

Memorandum



CITY OF DALLAS

Date: September 2, 2005

To: The Honorable Members of the Dallas City Council

Subject: Re: September 7, 2005 Joint meeting between Dallas City Council & City Plan Commission

As you recall, when we came back from summer break I passed out a chart showing how other cities organize their Plan Commissions, and the manner in which commissioners are appointed.

Most large cities appoint Plan Commissioners at-large. Although there is virtually no support on the City Council to make such a change, we have had small group meetings over the past month with City Council members and Plan Commissioners to develop other recommendations that would open up the current process and assure homeowners, business owners and zoning applicants that our zoning process is open and transparent.

I want to thank you for your ideas and your input. Based on our meetings, a set of proposals have been developed for discussion at our joint City Council/CPC meeting on Sept 7. These proposals include changes that would affect both the City Council and the City Plan Commission.

The discussion will take place at 2:00 p.m. in the briefing room once the council has convened after lunch. We will discuss the reform proposal first, and then take up the Neighborhood Stabilization Overlay.

I would like to place the reform measures on the Sept. 14 City Council Agenda for approval by the Council. If approved, the changes would be incorporated into current city ordinances and rules of procedure and would take affect immediately.

It is my hope that the Neighborhood Stabilization Overlay proposal can be the subject of a public hearing at a City Council meeting in the near future so that the public can weigh in on this important and sensitive issue.

A handwritten signature in black ink that reads "Laura Miller".

Laura Miller
Mayor

cc: Mary K. Suhm, City Manager
Shirley Acy, City Secretary
Tom Perkins, City Attorney
Paul Garner, Interim City Auditor
Judge Jay Robinson, Judiciary
Dave Cook, CFO/Interim Assistant City Manager
Ramon Miguez, Assistant City Manager
Ryan Evans, Assistant City Manager
Charles Daniels, Assistant City Manager
Jill Jordan, Assistant City Manager

Proposed Amended CPC Procedures

The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

- A. The following matters shall be considered of city-wide significance and should be analyzed by all City Plan Commissioners with respect to city-wide impacts:
1.
 - a. The Comprehensive Plan
 - b. Land Use studies
 - c. Development code amendments
 - d. Any project receiving incentives, abatements, or other subsidies of any form.
 - e. Any zoning matter affecting the following areas
 1. Greater Downtown
 2. Trinity River Corridor
 3. Area Airports (Love Field, Dallas Executive, Hensley Field, Addison)
 4. White Rock Lake
 5. Fair Park
 6. Hospitals
 7. Universities, Colleges and ISD sites
 8. Inland port
 9. Regional Retail Centers
 - i) Southwest Center Mall / Wheatland / Hampton
 - ii) Galleria / Valley View
 - iii) NorthPark / Park Lane
 2. In addition to the items listed above, the following types of zoning applications shall be considered to be of city-wide significance:
 - a. Any zoning application which allows greater than 18 units to the acre or more than 300 dwelling units.
 - b. Any zoning application which doubles allowed FAR or allows an FAR of 4.0 or greater.
 - c. Any zoning application which increases allowed height to 60 ft or greater or 6 stories or greater.
 - d. Any zoning application greater than 1 acre within 1000 ft of a DART rail station or proposed station.
 - f. Any zoning application which allows more than 150,000 square feet of mixed use or retail.
 - g. Any zoning application that reduces the supply of land zoned for single-family uses.
 - h. Any zoning application that receives more than 20% opposition from affected properties.
- B. The Department of Development Services is directed to prepare agenda materials for the City Council and City Plan Commission to indicate if the request qualifies as a project of city-wide significance.

Proposed Amended CPC Procedures

The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

- C. All members of the City Plan Commission are directed to participate in and evaluate projects of city-wide significance.
- D. For projects of city-wide significance, the Chair of the City Plan Commission is directed to appoint a committee of at least two City Plan Commissioners including the district Commission to meet with interested parties and staff during CPC consideration of a project.
- E. The Department of Development Services is directed to schedule routine bus tours for the City Plan Commission for cases identified as projects of city-wide significance.
- F. The Chair of the City Plan Commission shall read into the record of every Plan Commission meeting that Plan Commissioners have a civic responsibility to consider the best interests of the City as a whole and give due consideration to all zoning cases on both a city-wide perspective and neighborhood perspective. All Commissioners shall feel free to participate in any zoning case, regardless of location.
- G. The appointees of the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem to the City Plan Commission are directed to participate in and evaluate all zoning applications, regardless of where the property is located.
- H. The Department of Development Services is directed to institute a formalized training program (through the North Texas Council of Governments) and schedule semi-annual training sessions for the City Plan Commission.
- I. The Department of Development Services is directed to process appeals of the Landmark Commission and four way stop appeals through the Board of Adjustment.
- J. The Department of Development Services is directed to schedule bi-annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.
- K. All members of the City Plan Commission are directed to make inquiries on zoning cases (other than those questions that may be asked during a CPC meeting) only to the Director or Assistant Director of the Department of Development Services.

