

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on October 22, 2009, with the briefing starting at 11:02 a.m. in Room 5ES and the public hearing at 1:35 p.m. in the City Council Chambers of City Hall. Presiding were Michael Davis, Acting Chair and Sally Wolfish, Acting Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Emma Rodgers, John Lozano, Ann Bagley, Myrtle Lavallaisaa, Bob Weiss, Tom Lueder and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Michael Schwartz and Joe Alcantar. There is one vacancy (District 11).

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: Michael Grace

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) S089-146

Motion: It was moved to **approve** an application to replat 2.1306 acres containing all of Lots 1H and 1J in City Block C/5414 into one lot located at the intersection of Eastridge Drive and Skillman Street; southwest corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

(2) **S089-147**

Motion: It was moved to **approve** an application to create a 9.994 acre lot out of a tract of land in City Block 5800 located at 5530 Parkdale Lane, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

(3) **S090-002**

Motion: It was moved to **approve** an application to create a 10.066 acre lot out of a tract of land in City Blocks 6898 and 7602 generally located at the intersection of E. Camp Wisdom Road at Old Ox Road, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

(4) **S090-003**

Motion: It was moved to **approve** an application to create a 101.018 acre lot out of a tract of land in City Block 8267 generally located at the intersection of J.J. Lemmon Road and Langdon Road; southwest corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

Residential Replats

(5) **S089-144**

Motion: It was moved to **approve** an application to replat a 4.527 acre tract of land containing all of Lot 3 in Block 7463 of Churchill Recreation Center Addition and all of Lots 4A thru 4F of David D. Buller Estates in City Block A/7462 into one lot located at the intersection of Churchill Way and Hillcrest Road; southeast corner, subject to compliance with the conditions listed in the docket.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

(6) **S090-001**

Motion: It was moved to **deny** an application to replat a 0.346 acre tract of land containing part of Lot 16 of Lakeview Heights Addition in City Block 2845 into a 7,519 sq. ft. lot and a 7,531 sq. ft. lot located at the intersection of Norris Street and Vanderbilt Avenue; northeast corner, due to non-compliance with Chapter 51A, Section 51A-8.503 of the Dallas Development Code.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: For: Jeff Baron, 5126 Ridgedale Ave., Dallas, TX, 75206
Against: Sam Gillespie, 6211 Vanderbilt Ave., Dallas, TX, 75214
David Thornton, 6170 Vanderbilt Ave., Dallas, TX, 75214
Melanie Vanlandingham, 6311 Lakeshore Dr., Dallas, TX, 75214
Cleave Buchanan, 6159 Velasco Ave., Dallas, TX, 75214
Against(Did not speak): Charles Redden, 6214 Vanderbilt Ave., Dallas, TX, 75214
Brad Canipe, 6215 Vanderbilt Ave., Dallas, TX, 75214

Miscellaneous Docket

M089-040

Motion: It was moved to **approve** a minor amendment to the Development Plan for Planned Development District No. 275 for Single family and Private street uses on the south line of Park Lane, west of Boedeker Street.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

D089-013

Motion: It was moved to **approve** a development plan and landscape plan for Planned Development District No. 758, north of Walnut Hill, east of Whistlestop Place.

Maker: Lueder
Second: Lozano
Result: Carried: 11 to 0

For: 11 - R. Davis, Wally, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11
Conflict: 1 - Anglin

Speakers: None

D089-017

Motion: It was moved to **approve** a development/landscape plan for Planned Development District No. 743 on the east side of Kiwanis Road, north of Dixie Garden Road.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: None

Zoning Cases – Consent

1. **Z089-241(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** for a Specific Use Permit for a Transit passenger station or transfer center for a permanent time period, subject to a revised site plan and conditions on property zoned an MF-1(A) Multifamily District, an NO(A) Neighborhood Office District, and the Subarea B portion of Planned Development District No. 758, on the north line of Walnut Hill Lane, west of White Rock Trail.

Maker: Lueder
Second: Rodgers
Result: Carried: 11 to 0

For: 11 - R. Davis, Wally, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11
Conflict: 1 - Anglin

Notices: Area: 200 Mailed: 22
Replies: For: 1 Against: 1

Speakers: None

2. **Z089-216(MAW)**

Planner: Neva Dean

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District and **approval** of the Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewal for additional ten-year period, subject to a site plan and conditions on property zoned an LO-2 Limited Office District on the southeast corner of Interstate 635 (LBJ Freeway) and Audelia Road.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar

Vacancy: 1 - District 11
Notices: Area: 300 Mailed: 159
Replies: For: 0 Against: 0

Speakers: For(Did not speak): Jonathan Vinson, Address not given
Against: None

3. Z089-257(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** for a Specific Use Permit for an Alcoholic Beverage Establishment for a bar, lounge, or tavern for a three-year period, subject to a site plan and conditions within Planned Development District No. 85 for Shopping Center, Office-2 and Multiple Family-3 uses, on the northeast corner of Greenville Avenue and Pineland Drive.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

