# PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 16, 2010 with the briefing starting at 10:40 a.m. in Room 5ES and the public hearing at 1:36 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, Myrtl Lavallaisaa, Gloria Tarpley, John Shellene, Bruce Bernbaum, 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 6.

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) **S101-016**

**Motion:** It was moved to **approve** an application to create one 1.0331 acre lot fronting on Clark Road and one 2.7001 acre lot on Mountain Creek Parkway from a 3.7332 acre tract of land in City Block 8606, subject to compliance with the conditions listed in the docket.

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

# Speakers: None

# (2) **S101-020**

**Motion:** It was moved to **approve** an application to replat a 3.5594 acre tract of land into one 0.1998 acre lot and one 3.3596 acre lot from Lot 11C in City Block B/633 on property located at 2305 North Central Expressway and bounded by Hall Street, Duff Street and Campbell Street, subject to compliance with the conditions listed in the docket.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

# Speakers: None

# Individual Item

# (3) **S101-019**

**Motion to remove Building Line:** It was moved to **approve** an application to remove the existing 35 foot platted building line along the south and west lines of the replat in City Block C/7497 on property at the northeast corner of LBJ Freeway and Blossomheath Road, west of Coit Road, subject to compliance with the conditions listed in the docket.

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

Against:0Absent:0Vacancy:1 - District 6

**Motion to Replat:** It was moved to **approve** an application to replat a 4.9633 acre tract of land into one 3.7474 acre lot and one 1.2136 acre lot along the south and west lines of the replat in City Block C/7497 on property at the northeast corner of LBJ Freeway and Blossomheath Road, west of Coit Road, subject to compliance with the conditions listed in the docket.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Speakers: None

# (4) **S101-017**

**Motion:** It was moved to **approve** an application to replat a 14.033 acre tract of land containing all of Lots 1 and 2 in City Block A/7392 in the White Rock Church of Christ Addition and part of Lots 1 and 2 in City Block 6/7395 of the C.D. Peavy Buckner Boulevard Addition to create one 6.194 acre lot and one 7.839 acre lot on property located at 9220 Ferguson Road and 9150 Ferguson Road at the southwest corner of Hibiscus Drive and Ferguson Road, subject to compliance with the conditions listed in the docket.

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Speakers: None

# (5) **S101-018**

**Motion:** It was moved to **approve** an application to replat a 17.474 acre tract of land containing all of Lot 1 and part of Lot 2 in City Block 3440; all of Lots 1, 2, 3, and 4, in City Block 10/3442; and part of City Block 3442 into 2 lots on property between Ewing Ave. and Marsalis Ave. south of Clarendon Dr., subject to compliance with the conditions listed in the docket.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Speakers: None

Miscellaneous Docket

# M090-064

Planner: Olga Torres Holyoak

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 381 on the southeast corner of Hillcrest Road and Churchill Way.

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

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Speakers: For: Robert Meckfessel, 9235 Makeanne Dr., Dallas, TX, 75243 Riche Goblin, Address not given Against: Iric Gachman, 6919 Stone Meadow Dr., Dallas, TX, 75230

# D101-001

Planner: Olga Torres Holyoak

**Motion:** It was moved to **approve** a development plan for Planned Development District No. 308 for on the southeast corner of Forest Lane and Webb Chapel Road.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Speakers: None

# Zoning Cases - Consent

# 1. Z090-207(RB)

Planner: Richard Brown

**Motion:** In considering an application for an amendment to and expansion of the Tract 1c portion of Planned Development District No. 486 for a Community service center and CH Clustered Housing District Uses on property zoned a CH Clustered Housing District and Planned Development District No. 486 on the south corner of Bank Street and Gurley Avenue, it was moved to **hold** this case under advisement until January 6, 2011.

