

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 3, 2009, with the briefing starting at 10:32 a.m. in Room 5ES and the public hearing at 1:31 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, Myrtl 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) S090-016

Motion: It was moved to **approve** an application to create a 0.942 acre lot from two tracts of land located in City Block 5469 on 6006 – 6014 Woodland Drive at Preston Road, southwest corner, subject to compliance with the conditions listed in the docket.

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

Speakers: None

(2) **S090-017**

Motion: It was moved to **approve** an application to create an 8.034 acre lot from a tract of land located in City Block 4617 on 3031 S. Beckley Avenue and also bounded by Corning Street, Toluca Street, and McVey Avenue, subject to compliance with the conditions listed in the docket.

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

Speakers: None

(3) **S090-020**

Motion: It was moved to **approve** an application to create one 10.617 acre lot and one 0.657 acre lot from an 11.450 acre tract of land in City Block 5775 and located at 9461 Webb Chapel Road northwest of Northwest Highway, subject to compliance with the conditions listed in the docket.

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

Speakers: None

Residential Replats

(4) **S090-019**

Motion: It was moved to **deny** an application to replat a 1.722 acre tract of land containing all of Lots 46, 47, 48 and 49 in City Block 6351 into one lot on 342 Freddie Street located at the east corner of Freddie Street and Birch Street, due to non-compliance with Chapter 51A, Sections 51A-8.503 of the Dallas Development Code.

Maker: Rodgers
Second: Wolfish
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

Speakers: For: Julio Lopez, 342 Freddie Dr., Dallas, TX, 75217
Against: None

Miscellaneous Docket

M090-005

Motion: It was moved to **approve** a minor amendment to the Tract C-1 development plan and landscape plan for Planned Development District No. 173 for Single family, Office, Retail, and Park Uses on the east line of Hillcrest Road, south of State Highway 190.

Maker: Wolfish
Second: Rodgers
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

M090-006

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 1274 for a Child-care facility and Private school on the southeast corner of Mockingbird Lane and Norris Street.

Maker: Wolfish
Second: Rodgers
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: Elizabeth Peaslee, 7043 Cornella Ln., Dallas, TX, 75214
Against: None

W090-001

Motion: It was moved to **approve** of a waiver of the two-year waiting period in order to submit an application for an amendment to Planned Development District No. 811 to clarify certain regulations and add property to the Planned Development District in an area generally bounded by Interstate 30, Westmoreland Road, Fort Worth Avenue and Pinnacle Park Boulevard.

Maker: Anglin
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

Zoning Cases – Consent

1. **Z089-270(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Medical clinic for a five-year period, subject to a site plan and conditions on property within the Tract 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District; on the northwest corner of Jefferson Boulevard and Madison Street.

Maker: R. Davis
Second: Peterson
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: 21
Replies: For: 5 Against: 0

Speakers: None

2. **Z089-279(RB)**

Planner: Richard Brown

Motion I: It was moved to recommend **denial** of the renewal of Specific Use Permit No. 1691 for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, east of Ash Lane.

Maker: Bagley
Second: Wolfish
Result: Failed: 3 to 11

For: 3 - Wally, Bagley, Wolfish

Against: 11 - R. Davis, Anglin, M. Davis, Rodgers, Lozano,
Lavallaisaa, Tarpley, Lueder, Schwartz,
Peterson, Alcantar
Absent: 0
Vacancy: 1 - District 11

Motion II: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1691 for a Bar, lounge, or tavern for a two-year period, subject to a site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, east of Ash Lane.

Maker: M. Davis
Second: Peterson
Result: Carried: 11 to 3

For: 11 - R. Davis, Anglin, M. Davis, Rodgers, Lozano, Lavallaisaa, Tarpley, Lueder, Schwartz, Peterson, Alcantar

Against: 3 - Wally, Bagley, Wolfish
Absent: 0
Vacancy: 1 - District 11

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 1

Speakers: For: Timothy Austin, 2951 N. Camino Largo, Grand Prairie, TX
John Roberts, 4717 Vera Cruz Dr., Garland, TX, 75204
Against: None

3. **Z089-285(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for a public school other than an open-enrollment charter school and R-7-5(A) Single Family District uses, subject to a revised development plan and conditions on property zoned an R-7.5(A) Single Family District in an area bounded by Beckley Avenue, W. Corning Avenue, Toluca Avenue and W. McVey Avenue.

Maker: R. Davis
Second: Peterson
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: 232
Replies: For: 6 Against: 7

Speakers: None

4. Z089-206(MAW)

Planner: Neva Dean

Motion: It was moved to recommend **approval** of a Specific Use Permit for vehicle display, sales and service for a three-year period with eligibility for automatic renewal for additional three-year periods; subject to a site plan and conditions on property zoned Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2 with a D-1 Liquor Control Overlay on the south side of C.F. Hawn Freeway, west of Cliffview Drive.

