JUNE 27, 2018 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 27, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

6/15/18
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

6-15-18
Date

RECEIVED
2018 JUN 15 PM 5:11
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

June 27, 2018
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. ***The Council agenda is available in alternative formats upon request***.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaria del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JUNE 27, 2018
ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 60
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 61 - 63
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 64 - 94

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA

CITY COUNCIL MEETING

JUNE 27, 2018

CITY OF DALLAS

1500 MARILLA STREET

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the June 13, 2018 City Council Meeting

CONSENT AGENDA

City Attorney's Office

2. Authorize settlement of the lawsuit styled Victor Rodriguez v. City of Dallas, Cause No. DC-17-11140 - Not to exceed $32,500 - Financing: Current Funds

3. Authorize settlement of the lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, in the 382nd District of Rockwall County, Texas, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, 382nd District of Rockwall County, Texas; (collectively, the "Lawsuits") - Not to exceed $173,312,500 - Financing: 2018 or 2019 Bond Funds

City Controller's Office

4. Authorize the preparation of plans for an issuance of Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in an amount not to exceed $165,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

CONSENT AGENDA (continued)

City Controller's Office (continued)

5. An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, in an aggregate principal amount not to exceed $63,000,000; **(2)** levying a tax in payment thereof; **(3)** approving execution of an Escrow Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $330,350 - Financing: 2018 General Obligation Refunding Bond Funds

Civil Service

6. Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed $128,159 - Financing: General Funds (subject to appropriations)

Department of Aviation

7. Authorize a sublease agreement between The Braniff Centre, LP and CLT Commercial Partners, LP of approximately 248,020 square feet of land and improvements located at Dallas Love Field - Financing: No cost consideration to the City

8. Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phases III and IV at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed $92,749 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed $92,749 - Financing: Aviation Near Term Passenger Facility Charge Funds

Department of Dallas Animal Services

9. An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; **(1)** amending the rules on the impoundment of animals; **(2)** amending redemption fees; **(3)** amending redemption periods; **(4)** clarifying redemption period for dogs deemed dangerous; **(5)** providing a presumption of abandonment and transfer of ownership; **(6)** providing a penalty not to exceed $500; **(7)** providing a saving clause; **(8)** providing a severability clause; and **(9)** providing an effective date - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Department of Dallas Animal Services (continued)

10. An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.6, 7-8.1, and 7-8.2 by **(1)** adding Section 7-4.14 and Article V-a **(2)** adding a definition; **(3)** aligning the dangerous dog determination process with state law; **(4)** providing the presumption of the transfer of ownership for dangerous dogs; **(5)** deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; **(6)** providing courts with jurisdiction for appeals; **(7)** providing an appeal bond; **(8)** providing notice of responsibility of additional costs to dog owners on appeal; **(9)** amending the time for compliance for requirements of owning a dangerous dog; **(10)** providing additional requirements for ownership of a dangerous dog; **(11)** providing additional requirements for transferring ownership of a dangerous dog; **(12)** providing surrender requirement for a dangerous dog that attacks; **(13)** providing a minimum fine amount for a dog bite conviction; **(14)** including dog bite convictions in additional enforcement provisions; **(15)** establishing a criminal penalty for certain dog bites; **(16)** providing a definition for an aggressive dog; **(17)** providing a process for determination as an aggressive dog; **(18)** providing an appeal process for an aggressive dog determination; **(19)** providing requirements for ownership of an aggressive dog; **(20)** providing the presumption for the transfer of ownership of an aggressive dog; **(21)** providing for an investigation and enforcement of an attack by an aggressive dog; **(22)** amending the providing a penalty not to exceed $500; **(23)** providing a saving clause; **(24)** providing a severability clause; and **(25)** providing an effective date - Financing: No cost consideration to the City

Department of Equipment and Building Services

11. Ratify an emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street - Not to exceed $203,344 - Financing: Capital Construction Funds

Department of Public Works

12. Authorize an increase to the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600 and for the reduction in pay items including asphalt surface material for a reduction of $84,600 for a zero-dollar change to the contract amount - Financing: No cost consideration to the City

Department of Sustainable Development and Construction

13. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 57,467 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Julie D. Lockmiller and James Lockmiller - Not to exceed $14,872, increased from $38,250 ($35,250, plus closing costs and title expenses not to exceed $3,000) to $53,122 ($50,122, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (continued)

Department of Sustainable Development and Construction (continued)

14. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 6,030 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Richard Stewart and Mary Stewart - Not to exceed $2,147, increased from $3,220 ($720, plus closing costs and title expenses not to exceed $2,500) to $5,367 ($2,867, plus closing costs and title expenses not to exceed $2,500) – Financing: Water Utilities Capital Improvement Funds

15. Authorize consent to the creation of the Walden Pond Water Control and Improvement District of Kaufman County within the City of Dallas' extraterritorial jurisdiction on approximately 485 acres located in Kaufman County northwest of the City of Forney - Financing: No cost consideration to the City

16. A resolution authorizing the conveyance of approximately 60 acres of unimproved City-owned land to the County of Dallas located near the intersection of South Beltline Road and Bunche Drive, Dallas County - Revenue: $60,000

17. An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of a total of approximately 79 square feet of land to occupy, maintain, and utilize a sidewalk café and a tree on a portion of Bishop Avenue right-of-way near its intersection with Melba Street - Revenue: $200 annually and a $100 one-time fee, plus the $20 ordinance publication fee

18. An ordinance **(1)** granting a revocable license to Bishop Art's District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District, located near the intersection of Bishop Avenue and Davis Street; and **(2)** providing for the implementation of a streetscape improvement permit process - Financing: No cost consideration to the City

19. An ordinance abandoning a street easement to AG-QIP Park Creek Owner, L.P., the abutting owner, containing approximately 601 square feet of land, located near the intersection of Welborn and Hall Streets; and authorizing the quitclaim; and providing for the dedication of approximately 10 square feet of land needed for a sidewalk and utility easement - Revenue: $102,771, plus the $20 ordinance publication fee

20. An ordinance abandoning a storm water drainage facilities easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 8,464 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: $5,400, plus the $20 ordinance publication fee

CONSENT AGENDA (continued)

Department of Trinity Watershed Management

21. Authorize an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail - Financing: No cost consideration to the City

22. Authorize a contract for construction of the Wynnewood Village Drainage Improvements Project - North Texas Contracting, lowest responsible bidder of seven - Not to exceed $2,425,170 - Financing: 2017 Bond Funds

Office of Community Care

23. Authorize a twelve-month Interlocal Agreement with the Dallas County Health and Human Services Department to provide and administer immunization and testing services for 185 employees of the City of Dallas Women, Infants and Children Program for the term of October 1, 2017 through September 30, 2018 - Not to exceed $5,000 – Financing: Department of State Health Services Grant Funds

24. Authorize an Interlocal Agreement between the City of Dallas and the University of Texas at Arlington, College of Nursing and Health Innovation (University), for the purpose of providing a supervised clinical lactation experience for the University's nursing program students at the City of Dallas Lactation Care Center for the period September 1, 2018 through August 31, 2019 - Financing: No cost consideration to the City

25. Authorize a five-year Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland") for the Dallas Women, Infants and Children Program peer counselors to provide breastfeeding information to prenatal and routine postpartum patients at Parkland Memorial Hospital for the period June 1, 2018 through May 31, 2023 - Financing: No cost consideration to the City

26. Authorize a five-year Interlocal Agreement with the Department of State Health Services, to provide on-line computer services for the City's Bureau of Vital Statistics Program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period September 1, 2018 through August 31, 2023 - Not to exceed $35,000 annually for a total not to exceed $175,000 - Financing: General Funds (subject to appropriations)

Office of Cultural Affairs

27. Authorize the First Amendment to decrease the total five-year service contract for janitorial services with Member's Building Maintenance, LLC to adjust routine and event cleaning tasks - Not to exceed (-$1,084,395), from $5,655,104 to $4,570,709 - Financing: General Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Office of Economic Development

28. Authorize **(1)** the assignment of a loan agreement between the City of Dallas and the Oak Cliff Foundation to 231 W. Jefferson Blvd., LLC; and **(2)** the City Manager to execute an assignment and restatement of the loan documents between the City of Dallas and 231 W. Jefferson Blvd., LLC - Financing: No cost consideration to the City

29. Authorize a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and completion date from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhance the street work to include removal of the existing ramp and loading area - Financing: No cost consideration to the City

*__Note__: Item Nos. 30 and 31 must be considered collectively.

South Dallas/Fair Park Trust Fund

30. * An ordinance amending Chapter 2, "Administration," of the Dallas City Code Sections 2-130 through 2-132 changing the name of the "South Dallas/Fair Park trust fund board" to the "South Dallas/Fair Park Opportunity Fund board" - Financing: No cost consideration to the City

31. * Authorize approval of the City of Dallas South Dallas Fair Park Opportunity Fund Program Statement - Financing: No cost consideration to the City

32. Authorize an amendment to Resolution No. 18-0219, previously approved on January 24, 2018, to support either 4% or 9% Low Income Housing Tax Credit applications to the Texas Department of Housing and Community Affairs by 2400 Bryan Street, LP, or its affiliate, for the new construction of up to a 230-unit residential development located at 2400 Bryan Street - Financing: No cost consideration to the City

Office of Procurement Services

33. Authorize a two-year consultant contract for a complex terrorist attack preparedness support plan for the Office of Emergency Management with Innovative Emergency Management, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $673,964 - Financing: U.S. Department of Homeland Security Grant Funds

34. Authorize a six-year service contract for actuarial analysis services for the City's uniformed and civilian employee pension plans - Deloitte Consulting, LLP, most advantageous proposer of two - Not to exceed $885,000 - Financing: General Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Office of Procurement Services (continued)

Food & Beverage Services
for the Office of Cultural Affairs

*__Note__: Item Nos. 35 and 36 must be considered collectively.

35. * Authorize a five-year concession contract, with five one-year renewal options, for food and beverage services at the Morton H. Meyerson Symphony Center and Moody Performance Hall - Culinaire International, Inc., most advantageous proposer of three - Estimated Average Annual Net Revenue: $536,669 (63 percent net revenue-share to the City)

36. * Authorize a five-year service contract, with five one-year renewal options, for catering services for City Council lunches - Culinaire International, Inc., most advantageous proposer of two - Not to exceed $132,225 - Financing: General Funds (subject to annual appropriations)

37. Authorize a five-year service price agreement for annual radiation testing, routine and preventative maintenance, and repair of x-ray machines with Smiths Detection, Inc. through the U.S. General Services Administration cooperative agreement - Not to exceed $90,645 - Financing: General Funds (subject to annual appropriations)

38. Authorize **(1)** a five-year appointment contract for paying agent/registrar services for registered debt obligations issued July 1, 2018 through June 30, 2023 - UMB Bank, N.A. in the amount of $200 per year for each bond issuance with total fees during the term of the contract not to exceed $60,000 (estimated fees for ten bond issuances with a 30-year term for each issuance), most advantageous proposer of five; and **(2)** the continuation of service by and payment to U.S. Bank, N.A. and Wells Fargo Bank, N.A. as paying agents for previously registered debt obligations in the amount of $49,000 - Total not to exceed $109,000 - Financing: General Funds ($55,000) and Water Utilities Current Funds ($54,000) (subject to annual appropriations)

39. Authorize the purchase of two hazardous material analyzers for the Fire-Rescue Department with Farrwest Environmental Supply, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $134,581 - Financing: U.S. Department of Homeland Security Grant Funds

40. Authorize the purchase of one explosives ordnance disposal response vehicle for the Police Department with LDV, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $257,181 - Financing: U.S. Department of Homeland Security Grant Funds

41. Authorize a three-year master agreement for ballistic plate inserts for Dallas public safety first responders with Safeware, Inc. through the U.S. Communities Government Purchasing Alliance cooperative agreement - Not to exceed $2,070,250 - Financing: General Funds ($582,925) and Office of the Governor, Criminal Justice Division State Grant Funds ($1,487,325)

CONSENT AGENDA (continued)

Office of Procurement Services (continued)

42. Authorize **(1)** the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City

43. Authorize Supplemental Agreement No. 3 to exercise the first of two, one-year renewal options to the subscription agreement with Origami Risk, LLC, for a centralized risk management information system and add additional user licenses for the Department of Risk Management - Not to exceed $217,733, from $498,534 to $716,267 - Financing: Workers Compensation Funds (subject to annual appropriations)

Office of Strategic Partnerships & Government Affairs

44. An ordinance amending the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to include proposed new streets at the Passport Park Development Site - Financing: No cost consideration to the City

Park & Recreation Department

45. Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: $100 one-time fee

46. Authorize a twenty-year development, operation, and maintenance agreement with one five-year renewal option, with JLB Ash at The Branch Partners L.P. for a pedestrian bridge and landscape improvements for purposes of connecting to and providing public access from an adjacent development to the Ridgewood Trail located at 4662 Amesbury Drive - Financing: No cost consideration to the City

47. Authorize an Advance Funding Agreement with the Texas Department of Transportation for voluntary local government contributions to transportation improvement projects for bridge improvements of the Mockingbird Lane-Peavy Road Bridge Replacement over Loop 12/Buckner Boulevard - Not to exceed $72,123 - Financing: 2006 Bond Funds

48. Authorize a professional services contract with Kimley-Horn and Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, bidding and negotiation, and construction administration for the Aquatics Phase 2 Projects to be constructed at Bachman Park located at 2750 Bachman Drive, Bahama Beach Waterpark located at 1895 Campfire Circle, Exline Park located at 2525 Pine Street, and Harry Stone Park located at 2403 Millmar Drive - Not exceed $2,600,000 - Financing: 2017 Bond Funds

CONSENT AGENDA (continued)

Park & Recreation Department (continued)

49. Authorize a professional services contract with M. Arthur Gensler, Jr & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue - Not to exceed $1,257,359 - Financing: 2017 Bond Funds

50. Authorize a construction contract for the Singing Hills Replacement Recreation Center - Phase 2 located at 6805 Patrol Way - 3i Contracting, LLC, best value proposer of six - Not to exceed $5,950,000 - Financing: 2017 Bond Funds

51. Authorize a public hearing to be held on August 8, 2018, to receive comments on the proposed use of a portion of parkland, totaling approximately 39 square feet of land at Hamilton Park located at 12100 Willowdell Drive, by the Office of Emergency Management for the installation of an outdoor warning siren to provide warning siren system coverage for the benefit of the public; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland, pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

52. Authorize Amendment No. 1 to the Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane, to provide additional funding for additional costs - Not to exceed $133,013 - Financing: 2006 Bond Funds ($7,892) and 2012 Bond Funds ($125,121)

Police Department

53. Authorize **(1)** an application for and acceptance of the Commercial Auto Theft Interdiction Squad/26 Grant (Grant No. 608-19-DPD0000) from the Texas Automobile Burglary & Theft Prevention Authority in the amount of $555,204 to provide a specialized proactive automobile theft program, for the period September 1, 2018 through August 31, 2019; **(2)** the establishment of appropriations in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; **(3)** the receipt and deposit of funds in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; **(4)** a local match in the amount not to exceed $111,041; **(5)** an in-kind contribution in an approximate amount of $517,394; and **(6)** execution of the grant agreement - Total not to exceed $1,183,639 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds ($555,204), In-Kind Contributions ($517,394) and General Funds ($111,041) (subject to appropriations)

CONSENT AGENDA (continued)

Police Department (continued)

54. Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed $1,200,000 - Financing: General Funds (subject to appropriations)

Water Utilities Department

55. Authorize **(1)** an Interlocal Agreement with the Town of Highland Park for replacement of an existing 24-inch water main along Preston Road from Armstrong Parkway to Mockingbird Lane; and **(2)** payment to the Town of Highland Park in accordance with the interlocal agreement for the aforementioned improvements - Not to exceed $1,530,864 - Financing: Water Utilities Capital Improvement Funds

56. Authorize a three-year contract with the Town of Hickory Creek to provide untreated water services for the period June 27, 2018 through June 26, 2021 - Estimated Annual Revenue: $10

57. Authorize a professional services contract with JQ Infrastructure, LLC to provide engineering services required for the investigation, preliminary design, development of construction plans and specifications, bid phase services, construction administration, and start-up of rehabilitation improvements for influent piping and equipment at the Central Wastewater Treatment Plant - Not to exceed $1,095,000 - Financing: Water Utilities Capital Improvement Funds

58. Authorize a construction contract for the East Side Water Treatment Plant Site and Security Improvements Project - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed $2,655,900 - Financing: Water Utilities Capital Improvement Funds

59. Authorize a construction contract with Archer Western Construction, LLC for structural improvements to the Garland Road Elevated Water Storage Tank - Not to exceed $3,414,000 - Financing: Water Utilities Capital Improvement Funds

60. Authorize an increase in the construction services contract with Joe Funk Construction + Diversity Resources Group Joint Venture for additional work associated with building renovations, roof replacements and miscellaneous improvements at five Dallas Water Utilities facilities (list attached) - Not to exceed $457,401, from $2,704,585 to $3,161,986 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

61. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)

Department of Sustainable Development and Construction

62. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 6,500 square feet improved with a single-family dwelling, located near the intersection of Buick Avenue and Cadillac Drive for the Cadillac Heights Phase II Project, from Antonio Garcia Juarez and Magdalena Moncivais - Not to exceed $94,600 ($92,000, plus closing costs and title expenses not to exceed $2,600) - Financing: 2006 Bond Funds

Office of Procurement Services

63. Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 28, 30, 31, 32, 34, 93, 119, 137, and 166 for bid BI1806 for a five- year master agreement for the purchase of grounds maintenance equipment and parts - Deen Kubota, Four Brothers Outdoor Power, Landmark Equipment, Inc., Lone Star Mower Repair, Richardson Saw and Lawnmower Company, Inc., and Tom Loftus, Inc. dba Austin Turf and Tractor - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

64. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a CR Community Retail District; and **(2)** an ordinance granting a Specific Use Permit for mini-warehouse use on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication on the northeast corner of South Belt Line Road and Fish Road
Recommendation of Staff and CPC: Approval of a CR Community Retail District; and approval of a Specific Use Permit for mini-warehouse use for a ten-year period, subject to a site plan and conditions
Z178-107(SM)

65. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 834, on the northeast corner of North Central Expressway and Twin Sixties Drive
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan, revised master parking tabulation chart, and conditions
Z178-170(SM)

66. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 110 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by North Field Street, North Akard Street, Ashland Street and Cedar Springs Road
Recommendation of Staff and CPC: Approval, subject conditions
Z178-192(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

67. A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 4 within Planned Development District No. 298, the Bryan Area Special Purpose District with Historic Overlay H/77 for the Fanning Elementary School, bounded by Ross Avenue to the north, North Fitzhugh Avenue to the east, San Jacinto Street to the south, and North Prairie Avenue to the west
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions
Z178-199(CY)

68. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-207(SM)

69. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions
Z178-213(SM)

70. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign and amendment to the orientation of the sign on property zoned Planned Development District No. 619, on the southeast corner of Elm Street and North Field Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to a revised site plan and conditions
Z178-214(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

71. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, with Historic Overlays Nos. 16 and 48 on a portion, on the northwest corner of Young Street and South Harwood Street
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z178-216(SM)

72. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2206 for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the southeast side of Ross Avenue, northeast of Hall Street
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions
Z178-217(MB)

73. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, on the south line of Kimsey Drive, northeast of Maple Avenue
Recommendation of Staff and CPC: Approval
Z178-220(AM)

ZONING CASES - INDIVIDUAL

74. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street
Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
Z167-246(SM)

75. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant, on property zoned a CS Commercial Service District, on the southeast line of Race Street, southwest of North Washington Avenue
Recommendation of Staff: Approval
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z178-209(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

76. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane
Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions
Z167-362(WE/SH)
Note: This item was considered by the City Council at public hearings on March 28, 2018, May 9, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

77. A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z178-131(JM)
Note: This item was considered by the City Council at public hearings on April 25, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

78. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z178-134(PD)
Note: This item was considered by the City Council at public hearings on February 14, 2018, February 28, 2018, March 28, 2018 and April 25, 2018, and was held under advisement until June 27, 2018, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (continued)

79. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road
Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant
Z178-135(SM)
Note: This item was considered by the City Council at public hearings on April 11, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

80. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive
Recommendation of Staff and CPC: Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117
Z178-146(JM)
Note: This item was deferred by the City Council before opening the public hearings on April 25, 2018 and May 23, 2018, and is scheduled for consideration on June 27, 2018.

81. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z178-163(SM)
Note: This item was deferred by the City Council before opening the public hearing on May 23, 2018, and is scheduled for consideration on June 27, 2018.

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (continued)

82. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane
Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a five-year period, subject to conditions
Z178-172(SM)
Note: This item was deferred by the City Council before the opening of the public hearings on April 25, 2018 and May 23, 2018, and is scheduled for consideration on June 27, 2018.

83. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike
Recommendation of Staff and CPC: Approval of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98
Z178-205(CY)
Note: This item was deferred by the City Council before opening the public hearing on June 13, 2018, and is scheduled for consideration on June 27, 2018

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

84. A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article X the Landscape and Tree Preservation regulations and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 145-002

85. A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: **(1)** an ordinance granting amendments to allow the Board of Adjustment to grant a special exception to authorize an additional dwelling unit to be rented; and **(2)** an ordinance granting amendments to create regulations for an accessory dwelling unit overlay
Recommendation of Staff: Approval of staff proposal
Recommendation of CPC: No Change
DCA 156-006

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL (continued)

Department of Sustainable Development and Construction (continued)

86. A public hearing to receive comments regarding consideration of an application for amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to amend regulations regarding block and blockface and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 178-005

87. A public hearing to receive comments regarding consideration of amendments to Article VIII in Chapter 51 and Chapter 51A of the Dallas Development Code amending regulations regarding sidewalks and the sidewalk waiver process and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 178-010

Park & Recreation Department

88. A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to establish park land dedication requirements for residential and lodging uses and an ordinance granting the amendments - Financing: This action has no cost consideration to the City
Recommendation of Staff and CPC: Approval
DCA 178-003

FLOODPLAIN APPLICATIONS

Department of Trinity Watershed Management

89. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 8.5 acres of the current 23.18 acres of land located at 1000 North Walton Walker Boulevard, within the floodplain of Tributary 8C1 and Mountain Creek, Fill Permit 16-05 - Financing: No cost consideration to the City

90. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.1 acres of the current 35.6 acres of land located at 3000 Mountain Creek Parkway, within the floodplain of O'Guinn Creek, Fill Permit 17-04 - Financing: No cost consideration to the City

91. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.86 acres of the current 1.96 acres of land located at 2410 Walnut Hill Lane, within the floodplain of West Fork of Joe's Creek, Fill Permit 17-12 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

FLOODPLAIN APPLICATIONS (continued)

Department of Trinity Watershed Management (continued)

92. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.36 acres of the current 1.65 acres of land located at 10901 North Stemmons Freeway, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-01 - Financing: No cost consideration to the City

93. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.21 acres of the current 3.19 acres of land located at 2171 Manana Drive, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-03 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Office of Budget

94. Authorize **(1)** final adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds in an estimated amount of $31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of $14,810,163; (b) HOME Investment Partnerships Program in the amount of $5,886,901; (c) Emergency Solutions Grant in the amount of $1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of $6,645,116; and (e) estimated Program Income in the amount of $2,475,000; **(2)** preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of $3,323,870; and **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City

Building Renovations, Roof Replacements and Miscellaneous Improvements
Agenda Item #60

Council District	Facility
2	Cadiz Pump Station
2	City Hall - DWU 2DS
4	Central Wastewater Treatment Plant
6	Bachman Water Treatment Plant
10	Northeast Service Center

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			All	V	NA	NA	Approval of Minutes of the June 13, 2018 City Council Meeting
2			N/A	C	ATT, POL	$32,500.00	Authorize settlement of the lawsuit styled Victor Rodriguez v. City of Dallas, Cause No. DC-17-11140 - Not to exceed $32,500 - Financing: Current Funds
3			N/A	C	ATT	$173,312,500.00	Authorize settlement of the lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, in the 382nd District of Rockwall County, Texas, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, 382nd District of Rockwall County, Texas; (collectively, the "Lawsuits") - Not to exceed $173,312,500 - Financing: 2018 or 2019 Bond Funds
4			N/A	C	CON, WTR	NC	Authorize the preparation of plans for an issuance of Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in an amount not to exceed $165,000,000 - Financing: This action has no cost consideration to the City
5			N/A	C	CON	$330,350.00	An ordinance authorizing (1) the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, in an aggregate principal amount not to exceed $63,000,000; (2) levying a tax in payment thereof; (3) approving execution of an Escrow Agreement; (4) approving the official statement; (5) enacting other provisions relating to the subject; and (6) declaring an effective date - Not to exceed $330,350 - Financing: 2018 General Obligation Refunding Bond Funds
6			N/A	C	CVS	$128,159.00	Authorize a contract for a one-year corporate membership to LinkedIn Corporation - Not to exceed $128,159 - Financing: General Funds (subject to appropriations)
7			14	C	AVI	NC	Authorize a sublease agreement between The Braniff Centre, LP and CLT Commercial Partners, LP of approximately 248,020 square feet of land and improvements located at Dallas Love Field - Financing: No cost consideration to the City
8			2	C	AVI	$92,748.91	Authorize (1) an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phases III and IV at Dallas Love Field; and (2) an increase in appropriations in an amount not to exceed $92,749 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed $92,749 - Financing: Aviation Near Term Passenger Facility Charge Funds
9			N/A	C	DAS	NC	An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; (1) amending the rules on the impoundment of animals; (2) amending redemption fees; (3) amending redemption periods; (4) clarifying redemption period for dogs deemed dangerous; (5) providing a presumption of abandonment and transfer of ownership; (6) providing a penalty not to exceed $500; (7) providing a saving clause; (8) providing a severability clause; and (9) providing an effective date - Financing: No cost consideration to the City
10			N/A	C	DAS	NC	An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.6, 7-8.1, and 7-8.2 by (1) adding Section 7-4.14 and Article V-a (2) adding a definition; (3) aligning the dangerous dog determination process with state law; (4) providing the presumption of the transfer of ownership for dangerous dogs; (5) deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; (6) providing courts with jurisdiction for appeals; (7) providing an appeal bond; (8) providing notice of responsibility of additional costs to dog owners on appeal; (9) amending the time for compliance for requirements of owning a dangerous dog; (10) providing additional requirements for ownership of a dangerous dog; (11) providing additional requirements for transferring ownership of a dangerous dog; (12) providing surrender requirement for a dangerous dog that attacks; (13) providing a minimum fine amount for a dog bite conviction; (14) including dog bite convictions in additional enforcement provisions; (15) establishing a criminal penalty for certain dog bites; (16) providing a definition for an aggressive dog; (17) providing a process for determination as an aggressive dog; (18) providing an appeal process for an aggressive dog determination; (19) providing requirements for ownership of an aggressive dog; (20) providing the presumption for the transfer of ownership of an aggressive dog; (21) providing for an investigation and enforcement of an attack by an aggressive dog; (22) amending the providing a penalty not to exceed $500; (23) providing a saving clause; (24) providing a severability clause; and (25) providing an effective date - Financing: No cost consideration to the City
11			2	C	EBS	$203,344.00	Ratify an emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street - Not to exceed $203,344 - Financing: Capital Construction Funds

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
12			All	C	PBW	NC	Authorize an increase to the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600 and for the reduction in pay items including asphalt surface material for a reduction of $84,600 for a zero-dollar change to the contract amount - Financing: No cost consideration to the City
13			Outside	C	DEV, WTR, ATT	$14,872.00	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 57,467 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Julie D. Lockmiller and James Lockmiller - Not to exceed $14,872, increased from $38,250 ($35,250, plus closing costs and title expenses not to exceed $3,000) to $53,122 ($50,122, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Improvement Funds
14			Outside	C	DEV, WTR, ATT	$2,147.00	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 6,030 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Richard Stewart and Mary Stewart - Not to exceed $2,147, increased from $3,220 ($720, plus closing costs and title expenses not to exceed $2,500) to $5,367 ($2,867, plus closing costs and title expenses not to exceed $2,500) - Financing: Water Utilities Capital Improvement Funds
15			Outside	C	DEV	NC	Authorize consent to the creation of the Walden Pond Water Control and Improvement District of Kaufman County within the City of Dallas' extraterritorial jurisdiction on approximately 485 acres located in Kaufman County northwest of the City of Forney - Financing: No cost consideration to the City
16			Outside	C	DEV	REV $60,000	A resolution authorizing the conveyance of approximately 60 acres of unimproved City-owned land to the County of Dallas located near the intersection of South Beltline Road and Bunche Drive, Dallas County - Revenue: $60,000
17			1	C	DEV	REV $200	An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of a total of approximately 79 square feet of land to occupy, maintain, and utilize a sidewalk café and a tree on a portion of Bishop Avenue right-of-way near its intersection with Melba Street - Revenue: $200 annually and a $100 one-time fee, plus the $20 ordinance publication fee
18			1	C	DEV	NC	An ordinance (1) granting a revocable license to Bishop Art's District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District, located near the intersection of Bishop Avenue and Davis Street; and (2) providing for the implementation of a streetscape improvement permit process - Financing: No cost consideration to the City
19			14	C	DEV	REV $102,771	An ordinance abandoning a street easement to AG-QIP Park Creek Owner, L.P., the abutting owner, containing approximately 601 square feet of land, located near the intersection of Welborn and Hall Streets; and authorizing the quitclaim; and providing for the dedication of approximately 10 square feet of land needed for a sidewalk and utility easement - Revenue: $102,771, plus the $20 ordinance publication fee
20			13	C	DEV	REV $5,400	An ordinance abandoning a storm water drainage facilities easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 8,464 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: $5,400, plus the $20 ordinance publication fee
21			6, Outside	C	TWM, TRN	NC	Authorize an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail - Financing: No cost consideration to the City
22			1	C	TWM, ECO	$2,425,170.00	Authorize a contract for construction of the Wynnewood Village Drainage Improvements Project - North Texas Contracting, lowest responsible bidder of seven - Not to exceed $2,425,170 - Financing: 2017 Bond Funds
23			All	C	OCC	GT	Authorize a twelve-month Interlocal Agreement with the Dallas County Health and Human Services Department to provide and administer immunization and testing services for 185 employees of the City of Dallas Women, Infants and Children Program for the term of October 1, 2017 through September 30, 2018 - Not to exceed $5,000 - Financing: Department of State Health Services Grant Funds
24			All	C	OCC	NC	Authorize an Interlocal Agreement between the City of Dallas and the University of Texas at Arlington, College of Nursing and Health Innovation (University), for the purpose of providing a supervised clinical lactation experience for the University's nursing program students at the City of Dallas Lactation Care Center for the period September 1, 2018 through August 31, 2019 - Financing: No cost consideration to the City

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
25			All	C	OCC	NC	Authorize a five-year Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland") for the Dallas Women, Infants and Children Program peer counselors to provide breastfeeding information to prenatal and routine postpartum patients at Parkland Memorial Hospital for the period June 1, 2018 through May 31, 2023 - Financing: No cost consideration to the City
26			All	C	OCC	$175,000.00	Authorize a five-year Interlocal Agreement with the Department of State Health Services, to provide on-line computer services for the City's Bureau of Vital Statistics Program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period September 1, 2018 through August 31, 2023 - Not to exceed $35,000 annually for a total not to exceed $175,000 - Financing: General Funds (subject to appropriations)
27			14	C	OCA	(-$1,084,394.98)	Authorize the First Amendment to decrease the total five-year service contract for janitorial services with Member's Building Maintenance, LLC to adjust routine and event cleaning tasks - Not to exceed (-$1,084,395), from $5,655,104 to $4,570,709 - Financing: General Funds (subject to annual appropriations)
28			1	C	ECO	NC	Authorize (1) the assignment of a loan agreement between the City of Dallas and the Oak Cliff Foundation to 231 W. Jefferson Blvd., LLC; and (2) the City Manager to execute an assignment and restatement of the loan documents between the City of Dallas and 231 W. Jefferson Blvd., LLC - Financing: No cost consideration to the City
29			14	C	ECO	NC	Authorize a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and completion date from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhance the street work to include removal of the existing ramp and loading area - Financing: No cost consideration to the City
30			7	C	ECO	NC	South Dallas/Fair Park Trust Fund: An ordinance amending Chapter 2, "Administration," of the Dallas City Code Sections 2-130 through 2-132 changing the name of the "South Dallas/Fair Park trust fund board" to the "South Dallas/Fair Park Opportunity Fund board" - Financing: No cost consideration to the City
31			7	C	ECO	NC	South Dallas/Fair Park Trust Fund: Authorize approval of the City of Dallas South Dallas Fair Park Opportunity Fund Program Statement - Financing: No cost consideration to the City
32			14	C	ECO	NC	Authorize an amendment to Resolution No. 18-0219, previously approved on January 24, 2018, to support either 4% or 9% Low Income Housing Tax Credit applications to the Texas Department of Housing and Community Affairs by 2400 Bryan Street, LP, or its affiliate, for the new construction of up to a 230-unit residential development located at 2400 Bryan Street - Financing: No cost consideration to the City
33			All	C	PBD, OEM	GT	Authorize a two-year consultant contract for a complex terrorist attack preparedness support plan for the Office of Emergency Management with Innovative Emergency Management, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $673,964 - Financing: U.S. Department of Homeland Security Grant Funds
34			All	C	PBD, CON	$885,000.00	Authorize a six-year service contract for actuarial analysis services for the City's uniformed and civilian employee pension plans - Deloitte Consulting, LLP, most advantageous proposer of two - Not to exceed $885,000 - Financing: General Funds (subject to annual appropriations)
35			All	C	PBD, OCA, MCC	REV $2,683,346.02	Food & Beverage Services for the Office of Cultural Affairs: Authorize a five-year concession contract, with five one-year renewal options, for food and beverage services at the Morton H. Meyerson Symphony Center and Moody Performance Hall - Culinaire International, Inc., most advantageous proposer of three - Estimated Average Annual Net Revenue: $536,669 (63 percent net revenue-share to the City)
36			All	C	PBD, OCA, MCC	$132,225.00	Food & Beverage Services for the Office of Cultural Affairs: Authorize a five-year service contract, with five one-year renewal options, for catering services for City Council lunches - Culinaire International, Inc., most advantageous proposer of two - Not to exceed $132,225 - Financing: General Funds (subject to annual appropriations)
37			All	C	PBD, EBS	$90,645.00	Authorize a five-year service price agreement for annual radiation testing, routine and preventative maintenance, and repair of x-ray machines with Smiths Detection, Inc. through the U.S. General Services Administration cooperative agreement - Not to exceed $90,645 - Financing: General Funds (subject to annual appropriations)

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
38			All	C	PBD, CON, WTR	$109,000.00	Authorize (1) a five-year appointment contract for paying agent/registrar services for registered debt obligations issued July 1, 2018 through June 30, 2023 - UMB Bank, N.A. in the amount of $200 per year for each bond issuance with total fees during the term of the contract not to exceed $60,000 (estimated fees for ten bond issuances with a 30-year term for each issuance), most advantageous proposer of five; and (2) the continuation of service by and payment to U.S. Bank, N.A. and Wells Fargo Bank, N.A. as paying agents for previously registered debt obligations in the amount of $49,000 - Total not to exceed $109,000 - Financing: General Funds ($55,000) and Water Utilities Current Funds ($54,000) (subject to annual appropriations)
39			All	C	PBD, FIR, OEM	GT	Authorize the purchase of two hazardous material analyzers for the Fire-Rescue Department with Farrwest Environmental Supply, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $134,581 - Financing: U.S. Department of Homeland Security Grant Funds
40			All	C	PBD, POL	GT	Authorize the purchase of one explosives ordnance disposal response vehicle for the Police Department with LDV, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $257,181 - Financing: U.S. Department of Homeland Security Grant Funds
41			All	C	PBD, POL, FIR, OEM	$582,925.00	Authorize a three-year master agreement for ballistic plate inserts for Dallas public safety first responders with Safeware, Inc. through the U.S. Communities Government Purchasing Alliance cooperative agreement - Not to exceed $2,070,250 - Financing: General Funds ($582,925) and Office of the Governor, Criminal Justice Division State Grant Funds ($1,487,325)
42			2, 7	C	PBD, ECO	NC	Authorize (1) the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and (2) the re-advertisement for a new solicitation - Financing: No cost consideration to the City
43			N/A	C	PBD, ORM	$217,733.00	Authorize Supplemental Agreement No. 3 to exercise the first of two, one-year renewal options to the subscription agreement with Origami Risk, LLC, for a centralized risk management information system and add additional user licenses for the Department of Risk Management - Not to exceed $217,733, from $498,534 to $716,267 - Financing: Workers Compensation Funds (subject to annual appropriations)
44			N/A	C	IGS	NC	An ordinance amending the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to include proposed new streets at the Passport Park Development Site - Financing: No cost consideration to the City
45			9	C	PKR, DEV	REV $100	Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: $100 one-time fee
46			14	C	PKR	NC	Authorize a twenty-year development, operation, and maintenance agreement with one five-year renewal option, with JLB Ash at The Branch Partners L.P. for a pedestrian bridge and landscape improvements for purposes of connecting to and providing public access from an adjacent development to the Ridgewood Trail located at 4662 Amesbury Drive - Financing: No cost consideration to the City
47			9	C	PKR	$72,122.56	Authorize an Advance Funding Agreement with the Texas Department of Transportation for voluntary local government contributions to transportation improvement projects for bridge improvements of the Mockingbird Lane-Peavy Road Bridge Replacement over Loop 12/Buckner Boulevard - Not to exceed $72,123 - Financing: 2006 Bond Funds
48			3, 6, 7, 9	C	PKR	$2,600,000.00	Authorize a professional services contract with Kimley-Horn and Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, bidding and negotiation, and construction administration for the Aquatics Phase 2 Projects to be constructed at Bachman Park located at 2750 Bachman Drive, Bahama Beach Waterpark located at 1895 Campfire Circle, Exline Park located at 2525 Pine Street, and Harry Stone Park located at 2403 Millmar Drive - Not exceed $2,600,000 - Financing: 2017 Bond Funds
49			7	C	PKR	$1,257,359.00	Authorize a professional services contract with M. Arthur Gensler, Jr & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue - Not to exceed $1,257,359 - Financing: 2017 Bond Funds

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
50			8	C	PKR	$5,950,000.00	Authorize a construction contract for the Singing Hills Replacement Recreation Center - Phase 2 located at 6805 Patrol Way - 3i Contracting, LLC, best value proposer of six - Not to exceed $5,950,000 - Financing: 2017 Bond Funds
51			10	C	PKR	NC	Authorize a public hearing to be held on August 8, 2018, to receive comments on the proposed use of a portion of parkland, totaling approximately 39 square feet of land at Hamilton Park located at 12100 Willowdell Drive, by the Office of Emergency Management for the installation of an outdoor warning siren to provide warning siren system coverage for the benefit of the public; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland, pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City
52			6, 13	C	PKR, PWT	$133,012.52	Authorize Amendment No. 1 to the Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane, to provide additional funding for additional costs - Not to exceed $133,013 - Financing: 2006 Bond Funds ($7,892) and 2012 Bond Funds ($125,121)
53			N/A	C	POL	$111,041.00	Authorize (1) an application for and acceptance of the Commercial Auto Theft Interdiction Squad/26 Grant (Grant No. 608-19-DPD0000) from the Texas Automobile Burglary & Theft Prevention Authority in the amount of $555,204 to provide a specialized proactive automobile theft program, for the period September 1, 2018 through August 31, 2019; (2) the establishment of appropriations in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; (3) the receipt and deposit of funds in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; (4) a local match in the amount not to exceed $111,041; (5) an in-kind contribution in an approximate amount of $517,394; and (6) execution of the grant agreement - Total not to exceed $1,183,639 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds ($555,204), In-Kind Contributions ($517,394) and General Funds ($111,041) (subject to appropriations)
54			1, 2, 3, 4, 5, 6, 7, 8, 14	C	POL	$1,200,000.00	Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed $1,200,000 - Financing: General Funds (subject to appropriations)
55			Outside	C	WTR	$1,530,863.49	Authorize (1) an Interlocal Agreement with the Town of Highland Park for replacement of an existing 24-inch water main along Preston Road from Armstrong Parkway to Mockingbird Lane; and (2) payment to the Town of Highland Park in accordance with the interlocal agreement for the aforementioned improvements - Not to exceed $1,530,864 - Financing: Water Utilities Capital Improvement Funds
56			Outside	C	WTR	REV $10	Authorize a three-year contract with the Town of Hickory Creek to provide untreated water services for the period June 27, 2018 through June 26, 2021 - Estimated Annual Revenue: $10
57			4	C	WTR	$1,095,000.00	Authorize a professional services contract with JQ Infrastructure, LLC to provide engineering services required for the investigation, preliminary design, development of construction plans and specifications, bid phase services, construction administration, and start-up of rehabilitation improvements for influent piping and equipment at the Central Wastewater Treatment Plant - Not to exceed $1,095,000 - Financing: Water Utilities Capital Improvement Funds
58			Outside	C	WTR	$2,655,900.00	Authorize a construction contract for the East Side Water Treatment Plant Site and Security Improvements Project - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed $2,655,900 - Financing: Water Utilities Capital Improvement Funds
59			9	C	WTR	$3,414,000.00	Authorize a construction contract with Archer Western Construction, LLC for structural improvements to the Garland Road Elevated Water Storage Tank - Not to exceed $3,414,000 - Financing: Water Utilities Capital Improvement Funds
60			2, 4, 6, 10	C	WTR	$457,400.84	Authorize an increase in the construction services contract with Joe Funk Construction + Diversity Resources Group Joint Venture for additional work associated with building renovations, roof replacements and miscellaneous improvements at five Dallas Water Utilities facilities - Not to exceed $457,401, from $2,704,585 to $3,161,986 - Financing: Water Utilities Capital Improvement Funds
61			N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
62			4	I	DEV, ATT, EBS	$94,600.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 6,500 square feet improved with a single-family dwelling, located near the intersection of Buick Avenue and Cadillac Drive for the Cadillac Heights Phase II Project, from Antonio Garcia Juarez and Magdalena Moncivais - Not to exceed $94,600 ($92,000, plus closing costs and title expenses not to exceed $2,600) - Financing: 2006 Bond Funds
63			All	I	PBD, PKR	NC	Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 28, 30, 31, 32, 34, 93, 119, 137, and 166 for bid BI1806 for a five- year master agreement for the purchase of grounds maintenance equipment and parts - Deen Kubota, Four Brothers Outdoor Power, Landmark Equipment, Inc., Lone Star Mower Repair, Richardson Saw and Lawnmower Company, Inc., and Tom Loftus, Inc. dba Austin Turf and Tractor - Financing: No cost consideration to the City
64			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a CR Community Retail District; and (2) an ordinance granting a Specific Use Permit for mini-warehouse use on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication on the northeast corner of South Belt Line Road and Fish Road
65			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 834, on the northeast corner of North Central Expressway and Twin Sixties Drive
66			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 110 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by North Field Street, North Akard Street, Ashland Street and Cedar Springs Road
67			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 4 within Planned Development District No. 298, the Bryan Area Special Purpose District with Historic Overlay H/77 for the Fanning Elementary School, bounded by Ross Avenue to the north, North Fitzhugh Avenue to the east, San Jacinto Street to the south, and North Prairie Avenue to the west
68			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street
69			10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road
70			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign and amendment to the orientation of the sign on property zoned Planned Development District No. 619, on the southeast corner of Elm Street and North Field Street
71			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, with Historic Overlays Nos. 16 and 48 on a portion, on the northwest corner of Young Street and South Harwood Street
72			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2206 for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the southeast side of Ross Avenue, northeast of Hall Street
73			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, on the south line of Kimsey Drive, northeast of Maple Avenue
74			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
75			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant, on property zoned a CS Commercial Service District, on the southeast line of Race Street, southwest of North Washington Avenue
76			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane
77			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street
78			1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue
79			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road
80			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; (2) an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and (3) an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive
81			9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
82			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane
83			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike
84			All	PH	DEV	NC	A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article X the Landscape and Tree Preservation regulations and an ordinance granting the amendments
85			All	PH	DEV	NC	A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: (1) an ordinance granting amendments to allow the Board of Adjustment to grant a special exception to authorize an additional dwelling unit to be rented; and (2) an ordinance granting amendments to create regulations for an accessory dwelling unit overlay
86			All	PH	DEV	NC	A public hearing to receive comments regarding consideration of an application for amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to amend regulations regarding block and blockface and an ordinance granting the amendments
87			All	PH	DEV	NC	A public hearing to receive comments regarding consideration of amendments to Article VIII in Chapter 51 and Chapter 51A of the Dallas Development Code amending regulations regarding sidewalks and the sidewalk waiver process and an ordinance granting the amendments
88			All	PH	PKR	NC	A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to establish park land dedication requirements for residential and lodging uses and an ordinance granting the amendments - Financing: This action has no cost consideration to the City

AGENDA DATE June 27, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
89			6	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 8.5 acres of the current 23.18 acres of land located at 1000 North Walton Walker Boulevard, within the floodplain of Tributary 8C1 and Mountain Creek, Fill Permit 16-05 - Financing: No cost consideration to the City
90			3	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.1 acres of the current 35.6 acres of land located at 3000 Mountain Creek Parkway, within the floodplain of O'Guinn Creek, Fill Permit 17-04 - Financing: No cost consideration to the City
91			6	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.86 acres of the current 1.96 acres of land located at 2410 Walnut Hill Lane, within the floodplain of West Fork of Joe's Creek, Fill Permit 17-12 - Financing: No cost consideration to the City
92			6	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.36 acres of the current 1.65 acres of land located at 10901 North Stemmons Freeway, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-01 - Financing: No cost consideration to the City
93			6	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.21 acres of the current 3.19 acres of land located at 2171 Manana Drive, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-03 - Financing: No cost consideration to the City
94			N/A	PH	OFS	NC	Authorize (1) final adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds in an estimated amount of $31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of $14,810,163; (b) HOME Investment Partnerships Program in the amount of $5,886,901; (c) Emergency Solutions Grant in the amount of $1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of $6,645,116; and (e) estimated Program Income in the amount of $2,475,000; (2) preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of $3,323,870; and (3) an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City

TOTAL $199,305,618.32

AGENDA ITEM # 2

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police Department

CMO: Larry Casto, 670-1333
Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Victor Rodriguez v. City of Dallas, Cause No. DC-17-11140 - Not to exceed $32,500 - Financing: Current Funds

BACKGROUND

Plaintiff Victor Rodriguez filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile collision on September 16, 2016, involving a Dallas Police Department vehicle. The City and Mr. Rodriguez have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Modjarrad Abusaad Said Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum on June 22, 2018.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $32,500

June 27, 2018

WHEREAS, a lawsuit styled Victor Rodriguez v. City of Dallas, Cause No. DC-17-11140, was filed by the plaintiff, Victor Rodriguez, seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile collision on September 16, 2016, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Victor Rodriguez, Modjarrad Abusaad Said Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of $32,500; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Victor Rodriguez v. City of Dallas, Cause No. DC-17-11140, in an amount not to exceed $32,500 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Victor Rodriguez, Modjarrad Abusaad Said Law Firm, and all other persons having an interest in the settlement proceeds, the amount of $32,500, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 3

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-1333

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, in the 382nd District of Rockwall County, Texas, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, 382nd District of Rockwall County, Texas; (collectively, the "Lawsuits") - Not to exceed $173,312,500 - Financing: 2018 or 2019 Bond Funds

BACKGROUND

Plaintiffs claim that the City failed to maintain percentage pay differentials between grades in the sworn ranks as required by the referendum, and seek compensation for alleged underpayments of salaries. The City maintains that the voters only intended a one-time pay raise of 15% with no ongoing obligation to maintain pay differentials. The City is agreeable to settling the lawsuits whereby the City will pay the plaintiffs in the Lawsuits provided that the parties can mutually agree on the terms of a written settlement agreement, obtain court approval of the settlement and complete the settlement process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed in Executive Session on May 23, 2018.

FISCAL INFORMATION

2018 or 2019 Bond Funds - $173,312,500

June 27, 2018

WHEREAS, lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, (the "Lawsuits") were filed by the plaintiffs against the City where the plaintiffs claim that the City failed to maintain percentage pay differential between grades in the sworn ranks of the Dallas Police Department and Dallas Fire-Rescue Department as required by Ordinance No. 16084 seeking compensation for alleged underpayment of salaries; and

WHEREAS, the City maintains that the voters only intended a one-time pay raise of 15% with no ongoing obligation to maintain pay differentials; and

WHEREAS, the City is agreeable to settling the lawsuits whereby the City will pay the total amount of $173,312,500, provided that the plaintiffs and the City can mutually agree on the terms of a written settlement agreement, obtain court approval of the settlement and complete the settlement process; and

WHEREAS, it is in the best interest of the City to settle the claims of the plaintiffs in the lawsuits.

Now, Therefore,

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

SECTION 1. That the settlement of the Lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, in an amount not to exceed $173,312,500 is hereby approved, provided that the parties can mutually agree on the terms of a written settlement agreement, obtain court approval of the settlement and complete the settlement process.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 4

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office
Water Utilities Department

CMO: Elizabeth Reich, 670-7804
Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize the preparation of plans for an issuance of Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C, in an amount not to exceed $165,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

This proposed revenue bond sale is for the refunding of commercial paper notes issued for interim financing of improvements to the City's water and wastewater system. Issuance of revenue bonds for refunding up to $165,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2017-18 operating and capital budgets for the Dallas Water Utilities Department.

The City's Co-Financial Advisors, Hilltop Securities, Inc. and Estrada Hinojosa, recommend a competitive sale based on favorable market conditions and Dallas Water Utilities' stable credit profile.

ESTIMATED SCHEDULE OF PROJECT

Authorized preparation for Issuance of Bonds	June 27, 2018
Approval of parameters ordinance	August 8, 2018
Pricing	August 29, 2018 (no later than)
Delivery of Proceeds	September 26, 2018 (no later than)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed regarding this item on June 4, 2018.

FISCAL INFORMATION

This action has no cost consideration to the City. Payment for cost of issuance is not made unless the bonds are issued. City Council approval of the ordinance authorizing the sale of bonds is scheduled for August 8, 2018. The anticipated cost of issuance is $512,360 from Water Utilities Current Funds.

M/WBE INFORMATION

See Attachment I for an estimate of bond issuance costs for the proposed bonds and the M/WBE participation.

June 27, 2018

WHEREAS, the adopted Capital Improvement Program, currently underway and scheduled, requires issuance of an amount not to exceed $165,000,000 of Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C (the "Series 2018C Bonds") for the purpose of refunding outstanding commercial paper notes issued for interim financing of improvements to the City's water and wastewater system; and

WHEREAS, the City Council hereby finds and determines that in order to accomplish such issuance in a timely and cost efficient manner, the City Manager, the City's Co-Financial Advisors, the City's Co-Bond Counsel, and the City's Disclosure Counsel should be authorized and directed to take such action and prepare documents as necessary in order to accomplish such issuance; and

WHEREAS, it is desired to proceed with the preparatory work necessary to issue these refunding bonds through a competitive sale no later than August 29, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to proceed with the necessary preparations for the sale of Waterworks and Sewer System Revenue Refunding Bonds, Series 2018C Series (the "Series 2018C Bonds"), in an aggregate principal amount not to exceed $165,000,000 with such sale scheduled to occur no later than August 29, 2018.

SECTION 2. That the City Manager, the City's Co-Financial Advisors, the City's Co-Bond Counsel, and the City's Disclosure Counsel are hereby authorized and directed to prepare an Official Statement with respect to such bonds and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the Series 2018C Bonds.

SECTION 3. That the City Manager is hereby authorized to use the previously contracted professional services of Hilltop Securities, Inc. and Estrada Hinojosa & Company, Inc., Co-Financial Advisors, for the proposed refunding bond sale. If the bonds are issued, payment for such services shall not exceed $76,650 for Hilltop Securities, Inc. (Vendor VS0000052889) and shall not exceed $45,960 for Estrada Hinojosa & Company Inc. (Vendor 259910) and shall be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3803.

SECTION 4. That the City Manager is hereby authorized to use the previously contracted professional services of McCall, Parkhurst & Horton LLP and Escamilla & Poneck, LLP as Co-Bond Counsel in connection with the sale and delivery of the Series 2018C Bonds. If bonds are issued, payment for the opinion, and the hourly rate of McCall, Parkhurst & Horton LLP (Vendor 193173), shall be at the rate of $0.30 per $1,000 increment of bonds issued plus hourly rate of $90 to $475 for services rendered by individual attorneys and paralegals (estimated not to exceed $78,000). If bonds are issued, payment for the opinion, and the hourly rate of Escamilla & Poneck, LLP (Vendor 518903) shall be at the rate of $0.15 per $1,000 increment of bonds issued plus an hourly rate of $90 to $300 for services rendered by individual attorneys and paralegals (estimated not to exceed $48,250) and shall be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3033.

SECTION 5. That the City Manager is hereby authorized to use the previously contracted professional services of Orrick, Herrington & Sutcliffe, LLP (Vendor VC18413), as Disclosure Counsel in connection with the sale and delivery of the Series 2018C Bonds. If bonds are issued, payment for the opinion, and the hourly rate of Orrick, Herrington & Sutcliffe, LLP, shall be at the rate of $0.20 per $1,000 increment of bonds issued plus hourly rate of $90 to $300 for services rendered by individual attorneys and paralegals (estimated not to exceed $50,000), and shall be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3033.

SECTION 6. That the City Manager is hereby authorized to obtain bond ratings from FitchRatings (Vendor VC14720) and from Standard & Poor's (Vendor 954974) in connection with the sale of the bonds. Payments for the bond ratings are not to exceed $180,000 and will be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3803.

SECTION 7. That the City Manager is hereby authorized to use the previously contracted professional services of Grant Thornton L.L.P to obtain an independent auditors consent letter in connection with the sale and delivery of the bonds. If the bonds are issued, payment for the services of Grant Thornton L.L.P (Vendor VS0000007921) shall not exceed $14,000 and will be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3803.

SECTION 8. That the Chief Financial Officer is hereby authorized to make payments for printing services to print and mail official statements. If the bonds are issued, payment for these services shall not exceed $10,000 and will be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3803.

SECTION 9. That the Chief Financial Officer is hereby authorized and directed to file an official statement with respect to such bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the bonds for review by the Attorney General of Texas (Vendor 344989). If the bonds are issued, payment for the filing fee is estimated not to exceed $9,500 and shall be made from Water Utilities Debt Service Fund, Fund 0109, Department DWU, Unit 7017, Object 3803.

SECTION 10. That the amount of bond sale applicable to commercial paper refunding shall be remitted directly to the commercial paper issuing and paying agent U.S. Bank National Association (Vendor VS0000052040). Any variation in proceeds arising from this issue of bonds shall be deposited in Water Utilities Operating Fund, Fund 0100, Department DWU, Unit 7017, Revenue Code 8438.

SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Attachment I

SERIES 2018C
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BONDS
$165,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel			
McCall, Parkhurst & Horton LLP (Vendor 193173)	$	78,000	15.2%
Escamilla & Poneck (Vendor 518903)		48,250	9.4%
Disclosure Counsel			
Orrick, Herrington & Sutcliffe LLP (Vendor VC18413)		50,000	9.8%
Co-Financial Advisors			
Hilltop Securities (Vendor VS0000052889)		76,650	15.0%
Estrada Hinojosa (Vendor 259910)		45,960	9.0%
Official Statement Printing			
TBD		10,000	2.0%
Rating Agencies			
FitchRatings (Vendor VC14720)		100,000	19.5%
Standard & Poor's (Vendor 954974)		80,000	15.6%
Auditor			
Grant Thornton LLP (Vendor VS0000007921)		14,000	2.7%
Filing Fee			
Attorney General (Vendor 344989)		9,500	1.9%
Total Issuance Costs	$	512,360	100%
Total M/WBE Participation as % of Total Issuance Costs:		104,210	20.3%

AGENDA ITEM # 5

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	City Controller's Office
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, in an aggregate principal amount not to exceed $63,000,000; **(2)** levying a tax in payment thereof; **(3)** approving execution of an Escrow Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $330,350 - Financing: 2018 General Obligation Refunding Bond Funds

BACKGROUND

This ordinance authorizes the issuance of General Obligation Refunding Bonds, Series 2018, to finance payments to be made to plaintiffs under the terms of a written settlement agreement as incorporated in a judgment entered by the 199th Judicial District Court in Collin County.

On November 14, 2017, by Resolution No. 17-1805, the City Council approved settlement of the lawsuits styled Kenneth E. Albert, et al. v. The City of Dallas, Texas, Cause No. 199-00697-94, Anthony Arredondo, et al. v. The City of Dallas, Texas, Cause No. 199-01743-99, David L. Barber, et al., v. The City of Dallas, Texas, Cause No. 199-624-95, and Kevin Michael Willis, et al. v. The City of Dallas, Texas, Cause No. 199-00200-95, in an amount not to exceed $61,687,500 provided that the plaintiffs and the City mutually agreed on the terms of a written settlement agreement. On June 8, 2018, the 199th Judicial District Court in Collin County, Texas entered a judgment in the above-referenced lawsuits incorporating the terms of the written settlement agreement.

Additionally, Resolution No. 17-1805 authorized the Chief Financial Officer to make payments to plaintiffs from a future bond issuance. On March 28, 2018, City Council authorized the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2018, by Resolution No. 18-0487 in a principal amount not to exceed $63,000,000 in satisfaction of the judgment.

BACKGROUND (continued)

This ordinance authorizes City staff and financial advisors, subject to parameters, to competitively bid the sale and issuance of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, and establishes the maximum par amount of bonds to be issued at $63,000,000.

ESTIMATED SCHEDULE OF PROJECT

Authorize Preparation for Issuance of Bonds	March 2018
Approval of Parameters Ordinance	April 2018
Pricing	July 2018
Delivery of Proceeds	August 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 14, 2017, City Council was briefed on the proposed settlement and approved the terms of a written settlement agreement by Resolution No. 17-1805.

On March 28, 2018, City Council authorized the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2018, by Resolution No. 18-0487.

FISCAL INFORMATION

2018 General Obligation Refunding Bond Funds - $330,350 (see Attachment I)

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

Series 2018
General Obligation Refunding Bonds
$63,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel		
Norton Rose Fulbright, US LLP (Vendor VC0000006239)	$75,000	23%
Mahomes Bolden PC	$60,000	18%
Disclosure Counsel		
Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	25,100	8%
Financial Advisor		
PFM (Vendor VC16222)	60,350	18%
Printing Fee		
TBD	3,000	1%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	35,000	11%
S&P Global (Vendor 954974)	50,000	15%
Auditor		
Grant Thornton (Vendor VS0000007921)	7,400	2%
Attorney General Filing Fee	9,500	3%
Misc. Expenses	$5,000	2%
Total Issuance Costs	$330,350	100%
Total M/WBE Participation as % of Total Issuance Costs:	$63,000	19%

ORDINANCE NO. _____
AUTHORIZING THE ISSUANCE OF

CITY OF DALLAS, TEXAS
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2018

Adopted: June 27, 2018

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF DALLAS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $63,000,000; LEVYING A TAX IN PAYMENT THEREOF; APPROVING EXECUTION OF AN ESCROW AGREEMENT; APPROVING AN OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, there are presently outstanding certain general or special obligations of the City of Dallas, Texas (the "City") described on Schedule I hereto (the "Refunded Obligations"); and

WHEREAS, pursuant to the provisions of Chapter 1207 of the Texas Government Code, as amended ("Chapter 1207"), the City Council of the City is authorized to issue refunding bonds and deposit the proceeds of sale directly with any place of payment for the Refunded Obligations, or other authorized depository, and such deposit, when made in accordance with such statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the City Council desires to delegate to the Authorized Officer, pursuant to Chapter 1207, and the parameters set forth in this Ordinance, the authority to approve the amount, the number of series, the interest rate, the price and terms of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds and the refunding of the Refunded Obligations; and

WHEREAS, the City Council hereby finds and determines that the manner in which the refunding is being executed does not make it practicable to calculate a savings amount attributable to the refunding of the Refunded Obligations, but that the refunding contemplated in this Ordinance will benefit the City and is in the best interests of the City; and that such benefit is sufficient consideration for the refunding of the Refunded Obligations; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of such meeting was given as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the City Manager of the City, and in his or her absence, the Chief Financial Officer or any Assistant City Manager.

"Bond" means any of the Bonds.

"Bonds" means the "City of Dallas, Texas General Obligation Refunding Bonds, Series 2018."

"Business Day" means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

"Charter" means the Home Rule Charter of the City, as amended.

"City" means the City of Dallas, Texas.

"City Council" means the governing body of the City of Dallas, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Escrow Agreement" means the escrow agreement by and between the City and the Escrow Agent relating to the Refunded Obligations.

"Escrow Fund" means the fund established by the Escrow Agreement to hold cash and, if applicable, securities for the payment of the Refunded Obligations.

"Escrow Securities" means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; and (3) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar identified in the Pricing Certificate, its corporate trust office as set forth in the final form of the Bond, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"EMMA" means the Electronic Municipal Market Access System.

"Event of Default" means any event of default as defined in Section 10.01 of this Ordinance.

"Fiscal Year" means such fiscal year as shall be prescribed by the Charter and which under the existing Charter commences October 1 and ends September 30 of the following year.

"Initial Bond" means the initial Bond, described in Sections 3.04(d) and 6.02(e) of this Ordinance.

"Interest and Sinking Fund" means the "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, Interest and Sinking Fund," as established by Section 7.01 of this Ordinance.

"Interest Payment Date" means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity or prior redemption of the Bonds, such dates being February 15 and August 15 of each year, commencing on the date set forth in the Pricing Certificate.

"MSRB" means the Municipal Securities Rulemaking Board.

"Original Issue Date" means the date designated as such in Section 3.02(a) of this Ordinance.

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Paying Agent/Registrar" means the Paying Agent as set forth in the Pricing Certificate, any successor thereto or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

"Pricing Certificate" means a certificate or certificates to be signed by the Authorized Officer.

"Purchase Agreement" means one or more bond purchase agreements described in Section 12.01(b) of this Ordinance, if any.

"Purchaser" means the initial purchaser(s) of the Bonds as specified in the Pricing Certificate.

"Record Date" means the last Business Day of the month next preceding an Interest Payment Date.

"Refunded Obligations" means those general or special obligations of the City described in Schedule I attached hereto.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC applicable to the Bonds.

"Rule" means SEC Rule 15c2-l 2, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b).

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b).

"Term Bonds" has the meaning set forth in Section 4.04 hereof.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity, and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

Section 1.02. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings. The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(c) Article and section references shall mean references to articles and sections of this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent per annum (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each $1.00 assessed valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

(d) Such ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund for the Bonds are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

(e) If the liens and provisions of this Ordinance shall be discharged in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited in accordance with Article XI herein.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization. The City's bonds to be designated "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018" or such other designations as are set forth in the Pricing Certificate, are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas and the Charter of the City. The Bonds shall be issued in the aggregate principal amount designated in the Pricing Certificate for the public purpose of providing funds to: (i) refund the Refunded Obligations, and (ii) pay the costs incurred in connection with the issuance of the Bonds (including, without limitation, underwriters' discount), under and by virtue of Chapters 1207 and 1331, Texas Government Code, as amended, and pursuant to Chapter XXI of the Charter of the City. The Authorized Officer is hereby authorized and directed to modify the title of the Series to the extent that, in the judgment of the Authorized Officer, it is necessary or appropriate. The final title and principal amount of the Bonds shall be determined by the Authorized Officer, based on market conditions in the discretion of the Authorized Officer, and set forth in the Pricing Certificate. The Bonds shall be issued in the number of series and aggregate principal amount per series designated in the Pricing Certificate, provided that the aggregate principal amount of the Bonds issued for the purposes described above shall not exceed $63,000,000.

Section 3.02. Date, Denomination. Maturities, Numbers and Interest.

(a) The Bonds shall have the Original Issue Date set forth in the Pricing Certificate, shall be in fully registered form, without coupons, in the denomination of $5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on February 15 in the years, at the interest rates and in the principal amounts set forth in the Pricing Certificate.

(c) Interest on each Bond shall accrue from the later of the Original Issue Date (or the date of their delivery to the Purchaser, as set forth in the Pricing Certificate) or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until the principal amount shall have been paid or provision for such payment shall have been made, and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium. Method and Place of Payment: Unclaimed Payments.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, in the event of nonpayment of interest on a scheduled Interest Payment Date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") shall be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, first class United States mail, postage prepaid, to the address of such person as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on any Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday,

or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to the provisions of Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat Jaw or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Secretary and the City Manager, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Any facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of such officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the typewritten Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and countersigned by manual or facsimile signatures of the City Secretary and the City Manager, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts will be delivered to the Purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Purchaser registered definitive Bonds as described in Section 3.10. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST

System, as evidenced by agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date or on the Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office the Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of $5,000 for any one maturity, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds within not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its schedule maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of $5,000 of any one maturity at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond

or Bonds within not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned or transferred shall have the same principal maturity date and shall bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond or Bonds are delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer or exchange of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation and Authentication.

(a) All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the requirements of the Securities and Exchange Act of 1934 and the regulations promulgated thereunder.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in exchange for or replacement of any Bond or Bonds issued under this Ordinance, shall have printed thereon a Paying Agent/Registrar's Certificate, in the fonn hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and such Bonds shall be of customary type and composition and printed, typewritten, lithographed, mimeographed or otherwise produced. Pursuant to Chapter 1201, Texas Government Code, the duty of exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Paying Agent/Registrar's Authentication Certificate, the exchanged or replaced Bonds shall be valid, incontestable, and

enforceable in the same manner and with the same effect as the Initial Bond which originally was delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be transferred and assigned, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be payable as to principal and interest, all as provided, and in the manner required or indicated, in the form of Bond set forth in this Ordinance.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) (iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, without the necessity of issuing a replacement Bond, may pay such Bond on the date on which such Bond becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.10. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the

Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter between the City and DTC applicable to the City's obligations delivered in book-entry-only form to DTC as securities depository for such obligations, is hereby affirmed.

Section 3.11. Successor Securities Depository: Transfer Outside Book-Entry-Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption. The Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds in the manner provided in the form of Bond set forth in Section 6.02 of this Ordinance with such changes as are required by the Pricing Certificate.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as "Term Bonds," if any, in the Pricing Certificate are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund for such Bonds, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, or such other method specified in the Pricing Certificate, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.06.

The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.04 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in a random selection of the Bonds, or portions thereof and maturity or maturities and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than $5,000 may be redeemed, but only in a principal amount equal to $5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each $5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond

or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The City shall give notice of any redemption of Bonds by sending or causing the Paying Agent/Registrar to send notice of such redemption by first class United States mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.06 of this Ordinance and subject to any conditions or rights reserved by the City under Section 4.06(c), the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

Section 4.08. Lapse of Payment. Money set aside for the redemption of Bonds and remaining unclaimed by the Owners of such Bonds shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The Authorized Officer is hereby authorized to select and appoint the initial Paying Agent/Registrar for the Bonds, and the initial Paying Agent/Registrar shall be designated in the Pricing Certificate. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of the Owner of each Bond to which payments with respect to the Bonds shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The Authorized Officer is hereby authorized and directed to execute and deliver or cause the execution and delivery by the City Manager and/or Mayor, a Paying Agent/Registrar Agreement or Contract, specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The City Council hereby approves the form of Paying Agent/Registrar Agreement.

Section 5.02. Qualifications. Each Paying Agent/Registrar shall be (i) a bank, trust company, financial institution, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination. The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of any contractual agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

Section 5.05. Notice of Change to Owners. Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.06. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.07. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar and to the City.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, and the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be generally in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds (except for any temporary Bonds and the Initial Bonds) shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of the Bonds. The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be generally as follows; provided, however, that the final form of the Bonds shall be set forth in or attached to the Pricing Certificate and shall incorporate and reflect the final terms of the Bonds set forth in the Pricing Certificate:

(a) Form of Bond.

REGISTERED REGISTERED
No. $_____

United States of America
State of Texas
CITY OF DALLAS, TEXAS,
GENERAL OBLIGATION REFUNDING BOND, SERIES 2018[1]

INTEREST RATE:	MATURITY DATE:	ORIGINAL ISSUE DATE:	CUSIP NO.
_____%	_____	_____[2]	_____

The City of Dallas (the "City"), in the Counties of Dallas, Denton, Collin and Rockwall, State of Texas, for value received, hereby promises to pay to

_____

or registered assigns, on the Maturity Date specified above, the principal sum of

_____ DOLLARS

unless this Bond shall have been duly called for prior redemption as provided herein and payment of the principal hereof and accrued but unpaid interest hereon shall have been paid or provided for, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent Interest Payment Date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the interest rate per annum specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____.[3] All capitalized terms used herein but not defined shall have the meaning assigned to them in the Ordinance (defined below).

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in _____[4] (the "Designated Payment/Transfer Office") of _____,[5] or with respect to a successor Paying Agent/Registrar, at the designated payment/transfer office of such successor. Interest on this Bond is payable by check dated as of the Interest Payment Date, mailed by the Paying Agent/Registrar to the registered owner at the

[1] As may be modified by the Pricing Certificate
[2] Information to be inserted from the Pricing Certificate.
[3] Information to be inserted from the Pricing Certificate.
[4] Information to be inserted from the Pricing Certificate.
[5] Information to be inserted from the Pricing Certificate.

address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the " Record Date," which shall be the last Business Day of the month next preceding such Interest Payment Date; provided, however, that in the event of nonpayment of interest on a scheduled payment date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which date shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day preceding the date of mailing of such notice.

If a date for the payment of the principal of or interest on this Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Bond is dated _____[6] and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of $_____[7] (herein referred to as the "Bonds"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds to refund the Refunded Obligations and to pay costs of issuance.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City.

[The City has reserved the option to redeem the Bonds maturing on or after _____, before their respective scheduled maturities in whole or in part in integral multiples of $5,000 on _____ , or on any date thereafter, at a redemption price of par, plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in random selection of the Bonds, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Bonds maturing on February 15 in each of the years __ through _ , inclusive (the "Term Bonds"), are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

Redemption Date	Principal Amount

[6] Information to be inserted from the Pricing Certificate.
[7] Information to be inserted from the Pricing Certificate.

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of $5,000, each $5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Bonds to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.][8]

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

[8] Insert redemption provisions, if any, and conform as necessary to the Pricing Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled principal balance of a Bond.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the Owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice or knowledge to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds within the limit prescribed by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary and the City Manager, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

City Manager, City of Dallas, Texas	Mayor, City of Dallas, Texas

City Secretary, City of Dallas, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar. The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate is attached thereto.

CERTIFICATE OF PAYING AGENT/REGISTRAR

It is hereby certified that this Bond has been issued under the provisions of the Ordinance of the City; and that this Bond has been issued in exchange for or replacement of a bond, bonds or portion of a bond or bonds of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____
as Paying Agent/Registrar

Dated: _____ By: _____
Authorized Signatory

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and zip code of transferee):

_____

_____

(Social Security or other identifying number: _____ the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By:

_____
Authorized Signatory

_____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the applicable form set forth in paragraphs (a) and (c) of this Section, except that:

A. immediately under the name of the Bond the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the heading "CUSIP NO." shall be deleted; and

B. in the first paragraph of the Bond, the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year	Principal Installment	Interest Rate

(Information to be inserted from the Pricing Certificate
as provided in Section 3.02 hereof.)

(ii) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate of the Comptroller of Public Accounts shall appear on each Initial Bond in lieu of the Certificate of Paying Agent/Registrar.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
OF THE STATE OF TEXAS §

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding general obligation of the City of Dallas, Texas, and that this Bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE AT AUSTIN, TEXAS, _____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

Section 6.03. CUSIP Registration. The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving such Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion. The approving legal opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC., Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Secretary, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance. If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds. The City hereby establishes the following special funds or accounts to be designated as follows or as otherwise designated in the Pricing Certificate:

(a) "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2018, Interest and Sinking Fund."

Section 7.02. Initial Deposits. On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited as follows:

(a) first, an amount equal to all accrued interest, if any, on the Bonds from the Original Issue Date until the Closing Date, plus any additional amounts designated in the Pricing Certificate, shall be deposited to the credit of the Interest and Sinking Fund; and

(b) second, a portion of the proceeds of the Bonds, as set forth in the Pricing Certificate, and used for the purposes described in the preamble hereof shall be deposited to the Escrow Fund and used to pay off the Refunded Obligations; and

(c) third, the remaining balance received on the Closing Date, shall be deposited to a special account of the City and used for the payment of the costs of issuing the Bonds. Any amounts not needed for the payment of costs of issuance shall be deposited to the Interest and Sinking Fund.

Section 7.03. Interest and Sinking Fund.

(a) The taxes levied under Section 2.01 of this Ordinance shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on such Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds discharged in accordance with Article XI hereof.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

Section 7.04. Escrow Fund. The Escrow Fund will be used to pay in full the Refunded Obligations.

Section 7.05. Excess Bond Proceeds.

(a) Upon the payment in full of the Refunded Obligations, any amount that remains in the Escrow Fund shall be transferred to the credit of the Interest and Sinking Fund and segregated in a special escrow account.

(b) The money in such special escrow account shall be used for the payment of principal of and interest on the Bonds, on the respective due dates thereof or dates as of which Bonds have been called for redemption.

Section 7.06. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners of the Bonds and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(c) The money in an escrow account established under Section 7.05 of this Ordinance shall be invested in (i) tax-exempt obligations or (ii) securities or obligations that do not have a "higher yield," within the meaning of Section 148(t) of the Code, than the yield on the Bonds.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) The investment and application of money in the Escrow Fund shall be in accordance with the provisions of the Escrow Agreement.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds. On or before each Interest Payment Date for the Bonds, and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on, premium, if any, and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and premium, if any, and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable general obligations of the City in accordance with their terms.

Section 9.03. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

"Computation Date" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Gross Proceeds" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

"Investment" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Rebate Amount" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Regulations" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"Yield" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) not use or permit the use of the Gross Proceeds of the Bonds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its

official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States from an appropriate fund, or if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, and City Secretary of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

(k) Current Refunding; Extraordinary Legal Judgment. The Bonds are issued to refund the Refunded Obligations and the Bonds will be issued less than 90 days before the redemption of the Refunded Obligations. The Refunded Obligations represent an extraordinary legal judgment in an amount in excess of reasonable insurance coverage. Neither the City nor a related party to the City maintains a reserve for such items, such as a self-insurance fund. Neither the City nor a related party to the City has set aside other available amounts for the payment of these types of expenses.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) the failure to perform or observe any other covenant, agreement or obligation of the City, which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge. The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement.

(a) The Bonds may be sold pursuant to a competitive sale or at negotiated sale to the Purchaser as specified in the Pricing Certificate and all in accordance with the terms of this Ordinance, including this Section 12.01 (a) and Exhibit B attached hereto, provided that all of the conditions set forth in Exhibit B are satisfied. As authorized by Chapter 1207, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth in Exhibit B can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether to acquire bond insurance for the Bonds, enter into a credit agreement with respect to the Bonds, whether to sell the Bonds in a competitive or negotiated sale, the aggregate principal amount of the Bonds, whether the Bonds shall be in one or more series from time to time, and price at which each of the Bonds will be sold, the identification, and the aggregate principal amount, of the Refunded Obligations and their redemption dates, the number and designation of series of Bonds to be issued, whether the Bonds will be taxable or tax-exempt, the form in which the Bonds shall be issued, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the first interest payment date, the initial date from which interest will accrue, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate.

The authority granted to the Authorized Officer under this Section 12.01 (a) shall expire at 5:00 p.m., 180 days from the date of this Ordinance, unless otherwise extended by the City Council by separate action.

Any finding or determination made by the Authorized Officer relating to the issuance and sale of the Bonds and the execution of the Purchase Agreement (if any) in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(b) The Pricing Officer is hereby authorized and directed to execute the successful bid form, in the event the bonds are sold via a competitive sale, for and on behalf of the City and as the act and deed of the City Council. If the Bonds are sold in a negotiated sale, the Authorized Officer is hereby authorized and directed to execute and deliver one or more bond purchase agreements (the "Purchase Agreement"), which Purchase Agreement shall be in the form approved by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds.

The Initial Bond shall initially be registered in the name of the Purchaser or such other entity as may be specified in the Pricing Agreement.

(c) The form and substance of the Preliminary Official Statement and the Notice of Sale (if any) and any addenda, supplement or amendment thereto, are hereby in all respects approved and adopted and is hereby deemed final as of its date within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Authorized Officer and City Secretary are hereby authorized and directed to cause to be prepared a final Official Statement (the "Official Statement") incorporating applicable pricing information pertaining to the Bonds, and to execute the same by manual or facsimile signature and deliver appropriate numbers of executed copies thereof to the Purchaser. The Official Statement as thus approved, executed and delivered, with such appropriate variations as shall be approved by the Authorized Officer, may be used by the Purchaser in the public offering and sale of the Bonds. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Preliminary Official Statement, and the preliminary public offering of the Bonds by the Purchaser, is hereby ratified, approved and confirmed.

(d) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds in accordance with the terms of sale therefore including, without limitation, the Purchase Agreement (if any). Further, in connection with the submission of the record of proceedings for the Bonds to the Attorney General of the State of Texas for examination and approval of such Bonds, the appropriate officer of the City is hereby authorized and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1 % of the principal amount of the Bonds or (ii) $9,500).

(e) The obligation of the Purchaser to accept delivery of the Bonds is subject to the Purchaser being furnished with the final, approving opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC, Co-Bond Counsel for the City, which opinions shall be dated as of and delivered on the Closing Date.

Section 12.02. Control and Delivery of Bonds.

(a) The City Manager is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Initial Bond shall be made to the Purchaser under and subject to the general supervision and direction of the City Manager, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor, City Secretary or City Manager is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tern, any

Assistant City Secretary and any Assistant City Manager, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tern, the Assistant City Secretary and the Assistant City Manager shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor, City Secretary and City Manager, respectively.

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City, financial information and operating data with respect to the City of the general type included in the final Official Statement, being information described in the Pricing Certificate, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Generally Accepted Accounting Principles or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 13.02. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults, if material;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(vii) Modifications to rights of the holders of the Bonds, if material;

(viii) Bond calls, if material, and tender offers;

(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership or similar event of the City;

Note to paragraph 12: For the purposes of the event identified in paragraph 12 of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and (xiv) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 13.01 of this Ordinance by the time required by such Section.

Section 13.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any Bond calls and any defeasances that cause the City to be no longer an "obligated person."

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Bonds, and nothing in this Article, express or implied, shall give any benefit or any

legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments. This Ordinance shall constitute a contract with the Owners, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains outstanding except as permitted in this Section. The City may, without consent of or notice to any Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency,

or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of the Bonds holding a majority in aggregate principal amount of the Bonds then outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of outstanding Bonds, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, or interest on the Bonds, (ii) give any preference to any Bond over any other Bond, or (iii) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

Section 14.02. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required or requested by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary and the City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 14.03. Partial Invalidity. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14.04. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

ARTICLE XV

PAYMENT OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 15.01. Payment of Refunded Obligations. Unless otherwise specified in the Pricing Certificate, the Refunded Obligations are to be paid by the Escrow Agent within five (5) Business Days following the Closing Date, in the principal amount thereof as set forth in the Pricing Certificate.

Section 15.02. Approval of Escrow Agreement.

(a) The Authorized Officer is hereby authorized to select and appoint an Escrow Agent to hold funds to pay off the Refunded Obligations and the Escrow Agent shall be designated in the Pricing Certificate.

(b) The Authorized Officer is hereby authorized to execute and deliver, or cause the execution and delivery by the Authorized Officer, an Escrow Agreement, having such terms and provisions as are approved by the Authorized Officer as evidenced by his execution thereof or the execution thereof by other appropriate City officials. The Escrow Agreement shall contain terms and provisions to be approved by the Authorized Officer including terms and provisions for the purposes of (i) carrying out the program designed for the City, (ii) minimizing the City's costs of

refunding, (iii) complying with all applicable laws and regulations relating to the refunding of the Refunded Obligations, (iv) carrying out the other intents and purposes of this Ordinance and (v) complying with the terms set forth in the Pricing Certificate. The execution and delivery by the City Manager of the Escrow Agreement, if necessary, is hereby authorized and approved

Section 15.03. Subscription for Securities. The Authorized Officer is authorized to make necessary arrangements for and to execute such documents and agreements in connection with the purchase of the Escrow Securities required by and referenced in the Escrow Agreement, if any, as may be necessary for the Escrow Fund and the application for the acquisition of the Escrow Securities is hereby approved and ratified.

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, Texas, pertaining thereto, and it is accordingly so ordained.

FINALLY PASSED, APPROVED AND EFFECTIVE this June __, 2018.

APPROVED AS TO FORM:

Larry E. Castro
City Attorney
City of Dallas

_____

SCHEDULE I

REFUNDED OBLIGATIONS

Agreed Final Judgement in Case No. 199-00697-94, *Kenneth E. Albert, et. al. vs. City of Dallas, Texas,* in the District Court 199th Judicial District, Collin County, Texas, dated June 8, 2018;

Agreed Final Judgement in Case No. 199-01743-99, *Anthony Arredondo, et. al. vs. City of Dallas, Texas,* in the District Court 199th Judicial District, Collin County, Texas, dated June 8, 2018;

Agreed Final Judgement in Case No. 199-00624-95, *David L. Barber, et. al. vs. City of Dallas, Texas,* in the District Court 199th Judicial District, Collin County, Texas, dated June 8, 2018; and

Agreed Final Judgement in Case No. 199-00200-95, *Kevin Michael Willis, et. al. vs. City of Dallas, Texas,* in the District Court 199th Judicial District, Collin County, Texas, dated June 8, 2018

EXHIBIT A

DESCRIPTION OF ANNUAL DISCLOSURE OF FINANCIAL INFORMATION

The following information is referred to in Article XIII of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with Section 13.01 are as specified (and included in the Appendix or other headings of the Official Statement referred to) below:

1. The financial statements of the City, including but not limited to the portion thereof appended to the Official Statement as Appendix B, but for the most recently concluded fiscal year.

2. Statistical and financial data set forth in Tables **[**1-13**]**, inclusive.

Accounting Principles

The accounting principles referred to in such Section 13.01 are the accounting principles described in the notes to the financial statements referred to in Paragraph 1 above.

EXHIBIT B

SALE PARAMETERS

In accordance with Section 12.01 (a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Purchaser:

(a) the Bonds shall not bear interest at a rate greater than the maximum rate authorized by Chapter 1204, Texas Government Code, as amended;

(b) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the limits described in that Section, and the Bonds sold for the purposes of refunding the Refunded Obligations shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the payment of the Refunded Obligations and the costs and expenses of issuance of the Bonds, including underwriter's discount; and

(c) the maximum maturity for the Bonds shall not be later than August 15, 2038.

AGENDA ITEM # 6

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Civil Service

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

Authorize a contract for a one-year corporate membership to LinkedIn Corporation – Not to exceed $128,159 – Financing: General Funds (subject to appropriations)

BACKGROUND

This corporate membership will provide the city capabilities to continue improving recruitment efforts in support of the Hire Dallas initiative through the use of technology. Having access to LinkedIn's 500 million members will give the City a unique opportunity to utilize LinkedIn's extensive network of resources, online tools and talent solutions to accomplish extensive recruiting efforts such as posting current job openings, targeted outreach through membership database searches, specialized City branding through customizable company career pages and the ability to emphasize focus on hard-to-fill positions. Utilizing these unique tools and services offered under the corporate membership increases the number of qualified and highly skilled candidates informed about and possibly applying for City jobs while improving the perception and appeal of the City as a great place to work.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance & Financial Management Committee on June 18, 2018.

FISCAL INFORMATION

General Funds - $128,159 (subject to appropriations)

June 27, 2018

WHEREAS, arrangements with professional organizations provide the City of Dallas access to information of benefit to the City, enhanced communication with entities and persons interested in learning more about City job openings, opportunities for information exchange and professional development, as well as effective lobbying on matters of municipal interest; and

WHEREAS, the City of Dallas benefits through its relationships with the professional organizations.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with LinkedIn Corporation (VC16071), approved as to form by the City Attorney, for a one-year corporate membership.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $128,159 (subject to appropriations) to Linkedln Corporation from Master Agreement Service Contract No. CVS-2018-00006601, for payment of membership fees.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 7

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Aviation
CMO:	Jody Puckett, 670-3390
MAPSCO:	34B F

SUBJECT

Authorize a sublease agreement between The Braniff Centre, LP and CLT Commercial Partners, LP of approximately 248,020 square feet of land and improvements located at Dallas Love Field - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas entered into a Commercial Lease for a thirty-nine year agreement with three ten-year renewal options with The Braniff Centre, LP on May 20, 2016. As part of the Commercial Lease agreement, The Braniff Centre, LP has the right to sublease all or a portion of the lease premises, but with respect to any sublease having a term of twenty years or covering more than 100,000 square feet of improvements, such sublease shall be approved by Dallas City Council.

The proposed sublease agreement between The Braniff Centre, LP and CLT Commercial Partners, LP contains the identical terms and conditions as the original Commercial Lease between the City of Dallas and The Braniff Centre, LP and will contain approximately 248,020 square feet.

In accordance to the terms and conditions of the original Commercial Lease, The Braniff Centre, LP seeks approval of the Dallas City Council for the sublease agreement with CLT Commercial Partners, LP.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 9, 2015, City Council authorized a thirty-nine year lease agreement with three ten-year renewal options with The Braniff Centre, LP at Dallas Love Field, for approximately 414,600 square feet of land for commercial development by Resolution No. 15-1693.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this matter on June 25, 2018.

FISCAL INFORMATION

No cost consideration to the City.

June 27, 2018

WHEREAS, the City of Dallas owns that certain airport in Dallas more commonly known as Dallas Love Field Airport ("Airport"); and

WHEREAS, the City of Dallas entered into a Commercial Lease for a term of thirty-nine years with three ten-year renewal options with The Braniff Centre, LP on May 20, 2016 at the Airport; and

WHEREAS, The Braniff Centre, LP has the right to sublease all or a portion of the leased premises in accordance to the terms and conditions of the Commercial Lease; and

WHEREAS, The Braniff Centre, LP must seek Dallas City Council approval of any sublease having a term of twenty years or covering more than 100,000 square feet.

Now, Therefore,

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

SECTION 1. That the Dallas City Council, upon approval as to form by the City Attorney, hereby approves a sublease agreement between The Braniff Centre, LP and CLT Commercial Partners, LP of approximately 248,020 square feet of land and improvements located at Dallas Love Field Airport.

SECTION 2. That the key terms and conditions of the sublease are:

a. Identical to the original Commercial Lease between the City of Dallas and The Braniff Centre, LP.

b. The sublease premises contains approximately 248,020 square feet of land and improvements.

SECTION 3. That this contract is designated as Contract No. AVI-2016-00000755.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 8

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

CMO: Jody Puckett, 670-3390

MAPSCO: 33D H; 34A E F J K

SUBJECT

Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phases III and IV at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed $92,749 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed $92,749 - Financing: Aviation Near Term Passenger Facility Charge Funds

BACKGROUND

This action will authorize an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phases III and IV at Dallas Love Field. The project includes, reconstruction of Taxiway Bravo from the Runway 31R end to Taxiway B1, reconfigure taxiway connectors, reconstruct Taxiway Bravo from Taxiway P to Taxiway B4 and construct a new portion of Taxiway Mike from existing Taxiway D to the existing Taxiway B4, along with new connecting taxiways.

This agreement will pay for the FAA services during the rehabilitation of Taxiway Bravo Phases III and IV. The FAA has indicated its services are limited to labor, travel and expenses required to perform limited technical and/or engineering support for the project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2018
FAA Design Review Begin	July 2018
Complete Design	December 2018
Complete Design Review	January 2019
Begin Construction	May 2019
Complete Construction	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1512.

On September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field by Resolution No. 16-1581.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

On April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field by Resolution No. 18-0599.

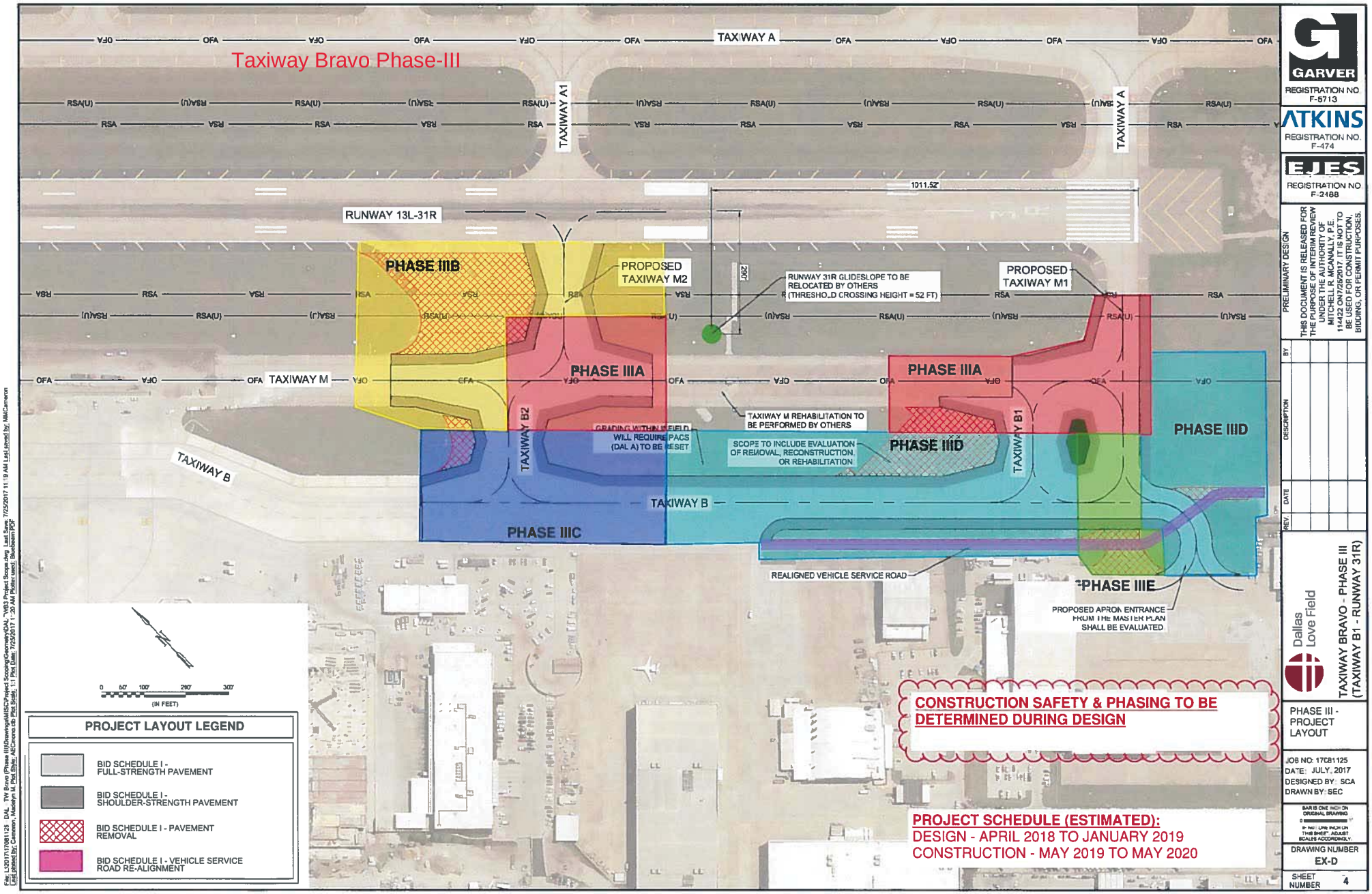
Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Aviation Near Term Passenger Facility Charge Funds - $92,748.91

MAPS

Attached



GARVER
REGISTRATION NO F-5713

ATKINS
REGISTRATION NO F-474

EJES
REGISTRATION NO F-2488

PRELIMINARY DESIGN
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MITCHELL R. MCANALLY, P.E. 114422 ON 7/25/2017. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

REV	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE III (TAXIWAY B1 - RUNWAY 31R)

PHASE III - PROJECT LAYOUT

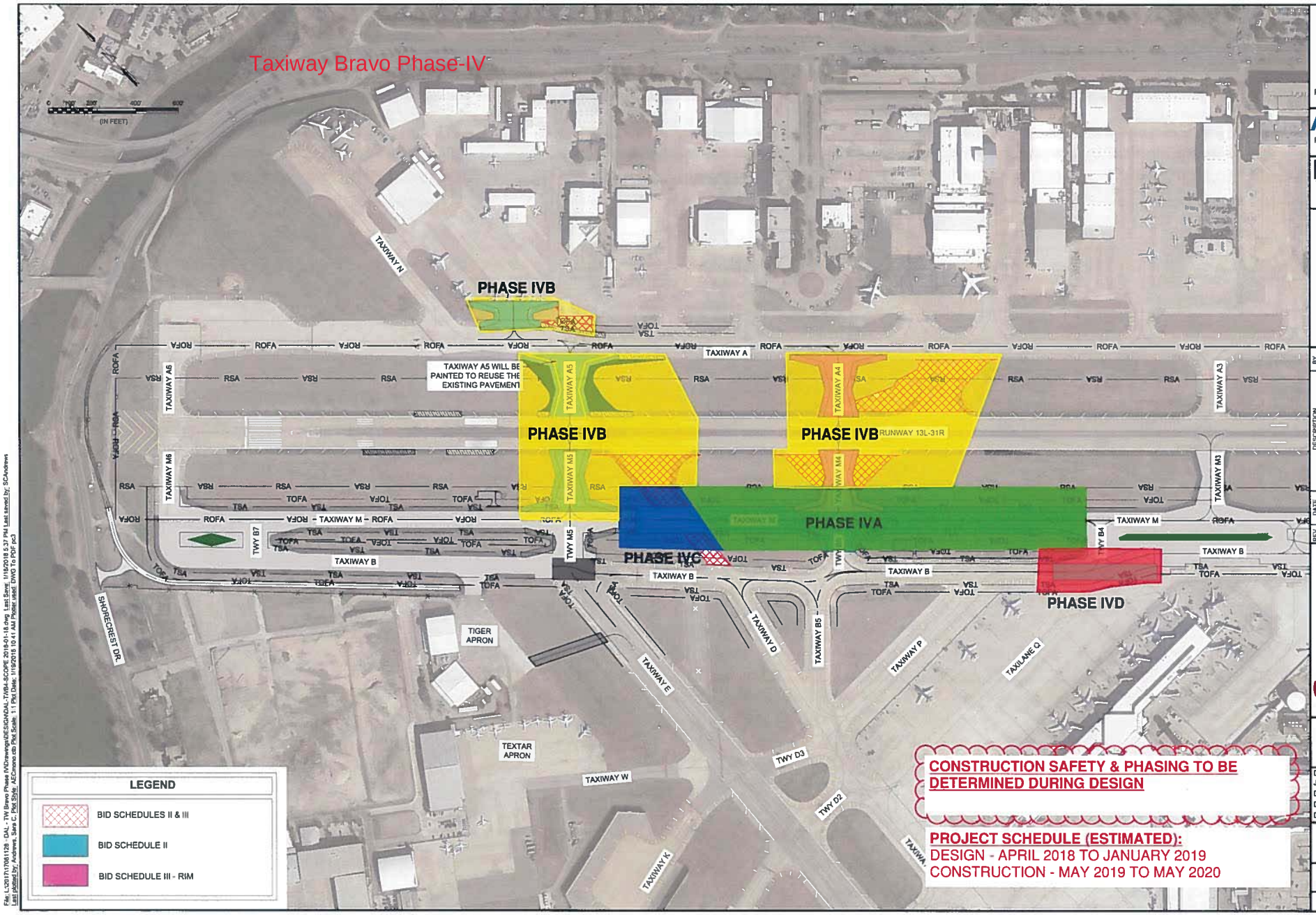
JOB NO: 17C81125
DATE: JULY, 2017
DESIGNED BY: SCA
DRAWN BY: SEC

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER EX-D

SHEET NUMBER 4

File: L:\2017\17081125 - DAL - TW Bravo (Phase III)\Drawings\ais\CS\Project Scoping\Geometry\DAL_TW03 Project Scope.dwg Last Save: 7/22/2017 11:19 AM Last saved by: MMCameron
Last plotted by: Cameron, Madelyn M. Plot Style: ACCivil3D.ctb Plot Date: 7/25/2017 7:39 AM Plotted using: Bluebeam PDF



GARVER
REGISTRATION NO. F-5713

ATKINS
REGISTRATION NO. F-474

EJES
REGISTRATION NO. F-2488

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MITCHELL R. MCANALLY, P.E. 114422 ON 01/19/2018. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

REV.	DATE	DESCRIPTION	BY

Dallas Love Field

TAXIWAY BRAVO - PHASE IV

PHASE IV - PROJECT LAYOUT

DALLAS NO.: ####
JOB NO.: 17081128
DATE: JAN. 2018
DESIGNED BY: SCA
DRAWN BY: SCA

BAR IS ONE INCH ON ORIGINAL DRAWING
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DRAWING NUMBER
EX-E

SHEET NUMBER 5

File: L:\2017\17081128 - DAL - TW Bravo Phase IV\Drawings\DESIGN\DAL-TWBA-SCOPE 2018-01-18.dwg Last Save: 1/18/2018 5:37 PM Last saved by: SCAndrews
Last plotted by: Andrews, Sara C. Plot Style: AECmono.ctb Plot Scale: 1:1 Plot Date: 1/18/2018 10:41 AM Plotter used: DWG To PDF.pc3

WHEREAS, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC to provide design and preparation of construction documents for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount $1,323,890.00 by Resolution No. 15-0491; and

WHEREAS, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to complete a field investigation and prepare construction documents for isolated full-depth concrete repairs on the airfield at Dallas Love Field, in an amount not to exceed $48,840.00, from $1,323,890.00 to $1,372,730.00; and

WHEREAS, on September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed $314,464.00, from $1,372,730.00 to $1,687,194.00, by Resolution No. 16-1512; and

WHEREAS, on September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field, in an amount not to exceed $1,769,340.00, from $1,687,194.00 to $3,456,534.00, by Resolution No. 16-1581; and

WHEREAS, on January 25, 2017, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to perform construction Materials Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love field, in an amount not to exceed, $534,194.00, by Resolution No. 17-0186; and

WHEREAS, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering, and construction document services for the Love Field Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed $1,737,770.00, from $3,456,534.00 to $5,194,304.00, by Resolution No. 17-0475; and

WHEREAS, on June 21, 2017, Administrative Action No. 17-0812 authorized Supplemental Agreement No. 5 to the professional services contract with Garver, LLC for additional design services to accommodate the request of the Federal Aviation Administration to change the design plans to keep Taxiway E open to aircraft traffic and to move the new runway connector to a new location at Dallas Love Field, in an amount not to exceed $24,200.00, from $5,194,304.00 to $5,218,504.00; and

June 27, 2018

WHEREAS, on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction documents services for the Love Field Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field, in an amount not to exceed $2,755,500.00, increasing the contract amount from $5,218,504.00 to $7,974,004.00, by Resolution No. 18-0599; and

WHEREAS, it is now desirable to authorize an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phase III and IV at Dallas Love Field.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Other Transaction Agreement with the Federal Aviation Administration (FAA), approved as to form by the City Attorney, to provide engineering support for the Rehabilitation of Taxiway Bravo Project Phase III and IV at Dallas Love Field, in an amount not to exceed $92,748.91.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $92,748.91 in the Aviation Near Term Passenger Facility Charge Fund as follows:

Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D015, Object 4113	$46,374.45
Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D017, Object 4113	$46,374.46
Total amount not to exceed	$92,748.91

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $92,748.91 to be paid to the FAA, in accordance with the terms and conditions of the Other Transaction Agreement, as follows:

Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D015, Object 4113 Activity AAIP, Program AVID015 Encumbrance/Contract CX-AVI-2018-00006593 Commodity 92500, Vendor 174291	$46,374.45

SECTION 3. (continued)

Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D017, Object 4113 Activity AAIP, Program AVID017 Encumbrance/Contract CX-AVI-2018-00006593 Commodity 92500, Vendor 174291	$46,374.46
Total amount not to exceed	$92,748.91

SECTION 4. That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phase III and IV Project at Dallas Love Field. Upon the approval of PFC funding by the FAA for this project, in an amount not to exceed $92,748.91, the City Manager is hereby authorized to increase appropriations in an amount not to exceed $92,748.91 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed $92,748.91 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, as follows:

Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D015, Object 5011	$46,374.45
Aviation Near Term Passenger Facility Charge Fund Fund A477, Department AVI, Unit D017, Object 5011	$46,374.46
Total amount not to exceed	$92,748.91

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 9

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Department of Dallas Animal Services
CMO:	Nadia Chandler Hardy, 670-1611
MAPSCO:	N/A

SUBJECT

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; **(1)** amending the rules on the impoundment of animals; **(2)** amending redemption fees; **(3)** amending redemption periods; **(4)** clarifying redemption period for dogs deemed dangerous; **(5)** providing a presumption of abandonment and transfer of ownership; **(6)** providing a penalty not to exceed $500; **(7)** providing a saving clause; **(8)** providing a severability clause; and **(9)** providing an effective date - Financing: No cost consideration to the City

BACKGROUND

This ordinance amendment outlines changes to the rules on the impoundment of animals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 7 for intact licenses and compliance versus fine for citations on January 9, 2017.

On January 26, 2017, the Animal Advisory Commission was briefed on proposed ordinances changes amending Chapter 7 for intact licenses and tethering.

On March 9, 2017, the Animal Advisory Commission was briefed on proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed and recommended moving forward with a draft ordinance amending Chapters 2 and 7 and requested that a final ordinance be scheduled on May 22, 2017 for further review on April 24, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On April 27, 2017, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapters 2 and 7 on May 22, 2017.

On June 14, 2017, City Council authorized an ordinance amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; creating the Department of Animal Care Services; creating a director for the department; providing duties for the director; amending the number of required meetings for the animal advisory commission; adding and clarifying definitions; retitling certain titles; providing a requirement to report likely rabies exposures; creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; providing notice requirements for impounded animals; providing a presumption of transfer of ownership for certain impounded animals; providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; replacing registration with mandatory microchipping; renaming the intact permit to breeding permit; amending breeding permit requirements; creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; amending the standard of review for appeal of a dangerous dog proceeding; providing enhanced penalties upon the third conviction of certain violations; deleting and reserving a section; making certain other structural, grammatical and clarifying changes; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date by Resolution No. 17-0922; Ordinance No. 30483.

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapter 7 on October 9, 2017.

On November 8, 2017, City Council authorized an ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-3.1, and 7-4.7; adding and clarifying definitions; amending proper restraint for loose animals; creating an offense for an owner failing to provide potable water and shelter while restraining certain animals; clarifying the offense related to a tethered dog and deleting a defense to prosecution related to a tethered dog; and amending requirements for tethered dogs by Resolution No. 17-1725; Ordinance No. 30687.

On May 29, 2018, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapter 7.

The Quality of Life, Arts and Culture Committee was briefed on June 11, 2018.

FISCAL INFORMATION

No cost consideration to the City.

5-25-18

ORDINANCE NO. _____

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; amending the rules on the impoundment of animals; amending redemption fees; amending redemption periods; clarifying redemption period for dogs deemed dangerous; providing a presumption of abandonment and transfer of ownership; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 7-2.5, "Impoundment of Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.**

(a) The director or the chief of police is authorized to seize and impound any animal:

(1) in the city that is loose;

(2) for protective custody;

(3) required to be quarantined under Section 7-2.4;

(4) seized pursuant to a warrant or court;

(5) that is a prohibited animal and kept in the city in violation of Section 7-6.1; [~~and~~]

(6) posing a threat to the public health or safety; and[~~.~~]

(7) displaying signs and symptoms of extreme health concerns.

(b) If an animal is impounded, except pursuant to Subsection (a)(4) and Section 7-2.6(e), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.

(1) A notice delivered pursuant to this subsection is deemed to be received on the earlier of the date actually received, or the third day following the date upon which the notice was sent. On the second [~~seventh~~] calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

(c) If an animal described in Subsection (a) is on private property, the impounding officer may enter the property for the purpose of impoundment or issuance or a citation, or both.

(d) The director is the designated caretaker of a loose, impounded, or surrendered animal immediately upon intake at the animal shelter.

(e) Visitation of a seized animal is prohibited.

(f) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes."

SECTION 2. That Section 7-2.6, "Redemption of Impounded Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.**

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) $27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) $27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, $10 for each night the animal is housed in a city shelter;

(3) $10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [~~proof~~]that the animal was not vaccinated due to health reasons [~~as verified by a licensed veterinarian~~];

(4) [~~the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;~~

~~(5)~~] $15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [~~certifies~~] that the animal should not be injected with a microchip implant for health reasons; and

(5[~~6~~]) $60 for sterilization of an animal[~~dog or $60 for sterilization of a cat~~], unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) the owner provides a letter from a licensed veterinarian on office stationary dated prior to impoundment certifying [~~a licensed veterinarian certifies~~] that the animal [~~dog or cat~~] should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment[~~;~~

~~(D) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;~~

~~(E) the animal is a competition cat or competition dog;~~

~~(F) the animal is a service animal; or~~

~~(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter~~].

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) five[~~10~~] days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner with contact information; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) Except as provided in Section 7-5.3(e), t[~~T~~]he redemption period for an animal, with an identified owner, impounded for quarantine is the same day as[~~three days after~~] completion of the quarantine period.

(e) Kitten litters, puppy litters, and mothers nursing litters impounded in the city's animal shelter cannot be redeemed and immediately become the sole property of the city and are subject to disposition as the director deems appropriate.

(f) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(g[~~f~~]) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a)."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 4. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed _____

AGENDA ITEM # 10

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Department of Dallas Animal Services
CMO:	Nadia Chandler Hardy, 670-1611
MAPSCO:	N/A

SUBJECT

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.6, 7-8.1, and 7-8.2 by **(1)** adding Section 7-4.14 and Article V-a **(2)** adding a definition; **(3)** aligning the dangerous dog determination process with state law; **(4)** providing the presumption of the transfer of ownership for dangerous dogs; **(5)** deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; **(6)** providing courts with jurisdiction for appeals; **(7)** providing an appeal bond; **(8)** providing notice of responsibility of additional costs to dog owners on appeal; **(9)** amending the time for compliance for requirements of owning a dangerous dog; **(10)** providing additional requirements for ownership of a dangerous dog; **(11)** providing additional requirements for transferring ownership of a dangerous dog; **(12)** providing surrender requirement for a dangerous dog that attacks; **(13)** providing a minimum fine amount for a dog bite conviction; **(14)** including dog bite convictions in additional enforcement provisions; **(15)** establishing a criminal penalty for certain dog bites; **(16)** providing a definition for an aggressive dog; **(17)** providing a process for determination as an aggressive dog; **(18)** providing an appeal process for an aggressive dog determination; **(19)** providing requirements for ownership of an aggressive dog; **(20)** providing the presumption for the transfer of ownership of an aggressive dog; **(21)** providing for an investigation and enforcement of an attack by an aggressive dog; **(22)** amending the providing a penalty not to exceed $500; **(23)** providing a saving clause; **(24)** providing a severability clause; and **(25)** providing an effective date - Financing: No cost consideration to the City

BACKGROUND

This ordinance amendment outlines changes to the appeals of Director's Dangerous Dog determination.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 7 for intact licenses and compliance versus fine for citations on January 9, 2017.

On January 26, 2017, the Animal Advisory Commission was briefed on proposed ordinances changes amending Chapter 7 for intact licenses and tethering.

On March 9, 2017, the Animal Advisory Commission was briefed on proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed and recommended moving forward with a draft ordinance amending Chapters 2 and 7 and requested that a final ordinance be scheduled on May 22, 2017 for further review on April 24, 2017.

On April 27, 2017, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapters 2 and 7 on May 22, 2017.

On June 14, 2017, City Council authorized an ordinance amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; creating the Department of Animal Care Services; creating a director for the department; providing duties for the director; amending the number of required meetings for the animal advisory commission; adding and clarifying definitions; retitling certain titles; providing a requirement to report likely rabies exposures; creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; providing notice requirements for impounded animals; providing a presumption of transfer of ownership for certain impounded animals; providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; replacing registration with mandatory microchipping; renaming the intact permit to breeding permit; amending breeding permit requirements; creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; amending the standard of review for appeal of a dangerous dog proceeding; providing enhanced penalties upon the third conviction of certain violations; deleting and reserving a section; making certain other structural, grammatical and clarifying changes; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date by Resolution No. 17-0922; Ordinance No. 30483.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapter 7 on October 9, 2017.

On November 8, 2017, City Council authorized an ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-3.1, and 7-4.7; adding and clarifying definitions; amending proper restraint for loose animals; creating an offense for an owner failing to provide potable water and shelter while restraining certain animals; clarifying the offense related to a tethered dog and deleting a defense to prosecution related to a tethered dog; and amending requirements for tethered dogs.

On May 29, 2018, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapter 7.

The Quality of Life, Arts and Culture Committee was briefed on June 11, 2018.

FISCAL INFORMATION

No cost consideration to the City.

6-11-18

ORDINANCE NO. _____

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.5, 7-5.6, 7-8.1, and 7-8.2; by adding Section 7-4.14 and Article V-a; adding a definition; aligning the dangerous dog determination process with state law; providing the presumption of the transfer of ownership for dangerous dogs; deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; providing courts with jurisdiction for appeals; providing an appeal bond; providing notice of responsibility of additional costs to dog owners on appeal; amending the time for compliance for requirements of owning a dangerous dog; providing additional requirements for ownership of a dangerous dog; providing additional requirements for transferring ownership of a dangerous dog; providing a surrender requirement for a dangerous dog that attacks; providing a minimum fine amount for a dog bite conviction; including dog bite convictions in additional enforcement provisions; establishing a criminal penalty for certain dog bites; providing a definition for an aggressive dog; providing a process for determination as an aggressive dog; providing an appeal process for an aggressive dog determination; providing requirements for ownership of an aggressive dog; providing the presumption for the transfer of ownership of an aggressive dog; providing for an investigation and enforcement of an attack by an aggressive dog; amending the providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 7-1.1, "Definitions," Article I, "General," of Chapter 7, "Animals," of the Dallas City Code is amended by adding a new subsection 8.1 to read as follows:

"(8.1) BODILY INJURY means physical pain, illness, or any impairment of physical condition."

SECTION 2. That Article IV, "Specific Requirements For Dogs And Cats," of Chapter 7, "Animals," of the Dallas City Code is amended by adding a new Section 7-4.14, "Dog Bites," to read as follows:

"**SEC. 7-4.14. DOG BITES.**

(a) A person commits an offense if the person is the owner or keeper of a dog and the person fails to secure the dog and the dog makes an unprovoked bite that causes bodily injury to another person that occurs at a location other than the owner's or keeper's real property or in or on the owner's or keeper's motor vehicle or boat.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person:

(1) is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by the city, or a subdivision of the city, to deal with stray animals and has temporary ownership, custody, or control of the dog in connection to that position; or

(2) is an employee of a law enforcement agency and trains dogs or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person's official capacity."

SECTION 3. That Section 7-5.3, "Determination As A Dangerous Dog," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG.**

In addition to the provisions of Section 822.0421 of the Texas Health and Safety Code, as amended:

(a) [~~Upon receipt of a sworn, written complaint by any person of an incident described in section 7-5.1(b)(2)(A) or (B) of this article, the director shall investigate to determine if a dog is dangerous.~~

~~(b) If a dog has caused bodily injury to any person, the director may seize and impound the dog at the owner's expense pending the investigation and a determination of whether the dog is a dangerous dog. If the director cannot, with due diligence, locate the owner of the dog that has been seized under this subsection, the director shall impound the dog. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the director may order the dog humanely destroyed.~~

~~(c)~~] At the conclusion of the investigation authorized by Section 822.0421 of the Texas Health and Safety code, as amended, [~~required by this section~~] the director shall:

(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner; or

(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (c[~~e~~]) of this section.[~~; or~~

~~(3) determine that the dog is dangerous and order the owner to permanently remove the dog from the city within a designated period of time.~~]

(b[~~d~~]) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:

(1) that the dog has been determined to be a dangerous dog;

(2) [~~whether the dog must be permanently removed from the city and the date by which the dog must be removed;~~

~~(3)~~] what the owner must do to comply with requirements for ownership of a dangerous dog [~~that is allowed to remain in the city~~] and to reclaim the dog, if impounded; and

(3[~~4~~]) that the owner has the right to appeal the determination of dangerousness [~~or any order to remove the dog from the city~~].

(c[~~e~~]) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and[~~:~~

~~(1) if and while the dog is allowed to remain in the city,~~] complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.[~~; or~~

~~(2) if the dog is ordered permanently removed from the city, provides the director, in writing, with the street address, telephone number, and name of the person in control of the location outside the city where the dog will be relocated or other evidence satisfactory to the director that the dog will be permanently removed from the city.~~]

(d[~~f~~]) If the owner of an impounded dog has not complied with Subsection (c[e]) within 15[~~30~~] days after a final determination is made that an impounded dog is dangerous, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate [~~director may file a complaint in municipal court under Section 7-5.5 of this article~~]."

SECTION 4. That Section 7-5.4, "Appeals," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-5.4. APPEAL[~~S~~] OF DIRECTOR'S DANGEROUS DOG DETERMINATION.**

(a) If, under Section 7-5.3 of this article, the director determines that a dog is dangerous [~~or orders a dangerous dog to be permanently removed from the city~~], that decision is final unless the dog owner files a written appeal with the municipal, justice, or county court within 15 days after receiving notice that the dog has been determined to be dangerous [~~or ordered to be removed from the city~~]. The appeal is a de novo hearing [~~limited to a hearing under the substantial evidence rule~~] and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness[~~, or affirming, reversing, or modifying the director's removal order~~]. If the municipal court affirms the director's determination of dangerousness[~~allows a dangerous dog to remain in the city~~], the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article [~~and may order additional conditions for maintaining ownership of a dangerous dog~~].

(b) The dog owner filing an appeal of a municipal court's affirmation of the director's determination shall also file an appeal bond in an amount determined as the estimated costs to board and impound the dog during the appeal process. The bond must be filed with the court if the dog is impounded in the city's animal shelter or another director-approved facility. The bond must be used to cover the cost of daily care of the dog. Should the judge or jury determine the dog is not dangerous, the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(c) In addition to the appeal bond, the dog owner is responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal."

SECTION 5. That Section 7-5.5, "Requirements For Ownership Of A Dangerous Dog; Noncompliance Hearing," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-5.5. REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG; NONCOMPLIANCE HEARING.**

(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 15[~~30~~]th day after learning that he is the owner of a dangerous dog:

(1) have an unsterilized dangerous dog spayed or neutered:

(2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of $50;

(3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6[~~5~~]) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;

(7[~~6~~]) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and

(8[~~7~~]) post a legible sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of $50.

(c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 15[~~30~~]th day after learning that the animal is dangerous.

(d) [~~The owner of a dangerous dog that has been ordered removed from the city shall relocate the dog to a place outside of the city within the time designated in the order. Within five days after the expiration of the time ordered for the dog's removal, the owner shall provide the director with proof of the removal and relocation, or other disposition, of the dog. Such proof must include the owner's written sworn affidavit stating:~~

~~(1) that the dog is no longer located in the city; and~~

~~(2) the name, street address, and telephone number of the person outside of the city in possession of the dog or the details of any other disposition of the dog.~~

~~(e)~~] Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section[~~or has failed to remove the dog from the city as required by order of the director or the municipal court~~], the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a) [~~or with an order of removal, whichever applies~~]. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide[~~, either in person or~~] by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party [~~person~~] may present evidence at the hearing.

(e[~~f~~]) At the conclusion of the hearing, the municipal court shall:

(1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section [~~or with an order of removal, whichever applies,~~] and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or

(2) find that the owner of a dangerous dog is not in compliance with Subsection (a) of this section [~~or with an order of removal, whichever applies,~~] and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;

(B) [~~release the dog to the owner if the director determines that the owner will permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city by the 11th day; or~~

~~(C)~~] humanely destroy the dog if:

(i) the director determines that the owner has [~~will~~] not comply with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;

(ii) [~~the director determines that the owner will not permanently remove the dog from the city before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or~~

~~(iii)~~] the owner of the dog cannot be located before the 11[~~15~~]th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or[~~.~~]

(iii) the dog was previously determined dangerous was at large.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his intention. In addition to written notification if ownership of the dangerous dog is being transferred to a person who resides within the city limits, the new owner must provide proof to the director of complying with Subsection (a) before the dangerous dog can be moved from the previous owner's custody. A person commits an offense if he transfers ownership without complying with the requirements of this subsection.

(g) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner."

SECTION 6. That Subsection (b) of Section 7-5.6, "Attacks By Dangerous Dog; Hearing," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(b) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the owner of a dangerous dog, in accordance with Section 822.0422 of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, shall deliver the dog to the director not later than the fifth day after the date on which the owner receives notice that a complaint has been filed. Additionally, the municipal court shall conduct a hearing to determine whether a dangerous dog committed an act described in Section 7-5.1(b)(2)(A) or (B) of this article. The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and the complainant. Any interested person may present evidence at the hearing."

SECTION 7. That Subsection (c) of Section 7-5.6, "Attacks By Dangerous Dog; Hearing," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(c) At the conclusion of the hearing, the municipal court shall:

(1) find that the dangerous dog did not commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the dangerous dog did commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog;

(B) humanely destroy the dog if the director determines that the owner has not complied with Section 7-5.5(a) within a period of time designated by the court, or release the dog to the owner if the director determines that the owner has complied with Section 7-5.5(a) within the designated period of time;

(C) [~~release the dog to the owner if the director determines that the owner will permanently remove the dog from the city within a period of time designated by the court and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city within the designated period of time;~~] or

[~~(D)~~] humanely destroy the dog if the owner of the dog has not been located before the 11[~~15~~]th day after the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later."

SECTION 8. That Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended by adding a new Section 7-5.11, "Dangerous Dog Registry," to read as follows:

"**SEC. 7-5.11. DANGEROUS DOG REGISTRY.**

The director shall publish a list including identifying information on all dogs determined dangerous in the city. The list must include the dangerous dog's address, description, pictures, microchip number, the owner's name, and any other pertinent information. This list must be publicly available at the Dallas Animal Services Facility and on the animal services website."

SECTION 9. That Chapter 7, "Animals," of the Dallas City Code is amended by adding a new Article V-a, "Aggressive Dogs," to read as follows:

"**ARTICLE V-a.**

AGGRESSIVE DOGS.

SEC. 7-5.12. DEFINITION.

In this article, AGGRESSIVE DOG means a dog that on at least one occasion, while not legally restrained, killed or injured a legally restrained domestic animal or livestock.

SEC. 7-5.13. DETERMINATION AS AN AGGRESSIVE DOG.

(a) Upon notification of an incident described in Section 7-5.12 of this article, the director shall investigate to determine if a dog is aggressive. The determination must be based upon an investigation that includes observation and testimony about the dog's actions at the date of the incident, including the owner's or keeper's control of the dog, and any other relevant evidence determined by the director. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the dog's actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.

(b) Notwithstanding Subsection (a), the director shall have discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog engaged in acts specified in Section 7-5.12.

(c) The director may seize and impound the dog at the owner's expense pending the investigation and determination of whether the dog is an aggressive dog. The director shall impound the dog, if the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) At the conclusion of the investigation required by this section, the director shall:

(1) determine that the dog is not aggressive and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;

(2) determine that the dog is aggressive and order the owner to comply with the requirements for ownership of an aggressive dog set forth in Section 7-5.15 of this article and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (e) of this section.

(3) If a dog is determined to be an aggressive dog, the director shall notify the dog owner in person or by certified mail, return receipt requested:

(i) that the dog has been determined to be an aggressive dog;

(ii) what the owner must do to comply with requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and

(iii) that the owner has the right to appeal the determination of aggressiveness.

(e) An impounded dog determined by the director to be aggressive must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this article.

(f) If the owner of an impounded dog has not complied with Subsection (e) within 15 days after a final determination is made that an impounded dog is aggressive, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

SEC. 7-5.14. APPEALS.

If, under Section 7-5.13 of this article, the director determines that a dog is aggressive, that decision is final unless the dog owner files a written appeal with the municipal court within 10 days after receiving notice that the dog has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director's determination of aggressiveness. If the municipal court affirms the director's determination of aggressiveness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.15 of this article. If the municipal court reverses the director's determination of aggressiveness and, if the dog is impounded, the court may waive any impoundment fees incurred and release the dog to its owner.

SEC. 7-5.15. REQUIREMENTS FOR OWNERSHIP OF AN AGGRESSIVE DOG; NONCOMPLIANCE HEARING.

(a) A person shall, not later than the 15th day after learning that he is the owner of an aggressive dog:

(1) have an unsterilized aggressive dog spayed or neutered;

(2) register the aggressive dog with the director and pay to the director an aggressive dog registration fee of $50;

(3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;

(7) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;

(8) post a legible sign at each entrance to the enclosure in which the aggressive dog is confined stating "BEWARE AGGRESSIVE DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of the aggressive dog shall renew the registration of the aggressive dog with the director annually and pay an annual aggressive dog registration fee of $50.

(c) The owner of an aggressive dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is aggressive.

SEC. 7-5.16. ATTACKS BY AN AGGRESSIVE DOG.

(a) If a previously determined aggressive dog commits an act describe in Section 7-5.12 of this article, the director may seize and impound the aggressive dog at the owner's expense pending a hearing before the municipal court in accordance with this section.

(b) Upon receipt of a sworn, written complaint by any person, including the director, of an incident described in Section 7-5.12 of this article, the municipal court shall conduct a hearing to determine whether an aggressive dog committed an act described in Section 7-5.12 of this article. The hearing must be conducted within 30 days after receipt of the complaint, but if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the investigation, the director shall:

(1) find that the aggressive dog did not commit an act described in Section 7-5.12 of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the aggressive dog did commit an act described in Section 7-5.12 of this article, and order the director to seize and impound the dog, if the dog is not already impounded, and the aggressive dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) The owner of an aggressive dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be release to the owner."

SECTION 10. That Subsection (e) of Section 7-8.1, "Violations; Criminal and Civil Penalties," of Article VIII, "Violations, Penalties, and Enforcement," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) $50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a)<u>;</u> [~~.~~]

(2) $100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and

(3) $150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, <u>7-4.14,</u> 7-6.1, 7-6.2, or 7-7.1."

SECTION 11. That Subsection (b) of Section 7-8.2, "Additional Enforcement Provisions," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, [~~or~~] 7-4.11<u>, or 7-4.14</u> of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person's right to own an animal in the city for a period of time as specified by the court."

SECTION 12. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 13. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 14. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 15. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 11

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Equipment and Building Services

CMO: Jody Puckett, 670-3390

MAPSCO: 45Q

SUBJECT

Ratify an emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street - Not to exceed $203,344 - Financing: Capital Construction Funds

BACKGROUND

This action will authorize an emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street.

On March 25, 2018 a significant crack was discovered on the ground floor window on the east side of the building. The crack continues to spread along the glass pane causing safety concerns and risks of the glass falling and shattering.

Three bids were received consistent with the City's emergency procurement process. Peruna Glass, Inc. dba Glass Doctor of North Texas was selected as the lowest responsible bidder.

The emergency replacement includes labor and materials for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall.

Some of the framing materials have a 12-week lead time, so it is imperative to have a contract authorized in order to have materials ordered.

ESTIMATED SCHEDULE OF PROJECT

Begin Emergency Repairs	July 2018
Complete Emergency Repairs	November 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Capital Construction Funds - $203,344

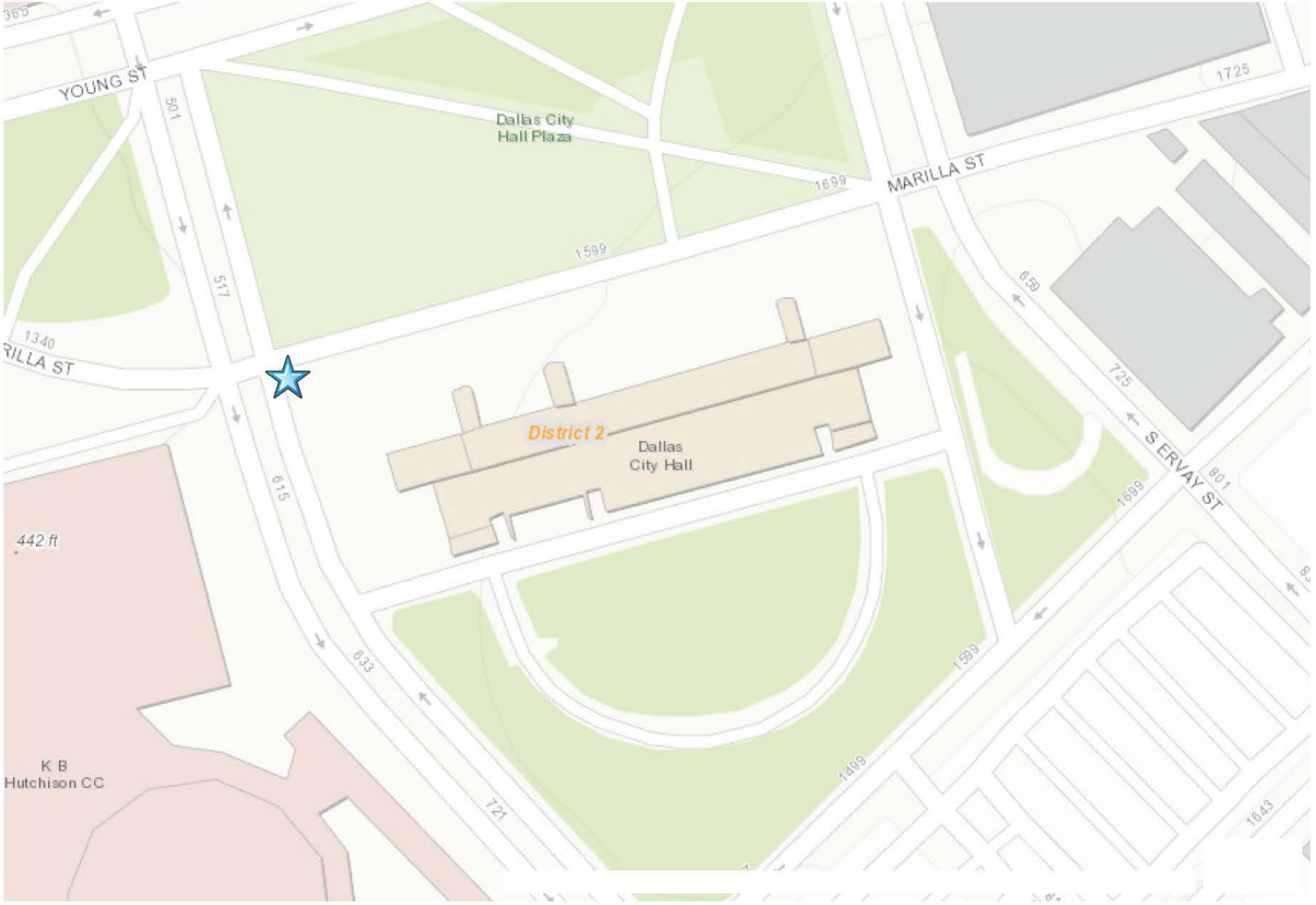
OWNER

Peruna Glass, Inc. dba Glass Doctor of North Texas

Larry Patterson, President

MAP

Attached


YOUNG ST
Dallas City Hall Plaza
MARILLA ST
1725
1699
1599
501
517
1340
RILLA ST
659
725
S ERVAY ST
801
District 2
Dallas City Hall
615
442 ft
633
1599
1499
721
K B Hutchison CC
1843

June 27, 2018

WHEREAS, the need to perform emergency removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall was identified; and

WHEREAS, Peruna Glass, Inc. dba Glass Doctor of North Texas submitted a proposal for emergency glass replacement at Dallas City Hall; and

WHEREAS, it is now necessary to ratify an emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street in an amount not to exceed $203,344.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a ratified emergency construction services contract with Peruna Glass, Inc. dba Glass Doctor of North Texas for the removal and replacement of the ground floor windows on the east and west sides of Dallas City Hall located at 1500 Marilla Street.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $203,344 to Peruna Glass, Inc. dba Glass Doctor of North Texas, in accordance with the terms and conditions of the contract from the Capital Construction Fund, Fund 0671, Department EBS, Unit W221, Object 3210, Program EB18112, Encumbrance/Contract No. CX-EBS-2018-00006718, Vendor 517192.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 12

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: Various Locations

SUBJECT

Authorize an increase to the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600 and for the reduction in pay items including asphalt surface material for a reduction of $84,600 for a zero-dollar change to the contract amount - Financing: No cost consideration to the City

BACKGROUND

This action will authorize Change Order No. 2 to the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for grass, mobilization and markings for an increase in the amount of $84,600.00 and for the reduction in pay items including asphalt surface material for a reduction of $84,600.00 for a zero-dollar change to the contract amount.

This project provides for pavement and infrastructure repairs at various locations throughout the City to supplement the work performed by City forces. This contract provides repairs on asphalt and concrete streets that are typically done as part of the annual operating budget. Change Order No. 2 will also serve to expedite selected 2017 Bond Year-1 projects. Improvements include partial concrete reconstruction, full depth asphalt repair, asphalt restoration and asphalt resurfacing.

This Change Order includes additions and deduction to the contract quantities and additional line items to the overall contract. The additions to the contract equal the deductions to the contract for a net zero impact to the contract amount.

BACKGROUND (continued)

Items added to the contract cost include the following:

- Item 656 - Grass seeding by hydromulching – Sodding was in the original contract, adding hydromulching because it is easier for grass to take root and requires less water for grass to establish.
- Item 110B - Remobilization for the Bond Program – Mobilization not originally included in the pay items to accommodate select 2017 Bond Program resurfacing projects.
- Item 718 - Remove 4" or 6" pavement Markings – Original contract specified removal of thermoplastic markings only. This item allows for the cost savings associated with non-thermal marking removal.
- Item 718D - Remove 24" Pavement Markings - Original contract specified removal of thermoplastic markings only. This item allows for the cost savings associated with non-thermal marking removal.

Quantities deducted from the contract include the following:

Item 504C Asphalt course surface – This quantity has been under run on the project. Adjustments to this line item are being made to cover the costs on the line items added to the contract.

ESTIMATED SCHEDULE OF PROJECT

Began services	January 2017
Complete services (est)	January 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2016, the Transportation and Trinity River Project Committee was briefed by memorandum about this item.

On December 14, 2016, City Council authorized a thirty-six month service contract to Johnson Bros. Corporation, a Southland Company for paving and infrastructure repairs at various locations throughout the city by Resolution No. 16-1930.

FISCAL INFORMATION

Construction	$94,722,360.00
Change Order No. 1	$ 0.00
Change Order No. 2 (this action)	$ 0.00
Total Contract Costs	$94,722,360.00

BID INFORMATION

The following two bids with quotes were opened on September 30, 2016:

*Denotes successful bidder

Bidders	Bid Amounts
*Johnson Bros. Corporation, a Southland Company 608 Henrietta Creek Road Roanoke, Texas 76262	$ 94,722,360.00
NPL Construction Company	$108,526,285.00

OWNER

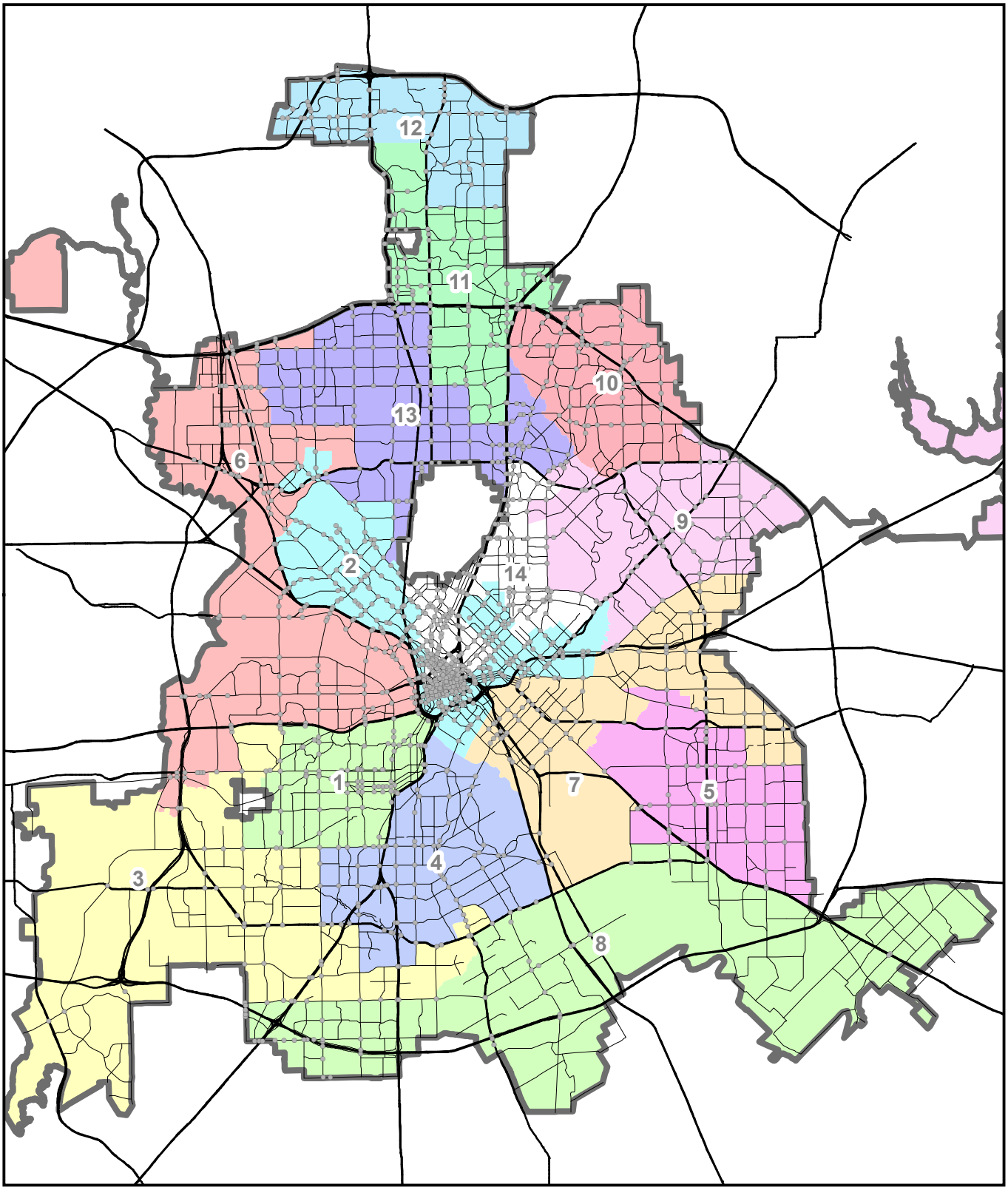
Johnson Bros. Corporation, a Southland Company

Frank Renda, President
Tim Winn, Vice President

MAP

Attached

36-Month Term Agreement- Contract 1



WHEREAS, it became necessary to supplement City Forces for paving and infrastructure repairs throughout the City; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids for the 36-Month Term Agreement for Pavement Repairs on City of Dallas Infrastructure at Various Locations – Contract 1; and

WHEREAS, bids were received on September 230, 2016, for a thirty-six-month construction services contract for pavement and infrastructure repairs a various locations throughout the City; and

WHEREAS, the bid received by Johnson Bros. Corporation, a Southland Company was the lowest responsible bidder with a low bid; and

WHEREAS, on December 14, 2016, City Council authorized a thirty-six-month construction services contract with Johnson Bros. Corporation, a Southland Company, for pavement and infrastructure repairs, in an amount not exceed $94,722,360.00, by Resolution No. 16-1930; and

WHEREAS, on September 26, 2017, Administrative Change Order No. 17-0996 authorized Change Order No. 1 the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for bike lane striping, increase quantities for additional street striping, provide items for an alternate asphalt design, and reduce quantities for concrete replacement items with a net zero change to the contract amount; and

WHEREAS, it is now necessary to authorize Change Order No. 2 to the construction services contract with Johnson Bros. Corporation, a Southland Company, to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600.00 and for the reduction in pay items including asphalt surface material for a reduction of $84,600.00 for a zero-dollar change to the contract amount.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Johnson Bros. Corporation, a Southland Company (Change Order No. 2) is authorized to add contract items for grass, mobilization, and markings for an increase in the amount of $84,600.00 and for the reduction in pay items including asphalt surface material for a reduction of $84,600.00 for a zero-dollar change to the contract amount.

SECTION 2. That this contract is designated as Contract No. STS-2017-00001570.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 13

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction Water Utilities Department City Attorney's Office
CMO:	Majed Al-Ghafry, 670-3302 Larry Casto, 670-3491
MAPSCO:	N/A

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 57,467 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Julie D. Lockmiller and James Lockmiller - Not to exceed $14,872, increased from $38,250 ($35,250, plus closing costs and title expenses not to exceed $3,000) to $53,122 ($50,122, plus closing costs and title expenses not to exceed $3,000) – Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a tract of land containing approximately 57,467 square feet located in Kaufman County from Julie D. Lockmiller and James Lockmiller. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On August 12, 2015, City Council authorized the purchase and/or condemnation in the total amount of $38,250, by Resolution No. 15-1417. The settlement will avoid increased costs associated with construction delays, commissioners' costs, updated appraisal reports, court filing fees and uncertainty associated with possibility of commissioners' award being higher than the negotiated amount of $53,122. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Cynthia Lynn Daniel and Matthew Gregory Daniel, of a tract of land containing approximately 57,467 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-1417.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $14,872

Resolution No. 15-1417	$38,250
Additional Amount (this action)	$14,872
Total Authorized Amount	$53,122

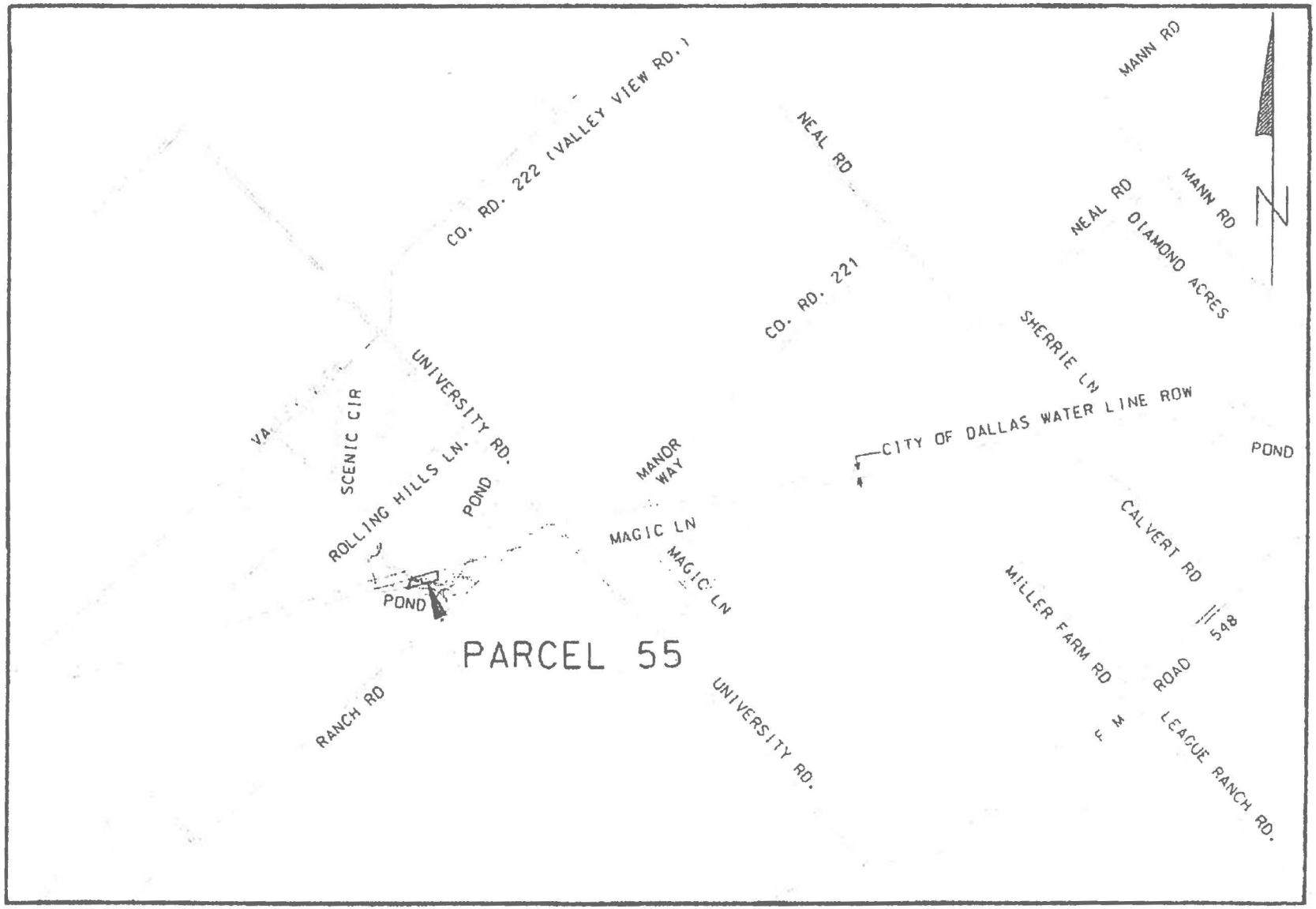
OWNERS

Julie D. Lockmiller

James Lockmiller

MAP

Attached



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

June 27, 2018

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated SETTLEMENT AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 15-1417 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or condemnation for a purchase amount of $35,250, plus closing costs and title expenses not to exceed $3,000.

"PROJECT": Lake Tawakoni 144-inch Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OWNER": Julie D. Lockmiller and James Lockmiller, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

SECTION 1. (continued)

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"PROPERTY": Approximately 57,467 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": $35,250

"SETTLEMENT AMOUNT": $50,122

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,000

"REVISED AUTHORIZED AMOUNT": $53,122

SECTION 2. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 4. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 5. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4230, Encumbrance/Contract No. CX-DWU-2018-00005996. The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 55

BEING a 1.319 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, being part of Lot 12C, of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), also being a portion of a tract of land described in a Special Warranty Deed with Vendor's Lien (Vendor's Lien Reserved to Grantor) to Cynthia Lynn Daniel and Matthew Gregory Daniel, Recorded April 29, 2010, in Volume 3754, Page 291 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod with cap stamped "RPLS3935" and a 5/8-inch iron rod with cap stamped "D.C.A." found at the northwest corner of said Lot 12C, being the northernmost corner of Lot 11C of said Lakeview Estates Addition, also being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, with the common line of the south line of said City of Dallas Water Line Right-of-Way and the north line of said Lot 12C, a distance of 392.79 feet to a 3/8-inch iron rod found at the northernmost common corner of said Lot 12C, being the northwest corner of Lot 13C of said Lakeview Estates Addition;

THENCE South 10 degrees 01 minute 15 seconds East, departing the south line of said City of Dallas Right-of-Way and with the common line of the east line of said Lot 12C and the west line of said Lot 13C, a distance of 131.92 feet to a 1/2-inch iron rod with a red plastic cap stamped "DAL-TECH" set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing said common line and, a distance of 491.32 feet to a point (unable to set) in the west line of said Lot 12C and the east line of said Lot 11C;

THENCE North 23 degrees 07 minutes 34 seconds East, with the common line of the west line of said Lot 12C and the east line of said Lot 11C, a distance of 177.57 feet to the POINT OF BEGINNING and containing 57,467 square feet or 1.319 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

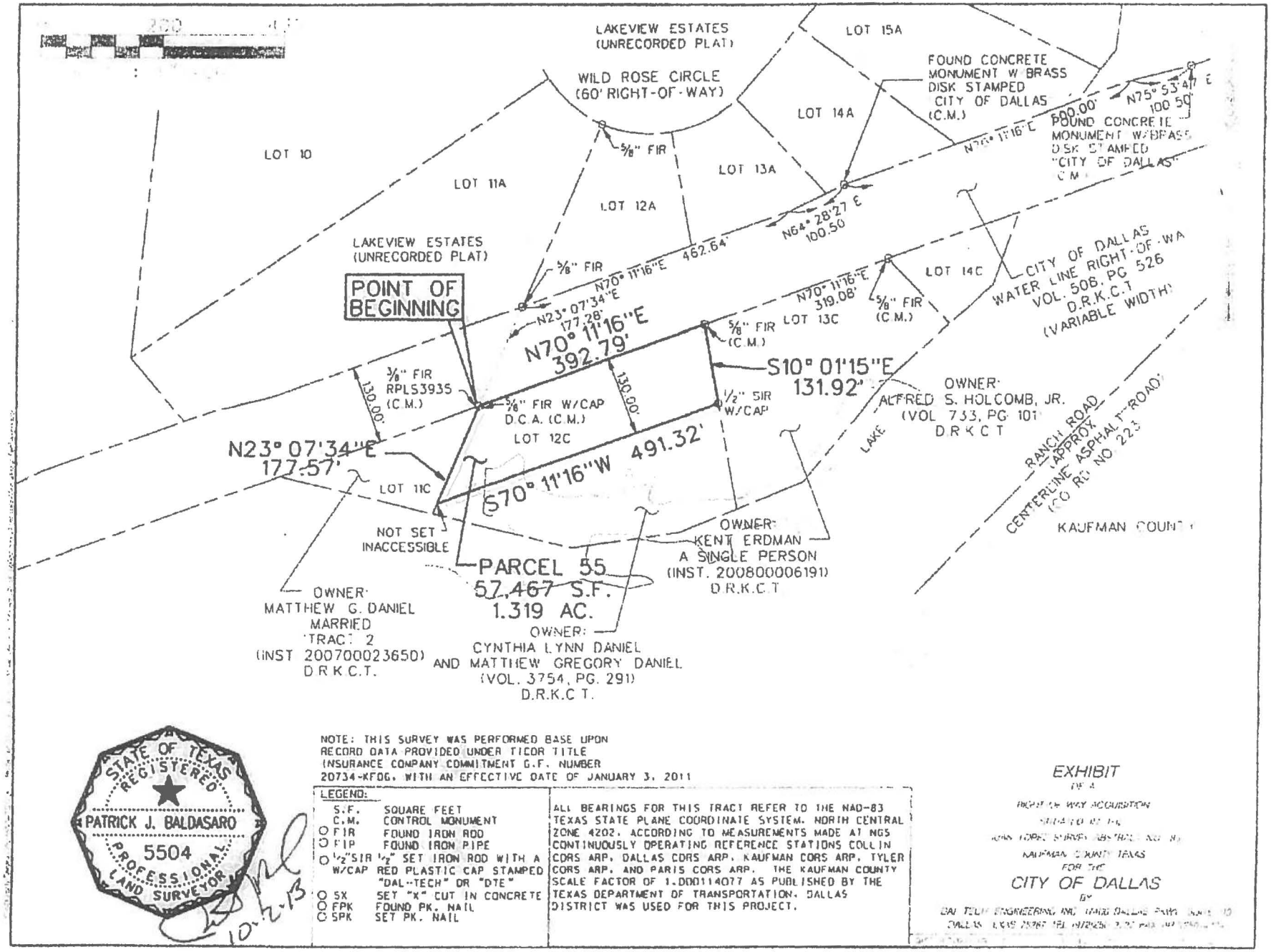
Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 10-2-13

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED: 10/2/13



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

10-2-13

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20734-KFOG, WITH AN EFFECTIVE DATE OF JANUARY 3, 2011

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ ½"SIR W/CAP	½" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT OF WAY ACQUISITION
SITUATED IN THE
JOHN TORRY SURVEY, ABSTRACT NO. 81
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC. 13455 DALLAS PKWY, SUITE 10
DALLAS, TEXAS 75240 TEL (972) 239-3270 FAX (972) 239-3271

Exhibit B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF KAUFMAN §

That Julie D. Lockmiller and James Lockmiller , a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of FIFTY THOUSAND ONE HUNDRED TWENTY TWO DOLLARS AND 00/100 DOLLARS ($50,122.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: This conveyance is made and accepted subject to the reservations provided in Exhibit B which is attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

_____
Julie D. Lockmiller

_____
James Lockmiller

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____
by Julie D. Lockmiller.

_____
Notary Public, State of TEXAS

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____
by James Lockmiller.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 40157

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 55

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THENCE North 70 degrees 11 minutes 16 seconds East, with the common line of the south line of said City of Dallas Water Line Right-of-Way and the north line of said Lot 12C, a distance of 392.79 feet to a 3/8-inch iron rod found at the northernmost common corner of said Lot 12C, being the northwest corner of Lot 13C of said Lakeview Estates Addition;

THENCE South 10 degrees 01 minute 15 seconds East, departing the south line of said City of Dallas Right-of-Way and with the common line of the east line of said Lot 12C and the west line of said Lot 13C, a distance of 131.92 feet to a 1/2-inch iron rod with a red plastic cap stamped "DAL-TECH" set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing said common line and, a distance of 491.32 feet to a point (unable to set) in the west line of said Lot 12C and the east line of said Lot 11C;

THENCE North 23 degrees 07 minutes 34 seconds East, with the common line of the west line of said Lot 12C and the east line of said Lot 11C, a distance of 177.57 feet to the POINT OF BEGINNING and containing 57,467 square feet or 1.319 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

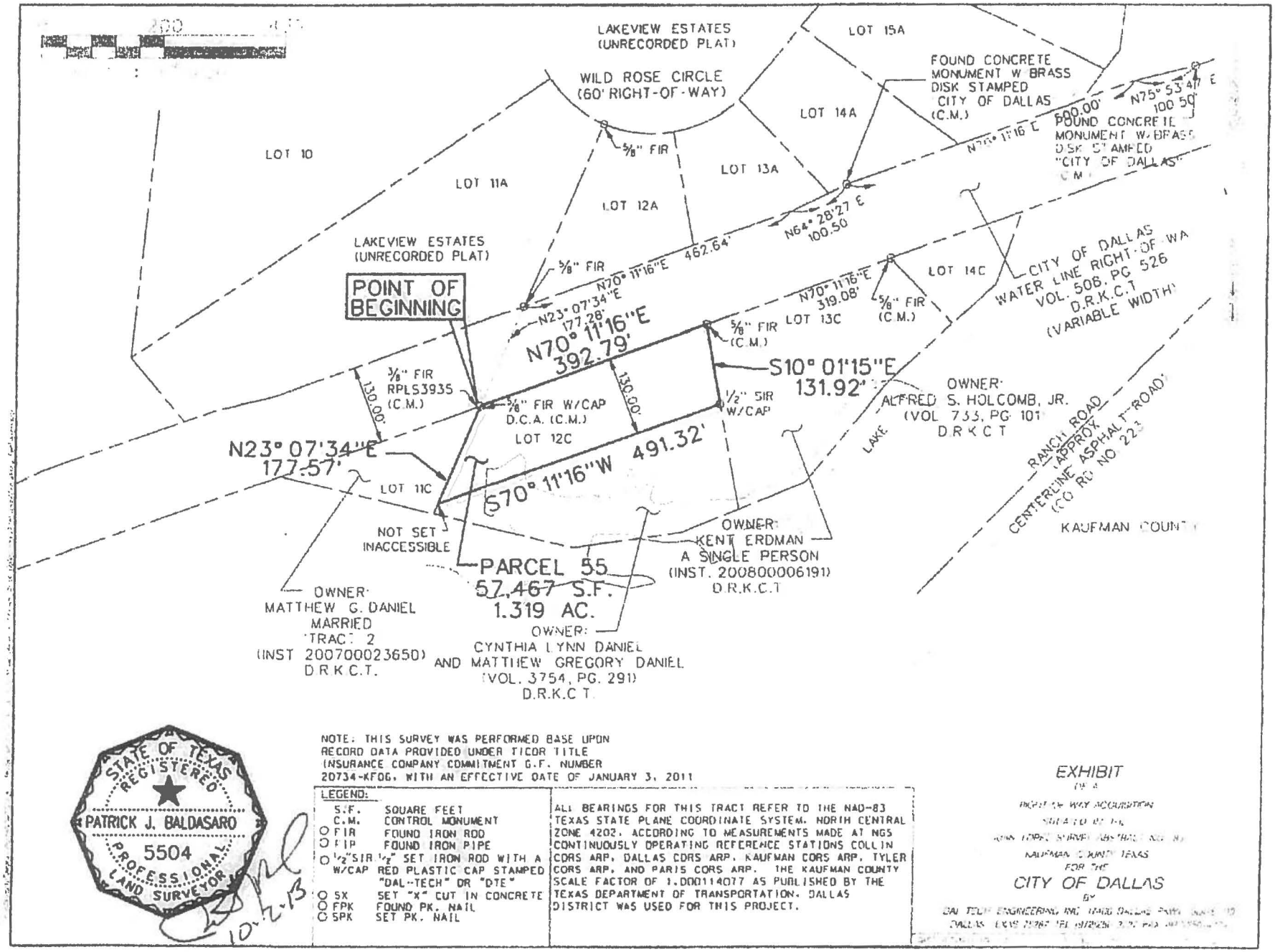
Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 10-2-13

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED: 10/2/13



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

10-2-13

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20734-KFOG, WITH AN EFFECTIVE DATE OF JANUARY 3, 2011

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT

RIGHT OF WAY ACQUISITION

SITUATED IN THE

JOHN HOPE SURVEY, ABSTRACT NO. 213

KAUFMAN COUNTY, TEXAS

FOR THE

CITY OF DALLAS

BY

DAL-TECH ENGINEERING, INC. 13455 DALLAS PKWY, SUITE 10 DALLAS, TEXAS 75240 TEL (972)239-3270 FAX (972)239-3279

EXHIBIT "B"

EASEMENT – ACCESS
[To Be Located]

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Exhibit "A" to provide free and uninterrupted pedestrian, vehicular and utility access at one location to and from Grantor's adjoining or abutting property, being more fully described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit "A" and covered by this easement, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing the exact location of the access and any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any access location and/or proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the access location will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the access location in a neat, clean and safe condition at all times.

Once the exact location of the access has been identified by the holder of the easement and approved by City, the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same. If City desires to have the access location identified and established before the holder of the easement has requested to identify and establish the exact location of same, City may require the easement holder to identify a location acceptable to both parties in the reasonable good faith exercise of their discretion, in which case the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same. In such event if the parties cannot reach agreement on the location of the access, City may unilaterally identify and establish same, in which case the remainder of the property described by Exhibit "A" shall be released from this easement and the parties shall execute and deliver any and all instruments reasonably necessary, appropriate and/or convenient to document same.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

ATTACHMENT 1 **Exhibit A**

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 55

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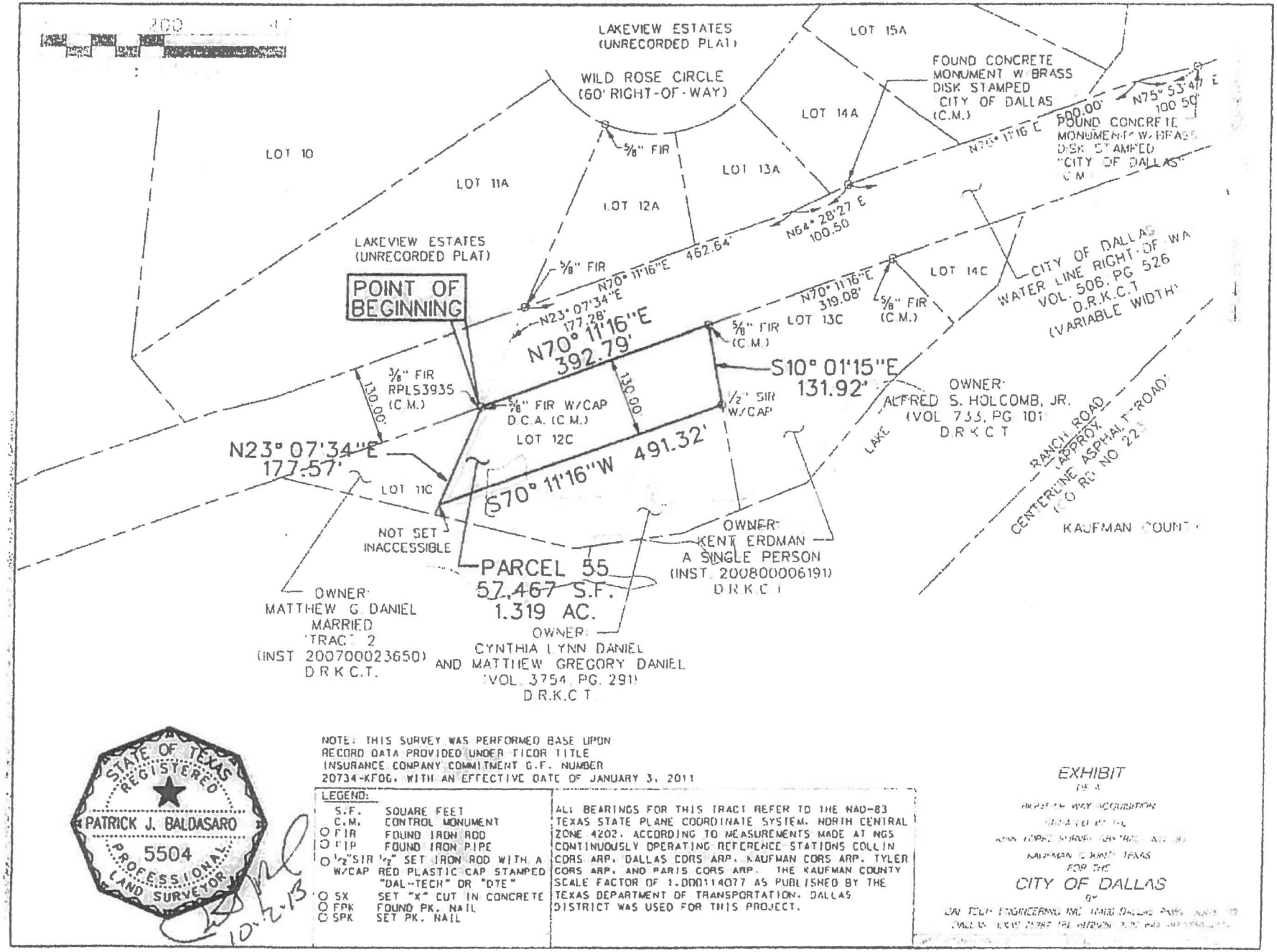
Company Name: DAL-TECH Engineering, Inc.
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By: _____ Date: 10-2-13

Surveyor's Name: Patrick J. Baldasaro
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Texas No. 5504

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

FIELD NOTES APPROVED: 10/2/13



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
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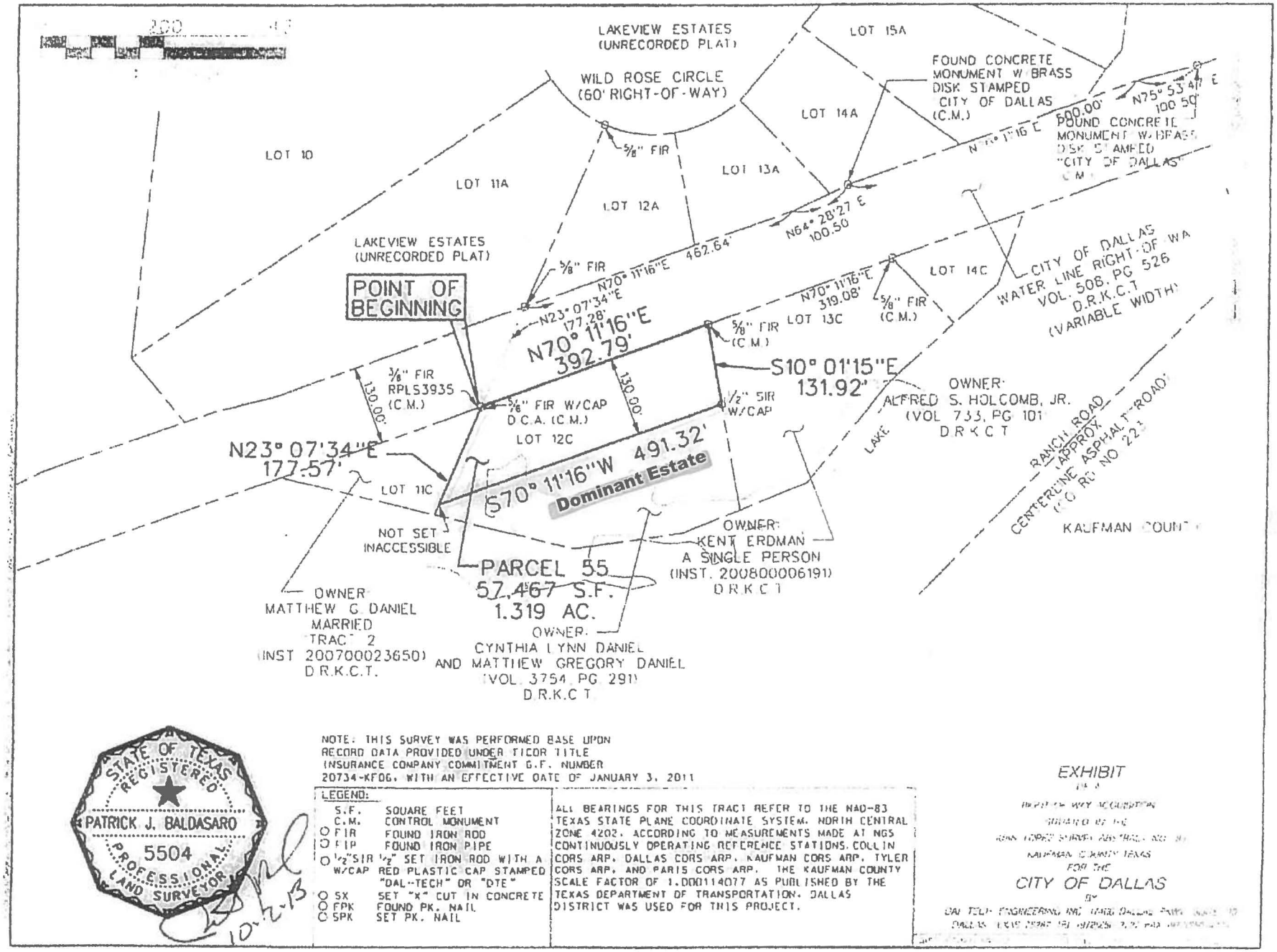
NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20734-KFOG, WITH AN EFFECTIVE DATE OF JANUARY 3, 2011

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
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○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
FOR A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JOHN COPE SURVEY, ABSTRACT NO. 80
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC. 1400 DALLAS PKWY, SUITE 10
DALLAS, TEXAS 75267 PH 972-931-3131 FAX 972-931-3138



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

10-2-13

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20734-KFOG, WITH AN EFFECTIVE DATE OF JANUARY 3, 2011

LEGEND:

S.F.		SQUARE FEET
C.M.		CONTROL MONUMENT
○ FIR		FOUND IRON ROD
○ FIP		FOUND IRON PIPE
○ 1/2"SIR W/CAP		1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ SX		SET "X" CUT IN CONCRETE
○ FPK		FOUND PK. NAIL
○ SPK		SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS, COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT

FOR THE CITY OF DALLAS

ATTACHMENT 2

AGENDA ITEM # 14

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction Water Utilities Department City Attorney's Office
CMO:	Majed Al-Ghafry, 670-3302 Larry Casto, 670-3491
MAPSCO:	N/A

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 6,030 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Richard Stewart and Mary Stewart - Not to exceed $2,147, increased from $3,220 ($720, plus closing costs and title expenses not to exceed $2,500) to $5,367 ($2,867, plus closing costs and title expenses not to exceed $2,500) – Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a tract of land containing approximately 6,030 square feet located in Kaufman County from Richard Stewart and Mary Stewart. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Richard Stewart and Mary Stewart, of a tract of land containing approximately 6,030 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-1425.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $2,147

Resolution No. 15-1421	$3,220
Additional Amount (this action)	$2,147
Total Authorized Amount	$5,367

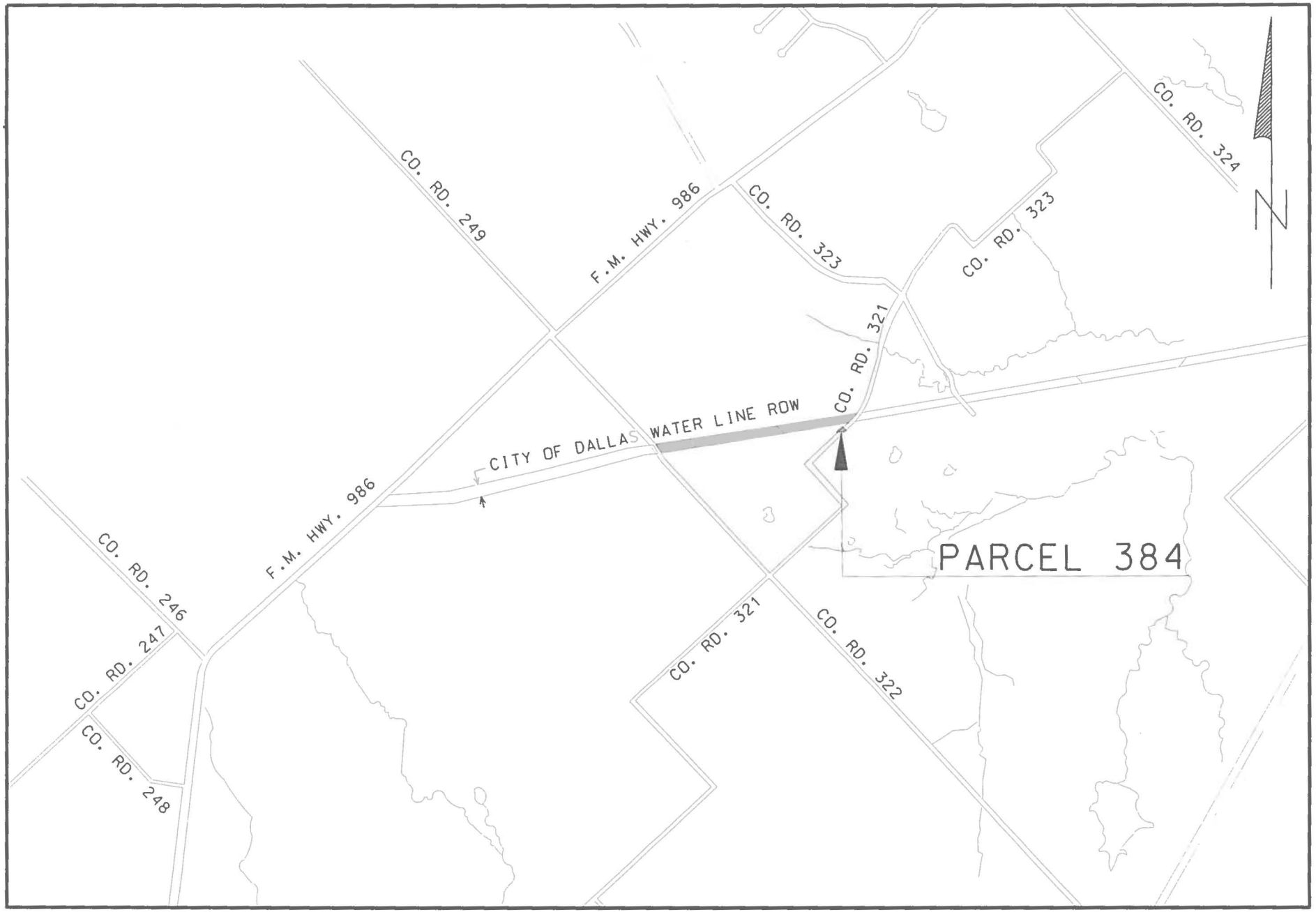
OWNERS

Richard Stewart

Mary Stewart

MAP

Attached



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

June 27, 2018

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated SETTLEMENT AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 15-1425 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or eminent domain for a purchase amount of $720, plus closing costs and title expenses not to exceed $2,500.

"PROJECT": Lake Tawakoni 144-inch Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OWNER": Richard Stewart and Mary Stewart, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument approved as to form by the City Attorney.

SECTION 1. (continued)

"PROPERTY": Approximately 6,030 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": $720

"NEW SETTLEMENT AMOUNT": $2,867

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,500

"REVISED AUTHORIZED AMOUNT": $5,367

SECTION 2. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 4. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 5. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4230, Encumbrance/Contract No. CX-DWU-2018-00006018. The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 384

BEING a 0.1384 acre tract of land in the E. Turner Survey, Abstract No. 529, in Kaufman County, Texas, and being part of a called 36.45 acre tract of land described as "Tract II" in Warranty Deed to Richard Stewart and wife, Mary Stewart, dated August 8, 2002, as recorded in Volume 2044, Page 142, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the north corner of said "Tract II", and the west corner of a called 44.746 acre tract of land described in Warranty Deed with Vendor's Lien to Joan Marie Layden, a single person, dated October 30, 2000, as recorded in Volume 1594, Page 77, D.R.K.C.T., also being in the southeast line of a called 5.54 acre tract of land described as "Tract 2" in Warranty Deed with Vendor's Lien to David Celella and wife, Lauri Celella, dated March 28, 2003, as recorded in Volume 2175, Page, 465, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), and in Kaufman County Road No. 321 (variable width Right-of-Way by "use & occupation");

THENCE South 46 degrees 09 minutes 12 seconds East, departing the southeast line of said "Tract 2" and with the southwest line of said Layden tract and the northeast line of said "Tract II" a distance of 90.12 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 77 degrees 23 minutes 59 seconds West, departing the southwest line of said Layden tract and the northeast line of said "Tract II", a distance of 160.60 feet to a 1/2-inch iron rod with cap set in the southeast line of said "Tract 2" and the northwest line of said "Tract II", also being in said Kaufman County Road No. 321;

THENCE North 43 degrees 16 minutes 05 seconds East, with the with southeast line of said "Tract 2" and the northwest line of said "Tract II", a distance of 133.84 feet, to the POINT OF BEGINNING and containing 6,030 square feet or 0.1384 acres of land, more or less.

FIELD NOTES APPROVED: 12/24/13

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

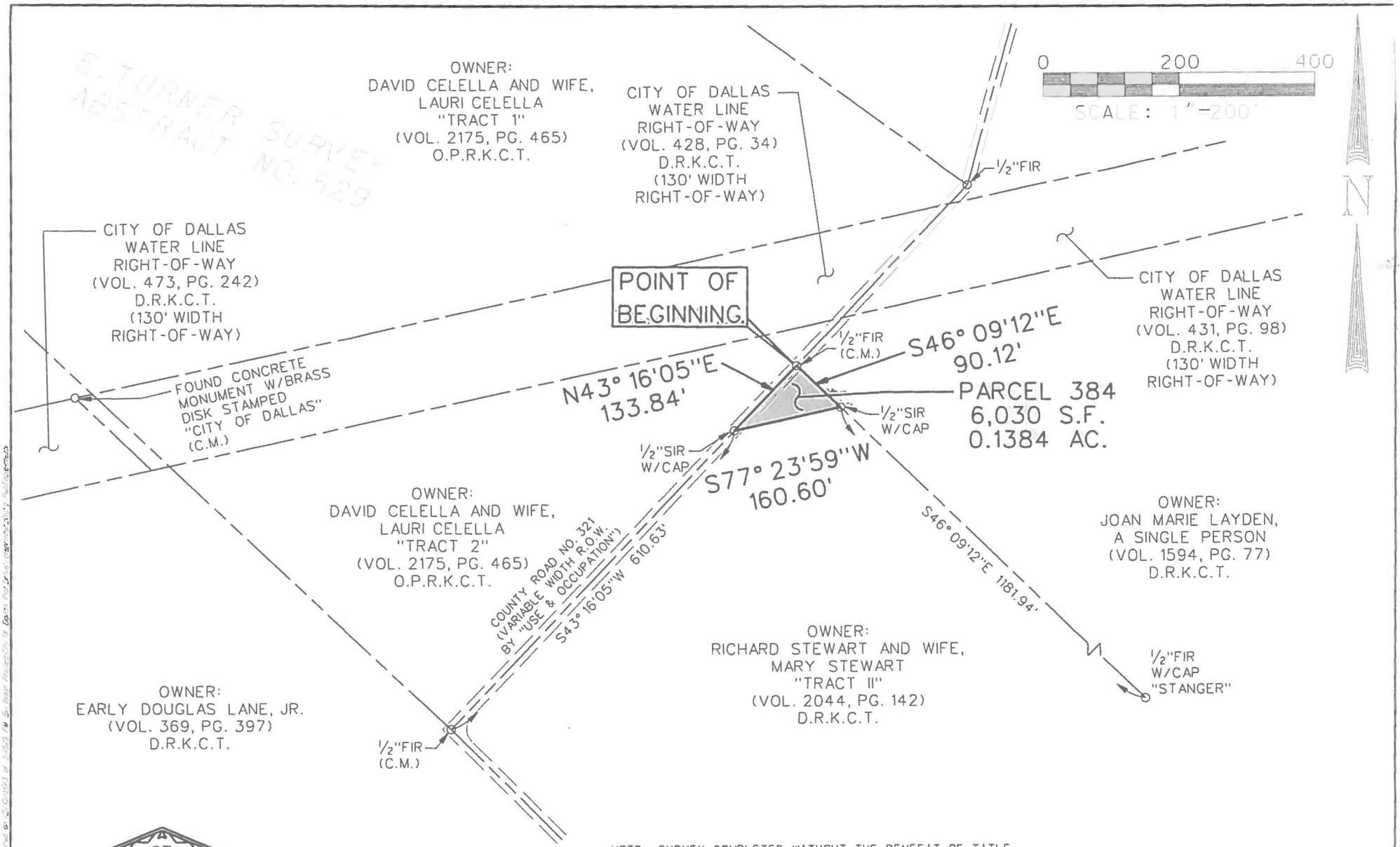
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 12-16-13

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

12.16.13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
O	FIP	FOUND IRON PIPE
O	½"SIR W/CAP	½" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O	SX	SET "X" CUT IN CONCRETE
O	FPK	FOUND PK. NAIL
O	SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
E TURNER SURVEY, ABSTRACT NO 529
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727 FAX (972)250-4774

DATE: SEPT '13	REVISED - DEC '13	SCALE: 1"=200'	SHEET 2 OF 2

AGENDA ITEM # 15

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	742 N; S; T; U; V; X; Y

SUBJECT

Authorize consent to the creation of the Walden Pond Water Control and Improvement District of Kaufman County within the City of Dallas' extraterritorial jurisdiction on approximately 485 acres located in Kaufman County northwest of the City of Forney - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been petitioned by Suresh Shridharani, president of Harlan Properties, Inc., represented by Ross Martin with Winstead, owners of approximately 485 acres on the northwest side of the City of Forney, for the creation of the Walden Pond Water Control and Improvement District of Kaufman County. The property lies within the City of Dallas' extraterritorial jurisdiction (ETJ). The request is attached.

The City of Dallas consent for the creation of the Walden Pond Water Control and Improvement District of Kaufman County is required in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, because the land to be located within the proposed district would issue tax exempt bonds to finance the public water supply and conveyance, wastewater collection and treatment, storm drainage, and roadway facilities in accordance with the rules of the Texas Commission on Environmental Quality. Harlan Properties, Inc. indicates intended compliance with all applicable development regulations of the City of Dallas for all portions of the property within Dallas' ETJ. Harlan Properties, Inc. is not requesting the City of Dallas to pay for or provide any utility services to the property.

The district is proposed to consist of 2,035 single-family lots and 450 multifamily dwelling units. The district will provide financing to allow for the development of the necessary infrastructure. The estimated development cost for infrastructure is $83,400,000. The creation of the district allows the property to be developed without cost consideration to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

No cost consideration to the City.

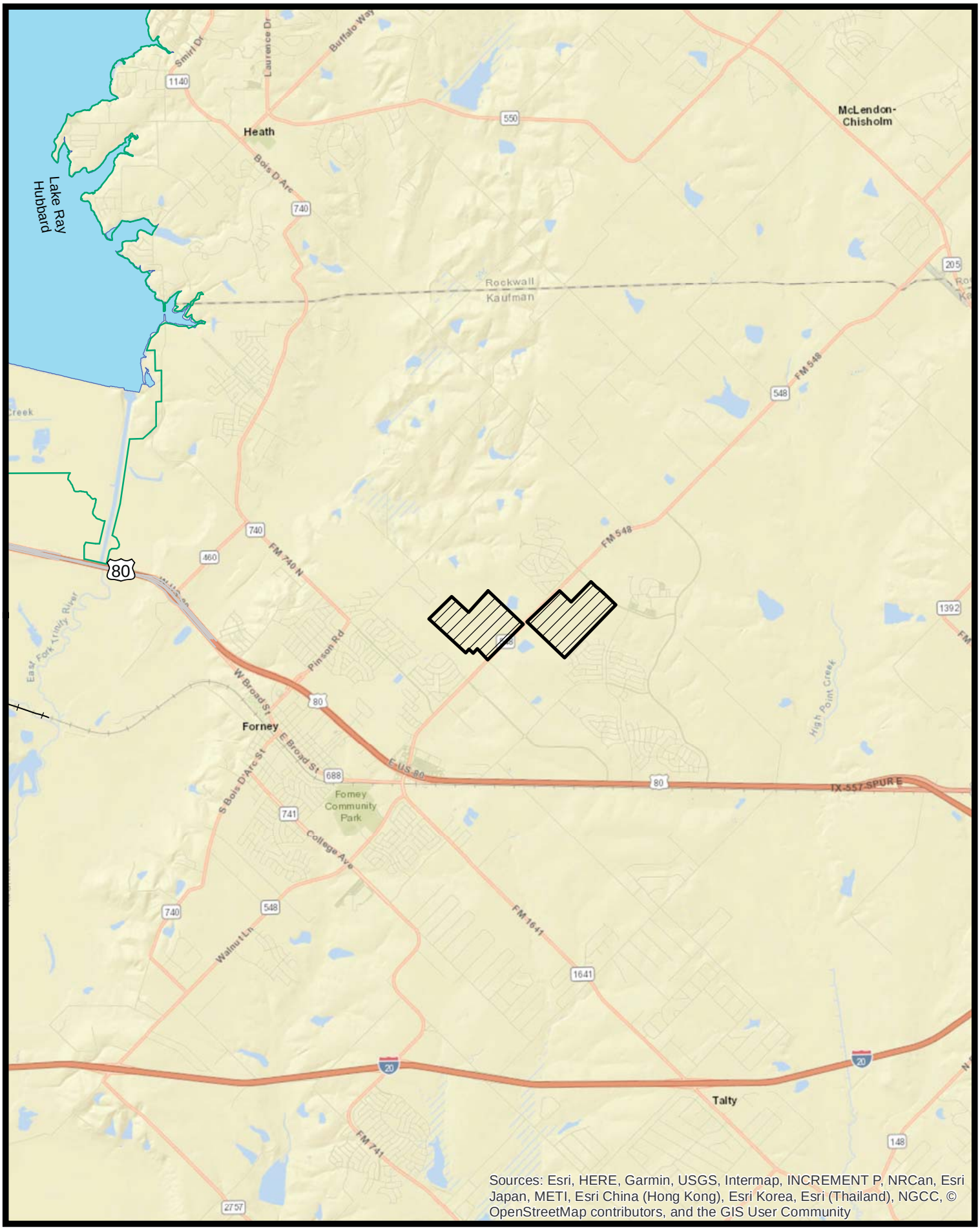
OWNER

Harlan Properties, Inc.

Suresh Shridharani, President

MAP

Attached



1:80,000

Proposed Walden Pond Water Control and Improvement District of Kaufman County
General Location Map

WINSTEAD

Austin | Charlotte | Dallas | Fort Worth | Houston | San Antonio | The Woodlands

500 Winstead Building
2728 N. Harwood
Dallas, TX 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

Ross Martin
direct dial: 214.745.5353
email: rmartin@winstead.com

March 29, 2018

Via Courier
T.C. Broadnax, City Manager
City of Dallas
1500 Marilla St.
Room 4EN
Dallas, Texas 75201

Re: Walden Pond Water Control and Improvement District of Kaufman County

Dear Mr. Broadnax:

Harlan Properties, Inc., ("Harlan") hereby respectfully requests the City of Dallas (the "City") add the enclosed Petition for Consent to Include Land in a Water Control and Improvement District to the City Council Agenda for the April meeting. By way of background, Harlan owns approximately 485 acres (the "Property") within Kaufman County. The Property is located within the extraterritorial jurisdiction of the City. Pursuant to Local Government Code (LGC) § 42.042, we make this initial request to the City for consent to the creation of the proposed Walden Pond Water Control and Improvement District of Kaufman County.

Please call me directly at (214) 745-5353 if you have any questions. Thank you for your attention to this matter.

Very truly yours,

Ross S. Martin

PETITION FOR CONSENT TO INCLUDE LAND IN A WATER CONTROL AND IMPROVEMENT DISTRICT

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS:

We, the undersigned landowners of the territory hereinafter described by metes and bounds, being a majority of the landowners of said territory, respectively petition your Honorable Body for consent to and support of the creation of a water control and improvement district or other district operating under the provisions of Article XVI, Chapter 59 and Article III, Section 52, Texas Constitution by the Texas Commission on Environmental Quality; the Commissioners Court of Kaufman County, Texas; special act of the Texas Legislature; or by other legal means, and would respectfully show the following:

I.

The name of the proposed district shall be WALDEN POND WATER CONTROL AND IMPROVEMENT DISTRICT OF KAUFMAN COUNTY (the "District").

II.

The District shall be created under the terms and provisions of Article XVI, Section 59, and Chapters 49 and 51, Texas Water Code, as amended, and include or seek to assume roadway powers under Article III, Section 52 of the Constitution of Texas, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 485 acres of land, situated within Kaufman County, Texas, described by metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes. The described property is located within the extraterritorial jurisdiction of the City of Dallas.

IV.

The undersigned constitutes the current sole landowner of the property to be included within the District.

V.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 51, Texas Water Code, as amended, and if required by law, subsequently acquired and approved by an election held within the District, Chapter 257, Texas Transportation Code.

VI.

The District shall have the powers of government and authority to exercise the rights, privileges, and functions given to it by Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 51, Texas Water Code, as amended, and, if required by law, subsequently acquired and approved by an election held within the District, Chapter 257, Texas Transportation Code, or by any other State law.

VII.

The general nature of the work to be done by and within the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes, the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system for domestic and commercial purposes, and the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements and the construction, installation, maintenance, purchase and operation of drainage and roadway facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage and roadway system can be constructed at a reasonable cost with reasonable tax rates and water and sewer rates, and said territory will be developed for residential and commercial purposes.

IX.

Petitioner requests consent, permission and support for the inclusion of the aforesaid lands in a water control and improvement district or other district operating pursuant to Article XVI, Section 59, Texas Constitution created by the Texas Commission on Environmental Quality, Kaufman County Commissioners Court, special act of the Texas Legislature or other legal means, and consent for the District to acquire roadway powers pursuant to Article III, Section 52, Texas Constitution and the ability to divide within the boundaries of the District by any legal means.

X.

WHEREFORE, the undersigned respectfully pray that this petition be in all things granted, and that the City give its written consent to the inclusion of the aforesaid lands in the District, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of organizing the District.

RESPECTFULLY SUBMITTED the 13th day of March, 2018.

LANDOWNER

Harlan Properties, Inc.,
a Texas corporation

By: _____
Name: Suresh Shridharani
Its: President

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 13th day of March, 2018, by Suresh Shridharani, President of Harlan Properties, Inc., a Texas corporation on behalf of said corporation.

PAULA DIMSDLE
Notary Public
State of Texas
ID # 3281996
Comm. Expires 10/07/2019

_____
Notary Public, State of Texas

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

WALDEN POND EAST
214.9 ACRE TRACT

BEING that certain tract or of land situated in the Samuel Smith Survey, Abstract No. 450, in Kaufman County, Texas, and being part of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 3961, Page 248 of the Deed Records of Kaufman County, Texas (DRKCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 pipe at the base of a 12 inch wood corner post found at the east corner of said Harlan Properties, Inc. tract, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. 2007-00027356, DRKCT;

THENCE South 45°13'22" West, with the southeast line of said Harlan Properties, Inc. tract, a distance of 2001.96 feet to a 1/2 inch iron rod with cap stamped "USA" found for corner at the west corner of that certain tract of land described in deed to 130 Windmill Farms, LP, recorded in Volume 3061, Page 276, DRKCT, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. Volume 3348, Page 65, DRKCT;

THENCE South 45°07'15" West, with the southeast line of said Harlan Properties, Inc. tract, passing at a distance of 300.01 feet a 1/2 inch iron rod with cap stamped "USA" found at the west corner of said EQK Windmill Farms, LLC tract, continuing in all, a total distance of 1931.41 feet to a 12 inch wood corner post (leaning) found for corner at the southerly corner of said Harlan Properties, Inc. tract;

THENCE North 46°00'08" West, with the southwest line of said Harlan Properties, Inc. tract, a distance of 2716.65 feet to a 1/2 inch iron rod with cap stamped "RSCI" found at the westerly corner of said Harlan Properties, Inc. tract, and being located on the southeast right-of-way line of Farm to Market Road No. 548 (FM Road 548 - called 100 foot R.O.W.);

THENCE North 44°47'24" East, with the said southeast right-of-way line of FM Road 548, said southeast line according to deed to the State of Texas recorded in Volume 441, Page 482, DRKCT, a distance of 457.02 feet to a point for corner, from which a broken concrete monument found bears North 02°12'18" East, a distance of 1.54 feet;

THENCE North 45°10'05" East, continuing with the southeast right-of-way line of FM Road 548, a distance of 1724.18 feet to a point for corner;

THENCE South 46°05'53" East, leaving the southeast right-of-way line of FM Road 548, and over and across said Harlan Properties, Inc. tract, a distance of 765.50 feet to a point for corner;

THENCE North 45°10'05" East, continuing over and across said Harlan Properties, Inc. tract, a distance of 1759.36 feet to an "X" cut in concrete set for corner located on the northeast line of said Harlan Properties, Inc. tract;

THENCE South 45°45'08" East, with the northeast line of said Harlan Properties, Inc. tract, a distance of 1954.35 feet to the POINT OF BEGINNING of herein described tract, containing 214.9 acres of land.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

WALDEN POND WEST
213.7 ACRE TRACT

BEING that certain tract or of land situated in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being all of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 2035, Page 129, of the Deed Records of Kaufman County, Texas (DRKCT), and part of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 1942, Page 350, DRKCT, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped RPLS No. 5111 found on the northwest right-of-way line of Farm to Market Road No. 548 (called 100 foot R.O.W.), and being the southeasterly corner of that certain tract of land described in deed to Sunbelt Self Storage XVII, Ltd. recorded in Volume 5289, Page 431, DRKCT;

THENCE North 45°47'55" West, leaving said northwest right-of-way line of Farm to Market Road No. 548, and with a northeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 225.02 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 44°41'08" East, with a southeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 179.97 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 45°46'52" West, with a northeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 389.99 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE South 44°40'43" West, with a northwest line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 449.95 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 45°46'57" West, with a southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 194.63 feet to a point for corner;

THENCE South 44°43'37" West, with a southeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 248.88 feet to an aluminum post found for corner at a southeasterly corner of that certain tract of land described in deed to High Point Water Supply Corporation recorded in Volume 3157, Page 287, DRKCT;

THENCE North 46°12'24" West, with a northeast line of said High Point Water Supply Corporation tract, a distance of 274.63 feet to an aluminum post found for corner;

THENCE South 44°08'13" West, with a northwest line of said High Point Water Supply Corporation tract, a distance of 378.17 feet to an aluminum post found for corner;

THENCE North 45°48'10" West, with a southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 2701.94 feet to a wood T-post (leaning) found for corner;

THENCE North 44°15'03" East, with the northwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 1715.12 feet to a wood post found for corner;

Thence South 45°40'40" East, with the northeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 1276.66 feet to a point for corner at the northwesterly corner of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT;

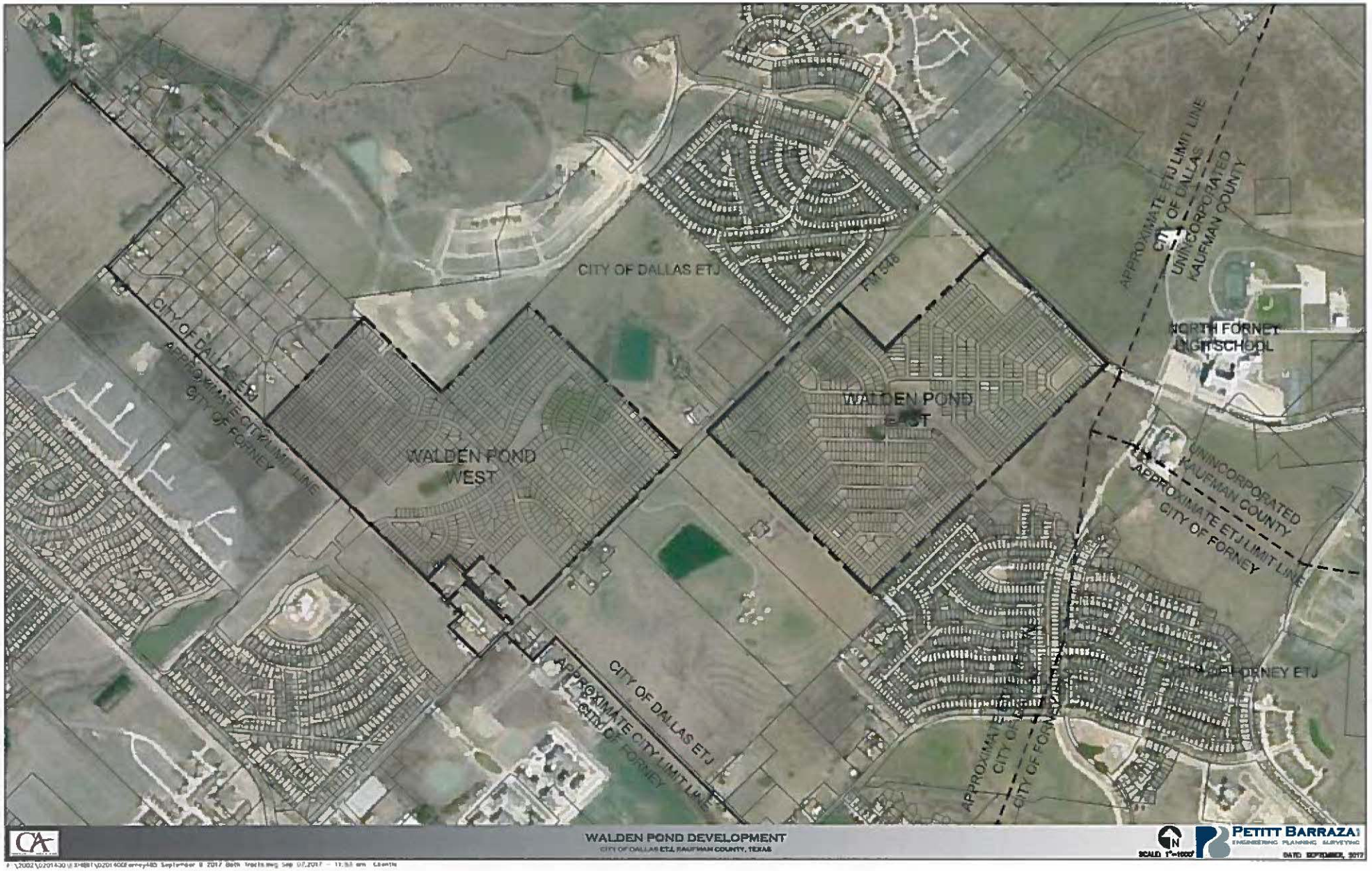
THENCE North 44°48'32" East, with the northwest line of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT, a distance of 1473.69 feet to a point for corner at the northeasterly corner of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT;

THENCE South 45°03'50" East, with the northeast line of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT, a distance of 2517.76 feet to a 1/2 inch iron rod with cap stamped "PATE ENGINEERING" found for corner, said iron rod being located on said northwest right-of-way line of Farm to Market Road No. 548;

THENCE South 44°50'25" West, with said northwest right-of-way line of Farm to Market Road No. 548, a distance of 1460.90 feet to a 1/2 inch iron rod found for corner at the southeasterly corner of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT;

THENCE South 44°32'36" West, continuing with said northwest right-of-way line of Farm to Market Road No. 548, a distance of 793.97 feet to the POINT OF BEGINNING of herein described tract, containing 213.7 acres of land.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.


