# PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on July 25, 2013, with the briefing starting at 12:24 p.m. in Room 5ES and the public hearing at 1:41 p.m. in the City Council Chambers of City Hall. Presiding were Gloria Tarpley, Acting Chair and, Mike Anglin, Acting Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Betty Culbreath, Emma Rodgers, Tony Hinojosa, Ann Bagley, Myrtl Lavallaisaa, Sally Wolfish, Michael Schwartz and Paul E. Ridley. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: John Shellene, Bruce Bernbaum and Joe Alcantar. 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) **S123-194**

**Motion:** It was moved to **approve** an application to replat a 12.603 acre tract of land into one lot containing all of Lots 1 and 2 in City Block E/2307, all of Lot 1 and part of Lot 2 in City Block F/2309 on property located at 2610 and 2820 King Road, subject to compliance with the conditions listed in the docket.

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

> For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley

Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

Speakers: None

# (2) S123-195

**Motion:** It was moved to **approve** an application to create a 3.909 acre lot from a tract of land in City Block 8376 located at 10808 Luna Road, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:	Schwar		
	For:	12 - Davis, Wally, Anglin, Culbreath, Hinojosa, Bagley, Lavallaisaa, Wolfish, Schwartz, Ridley	•
Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0	

Speakers: None

# (3) S123-196

**Motion:** It was moved to **approve** an application to create a 4.610 acre lot from a tract of land containing all of Lots 1 through 7 in City Block D/660, Lots 1 through 14 in City Block E/660, part of Lots 8 through 14 in City Block 10/658, all of Lafayette Street to be abandoned between Peak Street and Ashby Street, and all of a 15 foot wide alley in City Block E/660 located between Peak Street and Ashby Street, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:	Wally Schwar Carried	
	For:	<ol> <li>Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley</li> </ol>
Ab	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0

Speakers: None

# (4) **S123-197**

**Motion:** It was moved to **approve** an application to create seven lots ranging in size from 0.595 acre through 2.500 acre from a 9.905 acre tract of land containing Lots 1 through 11 in City Block 26/132, part of City Blocks 131 and 132, Lots 1 through 10 in City Block 15/144, City Block 133, part of City Block 134, Lots 1 through 7 in City Block 25/133, part of City Block 24/134, Lots 15 through 26 and part of Lots 3 through 4 in City Block 14/145, lots 15 through 18, part of Lots 11 through 14 and 19 through 14 in City Block 13/146, Lots 1 through 5, part of Lots 6 through 9, 24 through 27 in City Block 13/146, Lots 2 through 8, part of Lots 1 and 9 in City Block 12/147, part of City Block 134, 12/134 and 135, and Lot 1 in City Block A/134, located at the southeast corner of Marilla Street and Harwood Street, subject to compliance with the conditions listed in the docket.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

# Speakers: None

# (5) **S123-198**

**Motion:** It was moved to **approve** an application to replat a 0.862 acre tract of land containing part of Lot 3A in City Block 524 into one lot on property located at the south corner of Harwood Street and McKinney Avenue, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:	Schwar	
	For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0

# Speakers: None

# (6) **S123-199**

**Motion:** It was moved to **approve** an application to replat a 21.193 acre tract of land in City Block C/7731 into 5 lots ranging in size from 1.735 acres to 12.192 acres in size on property fronting on the south line of Banner Drive between Coit Road and Merit Drive, subject to compliance with the conditions listed in the docket.

Maker: Wally Second: Schwar Result: Carried	
For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Against: Absent: Vacancy:	0 3 - Shellene, Bernbaum, Alcantar 0

Speakers: None

# (7) **S123-202**

**Motion:** It was moved to **approve** an application to create one 0.438 acre lot from a tract of land in City Block 6314 located at 9110 Bruton Road, subject to compliance with the conditions listed in the docket.

	Maker: Second: Result:	,	
		For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
	Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0
Speake	rs: No	one	

# (8) **S123-203**

**Motion:** It was moved to **approve** an application to replat a 1.589 acre lot from a tract of land in City Block 7043 located at 4523 Samuell Boulevard, subject to compliance with the conditions listed in the docket.

Se		Wally Schwar Carried	tz : 12 to 0
		For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
	Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0
Speakers	: No	ne	

# (9) **S123-205**

**Motion:** It was moved to **approve** an application to replat a 5.691 acre tract of land containing part of a tract of land in City Block E-1/7940 and part of a tract of land in City Block E-3/7940 into one lot located between Stemmons Freeway and SH-183 north of Mockingbird Lane, subject to compliance with the conditions listed in the docket.

Maker: Second: Result:		
	For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0

Speakers: None

# (10) **S123-209**

**Motion:** It was moved to **approve** an application to create a 3.935 acre lot from a tract of land in City Block 420 and City Block 460 located at the northeast corner of Lamar Street and Powhattan Street, subject to compliance with the conditions listed in the docket.

