

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on November 19, 2009, with the briefing starting at 11:30 a.m. in Room 5ES and the public hearing at 1:30 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, Ann Bagley, Myrtle Lavallaisaa, Gloria Tarpley, Tom Lueder, Sally Wolfish, Michael Schwartz and Bill Peterson. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. 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: 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) S090-008**

An application to replat 0.239 acres containing the north portion of Lot 16 in City Block C/1993 into one lot generally located at the intersection of Capitol Avenue and N. Henderson Avenue, northwest corner.

**This application was withdrawn by the applicant.**

#### **(2) S090-012**

**Motion:** It was moved to **approve** an application to create a 4.217 acre lot out of a tract of land in City Block 6628 located at the intersection of Bainbridge Drive and Camp Wisdom Road, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Wolfish  
Second: Lueder  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

(3) **S090-013**

**Motion:** It was moved to **approve** an application to replat 3.1677 acres containing parts of Lots 6 and 7 in City Block 7618 into a 0.6410 acre lot and a 2.5267 acre lot located at the intersection of Cedardale Road and S. Lancaster Road, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Wolfish  
Second: Lueder  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

(4) **S090-014**

**Motion:** It was moved to **approve** an application to create a 1.995 acre lot, a 5.285 acre lot and a 6.043 acre lot out of a tract of land in City Block A/7081 located at the intersection of E. Northwest Highway and Lullwater Drive, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Wolfish  
Second: Lueder  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

**(5) S090-015**

**Motion:** It was moved to **approve** an application to replat 5.774 acres containing part of Lots 33 thru 36, 45 thru 50, all of Lots 37 thru 40, in City Block 7135 of Buena Addition, part of tracts 55, 56 and 76, in City Block 7135 of Reunion, part of Lots 10 thru 12, in City Block 7135 of The Garden Spot and an abandoned portion of Buena Avenue generally located on the south side of Bickers Street at the intersection of Greenleaf Street and Bickers Street, subject to compliance with the conditions listed in the docket.

Maker: Wolfish  
Second: Lueder  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

Residential Replats

**(6) S090-010**

**Motion:** It was moved to **approve** an application to replat a 1.282 acre tract of land containing Common Area in City Block A/7489 of Oak Forest Estates, also known as 11700 Forest Creek Drive, to dedicate additional waste/water easements, subject to compliance with the conditions listed in the docket with the following revision: 1) Delete conditions #4, #7 and #10. 2) On Condition #9 Plan Commission grant a wavier to the right-of-way dedication requirement. 3) Condition #19 amended to read as follows: "On the final plat label the proposed common area as 'Common Area A'".

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

\*out of the room, shown voting in favor of the motion.

**Speakers:** For: John Hill, 901 Main St., Dallas, TX, 75201  
Against: None

#### Miscellaneous Docket

#### **M089-048**

**Motion:** It was moved to **approve** a minor amendment to development plan and landscape plan for Planned Development District No. 308 for MU-1 Mixed Uses District and CR Community Retail District Uses on the northeast corner of Forest Lane and Webb Chapel Road.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

#### **M089-003**

**Motion:** It was moved to **approve** a minor amendment to the Phase I development plan for Planned Development District No. 549 for certain Recreation Uses, Institutional and Community Services Uses and R-7.5(A) Single Family Uses on the south line of Samuell Boulevard, east of Buckner Boulevard.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** None

**D089-018**

**Motion:** It was moved to **approve** of a development/landscape plan for Planned Development District No. 375 on the west side of Central Expressway, between Lemmon Avenue East and Lemmon Avenue West.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

**D090-001**

**Motion:** It was moved to **approve** of a development/landscape plan for Planned Development Subdistrict No. 85, within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west side of Central Expressway, between Lemmon Avenue East and Lemmon Avenue West.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

Zoning Cases – Under Advisement

1. **Z089-250(RB)**

Planner: Richard Brown

**Motion I:** In considering an application for an RR Regional Retail District, subject to deed restrictions volunteered by the applicant on property zoned a CR Community Retail District and a Specific Use Permit for an Animal shelter or clinic with outside runs on the east line of Walling Lane, south of Skillman Street, it was moved to **hold** this case under advisement until December 3, 2009.

