



**City of Dallas  
Planning Commission  
Council Chambers - City Hall  
April 12, 2016 - 7:00 p.m.**

**DRAFT**

**MINUTES**

1 **CALL TO ORDER**

2 Vice President David Shein called the meeting to order at 7:00 p.m.

3 **ROLL CALL**

4 Commissioners Present: Carol Kowash, David Shein, Marc Pazina,  
5 and Robert Wilson

6 Absent: Chuck Lerwick, Chris Castelli and Andy Groh

7

8 Staff present: City Attorney Lane Shetterly, Community  
9 Development Director Jason Locke, Planner  
10 Suzanne Dufner, and Recording Secretary  
11 Margie Pearce

12

13 **APPROVAL OF MINUTES**

14 Vice President David Shein presented the minutes of the regular meeting of March 17, 2016,  
15 without objection the minutes were approved.

16 **PUBLIC COMMENT**

17 Vice President David Shein explained the rules for making public comment.

18 There were no public comments.

19 **PUBLIC HEARING**

20 **SUB 16-03 GinLynn Estates**

21 **Applicant: Troy Plum, TKP Engineering, LLC**

22

23 Vice President Shein opened the Public Hearing at 7:02 pm.

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28 **STAFF REPORT:**

29 Mr. Chase Ballew reviewed the staff report for SUB 16-03, GinLynn Estates, a 10 lot  
30 subdivision on 1.87 acres at the terminus of NW Card and NW Bonanza. Staff recommended  
31 approval with 10 conditions.

32

33 **APPLICANT PRESENTATION**

34 Mr. Troy Plum, TKP Engineering, LLC P.O. Box 374, Corvallis, OR stated that it was a straight  
35 forward development project and he had no problems with the 10 approval conditions.

36

37 **PERSONS SPEAKING FOR OR AGAINST**

38 There were none.

39

40 **REBUTTAL**

41 There was none

42

43 **COMMISSIONER QUESTIONS**

44 There were none

45

46 Vice-President Shein closed the Public Hearing at 7:17 pm.

47

48 **DISCUSSION BY COMMISSION**

49 Mr. Shein asked why GinLynn Estates was not completed when Marti's Meadows was and what  
50 had changed to allow it to be developed now? There was a letter of support for the subdivision  
51 which asked if the City would require a fence to be built on the east side of the property, will  
52 they?

53 Mr. Jason Locke stated that Jasper St. was punched through to W. Ellendale Ave. and the City  
54 would not require the developer to build a fence.

55 It was moved by Commissioner Carol Kowash to approve SUB 16-03 with ten (10) conditions  
56 outlined in the Staff Report. The motion was duly seconded by Commissioner Marc Pazina and  
57 carried with a unanimous vote.

58 **PUBLIC HEARING**

59 **SDR 16-02 Dallas Senior Center, 950 SW Church St.**

60 **Applicant: Rex Price, Rex Price Architecture**

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62 Vice-President Shein opened the Public Hearing at 7:18 pm

63

64 **STAFF REPORT**

65 Ms. Suzanne Dufner reviewed the staff report for a Site Design Review for a two story, 7,248 sf  
66 building and site improvements at 950 SW Church St. Staff recommended approval with six (6)  
67 conditions.

68

69 APPLICANT PRESENTATION

70 Rex Price, Rex Price Architecture, 400 SE Jackson St., Roseburg, OR talked about the history of  
71 his clients trying to find a property for a new Senior Center. He spoke about the funding for the  
72 property, what the building would house and how he tried to create a building which would  
73 complement the surrounding buildings.

74

75 PERSONS SPEAKING FOR OR AGAINST

76 My name's Mike Buhler, my address is 481 NW Reed Lane here in Dallas. And I'm in the  
77 account(ing) building with my partner's back there next door. Um we have several concerns  
78 about the location of this property. We are not opposed to the seniors having a building; we are  
79 opposed to the location. You saw the staff picture up there on the street and you saw that the  
80 street was totally full of cars and there was no parking on part of it which is the case the majority  
81 of the time during the day. And we have had local businesses in that area impacted by the lack of  
82 parking for several years now and we have met with local businesses to work out agreements  
83 amongst ourselves to be able to make sure that there is parking available for clients and  
84 businesses in the area because our clients don't like having to park on Court street and walk all  
85 the way around, We hear about it, we've even met with Ron Foggin one time back in Jan of 15,  
86 its working now. Our concern is you put this building in, a lot more people coming in, I know  
87 they've got 8 spots lined up on the in the site, but they're going to lose some street parking by  
88 putting in the driveways in now and seniors really aren't going to want to walk any further than  
89 they absolutely have to so I don't see that parking on the corner being very relevant for us.  
90 Because they're going to end up parking in front of our building instead of walking any further  
91 & that's what all of us do. We don't like to walk; we want to park as close as possible.

