PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on April 21, 2011 with the briefing starting at 11:01 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) **S101-077**

Motion: It was moved to **approve** an application to replat a 15.179 acre tract of land containing part of City Block 6091 into one 13.759 acre lot and one 1.420 acre lot on Illinois Avenue at Bonnie View Road, northeast corner, subject to compliance with the conditions listed in the docket.

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

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

Speakers: None

(2) S101-079

Motion: It was moved to **approve** an application to replat a 0.826 acre tract of land containing all of Lots 7 through 18 in City Block 7/5351 to create one lot on property located at 1510 Stevens Street, 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) **S101-080**

Motion: It was moved to **approve** an application to replat a 0.399 acre tract of land containing part of City Block 1/3320 to create one lot on 120 N. Oak Cliff Boulevard, 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

Miscellaneous Docket

D101-013

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development/landscape plan for Planned Development District No. 730, in an area generally bounded by Macon Street, Bexar Street and Crozier Street.

Maker:BagleySecond:WallyResult: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

W101-004

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 new subdistrict within the Arts District Special Provision Sign District an area generally bound by Flora Street, Leonard Street, Ross Avenue, and Crocket 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: Suzan Kedron, 901 Main St., Dallas, TX, 75202 Against: None

Z101-145(MG)

Planner: Michael Grace

Motion: It was moved to **approve** conditions, conceptual plan, and urban design guidelines in conjunction with an application for a Planned Development District for mixed uses on property zoned an R-7.5(A) Single Family District on the east line of Coit Road, south of Frankford Road.

Maker:	Wolfish
Second:	Rodgers
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

Z090-123(RB)

Planner: Richard Brown

Motion: It was moved to **approve** an extension of the six-month time period (beginning 4-21-2011) for scheduling a zoning request for City Council consideration of a zoning request on an application for a Planned Development District for certain Industrial Uses on property zoned both as part of Planned Development District, and an IR Industrial Research District, and termination of Specific Use Permit No. 1709 and Specific Use Permit No. 1734, both permitting a Metal salvage facility with consideration being given to allowing a Metal salvage facility by Specific Use Permit in an area generally bounded by Ruder Street, Progressive Drive and Chippewa Drive.

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

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

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

Zoning Cases – Consent

1. Z101-187(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1757 for Bar, lounge, or tavern and an Inside commercial amusement use for a Live music venue for a three-year period, subject to a site plan and conditions on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Elm Street and July Alley.

Maker: Wally 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

Notices:	Area:	200	Mailed:	26
Replies:	For:	7	Against:	1

Speakers: None

2. **Z101-160(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1753 for a Liquor store for a two-year period, subject to a site plan and conditions within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District, at the west corner of Haskell Avenue and San Jacinto Street.

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

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

Notices:	Area:	200	Mailed:	20
Replies:	For:	0	Against:	2

Speakers: For: Marcus Reed, 2631 Wells Ct., Cedar Hill, TX, 75104 Against: Neil Emmons, P.O. Box 191474, Dallas, TX, 75219

3. Z090-258(WE)

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for an open enrollment charter school on property zoned an R-10(A) Single Family District on the northwest corner of South Westmoreland Road and Blue Ridge Boulevard, it was moved to **hold** this case under advisement until May 19, 2011.

	Maker: Second: Result:	Wally	: 14 to 0
		For:	 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar
	Abs	ainst: sent: cancy:	0 0 1 - District 6
Notice: Replies	s: Area: s: For:	300 1	Mailed: 28 Against: 5

Speakers: For: Jesse Valero, 3535 S. Westmoreland Rd., Dallas, TX, 75233 Mack Santoyo, 3535 S. Westmoreland Rd., Dallas, TX, 75233 Against: None

4. Z101-174(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a D-1 Liquor Control Overlay and 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 on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and St. Augustine Road. Maker: Rodgers Second: Wolfish Result: Commissioner Rodgers withdrew the motion and Commissioner Wolfish withdrew the second.

Amending Motion: It was moved to **amend** the motion and recommend denial without prejudice.

Maker: Tarpley Second: Wally Result: Commissioner Tarpley withdrew the motion and Commissioner Wally withdrew the second.

Motion: In considering an application for a D-1 Liquor Control Overlay and 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 on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and St. Augustine Road, it was moved to **hold** this case under advisement until May 19, 2011.

