

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on March 3, 2011 with the briefing starting at 11:07 a.m. in Room 5ES and the public hearing at 1:33 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, Ann Bagley, Myrtl Lavallaisaa, Gloria Tarpley, Bruce Bernbaum, Sally Wolfish, Michael Schwartz and Bill Peterson. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: John Shellene. 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) S101-053

Motion: It was moved to **approve** an application to create one 2.711 acre lot from a tract of land in City Block 3395 on Ewing Avenue between Clarendon Drive and 15th Street, subject to compliance with the conditions listed in the docket.

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

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

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

*out of the room, shown voting in favor

Speakers: None

(2) **S101-055**

Motion: It was moved to **approve** an application to replat a tract of land containing all of Lot 5A and Lot 7 of City Block A/2698 into one 13.3692 acre lot at the terminus of Coronado Avenue southeast of East Grand Avenue, subject to compliance with the conditions listed in the docket.

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

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

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

*out of the room, shown voting in favor

Speakers: None

(3) **S101-056**

Motion: It was moved to **approve** an application to create one 4.867 acre lot in City Block 7212 on Pinnacle Park Drive, west of Westmoreland Road, subject to compliance with the conditions listed in the docket.

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

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

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

*out of the room, shown voting in favor

Speakers: None

Individual Item

(4) S101-054

Motion: It was moved to **approve** an application to replat all of Lots 4A and 5A in City Block F/4792 to increase the lot size of Lot 5A to 1.0389 acres and to reduce the size of Lot 4A to 0.5832 acre, and to relocate sanitation truck turn-around easement on property located at 1402 Yakimo Dr. and 600 Rainbow Drive, subject to compliance with the conditions listed in the docket.

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

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

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

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

Miscellaneous Docket

D101-009

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development/landscape plan for Planned Development District No. 614 on the northwest corner of Montfort Drive and Towncenter Boulevard.

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

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

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

Speakers: None

D101-010

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 619 an area generally bounded by Main Street to the north, North Griffin Street to the west, and Commerce Street to the south.

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

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

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

Speakers: Staff: Willis Winters, Assistant Director, Dallas Park Department
For: None
Against: None

Certificates of Appropriateness for Signs

1101181065

Planner: Carolyn Horner

Motion: It was moved to **approve** of a Certificate of Appropriateness for the installation of a 180 square foot projecting attached containing the text "Public Park" at 717 Leonard Street.

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

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

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

Speakers: None

1101241029

Planner: Carolyn Horner

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of an 88 square foot attached sign containing the text "Oncor" at 1616 Woodall Rogers.

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

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

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

Speakers: None

1101241030

Planner: Carolyn Horner

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of a 228 square foot attached sign containing the text "Oncor" at 1616 Woodall Rogers.

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

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

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

Speakers: None

Thoroughfare Plan Amendments

Shorecrest Drive between Harry Hines Boulevard and Regal Row Planner: Tanya Brooks

Motion: It was moved to **approve** an amendment to the City of Dallas Thoroughfare Plan to delete Shorecrest Drive between Harry Hines Boulevard and Regal Row, a four lane undivided roadway (M-4-U) within 60 feet of right of way.

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

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

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

Speakers: None

Telephone Road from Unnamed SE4 to Bonnie View Road

Planner: Tanya Brooks

Motion: It was moved to **approve** an amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Telephone Road from Unnamed SE4 to Bonnie View Road from a six lane divided roadway (S-6-D) within 107 feet of right of way to a four lane divided roadway (S-4D) within 80 feet of right of way with a flush median for truck maneuvering.

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

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

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

Speakers: None

Zoning Cases – Consent

1. Z090-257(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a cemetery or mausoleum for a permanent time period, subject to a site plan and conditions and **approval** of the termination of a portion of Specific Use Permit No. 113, on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of Howell Street and Lemmon Avenue.

Maker: Peterson
Second: M. Davis
Result: Carried: 9 to 3

For: 9 - R. Davis, Anglin, M. Davis, Rodgers,
Lavallaisaa, Tarpley, Schwartz, Peterson,
Alcantar

Against: 3 - Wally, Bagley, Wolfish
Absent: 1 - Shellene
Vacancy: 1 - District 6
Conflict: 1 - Bernbaum

Notices: Area: 400 Mailed: 129
Replies: For: 2 Against: 2

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

2. Z101-102(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to the development plan of Planned Development District No. 518, on the south corner of Oak Lawn Avenue and Maple Avenue.

Maker: Peterson
Second: R. Davis
Result: Carried: 10 to 3

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

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

Notices: Area: 500 Mailed: 89
Replies: For: 6 Against: 0

Speakers: None

3. Z101-138(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an NS(A) Neighborhood Service District, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the southwest corner of East Illinois Avenue and Julius Schepps Freeway.

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

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

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

Notices: Area: 400 Mailed: 76
Replies: For: 1 Against: 3

Speakers: For: Claudia Oliva, Address not given
Against: None

4. Z101-122(MG)

Planner: Michael Grace

Motion: It was moved to recommend **approval** of an RR Regional Retail District, subject to deed restrictions volunteered by the applicant on property zoned Planned Development District No. 22 on the west line of Preston Road, south of Alpha Road.

Maker: Peterson
Second: R. Davis
Result: Carried: 10 to 3

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

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

Notices: Area: 400 Mailed: 23
Replies: For: 2 Against: 1

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

5. **Z101-140(MG)**

Planner: Michael Grace

Motion: It was moved to recommend **approval** of the termination of deed restrictions limiting motor vehicle and related uses on property zoned an MU-3 Mixed Use District on the south line of Forest Lane, at the intersection of Forest Lane and Interstate 635 (LBJ).

