

## PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 13, 2009, with the briefing starting at 10:35 a.m. in Room 5ES and the public hearing at 1:30 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, Mike Anglin, 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

Planner: Carolyn Horner

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) **S089-065R**

**Motion:** It was moved to **approve** an application to create 52 lots from a portion of the Carver Heights Apartment Addition and a tract of land, located in City Blocks 4717, 4718, A/5914, B/5914 and C/5914, northwest corner of Fran Way and Compton Street, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(2) **S089-118**

**Motion:** It was moved to **approve** an application to create 2 lots from a 2.593 acre tract of land located in City Block 6589, northwest corner of Forest Lane and Josey Lane, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(3) **S089-119**

**Motion:** It was moved to **approve** an application to create 1 lot from a 13.316 acre tract of land in City Block 6067, on Brookhollow Drive south of Regal Row, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(4) **S089-120**

**Motion:** It was moved to **approve** an application to create 1 lot from a 2.422 acre tract of land in City Blocks 6065 and 6066, northwest corner of Harry Hines Boulevard and Brookhollow Drive, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(5) **S089-121**

**Motion:** It was moved to **approve** an application to create 1 lot from a 3.29 acre tract of land in City Block 7532, at 3333 East Kiest Boulevard, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

(6) **S089-122**

**Motion I:** In considering an application to create 7 lots from 259.199 acres located in several tracts of land in City Blocks 8298, 8299, 8300, 8303, 8304 and 8305, on Telephone Road, east of Dallas Avenue, it was moved to **hold** this case under advisement until August 20, 2009.

Maker: Lavallaissa  
Second: Davis  
Result: Failed: 4 to 9

For: 4 - Davis, Lozano, Lavallaisaa, Alcantar

Against: 9 - Prothro, Wally, Anglin, Rodgers, Bagley,  
Buehler, Wolfish, Ekblad, Emmons  
Absent: 1 - Weiss  
Vacancy: 0

**Motion II:** It was moved to **deny** an application to create 7 lots from 259.199 acres located in several tracts of land in City Blocks 8298, 8299, 8300, 8303, 8304 and 8305, on Telephone Road, east of Dallas Avenue, due to non-compliance with Chapter 51A, Sections 51A-8.102 and 51A-8.403 of the Dallas Development Code.

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

For: 14 - Prothro, Wally, Anglin, Davis, Rodgers,  
Lozano, Bagley, Lavallaissa, Lueder, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Speakers:** For: Michael Clark, 6750 Hillcrest Plaza, Dallas, TX, 75230  
Against: James Dodd, 3595 Ray Rd., Dallas, TX, 75241

(7) **S089-123**

**Motion:** It was moved to **approve** an application to create one 0.423 acre lot from two tracts of land, located in City Block 566, on Arts Plaza between Ross Avenue and Forbes, subject to compliance with the conditions listed in the docket.

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

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

Against: 0  
Absent: 0  
Vacancy: 0

**Speakers:** None

Miscellaneous Docket

**M089-033**

**Motion:** It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 1522 for an Open-enrollment charter school on the south line of West Ledbetter Drive, west of Hampton Road.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Speakers:** For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202  
Against: Alfred Record, 2426 W. Ledbetter, Dallas, TX, 75104

**M089-034**

**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 line of Walnut Hill Lane, west of Inwood Road.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Speakers:** None

**M089-036**

**Motion:** It was moved to **approve** a minor amendment to the site/landscape plan for Specific Use Permit No. 1477 for an Open-enrollment charter school on the northeast corner of Red Bird Lane and Westmoreland Road.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Speakers:** None

**M089-037**

**Note:** Assistant City Attorney Casey Burgess left the room due to a conflict of interest

**Motion:** It was moved to **approve** a minor amendment to Tract IV of the development plan for Planned Development District No. 278 for Office and Related Uses on the terminus of Pegasus Park Drive, north of Irving Boulevard.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Speakers:** None

**M089-038**

**Motion:** It was moved to **deny** a minor amendment to the development plan of Planned Development District No. 59 for TH-4 Townhouse Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of Throckmorton Street and Herschel Avenue.

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

For: 14 - Prothro, Wally, Anglin, Davis, Rodgers,  
Lozano, Bagley, Lavallaisaa, Lueder\*, Buehler,  
Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

\*out of the room, shown voting in favor

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: William Hitchcock, 4243 Throckmorton St., Dallas, TX, 75219  
Bill Griffin, 4230 Throckmorton St., Dallas, TX, 75219  
Scott Stolley, 4224 Throckmorton St., Dallas, TX, 75219  
Donald Sibley, 4247 Throckmorton St., Dallas, TX, 75219  
Rebecca Hettich, 4245 Throckmorton St., Dallas, TX, 75219  
Jane Batts, 4212 Throckmorton St., Dallas, TX, 75219  
Susan Griffin, 4230 Throckmorton St., Dallas, TX, 75219

Zoning Cases – Consent

**1. Z089-198(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a vehicle display, sales and service use for a three-year period with eligibility for automatic renewal for additional three-year periods; subject to a site plan and conditions on property within Subdistrict 2 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the north side of C.F. Hawn Freeway, west of Jim Miller Road.

Maker: Buehler  
Second: Rodgers  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 200 Mailed: 19  
**Replies:** For: 2 Against: 2

**Speakers:** None

**2. Z089-199(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a vehicle display, sales and service use for a three-year period with eligibility for automatic renewal for additional three-year periods; subject to a site plan and conditions on property within Subdistrict 2 of Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3 with a Dry Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway and St. Augustine Drive.

