MAY 28, 2014 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated May 28, 2014. 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.

A.C. Gonzalez
City Manager

5-16-14
Date

Edward Scott
City Controller

5/16/14
Date

RECEIVED
2014 MAY 16 PM 4:15
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

May 28, 2014
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.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 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 en 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.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities 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 retrasara o interrumpirá los procedimientos, o se negara a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben 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 este 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 precisara al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MAY 28, 2014
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 - 26
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 27 - 39
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 40 - 59

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

AGENDA

CITY COUNCIL MEETING

MAY 28, 2014

CITY OF DALLAS

1500 MARILLA

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 May 14, 2014 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a service contract for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant - Festac Building Constructors, Inc., lowest responsible bidder of four - Not to exceed $391,981 - Financing: Water Utilities Capital Construction Funds

3. Authorize a five-year service contract for maintenance and support for an information display management system - Air-Transport IT Services, Inc., sole source - Not to exceed $260,224 - Financing: Aviation Current Funds (subject to annual appropriations)

4. Authorize a five-year service contract for cleaning and repair of structural and proximity protective gear for Fire-Rescue - Gear Cleaning Solutions, LLC, lowest responsible bidder of two - Not to exceed $4,599,685 - Financing: Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

5. Authorize a five-year service contract for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan - Ferguson Enterprises, Inc., most advantageous proposer of four - Not to exceed $7,642,750 - Financing: Water Conservation Program Funds (subject to annual appropriations)

6. Authorize a three-year master agreement for mulching materials and playground chips - Naturomulch, LLC in the amount of $283,395, GWG Wood Group, Inc. in the amount of $244,769, Big Bird Tree Service, Inc. in the amount of $196,056, BWI Dallas/Fort Worth in the amount of $53,474 and John Deere Landscapes in the amount of $8,960, lowest responsible bidders of seven - Total not to exceed $786,654 - Financing: Current Funds

7. Authorize supplemental agreement no. 1 to increase the service contract with Otis Elevator Company in the amount of $549,906, from $2,199,624 to $2,749,530 and Texas Independent Elevator in the amount of $42,654, from $170,616 to $213,270 for elevator, escalator and moving sidewalk maintenance and repair at various City facilities - Total not to exceed $592,560, from $2,370,240 to $2,962,800 - Financing: Current Funds ($526,940), Water Utilities Current Funds ($43,000) and Aviation Current Funds ($22,620) (subject to appropriations)

8. Authorize supplemental agreement no. 4 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term beginning June 1, 2014 through October 31, 2014 - Not to exceed $45,661, from $821,715 to $867,376 - Financing: Current Funds

City Attorney's Office

9. Authorize settlement of the claims of one of the two plaintiffs in the lawsuit styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M - Not to exceed $40,000 - Financing: Current Funds

10. Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866 - Not to exceed $50,000, from $50,000 to $100,000 - Financing: Current Funds

Court & Detention Services

11. Authorize a new contract to replace an existing contract with the Department of Public Safety to deny renewal of driver licenses for those violators who have failed to appear and resolve their Class C misdemeanor offenses with the Dallas Municipal Court - Estimated Annual Net Revenue: $58,152

CONSENT AGENDA (Continued)

Economic Development

Note: Agenda Item Nos. 12 and 13 must be considered collectively.

12. Authorize **(1)** a public hearing to be held on June 25, 2014 to receive comments concerning the dissolution of the existing Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area; and, at the close of the hearing **(2)** a resolution approving the dissolution of the District effective December 31, 2014, subject to the establishment of the new and expanded Klyde Warren Park/Dallas Arts District Public Improvement District - Financing: No cost consideration to the City

13. Authorize **(1)** a public hearing to be held on June 25, 2014 to receive comments concerning the creation of the new and expanded Klyde Warren Park Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park and Dallas Arts District areas, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the hearing **(2)** a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2015-2021 - Financing: No cost consideration to the City

14. Authorize **(1)** a public hearing to be held on June 25, 2014, to receive comments concerning the application with the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of $8,156,389 with tax exempt bonds in the approximate amount of $18,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007; **(2)** the issuance of tax exempt bonds by DHFC in the amount of $18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and **(3)** a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Library

15. Authorize **(1)** an application for and acceptance of the DollarWise Innovation Grant 2014 in the amount of $15,000 from the United States Conference of Mayors to expand and enhance financial literacy efforts by providing financial education classes to citizens for the period April 9, 2014 through April 9, 2015; and **(2)** execution of the grant agreement - Not to exceed $15,000 - Financing: United States Conference of Mayors, DollarWise Innovation Grant Funds

Office of Management Services

16. Authorize **(1)** an application for and acceptance of the FY2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2013 through September 30, 2017; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed $951,372 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

Police

17. Authorize **(1)** the acceptance of supplemental funding for the 2013/2014 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University - San Marcos in the amount of $15,000 for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2013 through August 31, 2014; and **(2)** execution of the grant agreement - Not to exceed $15,000, from $80,025 to $95,025 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

Public Works Department

18. Authorize **(1)** the submission of two candidate projects to the North Central Texas Council of Governments for cost reimbursement for the proposed Transportation Alternatives Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project; and **(2)** a required local match not to exceed $2,885,000 - Financing: This action has no cost consideration to the City

19. Authorize an Interlocal Agreement with the Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff) - Financing: No cost consideration to the City

20. Authorize payment to Dallas Area Rapid Transit for utility improvement and relocation costs associated with the Urban Circulator Streetcar Project in downtown Dallas - Not to exceed $612,000 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)

Street Services

21. Authorize a professional services contract with Teal Engineering Services, Incorporated, most advantageous proposer of three, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks - Not to exceed $237,398 - Financing: 2003 Bond Funds

Sustainable Development and Construction

22. An ordinance granting a private license to The Ursuline Academy of Dallas, for approximately 4,577 square feet of land to install, use and maintain landscaping on portions of Inwood Road located near its intersection with Walnut Hill Lane - Revenue: $1,000 one-time, plus the $20 ordinance publication fee

23. An ordinance abandoning a portion of Paramount Avenue containing approximately 14,475 square feet of land, located near the intersection of Paramount Avenue and Glencliff Street to Maria Solis, the abutting owner, and authorizing the quitclaim - Revenue: $10,133, plus the $20 ordinance publication fee

24. Authorize an amendment to Resolution No. 13-0866, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 67,685 square feet from Westley E. Raborn and Linda G. Raborn, located in Kaufman County for the Lake Tawakoni Pipeline Project - Not to exceed $89, increased from $41,750 ($38,750, plus closing costs and title expenses not to exceed $3,000) to $41,839 ($38,839, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

Trinity Watershed Management

25. Authorize an increase in the contract with Jeske Construction Company for additional work associated with reconstruction of street paving and storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing - Not to exceed $180,942, from $1,787,566 to $1,968,508 - Financing: General Obligation Commercial Paper Funds ($162,518) and Stormwater Drainage Management Capital Construction Funds ($18,424)

Water Utilities

26. Authorize an increase in the contract with S. J. Louis Construction of Texas - Southland Contracting, JV, for additional work associated with the proposed East Bank-West Bank Interceptor Connection - Not to exceed $5,001,590, from $20,623,401 to $25,624,991 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

27. 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)

Trinity Watershed Management

28. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Danyeal Garrett, of an unimproved tract of land containing approximately 6,247 square feet located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $13,500 ($10,500 plus closing costs and title expenses not to exceed $3,000) - Financing: 2006 Bond Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

Note: Item Nos. 29 and 30 must be considered collectively.

Fort Worth Avenue TIF District

29. * Authorize **(1)** a development agreement with Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., in an amount not to exceed $4,650,000, payable from future Fort Worth Avenue TIF District funds in consideration of the development of Cliff View in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and **(2)** the Fort Worth Avenue TIF District Board of Directors to dedicate up to $4,650,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed $4,650,000 - Financing: Fort Worth Avenue TIF District Funds (Subject to appropriations)

30. * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd. for eligible expenditures pursuant to the development agreement up to $4,650,000 for certain improvements related to the development of Cliff View in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

Note: Item Nos. 31 and 32 must be considered collectively.

TCDFW Industrial Development Inc.

31. * Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years related to the construction of a 200,000 square foot speculative industrial/warehouse facility in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at $2,869; ten-year revenue estimated at $21,073; (Estimated revenue foregone for a ten-year new real property abatement estimated at $189,654)

32. * Authorize a Chapter 380 economic development grant agreement in an amount not to exceed $195,000 with TCDFW Industrial Development Inc. related to the construction of a 200,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed $195,000 - Financing: General Obligation Commercial Paper Funds

33. Authorize a Chapter 380 economic development grant agreement in an amount not to exceed $1,000,000 with Santander Consumer USA Inc. related to the relocation and expansion of its headquarters facility operation to downtown Dallas, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed $1,000,000 - Financing: Public/Private Partnership Funds

34. Authorize a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., in an amount not to exceed $150,000 to promote the retention and expansion of the company’s refrigerated warehouse operation and the creation and retention of jobs located at 2225 North Cockrell Hill Road in Dallas pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed $150,000 - Financing: Public/Private Partnership Funds

35. Authorize an amendment to the Chapter 380 economic development grant agreement with SLF III - THE CANYON TIF, LP to: **(1)** extend the construction start date from May 31, 2014 to May 31, 2015; and **(2)** increase the minimum private investment from $5,000,000 to $10,000,000 - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

36. Authorize an amendment to Resolution No. 14-0688, previously approved on April 23, 2014, which authorized a Chapter 380 economic development grant agreement with Frazier Revitalization, Inc., or Hatcher at Scyene Title Holding Company (collectively, "FRI"), to allow $1.2 million of the funding related to the development of a medical facility to be constructed at 4600 Scyene Road to be used as bridge financing provided FRI meets certain conditions - Financing: No cost consideration to the City

Housing/Community Services

37. Authorize a housing development loan in an amount not to exceed $254,000 with South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, for the development of two affordable single family homes located at 3622 and 3624 Meadow Street - Not to exceed $254,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

38. Authorize an amendment to Resolution No. 13-0993, previously approved on June 12, 2013, for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard to: **(1)** extend the start date from September 30, 2013 to July 31, 2014; **(2)** extend the completion date from March 31, 2014 to May 31, 2015; and **(3)** change the terms as described in Section 2 - Financing: No cost consideration to the City

39. Authorize an amendment to Resolution No. 14-0565, previously approved on March 26, 2014, to: **(1)** change the owner's name on the conditional grant agreement from Sphinx Development Corporation to SDC Compton Housing, LP; and **(2)** change the terms of the disbursement of funds to $34,285 per unit with a five year deed restriction to build fourteen townhomes on Tonga and Compton Streets - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

40. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site/landscape plan and conditions
Z112-267(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

41. A public hearing to receive comments regarding a City Plan Commission authorized hearing to consider an Historic Overlay for Sunset High School on property zoned Planned Development District No. 409 on the south side of West Jefferson Boulevard, between North Tennant Street and North Oak Cliff Boulevard and an ordinance granting the Historic Overlay
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Z123-343(MD)

42. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z123-371(OTH)

43. 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 on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z134-133(MW)

44. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z134-146(MW)

45. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District on the north side of Frankford Road, west of Vail Street
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z134-152(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

46. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Community service center on property zoned an R-7.5(A) Single Family District, along the east line of La Prada Drive, north of Klondike Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z134-153(RB)

47. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an accessory community center (private) limited to a community pool on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District, generally in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive
Recommendation of Staff and CPC: Approval for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions
Z134-160(WE)

48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school use on property zoned an NO(A) Neighborhood Office District, south of LBJ Freeway and east of Hillcrest Road
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z134-167(MW)

ZONING CASES - INDIVIDUAL

49. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D Commercial Service District with a D Liquor Control Overlay on the south side of Bruton Road, east of Jim Miller Road
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z134-141(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - INDIVIDUAL (Continued)

50. A public hearing to receive comments regarding an application for and an ordinance granting the removal of the D Liquor Control Overlay, on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D Liquor Control Overlay with consideration given to granting a D-1 Liquor Control Overlay on the northwest side of Oak Lawn Avenue and the southwest side of Dickason Avenue
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay
Recommendation of CPC: Approval of the removal of the D Liquor Control Overlay
Z134-156(RB)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

51. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District, on property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z134-112(RB)
Note: This item was considered by the City Council at a public hearing on May 14, 2014, and was taken under advisement until May 28, 2014, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

52. A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete asphalt on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road
Recommendation of Staff and CPC: Approval of an IM Industrial Manufacturing District and approval of a Specific Use Permit for a five-year period, subject to a site plan and conditions
Z123-210(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DESIGNATED ZONING CASES - INDIVIDUAL (Continued)

53. A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, with consideration given to amending certain use regulations and development standards in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west and an ordinance granting the amendments
Recommendation of Staff: Approval, subject to staff recommended conditions
Recommendation of CPC: Approval
Z123-267(CG)

FLOODPLAIN APPLICATIONS

Trinity Watershed Management

54. 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 2.05 acres of the current 3.57 acres of land, located at the northwest corner of Bruton Road and St. Augustine Road, within the floodplain of Estes Branch, Fill Permit 14-01 - Financing: No cost consideration to the City

55. 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 18.24 acres of the current 59.74 acres of land, located at the Northwest corner of I-20 and J.J. Lemmon, within the floodplain of Newton Creek and White Branch, Fill Permit 14-02 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Office of Financial Services

56. A public hearing to receive comments on the FY 2014-15 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City

Park & Recreation

57. A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State Law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Sustainable Development and Construction

58. A public hearing to receive comments regarding a proposal to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to “James Parker Way” - NC134-001 - Financing: No cost consideration to the City

Trinity Watershed Management

59. A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-5.102, of the Dallas City Code to adopt the Dallas County flood insurance study and accompanying flood insurance rate maps, as revised, which become effective July 7, 2014, as a requirement of the Federal Emergency Management Agency; and, at the close of the hearing, consideration of an ordinance authorizing the adoption of the Dallas County Flood Insurance Rate Maps - Financing: No cost consideration to the City

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.

2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.

5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA DATE May 28, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of May 14, 2014 City Council Meeting
2			8	C	PBD, WTR	$391,981.00	78.83%	78.83%	Authorize a service contract for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant
3			All	C	PBD, AVI, CIS	$260,224.00	0.00%	0.00%	Authorize a five-year service contract for maintenance and support for an information display management system
4			All	C	PBD, FIR	$4,599,685.00	100.00%	3.48%	Authorize a five-year service contract for cleaning and repair of structural and proximity protective gear for Fire-Rescue
5			All	C	PBD, WTR	$7,642,750.00	100.00%	18.10%	Authorize a five-year service contract for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan
6			All	C	PBD, PKR	$786,654.00	98.80%	36.09%	Authorize a three-year master agreement for mulching materials and playground chips
7			All	C	PBD, AVI, PBW, WTR	$592,560.00	100.00%	0.00%	Authorize supplemental agreement no. 1 to increase the service contract with Otis Elevator Company and Texas Independent Elevator for elevator, escalator and moving sidewalk maintenance and repair at various City facilities
8			All	C	PBD, CIS, EBS, SAN	$45,660.55	0.00%	1.90%	Authorize supplemental agreement no. 4 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term beginning June 1, 2014 through October 31, 2014
9			N/A	C	ATT, POL	$40,000.00	NA	NA	Authorize settlement of the claims of one of the two plaintiffs in the lawsuit styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M
10			N/A	C	ATT	$50,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866
11			All	C	CDS	REV $58,152	NA	NA	Authorize a new contract to replace an existing contract with the Department of Public Safety to deny renewal of driver licenses for those violators who have failed to appear and resolve their Class C misdemeanor offenses with the Dallas Municipal Court
12			14	C	ECO	NC	NA	NA	Authorize a public hearing to be held on June 25, 2014 to receive comments concerning the dissolution of the existing Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area; and, at the close of the hearing a resolution approving the dissolution of the District effective December 31, 2014, subject to the establishment of the new and expanded Klyde Warren Park/Dallas Arts District Public Improvement District
13			14	C	ECO	NC	NA	NA	Authorize a public hearing to be held on June 25, 2014 to receive comments concerning the creation of the new and expanded Klyde Warren Park Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park and Dallas Arts District areas, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the hearing a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2015-2021
14			12	C	ECO	NC	NA	NA	Authorize a public hearing to be held on June 25, 2014, to receive comments concerning the application with the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of $8,156,389 with tax exempt bonds in the approximate amount of $18,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007; the issuance of tax exempt bonds by DHFC in the amount of $18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors

AGENDA DATE May 28, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
15			All	C	LIB	GT	NA	NA	Authorize an application for and acceptance of the DollarWise Innovation Grant 2014 from the United States Conference of Mayors to expand and enhance financial literacy efforts by providing financial education classes to citizens for the period April 9, 2014 through April 9, 2015; and execution of the grant agreement
16			All	C	MGT, IGS	GT	NA	NA	Authorize an application for and acceptance of the FY2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2013 through September 30, 2017; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement
17			All	C	POL	GT	NA	NA	Authorize the acceptance of supplemental funding for the 2013/2014 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University - San Marcos for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2013 through August 31, 2014; and execution of the grant agreement
18			1, 6	C	PBW, ECO, TWM	NC	NA	NA	Authorize the submission of two candidate projects to the North Central Texas Council of Governments for cost reimbursement for the proposed Transportation Alternatives Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project; and a required local match
19			1, 2, 14	C	PBW	NC	NA	NA	Authorize an Interlocal Agreement with the Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff)
20			14	C	PBW, WTR	$612,000.00	NA	NA	Authorize payment to Dallas Area Rapid Transit for utility improvement and relocation costs associated with the Urban Circulator Streetcar Project in downtown Dallas
21			All	C	STS, PBW	$237,397.76	100.00%	100.00%	Authorize a professional services contract with Teal Engineering Services, Incorporated, most advantageous proposer of three, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks
22			13	C	DEV	REV $1,000	NA	NA	An ordinance granting a private license to The Ursuline Academy of Dallas, for approximately 4,577 square feet of land to install, use and maintain landscaping on portions of Inwood Road located near its intersection with Walnut Hill Lane
23			5	C	DEV	REV $10,133	NA	NA	An ordinance abandoning a portion of Paramount Avenue containing approximately 14,475 square feet of land, located near the intersection of Paramount Avenue and Glencliff Street to Maria Solis, the abutting owner, and authorizing the quitclaim
24			Outside	C	DEV, WTR	$89.00	NA	NA	Authorize an amendment to Resolution No. 13-0866, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 67,685 square feet from Westley E. Raborn and Linda G. Raborn, located in Kaufman County for the Lake Tawakoni Pipeline Project
25			6	C	TWM, PBW	$180,942.00	99.28%	23.01%	Authorize an increase in the contract with Jeske Construction Company for additional work associated with reconstruction of street paving and storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing
26			2, 4	C	WTR, TWM	$5,001,590.00	0.80%	20.37%	Authorize an increase in the contract with S. J. Louis Construction of Texas - Southland Contracting, JV, for additional work associated with the proposed East Bank-West Bank Interceptor Connection
27			N/A	I	SEC	NC	N/A	N/A	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)
28			7	I	TWM	$13,500.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Danyeal Garrett, of an unimproved tract of land containing approximately 6,247 square feet located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project
29			1, 6	I	ECO	$4,650,000.00	NA	NA	Fort Worth Avenue TIF District: Authorize a development agreement with Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., in an amount not to exceed $4,650,000, payable from future Fort Worth Avenue TIF District funds in consideration of the development of Cliff View in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and the Fort Worth Avenue TIF District Board of Directors to dedicate up to $4,650,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement

AGENDA DATE May 28, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
30			1, 6	I	ECO	NC	NA	NA	Fort Worth Avenue TIF District: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd. for eligible expenditures pursuant to the development agreement up to $4,650,000 for certain improvements related to the development of Cliff View in the Fort Worth Avenue TIF District
31			8	I	ECO	NC	NA	NA	TCDFW Industrial Development Inc.: Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years related to the construction of a 200,000 square foot speculative industrial/warehouse facility in accordance with the City's Public/Private Partnership Program
32			8	I	ECO	$195,000.00	NA	NA	TCDFW Industrial Development Inc: Authorize a Chapter 380 economic development grant agreement with TCDFW Industrial Development Inc. related to the construction of a 200,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program
33			14	I	ECO	GT	NA	NA	Authorize a Chapter 380 economic development grant agreement with Santander Consumer USA Inc. related to the relocation and expansion of its headquarters facility operation to downtown Dallas, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program
34			6	I	ECO	GT	NA	NA	Authorize a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., to promote the retention and expansion of the company's refrigerated warehouse operation and the creation and retention of jobs located at 2225 North Cockrell Hill Road in Dallas pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program
35			3	I	ECO	NC	NA	NA	Authorize an amendment to the Chapter 380 economic development grant agreement with SLF III – THE CANYON TIF, LP to extend the construction start date from May 31, 2014 to May 31, 2015; and increase the minimum private investment from $5,000,000 to $10,000,000
36			7	I	ECO	NC	NA	NA	Authorize an amendment to Resolution No. 14-0688, previously approved on April 23, 2014, which authorized a Chapter 380 economic development grant agreement with Frazier Revitalization, Inc., or Hatcher at Scyene Title Holding Company (collectively, "FRI"), to allow $1.2 million of the funding related to the development of a medical facility to be constructed at 4600 Scyene Road to be used as bridge financing provided FRI meets certain conditions
37			7	I	HOU	GT	NA	NA	Authorize a housing development loan with South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, for the development of two affordable single family homes located at 3622 and 3624 Meadow Street
38			7	I	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 13-0993, previously approved on June 12, 2013, for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard to extend the start date from September 30, 2013 to July 31, 2014; extend the completion date from March 31, 2014 to May 31, 2015; and change the terms as described in Section 2
39			4	I	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 14-0565, previously approved on March 26, 2014, to change the owner's name on the conditional grant agreement from Sphinx Development Corporation to SDC Compton Housing, LP; and change the terms of the disbursement of funds to $34,285 per unit with a five year deed restriction to build fourteen townhomes on Tonga and Compton Streets
40			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road
41			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a City Plan Commission authorized hearing to consider an Historic Overlay for Sunset High School on property zoned Planned Development District No. 409 on the south side of West Jefferson Boulevard, between North Tennant Street and North Oak Cliff Boulevard and an ordinance granting the Historic Overlay

AGENDA DATE May 28, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
42			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road
43			6	PH	DEV	NC	NA	NA	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 on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane
44			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane
45			12	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District on the north side of Frankford Road, west of Vail Street
46			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Community service center on property zoned an R-7.5(A) Single Family District, along the east line of La Prada Drive, north of Klondike Drive
47			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an accessory community center (private) limited to a community pool on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District, generally in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive
48			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school use on property zoned an NO(A) Neighborhood Office District, south of LBJ Freeway and east of Hillcrest Road
49			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D Commercial Service District with a D Liquor Control Overlay on the south side of Bruton Road, east of Jim Miller Road
50			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the removal of the D Liquor Control Overlay, on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D Liquor Control Overlay with consideration given to granting a D-1 Liquor Control Overlay on the northwest side of Oak Lawn Avenue and the southwest side of Dickason Avenue
51			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District, on property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive
52			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete asphalt on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road
53			2, 7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, with consideration given to amending certain use regulations and development standards in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west and an ordinance granting the amendments
54			7	PH	TWM	NC	NA	NA	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 2.05 acres of the current 3.57 acres of land, located at the northwest corner of Bruton Road and St. Augustine Road, within the floodplain of Estes Branch, Fill Permit 14-01

AGENDA DATE May 28, 2014

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
55			8	PH	TWM	NC	NA	NA	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 18.24 acres of the current 59.74 acres of land, located at the Northwest corner of I-20 and J.J. Lemmon, within the floodplain of Newton Creek and White Branch, Fill Permit 14-02
56			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the FY 2014-15 Operating, Capital, and Grant/Trust budgets
57			All	PH	PKR	NC	NA	NA	A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State Law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code
58			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a proposal to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to “James Parker Way”
59			All	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-5.102, of the Dallas City Code to adopt the Dallas County flood insurance study and accompanying flood insurance rate maps, as revised, which become effective July 7, 2014, as a requirement of the Federal Emergency Management Agency; and, at the close of the hearing, consideration of an ordinance authorizing the adoption of the Dallas County Flood Insurance Rate Maps

TOTAL $25,300,033.31

AGENDA ITEM # 2

KEY FOCUS AREA:	Efficient, Effective and Economical Government
AGENDA DATE:	May 28, 2014
COUNCIL DISTRICT(S):	8
DEPARTMENT:	Business Development & Procurement Services Water Utilities
CMO:	Jeanne Chipperfield, 670-7804 Forest E. Turner, 670-3390
MAPSCO:	69A-X

SUBJECT

Authorize a service contract for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant - Festac Building Constructors, Inc., lowest responsible bidder of four – Not to exceed $391,981 – Financing: Water Utilities Capital Construction Funds

BACKGROUND

This service contract will allow Water Utilities to establish the refurbishment and parts of the gas vapor scrubber system located at the Southside Wastewater Treatment Plant. This contract will ensure that the system will remain operational at an optimum level as needed to assure workers safety and compliance with the regulatory guidelines mandated by the Texas Commission of Environmental Quality (TCEQ).

As part of the treatment process, chlorine is added for the proper disinfection of the wastewater effluent and sulfur dioxide is then added to de-chlorinate the effluent prior to release into the Trinity River for the protection of aquatic life. This process is required to meet the regulatory requirements as mandated by TCEQ. The scrubbing system at the plant, installed in December of 2002, supports both the chlorine and sulfur dioxide chemical buildings. Its primary function is to contain and treat any accidental release of chlorine and sulfur dioxide gases. Sensors activate the scrubber system when it detects the presence of chlorine or sulfur dioxide gas within the buildings. The system then draws the gases into a tank where a caustic solution, sodium hydroxide, is used to neutralize the gases before the resultant air is released into the atmosphere.

Through its proactive maintenance approach, Water Utilities' plant personnel perform all regular maintenance and repairs for the proper operation of the scrubbing system. However, major maintenance activities associated with scrubber systems require specialized work that is best provided by outside contractors.

BACKGROUND (Continued)

Under the proposed service contract, Festac Building Constructors, Inc. will provide: removal and proper disposal of the caustic solution; acid washing of the system to remove scale build-up; replacement of seals; changing and calibration of gas detection sensors; and evaluation and repair of tanks as needed. Further, the contract will allow for the replacement of the caustic solution within the system.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 608 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$391,981.00 – Water Utilities Capital Construction Funds

M/WBE INFORMATION

100 - Vendors contacted
99 - No response
1 - Response (Bid)
0 - Response (No bid)
1 - Successful

608 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Festac Building Constructors, Inc.

White Male	0	White Female	1
Black Male	2	Black Female	5
Hispanic Male	14	Hispanic Female	1
Other Male	5	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1409 and were opened on March 6, 2014. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount of Bid
*Festac Building Constructors, Inc.	2828 Forest Lane Dallas, TX 75235	$391,981.00
Go-Tech Builders, LLC	1447 Greenbrook Drive Rockwall, TX 75032	$421,300.00
Berkowitz and Sons Painting	608 Jereme Trail Dallas, TX 75252	$537,260.00
Kadie Kare Logistics	1408 Darr Street Irving, TX 75061	$772,708.00

OWNER

Festac Building Constructors, Inc.

Isaac Prince, President
Nicholas Prince, Vice President
Joseph Aigbedion, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a service contract for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant - Festac Building Constructors, Inc., lowest responsible bidder of four – Not to exceed $391,981 – Financing: Water Utilities Capital Construction Funds

Festac Building Constructors, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$308,981.00	78.83%
Total non-local contracts	$83,000.00	21.17%
TOTAL CONTRACT	$391,981.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Festac Building Constructors, Inc.	BMMB58760N0914	$200,658.23	64.94%
Dien, Inc	NFMB59357Y1114	$108,322.77	35.06%
Total Minority - Local		$308,981.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$200,658.23	64.94%	$200,658.23	51.19%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$108,322.77	35.06%	$108,322.77	27.63%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$308,981.00	100.00%	$308,981.00	78.83%

May 28, 2014

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

Section 1. That the City Manager is authorized to execute a service contract with Festac Building Constructors, Inc. (VS0000027028) for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant in an amount not to exceed $391,981.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Festac Building Constructors, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Festac Building Constructors, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $391,981.00

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE
0103	DWU	CS31	3210	7A1249X	CT-DWU7A1249EN

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

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 671-9195
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for maintenance and support for an information display management system - Air-Transport IT Services, Inc., sole source - Not to exceed $260,224 - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide maintenance and support for an information display management system utilized by Love Field. The system provides information on flights, gates and baggage location. The system also provides a visual paging function for the hearing impaired to meet requirements of the Texas Department of Licensing and Regulation and the Americans with Disabilities Act. Additionally, the system is utilized to display advertisements and public service announcements.

Maintenance and support includes software upgrades to current releases of software, hardware warranty, and technical support for the installation of such software and hardware.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$260,224.00 – Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee is the sole source provider.

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Air-Transport IT Services, Inc.

White Male	42	White Female	8
Black Male	3	Black Female	1
Hispanic Male	7	Hispanic Female	7
Other Male	6	Other Female	1

BID INFORMATION

Bidder	Address	Amount
Air-Transport IT Services, Inc.	5950 Hazeltine National Dr. Suite 210 Orlando, FL 32822	$260,224.00

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed this sole source item and submitted related documentation and has determined BDPS meets the exceptions from competitive bidding as specified in the State of Texas Local Government code, chapter 252.022, General Exemptions (a)(7).

OWNER

Air-Transport IT Services, Inc.

Christopher B. Keller, President
Betros Wakim, Chief Executive Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for maintenance and support for an information display management system - Air-Transport IT Services, Inc., sole source - Not to exceed $260,224 - Financing: Aviation Current Funds (subject to annual appropriations)

Air-Transport IT Services, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$260,224.00	100.00%
TOTAL CONTRACT	$260,224.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

May 28, 2014

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

Section 1. That the City Manager is authorized to execute a service contract with Air-Transport IT Services, Inc. (VS0000083733) for maintenance and support for an information display management system for a term of five years in an amount not to exceed $260,224.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Air-Transport IT Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Air-Transport IT Services, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed $260,224.00 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0130	AVI	7754	3099	$34,650.00	2014	CTDSV14AIRIT
0130	AVI	7754	3099	$37,958.00	2015	CTDSV15AIRIT
0130	AVI	7754	3099	$56,580.00	2016	CTDSV16AIRIT
0130	AVI	7754	3099	$62,007.00	2017	CTDSV17AIRIT
0130	AVI	7754	3099	$69,029.00	2018	CTDSV18AIRIT

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 # 4

KEY FOCUS AREA: Clean, Healthy Environment
Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for cleaning and repair of structural and proximity protective gear for Fire-Rescue – Gear Cleaning Solutions, LLC, lowest responsible bidder of two - Not to exceed $4,599,685 - Financing: Current 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 contract will provide cleaning and repair of structural and proximity protective gear for Fire-Rescue. Fire-Rescue has approximately 1,900 fire-fighters that utilize structural and proximity protective gear. Cleaning and repair of such gear allows for greater life of the gear, protects members while fighting fires as well as maintains proper visibility for members while rendering aid. Per the National Fire Protection Association standards, structural and proximity protective gear must be inspected, cleaned and repaired once every twelve months.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 148 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 10, 2008, City Council authorized a sixty-month service contract for cleaning and repair of fire-fighting and proximity personnel protection equipment by Resolution No. 08-3029.

FISCAL INFORMATION

$4,599,685.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

13 - Vendors contacted
13 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful vendor

148 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Gear Cleaning Solutions, LLC

White Male	3	White Female	0
Black Male	0	Black Female	0
Hispanic Male	6	Hispanic Female	13
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BY1404 and were opened on March 13, 2014. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

BID INFORMATION (Continued)

Bidders	Address	Amount of Bid
*Gear Cleaning Solutions, LLC	2221 Mañana Dr., Ste. 190 Dallas, TX 75220	$4,599,685.00
Lion TotalCare, Inc.	7200 Poe Ave., Ste. 400 Dayton, OH 45409	$4,689,547.14

OWNER

Gear Cleaning Solutions, LLC

Rick Johnson, President
Tim Tomlinson, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for cleaning and repair of structural and proximity protective gear for Fire-Rescue – Gear Cleaning Solutions, LLC, lowest responsible bidder of two - Not to exceed $4,599,685 - Financing: Current Funds (subject to annual appropriations)

Gear Cleaning Solutions, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$4,599,685.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$4,599,685.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
J & S Specialty	BMDB59549Y1214	$110,000.00	2.39%
CLA Forms	WFWB60280N0215	$50,000.00	1.09%
Total Minority - Local		$160,000.00	3.48%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$110,000.00	2.39%	$110,000.00	2.39%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$50,000.00	1.09%	$50,000.00	1.09%
Total	$160,000.00	3.48%	$160,000.00	3.48%

May 28, 2014

WHEREAS, on November 10, 2008, City Council authorized a sixty-month service contract for cleaning and repair of fire-fighting and proximity personnel protection equipment by Resolution No. 08-3029;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Gear Cleaning Solutions, LLC (VS0000028079) for cleaning and repair of structural and proximity protective gear for Fire-Rescue for a term of five years in an amount not to exceed $4,599,685.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Gear Cleaning Solutions, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Gear Cleaning Solutions, LLC under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $4,599,685.00 (subject to annual appropriations).

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 # 5

KEY FOCUS AREA:	Clean, Healthy Environment
AGENDA DATE:	May 28, 2014
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Water Utilities
CMO:	Jeanne Chipperfield, 670-7804 Forest E. Turner, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize a five-year service contract for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan - Ferguson Enterprises, Inc., most advantageous proposer of four - Not to exceed $7,642,750 - Financing: Water Conservation Program 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 contract will allow for the purchase and administration of replacement residential high efficiency (1.28 gallons or less per flush) toilets as part of the Water Conservation Strategic Plan. Through this contract the City will offer residents high efficiency toilets to replace older models which require greater water volume to operate. The program is available to qualified Dallas Water Utilities' (DWU) single and multi-family residential customers requesting to participate in the "New Throne for Your Home" program or household, which qualify for the low-to-moderate-income Minor Plumbing Repair program. This program is anticipated to distribute approximately 17,500 toilets annually.

City staff reviews applications and determines participation in the program based on the applicant meeting established qualifying criteria. Once the client takes delivery, it is the client's responsibility to install the unit. To ensure the effectiveness of this program DWU staff performs random inspections to verify installation of the toilets. This approach is designed to increase the number of toilets replaced, enhance the integrity of the process, and to meet the water conservation goals of the program.

BACKGROUND (Continued)

The Water Conservation Five-Year Strategic Plan Update adopted by Council June 9, 2010, by Resolution No. 10-1509 is an integral part of Dallas' long-term water supply plan. The goal of the strategic plan is to identify initiatives to reduce water consumption by examining indoor/outdoor water use patterns, developing and implementing rebate and incentive programs. Additionally the program will explore regional planning conservation initiatives, and promote education and outreach initiatives. The current plan targets an average 1.5% per year reduction in consumption per capita for the term of the contract.

A seven member committee from the following departments reviewed and evaluated the proposals:

- Business Development & Procurement Services (2)*
- Public Works (2)
- Water Utilities (1)
- Housing/Community Services (1)
- Park & Recreation (1)

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30%
- Functional Match 20%
- Technical Match 20%
- Business Inclusion and Development Plan 15%
- Capability, Credibility & Expertise 10%
- Training 5%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,122 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 9, 2010, City Council authorized adoption of the Water Conservation Five-Year Strategic Plan and the mandated Water Conservation Plan by Resolution No. 10-1509.

On February 9, 2011, City Council authorized a five-year service contract for acquisition and distribution of replacement toilets as part of the Water Conservation Strategic Plan by Resolution No. 11-0396.

FISCAL INFORMATION

$7,642,750.00 – Water Conservation Program Funds (subject to annual appropriations)

M/WBE INFORMATION

301 - Vendors contacted
300 - No response
1 - Response (Bid)
0 - Response (No bid)
0 - Successful

1,122 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Ferguson Enterprises, Inc.

White Male	9	White Female	0
Black Male	0	Black Female	1
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BUZ1412 and were opened on February 20, 2014. This contract is being awarded in its entirety to the most advantageous proposer.

PROPOSAL INFORMATION (Continued)

*Denotes successful proposer

Proposers	Address	Score	Amount
*Ferguson Enterprises, Inc.	11232 Indian Tr. Dallas, TX 75229	92.09%	$ 7,642,750.00
Niagara Conservation Corporation	4200 Diplomacy Rd. Fort Worth, TX 76155	80.40%	$ 7,257,250.00
Winston Water Cooler, Ltd.	6626 Oakbrook Blvd. Dallas, TX 75235	68.37%	$10,384,000.00
Morrison Supply Company	311 East Vickery Blvd. Fort Worth, TX 76104	66.25%	$11,307,100.00

OWNER

Ferguson Enterprises, Inc.

Frank Roach, President
Kevin Murphy, Vice President
Terry Hall, Secretary
David Keltner, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan - Ferguson Enterprises, Inc., most advantageous proposer of four - Not to exceed $7,642,750 - Financing: Water Conservation Program Funds (subject to annual appropriations)

Ferguson Enterprises, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$7,642,750.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$7,642,750.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
A Star Heat & Air, Inc.	HMDB58489Y0814	$1,383,338.00	18.10%
Total Minority - Local		$1,383,338.00	18.10%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$1,383,338.00	18.10%	$1,383,338.00	18.10%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$1,383,338.00	18.10%	$1,383,338.00	18.10%

May 28, 2014

WHEREAS, on June 9, 2010, City Council authorized adoption of the Water Conservation Five-Year Strategic Plan and the mandated Water Conservation Plan by Resolution No. 10-1509; and,

WHEREAS, on February 9, 2011, City Council authorized a five-year service contract for acquisition and distribution of replacement toilets as part of the Water Conservation Strategic Plan by Resolution No. 11-0396;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Ferguson Enterprises, Inc. (020709) for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan for a term of five years, in an amount not to exceed $7,642,750.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Ferguson Enterprises, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Ferguson Enterprises, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $7,642,750.00 (subject to annual appropriations).

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 # 6

KEY FOCUS AREA:	Efficient, Effective and Economical Government
AGENDA DATE:	May 28, 2014
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Park & Recreation
CMO:	Jeanne Chipperfield, 670-7804 Willis Winters, 670-4071
MAPSCO:	N/A

SUBJECT

Authorize a three-year master agreement for mulching materials and playground chips – Naturomulch, LLC in the amount of $283,395, GWG Wood Group, Inc. in the amount of $244,769, Big Bird Tree Service, Inc. in the amount of $196,056, BWI Dallas/Fort Worth in the amount of $53,474 and John Deere Landscapes in the amount of $8,960, lowest responsible bidders of seven - Total not to exceed $786,654 - Financing: Current Funds

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.

This master agreement will be used to purchase mulching materials for horticulture beds, tree plantings and top dressing for weed and moisture control. The mulching material will be used in plant beds at City Hall, Fair Park, Meyerson Symphony Center, Latino Cultural Center as well as over 21,000 acres of park property, 43 recreation centers and six golf courses.

This master agreement will also provide wood fiber playground chips to replace existing wood chips in City-owned playgrounds. The chips provide a safe play surface under and around outdoor playground equipment and must be certified by International Playground Equipment Manufacturers Association (IPEMA) prior to delivery. IPEMA certification verifies the chips meet American Society for Testing and Materials (ASTM) standards F2075 and F1487 regarding composition, particle size, consistency, metal concentrations and impact attenuation (critical fall height).

BACKGROUND (Continued)

This solicitation was structured in a manner which required bidders to submit a response using item pricing. This bid resulted in a .032% increase over comparable prices for the bid awarded in 2008.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 267 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 9, 2008, City Council authorized a thirty-six-month master agreement for mulching materials and playground chips by Resolution No. 08-1045.

FISCAL INFORMATION

$786,654.00 - Current Funds

M/WBE INFORMATION

30 - Vendors contacted
30 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

267 M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Naturomulch, LLC

White Male	0	White Female	0
Black Male	4	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	2	Other Female	1

ETHNIC COMPOSITION (Continued)

GWG Wood Group, Inc.

White Male	10	White Female	4
Black Male	3	Black Female	0
Hispanic Male	13	Hispanic Female	0
Other Male	0	Other Female	0

Big Bird Tree Service, Inc.

White Male	3	White Female	0
Black Male	0	Black Female	0
Hispanic Male	2	Hispanic Female	2
Other Male	2	Other Female	1

BWI Dallas/Fort Worth

White Male	29	White Female	8
Black Male	1	Black Female	0
Hispanic Male	15	Hispanic Female	1
Other Male	0	Other Female	0

John Deere Landscapes

White Male	26	White Female	26
Black Male	1	Black Female	3
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	1

BID INFORMATION

The following bids were received from solicitation number BC1401 and were opened on January 16, 2014. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount of Bid**
*****Naturomulch, LLC	2008 Devin Ln. Lewisville, TX 75067	Multiple Lines
*GWG Wood Group, Inc.	2797 Millers Ferry Ferris, TX 75125	Multiple Lines

BID INFORMATION (Continued)

Bidders	Address	Amount of Bid
*****Big Bird Tree Service, Inc.	401 E. Wheatland Rd. Dallas, TX 75241	Multiple Lines
*BWI Dallas/Fort Worth	1418 Upfield Dr. Carrollton, TX 75006	Multiple Lines
*John Deere Landscapes	1385 East 36th St. Cleveland, OH 44114	Multiple Lines
The Playwell Group, Inc.	4743 Iberia Ave. Suite C Dallas, TX 75207	Multiple Lines
Lea Park & Play	1701 N. Greenville Ave. Suite 508 Richardson, TX 75081	Non-responsive**

**Lea Park & Play was deemed non-responsive due to not meeting specifications.

OWNERS

Naturomulch, LLC

Shobha Goyal, President
Omparakash Goyal, Vice President

GWG Wood Group, Inc.

Kirk Grady, President

Big Bird Tree Service, Inc.

Irene Eads, President

BWI Dallas/Fort Worth

Jim Bunch, Owner
Mike Mize, Vice President
Carolyn Neff, Secretary
Susan Buchanan, Treasurer

John Deere Landscapes

David P. Werning, President
Jeffrey C. Lanahan, Vice President
John T. Guthrie, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for mulching materials and playground chips – Naturomulch, LLC in the amount of $283,395, GWG Wood Group, Inc. in the amount of $244,769, Big Bird Tree Service, Inc. in the amount of $196,056, BWI Dallas/Fort Worth in the amount of $53,474 and John Deere Landscapes in the amount of $8,960, lowest responsible bidders of seven - Total not to exceed $786,654 - Financing: Current Funds

GWG Wood Group, Inc. and Big Bird Tree Service, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. John Deere Landscapes is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Naturomulch, LLC is a local, minority firms, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractor. BWI Dallas/Fort Worth is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractor.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$777,216.00	98.80%
Total non-local contracts	$9,438.00	1.20%
TOTAL CONTRACT	$786,654.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Naturomulch, LLC	IFMB57437N0514	$269,225.25	34.64%
Bawa Corporation	IMMB60347Y0215	$14,169.75	1.82%
Total Minority - Local		$283,395.00	36.46%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Ricochet Fuel Distributors, Inc	WFWB59997Y0115	$478.00	5.06%
Total Minority - Non-local		$478.00	5.06%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$283,395.00	36.46%	$283,395.00	36.03%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$478.00	0.06%
Total	$283,395.00	36.46%	$283,873.00	36.09%

May 28, 2014

WHEREAS, on April 9, 2008, City Council authorized a thirty-six-month master agreement for mulching materials and playground chips by Resolution No. 08-1045;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of mulching materials and playground chips is authorized with Naturomulch, LLC (VS0000074476) in the amount of $283,395.00, GWG Wood Group, Inc. (515537) in the amount of $244,769.00, Big Bird Tree Service, Inc. (504506) in the amount of $196,056.00, BWI Dallas/Fort Worth (501400) in the amount of $53,474.00 and John Deere Landscapes (VS0000077016) in the amount of $8,960.00 for a term of three years in a total amount not to exceed $786,654.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for mulching materials and playground chips. If a written contract is required or requested for any or all purchases of mulching materials and playground chips under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $786,654.00.

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 # 7

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Public Works Department
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 671-9195
Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 1 to increase the service contract with Otis Elevator Company in the amount of $549,906, from $2,199,624 to $2,749,530 and Texas Independent Elevator in the amount of $42,654, from $170,616 to $213,270 for elevator, escalator and moving sidewalk maintenance and repair at various City facilities - Total not to exceed $592,560, from $2,370,240 to $2,962,800 - Financing: Current Funds ($526,940), Water Utilities Current Funds ($43,000) and Aviation Current Funds ($22,620) (subject to 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 supplemental agreement will increase the current contract for elevator, escalator and moving sidewalk maintenance and repair with Otis Elevator Company (formerly NAES Central, Inc. dba United Elevator Service) and Texas Independent Elevator at various City facilities. This increase is necessary to allow services to continue uninterrupted while Public Works Department (PBW) and other City end users finalize new specifications and Business Development and Procurement Services completes a new solicitation process.

This contract allows City departments to oversee the repair and maintenance of the following equipment in order to comply with the annual certification process mandated by the Texas Department of Licensing and Regulation:

BACKGROUND (Continued)

- Public Works Department - 108 elevators, 6 escalators, 4 wheel chair lifts, 2 material lifts at 39 facilities throughout the City.
- Water Utilities - 19 elevators located at the three water treatment plants, two wastewater treatment plants and pump and lift stations throughout the City.
- Aviation - 27 elevators, 12 escalators and 11 moving sidewalks in the Terminal Building, Parking Garage A, and Parking Garage B at Dallas Love Field. On average, 16,000 passengers arrive and depart daily at Dallas Love Field.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On March 10, 2010, City Council authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679.

FISCAL INFORMATION

$526,940.00 – Current Funds (subject to appropriations)
$ 43,000.00 – Water Utilities Current Funds (subject to appropriations)
$ 22,620.00 – Aviation Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Otis Elevator Company

White Male	31	White Female	1
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	2	Other Female	0

Texas Independent Elevator

White Male	10	White Female	3
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

OWNERS

Otis Elevator Company

Tom Vining, President
Byron Gary, General Manager

Texas Independent Elevator

Larry Jackson, President
Allen Baxter, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize supplemental agreement no. 1 to increase the service contract with Otis Elevator Company in the amount of $549,906, from $2,199,624 to $2,749,530 and Texas Independent Elevator in the amount of $42,654, from $170,616 to $213,270 for elevator, escalator and moving sidewalk maintenance and repair at various City facilities - Total not to exceed $592,560, from $2,370,240 to $2,962,800 - Financing: Current Funds ($526,940), Water Utilities Current Funds ($43,000) and Aviation Current Funds ($22,620) (subject to appropriations)

Otis Elevator Company and Texas Independent Elevator are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$592,560.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$592,560.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

May 28, 2014

WHEREAS, on March 10, 2010, City Council authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute supplemental agreement no. 1 to increase the service contract with Otis Elevator Company (399427) in the amount of $549,906.00, from $2,199,624.00 to $2,749,530.00 and Texas Independent Elevator (VS0000028113) in the amount of $42,654.00, from $170,616.00 to $213,270.00 for elevator, escalator and moving sidewalk maintenance and repair at various City facilities in a total amount not to exceed $592,560.00, increasing the total amount from $2,370,240.00 to $2,962,800.00.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $592,560.00 (subject to appropriations).

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 # 8

KEY FOCUS AREA: Public Safety

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Equipment & Building Services
Sanitation Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 4 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term beginning June 1, 2014 through October 31, 2014 - Not to exceed $45,661, from $821,715 to $867,376 - Financing: Current Funds

BACKGROUND

This supplemental agreement will continue to provide service and support for the global positioning system (GPS) deployed in the Sanitation Services equipment fleet. The City has been engaged in a solicitation process to upgrade the current system, which will provide greater functionality, as well as allow for the expansion of the system to other City departments. This extension is necessary to provide additional time to complete the contracting process as well as allow for transition to the upgraded system without service interruption.

The current contract includes monitoring, training and reporting for use in the management of approximately 400 Sanitation field service vehicles. By equipping the entire fleet, Sanitation is able to maximize route efficiency and minimize the use of overtime hours and fuel. The main function of the system is to provide real time tracking of all Sanitation vehicles. Real time tracking allows for an effective response to unanticipated needs such as missed collections or emergency situations. The GPS system displays on a map the path a vehicle travels which will aid in creating and improving system routes. Reports generated by the system are capable of providing useful information on vehicles such as:

BACKGROUND (Continued)

- Fuel consumption
- Extended stops
- Long idle times
- Length of time at one location
- Number of households served
- Speed of vehicle

The system is also capable of providing alerts for preventative maintenance scheduling by recording odometer readings and engine hours. This supplemental agreement will continue the services under this contract until a new solicitation process is completed.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On February 18, 2009, City Council authorized a thirty-six month service contract for the purchase, installation, application hosting service and maintenance of Global Positioning System equipment for route optimization of Sanitation fleet vehicles by Resolution No. 09-0482.

On January 5, 2011, Sanitation Fleet Efficiencies with Global Positioning System briefing was provided by Sanitation Services to update Council on the status of the GPS deployment throughout Sanitation's 400 fleet vehicles.

On September 25, 2013, City Council authorized supplemental agreement no. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term and to extend the term through January 31, 2014, by Resolution No. 13-1677.

On January 22, 2014, City Council authorized supplemental agreement no. 3 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term and to extend the term through May 31, 2014, by Resolution No. 14-0176.

FISCAL INFORMATION

$45,660.55 - Current Funds

ETHNIC COMPOSITION

Telogis, Inc.

White Male	127	White Female	60
Black Male	7	Black Female	0
Hispanic Male	11	Hispanic Female	7
Other Male	15	Other Female	6

OWNER

Telogis, Inc.

Theodore Serentelos, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize supplemental agreement no. 4 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term beginning June 1, 2014 through October 31, 2014 - Not to exceed $45,661, from $821,715 to $867,376 - Financing: Current Funds

Telogis, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$0.00	0.00%
Non-local contracts	$45,660.55	100.00%
TOTAL THIS ACTION	$45,660.55	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$16,475.00	1.90%
Total	$0.00	0.00%	$16,475.00	1.90%

WHEREAS, on February 18, 2009, City Council authorized a thirty-six month service contract for the purchase, installation, application hosting service and maintenance of Global Positioning System equipment for route optimization of Sanitation fleet vehicles by Resolution No. 09-0482; and,

WHEREAS, on April 22, 2013, Administrative Action No. 13-5503 authorized supplemental agreement no. 1 to increase funds in an amount not to exceed $50,000.00 increasing the service contract amount from $697,058.52 to $747,058.52; and,

WHEREAS, on September 25, 2013, City Council authorized supplemental agreement no. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term and to extend the term through January 31, 2014 in an amount not to exceed $37,328.44, increasing the service contract amount from $747,058.52 to $784,386.96, by Resolution No. 13-1677; and,

WHEREAS, on January 22, 2014, City Council authorized supplemental agreement no. 3 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term and to extend the term through May 31, 2014 in an amount not to exceed $37,328.44, increasing the service contract amount from $784,386.96 to $821,715.40, by Resolution No. 14-0176;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute supplemental agreement no. 4 to increase the service contract with Telogis, Inc. (VS0000056334) for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term and to extend the term through October 31, 2014 in an amount not to exceed $45,660.55, increasing the service contract amount from $821,715.40 to $867,375.95.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $45,660.55:

FUND	DEPT	UNIT	OBJECT	AMOUNT	FY	ENCUMBRANCE
0001	SAN	3581	3099	$45,660.55	2014	CTSAN3581C13482

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 # 9

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize settlement of the claims of one of the two plaintiffs in the lawsuit styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M - Not to exceed $40,000 - Financing: Current Funds

BACKGROUND

Plaintiffs filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained in an automobile accident on February 28, 2012, involving a Dallas Police Department vehicle. The City and Mr. Cardona reached a proposed settlement at a court-ordered mediation. Plaintiff is represented by The Reyes Law Firm, P.C. Mr. Mandujano's claims remain pending.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

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

$40,000.00 - Current Funds

May 28, 2014

WHEREAS, a lawsuit styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M, was filed by the plaintiffs seeking compensation from the City of Dallas for alleged bodily injuries sustained in an automobile accident on February 28, 2012, involving a Dallas Police Department vehicle; and,

WHEREAS, Pedro Cardona has agreed to a settlement of the case whereby the City of Dallas will pay Mr. Cardona and his attorney the amount of $40,000.00; and,

WHEREAS, it is in the best interest of the City of Dallas to settle the claims of one of the two plaintiffs in this case; **Now, Therefore,**

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

Section 1. That the settlement of the claims of Pedro Cardona, one of two plaintiffs in the lawsuit, styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M, in an amount not to exceed $40,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to Pedro Cardona and his attorney, The Reyes Law Firm P.C. the amount of $40,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 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 # 10

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866 - Not to exceed $50,000, from $50,000 to $100,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Walker Bright P.C. to provide additional services necessary to represent Officer Michael Wade Mosher, an employee of the City, in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council is scheduled to be briefed in Closed Session on May 21, 2014.

FISCAL INFORMATION

$50,000.00 - Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

Walker Bright P.C.

Gerald Bright, Owner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866 - Not to exceed $50,000, from $50,000 to $100,000 - Financing: Current Funds

Walker Bright P.C. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$50,000.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$50,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

May 28, 2014

WHEREAS, the City of Dallas is involved in a lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866; and,

WHEREAS, on April 3, 2013, pursuant to Administrative Action No. 13-5403, the City of Dallas authorized a professional services contract with Walker Bright P.C. in an amount not to exceed $50,000.00 for legal services necessary to represent Officer Michael Wade Mosher, an employee of the City; and,

WHEREAS, the professional services of Walker Bright P.C. continue to be necessary for representation of Officer Mosher; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866, in an amount not to exceed $50,000.00, increasing the original contract amount from $50,000.00 to $100,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Walker Bright P.C., an amount not to exceed $50,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389013J288, Vendor No. VS0000032828.

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 # 11

KEY FOCUS AREA: Public Safety

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize a new contract to replace an existing contract with the Department of Public Safety to deny renewal of driver licenses for those violators who have failed to appear and resolve their Class C misdemeanor offenses with the Dallas Municipal Court – Estimated Annual Net Revenue: $58,152

BACKGROUND

The Department of Public Safety (DPS) has a current contract with the City of Dallas to deny renewal of driver licenses for those violators who have failed to appear and resolve their Class C misdemeanor offenses. Administrative expenses for this program are cost free to the City of Dallas and covered by a $30 per case add on fee paid by the defendant. Fees are collected by the City from the defendant and passed to the State and its contracted vendor ($20 State, $6 vendor, $4 City). Estimated FY 2013-2014 revenue from the $4 fee retained by the City is $58,152 in general fund revenue. Additionally, the driver license denial program is estimated to encourage resolution of an estimated 14,538 cases totaling $1,511,952 in gross outstanding fines and fees for FY 2013-2014.

DPS is requiring the City to enter into a new agreement. The new agreement includes the following adjustments: 1) Requires the City to send defendant clearance reports to the State's contracted vendor (OmniBase) in two days (from 5 days), 2) Details a new section on reports and audits, 3) Specifies that the $30 administrative fee cannot be waived, and 4) Clarifies general terms and conditions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Contract, on April 28, 2004, by Resolution No. 04-1485.

FISCAL INFORMATION

Estimated Annual Net Revenue - $58,152

WHEREAS, the City of Dallas wishes to encourage the disposition of delinquent citations and alleviate the City's cost for collection services on delinquent Class C misdemeanor citations; and,

WHEREAS, the City is seeking to engage the assistance of state agencies to encourage Class C misdemeanor violators to resolve their citations; and,

WHEREAS, the City considers the cost of services to motivate violators to dispose of delinquent citations should to be the burden of the violator, and not the City.

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

SECTION 1. That the City Manager is hereby authorized to enter into a new agreement that will replace the existing agreement with the Texas Department of Public Safety in accordance with the Transportation Code Chapter 706, Section 004-Denial of Renewal of Driver's License for those violators who have failed to appear and resolve their Class C misdemeanor offenses, and add an administrative fee of $30 per case in accordance with said Transportation Code of which $4 would remain with the City.

SECTION 2. That the City Controller is hereby authorized to deposit revenue generated by this agreement into Fund 0001, Dept. CTS, Unit 1081 RSRC 8034; and is authorized to transfer on a monthly or quarterly basis, revenue from DPS administrative fee, Fund 0001, Dept. CTS, BS Account 0753, to the State Comptroller, vendor ID#246935 and to the state contract administrator, vendor ID#519761, as per the agreement.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E F G K and L

SUBJECT

Authorize **(1)** a public hearing to be held on June 25, 2014 to receive comments concerning the dissolution of the existing Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area; and, at the close of the hearing **(2)** a resolution approving the dissolution of the District effective December 31, 2014, subject to the establishment of the new and expanded Klyde Warren Park/Dallas Arts District Public Improvement District - Financing: No cost consideration to the City

BACKGROUND

In summer 2013, the Dallas City Council approved the creation of the Klyde Warren Park Public Improvement District (KWPPID). The boundaries of KWPPID included properties that were specially benefitted by the programming and other services and improvements to be provided at Klyde Warren Park. The Dallas Arts District, the city's leading visual and performing arts institutions, is located adjacent to the Klyde Warren Park. Those venues, however, were not included as part of the KWPPID. During discussions related to the creation of the KWPPID, leaders of the Klyde Warren Park Foundation and Dallas Arts District realized that there is great synergy between both areas and the marketing and promotion of both areas provides a very unique and localized enhancement to those properties within walking distance of the Park and the Dallas Arts District. During the creation of the existing Klyde Warren Park PID, there was also discussion of modifying the boundaries, but there was insufficient time to implement this change. To avoid delaying the process of creating the KWPPID, the initial boundaries were adopted by City Council, exclusive of the Dallas Arts District, with an understanding that property owners could later petition the City to dissolve the KWPPID as originally created and create a new Klyde Warren Park/Dallas Arts District PID (KWP/DADPID) containing properties that are specially benefitted by their proximity to both venues.

BACKGROUND (Continued)

Woodall Rodgers Park Foundation recommended that it is appropriate and necessary to pursue a collaborative PID with the Dallas Arts District to capture the unique opportunity and synergy between both areas through the creation of a new and expanded Klyde Warren Park/Dallas Art District PID (KWP/DADPID). The new KWP/DADPID will coordinate the programming, marketing and other services and improvements for both the Dallas Arts District and Klyde Warren Park, instead of competing.

Subject to the creation of the new and expanded KWP/DADPID, this item requires dissolution of the existing KWPPID.

On April 1, 2014, Woodall Rodgers Park Foundation representing property owners of Dallas Arts District and Klyde Warren Park areas delivered to the City of Dallas two sets of petitions: (1) for the dissolution of the existing KWPPID; and (2) to create the new and expanded KWP/DADPID, in accordance with the parameters of Chapter 372 of the Texas Local Government Code.

City staff reviewed the petitions and determined that: (1) the owners of sixty-three percent (63%) of the property value and owners of sixty-seven percent (67%) of the land area had signed the petitions for dissolution of the existing Klyde Warren PID; and (2) the owners of sixty-three percent (63%) of the property value and owners of sixty-nine percent (69%) of the land area had signed the petitions for the creation of the new and expanded Klyde Warren Park/ Dallas Art District Public Improvement District. These benchmarks exceed the minimum requirements set in the City of Dallas PID Policy for the City Council to consider creation/dissolution of the District and exceed State requirements for sufficiency of the petition. The following tables show the detail of the review:

Klyde Warren Park PID Dissolution Petition Review

	Property Values [1]	**Area (SF)** [1]	**Record Owners**
Total Accounts within the PID	$2,650,626,750	5,737,792	574
Accounts supporting the dissolution of the PID [2]	$1,668,290,900	3,868,449	248
% of Accounts supporting the dissolution of the PID [2]	**63%**	**67%**	**44%**

1. Information is based on the City of Dallas GIS 2013 parcel data.

2. Minimum requirement for dissolution of a PID is 60% of value and 60% of all record Owners (or) 60% of land area.

BACKGROUND (Continued)

Klyde Warren Park/Dallas Art District PID Creation Petition Review

	Property Values [1]	Area (SF) [1]	Record Owners
Total Accounts within the PID	$3,019,036,070	6,988,194	640
Accounts supporting the creation of the PID [2]	$1,911,390,341	4,820,808	265
% of Accounts supporting the creation of the PID [2]	**63%**	**69%**	**41%**

1. Information is based on the City of Dallas GIS 2013 parcel data.

2. Minimum requirement for creation of a PID is 60% of value and 60% of all record Owners (or) 60% of land area.

The City desires, by the calling and holding of such public hearings two separate Council Items), to provide a reasonable opportunity for any owner of property located within the District to speak for or against the creation of the new and expanded KWP/DADPID and dissolution of the existing KWPPID. Pending approval, the District will be terminated as of December 31, 2014, subject to the creation of the new and expanded public improvement district that includes the Dallas Arts District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 14, 2013, City Council authorized the creation of the Klyde Warren Park Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 13-1375.

On September 11, 2013, City Council authorized the assessment rate for 2013 by Ordinance No. 29133.

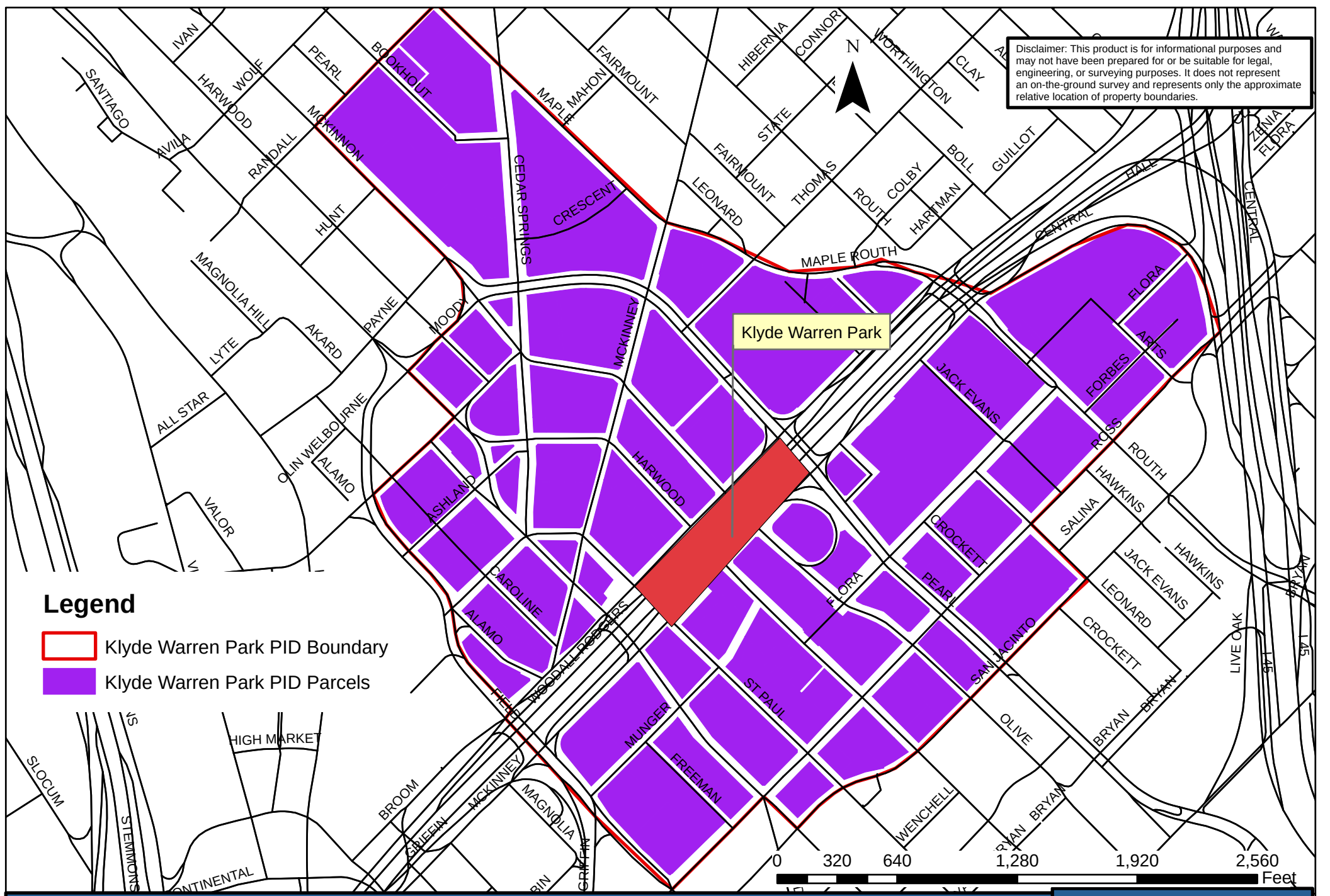
On May 19, 2014, the Economic Development Committee was briefed on the creation of the new and expanded Klyde Warren Park/Dallas Art District Public Improvement District and dissolution of the Klyde Warren Park Public Improvement District.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Klyde Warren Park PID Map

DALLAS
ECONOMIC DEVELOPMENT

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

May 28, 2014

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 14, 2013, City Council authorized the creation of the Klyde Warren Park Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 13-1375; and

WHEREAS, on September 11, 2013, City Council authorized the assessment rate for 2013 by Ordinance No. 29133; and

WHEREAS, on April 1, 2014, the Woodall Rodgers Park Foundation representing property owners of Dallas Arts District and Klyde Warren Park area, delivered to the City of Dallas a petition for the dissolution of the existing Klyde Warren Park Public Improvement District (District) in accordance with the parameters of Chapter 372 of the Texas Local Government Code, as shown on the attached Map of the District **(Exhibit A)**. City staff reviewed the petition and determined the owners of more than 60 percent of the appraised value of the taxable real property liable for assessment, and more than 60 percent of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, on May 19, 2014, the Economic Development Committee was briefed on the creation of the new and expanded Klyde Warren Park/Dallas Art District Public Improvement District and dissolution of the Klyde Warren Park Public Improvement District; and

WHEREAS, on May 28, 2014, City Council authorized: (1) a public hearing to be held on June 25, 2014 to receive comments concerning the creation of the new and expanded Klyde Warren Park/ Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park and Dallas Arts District areas, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, (2) a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2015-2021; and

WHEREAS, pursuant to Section 372.007 of the Act, the City staff verified the petitions, evaluated the termination of the service plan; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the dissolution of the Klyde Warren Park Public Improvement District effective December 31, 2014.

NOW, THEREFORE,

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

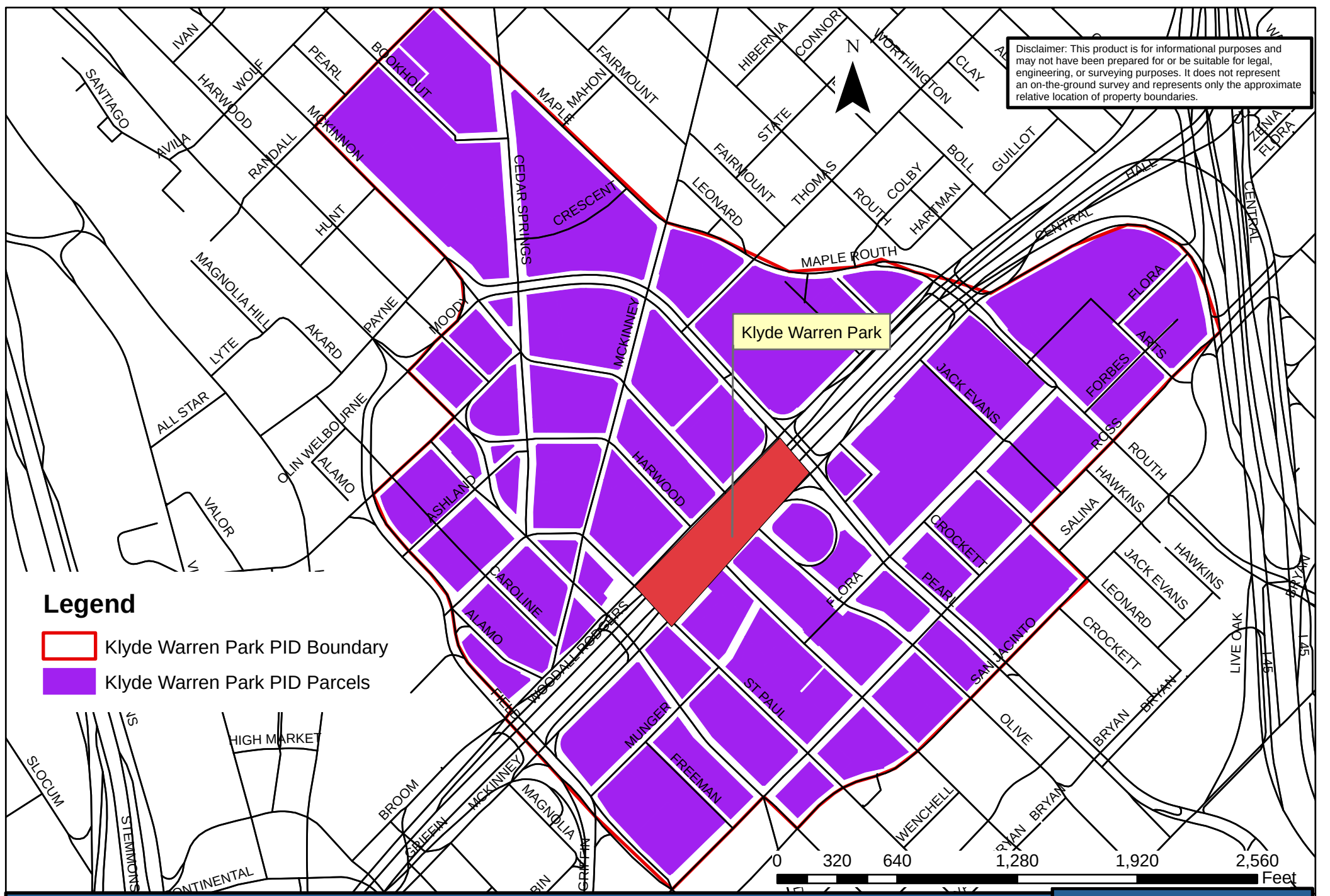
Section 1. That a public hearing shall be held at 1:00 p.m. on June 25, 2014, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the dissolution of the Klyde Warren Park PID **(Exhibit A)** effective December 31, 2014.

Section 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

Section 3. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

Section 4. That after the close of the public hearing, the City Council may consider a resolution approving the dissolution of the Klyde Warren Park PID, stop assessment collection for provide funding for the District for the purpose of providing supplemental public services and public improvements, terminating the Service Plan for 2014-2020, terminating the contract with the Woodall Rodgers Park Foundation as the management entity of the District and providing an effective termination date.

Section 5. That this resolution shall take effect as of December 31, 2014, subject to the creation of the new and expanded Klyde Warren Park/Dallas Art District PID and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Klyde Warren Park PID Map
Exhibit A

DALLAS
ECONOMIC DEVELOPMENT

Area Redevelopment Division
214.670.1685
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AGENDA ITEM # 13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E F G J K and L

SUBJECT

Authorize **(1)** a public hearing to be held on June 25, 2014 to receive comments concerning the creation of the new and expanded Klyde Warren Park Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park and Dallas Arts District areas, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the hearing **(2)** a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2015-2021 - Financing: No cost consideration to the City

BACKGROUND

In summer 2013, the Dallas City Council approved the creation of the Klyde Warren Park Public Improvement District (KWPPID). The boundaries of KWPPID included properties that were specially benefitted by the programming and other services and improvements to be provided at Klyde Warren Park. The Dallas Arts District, the city's leading visual and performing arts institutions, is located adjacent to the Klyde Warren Park. Those venues, however, were not included as part of the KWPPID. During discussions related to the creation of the KWPPID, leaders of the Klyde Warren Park Foundation and Dallas Arts District realized that there is great synergy between both areas and the marketing and promotion of both areas provides a very unique and localized enhancement to those properties within walking distance of the Park and the Dallas Arts District. During the creating of the existing Klyde Warren Park PID, there was also discussion of modifying the boundaries, but there was insufficient time to implement this change. To avoid delaying the process of creating the KWPPID, the initial boundaries were adopted by City Council, exclusive of the Dallas Arts District, with an understanding that property owners could later petition the City to dissolve the KWPPID as originally created and create a new Klyde Warren Park/ Dallas Arts District PID (KWP/DADPID) containing properties that are specially benefitted by their proximity to both venues.

BACKGROUND (Continued)

Woodall Rodgers Park Foundation recommended that it is appropriate and necessary to pursue a collaborative PID with the Dallas Arts District to capture the unique opportunity and synergy between both areas through the creation of a new and expanded Klyde Warren Park/Dallas Art District PID (KWP/DADPID). The new KWP/DADPID will coordinate the programming, marketing and other services and improvements for both the Dallas Arts District and Klyde Warren Park instead of competing.

Subject to the creation of the new and expanded KWP/DADPID, this item requires dissolution of the existing KWPPID.

On April 1, 2014, Woodall Rodgers Park Foundation representing property owners of Dallas Arts District and Klyde Warren Park areas delivered to the City of Dallas a two sets of petitions: (1) for the dissolution of the existing KWPPID; and (2) to create the new and expanded KWP/DADPID in accordance with the parameters of Chapter 372 of the Texas Local Government Code.

City staff reviewed the petitions and determined that: (1) the owners of sixty-three percent (63%) of the property value and owners of sixty-nine percent (69%) of the land area had signed the petitions for the creation of the new and expanded Klyde Warren Park/ Dallas Art District Public Improvement District; and (2) the owners of sixty-three percent (63%) of the property value and owners of sixty-seven percent (67%) of the land area had signed the petitions for dissolution of the existing Klyde Warren PID. These benchmarks exceed the minimum requirements set in the City of Dallas PID Policy for the City Council to consider creation/dissolution of the District and exceed State requirements for sufficiency of the petition. The following tables show the detail of the review:

Klyde Warren Park PID Dissolution Petition Review

	Property Values [1]	**Area (SF)** [1]	**Record Owners**
Total Accounts within the PID	$2,650,626,750	5,737,792	574
Accounts supporting the dissolution of the PID [2]	$1,668,290,900	3,868,449	248
% of Accounts supporting the dissolution of the PID [2]	**63%**	**67%**	**44%**

1. Information is based on the City of Dallas GIS 2013 parcel data.

2. Minimum requirement for dissolution of a PID is 60% of value and 60% of all record Owners (or) 60% of land area.

BACKGROUND (Continued)

Klyde Warren Park/Dallas Art District PID Creation Petition Review

	Property Values [1]	Area (SF) [1]	Record Owners
Total Accounts within the PID	$3,019,036,070	6,988,194	640
Accounts supporting the creation of the PID [2]	$1,911,390,341	4,820,808	265
% of Accounts supporting the creation of the PID [2]	**63%**	**69%**	**41%**

1. Information is based on the City of Dallas GIS 2013 parcel data.

2. Minimum requirement for creation of a PID is 60% of value and 60% of all record Owners (or) 60% of land area.

The City desires, by the calling and holding of such public hearings (two separate Council items), to provide a reasonable opportunity for any owner of property located within the District to speak for or against the creation of the new and expanded KWP/DADPID and dissolution of the existing KWPPID for a special assessment against each property owner of record for real property and real property improvements, exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

City Staff has also reviewed and evaluated the service plan for the new and expanded KWP/DADPID and recommended the service plan is viable. The public improvements proposed by the KWP/DADPID are outlined as below:

A. **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services and improvements for properties specifically benefitted by their proximity to KWP and DAD, but not to replace or supplant existing City or other services provided. The general nature of the proposed services and improvements to be performed by the District for KWP and DAD includes security, sanitation, graffiti control and landscape improvements, marketing and promotional activities, distinctive lighting and signage, landscaping and water features, KWP/DAD improvements, trash pick-up, cultural enhancement, programs, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

B. **Estimated Cost of the Services and Improvements.** During the seven (7) year period, the estimated cost of the improvements and services provided by the District will be approximately $5,799,180 (an average annual expenditure of $825,597). The District shall not incur bonded indebtedness.

BACKGROUND (Continued)

The attached Exhibit B shows the preliminary seven (7) year budget for total estimated collections and the Service Plan for the District. The service plan budget and assessment rate are subject to annual review, a public hearing and approval by the City Council.

C. **Boundary.** The District is located wholly within the City of Dallas, TX (the "City"), a Texas home rule municipality. The District contains properties that are enhanced by the improvements, programs and marketing of KWP and DAD. The boundary of the District is as shown in Map.

D. **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The annual assessment rate for the next seven (7) years will be $0.025 per $100.00 of appraised value as determined by the Dallas Central Appraisal District. The annual assessment rate shall not exceed $0.025 per $100.00 valuation.

E. **Apportionment of costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against real property and real property improvements specially benefitted by the programming, marketing and other services and improvements provided within the Dallas Arts District and Klyde Warren Park. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

F. **District Management.** The District shall be managed by the Woodall Rodgers Park Foundation, a private nonprofit corporation created under the provisions of Section 501(c)(3) of the Internal Revenue Code pursuant to a management contract between the foundation and the City approved by the City Council. The City Council will review and approve annually the Service Plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and the Woodall Rodgers Park Foundation will be responsible for managing and implementing the Service Plan of the District pursuant to the terms of the management contract.

BACKGROUND (Continued)

G. **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the Woodall Rodgers Park Foundation.

H. **District Dissolution.** The District shall automatically dissolve on December 31, 2021, unless renewed or dissolved through the petition and approval process as provided by the Act.

I. **City Expenses and Dallas County Charges.** The District shall pay the cost of: (i) collections service fee to Dallas County and (ii) City expenses related to oversight of the PID operations.

Pending approval, KWPPID will be dissolved as of December 31, 2014 and the new and expanded KWP/DADPID will start operating from January 1, 2015 for seven years (2015 to 2021).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

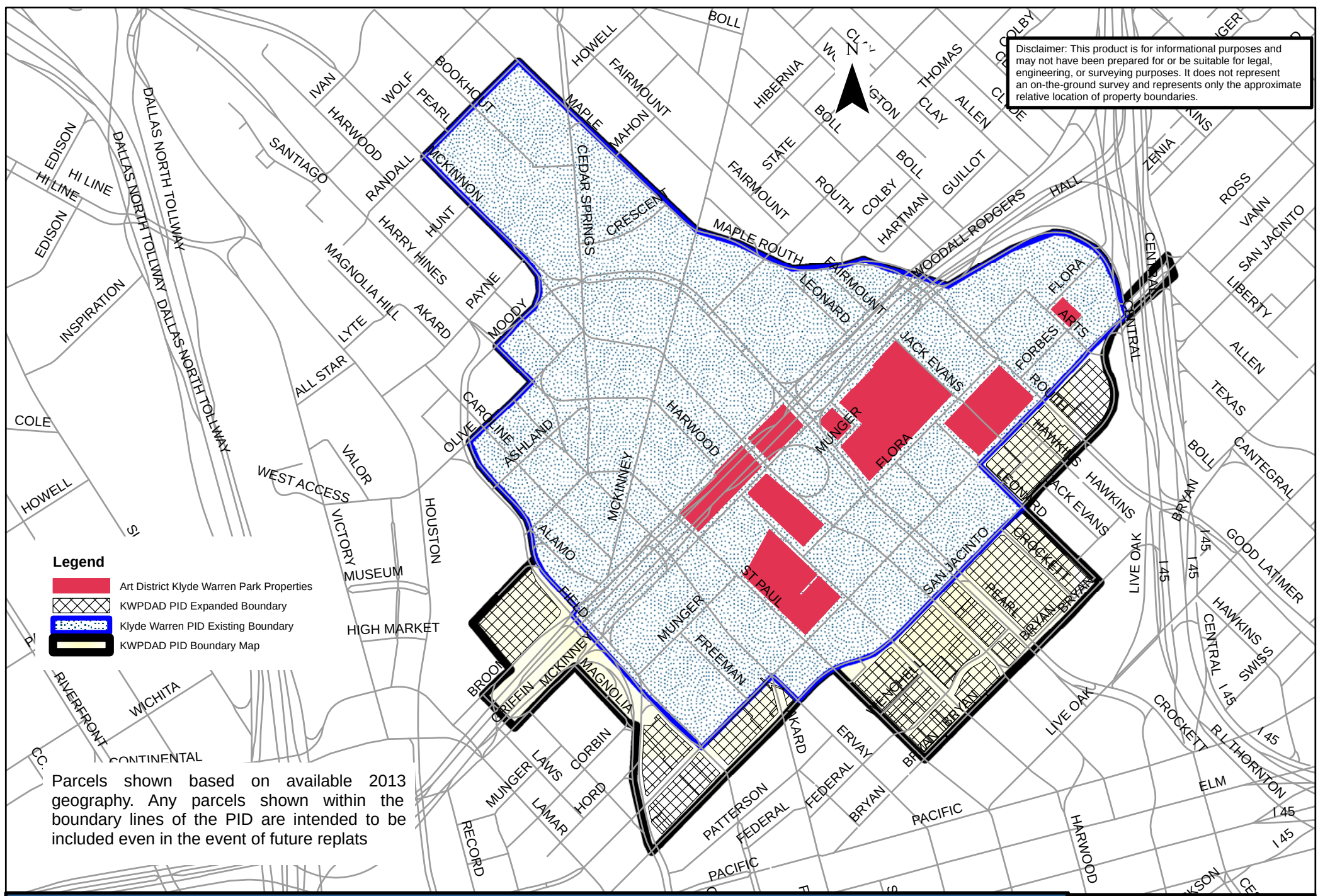
On May 19, 2014, the Economic Development Committee was briefed on the creation of the Klyde Warren Park Dallas Art District Public Improvement District and dissolution of the Klyde Warren Park Public Improvement District.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Proposed Klyde Warren Park/Art District PID (KWPDADPID) Boundary Map

DALLAS
ECONOMIC
DEVELOPMENT

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

May 28, 2014

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 14, 2013, City Council authorized the creation of the Klyde Warren Park Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 13-1375; and

WHEREAS, on April 1, 2014, the Woodall Rodgers Park Foundation representing property owners of Klyde Warren Park and Dallas Arts District areas, delivered to the City of Dallas a petition to create the new and expanded Klyde Warren Park/Dallas Art District Public Improvement District (District) in accordance with the parameters of Chapter 372 of the Texas Local Government Code, as shown on the attached Map of the District **(Exhibit A)**. City staff reviewed the petition and determined the owners of more than 60 percent of the appraised value of the taxable real property liable for assessment, and more than 60 percent of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, on May 19, 2014, the Economic Development Committee was briefed on the creation of the new and expanded Klyde Warren Park**/**Dallas Art District Public Improvement District and dissolution of the existing Klyde Warren Park Public Improvement District; and

WHEREAS, on May 28, 2014, City Council authorized: (1) a public hearing to be held on June 25, 2014 to receive comments concerning the dissolution of the existing Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area; and, at the close of the hearing (2) a resolution approving dissolution of the existing District effective December 31, 2014, subject to the establishment of the new and expanded Klyde Warren Park/Dallas Arts District Public Improvement District; and

WHEREAS, pursuant to Section 372.007 of the Act, the City staff verified the petitions, evaluated the creation service plan to determine whether the services should be made as proposed by the proposed service plan and found the plan to be viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the creation of the new and expanded Klyde Warren Park**/**Dallas Art District Public Improvement District for a special assessment against each property owner of record for real property and real property improvements, exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That a public hearing shall be held at 1:00 p.m. on June 25, 2014, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the creation of the new and expanded Klyde Warren Park/Dallas Art District Public Improvement District **(Exhibit A)** providing for a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental public services and public improvements **(See Exhibit B)**.

Section 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

Section 3. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

Section 4. That after the close of the public hearing, the City Council may consider a resolution approving the creation of the new and expanded Klyde Warren Park/Dallas Art District Public Improvement District providing for a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental public services and public improvements, approving the Service Plan for 2015-2021, designating the Woodall Rodgers Park Foundation as the management entity of the District and providing an effective date.

Section 5. That this resolution shall take effect upon dissolution of the existing Klyde Warren Park PID in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

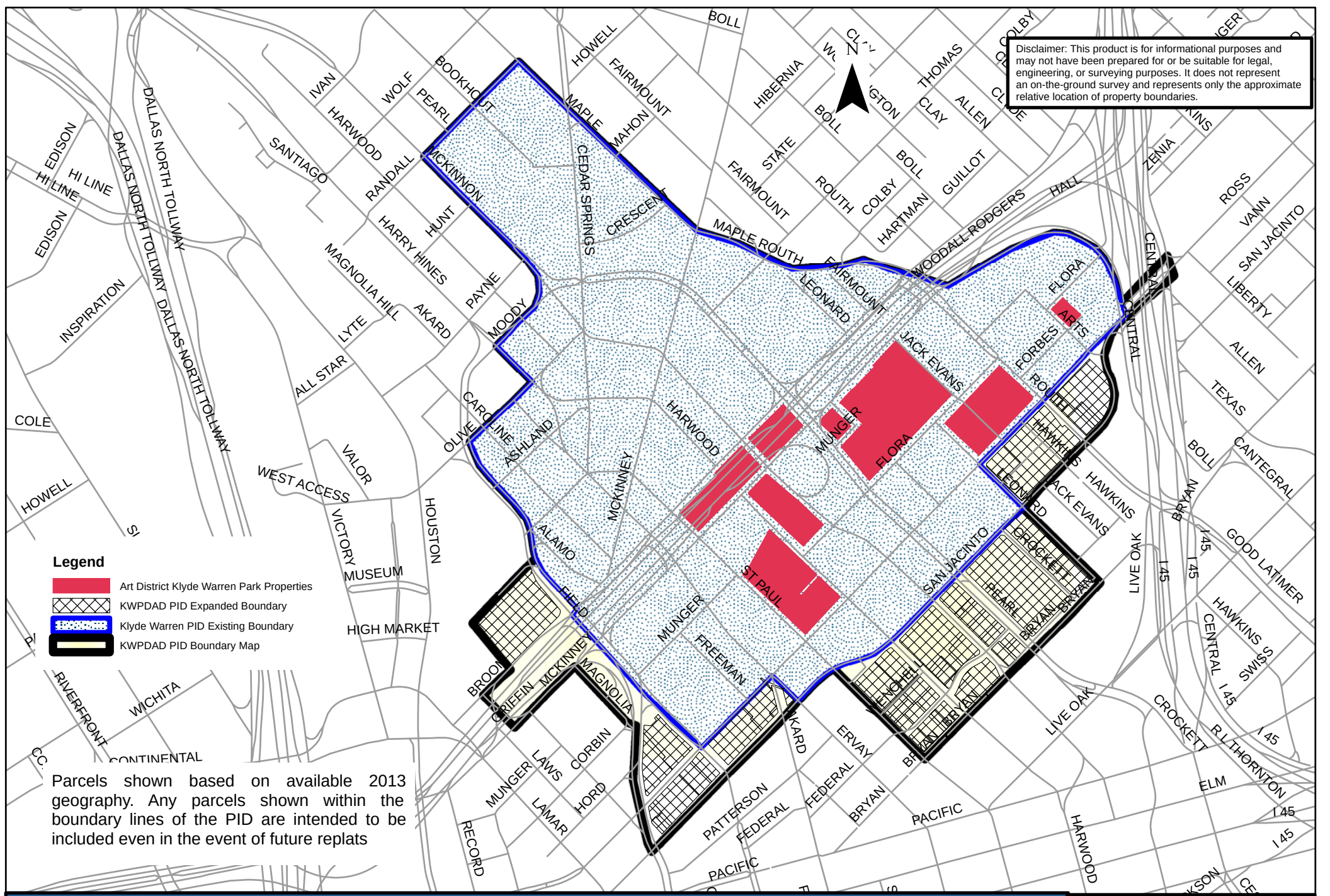


Exhibit A
Proposed Klyde Warren Park/Art District PID (KWPDADPID) Boundary Map

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KLYDE WARREN PARK/ARTS DISTRICT PID BUDGET
SERVICE PLAN 2015 TO 2021

EXHIBIT B

REVENUE		2015	2016	2017	2018	2019	2020	2021
Fund Balance from previous year								
[1] Net assessment revenue		$754,219.69	$776,846.28	$800,151.66	$824,156.21	$848,880.90	$874,347.33	$900,577.75
TOTAL REVENUE		$754,219.69	$776,846.28	$800,151.66	$824,156.21	$848,880.90	$874,347.33	$900,577.75
EXPENDITURES	**Allocation %**							
TOTAL REVENUE	**100.00%**	**$754,219.69**	**$776,846.28**	**$800,151.67**	**$824,156.22**	**$848,880.91**	**$874,347.33**	**$900,577.75**
[2] Security	42.83%	$323,050.39	$332,741.90	$342,724.16	$353,005.88	$363,596.06	$374,503.94	$385,739.06
[3] Sanitation	21.73%	$163,922.61	$168,840.29	$173,905.50	$179,122.66	$184,496.34	$190,031.23	$195,732.17
[4] Scrubbing and power washing pavers	1.43%	$10,794.84	$11,118.69	$11,452.25	$11,795.81	$12,149.69	$12,514.18	$12,889.60
Waste disposal	1.72%	$12,953.81	$13,342.42	$13,742.70	$14,154.98	$14,579.63	$15,017.02	$15,467.53
Landscape improvements	4.79%	$36,162.72	$37,247.60	$38,365.03	$39,515.98	$40,701.46	$41,922.50	$43,180.18
Water features and general maintenance	1.50%	$11,334.58	$11,674.62	$12,024.86	$12,385.60	$12,757.17	$13,139.88	$13,534.08
[5] Cultural enhancement (programs)	5.33%	$40,192.26	$41,398.03	$42,639.97	$43,919.17	$45,236.74	$46,593.85	$47,991.66
[6] Marketing and promotion	11.91%	$89,790.33	$92,484.04	$95,258.56	$98,116.32	$101,059.81	$104,091.60	$107,214.35
Administration	3.34%	$25,201.83	$25,957.88	$26,736.62	$27,538.72	$28,364.88	$29,215.83	$30,092.30
Liability insurance and financial audit	2.92%	$22,021.48	$22,682.12	$23,362.59	$24,063.47	$24,785.37	$25,528.93	$26,294.80
Holiday lighting and Decorations	1.43%	$10,794.84	$11,118.69	$11,452.25	$11,795.81	$12,149.69	$12,514.18	$12,889.60
[7] Signage	1.06%	$8,000.00	$8,240.00	$8,487.20	$8,741.82	$9,004.07	$9,274.19	$9,552.42
Contingency								
TOTAL FUND OPERATING EXPENDITURES	100.00%	$754,219.69	$776,846.28	$800,151.67	$824,156.22	$848,880.91	$874,347.33	$900,577.75
TOTAL FUND BALANCE/RESERVES	0.00%	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

KWPand DAD will support the remaining operating costs of their organizations, which is not included in the Service Plan

[1] Assume a 3% increase in property values each year based on future Uptown and Downtown development

[2] 24 hour security at KWP; Off-duty police and crossing guards at DAD

[3] Trash pickup, general cleaning, graffiti control and improvements

[4] Pavement (sidewalk) detail cleaning, staining and restoration

[5] Partial cost of European and Christmas Markets, programming activities, will grow yearly

[6] Partial cost of promoting the district, PR, advertising, free Wi-Fi, website and Kiosk

[7] Wayfinding signage

AGENDA ITEM # 14

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize **(1)** a public hearing to be held on June 25, 2014, to receive comments concerning the application with the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of $8,156,389 with tax exempt bonds in the approximate amount of $18,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007; **(2)** the issuance of tax exempt bonds by DHFC in the amount of $18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and **(3)** a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - Financing: No cost consideration to the City

BACKGROUND

The reason we are requesting this agenda resolution be placed on the May 28, 2014, is that we only received authorization to proceed with the preliminary application process through the June 25, 2014 Public Hearing on Friday, May 9, 2014. The project must meet the deadline for consideration by the Texas Department of Housing and Community Affairs by September 4, 2014 which means the full tax credit application must be submitted by June 23, 2014, 75 days before the TDHCA Board Meeting. The project must close by September 30, 2014, or the funding commitment will terminate.

BACKGROUND (Continued)

Norstar through a to be formed Limited Liability Company, will file an application with the TDHCA for Low Income Housing Tax Credits (LIHTC) for the Fountains of Rosemeade Apartments on or before June 23, 2014.

Under the new TDHCA rules in the 2014 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the state average of units per capita supported by LIHTC or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. As provided for in Chapter 10 of the Texas Administrative Code Section 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds. The project site could be subject to the greater than 20% HTC Units per Households in Census Tract Rule applicable to projects that are new construction contained in the 2014 Qualified Allocation Plan ("QAP") that will require a waiver of this requirement from City of Dallas. If a project is within one mile of another project financed with tax credits or tax exempt bonds during the past three years that serves the same household a waiver will be required by the City. The City of Dallas will be asked to confirm that it has voted specifically to allow the new construction of this development and has authorized an allocation of Housing Tax Credits for the Development in the June 25, 2014 resolution, pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan.

TDHCA funding for projects in the city of Dallas must now be approved by the City Council following a public hearing by the City pursuant to H.B. 3361, effective September 1, 2013. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of LIHTC for the development.

The Fountains of Rosemeade is a multi-family community comprised of 382 units for families to be located at 3440 E. Rosemeade Parkway, Dallas, Texas 75007.

Norstar will submit its full application with applicable fees and seek a Bond Inducement from the Dallas Housing Finance Corporation for the Fountains of Rosemeade after May 28, 2014, contingent on receiving approval from City Council for the pre-application waiver. Norstar will request an allocation for approximately $18 Million from the Texas Bond Review Board in June, 2014. The Tax Equity and Fiscal Responsibility (TEFRA) Hearing will be held in June, 2014 after proper notice is published in the Dallas Morning News. The project's owner will be a to be a to be formed limited liability company formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. Norstar is the initial sole Limited Partner and the General Partner is a to be formed corporate managing member, with a .01% ownership interest in the partnership, the shareholders of which will be Norstar Investment USA, Inc.(80%) and Black Locust, LLC (20%).

BACKGROUND (Continued)

Because the project is located within the City of Dallas, Section 147 (f) of the Internal Revenue Code requires that in order for the bonds to be tax exempt, the City Council or the applicable elected representative of the City of Dallas, must approve the issuance of the bonds by the Dallas Housing Finance Corporation after a public hearing. The City of Dallas is not asked to issue bonds. The bonds will not be a debt or liability of the City. The City's name will not appear on the bonds. The approval being requested is only for the purpose of complying with federal law and with regard to tax exempt debt.

A public hearing in compliance with the Tax Equity and Fiscal Responsibility Act (TEFRA) with respect to the Bonds will be held by Dallas Housing Finance Corporation in June, 2014.

The development will offer a mix of tax credit units for tenants with 99% of the tenants with incomes no more than 60% Area Median Family Income (Two units will be for management and police). The proposed bedroom mix is as follows: tax credit units 198 one-bedrooms, 137 two-bedrooms and 48 three-bedrooms with no market rate units.

TDHCA prohibits approval of tax credit projects that are located less than a mile from another tax credit project funded within the previous three years, unless the projects are serving different households, is funded with Hope VI grant, or an exception is approved by City Council.

Approval of this application will enable the Applicant to rehabilitate 382 units of affordable housing for families.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

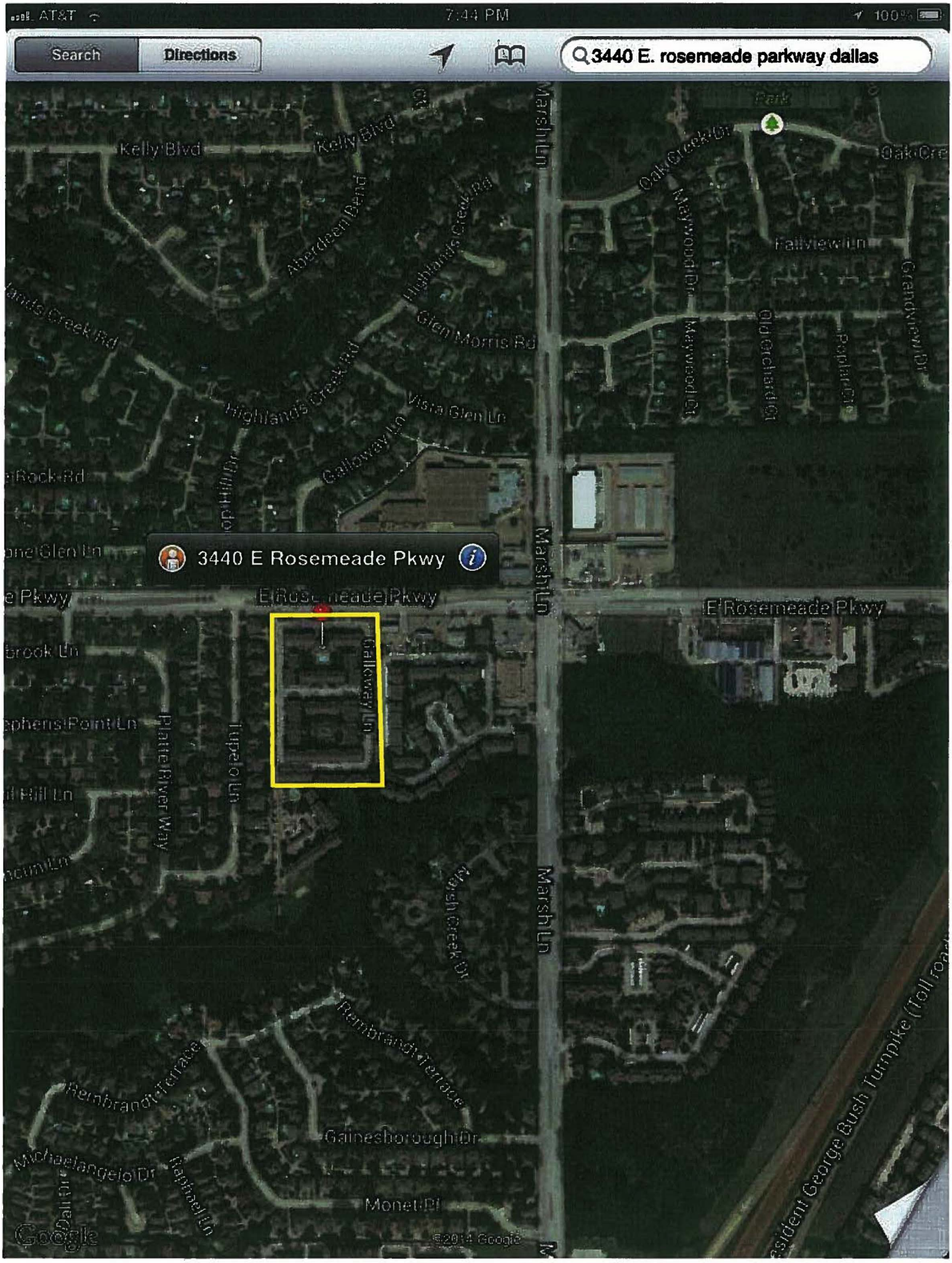
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.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Directions
3440 E. rosemeade parkway dallas
Kelly Blvd
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Highlands Creek Rd
Glen Morris Rd
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Galloway Ln
Marsh Ln
Park
Oak Creek Dr
Maywood Dr
Fallview Ln
Old Orchard Ct
Poplar Dr
3440 E Rosemeade Pkwy
E Rosemeade Pkwy
Platte River Way
Tupelo Ln
Marsh Creek Dr
Rembrandt Terrace
Gainesborough Dr
Michaelangelo Dr
Raphael Ln
Monet Pl
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WHEREAS, on April 25, 1984, the City of Dallas (City) authorized the creation of the City of Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

WHEREAS, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

WHEREAS, pursuant to Resolution No. 06-0136, City Council decided for a 12 month period beginning on January 11, 2006 not to approve any new tax credit transactions unless a pre-application waiver is granted by the City Council; and

WHEREAS, pursuant to Resolution No. 07-0733, Section 1.2 of the Bylaws was amended to allow the DHFC to purchase, lease, own, hold title to, or otherwise acquire an interest in a residential development, directly or indirectly through a subsidiary of the DHFC, provided that the City Council, by resolution, prior to the transaction being consummated by the DHFC, (1) finds and determines that such transaction should be undertaken, (2) approves the form of the transaction and (3) authorizes such purchase, lease, or ownership of, holding title to, or acquisition of the interest in the residential development; and

WHEREAS, on April 17, 2014, Norstar submitted its pre-application waiver for the Fountains of Rosemeade to the DHFC for; (1) the issuance of tax exempt bonds by the DHFC in an amount not to exceed $18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series to finance the acquisition and rehabilitation of 382 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs award of 4% Housing Tax Credits in the approximate amount of $8,156,389 for the acquisition and rehabilitation of the Fountains of Rosemeade Apartments to be located at 3440 East Rosemeade Parkway, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (2)(A-G) of the TDHCA's Qualified Allocation Plan and State of Texas H.B. 3361 which requires that (i) Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and

WHEREAS, on May 15, 2014, the DHFC authorized the Norstar proposal to be considered by City Council to grant the waiver to allow Norstar to submit its formal application to the DHFC for the proposal described herein and to authorize a public hearing to be held on June 25, 2014 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

WHEREAS, on May 28, 2014, City Council will be asked to consider authorizing a Public Hearing on the Fountains of Rosemeade to be held on June 25, 2014, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of $18,000,000, the 4% tax credits in the approximate amount of $8,156,389, and the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project; and

WHEREAS, the DHFC will hold the Tax Equity and Fiscal Responsibility (TEFRA) Hearing in June, 2014, prior to returning to City Council for its consideration of the application and the public hearing on June 25, 2014, and requests among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas; and

WHEREAS, Norstar will submit an application to the Texas Department of Housing and Community Affairs for a 4% housing tax credits prior to June 23, 2014, after it receives an inducement from the DHFC on June 10, 2014 and a subsequent Bond Reservation from the Texas Bond Review Board; and

WHEREAS, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 100% or (382) of the units to tenants whose household incomes are capped at 60% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs; and

WHEREAS, on May 19, 2014, the Housing Committee was briefed on the Fountains of Rosemeade Apartment proposal; and subject to certain conditions being met, it is deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361.

WHEREAS, the Issuer proposes to issue the following bond issue (the “Bonds”) to finance the following project:

> $18,000,000, City of Dallas Housing Finance Corporation, Multi-family Housing Mortgage Revenue Bonds (Fountains of Rosemeade Project) Series 2014 to rehabilitate the 382 residential units for families on the site located at 3440 East Rosemeade Parkway, Dallas, Texas

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governing body or the chief elected executive official of the governmental unit in which the projects are located approve the issuance of the Bonds after a public hearing following reasonable public notice thereof; and

WHEREAS, the Issuer will hold a public hearing Tax, Equity and Fiscal Responsibility hearing with respect to the Bonds following publication of reasonable public notice thereof in a newspaper of general circulation with the city of Dallas; and

WHEREAS, in June, 2014, the applicant will request the Texas Bond Review Board issue a Bond Reservation to the DHFC for the Fountains of Rosemeade Project, a proposed 382 unit existing development project for families, in the amount of $18,000,000; and

WHEREAS, Norstar will file a 4% tax credit application with the Texas Department of Housing and Community Affairs (TDHCA) on or before June 23, 2014, pursuant to its 2014 Qualified Allocation Plan (QAP) for 4% low income housing tax credits (LIHTC); and

WHEREAS, under the TDHCA rules in the 2014 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by LIHTC or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, the DHFC requests an authorization for a public hearing to be held on June 25, 2014, to receive comments concerning the application with The Texas Department of Housing and Community Development (TDHCA) for 4% tax credits in the approximate amount of $8,156,389 Million with tax exempt bonds in the approximate amount of $18,000,000 to be issued by DHFC for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007 (2) the issuance of tax exempt bonds by DHFC in the approximate amount of $18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and, (3) a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors.; and

WHEREAS, as a condition for being considered for the award of the 4% tax credits, the Applicant has committed to renting 382 units (99%) to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI incomes in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs and 2 units for maintenance and management personnel; and

WHEREAS, the owner of the project will expend a minimum of $40,000 in social services annually ($200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements. No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement; and

WHEREAS, in the Qualified Allocation Plan, Sec. 11.3 (A-G) Housing Deconcentration factors (b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the City of Dallas, Governing Body of the appropriate municipality or county containing the Development. Since the City of Dallas can exceed the twice the state per average at any time, it has been determined that such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(a)(4), and authorizing an allocation of Housing Tax Credits for the Development; and the City of Dallas by vote has specifically allowed the construction of the new Development and submits to the Department a resolution referencing this rule; and

WHEREAS, to satisfy H.B. 3361, the City will hold a public hearing on June 25, 2014, and will consider approval of the resolution that certifies that: (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The City of Dallas has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held this hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and

WHEREAS, the City of Dallas authorizes the Public Hearing to be held on June 25, 2014 and grants the pre-application waiver for the Fountains of Rosemeade acquisition and rehabilitation project and will consider the support for the development of this housing, subject to certain conditions being met on June 25, 2014 and it is deemed necessary and advisable that this resolution be adopted.

NOW, THEREFORE,

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

Section 1. That the City of Dallas approves the pre-application waiver and authorizes a public hearing to be held on June 25, 2014, to receive comments concerning the application with The Texas Department of Housing and Community Development (TDHCA) for 4% tax credits in the approximate amount of $8,156,389 with tax exempt bonds in the approximate amount of $18,000,000 to be issued by DHFC for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007 (2) the issuance of tax-exempt bonds by DHFC, Texas in the amount of $18,000,000 Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and (3) a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors.