92 I am also a little bit concerned about some safety issues. You've heard that there's going to be a  
93 lot of pedestrian traffic and there already is a lot of pedestrian traffic in the area , we've got the a  
94 local quick stop market there, we've got the taverns close by, we've just got a lot of traffic in and  
95 out and around there and if you've ever pulled out of that alley that goes from Washington to  
96 Court, when you pull out across that sidewalk you gotta really be careful and we're adding  
97 another access out across that sidewalk between the Carnegie Building and the lot there.  
98 (inaudible) Could be an issue with pedestrians walking out there and then when the parking's full  
99 on Court street which it often, quite often, it's real difficult to see around the cars that are parked  
100 there to pull out into traffic.

101 The other thing that I am concerned about is we've had issues with transients living behind the  
102 building there on the east end of the property. We've pulled out arborvitae so it didn't provide an  
103 area and kind of hide back in there, now you've got a 2 foot set aside in there, its gonna make a  
104 real nice hiding hole for them to crawl in and sleep in. We've had issues with that probably 2, 3  
105 different times over the years.

106 I'm a little bit concerned about they've said that they're going to build right on the property line  
107 which means, the way I understand it, we're going to have to grant a right of way or an easement  
108 which we really don't want to do for them to come in and tear out our shrubs and our fence to be

109 able to do their construction. That's an inconvenience to us and we've got 30 year old arborvitae  
110 and a laurel hedge that's even older than that that's been there for longer than I've been around,  
111 that we would lose and we aren't really happy about that.

112 And then the way I understand it with those buildings, with the proposed building and the  
113 windows on the south side of the building, that would restrict us from being able to do some type  
114 of future development on that property because of there're windows on that south side of the  
115 building. So we aren't, we aren't real excited about that either. So those are the concerns that  
116 myself and my partners have regarding this location and we would advise to not approve the  
117 application.

118 (Vice-President Shein) Stay there for a minute. Does anyone have any questions for Mike?

119 (Commissioner Wilson) Later

120 (Mr. Shetterly) What do you mean later?

121 (Mr. Locke) No, there is no later.

122 (Vice-President Shein) No he's there. This is your opportunity.

123 (Commissioner Pazina) What's the concern with the windows?

124 (Mr. Buhler) It's my understanding that if we want to build a different building and we get too  
125 close and they've got the south facing windows it's going to inhibit what we can do. That's what  
126 I've been told.

127 (Vice-President Shein) Any other questions?

128 (Ms. Silbernagel) How many parking spots are we losing on the street?

129 (Mr. Buhler) I would, I don't know but, they've got a driveway coming in and it's got angle  
130 parking and I'm assuming we're going to lose two coming in and two going out. So we're losing  
131 four and gaining eight.

132 (Mr. Locke) Public off street parking

133 (Commissioner Wilson) Shouldn't it be more than two?

134 (Mr. Locke) It might be two might be three. Part of the issue is that and we've talked to Mike  
135 about this before with parking. This is public on street parking. Currently on Court street, on  
136 Church street is untimed and so there may be \*parking management strategies that are necessary  
137 to be employed. Timed parking other things that may have to come to pass depending on how  
138 \*things work, but yea you're going to lose based on those accesses you're going lose probably  
139 two maybe three on Church and two probably two on Court.

140 (Mr. Buhler) We added on several years ago and we had to have, had to prove that we had  
141 adequate parking on our site. We had to add 14 lots on our site. Much smaller building.

142 (Vice-President Shein) That's the space in back of the building?

143 (Mr. Buhler) Yea, we go to the alley.

144 (Vice-President Shein) Any other questions? All right, thank you. Is there anyone else who  
145 wishes, I see there is. Again please direct your testimony to the applicable criteria. State your  
146 name and address for the record.

