

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 15, 2012, with the briefing starting at 11:30 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 Gloria Tarpley, Vice Chair. The following Commissioners were present during the hearing: Richard Davis, Liz Wally, Mike Anglin, Robert Abtahi, Emma Rodgers, Tony Hinojosa, Ann Bagley, Myrtl Lavallaisaa, John Shellene, Bruce Bernbaum, Sally Wolfish, Michael Schwartz and Paul E. Ridley. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. 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) **S123-006**

Motion: It was moved to **approve** an application to replat Lots 2C and 2D into one 1.7941 acre lot and one 1.1297 acre lot from a 2.9238 acre tract of land in City Block K/8728 on property located at 19008 and 19020 Preston Road, south of Mapleshade Lane, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(2) **S123-009**

Motion: It was moved to **approve** an application to create one 1.6375 acre lot from a tract of land in City Block 448-1/2 on property located at 1401 Gould Street and bounded by Belleview Street, Browder Street, and Sullivan Drive, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(3) **S123-011**

Motion: It was moved to **approve** an application to replat a 0.47 acre tract of land containing all of Lots 1 and 2 and part of Lots 17 and 18 in Block 38/1341 to create one lot at 2631 Reagan Street, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(4) **S123-012**

Motion: It was moved to **approve** an application to create one 38.174 acre lot, one 10.595 acre lot and one 56.878 acre lot from a 113.291 acre tract of land in City Block 8465 on property in the vicinity of Belt Line Road and north of Hackberry Lane, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(5) **S123-013**

Motion: It was moved to **approve** an application to plat 4.863 acres of Right Of Way Reservation for Continental Avenue, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(6) **S123-016**

Motion: It was moved to **approve** an application to create one 1.771 acre lot, and one 1.050 acre lot from a 2.821 acre tract of land containing all of Lot 1 in City Block A/390 and a tract of land on property located at 2200 N. Lamar Street, subject to compliance with the conditions listed in the docket with the following revision to Condition #7 to read: "On the final plat, **either (a)** all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat, **or (b) the ROW areas must be excluded from the lots on the final plat**". A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature."

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

(7) **S123-017**

Motion: It was moved to **approve** an application to create one 1.003 acre Lot and one 1.160 acre lot from a 2.192 acre tract of land in City Block 5558 on property located at 9200 Guernsey Lane, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Tarpley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

Residential Replats:

(8) **S123-010**

Motion: It was moved to **approve** an application to replat a 15.082 acre tract of land containing all of Lot 13 in City Block 4/8726 and a tract of land in Block 8726 into one lot on property located at 7777 Osage Plaza Parkway, subject to compliance with the conditions listed in the docket.

Maker: Wolfish
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

Miscellaneous Items:

W123-001

Planner: Audrey Butkus

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application to rezone the R-7.5(A) Single Family District on the northwest side of Garland Road, between Easton Road and Lochwood Boulevard.

Maker: Tarpley
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. **Z112-326(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned CR Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue.

Maker: Davis
Second: Bernbaum
Result: Carried: 13 to 2

For: 13 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Alcantar

Against: 2 - Bagley, Ridley
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 36
Replies: For: 2 Against: 5

Speakers: For: Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

2. **Z112-317(MD)**

Planner: Mark Doty

Motion: It was moved to recommend **approval** of an Historic District Overlay on property zoned Planned Development District No. 701, subject to preservation criteria on the south side of Grady Niblo Parkway, southeast of the intersection of Grady Niblo Parkway and Spur 408.

Maker: Anglin
Second: Schwartz
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

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

Speakers: None

3. Z112-286(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 262 with Historic Overlay District No. 31, subject to a revised conceptual plan, revised development plan, revised landscape plan and conditions on the west corner of Maple Avenue and Oak Lawn Avenue.

Maker: Anglin
Second: Schwartz
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 81
Replies: For: 1 Against: 0

Speakers: None

4. Z112-278(WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for residential and church uses on property zoned Planned Development District No. 78 and an R-16(A) Single Family District on the north side of Lyndon B. Johnson Freeway, between Ridgeview Circle and Hughes Lane, it was moved to **hold** this case under advisement until February 7, 2013.

