

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on May 21, 2009, with the briefing starting at 10:10 a.m. in Room 5ES and the public hearing at 1:30 p.m. in the City Council Chambers of City Hall. Presiding over the City Plan Commission 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:

ACTION ITEM:

UNT-Dallas Area Plan

Planner: David Schleg

Motion: In considering a public hearing to receive comments on the proposed UNT-Dallas Area Plan used as a policy and implementation guide for future development, in an area generally along IH-35 (western boundary), IH-20 (southern boundary), West Laureland Road/Wagon Wheels Trail (northern boundary) and Tracy Road (eastern boundary), it was moved to **hold** this case under advisement until June 11, 2009.

Maker: Rodgers
Second: Lavallaissa
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: Leslie Jutzi, 2200 Ross Ave., Dallas, TX, 75201
Greg Tomlin, 7300 Houston School Rd., Dallas, TX, 75241
Edna Pemberton, 7101 Flameleaf Pl., Dallas, TX, 75249
Alvin Scott, 7527 Houston School Rd., Dallas, TX, 75241
Anastasia Semos, 1939 W. Colorado Blvd., Dallas, TX, 75208
Robert Pitre, 1801 E. Wheatland Rd., Dallas, TX, 75241
Joanna Hampton, 4924 Tremont St., Dallas, TX, 75214
Against: Gail Terrell, 1445 Firebird Dr., Dallas, TX, 75241
Against (Did not speak): Jacqueline Harris, 1919 Ebbtide Ln., Dallas, TX, 75224
Thomasesia Scott, 7407 Houston School Rd., Dallas, TX, 75241
Roylene Hanks, 7303 Houston School Rd., Dallas, TX, 75241

Note: A quorum of the urban design Advisory Committee was present.

Note: Commissioner Buehler moved to suspend CPC rules and change the order of the agenda to hear SPSD089-001 next. Commissioner Weiss seconded the motion. The Commission voted unanimously to hear SPSD089-001 next.

Subdivision Docket

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) **S089-093**

Motion: It was moved to **approve** an application to replat all of Lots 3 and 4 in City Block 1/5172 into one 15,700.00 sq. ft. lot generally located at the intersection of Andrews Drive and Illinois Avenue, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Prothro
Second: Lueder
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 of the motion.

Speakers: None

(2) **S089-095**

Motion: It was moved to **approve** an application to replat 1.079 acres containing Lots 28 thru 30 and 36 thru 38 in City Block 5/642 into a 30 lot Shared Access Development located at the intersection of Apple Street and San Jacinto Street, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Prothro
Second: Lueder
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 of the motion.

Speakers: None

(3) **S067-209R**

Motion: It was moved to **approve** an application to create a 1.7845 acre lot and a 5.0235 acre lot out of a tract of land in City Block 5985 on property located at the intersection of U.S. Hwy. 67 and S. Polk Street, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Prothro
Second: Lueder
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 of the motion.

Speakers: None

Residential Replats

(4) **S089-012RR**

Motion I: It was moved to **approve** an application to remove the platted building line of Lots 1 thru 5; all of Lots 6 thru 10 in City Block C/7100 of the Tipton Annex No. 2 Addition; remainder of Lots 1 and 2 in City Block A/7097 of Brantley's Junior Addition and Lots 3 thru 8 in City Block A/7097 of Brantley's Junior Addition into a 62,412 sq. ft. lot and a 26,449 sq. ft. lot located at the intersection of Canada Drive and Topeka Avenue, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Lozano
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

*out of the room, shown voting in favor of the motion.

Motion II: It was moved to **approve** an application replat portions of Lots 1 thru 5; all of Lots 6 thru 10 in City Block C/7100 of the Tipton Annex No. 2 Addition; remainder of Lots 1 and 2 in City Block A/7097 of Brantley's Junior Addition and Lots 3 thru 8 in City Block A/7097 of Brantley's Junior Addition into a 62,412 sq. ft. lot and a 26,449 sq. ft. lot located at the intersection of Canada Drive and Topeka Avenue, southwest corner, subject to compliance with the conditions listed in the docket.

Maker: Lozano
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

*out of the room, shown voting in favor of the motion.

Speakers: None

Miscellaneous Docket

M089-013

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 154 for Retail, Office, and Residential Uses on the north corner of Rawlins Street and Welborn Street.

Maker: Emmons
Second: Weiss
Result: Carried: 13 to 0

For: 13 - Prothro*, Wally, Gary, Davis, Rodgers, Lozano, Bagley, Lavallaisaa, Weiss, Lueder, Ekblad, Emmons, Alcantar

Against: 1
Absent: 1 - Buehler
Vacancy: 0
Conflict: 1 - Wolfish

*out of the room, shown voting in favor of the motion.

Speakers: None

Miscellaneous Docket – Under Advisement

M089-008

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 754 for certain residential and nonresidential uses on both sides of Brockbank Drive and the south line of Valley Meadow Drive.

