

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 20, 2009, with the briefing starting at 10:58 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 Neil Emmons, Acting Vice Chair. The following Commissioners were present during the hearing: James Prothro, Mike Anglin, Michael Davis, Emma Rodgers, John Lozano, Ann Bagley, Myrtl Lavallaisaa, Tom Lueder, Sally Wolfish and Robert Ekblad. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Liz Wally, Bob Weiss and Chris Buehler. 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: 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) **S089-074R**

Motion: It was moved to **approve** an application to revise a previously approved replat of Lot 2 of the Home Depot/Wheatland Road Addition, in City Block A/6929, to create a 10.544 acre lot, a 0.955 acre lot and a 0.693 acre lot located at the intersection of Wheatland Road and Kirnwood Drive, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Emmons
Second: Ekblad
Result: Carried: 10 to 0

For: 10 - Prothro, Davis, Lozano, Bagley, Lavallaisaa,
Lueder, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 4 - Wally, Rodgers, Weiss, Buehler
Vacancy: 0
Conflict: 1 - Anglin

Speakers: None

Residential Replats

(2) **S089-125**

Motion: It was moved to **approve** an application to replat part of Lots 24 thru 31, part of Lots 37 thru 42, all of Lots 32 thru 36 in City Block 2409, Wahhoo Addition, a 17.9136 acre tract of land and all of Swink Avenue as abandoned by the City of Dallas by Resolution 65-682 into one 19.2153 acre lot located at the intersection of Foreman Street and Spring Avenue, northeast corner, subject to compliance with the conditions listed in the docket.

Maker: Bagley
Second: Prothro
Result: Carried: 11 to 0

For: 11 - Prothro, Anglin, Davis, Lozano, Bagley,
Lavallaisaa, Lueder, Wolfish, Ekblad, Emmons,
Alcantar

Against: 0
Absent: 4 - Wally, Rodgers, Weiss, Buehler
Vacancy: 0

Speakers: None

Thoroughfare Plan Amendment

Motion: It was moved to **approve** amendments to the City of Dallas Thoroughfare Plan to: #1) delete Colorado Boulevard from Westmoreland Road to Cockrell Hill Road, a four lane undivided roadway (S-4-U) within 60 feet of right-of-way, and #3) add Unnamed Central West 1 (Unnamed CW1) as a special two lane undivided (SPCL 2U) roadway within 64 to 80 feet of right-of-way, and to **hold** #2) add Pinnacle Point Drive from Cockrell Hill Road to Pinnacle Park Boulevard as a four-lane undivided roadway (S-4-U) within 60 feet or right-of-way, under advisement until September 10, 2009.

Maker: Bagley
Second: Anglin
Result: Carried: 11 to 0

For: 11 - Prothro, Anglin, Davis, Lozano, Bagley,
Lavallaisaa, Lueder, Wolfish, Ekblad, Emmons,
Alcantar

Against: 0
Absent: 4 - Wally, Rodgers, Weiss, Buehler
Vacancy: 0

Speakers: None

Note: Commissioner Davis moved to suspend CPC rules and change the order of the agenda to hear Z089-160(RB) next. Commissioner Lueder seconded the motion. The Commission voted unanimously to hear Z089-160(RB) next. Commissioners Wally, Rodgers, Weiss and Buehler were absent when vote taken.

Zoning Cases – Consent

1. **Z089-230(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CR Community Retail District on both sides of Vilbig Road between Dennison Street and the alley south of Nomas Street and on the north side of Nomas Street, east of Vilbig Road.

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

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

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

Notices: Area: 200 Mailed: 73
Replies: For: 1 Against: 1

Speakers: None

2. **Z089-235(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of amending Planned Development District No. 805, subject to a revised Exhibit 805B on the northeast corner of Lake June Road and Masters Drive.

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

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

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

Notices: Area: 500 Mailed: 269
Replies: For: 3 Against: 3

Speakers: None

3. Z089-212(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1685 for an alcoholic beverage establishment use for a bar, lounge, or tavern for a three-year time 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 northeast corner of Crowdus Street and July Alley.

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

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

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

Notices: Area: 200 Mailed: 13
Replies: For: 3 Against: 0

Speakers: For: Dave Murry, 210 N. Crowdus, Dallas, TX, 75224
Against: None

4. **Z089-232(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (outside) use for a ten-year period, subject to a site plan and conditions on property zoned an MU-3 Mixed Use District on the northeast side of Stemmons Freeway, north of Wycliff Avenue.

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

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

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

Notices: Area: 400 Mailed: 20
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Stemmons Corridor Business Association, 1950
Stemmons Frwy., Dallas, TX, 75207

5. **Z089-245(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an RR Regional Retail District on property zoned Planned Development District No. 135 for Office uses on the northeast corner of R.L. Thornton Freeway and Philips Avenue.

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

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

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

Notices: Area: 200 Mailed: 10
Replies: For: 2 Against: 0
Speakers: None

6. **Z089-224(RB)**

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Bar, lounge, or tavern and an Inside commercial amusement for a Live music venue 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 southwest corner of Elm Street and Malcolm X Boulevard.

