



Dallas City Council Agenda

TUESDAY, January 19, 2009, 7:00 p.m.
 Council President Brian Dalton, Presiding
 Dallas City Hall
 187 SE Court Street
 Dallas, Oregon 97338

City Council

Mayor
 Jim Fairchild

Council President
 Brian Dalton

Councilor
 Warren Lamb

Councilor
 Jackie Lawson

Councilor
 Kevin Marshall

Councilor
 Wes Scroggin

Councilor
 David Shein

Councilor
 David Voves

Councilor
 LaVonne Wilson

Councilor
 Ken Woods, Jr.

Staff

City Manager
 Jerry Wyatt

Asst. City Manager
 Kim Marr

City Attorney
 Lane Shetterly

Community Development
 Director
 Jason Locke

Finance Director
 Cecilia Ward

Fire Chief
 Bill Hahn

Police Chief
 John Teague

Public Works Director
 Fred Braun

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card.

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL AND PLEDGE OF ALLEGIANCE	
2. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.</i>	
3. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
4. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approval of January 4, 2010 City Council Minutes p. 3	
b. Endorsement of OLCC Annual License Renewals p. 7	
c. Acknowledge Report on Jan. Planning Commission Mtg p. 11	
d. Acknowledge December Department Reports p. 17	
e. Other	
5. ITEMS REMOVED FROM CONSENT AGENDA	
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7. REPORTS FROM CITY MANAGER AND STAFF	
a. Employee/Volunteer Recognition Awards	Presentation
b. Dallas Area Chamber of Commerce & Visitors Center Board Recognition	Presentation

Dallas City Council Agenda

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Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

*Commitment to the Community.
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

- c. Fire Service Appreciation Day Proclamation [p. 28](#) Presentation
- d. Community Visioning (nSight) Update
- e. Other

8. RESOLUTIONS

9. FIRST READING OF ORDINANCE

- a. Ordinance No. 1717: An Ordinance changing the zoning designation of a parcel of real property from CN, Commercial Neighborhood to CG, Commercial General; and amending the Dallas Zoning Map. [p. 29](#) First Reading

10. SECOND READING OF ORDINANCE

11. OTHER BUSINESS

12. ADJOURNMENT

Please note: Because of the Martin Luther King, Jr. Day holiday, the Council meeting will be held on TUESDAY, January 19.

DALLAS CITY COUNCIL
Monday, January 4, 2010
Council Chambers

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The Dallas City Council met in regular session on Monday, January 4, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

Council members present: Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. Excused: Councilor Dave Voves.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Fire Chief Bill Hahn, Police Chief John Teague, Finance Director Cecilia Ward, Public Works Director Fred Braun, and Recording Secretary Emily Gagner.

PLEDGE OF ALLEGIANCE

Mayor Fairchild led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mayor Fairchild declared the minutes of the December 21, 2009, Council meeting approved as presented.

QUESTIONS OR COMMENTS FROM THE AUDIENCE

Mayor Fairchild asked for comments or questions from the audience on items other than those on the agenda. He reviewed the guidelines for those wishing to speak.

Faye Frei stated she has met local residents whose social security checks have been reduced and have to choose between buying food or medication. She reviewed how the economy has affected residents. She stated information she received indicates Dallas will receive a sizeable sum in gas tax, which they should use before putting a fee on residents and businesses. She commented that the City claims to not have enough money to mail information to all citizens, but according to the Itemizer Observer, they have enough money to give every city employee a 4% increase in salary. She asked the Council to put the street fee on hold until economic recovery happens and to put it to a vote.

Tom Parsons indicated that as an owner of property in Dallas, he is concerned that the Council can attach a fee to his property without notifying him. He stated he owns property in Lincoln City and the council notifies him of any issues or meetings that affect his property there.

Frank Pender reported that he owns property in Dallas and he reiterated what he said on the record before. He said it is a resolution, which can be changed whenever the Council wishes. He said the Council says they won't change the fee, but Councils change. He asked the Council to reconsider putting the issue to a vote of the people.

Craig Pope stated he sent an email to the Council recently about what happened in Tigard, where the Council decided to turn back their philosophy of these fees. He asked the Council to reconsider what they are doing, noting he was a representative of the citizens to bring a force from outside the City to run the initiative to stop this. He stated if the Council puts this through, they're coming back at them and the citizens would be exercising their rights to turn this thing around.

Mr. Nimmo asked how the City, if they don't have any money, can justify a 4% pay raise for their employees.

Chelsea Pope, Executive Director of the Dallas Area Visitor Center and Chamber of Commerce thanked the Council and staff for their assistance with Winterfest this past December. She stated there was a wonderful turnout despite the weather. She thanked the Fire Department staff and all the volunteers that helped with putting up and taking down the decorations throughout town. She noted the following Friday would be the 53rd Annual Community Awards Ceremony, and asked for nominations.

1 **PUBLIC HEARINGS**

2 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

3 Mayor Fairchild welcomed James Futrell from Troop 288 who was attending the meeting in
4 order to get his communication badge.

5
6 Council President Dalton clarified that in setting up and taking down the holiday decorations,
7 Bill White volunteers his time and works hard to help keep the lighting running. He added that
8 Pacific Power does contribute a truck.

9
10 Council President Dalton noted there would be an Urban Renewal Advisory Committee meeting
11 the following night and invited everyone interested to attend.

12
13 Councilor Lamb discussed Christmas Cheer, noting this year was a great success. He reported
14 that they fed 200 families and had 150 volunteers show up. Councilor Lamb explained that the
15 donations from individuals and businesses that make it a success and we should feel good about
16 the community we live in.

17 **MAYOR'S APPOINTMENT OF STANDING COMMITTEES**

18 Mayor Fairchild asked if there were questions concerning the appointments to the standing
19 committees. There were none.

20 **COUNCIL APPOINTMENTS/REAPPOINTMENTS TO BUDGET COMMITTEE, PARK
21 BOARD, PLANNING COMMISSION**

22 Mr. Wyatt reviewed those people who were interested in appointment or reappointment to the
23 Planning Commission, Park Board, and Planning Commission.

24
25 Council President Dalton *moved to appoint or reappoint Carrie Mendell and Carol Kowash to*
26 *the Planning Commission, Judy Boustead, Barbara Chaney, Dick Hoffman, Mellisa Spivey, Todd*
27 *Nelson, and Tim Larson to the Park Board, and Lynn Hurt and Rich Wolcott to the Budget*
28 *Committee. The motion was duly seconded and CARRIED UNANIMOUSLY with Council*
29 *President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin*
30 *Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson, and*
31 *Councilor Ken Woods, Jr. voting YES.*

32 **COUNCIL RATIFICATION OF CITY MANAGER'S AGREEMENT**

33 Councilor Shein *moved to ratify the City Manager's Agreement. Councilor Lamb seconded the*
34 *motion which CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor*
35 *Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,*
36 *Councilor David Shein, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.*

37 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS**

38 **CONSENT AGENDA FORMAT**

39 Mr. Wyatt reviewed a sample consent agenda. He stated staff would like to go to a consent
40 agenda format at the Council meetings, which would allow the Council to adopt several items at
41 one time. He noted any item could be removed from the consent agenda to allow the Council to
42 discuss that item more in-depth. He stated it could include minutes, subcommittee reports,
43 reports from commissions, or any type of information that is a report format. Mr. Wyatt
44 indicated this would help streamline the meetings. He reiterated that any item could be pulled
45 off the consent agenda for further review. Mr. Shetterly reviewed the report that described a
46 typical procedure and recommended a motion to adopt those items.

47 Councilor Shein *moved to adopt the use of a consent agenda using the procedure as described in*
48 *the staff report. Councilor Wilson seconded the motion.*

49 Councilor Lawson indicated she did not want to include committee reports in the consent

1 agenda. Councilor Shein stated some committee reports are cut and dried, which would be
2 appropriate on the consent agenda, and he noted that any item could be removed for discussion.
3 Mayor Fairchild suggested the committee chairman could ask to hold a certain item from a
4 committee report off the consent agenda. Councilor Woods stated this was about the only
5 governmental body that didn't use a consent agenda. Councilor Scroggin commented that if a
6 committee report had an action item, the Council could say it would automatically not be
7 included in the consent agenda.

8 The motion CARRIED UNANIMOUSLY with Council President Brian Dalton, Councilor
9 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,
10 Councilor David Shein, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

11 OTHER

12 COMMUNICATIONS AND PETITIONS

13 MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS ANNUAL AWARD 14 DINNER

15
16 Mr. Wyatt reviewed an invitation to the COG Annual Award Dinner. He stated the City was
17 asked to do a presentation at that dinner.

18
19 Mr. Wyatt also reviewed an invitation to the Dallas Retirement Village Rehabilitation Addition
20 ribbon cutting and open house on January 20.

