

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on March 26, 2009, with the briefing starting at 11:05 a.m. in Room 5ES and the public hearing at 1:32 p.m. in the City Council Chambers of City Hall. Presiding were Joe Alcantar, Chair and Chris Buehler, Vice Chair. The following Commissioners were present during the hearing: James Prothro, Liz Wally, Clarence Gary, Michael Davis, Emma Rodgers, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Bob Weiss, Tom Lueder, Sally Wolfish, Robert Ekblad and Neil Emmons. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: None. 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  
Horner

Planner: Michael Grace

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) **S089-066**

**Motion:** It was moved to **approve** an application to create a 22.073 acre lot out of a tract of land in City Block 8598 generally on the north side of W. Camp Wisdom Road at the intersection of W. Camp Wisdom Road and Timberbrook Lane, subject to compliance with the conditions listed in the docket.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(2) **S089-067**

**Motion:** It was moved to **approve** an application to create a 4.28 acre lot out of a tract of land in City Block C/6154 at the intersection of Midway Road and Royal Lane, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(3) **S089-068**

**Motion:** It was moved to **approve** an application to create a 0.4603 acre lot out of the remainder of Lot 2 in City Block A/8420 generally near the intersection of LBJ Freeway and Forest Lane, subject to compliance with the conditions listed in the docket.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(4) **S089-070**

**Motion:** It was moved to **approve** an application to replat 100.7 acres containing multiple lots and tracts into one lot generally at the intersection of Central Expressway and Linfield Road, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(5) **S089-071**

**Motion:** It was moved to **approve** an application to replat Lot 1A in City Block B/2628 into a 0.96 acre lot and a 4.061 acre lot at the intersection of Dolphin Road and Mingo Street, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** For: James Harrington, P.O. Box 140447, Dallas, TX, 75214  
Against: None

(6) **S089-072**

**Motion:** It was moved to **approve** an application to replat 0.384 acre containing Lots 31A and 31B in City Block 5/642 into an 8 lot Shared Access Area Development ranging in size from 1,137 sq. ft. to 1,938 sq. ft. at the intersection of Haskell Avenue and San Jacinto Street, southwest corner, subject to compliance with the conditions listed in the docket with a revision to Condition #8 to reflect 9 lots instead of 8 lots.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** For: Dayton MacAtee, 6440 N. Central Expressway, Dallas, TX, 75206  
Against: None

Miscellaneous Docket

**M089-020**

Planner: Richard Brown

**Motion:** It was moved to **approve** of a minor amendment to the development plan and landscape plan for Planned Development District No. 783 for MU-2 Mixed Use District Uses on the northeast corner of Greenville Avenue and Walnut Hill Lane.

Maker: Ekblad  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

**M089-021**

Planner: Richard Brown

**Motion:** It was moved to **approve** of a minor amendment to the site plan for Specific Use Permit No. 840 for a Hospital on the north corner of Lemmon Avenue and the abandoned portion of Howell Street.

Maker: Ekblad  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

**Z078-248(WE)**

Planner: Warren Ellis

**Motion:** It was moved to **approve** of deed restrictions and **approval** of conditions submitted in conjunction with an application for a new Subdistrict within Subdistrict B in the north zone within Planned Development District No. 521 for mixed uses and a Specific Use Permit for gas drilling, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway).

Maker: Gary  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

**Z078-313(WE)**

Planner: Warren Ellis

**Motion:** It was moved to **approve** of deed restrictions and **approval** of conditions submitted in conjunction with an application for a Specific Use Permit for gas drilling within Subdistrict B in the north zone within Planned Development District No. 521 for mixed uses, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway).

Maker: Gary  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

**D089-009**

Planner: Neva Dean

**Motion:** It was moved to **approve** of a development plan for Planned Development District No. 775 on the west side of Lullwater Drive, north of Northwest Highway.

Maker: Gary  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

**W089-005**

Planner: Neva Dean

**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 Specific Use Permit No. 1739 on the south side of Camp Wisdom Road, west of Eagle Ford Drive.

Maker: Gary  
Second: Prothro  
Result: Carried: 9 to 6

For: 9 - Wally, Gary, Davis, Rodgers, Lozano,  
Lavallaisaa, Lueder, Buehler, Wolfish

Against: 6 - Prothro, Bagley, Weiss, Ekblad, Emmons,  
Alcantar

Absent: 0  
Vacancy: 0

**Speakers:** For: Edward Kalantanans, 6430 Richmond Ave., Houston, TX, 77057  
Against: None

Certificates of Appropriateness for Signs

**Uptown Sign District:**

**090225105**

Planner: Kyra Blackston

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of a 72 square foot flat attached premise sign on the western building elevation containing the words "Wells Fargo" at 2222 McKinney Avenue.

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

For: 14 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0  
Conflict: 1 - Emmons

**Speakers:** For: Jimmie Wauford, 613 Opal, Saginaw, TX, 76179  
Against: None

Zoning Cases – Consent

**Note:** Initially, the consent agenda was moved for approval by Commissioner Gary and seconded by Commissioner Davis. Subsequently, Commissioner Weiss offered a substitute motion to separate the two items and hear them individually. The substitute motion was seconded by Commissioner Wolfish. The motion carried with Chair Alcantar and Commissioner Gary voting against the motion and the remaining 13 members voting in favor.

**1. Z089-139(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of an NO(A) Neighborhood Office District and **approval** of the termination of a portion of Specific Use Permit No. 159 for a library use on property zoned an R-7.5(A) Single Family District on the south side of West Illinois Avenue, east of Hampton Road.

