

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on February 4, 2010, with the briefing starting at 11:02 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 Ann Bagley, Acting Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Emma Rodgers, John Lozano, Myrtle Lavallaisaa, Gloria Tarpley, Bruce Bernbaum, Sally Wolfish, Michael Schwartz and Bill Peterson. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Michael Davis and Tom Lueder. 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 Development Services.

PUBLIC HEARINGS:

Subdivision Docket

Planner: Michael Grace

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) **S090-042**

Motion: It was moved to **approve** an application to replat Lots 1 thru 8 in City Block 33/48, an abandoned portion of Austin Street, and Lots 1, 2, 7, 8 and part of 6 in City Block 18/41, also known as 710 and 800 Main Street, into one 1.8021 acre lot, subject to compliance with the conditions listed in the docket including the removal of Conditions #10 and #11.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

(2) **S090-043**

Motion: It was moved to **approve** an application to replat Lot 1A in City Block C/8069, also known as 9220 Skillman Street, into a 1.0519 acre lot and a 4.2995 acre lot located at the intersection of Skillman Street and Adleta Boulevard, southwest corner, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

(3) **S090-044**

Motion: It was moved to **approve** an application to create one 18.640 acre lot out of a tract of land in City Block 8761 fronting on the southline of President George Bush Turnpike (Highway 190) east of Pear Ridge Road, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

(4) **S090-045**

Motion: It was moved to **approve** an application to create a 28.5650 acre lot out of two tracts of land in City Block 8535 located at the intersection of Dowdy Ferry Road and Interstate 20; northwest corner, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

Residential Replat

(5) **S090-040**

Motion: It was moved to **approve** an application to replat 16.2992 acres containing Lot 1 of the Bishop College School Site in City Block 6/8294, Lot 2 in City Block 6/8292 and two tracts of land in City Blocks 8292 and 8294, also known as 6501 Sebring Drive into one lot located at the intersection of Sebring Drive and Tioga Street, southwest corner, subject to compliance with the conditions listed in the docket.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

Miscellaneous Docket

M089-050

Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 179 for I-1 Industrial District Uses on the north line of Via San Antonio, west of Calumet Boulevard.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: None

W090-004

Neva Dean

Motion: It was moved to **approve** of a waiver of the two-year waiting period in order to submit an application for an amendment to Specific Use Permit No. 1477 to allow the addition of an auditorium on the north side of red bird Lane, between Westmoreland Road and Watership Lane.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Speakers: For: Edward Cummings, 10329 Rosser Rd., Dallas, TX, 75229
Against: None

Zoning Cases – Consent

1. **Z089-251(MAW)**

Planner: Neva Dean

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for O-2 Office Subdistrict uses, subject to a development plan and conditions including limiting the general store use to 800 square feet on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinnon Street and Randall Street.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 500 Mailed: 222
Replies: For: 2 Against: 0

Speakers: For: Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75226
Against: None

2. **Z090-127(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1388 for an Open enrollment charter school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and revised conditions with an added condition to change the traffic study submittal date to 2012, on property zoned an MF-2(A) Multifamily District, on the northeast corner of 10th Street and Tyler Street.

Maker: R. Davis
Second: Lozano
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 300 Mailed: 65
Replies: For: 2 Against: 1

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Zoning Cases – Individual

3. Z089-260(MAW)

Planner: Neva Dean

Motion: In considering an application for a Specific Use Permit for an Industrial (outside) not potentially incompatible use for a Concrete batch plant on property zoned an IR Industrial Research District on the north line of Commerce Street, west of Sylvan Avenue, it was moved to **hold** this case under advisement until March 18, 2010.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 3

Speakers: For: Jimmy Schnurr, 3400 Carlisle St., Dallas, TX, 75204
Against: Scott Miller, 2626 Myrtle Springs Ave., Dallas, TX, 75220
Rayland D. Jackson, 1001 W. Commerce St., Dallas, TX, 75208
Deborah Carpenter, 2009 Neal St., Dallas, TX, 75208

4. **Z090-131(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Community service center for a two-year period, subject to a site plan and staff's recommended conditions on property zoned an MF-1(A) Multifamily District on the west corner of Holly Hill Drive and Pineland Drive.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 300 Mailed: 85
Replies: For: 1 Against: 68

Speakers: For: Zachary Thompson, 2377 N. Stemmons Frwy., Dallas, TX, 75207
Dr. Garry Woo, 2377 N. Stemmons Frwy., Dallas, TX, 75207
Dr. Lance Rasbridge, 5211 Worth St., Dallas, TX, 75214
Dionne Davis, 9850 Walnut Hill Ln., Dallas, TX, 75238
Sarina Nor, 7415 Holly Hill Dr., Dallas, TX, 75231
For: (Did not speak): Susan Kent, 2377 N. Stemmons Frwy., Dallas, TX, 75207
Against: Valerie Grzywinski, 7431 Holly Hill Dr., Dallas, TX, 75231