Maker: Anglin
Second: Schwartz
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 105
Replies: For: 22 Against: 12

Speakers: None

5. Z112-276(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for I-2 Industrial Subdistrict Uses, subject to a conceptual plan, Houston Street Tree Plan, and revised conditions to include: 1) Under Section .116, LANDSCAPING, (c)(2) to read: "If the building official determines a tree with the minimum height of 12 feet will interfere with utilities a parkway tree may be a small tree and may have a minimum height of 6 feet and a minimum caliper of 2 inches measured at a point 12 inches above the root ball at time of installation", 2) Revise Subparagraph 3, to read: "Except as provided in this subparagraph landscaping must be provided as shown on the attached Houston Street Tree Plan", 3) Add section to read: "In order to maintain the integrity of existing slopes and areas of dense vegetation any removal of vegetation in the area shown on the Houston Tree Plan must be approved by the building official", and 4) Revise unobstructed trail width along the Trinity Strand Trail to 12 feet on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and **approval** of the termination of Specific Use Permit No. 1671 for Multiple Family Uses on the west line of Harry Hines Boulevard and the east line of the Houston Street Extension.

Maker: Wally
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 16
Replies: For: 0 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75206
Against: None

6. Z112-296(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of amendments to the development plan, landscape plan, and conditions for Planned Development District No. 252, subject to a revised development plan, revised landscape plan and revised conditions to include the following: 1) Additional prohibited uses: Building Repair and Maintenance Shop, Alternative Financial Establishment, Business School, Household Equipment and Appliance Repair, Utility and Public Service Uses, Recycling Buyback Center, Recycling Collection Center and Recycling Drop-off for Special Occasion collection; and 2) Additional permitted uses, subject to approval of a specific use permit: Hospital, Commercial Amusement(inside), and Theater on the east line of Inwood Road, north of the Eastward Prolongation of Willow Lane.

Maker: Schwartz
Second: Shellene
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 31
Replies: For: 0 Against: 0

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

7. Z112-306(RB)

Planner: Richard Brown

Motion: In considering an application for a Planned Development Subdistrict for O-2 Office Subdistrict Uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and the termination of existing deed restrictions on the northwest line of Travis Street, between Lemmon Avenue East and Lemmon Avenue West, it was moved to **hold** this case under advisement until January 10, 2013.

Maker: Ridley
Second: Hinojosa
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 156
Replies: For: 0 Against: 0

Speakers: None

Zoning Cases – Under Advisement

8. Z112-291(MW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a new subdistrict, subject to conditions and **approval** of a Specific Use Permit for an outside entertainment and recreation venue for a three-year period, subject to a site plan and conditions on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District on the west side of Riveredge Drive, south of Irving Boulevard.

Maker: Wally
Second: Anglin
Result: Carried: 11 to 4

For: 11 - Davis, Wally, Anglin, Rodgers, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz, Ridley

Against: 4 - Abtahi, Hinojosa, Lavallaisaa, Alcantar
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 37
Replies: For: 8 Against: 9

Speakers: For: Cameron Cobb, 6923 La Manga Dr., Dallas, TX, 75248
Mike Kutner, 2900 McKinnon St., Dallas, TX, 75201
Joel Cooner, 1601 Dragon St., Dallas, TX, 75207
Claude Albritton, 3120 McKinney Ave., Dallas, TX, 75204
Jim Lake, 1403 Slocum St., Dallas, TX, 75207
David Hocker, 918 Dragon St., Dallas, TX, 75207
Against: Bob Darrouzet, 12013 Lueders Ln., Dallas, TX, 75230
Raymond McShane, 4128 Brunswick Dr., Dallas, TX, 75220
Ed Oakley, 5811 Lewis St., Dallas, TX, 75206

9. Z112-182(JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a Planned Development Subdistrict for MF-3 Multiple Family uses on property zoned an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with a D Liquor Control Overlay on the southeast corner of Hood Street and Brown Street, it was moved to **hold** this case under advisement until December 20, 2012.

Maker: Ridley
Second: Hinojosa
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 547
Replies: For: 2 Against: 3

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Cindy Harris, 3710 Rawlins St., Dallas, TX, 75219
Against: Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Brion Hanlon, 2728 Welborn St., Dallas, TX, 75219
David Samara, 3601 Brown St., Dallas, TX, 75219

10. Z112-256(JH)

Planner: Jennifer Hiromoto

Motion: In considering an application for a CS Commercial Service District on property zoned a CH Clustered Housing District on the south side of Ronnie Drive and north side of Newt Drive, east of Dickerson Street, it was moved to **hold** this case under advisement until December 20, 2012.

