

## CORRECTION PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on January 20, 2011 with the briefing starting at 11:05 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 Michael Davis, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Emma Rodgers, Myrtl Lavallaisaa, Gloria Tarpley, John Shellene, Bruce Bernbaum, Michael Schwartz and Bill Peterson. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Sally Wolfish. There is one vacancy - District 6.

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.

### **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 Replats

#### **(1) S101-028**

**Motion:** It was moved to **approve** an application to replat a 4.8071 acre tract of land into one 1.8723 acre lot, one 1.0048 acre lot, one 1.0372 acre lot and one 0.829 acre lot at the northwest corner of Town Center Boulevard (private drive) and Montfort Drive, subject to compliance with the conditions listed in the docket with the deletion of Condition #11.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

(2) **S101-029**

**Motion:** It was moved to **approve** an application to create a 0.871 acre lot in City Block 5967 on 2425 W. Illinois Avenue west of Hampton Road, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

(3) **S101-031**

**Motion:** It was moved to **approve** an application to create one 3.8020 acre lot and one 3.2800 acre lot from a 7.08216 acre lot in City Block 6406 on property located on Forest Lane at Cox Lane; northwest corner, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

(4) **S101-032**

**Motion:** It was moved to **approve** an application to replat all of Lots 11, 12, 13 and 14 in City Block 13/1080 into one 0.615 acre lot located at the west corner of 812 – 820 Ann Avenue at Parry Avenue, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

Individual Item

(5) **S101-030**

**Motion:** It was moved to **approve** an application to replat a 0.712 acre tract of land containing all of Lot 1 and a private park in City Block 16/4952 in the Greenway Parks Addition at 5366 Drane Drive and Greenway Boulevard, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

Miscellaneous Docket

**M101-005**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 375 for Mixed Uses on property generally bounded by Lemmon Avenue East, the eastern half of the abandoned portion of Howell Street, and Lemmon Avenue West.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

**M101-006**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development Subdistrict No. 85 for Surface parking and O-2 Office-2 Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area bounded by the abandoned portion of Howell Street, Lemmon Avenue East, and Lemmon Avenue West.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Speakers:** None

Zoning Cases – Consent

**1. Z090-230(RB)**

Planner: Richard Brown

**Motion:** In considering an application for a Specific Use Permit for a Bail bonds office on property zoned as Planned Development District No. 784, the Trinity River Corridor Special Purpose District, located at the southeast corner of Reunion Boulevard and the Riverfront Boulevard, it was moved to **hold** this case under advisement until February 3, 2011.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 200                      Mailed: 9  
**Replies:** For: 0                              Against: 0

**Speakers:** None

Zoning Cases – Under Advisement

**2. Z090-229(RB)**

Planner: Richard Brown

**Motion:** In considering an application an application for a Specific Use Permit for a Bail bonds office on property within Planned Development District No. 784, the Trinity River Corridor Special Purpose District on the; southwest corner of Reunion Boulevard and the Interstate 35 Southbound Access Road, it was moved to **hold** this case under advisement until February 3, 2011.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 2 Against: 0

**Speakers:** None

### 3. Z090-220(RB)

Planner: Richard Brown

**Motion:** In considering an application for a Specific Use Permit for an Open-enrollment Charter School on property zoned an RR Regional Retail District, on the northwest line of Marvin D. Love Freeway, southwest of Camp Wisdom Road, it was moved to **hold** this case under advisement until March 3, 2011.

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 5  
**Replies:** For: 1 Against: 0

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

### 4. Z090-237(RB)

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to the development plan and conditions for Planned Development District No. 543 for a Public school and R-7.5(A) Single Family District Uses, with Historic District

Designation (H/53 and H/120), subject to a development plan, revised traffic management plan and revised conditions providing for the following changes: 1) Add condition to read: "Cueing within the City right of way must not impede maneuvering for emergency vehicles." 2) Insert section 108(c)(1) to..."The initial traffic study must be submitted to director by November 1, 2012. After the initial traffic study, the property owner or operator shall submit annual updates by November 1 of each year for a period of three years and on alternate years subsequently." 3) Accept the staff recommendation for .108(c)(3) on property bounded by Glasgow Drive, Reiger Avenue, Paulus Avenue, and Covington Lane.

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

For: 12 - R. Davis\*, Wally, Anglin, Rodgers, Bagley,  
Lavallaisaa, Tarpley, Shellene, Bernbaum,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6  
Conflict: 1 - M. Davis

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 235  
**Replies:** For: 6 Against: 7

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: Steve Clique, 6025 Reiger Ave., Dallas, TX, 75214  
Karen Casey, 6100 Tremont St., Dallas, TX, 75214  
Mary Gulledge, 6200 Reiger Ave., Dallas, TX, 75214

**5. Z090-223(WE)**

Planner: Warren Ellis

**Motion:** In considering an application for GR General Retail Subdistrict and deed restrictions volunteered by the applicant on property zoned an O-2 Office Subdistrict with a D Dry Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of Cedar Springs Road and Welbourn Street, it was moved to **hold** this case under advisement indefinitely.