5. **Z090-125(WE)**

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern and a commercial amusement (inside) on property zoned a CS Commercial Service District on the southwest line of Carroll Avenue, northwest of Willow Street; it was moved to **hold** this case under advisement until March 4, 2010.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 0

Speakers: None

6. Z089-254(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to the conditions for the Subdistrict 4A and 4B portions of Planned Development District No. 714, the West Commerce Street/Ft. Worth Avenue Special Purpose District, subject to revised conditions an area generally bounded by both sides of Ft. Worth Avenue between Bahama Drive and Colorado Boulevard with the following additional modifications to: 1) Pg. 6-25, under the applicant's request; delete the "amenities" for what qualifies as a mixed use district. 2) Pg. 6-44 Subparagraph E, revise section as it relates to landscaping and creation of open space provisions and add a new subparagraph for Subdistrict 4A and B to include all revised language in Subparagraph E with the addition of dog park and community gardens. 3) Pg. 6-49, Subparagraph (6), to read: "Except as provided in this paragraph, any parking structure for a residential use must be constructed of comparable materials and be the same architectural treatments as the dwelling units. In Subdistrict 4A this provision only applies to a public street facing façade." 4) Pg. 6-52, Subparagraph (j)(6), revise language to read: "In Subdistricts 4A and B, there is a minimum 8 foot floor-to-floor dimension for any residential portion of any structure." 5) Include a new exhibit, to be labeled Subdistrict 4A and 4B Existing Fort Worth Avenue Right-of-Way to be complete by the applicant's representative and submitted to staff prior to scheduling for City Council. Further amended with modifications to: 1) Pg. 6-25, accept applicant's revised language regarding leasing office use in calculating business space for mixed use. 2) Pg. 6-34, incorporate staff's recommended wording in Section (b) concerning Remote Parking. 3) Pg. 6-35, accept applicant's revised wording to read as follows: "In Subdistrict 4A and 4B, 50 percent of the outdoor dining area, whether or not covered, counts as floor area for calculation of the parking requirement, up to a maximum of 20 percent of the interior restaurant floor area if the outside dining is located within 20 feet of a public street, sidewalk, or within a publicly accessible courtyard or plaza". 4) Pg. 6-44, Section E - Incorporate public access plazas.

Maker: Anglin
Second: R. Davis
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Amending Motion: It was moved to **amend** the motion to accept the applicant's request regarding distance for remote parking.

Maker: R. Davis
Second: Wally
Result: Failed: 3 to 10

For: 3 - R. Davis, Wally, Lozano

Against: 10 - Anglin, Rodgers, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 500 Mailed: 298
Replies: For: 155 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
David Krukiel, 1030 N. Clinton Ave., Dallas, TX, 75208
Deborah Carpenter, 2009 Neal St., Dallas, TX, 75208
Frances Moreno Randles, 2535 Wedglea Dr., Dallas, TX, 75211
Against: None

7. Z089-259(OTH)

Planner: Olga Torres Holyoak

Motion I: In considering an application for an MF-1(A) Multifamily District on property zoned a TH-2(A) Townhouse District on the east side of Westmoreland Road, south of Redbird Lane, it was moved to **hold** this case under advisement until April 15, 2010.

Maker: Lavallaisaa
Second: Wally
Result: Failed: 5 to 8

For: 5 - Wally, Anglin, Lavallaisaa, Tarpley, Schwartz

Against: 8 - R. Davis, Rodgers, Lozano, Bagley, Bernbaum,
Wolfish, Peterson, Alcantar
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Motion II: It was moved to recommend **denial without prejudice** of an MF-1(A) Multifamily District on property zoned a TH-2(A) Townhouse District on the east side of Westmoreland Road, south of Redbird Lane.

Maker: Peterson
Second: Rodgers
Result: Carried: 10 to 3

For: 10 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Tarpley, Bernbaum, Schwartz, Peterson,
Alcantar

Against: 3 - Bagley, Lavallaisaa, Wolfish
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Notices: Area: 400 Mailed: 58
Replies: For: 1 Against: 9

Speakers: For: Jimmy Schnurr, 3400 Carlisle St., Dallas, TX, 75204
Against: Eddie Fambles, 6428 Wanklyn St., Dallas, TX, 75237
Michelle Ivy, 6436 Wanklyn St., Dallas, TX, 75237
Daphne B. Gonzales, 6440 Wanklyn St., Dallas, TX, 75237
Against (Did not speak): Bert Gonzales, 6440 Wanklyn St., Dallas, TX, 75237
Diane Hillery, 6420 Wanklyn St., Dallas, TX, 75237
Jonathan Vinson, 901 Main St., Dallas, TX, 75202

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the January 21, 2010, City Plan Commission meeting, subject to corrections.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the February 4, 2010, City Plan Commission meeting at 3:55 p.m.

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

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - M. Davis, Lueder
Vacancy: 0

Joe Alcantar, Chair