Maker: Second: Result:	M. Davi	-
	For:	13 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Alcantar
Abs	ainst: sent: cancy:	1 - Peterson 0 1 - District 6

Notices:	Area:	500	Mailed:	252
Replies:	For:	6	Against:	3

Speakers: For: Michael Coker, 2700 Swiss Ave #100, Dallas, TX, 75204 Against: John Wolf, 17492 Senne Rd, Forney, TX, 75126 S. Busari, 4906 Gurley Ave., Dallas, TX, 75223 James Collier, 4709 Lindsley Ave., Dallas, TX, 75223 Don Kemp, 1114 S. Carroll Ave., Dallas, TX, 75223

# 2. Z090-227(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 conditions on property zoned an RR Regional Retail District on the west line of South R.L. Thornton Frontage Road, south of West Kiest Boulevard.

	Maker: Second: Result:	Rodger	
		For:	14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar
	Abs	ainst: sent: cancy:	0 0 1 - District 6
Notices Replies		400 1	Mailed: 25 Against: 0

Speakers: For: Dean McGuire, 300 W. Kiest Blvd., Dallas, TX, 76024 Against: None

# 3. Z090-240(WE)

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Planned Development District for mixed uses, subject to a development plan, landscape plan and revised conditions on property zoned an IM Industrial Manufacturing District on the north corner of Malcolm X Boulevard and Dawson Street.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Notices:	Area:	500	Mailed:	66
Replies:	For:	0	Against:	3

Speakers: For: Larry James, 511 N. Akard St., Dallas, TX, 75201 Dan Hopkins, 5910 N. Central Expwy., Dallas, TX 75206 Against: Carlos Ruben Neria, 2712 Dawson St., Dallas, TX, 75226

# Zoning Cases – Under Advisement

# 4. Z090-238(WE)

# Planner: Warren Ellis

Motion: In considering an application for an amendment to Specific Use Permit No. 1766 for commercial motor vehicle parking on property zoned a CS-D-1 Commercial Service District with a D-1 Dry Liquor Control Overlay on a portion on the north side of C.F. Hawn Freeway, east of Silverado Drive, it was moved to **hold** this case under advisement until January 6, 2011.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Notices:	Area:	300	Mailed:	16
Replies:	For:	0	Against:	3

Speakers: None

# 5. **Z090-224(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 development plan, traffic management plan, circulation map and conditions on property zoned an R-7.5(A) Single Family District on the northwest corner of Marsalis Avenue and Garza Avenue.

Maker:	Bagley						
Second:	Anglin						
Result:	Carried	: 13 to (	)				
	For:	13 - R	. Davis,	Wally*,	Anglin,	Rodgers,	, Bagley,
		L	avallaisaa	a, Tarpl	ey, She	ellene, B	ernbaum,
		V	/olfish, So	chwartz, l	Peterson	i, Alcantar	
۸a	ainet <sup>.</sup>	Δ					

Against: 0 Absent: 0 Vacancy: 1 - District 6 Conflict: 1 - M. Davis

\*out of the room, shown voting in favor

Notices:	Area:	500	Mailed:	162
Replies:	For:	7	Against:	1

Speakers: For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202 Against: None

# 6. **Z090-236(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, traffic management plan, circulation map and conditions on property zoned an R-7.5(A) Single Family District in an area bounded by Wyoming Street, Knoxville Street, Larkhill Drive and Forrestal Drive.

Maker:R. DavisSecond:PetersonResult:Carried: 13 to 0

Against:	0
Absent:	0
Vacancy:	1 - District 6
Conflict:	1 - M. Davis

\*out of the room, shown voting in favor

Notices:	Area:	500	Mailed:	237
Replies:	For:	9	Against:	7

Speakers: For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202 Against: None

# 7. **Z090-218(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of a WMU-5 Walkable Mixed Urban Use District, subject to conditions providing for appropriate height modification overlay and the removal of the shop front overlay on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595 on two separate parcels, and an application for a WR-5 Walkable Urban Residential District on property zoned an MF-1(A) Multifamily Subdistrict within Planned Development District No. 595 on two separate parcels on the northwest line of Park Row Avenue between J. B. Jackson Boulevard and Trunk Avenue, and northwest line of Grand Avenue between Fourth Avenue and Trunk Avenue; southeast line of Elihu Street, south of Fourth Avenue; and, northwest line of Elihu Street, south of Fourth Avenue.