Maker: Wolfish
Second: Bernbaum
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 1 Against: 1

Speakers: For: Oscar Lindquist, 7759 Ronnie Dr., Dallas, TX, 75252
For (Did not speak): Rodney Vaughn, 17716 & 17720 Dickerson, Dr., Dallas, TX, 75252
Against: None

11. Z112-105(RB)

Planner: Richard Brown

Motion: In considering an application for **1)** an amendment to and expansion of Specific Use Permit No. 363 for a Cemetery and Mausoleum on property zoned an R-7.5(A) Single Family District, an LO-1 Limited Office District, a GO(A) General Office District with deed restrictions, and an MU-3 Mixed Use District with deed restrictions, and of **2)** an LO-2 Limited Office District on that portion of the request site zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District in the southwest quadrant of Greenville Avenue and Restland Road, it was moved to **hold** this case under advisement until December 6, 2012 .

Maker: Bernbaum
Second: Hinojosa
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 26
Replies: For: 3 Against: 1

Speakers: None

Zoning Cases – Individual

12. Z112-247(RB)

Planner: Richard Brown

Motion: In considering an application for the creation of a new subdistrict within the Light Commercial/Office Subdistrict portion of Planned Development District No. 631, the West Davis Special Purpose District, on the northwest corner of West Davis Street and the unimproved portion of Tatum Avenue, it was moved to **hold** this case under advisement until December 6, 2012.

Maker: Hinojosa
Second: Ridley
Result: Carried: 15 to 0

For: 15 - Davis, Wally, Anglin, Abtahi, Rodgers,
Hinojosa, Lavallaisaa, Bagley, Tarpley,
Shellene, Bernbaum, Wolfish, Schwartz,
Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 50
Replies: For: 3 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: Minerva Faz, 616 N. Tillery St., Dallas, TX, 75211
Martha Caceres, 619 N. Tillery St., Dallas, TX, 75211

Landmark Commission Appeal

CA112-591(CH)

Planner: Carolyn Horner

Motion I: It was moved to **affirm** the decision of the Landmark Commission to deny without prejudice Certificate of Appropriateness CA112-591(CH) for installation of metal fence sections on the side yard to match existing fence on the west side of property at 4931 Junius Street.

Maker: Ridley
Second: Bagley
Result: Failed: 7 to 7

For: 7 - Wally, Abtahi, Hinojosa, Bagley, Shellene,
Ridley, Alcantar

Against: 7 - Davis, Rodgers, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz

Absent: 1 - Anglin

Vacancy: 0

Motion II: It was moved to **remand** to the Landmark Commission the application for Certificate of Appropriateness CA112-591(CH) for installation of metal fence sections on the side yard to match existing fence on the west side of property at 4931 Junius Street.

Maker: Ridley
Second: Bagley
Result: Carried: 11 to 3

For: 11 - Wally, Abtahi, Rodgers, Hinojosa, Lavallaisaa,
Bagley, Shellene, Bernbaum, Schwartz, Ridley,
Alcantar

Against: 3 - Davis, Tarpley, Wolfish

Absent: 1 - Anglin

Vacancy: 0

Speakers: Appellant: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
City Attorney: Bert Vandenberg, City of Dallas, Assistant City Attorney
Staff: Carolyn Horner, City of Dallas, Historic Preservation Planner

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the November 1, 2012, City Plan Commission meetings, subject to corrections.

Maker: Hinojosa
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Abtahi, Rodgers, Hinojosa,
Lavallaisaa, Bagley, Tarpley, Shellene,
Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Anglin
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the November 15, 2012, City Plan Commission meeting at 5:30 p.m.

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

For: 13 - Wally, Abtahi, Rodgers, Hinojosa, Lavallaisaa,
Bagley, Tarpley, Shellene, Bernbaum, Wolfish,
Schwartz, Ridley, Alcantar

Against: 0
Absent: 2 - Davis, Anglin
Vacancy: 0

Joe Alcantar, Chair