147

148 Good evening, I'm Pam Silbernagel, 540 6<sup>th</sup> SW, Albany, OR

149 I am here today speaking on behalf of my father Art Johnson. Art is the trustee for the Arthur D.  
150 Johnson trust lands that are to the east of the property and he occupies part of the building that's  
151 directly adjacent to the site. We are requesting that the Planning Commission deny the proposal.  
152 We submit that the community and its seniors deserve better than the proposed project today as  
153 well as through the funding required 30 year life of the project. Our overall concerns rest on the  
154 design of the project as proposed. We think you're working really hard to shoe horn a worthy  
155 public use for seniors into a remnant space, no room for adjustments for the future and as  
156 acknowledged by the project architect, this site is tight. It isn't worthy of the project proposed.  
157 We're saddened by how this design impacts the redevelopment opportunities of the Carnegie  
158 Library and existing significant historical designation of (inaudible) investment and most  
159 importantly we're concerned about how this proposal negatively impacts small locally owned  
160 businesses surrounding it which in turn impacts the downtown area and the community's ability  
161 to meet its comp plan goals and tradition.

162 We submit that the proposal does not meet city criteria laid out in Article Four and my comments  
163 are going to be generally organized along the lines of the staff report. Since I have five minutes  
164 I'm talking quickly, if I talk too fast or too quietly, please give me a thumbs up or down ((Vice-  
165 President Shein) You're doing just fine) modify.

166 OK thank you. So Criteria One is that the application is complete. We find that the application is  
167 not only incomplete, but that the wrong project area has been used in several key places. The  
168 code requires that features which are proposed to be removed or modified at the development are  
169 to be shown on the site plan plus existing and proposed plant materials are to be identified on the  
170 landscape plan. If you look at the photos in the packet it shows existing vegetation on the site  
171 including a significant tree, these are not identified on the site plan but would appear to require  
172 removal to make way for the proposal nor are they noted on the landscape plan for removal or  
173 retention. We don't have information on how these resources are impacted so we can't provide  
174 you with comment on them

175 As noted in the staff report, signage locations are not identified. The staff proposes that this be  
176 addressed as part of a separate sign approval process. We submit that the location of signage  
177 especially within the downtown area are key elements of a site design and should be reviewed  
178 concurrently with this site design proposal. The sign permit process is a separate non-related  
179 function unrelated to site design.

180 Third, the application and staff report identify and discuss integral site design improvements on  
181 the adjacent Carnegie Library site. You will see that the Carnegie tax lot is not identified in the  
182 public notice that was submitted to surrounding properties and businesses. If you look at the  
183 aerial photo it only identifies the southern lot. The project map that you have before you on the  
184 screen only identifies the southern lot. On the first page of the application under Section 3,  
185 project description, the Carnegie tax lot is not identified. The assessed value from the county that  
186 was provided for the southern lot is utilized to determine other improvement requirements. We  
187 submit that the Carnegie tax lot information should also have been provided so that that could be  
188 used in the City's calculation of whether or not the proposal met the requirements. Dismissing  
189 any incorrect information should not be addressed through a continuance because of the error in  
190 circulating the public notice. We believe a new application is needed to allow for adequate public  
191 review and comment.

192 While failure to meet Criteria One should be enough for you to find proof of denial tonight we  
193 do have additional comments on the proposal related to how the project does not meet your  
194 other design standards and if I could continue on with those just in case for some reason you find  
195 contrary to our recommendations to Criteria one. So under Criteria Two, Compliance with Land  
196 Use District, 2.3.080, Building Design Standards (C)- Building Design Standards. The site  
197 impact area extends into the Carnegie Library and that area should be counted as part of the  
198 determination on whether or not adequate improvements have been provided for this site. Right  
199 now it appears all calculations are based only on the tax lot that is the southern tax lot. Per the  
200 staff report the proposal does not meet build to line standards. The application and staff report  
201 failed to describe why this is a unique situation and while ideally the project could be modified  
202 to meet the city's requirements at least a variance request should be filed and should be  
203 considered concurrently with your review of any future application and shouldn't be treated  
204 separately. This is important to protect the City's broader long term interests as, is this a  
205 necessarily corrected dangerous precedent that could be used against the city as you are asked to  
206 evaluate future development proposals and we believe we want to protect the City's interests  
207 here.