21 RESOLUTIONS

22 **Resolution No. 3196:** A Resolution setting the fee for appeal of an administrative action of the
23 Building Official for violation of State Building Codes under Dallas City Code Sections 8.110 to
24 8.125.

25 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3196 to have PASSED
26 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,
27 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David
28 Shein, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

29 FIRST READING OF ORDINANCE

30 SECOND READING OF ORDINANCE

31 **Ordinance No. 1715:** An Ordinance establishing a Street Maintenance Fee.

32 Councilor Lawson stated she felt the Council had done a good job listening to the community
33 and constructing the street fee in an open ears format, but noted she felt she needed to be a voice
34 for those in the community who oppose the fee. She added she would be voting no.

35 Council President Dalton indicated he felt this was the result of a very deliberative process. He
36 stated the Council heard from hundreds of citizens in constructive ways and noted this ordinance
37 bears little resemblance to the original proposal. Council President Dalton explained the Council
38 has talked about this for three years. He acknowledged it is a difficult time to implement the fee,
39 but if it's not done now, three years from now the roads will be even worse and the fee would
40 need to be much higher. He added that this ordinance is sunsetted so it will go off the books in
41 ten years.

42 Mayor Fairchild commented that the staff and Council had done a good job listening to the
43 community and adjusting to have the best compromise possible. He added the Council listened,
44 but they still have to do what they were elected to do: make this town a solid, proper community
45 and maintain the infrastructure.

46 Mayor Fairchild declared Ordinance No. 1715 to have passed its second reading. A roll call vote
47 was taken and Mayor Fairchild declared Ordinance No. 1715 to have PASSED BY A
48 MAJORITY VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor
49 Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, Councilor LaVonne Wilson

1 and Councilor Ken Woods, Jr. voting YES and Councilor Lawson voting NO.

2 **Ordinance No. 1716:** An Ordinance amending provisions of the Dallas City Code Section
3 8.110; and adding new provisions, relating to State Building Code Violations.

4 Mayor Fairchild declared Ordinance No. 1716 to have passed its second reading. A roll call vote
5 was taken and Mayor Fairchild declared Ordinance No. 1716 to have PASSED BY A
6 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor
7 Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein,
8 Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

9 **OTHER BUSINESS**

10 There being no further business, the meeting adjourned at 7:39 p.m.

11 Read and approved this _____ day of _____ 2010.

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Mayor

ATTEST:

City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4 b	Topic: OLCC License Renewals
Prepared By: Emily Gagner	Meeting Date: January 19, 2010	Attachments: 
Approved By: Jerry Wyatt		

RECOMMENDED MOTION:

Endorsement of liquor license annual renewals. If there are any establishments you would like to discuss, you may make a motion to remove this item from the consent agenda for further discussion.

BACKGROUND:

Each year, the Oregon Liquor Control Commission presents the City a list of current OLCC Licensees for renewal. The Police Department has reviewed the list and their findings are attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Memo from Police Department
OLCC Notification for Renewing Licenses

M E M O

TO: JERRY WYATT
Thru Chief of Police

FROM: CARLOT HALL 

RE: OLCC ANNUAL RENEWALS

DATE: JANUARY 8, 2010

Our department is in receipt of a list of the local business establishments currently licensed through OLCC that are requesting annual renewals. As in previous years, an incident query was conducted in our records management database for 2009 on each business listed. An analysis of crime-related police responses was conducted. The analysis revealed a slight increase of responses pertaining to physical disturbances and other crimes at Blondie's Bar, as compared to previous years. No further issues were noted as a result of the query.

OLCC LICENSE RENEWALS

City of Dallas, City Manager
DALLAS
PO Box 67
Dallas OR 97338

Attached is the list of OLCC liquor licenses in DALLAS that are eligible for license renewal. These licenses will expire on 4/1/2010.

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC. It also requires the OLCC to notify licensees of the license renewal application or processing fees charged by their local governments. According to our records, you charge:

License Renewal Fee: 35.00

Off Premises Fee: 35.00

We will direct renewal applicants to mail the renewal fees to the address on this letter. Please notify us immediately if the fees or address are incorrect.

Approximately 40 days after the licenses expire, the OLCC will send you a list of the licensees who filed a renewal application. You can use this list to verify that applicants have paid your fees.

Recommendation Process:

You have until 2/6/2010 to exercise one or more of the following options:

1. Provide a written renewal recommendation to the OLCC for any or all of the licenses on this list.
2. Make a written request for additional time to investigate a specific renewal or renewals. The request must set forth the reason additional time is needed, state that the local government is considering making an unfavorable recommendation, and state the specific grounds being considered toward an unfavorable recommendation.
3. Take no action. After 2/6/2010, the OLCC will process the renewal application as if you made a favorable recommendation.

Please send any correspondence to OLCC License Renewals, P.O. Box 22297, Portland OR 97269 2297. You can also contact our license renewal section at 1 (800) 452.6522 or at (503) 872.5121 or (503) 872.5122 in Portland.

Dist. License #	Tradename	Participant	License	Premises Address
Local Government: DALLAS				
2	122436	7 HEAVENS FOOD STORE	7 HEAVENS INC	O 129 E ELLENDALE, DALLAS, OR
	118710	ABBY'S LEGENDARY PIZZA	ABBY'S INC	L 174 W ELLENDALE AVE, DALLAS, OR
	120634	BLONDIE'S	BLONDIE'S BAR LLC	F-COM 186 SW COURT ST, DALLAS, OR
	122628	CAPONE'S MAIN ST PUB & GRILL	HERRERA, NANCY	F-COM 957 MAIN ST, DALLAS, OR
	119204	CENTER MARKET #14	SINGH, JAGMOHAN KAUR, NAVNEET KAUR, PARVINDER	O 1283 FAIRVIEW AVE, DALLAS, OR
	75535	CENTER MARKET #2	CENTER MARKET INC	O 216 SW WASHINGTON, DALLAS, OR
	118860	CHEN'S FAMILY DISH RESTAURANT	CHEN'S FAMILY DISH RESTAURANT INC	L 184 SE WASHINGTON ST, DALLAS, OR
	119276	DALLAS FUEL & FOODMART	JOHAR INTERNATIONAL INC	O 430 MAIN ST, DALLAS, OR
	119779	DALLAS SELECT MARKET	M & M INC	O 121 SW OAK, DALLAS, OR
	129377	HONG KONG RESTAURANT	TING INC	F-COM 325 MAIN ST, DALLAS, OR
	127799	IXTAPA DALLAS	IXTAPA DALLAS INC	F-COM 1320 FAIRVIEW SW, DALLAS, OR
	121168	LATTITUDE POINT ONE	LATTITUDE ENTERPRISES LLC	O 904 MAIN ST, DALLAS, OR
	121326	LATTITUDE POINT ONE	LATTITUDE ENTERPRISES LLC	F-COM 904 MAIN ST, DALLAS, OR
	119758	MIRA MAR	MIRA MAR INC	F-COM 119 E ELLENDALE, DALLAS, OR
	121188	MURPHY'S GRILL	MURPHY'S GRILL LLC	F-COM 288 E ELLENDALE, DALLAS, OR
	120204	NEW NANYANG RESTAURANT	JIAN LI INC	L 413 MAIN ST, DALLAS, OR
	119808	NORTH DALLAS BAR & GRILL	NORTH DALLAS BAR & GRILL INC	F-COM 170 E ELLENDALE, DALLAS, OR
	119809	NORTH DALLAS BAR & GRILL	NORTH DALLAS BAR & GRILL INC	O 170 E ELLENDALE, DALLAS, OR
	122056	PEARL EVENT CENTER	NORVAL CORPORATION	L 857 MAIN ST, DALLAS, OR
	119328	RITE AID #5368	THRIFTY PAYLESS INC	O 178 W ELLENDALE AVE, DALLAS, OR
	118983	SAFEWAY STORE #4404	SAFEWAY INC	O 138 W ELLENDALE AVE, DALLAS, OR
	118177	SAN ANTONIO RESTAURANT	CEJA, MOISES	F-COM 365 E ELLENDALE AVE, DALLAS, OR
	119989	STARLITE LANES	STARLITE LANES INC	L 394 MAIN ST, DALLAS, OR
	121287	TATERS CAFE	TATERS CAFE LLC	L 683 SE JEFFERSON ST, DALLAS, OR
	122653	THE ROUNDUP PUB	HAM INC	F-COM 962 MAIN ST, DALLAS, OR
	120173	THRIFTY MARKET	SAMMY ENTERPRISE INC	O 105 SW RAINBOW AVE, DALLAS, OR
	119527	TONY'S PLACE	FELTMAN, VIRGINIA	L 127 SW COURT, DALLAS, OR
	119528	TONY'S PLACE	FELTMAN, VIRGINIA	O 127 SW COURT, DALLAS, OR
	119082	UGO'S PIZZA PARLOR	GAGZDOS FAMCORP	L 967 MAIN ST, DALLAS, OR
	118557	WAL MART STORE #2315	WAL-MART STORES INC	O 321 NE KINGS VALLEY HWY, DALLAS, OR
	118528	WASHINGTON ST STEAKHOUSE & PUB	EMR CORP	F-COM 141 SW WASHINGTON ST, DALLAS, OR



