

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on May 7, 2009, with the briefing starting at 10:35 a.m. in Room 5ES and the public hearing at 1:36 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Chris Buehler, Vice Chair. The following Commissioners were present during the hearing: James Prothro, Emma Rodgers, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Bob Weiss, Tom Lueder, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Clarence Gary, Liz Wally and Michael Davis. 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) **S089-087**

Motion: It was moved to **approve** an application to replat part of City Block 129/3113 and part of City Block 3427 into a 2.969 acre lot generally located at the intersection of S. Marsalis Ave. and R.L. Thornton Fwy. (I.H. 35), southeast corner, subject to compliance with the conditions listed in the docket.

Maker: Prothro
Second: Emmons
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Wally, Gary, Davis
Vacancy: 0

Speakers: None

Residential Replats

(2) **S089-086**

Motion: It was moved to **approve** an application to reduce the platted building line from 30' to 20' on a portion of Lot 1 fronting McCosh Drive in City Block 3/7402, also known as 9805 Ash Creek Drive, at the intersection of Ash Creek Drive and McCosh Drive, northwest corner, subject to compliance with the conditions listed in the docket with an amendment to Condition #11 to add the following note to the final plat: "The side building line is 30 feet along McCosh Drive in the Halford Ash Creek Addition, except for that portion of the structure shown on this plat that exists as of May 7, 2009 in front of the 30 foot side building line ("the existing structure"). For the existing structure, the side building line follows the footprint of the existing structure. A person may renovate, remodel, repair, or rebuild any portion of the entire structure existing as of May 7, 2009, except that the right to rebuild the existing structure at the 20 foot building line ceases if the entire structure is destroyed or demolished by the intentional act of the owner."

Maker: Weiss
Second: Rodgers
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None
Staff: Danny Sipes, 320 E. Jefferson Blvd., Dallas, TX

Miscellaneous Docket

D089-011

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for Planned Development District No. 619 on the northwest corner of Main Street and St. Paul Street.

Maker: Emmons
Second: Rodgers
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: None

D089-012

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for Planned Development Subdistrict No, 59 within Planned Development District No. 193 on the southeast corner of Throckmorton Street and Herschel Avenue.

Maker: Emmons
Second: Rodgers
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: None

M089-008

Planner: Richard Brown

Motion: In considering a minor amendment to the development plan and landscape plan for Planned Development District No. 754 for certain residential and nonresidential uses on both sides of Brockbank Drive and the south line of Valley Meadow Drive, it was moved to **hold** this case under advisement until May 21, 2009.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: None

M089-019

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 785 for certain residential and nonresidential uses on the northern terminus of Cornerstone Parkway.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: None

M089-027

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to Tract D development plan and landscape plan for Planned Development District No. 272 for Shopping Center District Uses on the southwest quadrant of Preston Road and Belt Line Road.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Speakers: None

Miscellaneous Docket – Under Advisement

M089-023

Planner: Richard Brown

Motion: It was moved to **approve** a site plan that does not comply with the Design Standards for Section 51A-4.605 of the Dallas Development Code for a home improvement store of 100,000 sq. ft. or more, subject to a revised plan that provides for: 1) removing outside display and storage of materials on both side façade walls (noted as ‘seasonal outside storage area’); 2) prohibiting outside display of propane cages, grills, outdoor power equipment, wheel barrows, and 3) limiting stackouts and pallets to an area between the eastern building façade, immediately abutting the contractor’s entrance, and the loading area drive (noted as ‘Loading Only’) at the south corner of building at the south corner of Lemmon Avenue and Atwell Street.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

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

Zoning Cases – Consent

1. **Z089-150(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial** of an amendment to the conceptual plan and conditions for the Tract II portion of Planned Development District No. 375 for Office, Retail, and Residential Uses on property generally bounded by Lemmon Avenue East, the eastern half of the abandoned portion of Howell Street, and Lemmon Avenue West.