Maker:WallySecond:SchwartzResult:Carried: 12 to 0

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against:0Absent:3 Shellene, Bernbaum, AlcantarVacancy:0

# Speakers: None

# Residential Replats:

# (11) **S123-204**

**Motion:** It was moved to **approve** an application to replat a 2.6 acre tract of land containing part of Lot 6 in City Block D/5332 into one lot on property located at 10341 and 10349 Strait Lane, subject to compliance with the conditions listed in the docket.

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

> For: 12 - Davis, Wally, Anglin, Culbreath\*, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley

Against:0Absent:3 - Shellene, Bernbaum, AlcantarVacancy:0

\*out of the room, shown voting in favor

Speakers: None

# (12) **S123-206**

**Motion:** It was moved to **approve** an application to replat a 0.252 acre tract of land containing part of Lots 4, 5, and 6 in City Block 1/5431 into three lots ranging in size from 3,647 square feet to 3,661 square feet on property located at 6536 thru 6558 Lovers Lane, subject to compliance with the conditions listed in the docket.

Maker: Anglin Second: Schwartz Result: Carried: 12 to 0 For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers. Bagley, Hinojosa, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0 Speakers: For: None

Against: Leo Stambaugh, 6605 Aintree Cir., Dallas, TX, 75214

# (13) **S123-207**

**Motion:** It was moved to **approve** an application to replat a 0.203 acre tract of land containing part of Lots 2, and 3 in City Block 1/5431 into three lots ranging in size from 2,928 square feet to 2,992 square feet on property located at 6536 thru 6558 Lovers Lane, subject to compliance with the conditions listed in the docket.

Anglin Maker: Second: Schwartz Result: Carried: 12 to 0 12 - Davis, Wally, Anglin, Culbreath, Rodgers, For: Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

Speakers: For: None Against: Leo Stambaugh, 6605 Aintree Cir., Dallas, TX, 75214

# (14) **S123-208**

**Motion:** It was moved to **approve** an application to replat a 1.250 acre tract of land containing part Lots 2, 3, 4, 5, and 6 in City Block 1/5431 into thirteen lots ranging in size from 3,024 square feet to 4,403 square feet on property located at 6536 thru 6558 Lovers Lane, subject to compliance with the conditions listed in the docket.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against:0Absent:3 Shellene, Bernbaum, AlcantarVacancy:0

**Speakers**: For: Adam Stetson, 2811 Timberhill Dr., Grapevine, TX, 76051 Against: Leo Stambaugh, 6605 Aintree Cir., Dallas, TX, 75214

# Miscellaneous Items:

#### W123-007

Planner: Audrey Butkus

**Motion:** It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to amend Planned Development District No. 759 in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Second: Result:	Carried	: 12 to 0
	For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0

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

#### M123-035

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 651 for a College in the southeast quadrant of Abrams Road and Walnut Street.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

Speakers: None

# M123-036

# Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 2018 for the sale of Alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on the north line of Laureland Road, east of IH 35.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

# Speakers: None

# Zoning Cases – Consent

# 1. Z123-230(RB)

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 1736 for a Private school for a five-year period with eligibility for automatic renewal for additional ten-year periods, subject to a revised site plan, revised traffic management plan, and revised conditions on property zoned an R-7.5(A) Single Family District, with Specific Use Permit No. 278 for a Convent on a portion of the property on the southwest line of Cortland Avenue, between Bombay Avenue and Anson Road.

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

		For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
	Agair Abse Vaca	nt:	0 3 - Shellene, Bernbaum, Alcantar 0
Notices: Replies:	Area: For:	300 6	Mailed: 80 Against: 1
Speakers:	Non	е	

# 2. **Z123-259(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1889 for a Late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern use for a three-year period, subject to revised conditions on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east line of Greenville Avenue, north of Prospect Avenue.

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

For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley

Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0	
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Notices:	Area:	200	Mailed:	19
Replies:	For:	1	Against:	0

Speakers: None

# 3. **Z123-287(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 five-year period with eligibility for automatic renewal for additional five-year periods, subject to revised conditions within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District on the west corner of Haskell Avenue and San Jacinto Street.

Maker: Wallv Second: Schwartz Result: Carried: 12 to 0 For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers. Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0 Notices: Area: 200 Mailed: 21 Replies: For: 0 Against: 3 Speakers: None

4. Z123-171(MW)

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of the a Specific Use Permit for a radio, television or microwave tower for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions on property zoned an MU-3 Mixed Used District on the northwest corner of Villa Creek Drive and Ford Road.