AGENDA
City of Dallas Planning Commission
TUESDAY, January 12, 2010 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

- Planning Commission**
- President
Chuck Lerwick
- Vice President
Dave Pederson
- Commissioner
Bob Wilson
- Commissioner
Doris Stefani
- Commissioner
Carrie Mendell
- Commissioner
Carol Kowash
- Commissioner
Murray Stewart
- Staff**
- Community Development Director
Jason Locke
- City Attorney
Lane Shetterly
- Planner
John Swanson
- Recording Secretary
Joanne Ballweber
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES - Regular meeting of December 8, 2009
 4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
 5. PUBLIC HEARINGS
 - A) A public hearing on the application of John Holt for a Conditional Use to allow a towing business located at 1490 SE Brookside Ave., Dallas, Oregon, in an IL, Light Industrial zone.
 6. OTHER BUSINESS
None
 7. COMMISSIONER COMMENTS
 8. STAFF COMMENTS
 9. ADJOURN

Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

For questions or comments on the agenda, contact: John Swanson at 503.831.3572 or john.swanson@ci.dallas.or.us

**CITY OF DALLAS
PLANNING COMMISSION**

**APPLICATION COMPLETE:
NOVEMBER 24, 2009**

**STAFF REPORT
Date: December 29, 2009**

FILE NO.	CU/1 - 09
HEARING DATE JANUARY 12,2010	7:00 P.M. CITY HALL 187 SE COURT STREET DALLAS, OREGON 97338
APPLICANT	JOHN HOLT / ABSOLUTE TOWING SERVICES
OWNER	DAVID JACOBS
REQUEST	CONDITIONAL USE PERMIT FOR AUTO TOWING AND IMPOUND BUSINESS IN IL- LIGHT INDUSTRIAL ZONING DISTRICT
LOCATION	1490 SE BROOKSIDE AVENUE
RECOMMENDATION	APPROVAL WITH CONDITIONS

STAFF REPORT TO THE DALLAS PLANNING COMMISSION

HEARING DATE: January 12, 2010
APPLICATION TYPE: Conditional Use Request
OWNERS: David Jacobs
APPLICANT: John Holt / Absolute Towing Services
LOCATION: 1490 SE Brookside Ave.

BACKGROUND INFORMATION

Applicant:	John Holt / Absolute Towing Services
Owner:	David Jacobs
Location:	1490 SE Brookside Ave.
Zoning:	IL – Light Industrial
Comprehensive Plan Map No. 1 Land Use Designation:	Industrial
Floodplain:	Partially located in 100-year floodplain and floodway
Lot Size:	3.7 acres total
Adjacent Land Uses:	Industrial and Residential

The subject property is zoned IL – Light Industrial and current use is industrial and residential. The Conditional Use application proposes to enclose 6000 sq. ft. of the property interior to be used for impound storage for a tow-truck company. The area is intended to be used for vehicle storage only and is not to be accessed by the public.

APPROVAL CRITERIA: THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 3.4.40, REVIEW CRITERIA.

- (1) The proposed use meets the dimensional standards of the underlying zoning district and conforms to the Development Review standards of this Code.

FINDING: The subject property is 3.7 acres total. 6000 sq. ft. is proposed for Conditional Use consideration and is located in the IL zone. The IL zone prescribes a minimum lot size of 8,000 sq. ft. and the subject property meets this standard. The proposed enclosed area is not temporary. A Building Permit is required for installation of the fencing, if the fence is to exceed 6 ft. in height. The applicant’s site plan indicates that the proposed storage area will meet the 10’ minimum distance from the adjacent property line. The applicant’s proposed setbacks are in compliance with minimum standards.

Use Standards in all Industrial Zones. DDC SECTION 2.5.50 (1)

- (1) **Improvement Standards in All Industrial Zones.** The following standards shall apply to all uses in Industrial zones:
- (a) Landscaped Street Setback. All required setback areas between any street and buildings or parking areas shall be permanently irrigated and landscaped.
 - (b) Landscaped Area Abutting a Residential Zone. A 20-foot permanently irrigated and landscaped setback shall be required for all structures, parking, storage and display areas abutting residential zoning districts.
 - (c) Off-Street Parking and Loading. Off-street parking and loading shall be paved, striped and landscaped as provided in Chapter 4.5, Off-street Parking Standards. Off-street parking and loading areas shall be set back a minimum of 10 feet from the public right-of-way and 20 feet from residential zoning, and shall be permanently irrigated, landscaped and screened.
 - (d) Outdoor Storage. In the IL zone, outdoor storage and heavy equipment parking areas shall be fully screened from public view (i.e., from abutting streets and residentially-zoned areas.)
 - (e) Outdoors Display. Vehicle and merchandise display areas shall be set back a minimum of 10 feet from the public right-of-way and 20 feet from residential areas; this setback area shall be landscaped and screened.
 - (f) Maintenance. Industrial properties shall be maintained free of weeds, inoperable vehicles, and waste materials. Parking areas shall be paved and maintained, unless a parking adjustment has been approved.
 - (g) Use Separation. New primary Manufacturing and process, waste-related and hazardous uses shall be separated from residential districts by a minimum of 300 feet, unless a conditional use permit is approved through a Type III review process.
 - (h) DEQ Standards. All new industrial uses shall comply with applicable Department of Environmental Quality noise, fugitive emissions, hazardous materials, air or water quality, and related environmental standards. The applicant shall be responsible for documentation of compliance with applicable DEQ environmental standards.
 - (i) Conditions. The Development Official or Commission may impose additional conditions necessary to minimize identified adverse impacts to the neighboring properties, including but not limited to unsightly views, truck traffic and potential hazards.

FINDING: The subject property is a large lot located at the end of a cul-de-sac. The area proposed for Conditional Use consideration meets all Industrial use standards. All public services, including transportation, water, sewer, and storm drainage, are available at the property.

CONCLUSION: It may be found that the applicant has met development standards and conforms to the applicable Development Review standards.

- (2) The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the

appropriate future development – of neighboring properties and the community as a whole.

FINDING: The applicant states and staff concurs that the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

CONCLUSION: It may be found that the applicant has proposed a use that will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

- (3) Adverse impacts identified through the application and public hearing process can be mitigated.

FINDING: The proposed use is industrial in nature, located in an industrial zoning district, and meets the required dimensional standards. Neither staff nor the public has identified any adverse impacts.

CONCLUSION: It may be found that there will be no adverse impacts from the proposed use.

OVERALL CONCLUSIONS: Staff has concluded the following regarding this Conditional Use request:

- 1) A proper application has been made and hearing notice given.
- 2) The proposed use is eligible for conditional use consideration in the underlying zoning district.
- 3) The application meets the criteria for a Conditional Use Permit for on-site vehicle storage use in an IL – Light Industrial zoning district.

RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit application with the following conditions:

1. The project shall be completed in accordance with the plans and specifications, documents, and all other information presented to/or modified by the Planning Commission prior to a Certificate of Occupancy being granted.
2. The approval shall be void after one year of the date of final decision if no substantial construction has taken place.
3. The storage area shall be limited to vehicle storage use only and not be accessible by the general public. “Employee Only” signs shall be installed at the storage area location on the subject property.

4. Prior to any alteration, construction or use of the storage area, City staff shall perform an inspection to assure conformance with applicable wetland and/or riparian requirements.
5. A Building Permit will be required for the installation of the storage area fence if the fence is to be over 6 ft. in height.
6. Only the proposed 6000 sq. ft. enclosed storage area and access-way to and from the storage area are applicable to this recommendation.
7. The entire property shall conform to all underlying zoning district standards for the IL – Light Industrial zoning district including the only permitted residential use of one single family dwelling unit for caretaker / watchman.
8. The applicant shall provide evidence that all necessary permits have been obtained prior to commencement of the use. (added at Planning Commission meeting 1/12/10)

Respectfully submitted,

John Swanson
Community Development Department

COMMUNITY DEVELOPMENT

City Manager	Jerry Wyatt	Building Official	Ted Cuno
Director	Jason Locke	Building Inspector	Troy Skinner
Assistant	Joanne Ballweber	Planner	John Swanson
Building & Grounds	Ken Stoller	Code Enforcement	Ed Totten

DECEMBER 2009 Monthly Report - Planning, Building, Code Enforcement

REVENUES	Month	Fiscal YTD
Planning	Dec-09 \$ 750	\$ 4,264
Building	Dec-09 \$ 3,927	\$ 38,563

LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
Dec-09	0	1	0	0	0	0	0	0	0
YTD 2009	8	7	1	0	0	1	0	1	0
Dec-08	0	0	0	0	0	0	0	0	0
YTD 2008	13	8	4	4	5	1	0	0	1