CITY OF DALLAS ETJ
FM 548
APPROXIMATE ETJ LIMIT LINE
CITY OF DALLAS
UNINCORPORATED
KAUFMAN COUNTY
NORTH FORNEY
HIGH SCHOOL
WALDEN POND
WEST
WALDEN POND
EAST
CITY OF DALLAS ETJ
APPROXIMATE CITY LIMIT LINE
CITY OF FORNEY
UNINCORPORATED
KAUFMAN COUNTY
APPROXIMATE ETJ LIMIT LINE
CITY OF FORNEY
CITY OF FORNEY ETJ
CITY OF DALLAS ETJ
APPROXIMATE CITY LIMIT LINE
CITY OF FORNEY
WALDEN POND DEVELOPMENT
CITY OF DALLAS ETJ, KAUFMAN COUNTY, TEXAS
PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
DATED SEPTEMBER, 2017

June 27, 2018

WHEREAS, in 1975, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas' extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

WHEREAS, Harlan Properties, Inc. owns 485 acres within the City of Dallas' extraterritorial jurisdiction in Kaufman County; and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code require an applicant to request municipal consent to create Municipal Utility Districts within a city's extraterritorial jurisdiction; and

WHEREAS, Section 51A-8.105 of the Dallas Development Code extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City; and

WHEREAS, on March 29, 2018, Harlan Properties, Inc. filed the necessary application/petition with the Dallas City Manager's Office requesting the city's consent to the creation of a Municipal Utility District within Dallas' extraterritorial jurisdiction northwest of the City of Forney.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby consents to, and the City Manager is instructed to create such documents, if any, as required to evidence the City of Dallas' consent to, the creation of a Municipal Utility District to be known as Walden Pond Water Control and Improvement District of Kaufman County, as depicted on the attached property description Exhibit A, within the City of Dallas' extraterritorial jurisdiction in Kaufman County northwest of the City of Forney.

SECTION 2. That consent to the creation of the Municipal Utility District within the City of Dallas' extraterritorial jurisdiction includes the requirement that all development must comply with Article VIII, "Plat Regulations," of the Dallas Development Code.

SECTION 3. That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Municipal Utility District shall be subject to the following terms and provisions:

SECTION 3. (continued)

(a) That the Municipal Utility District must construct all facilities in accordance with plans and specifications which have been approved by the City of Dallas.

(b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Municipal Utility District.

(c) That the Municipal Utility District may only issue bonds for the purchase, construction, acquisition, repair, extension, and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:

(i) provide a water supply for municipal uses, domestic uses, and commercial purposes;
(ii) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
(iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district;
(iv) provide payment of organization expenses, operation expenses during construction, and interest during construction; and
(v) provide roadway improvements.

(d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the Municipal Utility District and its officials to observe and comply with the terms and provisions prescribed by this resolution.

SECTION 4. That the City Council further hereby notifies the Municipal Utility District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Municipal Utility District include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

Passed _____

EXHIBIT A

WALDEN POND EAST
214.9 ACRE TRACT

BEING that certain tract or of land situated in the Samuel Smith Survey, Abstract No. 450, in Kaufman County, Texas, and being part of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 3961, Page 248 of the Deed Records of Kaufman County, Texas (DRKCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 pipe at the base of a 12 inch wood corner post found at the east corner of said Harlan Properties, Inc. tract, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. 2007-00027356, DRKCT;

THENCE South 45°13'22" West, with the southeast line of said Harlan Properties, Inc. tract, a distance of 2001.96 feet to a 1/2 inch iron rod with cap stamped "USA" found for corner at the west corner of that certain tract of land described in deed to 130 Windmill Farms, LP, recorded in Volume 3061, Page 276, DRKCT, and the north corner of that certain tract of land described in deed to EQK Windmill Farms, LLC, recorded in Instrument No. Volume 3348, Page 65, DRKCT;

THENCE South 45°07'15" West, with the southeast line of said Harlan Properties, Inc. tract, passing at a distance of 300.01 feet a 1/2 inch iron rod with cap stamped "USA" found at the west corner of said EQK Windmill Farms, LLC tract, continuing in all, a total distance of 1931.41 feet to a 12 inch wood corner post (leaning) found for corner at the southerly corner of said Harlan Properties, Inc. tract;

THENCE North 46°00'08" West, with the southwest line of said Harlan Properties, Inc. tract, a distance of 2716.65 feet to a 1/2 inch iron rod with cap stamped "RSCI" found at the westerly corner of said Harlan Properties, Inc. tract, and being located on the southeast right-of-way line of Farm to Market Road No. 548 (FM Road 548 - called 100 foot R.O.W.);

THENCE North 44°47'24" East, with the said southeast right-of-way line of FM Road 548, said southeast line according to deed to the State of Texas recorded in Volume 441, Page 482, DRKCT, a distance of 457.02 feet to a point for corner, from which a broken concrete monument found bears North 02°12'18" East, a distance of 1.54 feet;

THENCE North 45°10'05" East, continuing with the southeast right-of-way line of FM Road 548, a distance of 1724.18 feet to a point for corner;

THENCE South 46°05'53" East, leaving the southeast right-of-way line of FM Road 548, and over and across said Harlan Properties, Inc. tract, a distance of 765.50 feet to a point for corner;

THENCE North 45°10'05" East, continuing over and across said Harlan Properties, Inc. tract, a distance of 1759.36 feet to an "X" cut in concrete set for corner located on the northeast line of said Harlan Properties, Inc. tract;

THENCE South 45°45'08" East, with the northeast line of said Harlan Properties, Inc. tract, a distance of 1954.35 feet to the POINT OF BEGINNING of herein described tract, containing 214.9 acres of land.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

FIELD NOTES APPROVED
5/9/2018

C:\Users\seldman\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\C1CTPTQY\WALDEN POND EAST 214.9 ACRES.DOCX

WALDEN POND WEST
213.7 ACRE TRACT

BEING that certain tract or of land situated in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being all of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 2035, Page 129, of the Deed Records of Kaufman County, Texas (DRKCT), and part of that certain tract of land described in deed to Harlan Properties, Inc., recorded in Volume 1942, Page 350, DRKCT, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped RPLS No. 5111 found on the northwest right-of-way line of Farm to Market Road No. 548 (called 100 foot R.O.W.), and being the southeasterly corner of that certain tract of land described in deed to Sunbelt Self Storage XVII, Ltd. recorded in Volume 5289, Page 431, DRKCT;

THENCE North 45°47'55" West, leaving said northwest right-of-way line of Farm to Market Road No. 548, and with a northeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 225.02 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 44°41'08" East, with a southeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 179.97 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 45°46'52" West, with a northeast line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 389.99 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE South 44°40'43" West, with a northwest line of said Sunbelt Self Storage XVII, Ltd. tract, a distance of 449.95 feet to a 5/8 inch iron rod with cap stamped RPLS No. 5111 found for corner;

THENCE North 45°46'57" West, with a southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 194.63 feet to a point for corner;

THENCE South 44°43'37" West, with a southeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 248.88 feet to an aluminum post found for corner at a southeasterly corner of that certain tract of land described in deed to High Point Water Supply Corporation recorded in Volume 3157, Page 287, DRKCT;

THENCE North 46°12'24" West, with a northeast line of said High Point Water Supply Corporation tract, a distance of 274.63 feet to an aluminum post found for corner;

THENCE South 44°08'13" West, with a northwest line of said High Point Water Supply Corporation tract, a distance of 378.17 feet to an aluminum post found for corner;

THENCE North 45°48'10" West, with a southwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 2701.94 feet to a wood T-post (leaning) found for corner;

THENCE North 44°15'03" East, with the northwest line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 1715.12 feet to a wood post found for corner;

Thence South 45°40'40" East, with the northeast line of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT, a distance of 1276.66 feet to a point for corner at the northwesterly corner of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT;



THENCE North 44°48'32" East, with the northwest line of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT, a distance of 1473.69 feet to a point for corner at the northeasterly corner of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT;

THENCE South 45°03'50" East, with the northeast line of said Harlan Properties, Inc. tract recorded in Volume 2035, Page 129, DRKCT, a distance of 2517.76 feet to a 1/2 inch iron rod with cap stamped "PATE ENGINEERING" found for corner, said iron rod being located on said northwest right-of-way line of Farm to Market Road No. 548;

THENCE South 44°50'25" West, with said northwest right-of-way line of Farm to Market Road No. 548, a distance of 1460.90 feet to a 1/2 inch iron rod found for corner at the southeasterly corner of said Harlan Properties, Inc. tract recorded in Volume 1942, Page 350, DRKCT;

THENCE South 44°32'36" West, continuing with said northwest right-of-way line of Farm to Market Road No. 548, a distance of 793.97 feet to the POINT OF BEGINNING of herein described tract, containing 213.7 acres of land.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

FIELD NOTES APPROVED: Scott Holt 5/8/2018



FIELD NOTES APPROVED:
Scott Holt 5/8/2018

AGENDA ITEM # 16

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

A resolution authorizing the conveyance of approximately 60 acres of unimproved City-owned land to the County of Dallas located near the intersection of South Beltline Road and Bunche Drive, Dallas County - Revenue: $60,000

BACKGROUND

This item authorizes the conveyance of approximately 60 acres of unimproved City-owned land to the County of Dallas located near the intersection of South Beltline Road and Bunche Drive, Dallas County to enhance Dallas County's Open Spaces and Preserves Program. The County of Dallas is an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price of $60,000 is based on Dallas Central Appraisal District value.

This property will be conveyed with a reservation of all oil, gas and other minerals in and under the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed by memorandum regarding this matter on June 11, 2018.

FISCAL INFORMATION

Revenue - $60,000

MAP

Attached


Attachment A: 4233 S Beltline Rd Property
Dallas
PIN OAK ST
PIN OAK ST
BANKS DR
BURNS DR
BUNCHE ST
LAKE ST
BUNCHE ST
DONDE DR
KIRSAN RD
BELT LINE RD
4233 S BELTLINE RD
0 250 500 1,000 1,500 Feet

June 27, 2018

WHEREAS, the City of Dallas ("City") is the owner of a tract of land containing approximately 60 acres of land, being in Block 1463, Dallas, Dallas County, Texas, (the "Property"), and is located near the intersection of South Beltline Road and Bunche Street, which is no longer needed for municipal use; and

WHEREAS, the County of Dallas ("County"), a Texas political subdivision, proposes to purchase and incorporate the Property into the County's Goat Island Preserve and maintain an expanded open space nature reserve for Dallas County residents; and

WHEREAS, City desires to sell the Property to County to enable County to operate and maintain, at County's sole expense, an expanded open space nature reserve which shall benefit City residents; and

WHEREAS, City and County agrees the use of the Property shall be for a public purpose; and

WHEREAS, the City of Dallas may sell property parcel of land to a political subdivision that has the power of eminent domain, for less than fair market value, without complying with the notice and bidding requirements for the sale of public lands pursuant to Chapter 272, Section 272.001(I) of the Texas Local Government Code; and

WHEREAS, pursuant to Section 272.001(I), Dallas County shall (i) maintain and operate the open space nature reserve at no cost and freely accessible to all Dallas County residents; and (ii) accept fee title of Property subject to the City's reverter interest to repossess the Property at such time that County shall cease to use the Property in carrying out the public purpose; and

WHEREAS, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein.

Now, Therefore,

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

SECTION 1. That the USE of the PROPERTY by the County of Dallas is a public use that benefits the public interest of the City of Dallas.

SECTION 2. That upon receipt of **SIXTY THOUSAND AND NO/100 DOLLARS ($60,000.00)** from the County of Dallas, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary upon approval as to form by the City Attorney, for approximately 60 acres of land, being in Block 1463,

SECTION 2. (continued)

Dallas, Dallas County, Texas (the "Property"), and is located near the intersection of South Beltline Road and Bunche Street. The Deed Without Warranty is subject to the conditions contained in Section 3.

SECTION 3. That the Deed Without Warranty shall provide that the conveyance to the County of Dallas, (**"GRANTEE"**) is subject to the following:

(a) a use restriction limited to use of the Property as an open space nature preserve subject to free admission of all Dallas County residents; and

(b) a restriction prohibiting the placement of industrialized housing on the property; and

(c) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and

(d) any visible and apparent easements and any encroachments whether of record or not; and

(e) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and

(f) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property “AS IS, WHERE IS, WITH ALL FAULTS”; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and

(g) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered

SECTION 3. (continued)

or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal.References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder; and

(h) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

(i) a right of reverter of the Property in favor of GRANTOR, as required under Chapter 272 Section 272.001(1)(3) of the Texas Local Government Code.

SECTION 4. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund, 0001, Department DEV, Unit 1183, Object 5011. Any remaining proceeds shall be transferred to the Water and Sewer Revenue Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8416.

SECTION 5. That if a title policy is desired by **GRANTEE**, same shall be at the expense of said **GRANTEE**.

SECTION 6. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by grantee.

SECTION 7. That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

SECTION 8. That this contract is designated as Contract No. DEV-2018-00006753.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

Exhibit A

Field Notes Describing a 2,612,726.5 Square Foot (59.980 Acre) Tract of Land To Be Sold As Surplus

Being a 2,612,726.5 Sq. Ft. (59.980 acre) tract of land situated in the Samuel Thompson Survey, Abstract No. 1463, Dallas County, Texas, an unplatted and unincorporated tract of land in said county as described in a Correction Warranty Deed to Dallas County Water Control and Improvement District No. 7 dated June 21, 1962 and recorded in Volume 5833, Page 304, Deed Records, Dallas County, Texas (DRDCT) and transferred to the City of Dallas by agreement in City of Dallas Resolution No. 792865 and being more particularly described as follows:

BEGINNING at a Mag Nail set at the most northerly corner of the herein described tract, said nail and corner also being South 33°32'43" East, a distance of 208.48' feet from the most southerly corner of *Dollars Addition*, an addition to Dallas County recorded in Volume 32, Page 217, Map Records, Dallas County, Texas (MRDCT) and also being North 44°42'17" East, a distance of 30.64' feet from the most easterly corner of *Second Installment of Dollars Addition to Kleberg*, an addition to Dallas County recorded in Volume 42, Page 161, MRDCT and the most easterly corner of *Second Installment of Dollars Addition to Kleberg Revised*, an addition to Dallas County recorded in Volume 67252, Page 589, DRDCT from which a 60d Nail (Controlling Monument) found at the angle point of Pin Oak Rd. (formerly Wilmer-Kleberg Rd.) (Variable Width) and the most westerly corner of said *Dollars Addition* bears North 33°32'43" West, a distance of 1302.96' feet, said 60d Nail having a Texas State Plane Grid Coordinate value of N=6,919,733.0980, E=2,546,894.5660;

THENCE South 33°32'43" East, with the centerline of said Pin Oak Rd. and the northeasterly line of said City of Dallas tract, passing at a distance of 271.96' feet, a ¾" Iron Rod (Controlling Monument) found in the centerline of said Pin Oak Rd., said ¾" Iron Rod having a Texas State Plane Grid Coordinate value of N=6,918,427.2440, E=2,547,774.5870 and continuing along said centerline a total distance of 540.39' (540.4' deed) feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" set at an angle point in the centerline of said Pin Oak Rd. and the northeast line of said Dallas County Water Control and Improvement District Nol. 7 tract;

THENCE South 25°47'43" East, continuing along the said centerline of Pin Oak Rd. and the northeast line of said Dallas County Water Control and Improvement District No. 7 tract, a distance of 742.99' (743.0' deed) feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" set at the most easterly corner of the herein described tract, said iron rod also being at the most southerly corner of a tract of land conveyed to Rogelio Hernandez and described in a Warranty Deed with a Vendors Lien dated December 11, 2006 and recorded in Instrument No. 200600470865, Official Public Records, Dallas County, Texas (OPRDCT) and also in the northwest line of a tract of land conveyed to Alliance Land & Cattle Co., LLC and described in a Special Warranty Deed dated May 30, 2013 and recorded in Instrument No. 201300169771, OPRDCT;

THENCE South 44°42'17" West, along the common line of said City of Dallas and Alliance Land & Cattle Co. tracts, a distance of 1955.98' (1956.0' deed) feet to a 5/8" iron rod with red plastic cap stamped "CITY OF DALLAS" set at the common corner of the said City of Dallas tract and Alliance Land & Cattle tract and being in the northeast bank of Parson Slough;

Field Notes Describing a 2,612,726.5 Square Foot (59.980 Acre) Tract of Land To Be Sold As Surplus

THENCE along the northeast line of said Parson Slough the following calls and distances:

1. North 36°47'43" West, a distance of 620.01' (620.0') feet to a 5/8" inch Iron Rod with red plastic cap stamped "CITY OF DALLAS" set;
2. North 64°17'43" West, a distance of 489.00' feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" set in northeast line of the Bois D'arc Island Levee;

THENCE along the northeast line of the Bois D'arc Island Levee the following calls and distances:

1. North 12°42'17" East, a distance of 127.02' (127.0' deed) feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" set;
2. North 6°47'43" West, a distance of 110.61' (110.6' deed) feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" set at the most westerly corner of the herein described tract

THENCE North 44°42'17" East, along the common line of the City of Dallas tract and the said Second Installment of the Dollars Addition to Kleberg, a distance of 2205.02' (2205.00' deed) feet to the **POINT OF BEGINNING** and containing 2,612,726.5 Sq. Ft. (59.980 acres) of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

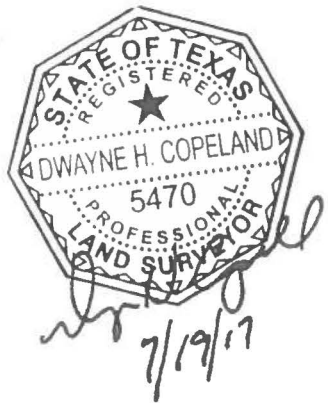
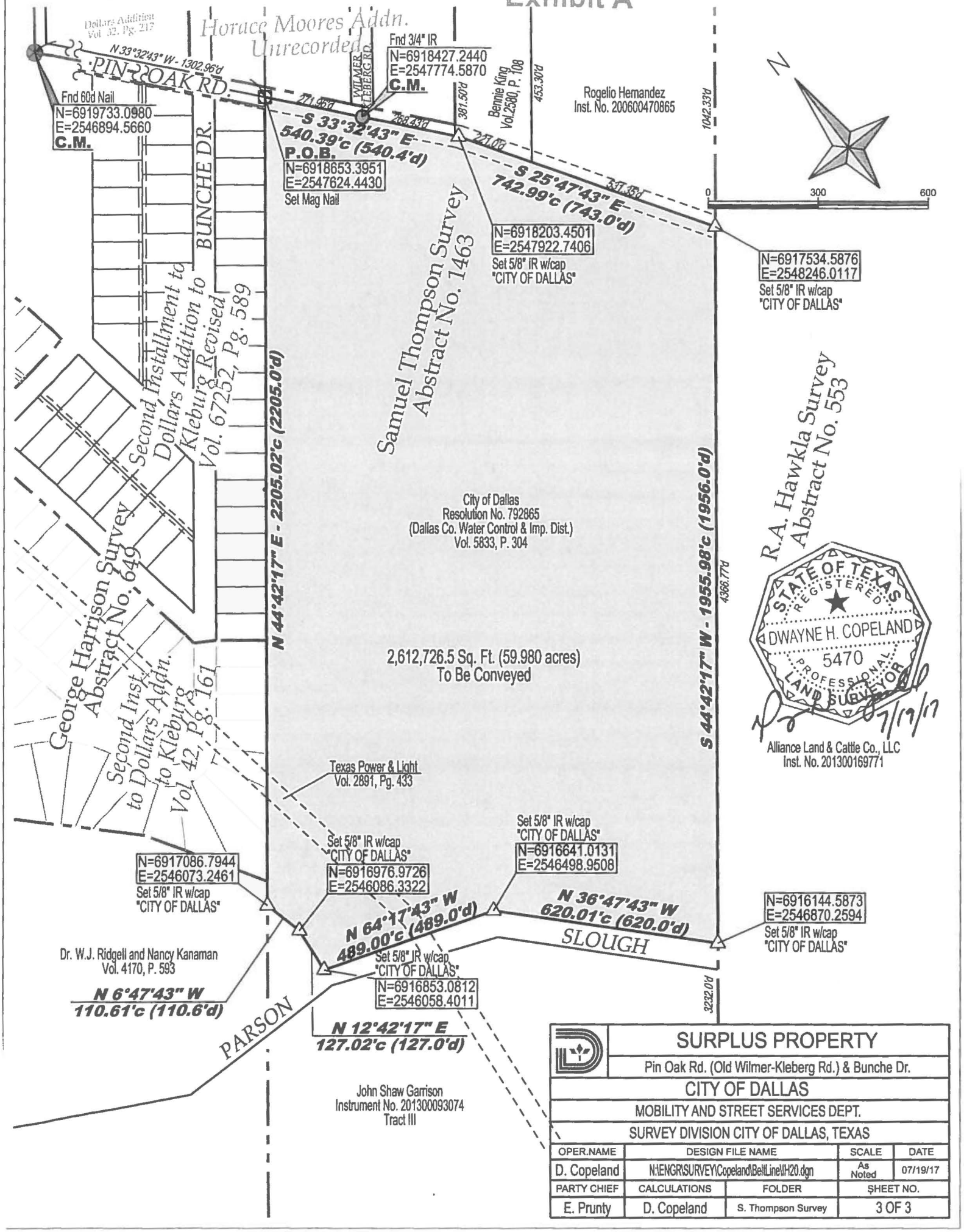


Exhibit A



	SURPLUS PROPERTY		
	Pin Oak Rd. (Old Wilmer-Kleberg Rd.) & Bunche Dr.		
	CITY OF DALLAS		
	MOBILITY AND STREET SERVICES DEPT.		
	SURVEY DIVISION CITY OF DALLAS, TEXAS		
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
D. Copeland	N:\ENGR\SURVEY\Copeland\BeltLine\IH20.dgn		As Noted / 07/19/17
PARTY CHIEF	CALCULATIONS	FOLDER	SHEET NO.
E. Prunty	D. Copeland	S. Thompson Survey	3 OF 3

AGENDA ITEM # 17

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54C

SUBJECT

An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of a total of approximately 79 square feet of land to occupy, maintain, and utilize a sidewalk café and a tree on a portion of Bishop Avenue right-of-way near its intersection with Melba Street - Revenue: $200 annually and a $100 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license to Bishop Arts Phase 1A LLC, for the use of a total of approximately 79 square feet of land to occupy, maintain, and utilize a sidewalk café and a tree on a portion of Bishop Avenue right-of-way, near its intersection with Melba Street. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Revenue - $200 annually and a $100 one-time fee, plus the $20 ordinance publication fee

OWNER

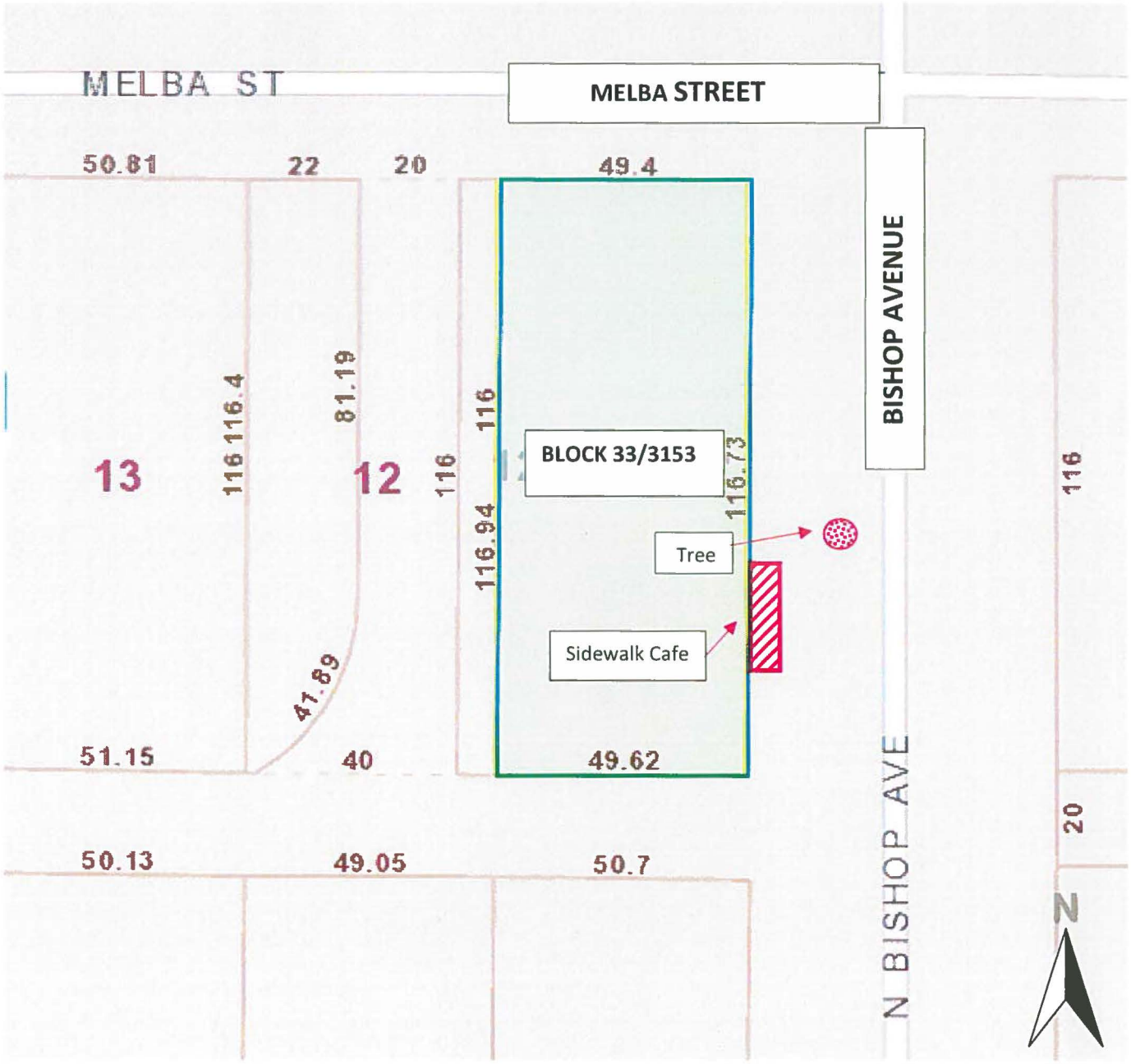
Bishop Arts Phase 1A LLC

Exxir LLC

Farrokh Nazerian, Managing Member

MAP

Attached



LICENSE AREAS

ORDINANCE NO. _____

An ordinance granting a private license to Bishop Arts Phase 1A LLC to occupy, maintain and utilize a portion of Bishop Avenue right-of-way located near the intersection of Melba Street and Bishop Avenue adjacent to City Block 33/3153 within the limits hereinafter more fully described, for the purpose of occupying, maintaining, and utilizing a sidewalk café and a tree; providing for the terms and conditions of this license; providing for the annual and one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Bishop Arts Phase 1A LLC, a Texas limited liability company its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out herein below the tract of land described in Exhibit A, hereinafter referred to as "licensed areas" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO HUNDRED AND NO/100 DOLLARS ($200.00)** annually for the license herein granted for the sidewalk cafe, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO HUNDRED AND NO/100 DOLLARS ($200.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 DOLLARS ($100.00)**, for the license herein granted for a tree, said sum to be paid prior to the final passage of this ordinance

SECTION 3. (continued)

and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain and utilize a sidewalk café and a tree.

SECTION 5. That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by Resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case

SECTION 6. (continued)

may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

(a) **GRANTEE** shall maintain a minimum of six feet of unobstructed straight pedestrian path.

(b) **GRANTEE** shall comply with Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR) requirements, and a right-of-way Permit must be obtained.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**. its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such

SECTION 10. (continued)

assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005855.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

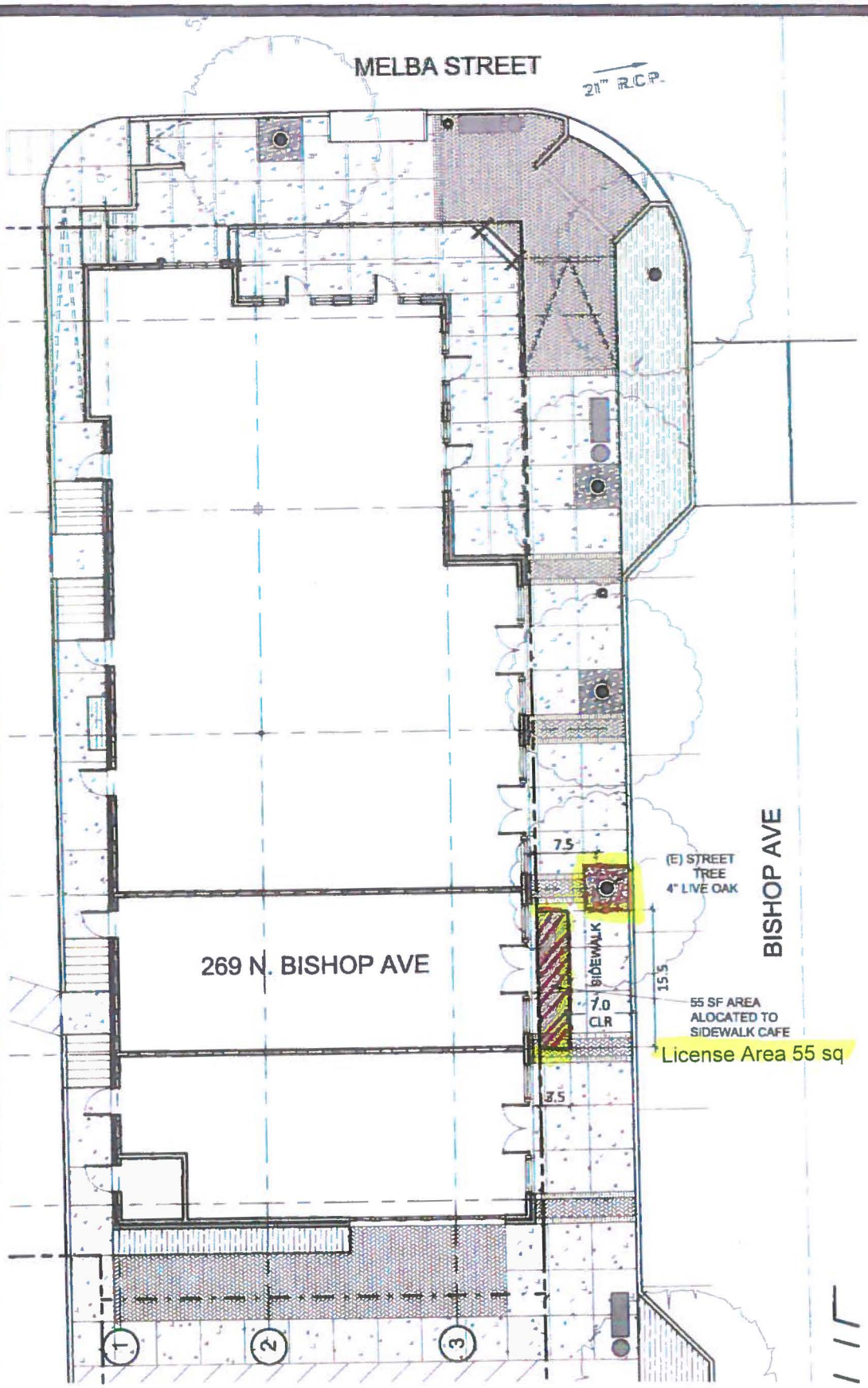
BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
SDR Assistant Director

Passed _____.

Exhibit A



SITE PLAN
1/8" = 1'-0"

N

ARCHITECT
THEA VAN LOGGERENBERG
EXXIR DEVELOPMENT

PROJECT OWNER & TITLE

BISHOP ARTS PHASE 1A LLC

SIDEWALK CAFE LICENCE FOR
269 N BISHOP AVE
BISHOP AVE. OAKCLIFF
DALLAS, TX 75208

AGENCY APPROVAL

REVISIONS

LICENCE APPLICATION

SHEET TITLE

SITE PLAN

SHEET NO.

A-001

DATE: MARCH 15, 2018

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 18

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	54C

SUBJECT

An ordinance **(1)** granting a revocable license to Bishop Art's District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District, located near the intersection of Bishop Avenue and Davis Street; and **(2)** providing for the implementation of a streetscape improvement permit process - Financing: No cost consideration to the City

BACKGROUND

This item grants a revocable license to Bishop Art's District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District. This item also provides for the implementation of a streetscape permit process for the use of said right-of-way by the merchants of the Association. The use of this area will not impede pedestrian or vehicular traffic.

Each permit holder will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

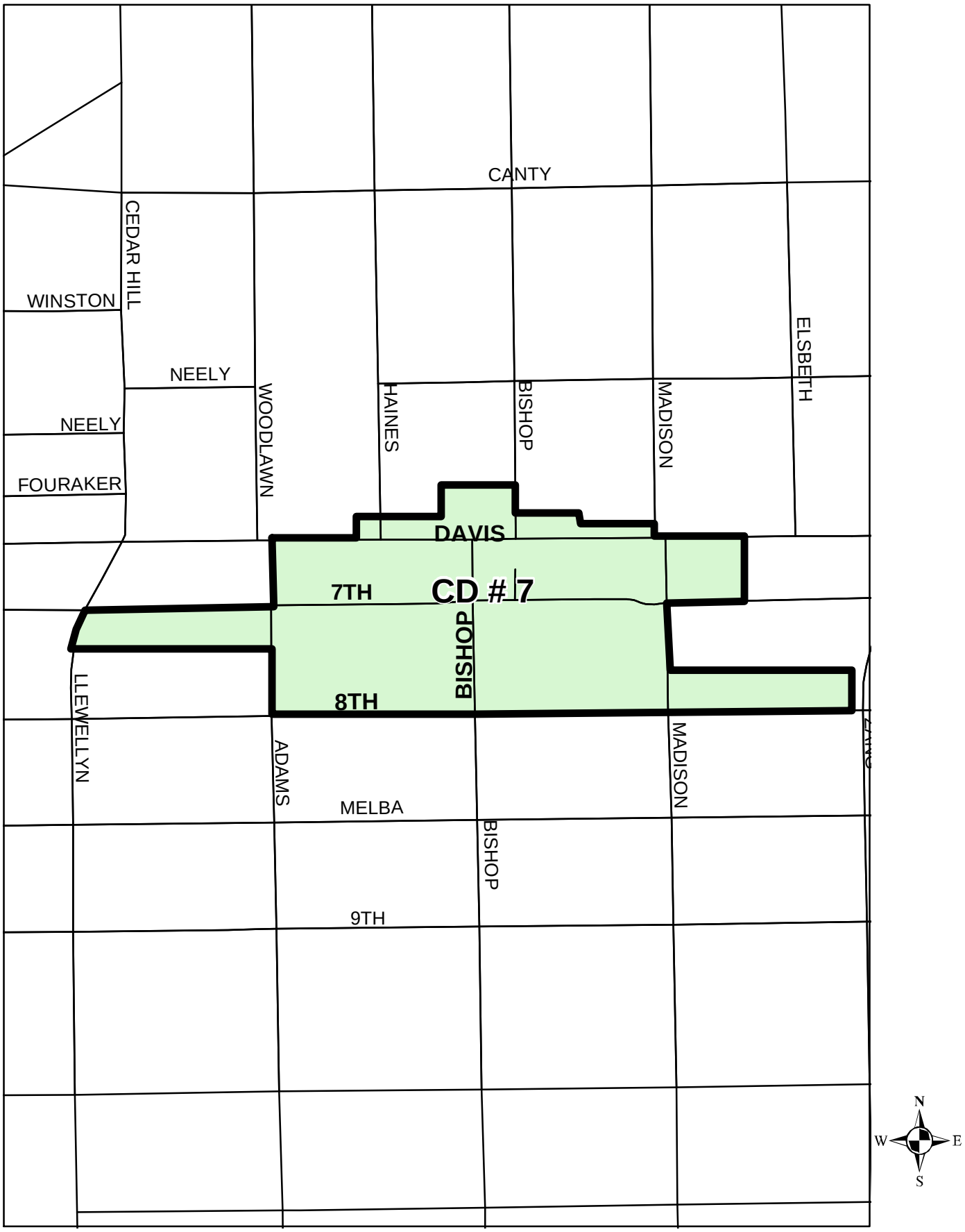
Bishop Art's Merchants Association, Inc.

Shane Spillers, President

MAP

Attached

Bishop/8th Conservation District
CD #7 Boundaries



ORDINANCE NO. _____

An ordinance granting a non-exclusive revocable license to all subsequently permitted property owners or tenants (with written consent of property owners), under the terms of this ordinance, of all property within the Bishop Avenue/Eighth Street Conservation District, by and through the Bishop Arts District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District, located near the intersection of Bishop Avenue and Davis Street adjacent to City Blocks 1/3141, 21/3141, 2/3142, 3/3143, 4/3144, 26/3146, 27/3147 and 28/3148 within the limits hereinafter more fully described, for the purpose of installing and maintaining, streetscape improvements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, awnings and canopies, premise signs and sidewalk cafés; providing for the terms and conditions of this license; providing for initial and annual fee compensation to be paid to the City of Dallas; providing for certain permit fees; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a non-exclusive revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to all subsequently permitted property owners or tenants (with written consent of property owners), under the terms of this ordinance, of all property within the Bishop Avenue/Eighth Street Conservation District, by and through the Bishop Arts District Merchants Association, Inc., a Texas corporation, its successors and assigns, hereinafter referred to as the sponsor **"GRANTEE"**, to administer the collective grant by City to subsequent permitted property owners to occupy, maintain and utilize for the purpose set out hereinbelow the area of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of ten (10) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That the **GRANTEE** shall pay to the City of Dallas the following fees, if applicable, for each permitted property location:

(a) an initial fee of **TWO HUNDRED AND NO/100 DOLLARS ($200.00),** to install and maintain certain streetscape elements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, and awnings and canopies without a premise sign;

(b) an initial fee of **THREE HUNDRED AND NO/100 DOLLARS ($300.00)** and an annual fee of **TWO HUNDRED AND NO/100 DOLLARS ($200.00)** to install and maintain a premise sign and sidewalk café.

SECTION 4. That said initial fees, for all applicable locations, shall be paid to the City of Dallas prior to the issuance of a/all streetscape improvement permit(s). Said annual fees shall become due and payable on the 2nd day of January each year, in advance, during the term hereof. Such initial and annual fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee(s) within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 5. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installing and maintaining, streetscape improvements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, awnings and canopies, premise signs and sidewalk cafés.

SECTION 6. That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

SECTION 7. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by Resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 8. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall be responsible to apply for and obtain a streetscape improvement permit ("permit") for each merchant location within the area

SECTION 8. (continued)

described in Exhibit "A" before locating streetscape improvements in the public right-of-way.

b) **GRANTEE** shall provide the Director of Department of Sustainable Development with evidence of written consent of the property owner to apply for a streetscape improvement permit.

c) **GRANTEE** shall make application for a permit to the Director of Department of Sustainable Development and Construction, or designee subject to the following:

(i) The application must be in writing on a form approved by the Director of Department of Sustainable Development and Construction and accompanied by plans or drawings showing the area of the public right-of-way affected and the construction and planting proposed.

(ii) Upon receipt of the application and any required fees, the Director of Department of Sustainable Development and Construction or designee shall circulate it to all affected City departments and utilities for review and comment. If, after receiving comments from affected City departments and utilities, the Director determines that the streetscape improvements proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the Director shall issue the permit to the **GRANTEE,** property owner, and/or merchant otherwise, the Director of Department of Sustainable Development and Construction shall deny the permit.

(iii) A permit issued by the Director of Department of Sustainable Development and Construction is subject to immediate revocation upon written notice if at any time the Director determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

SECTION 8. (continued)

(iv) The issuance of a permit to **GRANTEE,** property owner, and/or merchant shall not excuse **GRANTEE**, property owner, merchant, their agents, employees, or others, as the case may be, from liability in the installation or maintenance of streetscape improvements in the public right of way.

(v) Upon the installation of streetscape improvements in the public right-of-way, **GRANTEE** and/or merchant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage as set forth in provisions of Exhibit B. Proof of insurance shall be required on an individual property location basis and failure to maintain and provide required insurance shall render the license null and void as to the individual property location.

(d) **GRANTEE** and/or merchant is responsible for maintaining the streetscape improvements and the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to maintain streetscape improvements or make repairs. The granting of a license for streetscape improvements under this subsection does not release the owner or merchant from liability for the installation or maintenance of streetscape improvements in the public right-of-way.

(e) That except as otherwise provided herein, all use of the public right-of-way must be approved in accordance with the requirements of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, as amended.

SECTION 9. Upon the passage of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006690.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A
Bishop/8th Conservation District
CD #7 Boundaries

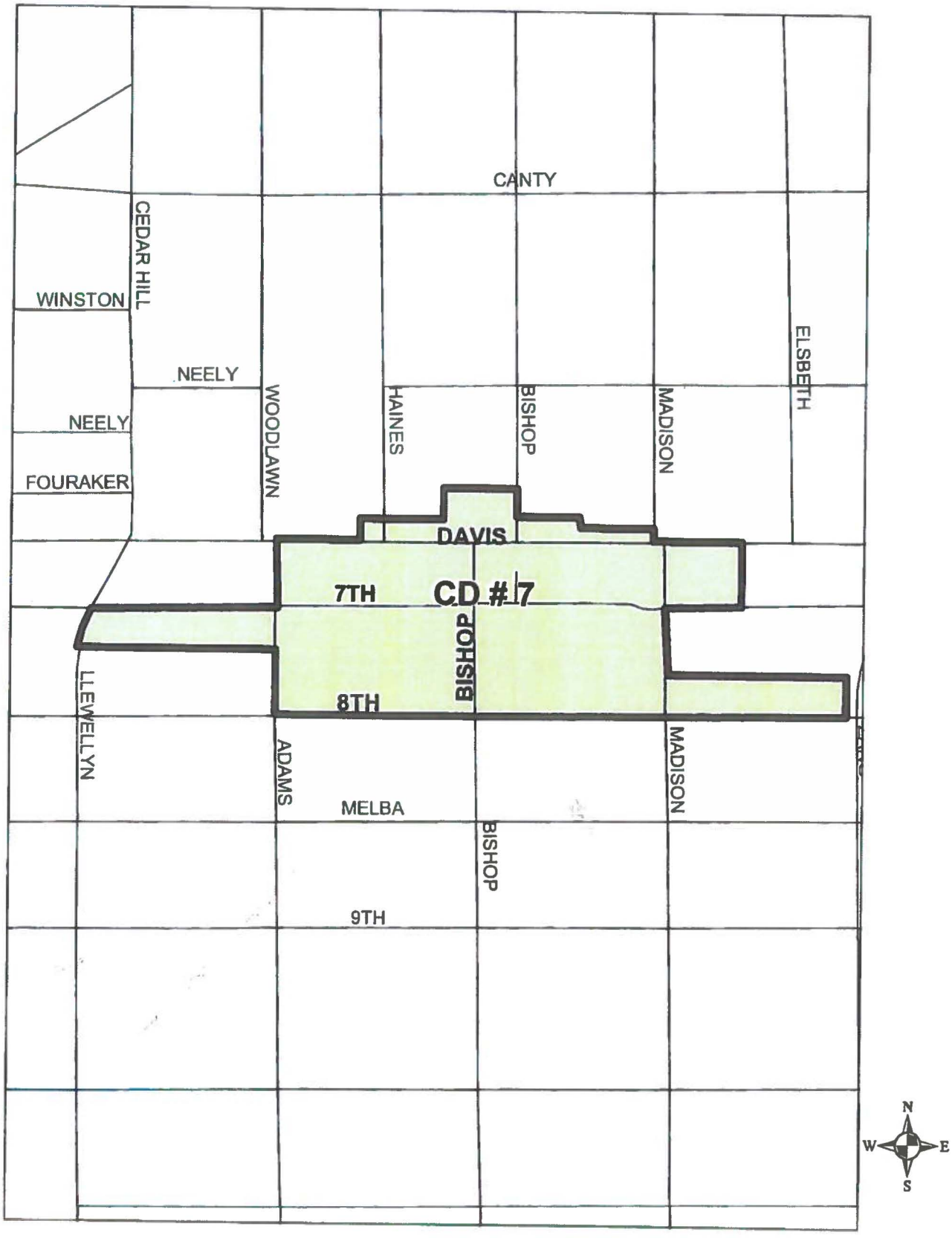


EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 19

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	35X

SUBJECT

An ordinance abandoning a street easement to AG-QIP Park Creek Owner, L.P., the abutting owner, containing approximately 601 square feet of land, located near the intersection of Welborn and Hall Streets; and authorizing the quitclaim; and providing for the dedication of approximately 10 square feet of land needed for a sidewalk and utility easement - Revenue: $102,771, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a street easement to AG-QIP Park Creek Owner, L.P., the abutting owner. The area will be included with the property of the abutting owner to eliminate an existing encumbrance. The owner will dedicate approximately 10 square feet of land needed for a sidewalk and utility easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 41 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Revenue - $102,771, plus the $20 ordinance publication fee

OWNER

AG-QIP Park Creek Owner, L.P.

Matthew Jackson, Vice President

MAP

Attached



Abandonment area:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a street easement located adjacent to City Block 1037 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to AG-QIP Park Creek Owner, L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of AG-QIP Park Creek Owner, L.P., a Delaware limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said street easement is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED TWO THOUSAND SEVEN HUNDRED SEVENTY ONE AND NO/100 DOLLARS ($102,771.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11 and 13 the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A.

SECTION 8. (continued)

GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

(a) ensure a minimum sidewalk clear zone is five (5) feet, per the City of Dallas Complete Streets manual adopted by City Council in January 2016.

(b) at no time during or after the project, erect or perform any construction of any kind that shall cause any delay to emergency traffic or cause interruption to water supply in the area.

(c) contact Texas Excavation Safety System (Texas 811) to have gas lines marked and located within the affected area before any excavations are started.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land

SECTION 10. (continued)

abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a sidewalk and utility easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, to certain properties located in City Block 1037, containing approximately 10 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 11 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 14. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 11, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 15. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005000.

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
SDR Assistant Director

Passed _____.

LEGAL DESCRIPTION

Exhibit A

BEING a 601 square foot, 0.0138 acre tract of land situated in the William Grigsby Survey, Abstract No. 501, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block No. 1037; and being part of Lots 1, 2, and 3 of the Gillespie and Haynes Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 41 of the Map Records of Dallas County, Texas; and being all of a tract of land described as Tract 2 in Special Warranty Deed to AG-QIP Park Creek Owner, L.P., recorded in Instrument No. 201600234227 of the Official Public Records, Dallas County, Texas; and being all of a tract of land described as Tract 2 in Special Warranty Deed, recorded in Volume 2001251, Page 5750 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for the east corner of said Lot 3 and the north corner of Lot 4, Block 1037 of said Gillespie and Haynes Subdivision and being in the southwest right-of-way line of Hall Street created by the Amended Map of Bowser and Lemmon, Oak Lawn and North Dallas Addition, an addition to the City of Dallas according to the plat recorded in Volume 3, Page 537 of said Map Records;

THENCE with the common line of said Lots 3 and 4, South 44°57'12" West, a distance of 3.00 feet to an "X" cut in concrete found for the south corner of said Tract 2 and being the east corner of a tract of land described as Tract 1 in said Special Warranty Deed to AG-QIP Park Creek Owner, L.P.;

THENCE departing said common line of Lots 3 and 4 and with the common line between said Tracts 1 and 2, North 48°30'00" West, a distance of 200.51 feet to an "X" cut found for the north corner of said Tract 1 and the west corner of said Tract 2;

THENCE with the northwest line of said Tract 2, North 52°25'49" East, a distance of 3.05 feet to an "X" cut in concrete found for the north corner of said Tract 2 and being in said southwest right-of-way line of Hall Street;

THENCE with said southwest right-of-way line of Hall Street, South 48°30'00" East, a distance of 200.11 feet to the **POINT OF BEGINNING** and containing 601 square feet or 0.0138 acres of land.

Bearing system based upon the southwest right-of-way line of Hall Street, South 48° 30' 00" West, according to the Special Warranty Deed recorded in Instrument No. 201600234227 of the Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/1/17
SPRG NO: 4362

RIGHT-OF-WAY EASEMENT ABANDONMENT
PART OF LOTS 1, 2 & 3, BLOCK 1037
GILLESPIE AND HAYNES SUBDIVISION
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501
CITY OF DALLAS, DALLAS COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
11-29-17

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

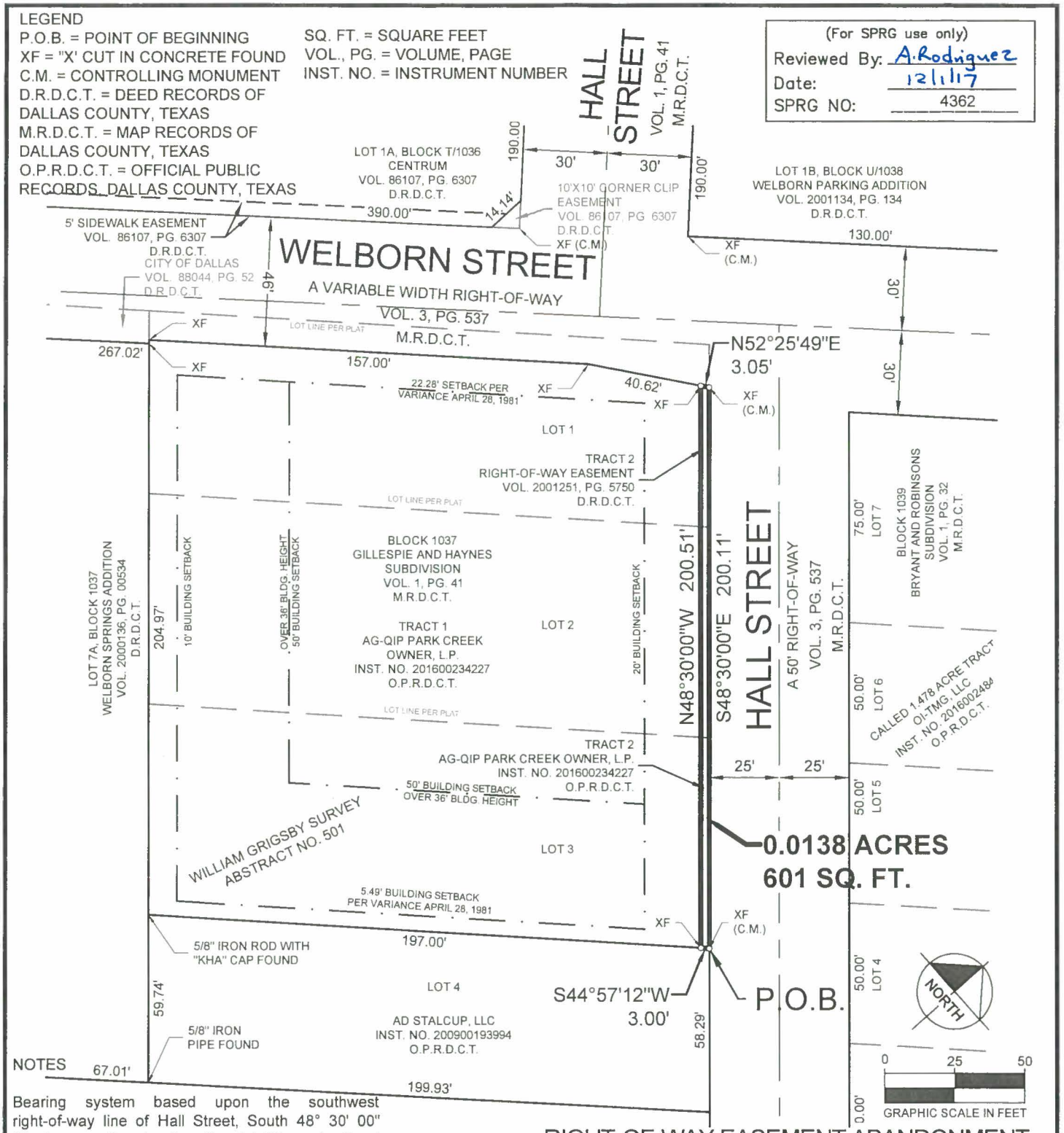
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	OCT. 2017	064523100	1 OF 2

Exhibit A

LEGEND
P.O.B. = POINT OF BEGINNING
XF = "X' CUT IN CONCRETE FOUND
C.M. = CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

SQ. FT. = SQUARE FEET
VOL., PG. = VOLUME, PAGE
INST. NO. = INSTRUMENT NUMBER

(For SPRG use only)
Reviewed By: A.Rodriguez
Date: 12/1/17
SPRG NO: 4362



NOTES

Bearing system based upon the southwest right-of-way line of Hall Street, South 48° 30' 00" West, according to the Special Warranty Deed recorded in Instrument No. 201600234227 of the Official Public Records of Dallas County, Texas.

RIGHT-OF-WAY EASEMENT ABANDONMENT
PART OF LOTS 1, 2 & 3, BLOCK 1037
GILLESPIE AND HAYNES SUBDIVISION
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501
CITY OF DALLAS, DALLAS COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
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STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
11-29-17

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	OCT. 2017	064523100	2 OF 2

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

EXHIBIT C

LEGAL DESCRIPTION

BEING a 10 square foot, 0.0002 acre tract of land situated in the William Grigsby Survey, Abstract No. 501, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block No. 1037; and being part of Lot 1 of the Gillespie and Haynes Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 41 of the Map Records of Dallas County, Texas; and being part of a tract of land described as Tract 2 in Special Warranty Deed to AG-QIP Park Creek Owner, L.P., recorded in Instrument No. 201600234227 of the Official Public Records, Dallas County, Texas; and being part of a tract of land described as Tract 2 in Special Warranty Deed, recorded in Volume 2001251, Page 5750 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at an "X" cut in concrete found for the east corner of said Lot 3 and the north corner of Lot 4, Block 1037 of said Gillespie and Haynes Subdivision, and being in the southwest right-of-way line of Hall Street, a 50-foot wide right-of-way created by the Amended Map of Bowser and Lemmon, Oak Lawn and North Dallas Addition, an addition to the City of Dallas according to the plat recorded in Volume 3, Page 537 of said Map Records of Dallas County, Texas;

THENCE with said southwest right-of-way line of Hall Street and the northeast line of said Gillespie and Haynes Subdivision, North 48°30'00" West, a distance of 195.81 feet to an "X" cut in concrete set in said northeast line of Lot 1, and being the **POINT OF BEGINNING**;

THENCE departing said southwest right-of-way line of Hall Street and said northeast line of Lot 1, South 81°06'43" West, a distance of 3.89 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner in the southwest line of said Tract 2, and being the northeast line of a tract of land described as Tract 1 in said Special Warranty Deed to AG-QIP Park Creek Owner, L.P.;

THENCE with said southwest line of Tract 2 and said northeast line of Tract 1, North 48°30'00" West, a distance of 2.39 feet to an "X" cut found for the north corner of said Tract 1 and the west corner of said Tract 2 and being in the southeast right-of-way line of Welborn Street a variable width right-of-way created by said Amended Map of Bowser and Lemmon, Oak Lawn and North Dallas Addition and by unrecorded plat of Gillespie & Hayne's Subdivision found in City of Dallas Records Vault;

THENCE with the northwest line of said Tract 2 and with said southeast right-of-way line of Welborn Street, North 52°25'49" East, a distance of 3.05 feet to an "X" cut in concrete found for the north corner of said Tract 2 and being at the intersection of said southwest right-of-way line of Hall Street and said southeast right-of-way line of Welborn Street;

THENCE with said southwest right-of-way line of Hall Street, South 48°30'00" East, a distance of 4.30 feet to the **POINT OF BEGINNING** and containing 10 square feet or 0.0002 acres of land.

Bearing system based upon the southwest right-of-way line of Hall Street, South 48° 30' 00" West, according to the Special Warranty Deed recorded in Instrument No. 201600234227 of the Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/20/18
SPRG NO: 4465

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4-19-18

SIDEWALK AND UTILITY EASEMENT
PART OF LOT 1, BLOCK 1037
GILLESPIE AND HAYNES SUBDIVISION
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	FEB. 2018	064523100	1 OF 2

EXHIBIT C

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/20/18
SPRG NO: 4465

LEGEND
P.O.B. = POINT OF BEGINNING
XF = "X" CUT IN CONCRETE FOUND
C.M. = CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
P.O.C. = POINT OF COMMENCING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
XS = "X" CUT IN CONCRETE SET
SQ. FT. = SQUARE FEET
VOL., PG. = VOLUME, PAGE
INST. NO. = INSTRUMENT NUMBER

HALL STREET
VOL. 1, PG. 41
M.R.D.C.T.

LOT 1A, BLOCK T/1036
CENTRUM
VOL. 86107, PG. 6307
D.R.D.C.T.

LOT 1B, BLOCK U/1038
WELBORN PARKING ADDITION
VOL. 2001134, PG. 134
D.R.D.C.T.

10'X10' CORNER CLIP EASEMENT
VOL. 86107, PG. 6307
D.R.D.C.T.

5' SIDEWALK EASEMENT
VOL. 86107, PG. 6307
D.R.D.C.T.
CITY OF DALLAS
VOL. 88044, PG. 52
D.R.D.C.T.

WELBORN STREET
A VARIABLE WIDTH RIGHT-OF-WAY
VOL. 3, PG. 537
M.R.D.C.T.

RIGHT-OF-WAY DEDICATION SHOWN ON UNRECORDED PLAT OF GILLESPIE & HAYNE'S SUBDIVISION FOUND IN CITY OF DALLAS RECORDS VAULT

LOT 1

22.28' SETBACK PER VARIANCE APRIL 28, 1981

50' BUILDING SETBACK OVER 36' BLDG. HEIGHT

0.0002 ACRES
10 SQ. FT.

P.O.B.
P.O.C.

LINE TABLE		
NO.	BEARING	LENGTH
L1	S81°06'43"W	3.89'
L2	N48°30'00"W	2.39'
L3	N52°25'49"E	3.05'
L4	S48°30'00"E	4.30'

TRACT 2
RIGHT-OF-WAY EASEMENT
VOL. 2001251, PG. 5750
D.R.D.C.T.

LOT 2
BLOCK 1037
GILLESPIE AND HAYNES SUBDIVISION
VOL. 1, PG. 41
M.R.D.C.T.

HALL STREET
A 50' RIGHT-OF-WAY
VOL. 3, PG. 537
M.R.D.C.T.

BLOCK 1039
BRYANT AND ROBINSONS SUBDIVISION
VOL. 1, PG. 32
M.R.D.C.T.

LOT 7A, BLOCK 1037
WELBORN SPRINGS ADDITION
VOL. 2000136, PG. 00534
D.R.D.C.T.

TRACT 2
AG-QIP PARK CREEK OWNER, L.P.
INST. NO. 201600234227
O.P.R.D.C.T.

TRACT 1
AG-QIP PARK CREEK OWNER, L.P.
INST. NO. 201600234227
O.P.R.D.C.T.

WILLIAM GRIGSBY SURVEY
ABSTRACT NO. 501

LOT 3

5.49' BUILDING SETBACK PER VARIANCE APRIL 28, 1981

5/8" IRON ROD WITH "KHA" CAP FOUND

LOT 4

AD STALCUP, LLC
INST. NO. 200900193994
O.P.R.D.C.T.

5/8" IRON PIPE FOUND

CALLED 1.478 ACRE TRACT
OI-TMG, LLC
INST. NO. 201600248
O.P.R.D.C.T.

LOT 7
LOT 6
LOT 5
LOT 4

NORTH

0 25 50
GRAPHIC SCALE IN FEET

NOTES

Bearing system based upon the southwest right-of-way line of Hall Street, South 48° 30' 00" West, according to the Special Warranty Deed recorded in Instrument No. 201600234227 of the Official Public Records of Dallas County, Texas.

SIDEWALK AND UTILITY EASEMENT
PART OF LOT 1, BLOCK 1037
GILLESPIE AND HAYNES SUBDIVISION
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JBH	JAD	FEB. 2018	064523100	2 OF 2

AGENDA ITEM # 20

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 14Z

SUBJECT

An ordinance abandoning a storm water drainage facilities easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 8,464 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a storm water drainage facilities easement to Daniel Brothers, L.L.P., the abutting owner. The area will be included with the property of the abutting owner for the construction of a new multi-familiy development to consist of townhomes and single family rental units. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

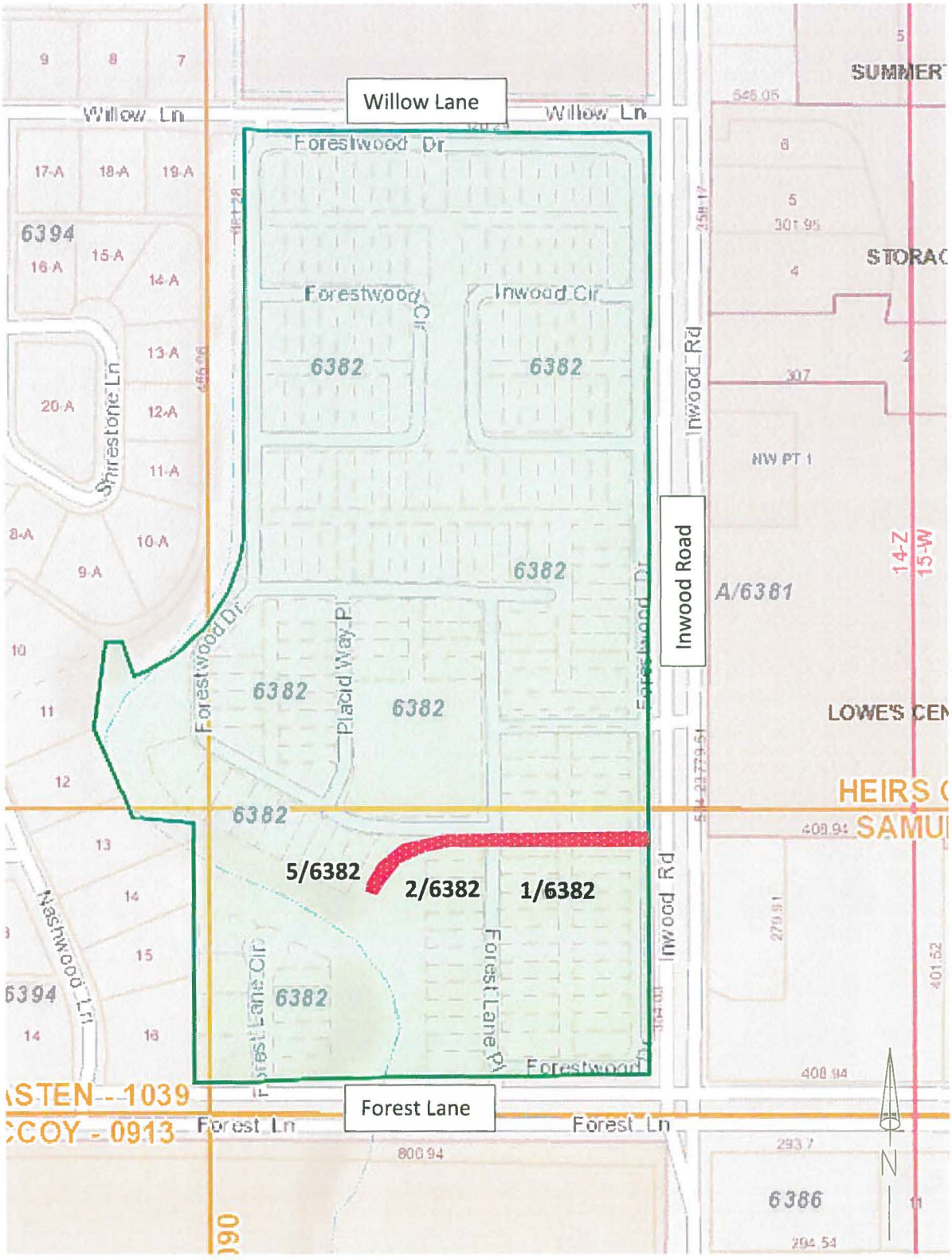
OWNER

Daniel Brothers, L.L.P

John A. Daniel, Member

MAP

Attached



Storm Water Drainage Facilities Easement Abandonment Area =

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a storm water drainage facilities easement, located in City Blocks 1/6382, 2/6382, and 5/6382 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Daniel Brothers, L.L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Daniel Brother, L.L.P., a Texas limited liability partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said storm water drainage facilities easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005138.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
LOT 5, LOT 6, LOT 29, LOT 30 BLOCK 1/6382
LOT 1, BLOCK 2/6382 AND OPEN SPACE, BLOCK 5/6382
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY
S. LOCKHART SURVEY, ABSTRACT NO. 821
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 8,464 square foot (0.1943 acre) tract of land situated in the S. Lockhart Survey, Abstract No. 821, City of Dallas, Dallas County, Texas, and being part to City Blocks 1/6382, 2/6382, and 5/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, and being part of Lots 5, 6, 29 and 30, Block 1/6382, Lot 1, Block 2/6382, Open Space, Block 5/6382 and part of utility and fire lane easements per the plat of First Installment Forestwood Townhouse Community an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, and being all of a 15-foot wide storm water drainage facilities easement to the City of Dallas, recorded in Volume 67113, Page 976, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly known as County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, formerly known as County Road 124, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community; from which a 1/2" iron rod found bears along said north right-of-way line of Forest Lane, South 89°15'39" West, a distance of 795.97 feet;

THENCE with said west right-of-way line of Inwood Road and the east line of Open Space, Block 1/6382, North 0°42'01" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 412.41 feet to the southeast corner of said storm water drainage facilities easement, for the **POINT OF BEGINNING**;

THENCE departing said west right-of-way line of Inwood Road and said east line of Open Space, Block 1/6382, with the south line of said storm water drainage facilities easement, over and across said First Installment Forestwood Townhouse Community, the following courses and distances to wit:

South 89°29'57" West, a distance of 350.70 feet to a point at the beginning of a tangent curve to the left having a central angle of 76°30'00", a radius of 152.50 feet, a chord bearing and distance of South 51°14'57" West, 188.82 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 203.61 feet to a point for corner at the southernmost southwest corner of said storm water drainage facilities easement;

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4.25.18

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/26/18
SPRG NO: 4416

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Apr. 2018	067771641	1 OF 4

Exhibit A

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
LOT 5, LOT 6, LOT 29, LOT 30 BLOCK 1/6382
LOT 1, BLOCK 2/6382 AND OPEN SPACE, BLOCK 5/6382
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY
S. LOCKHART SURVEY, ABSTRACT NO. 821
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE with the southwest line of said storm water drainage facilities easement, continuing over and across said First Installment Forestwood Townhouse Community, North 77°00'03" West, a distance of 15.00 feet to a point at the westernmost southwest corner of said storm water drainage facilities easement and at the beginning of a non-tangent curve to the right having a central angle of 76°30'00", a radius of 167.50 feet, a chord bearing and distance of North 51°14'57" East, 207.40 feet;

THENCE with the north line of said storm water drainage facilities easement, continuing over and across said First Installment Forestwood Townhouse Community, the following courses and distances to wit:

In a northeasterly direction, with said curve to the right, an arc distance of 223.64 feet to a point for corner;

North 89°29'57" East, a distance of 350.64 feet to a point for corner in said west right-of-way line of Inwood Road and said east line of Open Space, Block 1/6382, at the northeast corner of said storm water drainage facilities easement;

THENCE with said west right-of-way line of Inwood Road, said east line of Open Space, Block 1/6382 and the east line of said storm water drainage facilities easement, South 0°42'01" East, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 8,464 square feet or 0.1943 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/26/18
SPRG NO: 4416

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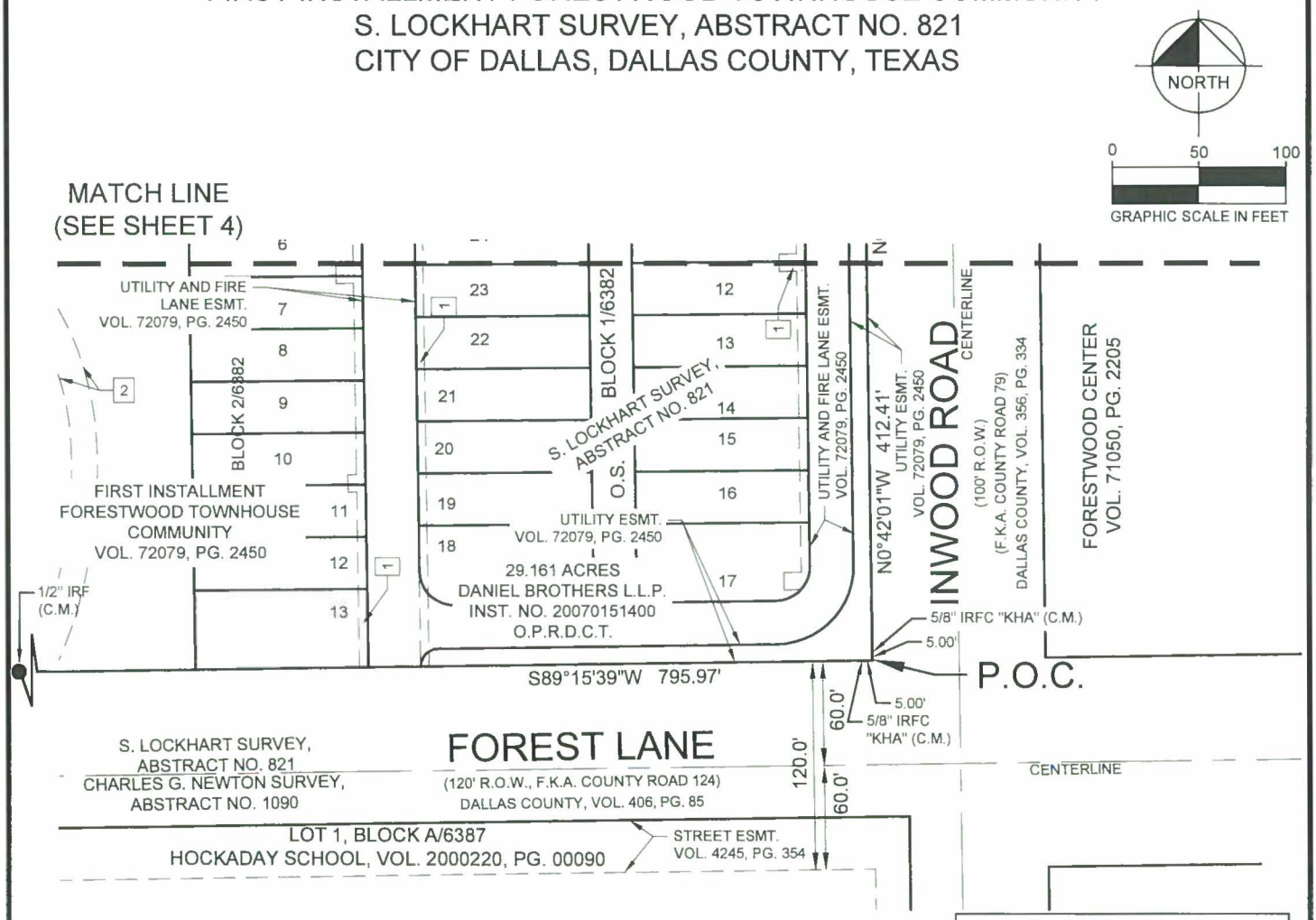


Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Apr. 2018	067771641	2 OF 4

Exhibit A

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
LOT 5, LOT 6, LOT 29, LOT 30 BLOCK 1/6382
LOT 1, BLOCK 2/6382 AND OPEN SPACE, BLOCK 5/6382
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY
S. LOCKHART SURVEY, ABSTRACT NO. 821
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/26/18
SPRG NO: 4416

NOTES
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

[1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
[2] 15' sewer esmt., VOL. 5302, PG. 538
[3] 15' sewer esmt., VOL. 69223, PG. 788

See sheet 16 for key map.
See sheet 23 for curve data.

LEGEND
Δ = CENTRAL ANGLE
C.M. = CONTROLLING MONUMENT
ESMT. = EASEMENT
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
O.S. = OPEN SPACE
S.E. = SAVE AND EXCEPT
VOL. = VOLUME
PG. = PAGE
R.O.W. = RIGHT-OF-WAY
F.K.A. = FORMERLY KNOWN AS



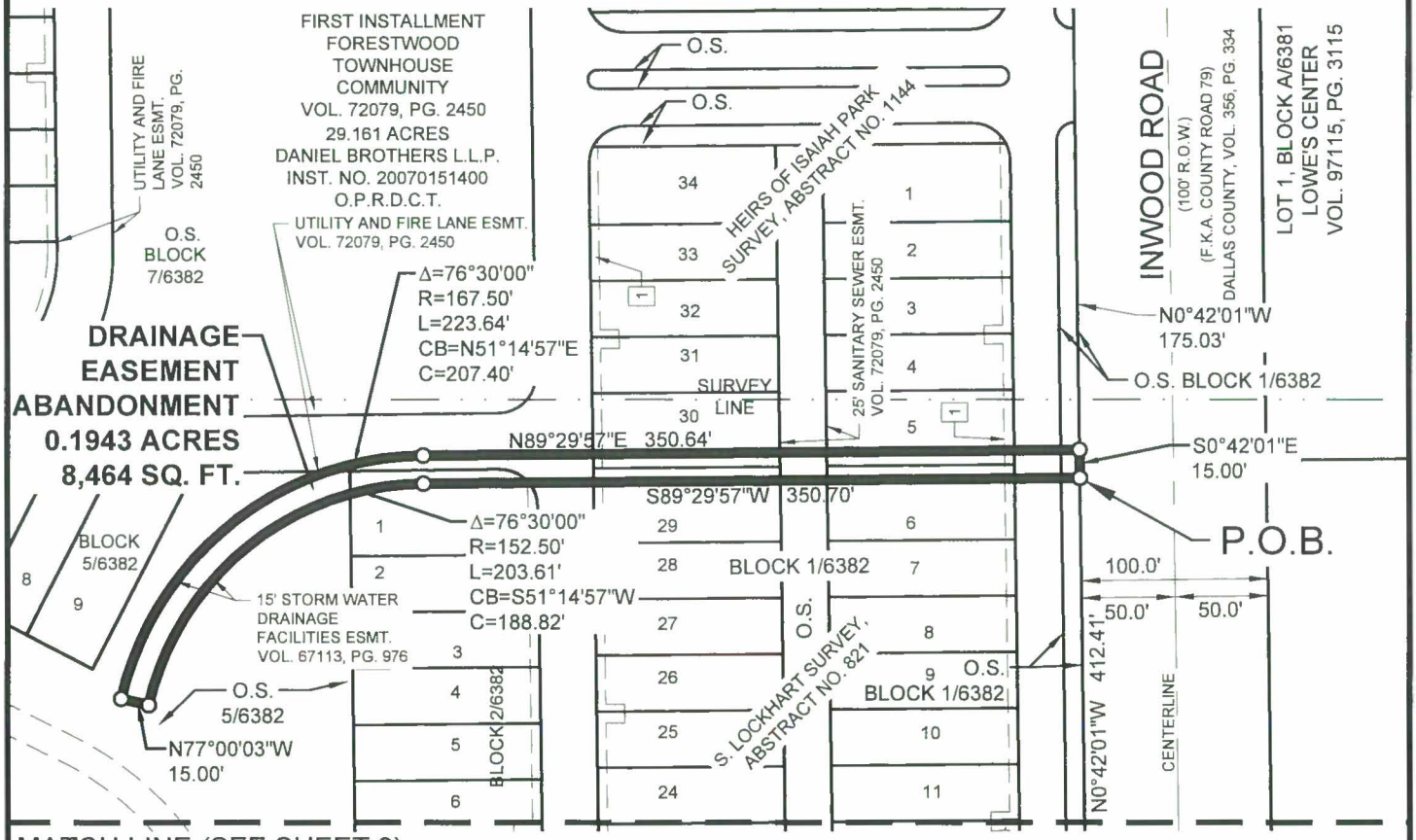
DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	Apr. 2018	067771641	3 OF 4

Exhibit A

STORM WATER DRAINAGE FACILITIES EASEMENT ABANDONMENT
LOT 5, LOT 6, LOT 29, LOT 30 BLOCK 1/6382
LOT 1, BLOCK 2/6382 AND OPEN SPACE, BLOCK 5/6382
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY
S. LOCKHART SURVEY, ABSTRACT NO. 821
CITY OF DALLAS, DALLAS COUNTY, TEXAS



MATCH LINE (SEE SHEET 3)

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/26/18
SPRG NO: 4416

NORTH

0 50 100
GRAPHIC SCALE IN FEET

NOTES
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

[1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
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See sheet 16 for key map.
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F.K.A. = FORMERLY KNOWN AS

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
4.25.18

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
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13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	Apr. 2018	067771641	4 OF 4

AGENDA ITEM # 21

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6, Outside City Limits
DEPARTMENT:	Department of Trinity Watershed Management Department of Transportation
CMO:	Jody Puckett, 670-3390 Majed Al-Ghafry, 670-3302
MAPSCO:	32Y 42C D 43A B C D 44A E F

SUBJECT

Authorize an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail - Financing: No cost consideration to the City

BACKGROUND

The Trinity River Corridor contains over 70 miles of trails, which are included as part of the City's Trail Master Plan. It includes the Trinity Skyline Trail which is being developed as part of the North Central Texas Council of Governments' (NCTCOG) Fort Worth to Dallas Regional Trail Corridor that connects the two cities. Phase I of the Trinity Skyline Trail from West Commerce Street to Sylvan Avenue was completed in 2013. On May 30, 2014, the City of Dallas submitted application to NCTCOG for the nomination of Phase II of the Trinity Skyline Trail from Sylvan Avenue to Campion Trail under the Transportation Alternatives Program (TAP) Call for Projects. TAP is a federal program authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) to provide funding for joint use projects defined as transportation alternatives including pedestrian and bicycle facilities. The Texas Transportation Commission passed Minute Order Number 114335 awarding funding for the Project, and on February 25, 2016, the City of Dallas entered into an agreement with the Texas Department of Transportation for the design and construction of Phase II of the Trinity Skyline Trail from Sylvan Avenue to Campion Trail.

BACKGROUND (continued)

The project entails design and construction of approximately 4.9 miles, 16-foot wide joint use trail along the Trinity River Corridor from Sylvan Avenue to the City of Irving's Campion Trail. To facilitate the connection to Campion Trail, a trail connection between the proposed Trinity Skyline Trail west of the Trinity River Elm Fork and the current endpoint of the Campion Trail ("Trail Connector"), must be constructed. The Trail Connector lies within City of Irving jurisdictional boundaries. The City of Dallas will be responsible for the operation and maintenance of the Trinity Skyline Trail between Sylvan Avenue and the Trail Connector, which area is located within City of Dallas jurisdictional boundaries. The City of Irving will be solely responsible for the operation and maintenance of the Trail Connector.

This action will authorize an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 28, 2014, City Council authorized application to the North Central Texas Council of Governments for the nomination of the Trinity Skyline Trail Project under the Transportation Alternatives Program Call for Projects by Resolution No. 14-0830.

On January 13, 2016, City Council authorized a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of the Trinity Skyline Trail from Sylvan Avenue to the City of Irving's Campion Trail by Resolution No. 16-0095.

On August 24, 2016, City Council authorized a professional services contract with Freese and Nichols, Inc. to provide engineering design services for the Trinity Skyline Trail Project from Sylvan Avenue to the City of Irving's Campion Trail by Resolution No. 16-1352.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

Trinity Skyline Trail
Council District: 6



MAPSCO: 32Y, 42C,D, 43A,B,C,D, 44A, E F

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments and the regional forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council approved approximately $28 million for the Transportation Alternatives Program Call for Projects on February 13, 2014; and

WHEREAS, on May 28, 2014, City Council authorized application to the North Central Texas Council of Governments for the nomination of the Trinity Skyline Trail Project under the Transportation Alternatives Program Call for Projects by Resolution No. 14-0830; and

WHEREAS, the City of Irving has constructed and operates a public pedestrian and bicycle trail known as “Campion Trail” which is generally depicted on Exhibit “A”, attached hereto and incorporated herein by reference (“Campion Trail”); and

WHEREAS, on August 27, 2015, the Texas Transportation Commission awarded funding for the Trinity Skyline Trail Project from Sylvan Avenue to Campion Trail under the 2014 Transportation Alternatives Program; and

WHEREAS, on January 13, 2016, City Council authorized a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation and receipt of funds for the design and construction of the Trinity Skyline Trail from Sylvan Avenue to Campion Trail, in an amount not to exceed $2,989,994, by Resolution No. 16-0095; and

WHEREAS, on January 13, 2016, City Council authorized a payment to the Texas Department of Transportation following the execution of the Local Transportation Project Advance Funding Agreement in an amount not to exceed $180,000 to cover the City’s share of the State’s engineering review cost by Resolution No. 16-0095; and

WHEREAS, on August 24, 2016, City Council authorized a professional services contract with Freese and Nichols, Inc. to provide engineering services for the Trinity Skyline Trail Project from Sylvan Avenue to Campion Trail by Resolution No. 16-1352; and

WHEREAS, the City of Irving and the City of Dallas each find that providing a link connecting public hike and bike trails within their respective boundaries enhance the quality of life for their respective residents; and

WHEREAS, the City of Dallas shall be solely responsible for the design and construction of the Trinity Skyline Trail Project from Sylvan Avenue to the City of Irving's Campion Trail; and

WHEREAS, to facilitate the connection to Campion Trail, a trail connection between the Trinity Skyline Trail west of the Trinity River Elm Fork and the current endpoint of the Campion Trail, ("Trail Connector") must be constructed within City of Irving jurisdictional boundaries; and

WHEREAS, the City of Irving shall be solely responsible for the operation and maintenance of the Campion Trail and the Trail Connector, which area is located within City of Irving jurisdictional boundaries; and

WHEREAS, the City of Dallas shall be solely responsible for the operation and maintenance of the Trinity Skyline Trail between Sylvan Avenue and the Trail Connector, which area is located within City of Dallas jurisdictional boundaries; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791, as amended) authorizes local governments to contract with one or more other local governments to perform governmental functions and services under the terms of the Act that could be performed by any of said local governments; and

WHEREAS, it is now necessary to authorize an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Cooperation Agreement Regarding Public Trail Use between the City of Irving and the City of Dallas, approved as to form by the City Attorney, to support implementation of trail connection between the City of Dallas' proposed Trinity Skyline Trail from Sylvan Avenue to the Trinity River Elm Fork and the City of Irving's Campion Trail.

SECTION 2. That the Interlocal Agreement between the City of Dallas and the City of Irving is designated as Contract No. TWM-2018-00006271.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

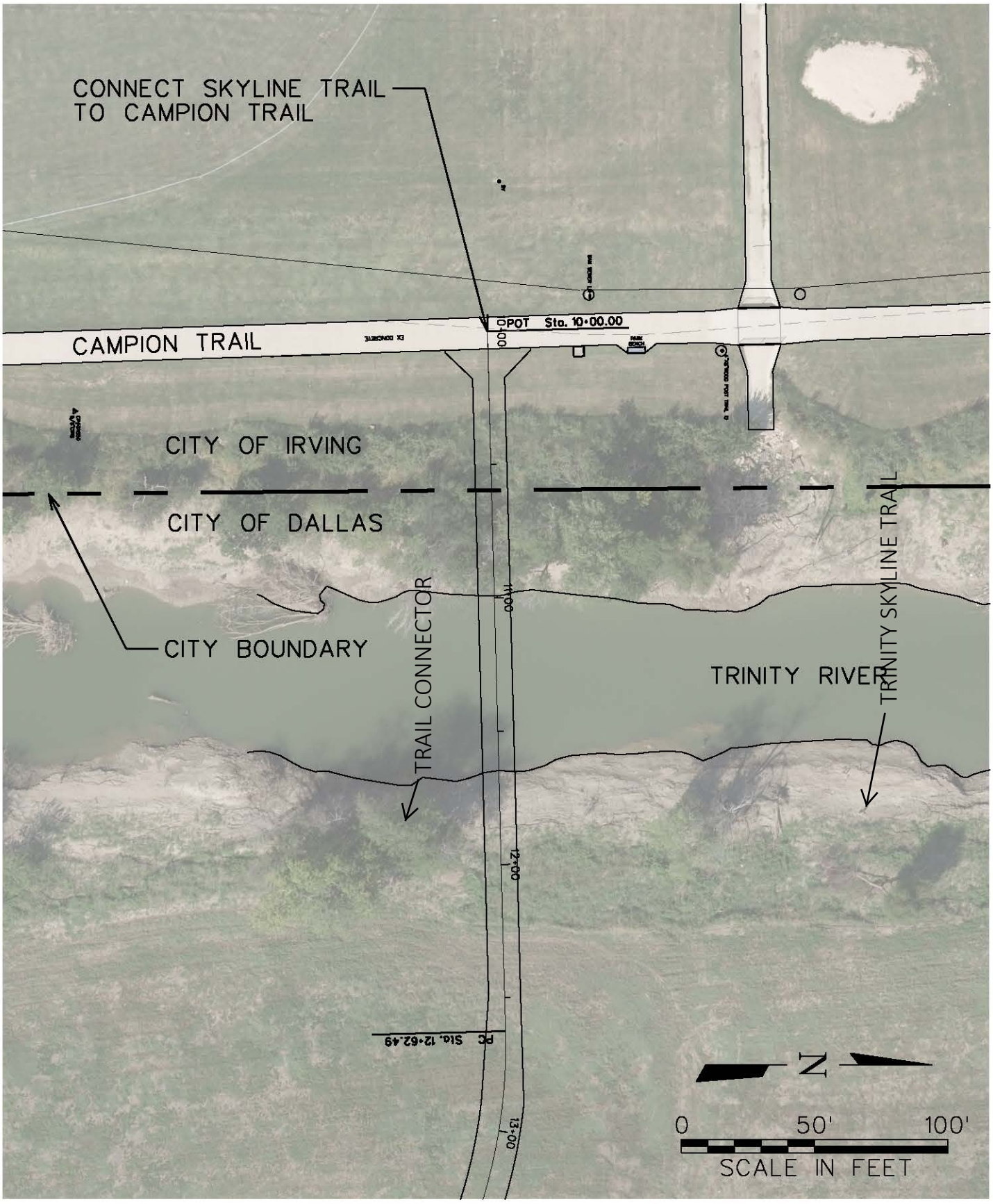


Exhibit A

FREESE AND NICHOLS
2711 North Haskell Avenue, Suite 3300
Dallas, Texas 75204
Phone - (214) 217-2200
Fax - (214) 217-2201
Web - www.freese.com

CITY OF DALLAS

TRINITY SKYLINE TRAIL

CIVIL

TRAIL EXHIBIT

FREESE AND NICHOLS, INC.
TEXAS REGISTERED ENGINEERING FIRM F-2144

F&N JOB NO.	DTW16515
DATE	05/2018
SCALE	
DESIGNED	MAU
DRAFTED	MAU
FILE	Irving-Trail-Exhibit.sht

1 FIGURE

MicroStation V8 User: 02348Office: Dallas
D:\FW16515\Report\Irving-Trail-Exhibit.sht
DTW16515 Plotted By: Matthew Allen
Plot Scale: 50.000 '/ In.
Date: May 10, 2018 - 07:42:11 AM
Model: Default
Project: Freese and Nichols, Inc. GEOPAK SS4

AGENDA ITEM # 22

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Department of Trinity Watershed Management Office of Economic Development
CMO:	Jody Puckett, 670-3390 Raquel Favela, 671-5257
MAPSCO:	54 Q

SUBJECT

Authorize a contract for construction of the Wynnewood Village Drainage Improvements Project - North Texas Contracting, lowest responsible bidder of seven - Not to exceed $2,425,170 - Financing: 2017 Bond Funds

BACKGROUND

The Zang-Illinois Drainage Improvement Project was originally on the 2006 Bond Program, and involved upsizing the drainage infrastructure from Wynnewood Drive to the South Branch Cedar Creek Tributary No. 1, just east of Llewelynn Avenue, to convey local neighborhood drainage through the adjacent Wynnewood Village shopping center. The project includes about 2,200 lineal feet of 8 feet by 8 feet reinforced concrete box storm drainage pipes, along with the creek outfall structure, and associated appurtenances. The project was designed and ready for bid for construction as a part of the 2006 Bond Program however, the City was unable to attain the easement(s) necessary to support construction. In 2015, the Council District directed staff to cancel the project and re-allocate funding towards other critical local drainage needs.

Brixmor Property Group, Inc, provided updated construction plans to substitute for the Zang-Illinois Drainage Improvement Project as designed during the 2006 Bond Program, along with the appropriate easements through their property as necessary to allow project construction. The developer provided improved design plans to reflect the current site configuration; with these plans the City is able to prioritize the commencement and completion of the project to prevent delays to the redevelopment of the property. The plans have been reviewed by staff in the Sustainable Development and Trinity Watershed Management Departments and have been found to meet City design criteria, and to serve the purpose and need for the project to accommodate neighborhood drainage.

BACKGROUND (continued)

During the 2017 Bond Program development process, the City Council requested inclusion of funding to allow construction of the Wynnewood Drainage Improvement Project. Construction funding for this project was included in the 2017 Capital Bond Program in the Flood Protection and Storm Drainage proposition in the amount of $1.727 million. Funding from the Economic Development Proposition of the 2017 Capital Bond Program may also be utilized for construction.

On May 25, 2017, seven bids were received for the Wynnewood Village Drainage Improvements Project. The scope of work includes installation of about 2,200 lineal feet of 8 feet by 8 feet reinforced concrete box storm drainage pipes, along with the creek outfall structure, and associated appurtenances.

This item authorizes a contract for construction of the Wynnewood Village Drainage Improvement Project with North Texas Contracting, for a total amount of $2,425,170.00.

The following chart illustrates North Texas Contracting's contractual activities with the City of Dallas for the past three years.

	PBW	DWU	PKR	TWM
Projects Completed	8	8	5	1
Change Orders	2	4	3	1
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2009
Completed Design	April 2018
Begin Construction	June 2018
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council authorized a professional services contract with RJN Group, Inc. for engineering design of storm drainage project on Zang Boulevard to Illinois Avenue Drainage Relief System by Resolution No. 09-1647.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On April 25, 2018, City Council City Council authorized an agreement with Brixmor Property Group, Inc. for the donation of revised design plans for construction of the Wynnewood Drainage Improvements Project (Project No. TWM17VD032 - Zang-Illinois) on the 2017 Bond Program by Resolution No. 18-0609; said project is to be publicly procured in accordance with City of Dallas procurement processes as soon as practicable.

City Council will be briefed by memorandum regarding this matter on June 25, 2018.

FISCAL INFORMATION

2017 Bond Funds - $1,120,707.00

Design	$ 393,779.00
Construction (this action)	$2,425,170.00
Total	$2,818,949.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,425,170.00	Construction	25.00%	43.09%	$1,044,887.00

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following seven bids were received and opened on May 25, 2018:

*Denotes successful bidder

Bidders	Total Bid
*North Texas Contracting 4999 Keller Haslet Rd. Fort Worth, Texas 76244	$2,425,170.00
Reyes Group, Ltd	$2,570,845.00
BAR Constructors, Inc.	$2,740,090.00
Texas Standard Construction, Ltd	$2,905,096.90

BID INFORMATION (continued)

Bidders	**Total Bid**
S.J. Louis Construction of Texas, Ltd	$3,164,345.00
HQS Construction, LLC	$3,608,097.50
Vescorp Construction, LLC	$4,187,488.10

OWNER

North Texas Contracting

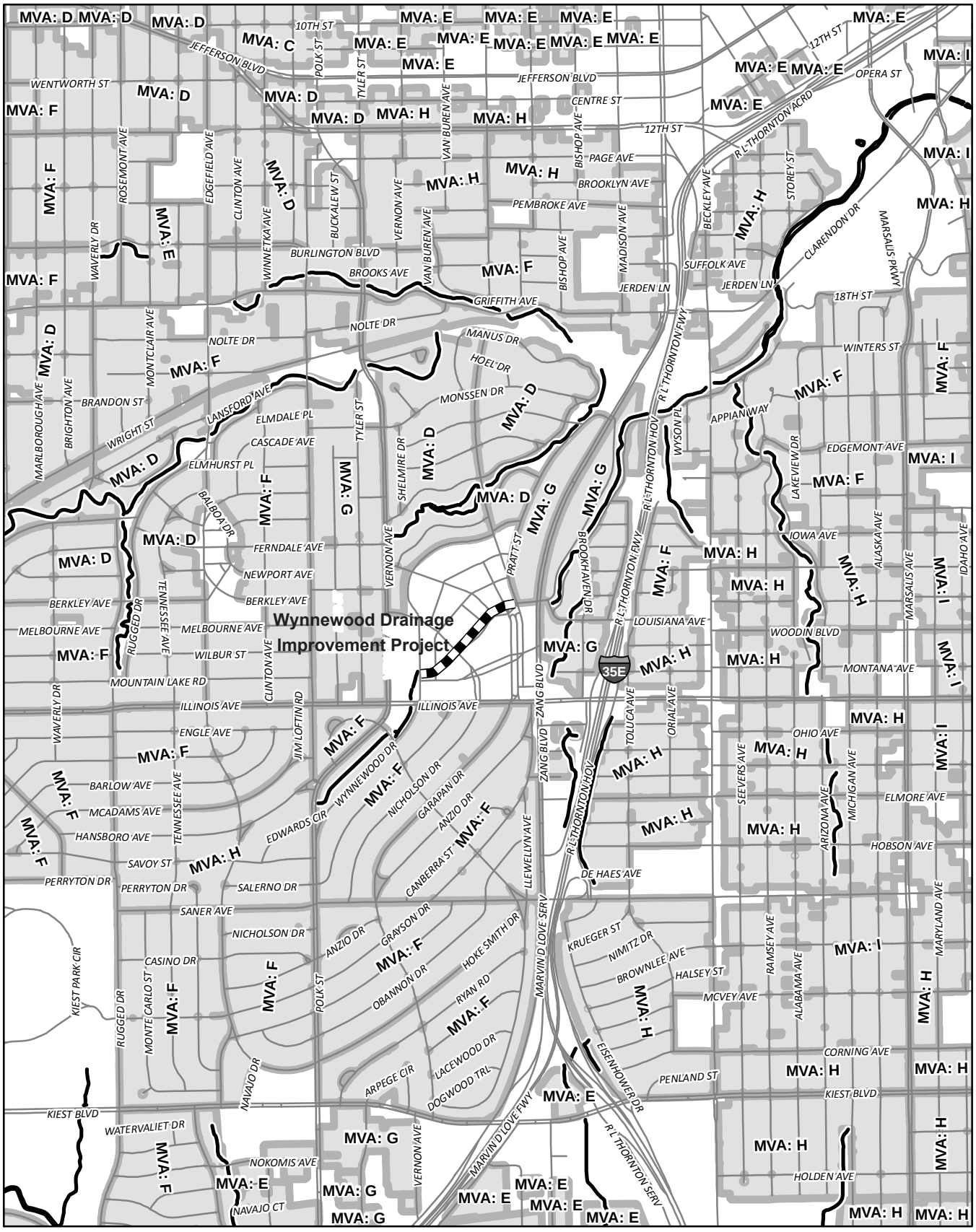
Jay Lovy, President

MAP

Attached

Wynnewood Village Drainage Improvements Project

Mapsco 54Q Council District 1



June 27, 2018

WHEREAS, on June 24, 2009, City Council authorized a professional services contract with RKN Group, Inc. for engineering design of erosion control improvements, in an amount not to exceed $393,779.00, by Resolution No. 09-1647, however, these plans are not consistent with current site development plans; and

WHEREAS, on April 25, 2018, City Council authorized an agreement with Brixmor Property Group, Inc. for donation of revised design plan construction of the Wynnewood Drainage Improvements Project (Project No. TWM17VD032 - Zang-Illinois) by Resolution No. 18-0609; said project is to be publicly procured in accordance with City of Dallas procurement processes as soon as practicable; and

WHEREAS, on May 25, 2018, seven bids were received for the construction of the Wynnewood Village Drainage Improvement Project as follows:

Bidders	**Total Bid**
North Texas Contracting	$2,425,170.00
Reyes Group, Ltd	$2,570,845.00
BAR Constructors, Inc.	$2,740,090.00
Texas Standard Construction	$2,905,096.90
S.J. Louis Construction of Texas, Ltd	$3,164,345.00
HQS Construction, LLC	$3,608,097.50
Vescorp Construction, LLC	$4,187,488.10

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with North Texas Contracting, approved as to form by the City Attorney, for the construction of the Wynnewood Village Drainage Improvement Project, in an amount not to exceed $2,425,170.00, this being the lowest responsible bid received as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,425,170.00 to North Texas Contracting, as follows:

Flood Protection and Storm Drainage Facilities Fund
Fund 1V23, Department TWM, Unit VD32, Activity ERCT
Object 4599, Program TW17VD32, Vendor 514455
Encumbrance/Contract No. CX-TWM-2018-00006611 $1,120,707.00

SECTION 2. (continued)

Economic (I) Development Fund	
Fund 1V52, Department ECO, Unit VI05, Activity INFS	
Object 4599, Program EDVI05, Vendor 514455	
Encumbrance/Contract No. CX-TWM-2018-00006611	$1,304,463.00
Total amount not to exceed	$2,425, 170.00

SECTION 3. That this resolution shall take effective immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 23

STRATEGIC PRIORITY:	Human and Social Needs
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Community Care
CMO:	Nadia Chandler Hardy, 671-9195
MAPSCO:	N/A

SUBJECT

Authorize a twelve-month Interlocal Agreement with the Dallas County Health and Human Services Department to provide and administer immunization and testing services for 185 employees of the City of Dallas Women, Infants and Children Program for the term of October 1, 2017 through September 30, 2018 - Not to exceed $5,000 – Financing: Department of State Health Services Grant Funds

BACKGROUND

Dallas County Health and Human Services (DCHHS) has provided immunization and screening services for the City of Dallas Women, Infants and Children (WIC) Program since July 1996. DCHHS administers Tuberculosis (TB) Skin Tests, TB Comprehensive Testing (chest x-rays), Measles/Mumps/Ruebella (MMR), Varicella, Adacel (Pertusis), Hepatitis (Twinrix) and Influenza vaccines to WIC staff yearly as required or recommended by the Center for Disease Control and Prevention (CDC). WIC employees are required by the CDC to have TB screening every two years and MMR, Varicella, and Tdap immunizations as needed. New employees receive the MMR upon hire, as needed. Hepatitis (Twinrix) and Influenza vaccines are highly recommended by the local health department.

Under the contract, DCHHS will continue to administer these immunizations and TB screenings as needed. City of Dallas WIC employees will be serviced at the Dallas County Health and Human Services, Adult Immunizations Department, located at 2377 North Stemmons Freeway, Dallas, Texas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on June 18, 2018.

FISCAL INFORMATION

Department of State Health and Human Services Grant Funds - $5,000

The term of the contract will begin October 1, 2017 and end on September 30, 2018. This cost has been included in the FY18 WIC Program Budget. The City may renew the contract for up to two consecutive one-year renewal terms.

June 27, 2018

WHEREAS, the City of Dallas is a Texas municipal corporation of the State of Texas; and

WHEREAS, the City of Dallas operates a Women, Infants and Children (WIC) Program that provides comprehensive breastfeeding and support and assistance to mothers; and

WHEREAS, Chapter 791 of the Texas Government Code permits two governmental agencies to contract with each other to perform governmental functions and services; and

WHEREAS, on November 15, 2010, the City of Dallas Purchasing Department set up a mini-master agreement for immunization and screening charges. The agreement expired November 15, 2013; and

WHEREAS, on January 6, 2016, Administrative Action No. 16-5146 authorized a professional services contract between Dallas County Health and Human Services and the Housing/WIC Program for immunization services for WIC Program's 220 employees, in an amount not to exceed $20,125. This request was done on the advice of the Purchasing Department to pay for future charges per their Administrative Directive, AD 4.5, Contract Policy for Service Contracts; and

WHEREAS, on February 28, 2017, Administrative Action No. 17-5588 authorized an Interlocal Agreement between Dallas County Health and Human Services and the City of Dallas for immunization services for WIC Program's 213 employees; and

WHEREAS, the City of Dallas and Dallas County Health and Human Services desire to enter into an Interlocal Agreement to provide immunization services for the City's WIC employees.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a twelve-month Interlocal Agreement with the Dallas County Health and Human Services, approved as to form by the City Attorney, to provide and administer immunization and testing services for 185 employees of the City of Dallas Women, Infants and Children Program.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $5,000 from the FY18 WIC Program, Women, Infants, and Children Grant Fund, Fund F518, Department MGT, Unit 2903, Object 2200, Encumbrance/Contract No. CX-MGT-2018-00005089, Vendor 014003.

SECTION 3. That the City may renew the term of this agreement for up to two consecutive one-year terms.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 24

STRATEGIC PRIORITY:	Human and Social Needs
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Community Care
CMO:	Nadia Chandler Hardy, 671-9195
MAPSCO:	N/A

SUBJECT

Authorize an Interlocal Agreement between the City of Dallas and the University of Texas at Arlington, College of Nursing and Health Innovation (University), for the purpose of providing a supervised clinical lactation experience for the University's nursing program students at the City of Dallas Lactation Care Center for the period September 1, 2018 through August 31, 2019 - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas Lactation Care Center, operated under the City of Dallas Women, Infants and Children Program, is a specialty walk-in clinic located in the heart of the Medical District in Dallas. Registered Nurses, International Board Certified Lactation Consultant, and Breastfeeding Peer Counselors provide comprehensive breastfeeding support and assistance to mothers. The goal of the Lactation Care Center is to fill the gap that many breastfeeding women experience once they leave the hospital setting. Staff assists with common problems associated with breastfeeding and support mothers' goals to increase breastfeeding duration and exclusivity. Surrounded by several hospitals, including Parkland Memorial, University of Texas Southwestern and Children's Medical Center allows for partnerships with these facilities. A large majority of the client referrals come from these and other Dallas area hospitals.

In addition to helping mothers overcome their breastfeeding challenges, the Lactation Care Center serves as a training center for medical students and resident physicians who want to expand their knowledge in the field of lactation. The training follows the breastfeeding curriculum for resident physicians as set forth by the American Academy of Pediatrics. In December 2016, The University of Texas at Arlington, College of Nursing and Health Innovation, approached the Manager of the Lactation Care Center about providing the University's nursing students with a combination of didactic education in the classroom setting and observation of lactation consultations performed by the Center's lactation consultants.

BACKGROUND (continued)

Breastfeeding rates are on the rise and there is a need for trained nursing staff that can manage basic breastfeeding care. The Interlocal Agreement provides for this introduction to lactation care and support for the University's nursing students. In compliance with the Health Insurance Portability and Accountability Act signed client consent and student confidentiality forms are a part of the agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

June 27, 2018

WHEREAS, the City of Dallas is a Texas municipal corporation of the State of Texas; and

WHEREAS, the City, through the Women, Infants and Children (WIC) Program, has a Dallas Lactation Care Center located at 2600 Stemmons Freeway, Suite 190, Dallas, Texas; and

WHEREAS, the University of Texas at Arlington, College of Nursing and Health Innovation (University), is a political subdivision of the State of Texas; and

WHEREAS, the University provides academic courses in the field of nursing and periodically desires to provide students in such courses with education experience by utilizing appropriate facilities and personnel of third parties and the University would like its nursing students to participate in a clinical experience at the WIC Program's Dallas Lactation Care Center; and

WHEREAS, Chapter 791 of the Texas Government Code permits two governmental agencies to contract with each other to perform governmental functions and services; and

WHEREAS, on September 26, 2017, Administrative Action No. 17-6752 authorized a Memorandum of Understanding between the City of Dallas WIC Program Lactation Care Center and the University of Texas at Arlington, College of Nursing and Health Innovation to provide supervised clinical experience for students enrolled in the University's nursing program, provided at the City of Dallas WIC Program's Lactation Care Center; and

WHEREAS, the City of Dallas and the University desire to enter into an Interlocal Agreement to establish and implement a program providing a supervised clinical experience for the University’s nursing program students at the City’s Lactation Care Center.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Agreement between the City of Dallas and the University of Texas at Arlington, College of Nursing and Health Innovation, approved as to form by the City Attorney, for the purpose of providing a supervised clinical experience for the University’s nursing program students at the City of Dallas Lactation Care Center for the period September 1, 2018 through August 31, 2019.

SECTION 2. That the Interlocal Agreement between the City of Dallas and the University of Texas at Arlington, College of Nursing and Health Innovation is designated as Contract No. MGT-2018-00006336.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 25

STRATEGIC PRIORITY:	Human and Social Needs
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Community Care
CMO:	Nadia Chandler Hardy, 671-9195
MAPSCO:	N/A

SUBJECT

Authorize a five-year Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland") for the Dallas Women, Infants and Children Program peer counselors to provide breastfeeding information to prenatal and routine postpartum patients at Parkland Memorial Hospital for the period June 1, 2018 through May 31, 2023 - Financing: No cost consideration to the City

BACKGROUND

Since 2003, the City of Dallas Office of Community Care, Women, Infants and Children (WIC) Program breastfeeding peer counselors and lactation consultants have provided breastfeeding information and support to the postpartum patients in Parkland Hospital. As a result of this collaboration, the breastfeeding initiation rate of mothers enrolled in the City of Dallas WIC Program has reached 95%. This rate is above the Healthy People 2020 Health Objectives to increase the proportion of mothers who breastfeed their babies in the early postpartum period to 82%.

The health benefits of breastfeeding infants during hospital stays are well documented and the colostrum in mothers' breast milk stimulates gastrointestinal maturation in the infants and facilitates digestion. The colostrum in mothers' breast milk also provides infants' "first immunizations" protecting them from disease and boosting their immune systems. The WIC breastfeeding peer counselors and lactation consultants in Parkland Hospital help to create environments that facilitate breastfeeding.

The information and support offered by the WIC breastfeeding peer counselors and lactation consultants help the new mothers who are starting with breastfeeding by providing tips on how to increase milk supply, and address any breastfeeding concerns. Contact with the WIC breastfeeding peer counselors and lactation consultants in the clinic and hospital also provides the mothers with the support and follow-up as they transition home from the hospital.

BACKGROUND (continued)

The City of Dallas WIC Program and Parkland Hospital desire to enter into an Interlocal Agreement to provide breastfeeding information to prenatal and postpartum patients at Parkland Memorial Hospital.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 22, 2009, City Council authorized a fifty-two month Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period of January 1, 2009 through May 31, 2013, by Resolution No. 09-1056.

On September 25, 2013, City Council authorized an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018, by Resolution No. 13-1684.

Information about this item will be provided to the Human and Social Needs Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

June 27, 2018

WHEREAS, the City of Dallas is a Texas municipal corporation of the State of Texas; and

WHEREAS, the Dallas County Hospital District d/b/a Parkland Health & Hospital System is a political subdivision of the State of Texas, which furnishes medical aid and hospital care to indigent and needy persons residing in the hospital district; and

WHEREAS, Chapter 791 of the Texas Government Code permits two governmental agencies to contract with each other to perform governmental functions and services; and

WHEREAS, on April 22, 2009, City Council authorized a fifty-two month Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period of January 1, 2009 through May 31, 2013, by Resolution No. 09-1056; and

WHEREAS, on September 25, 2013, City Council authorized an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018, by Resolution No. 13-1684; and

WHEREAS, the City of Dallas and Parkland Hospital desire to enter into an Interlocal Agreement (ILA) to provide breastfeeding information to prenatal and postpartum patients at Parkland Memorial Hospital.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a five-year Interlocal Agreement (ILA) with the Dallas County Hospital District d/b/a Parkland Health & Hospital System, approved as to form by the City Attorney, to provide breastfeeding information to prenatal and postpartum patients at Parkland Memorial Hospital for the period June 1, 2018 through May 31, 2023, and execute any and all documents required by the ILA.

SECTION 2. That this agreement is designated as Contract No. MGT-2018-00006045.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

AGENDA ITEM # 26

STRATEGIC PRIORITY:	Human and Social Needs
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Community Care
CMO:	Nadia Chandler Hardy, 671-9195
MAPSCO:	N/A

SUBJECT

Authorize a five-year Interlocal Agreement with the Department of State Health Services, to provide on-line computer services for the City's Bureau of Vital Statistics Program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period September 1, 2018 through August 31, 2023 - Not to exceed $35,000 annually for a total not to exceed $175,000 - Financing: General Funds (subject to appropriations)

BACKGROUND

The City's Bureau of Vital Statistics Program is responsible for registering births, deaths, and fetal deaths that occur within the City of Dallas and provides over 99,000 certified birth and death certificates annually to qualified individuals that apply either in-person, by mail, or via the Internet.

Through this Interlocal Agreement, the City will pay the Department of State Health Services (DSHS) $1.83 for each birth certificate printed. The annual cost owed to the DSHS will vary each year based on the number of birth certificates printed, but will not exceed $35,000 annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 14, 2015, City Council authorized a twenty-four-month contract with the Department of State Health Services to provide on-line computer services for the City's Bureau of Vital Statistics program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period September 1, 2015 through August 31, 2017, by Resolution No. 15-1888.

Information about this item will be provided to the Human and Social Needs Committee on June 18, 2018.

FISCAL INFORMATION

General Funds - $175,000

June 27, 2018

WHEREAS, on October 14, 2015, City Council authorized a twenty-four-month contract with the Department of State Health Services to provide on-line computer services to the City's Bureau of Vital Statistics program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period September 1, 2015 through August 31, 2017, by Resolution No. 15-1888; and

WHEREAS, on January 20, 2017, Administrative Action No. 17-5493 authorized an increase to the contract in the amount of $16,000 to continue on-line search/printing of records from the Department of State Health Services in order to issue birth certificates; and

WHEREAS, on May 18, 2017, Administrative Action No. 17-6095 authorized Amendment No. 1 to the contract to amend Article II extending the term of the contract to August 31, 2018; replace language in Article IV, Section B; Article VI, Section B; and replace language in Article VIII; and

WHEREAS, on July 31, 2017, Administrative Action No. 17-6385 authorized additional funds in the amount of $35,000 to be encumbered to pay the Department of State Health Services for on-line registry search/printing of birth certificates.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a five-year Interlocal Agreement with the Department of State Health Services, approved as to form by the City Attorney, to provide on-line computer services for the City’s Bureau of Vital Statistics Program to obtain certified copies of birth certificates at a cost of $1.83 for each birth certificate printed for the period of September 1, 2018 through August 31, 2023.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $175,000 (subject to appropriations) from General Fund, Department MGT, Unit 4012, Object 3099, Encumbrance/Contract No. MGT-2018-00006499, Vendor 214083.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 27

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Office of Cultural Affairs
CMO:	Joey Zapata, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize the First Amendment to decrease the total five-year service contract for janitorial services with Member's Building Maintenance, LLC to adjust routine and event cleaning tasks - Not to exceed (-$1,084,395), from $5,655,104 to $4,570,709 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

On June 28, 2017, City Council authorized a five-year service contract for janitorial services for the Office of Cultural Affairs facilities with ACT Event Services, LLC in the amount of $2,729,915.80 and Member's Building Maintenance, LLC in the amount of $5,655,104.00, in the total amount of $8,385,019.80, by Resolution No. 17-1039.

Daily janitorial services at the Morton H. Meyerson Symphony Center, provided by Member's Building Maintenance, LLC, consist of cleaning of offices, restrooms, facility exterior grounds, and other public areas. Event cleaning includes daily cleaning, as well as the concert hall, backstage areas, and meeting/presentation rooms. The vendor is required to provide all supplies, equipment, and labor necessary for the performance of the contract.

While the cleaning specifications changed very little from the previous agreement, this vendor has provided a significantly higher quality service than the previous provider. The only significant difference between this contract and the previous is that it is structured such that routine cleaning tasks are billed at a flat weekly rate, providing for better cost predictability, but limiting OCA's ability to reduce the routine service as-needed. Shortly following initiation of services by the vendor, OCA determined that the routine cleaning tasks-those not associated with public events-stated in the specifications were occurring more frequently than necessary to achieve optimal cleanliness, thus resulting in more cleaning activities than the building requires, and an unnecessary strain on financial resources.

BACKGROUND (continued)

OCA staff and the vendor negotiated adjustments to the specifications which will achieve an optimum standard of cleanliness at a reduced cost to the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 28, 2017, City Council authorized a five-year service contract for janitorial services for the Office of Cultural Affairs facilities with ACT Event Services, Inc. and Member's Building Maintenance, LLC by Resolution No. 17-1039.

Information about this item will be provided to the Government Performance and Financial Management Committee on June 4, 2018.

FISCAL INFORMATION

General Funds - (-$1,084,394.98)

Service Contract Amount	$5,655,104.00
First Amendment (this action)	(-$1,084,394.98)
Total amount	$4,570,709.02

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
(-$1,084,394.98)	Other Services	23.80%	0.00%	(-$1,084,394.98)

- Change Order No. 1 - 0.00% M/WBE participation
- This contract does not meet the M/WBE goal of 23.80%, and has a 100.00% Overall M/WBE participation

OWNER

Member's Building Maintenance, LLC

Odes Kim, President/Chief Executive Officer

June 27, 2018

WHEREAS, on June 28, 2017, City Council authorized a five-year service contract for janitorial services with Member's Building Maintenance, LLC at the Morton H. Meyerson Symphony Center ("the Meyerson") at 2301 Flora Street, in amount not to exceed $5,655,104, by Resolution No. 17-1039; and

WHEREAS, the Office of Cultural Affairs (OCA), which manages the Meyerson, has determined that the frequency of routine cleaning tasks, not associated with public events, called for in the contract specifications were occurring more frequently than necessary to achieve optimal cleanliness, thus resulting in more cleaning activities than the building requires, and an unnecessary strain on financial resources; and

WHEREAS, the OCA staff has negotiated adjustments to services levels which will achieve an optimum standard of cleanliness at a reduced cost.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the First Amendment to decrease the five-year service contract for janitorial services with Member's Building Maintenance, LLC, approved as to form by the City Attorney, reducing the contract by (-$1,084,394.98), from $5,655,104.00 to $4,570,709.02 (subject to annual appropriations).

SECTION 2. That the Chief Financial Officer is hereby authorized to reduce encumbered funds in an amount not to exceed (-$1,084.394.98) to Member's Building Maintenance, LLC from Service Contract No. POM-2017-00002109.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 28

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Office of Economic Development
CMO:	Raquel Favela, 671-5257
MAPSCO:	N/A

SUBJECT

Authorize **(1)** the assignment of a loan agreement between the City of Dallas and the Oak Cliff Foundation to 231 W. Jefferson Blvd., LLC; and **(2)** the City Manager to execute an assignment and restatement of the loan documents between the City of Dallas and 231 W. Jefferson Blvd., LLC – Financing: No cost consideration to the City

BACKGROUND

In July 2001, the City and Oak Cliff Foundation (OCF) entered into an agreement for two loans to facilitate the acquisition and renovation of the Texas Theatre. The loans were funded through the U.S. Department of Housing and Urban Development's (HUD) Section 108 program to remove spot blight, restore a historically significant entertainment venue to an area that serves low to moderate income residents, and to stimulate continued redevelopment of Jefferson Boulevard.

One loan, the “Forgivable Loan” in the amount of $1,200,000, was for renovation of the Texas Theatre, conditioned upon completing property improvements and compliance with HUD’s requirement of continuous operation for five years after issuance of a Certificate of Occupancy. HUD requirements for forgiveness of the $1,200,000 Section 108 Loan were fulfilled in October 2015. The second loan, the “Term Loan” in the amount of $400,000 had an initial term of 30 years and an interest rate of 4%. The Term Loan was for purchase of the Texas Theatre and some adjacent property. Payment terms were interest-only for the initial ten years, with principal and interest payments commencing in August 2011. The Term Loan has been modified by the City of Dallas seven times to date.

Dallas Summer Musicals (DSM) was initially identified to operate the theater after renovations were completed. Debt service payments were to be funded from revenues derived from a five-year lease contract with DSM.

BACKGROUND (continued)

OCF was unable to meet all the terms of the DSM contract, particularly related to restoration completion. As a result, the DSM contract was terminated. OCF struggled to make interest payments and meet HUD operational requirements. In December 2010, a Fifth Amendment to the Term Loan was signed and management and operation of the Texas Theatre was changed to Aviation Cinema, Inc. (Aviation). The terms of the $400,000 Term Loan were modified to bring the loan current and to facilitate full restoration of the theater. Under the Fifth Amendment, the total outstanding principal balance of the loan, including accrued interest, was $507,488. Aviation entered into a five-year lease agreement with OCF which provided for lease payments of $4,000/month for six months, beginning March 1, 2011 and increasing to $7,000/month for 48 months, beginning September 1, 2011. A final Certificate of Occupancy was issued in late 2010.

The theater struggled to meet revenue projections and began to suffer negative cash flow. In an effort to assure continued operation of the theater, on June 12, 2013, City Council authorized the Sixth Amendment to the Term Loan as follows: all debt service payments were deferred for 36 months through April 1, 2016; interest was reduced to 0%; monthly payments of $1,500 were scheduled to commence May 1, 2016 until the loan was fully repaid; and the City agreed to forgive 25% of the loan balance annually from May 1, 2017 through May 1, 2020, by Resolution No. 13-1027. At the time of this amendment, the balance due on the Term Loan was $467,887.

In 2016, OCF approached the City with a proposal to further expand and upgrade the theater by completing renovation of the balcony which would allow for a second screening and event theater. Renovation costs were estimated at $1,500,000. On May 11, 2016, City Council authorized the Seventh Amendment to the Term Loan to allow OCF to obtain bank financing for the improvements: conversion of the existing Term Loan principal balance, plus accrued interest ($467,887.07), to a fully forgivable loan; subordination of the City's lien position to bank financing for the balcony renovation; and a partial lien release in the amount of $1,200,000 reflecting forgiveness of the Forgivable Loan in the same amount by Resolution No. 16-0763.

As consideration for the new terms: (1) Aviation agreed to extend its current lease for ten years; (2) OCF agreed to ensure continuous operation of the theater through expiration of the extended Aviation lease; (3) OCF agreed to deed restrict the property to provide theatrical services to the community for ten years beginning on the date of execution of the Seventh Amendment; and (4) OCF had to provide the City with a third-party bank loan commitment for a minimum of 75% of the estimated cost of renovation. The Term Loan lien subordination and the Forgivable Loan lien release would be executed concurrently with the closing of the bank loan.

BACKGROUND (continued)

OCF recently notified the City that it intends to sell the theater to 231 W. Jefferson Blvd., LLC, an affiliate of Aviation. The buyer has agreed to assume all of the terms of the Term Loan as amended. The parties have requested that the City approve assignment of the Term Loan from OCF to 231 W. Jefferson Blvd., LLC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 2000, City Council authorized an amendment to Resolution No. 00-2148, to extend the sixty-day period to allow the Oak Cliff Foundation to enter into a management agreement with the Dallas Summer Musicals and to extend the ninety-day period to obtain funding commitments to December 13, 2000, which will allow the Oak Cliff Foundation to obtain Neighborhood Renaissance Partnership Section 108 Notes acquisition, including eligible site preparation, professional, and other related soft costs, construction, reconstruction, historic preservation, rehabilitation costs associated with renovation of the Texas Theater and related properties, 231 W. Jefferson Boulevard and 210 Sunset Avenue, into a community performing arts center in furtherance of the elimination or prevention of blighted and deteriorated conditions by Resolution No. 00-3734.

On June 27, 2001, City Council authorized an amendment to the Neighborhood Renaissance Partnership Program Section 108 contract for Loan Guarantee Assistance to change the final date for the drawdown of funds for expenditure from June 30, 2001 to December 31, 2001 and provide for other matters relating thereto by Resolution No. 01-2092.

On November 14, 2001, City Council authorized an amendment to the Neighborhood Renaissance Partnership Program Section 108 contract for Loan Guarantee Assistance to change the final date from the drawdown of funds for expenditure from December 31, 2001 to December 31, 2002 to accommodate the Texas Theatre and provide for other matters relating thereto by Resolution No. 01-3399.

On February 27, 2002, City Council authorized an amendment to the contract with the Oak Cliff Foundation to reduce the funding gap/operating reserve requirement from $600,000 to $300,000 for the renovation of the Texas Theatre property located a 231 W. Jefferson Boulevard by Resolution No. 02-0820.

On December 11, 2002, City Council authorized an amendment to the Neighborhood Renaissance Partnership Program Section 108 Contract for Loan Guarantee Assistance to change the final date for the drawdown of funds for expenditure from December 31, 2002 to October 31, 2003 to accommodate completion of the Texas Theatre project and a modification to the loan documents between the Oak Cliff Foundation and the City regarding the Texas Theatre project to extend the completion date for the project until October 31, 2003 and provide for other matters relating thereto by Resolution No. 02-3534.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On May 12, 2004, City Council authorized a modification to loan documents between the Oak Cliff Foundation and the City of Dallas regarding the Texas Theatre project to extend the completion date to June 30, 2005 and provide for other matters relating thereto by Resolution No. 04 -1559.

On June 12, 2013, City Council authorized the Sixth Amendment to the Loan Documents between the City of Dallas and the Oak Cliff Foundation, a Texas non-profit corporation, to amend the Section 108 Term Loan Documents in the original amount of $400,000 pursuant to Administrative Action No. 10-2683 to defer all payments, interest and principal for thirty six months from May 1, 2013 through April 1, 2016; reduce interest rate from 4% to 0% effective May 1, 2013; and begin monthly payments of principal, in the amount of $1,500, beginning May 1, 2016 and forgiveness of 25% of the principal balance of the loan annually beginning May 1, 2017 (so long as OCF meets certain benchmark and criteria as established in the Loan Documents) until the principal balance of the loan is paid in full by Resolution No. 13-1027.

On May 11, 2016, City Council authorized the Seventh Amendment to the Loan Agreement between the City of Dallas and the Oak Cliff Foundation to convert the Section 108 Term Loan (the "Term Loan") in the original amount of $400,000 from one with partial repayment and forgiveness terms to a secured, 0% interest forgivable loan, where all principal and interest will be forgiven under the loan by June 1, 2026, or over a period of 10 years from the date of execution of the Seventh Amendment whichever is later, and subject to OCF meeting certain conditions and requirements of the City; the City to subordinate its loans with the OCF to a third party lender in order for OCF to obtain third party bank financing, subject to OCF meeting certain conditions and requirements of the City; the City Manager to execute a Partial Release of Lien with respect to the Section 108 funded loan, in the amount of $1,200,000, between the City and OCF; and modifications to the Loan Agreement and the Loan documents to comport with these requirements by Resolution No. 16-0763.

Information about this item will be provided to the Economic Development and Housing Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

231 W. Jefferson Blvd., LLC

Barak Epstein, Principal

WHEREAS, on December 13, 2000, City Council authorized an amendment to Resolution No. 00-2148, to extend the sixty-day period to allow the Oak Cliff Foundation to enter into a management agreement with the Dallas Summer Musicals and to extend the ninety-day period to obtain funding commitments to December 13, 2000, which will allow the Oak Cliff Foundation to obtain Neighborhood Renaissance Partnership Section 108 Notes acquisition, including eligible site preparation, professional, and other related soft costs, construction, reconstruction, historic preservation, rehabilitation costs associated with renovation of the Texas Theater and related properties, 231 W. Jefferson Boulevard and 210 Sunset Avenue, into a community performing arts center in furtherance of the elimination or prevention of blighted and deteriorated conditions by Resolution No. 00-3734.and

WHEREAS, on June 27, 2001, City Council authorized an amendment to the Neighborhood Renaissance Partnership Program Section 108 contract for Loan Guarantee Assistance to change the final date for the drawdown of funds for expenditure from June 30, 2001 to December 31, 2001 and provide for other matters relating thereto by Resolution No. 01-2092; and

WHEREAS, on November 14, 2001, City Council authorized an amendment to the Neighborhood Renaissance Partnership Program Section 108 contract for Loan Guarantee Assistance to change the final date from the drawdown of funds for expenditure from December 31, 2001 to December 31, 2002 to accommodate the Texas Theater and provide for other matters relating thereto by Resolution No. 01-3399; and

WHEREAS, on February 27, 2002, City Council authorized an amendment to the contract with the Oak Cliff Foundation to reduce the funding gap/operating reserve requirement from $600,000 to $300,000 for the renovation of the Texas Theatre property located a 231 W. Jefferson Blvd., by Resolution No. 02-0820; and

WHEREAS, on December 11, 2002, City Council authorized an amendment to change the final date for the drawdown of funds for expenditure from December 31, 2002 to October 31, 2003 to accommodate completion of the Texas Theatre project and a modification to the loan documents between the Oak Cliff Foundation and the City regarding the Texas Theatre project to extend the completion date for the project until October 31, 2003 and provide for other matters relating thereto by Resolution No. 02-3534; and

WHEREAS, on May 12, 2004, City Council authorized a modification to loan documents between the Oak Cliff Foundation and the City of Dallas regarding the Texas Theater project to extend the completion date to June 30, 2005 and provide for other matters relating thereto by Resolution No. 04-1559; and

WHEREAS, on October 15, 2010, Administrative Action No. 10-2683 authorized the Fifth Amendment to the Loan Agreement between the City of Dallas and the Oak Cliff Foundation amending the Loan Agreement to defer interest payments of $1,628 per month for six months beginning on September 1, 2010 and ending on March 1, 2011; and adding the deferred interest payments in the total of $9,768.00 ($1,628 X 6 months) to the principal balance, making the outstanding principal loan balance $507,448.00. Interest only payments would resume March 1, 2011, at $1,628.00 per month and continue through February 1, 2012. Principal and interest payments in the amount of $3,016.63 would be due beginning March 1, 2012, and continue through the earlier of February 28, 2031 or any earlier date on which the entire Loan is required to be paid by acceleration or otherwise, under the loan agreement or any other loan documents and authorized the change in management and operation of the Texas Theatre from Dallas Summer Musicals (DSM) to Aviation Cinema, Inc., under a lease effective September 1, 2010; and

WHEREAS, the Oak Cliff Foundation, after a long fund-raising campaign, was able to garner the necessary funds for the renovation cost and has successfully completed the renovation of the Texas Theatre; and

WHEREAS, the operation of the Texas Theatre has met the U.S. Department of Housing and Urban Development's (HUD) National Objective and the terms and conditions for forgiveness of the $1.2 million Forgivable Loan have been met; and

WHEREAS, the Texas Theatre is a Registered Texas Historic Landmark that has been renovated to provide benefit to the Oak Cliff community and revitalization to the Jefferson Corridor; and

WHEREAS, on June 12, 2013, City Council authorized the Sixth Amendment to the Loan Documents between the City of Dallas and the Oak Cliff Foundation (OCF), a Texas non-profit corporation, to amend the Section 108 Term Loan Documents in the original amount of $400,000 pursuant to Administrative Action No. 10-2683 to: defer all payments, interest and principal for thirty six months from May 1, 2013 through April 1, 2016; reduce interest rate from 4% to 0% effective May 1, 2013; and begin monthly payments of principal, in the amount of $1,500, beginning May 1, 2016; and forgiveness of 25% of the principal balance of the loan annually beginning May 1, 2017 (so long as OCF meets certain benchmark and criteria as established in the Loan Documents) until the principal balance of the loan is paid in full by Resolution No. 13-1027; and

June 27, 2018

WHEREAS, on May 11, 2016, City Council authorized the Seventh Amendment to the Loan Agreement between the City of Dallas and OCF to convert the Section 108 Term Loan (the "Term Loan") in the original amount of $400,000 from one with partial repayment and forgiveness terms to a secured, 0% interest forgivable loan, where all principal and interest will be forgiven under the loan by June 1, 2026, or over a period of 10 years from the date of execution of the Seventh Amendment whichever is later, and subject to OCF meeting certain conditions and requirements of the City; the City to subordinate its loans with the OCF to a third party lender in order for OCF to obtain third party bank financing, subject to OCF meeting certain conditions and requirements of the City; the City Manager to execute a Partial Release of Lien with respect to the Section 108 funded loan, in the amount of $1,200,000, between the City and OCF; and modifications to the Loan Agreement and the Loan documents to comport with these requirements by Resolution No. 16-0763; and

WHEREAS, OCF has now requested an assignment of the Term Loan from Oak Cliff Foundation to 231 W. Jefferson Blvd., LLC.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to assign the loan agreement between the City of Dallas and the Oak Cliff Foundation as authorized by Resolution No. 16-0763, as amended, from the Oak Cliff Foundation to 231 W. Jefferson Blvd., LLC.

SECTION 2. That the City Manager is hereby authorized to execute an assignment and restatement of the loan agreement between the City of Dallas and 231 W. Jefferson Blvd., LLC, and any other ancillary documents.

SECTION 3. That this agreement is designated as Contract No. ECO-2018-00005919.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 29

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Office of Economic Development
CMO:	Raquel Favela, 671-5257
MAPSCO:	45 L

SUBJECT

Authorize a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and completion date from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhance the street work to include removal of the existing ramp and loading area - Financing: No cost consideration to the City

BACKGROUND

On June 12, 2013, City Council authorized a development agreement with Alterra 211 N. Ervay, LLC for redevelopment of 211 N. Ervay and dedicated TIF funding in an amount not to exceed $2,000,000 for the redevelopment project by Resolution No. 13-0989. The project includes restoration of the building's historic façade, renovation of the vacant building's office space, ground floor retail/restaurant space and completion of streetscape improvements.

On May 27, 2015, City Council authorized a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and construction completion date from July 31, 2014 to December 31, 2016, by Resolution No. 15-0940.

The 211 N. Ervay building was completed prior to the December 31, 2016 deadline. However, the streetscape work that the developer, now ALT-211 North Ervay Manager, Inc., committed to has not been constructed. ALT-211 North Ervay Manager, Inc. was responsible for widening the sidewalks on Elm Street as part of the TIF requirements. The sidewalk widening and streetscape enhancement work was made possible by a January 2015 City Council amendment to the Central Business District Vehicle Circulation Plan, downtown's thoroughfare plan, to reduce Elm Street from Houston Street to Cesar Chavez Boulevard from a five-lane one-way westbound street to a four-lane one-way westbound street.

BACKGROUND (continued)

This change allows property owners on the north side of Elm Street to widen their sidewalks creating an enhanced pedestrian environment.

On May 3, 2018, the Office of Economic Development received a request to complete this last remaining TIF obligation. The letter stated that over the past two years the 211 N. Ervay building owner had a dispute with one of their retail tenant, Koleksiyon furniture store, regarding the proposed sidewalk widening which would create a bulb-out on Elm Street. Koleksiyon has been using the frontage on Elm Street for deliveries and the tenant argued that the changes would adversely impact store operations. After many discussions about the bulb-out and how to improve store operations, ALT-211 North Ervay Manager, Inc., decided to make additional improvements to the sidewalk and remove the ramp and steps by the store front to be at the same grade as the bulb-out. This additional improvement provides better accessibility to the store and clears the pedestrian walkway. Given that the additional improvements have finally resolved the matter, the developer is now in a position to complete the Elm Street bulb-out.

The developer is requesting an extension of the project's completion deadline from December 31, 2016 to October 31, 2018.

On May 10, 2018, the City Center TIF District Board of Directors reviewed and recommended approval of an extension of the certificate of occupancy and project completion deadlines for 211 N. Ervay to complete the street work, from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhancement of the street work to include removal of the existing ramp and loading area.

ESTIMATED SCHEDULE OF PROJECT

Project Start Date	July 2013
Amended Project Completion Date	October 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized a development agreement with Alterra 211 N. Ervay, LLC, to reimburse eligible project costs for environmental remediation and demolition, public infrastructure improvements and façade restoration associated with the 211 North Ervay redevelopment project, in an amount not to exceed $2,000,000, of which $150,000 is in the form of an Economic Development TIF Grant, from revenues accruing to Tax Increment Financing Reinvestment Zone Five; and a resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse Alterra 211 N. Ervay, LLC, up to $2,000,000, of which $150,000 is in the form of an Economic Development TIF Grant, for eligible project costs pursuant to the development agreement with Alterra 211 N. Ervay, LLC by Resolution Nos. 13-0989 and 13-0990.

On May 27, 2015, City Council authorized a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and construction completion date from July 31, 2014 to December 31, 2016, by Resolution No. 15-0940.

On May 10, 2018, the City Center TIF District Board of Directors reviewed and recommended approval of an extension of the certificate of occupancy and project completion deadlines for 211 N. Ervay to complete the street work, from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhancement of the street work to include removal of the existing ramp and loading area.

Information about this item will be provided to the Economic Development and Housing Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

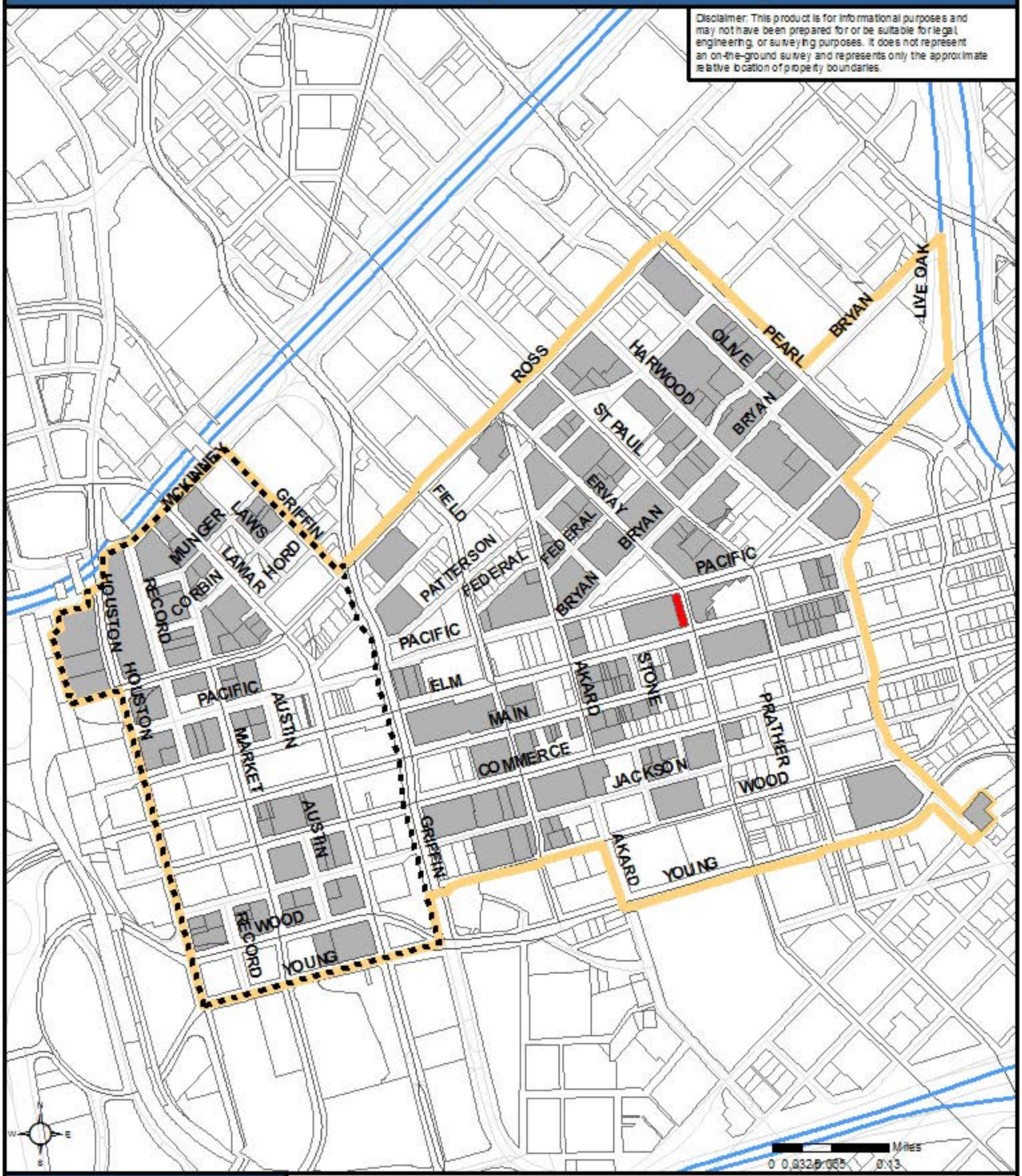
ALT-211 North Ervay Manager, Inc.

Mukemmel Sarimsakci, President

MAP

Attached

211 N. Ervay Location Map



DALLAS
ECONOMIC
DEVELOPMENT

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Legend

- City Center TIF District Boundary
- Lamar Corridor/West End Sub-District
- 211 N. Ervay

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 26, 1996, City Council pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

WHEREAS, on February 12, 1997, City Council, pursuant to Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

WHEREAS, on December 12, 2012, City Council conducted a public hearing, received comments and approved amendments to Tax Increment Financing Reinvestment Zone Number Five the (City Center TIF District) and the Project and Reinvestment Zone Financing Plans for the City Center TIF District to: create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; increase the City Center TIF District's budget from $87,567,717 total dollars to $151,968,546 total dollars; and make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and an ordinance amending Ordinance No. 22802, previously approved on June 26, 1996, and Ordinance No. 23034, previously approved on February 12, 1997, to reflect these amendments by Resolution No. 12-3040; Ordinance No. 28865; and

WHEREAS, on June 12, 2013, City Council authorized a development agreement with Alterra 211 N. Ervay, LLC to reimburse eligible project costs for environmental remediation and demolition, public infrastructure improvements and façade restoration associated with the 211 North Ervay redevelopment project, in an amount not to exceed $2,000,000, of which $150,000 is in the form of an Economic Development TIF Grant, from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District); and a resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse Alterra 211 N. Ervay, LLC, up to $2,000,000, of which $150,000 is in the form of an Economic Development TIF Grant, for eligible project costs pursuant to the development agreement with Alterra 211 N. Ervay, LLC by Resolution Nos. 13-0989 and 13-0990; and

WHEREAS, on May 27, 2015, City Council authorized a deadline extension for the 211 North Ervay redevelopment project to extend the certificate of occupancy and construction completion date from July 31, 2014 to December 31, 2016, by Resolution No. 15-0940; and

WHEREAS, on May 10, 2018, the City Center TIF District Board of Directors reviewed and recommended approval of an extension of the certificate of occupancy and project completion deadlines for 211 N. Ervay to complete the street work, from December 31, 2016 to October 31, 2018 and as additional consideration for the extension, enhancement of the street work to include removal of the existing ramp and loading area; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amendment to the development agreement, approved as to form by the City Attorney, to extend the project deadline for 211 N. Ervay from December 31, 2016 to October 31, 2018.

SECTION 2. That as additional consideration for the extension, enhancement of the street work shall include removal of the existing ramp and loading area **(Exhibit A)**.

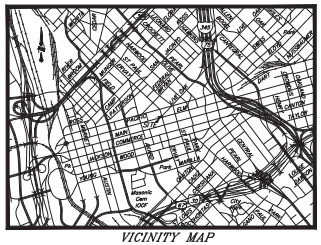
SECTION 3. That all other terms and conditions as set forth in the Development Agreement between ALT-211 North Ervay Manager, Inc. and the City of Dallas for the 211 N. Ervay redevelopment project, shall remain in full force and effect, except as specifically outlined above.

SECTION 4. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

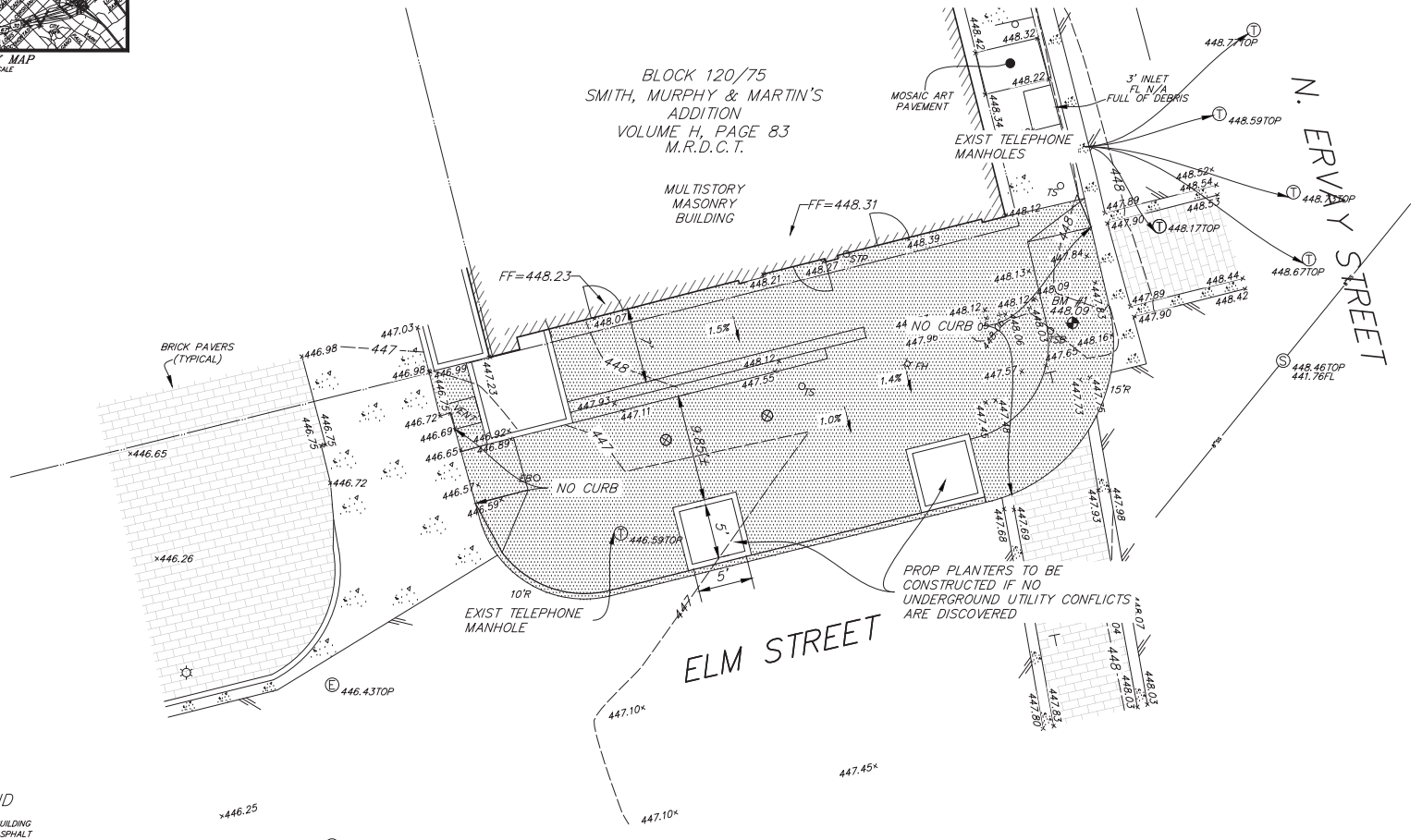
SECTION 5. That this contract is designated as Contract No. ECO-2018-00006777.

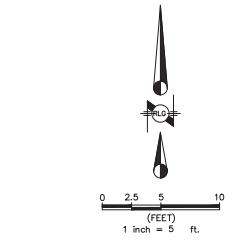
SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A



VICINITY MAP
NOT TO SCALE





LEGEND

- ..... BUILDING
- ..... ASPHALT
- ..... CONCRETE
- ..... LIGHT STANDARD
- ..... WATER VALVE
- ..... WATER METER
- ..... FIRE HYDRANT
- ..... TRAFFIC SIGNAL
- ..... TRAFFIC SIGNAL BOX
- ..... FIRE HYDRANT
- ..... ELECTRIC BOX
- ..... STANDPIPE
- ..... SIGN
- ..... SANITARY SEWER MANHOLE
- ..... STORM SEWER MANHOLE
- ..... TELEPHONE MANHOLE
- ..... ELECTRIC MANHOLE
- ..... EXISTING CONTOUR LINE
- ..... EXISTING SPOT ELEVATION
- M.R.D.C.T. ..... MAP RECORDS, DALLAS COUNTY, TX

BENCHMARK:

BM#1 – MAG NAIL WITH WASHER AT THE NORTHWEST CORNER OF ELM STREET AND N. ERVAY STREET.
ELEVATION = 448.09

BM#2 – CHISELED "X" IN CONCRETE AT THE SOUTHWEST CORNER OF ELM STREET AND N. ERVAY STREET.
ELEVATION = 447.58

RAYMOND L. GOODSON JR., INC.
CONSULTING ENGINEERS
12001 N. CENTRAL EXPRESSWAY, SUITE 300
DALLAS, TEXAS 75243 214/739-8100
E-MAIL: rlg@rlginc.com FIRM REG. F-493

PROGRESS SET – FOR REVIEW ONLY
Issued 6/6/18

These documents are for Design Review and not intended for Construction, Bidding or Permit Purposes. They were prepared by, or under the supervision of:

R. Phillip Brugger P.E. #120083
Raymond L. Goodson, Jr., Inc.

SHEET NO.
C1.00

SITE LAYOUT						
211 NORTH ERVAY STREET						
ALTERRA INTERNATIONAL						
CITY OF DALLAS TEXAS						
DESIGN	DRAWN	DATE	SCALE	XREF	FILE	NO.
RLG	RLG	6/6/18	1"=5'	1713.063	311T	xxxx
JOB NO. 1813.024	SUBMITTAL:					

P:\Civil\2018\1813.024 211 Ervay Street\Revit\18013 - ACAD-18X.12A.dwg, 6/12/2018 1:48:14 PM, Erick, Adobe

AGENDA ITEMS # 30,31

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: 27 N

SUBJECT

South Dallas/Fair Park Trust Fund

* An ordinance amending Chapter 2, "Administration," of the Dallas City Code Sections 2-130 through 2-132 changing the name of the "South Dallas/Fair Park trust fund board" to the "South Dallas/Fair Park Opportunity Fund board" - Financing: No cost consideration to the City
* Authorize approval of the City of Dallas South Dallas Fair Park Opportunity Fund Program Statement - Financing: No cost consideration to the City

BACKGROUND

In 1987 the City Council adopted the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan (Resolution No. 87-0632), a land use plan for the neighborhoods surrounding Fair Park. One of the plan recommendations was to “establish a South Dallas/Fair Park Trust Fund that is capitalized with a special assessment on admissions to Fair Park to generate funding for the Trust Fund.”

In 1989, the Council established a Fair Park Task Force to develop a strategy to invest funds generated by Fair Park into the surrounding community (Resolution No. 89-1159). Among other things, the Task Force recommended creation of an advisory board to oversee administration of the funds, and recommended annual funding from Fair Park activities, amphitheater tickets sales, general fund contributions, and other sources. The Task Force funding recommendations were adopted by Resolution No. 89-3605, and the advisory board was codified in Dallas City Code Sections 2-130 through 2-132.

The funding, policies, and purpose of the advisory board have been amended a number of times over the past 20 years. Additionally, the administration and purpose of the fund have been audited numerous times, most recently in 2014, resulting in unresolved audit findings.

BACKGROUND (continued)

Over the past year staff has worked with the City Auditor's Office, the City Attorney's Office, and the South Dallas/Fair Park trust fund board to determine how to address the auditor's findings and to make the fund a more effective tool for the Fair Park community. As a result of those conversations, staff developed a number of recommendations which were reviewed and endorsed by the Economic Development and Housing Committee on April 2, 2018. The recommendations have been incorporated into an ordinance revision and program statement which were reviewed by the advisory board on June 13, 2018, and are now brought for Council approval.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 18, 1987, City Council authorized and adopted the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan to establish the South Dallas/Fair Park Trust Fund by Resolution No. 87-0632.

On November 8, 1989, City Council, acting on certain recommendations put forth by the Fair Park Task Force authorized the creation of guidelines and projects concerning the Trust Fund by Resolution No. 89-3605.

On August 26, 1992, City Council affirmed its commitment to the Trust Fund and directed the City Manager and South Dallas/Fair Park Trust Fund Board to submit recommendations for a long-range plan for the Trust Fund.

On March 24, 1993, City Council authorized certain recommendations contained in the long-range plan submitted for the Trust Fund by Resolution No. 93-1145.

On October 27, 1999, City Council authorized the replacement of Resolution No. 93-1145 regarding the programs and administration of the Trust Fund by Resolution No. 99–3439.

On February 25, 2004, City Council approved clarification that unused Trust Fund monies under certain conditions may be used in subsequent fiscal years by Resolution No. 04-0801.

On June 28, 2006, pursuant to Resolution No. 06-1833, City Council replaced Resolution No. 99-3439 and modified certain policies, procedures and guidelines for operating the South Dallas/Fair Park Trust Fund.

On October 10, 2007, pursuant to Resolution No. 07-2962, City Council authorized amendments to Resolution No. 06-1833, policies, procedures and guidelines for operating the South Dallas/Fair Park Trust Fund.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On June 17, 2015, City Council authorized a resolution replacing Resolution Nos. 06-1833 and 07-2962, approved on June 28, 2006 and October 10, 2007 respectively, to re-establish certain existing policies, programs, procedures and guidelines for the South Dallas/Fair Park Trust Fund advisory board; provide for a new South Dallas Adaptive Reuse Program serving the South Dallas Fair Park area; establish revise funding sources for the South Dallas/Fair Park Trust Fund and other programs supporting the area; allocate funding from existing programs and add the Public Safety Grant Program to the South Dallas/Fair Park Trust Fund Advisory Board Program Offerings by Resolution No. 15-1264.

The Economic Development and Housing Committee was briefed on April 2, 2018.

Information about this item will be provided to the Economic Development and Housing Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION," OF THE DALLAS CITY CODE BY AMENDING ARTICLE XIV; CHANGING THE NAME OF THE SOUTH DALLAS/FAIR PARK TRUST FUND BOARD TO THE SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD; PROVIDING A PENALTY NOT TO EXCEED $500; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code.

Now, Therefore,

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

SECTION 1. That Article XIV, "South Dallas/Fair Park Trust Fund Board," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"**ARTICLE XIV.**

SOUTH DALLAS/FAIR PARK OPPORTUNITY [~~TRUST~~] FUND BOARD

SEC. 2-130. SOUTH DALLAS/FAIR PARK OPPORTUNITY [~~TRUST~~] FUND BOARD - CREATED; TERMS; MEMBERSHIP.

(a) There is hereby created the South Dallas/Fair Park Opportunity [~~trust~~] F[~~f~~]und board of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Eight members must meet any of the following qualifications:

(A) Be a resident of the South Dallas/Fair Park Opportunity [~~trust~~] F[~~f~~]und program area as defined by city council resolution.

(B) Be a representative of a cultural institution or other facility permanently housed at Fair Park.

SECTION 1. (continued)

(C) Be the owner or operator of a business in the South Dallas/Fair Park Opportunity [~~trust~~] F[~~f~~]und program area as defined by city council resolution.
(D) Be actively involved in the South Dallas/Fair Park community.

(2) Seven members must have substantial knowledge and expertise in any of the following areas:
(A) Housing development.
(B) Business development and operations.
(C) Non-profit management and operations.
(D) General community development principles and practices.

(3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.

(d) The city manager or a designated representative shall serve as an ex official, nonvoting member of the board.

SEC. 2-131. SOUTH DALLAS/FAIR PARK OPPORTUNITY [~~TRUST~~] FUND BOARD - DUTIES AND RESPONSIBILITIES.

(a) The board shall act as an advisory body to the city manager and the city council and shall:

(1) recommend to the city manager guidelines and projects for the expenditure of the South Dallas/Fair Park Opportunity [~~trust~~] F[~~f~~]und; and

(2) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall present the recommendations of the board, along with any recommendations of the city manager, to the city council.

SEC. 2-132. RESERVED."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

June 27, 2018

WHEREAS, on February 18, 1987, City Council authorized the adoption of the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan which recommendation of a South Dallas/Fair Park Trust Fund by Resolution No. 87-0632; and

WHEREAS, on November 8, 1989, City Council authorized acting on certain recommendations put forth by the Fair Park Task Force concerning the fund by Resolution No. 89-3605; and

WHEREAS, on March 24, 1993, City Council authorized the adoption of certain recommendations contained in the long-range plan submitted for the fund by Resolution No. 93-1145; and

WHEREAS, on February 25, 2004, City Council authorized an amendment to Resolution No. 99-3439, previously approved on October 27, 1999, to allow the South Dallas/Fair Park Trust Fund Advisory Board to access unused and unencumbered funds from prior fiscal years for use in subsequent fiscal years for the purpose of supporting activities consistent with the South Dallas/Fair Park Trust Fund advisory board approved programs by Resolution No. 04-0801; and

WHEREAS, on June 17, 2015, City Council authorized a resolution replacing Resolution Nos. 06-1833 and 07-2962, approved on June 28, 2006 and October 10, 2007 respectively, to re-establish certain policies, programs, procedures and guidelines for the South Dallas/Fair Park Trust Fund Advisory Board; provide for a new South Dallas Adaptive Reuse Program serving the South Dallas/Fair Park area; establish revise funding sources for the South Dallas/Fair Park Trust Fund and other programs supporting the area; allocate funding from existing programs and add the Public Safety Grant Program to the South Dallas/Fair Park Trust Fund Advisory Board Programs by Resolution No. 15-1264; and

WHEREAS, pursuant to recommendations from staff and the South Dallas/Fair Park Trust Fund Advisory Board, the Program Statement for the South Dallas/Fair Park Opportunity Fund has been created.

Now, Therefore,

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

SECTION 1. That the City Council hereby adopts the South Dallas/Fair Park Opportunity Fund Program Statement, attached as **Exhibit A**.

SECTION 2. That the Chief Financial Officer is hereby authorized to transfer funds annually to reimburse the Office of Economic Development for staff time and expenses allocable to oversight and administration of the South Dallas/Fair Park Opportunity Fund Program in the amount of actual costs incurred, from Fund 0351, Department ECO, Unit 0448, Object 3099 to Fund 0001, Department ECO, Unit 1165, Object 5011.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

CITY OF DALLAS

SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND

PROGRAM STATEMENT

HISTORY

In 1987 the City Council adopted the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan (CR 87-0632), a land use plan for the neighborhoods surrounding Fair Park. One of the plan recommendations was to "establish a South Dallas/Fair Park Trust Fund that is capitalized with a special assessment on admissions to Fair Park to generate funding for the Trust Fund."

In 1989, the Council established a Fair Park Task Force to develop a strategy to invest funds generated by Fair Park into the surrounding community (CR 89-1159). Among other things, the Task Force recommended creation of an advisory board to oversee administration of the funds, and recommended annual funding from Fair Park activities, amphitheater tickets sales, general fund contributions, and other sources. The Task Force funding recommendations were adopted by CR-89-3605, and the advisory board was codified in Dallas City Code Sections 2-130 through 2-132.

The trust fund funding, policies, and purpose have been amended a number of times over the past 20 years. This program statement is intended to provide a clear summation of the current program, and replaces and supersedes all prior Council actions related to the trust fund. Pursuant to Ordinance No. _____ approved on June 27, 2018, the name of the advisory board was amended to the "South Dallas/Fair Park Opportunity Fund board" and therefore the funds the board directs are referred to herein as the "South Dallas/Fair Park Opportunity Fund."

PURPOSE

The purpose of the South Dallas/Fair Park Opportunity Fund (the "Opportunity Fund") is to provide loans and grants to promote economic development and support human development initiatives in the neighborhoods surrounding Fair Park.

SERVICE AREA

The Opportunity Fund will only issue loans or grants to businesses or entities located within, relocating to, or serving residents of the following census tracts (the "Service Area"): 25, 27.01, 27.02, 34, 37, 38, 39.01, 39.02, 203, 40, and 115. A map of the Service Area is attached as **Exhibit A**.

ADMINISTRATION

The Opportunity Fund is administered by the Office of Economic Development, in coordination with the South Dallas/Fair Park Opportunity Fund advisory board. The board is appointed by the council in conformance with Dallas City Code 2-130 through 2-132. The Opportunity Fund shall reimburse the Office of Economic Development for staff time and expenses allocable to oversight and administration of the Opportunity Fund.

FUNDING SOURCES

The funding sources of the Opportunity Fund are:

1. **GENERAL FUNDS**: $3.2 Million in general funds, to be paid out in four installments beginning in FY16/17. The first such payment was made in July of 2017 and the second payment was made in May of 2018, and two additional payments will be made in 2019 and 2020 subject to availability of appropriations.

2. **FAIR PARK ACTIVITIES**: For each ticket sold for an event at the amphitheater currently known as the Starplex Pavilion, 20 cents will be contributed to the Opportunity Fund. Additionally, half of all profits from flea markets and antique shows at Fair Park will be contributed to the Opportunity Fund annually. The Park and Recreation Department is responsible for calculation of the Fair Park Activities payments, and for the annual transfer of the payment to the Office of Economic Development.

3. **PILOT**: If the Fair Park Activities generate less than $500,000 in any year, the Office of Economic Development will allocate a portion of its PILOT funding to make up the balance, so that the minimum amount of Fair Park Activities plus PILOT funds paid to the Opportunity Fund in any year is $500,000.

4. **REVENUE**: This includes operating revenue such as loan repayments and earned interest.

FINANCIAL AWARDS

The following general provisions apply to financial awards by the Opportunity Fund:

1. Funds may be used for human development contracts or economic development projects, as defined below.

2. In each fiscal year:
    a. a maximum of 25% of budgeted funds may be awarded as grants;
    b. a minimum of 75% of budgeted funds must be awarded as repayable loans;
    c. a maximum of $100,000 may be awarded for human development contracts with all other funds awarded for economic development projects, as both terms are defined below;
    d. other than as described above there is no minimum or maximum loan or grant size; and
    e. unawarded or reprogrammable funds from any fiscal year roll into the next fiscal year's budget.
3. "**Human development contracts**" are defined as contracts for services directly benefitting residents of the Service Area which accomplish one of the five goals identified in Section 3(e) below.
    a. **Eligibility**. Human development applicants, including their affiliates and subsidiaries, shall only be eligible for Opportunity Funds awards twice in any 5-year period. Human development contracts shall only be awarded for new or expanded services to residents of the Service Area, and shall only be used to pay for costs attributable to that new or expanded service. Loans or grants shall not be awarded to persons or entities who have outstanding city liens or tax liens, who are party to a lawsuit against the City, who have filed for bankruptcy in the previous 5 years, who are currently in default under any other agreement with the City, or who have in the previous 5 years been party to a contract with the City that was terminated due to default.
    b. **Payment**. Human development contract awards will be paid on a reimbursement of expense basis. Each request for reimbursement shall include evidence of expense satisfactory to the director of the Office of Economic Development in his or her sole discretion, as well as an explanation of how the expense was related to the human development program.
    c. **Match**. Each human development contract application must include evidence of a dollar-for-dollar match from a third-party funding source. The match must be specific to the human development, and must be received within the contract term. At least 80% of match must be in the form of cash. Up to 20% of match may be in the form of volunteer labor or other in-kind source acceptable to and valued by the director of the Office of Economic Development in his or her sole discretion. Volunteer labor will be valued at the then-current federal minimum wage. Evidence of the volunteer labor match must be submitted with each reimbursement request in the form of a volunteer hours log on grantee letterhead.

Each entry must include the date and hours of service, as well as the legible printed name, address, phone number, and signature of each volunteer.

d. **Persons Served**. Human development services must be targeted to residents of the Service Area. Each awardee must keep records documenting that at least 90% of the persons served under the contract are residents of the Service Area. This documentation must be submitted to the City with each reimbursement request.

e. **Contracts**. Human development contracts must include a provision requiring the grantee or borrower to track and report measurable outcomes to demonstrate progress toward one of the following goals in the Service Area:

   i. Increase workforce participation and readiness
   ii. Stimulate small business activity and growth
   iii. Improve health outcomes
   iv. Improve public safety
   v. Improve educational outcomes

4. "**Economic development projects**" are defined as projects or programs that result in the creation of new jobs, the retention of existing jobs, or an increase in the Service Area tax base.

   a. **Eligibility**. Loans or grants shall not be awarded to persons or entities who have outstanding city liens or tax liens, who are party to a lawsuit against the City, who have filed for bankruptcy in the previous 5 years, who are currently in default under any other agreement with the City, or who have in the previous 5 years been party to a contract with the City that was terminated due to default.

   b. **Contracts**. Economic development project contracts must include a provision requiring the grantee or borrower to track and report measurable outcomes to demonstrate progress toward one of the following goals in the Service Area:

      i. Creation of jobs
      ii. Retention of jobs
      iii. Increase in Service Area tax base
      iv. Stimulate small business activity and growth

PUBLIC PURPOSE

All loans and grants must accomplish a public purpose, as required by the Office of Economic Development's underwriting criteria. The City Council finds that the human development contracts and economic development projects described herein serve a valid public purpose.

Each proposal will be analyzed to ensure that the incentive serves a public purpose and provides a public benefit in conformance with this program statement and in conformance with state law

and controlling caselaw. Financial awards will be documented in written agreements to ensure that the City retains control over the public funds to guarantee that the public purpose is actually accomplished as a return benefit to the City.

APPLICATION

Economic Development Projects:

- Applications for economic development loans and grants will be accepted on a rolling basis. The application form and underwriting criteria will be the current forms and criteria in use by the Office of Economic Development, and the size of any loan or grant will be determined based on that underwriting criteria.
- Staff will review each application for completeness, to ensure that the proposed project meets the criteria of this program statement, and to ensure that the proposal complies with all underwriting criteria of the Office of Economic Development.
- Based on the review and underwriting findings, staff will either decline the application, or recommend funding.
- Projects recommended for funding will be briefed to the Opportunity Fund advisory board. If the board recommends an award of $50,000 or less, the contract will be processed via administrative action. If the board recommends an award greater than $50,000, the proposal will be briefed to the Economic Development and Housing Committee. On the approval of the Committee, the item will be forwarded to the City Council for approval.

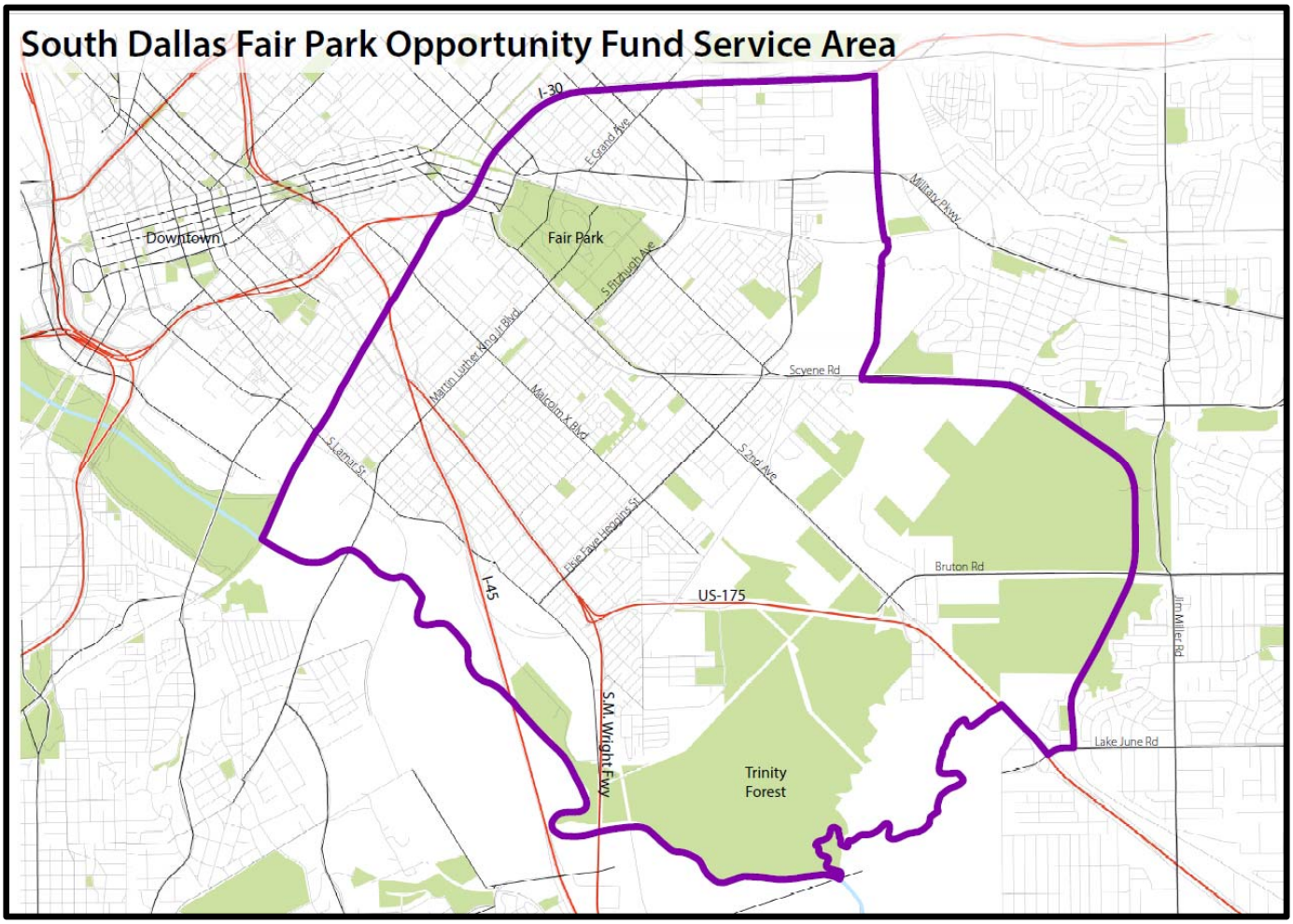
Human Development Contracts:

- Applications for human development awards will be accepted no more than once per year, in response to a Notice of Funding Availability (NOFA) issued by the Office of Economic Development.
- The application form, procedures, and underwriting criteria will be released as exhibits to each NOFA. The size of any loan or grant will be determined in conformance with that underwriting criteria.
- Staff will review all applications for completeness and for compliance with the NOFA and this program statement. Based on the review, staff will either decline the application or recommend funding.
- Projects recommended for funding will be briefed to the Opportunity Fund advisory board. If the board recommends an award of $50,000 or less, the contract will be processed via administrative action. If the board recommends an award greater than $50,000, the proposal will be briefed to the Economic Development and Housing

Committee. On the approval of the Committee, the item will be forwarded to the City Council for approval.

Exhibit A

Service Area Map



AGENDA ITEM # 32

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Office of Economic Development
CMO:	Raquel Favela, 671-5257
MAPSCO:	45 M

SUBJECT

Authorize an amendment to Resolution No. 18-0219, previously approved on January 24, 2018, to support either 4% or 9% Low Income Housing Tax Credit applications to the Texas Department of Housing and Community Affairs by 2400 Bryan Street, LP, or its affiliate, for the new construction of up to a 230-unit residential development located at 2400 Bryan Street - Financing: No cost consideration to the City

BACKGROUND

On January 24, 2018, City Council authorized a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street and a line of credit for the proposed development in the amount of $500 by Resolution No. 18-0219.

The proposed development is a 14 to 15 story structure at 2400 Bryan Street with 5 floors of parking and 9 to 10 floors of residential units (Project). The Project will be developed and owned by a to-be formed partnership called 2400 Bryan Street, LP. RMGM Developers, LLC or an affiliate of RMGM will control the general partner of the new entity. RMGM is owned by John H. (Jack) Matthews and D. Scott Galbraith.

The Project will have a total of up to 230 units, which will include 24 efficiency units, 130 one-bedroom units, 62 two-bedroom units, and 14 three-bedroom units. Approximately 120 of the 230 total units will be offered at market value rents. The remaining approximately 110 units will be reserved for low income households, of which 12 units will be reserved for households earning at or below 30% of area median family income, 46 units will be reserved for households earning at or below 50% of area median family income, and 52 units will be reserved for households earning at or below 60% of area median family income. The income-restricted units will be distributed throughout the unit types and throughout the Project.

BACKGROUND (continued)

The Project site is located in a High Opportunity Area, the Walker Targeted Area, as described under the Walker Consent Decree, and the Project will accept Walker Settlement Vouchers, a type of voucher administered by the Dallas Housing Authority. The project is located in Census tract 48113001701 which has a poverty rate of 5.9% The project is served by Ben Miliam Elementary School which is rated "Met Standard".

The Project is part of a multi-phased development that includes the recently opened Old Dallas High School redevelopment, and a future phase of commercial development. In addition to the approximately 230 residential units, the Project also includes approximately 400 parking garage spaces and 10,000 square feet of retail. The Project will break ground in early 2019 and will complete construction on or before August 31, 2021.

Staff recommended assisting the project with a nominal $500 line of credit through the Public/Private Partnership Fund for development costs which would allow the developer to score an additional point on their application to the Texas Department of Housing and Community Affairs (TDHCA).

The project submitted a pre-application to TDHCA and scored well. However, the developer has requested that the City clarify its resolution to confirm that it supports the project regardless of whether the project receives a 4% or 9% Low Income Housing Tax Credit award from the TDHCA. This amendment is to document that clarification.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 24, 2018, City Council authorized a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street; and a line of credit for the proposed development by Resolution No. 18-0219.

Information about this item will be provided to the Economic Development and Housing Committee on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

RMGM Developers, LLC

Scott Galbraith, Member
Jack Matthews, Member

June 27, 2018

WHEREAS, RMGM Developers, LLC, on behalf of a to-be formed entity know as 2400 Bryan Street, LP, or an affiliate thereof (the "Applicant") has proposed development of up to a 15-story structure at 2400 Bryan Street in the City of Dallas, Texas; and

WHEREAS, on January 24, 2018, City Council authorized a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street; and a line of credit for the proposed development in the amount of $500 by Resolution No. 18-0219; and

WHEREAS, the Applicant has asked the City to confirm that it supports the project regardless of whether the project receives a 4% or 9% Low Income Housing Tax Credit award from the Texas Department of Housing and Community Affairs (TDHCA).

Now, Therefore,

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

SECTION 1. That Resolution No. 18-0219, is hereby amended as follows:

> SECTION 1. That the City of Dallas, acting through its governing body, hereby confirms that it supports the proposed development to be located at 2400 Bryan Street, the project's application for 2018 to support either 4% or 9% Housing Tax Credits, and any allocation by the TDHCA of 2018 4% or 9% Housing Tax Credits for the proposed development.

SECTION 2. That this formal action has been taken to put on record the support expressed by the City of Dallas on January 24, 2018 and affirmed herein, and that for and on behalf of the governing body, the City Secretary, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

SECTION 3. That with the exception of the amendments to the sections above, Resolution No. 14-1273 will remain in full force and effect.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 33

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Office of Emergency Management
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize a two-year consultant contract for a complex terrorist attack preparedness support plan for the Office of Emergency Management with Innovative Emergency Management, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $673,964 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This consultant contract will provide for a complex terrorist attack preparedness support plan for the Office of Emergency Management. The Dallas area and surrounding jurisdictions must constantly remain vigilant to the threat of a Complex Coordinated Terrorist Attack (CCTA). As the nation has seen in other parts of the country, Dallas-Fort Worth (DFW) area is susceptible to an attack at a stadium, club, restaurant, or other public place.

The City of Dallas is the fiscal agent/lead on behalf of all jurisdictions within this regional project. The intent of this plan is to provide direct support to the City of Dallas and the entire DFW area region to enhance our ability to respond to a complex coordinated terrorist attack.

BACKGROUND (continued)

The vendor will be reaching out to partner agencies for input during this project. The following are deliverables the City expects to receive from this contract:

- Phase One: gap analysis will reveal any potential threat and hazard concerns, threats of greater vulnerability and preventing, protecting, responding to, and recovering from an actual event.
- Phase Two: information collected during the gap analysis will be used to develop a CCTA training schedule. The vendor will use a performance base approach to curriculum development that links training outcomes to measurable objectives and program goals.
- Phase Three: develop and deliver CCTA training workshop - responding to a CCTA will involve agencies across the DFW area region. Specialized training for CCTA may include complex area command. Complex area command is a type of operational structure used when there are multiple incidents in multiple locations. This project will include reaching out to officials to determine which structure will work best for rescue task force operations, mass casualty, mass fatality, fusion center/ emergency operation center coordination, cybersecurity, and investigation and scene preservation.

iWatch Dallas is a current interactive crime watch program and partnership with the Police Department that enables members of the community to anonymously report suspicious behaviors and activities in real time from their mobile phones. The vendor will begin a thorough review of this application to determine if it can be enhanced to make this application region wide, explore options to provide an educational component and may include a Public affairs campaign to direct steps in this process.

A regional planning framework will be created to detail the structure of how multiple agencies will respond to a terrorist event . The framework will also detail specific duties and resources will be needed from each agency. Meetings will be developed with key personnel within the region to have a thorough debrief of all activities carried out and sharing all information collected during the process.

The Houston-Galveston Area Council of Governments agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - $673,963.81

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$673,964.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Innovative Emergency Management, Inc.

Madhu Beriwal, President
Ted Lemcke, Secretary

June 27, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a consultant contract with Innovative Emergency Management, Inc. (VS0000082750) through the Houston-Galveston Area Council Governments cooperative agreement, approved as to form by the City Attorney, for a complex terrorist attack preparedness support plan for the Office of Emergency Management for a term of two years, in an amount not to exceed $673,963.81. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Innovative Emergency Management, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Innovative Emergency Management, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $673,963.81 to Innovative Emergency Management, Inc. from the DHS-FY16 Program-Complex Coordinated Terrorist Attacks Fund, Fund F538, Department MGT, Unit 3554, Object 3099, Master Agreement Service Contract No. MGT-2018-00006570.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 34

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services City Controller's Office
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

Authorize a six-year service contract for actuarial analysis services for the City's uniformed and civilian employee pension plans - Deloitte Consulting, LLP, most advantageous proposer of two - Not to exceed $885,000 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide actuarial analysis services for the City's uniformed and civilian employee pension plans on an annual basis by fiscal year. The actuarial services will include Texas Government Code Section 802.1012 which requires the City to engage an independent actuary to audit the actuarial valuations of its pension systems every five years. This will also include annual level two actuarial reviews for each of the City pension funds and annual actuarial reviews of the City's post-employment benefits other than pensions liability. A level two actuarial review uses a sampling of participant data to test the results of the valuation. The actuary analysis will assist the City in determining the reasonableness of actuarial assumptions used in the actuarial valuations and unanticipated changes in asset or liability trends or funded ratios. Services under this contract will also include analysis of actuarial reports to ensure compliance with generally accepted accounting principles. The analysis will also determine whether the valuations meet the requirements of the Texas State Pension Review Board guidelines for actuarial soundness.

BACKGROUND (continued)

A six member evaluation committee from the following departments reviewed and evaluated the qualifications:

- City Controller's Office (1)
- Office of Budget (1)
- City Manager's Office (1)
- Department of Human Resources (1)
- Office of Procurement Services (1)*
- Office of Business Diversity (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

The committee selected the successful respondent on the basis of the demonstrated competence and qualifications under the following criteria:

- Capability and expertise 35 Points
- Cost 30 Points
- Overall approach and methodology 20 Points
- Business Inclusion and Development Plan 15 Points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 975 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28, 2013, City Council authorized a professional services contract to conduct an actuarial audit of the asset and liability valuations for the City of Dallas' pension funds with Foster & Foster Consulting Actuaries, Inc. by Resolution No. 13-1506.

On August 6, 2014, City Council authorized additional professional services of Deloitte Transactions and Business Analytics LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013, by Resolution No. 14-1186.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On September 10, 2014, City Council authorized additional professional services of Deloitte Transactions and Business Analytics LLP, an affiliate of Deloitte LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013, by Resolution No. 14-1520.

On March 23, 2016, City Council authorized a consulting contract for actuarial services related to the Dallas Police and Fire Pension System with Deloitte Consulting, LLP by Resolution No. 16-0492.

On September 21, 2016, City Council authorized a consulting contract for actuarial services related to the Dallas Police and Fire Pension System with Deloitte Consulting, LLP by Resolution No. 16-1531.

On March 22, 2017, City Council authorized Supplemental Agreement No. 1 to increase the consulting contract with Deloitte Consulting, LLP for actuarial services related to the Dallas Police and Fire Pension System by Resolution No. 17-0483.

The Government Performance & Financial Management Committee will receive this item for consideration on June 18, 2018.

FISCAL INFORMATION

General Funds - $885,000.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$885,000.00	Other Services	23.80%	15.25%	$135,000.00

- The contract does not meet the MWBE goal of 23.80%, but complies with good faith efforts

PROPOSAL INFORMATION

The Office of Procurement Services received the following proposals from solicitation number BKZ1801. We opened them on April 27, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Deloitte Consulting, LLP	2200 Ross Ave. Suite 1600 Dallas, TX 75201	95.46	$885,000.00
Foster & Foster, Inc.	184 Shuman Blvd. Suite 305 Naperville, IL 60563	79.50	$810,000.00

OWNER

Deloitte Consulting, LLP

Janet Foutty, Chief Executive Officer

June 27, 2018

WHEREAS, on August 28, 2013, City Council authorized a professional services contract to conduct an actuarial audit of the asset and liability valuations for the City of Dallas' pension funds with Foster & Foster Consulting Actuaries, Inc., in an amount not to exceed $243,040, by Resolution No. 13-1506; and

WHEREAS, on April 15, 2014, Administrative Action No. 14-5761 authorized a service agreement with Deloitte Transactions and Business Analytics LLP for valuation services necessary in order to complete the City's Comprehensive Annual Financial Report, in an amount not to exceed $50,000; and

WHEREAS, on August 6, 2014, City Council authorized additional professional services of Deloitte Transactions and Business Analytics LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013, in an amount not to exceed $105,500, from $50,000 to $155,500, by Resolution No. 14-1186; and

WHEREAS, on September 10, 2014, City Council authorized the additional professional services of Deloitte Transactions and Business Analytics LLP, an affiliate of Deloitte LLP, regarding the fair value amounts recorded in the Dallas Police and Fire Pension System's Comprehensive Annual Financial Report for the fiscal year ending December 31, 2013, in an amount not to exceed $150,000, from $155,500 to $305,500, by Resolution No. 14-1520; and

WHEREAS, on March 23, 2016, City Council authorized a consulting contract for actuarial services related to the Dallas Police and Fire Pension System with Deloitte Consulting, LLP, in an amount not to exceed $249,500, by Resolution No. 16-0492; and

WHEREAS, on September 21, 2016, City Council authorized a consulting contract for actuarial services related to the Dallas Police and Fire Pension System with Deloitte Consulting, LLP, in an amount not to exceed $414,000, by Resolution No. 16-1531; and

WHEREAS, on March 22, 2017, City Council authorized Supplemental Agreement No. 1 to increase the consulting contract with Deloitte Consulting, LLP for actuarial services related to the Dallas Police and Fire Pension System, in an amount not to exceed $759,000, from $414,000 to $1,173,000, by Resolution No. 17-0483.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Deloitte Consulting, LLP (VS97347), approved as to form by the City Attorney, for actuarial analysis services for the City's uniformed and civilian employee pension plans for a term of six years, in an amount not to exceed $885,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Deloitte Consulting, LLP shall be based only on the amount of the services directed to be performed by the City and properly performed by Deloitte Consulting, LLP under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $885,000 (subject to annual appropriations) to Deloitte Consulting, LLP from Master Agreement Service Contract No. CCO-2018-00006605.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEMS # 35,36

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Office of Cultural Affairs
Mayor and City Council Office

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-1204
T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

Food & Beverage Services for the Office of Cultural Affairs

* Authorize a five-year concession contract, with five one-year renewal options, for food and beverage services at the Morton H. Meyerson Symphony Center and Moody Performance Hall – Culinaire International, Inc., most advantageous proposer of three - Estimated Average Annual Net Revenue: $536,669 (63 percent net revenue-share to the City)
* Authorize a five-year service contract, with five one-year renewal options, for catering services for City Council lunches - Culinaire International, Inc., most advantageous proposer of two - Not to exceed $132,225 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

This concession contract will provide for food and beverage services at the Morton H. Meyerson Symphony Center and Moody Performance Hall. Food and beverage services are provided prior to and at intermission for most events at these venues. Services at the Morton H. Meyerson Symphony Center include upscale dining in the Opus Restaurant, lighter fare in the Pavilion, bar services, and catering services are available for special events. At the Moody Performance Hall, services primarily consist of bar and snack services.

BACKGROUND (continued)

This concession contract includes a management fee as well as the revenue split of 63 percent net revenue to the City. In addition to the $100,000 capital investment required by the City, the vendor will make a one-time $150,000 capital investment payment. Capital improvements/enhancements to both venues will immediately become the property of the City. Proposed capital improvements include:

- Upgrade/replacement of current tables and chairs in the Morton H. Meyerson Symphony Center Opus area
- New point of sale systems for both the Morton H. Meyerson Symphony Center and the Moody Performance Hall
- Replacement of all china, glassware, and flatware in the Morton H. Meyerson Symphony Center and the Moody Performance Hall
- New concession service equipment and portable bar modifications along with new refrigeration units for the Moody Performance Hall

A separate five-year service contract will provide catering services for City Council lunches. The Mayor and City Council members are often expected to work through lunch on Council briefing and agenda days. Therefore, in order to maintain work flow and convenience for the City Council members, lunch is to be provided to Council on these days. The estimated number of individuals served is 30 per lunch. Approximately four catered lunches are expected each month, with the exception of the months of March, July, November, and December.

A six member committee from the following departments reviewed and evaluated the qualifications:

- Park and Recreation Department (2)
- Office of Cultural Affairs (2)
- Department of Equipment & Building Services (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated the revenue and cost.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Fee and revenue share 40 points
- Overall approach and methodology 40 points
- Capability and experience 20 points

BACKGROUND (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 972 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on June 18, 2018.

FISCAL INFORMATION

General Funds - $132,225.00 (subject to annual appropriations)
Estimated Average Annual Net Revenue - $536,669.20

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$536,669.20	Revenue	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Revenue contracts, however, the prime contractor is a certified M/WBE

PROPOSAL INFORMATION

The Office of Procurement Services received the following proposals from solicitation number BTZ1722. We opened them on September 29, 2017. We recommend the City Council award this concession contract and service contract to the most advantageous proposers by group.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Culinaire International, Inc.	8303 Elmbrook Dr. Dallas, TX 75247	Group 1 – 96.40 Group 2 – 96.40	$2,683,346.02 (Revenue) $ 132,225.00 (Cost)
Sodexo Service of Texas Limited Partnership Option 1	3020 Woodcreek Dr. Suite B Downers Grove, IL 60515	Group 1 – 80.56 Group 2 – No bid	$2,224,266.40 (Revenue) No Bid
Sodexo Service of Texas Limited Partnership Option 2	3020 Woodcreek Dr. Suite B Downers Grove, IL 60515	Group 1 – 81.64 Group 2 – No bid	$2,296,766.40 (Revenue) No Bid
Café Nostra Piaaz LP, dba CN Catering	2115 Butler St. Dallas, TX 75235	Group 1 – 73.16 Group 2 – 62.56	$2,372,273.64 (Revenue) $ 213,602.50 (Cost)

OWNER

Culinaire International, Inc.

Richard N. Gussoni, President
Charles F. Lafrano, Secretary

June 27, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a concession contract with Culinaire International, Inc. (500344), approved as to form by the City Attorney, for food and beverage services at the Morton H. Meyerson Symphony Center and Moody Performance Hall for a term of five years, with five one-year renewal options, in an estimated average annual net revenue amount of $536,669.20 (63 percent net revenue-share to the City). If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Culinaire International, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Culinaire International, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from Culinaire International, Inc. to Fund 0001, Department OCA, Unit 4820, Revenue Code 7824, Encumbrance/Contract No. OCA-2018-00006050.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

June 27, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Culinaire International, Inc. (500344), approved as to form by the City Attorney, for catering services for City Council lunches for a term of five years, with five one-year renewal options, in an amount not to exceed $132,225. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Culinaire International, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Culinaire International, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $132,225 (subject to annual appropriations) from Master Agreement Service Contract No. MCC-2018-00006801.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 37

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Department of Equipment and Building Services
CMO:	Elizabeth Reich, 670-7804 Jody Puckett, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize a five-year service price agreement for annual radiation testing, routine and preventative maintenance, and repair of x-ray machines with Smiths Detection, Inc. through the U.S. General Services Administration cooperative agreement - Not to exceed $90,645 – Financing: General Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service price agreement will provide annual radiation testing, routine and preventative maintenance, and repair of x-ray machines. The x-ray machines are located throughout the City in City Hall and court buildings. The agreement will provide technical support 24 hours a day, 7 days a week, and 365 days a year. Annual radiation testing is mandated by the Texas Health and Human Services department.

The U.S. General Services Administration agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on June 18, 2018.

FISCAL INFORMATION

General Funds - $90,645.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$90,645.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Smiths Detection, Inc.

Shan Hood, President
Stephen Esposito, Vice President
Susan Engler, Secretary
Rick Beers, Treasurer

June 27, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a service price agreement with Smiths Detection, Inc. (351161), approved as to form by the City Attorney, for annual radiation testing, routine and preventative maintenance, and repair of x-ray machines for a term of five years, in an amount not to exceed $90,645. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Smiths Detection, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Smiths Detection, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $90,645 (subject to annual appropriations) to Smiths Detection, Inc. from Service Contract No. EBS-2018-00006656.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 38

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services City Controller's Office Water Utilities Department
CMO:	Elizabeth Reich, 670-7804 Majed Al-Ghafry, 670-3302
MAPSCO:	N/A

SUBJECT

Authorize **(1)** a five-year appointment contract for paying agent/registrar services for registered debt obligations issued July 1, 2018 through June 30, 2023 – UMB Bank, N.A. in the amount of $200 per year for each bond issuance with total fees during the term of the contract not to exceed $60,000 (estimated fees for ten bond issuances with a 30-year term for each issuance), most advantageous proposer of five; and **(2)** the continuation of service by and payment to U.S. Bank, N.A. and Wells Fargo Bank, N.A. as paying agents for previously registered debt obligations in the amount of $49,000 - Total not to exceed $109,000 - Financing: General Funds ($55,000) and Water Utilities Current Funds ($54,000) (subject to annual appropriations)

BACKGROUND

This appointment contract will provide paying agent/registrar services for registered debt obligations issued between July 1, 2018 and June 30, 2023.

The City utilizes these services in accordance with the terms of various ordinances authorizing the sale of City registered debt obligations. Some of the services provided include:

- Invoicing and collecting funds for debt servicing from the City and escrow agent
- Facilitating the payment of principal/interest to bondholders on the due date
- Maintaining a confidential register of the owner of each bond

BACKGROUND (continued)

The contractor provides paying agent/registrar services for all bonds issued during the contract period until the bonds have been redeemed in full. The City has historically held an average of ten bond sales in a five-year period. The term of the contract extends through the term of any bonds issued for which such bank is appointed to perform paying agent/registrar services during the five-year period of appointment.

Paying agents are typically not replaced while a bond issue is outstanding due to the complexity and expense involved such as the notification of every bondholder by first class United States mail. Wells Fargo, N.A. and U.S. Bank, N.A. will remain paying agents on their designated bond issues.

A five member committee from the following departments reviewed and evaluated the qualifications:

- Office of Budget (2)
- City Controller's Office (1)
- Water Utilities Department (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost.

The committee selected the successful respondent on the basis of the demonstrated competence and qualifications under the following criteria:

- Fees 55 Points
- Overall approach and methodology 25 Points
- Capability and expertise 20 Points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 237 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a three-year appointment contract, with one two-year renewal option, for paying agent/registrar services for registered debt obligations issued July 1, 2013 through June 30, 2016 with U.S. Bank, N.A. and the continuation of payment to U.S. Bank, N.A., and Wells Fargo, N.A. as paying agents for previously registered debt obligations by Resolution No. 13-1058.

The Government Performance & Financial Management Committee will receive this item for consideration on June 18, 2018.

FISCAL INFORMATION

General Funds - $55,000.00 (subject to annual appropriations)
Water Utilities Current Funds - $54,000.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$109,000.00	Other Services	N/A	N/A	N/A

- M/WBE goal waived due to no M/WBE availability

PROPOSAL INFORMATION

The Office of Procurement Services received the following proposals from solicitation number BKZ1805. We opened them on May 11, 2018. We recommend the City Council award this appointment contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Note: Estimated fees for ten bond issuances with a 30 year term for each issuance.

Proposers	Address	Score	Amount
*UMB Bank, N.A.	5910 N. Central Expy. Suite 1900 Dallas, TX 75206	97.75	$200.00

PROPOSAL INFORMATION (continued)

Proposers	Address	Score	Amount
BOKF, N.A.	5956 Sherry Ln. Suite 1201 Dallas, TX 75225	73.18	$350.00
U.S. Bank, N.A.	13737 Noel Rd. Suite 800 Dallas, TX 75240	72.00	$400.00
The Bank of New York Mellon Trust Company, N.A.	601 Travis St. Floor 16 Houston, TX 77002	70.33	$375.00
ZB, National Association dba Amegy Bank	1801 Main St. Suite 850 Houston, TX 77002	63.91	$475.00

OWNER

UMB Bank, N.A.

Mike Hagedorn, President/Chief Executive Officer
John Pauls, Secretary
Darrenn Hermann, Treasurer

June 27, 2018

WHEREAS, on June 26, 2013, City Council authorized a three-year appointment contract, with one two-year renewal option, for paying agent/registrar services for registered debt obligations issued July 1, 2013 through June 30, 2016 with U.S. Bank, N.A. in the amount of $400 per year for each bond issuance not to exceed $72,000 (estimated fees for six bond issuances with a 30-year term for each issuance) and the continuation of payment to U.S. Bank, N.A., and Wells Fargo, N.A. as paying agents for previously registered debt obligations in the amount of $40,000, by Resolution No. 13-1058; and

WHEREAS, on May 24, 2016, Administrative Action No. 16-5991 authorized to extend the appointment contract for one year for paying agent/registrar services with US Bank, N.A. from July 1, 2016 to June 30, 2017; and

WHEREAS, on June 28, 2017, Administrative Action No. 17-6287 authorized to extend the appointment contract for one year for paying agent/registrar services with US Bank, N.A. July 1, 2017 to June 30, 2018; and

WHEREAS, the City Controller is authorized to make payment of paying agent fees from previous contracts, pursuant to adopted council resolution.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a five-year appointment contract with UMB Bank, N.A. (VS92247) for paying agent/registrar services for City of Dallas registered debt obligations issued July 1, 2018 through June 30, 2023, approved as to form by the City Attorney. Services will be provided for these issues from the issue date until the issues have been redeemed.

SECTION 2. That the paying agent/registrar services has an annual administration fee of $200 per year for each bond issuance with total fees during the term of the contract not to exceed $60,000 (subject to annual appropriations). Fees for each issue shall be fixed until the issue has been redeemed.

Fund	Department	Unit	Object	Amount	Encumbrance
0001	CCO	1126	3537	$30,000	AGTFEEBND186597
0100	DWU	7017	3827	$30,000	AGTFEEBND186597

SECTION 3. That the Chief Financial Officer is authorized to disburse funds from the following appropriations in accordance with the contract between the City of Dallas and UMB Bank N.A. in accordance with all future resolutions and ordinances of the City Council authorizing the sale of debt obligations, as well as prior paying agents Wells Fargo Bank, N.A. and U.S. Bank, N.A. for previous registered debt obligations in an amount not to exceed $49,000 (subject to annual appropriations):

Fund	Department	Unit	Object	Amount	Encumbrance
0001	CCO	1126	3537	$25,000	AGTFEEBND186597
0100	DWU	7017	3803	$24,000	AGTFEEBND186597

SECTION 4. That U.S. Bank, N.A. and Wells Fargo Bank, N.A. may serve as paying agent on debt obligations of the City sold prior to October 1, 2018. Fees payable to either bank acting as a paying agent shall be the fees payable under the current contracts of either bank with the City.

SECTION 5. That this contract is designated as Contract No. CCO-2018-00006597.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 39

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Fire-Rescue Department Office of Emergency Management
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize the purchase of two hazardous material analyzers for the Fire-Rescue Department with Farrwest Environmental Supply, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement - Not to exceed $134,581 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This purchase will provide two hazardous material analyzers for the Fire-Rescue Department. The hazardous material analyzers will enhance the ability of the Fire-Rescue Department's (DFR) Hazardous Materials Response Team (HMRT) to identify and classify unknown materials at hazardous material incidents. Due to the increased use of chemicals in manufacturing and the threat of chemical and industrial chemicals to the public, the need for this analysis has grown. DFR HMRT will utilize this equipment in the identification and classification of unidentified materials at the scene.

DFR HMRT currently has two hazardous material analyzers that have reached the end of their useful life and are no longer supported by the manufacturer. With this purchase DFR HMRT will have the most updated technology available.

The Houston-Galveston Area Council of Governments agreements are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety & Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - $134,580.60

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$134,580.60	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Farrwest Environmental Supply, Inc.

