

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on October 7, 2010 with the briefing starting at 11:08 a.m. in Room 5ES and the public hearing at 1:35 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, Emma Rodgers, John Lozano, Myrtl Lavallaisaa, Gloria Tarpley, John Shellene, 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: Ann Bagley. 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) **S090-143**

**Motion:** It was moved to **approve** an application to create an 0.944 acre lot from a tract of land in City Block 8645 on Lantern Lane, north of Rancho Lane, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** None

(2) **S090-149**

**Motion:** It was moved to **approve** an application to replat all of Lot 2 and a tract of land in City Block B/8472 into one 10.0700 acre lot on Samuel Boulevard at Deer Creek Drive, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

(3) **S090-145**

**Motion:** It was moved to **approve** an application to create a 12.649 acre lot from a tract of land in City Block 5829, all of Lots 13, 14 and 16 in City Block A/5829, and all of Lots 2, 3, 4 and 5 in City Block B/5829 fronting on Buckner Boulevard and Military Parkway, subject to compliance with the conditions listed in the docket with an amendment to Condition #12 to read as follows: "On the final plat dedicate ROW, design and construct a turnaround at the terminus of Cedar Lake Drive, if necessary, as determined by the Engineering Department".

Maker: Wolfish  
Second: Rodgers  
Result: Carried: 13 to 0

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

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

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201  
Against: None

Miscellaneous Docket

**M090-052**

Planner: Richard Brown

**Motion:** It was moved to **approve** minor amendment to the development plan for Planned Development District No. 348 for a Hospital, a Medical Clinic or Ambulatory Surgical Center and Office Uses on the south corner of Buckner Boulevard and Poppy Drive.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

**M090-053**

Planner: Richard Brown

**Motion:** It was moved to **approve** minor amendment to the development plan and landscape plan for Planned Development District No. 756 for a Railroad yard, roundhouse, or shops use and IR Industrial District Uses on the north line of Lombardy Lane, west of Abernathy Avenue.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

**M090-054**

Planner: Richard Brown

**Motion:** It was moved to **approve** minor amendment to the Development Plan - Subdistrict B, North Zone for Planned Development District No. 521 for Mixed Uses, subject to a revised development plan to include a second 22 ft. cooling tower adjacent to the one shown on the proposed plan on northwest line of Mountain Creek Parkway, north of IH 20.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

**M090-055**

Planner: Richard Brown

**Motion:** It was moved to **approve** minor amendment to the development plan for Planned Development District No. 596 for certain Mixed Uses on the southeast corner of Inwood Road and Lupo Drive.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

Certificates of Appropriateness for Signs

**Downtown Sign District:**

**1009075022**

Planner: Carolyn Horner

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of an upper level sign at 2020 N. Lamar.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

**1009075023**

Planner: Carolyn Horner

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of an upper level sign at 2020 N. Lamar.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

Zoning Cases - Consent

1. **Z090-177(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an open enrollment charter school for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan and revised conditions on property zoned an R-7.5(A) Single Family District, on the north side of Bruton Road, east of Masters Drive.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 400                      Mailed: 61  
**Replies:** For: 3                              Against: 2

**Speakers:** None

2. **Z090-204(WE)**

Planner: Warren Ellis

**Motion:** In considering an application for a Specific Use Permit for recycling buy-back center on property zoned an IR Industrial Research District, on the southeast corner of Shady Trail and on Drive, it was moved to **hold** this case under advisement until October 21, 2010.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 0 Against: 2

**Speakers:** For: Rob Baldwin, 401 Exposition Ave., Dallas, TX, 75226  
Against: Howard Lawson, 7411 Hines Place, Dallas, TX, 75235

3. **Z090-209(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a general merchandise or food store greater than 100,000 square feet for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan and conditions on property zoned an MU-3 Mixed Use District on the northeast corner of Goldmark Drive and Midpark Road.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 400 Mailed: 15  
**Replies:** For: 0 Against: 0

**Speakers:** None

Zoning Cases – Individual

4. **Z090-221(WE)**

Planner: Warren Ellis

**Motion:** In considering an application for a Planned Development District for a commercial amusement (inside) on property zoned an R-10(A) Single Family District on the west side of Stults Road, south of Forest Lane, it was moved to **hold** this case under advisement until November 18, 2010, and instruct staff to re-advertize for a Planned Development for a Fraternal Organization and office use and a Specific Use Permit for a Fraternal Organization on property zoned an R-10(A) Single Family District on the west side of Stults Road, south of Forest Lane.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 500 Mailed: 90  
**Replies:** For: 0 Against: 2