Maker: Lozano
Second: Davis
Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Speakers: None

Zoning Cases – Consent

1. **Z089-168(WE)**

Planner: Warren Ellis

Motion: In considering an application to create a new Subdistrict for retirement housing and TH-3(A) Townhouse District uses within Planned Development District No. 625, on the south line of Crouch Road, west of Lancaster Road, it was moved to **hold** this case under advisement until June 11, 2009.

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

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

Notices: Area: 500 Mailed: 2
Replies: For: 0 Against: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Clifton Phillips, 1750 Valley View Ln., Dallas, TX, 75234
Against: Gail Terrell, 1445 Firebird Dr., Dallas, TX, 75241

2. **Z089-174(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern for a two-year period, subject to a site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Elm Street, west of Malcolm X Boulevard.

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

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 200 Mailed: 20
Replies: For: 0 Against: 0

Speakers: None

3. **Z089-207(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for Local Utilities for a permanent time period, subject to a site plan and conditions on property zoned an MF-1(A) Multifamily District with Specific Use Permit No. 1 for Apartment-2 Uses limited to a Community club, private school, and apartments on the northwest corner of Belt Line Road and Spring Creek Road.

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

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 200 Mailed: 8
Replies: For: 1 Against: 0

Speakers: None

Zoning Cases – Under Advisement

A. **Z089-169(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **denial** of the creation of a new Subarea (Subarea 2A) on property within the Subarea 2 portion of Planned Development District No. 363 for Residential, Office and Retail uses on the northeast line of Merlin Street, north of Grand Avenue.

Maker: Bagley
Second: Emmons
Result: Carried: 14 to 0

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

Notices: Area: 500 Mailed: 72
Replies: For: 1 Against: 3

Speakers: For: Transwell Livingston, 9708 Skillman St., Dallas, TX, 75243
Tony Sisk, 5605 N. MacArthur Blvd., Irving, TX, 75206
Lester Nevels, 2231 Trinidad Dr., Dallas, TX, 75232
Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Terry Smith, 1323 Caldwell Ave., Dallas, TX, 75223
Yvonne Andrews, 2610 Martin Luther King Blvd., Dallas, TX, 75215
For (Did not speak): Stan Vance, 1323 Caldwell Ave., Dallas, TX, 75223
Joseph Garcia, 2319 Elm Falls, Dallas, TX, 75181
Anquinsa Mathis, 4614 Verdun Ave., Dallas, TX, 75215
Sylvia Penez, 4614 Verdun Ave., Dallas, TX, 75215
Michelle Nelson, 4614 Verdun Ave., Dallas, TX, 75215
Jean Faddis, 9633 Ferris Branch Blvd., Dallas, TX, 75243
Jeffery Davidson, 1323 Caldwell Ave., Dallas, TX, 75223
Ruthena Kelly, 4614 Verdun St., Dallas, TX, 75215
Jennifer Livingston, 1127 Colbert Ln., Duncanville, TX, 75137
Craven Vasquez, 1818 Corsicana St., Dallas, TX, 75201
Chris Canada, 1818 Corsicana St., Dallas, TX, 75201
Hortencia Farghal, 1818 Corsicana St., Dallas, TX, 75201
Jose Martinez, 1818 Corsicana St., Dallas, TX, 75201
M. Ross Taylor, 9708 Skillman St., Dallas, TX, 75243
Mariza Olvera, 1818 Corsicana St., Dallas, TX, 75201
Against: Alva Baker, 2401 South Blvd., Dallas, TX, 75215
Joyce Strickland, 2615 South Blvd., Dallas, TX, 75215
T.A. Sneed, 2316 Park Row Ave., Dallas, TX, 75215
Ida Mae Wells, 2735 Park Row Ave., Dallas, TX, 75215
Eric Byrd, 1008 Townsend Ln., Desoto, TX, 75215

B. Z089-186(MAW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Alcoholic Beverage Establishment limited to a bar, lounge or tavern for a two-year time period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions on property zoned an IR Industrial Research District with deed restrictions on the northeast side of Maple Avenue, northwest of Inwood Road.

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

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

Against: 0
Absent: 1 - Buehler
Vacancy: 0

*out of the room, shown voting in favor of the motion.

Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 5

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
J.D. Buchert, 2515 Inwood Rd., Dallas, TX, 75235
David Webster, 5740 Maple Ave., Dallas, TX, 75219
Michael Lovuolo, 616 Cristler Ave., Dallas, TX, 75223
Against: Nancy Feaster, 10157 Casa View Ave., Dallas, TX, 75228

C. Z089-187(WE)

Planner: Warren Ellis

Motion I: It was moved to recommend **approval** of a Specific Use Permit for an Inside commercial amusement for a Class A dance hall for a two-year time period, subject to a site plan and staff's revised recommended conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special District on the southeast corner of Maple Avenue and Knight Street.

Maker: Wally
Second: **Failed for lack of a second**

Motion II: It was moved to recommend **denial** of a Specific Use Permit for an Inside commercial amusement for a Class A dance hall on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special District on the southeast corner of Maple Avenue and Knight Street.