Eileen Adams, President
Jim Farr, Vice President
Travis Brown, Chief Financial Officer

June 27, 2018

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

SECTION 1. That the purchase of two hazardous material analyzers for the Fire-Rescue Department is authorized with Farrwest Environmental Supply, Inc. (VS0000052037) through the Houston-Galveston Area Council of Governments cooperative agreement, in an amount not to exceed $134,580.60.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for two hazardous material analyzers for the Fire-Rescue Department. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $134,580.60 to Farrwest Environmental Supply, Inc. from Purchase Order No. PO-DFD-00000139844 from Homeland Security – Urban Area Security Initiative 16-18 Fund, Fund F511, Department MGT, Unit 2757, Object 4890.

SECTION 4. That this contract is designated as Contract No. DFD-2018-00006346.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 40

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Police Department
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize the purchase of one explosives ordnance disposal response vehicle for the Police Department with LDV, Inc. through the Houston-Galveston Area Council of Governments cooperative agreement – Not to exceed $257,181 – Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This purchase will provide an explosives ordnance disposal (EOD) response vehicle for the Police Department's Explosive Ordnance Squad (EOS). This vehicle is a box truck design, similar to small mobile command post vehicles currently utilized by the Dallas Police Department. The vehicle is capable of carrying a large robot, bomb suites, an x-ray system, power tools, and all other necessary equipment required by bomb technicians to analyze and mitigate explosive devices on scene. At a minimum three bomb technicians will operate from this vehicle when responding to an explosive incident. During large explosive incidents this vehicle will become the staging location for explosive resources from the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, and other federal or local jurisdictions, so they can be deployed and tracked. At special events, this vehicle will be strategically staged in or around the event so that the EOS can immediately respond should the need arise.

This purchase will replace an existing, smaller EOD response vehicle which was purchased in 2007 and is no longer serviceable. Currently the EOS has one large response vehicle which was purchased in 2015 and the smaller vehicle. This new purchase will provide the EOS with greater efficiencies and flexibility when responding to multiple explosive devices simultaneously.

BACKGROUND (continued)

Today, the EOS is accomplishing this by utilizing multiple smaller vehicles in which equipment is loaded and transferred to a secondary scene. This method increases response times and in turn increases the length of time before normal day to day activities are allowed to resume.

The Houston-Galveston Area Council of Governments agreements are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - $257,181.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$257,181.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

LDV, Inc.

Kurt Petrie, President
Mary E. Lynch, Vice President
Nancy Strelow, Secretary

June 27, 2018

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

SECTION 1. That the purchase of one explosives ordnance disposal response vehicle for the Police Department is authorized with LDV, Inc. (VS0000060905) through the Houston-Galveston Area Council of Governments cooperative agreement, in an amount not to exceed $257,181.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for one explosives ordnance disposal response vehicle for the Police Department. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $257,181 to LDV, Inc. from DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund, Fund F539, Department MGT, Unit 3559, Object 4890, Purchase Order No. PO-DPD-00000139475.

SECTION 4. That this contract is designated as Contract No. DPD-2018-00006030.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 41

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Police Department Fire-Rescue Department Office of Emergency Management
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize a three-year master agreement for ballistic plate inserts for Dallas public safety first responders with Safeware, Inc. through the U.S. Communities Government Purchasing Alliance cooperative agreement - Not to exceed $2,070,250 - Financing: General Funds ($582,925) and Office of the Governor, Criminal Justice Division State Grant Funds ($1,487,325)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

On February 14, 2018, the City Council authorized acceptance of the Rifle-Resistant Body Armor Grant from the State of Texas in the amount of $1,764,300 to purchase ballistic plate inserts, level IV vests/trauma plates, and ballistic carriers for public safety first responders.

The initial purchase of 2500 sets of ballistic plate inserts will be funded by the Rifle-Resistant Body Armor Grant.

This master agreement was developed to contract for expanded capacity to allow for additional quantities to be purchased in the future as the need and funding become available. For illustration purposes, this item lists General Funds as a placeholder for future purchases.

BACKGROUND (continued)

This master agreement will provide ballistic plate inserts for Dallas public safety first responders. The ballistic plate inserts will be worn in conjunction with the concealable vest issued to every police officer for everyday wear. The ballistic plate inserts purchased under this agreement are lab tested and certified by the National Institute of Justice to stop multiple rifle rounds. The intended issuance is broken down between the Police Department, Dallas Marshal's Office, and the Fire-Rescue Department Arson/Bomb Squad.

In response to the heightened safety needs for officers across the state of Texas, the office of the Governor developed a grant program for rifle resistant body armor for law enforcement agencies. The ballistic plate inserts funded by this program will provide greater protection and decreased vulnerability for officers in tactical, patrol, and other high-risk situations.

Competitive bids for ballistic plate inserts were issued on March 8, 2018 and opened on April 6, 2018. Bid pricing was then compared to governmental cooperative purchasing agreements and it was found that greater volume discounts could be achieved through the U.S. Communities Government Purchasing Alliance cooperative agreement. Therefore, the Office of Procurement Services determined that the U.S. Communities Government Purchasing Alliance cooperative provided the most advantageous agreement for the ballistic plate inserts for the City.

The U.S. Communities Government Purchasing Alliance cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 14, 2018, the City Council approved the acceptance of the Rifle-Resistant Body Armor Grant in the amount of $1,764,300, by Resolution No. 18-0292.

Information about this item will be provided to the Public Safety & Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

General Funds - $582,925.00
Office of the Governor, Criminal Justice Division State Grant Funds - $1,487,325.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,070,250.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Safeware, Inc.

Edward A. Simons, President
Keith Hyatt, Vice President

June 27, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Safeware, Inc. (VC14210), approved as to form by the City Attorney, for the purchase of ballistic plate inserts for Dallas public safety first responders for a term of three years, in an amount not to exceed $2,070,250.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for ballistic plate inserts for Dallas public safety first responders. If a written contract is required or requested for any or all purchases of ballistic plate inserts for Dallas public safety first responders under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,070,250 to Safeware, Inc. from Master Agreement Contract No. DPD-2018-00006386 includes CJD-Rifle-Resistant Body Armor Grant Program 2018 Funds from Fund S321, Department DPD, Unit 3570, Object 2890 in the amount of $1,487,325.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 42

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	2, 7
DEPARTMENT:	Office of Procurement Services Office of Economic Development
CMO:	Elizabeth Reich, 670-7804 Raquel Favela, 670-3309
MAPSCO:	N/A

SUBJECT

Authorize **(1)** the rejection of the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the rejection of the proposals received for solicitation BYZ1812 for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District. The Office of Economic Development will review and modify the specifications before re-advertisement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development and Housing Committee will be briefed by memorandum regarding this matter on June 18, 2018.

FISCAL INFORMATION

No cost consideration to the City.

June 27, 2018

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the proposals that were received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District.

Now, Therefore,

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

SECTION 1. That the proposals received for a six-year management contract to manage the existing South Dallas/Fair Park Public Improvement District are hereby rejected and authorization to advertise a solicitation is granted.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 43

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Office of Procurement Services Office of Risk Management
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to exercise the first of two, one-year renewal options to the subscription agreement with Origami Risk, LLC, for a centralized risk management information system and add additional user licenses for the Department of Risk Management - Not to exceed $217,733, from $498,534 to $716,267 - Financing: Workers Compensation Funds (subject to annual appropriations)

BACKGROUND

This Supplemental Agreement No. 3 will exercise the first of two, one-year renewal options to the subscription agreement for a centralized risk management information system (RMIS) and add additional user licenses for the Department of Risk Management. The City annually tracks over 3,000 active workers' compensation, liability and auto claims, vehicle incidents, and safety training records in RMIS.

RMIS provides the ability to manage the administrative process of incidents across the city, respond promptly to open records requests, run advanced customized reports, and operate with less paperwork. The Office of Risk Management has added the ability for other departments to utilize the system to keep track of their incidents and assisting the Office of Risk Management with the data collection and documentation of incidents.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 22, 2015, City Council authorized a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system with Origami Risk, LLC by Resolution No. 15-1739.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

The Government Performance & Financial Management Committee will receive this item for consideration on June 18, 2018.

FISCAL INFORMATION

Workers Compensation Funds - $217,733.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$217,733.00	Other Services	N/A	N/A	N/A

- M/WBE goal waived due to no M/WBE availability proprietary software.

OWNER

Origami Risk, LLC

Robert G. Petrie, President

June 27, 2018

WHEREAS, on September 22, 2015, City Council authorized a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system with Origami Risk, LLC, in an amount not to exceed $409,434, by Resolution No. 15-1739; and

WHEREAS, on January 11, 2016, Administrative Action No. 16-5083 authorized Supplemental Agreement No. 1 to the subscription agreement with Origami Risk, LLC to expand the scope of services and add a claims management module, in an amount not to exceed $50,000, from $409,434 to $459,434; and

WHEREAS, on July 27, 2016, Administrative Action No. 16-6202 authorized Supplemental Agreement No. 2 to the subscription agreement with Origami Risk, LLC to increase the number of licenses, in an amount not to exceed $39,100, from $459,434 to $498,534.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 3 to exercise the first of two, one-year renewal options to the subscription agreement with Origami Risk, LLC (VS89073), approved as to form by the City Attorney, for a centralized risk management information system and add additional user licenses for the Department of Risk Management, in an amount not to exceed $217,733, increasing the service contract amount from $498,534 to $716,267.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $217,733 (subject to annual appropriations) to Origami Risk, LLC from Service Contract No. 15-5083 from Workers Compensation Fund, Fund 0189, Department ORM, Unit 3801, Object 3070.

SECTION 3. That this contract is designated as Contract No. ORM-2016-00000615.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 44

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Office of Strategic Partnerships & Government Affairs
CMO:	Kimberly Bizor Tolbert, 670-3302
MAPSCO:	N/A

SUBJECT

An ordinance amending the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board to include proposed new streets at the Passport Park Development Site - Financing: No cost consideration to the City

BACKGROUND

Any new street additions must go through a formal codification process, which involves amending the Code of Rules and Regulations of the Dallas/Fort Worth International Airport ("DFW Airport") Board. Amendments to the DFW Airport Board's Code of Rules and Regulations require approval by the owner cities of Dallas and Fort Worth.

DFW Airport is adding three new street names to be located within the Passport Development Site. The proposed street names are:

- Passport Avenue (North and South)
- Rochelle Road (East and West)
- Market Street (East and West)

Construction of the streets is expected to be complete in 2019.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

FISCAL INFORMATION

No cost consideration to the City.

6-13-18

ORDINANCE NO._____

An ordinance approving Resolution No. 2018-05-91, adopted by the Dallas/Fort Worth International Airport Board on May 3, 2018, for the purpose of amending Appendix 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to propose street names at Dallas/Fort Worth International Airport as part of the Passport Park Development; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Section 8.F of the 1968 Contract and Agreement, as amended, between the cities of Dallas and Fort Worth provides that the Dallas/Fort Worth International Airport Board has the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of the airport and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, state law currently authorizes fines of up to $500 for all violations of the airport's rules and regulations, except for those violations relating to fire safety, public health and sanitation, or the dumping of refuse, for which the maximum fine is $2,000, and except when another fine is fixed by state law; and

WHEREAS, Section 22.082 of the Texas Transportation Code, as amended, and Section 8.F of the 1968 Contract and Agreement, as amended, provide that such rules, regulations, or orders of the Dallas/Fort Worth International Airport Board become effective only upon approval of the governing bodies of the cities of Dallas and Fort Worth and proper publication; and

WHEREAS, pursuant to the foregoing, the Dallas/Fort Worth International Airport Board adopted the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, which regulates traffic, travel, and conduct within Dallas/Fort Worth International Airport and establishes certain procedures for the adoption of additional rules, regulations, and orders; and

WHEREAS, on May 3, 2018, the Dallas/Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2018-05-091 which amended Appendix 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to propose new street names at Dallas/Fort Worth International Airport as part of the Passport Park Development; and

WHEREAS, in accordance with Section 1-8 of Chapter 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, the Dallas/Fort Worth International Airport Board requested that the city councils of the cities of Dallas and Fort Worth approve Resolution No. 2018-05-091 in order that the resolution may become effective; Now Therefore,

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That Resolution No. 2018-05-091 of the Dallas/Fort Worth International Airport Board, a duly certified copy of which is attached to and made a part of this ordinance as Exhibit A, is approved.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500. After publication of a substantive statement relating to the contents of Resolution No. 2018-05-091 in a newspaper of general circulation in the counties

of Dallas and Tarrant stating that a breach of any provision of the resolution will subject the violator to a penalty and stating that the full text of the resolution and any attachments are on file in the principal office of the Dallas/Fort Worth International Airport Board to be read by any interested party, the resolution shall thereafter have the same force and effect within the boundaries of Dallas/Fort Worth International Airport as an ordinance by the city council of the City of Dallas would have in the City of Dallas, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Dallas are enforced.

SECTION 4. That the ordinances of the City of Dallas and the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance and Resolution No. 2018-05-091 are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

May 10, 2018

STATE OF TEXAS §

COUNTY OF DALLAS §
COUNTY OF TARRANT §

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2018-05-091, approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on May 3, 2018.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this 10th day of May 2018.

Donna J. Schnell

Donna J. Schnell
Board Staff Secretary

Dallas Fort Worth
International Airport
P.O. Box 619428
DFW Airport, TX 75261-9428

DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
OFFICIAL BOARD ACTION/RESOLUTION

Date	Committee	Subject	Resolution #
05/03/2018	Finance/Audit	Amendment to DFW Airport Board's Code of Rules and Regulations	2018-05-091

Action

That the Airport Board requests the Cities of Dallas and Fort Worth to approve an amendment to DFW International Airport's Code of Rules and Regulations to include proposed new streets at the Passport Park Development site.

Description

- As part of the Passport Park Development Site, DFW Airport is adding three new street names to be located within the passport development site.
- The proposed street names are:
  - Passport Avenue (N & S)
  - Rochelle Road (E & W)
  - Market Street (E & W)

Justification

- Any new street additions must go through a formal codification process, which involves amending the DFW Airport Board's Code of Rules and Regulations.
- Amendments to the Airport's Code of Rules and Regulations require approval by the Owner Cities of Dallas and Fort Worth.
- Construction of the streets are expected to be complete in 2019.

D/S/M/WBE Information

- N/A - Not subject to the Board's D/SM/WBE Program Policies (Code of Rules and Regulations).

Contract #	Agreement #	Purchase Order #	Action Amount	Revised Amount
			$0	$0

For Information contact	Fund	Project #	External Funding Source	Amount
Elaine Rodriguez 3-5487				$0

Resolution # 2018-05-091

Additional Information

Additional Attachments: **Y**

BE IT RESOLVED BY THE DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD

That the Airport Board requests the Cities of Dallas and Fort Worth to approve an amendment to DFW International Airport's Code of Rules and Regulations to include proposed new streets at the Passport Park Development site.

Approved as to Form by

Rodriguez, Elaine
Legal Counsel
Apr 17, 2018 2:43 pm

Approved as to Funding by

Underwood, Max
Vice President Finance
Finance
Apr 19, 2018 2:05 pm

Approved as to M/WBE by

Burks Lee, Tamela
Vice President Business Diversity and Development
Business Diversity and Development
Apr 19, 2018 4:24 pm

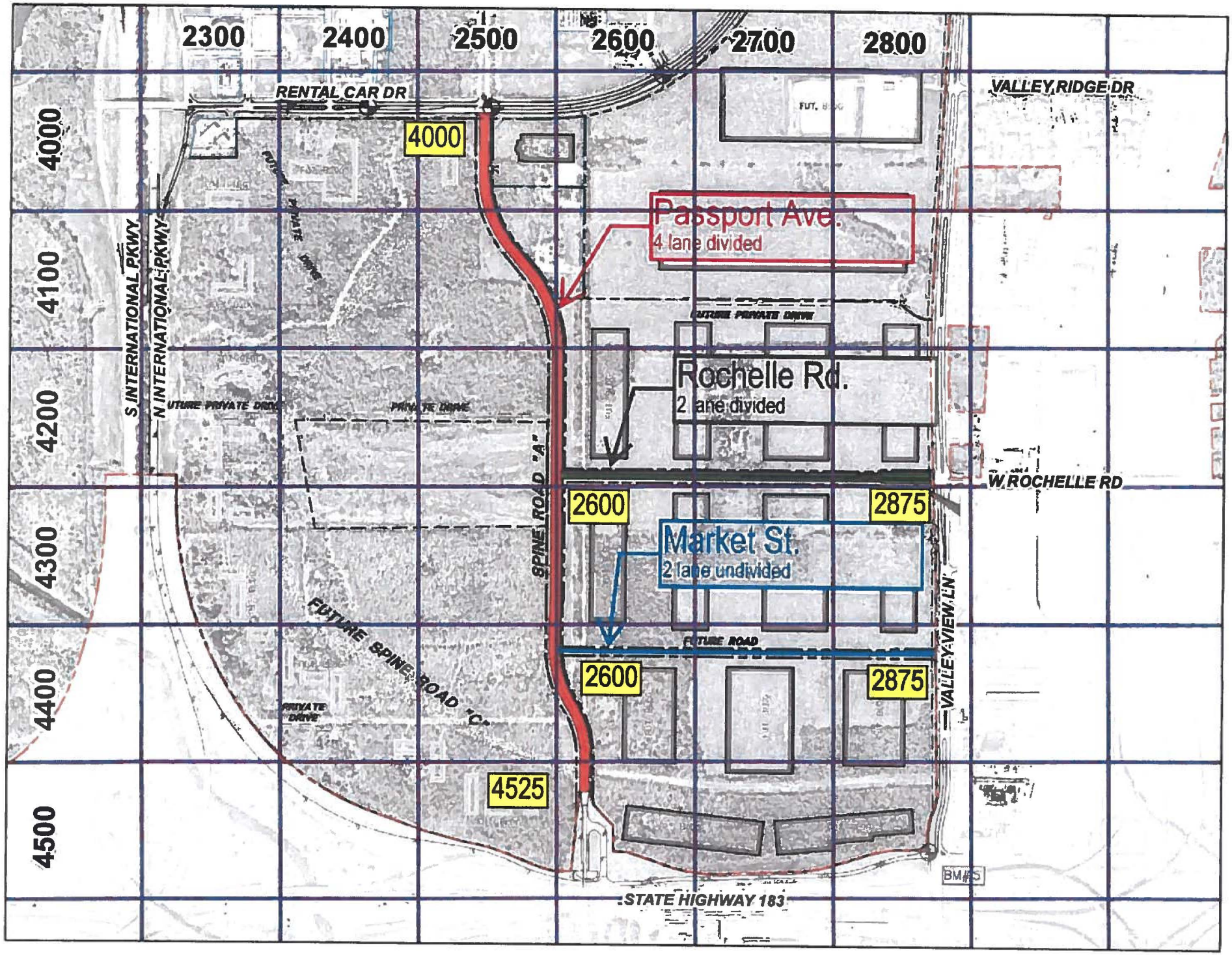
SIGNATURE REQUIRED FOR APPROVAL

Approved by

Department Head
Legal
Apr 17, 2018 2:42 pm

May 3, 2018 3:59 pm

Chief Executive Officer Date


2300
2400
2500
2600
2700
2800
4000
4100
4200
4300
4400
4500
RENTAL CAR DR
VALLEY RIDGE DR
4000
Passport Ave.
4 lane divided
S INTERNATIONAL PKWY
N INTERNATIONAL PKWY
FUTURE PRIVATE DRIVE
PRIVATE DRIVE
Rochelle Rd.
2 lane divided
SPINE ROAD "A"
W ROCHELLE RD
2600
2875
Market St.
2 lane undivided
FUTURE SPINE ROAD "C"
FUTURE ROAD
2600
2875
VALLEY VIEW LN
PRIVATE DRIVE
4525
BM#5
STATE HIGHWAY 183

Appendix 1

Street	Direction	Hundred Block	Speed Limit (MPH)
North Employee Parking Loop Rd.	N & S	1600 -1800 S	30
Express North Public Loop Rd.	N & S	1700 -1800 S	20
A Upper Level Rd.	N & S	2000 - 2200 S	15
A Entrance Rd.	N & S	2100 - 2173	20
A Exit Rd.	N & S	2112 - 2171	20
A Recirculation Rd.	N & S	2110 - 2171	15
A Lower Level Rd.	N & S	2000 - 2200 S	15
B Public Loop Rd.	N & S	2100 S	20
B Upper Level Rd	N & S	2000 - 2200 S	15
B Lower Level Rd.	N & S	2000 - 2200 S	15
C Public Loop Rd.	N & S	2300 - 2400 S	20
C Upper Level Rd.	N & S	2300 - 2400 S	15
C Lower Level Rd.	N & S	2300 - 2400 S	15
D Service Level Rd.	N & S	2275 - 2475 S	15
D Arrivals Level Rd.	N & S	2325 - 2475 S	15
D Departures Level Rd.	N & S	2325 - 2475 S	15
D Recirculation Rd.	N & S	2350 - 2475 S	15
E Entrance Rd.	N & S	2620 – 2691	20
E Exit Rd.	N & S	2624 – 2689	20
E Recirculation Rd.	N & S	2622-2689	15
E Upper Level Rd.	N & S	2500 - 2700 S	15
E Lower Level Rd.	N & S	2500 - 2700 S	15
Express South Public Loop Rd.	N & S	2600 S	15

Appendix 1

Street	Direction	Hundred Block	Speed Limit (MPH)
South Remote Parking Public Loop Rd.	N & S	2900 - 3000 S	20
South Employee Parking	N & S	2900 - 3100 S	30 Loop Rd.
North Remote Carousel Connector Rd.	N & S	1600 - 1700 S	15
South Remote Carousel Connector Rd.	N & S	3050 - 3100 S	15
East Airfield Dr.	N & S	2300 - 3400 S	45
South Airfield Dr.	E & W	1800 - 2900 E	45
West Airfield Dr.	N & S	1600 - 3400 E	45
North Airfield Dr.	E & W	1475 - 2875 E	45
North Airfield Dr.	E & W	2875 - 3000 E	35
North Service Rd.	N	1300 - 3250 S	35
North Service Rd.	N	3250 - 3900 N	45
South Service Rd.	S	1300 - 1750 S	45
South Service Rd.	S	1750 - 3825 S	35
South Service Rd.	S	3825 - 4025 S	45
Service Rd. Crossunder 1	E & W	2275 - 2325 E	30
Service Rd. Crossunder 2	E & W	2275 - 2325 E	30
Service Rd. Crossunder 3	E & W	2275 - 2325 E	30
Service Rd. Crossunder 4	E & W	2275 - 2325 E	30
Service Rd. Crossunder 5	E & W	2275 - 2325 E	30
Service Rd. Crossunder 6	E & W	2275 - 2325 E	30
Service Rd. Crossunder 7	E & W	2275 - 2325 E	30
N. International Pkwy.	N	300 - 1300 S	55
S. International Pkwy.	S	300 - 1300 S	55
N. International Pkwy.	N	1300 - 1500 S	30
S. International Pkwy.	S	1300 - 1500 S	30
N. International Pkwy.	N	1500 - 3400 S	55

Appendix 1

Street	Direction	Hundred Block	Speed Limit (MPH)
S. International Pkwy.	S	1500 - 3400 S	55
N. International Pkwy.	N	3400 - 3600 S	30
S. International Pkwy.	S	3400 - 3600 S	30
N. International Pkwy.	N	3700 - 4200 S	55
S. International Pkwy.	S	3700 - 4200 S	55
International Pkwy. Crossunder 1	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 2	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 3	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 4	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 5	E & W	2275 - 2325 E	30
International Pkwy. Flyover Bridge 5	E & W	2275 - 2325 E	30
East 9th St.	E & W	2825 - 2925 E	30
East 14th St.	E & W	2825 - 2925 E	30
East 16th St.	E & W	2325 – 2425 E	30
East 23rd St.	E & W	2950 - 3050 W	30
East 26th St.	E & W	2975 - 3050 E	30
East 28th St.	E & W	2900 - 3050-E	35
East 31st St.	E & W	3050 - 3125 E	30
East 32nd St.	E & W	3050 - 3125 E	30
East 37th St.	E & W	2400 - 2600 E	30
East 38th St.	E & W	2300 - 2400 E	30
East 39th St.	E & W	2400 - 2600 E	30
North 16th Ave.	N & S	2050 - 2150 S	30
North 24th Ave.	N & S	1650 –1825 S	30

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Appendix 1

Street	Direction	Hundred Block	Speed Limit (MPH)
North 28th Ave.	N & S	950 - 1450 S	30
South 20th Ave.	N & S	3675 - 4150 S	30
South 22nd Ave.	N & S	3250 - 3350 S	30
South 24th Ave.	N & S	3850 - 4025 S	30
South 26th Ave.	N & S	3575 - 3900 S	35
South 31st Ave.	N & S	3175 - 3275 S	30
West 17th St.	E & W	1150 -1550-E	30
West 19th St.	E & W	1450 - 1700 E	35
West 20th St.	E & W	1450 -1750 E	30
West 21st St.	E & W	1475 -1650 E	30
West 23rd St.	E & W	1550 - 1600 E	30
West 27th St.	E & W	1575 - 1600 E	30
West 31st St.	E & W	2200 - 2275 E	30
West 32nd St.	E & W	2200 - 2275 E	30
West 33rd St.	E & W	2100 - 2275 E	30
Freeport Pkwy.	N & S	1500 S	30
Mid-Cities Blvd.	E & W	1650 -1850 E	40
Royal Lane	N & S	725 - 1375 S	35
Texan Trail	N & S	1400 -1600 S	30
Rental Car Dr.	E & W	2275 - 2800 E	35
South Garage Dr.	E & W	2400 - 2500 E	30
Bus Entry/RCC	E & W	2200 - 2400 E	30
Bus Exit/RCC	E & W	2300 - 2400 E	30
Center Garage Dr.	E & W	2500 E	30
North Garage Dr.	E & W	2400 - 2500 E	30
Passport Ave.	N & S	3600 - 4000 S	35
Passport Ave.	N & S	4000 – 4525 S	30
S. W. Construction Rd.	N & S	2550 - 3175 S	20

Appendix 1

Street	Direction	Hundred Block	Speed Limit (MPH)
S. W. Construction Rd.	N & S	3175 - 3425 S	35
S. W. Construction Rd.	E & W	1800 - 2100 E	35
Trade Ave.	N & S	800 - 1075 S	30
Regent Blvd.	E & W	2575 - 2925 E	30
Regent Blvd.	N & S	725 - 925 S	30
Corporate Dr.	N & S	750 -1025 S	30
Bear Creek Ct.	N & S	3500 - 3600 S	30
Minters Chapel Rd.	N & S	1500 -1600 S	30
Plaza Dr.	E & W	2925 - 2950 E	30
Carbon Rd.	N & S	3125 - 3150 S	30
Carbon Rd.	E & W	3050 - 3175 E	30
Glade Rd.	E & W	1200 - 1600 E	35
S. Main St.	N & S	1650 - 1750 S	30
Esters Rd.	E & W	2425 - 2925 E	30
W. Walnut Hill Ln.	E & W	2325 – 3075	45
Mustang Drive	E & W	1125 -1450 E	45
Stone Meyers Parkway	N & S	700 – 875 S	40
Connection Ave.	N & S	3950 – 3900 S	20
Southgate Ave.	N & S	4020 – 3930 S	20
Aviation Dr.	E & W	2320 – 2400 E	20
Global Dr.	E & W	2350 – 2440 E	20
Innovation Dr.	E & W	2340 – 2440 E	20
Technology Rd.	E & W	2700 – 2850 E	30
Market St.	E & W	2600 – 2875 E	30
Rochelle Rd.	E & W	2600 – 2875 E	30

AGENDA ITEM # 45

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	9
DEPARTMENT:	Park & Recreation Department Department of Sustainable Development and Construction
CMO:	Willis Winters, 670-4071 Majed Al-Ghafry, 670-3302
MAPSCO:	27Y Z

SUBJECT

Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: $100 one-time fee

BACKGROUND

The Park and Recreation Department previously granted the Old Lake Highlands Neighborhood the right to place a neighborhood portal in Norbuck Park in 1951. In 2003 and 2012 the agreement was renewed as a lease agreement. This proposed agreement replaces the existing lease agreement with a long-term license agreement.

This item authorizes a license agreement to the Old Lake Highlands Neighborhood Association to maintain the" Property" which shall consist of mowing grass, removing debris and maintaining the monument sign.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2016, the Park and Recreation Board authorized a twenty-year license agreement.

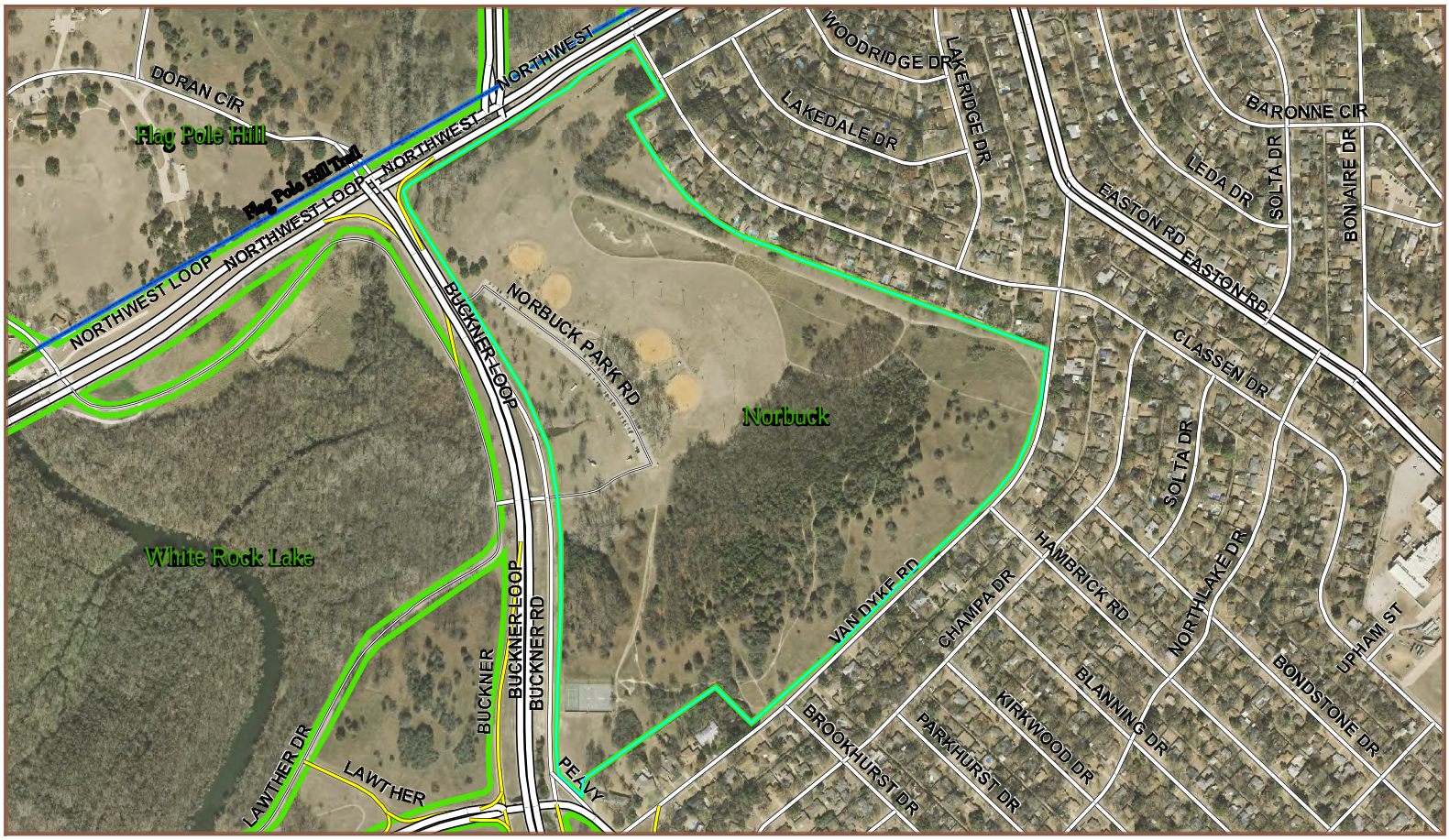
Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

Revenue: $100 one-time fee

MAP

Attached



0 195 390 780 1,170 Feet

dallas Park & Recreation

Norbuck Park
200 N. Buckner Blvd

27 Y Z

District 9

6/23/2014

June 27, 2018

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to sign a License Agreement, between Old Lake Highlands Neighborhood Association, a Texas non-profit corporation, as Licensee, and the City of Dallas, as Licensor, hereinafter referred to as "City", for approximately 930 square feet of land located at the intersection of Classen Drive and Northwest Highway, Dallas, Dallas County, Texas (the "Property"), as shown in Exhibit B for the non-exclusive right to maintain one monument sign and landscaping.

SECTION 2. That the special terms and conditions of this License Agreement are:

(a) The license is for a term of twenty (20) years beginning upon execution and terminating 20 years thereafter.

(b) Licensee shall pay a one-time license fee of $100.

(c) Licensee is non-exclusive and the City reserves full ingress and egress rights and the right to grant use to other parties.

(d) The license and the licensed right to use the Property is terminable by the City at its convenience upon 90-days written notice of said termination. Upon expiration or termination of the license for any reason, the licensee shall cease using the property; remove its improvements, if any, on the Property as directed by the City.

(e) The Property is licensed "AS IS, WITH ALL FAULTS" and the City is under no obligation to make any improvements or modifications to the Property.

(f) Licensee shall be responsible maintaining the Property which shall consist of mowing grass, removing debris and maintaining the monument sign.

(g) Licensee shall be responsible for obtaining any utilities deemed necessary, appropriate or desirable for its use of the Property and shall pay all such utilities, during the term of the license.

(h) Licensee shall pay any taxes and assessment levied or assessed against the Property attributable to licensee's use and shall secure such insurance coverage as the City shall deem appropriate, during the term of the license.

(i) Any modifications to the monument sign shall require the Park and Recreation Board approval.

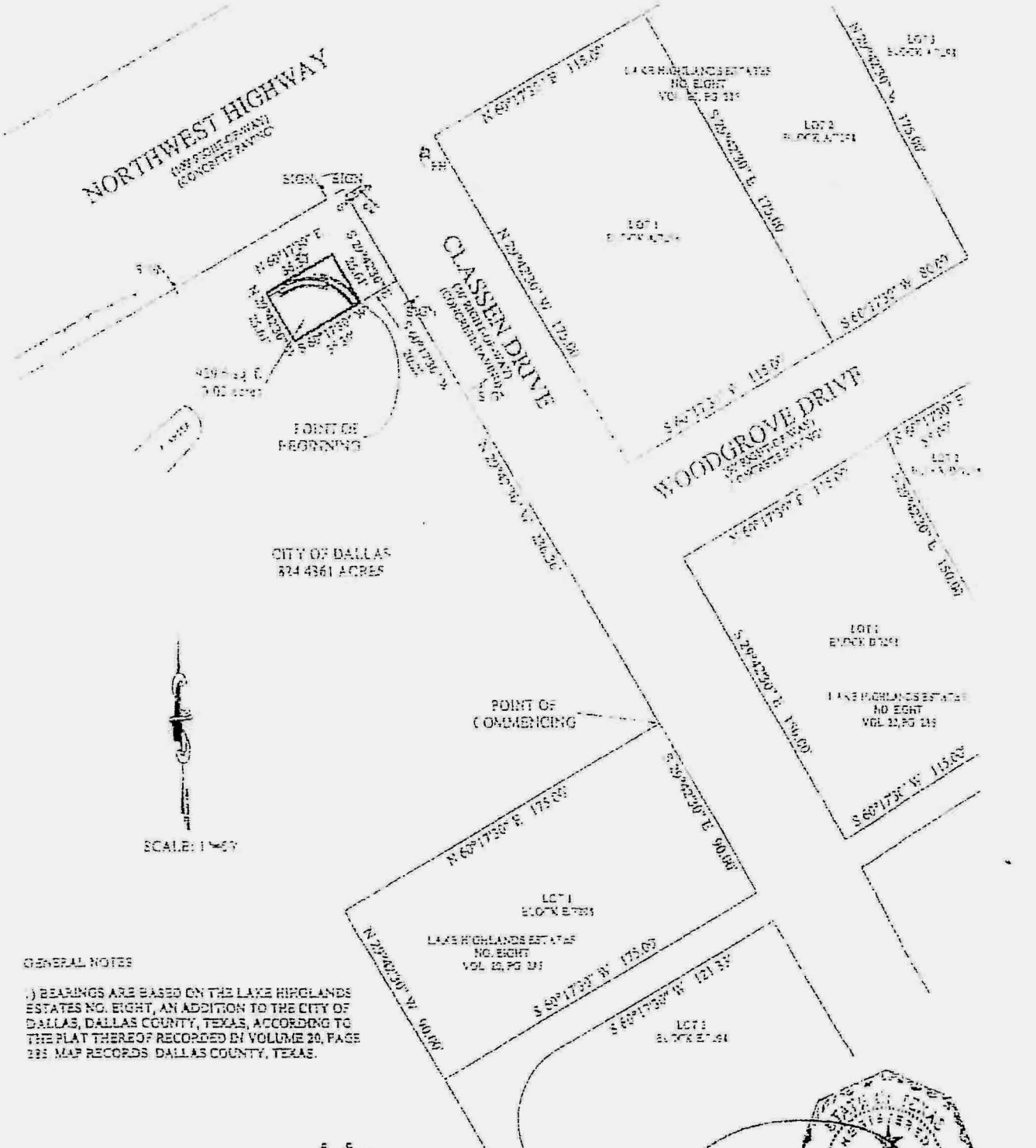
SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit proceeds from this license agreement in Fund 0530, Department PKR, Unit P516, Revenue Code 8471.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM
LARRY E. CASTO, CITY ATTORNEY

BY: _____
ASSISTANT CITY ATTORNEY

EXHIBIT B



GENERAL NOTES

1) BEARINGS ARE BASED ON THE LAKE HIRGLANDS ESTATES NO. EIGHT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 20, PAGE 235 MAP RECORDS DALLAS COUNTY, TEXAS.

SURVEYING LLC

P.O. BOX 550205
DALLAS, TEXAS
PH: 214-613-8291
FAX: 469-533-1570
E-MAIL:
SURVEY@5882SURVEYING.COM

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JONATHAN M. QUIRK
REGISTERED PROFESSIONAL
LAND SURVEYOR REGISTERED
FENCE INSPECTOR #1137

SHEET 2 OF 2
JOB NO. 11-0972
DRAWN BY: T.O

AGENDA ITEM # 46

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	36F G

SUBJECT

Authorize a twenty-year development, operation, and maintenance agreement with one five-year renewal option, with JLB Ash at The Branch Partners L.P. for a pedestrian bridge and landscape improvements for purposes of connecting to and providing public access from an adjacent development to the Ridgewood Trail located at 4662 Amesbury Drive - Financing: No cost consideration to the City

BACKGROUND

This action will authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with JLB Ash at The Branch Partners L.P. (JLB) for the development, operation, and maintenance of a pedestrian bridge and landscape improvements for purposes of connecting to and providing public access from an adjacent development to the Ridgewood Trail, adjacent to 4662 Amesbury Drive.

The agreement will be subject to the following terms:

1. The term is for 20 years with one consecutive five-year renewal option.

2. JLB, at its own cost, is responsible for the development of the design, plans, and specifications for the improvements to be made to the park. JLB will submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.

3. JLB, at their own cost, is responsible for the maintenance and repair of the improvements during the term of the agreement.

BACKGROUND (continued)

4. JLB will manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals. All consultants and contractors are required to provide insurance that is consistent with what is required by City consultants and contractors.

5. JLB agrees to allow the public access to the Ridgewood Trail from JLB's property located at 4662 Amesbury Drive.

6. The City of Dallas will retain the right to require JLB to modify the improvements if and when necessary to maintain public safety of the Katy Trail.

7. Project must meet or exceed requirements of Planned Development District No. 873 by Ordinance No. 28843 regarding Ridgewood Trail access.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2017, the Park and Recreation Board authorized a twenty-year development, operation, and maintenance agreement with one five-year renewal option with JLB Ash at The Branch Partners L.P.

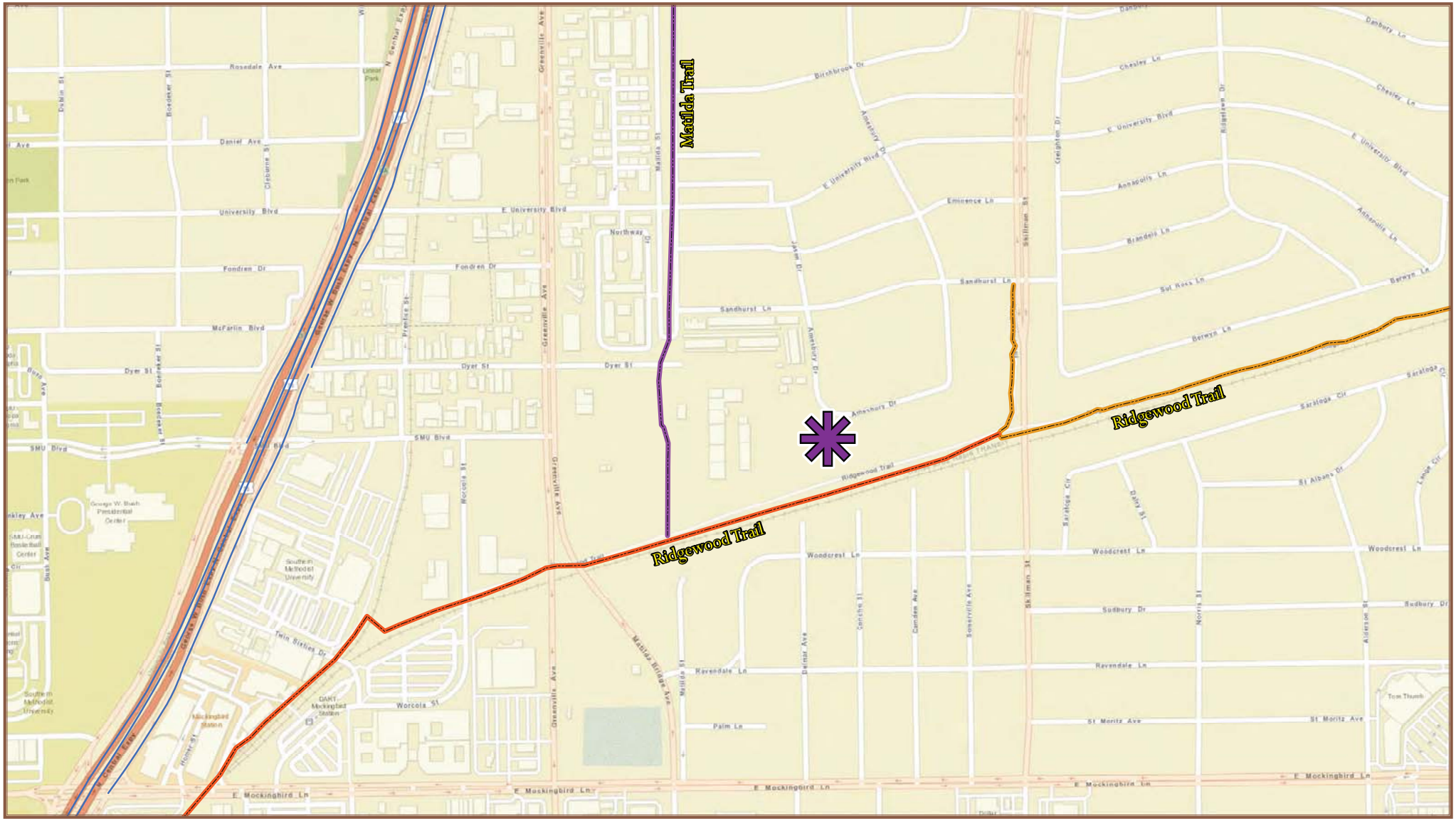
Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



0 250 500 1,000 1,500 Feet

1 in = 500 ft

Dallas Park & Recreation

Ridgewood Trail License Agreement
4662 Amesbury Dr

Mapsco
36 F,G

District
14

June 27, 2018

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and JLB Ash at The Branch Partners L.P. (JLB) desire to enter into a twenty-year development, operation, and maintenance agreement, with one five-year renewal option for the purpose of development, operation, and maintenance of a portion of trail corridor at the Ridgewood Trail located at 4662 Amesbury Drive as shown in Exhibit A; and

WHEREAS, the City desires to have JLB develop, operate, and maintain a portion of trail corridor during the Term of the Agreement for use and enjoyment of all City of Dallas citizens.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

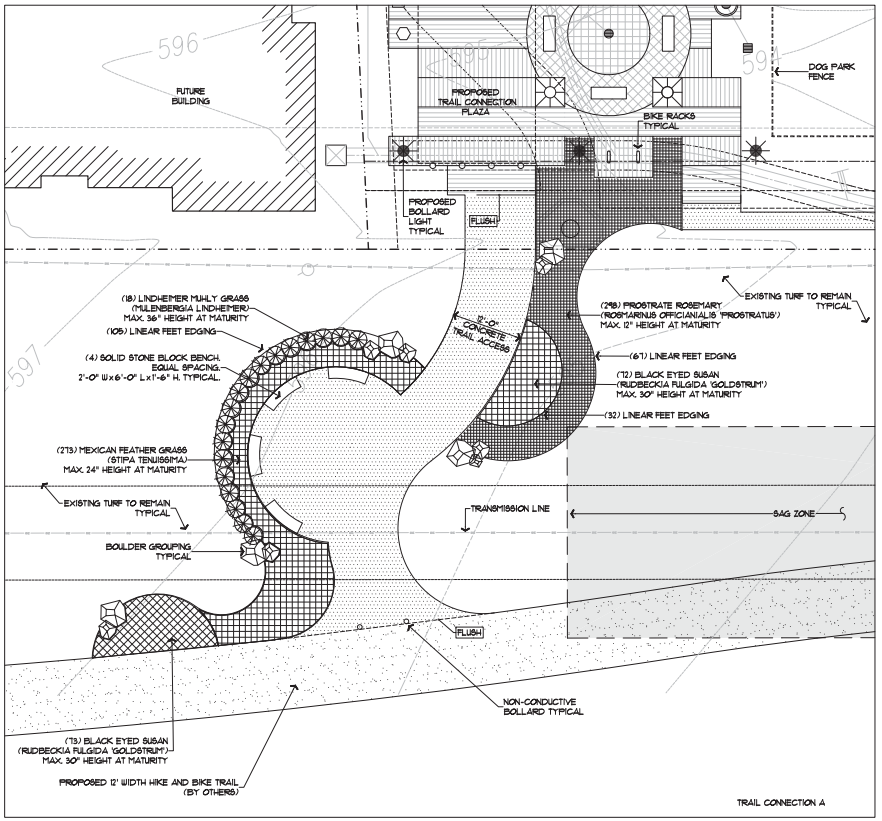
SECTION 1. That the City Manager is hereby authorized to sign a twenty-year development, operation, and maintenance agreement with one five-year renewal option, approved as to form by the City Attorney, with JLB for a pedestrian bridge and landscape improvements for purposes of connecting to and providing public access from an adjacent development to the Ridgewood Trail located at 4662 Amesbury Drive.

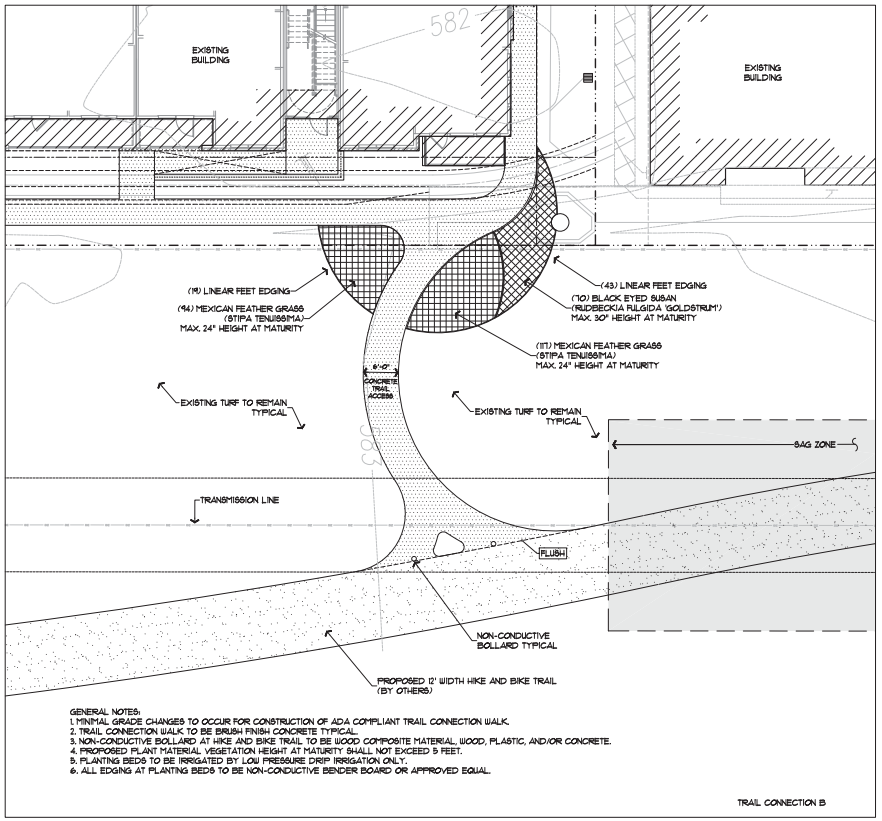
SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with JLB, approved as to form by the City Attorney.

SECTION 3. That the duration of the agreement will be for a term of 20 years with one five-year renewal option.

SECTION 4. That this contract be designated as Contract No. PKR-2017-00003115.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





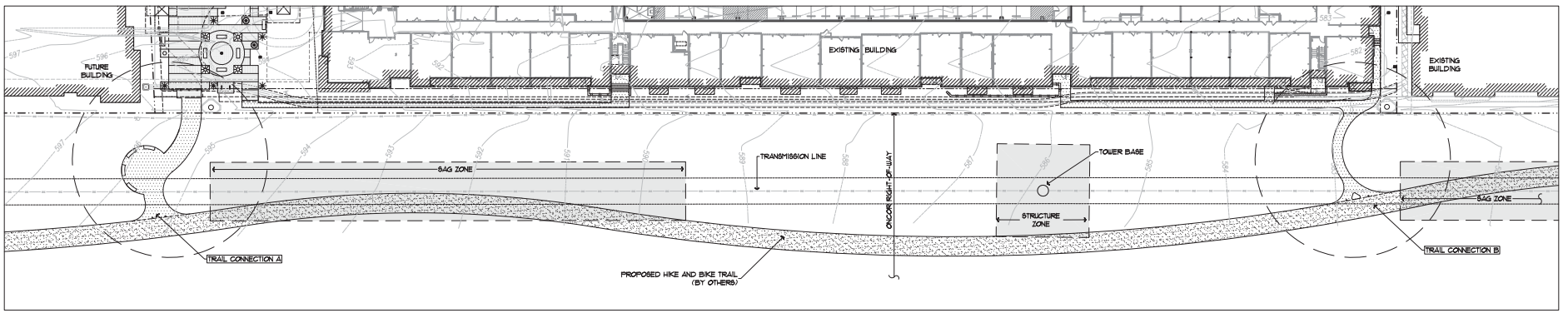


Exhibit A
1 of 2

0 15 30 60 90

ENVIRO DESIGN
LANDSCAPE ARCHITECTURE
SITE PLANNING
7424 Greenville Ave. Suite 200 Dallas, TX 75231 (214) 987-3010

RICHARD B. SHAW

NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

REVISIONS

TRAIL CONNECTION
JLB PARTNERS LLC
DALLAS, TEXAS

SCALE
AS SHOWN

DATE
10-03-16

TITLE
TRAIL ACCESS PLAN EXHIBIT

SHEET
1 OF 1

File Name: Amesbury Subdistrict C - trail connection.dwg
Plot Date: 10/03/2016 - 10:45am



Exhibit A
2 of 2

AGENDA ITEM # 47

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 37 B D

SUBJECT

Authorize an Advance Funding Agreement with the Texas Department of Transportation for voluntary local government contributions to transportation improvement projects for bridge improvements of the Mockingbird Lane-Peavy Road Bridge Replacement over Loop 12/Buckner Boulevard – Not to exceed $72,123 – Financing: 2006 Bond Funds

BACKGROUND

On June 2015, the Texas Department of Transportation (TxDOT) contacted the Dallas Park and Recreation Department (DPARD) to review and discuss improvements for the Mockingbird Lane-Peavy Road Bridge Replacement over Loop 12/Buckner Boulevard. DPARD requested that the sidewalks on each side of the bridge be increased from TxDOT's standard of 6 feet width to 8 feet width for safety and functionality reasons. DPARD will participate in the cost to expand the bridge to increase the width of the sidewalks on each side and add Americans with Disabilities Act (ADA) ramps at each corner of the bridge. TxDOT held a public meeting with the White Rock Lake Task Force on July 14, 2015 to present the project and address public input.

TxDOT's scope of work for the project includes:

- Bridge elevated from lowest clearance elevation of 15 feet-10 inches to 16 feet-6 inches
- Length increased from current 100 feet to 110 feet
- Per DPARD request, bridge width will be expanded 4-feet from 70-feet to 74-feet. This will allow for 8-foot wide sidewalks on each side of the bridge. Without the expansion, sidewalks would be installed at 6-foot width
- Include ADA ramps at each corner of the bridge per DPARD request
- Reconstruct sections of both north and south access ramps from Buckner Boulevard

BACKGROUND (continued)

- Reconstruct approximately 190 feet of Peavy Road
- Reconstruct approximately 166 feet of Mockingbird Lane

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2015
Completed Design	June 2018
Begin Construction	August 2019
Complete Construction	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized an Advanced Funding Agreement with the Texas Department of Transportation.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

2006 Bond Funds - $72,122.56

MAP

Attached



0 230 460 920 1,380 Feet

Dallas Park & Recreation

Mockingbird/Peavy Bridge

Mapsco 37 B D

CD 9

June 27, 2018

WHEREAS, Texas Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and

WHEREAS, the State of Texas, acting by and through the Texas Department of Transportation (TxDOT) has plans to make improvements to the Mockingbird Lane/Peavy Road Bridge over Buckner Boulevard (as shown in the Exhibit A); and

WHEREAS, Dallas Park and Recreation Department (DPARD) has requested that TxDOT expand the bridge width 4-feet from 70-feet to 74-feet. This will allow for 8-foot wide sidewalks on each side of the bridge (as shown in Exhibit B) and add Americans with Disabilities Act ramps at each corner of the bridge; and

WHEREAS, TxDOT has agreed to incorporate DPARD requests into the Mockingbird Lane-Peavy Road Bridge Replacement over Loop 12/Buckner Boulevard improvements; and

WHEREAS, the Advance Funding Agreement will provide funding to incorporate DPARD requests in the amount of $72,122.56.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

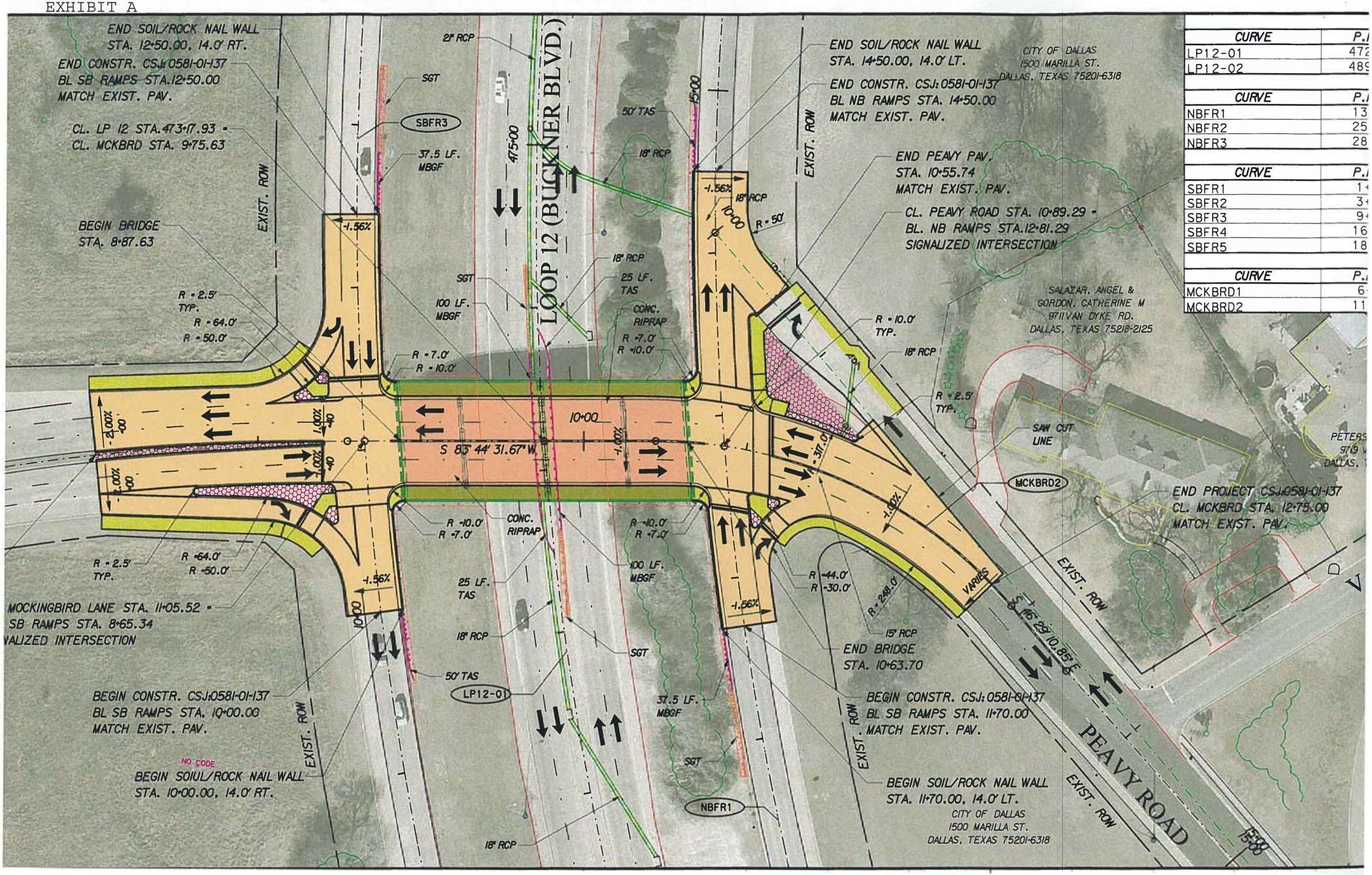
SECTION 1. That the City Manager is hereby authorized to sign an Advance Funding Agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for voluntary local government contributions to transportation improvement projects for bridge improvements of the Mockingbird Lane-Peavy Bridge Replacement over Loop12/Buckner Boulevard, in an amount not to exceed $72,122.56.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute an Advance Funding Agreement with the Texas Department of Transportation, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $72,122.56 from 2006 Bond Fund, Fund BT00, Department PKR, Unit 7165, Object 4599, Activity HIBT, Program PKTRLDEV, Encumbrance/Contact No. PKR-2018-00006438, Commodity 91800, Vendor 020318.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A



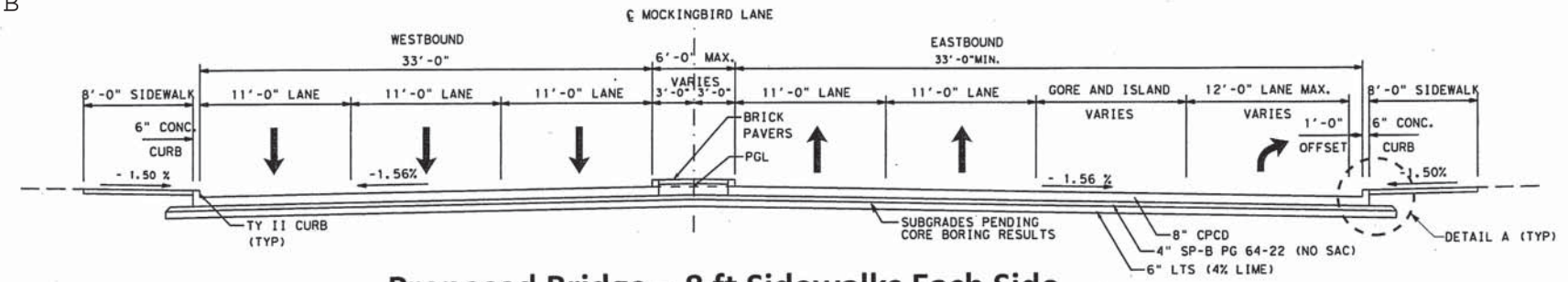
CURVE	P.I
LP12-01	472
LP12-02	489

CURVE	P.I
NBFR1	13
NBFR2	25
NBFR3	28

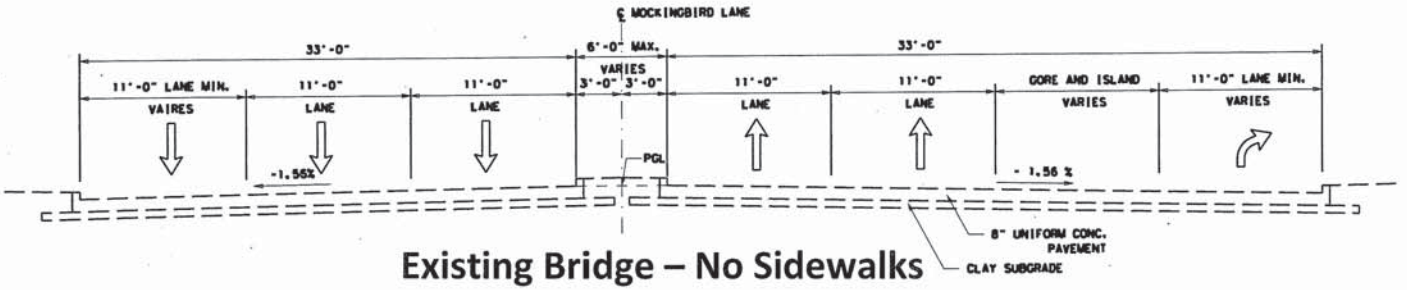
CURVE	P.I
SBFR1	1+
SBFR2	3+
SBFR3	9+
SBFR4	16
SBFR5	18

CURVE	P.I
MCKBRD1	6+
MCKBRD2	11

EXHIBIT B



Proposed Bridge – 8 ft Sidewalks Each Side



Existing Bridge – No Sidewalks

AGENDA ITEM # 48

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	3, 6, 7, 9
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	33B C 38R 46Y 63M 64J

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, bidding and negotiation, and construction administration for the Aquatics Phase 2 Projects to be constructed at Bachman Park located at 2750 Bachman Drive, Bahama Beach Waterpark located at 1895 Campfire Circle, Exline Park located at 2525 Pine Street, and Harry Stone Park located at 2403 Millmar Drive - Not exceed $2,600,000 - Financing: 2017 Bond Funds

BACKGROUND

This professional services contract will provide the design of the Aquatics Master Plan Phase 2. The scope of work includes the schematic design, design development, construction documents, bidding and negotiation, and construction administration phases for the Regional Family Aquatic Center Phase 1 at Bachman Park, upgrades and expansion to Bahama Beach Waterpark, a Neighborhood Family Aquatic Center at Exline Park, and a Neighborhood Family Aquatic Center at Harry Stone Park. The 2017 Bond Program included funding for these projects.

On February 14, 2018, a Request for Qualifications was issued for the Aquatics Phase 2 facilities, which included four Aquatic Centers and six spray grounds. Six firms submitted Statements of Qualifications. Five firms were shortlisted and a Request for Proposal was sent to the shortlisted firms on March 16, 2018. On April 4, 2018, five firms submitted proposals. Kimley-Horn and Associates, Inc. was selected as the best value proposer for the four Aquatic Center projects.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2018
Complete Design	June 2019
Begin Construction	October 2019
Complete Construction	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized a professional services contract with Kimley-Horn and Associates, Inc. for architectural and engineering services.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

2017 Bond Funds - $2,600,000.00

Council District	Amount
3	$650,000.00
6	$650,000.00
7	$650,000.00
9	$650,000.00
Total	$2,600,00.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$2,600,000.00	Architectural & Engineering	25.66%	25.77%	$670,000.00

- This contract exceeds the M/WBE goal of 25.66**%**

PROPOSAL INFORMATION

Five vendors were shortlisted after a thorough review of qualifications. The following are the vendors on the short list. The proposals were received from solicitation number CIZ1706 and opened on April 4, 2018. This professional services contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score
*Kimley-Horn and Associates, Inc.	13455 Noel Rd. Two Galleria Office Tower Ste. 700 Dallas, Texas 75240	4%
Dunaway Associates, L.P.	550 Bailey Ave., Ste. 400 Fort Worth, Texas 76107	10%
GFF, Inc.	2808 Fairmount St., Ste. 300 Dallas, Texas 75201	13%
MESA Design Associates, Inc.	2001 North Lamar St., Ste. 100 Dallas, Texas 75202	15%
Aquatic Design & Engineering	189 S. Orange Ave., Ste. 1250 Orlando, Florida 32801	18%

OWNER

Kimley-Horn and Associates, Inc.

John C. Atz, P.E., Chief Executive Officer

MAPS

Attached



0 200 400 800 1,200 Feet

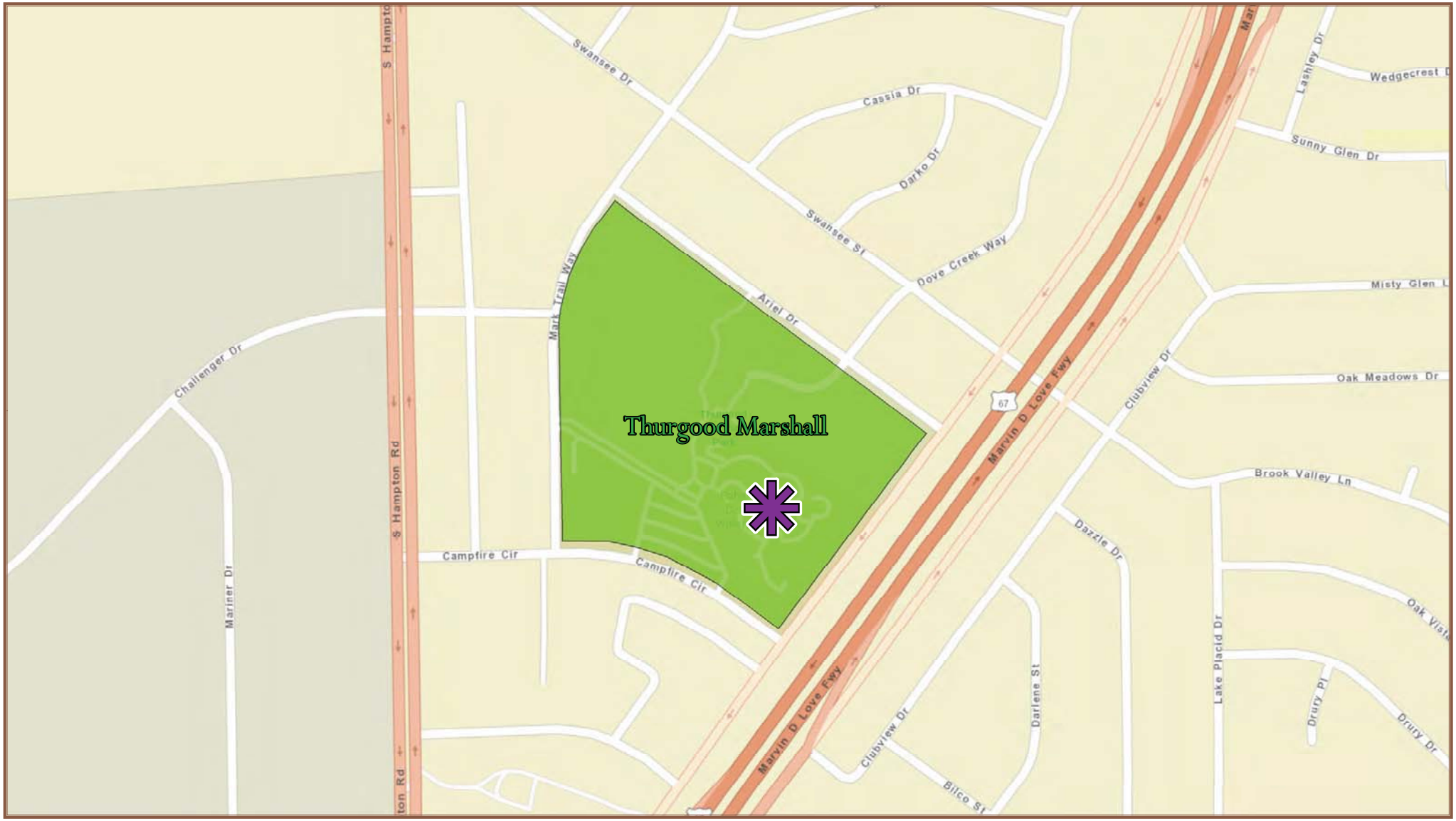
1 in = 400 ft

Dallas Park & Recreation

Bachman Park Aquatic Center
(2750 Bachman Dr)

Mapsco
33 B,C

District
6



0 150 300 600 900 Feet

1 in = 300 ft

N W E S

Dallas Park & Recreation

Bahama Beach Waterpark Aquatic Center (Thurgood Marshall Park)

(1895 Campfire Cir)

Mapsco
63 M
64 J

District
3



0 50 100 200 300 Feet

1 in = 100 ft

Dallas Park & Recreation

Exline Park Aquatic Center
(2525 Pine St)

Mapsco
46Y

District
7



Dallas Park & Recreation

Harry Stone Memorial Park Aquatic Center
(2403 Millmar Dr)

Mapsco
38 R

District
9

June 27, 2018

WHEREAS, it is necessary to hire a firm to provide for schematic design through construction administration services of the Aquatics Phase 2 Projects to include four aquatic facilities to be constructed at: Bahama Beach Waterpark located at 1895 Campfire Circle, Exline Park located at 2525 Pine Street, Harry Stone Park located at 2403 Millmar Drive, Bachman Park located at 2750 Bachman Drive, and the firm of Kimley-Horn and Associates, Inc. presented a proposal dated May 30, 2018 to provide these services, in an amount not to exceed $2,600,000.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Kimley-Horn and Associates, Inc., approved as to form by the City Attorney, for architectural and engineering services for the schematic design, design development, construction documents, bidding and negotiation, and construction administration for the Aquatics Phase 2 Projects to be constructed at Bachman Park located at 2750 Bachman Drive, Bahama Beach Waterpark located at 1895 Campfire Circle, Exline Park located at 2525 Pine Street, and Harry Stone Park located at 2403 Millmar Drive, in an amount not to exceed $2,600,000.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,600,000 to Kimley-Horn and Associates, Inc., in accordance with the terms and conditions of the contract, as follows:

Bahama Beach Waterpark
2017 Bond Fund
Fund 1V00, Department PKR, Unit VB02
Object 4112, Activity AQFC, Program PK17VB02
Commodity 90656, Vendor 135447
Encumbrance/Contract No. CX-PKR-2017-00006596 $ 650,000

Exline Park
2017 Bond Fund
Fund 1V00, Department PKR, Unit VB02
Object 4112, Activity AQFC, Program PK17VB02
Commodity 90656, Vendor 135447
Encumbrance/Contract No. CX-PKR-2017-00006596 $ 650,000

SECTION 3. (continued)

Harry Stone Park	
2017 Bond Fund	
Fund 1V00, Department PKR, Unit VK29	
Object 4112, Activity AQFC, Program PK17VK29	
Commodity 90656, Vendor 135447	
Encumbrance/Contract No. CX-PKR-2017-00006596	$ 650,000
Bachman Park	
2017 Bond Fund	
Fund 1V00, Department PKR, Unit VB83	
Object 4112, Activity AQFC, Program PK17VB83	
Commodity 90656, Vendor 135447	
Encumbrance/Contract No. CX-PKR-2017-00006596	$ 650,000
Total amount not to exceed	$2,600,000

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 49

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 46 L, Q

SUBJECT

Authorize a professional services contract with M. Arthur Gensler, Jr & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue – Not to exceed $1,257,359 – Financing: 2017 Bond Funds

BACKGROUND

On February 14, 2018, a Request for Qualifications for Architectural and Engineering Services for the design of the Hall of State Facility Improvements was developed by the Park and Recreation Department and publicly advertised by the Office of Procurement Services. On March 9, 2018, four statements of qualifications were received. On March 16, 2018, a proposal request was issued to three firms. On March 30, 2018, three proposals were received. On April 6, 2018, M. Arthur Gensler, Jr & Associates, Inc. received the highest ranking, making them the most qualified proposer of the three.

The successful proposer was selected on the following pre-set criteria:

Rating Criteria	Value
1. Specific Expertise	25 points
2. Capabilities, Resources and Responsiveness	20 points
3. Approach to the Project	10 points
4. Current Contracts	5 points
5. Women and Minority-owned Subconsultant Participation	15 points
6. Consultant's Proposed Work Plan, Special Concerns or Techniques	15 points
7. Prior and Current Ligation and Claims History	5 points
	100 points

BACKGROUND (continued)

This professional services contract will assess the condition of the existing facility and prioritize the following needs: cleaning/restoration of the exterior wall; restoration of the plaza; improvements to the exterior drainage and lighting; repairs to the roof; repairs or replacement of exterior doors and windows; repairs to the sump pumps; improvements to the dehumidification system; repairs to other mechanical and electrical items for the Hall of State building. Services include schematic design, design development, construction documents, procurement and construction administration phases.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized a professional services contract with M. Arthur Gensler, Jr & Associates, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

2017 Bond Funds - $1,257,359.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2018
Complete Design	June 2019
Begin Construction	November 2019
Complete Construction	September 2020

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$1,257,359.00	Architectural & Engineering	25.66%	28.17%	$354,148.00

- This contract exceeds the M/WBE goal of 25.66%

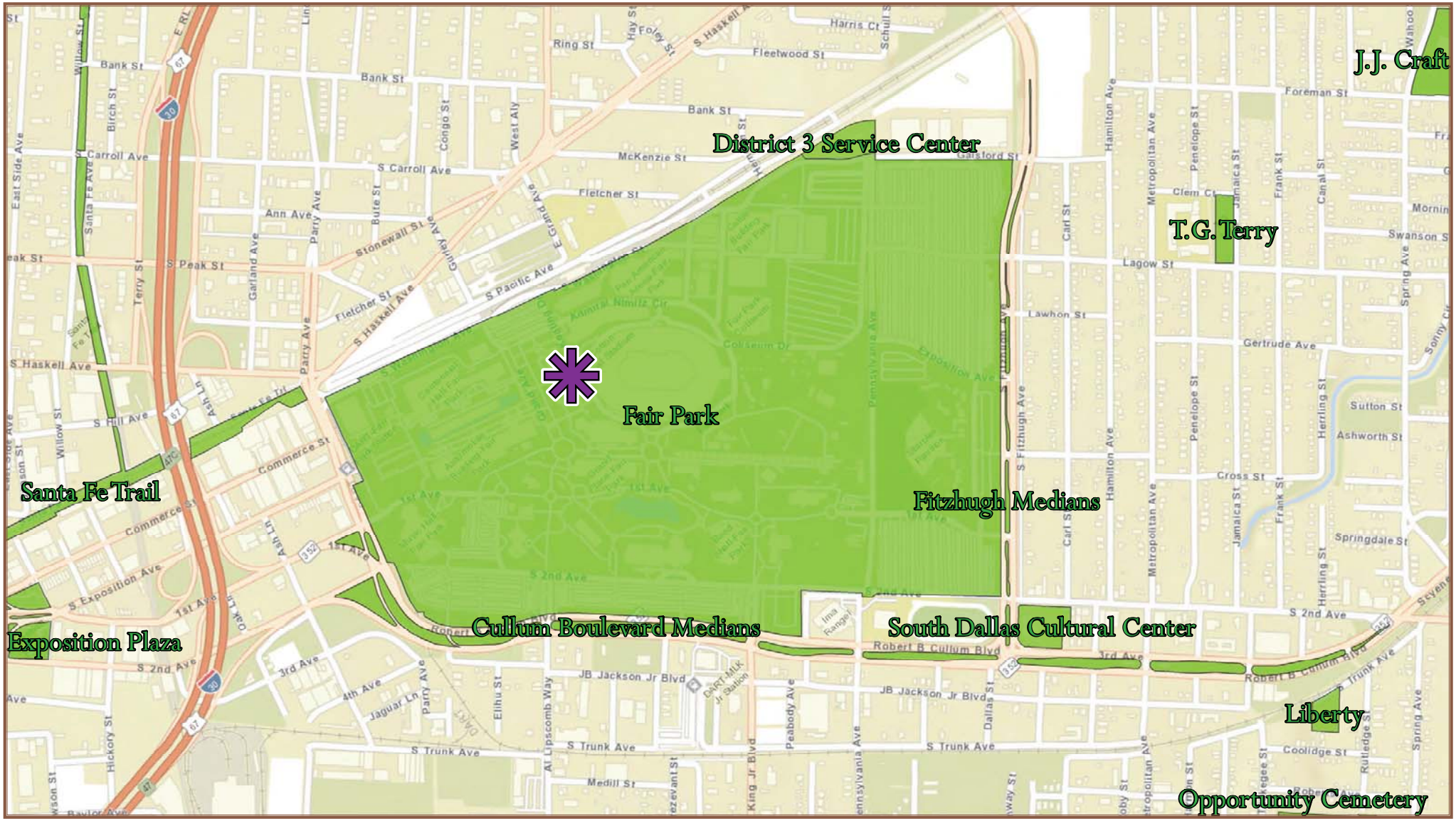
OWNER

M. Arthur Gensler, Jr & Associates, Inc.

Andy Cohen, Co-Chief Executive Officer
Diane Hoskins, Co-Chief Executive Officer

MAP

Attached



Fair Park—Hall of State
(3939 Grand Ave)

Mapsco
46 L,Q

District
7

June 27, 2018

WHEREAS, on February 14, 2018, a Request for Qualifications for Architectural and Engineering Services for the design of the Hall of State Facility Improvements was developed by the Park and Recreation Department and publicly advertised by the Office of Procurement Services; and

WHEREAS, on March 9, 2018, four statements of qualifications were received; and

WHEREAS, on March 16, 2018, a proposal request was issued to three firms; and

WHEREAS, on March 30, three proposals were received; and

WHEREAS, on April 6, 2018, M. Arthur Gensler, Jr & Associates, Inc. received the highest ranking, making them the most qualified proposer of the three; and

WHEREAS, it is now desirable and in the best interest of the City of Dallas to authorize a professional services contract with M. Artur Gensler, Jr & Associates, Inc. for architectural and engineering services for the design, design development, construction documents, bidding and negotiation, and construction administration for the Hall of State Facility Improvements Project, in an amount not to exceed $1,257,359.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign the professional services contract with M. Artur Gensler, Jr & Associates, Inc., approved as to form by the City Attorney, to provide architectural and engineering services for the design, design development, construction documents, bidding and negotiation, and construction administration for the Hall of State Facility Improvements Project, in an amount not to exceed $1,257,359.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds, in an amount not to exceed $1,257,359, in accordance with the terms and conditions of the contract with M. Artur Gensler, Jr & Associates, Inc. from the General Fund, Fund 1V02, Department PKR, Unit VC01, Object 4111, Activity FPRK, Program PK17VC01, Encumbrance/Contract No. PKR-2018-00006440, Commodity 92500, Vendor VS000001122.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 50

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	8
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	65 U V

SUBJECT

Authorize a construction contract for the Singing Hills Replacement Recreation Center - Phase 2 located at 6805 Patrol Way - 3i Contracting, LLC, best value proposer of six - Not to exceed $5,950,000 - Financing: 2017 Bond Funds

BACKGROUND

On May 4, 2018, six proposals were received for Singing Hills Replacement Recreation Center - Phase 2. The selection committee ranked 3i Contracting, LLC as the Best Value Proposer. A Request for Competitive Sealed Proposal (RFCSP) process was utilized for the procurement of this project. A RFCSP is a “best value” procurement process that includes an evaluation of price, qualifications, schedule, M/WBE participation, previous experience of the contractor, and financial sufficiency.

The scope of work for the Singing Hills Replacement Recreation Center - Phase 2 includes:

- addition of a gymnasium
- addition of a senior activity center
- addition of a technology center
- plaza and amphitheater between the new recreation center and the Camp Wisdom DART Station

Previously, the construction contract for Singing Hills Replacement Recreation Center Phase 1 was awarded. The scope of work for Phase 1 included program space including a lobby, fitness room, dividable meeting room, kitchen, game room, exercise room, restrooms, office, and lounge area. Completion of Phase 1 is expected in June 2018.

BACKGROUND (continued)

Proposals based on Request For Competitive Sealed Proposal (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weight to obtain the score for each criterion.

The following is a list of the rating criteria and values for each criterion:

Rating Criteria	Value
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	5%
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2018
Completed Design	March 2018
Begin Construction	July 2018
Complete Construction	July 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 5, 2018, the Park and Recreation Board's Planning and Design Committee was briefed on construction procurement for Singing Hills Recreation Center replacement.

On June 7, 2018, the Park and Recreation Board authorized a construction contract with 3i Contracting, LLC.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

FISCAL INFORMATION

2017 Bond Funds - $5,950,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$5,950,000.00	Construction	25.00%	37.93%	$2,256,978.00

- This contract exceeds the M/WBE goal of 25.00%

PROPOSAL INFORMATION

The following six proposals were received and opened May 4, 2018:

*Denotes the successful proposer

Proposers	Total Bid	Rank	Scores
*3i Contracting, LLC 1111 West Mockingbird Lane Suite 1050 Dallas, Texas 75247	$5,950,000.00	1	3686.8
Big Sky Construction	$6,687,000.00	2	3530.6
J.C. Commercial, Inc.	$5,857,777.00	3	3448.6
Azteca Enterprises	$7,273,000.00	4	3279.4
Rogers-O'Brien Construction	$7,580,000.00	5	3210.0
Hasan design Build and Development	$6,256,000.00	6	1938.4

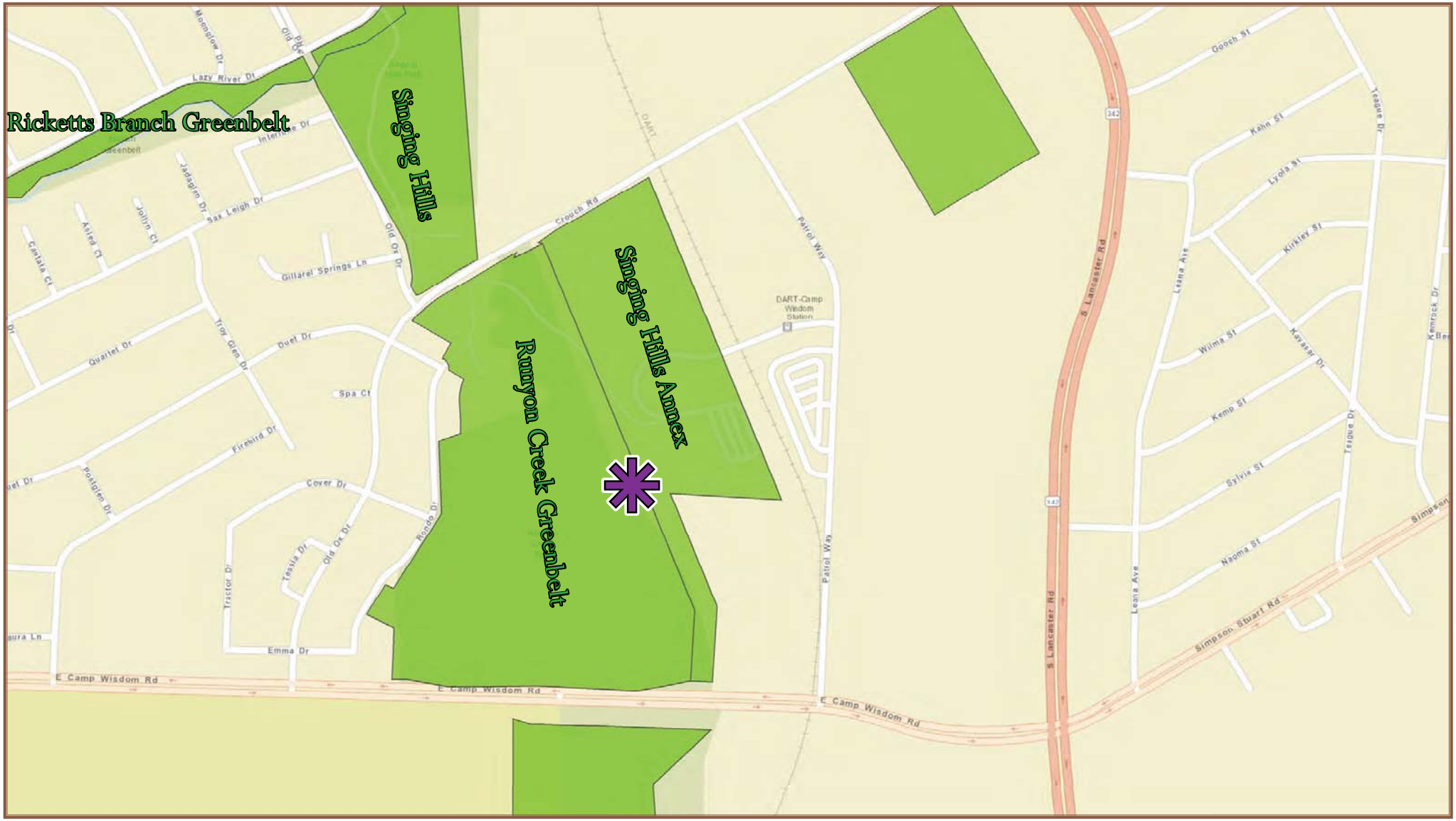
OWNER

3i Contracting, LLC

Michael Williams, President/Chief Executive Officer

MAP

Attached



0 205 410 820 1,230 Feet

1 in = 400 ft

Dallas Park & Recreation

Singing Hills Recreation Center

Mapsco
65 U, V

District
8

June 27, 2018

WHEREAS, on May 4, 2018, six proposals were received for Singing Hills Replacement Recreation Center – Phase 2; and

Proposers	**Total Bid**	**Rank**	**Scores**
3i Contracting, LLC	$5,950,000	1	3686.8
Big Sky Construction	$6,687,000	2	3530.6
J.C. Commercial, Inc.	$5,857,777	3	3448.6
Azteca Enterprises	$7,273,000	4	3279.4
Rogers-O'Brien Construction	$7,580,000	5	3210.0
Hasan design Build and Development	$6,256,000	6	1938.4

WHEREAS, the scope of work for this project includes additions of a gymnasium, a senior activity center, a technology center and a plaza and amphitheater; and

WHEREAS, it has been determined that acceptance of the best and final offer from 3i Contracting, LLC for the Singing Hills Replacement Recreation Center – Phase 2 located at 6805 Patrol Way, in the amount of $5,950,000 is the best value for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with 3i Contracting, LLC, approved as to form by the City Attorney, for the Singing Hills Replacement Recreation Center – Phase 2 located at 6805 Patrol Way, in an amount not to exceed $5,950,000.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a construction contract with 3i Contracting, LLC, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $5,950,000 to 3i Contracting, LLC, from 2017 Bond Fund, Fund 1V00, Department PKR, Unit VB22, Object 4310, Activity MMCF, Program PKTRLDEV, Encumbrance/Contract No. PKR-2018-00006540, Commodity 91200, Vendor VS91700.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 51

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	10
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	16T

SUBJECT

Authorize a public hearing to be held on August 8, 2018, to receive comments on the proposed use of a portion of parkland, totaling approximately 39 square feet of land at Hamilton Park located at 12100 Willowdell Drive, by the Office of Emergency Management for the installation of an outdoor warning siren to provide warning siren system coverage for the benefit of the public; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland, pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as Hamilton Park (approximately 18.5 acres) located at 12100 Willowdell Drive, just east of U.S. Route 75 (North Central Expressway) and south of Interstate Highway 635 (Lyndon B. Johnson Freeway). The Willie B. Johnson Recreation Center is located in this park and the Cottonwood Trail runs north-south through the park.

The Office of Emergency Management (OEM) has requested use of approximately 39 square feet of land in order to install an outdoor warning siren approximately ten feet inside the park boundaries near the existing power pole which is located in the street right-of-way. Electric power from the power lines is needed for operation of the outdoor warning siren.

In 2016, OEM conducted a sound survey to ensure a minimum of seventy decibels of outdoor warning siren system coverage throughout the City. The result identified twenty-seven locations for enhanced coverage. One of the locations identified was at the intersection of Willowdell Drive, Schroeder Road, and Towns Street, a high point in the Hamilton Park neighborhood. Due to the limited space in the street right-of-way and adjacent electric pole wires, an outdoor warning siren could not be placed near the intersection outside the park boundaries. OEM will be responsible for all construction costs, maintenance, and ongoing utility costs associated with the outdoor warning siren.

BACKGROUND (continued)

Due to the configuration of and limited use of the park at this location, the outdoor warning siren's impact on the park is expected to be minimal. OEM has agreed to permit any park use up to the outdoor warning siren and, upon abandonment of the outdoor warning siren at some future date, to promptly remove the outdoor warning siren and appurtenances, subject to appropriation, at which time the land will revert back to parkland.

In compliance with the law, the City has determined that there is a need and that no feasible and prudent alternative to the use or taking of such parkland and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

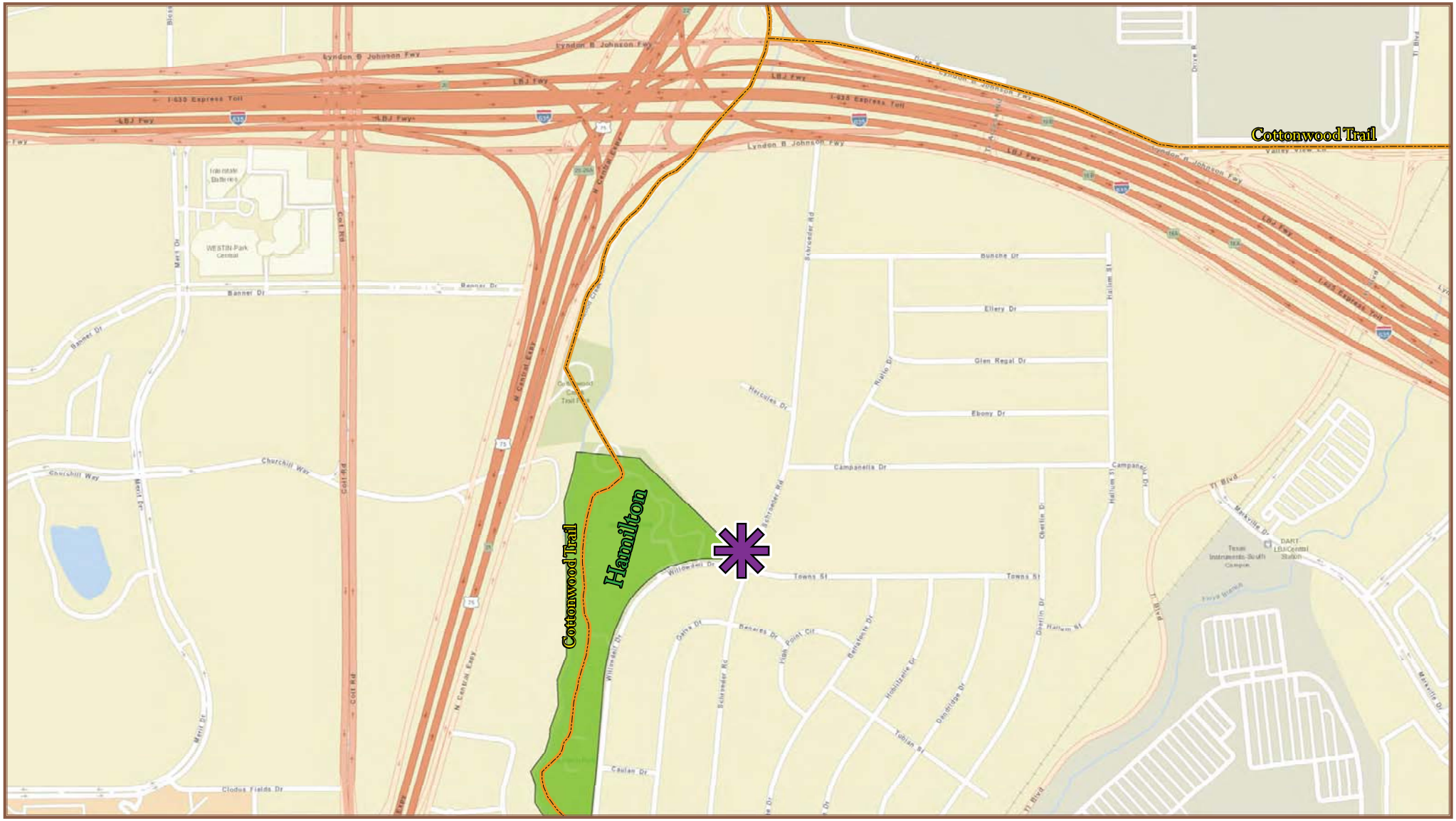
On May 17, 2018, the Park and Recreation Board authorized a public hearing to be held on August 8, 2018.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



0 250 500 1,000 1,500 Feet

1 in = 500 ft

N W E S

Dallas Park & Recreation

Hamilton Park
(12100 Willowdell Dr)

Mapsco
16 T

District
10

June 27, 2018

WHEREAS, the City of Dallas owns land in north central Dallas known as Hamilton Park, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, the City of Dallas Office of Emergency Management (OEM) has requested use of approximately 39 square feet of land in order to install an outdoor warning siren, as part of the City's plan to provide outdoor warning siren system coverage throughout the City, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the dedication of a portion of Hamilton Park to the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on August 8, 2018.

SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking, and conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



0 10 20 40 60 Feet

1 in = 20 ft

Dallas Park & Recreation

Hamilton Park
(12100 Willowdell Dr)

Exlhibit A

Mapsco 16 T

District 10

AGENDA ITEM # 52

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6, 13
DEPARTMENT:	Park & Recreation Department Public Works & Transportation
CMO:	Willis Winters, 670-4071 Majed Al-Ghafry, 670-3302
MAPSCO:	23 D G H J K L M N P 24 A B

SUBJECT

Authorize Amendment No. 1 to the Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane, to provide additional funding for additional costs – Not to exceed $133,013 – Financing: 2006 Bond Funds ($7,892) and 2012 Bond Funds ($125,121)

BACKGROUND

This action will authorize Amendment No. 1 to the Project Specific Agreement (PSA) and provide disbursement of funds not to exceed $133,012.52 to Dallas County for the City's 50 percent share of the project's additional costs, primarily for a bridge over Joe's Creek and traffic signal costs for HAWK crosswalk systems. Phase 2B and 2C of the Northaven Trail total four miles of trail from Denton Drive to Cinderella Lane. The project will provide a vital east-west multimodal transportation link in the Regional Veloweb identified in the North Central Texas Council of Government's Mobility 2040 trail network with access to employment, residential areas, schools, parks, and commercial centers.

The City of Dallas and Dallas County (County) have partnered to design and construct Northaven Trail Phase 2B and 2C. Currently, Phase 2B and 2C are under construction. This action amends the PSA and provides for the additional funds needed for completion of the project.

This PSA is funded by the City of Dallas, County, and the Texas Department of Transportation (TxDOT) through Dallas County Transportation Major Capital Improvement Projects (MCIP) funds, and Federal Transportation Alternative Program funds.

BACKGROUND (continued)

The County is responsible for construction management, TxDOT and other agency coordination, and agreements.

Phase 1A of the Northaven Trail, from Valleydale Drive to Preston Road, was completed by the City in 2013. Upon completion of all phases of the Northaven Trail project, the entire length of the Northaven Trail will be nearly nine miles long extending from White Rock Creek Trail at the east end to the Walnut Hill/Denton DART Station at the west end.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On October 20, 2011, the Park and Recreation Board authorized a Funding Agreement with Dallas County.

On November 7, 2011, City Council authorized a Funding Agreement with Dallas County by Resolution No. 11-2977.

On December 12, 2012, City Council authorized Amendment No. 1 to the Program Funding Agreement with Dallas County for the development of a master plan for the Northaven Trail between Walnut Hill/Denton Station and Preston Road to expand the project limits, scope, and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail by Resolution No. 12-3057.

On December 11, 2014, the Park and Recreation Board approved the Northaven Trail Master Plan.

On May 18, 2017, the Park and Recreation Board authorized a Project Specific Agreement.

On June 14, 2017, City Council authorized a Project Specific Agreement with Dallas County for the completion of the Northaven Trail Phases 2B and 2C trail design and construction, right-of-way acquisition, and coordination with Dallas County and TxDOT agreements required for the project by Resolution No. 17-0934.

On June 7, 2018, the Park and Recreation Board authorized Amendment No. 1 to the Project Specific Agreement to provide funding for additional costs, primarily, to a bridge over Joe’s Creek and traffic signal cost for HAWK crosswalk systems.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

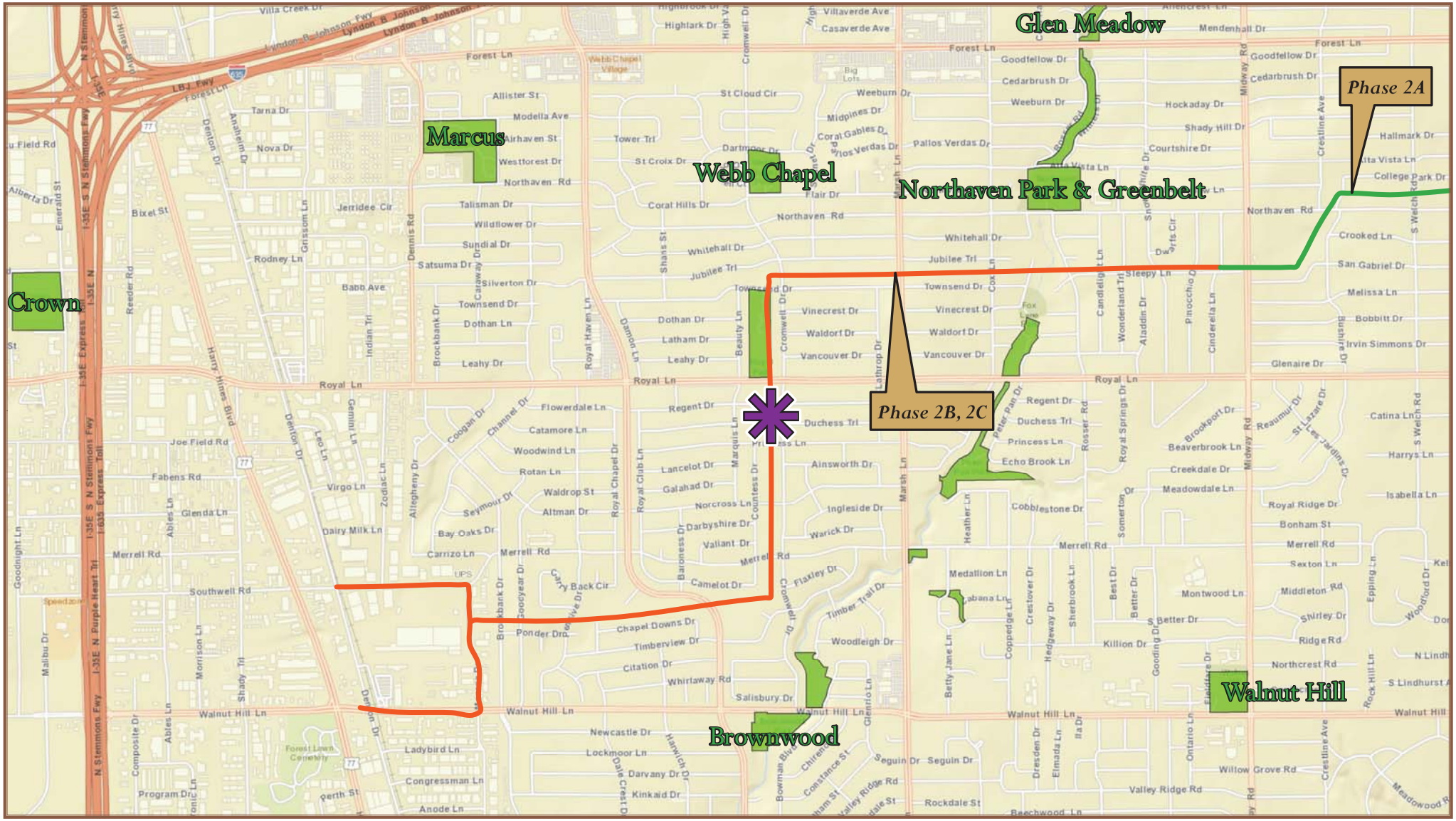
FISCAL INFORMATION

2006 Bond Funds - $7,892.15
2012 Bond Funds - $125,120.37

Council District	Amount
6	$133,012.52
13	$ 0.00
Total	$132,012.52

MAP

Attached



0 700 1,400 2,800 4,200 Feet

N
W E
S

Northaven Trail Phase 2A and 2B PSA
(Denton Dr to Cinderella Ln)

Mapsco
23 D,G,H,J,K,L,M,N,P
24A,B

District
6,13

June 27, 2018

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927, to be jointly funded and developed by the County and the City (Court Order 2011-1287); and

WHEREAS, on November 7, 2011, City Council authorized a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill/Denton Station and Preston Road, in an amount not to exceed $50,000 (MCIP Project 10225), by Resolution No. 11-2977; and

WHEREAS, on December 12, 2012, City Council authorized Amendment No. 1 to the Project Funding Agreement with Dallas County for the development of a master plan for the Northaven Trail between Walnut Hill/Denton Station and Preston Road to expand the project limits, scope and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail by Resolution No. 12-3057; and

WHEREAS, on June 14, 2017, City Council authorized the Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226 for the Northaven Trail Phase 2B and 2C from Denton Drive to trail design and construction, right-of-way acquisition, and coordination with Dallas County and TxDOT agreements required for the project by Resolution No. 17-0934; and

WHEREAS, it is now necessary to authorize Amendment No. 1 to the Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226 for the Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane, to provide funding for additional costs, primarily related to a bridge crossing and signal crosswalk system costs, in an amount not to exceed $133,012.52.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign Amendment No. 1 to the Project Specific Agreement (PSA) with Dallas County, County Transportation Major Capital Improvement Projects 40226 for the Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane, to provide funding for additional costs, in an amount not to exceed $133,012.52.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute an amendment to the PSA with Dallas County, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $133,012.52 to Dallas County, in accordance with the terms and conditions of the PSA, as follows:

2006 Bond Fund	
Street and Transportation Improvements Fund	
Fund 1T22, Department PBW, Unit S618	
Object 4599, Activity HIBT, Program PB12S618	
Commodity 92500, Vendor 014003	$242.23
Park and Recreation Facilities Fund	
Fund 3T00, Department PKR, Unit T241	
Object 4599, Activity HIBT, Program PK06T241.2	
Commodity 92500, Vendor 014003	$4,973.24
Park and Recreation Facilities Fund	
Fund BT00, Department PKR, Unit T241	
Object 4599, Activity HIBT, Program PK06T241.2	
Commodity 92500, Vendor 014003	$2,676.68
2012 Bond Fund	
Street and Transportation Improvements Fund	
Fund 3U22, Department PBW, Unit S618	
Object 4599, Activity HIBT, Program PB12S618	
Commodity 92500, Vendor 014003	$2,964.68
Street and Transportation Improvements Fund	
Fund 4U22, Department PBW, Unit S618	
Object 4599, Activity HIBT, Program PB12S618	
Commodity 92500, Vendor 014003	$122,155.69
Total amount not to exceed	$133,012.52

SECTION 4. That this contract is designated as Contract No. PKR-2018-00006547.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 53

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Police Department
CMO:	Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the Commercial Auto Theft Interdiction Squad/26 Grant (Grant No. 608-19-DPD0000) from the Texas Automobile Burglary & Theft Prevention Authority in the amount of $555,204 to provide a specialized proactive automobile theft program, for the period September 1, 2018 through August 31, 2019; **(2)** the establishment of appropriations in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; **(3)** the receipt and deposit of funds in an amount not to exceed $555,204 in the FY19 ABTPA-Cargo Auto Theft Interdiction Squad/26 18-19 Fund; **(4)** a local match in the amount not to exceed $111,041; **(5)** an in-kind contribution in an approximate amount of $517,394; and **(6)** execution of the grant agreement - Total not to exceed $1,183,639 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds ($555,204), In-Kind Contributions ($517,394) and General Funds ($111,041) (subject to appropriations)

BACKGROUND

Authorization of this item will allow the City to continue to fund a specialized proactive investigative unit comprised of one sergeant and four senior corporals. The group is tasked with targeting commercial auto theft offenders who profit from vehicles stolen each year in Dallas, including salvage yards, chop shops, wrecker services, used car dealers, and large organized auto theft rings.

The City has been a recipient of the Commercial Auto Theft Interdiction Squad Grant for 25 years and has received over $12.5M in grant funding during that time. One of the main goals of the Texas Automobile Burglary Theft & Prevention Authority (ABTPA) is to provide funds to be used to fight auto theft as well as provide a network of communication for grantees. The City regularly collaborates with other grant recipients to share ideas and trends.

BACKGROUND (continued)

Work done through this unit allow Dallas Police Department (DPD) to recover stolen vehicles and proactively combat auto theft and burglaries. From 2005 to 2017, the total number of Unauthorized use of Vehicles reported has decreased from over 14,000 to about 7,500. Additionally, the case clearance rate has increased from 6.5% in 2010 to 10.5% in 2017.

The ABTPA specifically requires governing body approval for the acceptance of the grant. If accepted, this grant will fund one administrative/operations sergeant and four senior corporals, require matching cash funds of $111,041, and in-kind contributions in the amount of $517,394. The cash match will be met by the use of one senior corporal assigned to the grant. The in-kind match will be met by four detectives and one office assistant assigned full-time to grant activities. This funding is already programmed into the departmental budget.

With the acceptance of this grant, the provision of the cash match and the in-kind contribution will be required for the execution of this grant.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 10, 2014, City Council authorized the acceptance of the Commercial Auto Theft Interdiction Squad/22 Grant from the Texas Automobile Burglary & Theft Prevention Authority to provide a specialized proactive automobile theft program, for the period September 1, 2014 through August 31, 2015; a local match; an In-kind Contribution; and execution of the grant agreement by Resolution No. 14-1466.

On April 22, 2015, City Council authorized an application for the Commercial Auto Theft Interdiction Squad/23 Grant from the Texas Automobile Burglary & Theft Prevention Authority to provide a specialized proactive automobile burglary and theft program for the period September 1, 2015 through August 31, 2016; a local match; an In-Kind Contribution; and execution of the grant agreement by Resolution No. 15-0805.

On August 26, 2015, City Council authorized the acceptance of the Commercial Auto Theft Interdiction Squad/23 Grant from the Texas Automobile Burglary & Theft Prevention Authority to provide a specialized proactive automobile theft program for the period September 1, 2015 through August 31, 2016; a local match; an In-kind Contribution; and execution of the grant agreement by Resolution No. 15-1550.

On August 24, 2016, City Council authorized the acceptance of the Commercial Auto Theft Interdiction Squad/24 Grant from the Texas Automobile Burglary & Theft Prevention Authority to provide a specialized proactive automobile theft program for the period September 1, 2016 through August 31, 2017; a local match; an In-kind Contribution; and execution of the grant agreement by Resolution No. 16-1340.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On May 24, 2017, City Council authorized an application for the Commercial Auto Theft Interdiction Squad/25 Grant from the Texas Automobile Burglary and Theft Prevention Authority to provide a specialized proactive automobile theft program for the period of September 1, 2017 through August 31, 2018; a local match; In-Kind Contribution; and an application for the continuation or modification of the grant for subsequent years by Resolution No. 17-0850.

On September 13, 2017, City Council authorized the acceptance of the Commercial Auto Theft Interdiction Squad/25 Grant from the Texas Automobile Burglary & Theft Prevention Authority to provide specialized proactive automobile theft project for the period September 1, 2017 through August 31, 2018; local match; In-Kind Contribution; and execution of the grant agreement by Resolution No. 17-1439.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

Texas Automobile Burglary & Theft Prevention Authority Grant Funds - $555,204
General Funds - $111,041
In-Kind Contributions - $517,394

WHEREAS, the Texas Automobile Burglary & Theft Prevention Authority (ABTPA) has made funds available for law enforcement projects during the 2018-19 fiscal year; and

WHEREAS, the increased funding source would benefit the City of Dallas in its endeavor to reduce crime; and

WHEREAS, under the provisions of the Texas Revised Civil Status Article 4413(37) and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Automobile Burglary and Theft Prevention Authority to provide financial support to law enforcement agencies for economic automobile theft enforcement teams and to combat automobile burglary in the jurisdiction; and

WHEREAS, this grant program will assist this jurisdiction to combat automobile burglary and theft; and

WHEREAS, the City of Dallas has agreed that in the event of loss or misuse of the grant funds, the City of Dallas assures that the grant will be returned in full to the Automobile Burglary and Theft Prevention Authority.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the Commercial Auto Theft Interdiction Squad/26 Grant (Grant No. 608-19-DPD0000), in an amount not to exceed $555,204 for the period of September 1, 2018 through August 31, 2019; and sign the grant agreement and other documents required by the grant, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish the appropriations in an amount not to exceed $555,204 in the FY19 ABTPA-Commercial Auto Theft Interdiction Squad/26 Grant Fund, Fund S327, Department DPD, Unit 3634, various Object Codes in accordance to the attached Schedule.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $555,204 in the FY19 ABTPA -Commercial Auto Theft Interdiction Squad/26 Grant Fund, Fund S327, Department DPD, Unit 3634, Revenue Code 6516.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $555,204, from FY19 ABTPA-Commercial Auto Theft Interdiction Squad/26 Grant Fund, Fund S327, Department DPD, Unit 3634, various O bject Codes, in accordance to the attached Schedule.

SECTION 5. That the Chief Financial Officer is hereby authorized to provide a local cash match in an amount not to exceed $111,041 (subject to appropriations) from Fund 0001, Department DPD, Unit 2161, various Object Codes in accordance to the attached Schedule.

SECTION 6. That the Chief Financial Officer is hereby authorized to provide an In-Kind Contribution in the approximate amount of $517,394, in accordance to the attached Schedule.

SECTION 7. That in the event of loss or misuse of funds, the City of Dallas will return all funds to the Automobile Burglary & Theft Prevention Authority in full. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 8. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 9. That this contract is designated as Contract No. DPD-2018-00006659.

SECTION 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

SCHEDULE
Commercial Auto Theft Interdiction Squad/26
Grant
Fund S327, Dept. DPD, Unit 3634, Revenue Code 6516
September 1, 2018-August 31, 2019

Object Code	Description	Amount
1102	Salary/Uniformed(includes 4 Sr. Corporal positions and 1 Sergeant position)	$405,135
1302	Pensions/Uniformed	$115,251
1304	Health Insurance	$28,900
1306	FICA	$5,918
	Grant Total	**$555,204**

Matching Funds
Cash Match
Fund 0001, Dept. DPD, Unit 2161

Object Code	Description	Amount
1102	Salary/Uniformed(1 position)	$81,629
1302	Pensions/Uniformed	$22,448
1304	Health Insurance	$5,780
1306	Fica	$1,184
	Total	**$111,041**

In-Kind Contribution
City of Dallas
Fund 0001, Dept. DPD, Unit 2161

Object Code	Description	Amount
1101	Personnel(includes 1 civilian position)	$42,223
1102	Personnel(includes 4 sworn positions)	$341,077
1301	Pension/Civilian	$5,839
1302	Pension/Uniformed	$93,797
1304	Health Insurance	$28,900
1306	Fica	$5,558
	Total	**$517,394**

AGENDA ITEM # 54

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	1, 2, 3, 4, 5, 6, 7, 8, 14
DEPARTMENT:	Police Department
CMO:	Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019 - Not to exceed $1,200,000 - Financing: General Funds (subject to appropriations)

BACKGROUND

In January 2008, the Dallas County Sheriff's Office assumed primary freeway coverage responsibility in Southern Dallas County allowing Dallas Police Department to reallocate resources to focus more intently on neighborhoods, while the Dallas County Sheriff's Office provides a targeted regional response on the highways to achieve greater response times and enhanced response capabilities.

From the inception of the program in 2008 through FY 2010-11, the City did not contribute funding towards the operation of the program.

In FY 2011-12, the City of Dallas assisted Dallas County in meeting budgetary shortfalls for the Dallas County Highway Program by contributing $1M in financing toward the program. In addition, the agreement modified the traffic management coverage areas for the Dallas Police Department and the Dallas County Sheriff's Office.

In addition to receiving a financial commitment from the City, the Regional Transportation Council through the North Central Texas Council of Governments has contributed funding towards this traffic safety partnership of approximately $1M annually.

The program has had an operating deficit in prior years that was funded by Dallas County. In FY 2017-18 and FY 2018-19, the delta is estimated to be approximately $6.8M. The estimated FY 2017-18 and FY 2018-19 program expenses are $11.8M while the program revenues and funding contributions account for $5M.

BACKGROUND (continued)

Below is a summary of funding contributions by the City:

During FY 2012-13 and FY 2013-14, highway coverage remained the same and the City contributed $800,000 to program expenses in FY 2012-13 and $600,000 in FY 2013-14.

During FY 2014-15 and FY 2015-16, highway coverage remained the same and the City contributed $600,000 to cover program expenses.

For FY 2017-18 and FY 2018-19, highway coverage has and will remain the same and the City is being asked to contribute $600,000 annually to cover program expenses.

Under this agreement, the Dallas County Sheriff's Office manages traffic coverage in the following locations:

Loop 12	Trinity River to Interstate Highway (IH) 35/Loop 12 (Walton Walker) split
Woodall Rodgers Freeway	from Central Expressway to Riverfront Boulevard
U.S. Highway 175	from IH 45 to City of Seagoville city limits
Interstate Highway 45	Woodall Rodgers Freeway to U.S. Highway 175
Interstate Highway 30	from the City of Irving city limits to the City of Mesquite city limits
Interstate Highway 35	from Woodall Rodgers Freeway to the city limits (North of IH 635) and from the IH 35/U.S. Highway 67 split to Woodall Rodgers Freeway
Interstate Highway 20	from the City of Balch Springs city limits to the City of Grand Prairie city limits

BACKGROUND (continued)

The below table represents metrics from the services provided by Dallas County under this agreement:

Dallas County Sheriff	FY 2015-16	FY 2016-17
Calls for Service	48,443	69,991
Traffic Accident Responses	6,588	5,833
Response Time (minutes)	9.03	9.9
Clearance Time (minutes)	21.8	21.7
Recovered Stolen Vehicles	94	69
Persons Arrested	1,231	1,203
Traffic Warning Issued	12,227	12,268
Speeding Tickets	3,828	8,498
DWI/DUI	253	211

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, City Council authorized a payment to the Dallas County Sheriff's Office to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2013 through September 30, 2014, by Resolution No. 14-0188.

On June 17, 2015, City Council authorized a payment to the Dallas County Sheriff's Office to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2014 through September 30, 2015, by Resolution No. 15-1244.

On May 11, 2016, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2015 through September 30, 2016, by Resolution No. 16-0731.

On June 14, 2017, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017, by Resolution No. 17-0939.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 25, 2018.

FISCAL INFORMATION

General Funds - $1,200,000 (subject to appropriations)

FY 2017-18 $600,000
FY 2018-19 $600,000

Council District	Amount
1	$ 133,332
2	$ 133,332
3	$ 133,332
4	$ 133,334
5	$ 133,334
6	$ 133,334
7	$ 133,334
8	$ 133,334
14	$ 133,334
Total	$1,200,000

June 27, 2018

WHEREAS, Dallas County maintains a highway traffic program for limited-access facilities in portions of Dallas County Highway Traffic Program; and

WHEREAS, the Parties previously agreed upon a funding strategy for the Dallas County Highway Traffic Program to address an expected shortfall for FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019; and

WHEREAS, given the success of the funding strategy for FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, and FY 2017, the Parties now desire to enter into an agreement concerning the funding for the Dallas County Highway Traffic Program for FY 2018 and FY 2019; and

WHEREAS, in consideration of these premises, Dallas County and the City of Dallas, agree to reimburse program expenses associated with the Dallas County Highway Traffic Program.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Agreement with the Dallas County Sheriff's Office, approved as to form by the City Attorney, for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019, in an amount not to exceed $1,200,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay the Dallas County Sheriff’s Office (Vendor 014003), in an amount not to exceed $1,200,000 (subject to appropriations) from General Fund, Fund 0001, Department DPD, Unit 2121, Object 3070, Encumbrance/Contract No. MASC-DPD-2018-00004999, Vendor 014003.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 55

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35K P

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Town of Highland Park for replacement of an existing 24-inch water main along Preston Road from Armstrong Parkway to Mockingbird Lane; and **(2)** payment to the Town of Highland Park in accordance with the interlocal agreement for the aforementioned improvements - Not to exceed $1,530,864 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

Dallas Water Utilities (DWU) owns and operates an existing 24-inch water main in the Town of Highland Park along Preston Road from Armstrong Parkway to Mockingbird Lane. The existing water main was built in the 1920's and a recent engineering evaluation concluded that the main has reached its useful life and is oversized for water demands in the area. The evaluation recommended that the existing water main be downsized to a new 12-inch water main based on capacity needs and to improve water quality.

The Interlocal Agreement will allow DWU to replace approximately 5,080 feet of existing 24-inch water main with a new 12-inch water main in conjunction with the Town of Highland Park's paving and drainage improvement project. Joint efforts to replace the main in conjunction with planned paving improvements will minimize traffic and pedestrian disruption and save money associated with costly pavement repairs. DWU will provide construction plans and specifications for the water main replacement to the Town of Highland Park. The Town of Highland Park will administer the project during construction and has agreed to incorporate DWU's water main work into their construction contract.

BACKGROUND (continued)

Under this agreement, the cost of the water main replacement will be funded by DWU. DWU will provide construction inspection services and final approval of the water main construction. The authorization of funds will allow The Town of Highland Park to include the water main replacement in the award of their construction contract.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction July 2018
Complete Construction July 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

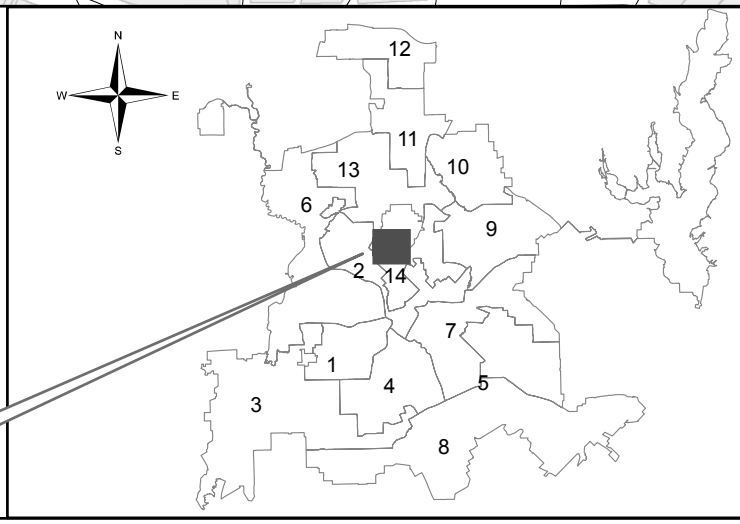
Water Utilities Capital Improvement Funds - $1,530,863.49

MAP

Attached



Mapsco: 35K, P



Outside City Limits

Dallas Water Utilities
Contract No. 18-259F
Water Main Rehabilitation

June 27, 2018

WHEREAS, The Town of Highland Park plans to construct paving and drainage improvements along Preston Road from Armstrong Parkway to Mockingbird Lane; and

WHEREAS, Dallas Water Utilities has an existing 24-inch water main that needs to be replaced with a 12-inch water main along Preston Road from Armstrong Parkway to Mockingbird Lane; and

WHEREAS, The Town of Highland Park has agreed to incorporate Dallas Water Utilities' water main replacement into their construction contract; and

WHEREAS, under the Interlocal Agreement with The Town of Highland Park, Dallas Water Utilities will provide funding, construction inspection services, and approval of any design changes for the water main replacement; and

WHEREAS, the Interlocal Agreement will allow The Town of Highland Park to proceed with award of the construction contract to include the water main replacement and provide contract administration for the construction.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an agreement with The Town of Highland Park, approved as to form by the City Attorney, for replacement of a 24-inch water main along Preston Road from Armstrong Parkway to Mockingbird Lane.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,530,863.49 to The Town of Highland Park from the Water Capital Improvement Fund, Fund 2115 Department DWU, Unit PW42, Object 4550, Program 718259, Encumbrance/Contract No. CX-DWU-2018-00006232, Vendor 257577.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 56

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	Outside City Limits

SUBJECT

Authorize a three-year contract with the Town of Hickory Creek to provide untreated water services for the period June 27, 2018 through June 26, 2021 - Estimated Annual Revenue: $10

BACKGROUND

The Town of Hickory Creek requests the purchase of a maximum of 10,000 gallons of untreated water annually from Dallas for the purpose of irrigating and maintaining landscaping and medians within town limits located along Lake Lewisville within Denton County.

The City of Dallas owns water rights in Lake Lewisville including agricultural (irrigation) water rights. The untreated water diverted by Hickory Creek shall be considered as diverted from Lake Lewisville to Hickory Creek's diversion points.

This water will be billed at the ordinance rate for untreated water service in accordance with Chapter 49. The sale of untreated water to Hickory Creek is subject to and limited by available system supply.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

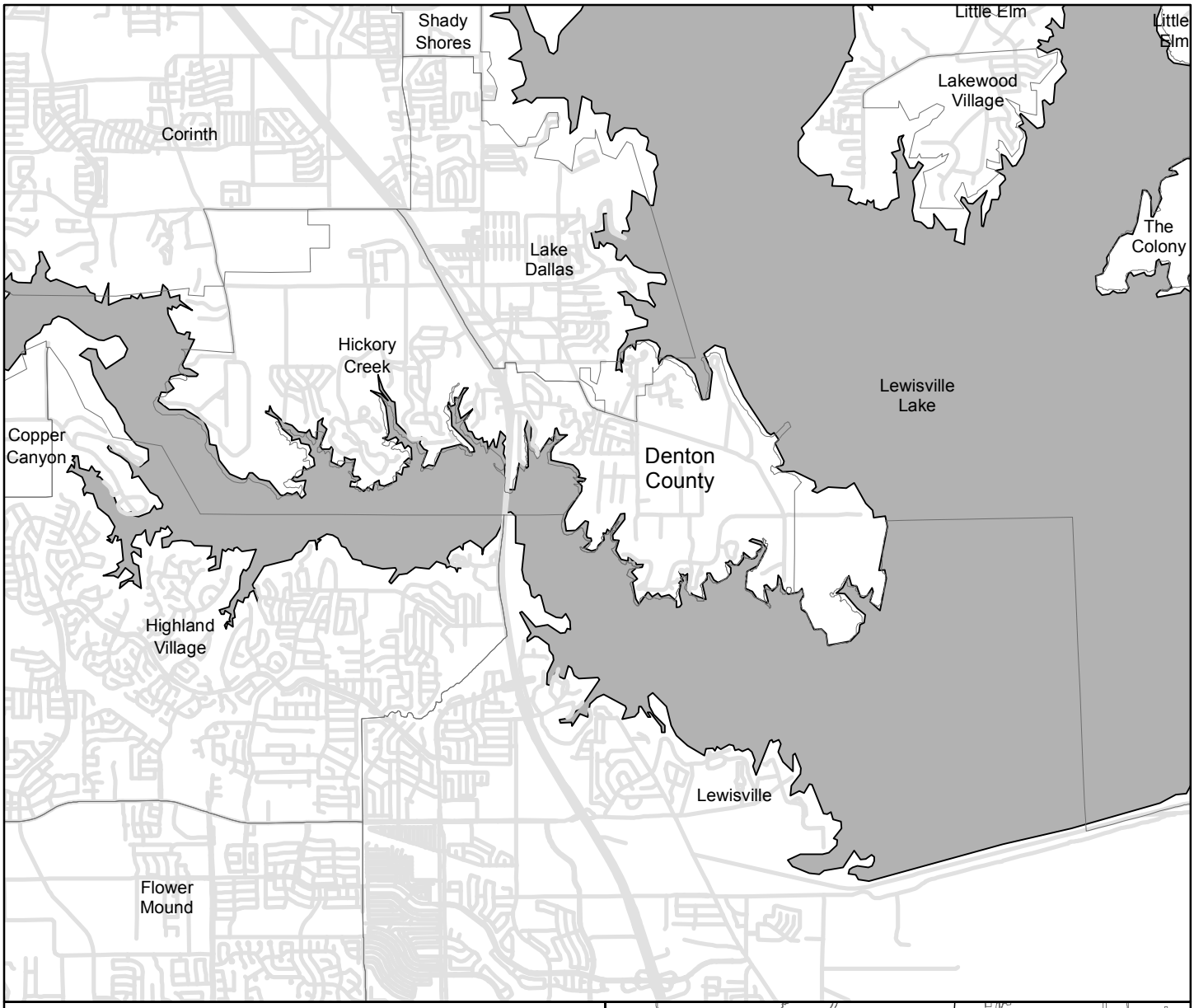
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

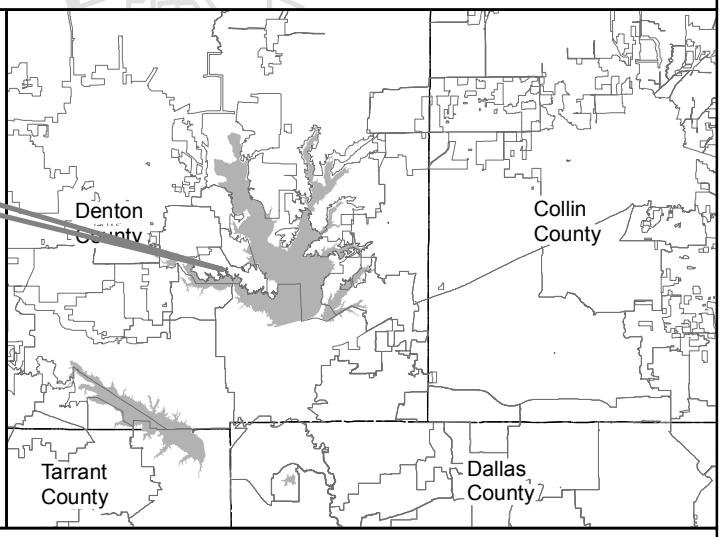
FISCAL INFORMATION

Estimated Annual Revenue: $10 (at current wholesale untreated water rate)

MAP

Attached





The Town Hickory Creek

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Dallas Water Utilities
The Town of Hickory Creek in Denton County
Wholesale Untreated Water Contract

June 27, 2018

WHEREAS, the City of Dallas owns water rights in Lake Lewisville including agricultural (irrigation) water rights; and

WHEREAS, the Town of Hickory Creek requests to purchase untreated water from the City of Dallas for irrigating and maintaining landscaping and medians within town limits located along Lake Lewisville within Denton County.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into an Untreated Water Contract with the Town of Hickory Creek to purchase untreated water services from the City of Dallas for the period June 27, 2018 through June 26, 2021 in the estimated annual amount of $10, after approval of the contract documents by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 7005, Function 7REV, Revenue Code 7836.

SECTION 3. That this contract is designated as Contract No. DWU-2018-00006671.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 57

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 56 J

SUBJECT

Authorize a professional services contract with JQ Infrastructure, LLC to provide engineering services required for the investigation, preliminary design, development of construction plans and specifications, bid phase services, construction administration, and start-up of rehabilitation improvements for influent piping and equipment at the Central Wastewater Treatment Plant - Not to exceed $1,095,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The existing pipelines that convey wastewater flows to the Central Wastewater Treatment Plant (CWWTP) were constructed in the 1950s and are in need of evaluation for replacement or rehabilitation. These influent pipelines are buried below critical process treatment facilities, including trickling filters, primary clarifiers, the chlorine building, tertiary filters and the activated sludge complex. Structural failure of these pipelines could lead to sanitary sewer overflows and permit violations. In addition, a pipeline failure below any critical treatment facility would greatly reduce the plant's capacity and require expensive emergency repairs.

Under the professional services contract, the engineer will be responsible for evaluating all influent piping and equipment associated with wastewater conveyance to CWWTP. This includes condition assessments, evaluation of proper rehabilitation and replacement methods, design of necessary improvements, as well as construction phase services.

The estimated construction cost for this project is $6,000,000.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	August 2018
Complete Design	July 2019
Begin Construction	September 2019
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $1,095,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,095,000.00	Architectural & Engineering	25.66%	81.79%	$895,625.00

- This contract exceeds the M/WBE goal of 25.66%

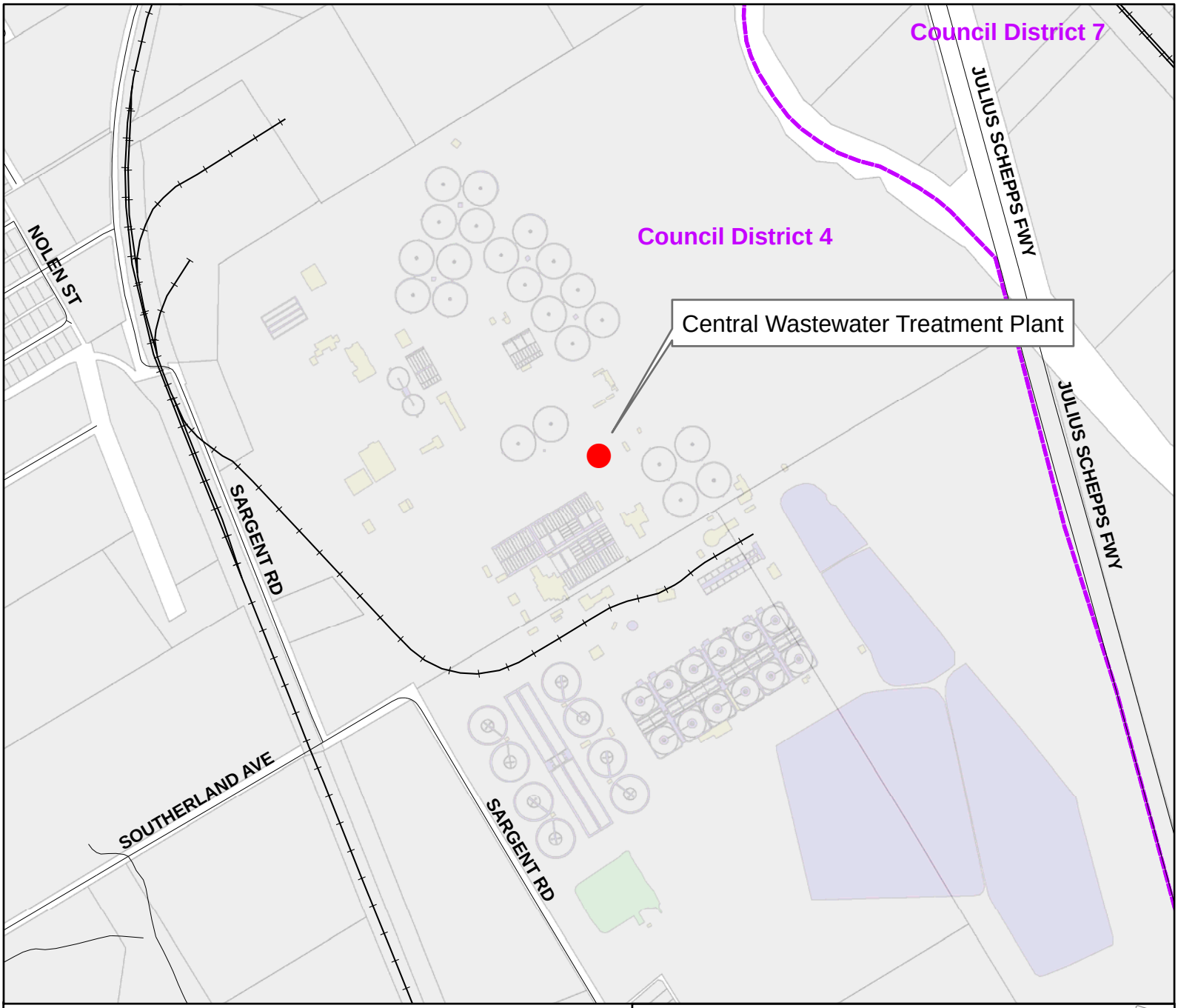
OWNER

JQ Infrastructure, LLC

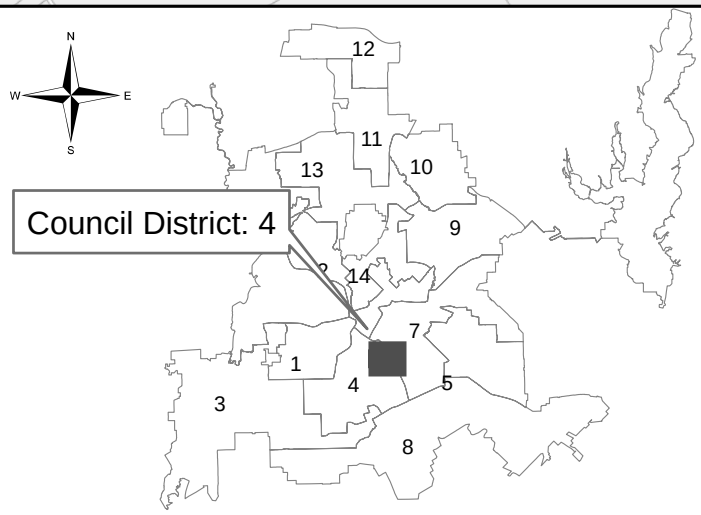
C. Raajan Mehta, President
Stephen H. Lucy, Vice President
Christopher N. Story, Treasurer
Thomas L. Scott, Secretary

MAP

Attached



Mapsco: 56 J



Dallas Water Utilities
Contract No. 18-020E
Central Wastewater Treatment Plant
Influent Piping and Equipment Rehabilitation

June 27, 2018

WHEREAS, the City of Dallas has identified a need to address various mechanical, electrical and structural improvements associated with influent piping and equipment at the Central Wastewater Treatment Plant; and

WHEREAS, engineering services are required to extend the useful service life and reliability of the treatment plant's influent piping and equipment; and

WHEREAS, JQ Infrastructure, LLC, 100 Glass Street, Suite 201, Dallas, Texas 75207 has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

SECTION 1. That the proposal submitted by JQ Infrastructure, LLC, Contract No. 18-020E, in the amount of $1,095,000 be approved and the consultant be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign a professional services contract with JQ Infrastructure, LLC, approved as to form by the City Attorney, to provide engineering services required for the investigation, preliminary design, development of construction plans and specifications, bid phase services, construction administration, and start-up of rehabilitation improvements for influent piping and equipment at the Central Wastewater Treatment Plant, in an amount not to exceed $1,095,000.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,095,000 to JQ Infrastructure, LLC from the Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS30, Object 4114, Program 718020, Encumbrance/Contract No. CX-DWU-2018-00006098, Vendor 517892.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 58

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	50A N S T

SUBJECT

Authorize a construction contract for the East Side Water Treatment Plant Site and Security Improvements Project - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed $2,655,900 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action authorizes the construction of a new front entrance, guardhouse, automatic gate system, security system and north perimeter fencing. The current entrance has been largely unchanged during the fifty-year history of the plant. The existing guardhouse was placed at the present location in 2002 in response to 9/11, but the entrance was only modified to accommodate the temporary guardhouse. The existing layout does not meet current Department of Homeland Security and American Water Works Association guidelines for secured entrances. The new entrance is designed to accommodate the queuing of semi-trailer chemical delivery trucks off of the local roadway but outside of the secured plant entrance, and allows plant staff to enter through a separate secured gate while the guard reviews delivery documentation. These improvements include automatic badge entry, video monitoring and dark sky security lighting. This contract brings the East Side Water Treatment Plant (ESWTP) to the same security standard as the other two City of Dallas water treatment plants.

The ESWTP was originally constructed in the 1960's and is the largest of Dallas Water Utilities' three water treatment plants. The treatment capacity has been expanded four times since the original construction and has a capacity of 540 million gallons per day. As such, the ESWTP supplies approximately half of the treated water delivered to City of Dallas customers and customer cities and is critical to maintaining an adequate and safe water supply.

BACKGROUND (continued)

The following chart illustrates Archer Western Construction, LLC's contractual activities with the City of Dallas for the past three years:

	PBW	DWU	PKR	TWM
Projects Completed	0	4	0	0
Change Orders	0	4	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2017
Completed Design	February 2018
Begin Construction	July 2018
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 14, 2017, City Council authorized a professional services contract with Garver, LLC by Resolution No. 17-0949.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $2,655,900.00

Design	$ 176,596.00
Construction (this action)	$2,655,900.00
Total Project Cost	$2,832,496.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,655,900.00	Construction	25.00%	25.29%	$671,699.00

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following two bids with quotes were opened on April 6, 2018:

*Denotes successful bidder

Bidders	**Bid Amount**
*Archer Western Construction, LLC 1411 Greenway Drive Irving, Texas 75038	$2,655,900.00
Rebcon, Inc.	$4,057,000.00

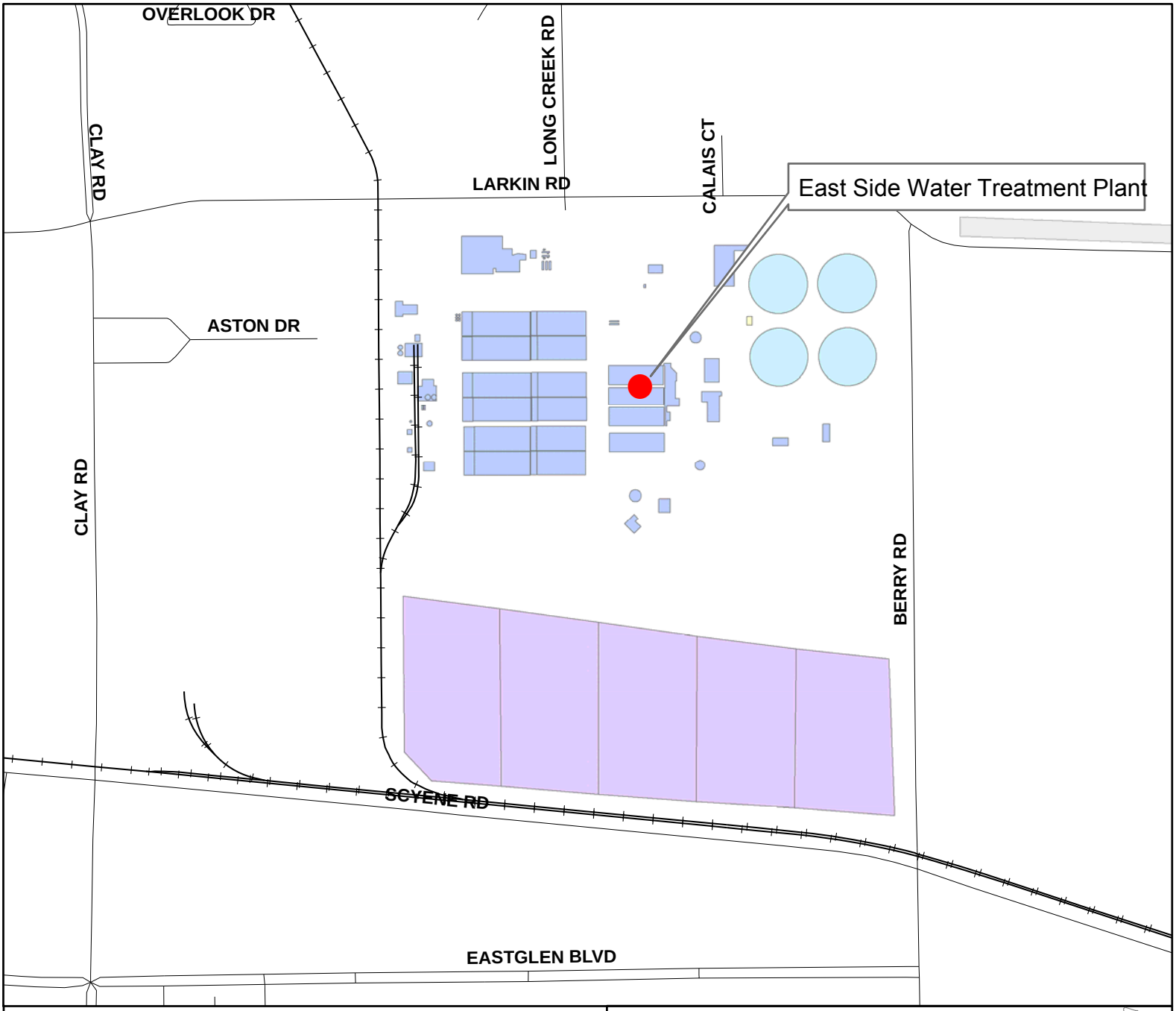
OWNER

Archer Western Construction, LLC

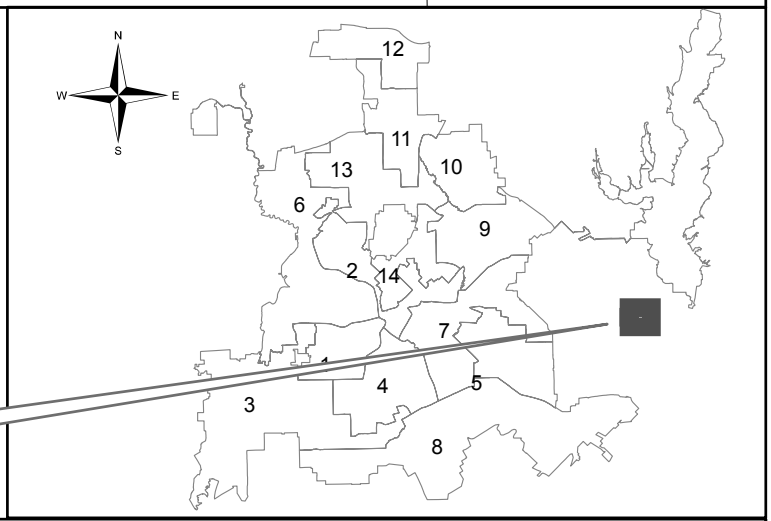
Daniel P. Walsh, President
Matthew M. Walsh IV, Secretary

MAP

Attached



Mapsco: 50A N S T



Council District: Outside City Limits

Dallas Water Utilities
Contract No. 18-207
East Side Water Treatment Plant
Site and Security Improvements

June 27, 2018

WHEREAS, on April 6, 2018, two bids were received for the East Side Water Treatment Plant Site and Security Improvements project, Contract No. 18-207, listed as follows:

Bidders	**Bid Amount**
Archer Western Construction, LLC	$2,655,900
Rebcon, Inc.	$4,057,000

WHEREAS, the bid submitted by Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, in the amount of $2,655,900, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Archer Western Construction, LLC, in the amount of $2,655,900, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-207, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with Archer Western Construction, LLC, approved as to form by the City Attorney, for the East Side Water Treatment Plant Site and Security Improvements project, in an amount not to exceed $2,655,900.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,655,900 to Archer Western Construction, LLC from Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW32, Object 4320, Program 718207, Encumbrance/Contract No. CX-DWU-2018-00006479, Vendor VS0000064407.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 59

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 9

DEPARTMENT: Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 38 D

SUBJECT

Authorize a construction contract with Archer Western Construction, LLC for structural improvements to the Garland Road Elevated Water Storage Tank - Not to exceed $3,414,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action will authorize construction work associated with the installation of structural supports for the Garland Road Elevated Water Storage Tank. The tank was recently evaluated by a structural engineer and shoring improvements were recommended to ensure the tank's stability until a new tank is constructed and put in service (approximately 3-5 years). In accordance with Administrative Directive 4-5, an emergency procurement was conducted for the urgent need to preserve City property and public safety.

The elevated tank was built in 1954 and provides potable water storage for the East High Pressure Zone, which includes an area generally bounded by Northwest Highway, Lyndon B. Johnson Freeway, Scyene Road and White Rock Lake/East Grand Avenue. The Garland Road tank is the only elevated tank serving east Dallas and its continued service is important to the overall water delivery system. Further concrete deterioration of the tank walls has the potential to weaken the structural support and result in a failure of the two million gallon storage tank.

Dallas Water Utilities is designing a new elevated storage tank at a proposed site to replace the existing storage tank. The proposed site for the new tank is located just north of Northwest Highway between McCree Road and Executive Drive. A supplemental agreement for the final design of the new tank and associated water distribution system improvements will be scheduled for Council approval on August 8, 2018.

ESTIMATED SCHEDULE OF PROJECT

Begin Work July 2018
Complete Work December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $3,414,000

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$3,414,000.00	Construction	25.00%	0.00%	$0.00

- This item is an Emergency Repair, therefore the amount of time was not sufficient to meet Good Faith Effort requirements.

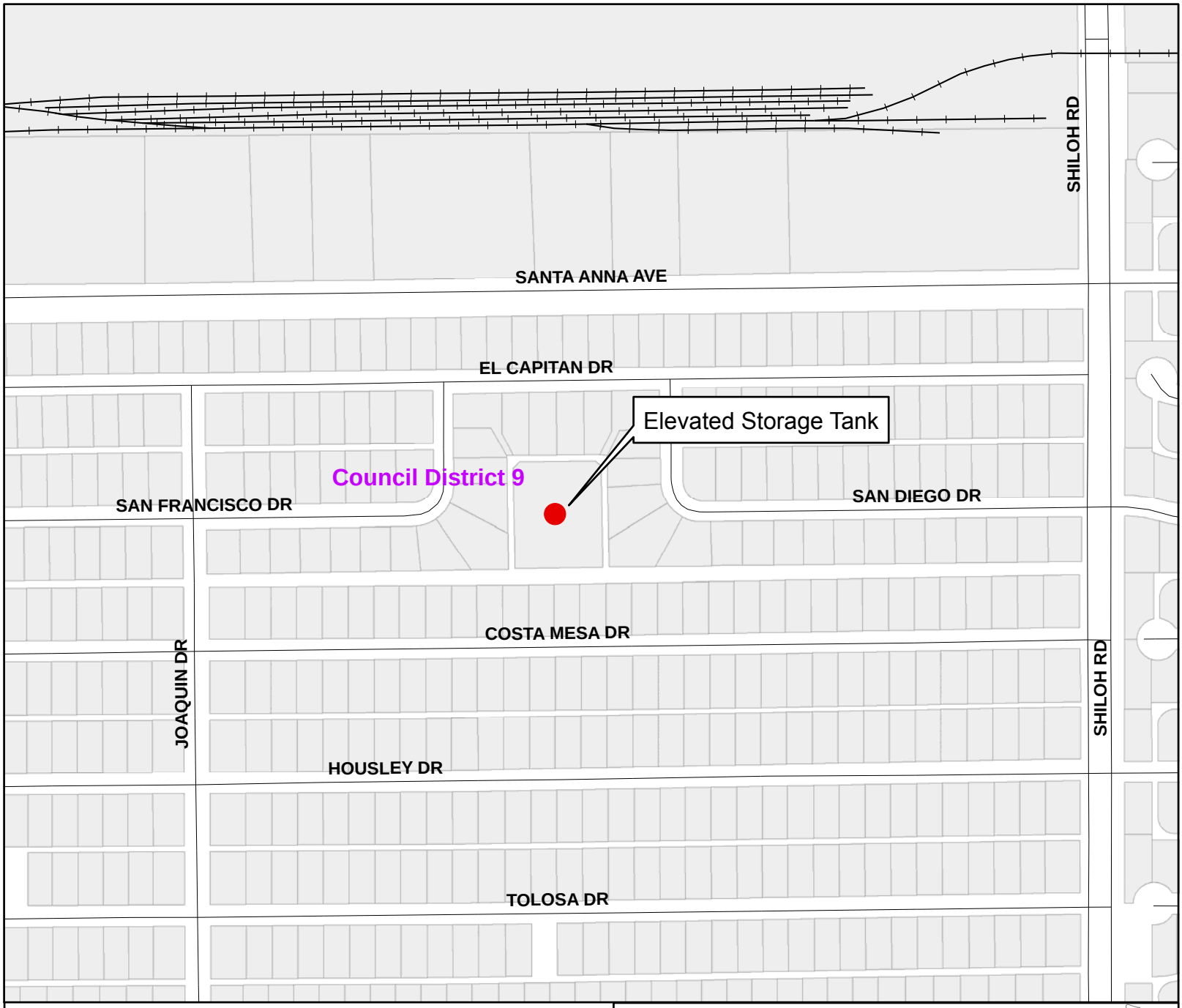
OWNER

Archer Western Construction, LLC

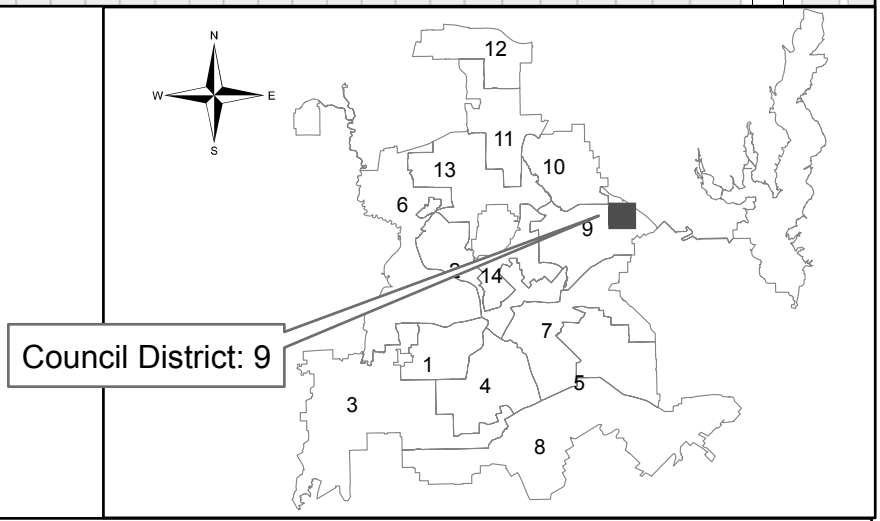
Daniel P. Walsh, President

MAP

Attached



Mapsco: 38 D



Dallas Water Utilities
Contract No. 18-471
Garland Road Elevated Water Storage Tank

June 27, 2018

WHEREAS, the City of Dallas has identified an urgent need for the installation of structural supports at the Garland Road Elevated Water Storage Tank; and

WHEREAS, Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, has submitted an acceptable proposal for this work; and

WHEREAS, Dallas Water Utilities has reviewed the proposal and recommends approval.

Now, Therefore,

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

SECTION 1. That the cost submitted by Archer Western Construction, LLC (Contract No. 18-471) in the amount of $3,414,000, for performing the construction work be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with Archer Western Construction, LLC, approved as to form by the City Attorney, for the installation of structural supports at the Garland Road Elevated Water Storage Tank, in an amount not to exceed $3,414,000.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed $3,414,000 to Archer Western Construction, LLC from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Object 4320, Program 718471, Encumbrance/Contract No. CX-DWU-2018-00006695, Vendor VS0000064407.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 60

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2, 4, 6, 10

DEPARTMENT: Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 27 Y 33C G 37 T 45 T Q 56 J

SUBJECT

Authorize an increase in the construction services contract with Joe Funk Construction + Diversity Resources Group Joint Venture for additional work associated with building renovations, roof replacements and miscellaneous improvements at five Dallas Water Utilities facilities (list attached) - Not to exceed $457,401, from $2,704,585 to $3,161,986 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

On October 11, 2016, City Council authorized a contract for the renovation and stabilization of several DWU buildings located at Central Wastewater Treatment Plant, Bachman Water Treatment Plant, North East Service Center, White Rock Control Center, Cadiz Pump Station and City Hall. The work includes renovation of exterior building shells, roof replacements, interior finish out and additional safety and security upgrades. After award of the construction contract, revisions to the International Energy Conservation Codes were adopted which required the design to be updated to meet the new code. Additionally, the Cadiz Pump Station Evaluation recommended additional historic stabilization requirements to be integrated into this work.

This action will authorize Change Order No. 1 to the construction services contract for work to address additional construction materials and labor related to new codes and historical upgrades. It will also authorize work to address unforeseen conditions identified during construction related to underground utilities.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2015
Completed Design	January 2016
Began Construction	October 2016
Complete Construction	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2014, City Council authorized a professional services contract with Halff Associates, Inc. to provide architectural and engineering services for the design of roof and HVAC systems; and a space utilization study for the Trinity Watershed Management Department by Resolution No. 14-0523.

On October 11, 2016, City Council authorized a construction contract with Joe Funk Construction + Diversity Resources Group Joint Venture for building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities by Resolution No. 16-1681.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $457,400.84

Phase II Design, Study	$2,653,128.64
Construction Contract	$2,704,585.00
Change Order No. 1 (this action)	$ 457,400.84
Total Project Cost	$5,815,114.48

Council District	Amount
2	$392,276.93
4	$ 47,479.91
6	$ 3,659.00
10	$ 13,985.00
Total	$457,400.84

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$457,400.84	Construction	25.00%	81.50%	$372,764.30

- Change Order No. 1 - 81.50% M/WBE participation
- This contract exceeds the M/WBE goal of 25.00%, and has a 54.65% Overall M/WBE participation

OWNER

Joe Funk Construction + Diversity Resources Group Joint Venture

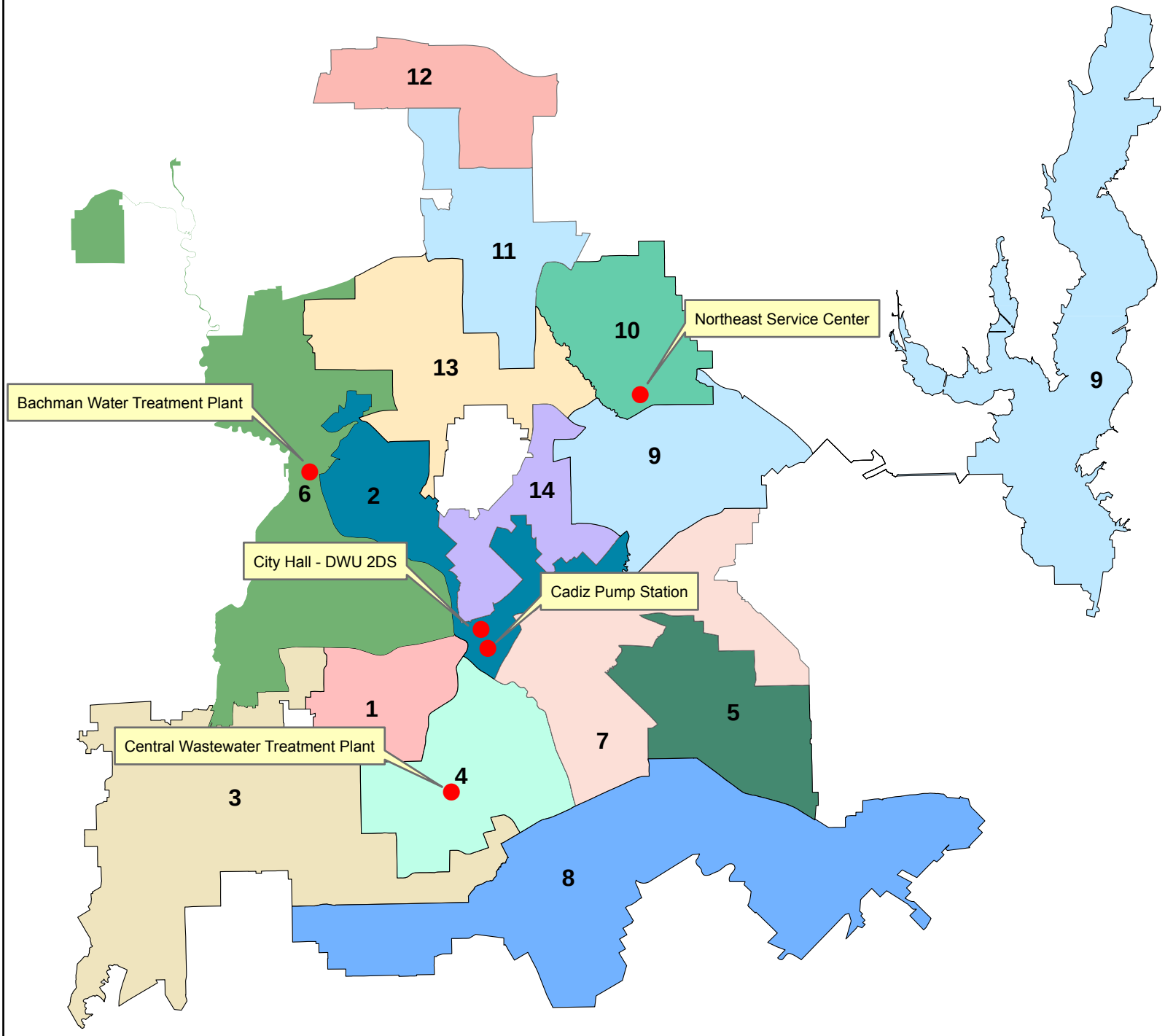
Rusty Norris, Managing Partner
Wayne Lawrence, Managing Partner

MAP

Attached

Building Renovations, Roof Replacements and Miscellaneous Improvements

Council District	Facility
2	Cadiz Pump Station
2	City Hall - DWU 2DS
4	Central Wastewater Treatment Plant
6	Bachman Water Treatment Plant
10	Northeast Service Center



Dallas Water Utilities
Contract No. 15-063/064, Change Order No. 1
Building Renovations, Roof Replacements and Miscellaneous Improvements

June 27, 2018

WHEREAS, on March 26, 2014, City Council authorized a professional services contract with Halff Associates, Inc. to provide engineering services for architectural and engineering services for the design of roof and HVAC systems; and a space utilization study for the Trinity Watershed Management Department, in an amount not to exceed $2,653,128.64, by Resolution No. 14-0523; and

WHEREAS, on October 11, 2016, City Council authorized a construction contract with Joe Funk Construction + Diversity Resources Group Joint Venture for building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities, in an amount not to exceed $2,704,585.00, by Resolution No. 16-1681; and

WHEREAS, it is necessary to authorize Change Order No. 1 for additional work identified during the construction of building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities; and

WHEREAS, Joe Funk Construction + Diversity Resources Group Joint Venture, 11226 Indian Trail, Dallas, Texas 75229, has submitted an acceptable proposal for this additional work; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-063/064 be increased by $457,400.84, from $2,704,585.00 to $3,161,985.84.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Joe Funk Construction + Diversity Resources Group Joint Venture (Change Order No. 1) is authorized for additional work identified during the construction of building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities, in an amount not to exceed $$457,400.84, increasing the contract amount from $2,704,585.00 to $3,161,985.84.

SECTION 2. That the proposed Change Order No. 1 with Joe Funk Construction + Diversity Resources Group Joint Venture be accepted and that Contract No. 15-063/064 be revised accordingly.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $457,400.84 to Joe Funk Construction + Diversity Resources Group Joint Venture, as follows:

SECTION 3. (continued)

Water Capital Improvement Fund	
Fund 2115, Department DWU, Unit PW42	
Object 4310, Program 715063, Vendor VS92126	
Encumbrance CT-DWU715063CP	$ 15,331.00
Wastewater Capital Improvement Fund	
Fund 3116, Department DWU, Unit PS42	
Object 4310, Program 715064, Vendor VS92126	
Encumbrance CT-DWU715064CP	$442,069.84
Total amount not to exceed	$457,400.84

SECTION 4. That this contract is designated as Contract No. DWU-2016-00000941.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

DEPARTMENT: City Secretary

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

AGENDA ITEM # 62

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	4
DEPARTMENT:	Department of Sustainable Development and Construction City Attorney's Office Department of Equipment and Building Services
CMO:	Majed Al-Ghafry, 670-3302 Larry Casto, 670-3491 Jody Puckett, 670-3390
MAPSCO:	55H

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 6,500 square feet improved with a single-family dwelling, located near the intersection of Buick Avenue and Cadillac Drive for the Cadillac Heights Phase II Project, from Antonio Garcia Juarez and Magdalena Moncivais - Not to exceed $94,600 ($92,000, plus closing costs and title expenses not to exceed $2,600) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 6,500 square feet improved with a single-family dwelling, located near the intersection of Buick Avenue and Cadillac Drive from Antonio Garcia Juarez and Magdalena Moncivais for the Cadillac Heights Phase II Project. An offer was presented to the property owners on January 4, 2017 reflecting the appraised value of $92,000 and the City's offer was accepted by the owners. Due to title issues rendering the Title Company unable to close and deliver the appropriate policy to the City; the City seeks to proceed with acquisition of the subject property through the use of condemnation.

The first resolution approved on April 26, 2017, by Resolution No. 17-0699, authorized the purchase in the amount of $92,000. This property will be used for the future location of City services and maintenance facilities. The consideration is based on an independent appraisal. The relocation benefits are estimated to be $30,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 26, 2017, City Council authorized acquisition from Antonio Garcia Juarez and Magdalena Moncivais, of approximately 6,500 square feet of land improved with a single-family dwelling located near the intersection of Buick Avenue and Cadillac Drive for the Cadillac Heights Phase II Project by Resolution No. 17-0699.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 25, 2018.

FISCAL INFORMATION

2006 Bond Funds - $94,600 ($92,000, plus closing costs and title expenses not to exceed $2,600)

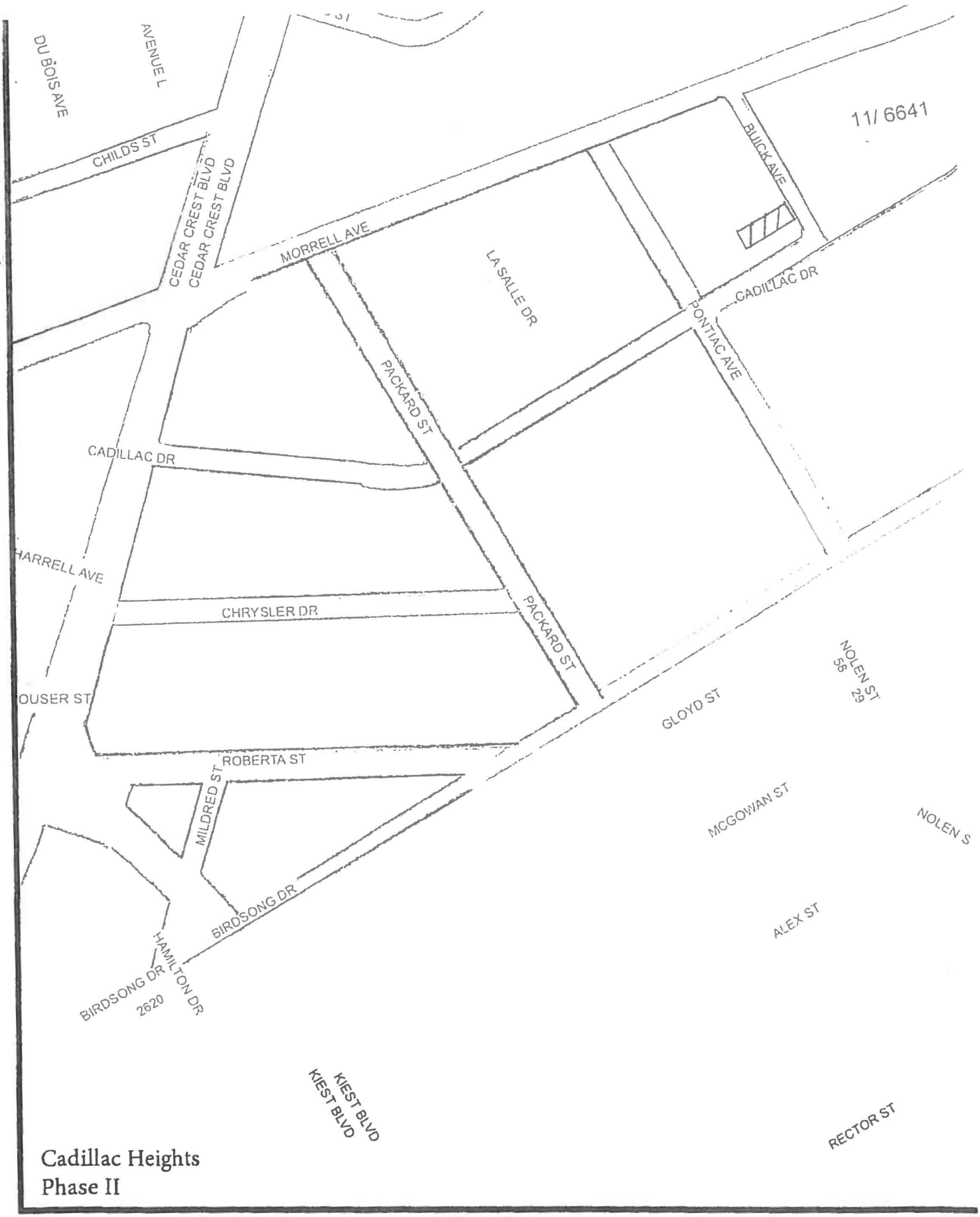
OWNERS

Antonio Garcia Juarez

Magdalena Moncivais

MAP

Attached



Cadillac Heights
Phase II

N

Subject:

June 27, 2018

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT for a public use (all said capitalized terms being defined below); and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in the PROPERTY to the City for the OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in the PROPERTY by condemnation for the OFFER AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 17-0699 approved by the Dallas City Council on April 26, 2017, which is incorporated herein by reference.

“PROPERTY": Approximately 6,500 square feet of land located in Dallas County and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROJECT”: Cadillac Heights Phase II

“USE*”:* City service and maintenance facilities. The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Antonio Garcia Juarez and Magdalena Moncivais, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

SECTION 1. (continued)

"PURCHASE AMOUNT": $92,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,600

"AUTHORIZED AMOUNT": Not to exceed $94,600 ($92,000, plus closing costs and title expenses not to exceed $2,600)

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' in Condemnation appointed by the Court return an award that is the same amount or less than the AUTHORIZED AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to draw a warrant in favor of the title company closing the transaction described above, in the amount of the AUTHORIZED AMOUNT, CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights, Fund 4T11, Department EBS, Unit T825, Activity LAAQ, Program PB06T825, Object 4210, Encumbrance CX-EBS-2018-00006510. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

EXHIBIT A

Being Lot 14, in Block 11/6641, of Cadillac Place, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 7, Page 459, Map Records of Dallas County, Texas.

AGENDA ITEM # 63

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Park & Recreation Department
CMO:	Elizabeth Reich, 670-7804 Willis Winters, 670-4071
MAPSCO:	N/A

SUBJECT

Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 28, 30, 31, 32, 34, 93, 119, 137, and 166 for bid BI1806 for a five- year master agreement for the purchase of grounds maintenance equipment and parts – Deen Kubota, Four Brothers Outdoor Power, Landmark Equipment, Inc., Lone Star Mower Repair, Richardson Saw and Lawnmower Company, Inc., and Tom Loftus, Inc. dba Austin Turf and Tractor - Financing: No cost consideration to the City

BACKGROUND

This action is not intended to make an award, but to execute the casting of lots to identify a vendor for each of the lines for which the City has received identical bids. This process is being executed in accordance with Texas Local Government Code, Section 271.901. This section of the Texas local Government Code states, in part:

- The municipality must select identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

This particular solicitation resulted in identical bids from vendors located outside the City limits.

Once the vendor(s) are selected for each line by a casting of lots, a recommendation will be presented to City Council for award on August 8, 2018.

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BI1806. We opened them on April 20, 2018.

Bidders	Address	Tie Bid Lines
Deen Kubota	703 West Broad Street Forney, TX 75126	Line 137
Four Brothers Outdoor Power	2324 East Interstate 30 Royse City, TX 75189	Lines 28, 30-32, 34, 93
Landmark Equipment, Inc.	1351 South Loop 12 Irving, TX 75060	Line 119
Lone Star Mower Repair	100 Sybel Jean Drive Burelson, TX 76028	Line 119
Richardson Saw and Lawnmower Company, Inc.	802 South Central Expressway Richardson, TX 75080	Lines 28, 30-32, 34, 93, 137, 166
Tom Loftus, Inc. dba Austin Turf and Tractor	2098 Valley View Lane Farmers Branch, TX 75234	Line 166

OWNERS

Deen Kubota

Jeff Deen, President

Four Brothers Outdoor Power

Rex Kelly, President
Russell Kelly, Vice President
Eddy Kelly, Secretary

OWNERS (continued)

Landmark Equipment, Inc.

Mike Lyle, President
Gary Lyle, Vice President
Marla Lyle, Secretary
Kimberly Chambers, Treasurer

Lone Star Mower Repair

Justin Houston, President

Richardson Saw and Lawnmower Company, Inc.

James Poen, President
Brenda Poen Secretary

Tom Loftus, Inc. dba Austin Turf and Tractor

Tom Loftus, President
Harry Jukes, Operations Manager
Chad Mobley, Director of Sales
Nathan New, Chief Financial Officer

AGENDA ITEM # 64

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 70 B

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a CR Community Retail District; and **(2)** an ordinance granting a Specific Use Permit for mini-warehouse use on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication on the northeast corner of South Belt Line Road and Fish Road

Recommendation of Staff and CPC: Approval of a CR Community Retail District; and approval of a Specific Use Permit for mini-warehouse use for a ten-year period, subject to a site plan and conditions

Z178-107(SM)

FILE NUMBER: Z178-107(SM) **DATE FILED:** October 9, 2017

LOCATION: Northeast corner of South Belt Line Road and Fish Road

COUNCIL DISTRICT: 8 **MAPSCO:** 70 B

SIZE OF REQUEST: Approx. 7.4042 acres **CENSUS TRACT:** 171.01

OWNER: Central 15th, LLC

REPRESENTATIVE: Tag Gilkeson, Tag & Associates, LLC

REQUEST: An application for **(1)** a CR Community Retail District; and **(2)** a Specific Use Permit for mini-warehouse use on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication.

SUMMARY: The applicant proposes to construct a one-story shopping center with surface parking and a tunnel car wash fronting on South Belt Line Road and a one-story mini-warehouse in the southern and eastern portions of the site.

CPC RECOMMENDATION: **Approval** of a CR Community Retail District; and **approval** of a Specific Use Permit for mini-warehouse use for a ten-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a CR Community Retail District; and **approval** of a Specific Use Permit for mini-warehouse use for a ten-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The site is currently undeveloped with the exception of an existing monopole cellular tower. City Council approved SUP No. 1301 for the existing monopole cellular tower on March 26, 1997.

Zoning History: There have been two recent zoning changes requested in the area in the last five years.

1. **Z145-117:** On February 11, 2015, the City Council approved a CR Community Retail District on property zoned an A(A) Agricultural District.
2. **Z178-215:** On May 17, 2018, the City Plan Commission will consider an application for an MU-2 Mixed Use District and an R-5(A) Single Family District with deed restrictions volunteered by the applicant on property zoned an R-10(A) Single Family District.

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Thoroughfares/Streets:

Thoroughfares/Street	Function	Proposed Dimension	ROW
S. Belt Line Road	Principal Arterial	Standard-6 lanes-divided	107 feet
Fish Road	Local	N/A	30 feet

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The proposed zoning request meets the following goals and objectives of the comprehensive plan:

Economic Element

GOAL 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 Create and maintain an environment friendly to businesses and entrepreneurs

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Area Plan:

On May 14, 2003, City Council approved the *East Kleberg Land Use Plan*. The Plan identifies the area of request within Subarea 1 which is bound by the I-20 right-of-way on the north, Lawson Road on the southeast, and Belt Line Road to the southwest. The Plan envisions RR Regional Retail as the desired future zoning district in Subarea 1.

STAFF ANALYSIS

Land Use Compatibility:

The site is currently undeveloped with a monopole tower for cellular communication in the easternmost corner of the site. The site shares its northeastern property line with an approximately 150-foot-wide Dallas Water Utilities easement that contains a 120-inch raw water pipeline, according to Dallas Central Appraisal District. A gas station that includes a restaurant without drive-in or drive-through service exists further north, at the southeast corner of South Belt Line Road and the I-20 access road. A manufactured housing subdivision lies beyond the DWU right-of-way to the east; single family uses are located to the south, on the south line of Fish Road; and undeveloped properties are located to the west, along the west line of South Belt Line Road

The following uses are prohibited in the existing zoning district [A(A) Agricultural District] and are allowed with an SUP in the proposed zoning district [CR Community Retail District]. Although the following uses have not been restricted with volunteered deed restrictions, staff supports this portion of the applicant's request because these uses would require consideration by the City Plan Commission and City Council before they are allowed.

- Medical or scientific laboratory.
- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Attached non-premise sign.
- Alternative financial establishment.
- Alcoholic beverage establishments.
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Swap or buy shop.
- Paraphernalia shop.
- Swap or buy shop.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

The following uses require an SUP in the existing zoning district [A(A) Agricultural Family District] and are allowed without an SUP or an RAR [1] in the proposed zoning district [CR Community Retail District].

- Adult day care facility.
- Child-care facility.
- Library, art gallery, or museum.
- Country club with private membership.
- Private recreation center, club, or area.
- Commercial radio or television transmitting station.
- Electrical substation.
- Police or fire station.
- Post office.

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing zoning district [A(A) Agricultural District]. Some of the following uses require an RAR or a DIR[2] in the CR District.

- Building repair and maintenance shop. [RAR]
- Catering service.
- Custom business services.
- Electronics service center.
- Tool or equipment rental.
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.
- Ambulance service. [RAR]
- Auto service center. [RAR]
- Business school.
- Car wash. [DIR]
- Commercial amusement (inside). [RAR]
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Home improvement center, lumber, brick or building materials sales yard. [DIR]
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Pawn shop.
- Personal service uses.
- Restaurant with drive-in or drive-through service. [DIR]
- Restaurant without drive-in or drive-through service. [RAR]
- Temporary retail use.
- Theater.

[1] An RAR is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.

[2] A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.

Staff supports the applicant's request for a CR District because 1) the East Kleberg Land Use Plan envisioned a retail district in this area and vicinity; 2) the CR District would be separated from the existing residential districts by South Belt Line Road, Fish Road, or the DWU right-of-way; and 3) because the more intense uses require an additional RAR or DIR review or a specific use permit to operate.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The mini-warehouse is considered compatible with the below listed surrounding uses because the proposed conditions will restrict vehicular access to the use and because a ten-year initial approval period will allow a reevaluation of the site.

Surrounding Land Uses:

	Zoning	Land Use
Site	A(A) & SUP No. 1301	Undeveloped; Monopole
North	A(A); PDD No. 672	DWU ROW; Gas station and restaurant without drive through
East	A(A); MH(A)	DWU ROW; Manufactured housing
South	A(A) & R-10(A)	Single Family
West	A(A) & CR	Undeveloped

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For a mini-warehouse use, the minimum parking requirement pursuant to the Dallas Development Code is six spaces. The applicant proposes to provide six spaces near the entrance to the use near South Belt Line Road in the location shown in the site plan.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of 1) a CR Community Retail District, and **approval** of 2) a Specific Use Permit for mini-warehouse use for a ten-year period, subject to a site plan and conditions on property zoned an A(A) Agricultural District with Specific Use Permit No. 1301 for a tower/antenna for cellular communication on the northeast corner of South Belt Line Road and Fish Road.

Maker: Rieves
Second: Mack
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 400 Mailed: 114
Replies: For: 1 Against: 0

Speakers: None

LIST OF OFFICERS

Central-15th, LP
General Partner is CCBT Enterprises, LLC
Limited Partners are Charles Cotten and Sidney Thomason

CCBT Enterprises, LLC
Members are Charles Cotten and Sidney Thomason, both are Managing Partners

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a mini-warehouse.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on [TEN-years from the passage of this ordinance].

4. FLOOR AREA:

   a. The maximum total floor area for a mini-warehouse use is 44,625 square feet.

   b. Maximum floor area for the accessory office building for a mini-warehouse use is 875 square feet in the location shown on the attached site plan.

5. INGRESS-EGRESS: Ingress to and egress from South Belt Line Road must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

6. OUTSIDE STORAGE: Outside storage of vehicles, outside parking of vehicles for rent, and outside parking of boats or equipment is prohibited.