Section 2. That the City of Dallas approves and supports the pre-application waiver for the Fountains of Rosemeade development, an existing 382 multi-family housing units comprised of 198 one-bedroom units, 137 two-bedroom units and 48 three-bedroom units located at 3440 East Rosemeade Parkway, Dallas, Texas by Norstar and further supports the award of the 4% LIHTC pursuant to §11.3 (A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors, subject to the conditions set forth herein.

Section 3. That this approval is subject to the Project Owner expending a minimum of $40,000 in social services annually, of which 100% may be from in-kind services, for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion.

Section 4. That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Office of Development Services with regard to security related design standards.

Section 5. That the approval of the City is provided for the purpose of satisfying the conditions and requirements of section 147(f) of the Code and is not to be construed as an undertaking by the City of Dallas. The Bonds shall not constitute a liability, an indebtedness, or obligation of the City of Dallas nor shall any of the assets of the City of Dallas be pledged to the payment of the Bonds.

Section 5. (Continued)

The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas, Dallas County and the State of Texas and that the City of Dallas, Dallas County and State of Texas are not liable with respect to the Bonds.

Section 6. That the City Manager is authorized to convey a copy of this resolution to the Applicant and the TDHCA with a written statement of support by the City Council referencing by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3 (A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors for compliance with the Texas Department of Housing and Community Affairs (TDHCA) 2014 Qualified Allocation Plan and contingent upon the developer assuming relocation costs, if any, associated with the development costs.

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 resolved.

AGENDA ITEM # 15

KEY FOCUS AREA: Culture, Arts, Recreation, & Education

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Library

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the DollarWise Innovation Grant 2014 in the amount of $15,000 from the United States Conference of Mayors to expand and enhance financial literacy efforts by providing financial education classes to citizens for the period April 9, 2014 through April 9, 2015; and **(2)** execution of the grant agreement – Not to exceed $15,000 – Financing: United States Conference of Mayors, DollarWise Innovation Grant Funds

BACKGROUND

The United States Conference of Mayors (USCM) offers members the opportunity to apply for an award through its DollarWise Innovation Grants program. DollarWise Innovation Grants have been awarded to a wide variety of communities across the country, in order to maintain and expand creative and innovative financial education programs. Each year the program awards three cities with grants of $15,000; as of 2014, USCM has awarded DollarWise Innovation Grants to 27 cities.

In 2014, the City of Dallas was awarded the DollarWise Innovation Grant, to enhance financial literacy efforts. The Dallas Public Library will provide financial literacy classes to citizens enrolled in existing GED/ESL programs, by offering classes that incorporate the Federal Deposit Insurance Corporation's "MoneySmart" curriculum. The financial literacy classes will cover topics such as budgeting, saving, and asset-building, credit management and fraud protections.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$15,000 – United States Conference of Mayors, DollarWise Innovation Grant Funds

May 28, 2014

WHEREAS, the United States Conference of Mayors has awarded the City of Dallas, grant funds to enhance financial literacy efforts; and

WHEREAS, the Dallas Public Library will provide financial literacy classes to citizens enrolled in existing GED/ESL programs, by offering classes that incorporate the Federal Deposit Insurance Corporation's "MoneySmart" curriculum; and

WHEREAS, it is recommended that the City Manager be authorized to accept the grant funds in an amount not to exceed $15,000.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept the DollarWise Innovation Grant 2014 from the United States Conference of Mayors to expand and enhance financial literacy efforts by providing financial education classes to citizens for the period of April 9, 2014 through April 9, 2015 in an amount not to exceed $15,000.00.

Section 2. That the City Controller is hereby authorized to deposit United States Conference of Mayors grant funds into Fund P111, Department LIB, Unit 6836, Revenue Source 8411 in an amount not to exceed $15,000.00.

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund P111, Department LIB, Unit 6836, in an amount not to exceed $15,000.00.

Section 4. That the City Controller is hereby authorized to disburse funds from Fund P111, Department LIB, Unit 6836, Object Code various in accordance with the grant, in an amount not to exceed $15,000.00.

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 # 16

KEY FOCUS AREA:	Public Safety
AGENDA DATE:	May 28, 2014
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Management Services Intergovernmental Services
CMO:	Jeanne Chipperfield, 670-7804 A. C. Gonzalez, 670-3302
MAPSCO:	N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the FY2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2013 through September 30, 2017; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed $951,372 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

BACKGROUND

Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (the "JAG Program") authorize the Bureau of Justice Assistance (the "BJA") to make funds available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

BACKGROUND (Continued)

The City of Dallas, Dallas County, and certain units of local government designated by the BJA are eligible for 2014 JAG funding and have been certified by the BJA as a disparate jurisdiction. The application guidelines ask for one fiscal agent to apply, accept, and disburse funds throughout the disparate jurisdiction. Dallas County and all eligible units of local government in the disparate jurisdiction have agreed to designate the City of Dallas as the applicant and fiscal agent for the JAG Program.

Dallas County and the eligible cities agree and acknowledge that as a certified disparate jurisdiction, the Parties must reach an agreement regarding the sharing of funds prior to submitting a JAG application with the BJA. Accordingly, this resolution will authorize the City Manager to set forth the following: (i) the amount of funds originally allocated by the BJA before the Parties were certified to be disparate jurisdictions: (ii) the amounts to be transferred among the respective jurisdictions, including the amount to be paid to the City of Dallas as the fiscal agent for the jurisdiction; and (iii) the final amount for each of the Parties.

Initial Allocations

For 2014, the BJA has determined the Initial Allocations of JAG Funds for the parties as follows:

Dallas County	$ 0.00
Balch Springs	$ 16,276.00
Carrollton	$ 15,725.00
Dallas	$ 713,708.00
DeSoto	$ 11,504.00
Duncanville	$ 10,428.00
Garland	$ 43,091.00
Grand Prairie	$ 46,595.00
Irving	$ 42,760.00
Mesquite	$ 36,443.00
Richardson	$ 14,842.00
Total	**$ 951,372.00**

BACKGROUND (Continued)

Amounts to be Transferred

The eligible cities agree to have the following funds transferred to Dallas County pursuant to the Funds Sharing Agreement as follows:

Dallas County	$	0.00
Balch Springs	$	4,882.80
Carrollton	$	4,717.50
Dallas	$	214,112.40
DeSoto	$	3,451.20
Duncanville	$	3,128.40
Garland	$	12,927.30
Grand Prairie	$	13,978.50
Irving	$	12,828.00
Mesquite	$	10,932.90
Richardson	$	4,452.60
Total	**$**	**285,411.60**

Fiscal Agent Grant Administration Fees

The following amounts reflect each participant's grant administration fee, which shall be transferred to the Fiscal Agent, the City of Dallas.

Dallas County	$	19,978.81
Balch Springs	$	797.52
Carrollton	$	770.53
Dallas	$	63,512.85
DeSoto	$	563.70
Duncanville	$	510.97
Garland	$	2,111.46
Grand Prairie	$	2,283.16
Irving	$	2,095.24
Mesquite	$	1,785.71
Richardson	$	727.26
Total	**$**	**95,137.20**

BACKGROUND (Continued)

Final Allocations

The following amounts reflect the JAG funds each jurisdiction shall receive upon acceptance of and disbursements of funds from the BJA in accordance with the Fiscal Agency Agreement.

Dallas County	$ 265,432.79
Balch Springs	$ 10,595.68
Carrollton	$ 10,236.98
Dallas	$ 531,219.95
DeSoto	$ 7,489.10
Duncanville	$ 6,788.63
Garland	$ 28,052.24
Grand Prairie	$ 30,333.35
Irving	$ 27,836.76
Mesquite	$ 23,724.39
Richardson	$ 9,662.14
Total	**$ 951,372.00**

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $932,597 on September 25, 2013, by Resolution No. 13-1687.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $1,034,178 on May 9, 2012, by Resolution No. 12-1263.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $1,409,205 on June 22, 2011, by Resolution No. 11-1810.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $1,910,863 on June 9, 2010, by Resolution No. 10-1476.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $2,193,395 on June 24, 2009, by Resolution No. 09-1695.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $9,158,669 on May 13, 2009, by Resolution No. 09-1182.

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

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $651,301 on August 13, 2008, by Resolution No. 08-2068.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of $2,163,235 on June 13, 2007, by Resolution No. 07-1751.

FISCAL INFORMATION

$951,372.00 – U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

May 28, 2014

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance (BJA), has made funding available to the City of Dallas, Dallas County and eligible designated cities in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system; and

WHEREAS, grant monies are being awarded to the City of Dallas, Dallas County and eligible designated cities for the 2014 Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the City of Dallas and other BJA designated cities will benefit from the additional funds that will aid the prevention and control of crime within these areas.

Now, Therefore,

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

Section 1. That the City Manager is authorized to apply for and accept the Edward Byrne Memorial Justice Assistance Grant (Grant No. 2014-H1562-TX-DJ, CFDA No. 16.738) from the U.S. Department of Justice, Bureau of Justice Assistance Grant Funds to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2013 through September 30, 2017 in an amount not to exceed $951,372.00.

Section 2. That the City Manager is authorized to execute a Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments.

Section 3. That the City Controller is authorized to disburse JAG program funds to Dallas County and other BJA designated cities, as listed, in the amount of $420,152.05.

Jurisdiction	**Amount**
Dallas County	$ 265,432.79
Balch Springs	$ 10,595.68
Carrollton	$ 10,236.98
DeSoto	$ 7,489.10
Duncanville	$ 6,788.63
Garland	$ 28,052.24
Grand Prairie	$ 30,333.35
Irving	$ 27,836.76
Mesquite	$ 23,724.39
Richardson	$ 9,662.14

Section 4. That the City Controller is hereby authorized to receive and deposit grant funds in Fund TR14, Department MGT, Unit 1533, Revenue Code 6506, in an amount not to exceed $601,372.

Section 5. That the City Controller is hereby authorized to receive and deposit grant funds in Fund TR14, Department MGT, Unit 1534, Revenue Code 6506, in an amount not to exceed $350,000.

Section 6. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $601,372 in Fund TR14, Department MGT, Unit 1533, Object Code 3099.

Section 7. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $350,000 in Fund TR14, Department MGT, Unit 1534, Object 3099.

Section 8. That the City Controller is hereby authorized to disburse funds from Fund TR14, Department MGT, Unit 1533, Object Code 3099, not to exceed $601,372, which is inclusive of the $420,152.05 in Section 3 above.

Section 9. That the City Controller is hereby authorized to disburse funds from Fund TR14, Department MGT, Unit 1534, Object Code 3099, not to exceed $350,000.

Section 10. That the City Manager is hereby authorized to transfer existing positions into Unit 1533 and Unit 1534.

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.

AGENDA ITEM # 17

KEY FOCUS AREA: Public Safety

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of supplemental funding for the 2013/2014 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University – San Marcos in the amount of $15,000 for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2013 through August 31, 2014; and **(2)** execution of the grant agreement - Not to exceed $15,000, from $80,025 to $95,025 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

BACKGROUND

The Texas School Safety Center 2013/2014 Tobacco Enforcement Program provides funding to support the enforcement and the reporting of tobacco compliance activities for the purpose of reducing youth access to tobacco products. The grant activities include Retailer Controlled Buys ("stings"), to ensure compliance with the Health and Safety Code, Chapter 161.082 – Sale of cigarettes or tobacco products to persons younger than 18 years of age is prohibited: Proof of age required.

Ongoing and consistent enforcement initiatives that involve on-site compliance inspections of cigarette or tobacco retail outlets will be required by law enforcement officers and may result in the issuance of citations.

The funding agency requires monthly enforcement activity reports and financial status reports to be provided to the Texas School Safety Center contractor for the Texas State University System.

PRIOR ACTION/REVIEW (Council, Board, Commissions)

Authorized the 2012/2013 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University – San Marcos on September 26, 2012, by Resolution No. 12-2371.

PRIOR ACTION/REVIEW (Council, Board, Commissions) (Continued)

Authorized the 2012/2013 Tobacco Enforcement Grant supplemental funds on January 9, 2013, by Resolution No. 13-0115.

Authorized the 2013/2014 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University – San Marcos on August 28, 2013, by Resolution No. 13-1445.

Authorized the 2013/2014 Tobacco Enforcement Grant supplemental funds on January 22, 2014, by Resolution No. 14-0187.

Briefed to the Public Safety Committee on May 27, 2014.

FISCAL INFORMATION

$15,000.00 - Texas Comptroller's Tobacco Compliance Grant Funds

May 28, 2014

WHEREAS, the Texas State University System has made supplemental grant funds available to aid in reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 during the 2013-2014 fiscal year; and

WHEREAS, such funding was awarded to the City of Dallas on May 1, 2014; and

WHEREAS, it is in the best interest of the City of Dallas to accept such funding.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to accept the Texas School Safety Center 2013/2014 Tobacco Enforcement Program supplemental funds in an amount not to exceed $15,000 increasing the award from $80,025 to $95,025 for the period of September 1, 2013 through August 31, 2014 and execute the grant agreement.

Section 2. That the City Controller is hereby authorized to receive and deposit supplemental grant funds in an amount not to exceed $15,000, in Fund S263, Department DPD, Unit 1494, Revenue Source 6516.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Texas School Safety Center 2013/2014 Tobacco Enforcement Program supplemental fund in the amount of $15,000 from $80,025 to $95,025, Fund S263, Department DPD, Unit 1494, Object Code 3099.

Section 4. That the City Controller is authorized to disburse funds from Fund S263, Department DPD, Unit 1494, Object Code 3099, in an amount not to exceed $15,000.

Section 5. That in the event of the loss or misuse of funds, the grantee will return all funds to the Texas School Safety Center, in full.

Section 6. 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.

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Public Works Department
Office of Economic Development
Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 32Y 42C D 43A B C D 44A F 54A B C E 34W X

SUBJECT

Authorize **(1)** the submission of two candidate projects to the North Central Texas Council of Governments for cost reimbursement for the proposed Transportation Alternatives Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project; and **(2)** a required local match not to exceed $2,885,000 - Financing: This action has no cost consideration to the City

BACKGROUND

The Transportation Alternatives Program was authorized under Section 1122 of Moving Ahead for Progress in the 21st Century. This transportation funding and authorization bill provides funding for programs and projects defined as transportation alternatives. The federally-funded Transportation Alternatives Program focused on non-traditional projects and offers opportunities to expand transportation choices.

As part of North Central Texas Council of Governments Fort Worth to Dallas Regional Trail Corridor that connects the two cities, the Trinity Skyline Trail Project provides dedicated bicycle and pedestrian access from Downtown Dallas to the City of Irving. This project is on the 2011 Dallas Bike Plan, Trail Network Master Plan, and the Regional Veloweb. This long distance bicycle and pedestrian route reduces vehicle congestion by providing an alternative transportation option for regional commuting and recreation. This project will be submitted under the Recreational Trail Program which requires a minimum 20 percent local match. This project is estimated to cost $5,760,000. This application is requesting $3,000,000 of Transportation Alternatives Program funding, the maximum amount available. The Trinity Watershed Management Office has funding available for this project in the amount of $2,760,000 which meets the local match requirement.

BACKGROUND (Continued)

The Rosemont Safe Routes to School Project provides 3.5 miles of bicycle infrastructure and traffic-calming in the surrounding community along with an improved bicycle and pedestrian connection to Rosemont Elementary School. This project supports the 2011 City of Dallas Bike Plan, by using on-street residential roadways to ensure safe bicycle connections for the Rosemont Primary and Elementary Schools, Kidd Springs Park, and the Coombs Creek Trail. This project will be submitted under the Safety and Access to Schools (Infrastructure) Program, which requires a minimum 20 percent local match. This application is requesting $500,000 of Transportation Alternatives Program (TAP) funding, the maximum amount available. This project is estimated to cost $625,000. The Davis Garden Tax Increment Financing District has funding available for this project in the amount of $125,000 which meets the local match requirement. Please note that this action does not encumber funds.

ESTIMATED SCHEDULE

Submit projects to NCTCOG	May 30, 2014
Approval of Project Selection	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On May 27, 2014, this item was briefed to the Transportation & Trinity River Corridor Project Committee.

FISCAL INFORMATION

Trinity Skyline Trail	
Estimated Total Project Cost:	$5,760,000
Requested TAP Funding:	$3,000,000
Local Match:	$2,760,000
Rosemont Safe Routes to School	
Estimated Project Cost:	$ 625,000
Requested TAP Funding:	$ 500,000
Local Match:	$ 125,000
Total City's Match	$2,885,000

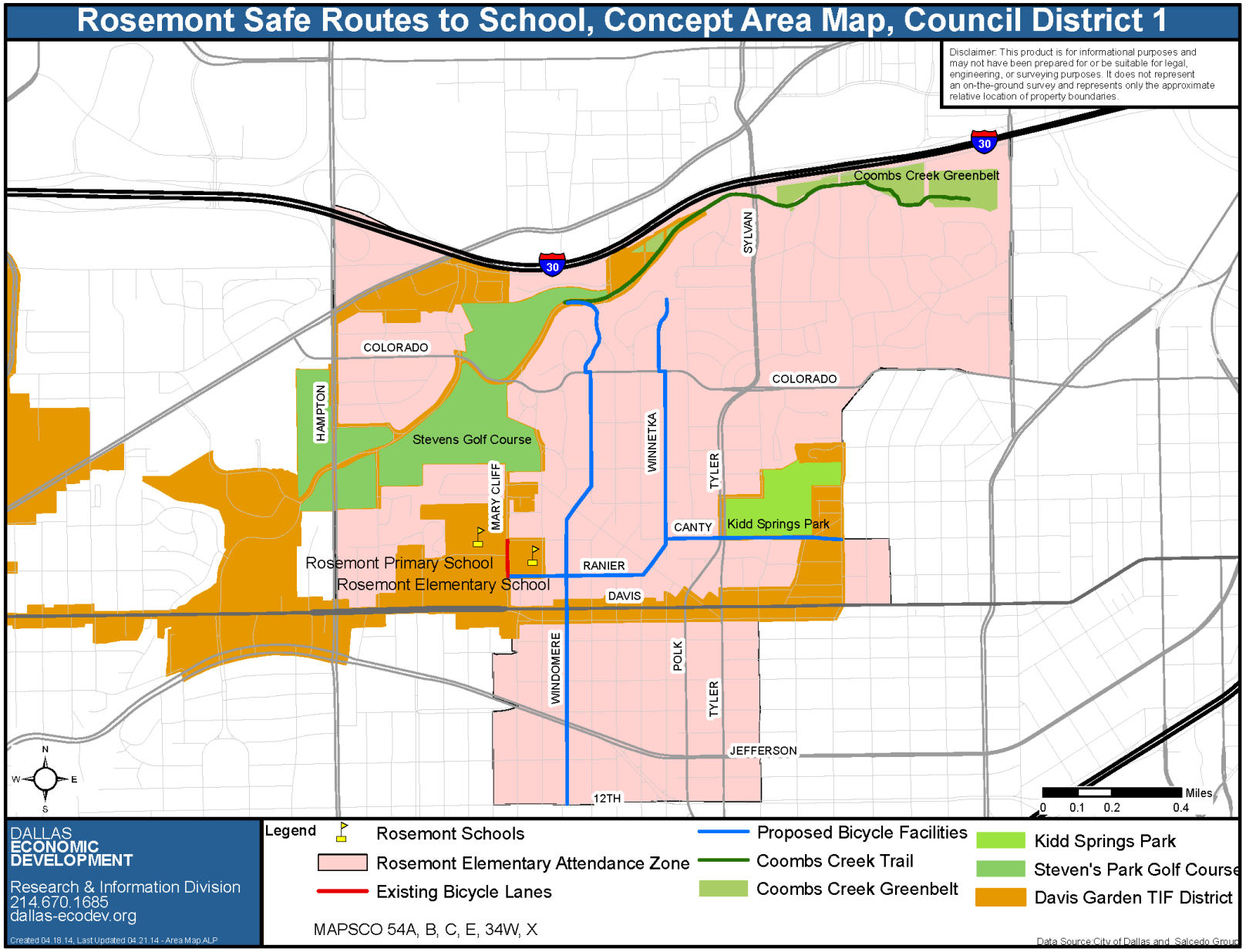
Council District	Amount
1	$ 125,000
6	$2,760,000
Total Amount	$2,885,000

MAPS

Attached

Rosemont Safe Routes to School Project
Council District: 1

MAPSCO: 54A,B,C,E, 34W,X



Trinity Skyline Trail
Council District: 6

MAPSCO: 32Y, 42C,D, 43A,B,C,D, 44A, F

May 28, 2014

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 current Transportation Alternatives Program call for projects on February 13, 2014; and,

WHEREAS, the City of Dallas intends to submit transportation alternative project applications for the Trinity Skyline Trail Project and Rosemont Safe Routes to School Project to the North Central Texas Council of Governments prior to the May 30, 2014 deadline; and,

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Call for Project application submission

NOW, THEREFORE,

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

Section 1. The City of Dallas supports the Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project as applied for in the 2014 Transportation Alternative Program Call for Projects application.

Section 2. The City of Dallas will serve as the public sponsor and lead project contact on this project. The City of Dallas agrees to designate a single point of contact for the project.

Section 3. The City of Dallas commits to fund or pass through funds from other sources for a minimum local cash or in-kind match of 20 percent of the total project cost.

Section 4. The City of Dallas confirms that City of Dallas, not the Regional Transportation Council, will be responsible for any cost overruns.

Section 5. The City of Dallas understands and acknowledges that all awarded funding is provided on a reimbursement basis.

Section 6. That is 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 # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 1, 2, 14

DEPARTMENT: Public Works Department

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 44 Z 45 P S T W

SUBJECT

Authorize an Interlocal Agreement with the Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff) - Financing: No cost consideration to the City

BACKGROUND

On February 17, 2010, the United States Department Of Transportation (USDOT) awarded the City of Dallas Streetcar project through the North Central Texas Council of Governments (NCTCOG) a $23,000,000 Transportation Investments Generating Economic Recovery (TIGER) grant for the purpose of implementing a streetcar line from downtown Dallas to Methodist Hospital.

On August 4, 2010, the city authorized the City Manager to execute an Interlocal Agreement (ILA) with the North Central Texas Council of Governments and Dallas Area Rapid Transit (DART) to detail project roles and responsibilities related to technical engineering, environmental analysis and public involvement of the TIGER Grant streetcar proposal by Resolution No. 10-1921.

On April 27, 2011, the City Council authorized the City Manager to negotiate the terms of an Interlocal Agreement with NCTCOG and DART to further define agency roles for the commitment of operation and maintenance of the TIGER grant streetcar project by Resolution No. 11-1185. A requirement of the TIGER grant award is to demonstrate through an executed ILA a detailed commitment of operation and maintenance capacity, including purchase of streetcars, for the thirty-year life of the streetcar project.

BACKGROUND (Continued)

The purpose of this ILA is to establish financial responsibility and provide direction to DART for the operation and maintenance of the initial streetcar line. As established in the April 27, 2011 agreement $17,105,356 in 2002 dollars for Transit Service to Dallas Love Field Airport was made available for the Dallas Streetcar Project, specifically for the purchase of vehicles and on-going operation and maintenance. The base level of service assumes a Monday through Friday weekday service-only operation from approximately 5:00 a.m. in the morning to 7:00 p.m. The anticipated operation is 20 minute peak headways during the peak and 30 minutes during off-peak.

This requested action, if approved, will authorize the City Manager to negotiate an Interlocal Agreement with DART to detail agency roles and responsibilities related to operations and maintenance for implementation of the TIGER Grant-funded Dallas Streetcar Project (Union Station to North Oak Cliff).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 4, 2010, the City Council authorized the City Manager to accept a $10,000,000 grant from NCTCOG funded through the State of Texas for the development of a modern streetcar system and related planning activities; to execute an Interlocal Agreement with the NCTCOG and DART to detail project roles and responsibilities related to technical engineering, environmental analysis and public involvement of the TIGER Grant streetcar proposal; to execute an Interlocal Agreement with DART to outline project roles and responsibilities related to the development of the Streetcar System Plan and Financial Feasibility Analysis; after these agreements by Resolution No. 10-1921.

On April 27, 2011, the City Council authorized the City Manager to negotiate the terms of an Interlocal Agreement with NCTCOG and DART to further define agencies' roles for the commitment of operation and maintenance of the TIGER Grant Streetcar Project by Resolution No. 11-1185.

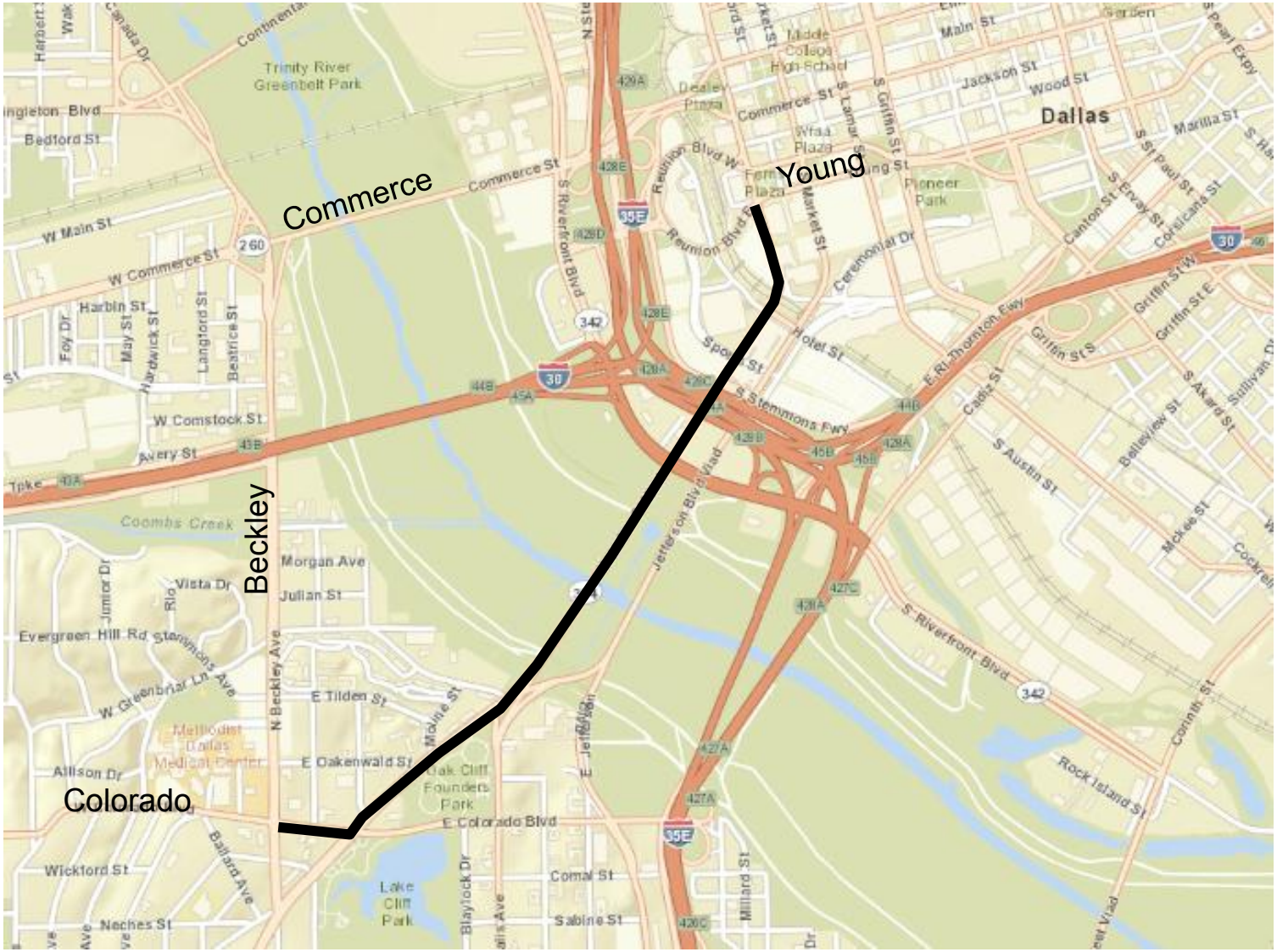
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

Dallas Streetcar Project
Council District: 1, 2, 14



MAPSCO: 44Z, 45P,S,T,W

May 28, 2014

WHEREAS, the North Central Texas Council of Governments (NCTCOG) and Federal Transit Administration executed on May 17, 2010, a Memorandum of Understanding defining the Project definition, scope of work, project budget and project schedule for the Dallas Streetcar Project. This project will initially consist of a Starter Streetcar line from downtown Dallas to near Methodist Hospital in North Oak Cliff; and

WHEREAS, NCTCOG, DART and the City of Dallas entered into an agreement (The Implementation Agreement) effective on May 26, 2011, for the purpose of defining the general roles and responsibilities of NCTCOG, DART and the City of Dallas related to the construction, maintenance and operations of the Dallas Streetcar Project; and

WHEREAS, Article V of the Implementation Agreement contemplates that the parties shall in good faith negotiate additional agreements to further refine the roles and responsibilities, specifically matters of operations and maintenance; and

WHEREAS, this Agreement is intended to further define the roles and responsibilities of the Parties with respect to operation and maintenance matters, including but not limited to, procurement activities, invoicing, review and approval of eligible costs and reporting; and

WHEREAS, the City of Dallas and DART developed a Capital Finance and Operations and Maintenance Plan for the Starter System in April 2011 that identifies planned sources of funds to support the Starter System's operations and maintenance costs; and

WHEREAS, the City of Dallas and DART believe it is in the best interest of the public to have DART operate the streetcars and maintain certain elements of the Starter System; and

WHEREAS, the City of Dallas and DART desire to enter into this Agreement providing the respective duties and responsibilities of the City and DART in relation to the ongoing operations and maintenance of the Starter System.

Now, Therefore,

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

SECTION 1. That the City Manager is authorized to negotiate an Interlocal Agreement with Dallas Area Rapid Transit (DART) to detail agency roles and responsibilities related to operation and maintenance for implementation of the TIGER Grant-funded Dallas Streetcar Project (Union Station to North Oak Cliff); after these agreements have been approved as to form by the City Attorney.

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 # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works Department
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: 45 K L

SUBJECT

Authorize payment to Dallas Area Rapid Transit for utility improvement and relocation costs associated with the Urban Circulator Streetcar Project in downtown Dallas - Not to exceed $612,000 – Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The City of Dallas and Dallas Area Rapid Transit (DART) were awarded $5M (North Central Texas Council of Governments Grant) and $4.9M (Federal Transportation Administration Grant), respectively to extend the M Line trolley route further into downtown.

This partnership project will extend from the existing McKinney Avenue Transit Authority (MATA) tracks on St. Paul in a southerly direction to Federal Street, turning eastbound to Olive Street. The proposed alignment will connect to the streetcar tracks recently constructed as part of the City's Olive Street Extension Project. This newly-created loop will accommodate the future expansion of the modern streetcar system, as well as provide a loop for the vintage fleet to serve the Arts District.

This action will authorize payment to DART for funding associated with relocation of Dallas Water Utilities' water lines in the vicinity of the project. The City of Dallas and DART have entered into an Interlocal Agreement to work jointly on this project and it is necessary to authorize funding for the utility portion of the project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2011
Completed Design	August 2013
Began Construction	November 2013
Complete Construction	November 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a grant from the Texas Department of Transportation functioning as an agent for the North Central Texas Council of Governments in the amount of $5,000,000 for the development of a modern streetcar loop extending from the McKinney Avenue Trolley terminus at St. Paul Street to the connection with the Olive Street Extension on June 27, 2012, by Resolution No. 12-1649.

Authorized an Interlocal Agreement with Dallas Area Rapid Transit (DART) to detail agency roles and responsibilities related to procurement and financial matters for implementation of the Urban Circulator Streetcar Project on April 10, 2013, by Resolution No. 13-0618.

Authorized payment to DART for relocation of sanitary sewer and a portion of the water line relocations associated with the project on January 22, 2014, by Resolution No. 14-0194

FISCAL INFORMATION

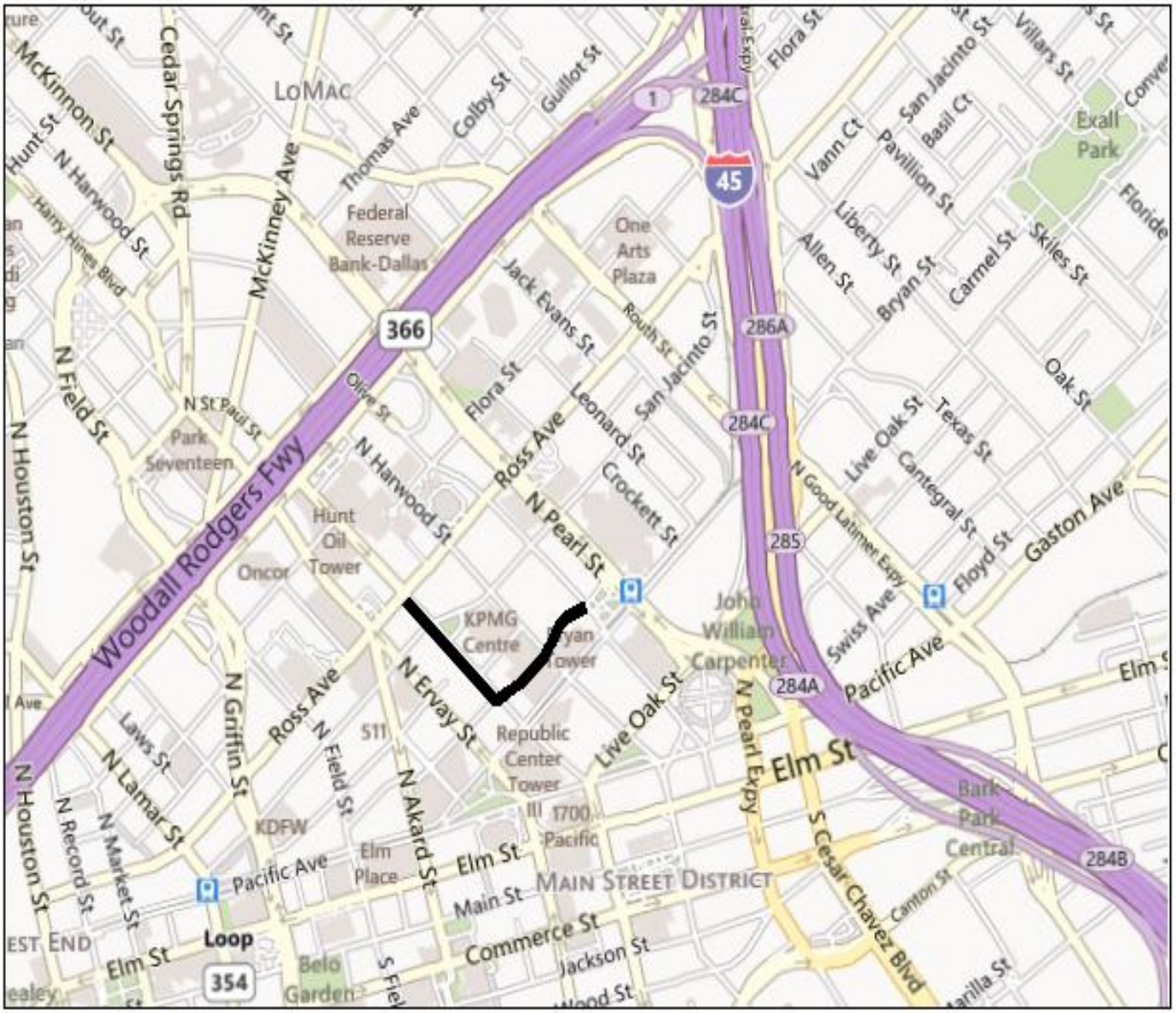
Water Utilities Capital Improvement Funds - $612,000.00

MAP

Attached

Urban Circulator Streetcar

Council District: 14



MAPSCO: 45 K, L

May 28, 2014

WHEREAS, the City of Dallas and Dallas Area Rapid Transit (DART) submitted on September 15, 2009, as joint applicants, an application for an Exempt Discretionary Grant for Urban Circulator Systems to the Federal Transportation Administration (FTA) for the Olive / St. Paul Loop Connector Project; and,

WHEREAS, on behalf of the City of Dallas, DART has been awarded $4,900,000 in grant funding from the FTA for the planning, design and construction of the project; and,

WHEREAS, the City has been awarded $5,000,000 in Regional Toll Revenue (RTR) from the Regional Transportation Council (RTC) of the North Central Texas Council of Governments as a local match for the $9,900,000 project; and,

WHEREAS, the project will consist of a streetcar line from the current terminus of the McKinney Avenue Transit Authority (MATA) M-Line at Ross and St. Paul Street and will connect to the Olive Street Extension of the M-Line via Federal Street; and,

WHEREAS, DART, as a regional transportation authority, is experienced in the planning and design of transit services, and will serve as the City's technical advisor and assist in the implementation of the project; and,

WHEREAS, on October 20, 2010, DART and the City of Dallas executed an Interlocal Agreement identifying the roles and responsibilities of each party in the planning and design for the project; and,

WHEREAS, on April 10, 2013, Resolution No. 13-0618 authorized an Interlocal Agreement with Dallas Area Rapid Transit (DART) to detail agency roles and responsibilities related to procurement and financial matters for implementation of the Urban Circulator Streetcar Project; and,

WHEREAS, on January 22, 2014, Resolution No. 14-0194 authorized payment to DART for relocation of sanitary sewer and a portion of the water line relocations associated with the project; and,

WHEREAS, it is now necessary to authorize payment to DART for costs associated with relocation of Dallas Water Utilities' remaining water lines.

Now, Therefore,

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

Section 1. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Water Utilities Capital Improvement Fund	
Fund 0115, Dept. DWU, Unit. PW42, Act. RELP	
Obj. 4550, Program #712101, CT DWU712101CP	
Vendor #232802, in an amount not to exceed	$612,000.00
Total in an amount not to exceed	$612,000.00

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 # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Street Services
Public Works Department

CMO: Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299

MAPSCO: All

SUBJECT

Authorize a professional services contract with Teal Engineering Services, Incorporated, most advantageous proposer of three, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks - Not to exceed $237,398 - Financing: 2003 Bond Funds

BACKGROUND

This item will authorize a professional services contract with Teal Engineering Services, Incorporated to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks.

A four member committee from the following departments reviewed and evaluated the proposals:

- Streets Services (2)
- Public Works Department (1)
- Dallas Police Department (1)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 739 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS used 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - $237,397.76

M/WBE INFORMATION

739 - Vendors contacted
735 - No response
4 - Response (Bid)
0 - Response (No bid)
0 - Successful

Of the 739 vendors contacted, 257 were M/WBE.

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Teal Engineering Services, Incorporated

White Male	3	White Female	2
Black Male	2	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1308 and opened on July 11, 2013. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score
*Teal Engineering Services, Incorporated	4874 E. Lone Oak Road Valley View, TX 76272	83.50%
AZ & B	11355 McCree Road Dallas, TX 75238	80.75%
AECOM	16000 Dallas Parkway Suite 350 Dallas, TX 75247	52.00%

OWNER

Teal Engineering Services, Incorporated

Kathleen Jost, P.E., President
Gary D Jost, P.E. Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Teal Engineering Services, Incorporated, most advantageous proposer of three, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks - Not to exceed $237,398 - Financing: 2003 Bond Funds

Teal Engineering Services, Inc., is a local, minority firm, and has signed the "Business Inclusion & Development" documentation, and proposes to use their workforce and the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$237,397.76	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$237,397.76	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Teal Engineering Services, Inc.	WFWB59807N0115	$213,396.76	89.89%
Kilan Holding, Inc., dba Kilan Solutions	WFWB58410N0814	$24,001.00	10.11%
Total Minority - Local		$237,397.76	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$237,397.76	100.00%	$237,397.76	100.00%
Total	$237,397.76	100.00%	$237,397.76	100.00%

May 28, 2014

WHEREAS, the City operates a centralized traffic signal computer system that improves the efficiency and safety of traffic signal operations using computer and communications technologies to remotely monitor and control traffic signals citywide; and,

WHEREAS, the City desires to enter into a professional services contract with Teal Engineering Services, Incorporated, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks; and,

WHEREAS, the 2003 Bond program authorized funding to upgrade the traffic signal computer control system.

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to enter into a professional services contract with Teal Engineering Services, Incorporated, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks in an amount not to exceed $237,397.76.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in accordance with the terms and conditions of the contract from:

2003 Bond Funds
Fund 6R22, Dept. PBW, Unit R090, Obj. 4111
Activity THRG, Major Program PB03R090
CT STS STS14TEALH01, Vendor # 518517
in an amount not to exceed $108,000.00

2003 Bond Funds
Fund 5R22, Dept. PBW, Unit R090, Obj. 4111
Activity THRG, Major Program PB03R090
CT STS STS14TEALH01, Vendor # 518517,
in an amount not to exceed $127,600.00

Section 3. (continued)

2003 Bond Funds	
Fund 3R22, Dept. PBW, Unit R090, Obj. 4111	
Activity THRG, Major Program PB03R090	
CT STS STS14TEALH01, Vendor # 518517	
in an amount not to exceed	$ 1,797.76
Total	$237,397.76

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 # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 24R

SUBJECT

An ordinance granting a private license to The Ursuline Academy of Dallas, for approximately 4,577 square feet of land to install, use and maintain landscaping on portions of Inwood Road located near its intersection with Walnut Hill Lane - Revenue: $1,000 one-time, plus the $20 ordinance publication fee

BACKGROUND

This item grants a license for the installation, use and maintenance of 4,577 square feet of land for landscaping on portions of Inwood Road right of way. This use 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)

This item has no prior action.

FISCAL INFORMATION

Revenue: $1,000 one-time fee, plus the $20 ordinance publication fee

OWNER

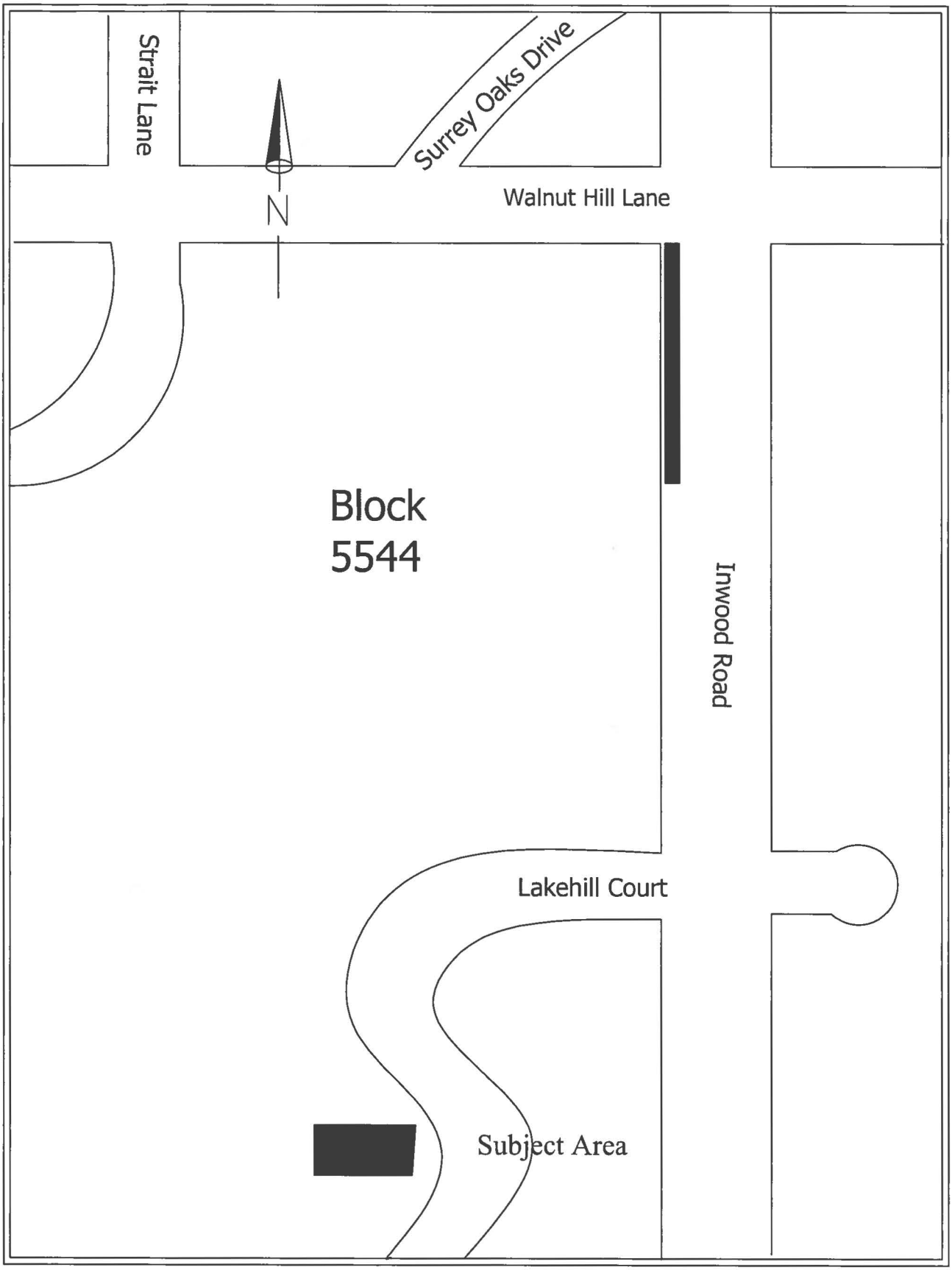
The Ursuline Academy of Dallas

Gretchen Kane, President

MAP

Attached

Mapsco 24R


Strait Lane
Surrey Oaks Drive
N
Walnut Hill Lane
Block
5544
Inwood Road
Lakehill Court
Subject Area

ORDINANCE NO. _____

An ordinance granting a private license to The Ursuline Academy of Dallas to occupy, maintain, and utilize a portion of Inwood Road right-of-way located near the intersection of Walnut Hill Lane and Inwood Road, adjacent to City Block 5544 within the limits hereinafter more fully described, for the purpose of installing, using and maintaining landscaping; providing for the terms and conditions of this license; providing for the annual 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.

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 The Ursuline Academy of Dallas, a Texas non-profit corporation, its successors and assigns, hereinafter referred to as **"GRANTEE"** to occupy, maintain, and utilize for the purpose set out hereinbelow the tract 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 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 a one-time license fee in the sum of **ONE THOUSAND ($1,000.00) DOLLARS** for the license herein granted during the term hereof; provided however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 ($1.000.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall be a one-time fee that covers the consideration for the entire license period granted herein in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration 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 City Controller of the City of Dallas and deposited in Fund 0001, Dept. DEV, Unit 1181, Revenue Source 8428. 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% 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: installing, using and maintaining landscaping within the public right-of-way.

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 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** acknowledges that Southwestern Bell Telephone Company, d/b/a AT&T Texas has the full use of the right-of-way; and

a) **GRANTEE** shall coordinate with AT&T prior to commencing any landscaping work.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, 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 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 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 fee for the year 2014, 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. 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:
WARREN M. S. ERNST
City Attorney

DAVID COSSUM
Interim Director of Department of Sustainable Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

EXHIBIT A

SPECIAL LANDSCAPE LICENSE AREA

Part of Inwood Road
Adjacent to City Block 5544
Jesse Moon Survey, Abstract No. 940
City of Dallas, Dallas County, Texas

DESCRIPTION of a 4,577 square foot (0.105 acres) tract of land situated in the Jesse Moon Survey, Abstract No. 940, Dallas County, Texas; being part of Inwood Road (a 90-foot wide right-of-way) adjacent to City Block 5544, Official Numbers of the City of Dallas, Texas; said tract also being part a 10-foot wide right-of-way dedication by Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 51, Page 5 of the Map Records of Dallas County, Texas and part of that tract of land described in Warranty Deed to Road District No. 1 recorded in Volume 4917, Page 397 of the Deed Records of Dallas County, Texas; said 4,577 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of Due East for the north line of Lot 1, Block B/5544, Ursuline Academy, an addition to the City of Dallas according to the plat recorded in Instrument Number 20080280667 of the Official Records of Dallas County, Texas):

COMMENCING, at a 1/2-inch iron rod with "PACHECO KOCH" cap found at the intersection of the west right-of-way line of said Inwood Road and the south right-of-way line of Walnut Hill Lane (a 90-foot wide right-of-way); said point being the northwest corner of Lot 2, Block 5544, of said Subdivision;

THENCE, South 00 degrees, 12 minutes, 03 seconds East, along the said west line of Inwood Road and the east line of said Lot 2, a distance of 5.00 feet to the POINT OF BEGINNING;

THENCE, Due East, departing the said west line of Inwood Road and the said east line of Lot 2 a distance of 13.00 feet to a point for corner;

THENCE, South 45 degrees, 06 minutes, 01 seconds East, a distance of 7.08 feet to a point for corner;

THENCE, South 00 degrees, 12 minutes, 03 seconds East, a distance of 250.00 feet to a point for corner;

THENCE, Due West, a distance of 18.00 feet to a 1/2-inch iron rod found for corner in the said west line of Inwood Road and the said east line of Lot 2;

THENCE, North 00 degrees, 12 minutes, 03 seconds West, a distance of 255.00 feet to the POINT OF BEGINNING;

CONTAINING: 4,577 square feet or 0.105 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

11/6/13

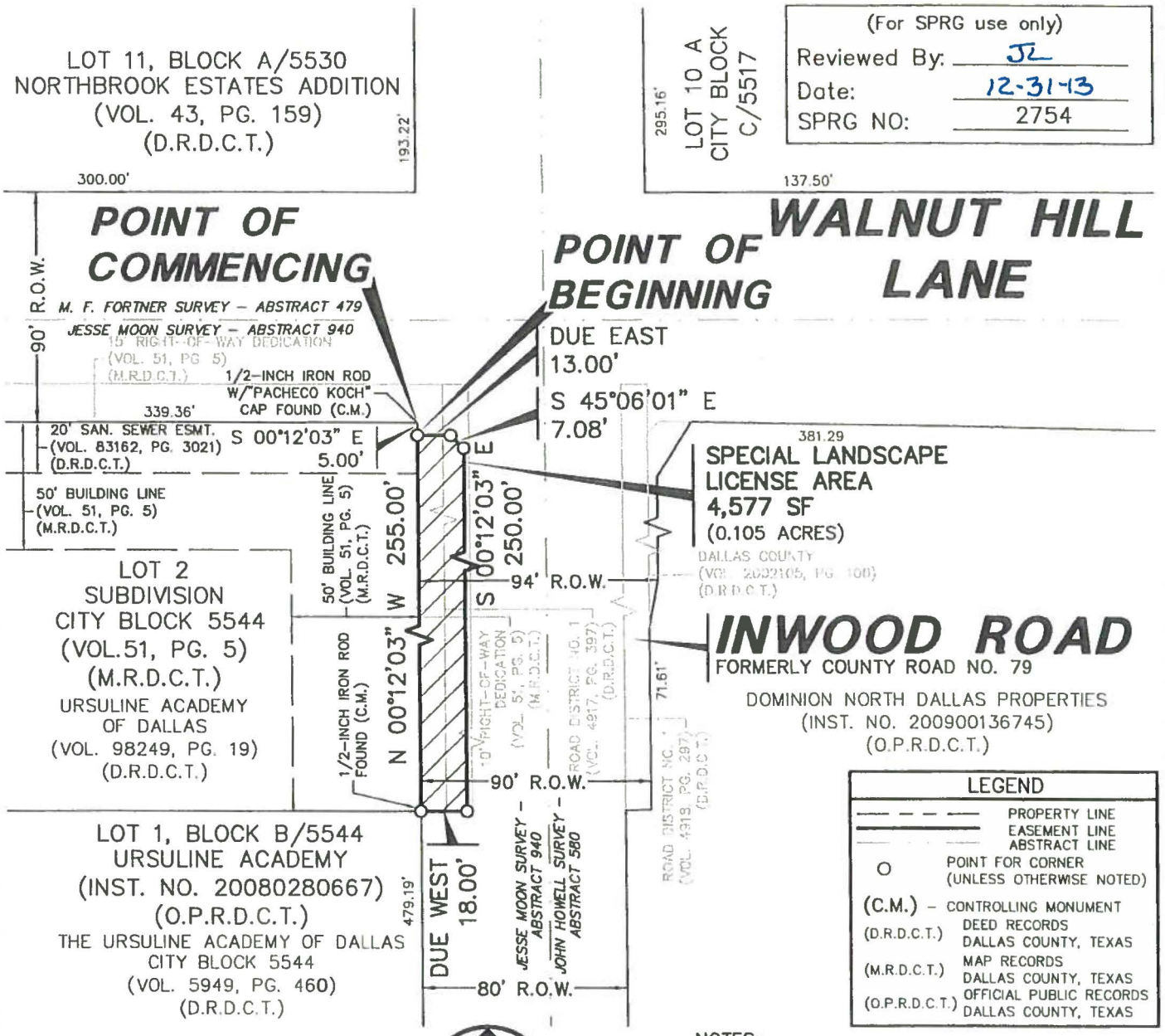
Michael Larry Lewis, Jr. Date
Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
6100 Western Place, #1001, Fort Worth TX 76107
(817) 412-7155
TX Reg. Surveying Firm LS-10193824 (FT WTH, LLC)

STATE OF TEXAS REGISTERED MICHAEL LARRY LEWIS, JR. 5773 PROFESSIONAL LAND SURVEYOR

1247-13.189EX1.doc
1247-13.189EX1 RMT

(For SPRG use only)
Reviewed By: JL
Date: 12-31-13
SPRG NO: 2754

EXHIBIT A



(For SPRG use only)
Reviewed By: JL
Date: 12-31-13
SPRG NO: 2754

LEGEND	
— — — —	PROPERTY LINE
———	EASEMENT LINE
———	ABSTRACT LINE
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT
(D.R.D.C.T.)	DEED RECORDS DALLAS COUNTY, TEXAS
(M.R.D.C.T.)	MAP RECORDS DALLAS COUNTY, TEXAS
(O.P.R.D.C.T.)	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of Due East for the north line of Lot 1, Block B/5544, Ursuline Academy, an addition to the City of Dallas according to the plat recorded in Instrument Number 20080280667 of the Official Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

STATE OF TEXAS
REGISTERED
MICHAEL LARRY LEWIS, JR.
5773
PROFESSIONAL
LAND SURVEYOR

11/6/13

Michael Larry Lewis, Jr. Date
Registered Professional
Land Surveyor No. 5773

SPECIAL LANDSCAPE LICENSE AREA

PART OF INWOOD ROAD
ADJACENT TO CITY BLOCK 5544
JESSE MOON SURVEY, ABSTRACT NO. 940
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PAGE 2 OF 2

Pacheco Koch
6100 WESTERN PLACE, SUITE 1001
FORT WORTH, TX 76107 817.412.7155
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193824

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
RMT	MLL	1"=60'	AUG. 2013	1247-13.189

J:\DWG-12\1247-13.189\DWG\SURVEY C3D 20XX\1247-13.189EX1.DWG
11/06/2013 - 2:34PM
RTIDWELL

DWG FILE: 1247-13.189EX1.DWG

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 Development Services, 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 Development Services 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 Development Services, 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 Development Services.

(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 Development Services.
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 Development Services, 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 # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9293

MAPSCO: 59N

SUBJECT

An ordinance abandoning a portion of Paramount Avenue containing approximately 14,475 square feet of land, located near the intersection of Paramount Avenue and Glencliff Street to Maria Solis, the abutting owner, and authorizing the quitclaim – Revenue: $10,133, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Paramount Avenue to Maria Solis, the abutting owner. The area will be included with the property of the abutting owner to build a new home with intent to replat. The abandonment fee is based on an independent appraisal.

Notices were sent to 18 property owners located with 300 feet of the proposed abandonment area. There were no responses received in opposition of this request.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

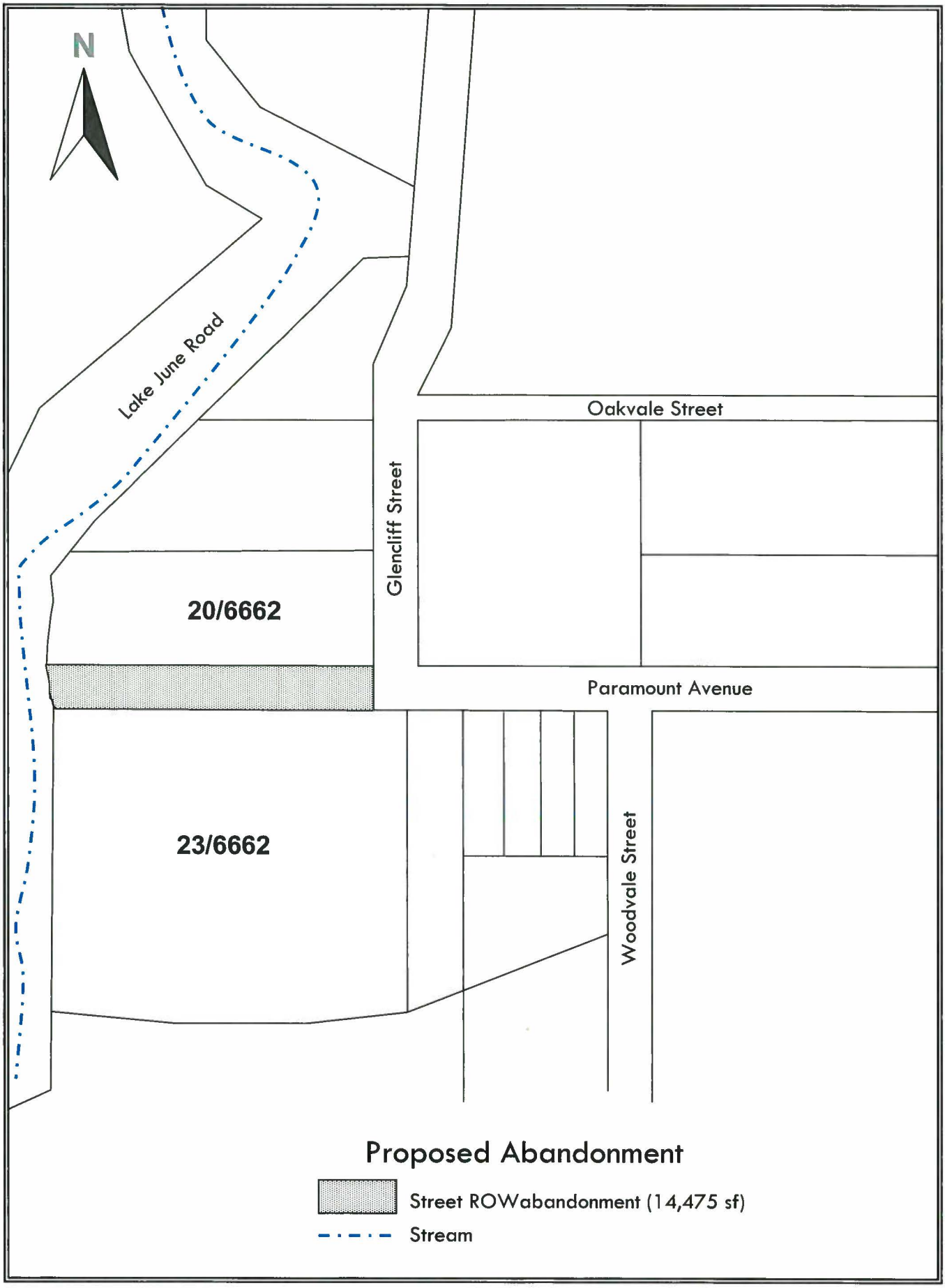
Revenue: $10,133, plus the $20 ordinance publication fee

OWNER

Maria Solis

MAP

Attached


N
Lake June Road
Oakvale Street
Glencliff Street
20/6662
Paramount Avenue
23/6662
Woodvale Street
Proposed Abandonment
Street ROWabandonment (14,475 sf)
Stream

ORDINANCE NO._____

An ordinance providing for the abandonment of a portion of Paramount Avenue located adjacent to City Blocks 20/6662 and 23/6662 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Maria Solis; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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 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 Maria Solis, an individual, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Paramount Avenue 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 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 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 conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TEN THOUSAND ONE HUNDRED THIRTY-THREE AND NO/100 ($10,133.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date 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. **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, future effective date and conditions of this ordinance.

SECTION 4. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General 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 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 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**, her heirs 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 part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, her heirs and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against 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 property described in Exhibit A by **GRANTEE**, her heirs 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**, her heirs 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**, her heirs 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 maintain the property use for a use permitted by the underlying zoning. Any business or commercial use of the property will require rezoning.

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 within one year of the effective date of this ordinance and prior to the issuance of any building permits affecting the tract of land 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 and before a certified copy of this ordinance shall be delivered to **GRANTEE**. This abandonment shall not become effective unless and until this replat is completed. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness 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 signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE,** her heirs and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. 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 the filing of the final replat set forth in Section 10, 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, 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 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:
WARREN M. S. ERNST
Interim City Attorney

BY_____
Assistant City Attorney

DAVID COSSUM
Interim Director of Sustainable Development and Construction

BY_____
Assistant Director

Passed_____.

PORTION OF PARAMOUNT AVENUE ABANDONMENT
JOEL ROBERTS SURVEY, ABSTRACT NUMBER 1224,
BLOCK 20/6662 AND BLOCK 23/6662,
LAKE JUNE ADDITION
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

EXHIBIT A

BEING a 14,475 square feet tract of land in Paramount Avenue adjoining City Block 23/6662 in the Joel Roberts Survey, Abstract Number 1224, created by the Lake June Addition to the City of Dallas, according to the plat recorded in Volume 3, Page 371, Deed Records, Dallas County, Texas, adjoining Lot 20, Block 20/6662, conveyed to Maria Solis by special warranty deed recorded in County Clerk's File Number 20070379339, Official Public Records, Dallas County, Texas, and Lot 23, Block 23/6662, conveyed to Manuel Mendoza and Linda Rodriguez by warranty deed with vendor's lien recorded in Volume 85102, Page 3860, Deed Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found for the southeast corner of City Block 20/6662 same being at the southeast corner of Lot 20 of said Lake June Addition, at the intersection of the north right of way line of Paramount Avenue, a 50 foot right of way, and the west right of way line of Glencliff Drive, a 50 foot right of way;

THENCE South 00° 00' 00" East, crossing said Paramount Avenue, 50.00 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 2568" set on the north line of said City Block 23/6662 same being on the north line of Lot 23 of said Lake June Addition, at the southeast corner of a tract conveyed to Maria Solis by quitclaim deed recorded in County Clerk's File Number 201100320149, Official Public Records, Dallas County, Texas;

THENCE South 90° 00' 00" West, along the north line of said Lot 23 and the south right of way line of Paramount Avenue, same being the south line of said tract conveyed to Maria Solis, 279.00 feet to a 1/2 inch iron rod found for the northwest corner of said Lot 23, same being on the easterly edge of a tract called Lake June on said Lake June Addition;

THENCE North 22° 46' 57" West, along the edge of said Lake June tract, 54.23 feet to a 1/2 inch iron rod found for the southwest corner of said Lot 20;

THENCE North 90° 00' 00" East, 300.00 feet to the point of beginning, and containing 14,475 square feet, or 0.332 acres of land, more or less.

The basis of bearings is South 90° 00' 00" West, along the south right of way line of Paramount Avenue, according to the plat of Lake June Addition recorded in Volume 3, Page 371, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
XAVIER CHAPA
2568
PROFESSIONAL
LAND SURVEYOR

Xavier Chapa
05/06/2013

(FOR SPRG USE ONLY)
Reviewed By JL
Date 5-7-13
SPRG NO: 2299

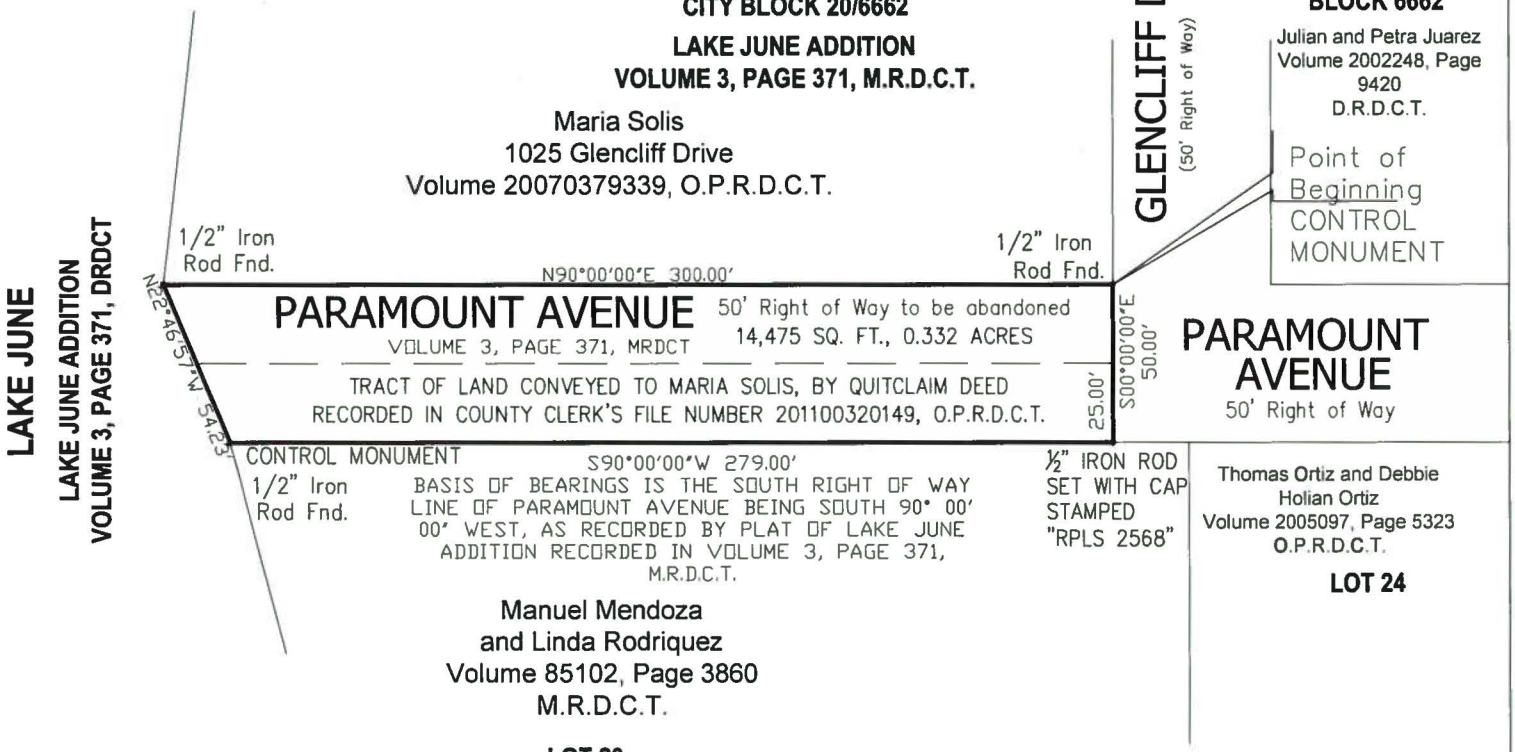
PORTION OF PARAMOUNT AVENUE ABANDONMENT
JOEL ROBERTS SURVEY, ABSTRACT NUMBER 1224,
BLOCK 20/6662 AND BLOCK 23/6662,
LAKE JUNE ADDITION
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

EXHIBIT A

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.



LEGEND:

O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS.

D.R.D.C.T.= DEED RECORDS, DALLAS COUNTY, TEXAS

M.R.D.C.T.= MAP RECORDS, DALLAS COUNTY, TEXAS

FND= FOUND

R.P.L.S.= REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS
REGISTERED
XAVIER CHAPA
2568
PROFESSIONAL
LAND SURVEYOR

Xavier Chapa
05/06/2013

(FOR SPRG USE ONLY)
Reviewed By JL
Date 5-7-13
SPRG NO: 2299

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.

AGENDA ITEM # 24

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	May 28, 2014
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Sustainable Development and Construction Water Utilities
CMO:	Theresa O'Donnell, 671-9195 Forest E. Turner, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize an amendment to Resolution No. 13-0866, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 67,685 square feet from Westley E. Raborn and Linda G. Raborn, located in Kaufman County for the Lake Tawakoni Pipeline Project – Not to exceed $89, increased from $41,750 ($38,750, plus closing costs and title expenses not to exceed $3,000) to $41,839 ($38,839, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes an amendment and substitution of Exhibit "A" for the conveyance of the Fee Simple Interest in the approximately 67,685 square feet of land for the Lake Tawakoni Pipeline Project.

The property owner refused access to survey the proposed area to be acquired. The Exhibit "A" of 67,530 square feet of land authorized by Resolution No. 13-0866 approved by Council on May 22, 2013 was based on a preliminary survey. The property owner has since allowed access and the current Exhibit "A" of 67,685 square feet of land is based on a certified survey of the proposed are to be acquired. The revised square footage also increased the offer amount authorized by Resolution No. 13-0866 from $38,750 to $38,839 for an increase of $89. Increase represents same cost per square foot based on prior offer amount.

All other provisions authorized by Resolution No. 13-0866 remain in full force and effect.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition by purchase and/or condemnation on May 22, 2013, by Resolution No. 13-0866.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $89

Resolution No. 13-0866	$41,750
Additional Amount (this action)	$ 89
Total Authorized Amount	$41,839

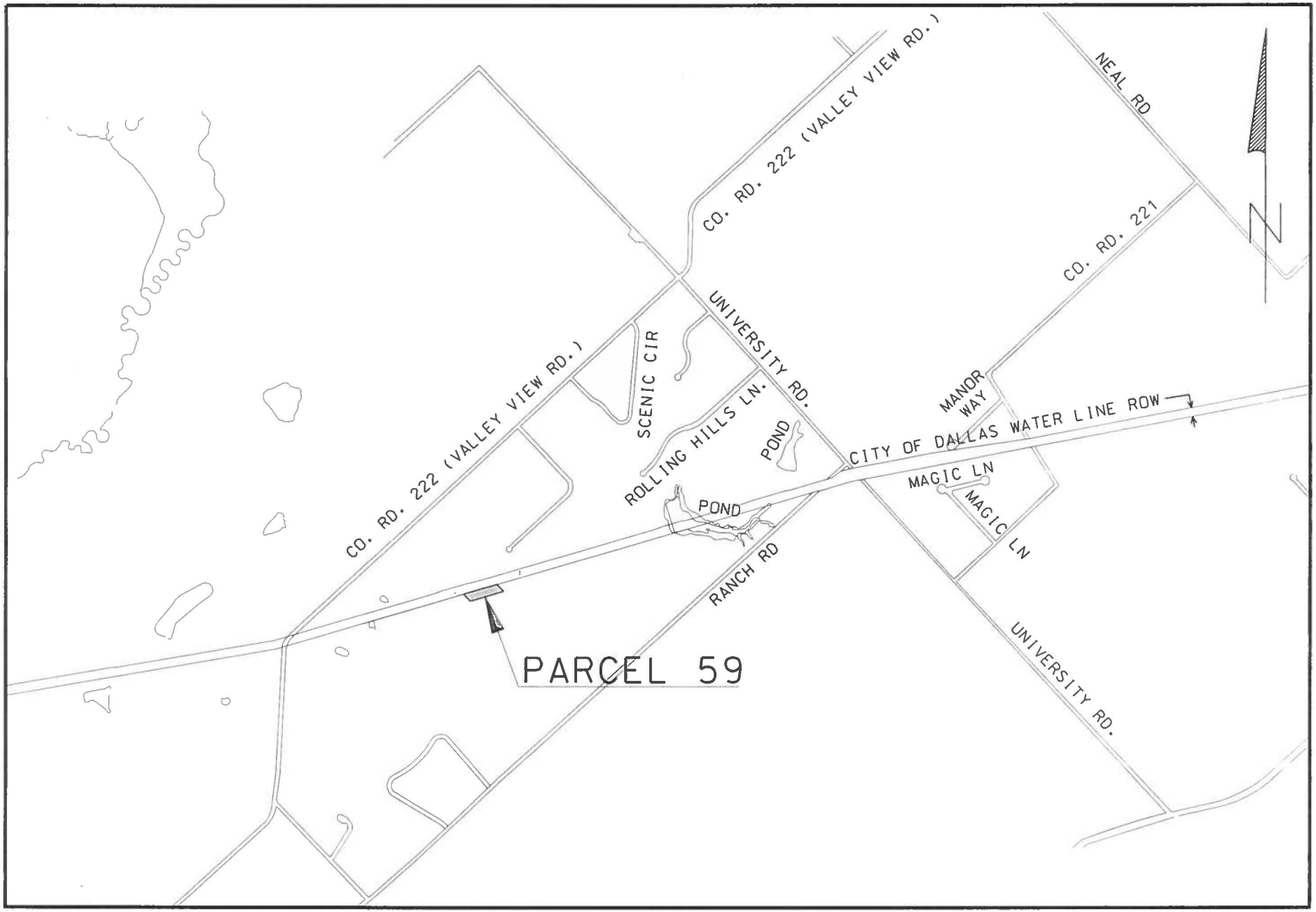
OWNERS

Westley E. Raborn

Linda G. Raborn

MAP

Attached



VICINITY MAP
APPROXIMATE SCALE 1"= 2000'

P:\0515-Lake Tawakoni\Parcel\ParcelsMap_59.dgn Plotted on 9/24/2013 at 7:33:31 AM By jason Project:City Of Dallas Plot Driver: dlepanter.pltcfg PenTable:dte.tbl

May 28, 2014

WHEREAS, on May 22, 2013, Resolution No. 13-0866 authorized the acquisition by purchase and/or condemnation, of approximately 67,530 square feet of land from Westley E. Raborn and Linda G. Raborn to facilitate the Lake Tawakoni Pipeline Project as therein described; and

WHEREAS, the City has determined that the 67,530 square feet of land described in Exhibit “A” of Resolution No. 13-0866, was based on a preliminary survey which has been found to exclude 155 square feet of the needed square area; and

WHEREAS, the City has since received a certified survey of the metes and bounds description of the acquisition parcel of 67,685 square feet of land being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, the change in the square footage of the land to be acquired also changed the offer amount from $38,750 to $38,839 based on an increase of 155 square feet of land for the acquisition of 67,685 square feet of land; and

WHEREAS, the City of Dallas desires to authorize the City Manager to acquire the parcel of land consisting of 67,685 square feet for $38,839 as provided in the form instrument described in Exhibit “B” attached hereto and which parcel is more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes; **Now, Therefore,**

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

SECTION 1. That Resolution No. 13-0866 is hereby amended to authorize acquisition by purchase and/or condemnation of the parcel consisting of 67,685 square feet of land as described in the revised Exhibit "A" attached hereto and made a part hereof for all purposes at the revised Purchase Amount set forth herein.

SECTION 2. The following definitions shall apply to this resolution:

“CITY”: The City of Dallas

"FIRST RESOLUTION”: Resolution No. 13-0866 approved by the Dallas City Council on May 22, 2013, to authorize the purchase of approximately 67,530 square feet of land in the amount of $41,750 ($38,750, plus closing costs and title expenses not to exceed $3,000).

"PROPERTY": Approximately 67,685 square feet of land in Dallas 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.

"PROJECT": Lake Tawakoni 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 here provided.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Westley E. Raborn and Linda G. Raborn, 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.

"REVISED PURCHASE AMOUNT": $38,839

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,000

"AUTHORIZED AMOUNT": $41,839

SECTION 3. That in the event this acquisition closes, the City Controller is 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 for the difference between the FIRST RESOLUTION amount and the REVISED PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041FZ - $89. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 4. All other provisions authorized by First Resolution remain in full force and effect.

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:
WARREN M. S. ERNST, 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: 59

BEING a 1.550 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being part of a called 18.09 acre tract of land described as "Tract II" in a Warranty Deed to Wesley Raborn and Linda Raborn, dated April 17, 1996 as recorded in Volume 1208, Page 233, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with brass disk stamped "City of Dallas" found in the east line of said "Tract II" and at the west corner of Lot 11A, of the Ridge Addition as recorded in Volume 7, Page 40, of the Plat Records of Kaufman County, Texas, (P.R.K.C.T.) and in the southeast line of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way at this point) as recorded in Volume 444, Page 466, D.R.K.C.T.;

THENCE South 46 degrees 16 minutes 03 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, and with the northeast line of said "Tract II" and the southwest line of said Ridge Addition, a distance of 145.21 to a 1/2-inch iron rod with cap set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the northeast line of said "Tract II" and the southwest line of said Ridge Addition, a distance of 520.68 feet to a 1/2-inch iron rod with cap set in the southwest line of said "Tract II" and the northeast line of a called 8.621 acre tract of land described as Tract "B", in a Special Warranty Deed to James A. Loven, dated September 24, 1984, as recorded in Volume 785, Page 872, D.R.K.C.T.;

THENCE North 46 degrees 15 minutes 07 seconds West, with the southwest line of said "Tract II" and northeast line of said "Tract B", a distance of 145.19 feet to a 1/2-inch iron rod with cap set at the north corner of said "Tract B" and in the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, departing the southwest line of said "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 520.64 to the POINT OF BEGINNING and containing 67,685 square feet or 1.550 acres of land, more or less.

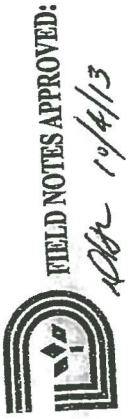


EXHIBIT A

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: 59

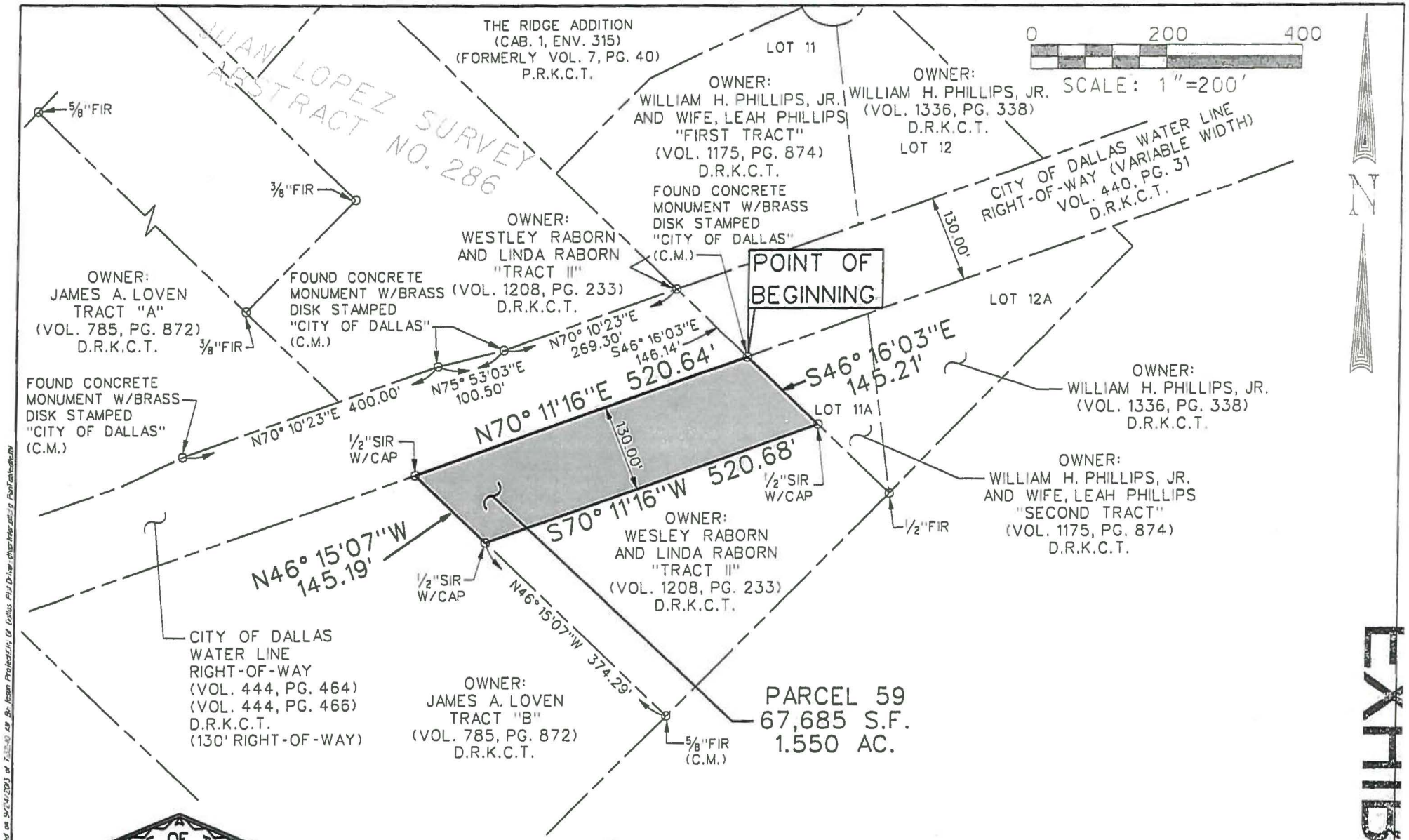
All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale 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: 9.25.13

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

9-25-13

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	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
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JUAN LOPEZ SURVEY, ABSTRACT NO 286
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:	SCALE: 1" = 200'	SHEET 3 OF 3

P:\05Files\eTexas\Parcel\PAR59.dgn Plotted on 9/24/2013 at 1:32:40 PM by Ryan Proctor in Dallas Flat Drive drive\Work\2013 Projects\Parcel\PAR59.dgn

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 Westley E. Raborn a/k/a Wesley E. Raborn and Linda G. Raborn, 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 THIRTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY-NINE AND 00/100 DOLLARS ($38,839.00) 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 _____, _____.

_____
Westley E. Raborn

_____
Linda G. Raborn

EXHIBIT B

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____

by Westley E. Raborn.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF KAUFMAN '

This instrument was acknowledged before me on _____

By Linda G. Raborn.

_____
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: Lisa Andrews

Warranty Deed Log No. 37380

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: 59

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THENCE South 46 degrees 16 minutes 03 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, and with the northeast line of said "Tract II" and the southwest line of said Ridge Addition, a distance of 145.21 to a 1/2-inch iron rod with cap set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the northeast line of said "Tract II" and the southwest line of said Ridge Addition, a distance of 520.68 feet to a 1/2-inch iron rod with cap set in the southwest line of said "Tract II" and the northeast line of a called 8.621 acre tract of land described as Tract "B", in a Special Warranty Deed to James A. Loven, dated September 24, 1984, as recorded in Volume 785, Page 872, D.R.K.C.T.;

THENCE North 46 degrees 15 minutes 07 seconds West, with the southwest line of said "Tract II" and northeast line of said "Tract B", a distance of 145.19 feet to a 1/2-inch iron rod with cap set at the north corner of said "Tract B" and in the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, departing the southwest line of said "Tract II" and with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 520.64 to the POINT OF BEGINNING and containing 67,685 square feet or 1.550 acres of land, more or less.

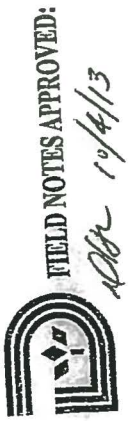

EXHIBIT A

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: 59

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: 9.25.13

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

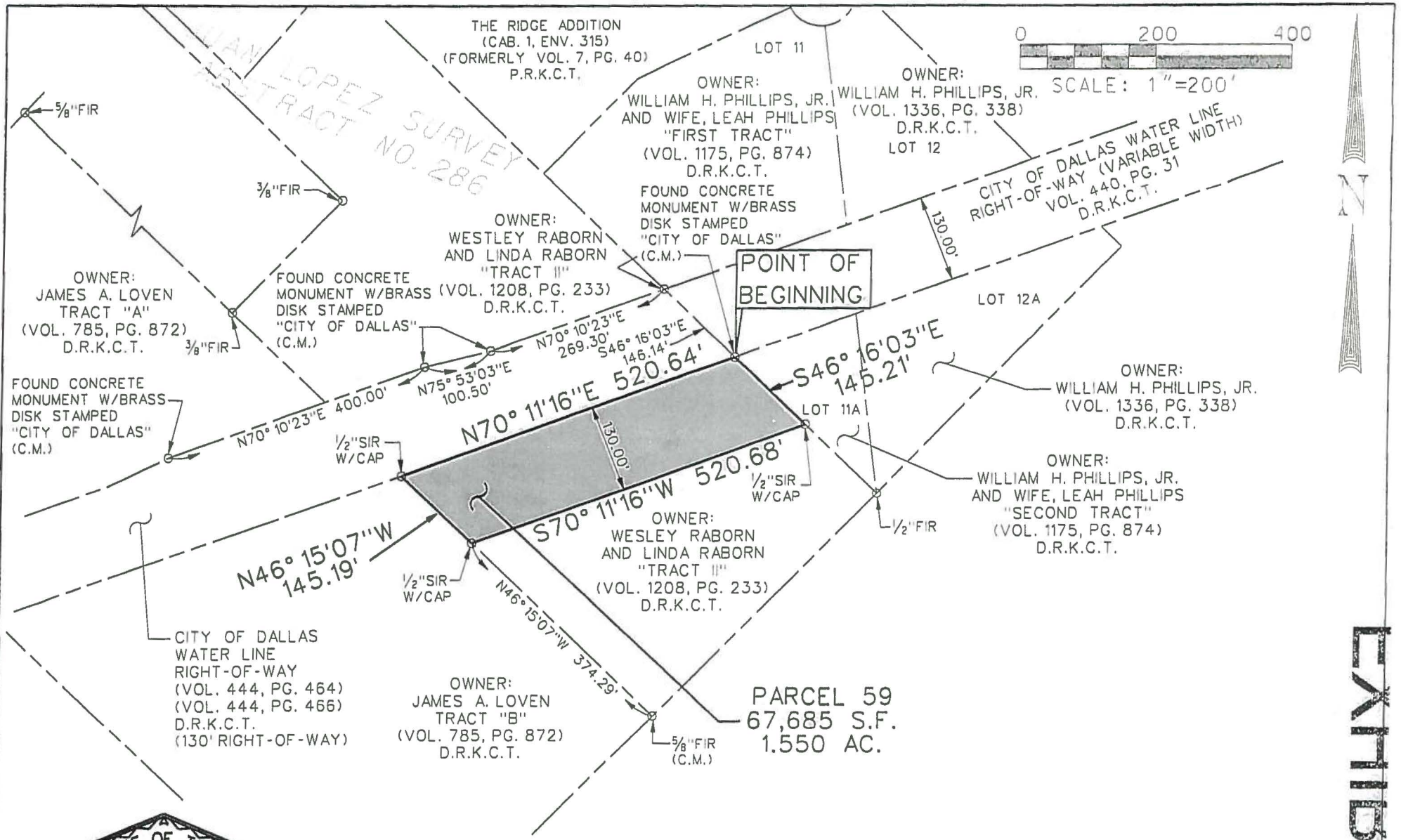

EXHIBIT A

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

9.25.13

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

LEGEND:

	S.F.	SQUARE FEET
	C.M.	CONTROL MONUMENT
O	FIR	FOUND IRON ROD
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EXHIBIT
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SITUATED IN THE
JUAN LOPEZ SURVEY ABSTRACT NO 286
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:	SCALE: 1" = 200'	SHEET 3 OF 3

P:\DGS\Data\Surveys\Parcel 59\Exhibit A Parcel 59.dgn Plotted on 9/24/2013 at 1:33:40 PM by Brandon Prater(DGS) Of Dallas, Fort Worth, Waterworks and Sewer System

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management
Public Works Department

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 44K L

SUBJECT

Authorize an increase in the contract with Jeske Construction Company for additional work associated with reconstruction of street paving and storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing - Not to exceed $180,942, from $1,787,566 to $1,968,508 - Financing: General Obligation Commercial Paper Funds ($162,518) and Stormwater Drainage Management Capital Construction Funds ($18,424)

BACKGROUND

The reconstruction of Morris Street from Sylvan Avenue to Topeka Avenue was included in the 2006 Bond Program. The Morris Street paving configuration changed to serve as a Sylvan Avenue to Canada Drive connector street. The connector street will include two-vehicle lanes, bicycle lanes and sidewalks.

A construction contract for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Morris Street from Sylvan Avenue to Canada Drive and for the channel lining of the Pavaho Pump Station Drainage Sump was authorized by City Council on December 11, 2013.

A majority of the original Sylvan Bridge was demolished and reconstructed overhead one bridge lane was left in place to serve as a low water crossing for access across the Trinity River for levee maintenance and also for the Skyline Trail which includes pedestrians and bicyclists.

An American Association of State of Highway Transportation Officials (AASHTO) standard railing has been designed by the City to accommodate pedestrian and bicycle users. Due to a lengthy approval process by TxDOT to change this railing design and construction delays by their construction contractor, the construction of this pedestrian railing will be added to the existing contract with Jeske Construction Company.

BACKGROUND (Continued)

This action will authorize Change Order No. 1 to the construction contract with Jeske Construction Company. The change order includes the reduction of bid quantities and seven new bid items for project close-out. Three new bid items (concrete retaining wall for the new concrete channel, rock berm for erosion control, and construction ramp best management practice) are associated with the Pavaho Pump Station Drainage Sump. Three additional new bid items (trench safety for soil excavation, water line lateral cap, and wastewater line cap) are for the Morris Street project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2009
Completed Design	December 2010
Began Construction	February 2014
Complete Construction	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc. for engineering services on November 10, 2008, by Resolution No. 08-3078.

Authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for engineering services on October 28, 2009, by Resolution No. 09-2644.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for engineering services on June 9, 2010, by Resolution No. 10-1507.

Authorized Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for engineering services on September 8, 2010, by Resolution No. 10-2294.

Authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for engineering services on June 22, 2011, by Resolution No. 11-1729.

Authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. for engineering services on August 8, 2012, by Resolution No. 12-1931.

Authorized a construction contract with Jeske Construction Company on December 11, 2013, by Resolution No. 13-2074.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - $4,118.00
2012 Bond Program (General Obligation Commercial Paper Funds) - $158,400.00
Stormwater Drainage Management Capital Construction Funds - $18,424.00

Design	$ 692,969.59
Supplemental Agreement No. 1	$ 86,099.24
Supplemental Agreement No. 2	$ 522,679.07
Supplemental Agreement No. 3	$ 354,856.20
Supplemental Agreement No. 4	$ 319,000.00
Construction	
Original Construction Award	$1,787,565.40
Change Order No.1 (this action)	$ 180,942.00
Total Project Cost	$3,944,111.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Hispanic Female	0	Hispanic Male	19
African-American Female	0	African-American Male	3
Other Female	0	Other Male	0
White Female	1	White Male	5

OWNER

Jeske Construction Company

Steve Jeske, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Jeske Construction Company for additional work associated with reconstruction of street paving and storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing - Not to exceed $180,942, from $1,787,566 to $1,968,508 - Financing: General Obligation Commercial Paper Funds ($162,518) and Stormwater Drainage Management Capital Construction Funds ($18,424)

Jeske Construction Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$179,642.00	99.28%
Non-local contracts	$1,300.00	0.72%
TOTAL THIS ACTION	$180,942.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Logan Trucking, Inc.	BMMB59568N1214	$1,000.00	0.56%
Flow Line Utilities, Inc.	HMMB60319N0215	$3,560.00	1.98%
Total Minority - Local		$4,560.00	2.54%

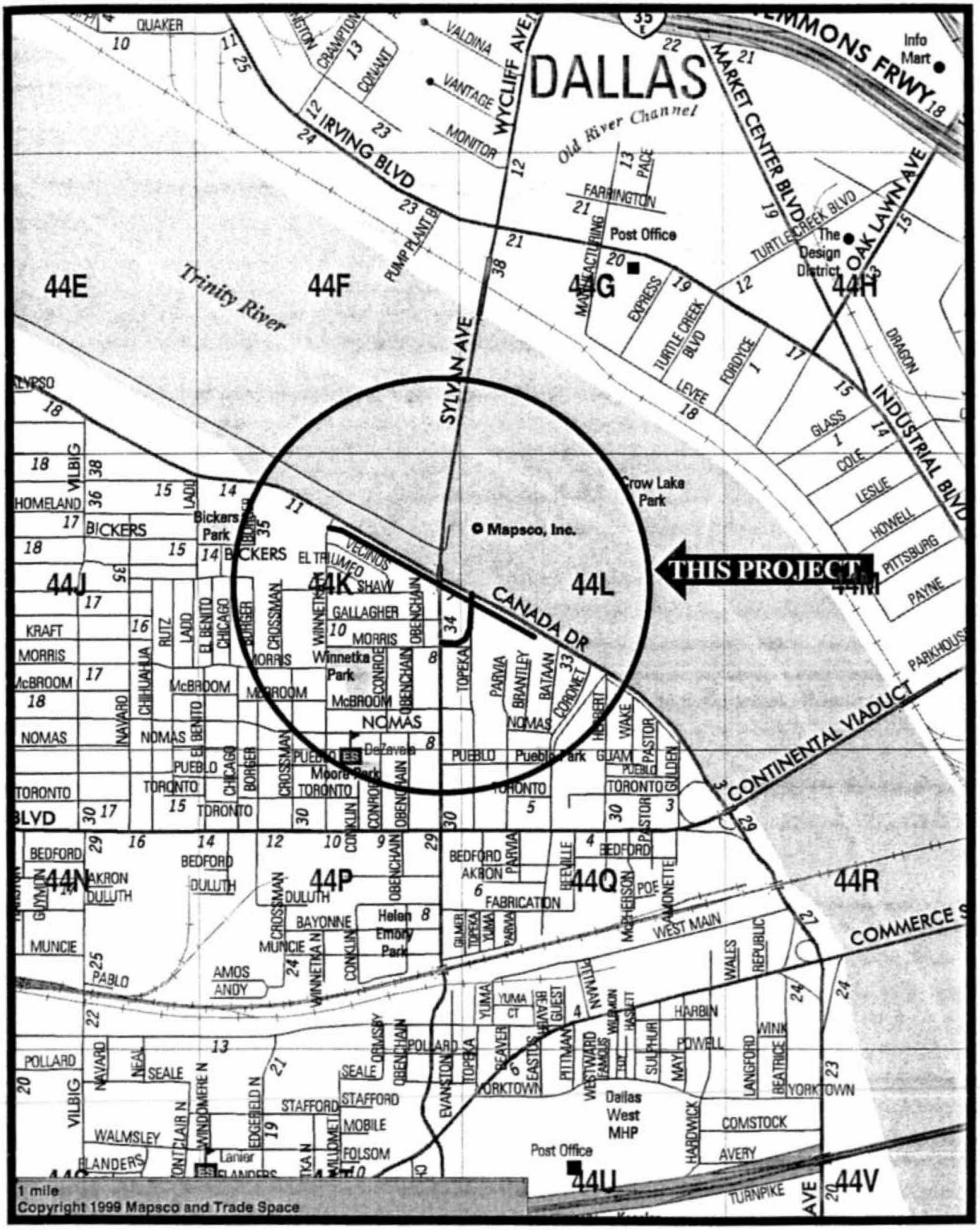
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Champion Fuel Solutions	WFDB57670Y0614	$1,300.00	100.00%
Total Minority - Non-local		$1,300.00	100.00%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$1,000.00	0.55%	$12,200.00	0.62%
Hispanic American	$3,560.00	1.97%	$385,668.20	19.59%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$1,300.00	0.72%	$55,069.50	2.80%
Total	$5,860.00	3.24%	$452,937.70	23.01%

MORRIS STREET FROM SYLVAN AVENUE TO CANADA DRIVE AND PAVAHO SUMP DRAINAGE CHANNEL LINING



MAPSCO 44K, L

WHEREAS, on November 10, 2008, Resolution No. 08-3078 authorized a professional services contract with Halff Associates, Inc. to create an integrated floodplain database, analyzing flood control alternatives for site specific locations, provide public outreach in flood prone areas, staff training, floodplain reviews and coordination with various entities regarding drainage, floodplain and permitting activities in the amount of $142,000.00; and,

WHEREAS, on October 28, 2009, Resolution No. 09-2644 authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of seven reconstruction projects in the amount of $550,969.59; and,

WHEREAS, on April 17, 2010, Administrative Action No. 10-1373 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for the Dallas Floodway System Emergency Action Plan in the amount of $24,800.00, increasing the contract from $142,000.00 to $166,800.00; and,

WHEREAS, on June 9, 2010, Resolution No. 10-1507 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for additional design and analysis for floodplain management assistance in the amount of $505,900.00, increasing the contract from $166,800.00 to $672,700.00; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2294 authorized Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for additional right-of-way/boundary survey and supplemental survey for easements and additional right-of-way for four street reconstruction projects in the amount of $61,299.24, increasing the contract from $550,969.59 to $612,268.83; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1729 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional floodplain management assistance in the amount of $310,000.00, increasing the contract from $672,700.00 to $982,700.00; and,

WHEREAS, on January 5, 2012, Administrative Action No. 12-0226 authorized Supplemental Agreement No. 2 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for additional drainage for Pueblo Street between Sylvan Avenue and Bataan Street in the amount of $16,779.07, increasing the contract from $612,268.83 to $629,047.90; and,

WHEREAS, on August 8, 2012, Resolution No. 12-1931 authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. for additional floodplain management assistance for an integrated floodplain database in the amount of $319,000.00, increasing the contract from $982,700.00 to $1,301,700.00; and,

May 28, 2014

WHEREAS, on September 25, 2012, Administrative Action No. 12-2625 authorized Supplemental Agreement No. 3 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for design of the drainage system for Boundbrook Avenue from Stillwater Drive to Woodbrook Drive and the reconstruction plans for the cul-de-sac pavement of Boundbrook Circle in the amount of $44,856.20, increasing the contract from $629,047.90 to $673,904.10; and,

WHEREAS, bids were received on October 3, 2013, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Morris Street from Sylvan Avenue to Canada Drive and for the channel lining of the Pavaho Sump Drainage as follows; and,

WHEREAS, on December 11, 2013, Resolution No. 13-2074 authorized a contract with Jeske Construction Company for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Morris Street from Sylvan Avenue to Canada Drive and for the channel lining of the Pavaho Sump Drainage in an amount not to exceed $1,787,565.40, this being the lowest responsible bid received as indicated by the tabulation of bids; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction contract with Jeske Construction Company for additional work associated with reconstruction of street paving, storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump, and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing in the amount of $180,942.00, increasing the contract amount from $1,787,565.40 to $1,968,507.40.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized Change Order No. 1 with Jeske Construction Company for additional work associated with reconstruction of street paving, storm drainage and water and wastewater main improvements for Morris Street from Sylvan Avenue to Canada Drive and for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing in the amount of $180,942.00, increasing the contract amount from $1,787,565.40 to $1,968,507.40.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 2T22, Dept. PBW, Unit U314, Act. SREC Obj. 4510, Program No. PB06U314, CT PBW06U314C1 Vendor #083791, in an amount not to exceed	$ 4,118.00
Street and Transportation Improvement Fund Fund 2U22, Dept. PBW, Unit S624, Act. HIBT Obj. 4510, Program No. PB12S624, CT PBW06U314C1 Vendor #083791, in an amount not to exceed	$158,400.00
Storm Drainage Capital Construction Fund Fund 0063, Department SDM, Unit 4793, Act. SD01 Obj. 4599, Program No. SDMFC004, CT SDM4793BM05 Vendor #083791, in an amount not to exceed	$ 18,424.00
Total amount not to exceed	$180,942.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 2, 4

DEPARTMENT: Water Utilities
Trinity Watershed Management

CMO: Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299

MAPSCO: 45 T X

SUBJECT

Authorize an increase in the contract with S. J. Louis Construction of Texas - Southland Contracting, JV, for additional work associated with the proposed East Bank-West Bank Interceptor Connection - Not to exceed $5,001,590, from $20,623,401 to $25,624,991 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The East Bank-West Bank (EB-WB) Wastewater Interceptor Connection is required to improve the reliability and functionality for transfer of wastewater from the Cadiz Pump Station receiving interceptors into the Central Wastewater Treatment Plant. The East Bank-West Bank Interceptor Connection has been in the planning since the early 2000's. The construction of this project is part of the eventual decommissioning of the Cadiz Pump Station. (The Cadiz Pump Station, constructed in the 1950's, receives wastewater from an interceptor pipeline that serves downtown, uptown, and the Love Field area of Dallas and pumps it under the Trinity River to the Central Wastewater Treatment Plant (CWWTP) for treatment. The flows account for approximately two-thirds of the wastewater produced by Dallas.)

As shown on the attached location map, the EB-WB project consists of the installation of approximately 3,360 feet of 78-inch wastewater main, and 3,340 feet of 96-inch wastewater main by tunneling method and connection to an existing 120-inch diameter wastewater interceptor located within the Dallas floodway. The tunnel for the 96-inch interceptor was completed in January 2012. Soon thereafter, a final inspection was conducted and it was discovered that a portion of the tunnel ceiling collapsed between the river and the East Levee. The area was immediately filled with cementitious grout, which secured the site. As added precaution, the tunnel section under the East Levee was also filled with grout to ensure the stability of the tunnel.

BACKGROUND (Continued)

To complete construction activities for both tunnels, the City has obtained a Section 408 Permit from the U.S. Army Corps of Engineers (Corps). The requirements of the permit include the construction of an underground slurry cutoff wall, installation of steel liner plate support for both tunnels under the levee, and the realignment of the second tunnel to avoid the area of the first tunnel ceiling collapse.

The cutoff wall was completed in January 2014, which provides an additional factor of safety for the East Levee. Currently, S. J. Louis Construction is re-mining through the grouted section of the first tunnel. Approximately 557 feet of the first tunnel has been re-mined and supported with steel liner plates, leaving an additional 93 feet for the completion of the re-mining efforts. Once the first tunnel is completely re-mined, the City will grout the area above the tunnel for additional remediation. The City desires to complete the re-mining and grouting efforts by the end of August 2014. Following the grouting efforts, the City will begin the second tunnel. The entire project is expected to be complete by the end of 2015.

The conditions encountered during the re-mining efforts are being closely tracked and monitored by the City as well as the Corps. Extensive monitoring efforts and surveys have been undertaken by the City and contractor since the tunnel was compromised in January 2012. No significant ground movement has been detected and, more importantly, no movement of the levee has been detected throughout the course of the project. These efforts will continue until the EB-WB Interceptor project has been completed.

During the course of the East Bank-West Bank project, construction of the Texas Department of Transportation (TxDOT) Horseshoe ensued. The Horseshoe project improvements and work zone significantly impact the constructability of the second tunnel. A new mining shaft is required to help facilitate the tunneling activities by the City contractor while TxDOT's design builder continues construction of the new bridge decks.

This item will authorize an increase in the contract with S. J. Louis Construction of Texas – Southland Contracting, JV. This includes additional costs associated with the use of steel liner plates as additional tunnel support under the levee foundation, the realignment of the second tunnel further away from the first tunnel, and a new mining shaft to facilitate construction of TxDOT's Horseshoe project.

BACKGROUND (Continued)

This increase in the contract will allow the City of Dallas to complete the re-mining and grouting efforts of the first tunnel by August 2014. Completion of these efforts in a timely manner is extremely critical as the EB-WB project is mentioned as one of the key focal points in the Corps' Periodic Inspection #10 Dallas Floodway Levee system report. In addition, the City of Dallas has formally requested an extension of PL 84-99 from May 31, 2014 to May 31, 2015 to ensure the Dallas Floodway Levee System remains in compliance while addressing the requirements for PL 84-99. This will provide the Corps the legal authority to conduct emergency preparation, response and recovery activities to supplement local efforts in the repair of flood damage reduction projects that are damaged by floods. The Corps is planning to brief the Transportation and Trinity River Project Committee on June 9, 2014 regarding Periodic Inspection #10.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	January 2011
Complete Construction	December 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Chiang, Patel & Yerby, Inc. to provide emergency engineering services for the Cadiz Pump Station improvements and to perform a feasibility study for the construction of a new pump station at the Central Wastewater Treatment Plant, on January 24, 2001, by Resolution No. 01-0324.

Authorized Supplemental Agreement No. 1 to the professional services contract with Chiang, Patel, & Yerby, Inc. to provide interim reliability improvements for the Cadiz Pump Station and the Central Wastewater Treatment Plant feasibility study on May 12, 2004, by Resolution No. 04-1536.

Authorized Supplemental Agreement No. 2 to the professional services contract with Chiang, Patel, & Yerby, Inc. to provide additional engineering services for the proposed East Bank-West Bank Interceptor Connection on January 14, 2009, by Resolution No. 09-0184.

Authorized Supplemental Agreement No. 3 to the professional services contract with CP&Y, Inc. f/k/a Chiang, Patel, & Yerby, Inc. to provide additional engineering services for the proposed East Bank-West Bank Interceptor Connection on October 13, 2010, by Resolution No. 10-2618.

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

Authorized a contract with S. J. Louis Construction of Texas - Southland Contracting, JV for the East Bank-West Bank Wastewater Interceptor Connection, from Cadiz Pump Station to existing 120-inch wastewater interceptor on October 13, 2010, by Resolution No. 10-2617.

Authorized Supplemental Agreement No. 4 to the professional services contract with CP&Y, Inc. f/k/a Chiang, Patel, & Yerby, Inc. for additional engineering services related to the construction of the East Bank-West Bank Wastewater Interceptor Connection on January 23, 2013, by Resolution No. 13-0195.

Authorized Change Order No. 2 with Magnus Pacific Corporation for additional work associated with the installation of an underground slurry cutoff wall on June 12, 2013, by Resolution No. 13-0982.

