

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on April 23, 2009, with the briefing starting at 10:36 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

Note: There were no subdivision cases.

#### Miscellaneous Docket

### **M089-018**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 385 for a Private school, Convent or monastery, and Single family dwellings on the south side of Walnut Hill Lane, west of Inwood Road.

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

**M089-025**

Planner: Richard Brown

**Motion:** It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 400 for Private school on the northwest and southwest corners of Midway Road and Merrell Road.

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

Miscellaneous Docket – Under Advisement

**M089-023**

Planner: Richard Brown

**Motion:** In considering variations to Design Standards for Section 51A-4.605 of the Dallas Development Code for a general merchandise and food store use 100,000 sq. ft. or more and design standards for furniture stores and home improvement stores that are 100,000 sq. ft. or more on the south corner of Lemmon Avenue and Atwell Street, it was moved to **hold** this case under advisement until May 7, 2009.

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

Certificates of Appropriateness for Signs

**Downtown Sign District:**

**090324002**

Planner: Kyra Blackston

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of a 350 square foot flat attached premise sign on the southern building elevation at 1015 Elm Street.

Maker: Wally  
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

**090324003**

Planner: Kyra Blackston

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of a 350 square foot flat attached premise sign on the western building elevation at 1015 Elm Street.

Maker: Wally  
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

090324004

Planner: Kyra Blackston

**Motion:** It was moved to **approve** a Certificate of Appropriateness for the installation of a 350 square foot flat attached premise sign on the northern building elevation at 1015 Elm Street.

Maker: Wally  
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

Zoning Cases – Consent

1. **Z089-121(OTH)**

Planner: Olga Torres Holyoak

**Motion:** It was moved to recommend **approval** of an amendment to and expansion of Planned Development District No. 751, subject to Tract 1A development plan/ Tract 1, Tract 2 conceptual plan and landscape plan on property zoned an RR Regional Retail District and Tract 1 within Planned Development District No 751 on the north side of Wheatland Road, west of Hampton Road and north of L.B.J. Freeway.

Maker: Weiss  
Second: Rodgers  
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: 152  
**Replies:** For: 2                              Against: 1

**Speakers:** None

2. **Z089-157(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the southwest corner of Converse Street and Conant Street.

Maker: Weiss  
Second: Rodgers  
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: 26  
**Replies:** For: 4 Against: 0

**Speakers:** None

3. **Z089-165(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a Planned Development District for CR-D Community Retail District uses, subject to a development plan, revised landscape plan and revised conditions with retention of the D Dry Liquor Control Overlay on a portion of the site on property zoned a CR-D Community Retail District with a Dry Liquor Control Overlay and an R-7.5(A) Single Family District, on the northeast corner of St. Augustine Road and Lake June Road.

Maker: Weiss  
Second: Rodgers  
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: 33  
**Replies:** For: 3 Against: 0

**Speakers:** None

**4. Z089-162(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a general merchandise or food store greater than 100,000 square feet for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, revised landscape plan, and revised conditions on property zoned a CS Commercial Service District on the west line of McCree Road, north of Northwest Highway.

Maker: Weiss  
Second: Rodgers  
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: 400                      Mailed: 15  
**Replies:** For: 0                              Against: 0

**Speakers:** None

Zoning Cases – Under Advisement

**5. 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 May 7, 2009.

Maker: Lozano  
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: 1000 Mailed: 14  
**Replies:** For: 1 Against: 0

**Speakers:** None

6. **Z078-285(KS)**

Planner: Kate Singleton

**Motion:** It was moved to recommend **approval** to create a new subarea within Conservation District No. 1, the King's Highway Conservation District, subject to staff's conditions on property zoned Subarea 1, a Single Family Subdistrict, and Subarea 4, a Multifamily Subdistrict, within Conservation District No. 1, in an area generally bounded by the northern blockface of King's Highway, the eastern blockface of Montclair Avenue, southern blockface of Kyle Avenue, and the western blockface of Mary Cliff Road with the following additions: 1) Translucent window facing an abutting side or rear yard, any portion of which is located at or above 26 feet in height, must be set back a minimum of 20 feet from the abutting side or rear yard property line. 2) The minimum front yard setback is 15 feet, except that roofed porches, stoops, steps, and railings may project up to five feet into the front yard setback and may be a maximum of 15 feet in height. 3) Under residential uses, add handicapped group dwelling unit. 4) A minimum of 20 percent of a shared access development or a multi family use development must be landscaped area

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

For: 11 - Prothro, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Lueder, Buehler, Ekblad,  
Alcantar

Against: 4 - Wally, Weiss, Wolfish, Emmons  
Absent: 0  
Vacancy: 0

**Amending Motion:** It was moved to **amend** the motion to include guest parking at 1.25 spaces per unit.

Maker: Emmons  
Second: Wolfish  
Result: Carried: 11 to 4

For: 11 - Prothro, Wally, Gary, Rodgers, Bagley,  
Lavallaisaa, Weiss, Buehler, Wolfish, Ekblad,  
Emmons