Proposed Amended CPC Procedures

The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

- L. The staff of the Department of Development Services shall maintain an independent and objective position on all matters before the City Plan Commission and shall not be influenced by any elected or appointed official.
- M. The chairman of the Plan Commission may have any item placed on the agenda if the request is provided to city staff by 8:00 a.m. of the Monday preceding the meeting and the City Plan Commission is notified. Any City Plan Commissioner may have any item placed on the agenda only when that Commissioner has secured the written signatures of four additional Commissioners in agreement with that item being scheduled for consideration.
- N. Action by the Commission to overturn the staff recommendation on a project of city-wide significance requires a super-majority (3/4) of the members present and voting.
- O. The City Plan Commission rules and procedures shall be amended to eliminate all standing committees with the exception of the Subdivision Review Committee and the **Zoning Ordinance Advisory Committee**.^{*} All other committees may exist as an ad hoc committee. Appointments to these committees shall be made by the City Plan Commission in accordance with existing procedures. Two-year term limits for these positions will be imposed. (Members may be reappointed after they're off the committee for one two-year term) No one may serve more than 8 years total.

***ZOAC**

Re-constitute ZOAC into a nine member citizen committee appointed by the Mayor and City Council. The Committee shall be a non-political body that will function to provide a thorough technical review and recommendation of ordinance amendments to the Zoning and Subdivision Regulations. Members of the committee will serve in specific areas of technical expertise, as follows: real estate attorney, architect, engineer, landscape architect, land use planner, urban designer, non-profit developer and 2 citizens at-large to represent homeowner interests.

Proposed City Council Procedures on Zoning and Land Use Matters

The following will be codified by Council Resolution and included in the Council's bi-weekly zoning materials. It will also be distributed to all zoning applicants and any citizen who requests it.

- A. The following matters shall be considered of city-wide significance and should be analyzed by all Council members with respect to city-wide impacts:
1.
 - a. The Comprehensive Plan
 - b. Land Use studies
 - c. Development code amendments
 - d. Any project receiving incentives, abatements, or other subsidies of any form.
 - e. Any zoning matter affecting the following areas
 1. Greater Downtown
 2. Trinity River Corridor
 3. Area Airports (Love Field, Dallas Executive, Hensley Field, Addison)
 4. White Rock Lake
 5. Fair Park
 6. Hospitals
 7. Universities, Colleges and ISD sites
 8. Inland port
 9. Regional Retail Centers
 - i) Southwest Center Mall / Wheatland / Hampton
 - ii) Galleria / Valley View
 - iii) NorthPark / Park Lane
 2. In addition, the following types of zoning applications shall be considered citywide:
 - a. Any zoning application which allows greater than 18 units to the acre or more than 300 dwelling units.
 - b. Any zoning application which doubles allowed FAR or allows an FAR of 4.0 or greater.
 - c. Any zoning application which increases allowed height to 60 ft or greater or 6 stories or greater.
 - d. Any zoning application greater than 1 acre within 1000 ft of a DART rail station or proposed station.
 - f. Any zoning application which allows more than 150,000 square feet of mixed use or retail.
 - g. Any zoning application that reduces the supply of land zoned for single-family uses.
 - h. Any zoning application that receives more than 20% opposition from affected property owners.

Proposed City Council Procedures on Zoning and Land Use Matters

- B. The Department of Development Services is directed to prepare agenda materials for the City Council to indicate whether the project qualifies as a project of city-wide significance.
- C. All members of the City Council are directed to participate in and evaluate projects of city-wide significance.
- D. For projects of city-wide significance, the Mayor shall appoint at least two City Councilmembers to meet with interested parties and staff during consideration of a project.
- E. The Mayor shall read into the record that City Councilmembers should have equal input into all zoning cases on both a city-wide perspective and neighborhood perspective.
- F. All zoning applicants should feel free to contact any Council Member or the Mayor to seek support, and anyone opposed to the application should feel free to do the same.
- G. The Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem are advised to participate in and evaluate all zoning applications, regardless of where the property is located.
- H. The Department of Development Services is directed to schedule annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.
- I. All members of the City Council are directed to make inquiries on zoning cases and land use matters only to the Director or Assistant Director of the Department of Development Services.
- J. The staff of the Department of Development Services shall maintain an independent and objective position on all zoning and land use matters before the City Council and shall not be influenced by any elected or appointed official.
- K. The Mayor and the City Councilmembers shall refrain from involvement in zoning and land use matters until such time as the City Plan Commission has concluded its deliberations and made its recommendation to the City Council.

Alternate Proposal

- Menu options
 - ◆ Front yard setbacks
 - ◆ Interior setbacks
 - ◆ Corner side yard setback
 - ◆ Garage access, location and connection
 - ◆ Impervious coverage – front and corner side yards
 - ◆ Height

Alternate Proposal

- Prevailing Standards
 - ◆ Eliminate
- Minimum area for an overlay
 - ◆ Original subdivision or minimum of 50 homes in a contiguous and compact area
 - ◆ Differing blockfaces may have differing standards

Alternate Proposal

- Petition requirement
 - ◆ 67% to 75%
- Timing
 - ◆ Signatures valid for 60 to 90 days
- Processing time 90 days
 - ◆ Understanding that 30-day postponements may occur at CPC and City Council