

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 19, 2010, with the briefing starting at 11:01 a.m. in Room 5ES and the public hearing at 1:37 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, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Gloria Tarpley, Sally Wolfish, Michael Schwartz and Bill Peterson. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Emma Rodgers, John Shellene and Bruce Bernbaum. 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.

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) **S090-129**

Motion: It was moved to **approve** an application to replat a 0.6465 acre tract of land containing all of Lot 10 in City Block 5081 on 9309 Midway Road at Wilada Drive, northwest corner, subject to compliance with the conditions listed in the docket to include revision to Condition #17 to read as follows: "On the final plat dedicate 7 1/2 ft. of right-of-way from the center line of the existing alley."

Maker: Schwartz

Second: Wally

Result: Carried: 12 to 0

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Peterson, Alcantar

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

Speakers: For: Walter Nelson, 5613 Bluebird Ave., Dallas, TX, 75237
Against: None

(2) **S090-130**

Motion: It was moved to **deny** an application to replat a 1.188 acre tract of land containing all of Lot 13A in City Block 4/4106 and all of Lots 16, 17, 18 and 19 in City Block 4/4106 on 344 E. Saner Avenue at Arizona Avenue, southwest corner, due to non-compliance with Chapter 51A, Sections 51A-8.503(a) of the Dallas Development Code.

Maker: M. Davis
Second: Tarpley
Result: Carried: 10 to 2

For: 10 - Wally, Anglin, M. Davis, Bagley, Lavallaisaa,
Tarpley, Wolfish, Schwartz, Peterson, Alcantar

Against: 2 - R. Davis, Lozano
Absent: 3 - Rodgers, Shellene, Bernbaum
Vacancy: 0

Speakers: For: Cedric Jones, 2832 McCormick Dr., Lancaster, TX, 75134
Against: None

(3) **S090-131**

Motion: It was moved to **deny** an application to replat an 0.973 acre tract of land containing all of Lot 3 in City Block 4/7940 and to **deny** reduction of the existing 75 foot platted building line at 6644 Northaven Road at the intersection with Rick's Circle, because the plat submitted by the applicant maintained the building line in its current location and did not show a reduction in the existing building line.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis*, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

*out of the room, shown voting in favor

Speakers: None

(4) **S090-132**

Motion: It was moved to **approve** an application to replat a 0.315 acre tract of land containing part of Lot 13 in City Block 7/2976 on Lake Circle Drive between Hillside Drive and Oakhurst Drive, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis*, Lozano, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Peterson, Alcantar

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

*out of the room, shown voting in favor

Speakers: For: Blain Ladyman, 6008 Monticello Ave., Dallas, TX, 75206
Against: None

Certificates of Appropriateness for Signs

Downtown Sign District:

1006171001

Planner: Carolyn Horner

Motion: It was moved to **approve** a Certificate of Appropriateness for the installation of an upper projecting attached sign at 1520 Elm, with an added condition regarding mounting bolts.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Speakers: None

Zoning Cases – Consent

1. Z090-174(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) 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: Peterson
Second: R. Davis
Result: Carried: 12 to 0

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Notices: Area: 500 Mailed: 24
Replies: For: 1 Against: 0

Speakers: None

2. Z090-183(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for an utility or government installation other than listed for an eight-year period, subject to approval by the City Engineer, a site plan and revised conditions, on property within Tract A of Planned Development District 468, the Oak Cliff Gateway Special Purpose District on the east side of Beckley Avenue at the terminus of I-30 Frontage Road with the following additions: 1) Expansion of the definition of "Use" to read: "The only use authorized by this specific use permit is as a government installation for the routine maintenance, minor repairs, and refueling of vehicles owned and operated by Dallas County in the conducting of its official business; 2) Height limitations; 3) Prohibition of any

outside storage; and 4) Submission and approval of a landscape plan prior to the issuance of a Certificate of Occupancy.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Notices: Area: 300 Mailed: 17
Replies: For: 0 Against: 2

Speakers: For: Monty Anderson, 901 Fort Worth Ave., Dallas, TX, 75208
Against: None

3. Z090-194(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to, and an expansion of, Subarea 2 of Planned Development District No. 585 for A(A) Agricultural District uses and surface parking limited to providing a portion of the parking for the church in Subarea 1, subject to a revised development plan, revised landscape plan and conditions on property zoned Subarea 2 within Planned Development District No. 585 and an A(A) Agricultural District on the south side of Kiest Boulevard, between Spur 408 and Merrifield Road with following added condition: 1) Further development or paving of the newly added 6.3 ac. portion of Subarea 2 must include large canopy trees, landscape instillation and irrigation substantially equivalent to the landscape instillation and irrigation currently in place in the improved parking lot of Subarea 2 lying immediately to the north of the newly added acreage with the further proviso that nothing here end shall affect the landscape conservation easement incorporated into the original approval of this Planned Development District.