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

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

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

Notices: Area: 200 Mailed: 20
Replies: For: 6 Against: 0

Speakers: None

Zoning Cases – Under Advisement

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

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for Retirement housing, Single family, and certain non-residential uses, subject to a Tract I and Tract II development plan/Tract III conceptual plan and staff's recommended revised conditions with the addition of two new subsections – 110(f) and 115(d) – within sections 110 and 115 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.

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

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

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

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

Speakers: For: Jay Oji, 3030 LBJ Frwy., Dallas, TX, 75234
Against: None

B. 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 September 10, 2009.

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

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

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

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

Speakers: None

Zoning Cases – Individual

7. Z089-227(RB)

Planner: Richard Brown

Motion: It was moved to recommend **denial** of a Planned Development District for a General merchandise or food store greater than 3,500 square feet, limited to a food store, Surface parking, and R-7.5(A) Single Family District Uses on property zoned as Planned Development District No. 129, a P(A) Parking District, and an R-7.5(A) Single Family District on property generally bounded by University Boulevard, Inwood Road, Wateka Drive, both sides of Robin Road, and the northwest corner of University Boulevard and Inwood Road.

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

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

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

Notices: Area: 500 Mailed: 164
Replies: For: 15 Against: 31

Speakers: For: Ron Yeary, 8214 Westchester, Dallas, TX, 75225
David Hardin, 311 Gatemere Ct., Katy, TX, 77450
Michael Baldwin, 7203 Robin Rd., Dallas, TX, 75209
David Voss, 6546 Oriole Dr., Dallas, TX, 75209
Ryan Streiff, 7306 Caillet St., Dallas, TX, 75209
For (Did not speak): Jennifer Richards, 6818 Robin Rd., Dallas, TX, 75209
Elizabeth Richards, 6818 Robin Road, Dallas, TX, 75209
Jennifer Robbins, 7014 Oriole Dr., Dallas, TX, 75209
Melanie Voss, 6546 Oriole Dr., Dallas, TX, 75209
Against: Debra Moore, 7415 Caillet St., Dallas, TX, 75209
Carolyn Roberson, 5046 W. University Blvd., Dallas, TX, 75209
Virgil Lee, 5009 Wateka Dr., Dallas, TX, 75209
Joyce Lockley, 4718 Wateka Dr., Dallas, TX, 75209
Against (Did not speak): Pat White, 4714 Wildwood Rd., Dallas, TX, 75209

8. Z089-223(RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for a Medical clinic or ambulatory surgical center and R-5(A) Single Family District Uses, subject to a development/landscape plan and revised conditions on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, in the east quadrant of Spring Avenue and Foreman Street with the following changes: 1) A new subparagraph under Section 112, SIDEWALKS, to read as follows: "The Director may authorize the realignment of a sidewalk without requiring a minor amendment to the development/landscape plan if the realignment is necessary for the sidewalk to rap around a tree or due to natural features of the property. Realignment of the sidewalk for any other reason must be accomplished through either a minor amendment process or a zoning amendment." 2) Under Section 112, SIDEWALKS, add "In addition to the provision of Section 51A-4.702(h) of the Dallas City Code, Amendment to the Development Plan, the Director of Development Services may authorize minor changes in the development plan

that allow the relocation and of sidewalks in order to protect trees, vary sidewalk layout, width, and integrate sidewalks with architectural features such as benches, plazas, fountains, or other features provided that a minimum sidewalk width of four feet is maintained.” 3) Amend Section 113, SIGNS, to read as follows: “Monument signs may include a changeable message provided no part of a sign may move or rotate and messages can not change more often than one message change in a 60 second period.”

Maker: Bagley
Second: Emmons
Result: Carried: 11 to 0

For: 11 - Prothro, Davis, Rodgers, Lozano, Bagley,
Lavallaisaa, Lueder, Wolfish, Ekblad, Emmons,
Alcantar

Against: 0
Absent: 3 - Wally, Weiss, Buehler
Vacancy: 0
Conflict: 1 - Anglin

Notices: Area: 500 Mailed: 178
Replies: For: 8 Against: 2

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Regina Pullins, 2807 Le Clerc Ave, Dallas, TX, 75210
Clara McDade, 2714 Frazier St., Dallas, TX, 75210
Betty Washington, 4339 Spring Ave., Dallas, TX, 75237
Geraldine Wagner, 4419 Wahoo St., Dallas, TX, 75210
Jean High, 4318 Marshall St., Dallas, TX, 75210
For (Did not speak): Henry High, 4318 Marshall St., Dallas, TX, 75210
Antoinette Richardson, 4707 Spring Ave., Dallas, TX, 75210
Against: None

Other Matters

Consideration of amendments to the City Plan Commission Rules of Procedure

Motion: It was moved to **approve** the City Plan Commission Rules of Procedure as amended, dated August 20, 2009; with the following change: 1) Under Section 5, MEETING PROCEDURE, Subsection (b) Agenda, items 1, 2, 3, 4 and 5 be combined into Section 5(b)(1) and Section 6 be renumbered to (b)(2).

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

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

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

Minutes

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

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

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

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

Adjournment

Motion: It was moved to **adjourn** the August 20, 2009, City Plan Commission meeting at 3:42 p.m.

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

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

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

Joe Alcantar, Chair