

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 5, 2010 with the briefing starting at 11:09 a.m. in Room 6ES and the public hearing at 1:30 p.m. in Room 6ES 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, 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: 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 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) **S090-116**

Motion: It was moved to **approve** an application to replat a 1.496 acre tract of land in Lot 3 of City Block 6956 into one 0.733 acre lot, one 0.450 acre lot, and one 0.313 acre lot at 3525 W. Ledbetter Drive and Willow Crest Lane, east of Westmoreland Road, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

(2) **S090-117**

Motion: It was moved to **approve** an application to replat part of Lot 2 and all of Lots 3, 4 and 5 in City Block 2/2058 into one 0.735 acre lot on 4104, 4108, 4114 and 4118 Maple Avenue between Knight Street and Throckmorton Street, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

(3) **S090-121**

Motion: It was moved to **approve** an application to replat part of Lot 4 and all of Lots 5 and 6 in City Block 9/604 and unplatted land in City Blocks A/630 and C/630 into one 1.648 acre lot on Washington Avenue at Munger Avenue, west corner, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

(4) **S090-122**

Motion: It was moved to **approve** an application to replat a 0.631 acre tract of land being all of Lot 19 in City Block D/2371 into one 0.124 acre lot, one 0.150 acre lot, and one 0.357 acre lot on property located on 2316 Stutz Drive between Maple Avenue and Forest Park Road, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

(5) **S090-123**

Motion: It was moved to **approve** an application to replat a 0.49878 acre tract of land containing all of Lots 1, 2 and 3 in City Block 1/1975 into one lot on Belmont Avenue at Henderson Avenue, east corner, subject to compliance with the conditions listed in the docket.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

Individual Item

(6) **S090-126**

Motion: It was moved to **approve** an application to create an 11.2705 acre lot in City Block 6461 on property bounded by Altman Drive, Dundee Drive, Merrell Road and Goodyear Drive, subject to compliance with the conditions listed in the docket.

Maker: Schwartz
Second: Wally
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0
Conflict: 1 - M. Davis

Speakers: None

(7) **S089-098R1**

Motion: It was moved to **approve** an application to delete condition 15 which requires a 15 foot by 15 foot corner clip at Record Crossing Road and Wyche Boulevard and to replat all of Lot 1C, part of Lots 6, 7, 12 and 13 in City Block B/7919 into one 13.648 acre lot located at the intersection of Hinton Street and Wyche Boulevard, southwest corner, subject to compliance with the conditions listed in the docket, but denial of removal of the Condition #15.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

Street Name Change

NC090-003

Motion: It was moved to recommend **approval** of a street name change for Houston School Road between between E. Ledbetter Drive on the north and Wheatland Road on the south to University Hills Boulevard.

Maker: Rodgers
Second: Schwartz
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: For: John Price, 7300 Houston School Rd., Dallas, TX, 75241
Against: None

Miscellaneous Docket

M090-040

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 730 for certain Mixed Uses, on the southeast corner of Bexar Street and Macon Street.

Maker: Bagley
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

M090-044

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the Tract 1B development plan for Planned Development District No. 486, on the north corner of Bank Street and Gurley Avenue.

Maker: Bagley
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

M090-046

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the Tract D development plan and landscape plan for Planned Development District No. 379 for certain Mixed Uses in the southeast quadrant of Forest Lane and Forest Central Drive.

Maker: Bagley
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

D090-008

Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan in Subdistrict D-1, Tract 1 within Planned Development District No. 468 generally bound by Zang Boulevard, East Oakenwald Street, and Plowman Avenue.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

Certificates of Appropriateness for Signs

Downtown Sign District:

1006145005

Planner: Carolyn Horner

Motion: It was moved to **approve** a Certificate of Appropriateness for the relocation of a kiosk from Main Street between Field Street and Griffin Street to 1601 Bryan Street.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

1006145007

Planner: Carolyn Horner

Motion: It was moved to **approve** a Certificate of Appropriateness for the relocation of a kiosk from Commerce Street between Field Street and Griffin to 505 N. Akard Street.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. **Z089-265(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of renewal of and amendment to Specific Use Permit No. 1570 for an open-enrollment charter school on Tract 1 and a private recreation center, club, or area on Tract 2 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 RR Regional Retail District with Historic Overlay No. 90 and an MF-2(A)-D Multifamily District with a Dry Liquor Control Overlay on the northwest corner of Jefferson Boulevard and Marsalis Avenue.

Maker: R. Davis
Second: Rodgers
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Notices: Area: 300 Mailed: 59
Replies: For: 2 Against: 0

Speakers: None

2. **Z090-188(MG)**

Planner: Michael Grace

Motion: It was moved to recommend **approval** of a Specific Use Permit for a childcare facility use 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-7.5(A) Single Family District generally on the southwest corner of East Camp Wisdom Road and Houston School Road.

