

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 17, 2009, with the briefing starting at 11:02 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, 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) S090-024

Motion: It was moved to **approve** an application to replat a 2.00 acre lot containing Lot 45A in City Block 2340 into one 0.69 acre lot and one 1.31 acre lot on 3209 Cedarplaza Lane, subject to compliance with the conditions listed in the docket.

Maker: Wally
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

(2) **S090-026**

Motion: It was moved to **approve** an application to create a 26.301 acre lot from a tract of land in City Block 8710 located on the south line of Kiest Boulevard, between Merrifield Road and Spur 408, subject to compliance with the conditions listed in the docket.

Maker: Wally
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

(3) **S090-021**

Motion: It was moved to **approve** an application to replat a 0.3917 acre tract of land containing Lots 27, 28 and 29 in City Block A/5248 into one 7,500.05 square foot lot and one 9,562.32 square foot lot on 8718, 8722 and 8802 Eustis Avenue, southwest of Old Gate Lane, subject to compliance with the conditions listed in the docket.

Maker: Tarpley
Second: M. Davis
Result: Carried: 10 to 4

For: 10 - R. Davis, Wally, Anglin, M. Davis, Lavallaisaa, Tarpley, Lueder, Schwartz, Peterson, Alcantar

Against: 4 - Rodgers, Lozano, Bagley, Wolfish
Absent: 0
Vacancy: 1 - District 11

Speakers: None

(4) **S090-022**

Motion I: It was moved to **approve** an application to remove the platted 4 foot building line along the south line of University Boulevard; a 12 foot platted building line along the north line of Wateka Drive, and a 12 foot building line along the east line of existing Robin Road.

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

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

Against: 3 - M. Davis, Bagley, Rodgers
Absent: 0
Vacancy: 1 - District 11

Motion II: It was moved to **approve** an application to replat Lot 1A in City Block 5/4911 and Lots 7 and part of 8 in City Block 3/4911, and a portion of Robin Road to be abandoned into one 2.375 acre lot, subject to compliance with the conditions listed in the docket.

Maker: Peterson
Second: Wally
Result: Carried: 11 to 3

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

Against: 3 - M. Davis, Bagley, Rodgers
Absent: 0
Vacancy: 1 - District 11

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

(5) **S090-027**

Motion: It was moved to **approve** an application to replat all of Lots 7 and 8 in City Block B/2776 into one 0.47 acre lot, on 6347 Tremont Street at Brookside Drive, west corner, subject to compliance with the conditions listed in the docket.

Maker: Peterson
Second: Lozano
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: Keith Langford, 6347 Tremont St., Dallas, TX, 75214
Against: None

Note: It was moved by Commissioner Peterson and seconded by Commissioner Lueder to change the order of the agenda and hear SPSD090-001, next. The Commission voted unanimously to change the order of the agenda. SPSD090-001 has heard next.

Miscellaneous Docket

W090-002

Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application for an amendment to Planned Development District No. 486 to add property to the Planned Development District, make changes to the Planned Development District conditions, and provide a development plan for the new property in an area generally bounded by Bank Street, Gurley Avenue, Carroll Avenue, and Parry Avenue.

Maker: Wally
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

*out of the room, shown voting in favor

Speakers: For: Audra Buckley, 2700 Swiss Ave., Dallas, TX, 75204
Against: None

M090-002

Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 645 for a Public school other than an open-enrollment charter school and R-7.5(A) Single Family District Uses on the west line of Edgefield Avenue between Clarendon Drive and Nolte Street.

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

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

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

*out of the room, shown voting in favor

Speakers: For: None
Against: Ana Azimi, 1313 Nolte St., Dallas, TX, 75208

Zoning Cases – Consent

1. **Z090-104(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 166 for a College, Private school, Multiple-family residential uses, and the Establishment for the care of alcoholic, narcotic, or psychiatric patients, subject to an Area 1 development plan/Area 2 conceptual plan and revised conditions, and **approval** of rescinding the existing development plan on the west side of La Prada Drive, south of Blythe Drive with the following two added conditions: 1) Minimum of 133 off street parking spaces must be provided with locations shown on the Area 1 development plan and Area 2 conceptual plan. 2) Permit fencing to maximum height of 8 ft. on property.

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

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

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

Notices: Area: 500 Mailed: 72
Replies: For: 6 Against: 3

Speakers: For: Rebecca Crowell, 6515 Malcolm Dr., Dallas, TX, 75214
Against: None

2. **Z089-155(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **denial** of the termination of existing deed restrictions on property zoned an MF-2(A) Multifamily District on the east corner of Ledbetter Drive and Haas Drive.

Maker: Rodgers
Second: M. Davis
Result: Failed: 13 to 0

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

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

Notices: Area: 300 Mailed: 33
Replies: For: 2 Against: 2

Speakers: For: Sylvia Hendrix, 3212 E. Ledbetter Dr., Dallas, TX, 75216
Against: None

3. **Z089-261(MAW)**

Planner: Olga Torres Holyoak

Motion I: In considering an application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north side of Harry Hines Boulevard, west of Lofland Street, it was moved to **hold** this case under advisement until January 7, 2010.