Maker: Emmons
Second: Weiss
Result: Carried: 11 to 1

For: 11 - Prothro*, Rodgers, Lozano, Bagley,
Lavallaisaa, Weiss, Lueder, Buehler, Wolfish,
Emmons, Alcantar

Against: 1 - Ekblad
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 500 Mailed: 42
Replies: For: 3 Against: 3

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75229
Against: Neal Sleeper, 3232 McKinney Ave., Dallas, TX

2. **Z089-151(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial** of a Planned Development Subdistrict for an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with a Dry Liquor Control Overlay on property inclusive of the abandoned portion of Howell Street between Lemmon Avenue East and Lemmon Avenue West.

Maker: Emmons
Second: Weiss
Result: Carried: 11 to 1

For: 11 - Prothro*, Rodgers, Lozano, Bagley,
Lavallaisaa, Weiss, Lueder, Buehler, Wolfish,
Emmons, Alcantar

Against: 1 - Ekblad
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 500 Mailed: 46
Replies: For: 3 Against: 2

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75229
Against: Neal Sleeper, 3232 McKinney Ave., Dallas, TX

3. Z089-142(MW)

Planner: Marcus Watson

Motion: It was moved to recommend **approval** of an Historic District Overlay on property zoned Planned Development District No. 269, subject to preservation criteria approved by the Landmark Commission on the south corner of Hickory Street and 2nd Avenue.

Maker: Prothro
Second: Weiss
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 300 Mailed: 13
Replies: For: 0 Against: 3

Speakers: For: Gary Kaelson, 501 2nd Ave., Dallas, TX, 75226
Sean Fitzgerald, 2814 Canton St., Dallas, TX, 75226
Against: None

4. Z089-173(MAW)

Planner: Megan Wimer

Motion: In considering a Specific Use Permit for a pedestrian skybridge on property zoned a CA-1(A) Central Area-1 District with an SP Pedestrian Overlay on North St. Paul Street between Federal Street and San Jacinto Street, it was moved to **hold** this case under advisement until May 14, 2009.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 750 Mailed: 74
Replies: For: 0 Against: 0

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

5. **Z089-119(WE)**

Planner: Warren Ellis

Motion: In considering a Specific Use Permit for a Pedestrian skybridge on property within Subarea A of Planned Development District No. 749 for mixed uses, the Baylor University Medical Special Purpose District, on Worth Street between Hall Street and Washington Street, it was moved to **hold** this case under advisement until May 14, 2009.

Maker: Emmons
Second: Weiss
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 750 Mailed: 28
Replies: For: 15 Against: 0

Speakers: None

6. **Z089-182(WE)**

Planner: Warren Ellis

Motion: In considering a Specific Use Permit for an Adult daycare facility on property zoned an R-7.5(A) Single Family District, on the south line of Lynnacre Drive, west of Knoxville Drive, it was moved to **hold** this case under advisement until May 14, 2009.

Maker: Prothro
Second: Lueder

Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 400 Mailed: 52
Replies: For: 2 Against: 1

Speakers: For: Sheri Ekuke, 7816 Pirate Point, Arlington, TX, 76016
Tom Jones, 3350 Shady Hollow Ln., Dallas, TX, 75233
Against: None

Zoning Cases – Under Advisement

7. **Z078-307(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** a Specific Use Permit for a Community service center for a five-year period, with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned an R-5(A) Single Family District on the southeast corner of Winnetka Avenue and Gallagher Street.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad*,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 200 Mailed: 40
Replies: For: 5 Against: 2

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

8. **Z078-309(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** a Specific Use Permit for Gas drilling and production on property zoned an A(A) Agricultural District and Specific Use Permit No. 517 for a Commercial radio station and transmitting towers for a twenty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a revised site plan of existing conditions, a revised site/operations plan for drilling, a revised site/operations plan for production, and revised staff's recommended conditions, subject to deed restrictions volunteered by an abutting property owner on the south line of Sanders Loop, east of Belt Line Road.