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

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

Zoning Cases – Under Advisement

A. Z089-253(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for a Private school, Child-care facility, and R-1ac(A) Single Family District Use, subject to a development plan, traffic management plan, and staff's recommended revised conditions with the following exceptions: 1) Delete Section 117(c). 2) Maximum enrollment for a child-care facility is 180 students per day. 3) Maximum height of all lights poles on the property id 30 feet. 4) All lighting must com[ply with the glare regulations in Section 51A-6.104. Lighting may not produce glare or direct illumination across a property line of an intensity that creates a nuisance of detracts from the use of enjoyment of adjacent property. Lights must comply with all city standards for brightness and must be shielded from adjacent residential properties with the

light source directed away from adjoining residential properties. 5) Light standards may be located only in the locations shown on the development. 6) When any request for a zoning change or any amendment to the regulations governing this district, including a minor amendment to a landscape plan, a development plan, or the development plan portion of a development/conceptual plan, or an application to the Board of Adjustment is submitted to the city, the applicant must notify the representative of the Inwood–Northwest Highway Homeowners Association in writing at the following address: Mr. Walter Levy, President NCH Corporation 2727 Chemsearch Boulevard, Irving, Texas, 75062. Evidence that this neighborhood notice has been sent must be provided to the city. This notice is to be given concurrently with the submittal of the application to the city on property zoned an R-1ac(A) Single Family District on the north line of Northwest Highway, between Inwood Road and Meadowbrook Drive.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 56
Replies: For: 3 Against: 3

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

Zoning Cases – Individual

4. **Z089-271(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** for a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern for a two-year time period, subject to a revised site plan and staff's revised recommended conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, west of Crowdus Street.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 25
Replies: For: 5 Against: 1

Speakers: For: Gabriel Sanchez, 2121 Clark St., Dallas, TX, 75204
Against: None

5. **Z089-273(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** for a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and a Class A dance hall for a two-year time period, subject to a revised site plan and staff's recommended revised conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, west of Crowds Street.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 22
Replies: For: 4 Against: 1

Speakers: For(Did not speak): Audra Buckley, Address not given
Against: None

Development Code Amendments – Under Advisement

DCA078-014

David Cossum

Motion I: It was moved to recommend **approval** of an amendment to Chapter 51A, Section 3.102(a) Creation; membership; appointment, the Dallas Development Code, to amend regulations pertaining to Board of Adjustment Panel Size, subject to the Zoning Ordinance Advisory Committees' recommendation to create a 16-member Board with 2 panels (total of sixteen), with panels to be conducted at a random bases as is currently done with the three panels.

Maker: Bagley
Second: Emmons
Result: Failed: 4 to 8

For: 4 - Anglin, Rodgers, Bagley, Emmons

Against: 8 - R. Davis, Wally, M. Davis, Lozano, Lavallaisaa,
Weiss, Lueder, Wolfish
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Motion II: It was moved to recommend **denial** of amendments to Chapter 51A, Section 3.102(a) Creation; membership; appointment, the Dallas Development Code, to amend regulations pertaining to Board of Adjustment Panel Size, but **approval** of the City's recommendation to amend the ordinance language to establish the start date of the two-year term for the city plan commissioners, board of adjustment members, and landmark commissioners from September 1 to October 1 to conform to the City Charter.

Maker: Weiss
Second: Lozano
Result: Carried: 10 to 2

For: 10 - R. Davis, Wally, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish

Against: 2 - Anglin, Emmons
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: For: None
Against: Sharon Boyd, 3146 Newcastle Dr., Dallas, TX, 75220
Marla Beikman, 5739 Preston Fairways, Dallas, TX, 75252
Sam Gillespie, 6211 Vanderbilt Ave., Dallas, TX, 75214

Land Use Plan

forwardDallas! Comprehensive Plan and the Trinity River Corridor Comprehensive Land Use Plan to incorporate amendments to the Oak Cliff Gateway Land Use Opportunity Plan

Motion: In considering amendments to the forwardDallas! Comprehensive Plan and the Trinity River Corridor Comprehensive Land Use Plan to incorporate amendments to the Oak Cliff Gateway Land Use Opportunity Plan on property generally bounded by Interstate 30 to the north, the east levee of the Trinity River to the northeast, Interstate 35 to the east and south, and properties along Zang Boulevard and Beckley Avenue to the west, including properties near the southwest corner of Beckley Avenue and Colorado Boulevard and properties near the southwest corner of Beckley Avenue and Interstate 30, it was moved to **hold** this case under advisement until November 5, 2009.

Maker: Anglin
Second: Wally
Result: Carried: 10 to 2

For: 10 - R. Davis, Wally, Anglin, Rodgers, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Emmons

Against: 2 - M. Davis, Lozano
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Speakers: For: Beverly Mendoza, 520 E. 5th St., Dallas, TX, 75203
Tony Malone, 914 N. Marsalis Ave., Dallas, TX, 75203
Bob Stimson, 707 Tenna Loma Ct., Dallas, TX, 75208
Against: Pam Conley, 901 N. Madison Ave., Dallas, TX, 75208
Anne Campbell, 710 Haines Ave., Dallas, TX, 75208

Other Matters

Consideration of appointments to the following CPC Committees:

Special Sign District Advisory Committee (SSDAC)
Arts District Sign Advisory Committee
Discussion of committees

Motion: It was moved to **approve** appointments to Special Sign District Advisory Committee and the Arts District Sign Advisory Committee.

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

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Minutes

Motion: It was moved to **approve** the minutes of the October 15, 2009, City Plan Commission meeting, subject to corrections.

Maker: Emmons
Second: Weiss
Result: Carried: 12 to 0

For: 12 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Lozano, Bagley, Lavallaisaa, Weiss, Lueder,
Wolfish, Emmons

Against: 0
Absent: 2 - Schwartz, Alcantar
Vacancy: 1 - District 11

Adjournment

Motion: It was moved to **adjourn** the October 22, 2009, City Plan Commission meeting at 4:29 p.m.

Maker: Weiss
Second: Lueder
Result: Carried: 12 to 0

For: 12 - Wally, Anglin, M. Davis, Rodgers, Lozano,
Bagley, Lavallaisaa, Weiss, Lueder, Wolfish,
Emmons, Alcantar

Against: 0
Absent: 2 - R. Davis, Schwartz
Vacancy: 1 - District 11

Joe Alcantar, Chair