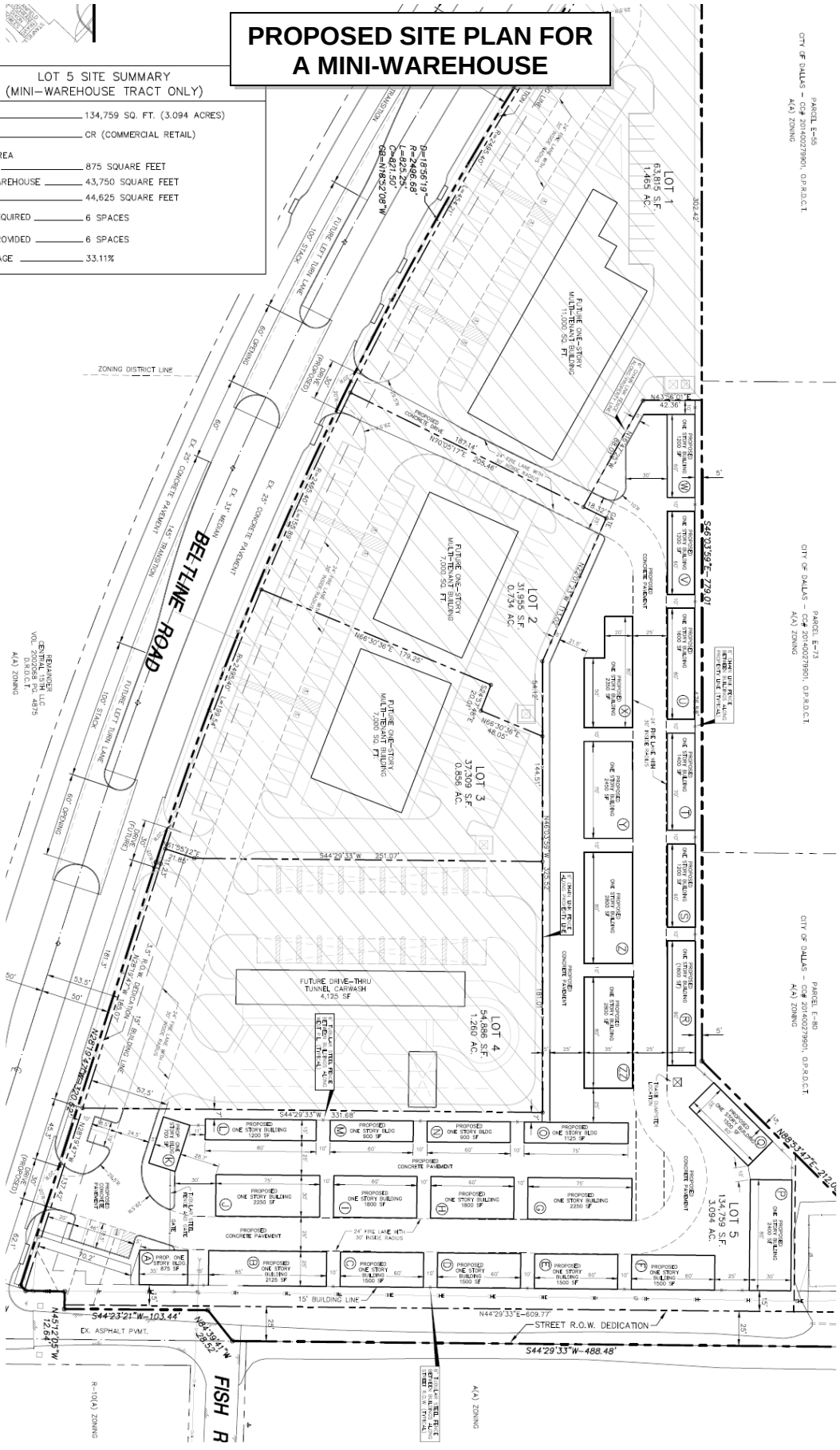
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

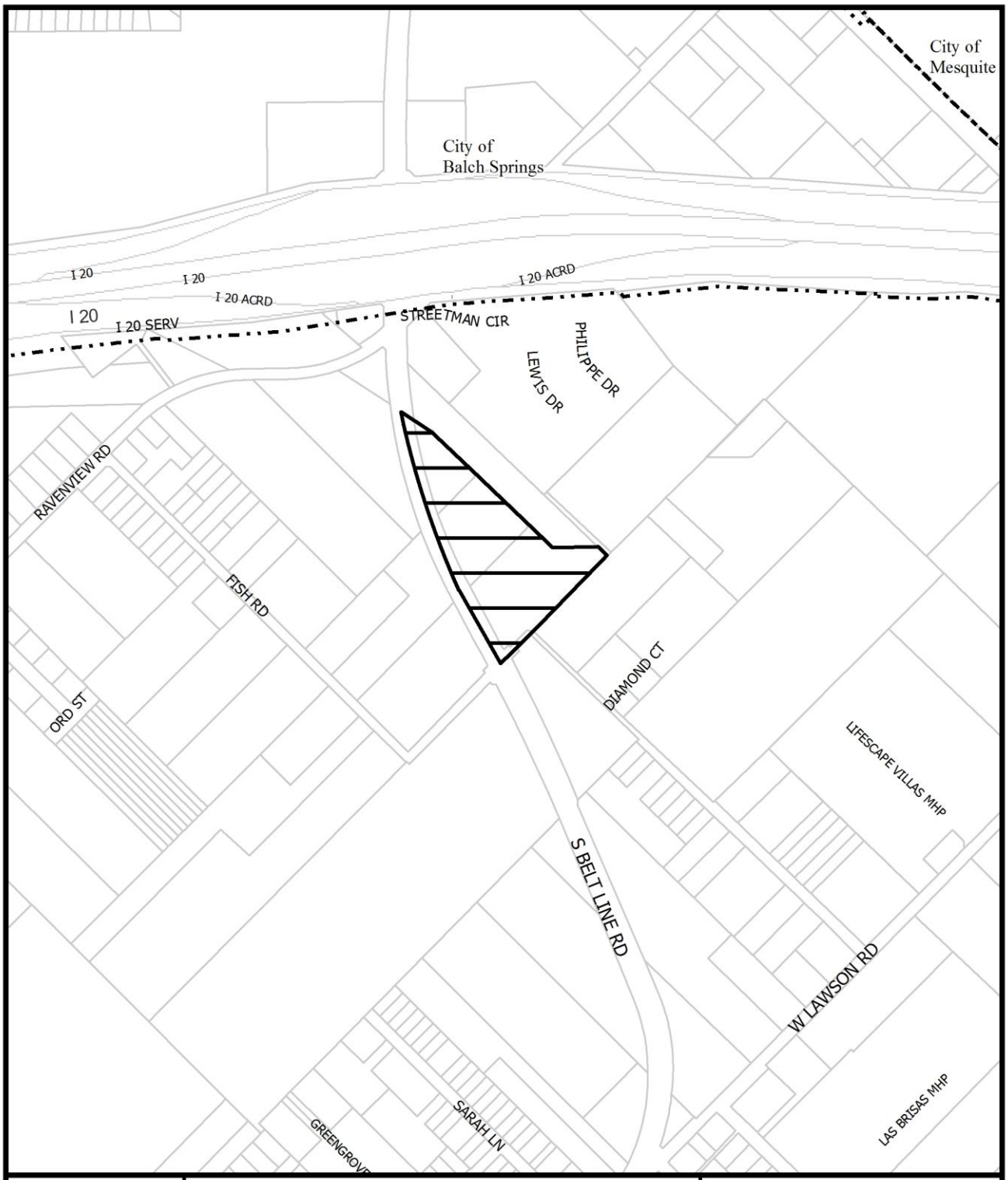
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

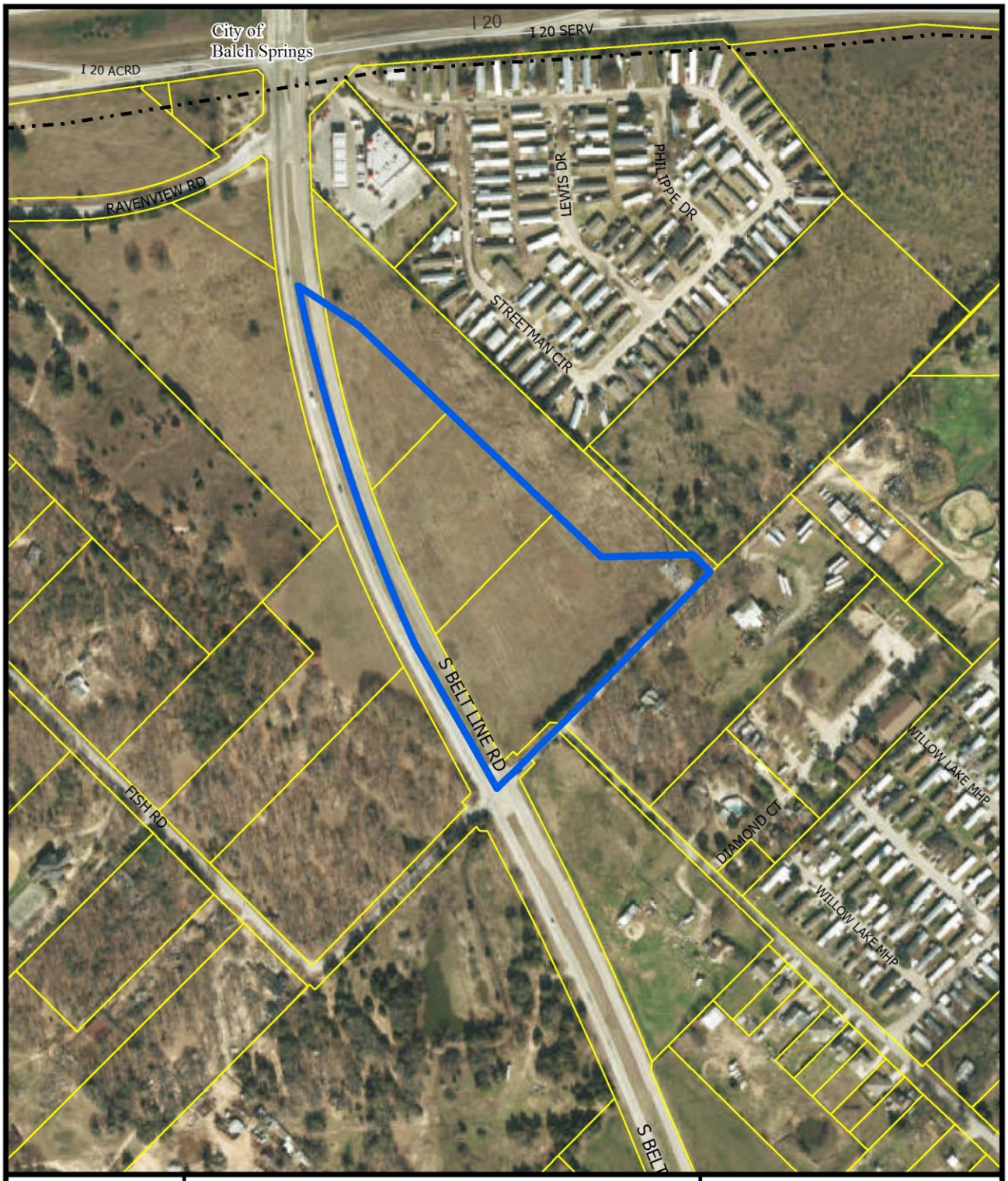
PROPOSED SITE PLAN FOR A MINI-WAREHOUSE

LOT 5 SITE SUMMARY
(MINI–WAREHOUSE TRACT ONLY)

SITE AREA	134,759 SQ. FT. (3.094 ACRES)
ZONING	CR (COMMERCIAL RETAIL)
BUILDING AREA	
OFFICE	875 SQUARE FEET
MINI–WAREHOUSE	43,750 SQUARE FEET
TOTAL	44,625 SQUARE FEET
PARKING REQUIRED	6 SPACES
PARKING PROVIDED	6 SPACES
LOT COVERAGE	33.11%




City of Mesquite
City of Balch Springs
I 20
I 20
I 20 ACRD
I 20
I 20 SERV
I 20 ACRD
STREETMAN CIR
PHILIPPE DR
LEWIS DR
RAVENVIEW RD
FISH RD
ORD ST
DIAMOND CT
LIFESCAPE VILLAS MHP
S BELT LINE RD
W LAWSON RD
LAS BRISAS MHP
SARAH LN
GREENGROVE
1:7,200
VICINITY MAP
Case no: Z178-107
Date: 5/3/2018

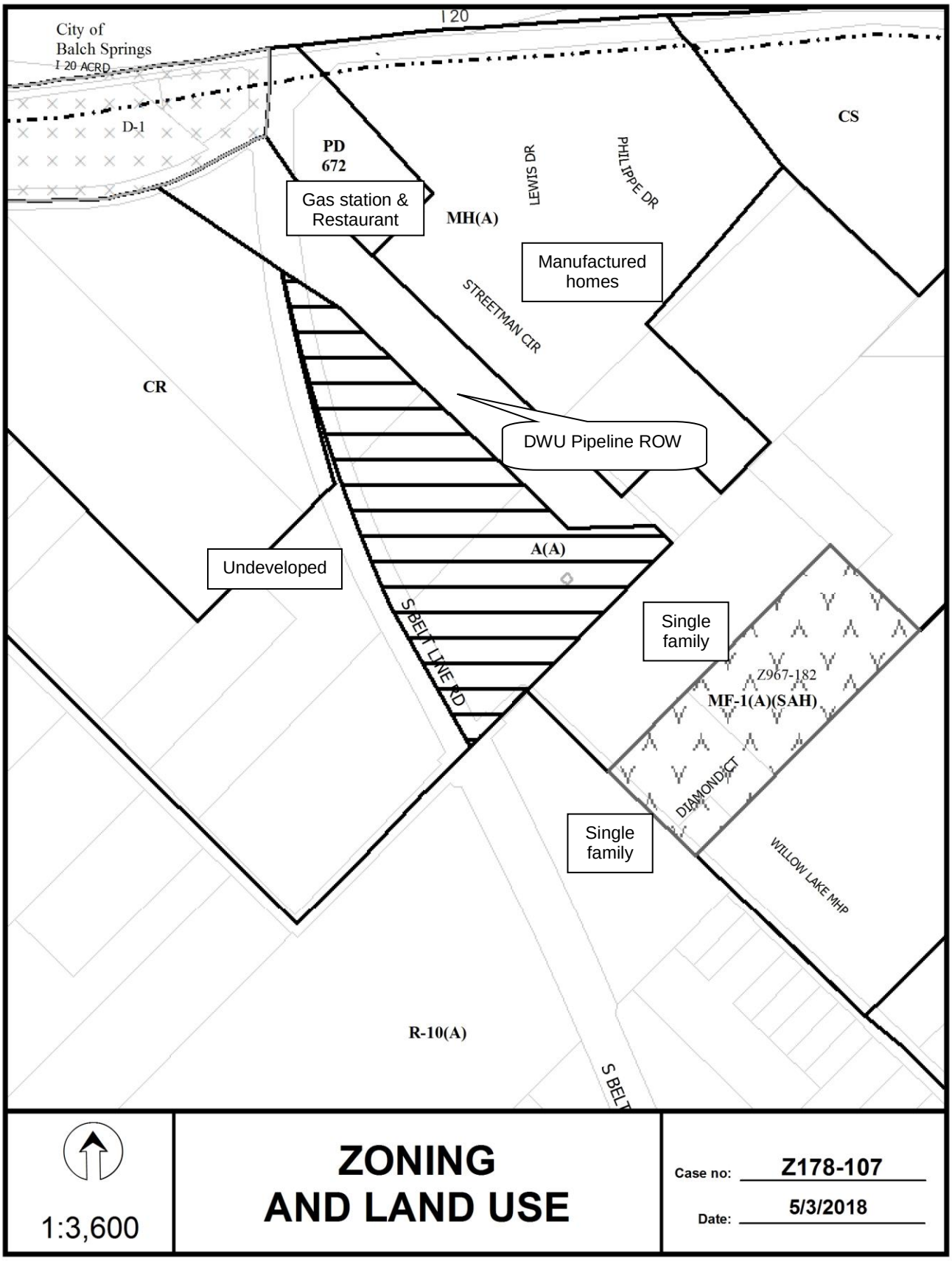


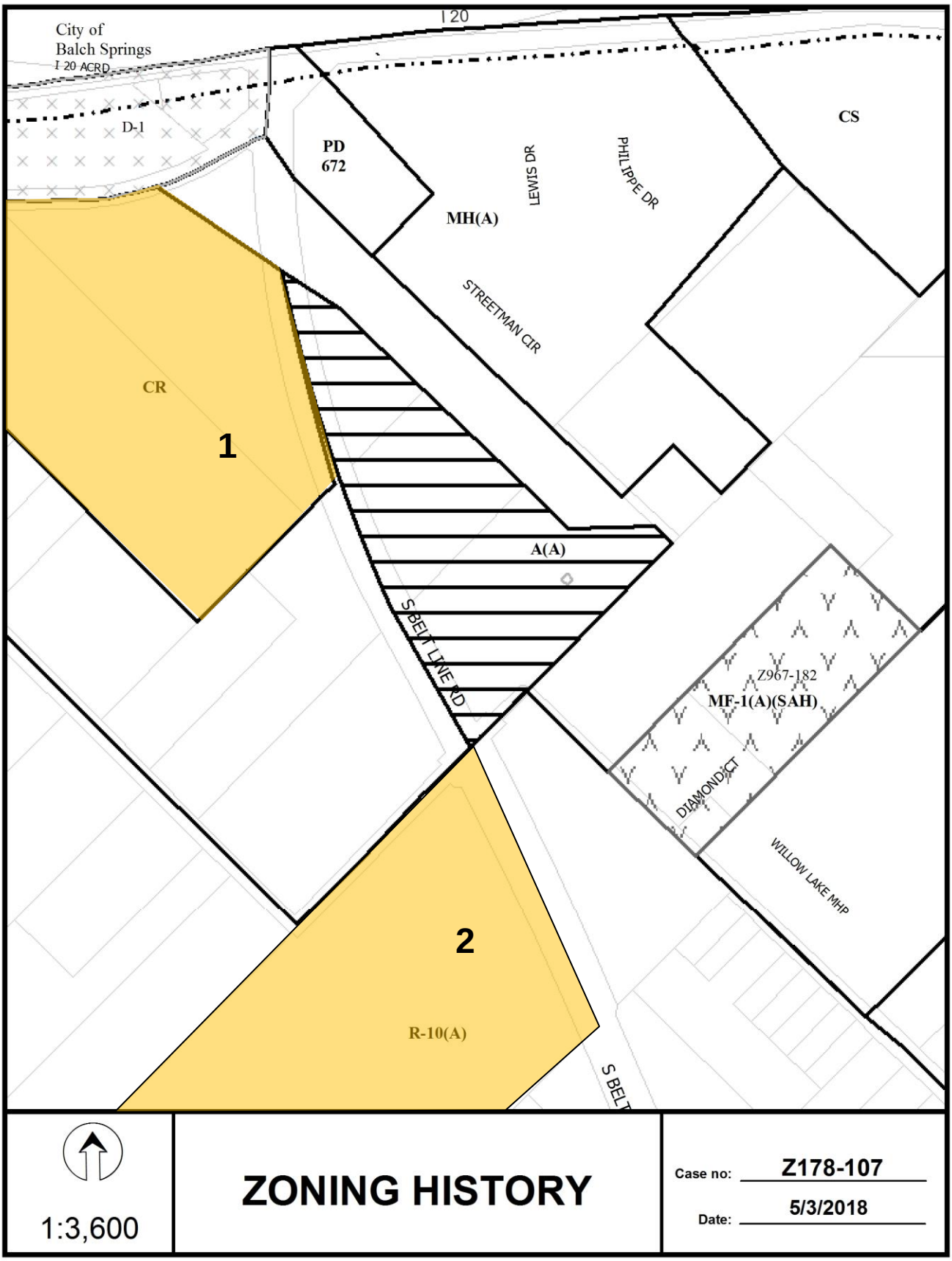
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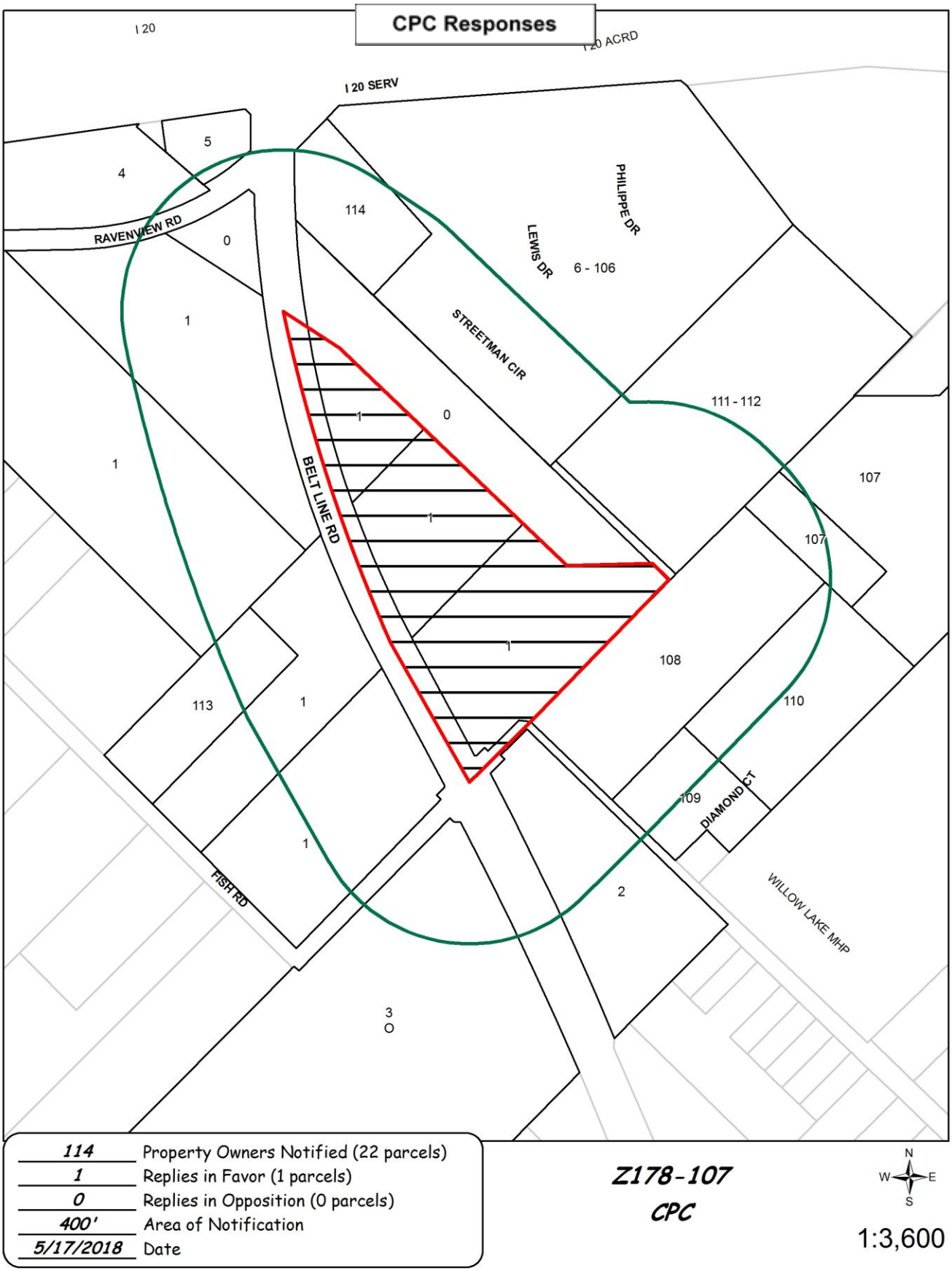
AERIAL MAP

Case no: Z178-107

Date: 5/3/2018


City of
Balch Springs
I 20 ACRD
I 20
D-1
PD
672
Gas station &
Restaurant
MH(A)
LEWIS DR
PHILIPPE DR
CS
Manufactured
homes
STREETMAN CIR
CR
DWU Pipeline ROW
A(A)
Undeveloped
S BELT LINE RD
Single
family
Z967-182
MF-1(A)(SAH)
DIAMOND CT
Single
family
WILLOW LAKE MHP
R-10(A)
S BELT
1:3,600
ZONING
AND LAND USE
Case no: Z178-107
Date: 5/3/2018


City of
Balch Springs
I-20 ACRD
I 20
D-1
PD
672
MH(A)
LEWIS DR
PHILIPPE DR
CS
STREETMAN CIR
CR
1
A(A)
S BELT LINE RD
Z967-182
MF-1(A)(SAH)
DIAMOND CT
WILLOW LAKE MHP
2
R-10(A)
S BELT
1:3,600
ZONING HISTORY
Case no: Z178-107
Date: 5/3/2018


CPC Responses
I 20
I 20 ACRD
I 20 SERV
RAVENVIEW RD
PHILIPPE DR
LEWIS DR
6 - 106
STREETMAN CIR
BELT LINE RD
111 - 112
107
108
110
113
109
DIAMOND CT
FISH RD
WILLOW LAKE MHP
114
Property Owners Notified (22 parcels)
1
Replies in Favor (1 parcels)
0
Replies in Opposition (0 parcels)
400'
Area of Notification
5/17/2018
Date
Z178-107
CPC
N
W
E
S
1:3,600

05/17/2018

Reply List of Property Owners

Z178-107

114 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	13334	RAVENVIEW RD	CENTRAL 15TH LLC
	2	13038	FISH RD	SRS ENTERPRISE LLC
O	3	13064	FISH RD	COOPER RICKEY LEROY &
	4	13401	RAVENVIEW RD	LUCAS GEORGE F
	5	101	S BELTLINE RD	SOUTHLAND CORP
	6	100	S BELTLINE RD	YES COMPANIES EXP2 KEY LLC
	7	100	S BELTLINE RD	YES COMMUNITIES
	8	100	S BELTLINE RD	PATLAN JORGE
	9	100	S BELTLINE RD	ZAVALA ALFONSO
	10	100	S BELTLINE RD	SILVA EMILIANO ESTELA
	11	100	S BELTLINE RD	BATSON BEVERLY
	12	100	S BELTLINE RD	RODRIGUEZ JOSE AND BERTHA
	13	100	S BELTLINE RD	RODRIGUEZ JUAN M & BERTHA MARES
	14	100	S BELTLINE RD	MARITZA AYALA
	15	100	S BELTLINE RD	GOMEZ ALBERTO
	16	100	S BELTLINE RD	GARCIA RAMIREZ PAULINO
	17	100	S BELTLINE RD	BARAJAS JOSE
	18	100	S BELTLINE RD	VAZQUEZ GERSON
	19	100	S BELTLINE RD	JIMENEZ J JOSE & AVOLOS AURELLIA
	20	100	S BELTLINE RD	SANTIAGO ESTER
	21	100	S BELTLINE RD	MARTINEZ HECTOR
	22	100	S BELTLINE RD	ARROYO ANTONIO
	23	100	S BELTLINE RD	CARRETO JUAN
	24	100	S BELTLINE RD	LIMAS SALVADOR
	25	100	S BELTLINE RD	ALVAREZ SANDRA
	26	100	S BELTLINE RD	MASCORRO MARIA T

Reply	*Label #*	*Address*		*Owner*
	27	100	S BELTLINE RD	VILLEDA GUERRERO JUAN
	28	100	S BELTLINE RD	RAMIREZ MIGUEL
	29	100	S BELTLINE RD	SHOWELL TONYA
	30	100	S BELTLINE RD	BORREGO SONIA Y
	31	100	S BELTLINE RD	ALONZO LUIS & BECERRA NORMA
	32	100	S BELTLINE RD	MONCADA IRINEO
	33	100	S BELTLINE RD	MARTINEZ JUAN
	34	100	S BELTLINE RD	MARTINEZ CRUZ
	35	100	S BELTLINE RD	ORTEGA JUAN
	36	100	S BELTLINE RD	PACHECO BRIANDA
	37	100	S BELTLINE RD	IBARRA VERONICA
	38	100	S BELTLINE RD	MENDOZA LAURA
	39	100	S BELTLINE RD	RODRIGUEZ HILARIO
	40	100	S BELTLINE RD	YES COMMUNITIES
	41	100	S BELTLINE RD	OLIVA GERARDO &
	42	100	S BELTLINE RD	ORTIZ ROSA
	43	100	S BELTLINE RD	GARCIA EBER
	44	100	S BELTLINE RD	GARCIA LETICIA
	45	100	S BELTLINE RD	GARCIA EMMANUEL
	46	100	S BELTLINE RD	LOREDO ROBERTO
	47	100	S BELTLINE RD	ESTRADA MUNOZ FRANCISCO
	48	100	S BELTLINE RD	MENDOZA MARISOL & REYNOSO PABLO D
	49	100	S BELTLINE RD	RUIZ LORENA
	50	100	S BELTLINE RD	GONZALEZ ENRIQUETA
	51	100	S BELTLINE RD	RAMIREZ JOEL
	52	100	S BELTLINE RD	ZAVALA ALFONZO
	53	100	S BELTLINE RD	YES COMMUNITIES
	54	100	S BELTLINE RD	YES COMMUNITIES
	55	100	S BELTLINE RD	DELAFUENTE JUAN
	56	100	S BELTLINE RD	ALVAREZ JUAN
	57	100	S BELTLINE RD	SANCHEZ ARANEIDA

Reply	*Label #*	*Address*		*Owner*
	58	100	S BELTLINE RD	CASTILLO MARIO & LAURA
	59	100	S BELTLINE RD	CALVERY ELIZABETH
	60	100	S BELTLINE RD	PEREZ MAYRA
	61	100	S BELTLINE RD	ABONZA ISIDRO
	62	100	S BELTLINE RD	SOTO HOMERO
	63	100	S BELTLINE RD	RAMIREZ ALMA ROCIO
	64	100	S BELTLINE RD	LUGO AMADO
	65	100	S BELTLINE RD	FURRH TED
	66	100	S BELTLINE RD	GARZA MARIA
	67	100	S BELTLINE RD	URBANO ISIDORO
	68	100	S BELTLINE RD	TOLAND RUTH
	69	100	S BELTLINE RD	CAMPUZMANO VICTORICO
	70	100	S BELTLINE RD	MIRELES ARTURO
	71	100	S BELTLINE RD	ARAUJO GUADALUPE & PAULA
	72	100	S BELTLINE RD	PACHECO MARIA
	73	100	S BELTLINE RD	SAUCEDO JACOBO
	74	100	S BELTLINE RD	GARCIA ARMANDO
	75	100	S BELTLINE RD	TEJEDA MIGUEL
	76	100	S BELTLINE RD	DIAZ FERNANDO
	77	100	S BELTLINE RD	LULE ANTONIO
	78	100	S BELTLINE RD	GONZALEZ GARCIA ESPERANZA
	79	100	S BELTLINE RD	RIVERA JOSE
	80	100	S BELTLINE RD	TAPIA CHRISTIAN
	81	100	S BELTLINE RD	LULE JESUS
	82	100	S BELTLINE RD	SANCHEZ MIGUEL
	83	100	S BELTLINE RD	DICKERSON RICKY
	84	100	S BELTLINE RD	LOYA LUIS & MORALES A
	85	100	S BELTLINE RD	DILLARD JAMES
	86	100	S BELTLINE RD	GARBALENA MARIA
	87	100	S BELTLINE RD	JOHNSON MICHAEL
	88	100	S BELTLINE RD	BARRERA EDWARDO

05/17/2018

Reply	*Label #*	*Address*		*Owner*
	89	100	S BELTLINE RD	MURRAY MAUDIE
	90	100	S BELTLINE RD	BOZEMAN TOMMY
	91	100	S BELTLINE RD	DEMKO LEROY
	92	100	S BELTLINE RD	TORREZ ANNA
	93	100	S BELTLINE RD	OCHOA FILEMON
	94	100	S BELTLINE RD	YES COMMUNITIES
	95	100	S BELTLINE RD	BARRIENTOS EDITH
	96	100	S BELTLINE RD	VILLALPANDO ELOY
	97	100	S BELTLINE RD	STOVALL JIMMY
	98	100	S BELTLINE RD	PRATHER MARIA
	99	100	S BELTLINE RD	WEATHERFORD SUSAN
	100	100	S BELTLINE RD	YES COMMUNTIES
	101	100	S BELTLINE RD	MARTINEZ GONZALES JOEL
	102	100	S BELTLINE RD	LUNA FELIPE I BARRIENTOS
	103	100	S BELTLINE RD	RANGEL VANESSA
	104	100	S BELTLINE RD	YES COMMUNITIES
	105	100	S BELTLINE RD	CAMARILLO MISAEL
	106	100	S BELTLINE RD	FRANCISCO JESUS & ANTONIA
	107	12975	FISH RD	LEDESMA PAUL
	108	13011	FISH RD	PILGREEN BLOYCE &
	109	13035	FISH RD	WILSON HUBERTA T
	110	13045	FISH RD	WILSON HUBERTA T
	111	12961	FISH RD	L S INVESTMENTS
	112	12961	FISH RD	HUBACK R C
	113	12741	FISH RD	MARTINEZ ALEJANDRO
	114	102	S BELTLINE RD	ALMO INVESTMENT LTD

AGENDA ITEM # 65

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36 E; J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 834, on the northeast corner of North Central Expressway and Twin Sixties Drive

Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan, revised master parking tabulation chart, and conditions

Z178-170(SM)

FILE NUMBER:	Z178-170(SM)	**DATE FILED:**	January 10, 2018
LOCATION:	Northeast corner of North Central Expressway and Twin Sixties Drive		
COUNCIL DISTRICT:	14	**MAPSCO:**	36 E; J
SIZE OF REQUEST:	Approx. 7.665 acres	**CENSUS TRACT:**	79.14

OWNER/APPLICANT: 60-80A NCX, LLC

REPRESENTATIVE: Suzan Kedron and William Dahlstrom, Jackson Walker, LLP

REQUEST: An application to amend Planned Development District No. 834.

SUMMARY: The purpose of the request is to amend the maximum number of stories allowed in Zones 1 and 2 from 25 to 30 stories in order to erect two multifamily towers with ground floor retail and personal service uses and structured parking garages that will comply with all other applicable zoning regulations, including the existing maximum structure height of 300 feet. The applicant also proposes to update the overall conceptual plan, provide a new development plan for Zones 1, 2 and 4, and provide a revised Master Parking Tabulation Chart.

The applicant's development plan proposes the following in new construction: 726,153 square feet of multi-family (620 units); 40,000 square feet of office, and 26,636 square feet of retail and personal service uses.

CPC RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan, revised master parking tabulation chart, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan, revised master parking tabulation chart, and conditions.

BACKGROUND INFORMATION:

- On December 8, 2010, the City Council approved Planned Development District No. 834.

- The site consists of an eight-story office building in Zone 2 and a one-story business school [Everest College] with three levels of parking above in Zone 3. The site is currently under construction to add another three levels of parking above the business school in Zone 3. Zones 1 and 4 contain surface parking areas with some covered car ports.

Zoning History: There have been four recent zoning cases requested in the area in the past five years.

1. **Z145-288**: On October 28, 2015, the City Council approved an amendment to Planned Development District No. 847

2. **Z167-301**: On August 23, 2017, the City Council approved an amendment to Planned Development District No. 740.

3. **Z156-176**: On August 10, 2016, the City Council approved an amendment to Planned Development District No. 740.

4. **Z145-135**: On August 22, 2015, the City Council approved Planned Development District No. 941 for D(A) Duplex District uses.

Thoroughfares/Streets:

Thoroughfare/Street	Function	ROW
North Central Expressway	TXDOT roadway	Varies
Twin Sixties Drive	Local	60 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

Goal 1.1 Align land use strategies with economic development priorities

Policy 1.1.4 Capitalize on transit oriented development opportunities.

Dallas has 40 DART light rail stations planned by 2030. High density mixed-use development in these transit centers improves DART ridership, reduces auto trips, improves air quality and efficiently uses land resources. Development near stations and along multi-modal corridors should respect the character of surrounding neighborhoods, when appropriate, and should always be of the highest quality.

ECONOMIC ELEMENT

Goal 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

URBAN DESIGN

Goal 5.1 Promote a sense of place, safety and walkability.

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 834	Office, Business School, and Surface Parking
North	MU-3, PDD No. 847	Hotel, Offices and University
East	MU-2 and SUP No. 1140	DART ROW, University Park Maintenance Facility
South	PDD No. 296 and MU-3	Office, Personal Service, Parking Garage and Mixed Use TOD
West	N/A - City of University Park	N Central Expressway and George W Bush Institute

Land Use Compatibility:

PDD No. 834 includes a single lot that has four Zones. Two multi-story nonresidential structures are currently constructed in Zones 2 and 3 and surface parking is located in Zones 1 and 4. The applicant proposes to construct a 15,000-square-foot retail and personal service uses structure in Zone 1, additional ground-story retail and personal service uses in Zone 2 to activate the ground floor of an existing multi-story office building, and construct two multifamily residential towers with ground floor retail and personal service uses in Zone 4.

Staff supports the addition of residential and retail uses proposed by the applicant, as the addition of these uses are seen to support the surrounding uses noted in the table and encourage pedestrian activity and multi-modal transportation. Additionally, since the existing regulations regarding land use are remaining unchanged, the proposed land use is compatible with surrounding properties.

Development Standards:

The request proposes to increase the allowed number of stories in Zones 1 and 4 from 25 to 30 but maintains the existing maximum structure height of 300 feet. The request can be also be compared by understanding that the existing regulations allow an average of 12 feet of structure height per story (or 300 feet divided by 25 stories) whereas the applicant requests to reduce the average story height to 10 feet per story (or 300 feet divided by 30 stories). Staff supports the requested amendment to the maximum number of stories because the request does not change the overall maximum structure height.

Landscaping:

Landscaping must be in accordance with Article X and will be reviewed by the arborist at the time a building permit is submitted.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 834, subject to a revised conceptual plan, revised development plan, revised master parking tabulation chart, and revised conditions (as briefed) to include the following modifications: 1) under Sec. 51P-834.109, MAIN USES PERMITTED, (10) Retail and personal service uses, delete "General merchandise or food store 100,000 square feet or more. *[SUP]"*, 2) require applicant to provide a study of the pedestrian crosswalk traffic to occur at the earliest of either one year from the date a certificate of occupancy is issued or at 80 percent occupancy of the building on the northeast corner of North Central Expressway and Twin Sixties Drive.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 17
Replies: For: 0 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Against: None

List of Officers

Applicant: 60-80A NCX LLC

Properties Owners:

Entity: 60-80A NCX LLC

Manager: Convexity Management LLC

Authority for Convexity Management LLC:

- Donald Wilson, as Manager
- Jeffrey Levoff, as Manager
- David Nelson, as Vice President

CPC RECOMMENDED AMENDMENTS TO

ARTICLE 834.

PD 834.

SEC. 51P-834.101. LEGISLATIVE HISTORY.

PD 834 was established by Ordinance No. 28070, passed by the Dallas City Council on December 8, 2010. (Ord. 28070)

SEC. 51P-834.102. PROPERTY LOCATION AND SIZE.

PD 834 is established on property located east of Central Expressway, west of the DART rail line, and north of Twin Sixties Drive. The size of PD 834 is approximately 7.665 acres. (Ord. 28070)

SEC. 51P-834.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) DEVELOPMENT AGREEMENT means the mixed-use development agreement recorded at Volume 99138, Page 593 of the Deed Records of Dallas County, Texas.

(2) HOTEL PROPERTY means Lot 1D in City Block 1/5185, more commonly known as 6070 North Central Expressway.

(3) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. 28070)

SEC. 51P-834.104. DEVELOPMENT AGREEMENT AND UNITY AGREEMENT.

(a) Development agreement.

(1) As of December 8, 2010, the Property is subject to a development agreement which allows the Property, in combination with the hotel property, to qualify as a mixed-use project under Section 51A-4.125. The development agreement treats the Property and the hotel property as one building site for purposes of the off-street parking and loading regulations and the yard, lot, and space regulations.

(2) Unless the development agreement is terminated, the building official may not issue a building permit to authorize work on the Property until the development agreement is amended to provide the required unified development plan reflecting the existing conditions.

(3) Any amendment to the development agreement must include a parking analysis that shows compliance with the minimum parking requirements.

(b) Unity agreement. As of December 8, 2010, the Property is subject to a unity agreement with the hotel property, recorded at Volume 99138, Page 533 of the Deed Records of Dallas County, Texas, to allow compliance with the Dallas Building Code. (Ord. 28070)

SEC. 51P-834.105. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 834A: conceptual plan.

(2) Exhibit 834B: development plan for Zones 1, 2, and 4.

(3) Exhibit 834C: development plan for Zone 3.

(4) Exhibit 834D: master parking tabulation chart as of [date of the passage of this ordinance] [~~December 8, 2010~~]. (See the building official for the most recently approved master parking tabulation chart.) (Ord. 28070)

SEC. 51P-834.106. CREATION OF ZONES.

(a) This district is divided into four zones: Zones 1, 2, 3, and 4 as shown on the conceptual plan (Exhibit 834A).

(b) The zones may, but are not required to, correspond to platted lot lines.

(c) Structures must conform to the yard, lot, and space regulations for the respective zone. (Ord. 28070)

SEC. 51P-834.107. CONCEPTUAL PLAN.

Except as provided in Section 51P-834.116, development and use of the Property must comply with the conceptual plan (Exhibit 834A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 28070)

SEC. 51P-834.108. DEVELOPMENT PLAN.

(a) Zones 1, 2, and 4. Development and use of the Property must comply with the development plan for Zones 1, 2, and 4 (Exhibit 834B). If there is a conflict between the text of this article and the development plan for Zones 1, 2, and 4, the text of this article controls.

(b) Zone 3. Development and use of the Property must comply with the development plan for Zone 3 (Exhibit 834C). If there is a conflict between the text of this article and the development plan for Zone 3, the text of this article controls.

[~~(c) Zones 1 and 4. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in these zones other than the repair of existing structures, demolition and grading, erecting structures for security purposes, or work intended to provide for the irrigation or maintenance of landscaping. If there is a conflict between the text of this article and a development plan, the text of this article controls. The provision of Section 51A-4.702 requiring submission of a development plan within six months after city council approval of this district is not applicable.~~] (Ord. 28070)

SEC. 51P-834.109. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. *[SUP]*
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.

(3) Industrial uses.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. *[SUP]*
-- Convalescent and nursing homes, hospice care, and related institutions.
-- Convent or monastery.
-- Foster home.
-- Hospital.
-- Library, art gallery, or museum.
-- Open-enrollment charter school. *[SUP]*
-- Public or private school other than an open-enrollment charter school.

(5) Lodging uses.

-- Extended stay hotel or motel.

-- Hotel or motel.

(6) Miscellaneous uses.

-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in widow. *[DIR]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(9) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(b)(3) is not met.]*
-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
-- Multifamily.
-- Residential hotel.
-- Retirement housing.
-- Single family.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs.
-- Business school.
-- Commercial parking lot or garage.
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
~~[-- General merchandise or food store 100,000 square feet or more. *[SUP]*~~*]*
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Restaurant with drive-in or drive-through service. *[DIR]*

-- Temporary retail use.
-- Theater.

(11) Transportation uses.

-- Helistop. *[SUP]*
-- Private street or alley.
-- Railroad passenger station. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(12) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities.
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in an MU-3 Mixed Use District.]*
-- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

-- Mini-warehouse. *[SUP]*
-- Office showroom/warehouse.
-- Recycling buy-back center. *[SUP or RAR may be required. See Section 51A-4.213(11). Treat as if in an MU-3 Mixed Use District.]*
-- Recycling collection center. *[SUP or RAR may be required. See Section 51A-4.213(11.1). Treat as if in an MU-3 Mixed Use District.]*
-- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]*
-- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied.]*
-- Trade center.

(Ord. 28070)

SEC. 51P-834.110. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory use is not permitted:

-- Private stable.

(c) The following accessory uses are permitted by SUP only:

-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.

(Ord. 28070)

SEC. 51P-834.111. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-3 Mixed Use District apply.

(b) Development agreement. Unless the development agreement is terminated, development rights under the yard, lot, and space regulations are determined by combining the Property with the hotel property and treating them as a single building site in accordance with Section 51A-4.125. The specific yard, lot, and space requirements for the Property are contained in this section. The specific yard, lot, and space requirements for the hotel property are determined by its zoning classification.

(c) Front yard. A 15-foot front yard setback is required for any portion of a structure above 45 feet in height, otherwise, no minimum front yard.

(d) Side and rear yard.

(1) No minimum side and rear yard.

(2) Tower spacing does not apply.

(e) Floor area. Maximum floor area is 1,502,424 square feet.

(f) Floor area ratio. No maximum floor area ratio.

(g) Height.

(1) In Zones 1 and 4, maximum structure height is 300 feet.

(2) In Zones 2 and 3, maximum structure height is 125 feet.

(h) Stories.

(1) In Zones 1 and 4, maximum number of stories above grade is 30 [~~25~~].

(2) In Zones 2 and 3, maximum number of stories above grade is eight. (Ord. 28070)

SEC. 51P-834.112. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Development agreement. Unless the development agreement is terminated, the off-street parking and loading requirements are determined by combining the Property with the hotel property and treating them as a single building site in accordance with Section 51A-4.125. The specific parking requirements for the Property are contained in this section. The specific parking requirements for the hotel property are determined by its zoning classification.

(c) Medical or scientific laboratory. Two spaces per 1,000 square feet of floor area are required.

(d) College, university, or seminary and technical school. One space per 40 square feet of classroom floor area is required.

(e) Hospital. Three-quarters of one space per bed are required.

(f) Multifamily. One and one-quarter space per dwelling unit is required.

(g) Lodging uses. Three-quarters of one space per guest room for guest rooms 1 to 250, one-half space per guest room for guest rooms 251 or greater, plus one space per 1,000 square feet of meeting room floor area are required.

(h) Office uses. Two spaces per 1,000 square feet of floor area are required.

(i) Retail and personal service uses. Two and one-half spaces per 1,000 square feet of floor area are required.

(j) Screening of off-street loading spaces and service areas.

(1) Off-street loading spaces and service areas must be screened from all public streets and from all adjoining property whether abutting or directly across a street or alley.

(2) Screening must be at least nine feet in height measured from a horizontal plane passing through the nearest point of the off-street loading space. Screening may be provided by any of the methods for providing screening described in Section 51A-4.602(b)(3) or by a rolling, solid, metal door, except that screening around service areas for trash collection must be screened by a masonry wall.

(k) Parking structures. Below-grade parking structures may project to the lot line.

(l) Tandem parking. Tandem parking is permitted for all residential uses.

(m) Fees.

(1) Except as provided in this subsection, the Property owner may charge occupants or customers of the use a fee on a daily, hourly, or other basis for the use of required off-street parking.

(2) The Property owner may not charge fees for parking spaces provided to the hotel property under the development agreement.

(n) Location of parking.

(1) The entire district is considered one lot for the purposes of parking nonresidential uses.

(2) Required parking for residential uses must be located on the same lot as the residential use. If there is a conflict between this paragraph and the development agreement, this paragraph controls.

(3) Required parking may cross zone lines.

(o) Master parking tabulation chart.

(1) Purpose. The master parking tabulation chart (Exhibit 834D) identifies the locations of all off-street parking, determines the amount of required off-street parking, identifies any available off-street parking, and ensures that each use within the district and each use on the hotel property meets the off-street parking requirements.

(2) Requirements.

(A) To maintain adequate required off-street parking for all uses within this district and on the hotel property, an updated master parking tabulation chart must be submitted to and approved by the building official if:

(i) a development plan or minor amendment to a development plan is approved by city plan commission;

(ii) required off-street parking spaces are relocated;

(iii) special parking spaces are added or removed;

(iv) the development agreement is amended or terminated; or

(v) there is a change in uses.

(B) A master parking tabulation chart must include:

(i) the number of existing required off-street parking spaces;

(ii) the number of required off-street parking spaces added, deleted, or relocated;

(iii) the location of required off-street parking spaces added, deleted, or relocated; and

(iv) the number and location of all special parking spaces.

(C) The building official shall maintain a copy of each approved master parking tabulation chart.

(D) The Property owner must deliver a copy of each approved master parking tabulation chart to the director within five days after the building official's approval. (Ord. 28070)

SEC. 51P-834.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 28070)

SEC. 51P-834.114. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition. (Ord. 28070)

SEC. 51P-834.115. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) The entire district is considered one premise. (Ord. 28070)

SEC. 51P-834.116. SIDEWALKS.

(a) Sidewalks must be provided in the locations shown on the conceptual plan unless there is a conflict due to landscaping or utilities. In the event of a conflict due to landscaping or utilities, the sidewalks may be relocated up to six feet from the locations shown on the conceptual plan without modifying the conceptual plan.

(b) The board shall not grant a variance to the sidewalk requirements.

(c) Sidewalk waivers are prohibited. (Ord. 28070)

SEC. 51P-834.117. ADDITIONAL PROVISIONS.

(a) An evaluation of the Katy Trail crosswalk volumes and safety improvements is required at the earlier of

(1) One year after the issuance of a final certificate occupancy for a cumulative total of 580,992 square feet of residential construction within Zone 1 and Zone 4 or

(2) 80 percent occupancy of the buildings shown in Zone 1 and Zone 4 on the development plan.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c [~~b~~]) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 28070)

SEC. 51P-834.118. COMPLIANCE WITH CONDITIONS.

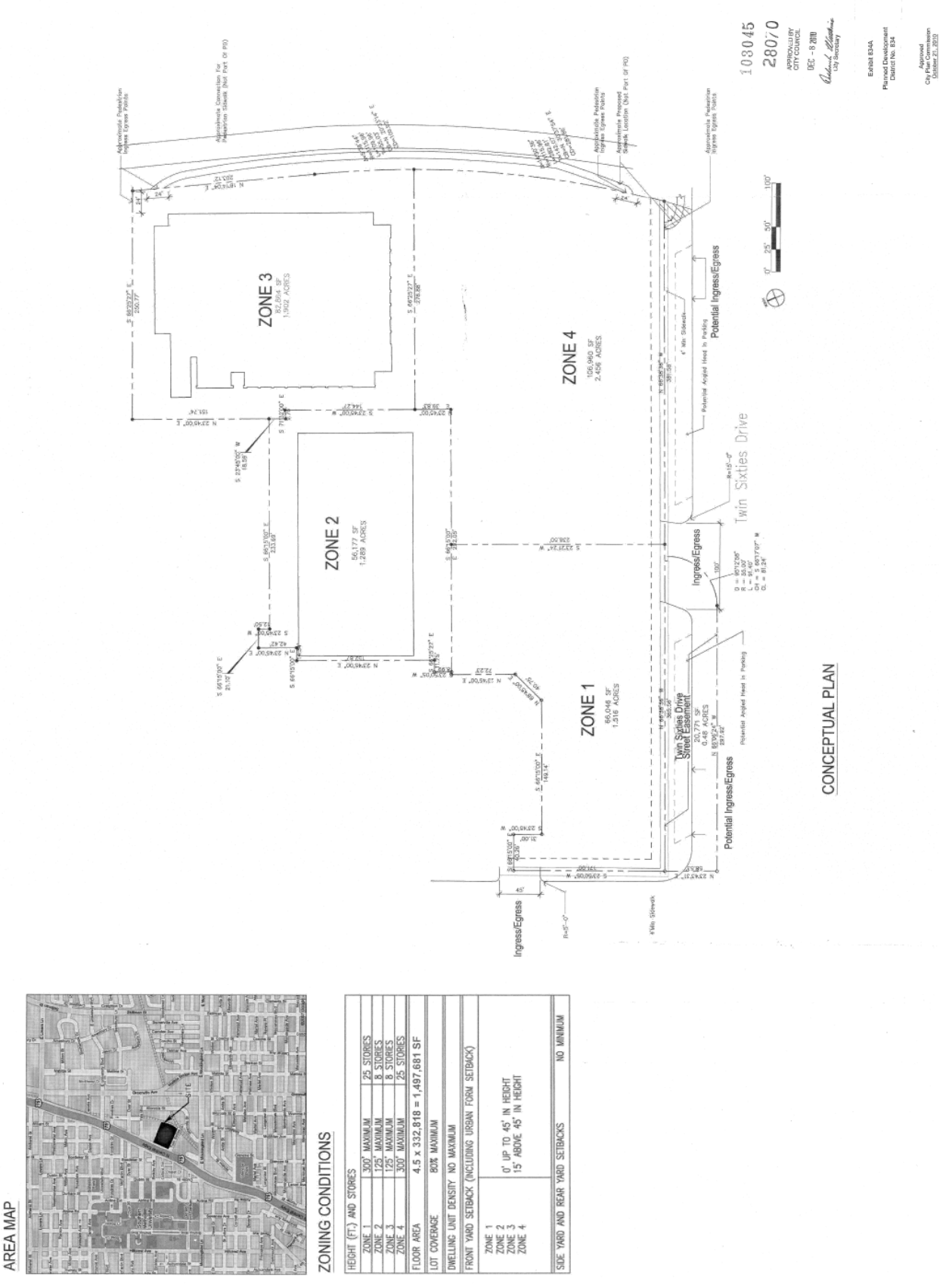
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 28070)

[~~SEC. 51P-834.119. ZONING MAP.~~

~~PD 834 is located on Zoning Map No. H-8.~~] (Ord. 28070)

Existing Conceptual Plan (Exhibit 834A)

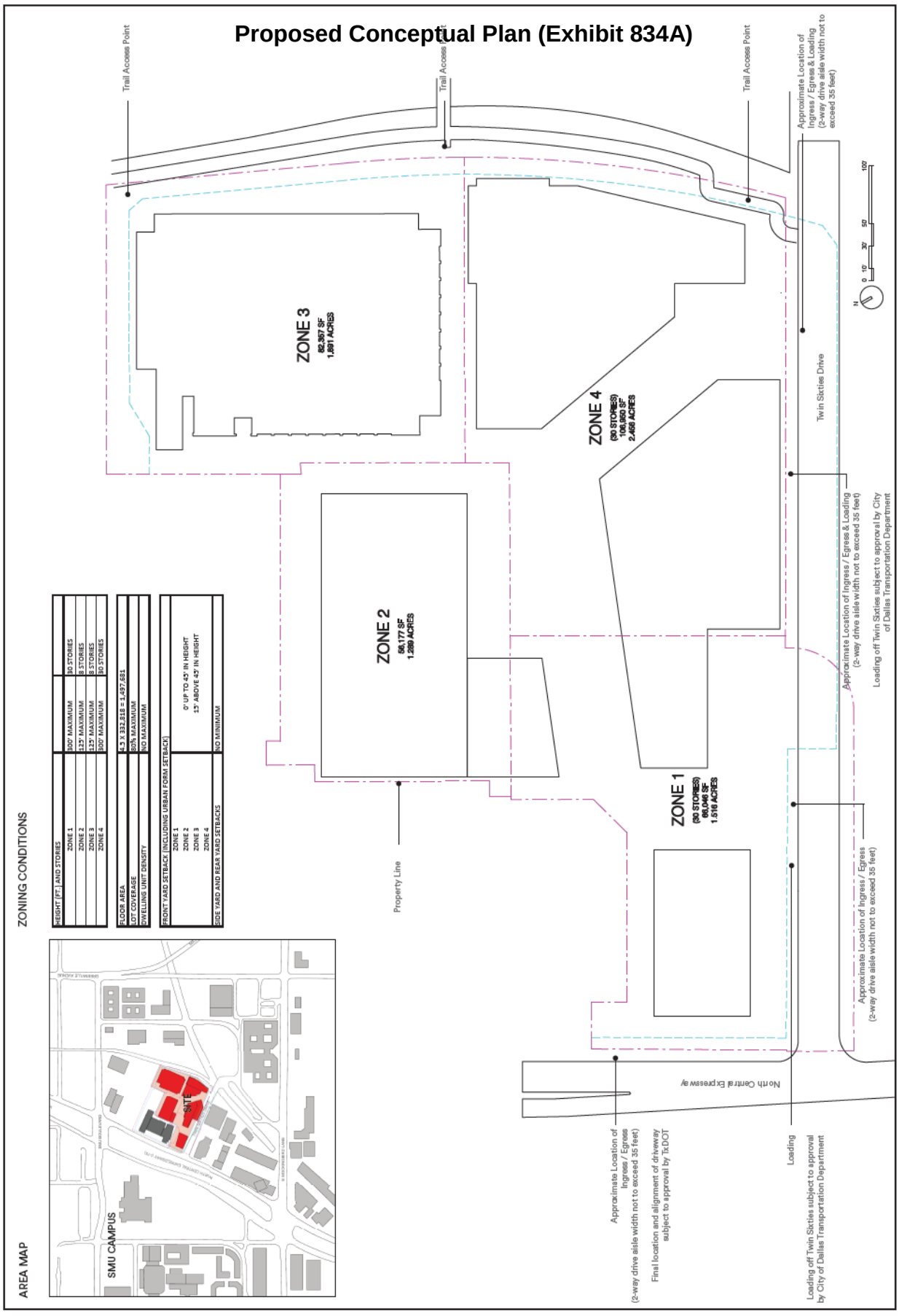


AREA MAP

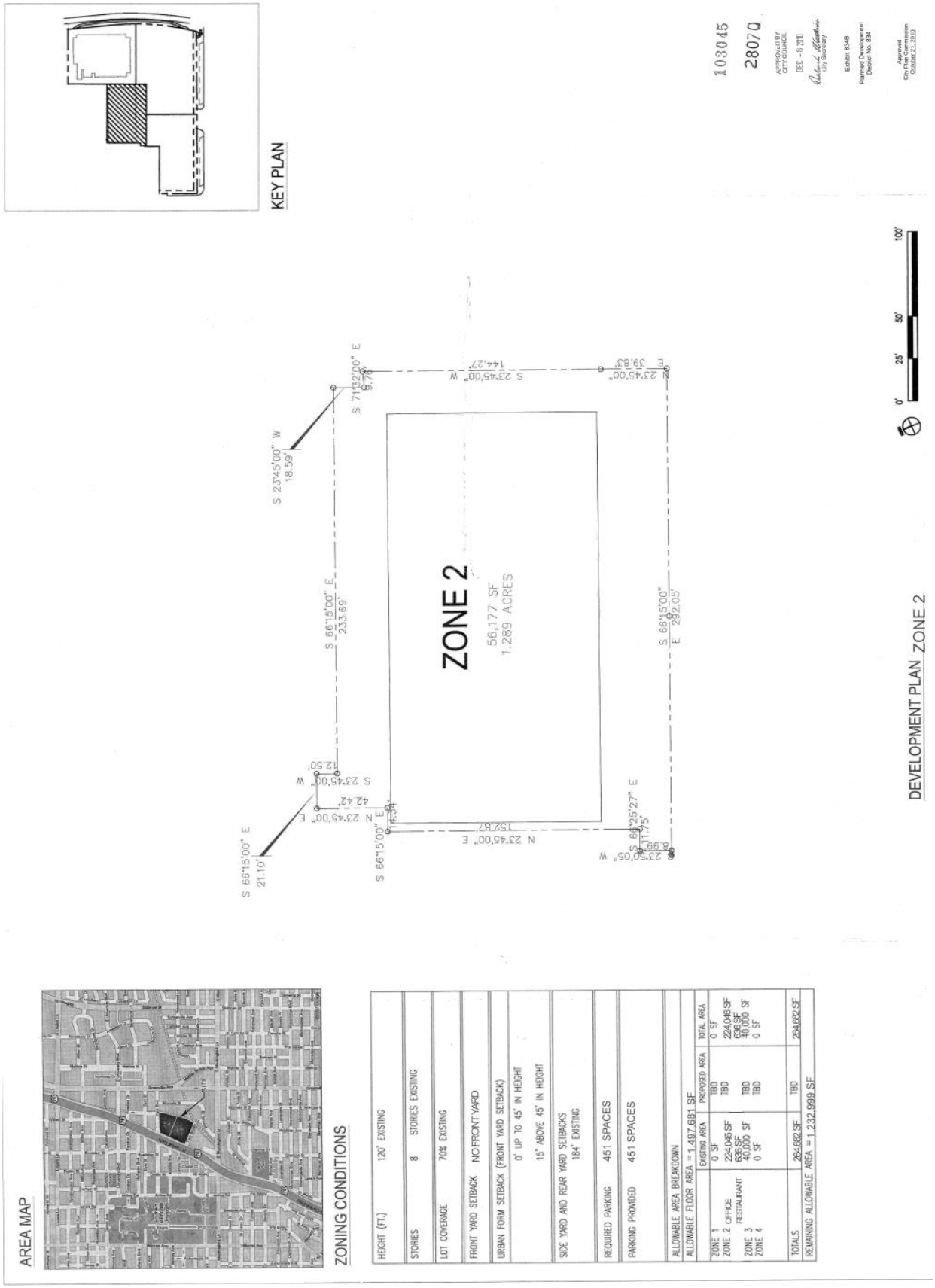
ZONING CONDITIONS

HEIGHT (FT.) AND STORIES		
ZONE 1	300' MAXIMUM	25 STORIES
ZONE 2	125' MAXIMUM	8 STORIES
ZONE 3	125' MAXIMUM	8 STORIES
ZONE 4	300' MAXIMUM	25 STORIES
FLOOR AREA	4.5 x 332,818 = 1,497,681 SF	
LOT COVERAGE	80% MAXIMUM	
DWELLING UNIT DENSITY	NO MAXIMUM	
FRONT YARD SETBACK (INCLUDING URBAN FORM SETBACK)		
ZONE 1 ZONE 2 ZONE 3 ZONE 4	0' UP TO 45' IN HEIGHT 15' ABOVE 45' IN HEIGHT	
SIDE YARD AND REAR YARD SETBACKS		NO MINIMUM

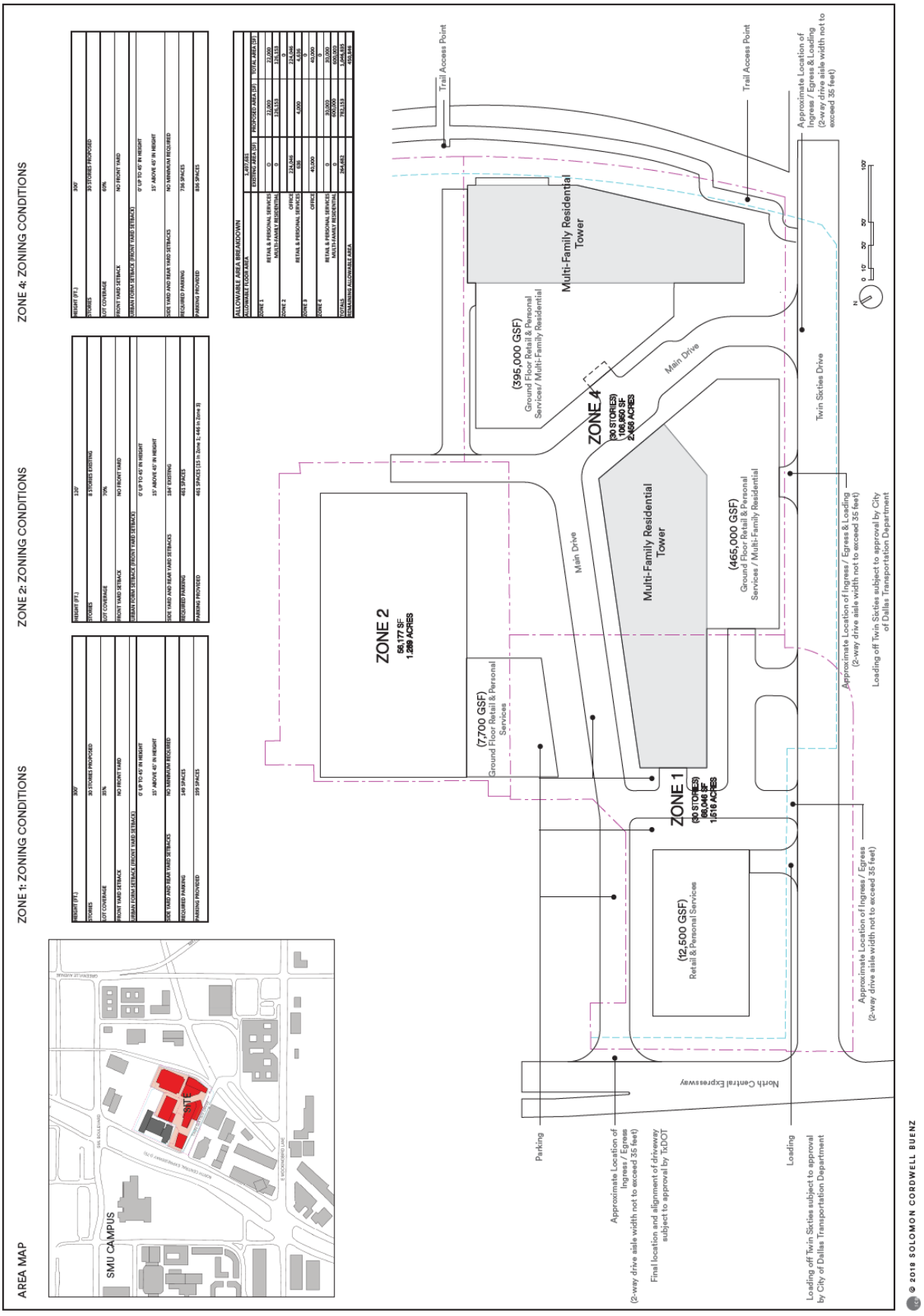
Proposed Conceptual Plan (Exhibit 834A)



Existing Development Plan for Zone 2 (Exhibit 834B)



Proposed Development Plan for Zones 1, 2, and 4 (Exhibit 834B)



Existing Master Parking Tabulation Chart (Exhibit 834D)

MASTER PARKING TABULATIONS BY USE

Zone No.	Use Type(s)	Area	Required Parking		Provided Parking			
			Ratio	Total	In Zone	Out of Zone	Within MUD [1]	Total
1	No Current Use	0	0	0	0	Zone 2: 0 Zone 3: 0 Zone 4: 0	0	0
2	Office	224,046 SF	1 per 500 SF	449 spaces	0	Zone 1: 158 spaces Zone 3: 98 spaces Zone 4: 195 spaces	0	451 spaces
	Retail and Personal Services	636 SF	1 per 400 SF	2 spaces				
3	Technical School	12,062 SF	1 per 40 SF	302 spaces	302 spaces	Zone 1: 0 Zone 2: 0 Zone 4: 0	0	302 spaces
4	No Current Use	0	0	0	0	Zone 1: 0 Zone 2: 0 Zone 3: 0	0	0
TOTAL				753 spaces	302 spaces	451 spaces	spaces	753 spaces

Notes:
1. Mixed-Use Development Agreement filed 07/16/1999 allows for shared parking between the 6060 N. Central Expressway, 6070 N. Central Expressway, and 6080 N. Central Expressway.

Approved
City Plan Commission
October 21, 2010

Planned Development
District No. 834

Exhibit 834D

28070

103045

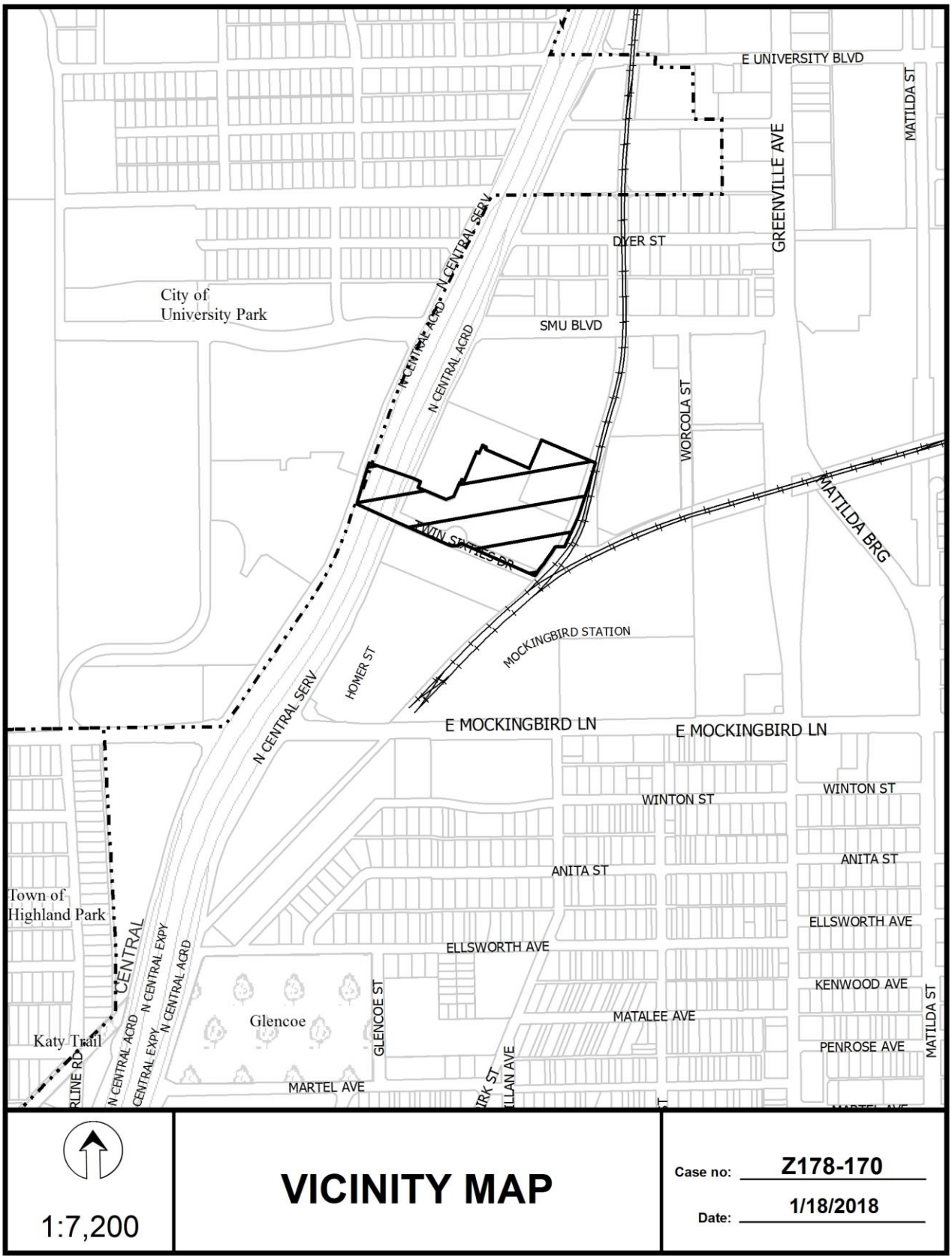
Proposed Master Parking Tabulation Chart (Exhibit 834D)

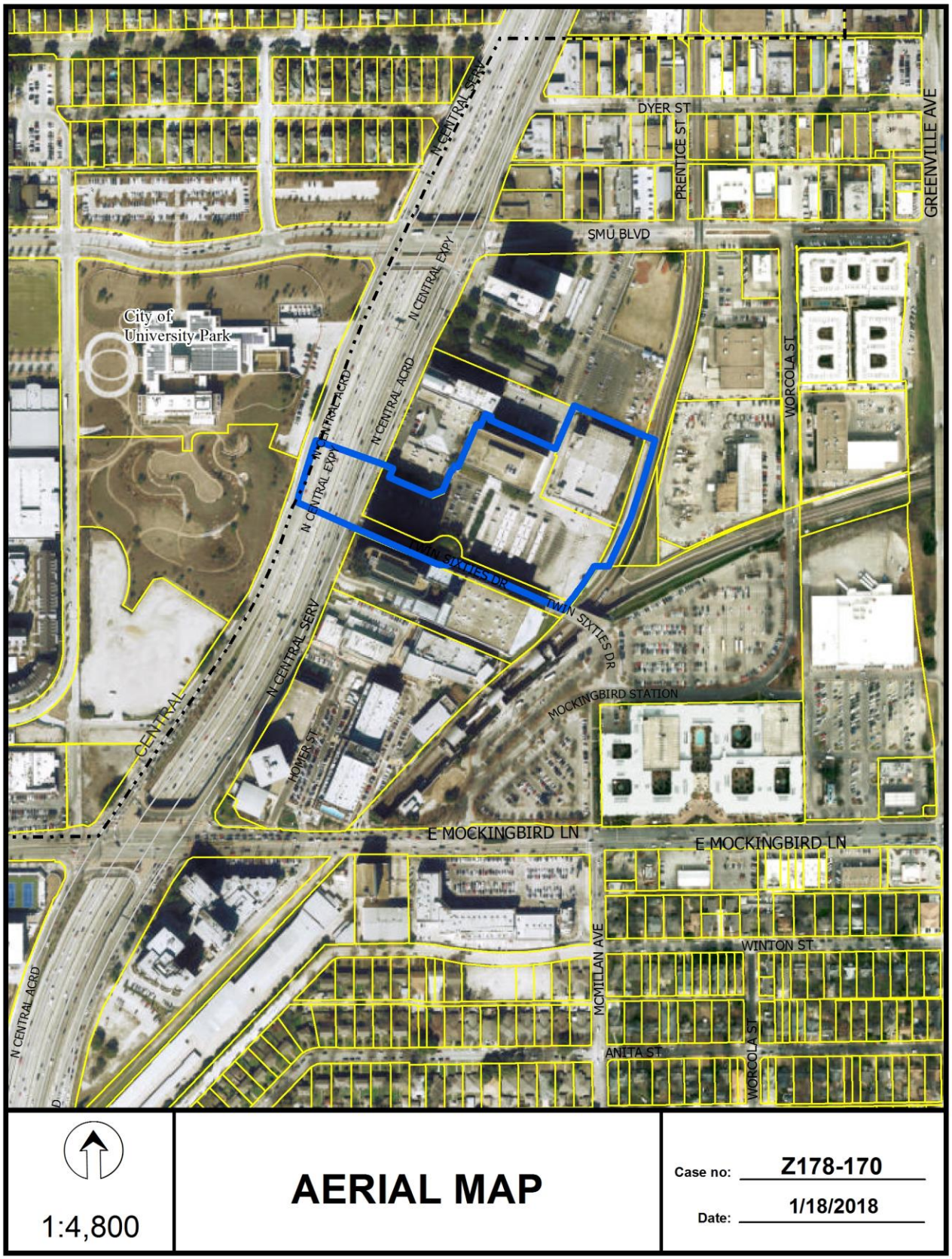
MASTER PARKING TABULATIONS BY USE

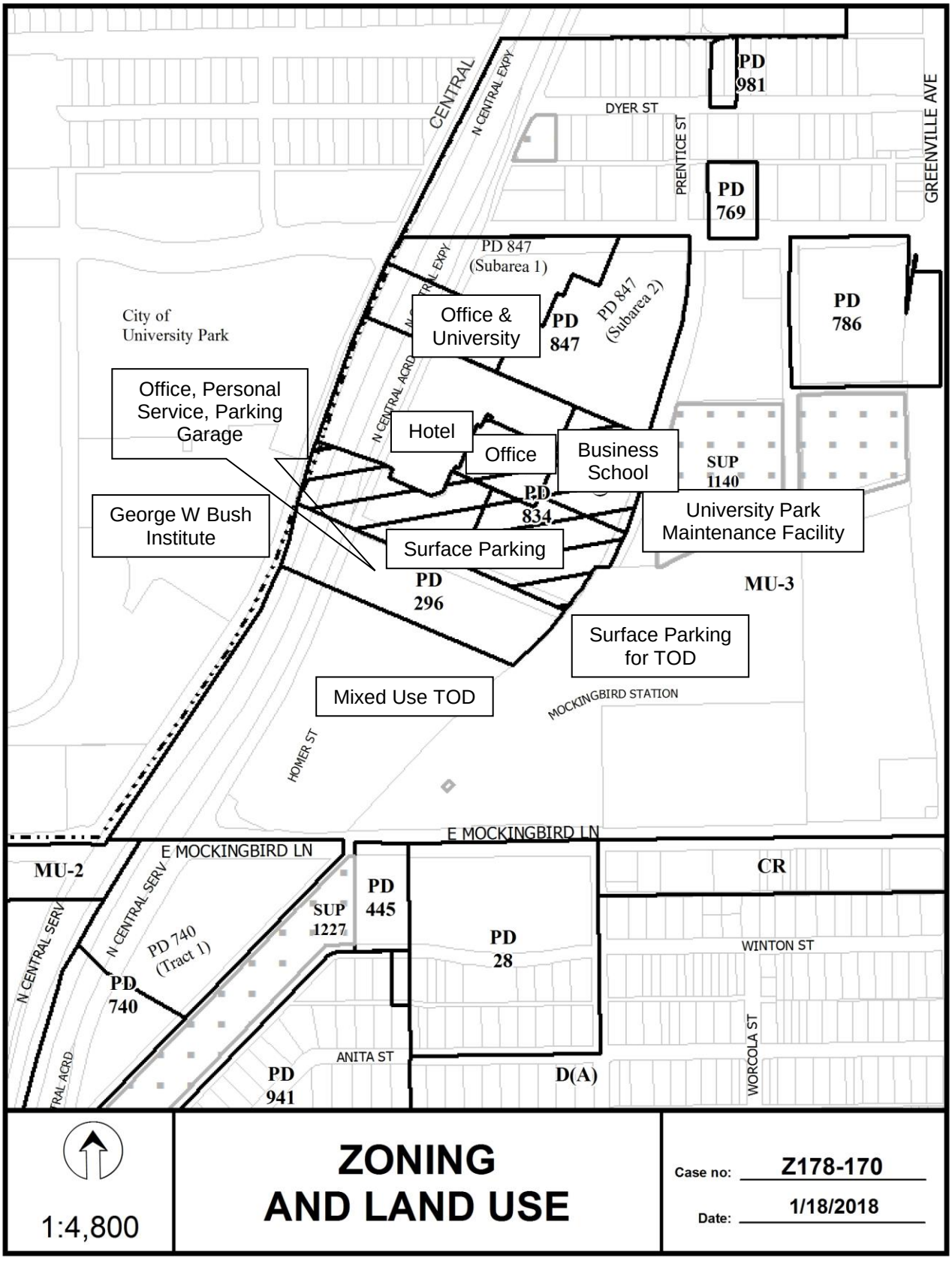
Zone No.	Use Types	Area (GSF)	Units	Required Parking		Provided Parking				
				Ratio	Total Spaces	In Zone	Out of Zone		Within MUD[1]	Total
Hotel	Hotel and Conference Space		250	0.75 per Room (1-250 Rooms)	188	193	Zone 1:		0	221
			42	0.5 per Room (251 or >)	21		Zone 3:	28		
		12,000		1 per 1,000 sf Mtg Room	12		Zone 4:			
1	Retail & Personal Services	22,000	75	1 per 400 SF	55	199	Zone 2:		0	199
	Multi-Family Residential	126,153		1.25 per Unit	94		Zone 3:			
							Zone 4:			
2	Office	224,046		1 per 500 SF	449	15	Zone 1:		0	461
	Retail & Personal Services	4,636		1 per 400 SF	12		Zone 3:	446		
							Zone 4:			
3	Office	40,000		1 per 500 SF	80	801	Zone 1:		0	327
							Zone 2:			
							Zone 4:			
4	Retail & Personal Services	30,000	545	1 per 400 SF	75	836	Zone 1:		0	836
	Multi-Family Residential	600,000		1.25 per Unit	681		Zone 2:			
							Zone 3:			
TOTAL					**1,667**	**2,044**		**474**		**2,044**

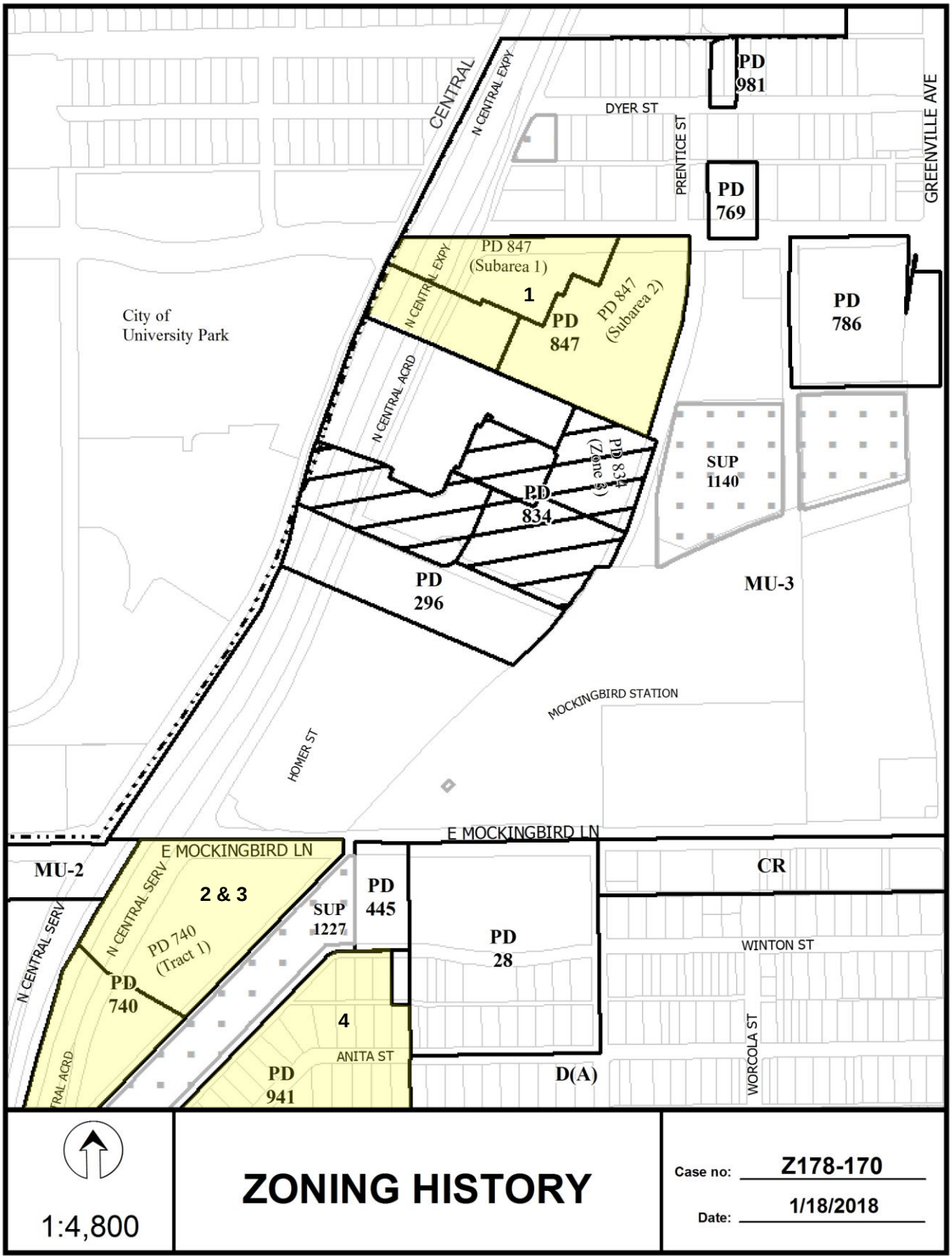
Notes:

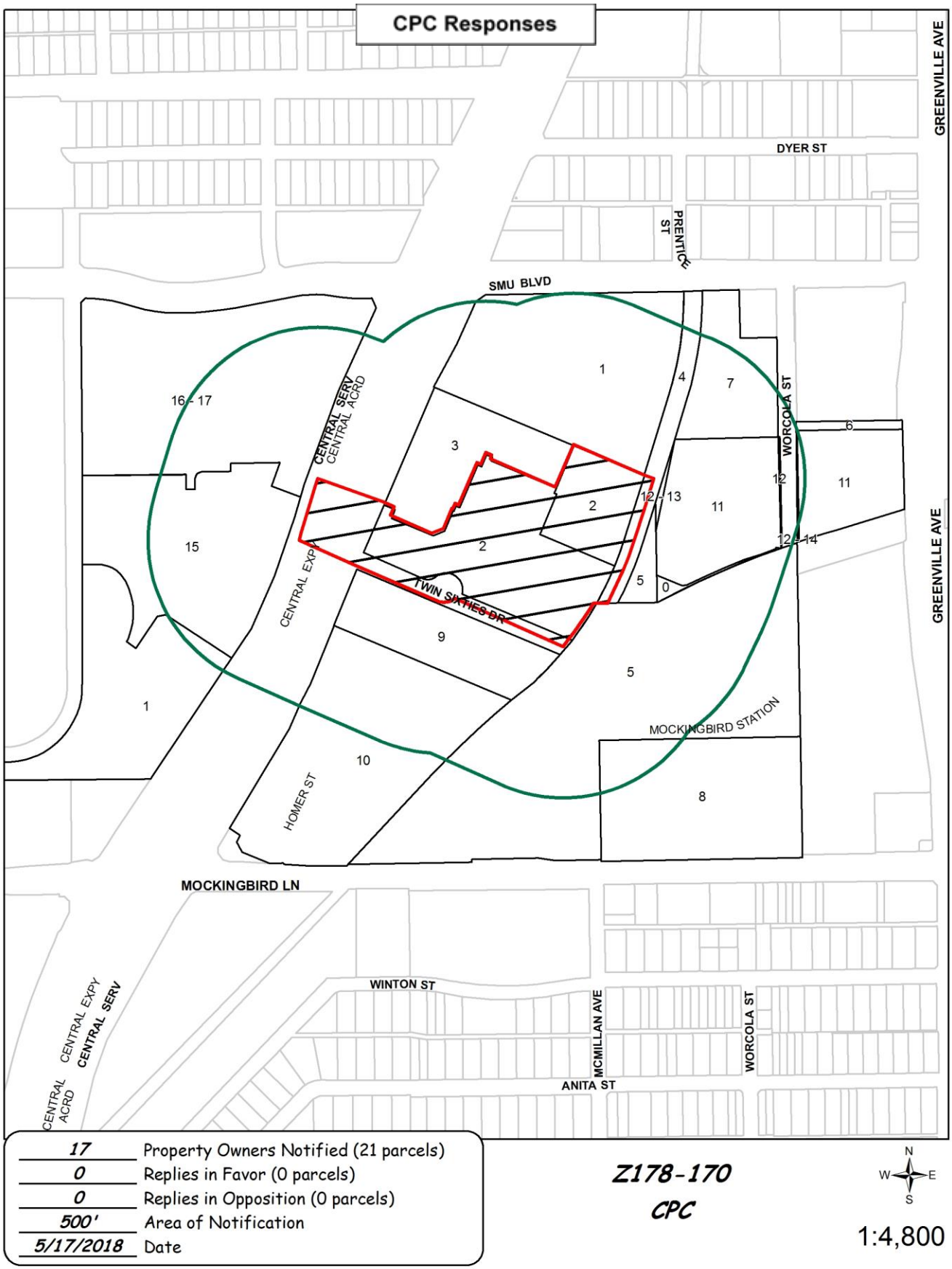
1.) Mixed-Use Development Agreement filed 07/16/1999 allows for shared parking between the 6060 N. Central Expressway, 6070 N. Central Expressway, and 6080 N. Central Expressway.


E UNIVERSITY BLVD
MATILDA ST
GREENVILLE AVE
DYER ST
N CENTRAL SERV
N CENTRAL ACRD
City of
University Park
SMU BLVD
WORCOLA ST
MATILDA BRG
TWIN STATES DR
MOCKINGBIRD STATION
HOMER ST
N CENTRAL SERV
E MOCKINGBIRD LN
E MOCKINGBIRD LN
WINTON ST
WINTON ST
ANITA ST
ANITA ST
Town of
Highland Park
ELLSWORTH AVE
ELLSWORTH AVE
KENWOOD AVE
MATALEE AVE
PENROSE AVE
MATILDA ST
Glencoe
GLENCOE ST
Katy Trail
N CENTRAL ACRD
N CENTRAL EXPY
N CENTRAL EXPY
N CENTRAL ACRD
MARTEL AVE
1:7,200
VICINITY MAP
Case no: Z178-170
Date: 1/18/2018


DYER ST
PRENTICE ST
GREENVILLE AVE
SMU BLVD
N CENTRAL EXPY
N CENTRAL SERV
City of University Park
WORCOLA ST
N CENTRAL EXPY
N CENTRAL SERV
N CENTRAL EXPY
N CENTRAL SERV
N SIXTIES DR
N SIXTIES DR
MOCKINGBIRD STATION
CENTRAL
HOMER ST
E MOCKINGBIRD LN
E MOCKINGBIRD LN
WINTON ST
MCMILLAN AVE
ANITA ST
WORCOLA ST
N CENTRAL ACRD
1:4,800
AERIAL MAP
Case no: Z178-170
Date: 1/18/2018


CENTRAL
N CENTRAL EXPY
DYER ST
PRENTICE ST
GREENVILLE AVE
PD 981
PD 769
PD 786
PD 847 (Subarea 1)
PD 847 (Subarea 2)
PD 847
City of University Park
Office & University
Office, Personal Service, Parking Garage
Hotel
Office
Business School
SUP 1140
PD 834
George W Bush Institute
Surface Parking
University Park Maintenance Facility
PD 296
MU-3
Surface Parking for TOD
Mixed Use TOD
MOCKINGBIRD STATION
HOMER ST
E MOCKINGBIRD LN
MU-2
N CENTRAL SERV
PD 740 (Tract 1)
PD 740
SUP 1227
PD 445
PD 28
CR
WINTON ST
ANITA ST
PD 941
D(A)
WORCOLA ST
1:4,800
ZONING AND LAND USE
Case no: Z178-170
Date: 1/18/2018


CENTRAL
N CENTRAL EXPY
DYER ST
PRENTICE ST
GREENVILLE AVE
PD 981
PD 769
PD 786
PD 847 (Subarea 1)
1
PD 847
PD 847 (Subarea 2)
N CENTRAL EXPY
N CENTRAL ACRD
City of University Park
PD 834 (Zone 2)
PD 834
SUP 1140
PD 296
MU-3
MOCKINGBIRD STATION
HOMER ST
E MOCKINGBIRD LN
MU-2
N CENTRAL SERV
2 & 3
PD 740 (Tract 1)
PD 740
SUP 1227
PD 445
PD 28
CR
WINTON ST
4
ANITA ST
PD 941
D(A)
WORCOLA ST
ZONING HISTORY
1:4,800
Case no: Z178-170
Date: 1/18/2018


CPC Responses
GREENVILLE AVE
DYER ST
PRENTICE ST
SMU BLVD
CENTRAL SERV
CENTRAL ACRD
WORCOLA ST
GREENVILLE AVE
CENTRAL EXP
TWIN SIXTIES DR
MOCKINGBIRD STATION
HOMER ST
MOCKINGBIRD LN
WINTON ST
CENTRAL EXPY
CENTRAL SERV
CENTRAL ACRD
MCMILLAN AVE
WORCOLA ST
ANITA ST
17 Property Owners Notified (21 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
500' Area of Notification
5/17/2018 Date
Z178-170
CPC
N
W
E
S
1:4,800

05/16/2018

Reply List of Property Owners

Z178-170

17 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	6116	N CENTRAL EXPY	SOUTHERN METHODIST UNIVERSITY
	2	6060	N CENTRAL EXPY	60 80A NCX LLC
	3	6070	N CENTRAL EXPY	6070 NCX LLC
	4	555	2ND AVE	DART
	5	4400	WORCOLA ST	DALLAS AREA RAPID TRANSIT
	6	4417	GREENVILLE AVE	UNIVERSITY PARK CITY OF
	7	5606	SMU BLVD	U S POSTAL SERVICE
	8	5555	E MOCKINGBIRD LN	CH REALTY VII MF DALLAS
	9	5910	N CENTRAL EXPY	CPUS PREMIER PLACE LP
	10	5307	E MOCKINGBIRD LN	CPUS MOCKINGBIRD LP
	11	4419	WORCOLA ST	UNIVERSITY PARK CITY OF
	12	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	13	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	14	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	15	6000	BUSH AVE	SMU CORP
	16	2943	SMU BLVD	GEORGE W BUSH FOUNDATION
	17	2943	SMU BLVD	SMU CORP

AGENDA ITEM # 66

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 F; K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 110 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by North Field Street, North Akard Street, Ashland Street and Cedar Springs Road

Recommendation of Staff and CPC: Approval, subject conditions

Z178-192(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-192(PD)	**DATE FILED:**	February 26, 2018
LOCATION:	Bound by North Field Street, North Akard Street, Ashland Street and Cedar Springs Road		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 F; K
SIZE OF REQUEST:	Approx. 3.04 acres	**CENSUS TRACT:**	19.00

APPLICANT/OWNER: The Union Uptown Dallas, LLC

REPRESENTATIVE: Santos Martinez, MasterPlan Consultants

REQUEST: An application for an amendment to Planned Development Subdistrict No. 110 within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant proposes to amend the sign regulations to accommodate new signage for a grocery store [Tom Thumb] on the lower level of the development.

CPC RECOMMENDATION: **Approval**, subject to conditions.

STAFF RECOMMENDATION: **Approval**, subject to conditions.

PLANNED DEVELOPMENT No. 193 Subdistrict No. 110 LINK:
http://www.dallascityattorney.com/51P/Articles%20Supp%2041/Div%20S-110%20[Part%20II%20PD%20193].pdf

BACKGROUND INFORMATION:

- Planned Development Subdistrict No. 110 within PDD No. 193 was approved by City Council on August 12, 2015.
- The area of request is currently being improved with a mixed-use development.
- The applicant proposes to amend the sign regulations to accommodate new signage for a grocery store [Tom Thumb] on the lower level of the development.
- The purpose of the amendment is to: 1) add a new sign type [blade sign]; 2) redefine the definition of a lower level sign; 3) allow blade signs and canopy signs to exceed the maximum effective area of 100 square feet per sign on the lower level with a maximum effective area of 125 square feet per sign; 4) allow a maximum of five lower level signs on facades facing Ashland Street and N. Field Street, and a maximum of three lower level signs on the facades facing Cedar Springs Road and Akard Street; 5) allow a maximum of eight words per elevation for middle level signs; 6) allow the total effective area of each canopy sign not to exceed 225 square feet, 7) allow canopy signs to vertically project eight feet above the surface of the canopy; 8) allow a maximum number of three blade signs and prohibit changeable messages on blade signs; 9) provide a minimum clearance of 15 feet above the sidewalk and project no further than six feet from the façade for blade signs; and, 10) allow premise signs located within 15 feet of a public right-of-way to provide a maximum effective area of 150 square feet.

Zoning History: There has been one zoning request in the area within the past five years.

1. Z134-305 On August 12, 2015, the City Council approved the creation of Planned Development Subdistrict No. 110 (subject site) within Planned Development District No. 193 (the Oak Lawn Special Purpose District).

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
North Akard Street	Principal Arterial	Variable Width ROW
Cedar Springs Road	Local Collector	80 ft.
North Field Street	Principal Arterial	Variable Width ROW
Ashland Street	Local Collector	50 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

Land Use:

	Zoning w/in PDD No. 193	Land Use
Site	PDS No. 110	Under Construction
Northwest	PDS No. 79	Parking Garage & Office
Northeast	HC	Multifamily
Southeast	PDS No. 24	Multifamily
Southwest	MF-3	Multifamily

STAFF ANALYSIS:

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

Staff's objective is to balance the increase in development rights while ensuring the pedestrian realm becomes much more focused on attracting foot traffic as tenants, employees, and residents traverse the area's mix of residential, office, cultural, and retail spaces. The request is envisioned to be in scale with existing sign developments in the area and therefore meet the objectives of numbers 2 and 7. The remaining five objectives provide standards intended for new construction and developments within PDD No. 193, the Oak Lawn Special Purpose District and are therefore not applicable to this request.

Downtown 360. The Downtown Dallas 360 Plan, adopted by the City Council in April 2011, identifies Uptown as a "supporting district" to the focus of this implementation plan, which is the Central Business District, bounded by Woodall Rodgers Freeway, Central Expressway, I-30 and I-35. The supporting districts are included as the recommended new definition of "Downtown Dallas."

Uptown is largely successful in balancing jobs, housing and services. As Dallas's most dense neighborhood, Uptown consists of a wide mix of apartments, condominiums, townhouses, residential towers and historic homes. Despite these assets, large blocks and inward-oriented building architecture present challenges to pedestrian activity in many parts of the district. In the future, developments are expected to fill in gaps to assist in creating a truly walkable, transit-oriented urban neighborhood.

While the request is solely to amend the sign ordinance, the previous request for Planned Development Subdistrict No.110 captures the recommendation of the 360 Plan with the mixed use Victory PDD to the west across Field Street and Perot Museum of Nature and Science immediately southwest of the site and being within walking distance of this property.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan*, was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

URBAN DESIGN

Goal 5.1 Promote a sense of place, safety and workability

Policy 5.1.2 Define urban character in Downtown and urban cores

Land Use Compatibility:

The purpose of the requested amendment will permit consideration of the following: 1) add a new sign type [blade sign]; 2) redefine the definition of a lower level sign; 3) allow blade signs and canopy signs to exceed the maximum effective area of 100 square feet per sign on the lower level with a maximum effective area of 125 square feet per sign; 4) allow a maximum of five lower level signs on facades facing Ashland Street and N. Field Street, and a maximum of three lower level signs on the facades facing Cedar Springs Road and Akard Street; 5) allow of maximum of eight words per elevation for middle level signs; 6) allow the total effective area of each canopy sign not to exceed 225 square feet, 7) allow canopy signs to vertically project eight feet above the surface of the canopy; 8) allow a maximum number of three blade signs and prohibit changeable messages on blade signs; 9) provide a minimum clearance of 15 feet above the sidewalk and project no further than six feet from the façade for blade signs; and, 10) allow premise signs located within 15 feet of a public right-of-way to provide a maximum effective area of 150 square feet.

The surrounding land uses, other than scattered surface parking areas, is comprised of a mix of uses – high density residential, office, and supporting retail uses. Additionally, DART's Victory Station is situated approximately 2,100 feet west of the site, and the Perot Museum of Nature and Science situated on property to the southwest.

It is the applicant's intent to ensure that the site provides for a vibrant street level. Staff is supportive of the request; as the intent is to ensure development in high density areas provide for certain amenities embracing the human element into respective designs which is inclusive of signage. Additionally, staff supports the request as the proposed amendment is envisioned to be in scale with the proposed development and compatible with existing signage in the area. For illustrative purposes, concept renderings of signage consistent with the request are found at the end of this section. In addition, a comparative table has been provided outlining the differences between the existing and proposed sign regulations, as well as staff's commentary.

SIGNAGE	PDS No. 110 Sign Ord. (existing)	Applicant's Request	Staff's Comment
DEFINITIONS:			
BLADE SIGNS:	N/A	A SIGN PROJECTING PERPENDICULARLY FROM A FAÇADE, VISIBLE ON BOTH SIDES.	NO OBJECTION
LOWER LEVEL SIGN:	AN ATTACHED SIGN WHOLLY SITUATED WITHIN THE LOWER LEVEL SIGN AREA	AN ATTACHED SIGN WHOLLY OR PARTIALLY SITUATED WITHIN THE LOWER LEVEL SIGN AREA	NO OBJECTION AS THE QUANTITY IS LIMITED PER FAÇADE & THE DEFINITION IS THE SAME FOR MIDDLE LEVEL SIGN
EFFECTIVE AREA FOR LOWER LEVEL SIGNS			
CANOPY:	MAX. OF 100 SQ FT	100 SQ FT PER SIGN MAX OF 5 ON ASHLAND STREET AND N. FIELD STREET MAX OF 3 ON CEDAR SPRINGS ROAD AND AKARD STREET	NO OBJECTION DUE TO LIMITATION IN QUANTITY
BLADE:	N/A	125 SQ FT PER SIGN	
MAX # OF LOWER LEVEL CANOPY & BLADE SIGNS	THE SUM OBTAINED BY COUNTING ALL OF THE STREET ENTRANCES AND FIRST FLOOR OCCUPANTS WINDOWS ON THAT FAÇADE WITH NO STREET ENTRANCES N/A FOR BLADE	MAX OF 5 ON ASHLAND STREET AND N. FIELD STREET MAX OF 3 ON CEDAR SPRINGS ROAD AND AKARD STREET WITH A TOTAL MAXIMUM OF THREE BLADE SIGNS ALLOWED	NO OBJECTION
MAX # OF WORDS FOR MIDDLE LEVEL SIGNS	MAX OF EIGHT WORDS THAT CONTAIN A CHARACTER OF A HEIGHT EQUAL TO OR EXCEEDING FOUR INCHES	MAX OF EIGHT WORDS PER ELEVATION	NO OBJECTION AS THE CONDITION IS MORE RESTRICTIVE
TOTAL EFFECTIVE AREA OF CANOPY SIGN	MAY NOT EXCEED 250 SQUARE FEET FOR ALL SIGNS COMBINED ON EACH STREET FRONTAGE	MAY NOT EXCEED 200 SQUARE FEET FOR EACH CANOPY SIGN	NO OBJECTION AS THE CONDITION ALLOWS MORE SIGNS THAT ARE SMALLER IN SIZE
VERTICAL PROJECTION OF CANOPY SIGN	MAY NOT PROJECT VERTICALLY ABOVE THE SURFACE OF THE CANOPY MORE THAN 15 PERCENT OF THE OVERALL LENGTH OF THE SIGN	MAY NOT PROJECT MORE THAN EIGHT FEET ABOVE THE SURFACE OF THE CANOPY	NO OBJECTION AS THE PROPOSED CONDITION PROVIDES LESS AMBIGUITY
VERTICAL PROJECTIONS & CLEARANCE OF BLADE SIGN:	N/A	MIN CLEARANCE OF 15 FEET ABOVE THE SIDEWALK AND MAY NOT PROJECT NO FURTHER THAN FIVE FEET FROM THE FAÇADE	NO OBJECTION
DETACHED PREMISE SIGNS	MAY NOT EXCEED 30 SQUARE FEET IN EFFECTIVE AREA	MAY NOT EXCEED 150 SQUARE FEET IN EFFECTIVE AREA	NO OBJECTION

Landscaping:

Landscaping of any development will be in accordance with the landscape regulations of PDS No. 110; however, the request will not trigger additional landscape.

CPC ACTION:
April 19, 2018

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 110, subject to conditions within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by North Field Street, North Akard Street, Ashland Street and Cedar Springs Road.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 1

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 1 - Peadon
Absent: 0
Vacancy: 1 - District 8

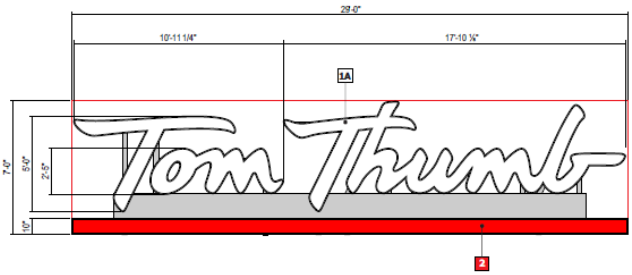
Notices: Area: 500 Mailed: 134
Replies: For: 0 Against: 0

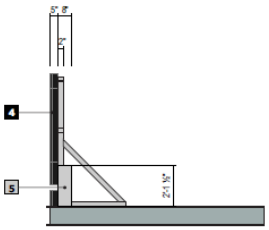
Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
For (Did not speak): Randy Kottlowski, 2731 Kingsbury Park Ln., Spring, TX, 77386
Against: None

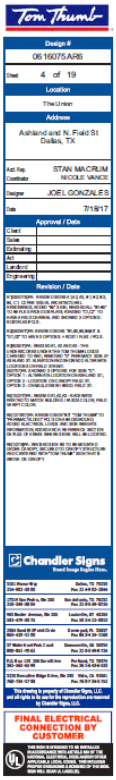
List of Officers
The Union Uptown LLC

Chris Robertson	Vice President
Michael Ebert	Vice President
Scott Rehorn	Vice President
Jeff McMahon	Vice President

Concept Renderings
Blade Sign
(For Illustrative Purposes Only)







A1 A2 A3 **FACE LIT CHANNEL LETTERS** SCALE: 1/4" = 1'-0"

THREE (3) REQUIRED - MANUFACTURE AND INSTALL. SQ. FT. 203

"TOM THUMB"
5" DEEP ALUM. FABRICATED BLACK PTD. RETURNS;
1" BLACK TRIM CAPS; 3/16" WHITE ACRYLIC FACES

7100K WHITE LED ILLUMINATION.

MOUNTED TO AWNING ON FRAME SUPPORT

"UNDERSCORE"
5" DEEP ALUM. FABRICATED BLACK PTD. RETURNS;
5/8" ALUM. FABRICATED RETAINERS PAINTED BLACK;
3/16" WHITE ACRYLIC FACES & 1ST. SURFACE APPLIED 3M VINYL.
.125" ALUM. BACKS.

7100K WHITE LED ILLUMINATION.

MOUNTED TO AWNING ON ALUM. FABRICATED CUSTOM RACEWAY - P.T.M. BUILDING FASCIA COLOR (FIELD VERIFY COLOR) & 3" X 3" SQ. TUBE FRAME SUPPORTS.

SELF-CONTAINED POWER SUPPLIES

*NOTE: DALLAS TO DETERMINE FINAL FRAMING REQUIRED.

G.C. IS TO PROVIDE PRIMARY ELEC. SERVICE.

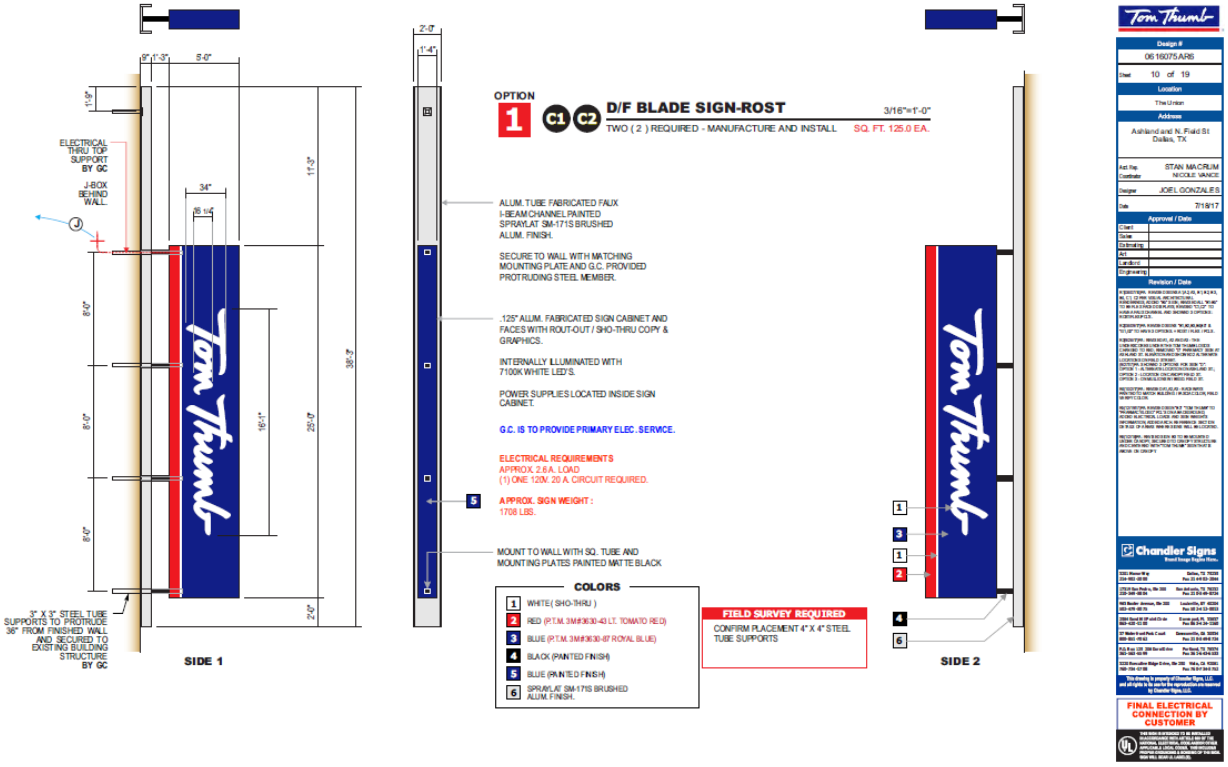
ELECTRICAL REQUIREMENTS
APPROX. 3.2 A. LOAD
(1) ONE 120V. 20 A. CIRCUIT REQUIRED.

APPROX. SIGN WEIGHT :
545 LBS.

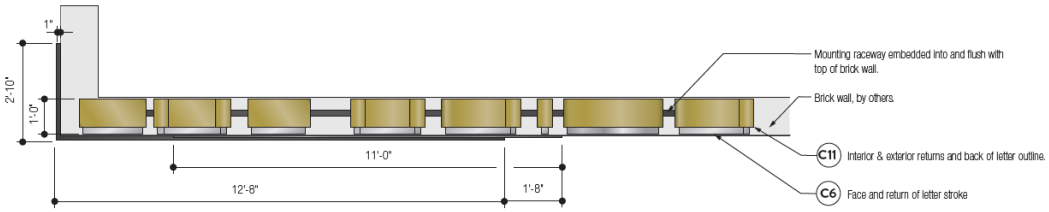
COLORS

1A	WHITE SHO-THRU (ACRYLIC)
1B	WHITE (PAINTED FINISH)
2	RED (P.T.M. 3M #3630-43 LT. TOMATO RED)
3	BLUE (P.T.M. 3M #3630-87 ROYAL BLUE)
4	BLACK (PAINTED FINISH)
5	COLOR TO MATCH BUILDING / FASCIA COLOR (FIELD VERIFY COLOR)

Concept Renderings
Blade Sign
(For Illustrative Purposes Only)



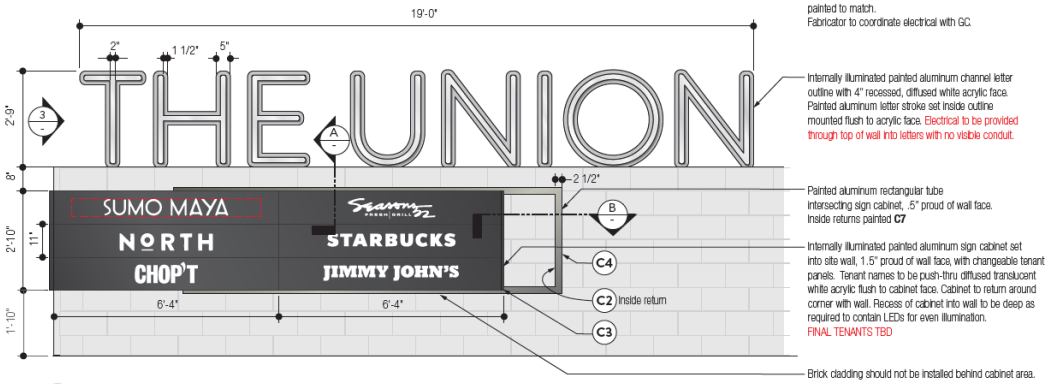
Concept Renderings
Detached Premise Sign
(For Illustrative Purposes Only)



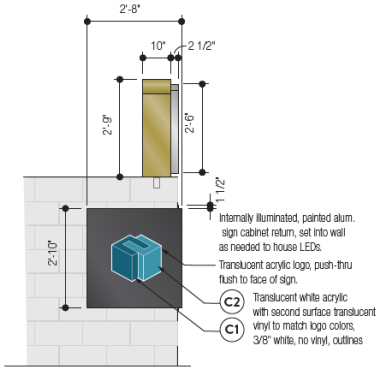
2 Top View
Scale: 3/8" = 1'-0"

Fabrication Note:
- No breakform aluminum
- All fasteners countersunk flush, allen head
- No fasteners on face of signs

Note:
Fabricator to coordinate with architect and electrical on wall specifications to create required conditions for sign lighting, mounting and electrical components and access to same.

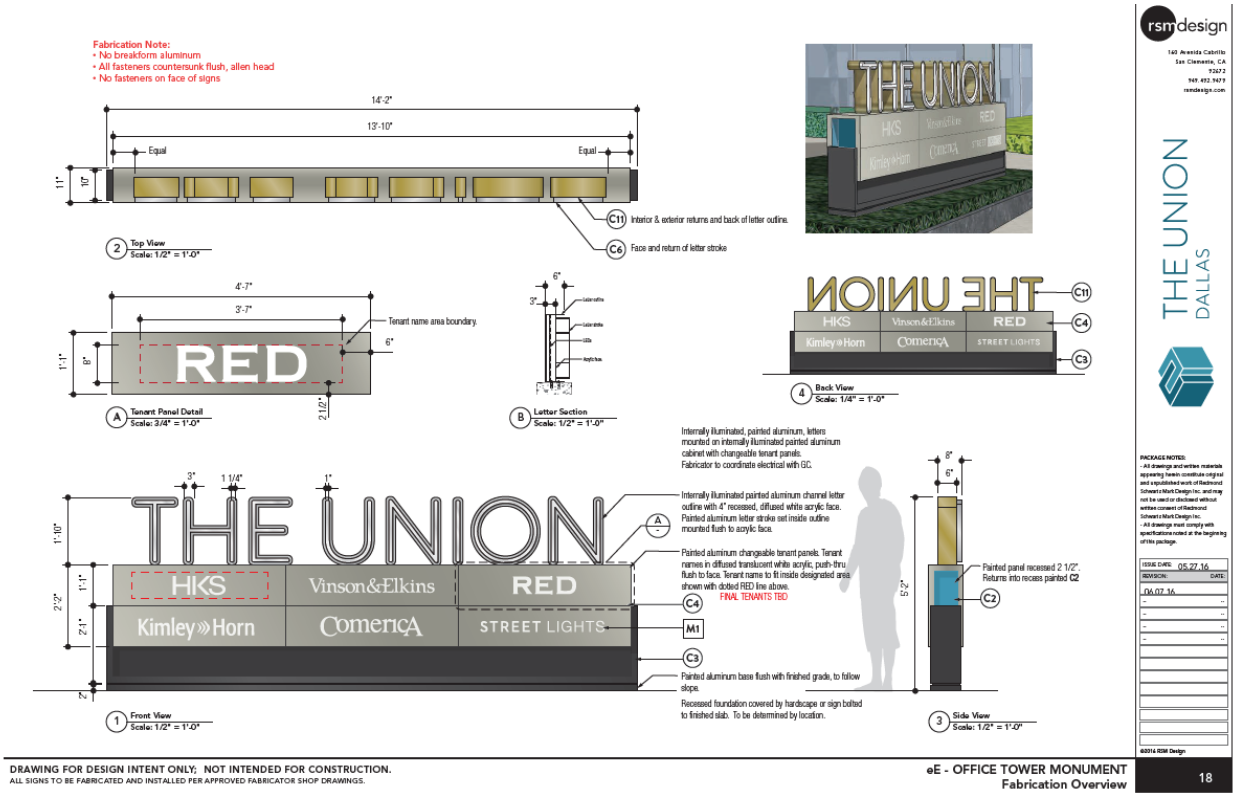


1 Front View
Scale: 3/8" = 1'-0"

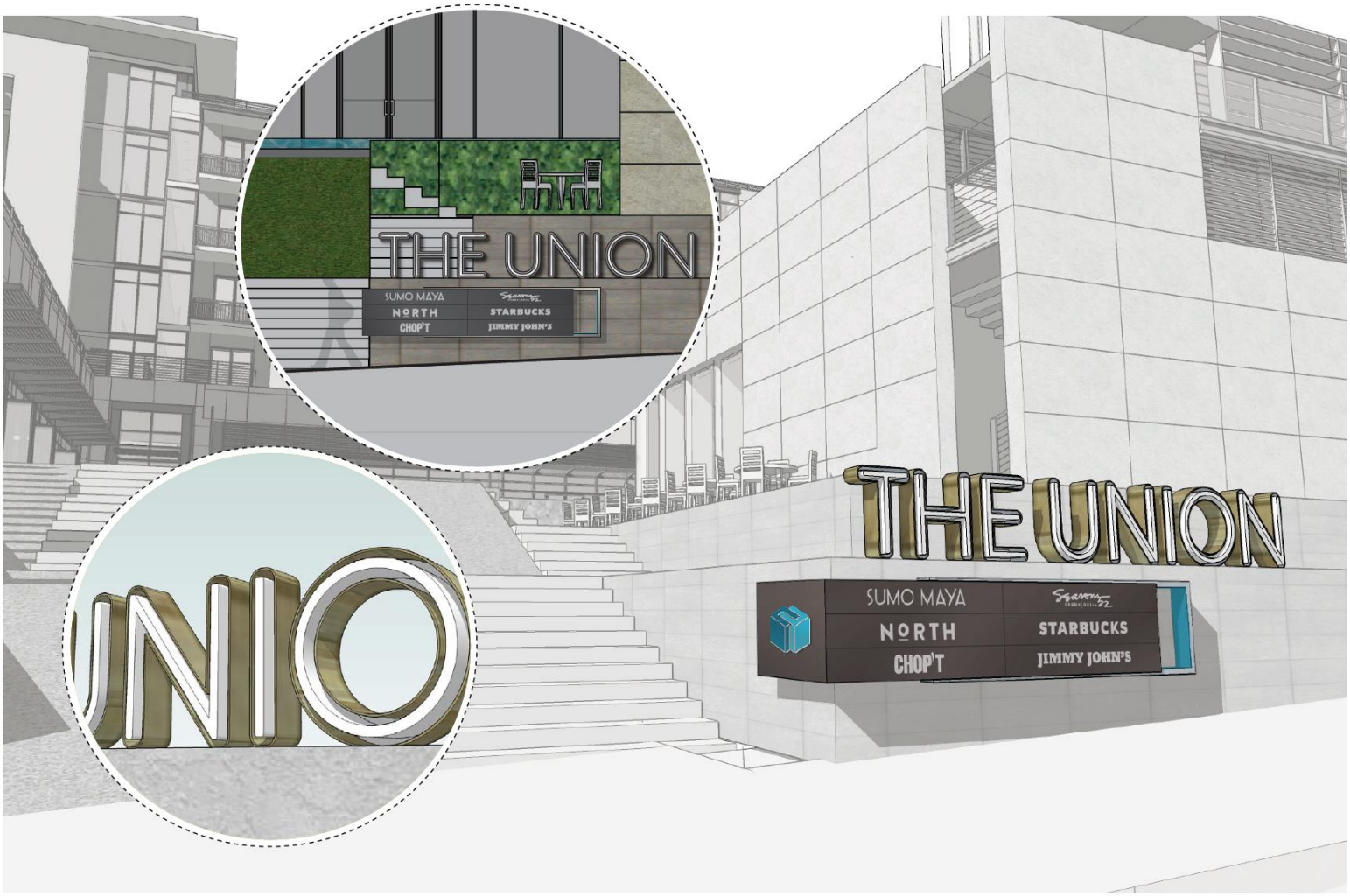


3 Side View
Scale: 3/8" = 1'-0"

Concept Renderings
Detached Premise Sign
(For Illustrative Purposes Only)



Concept Renderings
Detached Premise Sign
(For Illustrative Purposes Only)



Concept Renderings
Canopy and Blade Signs
(For Illustrative Purposes Only)



Ashland Elevation with Tom Thumb Blade Signs on Ashland & Field.



CPC RECOMMEDED CONDITIONS

SEC. S-110.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions contained in Chapter 51 and in Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(2) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(3) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(4) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning signs, canopy signs, and flags are not banners.

(5) **BLADE SIGN means a sign projecting perpendicularly from a façade, visible on both sides.**

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

…

(11)LOWER LEVEL SIGN means an attached sign wholly**, or partially** situated within the lower level sign area.

Note: SEC. S-104-111 Missing due to brevity – Not pertinent.

SEC. S-110.112. SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(1) Signs in this subdistrict may contain the logo of a company that owns or controls a business entity that owns a portion of the property. A company owns or controls the business entity that owns a property in this subdistrict if it has the legal authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee the activities of the business entity that owns the property.

(2) Signs that contain the logo of a company that owns or controls a business entity that owns a portion of the property may be internally illuminated and may be used without limit as to number if they do not exceed:

(A) 25 square feet of effective area if located between street level and 20 feet in elevation.

(B) 50 square feet of effective area if located above 20 feet in elevation.

(3) Highway Beautification Act signs are not permitted.

(4) Rooftop signs are not permitted.

(5) For purposes of complying with the sign regulations, the premise is the entire subdistrict.

(b) Signs in the public right-of-way.

(1) Signs may be located within the public right-of-way subject to a minimum clearance of 10 feet above the sidewalk, and subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director of public works must review the location of any sign located in or overhanging the public right-of-way to insure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from the back of a street curb.

(c) Attached premise signs.

(1) In general. An attached premise sign may only identify the building or the name of the building owner or occupants located within the premises.

(A) Lower level signs.

(i) Lower level signs**, excluding blade signs or canopy signs,** are limited to a maximum effective area of 100 square feet **per sign**.

(ii) The maximum number of lower level flat attached signs permitted on a facade is the sum obtained by counting all of the street entrances and first floor occupants with windows on that facade with no street entrances.

(iii) **The maximum number of lower level flat attached signs permitted along Ashland Street and Field Street is five. The maximum number of lower level flat attached signs permitted along Cedar Springs Road and along Akard Street is three.**

(B) Middle level signs.

(i) Middle level signs are limited to a maximum of eight words **per elevation** that contain any character of a height equal to or exceeding four inches.

(ii) Middle level flat attached signs must be wholly or partially located within the middle level sign area.

(iii) The maximum effective area for a middle level flat attached sign is 500 square feet.

(iv) Middle level flat attached signs may only display the names or symbols or a combination thereof representing tenants occupying one of more full floors or 10,000 square feet or more leasable building area, whichever is greater.

(v) One middle level flat attached sign is permitted for every 75 feet of building height or portion thereof, up to a maximum of four signs per facade.

(vi) Middle level flat attached signs must have a vertical separation of 50 feet from any other flat attached sign on the same facade in the lower, middle, or upper level sign area.

(C) Upper level signs.

(i) Upper level flat attached signs may have a maximum of eight words that contain any character of a height equal to or exceeding four inches in height.

(ii) Upper level flat attached signs must be wholly located within the upper level sign area.

(D) Projections.

(i) Attached signs may not project more than four feet above the roof line.

(ii) Attached signs may not project more than five feet into the public right-of-way.

(2) Arcade signs.

(A) An arcade sign must be located a minimum of 15 feet from another arcade sign.

(B) Maximum effective area is six square feet.

(C) An arcade sign may not be placed less than 10 feet above grade.

(3) Awning signs.

(A) An awning sign may not:

(i) project more than two inches from the surface of the awning; or

(ii) be less than 10 feet above grade.

(B) The total effective area for any one awning sign may not exceed eight square feet.

(4) Canopy signs.

(A) A canopy sign may not:

(i) exceed 50 percent of the length of the facade to which it is attached;

(ii) project horizontally more than two inches from the surface of the canopy; or

(iii) be less than 10 feet above grade.

(B) The total effective area **~~for all canopy signs combined on each street frontage~~ for each canopy sign** may not exceed **~~250~~ 225** square feet.

(C) A canopy sign may not project vertically **more than eight feet** above the surface of the canopy **~~for more than 15 percent of the overall length of the sign~~**.

(D) A canopy sign may only be located over a pedestrian entrance to a building.

(E) A canopy sign may not have a changeable message area.

(5) Blade signs.

(A) Blade signs are limited to a maximum effective area of 125 square feet per sign.

(B) A blade sign may not have a changeable message.

(C) Blade signs must provide a minimum clearance of 15 feet above the sidewalk and may project no further than six feet from the façade.

(D) The maximum number of blade signs is three.

(d) Detached premise signs.

(1) Except as provided in this section, all detached premise signs must be monument signs or landscape signs.

(2) Detached premise signs located within 15 feet of a public right-of-way may not exceed **~~30~~ 150** square feet in effective area or eight feet in height.

(3) A detached premise sign with a minimum setback of 15 feet from a public right-of-way may not exceed 50 square feet in effective area or 15 feet in height.

(4) A detached premise sign may contain only the name, logo, and address of the premise and its occupants and the logo of a company that owns or controls a business entity that owns a portion of the premise or other premise within the subdistrict.

(5) A detached premise sign may be externally or internally illuminated.

(6) Section 51-7.304(c) does not apply to monument signs or landscape signs in this subdistrict.

(7) Each lot may have one detached premise sign for each street frontage. For purposes of this subsection, "street" means a right-of-way that provides primary access to adjacent property.

(e) Signs on construction barricades.

(1) A sign may not be affixed to a construction barricade until a building permit has been issued for the site.

(2) Signs affixed to a construction barricade must be removed within 30 months after the issuance of the initial building permit for the site or issuance of a certificate of occupancy, whichever occurs first.

(3) No maximum effective area.

(4) No maximum number of signs.

(5) Signs on construction barricades may only convey information about:

(A) what is being built on the site; and

(B) who is involved in the building on the site, including the owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(4) Signs affixed to a construction barricade may be illuminated with back, up, down, or other similar lighting, except that no strobe lighting is permitted.

(5) Signs affixed to a construction barricade may not contain a changeable message.

(f) Banners on streetlight poles.

(1) A banner may only display a promotional message, a welcome message, generic graphics, or flags of countries, states, or other government entities.

(2) Up to 20 percent of the effective area of a banner may contain:

(A) the words or logos that identify a sponsor of a cultural event or activity if the sponsor's name is part of the activity or event; or

(B) the logo of a company that owns or controls a business entity that owns a portion of the property.

(3) The sign hardware for a banner may be left in place between displays of a banner.

(4) A banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) meet the sign construction and design standards in the Dallas Building Code;

(C) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(D) be made out of weather-resistant and rust-proof material;

(E) not project more than three feet from the pole onto which it is mounted; and

(F) not exceed 20 square feet in effective area.

(5) No sign permit is required to erect or remove a banner.

(g) Movement control signs.

(1) Movement control signs must direct vehicular or pedestrian movement within this subdistrict or to adjacent districts and may include the name or logo of any destination located in this subdistrict or the name or logo of any adjacent district.

(2) Movement control signs may be externally or internally illuminated.

(3) Movement control signs may:

(A) be attached or detached signs;

(B) not exceed 40 square feet in effective area;

(C) not exceed 10 feet in height;

(D) be located in a public right-of-way; and

(E) be erected anywhere within the subdistrict without limit as to number.

(h) Plaza signs

(1) Plaza signs may be one of the following sign types: flat attached, canopy, arcade, or awning.

(2) Plaza signs cannot exceed 100 square feet in effective area or be located above the second level above the plaza.

(3) There is no maximum number Plaza signs.

(4) Plaza signs are not signs as defined in section 51A-7.102.

(i) Special purpose signs.

(1) Illumination. Special purpose signs may be externally or internally illuminated.

(2) Attached signs.

(A) Special purpose signs are only permitted in the locations shown on the development plan.

(B) Sign content must change every 90 days.

(C) Maximum effective area is 1,000 square feet per sign.

(D) Signs cannot be located less than 20 feet above grade or higher than 200 feet above grade.

(E) There is no limit to the number of words permitted on an attached special purpose sign.

(3) Detached signs. Detached special purpose signs prohibited.

(j) Other temporary signs. In addition to the protective signs permitted under Section 51-7.921 temporary protective signs may be erected anywhere on a construction site at any time during construction subject to the following provisions:

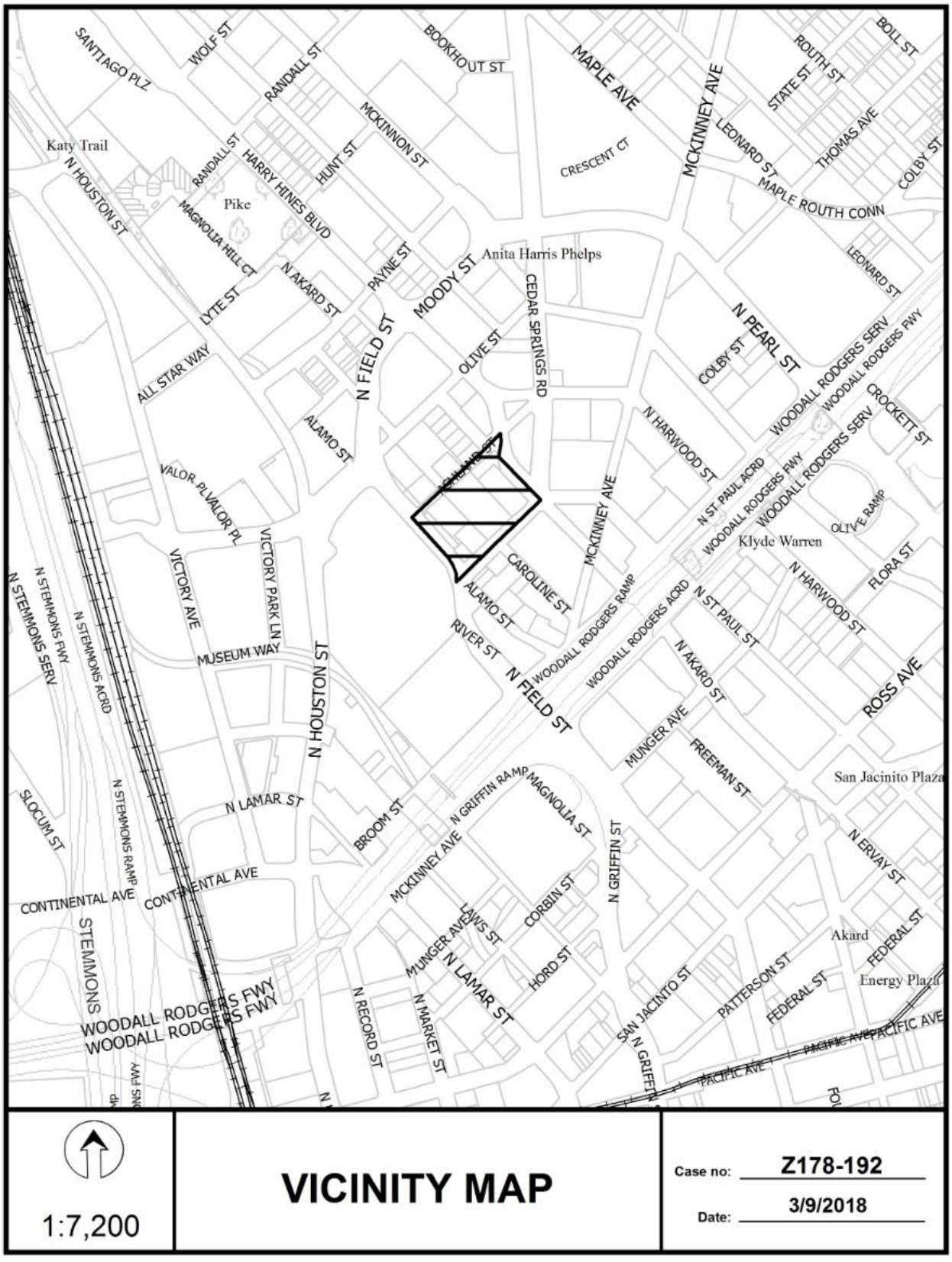
(1) No maximum number of temporary protective signs on a construction site.

(2) Maximum effective area is 200 square feet.

(3) Maximum height is 20 feet.

(4) Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface or six inches above the top of the sign.

(5) All temporary protective signs must be removed upon completion of the construction. (Ord. 29821)

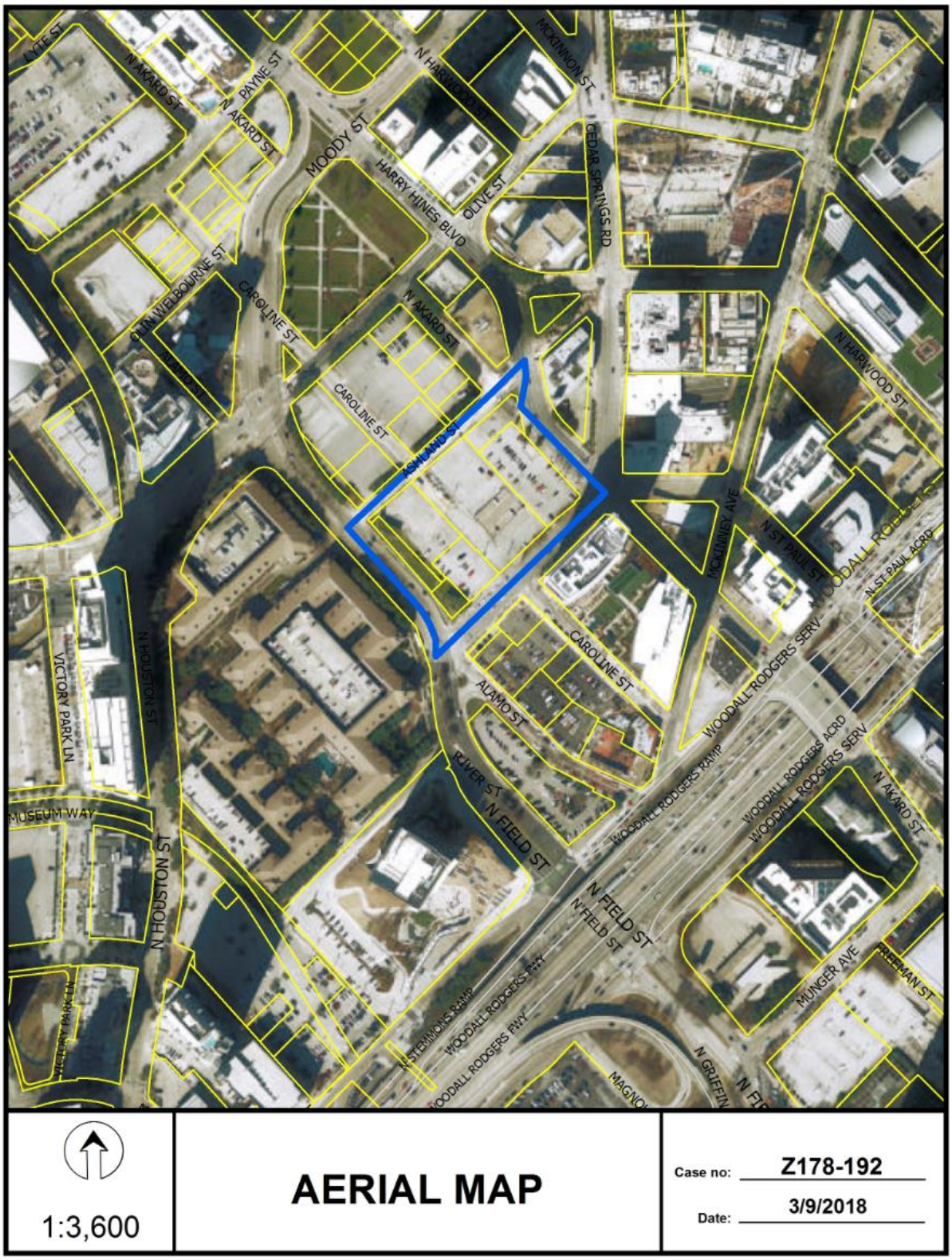


1:7,200

VICINITY MAP

Case no: Z178-192

Date: 3/9/2018

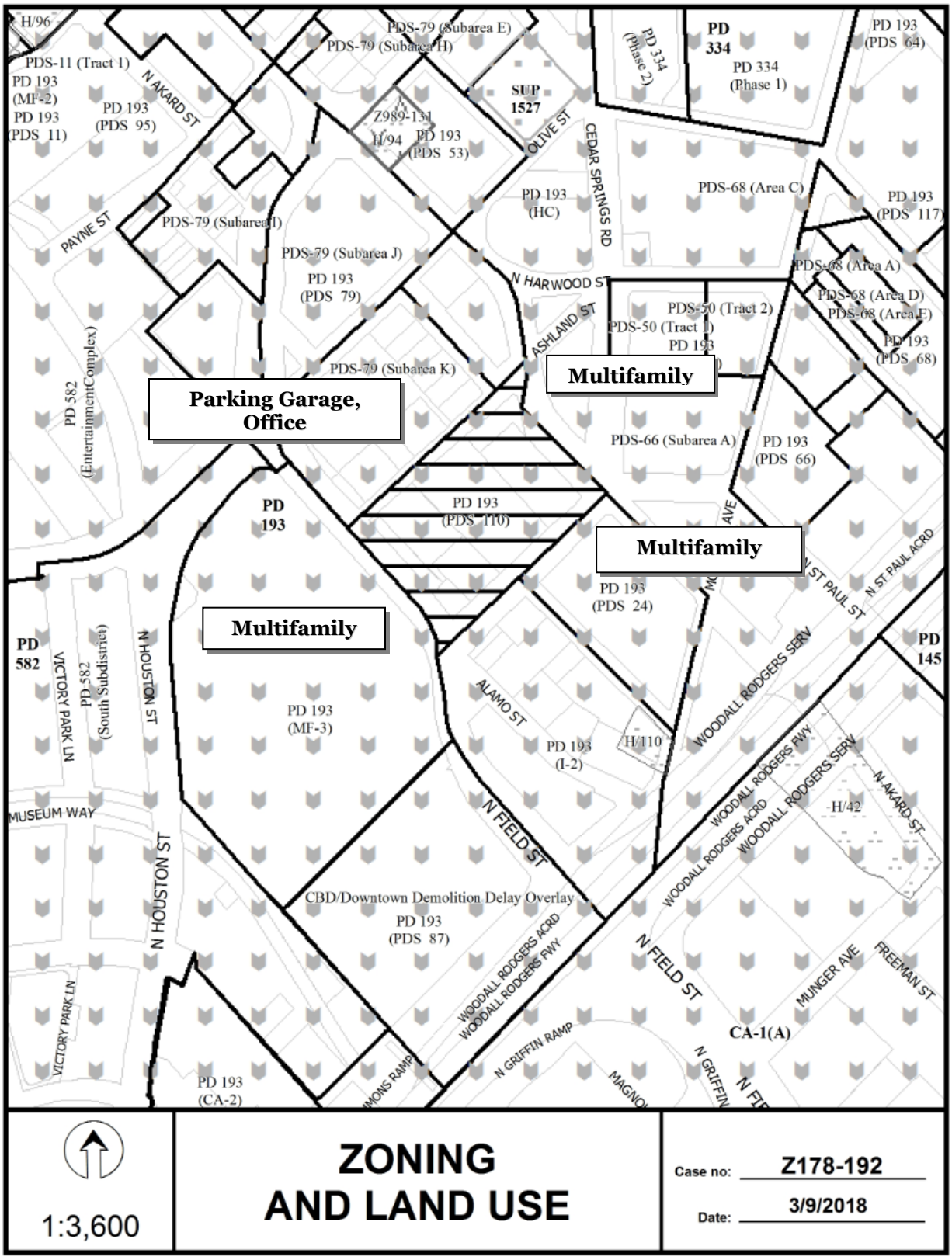


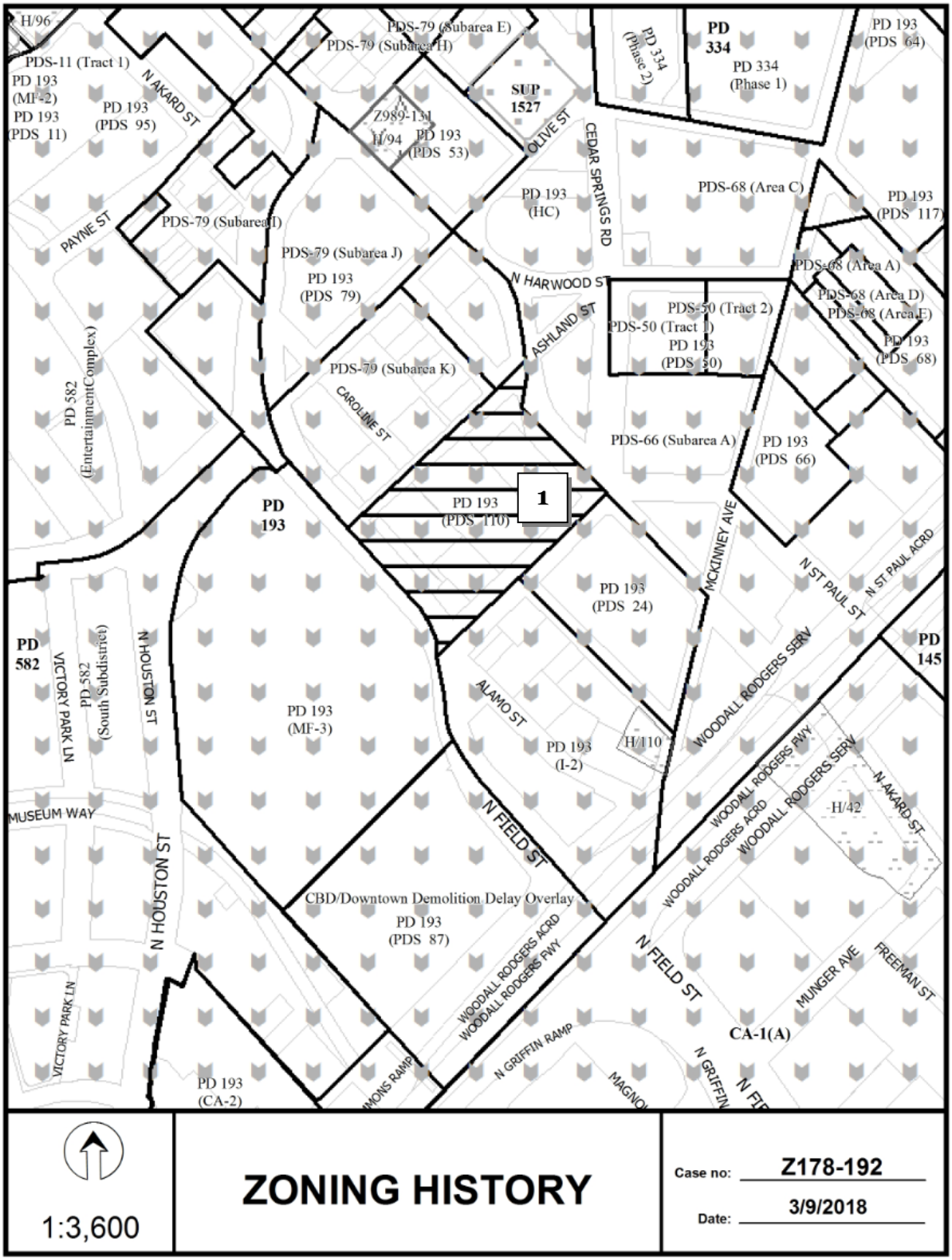
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AERIAL MAP

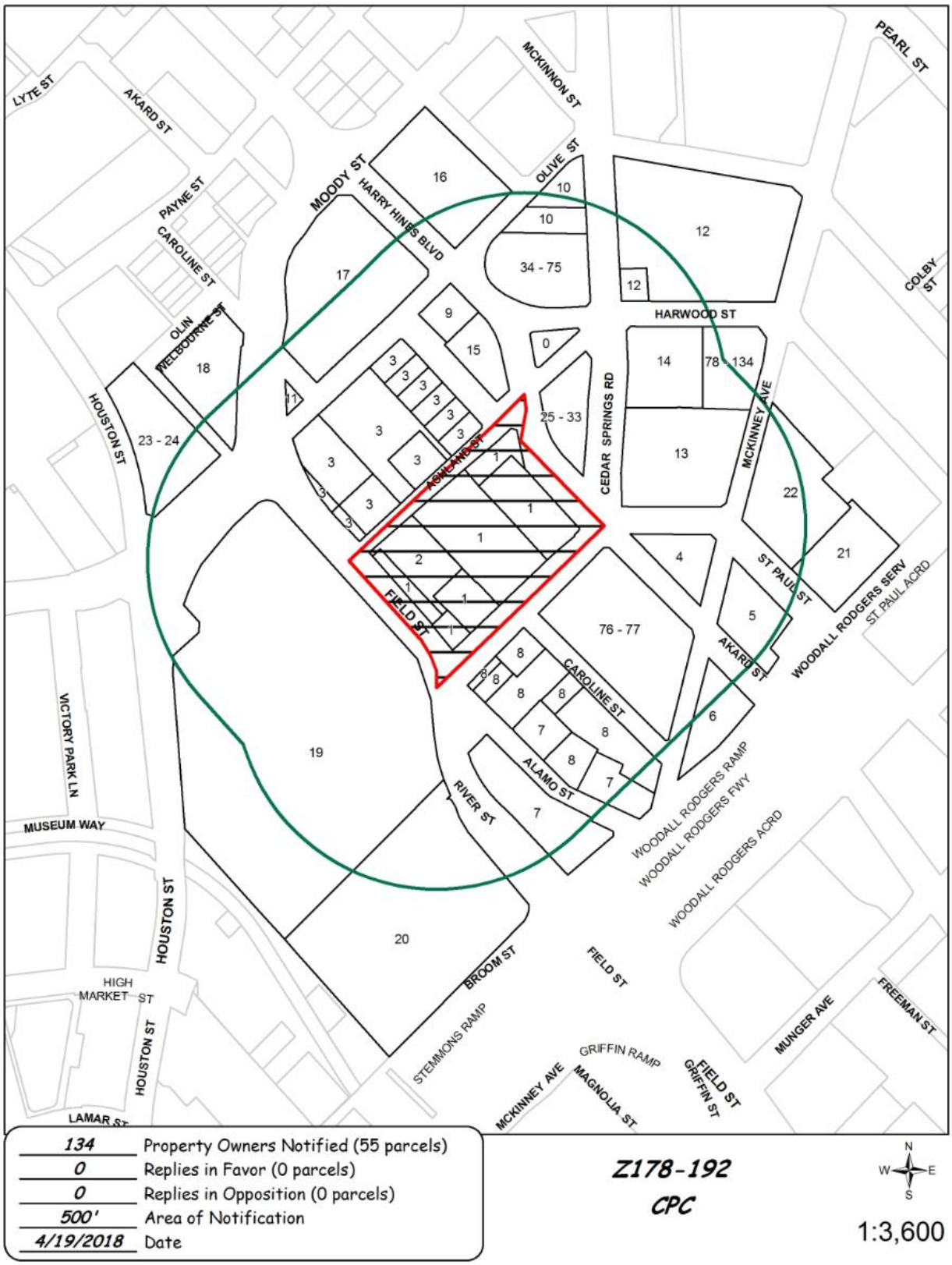
Case no: Z178-192

Date: 3/9/2018


Parking Garage, Office
Multifamily
Multifamily
Multifamily
PD 193 (PDS 110)
PD 193 (MF-3)
PD 193 (I-2)
PD 193 (PDS 87)
PD 193 (CA-2)
PD 193 (PDS 24)
PD 193 (PDS 66)
PD 193 (PDS 64)
PD 193 (PDS 117)
PD 193 (PDS 68)
PD 193 (PDS 53)
PD 193 (PDS 95)
PD 193 (PDS 11)
PD 193 (MF-2)
PD 193 (PDS 79)
PD 193 (HC)
PD 582 (EntertainmentComplex)
PD 582 (South Subdistrict)
PD 582
PD 334
PD 334 (Phase 1)
PD 334 (Phase 2)
PD 145
SUP 1527
Z989-131
H/96
H/94
H/110
H/42
PDS-11 (Tract 1)
PDS-79 (Subarea E)
PDS-79 (Subarea H)
PDS-79 (Subarea I)
PDS-79 (Subarea J)
PDS-79 (Subarea K)
PDS-68 (Area C)
PDS-68 (Area A)
PDS-68 (Area D)
PDS-68 (Area E)
PDS-50 (Tract 2)
PDS-50 (Tract 1)
PDS-66 (Subarea A)
CBD/Downtown Demolition Delay Overlay
N AKARD ST
OLIVE ST
CEDAR SPRINGS RD
PAYNE ST
N HARWOOD ST
ASHLAND ST
ALAMO ST
N ST PAUL ST
N FIELD ST
N HOUSTON ST
VICTORY PARK LN
MUSEUM WAY
WOODALL RODGERS SERV
WOODALL RODGERS FWY
WOODALL RODGERS ACRD
MUNGER AVE
FREEMAN ST
N GRIFFIN RAMP
CA-1(A)
1:3,600
ZONING AND LAND USE
Case no: Z178-192
Date: 3/9/2018


H/96
PDS-11 (Tract 1)
PD 193 (MF-2)
PD 193 (PDS 11)
PD 193 (PDS 95)
N AKARD ST
PDS-79 (Subarea E)
PDS-79 (Subarea H)
Z989-139
H/94
PD 193 (PDS 53)
SUP 1527
OLIVE ST
PD 334 (Phase 2)
PD 334
PD 334 (Phase 1)
PD 193 (PDS 64)
CEDAR SPRINGS RD
PD 193 (HC)
PDS-68 (Area C)
PD 193 (PDS 117)
PAYNE ST
PDS-79 (Subarea I)
PDS-79 (Subarea J)
PD 193 (PDS 79)
N HARWOOD ST
PDS-68 (Area A)
PDS-68 (Area D)
PDS-68 (Area E)
PDS-50 (Tract 2)
PDS-50 (Tract 1)
PD 193 (PDS 50)
ASHLAND ST
PD 193 (PDS 68)
PD 582 (Entertainment Complex)
PDS-79 (Subarea K)
CAROLINE ST
PDS-66 (Subarea A)
PD 193 (PDS 66)
1
PD 193 (PDS 110)
PD 193
MCKINNEY AVE
N ST PAUL ACRD
N ST PAUL ST
PD 193 (PDS 24)
PD 582
VICTORY PARK LN
PD 582 (South Subdistrict)
N HOUSTON ST
PD 193 (MF-3)
ALAMO ST
PD 193 (I-2)
H/110
WOODALL RODGERS SERV
PD 145
WOODALL RODGERS FWY
WOODALL RODGERS ACRD
WOODALL RODGERS SERV
N AKARD ST
H/42
MUSEUM WAY
N FIELD ST
CBD/Downtown Demolition Delay Overlay
PD 193 (PDS 87)
WOODALL RODGERS ACRD
WOODALL RODGERS FWY
N FIELD ST
MUNGER AVE
FREEMAN ST
CA-1(A)
N GRIFFIN RAMP
VICTORY PARK LN
PD 193 (CA-2)
1:3,600
ZONING HISTORY
Case no: Z178-192
Date: 3/9/2018

CPC RESPONSES



Reply List of Property Owners

Z178-192

134 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2325	N AKARD ST	UNION UPTOWN DALLAS LLC THE
	2	2311	CAROLINE ST	UNION UPTOWN DALLAS LLC
	3	2421	N AKARD ST	FSR LP
	4	1899	MCKINNEY AVE	WC 1899 MCKINNEY AVE LLC
	5	1845	WOODALL RODGERS FWY	TRITON 1845 WR REALCO LLC
	6	2121	N AKARD ST	2121 AKARD PS LP
	7	2200	ALAMO ST	TRITON DOWNTOWN LLC
	8	1610	CEDAR SPRINGS RD	TRITON DOWNTOWN LLC
	9	2422	AKARD ST	TRITON 2422 LLC
	10	2017	CEDAR SPRINGS RD	CRESCENT POINT LTD
	11	2510	CAROLINE ST	HARWOOD INTERNATIONAL CENTER X LP
	12	2222	N HARWOOD ST	CRESCENT MCKINNEY OLIVE LP
	13	1919	MCKINNEY AVE	HKS BUILDINGS LP
	14	1900	CEDAR SPRINGS RD	1900 CS A LLC
	15	2414	N AKARD ST	TRITON 2414 LLC
	16	2501	N HARWOOD ST	INTERNATIONAL CENTER DEV
	17	2616	OLIVE ST	HARWOOD INTERNATIONAL CENTER X LP
	18	2501	N FIELD ST	CTO16 OLIVE TX LLC
	19	2323	N FIELD ST	JEFFERSON AT THE N END LP
	20	2201	N FIELD ST	DALLAS MUSEUM OF NATURAL
	21	1909	WOODALL RODGERS FWY	L & W REAL ESTATE LLC
	22	1900	MCKINNEY AVE	MCP 1900 MCKINNEY LLC
	23	2990	N HOUSTON ST	VICTORY RETAIL I L P
	24	2500	N HOUSTON ST	I & G DIRECT REAL ESTATE 44 LP
	25	1925	CEDAR SPRINGS RD	ROLLIN PROPERTIES LP
	26	1925	CEDAR SPRINGS RD	1933 CEDAR SPRINGS LLC

04/18/2018

Reply	*Label #*	*Address*		*Owner*
	27	1925	CEDAR SPRINGS RD	ROMANO PHILIP J
	28	1925	CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
	29	1925	CEDAR SPRINGS RD	ADLER PROPERTY COMPANIES LLP
	30	1925	CEDAR SPRINGS RD	DAWSON WILLIAM B &
	31	1925	CEDAR SPRINGS RD	SMITH THOMAS L
	32	1925	CEDAR SPRINGS RD	REEDER JAMES B
	33	1925	CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL
	34	2011	CEDAR SPRINGS RD	HUFFMAN HENRY T
	35	2011	CEDAR SPRINGS RD	POLLAK MICHAEL & KAREN
	36	2011	CEDAR SPRINGS RD	HERMAN JOHN H
	37	2011	CEDAR SPRINGS RD	HOME BRIAN LEE
	38	2011	CEDAR SPRINGS RD	TOLER KATHY A
	39	2011	CEDAR SPRINGS RD	WIGMORE ANDREW & MARILU BUSTAMANTE
	40	2011	CEDAR SPRINGS RD	SBORLINI DIANE M
	41	2011	CEDAR SPRINGS RD	NICHOLS CHAD
	42	2011	CEDAR SPRINGS RD	RODINE LIVING TRUST
	43	2011	CEDAR SPRINGS RD	RAHHAL STEVEN
	44	2011	CEDAR SPRINGS RD	BRIGGS CHARLES A &
	45	2011	CEDAR SPRINGS RD	BHARDWAJ ANTONIO VERSACE
	46	2011	CEDAR SPRINGS RD	IVANOVSKIS GEORGE & RHONDA DUWAJI
	47	2011	CEDAR SPRINGS RD	KANGERGA RADE MORGAN
	48	2011	CEDAR SPRINGS RD	ROBERTS RANDY C & JACKIE
	49	2011	CEDAR SPRINGS RD	GRAY BRENDA RICHARDS
	50	2011	CEDAR SPRINGS RD	CADWALLADER PAUL DAVID
	51	2011	CEDAR SPRINGS RD	FLORI CHRISTOPHER G
	52	2011	CEDAR SPRINGS RD	DAVIDOW JOAN C
	53	2011	CEDAR SPRINGS RD	SMARTT MICHAEL A & STEVA
	54	2011	CEDAR SPRINGS RD	NILSEN CHRISTOPHER CARL
	55	2011	CEDAR SPRINGS RD	SEIDENFELD STEVEN M &
	56	2011	CEDAR SPRINGS RD	BARON JAMES D & ELIZABETH S

Reply	*Label #*	*Address*		*Owner*
	57	2011	CEDAR SPRINGS RD	HOWARD RICHARD J
	58	2011	CEDAR SPRINGS RD	COIL JOHN A
	59	2011	CEDAR SPRINGS RD	LEVITAN DANIEL S
	60	2011	CEDAR SPRINGS RD	FINEGOLD ELIEZER MOSHE
	61	2011	CEDAR SPRINGS RD	SHAH MONAL B
	62	2011	CEDAR SPRINGS RD	FAIGH LAWRENCE P & RITA D
	63	2011	CEDAR SPRINGS RD	CEDAR COWBOYS LLC
	64	2011	CEDAR SPRINGS RD	SMITH JAMES B TRUSTEE OF JAMES B SMITH REV TRUST
	65	2011	CEDAR SPRINGS RD	TAYLOR LARRY W
	66	2011	CEDAR SPRINGS RD	SMARTT MICHAEL ADRIAN & STEVA
	67	2011	CEDAR SPRINGS RD	LONTOS DEAN J
	68	2011	CEDAR SPRINGS RD	SOLOMON GERALD
	69	2011	CEDAR SPRINGS RD	MARTINDUARTE PAMELA HAGERTY
	70	2011	CEDAR SPRINGS RD	MARTIN DAREN K
	71	2011	CEDAR SPRINGS RD	PAJAK FRASER D & MARGARET A
	72	2011	CEDAR SPRINGS RD	NESS LARRY E &
	73	2011	CEDAR SPRINGS RD	CRUZ PONCIANO D JR
	74	2011	CEDAR SPRINGS RD	TAYLOR SHANE & LESHIA
	75	2011	CEDAR SPRINGS RD	WESTCOTT CHART HAMPTON
	76	1717	MCKINNEY AVE	GAEDEKE HOLDINGS XIV LTD
	77	1700	CEDAR SPRINGS RD	LG CEDAR SPRINGS LP
	78	1999	MCKINNEY AVE	SIROIS RICHARD N & MARY
	79	1999	MCKINNEY AVE	MOORE F DAVID
	80	1999	MCKINNEY AVE	ARROYO DEANNE ALYSSA
	81	1999	MCKINNEY AVE	HARTL PAUL A
	82	1999	MCKINNEY AVE	SMITH WALTER G &
	83	1999	MCKINNEY AVE	KALIL STEPHEN A &
	84	1999	MCKINNEY AVE	GARRETT MICHAEL L &
	85	1999	MCKINNEY AVE	FOX JAMES P & KATHLEEN K
	86	1999	MCKINNEY AVE	JAIN ANISH K &

Reply	*Label #*	*Address*		*Owner*
	87	1999	MCKINNEY AVE	PALMER RICHARD W & BETH G
	88	1999	MCKINNEY AVE	BELMER REBECCA SADLER
	89	1999	MCKINNEY AVE	CURTIS AUDREY A THE LIVING TRUST
	90	1999	MCKINNEY AVE	STONE JANE
	91	1999	MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
	92	1999	MCKINNEY AVE	SHARP THOMAS L
	93	1999	MCKINNEY AVE	DEANE BELINDA
	94	1999	MCKINNEY AVE	BUGG ROBERT C
	95	1999	MCKINNEY AVE	MCELWAIN CLARK W &
	96	1999	MCKINNEY AVE	MEDINA MICHAEL A
	97	1999	MCKINNEY AVE	STEHNEY JEFFREY ALLEN & JOYCE KAY
	98	1999	MCKINNEY AVE	TILLERY BRYCE
	99	1999	MCKINNEY AVE	STUVE OLAF &
	100	1999	MCKINNEY AVE	LASSITER ANNA
	101	1999	MCKINNEY AVE	DUFOUR FRANK & KRISTIN LEE
	102	1999	MCKINNEY AVE	HOUSE JAMES A &
	103	1999	MCKINNEY AVE	HALBERT LINDSEY &
	104	1999	MCKINNEY AVE	BARTLETT CHARLES M & MELISSA S
	105	1999	MCKINNEY AVE	STRONG BRENDA L
	106	1999	MCKINNEY AVE	MOORE LARRY H & DORRINE B
	107	1999	MCKINNEY AVE	SCHUBERT FRANK B &
	108	1999	MCKINNEY AVE	DOWLING MAUREEN F
	109	1999	MCKINNEY AVE	PRAGADA JESSICA E & ROBERT V
	110	1999	MCKINNEY AVE	CASSIDY THOMAS P & ARLEEN D
	111	1999	MCKINNEY AVE	1999 LISA K HAINES TRUST
	112	1999	MCKINNEY AVE	HODGE CHARLES
	113	1999	MCKINNEY AVE	ROY JOHN PARKER
	114	1999	MCKINNEY AVE	BRINK RICHARD R &
	115	1999	MCKINNEY AVE	OBERING MIHOKO K
	116	1999	MCKINNEY AVE	BRADFORD TED R

04/18/2018

Reply	*Label #*	*Address*		*Owner*
	117	1999	MCKINNEY AVE	WOMACK STEVEN W
	118	1999	MCKINNEY AVE	SAINT AARON W
	119	1999	MCKINNEY AVE	MALONE MICHAEL W
	120	1999	MCKINNEY AVE	EDMISTON ANGIE L
	121	1999	MCKINNEY AVE	CRAMM HOPE & GENE
	122	1999	MCKINNEY AVE	ABINGTON TOM E & GLYNDA C
	123	1999	MCKINNEY AVE	MILLER JAMES H & ROSANNE T
	124	1999	MCKINNEY AVE	NAIK SURAJ
	125	1999	MCKINNEY AVE	WINTER F DAVID JR & RENEE
	126	1999	MCKINNEY AVE	WILKINS SARA
	127	1999	MCKINNEY AVE	FRENCH ROBERT P & MARSHA B
	128	1999	MCKINNEY AVE	WUNDERLICK JOHN ROBERT
	129	1999	MCKINNEY AVE	MCLAREN JEFFREY
	130	1999	MCKINNEY AVE	GRINDSTAFF CHARLES C &
	131	1999	MCKINNEY AVE	ASHMORE GLEN A
	132	1999	MCKINNEY AVE	EISENSTEIN ABRAM &
	133	1999	MCKINNEY AVE	ACKERMAN JOHN & SUNNY
	134	1999	MCKINNEY AVE	LEDBETTER FINLEY & JONI

AGENDA ITEM # 67

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 4 within Planned Development District No. 298, the Bryan Area Special Purpose District with Historic Overlay H/77 for the Fanning Elementary School, bounded by Ross Avenue to the north, North Fitzhugh Avenue to the east, San Jacinto Street to the south, and North Prairie Avenue to the west

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions

Z178-199(CY)

FILE NUMBER: Z178-199(CY) **DATE FILED:** March 2, 2018

LOCATION: Bounded by Ross Avenue to the north, North Fitzhugh Avenue to the east, San Jacinto Street to the south, and North Prairie Avenue to the west

COUNCIL DISTRICT: 2 **MAPSCO:** 46 A

SIZE OF REQUEST: Approx. 3.103 acres **CENSUS TRACT:** 15.03

APPLICANT/OWNER: Dallas Independent School District

REPRESENTATIVE: Karl A Crawley - MASTERPLAN

REQUEST: An application for a new subarea on property zoned Subarea 4 within Planned Development District No. 298, the Bryan Area Special Purpose District with Historic Overlay H/77 for the Fanning Elementary School.

SUMMARY: The purpose of this request is to create a new subarea to allow for reduced parking requirements to accommodate the recent conversion from an elementary school to a high school as well as the proposed expansion of the existing building. The new subarea will be subject to a development plan and landscape plan.

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CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, traffic management plan, and conditions.

Planned Development District No. 298

http://www.dallascityattorney.com/51P/Articles%20Supp%2045/ARTICLE%20298.pdf

BACKGROUND INFORMATION:

- Planned Development District No. 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. It consists of 455.04 acres of land and contains 20 subareas.

- The approximate 3.103-acre area of request is in Subarea 4 with an Historic District Overlay H/77 for the Fannin Elementary School.

- The applicant proposes to create a new subarea to allow for reduced parking requirements to accommodate the recent conversion from an elementary school to a high school.

- The applicant proposes to expand the existing school by adding a 6,200 square-foot gymnasium and to also reconfigure the parking lot.

Zoning History: There has been one recent zoning change in the vicinity during the last five years.

1. Z178-186(MD) On April 25, 2018, the City Council approved an application for a Demolition Delay Overlay for nearby properties that also included the area of request. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
N. Fitzhugh Ave.	Major Arterial	50’
Ross Ave.	Community Collector	80’
N. Prairie Ave.	Minor Arterial	45’
San Jacinto St.	Minor Arterial	65’

Traffic:

The applicant has submitted a Traffic Management Plan that shows that the school will provide no queuing on the City right-of-way and ensure the safety of the students at the drop-off and pick-up times. The site plan as shown on Exhibit 1 of the TMP, reveals two access points; one on the east side of the site off N. Fitzhugh Avenue and one on the south side off San Jacinto Street.

With respect to traffic queue operations, the TMP stipulates that parents picking up students should enter the parking lot south of the school building via San Jacinto Street and form a double queue through the parking lot (see Exhibit 1).

The TMP also identifies the adjacent lot on the northwest corner of N. Prairie Avenue and San Jacinto Street as a second loading zone. The access point for this parking lot is from San Jacinto Street. Parents picking up students on that lot would form a single line queue through the parking lot in a counter-clock direction. This parking lot is not part of the request; however, it is owned by the Dallas Independent School District and will continue to be used by the school to provide required off-street parking.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that, based on the technical support provided in the Traffic Management Plan and Transportation Assessment and Parking Analysis, it will not significantly impact the surrounding roadway system.

Land Use:

	Zoning	Land Use
Site	PDD No.298 Subarea 4 with H/77 Historic Overlay	Public School
North	CR Community Retail District	Personal Service and Dry cleaning or laundry store
East	MF-2(A) Multifamily District	Undeveloped Land
South	MF-2(A) Multifamily District	Single Family Dwelling
West	PDD No.298 Subarea 4	Mini-warehouse

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.1 Coordinate development and planning activities.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Neighborhood Plus

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Plan

The request area is also part of the *Bryan Area Study*, a review of Planned Development District No. 298 to determine whether the original objectives of the district are being met.
The study makes recommendations to help improve the Planned Development's potential, increase the appeal of the district, and to encourage investment into the area.
The study concludes that many of the objectives are being accomplished and that for the most part, the area is being developed in the way it was originally intended.

Land Use Compatibility:

Surrounding land uses consist of personal service, dry clean or laundry store, retail, restaurant and pawn shop to the north, northwest and northeast; single family, duplex, undeveloped land, and multi-family uses to the east, northeast and southeast; single

family, surface parking, and dry clean or laundry store to the south and southwest; and mini-warehouse to the west.

Built in 1915 in the Neoclassical style of architecture, the Fannin Elementary School is one of Dallas' oldest educational buildings. Lang and Witchell, a noted Dallas architectural firm, designed the building. The school was designated Dallas Historic Landmark in 1996 and was entered in the National Register of Historic Places in 1995.

The high school has 24 classrooms and has a current enrollment of 420 students in grades 9 to 12. The applicant is proposing to expand the existing public school with the addition of a 6,200-square foot gymnasium and parking lot reconfiguration. The recent transition from elementary school to high school triggered an increase in the off-street parking requirements from a total of 36 spaces calculated at the ratio of 1.5 spaces per classroom required for an elementary school per the Dallas Development Code, as amended applicable to the Bryan Area SPD; to a total of 228 spaces calculated at a ratio of 9.5 spaces per classroom required for a high school.

The applicant seeks to amend Planned Development District No. 298 to create a new subarea for the public school to allow for reduced parking requirements and proposes that for the recently converted high school the required off-street parking be provided at a ratio of 3.5 spaces per classroom.

To justify this request, the applicant submitted with this application a Transportation Assessment and Parking Analysis report. The Engineering Division of the Sustainable Development and Construction Department has reviewed the report and concluded that it provides enough technical information to support the parking reduction.

According to the applicant, the recently converted high school is open to qualified students from the entire school district. As such, many of the students arrive on campus via bus from their home school, with very few driving to campus.
The location of the school in an urban area with several bus stops along Ross Avenue is also a factor staff considered in supporting this request.

The parking regulations in Planned Development No.298 includes a provision that directs City Council to consider the feasibility of reducing the parking requirements for any structure that is designate as a historic landmark in the Bryan Area SPD (Sec. 51P-298.115(a)(7)). As mentioned above in this report, this school has been designated as a historic landmark, and therefore qualifies for this consideration.

The proposed subarea will be subject to a Development Plan and a Landscape Plan.

Parking:

As stated above, the proposed subarea conditions will allow for the parking requirements for a high school to be reduced to a minimum of 3.5 spaces per classroom. Given this reduced ratio and the number of existing classrooms, a total of 84 off-street parking spaces will be required for this site.

As depicted in Exhibit 1 of the parking study, as well as on the proposed development plan, the site includes 35 off-street parking spaces (31 spaces south of the main building and an additional 4 to the east).

The study also indicates that 53 additional parking spaces are being provided on a lot located on the northwest corner of N. Prairie Avenue and San Jacinto Street. This lot is also owned by the Dallas Independent School District and a parking agreement between the school (owned by DISD) and DISD, has been in place and recorded with the Dallas County since 1990. As such, the total number of parking spaces provided on-site and off-site is 88.

Landscaping:

The applicant proposes to provide landscaping per the proposed landscape plan. The plan essentially shows some of the existing canopy trees being preserved on the Ross Avenue frontage as well as on the San Jacinto Street frontage. The existing canopy trees along North Prairie Avenue are being replaced with ornamental trees and new proposed canopy trees are being added around the areas where the new addition is proposed, as well as in the outdoor recreational area along N. Fitzhugh Avenue providing a buffer for the parking lot. The landscape plan has been reviewed and recommended for approval by the City Arborist.

Prior CPC Action- May 17, 2018

Motion: It was moved to recommend **approval** of a new subarea, subject to a development plan, landscape plan, traffic management plan, and conditions on property zoned Subarea 4 within Planned Development District No. 298, the Bryan Area Special Purpose District with Historic Overlay H/77 for the Fanning Elementary School, bounded by Ross Avenue to the north, North Fitzhugh Avenue to the east, San Jacinto Street to the south, and North Prairie Avenue to the west.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 120
Replies: For: 0 Against: 0

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

List of Officers

DALLAS INDEPENDENT SCHOOL DISTRICT.

BOARD OF TRUSTEES.

- District 1 — Edwin Flores, 1st Vice President
- District 2 — Dustin Marshall
- District 3 — Dan Micciche, President
- District 4 — Jamie Resendez
- District 5 — Lew Blackburn, Ph.D
- District 6 — Joyce Foreman, 2nd Vice President
- District 7 — Audrey Pinkerton, Board Secretary
- District 8 — Miguel Solis
- District 9 — Bernadette Nutall

PROPOSED CONDITIONS.

ARTICLE 298.

PD 298.

Bryan Area Special Purpose District

SEC. 51P-298.101. LEGISLATIVE HISTORY.

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993. (Ord. Nos. 10962; 19455; 20049; 20820; 21885; 24914)

SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 298 is approximately 455.04 acres. (Ord. Nos. 20049; 24914; 27573)

SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

(1) COMMERCIALLY COMPATIBLE SINGLE FAMILY USE means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) GROUND COVER means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) LABOR AGENCY means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) NEW CONSTRUCTION means a structure built after March 28, 2018.

(5) PARKWAY means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(6) PEDESTRIAN LINKAGE STREETS mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(7) ORIGINAL BUILDING means the structure known as the Dallas Independent School District Administration Building in the location shown on Exhibit 298L and detailed in Exhibit 298M.

(8) PROJECTED STREET CURB means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(9) TREE PLANTING ZONE means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions. (Ord. Nos. 20049; 24914; 30817)

SEC. 51P-298.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 298A: subarea boundary map.

(2) Exhibit 298B: Subarea 9 requirements.

(3) Exhibit 298C: major street and pedestrian linkage systems.

(4) Exhibit 298D: standard construction details for barrier free ramps.

(5) Exhibit 298E: use chart.

(6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, and 4 **and 4A**.

(7) Exhibit 298G: development plan for Subarea 5A.

(8) Exhibit 298I: master parking and floor area plan for the Baylor Expanded District.

(9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.

(10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.

(11) Exhibit 298J: tabulation of total floor area in Subarea 12A.

(12) Exhibit 298K: development plan for Subarea 10B.

(13) Exhibit 298L: development plan for Subarea 1C.

(14) Exhibit 298M: Subarea 1C original building facade elevation.

(15) Exhibit 298N: Subarea 1C conceptual elevation.

(16) Exhibit 298O: Subarea 1C landscape plan. (Ord. Nos. 28056; 29390; 30159; 30817)

(17) Exhibit 298P: development plan for Subarea 4A.

(18) Exhibit 298Q: landscape plan for Subarea 4A.

(19) Exhibit 298R: traffic management plan for Subarea 4A

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the **21** [~~19~~]subareas of the Bryan Area SPD is provided as Exhibit 298A. (Ord. Nos. 20049; 24914; 25177; 25960; 26179; 26308; 26388; 26707; 28056; 29099; 29390; 30817)

SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

SEC. 51P-298.105.1. DEVELOPMENT PLANS.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 5A must comply with the development plan for Subarea 5A (Exhibit 298G). If there is a conflict between the text of this article and the development plan for Subarea 5A, the text of this article controls.

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls.

(d) Development and use of Subarea 1C must comply with the development plan for Subarea 1C (Exhibit 298L). If there is a conflict between the text of this article and the development plan for Subarea 1C, the text of this article controls. (Ord. Nos. 25177; 25960; 29390; 30159; 30817)

(e) Development and use of Subarea 4A must comply with the development plan for Subarea 4A (Exhibit 298P). If there is a conflict between the text of this article and the development plan for Subarea 4A, the text of this article controls.

SEC. 51P-298.106. LANDSCAPING.

(a) General requirements. **Except for Subarea 4A, t[~~T~~]**he landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, **4A,** 6, and 9. Compliance with previously approved landscape plans is not required.

(b) Street trees.

(1) Location, number, and type of trees required.

(A) Except as provided in this subsection, each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B) The number of trees required is calculated by dividing the number of feet of lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) In Subarea 10B, street trees are not required along Carmel Street.

(E) In Subarea 12A, street trees required in the tree planting zone may not be planted within a utility easement or within ten feet of an existing utility. If a street tree interferes with utilities in the tree planting zone, the building official may approve alternate landscape materials in the tree planting zone. If alternate landscape materials cannot be approved in the tree planting zone due to utility conflicts, the building official may allow street trees to be planted between the right-of-way and a building facade.

(F) In Subarea 5A, a total of 36 street trees are required. However, only nine street trees are required along Texas Street.

(G) In Subarea 1C, landscaping must be provided as shown on the Subarea 1C landscape plan (Exhibit 298O). The Subarea 1C landscape plan must comply with the landscaping regulations of this district with the following modifications:

(i) Street trees may count as site trees.

(ii) The number of street trees required along Ross Avenue may be reduced to encourage preservation of existing trees. For each existing healthy tree that is preserved, the lot frontage may be reduced by 50 feet.

(iii) Except where conflicts with utilities exist, the area within the corner plaza, and where preserving existing trees, the tree planting zone must be located between the projected street curb and the required sidewalk. If a street tree interferes with utilities in the tree planting zone, two small trees may replace a required large canopy tree within the tree planting zone.

(iv) For landscaping purposes, replacement trees must be of a similar species of removed trees.

(2) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B) Fifty feet along all other streets.

(4) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A) conform to city standards and specifications; and

(B) be large enough to permit healthy tree growth.

(5) Points for street trees. Each tree provided in accordance with Paragraph (3)(A) is awarded eight points. Each tree provided in accordance with Paragraph (3)(B) is awarded six points.

(c) Front yard landscaping and parkway landscaping.

(1) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d) Sidewalks.

(1) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(4) In Subarea 1C, the following modifications apply to sidewalks:

(i) Sidewalk crossings within driveways must be constructed of a material that differs in color or materials from that of the vehicular ingress and egress driveways.

(ii) A sidewalk easement is required for the required sidewalk width located outside of the right-of-way.

(iii) Along San Jacinto Street and Washington Street, a minimum of four feet of tree planting area must abut the curb, and a minimum of six feet of sidewalk width is required abutting the tree planting area. Along Villars Street, a minimum of two and one-half feet of planting area must abut the curb, and a minimum of six feet of sidewalk width is required abutting the tree planting area.

(e) Pedestrian amenities.

(1) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(2) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a

building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way. (Ord. Nos. 20049; 24914; 25177; 25960; 28056; 29390; 29558; 29852; 30159; 30817)

(g) Subarea 4A: Landscaping must be provided as shown on the landscape plan for Subarea 4A (Exhibit 298Q). If there is a conflict between the text of this article and the landscape plan for Subarea 4A, the text of this article controls.

SEC. 51P-298.107. USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited. (Ord. Nos. 20049; 20820; 21885; 24914; 25960; 26179; 26388; 26707; 26994; 27322)

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. Nos. 20049; 24914; 25960)

SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.

A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

(1) The residential proximity slopes does not apply to limit the height of structures located within Subareas 1C and 7.

(2) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. (Ord. Nos. 20049; 24914; 30817)

SEC. 51P-298.110. MAXIMUM HEIGHTS.

(a) In general. Except as provided in this section and Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

Subarea	Maximum Structure Height (in feet)
1, 1A, and 1B	120
1C	80
3	160
4, 4A	54
5	270
5A	180
6	36-40
7	39
8	100
10, 10A, and 10B	100
11 and 11A	100
12 and 12A	160
13	54

(b) Subarea 1C and 12A.

(1) The following structures may project a maximum of 12 feet above the maximum structure height, may not collectively exceed 1,000 square feet of footprint, and must be located a minimum of ten feet from a building edge:

(i) Chimney and vent stacks.

(ii) Communication towers.

(iii) Elevator penthouse or bulkhead.

(iv) Visual screens that surround roof mounted mechanical equipment.

(2) Stairs may project a maximum of 12 feet above the maximum structure height.

(3) A permeable roof deck covering not exceeding 900 square feet, including an arbor or a trellis, for a roof deck may project a maximum of 12 feet above the maximum structure height and must be located a minimum of ten feet from a building edge.

(4) Mechanical equipment, ducts, and cooling towers may project a maximum of four feet above the maximum structure height, may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from the edge of a building. (Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 29852; 30159; 30817)

SEC. 51P-298.111. STORIES IN SUBAREA 7.

Maximum number of stories permitted in Subarea 7 is:

(1) four if at least one-half of the structure is occupied by residential uses; and

(2) three in all other cases. (Ord. Nos. 20049; 24914; 26388)

SEC. 51P-298.112. SETBACKS.

(a) Front yard.

(1) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, **4A,** 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6) No maximum front yard setback is required in Subareas 11A and 12A.

(7) Minimum front yard setback is five feet in Subarea 5A. Encroachments of up to four feet into the required front yard are permitted at the following locations:

(A) along Cantegral Street from the curb of Live Oak Street to the residential parking entrance drive;

(B) along Live Oak Street in the area identified on the development plan for Subarea 5A as the translucent patio rail; and

(C) along Texas Street from Live Oak Street to the off-street loading dock.

(8) For Subarea 1C, the following front yard regulations apply:

(A) Ross Avenue. Minimum front yard is 21 feet for the original building and 26 feet for new construction. Maximum front yard is 30 feet for new construction.

(B) Washington Avenue and San Jacinto Street. Minimum front yard is five feet. Maximum front yard is 20 feet.

(C) Villars Street. Minimum front yard is 10 feet. No maximum front yard.

(D) Urban form. For portions of a building above 70 feet in height, minimum setback is 35 feet.

(E) Facade placement. A minimum of 70 percent of the street-facing facade must be located between the minimum and maximum setbacks. All other portions of the facade must only comply with the minimum setback.

(F) Projections. Balconies, unenclosed porches, stairs, and stoops may project up to five feet into the required front yard.

(b) Side yard.

(1) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 1C, 3, 4, **4A,** 5, 5A, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) No side yard setback is required in Subareas 10A, 10B, 11A, and 12A.

(4) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c) Rear yard. The minimum rear yard setback is five feet in all subareas. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817)

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

Subarea	Maximum Lot Coverage (percent)
1, 1A, 1B, and 1C	90
3	70*
	80***
4, 4A	90
5 and 5A	90
6	80
7	70*
	90**

8	**70***
	80***
10, 10A and 10B	**90**
11 and 11A	**70***
	80***
12 and 12A	**90**
13	**90**

***Applies if less than one-half of the floor area of the structure is occupied by residential uses.**
****Applies if at least one-half of the floor area of the structure is occupied by residential uses.**
*****Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.**
(Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817)

SEC. 51P-298.114. SIGNS.

(a) In general. Except as provided in this section, the sign provisions for business zoning districts in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea.

(b) Subarea 5A.

(1) Definitions. In this subsection,

(A) ARCADE SIGN means any sign that is mounted under a canopy and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(B) AWNING means a fabric or vinyl surface supported by a metal structure that is applied to the facade of the building.

(C) BLADE SIGN means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.

(D) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(E) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(2) Word maximum. For a font greater than or equal to four inches in height, the maximum number of words allowed on any building is 12.

(3) Arcade signs.

(A) Arcade signs may not exceed 27 square feet in effective area.

(B) Arcade signs must provide a minimum clearance of 10 feet above grade.

(4) Canopy signs.

(A) Canopy signs may project up to six feet above a canopy.

(B) Canopy signs may not exceed 210 square feet in effective area.

(5) Blade signs.

(A) Each occupant with a separate certificate of occupancy may erect up to two blade signs projecting up to a maximum of 10 feet from a vertical building plane.

(B) Blade signs may not exceed 20 square feet in effective area.

(C) Each single face of a three-dimensional blade sign may not exceed 20 square feet.

(D) Blade signs may not project above the highest point of a facade.

(E) Blade signs must provide a minimum clearance of 10 feet above grade.

(F) Blade signs may not contain more than four words each.

(c) Subarea 1C. The existing attached signage on the original building that reads, "Dallas Independent School District," is permitted without the Dallas Independent School District occupying the premises and does not count against the number of attached signs. (Ord. Nos. 20049; 24914; 26388; 30159; 30817)

SEC. 51P-298.115. PARKING REQUIREMENTS.

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In Subarea 5A, a minimum of 30 bicycle parking spaces are required. Bicycle parking must comply with Section 51A-4.332.

(3) In Subarea 4A, for a public senior high school, the minimum off-street parking is three and one half spaces per classroom.

(~~3~~)**(4)** In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 15,000 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

(i) Bar, lounge, or tavern;

(ii) Catering service;

(iii) Country club with private membership; or

(iv) Restaurant without drive-in or drive-through service.

(4)**(5)** The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

(A) one space per 25 square feet of classroom; and

(B) that parking required in Section 51A-5.209 for all residential uses located in the campus area.

All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(~~5~~)**(6)** Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(~~6~~)**(7)** A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(~~7~~)**(8)** The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

(1) In general. All uses within the Baylor expanded district must comply with the Master Parking and Floor Area requirements in Subsection (b)(8) of this section.

(2) Master Parking and Floor Area Plan purpose. Because off-street parking requirements for Baylor-related uses may be provided in remote locations throughout the Baylor expanded district, the Master Parking and Floor Area Plan (Exhibit 298I) identifies available off-street parking, determines the amount of required off-street parking, and ensures that each Baylor-related use within the Baylor expanded district meets the off-street parking requirements. To maintain adequate required off-street parking for all uses within the Baylor expanded district, the Master Parking and Floor Area Plan must be updated when floor area is added or removed from a building (Exhibit 298I-1).

(3) Definitions. In this section:

(A) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(B) BAYLOR-RELATED USE means any of the following uses within the Baylor expanded district:

- -- Adult day care facility.
- -- Ambulance service.
- -- Child-care facility.
- -- College, university, or seminary.
- -- Community service center.
- -- Convalescent and nursing homes, hospice care, and related institutions.
- -- Day home.
- -- Extended stay hotel or motel.
- -- Helistop.
- -- Hospital.
- -- Hotel or motel.
- -- Medical clinic or ambulatory surgical center.
- -- Medical or scientific laboratory.
- -- Office.
- -- Residential hotel.

(C) BAYLOR-RELATED USE SPECIAL PARKING means parking spaces located within the Baylor expanded district and available for use by Baylor-related uses.

(D) BAYLOR SHUTTLE means a private shuttle bus service that connects Baylor-related uses to Baylor-related use special parking spaces.

(E) MASTER PARKING AND FLOOR AREA PLAN means the Master Parking and Floor Area Plan shown on Exhibit 298I, and as revised and supplemented in accordance with this article.

(F) REQUIRED BAYLOR-RELATED USE SPECIAL PARKING means the total number of required parking spaces for all Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(4) Application. Off-street parking requirements for Baylor-related uses may be satisfied with Baylor-related use special parking as shown on the Master Parking and Floor Area Plan and subject to the requirements in this subsection.

(5) Number of spaces available and required. The number of Baylor-related use special parking spaces existing on June 28, 2006, is 8,755. The number of required Baylor-related use special parking spaces existing on June 28, 2006, is 7,089. Reductions in floor area from the floor area existing on June 28, 2006, will result in adjustments to the number of Baylor-related use special parking spaces required as follows: one parking space per bed for hospital use, and one space per 200 square feet of floor area for any other use.

(6) Baylor shuttle.

(A) The Baylor shuttle service must be available for use from 5:30 am to 8 pm Monday through Friday with service to all stops at intervals of not more than 20 minutes for all occupants, employees, and guests of Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(B) The Baylor shuttle service must stop within 300 feet of the nearest entrance to a Baylor-related use and within 300 feet of each parking lot providing Baylor-related use special parking.

(C) In this subsection, distance is measured from the shuttle stop to the nearest entrance of the main use or from the nearest pedestrian access to the parking lot to the shuttle stop, measured along the most convenient pedestrian walkway.

(D) The building official may extend the distance to a maximum of 600 feet unless the extension would:

(i) significantly discourage use of the Baylor-related use special parking,

(ii) unreasonably endanger the safety of persons or property, or

(iii) not otherwise be in the public interest.

(7) Agreement required.

(A) No written agreement is required if the fee simple owner of the real property on which the Baylor-related use is located is the same as the fee simple owner of the real property on which the Baylor-related use special parking is provided. Otherwise, a written agreement is required in accordance with this paragraph.

(B) The written agreement must comply with the special parking agreement requisites in Section 51A-4.328.

(C) A copy of the written agreement must be provided to the building official at the time application is made for a building permit or certificate of occupancy.

(8) Master Parking and Floor Area Plan supplements.

(A) A Master Parking and Floor Area Plan supplement must be submitted to and approved by the building official (see Exhibit 298I-1) if an application is made for:

(i) a building permit, demolition permit, or a certificate of occupancy that modifies the parking requirements for any use satisfying all or part its off-street parking requirement with Baylor-related use special parking;

(ii) approval of a parking agreement for any use or parking within the Baylor expanded district; or

(iii) a building permit, demolition permit, or certificate of occupancy that modifies the parking requirements in connection with additions to or reductions in floor area that have occurred since the last supplement that are not described in this paragraph, such as destruction of a building by fire or expiration or withdrawal of a building permit application.

(B) A Master Parking and Floor Area Plan supplement must include:

(i) the number assigned to each Baylor-related use special parking lot,

(ii) the boundaries of each Baylor-related use special parking lot,

(iii) any changes to the number of Baylor-related use special parking spaces since the last approved supplement,

(iv) a corresponding table indicating:

(aa) the number of parking spaces available in each Baylor-related use special parking lot;

(bb) the number of parking spaces designated for Baylor-related use special parking;

(cc) the number of parking spaces designated as on-site required parking for each Baylor-related use;

(dd) the number of spaces designated as remote parking subject to a parking agreement (citing the recording information of the parking agreement and the location of the use); and

(ee) the number of spaces that are not available as Baylor-related use special parking.

(v) a revised floor area tabulation for the Baylor expanded district in the form shown on Exhibit 298I-2, and

(vi) a revised Master Parking and Floor Area Plan that shows:

(aa) the floor area being added or removed; and

(bb) other changes to the Master Parking and Floor Area Plan since the last update, including changes to the floor area of existing buildings; new buildings; demolished buildings; changes to parking areas; and revisions to streets, alleys, or private drives.

(C) The building official shall maintain a copy of each approved Master Parking and Floor Area Plan supplement.

(D) A property owner may charge a fee to use required off-street parking for Baylor-related uses in the Baylor expanded district.

(c) Special parking provisions for Subarea 10B.

(1) Enclosed garages fronting Carmel Street may be located within five feet of the Property line, and must be equipped with automatic garage doors that are maintained in working order at all times.

(2) The visual obstruction regulations in Section 51A-4.602(d) do not apply to dwelling units fronting on Carmel Street.

(3) Dwelling units fronting on Carmel Street do not count toward any guest parking requirements.

(4) Along Carmel Street, at no time may the areas in front of the enclosed garages be used for parking of vehicles.

(5) Along Carmel Street, in front of the dwelling units shown on the development plan, no parking is allowed, and "No Parking" signs must be provided in accordance with the standard city specifications and completed to the satisfaction of the director of public works and transportation.

(6) A total of 10 guest parking spaces are required for Subarea 10B.

(i) The guest parking spaces must comply with the dimensional requirements of the Dallas Development Code.

(ii) Six guest parking spaces must be located on the Property.

(iii) Four guest parking spaces may be located in the Live Oak Street right-of-way, immediately adjacent to Subarea 10B. (Ord. Nos. 20049; 24914; 26388; 26707; 29390; 30159)

SEC. 51P-298.116. FLOOR AREA RATIO AND FLOOR AREA.

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

Subarea	Maximum Floor Area Ratio
1, 1A, 1B, and 1C	4:1
3	4:1
4 and 4A	2:1
5	4:1
5A	5.85:1
6	None
7	3:1*
	2:1**
8	2.5:1
10, 10A, and 10B	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

***Applies if at least one-half of the floor area of the structure is occupied by residential uses.**
****Applies in all other cases.**

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817)

SEC. 51P-298.117. RECONCILIATION OF REGULATIONS APPLICABLE TO SUBAREA 6.

The special development standards contained in Ordinance Nos. 16029, 16858, 17676, and 17966 apply to Subarea 6. In the event of a conflict between the provisions of this article and the special development standards, the more restrictive regulation applies. (Ord. Nos. 20049; 24914)

SEC. 51P-298.118. HIGHLY REFLECTIVE GLASS PROVISIONS.

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.) (Ord. Nos. 20049; 24914)

SEC. 51P-298.119. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

(1) Gaston.

(2) Good Latimer.

(3) Haskell.

(4) Live Oak.

(5) Peak.

(6) Ross.

(7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

(1) Except as further limited in this subsection, maximum fence height is nine feet.

(2) For all residential uses, maximum fence height in the required front yard is four feet.

(f) Razor wire and barbed wire fencing are prohibited in Subarea 1A. (Ord. Nos. 25960; 28056)

SEC. 51P-298.120. SPECIAL PROVISIONS FOR SUBAREAS 5A, 10A, 11A, AND 12A.

(a) Definitions. In this section,

(1) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(2) PROPERTY OWNER means the Baylor University Medical Center or its successors.

(b) Traffic Management Plan (TMP) in general.

(1) Instead of requiring a TMP prior to the passage of this ordinance, the property owner must submit a TMP for review by the director by June 28, 2007.

(2) No building permit may be issued that will result in a total floor area in the Baylor expanded district exceeding 4,068,964 square feet until the property owner submits a revised TMP for review by the director. Thereafter, a revised TMP must be submitted with each additional 500,000 square feet in total floor area. The building official shall determine if a revised TMP is required by using the cumulative floor area calculation for the Baylor expanded district as shown on the last approved supplement to the Master Parking and Floor Area Plan.

(3) The preparation and submission of the TMP and its revisions are the responsibility of the property owner. The TMP and its revisions must be:

(A) prepared by a registered professional engineer skilled in transportation engineering; and

(B) approved by the director.

(c) Contents of the TMP. The TMP and its revisions must be in writing and must report on the following:

(1) The planned and actual operations of the street system within and in the immediate vicinity of the Baylor expanded district, describing traffic controls, lane operations, signal timing patterns, signage, dedicated lanes, crosswalks in the right-of-way, the impact of public transportation, and traffic control personnel including security personnel directing traffic.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(3) The planned and actual maintenance and management of traffic within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(4) Development and occupancy levels within the Baylor expanded district.

(5) Vehicular congestion and pedestrian safety concerns at locations within and in the immediate vicinity of the Baylor expanded district together with an analysis of and recommendations for appropriate mitigation measures.

(d) Approval by the director. The director shall approve the TMP and its revisions following the procedures and standards in Subsection 51A-4.803(e) through (k) regarding site plan review.

(e) Subarea 12A. The building official shall not issue a building permit for new construction in Subarea 12A without a completed floor area tabulation form (Exhibit 298J). The applicant shall provide documentation of floor area reduction from demolition of structures or expiration or withdrawal of previous building permit applications for new construction. The applicant must file a copy of each completed floor area tabulation form with the building official at the time the application is made for the building permit.

(f) Subarea 5A. Once the multifamily portion of the project has reached 80 percent occupancy or within one year of issuance of the final certificate of occupancy for the retail section of the project, whichever occurs first, the Property owner or operator shall submit a developer report to the director in accordance with Section 51A-1.109(b). The director shall then determine what infrastructure improvements are needed, if any, following the procedure set forth in Section 51A-1.109. (Ord. Nos. 26388; 26707; 30159)

SEC. 51P-298.120.1. SPEACIAL PROVISIONS FOR SUBAREA 1C.

(a) Purpose.

(1) The purpose of Subarea 1C is to recognize the historic role played by this site in the development of the City of Dallas and the significance of Ross Avenue, a historic thoroughfare. This area is recognized as an area of historical, architectural, and cultural significance to the citizens of Dallas.

(2) The purpose of the special provisions for Subarea 1C is to establish appropriate architectural, siting, and urban design criteria to facilitate thoughtful redevelopment of the Property within the context of honoring the original building. The architectural requirements of this section are intended to highlight the transitional art deco style and complement the prominent features of the original building.

(3) The general objective of this section is to promote, protect, and enhance Ross Avenue for the health, welfare, and enjoyment of the public, and in part, to achieve the following:

(A) preserve the facade of the original building;

(B) recognize the importance of Ross Avenue as a major transportation corridor through the preservation of the relationship between building and street;

(C) strengthen neighborhood identity;

(D) protect the adjacent single family neighborhood; and

(E) accommodate the existing mix of uses and future growth along Ross Avenue.

(b) Original building. The Ross Avenue-facing facade and courtyard facade of the original building in the locations shown on the Subarea 1C development plan must comply with the first page of the Subarea 1C original building facade elevation (Exhibit 298M). If there is a conflict between the text of this article and the Subarea 1C original building facade elevation, the text of this article controls.

(c) Compatibility standards. The following provisions are applicable to street-facing facades along Ross Avenue in the locations shown on the development plan for Subarea 1C. The purpose of this subparagraph is to provide a visual connection between the primary design elements of the original building and new construction.

(1) Base. A minimum 18-inch-tall water table or base expression must be provided.

(2) Vertical expression. Fenestration on the ground level and second story must have tall, vertical expressions with reveals or trim and be consistently spaced to complement the vertical expressions shown on the Subarea 1C original building facade elevation.

(3) Horizontal continuity. The ground and second story facades of new construction as shown on the conceptual elevation (Exhibit 298N) must be complementary to the horizontal elements, including window sills, spandrel panels, and base expression, of the original building shown on the Subarea 1C original building facade elevation. The purpose of this provision is to recognize the scale of the original building.

(4) Compatible expression. In the locations shown on the development plan for Subarea 1C, the ground level and second story facades of new construction between the minimum and maximum setbacks must be compatible with the original building. "Compatible" as used in this provision means similar in appearance, color, pattern, quality, shape, size, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The purpose of this requirement is to provide a visual connection and recognition of the primary design elements of the original building and new construction.

(5) Recess. Facades of new construction along Ross Avenue must be recessed a minimum depth of five feet from the original building facade as shown on the development plan for Subarea 1C.

(6) Building entrances. Building entrances on street-facing facades must be located within a vertical expression. For non-residential uses, a minimum of one public entrance is required along each street and may be located within the original building facade on Ross Avenue. Each street-facing public entrance must be located within an architecturally prominent vertical expression with a reveal, similar to the primary entrance shown on the Subarea 1C original building facade elevation. Private dwelling unit entrances are prohibited along Ross Avenue.

(d) Blank wall. Maximum blank wall area for street-facing facades is 30 linear feet, measured horizontally on each story.

(e) Flat roof. Maximum roof pitch is two inches for each linear foot of horizontal distance.

(f) No-build area. The area between the Ross Avenue-facing facade of the original building and the Property line is a no-build area as shown on the development plan for Subarea 1C. Structures other than steps, stairs, and railings are not permitted within the no-build area.

(g) Plaza. A plaza area is required at the south corner of Ross Avenue and Washington Street in the area shown on the development plan for Subarea 1C. The plaza must be publicly accessible to both streets and provide hardscape, seating areas, and landscaped areas and may include accessory structures including, but not limited to, art, flag poles, and physical barriers no taller than 36 inches. Plaza improvements that comply with this subsection do not need to be shown on the development plan for Subarea 1C.

(h) Sidewalk connections. A minimum of 70 percent of street-facing individual entries on street-level dwelling units along the San Jacinto Street and Washington Street frontages must provide direct connection to the sidewalk with a permeable or nonpermeable surface.

(i) Parking structure screening. Street-facing facades for a multi-level, above-ground parking structure must be screened as follows:

(1) Facade screening must include materials that are compatible to the facade of the main structure the parking serves. The facade of the parking structure may not exceed the height of the adjacent structure by more than four feet.

(2) A maximum of 60 percent of the street-facing facade may contain openings.

(3) A minimum 42-inch solid screening is required, measured from each floor level within the parking structure, to screen vehicles and vehicle headlights.

(4) Cable guard strands and chain link fencing are prohibited on the street-facing facade of a parking structure.

(5) This subsection does not apply to individual garages attached to a single dwelling unit. (Ord. 30817)

SEC. 51P-298.121. GENERAL REQUIREMENTS.

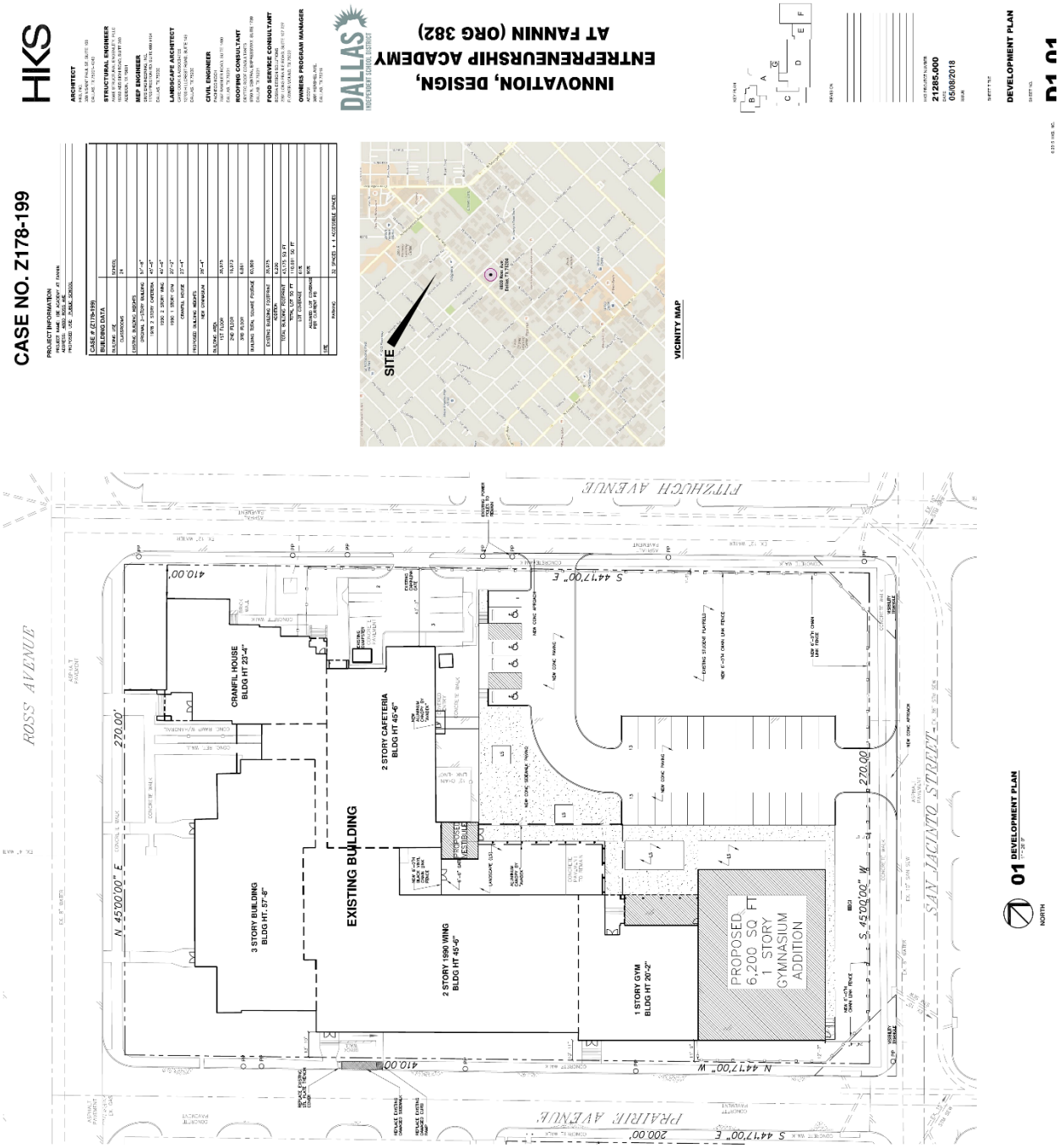
Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

SEC. 51P-298.122. COMPLIANCE WITH CONDITIONS.

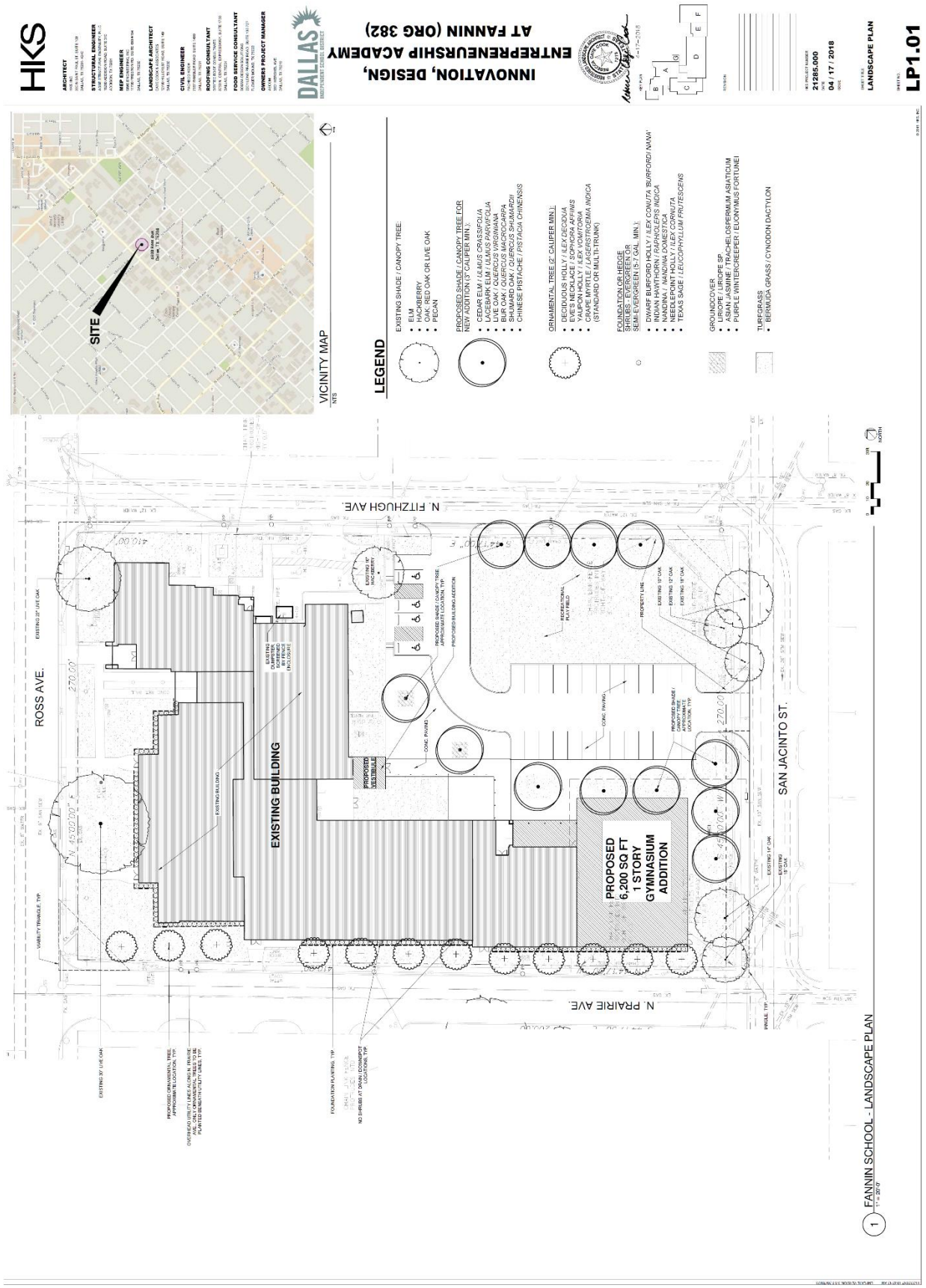
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

PROPOSED DEVELOPMENT PLAN



PROPOSED LANDSCAPE PLAN



PROPOSED TRAFFIC MANAGEMENT PLAN

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Texas Registered Engineering Firm F-3199



Traffic Management Plan

Innovation, Design, Entrepreneurship Academy at James W. Fannin, in Dallas, TX

DeShazo Project Number 17140

April 16, 2018

Z178-___ ( )

Introduction

The services of DeShazo Group, Inc. (DeShazo) were retained by Masterplan (Client) to provide a traffic management plan (TMP) for the Innovation, Design, Entrepreneurship Academy at James W. Fannin (DISD Fannin). DISD Fannin is located at 4800 Ross Avenue in Dallas, Texas, and is zoned Planned Development (PD) District 298.

The school has a current enrollment of 258 students in grades 9 through 11. The school is proposing an addition of a 12th grade in 2018. The school's buildout capacity is 420 students.

School Operational Characteristics

This TMP was developed in accordance with the future buildout of 480 students in grades 9 through 12. **Table 1** summarizes the school students and projected queueing data based upon previous observations conducted by DeShazo during the morning drop-off and afternoon pick-up process.

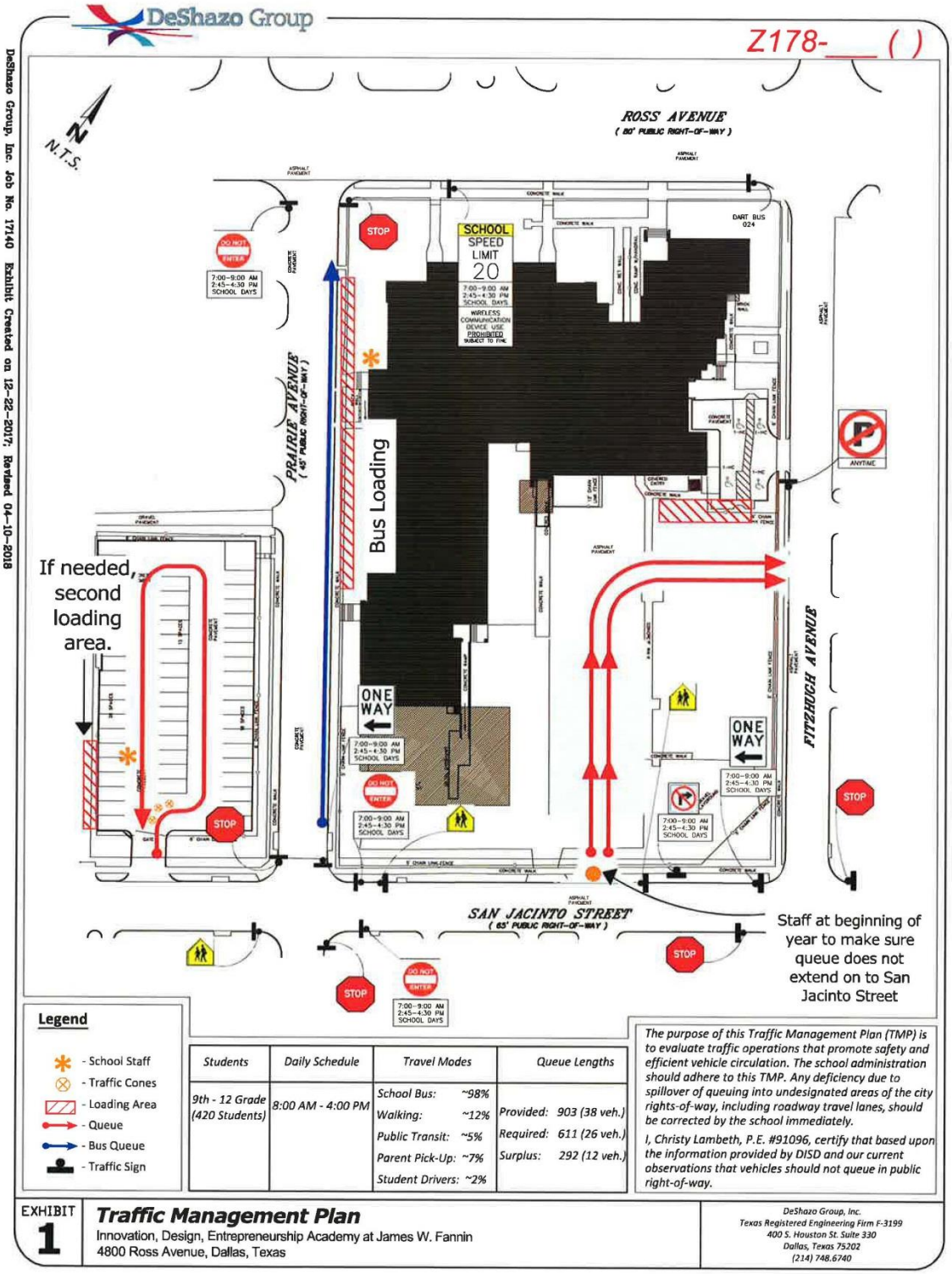
Table 1: School Operational Characteristics

Students	Daily Schedule	Traveling Modes		Queue Lengths
9th – 12th Grade: (420 Students)	8:00 AM – 4:00 PM	School Bus:	≅ 74%	Provided: 903 LF (38 vehicles)
		Walking:	≅ 12%	Required: 611 LF (26 vehicles)
		Public Transit	≅ 5%	Surplus: 292 LF (12 vehicles)
		Parent Pick-Up:	≅ 7%	
		Student Drivers:	≅ 2%	

Summary

DeShazo analyzed the projected traffic operations at buildout for morning arrival and afternoon dismissal periods based upon observations and student characteristics provided by the school. The peak queue occurs during the afternoon dismissal period. The site provides ample queuing space for both parent vehicles and school buses. The school staff should manage traffic in accordance with the TMP depicted in **Exhibit 1**.