Maker: Tarpley  
Second: Wally  
Result: Failed: 7 to 7

For: 7 - Wally, Bagley, Lavallaisaa, Tarpley, Lueder,  
Wolfish, Alcantar

Against: 7 - R. Davis, Anglin, M. Davis, Rodgers, Lozano,  
Peterson, Schwartz  
Absent: 0  
Vacancy: 1 - District 11

**Amending Motion:** It was moved to **amend** the motion to include the review of overlapping uses between CR Community Retail and RR Regional Retail in the deed restrictions.

Maker: Bagley  
Second: Wally  
Result: Carried: 13 to 1

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

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

**Motion II:** It was moved to recommend **approval** of an RR Regional Retail District, subject to deed restrictions volunteered by the applicant on property zoned a CR Community Retail District and a Specific Use Permit for an Animal shelter or clinic with outside runs, subject to a site plan and conditions with the following revisions: 1) Section D not be used for animals access or storage and remain vacant. 2) Move the fence in Section D to prevent all access to Section D. 3) Maximum of 12 animals outside at one time on the east line of Walling Lane, south of Skillman Street.

Maker: Tarpley  
Second: Schwartz  
Result: Carried: 10 to 4

For: 10 - R. Davis, Wally, Anglin, Rodgers, Lozano,  
Tarpley, Lueder, Schwartz, Peterson, Alcantar

Against: 4 - M. Davis, Bagley, Lavallaisaa, Wolfish  
Absent: 0  
Vacancy: 1 - District 11

**Amending Motion:** It was moved to **amend** the motion to allow a maximum of 12 animals outside per area.

Maker: Peterson  
Second: R. Davis  
Result: Failed: 5 to 9

For: 5 - R. Davis, Wally, Anglin, Lozano, Peterson

Against: 9 - M. Davis, Rodgers, Bagley, Lavallaisaa,  
Tarpley, Lueder, Wolfish, Schwartz, Alcantar  
Absent: 0  
Vacancy: 1 - District 11

**Notices:** Area: 200 Mailed: 15  
**Replies:** For: 1 Against: 2

**Speakers:** For: Joe Wilmoth, 10810 Dove Brook Cir., Dallas, TX, 75230  
Robert Giesler, 4712 Fenton, Dallas, TX, 75231  
Donna Mason, 7272 Walling Ln., Dallas, TX, 75231  
Debra Ferrell, 3902 Castle Dr., Rowlett, TX, 75089  
For (Did not speak): Douglas Mahg, 6946 Walling Ln., Dallas, TX, 75231  
Against: Justin Williams, Address not given  
John Wang, 6904 Walling Ln., Dallas, TX, 75231

2. **Z089-243(WE)**

Planner: Warren Ellis

**Motion:** In considering an application for a Specific Use Permit for a commercial amusement (inside) for a Class A dance hall and an alcoholic beverage establishment for a private-club bar on property zoned a CR Community Retail District on the north side of W. Camp Wisdom Road, west of Del Rey Drive, it was moved to **hold** this case under advisement until February 18, 2010.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Notices:** Area: 400 Mailed: 32  
**Replies:** For: 1 Against: 0

**Speakers:** For: Roger Albright, Address not given  
Against: None

Zoning Cases – Individual

3. **Z089-276(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of an amendment to Tract III of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses, subject to a development plan, revised landscape plan and revised conditions on the southwest corner of Goldman Street and Bickers Street.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

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

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

4. **Z089-283(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **denial** of a NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District on the northeast corner of St. Augustine Road and Cushing Drive.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Notices:** Area: 200 Mailed: 19  
**Replies:** For: 0 Against: 0