Maker: Lozano
Second: Buehler
Result: **Motion was withdrawn**

Motion: It was moved to recommend **approval** a Specific Use Permit for Gas drilling and production on property zoned an A(A) Agricultural District and Specific Use Permit No. 517 for a Commercial radio station and transmitting towers for a twenty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan of existing conditions, a site/operations plan for drilling, a site/operations plan for production, and staff's recommended conditions, subject to deed restrictions volunteered by an abutting property owner on the south line of Sanders Loop, east of Belt Line Road with the following conditions added: 1) Under (b) FRACTURING: Except as provided in this subsection, fracturing activities may occur during daylight hours, seven days a week, except that flowback operations may occur 24 hours a day, seven days a week. See Section 51A-12.105(m)(1). If a residential use is located within 600 feet of a well head when written notice is given to the gas inspector of the intent to fracture a well, fracturing activities may only occur during daylight hours for no longer than 90_days per 365 day period, except that flowback operations may occur 24 hours a day. 2) Under 8. SCREENING/LANDSCAPING e. Prior to the issuance of a building permit for drilling, a minimum eight foot-tall green vinyl coated fence must be provided in the location as shown on the attached plans. f. Within 60 days after the first well is in production, a landscape plan must be submitted to the building official that provides for the following along the northern, western, and southern Property line: A. Large evergreen shrubs, a minimum seven gallon each at the time of planting, planted no greater than six feet on-center. B. All materials must be capable of obtaining a solid appearance and a minimum height of eight feet within three years from date of planning. C. A minimum three foot-wide mulched planting bed must be provided for all landscape materials. D. All plant materials required in this subsection must be maintained in a healthy, growing condition at all times.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 1000 Mailed: 14
Replies: For: 1 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
City of Coppell: Marcie Diamond, 255 Parkway Blvd., Coppell, TX, 75019
Against: None

9. Z089-135(WE)

Planner: Warren Ellis

Note: Assistant City Attorney Casey Burgess left the room due to a conflict of interest

Motion: In considering an amendment to create two tracts within Planned Development District No. 183 for MU-3 Mixed Use District uses on the southeast corner of North Haskell Avenue and North Central Expressway, it was moved to **hold** this case under advisement until June 25, 2009.

Maker: Emmons
Second: Rodgers
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano*, Bagley,
Lavallaisaa, Weiss, Lueder, Buehler, Wolfish,
Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 500 Mailed: 19
Replies: For: 1 Against: 0

Speakers: None

Note: Commissioner Weiss moved to change the order of the agenda and suspend hearing Z089-153(WE) and hear Z089-181(WE) next. Commissioner Wolfish seconded the motion. The Commission voted unanimously to hear Z089-181(WE) next. Commissioner Lozano was out of the room when vote was taken.

Zoning Cases – Individual

10. **Z089-153(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** an amendment to the revised conceptual plan, development plan and landscape plan of Planned Development District No. 711 for RR Regional Retail and Multifamily uses, on the southeast corner of Prestonwood Boulevard and Arapaho Road.

Maker: Buehler
Second: Prothro
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 500 Mailed: 10
Replies: For: 0 Against: 0

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

11. **Z089-181(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and an Inside commercial amusement for a live music venue for a two-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 north side of Elm Street, west of Crowdus Street.

Maker: Emmons
Second: Prothro
Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano*, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 200 Mailed: 25
Replies: For: 5 Against: 3

Speakers: For: Clinton Barlow, 1600 N. Haskell Ave., Dallas, TX, 75204
Sean Fitzgerald, 2814 Canton St., Dallas, TX, 75226
Against: None

12. Z078-291(MAW)

Planner: Megan Wimer

Motion: In considering a Planned Development District for mixed uses on property zoned a CR Community Retail District on the southwest corner of Gaston Avenue and East Grand Avenue, it was moved to **hold** this case under advisement until May 14, 2009.