400 S Houston St, Suite 330 Dallas, TX 75202 214.748.6740 www.deshazogroup.com


DeShazo Group
Z178-___ ( )
DeShazo Group, Inc. Job No. 17140 Exhibit Created on 12-22-2017; Revised 04-10-2018
N
N.T.S.
ROSS AVENUE
(80' PUBLIC RIGHT-OF-WAY)
PRAIRIE AVENUE
(45' PUBLIC RIGHT-OF-WAY)
FITZHUGH AVENUE
SAN JACINTO STREET
(65' PUBLIC RIGHT-OF-WAY)
Bus Loading
If needed, second loading area.
SCHOOL SPEED LIMIT 20
7:00-9:00 AM 2:45-4:30 PM SCHOOL DAYS
WIRELESS COMMUNICATION DEVICE USE PROHIBITED SUBJECT TO FINE
DART BUS 024
ANYTIME
ONE WAY
STOP
DO NOT ENTER
Staff at beginning of year to make sure queue does not extend on to San Jacinto Street
Legend
- School Staff
- Traffic Cones
- Loading Area
- Queue
- Bus Queue
- Traffic Sign
Students
9th - 12 Grade (420 Students)
Daily Schedule
8:00 AM - 4:00 PM
Travel Modes
School Bus: ~98%
Walking: ~12%
Public Transit: ~5%
Parent Pick-Up: ~7%
Student Drivers: ~2%
Queue Lengths
Provided: 903 (38 veh.)
Required: 611 (26 veh.)
Surplus: 292 (12 veh.)
The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
I, Christy Lambeth, P.E. #91096, certify that based upon the information provided by DISD and our current observations that vehicles should not queue in public right-of-way.
EXHIBIT 1
Traffic Management Plan
Innovation, Design, Entrepreneurship Academy at James W. Fannin
4800 Ross Avenue, Dallas, Texas
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

Site Access

The school is located at the southwest corner of Ross Avenue and N. Fitzhugh Avenue with San Jacinto Street to the south and N. Prairie Avenue to the west. San Jacinto Street operates as a one-way street (westbound) from N. Fitzhugh Avenue to N. Prairie Avenue during the school's morning and afternoon peak hours. N. Prairie Avenue also operates as a one-way street (northbound) from San Jacinto Street to Ross Avenue during the school's morning and afternoon peak hours. This operation allows buses and parents picking up students to queue in a clockwise direction upon arriving at the school. School buses load students from the curb adjacent to the school on N. Prairie Avenue. Once loaded, the buses proceed north on N. Prairie Avenue toward Ross Avenue.

The site is planned to have a total of three access points upon buildout: one on the east side of the site off of N. Fitzhugh Avenue, one on the south side off of San Jacinto Street, and one off of San Jacinto Street into the parking lot just west of the school, which the school owns. The proposed site plan is shown in **Exhibit 1**.

Passenger Unloading/Loading and Vehicular Queuing

This analysis identifies the projected vehicle demand needed to accommodate projected school traffic demands during peak periods. As required by the City of Dallas, DeShazo observed on-site traffic on four different visits at the following times:

- Monday, November 27, 2017, during student dismissal
- Monday, December 4, 2017, during student dismissal
- Wednesday, December 6, 2017, during student arrival
- Thursday, December 7, 2017, during student arrival

Observations of traffic associated with student pick-up activities indicated that most vehicles approach the school via San Jacinto Street to load/unload students. Some parents also queued on the west side of N. Prairie Avenue adjacent to the buses. Observations indicated that some parents parked in the parking lot on site and waited for their students. A peak queue of approximately 13 vehicles and three parked vehicles was observed during the PM dismissal period for a total of 16 vehicles on site at the same time.

Recommendations to Facilitate Queueing Operations

The TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it should be used as a tool to facilitate a safer and more efficient environment. Below is a summary of TMP recommendations.

Traffic Queue Operations

School traffic should be managed in accordance with the TMP depicted in **Exhibit 1**.

- Vehicles should enter the parking lot south of the school building via San Jacinto Street and form a double queue through the parking lot.
- When student enrollment increases, a second loading zone maybe needed so that queued vehicles do not encroach onto San Jacinto Street. A second loading zone is available in the school parking lot directly west of the school on San Jacinto Street. If this second loading area is used, the school should designate where each student is picked up during the dismissal period. This may depend on the student's last class location, last name, or the student's grade. Approximately 58% (22 vehicles) of the site's queueing space is on the south side of the school and approximately 42% (16 vehicles) is in the parking lot directly west of the school on San Jacinto Street.

- School officials should communicate with neighborhood representatives as needed to address any problems concerning school traffic and identify solutions in the best interest of all involved parties.
- The full cooperation of staff, students and parents is crucial for the success of the TMP. Proper training of staff on their duties and the School's expectations pertaining to the TMP is recommended. Proper communications at the beginning of each school term (and as needed) with students and parents on their duties and expectation is also recommended, including a reminder of the risks associated with speeding in school zones and the use of handheld phones while driving.
- Parents should be discouraged from: arriving too early before dismissal, queuing over 30 minutes and arriving all at once. The queue lanes are intended for parents to rotate through the site.

Student Safety

- Student safety should remain paramount at all times. The school administration should remind students, parents and staff continually of their expectations relative to this traffic management plan throughout the school year.

Enforcement

This TMP is to be used by DISD Fannin to provide safe and efficient transportation of students, staff, and faculty to and from the site. The plan was developed with the intent of optimizing safety and efficiency, and the goal of accommodating vehicular traffic generated by the school on site during peak traffic periods. The School should review details of this TMP on a regular basis to confirm its effectiveness.

[NOTE: In this report the term "parent" refers to any parent, family member, legal guardian, or other individual who is involved in the pick-up or drop-off of one or more students at the school.]

END OF MEMO

SCHOOL REVIEW AND COMMITMENT

The Traffic Management Plan for Innovation, Design, Entrepreneurship Academy at James W. Fannin (DISD Fannin) was developed with the intent of optimizing safety and accommodating vehicular traffic queues generated by the school within the property. A concerted effort and full participation by the school administration, staff, students and parents are essential to maintain safe and efficient traffic operations.

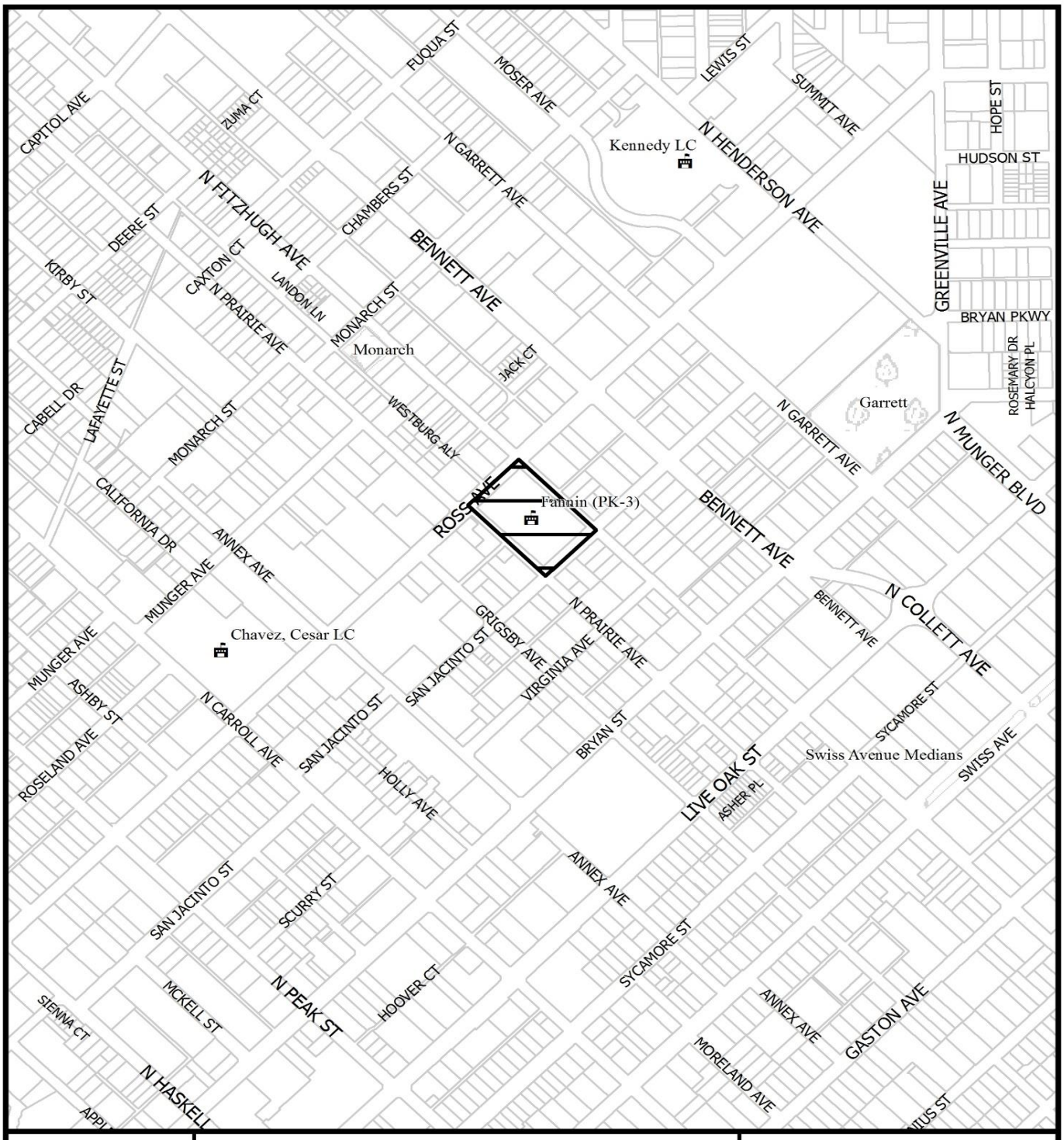
By consent of this TMP submittal, the School is agreeing to the strategies presented herein for which the School will be held accountable unless the City deems further measures are appropriate.

The School is committed to continually reviewing and assessing the effectiveness of the TMP and if warranted, will implement changes in the interest of increasing safety and minimizing impacts on the surrounding community.

Personalized Learning Manager

4/16/18
Date

Innovation, Design, Entrepreneurship Academy at James W. Fannin

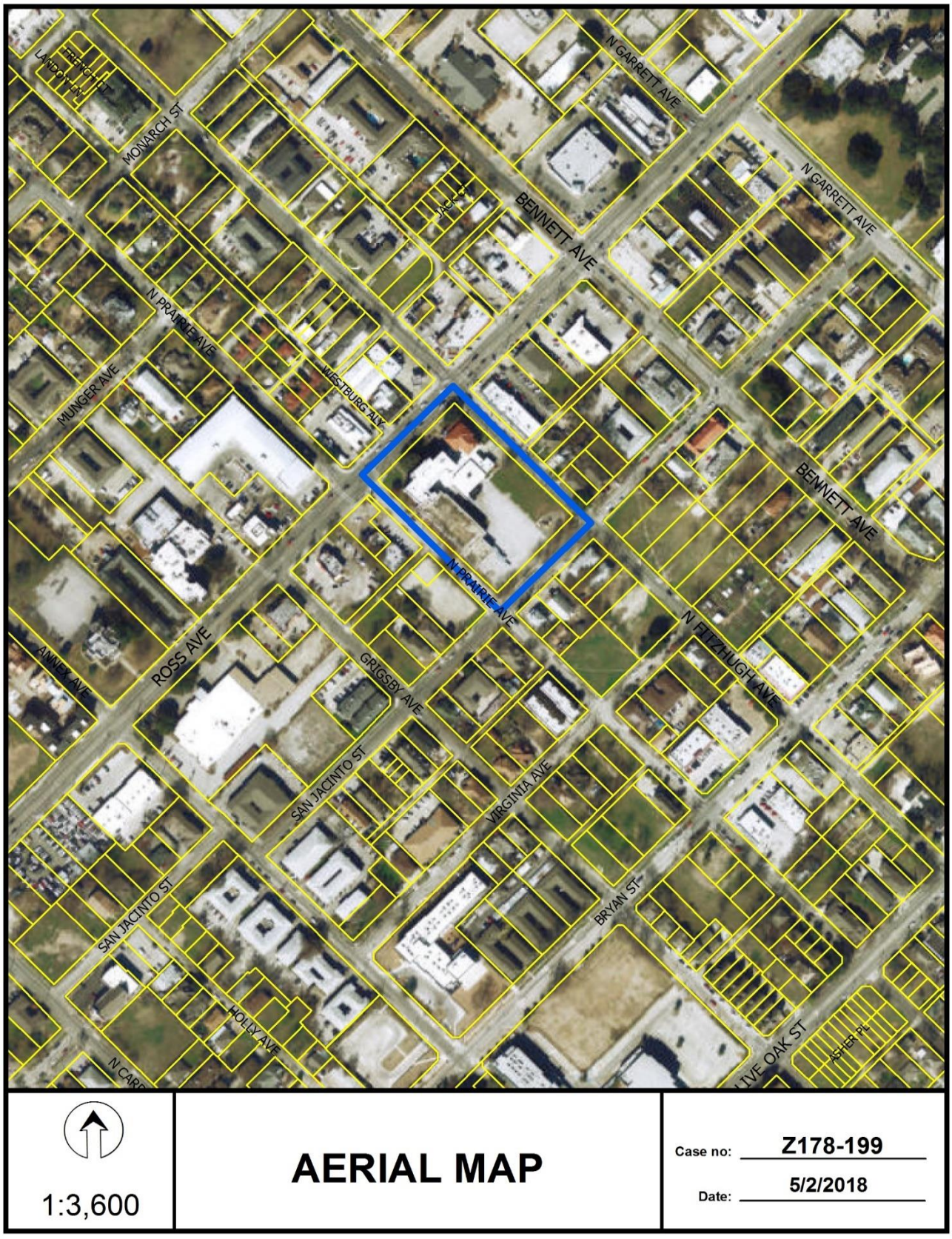


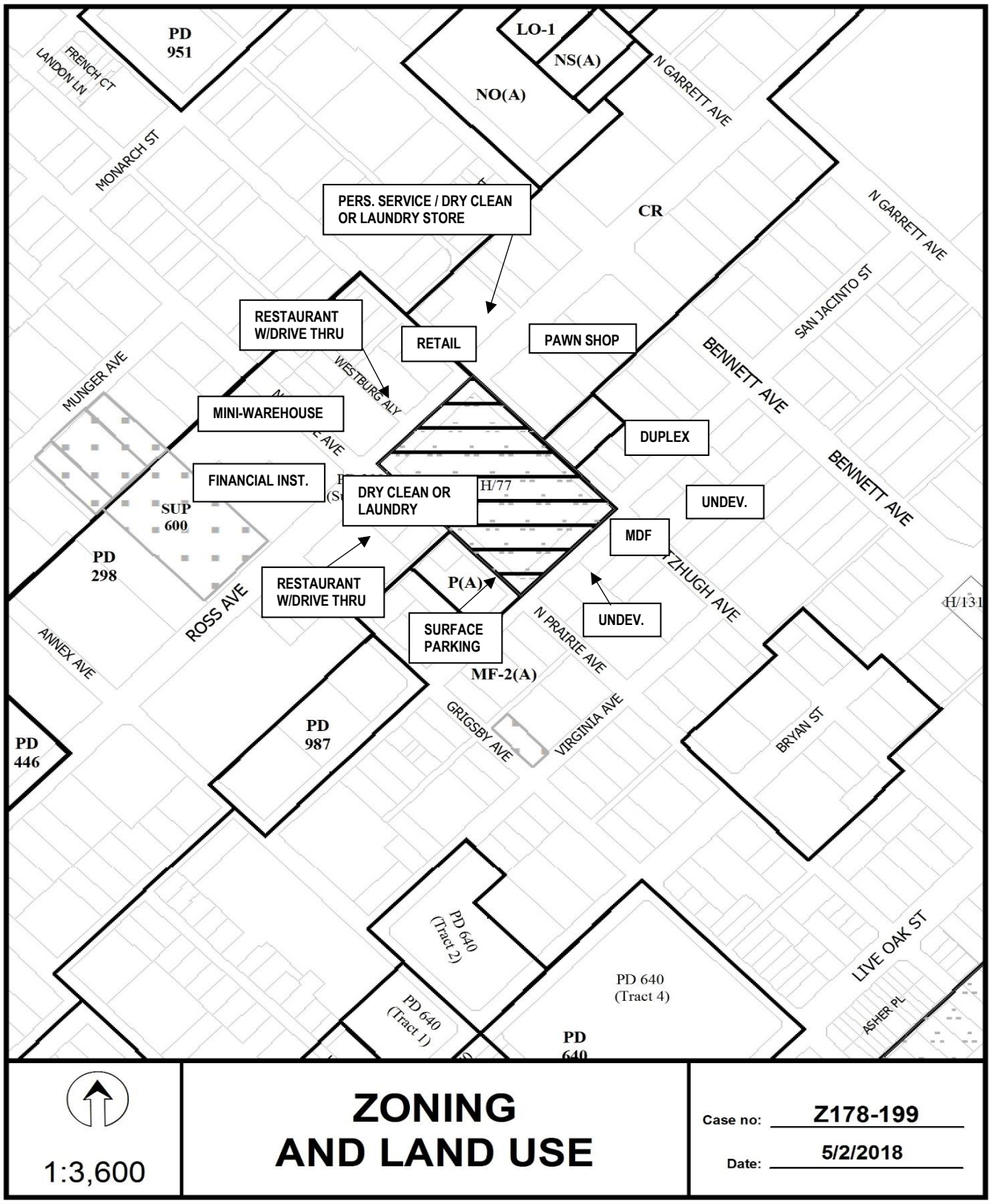
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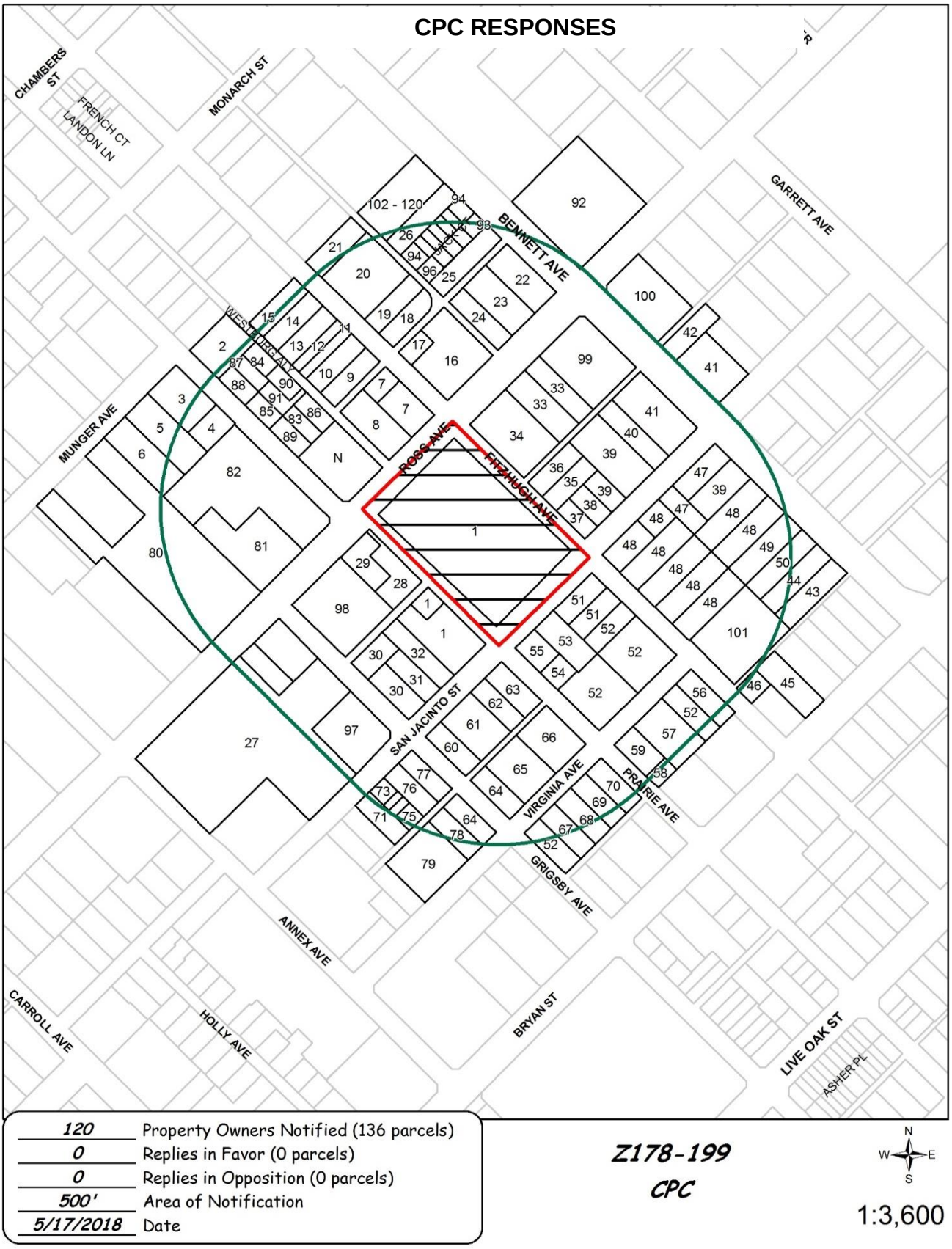
VICINITY MAP

Case no: Z178-199

Date: 5/2/2018


N GARRETT AVE
MONARCH ST
BENNETT AVE
N PRAIRIE AVE
MUNGER AVE
WESTBURG ALY
N PRAIRIE AVE
BENNETT AVE
ROSS AVE
ANNEX AVE
GRIGSBY AVE
N FITZHUGH AVE
SAN JACINTO ST
VIRGINIA AVE
SAN JACINTO ST
BRYAN ST
HOLLY AVE
LIVE OAK ST
1:3,600
AERIAL MAP
Case no: Z178-199
Date: 5/2/2018


PD 951
FRENCH CT
LANDON LN
MONARCH ST
LO-1
NS(A)
NO(A)
N GARRETT AVE
PERS. SERVICE / DRY CLEAN OR LAUNDRY STORE
CR
N GARRETT AVE
SAN JACINTO ST
RESTAURANT W/DRIVE THRU
RETAIL
PAWN SHOP
WESTBURG ALY
MUNGER AVE
BENNETT AVE
MINI-WAREHOUSE
DUPLEX
FINANCIAL INST.
DRY CLEAN OR LAUNDRY
H/77
UNDEV.
BENNETT AVE
SUP 600
MDF
PD 298
RESTAURANT W/DRIVE THRU
P(A)
ROSS AVE
SURFACE PARKING
UNDEV.
N PRAIRIE AVE
ANNEX AVE
MF-2(A)
GRIGSBY AVE
VIRGINIA AVE
BRYAN ST
PD 446
PD 987
PD 640 (Tract 2)
PD 640 (Tract 4)
PD 640 (Tract 1)
PD 640
LIVE OAK ST
ASHER PL
1:3,600
ZONING AND LAND USE
Case no: Z178-199
Date: 5/2/2018


CPC RESPONSES
CHAMBERS ST
FRENCH CT
LANDON LN
MONARCH ST
BENNETT AVE
GARRETT AVE
WESTMORELAND
MUNGER AVE
ROSS AVE
FITZHUGH AVE
SAN JACINTO ST
VIRGINIA AVE
PRAIRIE AVE
GRIGSBY AVE
ANNEX AVE
CARROLL AVE
HOLLY AVE
BRYAN ST
LIVE OAK ST
ASHER PL
102 - 120
92
100
99
98
97
101
1
120 Property Owners Notified (136 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
500' Area of Notification
5/17/2018 Date
Z178-199
CPC
N
W
E
S
1:3,600

05/16/2018

Reply List of Property Owners

Z178-199

120 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4717	SAN JACINTO ST	Dallas ISD
	2	1810	N PRAIRIE AVE	VICEROY PRAIRIE LP
	3	4718	MUNGER AVE	GUTIERREZ ELIAS & ANGELA
	4	1725	N PRAIRIE AVE	ROGERS STEPHEN J
	5	4710	MUNGER AVE	OLD EAST MILANO LLC
	6	4640	MUNGER AVE	ROMERO RUDY
	7	1713	N FITZHUGH AVE	R&F PARTNERS LTD &
	8	4815	ROSS AVE	REZAIAN FATEME
	9	1719	N FITZHUGH AVE	SHEIKHOLESLAMI KUROSH
	10	1723	N FITZHUGH AVE	NARVAEZ ABELARDO N
	11	1725	N FITZHUGH AVE	PORRAS AMY A
	12	1727	N FITZHUGH AVE	SANDUSKY JOSIAH &
	13	1731	N FITZHUGH AVE	CUEVAS SALVADOR
	14	1733	N FITZHUGH AVE	CUEVAS SALVADOR & CARMEN
	15	1737	N FITZHUGH AVE	GNG PROPERTIES
	16	4901	ROSS AVE	MORBEN RLTY CO INC
	17	1712	N FITZHUGH AVE	PHAM VAN PHUOC &
	18	1716	N FITZHUGH AVE	GNG PROPERTIES INCORP
	19	1722	N FITZHUGH AVE	PHAM THI DBA P V ALL SVC
	20	1728	N FITZHUGH AVE	KG REALCO LLC
	21	1738	N FITZHUGH AVE	NGUYEN LANANH THI &
	22	4921	ROSS AVE	FRANCIS DON E
	23	4917	ROSS AVE	MASSOUDI MOHAMMAD &
	24	4915	ROSS AVE	MASSOUDI MOHAMMED ET AL
	25	1715	BENNETT AVE	ZF DEVELOPMENT LLC
	26	1725	BENNETT AVE	4901 LIVE OAK LLC

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	27	4600	ROSS AVE	TUESDAY REAL ESTATE ROSS ANNEX LLC
	28	1621	N PRAIRIE AVE	VALUE WASH
	29	4716	ROSS AVE	MFT ENTERPRISES INC TR
	30	4701	SAN JACINTO ST	1250 WDT LTD
	31	4705	SAN JACINTO ST	PENA ANDREW M &
	32	4709	SAN JACINTO ST	ANDRADE SERGIO
	33	4916	ROSS AVE	MEDINA MARIA C
	34	4900	ROSS AVE	GREGG ROSS AVENUE LLC
	35	1610	N FITZHUGH AVE	ANDERSON JAMES H III &
	36	1614	N FITZHUGH AVE	RAMIREZ MARIBEL
	37	4901	SAN JACINTO ST	DU CHENGYU &
	38	4903	SAN JACINTO ST	CARROLL ROBERT W
	39	4909	SAN JACINTO ST	PGH BENNETT LLC
	40	4921	SAN JACINTO ST	SAN JACINTO 4921 INC
	41	4927	SAN JACINTO ST	PGH BRONZE LLC
	42	1612	BENNETT AVE	SUAREZ JUAN A JR
	43	1415	BENNETT AVE	KROVETZ CHARLES
	44	1417	BENNETT AVE	CLEARWATER PROPERTIES LLC
	45	4907	BRYAN ST	HARVEY MINERAL PARTNERS LP
	46	1410	N FITZHUGH AVE	TOMAINO PPTIES LP
	47	4916	SAN JACINTO ST	E DALLAS LAND LTD
	48	1507	BENNETT AVE	PGH BENNETT LAND LLC
	49	1429	BENNETT AVE	CHOUNLAMANY SAVATDY &
	50	1421	BENNETT AVE	GONZALEZ JUAN P & CATALINA
	51	1519	N FITZHUGH AVE	JUREK PROPERTIES LTD
	52	1513	N FITZHUGH AVE	BRYAN HEIGHTS DEVELOPMENT LLC
	53	4808	SAN JACINTO ST	RIGGIO DAVID ALAN
	54	1516	N PRAIRIE AVE	RIGGIO DAVID
	55	4808	SAN JACINTO ST	RIGGO DAVID ALAN
	56	4818	VIRGINIA AVE	REYNA GLORIA
	57	4806	VIRGINIA AVE	AN PROPERTIES LLC

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	58	1412	N PRAIRIE AVE	GUERRA GUADALUPE C
	59	4800	VIRGINIA AVE	BENAVIDES TERESA M
	60	4702	SAN JACINTO ST	GUERRERO GUADALUPE
	61	4708	SAN JACINTO ST	DUSKIN SAIEI CO LTD
	62	4714	SAN JACINTO ST	LOPEZ JOSE
	63	4720	SAN JACINTO ST	WRIGHT CHRISTIAN A &
	64	4701	VIRGINIA AVE	FAITH COMMUNITY CHURCH
	65	4707	VIRGINIA AVE	MARTINEZ MARIA A
	66	4713	VIRGINIA AVE	ISAMBARD INVESTMENTS TRUST
	67	4706	VIRGINIA AVE	GARCIADESUAREZ AURORA
	68	4710	VIRGINIA AVE	MOLINA EDELMIRA MARTINEZ &
	69	4714	VIRGINIA AVE	YELPERT PROPRIETARY LTD TRUSTEE
	70	4720	VIRGINIA AVE	ISAMBARD INVESTMENT TRUST
	71	4622	SAN JACINTO ST	GNG PROPERTIES INC
	72	4624	SAN JACINTO ST	LINAVONG KHENE
	73	4624	SAN JACINTO ST	KEOVICHITH KHAMPHOR
	74	4624	SAN JACINTO ST	SAKDAVONG VILATH
	75	4624	SAN JACINTO ST	SAKDAVONG VILATH
	76	4626	SAN JACINTO ST	HKP HOLDINGS LLC
	77	4638	SAN JACINTO ST	OIBARA CATTLE FAMILY HOLDINGS LLC
	78	4627	VIRGINIA AVE	GARDENERS IN COMMUNITY
	79	4625	VIRGINIA AVE	VIRGINIA APTS INC
	80	4621	ROSS AVE	AMERICA CAN INC
	81	4709	ROSS AVE	4709 ROSS AVE LLC
	82	4721	ROSS AVE	PS LPT PPTIES INVESTORS
	83	1714	N PRAIRIE AVE	GRAHAM URMIT
	84	1804	N PRAIRIE AVE	DETERS NICHOLAS J
	85	1718	N PRAIRIE AVE	BECK REBECCA
	86	1716	N PRAIRIE AVE	ALVAREZ FELIX A &
	87	1802	N PRAIRIE AVE	MARTINEZ JESUS FIDENCIO
	88	1800	N PRAIRIE AVE	SYSAVATH KEANG POL &

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	89	1712	N PRAIRIE AVE	VU SCOTT H
	90	1722	N PRAIRIE AVE	SULLIVAN SUMER
	91	1720	N PRAIRIE AVE	WEALTHGATES INVESTMENT COMPANY
	92	5001	ROSS AVE	MV1 PROPERTIES LLC
	93	4976	JACK CT	HARKINS BRIAN
	94	4958	JACK CT	OWENHUNT LLC
	95	4922	JACK CT	KURTH TRAMPAS
	96	4904	JACK CT	GIAMBRONE NICOLE &
	97	1625	GRIGSBY AVE	1889 HOLDINGS LLC
	98	4700	ROSS AVE	GONZALES MARIA R TR
	99	4920	ROSS AVE	AUTOZONE TEXAS LP
	100	5000	ROSS AVE	ROSS CROSSING LP
	101	1416	N FITZHUGH AVE	GARDENERS IN COMMUNITY
	102	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	103	1727	BENNETT AVE	PINNEBOG INVESTMENTS
	104	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	105	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	106	1727	BENNETT AVE	CHAILLET BRIAN S
	107	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	108	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	109	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC
	110	1727	BENNETT AVE	SUAREZ JUAN A JR
	111	1727	BENNETT AVE	PINNEBOG INV
	112	1727	BENNETT AVE	HO JOHN
	113	1727	BENNETT AVE	ARISTODEMOU ARISTODEMOS
	114	1727	BENNETT AVE	DULWORTHWARICK JESSICA M
	115	1727	BENNETT AVE	PINNEBOG INV LLC
	116	1727	BENNETT AVE	ABOVO CORP
	117	1727	BENNETT AVE	PINNEBOG INVESMENTS LLC
	118	1727	BENNETT AVE	PECH ROMAN
	119	1727	BENNETT AVE	GENZEL STANLEY G ETAL

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	120	1727	BENNETT AVE	PINNEBOG INVESTMENTS LLC

AGENDA ITEM # 68

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z178-207(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-207(SM) **DATE FILED:** March 13, 2018

LOCATION: South line of Main Street, between South Malcolm X Boulevard and South Crowdus Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 M

SIZE OF REQUEST: Approx. 0.11 acres **CENSUS TRACT:** 204.00

APPLICANT: The Infinite Monkey Theorem, Inc.

OWNER: AP Deep Ellum, LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The purpose of this request is to allow on-premise consumption of alcohol in a 4,823-square-foot suite within an existing one-story structure. The applicant also requests permission to manufacture alcohol, wine in particular, on site.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On April 29, 1987, City Council approved Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, containing approximately 273 acres.

- PD No. 269 contains three tracts. The subject site is located within Tract A, where alcoholic beverage establishments including a bar, lounge, or tavern and a microbrewery, distillery, or winery use require a specific use permit.

- The area of request was previously occupied by a personal service use, DBA Fihankra Dance & Fitness Studio, according to Certificate of Occupancy No. 1012161060.

Zoning History: There have been 10 recent zoning cases requested in the area in the past five years:

1. **Z145-176** On May 13, 2015, the City Council renewed Specific Use Permit No. 1696 for a bar, lounge, or tavern for a three-year period.

2. **Z178-125** On April 19, 2018, the City Plan Commission recommended denial for the renewal of Specific Use Permit No. 1696 for an alcoholic beverage establishment limited to a bar, lounge, or tavern.

3. **Z167-328** On September 27, 2017, the City Council renewed Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a three-year period.

4. **Z167-392** On January 10, 2018, the City Council renewed Specific Use Permit No. 1694 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a three-year period.

5. **Z134-252** On August 27, 2014, the City Council renewed Specific Use Permit No. 1981 for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall for a two-year period.

6. **Z156-192** On June 22, 2016, the City Council renewed of Specific Use Permit No. 1981 for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall for a two-year period.

7. **Z178-153** On March 28, 2018, the City Council renewed Specific Use Permit No. 1981 for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall for a three-year period.

8. Z167-382 On December 13, 2017, the City Council approved Specific Use Permit No. 2268 for a bar, lounge or tavern for a two-year period.

9. Z167-346 On December 13, 2017, the City Council approved Specific Use Permit No. 2267 for a microbrewery, microdistillery, or winery for a two-year period with eligibility for five-year automatic renewals.

10. Z145-286 On September 15, 2015, the City Council approved Specific Use Permit No. 2156 for a microbrewery, microdistillery, or winery for a three-year period with eligibility for five-year automatic renewals.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Main Street	Community Collector	80 feet	80 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

STAFF ANALYSIS:

Surrounding Land Uses:

Location	Zoning	Land Use
Site	Tract A of PDD No. 269	Vacant
North	Tract A of PDD No. 269	Restaurants
East	Tract A of PDD No. 269	Vacant
South	Tract A of PDD No. 269	Vacant
West	Tract A of PDD No. 269	Retail

Land Use Compatibility:

The request site is within Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Considered to be one of Dallas' first commercial districts, Deep Ellum is within close proximity to two major highways, Fair Park, the Baylor Medical District, and Downtown.

The request site consists of a one-story, 4,823-square-foot structure fronting on the south line of Main Street, east of S Malcolm X Boulevard. The applicant operates a winery based in Denver, Colorado and seeks to open a store-front at the area of request. The applicant is undecided upon the extent production of wine will occur on site and therefore requests the ability to operate both a bar, lounge, or tavern (where alcohol manufacturing would be classified as an accessory use) or a microbrewery, distillery, or winery use category as defined in Sec.51P-269.104.(c)(24) with an

accessory bar, lounge, or tavern use. Both uses require a Specific Use Permit within Tract A.

Surrounding land uses include a mix of bar, lounge, or taverns in the vicinity, primarily on Elm Street to the north; restaurants to the north, across Main Street; retail to the west; and vacancies to the east and south.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed microbrewery, distillery, or winery will contribute to the character of the neighborhood and promote further tourism and reinvestment in the area. If the request would have just included the proposed microbrewery, distillery, or winery and not have included the bar, lounge, or tavern as a main use, staff would have supported the applicant's request for a three-year time period with eligibility for automatic renewals for additional five-year periods as that has been the standard for a microbrewery, distillery, or winery in the vicinity. However, since the applicant also requests the ability to operate solely as a bar, lounge, or tavern, staff recommends a two-year period as that has been the standard for a bar, lounge, or tavern use in the vicinity.

Parking:

PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for a bar, lounge, or tavern use with a separate certificate of occupancy in an original building. Similarly, PDD No. 269 does not require off-street parking for the first 5,000 square feet of floor area for a microbrewery, distillery, or winery use with a separate certificate of occupancy in an original building.

Sec.51P-269.104.(c)(27) defines an original building as meaning a building constructed on or before June 27, 1984, the floor area of which has not since June 27,1984, been increased by more than:

(a) 150 percent if the increase is 5,000 square feet or less; or

(b) 100 percent if the increase is more than 5,000 square feet. An original building damaged or destroyed on or before June 27, 1984, other than by the intentional act of the owner or his agent, may be restored after that date without losing its original building status.

According to the site plan submitted with this request, the suite contains 4,823 square feet of floor area within an original building.

The applicant requests approval to operate either bar, lounge, or tavern use or a microbrewery, distillery, or winery use. If the applicant applies for a certificate of occupancy for a microbrewery, distillery, or winery use no parking is required and if the applicant applies for a certificate of occupancy for a bar, lounge, or tavern use, 23 spaces will be required. There is one on-street space located on Main Street, adjacent to the area of request, and if the applicant files for a bar, lounge, or tavern certificate of occupancy, a remote parking agreement for 22 spaces will be filed in the Dallas County deed records prior to the issuance of a certificate of occupancy for a bar, lounge, or tavern use.

Landscaping:

The request will not trigger landscaping per PD No. 269 and Article X of the Dallas Development Code, as amended.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern and a microbrewery, distillery, or winery for a two-year period, subject to a site plan and conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Main Street, between South Malcolm X Boulevard and South Crowdus Street

Maker: Rieves
Second: Mack
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 13
Replies: For: 2 Against: 0

Speakers: None

List of Partners/Principals/Officers

Applicant:
The Infinite Monkey Theorem, Inc:
Ben Parsons – CEO
Aaron Berman – CFO
Kevin Sherman – CMO

AP Deep Ellum, LLC
Asana Partners, LP
Terry S Brown, Managing Partner
Jason K. Tompkins, Managing Partner
Sam E. Judd, Managing Partner
R. Seth Black, Managing Director
Brian R. Purcell, Managing Director
Reed Kracke, Managing Director
Chris R. Dalton, Director
Katie Grissom, Director
G. Welch Liles, Associate - Development

Proposed Conditions for
Specific Use Permit

1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and a microbrewery, micro-distillery, or winery.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on [two years from the passage of this ordinance].

4. FLOOR AREA: The maximum floor area is 4,823 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The bar, lounge, or tavern and a microbrewery, micro-distillery, or winery may only operate between 4:00 p.m. and 10:00 p.m. Monday through Thursday, between 4:00 p.m. and 12:00 a.m. (midnight) on Friday, between 2:00 p.m. and 12:00 a.m. (midnight) on Saturday, and between 2:00 p.m. and 8:00 p.m. on Sunday.

6. OUTSIDE SPEAKERS: Outside speakers are prohibited.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

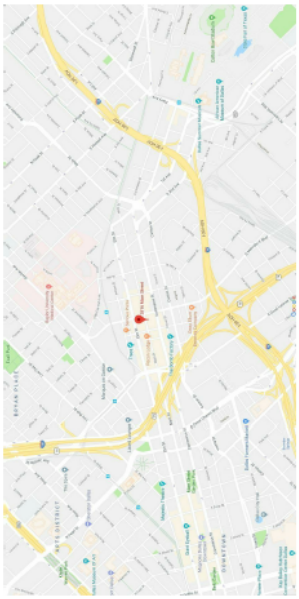
Proposed Site Plan

USE: ALCOHOLIC BEVERAGE ESTABLISHMENT - WINERY	
ZONING: PDD 269	
SITE INFORMATION:	
TOTAL EXISTING BUILDING SQUARE FOOTAGE:	4,823
SUP LOT AREA (SF):	4,925
LOT COVERAGE:	98%
PARKING TO BE PROVIDED IN ACCORDANCE WITH PDD 269*	

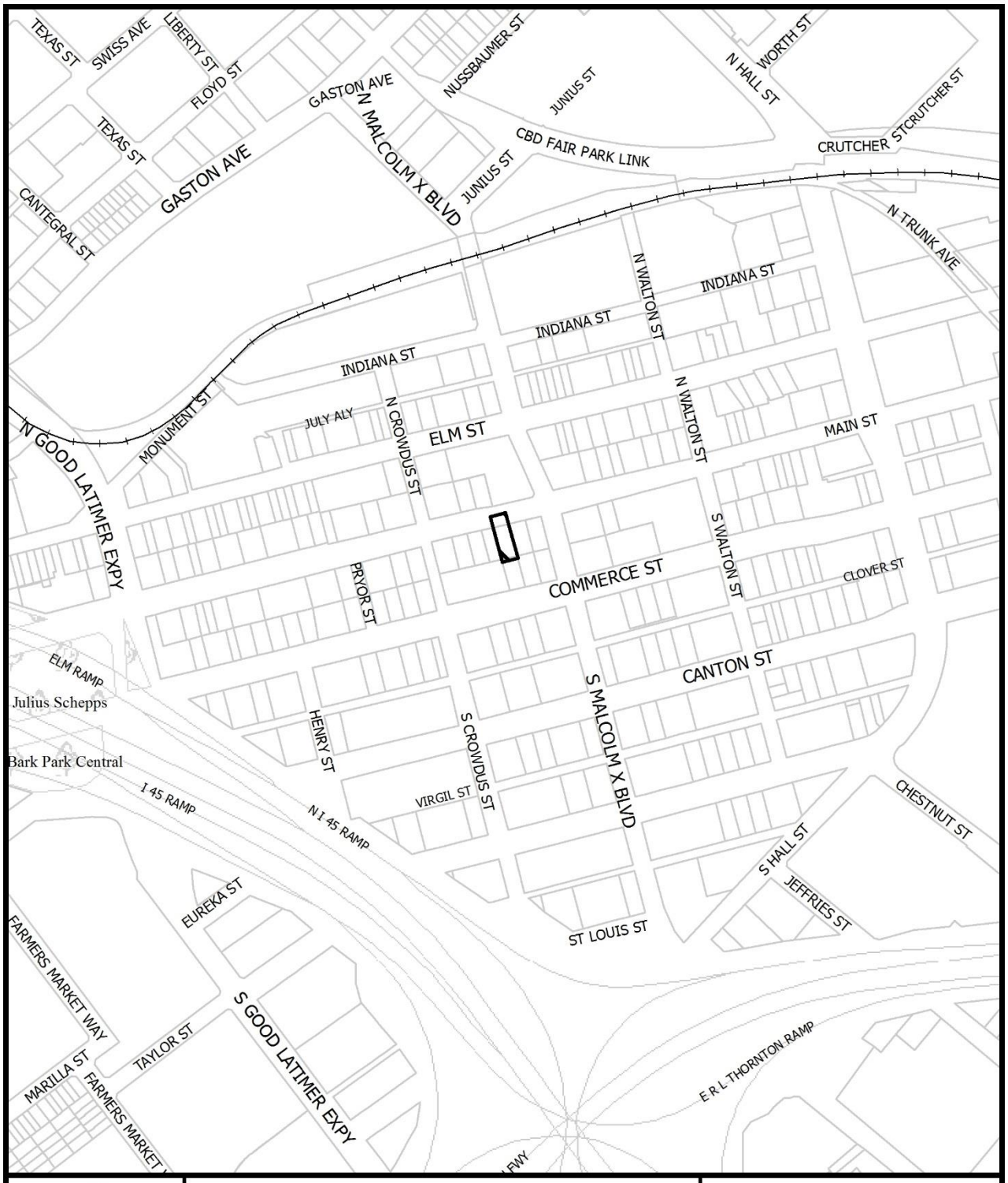
*Note: For the bar use: 1 space provided on-street, 22 spaces provided by remote parking agreement
For the winery use: no parking required



1 SUP SITE PLAN
SCALE: 1" = 10'-0"



VICINITY MAP - NTS

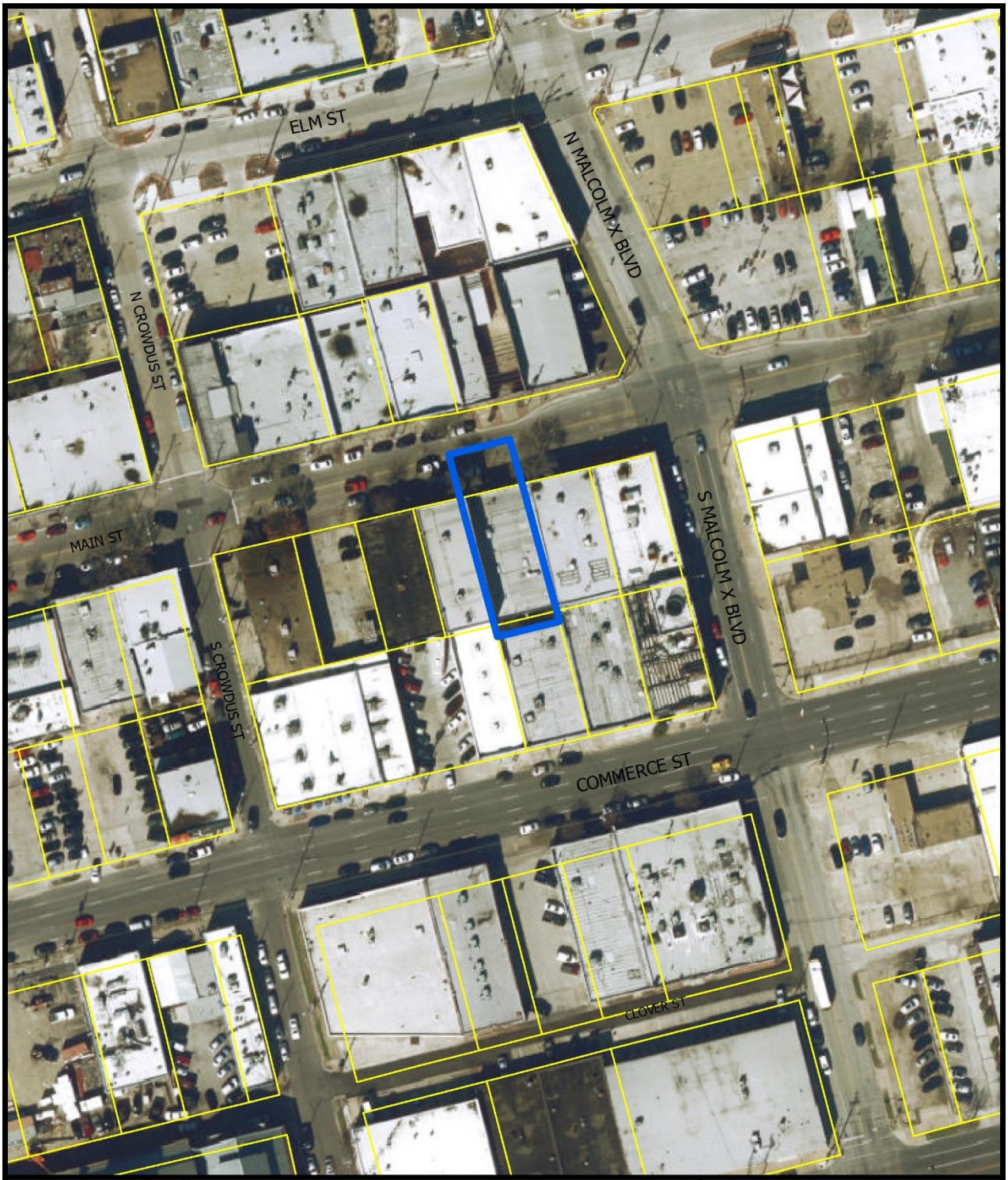


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VICINITY MAP

Case no: Z178-207

Date: 4/2/2018

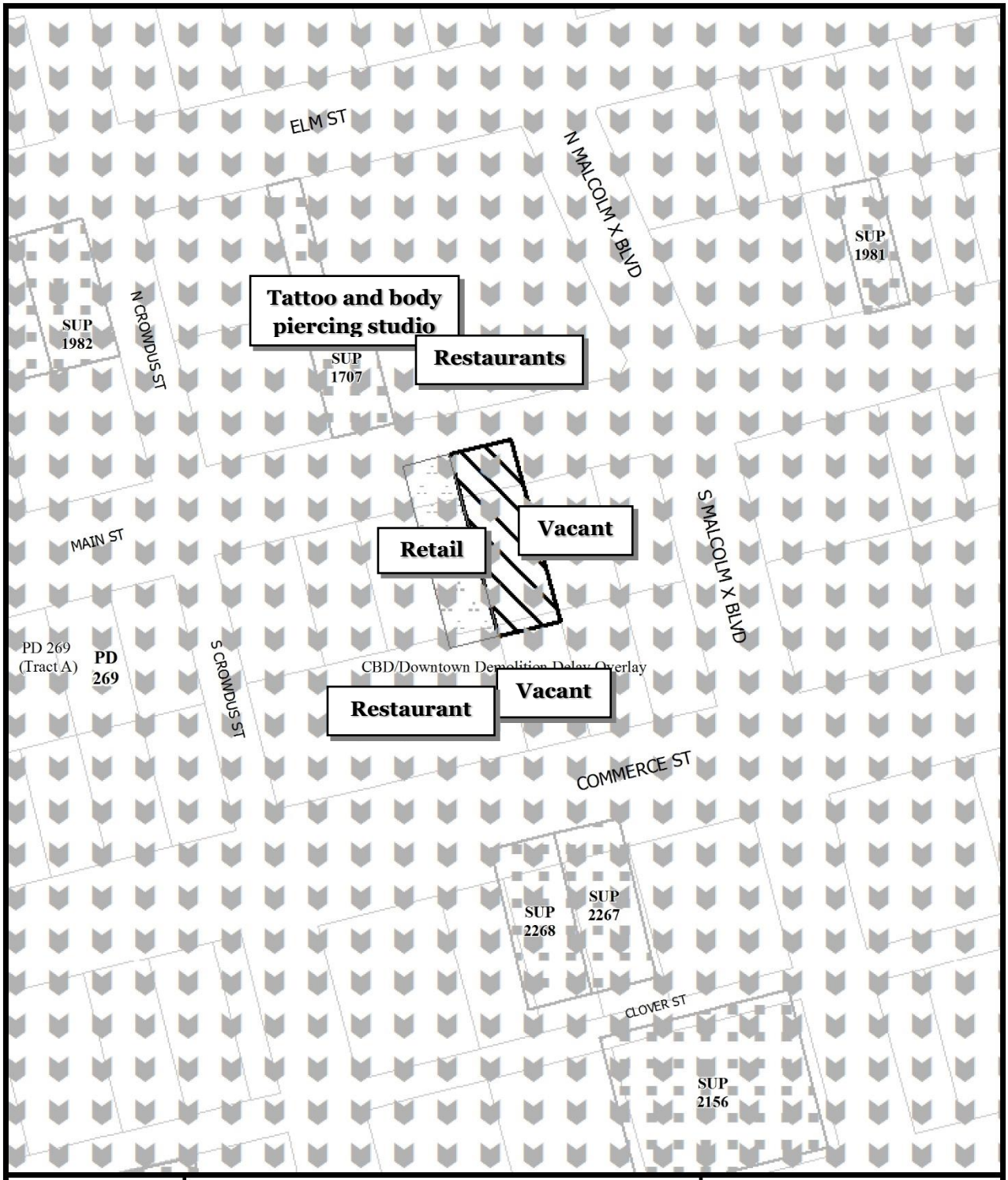


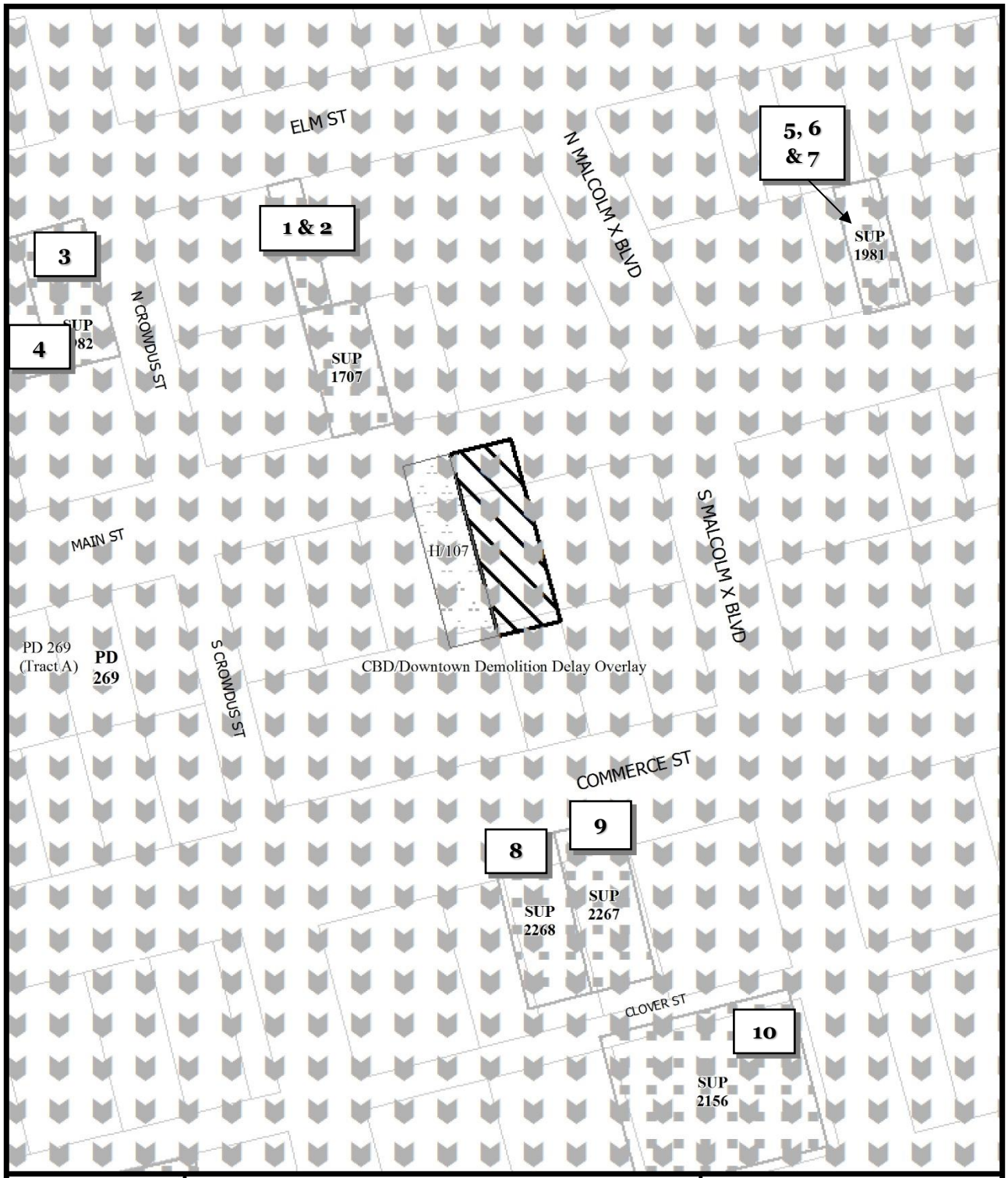
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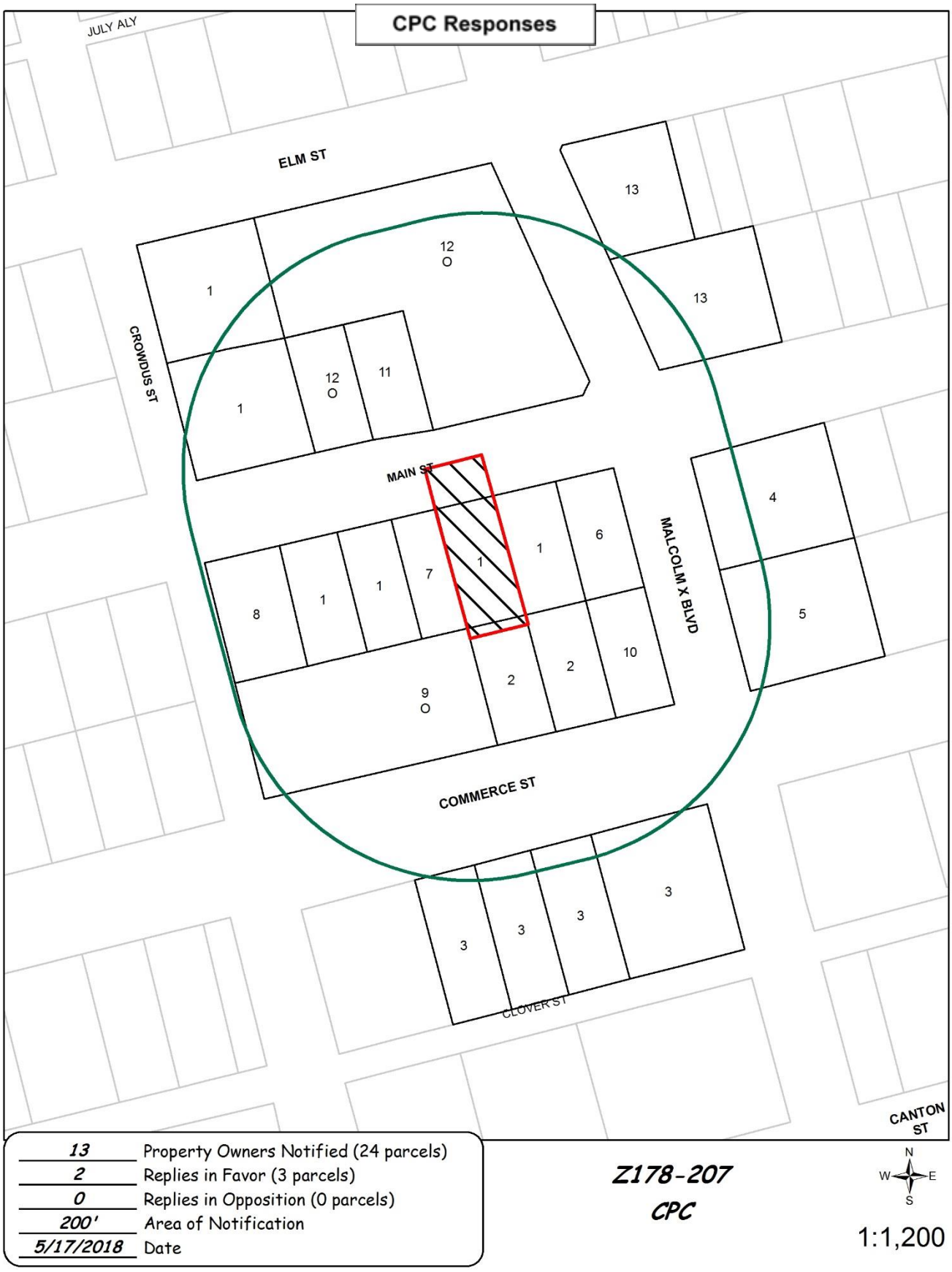
AERIAL MAP

Case no: Z178-207

Date: 4/2/2018


ELM ST
N MALCOLM X BLVD
SUP 1981
SUP 1982
N CROWDUS ST
Tattoo and body piercing studio
Restaurants
SUP 1707
Retail
Vacant
MAIN ST
S MALCOLM X BLVD
PD 269 (Tract A)
PD 269
S CROWDUS ST
CBD/Downtown Demolition Delay Overlay
Restaurant
Vacant
COMMERCE ST
SUP 2268
SUP 2267
CLOVER ST
SUP 2156
1:1,200
ZONING AND LAND USE
Case no: Z178-207
Date: 4/2/2018


ELM ST
N MALCOLM X BLVD
5, 6 & 7
SUP 1981
1 & 2
3
SUP 1982
4
N CROWDUS ST
SUP 1707
MAIN ST
H/107
S MALCOLM X BLVD
PD 269 (Tract A)
PD 269
S CROWDUS ST
CBD/Downtown Demolition Delay Overlay
COMMERCE ST
9
8
SUP 2268
SUP 2267
CLOVER ST
10
SUP 2156
1:1,200
ZONING HISTORY
Case no: Z178-207
Date: 4/2/2018


CPC Responses
JULY ALY
ELM ST
CROWDUS ST
MAIN ST
COMMERCE ST
MALCOLM X BLVD
CLOVER ST
CANTON ST
12
O
13
1
11
7
6
10
8
9
O
4
5
3
2
13 Property Owners Notified (24 parcels)
2 Replies in Favor (3 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
5/17/2018 Date
Z178-207
CPC
N
W
E
S
1:1,200

05/16/2018

Reply List of Property Owners

Z178-207

13 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2820	MAIN ST	42 DEEP ELLUM LP
	2	2815	COMMERCE ST	2815-2819 COMMERCE STREET VENTURES LLC
	3	2820	COMMERCE ST	BLANTON JEANNE
	4	2900	MAIN ST	DAPPEM PPTIES LLC
	5	2901	COMMERCE ST	CITY PARK A LOT LP
	6	2824	MAIN ST	BLADE PROPERTIES LLC
	7	2814	MAIN ST	640 LAND LLC
	8	2800	MAIN ST	CONGRESS STREET NIGHTS
O	9	2801	COMMERCE ST	WESTDALE PPTIES AMERICA I
	10	2825	COMMERCE ST	AN JADHAVJI INVESTMENTS LLC
	11	2815	MAIN ST	CASS DON E TR
O	12	2809	MAIN ST	WESTDALE PROPERTIES AMERICA I LTD
	13	2906	ELM ST	SDL PARTNERS LTD

AGENDA ITEM # 69

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 28 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road

Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions

Z178-213(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-213(SM) **DATE FILED:** March 23, 2018

LOCATION: South line of Skillman Street and the north line of Wendell Road, east of Pagemill Road

COUNCIL DISTRICT: 10 **MAPSCO:** 28 A

SIZE OF REQUEST: Approx. 3.19 acres **CENSUS TRACT:** 185.06

OWNER: Dallas Metrocare Services

APPLICANT: Texans Can Academy

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Specific Use Permit for an open-enrollment charter school use on property zoned an IR Industrial Research District.

SUMMARY: The applicant [Texans Can Academy] requests to open an open-enrollment charter school to occupy three of the four existing buildings with 18 high school classrooms.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The area of request is developed with four one-story office buildings. The largest office building is occupied by a 17,200-square-foot medical clinic and the other three vacant office buildings range in size from 11,200 square feet to 14,800 square feet.

Zoning History: There have been no recent zoning changes requested in the vicinity within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Dimension; ROW
Skillman Street	Principal Arterial	Minimum 6 lanes, divided; 100 feet
Wendell Road	Local	60 feet

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	IR	Medical clinic and vacant
North	IR; R-7.5(A)	Auto service center; Single family
East	IR, SUP No. 830	Office showroom warehouse
South	IR	Office showroom warehouse
West	IR	Office

Land Use Compatibility:

The area of request is an existing office park with four one-story buildings. The building in the northeast quadrant is occupied by a medical office. The medical office's website [www.MetrocareServices.org] has the following mission statement "To serve our neighbors with developmental or mental health challenges by helping them find lives that are meaningful and satisfying" and describes many behavioral and mental health programs for adults and children. The applicant proposes to open a high school open-enrollment charter school that provides a unique approach to educating high school students who have had difficulty in traditional school settings. Because the student body often needs counseling services, the medical office on site is expected to provide a symbiotic relationship with the proposed open-enrollment charter school.

Surrounding land uses include office to the west, office/showroom/warehouse uses to the east and south, and an auto service center to the north across Skillman Street. A single family neighborhood is located on the north side of Forest Lane (Skillman Street merges into Forest Lane at the northern property line of the area of request).

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant has requested automatic renewals; however, CPC recommends a five-year approval period without automatic renewal because 1) the school is a new use to the location which will take a few years to reach capacity and 2) the five-year period without automatic renewal will allow the City Plan Commission to reevaluate and reconsider the use, with the opportunity to improve land use compatibility if additional or modified conditions are needed.

Traffic:

The applicant has reported a high DART ridership among the student body. The fourth page of the TMP states the following:

> As with other Texans Can Academies campuses, the majority of the students attending this location will utilize transit services to reach the campus. There are DART bus stops located on Skillman Street adjacent to the campus (the locations are shown on the TMP exhibit). In addition, there is a DART train station/transit hub less than one mile away (southwest of the campus). This transit hub is serviced by the bus routes that have stops on the Skillman Street route adjacent to the campus. Therefore, students that ride the train could walk to campus, or choose to ride the bus.

Therefore, TMP evaluated the proposed school with a maximum enrollment of 350 students with the majority of those students split over a morning session and an afternoon session with 35 staff members, many of which work both sessions. The third page of the TMP states the following:

> Under the current use, which was assumed to be general office, 49,000 square feet of gross floor space is projected to generate 108 trips in the AM peak, 133 in the PM peak, and 764 trips over a 24-hour period. Comparing that to the projected trip generation of the school, the school will generate 33 additional trips in the AM peak, 100 fewer trips in the PM peak, and over 400 less trips in a 24-hour period.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the Traffic Management Plan (TMP) and determined that it will not significantly impact the surrounding street system for the proposed development.

Parking:

A Specific Use Permit can approve a reduction in the number of parking spaces for a public or private school. The applicant has requested a reduction in the number of off-street parking spaces and has provided a parking demand study for the proposed use. Pursuant to Section 51A-4.204(17), each high school classroom requires nine and one-half parking spaces. Since the proposed high school includes 18 classrooms, the typical minimum parking requirement would be 171 parking spaces. The applicant requests to only provide 65 parking spaces, which equates to approximately 3.611 spaces per classroom. Staff supports the requested reduction based upon the criteria discussed in the parking demand study provided, the nature of the use, the layout and traffic circulation on the site, the number of employees, and the projected use of DART ridership among the student body.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school use for a five-year period, subject to a site plan, traffic management plan, and staff's recommended conditions on property zoned an IR Industrial Research District, on the south line of Skillman Street and the north line of Wendell Road, east of Pagemill Road.

Maker: Shidid
Second: Schultz
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 20
Replies: For: 0 Against: 0

Speakers: None

List of Partners/Principals/Officers

Texans Can Academy

Richard Marquez, President
James Ponce, Chief of Schools
Lew Blackburn, Chief Business Officer
Dan Cahalen, Chief Development Director
Pamela R. Carroll, Chief Director of Human Resources
Marian P. Hamlett, Chief Financial Officer
Malcolm Wentworth, Chief Operations Officer
Fernando Marino, Director
Richard Pena, Director

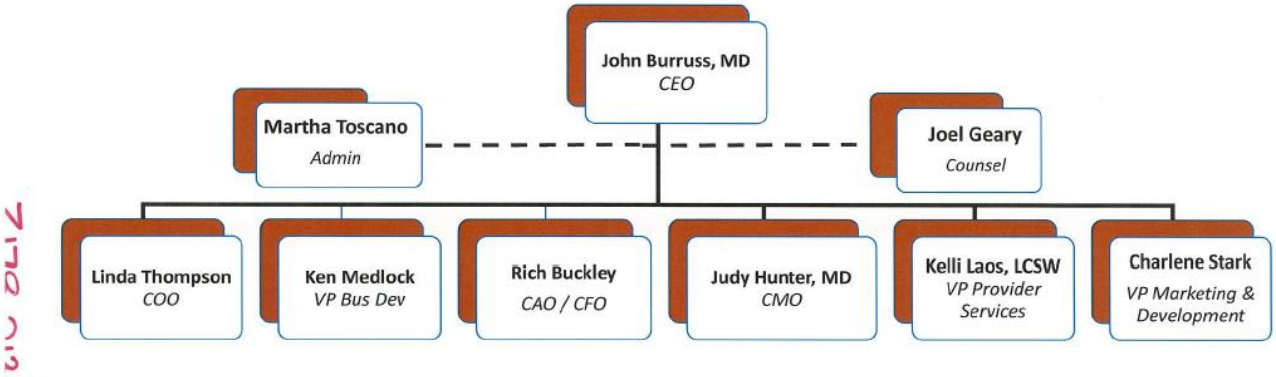
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CHANGING MINDS

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PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC and Staff recommendation:

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this Ordinance).

Applicant requested:

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance), but is eligible for automatic renewals for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: the Code currently provides that applications for automatic renewal must be filed after the 10th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. CLASSROOMS: The maximum number of classrooms is 18, limited to high school classrooms.

5. HOURS OF OPERATION: The open-enrollment charter school may only operate between 6:30 a.m. and 7:00 p.m., Monday through Friday and between 7:30 a.m. and 12:30 p.m. on Saturday.

6. TRAFFIC MANAGEMENT PLAN:

A. In general. The operation of the uses must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

1. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2020. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the

director by November 1st of each even-numbered year.

2. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

a. ingress and egress points;

b. queue lengths;

c. number and location of personnel assisting with loading and unloading of students;

d. drop-off and pick-up locations;

e. drop-off and pick-up hours for each grade level;

f. hours for each grade level; and

g. circulation.

3. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

1. A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

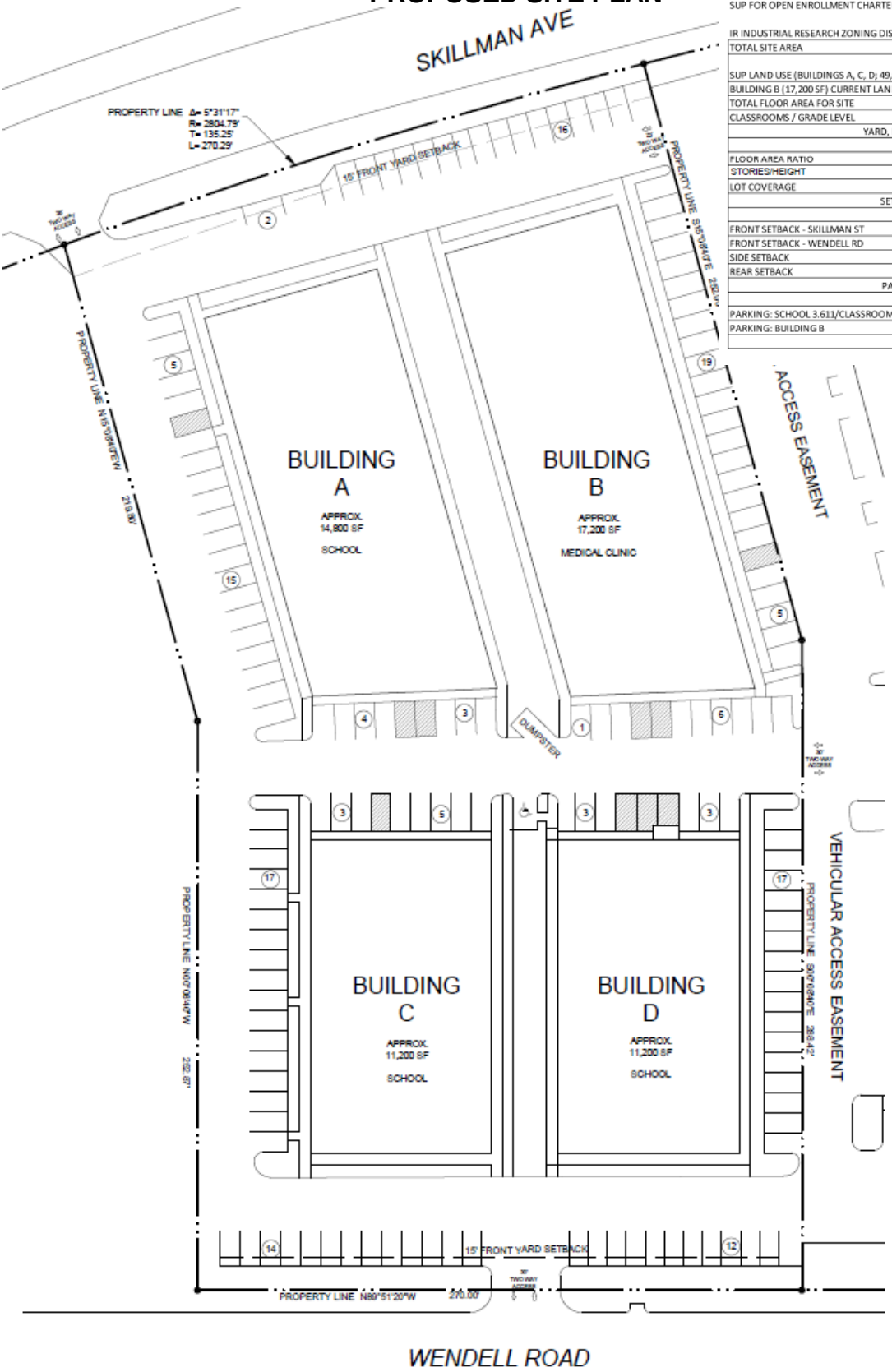
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas."

PROPOSED SITE PLAN

SITE DATA TABLE
SUP FOR OPEN ENROLLMENT CHARTER SCHOOL

IR INDUSTRIAL RESEARCH ZONING DISTRICT

TOTAL SITE AREA	3.195 AC	
SUP LAND USE (BUILDINGS A, C, D; 49,000 SF)	OPEN ENROLLMENT CHARTER SCHOOL	
BUILDING B (17,200 SF) CURRENT LAND USE	MEDICAL CLINIC	
TOTAL FLOOR AREA FOR SITE	66,200 SF	
CLASSROOMS / GRADE LEVEL	18	HIGH SCHOOL
YARD, LOT, SPACE		
	MAX.	PROVIDED
FLOOR AREA RATIO	2.0	0.5
STORIES/HEIGHT	15 / 200 FT	2 / 26 FT
LOT COVERAGE	80%	50%
SETBACKS		
	MIN.	PROVIDED
FRONT SETBACK - SKILLMAN ST	15 FT	
FRONT SETBACK - WENDELL RD	15 FT	
SIDE SETBACK	NONE	N/A
REAR SETBACK	NONE	N/A
PARKING		
	REQ.	PROVIDED
PARKING: SCHOOL 3.611/CLASSROOM	65	151
PARKING: BUILDING B	86	
TOTAL	151	



PROPOSED TRAFFIC MANAGEMENT PLAN

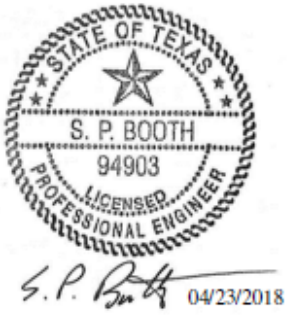
TRAFFIC MANAGEMENT PLAN

Texans Can Academies - Skillman Campus
Dallas, Texas

April 2018

Prepared for

Texans Can Academies



HALFF
1201 North Bowser Road
Richardson, Texas 75081
Firm Registration No. 312

AVO 33762

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I. INTRODUCTION

Halff Associates, Inc. (Halff) was retained by Texans Can Academies (Client) to prepare a Traffic Management Plan (TMP) for the proposed Skillman Street Campus located in Dallas, Texas. Figure 1 below is a map detailing the site location. An enlarged aerial of the site has been included in the Appendix on Exhibit 1.



* *Trafficware Synchro 10 screenshot reprinted with permission from Microsoft Bing Maps*

Figure 1 – Site Location Map

The proposed school will be located in existing buildings that are part of an existing office/light industrial type area, located south of the intersection of Forest Lane and Skillman Street. In the figure above, buildings A, C, and D (approximately 49,000 square feet in total) will be renovated to house classrooms and support areas for the school, Building B is currently occupied and will not be part of the school. The proposed school will have up to 350 students enrolled (split over morning and afternoon classes) with 35 staff members (many of which work both morning and afternoon classes).

1.1 Current and Future Roadway Conditions

The Skillman Campus is bordered by Skillman Street on the north edge of the site, Wendell Road along the southern edge, and access driveways on both the east and east sides of the site. Skillman Street is a major six-lane divided thoroughfare. Wendell Road is a 40-foot wide roadway with no lane striping, therefore, it functions as a two-lane roadway. The driveways on either side of the buildings are standard width drive aisles that are approximately 24 feet wide, and are striped as fire lanes. There are no known proposed/planned improvements to existing roadways surrounding the site.

II. TRAFFIC MANAGEMENT PLAN

The purpose of the Traffic Management Plan (TMP) is to have established procedures for traffic flow and circulation around the charter school related to student drop-off and pick-up operations. Use of a TMP helps improve traffic/student safety and helps maximize the efficiency of drop-off and pick-up operations. The analysis summarized in this report identifies critical elements of the TMP such as available queuing space that is both on and off site, circulation patterns for the charter school facilities, and the projected trip generation (and estimated queuing) during the morning and afternoon peaks.

2.1 Operational Characteristics

Based on information from the client, the school is projected to have:

- maximum of 350 students, split over a morning and afternoon session
- 35 staff members

The high school is open from 7:00 AM until 7:00 PM. Classes are split between a morning session (7:45 AM to 12:00 PM) and an afternoon session (12:30 PM to 4:45 PM). The actual start and end times for the class sessions could be slightly different from those listed above and are structured around the DART bus schedule. This is due to a large number of students that utilize transit.

For schools, the peak times of traffic flow are concentrated around the start and end of classes and are shorter than an hour (typically 30 minutes). As was stated above, there are two sessions of school for students, an AM session and a PM session. Most students are enrolled in either the AM or PM session, but a few are enrolled in both sessions.

Based on the estimated class times and observations conducted at the existing Grand East Campus, the morning peak hour is between 7:00 AM and 8:00 AM. The midday peak hour is from 11:30 AM to 12:30 PM and has the highest student related turnover for the day. This is due to both students leaving and arriving at the facility in the one-hour period. The afternoon peak is from 4:30 PM to 5:30 PM and is the least busy time of the day.

2.1.1 Campus Trip Generation

Trip generation for the school was based on observations conducted at an existing campus in the south Dallas area (the Grant East Campus). Given that the Grant East Campus had an enrollment of 275 students at the time trip generation data was collected, it was necessary to use a straight-line adjustment to project trips for a campus with 350 students. The estimated trip generation based on that projection is summarized in Table 1 below.

Table 1 – Projected Trip Generation Summary for Vehicle Trips

Land Use	Independent Variable	Units	AM-Peak Hour			Midday-Peak Hour			PM-Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
High School	Students	350	99	42	141	45	67	112	9	24	33
Total Trips			**99**	**42**	**141**	**45**	**67**	**112**	**9**	**24**	**33**

The above table shows that the most vehicular traffic occurs in the morning peak hour with a total of 141 trips. Much of this is due to the arrival of both students and staff for morning classes. From the observations at the Grant East Campus, it was also observed the arrival of vehicles in the AM peak was spread out more evenly over the peak hour. This is due to staff arriving at the site before students.

The midday peak hour, which was determined to be the critical time period for traffic activity, has fewer overall trips when compared the AM peak, but has both drop off and pick up occurring on site. It is also concentrated into a peak 30 minute period between 11:45 AM and 12:15 PM.

There is minimal vehicular activity on the campus in the afternoon. This is due to the split in morning and afternoon classes with more students attending class in the morning session.

2.1.2 Trip Generation Comparison

Given that the proposed campus is located at a site with an existing use, it is necessary to compare the trip generation of the proposed school with that of the existing use. This comparison is shown in the Table 2 below.

Table 2 – Comparison of Trip Generation for Site

Land Use	Independent Variable	Units	AM-Peak Hour			PM-Peak Hour			24 Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
Office (ITE Code 710)	SQFT (1000)	49	95	13	108	23	110	133	382	382	764
High School	Students	350	99	42	141	9	24	33	163	163	326
Difference in Trips			**+4**	**+29**	**+33**	**-14**	**-86**	**-100**	**-219**	**-219**	**-438**

Under the current use, which was assumed to be general office, 49,000 square feet of gross floor space is projected to generate 108 trips in the AM peak, 133 in the PM peak, and 764 trips over a 24-hour period. Comparing that to the projected trip generation of the school, the school will generate 33 additional trips in the AM peak, 100 fewer trips in the PM peak, and over 400 less trips in a 24-hour period. Also attached is a copy of the City of Dallas Traffic Impact Worksheet, which shows that proposed school will generate less trip than the existing use.

2.2 Projected School Operations and Vehicular Circulation

As with other Texans Can Academies campuses, the majority of the students attending this location will utilize transit services to reach the campus. There are DART bus stops located on Skillman Street adjacent to the campus (the locations are shown on the TMP exhibit). In addition, there is a DART train station/transit hub less than one mile away (southwest of the campus). This transit hub is serviced by the bus routes that have stops on the Skillman Street route adjacent to the campus. Therefore, students that ride the train could walk to campus, or choose to ride the bus. An overview map is shown below in Figure 2.

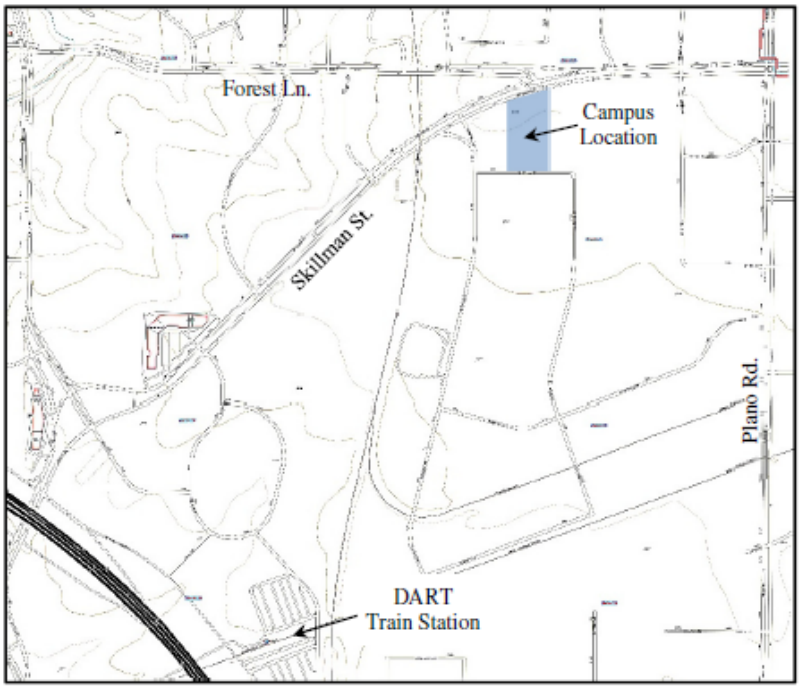


Figure 2 – Area Overview Map

Students will enter and exit the campus through the cafeteria which is located in Building D. (Refer to the attached TMP exhibit). It is anticipated that the main entrance to the cafeteria will be on the north side of the building. Therefore, all students that use transit, will access the campus from Skillman Street, where the transit stops are located. These students will also exit the campus in the same manner.

Students that are dropped off or picked up by parents will do so in the parking/drive isle area that is north of the cafeteria (building D), which runs between buildings A and B and buildings C and D. For parents/students coming from the north or east, access to the site will by making a left-turn on to Pagemill Road, which is signalized. For those coming from the south and west, they will access the site via a right-turn on to Pagemill Road. Parents/students will then turn left on to Wendell Road (from Pagemill Road) and then access the campus from the entrance located on Wendell Road south of buildings C and D.

Students who drive their own vehicle, park in the designated lot located adjacent to buildings A, C, and D of the campus. These students will access the campus through the cafeteria in the same manner as that described for the pickup and drop-off operations above.

2.3 On-Street Pick-Up/Drop-Off

At the Grant East Campus, the school is located in a residential neighborhood and some pickup and drop-off activity occurs on the adjacent streets. For this site, on-street pickup/drop-off will be strongly discouraged by staff and is not anticipated to occur. Therefore, all pickup/drop-off activity will occur on site.

2.4 On-Site Queues and Projected Queue Lengths

Based on the location of the proposed entry point to the campus, there is approximately 500 feet (approximately 20 vehicles) of space for the queuing of vehicles (see attached TMP in Exhibit 1) for parents picking up and dropping off students. Based on observations from the Grant East Campus, vehicle queues in the AM peak hour were minimal during the morning drop-off and are anticipated to be similar for the Skillman Campus.

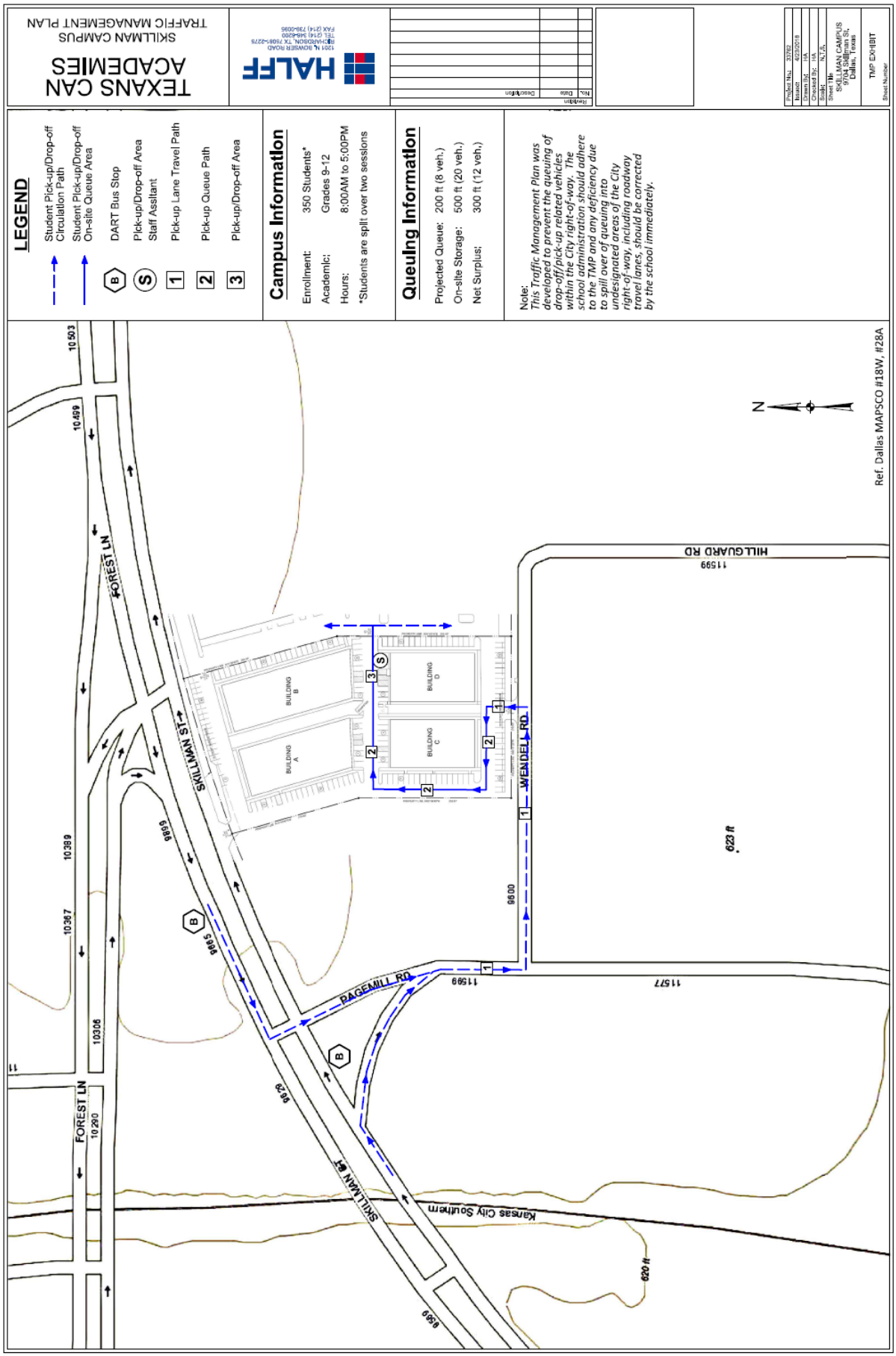
During the midday peak, the vehicle queue of parents waiting to pick students up at the Grant East Campus did not exceed four (4) vehicles at any given time. This short queue is likely due to the presence of on-street pickup at that site. Given that the Skillman Campus will not have on-street pickup, it is anticipated that the pickup queue will be double that of the Grant East Campus. Thus, the maximum queue anticipated at the Skillman Campus would be eight (8) vehicles during the midday peak hour. This projected queue can be easily contained on site, with no disruption to surrounding businesses.

III. SUMMARY

Based upon the proposed site layout for the Skillman Campus, the projected student enrollment, and observations from existing Texans Can Academies campuses; it is not anticipated that the proposed school campus will have a significant impact on the traffic operations of the adjacent roadways. The proposed school will generate significantly less overall trips during a 24-hour period (438 less trips less than office use), less trips in the PM peak hour (100 less than office use), but have a marginal increase in the AM peak hour (33 trips more than office use).

Overall access to the site is good and there is sufficient on-site storage for the projected queues related to the operations of the school.

APPENDIX


TEXANS CAN ACADEMIES
SKILLMAN CAMPUS
TRAFFIC MANAGEMENT PLAN
HALFF
1201 N. BOWSER ROAD
RICHARDSON, TX 75081-2275
TEL (214) 346-6200
FAX (214) 739-0095
LEGEND
Student Pick-up/Drop-off Circulation Path
Student Pick-up/Drop-off On-site Queue Area
DART Bus Stop
Pick-up/Drop-off Area Staff Assitant
Pick-up Lane Travel Path
Pick-up Queue Path
Pick-up/Drop-off Area
Campus Information
Enrollment: 350 Students*
Academic: Grades 9-12
Hours: 8:00AM to 5:00PM
*Students are split over two sessions
Queuing Information
Projected Queue: 200 ft (8 veh.)
On-site Storage: 500 ft (20 veh.)
Net Surplus: 300 ft (12 veh.)
Note:
This Traffic Management Plan was developed to prevent the queuing of drop-off/pick-up related vehicles within the City right-of-way. The school administration should adhere to the TMP and any deficiency due to spill over of queuing into undesignated areas of the City right-of-way, including roadway travel lanes, should be corrected by the school immediately.
Ref. Dallas MAPSCO #18W, #28A
SKILLMAN CAMPUS
9700 Skillman St.
Dallas, Texas
TMP EXHIBIT
FOREST LN
SKILLMAN ST
WENDEL RD
PAGEMILL RD
HILLGUARD RD
BUILDING A
BUILDING B
BUILDING C
BUILDING D
Kansas City Southern
623 ft
620 ft

TEXANS CAN ACADEMIES – SKILLMAN CAMPUS

TRAFFIC IMPACT WORKSHEET

This worksheet will help you determine if a Traffic Impact Study (T.I.S.) needs to be submitted with your zoning change request. **Please read the following paragraphs before filling out this worksheet.**

First, read all of the uses listed in column A and check the box to the right of each use that characterizes the proposed development.
Next, fill in the number of units or gross square footage of each use in column 'C' :

* If the development has a Number of Units, then multiply that number by the Trip Rate (column 'B' times column 'C') and indicate the total in column 'D',
* If the development has a Gross Square Footage, then divide the gross square footage in column 'C' by 1,000, then multiply the result by the Trip Rate in column 'B' and indicated the total in column 'D'.

Finally, total all the trips generated per day to the space at the bottom of column 'D'.

If the total exceeds 1,000 trips per day, then either a Traffic Impact Study (T.I.S.) or a Waiver of the T.I.S. is required with the zoning request. Traffic Impact Study waivers will be considered on a per case basis by the Director of the Sustainable Development and Construction. The Department of Sustainable Development and Construction is located in the Oak Cliff Municipal Center at 320 E. Jefferson Blvd., Room 200 and can be reached by telephone at 214-948-4205. If a proposed project cannot be defined within the uses provided on this worksheet, check ITE and contact the Department of Sustainable Development and Construction for assistance. Finally, fill out the applicant and development information below the chart.

A Use		B Trip Rates[1]	C Number of Units / SQ. FT.	D Trip Generated
Lodging	☐	9.11 per room		
Residential				
Single Family	☐	9.57 per dwelling unit		
Other	☐	6.59 per dwelling unit		
Industrial	☐	6.96 per 1,000 gsf		
Office				
Financial Institution w/o drive-in	☐	156.48 per 1,000 gsf		
Financial Institution with drive-in	☐	246.49 per 1,000 gsf		
Other: 10,000 gsf or less	☐	26.59 per 1,000 gsf		
10,001-50,000 gsf EXISTING	☒	22.64 per 1,000 gsf	49	1,109
50,000-100,000 gsf	☐	15.58 per 1,000 gsf		
100,001-150,000 gsf	☐	13.27 per 1,000 gsf		
150,001-200,000 gsf	☐	12.08 per 1,000 gsf		
Retail/ Personal Service				
General Merchandise > 3,500 sq.ft.	☐	177.59 per 1,000 gsf		
General Merchandise < 3,500 sq.ft.	☐	863.10 per 1,000 gsf		
Restaurant w/o drive-in	☐	158.37 per 1,000 gsf		
Restaurant with drive-in	☐	722.03 per 1,000 gsf		
Other: 10,000 gsf or less	☐	278.24 per 1,000 gsf		
10,001-50,000 gsf	☐	215.39 per 1,000 gsf		
50,000-100,000 gsf	☐	118.36 per 1,000 gsf		
100,001-150,000 gsf	☐	91.46 per 1,000 gsf		
150,001-200,000 gsf	☐	78.65 per 1,000 gsf		
Church	☐	36.63 per 1,000 gsf		
School (1.29 Elem., 1.62 JH, 1.71 H.S.) PROP	☒	Per Student @ 22 Student/Class	25 Student/ JH & HS	598
Day care	☐	79.26 per 1,000 gsf		
Wholesale/ Distribution/ Storage				
Mini-warehouse	☐	2.50 per 1,000 gsf		
Warehouse	☐	4.96 per 1,000 gsf		
			Total trips generated (net)	- 511

1. All rates are based on ITE Trip Generation Report, 7th edition, November 2003
2. These rates may change based on new data / publications, directional distribution and specific developments.

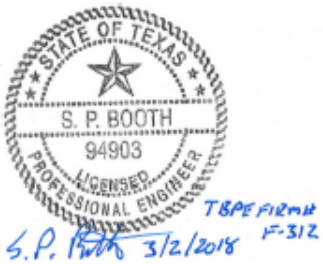
Applicant	TEXANS CAN ACADEMIES	**Phone Number**	
Location	9704 SKILLMAN ST	**Size (in Acres)**	

PARKING DEMAND STUDY

HALFF

1201 North Bowser Road
Richardson, Texas 75081-2275

Technical Memorandum



TO: Malcolm Wentworth

FROM: Scott Booth, PE, PTOE

DATE: March 2, 2018

RE: Parking Demand Study for Texans Can Academies – Skillman Campus

Introduction

Halff Associates, Inc. (Halff) was retained by Texans Can Academies (Client) to prepare a Parking Justification Study supporting the parking request for the Texans Can Academies (TCA) - Skillman campus located in Dallas, Texas. The proposed school will be located in existing buildings that are part of an existing office/light industrial type area, located south of the intersection of Forest Lane and Skillman Street. The proposed school will have up to 350 students enrolled (split over morning and afternoon classes) with 35 staff members (many of which work both morning and afternoon classes). The TCA Skillman campus will have 134 parking spaces available, by plat (see attached), for operations.

City of Dallas Parking Requirements

City of Dallas parking requirements for the high school are based on the number of classrooms. For a high school, the required parking ratio is 9.5 parking spaces per classroom. The TCA Skillman campus is proposed to have 18 classrooms. Based on the ratio from the City of Dallas, the required parking is 171 spaces (18 x 9.5) for the high school. Assuming a maximum enrollment of 350 students, the overall parking ratio for the entire facility is (per City of Dallas requirements) 0.49 parking spaces per student (171 spaces/350 students). See summary of parking requirements in Table 1 below.

Parking Demand/Requirements Based on Other Sources

From the *ITE Parking Generation Manual – 4th Edition*, the average peak parking demand for a suburban high school is 0.23 vehicles per student. For an urban high school, the average parking demand is 0.09 vehicles per student. Although the Skillman campus will likely function somewhere between the suburban and urban cases, as a worst-case scenario, the average parking demand for a suburban site (0.23 vehicles per student) was used. For the TCA Skillman campus, the parking demand (based on ITE) for the high school facility would be 81 spaces.

For comparison, the City of Houston parking requirements for a high school are 9.5 spaces per classroom assuming 30 students per classroom. With the charter school size being limited to 350 students, the class size will be approximately 20 students per class room (350 students/18 classrooms). Thus the parking requirement for a 20 student classroom is 6.5 spaces, which is a total 117 for the high school (6.5 spaces/classroom X 18 classrooms).

One final comparison is with the City of Plano parking requirements. For grades 9-10, the parking requirement is one (1) space per 6 students. For grades 11-12, the requirement is one (1) space per 1.5 students. With the Grant East campus serving grades 9-12, the parking requirement rates where averaged to one (1) space per 3.75 students. This translates to 93 required spaces for the high school. A summary of these three parking demand/requirement comparisons can be found in Table 1 below.

Parking Demand

Based on information supplied by the client, approximately 20 percent of the students at the Skillman campus charter school will drive their own vehicle and park at the school. With a maximum of 350 students, the projected parking demand related to students is 70 vehicles. The proposed number of staff members for the high school is 35. Assuming one vehicle per staff member yields an additional 35 vehicles for the high school and a projected parking demand total of 105 spaces for the high school facility. Exhibit 1 shows the proposed site parking.

To verify that the parking demand numbers for the Skillman campus as discussed above are adequate, a comparison to parking provided at the existing Ross Avenue campus, the existing Pleasant Grove campus, and the existing Grant East campus was prepared.

The Ross Avenue campus is located at 4601 Ross Avenue, Dallas, Texas. It is located on a DART bus route similarly to the Grant East campus (DART route 553) and the proposed Skillman campus (DART routes 488, 551, 560). The Ross Avenue campus has 350 students and 25 staff members at the high school and 90 children with 14 staff at the onsite daycare facility. Field observations of the provided parking show a total number of 113 available parking spaces, which includes 66 spaces for students, 34 spaces for staff, 8 spaces for the daycare facility, and 5 handicap spaces. The ratio of parking spaces to students is 0.32 spaces per student (113 spaces/350 students). Staff at the Ross Avenue campus has indicated there is sufficient parking for the current operations of that site.

As part of a previous parking study for another campus, a field observation was conducted at the Pleasant Grove campus, where there are approximately 309 students enrolled with 35 total staff. Based on that observation, the peak parking demand for the Pleasant Grove campus at 10:30 a.m. was 87 parked vehicles or 0.28 vehicles per student (87 vehicles/309 students). This is very similar to the parking demand ratio for the Grant East campus (0.29 vehicles per student), the ITE parking demand ratio (0.29 vehicles per student) and the City of Plano parking demand ratio (0.30 vehicles per student).

Scaling the parking demand ratio from the 309 students at the Pleasant Grove campus up to the 350 students projected for the Skillman campus, the parking demand at the proposed facility

(Skillman) would be 98 vehicles, which is within seven (7) vehicles of the projected parking demand (105 vehicles) as discussed above.

The last field observation is from the Grant East campus, located at 2901 Morgan Drive in Dallas, Texas. At the time of the observation, the campus had an enrollment of 360 students (spread out between morning and afternoon classes). From the data collected, there were 77 parked cars related to school operations. This corresponds to a parking ratio of 0.22 vehicles per student, which is similar to the 0.23 ratio from the *ITE Parking Generation Manual*.

Based on the comparison to the Ross Avenue, Pleasant Grove, and Grant East campuses, the projected parking demand of 105 vehicles for the proposed Skillman Campus is within the expected parameters. The projected parking demand rates are comparable to the parking demand rates from the *ITE Parking Generation Manual* and the City of Plano and, therefore, represent an accurate depiction of parking demand for the proposed facility.

Table 1 below summarizes the parking demand based on the different sources discussed above and also includes the observations from the Ross Avenue and Pleasant Grove campuses.

Table 1 – Parking Demand/Requirements and Observations Summary

Standard Source	Use	Variable	Parking Ratio per Variable	Spaces Required	Total Spaces Required	Surplus/Deficiency To	
						Provided Parking (134)	City of Dallas Standard (171)
City of Dallas	High School	Classrooms (18)	9.5	171	171	-37	n/a
ITE	High School	Students (350)	0.23	81	81	+53	-90
City of Houston	High School	Classrooms (18)	6.5	117	117	+17	-54
City of Plano	High School	Students (350)	0.267	93	93	+41	-78
Observations							
Pleasant Grove	309 students (40 staff)		0.28	87	98*	+36	-73
Ross Avenue	350 students (39 staff)		0.32	113	113	+21	-58
Grant East	360 students (33 staff)		0.22	77	77	+57	-94

* Projected for 350 students

Parking Reduction Request

The proposed plans for the Skillman campus show a total parking supply of 134 spaces (0.38 spaces per student), which includes at least 5 handicap spaces and another 129 remaining spaces surrounding the buildings. The provided parking of 134 spaces is 37 spaces less than the City of Dallas requirements (171 spaces), but is 29 more than the projected parking demand (105), which is based on operational information and observations from the other similar TCA facilities. The

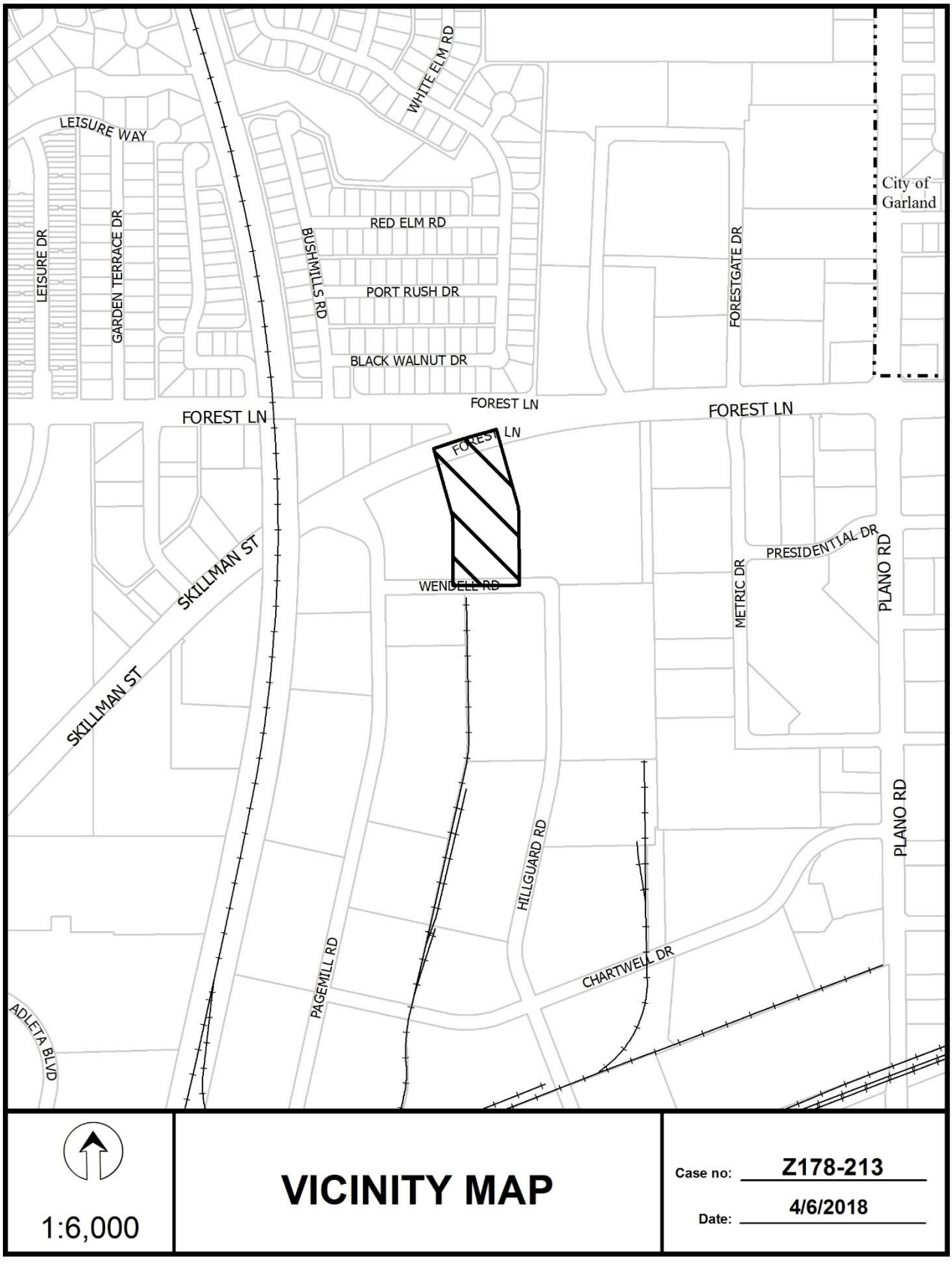
provided number of parking spaces also exceeds the parking demand projections based on ITE Parking Generation data (81 total vehicles), City of Plano requirements (93 spaces), and the City of Houston parking requirements (117 spaces). Table 2 below summarizes the provided parking in relation to the City of Dallas requirements and the attached Exhibit 1 shows the proposed parking for the campus.

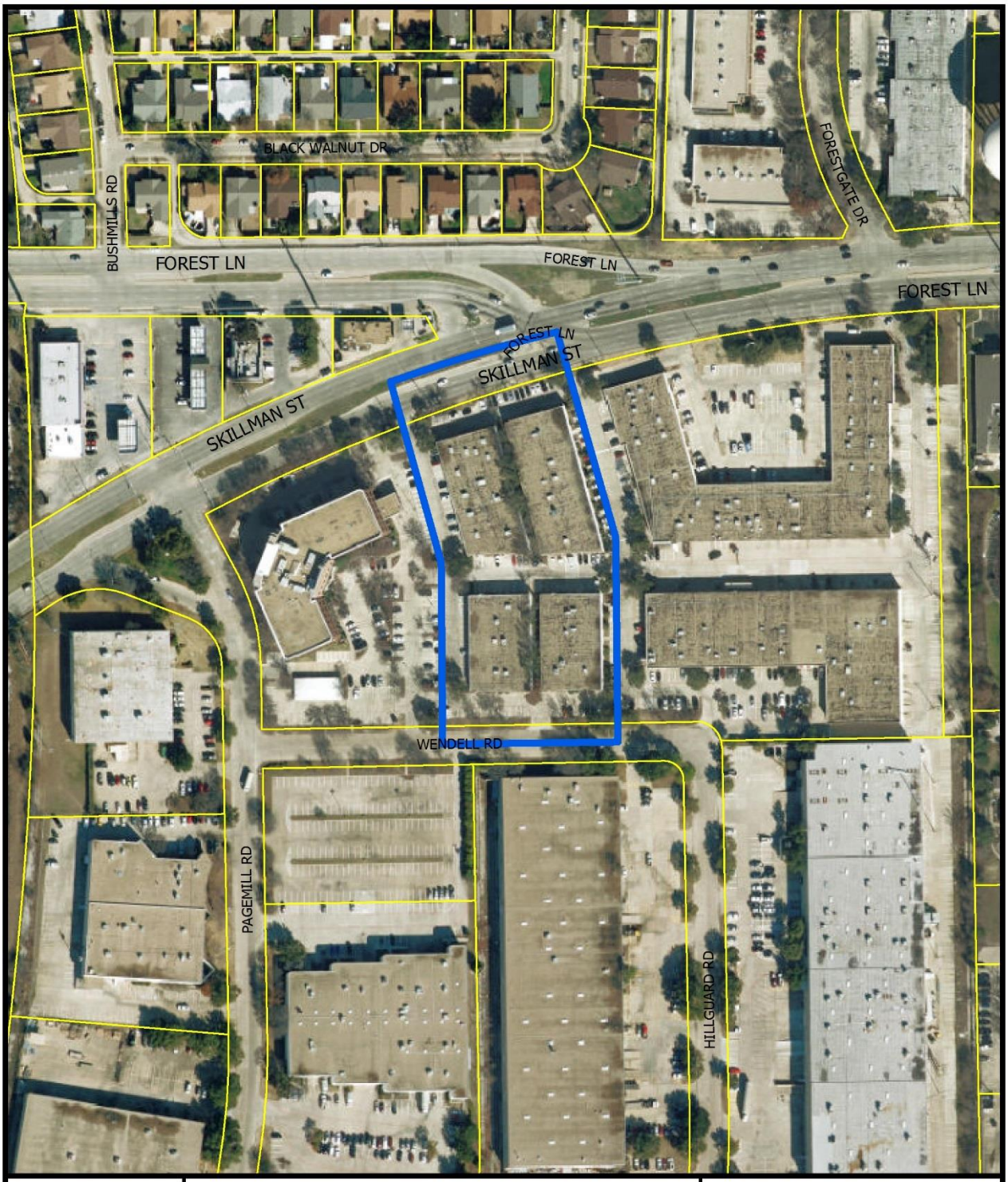
Table 2 – Summary of Parking Supply versus Requirements

School Site	Use	Variable	Parking Ratio per Variable	Spaces Required Per COD	Total Spaces Provided	Surplus/Deficiency to COD Standard
Skillman Campus	High School	Classrooms (18)	9.5	171	134	-37

Summary

Based on the discussion presented above, it is Halff Associates, Inc. opinion that the provided parking total of 134 spaces will meet the projected parking demands of the Skillman campus. A very large percentage of students that attend Texans Can Academies rely heavily upon public transportation to get to and from school. As with the Ross Avenue campus (350 students) and the Grant East campus (360 student), the Skillman campus is near a DART route, which makes it very convenient for students to access the school. It should be noted, that TCA provides DART passes to enrolled students to encourage use of the transit services.


WHITE ELM RD
LEISURE WAY
City of Garland
LEISURE DR
GARDEN TERRACE DR
RED ELM RD
BUSHMILLS RD
PORT RUSH DR
FORESTGATE DR
BLACK WALNUT DR
FOREST LN
FOREST LN
FOREST LN
FOREST LN
PRESIDENTIAL DR
METRIC DR
PLANO RD
WENDELL RD
SKILLMAN ST
SKILLMAN ST
HILLGUARD RD
PLANO RD
PAGEMILL RD
CHARTWELL DR
ADLETA BLVD
1:6,000
VICINITY MAP
Case no: Z178-213
Date: 4/6/2018

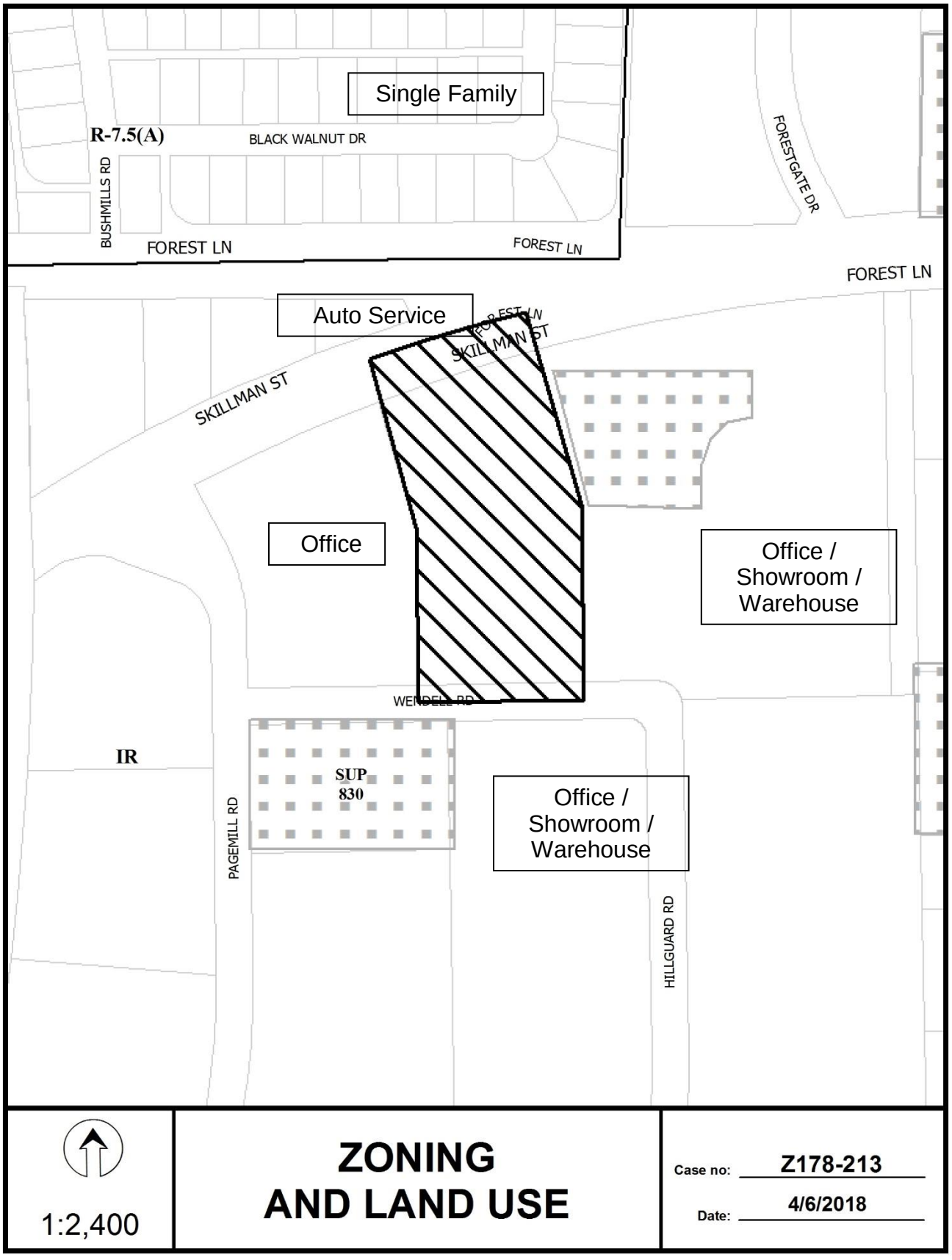


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AERIAL MAP

Case no: Z178-213

Date: 4/6/2018


Single Family
R-7.5(A)
BLACK WALNUT DR
BUSHMILLS RD
FOREST LN
FOREST LN
FORESTGATE DR
FOREST LN
Auto Service
FOREST LN
SKILLMAN ST
SKILLMAN ST
Office
Office / Showroom / Warehouse
WENDELL RD
IR
SUP 830
PAGEMILL RD
Office / Showroom / Warehouse
HILLGUARD RD
1:2,400
ZONING AND LAND USE
Case no: Z178-213
Date: 4/6/2018


CPC Responses
BUSHMILLS RD
BLACK WALNUT DR
FOREST LN
FOREST LN
FORESTGATE DR
SKILLMAN ST
WENDELL RD
PAGEMILL RD
HILLGUARD RD
9
10
11
12
13
14
15
16
17
18
19
6
7
8
20
1
2
4
5
3
20 Property Owners Notified (21 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
300' Area of Notification
5/17/2018 Date
Z178-213
CPC
N
W
E
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1:2,400

05/16/2018

Reply List of Property Owners

Z178-213

20 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	9704	SKILLMAN ST	LIFENET SERVICES INC
	2	9641	WENDELL RD	FLT NORTHGATE ASHTON LLC & ET AL
	3	11500	HILLGUARD RD	ICON OWNER POOL I TEXAS LLC
	4	11500	PAGEMILL RD	FOUNDERS PARTNERS L P
	5	11501	HILLGUARD RD	ICON OWNER POOL 6 EL PASO LLC
	6	9631	SKILLMAN ST	MARINO FRANK
	7	9661	SKILLMAN ST	LV MGMT LLC
	8	9797	SKILLMAN ST	M & M SKILLMAN LLC &
	9	10316	BLACK WALNUT DR	BULLARD TRUDY N
	10	10320	BLACK WALNUT DR	NUNEZ MAURICIO &
	11	10324	BLACK WALNUT DR	REYNOLDS L E
	12	10328	BLACK WALNUT DR	AYUB IJAZ
	13	10332	BLACK WALNUT DR	TRAN ANTHONY MINH &
	14	10336	BLACK WALNUT DR	ZARATE DAVID &
	15	10340	BLACK WALNUT DR	HUYNH BINH N & XUYEN KIM T LE
	16	10344	BLACK WALNUT DR	WALLS ANNETTE
	17	10348	BLACK WALNUT DR	HERMANN HARRY MARK &
	18	10402	BLACK WALNUT DR	CASADOS CESAR
	19	11805	FORESTGATE DR	AVISTONE NORTHGATE III H LLC
	20	9696	SKILLMAN ST	FOUNDERS PARTNERS LP

AGENDA ITEM # 70

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign and amendment to the orientation of the sign on property zoned Planned Development District No. 619, on the southeast corner of Elm Street and North Field Street

Recommendation of Staff and CPC: Approval for a six-year period, subject to a revised site plan and conditions

Z178-214(PD)

FILE NUMBER: Z178-214(PD) **DATE FILED:** March 23, 2018

LOCATION: Southeast corner of Elm Street and North Field Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 K

SIZE OF REQUEST: ±0.44 acres **CENSUS TRACT:** 31.01

REPRESENTATIVE: Suzan Kedron, Jackson Walker, LLP

APPLICANT: Radiant Outdoor, LLC

OWNER: Davis 1309 Main Street, LLC

REQUEST: An application for an amendment to and renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign and amendment to the orientation of the sign on property zoned Planned Development District No. 619.

SUMMARY: The applicant proposes to renew the SUP for the existing attached projecting non-premise district activity videoboard sign. The proposed amendment will reflect the revised orientation of the sign from perpendicular to the building face, to triangular to the building face. The applicant has indicated that this modification will provide for improved visibility.

CPC RECOMMENDATION: **Approval** for a six-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a six-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with retail and restaurant uses on the first floor as well as ramps to the parking garage on the upper floors.
- The request was originally approved by City Council on April 25, 2012, for a six-year period, however, the videoboard was never installed.
- The applicant is proposing to install the 144-square-foot (16'x 9') videoboard sign which is proposed to be installed 15 feet above the sidewalk.
- The proposed amendment will reflect the revised orientation of the sign from perpendicular to the building face, to triangular to the building face.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs in the Downtown SPSD to a total of 15 and increase the area in which the videoboard signs are allowed.
- Currently, 12 non-premise district activity videoboard signs have been approved in the Downtown Special Provision Sign District.

Zoning History: There have been three recent zoning cases within the past five years.

1. **Z167-398:** On January 24, 2018, the City Council approved Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service.
2. **Z145-277:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1755 for an attached projecting non-premise district activity videoboard sign.
3. **Z145-276:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
N. Field Street	Major Arterial	Variable Width

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 619	Restaurant, Personal Service, Parking Garage
North	PDD No. 619	Office,
South	PDD No. 619, SUP No. 2127	Restaurant, Retail, Videoboard
East	PDD No. 619	Residential, Retail, Restaurant
West	PDD No. 619	Restaurant, Office, Hotel

STAFF ANALYSIS:

Comprehensive Plan:

The subject site is identified as being within the *Downtown Area* on the ***forwardDallas!*** **Vision Illustration**, adopted June 2006. The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas

Land Use Compatibility:

The 0.44-acre request site is zoned Planned Development District No. 619 and is developed with retail and restaurant uses on the first floor with ramps to the parking garage on the upper floors. The applicant requests the renewal of Specific Use Permit No. 1959 to allow the currently uninstalled 144-square-foot attached projecting non-premise district activity videoboard sign to be installed on a building within the downtown Special Provision Sign District.

The request site is surrounded by restaurant, office, retail, and residential uses.

The applicant proposes to amend the orientation of the sign from a perpendicular orientation on the building face, to a triangular orientation on the building face. The applicant has indicated that this modification will provide for improved visibility. Additionally, the Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed triangular orientation will not be in the line of sight of any other traffic signs or signals and will not pose a negative impact. Further, given that Elm Street is one-way (westbound), traffic concerns from a motorist perspective, if any, would be limited to Field Street. For these reasons, staff supports the request.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Section 51A-7.909(g) pertains to the occupancy of buildings upon which videoboards may be attached. Videoboard signs are “only permitted on buildings with retail and personal service uses (other than commercial parking lot or garage) or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.”

The applicant submitted an affidavit indicating the ground floor meets the occupancy requirements whereby than 75 percent of the leasable space on the first floor consists of retail and restaurant uses.

A traffic study was performed by an independent engineering firm and the findings are detailed in the attached Technical Memorandum. The applicant's request, subject to a revised site plan and conditions, complies with the general provisions for consideration of the SUP renewal.

Development Standards:

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Street, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP

Projecting non-premise activity videoboard signs

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
    - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
    - the dimming level, multiplied by .0039 equal the brightness level; then
    - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.

- must be turned off between 1:00a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and
- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds
- Changes of message must be accomplished within two seconds
- Changes of message must occur simultaneously on the entire sign face
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

LIST OF OFFICERS

Radiant Outdoor, LLC
Applicant List of Officers

Brad Berkley, CEO
Erin Watkins, Secretary

Davis 1309 Main, LLC
Property Owners List of Officers

Timothy C. Headington, Chairman, CEO
Michael E. Tregoning, President
John M. Ambler, Senior Vice President, Legal
Kim Szarzynski, Vice President, Legal
R. Keith Bunch, Senior Vice President, Accounting & Tax, Treasurer
Julie Ciesielski, Secretary

CPC ACTION:
May 17, 2018

Motion: It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign and amendment to the orientation of the sign for a six-year period, subject to a revised site pan and conditions (as briefed) on property zoned Planned Development District No. 619, on the southeast corner of Elm Street and North Field Street.

Maker: Rieves
Second: Mack
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 279
Replies: For: 0 Against: 0

Speakers: None

Proposed Traffic Study

DeShazo Group
Traffic. Transportation Planning. Parking. Design.
400 S. Houston Street, Suite 330
Dallas, TX 75202
214.748.6740 ✦ Fax: 214.748.7037
deshazogroup.com

Technical Memorandum

To: *Mr. Travis K. Hodges* — **Radiant Outdoor, Inc.**

From: *J. Mark Mathis, P.E.,* — **DeShazo Group, Inc.**

Date: January 31, 2018

Re: **Requisite Traffic Analysis of Proposed "Non-Premise District Activity Videoboard Sign" on the Field Street side of the building at 1302 Elm Street in Downtown Dallas**
DeShazo Project No. 18022.01

BACKGROUND

This analysis is provided to satisfy the requirement for a traffic study in a request for a Specific Use Permit (SUP) for a *non-premise district activity videoboard sign* (a.k.a., electronic message board, etc.), or "sign", located at the N Field Street side of the building at 1302 Elm Street in Downtown Dallas, Texas. The scope of the requisite study, as outlined in Section 51A-7.909(d)(2) of the Dallas Development Code, is to review of potential conflict created by the digital videoboard with traffic control devices within 300 feet of the location.

This report was prepared by traffic engineers from **DeShazo Group, Inc.** of Dallas, Texas—an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering.

A *Street View©* picture of the proposed sign installation evaluated in this analysis is provided in **Exhibit 1 and 2.**

STUDY SCOPE

The conditions set forth by the Ordinance for the sign location are that the sign will not interfere with the effectiveness of traffic control devices within 300 feet of the sign. In this analysis, the sign is visible to northbound and southbound traffic on N Filed Street; therefore, traffic control devices

Z178-214

300 feet to the north of the proposed sign location on N Field Street were evaluated. **Exhibit 3** graphically summarizes the sign location and the nearest traffic control devices within 300 feet.

ANALYSIS

Electronic message boards are relatively recent devices, and relatively few specific design and application standards currently exist. More evaluation criteria and standards may evolve over time as more applications of these devices are made, which may or may not apply to the devices considered herein. But, for the purposes of this analysis, engineering judgment and discretion are the primary resources available to perform this evaluation.

The ultimate traffic-related consideration is to assess whether the electronic message board interferes with the normal operation of an existing traffic control device while driving, resulting in a vehicle-related accident. Given this evaluation parameter, **DeShazo**'s analysis consisted of the considerations listed and described below. Each of these analysis parameters are subjective and require field inspection.

- line of site of proposed traffic control devices — this evaluation considered whether the proposed location of the sign is aligned with the line of site of a motorist and an existing traffic control device to a degree that obscures or diminishes the effectiveness of the traffic control device

- spacing/proximity with existing traffic control devices — this evaluation considered whether the proposed location of the sign is in such close proximity to an existing traffic control device that it diminishes the effectiveness of the traffic control device

- visual "competition" with existing traffic control devices — this evaluation considered whether the location of the sign is otherwise situated in such a manner to distract a motorist from becoming cognizant of an existing traffic control device

Other evaluation assumptions:

- Unless a unique condition existed, this analysis only focused on the motorists travelling on the aforementioned street (i.e., no cross streets or parallel streets were considered).

- Although the emphasis of this study relates to passenger and commercial vehicles, the results of this analysis also apply to bicyclists and other vehicles travelling on the public street(s).

- Based upon the configuration requirements in the city ordinance, direct effects on pedestrians using the sidewalks and crosswalks were not considered.

The following findings, summarized in **Table 1**, reflect **DeShazo**'s evaluations.

CONCLUSION

Based upon **DeShazo**'s evaluation of the proposed *non-premise district activity videoboard sign*, or electronic message board located on the N Field Street side of the building at 1302 Elm Street, the location as shown in **Exhibits, 1, 2 and 3** does not significantly interfere with the effectiveness of traffic control devices within 300 feet of the sign.

END OF MEMO

Table 1. Northbound N Field Street Proposed Sign Location Evaluation

PARAMETER	SUMMARY OF EVALUATION	RECOMMENDATION
Line of Site	The proposed sign location will not directly obstruct the view of an existing traffic control device within a critical distance.	None.
Spacing/Proximity	The proposed sign location is at a clear height of approximately 20 feet from the top of sidewalk and is within close proximity (approximately 50 feet) to the existing traffic signal head located in the SW Corner of the Elm Street and N Field Street intersection. However, due to the vertical offset of at least 10-12 feet above the traffic signal head, the proximity of the existing sign is not considered to create a conflict.	None.
Visual "Competition"	The proposed sign location will not visually compete with any existing traffic control device within the critical distance.	None.

Table 2.Southbound N Field Street Proposed Sign Location Evaluation

PARAMETER	SUMMARY OF EVALUATION	RECOMMENDATION
Line of Site	The proposed sign location will not directly obstruct the view of an existing traffic control device within a critical distance. The board will be located beyond the traffic signal at Elm Street and N Field Street.	None.
Spacing/Proximity	The proposed sign is located beyond the traffic signals for southbound motorist on N Field Street at the intersection of Elm Street and N Field Street. N Field Street is divided with a raised median north Elm Street, so the sign is offset to the left of motorist line of sight as they	None.

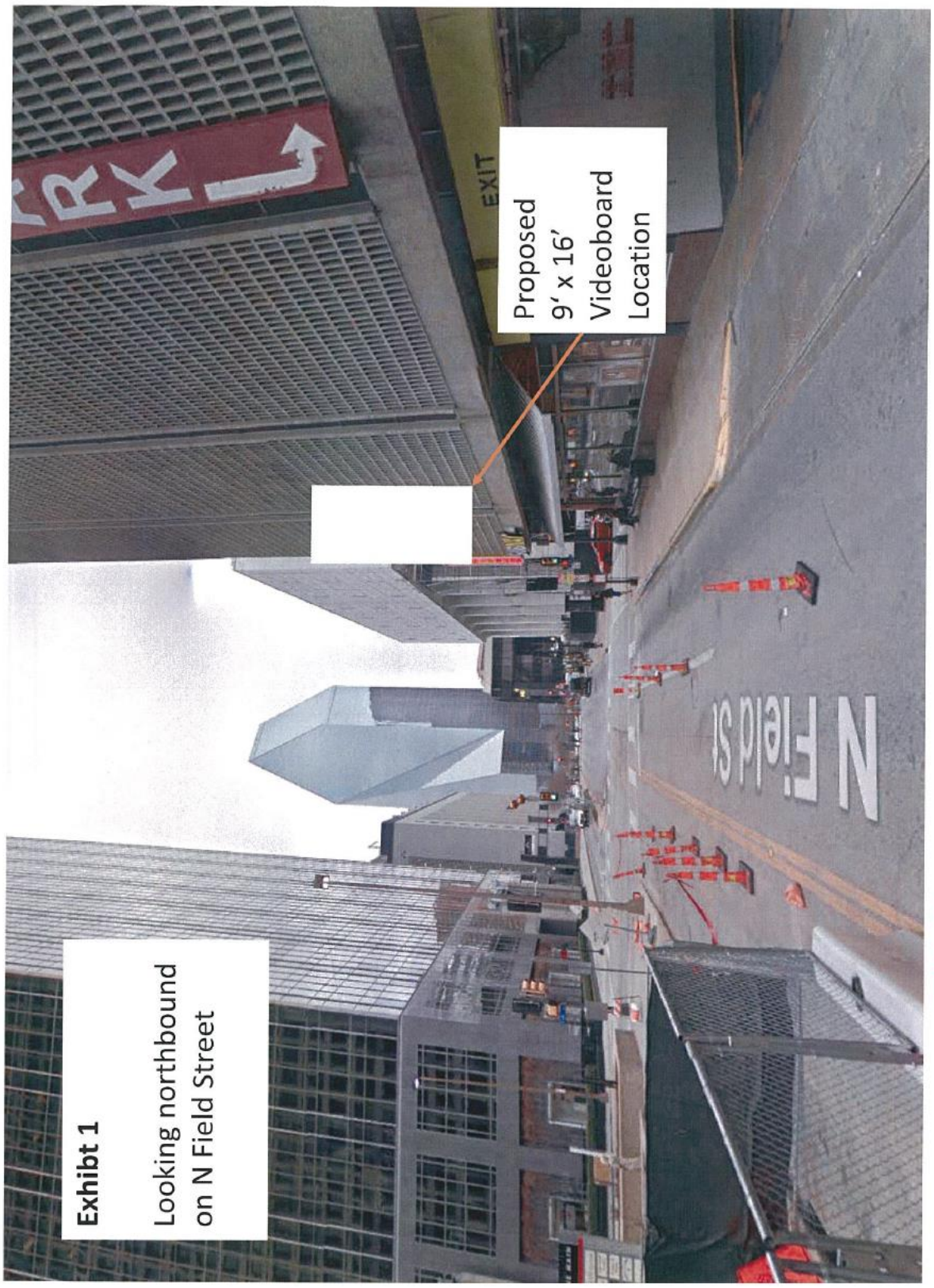
Z178-214

	approach the intersection. Therefore, the proposed sign is not expected to diminish the effectiveness of existing traffic control devices.	
Visual "Competition"	The proposed sign location will not visually compete with any existing traffic control device within the critical distance.	None.

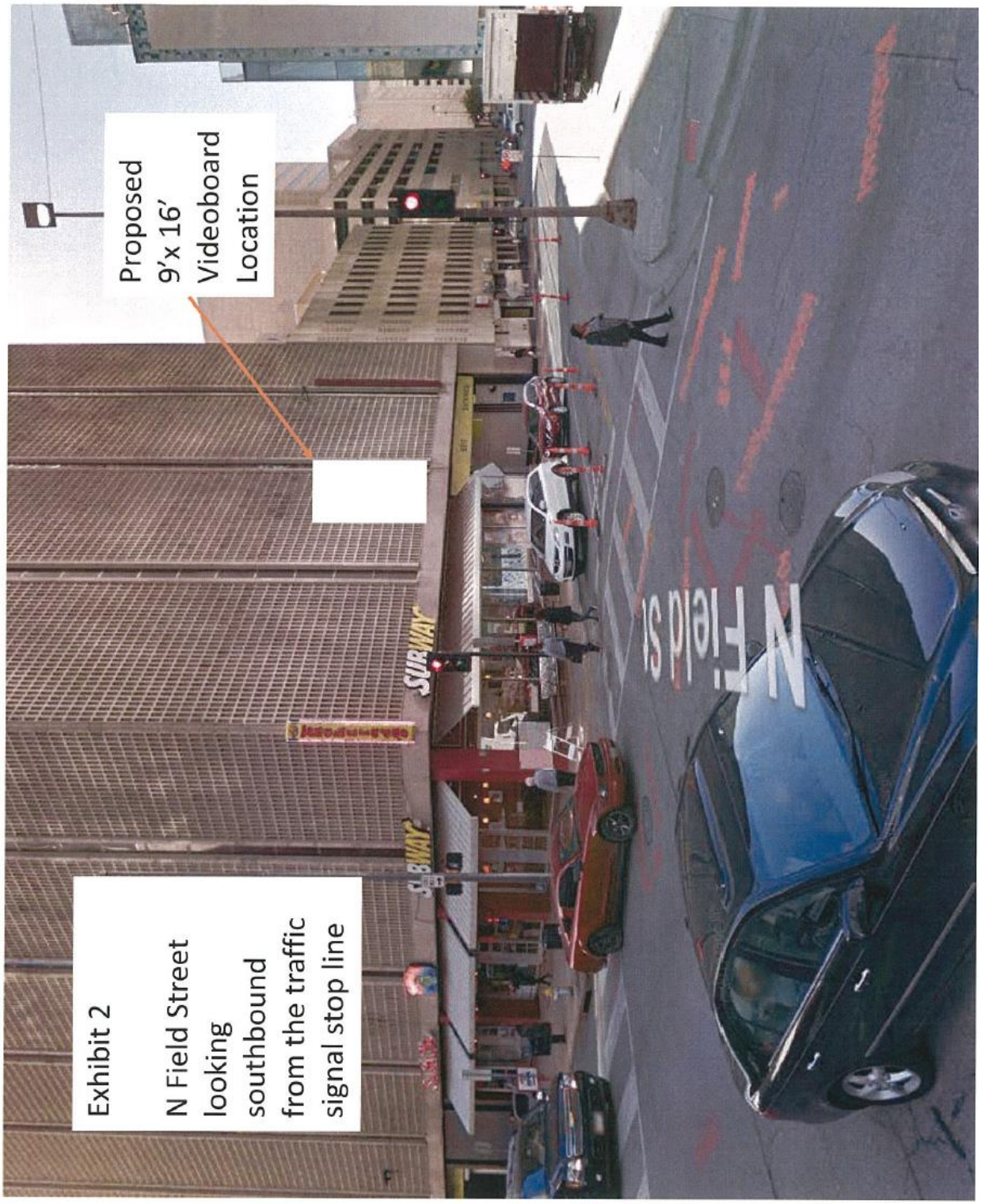
General recommendations:

- In accordance with the City regulations and industry standards, the sign image should not rapidly change or display images containing motion or flashing content (unless the street is closed to vehicular traffic).
- The sign shall not display images that intentionally or unintentionally depict or resemble an image of a traffic control device or the content of a traffic control device. This includes but is not limited to: red, yellow, or green circles.

Z178-214


Exhibit 1
Looking northbound on N Field Street
Proposed 9' x 16' Videoboard Location
EXIT
N Field St

Z178-214


Proposed
9'x 16'
Videoboard
Location
N Field St
SUBWAY
SUBWAY
Exhibit 2
N Field Street
looking
southbound
from the traffic
signal stop line

Z178-214

EXHIBIT 3

Location of the Nearest Traffic Signal Indications

Z178-214

CPC RECOMMEDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.

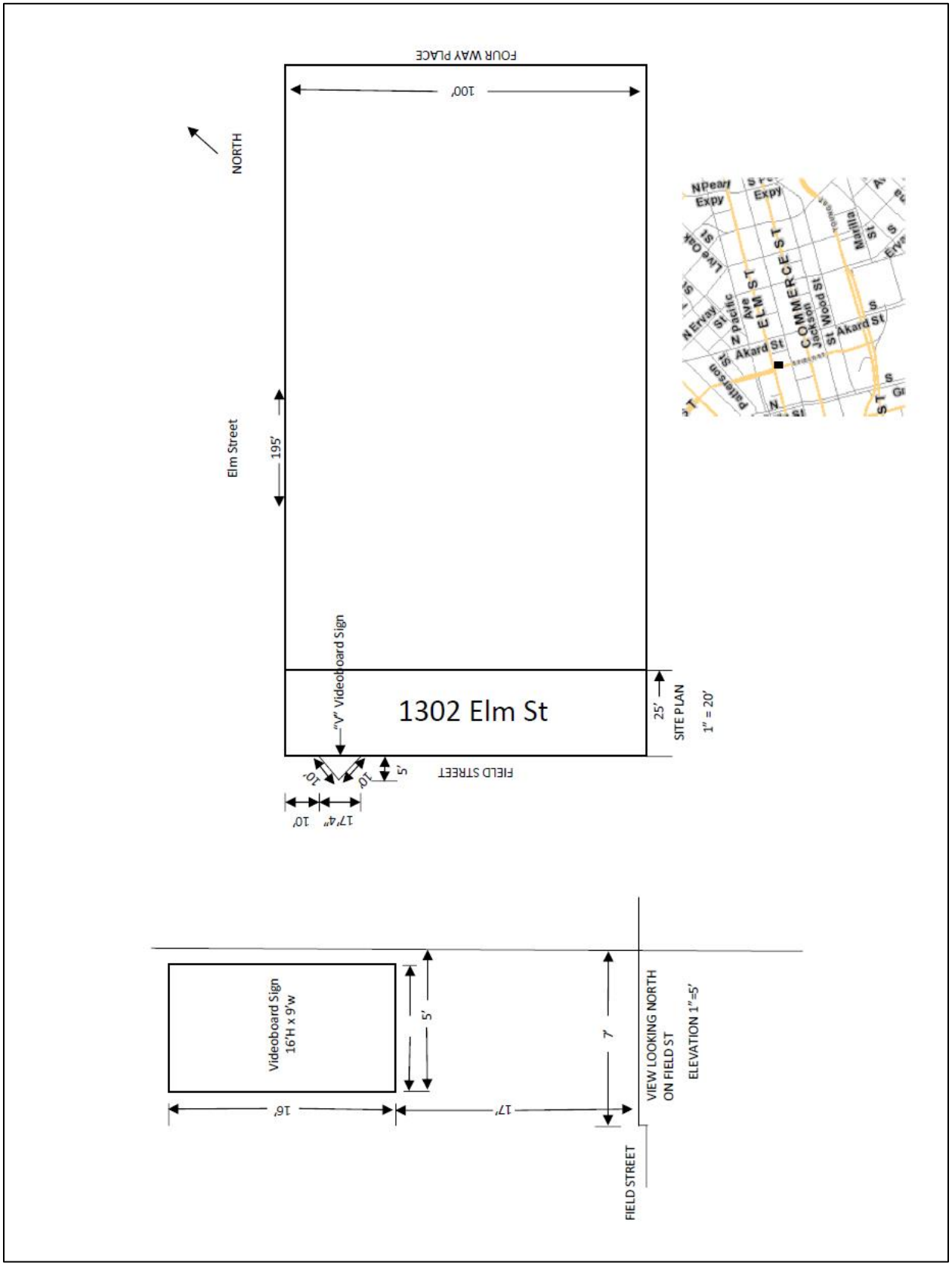
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

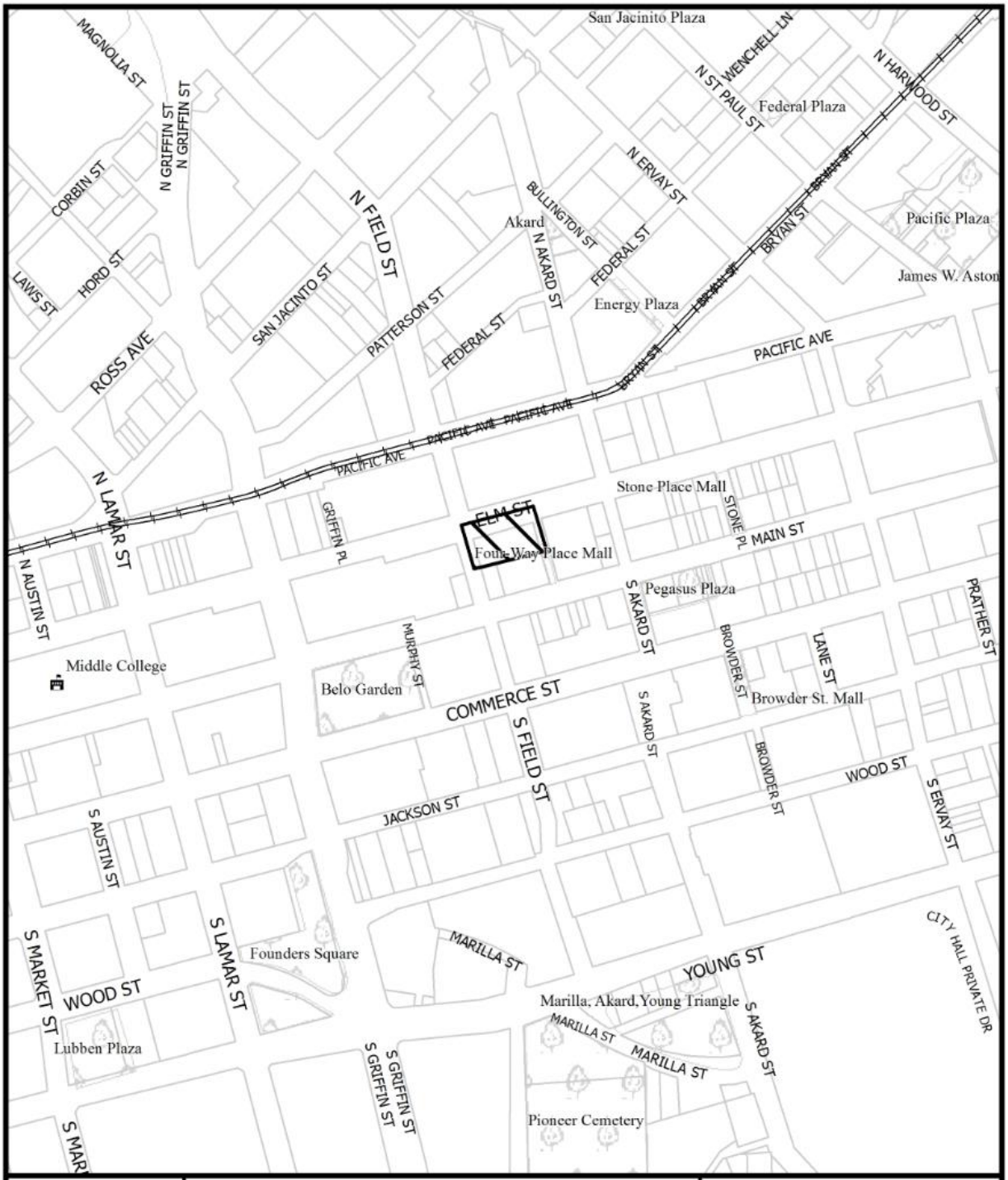
3. TIME LIMIT: This specific use permit expires on (six-years from the passage of this ordinance) ~~[April 25, 2018]~~.

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Revised Site Plan




San Jacinito Plaza
MAGNOLIA ST
N GRIFFIN ST
N GRIFFIN ST
N ST WENCHELL LN
N ST PAUL ST
Federal Plaza
N HARWOOD ST
CORBIN ST
N FIELD ST
N ERVAY ST
BULLINGTON ST
Akard
BRYAN ST
Pacific Plaza
LAWS ST
HORD ST
SAN JACINTO ST
PATTERSON ST
N AKARD ST
FEDERAL ST
Energy Plaza
James W. Aston
ROSS AVE
FEDERAL ST
PACIFIC AVE
PACIFIC AVE
N LAMAR ST
Stone Place Mall
GRIFFIN PL
ELM ST
STONE PL
MAIN ST
Four Way Place Mall
N AUSTIN ST
Pegasus Plaza
S AKARD ST
PRATHER ST
MURPHY ST
BROWDER ST
LANE ST
Middle College
Belo Garden
COMMERCE ST
Browder St. Mall
S FIELD ST
S AKARD ST
BROWDER ST
WOOD ST
JACKSON ST
S ERVAY ST
S AUSTIN ST
S LAMAR ST
Founders Square
MARILLA ST
YOUNG ST
CITY HALL PRIVATE DR
S MARKET ST
WOOD ST
Marilla, Akard,Young Triangle
S AKARD ST
MARILLA ST
MARILLA ST
Lubben Plaza
S GRIFFIN ST
Pioneer Cemetery
1:4,800
VICINITY MAP
Case no: Z178-214
Date: 4/2/2018

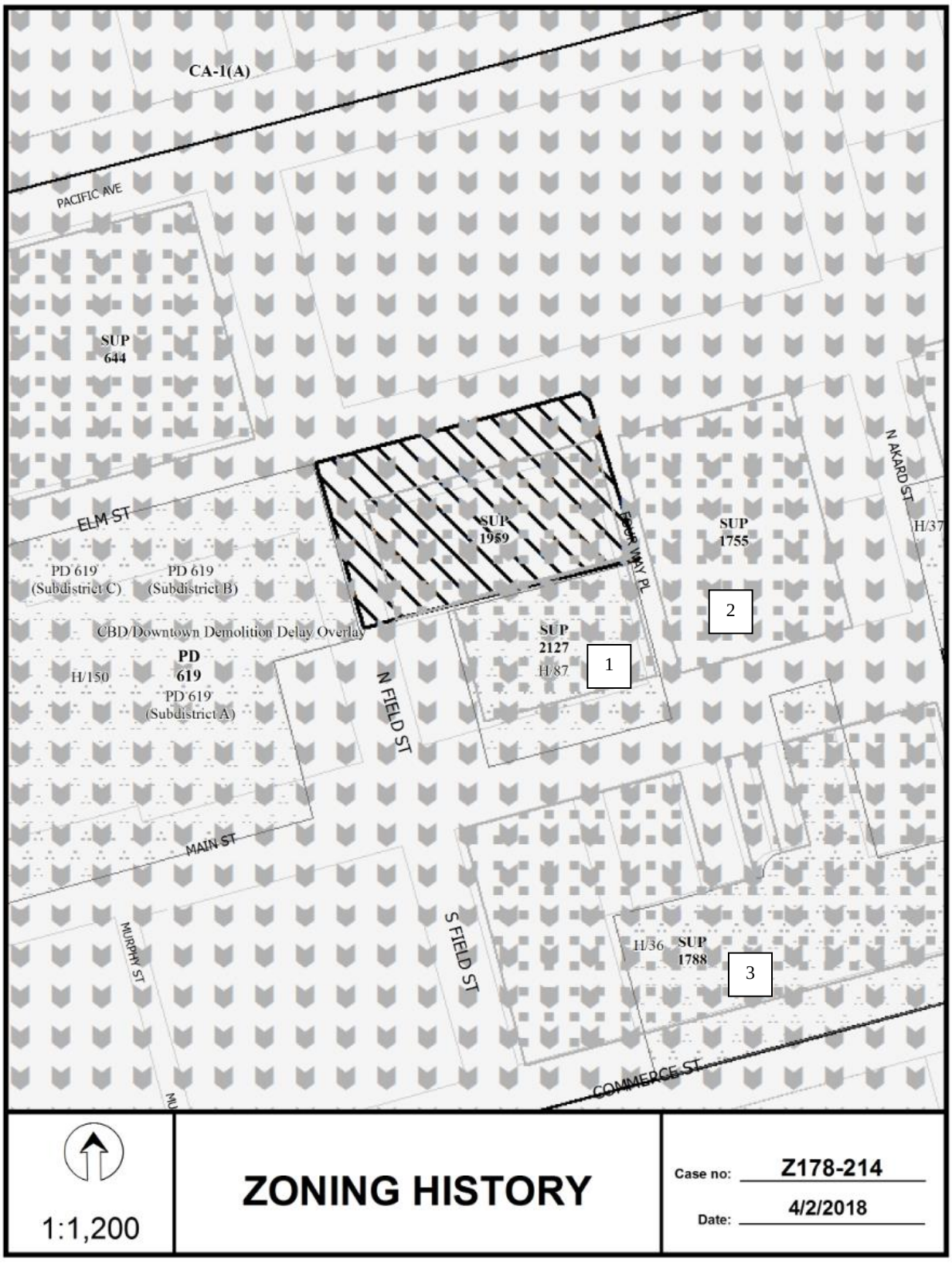


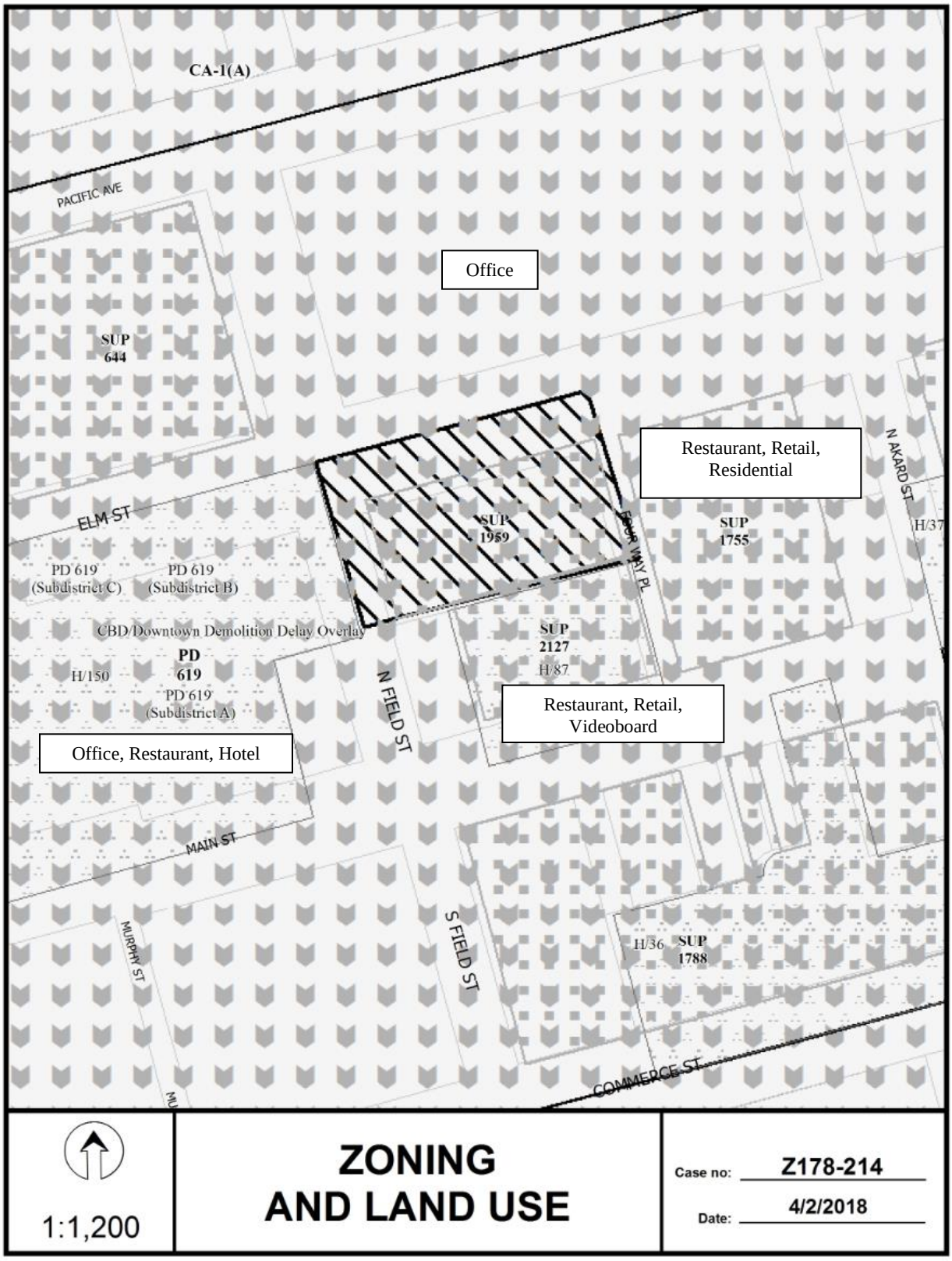
1:1,200

AERIAL MAP

Case no: Z178-214

Date: 4/2/2018


CA-1(A)
PACIFIC AVE
SUP 644
ELM ST
PD 619 (Subdistrict C)
PD 619 (Subdistrict B)
CBD/Downtown Demolition Delay Overlay
PD 619
H/150
PD 619 (Subdistrict A)
SUP 1959
FOUR WAY PL
SUP 1755
N AKARD ST
H/37
SUP 2127
H/87
2
1
N FIELD ST
MAIN ST
MURPHY ST
S FIELD ST
H/36
SUP 1788
3
COMMERCE ST
1:1,200
ZONING HISTORY
Case no: Z178-214
Date: 4/2/2018


CA-1(A)
PACIFIC AVE
Office
SUP
644
Restaurant, Retail,
Residential
N AKARD ST
ELM ST
SUP
1959
SUP
1755
H/37
FOUR WAY PL
PD 619
(Subdistrict C)
PD 619
(Subdistrict B)
CBD/Downtown Demolition Delay Overlay
SUP
2127
H/87
PD
619
H/150
PD 619
(Subdistrict A)
N FIELD ST
Restaurant, Retail,
Videoboard
Office, Restaurant, Hotel
MAIN ST
MURPHY ST
S FIELD ST
H/36
SUP
1788
COMMERCE ST
1:1,200
ZONING
AND LAND USE
Case no: Z178-214
Date: 4/2/2018

CPC Responses



Reply List of Property Owners

Z178-214

279 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1302	ELM ST	DAVIS 1309 MAIN LLC
	2	1401	ELM ST	DREVER 1401 ELM LLC
	3	1201	ELM ST	BINYAN REALTY LP
	4	1301	MAIN ST	NAYEB FAMILY LP
	5	1217	MAIN ST	HEADINGTON REALTY & CAPITAL LLC
	6	1400	MAIN ST	RBP ADOLPHUS LLC
	7	1404	MAIN ST	APAL CO LLC
	8	1300	MAIN ST	RBP ADOLPHUS LLC
	9	1402	MAIN ST	APAL LLC
	10	1306	MAIN ST	RBP ADOLPHUS LLC
	11	1315	COMMERCE ST	RBP ADOLPHUS LLC
	12	1414	ELM ST	LICGF DALLAS LOFTS INC
	13	1407	MAIN ST	LICGF DALLAS LOFTS INC
	14	1407	MAIN ST	DRED PROPERTIES LTD
	15	1407	MAIN ST	DCAR PROPERTIES LTD
	16	1200	MAIN ST	TONOLI FRANK E &
	17	1200	MAIN ST	FISCHER JOSHUA A
	18	1200	MAIN ST	1621 ERVAY LTD
	19	1200	MAIN ST	BRANAMAN MICHAEL S &
	20	1200	MAIN ST	SMITH RANDOLPH
	21	1200	MAIN ST	DIXON GLORIA D
	22	1200	MAIN ST	ORTIZ GUILLERMINA
	23	1200	MAIN ST	FONTENOT TOMMY JAMES
	24	1200	MAIN ST	RAFF GEORGE JR
	25	1200	MAIN ST	SMITH DANIEL E & HERMA A
	26	1200	MAIN ST	BRANSTETTER ROBERT M & CAROL SHELTON

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	27	1200	MAIN ST	FREEMAN SCOTT
	28	1200	MAIN ST	BOBBITT CHARLES MICHAEL
	29	1200	MAIN ST	JUAREZ GERARDO
	30	1200	MAIN ST	KIRKLAND MYRA EDITH &
	31	1200	MAIN ST	AMONGKOL JITTADA KITTY
	32	1200	MAIN ST	HART STANLEY L &
	33	1200	MAIN ST	SMITH SHERIA D
	34	1200	MAIN ST	CRIST EUGENE SCOTT
	35	1200	MAIN ST	TERESI MARK A & JEANNE N
	36	1200	MAIN ST	CWALINO PETER
	37	1200	MAIN ST	KISLING MISTY
	38	1200	MAIN ST	SANADI NISAR & THU NGUYET
	39	1200	MAIN ST	CARPENTER ROBIN N
	40	1200	MAIN ST	MASTAGLIO LINDA R
	41	1200	MAIN ST	LOPEZ DENNIS A
	42	1200	MAIN ST	CLARK TAMPA CATHERINE
	43	1200	MAIN ST	BAILEY PETER & MARY
	44	1200	MAIN ST	PERRI ANTHONY J &
	45	1200	MAIN ST	KANTELADZE ANNA &
	46	1200	MAIN ST	FAYE WILLIS DESIGNS INC
	47	1200	MAIN ST	BAGARIA SAPNA & SURESH
	48	1200	MAIN ST	PARKER MARK GRAHAM
	49	1200	MAIN ST	ABDULKHAALIQ ANWAAR
	50	1200	MAIN ST	ARAUJO JOSEPH
	51	1200	MAIN ST	CHATTERJEE ARUNABHA
	52	1200	MAIN ST	SALVANT WAYNE
	53	1200	MAIN ST	ELLER TOM J & ROBYN
	54	1200	MAIN ST	MASSEY LINDA
	55	1200	MAIN ST	DASH PRIYARANJAN &
	56	1200	MAIN ST	MUEHLENWEG ROBERT J &
	57	1200	MAIN ST	CUEVAS ISRAEL F

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	58	1200	MAIN ST	EDWARDS JAMES & BARBARA
	59	1200	MAIN ST	NORRED J WESLEY III
	60	1200	MAIN ST	JIA YUEMENG
	61	1200	MAIN ST	BIERMAN SYDNEY GRACE
	62	1200	MAIN ST	KADAN PROPERTIES LP
	63	1200	MAIN ST	CAMPOS EDWARD
	64	1200	MAIN ST	ADAMS WILHELMINA J
	65	1200	MAIN ST	COMBS DAMETIA
	66	1200	MAIN ST	YAVANZA LLC
	67	1200	MAIN ST	ALCANTARA PEDRO
	68	1200	MAIN ST	HERICKS JAMES &
	69	1200	MAIN ST	BAKER WILLIAM H III
	70	1200	MAIN ST	SPRING TRUMAN E JR
	71	1200	MAIN ST	TITTLE CYNTHIA LARK
	72	1200	MAIN ST	DANIEC MONICA
	73	1200	MAIN ST	BLACK PAUL
	74	1200	MAIN ST	HAQUE NAZ &
	75	1200	MAIN ST	BRANCELA JOHN
	76	1200	MAIN ST	LINDSAY HAWNI E
	77	1200	MAIN ST	CHANEY GARY WAYNE 1992 FAMILY TRUST
	78	1200	MAIN ST	NGUYEN MICHAEL
	79	1200	MAIN ST	BENEVENTI MARK FRANCIS
	80	1200	MAIN ST	DU YALI
	81	1200	MAIN ST	PATOINE TERESA SUSAN
	82	1200	MAIN ST	SAIED ANNA M
	83	1200	MAIN ST	FAIRCHILD MELISSA
	84	1200	MAIN ST	CANON JOSEPH & ELIZABETH
	85	1200	MAIN ST	DEMPSEY MICHAEL THOMAS &
	86	1200	MAIN ST	HARRIS KENDRICK LASALLE
	87	1200	MAIN ST	CRIST EUGENE SCOTT
	88	1200	MAIN ST	PATEL JAYSHREE &

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	89	1200	MAIN ST	ALSUP LAUREN BRITTANY
	90	1200	MAIN ST	KAHANE DENNIS SPENCER
	91	1200	MAIN ST	PRIBADI LILIANA
	92	1200	MAIN ST	SALEEM ADEEL
	93	1200	MAIN ST	ANTAO RYAN TRISTEN
	94	1200	MAIN ST	MOBLEY HENRY B JR
	95	1200	MAIN ST	COWAN MICHAEL & MARTHA
	96	1200	MAIN ST	GHODSI YEGANEH &
	97	1200	MAIN ST	CLEERE LARRY J &
	98	1200	MAIN ST	IPPOLITO MARTA
	99	1200	MAIN ST	CIN ALBERTO DAL
	100	1200	MAIN ST	BROWN GLENN ALAN
	101	1200	MAIN ST	ROMERO GERALD & LOURDES
	102	1200	MAIN ST	BEANEY STEVEN LEE
	103	1200	MAIN ST	SCARBOROUGH DONALD D
	104	1200	MAIN ST	KEANE JUSTIN SCOTT &
	105	1200	MAIN ST	BROWN NOLLEY LEON CLEMON &
	106	1200	MAIN ST	LUMME DONALD GUY JR
	107	1200	MAIN ST	XIE JIMIN
	108	1200	MAIN ST	OROZCO CARLOS A
	109	1200	MAIN ST	BABAKHANIAN ROUBEN
	110	1200	MAIN ST	DOMINGUEZ JOSE R
	111	1200	MAIN ST	PURNELL KENNETH
	112	1200	MAIN ST	ROSALES JORGE
	113	1200	MAIN ST	MA MAU & JUYEI
	114	1200	MAIN ST	THOMAS BIJU
	115	1200	MAIN ST	COMPEAU BRYAN
	116	1200	MAIN ST	MADDERRA RHONDA & FARON
	117	1200	MAIN ST	HONRALES MARK &
	118	1200	MAIN ST	CRAIG TERRY E &
	119	1200	MAIN ST	BALUCH HOLDINGS LLC

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	120	1200	MAIN ST	ADROVIC ARMIN
	121	1200	MAIN ST	ROMIG RANDALL
	122	1200	MAIN ST	BRAUM EARL E JR
	123	1200	MAIN ST	TAUSCH JOHANNES &
	124	1200	MAIN ST	MORAIS JUSTIN
	125	1200	MAIN ST	MATHEWS AMIT &
	126	1200	MAIN ST	MCCANS WILLIAM
	127	1200	MAIN ST	LOPEZ ADAN FRANCISCO
	128	1200	MAIN ST	JUDAH JOHN K
	129	1200	MAIN ST	HANNA IHAB
	130	1200	MAIN ST	MORENO KRISTINE M
	131	1200	MAIN ST	BAKER ARIANNE &
	132	1200	MAIN ST	MOORE ROBERT W
	133	1200	MAIN ST	SANTAMARIA ARTHUR &
	134	1200	MAIN ST	RAZA SYED S & NASREEN S
	135	1200	MAIN ST	BOSE RANAVIR & SARMILA
	136	1200	MAIN ST	FUNG DAVID KARL & KATHY LEE FUNG
	137	1200	MAIN ST	FLORES GEORGINA E
	138	1200	MAIN ST	LI LIETAO
	139	1200	MAIN ST	TINSLEY GARY A
	140	1200	MAIN ST	MICHULKA GEORGE &
	141	1200	MAIN ST	BYRUM TADD A &
	142	1200	MAIN ST	HUTCHINSON ANDREW F II
	143	1200	MAIN ST	KHEMANI PRAVIN
	144	1200	MAIN ST	SUTTONDEABREU ILA I
	145	1200	MAIN ST	BENTLEY BRIAN D
	146	1200	MAIN ST	CLARK CHRISTIAN
	147	1200	MAIN ST	DAIYA NAMRATA
	148	1200	MAIN ST	JACKSON JAN B & ROGER
	149	1200	MAIN ST	SALVANT WAYNE F &
	150	1200	MAIN ST	LIN HUANG SHENG

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	151	1200	MAIN ST	HILL SIMON &
	152	1200	MAIN ST	HIBSID 1 LLC
	153	1200	MAIN ST	QUARTOS VACA LLC
	154	1200	MAIN ST	KOKES KEVIN K
	155	1200	MAIN ST	HARRIS CARLOS
	156	1200	MAIN ST	JAIN NEHA
	157	1200	MAIN ST	CHAMBERLAIN BLAKE BARRETT
	158	1200	MAIN ST	KHAN MOIN
	159	1200	MAIN ST	KLAMM CYNTHIA B &
	160	1200	MAIN ST	L & M FAMILY TRUST THE
	161	1200	MAIN ST	JACKSON CAROL
	162	1200	MAIN ST	COWDEN PETER
	163	1200	MAIN ST	NARAN ASHOK
	164	1200	MAIN ST	LANCASTER PHILLIP & IRENE
	165	1200	MAIN ST	
	166	1200	MAIN ST	AN JOSHUA DON ALLEN
	167	1200	MAIN ST	POLANCO PAUL
	168	1200	MAIN ST	DAMANI ANIRUDH A
	169	1200	MAIN ST	DOCKTER BRYAN
	170	1200	MAIN ST	UNDERHILL JAMES S
	171	1200	MAIN ST	DEAR CORY & CLARK MEREDITH
	172	1200	MAIN ST	STRINGER CHRISTOPHER & KATIE
	173	1200	MAIN ST	STROTHMAN RHONDA K
	174	1200	MAIN ST	REMPHREY BRYAN S
	175	1200	MAIN ST	DYNKIN ANTHONY
	176	1200	MAIN ST	BROWNELL SUSAN K &
	177	1200	MAIN ST	LANCASTER PHILLIP GEOFFREY &
	178	1200	MAIN ST	HOLLANDER KEVIN J & BETH A
	179	1200	MAIN ST	AHUMADA MUCIO
	180	1200	MAIN ST	LESTER MARY C
	181	1200	MAIN ST	LIN MILO M &

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	182	1200	MAIN ST	GARNER SUSAN
	183	1200	MAIN ST	MOORE ROBERT W
	184	1200	MAIN ST	CHAFFIN LYNDAL A
	185	1200	MAIN ST	HUMES EDUARDO
	186	1200	MAIN ST	VIRANI ASIF
	187	1200	MAIN ST	DIXON ADAM
	188	1200	MAIN ST	XIE JIMIN & WEIYAN JEANNE LI
	189	1200	MAIN ST	JHAVERI SATYEN DHIREN
	190	1200	MAIN ST	ABDULWAHAB MANNIE
	191	1200	MAIN ST	GODOY DULCE MARIA RIVAS
	192	1200	MAIN ST	KOSTREVA JOSH A
	193	1200	MAIN ST	ZOLLER ROBERT W
	194	1200	MAIN ST	SARETSKY NEIL &
	195	1200	MAIN ST	KOERBER ELLEN &
	196	1200	MAIN ST	GREENSTREET TROY A
	197	1200	MAIN ST	RICHARDS GILL & ELIZABETH ANN
	198	1200	MAIN ST	NATHAL JULIO
	199	1200	MAIN ST	SINGERMAN ALEXANDER
	200	1200	MAIN ST	13TX PROPERTIES LLC
	201	1200	MAIN ST	POON PHILIP
	202	1200	MAIN ST	ROMERO ROBERT R &
	203	1200	MAIN ST	HAYES MONIQUE C
	204	1200	MAIN ST	RICHARDS GILL & ELIZABETH ANN
	205	1200	MAIN ST	HAGLER TRENT L
	206	1200	MAIN ST	REVELLE ANIEL W III & CAROL L
	207	1200	MAIN ST	OLTMAN GREGG
	208	1200	MAIN ST	MALHOTRA MANISH
	209	1200	MAIN ST	MEADOWS TAYLOR
	210	1200	MAIN ST	FICKEL MATTHEW & MARY BETH
	211	1200	MAIN ST	SHAFFNER GLORIA
	212	1200	MAIN ST	GOLNABI ROSITA NINA & NEIMA

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	213	1200	MAIN ST	CAMPBELL W DONALD &
	214	1200	MAIN ST	GASPER ADAM D
	215	1200	MAIN ST	MCCLAIN JONI L MD FAMILY TRUST
	216	1200	MAIN ST	REVIS MARK
	217	1200	MAIN ST	NAZARUK ALEKSANDER
	218	1200	MAIN ST	YING KEN W
	219	1200	MAIN ST	AMEHAYES AMDETSION
	220	1200	MAIN ST	THEIS LANGSTON & ELIZABETH SMITH
	221	1200	MAIN ST	KEANE JUSTIN
	222	1200	MAIN ST	BODLEY GABRIELLE
	223	1200	MAIN ST	MCBRIDE KAREN & GEORGE S
	224	1200	MAIN ST	WILSON GLEN TAYLOR &
	225	1200	MAIN ST	DURRA OMAR
	226	1200	MAIN ST	PHILLIPS DAVID G
	227	1200	MAIN ST	WARREN BLAKE T &
	228	1200	MAIN ST	MARKHOFF STEVEN
	229	1200	MAIN ST	GRANT JASON A & MARIA
	230	1200	MAIN ST	PIERCE KEVIN G
	231	1200	MAIN ST	CUNNINGHAM THOMAS G
	232	1200	MAIN ST	POWERS A MARKS
	233	1200	MAIN ST	WERLE LESLEY
	234	1200	MAIN ST	BERMAN DANIEL
	235	1200	MAIN ST	PERRI VINEYARDS & REAL ESTATE
	236	1200	MAIN ST	RANDOLPH HEATHER ELAINE &
	237	1200	MAIN ST	FISCHER TRISA
	238	1200	MAIN ST	INDIGO CAPITAL GROUP LLC
	239	1200	MAIN ST	KNIPE LUTHER DASSON III
	240	1200	MAIN ST	IPPOLITO ESTER
	241	1200	MAIN ST	PATKOVIC MARIJANA
	242	1200	MAIN ST	BASH DAMIEN
	243	1200	MAIN ST	BRODNER SAMUAL C & LEIGH A

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	244	1200	MAIN ST	FIELDS FOSTER LAND TRUST
	245	1200	MAIN ST	SHIPP RONALD B
	246	1200	MAIN ST	ALCANTARA PEDRO
	247	1200	MAIN ST	COX JOHN VERNON TR & GAY GAYLE TR
	248	1200	MAIN ST	COX JOHN VERNON TR &
	249	1200	MAIN ST	SMITH LAURA
	250	1200	MAIN ST	BALUCH AMIR &
	251	1200	MAIN ST	ONU ADISA M
	252	1200	MAIN ST	TANG YIHCHIH &
	253	1200	MAIN ST	MAYORGA LUIS A
	254	1200	MAIN ST	MUSABASIC MEMSUD
	255	1200	MAIN ST	GILMAN ALEX
	256	1200	MAIN ST	MOTGI GURUBASAPPA V & SHASHI R MOTGI
	257	1200	MAIN ST	SARDARABADI ABDOL M &
	258	1200	MAIN ST	WATTS FAMILY TRUST
	259	1200	MAIN ST	KORNEGAY FAMILY TRUST
	260	1200	MAIN ST	TRAMMELL DUANE &
	261	1200	MAIN ST	DUNCAN ROBERT J &
	262	1200	MAIN ST	JHAVERI SATYEN DHIREN
	263	1200	MAIN ST	WALSH WILLIAM ANTHONY
	264	1200	MAIN ST	REAGANS KIMBERLY
	265	1200	MAIN ST	KRISHNA SHAILENDRA &
	266	1200	MAIN ST	PONZIO JOHN &
	267	1200	MAIN ST	BARBADILLO OSCAR JR
	268	1200	MAIN ST	DAVIS WALKER L
	269	1200	MAIN ST	HERNDON CYNTHIA A
	270	1200	MAIN ST	PERRI VINEYARDS &
	271	1200	MAIN ST	GARCIA CASSANDRA
	272	1200	MAIN ST	BARBATO CRISTINA COSTA
	273	1200	MAIN ST	BOWLES NEAL A & CARLA D WATSON
	274	1200	MAIN ST	GALAL PHILLIPE & NIKI M STOLIS

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	275	1200	MAIN ST	WILKINSON EARL J
	276	1200	MAIN ST	CALDWELL ROGER W & KIMBERLY S
	277	1200	MAIN ST	BELGAUM LLC
	278	1201	MAIN ST	ONE MAIN PLACE HOTEL LLC
	279	1201	MAIN ST	ONE MAIN PLACE OFFICE LLC

AGENDA ITEM # 71

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 Q

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, with Historic Overlays Nos. 16 and 48 on a portion, on the northwest corner of Young Street and South Harwood Street

Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z178-216(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-216(SM)	**DATE FILED:**	March 26, 2018
LOCATION:	Northwest corner of Young Street and South Harwood Street		
COUNCIL DISTRICT:	2	**MAPSCO:**	45 Q
SIZE OF REQUEST:	Approx. 2.7 acres	**CENSUS TRACT:**	31.01

OWNER: First Presbyterian Church

APPLICANT: Mi Escuelita

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Specific Use Permit for a child-care facility on property zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, with Historic Overlays Nos. 16 and 48 on a portion.

SUMMARY: The purpose of the request is to allow for a child-care facility use [Mi Escuelita Preschool] to operate with approximately 3,000 square feet of floor area within the basement of the existing church building. The preschool will have two classrooms and serve approximately 80 children, equally dispersed between two sessions. According to the applicant, Mi Escuelita Preschool provides early childhood education to low income at-risk children in the Dallas area and serves children ages two-and-a-half to five years of age.

CPC RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION

- On March 2, 1913, the congregation constructed the building at the southwest corner of S. Harwood Street and Wood Street, according to the church's website.

- The church has undergone multiple expansions over the years, including an eight-level above-ground parking garage that fronts on Young Street.

- On November 27, 2001, the church obtained Certificate of Occupancy No. 0101221010 for a child-care facility within the newly constructed three-story children's building and surface parking lot. It is noteworthy that this wing of the church building is within the church's property but since this portion of the property is zoned CA-1(A) Central Area where a child-care facility is allowed by right, it is outside of the area of request.

- The applicant proposes to occupy the basement level of the existing church building, zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, which requires a Specific Use Permit to operate a child-care facility; and to use the upper levels of the parking garage for parents to walk children into and out of the proposed preschool.

Zoning History: There has been one zoning change requested in the vicinity in the past five years.

1. **Z167-262:** On August 9, 2017, the City Council approved Subdistrict 4A within Planned Development District No. 357, the Farmers Market Special Purpose District and the Harwood Historic District No. 48 on a portion.

Thoroughfares/Streets: The below information is based on the Central Business District Streets and Vehicular Circulation Plan as of April 27, 2018. Streets are subject to comply with updates to the Central Business District Streets and Vehicular Circulation Plan.

Street	Type	Operational Characteristic	Proposed ROW	Proposed Pavement
Young Street	Major Arterial	3 lanes westbound, 3 lanes eastbound	120 feet	33'/var/33'
S Harwood Street	Minor Arterial	2 lanes southbound. 2 lanes northbound	64 feet	44 feet
Wood Street	Minor Arterial	1 lane westbound, 1 lane eastbound	45 feet	36 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed SUP will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.3 Build a dynamic and expanded Downtown.

Downtown Dallas must get the public and private support it needs to be transformed into a vibrant central business district and to restore the Downtown area as the economic and cultural heart of the region. The City should continue to promote Downtown as an exciting place to live and encourage developers to reuse historic buildings in order to enrich the character of Downtown.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Acknowledge the importance of neighborhoods to the city's long-term health and vitality. Dallas is a city of great neighborhoods. To attract new families and maintain existing stable neighborhoods, residents must take pride in and feel confident in investing in their neighborhoods over the long term. Existing neighborhoods require public and private investment and attention to maintain their desirability as places to live. New neighborhoods must be pedestrian-friendly, have a sense of community and exhibit long-term viability.

The proposed child-care facility will provide support services to the job force in downtown and it will provide an amenity to the neighborhood to attract new families and maintain the existing neighborhood.

AREA PLAN:

On December 13, 2017, the City Council approved an update to the *Dallas 360 Plan,* which identifies the site between the Main Street District and the Dallas Farmers Market district. The Main Street district is envisioned to continue its evolution into a contemporary, dynamic retail destination and the Dallas Farmers Market district is envisioned to develop with complementary uses including residences and supporting uses and services such as small-scale neighborhood retail at key corners, parks, tot lots, and even a school are desirable to support the family-friendly atmosphere.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PD 357 (Subdistrict 9), Historic Overlay Nos. 16 & 48	Church
North	CA-1(A) Historic Overlay No. 48	Multi-family and vacant restaurant
East	PD 357 (Subdistrict 4), Historic Overlay No. 48	Vacant retail
South	PD 357 (Subdistrict 8), Historic Overlay No. 48	Outdoor amphitheater with lawn seating and Fraternal Building
West	CA-1(A)	Child-care facility with surface parking

Land Use Compatibility:

The request site is situated within Downtown Dallas and is surrounded by a multifamily and vacant restaurant to the north, across Wood Street; vacant ground-story retail to the east, across South Harwood Street; an outdoor amphitheater with lawn seating and a separately owned and operated fraternal building to the south, across Young Street, and abuts a child-care facility with surface parking to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use

except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff recommends approval because child-care facilities are needed in the downtown area, the small scope of the proposed child-care facility limits the potential impact upon surrounding properties, and because the proposed condition of a three-year initial approval period will allow an opportunity for staff to reevaluate the use and determine if it is not harmonious with adjacent properties.

Parking:

Pursuant to §51A-4.200 of the Dallas Development Code, a child-care facility typically requires one off-street parking space for each 500 square feet of floor area. However, no additional parking is required since the use is located within an existing building in PDD No. 357. The PDD states, "off-street parking is required for a new building or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area."

The applicant has asserted that a total of 483 parking spaces are provided on the site which should provide ample parking for the existing and proposed child-care facilities and the existing church.

Landscaping:

Landscaping is required in accordance with PDD No. 357 landscaping standards. However, the applicant's request will not trigger any landscaping requirements as the applicant proposes to remodel existing floor area.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned Subdistrict 9 within Planned Development District No. 357, the Farmers Market Special Purpose District, with Historic Overlays Nos. 16 and 48 on a portion, on the northwest corner of Young Street and South Harwood Street.

Maker: Rieves
Second: Mack
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 26
Replies: For: 1 Against: 0

Speakers: None

List of Officers

Mi Escuelita Preschool, Inc

Lisa Vines, Chair
Ricardo Barrenechea, Vice-chair
Aracely Rios, Treasurer
Paul Musgrave, Secretary
Gayle Nave, Chief Executive Officer

First Presbyterian Church of Dallas

Rev. Dr. Gareth Icenogle, Interim Senior Pastor
Rev. Rebecca Chancellor Sicks, Associate Pastor
Rev. Dr. Laura Barnes, Interim Associate Pastor
Rev. Karl Schwarz, Executive Director
Lori Ferguson, Director of Administration and Human Resources
Marvin Kuers, Director of Information Technology
Miatta Wilson, Director of Children's Ministries
Bonnie Edwards, Director
Camilla Ballard, Director
Joshua Taylor, Director
Diana Taylor, Director
Phyllis Wilson, Director

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a child-care facility.

1. SITE PLAN: Use and development of the Property must comply with the attached site plan.

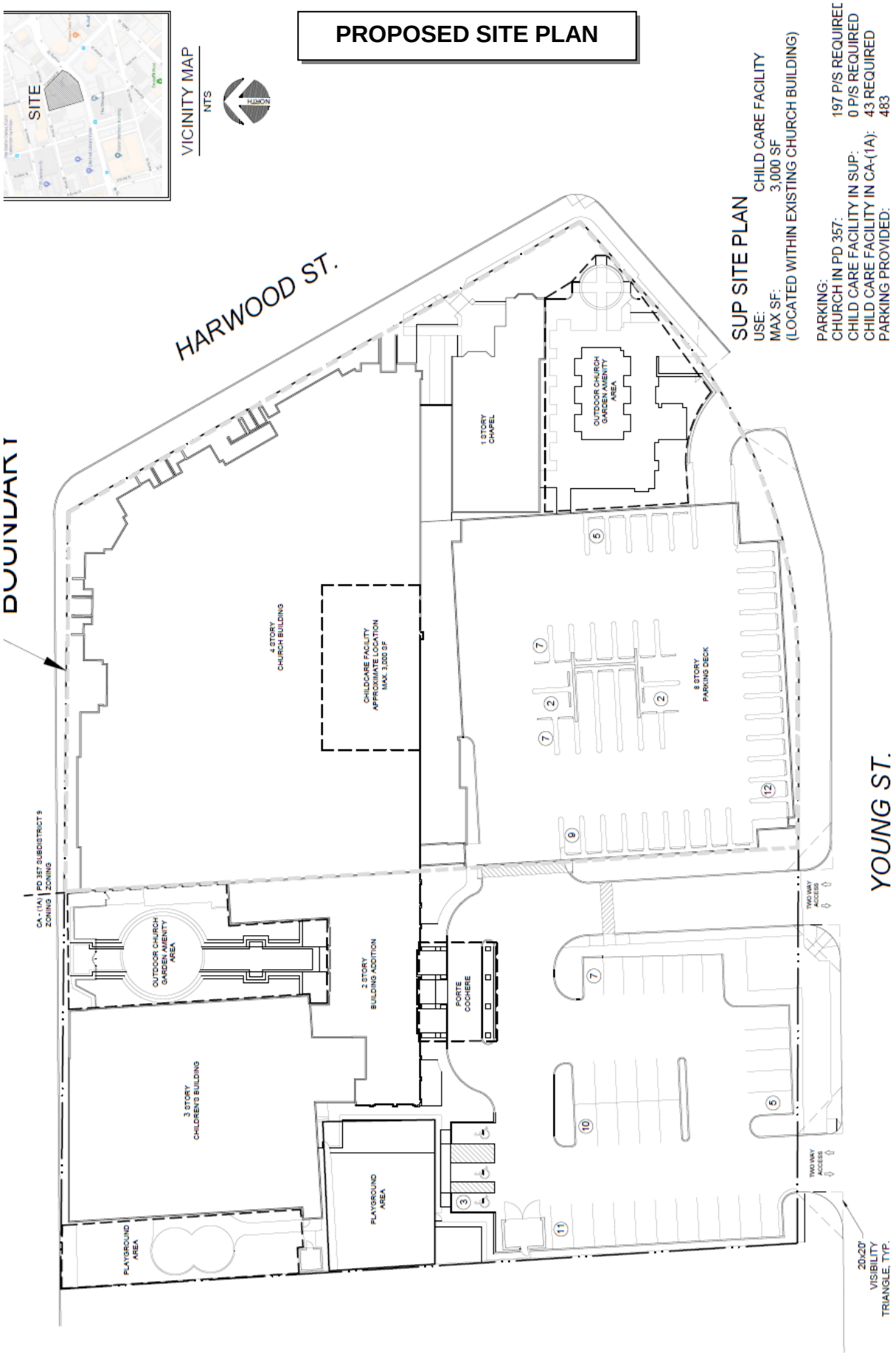
2. TIME LIMIT: This specific use permit expires on THREE YEARS, but is eligible for automatic renewal for additional FIVE-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

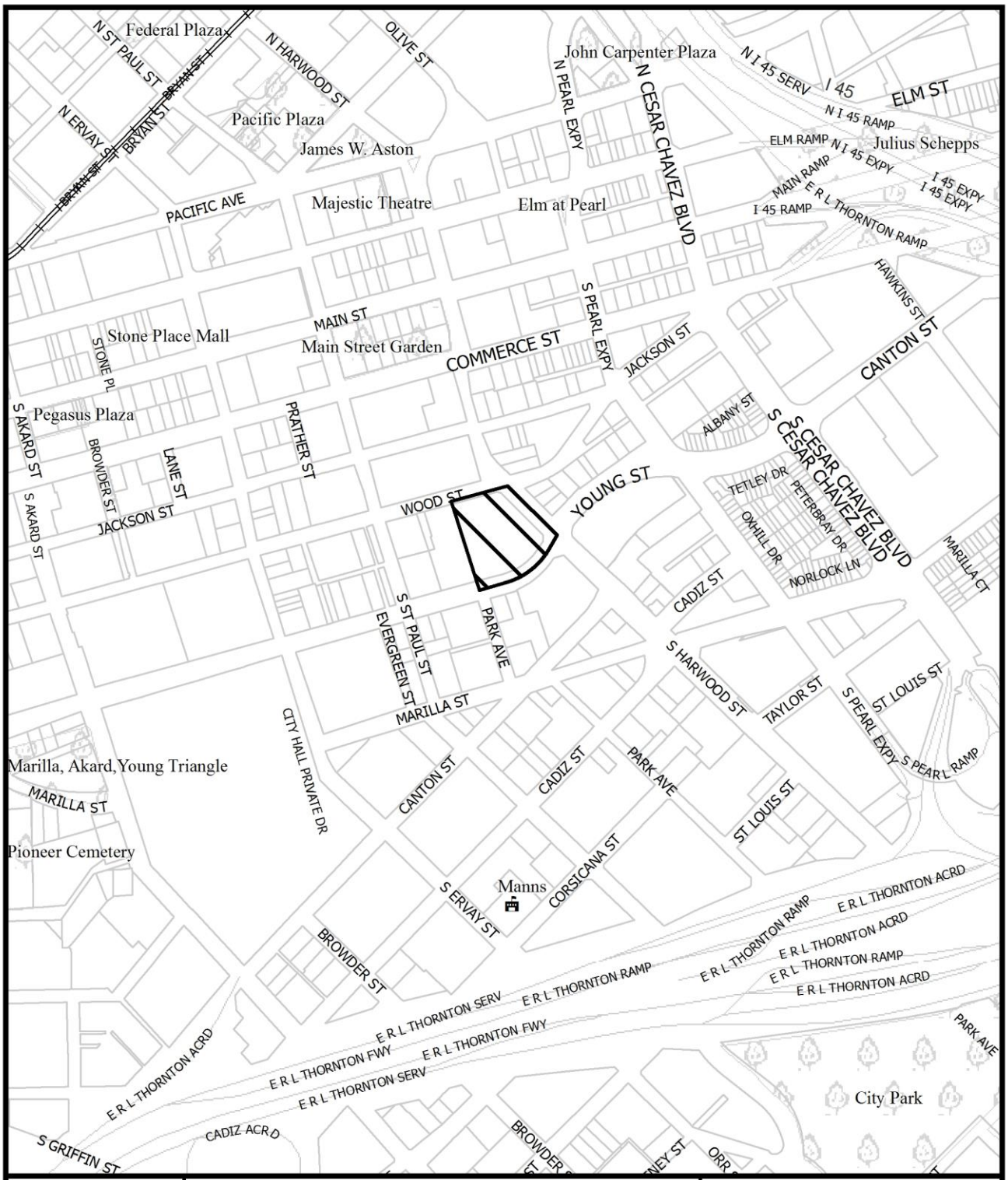
4. FLOOR AREA: The maximum floor area is 3,000 square feet.

5. HOURS OF OPERATION: The child-care facility may only operate between 6:00 a.m. and 7:00 p.m., Monday through Friday.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.


PROPOSED SITE PLAN
VICINITY MAP
NTS
SITE
SUP SITE PLAN
USE: CHILD CARE FACILITY
MAX SF: 3,000 SF
(LOCATED WITHIN EXISTING CHURCH BUILDING)
PARKING:
CHURCH IN PD 357: 197 P/S REQUIRED
CHILD CARE FACILITY IN SUP: 0 P/S REQUIRED
CHILD CARE FACILITY IN CA-(1A): 43 REQUIRED
PARKING PROVIDED: 483
HARWOOD ST.
YOUNG ST.
BOUNDARY
CA-(1A) | PD 357 SUBDISTRICT 9
ZONING | ZONING
4 STORY CHURCH BUILDING
CHILDCARE FACILITY APPROXIMATE LOCATION MAX. 3,000 SF
1 STORY CHAPEL
OUTDOOR CHURCH GARDEN AMENITY AREA
8 STORY PARKING DECK
2 STORY BUILDING ADDITION
PORTE COCHERE
OUTDOOR CHURCH GARDEN AMENITY AREA
3 STORY CHILDREN'S BUILDING
PLAYGROUND AREA
PLAYGROUND AREA
TWO WAY ACCESS
TWO WAY ACCESS
20x20' VISIBILITY TRIANGLE, TYP.



