

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on April 15 2010, with the briefing starting at 11:04 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, Mike Anglin, John Lozano, 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: Liz Wally and Emma Rodgers. There is one vacancy – District 10.

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: 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 Agenda - Preliminary Plat

#### **(1) S090-078**

**Motion:** It was moved to **approve** an application to create one 24.435 acre lot, and one 34.185 acre lot from Lot 1, City Block A/5748; Lot 2, Block A/5748; part of Lot 6 and all of Lot 7 in Block 5750; Lots 15 through 30 in City Block 5749; part of Blocks 1/2373, A/5748, 5749, 5750 and 5751 and located on Harry Hines Boulevard, Medical District Boulevard, and Maple Avenue, subject to compliance with the conditions listed in the docket with the following conditions amended as follows: Condition #10 add “unless abandoned by separate instrument.” Condition #12 to read: “Water/wastewater main extension, if required, shall be by Private Development Contract.” Conditions #14 add “, unless an alternative is approved by Sustainable Development and Construction.” Condition #19 add “, unless an alternate is approved by Sustainable Development and Construction.”

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** None

(2) **S090-079**

**Motion:** It was moved to **approve** an application to create one 0.863 acre lot; one 0.512 acre lot and one 8.102 acre lot from a 9.477 acre tract of land on 3106 Forest Lane at Webb Chapel Road, southeast corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** None

Residential Replat

(3) **S090-074**

**Motion to Reduce Building Line:** It was moved to **approve** an application to reduce the existing 20 foot side yard platted building line to 10 feet in 2 locations along Northaven Road at 11248 Jamestown Road; southeast corner, subject to compliance with Section 51A-8.505(c) and conditions listed in the docket.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Motion:** It was moved to **approve** an application to replat a 0.3823 acre tract of land containing all of Lot 4 in City Block 5/5501 along Northaven Road at 11248 Jamestown Road, southeast corner, subject to compliance with the conditions listed in the docket.

Maker: Schwartz  
Second: M. Davis  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** For: Charles Opheim, 11248 James Town Rd., Dallas, TX, 75230  
Against: None

(4) **S090-075**

**Motion to Reduce Building Line:** It was moved to **approve** an application to reduce the existing 30 foot front yard platted building line to 25.9 feet in 1 place along 7746 Eagle Trail east of Goforth Road, subject to compliance with Section 51A-8.505(c) and conditions listed in the docket.

Maker: M. Davis  
Second: Wolfish  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Motion:** It was moved to **approve** an application to replat a 0.227 acre tract of land containing all of Lot 17 in City Block G/5446 at 7746 Eagle Trail east of Goforth Road, subject to compliance with the conditions listed in the docket.

Maker: M. Davis  
Second: Wolfish  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** For: Doug Rabe, 9923 Capridge Dr., Dallas, TX, 75238  
Against: None

Miscellaneous Docket

**M090-022**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 651 for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses on property bounded by Greenmound Avenue, McKim Drive, Fairhaven Lane and Blanton Street.

Maker: Lavallaisaa  
Second: Tarpley  
Result: Carried: 11 to 0

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

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10  
Conflict: 1 - M. Davis

**Speakers:** None

**M090-023**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 648 for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses on the southwest corner of Rylie Road and Haymarket Road.

Maker: Lavallaisaa  
Second: Tarpley  
Result: Carried: 11 to 0

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

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10  
Conflict: 1 - M. Davis

**Speakers:** None

**M090-025**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 70 for certain Shopping Center District Uses on the northeast corner of Northwest Highway and Midway Road.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** None

**M090-026**

Planner: Richard Brown

**Motion:** In considering a minor amendment to the development plan for Planned Development District No. 369 for a Transit passenger station or transfer center and CR Community Retail District Uses on the east line of Denley Drive, north of Lancaster Road, it was moved to **hold** this case under advisement until May 6, 2010.

Maker: M. Davis  
Second: Bagley  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** For: None  
Against: Rita Wright, 1001 Wild Horse Way, Lancaster, TX, 75146

**M090-027**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the site plan and landscape plan for Specific Use Permit No. 1756 for a General merchandise or food store greater than 100,000 square feet on the west line of McCree Road, north of Northwest Highway.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** None

**M090-028**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 305 for Mixed Uses in an area bounded by McKinney Avenue, Blackburn Street, Noble Avenue, and City Place West Boulevard.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** None

Zoning Cases – Consent

**1. Z089-115(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 1496 for an Open-enrollment charter school for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a Tract 1 site plan, Tract 2 site plan, traffic management plans (Tract 1 and Tract 2), and staff's recommended conditions on property zoned an IR Industrial Research District, and **approval** of termination of Specific Use Permit No. 1384 for an Open-enrollment charter school on the expansion portion of the request site, and **approval** of the termination of existing deed restrictions on a portion of the site on the southeast corner of Joseph Hardin Drive and Exchange Service Drive and the west line of Joseph Hardin Drive at the terminus of Exchange Service Drive.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

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

**Speakers:** None

**2. Z090-139(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 84 for a Private school and a school for special education, subject to a development/conceptual plan and conditions in the northwest quadrant of Royal Lane and the Dallas North Tollway.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 277  
**Replies:** For: 9 Against: 2

**Speakers:** None

**3. Z090-150(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an Open-enrollment charter school for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and revised conditions on property zoned an R-7.5(A) Single Family District and Specific Use Permit No. 506 for a Community service center on the northwest corner of Wright Street and Hampton Road.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar



Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Notices:** Area: 300 Mailed: 38  
**Replies:** For: 1 Against: 3