208 Moving on to E -Store Front Character. The architectural and design standards require that what  
209 we believe are really minor modifications to the proposal so that it better meets global storefront  
210 character requirements of your code. First, the western style, western balcony has a character  
211 that's frontier era in style and scale and we don't find it anywhere else in your downtown we  
212 believe that it's inconsistent with Dallas' existing architecture and it also misses the concept of a  
213 modern amenity and while we appreciate the attempted nod to the Carnegie heavy renaissance  
214 style balcony, we request that the design be modified to better replicate the Carnegie and in any

215 case to avoid the inaccurate wild west flair, we don't believe you're Sisters. The windows are  
216 incorrect. They have heavy header, again an appreciated nod to the architectural embellishments  
217 on the Carnegie and then you'll see there's a single pane of glass that's below each of those  
218 headers. That design style will cause a feeling of compression and that the building is falling  
219 over. We would request two simple remedies: one that the panes be divided into one over one  
220 sashes as the Carnegie and if you look in the photos of the surrounding area the Carnegie and  
221 that farmhouse that the CPA's occupy have one over one sashes and that the band dividing those  
222 two panes mirror the scale and division to the Carnegie's windows. We also recommend that a  
223 lintel be added below the windows be consistent in scale with the Carnegie and in the same  
224 material as the header. That'll create the balance that's needed for them.

225 In the staff report this is labeled as L but I think it might be I, its materials and color. We  
226 appreciate a requirement to approximate the color and style of brick on the Carnegie, to insure  
227 that this requirement will be met and we would like to ask that this to be a condition of approval.

228 J-Pedestrian Shelters. There's a proposed sitting wall along the sidewalk from the southern  
229 property edge to where the development sidewalk entry is. We believe that this wall creates an  
230 access barrier between the public pedestrian space and the civic area proposed for this site. The  
231 code language is there so the development provides some protection for pedestrians moving  
232 along the sidewalks. If the plaza's not accessible for someone moving along that sidewalk to  
233 pop in from the rain then back out again this requirement is not met. A true pedestrian shelter  
234 and/or modification to the plaza is required to meet this condition.

235 Mechanical Equipment-K, Location of mechanical equipment alongside the Trust property. I'm  
236 hoping you understand the Trust property is to the one directly to the east, alongside the trust  
237 property is not acceptable. The proposed development will have an unaccepted level of noise and  
238 vibration impact. We're concerned with that venting, none of that's addressed in the application.  
239 Screening proposed is not adequate. It still there're multiple windows alongside where the  
240 building will be located on that site and those will be direct any improvement in that area in the  
241 way of mechanical equipment will be directly viewed from the Trust property. This no man's  
242 land is an attractive nuisance as already spoken to by Mike. The code requires that this area be  
243 screened and fenced. We believe that those screening and fencing (inaudible) needs building  
244 corners. And that lighting needs to be provided so that the area's safety is improved and we also  
245 want to ask that the lighting not negatively impact the Trust building.

246 And I'll be back more about the setback later. Let's move onto Criteria Four, Compliance with  
247 the Design Standards. We agree with the issues raised by Mike Buhler and we'd just like those  
248 added to our testimony. We can then skip over the parking considerations. Our comments are  
249 similar to theirs.

250 3.1-Access and Circulation. The code calls for a stacking room to be identified. That stacking  
251 room for the drop off area is not identified. We're concerned with how it conflicts or works with  
252 the sidewalks and public space (inaudible) Buhler entry. The required pedestrian access is not

253 met with the civic plaza because as already mentioned there's that dividing wall separating the  
254 public space from the plazas development granted space.

255 3.2-Landscaping and so on. The site design review calculations should be for the larger project  
256 impact area that includes the Carnegie tax lot. This calculation in staff report only includes the  
257 frontage that's within its own tax lot. Clearly there are improvements on two sides of the  
258 Carnegie that should have been included as well. We've already noted concerns to that two foot  
259 set back on the east where additional screening and buffering for the mechanical impacts are  
260 needed and the need for corners to be dealt with so that there's not attractive nuisance in that area  
261 and I've already noted that we're unable to comment on impact of vegetation since they aren't  
262 identified in the application material.

263 3.3-Parking and Loading. We'll add that the parking issue in the staff report and the suggestion  
264 that a lot being proposed on Washington street may address some of those issues is a red flag to  
265 us. If that lot on Washington is needed to alleviate some of this development's issue or  
266 conversely if that parking lot will look to this proposed development as the reason a conditional  
267 use should be granted to allow for that parking lot, a concurrent review of both of those  
268 proposals, the parking lot and the Senior Center, is required. They're interrelated. The review  
269 should not be administratively severed. We ask that they be brought in for review at the same  
270 time

271 3.5-Signage. Though we can't comment a lot since we don't know what's going on with signage,  
272 but by code it's part of your review and it's part of our ability to provide comments to you. We'd  
273 like to have the opportunity to do so.