1:6,000

VICINITY MAP

Case no: Z178-216

Date: 5/1/2018

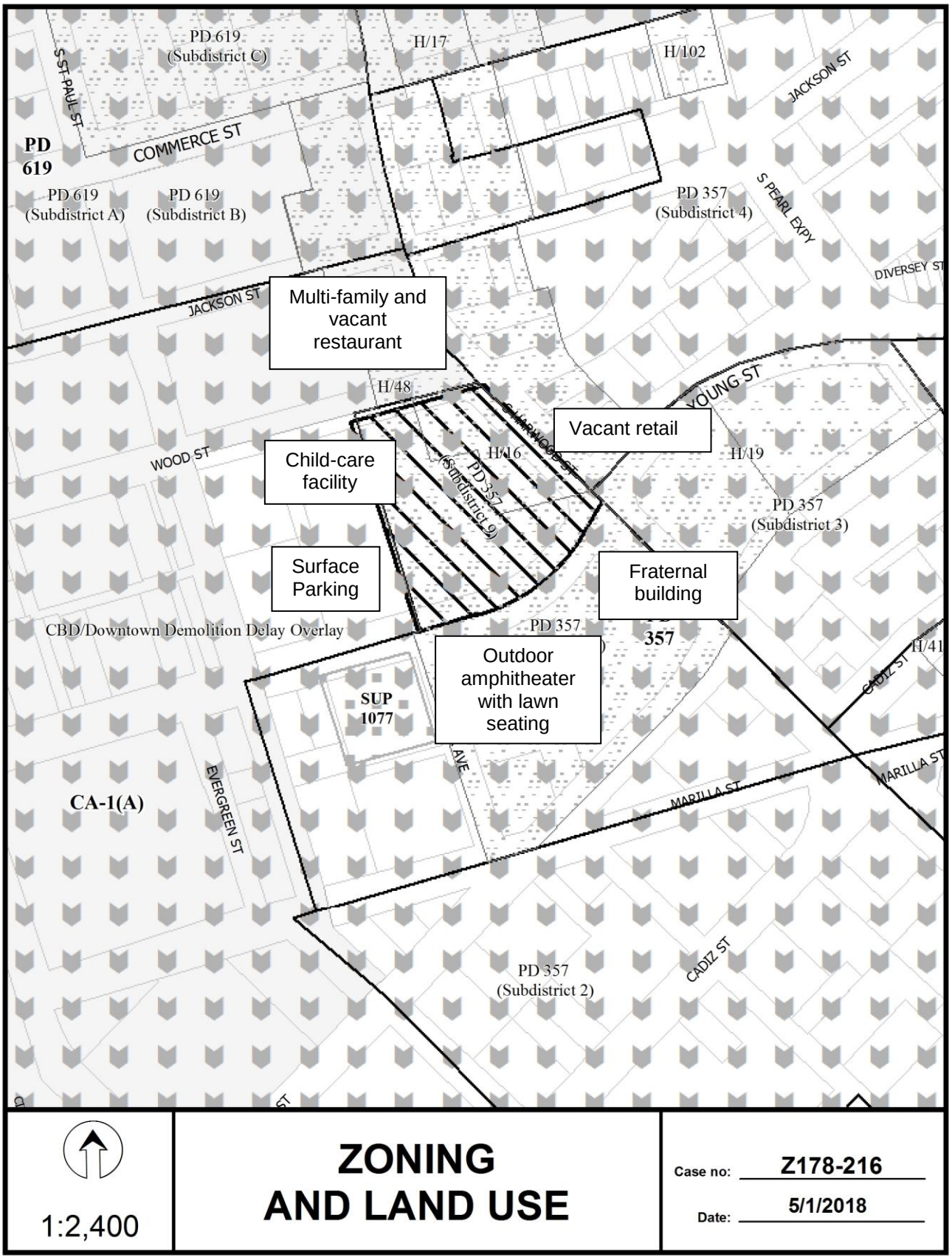


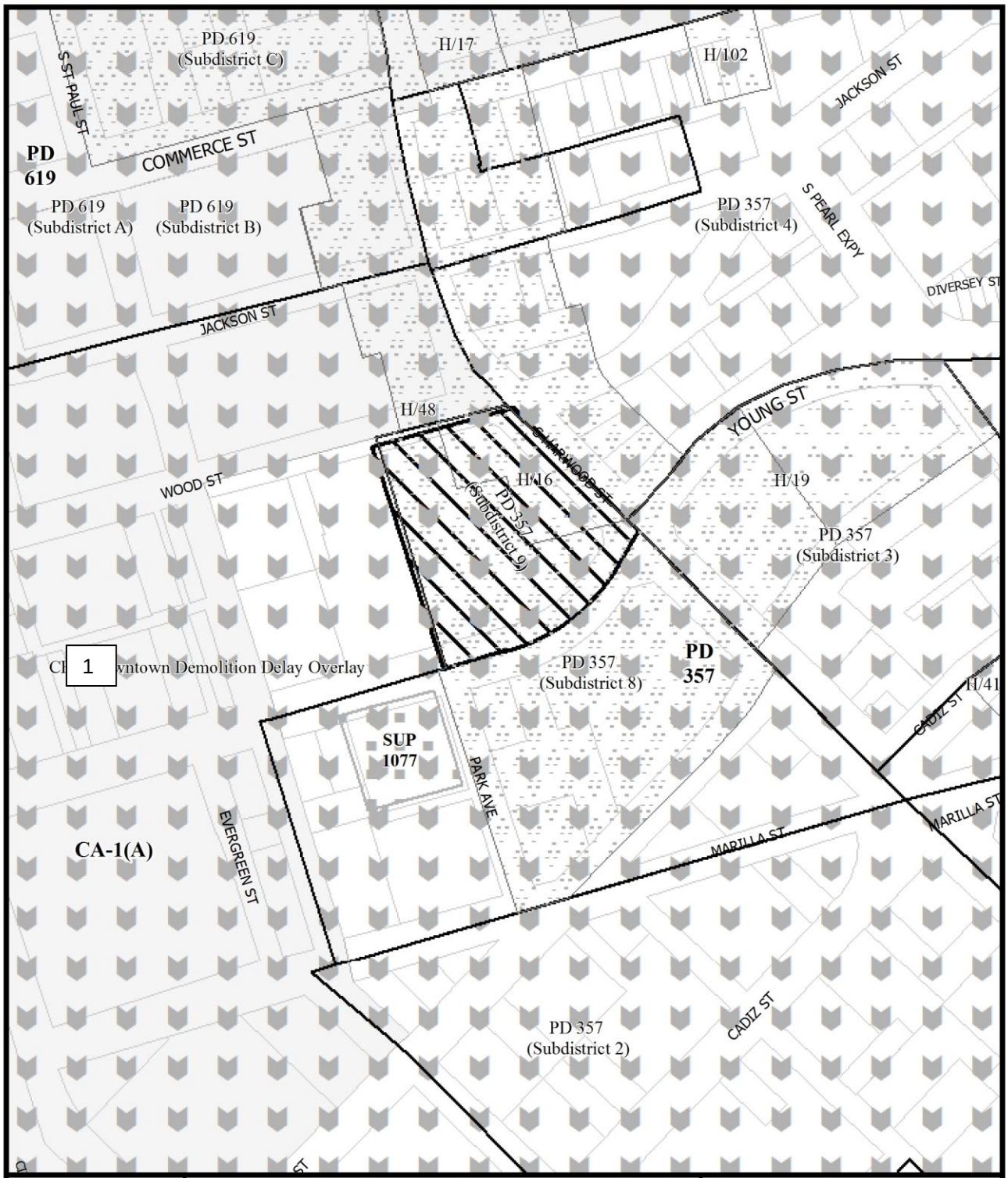
1:2,400

AERIAL MAP

Case no: Z178-216

Date: 5/1/2018


PD 619
(Subdistrict C)
H/17
H/102
JACKSON ST
S ST PAUL ST
COMMERCE ST
PD 619
PD 619
(Subdistrict A)
PD 619
(Subdistrict B)
PD 357
(Subdistrict 4)
S PEARL EXPY
DIVERSEY ST
JACKSON ST
Multi-family and vacant restaurant
H/48
YOUNG ST
Vacant retail
WOOD ST
Child-care facility
H/16
PD 357
(Subdistrict 9)
H/19
PD 357
(Subdistrict 3)
Surface Parking
Fraternal building
CBD/Downtown Demolition Delay Overlay
PD 357
357
Outdoor amphitheater with lawn seating
SUP
1077
CADIZ ST
H/41
MARILLA ST
EVERGREEN ST
CA-1(A)
PD 357
(Subdistrict 2)
CADIZ ST
1:2,400
ZONING
AND LAND USE
Case no: Z178-216
Date: 5/1/2018

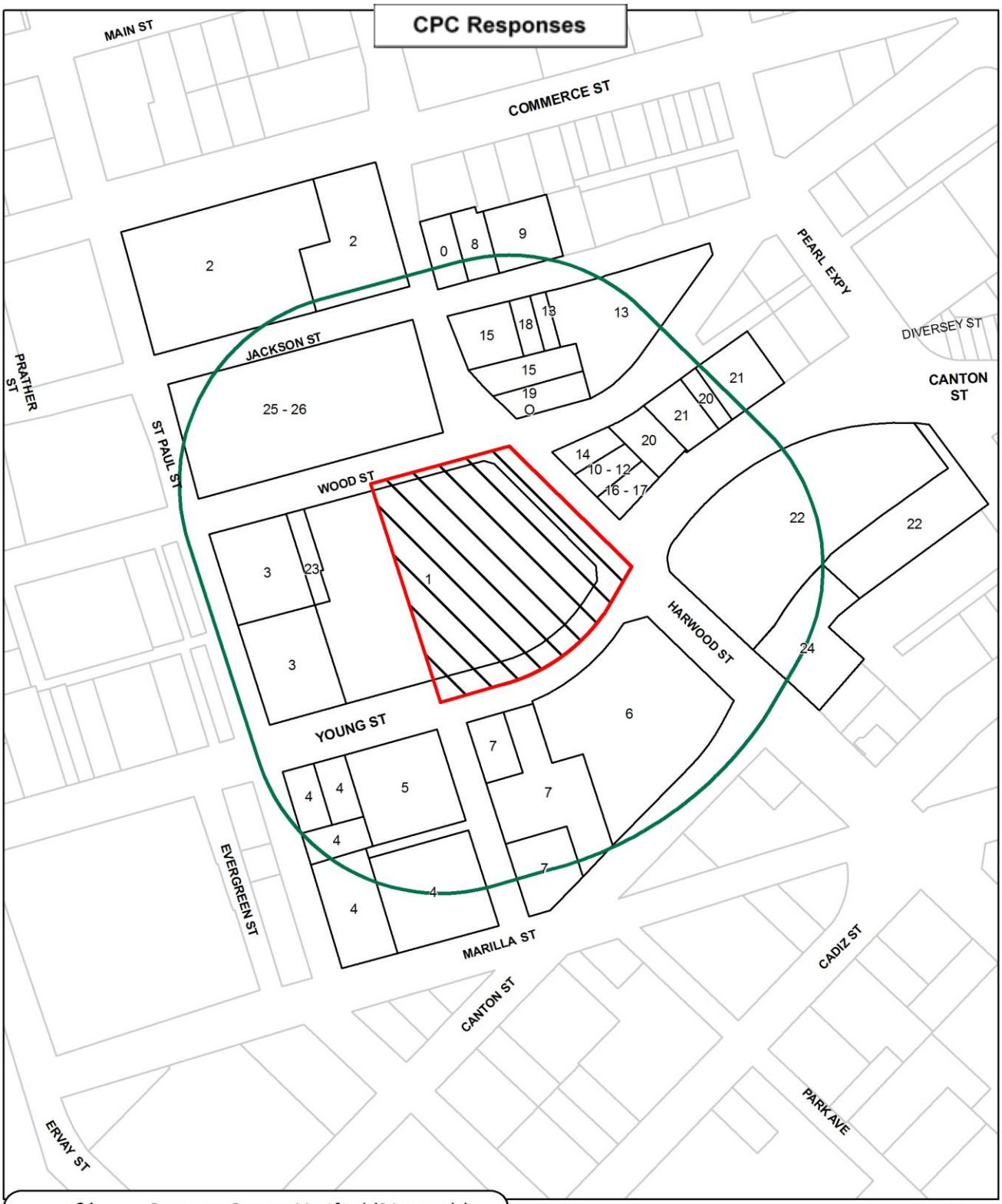


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ZONING HISTORY

Case no: Z178-216

Date: 5/1/2018



26	Property Owners Notified (36 parcels)
1	Replies in Favor (1 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
5/17/2018	Date

Z178-216
CPC

N
W E
S

1:2,400

05/16/2018

Reply List of Property Owners

Z178-216

26 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1835	YOUNG ST	FIRST PRESBYTERIAN CHURCH
	2	1954	COMMERCE ST	COMMERCE STATLER DEVELOPMENT LLC
	3	1818	WOOD ST	HAMILTON ST PAUL GP LLC
	4	500	S ST PAUL ST	TEXAS UTILITIES ELEC CO
	5	1822	YOUNG ST	FIRST PRESBYTERIAN CHURCH
	6	507	S HARWOOD ST	HLH HARWOOD LLC
	7	1900	YOUNG ST	FIRST PRESBYTERIAN CHURCH OF DALLAS TEXAS
	8	2007	JACKSON ST	CADG JACKSON PARKING A LLC
	9	2013	JACKSON ST	CADG HARWOOD LLC
	10	408	S HARWOOD ST	DREYFUS BETTY K
	11	408	S HARWOOD ST	GREENMAN SUZANNE FLAXMAN &
	12	408	S HARWOOD ST	KAHN ALAN LINZ ESTATE OF
	13	2012	JACKSON ST	LAKE AVENUE LLC
	14	404	S HARWOOD ST	STROUT PETER S &
	15	300	S HARWOOD ST	HARWOOD PROPACQUISTION LLC
	16	412	S HARWOOD ST	STROUT PETER S &
	17	412	S HARWOOD ST	STROUT PETERS S &
	18	2008	JACKSON ST	HARWOOD PROPACQUISITION LLC
O	19	312	S HARWOOD ST	HARWOOD PARK LLC
	20	2011	YOUNG ST	LAKE AVENUE LLC
	21	2023	YOUNG ST	LAKE AVENUE LLC
	22	500	S HARWOOD ST	DALLAS SCOTTISH RITE
	23	1818	WOOD ST	FIRST PRESBYTERIAN CHURCH
	24	600	S HARWOOD ST	PRESERVE LIBERTY LLC
	25	300	S ST PAUL ST	ATMOS LIHTC LLC
	26	301	S HARWOOD ST	HAMILTON ATMOS LP

AGENDA ITEM # 72

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2206 for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the southeast side of Ross Avenue, northeast of Hall Street

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions

Z178-217(MB)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**
ACM: Majed Al-Ghafry

FILE NUMBER: Z178-217(MB) **DATE FILED:** March 26, 2018

LOCATION: Southeast side of Ross Avenue, northeast of Hall Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 H

SIZE OF REQUEST: Approx. 0.349 acres **CENSUS TRACT:** 16.00

OWNER/APPLICANT: BSK Schwarts, Ltd./Bar and Garden

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for the renewal of Specific Use Permit No. 2206 for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The purpose of this request is to continue the operation of a liquor store [Bar & Garden Dallas] within an existing multi-tenant commercial building. There are no proposed changes to the existing site plan.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a multi-tenant commercial building.
- Specific Use Permit No. 2206 for a liquor store was approved by City Council on August 10, 2016, for a two-year period. A Certificate of Occupancy was subsequently issued on August 31, 2016.
- The applicant is requesting the renewal of SUP No. 2206 in order to continue the operation of a liquor store use within the existing multi-tenant commercial building.

Zoning History: There has been one zoning change requested in the area.

1. Z156-242(JM) On August 10, 2016, the City Council approved a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District (subject site).

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Ross Avenue	Community Collector	80 ft.
Hall Street	Minor Arterial	50 ft.

Traffic: The Engineering Division of the Sustainable Construction and Development Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 298 Subdistrict 1	Liquor store, retail, & restaurant
Northeast	PDD No. 298 Subdistrict 1	Vacant
Southeast	PDD No. 298 Subdistrict 6	Single family residential
Southwest	PDD No. 298 Subdistrict 1	Multifamily
Northwest	PDD No. 298 Subdistrict 1	Multifamily

The subject site is part of a multi-tenant commercial property which has been fully renovated. It has a variety of store fronts serving the multiple multifamily structures in walking distance to the northwest and southwest. Additionally, these shops serve as a barrier between the high intensity multifamily and the single family properties to the

east, all within the Bryan Area Special Purpose District and as intended by a Multi Modal Corridor Building Block.

The approximately 2,300-square-foot building is zoned Subdistrict 1 within Planned Development District No. 298, the Bryan Place Special Purpose District, and is currently redeveloped with a multi-tenant commercial structure. The existing liquor store will continue to complement the variety of shops that serve the surrounding community.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan designates the area of request in the Multi-modal corridor. This Building Block should encourage the redevelopment of aging auto-oriented single family neighborhoods. These areas offer dense mixed use and then transition to multifamily and single family housing at the edge. These corridors should diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit-orientation and access.

This request continues to support the mixed-use redevelopment of the area, providing unique shops in walking distance for new multifamily and existing single family structures.

Area Plan:

The Bryan Area Study of 1988 determined that a Planned Development District was appropriate to help organize and enhance the development potential in an area of East Dallas adjacent to and northeast of the Central Business District. Beginning in March 2004, an evaluation study was conducted to determine if development was meeting the objectives of the Bryan Area Study and to make recommendations to adjust regulations that were falling short. The original study identified eight objectives: (1) promote urban character; (2) encourage residential development; (3) encourage redevelopment and commercial activity; (4) establish the Bryan Area as a regional health care complex of Dallas; (5) enhance the physical appearance and promote urban character within the

Bryan Area; (6) reinforce the multi-cultural character of the Bryan Area; (7) focus commercial/retail redevelopment opportunities to the Village Center; and (8) establish linkages to regional activity centers.

Subsequent to that study, an evaluation study was conducted and found that objectives 3 and 7 were off track. Specifically, Ross Avenue was divided into a few subdistricts of differing regulations and the predominance of auto-related uses was identified as a redevelopment inhibitor. The recommendations of the evaluation study identified changes to PD No. 298 to encourage the desired development for the Ross Avenue corridor, namely: (1) subdistricts 1, 2, and 3 were combined along Ross Avenue to encourage uniform regulations for this gateway corridor; (2) razor wire and barbed wired fencing was prohibited and desired fencing materials listed; and (3) compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential.

Redevelopment is occurring on Ross Avenue and this request supports the changing uses along the gateway corridor.

Landscaping: In general, landscaping of any development will be in accordance with Article X, as amended.

PARTNERS FOR BAR & GARDEN and BSK SCHWARTZ, LTD

List of Officers

BSK Schwartz, Ltd

Ben Schwartz, Partner
Steve Schwartz, Partner
Kim Smith, Partner

Bar and Garden

Lisa Johnson, Partner
Lauren Johnson, Partner
Jeffery Fritz, Partner
Marissa Mandel, Partner

Z178-217

CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** for the renewal of Specific Use Permit No. 2206 for a liquor store for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to revised conditions on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the southeast side of Ross Avenue, northeast of Hall Street.

Maker:	Rieves
Second:	Mack
Result:	Carried: 13 to 0
For:	13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley
Against:	0
Absent:	1 - Housewright
Vacancy:	1 - District 8

Notices:	Area:	200	Mailed:	33
Replies:	For:	1	Against:	0

Speakers: None

Z178-217
Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a liquor store.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

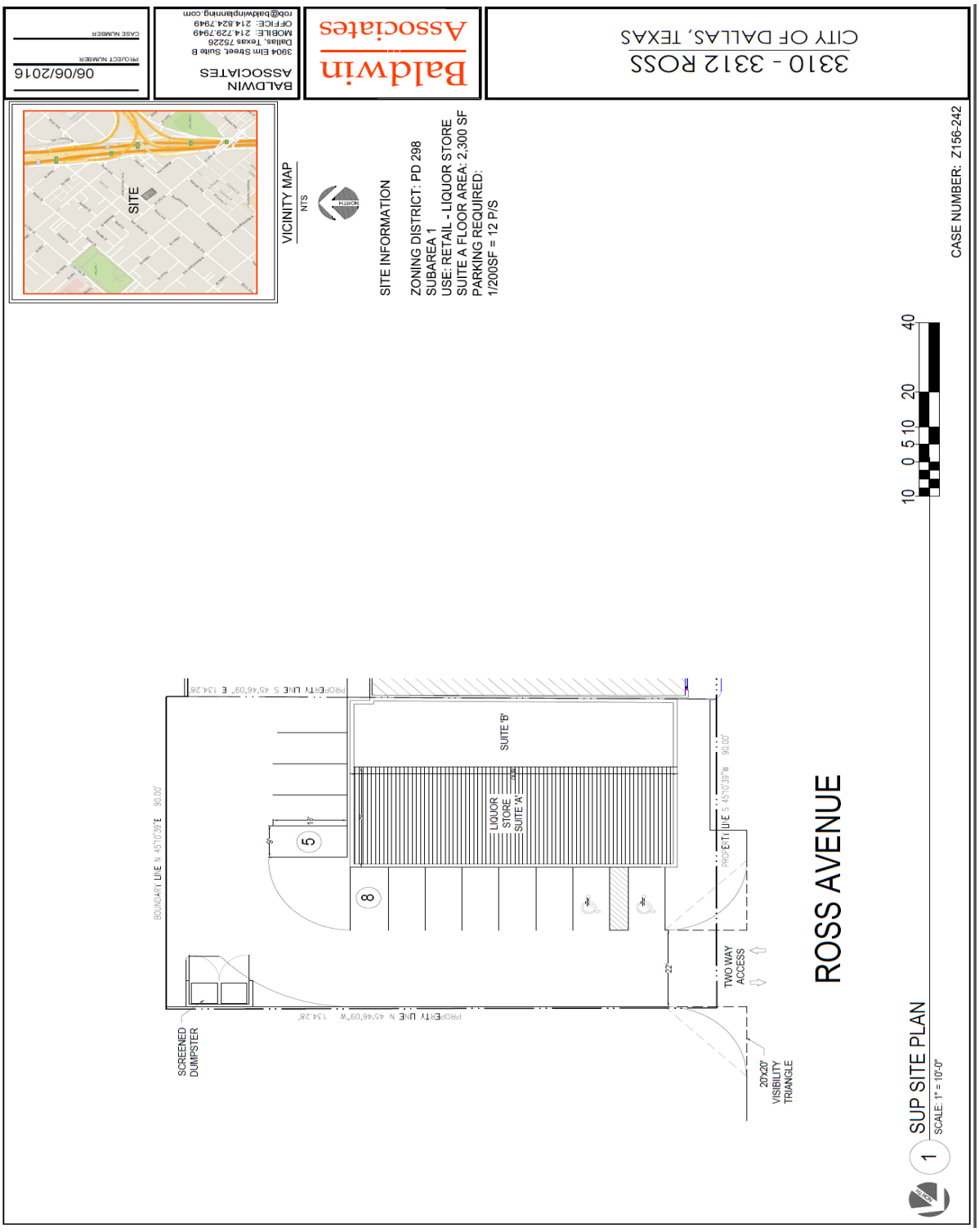
3. TIME LIMIT: This specific use permit expires on two years from the passage of this ordinance [~~April 10, 2018~~] but is eligible for automatic renewal for additional THREE-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.).

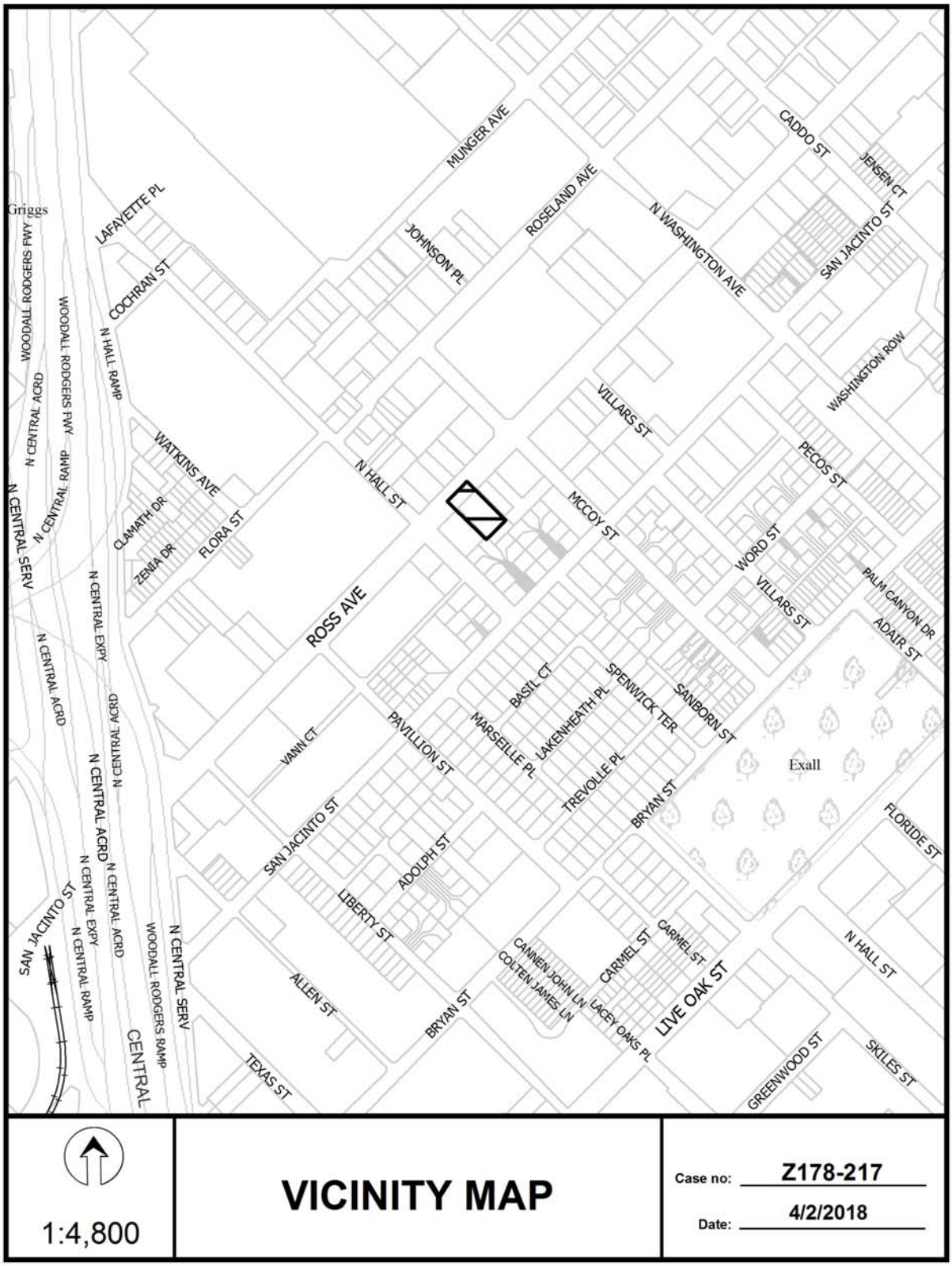
4. FLOOR AREA: The maximum floor area for a liquor store is 2,300 square feet in the location shown on the site plan.

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

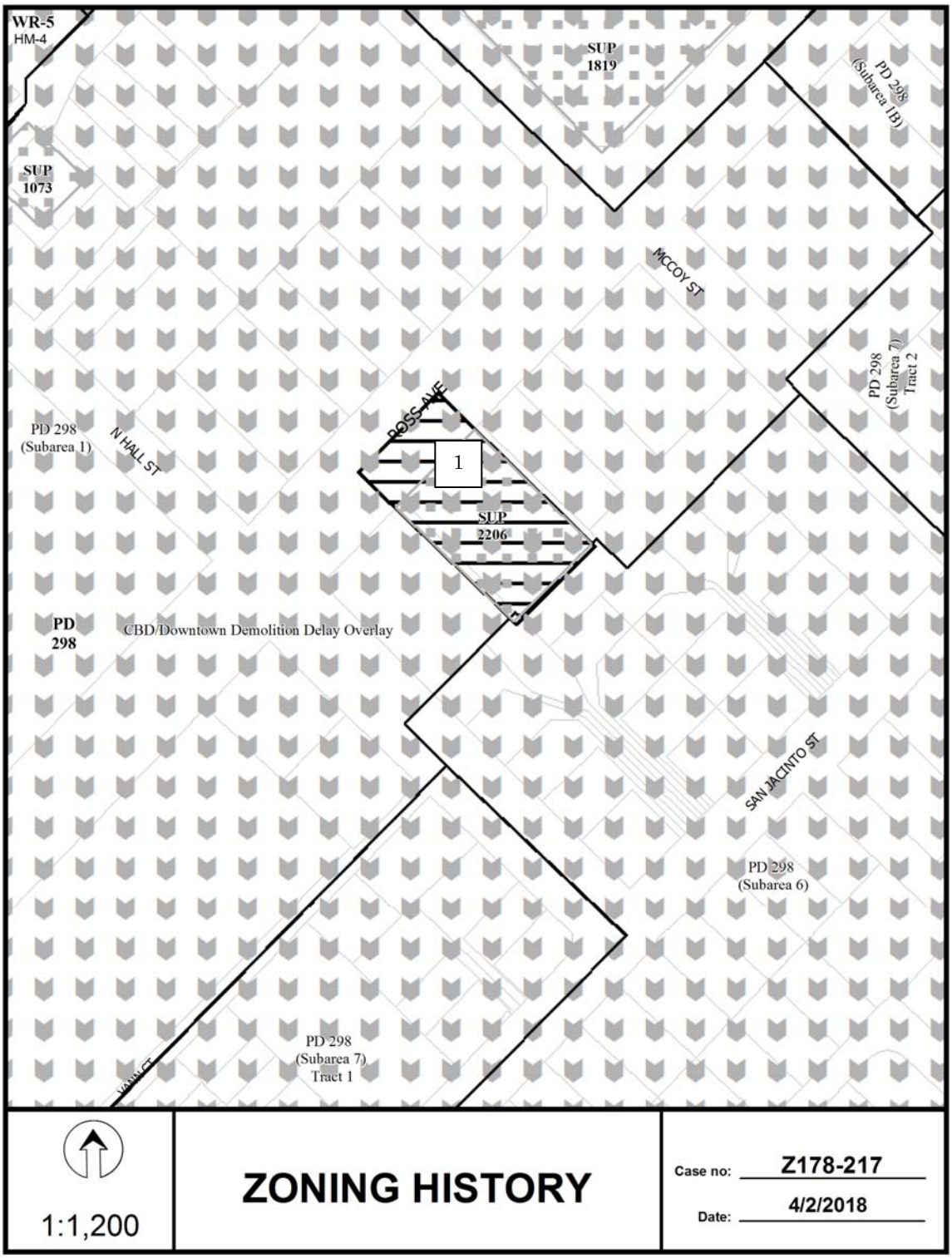
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

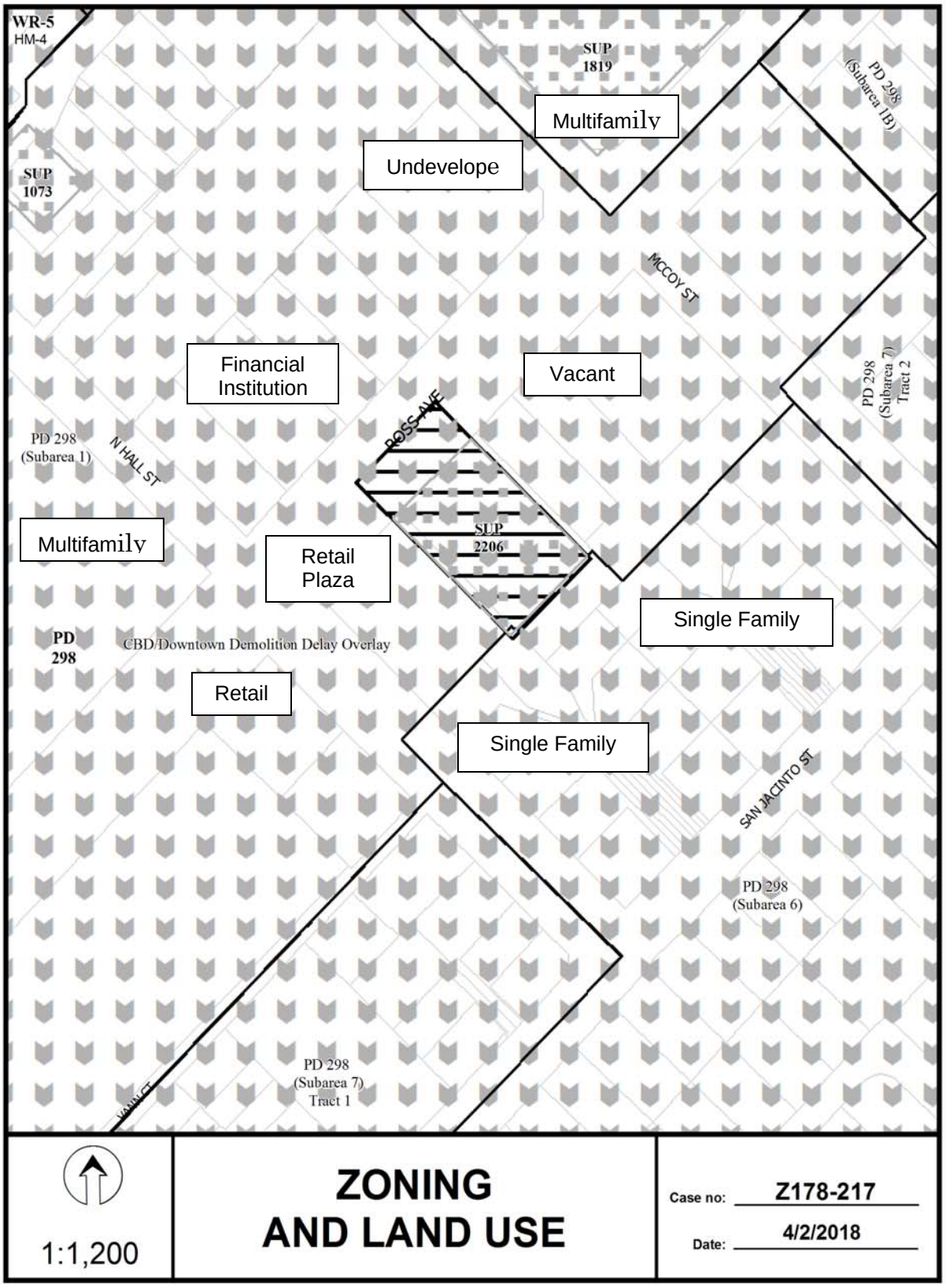
Existing Site Plan
(no changes)



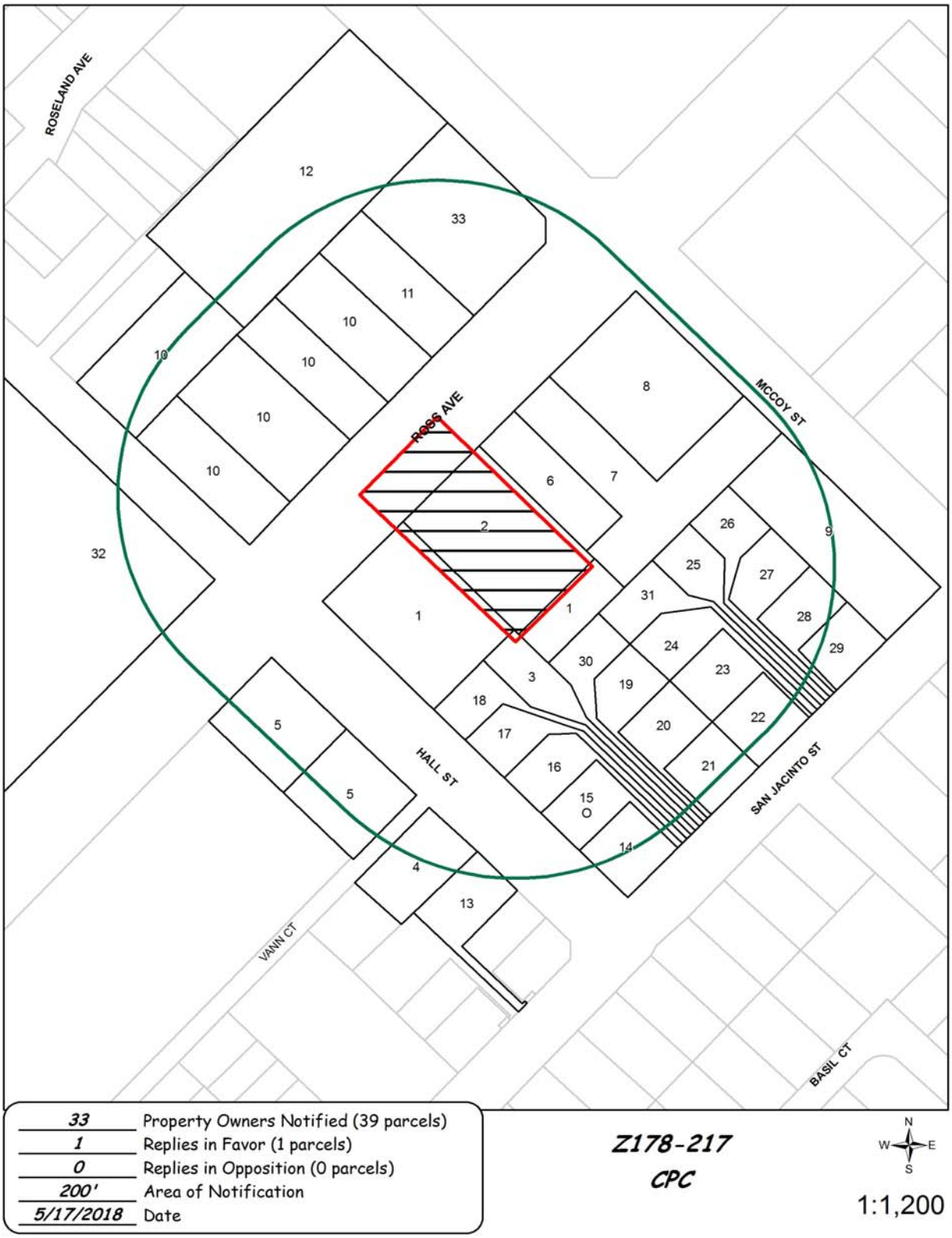

MUNGER AVE
CADDO ST
JENSEN CT
ROSELAND AVE
N WASHINGTON AVE
SAN JACINTO ST
JOHNSON PL
LAFAYETTE PL
COCHRAN ST
N HALL RAMP
WOODALL RODGERS FWY
N CENTRAL ACRD
N CENTRAL RAMP
N CENTRAL SERV
WASHINGTON ROW
VILLARS ST
WATKINS AVE
CLAMATH DR
ZENIA DR
FLORA ST
N HALL ST
MCCOY ST
PECOS ST
WORD ST
PALM CANYON DR
ADAIR ST
ROSS AVE
N CENTRAL EXPY
N CENTRAL ACRD
BASIL CT
SPENWICK TER
SANBORN ST
LAKENHEATH PL
MARSEILLE PL
PAVILLION ST
VANN CT
TREVOLLE PL
BRYAN ST
Exall
FLORIDE ST
SAN JACINTO ST
ADOLPH ST
LIBERTY ST
CARMEL ST
CANNEN JOHN LN
COLTEN JAMES LN
LACEY OAKS PL
LIVE OAK ST
N HALL ST
ALLEN ST
BRYAN ST
TEXAS ST
GREENWOOD ST
SKILES ST
CENTRAL
1:4,800
VICINITY MAP
Case no: Z178-217
Date: 4/2/2018


ROSELAND AVE
McCOY ST
N HALL ST
ROSS AVE
SAN JACINTO ST
1:1,200
AERIAL MAP
Case no: Z178-217
Date: 4/2/2018


WR-5
HM-4
SUP
1819
PD 298
(Subarea 1B)
SUP
1073
MCCOY ST
PD 298
(Subarea 7)
Tract 2
ROSS AVE
PD 298
(Subarea 1)
N HALL ST
1
SUP
2206
PD
298
CBD/Downtown Demolition Delay Overlay
SAN JACINTO ST
PD 298
(Subarea 6)
PD 298
(Subarea 7)
Tract 1
VANN CT
1:1,200
ZONING HISTORY
Case no: Z178-217
Date: 4/2/2018


WR-5
HM-4
SUP
1819
Multifamily
PD 298
(Subarea 1B)
Undevelope
SUP
1073
MCCOY ST
Financial
Institution
Vacant
PD 298
(Subarea 7)
Tract 2
ROSS AVE
PD 298
(Subarea 1)
N HALL ST
SUP
2206
Multifamily
Retail
Plaza
Single Family
PD
298
CBD/Downtown Demolition Delay Overlay
Retail
Single Family
SAN JACINTO ST
PD 298
(Subarea 6)
PD 298
(Subarea 7)
Tract 1
1:1,200
ZONING
AND LAND USE
Case no: Z178-217
Date: 4/2/2018

CPC Responses



05/16/2018

Reply List of Property Owners

Z178-217

33 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3300	ROSS AVE	BSK SCHWARTZ LTD
	2	3310	ROSS AVE	BSK SCHWARTZ LTD
	3	3323	SAN JACINTO ST	MAZZOLA RICHARD J
	4	1609	N HALL ST	1609 NORTH HALL LLC
	5	1619	N HALL ST	SCHWARTZ HYMIE TESTAMENTARY
	6	3400	ROSS AVE	HERNANDEZ JULIO
	7	3404	ROSS AVE	PARKS JAMES B JR
	8	3410	ROSS AVE	606 MIDLAND BAR LLC
	9	1607	MCCOY ST	MACEDONIA BAPTIST CHURCH
	10	3311	ROSS AVE	3405 DHG LLC
	11	3405	ROSS AVE	1507 DRAGON STREET LLC
	12	1711	MCCOY ST	DOOLEY DEV USA LLC
	13	3243	SAN JACINTO ST	LARKO NIX MARY E
	14	3303	SAN JACINTO ST	ALLEN ALAN D
O	15	3307	SAN JACINTO ST	MITCHELL REBECCA
	16	3311	SAN JACINTO ST	ONU ADISA
	17	3315	SAN JACINTO ST	SINGER FLORIZA FLORES &
	18	3319	SAN JACINTO ST	EVANS JENNIE M E
	19	3331	SAN JACINTO ST	HUGGHINS GAYLA J
	20	3335	SAN JACINTO ST	VAZQUEZ ZAIRA &
	21	3339	SAN JACINTO ST	BALL CYNTHIA K
	22	3343	SAN JACINTO ST	BARRON KENNETH L
	23	3403	SAN JACINTO ST	MOORE TERRY L
	24	3407	SAN JACINTO ST	WHITE NATHAN
	25	3415	SAN JACINTO ST	FISHER ROBERT J & MELINDA M
	26	3419	SAN JACINTO ST	TOLANDER GREGORY ALAN &

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	27	3423	SAN JACINTO ST	NJUGUNA BEATRICE WANGARI
	28	3427	SAN JACINTO ST	AZFER ADNAN &
	29	3431	SAN JACINTO ST	STULTZ JACOB MICHAEL
	30	3327	SAN JACINTO ST	FRANCESCHETTI ALESSIO
	31	3411	SAN JACINTO ST	SMITH J WAYNE & SHARON A
	32	1707	N HALL ST	SHF I ICON LLC
	33	3407	ROSS AVE	SCHWARTZ JEANNETTE ESTATE OF

AGENDA ITEM # 73

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, on the south line of Kimsey Drive, northeast of Maple Avenue
Recommendation of Staff and CPC: Approval
Z178-220(AM)

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-220(AM) **DATE FILED:** March 26, 2018

LOCATION: South line of Kimsey Drive, northeast of Maple Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 34 P

SIZE OF REQUEST: ± .172 acres **CENSUS TRACT:** 4.06

APPLICANT/OWNER: Kimsey Developments Inc.

REPRESENTATIVE: Nureddin Isa

REQUEST: An application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to construct four dwelling units on one existing 7,500-square-foot-lot.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- There are no structures located on 2606 Kimsey Drive at present.
- The applicants request for an MF-2(A) Multifamily District will allow for the construction of one 4-unit multifamily structure.
- The surrounding land uses primarily consist of single family uses or vacant lots on property zoned IR Industrial Research or townhouse style multifamily homes on property zoned MF-2(A).

Zoning History: There have been nine zoning changes requested in the area within the last five years.

1. **Z167-349:** On December 13, 2017, the City Council approved an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.
2. **Z167-348:** On October 25, 2017, the City Council approved an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.
3. **Z167-341**: On October 11, 2017, the City Council approved an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.
4. **Z167-304:** On August 23, 2017, the City Council approved an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.
5. **Z167-305:** On August 23, 2017, the City Council approved an MF-2(A) Multifamily District on property zoned an IR Industrial Research District.
6. **Z167-223:** On June 28, 2017, the City Council approved an MF-2(A) Multifamily District in lieu of the requested Planned Development District on property zoned an IR Industrial Research District.
7. **Z145-172**: On October 28, 2015, the City Council approved an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.
8. **Z167-292:** On January 27, 2015, the City Council approved an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.
9. **Z123-339:** On March 26, 2014, the City Council approved a Planned Development District for MF-2(A) Multifamily District uses on property zoned an IR Industrial Research District.

Thoroughfares/Streets:

Thoroughfares/Streets	Type	Existing ROW
Kimsey Drive	Local	50 feet

Traffic:
The Engineering Division of the Sustainable Development and Construction Department, upon reviewing the request, has determined that the proposed development shall have no negative impact on the surrounding street system.

Comprehensive Plan:
The *forwardDallas! Comprehensive Plan* was adopted by the Dallas City Council on June 2006. Outlined in *forwardDallas! Comprehensive Plan* are several goals and policies which may serve as a framework for assisting in the evaluation of the applicant's request.

This request site is located in a section of the City undergoing a transitional pattern of development from a mix of light and heavy industrial (inside) uses with scattered single-family to one consisting primarily of multifamily uses. Approximately half of Kimsey Drive is now zoned as a Multifamily district due to several zoning changes which have occurred. Extending the MF-2(A) designation to this parcel will not have a negative impact on the adjacent properties, and will make it consistent with the surrounding zoning.

This proposed zoning request meets the below goals and objectives of the Comprehensive Plan.

Land Use Element
Goal 1.1 Align land use strategies with economic development priorities
Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics
Economic Element
Goal 2.1 Promote balanced growth
Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions
Urban Design
Goal 5.1 Promote a sense of place, safety and walkability
Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Neighborhood Plus

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

Policy 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Stemmons Corridor – Southwestern Medical District Area Plan:

The area of request falls within the Stemmons Corridor – Southwestern Medical District Area Plan (adopted June 2010) and primarily complies with the intent of this plan. The Plan identifies the request site as being within the Medium Urban Residential Development Block. The Plan intends for this development block to encourage predominantly residential development at a range of urban scales in walkable format. Increasing the residential base of this area is important due to the nearby access to jobs. The Plan further suggests that this development block contain a diversity of housing such as: town homes; medium density apartments; and condominiums ranging between 2 to 7-stories.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	IR	Vacant
Northwest	IR	Single Family
Northeast	IR	Vacant
Southeast	IR	Surface Parking
Southwest	IR	Single Family

Land Use Compatibility:

The site is currently undeveloped. The applicant proposes to construct a single-family development with a shared access easement with 4 dwelling units on one existing 7,500-square-foot lot. The proposed structure will reflect a townhouse style design to match with the surrounding structures. An MF-2(A) zoning limits the lot coverage to 60 percent with a maximum height of 36 feet as opposed to the 80 percent lot coverage allowed by the IR Industrial Research District with a 200-foot maximum height.

Kimsey Drive is developed with a mix of single family uses, new construction multifamily, undeveloped lots, and light industrial/office uses. Older structures within the vicinity consist primarily of industrial, warehouse, and single-family uses. The reason for the disparate mix of uses is due to the prior city-wide code transition from Chapter 51 to Chapter 51A in the 1980's. Prior to this change districts zoned industrial allowed a range of uses ranging from such wide intensity as single-family to industrial. This zoning is otherwise known as *cumulative zoning*.

The recently adopted zoning changes have spurred development and redevelopment within the vicinity, concentrated primarily further northwest of the request site along Maple Avenue between Bomar Avenue and Stutz Drive, and has been predominately developed with multifamily uses.

The area of request is within a half-mile walking distance of the Inwood Dart rail station and the DART Love Field Airport shuttle as well as being near the University of Texas Southwestern Medical Center campus. Due to the closeness to these transportation and employment hubs there is a need for additional housing options.

Upon examining the recommendations found within the area plan and after review of the existing development patterns of surrounding properties, staff recognizes the positive benefits to be found in an MF-2(A) Multifamily District. Therefore, staff recommends approval of an MF-2(A) Multifamily District.

Development Standards:

DISTRICT	SETBACKS Front	SETBACKS Side/Rear	Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
Proposed							
MF-2(A) Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
Existing							
IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code.

Prior CPC Action – May 17, 2018

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District on property zoned an IR Industrial Research District, on the south line of Kimsey Drive, northeast of Maple Avenue.

Maker: Rieves
Second: Mack
Result: Carried: 13 to 0

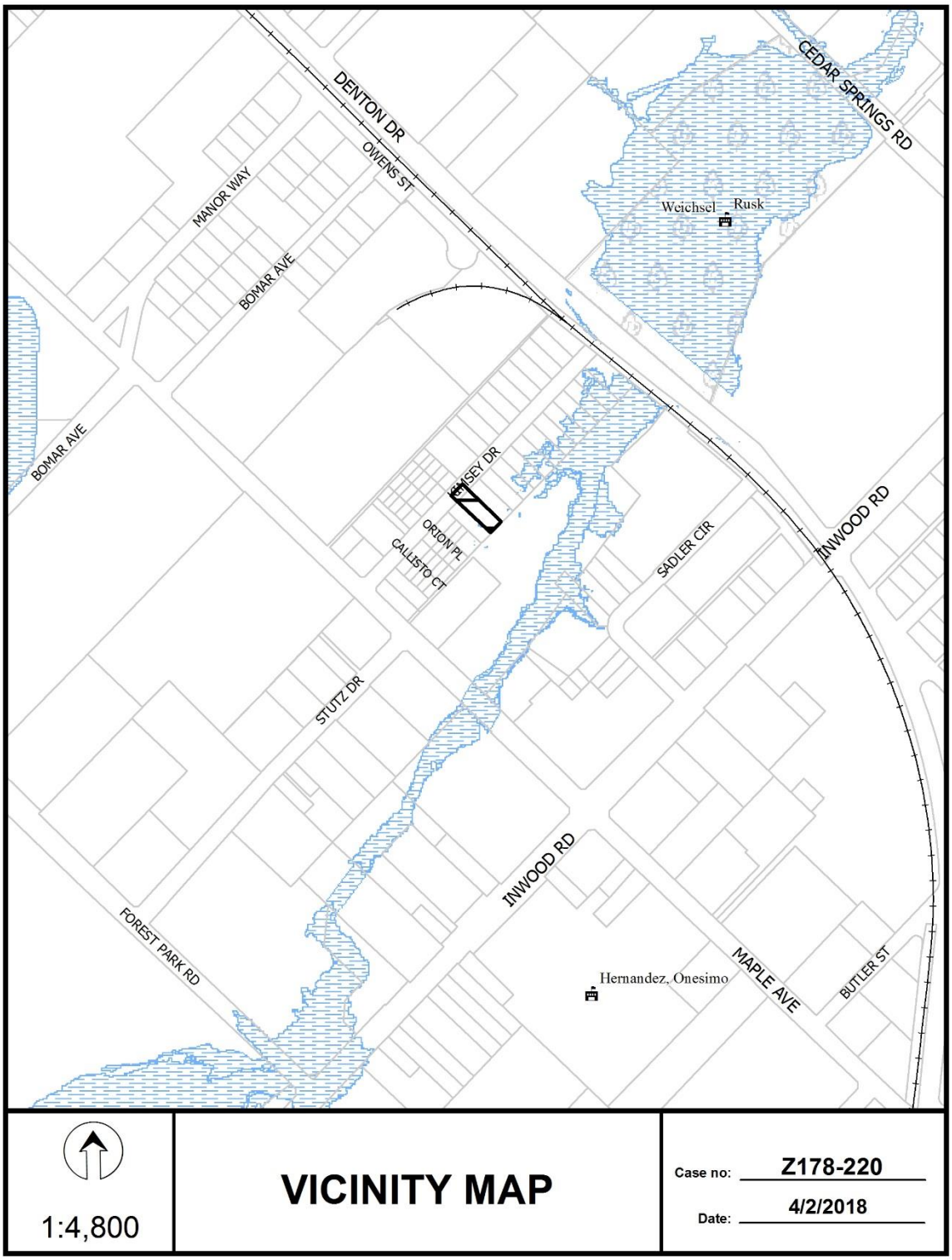
For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 28
Replies: For: 2 Against: 1

Speakers: None

List of Officers:
Director 1: Adieb M. Isa
Director 2: Nureddin Isa


DENTON DR
OWENS ST
MANOR WAY
BOMAR AVE
BOMAR AVE
CEDAR SPRINGS RD
Weichsel
Rusk
MSEY DR
ORION PL
CALLISTO CT
SADLER CIR
INWOOD RD
STUTZ DR
INWOOD RD
FOREST PARK RD
Hernandez, Onesimo
MAPLE AVE
BUTLER ST
1:4,800
VICINITY MAP
Case no: Z178-220
Date: 4/2/2018

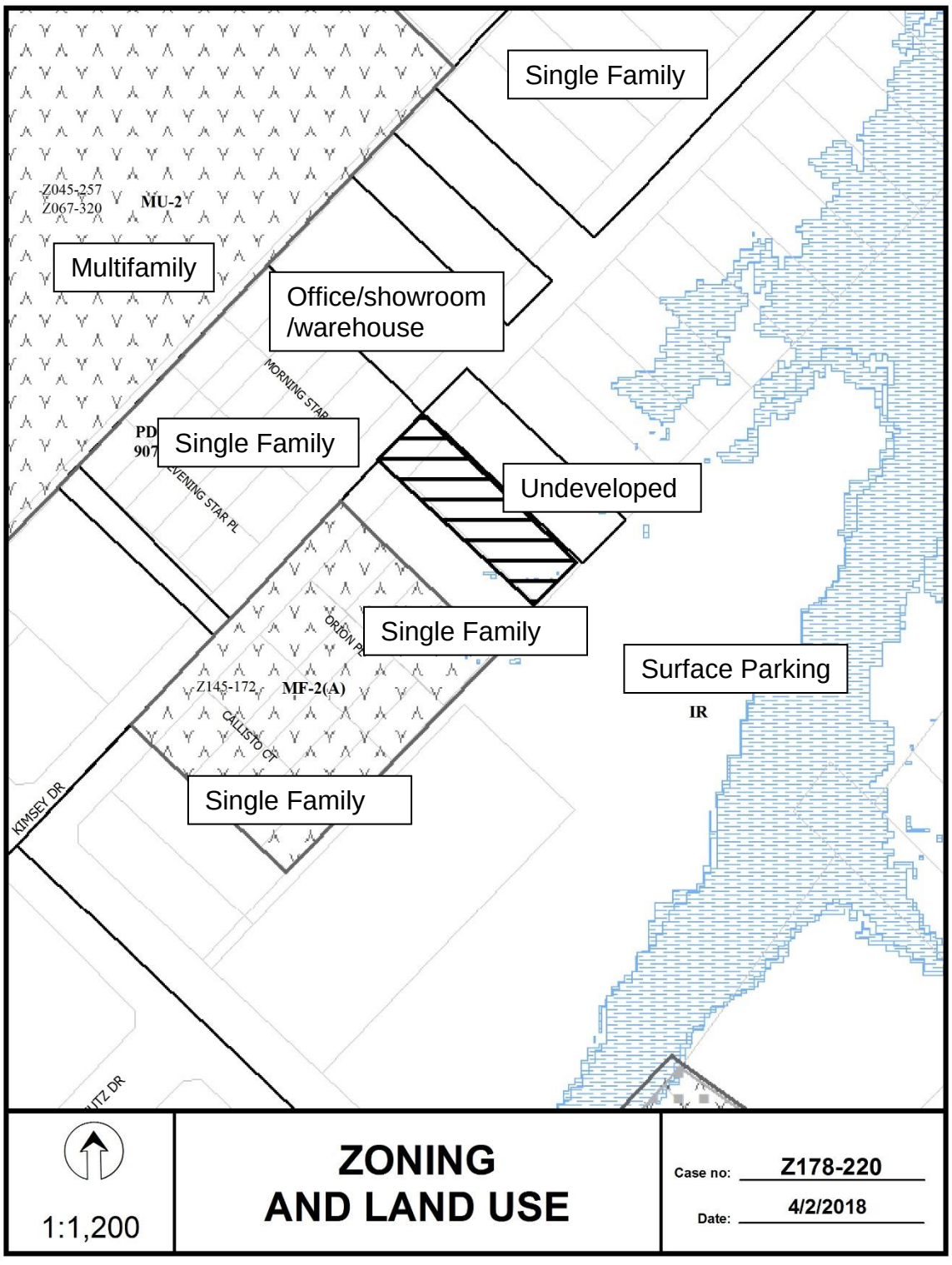


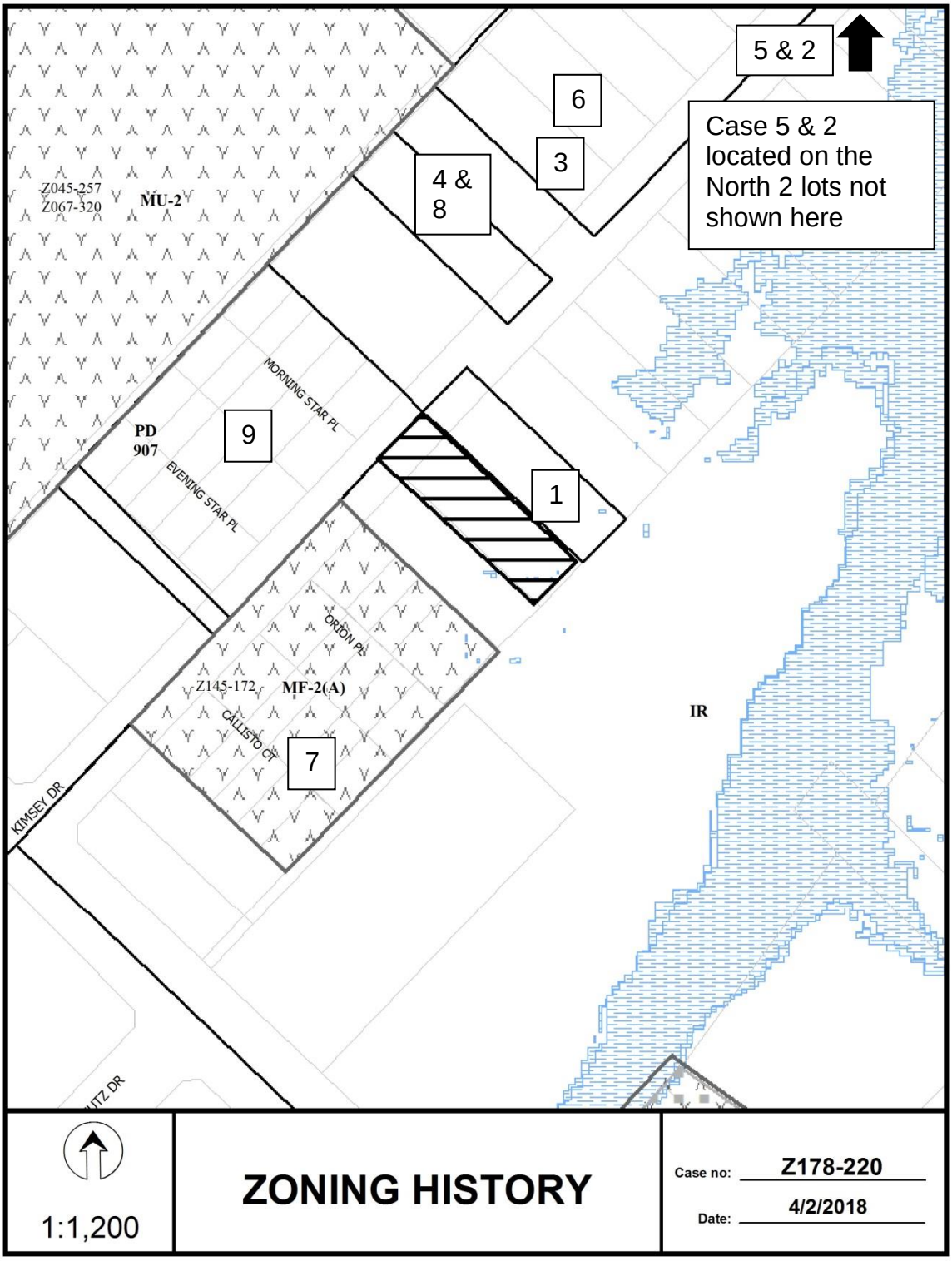
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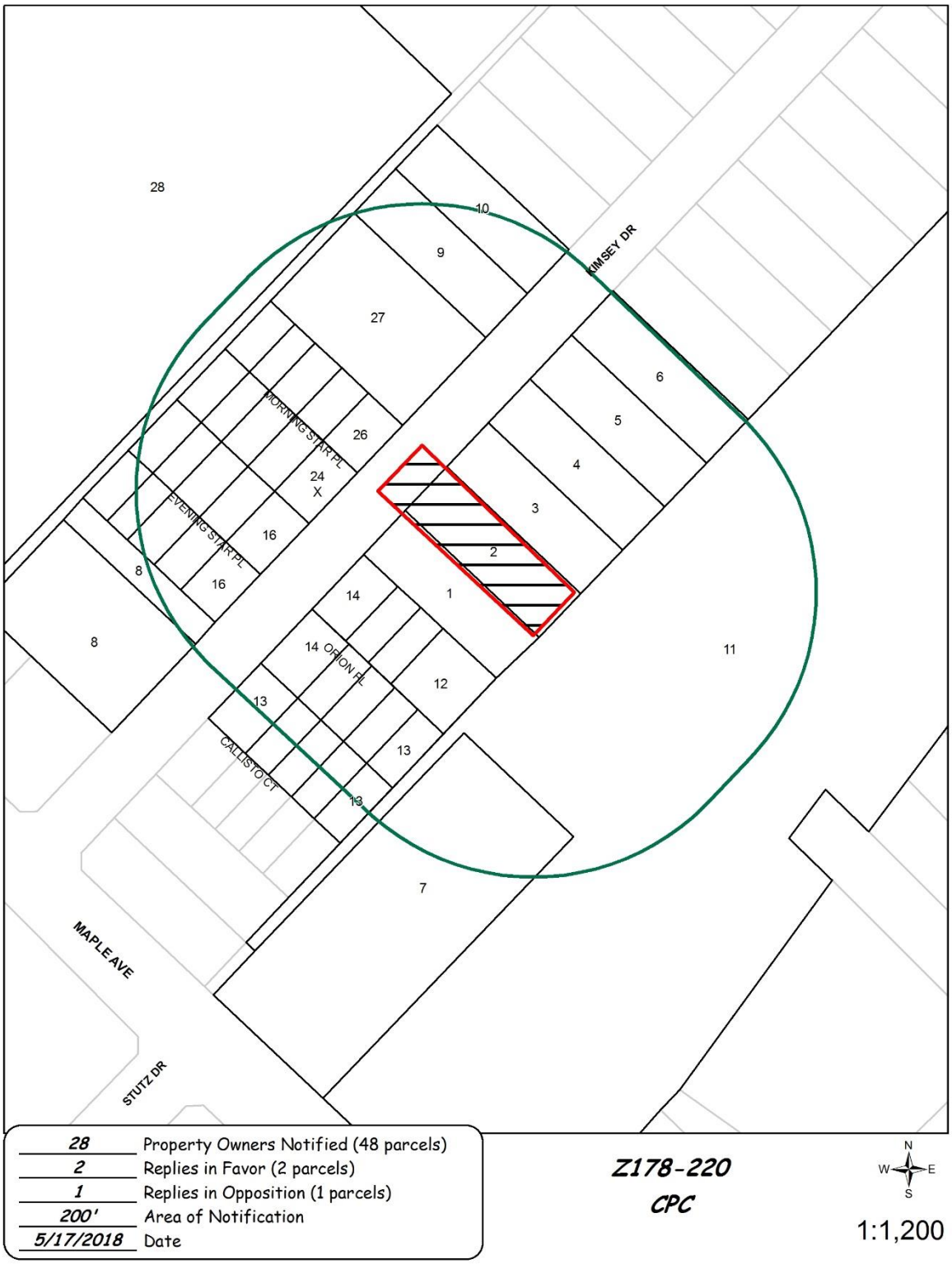
AERIAL MAP

Case no: Z178-220

Date: 4/2/2018


Single Family
Z045-257
Z067-320
MU-2
Multifamily
Office/showroom
/warehouse
MORNING STAR
PD
907
Single Family
EVENING STAR PL
Undeveloped
ORION PL
Single Family
Surface Parking
Z145-172
MF-2(A)
IR
CALLISTO CT
Single Family
KIMSEY DR
ZUTZ DR
1:1,200
ZONING
AND LAND USE
Case no: Z178-220
Date: 4/2/2018


5 & 2
6
3
4 & 8
Case 5 & 2 located on the North 2 lots not shown here
Z045-257
Z067-320
MU-2
MORNING STAR PL
PD 907
9
EVENING STAR PL
1
ORION PL
Z145-172
MF-2(A)
CALLISTO CT
7
IR
KIMSEY DR
1:1,200
ZONING HISTORY
Case no: Z178-220
Date: 4/2/2018


28
10
9
27
KIMSEY DR
6
5
4
3
2
1
26
24
X
MORNING STAR PL
EVENING STAR PL
16
16
8
8
14
14
ORION PL
12
13
13
CALLISTO CT
13
11
7
MAPLE AVE
STUTZ DR
28 Property Owners Notified (48 parcels)
2 Replies in Favor (2 parcels)
1 Replies in Opposition (1 parcels)
200' Area of Notification
5/17/2018 Date
Z178-220
CPC
N
W
E
S
1:1,200

05/16/2018

Reply List of Property Owners

Z178-220

28 Property Owners Notified ***2 Property Owners in Favor*** ***1 Property Owner Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2602	KIMSEY DR	PERKINS JANIE L
	2	2606	KIMSEY DR	COPELAND D K
	3	2610	KIMSEY DR	MADISON KIMSEY TLD
	4	2614	KIMSEY DR	GALARZA APOLINAR & MINERVA
	5	2618	KIMSEY DR	HEED CYNTHIA LOUISE
	6	2622	KIMSEY DR	MARTINEZ ALEXANDER C &
	7	5800	MAPLE AVE	GAS PIPE INC
	8	2517	KIMSEY DR	RED BARN HOLDINGS LP
	9	2619	KIMSEY DR	RUBIN CANDACE &
	10	2623	KIMSEY DR	VASQUEZ ALICIA GLAFIRA
	11	5760	MAPLE AVE	ADLER PROPERTY CO LLP
	12	5822	ORION PL	KIMSEY PLACE HOMEOWNERS
	13	5876	CALLISTO CT	MADISON KIMSEY LTD
	14	5877	ORION PL	WEEKLEY HOMES LLC
	15	5841	ORION PL	WEEKLEY HOMES LLC
	16	5917	EVENING STAR PL	WEEKLEY HOMES LLC
	17	5933	EVENING STAR PL	FUENTES ANDREW &
O	18	5949	EVENING STAR PL	GREEN MATTHEW J
	19	5965	EVENING STAR PL	PATEL RACHNA R &
	20	5981	EVENING STAR PL	BARTMESS LEIDA A
	21	5948	EVENING STAR PL	TULLOS LAUREN
	22	5964	EVENING STAR PL	BOBERG JOHN E
O	23	5980	EVENING STAR PL	FISER KY
X	24	5917	MORNING STAR PL	COLEMAN ELIZABETH J &
	25	5933	MORNING STAR PL	GOULLIER MAXIME &
	26	5916	MORNING STAR PL	LASHER JAMIE E

05/16/2018

Reply	*Label #*	*Address*		*Owner*
	27	2611	KIMSEY DR	WINE MAISON LLC
	28	6008	MAPLE AVE	AMLI 6008 MAPLE AVENUE LLC

AGENDA ITEM # 74

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street

Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
Z167-246(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-246(SM)	**DATE FILED:**	November 9, 2015
LOCATION:	West corner of South Ervay Street and Beaumont Street		
COUNCIL DISTRICT:	2	**MAPSCO:**	45 V
SIZE OF REQUEST:	Approx. 1.36 acres	**CENSUS TRACT:**	204.00

OWNER/APPLICANT: Eric Anderson, President and General Partner of Miller Bennett I Et Al and City Park Associates, Ltd.

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a new subdistrict for mixed uses on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The purpose of this request is to obtain a parking reduction for the proposed uses within the existing structures and preserve the attached marquee sign. The applicant requests a parking reduction for retail uses, personal service uses, and inside commercial uses when located within the existing structures; modifications to sign regulations to reuse the existing sign structure for the former theater; and landscaping modifications.

CPC RECOMMENDATION: **Approval**, subject to conditions.

STAFF RECOMMENDATION: **Approval**, subject to staff's recommended conditions.

BACKGROUND INFORMATION

- On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres.

- The site consists of undeveloped land, surface parking, and three attached structures. The two-story apartment structure on Beaumont Street was constructed in 1923; the vacant theater was constructed in 1950, and the vacant building in between the apartment and vacant theater was constructed in 1946; according to Dallas Central Appraisal District records.

- Although the application was originally submitted on March 15, 2017, and included the portion of the property constructed with buildings, on February 14, 2018, the applicant subsequently expanded the area of request to include the undeveloped land on the southeast line of McKee Street.

- The applicant proposes to leave the two-story, 18,952-square-foot, 12-unit apartment structure constructed in 1923 relatively unchanged, but renovate and repurpose the remainder of the floor area on the property.

- The applicant intends to renovate the existing vacant theater into an event center and lease the adjacent structures to a mix of retail, restaurant, office, and personal service tenants.

- The applicant intends to utilize a valet service to manage and park customer vehicles.

Zoning History: There have been six zoning cases in the area over the past five years.

1. **Z156-127:** On April 13, 2016, the City Council approved Subdistrict 2B and Specific Use Permit No. 2188 for an alcoholic beverage manufacturing use on property zoned Subdistrict 2, Mixed Use Corridor, within Planned Development District No. 317, the Cedars Area Special Purpose District.

2. **Z156-158:** On March 23, 2016, the City Council approved the expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District.

3. **Z178-131:** On June 13, 2018, the City Council will consider an application for an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District

4. **Z156-275:** On December 14, 2016, the City Council approved Subdistrict 3A for single family uses and office showroom/warehouse use on property zoned Subdistrict 3A within Planned Development District No. 317.

5. **Z134-284:** On December 10, 2014, the City Council approved Specific Use Permit No. 2124 for a Utility or Government Installation other than listed on property zoned Tract 2, Subdistrict 1 within Planned Development District No. 317, the Cedars Area Special Purpose District.

6. **Z134-265:** On December 10, 2014, the City Council approved an expansion of Subdistrict 4, Tract 1 of Planned Development District No. 317, the Cedars Special Purpose District onto a portion of Subdistrict 2 of Planned Development District No. 317.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Plan Dimension
S. Ervay Street	Collector	Standard 4-lanes, undivided; 60’ ROW
Beaumont Street	Collector	Minimum 4-lanes, undivided; 60’ ROW
McKee Street	Local	60’ ROW

Comprehensive Plan:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request does not support or obstruct the Plan’s goals or policies.

The applicant’s request complies with the following goals, policies, and implementation measures of the Comprehensive Plan.

ECONOMIC ELEMENT

GOAL 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

URBAN DESIGN

GOAL 5.1 Promote a sense of place, safety and walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.2 Define urban character in Downtown and urban cores.

GOAL 5.3 Establishing walk-to convenience

If residents wish to walk rather than drive for some of their daily trips, they need a safe and pleasant environment and direct access to the goods, services and jobs they seek. “Walk-to convenience” can bring small neighborhood services, shops and offices within a short distance of homes and businesses, connected through pedestrian-friendly routes. This shift from current development patterns calls for a new approach to integrating land uses, platting lot and access ways and distributing street traffic. These efforts will result in increased accessibility for pedestrians, reduced driving requirements and improved air quality.

A one-quarter mile distance, determined by transit industry research, is the established walking standard for the average pedestrian. Studies show that transit users will walk five minutes at three miles per hour. The Nationwide Personal Transportation Survey (NPTS) shows that the median walking distance to and from transit stops is almost exactly a quarter-mile. Young people may be willing to walk a little farther than older adults and users of premium transit (i.e., light rail) may walk a little farther than those who ride the bus.

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The City should encourage integrating and balancing land uses, as is consistent with the *forward*Dallas! Vision's Mixed-use Building Blocks. These compatible land uses should be appropriate to and complement the surrounding area and would preclude land uses that are inherently incompatible with residential quality of life and/ or uses that have negative or harmful secondary effects.

Policy 5.3.3 Encourage transit oriented developments and transit centers.

There is a symbiotic relationship between public transit, a person's willingness to walk and quality design of urban places. This depends not only upon the thoughtful integration of appropriate land uses, but upon a built environment reflecting careful attention to the human scale.

Surrounding Land Uses:

	Zoning within PDD No. 317	Land Use
Site	Subdistrict 2 (Mixed Use Corridors)	Multifamily, vacant
Northeast	Subdistrict 2 (Mixed Use Corridors)	Warehouse
Southeast	Subdistrict 2 (Mixed Use Corridors)	Single family
Southwest	Subdistrict 1 (Residential Core)	Multifamily and Single Family
Northwest	Subdistrict 2 (Mixed Use Corridors)	Undeveloped

Land Use Compatibility:

The surrounding areas include a warehouse to the northeast, undeveloped property to the northwest, and residential uses to the southeast and southwest. Per the PDD, the purpose of Subdistrict 2 is to:

Encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

The request proposes to renovate the more than half-century-old buildings on the site and to improve the parking lot with landscaping and fencing. The site is also proposed to have a mix of tenants including retail, restaurant, personal service, and commercial amusement (inside) to activate the frontage. Since the applicant proposes to maintain the allowed uses as the existing zoning district, staff recommends approval.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant's request and determined that a parking demand study by a professional engineer is required to evaluate if the requested parking reductions would have a detrimental impact on the surrounding street system. The May 17, 2018, CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the attached parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018, CPC hearing.

The Engineering Division evaluated the applicant's request and determined that the request will have a detrimental impact on the surrounding street system and therefore supports staff's recommended conditions.

Parking:

Parking regulations in this district have special provisions for multifamily uses, on-street parking credits, and tandem parking for residential uses. The district also currently allows a 40 percent parking reduction if a site is within 1,500 feet of a DART light rail station and provides particularly prescribed enhanced pedestrian amenities. These enhanced pedestrian amenities include, but are not limited to, street trees per 25 feet of frontage, enhanced sidewalks, and a minimum of 20 percent of the street facing facade must have a canopy or awning. The canopy or awning requirement has no method of waivers when the existing buildings are so close to property lines that canopies and awnings are infeasible or a variated reduction when properties are located outside of the maximum walking distance to a DART light rail station.

Since the area of request is approximately 2,200 feet, or four tenths of a mile, of walking distance from the Cedars Light Rail Station, it is thereby ineligible for the PDD's 40 percent parking reduction which is limited to sites within 1,500 feet of a light rail station. However, CPC's recommended 45 percent parking reduction (for a cumulative 50 percent reduction with the rideshare parking reduction) is not supported by staff or by the applicant's parking demand study, which was provided too late to evaluate and present to City Plan Commission on May 17, 2018. The May 17, 2018, CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the following parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018 CPC hearing.

One of the primary purposes of the PDD is to encourage building preservation and a primary tool used to accomplish building preservation in the PDD is to grant parking reductions. Because the site is still within a half-mile walking distance of a light rail station with bus services in the vicinity, staff can support a lesser parking reduction if the building is preserved and enhanced with additional landscaping and with 30 percent transparency or murals, sculptures, or other art work for a minimum 50 percent of the facade is provided. Staff's recommendation is consistent with the 20 percent parking reduction previously approved in Subdistrict 2B because Subdistrict 2B is located approximately 1,437 feet from the Cedars Light Rail Station but was unable to improve the walking path due to the placement of the existing building, staff supported the requested 20 percent parking reduction. Since the proposed site is located further from a light rail station than the existing Subdistrict 2B location (2,200 feet vs. 1,437 feet), staff recommends a 10 percent parking reduction. Staff also supports this reduction with the requirement of pedestrian improvements because it encourages reuse of older buildings. Therefore, since the area of request is further away from the light rail station than the previously approved Subdistrict 2B but still within a half-mile, staff recommends a 10 percent parking reduction.

In addition, staff supports an additional five percent parking reduction for providing a minimum of three off-street parking spaces for rideshare services because it encourages the site to provide minimal oversight of rideshare operations in exchange for a slight parking reduction.

If the site provides a 5,583-square-foot event space with a 150-square-foot dance floor; nine efficiency apartments; 9,059 square feet of personal services; 7,500 square feet of restaurant; and approximately 2,500 square feet of retail, the existing minimum parking requirements would require 191 parking spaces. If staff's recommendation of a cumulative 15 percent parking reduction is utilized, 162 spaces would be required.

Additionally, the Dallas Development Code also has many opportunities for a use to reduce minimum parking requirements including, but not limited to, a shared parking agreement where uses that have compatibly overlapping hours with different peak parking demand times, or mutually exclusive hours of operation, may share parking spaces; parking reduction for bicycle parking spaces and facilities; and the Board of Adjustment can reduce parking requirements up to 25 percent through a special exception. It is staff's position that parking reductions should be limited unless special conditions and engineering studies are preformed to evaluate how the reduced parking requirement would impact the surrounding properties. If the site utilizes a compatibly overlapping hours shared parking agreement, which would require limitations on a mixture of uses that typically have differing peak demand hours; a five percent parking

reduction for providing bicycle parking spaces; and if staff's recommended cumulative 15 percent parking reduction is approved, the site's minimum off-street parking requirement could be as low as 150 parking spaces, or a cumulative reduction of 21.5 percent.

The May 17, 2018 CPC reports were distributed to the Plan Commission on Thursday, May 10, 2018. The applicant provided the attached parking demand study to staff on May 11, 2018, which was therefore too late to review and include in staff's report for evaluation on the May 17, 2018 CPC hearing. The attached parking demand study concluded that the site would need a minimum of 118 spaces if people arrived to the private event space in groups of four or five per vehicle. The parking demand study also envisions valet service to the site and with a maximum occupancy of 222 persons to the private event spaces, that if instead of four or five persons per vehicle, two persons arrived per vehicle, the private event space would need 111 spaces with 71 other spaces needed for the rest of the uses on site. Therefore, if patrons arrived to the private event space with two persons per car, a minimum of 182 spaces would be needed for all uses on site. The parking demand study concludes that 183 to 190 parking spaces would be sufficient parking for the site when valet parking and offsite rental parking are utilized. Therefore, the parking demand study does not support the applicant or CPC's recommended parking reduction, but instead supports staff's recommendation that would require the site to provide parking agreements and a valet plan if valet services are utilized.

The applicant's parking demand study does not support the applicant's or CPC's recommended parking reductions. Since staff has had an opportunity to review the applicant's parking demand study after the CPC hearing, staff has determined the applicant's parking demand study supports staff's recommended parking reduction or no parking reduction.

Landscaping:

Landscaping of any development will be in accordance with the landscaping requirements in PDD No. 317. Staff supports the applicant's request to utilize transparency and artwork as a design standard for a legacy building.

Signs:

The existing sign regulations for the area of request refer to business sign regulations. The applicant intends to maintain the existing marquee sign, or the sign that projects over the sidewalk that may contain changeable message signs such as showtimes, and the attached sign above the marquee sign that may display the new name of the renovated theater space.

The business district sign regulations limit projecting signs to 20 square feet of effective area and a maximum projection of four feet from the vertical building plane. The applicant requests the effective area for the marquee sign be increased to 75 square feet and allowed to project up to nine feet from the vertical building plane. Since these modifications are intended to preserve the existing sign, staff supports the request.

Prior CPC Action – May 17, 2018:

Motion: It was moved to recommend **approval** of a new subdistrict for mixed uses, subject to staff's recommended conditions with the following changes: 1) 50 percent parking reductions, 2) add a condition commercial amusement (inside) use must be closed to the public between the hours of midnight and 6:00 a.m., Monday through Sunday, 3) proposed parking reductions for legacy buildings do not apply to covered or uncovered rooftop areas, and 4) specific use permit required for any restaurant, alcoholic beverage establishments, or commercial amusement (inside) located on a rooftop of a structure, on property zoned Subdistrict 2, the Moderate Density Mixed Use Corridors, within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west corner of South Ervay Street and Beaumont Street.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 118
Replies: For: 11 Against: 0

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

ND Engineering, PC

Transportation Planning & Traffic Engineering

May 10, 2018

Mr. David Nevarez, PE, PTOE
Sr. Engineer
City of Dallas
1500 Marilla Street
L1BS
Dallas, TX 75201

Subject: 1707 S. Ervay Street Parking Evaluation

Dear Mr. Nevarez:

This letter report was prepared to document the parking characteristics of the City Park Associates, Ltd. site which includes the existing legacy buildings located on the south side of South (S) Ervay Street, 1703 S Ervay Street to 1721 S Ervay Street, between McKee Street and Beaumont Street in Dallas, Texas (Project). This document was prepared based on information/data obtained from the following sources:

- Eric Anderson, City Park Associates
- Santos Martinez, Senior Consultant, Masterplan
- The Ervay Theatre Preview Party, Saturday, April 14th, 2018 (Attended by me between the hours of 7:30 and 8:30)
- Steven Lamb, Texas Valet

Based on the information/data, there is sufficient parking available for maximum occupancy of the Project when utilizing both the onsite and offsite rental parking. Should the Theatre decide to use valet parking, there would likely be sufficient parking onsite and more than sufficient if the offsite rental parking is used. Even with a conservative VOR of 2 persons per vehicle for Theatre events and the use of valet parking, the 183 to 190 parking spaces available both onsite and offsite should be sufficient.

Land Uses

The Project will consist of the following land uses:

- The Ervay Theatre, located at 1707 S Ervay Street
  The Theatre is a newly remodeled 5,583 square foot (sf) private event space with a 144 sf dance floor. It is classified as commercial amusement (inside) with an overall occupancy of 222 including event staff.

Texas Firm # 11119
6807 Leameadow Drive, Dallas, Texas 75248
12873 Yancy Lane, Tyler, Texas 75707
Phone: (972) 239-8995

www.ndengpc.com

- Apartments – nine (9) efficiency/one (1) bedroom units
- Personal services – approximately 9,059 sf
- Restaurant(s) – maximum of 7,500 sf
- Retail – approximately 2,500 sf

Parking Requirements

Parking requirements for the various Project uses are:

- Commercial amusement (inside) – One (1) parking space per 400 sf
- Dance floor – 0 parking spaces (less than 150 sf)
- Apartments – 0.8 parking space per bedroom
- Personal Service – One (1) parking space per 375 sf
- Restaurant(s) – One (1) parking space per 275 sf
- Retail – One (1) parking space per 275 sf

Using the Project square footages with the parking requirements would generate the following number of spaces per use:

- The Ervay Theatre – 14 spaces
- Apartments – 8 spaces
- Personal Service – 25 spaces
- Restaurant(s) – 28 spaces
- Retail – 10 spaces

Total number of parking spaces required for the Project would be 85 spaces.

Available Parking

Parking spaces adjacent to the Theatre total 105 and include:

- 40 spaces behind the building
- 52 spaces beside the building to the west (newly completed one-way angled parking)
- 8 spaces located in front of the building along S. Ervay Street (head-in or angled)
- 5 spaces located along McKee Street (parallel)

In addition to the parking spaces adjacent to the Theatre, there is a 10-year agreement with the George E. Anderson Company, 1700 S. Ervay Street, to provide approximately 50 spaces during non-business hours. With inclusion of the rented spaces, there would be a total of 155 spaces available for the Project.

The Ervay Theatre Preview Party

At the come and go Theatre Preview Party, it was estimated that approximately 200 to 240 persons attended in addition to the band and catering staff. The preview party hours were from 7:00 PM to 11:00 PM. During this time the valet service parked a total of 42 vehicles. This resulted in a vehicle occupancy rate (VOR) ranging from 4 to 5 persons per vehicle recognizing that likely a large number of attendees took other methods of transportation rather than drive their personal vehicles.

Assuming a worst case of 222 attendees, and utilizing the same potential VORs, the Theatre would need to be able to park between 39 and 47 vehicles.

Total Parking Needed

Assuming that the Theatre needed a worst case of 47 spaces and the other Project uses needed a total of 71 spaces, total parking spaces needed would be 118 spaces which is 13 more spaces than the available onsite parking of 105 spaces. With the inclusion of the 50 rental spaces across the street, there would be a surplus of 37 spaces available.

Valet Parking

The Theatre may choose to use a complimentary valet service which will typically increase the amount of available parking between 20% and 25% excluding the eight (8) spaces along Ervay and the five (5) spaces along McKee. The resulting valet parking would provide approximately 123 to 128 spaces adjacent to the Theatre and approximately 60 to 62 spaces located across the street for a total of 183 to 190 spaces.

If a conservative worst-case scenario of 2 persons per vehicle (VOR of 2.0) for a Theatre event was utilized as opposed to the VOR of 4 to 5 persons per vehicle previously documented, and a maximum Theatre occupancy of 222 persons, the Theatre would require 111 spaces. With the addition of the other 71 Project spaces, a total of 182 spaces would be needed. With valet parking for the Theatre event, there would still be sufficient parking with the inclusion of offsite rental parking.

Should valet parking be used, the valet podium/vehicle drop off would likely be located on the south side of Ervay Street in a 40-foot to 50-foot-long pull out northwest of the Theatre entrance. Attendees pull in to the drop off location, and valet staff takes control of the vehicle. Attendees then walk directly into the Theatre. The use of valet parking would keep attendees from parking in the adjacent neighborhoods as well as prevent attendees from having to cross streets to enter the Theatre.

Conclusion

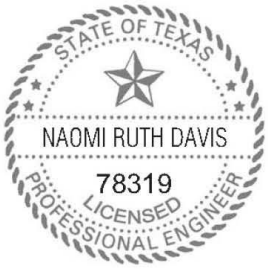
Based on the information/data, there is sufficient parking available for maximum occupancy of the Project when utilizing both the onsite and offsite rental parking. Should the Theatre decide to use valet parking, there would likely be sufficient parking onsite and more than sufficient if the offsite rental parking is used. Even with a conservative VOR of 2 persons per vehicle for Theatre events and the use of valet parking, the 183 to 190 parking spaces available both onsite and offsite should be sufficient.

If you have any questions or comments about the information provided in this document please let me know.

Thanks, and have a Blessed Day.

Sincerely,

Naomi Ruth Davis



N. Ruth Davis, PE, PTOE
President
ND Engineering, PC

Cc: Mr. Eric Anderson, City Park Associates
Mr. Santos Martinez, Masterplan

PROPOSED AMENDMENTS TO:

ARTICLE 317.

PD 317.

Cedars Area Special Purpose District

SEC. 51P-317.101. LEGISLATIVE HISTORY.

PD 317 was established by Ordinance No. 20395, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20395 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20395 was amended by Ordinance No. 20822, passed by the Dallas City Council on November 28, 1990; Ordinance No. 22003, passed by the Dallas City Council on March 23, 1994; Ordinance No. 23144, passed by the Dallas City Council on May 28, 1997; Ordinance No. 23379, passed by the Dallas City Council on December 10, 1997; Ordinance No. 23470, passed by the Dallas City Council on March 25, 1998; Ordinance No. 23921, passed by the Dallas City Council on June 23, 1999; Ordinance No. 24014, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24017, passed by the Dallas City Council on September 8, 1999; Ordinance No. 24124, passed by the Dallas City Council on December 8, 1999; Ordinance No. 24430, passed by the Dallas City Council on October 25, 2000; and Ordinance No. 24503, passed by the Dallas City Council on January 24, 2001. (Ord. Nos. 10962; 19455; 20395; 20822; 22003; 23144; 23379; 23470; 23921; 24014; 24017; 24124; 24430; 24503; 24826)

SEC. 51P-317.102. PROPERTY LOCATION AND SIZE.

PD 317 is established on property generally bounded by Interstate Highway 30 on the north, Interstate Highway 45 on the east, the G.C. & S.F. Railroad right-of-way on the south, and the M.K. & T. Railroad right-of-way on the west. The size of PD 317 is approximately 580.328 acres. (Ord. Nos. 20395; 24826)

SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless the context clearly indicates otherwise, in this article:

(1) AREA means one of the areas referred to in Section 51P-317.105 of this article.

(2) DIR means development impact review pursuant to Division 51A-4.800.

(2.1) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.112.1(c).

(2.2) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.112.1(c).

(3) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

(3.1) LEGACY BUILDING means a building constructed on or before January 1, 1960.

(3.2) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(4) OWNER means the owner or owners, from time to time, of property in this district.

(5) PARAGRAPH means the first division of a subsection. Paragraphs are designated by Arabic numerals in parentheses, e.g. "(1)."

(6) PARKWAY means that portion of the street right-of-way located between the street curb and the front lot line.

(7) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of public works and transportation.

(8) RAR means residential adjacency review pursuant to Division 51A-4.800.

(8.1) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(8.2) RIDESHARE PARKING means a parking space dedicated for the short term pick up and drop off of patrons or employees of a main use.

(9) SECTION means a section of this article.

(10) SUBPARAGRAPH means the first division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)."

(11) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. "(a)."

(12) SUP means specific use permit.

(13) THIS DISTRICT means the entire planned development district created by Ordinance No. 20395, as amended.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this article controls.

(c) Unless otherwise stated, all references to code divisions or sections in this article refer to divisions or sections in Chapter 51A.

(d) The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) Section 51A-2.101, "Interpretations," applies to this article.

(f) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

(1) this district and each subdistrict within this district except Subdistrict 1 is considered to be a "nonresidential zoning district"; and

(2) Subdistrict 1 is considered to be a residential district. (Ord. Nos. 20395; 24826; 24872; 25160; 29197)

SEC. 51P-317.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 317A: property descriptions of the district and subdistricts.

(2) Exhibit 317B: subdistrict map.

(3) Exhibit 317C: site and landscape plan for the shelter property in Subdistrict 3.

(4) Exhibit 317D: land use and development standards chart. (Ord. 29197)

SEC. 51P-317.104. ZONING CLASSIFICATION CHANGE AND DISTRICT IDENTIFICATION.

Chapters 51 and 51A are amended by changing the zoning classification on the property described in Exhibit A of Ordinance No. 20395 to Planned Development District No. 317, to be known as the Cedars Area Special Purpose District. (Ord. Nos. 20395; 24826)

SEC. 51P-317.105. CREATION OF SEPARATE SUBDISTRICTS.

This district is divided into 11 [~~10~~] subdistricts: 1, 2, 2A, 2B, 2C, 3, 3A, 4, 4A, 5, and 6. The boundaries of all subdistricts are verbally described in Exhibit 317A. A map showing the boundaries of the subdistricts is labeled Exhibit 317B. If there is a conflict, the verbal descriptions in Exhibit 317A control over the graphic description in Exhibit 317B. (Ord. Nos. 24503; 24826; 24872; 25160; 27194; 27402; 29197)

SEC. 51P-317.106. PRESERVATION INCENTIVES.

(a) The provisions of Section 51A-4.501 relating to the transfer of development rights, the transfer process, and the historic landmark tax freeze apply to buildings in this district except as those provisions may be expressly modified in this article. (Note: The term "development rights" is defined in Section 51A-4.501.) If Section 51A-4.501 is amended in the future, such amendments shall apply in this district to the extent that they do not conflict with this article. In the event of a conflict, this article controls.

(b) Development rights in a building may be transferred if:

(1) the building is a designated historic landmark in this district;

(2) the building is a contributing structure listed in the National Register of Historic Places; and

(3) the building has been restored within the past five years, and the total value of the building improvements exceeds 50 percent of the assessed value of the structure immediately prior to the restoration.

(c) Development rights may only be transferred to building sites in Subdistricts 2, 2A, 2B, 2C, 3, and 3A.

(d) The ability to transfer development rights does not authorize a setback violation on the building site to which the rights are transferred. The maximum floor area ratio of a building site may be increased by no more than 20 percent through the transfer of development rights, and the maximum structure height may not be increased. (Ord. Nos. 20395; 24826; 25160; 27402)

SEC. 51P-317.107. ADDITIONAL PROVISIONS.

The "additional provisions" in Division 51A-4.200 apply to all uses in this district. In addition, the following "additional provision" supplements and is cumulative of the "additional provisions" in that division applicable to the "Commercial radio or television transmitting station" use: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum must not be visible from the street. (Ord. Nos. 20395; 24826)

SEC. 51P-317.108. UTILITY OR GOVERNMENT SERVICE CENTER.

OMITTED FOR BREVITY

SEC. 51P-317.109. GROUP HOME OR SHELTER PERMITTED, SUBJECT TO RESTRICTIONS, IN SUBDISTRICT 3.

OMITTED FOR BREVITY

SEC. 51P-317.110. SEAFOOD PROCESSING FACILITY.

OMITTED FOR BREVITY

SEC. 51P-317.110.1. ART OR CRAFT PRODUCTION FACILITY.

OMITTED FOR BREVITY

SEC. 51P-317.110.2. COMMERCIAL ENGRAVING/ETCHING FACILITY.

OMITTED FOR BREVITY

SEC. 51P-317.110.3. RECYCLING CENTER.

OMITTED FOR BREVITY

SEC. 51P-317.111. USE REGULATIONS AND DEVELOPMENT STANDARDS.

The following use regulations and development standards apply in the various subdistricts and are summarized in the chart attached as Exhibit 317D. In the event of a conflict, the text in this section controls over the graphic representations and text in Exhibit 317D.

(a) Subdistrict 1 (Moderate Density Residential).

OMITTED FOR BREVITY

(b) Subdistrict 2, 2A, ~~and~~ 2B, and 2C (Moderate Density Mixed Use Corridors).

(1) Purpose. To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

-- Building repair and maintenance shop. *[RAR]*
-- Catering service. *[RAR]*
-- Custom business services. *[RAR]*
-- Commercial engraving/etching facility. *[Only in Subdistrict 2A by SUP. See Section 51P-317.110.2.]*
-- Custom woodworking, furniture construction, or repair. *[RAR]*
-- Electronics service center.
-- Job or lithographic printing. *[RAR]*
-- Medical or scientific laboratory. *[RAR]*
-- Technical school. *[RAR]*

(C) Industrial uses.

-- Alcoholic beverage manufacturing. *[Only in Subdistrict 2B by SUP]*.

-- Art or craft production facility.
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(D) Institutional and community service uses.

-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convalescent and nursing homes and related institutions. *[SUP]*
-- Convent or monastery.
-- Foster home.
-- Institution for special education.
-- Library, art gallery, or museum.
-- Public or private school.

(E) Lodging uses.

-- Hotel or motel.
-- Lodging or boarding house.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(G) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[DIR]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- Duplex.
-- Handicapped group dwelling.
-- Multifamily.

-- Single family.

(J) Retail and personal service uses.

-- Animal shelter or clinic without outside run. *[RAR]*
-- Auto service center. *[RAR]*
-- Bar, lounge, or tavern. *[SUP]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B). SUP in Subdistrict 2C, when operated on a roof.]*
-- Commercial parking lot or garage. *[RAR]*
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less. *[RAR]*
-- General merchandise or food store greater than 3,500 square feet. *[RAR]*
-- Household equipment and appliance repair.
-- Microbrewery, microdistillery, and winery. *[Only in Subdistrict 2B by SUP]*.
-- Motor vehicle fueling station. *[RAR]*
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant with drive-in or drive-through services. *[DIR. SUP in Subdistrict 2C, when operated on a roof.]*
-- Restaurant without drive-in or drive-through service. *[RAR. SUP in Subdistrict 2C, when operated on a roof.]*
-- Temporary retail use.
-- Theater. *[RAR]*

(K) Transportation uses.

-- Transit passenger shelter.

(L) Utility and public service uses.

-- Electrical substation. *[SUP]*
-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
-- Police or fire station. *[RAR]*
-- Post office. *[RAR]*
-- Utility or government installation other than listed. *[SUP]*
-- Utility or government service center. *[See Section 51P-317.108.]*

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. *[RAR]*
-- Office showroom/warehouse. *[RAR]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Warehouse. *[RAR]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory outside storage.
-- Accessory pathological waste incinerator.
-- Day home.
-- General waste incinerator.
-- Private stable.

(B) In this subdistrict, the following accessory use is permitted by SUP only:

-- Pedestrian skybridges.

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) No minimum front yard.

(ii) If a structure is located on a lot having frontage on Akard Street, an additional 15-foot "urban form" front yard setback is required for that portion of the structure above 54 feet in height.

(B) Side and rear yard. No side and rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio.

(i) Maximum floor area ratio is 2.5 in a structure with 50 percent or more of its total floor area restricted to residential use and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) in all other cases, maximum floor area ratio is 2.0.

(E) Height. Maximum structure height is:

(i) 90 feet for a structure with at least 50 percent of its total floor area restricted to residential uses and 50 percent or more of its ground floor area restricted to retail and personal services uses; and

(ii) 54 feet for all other structures.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space nor more than two spaces are required for each dwelling unit.

(D) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way

abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space (8 ÷ 24 = one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(E) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(F) Subdistrict 2B.

(i) The off-street parking requirements for a lot with a legacy building may be reduced by 20 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7);

(bb) Except as provided in this subparagraph, each street facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work; and

(cc) The site with the legacy building or the legacy building is located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station.

(ii) This provision may not be combined with the pedestrian amenities parking reduction of Subparagraph (E).

(iii) For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(G) Subarea 2C.

(i) Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(ii) For parking purposes, Subdistrict 2C is considered one lot.

(iii) A maximum five percent parking reduction may be applied when a minimum of three parking spaces are designated as rideshare parking. Signs must be prominently displayed at each rideshare space. Each rideshare sign must:

(aa) illustrate or describe the rideshare space and the location of the main use;

(bb) be constructed of weather resistant material;

(cc) be no less than 30 inches wide and 24 inches long; and

(dd) contain clearly legible letters in a color that contrasts with the background material of the sign.

CPC recommendation and applicant requested:

(iv) The off-street parking requirements for a lot with a legacy building may be reduced by 45 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(v) The maximum amount of parking reductions available to uses within Subdistrict 2C is 50 percent. Uses in Subdistrict 2C may not reduce parking requirements by more than 50 percent by combining parking reductions with shared parking agreements.

Staff recommendation:

(iv) The off-street parking requirements for a lot with a legacy building may be reduced by 10 percent if the following standards are met:

(aa) Additional landscaping, including site trees, street trees, and other plantings are provided that meet the spirit and intent of the landscaping regulations of Section 51 P-3 17.111 (b)(7); and

(bb) Except as provided in this subparagraph, each street-facing facade that is within 15 feet of a right-of-way or a future right-of-way has a minimum of 30 percent transparency for the first 15 feet above the adjacent ground surface. If an existing legacy building facade has less than 30 percent transparency, a minimum of 50 percent of the facade may be enhanced with murals, sculptures, or other art work. For purposes of this this subparagraph, TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(v) Remote parking.

(aa) Remote parking is permitted if the requirements of Division 51A-4.320, "Special Parking Regulations," are met.

(bb) An agreement authorizing a remote parking may be based on a lease of the remote parking spaces only if the lease:

(I) is in writing;

(II) contains legal descriptions of the properties affected;

(III) specifies the special parking being provided and the hours of operation of any use involved;

(IV) is governed by the laws of the state of Texas;

(V) is signed by all owners of the properties affected;

(VI) is for a minimum term of three years; and

(VII) provides both the owner of the lot occupied by the main use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51P-317.112 of this article.

(C) Nonpermeable coverage. Maximum nonpermeable coverage of a lot is 90 percent.

(D) Site trees.

(i) Alternate methods of compliance. The site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(ii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(E) Subdistrict 2C. For legacy buildings, the following improvements may count as a design standard:

(i) A minimum of 30 percent transparency.

(ii) A minimum of 50 percent of the facade is enhanced with murals, sculptures, or other art work.

(8) Additional provisions.

(A) Screening from residential. Lots containing uses permitted with RAR must have solid screening on the sides of the property that have residential adjacency.

(B) Minimum sidewalk width. All lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

(C) Outside amplification in Subdistrict 2B. Outside amplification is limited to the hours of 8:00 a.m. and 10:00 p.m., Monday through Sunday.

(D) Hours of operation of commercial amusement (inside) in Subdistrict 2C. A commercial amusement (inside) use may only be open to the pubic between the hours of 6:00 A.M. to midnight, Monday through Sunday.

(9) Signs in Sudistrict 2C. Except as provided in this subparagraph, signs must comply with business sign regulations. When located on a legacy building, the following modifications to attached signs apply.

(i) No single face of a marquee sign may exceed 75 square feet in effective area.

(ii) Marquee signs may project up to nine feet from a vertical building plane of a legacy building.

(c) Subdistrict 3 (Freeway-oriented High Density Mixed Use).

OMITTED FOR BREVITY

(d) Subdistrict 3A (Transit-oriented High Density Mixed Use).

OMITTED FOR BREVITY

(e) Subdistrict 4 (Warehouse/Residential Transition).

OMITTED FOR BREVITY

(f) Subdistrict 5 (Industrial).

OMITTED FOR BREVITY

(g) Subdistrict 6 (Old City Park Institutional).

OMITTED FOR BREVITY

SEC. 51P-317.112. LANDSCAPING IN THE PARKWAY.

(a) Private license granted.

OMITTED FOR BREVITY

SEC. 51P-317.112.1. PEDESTRIAN AMENITIES IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner") of all parkway property in Subdistrict 1, 2, 3, 3A, and 4 (the "premises") for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its

judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any enhanced pedestrian amenities requirement if compliance is made impossible due to the property management director's revocation of a parkway amenities permit or the revocation of the license granted herein affecting enhanced pedestrian amenities.

(3) Upon the installation of enhanced pedestrian amenities in the parkway, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, with a $2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the office of risk management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenities permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the

construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenities permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(4) A property owner is not required to comply with any enhanced pedestrian amenities requirement of this section if compliance is made impossible due to the director's denial or revocation of a parkway pedestrian amenities permit.

(5) The issuance of a parkway pedestrian amenities permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

(c) Enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements in the enhanced pedestrian amenities area, aimed at increasing the attractiveness of the street for pedestrians. These amenities may be provided by property owners in order to take advantage of such incentives as increased ground coverage, reduced parking requirements, increased remote parking distance, and exemption from minimum permeable surface and site tree requirements.

(1) An enhanced pedestrian amenities area may not extend more than 30 feet from the curb, and must be accessible to the public at all times.

(2) To qualify, enhanced pedestrian amenities must be located on the lot or in the parkway abutting the lot receiving amenities credit.

(3) The following minimum amenity standards must be provided in order to qualify for the enhanced pedestrian amenity incentives provided in this article:

(A) Street trees. A minimum of one street tree per 25 feet of frontage in the pedestrian amenities area.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Akard Street, Belleview Street, East Griffin Street, West Griffin Street, and Lamar Street, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb.

(C) Canopies and awnings. A minimum of 20 percent of the street facing facade width.

(3) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.112.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.112.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

(F) Pedestrian street lamps. A minimum of one per 50 feet of frontage in the pedestrian amenities area.

(G) Bicycle parking racks. A minimum of 5 bicycle parking spaces per 100 foot of frontage in the pedestrian amenities area.

(H) Benches. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(I) Trash receptacles. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(4) The following conditions must be met for provision of enhanced pedestrian amenities:

(A) All amenities must be placed in a manner that does not impede the movements of pedestrians on the sidewalk and automobiles on the street.

(B) All amenities must be placed in a manner that does not obstruct visibility triangles at street intersections. (Ord. Nos. 24872; 25160; 27133; 27322)

SEC. 51P-317.113. NONCONFORMING USES AND STRUCTURES.

(a) The provisions of Section 51A-4.704 relating to nonconforming uses and structures apply to all uses and structures in this district, except as provided in this section.

(b) The right to operate a nonconforming use in this district shall automatically terminate on January 21, 2013, or ten years after the date the use became nonconforming, whichever is later.

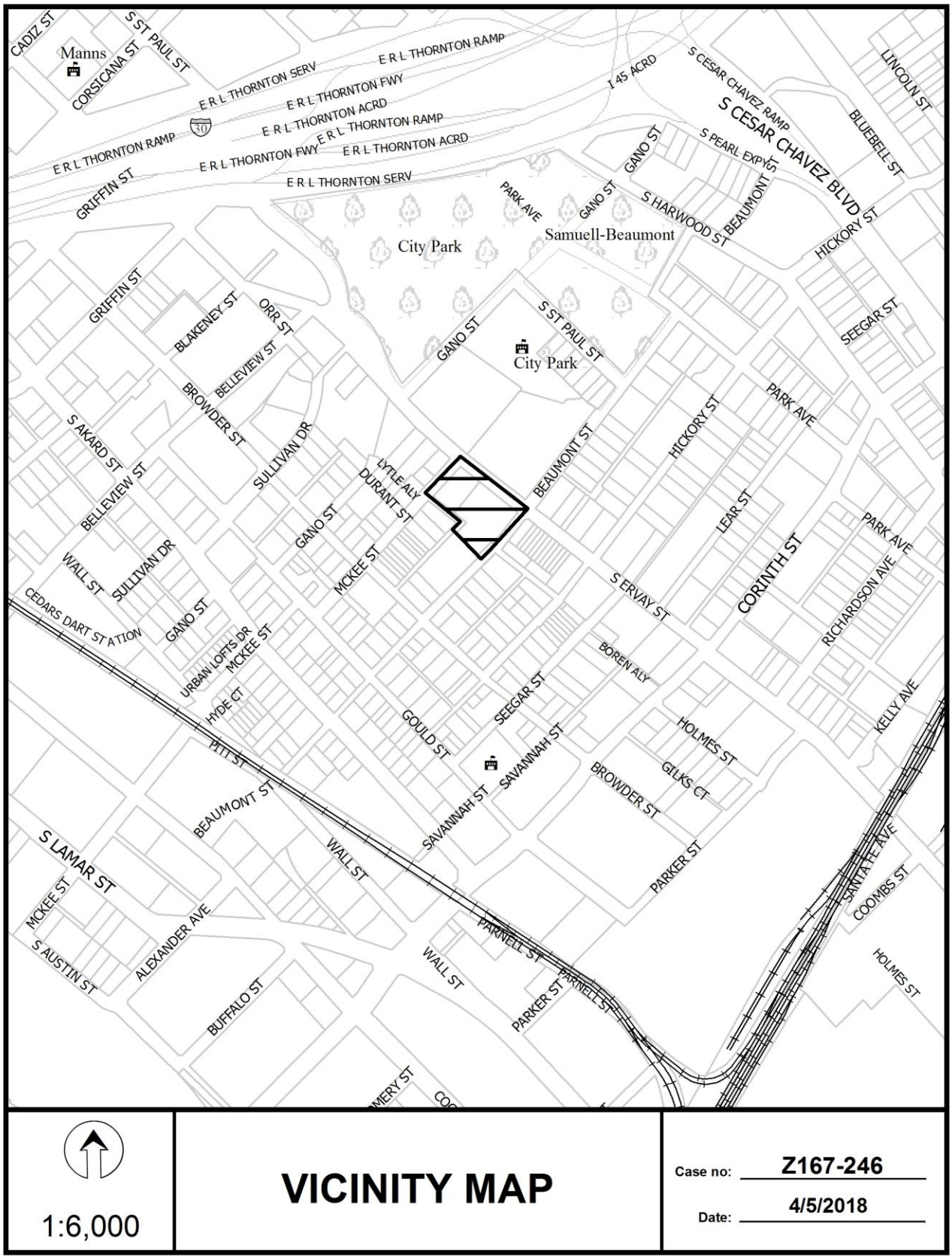
(c) An owner of a nonconforming use in this district may request an extension of the compliance deadline in Subsection (b) by filing an application with the director on a form provided by the city for that purpose. The application must be filed at least 180 days before the deadline in Subsection (b). If a fee is required, the application shall not be considered filed until the fee is paid. Failure to timely file a complete application for extension shall constitute a waiver of the right to contest the reasonableness of the deadline in Subsection (b).

(d) Upon the filing of a complete application for extension, the board shall, in accordance with the law, determine whether it is necessary to extend the compliance deadline for the nonconforming use. The board shall consider the factors listed in Section 51A-4.704(a)(1)(D) in determining whether to grant the request for extension.

(e) If, based on evidence presented at the public hearing, the board finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board shall deny the request. If the board denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subsection (b), or 30 days after the date of the board's decision to deny, whichever is later. (Ord. Nos. 20395; 24826; 24872; 25160)

SEC. 51P-317.114. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.

The building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this article and with the construction codes and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20395; 24826; 26102)

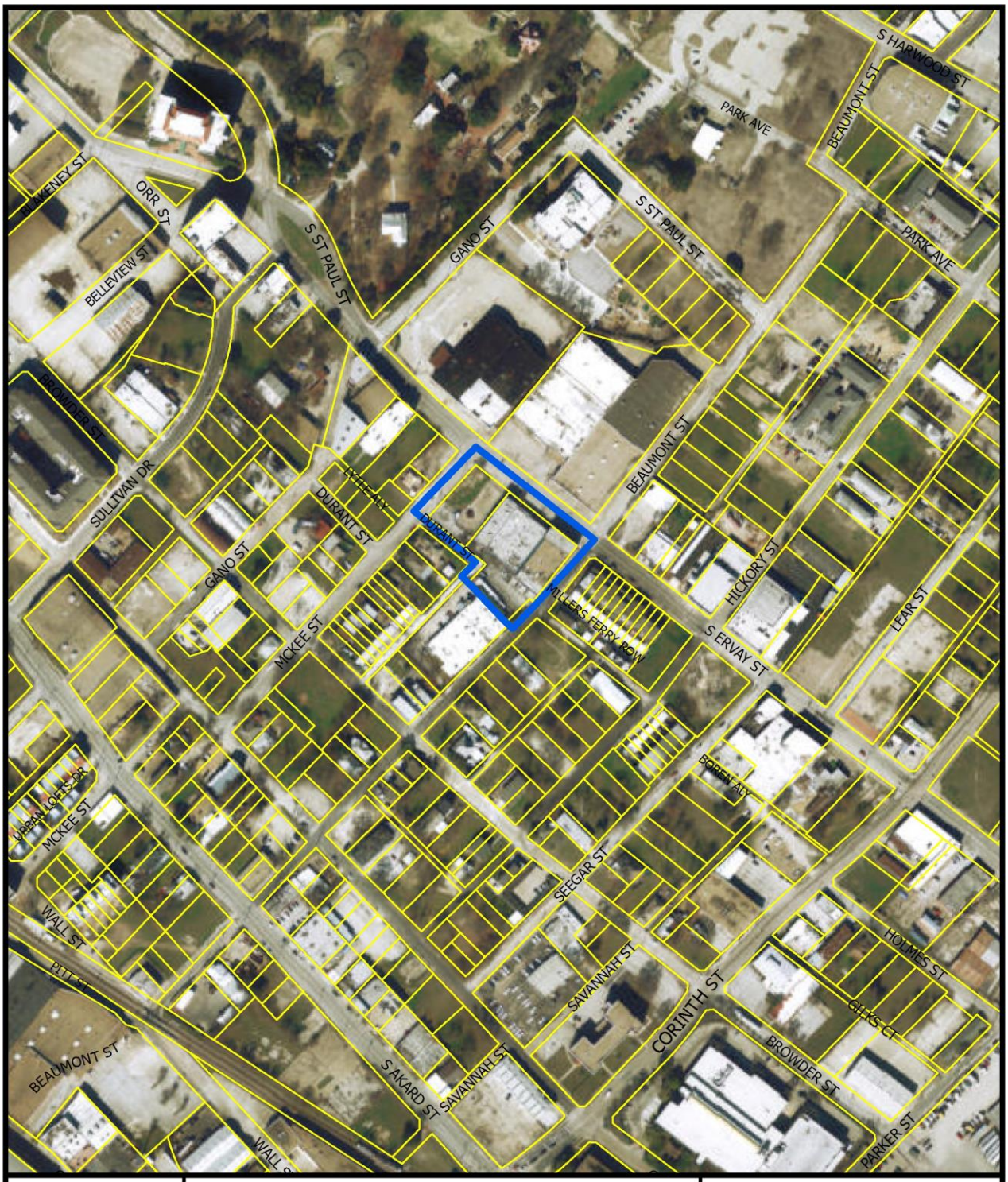


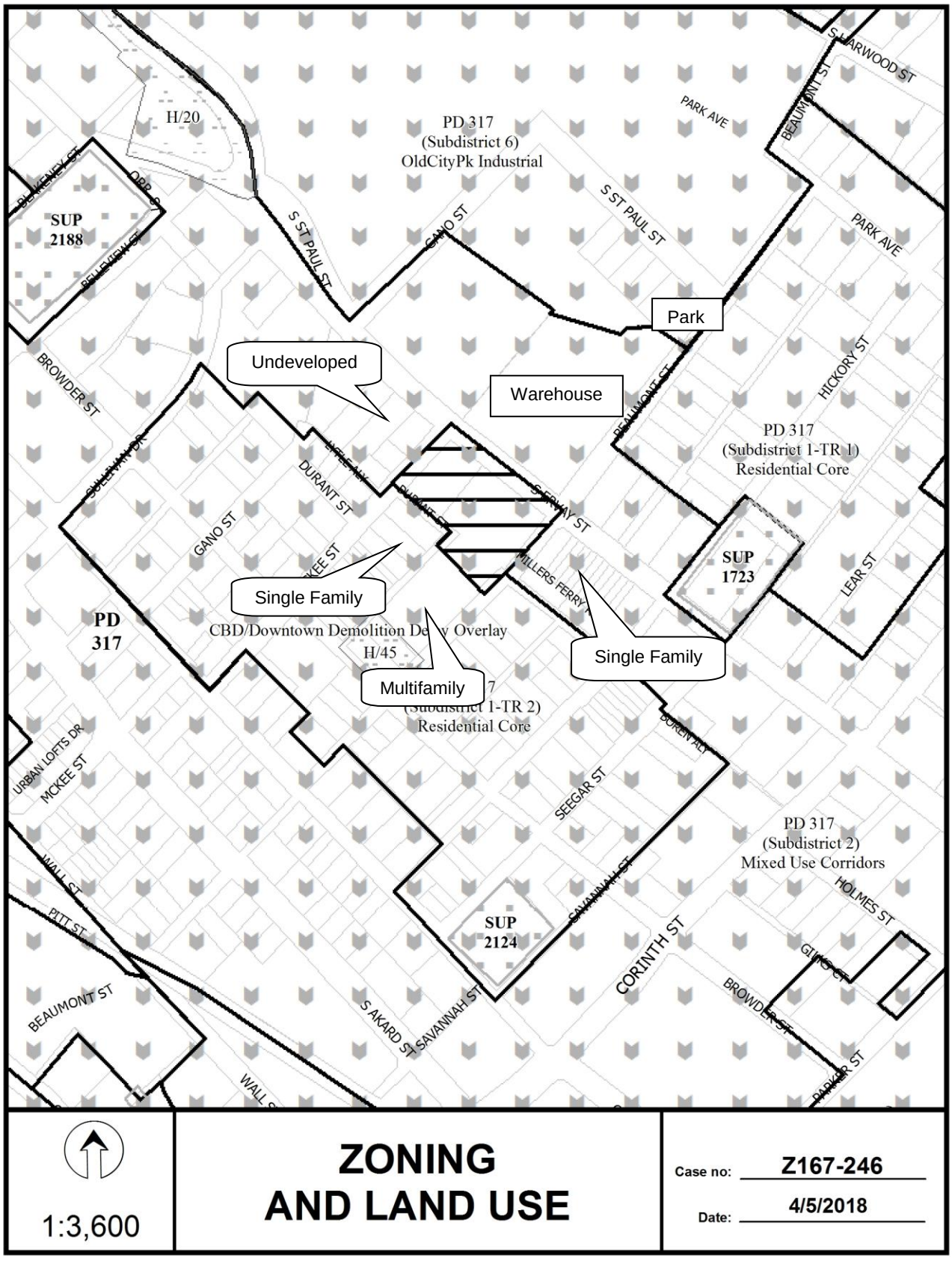
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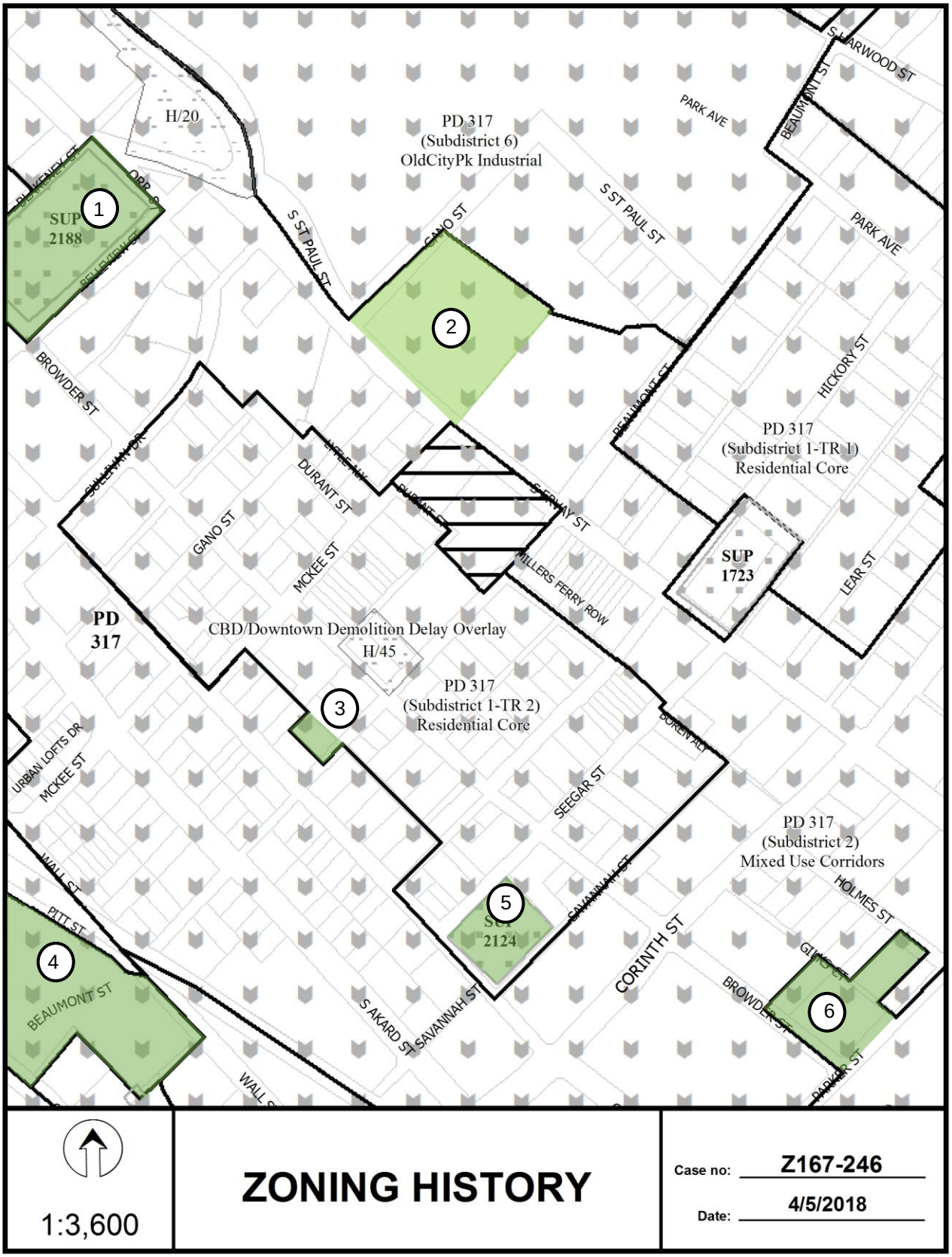
VICINITY MAP

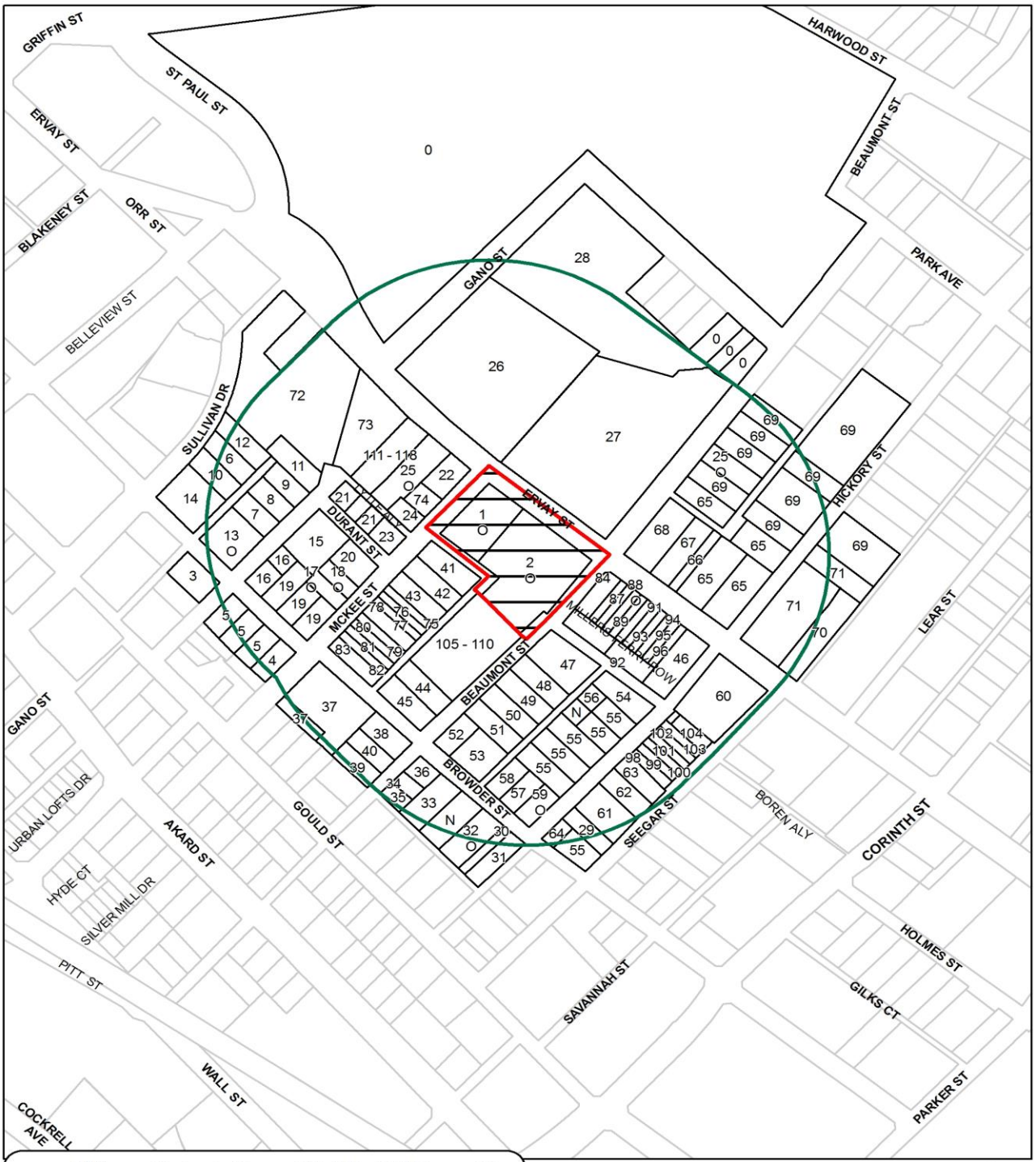
Case no: Z167-246

Date: 4/5/2018


S HARWOOD ST
PARK AVE
BEAUMONT ST
BLAKENEY ST
ORR ST
S ST PAUL ST
GANO ST
PARK AVE
BELLEVIEW ST
BROWDER ST
SULLIVAN DR
DURANT ST
DURANT ST
BEAUMONT ST
GANO ST
MCKEE ST
MILLERS FERRY ROW
HICKORY ST
S ERVAY ST
LEAR ST
URBAN LOFTS DR
MCKEE ST
ROBERT ALY
SEEGAR ST
WALL ST
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CORINTH ST
HOLMES ST
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BEAUMONT ST
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BROWDER ST
PARKER ST
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AERIAL MAP
Case no: Z167-246
Date: 4/5/2018


H/20
PD 317
(Subdistrict 6)
OldCityPk Industrial
SUP
2188
S ST PAUL ST
GANO ST
PARK AVE
BEAUMONT ST
S HARWOOD ST
Park
Undeveloped
Warehouse
BROWDER ST
SULLIVAN DR
DURANT ST
HICKORY ST
PD 317
(Subdistrict 1-TR 1)
Residential Core
SUP
1723
LEAR ST
Single Family
PD
317
CBD/Downtown Demolition Delay Overlay
H/45
Multifamily
Single Family
(Subdistrict 1-TR 2)
Residential Core
URBAN LOFTS DR
MCKEE ST
SEEGAR ST
PD 317
(Subdistrict 2)
Mixed Use Corridors
WALL ST
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SAVANNAH ST
CORINTH ST
HOLMES ST
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ZONING
AND LAND USE
Case no: Z167-246
Date: 4/5/2018


H/20
PD 317
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OldCityPk Industrial
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GANO ST
PARK AVE
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HICKORY ST
PD 317
(Subdistrict 1-TR 1)
Residential Core
SUP
1723
LEAR ST
DURANT ST
MCKEE ST
MILLERS FERRY ROW
PD
317
CBD/Downtown Demolition Delay Overlay
H/45
PD 317
(Subdistrict 1-TR 2)
Residential Core
URBAN LOFTS DR
SEEGAR ST
PD 317
(Subdistrict 2)
Mixed Use Corridors
HOLMES ST
WALL ST
PITT ST
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2124
CORINTH ST
S AKARD ST
SAVANNAH ST
BEAUMONT ST
PARKER ST
1:3,600
ZONING HISTORY
Case no: Z167-246
Date: 4/5/2018



118	Property Owners Notified (138 parcels)
11	Replies in Favor (11 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
5/17/2018	Date

Z167-246
CPC

N
W E
S

1:3,600

05/16/2018

Reply List of Property Owners

Z167-246

118 Property Owners Notified ***11 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	1703	S ERVAY ST	MILLER BENNETT I ET AL
O	2	1711	S ERVAY ST	CITY PARK ASSOC LTD
	3	1417	GANO ST	KAPLAN HARRY L
	4	1611	BROWDER ST	ALVARADO LIVING TRUST
	5	1601	BROWDER ST	CHARALAMBOPOULOS FAY
	6	1512	SULLIVAN DR	LEONG HERBERT & EDNA TR
	7	1509	GANO ST	ALBRITTON CLAUDE C III
	8	1513	GANO ST	ALBRITTON ALEXANDER HELDT
	9	1517	GANO ST	DAY DAVID & REBECCA
	10	1508	SULLIVAN DR	BENNETT ANDREW JOSEPH
	11	1521	GANO ST	NORTH CEDARS THIRTY LLC
	12	1514	SULLIVAN DR	LOPEZ DOMINGO & MIGUEL
O	13	1501	GANO ST	MARTINEK MARK
	14	1500	SULLIVAN DR	LEBROM PPTIES LLC
	15	1605	DURANT ST	MCDONALD D D
	16	1602	BROWDER ST	BANOWSKY BRITTON B
O	17	1509	MCKEE ST	SHIPBUILD LLC
O	18	1513	MCKEE ST	SHIPBUILD PARTNERS LP
	19	1608	BROWDER ST	YANCEY CEDARS LLC
	20	1609	DURANT ST	RE SOURCE PROFESSIONALS
	21	1600	DURANT ST	LEONG CRAIG S
	22	1627	S ERVAY ST	SALVATO SARAH A
	23	1519	MCKEE ST	VIDALES JUAN
	24	1601	MCKEE ST	SALVATO SARAH A
	26	1610	S ERVAY ST	GANO HOLDINGS LLC
	27	1700	S ERVAY ST	WILLIAMS C D BLDG ACCT

Reply	*Label #*	*Address*		*Owner*
	28	1738	GANO ST	Dallas ISD
	29	1505	SEEGAR ST	FRIEDMAN BRADLEY H
	30	1817	BROWDER ST	WATKINS GREGORY
	31	1819	BROWDER ST	WEISFELD RONALD &
O	32	1815	BROWDER ST	BROWDER PARK PLACE
	33	1805	BROWDER ST	JONES MICHAEL JOHN & DEBORAH SUSAN
	34	1418	BEAUMONT ST	TAYLOR NAKALAH
	35	1416	BEAUMONT ST	AMORY STREET PROPERTIES LLC SERIES B
	36	1420	BEAUMONT ST	HENDERSON WILLIAM L
	37	1701	BROWDER ST	ZOHA INVESTMENTS LLC
	38	1419	BEAUMONT ST	SEALE JOHN HENRY &
	39	1411	BEAUMONT ST	PINA EDELIA
	40	1415	BEAUMONT ST	CRAFT KEN & CAROLYN
	41	1524	MCKEE ST	VIDALES SILVESTER G
	42	1522	MCKEE ST	VIDALES SILVESTRE &
	43	1518	MCKEE ST	ALVARADO LIVING TRUST
	44	1505	BEAUMONT ST	GO URBAN 1 INC
	45	1501	BEAUMONT ST	GO URBAN 1 INC
	46	1825	S ERVAY ST	GANO CDR LLC
	47	1520	BEAUMONT ST	PULLMAN TILLIE
	48	1518	BEAUMONT ST	WAYSIDE MISSIONARY BAPTIST CHURCH
	49	1514	BEAUMONT ST	LOVELADY ENTERPRISES INC
	50	1510	BEAUMONT ST	SALINAS SERVANDO B EST OF
	51	1508	BEAUMONT ST	DELAFUENTE LUIS
	52	1802	BROWDER ST	RESOURCE PROFESSIONALS
	53	1804	BROWDER ST	MATAMORAS ESTABAN
	54	1531	HICKORY ST	ARRUDA LOUIS C JR
	55	1527	HICKORY ST	COLLINS PATRICK & MICHAEL 1988 TRUST
	56	1527	HICKORY ST	DUBLE KENNETH B &
	57	1818	BROWDER ST	MCBRIDE JOHN &
	58	1814	BROWDER ST	COLLINS JAMES & LINDSEY

Reply	*Label #*	*Address*		*Owner*
O	59	1820	BROWDER ST	BAKER WILLIAM
	60	1615	SEEGAR ST	CASTILLO CARL &
	61	1509	SEEGAR ST	GARTNER MANAGEMENT TRUST THE
	62	1515	SEEGAR ST	GARTNER MANAGEMENT TRUST THE
	63	1519	SEEGAR ST	LENGRO J V
	64	1900	BROWDER ST	HUERTA ESTANISLAO
	65	1818	S ERVAY ST	GMR SPECIAL TRUST THE
	66	1810	S ERVAY ST	FOX BRIAN E
	67	1806	S ERVAY ST	UNDERWOOD JEFFREY &
	68	1800	S ERVAY ST	BUTLER L F
	69	1720	BEAUMONT ST	HICKORY CDR LLC
	70	1908	S ERVAY ST	RDC IRREVOCABLE TRUST
	71	1900	S ERVAY ST	RDC IRREVOCABLE TRUST
	72	1601	S ERVAY ST	NORTH CEDARS THIRTY LLC
	73	1601	S ERVAY ST	NORTH CEDARS THIRTY LLC
	74	1605	MCKEE ST	TOLLEN ALEXANDER G
	75	1516	MCKEE ST	CARROLL KEYUNA
	76	1514	MCKEE ST	NUGENT MICHAEL B
	77	1512	MCKEE ST	RIPPY DARRAH
	78	1510	MCKEE ST	FREEMAN RICHARD H SR &
	79	1508	MCKEE ST	REMUS PATRICK L
	80	1506	MCKEE ST	PARKER AMANDA
	81	1504	MCKEE ST	WALLACE MICHAEL
	82	1502	MCKEE ST	KIM SANGHYUN D & HYEREE
	83	1500	MCKEE ST	ROBINSON PHILLIP T & STEPHANIE
	84	1803	S ERVAY ST	THOMAS JEFFREY B &
	85	1805	S ERVAY ST	STEPHENS MARK R
O	86	1602	BEAUMONT ST	BARRETT MICHAEL
	87	1807	S ERVAY ST	SIMMONS VERONICA
O	88	1809	S ERVAY ST	DAVIS KENNETH E
	89	1811	S ERVAY ST	RAMICK R BLAKE & KENDRA

Reply	*Label #*	*Address*		*Owner*
	90	1813	S ERVAY ST	NOVACK TAYLOR A
	91	1815	S ERVAY ST	BADIR NADER
	92	1817	MILLERS FERRY ROW	DELGADO DAMIAN G
	93	1817	S ERVAY ST	SITARZEWSKI MICHAEL & HEATHER
	94	1819	S ERVAY ST	GARNER LINDA A
	95	1821	S ERVAY ST	DIXON LAURA D
	96	1823	S ERVAY ST	FAIRES HEATHER
	97	1525	SEEGAR ST	MARTINSON STACEY
	98	1525	SEEGAR ST	AMATE STEPHANIE
	99	1527	SEEGAR ST	REICHENBACH FAMILY TR
	100	1529	SEEGAR ST	DE LA TORRE ALBERTO
	101	1531	SEEGAR ST	NEAL SHELLI
	102	1533	SEEGAR ST	ORIHUELAGONZALES LAURIE &
	103	1535	SEEGAR ST	VEGA REBECCA M
	104	1603	SEEGAR ST	HARTZLER STEPHEN M
	105	1519	BEAUMONT ST	GARZA ANTHONY
	106	1519	BEAUMONT ST	CHESTNUT ROBERT
	107	1519	BEAUMONT ST	WADDELL ZACHARY C
	108	1519	BEAUMONT ST	BAKER JAY E II
	109	1519	BEAUMONT ST	SHIELDS MELISSA
	110	1519	BEAUMONT ST	FORD MARK C
	111	1615	S ERVAY ST	WOODLING MARK ANDREW
	112	1615	S ERVAY ST	
	113	1615	S ERVAY ST	ZUBIATE JAIME A &
	114	1615	S ERVAY ST	WHITE STORMI & JOSHUA
	115	1615	S ERVAY ST	MACELHOSE BRIAN &
	116	1615	S ERVAY ST	UNDERWOOD JEFFREY L
	117	1615	S ERVAY ST	CLAPNER KATHERINE LEE
	118	1615	S ERVAY ST	HALL TREVOR
O	A1	1724	BEAUMONT ST	1621 ERVAY LTD
O	A2	1621	S ERVAY ST	1621 ERVAY LTD

AGENDA ITEM # 75

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant, on property zoned a CS Commercial Service District, on the southeast line of Race Street, southwest of North Washington Avenue
Recommendation of Staff: Approval
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z178-209(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-209(PD) **DATE FILED:** March 19, 2018

LOCATION: Southeast line of Race Street, southwest of North Washington Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 46 J

SIZE OF REQUEST: ±.133 acres **CENSUS TRACT:** 0022.00

APPLICANT/OWNER: Baylor Health Care System

REPRESENTATIVE: Robert Reeves & Associates, Inc.

REQUEST: An application for an MU-3 Mixed Use District with deed restrictions volunteered by the applicant, on property zoned a CS Commercial Service District.

SUMMARY: The purpose of the request is to redevelop the site with office and medical uses.

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval**

BACKGROUND:

- The site is developed with a one-story office building. According to DCAD records, the 3,268-square-foot warehouse structure was constructed in 1953.

- The applicant would like to redevelop the site with office and medical uses utilizing the MU-3 development standards.

- A recent zoning case adjacent to the property and under the same ownership was approved for a Planned Development District for MU-3 Mixed Use District uses [PDD No. 997] to allow for modification to the off-street parking requirement for a proposed college, university or seminary use and to expand the existing nursing school [Baylor University, Louise Herrington School of Nursing] by converting a 114,049-square-foot building into classrooms, labs, and administrative offices. [Z167-365]

- To provide consistency, with PDD No. 749, the applicant volunteered deed restrictions prohibiting alcoholic beverage establishments and liquor store uses on the property.

Zoning History: There has been one zoning case in the area over the past five years.

1. Z167-365 On December 13, 2017, the City Council approved Planned Development No. 997 for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Race Street	Local	50 ft.
North Washington Avenue	Collector	100 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	CS	Vacant Structure
North	PDD No. 997	Baylor School & White Campus, Louise Herrington School
East	PDD No. 749 Sub. A	Surface Parking
South	PDD No. 749 Sub. A	Vacant Structure
West	PDD No. 749	Vacant Structure

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility: The subject site is currently zoned a CS Commercial Service District and is developed with a 3,268-square foot vacant structure. The existing zoning district allows the applicant's intended use of the subject property; however, it restricts the floor area ratio to .75 and the maximum height to 45 feet.

The request to change the zoning to MU-3 Mixed Use District will allow a maximum FAR of 4.0 and a maximum height of 270 feet. The request will provide consistency with adjacent zoning districts [PDD No. 997 and PDD No. 749] which both default to MU-3 development standards. Additionally, the application is not requested with the intent of circumventing compliance with the yard, lot and space regulation for Subdistrict A within PDD No. 749, which limits the maximum floor area to 6,443,037 square feet. A master parking and floor plan was approved by the City Council on June 28, 2006, reflecting a floor area of 3,568,986 square feet. Upon request, the applicant provided the most recent master parking and floor plan reflecting a total of 4,146,208 square feet of floor area. This leaves 2,296,832 square feet of floor area to be developed in Subdistrict A. The applicant has indicated that proposed development plans include the construction of a structure with a maximum FAR of 3.2 or 23,557 square feet.

When PDD No. 749 was approved the subject site was excluded from the request area due to ownership. The property has since been acquired by the Baylor Scott & White.

The request site will continue to provide services for Louise Herrington School of Nursing [LHSON] in Bass Hall and Baylor School & White Campus which function as a college or university campus. While staff encouraged the applicant to consider amending PDD No 749 to include the 7,362-square-foot tract of land, the applicant declined this approach as the application fees would be significantly higher, PDD No. 749 defaults to MU-3 District uses, and the notification area would be far greater to advertise the entire 79.3894 acres that is PDD No. 749.

Surrounding land uses consist of a college, university or seminary use [Baylor & White, Louise Herrington School of Nursing [LHSON], surfacing parking, and vacant structures.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS- existing	15’	0’ 20’ adjacent residential or alley	0.5 FAR (lodging, office, retail and personal services) 0.75 FAR (for all uses combined)	45’	80%	RPS DIR Visual Intrusion	Office, retail & personal service, lodging, Industrial, recreation, and transportation
MU-3 – proposed	15’	20’ adjacent residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270’	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Parking: As this is a straight zoning request, parking will be provided according to the Dallas Development Code.

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

List of Owners

Executive Leadership

Drayton McLane, Jr.
Chair of the Baylor Scott & White Health Board of Trustees

Jim Turner
Chair-elect of the Baylor Scott & White Health Board of Trustees

Joel Allison
Chief Executive Officer

Bob Pryor, MD
President, Chief Operating Officer and Chief Medical Officer

LaVone Arthur
Chief Integration Officer

David Ballard, MD
Chief Quality Officer

Steve Boyd
Chief Legal Officer

Gary Brock
President and Chief Operation Officer – North Texas

Matthew Chambers
Chief Information Officer

Volunteered Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF _____)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Baylor Health Care System, a Texas not-for-profit corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the John Grigsby Survey, Abstract No. 495, City Block 835, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by James L. Riggs and Betty M. Riggs, by deed dated December 29, 2011, and recorded in Volume 82137, Page 129, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract or parcel of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of that tract of land conveyed to Baylor Health Care System by Special Warranty Deed recorded in Instrument No. 201100341750, Official Public Records, Dallas County, Texas, and being part of Race Street abandoned by the City of Dallas and quitclaimed to Baylor Health Care System and Baylor University Medical Center by City of Dallas Ordinance No. 29190, and being part of Lots 16 and 17, Block 835, Gaston Homestead Addition, an unrecorded addition, and being more particularly described as follows:

BEGINNING at a point for corner on the centerline line of Race Street abandonment, said point being parallel to and 25.00 feet northwest of the southeast line of said Race Street abandonment;

THENCE South 45° 00' 29" East, passing at a distance of 25.00 feet the north corner of said Lot 17 and the west corner of a tract of land conveyed to Baylor University Medical Center by deed recorded in Volume 82137, Page 129, Deed Records, Dallas County, Texas, continuing along the northeast line of said Lot 17, a distance of 126.90 feet to a point for corner;

THENCE North 44° 59' 31" East, departing the northeast line of said Lot 17, a distance of 58.00 feet to a point for corner;

THENCE North 45° 00' 29" West, parallel to and 8.00 feet southwest of the common line between said Lots 16 and 17, passing at a distance of 101.90 feet the southeast line of said Race Street abandonment, continuing a total distance of 126.90 feet to a point for corner on the centerline of said Race Street abandonment;

THENCE North 44° 59' 31" East, along the centerline of said Race Street abandonment, a distance of
58.00 feet to the POINT OF BEGINNING, containing 7,360 square feet or 0.1690 acres, more or less.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following uses are prohibited:

-- Alcoholic beverage establishments.
-- Liquor store.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction.

If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 9th day of May, 2018.

Owner : Baylor Health Care System

By: _____

Printed Name: Wes Huff

Title: Senior Vice President, Real Estate

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

NA
Property Lienholder or Mortgagee

By: _____
Printed Name: _____
Title: _____

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

By: _____
Assistant City Attorney

Before me, the undersigned authority, on this day personally appeared Wes Huff, Senior Vice President, Real Estate, Baylor Health Care System, a Texas non-for-profit corporation, known to me to be the person whose name is subscribed to these deed restrictions, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated on behalf of said entity.

Given under my hand and seal of office on this before me on this 9th day of May, 2018

SONDRA WILLOUGHBY
Notary ID #11501476
My Commission Expires
December 1, 2021

Sondra Willoughby
Notary Public, State of Texas

Deed Restriction Form - Page 4 (Rev. 11-29-12)

CPC ACTION:
May 17, 2018

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District, subject to deed restrictions volunteered by the applicant to prohibit alcohol beverage establishments and liquor stores on property zoned a CS Commercial Service District, on the southeast line of Race Street, southwest of North Washington Avenue.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

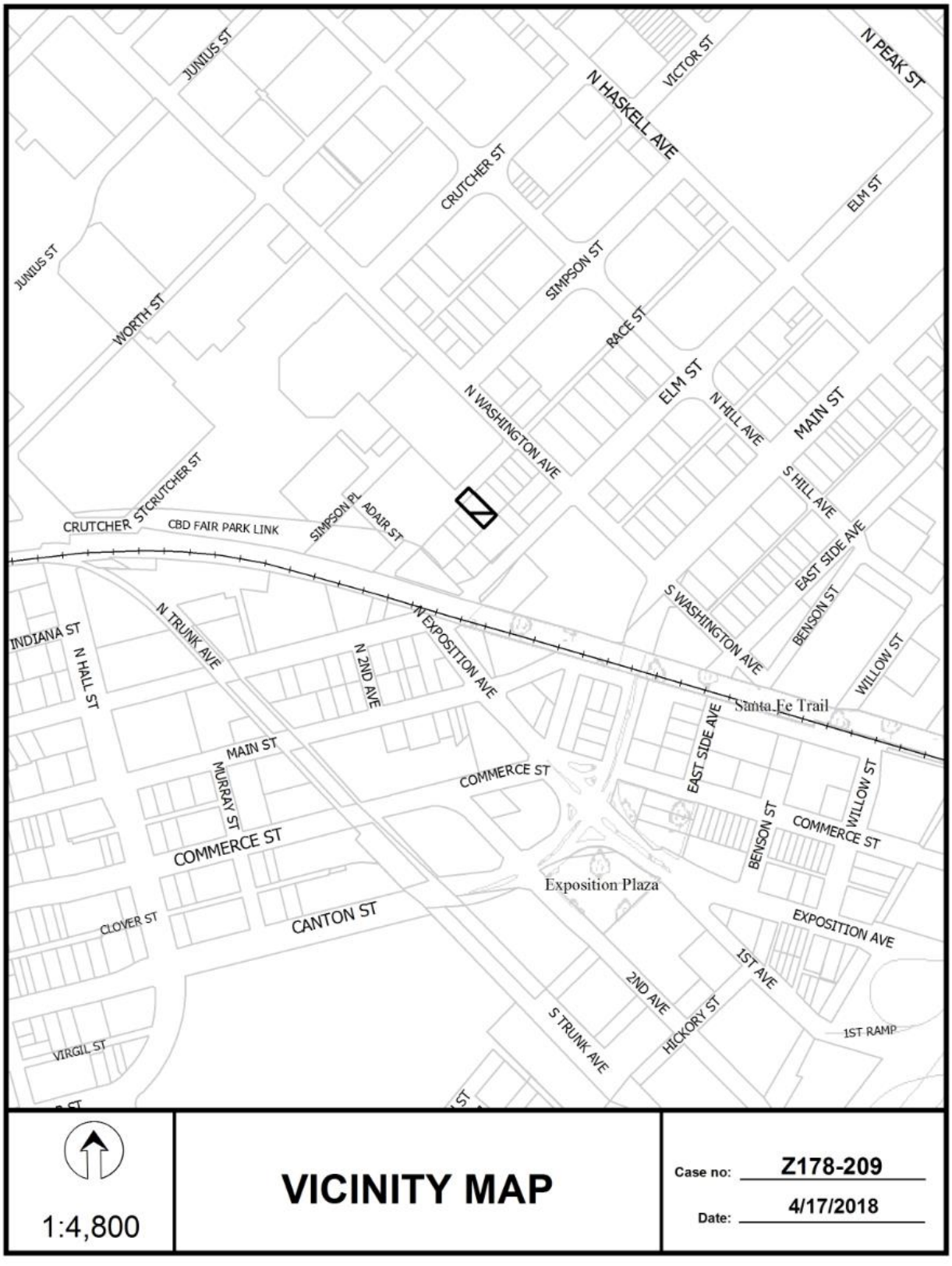
For: 13 - West*, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 10
Replies: For: 2 Against: 0

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


JUNIUS ST
N HASKELL AVE
VICTOR ST
N PEAK ST
CRUTCHER ST
ELM ST
JUNIUS ST
WORTH ST
SIMPSON ST
RACE ST
ELM ST
N HILL AVE
MAIN ST
N WASHINGTON AVE
S HILL AVE
CRUTCHER ST
CRUTCHER ST
CBD FAIR PARK LINK
SIMPSON PL
ADAIR ST
EAST SIDE AVE
S WASHINGTON AVE
BENSON ST
INDIANA ST
N HALL ST
N TRUNK AVE
N EXPOSITION AVE
N 2ND AVE
WILLOW ST
Santa Fe Trail
EAST SIDE AVE
MAIN ST
MURRAY ST
COMMERCE ST
COMMERCE ST
BENSON ST
WILLOW ST
COMMERCE ST
Exposition Plaza
CLOVER ST
CANTON ST
EXPOSITION AVE
1ST AVE
2ND AVE
HICKORY ST
S TRUNK AVE
1ST RAMP
VIRGIL ST
1:4,800
VICINITY MAP
Case no: Z178-209
Date: 4/17/2018

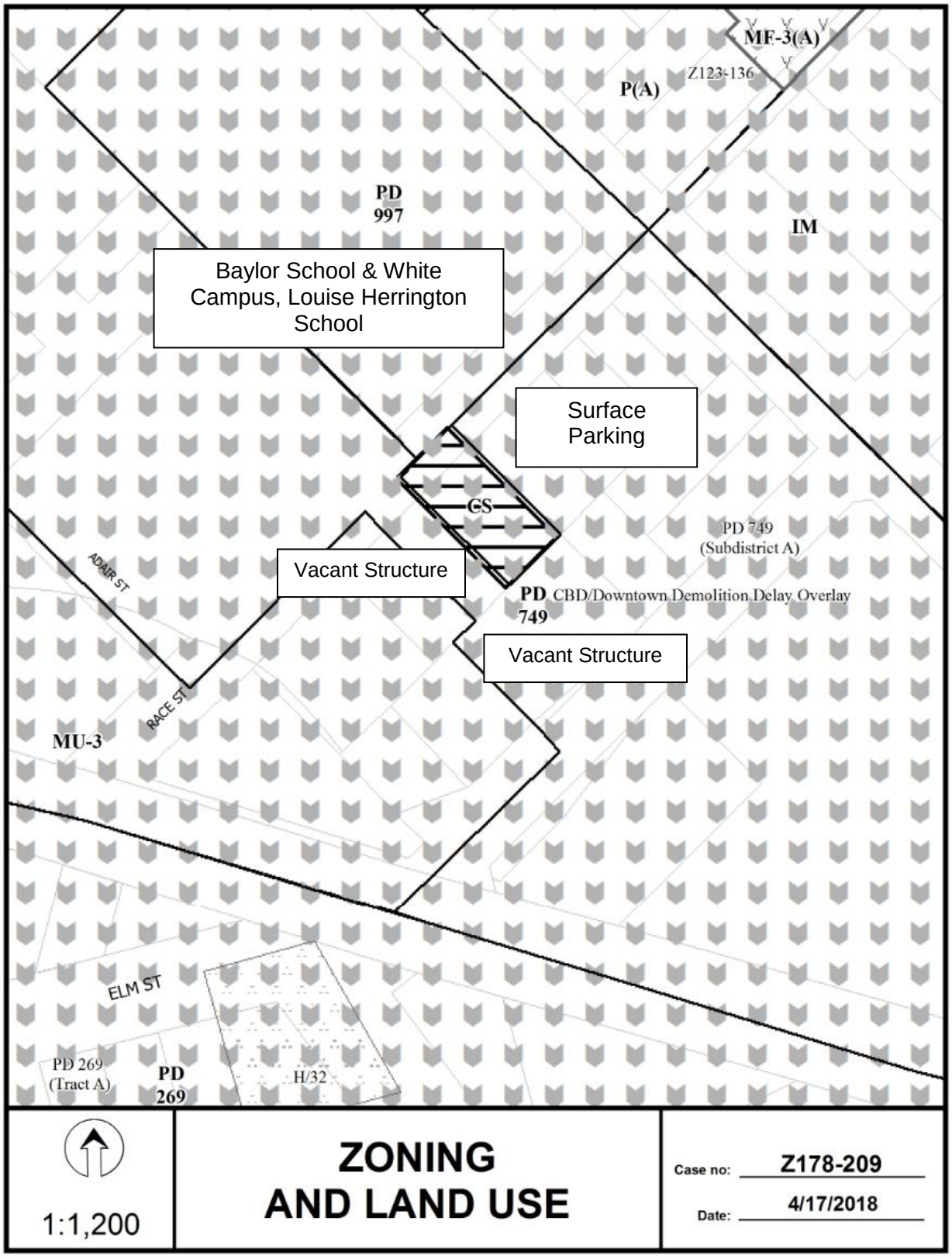


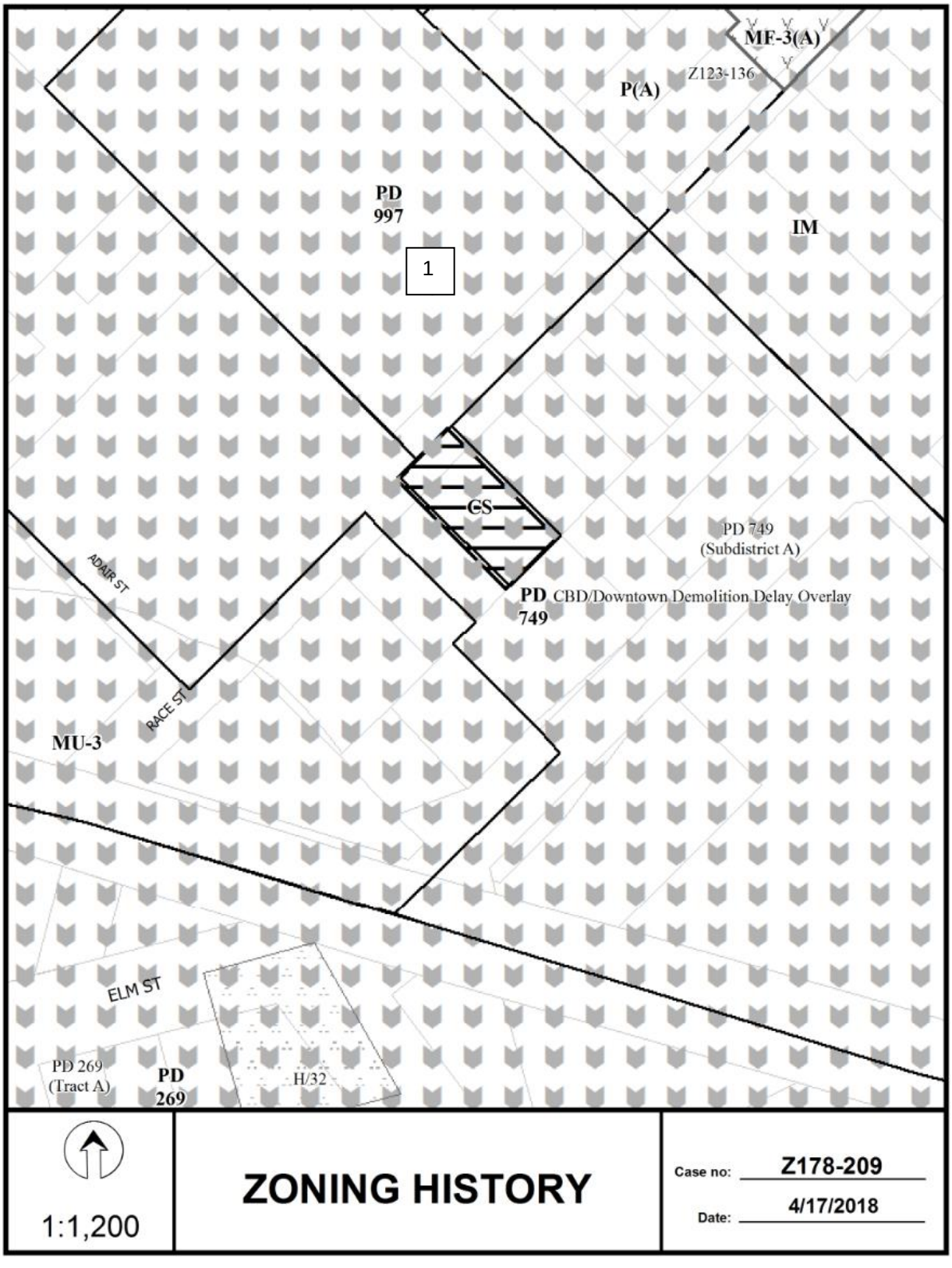
1:1,200

AERIAL MAP

Case no: Z178-209

Date: 4/17/2018


MF-3(A)
Z123-136
P(A)
PD 997
IM
Baylor School & White Campus, Louise Herrington School
Surface Parking
CS
PD 749 (Subdistrict A)
Vacant Structure
ADAIR ST
PD 749 CBD/Downtown Demolition Delay Overlay
Vacant Structure
RACE ST
MU-3
ELM ST
PD 269 (Tract A)
PD 269
H/32
1:1,200
ZONING AND LAND USE
Case no: Z178-209
Date: 4/17/2018


MF-3(A)
Z123-136
P(A)
PD
997
IM
1
GS
PD 749
(Subdistrict A)
PD CBD/Downtown Demolition Delay Overlay
749
ADAIR ST
RACE ST
MU-3
ELM ST
PD 269
(Tract A)
PD
269
H/32
1:1,200
ZONING HISTORY
Case no: Z178-209
Date: 4/17/2018

CPC RESPONSES



05/16/2018

Reply List of Property Owners

Z178-209

10 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	3714	RACE ST	BAYLOR HEALTH CARE SYSTEM
	2	3808	RACE ST	BAYLOR HEALTH CARE SYSTEM
	3	3804	RACE ST	BAYLOR UNIVERSITY MED CTR
	4	3801	MAIN ST	BAYLOR UNIVERSITY MED CTR
	5	3812	ELM ST	BAYLOR UNIVERSITY MED CTR
	6	3705	ELM ST	WHITEHEAD RICHARD
O	7	3712	RACE ST	BAYLOR HEALTH CARE SYSTEM
	8	3713	ELM ST	BAYLOR HEALTH CARE SYSTEM
	9	333	N WASHINGTON AVE	BAYLOR UNIVERSITY
	10	3700	ELM ST	BAYLOR HEALTHCARE SYSTEM

AGENDA ITEM # 76

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 70 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane

Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions

Z167-362(WE/SH)

Note: This item was considered by the City Council at public hearings on March 28, 2018, May 9, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-362(WE/SH)	**DATE FILED:**	July 28, 2017
LOCATION:	West line of South Belt Line Road, north of Sarah Lane		
COUNCIL DISTRICT:	8	**MAPSCO:**	70 F
SIZE OF REQUEST:	Approx. 1.9 acres	**CENSUS TRACT:**	171.01

APPLICANT/OWNER: Ronny & Grace Chaves

REPRESENTATIVE: Grace Chaves

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant and a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District.

SUMMARY: The purpose of the request is to allow for the operation of an outdoor flea market. The applicant has also volunteered deed restrictions to prohibit certain uses from being developed on the property.

STAFF RECOMMENDATION: **Approval** of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and **approval** of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: **Approval** of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and **approval** of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site currently is undeveloped and is zoned an R-10(A) Single Family District. The request site has been undeveloped for at least 20 years.

- The applicant's request for a CS Commercial Service District and a Specific Use Permit will allow for the operation of an outside flea market. Outside sales are only permitted in the RR Regional District, CS Commercial Service District and the CA Central Area District.

- The applicant has volunteered deed restrictions to prohibit certain CS uses from being developed on the property.

Zoning History: There has not been any zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal Arterial	100 ft.	100 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

	Zoning	Land Use
Site	R-10(A)	Undeveloped
Northeast	R-10(A)	Undeveloped
Southeast	R-10(A)	Undeveloped, single family
Northwest	R-10(A)	Undeveloped
Southwest	R-10(A)	Undeveloped, single family

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

West Kleberg Community Plan (2007):

The intent of "The West Kleberg Community Plan" was to provide an overall vision to create economic development that will stimulate specific types development for the community. The West Kleberg Community Plan identified a vision statement as follows: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

Based on the Community Plan, the request site is located within in an area that is designated as "Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses at the time of publication in 2007". The request site is located with the area designated as Subarea 1.

The Plan also indicated that "commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and Belt Line Road." A retail gap analysis completed with the plan identified that residents of this area were likely to spend their income in nearby cities, including Balch Springs and the City of Mesquite, since retail facilities are not sufficiently available in the immediate area. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections of the needed types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mixed use projects and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175 and Belt Line Road; and Kleberg and Belt Line Roads. The subject site is within this 1,000-

foot buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the Top 20 Community "Needs & Desires" as indicated in the following table:

TABLE 12: VISIONING ACTIVITY – COMMUNITY "NEEDS & DESIRES"

1. Bank	11. Ice Rink
2. Big Box (Lowe's and Sam's)	12. Mid-rise Mixed Use
3. Bookstore	13. Museum
4. Central Market	14. New Auto Dealership
5. Cinema	15. Office
6. Doctor Offices	16. Outlet and/or Mini-Malls
7. Drug Store	17. Research & Development Uses
8. Gas Station	18. Restaurants
9. Hospital	19. Small Shops
10. Hotel/Conference Center	20. Ice Cream Parlor (i.e., Braum's)

The proposed use could be considered as a central market where various goods and services, including produce, are sold. This use is part of the vision for Sub-area 1.

STAFF ANALYSIS:

Land Use Compatibility: The 1.9-acre site is undeveloped and is surrounding by large tracts of undeveloped land. There are scattered residential uses in area. However, a more established residential development is located approximately 158 feet south of the request site. The request site is located on the perimeter of the West Kleberg Study area. The surrounding areas are rural in nature, where there are large tracts of undeveloped lands and scattered residential uses. There are several tracts of land that are located out of the Study area that are zoned a CR Community Retail District and a CS Commercial Service District.

The applicant's request is to rezone a portion of the property to a CS Commercial Service District for outside sales. The applicant proposes to operate a flea market, classified in the Development Code as an outside sales use, on the portion of their property that fronts West Belt Line Road. An outside sales use falls within the retail and personal service category and is only permitted by right in the CA Central Area District or by SUP in either an RR Regional Retail District or a CS Commercial Service District.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP

for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff believes that the applicant's request for outside sales could assist in the redevelopment efforts on the community. Even though the proposed flea market may not be consistent with the character of the neighborhood, the site is located in a rural part of the community, where there is a very low density of residential uses. In addition, staff is imposing a short time period on the Specific Use Permit for outside sales to determine if the use will create a negative impact on the residential uses. Furthermore, the proposed CS District could allow the applicant to develop the property with several of the uses that are outlined in the community needs and desires list in the above "Vision Activity" chart, such as: Bank; Big Box; Bookstore; Cinema; Offices; Drug store; Gas Station; Hospital; Hotel or motel; Auto Dealership, and Restaurants.

Moreover, the applicant has volunteered deed restrictions that will prohibit various types of uses that may negatively impact the adjacent residential development. The type of uses include, but are not limited to, the following; building repair and maintenance shop, bus or rail transit vehicle maintenance or storage, auto auction, liquor store, truck stop, etc.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-10(A) - existing Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%	Proximity Slope Visual Intrusion	Single family
CS - proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: Landscaping will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for an outside sales use at one space for each 200 square feet of sales area. The applicant proposes to have approximately 16,269 square feet of sales area. Based on the total square feet of sales area, the applicant will have to provide 81 spaces. In addition, the site plan reveals that approximately 1,020 square feet of floor area will be designated as office and public restroom space, which requires one space per 333 space feet of floor area. Based upon these uses, the required number of off-street parking spaces required is 84 spaces and the applicant is providing a total of 87 spaces, as depicted on the proposed SUP site plan.

CPC Action (February 1, 2018)

5. **Z167-362(WE)** Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a CS Commercial Service District with deed restrictions volunteered by the applicant and **approval** of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the west line of South Belt Line Road, north of Sarah Lane.

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

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Lavallaisaa, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

Notices: Area: 300 Mailed: 26
Replies: For: 1 Against: 4

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is outside sales.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on_____, (three-year period from the passage of this ordinance).

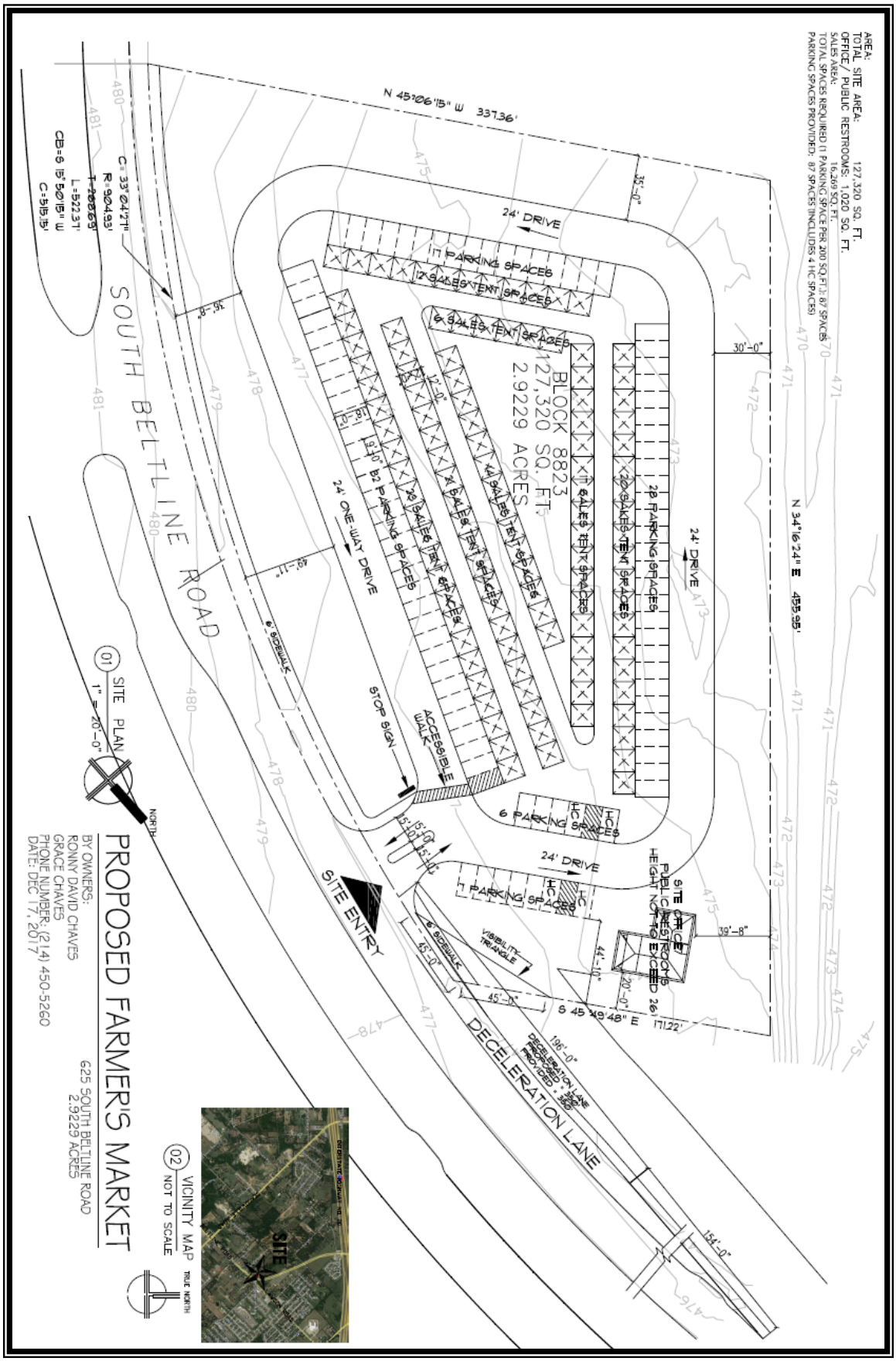
3. FLOOR AREA: Maximum floor area for the office is 1060 square feet.

5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF Dallas)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Ronny & Grace Chaves , a private entity ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the 625 S. Belt Line Rd Survey, Abstract No. 716 , City Block 8823 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by , by deed dated , and recorded in Volume , Page , in the Deed Records of County, Texas, and being more particularly described as follows:

[*SEE EXHIBIT -A-]*

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(A) Commercial and business service use
- Building repair and maintenance shop
- Bus or rail transit vehicle maintenance or storage
- Commercial bus station
- Labor Hall

(B) Miscellaneous uses:
- Carnival or circus
- Alcoholic beverage establishments
- Commercial amusement

(C) Utility and Public service uses
-Commercial radio television transmitting station
- Electrical substation
- Local utilities

(D) Wholesale, distribution and storage uses
- Auto auction
- Mini warehouse
-Petroleum product storage
-Recycling collection center
-Recycling drop-off for special occasion

-Sand, gravel, or earth sales and storage

(E) Retail and personal service and transportation
- Commercial motor vehicle parking
- Commercial parking lot of garage
- Commercial bus station and terminal
- Commercial amusement
- Liquor store
- Taxidermist
- Truck stop

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.


FISH RD
WILLOW LAKE MHP
LIFESCAPE VILLAS MHP
LIFESCAPE VILLAS MHP
FISH RD
THE WILLOWS MHP
W LAWSON RD
LAS BRISAS MHP
GREENGROVE LN
SARAH LN
APPLEGATE DR
S BELT LINE RD
FERNHEATH LN
SKYFROST DR
S BELT LINE RD
DANSON DR
1:6,000
VICINITY MAP
Case no: Z167-362
Date: 9/22/2017

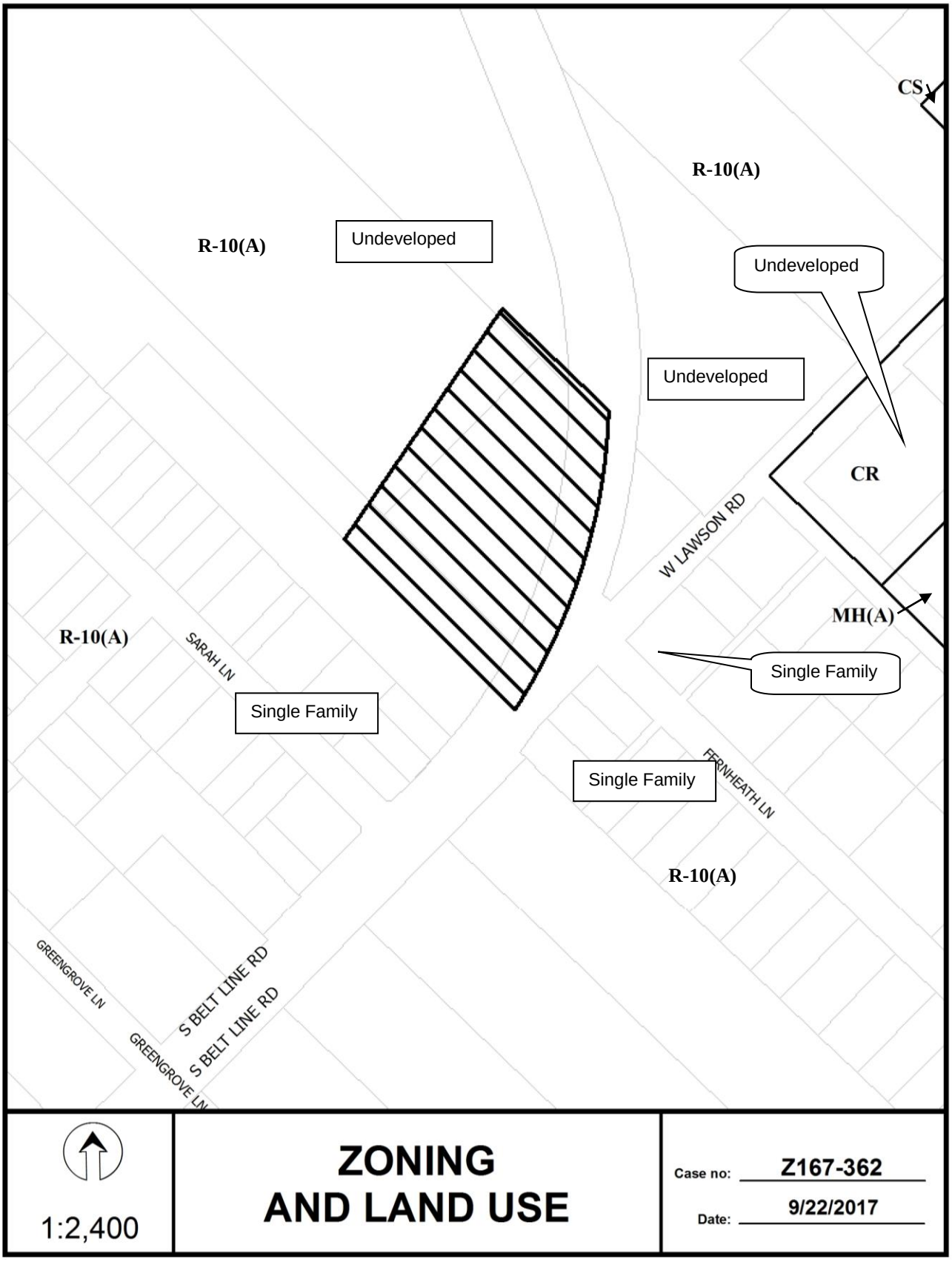


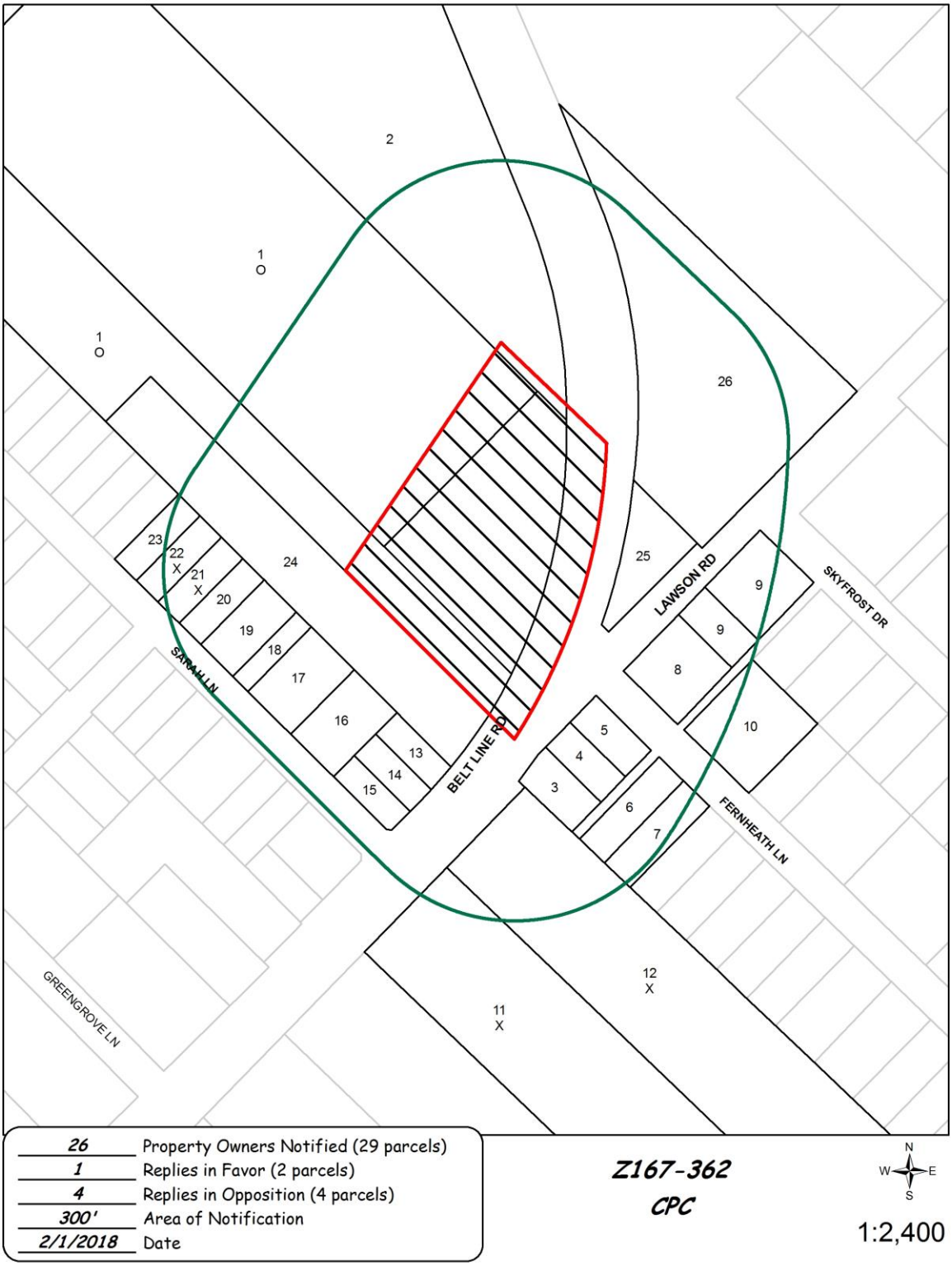
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AERIAL MAP

Case no: Z167-362

Date: 9/22/2017


CS
R-10(A)
R-10(A)
Undeveloped
Undeveloped
Undeveloped
CR
W LAWSON RD
MH(A)
R-10(A)
SARAH LN
Single Family
Single Family
Single Family
FERNHEATH LN
R-10(A)
GREENGROVE LN
S BELT LINE RD
S BELT LINE RD
GREENGROVE LN
1:2,400
ZONING
AND LAND USE
Case no: Z167-362
Date: 9/22/2017


2
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1
O
26
23
22
X
21
X
20
19
18
17
16
13
14
15
24
25
LAWSON RD
SKYFROST DR
9
9
8
10
5
4
3
6
7
FERNHEATH LN
BELT LINE RD
SARAH LN
GREENGROVE LN
12
X
11
X
26 Property Owners Notified (29 parcels)
1 Replies in Favor (2 parcels)
4 Replies in Opposition (4 parcels)
300' Area of Notification
2/1/2018 Date
Z167-362
CPC
N
W
E
S
1:2,400

Reply List of Property Owners

Z167-362

26 Property Owners Notified ***1 Property Owner in Favor*** ***4 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	639	S BELTLINE RD	CHAVES RONNY DAVID
	2	599	BELTLINE RD	LEE LARRY
	3	646	S BELTLINE RD	SOSA ALBERTO REZA
	4	640	S BELTLINE RD	ORTIZ JUAN LUIS &
	5	634	S BELTLINE RD	KIRBY RICKY B &
	6	13510	FERNHEATH LN	TRUJILLOCALVILLO ELVIA &
	7	13516	FERNHEATH LN	TILLISON GARY W &
	8	628	LAWSON RD	DUNN TED R & LUCY M ESTATE OF
	9	616	LAWSON RD	BUSTOS RUBEN
	10	13509	FERNHEATH LN	PINAORTIZ JOSE REYES
X	11	720	S BELTLINE RD	ARCHER SAMUEL R & RITA L
X	12	710	S BELTLINE RD	WHITTLE MORRIS L & PAMELA
	13	705	S BELTLINE RD	CANCHOLA JOSE & MARIA
	14	713	S BELTLINE RD	GARCIA BLANCA
	15	717	S BELTLINE RD	PULIDO FLORENCIO
	16	13447	SARAH LN	WEED KELLY
	17	13435	SARAH LN	MARTINEZ BERNARDA PADRON &
	18	13423	SARAH LN	MARTINEZ BERNARDA PADRON &
	19	13417	SARAH LN	HERNANDEZ ERIC &
	20	13411	SARAH LN	STALLINGS MELISSA
X	21	13405	SARAH LN	MOULTON PHILLIP A
X	22	13341	SARAH LN	CONTRERAS JOSE L
	23	13335	SARAH LN	RAMIREZ VICTOR
	24	645	S BELTLINE RD	CANCHOLA JOSE GUDALUPE &
	25	625	S BELTLINE RD	SANTANA TOMAS
	26	500	S BELTLINE RD	QUACH NHI

AGENDA ITEM # 77

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval

Z178-131(JM)

Note: This item was considered by the City Council at public hearings on April 25, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-131(JM) **DATE FILED:** November 15, 2017

LOCATION: West side of Beaumont Street, north of Gould Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 U

SIZE OF REQUEST: ±6,695 sq. ft. **CENSUS TRACT:** 204.00

APPLICANT/OWNER: Katelin Burton Smith

REQUEST: An application for an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The applicant proposes to develop the site with commercial uses.

STAFF RECOMMENDATION: **Denial**

CPC RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres.
- The subject site is undeveloped and contains 6,695 sq. ft. with 65 feet of street frontage along Beaumont Street, northwest of Gould Street. According to city records (POSSE), a structure was demolished in 1991.
- The purpose of this request is to change zoning of the lot from Subdistrict 1 for Moderate Density Residential uses to Subdistrict 2 for Moderate Density Mixed Use Corridors. The applicant would like to develop the site for commercial uses—with no further information provided. No changes to the existing conditions for Subdistrict 2 are proposed.
- The proposed rezoning would generate significant changes to the allowable uses on-site. In all, 39 new uses would be introduced to the site, 16 by right and 23 by special permits/processes (SUP, DIR, RAR). Ten uses currently allowed with special permits/processes would have lessened restrictions.

Zoning History: There have been five zoning cases in the area over the past five years.

1. **Z156-358:** An application for a new subdistrict for Subdistrict 2 uses and alternate design standards on property zoned Subdistrict 2 within Planned Development District No. 317, the Cedars Area Special Purpose District, in an area generally bounded by Belleview Street, Browder Street, Sullivan Drive and Gould Street. (This case was withdrawn before proceeding to CPC.)
2. **Z156-275:** On December 14, 2016, the City Council approved a new subdistrict for single family uses and office showroom/warehouse use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District, located in an area generally bounded by both sides of Cockrell Avenue, McKee Street, Pitt/Wall Street and southwest of Alexander Avenue.
3. **Z156-158:** On March 23, 2016 the City Council approved an ordinance granting a Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedar Area Special Purpose District, located on the southeast line of Gano Street, northwest of Beaumont Street South Ervay Street and Gano Street, east corner.
4. **Z156-127:** On April 13, 2016, the City Council approved a new subdistrict (2A) for property zoned Subdistrict 2 within PD No. 317, the Cedars Area Special Purpose District and located on the southwest corner of Beaumont Street and Ervay Street.
5. **Z134-284:** On December 10, 2014, the City Council approved SUP No. 2124 for a government installation other than listed use on property zoned PD No. 317, the Cedars Area Special Purpose District and located on the east side of Seegar Street as it terminates at Gould Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Beaumont Street	Community Collector	40 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
Northwest	PD No. 317, Subdistrict 2	Single family and Multifamily
Northeast	PD No. 317, Subdistrict 1	Single family and Undeveloped
Southeast	PD No. 317, Subdistrict 2	Single family and Undeveloped
Southwest	PD No. 317, Subdistrict 2	Bar, lounge, or tavern and Undeveloped

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The applicant's request *does not comply* with the following goals, policies, and implementation measures of the Comprehensive Plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded Downtown.

Implementation Measure 1.1.3.3 Enhance Downtown's character and identity with consistent standards for public and private improvements.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

Area Plans

The site is within the Cedars Area Plan, adopted in 2002. The plan calls for Moderate Density Residential (p. 20), adding "consolidate and simplify sub-districts; support market trends toward residential and mixed-use development; establish buffers/transitions between residential and non-residential areas; establish gateways" (Implementation Chart 3.1).

The site is also identified as being within the Downtown Lakes District on the Trinity River Corridor Comprehensive Land Use Plan, adopted in 2005, and revised 2009. This area is within the Transit Center and Residential Urban uses. While the Downtown Lakes District should allow for the highest development intensity, it is a priority of the plan to retain and enhance existing uses (p. 45).

Finally, the site is also located within the Downtown 360 Area Plan, adopted in 2011, which calls for a bike lane as this is a bike district connector. The plan also identifies the Cedars as transforming into a "dense, full-service community" and a "vibrant, diverse neighborhood" (p. 26) - this implies mixed uses including residential.

Overall, while the trend in these three plans is to acknowledge the mixed-use nature of the area, there is great support for keeping residential development and zoning. Rezoning this lot to provide additional commercial development is a detriment to the Cedars, as this site is wholly within the residential core of the area.

Land Use Compatibility:

The subject site is undeveloped and contains 6,695 sq. ft. with 65 feet of street frontage along Beaumont Street, northwest of Gould Street. According to city records (POSSE), a structure was demolished in 1991.

On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres. The site is located within Subdistrict 1, a Moderate Density Residential area. The proposed Subdistrict 2, a Moderate Density Mixed Use Corridors area, would generate significant changes to the allowable uses on-site. In all, 39 new uses would be introduced to the site, 16 by right and 23 by special permits/processes (SUP, DIR, RAR). Ten uses currently allowed with special permits/processes would have lessened restrictions.

The surrounding land uses include single family and multifamily uses within Subdistrict 2 to the northwest; single family, multifamily, and undeveloped uses within Subdistrict 1 to the northeast; undeveloped and multifamily uses within Subdistrict 2 to the southeast; and, a bar lounge or tavern and undeveloped uses within Subdistrict 2 to the southwest. There is plenty of land for commercial development, evident by undeveloped lots within Subdistrict 2 and adjacent to the site. The subject site has immediate adjacency to residential structures to the northwest—a rear yard, and to the east—a side yard.

The proposed change from Subdistrict 1 to Subdistrict 2 would provide for the following changes in land use capabilities:

- Add eight Commercial and Business Service uses; none were previously allowed.
- No longer require an SUP for three uses, and allow four new uses within the Institutional and Community Service category.
- Allow two Lodging uses; none were previously allowed.
- Amend restrictions for one use and allow three new uses in the Office category.
- Remove the SUP requirement for one use in the Recreation category.
- Amend restrictions for three uses and allow 16 new uses in the Retail and Personal Service category.
- Remove the SUP requirements for two uses in the Utilities and Public Services category.
- Allow five uses in the Wholesale, Distribution, and Storage category; none were previously allowed.

Several of the newly permitted uses would result in incompatible or undesirable intensities alongside residential properties to the northwest and east most particularly (existing residences). Commercial and Business Service uses are slightly industrial and more intensive in nature. For example, a technical school, custom woodworking, furniture construction, or repair shop, or building repair and maintenance shop would be allowed with a Residential Adjacency Review, among other uses. The argument that the more intensive uses are allowed on the adjoining lot does not consider the existing residences nearby. Rezoning lot-by-lot could eventually eradicate the residential element vital to the mixed-use, urban residential core of the Cedars area—a major component of Downtown living.

Per PD No. 317, the purpose of each subdistrict is as follows:

Subdistrict 1 (Moderate Density Residential)
To encourage the development of a stable mix of low and moderate density residential land uses alone or in combination with limited office and retail land uses in areas that are isolated from heavy traffic routes; to encourage development patterns that support alternative modes of transportation; and to encourage the preservation of structures with historic value.

Subdistrict 2 and 2A (Moderate Density Mixed Use Corridors)
To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

Development Standards:

District	Setbacks		Density/FAR/Lot Size	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: Subdistrict 1	0'	0' or 10' if provided	160 DU per acre 2.0 FAR	90'	80% 85% max nonperm.	Min. 6' sidewalk	Moderate density residential and limited office/retail/personal service.
Proposed: Subdistrict 2	0'	0' or 10' if provided	No max DU per acre 2.5 FAR w/50% res AND 50% retail/ps at ground level 2.0 FAR all others	90' w/50% res AND 50% retail/ps at ground level 54' all others	80% 90% max nonperm.	15' Urban Form above 54' on Akard St. Landscape compliance methods: 50% in parkway and/or pay into open space fund	Moderate density mixed use corridor including all residential from SD 1 plus commercial and business service, retail and personal service, office, lodging, and wholesale distribution and storage uses.

Land Use Comparison:

		Existing	Proposed
#	Use	Subdistrict 1	Subdistrict 2
1	Building repair and maintenance shop.		**RAR**
2	Catering service.		**RAR**
3	Custom business services.		**RAR**

4	Custom woodworking, furniture construction, or repair.		**RAR**
5	Electronics service center.		**X**
6	Job or lithographic printing.		**RAR**
7	Medical or scientific laboratory.		**RAR**
8	Technical school.		**RAR**
9	Child-care facility.	**SUP**	**X**
10	College, university, or seminary.	**SUP**	**X**
11	Community service center.	**SUP**	**X**
12	Foster home.		**X**
13	Institution for special education.		**X**
14	Library, art gallery, or museum.		**X**
15	Public or private school.		**X**
16	Hotel or motel.		**X**
17	Lodging or boarding house.		**X**
18	Financial institution without drive-in window		**X**
19	Financial institution with drive-in window.		**X**
20	Medical clinic or ambulatory surgical center.		**DIR**
21	Office.	**L**	**X**
22	Private recreation center, club, or area.	**SUP**	**X**
23	Animal shelter or clinic without outside run.		**RAR**
24	Auto service center.		**RAR**
25	Bar, lounge, or tavern.		**SUP**
26	Business school.		**X**
27	Car wash.		**RAR**
28	Commercial amusement (inside).		**Check Use May require SUP**
29	Commercial parking lot or garage.		**RAR**
30	Dry cleaning or laundry store.	**L**	**X**

31	Furniture store.		**X**
32	General merchandise or food store 3,500 square feet or less.	**L**	**RAR**
33	General merchandise or food store greater than 3,500 square feet.		**RAR**
34	Household equipment and appliance repair.		**X**
35	Motor vehicle fueling station.		**RAR**
36	Nursery, garden shop, or plant sales.		**X**
37	Personal service uses.	**L**	**X**
38	Restaurant with drive-in or drive-through services.		**DIR**
39	Restaurant without drive-in or drive-through service.		**RAR**
40	Temporary retail use.		**X**
41	Theater.		**RAR**
42	Police or fire station.	**SUP**	**RAR**
43	Post office.	**SUP**	**RAR**
44	Utility or government service center.		**Check Use**
45	Mini-warehouse.		**RAR**
46	Office showroom/warehouse.		**RAR**
47	Recycling drop-off container.		**Check Use**
48	Recycling drop-off for special occasion collection.		**Check Use**
49	Warehouse.		**RAR**

Alternating color pattern *indicates new use category.*

X *indicates permitted by right.*

SUP *indicates permitted with a Specific Use Permit.*

RAR *indicates permitted, but subject to Residential Adjacency Review.*

DIR *indicates permitted, but subject to Development Impact Review.*

Check Use *indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.*

By CBO Authorization *indicates that the use may be allowed with permission from the Chief Building Official.*

Parking:

PD No. 317 refers to the Dallas Development Code for parking regulations other than the following uses: utility or government service center, seafood processing facility, art or craft production facility, commercial engraving/etching facility, recycling center, and multifamily. The future development would have to comply with the required parking, as determined by the PD/Dallas Development Code.

Landscaping:

Any new development on the property will require landscaping per PD No. 317 and Article X of the Dallas Development Code, as amended.

CPC Action
March 22, 2018

Motion: It was moved to recommend **approval** of an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Special Purpose District, on the west side of Beaumont Street, north of Gould Street.

