

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on December 18, 2008, with the briefing starting at 10:32 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, 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 Commissioner was absent from this hearing as defined in the City Plan Commission rules: None. There is one vacancy District 2.

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) **S078-136R**

Motion: It was moved to **approve** an application to create five lots ranging in size from 2.69 acres to 3.74 acres in size from a 14.68 acre tract of land in City Block 8217, on Keller Springs Road, west of Preston Road, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

(2) **S089-032**

Motion: It was moved to **approve** an application to replat Lot 6A, of the Womack Industrial Two Addition, in City Block A/6060, and two unplatted tracts into one 3.198 acre lot, northeast corner of Record Crossing Road and Wyche Boulevard, subject to compliance with the conditions listed in the docket with the following added condition: On the final plat, change Record Crossing to Record Crossing Road.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

(3) **S089-034**

Motion: It was moved to **approve** an application to create one 7.2327 acre lot from a tract of land in City Block 6138, located on 7915 Greenville Avenue, north of Meadow Lane, subject to compliance with the conditions listed in the docket.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

(4) **S089-035**

Motion: It was moved to **approve** an application to replat Lots 1-4 of the Beckley Heights Addition, in City Block 2/6634, into one 0.720 acre lot and one 1.64 acre lot, located at the northwest corner of Interstate I35E and Laureland Road, subject to compliance with the conditions listed in the docket with the following condition added: On the final plat, change "RL Thornton Freeway" to "South RL Thornton Freeway (I-35E)" and change "Laureland Road" to "West Laureland Road".

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

Residential Replats

(5) **S089-031**

Motion: It was moved to **approve** an application to replat part of Lots 3 and 4 of the W.H. Jones Addition, in City Block C/2401, and Lots 8 – 11, of the Margaret C. Foreman's Addition, City Block 2398, to create one lot, subject to compliance with the conditions listed in the docket with the following two conditions added: (1) On the final plat, change Sanderson Place to Sanderson Street. (2) On the final plat, remove plat note #3 stating that no buildings will be demolished.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: For: Loretta Grant, 4711 Spring Ave., Dallas, TX, 75210
Against: None

(6) **S089-033**

An application to replat Lots 9 and 10 in City Block 5/5498 of Pemberton Addition No. 3 into one 0.6 acre lot fronting 150.11 ft. on the north line of Pemberton Drive, beginning at a point approximately 160 ft. west of the west line of Tibbs Street.

This application was withdrawn.

Miscellaneous Docket

M089-005

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 353 for a Private School and Single Family Residential Uses on the northwest corner of Inwood Road and Willow Lane.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

M089-006

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan and landscape plan for Planned Development District No. 490 for a Private school on the southeast corner of Ferguson Road and Peavy Road.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

M089-007

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 334 for HC Heavy Commercial Subdistrict Uses as provided for in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east line of Cedar Springs Road, between Pearl Street and Olive Street.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Speakers: None

W089-002

Planner: Neva Dean

Motion: It was moved to **approve** a waiver of the two-year waiting period in order to submit an application for an amendment to Planned Development District No. 711 for RR Regional Retail District Uses and multifamily Uses on the southeast corner of Arapaho Road and Prestonwood Boulevard.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

*out of the room, shown voting in favor

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

Zoning Cases – Individual

1. **Z078-245(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of the amendment to Planned Development Subdistrict No. 51 for a public school other than open enrollment charter school and MF-2 Multiple-Family Subdistrict uses with Historic Overlay No. H/124, subject to a revised development plan that removes the 22 future parking spaces, adds two new large trees on the Prescott Avenue frontage, and adds new large trees on the Gilbert Avenue frontage at one tree per 25 feet of Gilbert Avenue frontage, exclusive of visibility triangles, and conditions within Planned Development District No. 193, Oak Lawn Special Purpose District, on the northeast side of Gilbert Avenue between by Prescott Avenue and Hershel Avenue.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 500 Mailed: 523
Replies: For: 11 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

2. **Z078-249(MAW)**

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of the amendment to Specific Use Permit No. 1477 for an open enrollment charter school for a ten-year period with eligibility for automatic renewal for additional ten-year periods; subject to a site/landscape plan, traffic management plan and conditions on property zoned an IR Industrial Research District on the on the north side of Red Bird Lane, between Westmoreland Road and Watership Lane.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 400 Mailed: 18
Replies: For: 0 Against: 2

Speakers: For: Edward Cummings, 10329 Rossen Rd., Dallas, TX, 75229
Against: None

3. Z089-109(MAW)

Planner: Megan Wimer

Motion: It was moved to recommend **approval** of the amendment to Planned Development District No. 44 to create a new Tract IIIA to allow for medical clinic or ambulatory surgical center and business school uses, subject to a development plan, landscape plan and conditions on the east side of Greenville Avenue; south of Amberton Parkway with a revised development plan and landscape plan to return on a future Miscellaneous docket.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2
Conflict: 1 - Lueder