INSPECTIONS AND SITE VISITS

Monthly: Inspections - 64	Site Visits - 51
Year to Date: Inspections - 1561	Site Visits - 881



CODE ENFORCEMENT

Current Open Cases:	26
New Cases processed i in December	12
6.505 Abandoned Vehicles	9
6.32 Vehicles Stored on Street	27
5.584 Vehicles Stored on Prop	8
5.582 Junk	3
5.556 Scattering Rubbish	6
5.588 Graffiti	1
Other Ordinances	8
Number of Followups	25
Number of Parking Citations	3

BUILDING PERMIT SUMMARY

Permit Use	Dec-09	Dec-08	YTD Total 2009	Annual Total 2008	YTD Valuation 2009	Annual Valuation 2008
New Single Family	1	0	11	30	\$2,229,061	\$5,896,612
New Duplexes	0	0	0	0	0	0
New Multifamily	0	0	1	1	3,759,944	390,000
Residential Remodel	2	3	46	61	1,025,311	1,652,102
Residential Accessory Building	0	0	9	4	175,621	59,891
New Commercial	0	1	4	16	35,880	4,283,623
Commercial Remodel	2	3	37	49	1,323,042	982,441
New Industrial	0	0	1	1	46,503	1,302,945
Industrial Remodel	0	0	0	0	0	0
Public Building	0	0	4	6	73,853	1,627,415
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
Total All Categories	5	7	113	168	8,669,215.00	\$16,195,028

DALLAS AQUATIC CENTER



Director - Jason Locke
 Supervisor - Tina Paul

December 2009 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	Dec-09	\$43,640
	Dec-08	\$25,155
		\$213,233

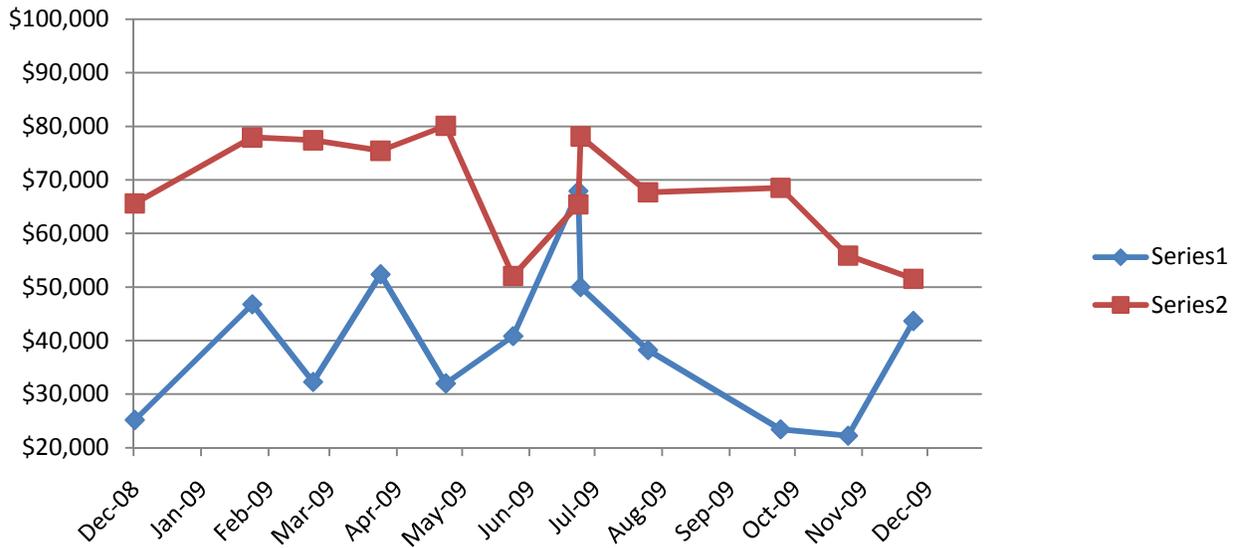
Current Members:	
Annual	796
3-month Water Aerobics	23

EXPENDITURES	Month	Fiscal YTD
	Dec-09	\$51,515
	Dec-08	\$65,606
		\$378,704

Monthly Attendance:	
December	7,351
Fiscal YTD	48,981

Utility Costs:	Dec-09	Fiscal YTD
Natural Gas	\$7,442	\$38,280
Electricity	\$5,588	\$33,213

R/E Ratio = 56.3 %
 (Revenue/Expenditure)



**Dallas Public Library
Monthly Report for December 2009**

Circulation Statistics

Adult	Dec 2009	Dec 2008	Children	Dec 2009	Dec 2008
Print Materials	7566	7470	Print Materials	2487	2306
Books on Tape/CD	565	577	Books on Tape/CD	140	140
AV Materials	1490	1341	AV Materials	930	8947
Misc. items	961	887			
2009 Year to Date 122,321			2009 Year to Date 45,375		
Remote Renewals 1054			2009 Year to Date 11,043		
Combined Total 178,738					

Additional Activity

	Dec 2009	Dec 2008	Year to Date 2009
Non-Resident User Fees	\$ 380.00	\$ 560.00	\$ 6820.00
Fines Collected	\$ 684.92	\$ 546.33	\$ 8789.41
Photocopies	\$ 60.71	\$ 68.64	\$ 1106.59
Reference Questions	916	971	12,018
Volunteer Hours	355	201	3383.5

Registered Patrons – December 2009

City Residents		Non-Resident – Fee Paid		Non-Resident - Restricted	
Adult	5485	Adult	346	Adult	1213
Child	1366	Child	56	Child	377
YA (12-17)	424	YA (12-17)	28	YA (12-17)	159
Total	7275	Total Fee	430	Kids C.A.R.E.	459
				Total Restricted	2208
Non-Resident Total 2638					
Total Registered Patrons 9913					

Fall sessions of both Infant/Toddler and Preschool Storytimes continue to be popular with children, with 188 attendees during December. In addition, with 42 attending a craft program, we have a total of 230 children visiting the Library and participating in these fun and exciting events. In mid-December the Children's Room took their annual holiday break. Storytimes will resume in mid-January, for the Winter series of programs and events.

Annual Circulation 2009

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
ADULT													
Non-Fiction	1685	1453	1686	1595	1479	1524	1517	1441	1452	1368	1181	1189	17,570
Fiction	2377	2249	2782	2279	2416	2731	3219	2523	2800	2931	2334	2862	31,503
New Books	2169	2135	2183	1992	1819	2202	1884	1808	2205	2172	1742	2198	24,509
Paperbacks	981	929	1011	995	878	1112	1271	934	1106	1005	885	1112	12,219
Periodicals	289	215	283	260	246	289	254	201	308	325	195	204	3069
Sound Recordings	325	265	393	266	190	187	264	297	239	217	259	320	3222
Books on Tape	139	114	106	110	116	101	146	99	117	137	89	104	1378
Books on CD	425	410	400	386	350	386	395	374	424	495	389	461	4895
Videocassettes	644	418	427	437	396	340	324	289	296	260	281	405	4517
DVD Adult	607	643	657	673	561	589	624	694	664	646	615	764	7737
Media Bags	453	394	411	443	387	398	400	384	388	389	318	400	4765
CD-ROMS	4	2	9	3	0	1	0	3	1	2	0	1	26
ILL – in	12	20	11	6	11	15	4	9	11	4	3	1	107
ILL – out		1	0	0	0	0	0	1	0	0	0	0	2
Internet Workstations	561	594	598	561	290	534	566	588	580	595	459	537	6463
Equipment	37	31	37	37	29	24	15	23	16	39	27	24	339
ADULT TOTAL	10,708	9873	10,994	10,043	9168	10,433	10,883	9668	10,607	10,585	8777	10,582	122,321
CHILDREN'S													
Non-Fiction	724	560	678	653	639	545	511	496	639	664	555	438	7102
Fiction	1857	1615	2129	2047	1949	2226	2498	2146	2265	2296	1897	1990	24,915
New Books	16	2	3	0	1	0	3	0	0	0	0	3	28
Periodicals	41	64	38	67	62	106	73	74	56	72	59	56	768
Sound Recordings	46	35	47	43	34	51	46	40	46	39	60	42	90
Books on Tape	118	112	122	125	97	120	108	105	111	76	90	78	1262
Books on CD	52	39	53	56	48	64	58	55	61	61	47	62	656
Videocassettes	482	474	493	469	458	470	602	650	485	655	481	527	6246
DVD Children	263	223	242	251	226	241	250	275	233	237	219	324	2984
CD-ROM	60	39	56	50	43	49	61	52	42	45	38	24	559
CD-ROM - Ref	6	12	62	35	40	48	31	30	20	22	8	13	327
CHILDREN'S Total	3665	3175	3923	3796	3597	3920	4241	3923	3958	4167	3454	3557	45,375
Remote Renewals	757	828	899	937	798	842	1012	860	967	1081	1006	1054	11,043
Grand Total	15,130	13,876	15,816	14,776	13,563	15,195	16,136	14,451	15,532	15,833	13,237	15,193	178,738