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

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

Against:	0
Absent:	0
Vacancy:	1 - District 6

Notices:	Area:	400	Mailed:	116
Replies:	For:	5	Against:	1

Speakers: For: Peyman Horri, 5247 Richard Ave., Dallas, TX, 75206 Against: Jerry Norris, 7239 Piedmont Dr., Dallas, TX

#### 8. Z090-252(RB)

Planner: Richard Brown

**Motion I:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the east line of Prairie Creek Road, north of Military Parkway, it was moved to **hold** this case under advisement until March 24, 2011.

Maker: Rodgers Second: Wolfish

# Commissioner Rodgers withdrew her motion and Commissioner Wolfish withdrew her second.

**Motion II:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the east line of Prairie Creek Road, north of Military Parkway, it was moved to **hold** this case under advisement indefinitely.

	Maker: Second: Result:	Wolfish	
		For:	14 - R. Davis*, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar
	Abs	ainst: sent: cancy:	0 0 1 - District 6
	*ou	t of the r	oom, shown voting in favor
	s: Area s: For:	200 0	Mailed: 11 Against: 1
Speake		or: Audra st: None	Buckley, 2814 Main St., Dallas, TX, 75201

# 9. **Z101-108(MG)**

Planner: Michael Grace

In considering an application for a Specific Use Permit for Tower/antenna for cellular communication on property zoned an R-16(A) Single Family District on the east line of Marsh Lane, south of Cox Lane, it was moved to **hold** this case under advisement until January 20, 2011.

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

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

Against: 0 Absent: 0 Vacancy: 1 - District 6

Notices:	Area:	200	Mailed:	5
Replies:	For:	2	Against:	3

Speakers: For: Vincent Huebinger, 1715 Capital Tex Hwy, Austin, TX, 78746
For (Did not speak): Mike Meierhofer, 801 Murl Dr., Irving, TX, 75062
Frank Kuenstler, 10544 Cox Ln., Dallas, TX, 75229
Stephen Patterson, 13979 Stardust Ln., Farmers Branch, TX, 75234
Juan Balderas, 13529 Brookgreen Dr., Dallas, TX, 75240
Willie Morgan, 11851 High Dale Dr., Dallas, TX, 75234
Against: James McGee, 3744 Meadowdale Lane, Dallas, TX, 75229
Tim Weil, 3801 Meadowdale Lane, Dallas, TX, 75229
John Wright, 3755 Meadowdale Lane, Dallas, TX 75229

# 10. **Z101-115(MG)**

Planner: Michael Grace

**Motion:** It was moved to recommend **approval** of a Planned Development District for CR Community Retail District uses, subject to a development plan, revised staff conditions and applicant's request to provide 258 parking spaces on property zoned an IR Industrial Research District on the south line of Medical District Drive and Maple Avenue with the following changes: 1) If there is a conflict between the text of this article and the development plan the text of this article controls. 2) Add tower antenna use.

Maker: Second: Result:	Bagley	13 to 0
	For:	<ol> <li>R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar</li> </ol>
Aga	ainst:	0
Abs	sent:	1 - Shellene
Vac	cancy:	1 - District 6

Notices:	Area:	500	Mailed:	65
Replies:	For:	8	Against:	0

Speakers: For: Barry Knight, 5400 Renaissance Tower, Dallas, TX Against: None

Note: It was moved by Commissioner Tarpley and seconded by Commissioner Schwartz to change the order of the agenda and hear the Garland Road vision Study next. The Commission voted unanimously to change the order of the agenda.

#### 11. Z090-242(CG)

Planner: Carrie Gordon

**Motion I:** It was moved to recommend **approval** a Planned Development District to require a specific use permit for late-hour establishments, subject to staff conditions to include language requiring all occupancies must come into compliance within 240 days after adoption on property zoned a CR Community Retail District with a Dry Liquor Control Overlay on a portion, Specific Use Permit No. 1289 for a bar, lounge, or tavern on a portion, Specific Use Permit No. 1544 for a tower/antenna for cellular communication on a portion, and deed restrictions on a portion; a MC-1 Multiple Commercial District with a Dry Liquor Control Overlay on a portion property on both sides of Greenville Avenue generally bounded by Belmont Avenue on the north, Hope Street on the east, Bryan Street on the south, Henderson Avenue on the southwest, Ross Avenue on the southwest, and Summit Avenue on the west.