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

For: 12 - Prothro, Rodgers, Lozano*, Bagley,
Lavallaisaa, Weiss, Lueder, Buehler, Wolfish,
Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 500 Mailed: 132
Replies: For: 10 Against: 3

Speakers: None

13. Z089-179(CG)

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of a Neighborhood Stabilization Overlay (NSO) on property zoned an R-7.5(A) Single Family District, generally bounded by Northwest Highway on the north, DART ROW (former MK & T Railroad) and Middlebury Drive on the east and south, and the DART ROW (former Houston & Texas Railroad) on the west.

Maker: Weiss
Second: Wolfish
Result: Carried: 11 to 1

For: 11 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Buehler, Wolfish, Ekblad,
Emmons

Against: 1 - Alcantar
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Notices: Area: 200 Mailed: 578
Replies: For: 208 Against: 59

Speakers: For: Janet Cromer, 7306 Clemson Dr., Dallas, TX, 75214
Maynard McMurray, 7137 Bucknell Dr., Dallas, TX, 75214
Peter Dickson, 7318 Bennington Dr., Dallas, TX, 75214
M.F. Van Breda, 7216 Lehigh Dr., Dallas, TX, 75214
For (Did not speak): Nancy Van Breda, 7216 Lehigh Dr., Dallas, TX, 75214
For (Did not speak): Sylvia Weaver, 6920 Clemson Dr., Dallas, TX, 75214
For (Did not speak): John Maline, 7310 Wake Forrest Dr., Dallas, TX, 75214
For (Did not speak): Jonathan Weaver, 6920 Clemson Dr., Dallas, TX, 75214
For (Did not speak): Alison Russell, 7220 Syracuse Dr., Dallas, TX, 75214
For (Did not speak): Steven Riley, 7031 Haverford Rd., Dallas, TX, 75214
Against: Jack Ormberget, 7309 Bennington Dr., Dallas, TX, 75214
Elizabeth Anne Tuttle, 7038 Haverford Rd., Dallas, TX, 75214
Dijea Coplin, 7315 Bennington Dr., Dallas, TX, 75214
Liam Gartside, 7329 Dominique Dr., Dallas, TX, 75214
Mason Coplin, 7315 Bennington Dr., Dallas, TX, 75214
Martine Burlinson, 7329 Dominique Dr., Dallas, TX, 75214
Against (Did not speak): Jennifer Stanton Hargrave, 7329 Bennington Dr., Dallas, TX, 75214

Other Matters

CPC Rules Committee Report on April 16, 2009 meeting on proposed changes to CPC Rules of Procedure.

Motion: It was moved to recommend **approval** of a resolution asking City Council to amend Dallas City Code Section 8-20.1 regarding special attendance requirements for inspection trips.

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

For: 12 - Prothro, Rodgers, Lozano, Bagley,
Lavallaisaa, Weiss, Lueder, Buehler, Wolfish,
Ekblad, Emmons, Alcantar
Against: 0
Absent: 3 - Gary, Wally, Davis
Vacancy: 0

Minutes

Motion: It was moved to **approve** the minutes of the April 23, 2009, City Plan Commission meeting, subject to corrections.

Maker: Weiss

Second: Ekblad

Result: Carried: 11 to 0

For: 11 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Wolfish, Ekblad, Emmons,
Alcantar

Against: 0

Absent: 4 - Gary, Wally, Davis, Buehler

Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the May 7, 2009, City Plan Commission meeting at 5:11 p.m.

Maker: Weiss

Second: Lueder

Result: Carried: 12 to 0

For: 12 - Prothro, Rodgers, Lozano, Bagley, Lavallaisaa,
Weiss, Lueder, Wolfish, Ekblad, Emmons,
Alcantar

Against: 0

Absent: 4 - Gary, Wally, Davis, Buehler

Vacancy: 0

Joe Alcantar, Chair