Maker: Rieves
Second: West
Result: Carried: 14 to 0

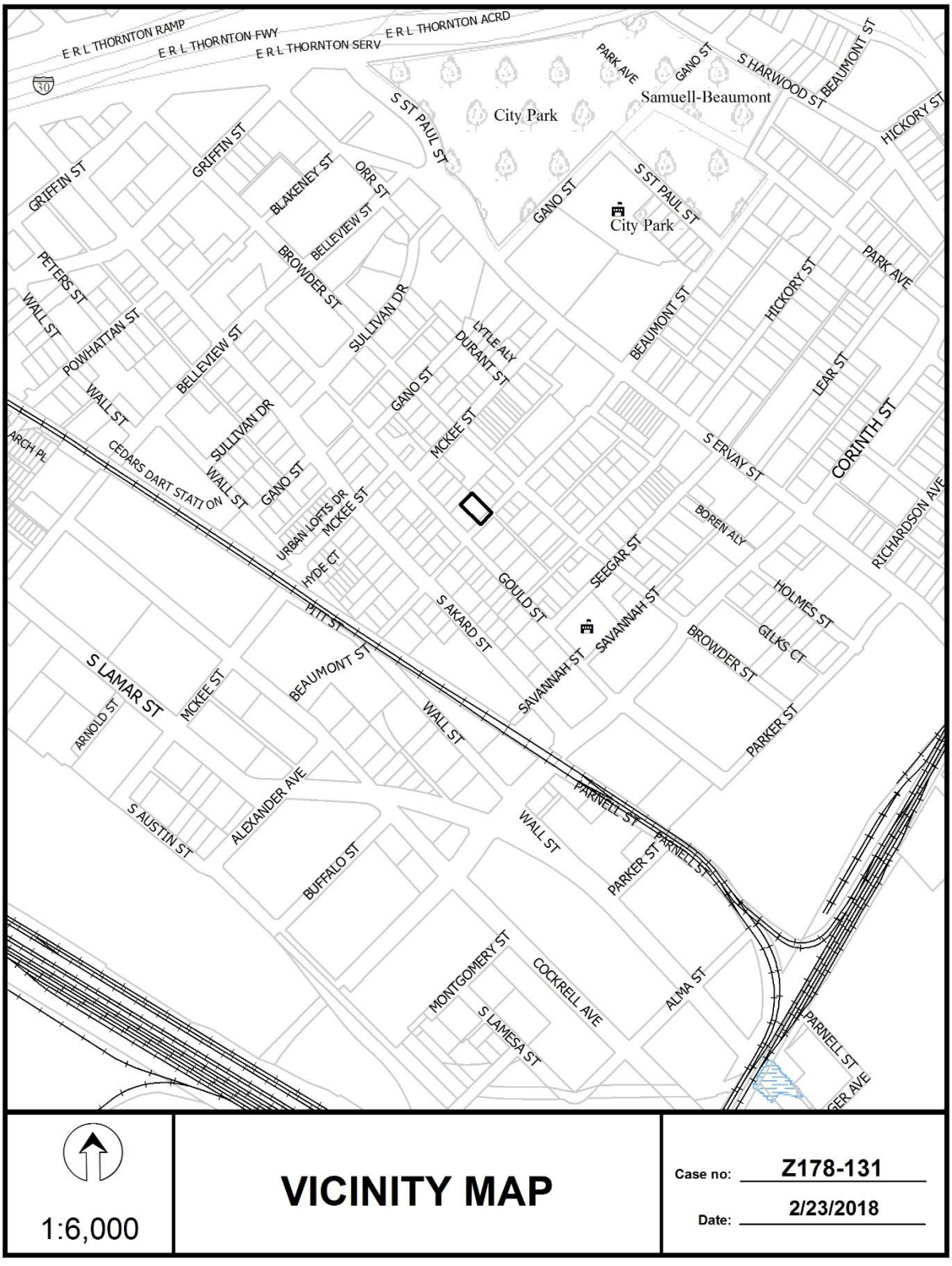
For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright*, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 109
Replies: For: 35 Against: 1

Speakers: For: Seth Smith, 6214 Richmond Ave., Dallas, TX, 75215
Against: None



1:6,000

VICINITY MAP

Case no: Z178-131

Date: 2/23/2018

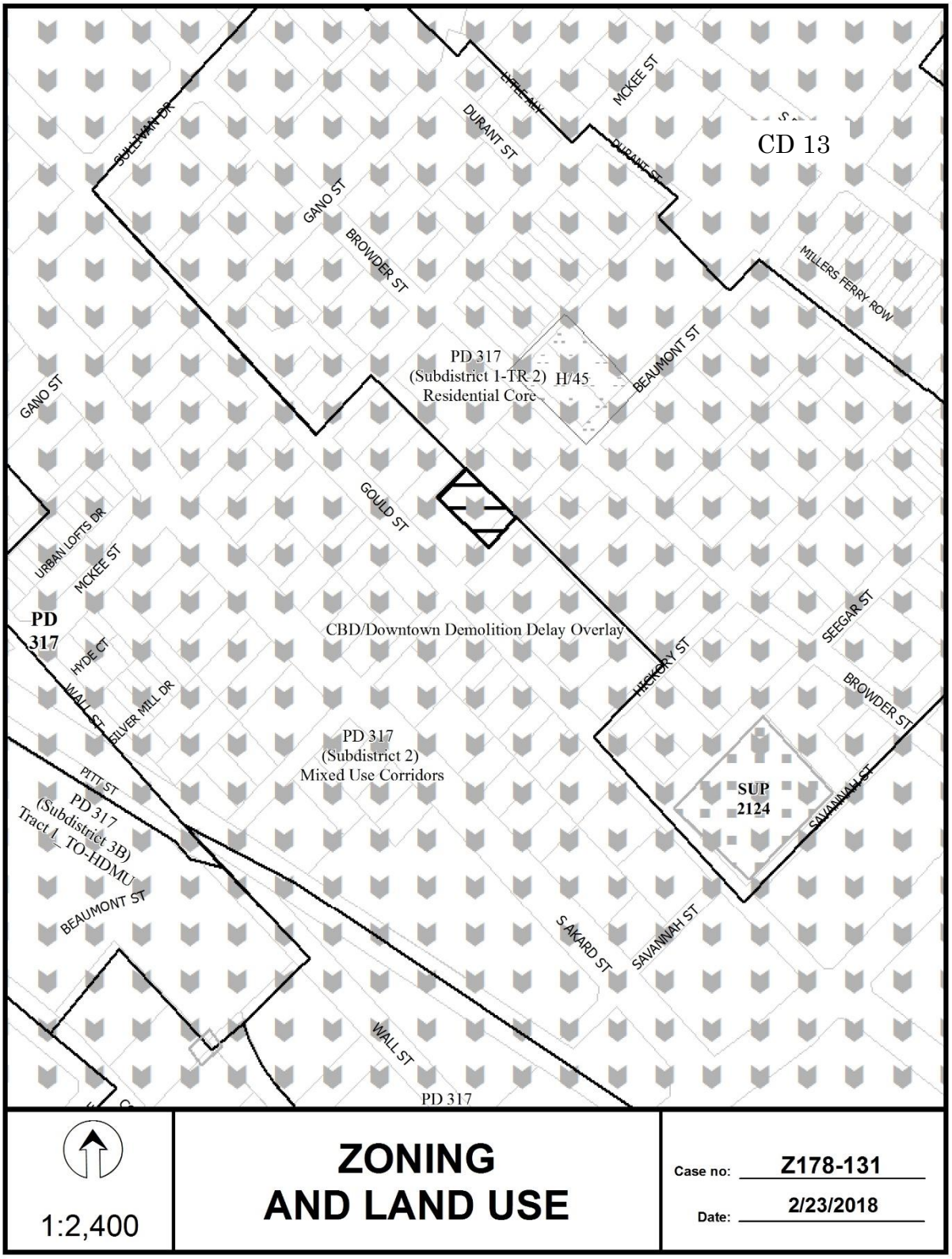


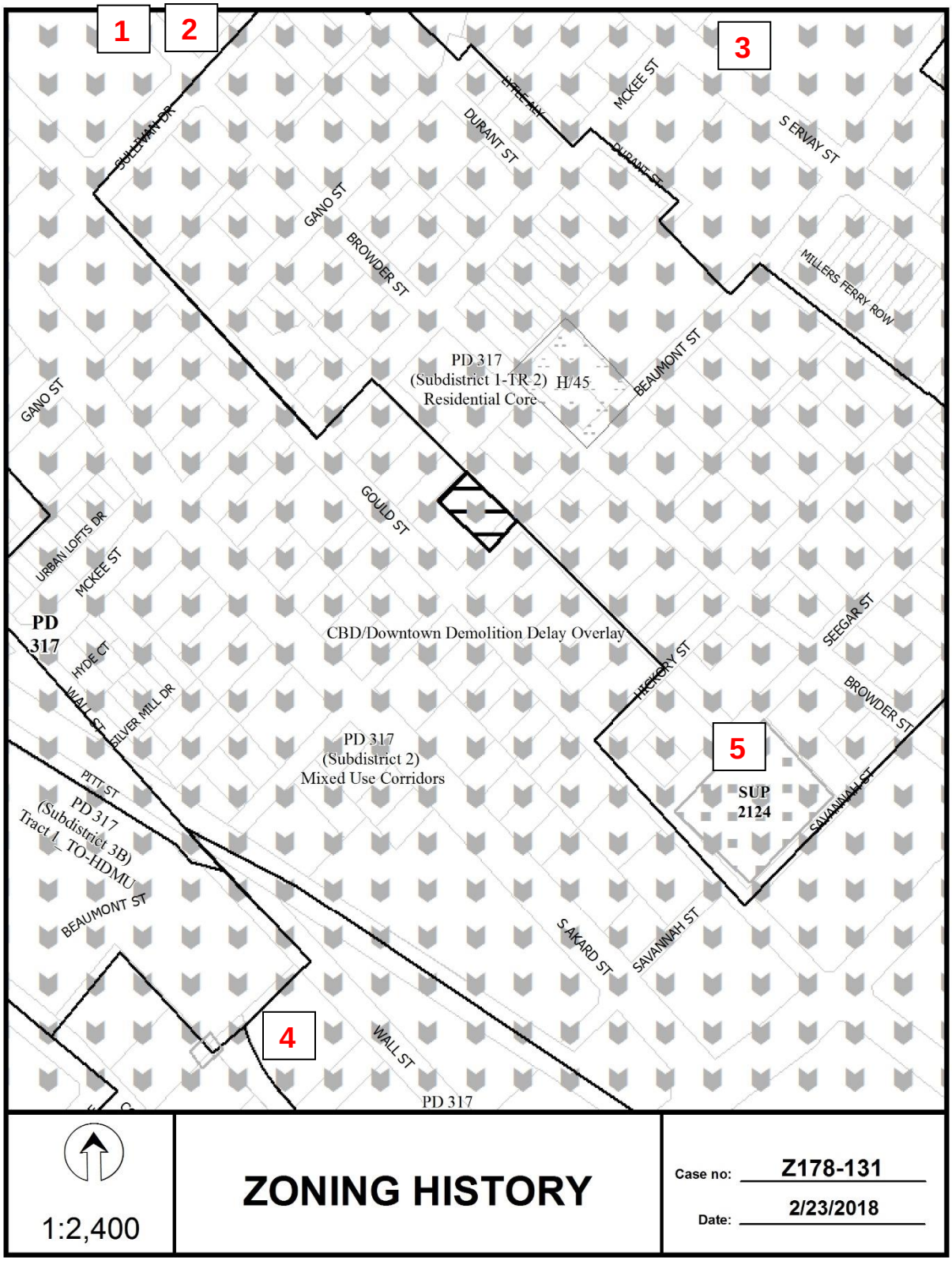
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AERIAL MAP

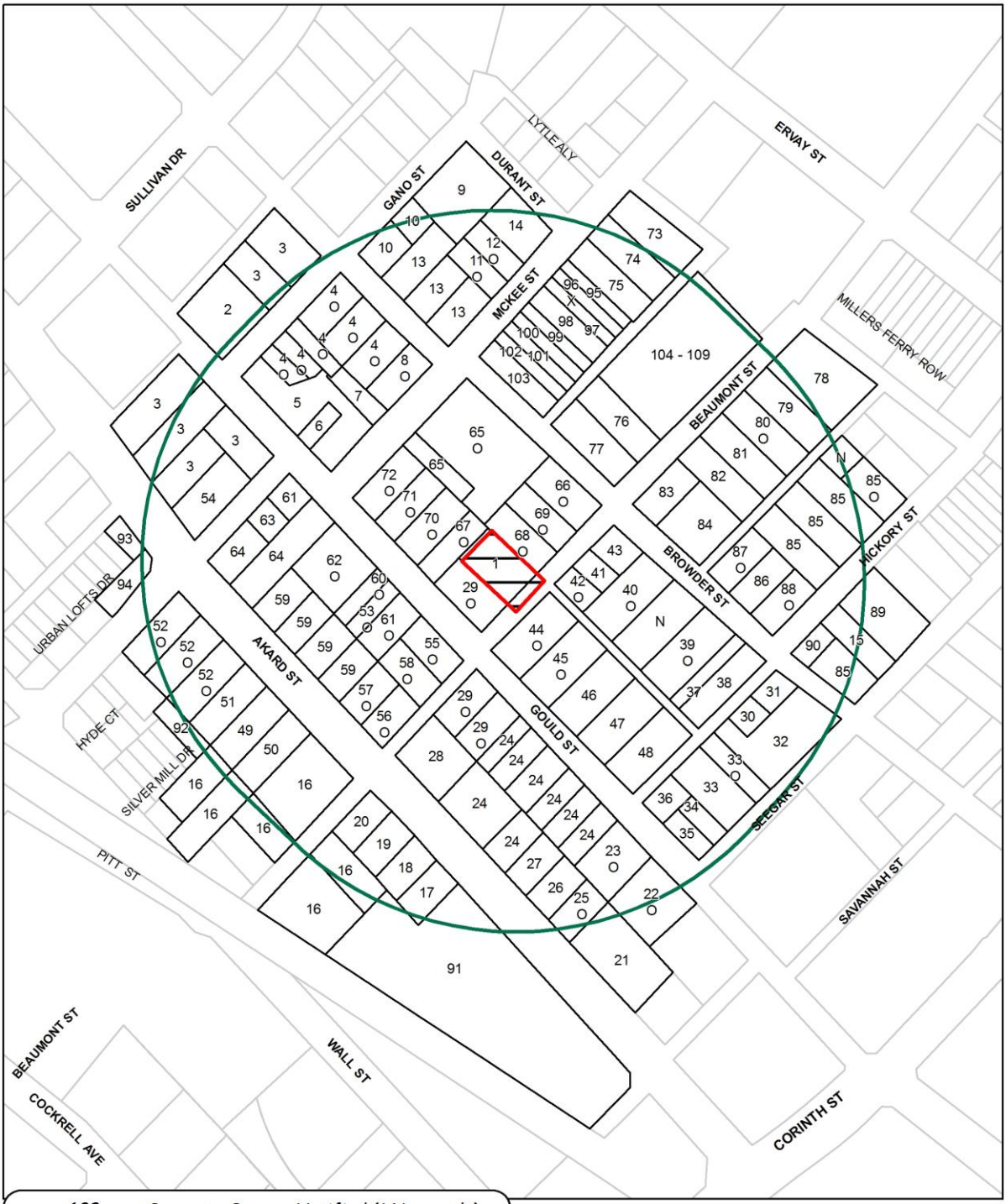
Case no: Z178-131

Date: 2/23/2018


CD 13
SULLIVAN DR
LYTLE ALY
DURANT ST
MCKEE ST
GANO ST
BROWDER ST
MILLERS FERRY ROW
PD 317
(Subdistrict 1-TR 2)
Residential Core
H/45
BEAUMONT ST
GOULD ST
URBAN LOFTS DR
MCKEE ST
PD
317
HYDE CT
WALL ST
SILVER MILL DR
CBD/Downtown Demolition Delay Overlay
HICKORY ST
SEEGAR ST
BROWDER ST
PD 317
(Subdistrict 2)
Mixed Use Corridors
SUP
2124
SAVANNAH ST
PITT ST
PD 317
(Subdistrict 3B)
Tract 1 TO-HDMU
BEAUMONT ST
S AKARD ST
SAVANNAH ST
WALL ST
PD 317
1:2,400
ZONING
AND LAND USE
Case no: Z178-131
Date: 2/23/2018


1
2
3
4
5
SULLIVAN DR
GANO ST
BROWDER ST
DURANT ST
LITTLE AV
MCKEE ST
S ERVAY ST
MILLERS FERRY ROW
PD 317
(Subdistrict 1-TR 2) H/45
Residential Core
BEAUMONT ST
GOULD ST
URBAN LOFTS DR
MCKEE ST
PD
317
HYDE CT
WALL ST
SILVER MILL DR
CBD/Downtown Demolition Delay Overlay
HICKORY ST
SEEGAR ST
BROWDER ST
PD 317
(Subdistrict 2)
Mixed Use Corridors
SUP
2124
SAVANNAH ST
PITT ST
PD 317
(Subdistrict 3B)
Tract 1 TO-HDMU
BEAUMONT ST
S AKARD ST
SAVANNAH ST
WALL ST
PD 317
1:2,400
ZONING HISTORY
Case no: Z178-131
Date: 2/23/2018

CPC RESPONSES



03/21/2018

Reply List of Property Owners

Z178-131

109 Property Owners Notified ***35 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1409	BEAUMONT ST	SMITH KATELIN BURTON
	2	1401	GANO ST	KAPLAN HARRY L ESTATE
	3	1409	GANO ST	KAPLAN HARRY L
O	4	1408	GANO ST	CHARALAMBOPOULOS FAY
	5	1400	GANO ST	BLANCHARD BECKER FAMILY TRUST
	6	1610	GOULD ST	DANIEL DAVID O
	7	1407	MCKEE ST	DANIEL DAVID
	9	1605	DURANT ST	MCDONALD D D
	10	1602	BROWDER ST	BANOWSKY BRITTON B
O	11	1509	MCKEE ST	SHIPBUILD LLC
O	12	1513	MCKEE ST	SHIPBUILD PARTNERS LP
	13	1608	BROWDER ST	YANCEY CEDARS LLC
	14	1609	DURANT ST	RE SOURCE PROFESSIONALS
	15	1505	SEEGAR ST	FRIEDMAN BRADLEY H
	16	1206	BEAUMONT ST	LONCAR FRANK
	17	1813	S AKARD ST	STAY ON THE MARK LLC
	18	1809	S AKARD ST	LONCAR FRANK
	19	1805	S AKARD ST	CITY INDUSTRIES INC
	20	1801	S AKARD ST	CITY INDUSTRIES INC
	21	1922	S AKARD ST	HURT OLSON ENTERPRISES LLC
O	22	1922	S AKARD ST	HURT OLSON ENTERPRISES
O	23	1903	GOULD ST	HURT OLSEN ENTERPRISES
	24	1825	GOULD ST	STAY ON THE MARK LLC
O	25	1914	S AKARD ST	HURST OLSON ENTERPRISES L
	26	1910	S AKARD ST	BROCK CHRISTOPHER
	27	1904	S AKARD ST	BROCK CHRIS

Reply	*Label #*	*Address*		*Owner*
	28	1800	S AKARD ST	JOHNSON VERTA MAE &
O	29	1801	GOULD ST	SMITH SETH A
	30	1414	HICKORY ST	LUNA SALVADOR LEPE &
	31	1416	HICKORY ST	JAMES TERRY A
	32	1909	BROWDER ST	DEVNATH INVESTMENTS LLC
	33	1405	SEEGAR ST	SOHO CONSTRUCTION INC
	34	1403	SEEGAR ST	DANIEL DAVID O
	35	1401	SEEGAR ST	PURE ICE & COLD STG CO
	36	1900	GOULD ST	ARMSTEAD LEZELLA S & ET AL
	37	1817	BROWDER ST	WATKINS GREGORY
	38	1819	BROWDER ST	WEISFELD RONALD &
	41	1418	BEAUMONT ST	TAYLOR NAKALAH
	43	1420	BEAUMONT ST	HENDERSON WILLIAM L
O	45	1804	GOULD ST	BLACKLAND LAND & PROPERTY
	46	1808	GOULD ST	HALL HARRY VANCE
	47	1816	GOULD ST	FOSTER ROY
	48	1820	GOULD ST	DANIEL CRUZ
	49	1719	S AKARD ST	LONCAR FRANK & CHAROLETTE
	50	1721	S AKARD ST	PAULOS HENRY &
	51	1713	S AKARD ST	FUENTES ERNEST AND LUCY
O	52	1709	S AKARD ST	BOUCHER DANIEL D
O	53	1717	GOULD ST	MARTINEK MARK K
	54	1612	S AKARD ST	GALINET DAVID BRUCE
O	55	1315	BEAUMONT ST	SMITH KATELIN BURTON
O	56	1730	S AKARD ST	LLOYD SCOTT
O	57	1722	S AKARD ST	LLOYD SCOTT
O	58	1309	BEAUMONT ST	SMITH SETH AUSTIN
	59	1716	S AKARD ST	SOUTHPAW 1712 LLC
O	60	1715	GOULD ST	BLACKLAND LAND & PPTY MGMT LLC
	61	1312	MCKEE ST	RITETRACK BUILDER INC
O	62	1709	GOULD ST	SHIPBUILD LLC

03/21/2018

Reply	*Label #*	*Address*		*Owner*
	63	1308	MCKEE ST	MENDOZA JOSEFINA
	64	1704	S AKARD ST	AMORY STREET PPTIES LLC SERIES A
	65	1410	MCKEE ST	ZOHA INVESTMENTS LLC
O	66	1419	BEAUMONT ST	SEALE JOHN HENRY &
O	68	1411	BEAUMONT ST	PINA EDELIA
O	69	1415	BEAUMONT ST	CRAFT KEN & CAROLYN
O	71	1704	GOULD ST	DIJKMAN CELIA MARIA TRUST
O	72	1400	MCKEE ST	VELA STEVEN
	73	1524	MCKEE ST	VIDALES SILVESTER G
	74	1522	MCKEE ST	VIDALES SILVESTRE &
	75	1518	MCKEE ST	ALVARADO LIVING TRUST
	76	1505	BEAUMONT ST	GO URBAN 1 INC
	77	1501	BEAUMONT ST	GO URBAN 1 INC
	78	1520	BEAUMONT ST	PULLMAN TILLIE
	79	1518	BEAUMONT ST	WAYSIDE MISSIONARY BAPTIST CHURCH
	81	1510	BEAUMONT ST	SALINAS SERVANDO B EST OF
	82	1508	BEAUMONT ST	DELAFUENTE LUIS
	83	1802	BROWDER ST	RESOURCE PROFESSIONALS
	84	1804	BROWDER ST	MATAMORAS ESTABAN
	85	1517	HICKORY ST	COLLINS PATRICK & MICHAEL 1988 TRUST
	86	1818	BROWDER ST	MCBRIDE JOHN &
O	88	1820	BROWDER ST	BAKER WILLIAM
	89	1509	SEEGAR ST	GARTNER MANAGEMENT TRUST THE
	90	1900	BROWDER ST	HUERTA ESTANISLAO
	91	1919	S AKARD ST	DIGIT 1919 REALTY PARTNERS LP
	92	1213	SILVER MILL DR	FAUST JUSTIN A & JASMINE A JOHNSON
	93	1223	URBAN LOFTS DR	RUDY MASON
	94	1218	URBAN LOFTS DR	KELLY KEVIN
	95	1516	MCKEE ST	CARROLL KEYUNA
X	96	1514	MCKEE ST	NUGENT MICHAEL B
	97	1512	MCKEE ST	RIPPY DARRAH

03/21/2018

Reply	*Label #*	*Address*		*Owner*
	98	1510	MCKEE ST	FREEMAN RICHARD H SR &
	99	1508	MCKEE ST	REMUS PATRICK L
	100	1506	MCKEE ST	PARKER AMANDA
	101	1504	MCKEE ST	WALLACE MICHAEL
	102	1502	MCKEE ST	KIM SANGHYUN D & HYEREE
	103	1500	MCKEE ST	ROBINSON PHILLIP T & STEPHANIE
	104	1519	BEAUMONT ST	GARZA ANTHONY
	105	1519	BEAUMONT ST	CHESTNUT ROBERT
	106	1519	BEAUMONT ST	WADDELL ZACHARY C
	107	1519	BEAUMONT ST	BAKER JAY E II
	108	1519	BEAUMONT ST	SHIELDS MELISSA
	109	1519	BEAUMONT ST	FORD MARK C
O	A1	1802	GOULD ST	SMITH SETH
O	A2	1708	GOULD ST	FEIGENSON JEFFREY &
O	A3	1815	BROWDER ST	BROWDER PARK PLACE
O	A4	1805	BROWDER ST	JONES MICHAEL JOHN & DEBORAH SUSAN
O	A5	1409	SEEGAR ST	SOHO CONSTRUCTION INC
O	A6	1719	GOULD ST	RITETRACK BUILDER INC
O	A7	1701	BROWDER ST	ZOHA INVESTMENTS LLC
O	A8	1514	BEAUMONT ST	LOVELADY ENTERPRISES INC
O	A9	1521	HICKORY ST	COLLINS PATRICK & MICHAEL 1988 TRUST
O	A10	1814	BROWDER ST	COLLINS JAMES & LINDSEY
O	A11	1611	BROWDER ST	ALVARADO LIVING TRUST
O	A12	1416	BEAUMONT ST	AMORY STREET PROPERTIES LLC SERIES B
O	A13	1712	GOULD ST	TORRES SAUL &

AGENDA ITEM # 78

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue

Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions

Z178-134(PD)

Note: This item was considered by the City Council at public hearings on February 14, 2018, February 28, 2018, March 28, 2018 and April 25, 2018, and was held under advisement until June 27, 2018, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-134(PD) **DATE FILED:** March 24, 2017

LOCATION: North side of West Jefferson Boulevard, east of South Llewellyn Avenue

COUNCIL DISTRICT: 1 **MAPSCO:** 54 G

SIZE OF REQUEST: ± .0997 acres **CENSUS TRACT:** 47.00

APPLICANT/OWNER: USAI, LP

REPRESENTATIVE: Gary E. Day

REQUEST: An application for a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District.

SUMMARY: The applicant proposes to operate a dental office in the existing structure.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

Background:

- The applicant is proposing a dental clinic in a 5,300-square-foot suite, within an existing 6,716-square-foot, two-story building.

- The property is zoned Subarea 1 within PD No. 316, the Jefferson Area Special Purpose District, which requires an SUP for a medical clinic or ambulatory surgical center when located on street level.

- On September 10, 2015, the City Council approved an amendment to PD No. 316 to require an SUP for a medical clinic or ambulatory surgical center when located on street level. Prior to that, this use had been allowed by right within Subarea 1.

Zoning History: There have been no zoning requests in the immediate area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
W. Jefferson Boulevard	Minor Arterial	Variable

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Land Use:

	Zoning	Land Use
Site	Subdistrict 1 within PDD No. 316	Vacant
North	Subdistrict 1 within PDD No. 316	Restaurant
East	Subdistrict 1 within PDD No. 316	Restaurant
South	Subdistrict 1 within PDD No. 316	Retail
West	Subdistrict 2 within PDD No. 316	Retail

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The *fowardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

The proposed use complements the characteristics of the Jefferson Boulevard area which is a mix of uses such as retail, personal service uses and office uses.

Land Use Compatibility:

The site is developed with a one-story, 6,716 square-foot building. Approximately 5,300 square feet is proposed for a medical clinic or ambulatory surgical center use. The proposed hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m.

The property is surrounded by a restaurant use to the north and east; and retail uses to the south and west.

Subdistrict 1 within PDD No. 316 allows for a medical clinic or ambulatory surgical center with an SUP when the use is located at the street level, otherwise it is allowed by right. The code amendment to require an SUP for the use, when located on the first floor within Subarea 1 of PDD No. 316, was approved by City Council in 2014. This restriction was established to encourage more pedestrian and street level activity with medium density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with

the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed use is compatible with the surrounding uses as these are comprised of retail and restaurant uses. The proposed use is not detrimental to the area because it complements the existing surrounding uses and complies with the intent of Subarea 1 within PD No. 316.

Parking:

The property has surface parking located in front of the building. The parking requirements for a medical clinic or ambulatory surgical center are one parking space per every 366 square feet of the proposed use. The applicant plans to occupy 5,300 square feet with fourteen parking spaces required. The site provides forty-eight on-street parking spaces for the buildings. Per PDD No. 316, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space. When a tenant gets a CO for a multi-tenant building, Building Inspection requests a parking analysis to show sufficient parking for all the uses in the building. As uses change, BI will ensure parking is available for all tenants according to the PD requirements.

Landscaping:

The applicant is not proposing any additions to the existing structure. Therefore, no landscaping requirements are being triggered with the proposed use.

List of Partners

USAI, LP

Wiggie Management Company, LLC	General Partner
BBB Trust	Limited Partner

CPC ACTION:
January 18, 2018

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** a Specific Use Permit for a medical clinic or ambulatory surgical center for a five-year period, subject to a site plan and conditions with a modification to the hours of operation to 8:00 a.m. to 7:00 p.m. on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue.

Maker: West
Second: Murphy
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lavallaisaa, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: For: Gary Day, 1550 Edison St., Dallas, TX, 75207
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a medical clinic or ambulatory surgical center.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on _____ (five-years from the passage of this ordinance).

CPC RECOMMENDED

4. HOURS OF OPERATION: Monday through Saturday 8:00 a.m. to 7:00 p.m.

Staff RECOMMENDATION

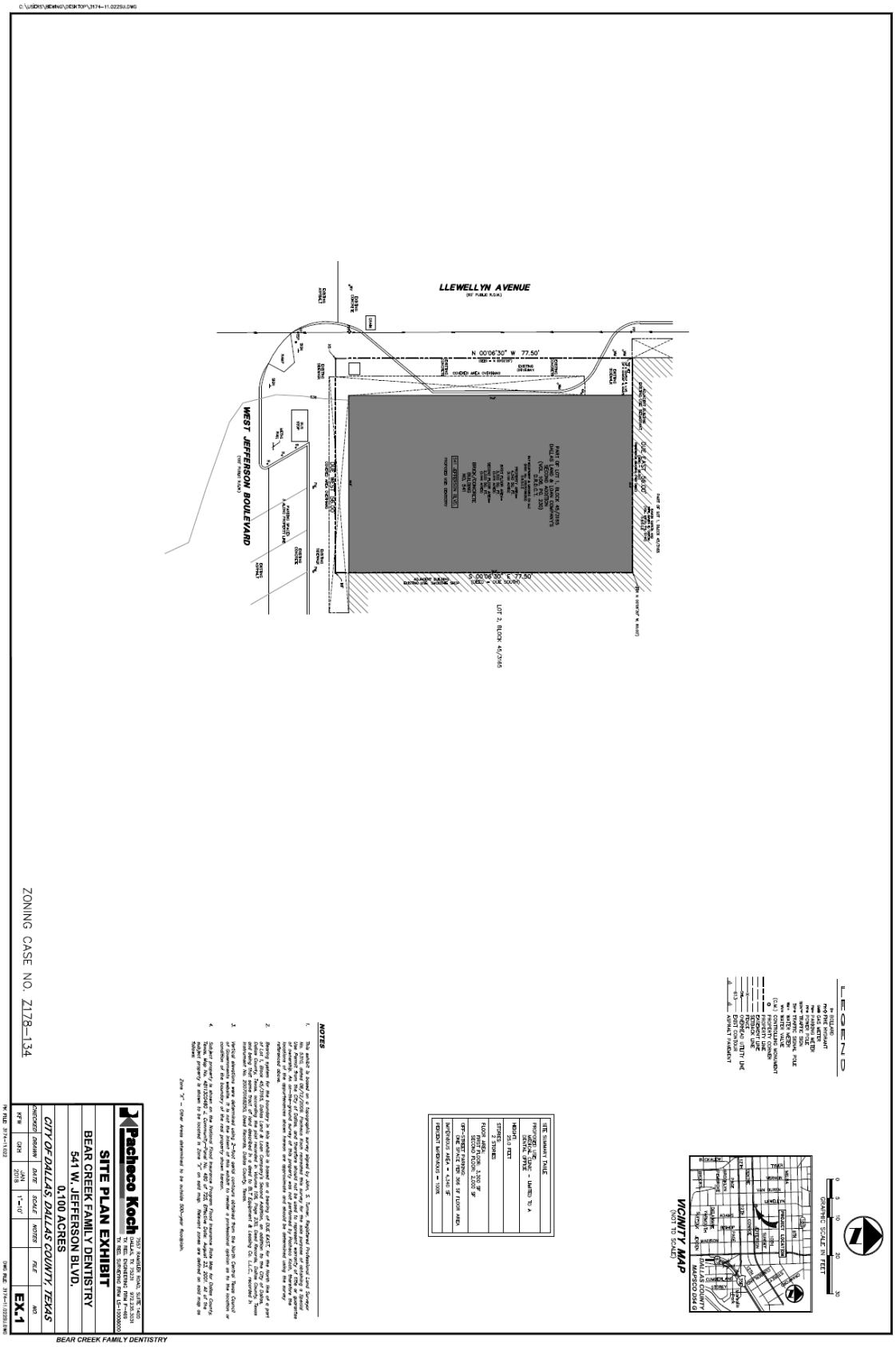
4. HOURS OF OPERATION: Monday through Saturday 10:00 a.m. to 7:00 p.m.

5. FLOOR AREA: The maximum floor area is 5,300 square feet.

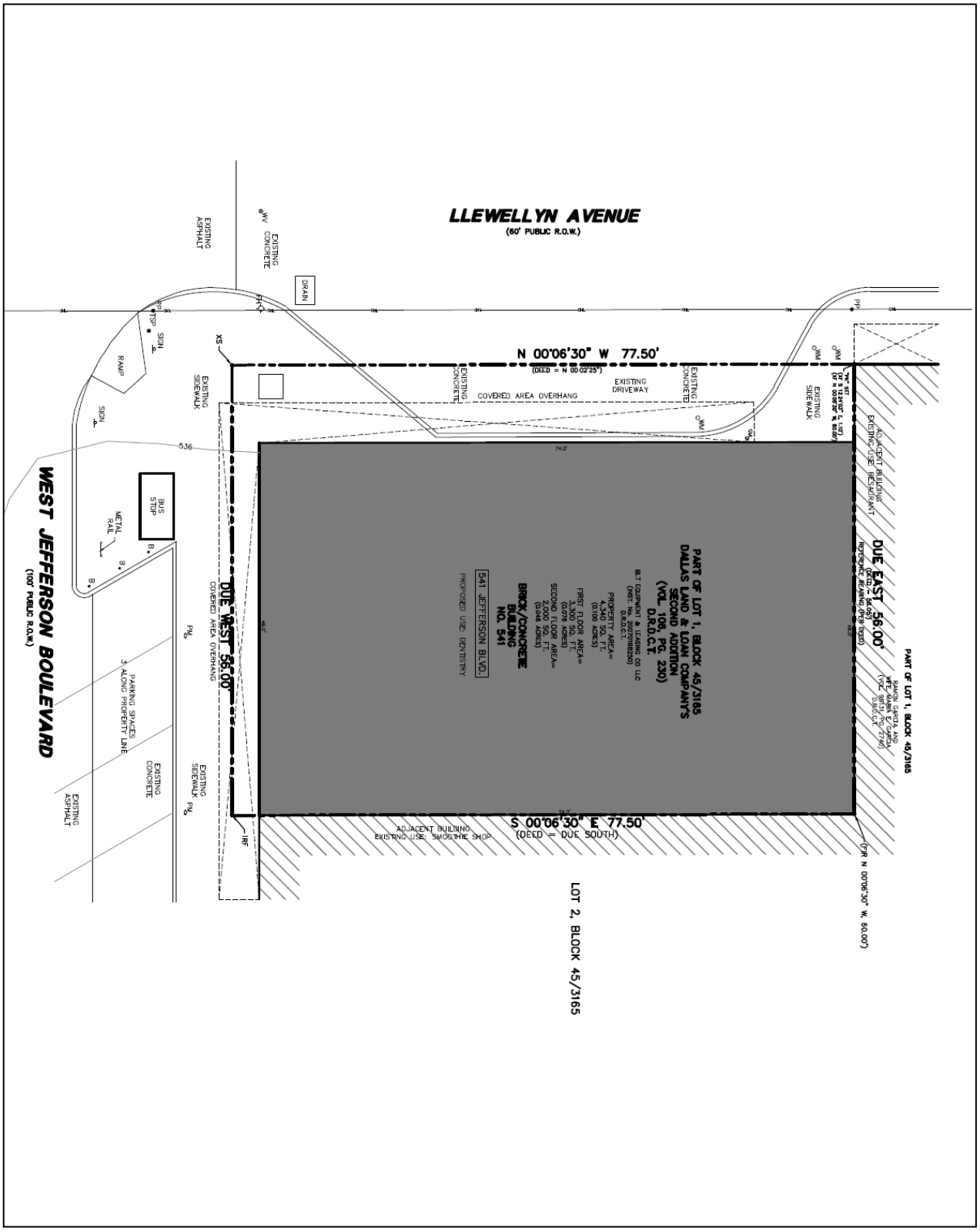
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

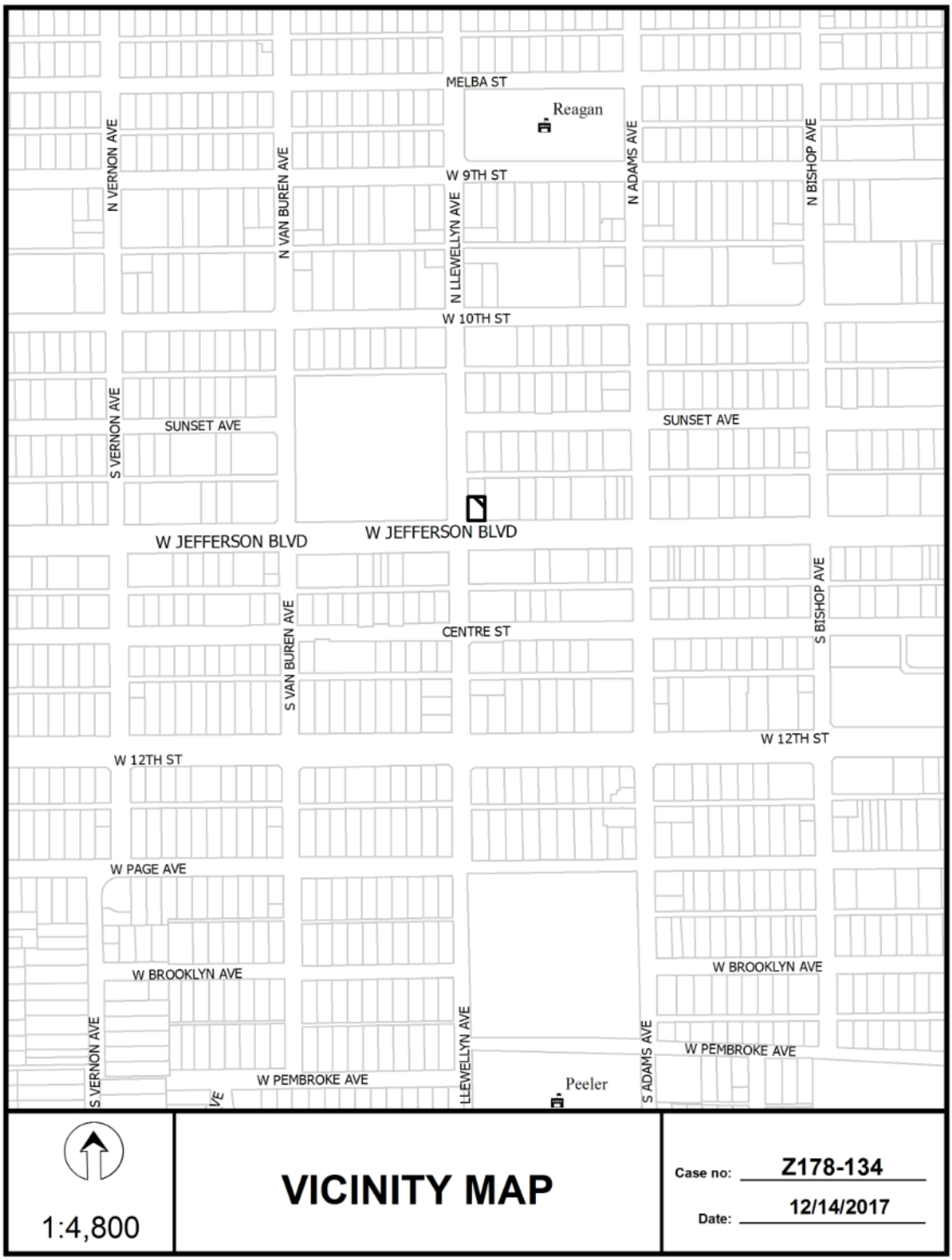
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

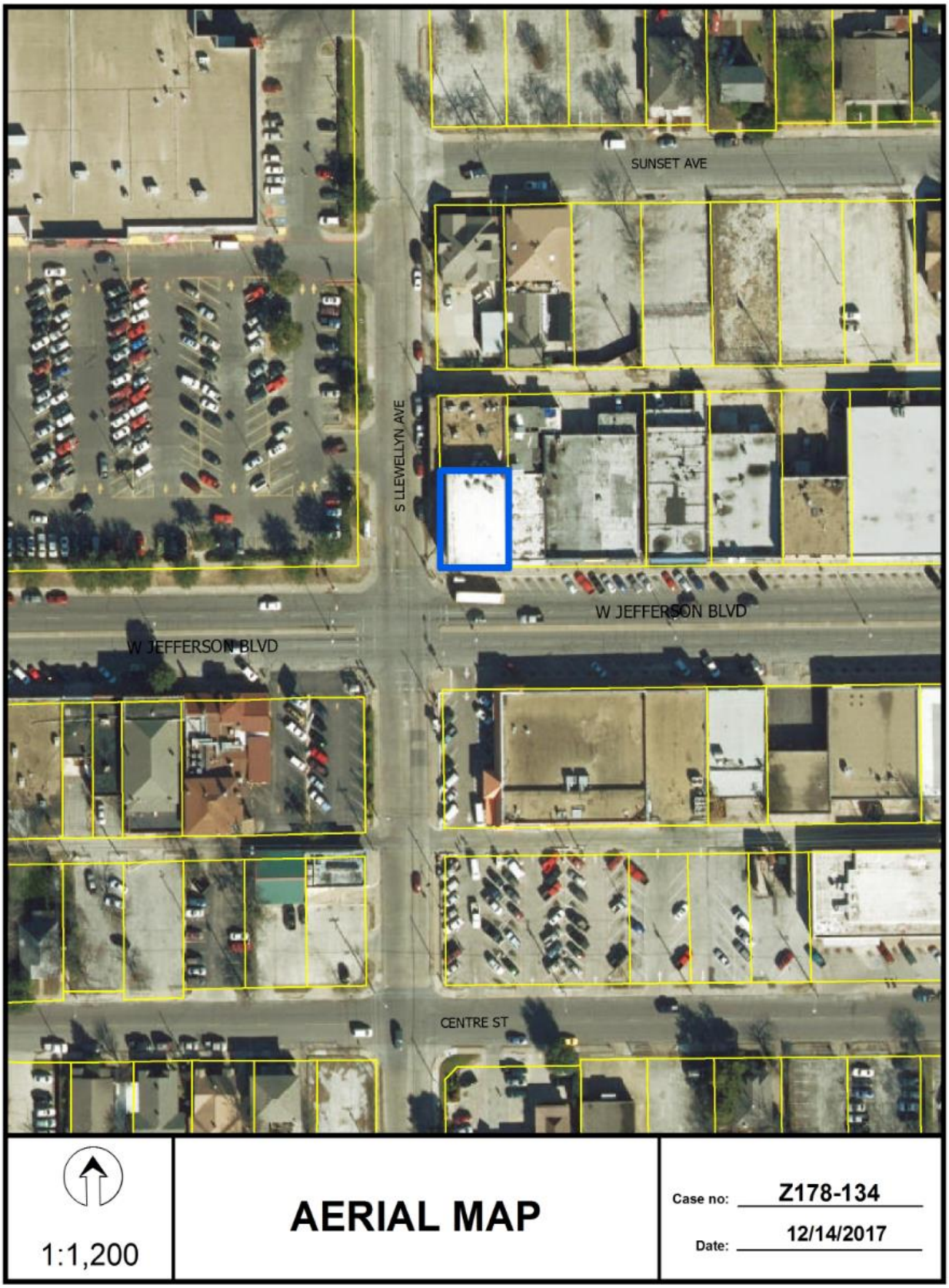
PROPOSED SITE PLAN

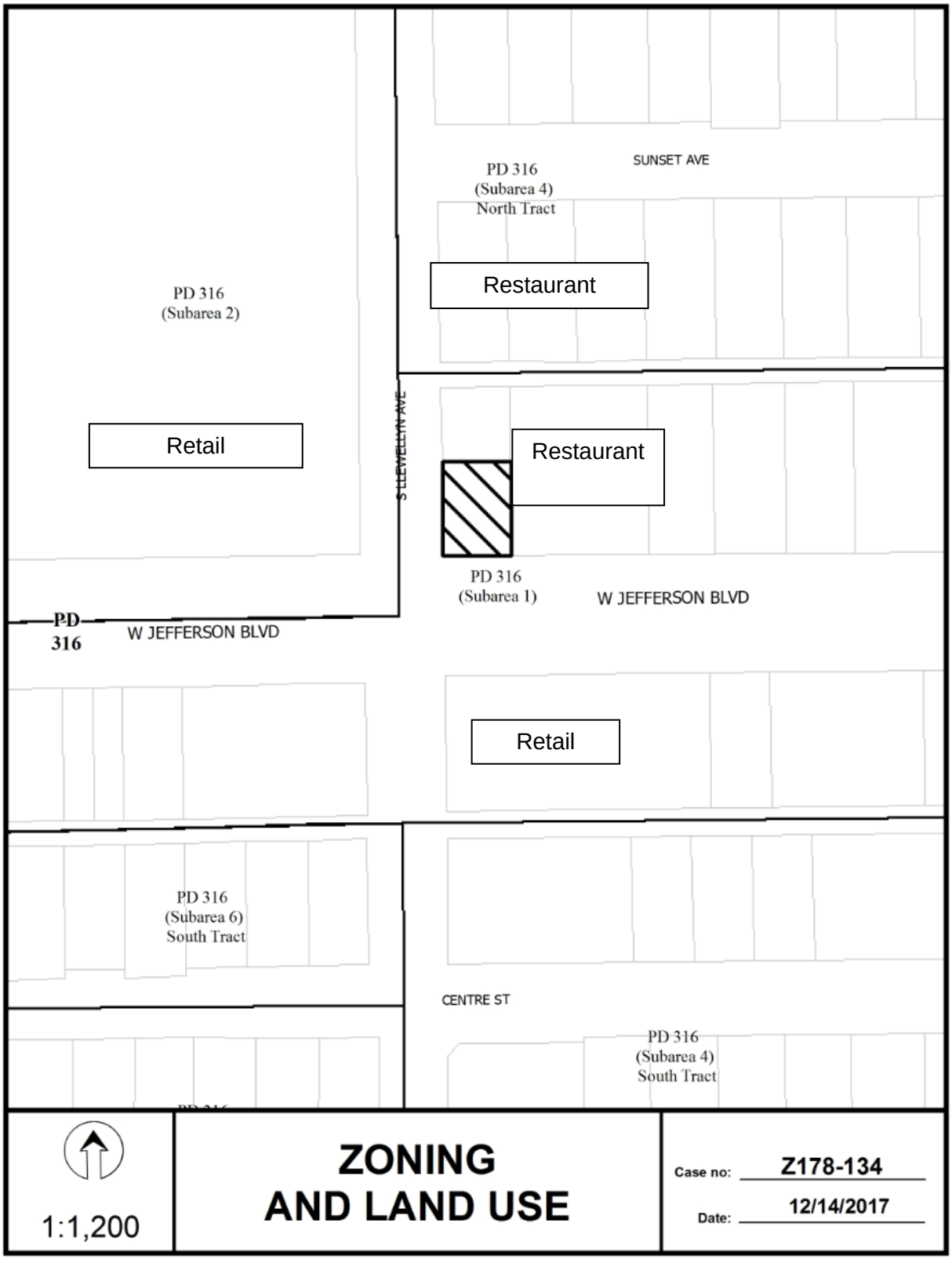


ENLARGED PROPOSED SITE PLAN




MELBA ST
Reagan
W 9TH ST
W 10TH ST
N VERNON AVE
N VAN BUREN AVE
N LLEWELLYN AVE
N ADAMS AVE
N BISHOP AVE
SUNSET AVE
S VERNON AVE
W JEFFERSON BLVD
CENTRE ST
S VAN BUREN AVE
S BISHOP AVE
W 12TH ST
W PAGE AVE
W BROOKLYN AVE
S VERNON AVE
W PEMBROKE AVE
LLEWELLYN AVE
Peeler
S ADAMS AVE
1:4,800
VICINITY MAP
Case no: Z178-134
Date: 12/14/2017


SUNSET AVE
S LLEWELLYN AVE
W JEFFERSON BLVD
W JEFFERSON BLVD
CENTRE ST
1:1,200
AERIAL MAP
Case no: Z178-134
Date: 12/14/2017


PD 316
(Subarea 4)
North Tract
SUNSET AVE
Restaurant
PD 316
(Subarea 2)
Retail
S LLEWELLYN AVE
Restaurant
PD 316
(Subarea 1)
W JEFFERSON BLVD
PD
316
W JEFFERSON BLVD
Retail
PD 316
(Subarea 6)
South Tract
CENTRE ST
PD 316
(Subarea 4)
South Tract
1:1,200
ZONING
AND LAND USE
Case no: Z178-134
Date: 12/14/2017

CPC RESPONSES



01/17/2018

Reply List of Property Owners

Z178-134

12 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	541	W JEFFERSON BLVD	USAI LP
	2	214	S LLEWELLYN AVE	GARCIA RAMON & MARIA E
	3	531	W JEFFERSON BLVD	RODRIGUEZ RAUL
	4	525	W JEFFERSON BLVD	SPEARS HELEN FAMILY TRUST
	5	523	W JEFFERSON BLVD	MOXIE INVESTMENTS LTD
	6	520	SUNSET AVE	LEVINES
	7	534	SUNSET AVE	LLEWELYN PROPERTIES LLC
	8	538	SUNSET AVE	DIAZ VICTOR & MARIA L
	9	520	W JEFFERSON BLVD	GILLILAND PPTIES II LTD
	10	600	W JEFFERSON BLVD	SANCHEZ & SANCHEZ LLC
	11	532	W JEFFERSON BLVD	JSM DEVELOPMENT CO LP
	12	611	W JEFFERSON BLVD	L&R FIESTA INVESTMENTS

AGENDA ITEM # 79

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 65 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road

Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant

Z178-135(SM)

Note: This item was considered by the City Council at public hearings on April 11, 2018 and June 13, 2018, and was held under advisement until June 27, 2018, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-135(SM)	**DATE FILED:**	November 17, 2017
LOCATION:	South line of East Ledbetter Drive, east of South Lancaster Road		
COUNCIL DISTRICT:	8	**MAPSCO:**	65 M
SIZE OF REQUEST:	Approx. 0.81 acre	**CENSUS TRACT:**	87.05

OWNER/APPLICANT: Rusty Kasmiersky, Prestige Texas Properties, LLC

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant specifically requests to utilize the property as a tunnel car wash use. The applicant also proposes to prohibit certain additional uses and limit hours of operation.

CPC RECOMMENDATION: **Approval**, subject to the deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval**, subject to the deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The area of request is currently undeveloped.
- A single family structure was demolished on the site in the Spring of 2014, according to permit records.

Zoning History: There have been no zoning changes in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Function	Proposed Dimension	ROW
East Ledbetter Drive	Principal Arterial	Minimum-6 lanes-divided	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Land Use Compatibility:

The site is relatively flat and contains a grassy area that is physically connected to a retail structure and surface parking lot to the west. Additional retail uses are located on the north line of East Ledbetter Drive. A child-care facility is located to the east and single family uses abut the property to the south. The site is located on a lot that is 90 feet wide and approximately 396 feet deep, similar in size and shape to the adjacent single-family zoned lots. The applicant requests a CR Community Retail District in lieu of a NS Neighborhood Services District because the NS District prohibits a car wash use.

Staff supports the request because the applicant has volunteered deed restrictions to 1) prohibit certain CR district uses and 2) limit the hours that the car wash may be open to the public from 8:00 a.m. to 8:00 p.m. daily. The list of prohibited uses is as follows:

- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Alternative financial establishment.
- Alcoholic beverage establishment.
- Liquor store.
- Pawn shop.
- Swap or buy shop.

The following uses are prohibited in the existing zoning district [R-7.5(A) Single Family District] and are allowed with an SUP in the proposed zoning district [CR Community Retail District]. These uses would require consideration by the City Plan Commission and City Council before they are allowed; therefore, staff supports the applicant's request to not restrict these uses.

- Medical or scientific laboratory.
- Hospital.
- Attached non-premise sign.
- Commercial amusement (outside).
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Paraphernalia shop.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

Because the site abuts a CR District and an established child-care facility on all but one side and because any development on the site will require landscape buffering and screening elements where adjacent to residential properties, staff supports the following two sections of the request. However, staff has also encouraged the applicant to extend the hours of operation to other permitted retail and personal service uses, but the applicant has declined to volunteer these restrictions at this time.

The following uses require an SUP in the existing zoning district [R-7.5(A) Single Family District] and are allowed without an SUP or an RAR[1] in the request.

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Country club with private membership.
- Private recreation center, club, or area.
- Electrical substation.
- Police or fire station.
- Post office.
- Monopole cellular towers when 65 feet or less tall

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing R-7.5(A) Single Family District. The following uses noted require an RAR or a DIR[2] in the CR District.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.
- Tool or equipment rental.
- Library, art gallery, or museum.
- Public school other than an open-enrollment charter school. *[RAR required in CR; SUP required in R-5(A)]*
- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[DIR]*
- Commercial amusement (inside). *[SUP required for dance halls in CR, other types by right]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Temporary retail use.
- Theater.
- Commercial radio and television transmitting station.
- Tower/antenna for cellular communication. *[RAR required for monopole towers when 65 feet or less tall]*

[1] An RAR is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.
[2] A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped
North	CR	Retail
East	R-7.5(A), SUP No. 663	Child-Care Facility
South	R-7.5(A)	Single Family
West	CR	Retail

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Single Family-Existing	25'	Res: 5' Other: 20'	1 Dwelling Unit/ 7,500 sq. ft.	30'	Res: 45% Other: 25%		Single family
CR Community retail - Proposed	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping:

Landscaping, when triggered, will be in accordance with Article X, as amended.

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of East Ledbetter Drive, east of South Lancaster Road.

Maker: Rieves
Second: Housewright
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 13
Replies: For: 1 Against: 0

Speakers: None

CPC Recommended Volunteered Deed Restrictions

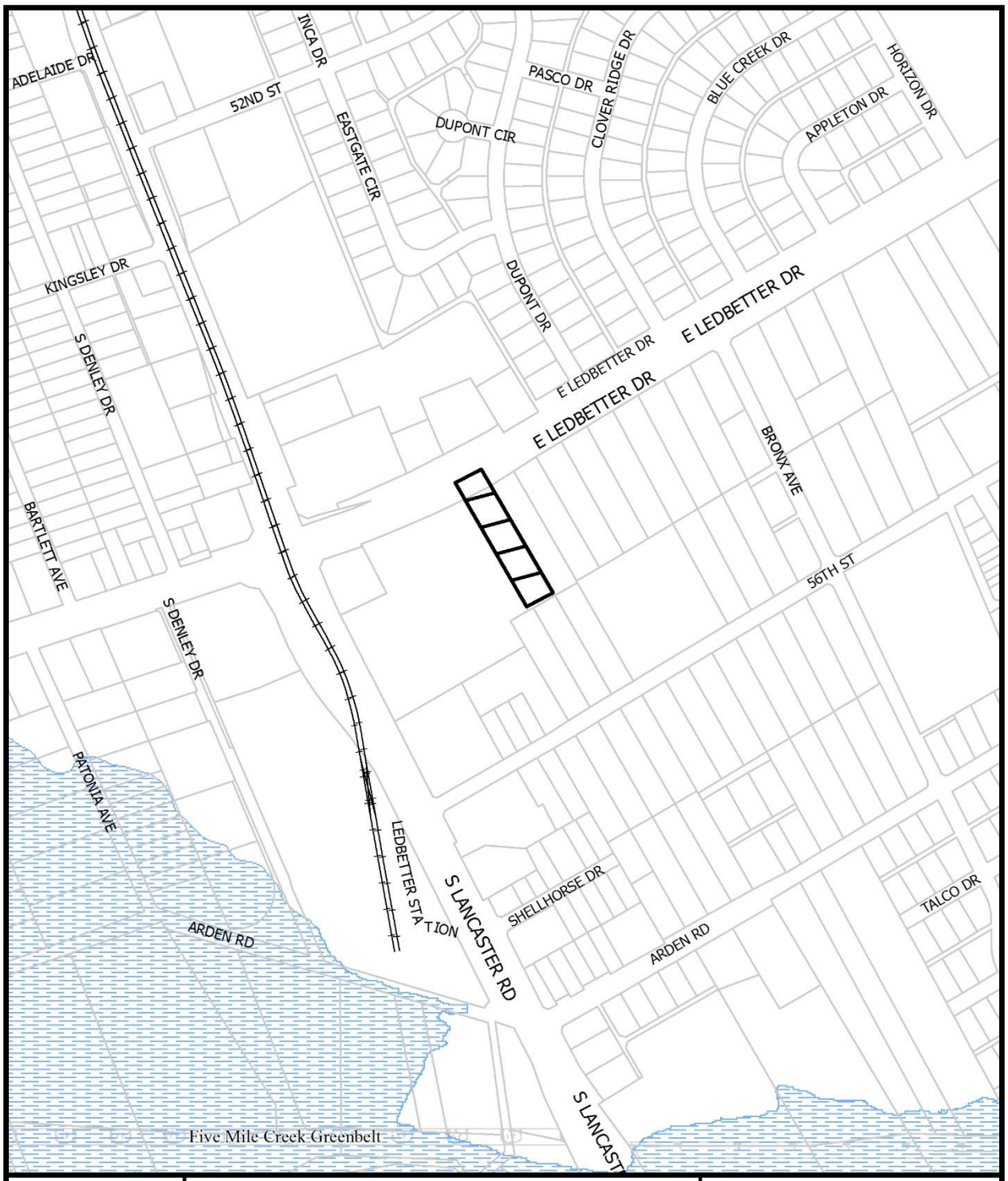
II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following uses are prohibited on the Property:

-- Hotel or motel.
-- Lodging or boarding house.
-- Overnight general purpose shelter.
-- Alternative financial establishment.
-- Alcoholic beverage establishment.
-- Liquor store.
-- Pawn shop.
-- Swap or buy shop.

(2) A car wash may only be open to the public between 8:00 a.m. and 8:00 p.m., Monday through Sunday.



1:4,800

VICINITY MAP

Case no: Z178-135

Date: 12/14/2017

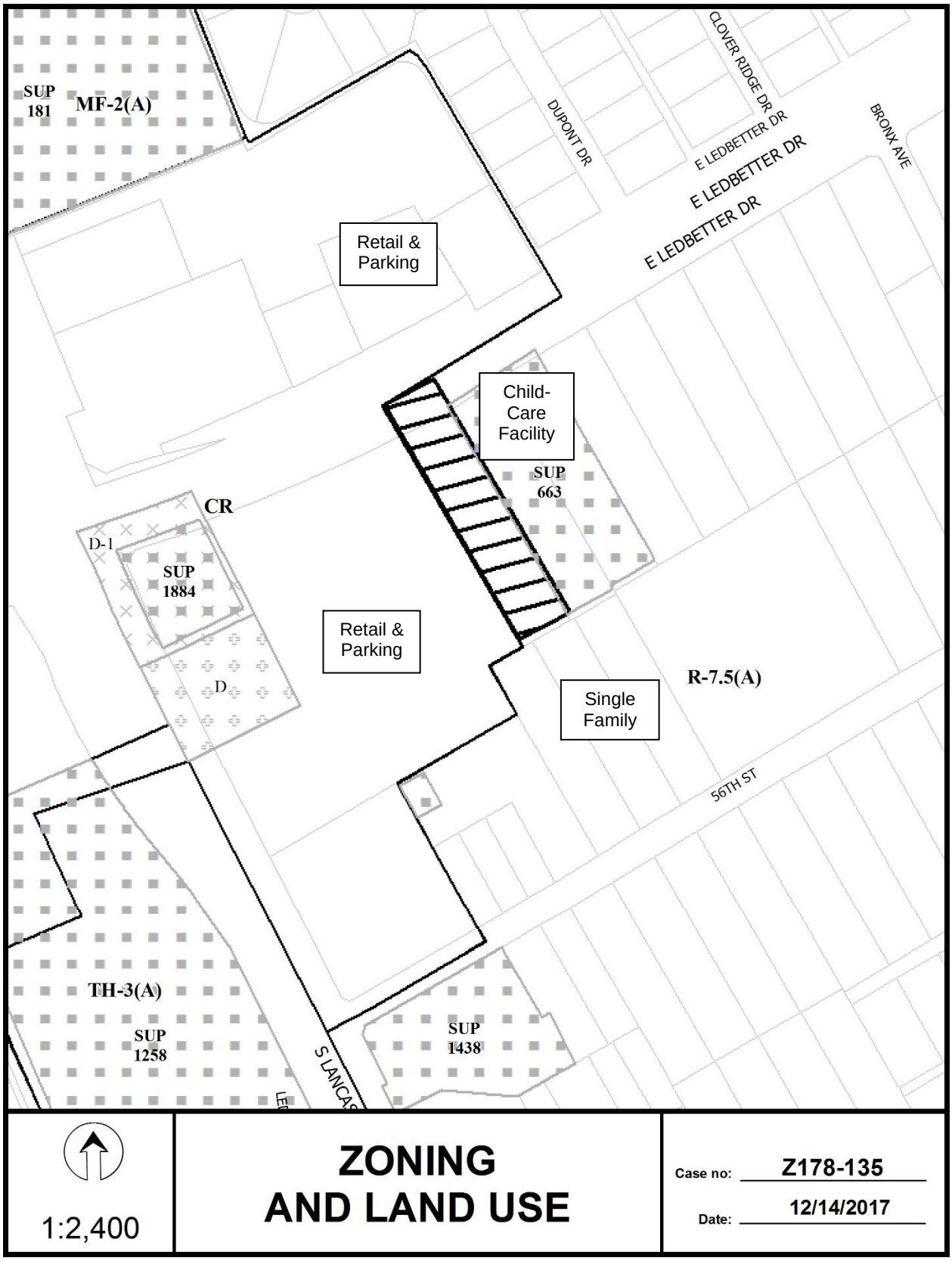


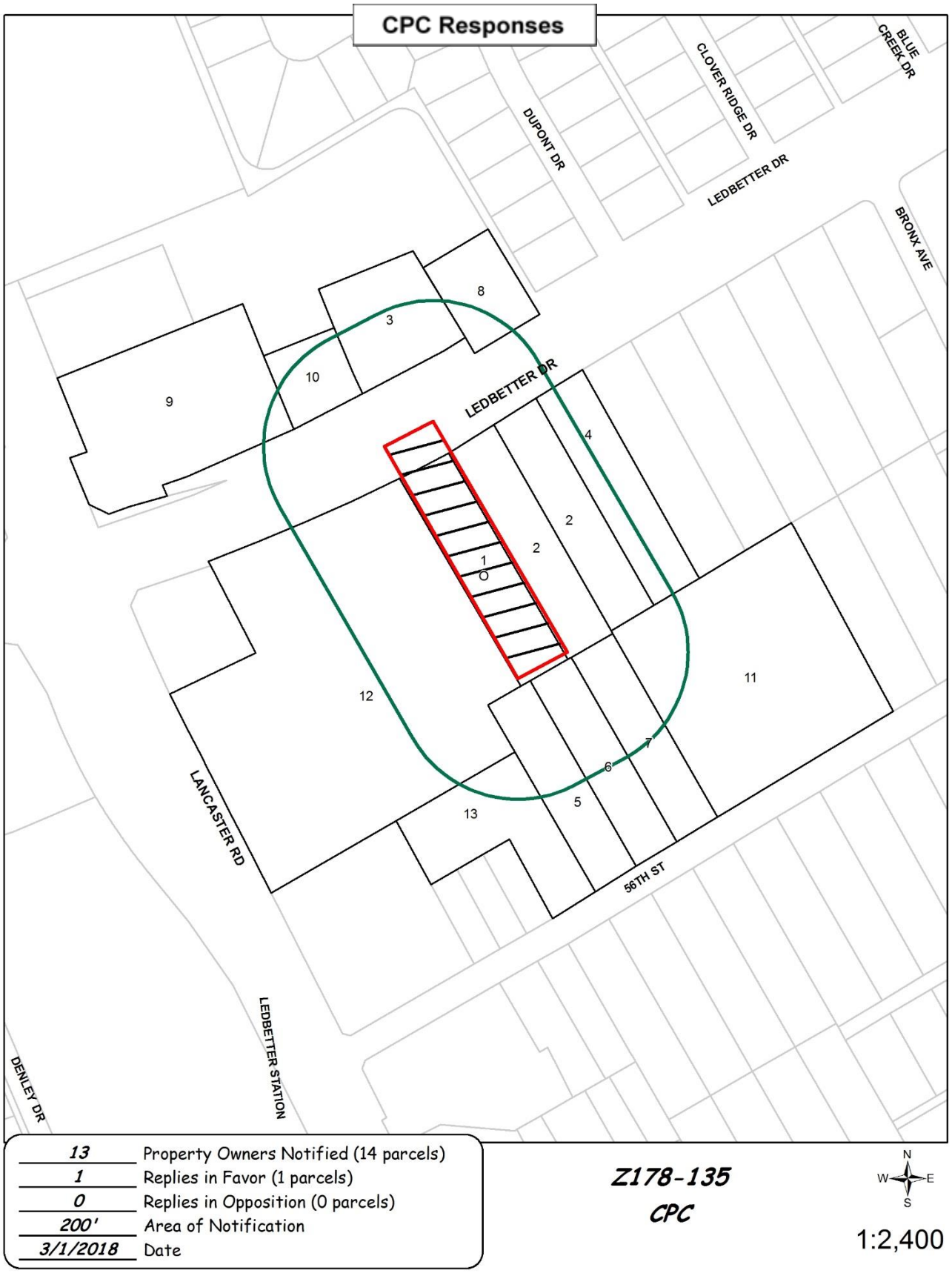
1:2,400

AERIAL MAP

Case no: Z178-135

Date: 12/14/2017


SUP 181
MF-2(A)
DUPONT DR
CLOVER RIDGE DR
E LEDBETTER DR
E LEDBETTER DR
E LEDBETTER DR
BRONX AVE
Retail & Parking
Child-Care Facility
SUP 663
CR
D-1
SUP 1884
D
Retail & Parking
R-7.5(A)
Single Family
56TH ST
TH-3(A)
SUP 1258
SUP 1438
S LANCAS
1:2,400
ZONING AND LAND USE
Case no: Z178-135
Date: 12/14/2017


CPC Responses
BLUE CREEK DR
CLOVER RIDGE DR
DUPONT DR
LEDBETTER DR
BRONX AVE
LEDBETTER DR
LANCASTER RD
56TH ST
LEDBETTER STATION
DENLEY DR
1
2
2
3
4
5
6
7
8
9
10
11
12
13
13 Property Owners Notified (14 parcels)
1 Replies in Favor (1 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
3/1/2018 Date
Z178-135
CPC
N
W
E
S
1:2,400

02/28/2018

Reply List of Property Owners

Z178-135

13 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2148	E LEDBETTER DR	PRESTIGE TEXAS PPTIES LLC
	2	2200	E LEDBETTER DR	SHAHN PLACE INC
	3	2201	E LEDBETTER DR	FIREBRAND PROPERTIES LP
	4	2206	E LEDBETTER DR	NORMAN WILLIAM & RITA
	5	2139	56TH	SNEED GAIL ANN &
	6	2149	56TH	SNEED GAY &
	7	2155	56TH	DANIELS GERTRUDE
	8	2207	E LEDBETTER DR	CENTURY LEDBETTER LLC
	9	5050	S LANCASTER RD	AIN2013 TX DALLAS LLC
	10	2131	E LEDBETTER DR	UPCS DEVELOPMENT LLC
	11	2217	56TH ST	UNION HOPE INSTITUTIONAL
	12	2130	E LEDBETTER DR	MYDAL LLC
	13	2137	56TH ST	METROPOLITAN AME CHURCH

AGENDA ITEM # 80

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 39 W

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive

Recommendation of Staff and CPC: Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117

Z178-146(JM)

Note: This item was deferred by the City Council before opening the public hearings on April 25, 2018 and May 23, 2018, and is scheduled for consideration on June 27, 2018.

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-146(JM) **DATE FILED:** December 6, 2017

LOCATION: On the west line of La Prada Drive, south of Blyth Drive

COUNCIL DISTRICT: 7 **MAPSCO:** 39 W

SIZE OF REQUEST: ±15.6 acres **CENSUS TRACT:** 123.02

APPLICANT/OWNER: Camino Global (The Central American Mission) & Nexus Incorporated

REPRESENTATIVE: Karl Crawley % Masterplan

REQUEST: An application for: **(1)** an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** the termination of Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District.

SUMMARY: The applicant is proposing to terminate the existing SUP No. 117 for an Institution of a Religious & Educational Nature; amend the text of PD 166 to allow a seminary use and a convent or monastery use by SUP and to allow the SUP site plan to satisfy the development plan requirements of Area 2 within PD No. 166; and, for an SUP for a seminary use and a convent or monastery use.

STAFF RECOMMENDATION: **Approval** of the amendment to Planned Development District No. 166; **approval** of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and **approval** of the termination of Specific Use Permit No. 117.

CPC RECOMMENDATION: **Approval** of the amendment to Planned Development District No. 166; **approval** of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and **approval** of the termination of Specific Use Permit No. 117.

BACKGROUND INFORMATION:

- PD No. 166 was established in 1989 and contains 11.854 acres within two Areas (1 & 2) for college, private school, multiple-family, and outpatient treatment of alcoholic or narcotic patients.
- The overall site, which contains a total of 15.6 acres, is partially zoned PD No. 166, with the remaining portion zoned an R-7.5(A) Single Family District. The SUP site area is zoned Area 2 and R-7.5(A) District.
- The purpose of this request is to allow for the operation of a seminary use and a convent or monastery use. To do so, the applicant is proposing to terminate the existing SUP No. 117 for an Institution of a Religious & Educational Nature; amend the text of PD 166 to allow a seminary use and a convent or monastery use by SUP, and to allow the SUP site plan to satisfy the development plan requirements of Area 2; and, is requesting an SUP for a seminary use and convent or monastery use.
- The proposed SUP for a seminary use and convent or monastery use would include existing structures with 13,353 square feet, and proposed structures with 34,847 square feet, for a total of 48,200 square feet of floor area. Fifty dwelling units would be available for missionaries participating in spiritual education while on-site.
- A total of 188 parking spaces are proposed for the entire PD and SUP area. This includes 55 new parking spaces, seven of which are handicapped accessible.

Zoning History: There has been one zoning case in the area over the past five years.

1. **Z167-249**: On September 13, 2017, the City Council denied a request for a CR Community Retail District on property zoned an MF-2(A) Multifamily District and located on the north side of John West Road, west of La Prada Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
La Prada Drive	Principal Arterial	Variable	80 feet
Shiloh Road	Local	60 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 166, R-7.5(A) Single Family District, and SUP No. 117	Institution of a Religious & Educational Nature
North	R-7.5(A) Single Family District	Single family
East	City of Mesquite	College
South	MF-1(A) and MF-2(A) Multifamily Districts	Multifamily
West	MF-1(A) Multifamily District	Multifamily

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

The applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The overall site has single family uses to the north, multifamily uses to the south and west, and a college use to the east, within the City of Mesquite. Within the PD No. 166 Area 1 section to the north and excluded from the SUP site area, is the establishment for the care of alcoholic, narcotic, or psychiatric patients as allowed by the PD.

The 50 dwelling units proposed for the convent or monastery use related to the seminary use equal about 4.25 dwelling units per acre (11.76 acres for the SUP area). An R-7.5(A) Single Family District would allow up to 68 dwelling units. The rezoning to PD No. 166 in 1983 allowed up to 92 dwelling units in the Area 2 portion of the site. The request is providing for a lower density than the original zoning for the site of R-7.5(A) and acting as a transitional buffer from the single family uses to the north and the multifamily uses to the south and west.

The seminary and convent or monastery use were originally interpreted to be included within SUP No. 117 for an Institution of a Religious & Educational Nature land use, but it was not defined in the PD nor SUP. To apply for permits today, rezoning is required to meet code requirements. The use itself will remain and continue to serve area residents. The current process of updating the PD would allow for the site to redevelop with the existing use. The site would technically continue to operate as it does today, while allowing for a clearer interpretation of the land use and new structures on the site.

Generally, staff supports a permanent time period for residential-based uses. The convent or monastery use with 50 dwelling units has a less intense impact than the current zoning would allow if subdivided. The combined use with the seminary have been serving the community for over 40 years and remain complementary to the area.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Parking:

PD No. 166 refers to Chapter 51 and the portion zoned R-7.5(A) refers to the Dallas Development Code (Chapter 51A) for parking regulations. The future development would have to comply with the required parking, as determined by the PD/Dallas Development Code. A total of 188 parking spaces are proposed for the entire PD and SUP area. This includes 55 new parking spaces, seven of which are handicapped accessible. For reference, the following are the required parking in each code section:

For a seminary use:

- Chapter 51 requires 0.4 parking space for every fixed seat. If no fixed seats, then 0.4 parking spaces for each seven square feet of seating area.
- Chapter 51A requires one parking space for every 25 square feet of classroom area.

For a convent or monastery use:

- Chapter 51 requires one parking space for every three residents with a minimum of two required spaces.
- Chapter 51A one parking space for every three residents with a minimum of two required spaces.

Landscaping:

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended.

CPC Action
March 22, 2018

Motion: It was moved to recommend **1) approval** of an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **2) approval** of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and **3) approval** of the termination of Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Residential District, on the west line of La Prada Drive, south of Blyth Drive.

Maker: Mack
Second: Housewright
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8
Conflict: 1 - Davis

Notices: Area: 500 Mailed: 69
Replies: For: 6 Against: 0

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

List of Officers

CAMINO GLOBAL (THE CENTRAL AMERICAN MISSION)

Douglas Livingston, President and CEO

Phil O'Day, Executive Vice President and COO

Dan Shotts, VP Operations and CFO

Bob Buhler, Director of Field Ministries

NEXUS INCORPORATED

A. Rebecca Crowell, Executive Director

Kevin Crayton, President

Dotti Reeder, Vice President

Karen Rogers, Secretary

Reem Samra, Treasurer

Z178-146

CPC Approved SUP Conditions

1. Use: The only uses authorized by this specific use permit is a seminary and a convent/monastery.

2. Site Plan: Use and development of the Property must comply with the attached site plan.

3. Time Limit: This specific use permit has no expiration date.

4. Density: For a convent/monastery, the maximum number of dwelling units is 50.

5. Floor Area: The combined maximum floor area for the seminary and convent/monastery is 48,200 square feet.

6. Maintenance: The Property must be properly maintained in a state of good repair and neat appearance.

7. General Requirements: Use of the Property must comply with all ordinances, rules, and regulations of the City of Dallas.

CPC Approved Amending PD No. 166 Conditions

ARTICLE 166.

PD 166.

SEC. 51P-166.101. LEGISLATIVE HISTORY.

PD 166 was established by Ordinance No. 18065, passed by the Dallas City Council on December 7, 1983. Ordinance No. 18065 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 18065 was amended by Ordinance No. 19390, passed by the Dallas City Council on November 19, 1986, and Ordinance No. 20512, passed by the Dallas City Council on November 15, 1989. (Ord. Nos. 10962; 18065; 19390; 20512; 25508)

SEC. 51P-166.102. PROPERTY LOCATION AND SIZE.

PD 166 is established on property generally located on La Prada Drive, south of Blyth Drive. The size of PD 166 is approximately 11.854 acres. (Ord. Nos. 18065; 25508)

SEC. 51P-166.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

(a) This district is considered to be a residential zoning district. (Ord. Nos. 25508; 27794)

SEC. 51P-166.104. AREA 1 DEVELOPMENT PLAN/AREA 2 CONCEPTUAL PLAN.

(b) For Area 1, development and use of the Property must comply with the Area 1 development plan/Area 2 conceptual plan (Exhibit 166A). If there is a conflict between the text of this article and the Area 1 development plan/Area 2 conceptual plan, the text of this article controls.

(c) For Area 2, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this area. If there is a conflict between the text of this article and the development plan, the text of this article controls. For a permitted use that requires a specific use permit (SUP) the approved site plan for the SUP meets the requirement of this section.((Exhibit 166A). (Ord. Nos. 18065; 20512; 25508; 27794)

SEC. 51P-166.105. PERMITTED USES.

The following uses are permitted on the Property:

(1) College.

(2) Private school.

(3) Multiple-family residential uses.

(4) Establishment for the care of alcoholic, narcotic, or psychiatric patients. This use is limited exclusively to resident or outpatient treatment of alcoholic or narcotic patients. The treatment must be of a non-medical nature. (Ord. Nos. 20512; 25508)

(5) Seminary. [SUP]

(6) Convent or monastery in association with a seminary. [SUP]

SEC. 51P-166.106. FLOOR AREA AND DWELLING UNIT DENSITY.

(a) All college uses, private school uses, and establishments for the care of alcoholic, narcotic, or psychiatric patients combined may not exceed 89,785 square feet of floor area.

(b) The multiple-family residential uses are limited to a maximum of 69 dwelling units for Area 1 and a maximum of 92 dwelling units for Area 2. (Ord. Nos. 20512; 25508; 27794)

(c) Seminary and convent/monastery use in association with a seminary is limited to a maximum of 48,200 square feet of floor area.

SEC. 51P-166.107. MAXIMUM HEIGHT.

(d) Except as provided in this section, maximum permitted height for all buildings and structures on the Property is 36 feet. Any structure within 100 feet of the northern boundary of the Property may not exceed 24 feet in height. If an existing building or structure on the Property is damaged or destroyed, it may be rebuilt to its original height without the approval of the board of adjustment.

(e) Maximum permitted fence height is eight feet in the location shown on the Area 1 development plan/Area 2 conceptual plan. (Ord. Nos. 19390; 25508; 27794)

SEC. 51P-166.108. PARKING.

(a) Except as provided in this section, consult the use regulations in Division 51-4.200 for the specific off-street parking and loading requirements for each use.

(b) A minimum of 133 off-street parking spaces must be provided in the location shown on the Area 1 development plan/Area 2 conceptual plan.

(c) For purposes of this section, Area 1 and Area 2 are considered one lot. (Ord. Nos. 18065; 25508; 27794)

SEC. 51P-166.109. SIGNS.

All signs on the Property must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 18065; 25508)

SEC. 51P-166.110. ROAD IMPROVEMENTS.

Prior to the issuance of a building permit for any multiple-family residential uses on the Property, the parking area south of the gymnasium must be constructed to provide access from the multiple-family uses to La Prada and a turnaround must be constructed at the southern end of Shiloh Road on this Property. The turnaround must be indicated on and approved as part of the plat required to be submitted on the multiple-family residential portion of the Property. (Ord. Nos. 19390; 25508)

SEC. 51P-166.111. LANDSCAPING.

Landscaping on the Property must meet the requirements for an office district adjacent to an R-7.5 district contained in Article X. (Ord. Nos. 19390; 25508)

SEC. 51P-166.112. GENERAL REQUIREMENTS.

Development of the Property must comply with all applicable codes and regulations of the city. (Ord. Nos. 18065; 25508; 26102)

SEC. 51P-166.113. PAVING.

All streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of the Dallas Development Code.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 18065; 25508; 26102)

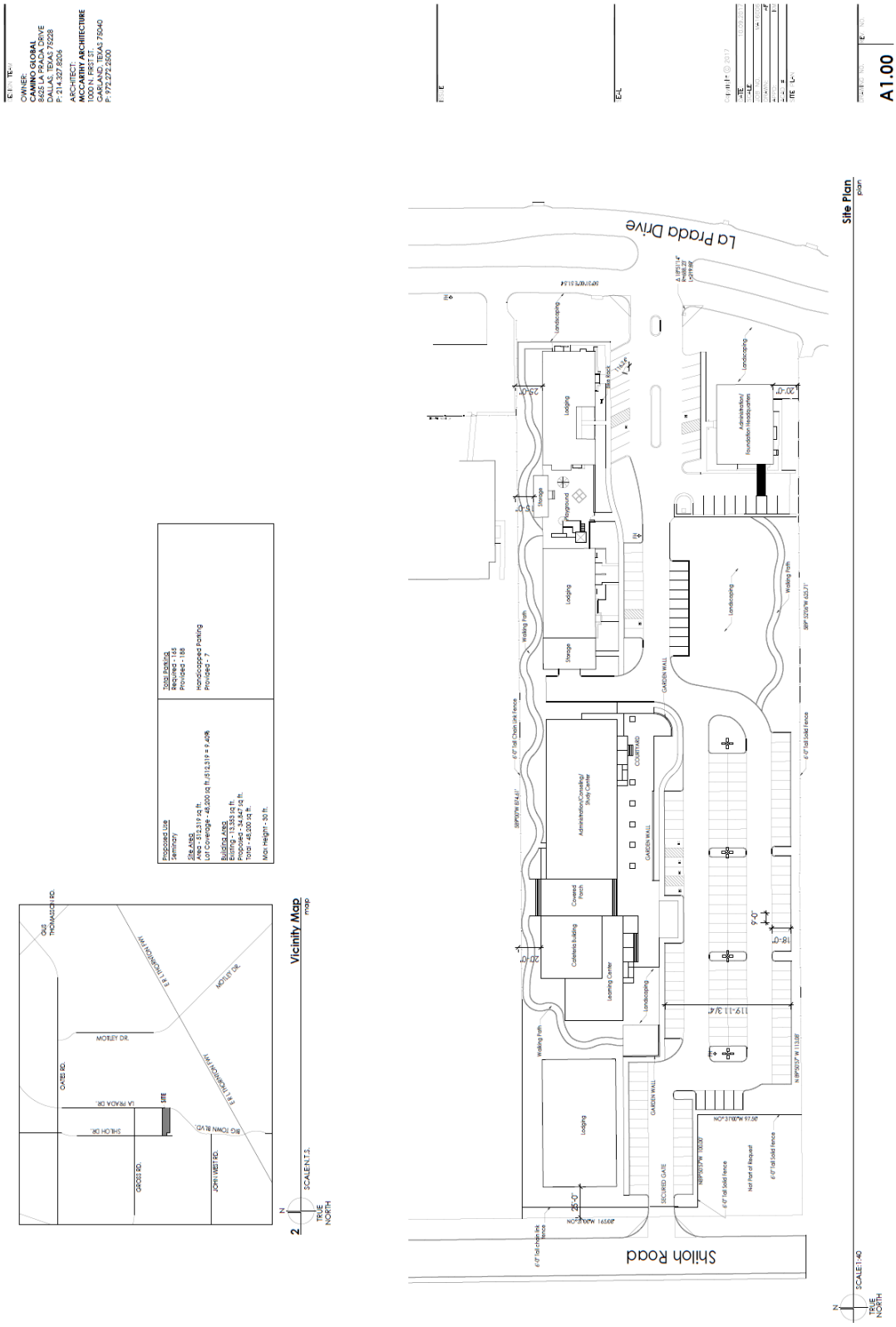
SEC. 51P-166.114. COMPLIANCE WITH CONDITIONS.

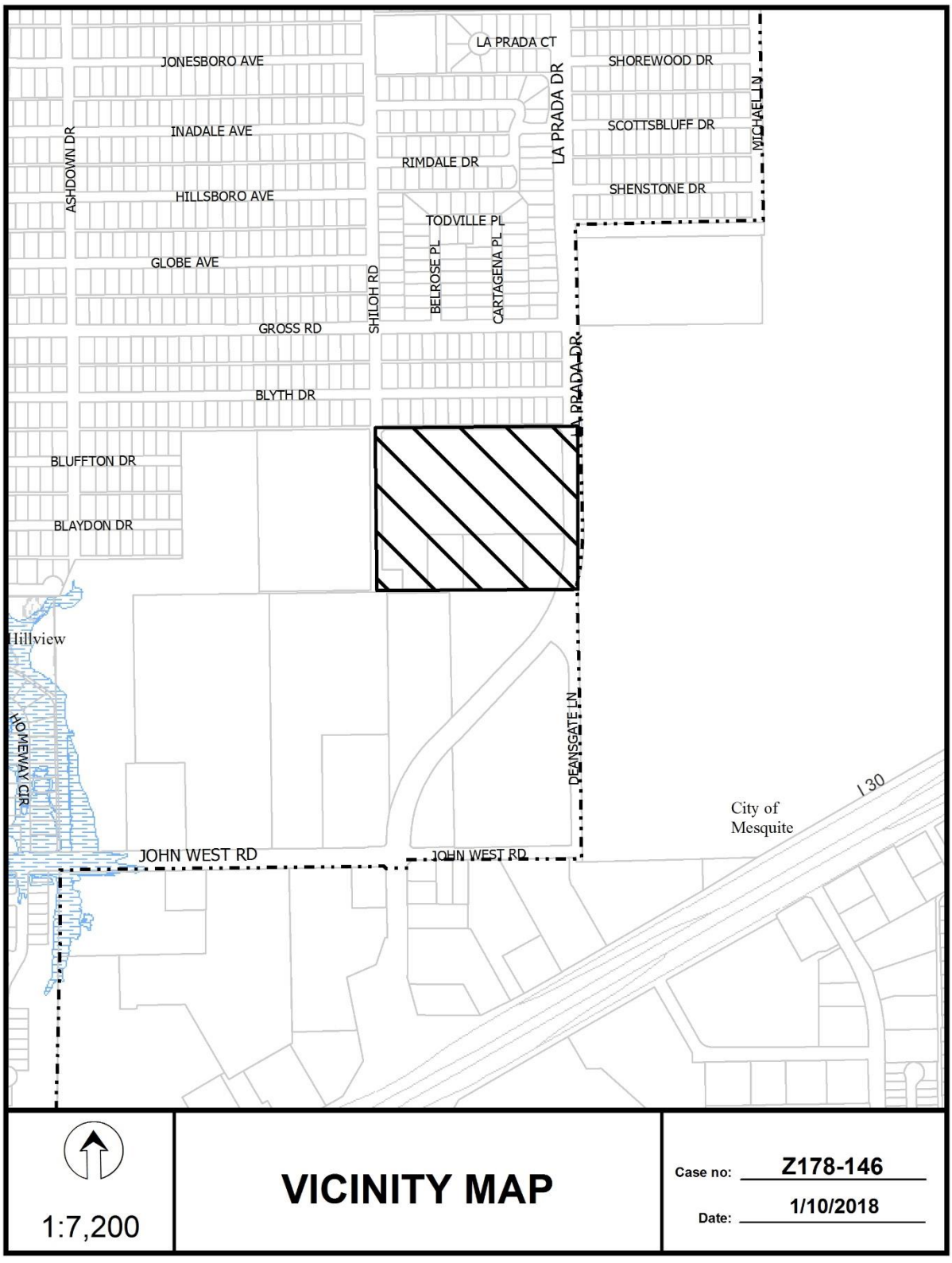
The building official shall not issue a certificate of occupancy for a use in this PD until there has been full compliance with this article and with the construction codes and all other applicable ordinances of the Dallas City Code. (Ord. Nos. 18065; 25508)

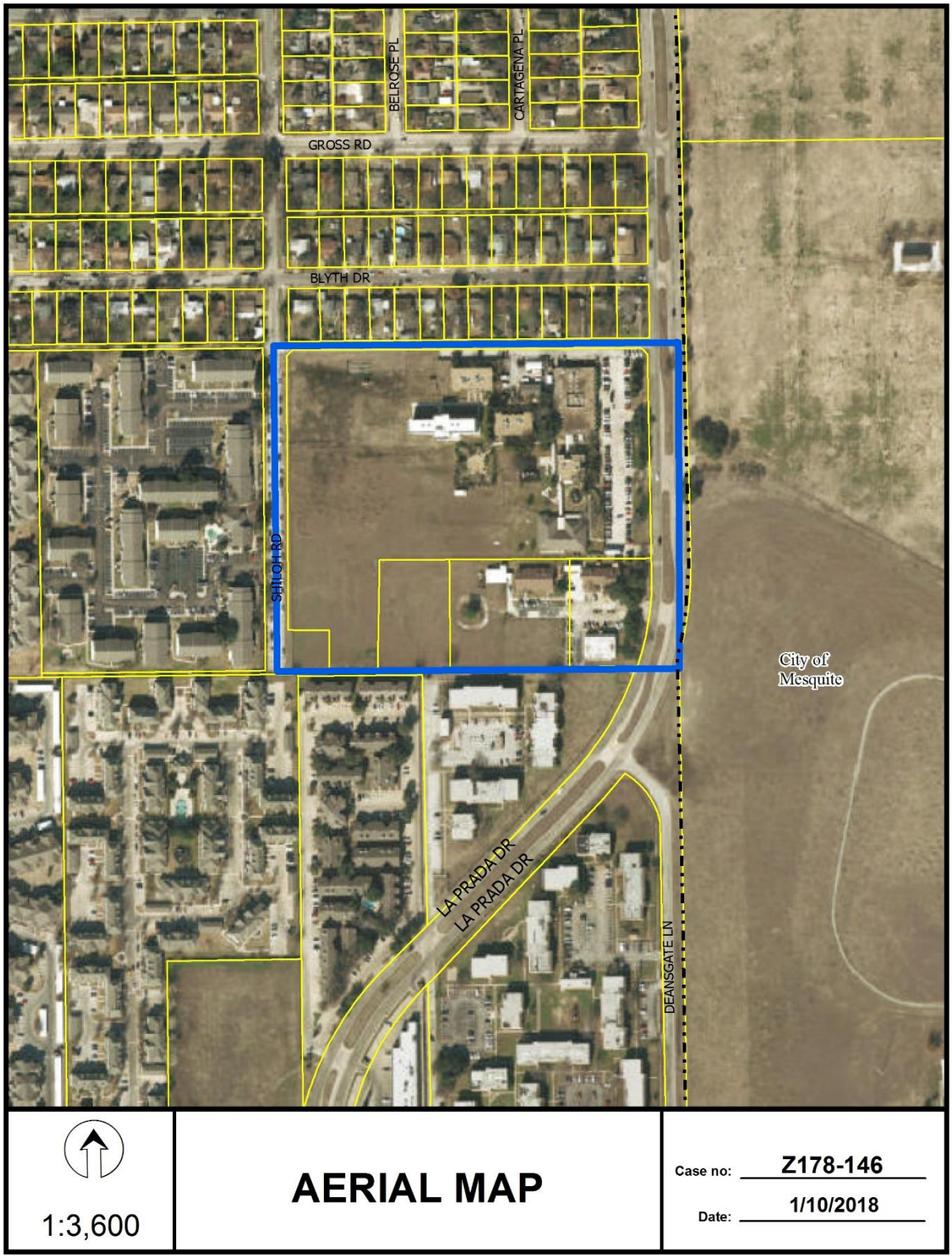
SEC. 51P-166.115. ZONING MAP.

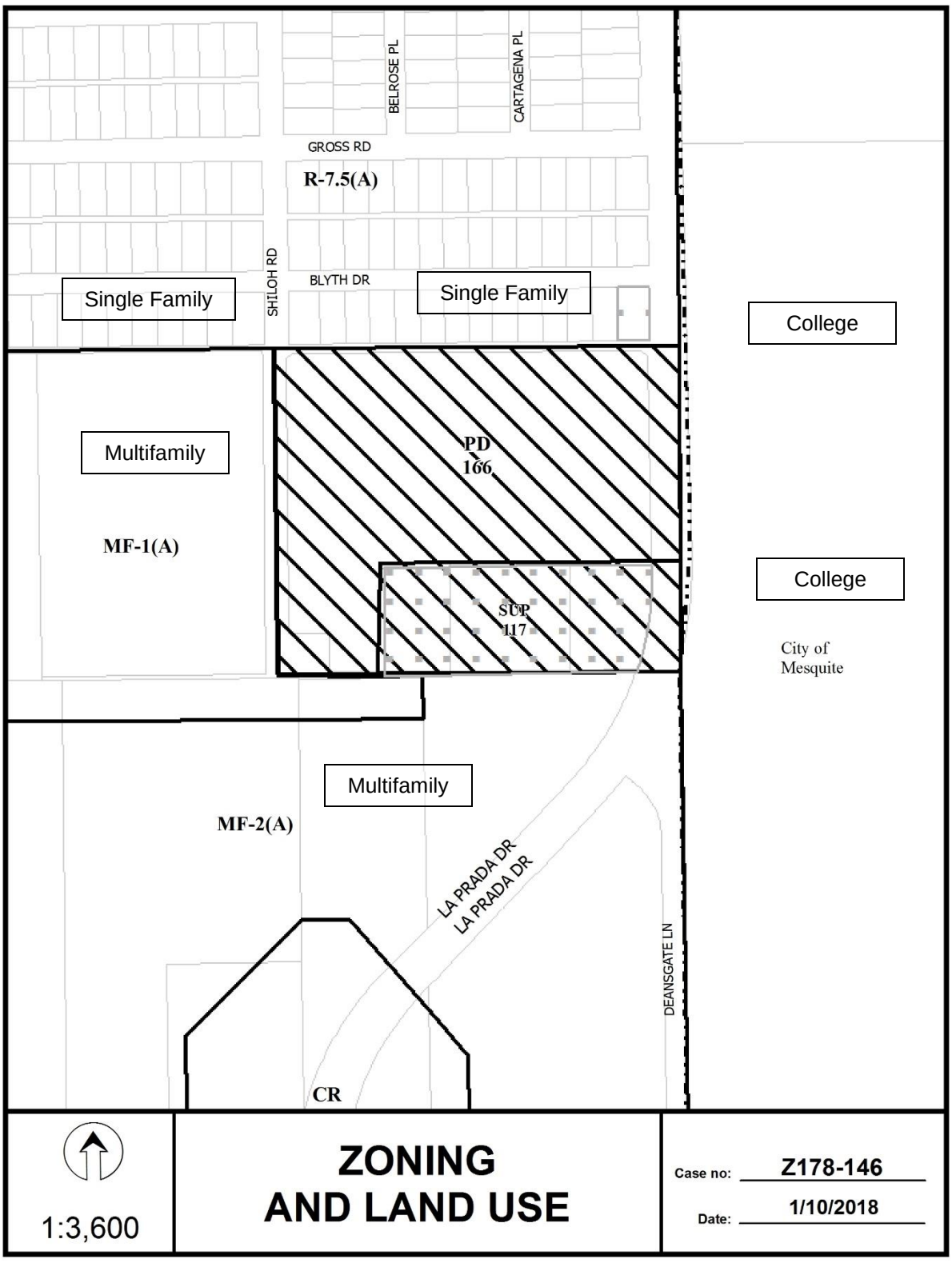
PD 166 is located on Zoning Map Nos. I-10 and I-11. (Ord. Nos. 18065; 25508)

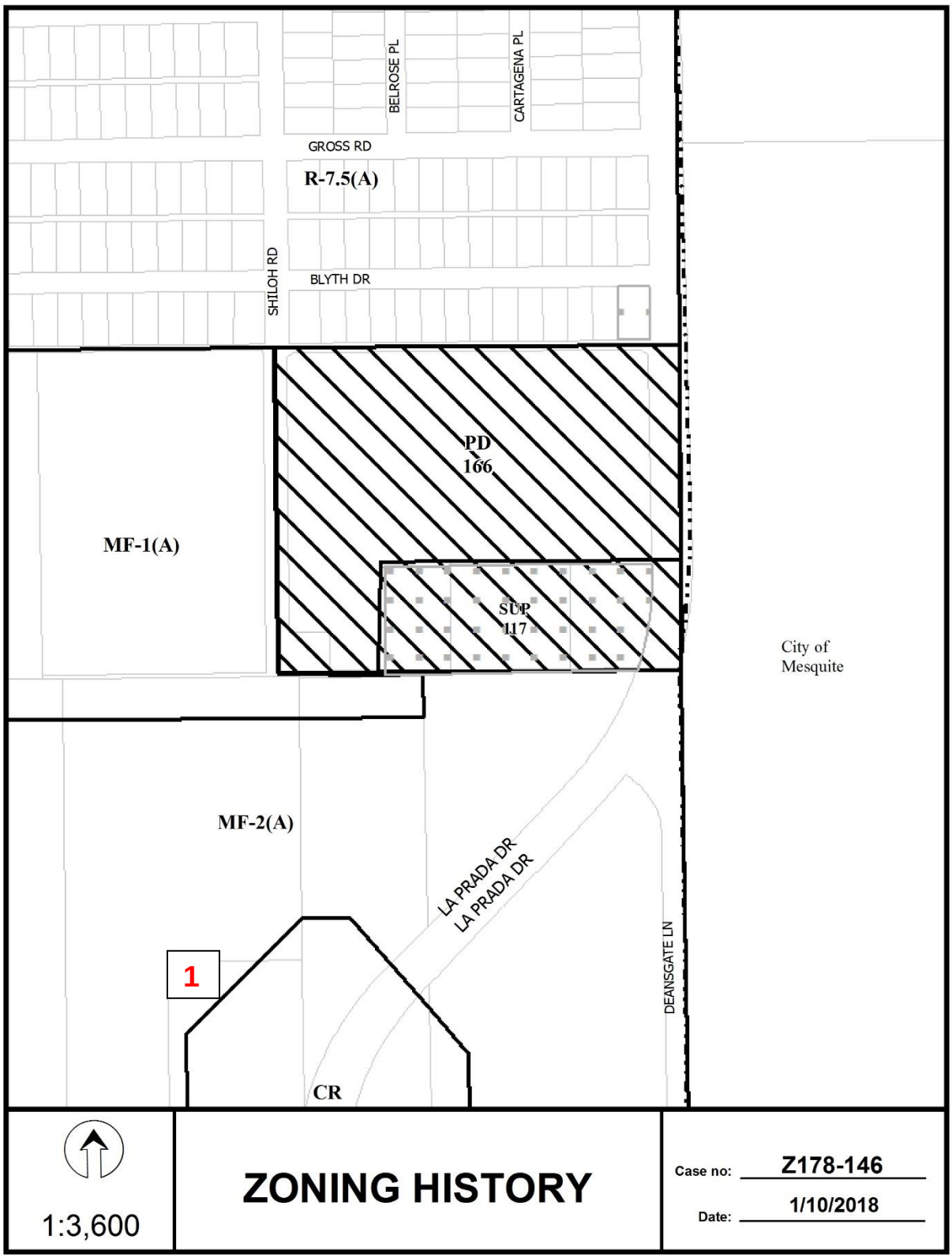
Proposed Site Plan



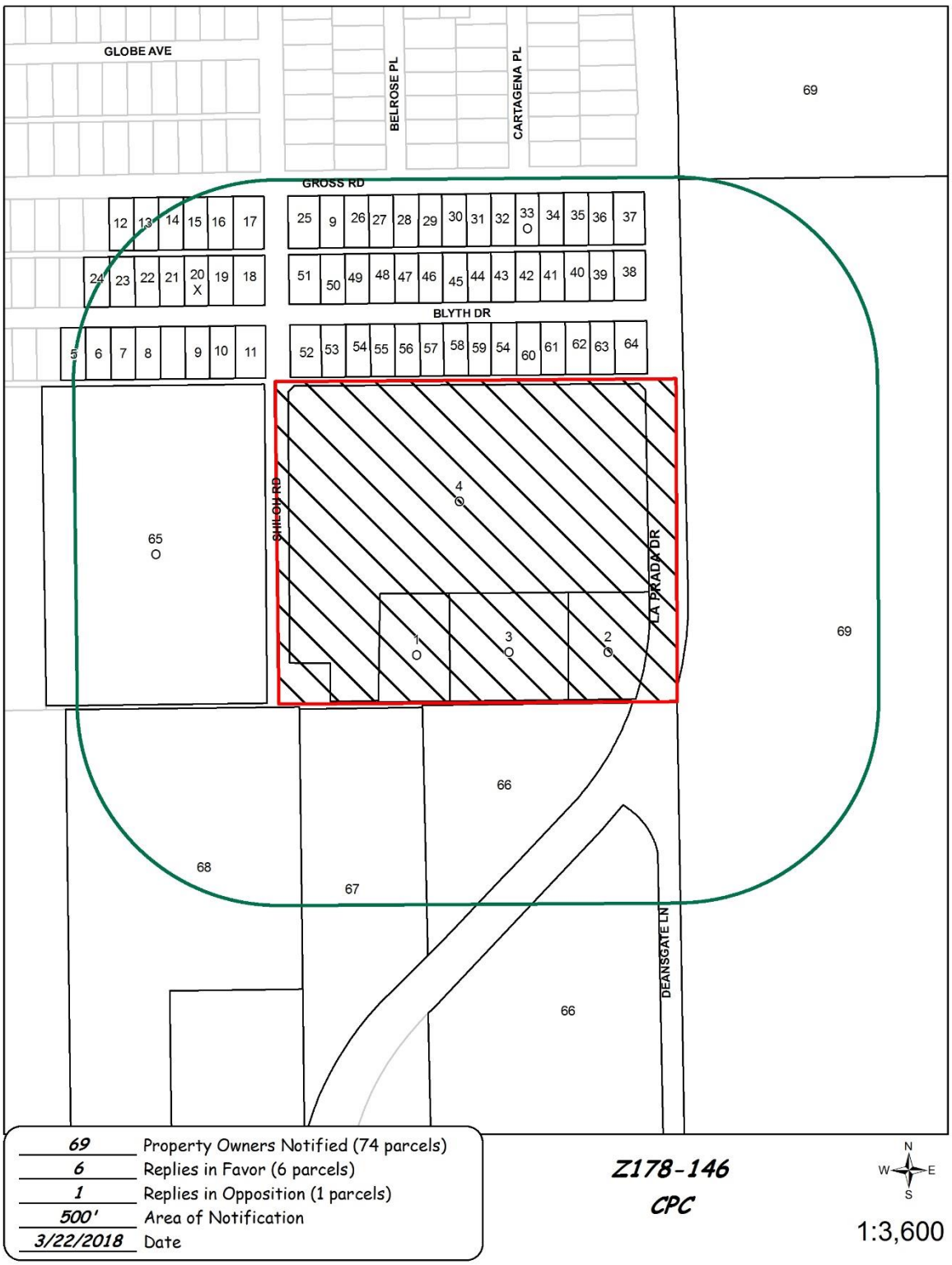

LA PRADA CT
JONESBORO AVE
SHOREWOOD DR
LA PRADA DR
MICHAELLN
INADALE AVE
SCOTTSBLUFF DR
ASHDOWN DR
RIMDALE DR
HILLSBORO AVE
SHENSTONE DR
TODVILLE PL
GLOBE AVE
BELROSE PL
CARTAGENA PL
SHILOH RD
GROSS RD
LA PRADA DR
BLYTH DR
BLUFFTON DR
BLAYDON DR
Hillview
DEANSGATE LN
I 30
City of
Mesquite
JOMEWAY CIR
JOHN WEST RD
JOHN WEST RD
1:7,200
VICINITY MAP
Case no: Z178-146
Date: 1/10/2018


BELROSE PL
CARTAGENA PL
GROSS RD
BLYTH DR
SHILOH RD
City of Mesquite
LA PRADA DR
LA PRADA DR
DEANSGATE LN
1:3,600
AERIAL MAP
Case no: Z178-146
Date: 1/10/2018


BELROSE PL
CARTAGENA PL
GROSS RD
R-7.5(A)
SHILOH RD
BLYTH DR
Single Family
Single Family
College
Multifamily
PD 166
MF-1(A)
College
SUP 117
City of Mesquite
Multifamily
MF-2(A)
LA PRADA DR
LA PRADA DR
DEANSGATE LN
CR
1:3,600
ZONING AND LAND USE
Case no: Z178-146
Date: 1/10/2018


BELROSE PL
CARTAGENA PL
GROSS RD
R-7.5(A)
SHILOH RD
BLYTH DR
PD
166
MF-1(A)
SUP
117
City of
Mesquite
MF-2(A)
LA PRADA DR
LA PRADA DR
DEANSGATE LN
1
CR
1:3,600
ZONING HISTORY
Case no: Z178-146
Date: 1/10/2018

CPC RESPONSES



02/14/2018

Reply List of Property Owners

Z178-146

69 Property Owners Notified ***6 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	8615	LA PRADA DR	CENTRAL AMERICAN MISSION
O	2	8625	LA PRADA DR	CENTRAL AMERICAN MISSION
O	3	8635	LA PRADA DR	CENTRAL AMERICAN MISSION
O	4	8733	LA PRADA DR	NEXUS INCORPORATED
	5	2620	BLYTH DR	BLYTH GROUP
	6	2626	BLYTH DR	MUNGUIA CLEMENTE FABIAN &
	7	2630	BLYTH DR	JUAREZ RAFAEL
	8	2636	BLYTH DR	SHAFER KRISTI L
	9	2646	BLYTH DR	KOSTER PROPERTIES LTD
	10	2650	BLYTH DR	MATN PARTNERS 1
	11	2656	BLYTH DR	SANDOVAL ARISTEO
	12	2630	GROSS RD	GILES PAT K
	13	2636	GROSS RD	AKCHURIN TYLER E
	14	2640	GROSS RD	JARAL PANFILO & SERAFIN
	15	2646	GROSS RD	REYES MARTIN
	16	2650	GROSS RD	FUENTES JESSICA
	17	2656	GROSS RD	BATISTA FERNANDO
	18	2655	BLYTH DR	REVILLA FILIBERTO
	19	2649	BLYTH DR	GORTON JAMES P TRUSTEE
X	20	2645	BLYTH DR	GUZMAN LUIS ENRIQUE &
	21	2639	BLYTH DR	PALMER JEFFREY & KELLY
	22	2635	BLYTH DR	AJLOUNI RAED
	23	2629	BLYTH DR	SOS INVESTORS
	24	2625	BLYTH DR	RAMIREZ JOSE M &
	25	2706	GROSS RD	MECCA APRIL INC
	26	2716	GROSS RD	CHAVEZ ISAAC &

02/14/2018

Reply	*Label #*	*Address*		*Owner*
	27	2720	GROSS RD	GONZALES PORFIRIO
	28	2726	GROSS RD	VAZQUEZ ROBERTO &
	29	2730	GROSS RD	ALVAREZ HORACIO
	30	2736	GROSS RD	YELLOW & BLUE PROPERTIES LLC
	31	2806	GROSS RD	GARCIA ALFONSO T &
	32	2812	GROSS RD	GARCIA VICTOR
O	33	2818	GROSS RD	HAVENS MARY M
	34	2822	GROSS RD	CONTRERAS JESUS
	35	2828	GROSS RD	MIRAMONTES MARIA G
	36	2832	GROSS RD	PEPPER ANDREW
	37	2838	GROSS RD	ANGUIANO LUIS &
	38	2837	BLYTH DR	HERNANDEZ LUCILLE
	39	2831	BLYTH DR	SMITH THOMAS JR & SALLY V
	40	2827	BLYTH DR	USREY MELBA GAY
	41	2821	BLYTH DR	MANRIQUE RAUL
	42	2817	BLYTH DR	MARTINEZ CRECENCIANO Y
	43	2811	BLYTH DR	QUINONEZ PABLO
	44	2805	BLYTH DR	GUTIERREZ JUAN A JR
	45	2737	BLYTH DR	COPELAND ROGER S
	46	2731	BLYTH DR	KHAKI INVESTMENTS LLC
	47	2727	BLYTH DR	PAEZ VERONICA &
	48	2721	BLYTH DR	CORNEJO ISIDORO
	49	2717	BLYTH DR	ZABALETA HUGO ADONEY &
	50	2711	BLYTH DR	REYES ANTONIO
	51	2707	BLYTH DR	POWELL VALERIE &
	52	2706	BLYTH DR	ALVAREZ GILBERTO
	53	2710	BLYTH DR	GARCIA VICTOR J
	54	2716	BLYTH DR	GARCIA VICTOR
	55	2720	BLYTH DR	BOSARGE BUSTER WAYNE EST OF
	56	2726	BLYTH DR	REYES MARTIN RODRIGUEZ
	57	2730	BLYTH DR	SONS ONA KAY

02/14/2018

Reply	*Label #*	*Address*		*Owner*
	58	2736	BLYTH DR	SALGADO JOSE V
	59	2806	BLYTH DR	GARCIA VINCENTE & KARINA GARCIA
	60	2818	BLYTH DR	GARCIA VICTOR J
	61	2822	BLYTH DR	GARCIA VICTOR J
	62	2828	BLYTH DR	PEDRAZA JORGE L &
	63	2832	BLYTH DR	BLACK RICKEY LEE
	64	2838	BLYTH DR	BAILEY MORTGAGE CORP
O	65	8702	SHILOH RD	SHILOH VILLAGE ASSC
	66	2800	JOHN WEST RD	BRC BELLAIRE TEXAS I LLC
	67	8383	LA PRADA DR	KING YVONNE G TRUST
	68	2631	JOHN WEST RD	CARLETON LAPRADA LTD
	69	3737	MOTLEY DR	DALLAS COUNTY COMMUNITY

AGENDA ITEM # 81

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 28 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway

Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions

Z178-163(SM)

Note: This item was deferred by the City Council before opening the public hearing on May 23, 2018, and is scheduled for consideration on June 27, 2018.

FILE NUMBER:	Z178-163(SM)	**DATE FILED:**	December 26, 2017
LOCATION:	West line of McCree Road, north of East Northwest Highway		
COUNCIL DISTRICT:	9	**MAPSCO:**	28 Z
SIZE OF REQUEST:	Approx. 3.219 acres	**CENSUS TRACT:**	130.10

OWNER: NWH & McCree, Ltd.

APPLICANT: Club Azul

REPRESENTATIVE: Jay Woo, JNF Associates

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District.

SUMMARY: The applicant requests to construct a 22,170-square-foot, two-story structure for on-premise alcohol consumption and entertainment purposes with 236 surface parking spaces provided on site. The facility is planned to include a 2,800-square-foot dance floor within the proposed structure.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The 3.219-acre site is undeveloped.

- The applicant requests a Specific Use Permit to allow for the construction of a two-story, 22,170 square foot private-club bar. The private club bar is also proposed to have a 2,800-square foot dance floor.

Zoning History: There have not been any zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
McCree Road	Local	60 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CS	Undeveloped
North	CS; SUP No. 1756	General Merchandise or food store 100,000 sq. ft. or more
East	CR	Park
South	CS	Restaurants
West	CS	Vehicle or engine repair or maintenance

Land Use Compatibility:

The site is undeveloped and is adjacent to a variety of retail and restaurant uses. These land uses consist of a general merchandise or food store greater than 100,000 square feet in floor area to the north, a park and recreation field to the east, two restaurants to the south, and vehicle or engine repair or maintenance use to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a three-year period because the request complies with all other zoning regulations and is not foreseen to be detrimental to surrounding properties. Additionally, a three-year period would require it to be re-evaluated in a short period of time after construction.

Landscaping:

Landscaping will in accordance to the landscaping requirements in Article X, as amended.

Parking:

The off-street parking requirement for a private-club bar is one parking space per each 100 square feet of floor area. The off-street parking requirement for a dance floor is one parking space per each 25 square feet of dance floor. Dance floors also have an additional provision that does not allow them to be considered accessory uses to a main use. Therefore, although they are often small, dance floors must have parking provided at a higher parking ratio than the remainder of the building to meet minimum parking requirements.

The applicant has proposed a cumulative floor area of 22,170 square feet in the new building. The proposed dance floor will not exceed 2,800 square feet and the remainder of the building is 19,370 square feet. Therefore, 306 parking spaces are required per the Dallas Development Code. The applicant proposes to construct 236 parking spaces on site and will secure an additional 70 spaces through a parking agreement that complies with Division 51A-4.321 of the Dallas Development Code prior to the issuance of a building permit.

Prior CPC Action – April 19, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall for a three-year period, subject to a site plan and conditions on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway.

Maker: Carpenter
Second: Houston
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

Speakers: None

List of Partner/Principals/Officers

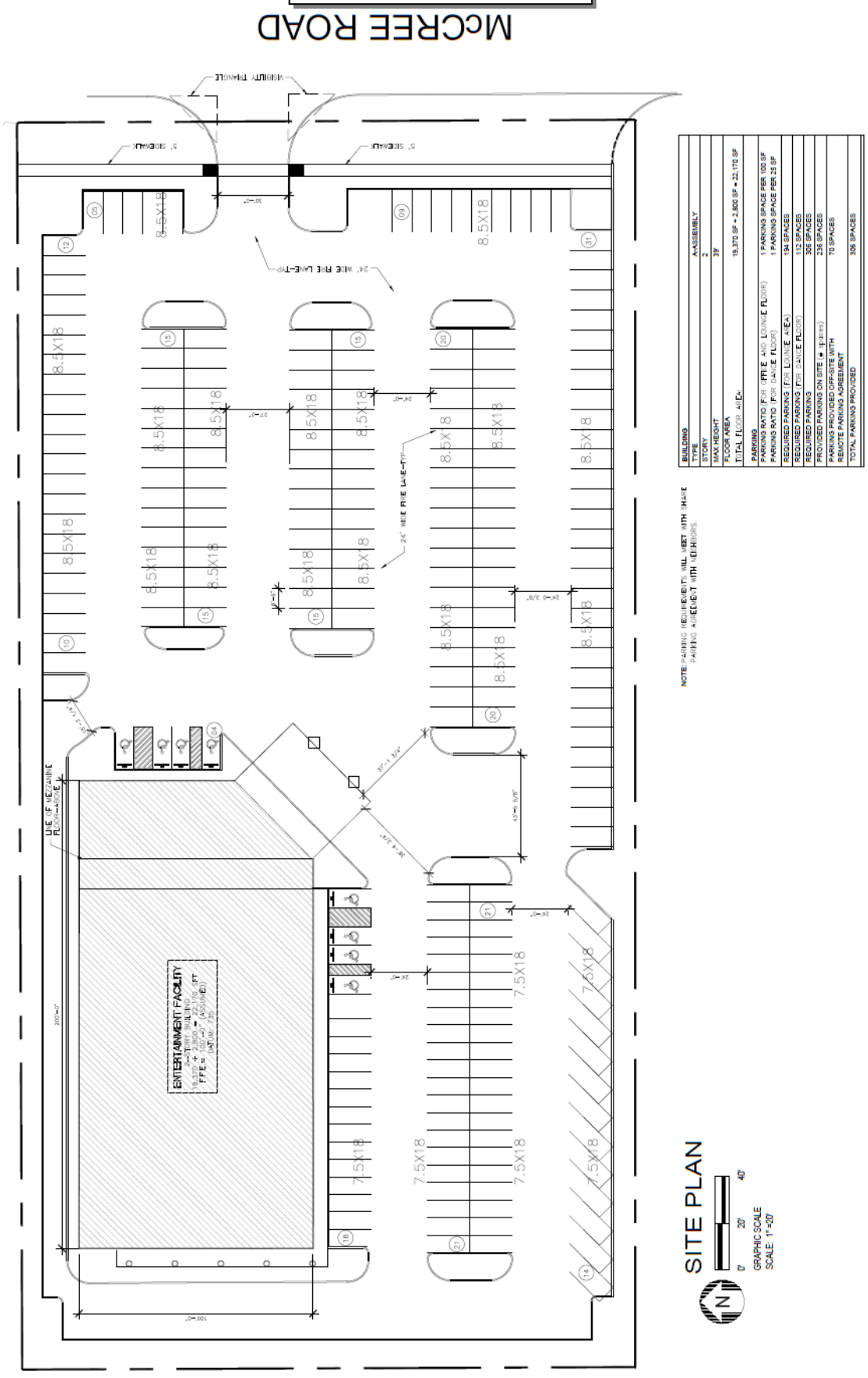
NWH & McCree, Ltd.

Larry Smith, President

Club Azul

Larry Smith, President

Proposed Site Plan



PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar and a commercial amusement (inside) limited to a dance hall.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on_____ (three-year period from the passage of this ordinance).

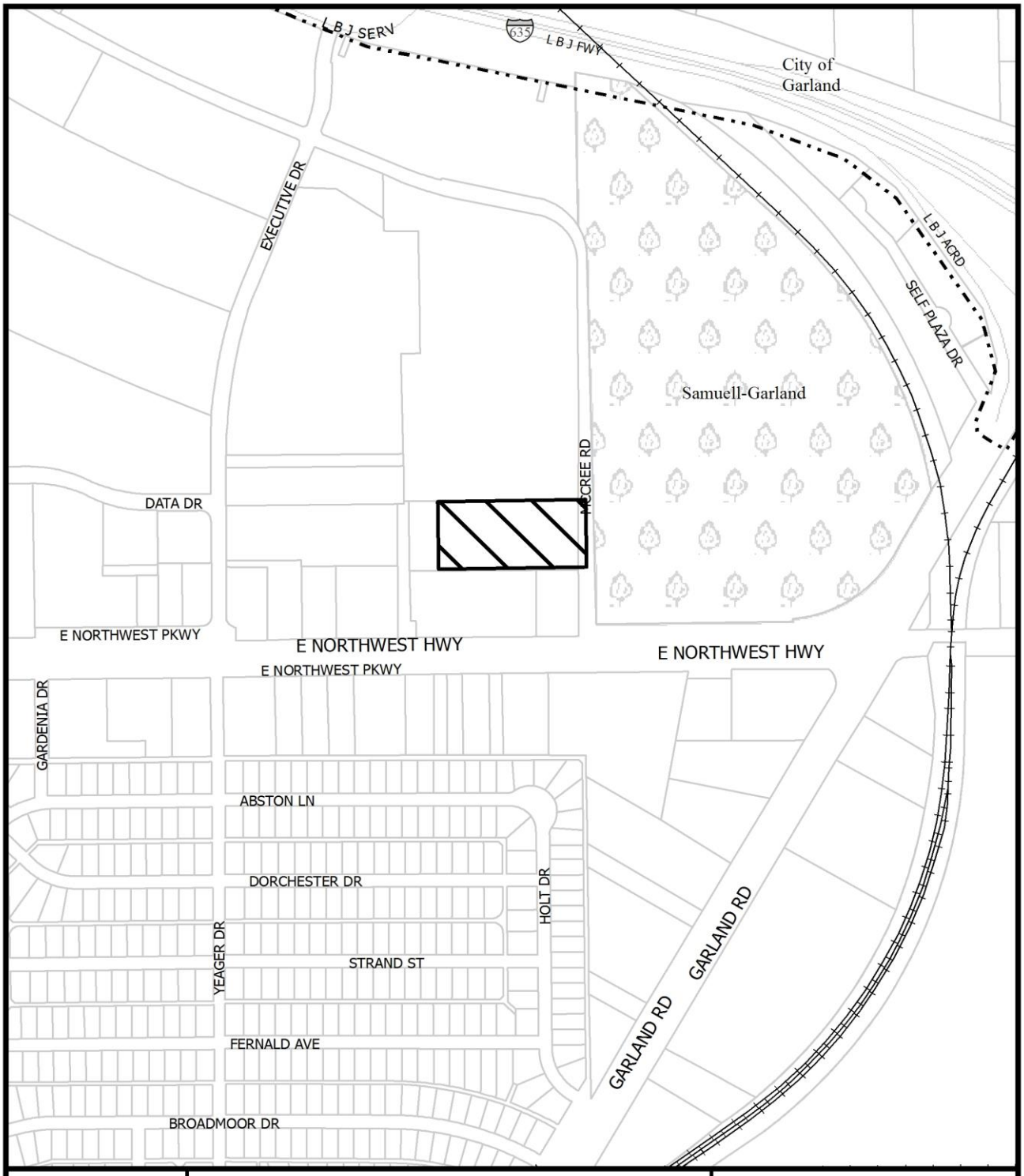
4. FLOOR AREA:

    a. Maximum floor area for the private-club bar is 19,370 square feet.

    b. Maximum floor area for the dance floor is 2,800 square feet.

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



1:6,000

VICINITY MAP

Case no: Z178-163

Date: 1/10/2018

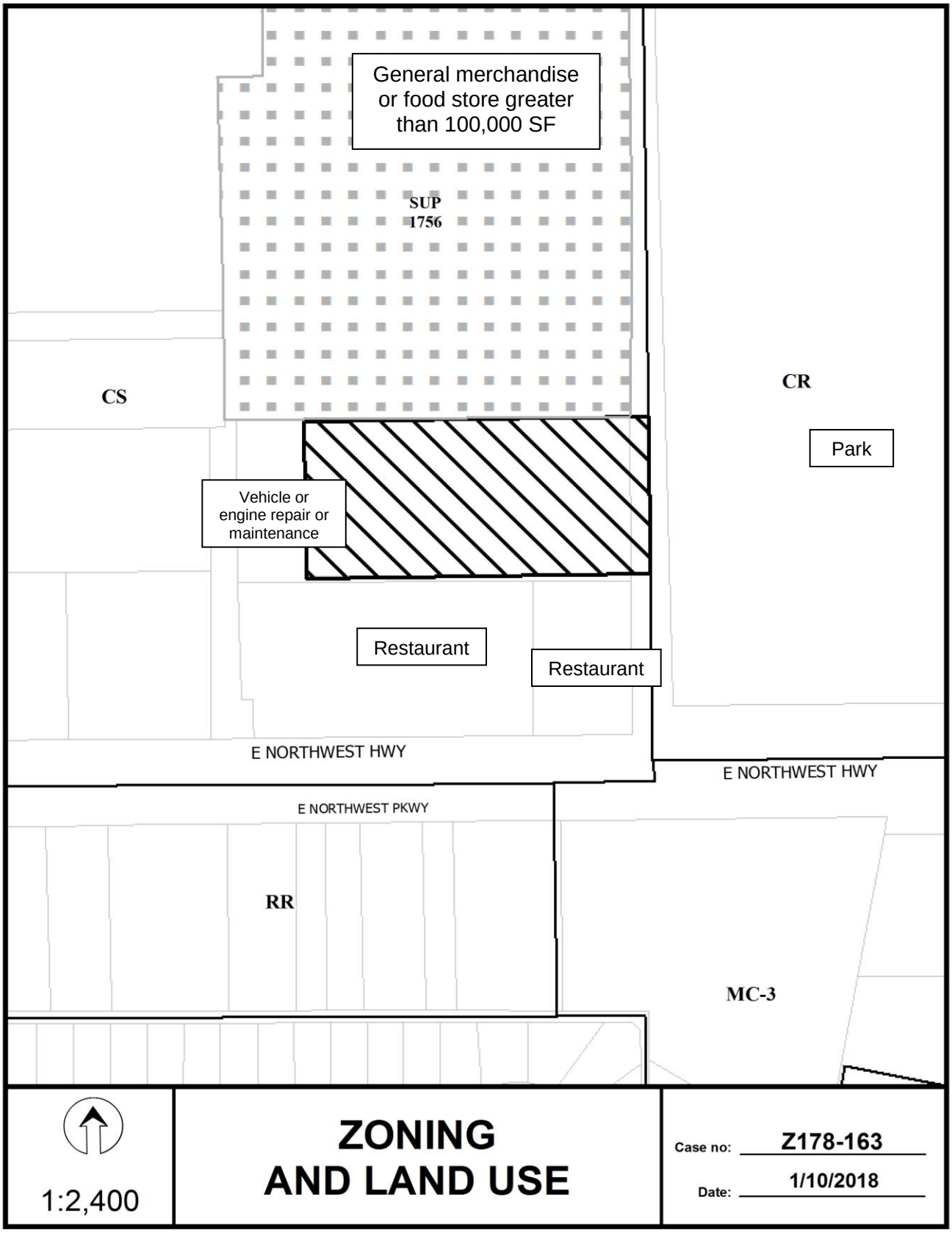


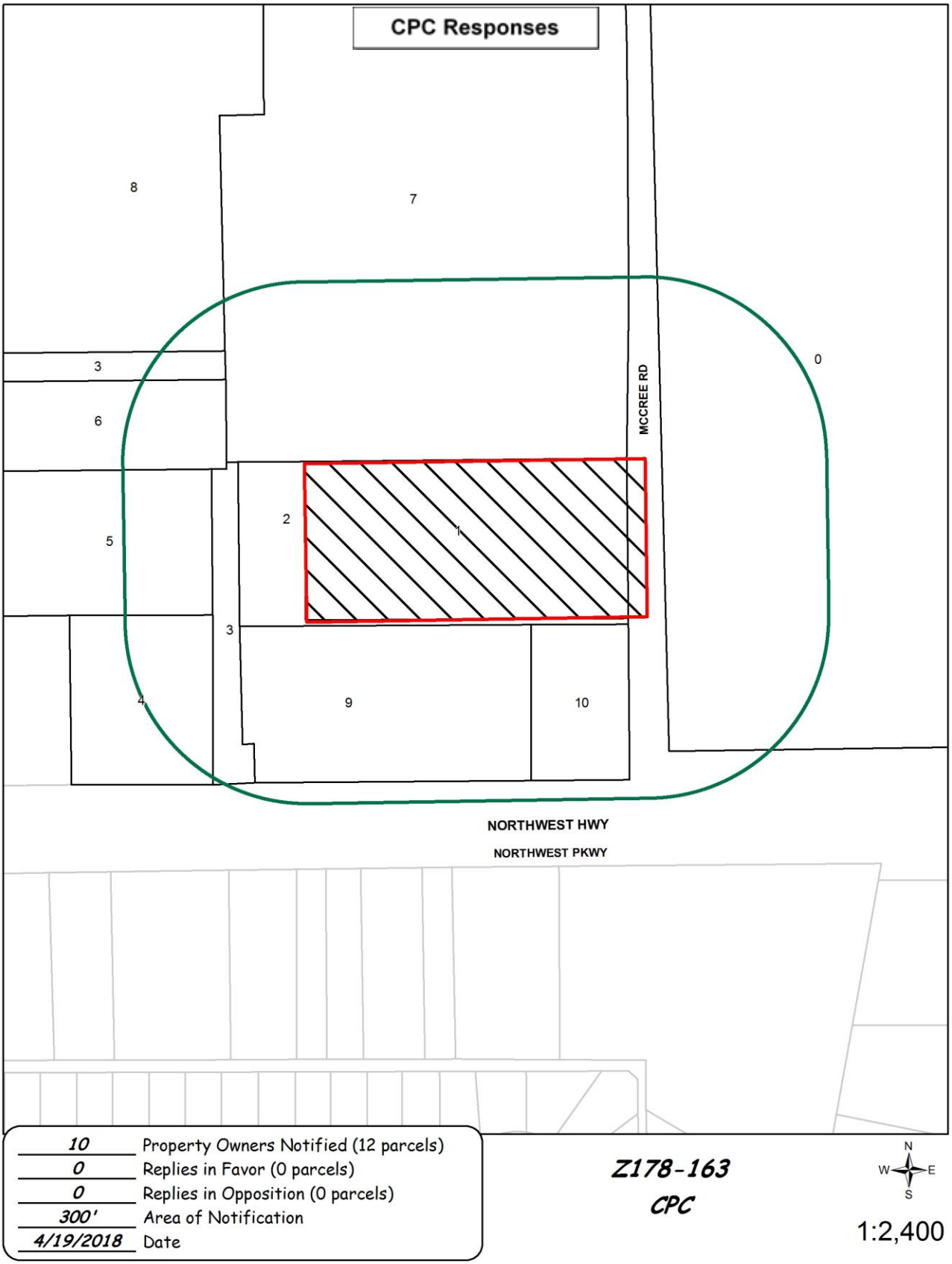
1:2,400

AERIAL MAP

Case no: Z178-163

Date: 1/10/2018


General merchandise or food store greater than 100,000 SF
SUP 1756
CS
CR
Park
Vehicle or engine repair or maintenance
Restaurant
Restaurant
E NORTHWEST HWY
E NORTHWEST HWY
E NORTHWEST PKWY
RR
MC-3
1:2,400
ZONING AND LAND USE
Case no: Z178-163
Date: 1/10/2018


CPC Responses
8
7
0
3
6
MCCREE RD
2
1
5
3
4
9
10
NORTHWEST HWY
NORTHWEST PKWY
10 Property Owners Notified (12 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
300' Area of Notification
4/19/2018 Date
Z178-163
CPC
N
W
E
S
1:2,400

04/18/2018

Reply List of Property Owners

Z178-163

10 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	11921	E NORTHWEST HWY	NWH & MCCREE LTD
	2	12124	MCCREE RD	CHRISTIAN BRO AUTO CORP
	3	11921	E NORTHWEST HWY	SAMS EAST INC
	4	11805	E NORTHWEST HWY	DFW VENTURE NO 1
	5	205	EXECUTIVE DR	NORTHSTAR BANK OF TEXAS
	6	206	EXECUTIVE DR	FLEISHMAN MARC
	7	12000	MCCREE RD	SAMS REAL ESTATE BUS TR
	8	12710	EXECUTIVE DR	LAZY K LP
	9	11917	E NORTHWEST HWY	COMMERCIAL NET LEASE
	10	11921	E NORTHWEST HWY	SRI REAL ESTATE PROPERTIES

AGENDA ITEM # 82

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 23 Y; Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane

Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Approval for a five-year period, subject to conditions

Z178-172(SM)

Note: This item was deferred by the City Council before the opening of the public hearings on April 25, 2018 and May 23, 2018, and is scheduled for consideration on June 27, 2018.

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-172(SM) **DATE FILED:** January 19, 2017

LOCATION: East corner of Lakefield Boulevard and Sheila Lane

COUNCIL DISTRICT: 2 **MAPSCO:** 23 Y; Z

SIZE OF REQUEST: Approx. 6.47 acres **CENSUS TRACT:** 72.02

OWNER/APPLICANT: Interstate Holdings, Inc.

REPRESENTATIVE: Robert Baldwin

REQUEST: An application to renew Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37.

SUMMARY: The applicant proposes to continue to operate a vehicle auction and storage facility. No changes are proposed to the existing site plan.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- PDD No. 37 was approved by City Council on September 5, 1967, and has been amended several times.

- On February 24, 1999, the PDD was amended to create Tract IIC for I-1 Industrial District Uses and a *vehicle auction and storage use* by Specific Use Permit on Tract IIC only and this amendment included a development plan for Tract IIC. This amendment defined a *vehicle auction and storage use* as a facility for the auction of vehicles including the storage of inoperable vehicles for a period not to exceed 14 calendar days. For the purposes of this definition, vehicles include automobiles, trucks, boats and other conveyances.

- Specific Use Permit No. 1380 was also approved on February 24, 1999, for a vehicle auction and storage use. It expired on April 9, 2008 and was not renewed.

- Specific Use Permit No. 2047 was approved on September 11, 2013, for a vehicle auction and storage use and expires on September 11, 2018.

Zoning History:

1. **Z112-302:** On November 14, 2012, the City Council approved SUP No. 1997 for an open-enrollment charter school for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan, traffic management plan, and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Lakefield Boulevard	Local	80 feet
Sheila Lane	Local	50 feet

Surrounding Land Uses:

Location	Zoning	Land Use
Site	PDD No. 37; SUP No. 2047	Vehicle auction and storage facility
Northeast	LI; CR	Utilities
Southeast	PDD No. 37	Retail
Southwest	PDD No. 37	Auto-related
Northwest	PDD No. 37; SUP No. 1997	Open-enrollment charter school

STAFF ANALYSIS:

Area Plans:

On December 14, 2005, City Council approved the *Bachman Lake/West Northwest Highway Needs Assessment Study*. The Steering Committee's four key issues (Crime, Code and Certificate of Occupancy Violations, existing Zoning Ordinance classifications, and Urban Design/Area Identity) are supported by the research and findings of in the *Study*; however, it did not make recommendations on land use. Specifically, the *Study* recommended a development code amendment to require that billiard halls obtain specific use permits.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use Compatibility:

The site is utilized as a vehicle auction and storage facility and developed with two buildings, approximately 3,600 square feet and 6,700 square feet in floor area, and a large surface parking lot. The applicant proposes to continue to operate a vehicle auction and storage facility.

The request site is surrounded by a local utilities use to the northeast; retail uses to the southeast; an auto-related use to the southwest and an open-enrollment charter school use to the northwest. It is noted that the request site is within the flight path of Dallas Love Field.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the

surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request is consistent with the intent of the Dallas Development Code but to ensure that the proposed use operates compatibly with the adjacent uses, staff recommends approval for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

Traffic:

The Engineering Division of the Sustainable Construction and Development Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to PDD No. 37, the vehicle auction and storage use requires one off-street parking space for each 500 square feet of site area used for vehicle auction. The applicant proposes to utilize 84,746 square feet of site area for vehicle auction, which will require 170 spaces. 172 spaces are provided as depicted on the existing site plan.

Landscaping:

Landscaping will be required pursuant to PDD No. 37 and is depicted on the development plan and site plan.

Prior CPC Action – March 22, 2018:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use for a five-year period, subject to conditions on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane.

Maker: Houston
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 8

Notices: Area: 400 Mailed: 21
Replies: For: 2 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None
Against (Did not speak): John Unangst, 363 Aviator Dr., Fort Worth, TX, 76179

Partners/Principals/Officers:

Alliance Auto Auction SUP Renewal

3440 and 3420 Sheila Lane; 9426 Lakefield Boulevard Ownership

Property Owner: Interstate Holdings, Inc., a Delaware corporation

Sole Shareholder: Emanuel Torbati

Sole Director: Emanuel Torbati

President: Emanuel Torbati

Secretary: Emanuel Torbati

Treasurer: Emanuel Torbati

CPC Recommended Renewal of SUP No. 2047

1. USE: The only use authorized by this specific use permit is a vehicle auction and storage use.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance),[~~September 11, 2018~~].

4. LANDSCAPING: Landscaping must be provided and maintained in accordance with the requirements of the ordinance governing Planned Development District No. 37.

5. DAYS OF OPERATION: Vehicle auctions are limited to a maximum of two days per week.

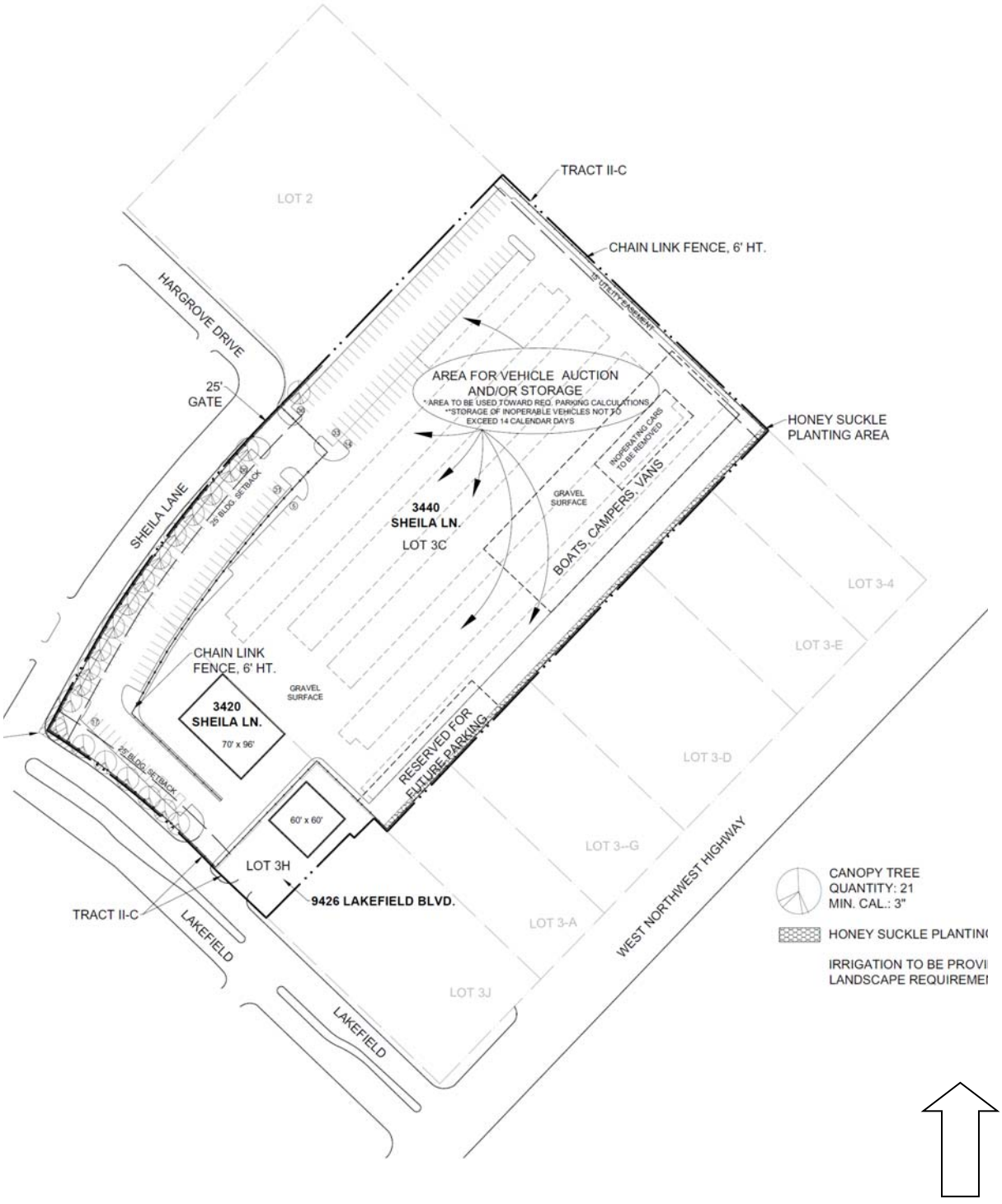
6. FENCING: A six-foot chain link fence must be provided on the perimeter of the property.

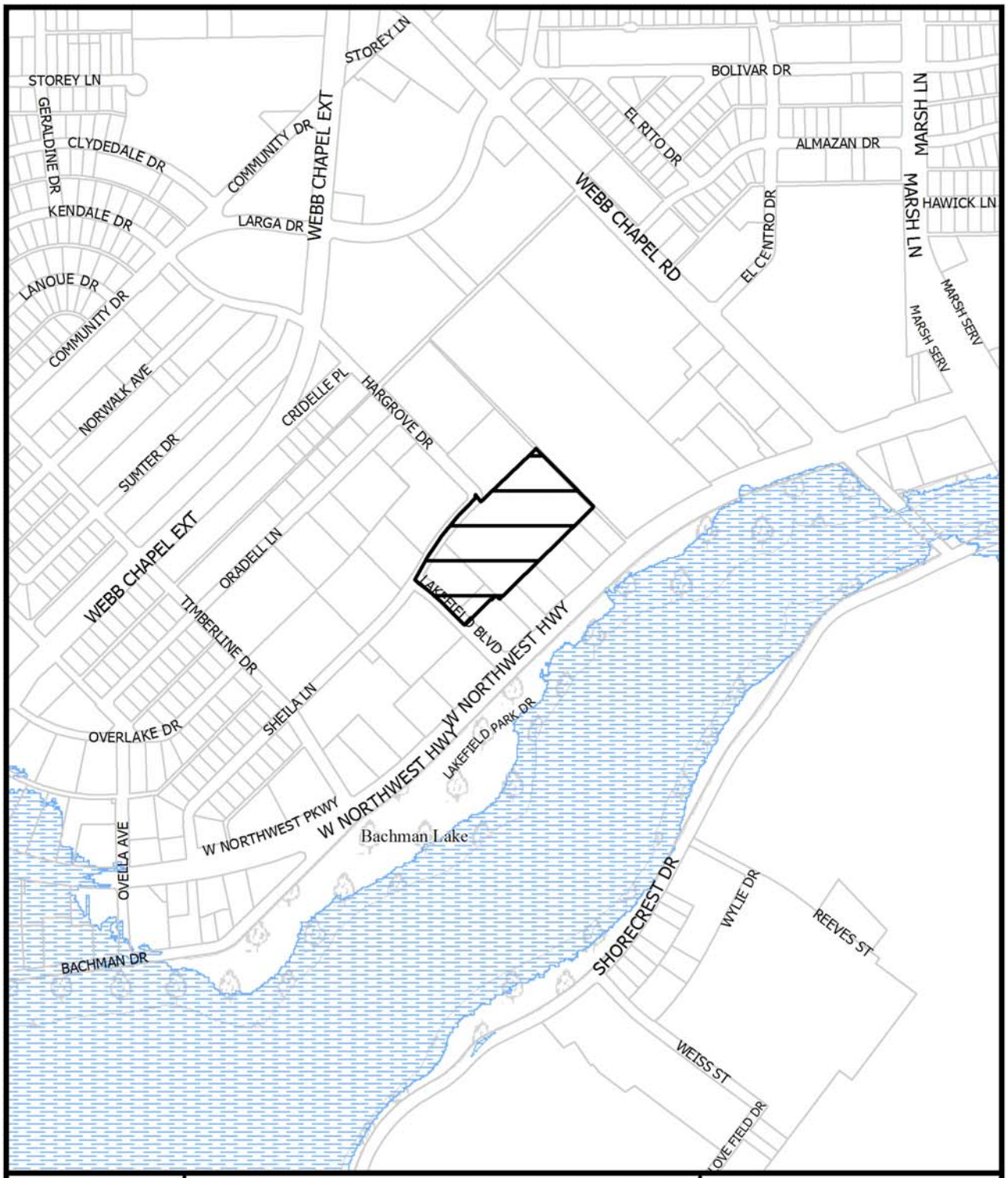
7. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan.

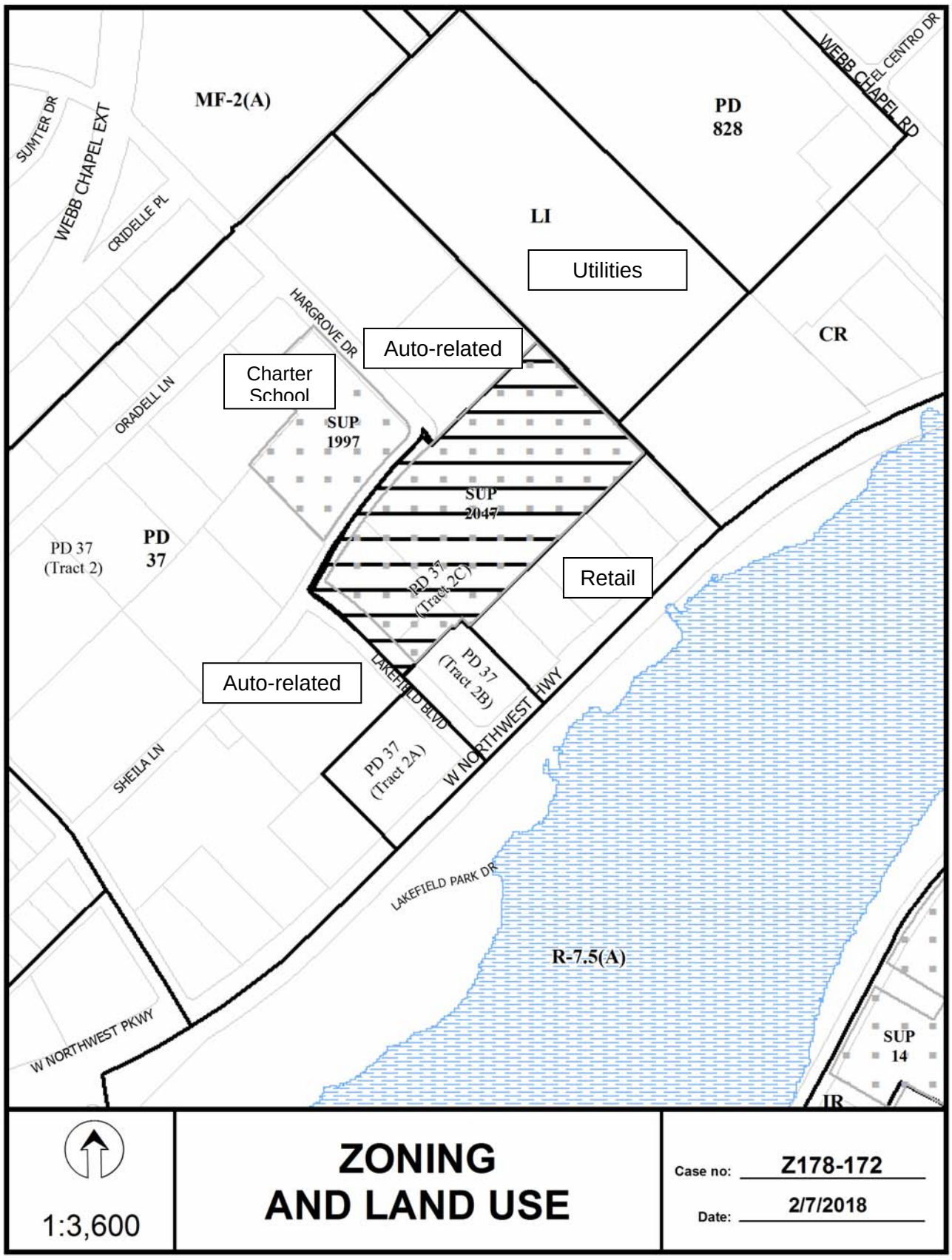
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

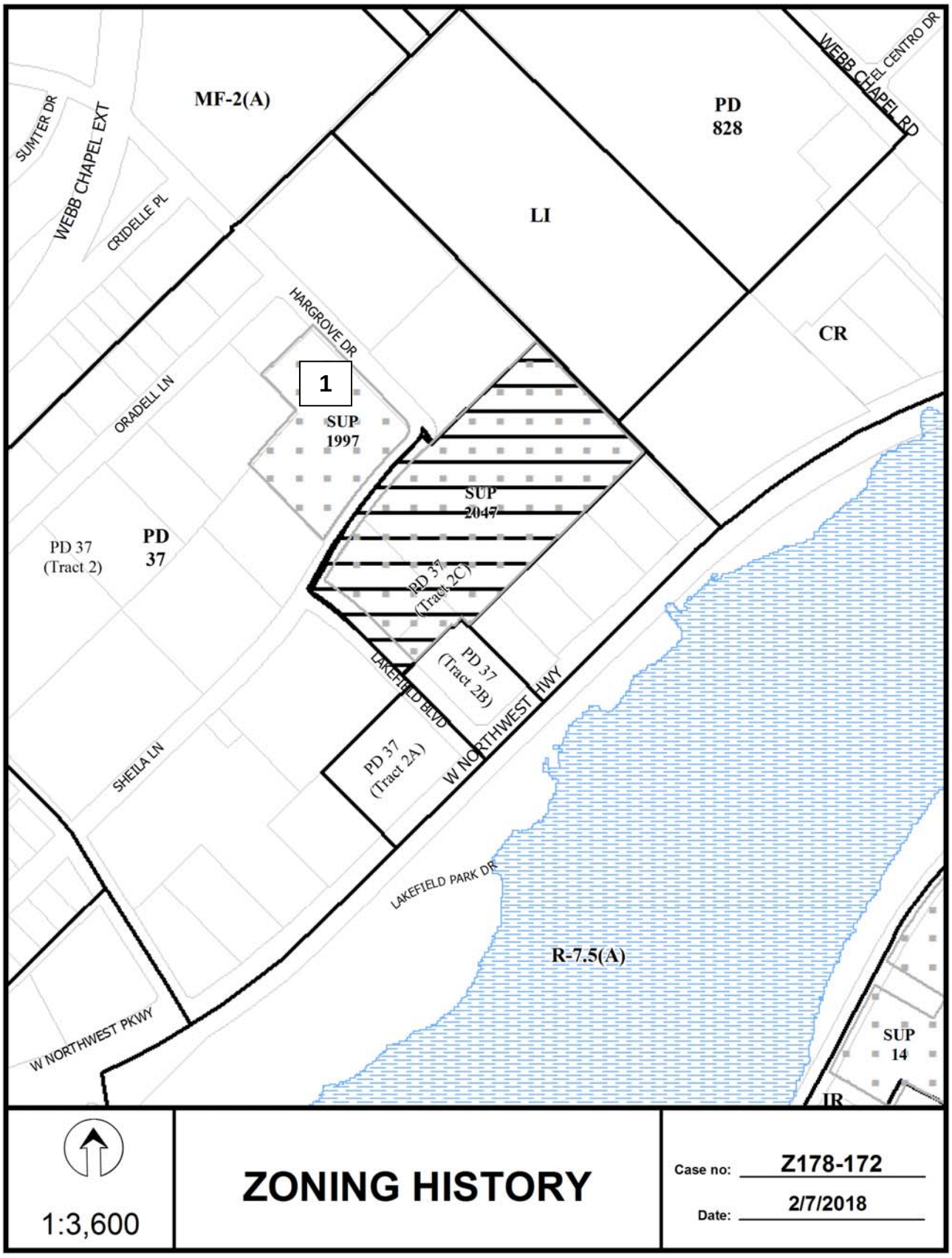
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

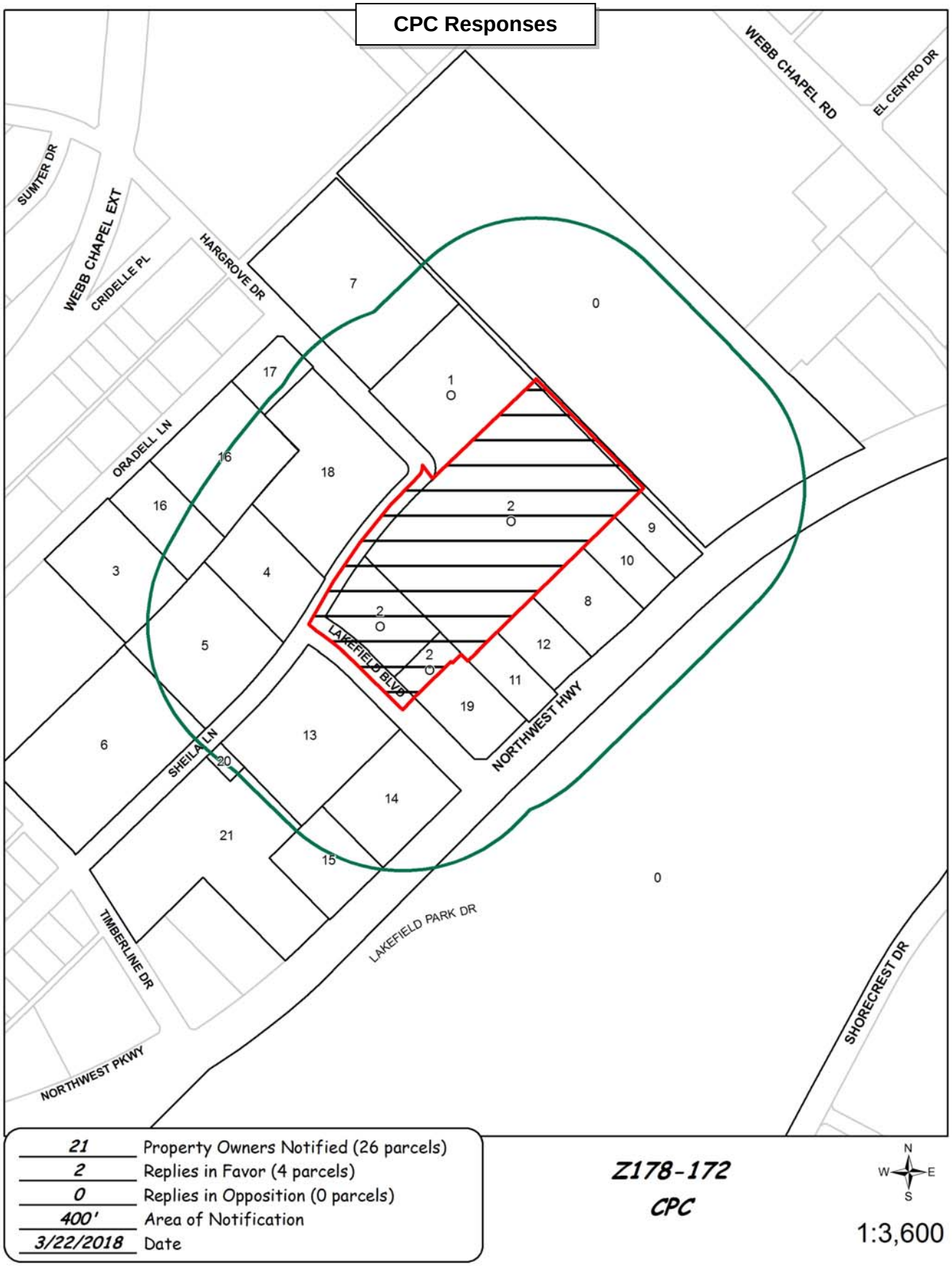
Existing Site Plan
(no changes)




STOREY LN
STOREY LN
GERALDINE DR
CLYDEDALE DR
KENDALE DR
COMMUNITY DR
LARGA DR
WEBB CHAPEL EXT
WEBB CHAPEL EXT
BOLIVAR DR
EL RITO DR
ALMAZAN DR
MARSH LN
MARSH LN
HAWICK LN
WEBB CHAPEL RD
EL CENTRO DR
MARSH SERV
MARSH SERV
LANOUE DR
COMMUNITY DR
NORWALK AVE
SUMTER DR
CRIDELLE PL
HARGROVE DR
ORADELL LN
TIMBERLINE DR
SHEILA LN
OVERLAKE DR
LAKEFIELD BLVD
W NORTHWEST HWY
W NORTHWEST HWY
LAKEFIELD PARK DR
W NORTHWEST PKWY
Bachman Lake
OVELLA AVE
BACHMAN DR
SHORECREST DR
WYLIE DR
REEVES ST
WEISS ST
OVE FIELD DR
1:7,200
VICINITY MAP
Case no: Z178-172
Date: 2/7/2018


MF-2(A)
PD 828
LI
CR
Utilities
Auto-related
Charter School
Auto-related
Retail
SUP 1997
SUP 2047
PD 37 (Tract 2)
PD 37
PD 37 (Tract 2C)
PD 37 (Tract 2B)
PD 37 (Tract 2A)
R-7.5(A)
SUP 14
IR
WEBB CHAPEL EXT
WEBB CHAPEL RD
EL CENTRO DR
SUMTER DR
CRIDELLE PL
HARGROVE DR
ORADELL LN
LAKEFIELD BLVD
W NORTHWEST HWY
SHEILA LN
LAKEFIELD PARK DR
W NORTHWEST PKWY
1:3,600
ZONING AND LAND USE
Case no: Z178-172
Date: 2/7/2018


MF-2(A)
PD 828
LI
CR
R-7.5(A)
SUMTER DR
WEBB CHAPEL EXT
CRIDELLE PL
WEBB CHAPEL RD
EL CENTRO DR
HARGROVE DR
ORADELL LN
1
SUP 1997
SUP 2047
PD 37 (Tract 2)
PD 37
PD 37 (Tract 2C)
PD 37 (Tract 2B)
PD 37 (Tract 2A)
LAKEFIELD BLVD
W NORTHWEST HWY
SHEILA LN
LAKEFIELD PARK DR
W NORTHWEST PKWY
SUP 14
IR
1:3,600
ZONING HISTORY
Case no: Z178-172
Date: 2/7/2018


CPC Responses
WEBB CHAPEL RD
EL CENTRO DR
SUMTER DR
WEBB CHAPEL EXT
CRIDELLE PL
HARGROVE DR
ORADELL LN
LAKEFIELD BLVD
NORTHWEST HWY
SHEILA LN
LAKEFIELD PARK DR
TIMBERLINE DR
NORTHWEST PKWY
SHORECREST DR
21 Property Owners Notified (26 parcels)
2 Replies in Favor (4 parcels)
0 Replies in Opposition (0 parcels)
400' Area of Notification
3/22/2018 Date
Z178-172
CPC
N
W
E
S
1:3,600

03/21/2018

Reply List of Property Owners

Z178-172

21 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	9400	HARGROVE DR	INTERSTATE HOLDINGS INC
O	2	3420	SHEILA LN	INTERSTATE HOLDINGS INC
	3	3140	ORADELL LN	MENDOZA EDI &
	4	3411	SHEILA LN	RAIS HOMAYOUN
	5	3399	SHEILA LN	SECURITY PORTFOLIO V LP
	6	3315	SHEILA LN	EL SOL DEL LAGO LLC
	7	9450	HARGROVE DR	SS HARGROVE DRIVE LLC
	8	3515	W NORTHWEST HWY	CAPVIEW INCOME & VALUE FUND IV LP
	9	3537	W NORTHWEST HWY	WALTON ANDY
	10	3529	W NORTHWEST HWY	NDC AMHERST PARTNERS LP
	11	3421	W NORTHWEST HWY	GAAL FAMILY TRUST THE
	12	3505	W NORTHWEST HWY	JETT EXPRESS CAR WASH II LLC
	13	3350	SHEILA LN	EDDINS ENTERPRISES INC
	14	3363	W NORTHWEST HWY	BV NWH LP
	15	3353	W NORTHWEST HWY	CRISTO REY MINISTRIES
	16	3214	ORADELL LN	GODO PROPERTIES LLC
	17	3250	ORADELL LN	LOWEID INVESTMENTS LLC
	18	9411	HARGROVE DR	UPLIFT EDUCATION
	19	3407	W NORTHWEST HWY	GOSCHA G E &
	20	3300	SHEILA LN	PRS GROSS I LP
	21	3335	W NORTHWEST HWY	SECURITY PORTFOLIO V LP

AGENDA ITEM # 83

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 42 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike
Recommendation of Staff and CPC: Approval of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98
Z178-205(CY)
Note: This item was deferred by the City Council before opening the public hearing on June 13, 2018, and is scheduled for consideration on June 27, 2018

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-205(CY) **DATE FILED:** March 8, 2018

LOCATION: East line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike

COUNCIL DISTRICT: 6 **MAPSCO:** 42 V

SIZE OF REQUEST: Approx. 4.45 acres **CENSUS TRACT:** 105.00

APPLICANT/OWNER: KESSLER HOSPITALITY, LLC

REPRESENTATIVE: Amar Patel

REQUEST: An application to amend Specific Use Permit No. 1728 for an extended stay hotel or motel use and to terminate a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District.

SUMMARY: The applicant proposes to 1) reduce the size of the area of request; 2) relocate the extended stay hotel or motel use, as originally approved; and, 3) increase the room count from a maximum of 83 rooms to a maximum of 89 rooms.

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CPC RECOMMENDATION: **Approval** of an amendment to Specific Use Permit No.1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and **approval** of the termination of a portion of Specific Use Permit No. 98.

STAFF RECOMMENDATION: **Approval** of an amendment to Specific Use Permit No.1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and **approval** of the termination of a portion of Specific Use Permit No. 98.

BACKGROUND INFORMATION:

- The approximately 4.45-acre area of request is currently undeveloped and is in an IM Industrial Manufacturing District with Specific Use Permit No. 98 for quarrying and mining operations and Specific Use Permit No.1728 for an extended stay hotel or motel use.

- The owner proposes to develop the subject site with a four-story building for an extended stay hotel or motel use. This use requires a Specific Use Permit in the IM Industrial Manufacturing District.

- On June 2, 1958, the City Council approved Specific Use Permit No. 98 for quarrying and mining operations.

- On September 24, 2008, the City Council approved Specific Use Permit No. 1728 for an extended stay hotel or motel on property described as Lot 1 in City Block F/7202 and allowing a maximum number of guest rooms of eighty-three.

- The property was re-platted to create Lot 1A and Lot 1B out of Lot 1 within City Block F/7202 under subdivision case file S156-213. The final plat was recorded in the Dallas County Records on February 8, 2018.

- The owner proposes to 1) amend Specific Use Permit No. 1728 by reducing the area of request to include only Lot 1B; 2) increase the room count from a maximum of eighty-three to a maximum of eighty-nine; and, 3) terminate a portion of Specific Use Permit No. 98.

Zoning History: There have been no recent zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
North Cockrell Hill Road	Principal Arterial	80’	80’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and recommends that at the time of permitting, a left turn lane and visibility analysis will be required as part of their engineering plans.

Land Use:

	Zoning	Land Use
Site	IM with SUP No.1728 and SUP No.98	Undeveloped Land
North	IM with SUP No.98	Hotel
East	IM with SUP No. 98	Office/Showroom/Warehouse and Industrial Inside
South	CS and RR	Undeveloped Land and Hotel
West	IM with SUP No.98	Warehouse

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use Plan

The request area is also part of the *West Dallas Comprehensive Land Use Plan* that seeks to promote growth in West Dallas by stimulating economic development.

Land Use Compatibility:

The approximate 4.45-acre site is undeveloped and zoned an IM Industrial Manufacturing District with Specific Use Permit No.98 for quarrying and mining use and Specific Use Permit No.1728 for extended stay hotel or motel use. The owner of the property plans to construct a four-story, 55,608-square-foot building for an extended stay hotel. The extended stay hotel and motel use is allowed by specific use permit only in the IM zoning district.

Located to the north of the site is a hotel use followed by undeveloped land further north. To the northeast, east, and southeast there are warehouse and industrial inside uses. Immediately adjacent to the south there is a hotel use and an undeveloped property, followed by restaurant and retail uses further south along North Cockrell Hill Road. To the southwest, more restaurant uses and undeveloped land and to the northwest across North Cockrell Hill Road, there is a warehouse use.

The Dallas Development Code, as amended, defines the extended stay hotel or motel use as a lodging facility containing six or more guest rooms in which: 1) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for purposes of this definition; and 2) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

The Dallas Development Code, as amended defines the hotel or motel use as a facility containing six or more guest rooms that are rented to occupants on a daily basis.

On September 24, 2008 the City Council approved Specific Use Permit No. 1728 for an extended stay hotel or motel for a ten-year period with eligibility for automatic renewals for additional ten-year periods on property described as Lot 1 in City Block F/7202 and containing approximately 7.8 acres. Since then, the property was re-platted into Lots 1A and 1B. Lot 1A was developed with a hotel or motel use which does not require a specific use permit in the IM Industrial Manufacturing District.

Before the time period required to apply for the automatic renewal of the specific use permit was due, the owner submitted this application seeking to amend the SUP by reducing the area of request to include only Lot 1B, relocating the proposed extended stay hotel or motel use to Lot 1B and increasing the number of guest rooms from 83 to 89.

On June 2, 1958 the City Council approved Specific Use Permit No 98 for quarrying and mining, the owner is also requesting the termination of a portion of Specific Use Permit No 98.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character

of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The surrounding areas are developed with a variety of uses that provide services to the neighboring industrial areas and to the residential areas located further west. The proposed SUP amendment is not foreseen to cause negative impacts upon the surrounding properties. The applicant's request is also consistent with the general provisions for an SUP. Staff supports the request and recommends approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods.

Parking:

The off-street parking requirements for an extended stay hotel or motel is one space for each unit for units one to 250, the proposed extended stay hotel or motel use will have a maximum of 89 units (guest rooms) requiring a total of 89 off-street parking spaces. As depicted on the site plan, 91 spaces are provided.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

PRIOR CPC ACTION – MAY 3, 2018

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions and **approval** of the termination of a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike.

Maker: Shidid
Second: Murphy
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Tarpley

Against: 0
Absent: 2 - Schultz, Ridley
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Amar Patel, 2074 Azalea Trail, Irving, TX, 75063
Against: None

List of Officers

KESSLER HOSPITALITY, LLC.

- Amar Patel
- Aashish Desai
- Viral V. Patel
- Chetan Patel
- Dipak R. Patel
- Bhavesh R. Patel
- Manoj V. Patel
- Vikas Patel

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an extended stay hotel or motel

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on [~~September 24, 2018~~] (ten years) _____, but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

5. INGRES/EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

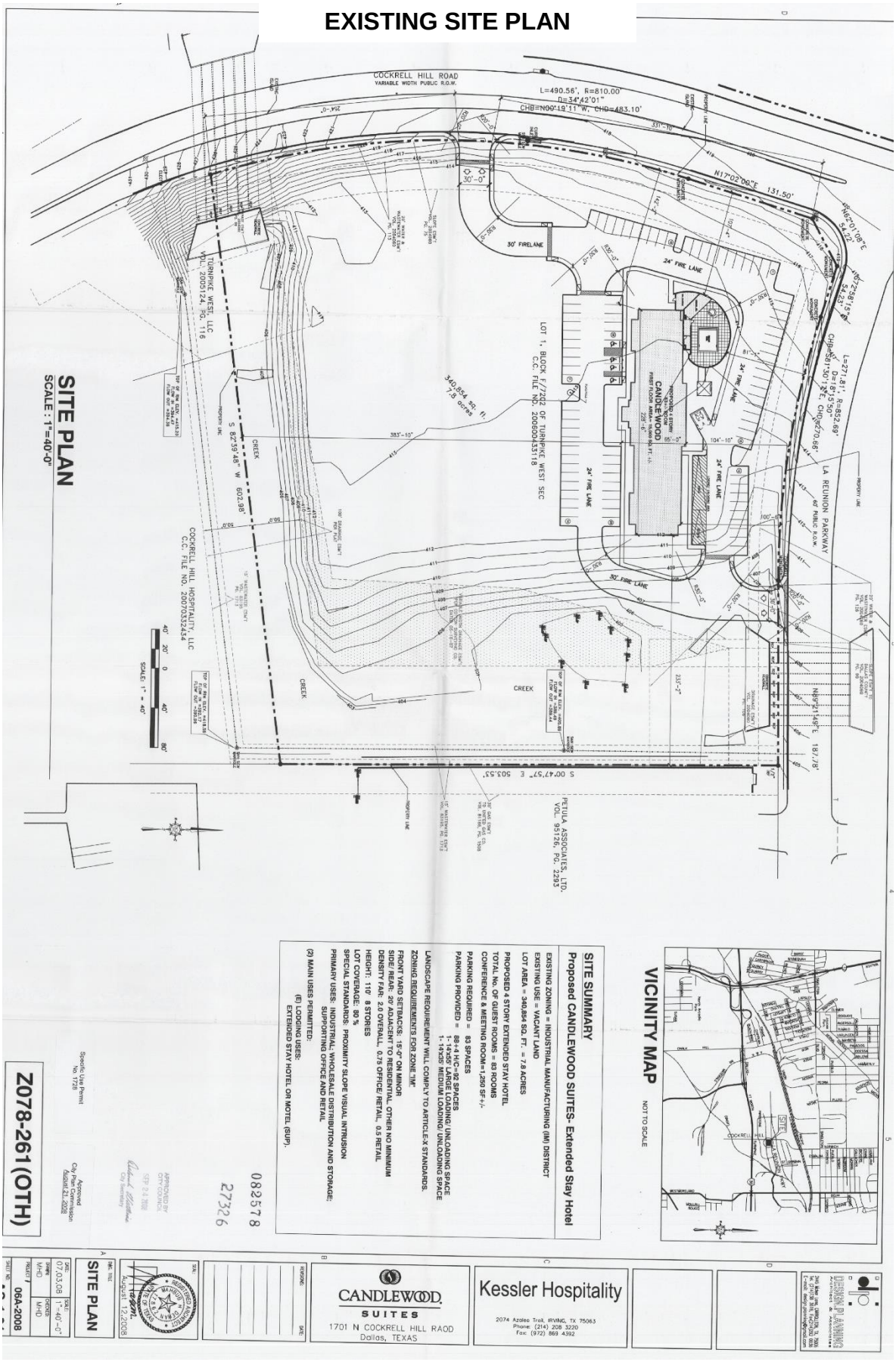
6. PARKING: Off-street parking and loading must be provided in the locations shown on the attached site plan.

7. ROOMS: Maximum number of guest rooms is 89 [~~83~~].

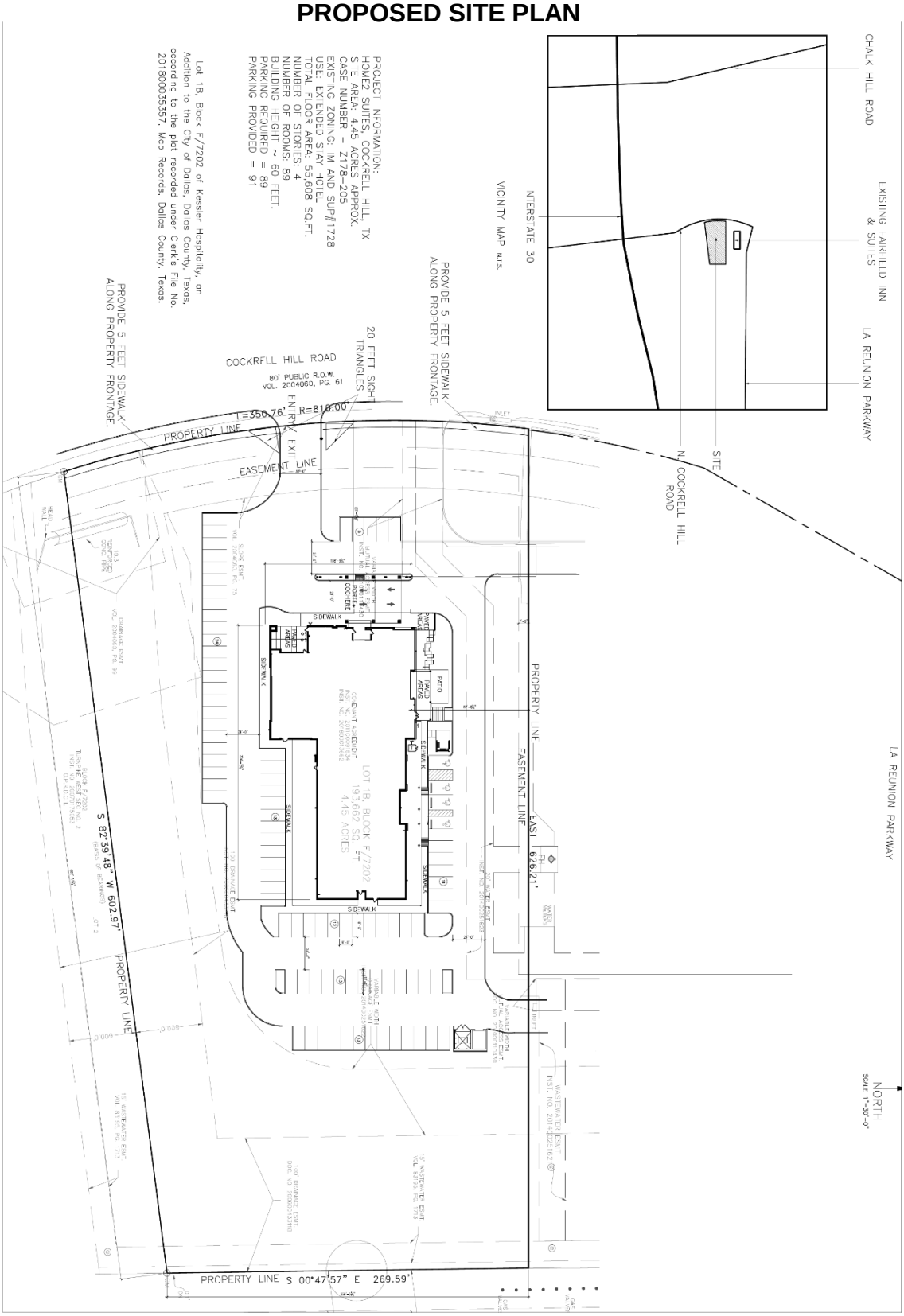
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

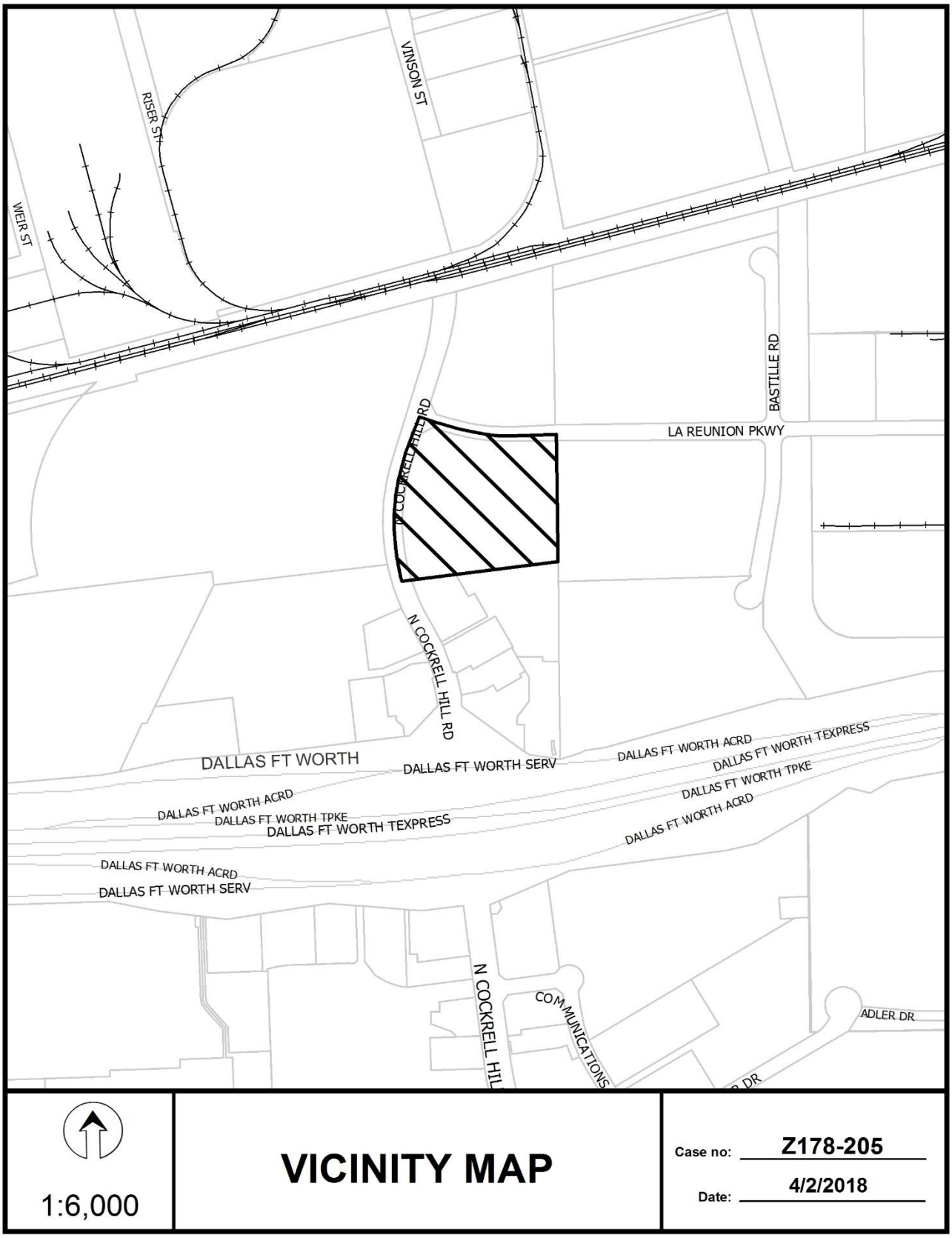
EXISTING SITE PLAN



PROPOSED SITE PLAN



A0.01	SHEET TITLE: SITE PLAN SCALE: 1" = 30'-0" DATE: 04-05-2018	HOME2 SUITES COCKRELL HILL, TX PREPARED FOR: COUNTRYWIDE HOSPITALITY	PAREKH ARCHITECTS PLLC 18218 E MORGANS BEND DRIVE, CYPRESS, TX 77433 PH. (832) 878 1262 | E. Mail: sid@parekharch.com	REVISION: PROJECT NO.: PAREKH ARCHITECTS NOT FOR REGULATORY APPROVAL PERMITTING OR CONSTRUCTION



1:6,000

VICINITY MAP

Case no: Z178-205

Date: 4/2/2018

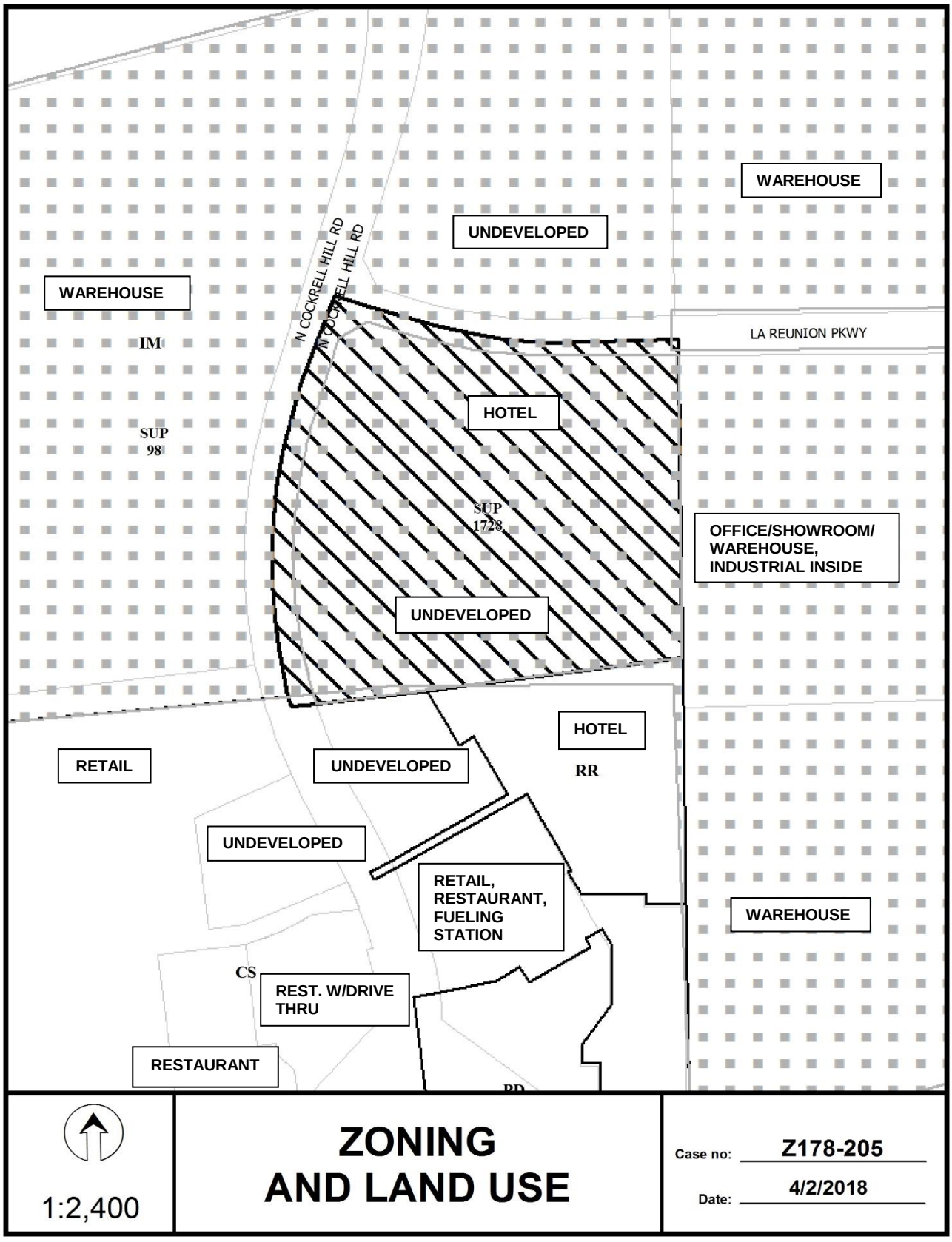


1:2,400

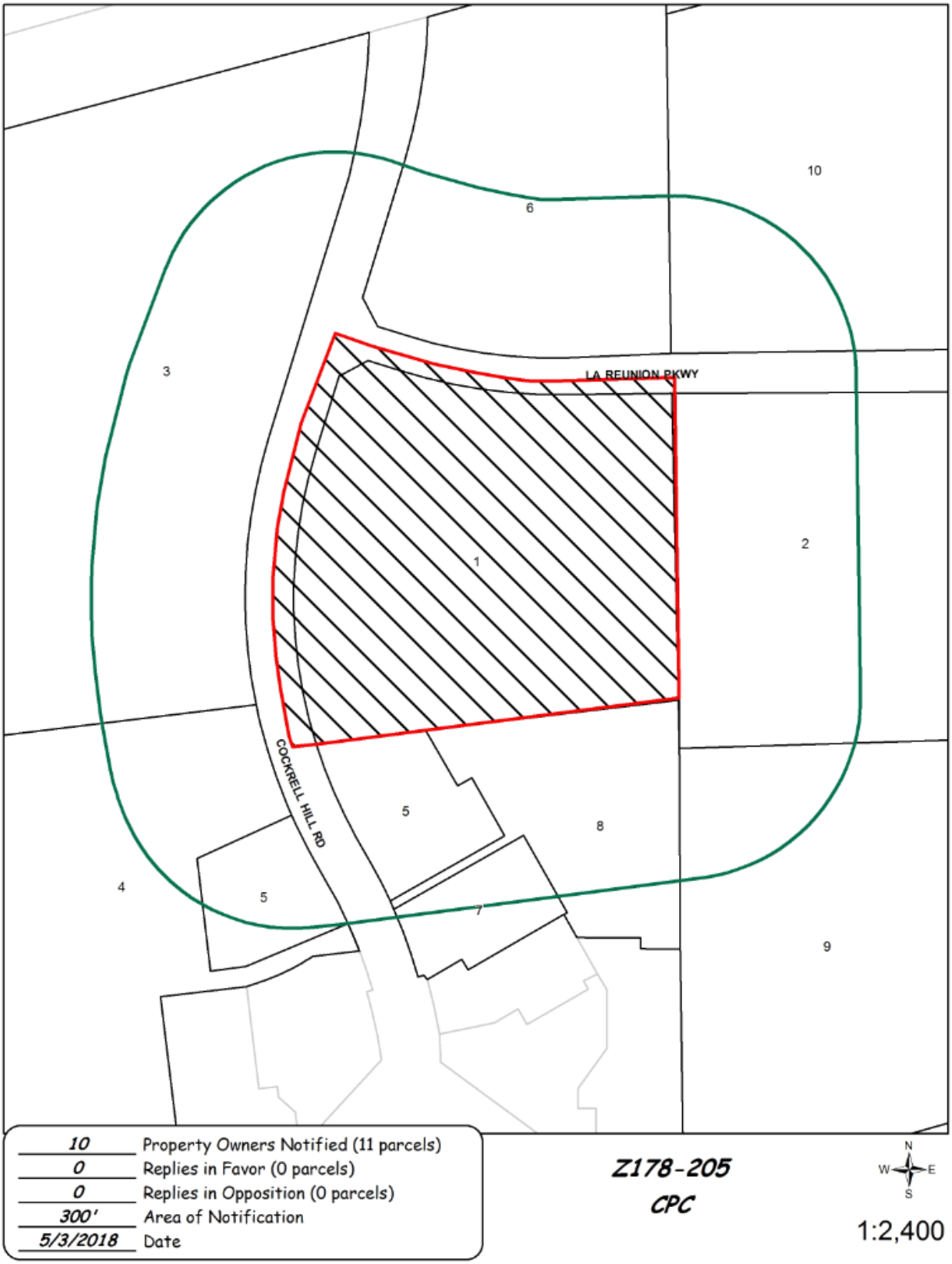
AERIAL MAP

Case no: Z178-205

Date: 4/2/2018


WAREHOUSE
UNDEVELOPED
N COCKRELL HILL RD
WAREHOUSE
IM
LA REUNION PKWY
HOTEL
SUP
98
SUP
1728
OFFICE/SHOWROOM/
WAREHOUSE,
INDUSTRIAL INSIDE
UNDEVELOPED
HOTEL
RETAIL
UNDEVELOPED
RR
UNDEVELOPED
RETAIL,
RESTAURANT,
FUELING
STATION
WAREHOUSE
CS
REST. W/DRIVE
THRU
RESTAURANT
PD
1:2,400
ZONING
AND LAND USE
Case no: Z178-205
Date: 4/2/2018

CPC RESPONSES



05/01/2018

Reply List of Property Owners

Z178-205

10 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2100	COCKRELL HILL RD	KESSLER HOSPITALITY LLC
	2	4010	LA REUNION PKWY	PRIM TURNPIKE PORTFOLIO
	3	2225	N COCKRELL HILL RD	UNITED STATES COLD
	4	4351	IH 30	GAVI TURNPIKE WEST LLC
	5	1717	COCKRELL HILL RD	TURNPIKE WEST LLC
	6	1801	COCKRELL HILL RD	PRIM TURNPIKE WEST LLC
	7	1714	COCKRELL HILL RD	SONIC LL COCKRELL HILL LP
	8	1718	COCKRELL HILL RD	COCKRELL HILL HOSPITALITY
	9	3950	BASTILLE RD	PETULA ASSOCIATES LTD
	10	4051	LA REUNION PKWY	PETULA ASSOCIATES LTD

AGENDA ITEM # 84

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article X the Landscape and Tree Preservation regulations and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 145-002

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 145-002 **DATE INITIATED:** February 5, 2015

TOPIC: Article X - Landscape and Tree Preservation Regulations

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amending Chapter 51A of the Dallas Development Code, Article X the Landscape and Tree Preservation regulations.

SUMMARY: The integration of all the elements in this one comprehensive ordinance will provide for fewer development obstacles, more adaptability and sustainability, and policies grounded in a firmer foundation based on arboricultural and forestry sciences, while outlining a path in which to take strides toward the sustainable progress of establishing urban forest canopy goals for the City of Dallas for the generations to come.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND

- On March 1, 1986, the LANDSCAPE zoning ordinance originated under Chapter 51.

- On April 25, 1990, the City Council passed a resolution “to support the protection and preservation of trees across the city.”

- On May 25, 1994, Article X was amended in Chapter 51A and included a new TREE PRESERVATION section.

- In 2003, amendments to Article X were made to:
    - Definitions
    - Shared Access Development regulations
    - Enforcement methods
    - Tree mitigation procedures
    - Construction site tree protection

- In 2005, the Urban Forest Advisory Committee (UFAC) was formed by the City Council. Its purpose is to serve in an advisory capacity on matters of environmental stewardship, specifically concerning the care and planting of trees and the urban forest by advocating sound arboricultural and urban forest management practices.

- In September 2007, UFAC began to address revising the tree division of Article X.

- In 2009, UFAC collaborated with the Green Building Task Force to include development community input, concluding in 2010 with conceptual changes, agreed upon by development advocates and UFAC, which established a sustainability matrix to reward developers for best practices.

- In 2010 and 2011, UFAC presented recommendations to the City Council Quality of Life Committee.

- On February 5, 2015, the Zoning Ordinance Advisory Committee (ZOAC) began the process of amending Article X, meeting 40 times over the next two years. Each of those meetings focused on education, public input, discussion, and evaluation of options and proposals.

- On February 16, 2017, the ZOAC recommended the proposed amendments to City Plan Commission (CPC) along with the recommendation that a Neighborhood Forest Overlay (NFO) tool be created in the future.

- On April 27, June 1, and June 22, 2017, CPC was briefed on each section of Article X and special workshops were requested to look at each section in depth.

- Three CPC Workshops were held between July 13, 2017, and October 26, 2017. At each of these workshops CPC was briefed in detail on the proposed amendments followed by extensive discussion, and questions and answers with staff.

- On November 16, 2017, CPC was again briefed, reviewing all questions and answers staff had received during and after the final workshop.

- On December 14, 2017, CPC recommended approval of the ZOAC proposed amendments and recommendation to develop an NFO in the future, and added 24" diameter or greater bois d'arc trees to the list of Significant trees.

- On February 26, 2018, the Quality of Life, Arts and Culture Committee was briefed and recommended the CPC proposal, adding that deviations from the Urban Forest Conservation division in a Planned Development District require a three-quarters vote of the City Council, be briefed to full Council.

- On May 16, 2018, the City Council was briefed on the proposed amendments to Article X and recommended it go to a Council public hearing for action.

GENERAL INFO/STAFF ANALYSIS:

The purpose established in this ordinance was affirmed and advanced through the environmental policies and vision represented in the Environment Element of *forward*Dallas. It is here the essential primary functions of trees in the urban forest, as the protector of our air, water, soil, wildlife habitat, and livable neighborhoods, were reinforced with the direction to develop regulatory tools to preserve the tree canopy.

- *forward*Dallas! Comprehensive Plan
  - Core Value: Healthy Environment
  - Ideal: The city's natural resources are conserved and protected for current and future generations.
  - Goals:
    - 6.1 Protect Dallas water quality and watersheds
    - 6.2 Preserve and increase tree canopy
    - 6.3 Improve energy efficiency and air quality
    - 6.4 Identify, protect and restore open space
    - 6.5 Provide access to parks, open spaces and recreational opportunities

City policies and ordinances over the past 10 years have been directed towards sustainable development.

- 'Water-wise' Landscaping-Water Conservation Strategic Plan by Dallas Water Utilities
- Green Building ordinance
- Irrigation ordinance
- iSWM criteria manual for construction

- Complete Streets

- Local Studies
  - HARC Heat Island Study – 2009
  - Urban Heat Island Factoring Public Health - shows the effect of heat island abatement to public health factors
  - Texas Trees Foundation 'State of the Urban Forest' comprehensive study in 2014.
    - 14.7 million trees valued at $9 billion.
    - The city's average tree canopy (including the Great Trinity Forest) is 28.7%.
  - Review of UFAC's recommendations and proposed amendments

- New research and technology
  - Advances in scientific research in the relationship of trees to the public health and quality of life.
  - Research in healthy tree growth requirements and their soil volume demands
  - Technology advances to allow for tree root growth in high density pedestrian environments
    - structural soils
    - suspended pavement systems

Viable solutions were sought for various regulations which are typically resolved through the Board of Adjustment; from physical landscape conflicts with trees and utilities, to the limited time required to complete tree mitigation on projects, or even the inability to comply with a single design standard.

Since February of 2015, ZOAC members, City staff, and independent supporters comprised of professional designers, citizens, development industry representatives, and urban forest advocacy groups, have worked together to help find these suitable solutions. Numerous municipal standards and other various concepts from across the country were reviewed and analyzed, to form reasonable regulations to function within the integration of the three amended ordinance divisions: General, Landscape, and Urban Forest Conservation.

These amendments were introduced to provide:

- a supplemental landscape and tree guide to convey urban forest education for developer and homeowner tree management, and to clarify and improve the efficacy of the zoning regulation and its enforcement;
- updated tree establishment and preservation regulations to ensure the use of current professional and scientific standards and best practices for healthy tree growth and maintenance to pursue the established goal of tree longevity;
- greater landscape adaptability, with more practicable and flexible landscape mandatory requirements and landscape design options which are balanced to the size and scale of the development;

- additional and reasonable means of tree replacement, including methods to significantly credit the owner to physically offset their mitigation obligation on their property into a positive return for sustainable development and urban forest conservation which serves both the property and the community.

The proposed Article X landscape and urban forest conservation amendments attempt to introduce improved regulations to provide balance with amended and clarified regulations. The comprehensive ordinance is intended to promote a more adaptive and practicable ordinance for the community, developers, and administrative officials, by providing clear, uniform, and logical standards applied to:

- Determine standard tree planting distances and space requirements to minimize utility conflicts.
- Apply realistic and sustainable tree soil area and soil volume requirements to minimum reasonable standards for establishing large trees toward maturity where applicable. Apply the right tree, in the right place, and in the right environment.
- Enhance parking lot requirements, by lot size, with options for expanding tree canopy coverage.
- Amend mandatory requirements, and increase the number of available design standard options, to allow greater flexibility of application in site design, and to be scaled to the size and use of the property.
- Introduce a landscape and tree manual, with an approved tree list, which is amendable and will provide education and guidance in best practices for planning, establishing, and maintaining trees for both homeowners and developers, and to help sustain the community urban forest.
- Provide options for the replacement of trees, increased to provide more opportunities for developers to place tree mitigation as investments into their developments by using the tree canopy coverage as a goal, and that encourages development away from more sensitive and wooded land areas.
- Establish ‘legacy’ landscape trees to be planted within enhanced soil environments which provide credits toward mitigating for large scale tree removal, wherein the owner and the city attest by action, to the risk, landscape area, and maintenance demands, on the owner of the legacy tree.
- Maintain the relief for homeowners who manage their established trees in their communities at a cost, and with the privilege, while providing limited incentives and mitigation relief for home builders who administer their building sites under permits and improved tree protection efforts.

PROPOSED KEY AMENDMENTS

Article X is comprised of three Divisions:

- 10.100 In General
- 10.120 Landscaping
- 10.130 Urban Forest Conservation ~~Tree preservation, Removal, and Replacement~~

10.100 General

- This division supports the concepts and regulations put forward in the other two divisions.

- References the Landscape and Urban Forest Manual which is under development and will be a support document to Article X; providing direction, technical information, and educational tools for site design and implementation.

- Improved soil and planting area requirements and tree location requirements for the establishment, maintenance and successful growth of shade trees to reach their potential at maturity.

- Improved irrigation requirements

10.120 Landscaping

- Landscape requirements based on zones of the site, allowing for flexibility and adaptability in site design, to accommodate different property sizes and scale of development.
  - Street buffer zone
  - Residential buffer zone
  - Interior zone

- Planting requirements to provide tree canopy coverage in parking lots.

- Developed design options implementing a simple point system which provides greater flexibility and options to meet the master design for a development.

10.130 Urban Forest Conservation ~~Tree Preservation, Removal, and Replacement.~~

- Amending the title to “Urban Forest Conservation” because this division addresses the urban forest as a whole rather than focusing exclusively on individual trees. It is a conservation ordinance, promoting and incentivizing the sustainable use and management of natural resources, like trees, to prevent exploitation, destruction, or neglect and ensuring that they are not consumed faster than they are replaced.

- Balancing the desire for new development with the need to conserve and regenerate the urban forest.

- Developed the Forest Stand Delineation (FSD) as a comprehensive tree survey to determine tree canopy coverage as an option to current standard tree survey and may be used when determining credit for trees that are being preserved on the site. Use of the FSD can reduce or remove mitigation requirements on “old field sites”.

- Issuance of a Demolition Permit establishes termination of single family use in determining when the single family exemption is applicable.

- Modified the Protected and Unprotected Tree list based on the importance of the tree to the health and vitality of the Dallas Urban Forest and the classification of Protected Trees.
  - Historic Trees: 3:1 (300%) (volunteered by deed restrictions)
  - Significant: 1.5:1 (150%) (rated for significant size or species that cannot be readily replaced)
    - Post Oaks 12" or greater; American elm, bois d'arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash at 24" or greater
  - Class 1 trees 1:1 (100%) (rated for location in sensitive land area)
    - Tree located in a primary natural area or geologically similar area to 50' above the escarpment zone
  - Class 2 trees 0.7:1 (70%) (rated for the benefits provided in the urban environment)
    - Tree that is not otherwise classified
  - Class 3 trees 0.4:1 (40%) (rated for general condition and growth habits)
    - Arizona ash, black willow, cottonwood, hackberry, honey locust, mesquite, mimosa, mulberry, ornamentals, pinus spp., Siberian elm, silver maple, sugarberry or a small tree

- Tree replacement and mitigation options are based on incentives, reductions, and credits to take into consideration future tree growth.

- Additional options for attaining tree credits towards mitigation in addition to the four current options (donate to a city park, plant on other property within 5 miles, conservation easement, payment into Reforestation Fund), providing flexibility and incentivizing sustainable development practices and reinvestment on site:
  - Legacy Tree planting: each tree planted per enhanced soil and area specifications will receive 12" of credit.
  - Habitat Preservation and Restoration: 1,200 sq. ft. of protected habitat area can receive a 12" of credit.
  - Sustainable Development Incentive process: mitigation may be reduced and credit received for sustainable site design and landscaping, and canopy preservation.
  - Single family tree canopy cover retention: credit for tree retention and planting with a canopy cover goal of 40% for the property.
  - Unrestricted zone exemption for single family and duplex properties exempts certain areas not in required setbacks.
  - Tree canopy cover assessments for recreational and institutional uses on large sites
  - Transplanted tree credit: can receive up to 5" of credit for each inch of a transplanted protected tree, depending on size of tree.
  - Old-field canopy cover assessment credit

  - Development Impact Area Waiver: mitigation may be waived for trees (except for significant trees) located in a development impact area when the project is design in accordance with sustainable landscape design.
  - Park land dedication: credit received for each protected tree in park land dedication area.

- Reforestation Fund has been expanded to:
  - Create an urban forest master plan and update it periodically
  - Fund a staff position to manage and direct the fund for planting and for urban forest education

  Additionally, there have been several proposals on possible use of the Reforestation Fund that were not part of the City Plan Commission recommendation. These include allowing the fund to be used for planting trees on private property, not required for mitigation or required landscaping, when allowed by a city council adopted program. Examples of this would be a program that would allow single family homeowners to obtain trees to be planted in front yards or more broadly a program to allow trees to be planted on private property adjacent to streets as part of a rehabilitation program for aging retail centers. The city adopted program could require that the trees be maintained and preserved by the property owner as a condition of participating in the program. It may also be possible, subject to council approval, to allow funds to be used towards matching grants when it could be determined that the percentage of the City match is equal to or greater than the amount needed for planting trees and/or the acquisition of wooded property.

- Improved the timing requirements for meeting mitigation compliance to coincide with the completion of the development.

- Use of Forest Stand Delineation (FSD) to identify and enforce on illegal tree removal done without permit or physical evidence of the removed trees by use of aerial imagery and other resources.

CPC ACTION:
December 14, 2017

DCA 145-002

Motion: It was moved to recommend **approval** of amending Chapter 51A of the Dallas Development Code, Article X Landscape and Tree Preservation regulations as briefed with the following changes: 1) accept the ZOAC recommendation to include Section 51A-10.132(f) – a Development Impact Area Wavier with the changes noted by staff. Including Commissioner Anglin's math corrections. And clarifying that significant trees are not eligible for the wavier, 2) In Section 51A-10.101(55)(B) – add Bois D'Arc 24" or greater to the list of Significant Trees. And Section 51A-10-132(f)(3) Waivers. The building official shall waive tree replacement requirements for protected trees within the development impact area if all requirements in the wavier subsection are met, including full compliance with the division from initial review to final tree mitigation or landscape inspection, 3) Park land dedication. Preserved trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Subsection (f). To be eligible for tree mitigation credits, dedicated park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(2)(A), 51A-10.135(f)(2)(B), 51A-10.135(f)(3), and 51A-10.135(f)(5) and the requirements for publicity accessible private park land in Section 51A-XXX (j)(2)(B)(i), and the requirements for publicly accessible private park land in Section 51A-XXX (j)(2)(B)(i). Dedicated park land is not required to meet the 20 percent size limit in Section 51A-10.135(f)(2). Park land dedication requirements may be met on an acre by arce basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-XXX (j)(2)(B)(i) and is accepted by the director of the park and recreation department.

Maker: Shidid
Second: Murphy
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lavallaisaa, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Speakers: None

5-14-18

ARTICLE X.
LANDSCAPE AND TREE CONSERVATION [~~PRESERVATION~~] REGULATIONS.

Division 51A-10.100. In General.

SEC. 51A-10.101. DEFINITIONS.

In this article:

(1) AGE CLASS means a distinct group of trees originating from a single natural event or regeneration activity (i.e., a 10-year age class), as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7[~~2~~]) CALIPER means the thickness of a tree trunk measured in inches.[:

~~(A) for a single-stem tree, the diameter of the trunk measured 12 inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above the ground for a tree having a diameter of more than eight inches.~~

~~(B) for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter~~

~~of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground.~~]

(8[~~3~~]) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, *pinus spp.*, Siberian elm, silver maple, sugarberry, or a small tree.