Maker:	Rodgers
Second:	M. Davis
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:	15	
Replies:	For:	0	Against:	1	

Speakers: For: Audra Buckley, 2814 Main St., Dallas, TX, 75226 Against: None

5. **Z101-179(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 within Planned Development District No. 366 with a D-1 Liquor Control Overlay on the southeast corner of S. Buckner Road (Loop 12) and Elam Road.

Maker: Rodgers Second: R. Davis 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:	200	Mailed:	12
Replies:	For:	0	Against:	1

Speakers: For: Saleem Makani, 440 S. Buckner Blvd., Dallas, TX, 75217 Abid, 502 Wait Ct., Euless, TX Against: Shirley Stark, 2612 Max Goldblatt Dr., Dallas, TX, 75227 Carolyn Johnson, 5311 Banting Way, Dallas, TX, 75227

6. Z101-190(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) limited to a banquet hall, convention/display shows and receptions and a dance hall for a two-year period, subject to a site plan and conditions within Planned Development District No. 619 for mixed uses, on the south side of Main Street, west of Ervay Street.

:	Maker: Wally Second: Sheller Result: Carriec	
	For:	 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar
	Against: Absent: Vacancy:	0 0 1 - District 6
Notices Replies		Mailed: 22 Against: 0

Speakers: None

7. Z101-163(MG)

Planner: Michael Grace

Motion: In considering an application for 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 on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of the intersection of Military Parkway and Elva Avenue, it was moved to **hold** this case under advisement until May 19, 2011.

Maker:	Bagley
Second:	R. Davis
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:	23
Replies:	For:	2	Against:	2

Speakers: For: None

Against: Shirley Stark, 2612 Max Goldblatt Dr., Dallas, TX, 75227 Carolyn Johnson, 5311 Banting Way, Dallas, TX, 75227

8. Z101-164(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 on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of the intersection of S. Buckner Boulevard and Forney Road.

Maker: Second: Result:	Bagley	-	0				
	For:	E	Bagley,	Lavalla	aisaa,	n, M. Davis, Tarpley, Schwartz,	Shellene,

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

Notices:	Area:	200	Mailed:	7
Replies:	For:	0	Against:	0

Speakers: For: None

Against: Carolyn Johnson, 5311 Banting Way, Dallas, TX, 75227 Shirley Stark, 2612 Max Goldblatt Dr., Dallas, TX, 75227 Jack Skinner, 4740 S. Buckner Blvd., Dallas, TX, 75227

9. Z101-194(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 CC Community Commercial Subdistrict, a MF-1(A) Multifamily Subdistrict, and an R-5(A) Single Family Residential Subdistrict within Planned Development District No. 595 on the northwest corner of Hatcher Street and Scyene Road.

Maker: Bagley 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:	500	Mailed:	196
Replies:	For:	21	Against:	2

Speakers: For: Tommy Mann, 5400 Renaissance Tower, Dallas, TX, 75270 Against: None

Zoning Cases – Under Advisement

10. Z101-113(RB)

Planner: Richard Brown

Motion: It was moved to recommend approval of an amendment to and expansion of the Planned Development District No. 553 for a Church and Private school, subject to a revised development/landscape plan to be reviewed and approved by staff prior to scheduling for City Council public hearing and staff's recommended revised conditions on property zoned R-16(A) Single Family District Uses in the southeast quadrant of Preston Road and Orchid Lane to include the following: 1) Establish a minimum setback for the addition of 40' high screening net north of the Preston Road Entrance No. 1, so as not to encroach into the existing street tree canopy along Preston Road as shown on the development/landscape plan. Furthermore, a maximum linear dimension should be provided that terminates south of the screening hedge along the property's northern property line with ordinance language that this section of screening net cannot be extended. 2) Section 51P-555.103(b)(1), adding a provision that hours for overflow parking does not apply to special events. 3) Section 51P-555.103, providing for a definition of a headmaster's dwelling unit, the location of such use within the expansion area, and furthermore, provide for development standards that are consistent with an R-16(A) Single Family District.

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

Notices:	Area:	500	Mailed:	210
Replies:	For:	24	Against:	13

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

11. Z101-120(RB)

Planner: Richard Brown

Motion: 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; 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 May 5, 2011.

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

Notices:	Area:	500	Mailed:	109
Replies:	For:	15	Against:	9

 Speakers: For: Roger Albright, 3301 elm St., Dallas, TX, 75226
 For (Did not speak): Dale Wooton, Address not given Against: Neil Emmons, P.O. Box 191474, Dallas, TX, 75219
 Against (Did not speak): Steve Shaw, 5322 Junius St., Dallas, TX, 75214

Zoning Cases - Individual

12. **Z101-195(MG)**

Planner: Michael Grace

Motion: It was moved to recommend **denial** of an application for a Specific Use Permit for Tower/antennas for cellular communication on property zoned an MC-1 Multiple Commercial District on the south side of McCallum Boulevard, east of Preston Road.