Maker: Wally
Second: Lueder
Result: Failed: 6 to 7

For: 6 - Wally, Rodgers, Bagley, Lavallaisaa, Lueder,
Wolfish

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

Motion II: It was moved to recommend **denial without prejudice** of an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north side of Harry Hines Boulevard, west of Lofland Street.

Maker: Peterson
Second: M. Davis
Result: Carried: 12 to 1

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

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

Notices: Area: 400 Mailed: 29
Replies: For: 11 Against: 7

Speakers: For: Robert Baldwin, 401 Exposition Ave., Dallas, TX, 75226
Against: Michael Silhol, 5201 Harry Hines Blvd., Dallas, TX, 75235
Suzan Kedron, 901 Main St., Dallas, TX, 75202
Against (Did not speak): Kenya Woodruff, 5207 Harry Hines Blvd., Dallas, TX, 75235

Zoning Cases – Under Advisement

4. **Z089-236(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Planned Development District for residential uses, subject to a revised conceptual plan and conditions on property zoned an A(A) Agricultural District, on the north side of Barnes Bridge Road, east of Bobtown Road with the following two added conditions: 1) Specific language to protect the cemetery regarding access and buffer zone; adequate to address the platting and archeological issues. 2) Correct and update site data block on concept plan.

Maker: Tarpley
Second: Schwartz
Result: Carried: 7 to 6

For: 7 - Anglin, Lozano, Lavallaisaa, Tarpley, Lueder,
Schwartz, Peterson

Against: 6 - Wally, M. Davis, Rodgers, Bagley, Wolfish,
Alcantar
Absent: 1 - R. Davis
Vacancy: 1 - District 11

Notices: Area: 500 Mailed: 242
Replies: For: 9 Against: 33

Speakers: For: Misty Ventura, 1717 Main St., Dallas, TX, 75201
Jeff Miles, 16301 Quorum Dr., Addison, TX, 75001
Against: Sherry Sefko, 1701 N. Market St., Dallas, TX, 75202
David Byrd, 225 Barnes Bridge Rd., Sunnyvale, TX, 75182
Deborah Geis, 112 Sunview, Sunnyvale, TX, 75182
Josh Bleeker, 7006 Wills Dr., Garland, TX, 75043

Zoning Cases – Individual

5. Z090-102(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-5(A) Single Family District uses, subject to a revised development plan and staff's recommended conditions on property zoned an R-5(A) Single Family District and a CH Clustered Housing District on the south line of Camp Wisdom Road, between Houston School Road and Lancaster Road.

Maker: Lavallaisaa
Second: Rodgers
Result: Carried: 13 to 0

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

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

Notices: Area: 500 Mailed: 49
Replies: For: 3 Against: 1

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

6. Z090-110(WE)

Planner: Warren Ellis

Motion: In considering an application to renew Specific Use Permit No. 1601 for commercial amusement (inside) limited to a Class A dance hall on property zoned a CS Commercial Service District, at the west corner of East Grand Avenue and St. Mary Avenue, it was moved to **hold** this case under advisement until January 7, 2010.

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

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

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

Notices: Area: 300 Mailed: 21
Replies: For: 0 Against: 1

Speakers: None

7. Z090-113(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the east side of Duncanville Road, south of Kiest Boulevard.

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

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

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

Notices: Area: 300 Mailed: 5
Replies: For: 1 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Mark Housewright, 900 Jackson St., Dallas, TX, 75202
Against: None

8. **Z078-236(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for certain Mixed Uses, subject to a conceptual plan and staff's recommended revised conditions on property zoned an MF-1(A) Multifamily District, an MF-2(A) Multifamily District, a TH-3(A) Townhouse District, and a CR Community Retail District on property generally bounded by Bennett Avenue, Manett Street, and Fitzhugh Avenue with the following conditions: 1) Permit an existing auto service center and liquor store use as legally nonconforming uses; 2) Limit a commercial parking lot, subject to and RAR in Tract 2, only; 3) Delete redundant language related to Tract 2 and Tract 2A uses; 4) Permit a Bar, lounge, or tavern by right when less than 3,000 square feet of floor area and by Specific Use Permit in excess of 3,000 square feet; permit the Commercial amusement (inside) use by Specific Use Permit.

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

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

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

Amending Motion: It was moved to **amend** the motion to permit a liquor store use in Tract I, only; by Specific Use Permit.

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

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

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

Notices: Area: 500 Mailed: 174
Replies: For: 18 Against: 2

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

SPSD090-001

Planner: David Cossum

Motion: It was moved to recommend **approval** of amendments to the Downtown Special Provision Sign District to allow a maximum of three midlevel premise signs, per façade on buildings in an area generally bounded by Woodall Rogers to the north, Interstate 45/US 75 to the east, Interstate 30/R.L. Thornton to the south and Interstate 35/Stemmons Freeway.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 11
Conflict: 1 - M. Davis

Notices: Area: 200 Mailed:1763
Replies: For: 29 Against: 2

Speakers: For: John Crawford, Address not given
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the December 3, 2009, City Plan Commission meeting, subject to corrections.

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

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

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

Adjournment

Motion: It was moved to **adjourn** the December 17, 2009, City Plan Commission meeting at 5:20 p.m.

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

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

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

Joe Alcantar, Chair