

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on February 18, 2010, with the briefing starting at 10:40 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, Bruce Bernbaum, Michael Schwartz and Bill Peterson. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Tom Lueder and Sally Wolfish. 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 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) S090-046

Motion: It was moved to **approve** an application to create one 11.4356 acre lot from a tract of land in City Block 6896 located on Crouch Road between Patrol Way and Lancaster Road, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

(2) **S090-050**

Motion: It was moved to **approve** an application to replat a 2.96 acre tract of land containing all of Lots 1A and 3A into 2 lots in City Block A/5780 located at 9620 Starlight Road at Webb Chapel Extension; north corner, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

(3) **S090-051**

Motion: It was moved to **approve** an application to create 4 lots and one 14.445 acre common area from a 187.757 acre tract of land in City Blocks 7332, 7539 and 7716 located on Kiest Boulevard at Southerland Avenue, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

(4) **S090-052**

Motion: It was moved to **approve** an application to replat all of Lots 5 and 6 into one 0.34 acre lot in City Block O/1480 located on 5918 and 5922 Ross Avenue east of Hubert Street, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: For: Thomas K. Motlow, 7184 Fisher Rd., Dallas, TX, 75214
Against: None

(5) **S090-054**

Motion: It was moved to **approve** an application to replat a 1.462 acre tract of land containing all of Lots 1 through 8 in City Block 97; all of Lots 1, 8, and part of Lots 2 and 7, in City Block 86; part of City Block 62, all of City Block 62 ½ and a portion of abandoned Martin Street and fronting on Murphy Street Crossing, Commerce Street, Griffin Street and Main Street, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

(6) **S090-055**

Motion: It was moved to **approve** an application to create one 6.392 acre lot from a tract of land in City Block 6756 on Street Augustine Road south of Bluffcreek Drive, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

Residential Replat

(7) **S090-048**

Motion: It was moved to **approve** an application to replat a 1.20 acre tract containing all of Lot 39 and part of Lot 40 in City Block 6784 into one lot located on 3726 Pruitt Avenue at Military Parkway; northeast corner, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

Miscellaneous Docket

M090-024

Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Tracts I and III within Planned Development District No. 614 on property generally bounded by Belt Line Road, the Dallas North Tollway, Arapaho Road, and Prestonwood Boulevard.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

D090-003

Olga Torres Holyoak

Motion: It was moved to **approve** of a Development plan/Wetlands plan for Tract 13 within Planned Development District No. 508 for Cluster housing, Multifamily, Limited Office, Mixed Use and additional specified uses on the north side of Singleton Boulevard, east of Kingbridge Street.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: None

Zoning Cases – Consent

1. **Z090-128(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for a day care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the southwest corner of Crepe Myrtle Lane and Larkspur Lane.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 200 Mailed: 17
Replies: For: 4 Against: 0

Speakers: None

2. **Z090-130(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Open-enrollment charter school for a three-year period, with eligibility for automatic renewal of additional two-year periods, subject to a revised site plan removing outside play area and revised conditions on property zoned a CS Commercial Service District, an NS(A) Neighborhood Service District, and an MF-2(A) Multifamily District, within the State Fair of Texas property boundary, specifically near the intersection of Pennsylvania Avenue and First Avenue.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

Speakers: None

3. Z090-122(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1620 for Commercial amusement (inside) for a Class A dance hall and an alcohol beverage establishment for a private-club bar for a three-year period, subject to a revised site plan and revised conditions on property zoned a CR Community Retail District, on the east side of Dallas North Tollway Road, north of Belt Line Road.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 12
Replies: For: 0 Against: 1

Speakers: For: Melissa Miller, 7718 Meadowhaven Rd., Dallas, TX, 75254
Roger Albright, 3301 Elm St., Dallas, TX 75201
Against: None

4. Z090-116(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 conditions on property zoned an R-5(A) Single Family District in an area generally bounded by Tioga Street, Sebring Drive, and Soft Wind Drive.

Maker: Lavallaisaa
Second: Rodgers
Result: Carried: 12 to 0

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0
Conflict: 1 - M. Davis

Notices: Area: 500 Mailed: 214
Replies: For: 12 Against: 8

Speakers: None

Zoning Cases – Under Advisement

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

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of 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.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

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

Speakers: None

6. **Z090-101(WE)**

Planner: Warren Ellis

Motion: In considering and application for a Planned Development District for mixed uses on property zoned a CR Community Retail District on the northeast corner of the North Dallas Tollway and Arapaho Road, it was moved to **hold** this case under advisement until March 18, 2010.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 500 Mailed: 21
Replies: For: 1 Against: 0

Speakers: None

7. Z090-112(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial without prejudice** of an IM Industrial Manufacturing District on property zoned a CR Community Retail and a Specific Use Permit for a metal salvage facility on property zoned a CR Community Retail District and an IM Industrial Manufacturing District, in an area generally bounded by Cedar Crest Boulevard, Pontiac Avenue and Childs Street.