Maker: Peterson  
Second: Wally  
Result: Carried: 13 to 0

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley\*, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar\*

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 55  
**Replies:** For: 1 Against: 2

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

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

Planner: Warren Ellis

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

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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 39  
**Replies:** For: 10 Against: 0

**Speakers:** For: Jorge Barragan, 1106 S. Santa Fe, Tr., Duncanville, TX, 75237  
Against: None

**7. Z101-108(MG)**

Planner: Michael Grace

**Motion:** It was moved to recommend **denial without prejudice** of a Specific Use Permit for Tower/antenna for cellular communication on property zoned an R-16(A) Single Family District on the east line of Marsh Lane, south of Cox Lane.



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

For: 13 - R. Davis\*, Wally, Anglin, M. Davis, Rodgers,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Bernbaum, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 5  
**Replies:** For: 2 Against: 3

**Speakers:** For: Vincent Huebinger, 1715 Capital TX Hwy., Austin, TX, 78746  
For (Did not speak): Frank Kwenstler, 10544 Cox Ln., Dallas, TX, 75229  
Against: Lee Higginbotham, 10417 Marsh Ln., Dallas, TX, 75229  
Tim Weil, 3801 Meadowdale Ln., Dallas, TX, 75229  
Mark Buskuhl, 10416 Marsh Ln., Dallas, TX, 75229

### Development Code Amendment

**DCA090-008**

Planner: Carloyn Horner

**Motion:** It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to digital detached non-premise signs (billboards) to the Special Sign District Advisory Committee with the following two changes: 1) Provide language, under 51A-7.308(d)(2), clarifying that in no case will the replacement digital billboard be higher than the existing billboard being replaced. 2) Provide language, under 51A-7.308(i), requiring the image to freeze in the case of a malfunction.

Maker: Tarpley  
Second: Schwartz  
Result: Carried: 10 to 3

For: 10 - R. Davis, Anglin, M. Davis, Lavallaisaa,  
Tarpley, Shellene, Bernbaum, Schwartz,  
Peterson, Alcantar

Against: 3 - Wally, Rodgers, Bagley  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

**Speakers:** For: Jake Smith, 1111 Calais, Southlake, TX, 76092

Tim Anderson, 100 Scenie Dr., Johnson City, TX, 78631  
Against: Marla Beikman, 5739 Preston Fairways, Dallas, TX, 75252  
Ann Murphy, 19126 Windmill Ln., Dallas, TX, 75252

DCA090-005

Planner: David Cossum

**Main Motion:** It was moved to recommend **denial** of amendments to Article IV, "Use Regulations," of Chapter 51 and Chapter 51A, the Dallas Development Code, to create an alternative financial establishment use, establishing what districts the use will be permitted in and providing appropriate regulations for the use.

Maker: Anglin  
Second: Schwartz

**Substitute Motion:** It was moved to accept a substitute motion to hold this case under advisement until February 3, 2011.

Maker: M. Davis  
Second: Rodgers  
Result: Carried: 10 to 3

For: 10 - R. Davis, Wally, M. Davis, Rodgers, Bagley,  
Lavallaisaa, Tarpley, Shellene, Schwartz,  
Alcantar

Against: 3 - Anglin, Bernbaum, Peterson  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

**New Main Motion:** In considering amendments to Article IV, "Use Regulations," of Chapter 51 and Chapter 51A, the Dallas Development Code, to create an alternative financial establishment use, establishing what districts the use will be permitted in and providing appropriate regulations for the use, it was moved to **hold** this case under advisement until February 3, 2011.

Maker: M. Davis  
Second: Rodgers  
Result: Carried: 11 to 2

For: 11 - R. Davis, Wally, M. Davis, Rodgers, Bagley,  
Lavallaisaa, Tarpley, Shellene, Schwartz,  
Peterson, Alcantar

Against: 2 - Anglin, Bernbaum  
Absent: 1 - Wolfish  
Vacancy: 1 - District 6

**Speakers:** For: Gerald Britt, 511 N. Akard St., Dallas, TX, 75201

Against: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Michael Price, 13015 Maldune Dr., Austin, TX, 78729  
Terry Clower, 385 County Rd 2255, Valley View, TX, 76272  
Mark Housewright, Address not given

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Other Matters

Minutes

**Motion:** It was moved to **approve** the minutes of the January 6, 2010, City Plan Commission meeting, subject to corrections.

Maker: Schwartz  
Second: Bagley  
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Bagley,  
Lavallaisaa, Tarpley, Shellene, Bernbaum,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - R. Davis, Wolfish  
Vacancy: 1 - District 6

Adjournment

**Motion:** It was moved to **adjourn** the January 20, 2011, City Plan Commission meeting at 4:57 p.m.

Maker: Schwartz  
Second: Shellene  
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Bagley,  
Lavallaisaa, Tarpley, Shellene, Bernbaum,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - R. Davis, Wolfish  
Vacancy: 1 - District 6

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Joe Alcantar, Chair