FISCAL INFORMATION

$5,001,590.00 - Water Utilities Capital Improvement Funds

Design	$ 1,539,000.00
Supplemental Agreement No. 1	$ 0.00
Supplemental Agreement No. 2	$ 156,535.00
Supplemental Agreement No. 3	$ 690,860.00
Supplemental Agreement No. 4	$ 1,038,877.00
Change Order No. 2 (PBW)	$ 1,975,000.00
Construction Contract	$20,623,401.00
Change Order No. 1 (this action)	$ 5,001,590.00
Total Project Cost	$31,025,263.00

Council District	Amount
2	$3,334,393.33
4	$1,667,196.67
Total	$5,001,590.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

S. J. Louis Construction of Texas - Southland Contracting, JV

Hispanic Female	8	Hispanic Male	206
Black Female	0	Black Male	7
Other Female	0	Other Male	3
White Female	10	White Male	94

OWNER

S. J. Louis Construction of Texas - Southland Contracting, JV

James Schuller, Owner
Frank Renda, Owner

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with S. J. Louis Construction of Texas - Southland Contracting, JV, for additional work associated with the proposed East Bank-West Bank Interceptor Connection - Not to exceed $5,001,590, from $ 20,623,401 to $25,624,991 - Financing: Water Utilities Capital Improvement Funds

S. J. Louis Construction of Texas - Southland Contracting, JV is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$40,000.00	0.80%
Non-local contracts	$4,961,590.00	99.20%
TOTAL THIS ACTION	$5,001,590.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

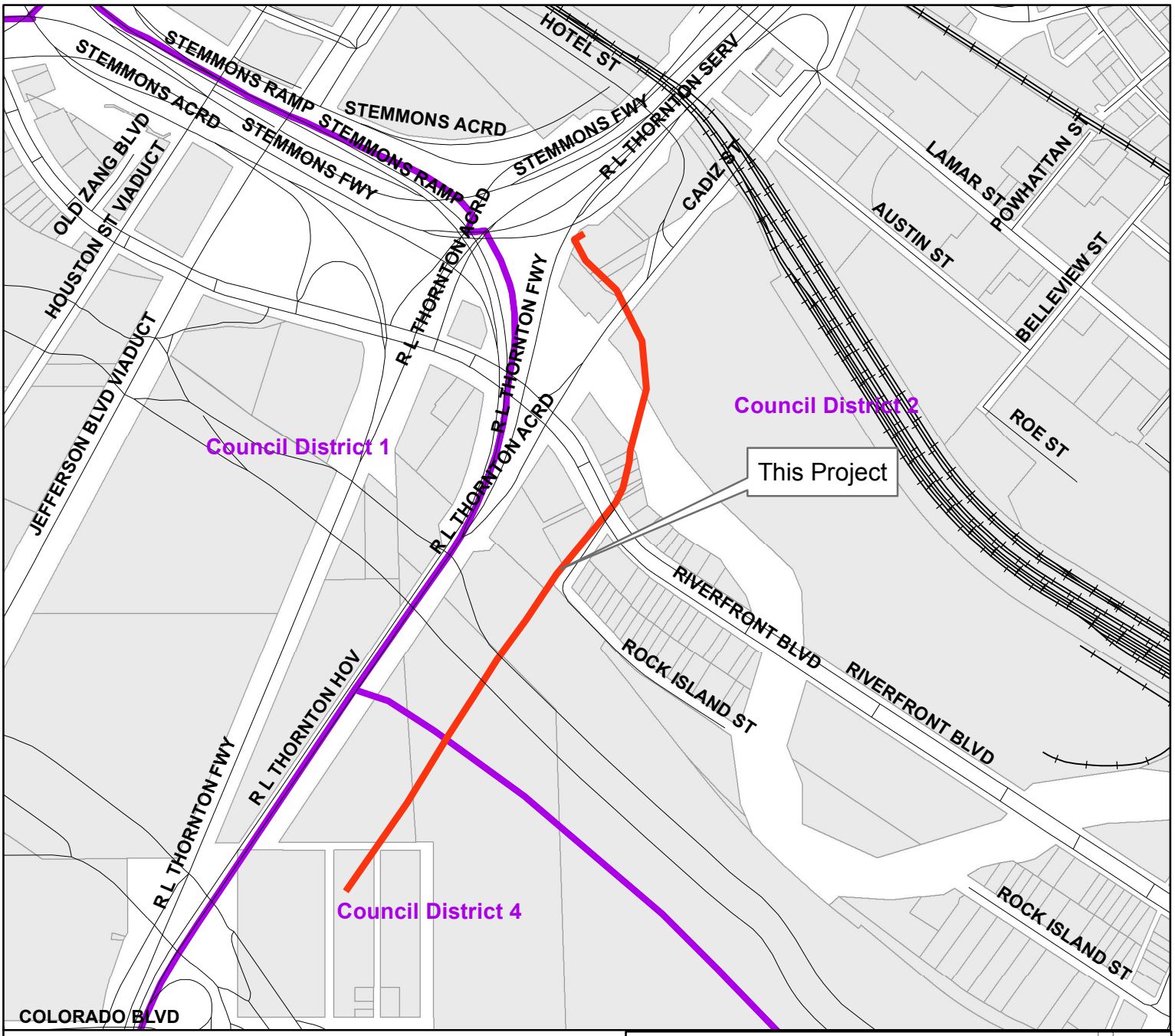
Local	Certification	Amount	Percent
Alliance Geotechnical Group, Inc.	BMDB59500Y1214	$40,000.00	100.00%
Total Minority - Local		$40,000.00	100.00%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
A.E.A. Transportation	HMDB61140Y0415	$25,000.00	0.50%
Total Minority - Non-local		$25,000.00	0.50%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$40,000.00	0.80%	$40,000.00	0.16%
Hispanic American	$25,000.00	0.50%	$31,000.00	0.12%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$5,000.00	0.02%
WBE	$0.00	0.00%	$5,145,000.00	20.08%
Total	$65,000.00	1.30%	$5,221,000.00	20.37%



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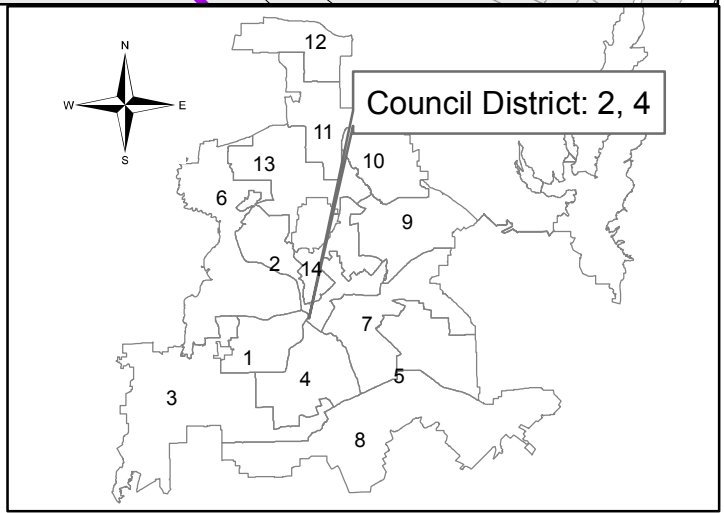


Dallas Water Utilities
Contract No. 09-160, Change Order No. 1
East Bank-West Bank Wastewater Interceptor Connection

May 28, 2014

WHEREAS, on October 13, 2010, the City Council awarded Contract No. 09-160 in the amount of $20,623,401.00, by Resolution No. 10-2617, to S. J. Louis Construction of Texas - Southland Contracting, JV, 520 South Sixth Avenue, Suite 100, Mansfield, Texas 76063 for the construction of the East Bank-West Bank Interceptor Connection from Cadiz Pump Station to the existing 120-inch wastewater interceptor; and,

WHEREAS, it is necessary to authorize Change Order No. 1 due to unforeseen conditions, for work associated with the installation of additional tunnel support and the modification of the project alignment and constructability; and,

WHEREAS, S. J. Louis Construction of Texas - Southland Contracting, JV has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 09-160 be increased by $5,001,590.00 from $20,623,401.00 to $25,624,991.00.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 09-160 with S. J. Louis Construction of Texas - Southland Contracting, JV be revised accordingly.

Section 2. That the City Controller is hereby authorized to pay the amount of $5,001,590.00 from the Wastewater Capital Improvement Fund as follows:

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE	VENDOR
2116	DWU	PS40	4560	709160	CT-DWU709160CP	VS0000056570

S. J. Louis Construction of Texas - Southland Contracting, JV - $5,001,590.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 47X

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Danyeal Garrett, of an unimproved tract of land containing approximately 6,247 square feet located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $13,500 ($10,500 plus closing costs and title expenses not to exceed $3,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 6,247 square feet from Danyeal Garrett. This property is located on Barber Avenue near its intersection with Dixon Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

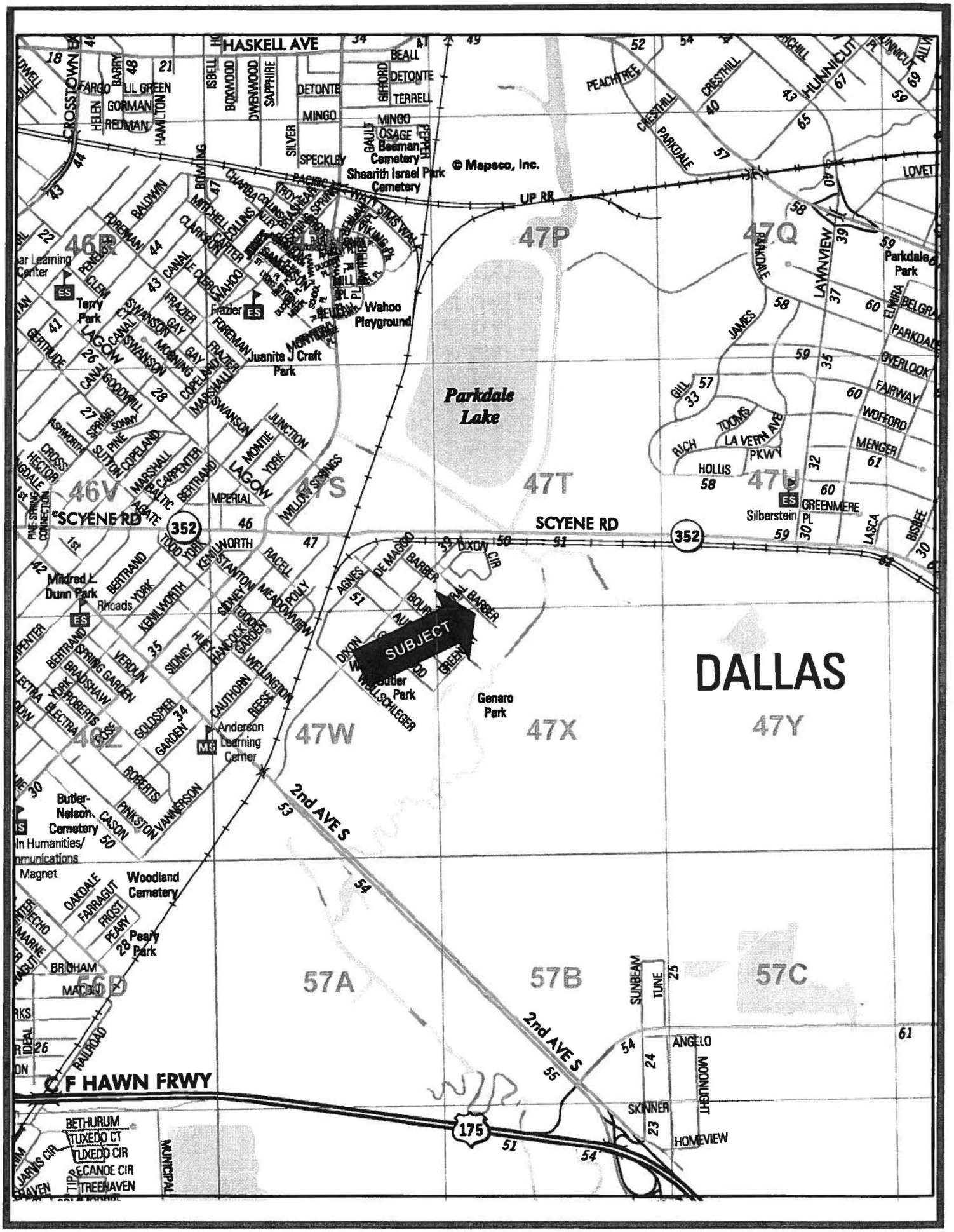
2006 Bond Funds - $13,500 ($10,500 plus closing costs and title expenses not to exceed $3,000)

OWNER

Danyeal Garrett

MAPS

Attached



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BARBER
DIXON
BARBER
MURAL
BOURQUIN
AUDREY
Area to be Acquired
N

May 28, 2014

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

“PROPERTY": Approximately 6,247 square feet of property 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”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

“USE”: The construction, installation, use, and maintenance of an outfall structure for the transmission of storm drainage, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Danyeal Garrett, 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.

"OFFER AMOUNT": $10,500.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed $3,000.00

"AUTHORIZED AMOUNT": $13,500.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525F6, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525F8. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, 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 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) 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 7. 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(s) or suit(s).

SECTION 8. 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 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for amount not to exceed the OFFER AMOUNT; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, 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; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed $3,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY _____
Assistant City Attorney

EXHIBIT A

PROPERTY ACQUISITION
City of Dallas Drawing No. 423R-54 (Parcel 152)
6,247 Sq. Ft. or 0.1434 Acres
Being a Part of Lot 12 City of Dallas Block 7/6122
South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From Danyeal Garrett

Being a 6,247 square feet or 0.1434 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being part of Lot 12 , Block 7 (Official City of Dallas Block Number 7/6122) of the South Dallas Gardens Addition, an Addition to the City of Dallas, Recoded by Plat in Volume 1, Page 448, of the Map Records of Dallas County, Texas, being all of that tract of land conveyed to Danyeal Garrett, by deed recorded in Instrument No. 20080301479 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a found "X" cut in concrete (Controlling Monument) being in the northwest Subdivision line of Sunny Acres Addition an addition to the City of Dallas, recorded by Plat in Volume 32, Page 175, of the Map Records of Dallas County, Texas, and the common Block line of Block B/7999 of said Sunny Acres Addition, and the northwest line of a 10 foot Easement dedicated by said Sunny Acres Addition, same being the southeast corner of Lot 29, of Block A/7999 of the Subdivision of Lots 29, 30, 31, Block A/7999 of the Thomas Lagow Survey, Abstract 759, a Subdivision in the City of Dallas, Texas, according to the map thereof recorded in Volume 34, Page 137 of the Map Records of Dallas County, Texas, said Lot 29, Block A/7999 conveyed to Cecil R. Alexander by Affidavit of Heirship recorded in Instrument No. 200900316373 of the Official Public Records of Dallas County, Texas, and being on the northeast line of Bourquin Street (40 foot Right of Way) dedicated by said Block A/7999 Subdivision and said Sunny Acres Addition, being the southwest corner of Lot 15, of said Block B/7999, conveyed to Rose Mary Hurst by General Warranty Deed recorded in Instrument No. 20070050664 of the Official Public Records of Dallas County, Texas;

THENCE North 42°22'50" East, along common line of said Block A/7999 and Block B/7999 and the northwest Subdivision line of said Sunny Acres Addition and the northwest line of said Easement, a distance of 130.78 feet, to the common corner of said Lot 29, Block A/7999, same being the northwest corner of said Lot 15, Block B/7999, and being the northwest corner of said Easement, being the northwest Subdivision corner of said Sunny Acres Addition, and being in the southwest subdivision line of said South Dallas Gardens Addition, being in the south line of Lot 11, of said Block 7/6122 of the South Dallas Gardens Addition and being in the southwest line of a tract of land conveyed to Eric Lamont Stephenson, by Deed recorded in Volume 2004079, Page 6619 of the Official Public Records of Dallas County, Texas;

THENCE North 47°51'00" West, departing the common northwest corner of said Sunny Acres Addition and said 10 foot Easement, and said Lot 15, Block B/7999 , along the southwest line of said Lot 11, Block 7/6122, and the common northeast line of said Lot 29, Block A/7999 and the common subdivision line of said CE Johnson Subdivision and said South Dallas Gardens Addition, a distance of 2.09 feet, being the southwest corner of said Lot 11, Block 7/6122, same being the most southerly corner of Lot 12, of Block 7/6122 of said South Dallas Gardens Addition, and being the most southerly corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument No. 201200167391 of the Official Public Records of Dallas County, Texas;

FIELD NOTES APPROVED:
DER 4/15/14

EXHIBIT A

PROPERTY ACQUISITION
City of Dallas Drawing No. 423R-54 (Parcel 152)
6,247 Sq. Ft. or 0.1434 Acres
Being a Part of Lot 12 City of Dallas Block 7/6122
South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From Danyeal Garrett

THENCE North 42°22'50" East, departing the north line of said Lot 29, Block A/7999 and the common subdivision line of said CE Johnson Subdivision and South Dallas Gardens Addition, and along the common line of said Lots 12 and 11, Block 7/6122, a distance of 229.07 feet, to a ½" iron rod set with a yellow cap stamped "SGI RPLS 3664", being in the common line of said Lots 12 and 11, Block 7/6122, and being the **POINT OF BEGINNING,** and being the southeast corner of said Garrett tract;

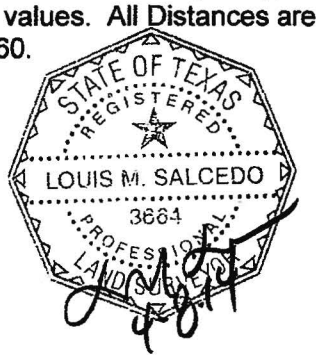
THENCE North 45°49'30" West, departing common line of said Lots 11 and 12, Block 7/6122 and along the common line of said Garrett tract and said Dallas tract, over and across said Lot 12, Block 7/6122, a distance of 50.00 feet, to a ½" iron rod set with yellow cap stamped "SGI RPLS 3664", being the southwest corner of said Garrett tract, and being an interior point of said Dallas tract;

THENCE North 42°22'50" East, along the common line of said Garrett tract, and said Dallas tract, over and across said Lot 12, Block 7/6122, a distance of 125.00 feet to a ½" iron rod set with yellow cap stamped "SGI RPLS 3664", being the most northerly corner of said Garrett tract, and being in the southwest line of Barber Avenue (30 foot Right of Way) Dedicated by said South Dallas Gardens Addition;

THENCE South 45°49'30" East, along the south line of said Barber Avenue, a distance of 50.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the northwest corner of said Lot 11, and being the northeast corner of said Garrett tract;

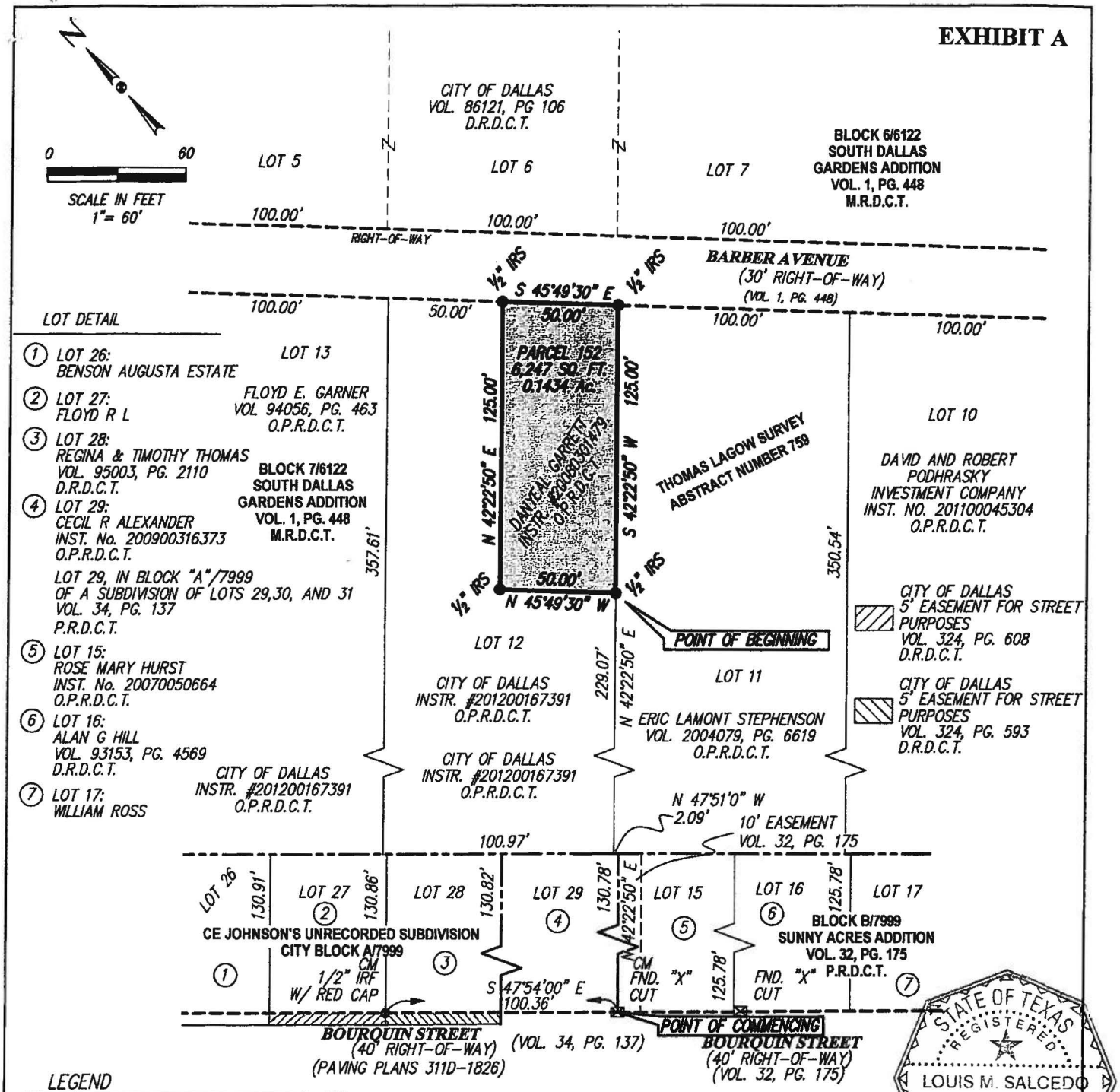
THENCE South 42°22'50" West, departing south from Barber Avenue along the east line of said Lot 12, same being the east line of said Lot 11, Block 7/6122, a distance of 125.00 feet, to the **POINT OF BEGINNING** and containing 0.1434 acres (6,247 square feet) of land, more or less.

BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



FIELD NOTES APPROVED:
DER 4/15/14

EXHIBIT A



LEGEND

VOL. XX PG. XX	VOLUME XX, PAGE XX
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 OF DALLAS COUNTY TEXAS
CM	CONTROLLING MONUMENT
⊠ "X" CUT	"X" CUT IN CONCRETE
● IRF	IRON ROD FOUND (SIZE NOTED)
● 1/2" IRS	1/2" IRON ROD SET WITH YELLOW CAP STAMPED " SGI RPLS 3664" (UNLESS OTHERWISE NOTED)

GENERAL NOTES

1. BASIS OF BEARING STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983. ALL COORDINATES ARE STATE PLANE ON GRID VALUES. ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR : 1.0001365060.

———	SUBDIVISION LINE
– – – –	EASEMENT LINE
– –Z– –	COMMON LOT LINE
———	RIGHT-OF-WAY LINE
———	PROPERTY LINE
———	PROPERTY AQUISITION

STATE OF TEXAS
REGISTERED
LOUIS M. SALCEDO
3664
PROFESSIONAL
LAND SURVEYOR

Sheet 3 of 3

PROPERTY ACQUISITION

CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 152)
6,247 Sq. Ft. or 0.1434 Acres
BEING A PART OF LOT 12, CITY OF DALLAS BLOCK 7/6122
SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From DANYEAL GARRETT

SGI Salcedo Group, Inc.
Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

AGENDA ITEMS # 29,30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 P T

SUBJECT

Fort Worth Avenue TIF District

* Authorize **(1)** a development agreement with Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., in an amount not to exceed $4,650,000, payable from future Fort Worth Avenue TIF District funds in consideration of the development of Cliff View in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and **(2)** the Fort Worth Avenue TIF District Board of Directors to dedicate up to $4,650,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed $4,650,000 - Financing: Fort Worth Avenue TIF District Funds (Subject to appropriations)
* A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd. for eligible expenditures pursuant to the development agreement up to $4,650,000 for certain improvements related to the development of Cliff View in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City

BACKGROUND

Henry S. Miller Company, through its affiliate HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., (“Owner”) proposes to build a new multi-family development northwest of the Belmont Hotel in the Fort Worth Avenue TIF District on the northeast and southeast quadrants of Seale Street and Willomet Avenue.

BACKGROUND (Continued)

The proposed development will include 318 rental residential units and a parking garage. This development will provide new residential space in an under-served portion of Southern and West Dallas.

The buildings are designed to fit into the hillside and to complement the existing single family neighborhoods, the Belmont Hotel, and the vision of the Fort Worth Avenue corridor. The developer has worked closely with the neighborhoods, the owner of the Belmont Hotel, the Fort Worth Avenue Development Group, and other nearby stakeholders. The development will incorporate wide sidewalks, street trees, a connection to the nearby trail system, and a terrace facing downtown.

The Owner will fund the entire project up front and will be reimbursed solely from the Fort Worth Avenue TIF District Fund, and/or Tax Increment Bonds, not City general funds or other City bond funds, only to the extent Fort Worth Avenue TIF District funds are available.

The total anticipated private investment, including acquisition, hard, and soft costs is approximately $45 million.

On April 15, 2014, the Fort Worth Avenue TIF Board recommended that TIF reimbursement, if and when funds are available, up to $4,650,000 from future Fort Worth Avenue TIF District revenues be dedicated or pledged to the proposed development. The TIF funding will be available for public infrastructure improvements including utility burial; parks, open space, trails, and gateways; environmental remediation; and affordable housing. The funding dedicated to park improvements is expected to offset a portion of the cost of improvements to the adjacent Stafford Park. TIF funding will begin to be available once the project is complete and all contingencies are satisfied. Expenditures may be shifted from one TIF-eligible category to another as long as the total amount of TIF funding does not exceed $4,650,000.

The minimum requirements for the agreement are:

- at least 250,000 square feet of residential space
- minimum private investment of $30,000,000 for building and land acquisition costs, site preparation, hard costs for construction, and related design/engineering soft costs.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	December 2014
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2007, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Fifteen, the Fort Worth Avenue TIF District, by Ordinance No. 26798, as amended.

On March 26, 2008, the City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Fort Worth Avenue TIF District by Ordinance No. 27129, as amended.

On April 15, 2014, the Fort Worth Avenue TIF District Board of Directors provided a recommendation to the City Council for project approval and authorization of a Development Agreement between the City and the Owner for the development of Cliff View in the Fort Worth Avenue TIF District and for authority to dedicate future TIF revenues up to $4,650,000 for certain TIF-eligible public infrastructure improvements.

On May 19, 2014, the Economic Development Committee was briefed regarding the proposed development agreements with the Owner.

FISCAL INFORMATION

$4,650,000 – Fort Worth Avenue TIF District Funds

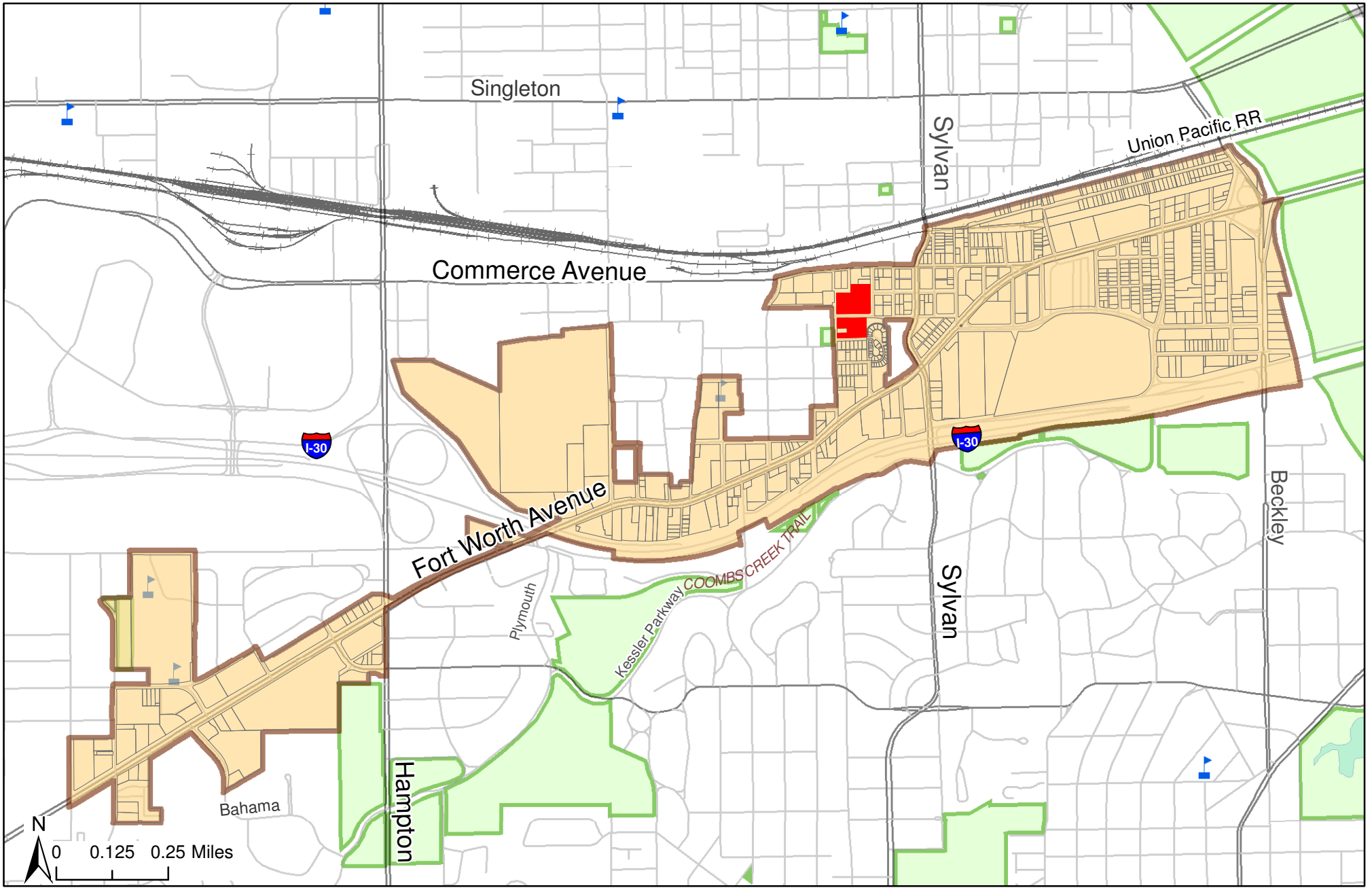
PROJECT COUNCIL DISTRICT

District 6

OWNER	DEVELOPER
HSM Multifamily Development LLC	**HSM Multifamily Development LLC**
William Bush Managing Director	William Bush Managing Director

MAP

Attached.



Fort Worth Avenue TIF District
Cliff View

Parks

Fort Worth Avenue TIF District

Cliff View

City of Dallas

Office of Economic Development
April 2014

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 13, 2007, the City Council authorized the creation of Tax Increment Reinvestment Zone Number Fifteen, (the "Fort Worth Avenue TIF District"), in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311) to promote development and redevelopment in the Fort Worth Avenue area through the use of tax increment financing by Ordinance No. 26798, as amended; and

WHEREAS, on March 26, 2008, the City Council authorized the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27129, as amended; and

WHEREAS, on April 15, 2014, the Fort Worth Avenue TIF District Board of Directors reviewed the proposed Cliff View project to be developed Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., (collectively "Owner") and recommended City Council consideration of a development agreement with the Owner and authority to dedicate future TIF revenues from the Fort Worth Avenue TIF District; and

WHEREAS, the creation of additional residential development in the core of the Fort Worth Avenue TIF District is necessary for the future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Fort Worth Avenue TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to the Owner for the construction of Cliff View development located on the property currently addressed at 2002, 2010, and 2120 North Willomet Avenue; 1020, 1024, and 1028 Seale Street; and 1019 and 1023 Stafford Avenue in the Fort Worth Avenue TIF District as described in **Exhibit A - Site Plan and Conceptual Elevations**.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute a development agreement between the Owner and the City of Dallas, on behalf of the Fort Worth Avenue TIF District, in an amount not to exceed $4,650,000 to provide funding for TIF-eligible project costs as shown in **Exhibit B.** These costs include, but are not limited to, design, engineering, construction management, and professional services for street, utility work, utility burial, streetscape, park and open space, trails, gateways, environmental remediation, affordable housing, and other public improvements in support of Cliff View to implement the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan, and the Fort Worth Avenue TIF Board of Directors may therefore pledge or dedicate future TIF revenues in satisfaction of this agreement.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That the City Controller is hereby authorized to encumber and disburse funds, subject to future appropriations, from:

Fort Worth Avenue TIF District Fund - Fund 0058, Department ECO, Unit P887, Activity FWTI, Object 4510, Program No. FWATIF0006, CT ECOP887H269-01, Vendor No. VS0000085360, in an amount not to exceed $2,275,837;

Fort Worth Avenue TIF District Fund - Fund 0058, Department ECO, Unit P887, Activity FWTI, Object 4599, Program No. FWATIF0006, CT ECOP887H269-02, Vendor No. VS0000085360, in an amount not to exceed $75,000;

Fort Worth Avenue TIF District Fund - Fund 0058, Department ECO, Unit P887, Activity FWTI, Object 3072, Program No. FWATIF0006, CT ECOP887H269-03, Vendor No. VS0000085360, in an amount not to exceed $25,000; and

Fort Worth Avenue TIF District Fund - Fund 0058, Department ECO, Unit P887, Activity FWTI, Object 3016, Program No. FWATIF0006, CT ECOP887H269-04, Vendor No. VS0000085360, in an amount not to exceed $2,274,163.

Total TIF funding: $4,650,000.

Section 4. That the Owner shall design, fund and/or construct public improvements to support the development of Cliff View. Up to $4,650,000 of the TIF-eligible project costs for Cliff View, a multi-family development proposed on the property currently addressed as 2002, 2010, and 2120 North Willomet Avenue; 1020, 1024, and 1028 Seale Street; and 1019 and 1023 Stafford Avenue in the Fort Worth Avenue TIF District, may be reimbursed from the Fort Worth Avenue TIF District Funds in accordance with the terms of the development agreement described in hereof, but only to the extent such Fort Worth Avenue TIF District funds are available for such purpose. No interest will be paid on this award since funds are not advanced to the City for these improvements.

Section 5. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Fort Worth Avenue TIF District Fund and/or Tax Increment Bonds.

Any funds expended under the development agreement that remain unpaid upon termination of the Fort Worth Avenue TIF District, due to lack or unavailability of Fort Worth Avenue TIF District Funds, shall no longer be considered project costs of the Fort Worth Avenue TIF District or the City and the obligation of the Fort Worth Avenue TIF District to pay the Owner shall automatically expire.

Section 6. That in addition to the conditions set out in the Sections above, the payment to the owner under the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

A. The Owner shall invest and document a minimum of $30,000,000 in private improvements in Cliff View, including all land and building acquisition, site preparation, construction hard costs, and related design/engineering soft costs.

B. Cliff View shall contain a minimum of 250,000 square feet of residential space.

C. For a period of fifteen (15) years from the date Owner receives the final CO for the residential portion of the Project ("Affordability Period"), a minimum of 20% of the units in Cliff View shall meet the affordability requirements of the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan and the City of Dallas Tax Increment Finance Districts Mixed Income Housing Guidelines **(Exhibit C)**. In addition, the affordable units must be dispersed by unit type and location, and they must be comparable in amenities and finish outs to the market rate units. The Project shall follow all requirements in the federal Fair Housing Act, as amended. In the case that Cliff View is sold to another entity, the affordability requirement shall be impressed upon the property by deed restriction and conveyed in the sale contract. This requirement shall be carried through to additional sales, if any.

Section 6. (Continued)

D. The Owner will obtain a building permit for the construction of Cliff View by December 31, 2014. Owner shall submit to the Director of the Office of Economic Development copies of said building permits no later than 30 days after their issuance. Demolition permits and/or foundation permits alone will not fulfill this requirement.

E. The Owner will use reasonable efforts to obtain a final certificate of acceptance issued by the City for the public improvements by December 31, 2016.

F. The Owner shall complete construction and obtain a final certificate of occupancy for the residential portion of the Project by December 31, 2016.

G. The Owner will execute and fund an Operating and Maintenance Agreement for all non-standard public improvements, including trash pickup, by December 31, 2016. Compliance with the executed operating and maintenance agreement shall be required of all future owners for the entire period of the Operating and Maintenance Agreement. If Owner chooses to forgo the TIF Subsidy, or defaults on its obligations, Owner shall remain responsible for the maintenance of the non-standard public improvements through the term of the operation and maintenance agreement. Any assignment of Owner's maintenance obligations under the development agreement (and the operation and maintenance agreement) to another entity shall require the prior approval of the Director, which shall not be unreasonably withheld.

H. In addition to complying with a Business Inclusion and Development ("BID") goal of 25% for the TIF reimbursable improvements, the Owner shall make a good faith effort to achieve a goal of certified minority/women-owned business enterprise (M/WBE) participation for the private improvement construction of 10% of total private expenditures, (this amount is based on the total proportion of TIF financial participation in the project) and meet all reporting requirements for each.

I. Cliff View shall be marketed pursuant to an Affirmative Fair Housing Marketing Plan approved by the City.

J. Beginning on September 30, 2014 and until the Project has received a final certificate of occupancy for the multi-family development, and all required paperwork has been submitted, Owner shall submit to the Director of the Office of Economic Development a quarterly status report for ongoing work on Cliff View, as well as public improvements. Such status reports will be due at the end of each calendar quarter. **(Exhibit D – Quarterly Project Status Report)**.

Section 6. (Continued)

K. The Owner shall construct public and private improvements that substantially conform in design and materials shown in elevations and site plans/landscape plans approved by OED staff and the Fort Worth Avenue TIF Board. Significant changes to the surrounding streets, including changes to sidewalk widths, street tree configuration, and parking configuration, shall be subject to subsequent staff and TIF board review and approval. Allowable minor modifications include those required for conformance with Department of Development Services requirements. Cliff View shall be consistent in general form and character with the conceptual designs as shown in **Exhibit A - Site Plan and Conceptual Elevations**. Designs shall include the following specific elements:

(1) Sidewalks shall have a clear walking width of 7 feet.

(2) The Project shall incorporate the use of integrated storm water management techniques throughout the site as a method of managing storm water runoff.

(3) Ground level units along Willomet Avenue should be designed to utilize the proposed setback as front yard areas for the individual units as a means to further integrate into the form and organization of the neighborhood.

(4) The majority of residential units on the ground floor facing a public street, private street, or green space shall have direct access (i.e. a door) to the public street, private street, or green space.

(5) Exposed garage faces should be visually integrated into the development through facade articulation and materials. Final screening material specifications shall be submitted to the Design Studio prior to construction.

(6) The utilities on the site shall be buried.

(7) The patio railings and walls should be designed to encourage transparency.

(8) Site furnishings shall include multiple bike racks, including both secure on-site bike parking (such as in a garage) and bike racks available to visitors.

Section 6. (Continued)

(9) A set of permit drawings shall be submitted to the Dallas CityDesign Studio, Dallas City Hall room 2B north, for internal review at time of submittal to ensure compliance to Urban Design Peer Review Process recommendations and responses.

(10) Developer shall submit a set of pedestrian lighting plans for review and approval by the City.

L. Owner shall provide evidence that reasonable efforts were made to promote the hiring of neighborhood residents for any new jobs created.

M. Any assignment of the development agreement shall require approval of the Director of the Office of Economic Development, which approval shall not be unreasonably withheld.

Section 7. That Fort Worth Avenue TIF District funds are allocated to projects proportionately, dependent on the portion of the increment created by the project and other projects in the District by the same developer. In compliance with the adopted Fort Worth Avenue TIF District Increment Allocation Policy **(Exhibit E – Fort Worth Avenue TIF District Increment Allocation Policy)**, each year, after administrative fees have been paid and funds are set aside for district-wide improvements, the Owner will be eligible to receive the portion of the increment that Cliff View creates and a pro rata portion of Shared Increment, (if any).

Section 8. That the Director of the Office of Economic Development, after approval and recommendation of the Fort Worth Avenue TIF District Board of Directors, may authorize minor modifications to the project including development mix, design elements, and/or an extension of the project deadlines up to 6 months.

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.

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

Table of Contents

- Section 1: Site Plans & Data
- Section 2: Landscape Plans
- Section 3: Facade Material Board
- Section 4: 3D Project Views
- Section 5: Project Sections

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 1: SITE PLANS AND DATA

Exhibit A

Subarea A Project Data					
Site Area	77,146 SF	1.77 AC			
Building One	**GSF**	**Efficiency Factor**	**NRSF/Floor**	**Average Unit Size**	**Unit Count**
Apartment Level 1 - With Leasing/Amenity	8,333	1.4	5,952	850	7
Apartment Level 2	15,800	1.18	13,390	850	16
Apartment Level 3	15,800	1.18	13,390	850	16
Totals	39,933		32,732		39
Building Two					
Level 1 - Townhome Style Units L1	1,250	1.47	850	2,100	2
Level 2 - Townhome Style Units L2	1,250	1	1,250		
Totals	5,000		4,200		2
Building Three					
Level 1 - Townhome Style Units L1	1,250	1.47	850	2,100	4
Level 2 - Townhome Style Units L2	1,250	1	1,250		
Totals	10,000		8,400		4
Building Four					
Level 1 - Townhome Style Units L1	900	11	84	984	3
Level 2 - Townhome Style Units L2	900	1	900		
Totals	5,400		2,952		3
Tract Totals	**60,333**		**48,284**		**48**
Lot Coverage Area	**20,800**				
Lot Coverage	**30%**				
Floor Area Ratio	**0.78**				

Subarea A Parking Data		
Desired Parking Ratio	1.3	Spaces/Unit
Spaces Desired for Subarea B	63	Spaces
On-Site Surface Parking Spaces	38	Spaces
Subarea B Townhome Garages	21	Spaces
Total Spaces Provided Per Code	59	Spaces
On-Site Parking Ratio Parking Ratio	1.23	Spaces/Unit
Additional Off-Site Street Parking	16	Spaces
Total Parking Including Off-Site Spaces	75	Spaces
Total Parking Ratio	1.56	Spaces/Unit

Subarea B Project Data		
Site Area	117,117 SF	2.69 AC

Subarea B Project totals	GSF	NRSF	Unit Count
Building 1	35,150	29,110	32
Buidling 2	31,000	25,593	30
Buidling 3	74,000	62,712	73
Buidling 4	87,400	74,068	87
Buidling 5	27,500	23,305	27
Buidling 6	22,000	18,644	21
Tract Totals	**277,050**	**233,432**	**270**
Lot Coverage Area	**73,400**		
Lot Coverage	**63%**		
Floor Area Ratio	**2.37**		

Subarea B Parking Data		
Desired Parking Ratio	1.5	Spaces/Unit
Spaces Desired for Subarea B	405	Spaces
Subarea B Garage	61	Spaces/Level
Garage Levels	7.50	Levels
Garage Spaces	428	Garage Spaces
On-Site Surface Parking Spaces	12	Spaces
Actual Parking Ratio	1.58	Spaces/Unit
Total Spaces Provided Per Code	440	Spaces
Additional Off-Site Street Parking	17	Spaces
Total Parking Including Off-Site Spaces	457	Spaces

Combined Project Data	
Site Area	194,263
Gross Square Feet	337,383
Net Rentable Square Feet	281,716
Unit Count	318
Overall Average SF/Unit	886
Parking Totals	
Garage Spaces	449
Onsite Surface Spaces	71
Total Onsite Spaces	520
Total Onsite Spaces Per Unit	1.63
Offsite Spaces	33
Total Spaces Including Offsite Parking	553
Total Spaces Per Unit	1.74
Total Lot Coverage Area	94,200
Total Lot Coverage	48%
Total Floor Area Ratio	1.74

CONCEPTUAL SITE PLAN

Cliff View
Dallas, Texas

HENRY S. MILLER

*This plan is conceptual and is subject to minor modification. Placement of amenities is general and may be modified in final design and/or construction due to on-site factors and coordination.

0 50 100 200 Feet

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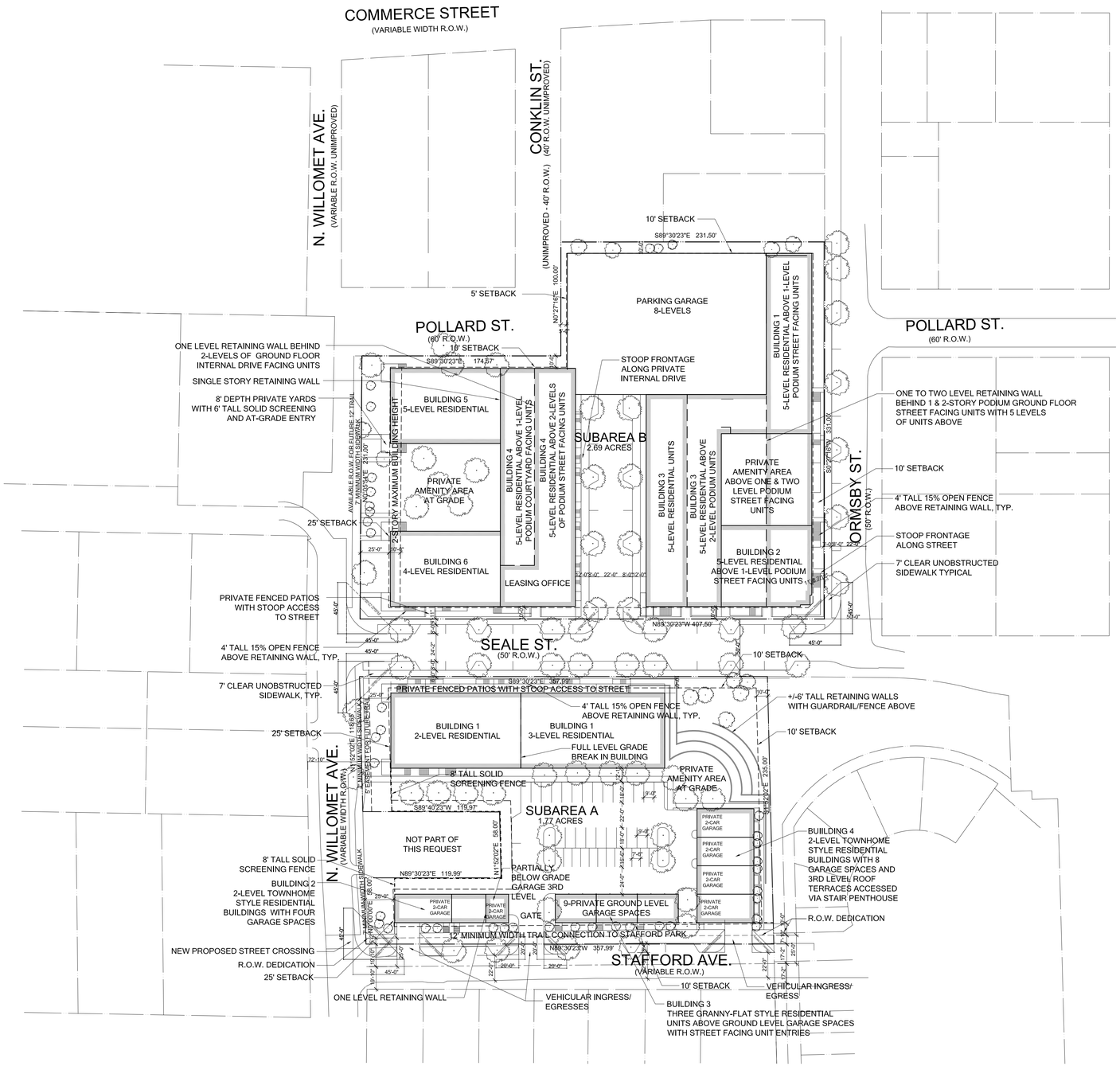
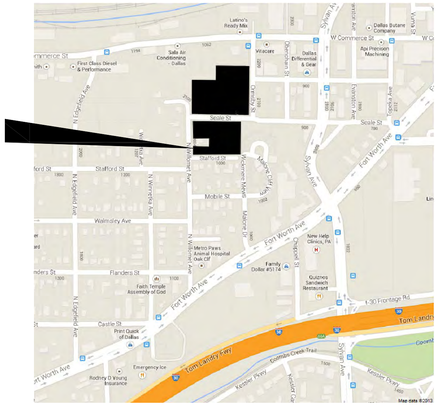
Job #: 13266.00 File Name: Cliff View_Site Plan Date: 03/29/2014 Drawn by: ELB, LJB, RW

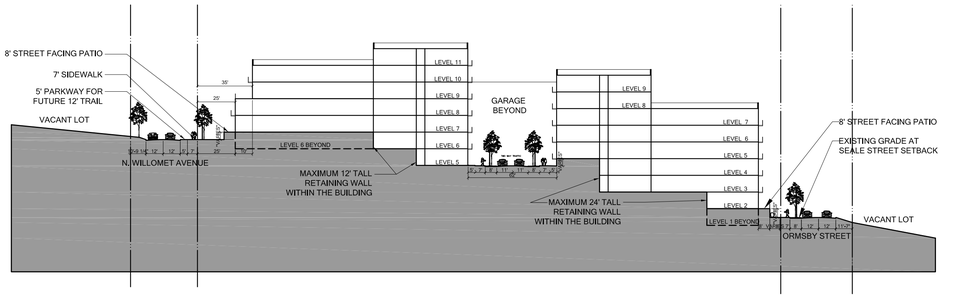
Exhibit A



Project Data Table		
Subarea A	77,146 SF	1.77 AC
Minimum Front Yard Setback	10'	
Minimum Side Yard Setback	10'	
Minimum Rear Yard Setback	10'	
Max Lot Coverage	35%	
Max Floor Area Ratio	1.0:1	
Max Units	52 Units	
Maximum Height	3 Levels	
Subarea B	117,117 SF	2.69 AC
Minimum Front Yard Setback Typical	10'	
Minimum Front Yard Setback on Conklin	5'	
Minimum Side Yard Setback	10'	
Minimum Rear Yard Setback	10'	
Max Lot Coverage	75%	
Max Floor Area Ratio	2.75:1	
Max Units	274 Units	
Maximum Residential Height	7 Levels	
Maximum Garage Height	8 Levels	
Combined	194,263 SF	4.46 AC
Max Lot Coverage	60%	
Max Floor Area Ratio	2.0	
Max Density	326 Units	

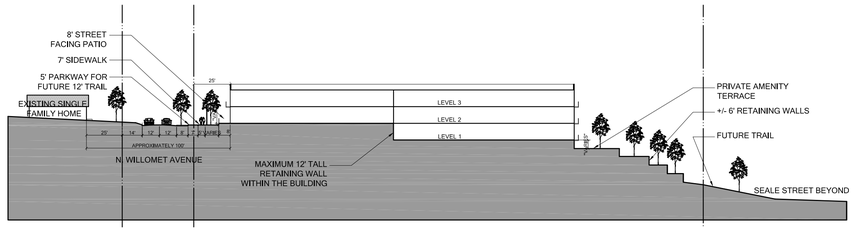


VICINITY MAP
N.T.S.



EAST/WEST SECTION DIAGRAM ACROSS SUBAREA B BUILDING 1 & 2

SCALE: 1"=50'-0"



EAST/WEST SECTION DIAGRAM ACROSS SUBAREA A BUILDING 1

SCALE: 1"=50'-0"

DEVELOPMENT PLAN

Cliff View Apartments
Dallas, Texas

Job #: 13266.00
File Name: Cliff-View-Development-Plan-2014-4-11.dwg
Date: 4.11.2014
Drawn by: ELB, ZLF, RW

Masterplan
Since 1914

NORTH

0 50 100 200 Feet
SCALE: 1"=50'-0"

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Z 134 - 145

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 2: LANDSCAPE PLANS

Exhibit A

POLLARD STREET

ORMSBY STREET

SEALE STREET

N. WILLOMET AVE.

STAFFORD AVE.

LANDSCAPE PLAN

Cliff View Apartments
Dallas, Texas

*THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAYBE BE MODIFIED IN FINAL DEISGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORS AND COORDINATION.

*TREES, SHRUBS, AND GROUNDCOVER TO BE SELECTED FROM ARTICLE 10 CITY APPROVED LISTINGS

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

Since 1914

NORTH

scale: 1" = 30'-0"

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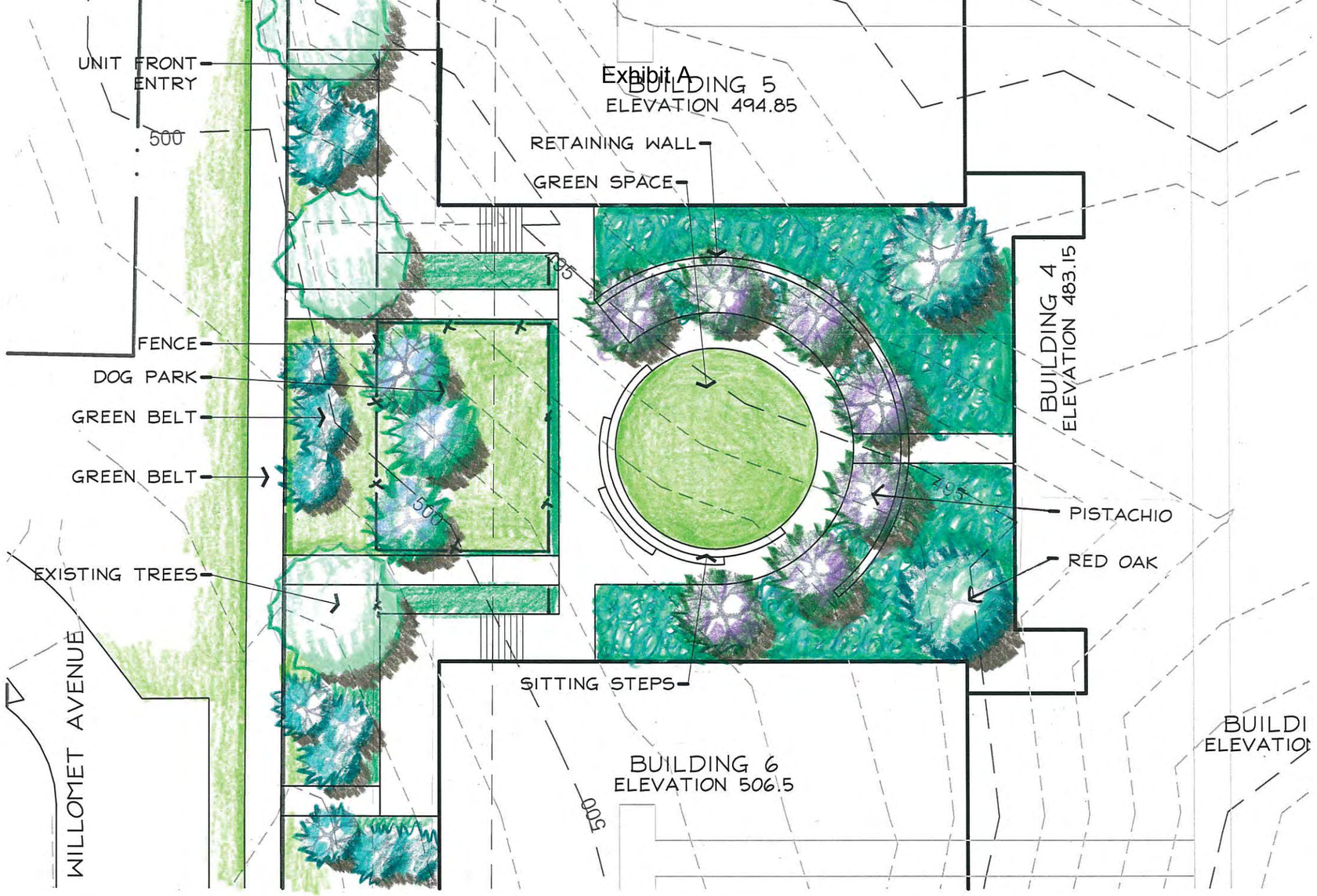

DOG PARK

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

Since 1914

*TREES, SHRUBS, AND GROUNDCOVER TO BE SELECTED FROM ARTICLE 10 CITY APPROVED LISTINGS

NORTH scale: 1" = 20'-0"

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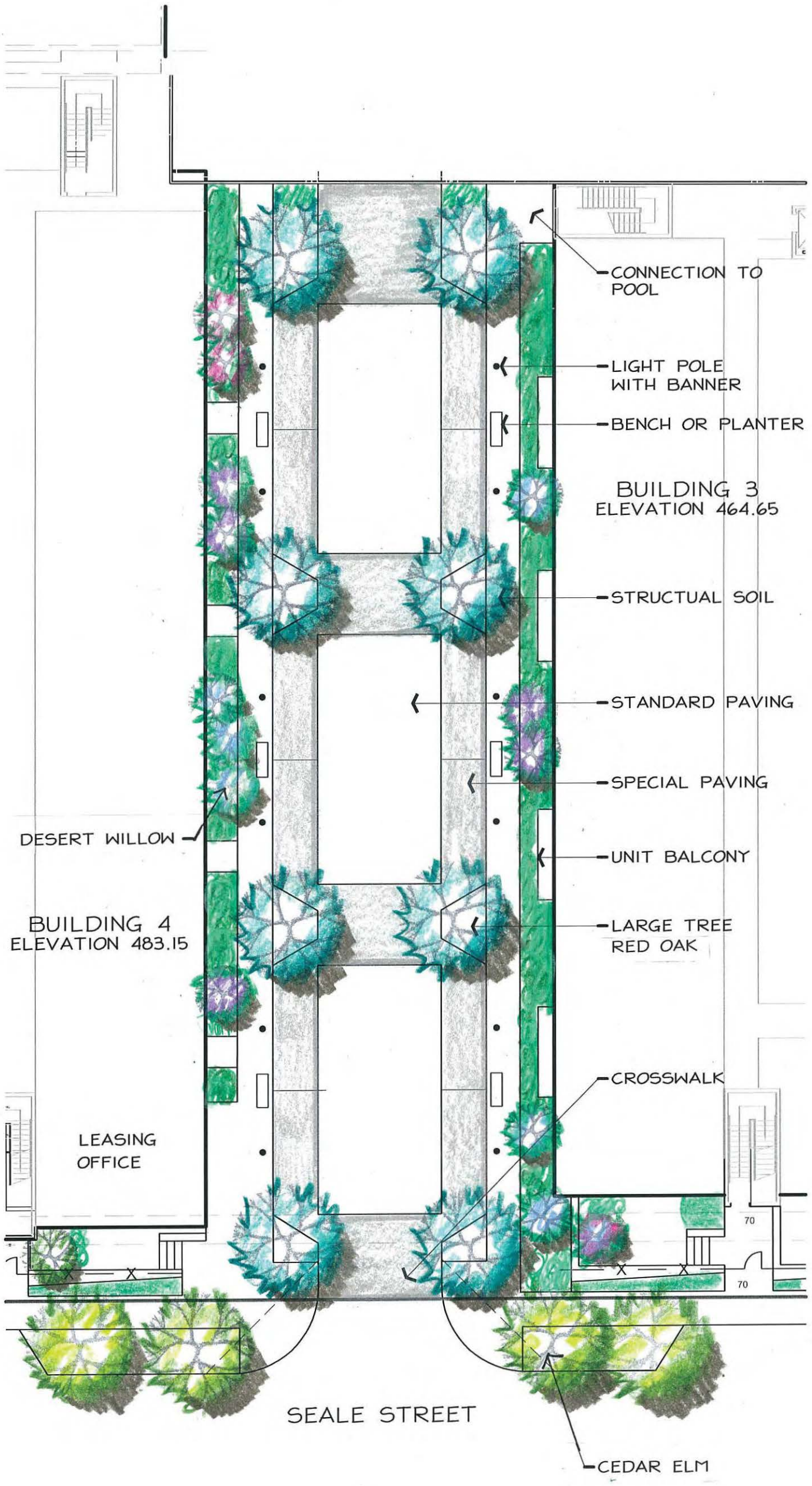

GARAGE ENTRY

Cliff View Apartments
Dallas, Texas

Masterplan
KENDALL LANDSCAPE ARCHITECTURE
Since 1914
NORTH
scale: 1" = 20'-0"

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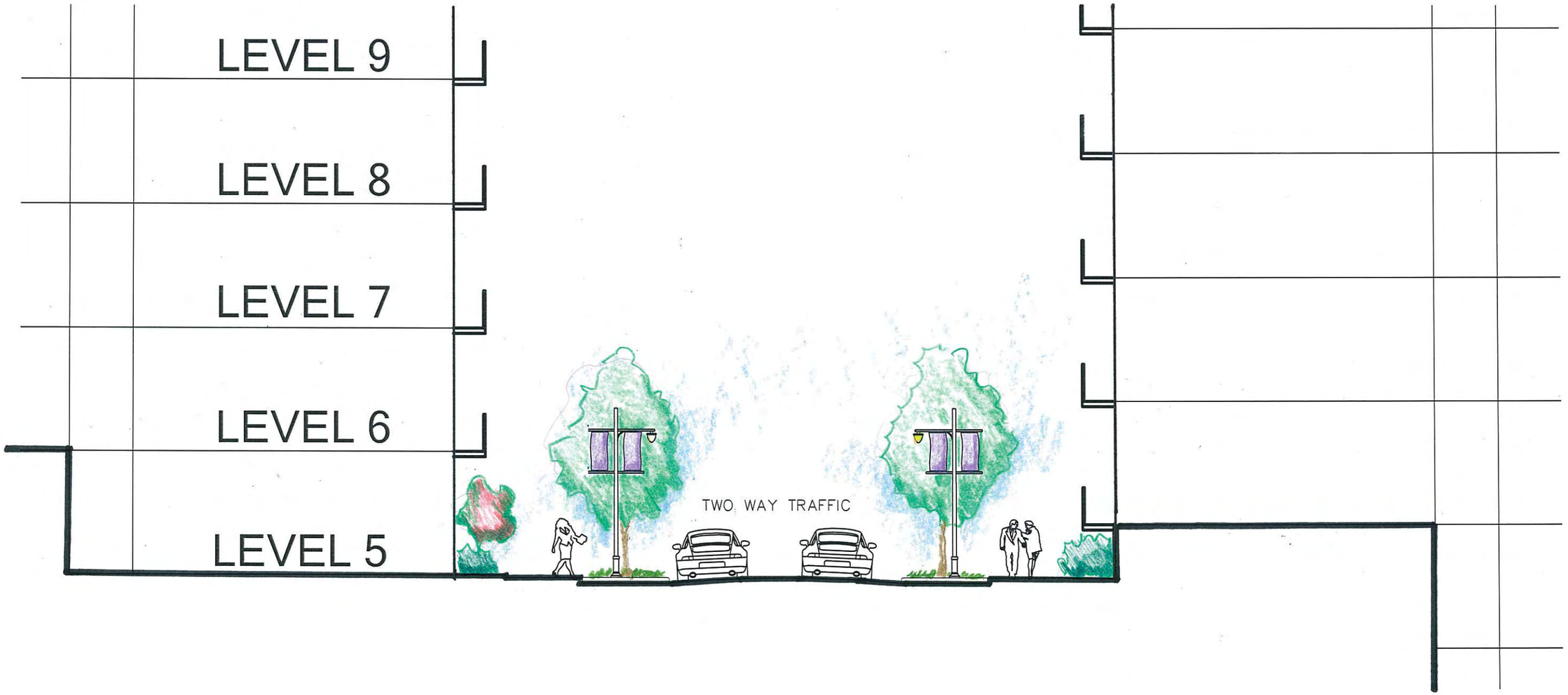

GARAGE STREET

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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NORTH

scale: 1" = 10'-0"

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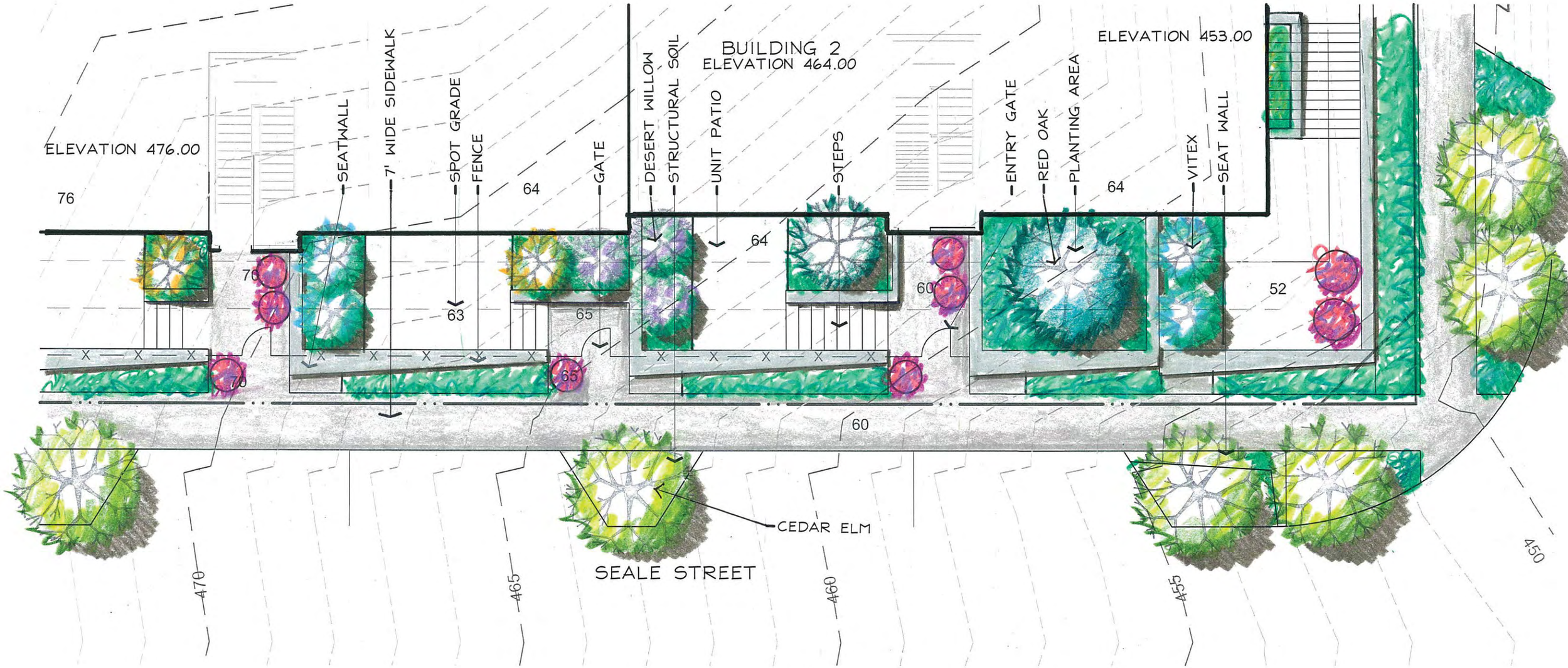

STREETSCAPE PLAN

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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Exhibit A

OVERLOOK

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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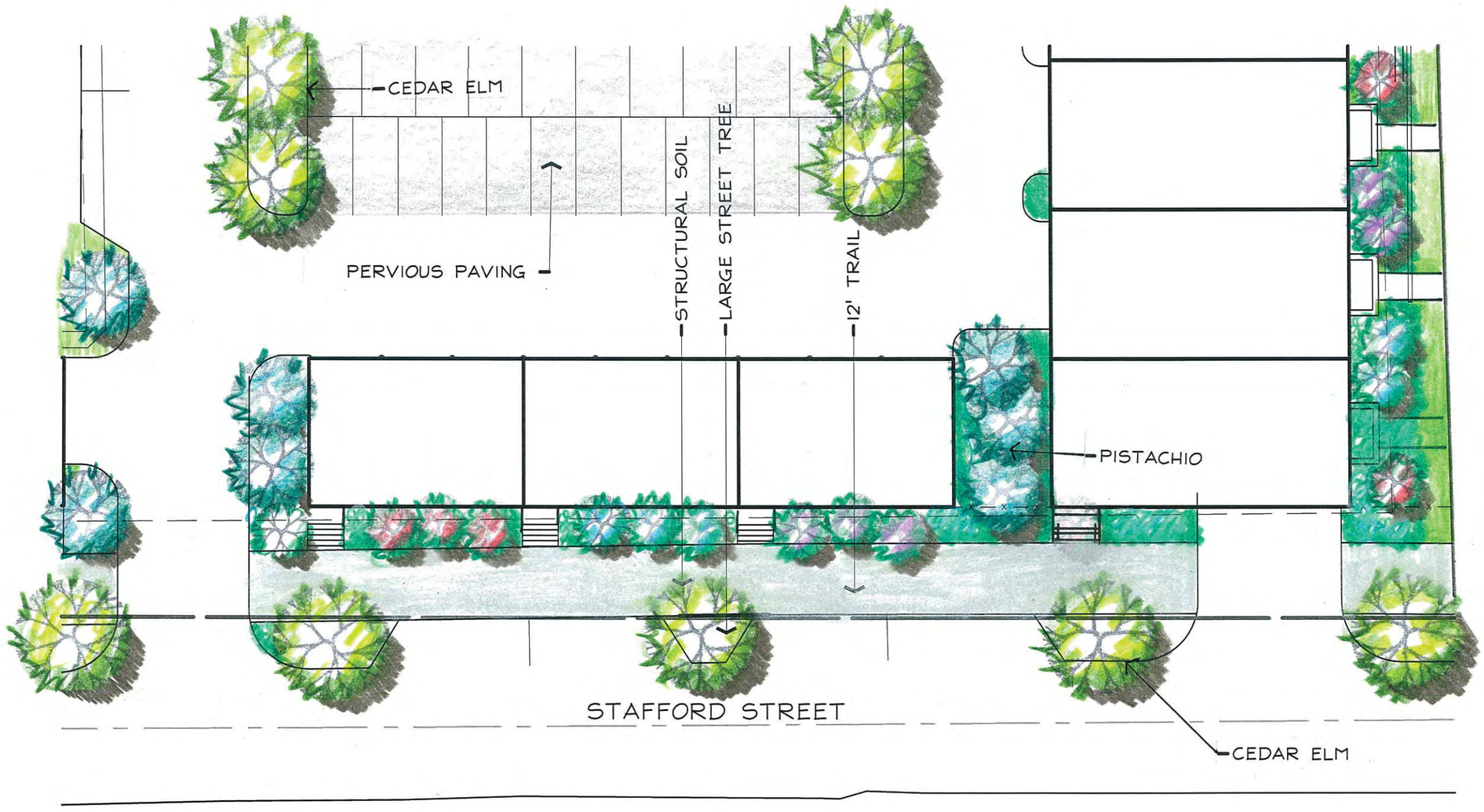

STAFFORD STREET

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 3: FACADE MATERIAL BOARD

Exhibit A

Rendered View Showing Typical Materials

Balcony Handrails (Painted Steel–Warm Gray)

Canopies (Painted Steel – Warm Gray)

Standing Seam Metal Roof
(Color Similiar as to Shown)

Windows & Doors (Vinyl-clad – White)

Storefront System (Annodized Aluminum)

Stone Veneer Building Base (Limestone)

Site Retaining Walls (Exposed Concrete)

Railing & Window Accent (Composite Wood)

Stucco Color 1 (Typical)

Stucco Color 2 (Accent)

Stucco Color 3 (Accent)

Stucco Color 3 (7 Story Typical)

MATERIAL BOARD

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER

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Job #: 13266.00 File Name: Building Perspectives Date: 03/19/2014 Drawn by: TLB

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 4: 3D PROJECT VIEWS

Exhibit A

View Looking Northwest up Seale Street

Cliff View Apartments
Dallas, Texas

1914 HENRY S. MILLER

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Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

View Looking Northwest across Ormsby Street

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/10/2014 Drawn by: TLB, RTW

Exhibit A

View Looking Southwest up Ormsby Street

Cliff View Apartments
Dallas, Texas

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

Perspective View looking Toward North Facade

Cliff View Apartments
Dallas, Texas

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

Aerial View Looking East across Willomet Avenue

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

View Looking East down Seale Street

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 004/04/2014 Drawn by: TLB, RTW

Exhibit A

Aerial View Looking West down Stafford Street

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
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Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

Aerial View Looking Northwest

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
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Job #: 13266.00 File Name: 2014-4-13 perspectives Date: 04/30/2014 Drawn by: RTW TLB

Exhibit A

Pool Deck View Looking East

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
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Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 5: PROJECT SECTIONS

Exhibit A

Section Through Seale Street Looking North

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/30/2014 Drawn by: TLB, RTW

Exhibit A

Section Through Seale Street Looking South

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit B
Cliff View
Fort Worth Avenue TIF District
HSM Cliff View Associates Ltd
Project Costs

Category	Staff Recommended Amount
Public infrastructure improvements paving, streetscape, water/wastewater, storm sewer, utility burial/relocation, and land acquisition	$2,275,837
Parks, open space, trails, and gateways	$75,000
Environmental Remediation and Demolition	$25,000
Mixed Income Housing	$2,274,163
Total	**$4,650,000**

Note: The amounts listed above include engineering, construction, design, construction management, and contingency estimates. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Funds may be shifted among categories as long as the total TIF funding does not exceed $4,650,000.

Exhibit C
City of Dallas Tax Increment Finance Districts
Mixed Income Housing Guidelines

TIF Program Purpose

The purpose of the City of Dallas' TIF program is to promote development in underutilized and vacant areas through the use of public investment to attract private investment. The goals for the districts include improving the infrastructure within the districts and adding market rate apartments, single family homes, retail and commercial space, and office and professional space. Promoting housing for individuals and families at a variety of income levels is one of many policy considerations for the districts.

General definitions

Mixed income housing requires a minimum of 20% of all units to meet affordable housing standards.

Affordable housing units are those which are affordable to a household earning 80% or less of the median family income for the Dallas Area.

The 20% affordability requirement applies to both rental units and to units that are for sale. Requirements for for-sale units will be handled on a case-by-case basis. These guidelines primarily pertain to rental housing.

Affordability period and rent rates

Rental units must be affordable for a period of at least fifteen years, beginning from the date the project is complete per the development agreement.

Income levels and *maximum* rent will vary each year and are based on HUD's calculations for Area Median Family Income (AMFI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMFI, including a utility allowance. Information pertaining to the maximum affordable rent and income levels that are currently in effect can be obtained from the Office of Economic Development.

Affordable units

A minimum of 20% of all occupied units shall be rented to qualifying households.

The developer may choose to offer any available unit to qualifying households. The 20% total requirement thus may be satisfied by any combination of units and need not apply to units of all sizes.

Affordable units shall be comparable in size and finish quality to market rate units and shall be dispersed throughout the development. Affordable units shall not be segregated into a particular section of the development and shall be a minimum of 500 square feet.

Qualifying households

A qualifying household is defined as a household making 80% or less of the AMFI.

Developers may include wages, salaries, tips, commissions, social security income, etc. to certify a household's income. The method used to determine income should be the same for qualifying and market rate households.

Lease terms

Households that qualify at the beginning of a lease will be assumed to qualify for the entirety of the term of that lease. Recertification is therefore only necessary during lease renewal.

At the end of the lease, the new lease rates will be set based on the household's current income at the time of renewal.

If the household no longer qualifies for an affordable unit, the lease may be renewed at market rate and another unit made available for a qualifying household in order to maintain the 20% affordability requirement.

Fees and leasing requirements

In general, all leasing requirements and all fees, utility charges, assessments, fines, etc. charged by the apartment community must be applied uniformly to qualifying households and market rate households, with the exception that the developer may choose to waive or reduce fees for qualifying households and the developer may choose to set specific lease lengths for affordable units.

Reporting Requirements

Adequate reporting by developer, owner, or property manager shall be required to ensure that the City can appropriately monitor compliance with the guidelines. Projects receiving affordable housing funding under federal or state programs may choose to submit copies of compliance reports specific to the federal or state program in lieu of the TIF program report. Specific reporting requirements will be updated as necessary.

Compliance

The developer assumes all liability for compliance with these requirements and with all applicable laws. By participating in the City's TIF program, the developer agrees to report all information accurately and on time. At the City's request, the developer agrees to produce necessary documentation for determining full compliance with this program.

The affordability period shall be extended by six months for any number of units by which the affordable housing provided during a semi-annual period falls short of the number of units required to meet the affordable housing requirements. Noncompliance may result in termination of the development agreement, a reduction in TIF reimbursement, or other action as determined by the Office of Economic Development.

Request for waiver or minor modification of these requirements shall be submitted to the Office of Economic Development and will be negotiated on a project-by-project basis with the City and the County.

The City may consider retaining a percentage of TIF funding to ensure that in the event that the property is sold prior to the end of the 15 year compliance period, all subsequent owners will be required to provide affordable housing for the remainder of the affordability period.

The TIF program does not alter, modify, or reduce any affordable housing requirements, duties, or obligations imposed on the developer because of receipt of funds or other assistance from other programs or persons.

Alternative Methods

A developer may propose alternative methods of meeting the requirements such as providing equivalent affordable housing units in a comparable location within or adjacent to the TIF district. All proposed alternative methods will be considered on a case-by-case basis and must be approved by both the City and Dallas County.

Affirmative Fair Housing Marketing Plan

An affirmative fair housing marketing plan is required for all projects with a residential component that are supported with TIF funding. This requirement is detailed in each project's development agreement. Each project will be evaluated individually to ensure that it furthers affirmative fair housing goals.

Effective Date

These guidelines are effective in each district as of the date they are approved by that district's TIF board. The guidelines apply to developments with first occupancy on October 1, 2011 or later. These guidelines will not alter the terms of development agreements authorized prior to the approval of this document.

Guideline Modifications

As needed, the City may make modifications or corrections to these guidelines to increase their effectiveness. Where these guidelines may conflict with a district's Final Plan language concerning housing provisions, the Director of the Office of Economic Development will make a final determination of project requirements.

Exhibit D
Quarterly Project Status Report

Prepared by:

Project name:

Report period:

Required project start date:

Actual project start date:
(attach permits as applicable)

Required completion date:

Current expected completion date:
(attach Certificate of Occupancy and/or Certificates of Acceptance as applicable)

Number of units completed:

Briefly describe project progress during this period:

Which documents did you submit to the City of Dallas Business Development & Procurement Services? When? (attach copies as applicable)

Which documents did you submit to the City of Dallas Fair Housing Department? When? (attach copies as applicable)

Describe any issues of concern with the City of Dallas (Office of Economic

Exhibit D: Quarterly Status Report

Development/Business Development & Procurement Services/ Fair Housing Department/Public Work and Transportation etc.)

Additional required attachments:

- **4-8 current construction progress pictures from four sides of the project.**
- **Updated private and public improvement cost schedules**
- **Updated pro forma**

Submitted by:

Signature:_____

Printed name:_____

Date:_____

EXHIBIT E
TIF Increment Allocation Policy
Fort Worth Avenue TIF District

It is important for the City of Dallas to encourage as many projects as possible in the Fort Worth Avenue TIF District ("District"). In that spirit, after Administrative Expenses and the District-Wide Improvement Allocation have been paid or set aside, Fort Worth Avenue TIF District funds will be allocated to Developers proportionately, based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District.

Definitions

Administrative Expenses – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

Available Cash - cash in the Fort Worth Avenue TIF District fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

Developer – A person or entity that has completed all requirements for a TIF-eligible Project as set out in the fully executed development agreement for the Project.

District-Wide Improvement Allocation: Ten percent (10%) of the Total Increment will be set aside for District-Wide improvements to be used towards specific improvement projects as determined by the TIF Board. This set-aside will be reviewed by the TIF Board annually based on updated financial projections and District needs.

District-Wide Improvements – improvements that are not specific to a single development site such as gateways, trails, open space, public facilities, or utility/streetscape improvements benefiting multiple properties or blocks.

Individual Increment – the portion of the increment that a Project or Related Project creates each year.

Net Individual Increment – Individual Increment less the Project's and/or Related Project's portion of Administrative Expenses each year. This portion will be based on the ratio of Individual Increment to Total Increment.

Project – Development, redevelopment, or rehabilitation that adds taxable real property value at a particular site, or is a space or facility of public benefit such as open space, trails, or cultural facilities. To be eligible, the Project must have been approved for TIF funds and must have completed all requirements set forth in the development agreement.

Related Project/Developer – If a Developer or a Developer's affiliate (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses, subject to TIF board approval. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or demolished structures.

- Redevelopment or major modification of an existing building if this results in an increased taxable value of 50% or more of the original building.

Shared Increment – the Total Increment less (1) the portion of Administrative Expenses not already deducted from Individual Increment, (2) District-Wide Improvement Allocation, and (3) the sum of the Individual Increments of all eligible Developers.

Total Increment – the annual amount of increment deposited into the TIF fund from the participating jurisdictions.

Increment Allocation Procedure

Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure. However, no increment allocation will be made unless a total Project or specific phase as defined in a development agreement is completed by May 1st of a given year. (See Note 1 for exceptions.) The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.
Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses and a District Wide Improvement Allocation. After Administrative Expenses and the District-Wide Improvement Allocation have been paid or set aside, Developers approved for TIF funding from the Fort Worth Avenue TIF District will be eligible to receive their Net Individual Increment.

In addition to their Net Individual Increment, all eligible Developers will be able to receive a portion of any Shared Increment. The Shared Increment allotted to an eligible Developer shall be a ratio of an eligible Developer's Individual Increment to the sum of the Individual Increments for all Projects eligible for reimbursement for that year.

Thus, the fund will be allocated in the following order: Administrative Expenses, District-Wide Improvement Allocation, Net Individual Increment (for all eligible Projects), pro-rata portions of Shared Increment.

Notes:
1. In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. However, upon completion of a Project, developers may apply to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

2. If the appraised value of the remaining property in the TIF District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum of (1) Administrative Expenses and (2) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum of the Individual Increments for that year. If there is no revenue available after administrative expenses, there will be no increment payments or funds for District-Wide Improvements that year.

3. Specific District-Wide Improvement Projects are to be determined and the amount of this set-aside will be reviewed annually based on updated financial projections and District needs. As needed, the Fort Worth Avenue TIF District TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 13, 2007, the City Council authorized the creation of Tax Increment Reinvestment Zone Number Fifteen, (the “Fort Worth Avenue TIF District”), in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311) to promote development and redevelopment in the Fort Worth Avenue area through the use of tax increment financing by Ordinance No. 26798, as amended; and

WHEREAS, on March 26, 2008, the City Council authorized the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27129, as amended; and

WHEREAS, on April 15, 2014, the Fort Worth Avenue TIF District Board of Directors reviewed the proposed Cliff View project to be developed by Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., (collectively "Owner") and recommended City Council consideration of a development agreement with the Owner and authority to dedicate future TIF revenues from the Fort Worth Avenue TIF District; and

WHEREAS, the creation of additional residential development in the core of the Fort Worth Avenue TIF District is necessary for the future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, the use of economic development incentives is a necessary tool in attracting a catalyst development to the Fort Worth Avenue TIF District; and

WHEREAS, the Issuer (hereinafter sometimes referred to as "City") is contemplating reimbursement for the cost of construction of certain public improvements within the Fort Worth Avenue TIF District; and

WHEREAS, the City has concluded that it does not currently desire to incur debt to finance the project costs it is about to pay; however, if doing so is in the best financial interests of the City, the City may in the future negotiate with financial institutions to secure bonds or other obligations, or lines of credit, to aid in the funding of projects within the District; and

WHEREAS, the City desires to reimburse the Owner for the costs it is about to pay from the proceeds of obligation to be issued or Fort Worth Avenue TIF District revenues collected, subsequent to the payment of such costs; and

WHEREAS, the City has no other funds that are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside for purposes of paying the costs the City expects to incur; and

WHEREAS, in furtherance of the Fort Worth Avenue TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Fort Worth Avenue TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives and an economic development grant to the Owner for the construction of Cliff View development located on property currently addressed at 2002, 2010, and 2120 North Willomet Avenue; 1020, 1024, and 1028 Seale Street; and 1019 and 1023 Stafford Avenue, collectively the northeast and southeast quadrants of Seale Street and Willomet Avenue in the Fort Worth Avenue TIF District as described in **Exhibit A Site Plan and Conceptual Elevations**.

NOW, THEREFORE,

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

Section 1. That the issuer expects to incur debt as one or more series of obligation for the purpose of paying the costs on the Projects.

Section 2. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

The following is a general functional description of the Project for which the expenditures to be reimbursed or paid and a statement of the maximum principal amount of debt expected to be issued for such reimbursement purposes.

Project Description	**Debt To Be Issued**
Design, engineering, construction management professional services; street, utility work, utility burial, streetscape, and other public infrastructure improvements; parks, open space, trails, and gateways; environmental remediation, affordable housing, and other public improvements to be located within Reinvestment Zone Number Fifteen, (Fort Worth Avenue TIF District) as shown on **Exhibit B**, attached hereto	Not to exceed $4,650,000 as provided by the Project Plan and Reinvestment Zone Financing Plan and the Development Agreement

Section 3. That the total Fort Worth Avenue TIF District participation in the cost of design, engineering, construction management, and professional services; street, utility work, utility burial, streetscape, and other public improvements; parks, open space, trails, and gateways; environmental remediation, affordable housing, and other public improvements for Cliff View shall not exceed an amount of $4,650,000 all in accordance with the terms of said development agreement.

Section 4. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Fort Worth Avenue TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Fort Worth Avenue TIF District due to lack or unavailability of Fort Worth Avenue TIF District Funds shall no longer be considered project costs of the Fort Worth Avenue TIF District or the City to pay the Owner shall automatically expire.

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.

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

Table of Contents

- Section 1: Site Plans & Data
- Section 2: Landscape Plans
- Section 3: Facade Material Board
- Section 4: 3D Project Views
- Section 5: Project Sections

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 1: SITE PLANS AND DATA

Exhibit A

Subarea A Project Data					
Site Area	77,146 SF	1.77 AC			
Building One	**GSF**	**Efficiency Factor**	**NRSF/Floor**	**Average Unit Size**	**Unit Count**
Apartment Level 1 - With Leasing/Amenity	8,333	1.4	5,952	850	7
Apartment Level 2	15,800	1.18	13,390	850	16
Apartment Level 3	15,800	1.18	13,390	850	16
Totals	39,933		32,732		39
Building Two					
Level 1 - Townhome Style Units L1	1,250	1.47	850	2,100	2
Level 2 - Townhome Style Units L2	1,250	1	1,250		
Totals	5,000		4,200		2
Building Three					
Level 1 - Townhome Style Units L1	1,250	1.47	850	2,100	4
Level 2 - Townhome Style Units L2	1,250	1	1,250		
Totals	10,000		8,400		4
Building Four					
Level 1 - Townhome Style Units L1	900	11	84	984	3
Level 2 - Townhome Style Units L2	900	1	900		
Totals	5,400		2,952		3
Tract Totals	**60,333**		**48,284**		**48**
Lot Coverage Area	**20,800**				
Lot Coverage	**30%**				
Floor Area Ratio	**0.78**				

Subarea A Parking Data		
Desired Parking Ratio	1.3	Spaces/Unit
Spaces Desired for Subarea B	63	Spaces
On-Site Surface Parking Spaces	38	Spaces
Subarea B Townhome Garages	21	Spaces
Total Spaces Provided Per Code	59	Spaces
On-Site Parking Ratio Parking Ratio	1.23	Spaces/Unit
Additional Off-Site Street Parking	16	Spaces
Total Parking Including Off-Site Spaces	75	Spaces
Total Parking Ratio	1.56	Spaces/Unit

Subarea B Project Data		
Site Area	117,117 SF	2.69 AC

Subarea B Project totals	GSF	NRSF	Unit Count
Building 1	35,150	29,110	32
Buidling 2	31,000	25,593	30
Buidling 3	74,000	62,712	73
Buidling 4	87,400	74,068	87
Buidling 5	27,500	23,305	27
Buidling 6	22,000	18,644	21
Tract Totals	**277,050**	**233,432**	**270**
Lot Coverage Area	**73,400**		
Lot Coverage	**63%**		
Floor Area Ratio	**2.37**		

Subarea B Parking Data		
Desired Parking Ratio	1.5	Spaces/Unit
Spaces Desired for Subarea B	405	Spaces
Subarea B Garage	61	Spaces/Level
Garage Levels	7.50	Levels
Garage Spaces	428	Garage Spaces
On-Site Surface Parking Spaces	12	Spaces
Actual Parking Ratio	1.58	Spaces/Unit
Total Spaces Provided Per Code	440	Spaces
Additional Off-Site Street Parking	17	Spaces
Total Parking Including Off-Site Spaces	457	Spaces

Combined Project Data	
Site Area	194,263
Gross Square Feet	337,383
Net Rentable Square Feet	281,716
Unit Count	318
Overall Average SF/Unit	886
Parking Totals	
Garage Spaces	449
Onsite Surface Spaces	71
Total Onsite Spaces	520
Total Onsite Spaces Per Unit	1.63
Offsite Spaces	33
Total Spaces Including Offsite Parking	553
Total Spaces Per Unit	1.74
Total Lot Coverage Area	94,200
Total Lot Coverage	48%
Total Floor Area Ratio	1.74

CONCEPTUAL SITE PLAN

Cliff View
Dallas, Texas

HENRY S. MILLER

*This plan is conceptual and is subject to minor modification. Placement of amenities is general and may be modified in final design and/or construction due to on-site factors and coordination.

0 50 100 200 Feet

Good Fulton & Farrell Architects

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Suite 300
Dallas, Texas 75201

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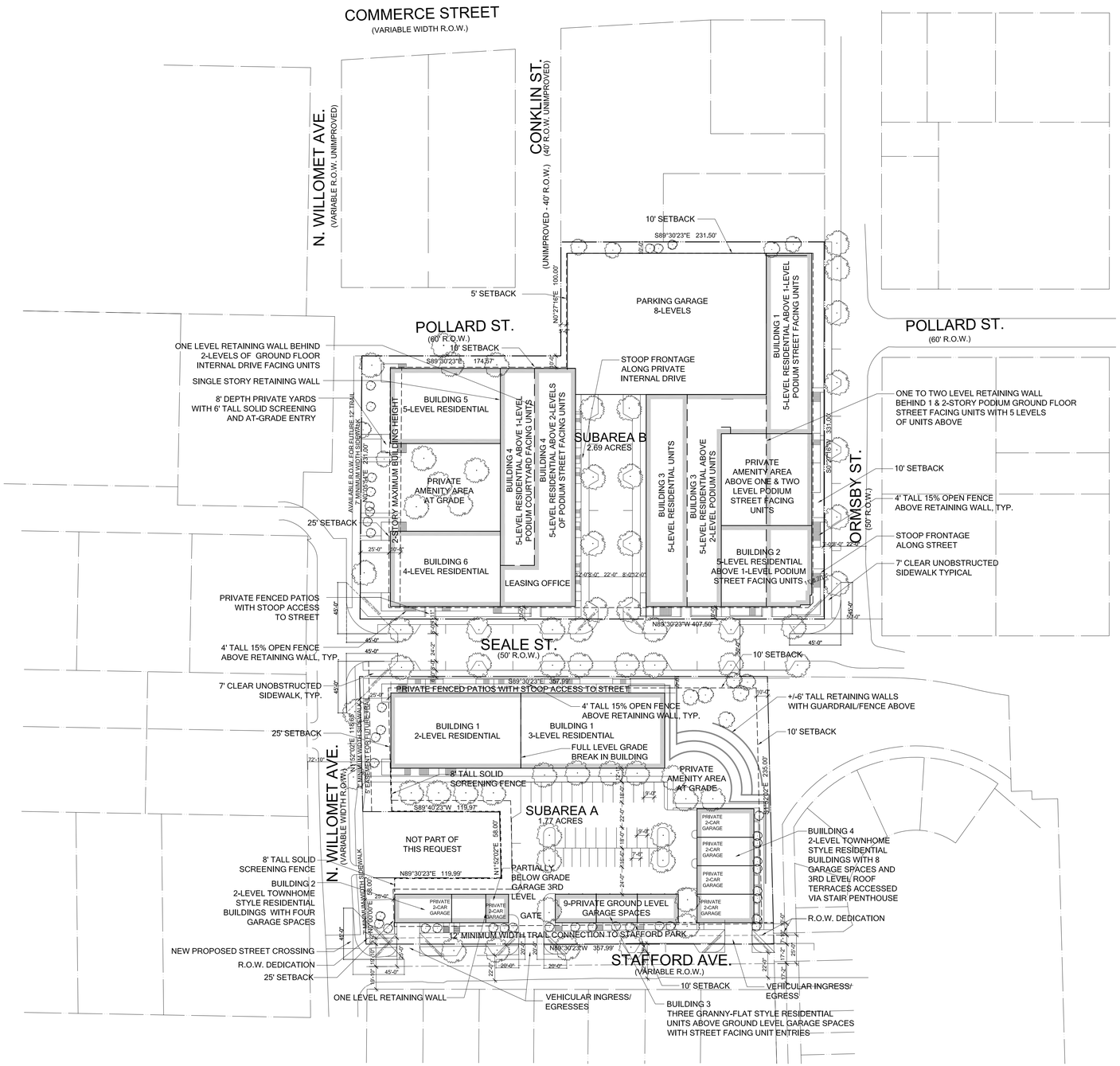
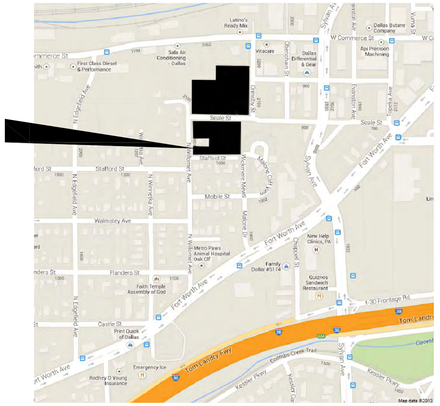
214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: Cliff View_Site Plan Date: 03/29/2014 Drawn by: ELB, LJB, RW

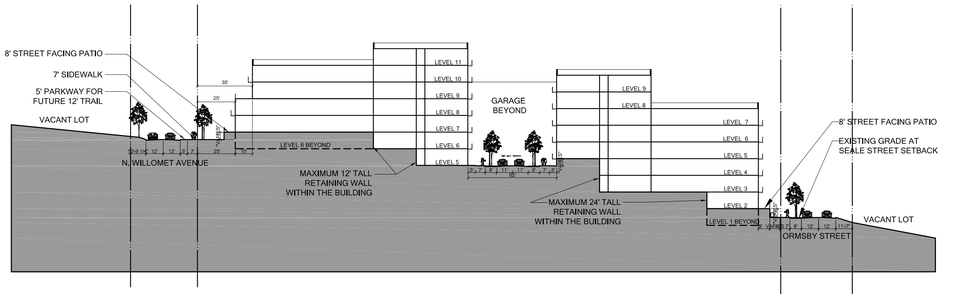
Exhibit A



Project Data Table		
Subarea A	77,146 SF	1.77 AC
Minimum Front Yard Setback	10'	
Minimum Side Yard Setback	10'	
Minimum Rear Yard Setback	10'	
Max Lot Coverage	35%	
Max Floor Area Ratio	1.0:1	
Max Units	52 Units	
Maximum Height	3 Levels	
Subarea B	117,117 SF	2.69 AC
Minimum Front Yard Setback Typical	10'	
Minimum Front Yard Setback on Conklin	5'	
Minimum Side Yard Setback	10'	
Minimum Rear Yard Setback	10'	
Max Lot Coverage	75%	
Max Floor Area Ratio	2.75:1	
Max Units	274 Units	
Maximum Residential Height	7 Levels	
Maximum Garage Height	8 Levels	
Combined	194,263 SF	4.46 AC
Max Lot Coverage	60%	
Max Floor Area Ratio	2.0	
Max Density	326 Units	

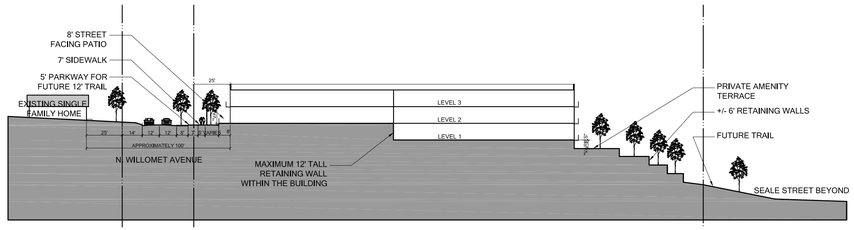


VICINITY MAP
N.T.S.



EAST/WEST SECTION DIAGRAM ACROSS SUBAREA B BUILDING 1 & 2

SCALE: 1"=50'-0"



EAST/WEST SECTION DIAGRAM ACROSS SUBAREA A BUILDING 1

SCALE: 1"=50'-0"

DEVELOPMENT PLAN

Cliff View Apartments
Dallas, Texas

Job #: 13266.00
File Name: Cliff-View-Development-Plan-2014-4-11.dwg
Date: 4.11.2014
Drawn by: ELB, ZLF, RW

Masterplan
Since 1914

NORTH

0 50 100 200 Feet
SCALE: 1"=50'-0"

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Z 134 - 145

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 2: LANDSCAPE PLANS

Exhibit A

POLLARD STREET

ORMSBY STREET

SEALE STREET

N. WILLOMET AVE.

STAFFORD AVE.

LANDSCAPE PLAN

Cliff View Apartments
Dallas, Texas

*THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAYBE BE MODIFIED IN FINAL DEISGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORS AND COORDINATION.