**Speakers:** For: Rob Baldwin, 401 Exposition Ave., Dallas, TX, 75226  
Kyle Wahlquist, 517 Hambrick Rd., Dallas, TX, 75218  
For (Did not speak): Richard brown, 8440 Stults Rd., Dallas, TX, 75243  
Against: David Wilson, 4206 Goodfellow Dr., Dallas, TX, 75243  
Bill Scoggins, 9111 Coral Cove Dr., Dallas, TX, 75243  
Against (Did not speak): Theresa Franklin, 501 Goodwin, Richardson, TX, 75081  
Shirley Anthony, 12828 Woodblend Ct., Dallas, TX, 75243  
Denise Stewart, 9000 Vantage Dr., Dallas, TX, 75243  
Teresa Sinclair, 6781 Eastridge Dr., Dallas, TX, 75231  
Paula Morgan, 141 Blanchard Dr., Rockwall, TX  
Jamol Brocks, 9612 Whistler Dr., Dallas, TX, 75217  
Tamala Jenkins, 411 Buckingham Rd., Richardson, TX, 75081  
LaJuanda Jones, 3816 Shady Hill Ln., Dallas, TX, 75209

## 5. Z090-222(OTH)

Planner: Olga Torres Holyoak

**Motion I:** It was moved to recommend **denial** of an amendment to Specific Use Permit No. 1789 for a Medical clinic limited to a dental clinic, on property within Subarea 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, on property on the north side of Jefferson Boulevard, west of Madison Street.

Maker: R. Davis  
Second: None

**Failed due to lack of a second**

**Motion II:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1789 for a Medical clinic limited to a dental clinic, subject to removal of 13 parking spaces on property within Subarea 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, on property on the north side of Jefferson Boulevard, west of Madison Street.



Maker: Anglin  
Second: Wolfish  
Result: Carried: 13 to 1

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

Against: 1 - R. Davis  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 200 Mailed: 20  
**Replies:** For: 2 Against: 0

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

6. **Z090-192(CG)**

Planner: Carrie Gordon

**Motion:** It was moved to recommend **approval** of the creation of a new subdistrict within Planned Development District No. 298, the Bryan Place Special Purpose District and **approval** of a Specific Use Permit for a vehicle or engine repair use for a ten-year period with eligibility for an automatic renewal for one additional two-year period on the northeast corner of Ross Avenue and McCoy Street with the following provisions: 1) Installation of two street trees. 2) No minimum front yard set back is required in Subarea 1A for existing structures only. 3) No maximum front yard set back is required in Subarea 1A, 11A and 12A, for existing structures only. 4) No side yard set back is required in Subarea 1A, 10A, 11A and 12A, for existing structures only. 5) A minimum of 27 off-street parking spaces must be provided. 6) Landscaping with provisions of Article X, and no barbed wire or razor wire is allowed. 7) Maximum floor allowed is 20,439 square feet. 8) The exterior window openings on the frontage of the building at the north corner of Ross Avenue and McCoy Street must maintain non-functional shutters or have glass windows at all times as shown on the site plan.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Notices:** Area: 200 Mailed: 24  
**Replies:** For: 1 Against: 0

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Eric Williamson, 3507 Bryan St., Dallas, TX, 75204  
Wayne Smith, 927 Liberty St., Dallas, TX, 75204  
Against: None

Authorization of Hearing

**Planned Development District No. 37**

**Motion:** It was moved to **authorize** a public hearing to determine proper zoning on property zoned Planned Development No. 37 with consideration being given to appropriate zoning for the area including use, development standards, and other appropriate regulations on approximately 53 acres fronting approximately 1,750 feet on the northwest line of West Northwest Highway, east of Timberline Drive.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

Reconsideration

**Z090-142(RB)**

**Motion I:** It was moved to **suspend** the CPC Rules of Procedure to allow reconsideration of Z090-142(RB).

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Motion II:** It was moved to **reconsider** the action taken on September 2, 2010, which was to recommend approval of a new Subdistrict 5A, subject to conditions, and approval of a Specific Use Permit for a Vehicle storage lot and a Vehicle display, sales, and service use for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a revised site and landscape plan providing for additional site trees planted along the western line for the vehicle storage Area B and conditions 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.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Motion III:** It was moved to **instruct** staff to advertize for an application for the creation of a new Subdistrict (Subdistrict 5A) and a Specific Use Permit for a Commercial Motor Vehicle Parking 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.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

**Speakers:** None

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Other Matters

**2011 City Plan Commission Calendar**

**Motion:** It was moved to recommend **approval** of the 2011 City Plan Commission calendar.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

Minutes

**Motion:** It was moved to **approve** the minutes of the September 16, 2010, City Plan Commission meeting, subject to corrections.

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

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

Against: 0  
Absent: 1 - Bagley  
Vacancy: 0

Adjournment

The City Plan Commission meeting for October 7, 2010, **adjourned** at 3:06 p.m.

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Joe Alcantar, Chair