**Speakers:** For: Betty Hsu, 376 S. St. Augustine Dr., Dallas, TX, 75217  
Against: None

5. **Z089-263(KB)**

Planner: Kyra Blackston

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the installation of a non-premise district activity video board for a six-year period, subject to a site plan and conditions on a property zoned Planned Development District 619, within the Downtown Special Sign District; an area generally bound by Field Street, Main Street, Akard Street and Commerce Street.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Notices:** Area: 300 Mailed: 209  
**Replies:** For: 2 Against: 0

**Speakers:** For: William Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against: None

Landmark Appeal

**CD089-028(MD)**

Planner: Mark Doty

**Motion:** It was moved to **strike** Exhibit A to the brief of Colby Properties, Inc., with the exception of page 7 on the grounds that it was available at the time of the Landmark Commission hearing.

Maker: Wolfish  
Second: Bagley  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Motion:** It was moved to **affirm** the Landmark Commission decision to deny a Certificate of Demolition CD089-028(MD) of a noncontributing structure at 1900 Young Street.

Maker: Wally  
Second: Peterson  
Result: Carried: 10 to 4

For: 10 - R. Davis, Wally, M. Davis, Rodgers, Bagley,  
Tarpley, Wolfish, Schwartz, Peterson, Alcantar

Against: 4 - Anglin, Lozano, Lavallaisaa, Lueder  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** Appellant: Jack Westenberg, 14911 Quorum Dr., Dallas, TX, 75254  
Robert Miller, 14911 Quorum Dr., Dallas, TX, 75254  
Against: None

Staff: Tammy Palomino, Dallas Assistant City Attorney  
Mark Doty, Preservation Planner, Sustainable Development &  
Construction Department  
Casey Burgess, Dallas Assistant City Attorney

**CD089-029(MD)**

Planner: Mark Doty

**Motion:** It was moved to **strike** Exhibit A to the brief of Colby Properties with the exception of page 7 on the grounds that it was available at the time of the Landmark Commission hearing.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

\*out of the room, shown voting in favor of the motion.

**Motion:** It was moved to **affirm** the Landmark Commission decision to deny without prejudice a Certificate of Demolition CD089-029(MD) to demolish a structure at 508 Park Avenue.

Maker: Wally  
Second: R. Davis  
Result: Carried: 12 to 2

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

Against: 2 - Lozano, Lavallaisaa  
Absent: 0  
Vacancy: 1 - District 11

**Amending Motion:** It was moved to **amend** the motion to affirm without prejudice the Landmark Commission decision to deny a Certificate of Demolition CD089-029(MD) to demolish a structure at 508 Park Avenue.

Maker: Anglin  
Second: Wolfish  
Result: Carried: 10 to 4

For: 10 - Anglin, Rodgers, Lozano, Lavallaisaa, Tarpley,  
Lueder, Wolfish, Schwartz, Peterson, Alcantar

Against: 4 - R. Davis, Wally, M. Davis, Bagley  
Absent: 0  
Vacancy: 1 - District 11

**Speakers:** Appellant: Jack Westenberg, 14911 Quorum Dr., Dallas, TX, 75254  
Robert Miller, 14911 Quorum Dr., Dallas, TX, 75254  
Against: None  
Staff: Tammy Palomino, Dallas Assistant City Attorney  
Mark Doty, Preservation Planner, Sustainable Development &  
Construction Department  
Casey Burgess, Dallas Assistant City Attorney

---

### Other Matters

#### Minutes

**Motion:** It was moved to **approve** the minutes of the November 5, 2009, City Plan Commission meeting, subject to corrections.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

#### Adjournment

**Motion:** It was moved to **adjourn** the November 19, 2009, City Plan Commission meeting at 5:38 p.m.

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

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

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

---

Joe Alcantar, Chair