Maker: Weiss
Second: Davis
Result: Carried: 13 to 1

For: 13 - Prothro, Gary, Davis, Rodgers, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 1 - Wally
Absent: 2 - Lozano, Buehler
Vacancy: 0

Notices: Area: 200 Mailed: 17
Replies: For: 2 Against: 2

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX 75201
Against: Frank Ashmore, 4011 Maple Ave., Dallas, TX, 75219
Dennis Corbett, 2401 Knight St., Dallas, TX, 75219
Against (Did not speak): Barry Henry, 3819 Maple Ave., Dallas, TX, 75219
Mandy Lemmond, 3819 Maple Ave., Dallas, TX, 75219

Development Code Amendment

DCA089-001

Planner: Carrie Gordon

Motion: It was moved to recommend **approve** of amendments to Article IV, "Zoning Regulations" of Chapter 51A, the City of Dallas Development Code, amending the district in which a business school use is allowed.

Maker: Weiss
Second: Wolfish
Result: Carried: 12 to 0

For: 12 - Prothro, Wally, Gary, Davis, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Rodgers, Lozano, Buehler
Vacancy: 0

Speakers: For: Tommy Mann, 5400 Renaissance Tower, Dallas, TX, 75201
Against: None

Special Provision Sign District

SPSD089-001

David Cossum

Motion I: It was moved to recommend **approval** of amendments to the Downtown Special Provision Sign District to renew and amend the 'Supergraphic' provisions, including consideration of amendments allowing additional supergraphic signs, expanding the types of walls they can be placed on and reducing minimum size requirements with the following changes added: 1) Under Visual display and coverage, "Promotional wallscape may contain 10 percent text or logo related to sponsorship. The remainder of the sign must promote the special event." 2) Under Visual display and coverage, "No building may have more than two central business district wallscape signs. No municipal building may have more than 4 municipal center signs. Supergraphic signs on the same building must be oriented a minimum of 90 degrees from each other. 3) Under Visual display and coverage delete any requirements for height. 4) Under Location, "A supergraphic sign may only be located on a blank portion of a wall on a face building."

Maker: Weiss
Second: Emmons
Result: Carried: 12 to 3

For: 12 - Prothro, Gary, Davis, Rodgers, Lozano,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 3 - Wally, Bagley, Buehler
Absent: 0
Vacancy: 0

Amending Motion: It was moved to **amend** the motion to replace ZOAC's recommendation for Location "A supergraphic sign may only be located on a blank portion of a wall on a face of a building" with Alternate 1 that reads as follows: "A central business district wallscape sign may only be located on a blank face of a building."

Maker: Wally
Second: Emmons
Result: Carried: 9 to 6

For: 9 - Prothro, Wally, Gary, Bagley, Lavallaisaa,
Buehler, Wolfish, Ekblad, Emmons

Against: 6 - Davis, Rodgers, Lozano, Weiss, Lueder,
Alcantar
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 1070
Replies: For: 40 Against: 2

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Ashley Newto, 222 Browder St., Dallas, TX, 75201
Veletta Lill, 2200 Ross Ave., Dallas, TX, 75201
Steve Shepherd, 1505 Elm St., Dallas, TX, 75201
Dustin Bullard, 1309 Main St., Dallas, TX, 75202
Jim Truitt, 1717 Main St., Dallas, TX, 75201
Ray Hammer, 400 N. Olive St., Dallas, TX, 75201
Ted Hamilton, 7538 Overdale Dr., Dallas, TX, 75254
John Crawford, 2200 Ross Ave., Dallas, TX, 75201
Against: None

Authorization of Hearings

Motion: It was moved to **approve** a public hearing to determine proper zoning on property zoned an R-16(A) Single Family District, in an area generally bounded by Royal Lane, Snow White Drive, Sleepy Lane, Rosser Road, Northaven Road and Cinderella Lane with consideration being given to a Conservation District for the Disney Streets neighborhood.

Maker: Ekblad
Second: Prothro
Result: Carried: 12 to 0

For: 12 - Prothro, Wally, Gary, Davis, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Rodgers, Lozano, Buehler
Vacancy: 0

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the May 14, 2009, City Plan Commission meeting, subject to corrections.

Maker: Weiss
Second: Davis
Result: Carried: 12 to 0

For: 12 - Prothro, Wally, Gary, Davis, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Rodgers, Lozano, Buehler
Vacancy: 0

Adjournment

Motion: It was moved to **adjourn** the May 21, 2009, City Plan Commission meeting at 5:58 p.m.

Maker: Weiss
Second: Prothro
Result: Carried: 12 to 0

For: 12 - Prothro, Wally, Gary, Davis, Bagley,
Lavallaisaa, Weiss, Lueder, Wolfish, Ekblad,
Emmons, Alcantar

Against: 0
Absent: 3 - Rodgers, Lozano, Buehler
Vacancy: 0

Joe Alcantar, Chair