Maker: R. Davis
Second: Rodgers
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Notices: Area: 400 Mailed: 34
Replies: For: 2 Against: 3

Speakers: None

Zoning Cases - Individual

3. **Z090-205(MG)**

Planner: Michael Grace

Motion I: In considering an application for a Specific Use Permit for an open enrollment charter school use on property zoned a CR Community Retail District and a CR-D-1 Community Retail District with a Dry Liquor Control Overlay on the southwest corner of Lake June Road and Masters Drive, it was moved to **hold** this case under advisement until September 2, 2010.

Maker: Lavallaisaa
Second: Bagley
Result: Failed: 2 to 12

For: 2 - Bagley, Lavallaisaa

Against: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Tarpley, Bernbaum, Wolfish,
Schwartz, Peterson, Alcantar

Absent: 1 - Shellene
Vacancy: 0

Motion II: It was moved to recommend **approval** of a Specific Use Permit for an open enrollment charter school use for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and amended conditions (specifically, removal of Condition #9) on property zoned a CR Community Retail District and a CR-D-1 Community Retail District with a Dry Liquor Control Overlay on the southwest corner of Lake June Road and Masters Drive.

Maker: Bagley
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Notices: Area: 400 Mailed: 55
Replies: For: 1 Against: 1

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201
Richard Marquez, 325 W. 12th St., Dallas TX, 75208
Israel Pena, 325 W. 12th St., Dallas TX, 75208
Omar Jones, 1900 S. Ewing Ave., Dallas, TX, 75216
Against: None

4. Z090-197(MG)

Planner: Michael Grace

Motion: It was moved to recommend **approval** of an amendment to and expansion of Planned Development District No. 682 for a public school other than an open enrollment charter school and MF-2(A) Multifamily District uses, subject to a development plan, landscape plan and revised conditions on property zoned Planned Development District No. 682 and an MF-2(A) Multifamily District Northwest side East 9th Street between Beckley Avenue and Patton Avenue and the southeast side of East 9th Street between Storey Street and Crawford Street.

Maker: R. Davis
Second: Bernbaum
Result: Carried: 9 to 4

For: 9 - R. Davis, Wally, Anglin, Lozano, Tarpley,
Bernbaum, Schwartz, Peterson, Alcantar

Against: 4 - Rodgers, Bagley, Lavallaisaa, Wolfish
Absent: 1 - Shellene
Vacancy: 0
Conflict: 1 - M. Davis

Notices: Area: 500 Mailed: 166
Replies: For: 4 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201
Against: John Gomez, 2078 E. 8th St., Dallas, TX, 75203

5. **Z090-142(RB)**

Planner: Richard Brown

Motion: In considering an application for the creation of a new Subdistrict (Subdistrict 5A) and a Specific Use Permit for a Vehicle storage lot and a Vehicle display, sales, and service use on property within the Subdistrict 5 portion of Planned Development District No. 533, the C. F. Hawn Special Purpose District No. 1, on the northeast line of CF Hawn Freeway, northwest of Lovejoy Drive, it was moved to **hold** this case under advisement until August 19, 2010.

Maker: Rodgers
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin*, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 36
Replies: For: 0 Against: 0

Speakers: None

6. **Z090-163(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an MH(A) Manufactured Home District, subject to deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District on the southwest line of Lasater Road, south of Lawson Road.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Notices: Area: 500 Mailed: 765
Replies: For: 1 Against: 3

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

7. Z090-164(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a CR Community Retail District on property zoned an A(A) Agricultural District on the southwest line of Lasater Road, south of Lawson Road.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Notices: Area: 200 Mailed: 56
Replies: For: 0 Against: 0

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

Authorization of Hearings

Motion: It was moved to **authorize** a public hearing to determine proper zoning on property zoned a CR Community Retail District with a Dry Liquor Control Overlay on a portion, Specific Use Permit No. 1289 for a bar, lounge, or tavern on a portion, Specific Use Permit No. 1544 for a tower/antenna for cellular communication on a portion, and deed restrictions on a portion; an MC-1 Multiple Commercial District with a Dry Liquor Control Overlay on a portion; and an LO-1 Limited Office District on both sides of Greenville Avenue generally bounded by Belmont Avenue on the north, Hope Street on the east, Bryan Street on the south, Henderson Avenue on the southwest, Ross Avenue on the southwest, and Summit Avenue on the west with consideration given to a Planned Development District to require a specific use permit for late-hours establishments.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Speakers: For: Erica Jones, 5611 Ross Ave., Dallas, TX, 75206
Patricia Carr, 5843 Vanderbilt Ave., Dallas, TX, 75206
Against: None

Motion: It was moved to **authorize** a public hearing to decide whether to authorize a public hearing to determine proper zoning on property zoned a CR Community Retail District on the south side of Belmont Avenue, west of Greenville Avenue with consideration given to zoning to permit Townhouse District uses and standards.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0

Absent: 1 - Shellene
Vacancy: 0

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 15, 2010, City Plan Commission meeting, subject to corrections.

Maker: M. Davis
Second: Anglin
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the August 5, 2010, City Plan Commission meeting at 3:29 p.m.

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

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - Shellene
Vacancy: 0

Joe Alcantar, Chair