

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on April 7, 2011 with the briefing starting at 11:08 a.m. in Room 6ES 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, Ann Bagley, Myrtl Lavallaisaa, Gloria Tarpley, John Shellene, 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: None. 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) **S101-071**

Motion: It was moved to **approve** an application to replat a 0.982 acre tract of land containing all of Lots 8, 9 and 10, an abandoned portion of Folsom Street in City Block 3/4009, and a tract of land in City Block 4010 into one 0.494 acre lot and one 0.488 acre lot on Fort Worth Avenue at Malone Drive, northwest corner, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

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

(2) **S101-073**

Motion: It was moved to **approve** an application to replat a 6.136 acre tract of land containing all of Lot 4 in City Block A/8125 to create one 2.815 acre lot and one 3.320 acre lot on property bounded by Skillman Street, Sedgwick Drive and Watercrest Parkway, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: None

(3) **S101-075**

Motion: It was moved to **approve** an application to replat a 17.599 acre tract of land containing all of Lot 2B in City Block B/8023 to create new easements on property located at 3333 Dan Morton Drive, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: None

Individual Items

(4) **S101-074**

Motion: It was moved to **approve** an application to replat all of Lot 12 and part of the "Wilson Subdivision Number 1 Addition" in City Block 3/5522 to create one 4.368 acre lot on 10711 and 10647 Strait Lane located between Harry's Lane and Royal Lane, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: None

Miscellaneous Docket

W101-002

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to change the D Liquor Control Overlay to a D-1 Liquor Control Overly as well as a Specific Use Permit to allow the sale of alcohol in conjunction with a general merchandise or food store greater than 3,500 square feet on the northeast corner of Lake June Road and Masters Drive.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

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

W101-003

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application for a Specific Use Permit to allow a late-hours establishment on property zoned Planned Development District No. 842 on the northeast corner of Greenville Avenue and Lewis Street.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Against: None

Certificates of Appropriateness for Signs

1102245003

Planner: Carolyn Horner

Motion: It was moved to **approve** of a Certificate of Appropriateness for the installation of a 56 square foot flat attached upper level sign on the south elevation of the YMCA building, containing the text "Y" at 601 N. Akard Street.

Maker: Peterson
Second: Wally
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: None

1102245005

Planner: Carolyn Horner

Motion: It was moved to **approve** of a Certificate of Appropriateness for the installation of a 124 square foot flat attached upper level sign on the north elevation of the YMCA building, containing the text "Y" at 601 N. Akard Street.

Maker: Peterson
Second: Wally
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Speakers: None

Zoning Cases – Consent

1. **Z101-172(MW)**

Planner: Megan Wimer

Motion I: It was moved to recommend **denial** of the renewal of Specific Use Permit No. 1691 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Exposition Avenue, east of Ash Lane.

Maker: Bagley
Second: None

Failed due to lack of a second

Motion II: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1691 for a bar, lounge, or tavern for a three-year period, subject to a site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Exposition Avenue, east of Ash Lane.

Maker: M. Davis
Second: Wally
Result: Carried: 13 to 1

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

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

Amending Motion: It was moved to **amend** the motion for a one-year period, subject to a site plan and conditions.

Maker: Wolfish
Second: Bagley
Result: Failed: 2 to 12

For: 2 - Bagley, Wolfish

Against: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lavallaisaa, Tarpley, Shellene, Bernbaum,
Schwartz, Peterson, Alcantar
Absent: 0
Vacancy: 1 - District 6

Notices: Area: 200 Mailed: 14
Replies: For: 1 Against: 3

Speakers: For: Timothy Austin, 813 Exposition Ave., Dallas, TX, 75226
Michael Liebermann, 841 Exposition Ave., Dallas, TX, 75226
Darryl Thomas, 821 Green Hill, Dallas, TX, 75232
John Roberts, 4717 Vera Cruz Dr., Garland, TX, 75043
Dr. Don Bryant, 1421 Cove Dr., Dallas, TX, 75216
Against: Gene Denise, 820 Exposition Ave., Dallas, TX, 75226

2. Z101-168(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 3,500 square feet or less on property zoned RR Regional Retail District with a D Dry Liquor Control Overlay at the northeast corner of S. Hampton Road and U.S. 67/Marvin D. Love Freeway, it was moved to **hold** this case under advisement until May 19, 2011.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Notices: Area: 200 Mailed: 20
Replies: For: 2 Against: 1

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

3. Z101-171(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 store or food store less than 3,500 square feet for a two-year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions on property zoned a CS-D-1 Commercial Service District with a D-1 Dry Liquor Control Overlay on the south line of C. F. Hawn Freeway, west of Silverado Drive.