*TREES, SHRUBS, AND GROUNDCOVER TO BE SELECTED FROM ARTICLE 10 CITY APPROVED LISTINGS

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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NORTH

scale: 1" = 30'-0"

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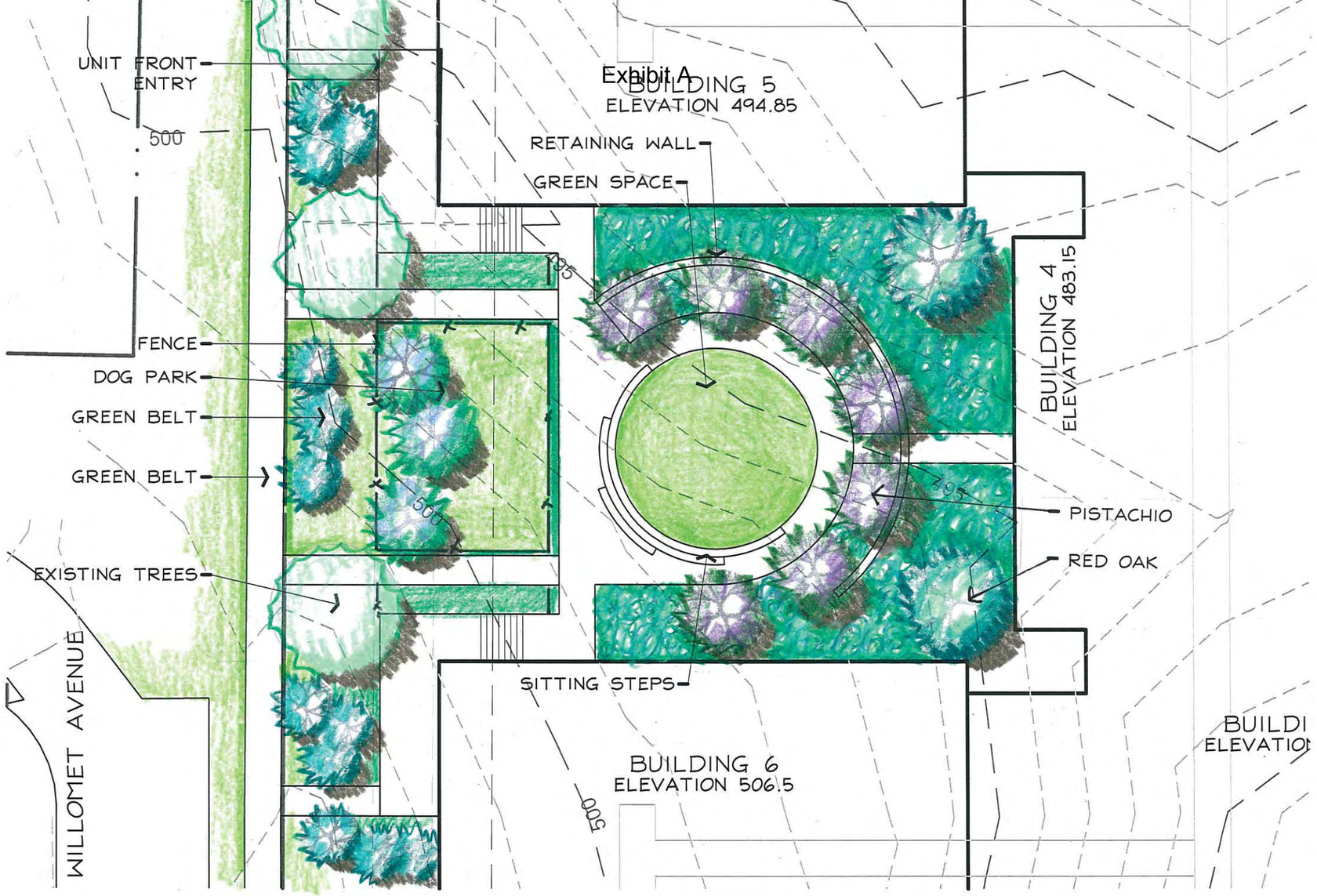

DOG PARK

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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NORTH scale: 1" = 20'-0"

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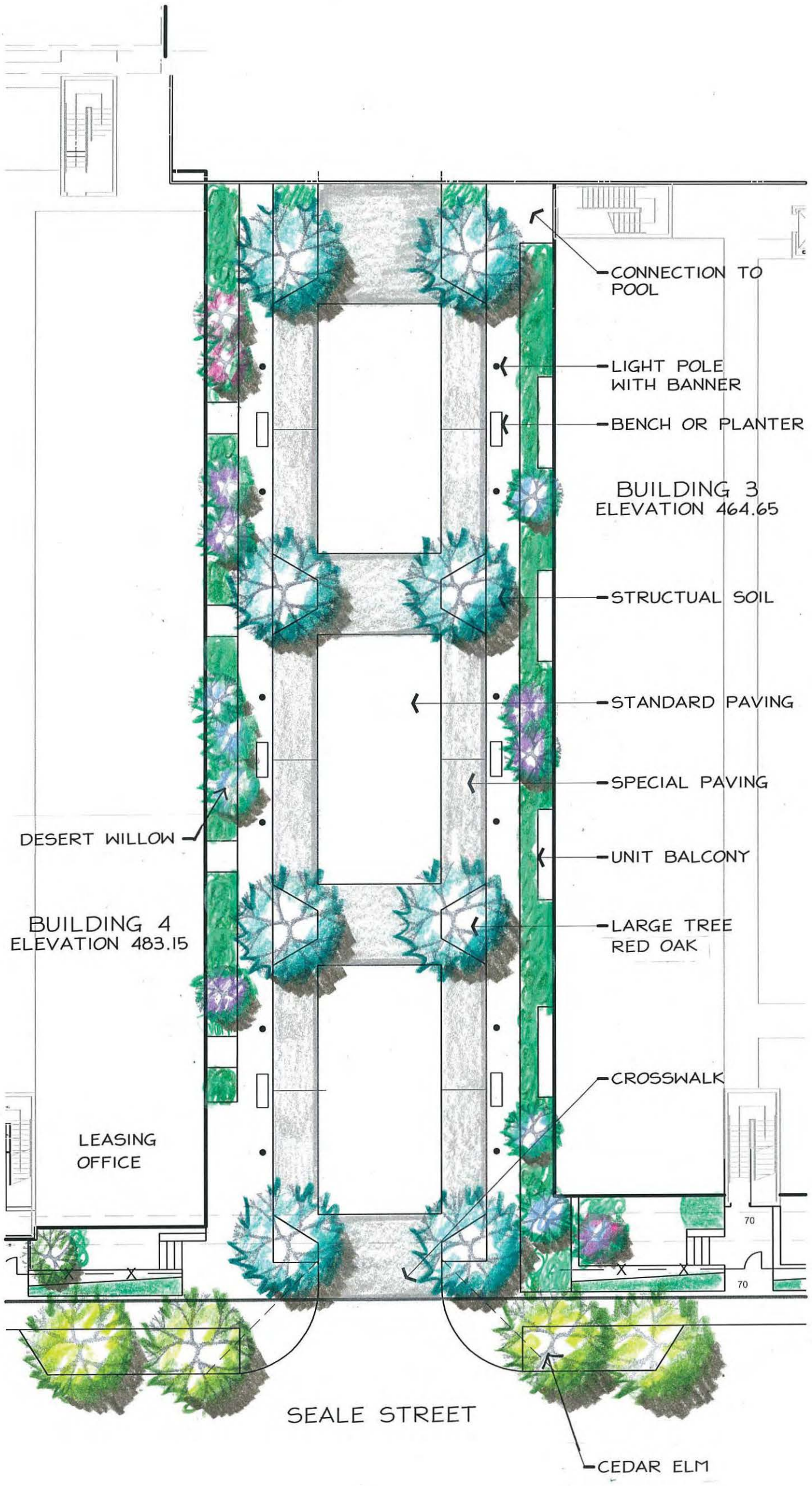

GARAGE ENTRY

Cliff View Apartments
Dallas, Texas

Masterplan
KENDALL LANDSCAPE ARCHITECTURE
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NORTH
scale: 1" = 20'-0"

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*TREES, SHRUBS, AND GROUNDCOVER TO BE SELECTED FROM ARTICLE 10 CITY APPROVED LISTINGS

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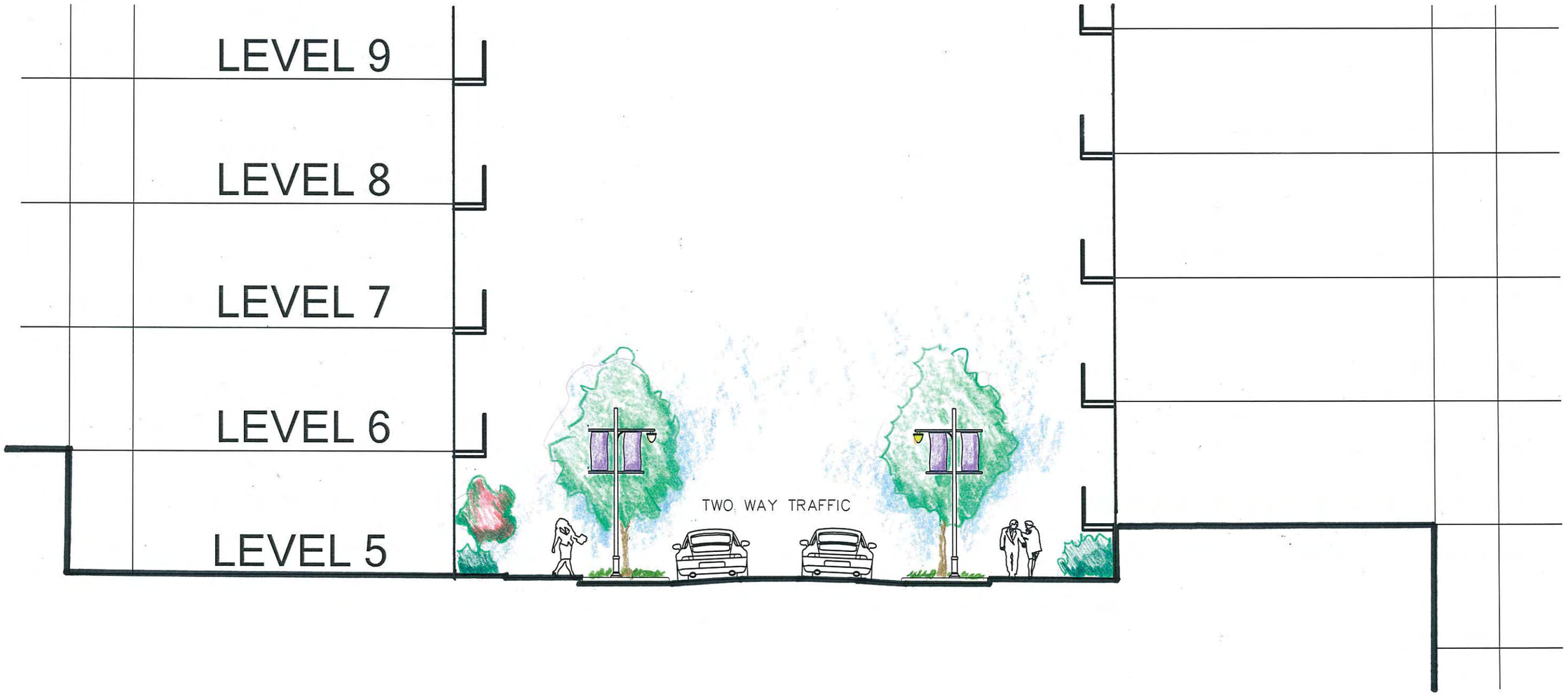

GARAGE STREET

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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NORTH

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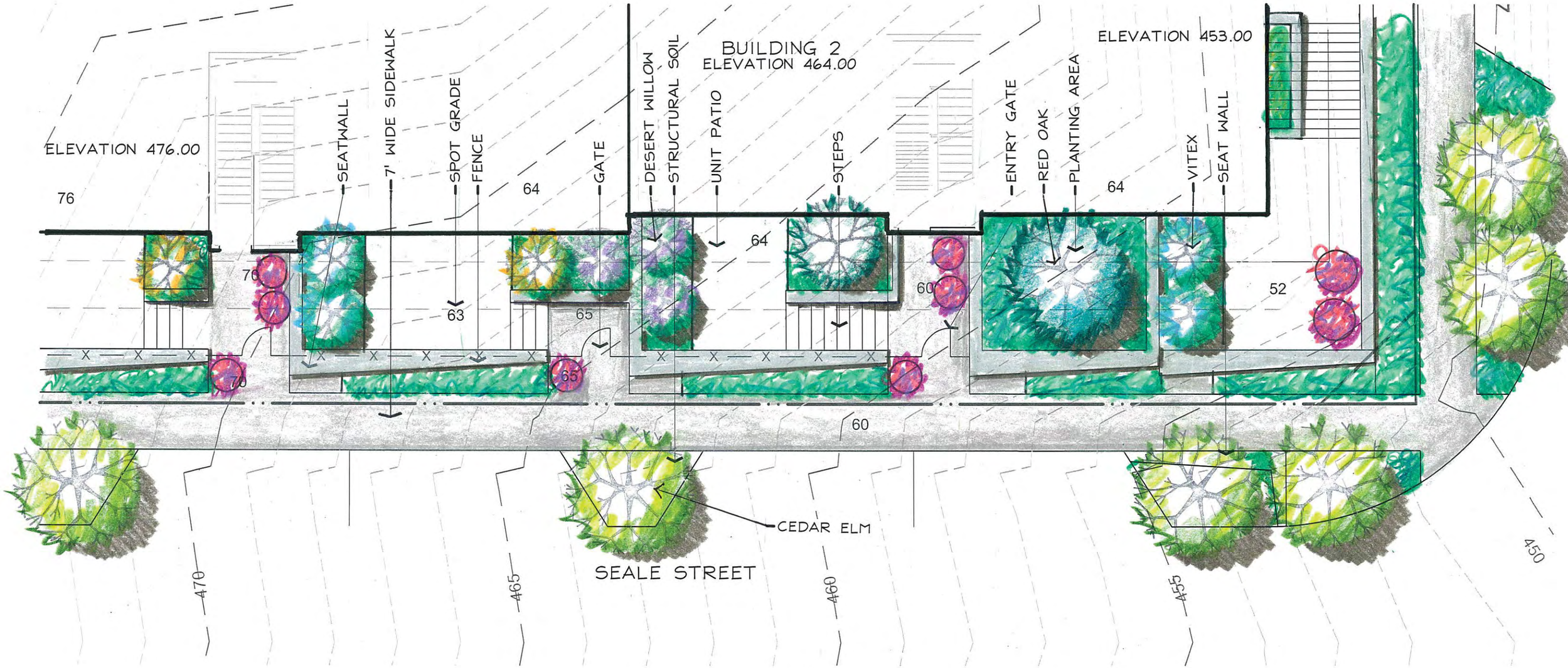

STREETSCAPE PLAN

Cliff View Apartments
Dallas, Texas

Masterplan

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OVERLOOK

Cliff View Apartments
Dallas, Texas

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KENDALL LANDSCAPE ARCHITECTURE

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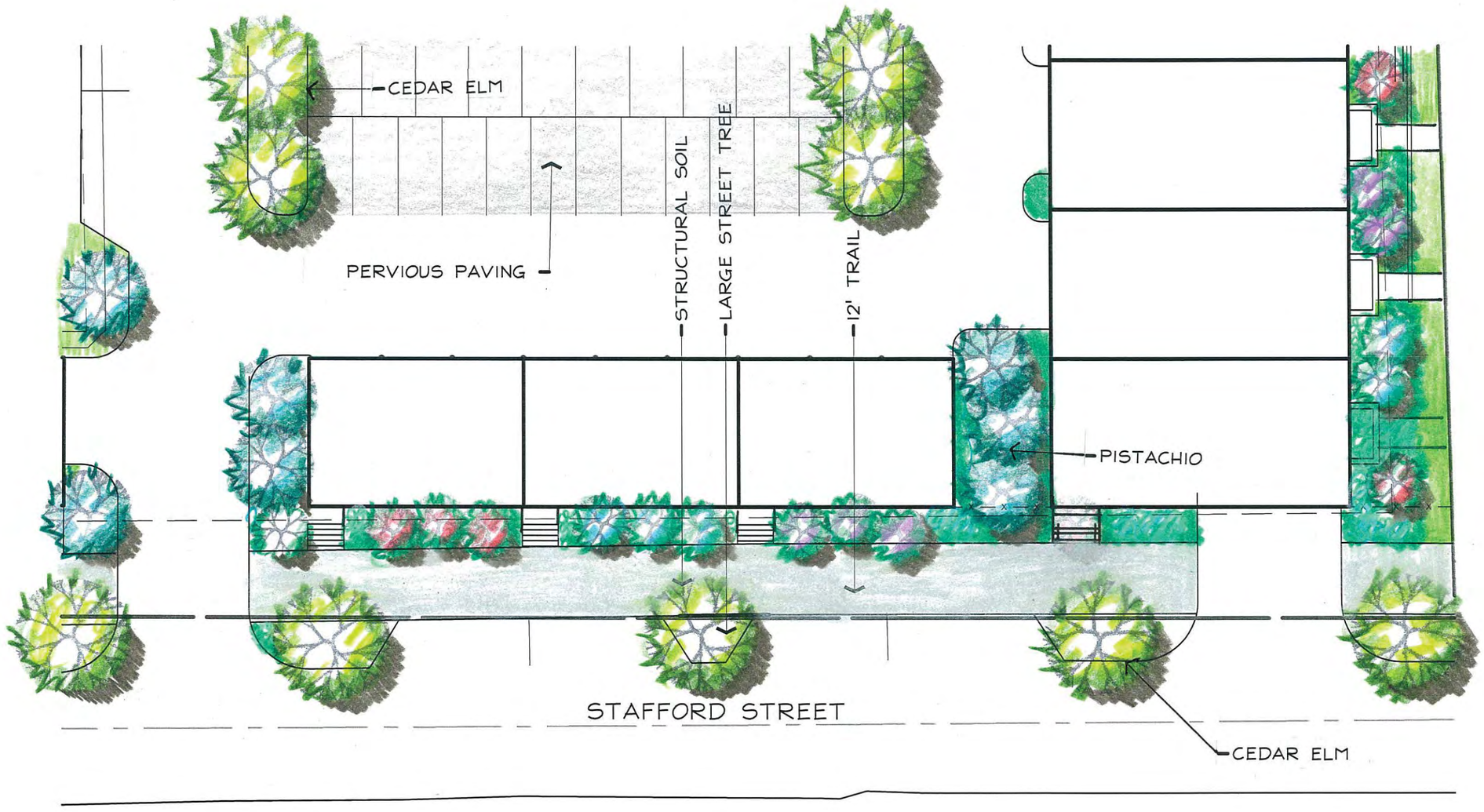

STAFFORD STREET

Cliff View Apartments
Dallas, Texas

Masterplan

KENDALL LANDSCAPE ARCHITECTURE

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Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 3: FACADE MATERIAL BOARD

Exhibit A

Rendered View Showing Typical Materials

Balcony Handrails (Painted Steel–Warm Gray)

Canopies (Painted Steel – Warm Gray)

Standing Seam Metal Roof
(Color Similiar as to Shown)

Windows & Doors (Vinyl-clad – White)

Storefront System (Annodized Aluminum)

Stone Veneer Building Base (Limestone)

Site Retaining Walls (Exposed Concrete)

Railing & Window Accent (Composite Wood)

Stucco Color 1 (Typical)

Stucco Color 2 (Accent)

Stucco Color 3 (Accent)

Stucco Color 3 (7 Story Typical)

MATERIAL BOARD

Cliff View Apartments
Dallas, Texas

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Job #: 13266.00 File Name: Building Perspectives Date: 03/19/2014 Drawn by: TLB

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 4: 3D PROJECT VIEWS

Exhibit A

View Looking Northwest up Seale Street

Cliff View Apartments
Dallas, Texas

1914 HENRY S. MILLER

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Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

View Looking Northwest across Ormsby Street

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/10/2014 Drawn by: TLB, RTW

Exhibit A

View Looking Southwest up Ormsby Street

Cliff View Apartments
Dallas, Texas

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

Perspective View looking Toward North Facade

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Dallas, Texas

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

Aerial View Looking East across Willomet Avenue

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Dallas, Texas

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2808 Fairmount Street
Suite 300
Dallas, Texas 75201
214.303.1500/Tel
214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit A

View Looking East down Seale Street

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

*THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAYBE BE MODIFIED IN FINAL DEISGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORS AND COORDINATION.

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Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 004/04/2014 Drawn by: TLB, RTW

Exhibit A

Aerial View Looking West down Stafford Street

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

*THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAYBE BE MODIFIED IN FINAL DEISGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORS AND COORDINATION.

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www.gff.com

Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

Aerial View Looking Northwest

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAY BE MODIFIED IN FINAL DESIGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORES AND COORDINATION.

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Dallas, Texas 75201

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214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: 2014-4-13 perspectives Date: 04/30/2014 Drawn by: RTW TLB

Exhibit A

Pool Deck View Looking East

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

*THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAYBE BE MODIFIED IN FINAL DEISGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORS AND COORDINATION.

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Suite 300
Dallas, Texas 75201

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214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: 2014-03-13 perspectives Date: 03/13/2014 Drawn by: TLB

Exhibit A

CLIFF VIEW APARTMENTS

T.I.F. Submittal Design Package

May 28, 2014

SECTION 5: PROJECT SECTIONS

Exhibit A

Section Through Seale Street Looking North

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAY BE MODIFIED IN FINAL DESIGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORES AND COORDINATION.

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214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/30/2014 Drawn by: TLB, RTW

Exhibit A

Section Through Seale Street Looking South

Cliff View Apartments
Dallas, Texas

HENRY S. MILLER
1914

THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO MINOR MODIFICATION. PLACEMENT OF AMENITIES IS GENERAL AND MAY BE MODIFIED IN FINAL DESIGN AND/OR CONSTRUCTION DUE TO ON-SITE FACTORES AND COORDINATION.

gff
Good Fulton & Farrell Architects

2808 Fairmount Street
Suite 300
Dallas, Texas 75201

214.303.1500/Tel
214.303.1512/Fax
www.gff.com

Job #: 13266.00 File Name: 2014-04-04 perspectives Date: 04/04/2014 Drawn by: TLB, RTW

Exhibit B
Cliff View
Fort Worth Avenue TIF District
HSM Cliff View Associates Ltd
Project Costs

Category	Staff Recommended Amount
Public infrastructure improvements paving, streetscape, water/wastewater, storm sewer, utility burial/relocation, and land acquisition	$2,275,837
Parks, open space, trails, and gateways	$75,000
Environmental Remediation and Demolition	$25,000
Mixed Income Housing	$2,274,163
Total	**$4,650,000**

Note: The amounts listed above include engineering, construction, design, construction management, and contingency estimates. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Funds may be shifted among categories as long as the total TIF funding does not exceed $4,650,000.

AGENDA ITEMS # 31,32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 67W

SUBJECT

TCDFW Industrial Development Inc.

* Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years related to the construction of a 200,000 square foot speculative industrial/warehouse facility in accordance with the City's Public/Private Partnership Program – Revenue: First year revenue estimated at $2,869; ten-year revenue estimated at $21,073; (Estimated revenue foregone for a ten-year new real property abatement estimated at $189,654)

* Authorize a Chapter 380 economic development grant agreement in an amount not to exceed $195,000 with TCDFW Industrial Development Inc. related to the construction of a 200,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program – Not to exceed $195,000 – Financing: General Obligation Commercial Paper Funds

BACKGROUND

City staff has negotiated with Trammel Crow Company regarding construction of a 200,000 square foot speculative industrial/warehouse facility on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas located in a Texas Enterprise Zone. Trammel Crow Company will develop this project through an entity called TCDFW Industrial Development Inc. Locally, the Trammel Crow Company has developed over 50 million square feet in industrial buildings, with a strong commitment to Southern Dallas.

BACKGROUND (Continued)

TCDFW Industrial Development Inc. seeks City Council approval of a 90 percent real property tax abatement for 10 years and an economic development grant in an amount not to exceed $195,000 to offset public and private improvement costs. TCDFW Industrial Development Inc., will make a minimum of $4,000,000 in real property improvements with construction of the 200,000 square foot speculative industrial/warehouse facility. The economic development grant will be payable upon the substantial completion of the 200,000 square foot facility and a minimum of $4,000,000 in real property improvements by December 31, 2016. The real property tax abatement must begin on or before January 1, 2017. TCDFW Industrial Development Inc. will forfeit the real property tax abatement and the economic development grant if it fails to reach the minimum investment by the required time.

The forgone revenue from the proposed tax abatement is $189,654. The proposed agreement will result in a 10-year net fiscal impact of $291,077 and a $1,236,054 20-year net fiscal impact.

The proposed project meets the minimum eligibility requirements of the Public/Private Partnership Program as adopted by the City Council in Resolution No. 12-1520 on June 13, 2012.

ESTIMATED SCHEDULE OF THE PROJECT

Begin Construction	August 2014
Complete Construction	May 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was presented to the Economic Development Committee on May 19, 2014.

FISCAL INFORMATION

$195,000 - 2012 Bond Program (General Obligation Commercial Paper Funds)

OWNER

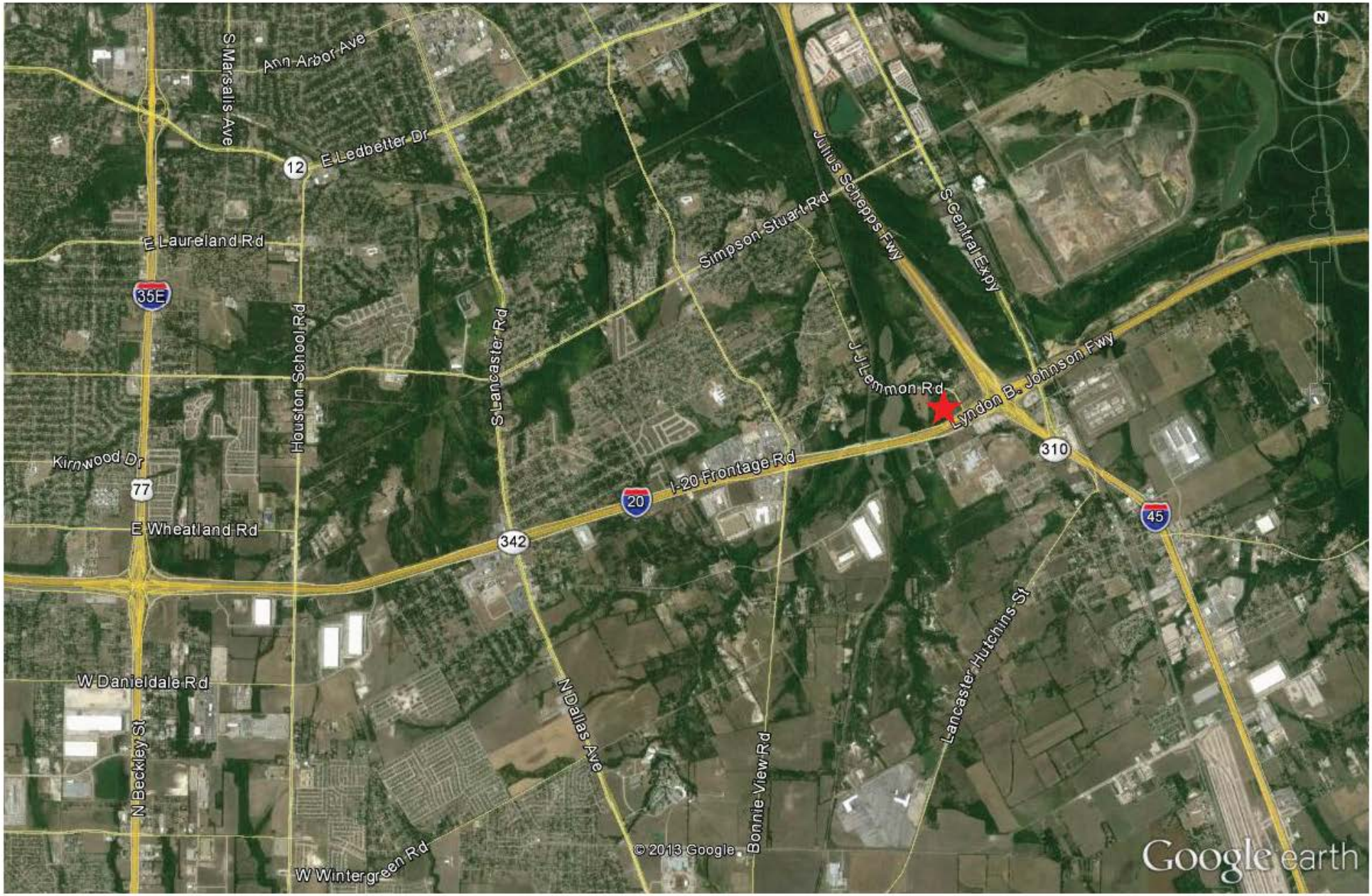
TCDFW Industrial Development Inc.

Scott Krikorian, Managing Director

MAPS

Attached.

TCDFW Industrial Development Inc. II Map



TCDFW Industrial Development Inc. II Map

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, by resolution approved on June 13, 2012, the City Council authorized the continuation of its participation in tax abatement and established the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, the State of Texas established an Enterprise Zone Program in 1993 which was amended in 2003 to designate Enterprise Zones by Census Tract Block Groups effective September 1, 2003; and

WHEREAS, pursuant to Section 312.2011 of the Property Redevelopment and Tax Abatement Act, the Act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with TCDFW Industrial Development Inc. for added value to real property for the construction of a 200,000 square foot speculative industrial/warehouse facility located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244, located within a State-designated Enterprise Zone.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute a real property tax abatement agreement with TCDFW Industrial Development Inc., for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That at least seven (7) days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

Section 3. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 4. That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within a State-designated Enterprise Zone.

Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

(a) The Property subject to tax abatement shall be located entirely within a State-designated Enterprise Zone.

(b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.

(c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.

(d) The City will provide TCDFW Industrial Development Inc. a 90 percent abatement of the added value to the real property for a period of ten years for real property located within a State-designated Enterprise Zone as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2017.

(e) That approximately $4,000,000 will be expended on construction, design, site work and other related hard and soft project costs to be substantially completed by December 31, 2016. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

(f) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.

(g) A description of the kind, number, location and costs of all proposed improvements to the Property will be provided to the Office of Economic Development.

Section 5. (Continued)

(h) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.

(i) A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.

(j) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.

(k) That the tax abatement agreement shall be personal to TCDFW Industrial Development Inc. and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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 - Metes & Bounds

LEGAL DESCRIPTION: PROPOSED LOT 2

BEING a tract of land situated in the Levi Dixon League Survey, Abstract No. 380, and the Ulrich Wuthrick Survey, Abstract No. 1518 in the City of Dallas, Dallas County, Texas, and being part of City of Dallas Block Numbers 8264 and 8266, and being part of a tract of land described in General Warranty Deed to The Dallas Morning News, L.P. recorded in Volume 99062, Page 04489, and to The Dallas Morning News of Texas, Inc., recorded in Volume 99062, Page 04510, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a point for the southeast corner of said Dallas Morning News tract, said point being at the intersection of the southwest right-of-way line of J. J. Lemmon Road (variable width right-of-way, 60-feet wide at this point) with the north right-of-way line of Interstate Highway No. 635 (Lyndon B. Johnson Freeway) (a variable width right-of-way), from which a found concrete monument bears North 55 degrees 45 minutes 11 seconds East, a distance of 0.8 feet;

THENCE South 55 degrees 45 minutes 11 seconds West, with said north right-of-way line of Interstate Highway No. 635, a distance of 1,018.11 feet to a point for corner, from which a 1/2-inch found iron rod bears North 55 degrees 45 minutes 11 seconds East a distance of 0.6 feet and a found concrete monument bears South 70 degrees 57 minutes 07 seconds West, a distance of 1.0 feet;

THENCE South 70 degrees 57 minutes 07 seconds West, continuing with said north right-of-way line of Interstate Highway No. 635, a distance of 96.61 feet to a 1/2-inch set iron rod with yellow plastic cap stamped “HALFF” (hereinafter referred to as “with cap”) for corner;

THENCE North 01 degree 16 minutes 07 seconds East, departing said north right-of-way line of Interstate Highway No. 635 and over and across said Dallas Morning News tract, a distance of 1,286.71 feet to a 1/2-inch set iron rod with cap for corner on the common the south right-of-way line of said J. J. Lemmon Road and the north line of said Dallas Morning News tract;

THENCE North 87 degrees 58 minutes 01 second East, with said common line, a distance of 125.77 feet to a 1/2-inch found iron rod for the point of curvature of a tangent circular curve to the right having a radius of 638.00 feet, chord that bears South 60 degrees 29 minutes 32 seconds East, a distance of 667.48 feet;

THENCE Southeasterly, continuing with said common line and with said curve, through a central angle of 63 degrees 04 minutes 54 seconds, an arc distance of 702.42 feet to a 1/2-inch found iron rod with red “RPLS3688” cap for the point of tangency;

THENCE South 28 degrees 57 minutes 05 seconds East, continuing with said common line, a distance of 408.68 feet to the POINT OF BEGINNING AND CONTAINING 17.52 acres (763,156 square feet) of land, more or less.

Exhibit B

TCDFW Industrial Development Inc. Property Map

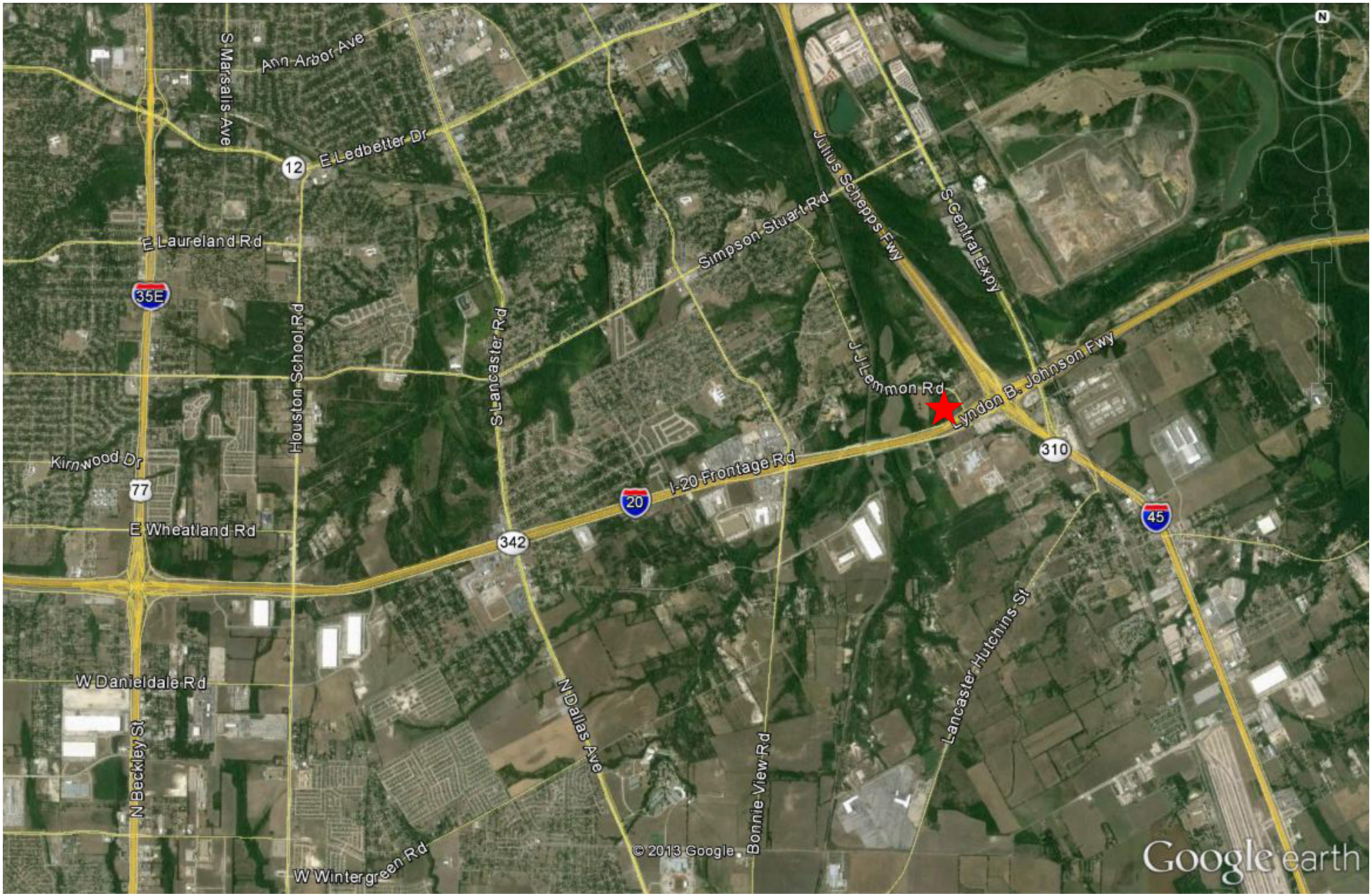


Exhibit B

TCDFW Industrial Development Inc. Property Map

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, the City, pursuant to Resolution No. 12-1520 approved by the City Council on June 13, 2012: (1) adopted revised Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, on June 13, 2012, the City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 12-1520, as amended; and

WHEREAS, the City Council adopted Ordinance 28740, as amended, on August 15, 2012 to authorize a bond election to be held on November 6, 2012 authorizing general obligation bonds; and

WHEREAS, on November 6, 2012, Dallas voters approved a $642 million General Obligation Bond Program of which $55,000,000 in bond funding to promote economic development activities in southern Dallas and promoting economic development in other areas of the City in conjunction with transit-oriented development by providing public infrastructure and funding the City's economic development programs for such areas; and

WHEREAS, the City desires to enter into an economic development grant agreement with TCDFW Industrial Development Inc. for the construction of a 200,000 square foot speculative industrial/warehouse facility located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with TCDFW Industrial Development Inc. for the construction of a 200,000 square foot speculative industrial/warehouse facility located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244.

Section 2. That the economic development grant with TCDFW Industrial Development Inc. in an amount not to exceed $195,000 will be payable upon substantial completion of a minimum of $4,000,000 in real property improvements on or before December 31, 2016.

Section 3. That the City Controller is hereby authorized to encumber and disburse funds from:

Fund 2U53, Department ECO, Unit P880, Object 3016, Activity ECNR, Encumbrance No. ECOP880H268, Vendor No. VS0000083370, in an amount not to exceed $195,000.

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 # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45L

SUBJECT

Authorize a Chapter 380 economic development grant agreement in an amount not to exceed $1,000,000 with Santander Consumer USA Inc. related to the relocation and expansion of its headquarters facility operation to downtown Dallas, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program – Not to exceed $1,000,000 – Financing: Public/Private Partnership Funds

BACKGROUND

City staff has been in negotiations with Santander Consumer USA Inc., to relocate and expand the company's headquarters operations to downtown Dallas from 8585 N. Stemmons Freeway, Dallas, Texas. The company considered relocating its operation to Irving. Santander Consumer USA Inc., provides full-service, technology-driven consumer financing with a focus on vehicle finance and unsecured consumer lending products. Since its founding in 1995, Santander Consumer USA Inc., has achieved strong brand recognition in the nonprime vehicle finance space. The company mainly originates loans indirectly through manufacturer-franchised and selected independent automotive dealers, as well as through relationships with national and regional banks and OEMs. Santander Consumer USA Inc., also directly originates and refinances vehicle loans online.

The company has leased approximately 350,000 square feet in a Class A office building in downtown Dallas, located at 1601 Elm Street, Dallas, Texas. The building, Thanksgiving Tower, is undergoing a $100,000,000 renovation. Santander Consumer USA Inc., will make an approximately $10,000,000 investment in tenant improvements as well as an estimated $6,000,000 investment in business personal property at the site.

BACKGROUND (Continued)

Santander Consumer USA Inc., will relocate a minimum of 1,150 new, permanent, non-seasonal FTE jobs with an estimated average salary exceeding $60,000 to the downtown Dallas site by December 31, 2014. Santander Consumer USA Inc., will add a minimum of 250 new, permanent, non-seasonal FTE jobs at the building by December 31, 2015 for a total employment of 1,400 jobs to be maintained at that location until December 31, 2024.

Santander Consumer USA Inc., seeks City Council approval of an economic development grant in an amount not to exceed $1,000,000 in consideration of the relocation and expansion of Santander Consumer USA Inc.'s headquarters operation to downtown Dallas.

The economic development grant will be payable in two installments corresponding to the permanent, non-seasonal FTE jobs created/retained. The first payment of $500,000 will be payable upon the substantial completion of the required tenant improvements of $1,500,000 and verification of a minimum of 1,150 jobs on site by December 31, 2014. To receive the second $500,000 payment, Santander Consumer USA Inc. must reach a total 1,400 jobs on site by December 31, 2015. The Chapter 380 economic development grant will be terminated in the event that the total job creation requirement is not met by December 31, 2015.

Santander Consumer USA Inc., will be required to maintain a total minimum employment of 1,400 permanent, non-seasonal FTE jobs in downtown Dallas. If the company fails to maintain the minimum job requirement, Santander Consumer USA Inc., will be required to repay $500 per job under the minimum job creation requirement up to the paid grant amount but not to exceed $500,000 until December 31, 2024.

If Santander Consumer USA Inc., should break their lease or relocate out of the City of Dallas prior to December 31, 2024, the company will be required to repay the total paid grant amount plus interest at a 4 percent APR from disbursement.

The proposed agreement will result in a 10-year net fiscal impact of $6,344,448 and an $18,660,900 20-year net fiscal impact.

The proposed project meets the minimum eligibility requirements of the Public/Private Partnership Program as adopted by the City Council in Resolution No. 12-1520 on June 13, 2012.

ESTIMATED SCHEDULE OF THE PROJECT

Began Construction	November 2013
Complete Construction	April 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was presented to the Economic Development Committee on May 19, 2014.

FISCAL INFORMATION

$1,000,000 - Public/Private Partnership Funds

OWNER

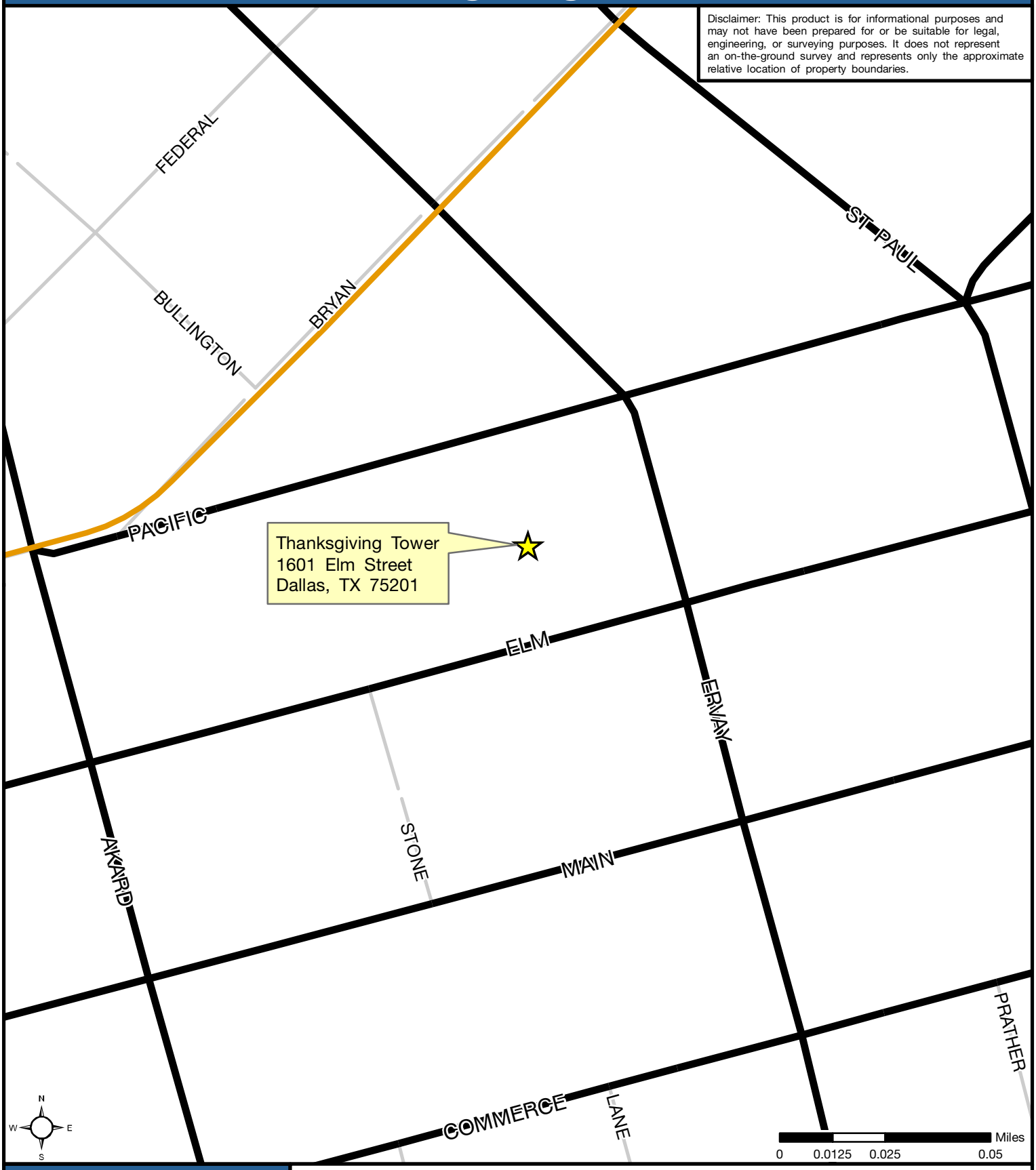
Santander Consumer USA Inc.

Thomas Dundon, CEO

MAP

Attached.

Thanksgiving Tower



DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 5.2.2014 - 14-05-02 Kim Moore.TCG

Legend

- DART Light Rail
- Arterial
- Local Road

Source: City of Dallas, 2014

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, the City, pursuant to Resolution No. 12-1520 approved by the City Council on June 13, 2012: (1) adopted revised Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, on June 13, 2012, the City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 12-1520, as amended; and

WHEREAS, the City desires to enter into an economic development grant agreement with Santander Consumer USA Inc. relocate and expand the company's headquarters operations to downtown Dallas at 1601 Elm Street, Dallas, Texas 75201.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with Santander Consumer USA Inc., for the relocation and expansion of the company's headquarters operations to downtown Dallas at 1601 Elm Street, Dallas, Texas 75201.

Section 2. That the economic development grant will be payable in two installments corresponding to the permanent, non-seasonal FTE jobs created/retained with an average salary of $60,000. The first payment of $500,000 will be payable upon the substantial completion of the required tenant improvements of $1,500,000 and verification of a minimum of 1,150 jobs on site by December 31, 2014. To receive the second $500,000 payment, Santander Consumer USA Inc. must reach a total 1,400 jobs on site by December 31, 2015. The Chapter 380 economic development grant will be terminated in the event that the total job creation requirement is not met by December 31, 2015.

Section 3. That Santander Consumer USA Inc. will be required to maintain a total minimum employment of 1,400 permanent, non-seasonal FTE jobs with an average salary of $60,000 in downtown Dallas until December 31, 2024. If the company fails to maintain the minimum job requirement, Santander Consumer USA Inc. will be required to repay $500 per job under the minimum job creation requirement up to the paid grant amount but not to exceed $500,000 until December 31, 2024.

Section 4. That if Santander Consumer USA Inc. should break their lease or relocate out of the City of Dallas prior to December 31, 2024, the company will be required to repay the total paid grant amount plus interest at a 4 percent APR from disbursement.

Section 5. That the City Controller is hereby authorized to encumber and disburse funds from: Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Encumbrance No. ECO9992H271, Vendor No. VC0000013064, in an amount not to exceed $1,000,000.

Section 6. That the City Controller is hereby authorized to receive and deposit the recapture amount for non-compliance, in accordance with the terms of the grant agreement, in Fund 0352. Department ECO, Unit 9992, Activity PPPF, Revenue Source 8476, in the amount of $500 per job under the minimum job creation requirement up to the paid grant amount but not to exceed $500,000 until December 31, 2024.

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.

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 42 U V

SUBJECT

Authorize a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., in an amount not to exceed $150,000 to promote the retention and expansion of the company's refrigerated warehouse operation and the creation and retention of jobs located at 2225 North Cockrell Hill Road in Dallas pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed $150,000 - Financing: Public/Private Partnership Funds

BACKGROUND

For the past several months, city staff has been in discussion with representatives of United States Cold Storage, L.P. (USCS) regarding the potential expansion of its recently constructed 500,000 square foot refrigerated warehouse. Plans call for an expansion of the Dallas operation by 200,000 square feet. USCS employs approximately 48 employees at 2225 N. Cockrell Hill Road in Dallas. As part of an evaluation of its DFW area operations, the company considered multiple facilities in Texas including Arlington, Fort Worth and Laredo as well as Tennessee to determine where to locate this additional capacity.

In order to secure the proposed expansion, city staff proposes City Council consideration of a $150,000 Economic Development grant. The company must invest a minimum of $6,000,000 in equipment, machinery and other business personal property as well as a minimum of $12,000,000 in real property improvements related to the expansion of approximately 200,000 square feet. The investment must be made by December 31, 2015. Additionally, the company must retain its existing 48 employees and add another 25 full time jobs (a total of 73) by December 31, 2016.

This corporate expansion conforms to Public/Private Partnership Program Guidelines and Criteria as it involves an investment of over $1,000,000 in this Southern Sector location.

BACKGROUND (Continued)

The expansion of USCS in Dallas will result in a positive net fiscal impact of approximately $1,181,739 over 10-years after incentives. The projected 20-year net fiscal impact of the project is $3,167,432.

On March 8, 2006, City Council authorized a 10-year, 90 percent tax abatement on added value of real property with Turnpike West, LLC which included the development of a 500,000 square feet by United States Cold Storage, L.P. (US Cold Storage) at an estimated cost of $16,500,000. This project was delayed due to the economic downturn. On April 24, 2012, City Council authorized an amendment to the original agreement to allow Unites States Cold Storage, L.P., to receive the remaining portion of the previously authorized tax abatement upon completion of the refrigerated warehouse facility. US Cold Storage substantially completed the facility with its Certificate of Occupancy on August 21, 2013, and employs approximately 48 at the site.

With 34 facilities located in 12 states, the United States Cold Storage employs more than 1,600 people. The company is an integral part of the global food distribution and supply chain with more than 35 percent of all goods it handles destined for international use or consumption. For more than a century, the company has provided refrigerated storage and distribution services which today range from primary storage to integrated third party logistic solutions. With more than 194 million cubic feet of temperature-controlled warehouse and distribution space, its customers include many of the top American and international food companies. Its commitment to full service solutions is reflected in such things as their proprietary transportation management system, TMS, which effectively plans and monitors hundreds of shipping activities on a daily basis.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2014
Substantial Completion	May 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to the Economic Development Committee on Monday May 19, 2014.

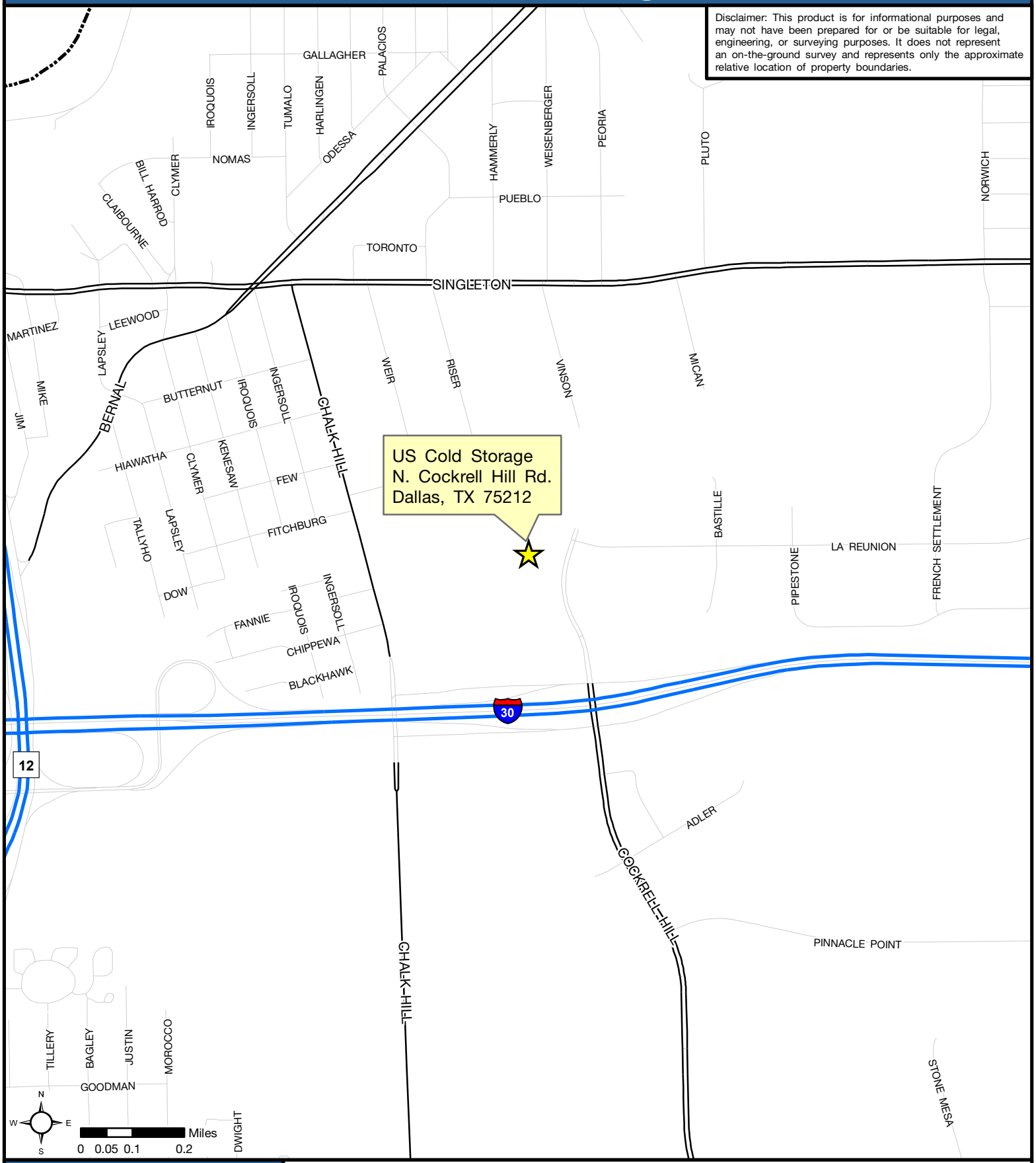
FISCAL INFORMATION

$150,000 - Public/Private Partnership Funds

MAP

Attached.

US Cold Storage



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Created 4.1.13, Last Updated 4.9.13 - 13-04-01 Chris O'Brien.TCG

Legend

- City of Dallas
- Freeway
- Arterial
- Local Road

Source: City of Dallas, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, the City of Dallas recognizes the importance of retaining and expanding its existing employment base; and

WHEREAS, the City Council adopted its Public/Private Partnership Guidelines and criteria on June 13, 2012 by Resolution No. 12-1520, wherein the City elected to continue its participation in tax abatements and other incentive programs including programs for loans and grants for economic development and established Guidelines and Criteria for the Public Private Partnership Program governing those economic development programs and incentive agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 ("Act"); and

WHEREAS, the City desires to enter into a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., in consideration of its investment in real property improvements and the retention/creation of new jobs in Dallas.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., that includes the following:

An economic development grant in an amount not to exceed $150,000 shall be paid to United States Cold Storage, L.P., subject to the following criteria:

United States Cold Storage, L.P. shall:

A. Invest a minimum $6,000,000 in new machinery and equipment and other business personal property at 2225 N. Cockrell Hill Road in Dallas, Texas by December 31, 2015.

B. Invest $12,000,000 in real property improvements associated with the expansion of approximately 200,000 square feet at 2225 N. Cockrell Hill Road in Dallas, Texas by December 31, 2015.

C. Retain its existing 48 employees and employ a minimum of 25 new full-time employees (73 total full-time employees) onsite by December 31, 2015.

Section 1. (Continued)

D. Failure to meet each criteria mentioned above by December 31, 2015 is an event of default and the City's obligation to pay the grant shall terminate.

Section 2. That the City Controller is hereby authorized to encumber and disburse future funds from: Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Encumbrance No. ECO9992L198, Vendor No. VC0000013065 as necessary to make payments in an amount not to exceed $150,000 as described above in Section 1.

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

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 43 T X

SUBJECT

Authorize an amendment to the Chapter 380 economic development grant agreement with SLF III – THE CANYON TIF, LP to: **(1)** extend the construction start date from May 31, 2014 to May 31, 2015; and **(2)** increase the minimum private investment from $5,000,000 to $10,000,000 – Financing: No cost consideration to the City

BACKGROUND

On March 27, 2013, the City Council authorized a Chapter 380 economic development grant agreement in an amount not to exceed $327,140 with the SLF III – THE CANYON TIF, L.P. (SLF III) related to the design of the Colorado Boulevard extension within the proposed Canyon development at the southeast corner of Interstate Highway 30 and Westmoreland Road, Dallas, Texas 75211. Funding in an amount not to exceed $10,000,000 was approved in the 2012 Bond Program for the design and construction of the proposed Colorado Boulevard extension. In order to expedite delivery of Phase I of the Colorado extension, SLF III privately funded engineering, survey, geotechnical, and other associated items of the proposed improvements in accordance with the grant agreement.

Additionally, the agreement requires SLF III to ensure a minimum of $5 million would be privately invested for construction of new commercial development including a hotel and new restaurants. Pursuant to the agreement, SLF III is to commence construction on the proposed commercial development by May 31, 2014.

BACKGROUND (Continued)

SLF III has requested the City Council to consider extending the start of construction from May 31, 2014 to May 31, 2015. Reasons cited for the extension request is the delay of construction of the Colorado Boulevard extension from Westmoreland Road to the I-30 Frontage Road which has had an impact on the overall project schedule concerning The Canyon.

The proposed amended Chapter 380 economic development grant will be payable after City Council award of the construction contract for the initial phase of the Colorado Boulevard extension. SLF III also ensures with this amendment that a minimum of $10,000,000 (previously $5,000,000) will be privately invested for construction of a hotel, retail shops, restaurants, entertainment facilities and/or personal service facilities.

ESTIMATED SCHEDULE OF THE PROJECT

Begin Construction	May 2015
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 4, 2013, a memo was submitted to the Economic Development Committee regarding the proposed Chapter 380 economic development grant agreement.

On March 27, 2013, the City Council approved a Chapter 380 economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program with SLF III supporting the proposed Canyon development at the southeast corner of Interstate Highway 30 and Westmoreland Road, Dallas, Texas 75225 - Not to exceed $327,140.

On May 19, 2014, a memo was submitted to the Economic Development Committee regarding the proposed extension of the March 27, 2013 Chapter 380 economic development grant agreement from May 31, 2014 to May 31, 2015 and increasing the minimal construction costs required for the retail improvements from $5,000,000 to $10,000,000.

FISCAL INFORMATION

No cost consideration to the City

OWNER

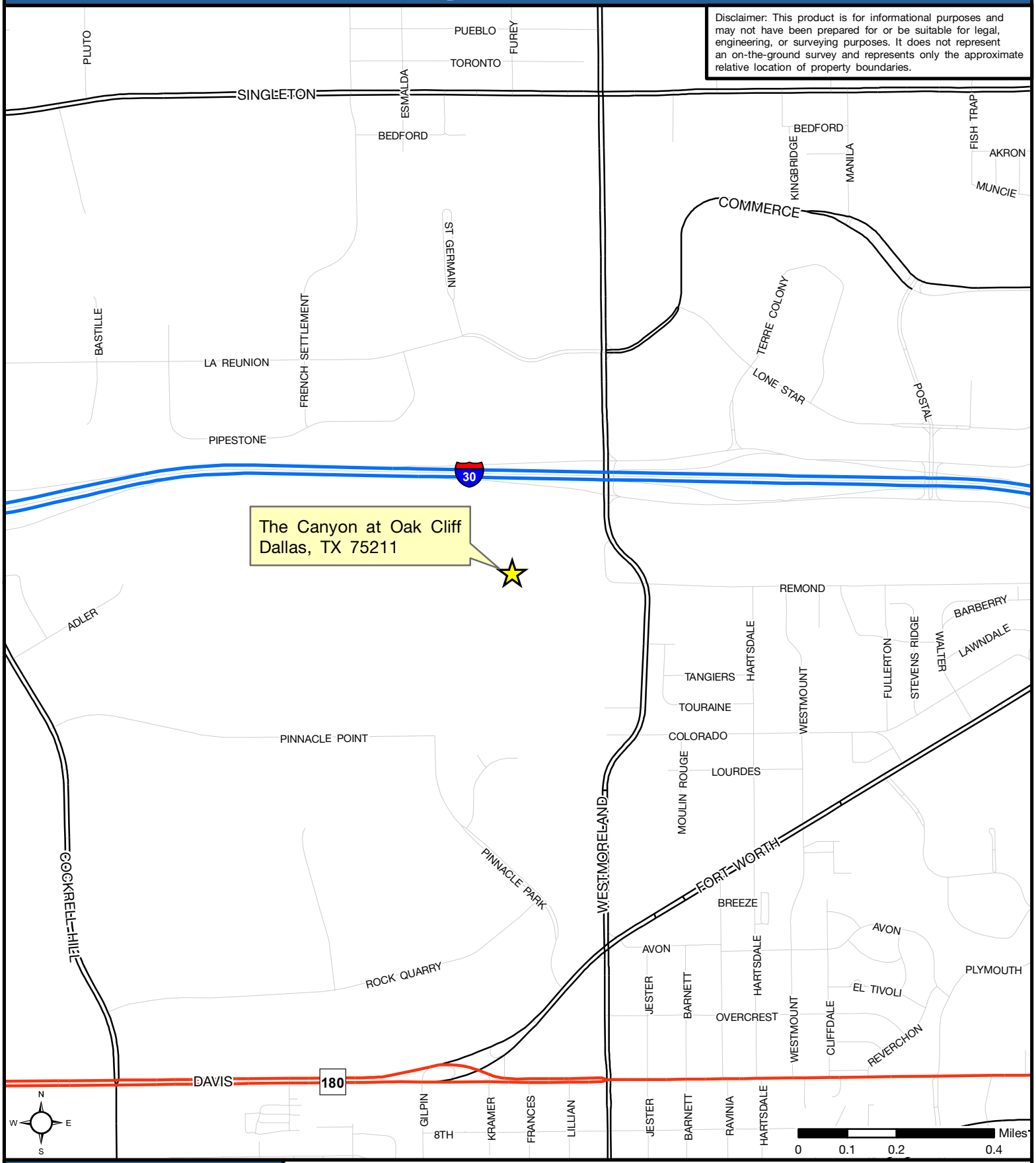
SLF III – THE CANYON TIF, L.P.

Ocie L. Vest, P.E., Senior Vice President

MAP

Attached.

The Canyon at Oak Cliff



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Created 3.12.2013 - 13-03-12 Hammond Perot SR.TCG

Legend

- Freeway
- Highway
- Arterial
- Local Road

Source: City of Dallas, 2013

WHEREAS, the City recognizes the importance of retaining and expanding its existing employment base; and

WHEREAS, the City Council authorized the adoption of the Public/Private Partnership Guidelines and Criteria on June 13. 2012, by Resolution No. 12-1520, wherein the City elected to continue its participation in tax abatements and other incentive programs including programs for loans and grants for economic development and established Guidelines and Criteria for the Public Private Partnership Program governing those economic development programs and incentive agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 ("Act"); and

WHEREAS, on June 13, 2012, City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 12-1520, as amended; and

WHEREAS, pursuant to Resolution No. 13-0551 approved on March 27, 2013, the City entered into an economic development grant agreement with SLF Ill —THE CANYON TIF, LP to reimburse certain costs associated with the development of roadway improvements serving a proposed retail improvements to be located at I-30 and Westmoreland Road; Dallas, Texas, 75211; and

WHEREAS, the City desires to amend the executed grant agreement to extend the commencement date of the retail improvements from May 31, 2014 to May 31, 2015 and increase the minimum construction costs for the private retail improvements from $5,000,000 to $10,000,000.

NOW, THEREFORE,

BE IT RESOLVED BY 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 execute an amendment to the Chapter 380 grant agreement with SLF Ill — THE CANYON TIF, LP previously approved on March 27, 2013, by Resolution No.13-0551 as follows:

A. Extend the commencement of construction from May 31, 2014 to May 31, 2015.

B. Increase the required investment from $5,000,000 to $10,000,000.

Section 2. That all other terms and conditions set forth in Resolution No. 13-0551 shall remain in full force and effect, except as specifically outlined in Section 1 above.

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 # 36

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an amendment to Resolution No. 14-0688, previously approved on April 23, 2014, which authorized a Chapter 380 economic development grant agreement with Frazier Revitalization, Inc., or Hatcher at Scyene Title Holding Company (collectively, "FRI"), to allow $1.2 million of the funding related to the development of a medical facility to be constructed at 4600 Scyene Road to be used as bridge financing provided FRI meets certain conditions – Financing: No cost consideration to the City

BACKGROUND

Frazier Revitalization, Inc. (FRI) is a non-profit developer that has been active in the Frazier neighborhood for the past seven years. FRI is currently proposing to construct a new medical clinic adjacent to the Hatcher Station DART stop. The clinic will be occupied by Parkland Hospital System. This clinic is Phase One of a mixed-use development.

The new facility will be approximately 44,000 square feet and offer over 50 exam rooms. Services offered will include an adult clinic, geriatric & behavioral health clinic, women and infants specialty health (WISH) clinic, and a pediatric clinic. They are anticipating over 55,000 patients annually, with room for additional expansion. The total project cost is approximately $19.5 million.

On April 23, 2014, City Council approved a Chapter 380 grant agreement in an amount not to exceed $2 million to be funded at financial close and disbursed pari passu through the construction disbursement process. However, due to delays in securing financing, bridge funds are needed to allow the development process to continue moving forward prior to the financial close (scheduled for July 2014). These bridge funds will keep the construction process on track for the Parkland Clinic's early 2015 opening.

BACKGROUND (Continued)

Up to $1.2 million of the previously approved $2 million would be made available for bridge funding if all of the following conditions are met: (1) A Senior Loan commitment from Chase Bank; (2) An executed NMTC term sheet between the Dallas Development Fund and JP Morgan Chase; and (3) An executed lease between Parkland and FRI.

After Council approval, and after the above conditions are met, the City would reimburse FRI for eligible development costs not to exceed $1.2 million. No new Public Private Partnership funds are being proposed for the project; the $1.2 million is a portion of the already approved funding.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 7, 2014, the Economic Development Committee was briefed on the FRI Hatcher Station project.

On April 23, 2014, City Council authorized a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Frazier Revitalization, Inc. or Hatcher at Scyene Title Holding Company (collectively, “FRI”), in an amount up to $2,000,000 associated with the development of a medical facility to be constructed at 4600 Scyene Road by Resolution No. 14-0688.

On May 12, 2014, the Economic Development Committee received a memo regarding this item.

FISCAL INFORMATION

No cost consideration to the City

OWNER

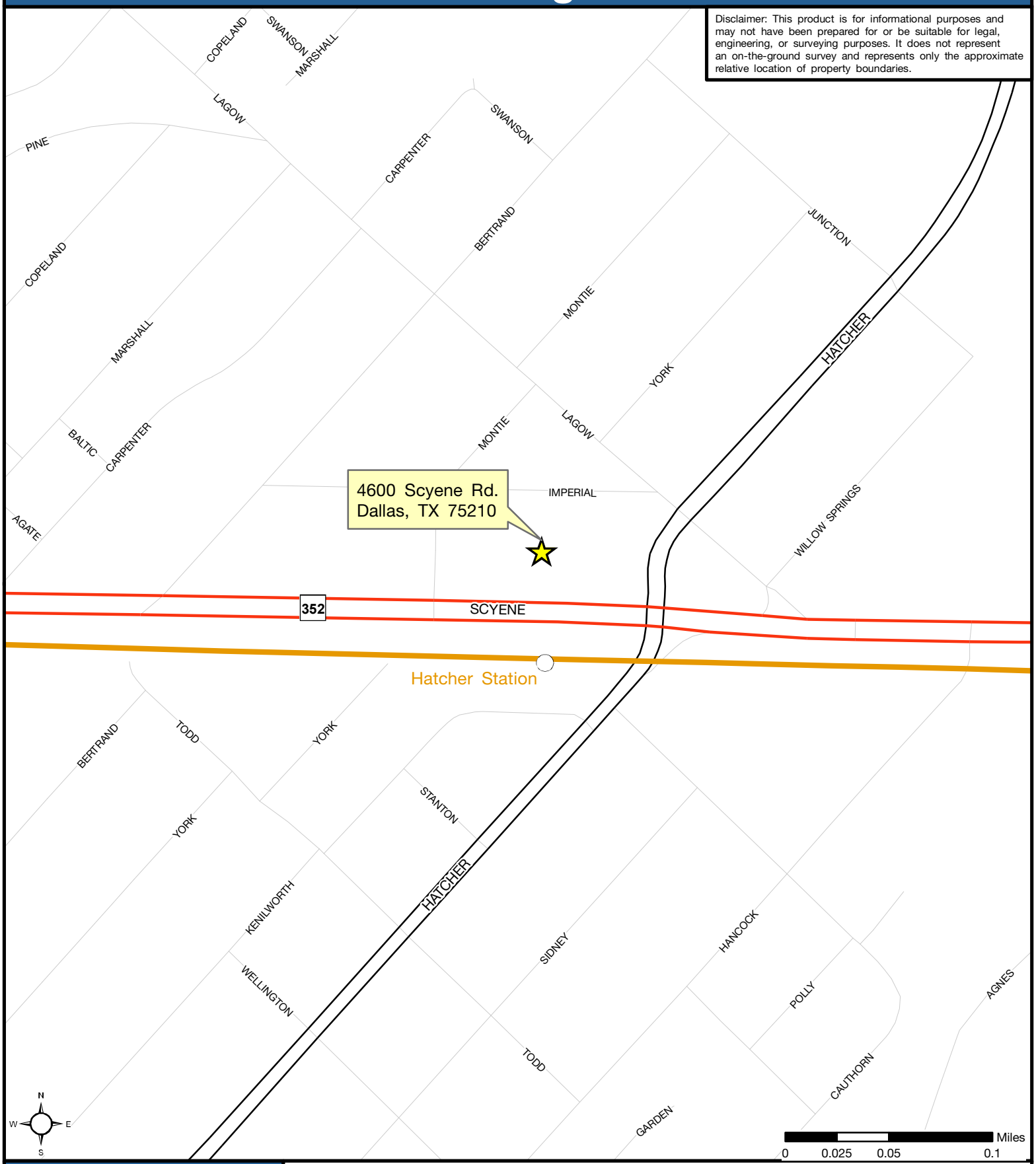
Frazier Revitalization, Inc.

Dorothy Hopkins, President, Chief Executive Officer

MAP

Attached.

Hatcher Station Village Medical Clinic



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Created 8.2.2013, Last Updated 4.4.2014 - HatcherSquare.TCG

Legend

- Rail Station
- DART Light Rail
- Highway
- Arterial
- Local Road

Source: City of Dallas, 2014

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 13, 2012, the City Council elected to continue its participation in tax abatement and the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520 and as amended by Resolution No. 13-0728; and

WHEREAS, on April 23, 2014, City Council authorized Resolution No. 14-0688 to authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Frazier Revitalization, Inc. or Hatcher at Scyene Title Holding Company (collectively, “FRI”), in an amount up to $2,000,000 associated with the development of a medical facility to be constructed at 4600 Scyene Road; and

WHEREAS, the City now desires to authorize an amendment to Resolution No. 14-0688 to modify the funding timing related to the development of a medical facility to be constructed at 4600 Scyene Road.

NOW, THEREFORE,

BE IT RESOLVED BY 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 amend the loan agreement and Section 1 (a) of Resolution No. 14-0688 to incorporate the following to modify the timing of the funding authorized by the Resolution:

> That the actual amount and payment of the grant shall not exceed $2,000,000 and shall serve as gap financing for the Parkland Medical Clinic. Funds will be used for development of a medical clinic. Funds will be payable at financial closing, but will be disbursed pari passu through the construction disbursement process. Of this $2,000,000, up to $1.2 million shall be available on a reimbursement basis to offset development costs provided that the following conditions are met: (1) an executed term sheet is in place for the senior debt; (2) an executed term sheet is in place for the NMTC funding; and (3) an executed lease is in place between FRI and Parkland.

Section 2. That the remaining terms of the loan agreement and the original authorizing agreement shall remain in full force and effect except as amended herein.

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

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 46U

SUBJECT

Authorize a housing development loan in an amount not to exceed $254,000 with South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, for the development of two affordable single family homes located at 3622 and 3624 Meadow Street - Not to exceed $254,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

BACKGROUND

In July 2008, the Housing and Economic Recovery Act of 2008 (HERA) was enacted into law. HERA appropriated $3.92 billion to assist states and localities in redevelopment efforts, particularly for foreclosed or abandoned housing properties. The Program is referred to as the Neighborhood Stabilization Program (NSP) and is considered a Special Allocation of 2008 Community Development Block Grant Funds. Allocations to states and localities were based on percentage and number of home foreclosures, homes financed by sub prime mortgage related loans, and homes in default or delinquency.

On September 26, 2008, the City of Dallas was notified of its allocation of $7,932,555 of NSP funds. The Program generated over $4,000,000 in program income for a total budget of over $11,000,000.

The NSP funds benefited low, moderate and middle income persons up to 120% Area Median Family Income (AMFI) for Dallas and over 25% of the NSP funds benefited low income persons up to 50% AMFI. The use of the funds must comply with the requirements under the HERA; the Community Development Block Grant regulations; the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, and other federal requirements.

BACKGROUND (continued)

The City utilized the funds for Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; (2) Reprogramming of funds from Activity 2-Acquisition, Rehabilitation, & Sale/Rent (ARSR) Foreclosed Properties to Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; and (3) Reprogramming $1,300,000 from Activity 2-ARSR to Activity 1-Acquisition, Demolition, Maintenance, Redevelopment, & Sale for Land Banking Program (ADR).

In June 2010, South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, was awarded a development loan to construct four (4) single family homes in one of the designated area zip codes (75215) for the NSP. The four (4) homes were built and sold to families below 50% AMFI.

In February 2014, ICDC submitted a proposal to the City of Dallas for the development of two (2) additional affordable housing units for low-income families. The units will be approximately 1400 sq.ft, 3 bedroom, two bath, two car garage with a large yard. The homes will meet energy star requirements. The total cost to build is approximately $127,000.

The NSP program was designed to provide developers with full cost recovery. The final sales price of each home will be adjusted to the buyer's calculated annual income. Proceeds from the sale of each home will be returned to the City of Dallas minus allowable closing costs. Homebuyers are not eligible for the Mortgage Assistance Program but may be assisted with closing costs up to $5,000.

The City funds will be provided through NSP funds from prior sales. ICDC will be required to execute a deed of trust and note payable to insure. The City will hold first lien position until homebuyer purchases each home. Homebuyers will assume a deed restriction for the regulated affordability period of fifteen years. ICDC will have one year to complete construction and sell the two homes. The organization is in good standing and has received favorable audits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 25, 2009, City Council authorized the acceptance of the NSP funds by Resolution No. 09-0530.

On December 9, 2009, City Council authorized Substantial Amendment No. 4 to the FY 2008-09 Consolidated Plan for the NSP Program by Resolution No. 09-3019.

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

On June 23, 2010, City Council authorized a public hearing for Substantial Amendment No. 5 to the FY 2008-2009 Consolidated Plan to (1) amend the Program Statement to include Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; (2) Reprogramming of funds from Activity 2-Acquisition, Rehabilitation, & Sale/Rent (ARSR) Foreclosed Properties to Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; and (3) Reprogramming $1,300,000 from Activity 2-ARSR to Activity 1-Acquisition, Demolition, Maintenance, Redevelopment, & Sale for Land Banking Program (ADR) by Resolution No. 10-1671.

On August 25, 2010, City Council approved final adoption of Substantial Amendment No. 5 to FY 2008-2009 Consolidated Plan to (1) amend the Program Statement to include Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; (2) Reprogramming of funds from Activity 2-Acquisition, Rehabilitation, & Sale/Rent (ARSR) Foreclosed Properties to Activity 4-Acquisition, Redevelopment, & Sale of Foreclosed/Abandon Properties; and (3) Reprogramming $1,300,000 from Activity 2-ARSR to Activity 1-Acquisition, Demolition, Maintenance, Redevelopment, & Sale for Land Banking Program (ADR) by Resolution No. 10-2184.

On November 10, 2010, City Council authorized a public hearing for Substantial Amendment No. 7 to the FY 2008-2009 Consolidated Plan to (1) amend the Neighborhood Stabilization Program Statement, Attachment A, Activity 1, Terms and Grants and Loans from a tiered grant to a flat grant of up to $25,000 per unit; (2) the receipt and deposit of program income in the amount of $2.2M in the Neighborhood Stabilization Program Fund; and (3) the establishment of appropriations in the amount of $2.2M in the Neighborhood Stabilization Program Fund by Resolution No. 10-2869 .

On December 8, 2010, City Council approved final adoption of Substantial Amendment No. 7 to the FY 2008-2009 Consolidated Plan to (1) amend the Neighborhood Stabilization Program Statement, Attachment A, Activity 1, Terms and Grants and Loans from a tiered grant to a flat grant of up to $25,000 per unit; (2) the receipt and deposit of program income in the amount of $2.2M in the Neighborhood Stabilization Program Fund; and (3) the establishment of appropriations in the amount of $2.2M in the Neighborhood Stabilization Program Fund by Resolution No. 10-3051.

On September 28, 2011, the City Council provided preliminary approval of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program 1 (NSP1) and set the public hearing for October 26, 2011 to receive citizen comments by Resolution No. 11-2573.

On October 26, 2011, City Council approved final adoption of Substantial Amendment No. 10 to the FY 2008-2009 Consolidated Plan to (1) the receipt and deposit of program income in the amount of $3.4M in the Neighborhood Stabilization Program Fund; and (2) the establishment of appropriations in the amount of $3.4M in the Neighborhood Stabilization Program Fund by Resolution No. 11-2876.

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

On November 14, 2012, the City Council authorized a preliminary adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to (1) the receipt and deposit of program income in the amount of $400,000; (2) increase established appropriations from $3.4M to $3.8M to be used for similar eligible activities; and (3) a public hearing to be held on December 12, 2012 to receive comments on Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan by Resolution No. 12-2799.

On December 12, 2012, the City Council authorized the final adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to (1) receipt and deposit program income in the amount of $400,000; and (2) increase established appropriations from $3.4M to $3.8M to be used for similar eligible activities by Resolution No. 12-2799.

On April 10, 2013, the City Council hereby authorized the final adoption of Substantial Amendment No. 19 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to (1) receipt and deposit program income in the amount of $200,000; and (2) increase established appropriations from $3.8M to $4M to be used for similar eligible activities by Resolution No. 13-0650.

On April 7, 2014, Housing Committee was briefed on South Dallas Fair Park Innercity Community Development Corporation and their building activities (including this project).

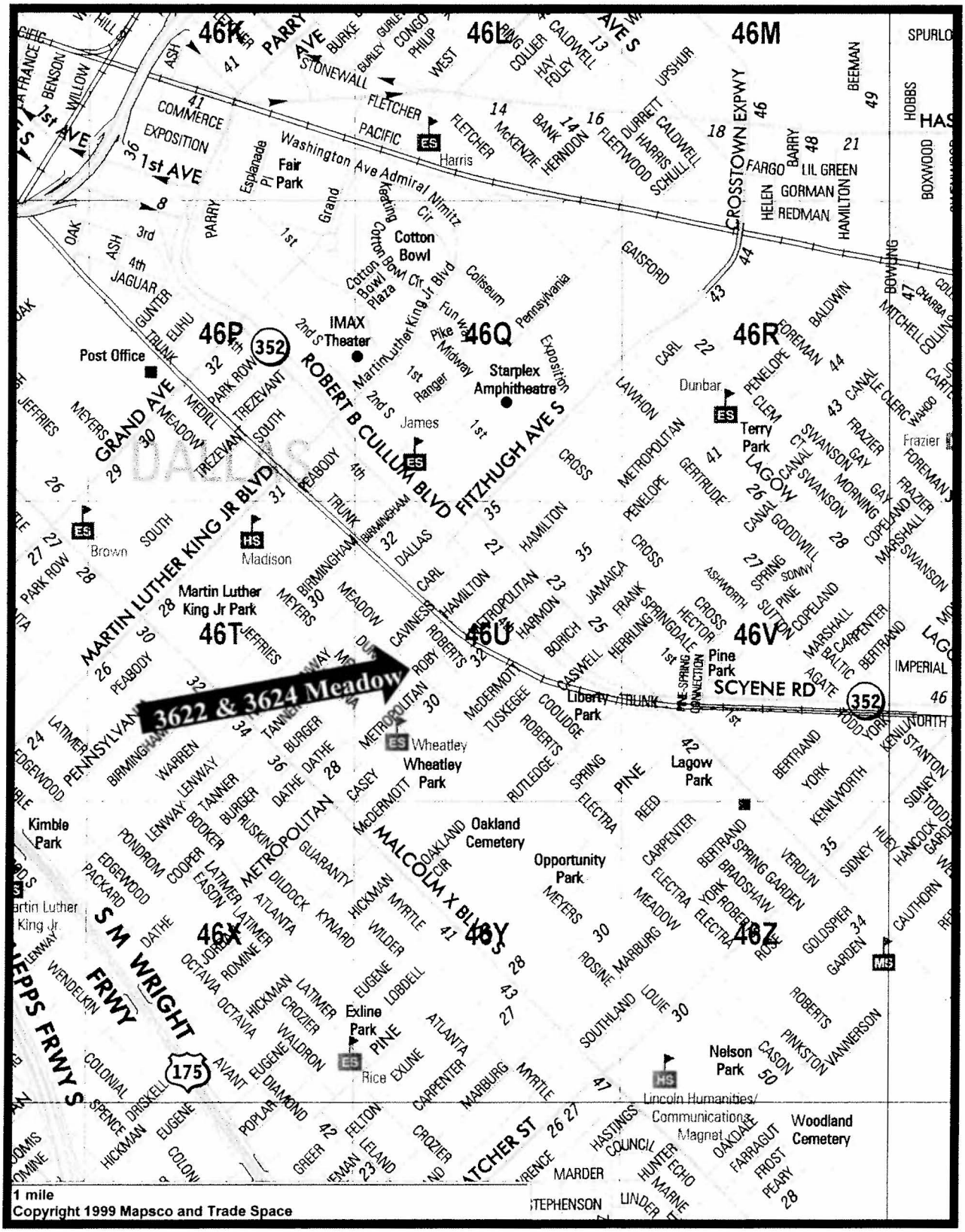
FISCAL INFORMATION

$254,000 - 2008-09 Neighborhood Stabilization Program Grant Funds

OWNER	DEVELOPER
South Dallas Fair Park Innercity CDC (ICDC)	**South Dallas Fair Park Innercity CDC (ICDC)**
Diane Ragsdale, Executive Director	Diane Ragsdale, Executive Director

MAP

Attached


3622 & 3624 Meadow
46K
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46Q
46R
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MAPSCO 46U

WHEREAS, on February 25, 2009, the City Council authorized the acceptance of the NSP funds by Resolution No. 09-0530; and

WHEREAS, on December 9, 2009, the City Council authorized Substantial Amendment No. 4 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 09-3019; and

WHEREAS, on June 23, 2010, the City Council authorized a public hearing for the adoption of Substantial Amendment No. 5 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 10-1671; and

WHEREAS, on August 25, 2010, the City Council authorized final adoption of Substantial Amendment No. 5 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 10-2184; and

WHEREAS, on November 10, 2010, the City Council authorized a public hearing for the adoption of Substantial Amendment No. 7 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 10-2869; and

WHEREAS, on December 8, 2010, the City Council authorized final adoption of Substantial Amendment No. 7 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 10-3051; and

WHEREAS, on September 28, 2011, the City Council provided preliminary approval of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program 1 (NSP1) and set the public hearing for October 26, 2011 to receive citizen comments by Resolution No. 11-2573.

WHEREAS, on October 26, 2011, the City Council authorized final adoption of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 11-2573; and

WHEREAS, on November 14, 2012, the City Council authorized a public hearing for the adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program by Resolution No. 12-2799; and

WHEREAS, on December 12, 2012, the City Council authorized the final adoption of Substantial Amendment No. 16 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to (1) receipt and deposit program income in the amount of $400,000; and (2) increase established appropriations from $3.4M to $3.8M to be used for similar eligible activities by Resolution No. 12-2799; and

May 28, 2014

WHEREAS, on April 10, 2013, the City Council hereby authorized the final adoption of Substantial Amendment No. 19 to the FY 2008-09 through 2012-13 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to (1) receipt and deposit program income in the amount of $200,000; and (2) increase established appropriations from $3.8M to $4M to be used for similar eligible activities by Resolution No. 13-0650; and

WHEREAS, Program income generated through Neighborhood Stabilization Program activities must be used for other Neighborhood Stabilization Program eligible activities; and

WHEREAS, South Dallas Fair Park Innercity Community Development Corporation (ICDC) proposed to work with the City of Dallas to undertake the development of two (2) affordable units at 3622 and 3624 Meadow; **NOW, THEREFORE,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute a housing development loan in an amount not to exceed $254,000 with South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, for the development of two (2) affordable single family homes located at 3622 and 3624 Meadow.

Section 2. The terms of the loan agreement include:

a. ICDC must execute a note payable to the City of Dallas for $254,000 for the loan.
b. ICDC will execute a lien through a Deed of Trust and deed restriction for a 15-year term for the affordable units.
c. ICDC will have one (1) year to fully complete the project.
d. ICDC must build and sell the affordable units to low and moderate income families with incomes at or below 120% of area median family income.
e. Sales proceeds will be returned to the City after approved construction, soft and hard costs, developer fees and closing costs are paid.
f. The City will hold 1st lien position on the properties.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

Section 4. That the City Controller is hereby authorized to disburse funds in accordance with this resolution and the terms and conditions of the loan agreement as follows:

South Dallas Fair Park Innercity Community Development Corporation (ICDC)
VENDOR # 266539

FUND	DEPT	UNIT	OBJ	CT	AMOUNT
NS08	HOU	412A	3015	HOU412AH1115	$254,000

Section 5. That the City Controller is hereby authorized to modify receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in funds NS08, 412A for the amount of the loan.

Section 6. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

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.

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 45R

SUBJECT

Authorize an amendment to Resolution No. 13-0993, previously approved on June 12, 2013, for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard to: **(1)** extend the start date from September 30, 2013 to July 31, 2014; **(2)** extend the completion date from March 31, 2014 to May 31, 2015; and **(3)** change the terms as described in Section 2 - Financing: No cost consideration to the City

BACKGROUND

In June 2013, the City Council approved a conditional grant for the Cottages at Hickory Crossing for a permanent supportive housing demonstration project serving chronically homeless involved in the criminal justice system, with mental illness, and/or with substance abuse issues. The goal of the project is to improve the well being of the people served, reduce recidivism, and realize cost savings to the taxpayers through reduced expenditures on public safety, behavioral health, and health care. Services offered on-site will include: individual case management, medication management and education, life skills training, mental health services, substance abuse services, employment assistance, and transportation as needed.

Other project partners include: W.W. Caruth, Jr. Foundation, Sowell Foundation, CitySquare, Metrocare, Dallas County, Metro Dallas Homeless Alliance, UT Southwestern, Building Community Workshop, and the Cooperation for Supportive Housing.

In April 2014, Central Dallas CDC requested to (1) extend the start date from September 30, 2013 to July 31, 2014; (2) extend the completion date one year from March 31, 2014 to May 31, 2015; and (3) change the terms as described in Section 2.

BACKGROUND (continued)

This action would provide changes to the conditional grant agreement to Central Dallas CDC, or its wholly owned subsidiary, for the construction of fifty (50) permanent supportive housing units at 1531 Malcolm X Boulevard.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, the City Council approved a conditional grant agreement in the amount of $1,500,000 with Central Dallas Community Development Corporation, or its wholly owned subsidiary, to provide funding for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard by Resolution No. 13-0993.

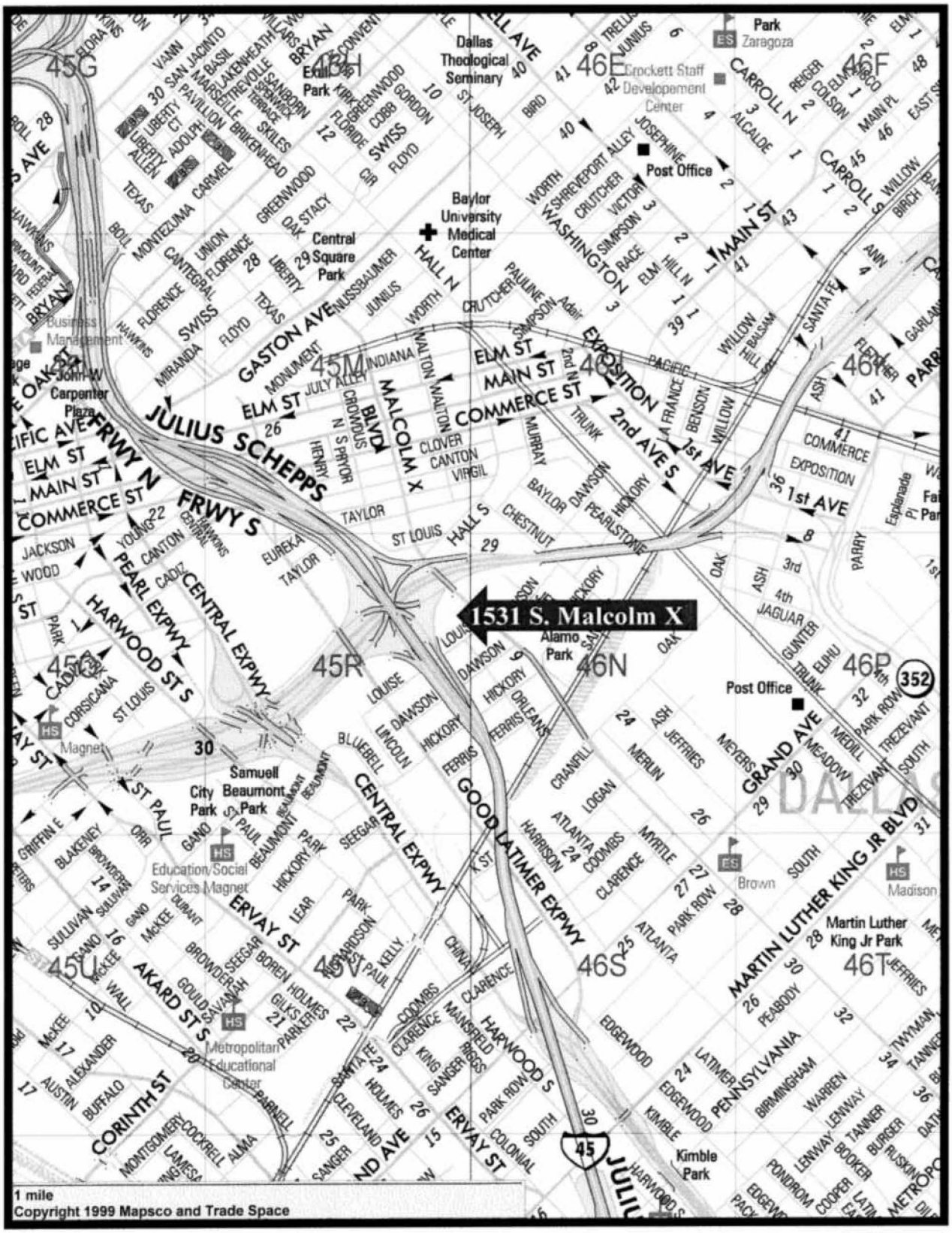
FISCAL INFORMATION

No cost consideration to the City

OWNER	DEVELOPER
Central Dallas CDC	**Central Dallas CDC**
John Greenan, Executive Director	John Greenan, Executive Director

MAP

Attached


1531 S. Malcolm X
Alamo Park
Dallas Theological Seminary
Baylor University Medical Center
Central Square Park
Crockett Staff Development Center
Post Office
Zaragoza
Exall Park
Carpenter Plaza
Samuell Beaumont City Park
Education/Social Services Magnet
Metropolitan Educational Center
Brown
Madison
Martin Luther King Jr Park
Kimble Park
JULIUS SCHEPPS FRWY N
FRWY S
PEARL EXPWY
HARWOOD ST S
CENTRAL EXPWY
GOOD LATIMER EXPWY
MALCOLM X BLVD
MARTIN LUTHER KING JR BLVD
GRAND AVE
GASTON AVE
ELM ST
MAIN ST
COMMERCE ST
EXPOSITION
1st AVE
2nd AVE S
ERVAY ST
AKARD ST S
CORINTH ST
HALL N
HALL S
WASHINGTON
CARROLL N
CARROLL S
45G
45H
45M
45R
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45V
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46T
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MAPSCO 45R

WHEREAS, the City of Dallas seeks to maintain the supply of permanent supportive housing for the Continuum of Care for homeless persons; and

WHEREAS, Central Dallas Community Development Corporation wishes to partner with the City of Dallas to improve the property located at 1531 Malcolm X Boulevard and to offer fifty (50) permanent supportive housing units at this site; and

WHEREAS, on June 12, 2013, the City Council approved a conditional grant agreement in the amount of $1,500,000 with Central Dallas Community Development Corporation, or its wholly owned subsidiary, to provide funding for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard by Resolution No. 13-0993; **NOW, THEREFORE,**

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to amend Resolution No. 13-0993, previously approved on June 12, 2013, for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard to: (1) extend the start date from September 30, 2013 to July 31, 2014; (2) extend the completion date from March 31, 2014 to May 31, 2015; and (3) change the terms as described in Section 2.

SECTION 2. That the grant agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

a. Central Dallas CDC, or its wholly owned subsidiary shall begin construction on 1531 Malcolm X Boulevard by July 31, 2014.
b. Central Dallas CDC, or its wholly owned subsidiary shall complete construction by May 31, 2015.
c. Central Dallas CDC consents to and files deed restrictions requiring 100% of the units to be rented to low income people for a period of ten (10) years.
d. The City will subordinate first lien position to the interim construction lender.

SECTION 3. That the City Manager or designee may extend the start and completion dates for a period up to three months for just cause.

SECTION 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

SECTION 5. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the deed restrictions are duly approved by all parties and executed.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 55F

SUBJECT

Authorize an amendment to Resolution No. 14-0565, previously approved on March 26, 2014, to: **(1)** change the owner's name on the conditional grant agreement from Sphinx Development Corporation to SDC Compton Housing, LP; and **(2)** change the terms of the disbursement of funds to $34,285 per unit with a five year deed restriction to build fourteen townhomes on Tonga and Compton Streets - Financing: No cost consideration to the City

BACKGROUND

In 2006, a master plan was created for the Fiji-Compton Area that would guide the implementation of several redevelopment components. The Fiji-Compton Area is a 23.43 acre site located along Corinth Avenue between two DART light rail stations. The economic development goals for the Fiji-Compton area include: 130 units of new senior housing, a new 60 room assisted living facility (34,500 sq. ft.), 50 new townhouses, 19,200 sq. ft. of office space, and a mixed use building with 12,200 sq ft. of commercial/retail space with 74 one and two bedroom apartments above. The 130 units of senior housing have provided the impetus for spin-off development within the Fiji-Compton Area.

The 2012 Bond Election provided $40 million in general obligation bonds to provide funds for promoting development in the Southern Sector. This project is being implemented under that program.

In July 2013, Jay Oji (Owner/Developer) submitted a proposal to the City requesting gap financing of $480,000 to develop 14 townhomes that are included in the master plan

City funds will be used toward total development costs which may include soft costs, construction expenses, or developer fees. Mr. Oji proposed to develop the townhomes with 3 to 4 bedrooms, 2.5 baths, and up to 1400 sq. ft. per unit. On March 26, 2014, the City Council approved the conditional grant agreement.

BACKGROUND (continued)

In April 2014, the developer requested changes to the conditional grant agreement to (1) change the owner's name on the agreement to SDC Compton Housing, LP; and (2) change the terms of the disbursement of funds to $34,285 per unit with a five (5) year deed restriction. All other terms will remain the same.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 3, 2014, the Housing Committee was briefed on the Fiji Townhomes Project and approved the project to move forward to full City Council.

On March 26, 2014, the City Council approved a conditional grant to Sphinx Development Corporation, for the Fiji Townhomes Project by Resolution No. 14-0565.

FISCAL INFORMATION

No cost consideration to the City

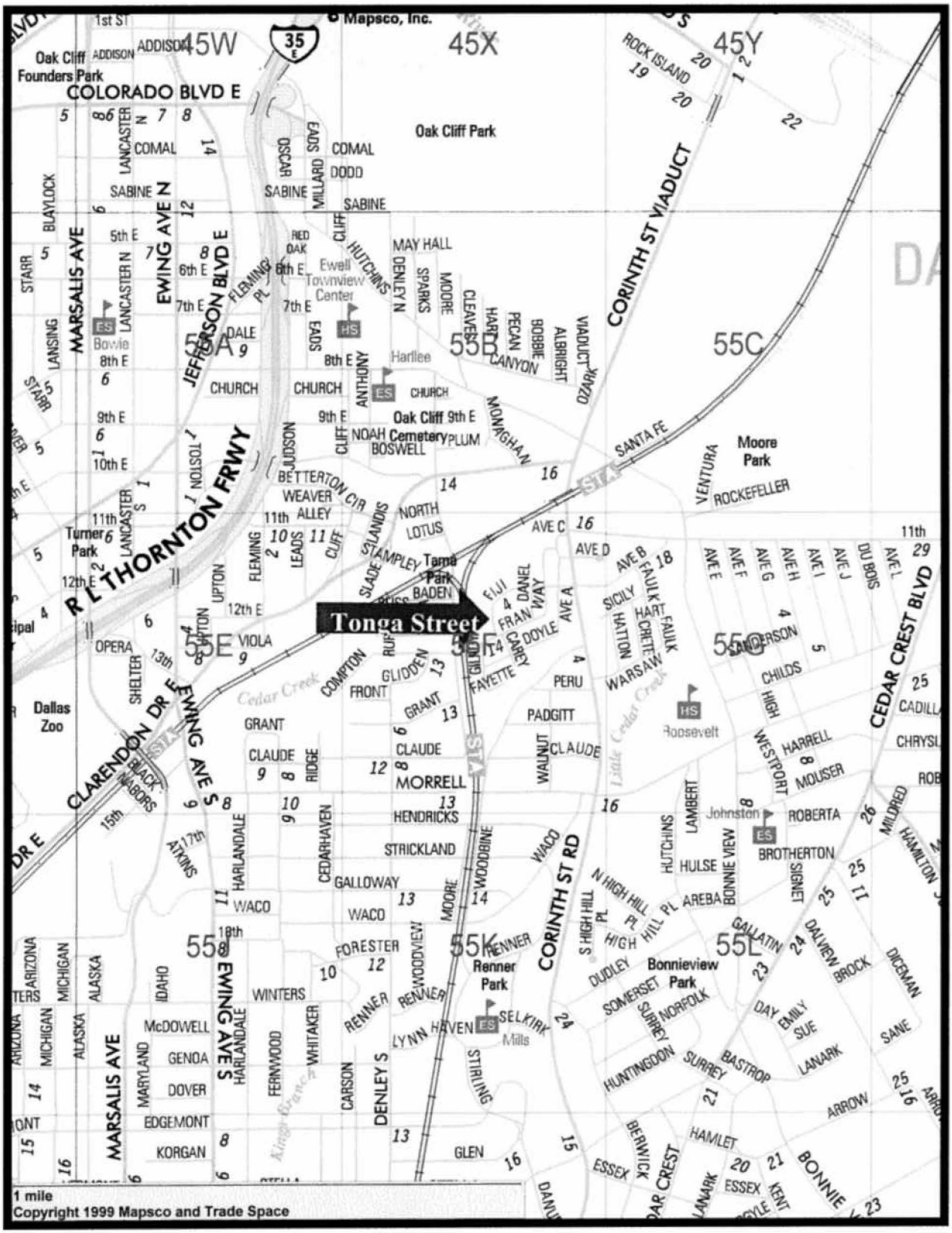
OWNER(S)	DEVELOPER(S)
SDC Compton Housing, L.P.	**Sphinx Development Corporation**
Jay Oji, Limited Partner Joseph Agumadu, Limited Partner	Jay Oji, Limited Partner Joseph Agumadu, Limited Partner

Fiji Townhomes Development, LLC

Jay Oji & Joseph Agumadu, General Partners

MAP

Attached


Tonga Street
R L THORNTON FRWY
CORINTH ST VIADUCT
CEDAR CREST BLVD
CORINTH ST RD
EWING AVE S
EWING AVE N
MARSALIS AVE
JEFFERSON BLVD E
CLARENDON DR E
COLORADO BLVD E
Oak Cliff Founders Park
Oak Cliff Park
Dallas Zoo
Turner Park
Tama Park
Ewell Townview Center
Bowie
Harllee
Oak Cliff Cemetery
Moore Park
Johnston
Roosevelt
Renner Park
Bonnieview Park
Mills
45W
45X
45Y
55A
55B
55C
55E
55F
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MAPSCO 55F

WHEREAS, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development in connection with transit-oriented developments; and

WHEREAS, the City Council finds that it is in the best interest of the City to promote local economic development and to stimulate business and commercial activity in the city, in particular, the Fiji-Compton area; and

WHEREAS, on March 26, 2014, the City Council approved a conditional grant to Sphinx Development Corporation, LP for the Fiji Townhomes Project by Resolution No. 14-0565; and

WHEREAS, in April 2014, the developer requested changes to the conditional grant agreement to better utilize the funds and manage the project; and

WHEREAS, the redevelopment of the Property will further the City's goals for development in the Southern Sector; **NOW, THEREFORE,**

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

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 14-0565, previously approved on March 26, 2014, to: (1) change the owner's name from Sphinx Development Corporation to SDC Compton Housing, LP; and (2) change the terms of the disbursement of funds to $34,285 per unit with a five (5) year deed restriction to build fourteen (14) townhomes on Tonga and Compton Streets.

Section 2. That the grant agreement is hereby expressly made subject to all of the following changes which must be performed or occur:

a. SDC Compton Housing, L.P. (SDC) will enter into a conditional grant agreement, deed of trust, and deed restrictions. The deed restrictions for affordability will be for five (5) years.
b. SDC must provide a commitment from a private lender financing the balance of construction costs.
c. SDC shall begin construction of the fourteen (14) units no later than August 1, 2014.
d. SDC will present homebuyers with income at or below 140% of Area Median Family Income in order to receive up to $34,285 grant per home
e. SDC will have two (2) years to complete the construction and occupancy of the fourteen (14) units.
f. SDC shall market pursuant to the City's Affirmative Fair Housing Marketing Plan.
g. The City will subordinate its lien to the interim construction lender.

Section 3. That the City Manager may provide subordination of deed of trust and provide releases or assumptions of deed of trust and deed restrictions as appropriate.

Section 4. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 43 Q

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road

Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site/landscape plan and conditions

Z112-267(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z112-267(WE) **DATE FILED:** June 18, 2012

LOCATION: Northwest corner of Commerce Street and Manila Road

COUNCIL DISTRICT: 6 **MAPSCO:** 43-Q

SIZE OF REQUEST: Approx. 1.715 acres **CENSUS TRACT:** 205.00

REPRESENTATIVE: Peter Kavanagh, Zone Systems

APPLICANT/OWNER: Samuel Ramos

REQUEST: An application to renew Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District.

SUMMARY: The applicant is requesting to renew the SUP for an industrial (outside) not potentially incompatible use to continue operation of a concrete batch plant on the property.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a revised site/landscape plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a revised site/landscape plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The request should not have a negative impact on the surrounding areas. The request site is located within an industrial area and is contiguous to several undeveloped tracts of land and industrial/warehouse uses that are in an IR zoning District.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use of the site does not contribute or promote the welfare of the area.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed use will not be a detriment to the public health, safety, or general welfare. The equipment and materials are placed in the site's interior to avoid any safety issues that are associated with the operation of the facility.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The proposed use will comply with all applicable zoning regulations and standards. No variances or exceptions are requested.

BACKGROUND INFORMATION:

- SUP No. 1624 was approved on May 24, 2006, for a five-year period with eligibility for one additional five-year period. The applicant failed to meet the deadline for automatic renewal at that time and the SUP expired on May 24, 2011.

- There are no changes to the approved conditions except for the site plan/landscape plan. The applicant planted additional landscaping and street trees on the site.

- The revised site/landscape plan depicts one proposed structure, a 10-foot by 10-foot batch room, material storage bins, two silos, a water pit, and parking spaces. The site abuts an existing rail corridor; however, the applicant does not anticipate utilizing it.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
W. Commerce Street	Local	80 ft.
Manilla Street	Local	70 ft.

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 Plan identifies the request site as being in the Industrial Areas Block.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

The request site is consistent with the *forwardallas! Comprehensive Plan* because the Plan identifies the area as Industrial Area.

Land Use Compatibility:

In 2011, when the last SUP renewal application was made, the site was undeveloped. Since then, the site has been developed with the concrete batch plant use. The development contains the outside manufacturing area and material storage on the original site plan; the batch room and proposed building are not constructed yet. There are parking spaces shown on the site plan; however, they do not appear to be paved at this time. The SUP conditions also require that all maneuvering area for trucks be paved as a dust control measure. This pavement has not been installed yet. This has been brought to the applicant's attention and a grading and paving permit application has been made to ensure that the required paving actually occurs in compliance with the SUP requirements.

The area is generally developed with a mix of industrial uses with the majority of the heavy industrial uses developed on property north of the site and south of Singleton Boulevard. The balance of the area is developed with inside industrial uses, inclusive of warehouse/distribution uses.

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 is recommending approval of the requested renewal of the SUP for a two-year period, subject to the site plan and conditions. Staff recommends a defined time period to allow an opportunity to re-evaluate the continued compatibility of this land use with the surrounding general area and compliance with the SUP conditions.

Development Standards:

DISTRICT	SETBACKS Front	Side/Rear	Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
Existing							
IR Industrial Research	15'	0'/30'	NA	200'	80%	Proximity Slope Does not apply	Research & development, light industrial, office

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

Parking: The Dallas Development Code requires off-street parking to be provided for a temporary concrete or asphalt batching plant use at two spaces. While the existing development requires two spaces, 12 spaces are provided as shown on the attached site plan.

Landscaping:

The additional pavement on the property has triggered a landscaping requirement. The site has existing trees that are located in the public right-of-way. Additional landscaping, such as foundation planting and additional trees, are required to be installed with the completion of the pending grading and paving permit and are shown on the site/landscape plan.

CPC Action: April 17, 2014

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant for a two-year period, subject to a revised site/landscape plan and conditions on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 300 Mailed: 14
Replies: For: 1 Against: 0

Speakers: None

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an industrial (outside) use for a concrete batch plant.

2. SITE/LANDSCAPE PLAN: Use and development of the Property must comply with the attached site/landscape plan.

3. TIME LIMIT: This specific use permit automatically terminates on [~~September 14, 2012~~] (two-year period).

4. GROUND AND DUST CONTROL:

   A. The following conditions must be met on an ongoing basis:

      i. All on-site travelways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.

      ii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.

      iii. Spillage of materials must be cleaned up and contained or dampened within thirty minutes after the spillage so that emissions from wind erosion and vehicle traffic are minimized.

      iv. During operations, all stockpiles must be sprinkled with water or chemicals to eliminate visible dust emissions.

   B. Prior to the issuance of a certificate of occupancy, a written ground and dust control plan that reflects existing and proposed infrastructure needed to comply with 4(A)(i) through 4(A)(iv) must be delivered to the director of the office of environmental quality and the director of sustainable development and construction.

5. OFF-STREET PARKING: Off-street parking must be provided in the locations shown on the site plan.

6. OUTSIDE MATERIALS STORAGE: Outside storage of materials must be located in bins that are screened on three sides by solid walls a minimum of ten feet in height.

7. ROAD REPAIR: The operator, or its successor or assigns, is responsible for repairing holes or other surface damages on Manila Road caused by operation of

the concrete batch plant. The road repairs must conform to City of Dallas standards as approved by the director of public works and transportation.

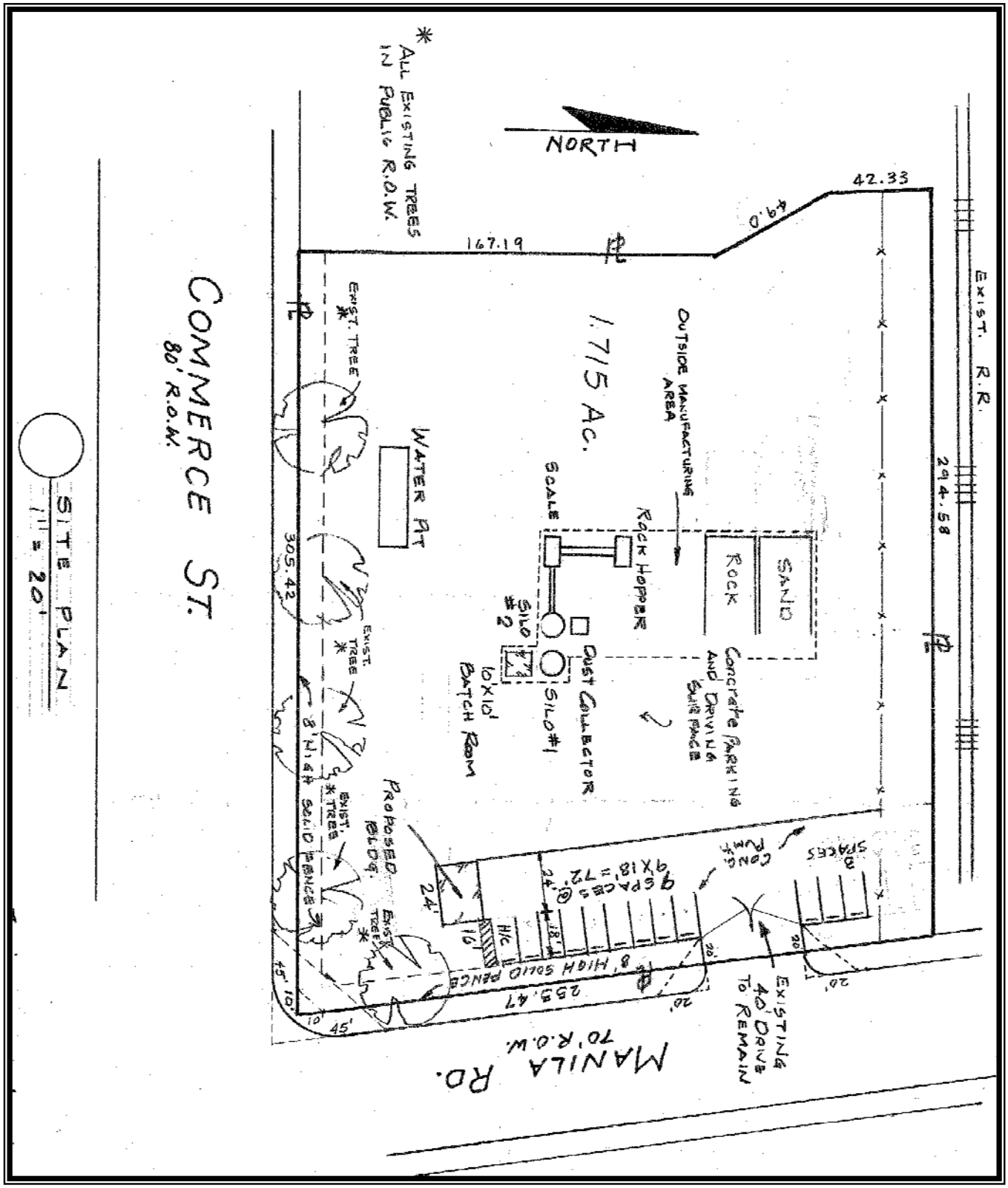
8. SCREENING: A minimum six-foot-high solid screening fence must be maintained and located as shown on the attached site plan.