274 3.6-Other. To protect our rights to provide future comment under the city's appeal process we  
275 have two other site design review considerations to submit. First, the city's comprehensive plan  
276 fails to meaningful address historic resources. The inventory of your identified resources is  
277 incomplete and appears not to be current. The lack of protection of key historic resources  
278 impacts the ability to accurately plan for the community's future. Your Carnegie Library  
279 building is impacted by the proposed development and the preservation ryes of that Carnegie  
280 building is impacted by the location of the travel lane and the parking lot. You have under,  
281 according to the (inaudible) scale on a small, small piece of paper here, under five feet of land  
282 area between the building, Carnegie building and the proposed improvements for parking and  
283 exist lane. That's not adequate by a for a switchback ADA ramping nor is it adequately sized for  
284 an exterior elevator. Those are the two most reasonable solutions, having worked on a Carnegie  
285 Library of similar design as well as a post office of similar design. Those are going to be the  
286 likely recommended solutions for the reuse of that building to be able to have ADA access. The  
287 second thing I would like to bring up under Other is that the city's comprehensive plan does not  
288 address impacts on solar gain and energy savings. We have no guidance on how to balance  
289 natural light impacts and venting impacts that the proposed development will have on the Trust  
290 property to the east where natural light to existing windows will be blocked. We have no  
291 guidance on how to evaluate, to value, and to adjust for that solar gain, that loss of energy. So we



292 submit that as designed, this proposal with its two foot setback along the Trust property will  
293 devalue the Trust value, it limits its reuse, and existing use, it results in a government taking of a  
294 private investment. I'd be open to any questions you may have.

295 (Vice-President Shein) Any questions of Ms. Silbernagel ?

296 (Ms. Silbernagel) (Vice-President Shein) OK, Thank you

297 (Mr. Shetterly) Well I was going to say before you step down Pam, maybe do us a favor and ask  
298 that the record be kept open for seven days, you could submit that in writing so staff can take a  
299 look at it and respond.

300 (Ms. Silbernagel) I'd be happy to proof the record, I do not intend to submit anything in writing,  
301 (Vice-President Shein) -Oh you don't want...) no, but I would be happy to proof the minutes for  
302 staff.

303 (Mr. Shetterly) How do you proof it?

304 (Ms. Silbernagel) To embellish on anything that was missed on the record.

305 (Mr. Shetterly) No, This, this gives you a chance to submit your comments in writing which  
306 really would give the Planning Commission a chance to look at them and consider them at the  
307 next meeting. You have given them a lot of information tonight, difficult for them to...

308 (Ms. Silbernagel) My expectation is that first criteria of the application being incomplete closes  
309 the record, if they...

310 (Mr. Shetterly) No, no, no, no the record, this is the record of the hearing not the record of the  
311 application.

312 (Ms. Silbernagel) Oh I understand what you are saying.

313 (Mr. Shetterly) So what I am asking is really for your benefit, so you can submit your comments  
314 in writing and that gives the Planning Commission then the opportunity to consider them in  
315 detail next month and ((David) \*not make a snap judgement) make a decision today just based  
316 on what you've presented verbally.

317 (Vice-President Shein) Rather than make a snap judgement.

318 (Mr. Shetterly) Yea it really is for your benefit to ask that the record be kept open so you can  
319 submit that in writing to be considered by the Planning Commission.

320 (Ms. Silbernagel) I'd prefer not to, thank you. Any other questions? Thank you for listening, I  
321 know that was a lot.

322

323 **REBUTTAL**

324 Mr. Price stated that not all of the issues that were brought up were his to deal with, that he was  
325 not trying to mimic the Carnegie Building and that there were lots of ways to address ADA  
326 access other than through the back of the building. He requested that the record be kept open to  
327 fully address the other issues.

328

329 **COMMISSIONER QUESTIONS**

330 There were none.

331

332 Vice-President Shein closed the Public Hearing at 8:09 pm.

333

334 **COMMISSIONER COMMENTS**

335 There was a discussion regarding parking

336 Further discussion and any decisions were deferred until the Planning Commission meeting in  
337 May.

338

339 **OTHER BUSINESS**

340 Mr. Locke presented the revised Dallas Development Code for Signs- Exceptions and temporary  
341 signs. After a discussion of the revision, the Commission recommended that the Sign Code  
342 revision be sent to a Planning Commission hearing.

343

344

345 **The meeting adjourned at 8:22 p.m.**

**APPROVED:**

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President

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Date