**Speakers:** None

Zoning Cases – Under Advisement

4. **Z089-238(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** for renewal of and amendment to Specific Use Permit No. 1682 for an Alcoholic beverage establishment for a Private club-bar for a for a period to terminate on November 12, 2011, subject to a site plan and staff's recommended conditions on property zoned a CR Community Retail District at the southeast corner of Midway Road and Frankford Road with the following changes: 1) TIME LIMIT: to read: "This specific use permit automatically terminates on November 12, 2011." 2) FLOOR AREA: to read: "C. The outdoor covered patio cannot be expanded through the minor amendment process." 3) HOURS OF OPERATION: to read: "The alcoholic beverage establishment limited to a private-club bar may only operate between 11:00 a.m. and 2:00 a.m." 4) OUTSIDE SPEAKERS: to read: "Outside speakers are only permitted in the outdoor patio shown on the attached site plan. The sound pressure level of the outside speakers my not exceed 56 decibels (dB(A)) measure at a distance of 50 feet from the source."

Maker: Wolfish  
Second: Lozano  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Notices:** Area: 400 Mailed: 201  
**Replies:** For: 1 Against: 0

**Speakers:** For: Bill Muenchinger, 2700 Swiss Ave., Dallas, TX, 75204  
Against: None

Zoning Cases – Individual

**5. Z090-119(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of a Planned Development District for a Private recreation center, club, or area limited to a Public school district athletic complex and R-7.5(A) Single Family District Uses, subject to a development plan and staff's recommended conditions on property zoned an R-7.5(A) Single Family District within the northwest quadrant of Military Parkway and Delafield Lane.

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

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

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10  
Conflict: 1 - M. Davis

**Notices:** Area: 500 Mailed: 94  
**Replies:** For: 4 Against: 3

**Speakers:** None

**6. Z090-136(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Planned Development District for a Public school other than an Open-enrollment charter school and R-7.5(A) Single Family District uses, subject to a revised development plan and conditions on property zoned an R-7.5(A) Single Family District on the northwest corner of Lingo Lane and Millmar Drive.

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

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

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10  
Conflict: 1 - M. Davis

**Notices:** Area: 500 Mailed: 243  
**Replies:** For: 11 Against: 11

**Speakers:** None

**7. Z090-137(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 667 for a Public school other than an Open-enrollment charter school and R-10(A) Single Family District uses, subject to a revised development plan and revised conditions on the west side of Franklin Street and south of Gibbs Williams Road.

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

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

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10  
Conflict: 1 - M. Davis

**Notices:** Area: 500 Mailed: 123  
**Replies:** For: 8 Against: 2

**Speakers:** None

**8. Z090-126(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 202 for certain nonresidential uses, subject to a development/landscape plan and staff's recommended conditions on the east line of Preston Road, north of Crownover Court with the following changes: 1) Under MAIN USES, (b) - Deletion of "General merchandise or food store 100,000 square feet or more." 2) Under OFF-STREET PARKING AND LOADING, - Inclusion of "(c) For an animal shelter or clinic without outside runs, one space per 400 square feet of floor area is required." 3) Under OFF-STREET PARKING AND LOADING, Deletion of "(d) The entire Property is

considered one lot for parking purposes.” 4) Under SIGNS, (b) – Inclusion of a sentence at the end to read: “Slide lettering or other manual process that places different designs, messages or advertisements on this sign is allowed.” 5) Under SIGNS, Inclusion of Subsection (d) to read: “(d) Except as provided in the section changeable message signs are prohibited.”

Maker: Wolfish  
Second: Lozano  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin\*, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

\*out of the room, shown voting in favor

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 104  
**Replies:** For: 11 Against: 6

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

**9. Z067-284(RB)**

Planner: Richard Brown

**Motion:** In considering an application for a Planned Development District for MU-3 Mixed uses on property zoned an MU-3 Mixed Use District on the northeast corner of North Central Expressway and Twin Sixties Drive, it was moved to **hold** this case under advisement until July 1, 2010.

Maker: Peterson  
Second: M. Davis  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin\*, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

\*out of the room, shown voting in favor

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Notices:** Area: 500 Mailed: 21  
**Replies:** For: 2 Against: 0

**Speakers:** None

Authorization of Hearing

**Motion:** It was moved to **authorize** a public hearing to determine proper zoning on property zoned Subdistrict 1, within Planned Development District No. 298, the Bryan Place Special Purpose District, on the northeast corner of Ross Avenue and McCoy Street with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations that would allow for a vehicle or engine repair use in addition to the uses currently permitted.

Maker: Peterson  
Second: Wolfish  
Result: Carried: 10 to 2

For: 10 - R. Davis, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson

Against: 2 - Anglin, Alcantar  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against: Eric Williamson, 3507 Bryan St., Dallas, TX, 75204  
Jerry Wayne Smith, 927 Liberty St., Dallas, TX, 75204

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Other Matters

Minutes

**Motion:** It was moved to **approve** the minutes of the April 1, 2010, City Plan Commission meeting, subject to corrections.

Maker: M. Davis  
Second: Lavallaisaa  
Result: Carried: 12 to 0

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

Adjournment

**Motion:** It was moved to **adjourn** the April 15, 2010, City Plan Commission meeting at 2:49 p.m.

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

For: 12 - R. Davis, Anglin, M. Davis, Lozano, Bagley,  
Lavallaisaa, Tarpley, Bernbaum, Wolfish,  
Schwartz, Peterson, Alcantar

Against: 0  
Absent: 2 - Wally, Rodgers  
Vacancy: 1 - District 10

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Joe Alcantar, Chair