9. LANDSCAPING: Landscaping must be provided as shown on the attached site/landscape plan.

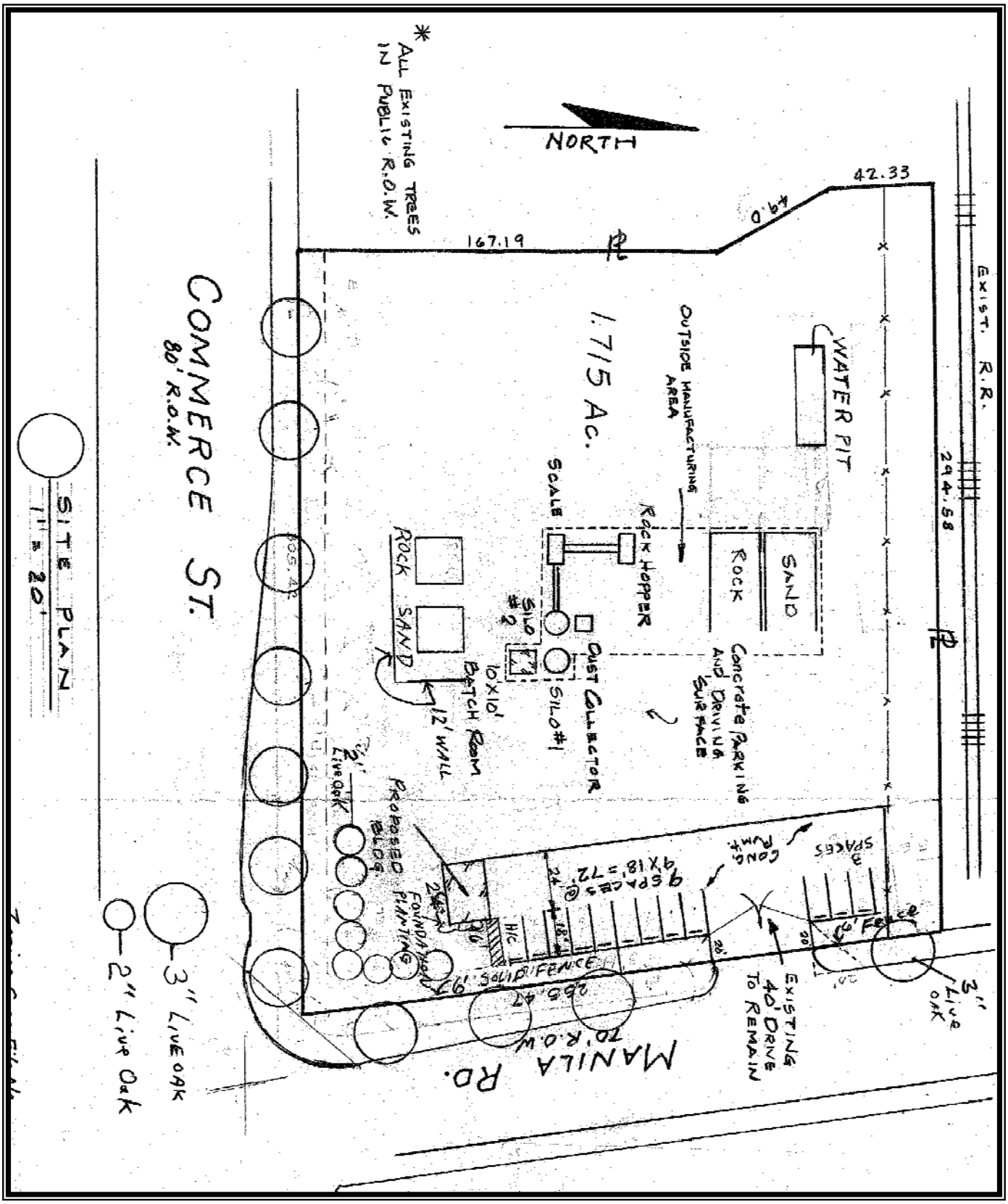
~~9~~ 10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

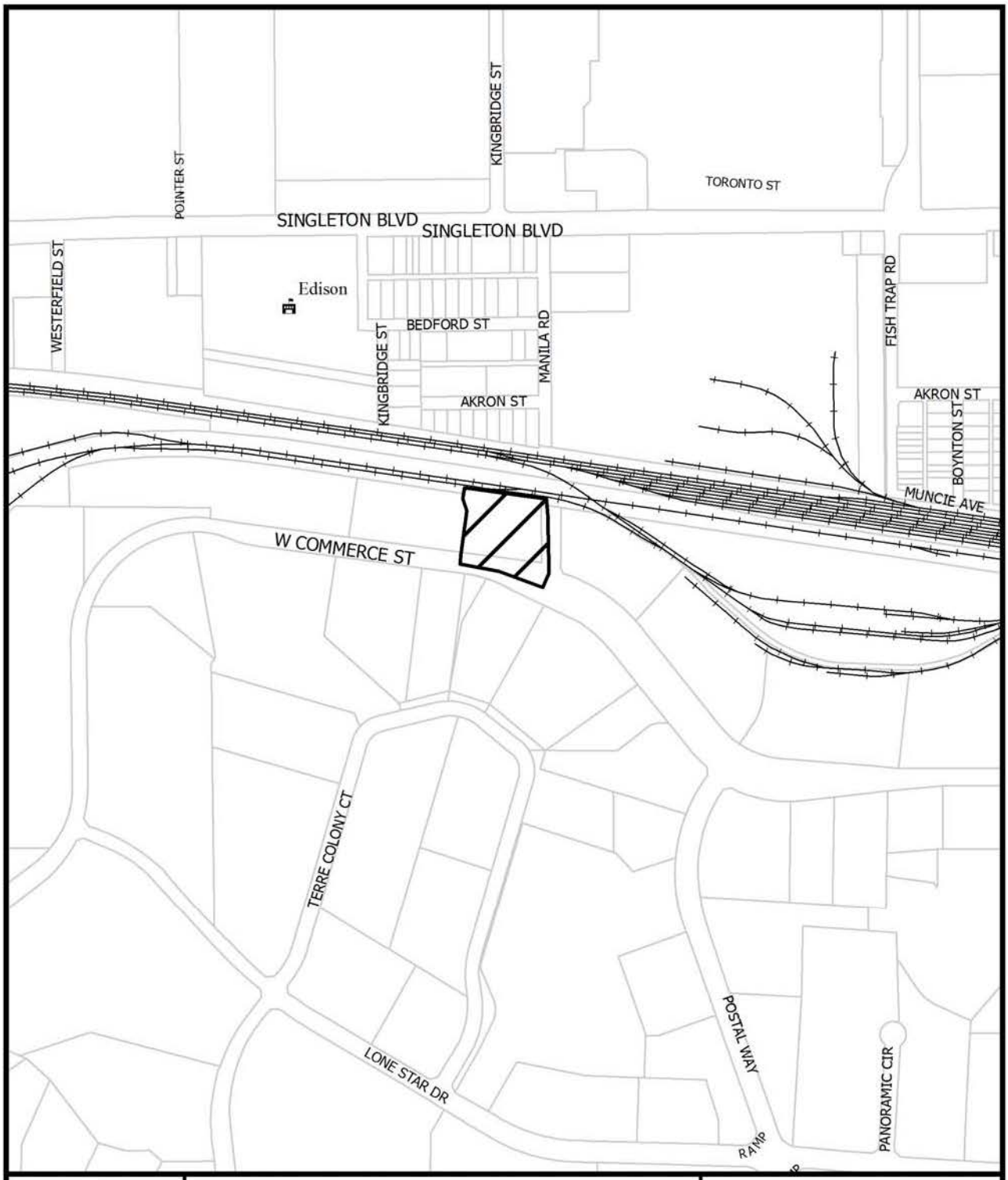
~~10~~ 11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

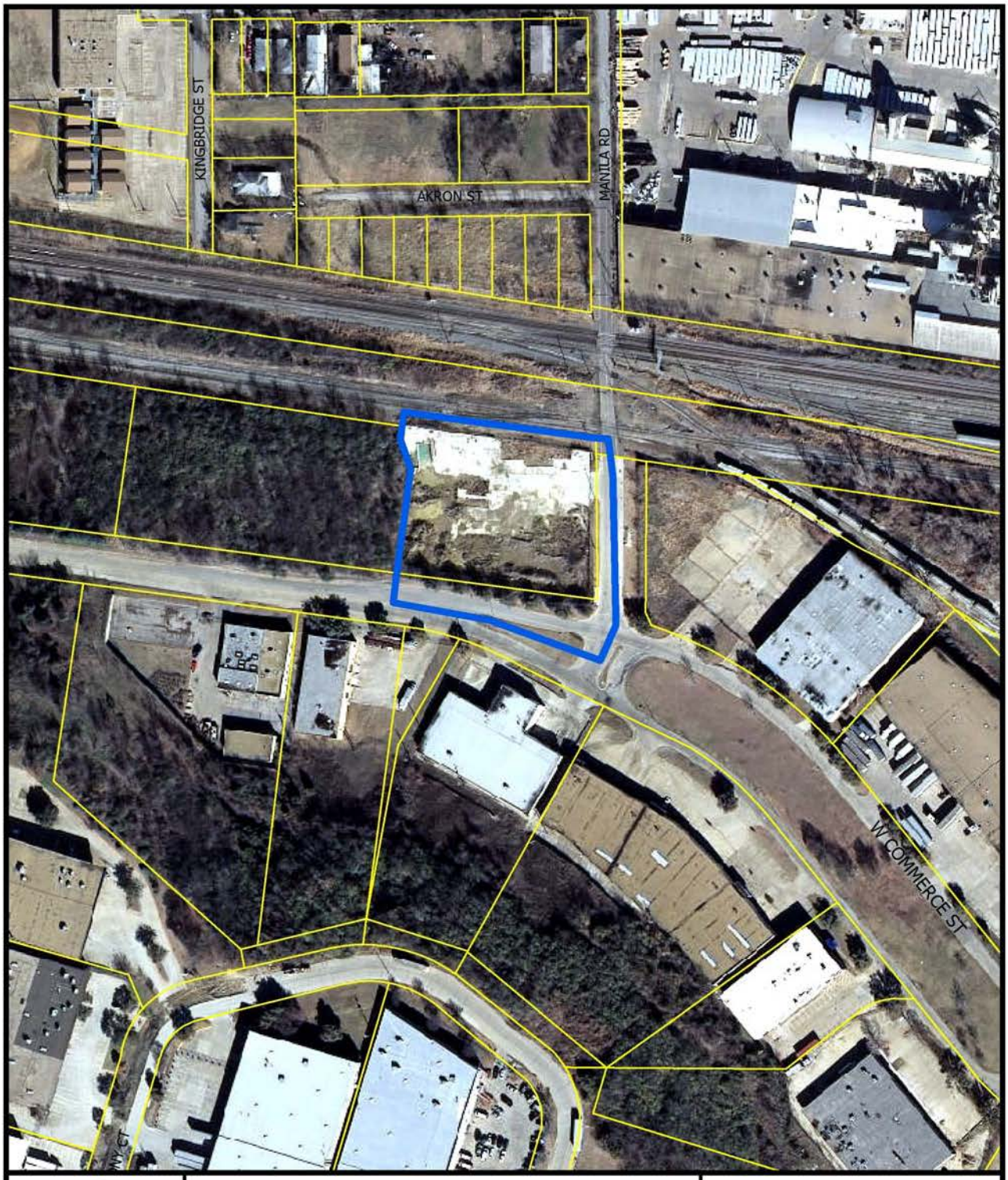
EXISTING SITE PLAN



PROPOSED SITE/LANDSCAPE PLAN




POINTER ST
KINGBRIDGE ST
TORONTO ST
SINGLETON BLVD
SINGLETON BLVD
WESTERFIELD ST
Edison
BEDFORD ST
KINGBRIDGE ST
MANILA RD
FISH TRAP RD
AKRON ST
AKRON ST
BOYNTON ST
MUNCIE AVE
W COMMERCE ST
TERRE COLONY CT
POSTAL WAY
LONE STAR DR
RAMP
PANORAMIC CIR
1:6,000
VICINITY MAP
Case no: Z112-267
Date: 3/25/2014

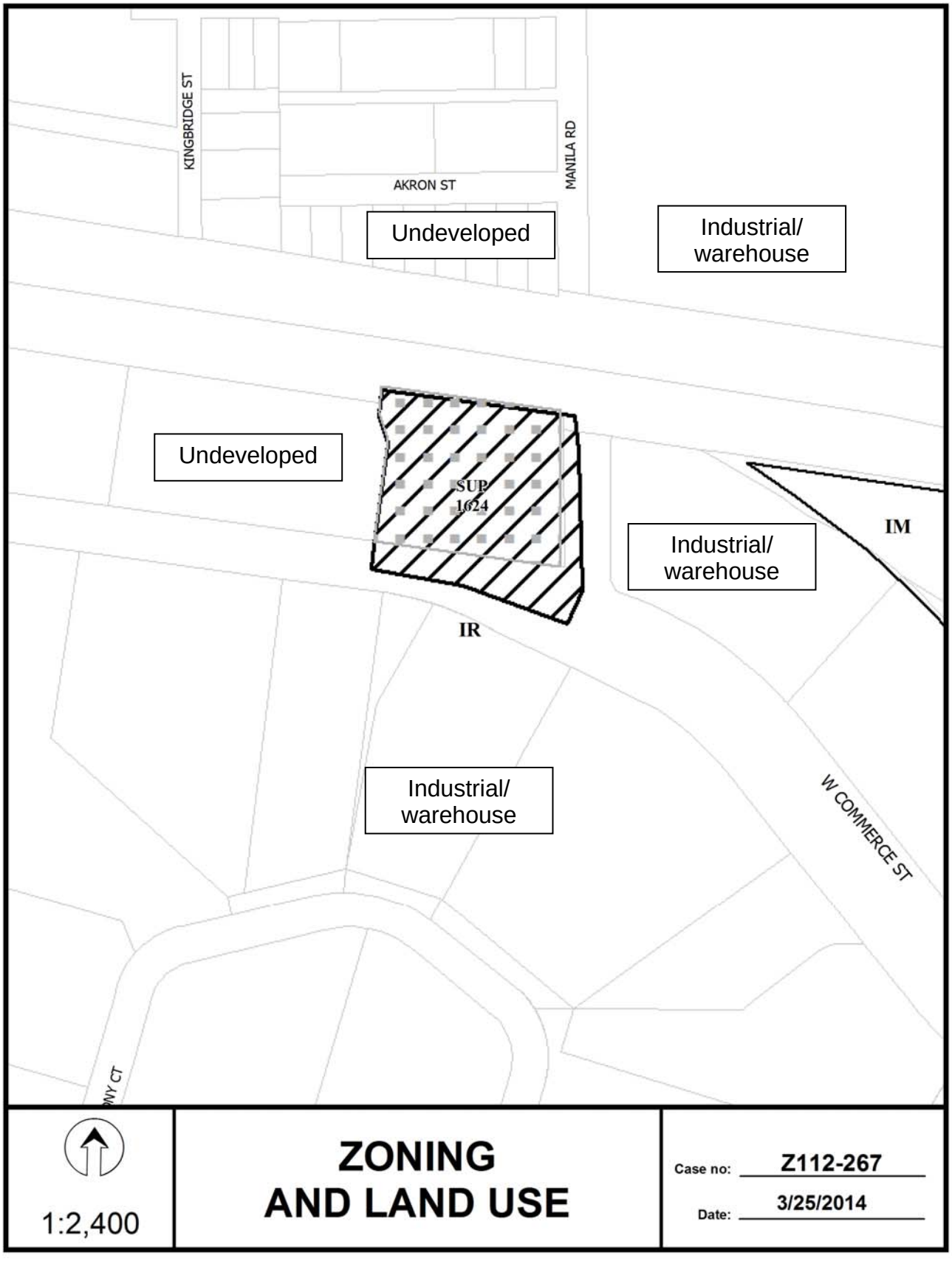


1:2,400

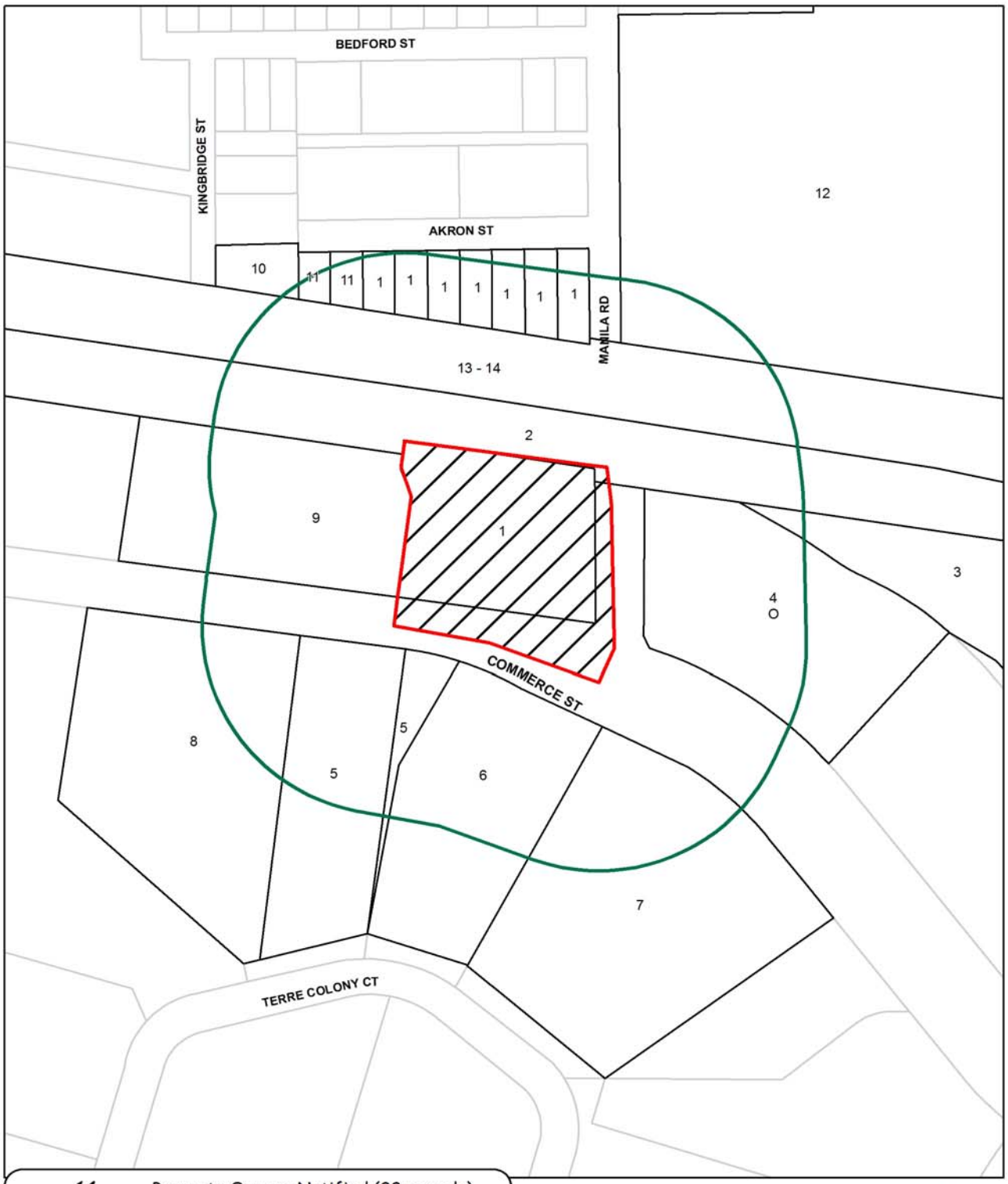
AERIAL MAP

Case no: Z112-267

Date: 3/25/2014


KINGBRIDGE ST
AKRON ST
MANILA RD
Undeveloped
Industrial/
warehouse
Undeveloped
SUP
1624
IM
Industrial/
warehouse
IR
Industrial/
warehouse
W COMMERCE ST
1:2,400
ZONING
AND LAND USE
Case no: Z112-267
Date: 3/25/2014

CPC RESPONSES



14	Property Owners Notified (22 parcels)
1	Replies in Favor (1 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
4/17/2014	Date

Z112-267
CPC

N
W E
S

1:2,400

Notification List of Property Owners

Z112-267

14 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	2802	AKRON ST	RAMOS SAMUEL
	2	2300	GRAND AVE	BNSF RAILWAY
	3	1801	LONE STAR DR	LONE STAR IND INC
O	4	2565	COMMERCE ST	CLEMTEX HOLDING INC
	5	2700	COMMERCE ST	ARAIZA JUAN J
	6	2570	COMMERCE ST	2570 W COMMERCE LLC
	7	2556	COMMERCE ST	REMINGTON DEV CO &
	8	2772	COMMERCE ST	4815 VICKSBURG LLC
	9	2800	COMMERCE ST	DALLAS GARLAND & NE RR
	10	2706	KINGBRIDGE ST	CORTEZ CLEMENTINA
	11	2830	AKRON ST	BROOKS REX
	12	2600	SINGLETON BLVD	BUILDING MATERIALS CORP
	13	9999	NO NAME ST	UNION PACIFIC RR CO
	14	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 53 D; H; 54 A; E

SUBJECT

A public hearing to receive comments regarding a City Plan Commission authorized hearing to consider an Historic Overlay for Sunset High School on property zoned Planned Development District No. 409 on the south side of West Jefferson Boulevard, between North Tennant Street and North Oak Cliff Boulevard and an ordinance granting the Historic Overlay
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Z123-343(MD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER: Z123-343(MD) **DATE FILED:** July 7, 2013

LOCATION: South side of West Jefferson Boulevard, between Tennant Street and Oak Cliff Boulevard

COUNCIL DISTRICT: 1 **MAPSCO:** 53-D,H & 54 A, E

SIZE OF REQUEST: ±11.384 acres **CENSUS TRACT:** 0052.00

REQUEST: A City Plan Commission authorized hearing to consider an Historic Overlay for Sunset High School on property zoned Planned Development District No. 409.

SUMMARY: Sunset High School is the second oldest extant public high school in Oak Cliff and is the eighth oldest high school in Dallas. The Georgian Revival style structure was constructed between 1923 and 1925 and was designed by the renowned architectural firm of DeWitt and Lemmon. A significant property must meet 3 of 10 designation criteria. This property has been determined to meet 8.

CPC RECOMMENDATION: Approval, subject to preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon the following:

1. Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under 8 designation criteria. These criteria include; history, heritage and culture, significant persons, architecture, architect or master builder, historic context, unique visual feature, national and state recognition, and historic education.

2. The proposed historic overlay will only affect the historic 1925 portion of the existing structure and the areas in the 'no build zone'. The subsequent additions and rest of the site will not be affected by the historic designation.

3. The designation is supported by Dallas Independent School District Board of Trustees, who voted on March 20, 2014 to support the designation.

4. This overlay designation does not change the base zoning or permitted uses for the property.

5. The request complies with the Comprehensive Plan.

BACKGROUND INFORMATION:

- After Sunset High School was authorized by the City Plan Commission on July 7, 2013, the Designation Committee of the Landmark Commission met four times with DISD and the Sunset Alumni Association to work on the landmark nomination form and preservation criteria.

- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on February 11, 2014.

- Landmark Commission approved the designation on Monday, March 3, 2014.

- City Plan Commission approved the designation on Thursday, April 17, 2014

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with both the Urban Design and the Neighborhood Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation historic neighborhoods and buildings creates a direct, visual link to the past, contributing to a "sense of place."

Goal 5.1 Create a Sense of Place, Safety and Walkability
Policy 5.1.3 Encourage complementary building height, scale, design and character.

Goal 5.2 Strengthen Community and Neighborhood Identity
Policy 5.2.1 Maintain neighborhood scale and character.

Goal 7.2 Preservation of Historic and Cultural Assets
Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.
Policy 7.2.4 Protect historic and cultural assets.

CITY PLAN COMMISSION ACTION: (April 17, 2014)

Motion: It was moved to recommend **approval** of an Historic Overlay for Sunset High School; subject to preservation criteria on property zoned Planned Development District No. 409 south of West Jefferson Boulevard, between North Tennant Street and North Oak Cliff Boulevard.

Maker: Anglin
Second: Shellene
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath*, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy*, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 75
Replies: For: 3 Against: 0

Speakers: None

LANDMARK COMMISSION ACTION: (March 3, 2014)

This item appeared on the Commission's discussion agenda.
Motion: Approval, subject to preservation criteria.

Maker: Silva
Second: *Sherman
Results: 11/0

Ayes: Amonett, Birrer, Campbell, Flabiano, Johnson, Jordan, Maten, Seale, Silva, *Sherman, Tapscott
Against: None
Absent: Dickey
Vacancies: 4, 5, 7 & 12

Dallas Landmark Commission
Landmark Nomination Form

1. Name

Historic: **Sunset High School**
and/or common: n/a
Date: 1925

2. Location

Address: **2120 West Jefferson Blvd.**
Location/neighborhood: **Dallas, 75208**
Block and lot: Block A/3320, lot 1 ***land survey:*** n/a ***tract size:*** ***11.384*** Acres

3. Current Zoning

current zoning: **PD 409**

4. Classification

Category	*Ownership*	*Status*	*Present Use*	
____*district*	__x__*public*	__x__*occupied*	____*agricultural*	____*museum*
__x__*building(s)*	____*private*	____*unoccupied*	____*commercial*	____*park*
__x__*structure*	____*both*	____*work in progress*	__x__*educational*	____*residence*
__x__*site*	*Public*	*Accessibility*	____*entertainment*	____*religious*
____*object*	*Acquisition*	__x__*yes: restricted*	____*government*	____*scientific*
	____*in progress*	____*yes: unrestricted*	____*industrial*	____*transportation*
	____*being consider'd*	____*no*	____*military*	____*other, specify*
				_____

5. Ownership

Current Owner: Dallas Independent School District
Contact: Orlando Alameda, Real Estate and Leasing Services Ph: 972/925-5142
Address: 3700 Ross Avenue City: Dallas State: TX Zip: 75204

4. Form Preparation

Date: February 14, 2014
Name & Title: Marcel Quimby, Designation Committee, assisted by Cindy W. Billman
Organization: Sunset High School Alumni Association
Contact: Mitch Womble: 214/675-2843 (cell)

7. Representation on Existing Surveys

Alexander Survey (citywide): local state national
National Register no
H.P.L. Survey (CBD) A B C D Recorded TX Historic Ldmk
Oak Cliff TX Archaeological Ldmk
Victorian Survey
Dallas Historic Resources Survey, Phase ____ ___ high ___ medium ___ low

For Office Use Only

Date Rec'd:_____ Survey Verified: Y N by:_____ Field Check by:_____ Petitions Needed: Y N
Nomination: Archaeological Site Structure(s) Structure & Site District

8. Historic Ownership

Original owner:	City of Dallas Public Schools (now known as Dallas Independent School District)
Significant later owner(s):	none

9. Construction Dates

Original:	1925
Alterations/additions:	1952, 1956, 1963, date unknown, 2005

10. Architect

Continued on page 11

Original construction:	1925	DeWitt and Lemmon Architects
Alterations/additions:	1952	***Team Room*** Wiltshire & Fisher Architect Mark Lemmon, Consulting Architect
	1956	***Physical Education Addition*** Robert D. White, Architect Mark Lemmon, Consulting Architect
	1963	***Science Annex*** Jarvis Putty Jarvis Architect Mark Lemmon, Consulting Architect
	N/A	Date of construction, name of building and of architect not known
	2005	***Addition and South Entry*** BCI Architects

11. Site Features

Sunset High School sits on a full block fronting West Jefferson Boulevard, a major divided street that is a historic east-west travel route in North Texas; the street typically is located atop a natural ridge. The site selected for the school is on the south side of West Jefferson Blvd., and is almost a full floor level above the street level. A concrete sidewalk at the street is flanked by long, low concrete retaining walls along most of the block. This low retaining wall hold back the sloping lawn - which then levels off adjacent to the building's front facade. These low retaining walls increase in height at each side of the school, providing level playing areas for the newer tennis courts and baseball field.

The site largely retains its original topography with a high point at the original south property line that slopes down to West Jefferson at the northeast corner of the site. This vertical elevation varies from a grade difference of 20' along Tennant Street to 7' along Oak Cliff Blvd. While the large front lawn and baseball field at the west end of the site are lawn, the remainder of the site is covered with buildings (the large original school and numerous additions) and paved areas for parking, basketball and tennis courts. Vegetation is limited to occasional trees in the front lawn, in the courtyard between the historic school and the addition to the east and in the parking lot.

12. Physical Description

Condition, check one:			*Check one:*
____ *excellent*	____ *deteriorated*	____ *unaltered*	_X_ *original site*
_X_ *good*	____ *ruins*	_x_ *altered*	____ *Moved (date_____)*
____ *fair*	____ *unexposed*		

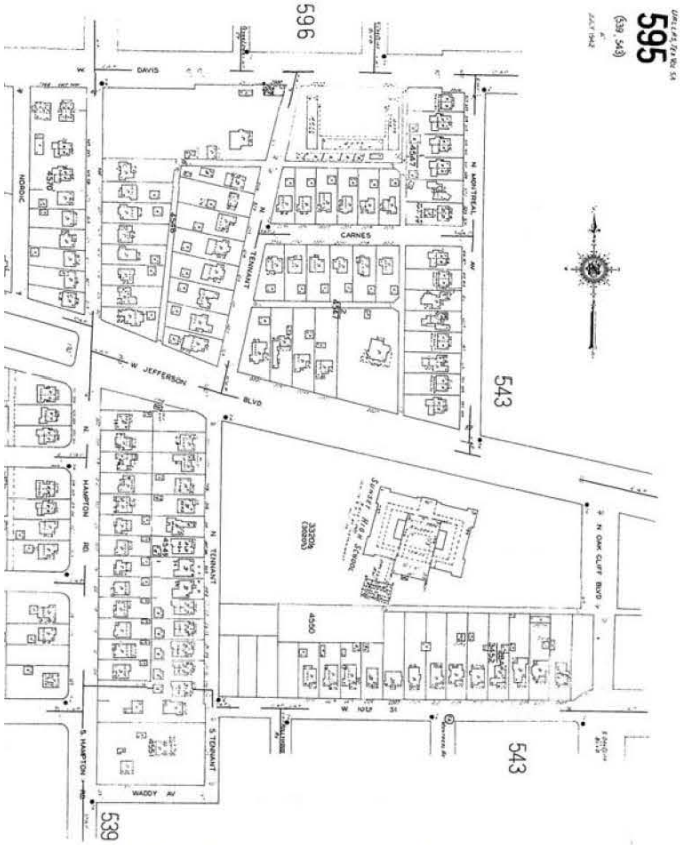
Sunset High School was constructed between December 1923 and September 1925, on the northern half of the block bounded by West Jefferson Blvd. on the north, North Oak Cliff Blvd on the east, the alley between West Jefferson Blvd and West Tenth Street on the south and Tennant Street on the west. Single family homes were on the southern half of the block, facing West Tenth Street; these were later removed for the schools' first addition. Currently, the school is surrounded by the Sunset Hill neighborhoods to the north, west and south with the immediate block to the east institutional use (churches).

Photograph of Sunset High School, c. 1925. *Sundial* yearbook, courtesy of Joe Whitney.

The full-block site is located on West Jefferson Blvd., a major boulevard and thoroughfare that runs east-west towards Oak Cliff's' downtown' commercial and downtown Dallas area to the east. The historic lawn in front of the school remains in place, with wide, new monumental concrete steps that lead to the open loggia and front entrance to the school.

This three-story steel frame building with masonry walls was designed in the Georgian Revival style – an architectural style that was popular in the early twentieth century in the United States. Based on Renaissance architectural ideals (symmetry, geometric proportions and prominent entrance), the Georgian style dates from the Revolutionary period of the United States through the reign of King George IV of England – a period dating from 1700 until the 1830. The Georgian style was used for larger institutional and residential buildings, typically in brick, two to three-stories in height and was characterized by symmetrical facades in a three or five-part composition, prominent central entries, hipped roof form with front facing gables on side wings and typically with single windows.

Like other architectural styles, the Georgian style was revived in the early decades of the twentieth century for commercial, institutional and residential buildings - and referred to as 'Georgian Revival.' While this revival style included many of the Georgian style's original features, it added new components including flat roofs with pediments, semi-engaged pilasters and paired or triple windows. Sunset High School incorporates many of these features – a flat roof, the five-part composition with pediments above the center portion and end wings, flat facades, triple windows compositions as well as horizontal stone courses and a water table at the first floor. However the triple round-arched (semi-circular) entry openings with Doric columns and paired round arched windows above the building entry are not of Georgian style but reflect the Romanesque style.



Sunset High School and surrounding neighborhood, c. 1942.
Sanborn Map, 1942, page 595, courtesy of Dallas Public Library, Dallas
Note the school sits on its original site - the northern half of the block.

The Romanesque style, also known as the Rundbogenstil or Round Arch style, is characterized by round arches found on medieval churches of Europe including layered arches surrounding entry doors, columns at arcaded cloisters, and arched windows, masonry or brick construction and towers. The central bay at Sunset High School's triple entry arches and three sets of double arched window above are typical Romanesque features. This mix of architectural styles in a single building such as Sunset High School is not unknown. A change in style at a major building feature (such as the building entry) provides the school with a more prominent entry and provides the building with a unique appearance.

The building's structure is reinforced concrete frame with exterior masonry walls. The lower level brick is a blend of red, orange and brown bricks while the upper levels are a similar blend but with a darker brown appearance. A cast stone water course separated these two brick colors.

The front facade is composed of five wide bays with the two end bays protruding slightly with small pediments above; a large recessed brick panel exists in each of the end bays. An exterior grand stair from West Jefferson Blvd. extends towards the main building entry; these steps are divided into three equal sets with two large landings. The central bay protrudes slightly and is punctuated by three tall arched openings at the main entry (the raised first floor of the building). The stairs lead one under these three openings to an open porch or loggia. These large openings at the first floor have pairs of arched, double windows above. Pilasters flank each side of this center bay; these support simple cast stone capitals above that in turn, visually support the ends of the large pediment above. An oval cast stone decoration sits within this brick pediment. This procession up the stairs into an open loggia that leads to the school's main entry doors provides a formal entrance into the school.

The second and fourth bays are of a simple design and serve to connect the end bays to the center bay. These bays have a flat roofline, with cast stone cornice and no penetrations for windows or doors. The original window openings remain in place although the original windows wood windows have been removed and are placed with aluminum, 9/9 windows that are similar in design to the originals. The glass panes are clear.

Sunset High School, January 6, 2014

Front entry steps leading to loggia and front entrance.

The east and west side facades of the 1925 building are of the same materials as the front facade - masonry walls with a cast stone water course, largely rectangular floor plan. The windows are newer aluminum, 6/6 with clear glass and similar to the historic. The windows are arranged in groups of two or three. The east and west facades have two additional pairs of exterior doors; these are surrounded by semi-engaged brick pilasters with cast stone ornamentation. The original wood doors have been replaced with hollow metal but the original metal and glass wall-hung light fixture remains in place.

At the west facade, two groups of original wood windows at the first floor have been removed and replaced with new aluminum storefront and metal doors that provide an entrance to what has become an exterior patio with covered picnic tables at this facade. These modifications are sympathetic with the historic facade.

West facade, with brick and metal picnic shelters at adjacent patio.

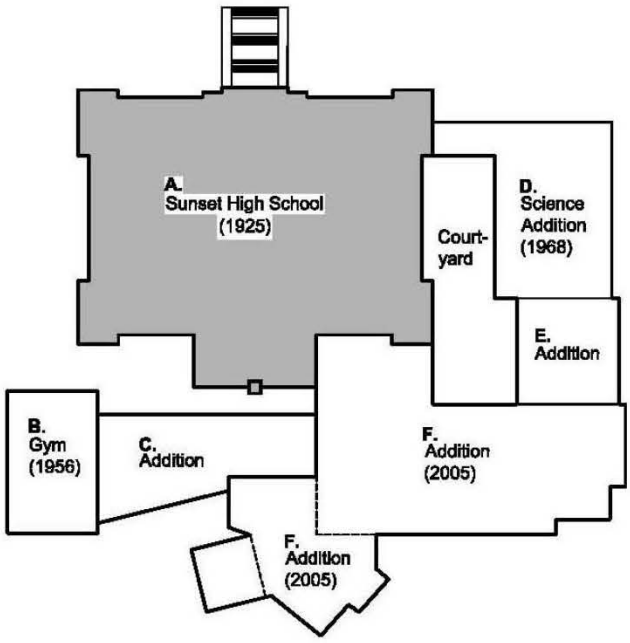
Detail of historic exterior door surround at west facade

Original windows have been removed and new exterior doors and storefront installed in their place at west facade

The rear (south) facade is only partially visible due to later new construction and additions. A linear, one-story brick building is parallel to the rear facade but separated from the building by an open space that is approximately 20' wide; this smaller building restricts the view of the rear facade. The date of construction of this smaller building is not known (noted as building C on the Building Diagram). The gymnasium (1952) to the southwest of the original building, remains in place.

The large, newest addition with a new building entry adjoins (2005) is built immediately adjacent to the rear facade, so this portion of the facade has been lost to view.

The east facade of the original school remains largely intact although within the courtyard of the Science Addition - the school's first large addition (1963). This facade is not accessible to the public.



Building Diagram

Interior finishes

The interior of the school originally had concrete or terrazzo floors, painted plaster walls and ceilings. The classroom doors were solid wood doors with glass lights in wood door frames with operable transom windows above. Most offices also had high, single, pivoting wood windows that opened into the interior corridors and wood, double-hung wood exterior windows - these features allowed the teachers to control ventilation and air temperature within the room.

Unfortunately these finishes and features typically no longer remain as resilient flooring has been placed over the historic concrete and terrazzo floors, walls have new finishes and a low, 2' x 4' lay-in ceiling has been added in the public corridors and classrooms with mechanical equipment and ducts located above this new ceiling.

Interior lobby and entry doors to right. Mural by students is at far wall

Typical interior corridor with new finishes.

Third floor corridor with newer resilient tile floor, encased columns and 2' x 4' lay in ceiling.

Library with exterior windows at right

Historic interior features within the building

There are many interior features remaining in the original (1925) school building, including the interior stairs from the front doors into the school and the adjoining door frames and semi-circular transom windows, the auditorium, interior stairs to the lower and upper levels, library at third floor and two historic murals in the library.

Historic Murals at the Third Floor

In 1934 the federal government's Works Progress Administration Federal Art Project hired local artists to paint murals in public buildings and schools in Dallas.[1] Granville Bruce was selected to paint two murals at Sunset High School - the 'Landing of Pioneers' and 'An Early Texas School.' The oil on canvas murals were located on what was then a large hallway outside the Library on the third floor; this space had tall ceilings and skylight and easily accommodated these large murals. The Library was later expanded into this corridor, and these murals are now in a prominent location within the library. The two arches adjacent to these murals indicate the location of the original doors to the upper level of the adjacent auditorium.

These murals depicted topics that Bruce would depict throughout his career - the early expansion and settlement of Texas, often in a romanticized style. 'Landing Pioneers' shows a family that has just arrived by boat in the Gulf of Mexico and have walked up the sand dunes and are looking over the new land of Texas, as they begin their trek across the state to their destination. 'An Early Texas School' reflects an outdoor school where a teacher (in suit and tie), leans over a homemade lectern and reads from a book as he teaches; he is the only one with a book. His students are a mix of the community with children, men, women and an Indian who is removed from the settlers, but appears comfortable although his arms are crossed. A farmstead is visible in the background; the foreground shows a wood water barrel and gourd dipper on one of the homemade wood benches.

These murals remain in their original location. The Sunset Alumni Association paid for an evaluation of these murals in 2001; conservator Helen Hoop noted that the murals 'have never been 'sealed, cleaned or restored.' Ms. Hoop found some deterioration to the murals (mainly paint flaking) exists and the canvas paintings were beginning to come loose from the walls; she concluded that deterioration was likely to continue unless action is taken.[2] She also noted the adjacent fluorescent lighting, added in 1991, should be replaced. This letter noted a then-current (2003) cost estimate for the restoration of these important murals would be $20,000 to $25,000.

'Landing of Pioneers' mural; note original skylights in the ceiling. .

'An Early Texas School' mural.

Granville Bruce

Granville Bruce was born in Grand Island, Nebraska and was raised in Milwaukee, Wisconsin. There, he attended the Layton School of Art. Bruce later studied at the Art Institute of Chicago. He moved to Texas in 1924, settling in San Antonio.[3] While he was living in San Antonio, Bruce studied under Hugo Pohl, a mural

[1] Holmes, Maxine, ed., Saxon, Gerald D. introduction, 1992. WPA Dallas Guide to and History; Dallas Public Library, Texas Center for the Book, and University of North Texas Press, 1992. p 234

[2] Letter from Joe Whitney, Sunset High School Alumni Association to Raphael Anchia, DISD Board, March 17, 2003.

[3] Granville Bruce, Sunset High School Alumni Association website; http://www.sunsetalumni.com/about-the-artist.htm. Accessed January 7, 2014.

decorator, painter of historical and genre subjects, and director of the San Antonio Academy of Art. The two artists eventually built a studio in the late 1920s near San Antonio's Brackenridge Park. Bruce was successful in San Antonio. In 1929, he submitted a painting to the 1929 San Antonio Competitive Exhibition, he exhibited at the Davis Wildflower Competition and he had a solo exhibition at San Antonio's Witte Museum the following year.

In the 1930s, Bruce found work painting diorama backgrounds for the Dallas Museum of Natural History, a partnership that lasted for almost fifty years; he painted many of the display backgrounds and animals at the museum. He married Ula Lee Mead in 1930; Ula was the sister of fellow artist Ben Carlton Mead, and the couple moved to Dallas; there, Bruce did illustrations for *Holland's Magazine*, *Progressive Farmer* and other publications. He also illustrated several books on Western history and worked for the Public Works of Art Project where he painted murals for Sunset and at least one other public school. He also exhibited at Dallas Allied Arts in 1932 and at the State Fair of Texas in 1934.

About 1963, Bruce was commissioned to paint watercolors of six Texas missions, which Governor John Connally presented to the State of Texas. At about the same time, the Texas State Fish and Game Commission hired Bruce to paint a 68-foot panoramic mural, showing the landscape of Texas across the state, for the John H. Reagan Building - a an aspect of his career that he enjoyed. Bruce moved to Irving, Texas, about 1950, then to Sanger in 1987.[4] The Dallas Museum of Natural History hosted Bruce's last major exhibition in 1982, and he was featured in *Southwest Art* magazine. Bruce died in 1989.

Other Dallas high schools also received murals including Oak Cliff (Harry Carnohan), North Dallas (John E. Douglass), Forest Avenue (Otis Dozier), Dallas Technical (Perry Nichols) and Forest Avenue (Thomas M. Stell). Several junior high schools also received murals as part of this program. Many of these artists would become important regional or nationally known artists in the years to come, including Bruce.

[4] *Granville Bruce: Old Texas* exhibit at West Texas and Plains Museum; http://www.tfaoi.com/aa/6aa/6aa38.htm; accessed January 4, 2014.

10. Architect

Sunset High School was designed by the architectural firm of DeWitt and Lemmon which formed in 1921 by Roscoe DeWitt and Mark Lemmon. The two men would close their professional partnership in 1926 and both would have successful architectural practices in Dallas until the 1960s and 1970s. J. A. Rife Construction Co. was the general contractor.

Roscoe Plimpton DeWitt - partner with DeWitt and Lemmon, Architects[5]
Dallas-based architect Roscoe P. DeWitt graduated from Dartmouth in 1914 and received his MA in architecture from Harvard in 1917. He then served as a Captain with Battery E of the Fifty-Eighth Artillery in the Coast Artillery Corps during World War I. Following World War I, he began his career as a prominent Dallas architect, first partnering with Mark Lemmon (1921–1927) and their firm designed Sunset High School, Woodrow Wilson High School, several projects at Southern Methodist University, and the main sanctuary for Highland Park United Methodist Church. DeWitt and Lemmon dissolved their partnership in 1926 and DeWitt practiced as a sole proprietor until 1940.

DeWitt joined the U.S. Army as a Lieutenant Colonel and was later transferred to the Monuments, Fine Arts and Archives (MFAA) section of the Army due to his architectural background. The Army had recognized that during the Allies' planned invasion of France and Europe to end the war, it was imperative that they save as much of the culture of Europe as they could during the combat. The MFAA identified the hundreds of thousands of known pieces of art - public and private - and accompanied the first troops on land with the goal to find and protect these works from damage during combat, from theft, and made arrangement with the local authorities to protect and transfer the works of art to their owners. DeWitt was part of this advance MFAA team that inspected and safeguarded historical buildings throughout the countryside of France.

After World War II, DeWitt returned to Dallas and reopened his architectural firm. Three years later he began a partnership with Arch B. Swank to form DeWitt and Swank Architects. Their architectural firm "emerged as one of the most successful in Texas after the war" and the two men practiced together until 1953.[6] DeWitt resumed his own architectural practice and gained a reputation as a modernist. Upon his retirement, DeWitt sold his practice to Page Southerland Page, an Austin-based firm which began in 1898. The Dallas office of Page Southerland Page, now known as Page/, continues as one of the larger firms in Dallas today.

DeWitt designed buildings at Parkland Memorial Hospital in Dallas, two Neiman Marcus stores (as well as Stanley Marcus' home in 1937), St. Vincent's Medical Center in Jacksonville, Florida and several public housing projects in the Dallas area. Among numerous other projects, DeWitt participated in the restoration of the original Senate and Supreme Court chambers and the James Madison Memorial Building of the Library of Congress in Washington, D.C. He had an active civic career, serving on the board of directors of the Dallas Civic Opera and the advisory board for the Texas Commission on Arts and Humanities. He was a member of the Dallas Historical Society, Texas Philosophical Society, Royal Society of Arts, the American Federation of the Arts, the Harvard Club of New York and the Cosmos Club of Washington, D.C. DeWitt died November 2, 1975.

This section on Roscoe DeWitt is largely based on information from the following sources:

[5] Monuments Men Foundation, htttp://www.monumentsmenfoundation.org/ heroes/the-monuments-men/dewitt-maj.-roscoe-p.-dewitt

[6] Jensen, Randy, "Arch B. Swank, Jr.: An Inventory of his Drawings, Photographs and Papers, 1951-1979." Alexander Architectural Archive, The University of Texas at Austin, p. 2.

Mark Lemmon[7] - partner with DeWitt and Lemmon, Architects

Mark Lemmon was born to William Leonard and Cosette Lipscomb Lemmon in Gainesville, Texas in 1889. William was from Missouri, but had moved to Texas to teach at the Masonic Female Institute in Marshall, Texas, where he met Cossette. She was the daughter of Garland Lipscomb, the general counsel for the Texas & Pacific Railroad where the railroad had its regional offices. After their marriage, the couple moved to Gainesville. In 1897, the family moved to Sherman, Texas where William taught school and was later appointed Superintendant of Schools. William also wrote textbooks, including a set of grade school readers; he died in 1909 when his son Mark was attending the University of Texas in Austin; Mark was the couple's only child.

Lemmon graduated from the University of Texas in 1912 with a degree in geology; he then attended Massachusetts Institute of Technology (MIT) where he received a degree in architecture and engineering in 1916. He moved to New York and worked for Warren and Westmore Architects for about six months where he participated on the design of the Commodore Hotel in New York City and the Boradmoor Hotel in Colorado Springs, Colorado. He then joined the army, serving as an officer with the 77th Engineering Division in France, in the Normandy region. During his time in France Lemmon was exposed to and developed a lasting admiration for French Gothic and other historic architecture styles that he would later utilize in his practice.

Lemmon returned to Dallas in 1919 and worked for Hal B. Thompson whom he knew while both were students at the University of Texas. Thompson's practice primarily included prestigious homes for clients in East Dallas and Highland Park. In 1921 Lemmon and Roscoe DeWitt, who had his own practice in Dallas, formed a partnership - DeWitt and Lemmon. One of the new firms' first commissions was the Stephen F. Austin Elementary School in Dallas (now demolished). This early school commission and Lemmon's family background in the educational profession would lead to additional school projects for the firm including Sunset and Woodrow Wilson high schools in Dallas and schools in Galveston, Denison and Cameron. Lemmon and DeWitt partnered with William B. Ittner of St. Louis, a renowned architect of public schools for the Goliad Junior High School in Galveston, Texas - a savvy move that allowed the young firm to learn the art of school design from one of the country's masters.

Another of DeWitt and Lemmon's clients was Southern Methodist University. They received three commissions on the campus, of which two were constructed. They also received a commission for Highland Park United Methodist Church, adjacent to SMU, which was completed in 1927.

DeWitt and Lemmon dissolved their partnership in 1926; both men continued their practices in Dallas and both would have remarkable careers. Lemmon's practice continued to focus on education and ecclesiastical buildings including several schools for Port Arthur (1927 thru the 1930s), Third Church of Christ Scientist (1931) and Boude Story Junior High School (1933). Lemmon also designed the Art Deco-style Tower Petroleum Building - his first high rise - that was completed in 1931. In 1935 - 1936 Lemmon was a member of the Texas Centennial Architects, Inc, the consortium of architects hired for the Hall of State building at the Texas Centennial at Fair Park. Other projects during this time included the U. S. Post Office in Stephenville, Texas, Cokesbury Book Store in downtown Dallas (1936 - 1937) and Alex Spence Junior High School (1938 - 1940) - a Dallas Landmark building. Much of his early work during this time was characterized by the use of

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This section on Mark Lemmon is largely based on information from the following sources:

[7] Christopher Long, "Lemmon, Mark," *Handbook of Texas Online* (http://tshaonline.org/handbook/online.org/handbook/articles/fle64). accessed January 1, 2014. Published by the Texas State Historical Association.

Singleton, Kate. Recorded Texas Historic Landmark Application for Mark and Maybelle Lemmon House, Highland Park, unpublished document. Dallas, 2005.

Brettell, Richard R. and Winters, Willis Cecil, *Crafting Traditions, The Architecture of Mark Lemmon.* Dallas: Meadows Museum , Southern Methodist University Press, 2005.

various historic styles including Gothic, Romanesque, Georgian and Neo-Classical although in the late 1920s and 1930s some of his buildings utilized Moderne and Art Deco styles - the Petroleum Building, Alex Spence Junior High School, the Hall of State and Cokesbury buildings.

As with many architects across the country, Lemmon served in the Army, and was stationed in Dallas, with the Army's 8th Service Command, doing both traditional architecture and developing and negotiating contracts for the army. He was the architect for the San Angleo Air Force Base Advanced Flying School in San Angelo, Texas and also served on a committee to re-negotiate all Army contracts in the United States.[8] As he was stationed locally, Lemmon was able to keep his architectural practice open with several projects designed and constructed during this time including Frazer Courts Public Housing in Dallas (1940-42) and Perkins Gymnasium at SMU (1940-42).

Following the end of World War II, Lemmon's practice grew and he completed numerous projects in the last years of the decade including Fondren Science Building (1949) and Kirby Hall Renovation and addition (1947-51), Perkins Chapel (1950) and Caruth Engineering Building (1946-48) at SMU, Robert S. Hyer Elementary for Dallas Public Schools, Highland Park Junior High School (1945-47), Wynnewood Presbyterian Church (1947-49) and First Presbyterian Church in Tyler (1947-49). Lemmon also worked on numerous commissions for the University of Texas System for the Austin, Dallas and Galveston.

In 1945 Dallas Independent School District selected Lemmon for the position of 'consulting architect' - a position that insured his involvement in the design of all new work at DISD school. In his role as 'consulting architect' Lemmon mandated the design, form and materials for these projects and received a commission of 1% of the construction cost for these projects. While Lemmon served as DISD's consulting architect, his firm continued to be selected as architect by DISD for a number of school project in the four bond programs DISD passed between 1945 and 1954. During this time frame, Lemmon assigned eight new elementary schools and one high school to his firm. This role of 'consulting architect' and its lucrative fees were resented by the local architects and in 1955 the Dallas chapter of the American Institute of Architects asked that this position be eliminated. DISD supported Lemmon's role and he retained the position until 1968.

Of the numerous schools Lemmon completed for DISD, two are Dallas Landmarks - Woodrow Wilson High School and Alex Spence Junior High School.

The 1950s saw great growth in Dallas and Lemmon's office was busy with projects including five new buildings at SMU, Churchill Way Presbyterian Church (1957-59), St. Phillips Catholic Church (1957-59), the addition to the Municipal Building (with Harwood K. Smith. 1954-55), Hobilitzelle Clinical Sciences Building (1955-58), associate architect on Braniff Airlines Operations Center with Pereira and Luckman (1956-58) and Southland Center with Welton Beckett and Associates (1958-59). Mark Lemmon and George Dahl's firm joined forces to complete the Dallas Federal Building (1958-early 1960s). At a construction cost of $24 million, this was one of Lemmon's larger projects.

In the latter years of his career, Lemmon returned to ecclesiastical buildings including several for former clients such as Highland Park Presbyterian Church and Highland Park Methodist Church. He retired from practice in 1965 (at the age of 76) although he continued to serve as consulting architect for Dallas Independent School District until 1968, when he ended his forty-six year relationship with the school district. Lemmon passed away on December 22, 1975 and his memorial service was held at one of his beloved churches, Highland Park Presbyterian Church. He was survived by his wife Maybelle Reynolds Lemmon of fifty-two years, and two sons - Mark L. and George R. Lemmon.

[8] Singleton, idid

A. J. Rife Construction Company, Contractor

The contractor for Sunset High School was A. J. Rife General Construction, a Dallas contractor. The first known building that the firm constructed was a large, 2-story house for Jacob Kahn at 2519 South Boulevard, Dallas in 1921; the architect for the Kahn house was the new firm of DeWitt and Lemmon.[9] Jacob Kahn was a prominent cotton broker; his son Edmond J. Kahn followed his father into the cotton business and served as President of the Dallas Cotton Exchange; Edmond and his wife, Louise Wolff Kahn, were would later become among Dallas's most prominent and philanthropic citizens.

The construction company's projects in the 1920s and 1930s included commercial projects including the remodel of the historic (1874) Collin County Courthouse in McKinney in 1927 and a new warehouse and division workshop for the Texas Highway Department in Dallas in 1930. The Rife Construction Company numerous projects for the military during World War II including a medical replacement facility at Camp Barkley buildings at the new Swift Army Camp in Bastrop County and at Fort Sill. One of their more interesting projects was the construction of the Jerome Relocation Center, Arkansas in 1942 to accommodate relocated Japanese Americans from California and Hawaii. This center was the first such center and opened in October 6, 1942 and it would be the first to close in June 1944. Built at a cost of $4.7 million, the project was completed by the J. A. Rife Construction Company & Associates which was a partnership of J. A. Rife Construction Company of Dallas (75% ownership), and Stephen Chandler.[10, 11]

A. J. Rife's projects in the 1950s included buildings at Carswell Air Force Base in Fort Worth and work for the Dallas Housing Authority.

[9] Industrial Development and Manufacturers Record, 1921. www.books.google.com/books? id+cl8-AQAAMAJ; accessed January 2, 2014

[10] Burton, Jeffrey, Mary M. Farrell, Florence B. Lord and Richard D. Lord, 'Confinement and Ethnicity, an Overview of World War II Japanese American Relocation Sites', online/ accessed Jan. 4, 2013 pages 149 - 160 Pub 1999 by Western Archeological and Conservation Center, U. S. Department of the Interior; reprinted 2000. books.google.com/books?isbn+0295981563

[11] Jerome War Relocation Center, http://en.wikipedia.org/wiki/Jerome_War_Relocation_Center; accessed Jan. 4, 2014.

13. Historical Significance

Oak Cliff Schools[12]

In 1891 the newly-incorporated town of Oak Cliff decided to provide public education facilities for its population, and shortly thereafter voted to seek bids on a new school building. The newspaper reported: "Resolved by the city council of Oak Cliff that the mayor be instructed to advertise for plans for a modern three-story brick school building with brick cross walls [*sic*] to be erected at Oak Cliff, Texas, to contain twelve rooms for school purposes and the cost of said building, complete, not to exceed the sum of $22,000." The corner stone for the school was laid at the corner of Patton (then St. George) and Tenth Streets in September 1892 under the auspices of the Masonic Grand Lodge of Texas.[13] This school building was known as the Oak Cliff Central High School and served grades 1 through 11; the 12th grade would be added in the future.

In 1901 William Harden Adamson was named Superintendent of the Oak Cliff Central School; it is thought that in this smaller school system, the Superintendent's responsibilities included also serving as principal of the school. In May 1902 Adamson presided over his first graduation of students from Oak Cliff, awarding some 18 diplomas at a ceremony held at Oak Cliff Methodist Church. In 1903 Adamson was unanimously re-elected as Superintendent at a salary of $1,300 per year.

Room assignments for 1903 listed 15 teachers at the Central Building – 2 in the high school and 13 in grades 1-8. In December 1903 the enrollment figures totaled 819 with 386 boys, 433 girls and an additional 105 enrolled in the 'colored school' – 43 boys and 62 girls.

Dallas Public School System[14]

The first public school system that served the City of Dallas - the Dallas Public School system - was founded and operated by City of Dallas' municipal government. As the town of Oak Cliff was a separate town, it operated its own school system for Oak Cliff and nearby residents until 1903 when Oak Cliff was annexed by the City of Dallas. In 1904, the Oak Cliff schools became part of the Dallas Public School system. Due to lack of school space, the students from Oak Cliff High School were moved to the new Dallas High School on Bryan Street (built in 1903 and mostly recently known as Crozier Tech High School) which was Dallas' only high school for white students at the time. Elementary and middle school students in Oak Cliff remained at the Oak Cliff Central School.

By 1906 the Dallas school system had grown to 10,000 students in 14 schools and 200 teachers, with 1,000 students in Oak Cliff. Oak Cliff continued to grow and by 1912 the Oak Cliff community requested a new high school be provided. School officials began to project their future needs for the next few decades and in 1914, it was estimated that the school population would increase from 2,801 in the 1915-16 school year to 8,902 by 1925 - reflecting the future growth of the city of Dallas and its suburban growth patterns. The Dallas School Board then recommended that sites in Oak Cliff and South Dallas areas be secured for 'high school buildings of the standard capacity (to) be forthwith constructed, furnished and installed…"[15] By 1915 two sites had been selected and nationally known architect William B. Ittner was hired to design both high schools – Oak Cliff High School (now known as Adamson High School) and Forest Avenue High School in South Dallas (now known as Madison High School). This venerable architect, nationally known for transforming

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[12] Largely based on Johnson, Bob; Glenn Strauss and Marcel Quimby, ed.. 'Oak Cliff High School Dallas Landmark Nomination', September 15, 2009, pgs 14 - 15.

[13] "Corner Stone of the Oak Cliff Public School Building Laid To-Morrow," September 12, 1892, *Dallas Daily Times Herald*, p. 4, col. 1.

[14] Largely based on Johnson, Bob; Glenn Straus and Marcel Quimby, ed.. 'Oak Cliff High School Dallas Landmark Nomination', September 15, 2009, pgs 14 - 15.

[15] 'Historic and Architectural Resources of East and South Dallas' National Register nomination, 1995

American public school architecture by designing schools with light in all classrooms, introduced ventilation into the classrooms, provided modern plumbing and bath facilities by moving the student bathrooms (previously delegated to basements) to the same floor as the classrooms; in general his schools were much more humane than those of the previous century. With the completion of these new high schools, Dallas now had three high schools, each serving distinct areas of the city - north, south and south-west (Oak Cliff); Professor Adamson was selected as the Principal of the New Oak Cliff High School. The school board also looked at purchasing additional land in both areas for additional elementary and middle schools. Oak Cliff continued to grow and then new Oak Cliff (Adamson) High School was soon over-crowded; by the early 1920s, the need for another new high school to serve the western portion of Oak Cliff was identified.

Sunset Hill Addition and adjacent context

The site for the new high school was located on West Jefferson Blvd., adjacent and to the north of Sunset Hill Addition. This neighborhood was originally part of the John Merrifield farm in the late nineteenth century. The farm was purchased by Leslie Stemmons in 1911 and platted for development. In July 1911, 160 lots were put up for sale, with the typical lot selling for $750. Sunset Hill Addition and nearby Rosemont neighborhoods were annexed by the City of Dallas in 1915.[16] The site of the future school was not annexed until several years later. At the time of the school's opening in 1925 the south boundary of the school site was adjacent to the rear side of northern lots on West Tenth Street.

Sunset Hill neighborhood largely consists of one and two-story bungalow and craftsman homes. The subdivision was bounded by West 10th Street, Clarendon Street, South Waverly Drive and Hampton Road. Most of the homes were built prior to the construction of the school and most retain much of their original character. The historic Cedar Crest house, a large Greek-Revival country estate that was originally built outside Dallas' city limits in 1905 now sits on a large lot directly across West Jefferson Blvd. While the street is a mix of commercial and residential buildings and uses, the surrounding residential neighborhoods date from the early 20th century and many pre-date the school. Two of these neighborhoods have local or national historic designation, including Rosemont (NR) to the north-east and Winnetka Heights (Dallas Landmark, NR, RTHL) to the east.

The school site faced West Jefferson Blvd., a historic road that ran from downtown Dallas, through downtown Oak Cliff towards Grand Prairie. The road was a six lane boulevard from downtown Oak Cliff to Marlborough Street - six blocks east of the school site. From Marlborough Blvd. west (including at the Sunset school site) it was a two-lane road leading through the nearby countryside; this was deemed unsuitable for the traffic anticipated at the new high school.[17] The City of Dallas extended the six-lane boulevard at West Jefferson Blvd. from Marlborough Avenue to Hampton Road in 1925; this was done in conjunction with Dallas County extending the road from Hampton west to Cockrell Hill, as this portion was beyond Dallas city limits (which was at Hampton Road). The street car alignment within this wide boulevard was also extended as part of this construction project, allowing students from the Cockrell Hill and the rural areas along West Jefferson to ride the streetcar to the new school.[18] This expansion of the boulevard connected the western edge of Oak Cliff with downtown Dallas and provided improved vehicular and street car access for the faculty and students of the new high school.

Sunset High School design and construction, 1923 - 1925

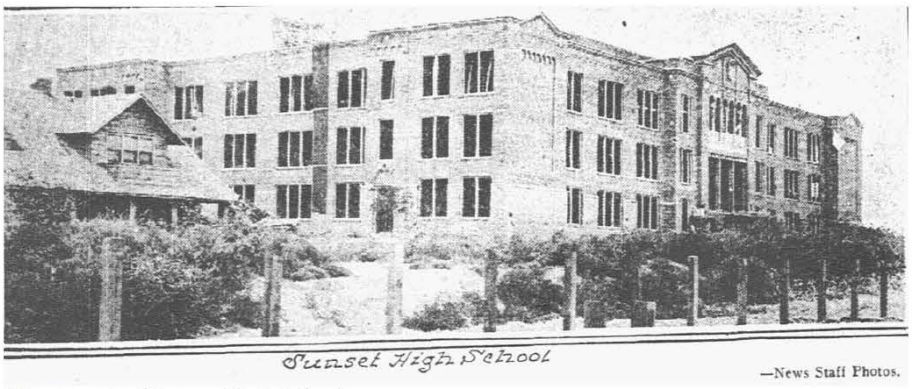
Hired by the Dallas Board of Education in 1923 to design two new high schools, Sunset and Woodrow, DeWitt and Lemmon began work first on Sunset High School. R. O. Jamison was the structural engineer. The construction documents were issued for bid on October 23, 1923 and bids were received in December 1923. J. A. Rife Construction Co. was awarded the construction project and began work in January 1924. J. A. Rife has

[16] 'Sun rising again for Oak Cliff's Sunset Hill neighborhood group', Roy Appleton, Dallas Morning News blog; January 3, 2012; accessed October 15, 2012. http://oakcliffblog.dallasnews.com.
[17] 'Thorough Street Opened to Sunset High School;, Dallas Morning News, May 24, 1924 pg 13.
[18] Dallas Morning News, September 4, 1925.

worked on at least one project with DeWitt and Lemmon previously - on the construction of the Kahn house in South Dallas in 1921.

The cornerstone for the school was laid, June 7, 1924.[19] A newspaper article in the August 31, 1924 Dallas Morning News discusses the new school under construction, and referred to Sunset High School as the '*largest such [high school] in the South*.' The completion cost was originally scheduled to be less than $500,000. The actual construction cost was reported to have cost $384,000 (not including land acquisition, furniture nor equipment).

The structural system was of reinforced concrete foundation, and structural steel frame. Large steel trusses spanned the auditorium; each truss was 82' long and almost 8' high. The exterior materials included clay tile walls with brick facing; cut Indiana Limestone at sills, steps, copings, loggia base; terra cotta - with acceptable manufacturers of Federal Terra Cotta Co., Northwest Terra Cotta Co., Tottenville Plant of the Atlantic Terra Cotta Co.[20] A corner stone box was to be fabricated to fit within a recess in corner stone; the box to be of 16 oz. copper, about 4" x 6" x 12" with tight fitting lid. The roof was to be 4-ply composition, of asphalt saturated allrag felt, mopped with hot asphalt. The Specifications also included the demolition of the 'dwelling now on the building site'.[21]



Photograph of Sunset High School
Dallas Morning News, August 31, 1924, p 1.
This photograph shows the almost-completed high school, construction associated with West Jefferson Street and the house that existed at the site at the left of the new school; this house would be demolished shortly.

[19] '*Sunset HS Corner Stone Laying to Held Saturday*', DMN, June 5, 1924.
[20] *Specifications for Sunset High School, Set #56*. DeWitt and Lemmon Architects; Mark Lemmon Consulting Architect, December, 1923; p. 37. Courtesy of Joe Whitney.
[21] Ibid.,p. 37.

Interior materials specified included brick at interior walls, smooth vitrified brick wainscoting (to 6' high) in the Gymnasium, salt glazed brick as a wall base (four courses high) in the lunchroom and the shower room walls, interior 'partition tile' (clay or shale tile) to be plastered, brick at selected interior walls, mastic linoleum flooring of red or green integral color. Accessories include cork panels (4' high x length indicated) for tackboards and slate blackboards - a few of which remain.

Sunset High School Opens - September 1925

The school opened its doors for the first time on September 21, 1925 and served students in the western portion of Oak Cliff and Cockrell Hill. The school had fourteen hundred students - less than the two thousand the facility could accommodate - and thirty-nine teachers. Sophomores, juniors and senior students had been transferred from Oak Cliff High School and a new class of freshmen who would later comprise the class of 1929 - the first class to have attended the new Sunset High School for the entire four years of high school. The first graduation was held in January 28, 1926 with forty-eight student receiving their diplomas; W. H. Adamson, principal of Oak Cliff High School which most of the students attended prior to Sunset, addressed the students. [22] It was typical for high schools in the 1920s to have two graduations each year - one after the first semester in the winter and a larger group that graduated in June; this was discontinued in 1959 when graduations only occurred in June of each year.

While there are several thoughts about the origin of the school's name, the name Sunset was finally given to the school due to the residential district in which it is placed', page 169.

Sunset High School was not the first Dallas school to bear the name 'Sunset'. A new elementary school that opened in 1920, at Hampton and Gladstone Streets was originally called 'Sunset Hill Elementary School'. Miss Lida Hooe (1875-1923) was a beloved elementary school teacher, and became the first Supervisor of Penmanship and Drawing in 1904. After she died of breast cancer, the new Sunset Hill Elementary School was renamed Lida Hooe Elementary School in her honor in 1924.[23]

The 1945 Sundial article also notes "Since the student body had to literally cross countryside in order to come to Sunset, they compared themselves to the American Bison as pioneering the western frontier of the barren plains and chose the Bison as their mascot." The 1945 Sundial article further refers to the view from the upper floors of 'the smooth grassy plains stretching out as far as the eye can see.'

Sunset History, 1925 - present

An unfortunate incident occurred in October 3, 1933 when a gas explosion occurred in the west wing of the school. William Henry Franklin, the school's custodian was critically injured in the explosion and soon died.[24, 25]

World War II

In the 1940's patriotism was at its peak. Many faculty and students would fight in World War II but not all would return. Principal W.W. Bushman, a much loved, much respected man, who said he "could not ask those boys to volunteer without going himself," resigned his position as Principal and joined the U. S. Army. Sunset students supported the war effort in many ways - including student Miss June Pressley was crowned Dallas Bond Queen for Dallas purchasing more war bonds than anyone else.

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[22] In the early decades of the 20th century, it was common for high schools to have graduations following the first and second semesters of the year; the spring/summer graduation was the larger group and eventually the winter graduation was dropped.

[23] 'Lida Hooe Elementary School', http://en.wikipedia.org/wiki/Lida Hooe Elementary School; accessed December 30., 2013.

[24] Dallas Morning News

[25] Bison Spirit newsletter, Sunset High School Alumni Association; Curry Printing, Euless, Texas. Fall 2012.

Plaques installed at Sunset displays the names of those who served so valiantly in the defense of our country in World War II and the Vietnam War; refer to the 'Casualties of World War II and Vietnam' section. Plaques that list these students are installed in the new building entry.

After WWII, the diversity of courses offered in school, necessitated a need for both classroom and recreation space. This new and future expansion of the school required the purchase of the southern half of the block for use by the school. This took several years to accomplish in the late 1940s and early 1950s. The first new construction was for a new Team Room in 1952 and new Gym and Band hall, completed in 1956. As students were then driving to school, the first parking lot for students was built in the southeast quadrant around 1959; this was an unimproved (dirt) lot. Tennis courts were also constructed at the east side of the school and additional courts would be built in this area in 1964.

The 1950s instituted several changes to the class structure. For the 1952-1953 school year the school district did not have adequate room to accommodate 8th grade students from Cockrell Hill in a nearby junior high school so Sunset accommodated them for their 8th grade. These students attended Sunset for five years, the only class ever to do this. In 1958 the fall/winter graduation was eliminated, with all students graduating in the spring - which continues today.

The class of 1964 provided a time capsule for the addition that was under construction. A student recalls that they "produced a copper box and ...filled it with various things they thought someone sometime might care something about." This box was soldered closed placed in the cornerstone in the Annex (Science Addition). Another addition to the school facilities was a large parking lot behind Sunset High School in the 1950 with new tennis courts at the east side of the school. In 1969, additional tennis courts were added.

In 1969 a night of vandalism occurred at both Sunset and Adamson High Schools. The damage was quite extensive at both schools, with both the Bison head and the Leopard damaged, trophy cases demolished and trophies thrown up and down the halls. There was no security at that time to detect the vandalism in progress. However, is such that an occurrence such as that cannot happen again. In the event of a break-in, electronic surveillance would signal an alarm and police would arrive within minutes.

Integration began in DISD schools in the late 1960s, included Sunset. Some population movement was noticed in the areas as parents either put their children in private schools, or moved, perhaps to the suburbs, to achieve what they felt would be a more settled school situation for their children. The principal, Mr. Filgo noted "We have had a change - ethnic ratio - of course, it was brought on by desegregation and brought on by changes in the pattern of the neighborhood. The ratio in 1975 was 61% Anglo, and about 30% Mexican- American and 7% Black. Parents who kept their children in Sunset were satisfied with the choice and the education the students received in the interim settling-in period. The entry of the new students was accomplished quietly with no appreciable problems. Obvious successes of this change included Perry Washington, Sunset's first black cheerleader - chosen not for his color, but for his own likable happy-go-lucky personality. Melvin Lemmon was elected Wittiest Senior Boy in 1973 and Willie Pierson, Most Talented Senior Boy in 1975. By the mid-1970s Sunset would be the epitome of ethnic equality and its racial mix would be acceptable to the courts.

Activities and Organizations at Sunset High School
Sunset has a number of activities and organizations for the students' enrichment. A sampling of the numerous activities follows.

Music - In the 1930s, there was a school orchestra and chorus; in 1932 the orchestra was the largest high school orchestra in Dallas, and the chorus was the largest Sunset had ever had.

Occupational Education Program - this new program implemented in the 1950s was designed to provide a career path for employment for students by attending school for half-days and working

half-days. In 1965, Vocational Office Education was added.

The Bison, the school mascot - Since the opening of Sunset, there have been three Bison heads displayed in the front hall - a tradition that extends to this day.

Band - In 1961 the Band Director, Mr. Utley, organized a dance band called the First Herd, in 1962 the Second Herd and so on. In 1964 Cerminaro was named 1st Chair brass section of the State Band. The band was invited to march in San Antonio's Fiesta of the Flowers parade in 1964.

Reserve Officer Training Corps (R.O.T.C) - Like most Dallas high schools, Sunset had an active program which was originally for male students; girls were admitted in 1976

Sports at Sunset High School

Like other DISD schools, Sunset had the full complement of sports available to schools, including:

Football - Like most high schools, football at Sunset is a major activity of the students' high school experience with the first games held in the fall of 1925. The local media seemed to be confused during these early games with several Dallas Morning News sports articles referring to the 'Sunset Buffaloes.' The first football team was named after its mascot - the bison. In 1934 the team won the first 'City Championship', and again in 1938. The 1940s the football team was a contender for the state championship over several years and was State Runner up in 1942 and 1949. In 1950 the team won the 'City Championship' title (now discontinued) as well as the State Championship; the team was a State Semi-Finalist again in 1955.[26, 27]

Sunset's first football rivalry was with Oak Cliff (Adamson) High School - the other Oak Cliff high school; the two schools are the only Dallas schools to have won state championships - Adamson in 1924 and Sunset in 1950. This rivalry continued until 1979 when the two schools were assigned to different to different athletic districts.[28] The rivalry was re-ignited when the teams met again in 2003 (Sunset 27 - Adamson 6), in 2012 (Adamson 35 - Sunset 12) and 2013 (Adamson 40 - Sunset 6), continuing what is now an 88- year tradition.

Basketball - Sunset won the state basketball championship in 1944. Coached Stanley Thomas's teams during these years included notable players such as Hank Foldberg and, Bobby Folsom.[29]

Baseball - Sunset won the state baseball championship in 1943-44 and 1944-45. Davey Williams contributed to the teams' success and would play professional baseball, spending his entire career with the New York Yankees as player and coach.

Track - The track team won the city Championship in 1961 under Coach Jack Roten. Along with volleyball and basketball, track programs for girls were started in 1974.

Swim Team - Sunset would have its first Swim Team in 1965. Robert May and Roger Veal would set records in the breaststroke and backstroke.

Golf Team - Sunset's golf team won the state golf championship in 1938, 1940, 1947 and 1952. A girl's golf team was started in 1972.

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[26] Sunset High School entry, Wikipedia. http://en.wikipedia.org/wiki/Sunset_High_School_(Dallas).
[27] Campbell, Dave. *Dave Campbell's Texas Football*, 2008 ed., p. 362.
[28] Appleton, Roy. Adamson, *Sunset looking to revive Oak Cliff's long-gone high school football rivalry*, Dallas Morning News, September 5, 2012; accessed January 1, 2014.
[29] Robert Folsom would become Mayor of Dallas, 1976 - 1981.

The Sanger Trophy - A unique sports competition was established by Sanger Brothers Department Store in 1929 to recognize a Dallas high school for its excellence in athletics with a large, ornate trophy awarded annually to one of six high schools within Dallas Public Schools (and later DISD) who had achieved he best record in sports based on a points system.[30] The store provided a large trophy which was passed to the successful school each year. Sunset High School was awarded the trophy 12 times - more than any other school; upon the competitions' end in 1954, the trophy was awarded permanently to Sunset High School for this remarkable record. The Sanger trophy was restored in 2012 and it now resides in the Old Red Museum of Dallas Culture and History where this impressive and coveted trophy is now publicly displayed and its story told.

Changes to the building since 1925

Like most public schools of the time, changes in enrollment and school programs have necessitated additions at the school since its original construction. These changes include the following:

Team Room, 1956

The Team Room at Sunset housed locker and shower rooms; this was a small building and its cost was approximately $28,000. This project was issued for bid along with new ROTC Facilities at Lincoln High School in South Dallas. The new Team Room was a steel frame building, with exterior masonry walls and steel sash windows; the interior walls and ceilings were plaster. The architects were Wiltshire & Fisher Architects, with Mark Lemmon, Consulting Architect.[31] The construction documents were issued in February 1950, with bids due March 14, 1950. It is thought this small building was demolished when later construction occurred.

Physical Education Addition, 1956

The need for a new gymnasium resulted in the construction of this building. The architect for the school was Robert D. White; Mark Lemmon was Consulting Architect and structural engineer was Frank Chappell, and Zumwalt & Vinther were the mechanical engineers. The drawings were issued for bid in May 1954 with bids due June 7. Dallas Morning News articles noted that this new gymnasium would be completed at a cost of over $185,000.00 and that the building would also be used as a band hall.[32]

The gym was of structural steel frame, masonry and cast stone exterior, windows and curtainwall. Interior finishes include ceramic tile, resilient floors, wood floors, suspended ceiling tile and plaster finishes. The exterior brick matches that of the high school. The gymnasium building remains in place, and hosts a large 'Sunset Bison' logo and bison image.

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[30] The six Dallas high schools in 1929 were Dallas High School (also known as Crozier Tech), North Dallas High School, Oak Cliff High School (now known as Adamson High School), Forrest Avenue High School (now known as Madison High School), Woodrow Wilson High School and Sunset High School. Booker T. Washington High School which served Dallas' African American population was not included in this competition.

[31] *Specifications for Team Room for Sunset High School', Set No. 2*. Wiltshire & Fisher Architects, Mark Lemmon Consulting Architect, February 1950, p. 23. Courtesy of Joe Whitney.

[32] Dallas Morning News, January 20, 1954.

Physical Education Addition (Gymnasium)

Annex (Science Addition), 1963
This large addition to the east of the original added much needed space for the new school. This was one of the projects funded by the $10 million Bond Program in 1962. A courtyard separated the existing and new building and accommodated the science labs and classrooms and was soon referred to as the 'science lab'. The new addition opened in September 1963.

The two-story building is constructed red and brown brick with horizontal precast concrete band below the roof line, and is set back slightly from the original building's front facade. The front facade is a blank brick wall with an arched opening at the west side; a canopy at grade and an raised, enclosed glass overhead connection tie the this addition to the existing school. The east facade of this building has large expanses of curtainwall that are slightly recessed from the exterior wall and roof.

The architect was Jarvis-Putty-Jarvis of Dallas, with Office of Mark Lemmon as Consulting Architect. The mechanical engineers were Ratliff-Irby-Purdy and the structural engineers were Mayes & Brockett. Construction drawings were issued early January 1963, with bids due February 12, 1963. Avery Mays Construction was the contractor. Avery May's son Gerard Avery Mays was a Sunset graduate who attended Southern Methodist University on a football scholarship and excelled at the sport. Upon graduation he played defensive lineman for the AFL Dallas Texans in 1961-62, and then played for the AFL Kansas City Chiefs and NFL Kansas City Chiefs. While with the Chiefs, Avery was a captain in Super Bowls 1 and IV. He retired in 1970, and returned to Dallas to work with his father in the construction business.

Later Addition to the Science Addition, date unknown.
A two-story addition at the south side (rear) of the Science Addition was constructed after the Science Addition. With its simpler brick detailing, horizontal band at the center of the upper windows and use of brick soldier courses instead of precast concrete at the roofline, is it a different design from both the Science Addition and newer 2005 addition. No information was available on this building and its date of construction is not known.

Addition to east facade at left (date unknown; noted as E on Building Diagram). Note design does not match the earlier Science Addition.

North facade of Science Addition at right (1963).

Addition including new entry at school, 2005

To accommodate an increased student population, new programs and technology, a major expansion (153,000 SF) of the school was planned in the early 2000s with construction completed in 2005. This large addition is at the south side of the school and faces West 10th Street; a large two-story entrance hall is provided, creating a large lobby which accommodates the larger student body and allows the use of metal detectors and other security measures.

Two stories in height, the exterior is a planar brown brick facade with punched openings for window; a cast stone water table reflects that of the historic building. The new entry is curtainwall storefront glazing. The architects for this newest project at the school was BCI architects Inc. and McCarthy Building Construction Inc. was the General Contractor. Jacobs/Pegasus JV was the Program Manager for DISD.

Aerial view of 2005 addition to the south side of the school Addition
Courtesy of McCarthy Construciton,.Inc.

New entrance to the school in 2005

2013 - Byron Rhome Field House. The practice football field and field house is located on West 12th Street, several blocks west of the school. Completed in 2013, the new field house is named for Coach Byron Rhome who coached at Sunset from 1936 - 1964. He was coach for the Freshman Football and Track teams, and served as head coach from 1946 - 1964.[33]

[33] "*New Sunset Field House*', Bison Spirit Newsletter, Spring 2013, pg 2.

Summary

Sunset High School is the second public high school in Oak Cliff; the first high school - Oak Cliff High School (Adamson) was split in half with students in the newer residential neighborhoods in the western and south-western areas of Oak Cliff and Cockrell Hill attending Sunset; students in eastern and northern areas of Oak Cliff remained at Oak Cliff High School. Today, Sunset High School is a comprehensive high school that serves approximately 2,300 students in grades nine through twelve. Principal Luz Martinez, PhD leads a faculty of 120.

With the successful designation of Sunset High School as a City of Dallas Landmark, the eight oldest high schools in Dallas will have achieved City of Dallas historic Landmarks status, in recognition of their significance to their graduates and faculty and their contributions to the City of Dallas. These oldest eight high schools in DISD are:

Dallas High School, 1907
Oak Cliff High School (Adamson), 1915
Forest Avenue High School (Madison), 1916
North Dallas High School, 1922
Booker T. Washington High School (Booker T. Washington School for the Performing Arts), 1922
Sunset High School, 1925 (Landmark designation pending)
Woodrow Wilson High School, 1928
Lincoln High School, 1938

APPENDIX

Sunset High School Hall of Fame[34]

In 1933, the Sundial staff established the Sunset Hall of Fame for the school for the purpose of recognizing Sunset graduates who achieved national fame while students at Sunset. Between 1933 and 1974, seven students were so recognized.

The Sundial staff of 1975 recognized that a number of students had distinguished themselves following graduation and were honored with admission to the Hall of Fame; two additional members were added that year - Jack James and Dr. Lee Smith. It is not known if the Sundial staff or school has added to the Hall of Fame since 1975.

Ross L. Bush, 1933 (track)
Jack James, 1975 (Assistant Director, Jet Propulsion Laboratory, California Institute of Technology)
Linda Darnell, 1939 (film actress)
Bill Hammon, 1942 (track)
Dr. W. T. White, 1950 (President of the American Assoctiation of School Administrators)
Lewis Stuckey, 1955 (President of Key Club International)
Jerry Cobb, 1957 (basketball)
Eddie Southern, 1955 (Track, Olympic Silver medalist, hurdles, 1956; member UT world record 440 and 880 yard relay team)
Lee Smith, 1975 (President, Southwest Texas State University)

Notable Graduates[35]

In addition to the more formal Hall of Fame list of alumni recognized by the Sundial staff, a number of graduates have been made significant contributions following graduation. This list is largely excerpted from Wikipedia, and is listed alphabetically:

Clay Armstrong, PhD, 1952 (Physiologist; much present knowledge on ion channel structure and function traced to him)
Billy Lee Brammer, 1947 (journalist and novelist)
Stockton Briggle, 1953 (movie and television producer)
Ballard Burgher 'Buck' Cobb, 1938 (U. S. navy, crew member of U.S.S, Arizona at Pearl Harbor and first Sunset alumni to die in World War II)
Ross L. Bush, 1933 (set national high school record in 880 yard run)
Henry Calvin, 1935 (television actor)
John Cerimaro, 1965 (New York Philharmonic principal horn player; Los Angeles Philharmonic and Seattle Symphony Orchestra)
Jerry Cobb, 1957 (All American High School basketball player; TCU basketball team)
Betty Mims Danoff, 1940 (one of the founders of the Ladies Professional Golf Tour; won major title that stopped Babe Didrickson Zaharias' 13-tournament winning streak)
John Dodd, 1958 (Mayor, Farmers Branch)
Edward Edwards, 1968 (Actor in television)
Hank Foldberg, 1944 (West Point All American football player)
Don Foldberg, 1946 (West point All American football player)
Hon. Robert Skillern Folsom, 1944 (Mayor of Dallas; President, Dallas School Board)
Dr. Robert Haley, 1965 (UT Southwestern Medical School, Chief of Epidemology, expert on Gulf War Syndrome; Past President, Dallas County Medical Society)
Danny Hall, 1970 (Deputy Chief of Mission, U. S. State Department, Helsinki, Finland)
Bill Hamman, 1942 (set national high school record in 200 yard low hurdles)
Dr. Jo Gayle Dillon Howard, 1969 (Smithsonian research scientist)

[34] Sundial, 1975, courtesy of Doris Murphy
[35] Wikipedia, www.en.wikipedia.org/Sunset_High_School_(Texas); accessed January 2, 2014

Jack N. James, 1937 (Assistant Director, Jet Propulsion Laboratory of California Institute of Technology)
Betty Jameson, 1939 (Founding member of the Ladies Professional Golf Tour, won 13 LPGA titles, including 3 majors)
Don January, 1947 (professional golfer, 10 PGA tour titles including PGA Championship, 1967)
Rudy Jaramillo, 1970 (UT baseball team; hitting coach for Texas Rangers and Chicago Cubs)
Michael Jenkins, 1960 (President, Dallas Summer Musicals; founder and owner of LARC Entertainment Systems; one of founders of the Six Flags Amusement Parks; winner of Tony award)
Mickey Jones, 1959 (musician and television actor including drummer for Bob Dylan, Trini Lopez and Johnny Riveres)
Louise Latham, 1940 (film, television and Broadway actress)
Jerry Mays, 1957 (AFL Dallas Texas championship team; Kansas City Chiefs in Super Bowl I; played Super Bowl IV Championship team).
Bill Meeks, 1940 (music industry and radio station jingles entrepreneur)
William Allen 'Bill' Melton, 1958 (Dallas County Treasurer for 25 years; announcer for 1996 Olympic games, Super Bowls VI, VIII and IX, Cotton Bowl Classic and 2001 and 2005 Presidential Inaugurations.)
Dr. Tomothy G. Nance, 1980 (President, Evangel Christian University of America)
Dick Penner, 1955 (English professor and co-composer of 'Oobby Dooby', Roy Orbison's rockabilly classic
Jerry Rhome, 1960 (football at Sunset, made All State and All American. Runner up for 1964 Heisman Trophy; College Football Hall of Fame, Washington Redskin's Super Bowl XXII Championship)
Lee Smith, PhD, 1953 (educator; President, Southwest Texas State University)
Terry Southern, 1941 (Novelist and screenwriter, including Easy Rider, Dr. Strangelove; taught at Columbia and NYU)
John M. Stemmons, 1927 (developer, donated land for Stemmons Freeway, Linz Award recipient)
Earl Stewart, Jr., (professional golfer)
Pete Stobestreet, 1958 (high school and collegiate basketball and Lewis Stuckey Jr., 1955 (President, Key Club International)
Glen Waggoner, 1958 (Founder of ESPN's The Magazine; author; National Baseball Hall of Fame - writers division)
Davey Williams, 1945 (professional baseball player, spent entire career with New York Giants as player and coach)
Michael Yeargan, 1964 (Tony Award winner for Best Scenic design)

Principals of Sunset High School[36]

Sunset has had a strong list of principals since 1925. In the 1970s the ethnic population of north Oak Cliff began changing with the Hispanic population increasing, and DISD encouraged teachers and administrators to more closely reflect this diversity. In 1983, Sam Lopez became the first Hispanic principal at Sunset High School. The schools principals have included:

1925-1931	Jack A. Wilson
1931-1941	W. T. White
1941-1942	W. W. Bushman
1942-1946	J. D. Chalk
1946-1947	Shumake M. Baber
1947-1950	Robert H. McKay
1950-1959	C. C. Miller
1959-1968	H. S. Griffin
1968-1980	Harold J. Filgo
1980-1983	Joel Pittman
1983-1985	Sam Lopez

[36] Information on Principal J. A. Wilson, largely taken from biography of Wilson in 1926 issue of Sundial (first yearbook), page 12 - 13.

1985-1989	Richard Marquez
1989-1990	Cele Rodriguez
1990-1992	Michael Stiles
1992-1992	Carl Montoya
1992-1994	Domingo Regalado
1994-1997	Oscar Rodriguez
1998-2001	Daniel Menchaca
2001-2004	Silvia Lopez
2004-2006	Emilio Castro
2006 - 2013	Anthony Tovar
2013 - present	Luz Martinez

Jack A. Wilson - Sunset's first principal was born April 10, 1878 in Detroit, Michigan to Joseph and Barbara McMurchie Wilson, who had immigrated from Ireland and Scotland. Wilson completed high school at Central High School in Detroit, then attended Lafayette College in Easton, Pennsylvania on a scholarship. He received his B. A. degree in 1901 and his M. A. degree in 1904 from Lafayette College. He then served two years on sailing ships before beginning his teaching career at his alma mater - Central High School in Detroit until 1914 when he became principal of Morley School in Detroit. where he taught until April, 1917 when he joined the U. S. Navy as Commander of the U.S.S. Summers for several months. He then served on the U.S.S. Bath as navigating officer, then was transferred to the destroyer force and served on the U.S.S Reid and U.S.S. Laub; he was discharged on January 1, 1920 and moved to New Orleans for a short time then returned to the sea as chief mate on the Steamer Boswell.

Wilson left the sea for good and in October 1921, he joined the faculty at Bryan Street High School (originally known as Dallas High School, and most recently known as Crozier Tech High School) for a year. From 1922 - 1925 he taught history and coached athletics at North Dallas High School, then was appointed as Sunset High School's first principal in Fall 1925.

Wilson married Eva Lenore Smith while in Detroit, and they had one daughter Barbara, who graduated from Sunset in 1929. Mrs. Wilson was also a teacher. The couple lived on South Montclair, near the school. Wilson served as Sunset as principal until 1931, and died on October 2, 1946; he is buried in his hometown of Detroit.

W. T. White - W. T. White was Superintendent of Fairview School District prior to teaching for DISD in the 1930s. He met his wife Janice Yarborough while teaching; she was also a teacher with DISD. White became Sunset's second principal, serving from 1931 - 1941. He was then transferred to DISD administration as Assistant Superintendent and in 1946, became DISD Superintendant, a position he held until 1968 - one of the longest serving superintendants at the school system. A high school was named in his honor.

W. W. Bushman[37] - W. W. Bushman was born in Missouri April 23, 1901. Bushman was football coach at Sunset High School for a number of years and became principal in 1941. Later that year he left Sunset and joined the US Army. When asked why he would join the Army and enter the war, his response was 'I could not ask these boys to join without going myself.' [38]

Bushman served the 312th Fighter Wing, 14th Air Force and served in the China Burma Theater of Operations. He died of unknown causes, August 23, 1944 at Kunming, China, and was buried at the National Cemetery of the Pacific, Honolulu, Hawaii. Bushman was the first and only faculty member at Sunset to die in WWII. He was survived by his wife Janice Bushman and their young daughter Billie Jan (born 1941). Billie Jan would attend Sunset High School and graduated in 1958.

[37] This section on Principal Bushman is largely based on 'William Waltger Bushman' article, Bison Spirit Newsletter, sunset High School Alumni Association., p. 1.
[38] Ibid., p. 1.

Casualties - World War II[39] and Vietnam.
Sunset High School has had numerous students who attended Sunset High School students from WWII to the more recent wars in Iraq an Afghanistan.

World War II casualties include:

Faculty
W. W. Bushman, Major, U. S. Army Air Force (Sunset High School Football Coach (1939-1941 and Principal, 1941-1942). 1901 - 1943.

Students
Robert James Aderhold, Second Lieutenant, U. S. Marine Corps; 1924 - 1944 (U. S. class of 1941)
Leonard W. Akins, Corporal, U. S. Marine Corps; 1924 - 1945 (class unknown)
Jack H. Alford, Second Lieutenant, U. S. Army; 1915 - 1945 (class of 1933)
David C. Allen, Technical Sergeant, U. S. Army Air Corps; 1913 - 1945 (class unknown)
Thomas Percy Angers III, Yeoman Second Class, U. S. Navy; 1922 - 1944 (class of 1941)
Wallace Averett Angle, First Lieutenant, U. S. Army; 1922 - 1944 (class of 1941?)
Charles William Bauman, First Lieutenant, U. S. Army Air Corps; 1917 - 1944 (class of 1935)
William Luther Black, Jr., Seaman Second Class, U. S. Navy; 1926 - 1946 (class unknown)
William K. Blackbury, Jr., Technical Sergeant, U. S. Army Air Corps, 1924 - 1944 (class of 1942)
Walter R. Bone, Second Lieutenant, U. S. Army Air Corps; 1917 - 1943 (class of 1935)
Warren Holmes 'Zeke' Boone, Jr., Second Lieutenant, U. S. Army Air Corps; 1924 - 1944 (class of 1941)
Robert J. 'Bobby' Bradford, Captain, U. S. Army Air Corps; 1919 - 1944 (class of 1937)
James Bradley, U. S. Navy (dates and class unknown)
William Evan Bridges, Sergeant, U. S. Army; d. 1943 (class unknown)
Robert Theodore 'Bob' Brown, Staff Sergeant, U. S. Army Air Corps; 1922 - 1944 (class of 1940)
George Booke Brundrett, Captain U. S. Army; 1911 - 1945 (class of 1929)
Floyd Burrows, Corporal, U. S Army; 1919 - 1942 (class of 1935)
Maxwell W. Caldwell, Second Lieutenant, U. S. Army Air Corps; 1916 - 1942 (class unknown)
Joseph W. Carroll, Jr., First Lieutenant, U. S. Army Air Corps; d. 1943 (class unknown)
Robert E. Cloud, Jr., Second Lieutenant, U. S. Army Air Corps; 1918 - 1945 (class of 1937)
Ballard Burgher Cobb, Seaman U. S. Navy; 1920 - 1941 (class of 1938)
Percy B. Coker, Captain, U. S. Army Air Corps; 1918 - 1940s (date unknown) (class of 1937)
Hawood Comer, dates and class unknown.
Charles Buford Cothran, Technical Sergeant, U. S. Army Air Corps; 1921 - 1943 (class of 1940)
William Clyde Couch, Jr., Sergeant, U. S. Army; 1918 - 1943 (class of 1941)
Don E. Cousins, First Lieutenant, U. S. Army Air Corps; 1921 - 1945 (class of 1936)
William Sherwood Council, Captain, U.S. Army Air Corps; 1921 - 1945 (class of 1939)
Elton Leon Darden, Seaman First Class, U. S. Naval Reserve; d. 1944 (class unknown)
Jack Steele Davis, Sr. First Lieutenant, U.S. Army; 1917 - 1944 (class of 1935)
Lloyd Dean, U.S. Navy; 1917 - unknown (class of 1939)
Earl Roe Donnell, Jr., Ensign, U.S. Navy; 1918 - 1942 (class of 1935)
Marvin Louis Duncan; dates and class unknown.
Frederick M. Eidson, Water Tender Second Class, U.S. Navy; 1919 - 1944 (class of 1938)
Admirum J. Etheridge, Technician First Class, U.S. Army; d. 1943 (class unknown)
Glenn S. Farris, First Lieutenant, U.S. Army; 1918 - date unknown (class of 1940)
Thomas Hearne Felker, First Lieutenant, U.S. Army Air Corps; 1923 - 1945 (class of 1940)
James Findley, Second Lieutenant, U.S. Army Air Corps; 1919 - 1943 (class unknown)
Norbert Owen Finks, Sergeant, U.S. Army Air Corps; 1918 - 1943).
John West Folsom, Jr., Second Lieutenant, U.S. Army Air Corps; 1919 - 1944 (class unknown; younger brother of Robert Folsum, later Mayor of Dallas.
James Ward Fouts, Lieutenant Junior Grade, U.S. Navy; date unknown - 1944 (class of 1935)
William Henry Fulghum, First Sergeant, U.S. Army; 1918 - 1944 (class unknown)
Albert Troy Garrison, Sergeant, U.S. Army Air Corps; d. 1943 (class of 1941)
David M. Gay, U.S. Marine Corps; 1920 - 1944 (class unknown)

[39] Whitney; Joe; ed.; World War II Casualties (of) Sunset High School, Dallas, Texas; unpublished manuscript.

James Henry George, Private U.S. Army; 1922 - 1944 (class unknown)
Wallace K. Gibson, Seaman Merchant Marine; 1925 - 1945 (class unknown)
Henry Grady Giles, Jr., First Lieutenant, U.S. Army Air Corps; 1923 - 1944 (class of 1940)
William Leo Graham, Private, U.S. Army; dates and class unknown
Fred C. Grant, Flight Officer, U.S. Army Air Corps; 1922 - 1944 (class of 1940)
William Allen Gray. Jr., U.S. Army; dates and class unknown
Gray Hamilton, U.S. Army Air Corps; dates and class unknown
Charles Austel Henderson, Jr., Private, U.S. Army; 1921 - 1944 (class unknown)
Ben W. Herndon, Private, U.S. Army; d. 1944 (class unknown)
Richard G. Hinkley, Private, U.S. Marine Corps; d. 1945 (class unknown)
Eugene Horton, Private First Class, U.S. Army; d. 1943 (class unknown)
Gerrard Horton, Sergeant U.S. Army Air Corps; 1922 - unknown (class of 1941)
William L. 'Billy' Hotard, Staff Sergeant, U.S. Army Air Corps; d. 1942 (class on 1935).
Gordon E. Houston, Second Lieutenant, U.S. Army Air Corps; d. 1942 (class unknown)
Roland H. Jackson, Second Lieutenant, U.S. Army Air Corps; 1921 - 1944 (class unknown)
Jeff Gerrard Johnson, Staff Sergeant, U.S. Army Air Corps; 1920 - 1943 (class of 1941)
Walter Manion Jones, Seaman Second Class, U.S. Army; d. 1943 (class of 1940)
Doran DeWitt Kemper, First Lieutenant, U.S. Marine Corps; 1921 - 1944 (class unknown)
Earl Lowry Kerbow, Staff Sergeant, U.S. Army Air Corps; 1921 - 1943 (class unknown)
Lawrence Kiskadden; U.S. Army; dates and class unknown
William Frederick Lambert, Jr., Second Lieutenant, U.S. Army Air Corps; 1924 - 1945 (class of 1943)
Leonard Robert Land, Captain, U.S. Army Air Corps; d. 1945 (class unknown)
Joe Bob Law, U.S. Army; dates and class unknown
Richard C. Lawson, Second Lieutenant, U.S. Army Air Corps; 1921 - 1944 (class of 1938)
William G. 'Bill' Ligon, U.S. Army; dates unknown (class of 1940)
Samuel Webb Lipscomb, First Lieutenant, U.S. Army Air Corps; 1918 - 1945 (class unknown)
Warren G. McCord, Flight Officer, U.S. Army Air Corps; 1924 - 1944 (class unknown)
Louie F. Mathews, Private First Class, U.S. Army; 1916 - 1943 (class unknown)
William Garland Medaris, Jr., Second Lieutenant, U. S. Army Air Corps; d. 1945 (class of 1942)
Paul Merritt, Torpedoman's Mate Second Class, U. S. Navy; d. 1945 (class of 1940)
Arthur Ross Moore, First Lieutenant, U. S. Army Air Corps; d. 1943 (class of 1937)
William B. Morehouse, Second Lieutenant, U. S. Army; d. 1944 (class of 1939)
William S. Morriss, Royal Air Force; d1915 - 1941 (class of 1932)
John Muse, Second Lieutenancy, U. S. Army Air Corps;1918 - 1943 (class of 1936)
John Owen, U. S. Army; dates and class unknown.
Edwin Forrest Patterson, First Lieutenant, U. S. Army Air Corps; 1920 - unknown (class unknown)
Wilson Pershing, U. S. Army; dates and class unknown.
Robert E. Pettigrew, Flight Officer, U. S. Army Air Corps; 1924 - 1945 (class unknown)
Charles R. Pierce, Private, U. S. Army; d. 1942 (class of 1935)
Albert Anthony Pinto, Seaman Second Class, U.S. Army; 1925 - date unknown (class of 1942)
Ralph McKnight Pope, Aviation Radioman First Class, U. S. Navy; 1915 - 1944 (class unknown)
Pierce M. Pritchett, Second Lieutenant, U. S. Army Air Corps; 1916 - 1943 (class unknown)
Glenn W. Reagan; Second Lieutenant, U. S. Army Air Corps; 1919 - 1945 (class unknown)
William M. Ridgeway, Second Lieutenant, U. S. Army Air Corps; d. 1944 (class unknown)
Arthur Rat 'Arch' Ross, Water Tender Second Class, U. S. Navy; d. 1942 (class unknown)
Thomas Oscar Russell, Aviation Radioman Second Class, U. S. Navy; d. 1945 (class unknown)
Dathan Sample, Aviation Cadet, U. S. Army Air Corps; 1923 - 1942 (class of 1940)
George Benjamin 'Ben' Sandifer, Jr., First Lieutenant, U. S. Army; 1915 - 1944 (class of 1935)
Homer Neil 'Mack' Santerre, First Lieutenant, U. S. Army Air Corps; 1920 - date unknown (class unknown)
Wallace Carl Sharp, Corporal, U. S. Army; 1922 - 1942 (class unknown)
George Benjamin Simpson, Jr., Aircraft Machinist Mate Second Class, U. S. Navy; d. 1944 (class of 1941)
Byron K. Sims, Corporal, U. S. Marines; 1926 - 1945 (class unknown)
Albert T. Smith, Staff Sergeant, U. S. Army Air Corps; d. 19444 (class unknown)
William Frank Snelen, Private, U. S. Army; 1912 - 1943 (class of 1932)
John Wayne Spears, Second Lieutenant, U. S. Army; 1919 - 1942 (class of 1937)
Jimmy Statler; U. S. Navy; dates and class unknown.
George Lupodlphus Stephens, Fireman Second Class, U. S. Navy; dates and class unknown.

Jack Boyd Swaim, Private First Class, U. S. Army; 1926 - 1945 (class of 1942)
Dalton B. Tarver, Aviation Cadet, U. S. Army Air Corps; 1925 - 1945 (class of 1943)
Jouette Edmond Thomas, Jr., U. S. Navy; 1925 - 1943 (class unknown)
John Ross Thurman, Second Lieutenant, U. S. Army; 1919 - 1943 (class unknown)
Harvey Harrision Tilford, Jr., Private First Class, U. S. Marines; 1926 - 1945 (class of 1943)
William H. Wallace, Jr., Second Lieutenant, U. S. Army; d. 1944 (class of 1936)
Ned Warner, Second Lieutenant, U. S. Army Air Force; 1915 - 1941 (class unknown)
Percy Alton Weaver, Jr., Lieutenant Junior Grade, U. S. Navy; 1919 - 1943 (class of 1936)
Earl H. Webster, Private, U. S. Army Air Corps; d. 1942 (class unknown)
William 'Bill' White, Gunnery Sergeant, U. S. Marines; d. 1944 (class of 1937)
Fred S. Wilcox, Jr., Second Lieutenant, U. S. Army Air Corps; 1921 - 1944 (class of 1939)
Robert Irving 'Bob' Wiskochil, Private First Class, U. S. Marines; 1921 - 1942 (class unknown)
William Wisner, First Lieutenant, U. S. Army Air Corps;1924 - 1944 (class of 1941)
Julius Emmett Ziegelmeyer, Jr., Second Lieutenant, U. S. Army Air Corps; 1920 - 1943 (class of 1938)

Vietnam casualties include:

David Calabria, (class of 1965)
Wayne Emerton, (class of 1964)
Robert Rudd, (class of 1964)
Stephen Franklin Jumper, (class of 1967)
Robert Fritz Speer, (class of 1967)
Sidney Taylor Stratton, (class of 1967)

Korea War, Iraq War and Afghanistan War casualties are not known at this time.

Sunset Alumni Association

The alumni association was formed in 2000 with a goal of supporting the school, its students and the preservation of the school's history. It currently holds an annual alumni meetings and has recently worked with the DISD and the City of Dallas on obtaining Dallas Landmark designation for the school.

Sunset Foundation, Inc.

The Sunset Foundation Inc., is a non-profit organization formed in 1996 that supports the continuation of education by funding college scholarships for Sunset High School graduates. To date over 65 scholarships have been awarded for a total of almost $300,000.

14. Bibliography

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Other resources included The Sundial, Sunset Bison (Sunset Alumni Association's newsletter), Dallas Morning News and Wikipedia.

15. Attachments

District or Site Map ***___Additional descriptive material***
Site Plan ***___Footnotes***
___Photos (historic & current) ***___Other:_____***

16. Designation Criteria

__X__ ***History, heritage and culture:*** *Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.*

____ ***Historic event:*** *Location of or association with the site of a significant historic event.*

__X__ ***Significant persons:*** *Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.*

_X___ ***Architecture:*** *Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.*

__X__ ***Architect or master builder:*** *Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.*

_X___ ***Historic context:*** *Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.*

__X___ ***Unique visual feature:*** *Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.*

____ ***Archeological:*** *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

__X__ ***National and state recognition:*** *Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.*

_X___ ***Historic education:*** *Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.*

Recommendation

The Designation Committee requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.

Further, the Designation Committee endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Development Services.

Date:

11 FEB 14

Daron Tapscott - Chair
Designation Committee

2/11/14

Mark Doty
Historic Preservation Planner

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING Lot 1 in City Block A/3320; bounded by Jefferson Boulevard, Oak Cliff Boulevard, 10th Street, and Tennant Street; and containing approximately 11.384 acres,

by establishing Historic Overlay District No. 144 (Sunset High School); providing procedures, regulations, and preservation criteria for structures and property in the district; 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 the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 144 on the following property ("the Property"):

BEING Lot 1 in City Block A/3320; bounded by Jefferson Boulevard, Oak Cliff Boulevard, 10th Street, and Tennant Street; and containing approximately 11.384 acres.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the

regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section l-4 of Chapter l 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:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed_____

EXHIBIT A

PRESERVATION CRITERIA
SUNSET HIGH SCHOOL
2120 WEST JEFFERSON BOULEVARD

1. GENERAL.

1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.

1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.

1.3 Certificate of appropriateness.

a. Except as provided in (c), a person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

b. Except as provided in (c), the certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.

c. No certificate of appropriateness is required for:

1. Work involving routine maintenance, repair, and replacement of portions of the athletic field (dugouts, nets, backstops, etc.), tennis courts (tennis netting), parking lot, and related appurtenances within the no-build zone shown on Exhibit B; or

2. Work outside the no-build zone and not affecting the 1925 building or a protected facade.

d. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.

e. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward

completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

1.4 Certificate for demolition or removal.

a. Except as provided in (b), a person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

b. No certificate of demolition or removal is required for:

1. Demolition or removal of portions of the athletic field (dugouts, backstop, etc.), tennis courts, parking lot, and related appurtenances within the no-build zone shown on Exhibit B; or

2. Demolition or removal of any structure outside the no-build zone other than the 1925 building or a protected facade.

1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.

1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.

1.8 The period of historic significance for this district is the period from 1925 to 1950.

2. DEFINITIONS.

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 1925 BUILDING means the 1925 Sunset High School Building, shown on Exhibit B.

2.3 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.4 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.

2.6 DISTRICT means Historic Overlay District No. 144, the Sunset High School Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.

2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.

2.8 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.9 NO-BUILD ZONE means that part of this district in which no new construction may take place.

2.10 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.11 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING.

3.1 New construction is prohibited in the no-build zone shown on Exhibit B.

3.2 The 1925 building as shown on Exhibit B is protected.

3.3 New sidewalks, steps, and walkways must be constructed of brush finish concrete.

3.4 New driveways and parking areas must be concrete or asphalt paving.

3.5 Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.