Maker: Anglin
Second: Schwartz
Result: Carried: 9 to 3

For: 9 - R. Davis, Anglin, M. Davis, Lozano,
Lavallaisaa, Tarpley, Schwartz, Peterson,
Alcantar

Against: 3 - Wally, Bagley, Wolfish
Absent: 3 - Rodgers, Shellene, Bernbaum
Vacancy: 0

Notices: Area: 500 Mailed: 9
Replies: For: 4 Against: 0

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Robert Langford, 238 Van Rowe, Duncanville, TX
Against: None

4. **Z090-202(MG)**

Planner: Michael Grace

Motion: It was moved to recommend **approval** for the renewal of Specific Use Permit No. 1588 for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned an R-7.5(A) Single Family District, on the southwest corner of Illinois Avenue and Salerno Street.

Maker: Peterson
Second: R. Davis
Result: Carried: 12 to 0

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 0

Speakers: None

Zoning Cases – Under Advisement

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 C.F. Hawn Freeway, northwest of Lovejoy Drive, it was moved to **hold** this case under advisement until September 2, 2010.

Maker: M. Davis
Second: Wally
Result: Carried: 12 to 0
For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

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

Speakers: None

Zoning Cases - Individual

6. Z090-206(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of renewal of Specific Use Permit No. 1695 for a Bar, lounge, or tavern and an Inside commercial amusement for a Live music venue for a four-year period, subject to revised site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northwest corner of Commerce Street and La France Street.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Notices: Area: 200 Mailed: 13
Replies: For: 3 Against: 1

Speakers: For: Kim Finch, 2118 Montalba Ave., Dallas, TX, 75228
For (Did not speak): Catherine Hough, 2633 Commerce St., Dallas, TX, 75226
Khurk Maeder, 4206 Cabell Dr., Dallas, TX, 75204
Benjamin Waggner, 5424 Winton St., Dallas, TX, 75238
Chelsea Callahan, 2502 Live Oak St., Dallas, TX, 75204

David Howard, 6315 Vickery Blvd., Dallas, TX, 75214
Against: None

7. Z090-195(MG)

Planner: Michael Grace

Motion: It was moved to recommend **approval** of for a Specific Use Permit for a Recycling collection center for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Notices: Area: 200 Mailed: 19
Replies: For: 4 Against: 2

Speakers: For: Peter Kavanaugh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Development Code Amendment

DCA090-011

Planner: David Cossum

Motion: It was moved to recommend **approval** of an amendment to Chapter 51A, Section 51A-4.204 and Chapter 51, Section 51-4.207, the Dallas Development Code to delete the provisions exempting public or private schools from payment of Specific Use Permit application fees.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Speakers: None

Other Matters

Extend the 90 day deadline for ZOC to forward a recommendation regarding DCA090-005 - Alternative Financial Establishments per CPC Rules of Procedure, Section 13(f)(8)(E)(ii)

Motion: It was moved to **approve** an extension of the 90 day deadline for an additional 90 days (beginning August 19, 2010) for ZOC to forward a recommendation regarding DCA090-005 - Alternative Financial Establishments per CPC Rules of Procedure, Section 13(f)(8)(E)(ii).

Maker: Wolfish
Second: M. Davis
Result: Carried: 12 to 0

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Peterson, Alcantar

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

Minutes

Motion: It was moved to **approve** the minutes of the August 5, 2010, City Plan Commission meeting, subject to corrections.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano, Bagley, Lavallaisaa, Tarpley, Wolfish, Schwartz, Peterson, Alcantar

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

Adjournment

Motion: It was moved to **adjourn** the August 19, 2010, City Plan Commission meeting at 3:27 p.m.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Lozano,
Bagley, Lavallaisaa, Tarpley, Wolfish,
Schwartz, Peterson, Alcantar

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

Joe Alcantar, Chair