(12[~~4~~]) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(13) COVERED SOIL AREA means an area of soil that is under nonpermeable pavement and is designed to accommodate tree root growth.

(14[~~5~~]) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter [~~caliper~~] inch of the tree, measured from the tree trunk or stem.

(15) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) DIAMETER means the thickness of a tree trunk.

(17) DRIP LINE means a vertical line that runs from the outermost point of the crown of a tree to the ground.

(18[~~6~~]) ENHANCED PAVEMENT means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use approved by the director. Examples of enhanced pavement include, but are not limited to, brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(19[~~7~~]) EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.

(20) FACADE PLANTING AREA means the portion of a lot abutting a storefront, office, or mixed use building facade.

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(21[~~8~~]) FLOOD PLAIN means any land area susceptible to inundation by the hundred-year frequency flood.

(22) FOREST STAND DELINEATION ("FSD") means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

(23[~~9~~]) GRADING means any digging, scooping, removing, depositing or stockpiling, of earth materials.

(24) GREEN INFRASTRUCTURE means the ecological framework of trees and vegetation used in conjunction with engineered systems for the effective and resilient processes of stormwater management, climate adaptation, urban heat abatement, biodiversity, improved air quality, clean water, and healthy soils, for sustainable social, health, and economic benefits of the urban community.

(25[~~10~~])GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(26) HABITAT PRESERVATION AND RESTORATION AREA means a designated area on a landscape plan dedicated to the restoration and preservation of an undeveloped site through active or passive management practices.

(27) HISTORIC TREE means a tree, or grove of trees, that has been recognized by resolution of the city council as having cultural or historical significance.

(28[~~11~~])HUNDRED-YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(29) INTERIOR ZONE means the area of a lot not included in a street buffer zone or a residential buffer zone.

(30) INVASIVE PLANT means a plant that has been classified as invasive to the Dallas region by Texas Parks and Wildlife or the Texas Department of Agriculture.

(31[~~12~~])LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

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(32[~~13~~])LANDSCAPE AREA means an open soil area covered by natural grass, ground cover, stone aggregate or river rock, or other plant materials for the purpose of landscaping or the growth and establishment of trees and other vegetation [~~at least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening)~~].

(33[~~14~~])LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(34[~~15~~])LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.

(35[~~16~~])LARGE TREE means a tree [~~of a~~] species that typically attains [~~normally reaches~~] a height and canopy width of at least 50 [~~30~~] feet at [~~or more upon~~] maturity, or as classified by the director.

(36) LEGACY TREE means a large or medium tree planted in a landscape area in accordance with Section 51A-10.104 and Section 51A-10.135.

(37[~~17~~])LOT means:

(A) a "lot" as defined in Section 51A-2.102; and

(B) an "artificial lot" as defined in this section.

(38[~~18~~])LOT WITH RESIDENTIAL ADJACENCY means any of the following:

(A) A building site containing a multifamily use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in a single family, duplex, townhouse, [~~or~~] CH, or RTN district or a residential planned development district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, [~~or~~] manufactured housing, or RTN district, or a residential planned development district.

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(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, [~~or~~] CH [~~zoning district~~], or RTN district, or a residential planned development district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, [~~or~~] manufactured housing, or RTN [~~zoning~~] district, or a residential planned development district .

(39) MEDIUM TREE means a tree that typically attains a canopy height of at least 30 feet and a width between 15 feet and 50 feet in width at maturity, or as otherwise classified by the director.

(40[~~19~~])NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

(41) NURSERY STOCK means a plant grown in or obtained from a nursery.

(42) OPEN SOIL AREA means an unpaved area of soil.

(43) PEDESTRIAN PATHWAY means an area intended for use by pedestrians or non-motorized vehicles that is physically or visually distinguishable from parking and driving surfaces by concrete curbs, wheel stops, or other permanent barriers, landscape barriers, or a change in surface materials such as pavers, patterned concrete, or flagstones.

(44[~~20~~])PERMEABLE PAVEMENT means director approved paving systems, pavers, or other structural surfaces that allow stormwater infiltration [~~a paving material that permits water penetration to a soil depth of 18 inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area~~].

(45) PREVIOUSLY DEVELOPED SITE means a building site that has been substantially altered through paving, construction, or other activity that requires or required permitting or licensing through a regulatory agency.

(46) PRIMARY NATURAL AREA means an ecologically sensitive area including 100-year flood plain and riparian areas, wetlands or 50-foot wetland buffer, perennial and intermittent streams measured to 50 feet above top of bank, and the escarpment zone.

(47[~~21~~])PRIVATE PROPERTY means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(48[~~22~~])PROTECTED TREE means:

(A) a tree of any species that has a minimum diameter of eight inches that is not classified as unprotected in this article;

(B) any tree in a stand which projects a tree canopy over a building site when identified within a forest stand delineation review; or

[~~that has a caliper of eight inches or more and is not one of the following trees:~~

~~(i) *Acer saccharinum* (Silver Maple).~~

~~(ii) *Ailanthus altissima* (Tree of Heaven).~~

~~(iii) *Albizzia julibrissen* (Mimosa or Silktree).~~

~~(iv) *Celtis occidentalis/ laevigata* (Hackberry or Sugarberry).~~

~~(v) *Fraxinus velutina* (Arizona Ash).~~

~~(vi) *Juniperus virginiana* (Eastern Red Cedar) [unless protected under subparagraph (B)].~~

~~(vii) *Maclura pomifera* [female only] (Bois d'Arc or Horseapple).~~

~~(viii) *Melia azedarach* (Chinaberry).~~

~~(ix) *Prosopis glandulosa* (Mesquite) [unless protected under subparagraph (B).]~~

~~(x) *Salix nigra* (Black Willow).~~

~~(xi) *Sabium sebiferum* (Chinese Tallow).~~

~~(xii) *Ulmus pumila* (Siberian Elm).~~

~~(B) an Eastern Red Cedar (*Juniperus virginia*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of eight inches or more and the trunk is located:~~

~~(i) in, or within 120 feet of the boundary of: a floodplain [as defined in Article V]; a wetland area [as defined in federal environmental regulations]; or an escarpment zone [as defined in Article V]; or~~

~~(ii) within 50 feet of a natural channel setback line [as defined in Article V].~~

~~(C) an Eastern Red Cedar (*Juniperus virginiana*) or Mesquite (*Prosopis glandulosa*) tree that has a caliper of at least 12 inches; or~~]

(C[~~D~~]) a tree that was planted as a replacement tree.

(49[~~23~~])REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(50[~~24~~])RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(51[~~25~~])REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

(52) ROOT PATH means a path constructed using aeration or drainage strips providing roots a route under pavement from a tree to an adjacent landscape area.

(53[~~26~~])SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(54) SECONDARY NATURAL AREA means undisturbed areas on a building site other than primary natural areas.

(55) SIGNIFICANT TREE means a protected healthy tree whose age, size, unique type, or natural or historical character are of special importance to the city, and meets the following species and size requirements:

(A) Post oaks with a minimum diameter of 12 inches.

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(B) Trees of the following species having a minimum 24-inch diameter: American elm, bois d'arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash.

(56[~~27~~])SMALL TREE means a tree that typically attains a maximum height of 30 feet at maturity or is classified as a small tree by the director [~~of a species that normally reaches a height of less than 30 feet upon maturity~~].

(57[~~28~~])SOIL means a medium that plants will grow in.

(58) STAND means a group of trees or other growth occupying a specific area that is sufficiently similar in species composition, size, age, arrangement, and condition, to be distinguishable from adjacent forest.

(59) SUSTAINABLE DEVELOPMENT INCENTIVE ("SDI") means a method of compliance that applies sustainable development, tree preservation practices, and tree mitigation reductions.

(60) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity.

(61) TREE CANOPY COVER means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(62) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree will be or has been removed or seriously injured.

(63[~~29~~])TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

[~~(30) UNDERSTORY means a grouping of natural low-level woody, herbaceous plant species, or plants that normally reach a height of less than three feet upon maturity.~~]

(64) UNPROTECTED TREE means the following:

(A) Callery pear (all cultivars).

(B) Chinaberry.

(C) Chinese tallow.

(D) Ilex species (except for yaupon holly and Possumhaw holly.)

(E) Palm (all plants in *Palmae*).

(F) Tree-of-heaven or *Ailanthus*.

(G) Other trees listed as invasive plants.

(H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETSCAPE means the pedestrian-oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

[~~(31) VISIBILITY TRIANGLE means the term "visibility triangle" as defined in Section 51A-4.602.~~]

(67[~~32~~])WATER COURSE means a natural or constructed channel for the flow of water.

SEC. 51A-10.102. PURPOSE.

The process of urban growth and development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the conservation [~~preservation~~] and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety, and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:

(1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation and filtration, while at the same time aiding in noise, glare, wind, and heat abatement.

(2) To provide visual buffering between land uses of differing character to alleviate the harshness of urban life.

(3) To enhance the beautification of the city.

(4) To safeguard and enhance property values and to protect public and private investment.

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(5) To conserve energy.

(6) To provide habitat for wildlife.

(7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.

(8) To conserve water.

(9) To recognize and conserve the urban forest as part of the city's green infrastructure.

SEC. 51A-10.103. ACCEPTABLE PLANT MATERIALS.

(a) [~~No~~] A[~~a~~]rtificial plant materials, including synthetic turf, may not be used to satisfy the requirements of this article.

(b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.

(c) For a lot or tract of land two acres in size or greater, no one species of tree may constitute more than 35 percent of the replacement trees planted on the lot or tract of land.

(d) Palm trees may not be used to satisfy the requirements of this article.

(e) Invasive plants are prohibited in required landscapes.

(f) The director shall maintain a list of acceptable plant materials for required landscapes.

SEC. 51A-10.104. SOIL AND PLANTING AREA REQUIREMENTS.

(a) In general. Planting areas dedicated to the growth of roots may include open soil areas, covered soil areas, root paths, and drainage.

(b) Soil areas. Except as provided in this section, required landscape areas must include the following:

(1) Soil resource plan. A soil resource plan is required with the submission of a landscape plan or tree protection plan. A soil resource plan is used to distinguish landscaping zones from construction zones on the building site and to determine soil protection or soil modification for vegetation, if applicable. Zones that are required to be shown include:

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(A) protected zones where existing soil and vegetation will not be disturbed;

(B) zones for soil amendment or treatment with minimal disturbance;

(C) zones where construction traffic and staging will be allowed; and

(D) zones for stockpiling topsoil and imported soil amendments.

(2) Soil resource assessment. A soil resource assessment is only required in conjunction with sustainable development incentive requirements and installation of legacy trees.

(A) A soil resource assessment must be provided before submittal of a building permit.

(B) A soil resource assessment may be included in other engineering site assessments for the property.

(C) A soil resource assessment must include information on all proposed landscape planting areas that delineates, quantifies, and characterizes the topsoils and subsoils of a site before these materials are excavated for reuse on site.

(D) The ranges for physical, chemical, and biological indicators of soil quality for urban trees is determined from the *ISA Best Management Practices for Soil Management for Urban Trees*, or in another publication approved by the building official.

(3) Additional minimum soil quality requirements. Soils used in landscape areas for tree planting must be shown on a landscape plan or a tree protection plan in protected zones where existing soil and vegetation is not disturbed, or in zones modified to correct limiting factors for tree establishment and longevity.

(c) Planting area requirements. Except as provided in this section, p[~~P~~]lanting areas [~~in general~~] must meet [~~have~~] the following requirements [~~soil depths and dimensions~~]:

(1) For each [~~large shrub or~~] small tree installation, a minimum of 24 inches of soil depth and 25 [~~16~~] square feet of open soil [~~surface~~] area (total of 50 [~~32~~] cubic feet) must be provided.

(2) For each large or medium tree installation, a minimum of 36 inches of soil depth and 160 [~~25~~] square feet of open soil [~~surface~~] area (total of 480 [~~75~~] cubic feet) must be provided.

(3) Except as provided in this section, trees may share open soil areas.

(4) Except as provided in this section, large trees and medium trees must be planted a minimum of four feet from pavement.

(5) The planting areas must have native soils, prepared soils, or structural soils, and may include permeable pavement, sidewalk support, and soil cells.

(6) Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(7) Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104(b) are met.

(d) Legacy tree soil and planting area requirements.

(1) Except as provided in this paragraph, large legacy trees must be planted in a minimum 500 square foot open soil area with a minimum average soil depth of 36 inches (1500 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(2) Except as provided in this paragraph, medium legacy trees must be planted in a minimum 400 square foot open soil area with a minimum average soil depth of 36 inches (1200 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(3) Legacy trees must be a minimum of 30 feet measured horizontally from the closest point of a building or other structure on the property or an adjacent property at the time of installation.

(4) Legacy trees may not share required minimum open soil areas with large or medium trees.

(e[~~b~~]) Alternative planting area requirements.

(1) Planting areas in an urban streetscape or located above underground buildings or structures must have the following open soil area depths and dimensions:

(A[~~1~~]) For each [~~large shrub or~~] small tree installation, a minimum of 30 inches of soil depth and 25 square feet of open soil [~~surface~~] area (total of 62.5 cubic feet).

(B[~~2~~]) For each large or medium tree installation, a minimum of 36 [~~40~~] inches of soil depth and 25 [~~36~~] square feet of open soil [~~surface~~] area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Large or medium trees planted in less than 480 cubic feet of soil volume do not count as replacement trees for purposes of Division 51A-10.1300 [~~(total of 120 cubic feet)~~].

(2) Trees may share open soil areas.

(f[e]) Waiver. The building official may waive the minimum open soil and planting area requirements if a landscape architect certifies that:

(1) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected;

(2) the depth to impermeable subsurface prohibits minimum soil depth requirements; or

(3) that the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials.

(g) Adequate space. All required trees must be planted in adequate space to allow unobstructed growth to maturity.

(h) Tree locations.

(1) In general. All required trees must be located a minimum distance of:

(A) two feet from side yard and rear yard property boundaries;

(B) 20 feet from traffic signs and light poles;

(C) 20 feet from light poles;

(D) two-and-one-half feet from pavement;

(E) five feet from electrical transmission boxes, fire hydrants, in-ground or above-ground utility access, underground local utility lines, and water meters.

(2) Small trees. Small trees must be located a minimum distance of:

(A) five feet from buildings; and

(B) 10 feet from all other trees.

(3) Medium trees. Medium trees must be located a minimum distance of:

(A) 12 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from other medium trees;

(D) 20 feet from large trees; and

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(E) 15 feet from the closest point of an overhead electric line.

(4) Large trees. Large trees must be located a minimum distance of:

(A) 15 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from medium trees;

(D) 25 feet from other large trees; and

(E) 20 feet from the closest point of an overhead electric line.

(5) Legacy trees. Legacy trees must be located a minimum distance of 30 feet from the closest point of an overhead electric line.

(6) Measurement. For purposes of this subsection, all distances are measured horizontally from the center of the tree trunk.

SEC. 51A-10.105. MEASUREMENTS [~~**PROTECTION OF PLANTING AREAS**~~]**.**

(a) Caliper. For nursery stock trees:

(1) caliper is measured at six inches above soil level; which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, four and one-half inches);

(2) if the caliper measured at six inches is four and one-half inches or more, the caliper must be measured at 12 inches above the ground level, soil line, or root flare, as appropriate; and

(3) if a tree has multiple stems, caliper is one-half of the combined caliper of the three largest trunks.

(b) Diameter.

(1) Diameter at breast height. Diameter at breast height ["DBH"] is the measurement of a tree trunk at a height of four and one-half feet above the ground, on the uphill side of the tree, or as recommended in the Landscape and Tree Manual for special situations for tree fork, lean, or on slopes.

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(2) Multiple stems. For trees with multiple stems, the diameter of the trunk is measured at the narrowest point below branching when branching occurs below DBH, or near DBH.

(3) Branching. When branching occurs at or lower than 12 inches above the ground, diameter of the trunk includes the diameter of the largest stem plus the average diameter of the remaining stems, measured at DBH.

[~~Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.~~]

SEC. 51A-10.106. IRRIGATION REQUIREMENTS.

(a) In general.

(1) Except as provided in this section, automatic irrigation systems must be installed in conjunction with new required landscaping for commercial and multifamily uses with combined landscape areas of 500 square feet or more per building site.

(2) The automatic irrigation system must be:

(A) shown on a landscape plan or irrigation plan; and

(B) adequate to maintain the plant materials in a healthy, growing condition at all times.

(b) Renovations and additions that require landscaping. For building sites or artificial lots with an area of two acres or less, all required plant materials must be located a maximum of 100 feet from an irrigation source with a permanently installed threaded hose connection. [~~All plant materials used as screening under this article must be irrigated by an automatic irrigation system installed to comply with industry standards. Other plant materials used to comply with this article must be located within 100 feet of a verifiable water supply.~~] Proposed watering methods (irrigation or otherwise) must be:

(1[~~a~~]) shown [~~indicated~~] on the landscape plan, if any; and

(2[~~b~~]) capable of maintaining [~~adequate to maintain~~] the plant materials in a healthy, growing condition at all times.

(c) Alternate irrigation. The building official may authorize an alternate method of irrigation for required landscape areas if the alternate irrigation method is:

(1) certified by a landscape architect or licensed irrigator;

(2) shown on a stamped landscape plan or irrigation plan; and

(3) capable of maintaining the plant materials in a healthy, growing condition at all times.

SEC. 51A-10.107. RESERVED [~~**PLANTERS ALLOWED**~~].

[~~Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104 are met.~~]

SEC. 51A-10.108. GENERAL MAINTENANCE.

(a) Required plant materials must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any required plant that dies or is removed must be replaced with another living plant that complies with this article and the approved landscape plan, if any, within 90 days after notification by the city.

(b) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required plant materials in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the plant materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

SEC. 51A-10.109. LANDSCAPE AND TREE MANUAL.

A landscape and tree manual is provided by the director as a technical guide for conserving, protecting, maintaining, and establishing the green infrastructure, landscape, and urban forest of the city in conjunction with this article. The director shall maintain the landscape and tree manual.

[~~References to this section, or paragraphs or subsections of this section, now refer to Section 51A-10.135, or corresponding paragraphs or subsections of Section 51A-10.135.~~]

SEC. 51A-10.110. SPECIAL EXCEPTIONS.

(a) In general and landscaping.

(1[~~a~~]) The board may grant a special exception to the requirements of Division 51A-10.100 and Division 51A-10.120, other than fee and notice requirements, [~~this article~~] upon making a special finding from the evidence presented that:

(A[~~1~~]) strict compliance with the requirements of Division 51A-10.100 and Division 51A-10.120 [~~this article~~] will unreasonably burden the use of the property;

(B[~~2~~]) the special exception will not adversely affect neighboring property; and

(C[~~3~~]) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

(2[~~b~~]) In determining whether to grant a special exception under Paragraph [~~Subsection~~] (1[~~a~~]), the board shall consider the following factors:

(A[~~1~~]) The extent to which there is residential adjacency.

(B[~~2~~]) The topography of the site.

(C[~~3~~]) The extent to which landscaping exists for which no credit is given under this article.

(D[~~4~~]) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

(b) In general and urban forest conservation.

(1) The board may grant a special exception to the requirements of Division 51A-10.130, other than fee and notice requirements, upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under this article.

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(D) The ability to plant replacement trees safely on the property.

(E) The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement.

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Division 51A-10.120. Landscaping.

SEC. 51A-10.121. APPLICATION OF DIVISION.

(a) Except as provided in this article, t[~~T~~]his division does not apply to the following:

(1) Property governed by a landscape plan approved by the city council, [~~or~~] the city plan commission, or the board of adjustment.

(2) Property lots in the following districts:

(A) The Dallas Arts District (Planned Development District Nos. 145 and 145-H/18).

(B) The Deep Ellum/Near East Side District (Planned Development District No. 269).

(C) The Oak Lawn Special Purpose District (Planned Development District No. 193).

(D) Central area districts.

(3) Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this section, "restoration" means the act of putting back into a former or original state.

(4) Property located within or in close proximity to an airport boundary if the city's director of aviation determines that the required landscape materials will threaten public health or safety.

(b) Only Section 51A-10.125(a) of this division applies to lots containing single family or duplex uses.

(c) This division only becomes applicable to a lot or tract when the nonpermeable coverage on the lot or tract is increased by more than 2,000 square feet within a 24-month period, not including portions of pedestrian pathways, that are between three feet in width and 15 feet in width, or when an application is made for a building permit for construction work that:

(1) increases the number of stories and increases the height of [~~in~~] a building on the lot; or

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(2) increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The increase in combined floor area is determined by adding the floor area of all buildings on the lot within the 24 months prior to application for a building permit, deducting any floor area that has been demolished in that time or will be demolished as part of the building permit, and comparing this figure with the total combined floor area after construction.

(d) When this division becomes applicable to an individual lot or tract, its requirements are binding on all current and subsequent owners of the lot or tract.

(e) The city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this division as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51A-10.123 and complies with Division 51A-10.100.

SEC. 51A-10.122. ARTIFICIAL LOT DELINEATION.

(a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this division. The building official shall not create an artificial lot which would, in his or her opinion, violate the spirit of the landscape regulations. Any artificial lot created by the building official must:

(1) wholly include the area on which the construction work is to be done; [~~and~~]

(2) have an area that does not exceed 50 percent of the area of the developed or undeveloped building site;

(3) include all new exterior paving additions except portions of pedestrian pathways, that are between three feet in width and 15 feet in width;

(4) include the street buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest street frontage; and

(5) include the residential buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest residential adjacency.

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(b) In city parks over five acres. In city parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division.

(1) Except as provided in this subsection, a[~~A~~]ny artificial lot created by the director of park and recreation must wholly include the area on which the construction work is to be done.

(2) Portions of pedestrian pathways that are between three feet and 15 feet in width are excepted from this requirement.

(c) Platting not required. An artificial lot need not be platted; however, it must be delineated on plans approved by the building official prior to the issuance of a building permit.

SEC. 51A-10.123. LANDSCAPE PLAN SUBMISSION.

(a) If this division applies to a lot pursuant to Section 51A-10.121, a landscape plan must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not submitted electronically, a[~~A~~] landscape plan submission must consist of two blueline or blackline prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.

(b) Except as provided in this article, a[~~A~~]ny person may prepare the landscape plan required under this division. [~~There is no requirement that the plan be prepared by a landscape architect or by a person engaged in the landscape business.~~]

(c) A landscape plan required under this division must contain the following information:

(1) Date, scale, north point, and the names, addresses, and telephone numbers of each property owner and the person preparing the plan.

(2) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached to or made a part of the plan.

(3) Approximate centerlines of existing water courses and the location of the flood plain, the escarpment zone, and geologically similar areas, as those terms are defined in Article V, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.

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(4) Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).

(5) Project name, street address, and lot and block description.

(6[~~5~~]) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(7[~~6~~]) Locations and dimensions of required [~~proposed~~] landscape areas [~~buffer strips~~].

(8[~~7~~]) Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in diameter [~~caliper~~] must be specifically indicated to be counted as required landscape trees.

(9[~~8~~]) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.

(10[~~9~~]) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.

(11[~~10~~])Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(12[~~11~~])A description of proposed watering methods or an irrigation plan.

(13[~~12~~])Location of visibility triangles on the premises [~~lot~~] (if applicable).

(14) Existing and proposed locations of trees transplanted on-site.

SEC. 51A-10.124. LANDSCAPE PLAN REVIEW.

(a) In general. The building official shall review each landscape plan submitted to determine whether it complies with the requirements of this division. All landscape plans must comply with the mandatory provisions in Section 51A-10.125. In addition, all landscape plans must meet the minimum number of landscape design option points [~~comply with at least two "design standards" as~~] described in Section 51A-10.126. Except as provided in this article, t[~~T~~]he same landscape features and elements may be strategically placed so as to comply with more than one provision. (For example, the same [~~large~~] trees may [~~might~~] be located so as to qualify [~~be classified~~] as required street buffer zone trees and required [~~"street trees" and "~~]parking lot trees.[~~"~~])

(b) Landscape plan revisions. If requested by the applicant, the building official may approve revisions to staff-approved landscape plans and related permits if the revisions further the spirit and intent of this article. Revisions of elements required by this article are limited to:

(1) Substitution of more appropriate plant species.

(2) Revisions required by utility conflicts.

(3) Locations of plant materials up to a maximum of 10 feet.

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

(a) Single family and duplex uses.

(1) General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after May 29, 1994, must comply with this subsection before the final inspection of any building on the lot. The minimum number of trees required on a lot is determined by the lot size. [~~The lot must have at least three trees with a caliper equal to or exceeding two inches. At least two of these trees must be located in the front yard. The trees must be species listed in Section 51A-10.134.~~] The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.

(A) Lots 7,500 square feet or greater in area. A minimum of three large or medium nursery stock trees per lot with a minimum of two nursery stock trees in the front yard.

(B) Lots between 4,000 square feet and 7,499 square feet in area. A minimum of two large or medium nursery stock trees per lot with a minimum of one nursery stock tree located in the front yard.

(C) Lots 4,000 square feet or less in area. A minimum of one large or medium nursery stock tree per lot.

(D) Additional requirements:

(i) Nursery stock trees must be a species listed in the approved tree list maintained by the director.

(ii) Trees must have a minimum caliper of two inches.

(iii) Trees must be planted a minimum of 20 feet on center from the nearest point of an overhead electric line.

(iv) An existing, healthy, and protected tree on the lot or parkway may count as a required tree if it is not a boundary tree abutting adjacent private property.

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(2) Shared access development.

(A) [~~Single family districts. Shared access developments in single family districts must comply with the following requirements:~~

~~(i) Three trees with a caliper equal to or exceeding two inches are required for each individual lot in the shared access development. One of the three required trees per lot may be located on the individual lot, but at least two trees per individual lot must be located in the front yard of the shared access development, where all of the property in the shared access development is considered to be one lot ("shared trees").~~

~~(ii) If there is more than one front yard to the shared access development, where all of the property in the shared access development is considered to be one lot, the shared trees must be evenly distributed within those front yards.~~

~~(iii) The trees must be species listed in Section 51A-10.134. The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.~~

~~(B) Districts other than single family districts.~~] Shared access developments [~~in districts other than single family districts~~] must comply with the following requirements:

(i) A landscape plan meeting the requirements of Section 51A-10.104 and Section 51A-10.123 must be approved before a building permit for grading is issued or a private development contract pursuant to Section 51A-8.612 is approved, in conjunction with construction.

(ii) The minimum required landscape area for a shared access development is determined by the number of individual lots. Landscape areas in individual lots may be included in the total landscape area measurement for developments with a maximum of 36 individual lots. [~~A minimum of 20 percent of the shared access development must be designated as landscape area.~~] Permeable pavement does not count as landscape area.

(aa) Shared access developments with a maximum of 10 individual lots must provide a minimum landscape area equal to 10 percent of the total shared access development area.

(bb) Shared access developments with a minimum of 11 and a maximum 36 individual lots must provide a minimum landscape area equal to 15 percent of the total shared access development area.

(iii[~~ii~~]) One site tree must be provided for every 4,000 square feet within the shared access development. [~~Every site tree must have a planting area of at least 25 square feet.~~] The trunk of any site tree must be located at least two-and-one-half feet from any

pavement. Site trees must be species listed in the approved tree list [~~Section 51A-10.134~~]. Large or medium nursery stock trees may not be planted within 20 feet on center of the nearest point of an overhead electric line.

(iv[~~iii~~]) [~~In addition to any site trees,~~] O[~~o~~]ne plant group [~~large canopy street tree~~] must be provided for every 40 [~~25~~] feet of street frontage, [~~excluding shared access points, with a minimum of two street trees required~~]. Plant groups [~~Street trees~~] may be located within the front yard or parkway if all private licensing requirements of the city code and charter are met. In this subparagraph, parkway means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large or medium [~~canopy~~] tree would interfere with utility lines, one [~~a~~] substitute small [~~street~~] tree from a species listed in the approved tree list [~~Section 51A-10.134~~] may be provided.

(B) Plant groups for shared access developments must include the following:

(i) one large tree and two small trees;

(ii) one large tree and three large evergreen shrubs; or

(iii) one large tree, two small trees, and one large evergreen shrub.

(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:

(1) Street buffer zone. Except as provided in this subsection, the landscape area provided along the entire length of the lot adjacent to a public right-of-way, excluding paved surfaces at points of vehicular ingress and egress, must meet the following minimum requirements:

Right-of-way	**Average Depth**	**Minimum Depth**	**Maximum Depth**
Freeways	15 feet	5 feet	50 feet
Arterials and community collectors	10 feet	5 feet	30 feet
Local and residential collectors	7.5 feet	5 feet	25 feet

(A) Urban streetscape. The building official may approve a landscape plan for an urban streetscape that meets the following requirements:

(i) A minimum six foot wide planting area is required that meets the minimum soil area and volume requirements in Section 51A-10.104.

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(ii) The planting area may be designed with open soil areas or covered soil areas.

(iii) The planting area is measured from the property line unless the building official determines that the planting area may be measured from the back of curb if necessary due to physical restraints of the property, including conflicts with local utilities.

(iv) A minimum of one design option must be provided in the front yard or right-of-way area.

(B) Right-of-way. The right-of-way adjacent to the property line may be used to satisfy the required street buffer zone subject to:

(i) a minimum depth of five foot maintained along the property as a street buffer zone;

(ii) local utility location;

(iii) appropriate planting conditions; and

(iv) city licensing and permit requirements.

(C) Required planting.

(i) Except as provided in this subparagraph, one large or medium street buffer tree must be provided for every 40 linear feet of frontage.

(ii) For frontages less than 20 linear feet, a large or medium street buffer tree is not required.

(iii) Large or medium trees must have a minimum caliper of three inches.

(iv) When existing conditions prohibit planting large trees or medium trees, the building official may approve two small trees be substituted for each large tree or medium tree.

(D) Buffer zone reduction. Properties less than 10,000 square feet may reduce the street buffer zone to the greater of:

(i) a minimum depth of five feet; or

(ii) an area no less than five percent of the total lot area.

(2) Residential buffer zone.

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(A) A landscape area must be provided along that portion of the perimeter of a lot where residential adjacency exists. The residential buffer zone must have an average depth of 10 feet, a minimum depth of five feet, and a maximum depth of 30 feet. No portion of the residential buffer zone may exceed 10 percent of the lot depth excluding paved surfaces at points of vehicular and pedestrian ingress or egress.

(B) The residential buffer zone must include a minimum of one plant group every 40 feet. Plant groups must include:

(i) Where screening is required, one large or medium tree.

(ii) Where screening is not required:

(aa) one large or medium tree and three small trees;

(bb) one large or medium tree and three large evergreen shrubs;

(cc) one large or medium tree, two small trees, and one large evergreen shrub; or

(dd) one large or medium tree, one small tree, and two large evergreen shrubs.

(C) If the building official determines that the location of a local utility prohibits planting large trees or medium trees, two small trees may be planted for each large tree or medium tree.

(D) Large or medium trees must have a minimum caliper of two inches.

(3) Interior zone.

(A) Surface parking lots in industrial districts. The requirements in Section 51A-10.125(b)(3)(B)(iv) for surface parking lots with 100 spaces or more, do not apply to industrial and warehouse uses in IM or IR Districts that provide a minimum of one tree meeting the requirements for trees in the street buffer zone for each 25 feet of frontage.

(B) Surface parking lots.

(i) Required large and medium trees.

(aa) Minimum caliper is three inches.

(bb) Planting must be within a landscape area.

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(cc) The center of the trunk at grade must be planted a minimum of four feet from pavement.

(ii) Minimum landscape area. Individual landscape areas must be a minimum of 160 square feet, with a minimum width of eight feet.

(iii) Parking lots with 21 to 100 spaces. No parking space may be located more than 70 feet from the trunk of a large tree or medium tree.

(iv) Parking lots with 101 spaces or more. Except as provided in Paragraph (A):

(aa) No parking space may be located more than 70 feet from the trunk of a large or medium tree.

(bb) Except as provided in in this item, a landscape area must be located at each end of a single row of parking spaces and contain a minimum of one large or medium tree.

(I) The building official may waive this requirement in order to preserve existing trees and natural features or due to unique natural site features.

(II) Parking island landscape areas are not required adjacent to handicapped parking spaces.

(cc) Except as provided in this romanette, maximum number of parking spaces allowed between parking island landscape areas is 12. The building official may waive this requirement in order to preserve existing trees and natural features or due to the presence of unique natural site features.

(dd) No maximum number of parking spaces when a parking row:

(I) abuts a median landscape area running the length of the parking row with a minimum of one tree per 40 linear feet;

(II) abuts a residential buffer zone landscape area; or

(III) abuts a street buffer zone landscape area.

[~~Perimeter landscape buffer strip. A landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot. The buffer strip must be at least 10 feet wide, except that:~~

~~(A) any portion of the buffer strip adjacent to public street frontage need not exceed 10 percent of the lot depth; and~~

~~(B) any portion of the buffer strip in the front yard and adjacent to the side lot line need not exceed 10 percent of the lot width.~~]

(4) Additional provisions.

(A[~~2~~]) Screening of off-street loading spaces.

(i[~~A~~]) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.

(ii[~~B~~]) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.

(iii[~~C~~]) The screening required under Subparagraphs (A) and (B) must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3).

(B[~~3~~]) Site trees.

(i[~~A~~]) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, [~~with a minimum of four trees being provided,~~] except for industrial and warehouse uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof [~~, with a minimum of four trees being provided~~].

(ii[~~B~~]) Existing protected tree[~~s~~] species that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

CALIPER OF RETAINED TREE	NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE
Less than 2 inches	0
2 inches or more but less than 8 inches	1
8 inches or more but less than 14 inches	2
14 inches or more but less than 20 inches	4
20 inches or more but less than 26 inches	8
26 inches or more and less than 32 inches	10
32 inches or more but less than 38 inches	18
38 inches or more	20

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[~~(4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The trees may be located in the public right-of-way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, "projected street curb" means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of mobility and street services.~~

~~(5) Parking lot trees.~~

~~(A) No required parking space may be located more than 120 feet from the trunk of a large canopy tree. No parking space in excess of required parking may be located more than 100 feet from the trunk of a large canopy tree, and the tree must be located in a landscape area of a minimum of 120 square feet. Each tree required by this subparagraph must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot.~~

~~(B) An industrial use in an IM or IR district need not comply with Subparagraph (A) if it provides at least one tree meeting the requirements for street trees in Paragraph (4) for each 25 feet of frontage.~~]

(C[~~6~~]) Minimum sizes. Except as provided in Subsection[~~s~~] (b) [~~(a), (b)(3), and (b)(5)~~] of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:

(i[~~A~~]) Large and medium trees must have a minimum caliper of two [~~three~~] inches, or a minimum height of six feet, depending on the standard measuring technique for the species.

(ii[~~B~~]) Small trees must have a minimum height of six feet.

(iii[~~C~~]) Large evergreen shrubs must have a minimum height of two [~~three~~] feet.

For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

[~~(7) Buffer plant materials.~~

~~(A) If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.~~

~~(B) In all other cases, a landscape buffer strip provided to comply with this section or Section 51A-10.126 must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:~~

~~(i) One large canopy tree and one large non-canopy tree.~~

~~(ii) One large canopy tree and three small trees.~~

~~(iii) One large canopy tree and three large evergreen shrubs.~~

~~(iv) One large canopy tree, two small trees, and one large evergreen shrub.~~

~~(v) One large canopy tree, one small tree, and two large evergreen shrubs.~~

~~(iv) Two large non-canopy trees.~~]

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS [~~STANDARDS~~].

(a) Points required for a building site. The minimum number of landscape design option points required for a building site are:

Lot Size	**Points Required**
0 to 999 sf	0
1,000 sf to 1,999 sf	1
2,000 sf to 9,999 sf (One point for every 1000 sf)	2-9
10,000 sf to 19,999 sf	10
20,000 sf to 39,999 sf	15
40,000 sf to 2.99 acres	20
3 acres to 9.99 acres	30
10 acres to 19.99 acres	35
20 acres to 49.99 acres	40
50 acres and greater	50

(b) Design options. Points are obtained by meeting design option requirements in order to achieve the total number of points required for the property. Design options and possible points are listed in this subsection. Examples of the design options and their application are provided in the Landscape and Tree Manual.

(1) Plant material bonus. Points may be provided for plant materials added to the landscape design when the required amount of points for a standard design option is deficient by five points or less. All added plant materials must be provided in the front yard. The maximum number of points allowed per building site for the plant material bonus is five.

(A) Large or medium tree caliper increase: One point per additional caliper inch for each required tree (up to a maximum caliper of six inches.)

(B) Additional large shrub plant: 0.25 points.

(C) Additional small tree: 0.5 points.

(D) Additional large or medium tree: one point.

(2) Buffer zones enhancements. The maximum number of points allowed per building site for buffer zone enhancements is 20.

(A) Large enhanced buffer zone. Each required buffer zone depth may be increased by a minimum of five feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Five points.

(B) Small enhanced buffer zone. A required buffer zone depth may be increased by a minimum of two feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Two points.

(3) Application of engineered solutions for soil volume. Points may be obtained when using engineered solutions for soil volume when required trees are planted in impervious environments and meet the minimum requirement for soil volume for a maximum total of 10 points. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(A) Minimum required soil volume: five points.

(B) Increase in soil volume 10 percent above minimum requirement: six points.

(C) Increase in soil volume 15 percent above minimum requirement: seven points.

(D) Increase in soil volume 20 percent above minimum requirement: eight points.

(E) Increase in soil volume 25 percent above minimum requirement: nine points.

(F) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(4) Screening. An applicant may provide screening from all adjacent public streets for all surface parking lots on a building site or artificial lot that meets the following requirements.

(A) The screening may not be required screening.

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(B) The screening must extend along the entire street frontage of the parking lot, excluding:

(i) driveways and accessways at points of ingress and egress to and from the lot; and

(ii) visibility triangles.

(C) Underground parking and enclosed garage parking structures are not considered to be surface parking lots for purposes of this subsection.

(D) The screening may be designed with the following options for a maximum total of 20 points:

(i) Option 1. Standard design is provided with screening materials in accordance with Section 51A-4.602 and shrubs with a minimum height of two feet at time of installation and a single row of material. Five points for complete frontage.

(ii) Option 2. Enhanced design is provided by a landscape architect and must include a minimum of two plant species in order to provide the full screening effect. 10 points for complete frontage.

(iii) Option 3. Grouped beds may be added to Option 1 or Option 2 to complement the screening row with planting beds placed at intervals of a minimum of one per 50 feet of frontage. Five points for complete frontage.

(iv) Option 4. A minimum three-foot-tall screening wall may be provided along with the screening plant materials of Option 1 or Option 2. Five points for complete frontage.

(v) Option 5. A minimum three-foot-tall berm with groundcover may complement standard screening materials or be used to replace Option 1 or Option 2. Five points for complete frontage.

(5) Building facade. Facade planting areas on a building site or artificial lot adjacent to public streets or private driveways may be designed with the following options for a maximum total of 15 points:

(A) Option 1. Design is provided along the foundation of the structure. The planting area for the shrubs must be a minimum of three feet in depth and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk. Five points.

(B) Option 2. An enhanced design may be provided as designed by a landscape architect. The design may vary from the standard foundation row to create depth and

layering of landscaping for visual enhancement contiguous to and extending 15 feet or more from the building facade to complement and soften the foundation of the building. The planting area must be a minimum of five feet in depth. A minimum of two perennial plant species and water conservation irrigation method are required. The landscape area must extend for a minimum of 50 percent of the street-facing facade or a combination of the street-facing facade and the building facade facing a surface parking lot. 10 points.

(C) Option 3. An additional grouping of medium or small trees may be added to Option 2 to provide an improved pedestrian environment a maximum of 25 feet from the facade of the structure. A minimum of one tree per 50 feet of front or side yard building facade is required. Five points.

(D) Option 4. One small tree or two large shrubs per 30 feet of front facade located a maximum of 15 feet from the facade. Five points.

(6) Pedestrian uses. An applicant may provide private or publicly accessible pedestrian amenities. These amenities must occupy a minimum of five percent of the lot area. The amenities may be designed for the following options for a maximum total of 25 points.

(A) Option 1. Urban streetscape. A minimum of two of the following types of pedestrian amenities must be provided along street frontages. This option may only be used in an urban streetscape within the street buffer zone. 10 points.

(i) Benches located at one per 60 feet of street frontage (minimum of two).

(ii) Pedestrian street lamps (free-standing or wall mounted) at one per 50 feet of street frontage.

(iii) Enhanced sidewalk with stamped concrete or brick pavers for pedestrian uses for the full width of the sidewalk, along the entire frontage. Pavement cannot be used to meet the enhanced pavement option in Paragraph (7).

(iv) Minimum unobstructed sidewalk width of eight feet.

(v) Water feature.

(B) Option 2. Special amenities. An applicant may provide private or publicly accessible special amenities to the building site including plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. The credited facilities must occupy at least five percent of the lot area provided in no more than two locations on the lot. The special amenities area must be fully identified on a landscape plan. Private or interior courtyards are excluded. Five points for private amenities and 10 points for publicly accessible amenities.

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(C) Option 3. Adjacency to habitat restoration areas. Amenities built contiguous to habitat preservation and restoration areas will be credited for their location in or around the habitat when constructed according to a design supporting or enhancing habitat protection. 10 points for private amenities and 15 points for publicly accessible amenities.

(D) Option 4. Athletic fields. Open spaces maintained for athletic fields that are a minimum of five percent of the lot. 10 points. For athletic fields on lots greater than 10 acres. 20 points.

(7) Pavements. An applicant may provide enhanced pavement. The same pavement cannot satisfy multiple categories. (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.) Maximum total of 15 points.

(A) Option 1: Enhanced vehicular pavement. Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot.

(i) Enhanced texture. Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) Enhanced color. Color is integrated into textured pavement: Three points.

(B) Option 2: Permeable vehicular pavement. Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot. Five points.

(C) Option 3: Enhanced pedestrian walkways. Enhanced pedestrian walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.

(i) Enhanced texture. Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) Enhanced color. Color is integrated into textured pavement: Three points.

(8) Conservation. The applicant may create conservation area on the property. The conservation area must occupy at least five percent of the lot area. Maximum of 25 points.

(A) Option 1: Tree preservation in the development impact area. Large or medium trees maintained in the development impact area may be used to meet design option requirements and to meet the requirements for site tree credit in Section 51A-10.125. The trees must be protected and maintained in areas required by this article. Two points for each tree up to a maximum of 10 points. Significant trees may attain five points.

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(B) Option 2: Habitat preservation. The applicant must preserve existing healthy native and mixed species grassland or woodland areas. Five points.

(C) Option 3: Habitat preservation and restoration using an active management plan. The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. The option may be combined with low impact development design for the drainage functions of the property. 10 points.

(D) Option 4: Habitat preservation and restoration - adjacent to primary natural areas. The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help protect creeks, habitat, slopes, and woodland in primary natural areas from the site construction. This option may be combined with pedestrian amenities. The area must be at least five percent of building site area. 15 points.

(9) Low impact development (LID). The applicant may improve the property with low impact development design to manage stormwater flow and provide surface heat abatement. The improvements may be combined for a maximum of 20 points.

(A) Rain garden. Maximum six points.

(i) 1 to 5,000 square feet: three points; and

(ii) each additional 1,000 square feet: one point.

(B) Bioswale. Maximum 10 points per bioswale.

(i) 50 to 100 feet long: three points; and

(ii) each additional 50 feet: one point.

(C) Water-wise plant materials and planting beds. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation. Maximum 10 points.

(i) In a minimum of 50 percent of landscape areas: three points.

(ii) In a minimum of 80 percent of landscape areas: five points.

(iii) Low-water consumption grasses for 80 percent of turf surfaces: three points.

(iv) Low-water consumption grasses for all turf surfaces: five points.

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(10) Parking lots. The applicant may improve the surface parking and vehicle outside display and storage areas in an interior zone on the property to provide wider landscape areas and an improved shade tree environment. The improvements may be combined for a maximum of 30 points for development impact areas 10 acres or larger and 20 points for development impact areas less than 10 acres.

(A) Option 1: Pedestrian pathways. Provide a protected pedestrian pathway, between three feet and 15 feet in width, through a parking lot to a building from a public or private street in an expanded landscape area median with trees and a walkway. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape area median. Five points.

(B) Option 2: Reduce distance between parking lot landscape islands. Provide no more than 10 parking spaces between landscape areas. Five points.

(C) Option 3: Increase size of parking lot landscape islands. Increase the landscape area to a minimum of 200 square feet for each large or medium tree.

(i) Increase landscape area of 50 percent of the required parking lot landscape islands. Five points.

(ii) Increase landscape area of 75 percent of the required parking lot landscape islands. 10 points.

(D) Option 4: Increase landscape area of parking lot landscape islands. Increase the landscape area a minimum of 300 square feet for each large or medium tree.

(i) Increase landscape area of 50 percent of the required parking lot landscape islands. Seven points.

(ii) Increase landscape area of 75 percent of the required parking lot landscape islands. 12 points.

(E) Option 5: Additional parking lot landscape islands. Each additional parking lot landscape island provided - Three points.

(F) Option 6: Landscape medians. Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Five points for each full median for a maximum of 20 points on the Property.

(G) Option 7: Landscape medians. Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Seven points for each full median for a maximum of 28 points on the Property.

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(H) Option 8: Landscape medians. Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. 10 points for each full median for a maximum of 30 points on the Property.

(I) Option 9: Large legacy tree. Provide a large legacy tree in a minimum 500 square foot dedicated open soil area. Two points per tree for a maximum of 20 points.

(J) Option 10: Pocket park. Provide a minimum of 2,500 square feet of contiguous open soil landscape area. 20 points.

(11) General. The applicant may provide documentation and demonstrate ability to achieve certain conditions.

(A) Option 1. Provide Sustainable SITES Initiative documentation and demonstrate ability to attain SITES certified level or greater. 10 points.

(B) Option 2. Provide and implement a landscape maintenance plan for a minimum three year period. Three points.

[~~An applicant shall comply with at least two of the following design standards~~:

~~(a) Enhanced perimeter buffers. An applicant may enhance the perimeter landscape buffer strip to a minimum average width equal to or greater than 15 feet.~~

~~(b) Street buffers. An applicant may provide a landscape buffer strip along public street frontage. The landscape buffer strip must:~~

~~(1) be provided along the entire adjacent public street frontage, exclusive of driveways and accessways at points of ingress and egress to the lot; and~~

~~(2) have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less.~~

~~(c) Screening of off-street parking. An applicant may provide screening for all parking lots on the building site or artificial lot, whichever is applicable, from all adjacent public streets in accordance with the following paragraphs.~~

~~(1) The screening must be voluntary (not required by ordinance).~~

~~(2) The screening must extend along the entire street frontage of the parking lot, exclusive of:~~

~~(A) driveways and accessways at points of ingress and egress to and from the lot; and~~

~~(B) visibility triangles.~~

~~(3) The screening must be at least three feet in height.~~

~~(4) Underground parking is considered to be screened for purposes of this subsection.~~

~~(d) Enhanced vehicular pavement. An applicant may provide enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement area on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)~~

~~(e) Permeable vehicular pavement. An applicant may provide permeable enhanced pavement. This pavement must be at least 25 percent of all outdoor vehicular pavement on the lot. The same pavement cannot satisfy both Subsections (d) and (e). (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.)~~

~~(f) Pedestrian facilities. An applicant may provide publicly accessible special pedestrian facilities and features such as plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. These facilities and features must occupy at least five percent of the lot area.~~

~~(g) Foundation planting strip. An applicant may plant large shrubs along the foundation of the main building. The planting area for the shrubs must be a minimum of three feet in width and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk.~~

~~(h) Understory preservation. The applicant may preserve existing healthy understory. The preserved understory must occupy at least five percent of the lot area.~~

~~(i) Enhanced pedestrian walkways. The applicant may provide enhanced pedestrian walkways. These walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.~~]

SEC. 51A-10.127. WHEN LANDSCAPING MUST BE COMPLETED.

(a) Except as otherwise provided in Subsection (b), all landscaping must be completed before the final inspection of any building on the lot. If there is an approved landscape plan for the lot, the landscaping must comply with that plan before the final inspection.

(b) If the property owner provides the building official with documented assurance that the landscaping will be completed within six months, the building official may permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means:

(1) a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or

(2) a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:

(A) expressly provide that they may be enforced by the city of Dallas;

(B) be approved as to form by the city attorney; and

(C) be filed in the deed records of the county in which the land is located.

(c) If, at the end of the six-month period, the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the city for a civil penalty in the amount of $200 a day for each calendar day thereafter until the landscaping is properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(d) The civil penalty provided for in Subsection (c) is in addition to any other enforcement remedies the city may have under city ordinances and state law.

SEC. 51A-10.128. ENFORCEMENT BY BUILDING OFFICIAL.

Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

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Division 51A-10.130. Urban Forest Conservation [~~Tree Preservation, Removal, and Replacement~~].

SEC. 51A-10.131. APPLICATION OF DIVISION.

(a) This division applies to all property in the city except for:

(1) lots smaller than two acres in size that contain single-family or duplex uses in residential districts; and

(2) lots in an overlay district or a planned development district with [~~landscaping and~~] tree preservation regulations that vary appreciably from those in this article, as determined by the building official.

(b) In this section, a tree removal property with an area of two acres or less in a residential district is considered to be vacant when an application is made for a demolition permit to demolish a single family or duplex structure. The tree removal property is considered to be vacant until:

(1) the demolition permit is closed (not expired) by the building inspector (reinstating the single family or duplex use); or

(2) a certificate of completion is provided to the tree removal property owner for a new single family or duplex structure for occupancy on the property.

Quality of Life, Arts, and Culture Committee Recommendation

SEC. 51A-10.131.1. PLANNED DEVELOPMENT DISTRICTS.

Deviations from this division require a three-quarters vote of the city council.

SEC. 51A-10.132. TREE REMOVAL APPLICATIONS.

(a) Tree removal application and posting [~~When a tree removal application must be approved and posted~~].

(1) Except as provided in this subsection, a [~~A~~] responsible party must post either an approved tree removal application in accordance with this section or a building permit in a conspicuous place at the entrances to the tree removal property [~~lot or tract~~], before removing or seriously injuring a protected tree on that tree removal property [~~lot or tract~~].

(2) A tree removal application must be posted in a conspicuous place at the entrance to the tree removal property in conjunction with a demolition permit or a grading permit.

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(3) For trees removed from public right-of-way, posting of the required tree removal application is not required.

(b) Application for review. An application required under this section must be filed with the building official on a form furnished by the city for that purpose. The application must include the following:

(1) General. The name, address, telephone number, and signature of the applicant. The applicant may be the owner of the tree removal property or a contracted agent acting for the owner [~~If the applicant is not the owner of the lot or tract, he shall submit a letter from the owner authorizing him to act on the owner's behalf~~].

(2) Owner information.The name, address, and telephone number of each tree removal property owner [~~of the lot or tract~~].

(3) Tree removal property information.The street address, zoning district, and any overlay district of the tree removal property [~~lot or tract~~].

(4) Tree survey or forest stand delineation. One of the following must be provided.

(i) A tree survey that shows the location, diameter [~~caliper~~], and name (both common and scientific) of all trees on the tree removal property [~~lot or tract~~] (trees in close proximity that all have a diameter [~~caliper~~] of less than eight inches may be designated as a "group of trees" with only the number noted), or an estimate of the total diameter [~~caliper~~] inches of protected trees, calculated and documented using a tree sampling method [~~in a manner~~] determined by the building official to be reasonably accurate. The survey does not have to be prepared by a registered surveyor, architect, or landscape architect. Trees not proposed for removal or serious injury, or located further than 20 [~~within 50~~] feet from [~~of~~] proposed construction activity need not be shown on the survey unless the building official determines it would help evaluation of the application.

(ii) A forest stand delineation ("FSD") used for the purpose of calculating the total square footage of forest canopy coverage of building sites and providing an ecological assessment of a property. An FSD must be approved by the building official. The building official shall determine the information required to be provided in an FSD. The FSD is applicable to and may be used to calculate:

(aa) Tree canopy cover assessment for old-field tree stands and undeveloped lots, two acres or larger, in early succession stages when:

(I) a stand, or partial stand, with a minimum of 60 percent Class 3 and unprotected trees is located in a proposed development impact area;

(II) the forest stand delineation excludes areas within 50 feet of a 100-year floodplain, 50 feet of a wetland, 50 feet of an escarpment zone, and 150 feet of a stream bank;

(III) the trees in the stand, or partial stand, is designated in an age class of 60 years or less by the building official based on site and historical data; and

(IV) the stand is assessed and surveyed using tree sampling methods which provide general species quantity and tree size determinations based on the use of quadrat plots, a transect line sampling method, point-quarter sampling method, or other method approved by the building official.

(bb) Tree canopy cover credit for single family and duplex construction.

(cc) Tree canopy cover assessment of development impact areas in conjunction with sustainable development incentives.

(dd) Tree canopy cover assessment on properties five acres or larger with institutional and community service uses or recreation uses when the measured tree canopy coverage is the baseline for determining the number of trees required for replacement when using the canopy cover replacement calculation for legacy trees in Section 51A-10.134(c)(7).

(ee) Forest analysis for baseline documentation to create a conservation easement.

(ff) Tree canopy cover assessment where trees are removed without authorization.

(5) All permits and approvals related to floodplain, wetland, or escarpment regulations required by city departments or other agencies.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Form of approval of tree removal application. A tree removal application is not approved until it has been signed by the building official.

(d) Separate offense for each tree removed or seriously injured without a permit. A responsible party commits a separate violation of this section for each tree removed or seriously injured without authorization by a building permit or approved tree removal application [~~that is posted at the lot or tract~~].

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(e) Decision of the building official. The building official shall deny a tree removal application if the removal or serious injury is not in the public interest. This decision must be based on the following factors:

(1) The feasibility of relocating a proposed improvement that would require the removal or serious injury of the tree.

(2) The cost of preserving the tree.

(3) Whether the lot or tract would comply with this article after the removal or serious injury.

(4) Whether the removal or serious injury is contrary to the public health, safety, or welfare.

(5) The impact of the removal or serious injury on the urban and natural environment.

(6) Whether an economically viable use of the property will exist if the application is denied.

(7) Whether the tree is worthy of preservation, is a significant tree, or a historic tree.

(8) Whether the tree is diseased or has a short remaining life expectancy.

(9) The effect of the removal or serious injury on erosion, soil moisture retention, flow of surface waters, and drainage systems.

(10) The need for buffering of residential areas from the noise, glare, and visual effects of nonresidential uses.

(11) Whether a landscape plan has been approved by the board of adjustment, city plan commission, or city council.

(12) Whether the tree interferes with a utility service.

(13) Whether the tree is near existing or proposed structures.

(14) Whether the proposed mitigation for tree removal or serious injury is sufficient.

(f) Development impact area waiver. Except as provided in this section, if tree removal is authorized by a building permit for construction of a main structure, a property owner may apply for a waiver of the tree replacement requirements in Section 51A-10.134. The waiver applies to protected trees in the development impact area on properties not listed in Sections 51A-

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10.131 and 51A-10.134(b), all single family and duplex permits, and properties excepted from Article X landscape requirements in Section 51A-10.121.

(1) Qualifications. The owner must demonstrate a good faith effort to design the building project to preserve the most, the biggest, and the best trees, by providing the following:

(A) a tree survey and a tree protection plan implemented as required by this division; and

(B) proof of consultation with a qualified consulting arborist or landscape architect for planning and implementing best management practices to reduce the negative impacts of construction on protected trees before submitting the building permit for approval.

(2) Tree removal property waiver requirements.

(A) Tree removal properties two acres and larger. All tree removal properties two acres and larger must:

(i) meet the qualification requirements of Section 51A-10.135(d)(1) for sustainable development incentives;

(ii) reduce mitigable inches of protected trees on the tree removal property by a minimum of 50 percent through application of tree canopy coverage credit using Sustainable Development Incentives procedures; and

(iii) develop and implement the sustainable landscape plan and tree preservation plan in Section 51A-10.135(d)(4).

(B) Tree removal properties less than two acres. The owner must meet all qualifications in Section 51A-10.132(f)(1).

(3) Waivers. The building official shall waive tree replacement requirements for protected trees within the development impact area if the building official determines that all requirements in this subsection are met.

(A) Limitations. Except as provided in this subsection, the waiver is limited to protected trees in the development impact area on the tree removal property growing within the building footprint, minimum required parking areas, driveways, sidewalks, utility easements, detention areas, areas of grading, excavation areas, and staging areas necessary for construction.

(B) Waiver calculations. Except as provided in this subparagraph, the number of inches to be waived is determined by providing the total number of inches of protected trees in the applicable locations in the development impact area.

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(i) The building official shall not waive mitigation of protected trees for non-required off-street parking spaces. The number of inches waived must be reduced on a pro-rata basis determined by the percentage of non-required parking spaces provided in the parking area. (Example: If the number of parking spaces required is 450; and 521 spaces are being provided on the lot, then the tree mitigation requirements shall not be waived for the 71 excess parking spaces. [71/450=15.78%]).

(ii) The building official shall not waive mitigation of protected trees for an area greater than 70 percent of the tree removal property. Trees must be mitigated on a pro-rata basis if the development impact area exceeds 70 percent of the tree removal property. (Example: If the development impact area is 85 percent of the tree removal property, 15 percent of the trees removed must be mitigated, [0.85-0.70=0.15].

(C) Significant trees. Any significant tree on the tree removal property removed or seriously injured must be replaced and is not eligible for this mitigation waiver.

(D) Primary natural area. The development impact area waiver may not include trees within a primary natural area.

(E) Special exception. A tree removal property with a waiver must fully comply with the minimum landscape requirements without a special exception.

(F) Completion. No waiver is complete until the tree removal property passes a final tree mitigation inspection or landscape inspection and obtains a permanent certificate of occupancy.

(G) Denial. The building official shall deny a development impact area waiver if the building official determines that the owner is in violation of any of the applicable requirements of this division during the period between initial review and final tree mitigation or landscape inspection. If a waiver is denied, the required tree replacement must be completed in accordance with Section 51A-10.134.

SEC. 51A-10.133. HISTORIC TREES [~~RESERVED~~].

(a) A property owner must agree, on a form approved by the director, to have a tree designated as historic before the historic designation can be approved by city council.

(b) Except as provided in this section, historic status lasts for the life of the tree.

(c) A certified copy of the resolution declaring a tree historic must be filed in the deed records of the county where the historic tree is located.

(d) Except as provided in Section 51A-10.140, historic trees may only be removed by authorization of the city council.

SEC. 51A-10.133.1. TRANSPLANTED TREES.

(a) Procedure. Established and healthy protected trees on a tree removal property may be transplanted within the city. The transplanting process must conform to operational and safety standards stated in ANSI A300 (Part 6), as amended, and with ISA Best Management Practices for Tree Planting, as amended.

(1) A protected tree that meets the requirements of this section is not considered removed, or seriously injured, if the transplanted tree is planted and maintained in a healthy growing condition.

(2) Building official approval is required before beginning the transplantation for credit as a landscape tree, for tree replacement, or for acceptance in tree canopy coverage measurements.

(3) The following information is required to obtain building official approval.

(A) An initial assessment report describing transplanting practices from beginning to end of the process, including post-planting care practices.

(B) A tree survey or landscape plan identifying the original and final locations of the protected tree after transplant, as applicable.

(C) Names and contact information of the property owners and contractors.

(D) Contractor credentials and a statement of equipment and procedures to be used for the operation.

(E) Other information required by the building official.

(b) Credit for transplanted trees.

(1) Healthy small trees qualify for one inch of replacement credit for each inch of the transplanted tree.

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(2) Healthy large and medium protected trees six inches in diameter or less qualify for one inch of replacement credit for each inch of the transplanted tree.

(3) Healthy large and medium protected trees between seven inches and 12 inches in diameter qualify two inches replacement credit for each inch of the transplanted tree.

(4) Healthy large and medium protected trees between 12 inches and 24 inches in diameter qualify for three inches of replacement credit for each inch of the transplanted tree.

(5) Healthy large and medium protected trees 24 inches or more in diameter qualify for five inches of replacement credit for each inch of the transplanted tree.

(c) Tree canopy coverage. Transplanted trees may be measured as part of the overall tree canopy coverage of a property in a forest stand delineation as a preserved tree.

SEC. 51A-10.134. REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES.

(a) In general. Except as provided in this section, i[~~I~~]f a [~~the~~] tree removal application is approved, a building permit is issued, an unauthorized tree removal occurs, or when a tree is removed from a public right-of-way in conjunction with a private development, one or more healthy replacement trees must be planted in accordance with the [~~following~~] requirements in this article.

(b) Exception. Trees removed with a building permit for construction of a single family or duplex dwelling on a lot one acre or less in a residential district are not required to be replaced if the tree was located in the unrestricted zone on the tree removal property. Trees not in the unrestricted zone are subject to replacement.

(1) For front and rear yards, the unrestricted zone does not include required setbacks or the area 15 feet from the property line, whichever is greater.

(2) For side yards, the unrestricted zone does not include required setbacks or the area five feet from the property line, whichever is greater.

(c) Requirements.

(1) Quantity.

(A) Except as provided in this section, t[~~T~~]he minimum total caliper of replacement trees must equal or exceed the total classified diameter inches [~~caliper~~] of the protected trees removed or seriously injured as listed below.

(B) Tree classification for mitigation:

(i)	Historic trees:	3:1
(ii)	Significant:	1.5:1
(iii)	Class 1:	1:1
(iv)	Class 2:	0.7:1
(v)	Class 3:	0.4:1

(2) Species.

(A) A replacement tree must be an approved tree determined by the director.

(B) For a tree removal property two acres in size or more, [~~one of the following trees, and~~] no one species of tree may constitute more than 35 [~~30~~] percent of the replacement trees planted on the tree removal property [~~a lot or tract~~].

[**~~APPROVED REPLACEMENT TREES~~**

~~SCIENTIFIC NAME~~	~~COMMON NAME~~
~~*Acer barbatum* var. *Caddo*~~	~~Caddo Maple~~
~~*Acer grandidentatum*~~	~~Bigtooth Maple~~
~~*Acer buergerianum*~~	~~Trident Maple~~
~~*Carya illinoensis*~~	~~Pecan~~
~~*Cercis canadensis*~~	~~Redbud~~
~~*Chilopsis linearis*~~	~~Desert Willow~~
~~*Diospyros texana*~~	~~Texas Persimmon~~
~~*Diospyros virginiana* [male only]~~	~~Common or American Persimmon~~
~~*Fraxinus americana*~~	~~White Ash~~
~~*Fraxinus texensis*~~	~~Texas Ash~~
~~*Gleditsia triacanthos* var. *inermis*~~	~~Thornless Honeylocust~~
~~*Gymnocladus dioicus*~~	~~Kentucky Coffeetree~~
~~*Ilex decidua*~~	~~Possumhaw or Deciduous Holly~~
~~*Ilex vomitoria*~~	~~Yaupon Holly~~
~~*Juglans microcarpa*~~	~~Texas Black Walnut~~
~~*Juniperus ashei*~~	~~Ashe Juniper~~
~~*Juniperus virginiana*~~	~~Eastern Red Cedar~~
~~*Lagerstroemia indica*~~	~~Crepe Myrtle~~
~~*Liquidambar styraciflua*~~	~~Sweetgum~~
~~*Magnolia grandiflora*~~	~~Southern Magnolia~~
~~*Pinus eldarica*~~	~~Eldarica, Mondell, or Afghan Pine~~
~~*Pinus nigra*~~	~~Austrian or Black Pine~~
~~*Pinus thunbergii*~~	~~Japanese Black Pine~~

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~~*Pistacia chinensis*~~	~~Chinese Pistachio~~
~~*Prosopis glandulosa*~~	~~Mesquite~~
~~*Prunus mexicana*~~	~~Mexican Plum~~
~~*Quercus buckleyi*~~	~~Texas Red Oak~~
~~*Quercus durandii*~~	~~Durrand Oak~~
~~*Quercus fusiformis*~~	~~Escarpment Live Oak~~
~~*Quercus macrocarpa*~~	~~Bur Oak~~
~~*Quercus muhlenbergii*~~	~~Chinkapin Oak~~
~~*Quercus shumardii*~~	~~Shumard Oak~~
~~*Quercus virginiana*~~	~~Live Oak~~
~~*Sapindus drummondii*~~	~~Western Soapberry~~
~~*Sideroxylon lanuginosum*~~	~~Chittamwood or Gum Bumelia~~
~~*Sophora affinis*~~	~~Eve's Necklace~~
~~*Taxodium ascendens*~~	~~Pond Cypress~~
~~*Taxodium distichum*~~	~~Bald Cypress~~
~~*Ulmus crassifolia*~~	~~Cedar Elm~~
~~*Ulmus parvifolia*~~	~~Lacebark Elm~~
~~*Viburnum rufidulum*~~	~~Rusty Blackhaw~~]

(3) Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by Section 51A-10.135. Replacement trees may not be planted within a visibility triangle, a water course, in an area within 15 feet horizontally to the closest point of an overhead electric line, or an existing or proposed street or alley unless the tree is authorized by a license and permit and is required to be in that location by other ordinance.

(4) Minimum size. A replacement tree must have a caliper of at least two inches.

(5) Timing.

(A) Except as provided in this section, all replacement trees must be planted within 30 days of removal.

(B) If the property owner provides the building official with an affidavit stating that all replacement trees will be planted within six months, the building official may allow the replacement trees to be planted during that six-month period.

(i) If the property owner submits an application for a building permit for construction on the tree removal property within the six-month period, the tree replacement requirements may be transferred to the building permit for final completion of all tree replacement prior to a final certificate of occupancy or certificate of completion for the property.

(ii) If the property owner does not submit an application for a building permit for construction within the six-month period, all tree replacement must be completed within 30 days after the expiration of the six-month period.

(C) For residential subdivision developments and multi-phase commercial developments, tree replacement may be completed in accordance with a comprehensive tree replacement plan for the development. The building official may allow the property owner additional time to complete the development project to plant the replacement trees, with the following restrictions:

(i) A proposed landscape plan identifying all conceptual landscaping for the properties within the subdivision must be provided by a landscape architect and designed according to the soil and area requirements of this article. The proposed plan will specify the minimum tree size and general species distribution for the properties in accordance with this article. The tree replacement for the development identified on the proposed plan must be completed prior to the final certificate of occupancy or certificate of completion for the project.

(ii) All required tree replacement that is not scheduled by an approved design for the property under the comprehensive tree replacement plan must be completed within six months of issuance of the tree removal application or building permit for removing trees.

(6) Forest stand delineation exceptions for old-field and undeveloped lots. When an FSD, under Section 51A-10.132(b)(5)(A) is used to assess tree canopy coverage:

(A) except as provided in this paragraph, no mitigation is required for a tree stand when:

(i) at least 60 percent of the trees in the stand are Class 3 and unprotected species; and

(ii) the average tree diameters are less than 12 inches DBH.

(B) significant trees in a stand located on an old-field or undeveloped lots must be mitigated.

(7) Additional requirements for forest stand delineation for properties five acres or greater with institutional uses or recreational uses. When an FSD under Section 51A-10.132(b)(5)(D) is used to assess tree canopy coverage:

(A) the tree removal property must maintain or increase the tree canopy coverage for the property recorded in the most recent FSD; and

(B) significant trees that are included in the FSD tree canopy coverage must be replaced according to the diameter standards for significant trees in this article.

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[~~Except as otherwise provided in Subparagraphs (B) and (C), all replacement trees must be planted within 30 days after the removal or serious injury of the protected trees.~~

~~(B) If the property owner provides the building official with an affidavit that all replacement trees will be planted within six months, the building official may permit the property owner to plant the replacement trees during the six-month period.~~

~~(C) If the property owner provides the building official with a performance bond or a letter of credit in the amount of the total cost of purchasing and planting replacement trees, the building official may permit the property owner up to 18 months to plant the replacement trees, with the following restrictions:~~

~~(i) for single family or multifamily developments, at least 50 percent of the total caliper of replacement trees must be planted before 65 percent of the development has received a final building inspection or a certificate of occupancy, and all replacement trees must be planted prior to the completion of the development; and~~

~~(ii) in all other cases, the replacement trees must be planted prior to the issuance of a certificate of occupancy.~~]

(C[~~D~~]) A replacement tree that dies within five [~~two~~] years of the date it was planted must be replaced by another replacement tree that complies with this section.

SEC. 51A-10.135. ALTERNATIVE METHODS OF COMPLIANCE WITH TREE REPLACEMENT REQUIREMENTS.

(a) In general. If the building official determines that, due to restrictive site conditions [~~inhospitable soil conditions or inadequate space~~], it would be impracticable or imprudent for the responsible party to plant a replacement tree on the [~~lot where the protected tree was removed or seriously injured (the "~~]tree removal property[~~")~~], the responsible party shall comply with one or more of the mitigation methods in this section. [~~following requirements:~~]

~~(1) Donate the replacement tree to the city's park and recreation department. If the director of the park and recreation department does not accept the tree, the responsible party must comply with one or more of the other alternative methods of compliance listed below.~~

~~(2) Plant the replacement tree on other property in the city that is within one mile of the tree removal property, as long as the responsible party obtains the written approval of the building official for:~~

~~(A) a site plan indicating the location of the tree to be removed or seriously injured, the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree; and~~

~~(B) a written agreement between the owner of the property where the replacement tree will be planted and the responsible party, to assume mutual responsibility for the replacement tree under this article.~~

~~(3) Make a payment into a special city account, to be known as the Reforestation Fund, in accordance with Subsection (c).~~

~~(4) Grant a conservation easement to the city in accordance with Subsection (d) and the following paragraphs:~~

~~(A) The conservation easement area must contain protected trees with a combined caliper equal to or exceeding the caliper for which replacement tree credit is being requested.~~

~~(B) If the conservation easement area is 25 percent or less than the area of the tree removal property, the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 50 percent of the total caliper of replacement trees required.~~

~~(C) If the conservation easement area is more than 25 percent and less than 50 percent of the area of the tree removal property; the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 65 percent of the total caliper of replacement trees required.~~

~~(D) If the conservation easement area is 50 percent or more of the area of the tree removal property, the responsible party will get credit for trees in the conservation easement area, on an inch for inch basis, up to a maximum of 80 percent of the total caliper of replacement trees required.~~

~~The replacement trees that cannot be planted on the tree removal property, and for which credit cannot be given through a conservation easement under this paragraph, must be replaced by other methods set forth in this subsection, such that the replacement trees equal in total caliper the total caliper of the trees removed or seriously injured.~~

(b) Mitigation by legacy trees.

(1) Lots or artificial lots smaller than five acres on properties that are not using sustainable development incentives may attain replacement credit for planting legacy trees on the tree removal property.

(2) Each tree planted and designated as a legacy tree is given a 12 inch replacement credit.

(3) For lots containing a single-family or duplex use, credit will only be provided for legacy trees planted in the portion of the lot that is in front of the main structure.

(c) Habitat preservation and restoration areas.

(1) Habitat preservation and restoration areas that are established to provide a dedicated open landscape area for native flora and fauna habitat preservation or restoration may be credited toward tree mitigation.

(2) To receive credit, habitat preservation and restoration areas must be a minimum of 1,200 square feet of contiguous area, as shown on a landscape plan.

(3) Credit will only be given for a maximum of 2,400 square feet of habitat and preservation area or 20 percent of the tree canopy cover goal for the property, as determined by the street typology of the adjacent street in Section 51A-10.135(d)(2)(A), whichever is greater.

(4) Every 1,200 square feet of habitat preserved that is not under a tree canopy may be counted as 12 diameter inches of tree replacement credit.

(5) These areas must be actively monitored and managed to be fully sustained as a protected habitat area including compliance with a maintenance plan provided to the building official.

(d) Sustainable development incentives. Sustainable development incenitives must be calculated on a form provided by the director.

(1) Requirements. For a development to qualify for sustainable development incentives it must meet the requirements in this subsection.

(A) Properties must be a minimum of two acres with no residential uses except multifamily uses and shared access developments.

(B) Properties must contain commercial or multifamily uses or a shared access development.

(C) Before a building permit is issued, a consulting arborist or landscape architect must provide the following to the building official:

(i) A forest stand delineation.

(ii) A conceptual landscape plan identifying tree preservation, areas, natural features, landscape areas, proposed buildings, and any other site elements or improvements in as much detail as possible.

(iii) A soil resource assessment for all landscape areas.

(D) All healthy top soils disturbed during construction must be restored.

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(E) Development must be fitted to the topography and soils to minimize cut-and-fill sections.

(F) Grading and clearing in or around the development impact area may not encroach in a primary natural area, except in conjunction with the construction of drainage facilities, approved through engineering review.

(i) Grading near preserved trees and around the edge of the development impact area must be planned and implemented to insure minimal impact to natural topography, watercourses, vegetation, and wildlife.

(ii) Indigenous vegetation must be retained and protected except in development impact areas or to control or remove invasive plants.

(G) Utility easement planning and locations must be designed to insure minimal impact to preserved trees and primary natural areas.

(H) All tree preservation and legacy tree plantings must fully comply with the tree protection requirements and soil area and tree spacing standards of this article.

(I) A consulting arborist is required;

(i) for design and implementation of a tree protection plan and soil resource assessment;

(ii) to periodically inspect preserved trees;

(iii) to insure the standards for legacy tree plantings are implemented; and

(iv) to confirm compliance with these requirements to the building official before the final landscape inspection.

(J) Irrigation standards must be designed for efficient water conservation management on the property including dedicated irrigation for all legacy trees.

(K) A site maintenance schedule and implementation plan for site sustainability covering a minimum of five years must be approved by a consulting arborist or landscape architect and fully implemented. The schedule and plan must be available at the property.

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(2) Pre-development assessment.

(A) Tree canopy cover goal and credit. The combined tree canopy cover of existing preserved trees, planted legacy trees, and planted landscape trees, shown on the final approved landscape plan, determines the tree canopy cover credit for sustainable development incentives.

(i) The combined preserved and planted legacy and landscape tree canopy cover measured in square feet is compared to the tree canopy cover goal for the property to determine the percentage of tree replacement reduction to be provided.

(ii) The tree canopy cover goal for the property is determined by the street typology of the adjacent streets. In this subsection, street typology is determined using the *Complete Streets Manual*, unless another publication is designated by the building official. Where a building site faces two or more street frontages with differing typologies, the greater canopy cover goal controls.

Street Typology	**Canopy Cover Goal**
Residential	40 percent
Mixed Use	35 percent
Commercial & Freeways	30 percent
Industrial	25 percent
Parkways	45 percent

Canopy cover goal percentages are converted to square feet by multiplying the percent and the total square footage of the building site.

(B) Tree mitigation deductions. Tree mitigation deductions are subtracted from the total replacement tree requirements for the building site to calculate the base mitigation requirement in diameter inches. Available tree mitigation deductions are:

(i) Old-field mitigation reduction credit under Section 51A-10.134(c)(6).

(ii) Transplanted tree on site credit under Section 51A-10.133.1(c).

(3) Sustainable development credits.

(A) Tree canopy cover credit.

(i) Canopy cover credit square footage is divided by the tree canopy goal for the building site, measured in square feet, to obtain the percentage reduction.

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(ii) The base mitigation requirement is reduced by the percentage above to determine the number of inches of mitigation remaining due.

(B) Preserved tree canopy credit.

(i) Preserved tree canopy cover is determined by completing a forest stand delineation and a conceptual landscape plan showing the protected trees to be preserved.

(ii) Preserved tree canopy cover credit, measured in square feet, must be confirmed before final inspection. Preserved tree canopy cover in a primary natural area is calculated at a rate of 0.25:1.

(C) Landscape tree canopy credit. Large and medium nursery stock landscape trees may be counted towards the tree canopy cover total for a building site at a rate of 300 square feet per tree.

(D) Legacy tree canopy credit. Large or medium legacy trees may be installed in enhanced landscape areas for legacy tree credit. Legacy tree credit is determined as follows:

(i) Large legacy trees are counted towards the tree canopy cover total at a rate of 1,200 square feet per tree.

(ii) Medium legacy trees are counted towards the tree canopy cover total at a rate of 750 square feet per tree.

(4) Green site points.

(A) Additional tree mitigation reductions are available through enhanced site planning and design, landscape, and water conservation improvements that directly promote urban forest conservation.

(B) Required green site points are calculated by determining the percentage of the tree canopy cover goal or the percentage of existing tree canopy cover compared to the overall building site area before development. The percentage is rounded and converted to points at a 1:1 ratio (i.e., 30 percent = 30 points).

(i) For building sites three acres or less, the required number of points is determined by the tree canopy cover goal or the tree canopy cover before construction, whichever is greater.

(ii) For all other building sites, the required number of points is determined by the tree canopy cover before construction, but must be a minimum of 50 points.

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(C) Green site points from enhanced landscaping are determined as follows:

(i) Green site landscape plan. Five points. A green site landscape plan must meet the minimum standards of this article, be designed by a landscape architect, and include the following:

(aa) a plan for the design, implementation, and maintenance of a water-wise program and water-wise planting materials on a minimum of 75 percent of development impact area; and

(bb) a soil resource assessment throughout development for all landscape areas and required trees.

(ii) Tree preservation plan. Five points. A tree preservation plan must include a tree protection plan, soil resource assessment, and a complete tree survey performed by a consulting arborist. The tree preservation plan must be implemented and monitored by a consulting arborist. A report of soil planting conditions and tree protection during construction is required before a final landscape inspection.

(iii) Engineered solutions in an urban streetscape for replacement trees. 10 points maximum. A building site must have a minimum of five landscape design option points to qualify. Green site points are awarded when engineered solutions allow required large or medium trees in the street buffer zone to be planted in impervious environments. Soil volume must be a minimum of 480 cubic feet per required tree. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(aa) Minimum required soil volume: five points

(bb) Increase in soil volume 10 percent above minimum requirement: six points.

(cc) Increase in soil volume 15 percent above minimum requirement: seven points.

(dd) Increase in soil volume 20 percent above minimum requirement: eight points.

(ee) Increase in soil volume 25 percent above minimum requirement: nine points.

(ff) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(iv) Enhanced buffer zone and increased landscape area. 15 points maximum. A building site must have a minimum of 10 landscape design option points in

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street buffer zone and residential buffer zone enhancements to qualify. A street buffer zone or residential buffer zone may be enlarged by a minimum average of five feet deeper than the required average buffer depth. Five points for each five feet average increase in depth along each buffer zone on the building site.

(v) Conservation through tree preservation or habitat restoration. 20 points maximum. A building site must have a minimum of 10 landscape design option points to qualify. Conservation or preservation programs on the tree removal property may qualify for credits where primary natural areas and secondary natural areas are retained for conservation purposes. Each individual area must be identified on the landscape plan and must be a minimum of five percent of the building site.

(aa) Habitat preservation. Five points. The applicant must preserve existing healthy native and mixed species grassland or woodland areas.

(bb) Habitat preservation and restoration using an active management plan. 10 points. The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. Five additional points is available for each additional area.

(cc) Habitat preservation, restoration, and maintenance of natural forest edge using an active management plan - adjacent to primary natural areas. 15 points. The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help buffer the protected creeks, slopes, habitat and woodland in primary natural areas from the development impact area. An additional five points may be allotted if 90 percent of the development impact area boundary adjacent to the primary natural area is a minimum of 100 feet from the primary natural area.

(D) Low impact development. 20 points maximum. A building site must have a minimum of six landscape design option points to qualify.

(i) Rain garden. Maximum 10 points.

(aa) One to 5,000 square feet: three points; and

(bb) each additional 1,000 square feet: one point.

(ii) Bioswale. Maximum 15 points per bioswale.

(aa) 50 to 100 feet long: three points; and

(bb) each additional 50 feet: one point.

(iii) Water-wise plant materials and planting beds. Maximum 10 points. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation.

(aa) For providing water conservation techniques in a minimum of 50 percent of landscape areas: three points; or

(bb) in a minimum of 80 percent of landscape areas: five points.

(cc) For providing low-water consumption grasses for 80 percent of turf surfaces: three points; or

(dd) low-water consumption grasses for all turf surfaces: five points.

(E) Surface parking lots. The applicant may improve the interior zone to provide wider landscape areas and an enhanced shade tree environment. The enhancements may be combined for a maximum of 30 points. An additional five points are available if the building site achieves a 50 percent or greater projected tree canopy coverage over the parking lot with combined existing trees, legacy trees, and landscape trees.

(i) Option 1. Provide a protected pedestrian pathway that is between three feet in width and 15 feet in width, through a parking lot to a building from a public or private street or the expansion of a wide landscape median with trees and a walkway through the parking lot. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape median. Five points.

(ii) Option 2. Provide a maximum of 10 parking spaces between parking lot landscape islands. Five points.

(iii) Option 3. Increase the parking lot landscape area to a minimum of 200 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(iv) Option 4. Increase the parking lot landscape area to a minimum of 300 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

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(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(v) Option 5. Each additional parking lot landscape island provided, Three points.

(vi) Option 6. Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. Five points.

(vii) Option 7. Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 10 points for each full median for a maximum of 20 points on the lot.

(viii) Option 8. Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 15 points for each full median for a maximum of 30 points on the lot.

(ix) Option 9. Provide a minimum of 2,500 square feet of contiguous open soil surface area to serve as a pocket park. 20 points.

(F) Conservation easement. 10 points. The applicant may protect the primary and secondary natural areas on the building site adjacent to the development indefinitely through a conservation easement.

(G) Public deed restriction. Five points. The applicant may protect the primary and secondary natural areas on a building site with a public deed restriction for a minimum time-period of 25 years with 25 year automatic renewal provisions.

(e) Tree canopy cover credit for single family and duplex uses. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a single family or duplex construction building site must be preserved.

(1) The tree canopy cover goal is 40 percent of the building site.

(2) Healthy large and medium trees preserved on the building site, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(3) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the front yard.

(4) Healthy large and medium trees preserved in the required front yard setback may qualify for double the total square footage of preserved tree canopy coverage.

(5) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection plan.

(6) The tree canopy cover must be measured by a forest stand delineation, verified and approved by the building official. The forest stand delineation must be provided by a consulting arborist.

[~~Use of other property for tree replacement. A responsible party who obtains permission to plant the replacement tree on other tree replacement property in the city shall ensure that the planting and maintenance of the tree on the other tree replacement property complies with the requirements of this article. The building official shall maintain a list of publicly or privately owned properties for which replacement trees are sought by groups such as homeowner's associations or school districts.~~

~~(c) Reforestation fund.~~

~~(1) The director shall administer the reforestation fund to purchase trees to plant on public property or to acquire conservation easements or wooded property.~~

~~(2) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.~~

~~(3) All property purchased through this fund must be in or partly in the city of Dallas and may not extend further than five miles from the Dallas city limit.~~]

(f[~~d~~]) Conservation easement. Tree mitigation requirements may be reduced by granting a conservation easement to the city in accordance with this subsection.

(1) The conservation easement area must contain protected trees with a combined diameter equal to or exceeding the classified diameter inches for which replacement tree credit is being requested.

(2) The conservation easement area must be a minimum of 20 percent of the size of the development impact area on the tree removal property and must be:

(A) configured primarily for urban forest conservation and preservation by protecting natural topography, waterways, forest vegetation, and wildlife habitation; and

(B) a suitable size, dimension, topography, and general character for its intended purpose.

(3) No portion of the conservation easement may be narrower than 50 feet in width.

(4) A conservation easement must have frontage on an improved public street or have public access through private property to a public street.

(5) The city manager is authorized to accept and approve on behalf of the city a conservation easement to conserve trees and other natural features, upon:

(A) approval as to form by the city attorney; [~~and~~]

(B) submission by the applicant of a metes and bounds property description prepared by a licensed surveyor; and

(C) a determination by the building official that the easement area is suitable for conservation purposes, based on:

(i) the submission of baseline documents prepared by a qualified professional describing the property's physical and biological conditions, the general age of any tree stands, locations of easements and construction, and the conservation values protected by the easement;

(ii) the likelihood that the proposed conservation easement area would preserve vegetation on a parcel otherwise attractive for development;

(iii) the overall health and condition of the trees on the conservation easement property, and the extent of invasive and exotic plants on the property and a strategy to manage the population;

(iv[~~ii~~]) the suitability of the area as a wildlife habitat; [~~and~~]

(v[~~i~~]) other unique features worthy of preservation, e.g. water channels, rock formations, topography, or rare herbaceous or woody plant species; and

(vi) the preservation of undeveloped areas located in a flood plain on a building site before and after construction, except as authorized by the director for engineering infrastructure.

(6[~~2~~]) The conservation easement may be structured to be monitored and managed by a nonprofit association dedicated to the conservation of land, with the city as a joint grantee having the right, but not the duty, to monitor the management of the conservation area. [~~The joint grantee of a conservation easement may be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area.~~]

(7[~~3~~]) The city manager may not accept a sole or joint conservation easement on behalf of the city, unless and until the owner provides the building official with:

(A) a tree survey as set forth in Section 51A-10.132, or an estimate of the caliper and type of protected trees documented in a manner determined to be reasonably accurate by the building official, or a forest stand delineation verified and approved by the building official; and

(B) a preservation strategy for the conservation easement area.

(8[4]) No person may place playground equipment or park amenities in a conservation easement area unless the building official has made a written determination that the amenities indicated on a site plan are unlikely to be detrimental to the conservation easement area.

(9[5]) Conservation easement areas must be located wholly within [~~in or partly in the city of Dallas and may not extend further than five miles from~~] the Dallas city limit.

(g) Use of other property for tree replacement. Replacement trees that cannot be planted on the tree removal property, and for which credit is not given through a conservation easement, may be replaced by the methods in this subsection. The applicant may:

(1) provide a replacement tree to a city department for planting on city property, with the approval of the director of the city department.

(2) plant a replacement tree on property in the city that is within five miles of the tree removal property as long as the responsible party obtains the written approval of the building official and provides:

(A) a site plan indicating the location of the tree to be removed or seriously injured, the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree; and

(B) a written agreement between the owner of the property where the replacement tree will be planted and the responsible party, to transfer responsibility for the replacement tree under this article to the receiving party.

(i) The agreement may be structured to allow a non-profit association dedicated to tree advocacy or the conservation of land to monitor and manage the replacement trees.

(ii) The agreement must include a written affidavit by the owner of the property where the replacement tree will be planted agreeing to maintain the tree for five years and to be the responsible party for the replacement tree.

(C) A responsible party who obtains permission to plant the replacement tree on other tree replacement property in the city shall ensure that the planting and maintenance of the tree on the other tree replacement property complies with the requirements of this article.

(h) Park land dedication. Preserved protected trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Subsection (f).

(1) Except as provided in this subsection, to be eligible for tree mitigation credits, dedicated park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5) and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i).

(2) Park land dedication requirements may be met on an acre by acre basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director of the park and recreation department.

(i) Reforestation fund.

(1) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.

(2) The director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property.

(3) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

(4) All property purchased through this fund must be located within the city of Dallas

SEC. 51A-10.136. CONSERVATION AND MAINTENANCE [~~PRESERVATION~~] OF PROTECTED TREES DURING CONSTRUCTION OR OTHER DISTURBANCE.

(a) City property. Except as provided in this section, trees on city property:

(1) must be established and maintained in accordance with ANSI A300 standards for tree care operations and the ISA Best Management Practices; or

(2) the American Standard for Nursery Stock Z60.

(b) In general. Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the following requirements must be met:

(1[~~a~~]) Tree protection plan in general. A tree protection plan submitted to the building official must meet the specifications found in ANSI A300 Standards for Tree Care Operations, as amended, and ISA Best Management Practices.

(2) Tree protection plan additional requirements. A tree protection plan must include the following:

(A[~~1~~]) A site plan drawn to scale, indicating the location of land disturbance, clearing, grading, trenching, tree protection zones, general projection of the tree canopy area over the property, proposed underground utilities, staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection, and areas where soil compaction is likely to occur in a tree protection zone due to traffic or materials storage.

(B[~~2~~]) A complete tree survey in accordance with the requirements set forth in Section 51A-10.132, or a forest stand delineation approved by the building official. Significant and historic trees must be specifically designated on the survey.

(C[~~3~~]) Detailed drawings and descriptions of any of the following tree protection measures that will be used during development.

(i[~~A~~]) Tree protection fencing. Tree protection fences must be constructed within the development impact area unless an alternative is approved by the building official on the tree protection plan.

(aa) Except as provided in this subparagraph, tree protection fences must be a minimum of four feet high, constructed with adequate, durable material (e.g. orange plastic construction fencing) approved by the building official, and located at the drip line or the edge of the critical root zone, whichever is farthest from the trunk, unless the building official determines that a fence line closer to the trunk will not be likely to result in damage to the tree. The building official may require an expansion of the critical root zone or approved encroachment. Once established, the fence line must remain in place as approved.

(bb) Tree protection fences located in the development impact area within 15 feet of construction activity must be a minimum of six-feet-high and constructed of chain-link, wire-mesh, or wood fence materials, and be solidly anchored to the ground if:

(I) a required tree protection fence located with the critical root zone of a protected tree on the property is determined by the building official to be in violation of this subsection;

(II) a significant or historic tree is located within a development impact area;

(III) a tree preservation plan for sustainable development incentives is designed for the preservation of protected trees within the area of construction activity; or

(IV) tree canopy cover credit for single family or duplex uses is applied to protected trees in the construction activity area.

[~~For purposes of this subsection, "drip line" means a vertical line that runs from the outermost portion of the crown of a tree to the ground.~~]

(ii[~~B~~]) Erosion control fencing or screening. All protected trees or stands of trees, and tree protection zones must be protected from the sedimentation of erosion material. Silt screening must be placed along the outer uphill edge of tree protection zones.

(iii[~~C~~]) Tree protection signs.

(iv[~~D~~]) Transplanting specifications. Trees to be transplanted on property, or relocated from a remote property, must conform to the specifications found in ANSI A300 Standard for Tree Care Operations, as amended.

(v[~~E~~]) Tree wells, islands, retaining walls, and aeration systems.

(vi[~~F~~]) Staking specifications.

(vii) Soil and root protection.

(viii) Trunk protection.

(ix) Tree and site watering plan.

(c) Clearing. For clearing invasive, exotic, or unprotected vegetation on a building site, a forest stand delineation is required. The building official may require a tree protection plan to be provided on all or a portion of the building site.

(d[~~b~~]) Implementation of tree protection plan.

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(1) The responsible party must install and maintain all tree protection measures indicated in the approved plan prior to and throughout the land disturbance process and the construction phase.

(2) No person may disturb the land or perform construction activity until the required tree protection measures have been inspected by the building official.

(3) The responsible party must mulch areas where soil compaction is likely to occur as indicated on the plan with a minimum four-inch layer of [~~processed pine bark or~~] wood chip[~~s~~] mulch, or by other options listed in ISA Best Management Practices, or methods and materials recommended by a consulting arborist and approved by the building official[~~a six-inch layer of pine straw~~].

(4) If a cut is made to the root of a tree that is not intended to be removed or seriously injured as indicated on the plan, the cut must be made at a 90 degree angle.

(5) The responsible party must tunnel utilities if utilities are to run through a tree protection zone, rather than being placed along corridors between tree protection zones.

(6) The responsible party must provide water to the tree protection zone as needed due to weather or site conditions, with penetration between six and 18 inches of soil.

(e) Damage to protected trees. Where the building official has determined that irreparable damage has occurred to trees within tree protection zones, the responsible party must remove and replace those trees. The building official may determine that irreparable damage to a tree has occurred based on, but not limited to, the following factors:

(1) site evaluation;

(2) visible extensive damage to a tree root system;

(3) extensive soil compaction around the tree protection zone;

(4) visual evidence that required tree protection has been removed or is in disrepair; or

(5) a tree risk assessment by a consulting arborist that includes the current condition and proposed remedial measures.

(f) Topping. Topping is not an acceptable practice.

SEC. 51A-10.137. VIOLATION OF THIS DIVISION.

(a) Stop work order. Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any

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person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

(b) Mitigation. The building official may require mitigation for the removal, or serious injury, of protected trees without a tree removal application or a building permit upon written notice of a violation of this division.

(1) Mitigation may include:

(A) replacement of nursery stock trees on the property based on a tree mitigation plan provided by the responsible party, if it is determined by the building official that it is practicable to plant trees on the tree removal property;

(B) other alternative methods of compliance in this article when approved by the building official; or

(C) a fee to be applied to the Reforestation Fund, with the amount determined in Section 51A-10.135.

(2) The responsible party must provide a tree survey or a forest stand delineation identifying all tree sizes and species, or tree canopy coverage, on the property.

(A) If the responsible party fails to provide the required information within 30 days of the notice of violation the building official may conduct a forest stand delineation using aerial imagery, field analysis, or other reasonable and pertinent information to review and identify the square footage of tree canopy coverage on the property.

(B) Required mitigation is calculated as follows:

(i) When tree size and species are identified in a verifiable survey provided by a consulting arborist and approved by the building official. Mitigation is required in accordance with Section 51A-10.134.

(ii) When protected trees have been removed with no measurable remaining evidence. Mitigation is required in accordance with Section 51A-10.134 as determined using the following calculation.

(aa) The tree canopy coverage area is estimated by measuring the tree canopy coverage area shown in an aerial image no older than three years before notice of violation.

(bb) The estimated tree canopy coverage area, in square feet, on the tree removal property is divided by 1,200 square feet to determine an estimated number of trees for the area.

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(cc) The number of trees is multiplied by eight inches as the estimated average of trees to determine the inches of the trees to be replaced.

(iii) Reforestation fund.

(aa) The number of inches to be replaced for trees not located in a primary natural area is multiplied by the Class 2 base rate (0.7:1) to calculate reforestation fund value.

(bb) The number of inches to be replaced for trees located in a primary natural area is multiplied by the Class 1 base rate (1:1) to calculate reforestation fund value.

(3) Upon a finding by the building official that tree canopy coverage removal has occurred, the building official shall give written notification to the responsible party. Tree replacement or mitigation must be completed within 90 days of the date of the notification.

SEC. 51A-10.138. APPEALS.

In considering an appeal from a decision of the building official made in the enforcement of this division, the sole issue before the board of adjustment shall be whether or not the building official erred in his or her decision. The board shall consider the same standards that the building official was required to consider in making the decision.

SEC. 51A-10.139. FINES.

A person convicted of violating this division shall be subject to a fine of not less than $2,000.00 per protected tree removed or seriously injured without authorization, and not less than $2,000.00 per day for any other violation of this division.

SEC. 51A-10.140. CRIMINAL RESPONSIBILITY, AND DEFENSES TO PROSECUTION.

(a) A person is criminally responsible for a violation of this division if the person:

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or

(2) owns part or all of the land where the violation occurs.

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A[~~No approval of a~~] tree removal application or tree replacement is not required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) the director of mobility and street services;

(D) the director of sanitation services;

(E) the director of code compliance;

(F) the director of park and recreation; [~~or~~]

(G) the director of sustainable development and construction; or

(H) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility or public right-of-way; or

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development. [~~Section 51A-8.404; or~~

~~(10) was removed or seriously injured to allow construction of improvements in accordance with a building permit.~~]

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AGENDA ITEM # 85

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: **(1)** an ordinance granting amendments to allow the Board of Adjustment to grant a special exception to authorize an additional dwelling unit to be rented; and **(2)** an ordinance granting amendments to create regulations for an accessory dwelling unit overlay
Recommendation of Staff: Approval of staff proposal
Recommendation of CPC: No Change
DCA 156-006

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed A. Al-Ghafry

FILE NUMBER: DCA 156-006 **DATE INITIATED:** April 7, 2016

TOPIC: Accessory Dwelling Units

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code: **(1)** to allow the Board of Adjustment to grant a special exception to authorize an additional dwelling unit to be rented; and **(2)** to create regulations for an accessory dwelling unit overlay.

SUMMARY: Staff proposes two amendments: (1) establish a Board of Adjustment (BDA) special exception to authorize an additional dwelling unit as a rental accommodation; and (2) create regulations for an accessory dwelling unit overlay.

CPC RECOMMENDATION: **No Change**

STAFF RECOMMENDATION: **Approval of staff proposal**

BACKGROUND

- On October 19, 2015, the City Council Housing Committee was briefed on Accessory Dwelling Units. The Housing Committee directed staff to conduct a meeting to gather input on allowing accessory dwelling units and their potential impact on neighbors and neighborhoods.

- On December 15, 2015, staff held a public meeting to receive comments regarding this topic.

- On February 16, 2016, the City Council Housing Committee was again briefed and updated on the input received from the public meeting. The Committee directed staff to proceed to the Zoning Ordinance Advisory Committee (ZOAC).

- Zoning Ordinance Advisory Committee (ZOAC) considered this issue at five public meetings: January 19, 2017; February 16, 2017; March 16, 2017; April 6, 2017 and April 27, 2017.

- On April 27, 2017, ZOAC recommended “no change” to the Dallas Development Code.

- On June 22, 2017, City Plan Commission (CPC) recommended “no change” to the Dallas Development Code.

- On May 7, 2018, Economic Development and Housing Committee was briefed on the staff proposed amendments to allow for Accessory Dwelling Units. The Committee recommended to move the staff proposal to a City Council public hearing for action.

GENERAL INFORMATION/STAFF ANALYSIS

An “Accessory Dwelling Unit (ADU)” or “Granny Flat” is an additional dwelling unit on a single family lot.

Currently, Dallas City Code allows an additional dwelling unit by a special exception granted by the Board of Adjustment (BDA). BDA may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not be used as a rental accommodation (to be deed restricted as such) and will not adversely affect neighboring properties.

Beginning in 1929 with our first zoning ordinance, dwelling districts allowed both single family and two family dwellings. But, after 1946 additional dwelling units were allowed in the newly created single family districts only as "bona fide servant’s quarters not for rent." In 1965 the terminology changed and the additional units were called guest houses (without kitchens) or servant's quarters and neither could be rented. By 1973 additional dwelling units were only allowed by BDA approval and not for rental. From the late 80’s to

present, if BDA approves an additional dwelling unit the property owner is required to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

The Comprehensive Housing Policy identified accessory dwelling units as a recommended tool to support the Housing Policy goals. The City Council adopted Neighborhood Plus Plan identifies gaps in affordable housing in the Dallas area. Thirty-one percent (31%) of owners and are 48% of renters are living in homes unaffordable to them. The plan indicates a need for housing choices for those with income below $50,000 per year.

Neighborhood Plus Plan's recommended policies include:

- **Policy 5.1** Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.
- **Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

Thirteen surrounding cities were researched: Allen, Arlington, Cedar Hill, Duncanville, Garland, Grand Prairie, Irving, Mesquite, McKinney, Plano, Richardson, University Park and Highland Park. All the cities except Allen, allow additional dwelling units, however, they are not allowed to be rented.

Fourteen additional cities (including index cities) were researched: Austin, Atlanta, Baltimore, Boston, Columbus, El Paso, Fort Worth, Philadelphia, Phoenix, San Antonio, San Jose, San Diego, Vancouver, and Birmingham.

- Eleven cities allow accessory dwelling units for rental purpose. Among them:
  - Six cities required owner occupancy on the same lot.
  - Eight cities have regulations regarding the ADU size, lot size, and setback requirements.
  - Seven cities have parking requirement.
- In Fort Worth, the ADUs in one family districts are not allowed for rental; ADUs in transition zones can be rented.
- Baltimore and Boston do not allow accessory dwelling units.

Based on the research, many of the cities that allow accessory dwelling units citywide do so as one way to increase affordable housing units, increase mixed-income housing options in neighborhoods, allow seniors to remain in their neighborhood, and provide entry into a specific neighborhood.

Staff held a public meeting on December 15, 2015, to receive comments on potentially allowing Accessory Dwelling Units. Twenty-four people attended, providing written and verbal comments.

- Comments opposing ADUs in single family districts:
  - Code enforcement is already overwhelmed and has difficulty enforcing ADUs being rented now.
  - ADUs create additional burden on existing infrastructure (water, sewer, sanitation, schools, road capacity, etc.).
  - Excess on-street parking will reduce access for emergency vehicles and increase congestion.
  - Some neighborhoods have worked hard to remove multifamily properties. Allowing ADUs in single family neighborhoods will un-do this work.
  - ADUs will decrease property values.
  - Too many illegal garage/shed conversions already.
  - Construction quality for ADUs may be poor.
- Comments supporting ADUs in single family districts:
  - ADUs can help slow down gentrification, increase density, and optimize existing infrastructure utilization.
  - ADUs can provide additional income to seniors and help them to remain in their homes (age in place).
  - ADUs should be allowed with restrictions, such as number of people allowed in ADU, parking, lot size, etc.

STAFF PROPOSAL:

Staff is recommending two amendments to allow additional dwelling units within Dallas: 1) establish an additional Board of Adjustment (BDA) special exception to authorize an additional dwelling unit as a rental accommodation; and 2) create regulations for an ADU overlay. Property owners can choose the option that works best for their neighborhood and their circumstances.

1) Allow the Board of Adjustment (BDA) to grant a special exception to authorize an additional dwelling unit to be rented

- The board of adjustment may grant a special exception to authorize an additional dwelling unit as a rental accommodation in limited single family districts when:
  - the additional rental unit will not adversely affect neighboring properties;
  - deed restrict the subject property to require owner occupancy on the premises;
  - Board may determine if an additional parking space is required; and
  - register the rental property with the Single Family Non-Owner Occupied Rental Program of the City annually.

2) Accessory Dwelling Unit (ADU) Overlay District

- Initiation of Overlay:
  - Neighborhood driven process similar to a Neighborhood Stabilization Overlay, or
  - City Council or City Plan Commission authorized hearing to initiate.

- General Regulations:
  Accessory Dwelling Unit (ADU) means an additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.
  - Allowed in:
    a) Residential "R" single family districts and Agricultural districts.
    b) Conservation districts, historic overlays, neighborhood stabilization overlays, and single family planned development districts.
    c) Not allowed on a lot with a non-single family use.
  - Property must be the homestead and owner shall reside on the lot, occupying either the primary dwelling unit or the ADU. Temporary absence of up to one year is allowed.
  - Non-owner occupied unit on the lot, whether it's the ADU or the primary dwelling unit, must be registered under the single family Non-Owner Occupied Rental Program of the City annually if rented.
  - Unit cannot be sold separately (metes and bounds).
  - Allow additional water, sewer, and electrical utility service on a lot.
  - May be attached or detached from the main single family structure.
    <u>If detached:</u>
    - cannot be located in front of the main structure;
    - minimum of 200 square feet;
    - floor area of the structure containing ADU cannot exceed 700 sq.ft. or 25 percent of the floor area of the main building, whichever is greater;
    - if ADU is located above the garage, the height of the structure containing the ADU cannot exceed the zoning district height;
    - if the height of the structure containing ADU is over 15 feet, setbacks of the zoning district shall be maintained;
    - if the height of the structure containing ADU is less than 15 feet and located in the rear 30 percent of the lot, a minimum three foot side yard setback must be provided;

- if the height of the structure containing ADU is less than 15 feet, a minimum three foot rear yard setback must be provided;
- compatible with the main building: similar in color, materials, exterior siding, roofing, roof pitch, foundation fascia, and fenestration.

Note: proposed regulations are similar to current code regulations for accessory structures.

If attached: floor area of the ADU cannot exceed 700 sq.ft. or 25 percent of the floor area of the main building, whichever is greater;

– Parking:

At least one off-street parking space is required for the ADU. This is in addition to the minimum required off-street parking for the single family residence. However:

- No additional parking is required if the ADU if located within 1,200 feet of a DART bus or transit stop.
- No additional parking required for the ADU if, through the neighborhood driven petition process, 75% of the property owners approve no additional parking required.
- City council may reduce the off-street parking requirement if a reduction is recommended by the neighborhood steering committee during the authorized hearing process.

CPC ACTION
June 22, 2017

Motion: It was moved to recommend **no change** of amending Chapters 51 and 51A of the Dallas Development Code, Section 51-4.201 and Section 51(A)-4.209 to allow the Board of Adjustment to grant a special exception to authorize an additional dwelling unit to be rented, and Section 51-4.500 and Section 51A-4.500 to create regulations for an accessory dwelling unit overlay.

Maker:	Shidid
Second:	Houston
Result:	Carried: 7 to 6
For:	7 - Anglin, Houston, Shidid, Anantasomboon, Haney, Housewright, Tarpley
Against:	6 - Rieves, Davis, Mack, Jung, Schultz, Peadon
Absent:	2 - Murphy, Ridley
Vacancy:	0

Speakers:
For: Selena Urquhart, 5514 Vickery Blvd., Dallas, TX, 75206
Kenneth Lampton, 6014 Llano Ave., Dallas, TX, 75206
Allen Urquhart, 5514 Vickery Blvd., Dallas, TX, 75206
Santos Martinez, 1111 Cordova St., Dallas, TX, 75223
Against: Shelia Bellows, 3325 Rockbliff Dr., Dallas, TX, 75227
Pam Conley, 901 N. Madison Ave., Dallas, TX, 75208
Dana Mills, 4331 Glenwood Ave., Dallas, TX, 75205
Staff: David Cossum, Director, Sustainable Development and Construction Department

Board of Adjustment (BDA) special exception

4-17-17

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," **[and/or]** Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section _____; providing (description of amendment); providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph _____ of Paragraph _____, "_____," of Subsection ___, "_____," of Section 51-____, "_____," of Division 51-_____, "_____" of Article _____, "_____," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

[Insert text of amendment.]

[or]

"This section incorporates by reference the language of Section 51A-_____ of Chapter 51A of the Dallas Development Code, as amended."

SECTION 2. That Paragraph (6), "_____," Subsection (b), "_____," of Section 51A-4.209, "_____," of Division 51A-4.200, "_____" of Article _____, "_____," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Special exceptions. [~~Additional provisions:~~]

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Rentable additional dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided the board shall determine if that will create a traffic hazard. The

board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to deed restrict the subject property to: require owner occupancy on the premises; and register the rental property with the Single Family Non-Owner Occupied Rental Program of the City annually.

(iv) In general. The following apply to special exceptions granted under paragraphs (i) and (iii):

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb[~~iv~~]) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) Utility meters. In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located. Contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(vi) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, Aindustrialized housing@ means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the Avalue@ of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. ACompatible@ as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee[~~cc~~]) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff[~~dd~~]) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less.

SECTION 3. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol "[A]," for example, "Section 51[A]-_____," means that the letter "A" will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 4. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code. *[If the amendment changes a use chart.]*

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 6. That Chapter(s) 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and

effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

Passed_____

Accessory Dwelling Unit (ADU) Overlay

6-11-18

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," **[and/or]** Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section _____; providing (description of amendment); providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (4) of Subsection (a), "Fees for Zoning and SUP Amendments and Renewals," of Section 51A-1.105, "Fees," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Fee schedule.

Type of Application	**Application Fee**	**Area of Notification for Hearing**
Amendment to planned development district or institutional overlay district site plan and/or conditions only	$2,610.00 + $1,000.00 per regulation type being	500 feet

	amended	
All other applications relating to planned development districts, including the creation of subdistricts, or institutional overlay districts:		
0-5 acres	$5,820.00 + $1,000.00 per regulation type	500 feet
over 5 acres	$5,820.00 +$250.00 per each acre over 5 and $1,000.00 per regulation type	500 feet
Maximum fee	$50,000.00	
Applications for straight form districts, planned form districts, and parking management overlay districts:		
0-1 acre	$1,050.00	200 feet
over 1 acre to 5 acres	$2,610.00	300 feet
over 5 acres to 15 acres	$5,820.00	400 feet
over 15 acres to 25 acres	$5,820.00 + $113.00 per each acre over 15	400 feet
over 25 acres	$6,950.00 + $113.00 per each acre over 25	500 feet
Maximum fee	$30,000.00	
Applications for height map overlay districts and shopfront overlay districts	$1,170.00	200 feet
All applications relating to neighborhood stabilization overlay districts <u>and accessory dwelling overlays</u>		
0-1 acre	$500.00	200 feet
over 1 acre to 5 acres	$1,200.00	200 feet
over 5 acres to 25 acres	$2,400.00	200 feet
over 25 acres	$2,400.00	200 feet
All applications relating to conservation districts		
0-1 acre	$500.00	200 feet
over 1 acre to 5 acres	$1,200.00	200 feet
over 5 acres to 25 acres	$2,400.00	200 feet
over 25 acres	$2,400.00	200 feet

Application for original SUP:		
0-1 acre	$1,170.00	200 feet
over 1 acre to 5 acres	$1,170.00	300 feet
over 5 acres to 25 acres	$1,170.00	400 feet
over 25 acres	$1,170.00	500 feet
pedestrian skybridge	$10,000.00	See 51A-

"

SECTION 2. That Division 51-4.500, "Overlay and Conservation District Regulations" of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Section 51-4.509, Accessory Dwelling Unit Overlay," to read as follows:

"**SEC. 51A-4.509. ACCESSORY DWELLING UNIT OVERLAY.**

This section incorporates by reference the language of Section 51A-4.510 of Chapter 51A of the Dallas Development Code, as amended."

SECTION 3. That Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Section 51A-4.510, Accessory Dwelling Unit Overlay," to read as follows:

"**SEC. 51A-4.510. ACCESSORY DWELLING UNIT OVERLAY.**

(a) Definitions. In this section:

(1) ACCESSORY DWELLING UNIT (ADU) means a rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.

(2) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed district.

(c) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, Zoning Amendments, apply.

(2) An accessory dwelling unit overlay may only be placed on an area that allows single family uses and does not expressly prohibit accessory dwelling units.

(3) A district must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.

(4) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(5) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed district as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the district.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed district in support of the proposed district.

(i) For a proposed district with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed district with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed district is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed district.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) For purposes of Section 51A-4.701, Zoning Amendments, once a complete petition has been submitted to the director, the accessory dwelling unit overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(9) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed accessory dwelling unit overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed accessory dwelling unit overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Accessory dwelling unit overlay.

(1) In general.

(A) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(B) An accessory dwelling unit may not be sold separately from the main building.

(C) An accessory dwelling unit must be compatible with the main building: similar in color, materials, exterior siding, roofing, roof pitch, foundation fascia, and fenestration.

(D) The yard, lot, and space regulations of the accessory dwelling unit overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between the accessory dwelling unit overlay and Division 51A-4.400, the accessory dwelling unit overlay controls.

(2) Yard, lot, and space regulations.

(A) In general. Except as provided in this subsection, the yard, lot, and space regulations of the underlying zoning remain in effect.

(B) Side and rear yard.

(i) If the structure containing the accessory dwelling unit is less than 15 feet in height and is located in the rear 30 percent of the lot, minimum side yard is three feet.

(ii) If the structure containing the accessory dwelling unit is less than 15 feet in height, minimum rear yard is three feet.

(C) Floor area.

(i) Detached accessory dwelling unit.

(aa) Minimum floor area is 200 square feet.

(bb) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

(ii) Attached accessory dwelling unit. Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) Height.

(i) General. Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the primary dwelling unit.

(ii) Accessory dwelling units located above detached garages. For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning district.

(E) Location.

(i) an accessory dwelling unit may not be located in front of a main structure.

(ii) The board may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) Off-street parking.

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(iii) Off-street parking may be reduced if 75 percent of the all property owners within the proposed district vote to allow it during the initial process.

(iv) City Council may reduce the off-street parking requirement if a reduction is recommended by the neighborhood steering committee during the authorized hearing process.

(G) Stories. Maximum number of stories for an accessory dwelling unit is one.

(3) Utility meters. A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(4) Owner occupancy.

(A) Except as provided in this paragraph, if one dwelling unit is used as rental accommodations the property owner must reside in the main structure or the accessory dwelling unit during the tenancy.

(B) The owner may be absent for one year with director approval.

(5) Single family rental program. The rental unit must be registered in the city single family rental program."

SECTION 4. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol "[A]," for example, "Section 51[A]-4.510," means that the letter "A" will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 6. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

Passed_____

AGENDA ITEM # 86

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of an application for amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to amend regulations regarding block and blockface and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 178-005

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 178-005 **DATE INITIATED:** October 23, 2017

TOPIC: Block and blockface regulations

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

APPLICANT: Audra Buckley, Permitted Development

PROPOSAL: An application for amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to amend regulations regarding block and blockface.

SUMMARY: The requested amendments propose to amend Chapter 51A of the Dallas Development Code (1) to amend the definition of block, (2) to create a definition of blockface, and (3) to clarify the methodology for determining continuity of setback related to certain uses. Additionally, staff recommends (1) amendments to clarify additional references to block and blockface in Chapter 51A and (2) parallel amendments to Chapter 51 of the Dallas Development Code.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND

On October 23, 2017, the City received an application for an amendment to the Dallas Development Code, Chapters 51 and 51A, amending regulations regarding block and blockface.

On January 18, 2018, the Zoning Ordinance Advisory Committee (ZOAC) considered the proposed amendment at a public meeting and recommended approval.

On February 15, 2018, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.

On May 14, 2018, the Mobility Solutions, Infratructure, and Sustainability Committee was briefed on the proposed amendment and recommended forwarding it to City Council for consideration.

STAFF ANALYSIS

The applicant proposes to amend Chapter 51A of the Dallas Development Code:

1) to amend the definition of *block*,
2) to create a definition for *blockface*, and
3) to determine requirements for front yard setbacks to maintain continuity along a blockface.

Dallas Development Code Section 51A-2.102 defines *block.*

(10) BLOCK means:

(A) an area bounded by streets on all sides; and

(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.

This definition presents two issues:

1) The definition above conflates *block*, meaning a two-dimensional area, and *blockface,* meaning a linear side of a block.

2) Dallas Development Code Section 51A-4.401(a)(6) uses the term *block* when it specifies the requirements for continuity of front yard setbacks. Specifically, this section of the code says:

> "If street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement."

This regulation is designed to provide a uniform street wall, such as in a residential district where all of the homes are set back from the street a similar distance, or in a downtown area where the buildings are built to the property line the entire length of the block.

However, this regulation currently applies to all properties, regardless of breaks in a block due to uses or curvature of the street:

- Uses - Cemeteries, parks, and utilities, for example, rarely have large structures. The blockface is therefore already disrupted by these uses. Further, these uses are permitted in most zoning districts either by right or by specific use permit.
- Curvature - Once a street curves a certain amount, the view is of the front of a building rather than the front yard setback.

The applicant's request and staff's recommendation propose to address this issue, particularly when the district with the greatest setback has one of these uses as its main use.

Any potential change to a definition like this requires a determination of where other references to *block* and *blockface* exist in the code and whether or not additional amendments are needed. The final section of this case report reviews the additional amendments to references to block and blockface in Chapter 51A. Additionally, staff recommends parallel amendments to Chapter 51 of the Dallas Development Code.

PROPOSAL

Article II - Definitions

The proposed definition of *block* leaves *block* as an area bounded by streets but moves the second half of the definition to *blockface*. The proposal also adds language to the definition of *blockface* to address significant curves in the street:

SEC. 51A-2.102. Definitions.
(10) BLOCK means
~~(A)~~ an area bounded by streets on all sides.~~; and~~
~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.~~

(10.1) BLOCKFACE means:
(A) the distance along one side of a street between the two nearest intersecting streets; or
(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

Section 51A-4.401 – Minimum Front Yard

Section 51A-4.401(a)(6) addresses continuity of front yard setbacks. Staff recommends disregarding the setbacks of districts containing utility, railroad, cemetery/mausoleum, or

recreation uses when the setback of that district would otherwise have controlled the setback of other districts in the blockface.

In addition, the proposed changes to this section include provisions to address curves in the street. Staff recommends 45 degrees as the minimum triggering angle. Once a street curves more than 45 degrees, the visual continuity is interrupted. If a change in zoning occurs at this point with a different required setback, the continuity of setback is not an issue and the zoning district setback of the development site should apply.

SEC. 51A-4.401 Minimum Front Yard

(6) Except as provided in this paragraph, i[~~I~~]f [~~street frontage within~~] a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

(i) Utility and service uses listed in Section 51A-4.212.[1]
(ii) A railroad right-of-way.
(iii) A cemetery or mausoleum.
(iv) Recreation uses listed in Section 51A-4.208.[2]

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;
(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction."

Recommended amendments to additional sections of code

Block and *blockface* are used in other sections of the code. Staff recommends amendments to some of these references and recommends no change to others.

[1]The utility and public service uses listed in Section 51A-4.212 include commercial radio or television transmitting station, electrical generating plant, electrical substation, local utilities, police or fire station, post office, radio, television, or microwave tower, refuse transfer station, sanitary landfill, sewage treatment plant, tower/antenna for cellular communication, utility or government installation other than listed, and water treatment plant.

[2] The recreation uses listed in Section 51A-4.208 include country club with private membership; private recreation center, club, or area; and public park, playground, or golf course.

In the CA-1(A) - Central Area District, the additional provisions specify sidewalk widths for frontages along blocks and fencing requirements for surface parking lots. Staff recommends the following changes:

- Section 51A-4.124(a)(8)(C) - Sidewalk regulations in CA-1(A) districts – "(i) Average sidewalk width equals the total sidewalk surface area divided by the lineal feet of frontage. (aa) Each frontage on each blockface must contain the required average sidewalk width."
- Section 51A-4.124(a)(9)(J) – "Fencing for commercial parking garages and surface parking lots: (ii) Surface parking lots in the middle of a blockface with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing."

Section 51A-4.211(10) regulates transit passenger station or transfer center uses. The paragraph for minimum setbacks for parking uses blockface as staff proposes it to be defined. Staff recommends clarifying the intended definition.

- Section 51A-4.211(10)(E)(v) – "Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface as defined in Section 51A-4.401, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use."

Section 51A-4.401(b) regulates minimum front yard requirements for townhomes adjacent to other residential districts and uses *block* as an area, not a length.

- 4.401(b)(3) "If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district."

Within Article VII – Sign Regulations, Section 51A-7.500 regulates special provision sign districts. Section 51A-7.502 uses the lineal (rather than areal) definition of block and must therefore be updated to replace *block* with *blockface*:

- Section 51A-7.502. "Creation of a special provision sign district. By amendment to this article, the city council may designate an area as a special provision sign district subject to the following conditions: (1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways."

Chapter 51

Staff recommends parallel changes to the language in Chapter 51. See the attached ordinance for details.

CPC ACTION

February 15, 2018

Motion: It was moved to recommend approval of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, amending regulations regarding block and blockface.

Maker: Shidid
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West,* Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 – Lavallaisaa
Vacancy: 1 – 0
*out of the room, shown voting in favor

Speakers: For: Paul Carden, 5003 Bryan St., Dallas, TX, 75206
Against: None
Staff: Bert Vandenberg, Assistant City Attorney

5-29-18

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-2.102, 51-4.401, 51A-2.102, 51A-4.124, 51A-4.211, and 51A-7.502; providing a new definition of blockface and clarifying measurements; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (9) of Section 51-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(9) BLOCK means:

[~~(A)~~] an area bounded by street<u>s</u> on all sides.[~~; and~~

~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.~~]"

SECTION 2. That Section 51-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (9.1) to read as follows:

"(9.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction."

SECTION 3. That Paragraph (6) of Subsection (a), "General Provisions," of Section 51-4.401, "Minimum Front Yard," of Division 51-4.400, "Yard, Lot, And Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(6) Except as provided in this paragraph, i[~~I~~]f [~~street frontage within~~] a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

(i) Utility and service uses listed in Section 51-4.202.

(ii) A railroad team track or railroad yard, round house, or shops.

(iii) A cemetery or mausoleum.

(iv) Recreation and entertainment uses listed in Section 51-4.208(1) through (5).

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction."

SECTION 4. That Paragraph (3) of Subsection (b), "Front Yard Provisions for Residential Districts," of Section 51-4.401, "Minimum Front Yard," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(3) If a TH district abuts another residential district, as defined both in this chapter and in Chapter 51A, in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH district."

SECTION 5. That Romanette (i) of Subparagraph (A) of Paragraph (4) of Subsection (c), "Front Yard Provisions for Nonresidential Districts," of Section 51-4.401, "Minimum Front Yard," of Division 51-4.400, "Yard, Lot, and Space Regulations," Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(i) Each frontage on each blockface must contain the required average sidewalk width."

SECTION 6. That Paragraph (10) of Section 51A-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(10) BLOCK means:

[~~(A)~~] an area bounded by streets on all sides.[~~; and~~

~~(B) as a measurement term, the distance along one side of a street between the two nearest intersecting streets, or where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street.~~]"

SECTION 7. That Section 51A-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (10.1), "Blockface," to read as follows:

"(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction."

SECTION 8. That Item (aa) of Romanette (i) of Subparagraph (C), "Sidewalk Regulations," of Paragraph (8), "Additional Provisions," of Subsection (a), "CA-1(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(aa) Each frontage on each block<u>face</u> must contain the required average sidewalk width."

SECTION 9. That Romanette (ii) of Subparagraph (J), "Fencing," of Paragraph (9), "Commercial Parking Garages and Surface Parking Lots.," of Subsection (a), "CA-1(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(ii) Surface parking lots in the middle of a block<u>face</u> with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing."

SECTION 10. That Romanette (v), "Minimum Setbacks for Parking and Maneuvering," of Subparagraph (E) of Paragraph (10), "Transit Passenger Station or Transfer Center," of Section 51A-4.211, "Transportation Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(v) <u>Minimum setbacks for parking and maneuvering</u>. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, <u>as defined in Section 51A-4.401,</u> whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use."

DRAFT

SECTION 11. That Paragraph (6) of Subsection (a), "General Provisions," of Section 51A-4.401, "Minimum Front Yard," of Division 51A-4.400, "Yard, Lot, And Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(6) Except as provided in this paragraph, i[~~I~~]f [~~street frontage within~~] a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

(i) Utility and public service uses listed in Section 51A-4.212.

(ii) A railroad right-of-way.

(iii) A cemetery or mausoleum.

(iv) Recreation uses listed in Section 51A-4.208.

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction greater than 45 degrees, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction."

SECTION 12. That Paragraph (3) of Subsection (b), "Front Yard Provisions for Residential Districts," of Section 51A-4.401, Minimum Front Yard," of Division 51A-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3) If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district."

SECTION 13. That Paragraph (1) of Section 51A-7.502, "Creation of a Special Provision Sign District," of Division 51A-7.500, "Special Provision Sign Districts," of Article VII, "Sign Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways."

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 15. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 18. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

DRAFT

AGENDA ITEM # 87

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: June 27, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Article VIII in Chapter 51 and Chapter 51A of the Dallas Development Code amending regulations regarding sidewalks and the sidewalk waiver process and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 178-010

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed A. Al-Ghafry

FILE NUMBER: DCA 178-010 **DATE INITIATED:** March 26, 2018

TOPIC: Sidewalk Code and Waiver Process

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amendments to Article VIII in Chapter 51 and Chapter 51A of the Dallas Development Code amending regulations regarding sidewalks and the sidewalk waiver process.

SUMMARY: The proposal will ensure that sidewalks are constructed in accordance with City requirements, policies and plans, and will improve the efficiency of the sidewalk waiver process. The proposal will also limit the instances when sidewalk construction may be waived, and will better explain the conditions necessary for a sidewalk waiver to be considered.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

Background:

On April 5 and April 19, 2018, the Subdivision Review Committee (SRC) reviewed and recommended the proposed amendments to the City Plan Commission (CPC).

On May 14, 2018, the Mobility Solutions, Infrastructure & Sustainability (MSIS) Committee was briefed and recommended the proposal go to a City Council public hearing for action.

The Sustainable Development and Construction Department is recommending changes to the sidewalk waiver process described in Chapter 51A-8.606. The intent of the proposed Code change is:

- To ensure sidewalks are constructed in accordance with city requirements, policies and plans;
- To limit the instances when sidewalk construction may be waived;
- To better explain the conditions necessary for a sidewalk waiver to be considered; and
- To improve the efficiency of the sidewalk waiver process.

Currently, three of the four existing waiver conditions have vague wording that allows for differing interpretations. The proposed waiver conditions are more plainly worded with less room for interpretation. Furthermore, one of the new waiver conditions increases the percentage threshold to waive installation of a sidewalk from a 50% absence of sidewalk to an 80% absence of sidewalk on a block face. The current process also requires the review of two different Departments and has no allowance for prioritization between the Departments for a decision. Also, there is currently no appeal process. The proposed language places the final waiver decision in one department and provides for an appeal process before the Board of Adjustment. The proposed language also provides clear definitions of terms.

Research/Staff Analysis:

The Sustainable Development and Construction Department Engineering Division, the Planning and Urban Design Department, and builders and developers have worked together over the last year to improve, clarify, and increase the efficiency of the current sidewalk waiver process and are in agreement with the proposed code language. In addition, staff has implemented procedural changes to ensure waivers are requested early in the development process to ensure builders can make allowances for their construction.

CPC ACTION

April 19, 2018:

Motion: It was moved to recommend **approval** of amendments (briefed version) to Article VIII in Chapter 51 and Chapter 51A of the Dallas Development Code amending regulations regarding sidewalks and the sidewalk waiver process.

Maker: Jung
Second: Rieves
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid*, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley
Against: 0
Absent: 0
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Speakers: None

4-19-18

ORDINANCE NO. _____

An ordinance Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-8.606; providing revised sidewalk and sidewalk waiver regulations; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 51A-8.606, "Sidewalks," of Division 51A-8.600, "Infrastructure Design and Construction" of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"**SEC. 51A-8.606. SIDEWALKS.**

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the director [~~and the chief planning officer~~].

(b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and any other council approved plan [~~, in the central business district, the Dallas Central Business District Pedestrian Facilities Plan,~~] as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk. [~~All sidewalks must be constructed of Portland cement concrete having a minimum compressive strength of 3000 pounds per square inch.~~]

(c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

(d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director [~~and the chief planning officer~~]

(1) In this subsection:

(A) BLOCK FACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;

(ii) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(iii) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction. *(Note this can be removed if the block face definition goes through council before this does.)*

(B) MID-BLOCK LOT means a lot that is not a corner lot.

(C) CORNER LOT means a lot that is located at the intersection of two or more streets.

(2) The director may grant a waiver under these conditions:

(A) In general. These conditions apply to all waiver requests.

(i) If sidewalk construction would cause drainage, safety or other engineering issues that cannot be feasibly addressed as determined by the director.

(ii) If a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal.

(iii) If the waiver will not have an adverse effect on neighboring properties.

(B) Mid-block lot. If sidewalks do not exist on the adjacent lots and on more than 80 percent of the lots on the same block face.

(C) Corner lot.

(i) If sidewalks do not exist on any of the mid-block lots on the same block face and the lot is not located within one-quarter mile, as measured along street frontages, from a transit stop, school, park, playground, or other pedestrian accessible destination.

(3) A denied waiver application must clearly state the specific reasons why the waiver conditions were not satisfied.

(4) Waivers for corner lots shall be determined independently for each block face, but will require only one fee.

(5) Granting a waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. [~~The director and the chief planning officer shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other population intensive areas when considering the request for sidewalk waivers. Should the director and the chief planning officer waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:~~

~~(1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.~~

~~(2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.~~

~~(3) A permanent line and grade cannot be set within the public street right-of-way.~~

~~(4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property.~~]"

SECTION 2. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol "[A]," for example, "Section 51[A]-_____," means that the letter "A" will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 3. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code. *[If the amendment changes a use chart.]*

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 5. That Chapter 51 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 88

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	N/A

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to establish park land dedication requirements for residential and lodging uses and an ordinance granting the amendments - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost)
Recommendation of Staff and CPC: Approval
DCA 178-003

FISCAL INFORMATION

This action has no cost consideration to the City. State law prohibits the use of revenue generated form the ordinance to fund the administration of the program. The anticipated cost to add one new full time planner position to implement the Park Land Dedication Ordinance is $80,000.

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 27, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 178-003 **DATE INITIATED:** NA

TOPIC: Park Land Dedication

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to establish park land dedication requirements for residential and lodging uses.

SUMMARY: The proposal establishes park land dedication requirements or a fee-in-lieu of park land dedication and a park development fee for residential and lodging uses in the City of Dallas.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND

On November 16, 2016, at the request of the Park and Recreation Board, staff provided a briefing on park land dedication ordinances in Texas. The same briefing was provided to the City Council Quality of Life Committee on January 23, 2017. The Committee was briefed again on the topic on April 10th and June 12th of 2017. The City Council Committee requested that staff pursue the steps necessary to prepare an ordinance on park land dedication requirements for City Council consideration at the earliest convenience.

Between briefings to the Park and Recreation Board and City Council Committee, staff from Sustainable Development and Construction and the Park and Recreation Departments convened a panel to discuss and make recommendations on an ordinance. The panel included representatives from the local chapter of the American Institutes of Architects, The Real Estate Council, Dallas Builders Association, single and multifamily residential developers, the Trust for Public Land, and other park and open space advocates including former City Council and Park and Recreation Board members. The panel met five times over the course of April and May of 2017. Several of the key panel recommendations have been incorporated into the proposed park land dedication ordinance.

The Subdivision Review Committee considered this item at five public meetings: July 6, 2017; July 20, 2017; August 17, 2017; September 7, 2017 and on October 12, 2017 voted to recommend the proposed ordinance to the City Plan Commission.

On November 9, 2017, the City Plan Commission (CPC) was briefed by staff on park land dedication.

On December 14, 2017, CPC recommended approval with a modification to change the effective date of the ordinance to January 1, 2019.

On January 4, 2018, the Park and Recreation Board approved a resolution supporting the CPC approval of the ordinance.

On February 12, 2018, the City Council Quality of Life, Arts and Culture Committee was briefed and recommended the proposal be briefed to full Council.

On May 16, 2018, the City Council was briefed on the proposal for park land dedication and recommended it go to a Council public hearing for action.

GENERAL INFO/STAFF ANALYSIS:

Park land dedication ordinances are commonplace throughout the state of Texas including the surrounding metroplex and have been utilized in Texas since 1955. All large peer cities (Houston, San Antonio, Austin, Fort Worth) have enacted similar ordinances to ensure adequate park land and amenities are available to new residents and visitors.

The intent of the ordinance is to make park land and park amenities available to new residents as new residential and lodging development occurs. The cost of providing land and amenities to new residents is borne by the developer as opposed to existing taxpayers. Typical components of these ordinances include a park land dedication requirement, an optional fee-in-lie of land dedication, a park development fee, establishment of nexus zones and a time limit for expending fees. The proposed ordinance includes all of those elements.

The fee-in-lieu recommendations are based upon a methodology that takes into account the existing criteria of the park system including acreage, number of parks, US census data, cost to develop a neighborhood park, and the cost to acquire parkland. The proposed fees are comparable and in line with existing park dedication fees around the metroplex.

The recommendation for nexus zones is to utilize the six existing park districts and a new zone for the downtown area to follow the map developed by the Downtown 360 Plan. The rationale is that the districts currently exists, they contain roughly a similar number of parks and facilities, and they are large enough to offer flexibility for acquiring park land while still being responsive to the new development. Also, please note that due to the requirement that land dedicated and funds spent must geographically relate to the new development, fees must be spent within the same nexus zone as the new development or in an adjacent zone in the scenario where the development occurs on a zone border.

PROPOSAL

- Land Dedication Requirements
    - SF = 1 acre per 100 dwelling units
    - MF 1 bed = 1 acre per 255 dwelling units
    - MF 2+ beds = 1 acre per 127 dwelling units
    - Hotel/Motel = 1 acre per 233 rooms
- Fee-in-lieu total (including park development fees)
    - SF = $1165 per dwelling unit
    - MF 1 bed = $457 per dwelling unit
    - MF 2+ beds = $917 per dwelling unit
    - Hotel/Motel = $500 per room
- Minimum size of land dedication is 1 acre unless special circumstances exist
    - For developments that require a dedication of less than 1 acre, fee-in-lieu will be accepted
- Number is dwelling units is based upon the total increase in units in existence within 5 years of approval of preliminary plat or issuance of building permit
    - Would exempt residential tear-downs and replacement of 1 new home

- Private park land will be given 100% towards land dedication requirement if publicly accessible and is compliant with other standards
- Private park land will be given a 50% credit towards land dedication requirement if it is completely private but is compliant with other standards
- Dedicated land must meet certain standard requirements and shall not exceed 50% floodplain designation and shall not include storm water detention/retention areas
- Fees paid to meet ordinance requirements must be spent within 10 years
- Fees paid to meet ordinance requirements cannot be used for maintenance or staff/overhead expenses
- Trees on dedicated parkland may be used to meet tree mitigation requirements in accordance with Article X
- Proposed ordinance will go into effect in January 1, 2020
- Ordinance will be re-evaluated every 5 years

CPC ACTION
December 14, 2018

DCA 178-003 Planner: Ryan O'Connor

Motion: It was moved to recommend **approval** of an amendment (draft dated December 14, 2017) to Chapter 51 and Chapter 51A of the Dallas Development Code to establish a park dedication requirement for residential and lodging uses with a modification to change the effective date of the ordinance to January 1, 2019.

Maker: Jung
Second: Ridley
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lavallaisaa, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Speakers: For: Robert Kent, 4512 Swiss Ave., Dallas, TX, 75204
Delia Jasso, 821 Haines Ave., Dallas, TX, 75208
Amy Meadows, 5545 Meletio Ln., Dallas, TX, 75230
Trammell S. Crow, 3526 Arrowhead Dr., Dallas, TX, 75204
Jesse Moreno, 132 N. Peak St., Dallas, TX, 75226
Robert Abtahi, 1126 N. Zang Blvd., Dallas, TX, 75203
Against: Macey Davis, 8322 Ridgelea St., Dallas, TX, 75209
Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Staff: Ryan O'Connor, Senior Manager, Park and Recreation Department
Willis Winters, Director, Park and Recreation Department
Bert Vandenberg, Senior Assistant City Attorney, City of Dallas

6-5-18

ORDINANCE NO. _____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by adding a new Division 51A-4.1000, "Park Land Dedication,"; creating a park land dedication program; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Division 51A-4.1000, "Park Land Dedication," to read as follows:

"**Division 51A-4.1000. Park Land Dedication.**

SEC. 51A-4.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents.

SEC. 51A-4.1002. APPLICABILITY.

(a) In general. Except as provided in this section, park land dedication requirements apply to:

(1) a single family or duplex residential plat or building permit for new construction; and

(2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.

(b) Exception. These regulations do not apply to plats, replats, or issuance of building permits for new construction on land owned by a governmental unit.

SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) COMMUNITY PARK means a park that is larger than a neighborhood park and serves several neighborhoods.

(2) DIRECTOR means the director of the park and recreation department.

(3) HOTEL AND MOTEL USE means a hotel or motel use, extended stay hotel or motel use, lodging or boarding house use, or residential hotel.

(4) MULTIFAMILY USE means a college dormitory, fraternity, or sorority house, group residential facility, multifamily use, or retirement housing..

(5) NEIGHBORHOOD PARK means a park that serves a variety of age groups within a limited area or neighborhood.

(6) PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.

(7) PRIVATE PARK LAND means privately owned park land, common area, or green spaces provided on-site that is accessible to the residents of a development.

(8) SINGLE FAMILY OR DUPLEX USE means a duplex use, handicapped group dwelling unit, residential hotel, or single family use.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division.

SEC. 51A-4.1004. DEDICATION.

(a) General. Dedication may be accomplished by dedication to and acceptance of suitable land by the city or by payment of a fee-in-lieu of dedication.

(b) On-site dedication. For single family or duplex residential subdivisions, on-site dedication must be shown on the preliminary and final plat. For multifamily or hotel and motel uses, on-site dedication must be shown on the development plan or other plan submitted with a building permit application.

(c) Off-site dedication. Off-site dedication must be evidenced by a deed to the city that has been accepted by the director.

(d) Deferral. Payment of the fee-in-lieu may be deferred from the time of platting to the time of issuance of building permits.

(e) Dedication calculation. To determine the amount of land required to be dedicated the following formula applies:

(1) For a single family or duplex residential development:

One acre per 100 dwelling units. Less than 100 dwelling units on a pro rata basis.

(2) For a multi-family development:

One acre per 255 single bedroom dwelling units. Less than 255 dwelling units on a pro rata basis.

One acre per 127 two bedroom or greater dwelling units. Less than 127 dwelling units on a pro rata basis.

For a college dormitory, fraternity, or sorority house, one acre for 255 sleeping rooms. Less than 255 sleeping rooms on a pro rata basis.

(3) For a hotel or motel use development:

One acre per 233 guest rooms. Less than 233 guest rooms on a pro rata basis.

(f) Single family and duplex development. For single family or duplex developments, park land dedication may occur at either the subdivision or permitting phase. Dedication is only required once.

(1) Residential subdivision.

(A) Final approval of a single family or duplex residential subdivision plat requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007

(i) For park land dedicated within the subdivision, a fee simple dedication on the subdivision plat of the required park land approved by the director.

(ii) For park land dedicated outside the subdivision, evidence of recording in the appropriate real property records of a general warranty deed of the required park land approved and accepted by the director.

(iii) For land platted as a private park, the land must be identified on the plat.

(iv) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(B) Land established as a private park for the purposes of this section may not be replatted to change the designation without the approval of the city plan commission. The city plan commission shall not approve a replat that would change the designation unless it determines that:

(i) alternative private park land that satisfies the requirements of this subsection is identified within the original subdivision that meets the dedication requirement; or

(ii) park land dedication requirements are met with an off-site dedication or fee-in-lieu meeting the requirements of this division.

(C) For phased plats, park land dedication plats may only be accepted for the active phase.

(2) Residential building permit. Issuance of a building permit for a single family or duplex development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:

(A) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director; or

(B) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(C) For private park land and publicly accessible private park land the final plat must be filed or an instrument acceptable to the city attorney must be filed in deed records.

(g) Multifamily and hotel or motel use developments. Issuance of a building permit for a multifamily or hotel or motel use development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:

(1) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director;

(2) Identification of the required amount of private park on the preliminary and final plats or development plan if applicable; or

(3) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005 and the park development fee pursuant to Section 51A-4.1006.

(h) Minimum size. If the calculation in Subsection (e) of this section results in less than one acre, the director may require the developer to pay the fee-in-lieu of land dedication as provided in Section 51A-4.1005. The director may approve the dedication of less than one acre of property if the proposed park meets or addresses a need in the park system or presents an opportunity to enhance the city parks system as recommended by the comprehensive plan.

SEC. 51A-4.1005. FEE-IN-LIEU.

(a) The owner of property for which dedication is required may pay a fee-in-lieu of dedication in the amount determined in Subsection (c) of this section, and the director shall not refuse any payment of a fee-in-lieu of dedication.

(1) In some instances, the director may require the developer to pay fees-in-lieu of dedicating land. In making this determination, the director shall consider the following factors:

(A) Whether sufficient park land and open space exists in the area of the proposed development; and

(B) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

(2) The director shall notify the developer in writing of the director's decision to require a fee-in-lieu of dedication and the reason for the decision.

(b) Payment of the fee-in-lieu is required at the time of approval of the final plat or issuance of building permits, whichever comes first in time. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park dedication zone as the development. Fees may be applied to any type of park site or improvement within the park dedication zone in accordance with park and recreation department prioritization.

(c) The initial fee-in-lieu of dedication is $762 per dwelling unit for single family or duplex uses, $299 per one bedroom dwelling unit and $600 per each dwelling unit with more than one bedroom for multifamily uses, $299 per sleeping room for a college dormitory, fraternity, or sorority house use, and $327 per guest room for hotel and motel uses. Fees will be adjusted yearly by applying the percentage changes in the *Dallas Central Appraisal District Average Values for Detached Single Family Residences (SFR)*. The maximum adjustment per year is an escalation or reduction of five percent.

(d) For developments in more than one park dedication zone, or that abut another park dedication zone, fees-in-lieu may be spent in either park dedication zone.

SEC. 51A-4.1006. PARK DEVELOPMENT FEE.

(a) In general. To provide recreational amenities on existing park land for new residents and visitors a park development fee of $403 per dwelling unit for single family or duplex uses, $158 per one bedroom dwelling unit and $317 per each dwelling unit with more than one bedroom for multifamily uses, $158.00 per sleeping room for a college dormitory, fraternity, or sorority house use, and $173 per guest room for hotel and motel uses is required to be paid at the time of dedication or payment of fee-in-lieu. Except as provided in this section, park development fees must be applied to parks within the park dedication zone in accordance with park and recreation department prioritization.

(1) Credit may be provided for capital improvements on adjacent park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for the park land; and

(C) are accepted by the director.

(2) Credit may be provided for capital improvements on publicly accessible private park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for the park land; and

(C) are accepted by the director.

(3) A maximum credit of 50 percent of the total requirement may be provided for capital improvements on non-publicly accessible private park land if the capital improvements:

(A) meet minimum park and recreation standards;

(B) are needed and are appropriate for the park land; and

(C) are accepted by the director.

(b) Location. For developments in more than one park dedication zone, or that abut another park dedication zone, park development fees may be spent in either park dedication zone.

(c) Timing. Park development fees must be paid at the time all other dedications or payments are made.

SEC. 51A-4.1007. CALCULATIONS, DEDUCTIONS, AND CREDITS.

(a) Initial calculations. The director shall determine the amount of land required to be dedicated, or fees-in-lieu of dedication to be paid, in accordance with Sections 51A-4.1004, 51A-4.1005, and this section.

(1) The director shall first calculate the amount of park dedication required in Section 51A-4.1004;

(2) If the owner of the subdivision or development elects to pay a fee-in-lieu of dedication, or the director requires the payment of a fee-in-lieu of dedication, the director shall calculate the fee according Section 51A-4.1005;

(3) If the owner of the subdivision or development chooses to satisfy the requirements of this division by a combination of dedication of land and payment of a fee-in-lieu of dedication, the director shall:

(A) First, calculate the total park dedication requirement;

(B) Second, subtract from the total park land dedication requirement the amount of park land to be dedicated;

(C) Third, calculate amount of fee-in-lieu for remaining amount of park land dedication required by multiplying the remaining land area by the fee-in-lieu per square foot cost factor.

(b) Deductions and credits.

(1) The number of dwelling units requiring dedication is based on a total increase in dwelling units. The director shall deduct from the initial calculation pursuant to Subsection (d) the number of dwelling units in existence within five years of the approval of the preliminary plat or the issuance of the first building permit for the proposed new development. The burden is on the applicant to demonstrate to the satisfaction of the director that the dwelling units existed before the application for the subdivision plat or building permits generating the dedication requirement;

(2) The director shall reduce the dedication requirement of Section 51A-4.1004 or the fee-in-lieu of dedication requirement of Section 51A-4.1005, as applicable, by one or more of the following credits:

(A) The director shall grant a maximum credit of 100 percent of the total dedication requirement for publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirements of this paragraph.

(i) To be eligible for credit publicly accessible private park land must be:

(aa) made accessible to the public on an instrument approved by the city attorney;

(bb) of a size approved by the director to appropriately meet the needs of the development;

(cc) provide landscaping and recreational amenities approved by the director; and

(dd) be open to the public during all times it is accessible to the residents of the development.

(ii) Equipment in a private park must comply with city standards applicable to the type of equipment.

(iii) A publicly accessible private park land instrument must:

(aa) contain a legal description of the development and the publicly accessible private park land;

(bb) be signed by all owners and lienholders of the development property and is binding on lienholders by a subordination clause;

(cc) be approved by the director;

(dd) be approved as to form by the city attorney;

(ee) create a covenant running with the land;

(ff) provide that the owners of the property development are responsible for all general park maintenance at a level consistent with minimum park and recreation standards;

(gg) provide necessary easements for access to the publicly accessible private park land;

(hh) give the city the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the publicly accessible private park land, and to place a lien on all lots within the development until the city has received full compensation for that action;

(ii) provide that the owners of property in the development agree to defend and indemnify the city, and to hold the city harmless from and against all claims or liabilities arising out of or in connection with publicly accessible private park land or publicly accessible private park land instrument;

(jj) provide that it is governed by the laws of the State of Texas;

(kk) provide that it may only be amended or terminated:

(I) with the consent of all the owners and lienholders of property in the development;

(II) the dedication of any park land or payment of a fee-in-lieu necessary to meet the requirements of this section; and

(III) after approval as to form by the city attorney, and approval by the director.

(B) A maximum credit of 50 percent of the total requirement will be given for non-publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this subparagraph. Private park land eligible for credit must:

(i) be of a size approved by the director to appropriately meet the needs of the development;

(ii) be maintained at a level consistent with minimum park and recreation maintenance standards;

(iii) provide landscaping and recreational amenities approved by the director;

(iv) be located at grade; and

(v) have equipment that complies with city standards applicable to the type of equipment.

(3) Credits are cumulative, up to a maximum of 100 percent of the required dedication and are only applicable to the original property being developed.

SEC. 51A-4.1008. PARK LAND DEDICATION STANDARDS.

(a) Park land location standards. It is the purpose of this section to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks must meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.

(3) Dedicated park land must be in a location that is accessible by the public.

(4) The director may accept dedication of property within the park dedication zone that provides for access to parks other than community and neighborhood parks.

(5) The land must comply with current park standards.

(b) Park land acceptance standards.

(1) The city may accept or reject an offer of dedication, after consideration of the recommendation of the director, and require the payment of fees in lieu of dedication as provided in Section 51A-4.1005.

(2) Land dedicated for park and recreational areas must be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the current park system requirements.

(3) Land proposed to be dedicated for parks must generally meet the following requirements. The director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the park and recreation department's comprehensive plan update.

(A) Minimum size and configuration standards.

(i) Unless determined otherwise by the director pursuant to Subsection (g), the minimum size of land dedicated for a park is one acre.

(ii) Land dedicated for a park must be a contiguous piece of property that can physically accommodate improvements associated with a neighborhood or community park.

(B) Location and access standards.

(i) The land must meet the applicable location requirements of Paragraph (4).

(ii) The land must have connectivity to a public street appropriate for the size and use of the park.

(C) Physical characteristics standards.

(i) Unless otherwise approved by the director, land must be vacant and cleared of nonvegetative material.

(ii) The land must be in full compliance with all ordinances, rules, and regulations of the city.

(iii) Except when approved by the director, the land must not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(D) Minimum environmental conditions standards. Unless provided otherwise in rules promulgated by the director, the land must be reasonably free of recognized environmental conditions.

(i) If land is proposed to be dedicated by plat, before submittal of a final plat the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(4) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land in this section and all other ordinances, rules, and regulations of the city. Floodplain and floodway areas may only be used to meet a maximum of 50 percent of the dedication requirements. Stormwater detention/retention areas and associated access easements do not meet the standards for acceptance of park land.

(5) For developments in more than one park dedication zone property may be dedicated in either park dedication zone.

SEC. 51A-4.1009. PARK LAND DEDICATION FUND.

(a) In general.

(1) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section, the fund will be known as the "Park Land Dedication Fund." Except as provided in this section, funds will only be released from the Park Land Dedication Fund to buy, build, or enhance a park within the park dedication zone, from which the funds originated.

(2) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10 year period, the owners of the property on the last day of the 10 year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10 year period. The request must be made in writing to the director.

(3) Where funds have been paid or a dedication for a phased development has been made in accordance with this section, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment will be applied to subsequent replats or development plans for the same land on a pro-rata basis by dwelling unit for a period of 10 years. Increased density requires the dedication of additional park land or payment of additional fees.

(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 10 percent of total acquisition or improvement costs.

SEC. 51A-4.1010. TREE MITIGATION.

(a) In general. Trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Article X.

(b) Tree mitigation credits. To be eligible for Article X tree mitigation credits, dedicated park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5) and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i).

(c) Conservation easements. Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under Article X that meets the conservation easement standards in Article X and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director.

SEC. 51A-4.1010. APPEALS.

Except for appeals of apportionment of exactions, all appeals of the director's decisions are appealable to the park and recreation board following the same procedure as an appeal of an administrative official's decision to the board of adjustment. Notice of appeal must be made within 15 days of the date of that decision.

SEC. 51A-4.1010. REVIEW.

The director shall review this ordinance every five years from the effective date."

SECTION 2. That Section 51A-8.405, "Apportionment of Exactions," of Division 51A-4.800, "Procedures," of Article VIII "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"**SEC. 51A-8.405. APPORTIONMENT OF EXACTIONS AND PARK LAND DEDICATION.**

(a) See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(b) See Division 51A-4.1000 for regulations and procedures concerning park land dedication."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 4. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect on January 1, 2019 after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 89

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Trinity Watershed Management
CMO:	Jody Puckett, 670-3390
MAPSCO:	42W, 52A

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 8.5 acres of the current 23.18 acres of land located at 1000 North Walton Walker Boulevard, within the floodplain of Tributary 8C1 and Mountain Creek, Fill Permit 16-05 - Financing: No cost consideration to the City

BACKGROUND

The property owner at located 1000 Walton Walker Boulevard, has applied for a fill permit in order to remove the 100-year floodplain from approximately 8.5 acres of the current 23.18 acres of floodplain on this property near Tributary 8C1 and Mountain Creek. The purpose of the floodplain removal is for a commercial site.

A neighborhood meeting was held at the Arcadia Recreation Center on January 17, 2018. Attendees included the owner's representative and engineer, four city staff members, and three citizens from the area. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

James Kellum / Match Box Auto Recyclers LLC
3975 E. Jefferson Boulevard
Grand Prairie, Texas 75050

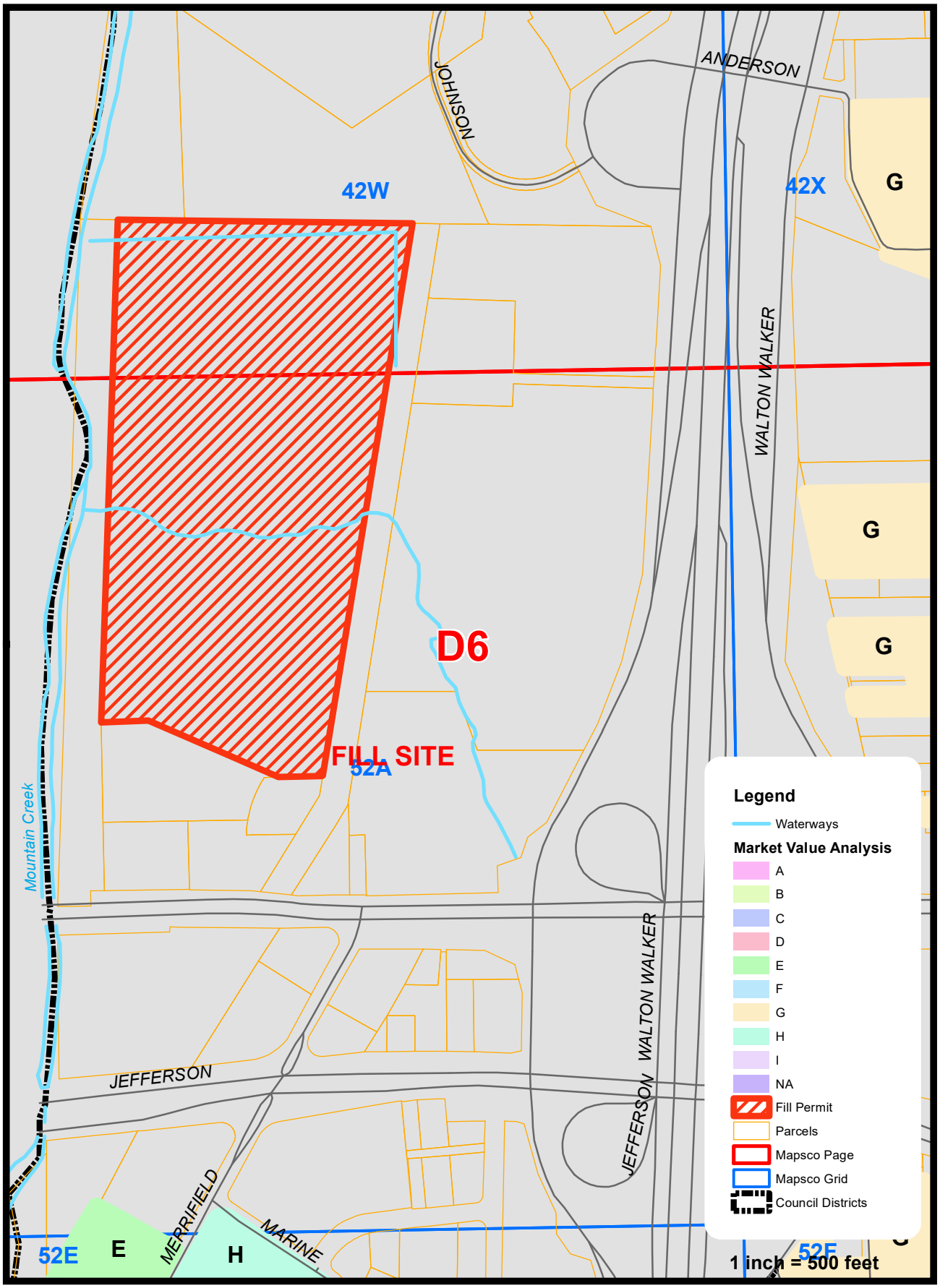
ENGINEER

Michael Boyd, P.E.
Boyd Hydrology PLLC
P. O. Box 117
Palo Pinto, Texas 76484

MAP

Attached

FILL PERMIT 16-05



MAPSCO 42W, 52A

AGENDA ITEM # 90

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	3
DEPARTMENT:	Department of Trinity Watershed Management
CMO:	Jody Puckett, 670-3390
MAPSCO:	51B-Y

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.1 acres of the current 35.6 acres of land located at 3000 Mountain Creek Parkway, within the floodplain of O'Guinn Creek, Fill Permit 17-04 - Financing: No cost consideration to the City

BACKGROUND

Dallas Baptist University located at 3000 Mountain Creek Parkway, has applied for a fill permit in order to remove the 100-year floodplain from approximately 1.1 acres of the current 35.6 acres of floodplain on this property near O'Guinn Creek. The purpose of the floodplain removal is for a parking lot.

A neighborhood meeting was held at the Mountain Creek Library on December 20, 2017. Attendees included Dallas Baptist University staff and engineers and three city staff members. There were no citizens from the area present. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, Texas 75211

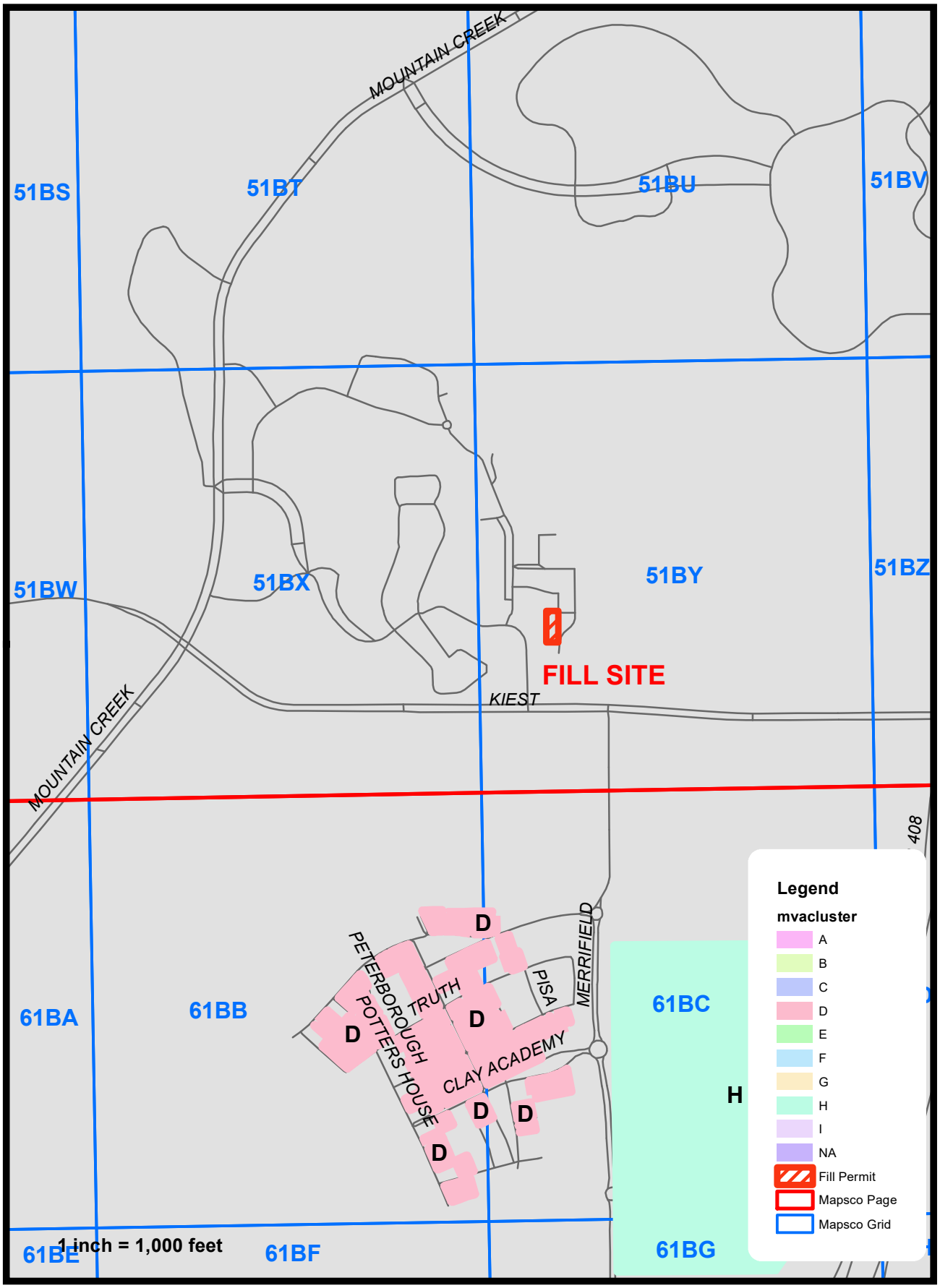
ENGINEER

James D. Keith, P.E., CFM
Walter P. Moore and Associates, Inc.
1845 Woodall Rogers Freeway. Suite 1650
Dallas, Texas 75201

MAP

Attached

FILL PERMIT 17-04



MAPSCO 51BY

AGENDA ITEM # 91

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Trinity Watershed Management
CMO:	Jody Puckett, 670-3390
MAPSCO:	22R

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.86 acres of the current 1.96 acres of land located at 2410 Walnut Hill Lane, within the floodplain of West Fork of Joe's Creek, Fill Permit 17-12 - Financing: No cost consideration to the City

BACKGROUND

The property owner located at 2410 Walnut Hill Lane, has applied for a fill permit in order to remove the 100-year floodplain from approximately 1.86 acres of the current 1.96 acres of floodplain on this property along West Fork of Joe's Creek, The purpose of the floodplain removal is for development of a gas station.

A neighborhood meeting was held at the Bachman Recreation Center on May 22, 2018. Attendees included the RaceTrac Petroleum staff and engineers and five city staff members. No citizens from the area attended. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

RaceTrac Petroleum, Inc.
200 Galleria Parkway, Suite 900
Atlanta, Georgia 30339

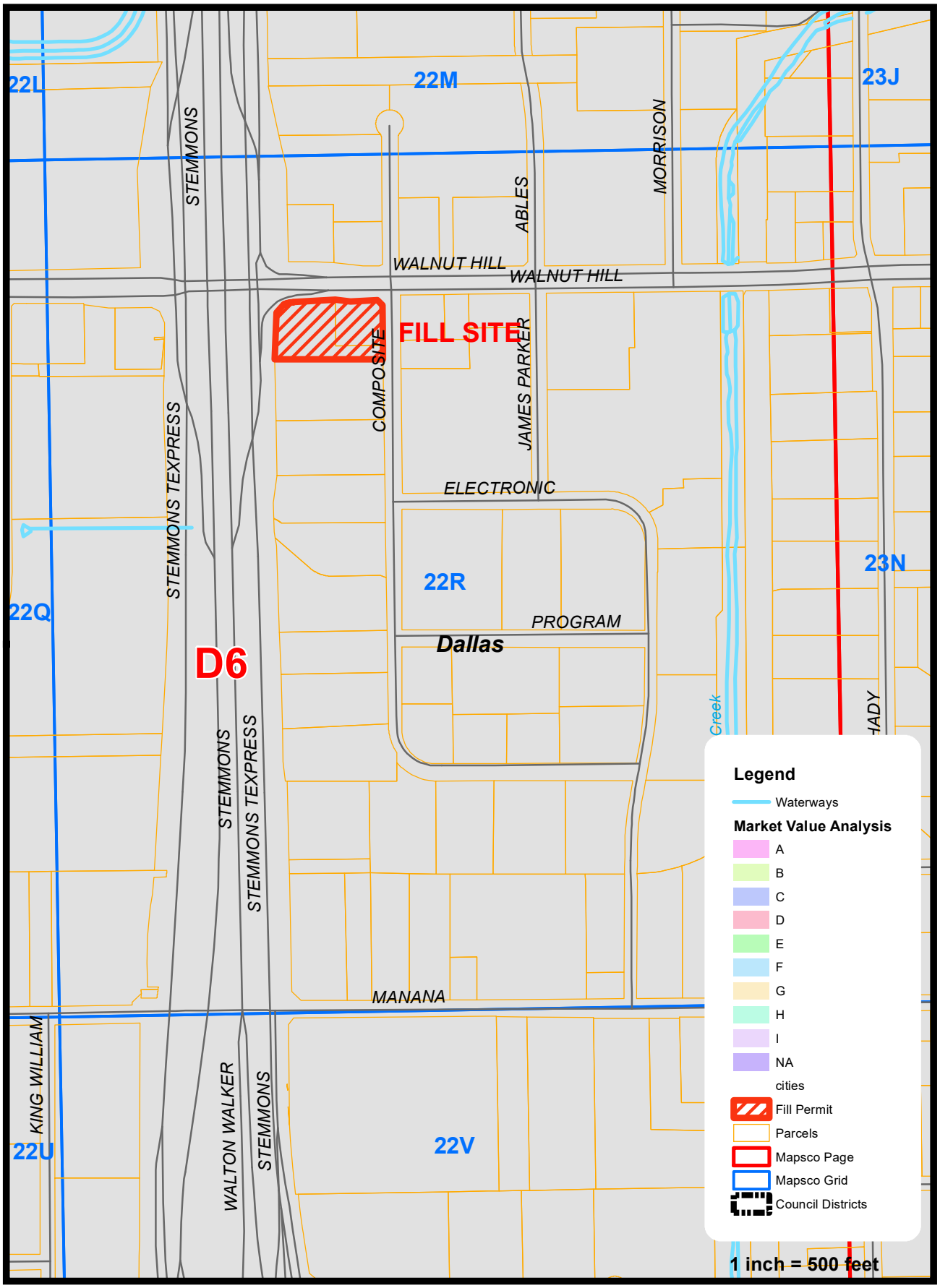
ENGINEER

Andrew Schimenti, P.E., CFM
Halff Associates, Inc.
1201 N. Bowser Road
Richardson, Texas 75081

MAP

Attached

FILL PERMIT 17-12



MAPSCO 22R

AGENDA ITEM # 92

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Trinity Watershed Management
CMO:	Jody Puckett, 670-3390
MAPSCO:	22Q, R

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.36 acres of the current 1.65 acres of land located at 10901 North Stemmons Freeway, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-01 - Financing: No cost consideration to the City

BACKGROUND

The property owner at 10901 North Stemmons Freeway, on the Elm Fork of the Trinity River has applied for a fill permit in order to remove the 100-year floodplain from approximately 0.36 acres of the current 1.65 acres of floodplain on this property for development of an industrial site.

A neighborhood meeting was held at the Bachman Recreation Center on May 22, 2018. Attendees included the Goodnight Industrial staff and engineer, five city staff members. No citizens from the area were present. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Goodnight Industrial LLC
3819 Maple Avenue
Dallas, Texas 75219

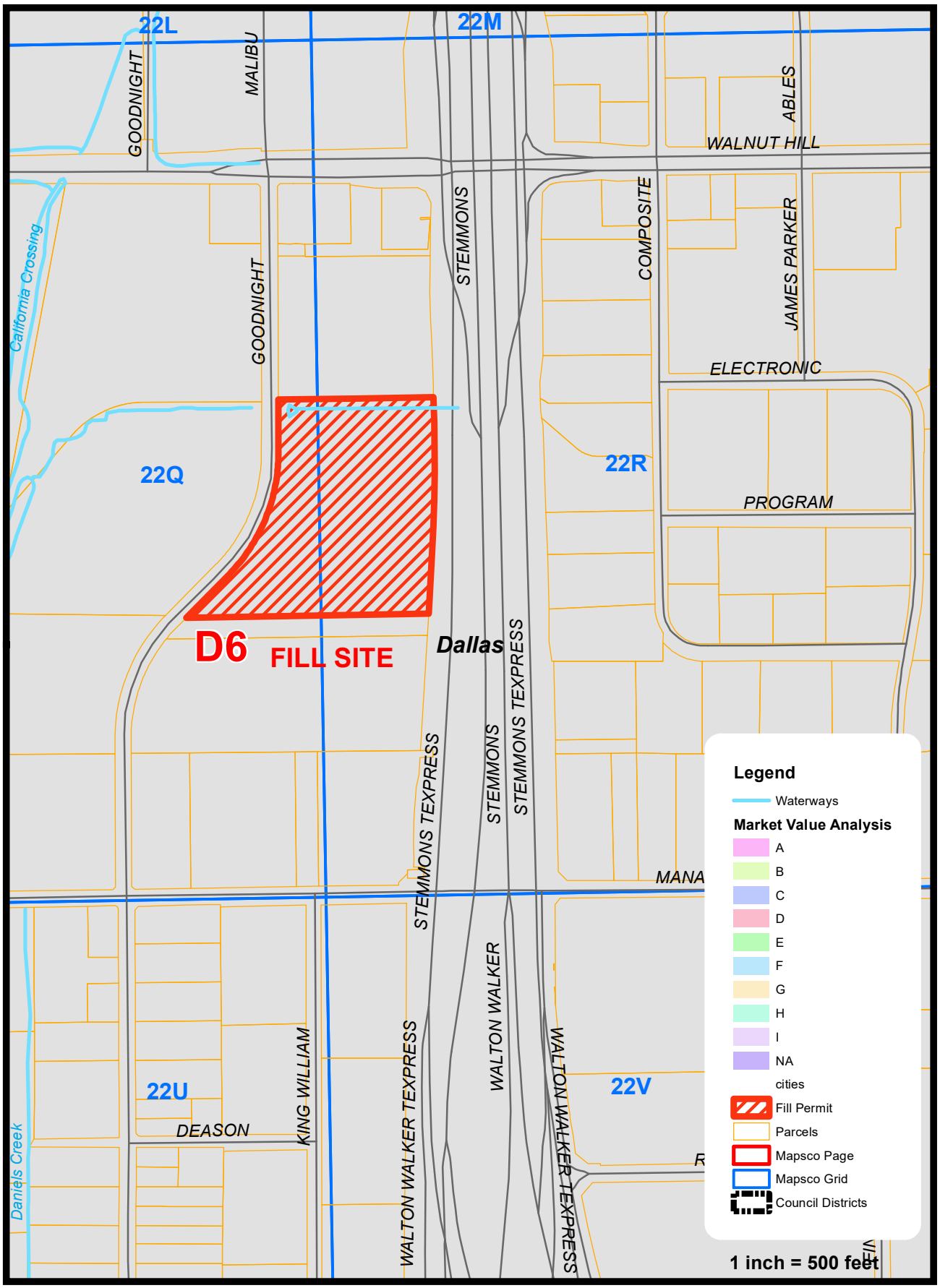
ENGINEER

Edward Eckart, P.E.
Goodwin & Marshall
2405 Mustang Drive
Grapevine, Texas 76051

MAP

Attached

FILL PERMIT 18-01



MAPSCO 22Q, 22R

AGENDA ITEM # 93

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Trinity Watershed Management
CMO:	Jody Puckett, 670-3390
MAPSCO:	22Q

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.21 acres of the current 3.19 acres of land located at 2171 Manana Drive, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 18-03 - Financing: No cost consideration to the City

BACKGROUND

The property owner at 2171 Manana Drive on the Elm Fork of the Trinity River has applied for a fill permit in order to remove the 100-year floodplain from approximately 0.21 acres of the current 3.19 acres of floodplain on this property for development of an industrial site.

A neighborhood meeting was held at the Bachman Recreation Center on May 22, 2018. Attendees included the Valk Industrial staff and engineer and five City staff members. No citizens from the area attended. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Valk Industrial, LLC
3819 Maple Avenue
Dallas, Texas 75219

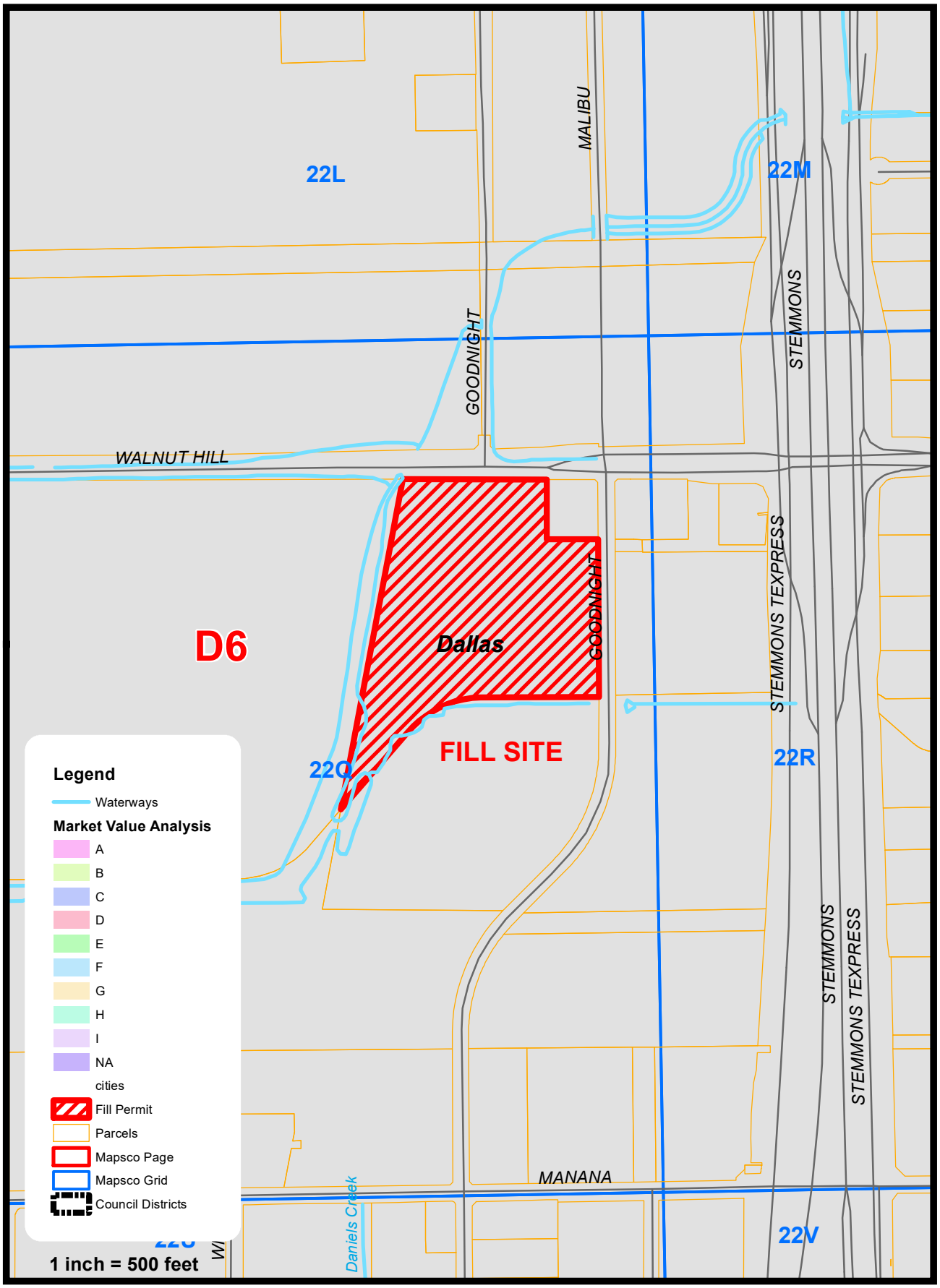
ENGINEER

Edward Eckart, P.E.
Goodwin & Marshall
2405 Mustang Drive
Grapevine, Texas 76051

MAP

Attached

FILL PERMIT 18-03



MAPSCO 22Q

AGENDA ITEM # 94

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	June 27, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Office of Budget
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

Authorize **(1)** final adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds in an estimated amount of $31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of $14,810,163; (b) HOME Investment Partnerships Program in the amount of $5,886,901; (c) Emergency Solutions Grant in the amount of $1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of $6,645,116; and (e) estimated Program Income in the amount of $2,475,000; **(2)** preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of $3,323,870; and **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas receives four formula grants each year from the U.S. Department of Housing and Urban Development (HUD). The four grants make up the Consolidated Plan and consists of: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The purpose of CDBG is to develop viable urban communities by providing decent housing and a suitable living environment, and the expansion of economic opportunities. HOME funds provide, develop, support, produce, and expands the supply of decent and affordable housing. ESG funds help to prevent homelessness and assist individuals and families who are already homeless. HOPWA funds provide housing and supportive services to individuals with AIDS, persons who are HIV positive, and their family members.

BACKGROUND (continued)

The Assessment of Fair Housing is a critical component of the five-year Consolidated Plan. The City serves as the lead entity for a regional consortium of entitlement jurisdictions and public housing authorities in North Texas collaborating to submit a regional Assessment of Fair Housing (AFH). The original deadline for submission of the regional assessment was January 4, 2018. According to HUD rules, the AFH was required to be submitted no less than 270 days before the new five-year Consolidated Plan. HUD created an assessment tool that local governments and any collaborating program participants must use to conduct and submit an assessment. On July 20, 2017, HUD issued updated data for the maps and tables in the Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T). The City of Dallas needed additional time to incorporate HUD's updated AFFH-T into its analysis. In November 2017, the City of Dallas submitted a request to HUD for approval of a one-year extension to the five-year period covered by the City of Dallas' approved Consolidated Plan. The current Consolidated Plan covered the period of October 1, 2013 through September 30, 2018. HUD approved the City's request to extend the period covered by the Consolidated Plan to September 30, 2019. Following HUD's approval, an amendment to the five-year Consolidated Plan is required to extend the covered period from September 30, 2018 to September 30, 2019.

In collaboration with the Fair Housing & Human Rights Office, the Community Development Commission (CDC) and City staff, conducted a total of sixteen public meetings. These meetings provided the public opportunities to participate in identifying community needs, comment on the potential uses of HUD Grant Funds, be notified of the one-year extension for the five-year Consolidated Plan and provide input into development of the AFH.

Public meetings were held as follows:

January 4, 2018 - Dallas City Hall
January 9, 2018 - Martin Luther King, Jr. Community Center
January 9, 2018 - Jaycee Zaragoza Recreation Center
January 11, 2018 - Tommie Allen Recreation Center
January 16, 2018 - Timberglen Recreation Center
January 18, 2018 - On-line Virtual Meeting
January 23, 2018 - Highland Hills Branch Library
January 23, 2018 - Continuum of Care (CoC)
January 25, 2018 - Willie B. Johnson Recreation Center
January 29, 2018 - West Dallas Multipurpose Center
January 31, 2018 - Audelia Road Library
February 6, 2018 - Juanita J. Craft Recreation Center
February 8, 2018 - Highland Hills Branch Library
February 13, 2018 - Renner Frankford Library
February 14, 2018 - Ryan White Planning Council
February 20, 2018 - Pleasant Oaks Recreation Center

BACKGROUND (continued)

Federal regulations and the City's Citizen Participation Plan require a public hearing to receive comments. This budget was made available for public review and comment from May 24, 2018 - June 26, 2018. A public hearing was held on June 13, 2018.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 2, 2017, the Economic Development and Housing Committee was briefed on the extended timeline needed to complete the Assessment of Fair Housing (AFH) due to revised housing and demographic data released from HUD. The Committee was also made aware of how the AFH delay would impact timeline for development of the next Five-Year Consolidated Plan.

On February 20, 2018, the Economic Development and Housing Committee and the Government Performance & Financial Management Committee were briefed on the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2018-19 Consolidated Plan Budget.

On February 28, 2018, City Council authorized the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2017-18 Consolidated Plan Budget by Resolution No. 18-0343.

On April 5, 2018, the CDC was briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget and the CDC held meetings in April 2018 to review the proposed budget.

On May 3, 2018, the CDC concurred with the City Manager's proposed budget with one exception. The CDBG housing activities category and the HOME grant were not included in the CDC's vote. The City Manager's proposed budget did not include funding recommendations for specific programs in the CDBG housing activities category and the HOME grant pending Council approval of the Housing Policy. The City Council approved the Housing Policy on May 9, 2018.

On May 14, 2018, the CDC held a special called meeting to review and vote on the City Manager's proposed budget recommendations for programs in the CDBG housing activities category and the HOME grant.

On May 21, 2018, the Economic Development and Housing Committee; the Human and Social Needs Committee; and the Government Performance & Financial Management Committee were briefed on the Proposed FY 2018-19 HUD Consolidated Plan Budget and the CDC's recommendation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On May 23, 2018, City Council approved preliminary adoption of the Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2016-17 Reprogramming Budget, an amendment to the five-year Consolidated Plan and authorized a public hearing by Resolution No. 18-0772.

On June 6, 2018, the Proposed FY 2018-19 HUD Consolidated Plan Budget was included on the City Council briefing agenda to discuss any Council amendments and conduct straw votes. No amendments were proposed.

On June 13, 2018, City Council held a public hearing to receive comments on the Proposed FY 2018-19 HUD Consolidated Plan Budget.

FISCAL INFORMATION

Proposed FY 2018-19 HUD Consolidated Plan Budget:

CDBG:	$14,810,163	2018-19 Entitlement
	$ 1,250,000	Program Income (estimate includes one-time funds)
	$ 225,000	Program Income - Retained by Sub-Recipient (estimate)
	$16,285,163	
HOME:	$ 5,886,901	2018-19 Entitlement
	$ 1,000,000	Program Income (estimate)
	$ 6,886,901	
ESG:	$ 1,203,874	2018-19 Entitlement
HOPWA:	$ 6,645,116	2018-19 Entitlement
	$31,021,054	Total FY 2018-19 HUD Consolidated Plan Budget

FY 2016-17 Reprogramming Budget:

$ 3,323,870 Unobligated funds in FY 2016-17 and prior years

WHEREAS, HUD approved the City's request to extend the period covered by the current five-year Consolidated Plan from September 30, 2018 to September 30, 2019; and

WHEREAS, the Community Development Commission (CDC) and City staff conducted sixteen meetings during January and February 2018 that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds; and

WHEREAS, on April 5, 2018, the CDC was briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget, CDC Committees held meetings in April 2018 to review the proposed budget; and

WHEREAS, on May 3, 2018, the CDC concurred with the City Manager's proposed budget with one exception. The CDBG housing activities category and the HOME grant were not included in the CDC's vote. The City Manager's proposed budget did not include funding recommendations for specific programs in the CDBG housing activities category and the HOME grant pending Council approval of the Housing Policy. The City Council approved the Housing Policy on May 9, 2018; and

WHEREAS, on May 14, 2018, the CDC held a special call meeting to review and vote on the City Manager's proposed budget recommendations for programs in the CDBG housing activities category and the HOME grant; and

WHEREAS, on May 21, 2018, the Economic Development & Housing Committee; the Human & Social Needs Committee; and the Government Performance & Financial Management Committee were briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget, FY 2017-18 Reprogramming Budget, and the CDC's recommendations; and

WHEREAS, on May 23, 2018, City Council approved preliminary adoption of the Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, an amendment to the five-year Consolidated Plan and authorized a public hearing by Resolution No. 18-0772; and

WHEREAS, on June 6, 2018, the Proposed FY 2018-19 HUD Consolidated Plan Budget was included in the City Council briefing agenda; and

WHEREAS, the grant funds include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA); and

WHEREAS, a summary of the Proposed FY 2018-19 HUD Consolidated Plan Budget was published in the Dallas Morning News on May 27**,** 2018 to provide citizens an opportunity to submit written comments through June 26, 2018; and

WHEREAS, Federal regulations require that a public hearing be held on the City's Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan; and

WHEREAS, on June 13, 2018, City Council held a public hearing to receive comments on the Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan.

Now, Therefore,

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

SECTION 1. That the final adoption of the FY 2018-19 HUD Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget be approved per Schedule A, and the amendment to the five-year Consolidated Plan be approved.

SECTION 2. That the City Manager is hereby authorized to apply for, accept, and take actions to implement HUD grant numbers B-18-MC-48-0009 (CDBG - $16,285,163, which includes $1,475,000 in program income), M-18-MC-48-0203 (HOME - $6,886,901, which includes $1,000,000 program income), E-18-MC-48-0009 (ESG - $1,203,874), and TXH18-F001 (HOPWA - $6,645,116) in the amount of $31,021,054 and be authorized to execute the contracts and grant agreements with HUD and all documents related to the execution of the grants, approved as to form by the City Attorney.

SECTION 3. That the City Manager is hereby authorized to establish FY 2018-19 appropriations as follows:

- Community Development Block Grant Program in Fund CD18 up to the amount of $16,060,163 consisting of the entitlement grant of $14,810,163, and estimated program income of $1,250,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2018.

- HOME Investment Partnerships Program in Fund HM18 up to the amount of $6,886,901 consisting of the entitlement grant of $5,886,901 and estimated program income of $1,000,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2018.

SECTION 3. (continued)

- Emergency Solutions Grant in Fund ES18 up to the amount of $1,203,874 as set forth in the attached Schedule B, effective October 1, 2018.

- Housing Opportunities for Persons with AIDS in Fund HW18 up to the amount of $6,645,116 as set forth in the attached Schedule B, effective October 1, 2018.

SECTION 4. That the revolving loan program income generated by the business loan program, estimated to be $225,000 for FY 2018-19, as set forth in Schedule B, be retained by sub-recipient to carry out Community Development eligible activities in accordance with HUD requirements and upon written approval by the responsible City of Dallas departments.

SECTION 5. That the Chief Financial Officer is hereby authorized to receive funds up to the amounts set forth in the attached Schedule C.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds up to the amounts set forth in the attached Schedule B.

SECTION 7. That the City Manager be authorized to transfer HUD grant funds between projects and individual object codes and/or categories in accordance with HUD regulations and the City's Citizen Participation Plan.

SECTION 8. That the City Manager be authorized to release funds in the amount of $3,323,870 as shown in the attached Schedule D from their originally budgeted purposes, schedule them for reprogramming in accordance with required rules and procedures, and establish FY 2017-18 Reprogramming appropriations in Fund 17RP in the amount of $3,323,870 as set forth in the attached Schedule B, effective October 1, 2018.

SECTION 9. That the City Manager is hereby authorized to reimburse to HUD any expenditures identified as ineligible.

SECTION 10. That the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 11. That the City Manager shall keep the appropriate City Council Committee informed of all final HUD audit reports not later than 30 days after the receipt of the reports.

SECTION 12. That the City Manager be authorized to provide additional information and make adjustments to take other actions relating to these budgets as may be necessary in order to satisfy HUD requirements.

SECTION 13. That the Community Development Block Grant from the U.S. Department of Housing and Urban Development (Grant No. B-18-MC-48-0009 and CFDA No. 14.218) is designated as Contract No. BMS-2018-00006577.

SECTION 14. That the HOME Investment Partnerships Program Grant from the U.S. Department of Housing and Urban Development (Grant No. M-18-MC-48-0203 and CFDA No. 14.239) is designated as Contract No. BMS-2018-00006579.

SECTION 15. That the Emergency Solutions Grant from the U.S. Department of Housing and Urban Development (Grant No. E-18-MC-48-0009 and CFDA No. 14.231) is designated as Contract No. BMS-2018-00006581.

SECTION 16. That the Housing Opportunities for Persons with AIDS Grant from the U.S. Department of Housing and Urban Development (Grant No. TXH18-F001 and CFDA No. 14.241) is designated as Contract No. BMS-2018-00006582.

SECTION 17. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

SCHEDULE A
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET

	Project Name	Amount
	COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	
	CDBG - Public Services	
1	After-School/Summer Program	$ 589,708
2	Child Care Services Program	488,826
	Youth Programs Sub-Total	**1,078,534**
3	Senior Services Program	273,962
	Senior Services Sub-Total	**273,962**
4	Community Court Program	713,126
	Other Public Services Sub-Total	**713,126**
5	Contract(s) with nonprofit agencies	193,357
		193,357
	Total CDBG - Public Services	**2,258,979**
	CDBG - Housing Activities	
6	Dallas Homebuyer Assistance Program	2,500,000
	Homeownership Opportunities Sub-Total	**2,500,000**
7	Home Improvement and Preservation/SF Program (HIPP)	4,617,433
8	Home Improvement and Preservation/MF Program (HIPP)	1,978,900
9	Support for Home Improvement and Preservation Program (HIPP)	1,771,344
	Homeowner Repair Sub-Total	**8,367,677**
	Total CDBG - Housing Activities	**10,867,677**
	CDBG - Economic Development	
10	Business Loan Program (Program Income)	225,000
	Total CDBG - Economic Development	**225,000**
	CDBG - Public Improvements	
11	Public Facilities and Improvements	3,419,373
	Total CDBG - Public Improvement	**3,419,373**

SCHEDULE A
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET

	Project Name	Amount
	CDBG - Fair Housing and Planning & Program Oversight	
12	Fair Housing Enforcement	743,830
13	Citizen Participation/CDC Support/HUD Oversight	801,626
14	Community Care Management Support	270,518
15	Housing Management Support	1,022,031
	Total CDBG - Fair Housing and Planning & Program Oversight	**2,838,005**
	TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT	**19,609,033**
	HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)	
16	CHDO Development Loan Program	885,000
17	HOME Program Administration	688,600
18	Dallas Homebuyer Assistance Program	767,129
19	Housing Development Loan/For Sale Program	2,454,933
20	Housing Development Loan/Rental Program	2,091,239
	Homeownership Opportunities Sub-Total	**6,886,901**
	TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM	**6,886,901**
	EMERGENCY SOLUTIONS GRANT (ESG)	
21	Emergency Shelter	570,854
22	Street Outreach	71,585
	Essential Services/Operations Sub-Total	**642,439**
23	Homelessness Prevention	80,261
	Homeless Prevention Sub-Total	**80,261**
24	Rapid Re-Housing	366,654
	Rapid Re-Housing Sub-Total	**366,654**
25	HMIS Data Collection	25,000
	HMIS Data Collection Sub-Total	**25,000**
26	ESG Administration	89,520
	Program Administration Sub-Total	**89,520**
	TOTAL EMERGENCY SOLUTIONS GRANT	**1,203,874**

SCHEDULE A
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET

	Project Name	Amount
	HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)	
27	Emergency/Tenant Based Rental Assistance/Financial Assistance	3,766,134
28	Facility Based Housing	2,040,000
29	Housing Placement & Other Support Services	228,625
30	Housing Information Services/Resource Identification	151,212
	Other Public Services Sub-Total	**6,185,971**
31	Program Administration/City of Dallas	186,265
32	Program Administration/Project Sponsors	272,880
	Program Administration Sub-Total	**459,145**
	TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS	**6,645,116**
	GRAND TOTAL HUD CONSOLIDATED PLAN BUDGET	**$34,344,924**

SCHEDULE B
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2017-18 ADOPTED BUDGET	UNIT 1	UNIT 2
CD18		**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**	**$ 16,285,163**	CDBG	800C
		City Attorney's Office			
		Community Court Program	**713,126**	CDAT	801C
1	ATT	South Dallas/Fair Park Community Court	247,413		802C
2	ATT	South Oak Cliff Community Court	243,857		803C
3	ATT	West Dallas Community Court	221,856		804C
		Economic Development	**225,000**	N/A	
4	ECO	Business Loan Program (Program Income)	225,000		N/A
		Housing & Neighborhood Revitalization	**10,721,882**	CDHO	
5	HOU	Dallas Homebuyer Assistance Program	2,500,000		805C
6	HOU	Home Improvement and Preservation/SF Program (HIPP)	1,293,563		806C
7	HOU	Home Improvement and Preservation/MF Program (HIPP)	1,978,900		807C
8	HOU	Housing Management Support	1,022,031		808C
9	HOU	Support for Home Improvement and Preservation Program (HIPP)	1,771,344		809C
10	HOU	Public Facilities and Improvements	2,156,044		810C
		Management Services/Fair Housing	**743,830**	CDMG	
11	MGT	Fair Housing Enforcement	743,830		811C
		Management Services/Office of Community Care Services	**1,226,663**	CDMG	
12	MGT	Child Care Services Program	488,826		812C
13	MGT	Senior Services Program	273,962		813C
14	MGT	Community Care Management Support	270,518		814C
15	MGT	Contract(s) with nonprofit agencies	193,357		815C
		Office of Financial Services	**2,064,955**	CDBM	
16	BMS	Citizen Participation/CDC Support/HUD Oversight	801,626		816C
17	BMS	Public Facilities and Improvements	1,263,329		817C
		Park and Recreation	**589,708**	CDPK	
18	PKR	After-School/Summer Outreach Program - School Sites	495,456		818C
19	PKR	After-School/Summer Outreach Program - Community Centers	94,252		819C
HM18		**HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)**	**6,886,901**	HMHO	
		Housing & Neighborhood Revitalization			
20	HOU	CHDO Development Loan Program	885,000		820C
21	HOU	HOME Program Administration	688,600		821C
22	HOU	Dallas Homebuyer Assistance Program	767,129		822C
23	HOU	Housing Development Loan/For Sale Program	2,454,933		823C
24	HOU	Housiing Development Loan/Rental Program	2,091,239		824C

SCHEDULE B
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2017-18 ADOPTED BUDGET	UNIT 1	UNIT 2
ES18		**EMERGENCY SOLUTIONS GRANT (ESG)**	**1,203,874**	ESMG	
		Management Services/Office of Homeless Solutions			
25	MGT	Emergency Shelter	439,802		825C
26	MGT	Street Outreach	71,585		826C
27	MGT	Rapid Re-Housing	366,654		827C
28	MGT	HMIS Data Collection	25,000		828C
29	MGT	ESG Administration	89,520	`	829C
		Management Services/Office of Community Care Services			
30	MGT	Emergency Shelter	131,052		830C
31	MGT	Homelessness Prevention	80,261		831C
HW18		**HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)**	**6,645,116**	HWMG	
		Management Services/Office of Homeless Solutions			
32	MGT	Emergency/Tenant Based Rental Assistance	2,571,134		832C
33	MGT	Housing Facilities Operation	2,040,000		833C
34	MGT	Housing Placement & Other Supportive Services	53,625		834C
35	MGT	Housing Information/Resource Identification	151,212		835C
36	MGT	Program Administration/City of Dallas	186,265		836C
37	MGT	Program Administration/Project Sponsors	272,880		837C
		Management Services/Office of Community Care Services			
38	MGT	Emergency/Tenant Based Rental Assistance/Financial Assistance	1,195,000		838C
39	MGT	Housing Placement & Other Supportive Services	175,000		839C
17RP		**FY 2017-2018 CDBG REPROGRAMMING**	**3,323,870**	CDRP	
40	HOU	Home Improvement and Preservation/SF Program (HIPP)	3,323,870		840C
		CONSOLIDATED PLAN TOTAL	**$ 34,344,924**		

SCHEDULE C
FY 2018-19 HUD CONSOLIDATED PLAN BUDGET
SOURCE OF FUNDS

SOURCE OF FUNDS		Amount
Community Development Block Grant (CDBG)	$	14,810,163
Program Income - Housing Activities (estimated)		1,250,000
Program Income - Sub-Recipient Retained (estimated)		225,000
CDBG Sub-Total		16,285,163
Reprogramming		3,323,870
CDBG Total		19,609,033
Home Investment Partnerships Program (HOME)		5,886,901
Program Income (estimated)		1,000,000
Emergency Solutions Grant (ESG)		1,203,874
Housing Opportunities for Persons With AIDS (HOPWA)		6,645,116
GRAND TOTAL HUD GRANT FUNDS	**$**	**34,344,924**

SCHEDULE D
SOURCE OF FUNDS FOR FY 2017-18 REPROGRAMMING

NIP-North Oak Cliff Public Improvements	1,020,459
Total FY 2010-11	**1,020,459**
BAC #1 Maple Ave Greater Dallas Hispanic Chamber of Commerce	3,506
Total FY 2015-16	**3,506**
South Dallas/Fair Park Community Court	16,680
South Oak Cliff Community Court	28,334
West Dallas Community Court	10,274
Neighborhood Investment Program - Code Compliance	86,312
City Office of Senior Affairs	22,741
Housing Assistance Support	31,702
Housing Development Support	1,094,582
Housing Management Support (P/PO)	88,882
People Helping People - Home Repair Program	845,016
Citizen Participation/CDC Support/HUD Oversight (P/PO)	25,213
Total FY 2016-17	**2,249,735**
Reprogrammed Funds	**50,170**
TOTAL CDBG REPROGRAMMING	**$ 3,323,870**