3.6 Any new mechanical equipment must be screened.

3.7 Landscaping.

a. Outdoor lighting must be appropriate and enhance the structure.

b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.

3.8 Fences.

a. Fences used to secure the athletic field and tennis courts as shown on Exhibit B are permitted in the no-build zone.

b. No other new fences are permitted in the no-build zone.

c. Fences must be constructed of brick, cast stone, iron, stone, wood, chain link, a combination of these materials, or other appropriate materials.

4. FACADES.

4.1 Protected facades.

a. The facades shown on Exhibit B are protected.

b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.

c. Historic solid-to-void ratios of protected facades must be maintained.

d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.

e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted before the effective date of this ordinance may remain painted.

4.2 Reconstruction, renovation, repair, or maintenance of non-protected facades must be compatible with protected features.

4.3 Wood siding, trim, and detailing must be restored wherever practical.

4.4 All exposed wood must be painted, stained, or otherwise preserved.

4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.

4.7 Aluminum siding, stucco, and vinyl cladding are not permitted.

4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.

4.9 Exposing and restoring historic finish materials is recommended.

4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS.

5.1 Historic door and window openings on protected facades must remain intact.

5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended, but not required.

5.3 Replacement doors and windows on the 1925 building must express overall appearance similar to the historic.

5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.

5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.

5.6 Glass must match historic materials as much as practical. Tinted or reflective films or glazings are not permitted.

5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.

5.8 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS.

6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.

6.2 The following roofing materials are allowed: built-up and single-ply membrane.

6.3 Historic eaves, coping, cornices, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.

6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7. PORCHES.

7.1 Porch stairs, balustrades, and railings on the 1925 building are protected.

7.2 Porches on protected facades may not be enclosed.

7.3 Concrete porch and stair floors may not be covered with carpet or paint. A clear sealant is acceptable on porch floors.

8. EMBELLISHMENTS AND DETAILING.

8.1 The following architectural elements are considered important features and are protected:

a. Masonry, stone detailing, and cornices.

b. Stone and cast stone trim and detailing, including the stone door surround at the main entry, and the medallion and balustrade at the parapet and water courses.

c. Brick, brick detailing, and trim.

d. Monument front steps and balustrades.

e. Window openings and the rhythm of window openings.

9. PRESERVATION CRITERIA FOR THE INTERIOR.

9.1 The following interior element is considered an important feature and is protected: The 1934 Public Works Administration's federal art project murals by Granville Bruce located in the current library.

10. NEW CONSTRUCTION AND ADDITIONS.

10.1 Stand-alone new construction is permitted outside of the no-build areas shown on Exhibit B.

10.2 Vertical additions to the 1925 building are not permitted.

10.3 Horizontal additions to the 1925 building are not permitted on protected facades.

10.4 Horizontal additions to the 1925 building must have appropriate massing, roof form, shape, materials, detailing, color, fenestration patterns, and solids-to-voids ratios.

10.5. The form, materials, and general exterior appearance of horizontal or vertical additions to existing non-protected structures must be compatible with the 1925 building.

10.6 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

11. SIGNS.

11.1 Government signs, DISD standard school identification signs, and protective signs that are appropriate to the appearance of the 1925 building may be erected.

11.2 The non-historic DISD identification sign located in front of the 1925 building as shown on Exhibit B is permitted.

11.3 All signs must comply with the provisions of the Dallas City Code, as amended.

11.4 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

12. ENFORCEMENT.

12.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

12.2 A person is criminally responsible for a violation of these preservation criteria if:

a. the person knowingly commits the violation or assists in the commission of the violation;

b. the person owns part or all of the property and knowingly allows the violation to exist;

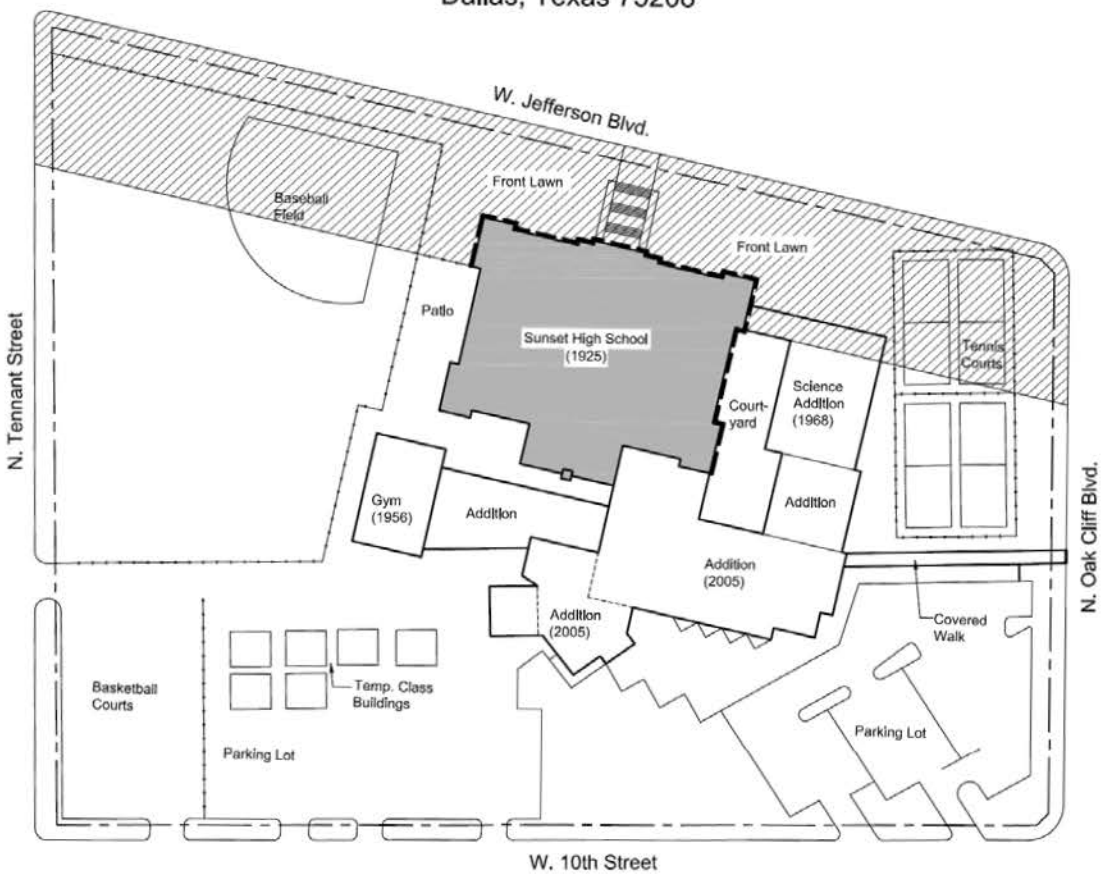
c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or

d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

12.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense

Exhibit B
Sunset High School
2120 W. Jefferson Blvd.
Dallas, Texas 75208

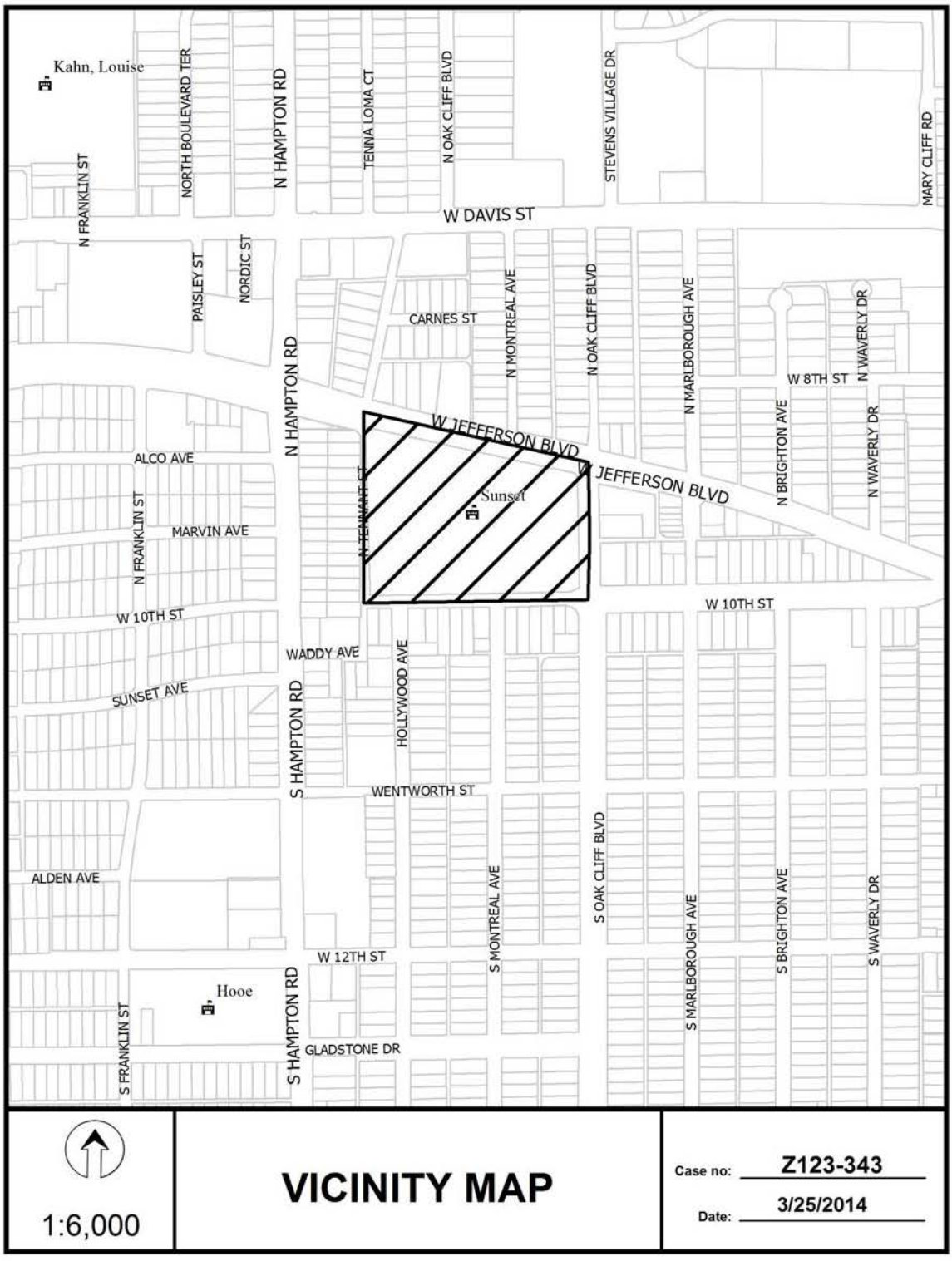


LEGEND

- Limits of Designation
- Protected Facades
- Existing Fence
- Main Building
- No Build Zone

N

February 14, 2014


Kahn, Louise
N FRANKLIN ST
NORTH BOULEVARD TER
N HAMPTON RD
TENNA LOMA CT
N OAK CLIFF BLVD
STEVENS VILLAGE DR
MARY CLIFF RD
W DAVIS ST
PAISLEY ST
NORDIC ST
CARNES ST
N MONTREAL AVE
N OAK CLIFF BLVD
N MARLBOROUGH AVE
W 8TH ST
N WAVERLY DR
N BRIGHTON AVE
W JEFFERSON BLVD
ALCO AVE
N TENNANT CT
Sunset
MARVIN AVE
W 10TH ST
WADDY AVE
HOLLYWOOD AVE
SUNSET AVE
S HAMPTON RD
WENTWORTH ST
ALDEN AVE
S MONTREAL AVE
S OAK CLIFF BLVD
S MARLBOROUGH AVE
S BRIGHTON AVE
S WAVERLY DR
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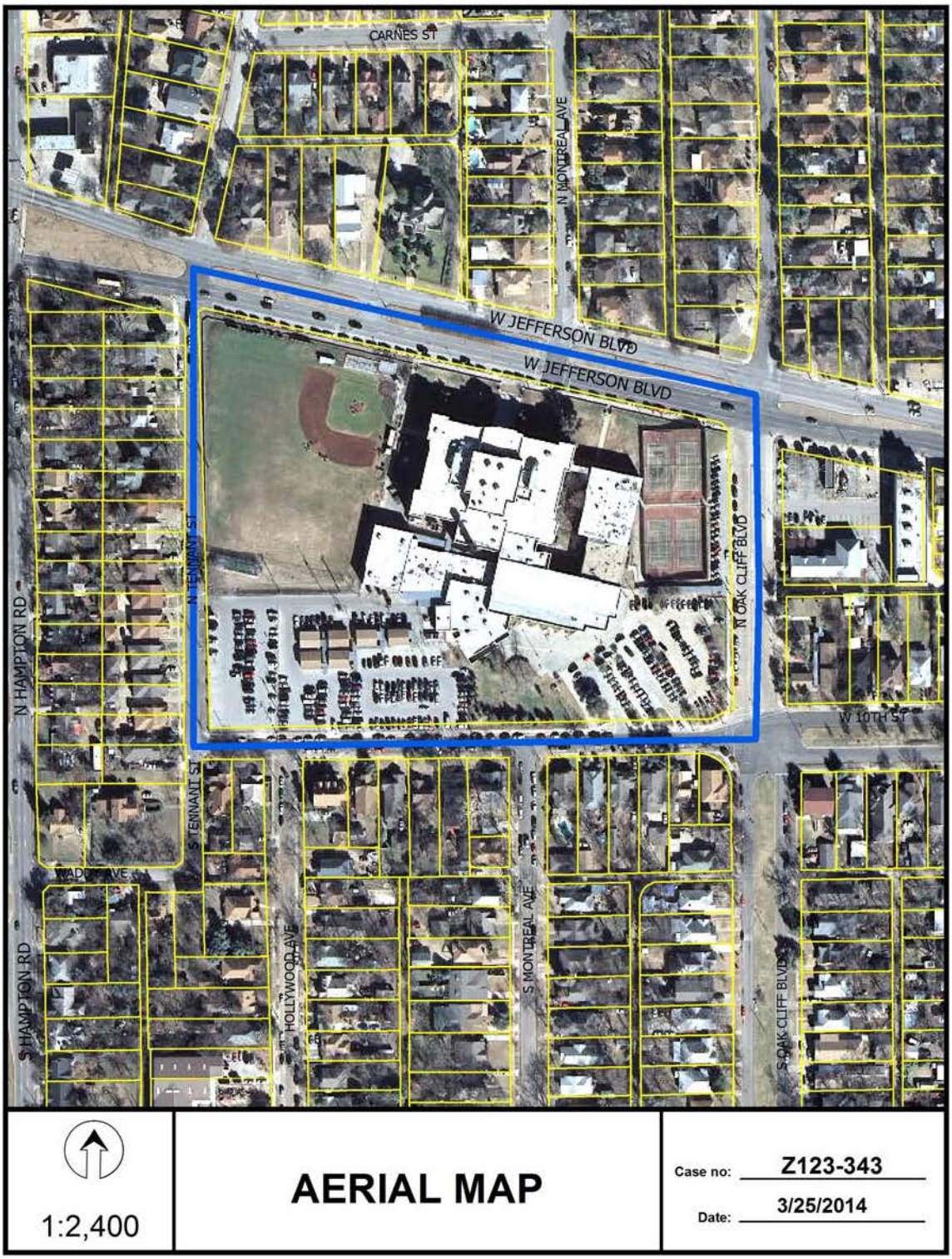
VICINITY MAP
Case no: Z123-343
Date: 3/25/2014


CARNES ST
N MONTREAL AVE
W JEFFERSON BLVD
W JEFFERSON BLVD
N HAMPTON RD
N TENNANT ST
N OAK CLIFF BLVD
W 10TH ST
S TENNANT ST
WADDILL AVE
S HAMPTON RD
HOLLYWOOD AVE
S MONTREAL AVE
S OAK CLIFF BLVD
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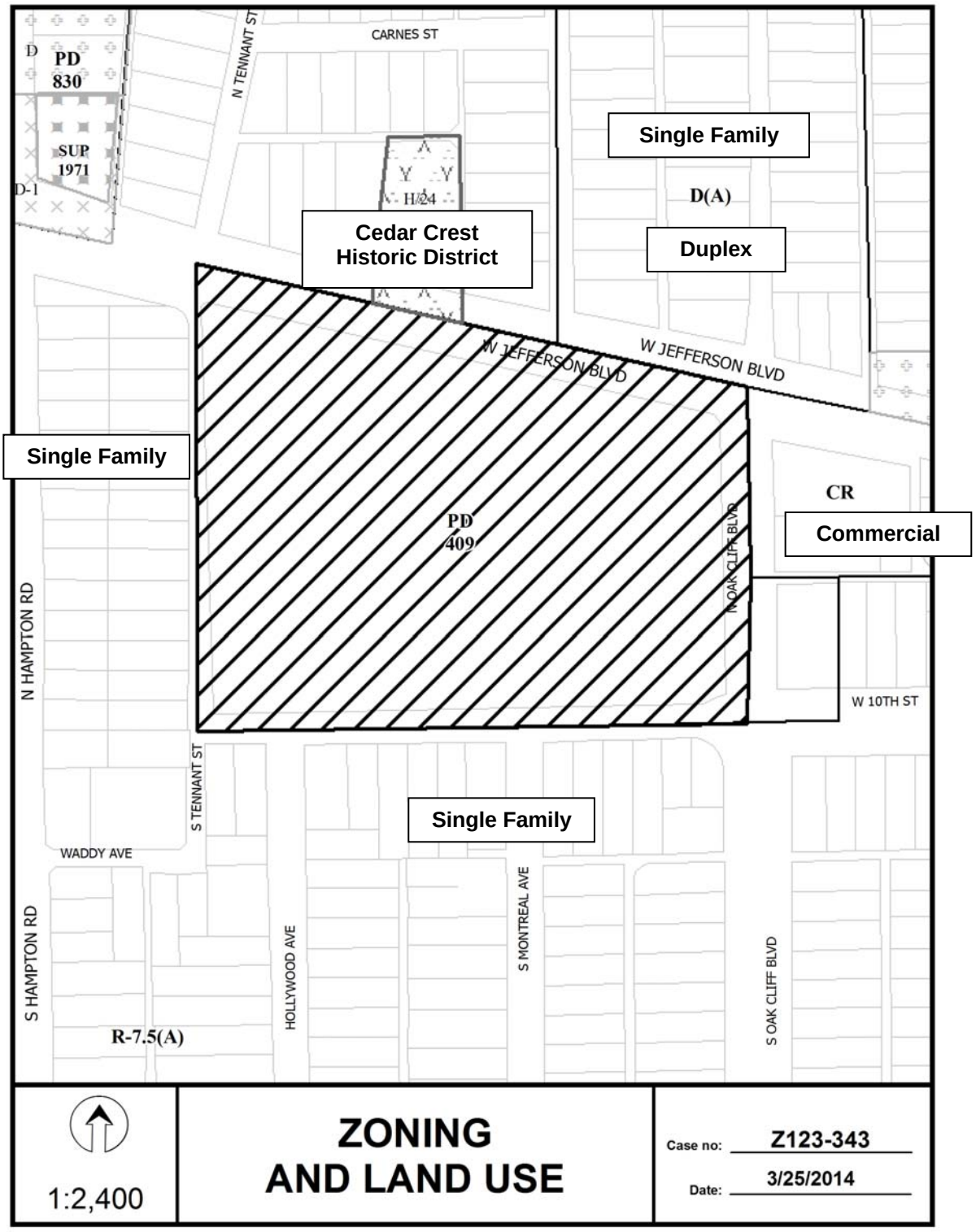
AERIAL MAP
Case no: Z123-343
Date: 3/25/2014


D
PD 830
SUP 1971
D-1
CARNES ST
N TENNANT ST
H/24
Single Family
D(A)
Duplex
Cedar Crest Historic District
W JEFFERSON BLVD
W JEFFERSON BLVD
Single Family
PD 409
CR
Commercial
N OAK CLIFF BLVD
N HAMPTON RD
W 10TH ST
S TENNANT ST
Single Family
WADDY AVE
S HAMPTON RD
HOLLYWOOD AVE
S MONTREAL AVE
S OAK CLIFF BLVD
R-7.5(A)
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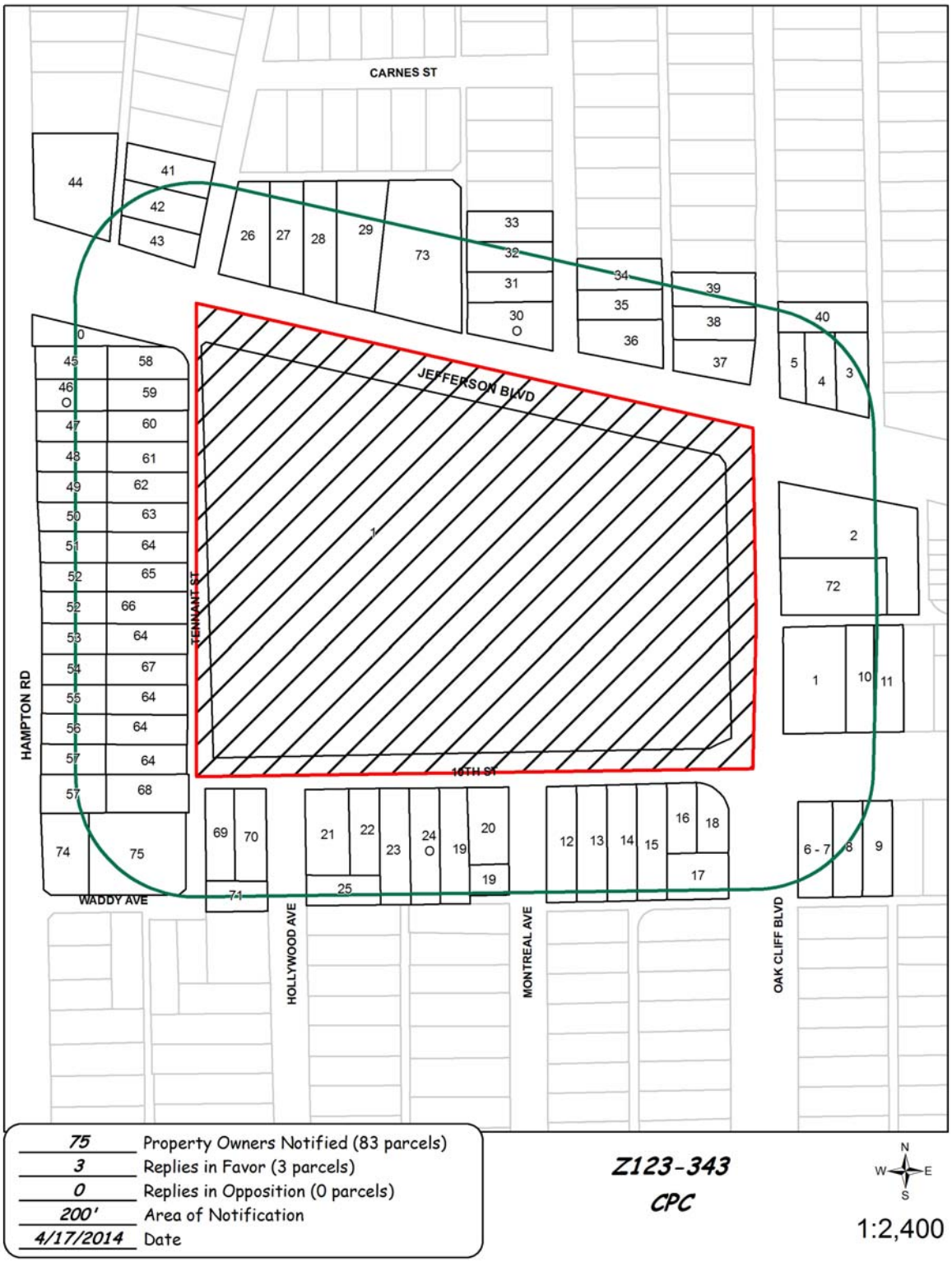
ZONING AND LAND USE
Case no: Z123-343
Date: 3/25/2014

CPC Responses



4/17/2014

Reply List of Property Owners

Z123-343

75 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	2120	JEFFERSON BLVD	Dallas ISD
	2	2010	JEFFERSON BLVD	IGLESIA DEL DIOS VIVO
	3	2017	JEFFERSON BLVD	THORNTON BETTY LOUISE
	4	2021	JEFFERSON BLVD	THORNTON BETTY L
	5	2031	JEFFERSON BLVD	THORNTON BETTY LOUISE
	6	2020	10TH ST	ESCOBAR JUAN P
	7	2020	10TH ST	ESCOBAR JUAN P
	8	2018	10TH ST	MARROQUIN JESUS S
	9	2014	10TH ST	VARELAS DOMINGO & THERESA
	10	2017	10TH ST	LINAREZ DANIEL & MARY L
	11	2015	10TH ST	IGLESIA DD VIVOCOLUMNA
	12	2120	10TH ST	SANCHEZ JULIUS O
	13	2116	10TH ST	MARTINEZ MAUEL & MARIA S
	14	2112	10TH ST	MARTINEZ MANUEL
	15	2108	10TH ST	MARTINEZ MARIA
	16	2106	10TH ST	RAMIREZ MAGDALENO R &
	17	111	OAK CLIFF BLVD	MELVILLE RONNIE G
	18	2100	10TH ST	SPARACINO BILLIE M EST OF &
	19	2204	10TH ST	THOMAS WAYNE E
	20	2200	10TH ST	VANEGAS VILMA Y
	21	2222	10TH ST	TUCK BILLY D &
	22	2218	10TH ST	SANCHEZ LILIA
	23	2214	10TH ST	PATRICK MICHAEL WAYNE
O	24	2210	10TH ST	AMONETT MICHAEL
	25	114	HOLLYWOOD AVE	ORTIZ MARIO REY &
	26	2241	JEFFERSON BLVD	LUGO DELIA M

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	27	2237	JEFFERSON BLVD	COLIZ W J & MARTHA W
	28	2233	JEFFERSON BLVD	CARDENAS MARIA
	29	2227	JEFFERSON BLVD	BISHOP MARY RHEA
O	30	305	MONTREAL AVE	MORTENSEN VIBEKE MANTHEY
	31	311	MONTREAL AVE	REED JONATHAN ANDREW
	32	315	MONTREAL AVE	MILLS RANDALL
	33	401	MONTREAL AVE	AMARO ALEJANDRO & JOHANNA R
	34	310	MONTREAL AVE	JENSEN ANNETTE L
	35	304	MONTREAL AVE	HATCHER STEPHEN
	36	300	MONTREAL AVE	TREVINO JUAN A
	37	307	OAK CLIFF BLVD	DAVIS RICHARD
	38	311	OAK CLIFF BLVD	DALE RICHARD B & MICHELLE
	39	315	OAK CLIFF BLVD	THOMPSON JOYCE
	40	308	OAK CLIFF BLVD	RODRIGUEZ SULEMA
	41	411	TENNANT ST	CHANDLER CATHY
	42	407	TENNANT ST	CASTILLO MARIA
	43	403	TENNANT ST	TIMMONS ERNEST LEE
	44	408	HAMPTON RD	LCG HAMPTON LLC
	45	302	HAMPTON RD	CERVANTES RICHARD F
O	46	222	HAMPTON RD	GREENFIELD VIRGINIA
	47	218	HAMPTON RD	WILKINSON DAVID W
	48	214	HAMPTON RD	LACKEY JASON P &
	49	210	HAMPTON RD	HUTCHINSON GREG
	50	206	HAMPTON RD	RODRIQUEZ JOSE R
	51	202	HAMPTON RD	GONZALEZ JOSE M &
	52	126	HAMPTON RD	CARDENAS ABELARDO B
	53	118	HAMPTON RD	LIGHT BRENDA SPEAR
	54	114	HAMPTON RD	DELBOSQUE JUAN & MARIA
	55	110	HAMPTON RD	C & C RESIDENTIAL PPTIES INC
	56	104	HAMPTON RD	BROWN TIMOTHY S
	57	102	HAMPTON RD	PFEIL RICHARD A

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	58	331	TENNANT ST	CERVANTES MARY F
	59	327	TENNANT ST	APPLE DALE ALLEN
	60	323	TENNANT ST	HOLDER JESSE L
	61	319	TENNANT ST	CABAZOS AMELIA
	62	315	TENNANT ST	UGWU KENNETH
	63	311	TENNANT ST	ZEPPA AUBREY A
	64	305	TENNANT ST	PFEIL DICK
	65	303	TENNANT ST	HALLUM GEORGE & MARIA D
	66	223	TENNANT ST	ROMERO CLAUDIA M
	67	213	TENNANT ST	HERRERA DAVID &
	68	101	TENNANT ST	MARTINEZ ROLANDO &
	69	2330	10TH ST	QUINTERO RAUL
	70	2302	10TH ST	ALONZO BRENDA
	71	115	HOLLYWOOD AVE	TOSTADO MARIA
	72	120	OAK CLIFF BLVD	IGLESIA APOSTOLES Y
	73	2223	JEFFERSON BLVD	NASMA LTD
	74	2325	WADDY AVE	HAMM DONNA
	75	105	TENNANT ST	REEVES MARTIN P

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 70 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z123-371(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z123-371(OTH) **DATE FILED:** September 9, 2013

LOCATION: North corner of South Belt Line Road and Seagoville Road

COUNCIL DISTRICT: 8 **MAPSCO:** 70-E

SIZE OF REQUEST: ±0.584 acres **CENSUS TRACT:** 171.01

APPLICANT: Abed Ammouri

OWNER: Hamza Alkam & Abed Ammouri

REPRESENTATIVE: Pamela Craig

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue to sell beer and wine for off-premise consumption in conjunction with the existing convenience store. Changes to the site layout triggered the need for an amendment to the SUP site plan.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store 3,500 square feet or less is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect compatibility.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The alcohol use has not deterred or enhanced adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – This use has not been a detriment to the public health, safety or general welfare of the community. This SUP has conditions that are associated with the use.

4. *Conforms in all other respects to all applicable zoning regulations and standards*. – The business is in compliance with Chapter 12B.

BACKGROUND INFORMATION:

- The ±0.584 acre request site is developed with a 3,195 square feet building for a general merchandise or food store (convenience store) which includes gas pumps.

- The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.

- Specific Use Permit No. 1899 was approved on September 28, 2011 for a two-year period and expired September 28, 2013. The applicant submitted the renewal application on September 9, 2013.

Surrounding Zoning History:

1. Z**101-137:** On April 13, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise use greater than 3,500 square feet for a two-year period with eligibility for additional five year periods, subject to a site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on property located on the east side of Beltline Road, south of Seagoville Road.

2. Z112-108**:** On June 27, 2012, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on the northwest corner of Seagoville Road and South Belt Line Road.

3. Z123-157**:** On February 11, 2013, the City of Dallas approved the automatic renewal of SUP No. 1838 for the sale of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less, located at 1050 S Belt. The automatic renewal is for an additional five-year time period, pursuant to Section 51A-4219 of Chapter 51A Part II of the Dallas Development Code, of the Dallas City Code, as amended.

Surrounding Land Use:

	Zoning	Land Use
Site	CR-D-1; SUP 1899	Convenience Store with fuel pumps; with beer/wine
North	CR-D-1	Undeveloped
Southeast	CR-D-1	Undeveloped
South	CR-D-1	Grocery store with beer/wine
Southwest	CR-D-1	Convenience store with fuel pumps

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S. Belt Line Road	Principal arterial	80 feet
Seagoville Road	Minor arterial	60 feet

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment 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 Plan

identifies the request site is being along a Transit or Multi-Modal Corridor. The request is for a retail use which is a use supported by the comprehensive plan.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would 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. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

Land Use Compatibility:

The ±0.584 acre request site is developed with a 3,195 square feet building for a general merchandise or food store (convenience store) which includes gas pumps. The property is adjacent to undeveloped land and surrounded by retail uses and another convenience store across the street. The use is compatible with the surrounding development.

The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.

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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has indicated that the request site is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the requirements of the Dallas Development Code. Therefore, staff recommends approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a revised site plan and conditions.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR-D-1	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

Parking:

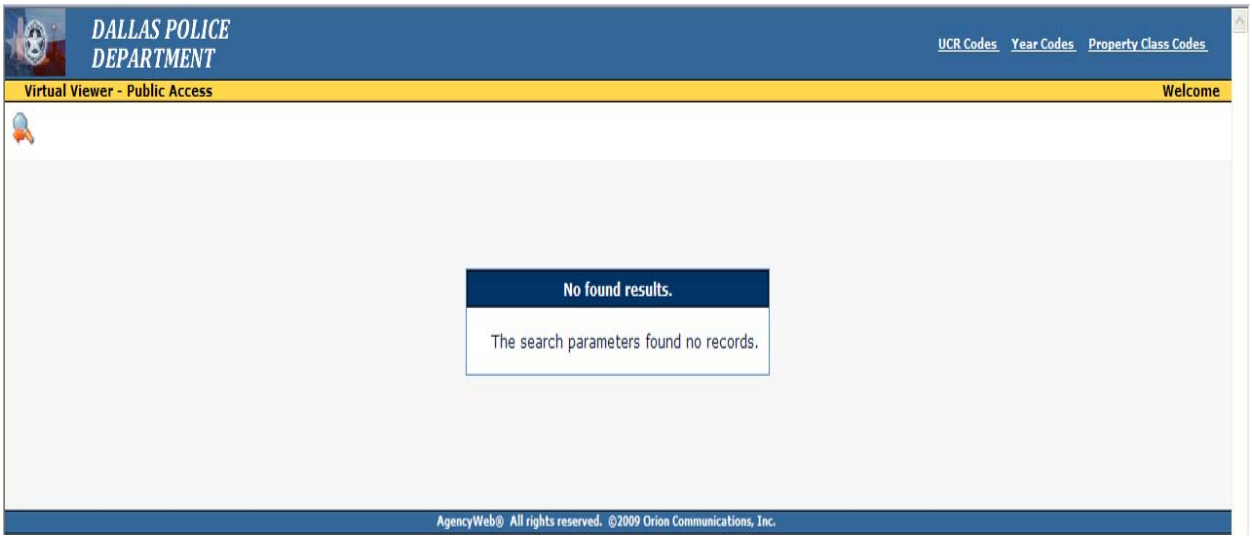
Parking must be provided as shown in the site plan. The parking on the original site has been reconfigured; however, the changes do not affect the number of required parking spaces nor the traffic flow on the site.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required.

Police Report:

Specific Use Permit No. 1899 was approved on September 8, 2011. An online search of the Dallas Police Department's offense incident reports for the period from September 8, 2011 to May 12, 2014 was requested, and it revealed no incidents.



CPC ACTION:
March 20, 2014

Motion: In considering an application for the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road, it was moved to **hold** this case under Advisement until April 17, 2014.

Maker:	Bagley
Second:	Shellene
Result:	Carried: 15 to 0

For:	15 -	Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar
Against:	0	
Absent:	0	
Vacancy:	0	

Notices:	Area:	200	Mailed:	12
Replies:	For:	0	Against:	0

Speakers: None

CPC ACTION:
April 17, 2014

Motion: In considering an application for the renewal of and an amendment to Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road, it was moved to **hold** this case under Advisement until April 17, 2014.

Maker:
Second:
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0
Speakers: None

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

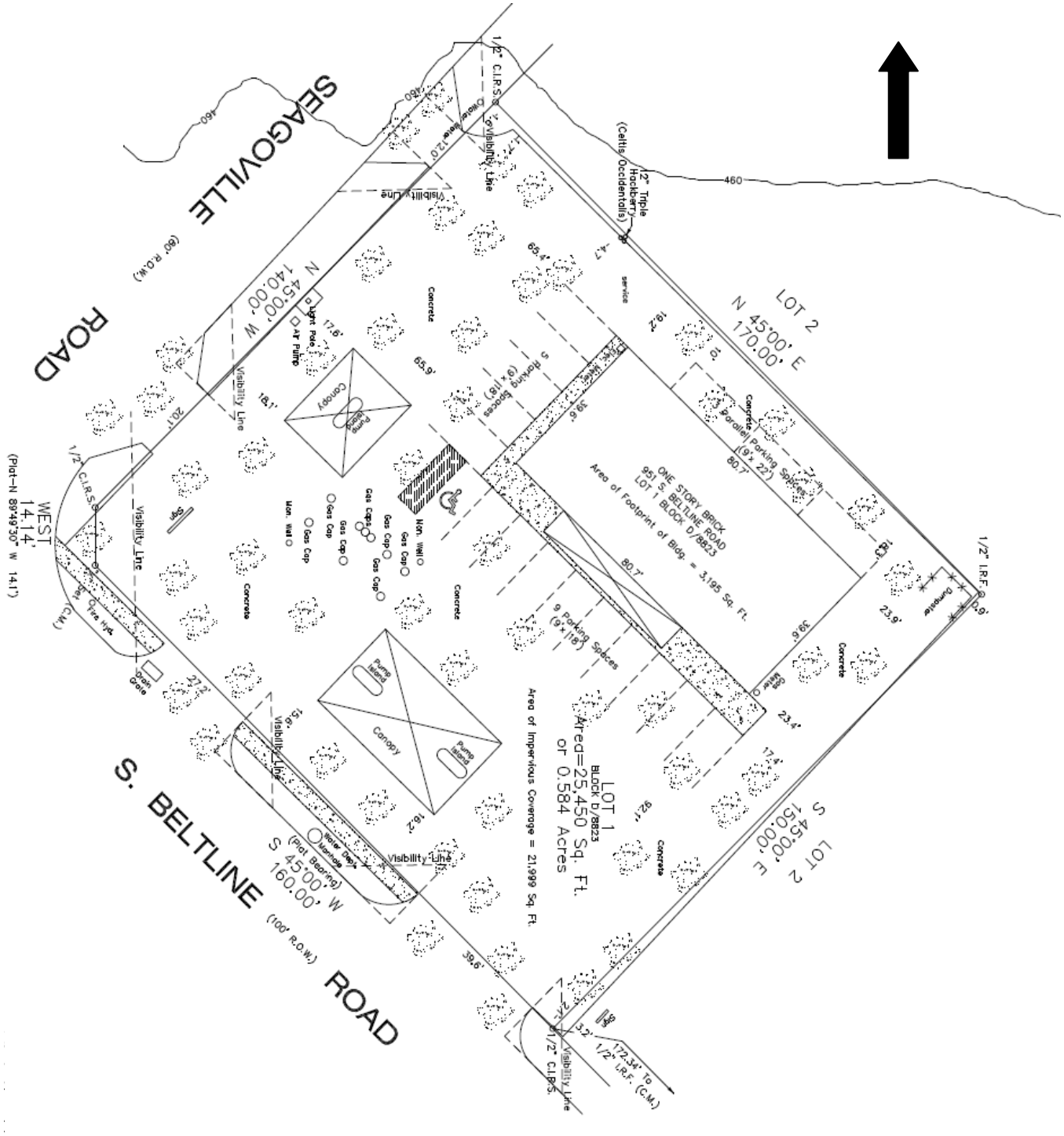
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (five years), 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.). ~~This specific use permit expires on September 28, 2013.~~

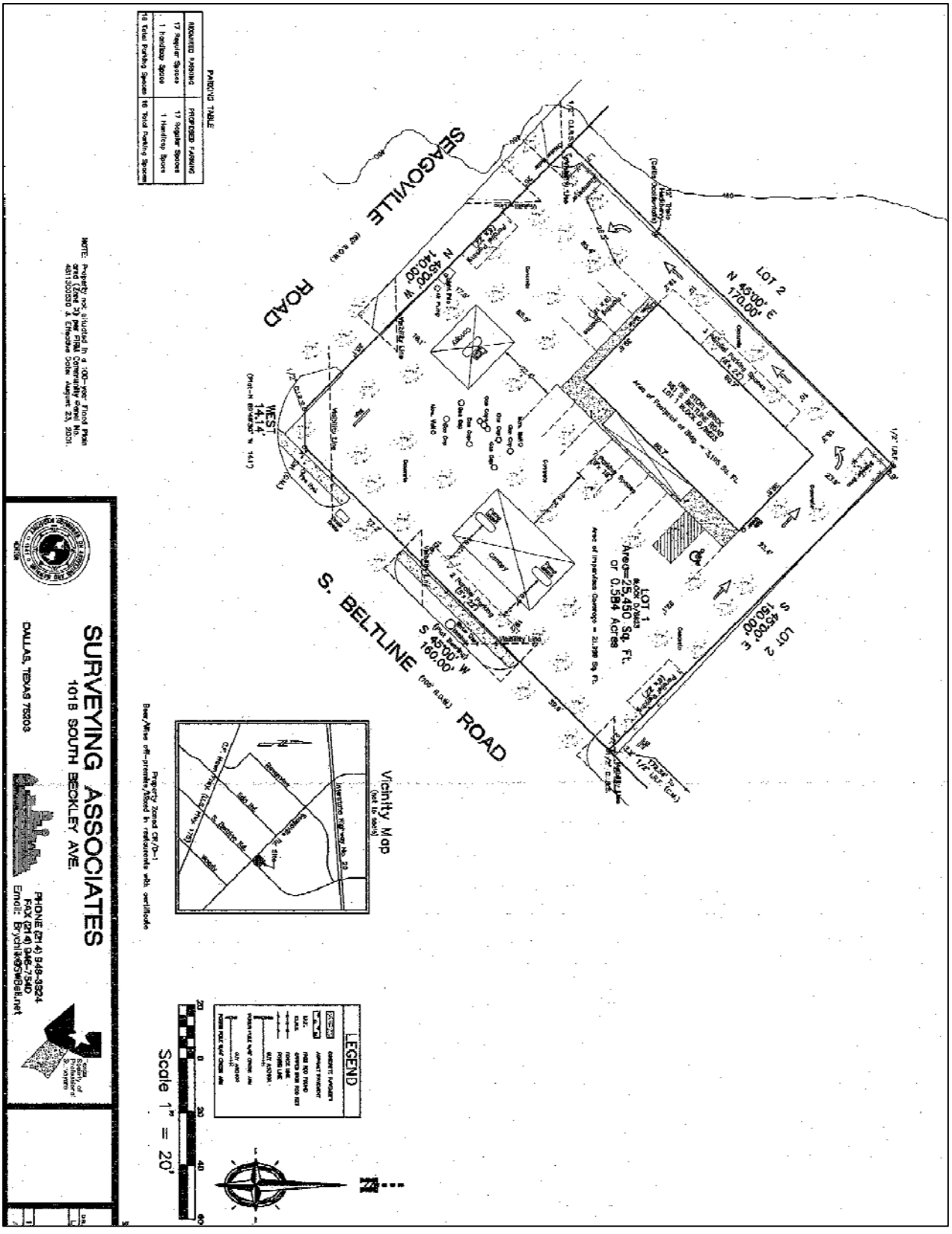
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

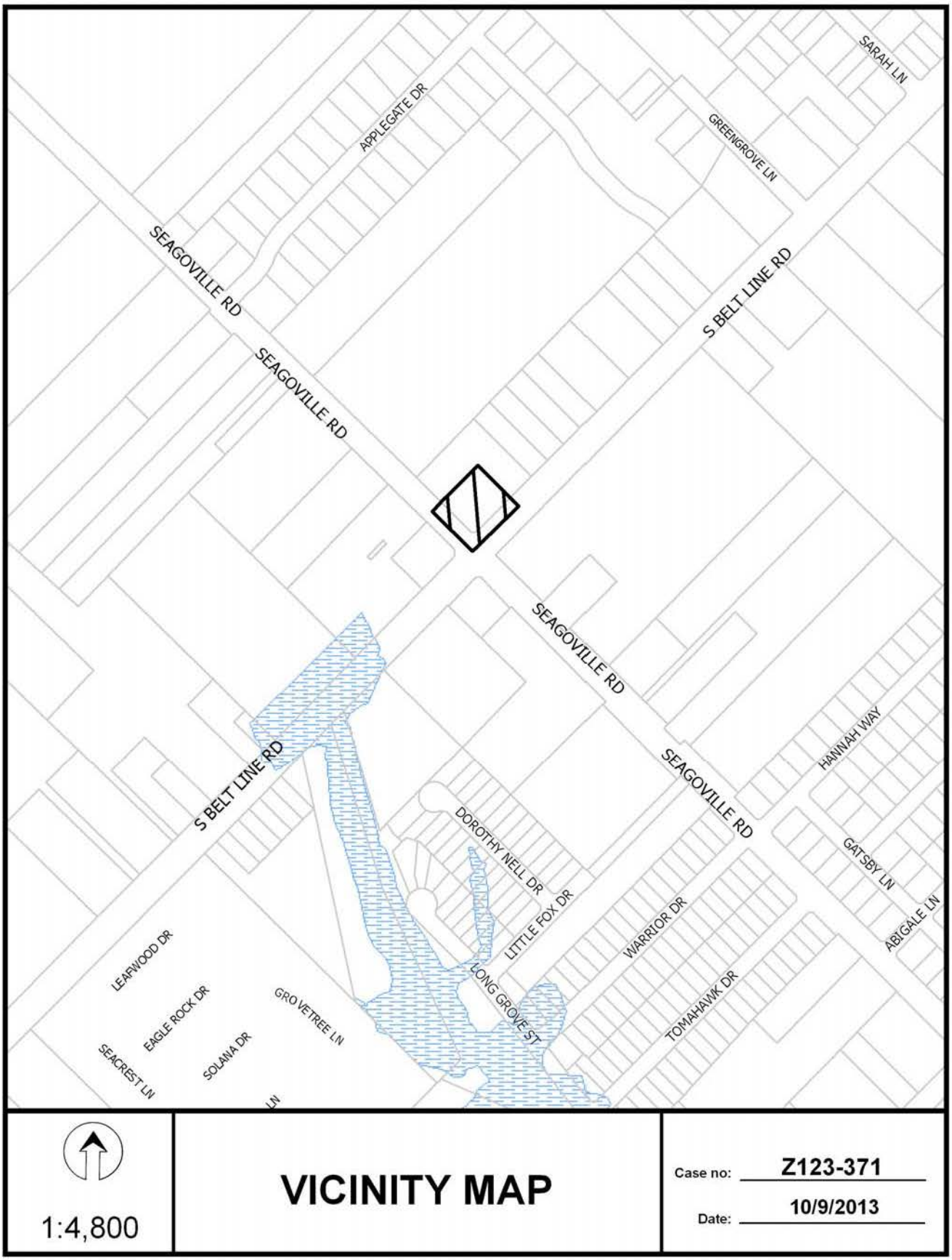
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Existing Site Plan



PROPOSED SITE PLAN



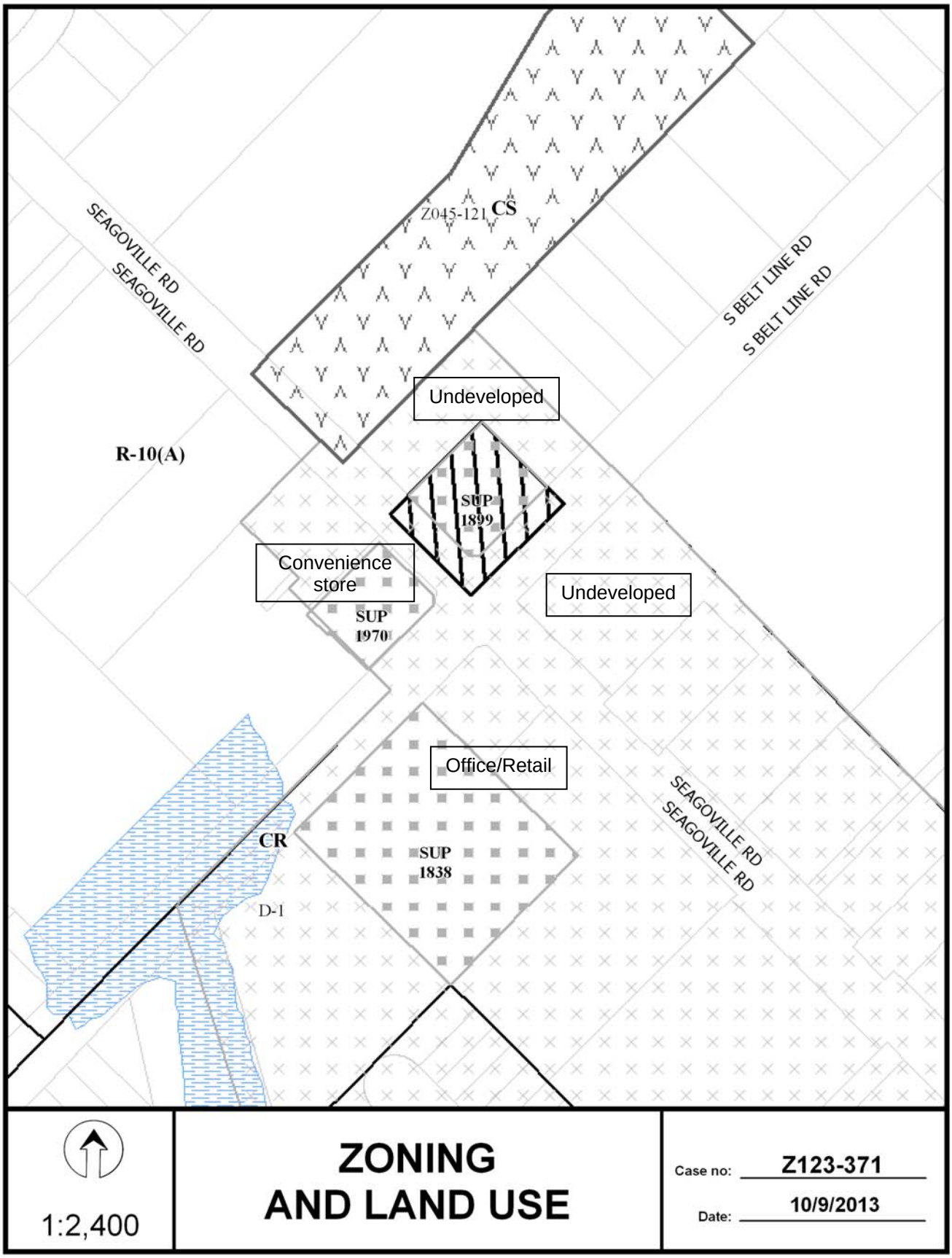

SARAH LN
APPLEGATE DR
GREENGROVE LN
SEAGOVILLE RD
SEAGOVILLE RD
S BELT LINE RD
SEAGOVILLE RD
S BELT LINE RD
SEAGOVILLE RD
HANNAH WAY
DOROTHY NELL DR
GATSBY LN
LITTLE FOX DR
WARRIOR DR
ABIGALE LN
LEAFWOOD DR
LONG GROVE ST
TOMAHAWK DR
EAGLE ROCK DR
GROVETREE LN
SEACREST LN
SOLANA DR
1:4,800
VICINITY MAP
Case no: Z123-371
Date: 10/9/2013

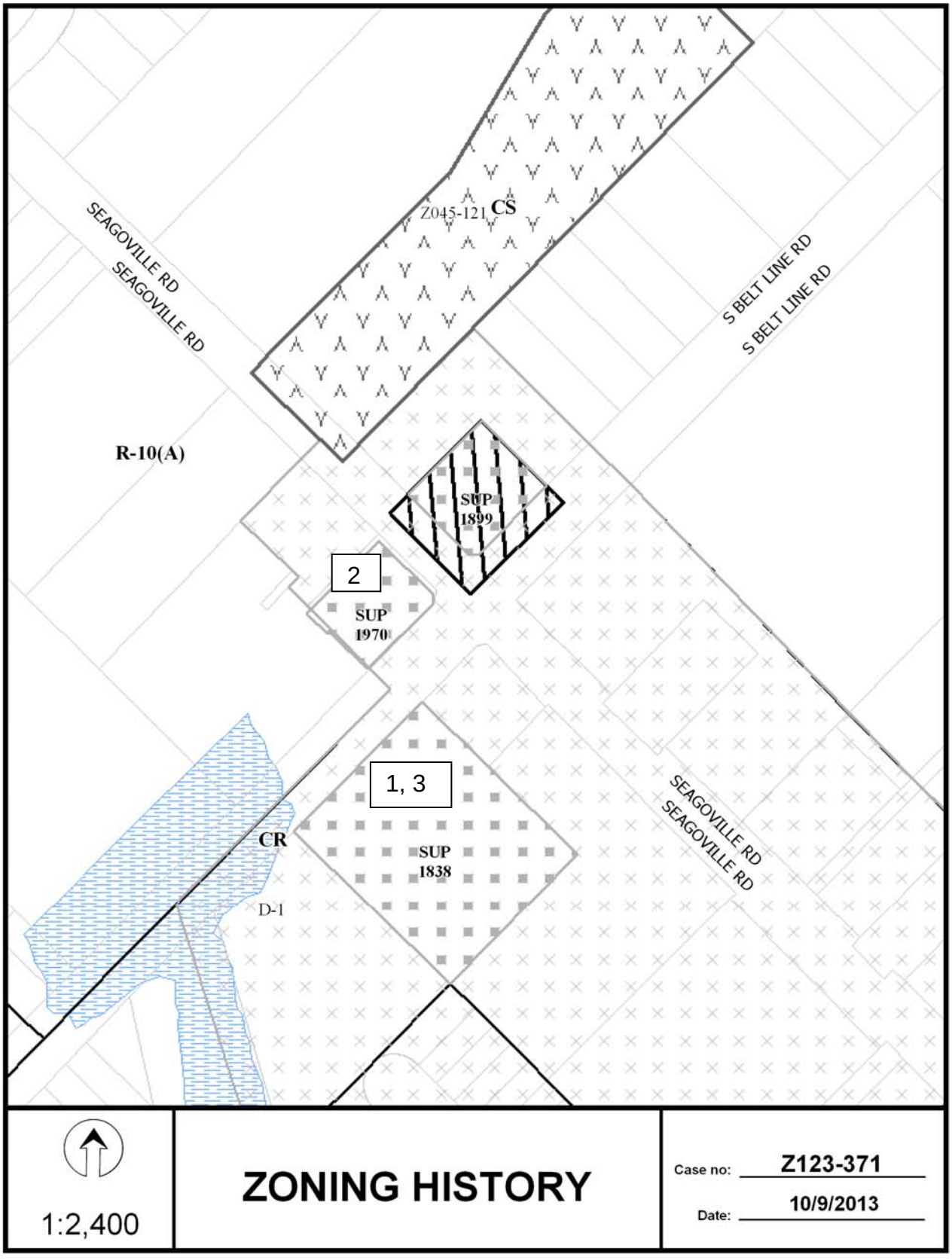
1:2,400

AERIAL MAP

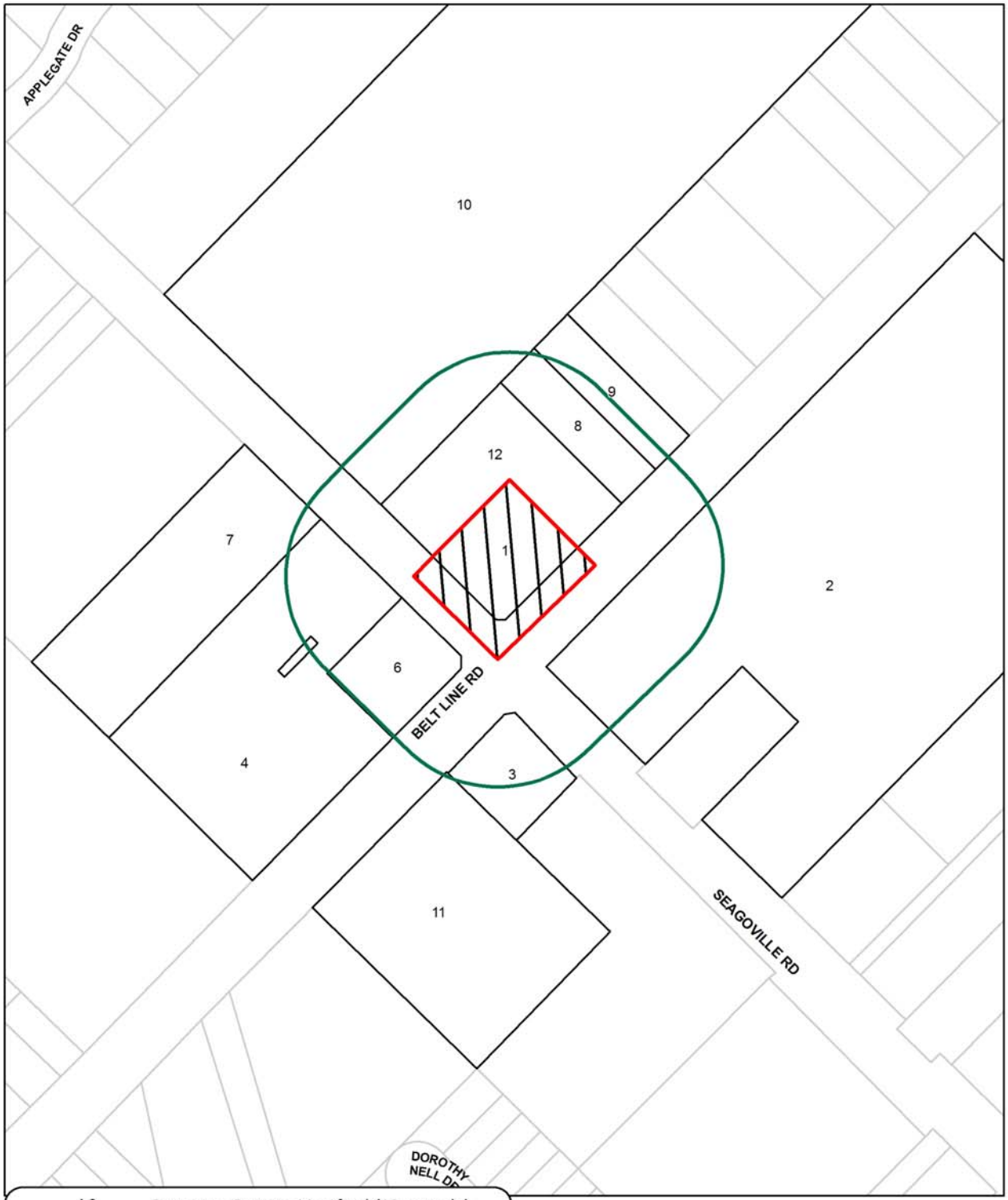
Case no: Z123-371

Date: 10/9/2013


SEAGOVILLE RD
SEAGOVILLE RD
Z045-121
CS
S BELT LINE RD
S BELT LINE RD
Undeveloped
R-10(A)
SUP 1899
Convenience store
SUP 1970
Undeveloped
Office/Retail
CR
SUP 1838
D-1
SEAGOVILLE RD
SEAGOVILLE RD
1:2,400
ZONING AND LAND USE
Case no: Z123-371
Date: 10/9/2013


SEAGOVILLE RD
SEAGOVILLE RD
Z045-121
CS
S BELT LINE RD
S BELT LINE RD
R-10(A)
SUP
1899
2
SUP
1970
1, 3
SUP
1838
CR
D-1
SEAGOVILLE RD
SEAGOVILLE RD
1:2,400
ZONING HISTORY
Case no: Z123-371
Date: 10/9/2013

CPC RESPONSES



4/17/2014

Reply List of Property Owners

Z123-371

12 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	951	BELTLINE RD	AMMOURI ABED
	2	15251	SEAGOVILLE RD	BIG SCORE INVESTORS LLC
	3	1000	BELTLINE RD	ALKAM HAMZA
	4	1025	BELTLINE RD	FLOYD CHARLES M
	5	1001	BELTLINE RD	FLOYD CHARLES M & BARBARA
	6	15130	SEAGOVILLE RD	MEMON SHAHZAD
	7	15104	SEAGOVILLE RD	SCHLEIMER PATSY SUE
	8	937	BELTLINE RD	AMMOURI ABED &
	9	933	BELTLINE RD	BUNCH SHEILA
	10	15029	SEAGOVILLE RD	FORD TOM W
	11	1050	BELTLINE RD	BOWMAW INC
	12	915	BELTLINE RD	ALKAM HAMZA &

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 22 D; H; 23 A; E

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 on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane

Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions

Z134-133(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z134-133(MW) **DATE FILED:** November 22, 2013

LOCATION: East side of Harry Hines Boulevard, north of Royal Lane.

COUNCIL DISTRICT: 6 **MAPSCO:** 22-D, 22-H, 23-E, 23-A

SIZE OF REQUEST: ±2.7 acres **CENSUS TRACT:** 0099.00

REPRESENTATIVE: Chase Corker

APPLICANT: America's Southern Edge

OWNER: Barberans, LLC

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District.

SUMMARY: The applicant intends to utilize an existing ±6,811-square-foot building as a private-club bar [The Pig] catering to automotive enthusiasts.

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.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed use is compatible with the surrounding uses given the industrial nature of the area and the intent of Planned Development District No. 498 to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed private-club bar will provide a service to this area of the City and is not anticipated to negatively impact to the adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed private-club bar will not be a detriment to the public health, safety, or general welfare. The specific use permit process provides the city an opportunity to establish conditions such as hours of operation and site layout to mitigate any potential negative impacts.

4. *Conforms in all other respects to applicable zoning regulations and standards* – Based on information depicted on the site plan, the request complies with all applicable zoning regulations and standards.

BACKGROUND INFORMATION:

- The ±2.7-acre request site is developed with a variety of warehouse structures and a covered outdoor seating area.

- No new construction is proposed by this application.

Zoning History:

1. **Z134-146:** On April 17, 2014, the City Plan Commission recommended approval of an application to create a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, subject to a development plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Harry Hines Boulevard	Principal arterial	164 feet

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Adjacent Zoning and Land Use:

	Zoning	Land Use
North	PDD No. 498	Retail
East	PDD No. 498	Contractor's maintenance yard (proposed)
South	PDD No. 498	Retail
West	PDD No. 498	Auto-related; retail

STAFF ANALYSIS:

Comprehensive Plan:

The request site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

While the existing site layout is not necessarily consistent with the Urban Mixed Use Building Block, it is consistent with the existing development pattern and scale of the area. Furthermore, staff encourages the adaptive reuse of existing buildings and considers this aspect of the request consistent with the following 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.

Land Use Compatibility:

Planned Development District No. 498 is intended to accommodate a variety of commercial and business service; industrial; retail and personal service and wholesale, distribution, and storage uses. The proposed alcoholic beverage establishment limited to a private-club bar is considered compatible with the adjacent uses and the surrounding 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. 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.

Parking:

A private-club bar requires one off-street parking space per 100 square feet of floor area. Therefore, the ±6,811-square-foot building and ±1,550-square-foot covered seating area proposed for this use will require 84 spaces. As depicted on the proposed site plan, 115 spaces will be provided to accommodate all uses on the site.

Landscaping:

No new development is proposed by this application; therefore, no additional landscaping is required. However, in accordance with PDD No. 498, front yard strip landscaping and sidewalk provisions, as well as Article X site area landscaping, will become applicable to this site if a building permit is issued for certain construction work such as: an increase in the number of stories; an increase in floor area by more than 25 percent or 5,000 square feet, whichever is less, or an increase in nonpermeable coverage by more than 1,000 square feet.

Partners/Principals/Officers:

APPLICANT: America's Southern Edge
Billy Ziegenfuss, Sole Proprietor, principal and manager

OWNER: Barberans, LLC
Ricky Sigler, Owner

CPC Action: April 17. 2014:

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar for a three-year period, subject to a site plan and conditions on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose on the east side of Harry Hines Boulevard, north of Royal Lane.

Maker:	Anantasomboon
Second:	Shidid
Result:	Carried: 14 to 0

For:	14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi
Against:	0
Absent:	1 - Schultz
Vacancy:	0

Notices:	Area:	300	Mailed:	40
Replies:	For:	0	Against:	2

Speakers: None

Z134-133
CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar.

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-years from passage of the ordinance).

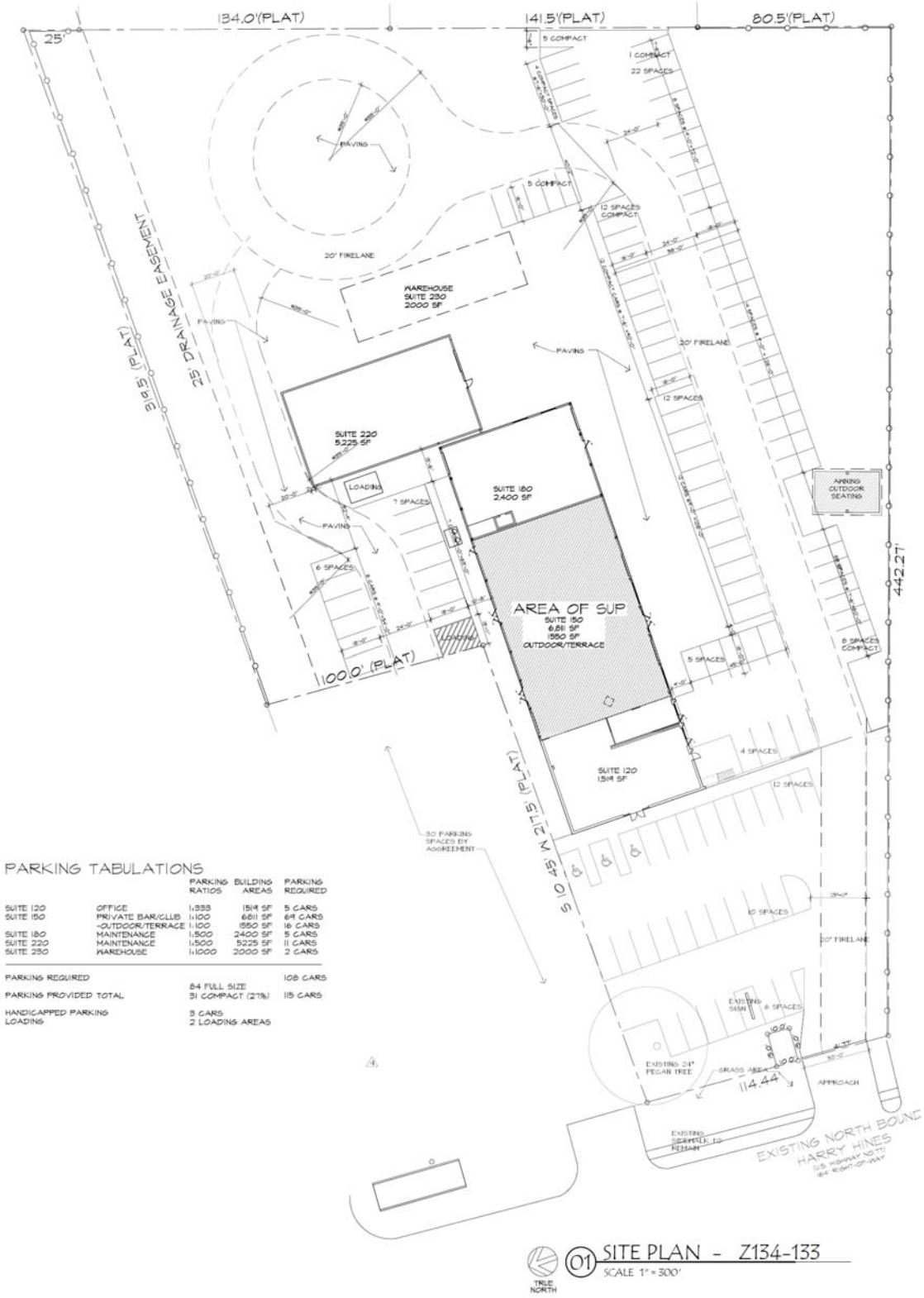
4. FLOOR AREA: The maximum floor area of the private-club bar is 6,811 square feet with a 1,550-square foot covered seating area in the locations shown on the attached site plan.

5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a private-club bar may only operate between 12:00 pm and 12:00 am (the next day), Monday through Thursday, 12:00 pm and 2:00 am (the next day) Friday and Saturday, and 12 pm and 10 pm on Sunday.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

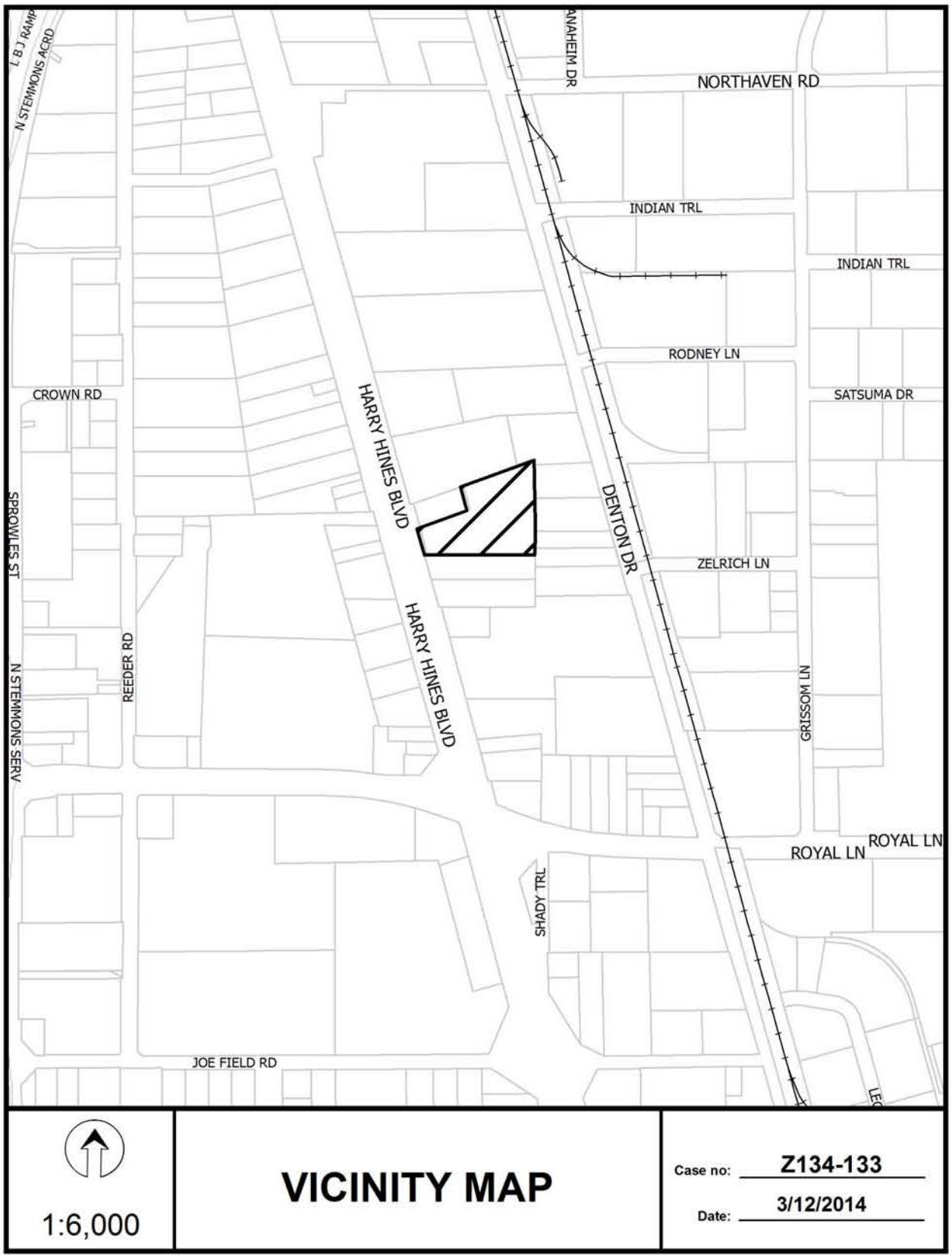
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

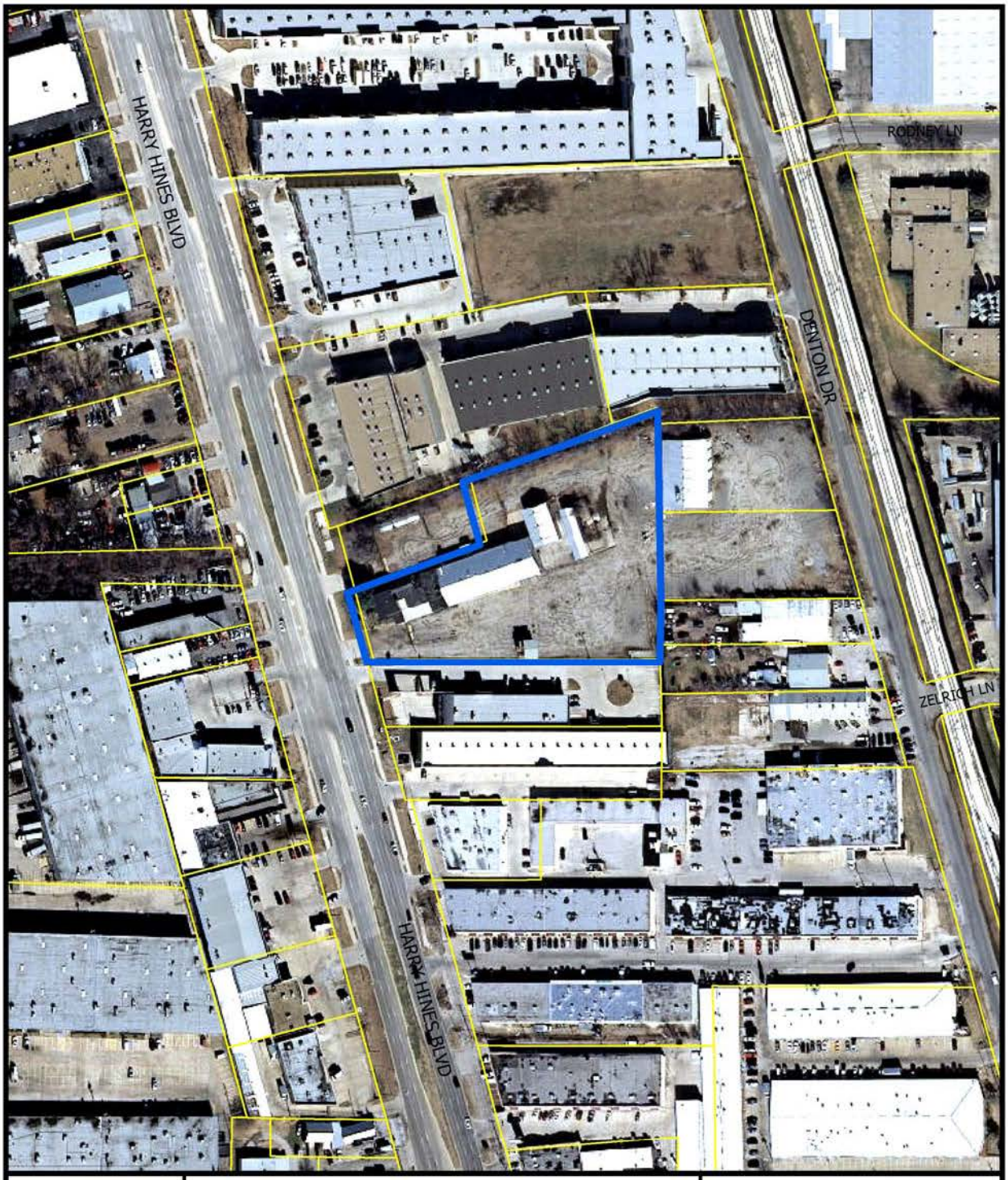
Proposed Site Plan:



PARKING TABULATIONS

		PARKING RATIOS	BUILDING AREAS	PARKING REQUIRED
SUITE 120	OFFICE	1:333	1518 SF	5 CARS
SUITE 150	PRIVATE BAR/CLUB	1:100	6811 SF	69 CARS
	-OUTDOOR/TERRACE	1:100	1550 SF	16 CARS
SUITE 180	MAINTENANCE	1:500	2400 SF	5 CARS
SUITE 220	MAINTENANCE	1:500	5225 SF	11 CARS
SUITE 230	WAREHOUSE	1:1000	2000 SF	2 CARS
PARKING REQUIRED				108 CARS
PARKING PROVIDED TOTAL		84 FULL SIZE 31 COMPACT (27%)		115 CARS
HANDICAPPED PARKING		3 CARS		
LOADING		2 LOADING AREAS		


L B J RAMP
N STEMMONS ACRD
ANAHEIM DR
NORTHAVEN RD
INDIAN TRL
INDIAN TRL
RODNEY LN
CROWN RD
SATSUMA DR
HARRY HINES BLVD
DENTON DR
SPROWLES ST
ZELRICH LN
HARRY HINES BLVD
REEDER RD
N STEMMONS SERV
GRISSOM LN
ROYAL LN
ROYAL LN
SHADY TRL
JOE FIELD RD
1:6,000
VICINITY MAP
Case no: Z134-133
Date: 3/12/2014



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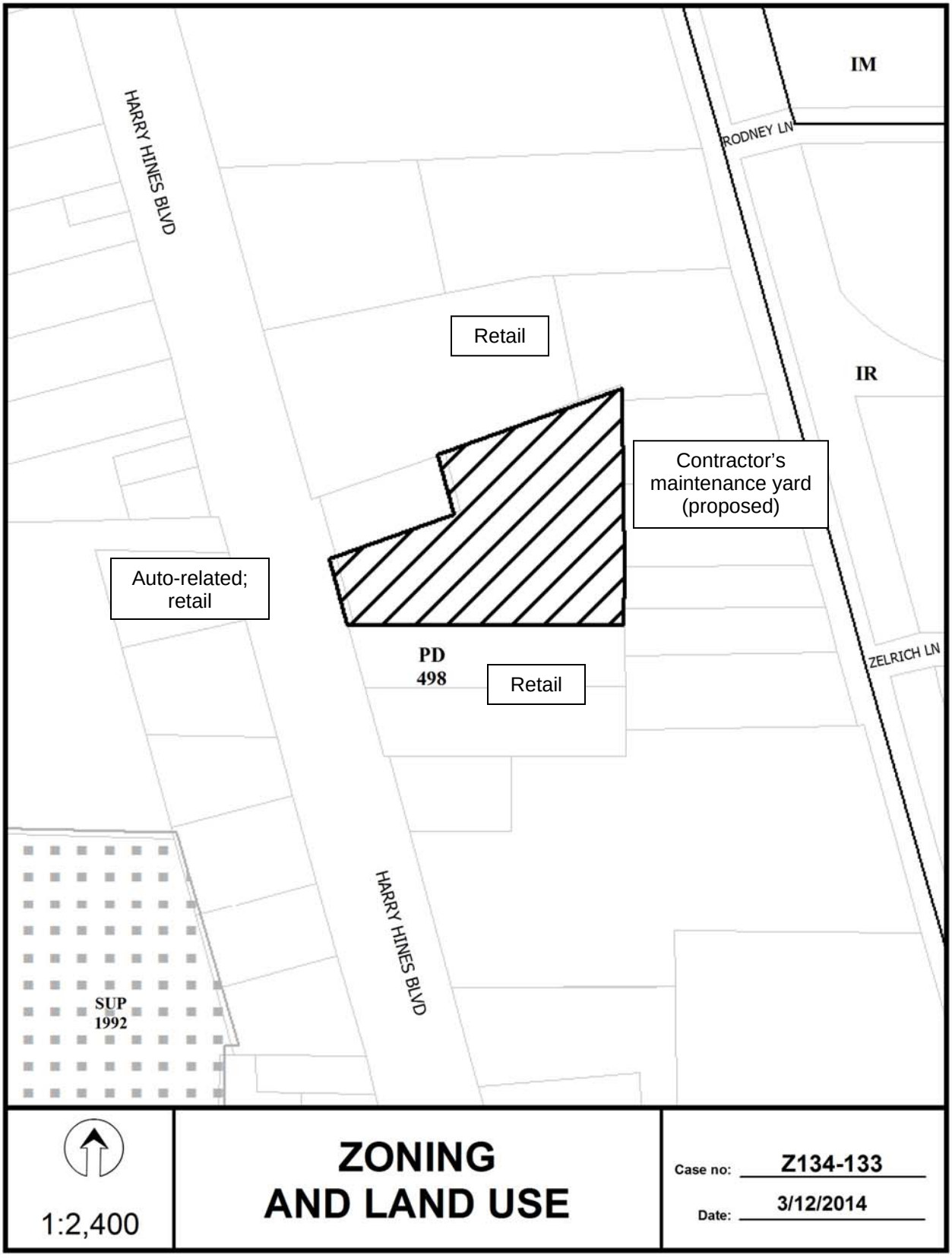
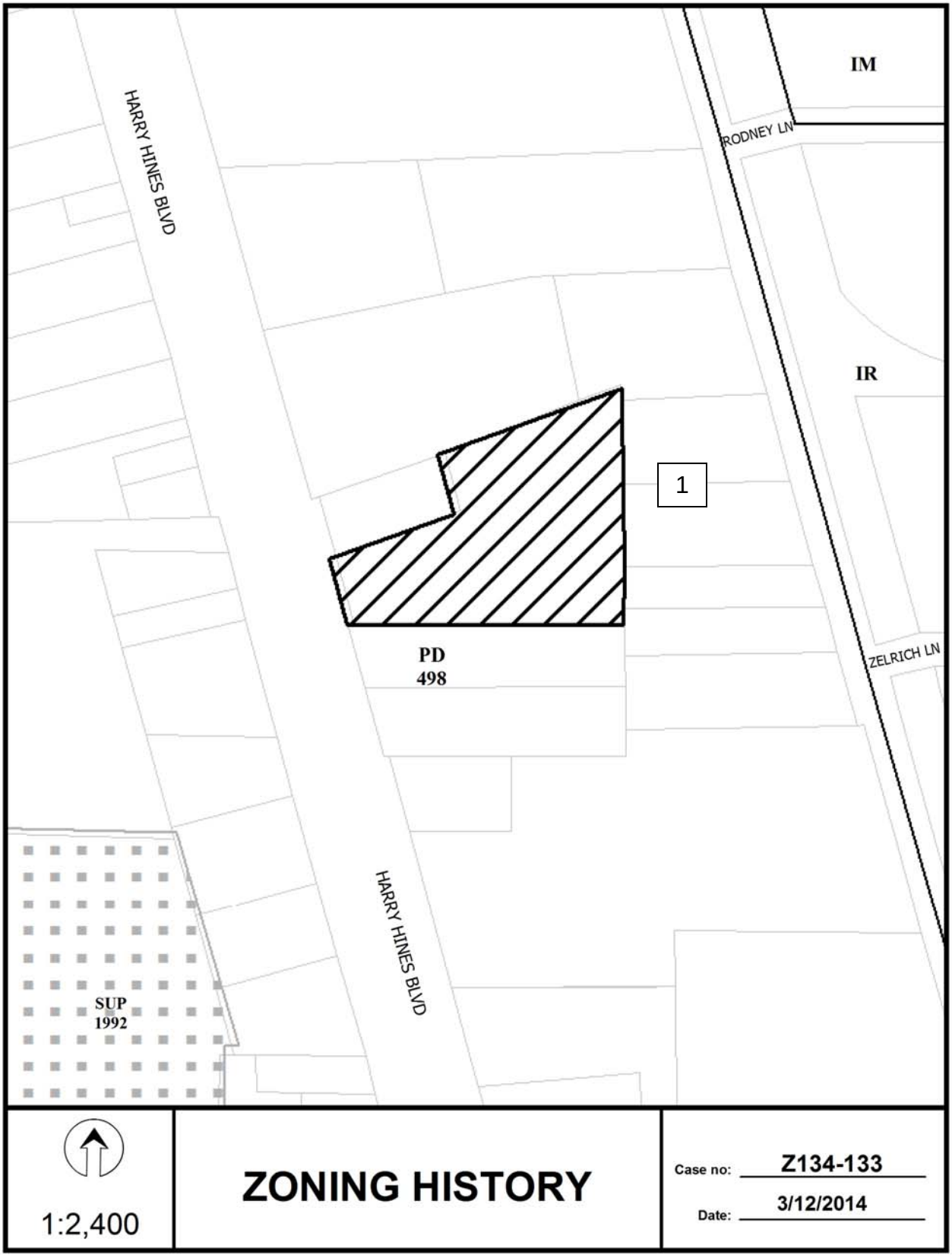
AERIAL MAP

Case no: Z134-133

Date: 3/12/2014


IM
HARRY HINES BLVD
RODNEY LN
Retail
IR
Contractor's maintenance yard (proposed)
Auto-related; retail
PD 498
Retail
ZELRICH LN
HARRY HINES BLVD
SUP 1992
1:2,400
ZONING AND LAND USE
Case no: Z134-133
Date: 3/12/2014


IM
HARRY HINES BLVD
RODNEY LN
IR
1
PD
498
ZELRICH LN
HARRY HINES BLVD
SUP
1992
1:2,400
ZONING HISTORY
Case no: Z134-133
Date: 3/12/2014

CPC Responses

4/17/2014

Reply List of Property Owners

Z134-133

40 Property Owners Notified 0 Property Owners in Favor 2 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	11480	HARRY HINES BLVD	BARBERANS LLC
	2	11476	HARRY HINES BLVD	BARBERANS LLC
	3	11476	HARRY HINES BLVD	BARBERANS LLC
	4	11425	DENTON DR	LEE YOUNG KOO & MYONG S
	5	11464	HARRY HINES BLVD	NEAL MEHTA LP
	6	11479	HARRY HINES BLVD	GARCIA APOLINAR
X	7	2525	ROYAL LN	INTERMART II INC
	8	11481	HARRY HINES BLVD	PARKS FAMILY CORPORATION
	9	11444	HARRY HINES BLVD	TENNINGTON INVESTMENTS LLC
	10	11503	HARRY HINES BLVD	DELGADILLO-RAMIREZ JUANA
	11	11421	DENTON DR	SUNJAY INVESTMENT
	12	11423	DENTON DR	LEE YOUNG KOO &
	13	11526	HARRY HINES BLVD	MYY LTD PS
X	14	11461	HARRY HINES BLVD	FAVORLAND LLC
	15	11457	HARRY HINES BLVD	DIVA PROPERTY MGMT INC
	16	11456	HARRY HINES BLVD	KRISRAM INVESTMENTS INC
	17	11422	HARRY HINES BLVD	SHIN CHON DEV CORP
	18	11449	DENTON DR	KIMAYA INITIATIVE CORP
	19	401	BUCKNER BLVD	DART
	20	11447	HARRY HINES BLVD	PEERMOHAMMED LIAQUAT ALI
	21	11447	HARRY HINES BLVD	NORTHSTAR CROSSING GP LLC
	22	11447	HARRY HINES BLVD	J LIU PROPERTY LLC
	23	11526	HARRY HINES BLVD	MYY LTD PS
	24	11526	HARRY HINES BLVD	FRAGRANCE WORLD INC
	25	11526	HARRY HINES BLVD	MYY LIMITED PARTNERSHIP
	26	11500	HARRY HINES BLVD	SHARMA UTPAL

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	27	11500	HARRY HINES BLVD	CHEN SHIRLEY
	28	11500	HARRY HINES BLVD	AEM ENTERPRISES LLC
	29	11500	HARRY HINES BLVD	AJAZ LLC
	30	11500	HARRY HINES BLVD	ILA INC
	31	11500	HARRY HINES BLVD	RAFIZADEH ARDALAN
	32	11500	HARRY HINES BLVD	RYU SUN JA
	33	11500	HARRY HINES BLVD	ELEGANT INVESTMENT GROUP INC
	34	11500	HARRY HINES BLVD	WEDDING LINENS INC
	35	11500	HARRY HINES BLVD	DHOKA PRAKASH & KAMLA
	36	11500	HARRY HINES BLVD	SSMD PPTIES LLC
	37	11500	HARRY HINES BLVD	A J LEATHER INC
	38	11500	HARRY HINES BLVD	KAMPSCHROEDER JOHN C &
	39	11500	HARRY HINES BLVD	BATRA DALJIT &
	40	11500	HARRY HINES BLVD	LIU JIAN &

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 23 A; E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z134-146(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z134-146(MW) **DATE FILED:** December 20, 2013

LOCATION: West side of Denton Drive, north of Royal Lane

COUNCIL DISTRICT: 6 **MAPSCO:** 23-A, E

SIZE OF REQUEST: ±1.75 acre **CENSUS TRACT:** 0099.00

REPRESENTATIVE: Chase Corker

APPLICANT/OWNER: Barberans, LLC**,** Ricky Sigler, Owner/Sole Officer

REQUEST: An application to create a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District.

SUMMARY: The applicant intends to create a new tract that permits the "contractor's maintenance yard" use by right. The site will be utilized by a landscape contractor [ValleyCrest Landscape Companies] for the storage and maintenance of supplies and operational equipment.

CPC RECOMMENDATION: **Approval,** subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The request is not anticipated to negatively impact surrounding property given the commercial nature of the area and the intent of Planned Development District No. 498 to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses.

2. *Traffic impact* – This request will not create any additional impact than what the current zoning would permit.

3. *Comprehensive Plan or Area Plan Conformance* – While the applicant's proposal is not necessarily consistent with the Urban Mixed Use Building Block, a contractor's maintenance yard is consistent with the existing development pattern and scale of the area.

4. While staff would rather not create separate tracts within Planned Development Districts for the sole purpose of allowing one additional use, an amendment to permit the use within the Planned Development District would require authorization from all property owners within the 300-acre Special Purpose District.

BACKGROUND INFORMATION:

- The ±1.75 acre request site is developed with a ±7,280-square warehouse.

- No new construction is proposed by this application.

- Planned Development District No. 498 was approved on April 28, 1999 and amended on August 8, 2001 and October 8, 2003.

Zoning History:

1. **Z134-133:** On April 17, 2014, the City Plan Commission recommended approval of an application for a Specific Use Permit for a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, for a three-year period subject to a site plan and conditions. (Scheduled for May 28, 2014, Council public hearing.)

2. **Z134-138**: An application for an IM Industrial Manufacturing District on property zoned an IR Industrial Research District and for a Specific Use Permit for an industrial (inside) potentially incompatible use. (This case is pending a CPC hearing.)

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Denton Drive	Collector	60 feet

Adjacent Zoning and Land Use:

	Zoning	Land Use
North	PDD No. 498	Office showroom/warehouse
East	IR	Industrial (inside)
South	PDD No. 498	Retail; auto-oriented
West	PDD No. 498	Restaurant; warehouse

STAFF ANALYSIS:

Comprehensive Plan:

The request site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

While the applicant's proposal is not necessarily consistent with the Urban Mixed Use Building Block, a contractor's maintenance yard is consistent with the existing

development pattern and scale of the area. Furthermore, staff encourages the adaptive reuse of existing buildings and considers this aspect of the request consistent with the following 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.

Land Use Compatibility:

Planned Development District No. 498 is intended to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses. The proposed contractor's maintenance yard use will be subject to a development plan and is considered compatible with the adjacent uses and the surrounding area.

Pursuant to the Dallas Development Code, a contractor's maintenance yard requires a six-foot solid screening fence which must be brick, stone, or concrete masonry, stucco, concrete or wood (or evergreen plan materials), which will further help ensure compatibility. The applicant has not identified the specific type of screening. However, the location is shown on the development plan.

The site will be utilized predominantly as a depot for typical work trucks. Therefore, the applicant does not anticipate the storage of any items taller than twelve feet in height on the site and has proposed a condition to ensure this.

Parking:

A contractor's maintenance yard requires one off-street parking space per 2,000 square feet of site area exclusive of parking area with a minimum of four spaces required. The request site includes ±28,000 square feet of site area. Therefore, 14 spaces are required; 84 spaces are provided, as depicted on the proposed development plan.

Landscaping:

No new development is proposed by this application; therefore, no additional landscaping is required. However, in accordance with PDD No. 498, front yard strip landscaping and sidewalk provisions, as well as Article X site area landscaping, will become applicable to this site if a building permit is granted for certain construction work such as: an increase in the number of stories; an increase in floor area by more than 25 percent or 5,000 square feet, whichever is less, or an increase in nonpermeable coverage by more than 1,000 square feet.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD No. 498	15'	30' adj. to res. Other: No min	2.0 FAR overall 1.0 retail 0.75 lodging/office	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution and storage, supporting office and retail

CPC Action: April 17, 2014:

Motion: It was moved to recommend **approval** of the creation of a new tract, subject to a development plan and conditions within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the west side of Denton Drive, north of Royal Lane.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 500 Mailed: 41
Replies: For: 0 Against: 1

Speakers: None

Proposed Conditions:

ARTICLE 498.
PD 498.
Harry Hines Corridor Special Purpose District

SEC. 51P-498.101. LEGISLATIVE HISTORY.

PD 498 was established by Ordinance No. 23427, passed by the Dallas City Council on January 28, 1998. Ordinance No. 23427 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23427 was amended by Ordinance No. 23862, passed by the Dallas City Council on April 28, 1999; Ordinance No. 24678, passed by the Dallas City Council on August 8, 2001; and Ordinance No. 25391, passed by the Dallas City Council on October 8, 2003.

SEC. 51P-498.102. PROPERTY LOCATION AND SIZE.

(a) PD 498 is established on property generally bounded by the Lyndon B. Johnson Freeway (IH 635) on the north, Denton Drive and Gemini Lane on the east, Southwell Road on the south, and Reeder Road on the west. The size of PD 498 is approximately 300 acres.

(b) This district is divided into Tract I, Tract II, and Tract III within Subdistrict 1 as described in the subdistrict property descriptions (Exhibit 498B).

SEC. 51P-498.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A 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 51A. In this article, WAREHOUSE/RETAIL SALES means a facility for the inside storage and distribution of items with a retail sales component. The following apply to this use:

(1) Except as provided in (2) below, the retail sales area may not exceed 30 percent of the total warehouse/retail sales floor area.

(2) Up to 100 percent of the total warehouse/retail sales floor area of the use may be devoted to retail sales activities during an occasional sale. No more than six occasional sales may be conducted during any 12-month period. Each occasional sale must be limited in duration to no more than three consecutive calendar days.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-.103.1 EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 498A: Subdistrict 1, Tract III development plan.

(2) Exhibit 498B: subdistrict property descriptions.

~~**SEC. 51P-498.104. TRACTS CREATED.**~~

~~Ordinance No. 25391, passed by the Dallas City Council on October 8, 2003, created two tracts in this district: Subdistrict 1, Tract I and Subdistrict 1, Tract II. The tracts are described in Exhibits A and B attached to Ordinance No. 25391.~~

SEC. 51P-498.104. DEVELOPMENT PLAN.

(a) For a contractor's maintenance yard in Tract III within Subdistrict 1, use and development of the Property must comply with the development plan (Exhibit 498 A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

(b) For all other permitted uses in Tract III within Subdistrict 1, Section 51A-4.702(c)(2) through Section 51A-4.702(i), regarding submission of and amendments to a site plan, a development plan, and a landscape plan, do not apply.

SEC. 51P-498.105. MAIN USES PERMITTED.

(a) Agricultural uses.
-- None permitted.

(b) Commercial and business service uses.
-- Building repair and maintenance shop.
-- Catering service.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Machine or welding shop.
-- Machinery, heavy equipment, or truck sales and service.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance.

(c) Industrial uses.

-- Industrial (inside).

-- Industrial (inside) for light manufacturing.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

-- Industrial (outside). *[Limited to a concrete plant in Subdistrict 1, Tract II, by SUP only.]*

(d) Institutional and community service uses.

-- Adult day care facility. *[SUP]*

-- Child-care facility. *[SUP]*

-- Church.

-- College, university, or seminary.

-- Community service center. *[SUP]*

(e) Lodging uses.

-- Hotel or motel.

(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.

-- Medical clinic or ambulatory surgical center.

-- Office.

(h) Recreation uses.

-- Public park, playground, or golf course.

(i) Residential uses.

-- None permitted.

(j) Retail and personal service uses.

-- Auto service center.

-- Commercial amusement (inside). *[SUP required if the use is permitted in a CS Commercial Service District by SUP. See Section 51A-4.210(b)(7)(B).]*

-- Alcoholic beverage establishments. *[SUP]*

-- 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.
-- Home improvement center, lumber, brick, or building materials sales yard with outside storage greater than 25 percent. *[Subdistrict 1, Tract I only, and subject to city plan commission approval of a development plan for this use. The development plan may not indicate an outside storage area covering more than 50 percent of the land area within Subdistrict 1, Tract I.]*
-- Household equipment and appliance repair.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Restaurant with drive-in or drive-through service.
-- Theater.
-- Vehicle display, sales, and service.

(k) Transportation uses.
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[DIR]*

(l) Utility and public service uses.
-- Electrical substation.
-- Local utilities.
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication.
-- Utility or government installation other than listed. *[SUP]*
-- Water treatment plant.

(m) Wholesale, distribution, and storage uses.
-- Contractor's maintenance yard. *[Subdistrict 1, Tract III only]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage (with visual screening). *[SUP]*
-- Trade center.
-- Warehouse.
-- Warehouse/retail sales.

SEC. 51P-498.106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district 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.

(b) The following accessory uses are not permitted in this special purpose district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

SEC. 51P-498.107. 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 contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard. Minimum side and rear yard is:

(1) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), THE, THE(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

(c) Floor area ratio. Maximum floor area ratio is:

(1) 0.75 for lodging and office uses;

(2) 1.0 for retail and personal service uses; and

(3) 2.0 for all uses combined.

(d) Maximum height. Maximum structure height is 200 feet.

(e) Stories. Maximum number of stories above grade is 15.

(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.

SEC. 51P-498.108. OFF-STREET PARKING AND LOADING.

(a) Required off-street parking for a warehouse/retail sales use is one space per 500 square feet of retail floor area, and one space per 1000 square feet of warehouse floor area. If more then 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305. Required off-street loading must be provided as follows:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	**TOTAL REQUIRED SPACES OR BERTHS**
0 to 10,000	**None**
10,000 to 50,000	**1**
50,000 to 100,000	**2**
Each additional 100,000 or fraction thereof	**1 additional**

(b) For all other uses, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-498.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 23427; 26042)

SEC. 51P-498.110. LANDSCAPING.

(a) Application.

(1) Front yard strip landscaping and sidewalk provisions become applicable to a lot when application is made for a building permit for construction work that:

(A) increases the number of stories in a building on the building site;

(B) increases by more than 25 percent or 5,000 square feet, whichever is less, the combined floor area of all buildings on the building site; or

(C) increases nonpermeable coverage on the lot by more than 1,000 square feet.

(2) All other landscaping required in this section must be provided pursuant to Section 51A-10.121, "Application of Division."

(b) Front yard strip landscaping. An area consisting of a minimum ten-foot-wide permeable strip of land along the entire length of the front yard (exclusive of driveways), and immediately adjacent to the street right-of-way line, must be landscaped as follows:

(1) One three-inch caliper large tree must be provided for each 30 feet of street frontage, exclusive of driveway frontage, with a minimum of two trees being provided per building site. Trees may be planted closer than 30 feet on-center, but may not be planted within a visibility site triangle.

(2) Existing trees located within the required front yard, which meet the requirements of Subparagraph (1) above, shall count towards fulfillment of the front yard strip landscaping requirements.

(3) In addition, shrubs, a minimum of two feet in height at the time of planting and planted three feet on center, must be placed within the front yard strip landscaping area, but may not be planted within a visibility site triangle.

(4) Front yard strip landscaping requirements may be met within the public street right-of-way if the property owner obtains a parkway landscape permit from the director of public works and transportation or a landscape letter of approval from the Texas Department of Transportation, whichever applies.

(c) Sidewalks. A five-foot-wide concrete sidewalk, located four feet in back of and parallel to the projected or existing street curb, must be placed within the public right-of-way. An existing five-foot-wide concrete sidewalk located within the street right-of-way fulfills this requirement.

(d) Site area landscaping. The remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An automatic irrigation system must be provided.

(e) Protection of landscaped areas. The placement of barrier curbs or wheel stops is required to protect all landscaped areas from vehicular damage.

(f) Completion. All landscaping must be completed in accordance with the provisions contained in Article X and must be maintained in a healthy, growing condition.

SEC. 51P-498.111. SIGNS.

(a) Except as provided below, signs must comply with the provisions for business zoning districts contained in Article VII.

(b) Banners, pendants, and non-governmental flags are prohibited.

(c) Non-premise signs are prohibited.

SEC. 51P-498.112. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(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.

(c) A site plan must be submitted and approved in accordance with Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day.

(d) The use regulations for a home improvement center, lumber, brick, or building materials sales yard with outside storage greater than 25 percent are the same as for a home improvement center, lumber, brick, or building materials sales yard except that accessory outside storage may exceed 25 percent of the lot up to a maximum of 50 percent of the land area within Subdistrict 1, Tract I.

(e) For a contractor's maintenance yard use in Subdistrict 1, Tract III, objects may not be stacked higher than 12 feet.

SEC. 51P-498.113. PAVING.

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.

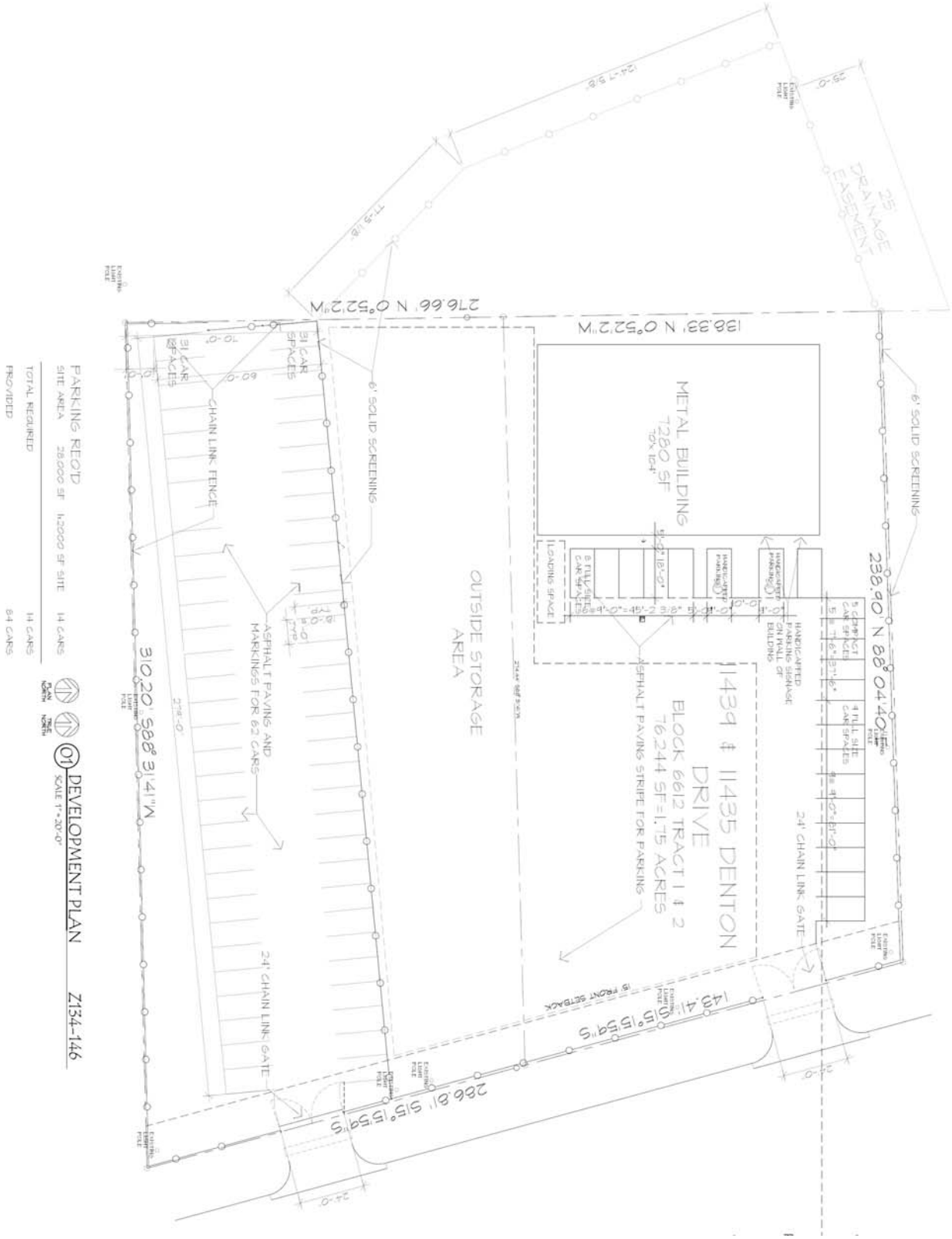
SEC. 51P-498.114. COMPLIANCE WITH CONDITIONS.