Maker: Gary  
Second: Weiss  
Result: Carried: 11 to 4

For: 11 - Wally, Gary, Davis, Rodgers, Lozano, Lavallaisaa, Weiss, Lueder, Buehler, Ekblad, Alcantar

Against: 4 - Prothro, Bagley, Wolfish, Emmons  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 24  
**Replies:** For: 1 Against: 2

**Speakers:** For: Anselmo Montemayor, Address Not Given  
Against: None

**2. Z089-140(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** to amend the deed restrictions on property zoned an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Avenue.

Maker: Bagley  
Second: Buehler  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

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

**Speakers:** None

Zoning Cases – Under Advisement

3. **Z078-309(RB)**

Planner: Richard Brown

**Motion:** In considering an application a Specific Use Permit for Gas drilling and production on property zoned an A(A) Agricultural District and Specific Use Permit No. 517 for a Commercial radio station and transmitting towers on the south line of Sanders Loop, east of Belt Line Road, it was moved to **hold** this case under advisement until April 23, 2009.

Maker: Bagley  
Second: Buehler  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis\*, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 1000 Mailed: 14  
**Replies:** For: 1 Against: 0

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

4. **Z078-312(WE)**

Planner: Warren Ellis

**Motion I:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1609 for potentially incompatible industrial uses with outside storage for a two-year period, subject to a site plan and conditions on property zoned an IM Industrial Manufacturing District, on the west side of Spangler Road, between Ryan Road and Walnut Hill Lane with the following changes: 1) Amend conditions to include language allowing asphalt and 2) Performance bond be set for \$100,000 with an AAA underwriter.

Maker: Lozano  
Second: Davis  
Result: Failed: 7 to 8

For: 7 - Gary, Davis, Lozano, Lavallaisaa, Lueder, Ekblad, Alcantar

Against: 8 - Prothro, Wally, Rodgers, Bagley, Weiss, Buehler, Wolfish, Emmons

Absent: 0  
Vacancy: 0

**Motion II:** It was moved to recommend **denial** of the renewal of Specific Use Permit No. 1609 for potentially incompatible industrial uses with outside storage on property zoned an IM Industrial Manufacturing District, on the west side of Spangler Road, between Ryan Road and Walnut Hill Lane.

Maker: Weiss  
Second: Prothro  
Result: Carried: 10 to 5

For: 10 - Prothro, Wally, Gary, Rodgers, Bagley, Lavallaisaa, Weiss, Buehler, Wolfish, Emmons

Against: 5 - Davis, Lozano, Lueder, Ekblad, Alcantar  
Absent: 0  
Vacancy: 0

**Notices:** Area: 400 Mailed: 15  
**Replies:** For: 1 Against: 5

**Speakers:** For: Dan Garrigan, 2911 McKinney Ave., Dallas, TX, 75204  
Against: Thomas Helsley, 10730 Spangler Rd., Dallas, TX, 75220  
Scott Helsley, 10730 Spangler Rd., Dallas, TX, 75220  
City: Chris Caso, Assistant City Attorney

**Note:** It was moved by Commissioner Buehler and seconded by Commissioner Lueder to change the order of the agenda and hear item for reconsideration Z089-115(RB), next. The Commission voted unanimously to change the order of the agenda.

Zoning Cases – Individual

5. Z089-122(WE)

Planner: Warren Ellis

**Motion:** In considering an application for an expansion of, and amendment to, Planned Development District No. 757 for an open enrollment charter school and R-5(A) Single Family District uses on property zoned Planned Development District No. 757 an A(A) Agricultural District, and an R-7.5(A) Single Family District on the north side of Wheatland Road between Mask Drive and Houston School Road, it was moved to **hold** this case under advisement until April 2, 2009.

Maker: Lavallaisaa  
Second: Davis  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 500 Mailed: 41  
**Replies:** For: 1 Against: 0

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

Reconsideration

6. Z089-115(RB)

Planner: Richard Brown

**Motion I:** It was moved to **suspend** the CPC Rules of Procedure to allow reconsideration of Z089-115(RB).

Maker: Emmons  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Motion II:** It was moved to **reconsider** the action taken on February 12, 2009, which was to approve an amendment to and renewal of Specific Use Permit No. 1496 for an open-enrollment charter school for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions on property zoned an IR Industrial Research District, on the southeast corner of Joseph Hardin Drive and Exchange Service Drive.

Maker: Emmons  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Motion III:** It was moved to **withdraw** the motion to approve an amendment to and renewal of Specific Use Permit No. 1496 for an open-enrollment charter school for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions on property zoned an IR Industrial Research District, on the southeast corner of Joseph Hardin Drive and Exchange Service Drive to allow for public testimony.

Maker: Gary  
Second: Emmons  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Motion IV:** It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1496 for an open-enrollment charter school for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions on property zoned an IR Industrial Research District, on the southeast corner of Joseph Hardin Drive and Exchange Service Drive.

Maker: Gary  
Second: Lozano  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 9  
**Replies:** For: 1 Against: 0

**Speakers:** For: Charles Sisneros, 4811 Joseph Hardin Dr., Dallas, TX, 75236  
Against: None

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Other Matters

Minutes

**Motion:** It was moved to **approve** the minutes of the March 12, 2009, City Plan Commission meeting, subject to corrections.

Maker: Ekblad  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

Adjournment

**Motion:** It was moved to **adjourn** the March 26, 2009, City Plan Commission meeting at 3:42 p.m.

Maker: Buehler  
Second: Weiss  
Result: Carried: 15 to 0

For: 15 - Prothro, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

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Joe Alcantar, Chair