Maker: Peterson
Second: R. Davis
Result: Carried: 10 to 3

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

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

Notices: Area: 300 Mailed: 61
Replies: For: 1 Against: 0

Speakers: None

6. **Z101-146(JH)**

Planner: Jennifer Hiromoto

Motion: In considering an application for a D-1 Dry Liquor Control Overlay and 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 on property zoned Subdistrict 1 within Planned Development District No. 366 with a D Dry Liquor Control Overlay at the northwest corner of S. Buckner Boulevard and Cordell Drive, it was moved to **hold** this case under advisement until March 24, 2011.

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

For: 10 - R. Davis, Wally, M. Davis, Rodgers, Bagley,
Lavallaisaa, Bernbaum, Schwartz, Peterson,
Alcantar

Against: 3 - Anglin, Tarpley, Wolfish
Absent: 1 - Shellene
Vacancy: 1 - District 6

Notices: Area: 300 Mailed: 32
Replies: For: 13 Against: 1

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

7. Z101-149(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a D-1 Dry 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 3,500 square feet or less 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 an RR-D Regional Retail District with a D Dry Liquor Control Overlay at the southwest corner of W. Kiest Boulevard and US 67/Marvin D. Love Freeway.

Maker: Peterson
Second: R. Davis
Result: Carried: 13 to 3

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

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

Notices: Area: 300 Mailed: 27
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

8. Z101-150(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a D-1 Dry Liquor Control Overlay and **approval** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions to include an 8 ft. screening wall on property zoned CR Community Retail District with a D Dry Liquor Control Overlay at the northwest corner of W. Jefferson Boulevard and N. Brighton Avenue.

Maker: Peterson
Second: R. Davis
Result: Carried: 10 to 3

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

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

Notices: Area: 200 Mailed: 37
Replies: For: 2 Against: 7

Speakers: For (Did not speak): Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

9. Z101-152(JH)

Planner: Jennifer Hiromoto

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 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-1 Community Retail District with a D-1 Dry Liquor Control Overlay on the south side of Scyene Road, west of Sam Houston Road.

Maker: Peterson
Second: R. Davis
Result: Carried: 10 to 3

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

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

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

Speakers: For (Did not speak): Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

Zoning Cases – Under Advisement

10. **Z090-220(RB)**

Planner: Richard Brown

Motion I: 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 April 7, 2011.

Maker: Lavallaisaa
Second: M. Davis
Result: Failed: 2 to 11

For: 2 - M. Davis, Lavallaisaa

Against: 11 - R. Davis, Wally, Anglin, Rodgers, Bagley,
Tarpley, Bernbaum, Wolfish, Schwartz,
Peterson, Alcantar

Absent: 1 - Shellene

Vacancy: 1 - District 6

Motion II: It was moved to recommend **approval** of a Specific Use Permit for an Open-enrollment Charter School for a two-year period (initial term to expire June 15, 2013), with eligibility for automatic renewal of additional five-year periods, subject to a site plan, traffic management plan, and conditions on property zoned an RR Regional Retail District, on the northwest line of Marvin D. Love Freeway, southwest of Camp Wisdom Road.

Maker: Peterson
Second: Wally
Result: Carried: 11 to 2

For: 11 - R. Davis, Wally, Anglin, Rodgers, Bagley,
Tarpley, Bernbaum, Wolfish, Schwartz,
Peterson, Alcantar

Against: 2 - M. Davis, Lavallaisaa

Absent: 1 - Shellene

Vacancy: 1 - District 6

Notices: Area: 200 Mailed: 5

Replies: For: 1 Against: 0

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

Zoning Cases – Individual

11. Z101-104(RB)

Planner: Richard Brown

Motion: It was moved to recommend **denial** of a Specific Use Permit for a Private recreation center, club, or area on property zoned as Planned Development Subdistrict No. 59 for TH-4 Townhouse Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District at the southeast corner of Throckmorton Street and Herschel Avenue.

Maker: Peterson
Second: Wally
Result: Carried: 11 to 0

For: 11 - Wally, Anglin, Rodgers, Bagley, Lavallaisaa,
Tarpley, Bernbaum, Wolfish, Schwartz,
Peterson, Alcantar

Against: 0
Absent: 3 - R. Davis, M. Davis, Shellene
Vacancy: 1 - District 6

Notices: Area: 200 Mailed: 58
Replies: For: 0 Against: 10

Speakers: For: None
Against: William Hitchcock, 4243 Throckmorton St., Dallas, TX, 75219

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 17, 2011, City Plan Commission meeting, subject to corrections.

Maker: Rodgers
Second: Peterson
Result: Carried: 11 to 0

For: 11 - Wally, Anglin, Rodgers, Bagley, Lavallaisaa,
Tarpley, Bernbaum, Wolfish, Schwartz,
Peterson, Alcantar

Against: 0
Absent: 3 - R. Davis, M. Davis, Shellene
Vacancy: 1 - District 6

Adjournment

Motion: It was moved to **adjourn** the March 3, 2011, City Plan Commission meeting at 3:05 p.m.

Maker: Wally
Second: Schwartz
Result: Carried: 11 to 0

For: 11 - Wally, Anglin, Rodgers, Bagley, Lavallaisaa,
Tarpley, Bernbaum, Wolfish, Schwartz,
Peterson, Alcantar

Against: 0
Absent: 3 - R. Davis, M. Davis, Shellene
Vacancy: 1 - District 6

Joe Alcantar, Chair