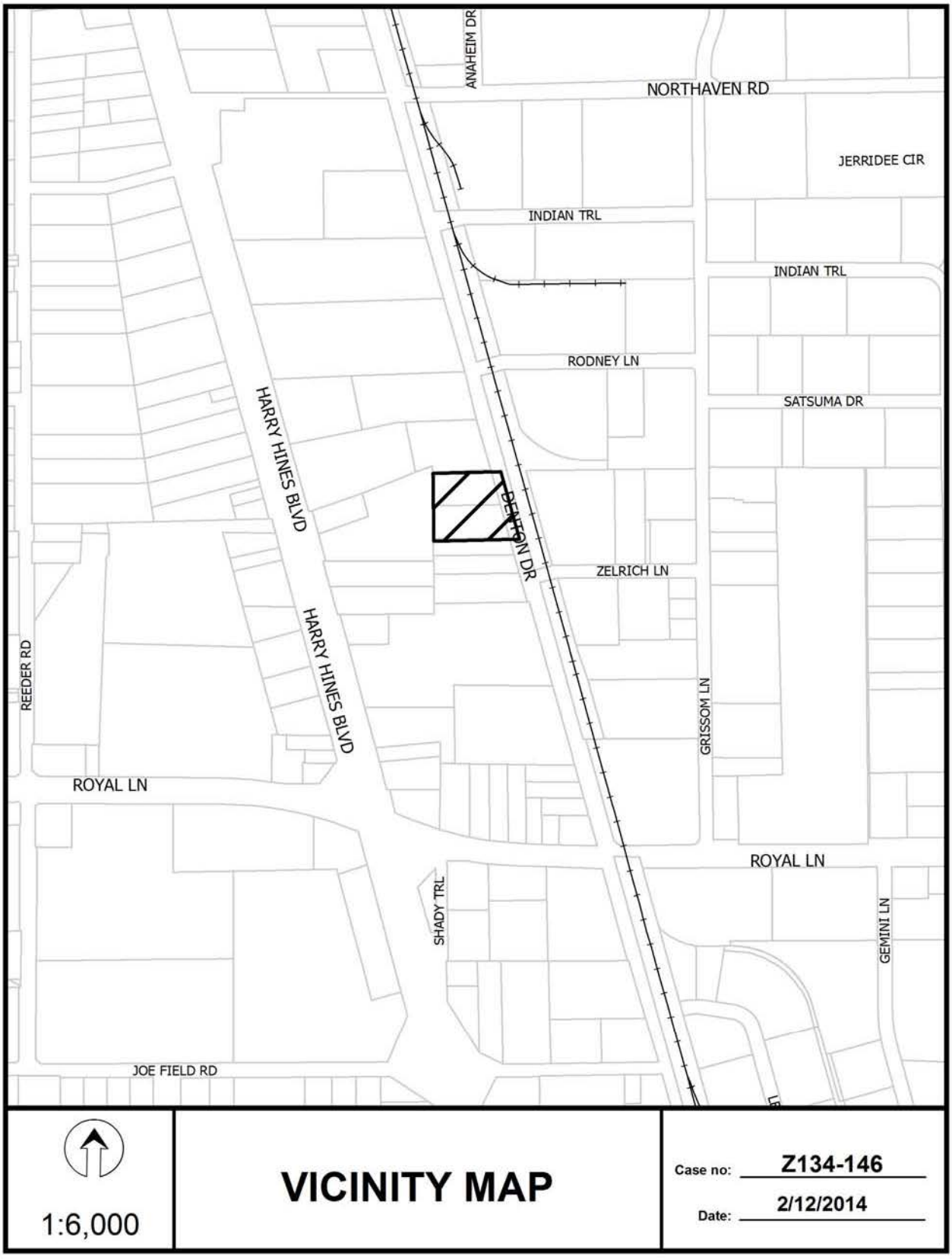
The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

~~**SEC. 51P-498.115. ZONING MAP.**~~

~~PD 498 is located on Zoning Map No. E-5.~~

Proposed Development Plan

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REEDER RD
GRISSOM LN
ROYAL LN
ROYAL LN
SHADY TRL
GEMINI LN
JOE FIELD RD
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VICINITY MAP
Case no: Z134-146
Date: 2/12/2014

INDIAN TRL
INDIAN TRL
HARRY HINES BLVD
HARRY HINES BLVD
RODNEY LN
ZELRICH LN
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DENTON DR
ROYAL LN
ROYAL LN
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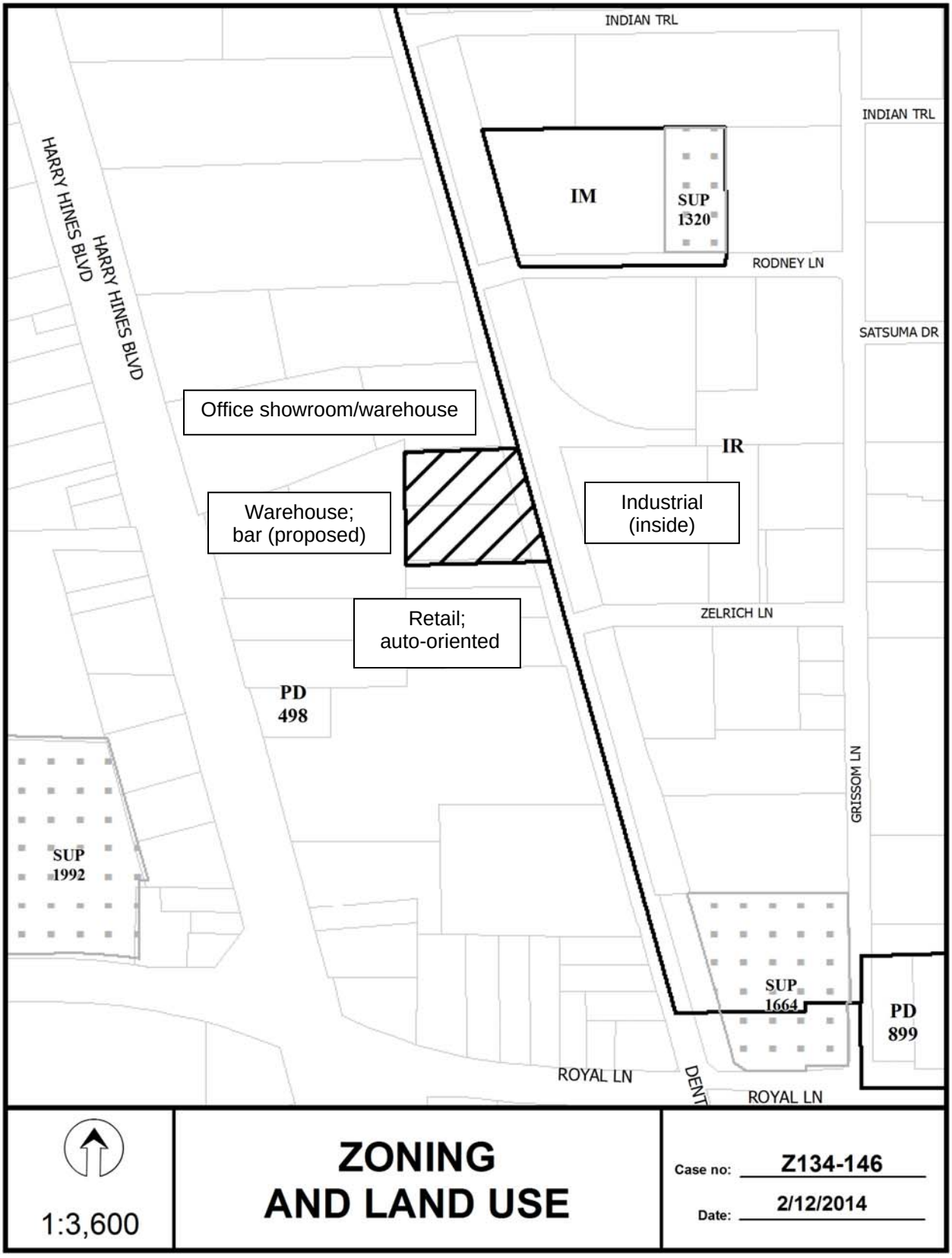
Case no: Z134-146
Date: 2/12/2014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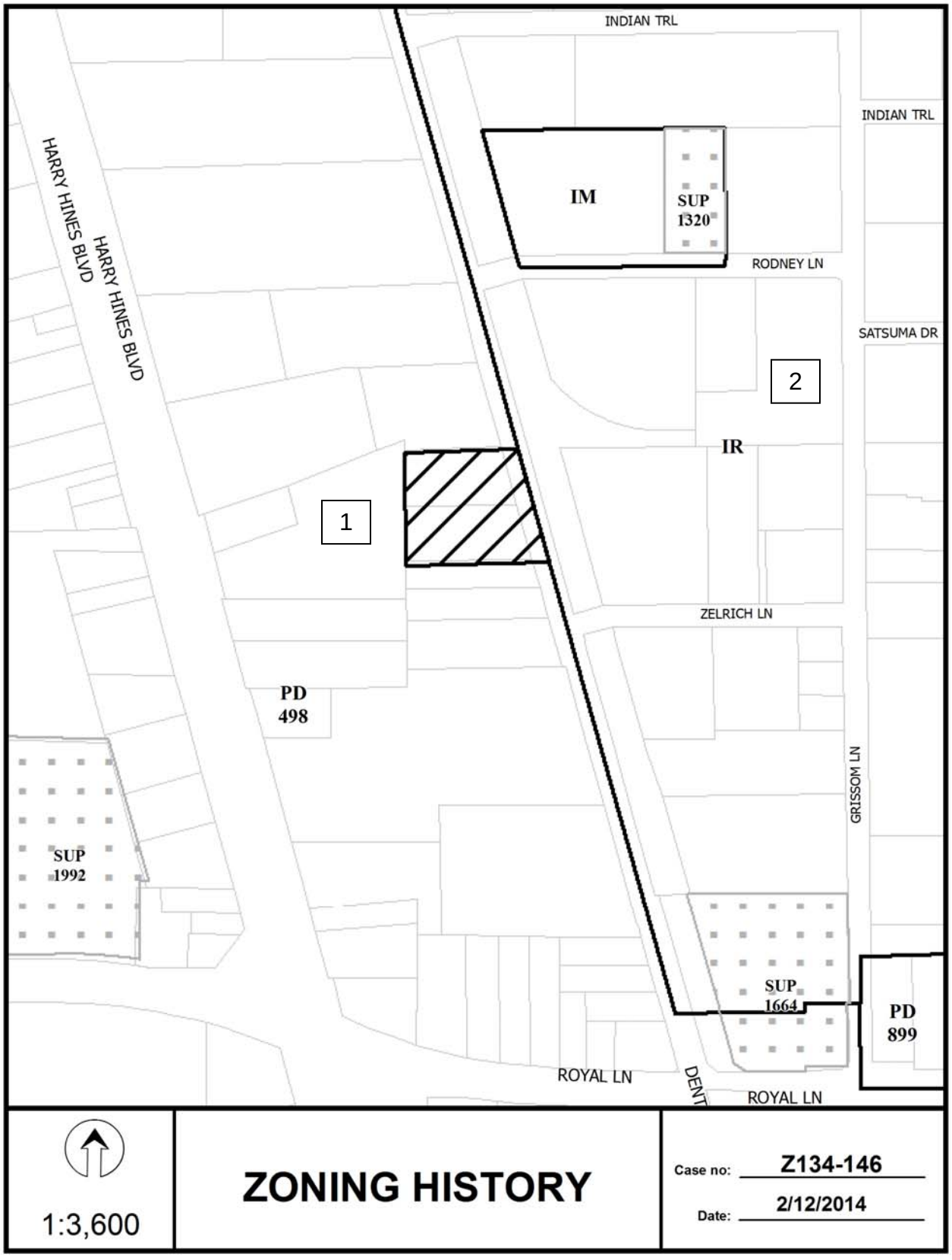
HARRY HINES BLVD
HARRY HINES BLVD
IM
SUP 1320
RODNEY LN
SATSUMA DR
Office showroom/warehouse
IR
Warehouse; bar (proposed)
Industrial (inside)
Retail; auto-oriented
ZELRICH LN
PD 498
GRISSOM LN
SUP 1992
SUP 1664
PD 899
ROYAL LN
ROYAL LN
1:3,600
ZONING AND LAND USE
Case no: Z134-146
Date: 2/12/2014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GRISSOM LN
SUP 1992
SUP 1664
PD 899
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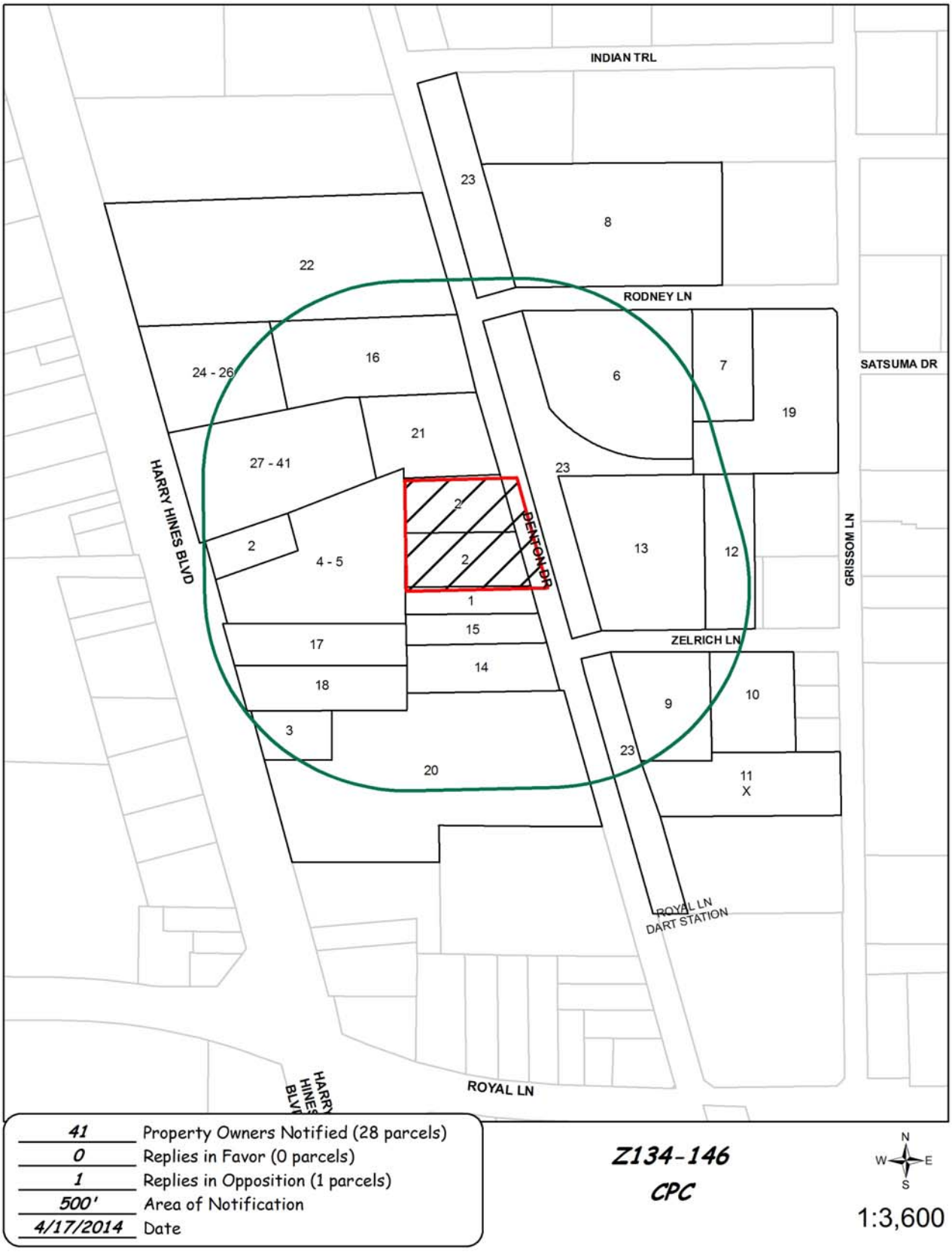
1:3,600
ZONING HISTORY
Case no: Z134-146
Date: 2/12/2014

CPC Responses



4/17/2014

Reply List of Property Owners

Z134-146

41 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	11425	DENTON DR	LEE YOUNG KOO & MYONG S
	2	11480	HARRY HINES BLVD	BARBERANS LLC
	3	11444	HARRY HINES BLVD	TENNINGTON INVESTMENTS LLC
	4	11476	HARRY HINES BLVD	BARBERANS LLC
	5	11476	HARRY HINES BLVD	BARBERANS LLC
	6	11444	DENTON DR	BRIN JOHN M
	7	2624	RODNEY LN	KEANE MAURICE & JOAN
	8	2605	RODNEY LN	WILBERT FAMILY LP
	9	11418	DENTON DR	JAMES JEROME TR
	10	2626	ZELRICH LN	MCDERMOTT ASSOCIATES INC
X	11	10929	GRISSOM LN	SIXTY EIGHTH LLC
	12	2625	ZELRICH LN	E INVESTMENTS
	13	11430	DENTON DR	JAMES JEROME
	14	11421	DENTON DR	SUNJAY INVESTMENT
	15	11423	DENTON DR	LEE YOUNG KOO &
	16	11526	HARRY HINES BLVD	MYY LTD PS
	17	11464	HARRY HINES BLVD	NEAL MEHTA LP
	18	11456	HARRY HINES BLVD	KRISRAM INVESTMENTS INC
	19	2646	RODNEY LN	MAGNOLIA CHEMICAL CO
	20	11422	HARRY HINES BLVD	SHIN CHON DEV CORP
	21	11449	DENTON DR	KIMAYA INITIATIVE CORP
	22	11528	HARRY HINES BLVD	SCH TRIDENT LTD
	23	401	BUCKNER BLVD	DART
	24	11526	HARRY HINES BLVD	MYY LTD PS
	25	11526	HARRY HINES BLVD	FRAGRANCE WORLD INC
	26	11526	HARRY HINES BLVD	MYY LIMITED PARTNERSHIP

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	27	11500	HARRY HINES BLVD	SHARMA UTPAL
	28	11500	HARRY HINES BLVD	CHEN SHIRLEY
	29	11500	HARRY HINES BLVD	AEM ENTERPRISES LLC
	30	11500	HARRY HINES BLVD	AJAZ LLC
	31	11500	HARRY HINES BLVD	ILA INC
	32	11500	HARRY HINES BLVD	RAFIZADEH ARDALAN
	33	11500	HARRY HINES BLVD	RYU SUN JA
	34	11500	HARRY HINES BLVD	ELEGANT INVESTMENT GROUP INC
	35	11500	HARRY HINES BLVD	WEDDING LINENS INC
	36	11500	HARRY HINES BLVD	DHOKA PRAKASH & KAMLA
	37	11500	HARRY HINES BLVD	SSMD PPTIES LLC
	38	11500	HARRY HINES BLVD	A J LEATHER INC
	39	11500	HARRY HINES BLVD	KAMPSCHROEDER JOHN C &
	40	11500	HARRY HINES BLVD	BATRA DALJIT &
	41	11500	HARRY HINES BLVD	LIU JIAN &

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 12

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 4 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District on the north side of Frankford Road, west of Vail Street
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z134-152(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z134-152(MW) **DATE FILED:** January 8, 2013

LOCATION: North side of Frankford Road, west of Vail Street

COUNCIL DISTRICT: 12 **MAPSCO:** 4-E

SIZE OF REQUEST: ±4.3 acres **CENSUS TRACT:** 216.35

REPRESENTATIVE: Scott Caruthers

APPLICANT/OWNER: Mike McDaniel

REQUEST: An application for a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District.

SUMMARY: The applicant proposes to construct a ±139,183-square-foot self-storage facility (mini-warehouse) on the request site.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not a Specific Use Permit shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The request site is surrounded by a school to the north; undeveloped land (utility easement), recreation center, daycare and car wash to the east; multifamily and undeveloped land (utility easement) to the south and multifamily to the west. The applicant proposes conditions, as detailed in this report, to ensure compatibly with the adjacent properties.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – Subject to conditions which address the buildings' exterior materials and open space, the proposed mini-warehouse is not anticipated to negatively impact the adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed mini-warehouse use will not be a detriment to the public health, safety, or general welfare.

4. *Conforms in all other respects to applicable zoning regulations and standards* – Based on information depicted on the site plan, the request complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

BACKGROUND INFORMATION:

- The ±4.3-acre request site is currently undeveloped.

- The Parks Department is currently working on the design of the proposed Timberglen Trail, which is funded through the 2012 bond program. While the trail's alignment has not been finalized, it is likely that approximately 20 to 30 feet will be needed along the property's eastern edge to accommodate the trail. It is noted that the applicant/owner also owns the undeveloped property, which serves as a utility easement, adjacent to the east and is aware of potential acquisition by the City of Dallas.

Zoning History:

1. **Z090-107:** On December 14, 2009, Specific Use Permit No. 1396 for a public or private school was automatically renewed for an additional ten-year period.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Frankford Road	Principal arterial	100

Surrounding Land Uses:

	Zoning	Land Use
North	TH-1(A)	School
East	CR	Undeveloped (utility easement); recreation center; daycare; car wash
South	MF-1(A) with deed restrictions; PDD No. 494	Multifamily; undeveloped (utility easement)
West	MF-1(A)	Multifamily

STAFF ANALYSIS:

Comprehensive Plan:

The Vision Illustration depicts the request site as within a Commercial Center or Corridor on the ***forwardDallas! Vision Illustration***, adopted June 2006.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

The applicant's proposal is consistent with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

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 applicant proposes to construct a ±139,183-square-foot self-storage facility (mini-warehouse), with a maximum height of 28 feet, on the request site. Proposed conditions will prohibit outside storage of vehicles; parking of rental vehicles, boats, and/or equipment; and will limit the hours of operation from 6:00 a.m. to 10:00 p.m., Monday through Sunday.

To ensure compatibly with the adjacent properties, the applicant proposes to limit the exterior perimeter walls of all buildings to brick, stone, split face concrete, stucco, or a simulation or combination of such materials. However, if stucco is utilized it will be limited to a maximum of 25% of the total surface area. In addition, the applicant proposes to provide open space along the east and west property lines to buffer the mini-warehouse use from the adjacent multifamily residential development and potential trail alignment.

To encourage the development of an active use near the future trail, the proposed site plan does not include a mini-warehouse building in the southeast corner of the request site, on the Frankford Road frontage. Ideally, this portion of the property will be developed with a retail or personal service use to promote pedestrian activity in 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. 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.

Based on staff's findings of compliance with the above criteria, staff recommends approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods subject to a site plan and conditions.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR Community retail	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

Parking:

The applicant proposes parking in accordance with the Dallas Development Code, which requires a minimum of six spaces for a mini-warehouse use. Spaces may not be used for outside storage vehicle storage, or parking for vehicles for rent. As depicted on the proposed development plan, 11 spaces will be provided.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. In addition, open space will be provided adjacent to the east and west property lines.

CPC Action: April 17. 2014:

Motion: It was moved to recommend **approval** of for a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan that clearly delineates the open space area adjacent to the eastern property line and labels the southeast corner of the site as “permissible building area” and conditions on property zoned a CR Community Retail District on the north side of Frankford Road, west of Vail Street.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

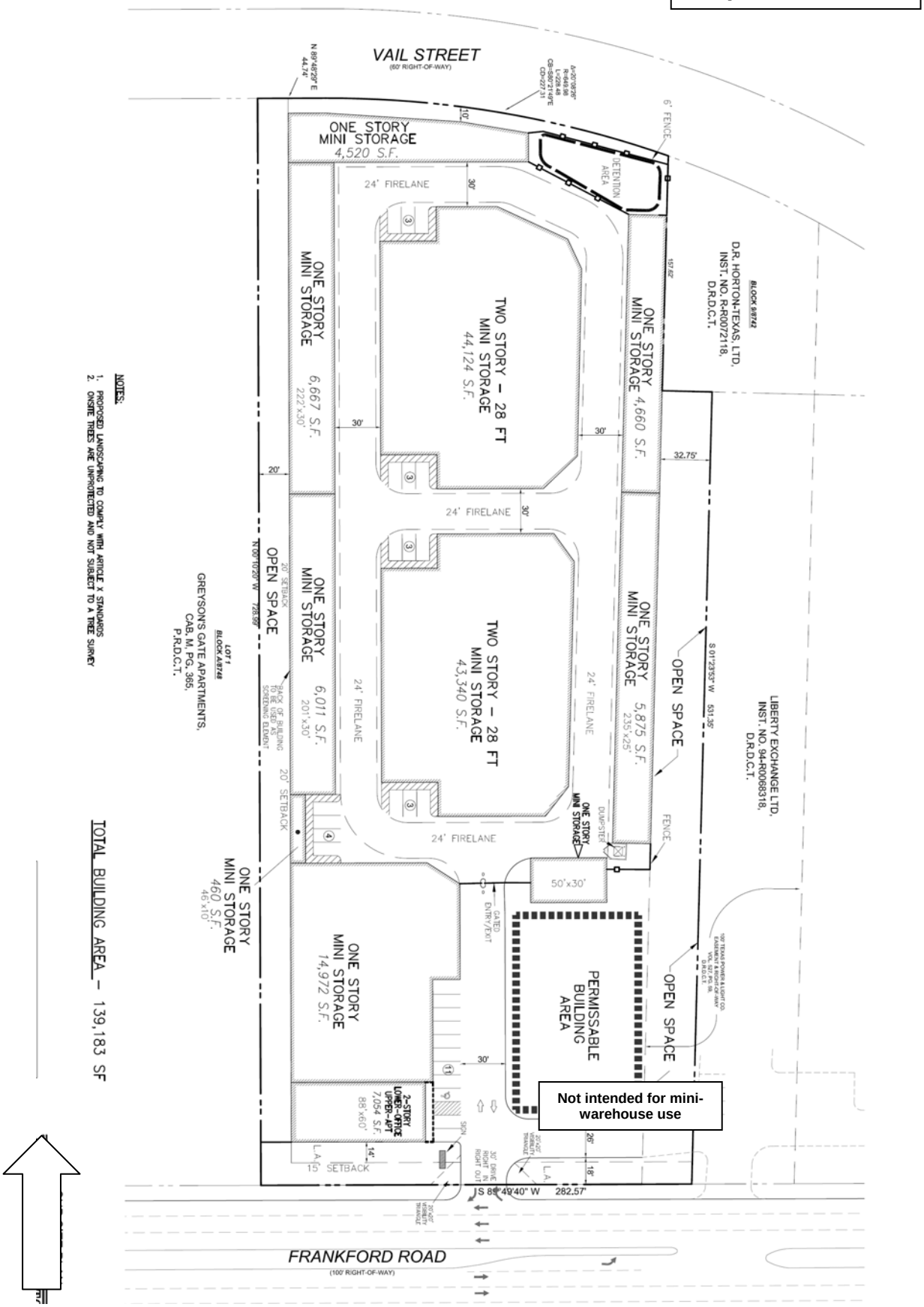
For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 300 Mailed: 20
Replies: For: 1 Against: 2

Speakers: None

Proposed Site Plan



Z134-152
CPC Recommended 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-year period from the passage of this ordinance), but is eligible for automatic renewal 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 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:

    a. Total maximum floor area is 139,183 square feet.

    b. Maximum floor area for the office and caretaker's quarters is 7,054 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The mini-warehouse may only operate between 6:00 a.m. and 10:00 p.m., Monday through Sunday.

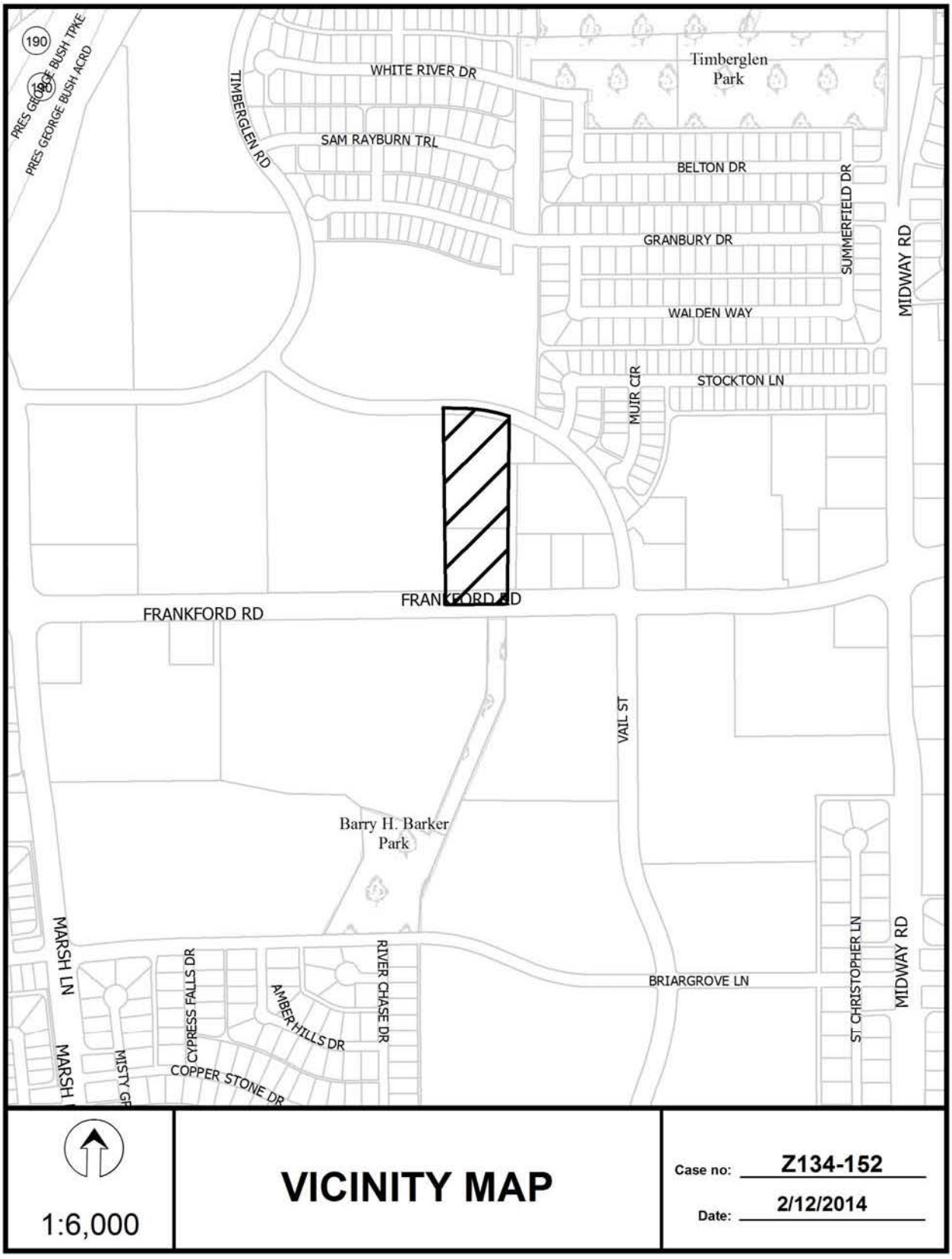
6. OUTSIDE STORAGE: Outside storage of vehicles, parking of rental vehicles, boats, and /or equipment is prohibited.

8. EXTERIOR MATERIALS: The exterior perimeter walls of all buildings must be comprised of brick, stone, split face concrete, stucco, or a simulation or combination of such materials. However, if stucco is utilized it shall be limited to a maximum of 25% of the total surface area.

9. OPEN SPACE: Open space must be provided in the locations shown on the attached site plan and may not be utilized for parking or outdoor storage.

11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

12. 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.


190
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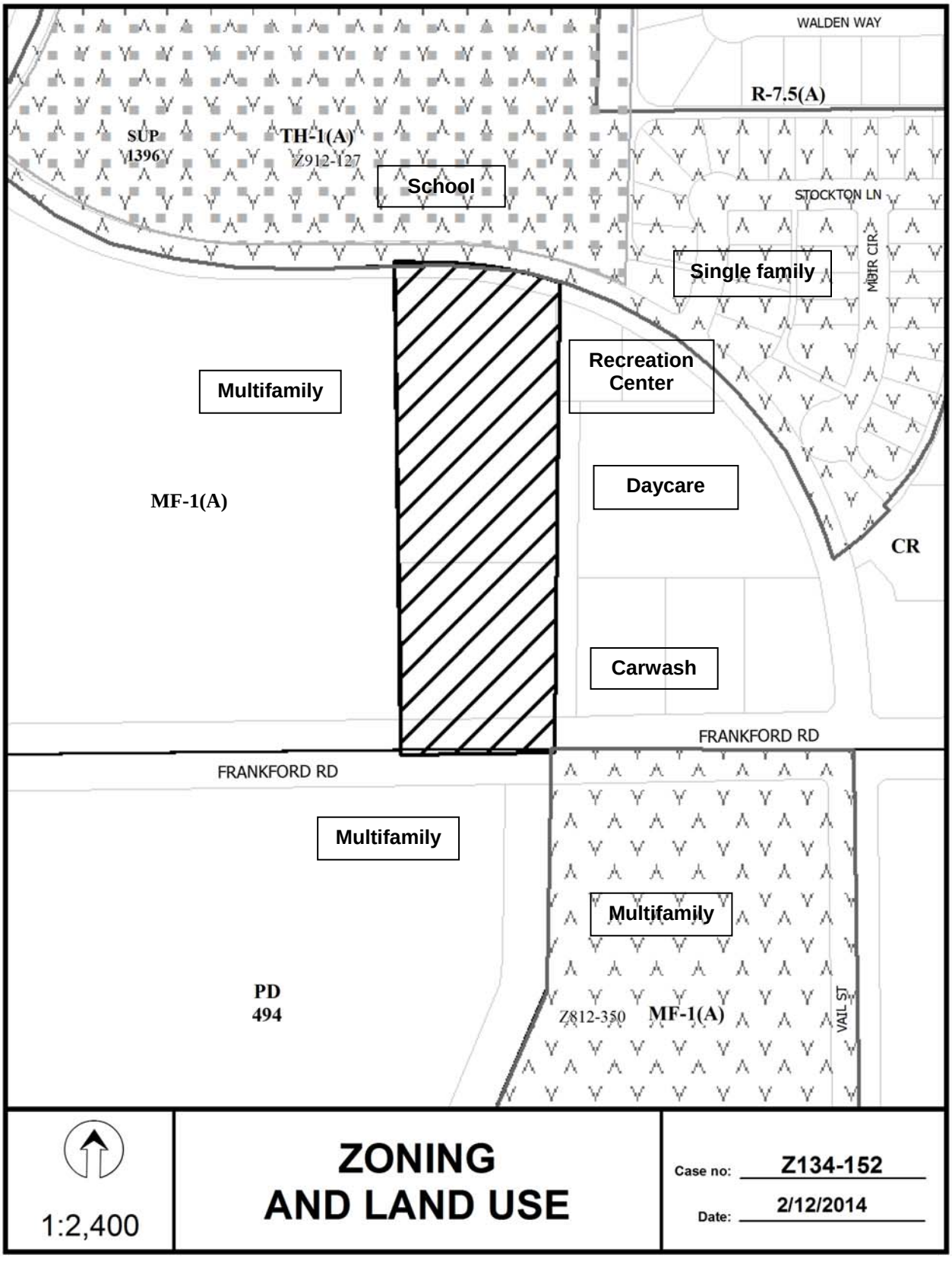
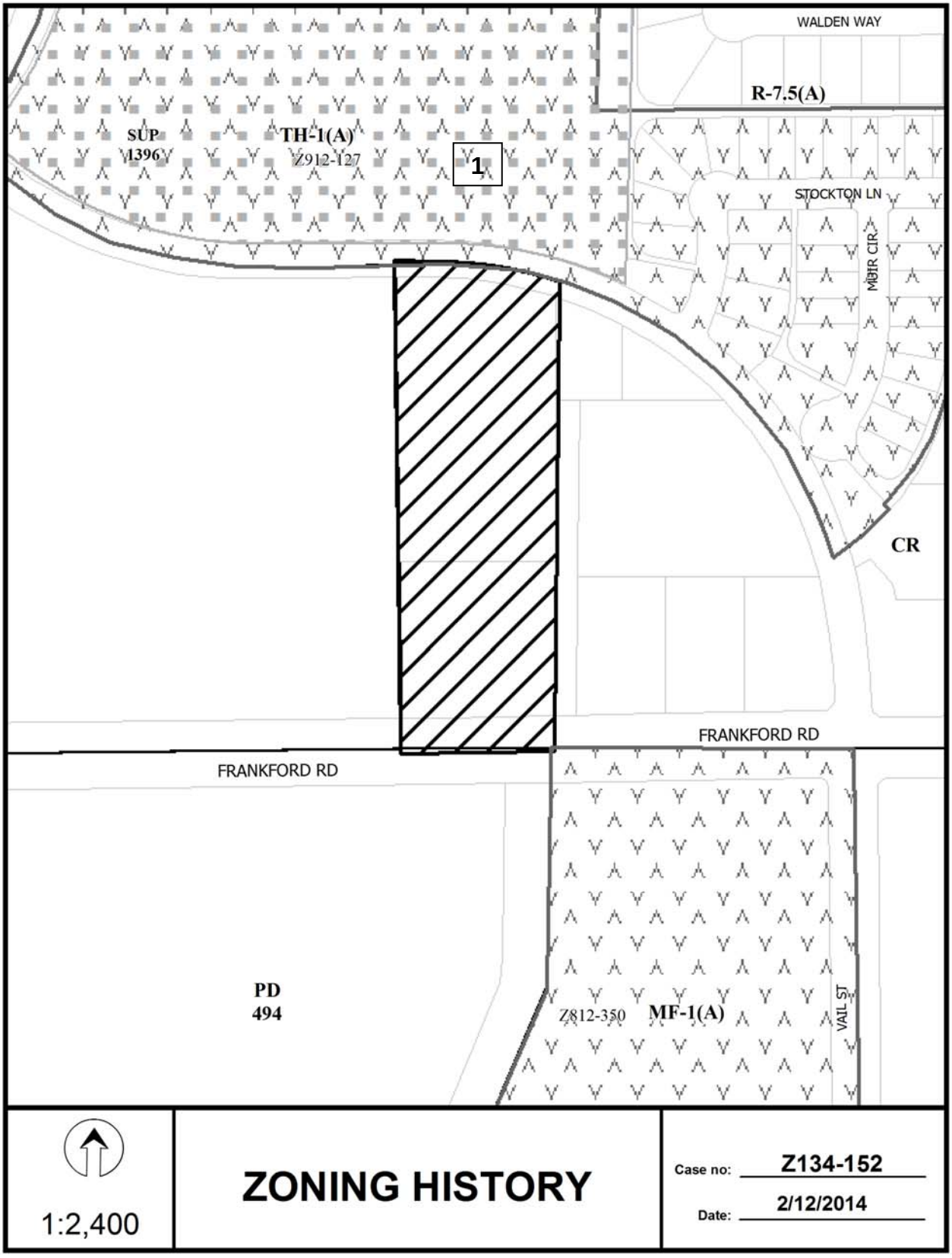
PRES GEORGE BUSH ACRD
TIMBERGLEN RD
WHITE RIVER DR
SAM RAYBURN TRL
Timberglen Park
BELTON DR
SUMMERFIELD DR
GRANBURY DR
MIDWAY RD
WALDEN WAY
MUIR CIR
STOCKTON LN
FRANKFORD RD
FRANKFORD RD
VAIL ST
Barry H. Barker Park
MARSH LN
MARSH
MISTY GR
CYPRESS FALLS DR
AMBER HILLS DR
RIVER CHASE DR
COPPER STONE DR
BRIARGROVE LN
ST CHRISTOPHER LN
MIDWAY RD
1:6,000
VICINITY MAP
Case no: Z134-152
Date: 2/12/2014

STOCKTON LN
FRANKFORD RD
FRANKFORD RD
1:2,400
AERIAL MAP
Case no: Z134-152
Date: 2/12/2014


WALDEN WAY
R-7.5(A)
SUP 1396
TH-1(A)
Z912-127
School
STOCKTON LN
MOIR CIR
Single family
Recreation Center
Multifamily
Daycare
MF-1(A)
CR
Carwash
FRANKFORD RD
FRANKFORD RD
Multifamily
Multifamily
PD 494
Z812-350
MF-1(A)
VAIL ST
1:2,400
ZONING AND LAND USE
Case no: Z134-152
Date: 2/12/2014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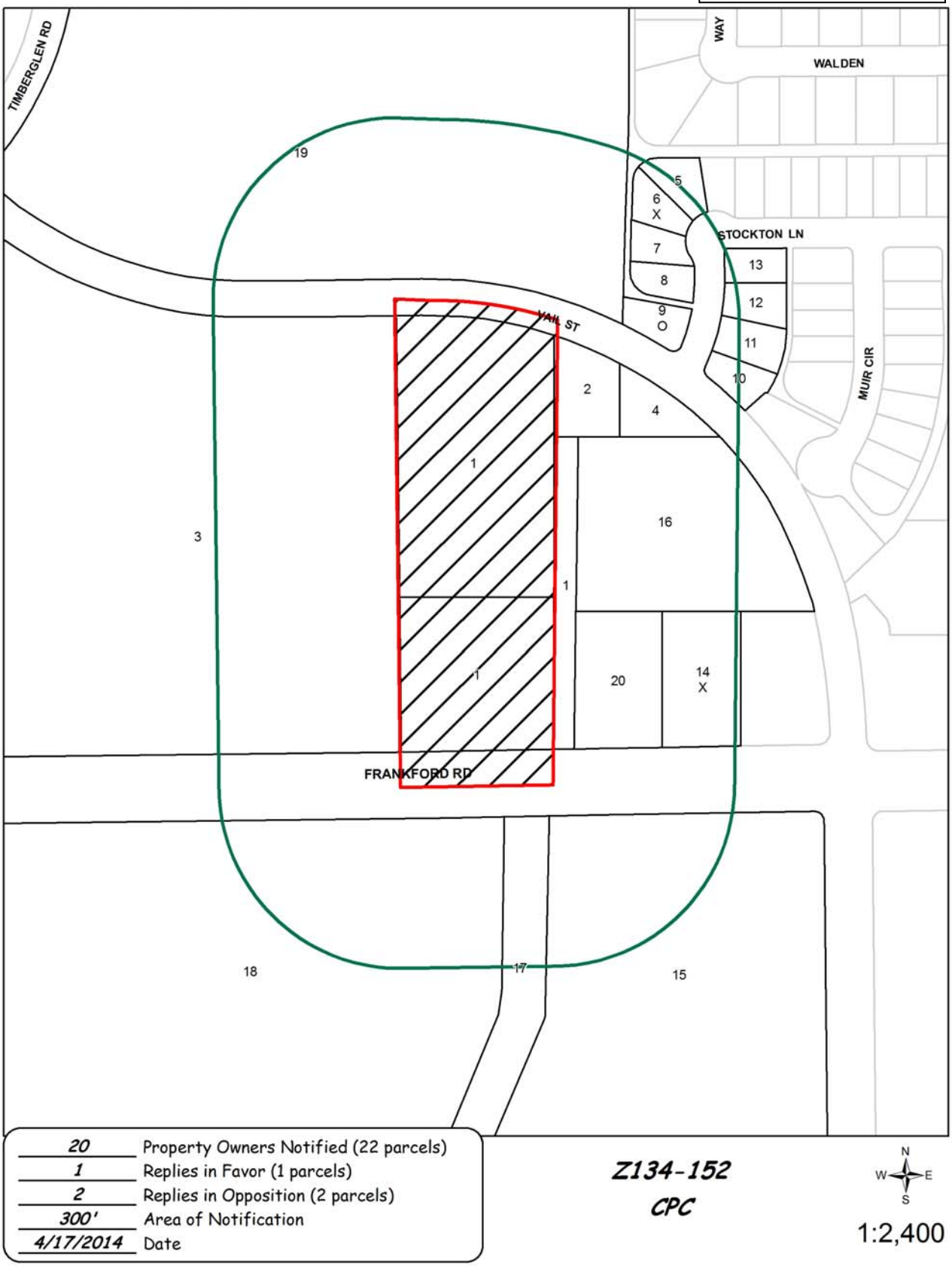
SUP
1396
TH-1(A)
Z912-127
1
STOCKTON LN
MOIR CIR
CR
FRANKFORD RD
FRANKFORD RD
PD
494
Z812-350
MF-1(A)
VAIL ST
1:2,400
ZONING HISTORY
Case no: Z134-152
Date: 2/12/2014

CPC Responses



4/17/2014

Reply List of Property Owners

Z134-152

20 Property Owners Notified 1 Property Owners in Favor 2 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	3600	FRANKFORD	TIMBERGLEN FRANKFORD 4 LTD
	2			THE VILLAS OF MIDWAY OWNERS ASSN INC
	3	3621	FRANKFORD	GREYSON S GATE PARTNERS I LP & GREYSON S
	4		VAIL	VILLAS MIDWAY OWNERS ASN
	5	3819	STOCKTON	JENSEN, DONALD J
X	6	3815	STOCKTON	GASTWIRTH, LLOYD S
	7	3811	STOCKTON	CRAMB, ANN
	8	3807	STOCKTON	REDING, NOELLE L & GREGORY C
O	9	3803	STOCKTON	GILES, SHELLEY A
	10	3804	STOCKTON	ALFARAJ, MOHD & RENEE
	11	3808	STOCKTON	HARDWICK, CYNTHIA K
	12	3812	STOCKTON	DANIEL, CAROL
	13	3816	STOCKTON	BRYAN, DENNIS G
X	14	3851	FRANKFORD	KUNDE, JEFF & ANNE LIVING TRUST
	15	3840	FRANKFORD	VAIL VILLAGE GARDENS LLC
	16	18273	VAIL	BENT TREE DAY SCHOOL INC
	17		MARSH & BRIARGROVE	DALLAS, CITY OF
	18	3702	FRANKFORD	SEQUOIA FRANKFORD SPRINGS ETAL
	19	3678	TIMBERGLEN	CARROLLTON-FARMERS BRANCH ISD
	20	3751	FRANKFORD	CLEAN N GO, LLC

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 39 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Community service center on property zoned an R-7.5(A) Single Family District, along the east line of La Prada Drive, north of Klondike Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions

Z134-153(RB)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER: Z134-153(RB) **DATE FILED:** March 4, 2013

LOCATION: East Line of La Prada Drive, North of Klondike Drive

COUNCIL DISTRICT: 7 **MAPSCO:** 39 S

SIZE OF REQUEST: Approx. 1.59 Acres **CENSUS TRACT:** 123.01

APPLICANT: Mission East Dallas

REPRESENTATIVE: Rob Baldwin

OWNER: New Life Tabernacle

REQUEST: An application for a Specific Use Permit for a Community service center on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is proposing to provide for a community service center within the main church structure.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENATION:

Staff recommends approval of the request, subject a site plan and conditions, based upon:

1. *Compatibility with surrounding uses and community facilities* – The request will utilize existing improvements with adequate separation from single family uses to the east.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed community service center will serve the immediate area with services consistent with those provided be area churches (i.e., child-care, community and social programs/events).

3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is consistent with those normally found in close proximity to residential uses.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – A certificate of occupancy will be required prior to use of the property for the intended use.

BACKGROUND INFORMATION:

- The request site is developed with a church structure, single family residence utilized for office uses (for the church and anticipated for the community service center), and surface parking area.

- The applicant proposes to operate a community service center on the property.

- The applicant will purchase the property, utilizing the existing improvements. For information purposes, the underlying zoning permits a church by right.

Zoning History: There has been no recent zoning activity in the immediate area relevant to this request.

Traffic: The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Thoroughfare	Designation; Existing & Proposed ROW
La Prada Drive	Principal Arterial; 100’ & 100’ ROW

STAFF ANALYSIS:

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

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 applicant is requesting an SUP in order to provide for a community service center use. The site is situated on property developed with a church, a single family structure utilized for office uses (previously for the church and anticipated for the community service center) and surface parking area.

The site is surrounded by existing low-density single family development. Additionally, various institutional uses are found to the north and northeast, along Oates Drive (approximately 420 feet north of the site).

The various programs associated with the requested use will be provided within the existing improvements. While it is not anticipated there will be no outside activities, due to the proximity of the rear yards for the single family uses to the east, staff has recommended specific hours of operation for any future outside activities.

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.

Parking: The property was developed with a church use and parked accordingly. The proposed use will provide for required parking for the community service center (one space per 200 square feet of floor area) and supporting office operations (one space per 333 square feet of floor area).

Landscaping: The site possesses established planting areas associated with the existing improvements. The change of use will not trigger, nor is staff recommending any additional landscaping.

CPC ACTION

(April 17, 2014)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Community service center for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and revised conditions on property zoned an R-7.5(A) Single Family District, along the east line of La Prada Drive, north of Klondike Drive.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 300 Mailed: 56
Replies: For: 2 Against: 3

Speakers: None

Z134-153(RB)

OFFICERS

Reports Unit
P O. Box 12028
Austin, Texas 78711-2028

Phil Wilson
Secretary of State

Office of the Secretary of State

PERIODIC REPORT - NONPROFIT CORPORATION

File Number: **162417201**
Filing Fee: **$5**

1. The corporation name is:
MISSION EAST DALLAS AND METROPLEX PROJECT

FILED In the Office of the
The Number 162417201
Page 2 of 2

7. The names, addresses, and titles of all officers of the corporation are: (A Texas corporation must include a president and a secretary and the same person cannot hold both offices).
(If additional space is needed, include the information as an attachment to this form for item 7)

Name	Address	City/State/Zip	Title
~~JENNY L WILLIAMS~~	~~476 PRESTON TRAIL~~	~~Mesquite, TX 75150~~	~~EXEC DIR~~
~~ELMIN HOWELL~~	~~326 HARBOR LANDING~~	~~Rockwall, TX 75032~~	~~PRESIDENT~~
JAMES E. HUCKABY, ARM-P	405 EAST DAVIS	MESQUITE, TX 75149	PRESIDENT
MARJORIE TURNER	2104 PROVINCE LANE	Dallas, TX 75228	~~VICE PRESIDENT~~ TREASURER
~~JESSE LOCKE~~	~~2545 BEECHMONT~~	~~Dallas, TX 75228~~	~~SECRETARY~~
JACK MORRIS	2415 FENESTRA	DALLAS, TX 75228	VICE PRESIDENT
~~JESSE LOCKE~~	~~2545 BEECHMONT~~	Dallas, TX 75228	TREASURER
~~RONNIE RAWLS~~	~~3140 EMILY DR~~	~~Mesquite, TX 75150~~	~~TRUSTEE~~
VICKI PURDUE	2021 OATES DR.	DALLAS, TX 75220	SECRETARY

Execution:

6. The names and addresses of all directors of the corporation are: (A Texas corporation must have at least 3 directors.)
(If additional space is needed, include the information as an attachment to this form for item 6)

Name	Address	City/ State/Zip
JENNY L WILLIAMS EXECUTIVE DIRECTOR	~~476~~ 4761 PRESTON TRAIL	Mesquite, TX 75150
RONNIE RAWLS	5400 N. GALLOWAY	MESQUITE, TX 75150
BILL WALKER	4514 SILVERTHORN	MESQUITE, TX 75150
MARK KERBY	1515 N. GALLOWAY AVE	MESQUITE, TX 75149

Z134-153

CPC RECOMMENDED CONDITIONS FOR A SPECIFIC USE PERMIT FOR A COMMUNITY SERVICE CENTER

1. USE: The only use authorized by this specific use permit is a community service 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 the ordinance), but is eligible for automatic renewal 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 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.)

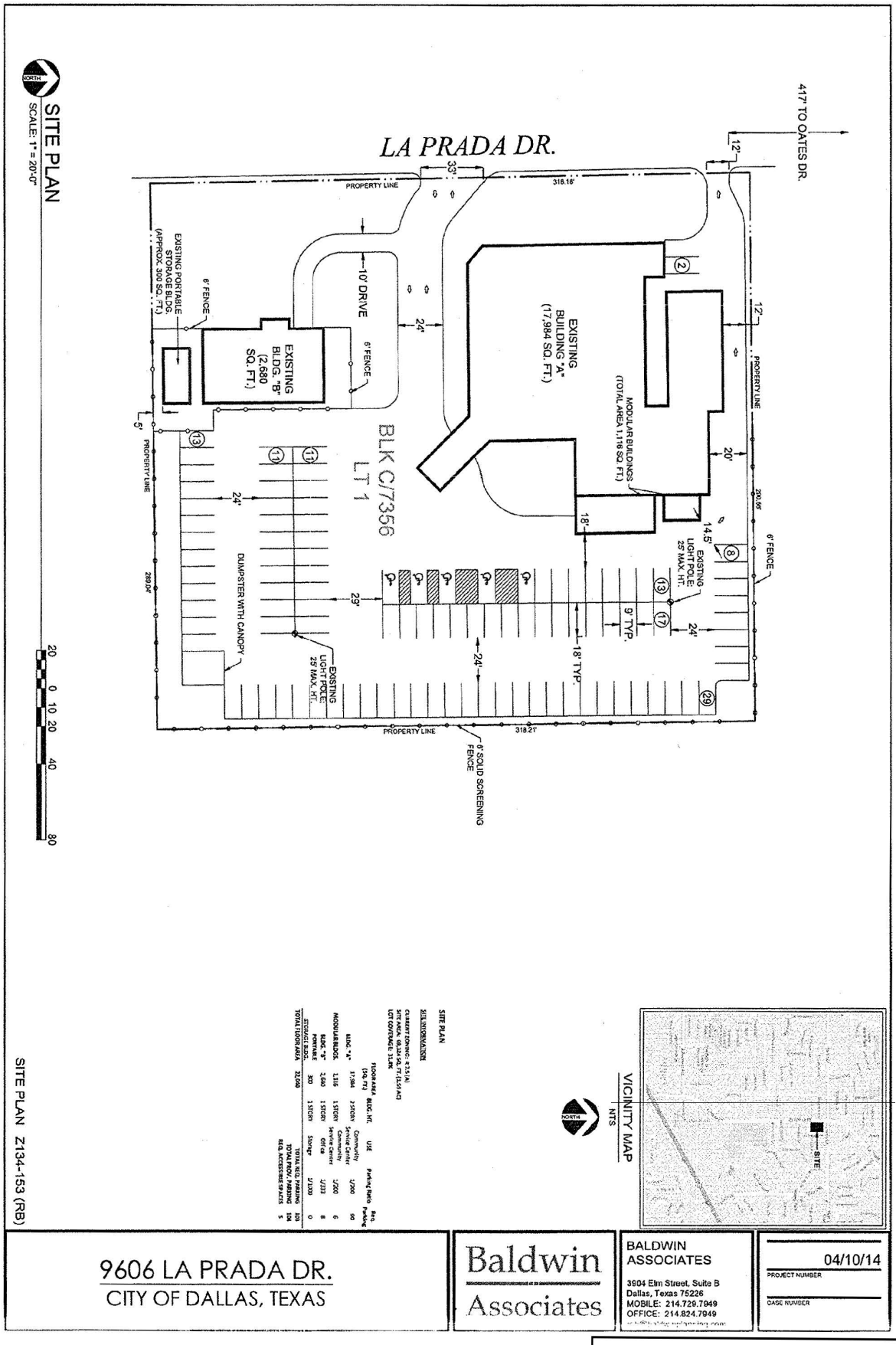
4. FLOOR AREA: The maximum floor area is 22,040 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The community service center may only operate between 7:30 a.m. and 6:00 p.m., Monday through Friday.

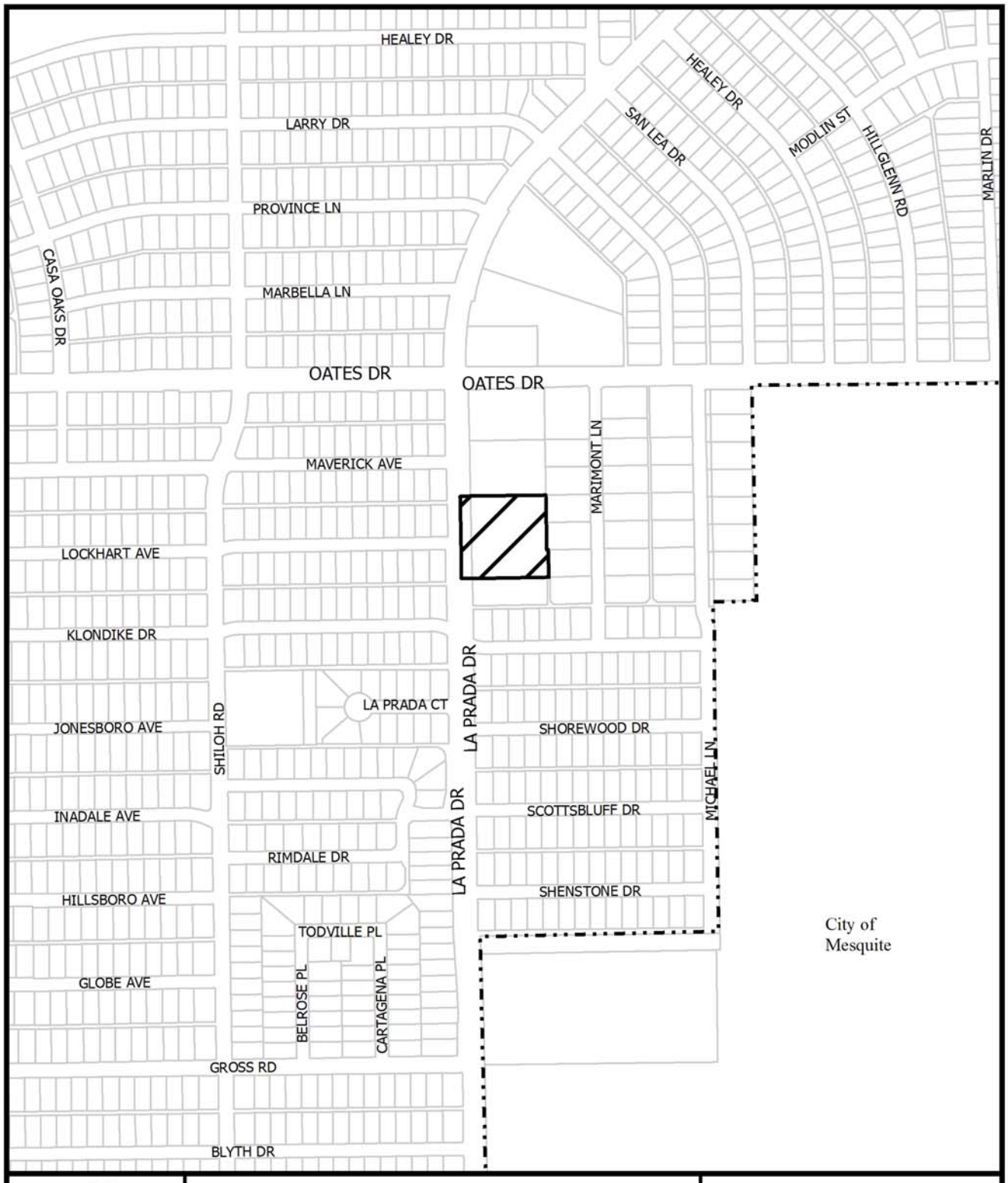
6. OUTSIDE ACTIVITIES: Any outside activities associated with the community service center are limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday.

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



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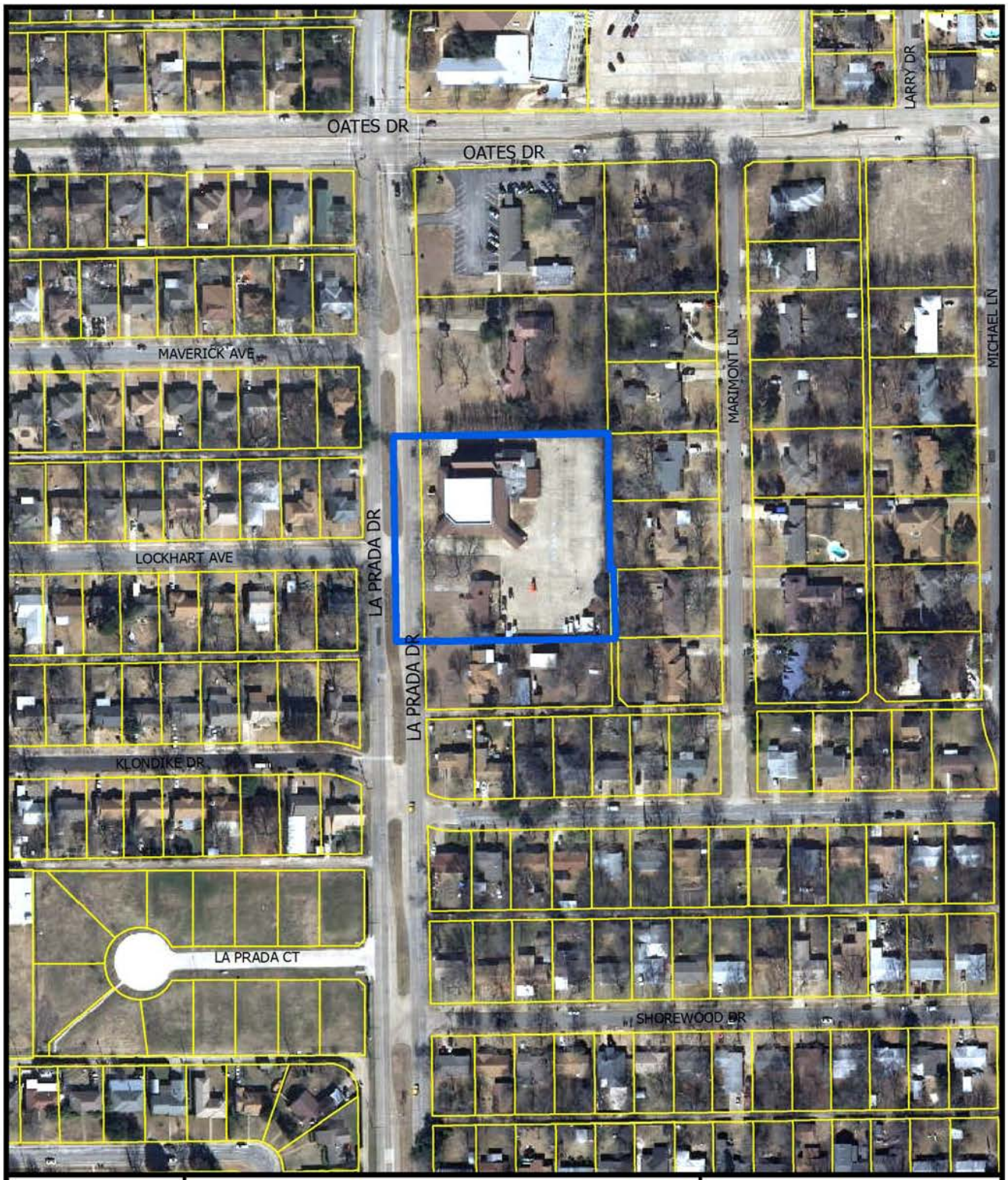
VICINITY MAP

Case no: Z134-153

Date: 2/25/2014



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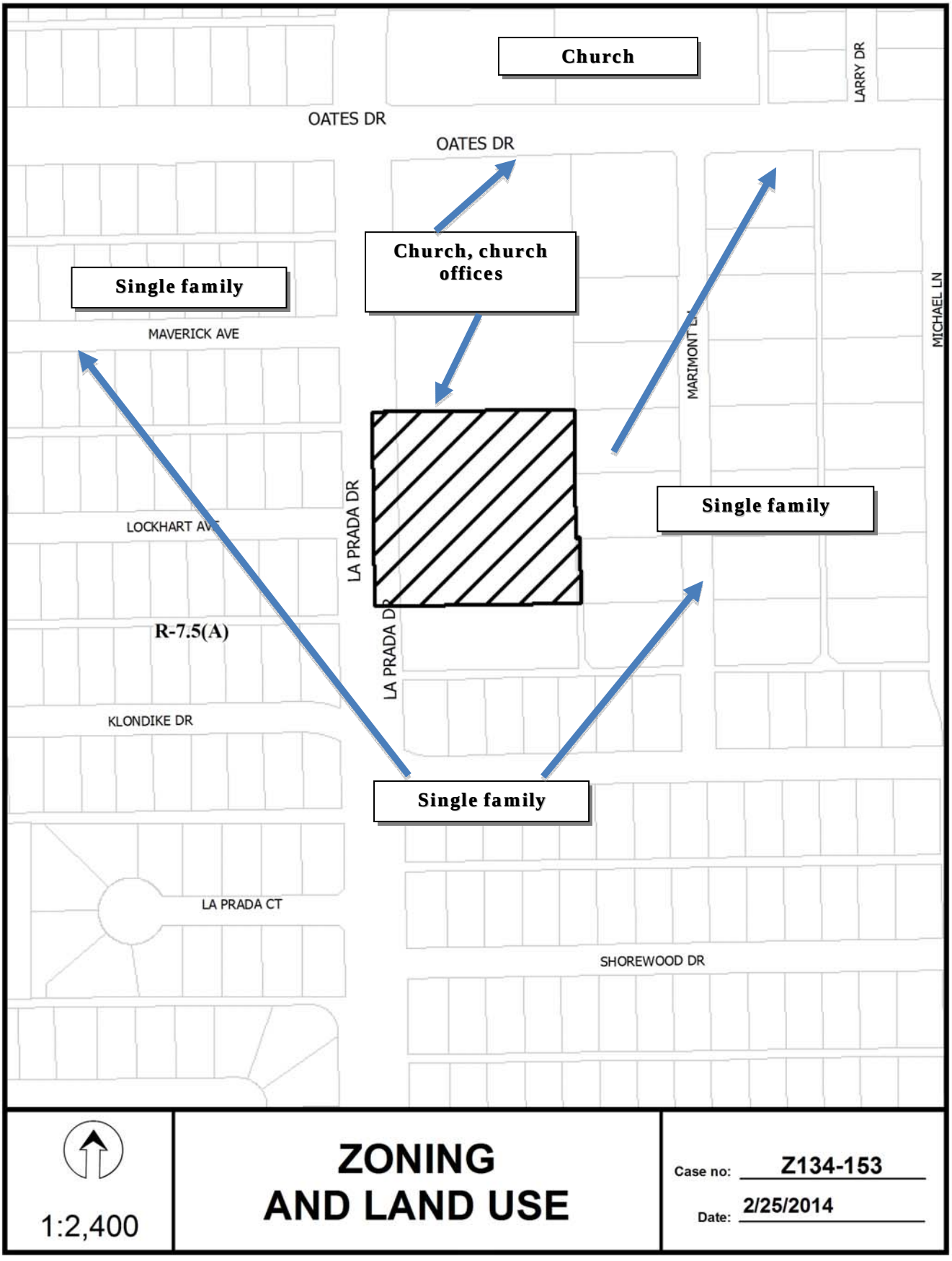
AERIAL MAP

Case no: Z134-153

Date: 2/25/2014


Church
OATES DR
OATES DR
LARRY DR
Church, church offices
Single family
MAVERICK AVE
MARIMONT LN
MICHAEL LN
LA PRADA DR
LOCKHART AVE
Single family
R-7.5(A)
LA PRADA DR
KLONDIKE DR
Single family
LA PRADA CT
SHOREWOOD DR
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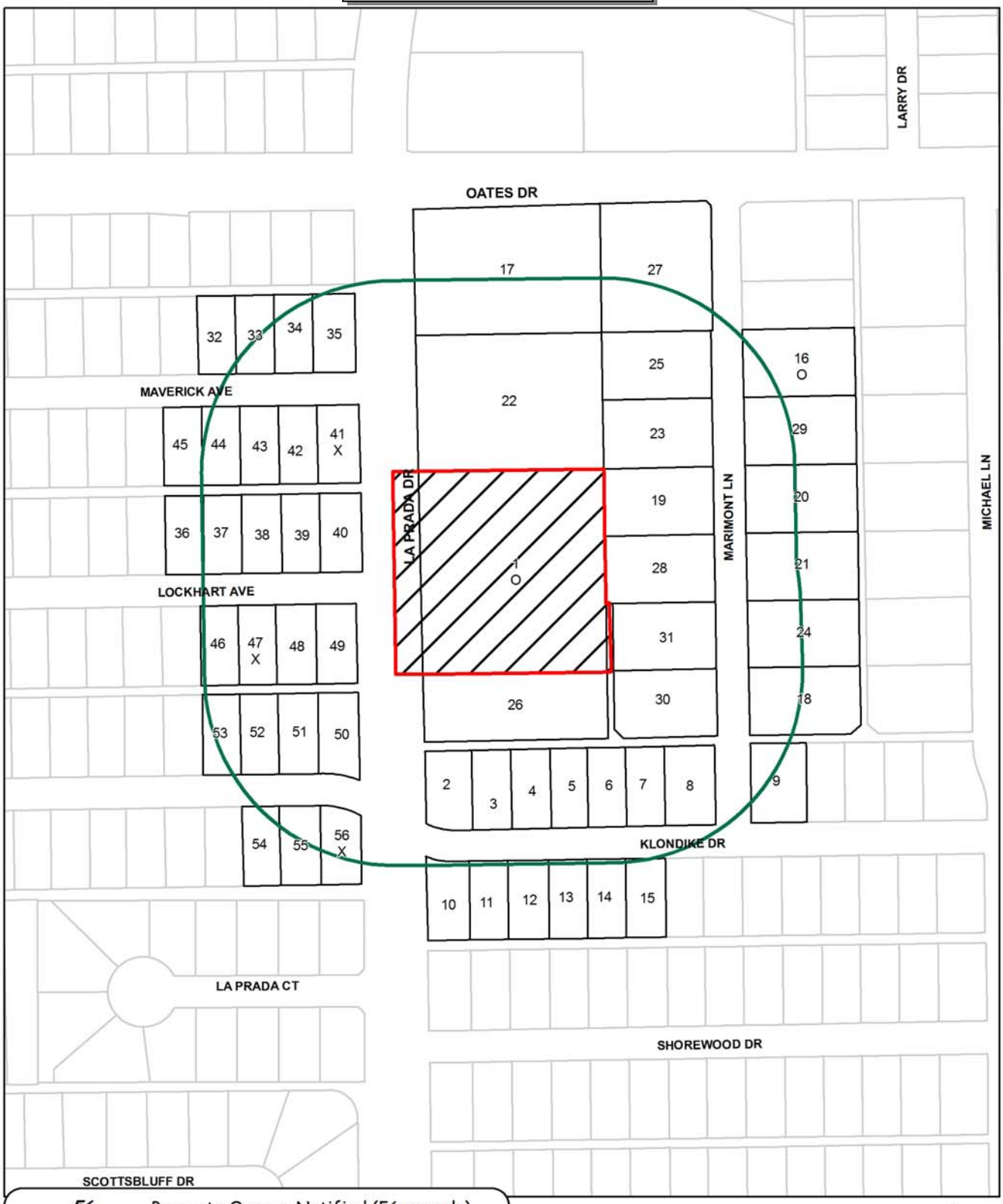
ZONING
AND LAND USE
Case no: Z134-153
Date: 2/25/2014

CPC RESPONSES



56	Property Owners Notified (56 parcels)
2	Replies in Favor (2 parcels)
3	Replies in Opposition (3 parcels)
300'	Area of Notification
4/17/2014	Date

Z134-153
CPC

N
W E
S

1:2,400

4/17/2014

Reply List of Property Owners

Z134-153

56 Property Owners Notified 2 Property Owners in Favor 3 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	9606	LA PRADA DR	NEW LIFE TABERNACLE
	2	2905	KLONDIKE DR	MANIRUZZAMAN MOHAMMED
	3	2911	KLONDIKE DR	SUTTON BRUCE B
	4	2915	KLONDIKE DR	HENSON JACK KENNETH
	5	2919	KLONDIKE DR	BARRERA MARIA &
	6	2925	KLONDIKE DR	ESTRADA SALOMON
	7	2929	KLONDIKE DR	MCDANIEL ALLAN WAYNE
	8	2935	KLONDIKE DR	CRUZ ARMANDO
	9	3005	KLONDIKE DR	JANDRES JORGE
	10	2904	KLONDIKE DR	MORA CARLOS & JUANA
	11	2910	KLONDIKE DR	DEANS REX D
	12	2914	KLONDIKE DR	GONZALES ELIAS P
	13	2918	KLONDIKE DR	GARCIA PABLO & HILDA
	14	2924	KLONDIKE DR	WILLIAMS EMILY CLAUDIA
	15	2928	KLONDIKE DR	NEVIZ ABEL JR &
O	16	9708	MARIMONT LN	KEELE CATHERINE V
	17	2914	OATES DR	SHILOH TERRACE BAP CHURCH
	18	9518	MARIMONT LN	CASTILLO ROSALIE & JORGE
	19	9615	MARIMONT LN	MOORE KRYSLIN & PERISHE
	20	9616	MARIMONT LN	CASA VIEW CHURCH
	21	9608	MARIMONT LN	MCDANIEL RANDALL M
	22	9706	LA PRADA DR	SHILOH TERRACE BAPTIST
	23	9623	MARIMONT LN	CARRARA JOHN NORMAN
	24	9526	MARIMONT LN	CUNNINGHAM ROBERT J III
	25	9707	MARIMONT LN	WILLIAMSON MELVIN C &
	26	9522	LA PRADA DR	TIPPING WILLIAM D

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	27	2930	OATES DR	STRANGE DOROTHY &
	28	9607	MARIMONT LN	BARNES ANTONIO & DENISE
	29	9624	MARIMONT LN	WADDLE DAVID EARL
	30	9517	MARIMONT LN	BULKLEY NIHL B III
	31	9525	MARIMONT LN	STONE MEAGHAN LEIGH
	32	2819	MAVERICK AVE	MELENDEZ JESUS & EMA
	33	2825	MAVERICK AVE	BURGOS ROSA
	34	2829	MAVERICK AVE	TREJO ALFREDO G & MARIA D
	35	2835	MAVERICK AVE	JONES ANNA BELLE
	36	2811	LOCKHART AVE	GONZALEZ RAFAEL M
	37	2815	LOCKHART AVE	EVANS JOHN WAYNE LF EST
	38	2819	LOCKHART AVE	BAKER MICHAEL JAMES
	39	2823	LOCKHART AVE	WINSTON J RONNY
	40	2829	LOCKHART AVE	BOOKER THERESA
X	41	2834	MAVERICK AVE	LACY JAMES E
	42	2828	MAVERICK AVE	EVANS WILLIAM & PEGGY A
	43	2824	MAVERICK AVE	GONZALEZ HECTOR & ANA M
	44	2818	MAVERICK AVE	GONZALEZ HECTOR M &
	45	2814	MAVERICK AVE	BROWN CRAIG
	46	2816	LOCKHART AVE	SPENCER HOMER R JR
X	47	2820	LOCKHART AVE	HILL DIANE D
	48	2824	LOCKHART AVE	CHIK ERIK K & WENDY PEI LING YEH
	49	2830	LOCKHART AVE	RODDEN RICHARD ALLEN
	50	2829	KLONDIKE DR	NUNES RAEJEAN
	51	2823	KLONDIKE DR	CURRIN MARVIN F
	52	2819	KLONDIKE DR	CORTES MARIA J &
	53	2815	KLONDIKE DR	ROMERO JAVIER
	54	2820	KLONDIKE DR	GEORGE RAYMOND &
	55	2824	KLONDIKE DR	ZAGALA NICOLAS
X	56	2830	KLONDIKE DR	CHANCELLOR MARSHA

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 45 Q; R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an accessory community center (private) limited to a community pool on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District, generally in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive
Recommendation of Staff and CPC: Approval for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions
Z134-160(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER: Z134-160(WE) **DATE FILED:** January 24, 2014

LOCATION: Generally located in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive

COUNCIL DISTRICT: 2 **MAPSCO:** 45-Q, R

SIZE OF REQUEST: Approx. 7,848.8 sq. ft. **CENSUS TRACT:** 204

APPLICANT / OWNER: Texas InTown Homes, LLC

REPRESENTATIVE: Audra Buckley

REQUEST: An application for a Specific Use Permit for an accessory community center (private) limited to a community pool on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District.

SUMMARY: The purpose of this request is to construct a community pool for the residences in the townhouse development.

CPC RECOMMENDATION: **Approval** for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The accessory community center (private) use is anticipated with surrounding residential uses and as such, is compatible.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use will be another service provided in the residential development and is an enhancement to the adjacent properties. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use to mitigate any potential negative impacts.

3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. No variances or special exceptions are requested.

BACKGROUND INFORMATION:

- The development and the accessory community center (private) use is platted on a single lot separate from the rest of the development. As a result, the accessory community center (private) is required to have a Specific Use Permit for the use.

- The accessory community center limited to a community pool and pool house will be accessible to the residents Monday through Sunday, 24 hours a day, unless the management of the development imposes hours of operation.

- The request site is located within a townhouse development.

Zoning History: There have been two recent zoning cases requested in the area.

1. Z101-247 On August 24, 2011, the City Council approved a new subdistrict within Planned Development District No. 357, the Farmer's Market Special Purpose District generally bounded by Young Street, S. Pearl Expressway, S. Ceasar Chavez Boulevard, and Marilla Street.

2. Z123-317 On November 12, 2013, the City Council approved a new Subdistrict in Planned Development District No. 357, the Farmers Market Special Purpose District, the Farmer's Market Special Purpose District generally bounded by Marilla Street, South Cesar Chavez Boulevard, East R.L. Thornton Freeway and South Harwood Street

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marilla Street	Local	100 ft.	100 ft.
South Cesar Chavez Boulevard	Principal Arterial	variable lane widths	variable lane widths
South Harwood Street	Collector	55 ft.	55 ft.

Traffic: Being that this use is accessory to the surrounding development, no additional impact is proposed.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 357	Undeveloped
North	PDD No. 357	Townhomes
South	PDD No. 357	Townhomes
East	PDD No. 357	Townhomes
West	PDD No. 357	Townhomes

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 Plan identifies the request site being within the Downtown Building Block.

The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing. A Downtown includes pedestrian-oriented and mixed-use development and offers multiple transportation options. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest. Civic and open spaces provide an inviting atmosphere for pedestrians as well as a diversity of uses, generating activity throughout the day and evening.

The Downtown Building Block is an important transit hub for commuter rail, light rail, bus and local systems. This area warrants significant public investment to sustain itself as the signature address in the North Central Texas region and to continually reinvent itself to maintain its competitive advantage.

AREA PLAN: In 2011, the City Council approved the *Dallas 360 Plan,* which envisioned the development of a mix of townhouses and low-rise multifamily and condominiums that limited ground floor retail and personal service uses the downtown area.

The proposed accessory use is an amenity to the surrounding development, which is consistent with the Comprehensive Plan and Area Plan.

STAFF ANALYSIS:

Land Use Compatibility: The 7,848.8-square-foot site is undeveloped and is located within Subdistrict 10 of Planned Development District No. 357. When Subdistrict 10 was created, a provision to permit an accessory community center (private) limited to a community pool was not provided by right. Therefore, the community center (private) requires a Specific Use Permit. In addition, the request site is required to have a pool house for the residences in the townhouse development.

Staff recommendation is for approval of a Specific Use Permit for an accessory community center (private) limited to a community pool for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 357 - existing	0'	5/10' – duplexes No min. all other areas	20 FAR	Any legal height	Avg. 85%		Multifamily, duplex, single family, Retail and personal service, Warehouses

Landscaping: Landscaping must be in accordance with the landscaping requirements in Planned Development District No. 357, the Farmers Market Special Purpose District.

CPC Action (April 17, 2014)

Motion: It was moved to recommend **approval** of a Specific Use Permit for an accessory community center (private) limited to a community pool for a twenty-year period with eligibility for automatic renewals for additional twenty-year periods, subject to a site plan and conditions on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District generally in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 200 Mailed: 5
Replies: For: 0 Against: 0

Speakers: None

LIST OF OFFICERS
Texas InTown Homes, LLC

- Frank M. Liu, President
- Ming Liu, Vice-President
- Helen Ghozali, Vice-President

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is an accessory community center (private) limited to a community pool and pool house.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

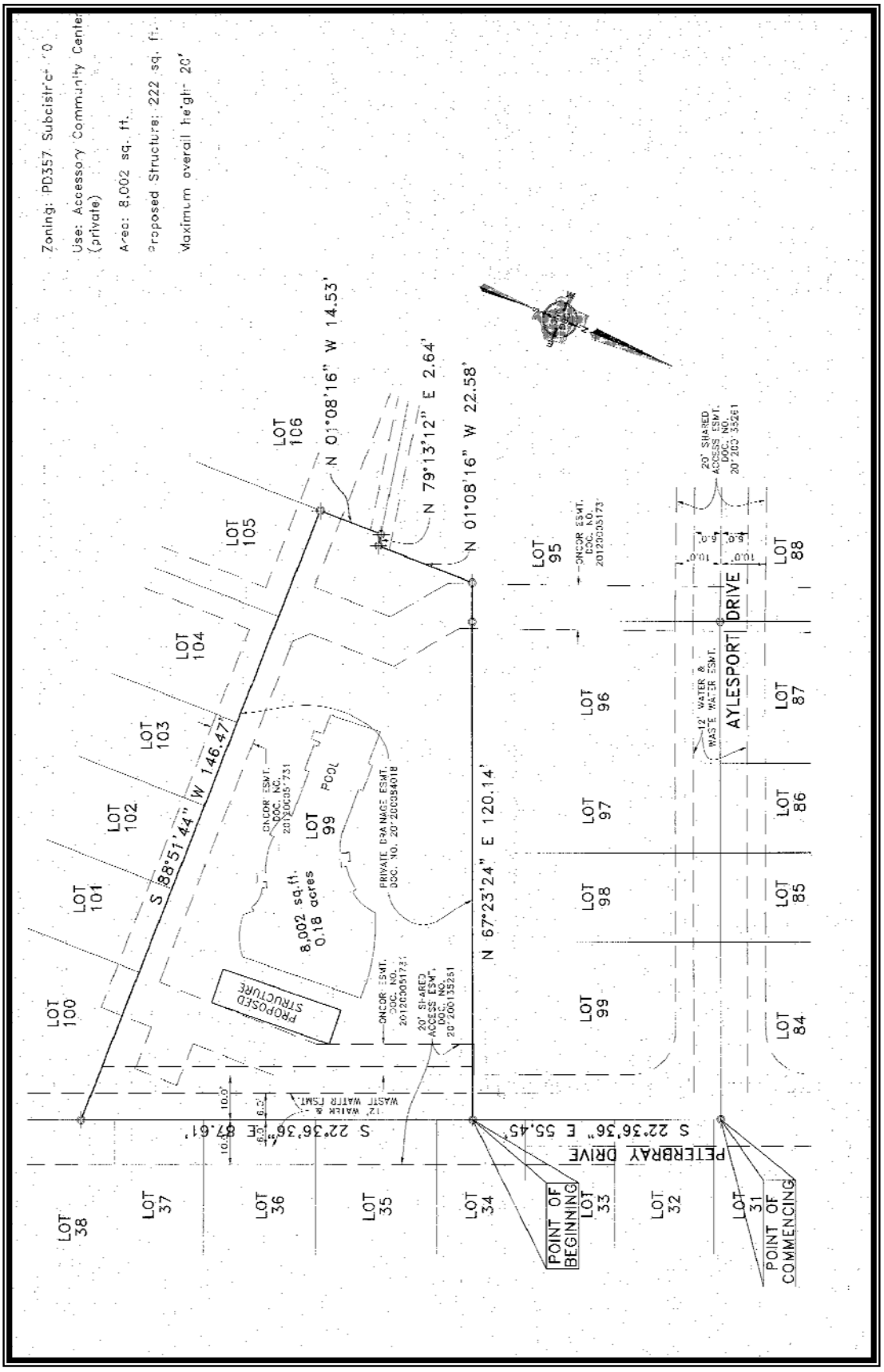
3. TIME LIMIT: This specific use permit expires on (twenty-years from the passage of the ordinance), but is eligible for automatic renewal for additional twenty-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property 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 application for automatic renewal is strictly enforced.)

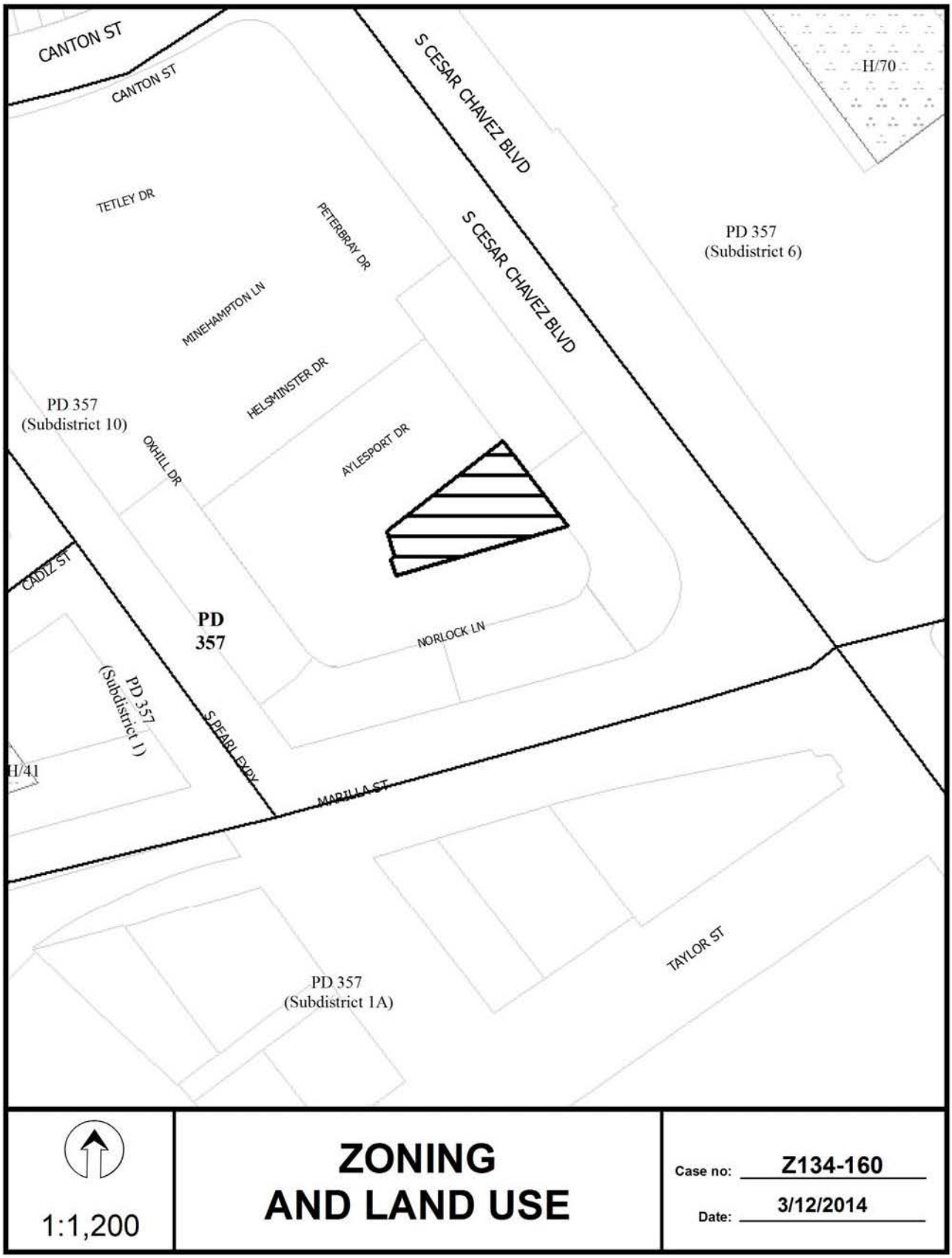
4. MAXIMUM FLOOR AREA AND HEIGHT: The maximum floor area of the pool house is 222 square feet and cannot exceed 20 feet in height.

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.

PROPOSED SITE PLAN




CANTON ST
CANTON ST
S CESAR CHAVEZ BLVD
H/70
TETLEY DR
PETERBRAY DR
S CESAR CHAVEZ BLVD
PD 357
(Subdistrict 6)
MINEHAMPTON LN
HELSMINSTER DR
PD 357
(Subdistrict 10)
OXHILL DR
AYLESPORT DR
CADIZ ST
PD
357
NORLOCK LN
PD 357
(Subdistrict 1)
S PEARL EXPY
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MARILLA ST
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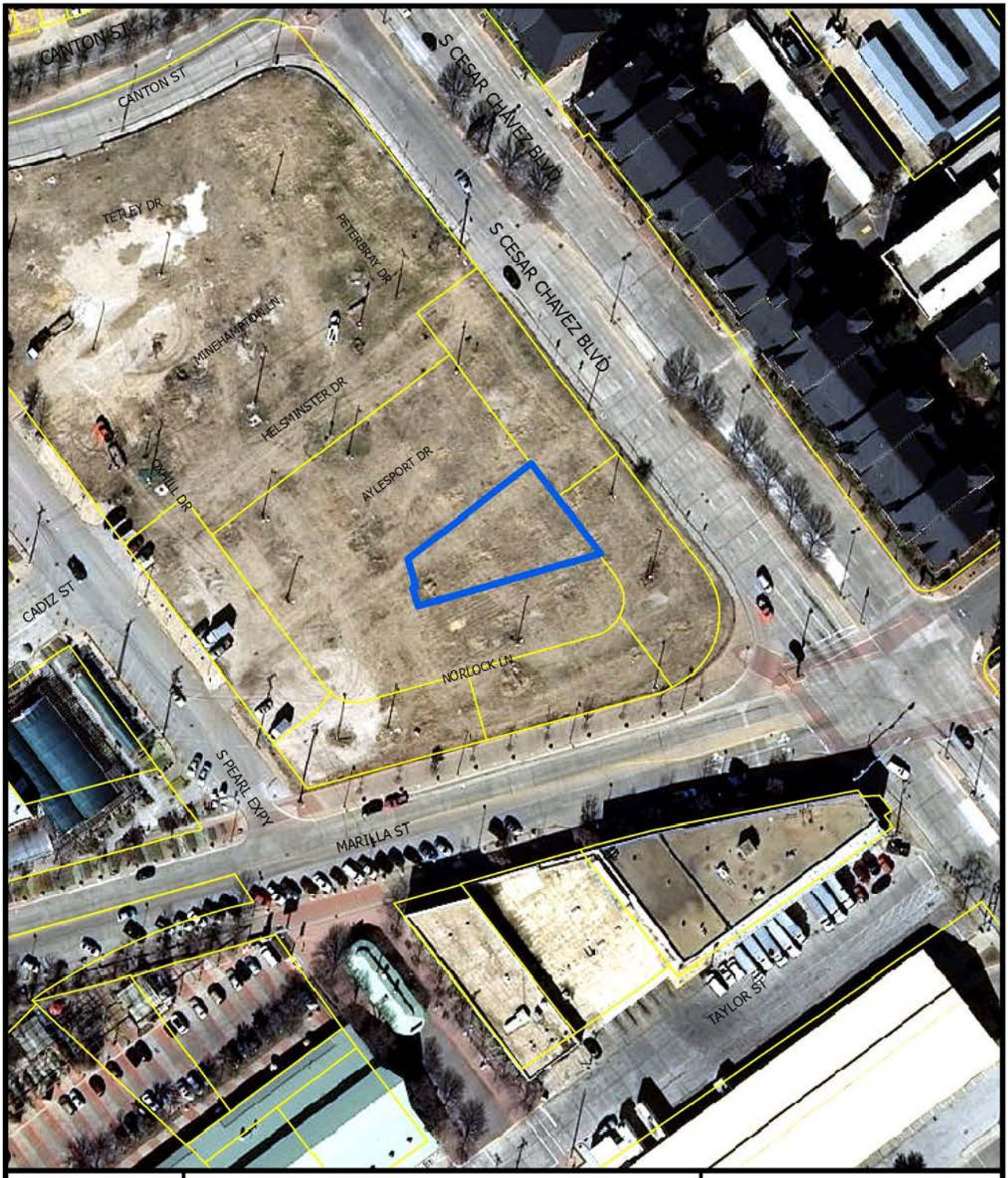
PD 357
(Subdistrict 1A)
1:1,200
ZONING
AND LAND USE
Case no: Z134-160
Date: 3/12/2014



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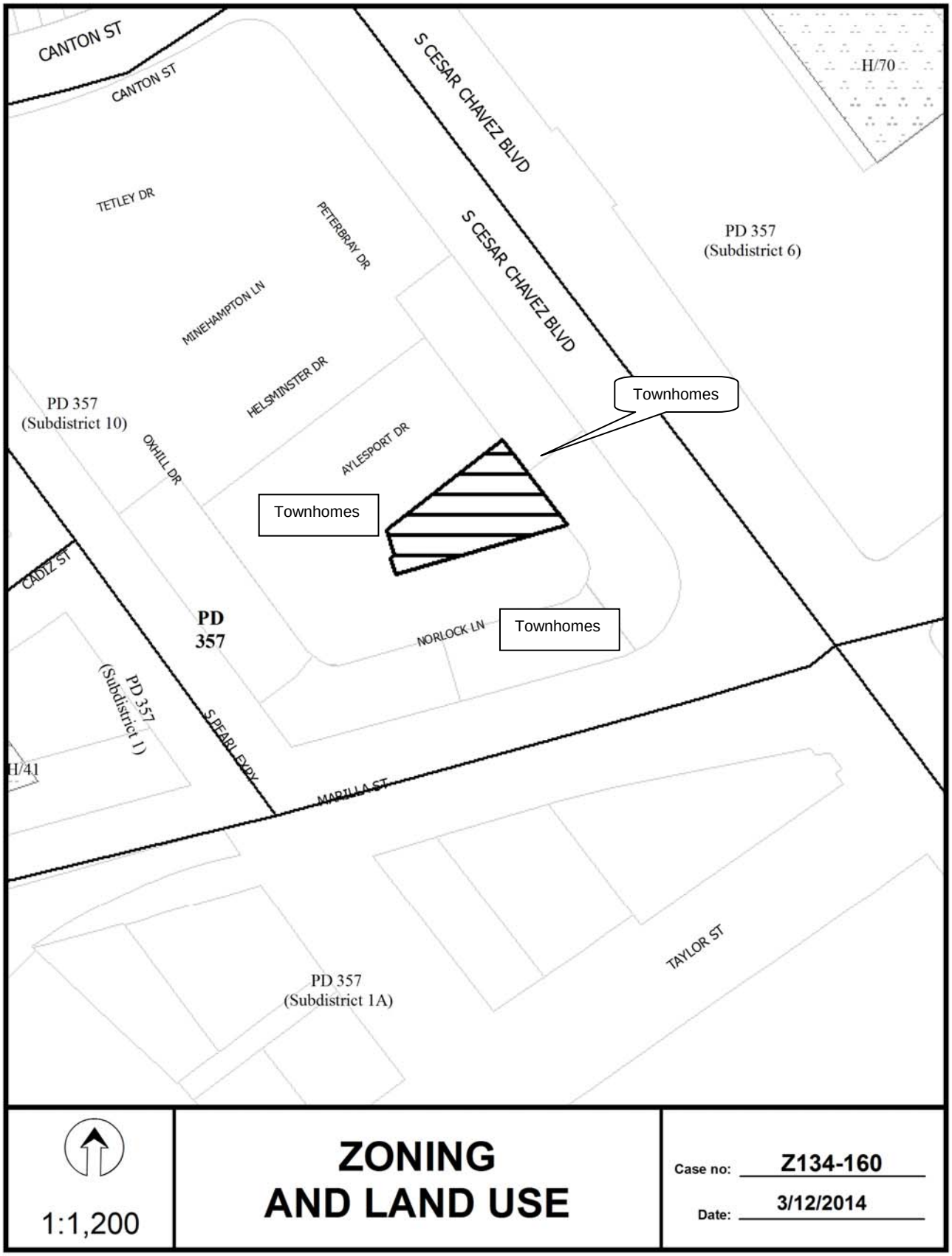
AERIAL MAP

Case no: Z134-160

Date: 3/12/2014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TETLEY DR
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PD 357
(Subdistrict 6)
MINEHAMPTON LN
HELSMINSTER DR
PD 357
(Subdistrict 10)
Townhomes
OXHILL DR
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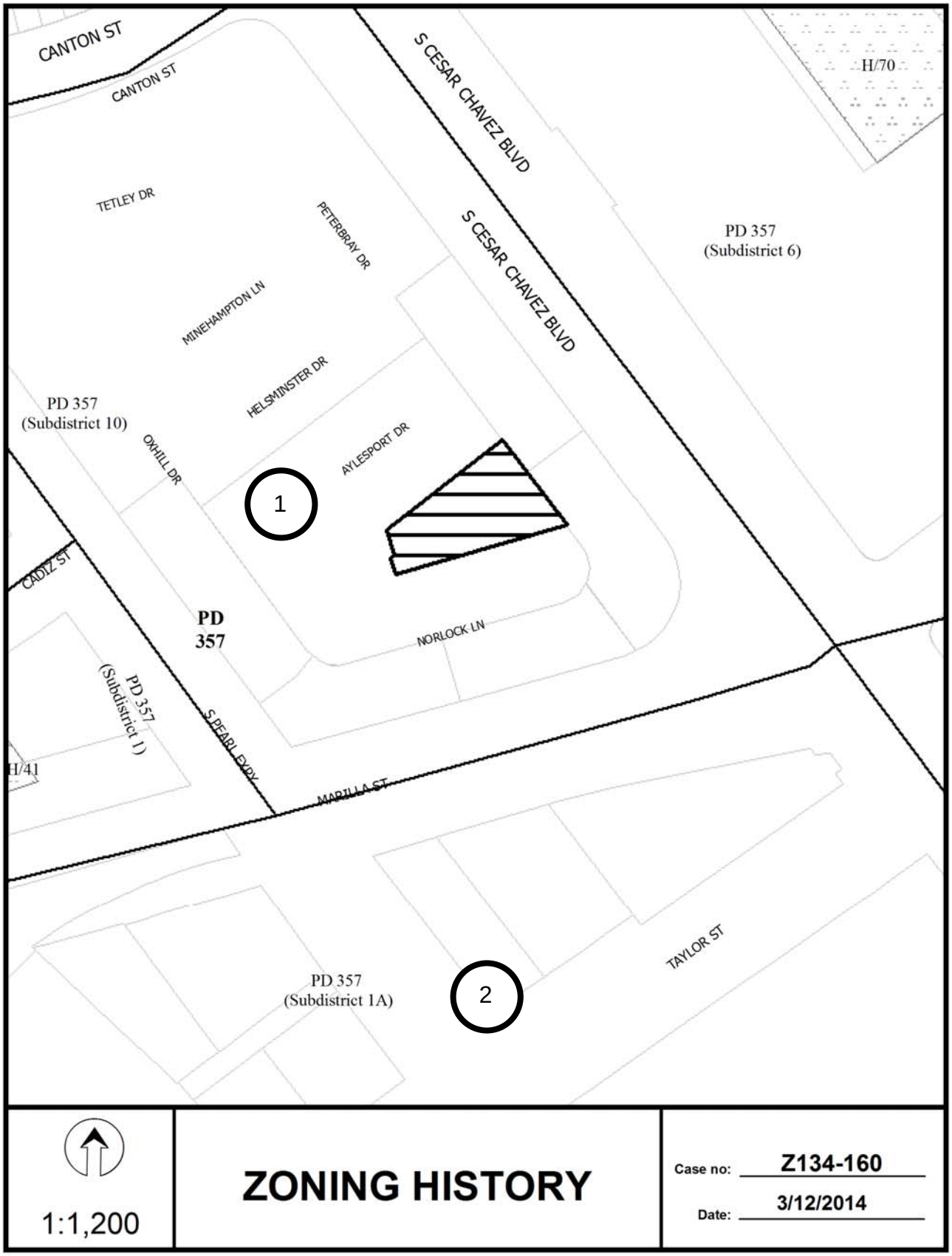
ZONING
AND LAND USE
Case no: Z134-160
Date: 3/12/2014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PD 357
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(Subdistrict 1)
S PEARL EXPY
H/41
MARILLA ST
TAYLOR ST
PD 357
(Subdistrict 1A)
2
1:1,200
ZONING HISTORY
Case no: Z134-160
Date: 3/12/2014

CPC RESPONSES

5	Property Owners Notified (8 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
4/17/2014	Date

Z134-160
CPC

N
W E
S

1:1,200

Notification List of Property Owners

Z134-160

5 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #	Address		Owner
	1	514	CESAR CHAVEZ BLVD	FENWAY DEVELOPMENT INC
	2	2159	MARILLA ST	TEXAS IN TOWN HOMES
	3	715	CESAR CHAVEZ BLVD	TEXAS IN TOWN HOME
	4	615	CESAR CHAVEZ BLVD	TEXAS IN TOWN HOMES LLC
	5	2210	CANTON ST	2009 CPT COMMUNITY OWNER LLC

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 15 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school use on property zoned an NO(A) Neighborhood Office District, south of LBJ Freeway and east of Hillcrest Road
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z134-167(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z134-167(MW) **DATE FILED:** August 3, 2011

LOCATION: South of LBJ Freeway and east of Hillcrest Road

COUNCIL DISTRICT: 11 **MAPSCO:** 15-V

SIZE OF REQUEST: ±9.99 acres **CENSUS TRACT:** 132.00

REPRESENTATIVE: Elmo Shorter, Cushman & Wakefield of Texas, Inc.

APPLICANT/OWNER: 12830 Hillcrest Road Investors, LP

REQUEST: An application for a Specific Permit for a business school use on property zoned an NO(A) Neighborhood Office District.

SUMMARY: The applicant proposes to utilize a ±2,170-square-foot suite within the existing office complex as a business school offering instruction and training in a cosmetology service [Dallas Academy of Hair Extension and Aesthetic Training].

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed business school is compatible with the surrounding uses which include LBJ right-of-way and undeveloped land to the north; undeveloped land and a park to the east; and office uses to the south and west.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed business school is not anticipated to negatively impact the surrounding properties. In addition, the supportive nature of the use will cultivate future business owners.

3. *Not a detriment to the public health, safety, or general welfare* –The proposed business school use will not be a detriment to the public health, safety, or general welfare.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the request complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

BACKGROUND INFORMATION:

- The ±9.99-acre request site is developed as an office complex comprised of three (3), two-story office buildings. No new construction is proposed by this application.

Zoning History:

1. **Z101-346:** On December 14, 2011, the City Council approved a Specific Use Permit for a restaurant without drive-in or drive through service on property zoned an NO(A) Neighborhood Office District for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

2. **Z101-291:** On September 14, 2011, the City Council approved a Specific Use Permit for a restaurant without drive-in or drive through service on property zoned an NO(A) Neighborhood Office District for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Hillcrest Road	Principal Arterial	80 feet

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
North	R-1/2 ac(A)	LBJ right-of-way; undeveloped land
East	R-10(A)	Undeveloped; park
South	GO(A); NO(A)	Office
West	PDD No. 137	Office

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 Vision Illustration depicts the request site as within a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public

spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request for a business school is consistent with the Comprehensive Plan given the limited amount of lease space. In addition, the supportive nature of the use will cultivate future business owners.

Land Use Compatibility:

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 and is compatible with the adjacent and surrounding lands uses. Therefore, staff recommends approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions. Staff does not believe it is necessary to place a condition on the hours of operation.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	Primary Uses
NO(A) Neighborhood Office	15'	20' adjacent to residential Other: No Min.	0.5 FAR	30' 2 stories	50%	Proximity Slope Visual Intrusion	Office

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a business school is one (1) space per 25 square feet of classroom. Therefore, the ±2,170-square foot business school, which includes ±513.2 square feet of classroom space, requires 21 parking spaces. According to the parking analysis provided by the

applicant, 574 spaces are required to accommodate all uses on the site; 624 spaces are provided in the locations shown on the site plan.

Landscaping:

Any new development on the property will require landscaping per Article X of the Dallas Development Code. No new construction is proposed by this application.

Partners/Principals/Officers:

12830 Hillcrest Road Investors, LP, A Delaware limited partnership
By: Trumbull One Investors LLC, its general partner
By: TRF REIT Operating Partnership GP, LLC, its general partner
By: J. Raymond Frazier, Director

CPC Action: April 17. 2014:

Motion: It was moved to recommend **approval** of a Specific Permit for a business school use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned an NO(A) Neighborhood Office District south of LBJ Freeway and east of Hillcrest Road

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 400 Mailed: 10
Replies: For: 0 Against: 0

Speakers: None

Z134-167
Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a business school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

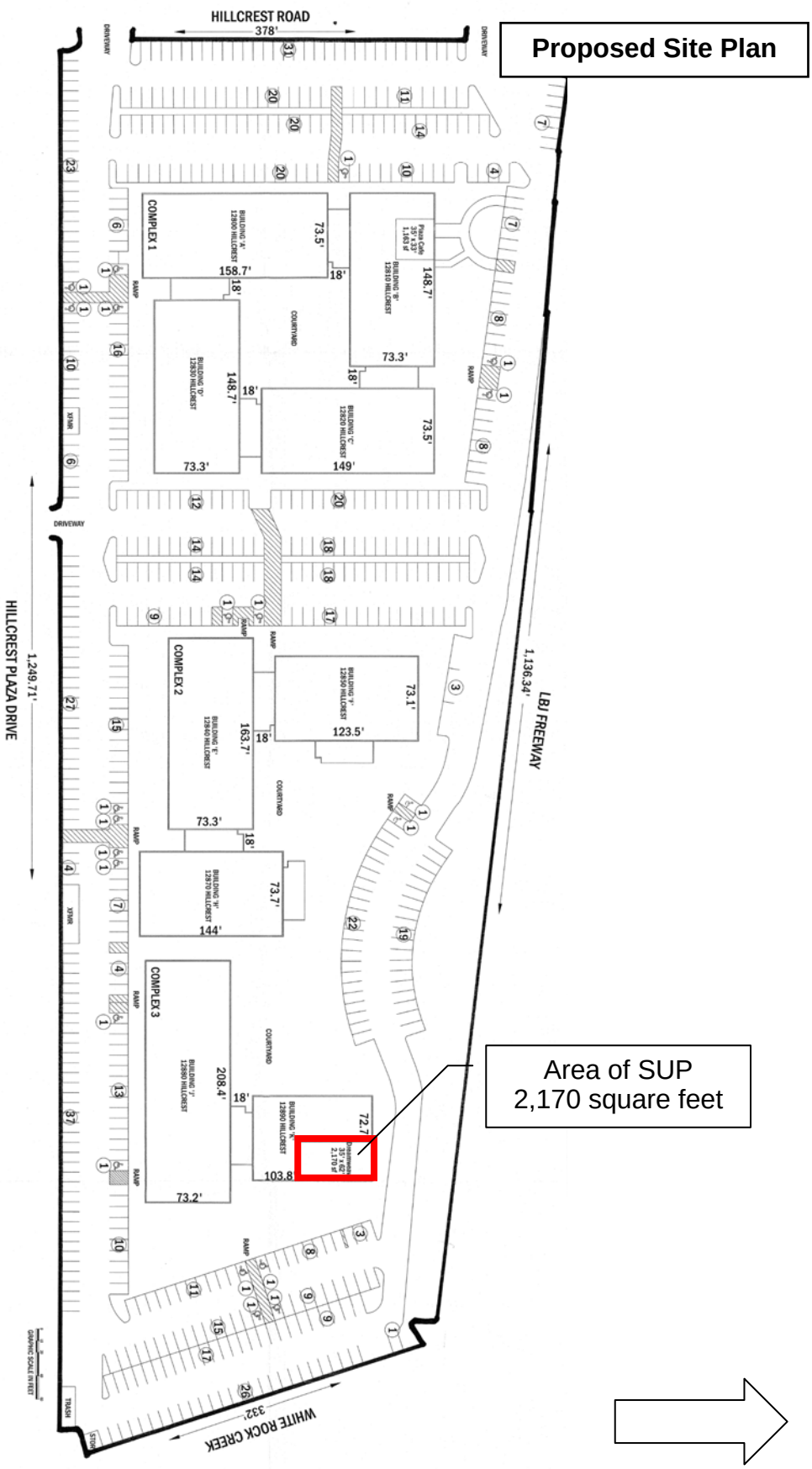
3. TIME LIMIT: This specific use permit expires on_____, (ten-year period from the passage of this ordinance) but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property 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 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).

