

CALL TO
ORDER

The meeting was called to order by President Chuck Lerwick at 7:00 p.m.

ROLL CALL

Roll was called and Commission members present were: President Chuck Lerwick, Carol Kowash, Carrie Mendell, Dave Pederson, Doris Stefani and Bob Wilson.

President Lerwick announced that Scott McLeod had resigned due to other personal commitments.

Also present were: City Attorney Lane Shetterly, Community Development Director Jason Locke, and Recording Secretary Laurie Roberts.

APPROVAL OF
MINUTES

President Lerwick called for any corrections or changes to the minutes of the regular meeting of September 9, 2008. Dave Pederson made a motion to approve the minutes as presented. The motion passed unanimously.

PUBLIC
COMMENT

President Lerwick called for any public comments not related to the agenda items.

Alan Chen, 1111 Little John, Salem, stated he is a property developer and owns 2 parcels with 20 acres on James Howe Road. He is present to see what his options are for his property and is asking for the Commission to grant him a pre-application conference, which he has not been able to get from the City staff. He wants information about interim development allowing him to annex into the City and partition his land, including any park plans involving what would be taken away from his property. He commented that he has owned the property for over two years and has tried to work with the planning staff without success and is pleading with the Planning Commission to help him. He explained that due to timing he needs answers quickly.

Mr. Locke responded that Mr. Chen has met with staff several times over the last year and identified the property location on a map and the surrounding area. He explained, as he shared with Mr. Chen, that the first issue is annexation of the property, which would have to go through the Planning Commission and the City Council, and there are no utilities or road improvements on James Howe Road. He further explained that properties in the UGB outside of the city limits are restricted by interim development, which restricts (partitions) to no less than 5 acre parcels. Mr. Locke advised that with the current conditions for interim development and a surplus (of vacant properties) within the city limits, it would be difficult, but not impossible to annex the property, and the applicant can start the formal process anytime.

Mr. Chen repeated he has asked for a pre-application conference for the last two years and was told it is too far in the future so there is no reason to have one; however, other cities he has worked with do not have that restriction. He stated he has the right to know what is involved and wants a pre-application conference because he needs information to make a decision about selling or not. Mr. Locke so agreed. Mr. Chen thanked the Commission.

PUBLIC
HEARINGS:

None.

DISCUSSION
ITEMS:

Code Assistance
Grant

Mr. Locke presented a handout from the Code Assistance consultant. He stated there are some meetings with interested parties scheduled for this Friday and there will be a meeting with the consultant for feedback on issues. Once that is complete, the consultant will meet with staff and come up with action items and code language, which would then be presented to the Commission in about a month.

In response to questions, discussion was held about terms such as human scale, details that would be needed to help the Commission make decisions, and how helpful the information is including presenting things the Commission may not have thought of. Mr. Locke shared that it is very helpful and interesting reading.

In response to a question, Mr. Locke explained that when reviewing the constructs of the neighborhoods, there are different feels due to sidewalk, housing, grid systems, etc. The movement has been back toward those kinds of downtown developments with modern amenities. Discussion was held about downtown residential living. Mr. Locke stated there are some residences already, and the city would like to see more with the plan encouraging that. He explained that the goals will be predicated after working around obstacles such as building codes and fire safety, and mentioned that some buildings have separate ownership on the different floors. They discussed McMinnville's collaborative effort, which was supported by that City. Mr. Locke noted that, contrary to public perception, the staff is working to remove obstacles.

Mr. Locke concluded that the plan summary will be emailed to the Commission when ready.

Update on Wyatt
Node - Quick
Response Grant

Mr. Locke reported that regarding the grant-funded master planning for the Wyatt Node, the first meeting would be on November 6 with the chosen consultant and staff, and would include a site visit. After that, the consultant and property owner will meet. He explained that the focus is on the southern half that contains the Small Lot Residential, Medium Density and Commercial zones, and the northern half is mostly Single Family Residential. He added that at the end of November there should be more information. In response to a question, Mr. Locke replied that the staff has not heard from the neighbor, Mr. Samerotte. Mr. Locke confirmed there would be neighborhood meetings open to the general public, and the Commission would have the opportunity to see the planning process, and Mr. Samerotte would also be invited.