	Maker: Second: Result:	Wally	
		For:	<ul> <li>13 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar</li> </ul>
	Abs		0 1 - Shellene 1 - District 6
Notices Replies	: Area: : For:		Mailed: 450 Against: 26

Speakers: For: Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206 Stephen Melendi, 5819 Lewis St., Dallas, TX, 75206 Susan Reese, 8626 Douglas Ave., Dallas, TX, 75225 Marc Andres, 2800 Henderson Ave., #200, Dallas, TX, 75206

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Richardo Avila, 2104 Greenville Ave., Dallas, TX, 75206 Erica Jones, 5611 Ross Ave., #108, Dallas, TX, 75206 For (Did not speak): David Kindle, 6225 Goliad Ave., Dallas, TX, 75216 Patricia Carr, 5843 Vanderbilt, Dallas, TX, 75206 Bobbie Love, 5919 Hudson, Dallas, TX, 75206 Leslie Brosi, 3030 McKinney Ave., Dallas, TX, 75204 Charles "Derek" Adleta, 5226 Goodwin Ave., Dallas, TX, 75206 Ted Thompson, 5250 Ridgedale, Dallas, TX, 75206 Will Short, 5618 Richard Ave., Dallas, TX, 75206 Mark Rieves, 5530 Goodwin Ave., Dallas, TX, 75206 John Scarborough, 1931 Euchia, Dallas, TX, 75206 Selena Urquhart, 5514 Vickery Blvd., Dallas, TX, 75206 Against: Julius White, 5711 LaVista Ct., Dallas, TX, 75206 Kurt Noell, 231 S. College, Tyler, TX, 75702 City Staff: Mike Jenifesi, Dallas Deputy Chief, Dallas Police Department Melissa Miles, Assistant City Attorney, Dallas City Attorney's Office

#### **Development Code Amendment**

#### DCA090-008

Planner: David Cossum

**Motion:** It was moved to **remand** consideration of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to digital detached non-premise signs (billboards) to the Special Sign District Advisory Committee.

Maker:TarpleySecond:SchwartzResult:Carried: 11 to 2

For: 11 - R. Davis, Wally, Anglin, Rodgers, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson

Against:	2 - M. Davis, Alcantar
Absent:	1 - Shellene
Vacancy:	1 - District 6

 Speakers: For: Jake Smith, 3700 E. Randoll Mill Road, Arlington, TX, 76011 Tim Anderson, 3451 Pan Am Expwy, San Antonio, TX, 78219 Katherine Albert, 12680 Hillcrest #2203, Dallas, TX, 75230 Tom Diedrich, 1705 Lollispur Ct., Flower Mound, TX, 75022 Against: Marla Beikman, 5739 Preston Fairways, Dallas, TX, 75252 Ann Murphy, 19126 Windmill Lane, Dallas, TX, 75252

# Land Use Study

# Garland Road Vision Study

**Motion:** It was moved to recommend **adoption** of the Garland Road Vision Study, to be used as a planning and implementation guide for future development in the area generally along Garland Road from I-635, past the Dallas Arboretum and White Rock Spillway, to the intersection with Gaston and East Grand Avenues.

Maker: Second: Result:	
	For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar
Abs	ninst: 0 ent: 1 - Shellene eancy: 1 - District 6
•	Gerald Worrall, 6704 Velasco Ave., Dallas, TX 75214 Gary Griffith, 6903 Westlake Ave., Dallas, TX 75214 Robert Weiss, 6828 Velasco Ave., Dallas, TX 75214 None

# Other Matters

#### Minutes

**Motion:** It was moved to **approve** the minutes of the December 2, 2010, City Plan Commission meeting, subject to corrections.

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

Against:	0
Absent:	1 - Shellene
Vacancy:	1 - District 6

# <u>Adjournment</u>

**Motion:** It was moved to **adjourn** the December 16, 2010, City Plan Commission meeting at 6:06 p.m.

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

> For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against:	0
Absent:	1 - Shellene
Vacancy:	1 - District 6

Joe Alcantar, Chair