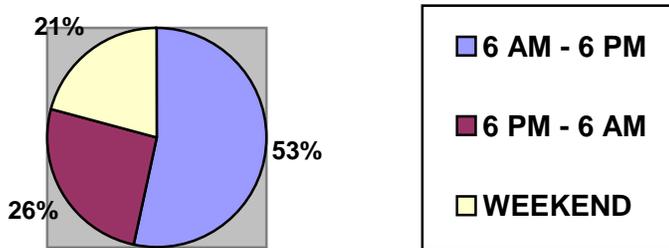
COUNCIL REPORT – DECEMBER 2009

To: Mayor & City Council Members

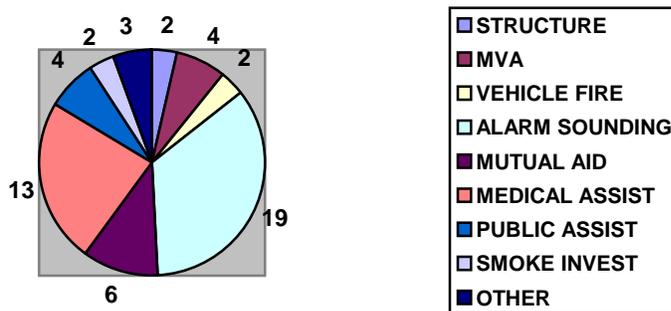
From: Fire Chief Bill Hahn

Dallas Fire Department:

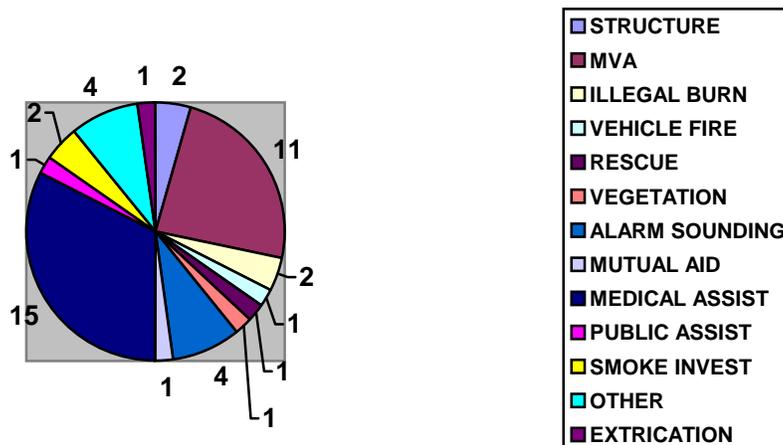
Station 100 responded to 101 calls of which 54 were between 6 AM – 6 PM, 26 between 6 PM – 6 AM and 21 during the weekend.



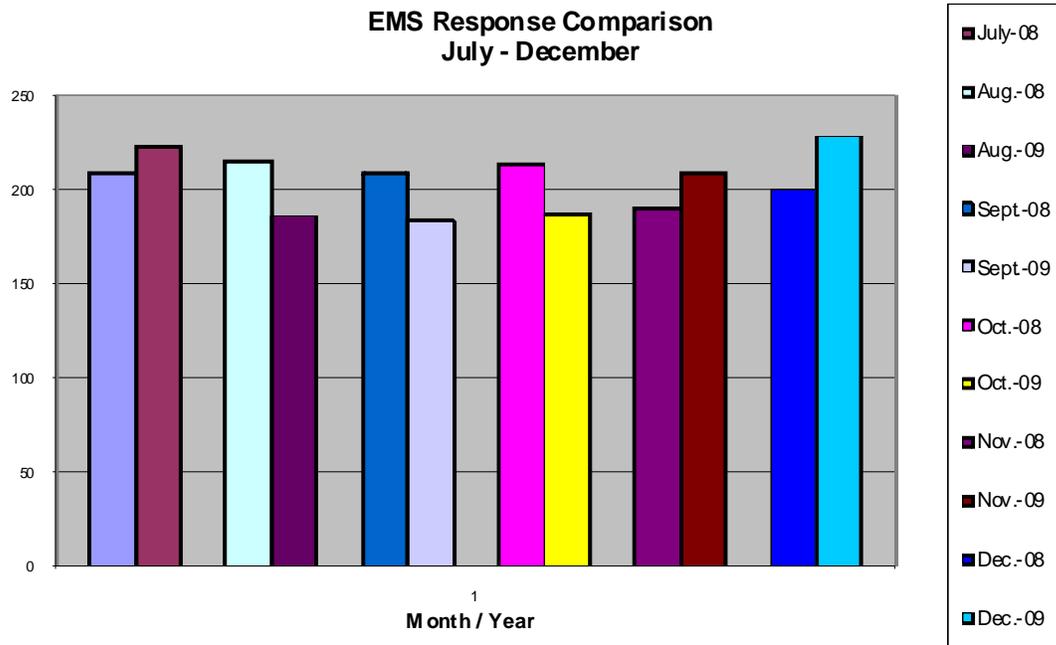
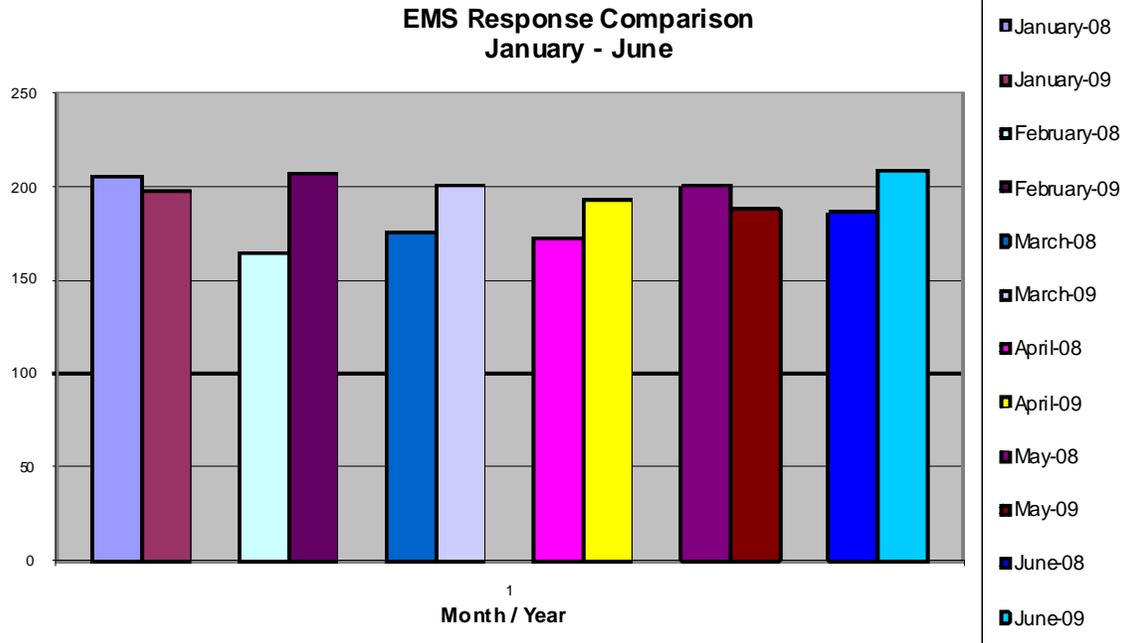
City Responded to the following incidents during the month from station 100.



Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:



DALLAS POLICE DEPARTMENT

DECEMBER 2009

Investigations / Arrests

Animal Ordinance Offenses	Clear by Arr 05 (9 warnings)
Assaults	Clear by Arr 07
Carrying Concealed Weapon	Clear by Arr 01
Criminal Mischief	Clear by Arr 03
Disorderly Conduct	Clear by Arr 02
DUII	Clear by Arr 07
Driving While Suspended	Clear by Arr 04
Drug Offenses	Clear by Arr 03
Fail Carry Present License	Clear by Arr 03
Fail Install IID	Clear by Arr 01
Forgery	Clear by Arr 03
Harassment	Clear by Arr 02
Hit & Run	Clear by Arr 01
Interference with Police	Clear by Arr 01
Menacing	Clear by Arr 03
Minor in Possession Alcohol	Clear by Arr 03
Ordinance Offense (Littering)	Clear by Arr 01
Possession Inhalants	Clear by Arr 03
Resisting Arrest	Clear by Arr 01
Runaway	Clear by Ref 03
Sex Offenses	Clear by Arr 06
Strangulation	Clear by Arr 01
Tampering Drug Records	Clear by Arr 01
Theft	Clear by Arr 09
Trespass	Clear by Arr 02
Unnecessary Noise	Clear by Arr 01
Unlawful Use Weapon	Clear by Arr 02
Violation No-Contact Order	Clear by Arr 01
Warrants	Clear by Arr 13

93 TOTAL ARRESTS (DEC '08 Arrests: 75)

The following is a summary of traffic violations committed:

08	Speeding Violations
09	License Violation
08	Moving Violations
24	All Other

JUVENILES

Ten juveniles were referred to juvenile authorities for their actions

PARKING CITES ISS: 100 (5 warnings)

TOTAL CALLS FOR SERVICE: 700 (Last yr: 904)

Incident Case No.'s 403
CAD Event Reports 297

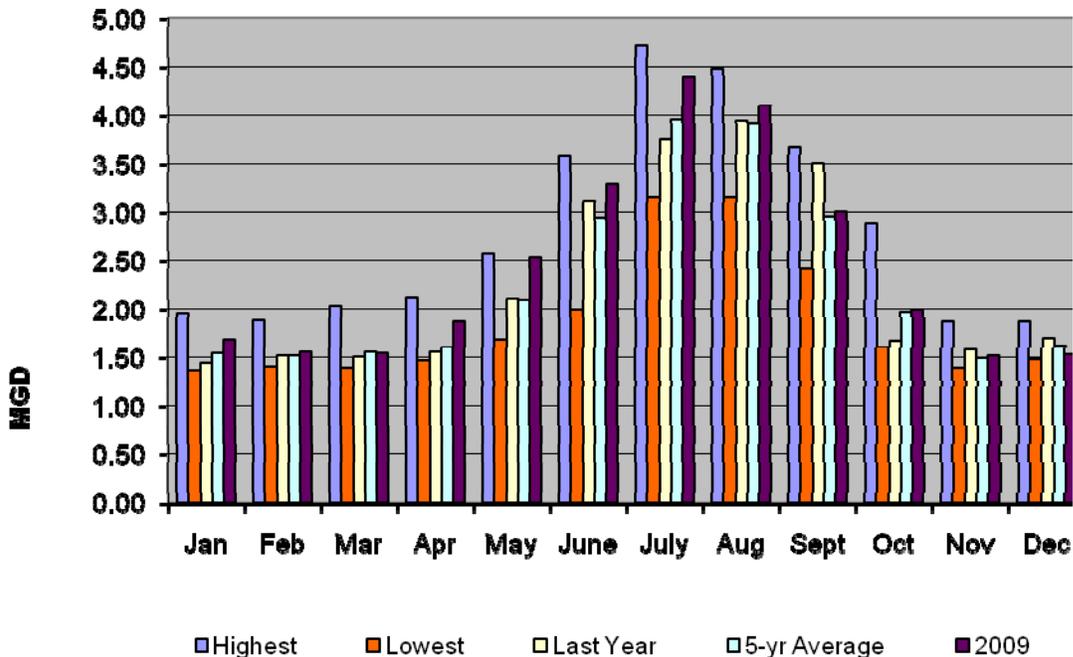
DEPARTMENT OF PUBLIC WORKS

Monthly Report for December 2009

Water Division

	<u>2009</u>	<u>Unit</u>		<u>2008</u>	<u>Unit</u>
Total Discharge to Town	47.74	MG		56.1	MG
Total Water Raw	55.95	MG		54.9	MG
Peak Day	(Dec. 14) 2.46	MG	(Dec. 24)	2.54	MG
Daily Average-Raw	1.80	MGD		1.8	MGD
Daily Average-City	1.54	MGD		1.8	MGD
Backwash Water	3.13	MG		3.6	MG
Filter to Waste	0.31	MG		.80	MG
Flushing	-	MG		-	MG
Discharge Water	0.01	MG		.10	MG
ASR Injection	4.76	MG		0	MG
Average High Temp	44 °	F		44 °	F
Average Low Temp	30 °	F		30 °	F
Total Precipitation	6.14	Inches		6.02	Inches

Average Daily Treated Water Production

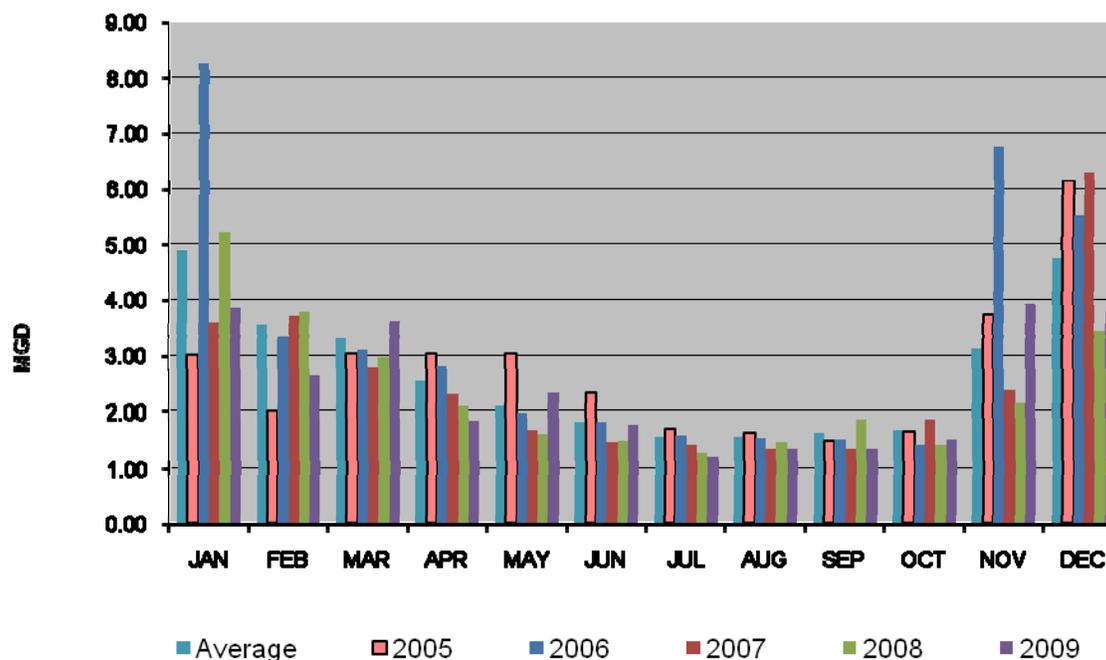


Wastewater Division

Effluent Flow

		<u>2009 Units</u>		<u>2008 Units</u>
Monthly Total Flow		118.01 MG		106.18 MG
Peak Day Flow	(Dec. 31)	10.49 MG	(Dec. 27)	10.16 MG
Daily Average Flow		3.81 MG		3.43 MG

Effluent - Average Daily Discharge by Month



Plant Maintenance

- Repaired breaker 52B, the breaker which transfers plant load to the generator. It failed during a generator test.
- Plant backflow preventors were tested and passed inspection.
- Monthly PM(preventative maintenance) completed.

Plant Performance

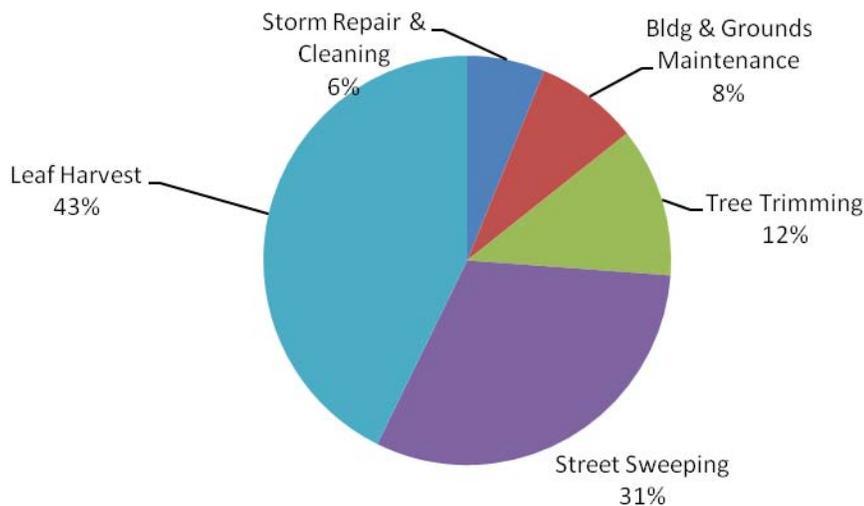
The plant met all permit parameters.