Maker: Wally Second: Schwartz Result: Carried: 12 to 0 For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers, Tarpley, Hinojosa, Bagley, Lavallaisaa, Wolfish, Schwartz, Ridley Against: 0 3 - Shellene, Bernbaum, Alcantar Absent: Vacancy: 0 Notices: Area: 300 Mailed: 11 **Replies:** For: 0 Against: 2

Speakers: None

# 5. **Z123-212(MW)**

**Motion:** It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a conceptual plan and conditions to include the following changes: 1) Accept applicant's condition, under Section 51P-745.114, <u>BUILDING ELEMENTS AND DESIGN STANDARDS</u>, to exclude fenestration from the 75 percent masonry requirement and 2) Grant a landscape license on property zoned a GO(A) General Office District on the southeast corner of North Central Expressway and Midtown Boulevard.

	Maker: Second: Result:	0	
		For:	10 - Davis, Anglin, Culbreath, Rodgers, Hinojosa, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
	Abs	ainst: sent: cancy:	
Notices Replies	s: Area: s: For:	500 1	Mailed: 78 Against: 0

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

# 6. Z123-260(MW)

Planner: Megan Wimer

**Motion:** In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District with deed restrictions west of Marsh Lane, north of Frankford Road, it was moved to **hold** this case under advisement until August 22, 2013.

Maker: Second: Result:	0	
	For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Ab	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0

Notices:	Area:	200	Mailed:	4
<b>Replies:</b>	For:	0	Against:	0

Speakers: None

#### Zoning Cases – Under Advisement

#### 7. Z123-246(AB)

Planner: Audrey Butkus

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1900 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site/landscape plan and conditions on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the northwest corner of South Buckner Boulevard and Cordell Drive.

	Maker: Second: Result:	Wolfish		
		For:	12 - Davis, Wally, Anglin, Culbreath, Hinojosa, Bagley, Lavallaisaa, Wolfish, Schwartz, Ridley	<b>U</b> .
	Abs	ainst: sent: cancy:	0 3 - Shellene, Bernbaum, Alcantar 0	
Notice: Replies	s: Area: s: For:	300 0	Mailed: 32 Against: 0	

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

# 8. Z123-249(AB)

Planner: Audrey Butkus

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1864 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay north of Centerville Road, west of Aledo Drive.

Maker: Anglin Second: Culbreath

Re	sult: (	Carried	: 12 to 0
		For:	12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
Against: Absent: Vacancy:		ent:	0 3 - Shellene, Bernbaum, Alcantar 0
Notices: Replies:		200 1	Mailed: 12 Against: 0
•	For: Against		z Malik, 1901 Central Dr., Bedford, TX, 76021

# Zoning Cases - Individual

# 9. Z123-262(MW)

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to restaurant without drive-in or drive-through service for a one-year period, subject to a revised site plan and conditions with the following changes: 1) Under <u>Floor Area</u>, Subparagraph A., maximum floor area of 1,875 sq. ft in the location shown on the attached site plan (interior), 2) Under <u>Floor Area</u>, strike Subparagraph B., and 3) Strike <u>NOISE ATTENUATION</u> paragraph on property zoned Planned Development District No. 842 on the west side of Greenville Avenue, south of Sears Street.

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

For: 12 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley

Against:	0
Absent:	3 - Shellene, Bernbaum, Alcantar
Vacancy:	0

Notices:	Area:	200	Mailed:	23
<b>Replies:</b>	For:	1	Against:	0

Speakers: For: Audra Buckley, 416 S. Ervay, Dallas, TX 75201 Against: Mark Reeves, 5530 Goodwin Ave., Dallas, TX, 75206 Cheryl Kellis, 2007 Summit Ave., Dallas, TX, 75206 Dorothy Holliday, 5620 Richmond Ave., Dallas, TX, 75206 Against (Did not speak): David Smith, 5545 Sears St., Dallas, TX, 75206

# Authorization of Hearing:

Planner: Mark Doty

**Motion:** In considering a public hearing to decide whether to authorize a public hearing to determine the proper zoning on property zoned a CR-D Community Retail District with a D Liquor Control Overlay in an area generally bound by South Corinth Street, Waco Street, and Morrell Street with consideration being given to an RR Regional Retail District, it was moved to **hold** this case under advisement until August 8, 2013.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against: 0 Absent: 3 - Shellene, Bernbaum, Alcantar Vacancy: 0

Speakers: None

# Other Matters

# **Minutes**

**Motion:** It was moved to **approve** the minutes of the July 11, 2013, City Plan Commission meetings, as submitted.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against:0Absent:3 Shellene, Bernbaum, AlcantarVacancy:0

<u>Adjournment</u>

Motion: It was moved to adjourn the July 25, 2013, City Plan Commission meeting at 3:51 p.m.

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

- For: 12 Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Ridley
- Against:0Absent:3 Shellene, Bernbaum, AlcantarVacancy:0

Joe Alcantar, Chair