

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on July 19, 2012, with the briefing starting at 11:30 a.m. in Room 5ES and the public hearing at 1:31 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Gloria Tarpley, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Robert Abtahi, Emma Rodgers, Tony Hinojosa, Ann Bagley, Myrtl Lavallaisaa, Bruce Bernbaum, Michael Schwartz and Paul E. Ridley. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Mike Anglin, Sally Wolfish, and John Shellene. 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 Sustainable Development and Construction. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes.

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 Items:

(1) **S112-155**

Motion: It was moved to **approve** an application to create a 2.355 acre lot from a tract of land located in City Blocks 4138, 4139, and 4152 and located at 3511 W. Davis Street, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

(2) S112-157

Motion: It was moved to **approve** an application to replat a 6.378 acre tract of land containing all of Lot 1B into one 0.298 acre lot and one 6.080 acre lot in City Block E-4/7940 and fronting on Stemmons Freeway, John Carpenter Freeway, and Mockingbird Lane, west corner, subject to compliance with the conditions listed in the docket with the addition of Condition #20 to read as follows: "20. On the final plat remove the "Proposed 24 foot Shared Access easement" or change it to read: "24 foot mutual access easement by separate instruments."

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

(3) S112-160

Motion: It was moved to **approve** an application to replat a 26.7528 acre tract of land containing Lot 4A in City Block A/5771 and Lots 1 and 2 in City Block A/5772 into one lot on property located on Denton Drive at Wyman Street, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

(4) S112-162

Motion: It was moved to **approve** an application to replat a 1.721 acre tract of land containing all of Lots 69, 70, and 71 of an unrecorded subdivision in City Block 5469 into two 0.860 acre lots on property located at 6307, 6315, and 6323 Deloache Avenue, west of Edgemere Drive, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

Residential Replats:

(5) S112-158

Motion: It was moved to **approve** an application to replat a 0.601 acre tract of land containing all of Lots 11A, 11B, and 12 in City Block 1/6133 on property located at 755, 761 and 763 Peavy Road, southeast of Northcliff Road, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

(6) **S112-159**

Motion: It was moved to **approve** an application to replat a 0.1904 acre tract of land containing all of Lots 44 and 45 in City Block A/5248 into one lot on property located at 8610 Eustus Avenue at Lakeland Drive, subject to compliance with the conditions listed in the docket with the deletion of Conditions #13 and #14 pertaining to Right of Way as "Section 51A-8.602(c)(3) allows the commission to waive the requirements for additional right of way for existing streets provided the Director recommends the wavier".

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

Building Line Removal:

(7) **S112-161**

Building Line Removal Motion: It was moved to **approve** an application to remove the existing platted building lines of Lot 1 in City Block A/6404 and all of Lot 2A in City Block A/6406 to create one 2.337 acre lot on property located at Marsh Lane and High Vista Drive, southeast corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Replat Motion: It was moved to **approve** an application to replat all of Lot 1 in City Block A/6404 and all of Lot 2A in City Block A/6406 to create one 2.337 acre lot on property located at Marsh Lane and High Vista Drive, southeast corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

Miscellaneous Docket

M112-034

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development/conceptual plan for Planned Development District No. 504 on the southeast corner of Northaven Road and Midway Road.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

Miscellaneous Docket – Under Advisement

W112-015

Planner: Neva Dean

Motion: It was moved to **deny** a waiver of the two-year waiting period in order to submit an application to amend Specific Use Permit No. 1884 on the southeast corner of South Lancaster Road and East Ledbetter Drive.

Maker: Lavallaisaa
Second: Hinojosa
Result: Carried: 12 to 0

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. Z101-388(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District on the northwest corner of South Marsalis Avenue and East Woodin Boulevard.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 1 Against: 0

Speakers: None

2. Z112-219(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a D-1 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 greater than 3,500 square feet for a five-year period, subject to a site plan and revised conditions to include 1) The use of the property must comply fully with the City of Dallas's convenience store ordinance and 2) Prohibit the use of the drive through window for retail sales of alcohol beverages on property within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D Liquor Control Overlay on the southeast corner of Buckner Boulevard and Norvell Drive.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 18
Replies: For: 0 Against: 0

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

3. Z112-242(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Tract 14 of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses, subject to a development plan and conditions on the east line of Kingbridge Street, south of Kingbridge Holystone Connection.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 500 Mailed: 4
Replies: For: 0 Against: 0

Speakers: None

4. Z112-252(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1339 for an open-enrollment charter school for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, traffic management plan and conditions on property zoned an R-7.5(A) Single Family District on the northwest corner of Rylie Road and Tufts Road.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 500 Mailed: 67
Replies: For: 4 Against: 1

Speakers: None

5. Z112-250(JH)

Planner: Jennifer Hiromoto

Motion I: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern for a one-year period, subject to a site plan and conditions on property zoned Planned Development District No. 269 Tract A on the north side of Main Street, east of North Malcolm X Boulevard.

Maker: Wally
Second: Bagley
Result: Failed: 3 to 9

For: 3 - Wally, Bagley, Lavallaisaa

Against: 9 - Davis, Abtahi, Rodgers, Hinojosa, Tarpley,
Bernbaum, Schwartz, Ridley, Alcantar
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Motion II: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern for a two-year period, subject to a site plan and conditions on property zoned Planned Development District No. 269 Tract A on the north side of Main Street, east of North Malcolm X Boulevard.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: Susan Reese, 8626 Douglas Ave., Dallas, TX, 75225
Against: None

6. Z112-254(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Subdistrict 1C within Planned Development District No. 621 on property zoned a Subdistrict 1 within Planned Development District No. 621 on the south side of Inspiration Drive, northeast of Slocum Street.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 500 Mailed: 45
Replies: For: 4 Against: 2

Speakers: None

7. Z112-255(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Specific Use Permit for a community service center for a three-year period; subject to a site plan and conditions on property zoned Planned Development District No. 808 on the northwest corner of Gaston Avenue and East Grand Avenue.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 98
Replies: For: 5 Against: 0

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

Zoning Cases – Under Advisement

8. Z112-194(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a D-1 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 less than 3,500 square feet for a three-year period, subject to a site plan and conditions on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 23
Replies: For: 2 Against: 2

Speakers: For: Pamela Craig, 1222 Commerce St., Dallas, TX, 75202
Against: None

Zoning Cases - Individual

9. Z112-216(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **denial** of a CR Community Retail District, with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District on the northeast corner of Oram Street and Skillman Street.

Maker: Ridley
Second: Hinojosa
Result: Carried: 12 to 0

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Notices: Area: 200 Mailed: 41
Replies: For: 2 Against: 24

Speakers: For: Robert Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: Olive Talley, 6133 Prospect Ave., Dallas, TX, 75214
Paul Hardie, 6145 Prospect Ave., Dallas, TX, 75214
Philip Kingston, 5909 Palo Pinto Ave., Dallas, TX, 75206
Against (Did not speak): Tom Wyatt, 6112 Prospect Ave., Dallas, TX, 75214
Raj Shelly, 6124 Prospect Ave., Dallas, TX, 75214
Dayanna Garcia, 6124 Prospect Ave., Dallas, TX, 75214

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 12, 2012, City Plan Commission meeting, subject to corrections.

Maker: Hinojosa
Second: Davis
Result: Carried: 12 to 0

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the July 19, 2012, City Plan Commission meeting at 2:30 p.m.

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

For: 12 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Bernbaum,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Shellene, Wolfish
Vacancy: 0

Joe Alcantar, Chair