Notices: Area: 500 Mailed: 220
Replies: For: 0 Against: 3

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Josh Ihde, 9330 Amberton Pkwy., Dallas, TX, 75243
Kerry Burds, 3811 Turtle Creek Blvd., Dallas, TX, 75219
Against: None

Zoning Cases – Under Advisement

4. **Z078-301(MAW)**

Planner: Megan Wimer

Motion: In considering an application to create a new subarea for GR-D-1 General Retail District uses with a D-1 Liquor Control Overlay within Planned Development District No. 134 and a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a restaurant on property within Subarea B for GR-D General Retail District uses with a D Liquor Control Overlay within Planned Development District No. 134 on the southwest corner of Beacon Street and Lindsley Avenue, it was moved to **hold** this case under advisement until February 12, 2009.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 500 Mailed: 124
Replies: For: 4 Against: 17

Speakers: None

5. **Z078-303(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for an animal shelter or clinic with outside run for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff conditions on property zoned an IR Industrial Research District on the north corner of Cedar Springs Road, and Timber Lane, northwest of Inwood Boulevard.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 200 Mailed: 6
Replies: For: 2 Against: 0

Speakers: For: Tommy Mann, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

6. Z078-248(WE)

Planner: Warren Ellis

Motion: In considering an application for a new Subdistrict within the north zone of Subdistrict B 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), it was moved to **hold** this case under advisement until January 8, 2009.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 1000 Mailed: 7
Replies: For: 0 Against: 0

Speakers: None

7. Z078-313(WE)

Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for gas drilling within the north zone of Subdistrict B within Planned Development District No. 521 for mixed uses, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway), it was moved to **hold** this case under advisement until January 8, 2009.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 1000 Mailed: 4
Replies: For: 0 Against: 0

Speakers: None

Zoning Cases - Individual

8. **Z089-104(WE)**

Planner: Warren Ellis

Motion: It was moved to recommend **approval** for the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses, subject to staff's recommended revised conditions on property generally bounded by Commerce Street, Browder Street, Jackson Street and Field Street.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2
Conflict: 2 - Weiss, Buehler

Notices: Area: 500 Mailed: 378
Replies: For: 5 Against: 0

Speakers: None

9. **Z089-113(OTH)**

Planner: Olga Torres Holyoak

Motion: In considering an application to amend Planned Development District No. 605 to allow for additional height and additional uses on the southwest corner of Buckner Boulevard and Samuell Boulevard, it was moved to **hold** this case under advisement until February 12, 2009.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 500 Mailed: 152
Replies: For: 3 Against: 11

Speakers: None

10. **Z089-114(OTH)**

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and the commercial amusement (inside) limited to a Class A dance hall for a one-year period, subject to a site plan and staff conditions on property zoned RS-MU regional Service Mixed Uses Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east side of South Lamar Street, between Starks Avenue and Haven Street, west of Central Expressway with the following additional conditions: (1) Fencing provided along the southwest property line must be a minimum of 70 percent open to allow for visibility and must comply with code for visibility triangle. (2) The maximum land area for the uncovered patio is 660 square feet in the location shown on the site plan. The patio should be only on the Lamar Street side and without amplified sound.

Maker: Bagley
Second: Emmons
Result: Carried: 11 to 3

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

Against: 3 - Davis, Lueder, Alcantar
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 200 Mailed: 22
Replies: For: 0 Against: 1

Speakers: For: Augustine Ekuke, 5214 S. Lamar St., Dallas, TX, 75215
Against: Gerald Britt, 419 Haskell Ave., Dallas, TX, 75246

11. **Z078-268(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of the amendment to Specific Use Permit No. 1357 for a private school for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, revised traffic management plan and staff conditions on property zoned an R-7.5(A) Single Family District on the northwest corner of Bruton Road and McCutcheon Lane.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 300 Mailed: 49
Replies: For: 1 Against: 1

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

12. **Z078-271(JH)**

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Specific Use Permit for an Open-enrollment Charter School for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to a site plan, traffic management plan and staff recommended revised conditions on property zoned an R-7.5(A) Single Family District, on the northwest corner of Bohannon Drive and Holcomb Road with the following added condition: (1) No lighted outdoor activities are permitted on the athletic field.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Notices: Area: 400 Mailed: 160
Replies: For: 7 Against: 4

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the December 11, 2008, City Plan Commission meetings, subject to corrections.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2

Adjournment

Motion: It was moved to **adjourn** the December 18, 2008, City Plan Commission meeting at 3:12 p.m.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 2