Maker: Wally
Second: Anglin
Result: Carried: 11 to 2

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

Against: 2 - Anglin, Wally
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Amending Motion: It was moved to amend the motion to recommend **denial** of an IM Industrial Manufacturing District on property zoned a CR Community Retail and a Specific Use Permit for a metal salvage facility on property zoned a CR Community Retail District and an IM Industrial Manufacturing District in an area generally bounded by Cedar Crest Boulevard, Pontiac Avenue and Childs Street.

Maker: M. Davis
Second: Rodgers
Result: Carried: 9 to 4

For: 9 - R. Davis, M. Davis, Rodgers, Lozano, Bagley,
Lavallaisaa, Bernbaum, Peterson, Alcantar

Against: 4 - Wally, Anglin, Tarpley, Schwartz
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 300 Mailed: 26
Replies: For: 2 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
William Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: Janet Long, 1942 Cedar Crest Blvd., Dallas, TX, 75203
Herbie K. Johnson, 1547 Bonnie View Rd., Dallas, TX, 75203
Against (Did not speak): Ann Williams, 2040 Argyle Ave., Dallas, TX, 75203
Jessalyn G. Johnson, 1547 Bonnie View Rd., Dallas, TX, 75203
Eleanor Conrad, 2003 Lanark Ave., Dallas, TX, 75203
Betty J. Davis, 1947 Lanark Ave., Dallas, TX, 75203
Phillip Gipson, 1917 Lanark Ave., Dallas, TX, 75203
Jonnie Gipson, 1917 Lanark Ave., Dallas, TX, 75203
Welton Haynes, 1438 Bonnie View Rd., Dallas, TX, 75203
Vernell McCall, 2123 Lanark Ave., Dallas, TX, 75203

Zoning Cases – Individual

8. Z089-203(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to the existing Light Mixed Use Subdistrict within Planned Development District No. 631, the West Davis Special Purpose District to permit the requested use by Specific Use Permit, subject to staff's recommended conditions and a revised West Davis Special Purpose District and Subdistrict Boundary Map, with the following changes: 1) Pg. 8-7, Definition of Machine shop be adopted with the last sentence be deleted and replaced with the following: "Outside storage should be limited to 6000 square feet." 2) Pg. 8-23, Strike and delete the sentence "Staff does not support any outside storage on the property." and #2 be reworded to read as follows: "Loading and unloading areas must be screened from Davis Avenue and Dwight Street with a minimum of 6 foot solid screen. 3) Outside storage be labeled on the site plan, and **approval** of a Specific Use Permit for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a revised site plan and conditions, in lieu of the applicant's request to create a new subdistrict within Planned Development District No. 631 and permitting the requested use by right on the northeast corner of West Davis Street and Dwight Avenue.

Maker: Lozano
Second: R. Davis
Result: Carried: 13 to 0

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Notices: Area: 500 Mailed: 58
Replies: For: 4 Against: 2

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

Development Code Amendments

DCA089-003

Planner: David Cossum

Motion: In considering amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.702; amending requirements for development plans and conceptual plans for planned development districts, it was moved to **hold** this case under advisement until March 4, 2010.

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

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Speakers: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Neal Sleeper, 3232 McKinney Ave., Dallas, TX, 75204
Jon Napper, 5950 Berkshire, Dallas, TX, 75225
Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Brandy Branum, 5430 LBJ Freeway, Dallas, TX, 75240

DCA090-004

Planner: David Cossum

Motion: It was moved to recommend **approval** of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.305, "Handicapped Parking Regulations," to require compliance with all Federal and State requirements.

Maker: Bagley

Second: Bernbaum

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Lueder, Wolfish

Vacancy: 0

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the February 4, 2010, City Plan Commission meeting, subject to corrections.

Maker: Schwartz

Second: Tarpley

Result: Carried: 13 to 0

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

Against: 0

Absent: 2 - Lueder, Wolfish

Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the February 18, 2010, City Plan Commission meeting at 3:02 p.m.

Maker: Wally

Second: Bagley

Result: Carried: 13 to 0

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

Against: 0
Absent: 2 - Lueder, Wolfish
Vacancy: 0

Joe Alcantar, Chair