Parks

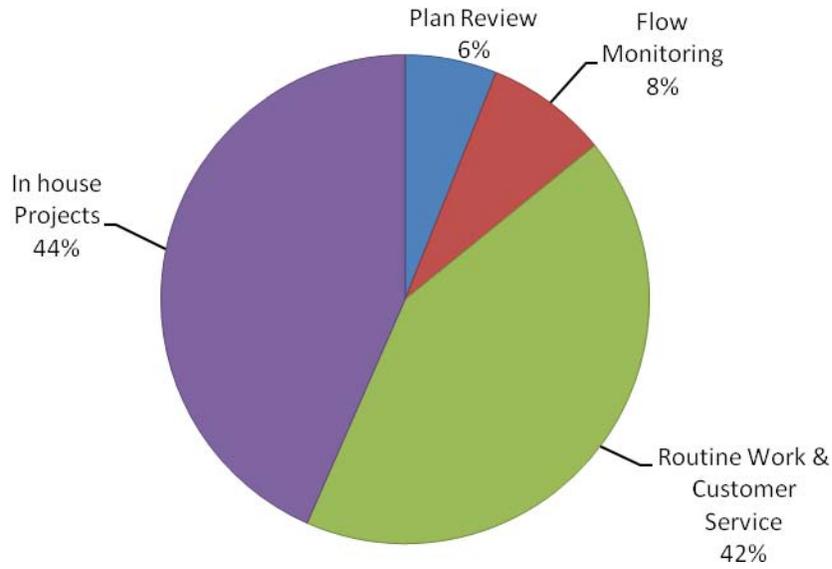
The Parks department provided the following routine services:

- ✓ Repaired damage caused by vandalism
- ✓ Regular mowing of all parks
- ✓ Weed shrub beds and landscape areas
- ✓ Performed monthly safety check of playground equipment on Dec. 18
- ✓ Repair irrigation lines on Jefferson Island
- ✓ Removed leaves from trails
- ✓ Pick up fallen limbs
- ✓ Winter table maintenance and equipment repairs
- ✓ Equipment service checked and/or repaired
- ✓ Removed leaves from park building roofs
- ✓ Removal of brush and tree limbs on hillside near Lyle School & Brandvold Dr.
- ✓ Cleaned debris from both sides of drainage ditch at Kingsborough Park
- ✓ Fertilized all turf in all City Parks

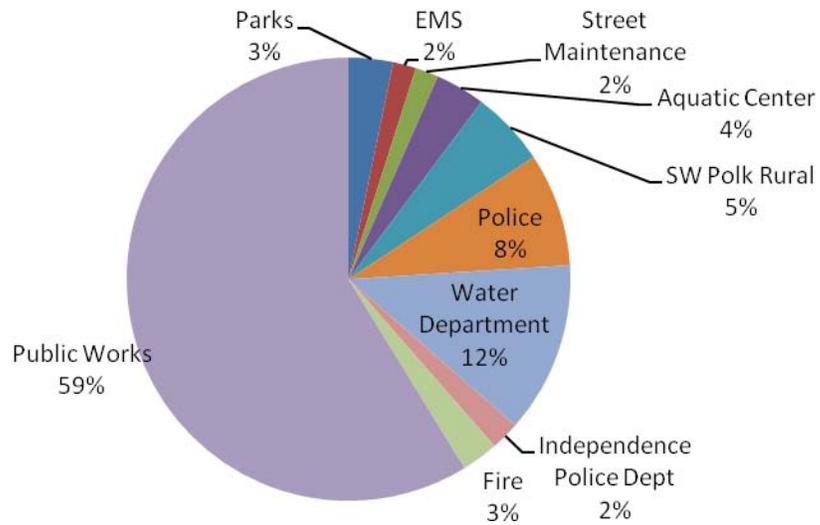
Street and Construction Division



Engineering



Fleet Management



PROCLAMATION

WHEREAS, all Dallas residents benefit from the selfless service of our highly trained firefighters, and each of us has a greater sense of security knowing they are well prepared to combat fires and the destruction that fires can bring; and

WHEREAS, firefighters face immeasurable risk every time they answer the alarm and speed off to fight a fire, or an emergency medical call where the risks can never be adequately known; and

WHEREAS, the proud men and women who become firefighters perform an immensely important public service in saving lives, protecting property, and promoting community values; and

WHEREAS, firefighters in Dallas, whether paid or volunteer, exemplify the highest level of public service, both by their selfless bravery and also their commitment to professionalism through frequent training and re-training; and

WHEREAS, the job of firefighting becomes increasingly demanding as new concerns and issues must be addressed, including the threat of weapons of mass destruction that can involve radiological, biological, or toxic contaminants, among others; and

WHEREAS, this occasion provides our elected leaders an opportunity to celebrate the day-to-day heroism of all firefighters serving Dallas, as all Dallas residents join to express gratitude to the remarkable people who wear the firefighters' uniform;

NOW, THEREFORE, we PROCLAIM January 27, 2010, to be:

“Fire Service Appreciation Day”

Signed this 19th day of January, in the year 2010

ATTEST:

Mayor Jim Fairchild

Jerry Wyatt, City Manager



DALLAS CITY COUNCIL REPORT

TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9a	Topic: Ordinance # 1717
Prepared By: Jason Locke, Com Dev Director	Meeting Date: January 18, 2010	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION: Ordinance # 1717 first reading.

BACKGROUND: Staff was recently contacted by representatives of the Wal-Mart Co. regarding the adoption of the amended Development Code. They had concerns related to the restrictions and requirements of the Commercial Neighborhood (CN) zoning designation. The initial conversation raised questions as to why the Wal-Mart property was zoned CN, a totally inappropriate zone for the use. After doing some fairly involved research, the following issues came to light:

1. In 1980, the City Council adopted Resolution No. 2207 (attached). Resolution No. 2207 was a resolution of intent to rezone the current Wal-Mart property (and other properties on the east side of Polk Station Road) from Commercial Restricted (CR) and Residential Agriculture (RA) to Commercial General (CG).
2. At that time, a resolution of intent to rezone meant that prior to the actual rezoning of the property by Ordinance, the property must have a development plan approved by the Planning Commission. Once that plan was approved and the development implemented, an Ordinance adopting the zone change was adopted.
3. In February 1994, the Wal-Mart site development plan was approved by the Planning Commission after 2 public hearings utilizing standards and criteria from the Commercial General zoning district. The project was completed in 1995.
4. As far as staff can tell, there was no Ordinance adopting the zone change to Commercial General in 1995 or thereafter, as should have occurred.
5. In 1999, the CR designation appears to have been replaced by the CN designation, and was applied to the Wal-Mart property. There is no discernible reason this occurred, other than perhaps an oversight or error.

In order to correct past errors with respect to the zoning of the property, and failure to designate the zone change to CG when the site plan was approved in 1994, staff is recommending that the City Council adopt the proposed Ordinance, which would properly designate the property Commercial General (CG) on the city zoning map, in accordance with Resolution No. 2207.

FISCAL IMPACT: None

ATTACHMENTS:

- A) Resolution No. 2207

RESOLUTION NO. 2207

A Resolution of intent to change the zone of certain property located South of the N. E. Kings Valley Highway, West of N. E. Polk Station Road and North of E. Ellendale Avenue upon the condition that a site development plan for the area be submitted to and accepted by the Planning Commission.

WHEREAS, a majority of the property owners of the property lying within a triangular shaped parcel of land bounded by the N. E. Kings Valley Highway on the North, by N. E. Polk Station Road on the East and E. Ellendale on the South have made application for a change in the zone applicable to the following described Polk County Tax Lots, to-wit:

Tax Lots 200 and 201 28CA75; Tax Lots 100, 300 and 401 28CD75; and Tax Lots 2201, 2202, 2300, 2301, 2302, 5100, 5200 and 5300 28D75;

--from RA, Residential Agricultural, as to a portion thereof and from CR, Commercial Restricted, as to a portion thereof to CG, Commercial General; and

WHEREAS, the Planning Commission of the City of Dallas subsequent to the filing of said application, and after due notice thereof, held a public hearing on said proposed zone change on December 11, 1979; and

WHEREAS, the said Planning Commission heard all persons desiring to be heard in favor of or in opposition to said application; and

WHEREAS, at the conclusion of said hearing, said Planning Commission determined that the application be reported to the City Council of the City of Dallas with a recommendation that said application be granted upon the condition that a site plan as provided for by Sections 176 and 177 of Ordinance No. 1250 of the City of Dallas be submitted to and approved by the Planning Commission of the City of Dallas; and

WHEREAS, the said Planning Commission made and adopted appropriate findings of fact to support its recommendation to the City Council at its meeting held on said 11th day of December, 1979; and

WHEREAS, the said City Council received the report and recommendation of the Planning Commission at its regular meeting held on the 17th day of December, 1979; and

WHEREAS, after receiving said report, the City Council fixed Monday, the 7th day of January, 1980, as the date, the City Council Chambers in the City Hall as the place and 7:45 o'clock p.m. as the time for a public hearing before said City Council on said application; and

WHEREAS, the said City Council sat at the date, time and place hereinbefore mentioned for the purpose of hearing all persons desiring to be heard in favor of or in opposition to said application and the recommendation of said Planning Commission thereon; and



SCALE 1" = 70'

WHEREAS, no persons appeared in favor of said application and only one person owning property in said area expressed opposition to the inclusion of his property in said application; and