Discussion of
Citizen
Involvement
Program

Mr. Locke reported that after the last meeting he re-evaluated the citizen involvement process and feels we can run a good citizen involvement process directed by how it's implemented. He handed out a worksheet on how a typical process would work on an item. Mr. Locke will work with the Commission to look for strengths and weaknesses and ask for their recommendations. He wants to test run the process preferably with something non-controversial such as the parks. He confirmed that we are leaving the Dallas Citizens Advisory Committee and Planning Commission as is and keeping their defined roles. Mr. Locke stated he hasn't had the opportunity to gauge community interest, but we want to reach as many people as possible, and he has some tools to use. He confirmed the Planning Commission is the committee for citizen involvement. In response to a question, Mr. Locke stated that open houses don't always have to be held at the City buildings, they can have the meeting at or near the location and it could vary from restaurants, homes, schools, Library, etc.

Single Family
Residential Zone
Handout

Mr. Locke presented a draft of a handout about Single Family Residential zoning and suggested distribution at City Hall, the City website, real estate offices, Library, etc. The Commission indicated approval and added title companies to the distribution. Discussion was held about realtor disclosure rules and they may appreciate just being able to hand something to a customer for education purposes. In response to a question, CC&Rs were brought up for optional locations that certain things would or would not be allowed. Mr. Shetterly explained CC&Rs and how they are contractually upheld. He added that permits are based on city code and it's up to whoever has the CC&Rs to uphold that contract. Mr. Locke stated that several areas don't allow businesses in the CC&Rs but the City cannot enforce that. In order to enjoy those protections, legal action must be taken privately. In response to a question if there are properties available that customers could be directed to that don't include certain uses, Mr. Locke stated they cannot be directed by the City. In response to a suggestion about adding a statement regarding CC&Rs, Mr. Shetterly provided a disclaimer to add to the handout. Discussion was held about educating the public and negative opinions of government, and the staff and Commission's attempt to change that perception.

OTHER –

Discussion about
Group Homes

In response to concerns about the group home in the recent media, discussion was held about past and current situations involving group homes and the State laws that apply. An informational flyer was provided. Mr. Locke advised that the current group home was not required to come before the Planning Commission since they qualify as a group home, which is 5 residents or less. Mr. Shetterly explained the State law on group homes, and the City wouldn't know there was one unless there was a land use concern that required a special review, and further, the State law prohibits the City from taking action. It was confirmed that there are 5 or 6 group homes in Dallas that we are aware of. Mr. Locke explained the city building permit process and zoning requirements that are reviewed. In regard to the sprinkler system, Mr. Shetterly stated that would be required as part of the group home licensing requirements. Mr. Locke explained the law changes from 1989. Mr. Shetterly stated the group home is not part of the corrections system and the residents have the same rights and consideration of anyone else, they are not the criminally insane. In response to questions about why the City didn't notify the neighborhood, Mr. Locke explained the City isn't required to, adding that the health and privacy of the individuals is protected by the 1989 State laws and HIPAA.

Response to
Public Comment

In response to questions regarding the public comments made earlier at this meeting, discussion was held about what may have occurred to lead up to the citizen's feelings and actions. Mr. Locke explained that the citizen met with prior staff and referred to comments made by past administration, and he has also personally met with him several times. He added that the citizen can fill out the pre-development conference application and pay the fee, and then he will formally be advised of the circumstances, process and significant expense to get annexed into the city limits. He confirmed the infra-structure is not available in that area and explained that other items were discussed with the citizen, such as topography and creek issues. He thinks the applicant's goal is for 5-6 dwelling units per acre and annexation into the City. In response to questions by the Commission, Mr. Locke reviewed the annexation and interim development for the area, and city-wide. He referred to the wall map and explained how certain areas were developed and what future plans are for others, considering such things such as the TSP, schools, etc.

There being no further business, the meeting was adjourned at 8:07 pm.

Approved by the Planning Commission.


VICE - President _____ Date

NOVEMBER 12, 2008