Maker: Wolfish Second: Rodgers 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:	300	Mailed:	11
Replies:	For:	1	Against:	3

Speakers:For:Michael Davis, 2411 Creekglen Dr., Dallas, TX, 75227
Robert Lovell, 4285 Cedar Bluff Ln., Frisco, TX, 75034
Against:Against:Terryl Fisher, 16924 Preston Bend Dr., Dallas, TX, 75248
John Wagler, 17203 Marianne Cir., Dallas, TX, 75252
Jonathan Cohen, 6310 Clear Ridge Dr., Dallas, TX, 75248
Virginia Kay Ash, 17207 Marianne Cir., Dallas, TX, 75252
Against (Did not speak):Against (Did not speak):Lilian Chu, 17211marianna Cir., Dallas, TX, 75252
Karan Farmer, 17203 Marianne Cir., Dallas, TX, 75252

13. **Z101-134(MG)**

Planner: Michael Grace

Motion: It was moved to recommend **approval** of a Planned Development District for a public school other than an open enrollment charter school and CR Community Retail District uses, subject to development plan, a traffic management plan and conditions with retention of the D Liquor Control Overlay on a portion on property zoned an MF-2(A) Multifamily District, a CR-D Community Retail District with a Liquor Control Overlay and Planned Development District No. 366 with a Liquor Control Overlay on an interior tract of land north of Military Parkway between Scottsdale Drive and Buckner Boulevard.

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

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

Notices:	Area:	500	Mailed:	101
Replies:	For:	6	Against:	4

Speakers: For: Karl Crawley, , 900 Jackson St., Dallas, TX, 75202 Against (Did not speak): Carolyn Johnson, 5311 Banting Way, Dallas, TX, 75227

14. Z101-192(MW)

Planner: Megan Wimer

Motion: In considering an application to amend and expand Planned Development District No. 287, the Dallas Arboretum and Botanical Garden, on property zoned Planned Development District No. 287 and a CR Community Retail District generally on the southwest and northwest corners of Garland Road and Lakeland Drive, it was moved to **hold** this case under advisement until May 19, 2011.

Maker: Tarpley 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:	500	Mailed:	177
Replies:	For:	16	Against:	23

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

15. **Z089-222(DC)**

Planner: David Cossum

Motion: It was moved to recommend **denial** of a Conservation District Conceptual Plan, determination that R-16(A) is the appropriate zoning classification for the area and termination of City Plan Commission authorized hearing to determine the proper zoning on property zoned an R-16(A) Single Family District on an area generally described as including the following block faces, lots fronting on Fantasia Lane east of Rossier Road, all lots fronting on Candlelight Lane, Wonderland Trail, Snow White Drive, Dwarfs Circle, and Cinderella Lane, between Northaven Road and Sleepy Lane, lots fronting the east side of Snow White Drive between Sleepy Lane and Royal Lane, and lots fronting both sides of Pinocchio Drive and Cinderella Lane between Sleepy Lane and Royal Lane.

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 Notices: Mailed: 297 Area: 200 Speakers: For Termination: Randall Reed, 10931 Cinderella Ln., Dallas, TX, 75229 Jimmy Langkop, 11017 Aladdin Dr., Dallas, TX, 75229 Lamar Bordelon, 11026 Aladdin Dr., Dallas, TX, 75229 James Brasfield, 10907 Wonderland Trl., Dallas, TX, 75229 Phyllis Catton, 10939 Pinocchio Dr., Dallas, TX, 75229 For (Did not speak): Shannon DeMetrovich, 10840 Pinocchio Dr., Dallas, TX, 75229 For (Did not speak): Thomas DeMetrovich, 10840 Pinocchio Dr., Dallas, TX, 75229 For (Did not speak): Andrew Stavish, 10916 Pinocchio Dr., Dallas, TX, 75229 Against Termination: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the April 7, 2011, City Plan Commission meeting, subject to corrections.

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

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

<u>Adjournment</u>

Motion: It was moved to adjourn the April 21, 2011, City Plan Commission meeting at 4:01 p.m.

Maker: Tarpley Second: Bagley 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

Joe Alcantar, Chair