Maker: Lavallaisaa
Second: Anglin
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally*, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 4
Replies: For: 3 Against: 0

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

4. **Z101-113(RB)**

Planner: Richard Brown

Motion: In considering an application for an amendment to and expansion of the Planned Development District No. 553 for a Church and Private school on property zoned for R-16(A) Single Family District Uses in the southeast quadrant of Preston Road and Orchid Lane, it was moved to **hold** this case under advisement until April 21, 2011.

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

For: 14 - R. Davis, Wally, Anglin*, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 210
Replies: For: 21 Against: 12

Speakers: None

Zoning Cases – Under Advisement

5. **Z090-234(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing District, and **approval** of a Specific Use Permit for a Metal salvage facility for a two-year period, with eligibility for automatic renewal for additional two year periods, subject to a revised site plan and conditions on property zoned an IR Industrial Research District on the northeast line of South Central Expressway, north of Loop 12.

Maker: Rodgers
Second: Wolfish
Result: Carried: 13 to 1

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

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

Notices: Area: 300 Mailed: 6
Replies: For: 0 Against: 0

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

6. Z101-131(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1395 for an Outside Salvage and Reclamation use for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District on the northeast corner of South Central Expressway (U.S. 75) and Youngblood Road.

Maker: Lavallaisaa
Second: Wally
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

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

Notices: Area: 400 Mailed: 14
Replies: For: 4 Against: 0

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

7. Z101-166(MG)

Planner: Michael Grace

Motion: It was moved to recommend **denial** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet for a two-year period with eligibility 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 northeast corner of Lawnview Avenue and Military Parkway.

Maker: Bagley
Second: M. Davis
Result: Carried: 8 to 6

For: 8 - M. Davis, Rodgers, Bagley, Lavallaisaa,
Shellene, Bernbaum, Wolfish, Peterson

Against: 6 - R. Davis, Wally, Anglin, Tarpley, Schwartz,
Alcantar

Absent: 0

Vacancy: 1 - District 6

Notices: Area: 200 Mailed: 8

Replies: For: 1 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Arelis Paledes, 5936 Military Pkwy., Dallas, TX, 75227
Against: None

8. Z101-120(RB)

Planner: Richard Brown

In considering an application for a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128 with a D Liquor Control Overlay and zoned an NS(A) Neighborhood Service District; an application for the removal of the D Liquor Control Overlay and the granting of a D-1 Liquor Control Overlay; and, an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on the east corner of Junius Street and Henderson Avenue, it was moved to **hold** this case under advisement until April 21, 2011.

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

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

Against: 0

Absent: 1 - M. Davis

Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 109

Replies: For: 12 Against: 5

Speakers: None

9. Z101-145(MG)

Planner: Michael Grace

Motion: It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a conceptual plan and conditions on property zoned an R-7.5(A) Single Family District on the east line of Coit Road, south of Frankford Road with a revised conceptual plan, revised design guidelines and revised conditions to return on the April 21, 2011, miscellaneous docket.

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

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

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

Notices: Area: 500 Mailed: 13
Replies: For: 1 Against: 0

Speakers: For: Bill Dahlstrom, 901 Main St., Dallas, TX, 75202
Kevin Rogers, 1615 W. Abram St., Arlington, TX, 76013
Against: None

10. Z101-128(MG)

Planner: Michael Grace

Motion: It was moved to recommend **approval** of a CR Community Retail District with revised deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District on the southeast line of Garland Road, between Lunar Lane and Old Gate Lane.

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

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

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

Notices: Area: 300 Mailed: 38
Replies: For: 2 Against: 3

Speakers: For: Ed Davidson, 2012 Blackfoot Trl., Mesquite, TX, 75149
Against: None

11. **Z101-175(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a renewal of and amendment to Specific Use Permit No. 1741 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and the commercial amusement (inside) limited to a Class A dance hall for a three-year period, subject to a revised site plan and conditions on property zoned an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east side of South Lamar Street, between Starks Avenue and Haven Street, west of Central Expressway.

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

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

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

Notices: Area: 200 Mailed: 20
Replies: For: 1 Against: 1

Speakers: For: Augustine Ekukpe, 5216 S. Lamar St., Dallas, TX, 75215
Against: None

12. **Z101-154(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 an R-7.5(A) Single Family District on the east side of Southeast Drive, north of C.F. Hawn Freeway.

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

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

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

Notices: Area: 200 Mailed: 26
Replies: For: 3 Against: 0

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the March 24, 2011, City Plan Commission meeting, subject to corrections.

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

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

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

Speakers: None

Adjournment

Motion: It was moved to **adjourn** the April 7, 2011, City Plan Commission meeting at 4:16 p.m.

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

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

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

Speakers: None

Joe Alcantar, Chair