Maker: R. Davis
Second: Peterson
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: 191
Replies: For: 1 Against: 0

Speakers: None

Note: It was moved by Commissioner Michael Davis and seconded by Commissioner Tom Lueder to change the order of the agenda and hear Individual Item #9 Z089-204(DC), next. The Commission voted unanimously to change the order of the agenda.

Zoning Cases – Individual

5. Z089-277(RB)

Planner: Richard Brown

Motion: It was moved to recommend **denial** of CR Community Retail District on property zoned an R-10(A) Single Family District, on a parcel with frontage on both the south line of IH 20 and the north line of Rylie Crest Road, west of Seagoville Road.

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: 300 Mailed: 16
Replies: For: 4 Against: 0

Speakers: For: None
Against: Lawrence Lothrop, 5100 Thorndale Rd., Balch Springs, TX, 75180

6. Z090-106(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Dance hall for a two-year period, subject to a revised site plan reflecting a increase in floor area and staff's recommended conditions with the hours of operation to be from 9:00 a.m. to 4:00 a.m., on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Wycliff Avenue and Brown Street.

Maker: Wally
Second: Anglin
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: 60
Replies: For: 3 Against: 1

Speakers: For: Howard Okon, 4433 N. Hall St., Dallas, TX, 75219
Nancy Weinberger, 4405 N. Hall St., Dallas, TX, 75219
Against: None

7. **Z089-264(KB)**

Planner: Kyra Blackston

Motion: It was moved to recommend **approval** of a Specific Use Permit for installation of a non-premise district activity video board for a six-year periods, subject to a site plan and conditions on a property zoned Planned Development District 619 in an area generally bounded by Elm Street, Akard Street, Main Street and Stone Place.

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

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 99
Replies: For: 3 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

8. **Z089-284(CG)**

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of a Neighborhood Stabilization Overlay (NSO) on property zoned an R-7.5(A) Single Family District in an area generally bounded by the centerline of the alleys north and south of Desco Drive, between Hillcrest Road on the east and Edgemere Street on the west.

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

Notices: Area: 200 Mailed: 119
Replies: For: 35 Against: 8

Speakers: For: John Cox, 6715 Desco Dr., Dallas, TX, 75225
John Fetrow, 6406 Desco Dr., Dallas, TX, 75225
Against: None

9. Z089-204(DC)

Planner: David Cossum

Motion: It was moved to recommend **approval** of a authorized hearing, subject to conditions on property zoned a portion of Subarea No. 1 and a portion of Subarea No. 2 within Planned Development District No. 366, the Buckner Special Purpose District with consideration being given to creating a new Subarea within Planned Development District No. 366 on the east side of Buckner Boulevard between Military Parkway and Ricardo Drive amending the definition of "Check Cashing Store" as follows: "Alternative Financial Establishment means a business that provides pay day cash advance, payroll advance, short term cash advance, car title loan, check cashing, or money transfers. Alternative financial establishment does not include state or federally chartered banks, savings and loans, and credit unions. Alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use".

Maker: M. Davis
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

Notices: Area: 200 Mailed: 143
Replies: For: 6 Against: 6

Speakers: For: Evelyn Davis, 2907 Lolita Dr., Dallas, TX, 75227
Shirley Stark, 2612 Max Goldblatt Dr., Dallas, TX, 75227
Rick Callahan, 3546 Rockbluff Dr., Dallas, TX, 75227
Against: Joanne Wimberly, 8131 Scyene Rd., Dallas, TX, 75227

Development Code Amendment

DCA090-001

David Cossum

Motion: It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.221; amending the definition of “adult cabaret” and adding a new definition for “adult cabaret entertainment” to make those definitions in 51A identical to the definitions in Chapter 41A.

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

Speakers: None

Landmark Appeal

CA089-496(TC)

Planner: Jim Anderson

Motion: It was moved to **affirm** the Landmark Commission decision to deny a Certificate of Appropriateness CA089-496(TC) to install an artificial lawn at 5510 Worth Street.

Maker: Peterson
Second: Wally
Result: Carried: 12 to 1

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

Against: 1 - M. Davis
Absent: 1 - Anglin
Vacancy: 1 - District 11

Speakers: Appellant: Jose Escobedo, 5510 Worth St., 75214
Translator: Brandy Escobedo, 5510 Worth St., 75214
Staff: Tammy Palomino, Dallas Assistant City Attorney

Jim Anderson, Senior Planner, Sustainable Development &
Construction Department
Casey Burgess, Dallas Assistant City Attorney
Olga Torres Holyoak, Sustainable Development &
Construction Department

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the November 19, 2009, City Plan Commission meeting, subject to corrections.

Maker: M. Davis
Second: Lueder
Result: Carried: 13 to 0

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

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

Adjournment

Motion: It was moved to **adjourn** the December 3, 2009, City Plan Commission meeting at 4:21 p.m.

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

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

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

Joe Alcantar, Chair