WHEREAS, the City Council determined that it was unable to act upon said application in the absence of any appearance by the applicants and that said hearing should be continued to the next regular Council meeting date; and

WHEREAS, the said City Council met on the 21st day of January, 1980, that being its next regular Council meeting date, and reopened said hearing for the purpose of permitting all persons in favor of or in opposition to said application to be heard thereon; and

WHEREAS, the City Council heard spokesmen for the applicants and considered the staff reports and the report of the Planning Commission in connection with said application; and

WHEREAS, no person appeared in opposition to said application and recommendation; and

WHEREAS, at the conclusion of said hearing, the City Council determined that the recommendation of the Planning Commission that the zone be changed upon the condition that a site plan as required by Sections 176 and 177 of Ordinance No. 1250 be submitted to and approved by the Planning Commission; and

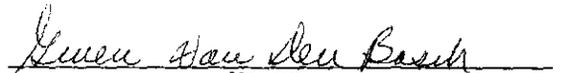
WHEREAS, the said City Council thereupon adopted as its own the report and findings and the recommendation of said Planning Commission and determined that it should express its intent to change the zone of said real property in accordance with said application when the condition hereinabove and hereinafter set forth has been met: NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Council of the City of Dallas intends to change the zone of the real property hereinabove more particularly described in accordance with the application of a majority of the owners of said real property filed with the Planning Commission of the City of Dallas upon the condition that the applicants cause a site plan as referred to in Sections 176 and 177 of Ordinance No. 1250 of the City of Dallas affecting said real property to be submitted to and approved by the Planning Commission of the City of Dallas.

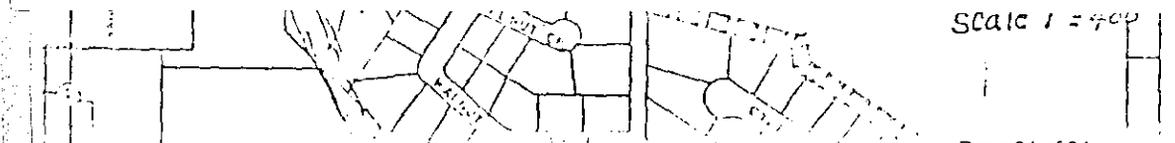
Adopted February 4, 1980.

Approved February 4, 1980.


Mayor

ATTEST:


City Manager



Scale 1 = 400

ORDINANCE NO. 1717

An Ordinance changing the zoning designation of a parcel of real property from CN, Commercial Neighborhood to CG, Commercial General; and amending the Dallas Zoning Map.

WHEREAS, by Resolution No. 2207, adopted by the City Council and approved by the Mayor on February 4, 1980, the City Council expressed its intent to change the zone applicable to that certain real property described on Exhibit 1, attached hereto and by reference incorporated herein, from CR, Commercial Restricted and RA, Residential Agriculture, to CG, Commercial General, upon the fulfillment of certain conditions as set forth in said Resolution No. 2207; and

WHEREAS, the conditions set forth in said Resolution have been fulfilled with respect to the real property described on Exhibit 1 and shown on the map attached as Exhibit 2 ; and

WHEREAS, Ordinance No. 1583, adopted by the City Council in 1999, erroneously designated said real property CN, Commercial Neighborhood; and

WHEREAS, in keeping with the intent of the City Council as expressed in said Resolution No. 2207, it is deemed appropriate to effect the change in the zone of the real property that is the subject of this Ordinance and to amend the zoning map of the City accordingly; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on January 19, 2010, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 2. The zoning designation of the real property described on Exhibit 1 hereto is hereby changed from CN, Commercial Neighborhood, to CG, Commercial General.

Section 3. The Dallas Zoning Map shall be, and is hereby declared amended in accordance with the zone change effected by this ordinance.

Read for the first time: January 19, 2010

Read for the second time: February 1, 2010

Passed by the City Council: February 1, 2010

Approved by the Mayor: February 1, 2010

JAMES B. FAIRCHILD, MAYOR

ATTEST:

JERRY WYATT, CITY MANAGER

EXHIBIT 1
Store #2315, Dallas, OR

A parcel of land situated in Section 28, Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, being more particularly described as follows:

PARCEL 1

Beginning at a 3/4" iron pipe marking the Northeast corner of Block 9, GERMANTOWN in the City of Dallas, Polk County, Oregon; thence North 00°06'41" East along the East boundary line of said GERMANTOWN a distance of 378.41 feet to a 5/8" iron rod with a yellow plastic cap marked "PLS 1678" marking a point on the southeasterly Right-of-way line of Kings Valley Highway (state Highway No. 223); thence North 54°27'20" East along said right-of-way line, a distance of 333.85 feet to a 5/8" iron rod with a yellow plastic cap marked "PLS 1678" marking a point 60 feet left of Engineers Station P.T. 124+22.50; thence northeasterly continuing along said right-of-way line along the arc of a offset spiral curve to the left (the chord of which bears North 53°06'57" East 404.10 feet) an arc distance of 404.19 feet to a 5/8" iron rod with a yellow plastic cap marked "PLS 1678" marking a point 60 feet left of Engineers Station P.C.S.120+22.50; thence North 44°59'11" East along said right-of-way line, a distance of 123.22 feet to a 5/8" iron rod with a yellow plastic cap marked "PLS 1678" marking the Northwest corner of Lot 1, Block 1, NORTH DALLAS TRADE CENTER – Phase 1 as recorded in Volume 9, Page 8, Book of Town Plats for Polk County, Oregon; thence South 00°17'24" East along the West line of said subdivision and the southerly extension thereof, a distance of 981.97 feet to a point on the northerly right-of-way line of East Ellendale Avenue (from said point a 5/8" iron rod with a red plastic cap marked "PLS 1658" bears North 00°17'24" West 0.26 feet); thence South 81°18'21" West along said right-of-way line a distance of 60.63 feet to a point marking the Southeast corner of that tract of land conveyed to James B. Faulkner and Billie H. Faulkner, by instrument recorded in Volume 72, page 37, Book of Records (from said southeast corner a 5/8" iron rod bears South 00°14'30" East 0.15 feet); thence North 00°16'22" West along the East line of said Faulkner tract, a distance of 221.83 feet to the Northeast corner thereof; thence South 81°32'37" West along the North line of said Faulkner tract, a distance of 216.02 feet to a point which bears North 08°47'28" West 20.08 feet from the Northeast corner of that tract of land conveyed to Ellendale Professional Building, a Co-partnership by instrument recorded in Volume 133, Page 1214, Book of Records; thence South 08°47'28" East 20.08 feet to said Northeast corner of said Ellendale Professional Building Co-partnership tract; thence South 79°54'38" West along the Northerly line of said Ellendale Professional Building Co-partnership tract, a distance of 117.78 feet to the northwest corner of that tract of land described in Volume 142, Page 1623, Book of Records; thence following the northerly line of said tract South 79°51'23" West a distance of 99.63 feet to the northwest corner of said tract; thence following the west line of said tract South 00°12'04" West a distance of 206.21 feet to a 5/8" iron rod with a yellow plastic cap marked "PLS. 1678" marking a point on the northerly right-of-way line of said East Ellendale Avenue; thence South 79°56'12" West along said northerly right-of-way a distance of 117.18 feet to the Southeast corner of that tract of land described in Volume 169, Page 1505, Book of Records; thence North 00°06'40" East along the East line of said tract, a distance of 153.45 feet; thence leaving the east line of said tract South 89°42'31" feet west 98.43 feet to a point on the West line of said tract described in Volume 169, Page 1505; thence North 00°06'40" East along said West line a distance of 30.65 feet to a point on the North boundary line of Block 9 of said GERMANTOWN; thence South 89°52'58" East along said boundary line a distance of 11.81 feet to the point of beginning. Parcel 1 contains 419,448 Square Feet (9.629 Acres), more or less.

EXCEPT:

Beginning at a point on the East line of that tract of land described in Volume 169, Page 1505, Deed Records which point bears North 89°52'58" West 11.81 feet and South 00°06'40" West 30.65 feet and North 89°42'50" East 98.43 feet from an iron pipe marking the Northeast corner of Block 9,GERMANTOWN in the City of Dallas, and being situated in Section 28, Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence North 89°42'50" East 54.91 feet; thence South 00°06'40" West 145.48 feet to a point on the Northerly line of East Ellendale Avenue; thence South 79°56'12" West along said right-of-way line, a distance of 48.02 feet to the Southeast corner of said tract described in Volume 169, Page 1505, Deed Records; thence North 00°06'40" East along the East line of said tract, a distance of 153.65 feet to the place of beginning.

Briefly, the subject is described as a portion of the southeast 1/4 of the southwest 1/4 of section 28 in Township 7 South, Range 5 West in the Willamette Meridian in Polk County, Oregon. The property is also identified as Tax Lots 7S-5W-28CD: 200 and 202.