Maker: Buehler  
Second: Rodgers  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 300 Mailed: 44  
**Replies:** For: 1 Against: 0

**Speakers:** None

**3. Z089-229(MAW)**

Planner: Megan Wimer

**Motion:** In considering an application to renew Specific Use Permit No. 1552 for a hotel or motel use on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Maple Avenue and Mahon Street, it was moved to **hold** this case under advisement until August 20, 2009.

Maker: Buehler  
Second: Rodgers  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 200 Mailed: 19  
**Replies:** For: 4 Against: 3

**Speakers:** None

**4. Z089-228(MW)**

Planner: Marcus Watson

**Motion:** It was moved to recommend **approval** of expansion of the Junius Heights Historic District Overlay No. 128, Tract C, subject to amendments to exhibits on property zoned Planned Development District No. 99 on the east corner of Gaston Avenue and Huntley Street (5630 Gaston Avenue).

Maker: Buehler  
Second: Rodgers  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 200 Mailed: 25  
**Replies:** For: 1 Against: 1

**Speakers:** None

Zoning Cases – Under Advisement

**5. Z089-135(WE)**

Planner: Warren Ellis

**Note:** Assistant City Attorney Casey Burgess left the room due to a conflict of interest

**Motion:** It was moved to recommend **approval** of an amendment to create two tracts, subject to a development/conceptual plan, landscape plan, streetscape tree plan and conditions within Planned Development District No. 183 for MU-3 Mixed Use District uses on the southeast corner of North Haskell Avenue and North Central Expressway.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 500 Mailed: 19  
**Replies:** For: 1 Against: 0

**Speakers:** None

**7. Z089-200(MAW)**

Planner: Megan Wimer

**Motion:** It was moved to recommend **approval** of the creation of a new subarea to allow the tower/antenna for cellular communication limited to mounted cellar antenna use, subject to a development plan and conditions on property within Subarea A of Planned Development District No. 326, the West Lovers Lane Planned Development District on the north side of Lovers Lane, east of Linwood Avenue.

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

For: 13 - Prothro, Wally, Davis, Rodgers, Lozano,  
Bagley, Lavallaisaa, Lueder, Buehler, Wolfish,  
Ekblad, Emmons, Alcantar

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0  
Conflict: 1 - Anglin

**Notices:** Area: 500 Mailed: 182  
**Replies:** For: 6 Against: 2

**Speakers:** For: Bill Bauman, 2300 Springmere Dr., Arlington, TX, 76012  
Against: None

Zoning Cases – Individual

**6. Z089-160(RB)**

Planner: Richard Brown

**Motion:** In considering an application for a Planned Development District for Retirement housing, Single family, and certain non-residential uses on property zoned an MF-2(A) Multifamily District and an MU-1 Mixed Use District at the northwest corner of Compton Street and Fran Way, it was moved to **hold** this case under advisement until August 20, 2009.

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

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

Against: 0  
Absent: 1 - Weiss  
Vacancy: 0

**Notices:** Area: 500 Mailed: 131  
**Replies:** For: 6 Against: 1

**Speakers:** For: Trace Strevey, Address not given  
Against: None

All-Way-Stop Appeal

**Preston Trail Drive at Jericho Court**

Kerry Elder

**Motion:** It was moved to **deny** an appeal for the installation of an All-Way STOP control at the intersection of Preston Trail Drive at Jericho Court.

Maker: Wolfish  
Second: Rodgers  
Result: Carried: 12 to 1

For: 12 - Prothro, Anglin, Davis, Rodgers, Bagley,  
Lavallaisaa, Lueder, Buehler, Wolfish, Ekblad,  
Emmons, Alcantar

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

**Speakers:** For: Timothy McConville, 5990 Arapaho Rd., Dallas, TX, 75248

Allan Rosen, 6019 Yorkville Ct., Dallas, TX, 75248  
Mark McQuilkin, 6014 Yorkville Ct., Dallas, TX, 75248  
Against: Margo Keyes, 5907 Gladeside Ct., Dallas, TX, 75248  
Gerlean Taylor, 5937 Gladeside Ct., Dallas, TX, 75248

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Other Matters

**Consideration of amendments to the City Plan Commission Rules of Procedure**

**Motion:** In considering amendments to the City Plan Commission Rules of Procedure, it was moved to **hold** this item under advisement until August 20, 2009.

Maker: Wolfish  
Second: Rodgers

Result: Carried: 13 to 0

For: 13 - Prothro, Wally, Anglin, Davis, Rodgers,  
Bagley, Lavallaisaa, Lueder, Buehler, Wolfish,  
Ekblad, Emmons, Alcantar

Against: 0  
Absent: 2 - Lozano, Weiss  
Vacancy: 0

Minutes

**Motion:** It was moved to **approve** the minutes of the July 23, 2009, City Plan Commission meeting, subject to corrections.

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

For: 13 - Prothro, Wally, Anglin, Davis, Rodgers, Bagley,  
Lavallaisaa, Lueder, Buehler, Wolfish, Ekblad,  
Emmons, Alcantar

Against: 0  
Absent: 2 - Lozano, Weiss  
Vacancy: 0

Adjournment

**Motion:** It was moved to **adjourn** the August 13, 2009, City Plan Commission meeting at 4:42 p.m.

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

For: 13 - Prothro, Wally, Anglin, Davis, Rodgers, Bagley,  
Lavallaisaa, Lueder, Buehler, Wolfish, Ekblad,  
Emmons, Alcantar

Against: 0  
Absent: 2 - Lozano, Weiss  
Vacancy: 0

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Joe Alcantar, Chair