Against: 4 - Davis, Lozano, Lueder, Alcantar  
Absent: 0  
Vacancy: 0

**Notices:** Area: 500 Mailed: 115  
**Replies:** For: 11 Against: 18

**Speakers:** For: Larry Good, 2808 Fairmount St., Dallas, TX, 75201  
Rick Garza, 1314 Kings Hwy., Dallas, TX, 75208  
Ed Meier, 828 N. Edgefield Ave., Dallas, TX, 75208  
Val Haskell, 1619 Kings Hwy., Dallas, TX, 75208  
Christian Johnson, 1851 Timbergrove Cr., Dallas, TX, 75208  
Amanda Cross, 1116 Kensington Dr., Dallas, TX, 75208  
Ed Oakley, 3216 Mapleleaf Cr., Dallas, TX, 75233  
For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Lauren Odell, 300 Crescent Ct., Dallas, TX, 75214  
David Spence, 1941 Old Orchard Dr., Dallas, TX, 75208  
Evan Beattle, 2808 Fairmount St., Dallas, TX, 75201  
Jennifer Popst, 600 N. Bishop Ave., Dallas, TX, 75208  
Michelle Miranda, 600 N. Bishop Ave., Dallas, TX, 75208  
Kyle Oudt, 300 Crescent Ct., Dallas, TX, 75201  
Cory Spengler, 1235 Haines Ave., Dallas, TX, 75208  
Jakob Anderson, 903 Stevens Woods Ct., Dallas, TX, 75208  
Nate Thornton, 600 N. Bishop Ave., Dallas, TX, 75208  
Dirik Oudt, 300 Crescent Ct., Dallas, TX, 75201  
Matt Johnson, 300 Crescent Ct., Dallas, TX, 75201  
Paul Zubiata, 1427 Kings Hwy., Dallas, TX, 75208  
Michael Motta, 738 N. Edgefield Ave., Dallas, TX, 75208  
Catherine Walker, 916 N. Winnetka Ave., Dallas, TX, 75208  
Kara Robinson, 606 N. Montclair Ave., Dallas, TX, 75208  
Jenni Stolarski, 1619 Kings Hwy., Dallas, TX, 75208  
Against: John McCalib, 1807 Timbergrove Cr., Dallas, TX, 75208  
Cathy Schneider, 1922 Timbergrove Cr., Dallas, TX, 75208  
Robert Hernandez, 1635 Kyle Ave., Dallas, TX, 75208  
Bonner Hernandez, 1635 Kyle Ave., Dallas, TX, 75208  
Monica Molina, 1431 Kings Hwy., Dallas, TX, 75208  
Bertric Armstrong, 1731 Timbergrove Cr., Dallas, TX, 75208  
Scott Jenke, 2017 Lavraette, Dallas, TX, 75208  
Mary Lou Liberto, 1816 Timbergrove Cr., Dallas, TX, 75208  
Against (Did not speak): Darla McCalib, 1807 Timbergrove Cr., Dallas, TX, 75208  
Mrs. Peter Schneider, 1922 Timber grove Cr., Dallas, TX, 75208  
Ned Armstrong, 1731 Timbergrove Cr., Dallas, TX, 75208  
Helen Spears, 1923 Timbergrove Cr., Dallas, TX, 75208  
Mary Laughlin, 2831 Bonnywood Ln., Dallas, TX, 75233

Paul Wehrmann, 1821 Timbergrove Cr., Dallas, TX, 75208  
Roger Hebard, 1744 Timbergrove Cr., Dallas, TX, 75208  
Wayne H. Meachum, 1707 Timbergrove Cr., Dallas, TX, 75208  
Horace Nash, Jr., 5364 Southern Ave., Dallas, TX, 75209  
Gerardo Casas, 2017 Timbergrove Cr., Dallas, TX, 75208  
Jerrold Broussard, 2017 Timbergrove Cr., Dallas, TX, 75208  
Cecil Kavanaugh, 1730 Timbergrove Cr., Dallas, TX, 75208

Individual Cases

7. **SPSD067-003**

Planner: Kyra Blackston

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for installation of two non-premise district activity videoboards for a five-year period, subject to a site plan and revised conditions on a property zoned Planned Development District No. 619 on Main Street, an area bounded by Main, Elm and Four Way Place Mall.

Maker: Buehler  
Second: Davis  
Result: Carried: 12 to 3

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Weiss, Lueder, Buehler,  
Ekblad, Alcantar

Against: 3 - Wally, Wolfish, Emmons  
Absent: 0  
Vacancy: 0

**Amending Motion:** It was moved to **amend** the motion to allow the Specific Use Permit time period begin the date the Certificate of Occupancy is received.

Maker: Ekblad  
Second:  
Result: **Failed for lack of a second**

**Notices:** Area: 200 Mailed: 90  
**Replies:** For: 4 Against: 0

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

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Other Matters

Outside Storage Code Amendment

**Motion:** It was moved to **approve** extending the 90 day time limit for consideration of this item as allowed under the CPC Rules of Procedure which require the Zoning Ordinance Advisory Committee to make a recommendation on amendments to the Dallas Development Code within 90 days after submission of the item to the committee unless the time period is extended by majority vote of the commission.

Maker: Weiss  
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

Minutes

**Motion:** It was moved to **approve** the minutes of the April 16, 2009, City Plan Commission meeting, subject to corrections.

Maker: Weiss  
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

Adjournment

**Motion:** It was moved to **adjourn** the April 23, 2009, City Plan Commission meeting at 3:53 p.m.

Maker: Weiss  
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

**Speakers:** None

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Joe Alcantar, Chair