan Commission authorized hearing to determine the proper zoning on property zoned Planned Development District No. 619 with consideration given to appropriate use regulations and development standards within Planned Development District No. 619, subject to revised conditions in an area bounded by the centerlines of Pacific Avenue, Harwood Street, Jackson Street and Griffin Street, it was moved to **hold** this case under advisement until November 21, 2013.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley*, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 684
Replies: For: 1 Against: 0

Speakers: None

13. Z123-283(MW)

Planner: Megan Wimer

Motion: In considering an application for a new Planned Development Subdistrict for mixed uses, subject to a development plan and staff's recommended conditions on property zoned an LC Light Commercial Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest corner of Routh Street and McKinney Avenue, it was moved to **hold** this case under advisement until November 21, 2013.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 78
Replies: For: 6 Against: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Against: Jack Irwin, 2708 Fairmount St., Dallas, TX,
Vickie Garza, 2601 Hibernia St., Dallas, TX, 75204
Anthony Page, 3210 Carlisle St., Dallas, TX, 75204

14. Z123-323(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Specific Use Permit for a restaurant with drive-in or drive-through service for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District on the east corner of Maple Avenue and Clara Street.

Maker: Soto
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Culbreath
Vacancy: 0
Conflict: 1 - Alcantar

Notices: Area: 200 Mailed: 28
Replies: For: 0 Against: 1

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Grey Stogner, 15150 Preston Rd., Dallas, TX, 75248
Against: None

15. Z112-297(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of amendments to Tracts 2, 3 and 4 and to create a new tract, subject to a conceptual plan, revised development plan and revised conditions within Tract 1 of Planned Development District No. 561 north of Keller Springs Road and east of Glen Abbey Drive.

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

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 53
Replies: For: 7 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX 75202
For (Did not speak): Maxwell Fisher, 900 Jackson St., Dallas, TX 75202
Against: None

Special Provision Sign District Amendment:

SPSD123-002(CG)

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of the creation of a new subdistrict within the Downtown Special Purpose Sign District (SPSD) to increase signage in an area generally bounded by Main Street, Elm Street, North Lamar Street, and North Griffin Street to include the following amendments: 1) On page 11, insert Staff's recommendation to read, "signs are permitted if the building site contains a single building with a floor area of 1.5 million square feet or greater" and strike "and having a plaza or publicly accessible open space area comprising 14,200 square feet on Main Street" and 2) On page 12, under Subsection (2) Additional monument signs., insert new subsection as follows: "(F) The spacing provision of Section 51A-7.304(b)(5) 'Detached Signs' does not apply".

Maker: Ridley
Second: Bernbaum
Result: Carried: 12 to 0

For: 12 - Anglin, Soto, Shidid, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Peadon,
Murphy, Ridley, Alcantar

Against: 0
Absent: 2 - Rodger, Culbreath
Vacancy: 0
Conflict: 1 - Shellene

Speakers: For: William Cothrum, 900 Jackson St., Dallas, TX, 75202
John Crawford, 2200 Ross Ave., Dallas, TX, 75201
For (Did not speak): Maxwell Fisher, 900 Jackson St., Dallas, TX, 75202
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the October 24, 2013, City Plan Commission meeting, subject to correction(s).

Maker: Hinojosa
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Soto, Shidid, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Peadon,
Murphy, Ridley, Alcantar

Against: 0
Absent: 3 - Rodger, Culbreath, Shellene
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the November 7, 2013, City Plan Commission meeting at 5:34 p.m.

Maker: Hinojosa
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Soto, Shidid, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Bernbaum, Peadon,
Murphy, Ridley, Alcantar

Against: 0
Absent: 3 - Rodger, Culbreath, Shellene
Vacancy: 0

Joe Alcantar, Chair