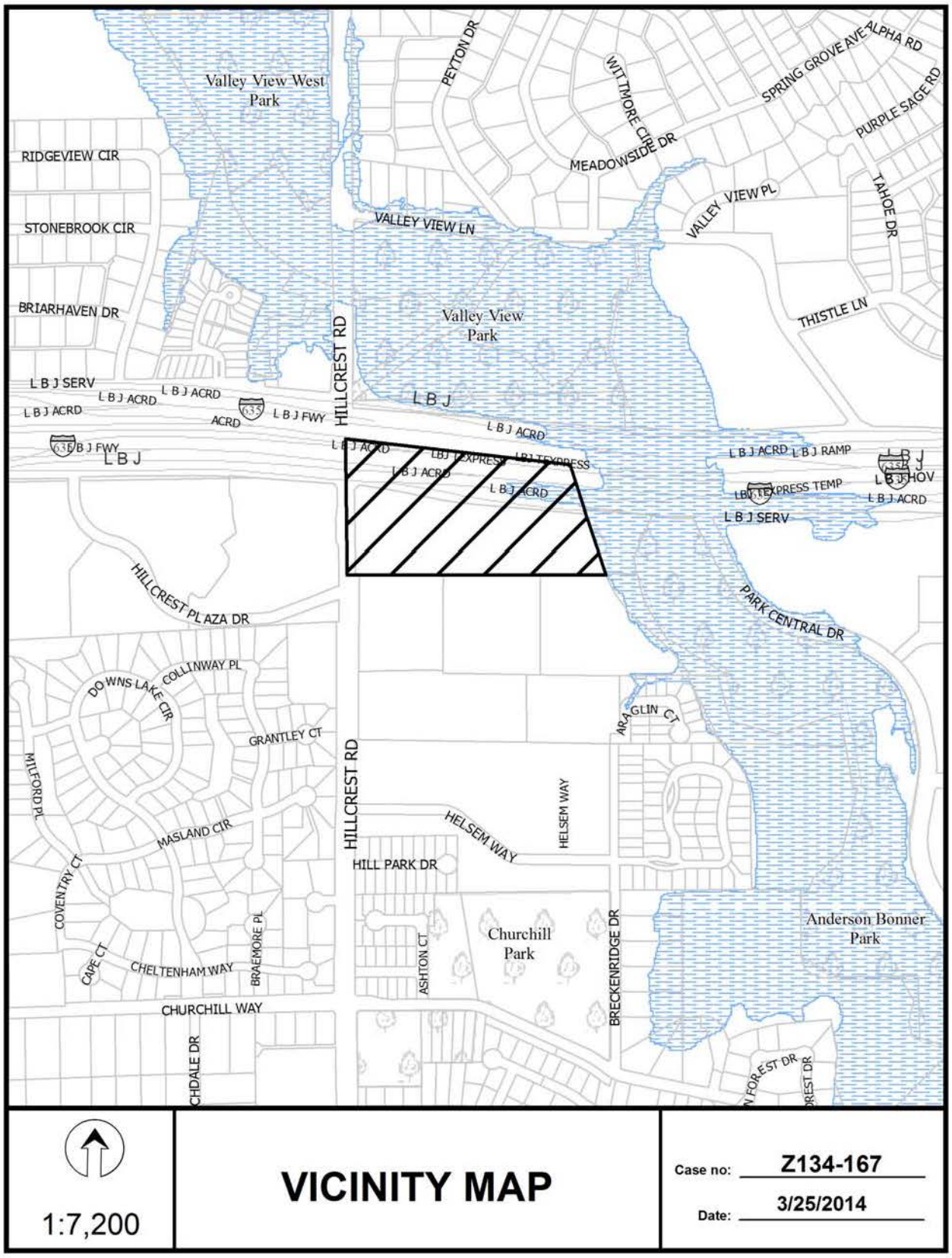
3. FLOOR AREA: Maximum floor area is 2,170 square feet.

4. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

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.


Proposed Site Plan
HILLCREST ROAD
378'
DRIVEWAY
DRIVEWAY
COMPLEX 1
BUILDING 'A'
12800 HILLCREST
73.5'
158.7'
18'
BUILDING 'B'
12810 HILLCREST
148.7'
73.3'
BUILDING 'D'
12830 HILLCREST
148.7'
73.3'
BUILDING 'C'
12820 HILLCREST
73.5'
149'
COURTYARD
RAMP
XFMR
DRIVEWAY
HILLCREST PLAZA DRIVE
1,249.71'
COMPLEX 2
BUILDING 'E'
12840 HILLCREST
163.7'
73.3'
BUILDING 'F'
12850 HILLCREST
73.1'
123.5'
BUILDING 'H'
12870 HILLCREST
73.7'
144'
COMPLEX 3
BUILDING 'J'
12890 HILLCREST
208.4'
73.2'
BUILDING 'K'
12900 HILLCREST
72.7'
103.8'
Area of SUP
2,170 square feet
LBJ FREEWAY
1,136.34'
WHITE ROCK CREEK
332'
TRASH
STOP



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VICINITY MAP

Case no: Z134-167

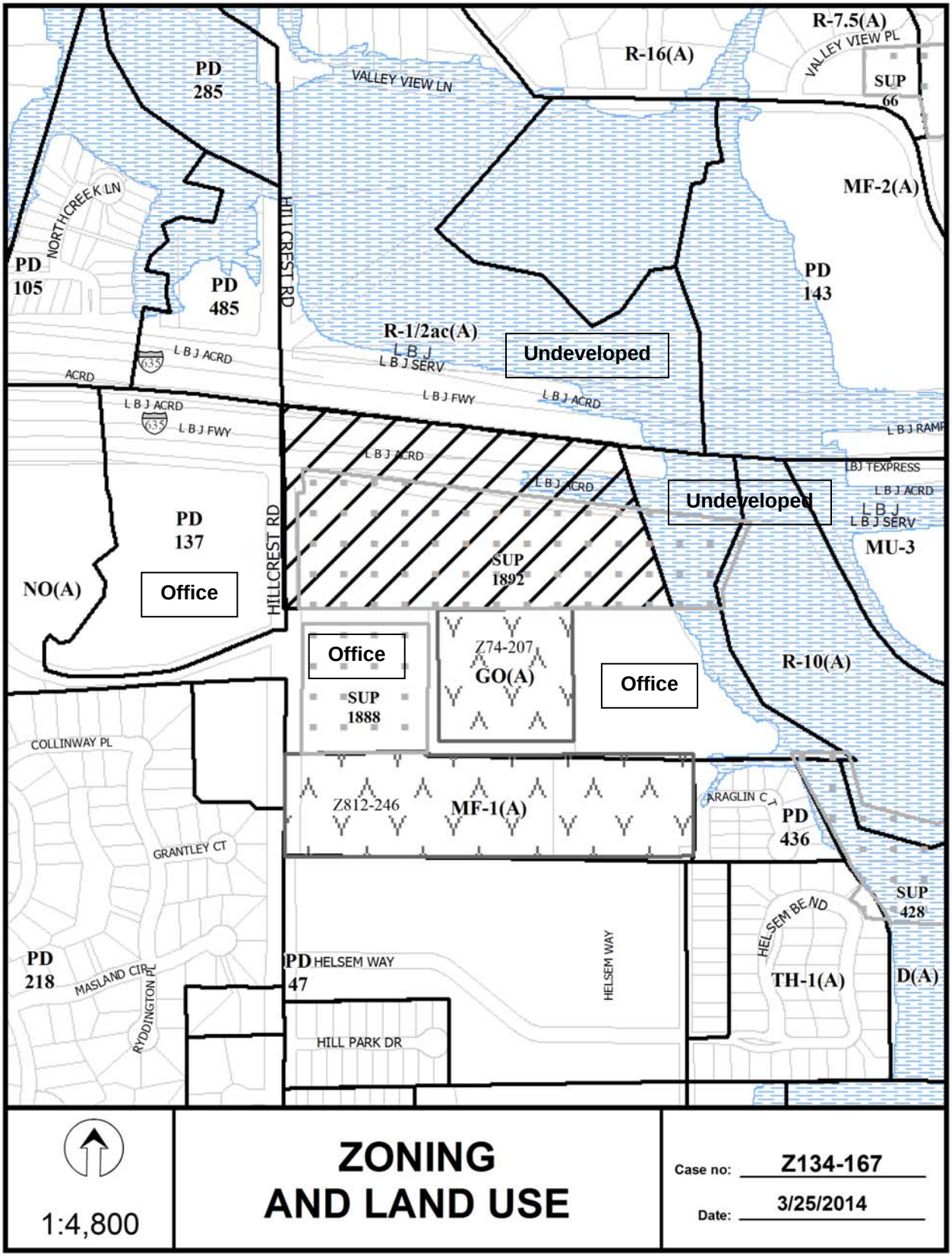
Date: 3/25/2014

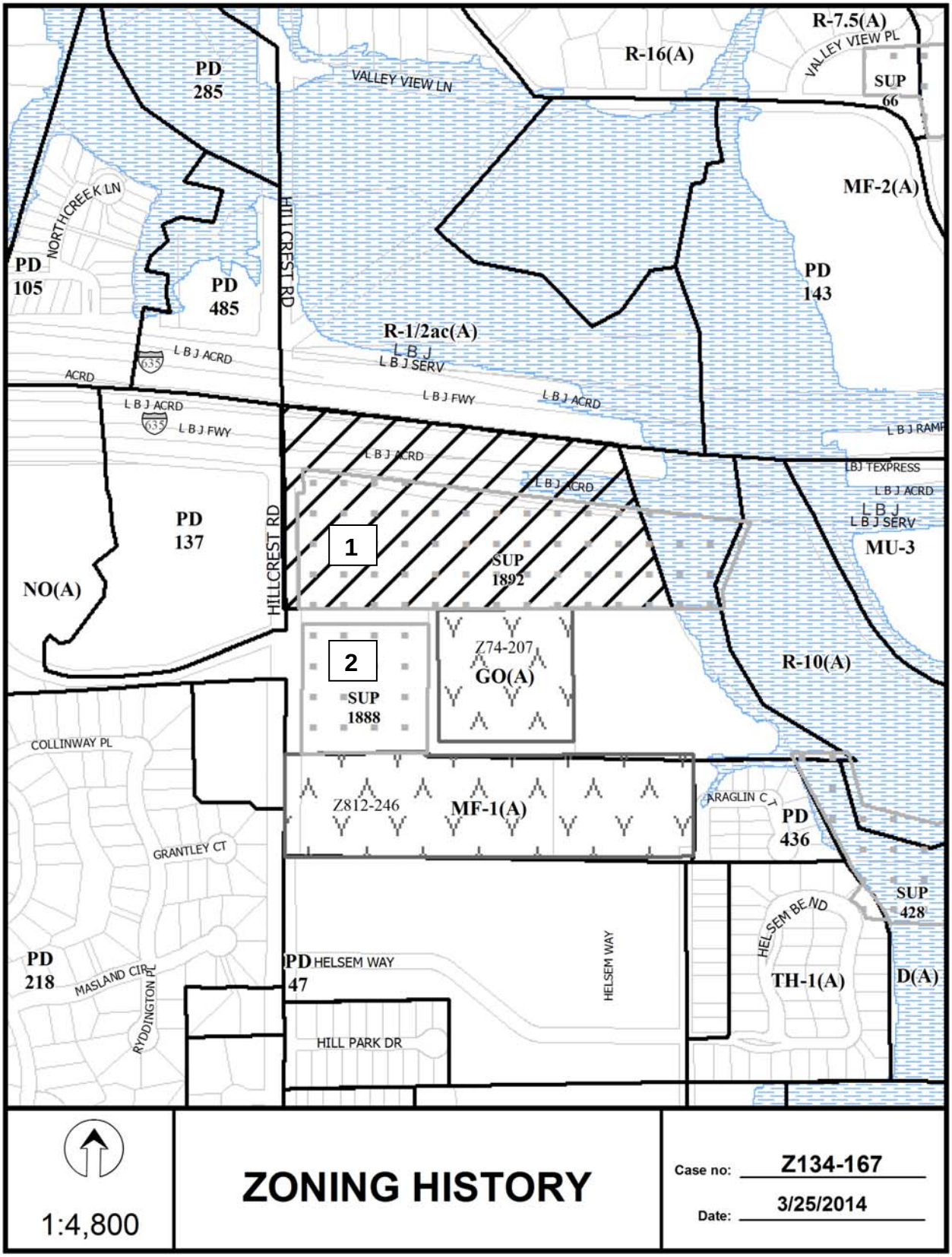
1:4,800

AERIAL MAP

Case no: Z134-167

Date: 3/25/2014


R-7.5(A)
VALLEY VIEW PL
R-16(A)
VALLEY VIEW LN
SUP 66
PD 285
MF-2(A)
NORTHCREEK LN
PD 105
PD 485
HILLCREST RD
PD 143
R-1/2ac(A)
L B J
L B J SERV
Undeveloped
L B J ACRD
635
L B J FWY
L B J RAMP
LBJ TEXPRESS
Undeveloped
MU-3
PD 137
NO(A)
Office
SUP 1892
Office
Z74-207
GO(A)
SUP 1888
Office
R-10(A)
COLLINWAY PL
Z812-246
MF-1(A)
ARAGLIN CT
PD 436
GRANTLEY CT
SUP 428
HELSEM BEND
PD 218
MASLAND CIR
RYDDINGTON PL
PD 47
HELSEM WAY
TH-1(A)
D(A)
HILL PARK DR
1:4,800
ZONING
AND LAND USE
Case no: Z134-167
Date: 3/25/2014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R-16(A)
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VALLEY VIEW LN
SUP 66
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NORTHCREEK LN
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PD 485
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R-1/2ac(A)
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PD 137
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SUP 1892
MU-3
NO(A)
HILLCREST RD
2
Z74-207
GO(A)
SUP 1888
R-10(A)
COLLINWAY PL
Z812-246
MF-1(A)
ARAGLIN CT
PD 436
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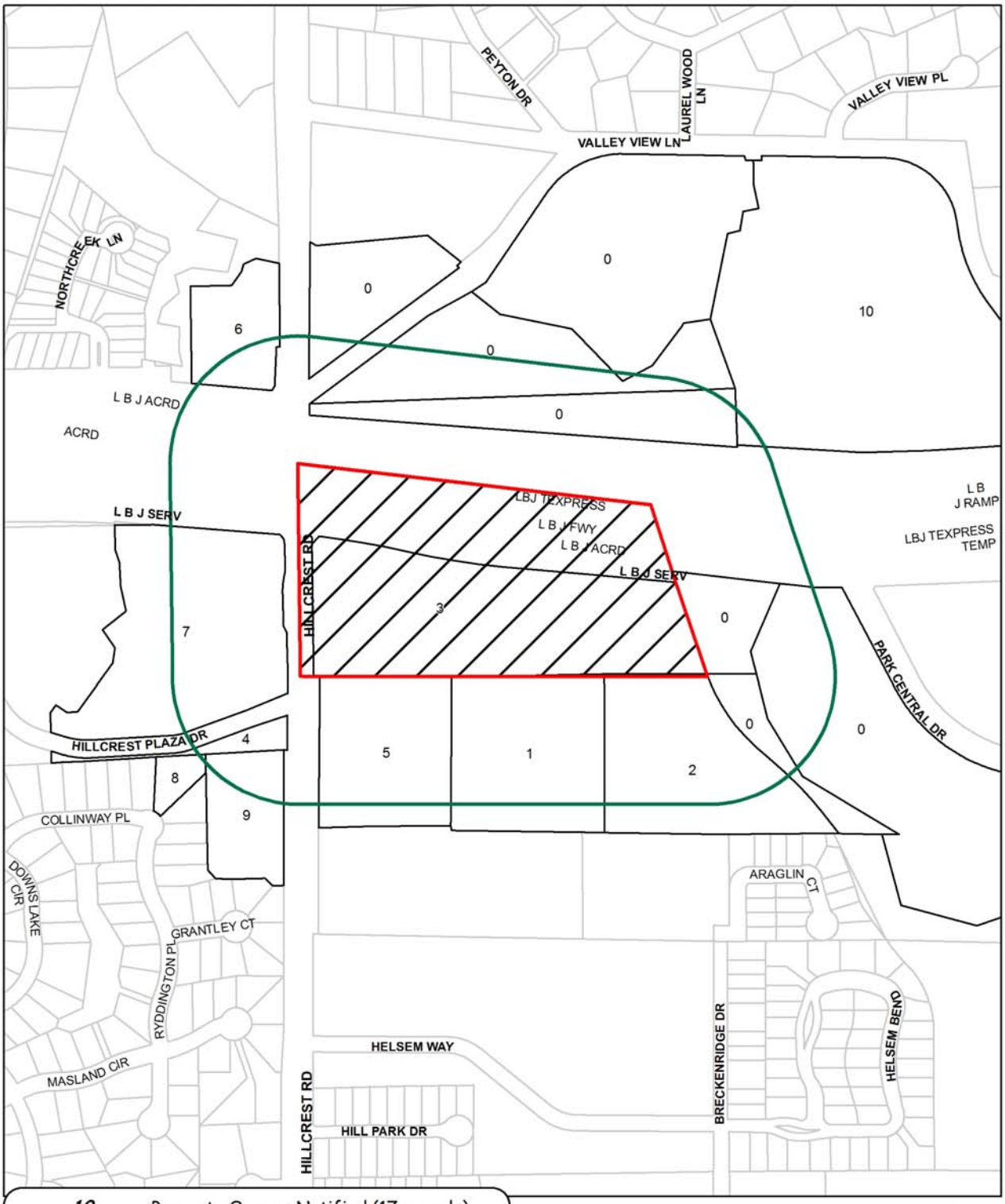
SUP 428
HELSEM BEND
PD 218
MASLAND CIR
RYDDINGTON PL
PD 47
HELSEM WAY
TH-1(A)
D(A)
HILL PARK DR
1:4,800
ZONING HISTORY
Case no: Z134-167
Date: 3/25/2014



10	Property Owners Notified (17 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
400'	Area of Notification
4/17/2014	Date

Z134-167
CPC

N
W E
S

1:4,800

CPC Responses

4/17/2014

Reply List of Property Owners

Z134-167

10 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	12720	HILLCREST RD	TWO HILLCREST GREEN LTD
	2	12740	HILLCREST RD	LAB HOLDINGS INC
	3	12800	HILLCREST RD	12830 HILLCREST RD INV LP
	4	6700	LBJ FWY	CORPORATION OF EPISCOPAL
	5	12700	HILLCREST RD	ONE HILLCREST PARTNERS LTD
	6	13001	HILLCREST RD	SUNRISE HILLCREST SR LIV
	7	6820	LBJ FWY	BRINKER INTERNATIONAL
	8	17	COLLINWAY PL	EHLERS MELVILLE V &
	9	12727	HILLCREST RD	CORPORATION OF EPISCOPAL
	10	7300	VALLEY VIEW LN	COVENANT KNIGHTS SCHOOL

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 58 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D Commercial Service District with a D Liquor Control Overlay on the south side of Bruton Road, east of Jim Miller Road

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions

Z134-141(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**
ACM: Theresa O'Donnell

FILE NUMBER: Z134-141(MW) **DATE FILED:** December 11, 2013

LOCATION: South side of Bruton Road, east of North Jim Miller Road

COUNCIL DISTRICT: 5 **MAPSCO:** 58-A

SIZE OF REQUEST: ±0.45 acre **CENSUS TRACT:** 91.04

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT: Adnan Karim

OWNER: Moser Properties, Inc., Jake Moser, President/Sole Officer

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D Commercial Service District with a D Liquor Control Overlay.

SUMMARY: The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store [Manna Food Store].

CPC RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store 3,500 square feet or less is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect compatibility.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing general merchandise or food store, which offers the sale of alcoholic beverages, provides a service to this area of the City and does not appear to negatively impact to the adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – The existing general merchandise or food store complies with Chapter 12B (Convenience Store) requirements. The purpose of regulating convenience stores is to protect the health, safety, and welfare of the citizens of the City of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, it complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

BACKGROUND INFORMATION:

- The ±0.45-acre request site is developed with a ±4,150-square-foot building comprised of two suites both of which are occupied by general merchandise or food store uses.

- The general merchandise or food store use is permitted by right, but the D Liquor Control Overlay prohibits the sale of alcoholic beverages on the property. The applicant proposes the sale of beer and wine for off-premise consumption in conjunction with a ±2,400-square foot convenience store, which requires a general zoning change (D to D-1) and a Specific Use Permit.

- No new construction is proposed by this application.

Surrounding Zoning History:

1. **Z123-127:** On Wednesday, February 13, 2013, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period subject to a site plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Bruton Road	Principal Arterial	100 feet
North Jim Miller Road	Principal Arterial	100 feet

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
North	CS-D	Retail and personal services
Northeast	CS-D-1; SUP No. 2017	Convenience store
East	CS-D	Auto related
South	CS-D	Retail and personal services
West	CS-D	Auto related

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 Plan identifies the request site as being in the *Residential Neighborhood* Building Block. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Single-family dwellings are the

dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood “pocket parks” provide open space for families. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to parkand-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

While the *forwardDallas! Vision Illustration* identifies the request site as being in the *Residential Neighborhood* Building Block, it, as well as adjacent properties, are zoned a Commercial Service District. The existing convenience store does not have residential adjacency and it is consistent with the following goals and policies of the Comprehensive Plan. The sale of alcoholic beverages in conjunction with the main use and does not directly impact the compatibility.

Land Use Compatibility:

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 conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of alcoholic beverages in conjunction with the existing convenience store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The short initial time period will allow re-evaluation of the request to ensure ongoing compliance.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CS-D-1	15' 0'	20' adj. to res. Other: no min.	0.75 Overall 0.5 Office/lodging/retail	45' 3 stories	80%	RPS Visual Intrusion	Commercial and business service

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area. Therefore, the ±2,400-square-foot convenience store requires 12 parking spaces. As depicted on the site plan, 21 spaces are provided to serve the both retail uses located on the site.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

CPC Action; April 17, 2014:

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned a CS Commercial Service District with a D Liquor Control Overlay on the south side of Bruton Road, east of Jim Miller Road.

Maker: Shidid
Second: Rodgers
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

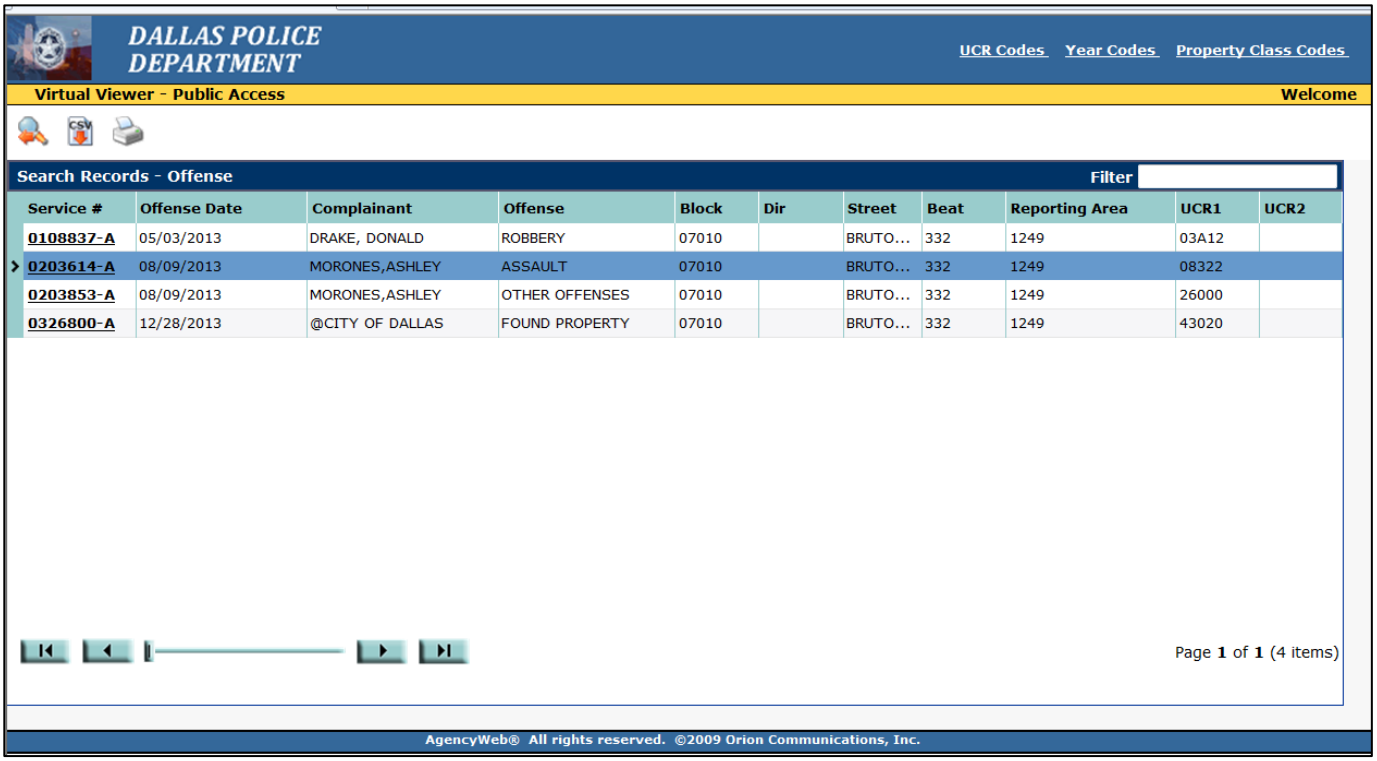
Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 200 Mailed: 9
Replies: For: 3 Against: 1

Speakers: For: Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

Police Report:

An online search of the Dallas Police Department's offense incident reports for the period from March 13, 2012 to March 13, 2014 revealed the following results:



DALLAS POLICE DEPARTMENT

UCR Codes | Year Codes | Property Class Codes

Virtual Viewer - Public Access — Welcome

Search Records - Offense — Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0108837-A	05/03/2013	DRAKE, DONALD	ROBBERY	07010		BRUTO...	332	1249	03A12	
0203614-A	08/09/2013	MORONES,ASHLEY	ASSAULT	07010		BRUTO...	332	1249	08322	
0203853-A	08/09/2013	MORONES,ASHLEY	OTHER OFFENSES	07010		BRUTO...	332	1249	26000	
0326800-A	12/28/2013	@CITY OF DALLAS	FOUND PROPERTY	07010		BRUTO...	332	1249	43020	

Page 1 of 1 (4 items)

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Z134-141
CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on (two years).

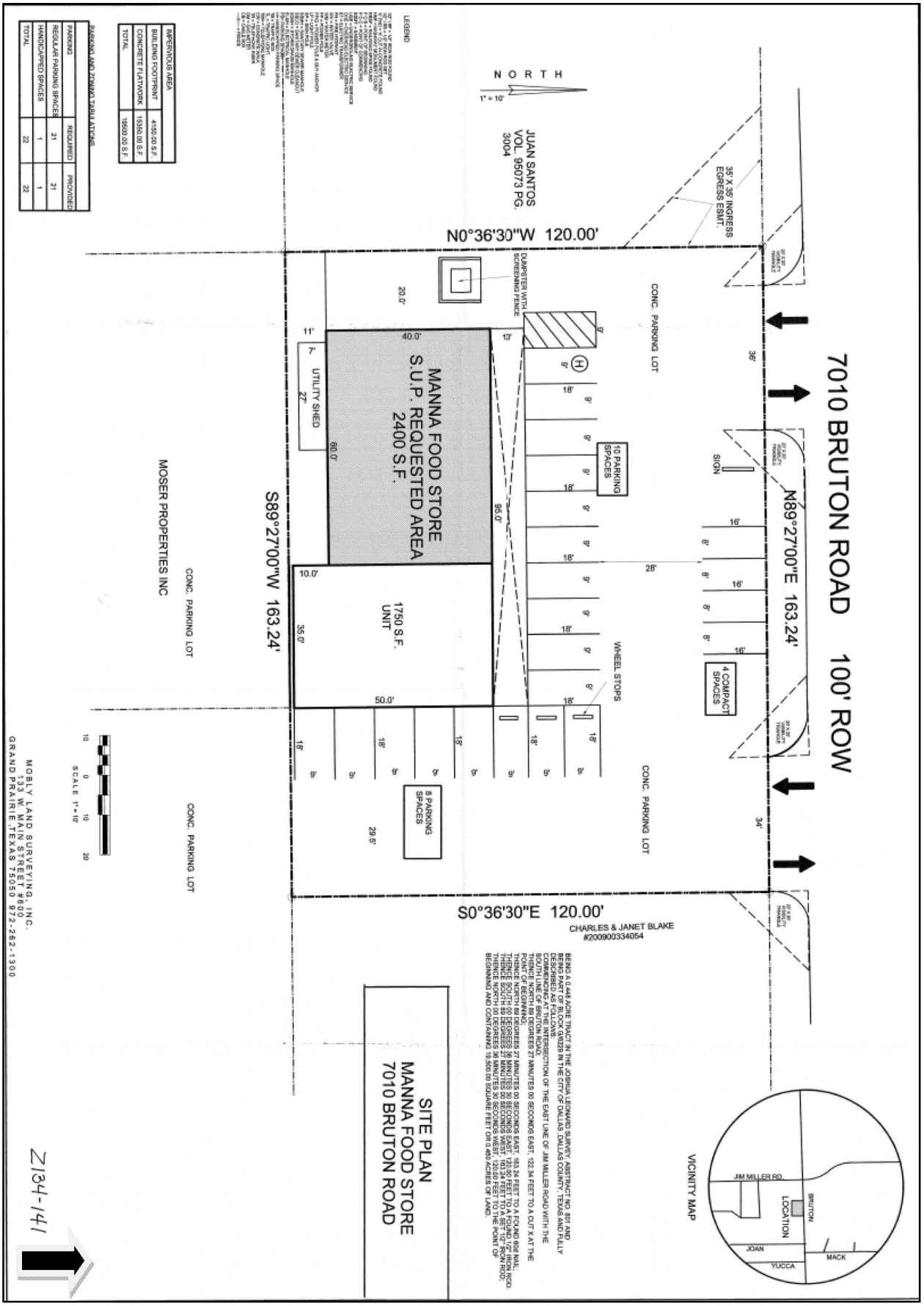
Staff Recommendation:

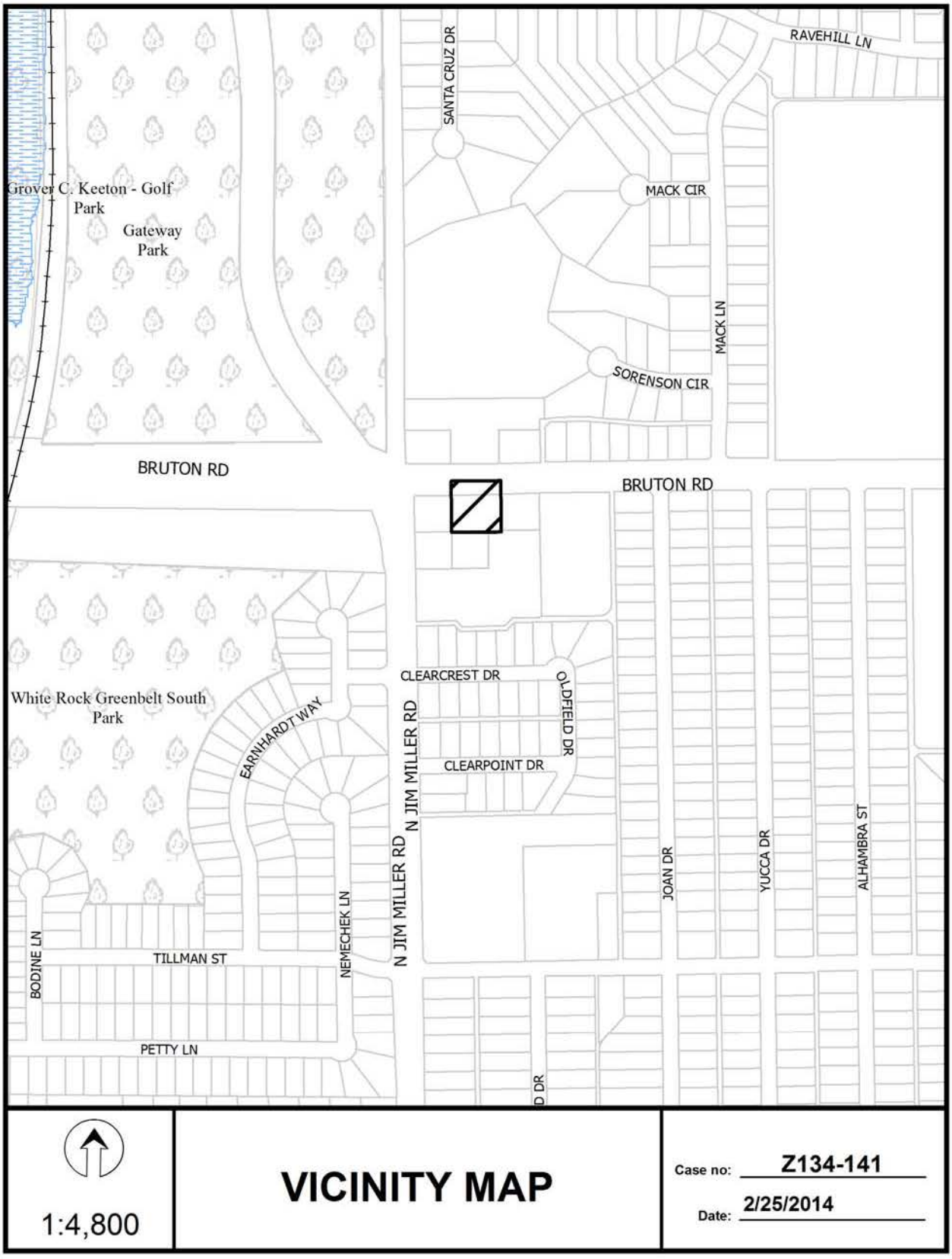
3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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. 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.

Proposed Site Plan




SANTA CRUZ DR
RAVEHILL LN
Grover C. Keeton - Golf Park
Gateway Park
MACK CIR
MACK LN
SORENSON CIR
BRUTON RD
BRUTON RD
White Rock Greenbelt South Park
CLEARCREST DR
OLDFIELD DR
CLEARPOINT DR
EARNHARDT WAY
N JIM MILLER RD
N JIM MILLER RD
JOAN DR
YUCCA DR
ALHAMBRA ST
NEMECHEK LN
BODINE LN
TILLMAN ST
PETTY LN
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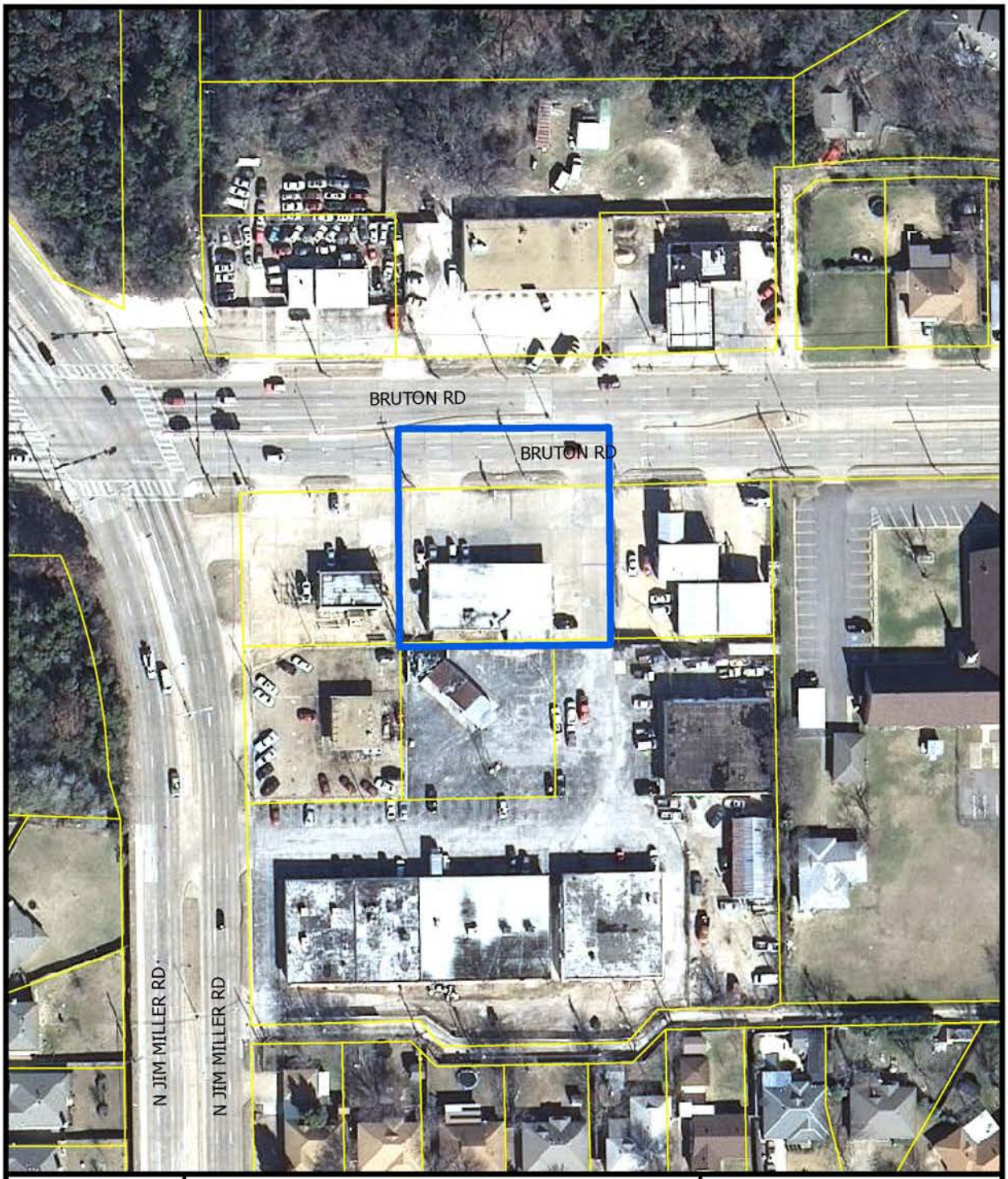
VICINITY MAP
Case no: Z134-141
Date: 2/25/2014



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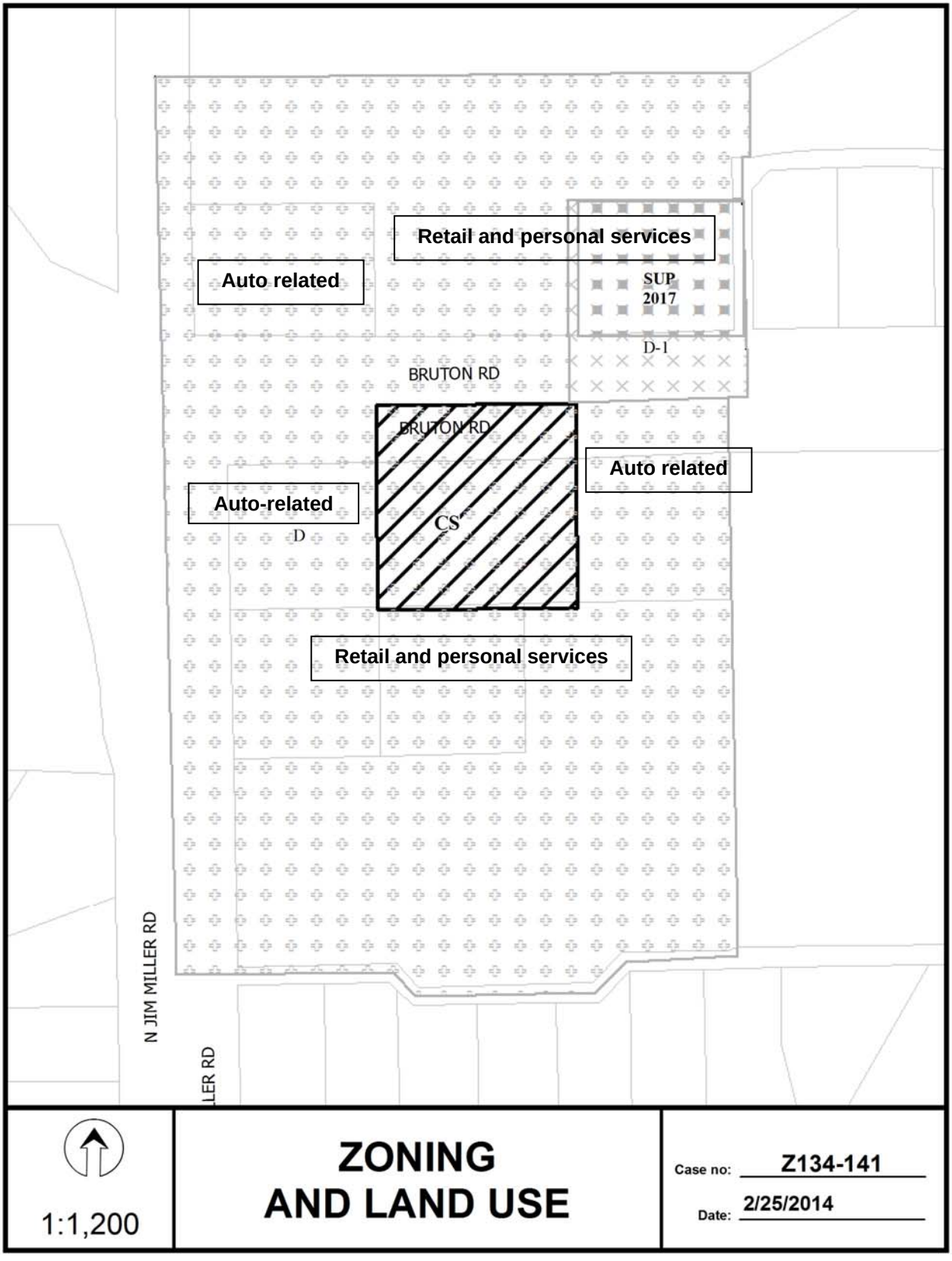
AERIAL MAP

Case no: Z134-141

Date: 2/25/2014


Retail and personal services
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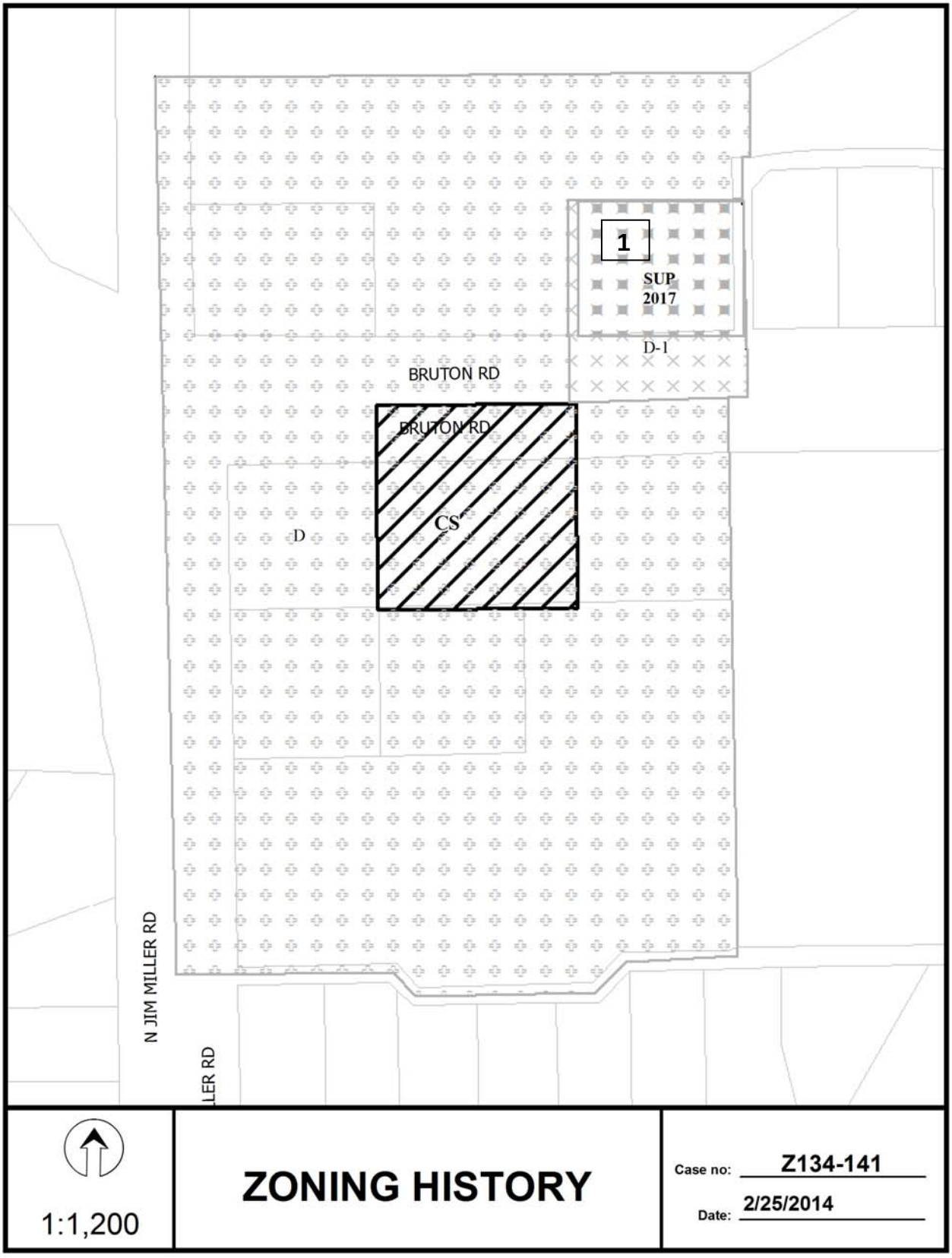
AND LAND USE
Case no: Z134-141
Date: 2/25/2014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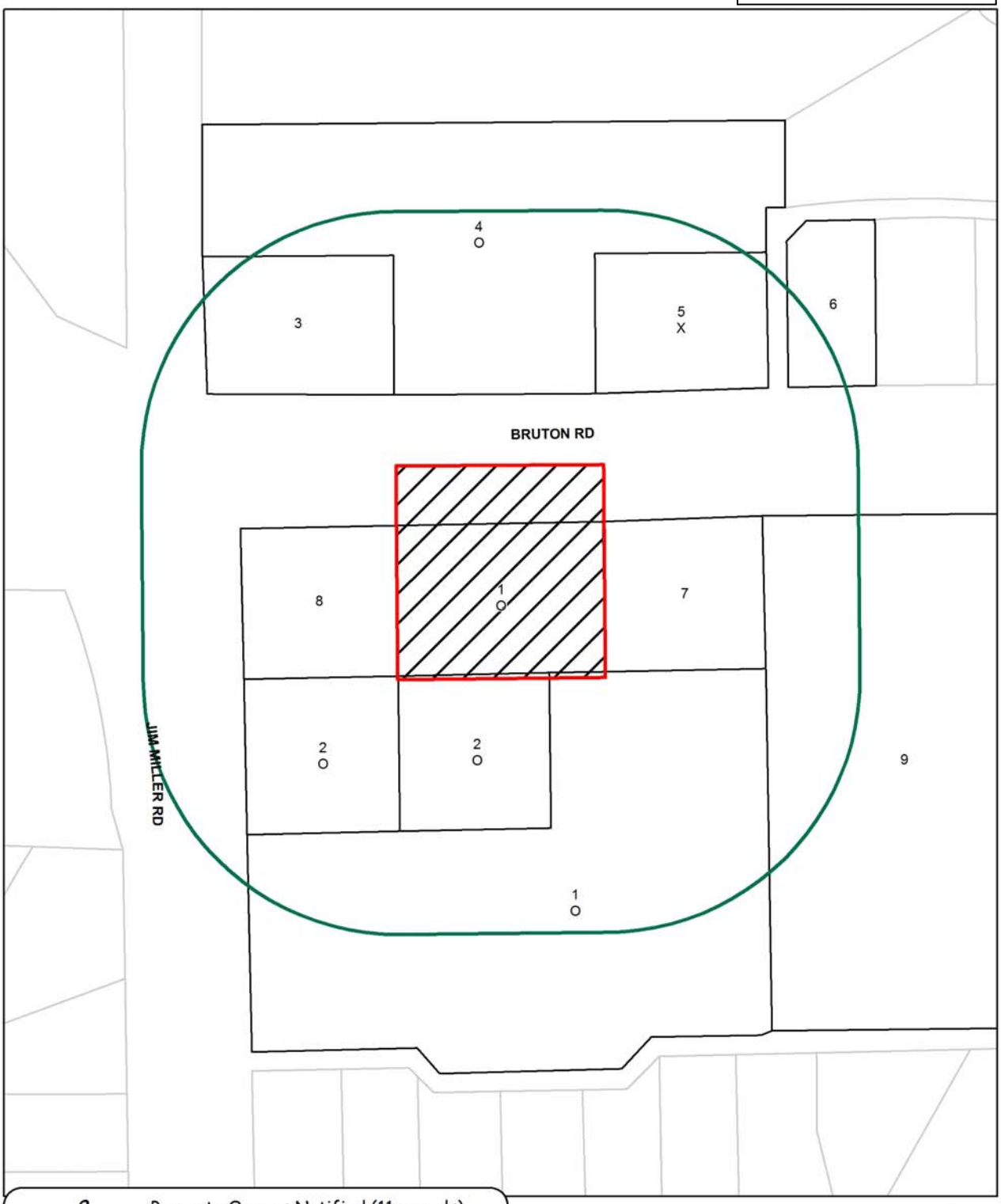
ZONING HISTORY
Case no: Z134-141
Date: 2/25/2014

CPC Responses



4/17/2014

Reply List of Property Owners

Z134-141

9 Property Owners Notified 3 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	7010	BRUTON RD	MOSER PROPERTIES INC
O	2	2086	JIM MILLER RD	MOSER PROPERTIES INC
	3	7007	BRUTON RD	REALEINS PROPERTIES LTD
O	4	7023	BRUTON RD	ANDREWS HERSHEL V & LADY ALICE
X	5	7047	BRUTON RD	ZADEH MASOUD REZAEL
	6	7109	BRUTON RD	HERNANDEZ RICARDO & EVA
	7	7022	BRUTON RD	BLAKE CHARLES & JANET L
	8	7000	BRUTON RD	SANTOS JUAN J
	9	7110	BRUTON RD	CENTRO EVANGELISTICO

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 35 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the removal of the D Liquor Control Overlay, on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D Liquor Control Overlay with consideration given to granting a D-1 Liquor Control Overlay on the northwest side of Oak Lawn Avenue and the southwest side of Dickason Avenue

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay

Recommendation of CPC: Approval of the removal of the D Liquor Control Overlay

Z134-156(RB)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER: Z134-156(RB) **DATE FILED:** January 14, 2014

LOCATION: Northwest side of Oak Lawn Avenue and the Southwest side of Dickason Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 35 W

SIZE OF REQUEST: Approx. 1.9 Acres **CENSUS TRACT:** 5.00

APPLICANT/OWNER: NADG Oaklawn LP

REPRESENTATIVE: Tommy Mann

REQUEST: An application for the removal of the D Liquor Control Overlay on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District with a D Liquor Control Overlay, with consideration given to the granting of a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to utilize the western half of the existing retail structure for a grocery store that will sell beer and wine for off-premise consumption.

CPC RECOMMENDATION: Approval of the removal of the D Liquor Control Overlay.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* –The proposed expansion of an existing use is not anticipated to negatively impact the performance of surrounding property.

2. *Traffic impact* – The request will not significantly impact the surrounding roadway system.

3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the Comprehensive Plan and the Oak Lawn Plan.

4. Due to residential adjacency, staff recommends consideration of a D-1 Liquor Control Overlay, which permits the sale or service of alcoholic beverages subject to a specific use permit, yet allows oversight of the use in the future to ensure ongoing compatibility.

BACKGROUND INFORMATION:

- The property, which includes the request site/parcel, is developed with a retail store consisting of 25,647 square feet, wrapped by surface parking areas.

- The applicant is requesting the removal of D Liquor Control Overlay from the site/parcel (balance of the site is void of any liquor control overlay).

- The existing structure will be subdivided to provide for a food store that will permit the sale of beer and wine for off-premise consumption.

Zoning History:

File No.	Request, Disposition, Date
1. Z112-163:	On Wednesday, April 11, 2012, the City Council approved an amendment to the Phase I portion of PDS No. 20, subject to a development/landscape plan and conditions.
2. Z123-149	On December 11, 2013, the City Council approved a Planned Development Subdistrict for GR General Retail Subdistrict Uses, removal of the D Liquor Control Overlay, and termination of existing deed restrictions.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Thoroughfares/Streets:	**Existing and Proposed ROW**
Oak Lawn Avenue	Principal Arterial; 100’ & 100’ ROW
Dickason Avenue	Local; 40’ ROW
Shelby Street	Local; 50’ ROW

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.

The building was constructed in 1990, with surface parking that wraps the site’s three street frontages – Oak Lawn Avenue, Dickason Avenue, and Shelby Street. A mature streetscape exists along all three street frontages.

At this point, the applicant’s representative has not provided any detail related to design or streetscape improvements associated with the subdivision of the existing building. As a result, staff has not determined if additional landscaping/screening would be required based on the reconfiguration and/or any improvements that would merit consideration of such (i.e.’ exposed loading area to the residential area to the west).

Comprehensive Plan:

The Vision Illustration depicts the request site as within an *Urban Mixed Use* Block on the ***forwardDallas! Vision Illustration***, adopted June 2006. The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

Land Use Compatibility:

The applicant is requesting to remove the D Liquor Control Overlay from the majority of the property. It is anticipated the existing building will be subdivided to permit a retail food store with beer and wine sales for off-premise consumption.

The site possesses three street frontages with varying use patterns: 1) the Oak Lawn Avenue frontage possesses various retail and office uses along its alignment, inclusive of a hotel, church, and post office; 2) the referenced hotel and accompanying surface parking area is situated across the site's Dickason Avenue frontage, transitioning to residential uses further west; and, 3) multiple family uses and undeveloped property zoned for MF-3 Subdistrict Uses south and west along Shelby Avenue.

As noted in the Zoning History section, two recent applications that were affected by either the existence or lack thereof, of a liquor control overlay:

1) A February, 2011 amendment to the Tract I portion of PDS No. 20 was approved. As part of the application, a retail food store is permitted by right, except that a convenience store as defined in Chapter 12B is prohibited.

2) A December, 2013 City Council removed the D Liquor Control Overlay for that portion of the request (staff recommended denial).

Due to proximity to residential uses (and undeveloped property zoned for residential uses), staff has a policy of denying the removal of any Liquor Control Overlay encumbering property. As an alternative, staff often does recommend a D-1 Liquor Control Overlay in lieu of the removal of the D Liquor Control Overlay. Briefly, the differences:

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

It should be noted that a child-care facility exists in the adjacent church which is within 300 feet of the site. As a result, uses such as a bar, lounge, or tavern or liquor store would not be permitted regardless of any liquor control overlay. Assuming the child-care use remains, the only type of uses permitted would be a retail food store (such as that proposed) or a restaurant that serves alcohol.

As zoning changes are tied to the respective parcels and not particular businesses, staff does not support the removal of the D Liquor Control Overlay, but is supportive of a D-1 Liquor Control Overlay in lieu of the applicant's request.

CPC ACTION

(April 17, 2014)

Motion: It was moved to recommend **approval** of the removal of the D Liquor Control Overlay on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Oak Lawn Avenue and Dickason Avenue.

Maker: Soto
Second: Culbreath
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

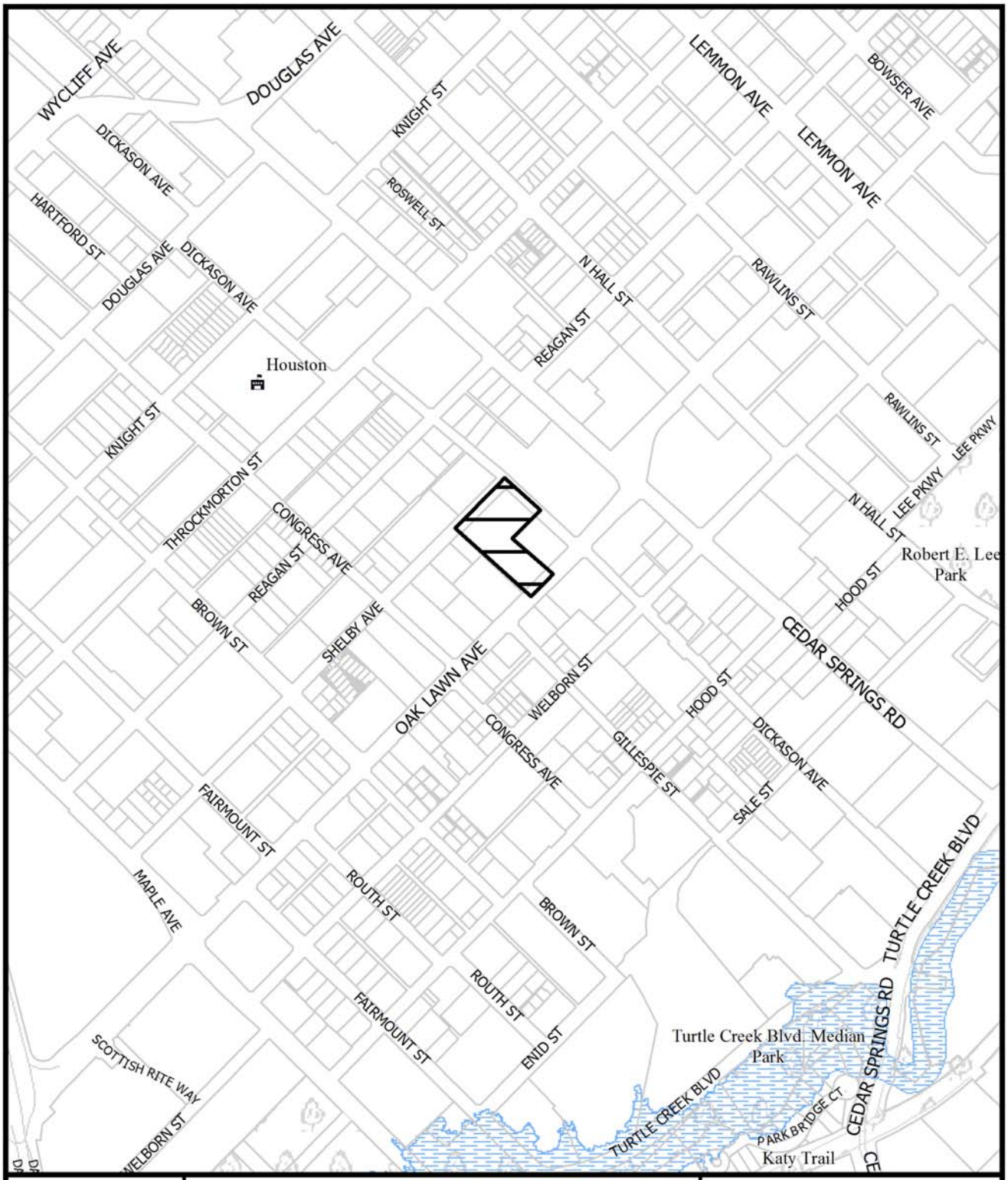
Notices: Area: 500 Mailed: 176
Replies: For: 3 Against: 1

Speakers: For: Tommy Mann, 500 Winstead Bldg., Dallas, TX, 75201
Against: Neil Emmons, 2525 Turtle Creek Blvd., Dallas, TX, 75219

OFFICERS AND DIRECTORS

Applicant/Owner: **NADG Oaklawn Limited Partnership**

General Partner: NADG OAKLAWN GP LLC
- Robert Green, Manager
- Stephen S. Preston, Manager

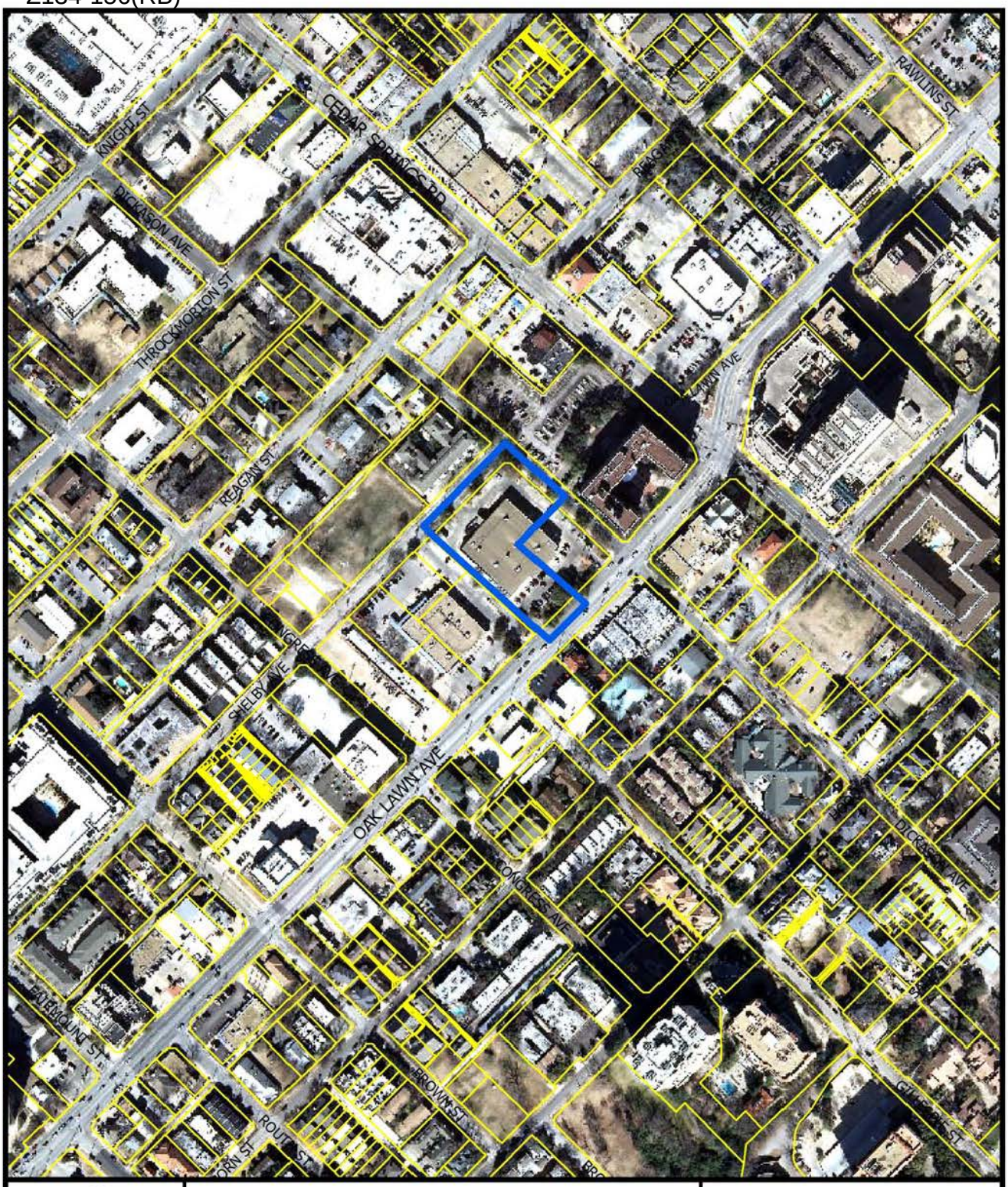


1:6,000

VICINITY MAP

Case no: Z134-156

Date: 2/27/2014



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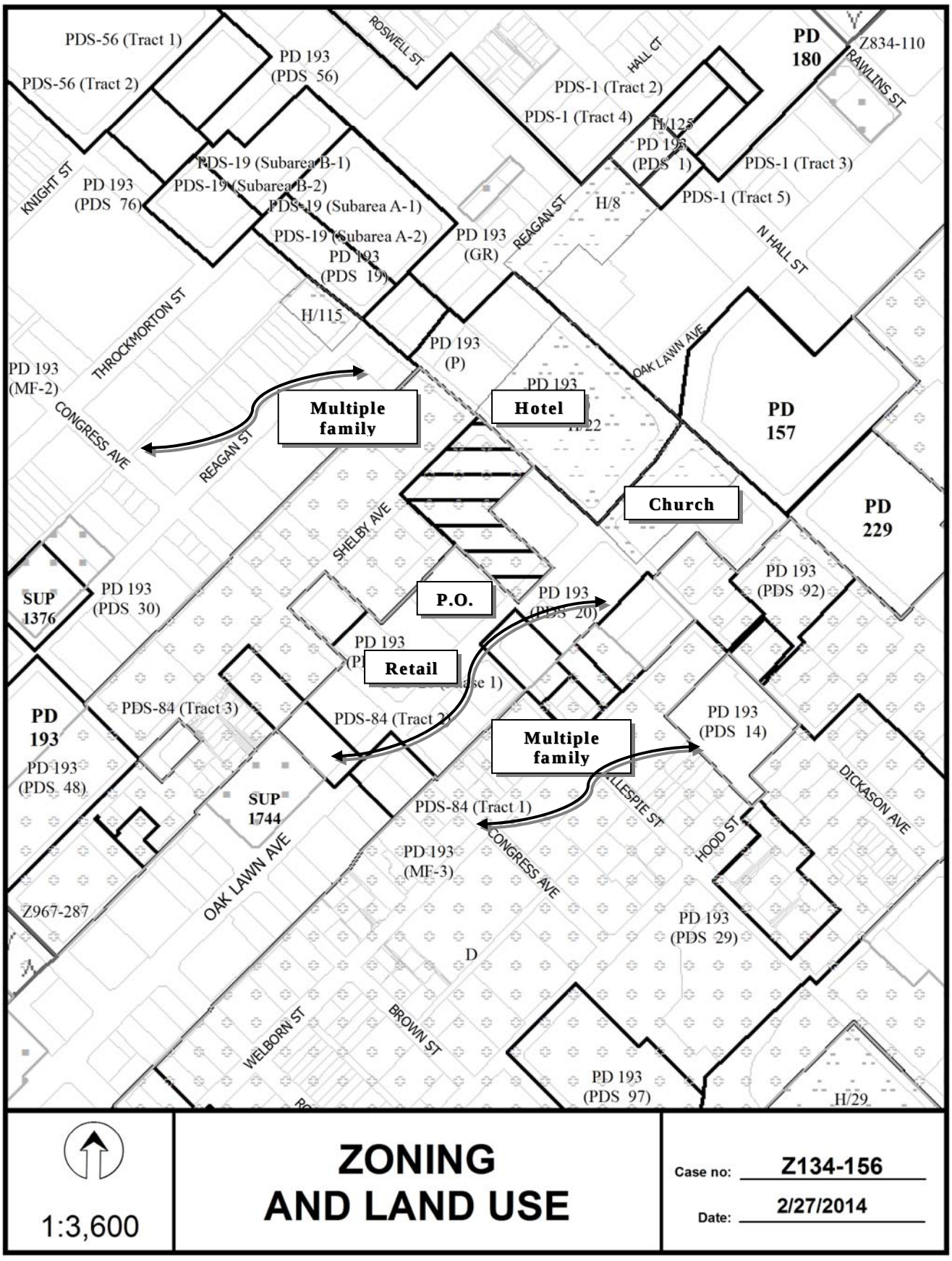
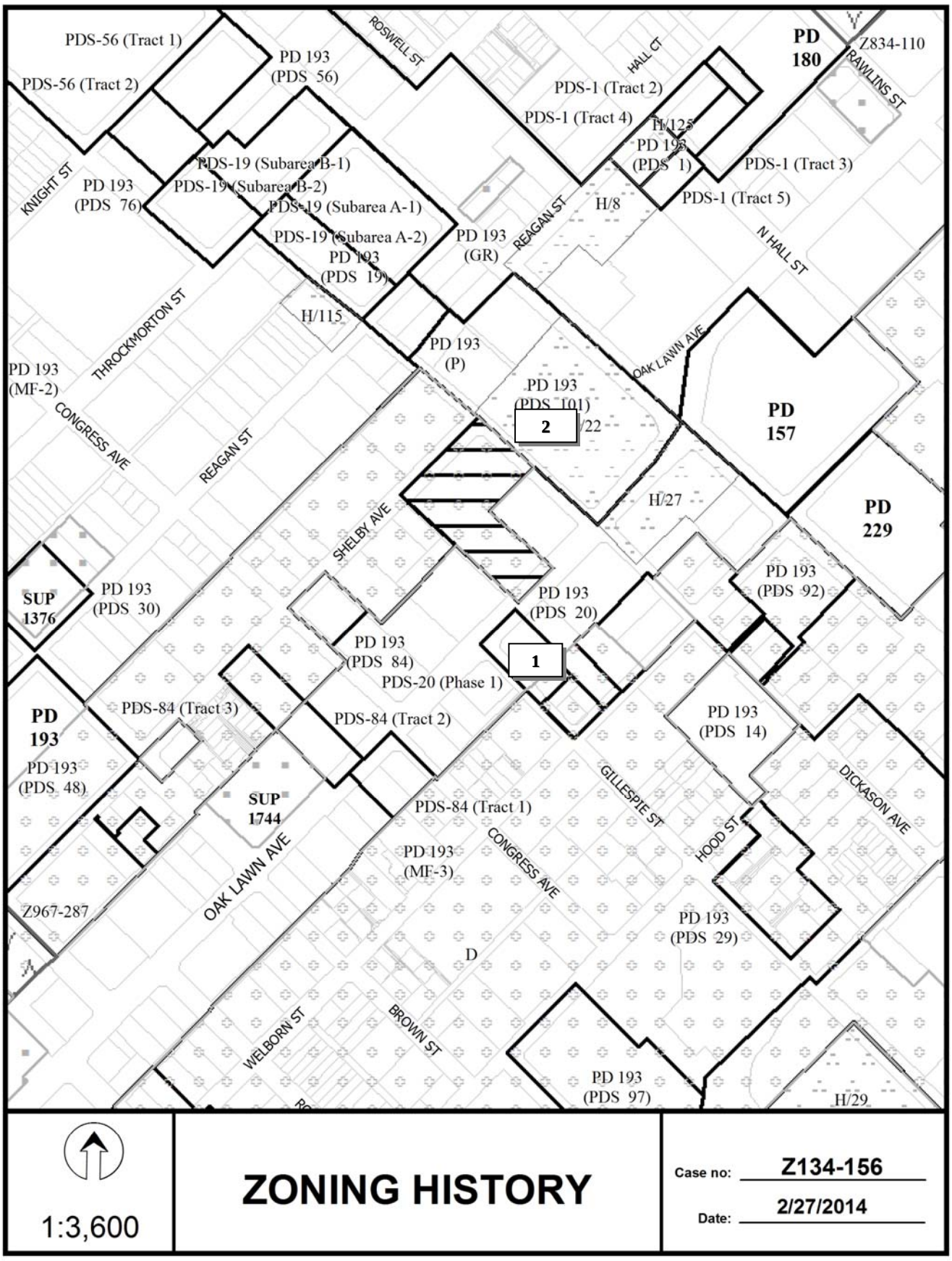
AERIAL MAP

Case no: Z134-156

Date: 2/27/2014


PDS-56 (Tract 1)
PDS-56 (Tract 2)
PD 193 (PDS 56)
ROSWELL ST
HALL CT
PD 180
Z834-110
RAWLINS ST
PDS-1 (Tract 2)
PDS-1 (Tract 4)
H/125
PD 193 (PDS 1)
PDS-1 (Tract 3)
PDS-19 (Subarea B-1)
PDS-19 (Subarea B-2)
PDS-19 (Subarea A-1)
PDS-19 (Subarea A-2)
PD 193 (PDS 19)
KNIGHT ST
PD 193 (PDS 76)
H/8
PDS-1 (Tract 5)
REAGAN ST
PD 193 (GR)
N HALL ST
THROCKMORTON ST
H/115
PD 193 (P)
OAK LAWN AVE
PD 193 (MF-2)
CONGRESS AVE
Multiple family
REAGAN ST
Hotel
PD 157
Church
PD 229
SHELBY AVE
SUP 1376
PD 193 (PDS 30)
P.O.
PD 193 (PDS 20)
PD 193 (PDS 92)
Retail
PD 193 (PDS 14)
PDS-84 (Tract 3)
PD 193
PDS-84 (Tract 2)
Multiple family
PD 193 (PDS 48)
SUP 1744
PDS-84 (Tract 1)
DICKASON AVE
HOOD ST
OAK LAWN AVE
PD 193 (MF-3)
CONGRESS AVE
Z967-287
PD 193 (PDS 29)
D
WELBORN ST
BROWN ST
PD 193 (PDS 97)
H/29
1:3,600
ZONING AND LAND USE
Case no: Z134-156
Date: 2/27/2014



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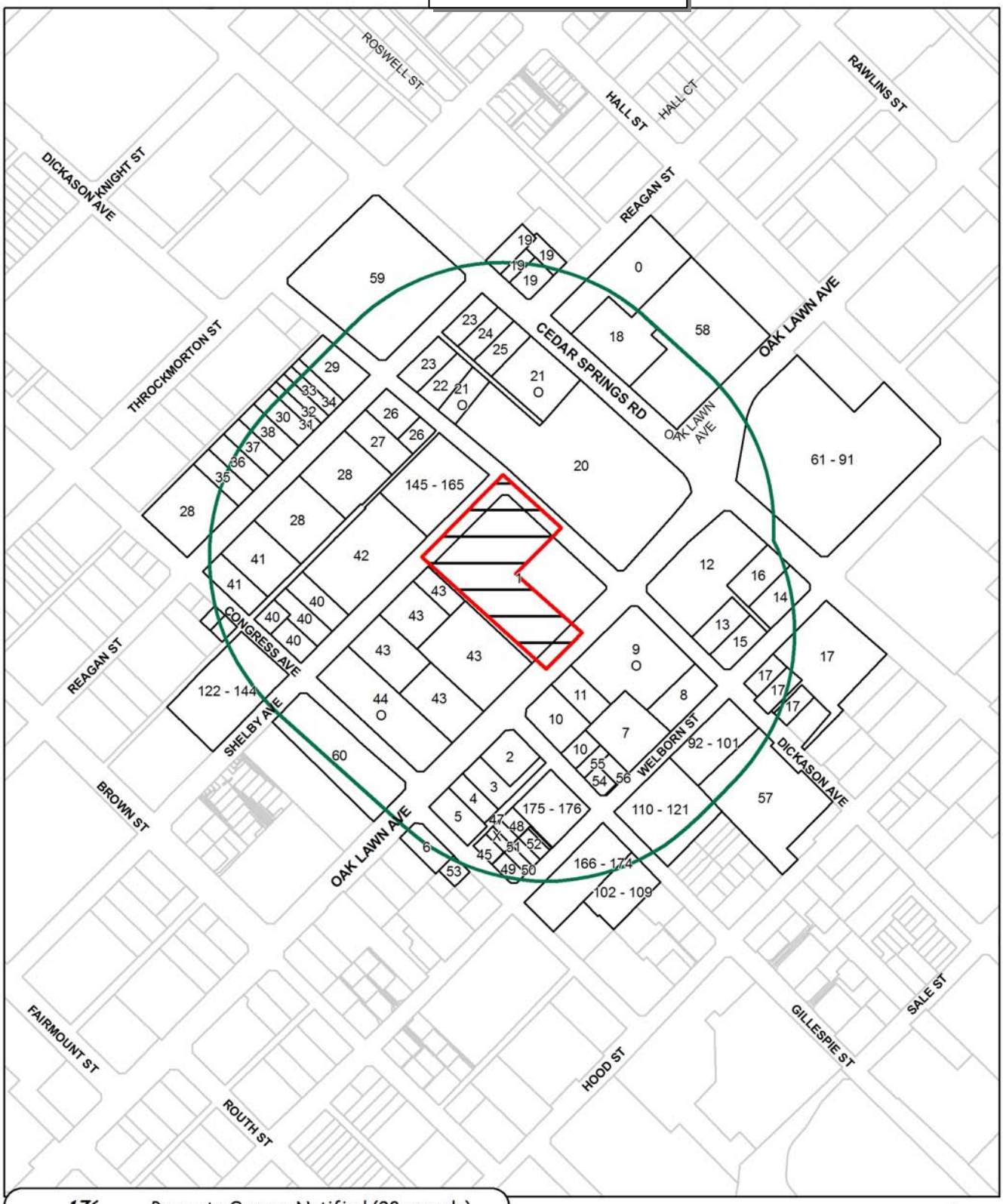
ZONING HISTORY

Case no: Z134-156

Date: 2/27/2014

CPC RESPONSES



176	Property Owners Notified (90 parcels)
3	Replies in Favor (4 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
4/17/2014	Date

Z134-156
CPC

N
W E
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4/17/2014

Reply List of Property Owners

Z134-156

176 Property Owners Notified 3 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	2909	OAK LAWN AVE	CH REALTY IV 2929 OAKLAWN LP
	2	2820	OAK LAWN AVE	RANJBARAN JAMSHID &
	3	2814	OAK LAWN AVE	TEXAS LAND & CAPITAL LTD
	4	2808	OAK LAWN AVE	5612 YALE HOLDINGS LP
	5	2800	OAK LAWN AVE	JANO AT OAK LAWN LP
	6	2732	OAK LAWN AVE	CANNON YOUNG PROPERTIERS LP
	7	2919	WELBORN ST	JST REAL ESTATE LLC
	8	2929	WELBORN ST	CONRADO INC
O	9	2920	OAK LAWN AVE	INTERPROPERTIES GROUP INC
	10	2904	OAK LAWN AVE	AHNS GROUP INC
	11	2912	OAK LAWN AVE	SACHDEV PRAVEEN
	12	3014	OAK LAWN AVE	OAK LAWN M E CHURCH
	13	3706	DICKASON AVE	OAK LAWN METH CHURCH
	14	3703	CEDAR SPRINGS RD	OAK LAWN METH CH
	15	3704	DICKASON AVE	OAK LAWN METH CHURCH
	16	3707	CEDAR SPRINGS RD	BD OF TRUSTEES OAK LAWN
	17	3631	CEDAR SPRINGS RD	OAK LAWN UNITED METHODIST
	18	3818	CEDAR SPRINGS RD	GILLILAND PPTIES II LTD
	19	3105	REAGAN ST	CEDAR SPRINGS LLC
	20	3015	OAK LAWN AVE	WARWICK MELROSE DALLAS
O	21	3912	DICKASON AVE	WARWICK CEDAR SPRINGS CORP
	22	3914	DICKASON AVE	HATTERAS PENELOPE
	23	3918	DICKASON AVE	OKRA PROPERTIES JV
	24	3851	CEDAR SPRINGS RD	HATTERAS PENELOPE
	25	3847	CEDAR SPRINGS RD	LERER JANE SAGINAW
	26	2918	REAGAN ST	JUREK PROPERTIES LTD

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	27	2914	REAGAN ST	JUREK PROPERTIES
	28	2900	REAGAN ST	REAGANCONGRESS STREET APARTMENTS LLC
	29	4011	DICKASON AVE	FALCONE A W FAMILY THE
	30	2901	REAGAN ST	WEISFELD HERSCHEL ALAN
	31	2909	REAGAN ST	HOFFMAN DREW S
	32	2911	REAGAN ST	JIANG SHUKMAN OLIVIA
	33	2913	REAGAN ST	HUGH ROGER P &
	34	2915	REAGAN ST	CUNARD THOMAS D
	35	2815	REAGAN ST	CINCO ACES PROPERTIES LLC
	36	2821	REAGAN ST	2821 REAGAN LLC
	37	2825	REAGAN ST	AN CONSTANCE
	38	2829	REAGAN ST	ELLERBACH LYLE
	39	3915	CONGRESS AVE	MARTIN STEVEN R
	40	3910	CONGRESS AVE	TEXAS INTOWNHOMES LLC
	41	2806	REAGAN ST	CREE DELANO LP
	42	2817	SHELBY AVE	SIARAM PROPERTIES LP
	43	2825	OAK LAWN AVE	U S POSTAL SERVICE
O	44	3810	CONGRESS AVE	OAK LAWN PLAZA LP
	45	3780	CONGRESS AVE	GANDOLFO ANA MARIA M &
	46	2801	WELBORN ST	BROOKSHIER ANDREW S
X	47	2811	WELBORN ST	OTHMAN ANAS R
	48	2813	WELBORN ST	CLARK KELSEY
	49	2803	WELBORN ST	MAXWELL ELEANOR POWELL
	50	2805	WELBORN ST	PESTL MARCUS G
	51	2807	WELBORN ST	NEWMAN JULIE
	52	2809	WELBORN ST	MARTIN ROB
	53	3715	CONGRESS AVE	MORELAND NANCY
	54	3716	GILLESPIE ST	GINSBERG LAURIE BECKER & MAJOR
	55	3722	GILLESPIE ST	MEYRAT RICHARD
	56	2905	WELBORN ST	Taxpayer at
	57	3611	DICKASON AVE	SSL LANDLORD LLC

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	58	3802	CEDAR SPRINGS RD	WALGREENS STORE NO 7839
	59	3917	CEDAR SPRINGS RD	CAVEN ENTERPRISES INCORP
	60	2733	OAK LAWN AVE	OAK LAWN OUTDOOR LLC
	61	3102	OAK LAWN AVE	CENTRUM GS LTD
	62	3102	OAK LAWN AVE	CENTRUM GS LTD
	63	3111	WELBORN ST	FORMANEK JONATHAN PAUL
	64	3111	WELBORN ST	ANBOUBA IMAD K
	65	3111	WELBORN ST	CAPRA JACQUELINE D
	66	3111	WELBORN ST	WRIGHT RUSSELL & PATRICIA
	67	3111	WELBORN ST	ROBINSON JAY E & LAUREN S
	68	3111	WELBORN ST	MERINGER CHRISTOPHER G & MARIA CANO
	69	3111	WELBORN ST	LAWRENCE CHARLES M & KIMBERLY D
	70	3111	WELBORN ST	JOHNSON MADELEINE
	71	3111	WELBORN ST	ROBERTS MAIDA L B
	72	3111	WELBORN ST	DASEKE DON ROBERT &
	73	3111	WELBORN ST	MOHR SAMUEL EDWARD
	74	3111	WELBORN ST	LONDON FREDERICK A & JUDITH A
	75	3111	WELBORN ST	RACZ TRUST
	76	3111	WELBORN ST	TIMCO CONSTRUCTION INC
	77	3111	WELBORN ST	SCHWARTZ JEANNINE BAZER
	78	3111	WELBORN ST	BOYD CURTIS W &
	79	3111	WELBORN ST	BOONE GARRETT & CECILIA
	80	3111	WELBORN ST	BOONE GARRETT & CECILIA
	81	3111	WELBORN ST	DASEKE DON ROBERT &
	82	3111	WELBORN ST	JOHNSON MADELEINE
	83	3111	WELBORN ST	DANIS JEROLD I & JEANNE M
	84	3111	WELBORN ST	FORMANEK JONATHAN PAUL
	85	3111	WELBORN ST	SANTA FE REALTY CORPORATION
	86	3111	WELBORN ST	SHEKTER MARK ARTHUR
	87	3111	WELBORN ST	SUDER ERIC
	88	3111	WELBORN ST	THOMSON MICHAEL D

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	89	3111	WELBORN ST	CENTRUM TOWERS LTD
	90	3111	WELBORN ST	JONES JERRAL W
	91	3111	WELBORN ST	REED ALBERT S JR
	92	3627	DICKASON AVE	SMITH TREY
	93	3627	DICKASON AVE	ADAMS DAVID G
	94	3627	DICKASON AVE	HUGHES STEVEN L
	95	3727	DICKASON AVE	SNAPP CHARLES W
	96	3627	DICKASON AVE	RICE JAMES L &
	97	3727	DICKASON AVE	HESTON MATTHEW R
	98	3727	DICKASON AVE	BOECKLE SCOTT
	99	3627	DICKASON AVE	MACIAS ROSENDO GILBERTO &
	100	3627	DICKASON AVE	HARTLEY NICHOLE L
	101	3627	DICKASON AVE	GALLI JEFFREY
	102	3615	GILLESPIE ST	WOOD WILLIAM
	103	3615	GILLESPIE ST	MM MUTLIPHE HOLDINGS LLC
	104	3615	GILLESPIE ST	DAVIS GREGORY T
	105	3615	GILLESPIE ST	JASPER LESLIE L &
	106	3615	GILLESPIE ST	MARGO WILLIAM W
	107	3615	GILLESPIE ST	BOHDAN ERIK
	108	3615	GILLESPIE ST	MITCHELL KELLY D
	109	3615	GILLESPIE ST	KOELSCH CHRISTOPHER S
	110	3618	GILLESPIE ST	MCRAE WILLIAM H
	111	3618	GILLESPIE ST	LANDRUM MARY E
	112	3618	GILLESPIE ST	MILLER ELAINE K & RICHARD B
	113	3618	GILLESPIE ST	LYNN JAMES B & KATIE A
	114	3618	GILLESPIE ST	BARBER SCOTT C
	115	3618	GILLESPIE ST	SIEGAL MICHAEL
	116	3618	GILLESPIE ST	FARRIS EFISIO & LORI
	117	3618	GILLESPIE ST	BURKE GENIE
	118	3618	GILLESPIE ST	BAHRAMI SHOHREH
	119	3618	GILLESPIE ST	KOPEC FRANK J & DEBORAH A

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	120	3618	GILLESPIE ST	SBEITY ALI
	121	3618	GILLESPIE ST	WHITTIER ANTONIE
	122	2727	SHELBY AVE	WESTBROOK LAFAY
	123	2727	SHELBY AVE	NARVARTE ANTONIO
	124	2727	SHELBY AVE	NARVARTE ANTONIO &
	125	2727	SHELBY AVE	HARRISON RICHARD
	126	2727	SHELBY AVE	PAUNER ROGER LEE
	127	2727	SHELBY AVE	STEELE NATHAN C & ALLISON M
	128	2727	SHELBY AVE	ELEY GARY TALBERT
	129	2727	SHELBY AVE	NARVARTE ANTONIO &
	130	2727	SHELBY AVE	DOUBET ALEXANDER W
	131	2727	SHELBY AVE	GUY STANLEY E &
	132	2727	SHELBY AVE	KELLY BRIAN K
	133	2727	SHELBY AVE	KUEHNE JOHN W
	134	2727	SHELBY AVE	LESZINSKI SLAWOMIR
	135	2727	SHELBY AVE	KROL FLORENCE D
	136	2727	SHELBY AVE	OLSON DREE A
	137	2727	SHELBY AVE	SHAFFER ALAN
	138	2727	SHELBY AVE	YIN LONGDA
	139	2727	SHELBY AVE	BAKER SUZANNE
	140	2727	SHELBY AVE	CORTEZ SANTOS
	141	2727	SHELBY AVE	KAZYNSKI JUSTIN
	142	2727	SHELBY AVE	HARROD J MICHAEL TR
	143	2727	SHELBY AVE	BURT TERRY W
	144	2727	SHELBY AVE	BURKETT JILL T
	145	2907	SHELBY AVE	KELSCH DAVID R
	146	2909	SHELBY AVE	BUSHE PRISCILLA W
	147	2929	SHELBY AVE	MAH YEE CHING
	148	2931	SHELBY AVE	RODRIGUEZ SIMON
	149	2925	SHELBY AVE	ALOISIO GINA M
	150	2927	SHELBY AVE	BOLDEN LARRY

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	151	2947	SHELBY AVE	LEWIS RICHARD S
	152	2949	SHELBY AVE	THRESHER STUART D
	153	2911	SHELBY AVE	MENDOLIA PAUL JR
	154	2913	SHELBY AVE	RAMIREZ VIRGINIA NOEMI SANZ
	155	2915	SHELBY AVE	JJEMMA LLC
	156	2919	SHELBY AVE	MCLARRY ELIZABETH
	157	2921	SHELBY AVE	ARNETT MARGARET L
	158	2923	SHELBY AVE	HEADINGS THEODORE H
	159	2933	SHELBY AVE	RIVIELLO CHRISTINE
	160	2935	SHELBY AVE	BRAY WADE
	161	2937	SHELBY AVE	RODRIGUEZ ROSA M
	162	2939	SHELBY AVE	JACOBSEN DESIREE A
	163	2941	SHELBY AVE	DICKERSON JEFFREY H
	164	2943	SHELBY AVE	YOUNG KAREN E
	165	2945	SHELBY AVE	OBRIEN ANN LOUISE
	166	2802	WELBORN ST	SHUGHRUE CYNTHIA L &
	167	2804	WELBORN ST	BOUNDS JAMES T III
	168	2806	WELBORN ST	FUNK JUDITH EHMAN
	169	2808	WELBORN ST	BORLENGHI ELLEN S
	170	2810	WELBORN ST	SCOTT LLOYD & ALVIN C TISDALE
	171	2812	WELBORN ST	JANSING WILLIAM S
	172	2814	WELBORN ST	BOLIN DENNIS L
	173	2816	WELBORN ST	ENGLISH RICK L & SUSAN P
	174	2818	WELBORN ST	GUZZETTI WILLIAM L
	175	2815	WELBORN ST	WAIATARUA INC
	176	2815	WELBORN ST	WAIATARUA INC

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 36 B; F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District, on property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z134-112(RB)

Note: This item was considered by the City Council at a public hearing on May 14, 2014, and was taken under advisement until May 28, 2014, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

CAN: Theresa O'Donnell

FILE NUMBER: Z134-112(RB) **DATE FILED:** October 13, 2013

LOCATION: Property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive

COUNCIL DISTRICT: 14 **MAPSCO:** 36-B, -F

SIZE OF REQUEST: Approx. 6.8 Acres **CENSUS TRACT:** 79.13

APPLICANT: Stillwater Residential Partners, LLC

OWNER: Alden Amesbury Enterprise, LLC

REPRESENTATIVE: Karl Crawley

REQUEST: An application for a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District.

SUMMARY: The applicant proposes to redevelop the property with 325 multifamily units. The applicant is requesting a PDD for consideration of the following: 1) to increase in dwelling unit density; 2) to increase in structure height; 3) to increase in lot coverage; and 4) to permit certain improvements to encroach into the required front yard.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to a development plan and conditions based upon:

1. *Performance impacts upon surrounding property* – As a proposed residential development, impact on adjacent properties (lighting, noise, odor) is not anticipated.

2. *Traffic impact* – While the request represents an increase in density over that currently permitted, it is anticipated the increase in trip generation will not be proportionate to the additional density, partly to the fact tenants will be able to walk to adjacent retail and transit (bus and rail).

3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area.

4. The applicant has worked with staff to ensure various provisions (i.e., design criteria, wide sidewalks) are provided to ensure compatibility with adjacent residential uses and provides for connectivity to the site's close proximity to established retail areas and the DART Lovers Lane Station.

BACKGROUND INFORMATION:

- The property is developed with multifamily dwellings spanning the site within various structures.

- The applicant proposes to demolish the existing improvements and redevelop the property with 325 multifamily dwelling units.

Zoning History:

File Number	Request, Disposition, and Date
1. Z067-259	On September 24, 2008, the City Council approved a PDD for certain Mixed Uses.
2. Z134-111	A PDD for MF-1(A) Multifamily District Uses. Pending the March 20, 2014 CPC public hearing.

Street	Existing & Proposed ROW
Amesbury Drive	Local; 50’ ROW
Milton Street	Local; 50’ ROW
Birchbrook Drive	Local; 50’ ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not impact the surrounding street system.

STAFF ANALYSIS

Comprehensive Plan: The request site is located in an area considered Urban Mixed-Use. The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

LAND USE ELEMENT

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 site is currently developed with various multifamily structures. All improvements will be removed, with the applicant providing for a new multifamily development. See table accompanying table for a comparison of existing/proposed provisions.

The entire site enjoys 100 percent street frontage. The applicant has worked with staff

to require certain design criteria is incorporated into the development with sensitivities to the residential character of the area. As noted above, all ground level/street facing dwelling units will be required to provide access to the respective units. Along with certain design criteria and a commitment to wide sidewalks, the proposed development will possess significant visual interest and enhanced pedestrian/tenant interactions.

As DART's Lovers Lane Station (Red Line) is situated to the west (approximately 2,300 feet from the Milton/Amesbury corner to the rail platform), the development sits just outside of typically acceptable walking distances (one-quarter mile). Staff has determined the secured pathway to the station, as well as an established retail area (within one-quarter mile walking distance) does warrant consideration of supporting increased densities in this area.

Off-Street Parking: Off-street parking will be provided as required by the Dallas Development Code (one space for each bedroom with not less than one space per dwelling unit). As noted on the attached development plan, all required parking will be internalized with no spaces between the street facing facades and the respective street frontages.

Landscaping: Compliance with Article X will be required prior to issuance of a certificate of occupancy for the new development.

Provision	Existing MF-1(A)	Proposed PDD
F/S/R YARD SETBACKS	15'/10'/10' ASSUMES MULTIFAMILY STURCTURES	15'/10'/10' CERTAIN PROJECTIONS MAY ENCROACH FIVE FEET INTO REQUIRED FRONT YARD
DENSITY	NO MAX; GENERALLY DEVELOPS TO A RANGE OF 25-28 DU/ACRE DEPENDING ON UNIT MIX	325 DU'S (48 DU/ACRE)
FLOOR AREA RATIO	NO MAXIMUM	NO MAXIMUM
STRUCTURE HEIGHT/STORIES	36 FEET/NO MAX	48 FEET/THREE
LOT COVERAGE	60%	80%
LANDSCAPING	ARTICLE X	ARTICLE X
OFF-STREET PARKING	CODE	CODE
MISCELLANEOUS	N/A	SIX FOOT-WIDE SIDEWALKS; DESIGN CRITERIA

CPC ACTION
(March 20, 2014)

Motion: It was moved to recommend **approval** of a Planned Development District for MF-1(A) Multifamily District Uses, subject to a development plan and conditions on property zoned an MF-1(A) Multifamily District, on property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive.

Maker: Ridley
Second: Rodgers
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 501
Replies: For: 1 Against: 2

Speakers: None

OWNER:

Alden Amesbury Enterprise, LLC

Dennis T. Wong, Sole Manager

Applicant:

Stillwater Residential Partners. LLC

Stillwater Capital Investments, LLC; Manager

Aaron Sherman, Member

Robert Elliot, Member

Richard Coady, Member

Leeds Real Estate Consulting, Inc.; Manager

Jason D. Leeds, Director

“ARTICLE

PD

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD _____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- ____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at the southeast corner of Amesbury Drive and Milton Street. The size of PD _____ is approximately 6.8 acres.

SEC. 51P- _____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A 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 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P- _____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: development plan.

SEC. 51P-_____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit _____A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

SEC. 51P- _____.106. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MF-1(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-1(A) Multifamily District only by specific use permit (SUP) is permitted in this district only

by SUP; a use subject to development impact review (DIR) in the MF-1(A) Multifamily District is subject to DIR in this district; etc.

SEC. 51P-____.107. 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 uses are not permitted:

-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

SEC. 51P-_____.108. 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 MF-1(A) Multifamily District apply.

(b) Front yard.

(1) Minimum front yard is 15 feet.

(2) The following may project up to five feet into the required front yard:

(A) cantilevered roof eaves and balconies; and

(B) stoops and stairs that do not exceed eight feet in width and four feet in height.

(3) The following may be located in the required front yard:

(A) retaining walls with a maximum height of four feet;

(B) fences with a maximum height of four feet;

(C) railings for stairs, stoops, and porches with a maximum height of 42 inches; and

(D) patios.

(4) Any fence located in the required front yard have at least 50 percent open surface.

(c) Density. Maximum number of dwelling units is 325.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height. Maximum structure height for a multifamily use is 48 feet as measured to the mid-point of the roof.

(f) Lot size. No minimum lot size.

(g) Stories. Maximum number of stories is three.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

(a) In general. Landscaping must be provided in accordance with Article X and the additional provisions in this section. If there is a conflict between the text of this section and Article X, the text of this section controls.

(b) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-_____.112. URBAN DESIGN CONSIDERATIONS.

(a) Building facades longer than 80 feet shall incorporate at least three of the following design features or architectural elements:

(1) Change in building materials, color, and texture which contrasts from the rest of the facade;

(2) Articulate building with projections, recesses, material changes, parapets, cornices, and varying roof heights;

(3) Distinguish between the building's base (street and lower levels), middle (core mid-section), and top (the upper level which distinguishes the building and how it meets the sky) with architectural elements and articulated through materials, details, and changes in wall plane;

(4) Deep inset windows;

(5) Stepped-back floor plates at upper levels to diminish overall scale;

(6) Architectural elements which protrude from the face of the building, such as terraces, decks, balconies, overhangs, and sunshades integrated into the building's architecture.

(7) Aboveground parking structures must be constructed so as to screen vehicle headlights from shining on adjacent property by a minimum forty-two inch wall.

(8) Openings in the parking structure facade must not exceed 55 percent of the total garage facade area.

(b) Each ground floor, street facing unit must have direct access to the street through use of individual walkways or the sharing of a walkway between two units.

(c) A minimum of two of each of the following pedestrian amenities must be provided along for each 300 linear feet of street frontage or fraction thereof:

(A) benches,
(A) trash receptacles, and
(C) bicycle racks (at least one five-bike rack must be provided).

SEC. 51P- ____.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) Minimum sidewalk width is six feet.

(b) Highly reflective glass may not be used as an exterior building material on any building or structure.

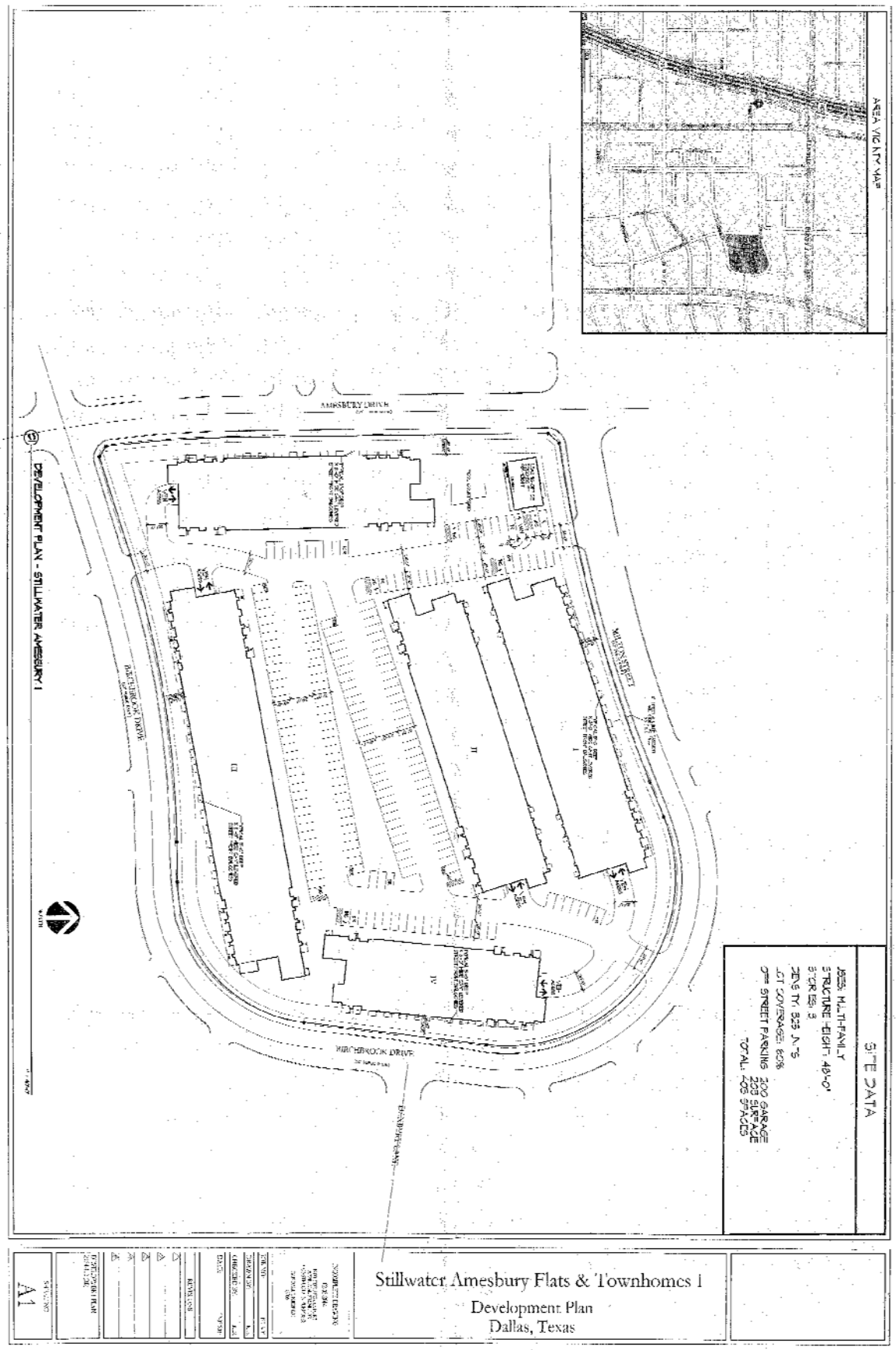
(c) The Property must be properly maintained in a state of good repair and neat appearance.

(d) 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 of Dallas.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

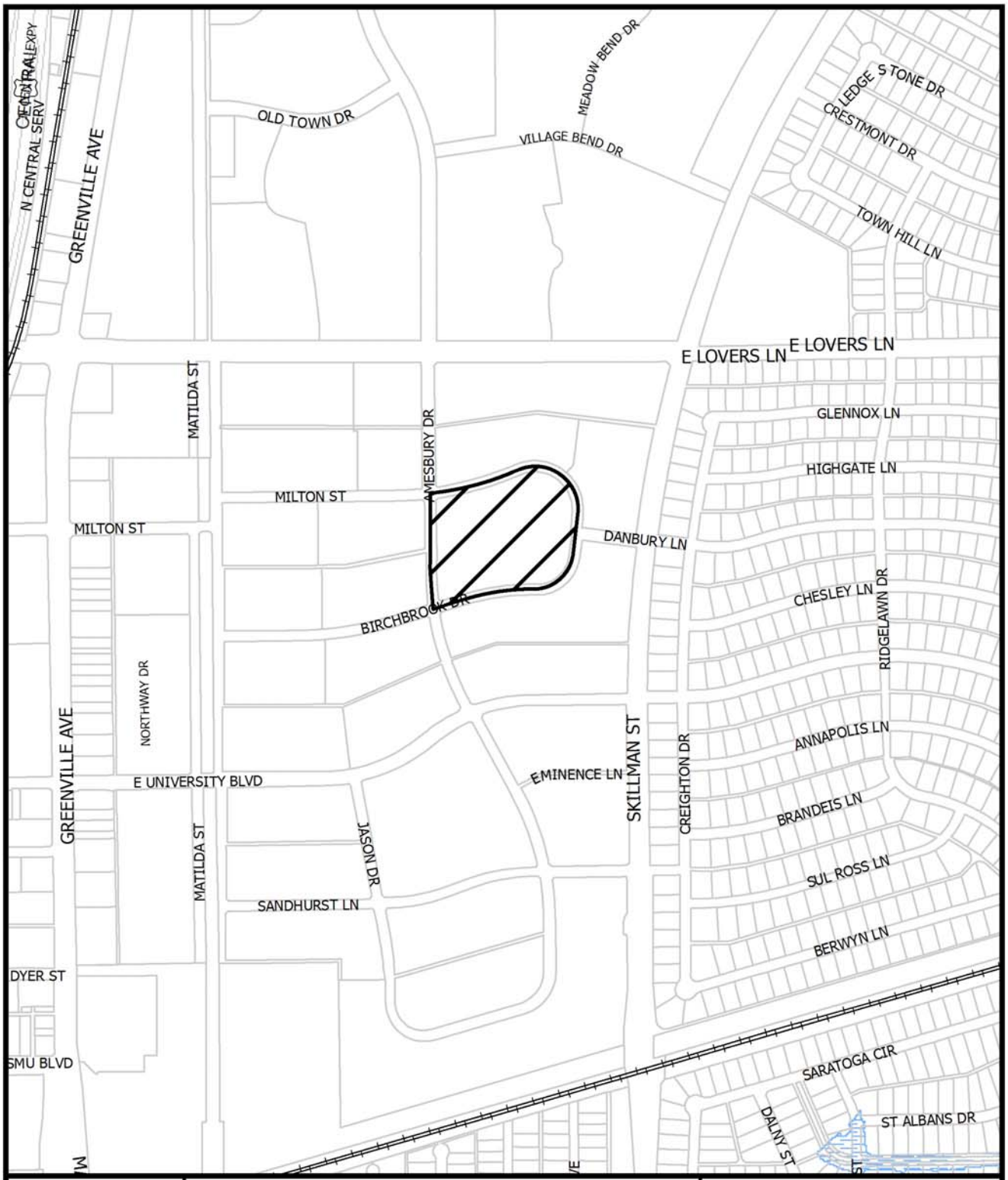
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(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 in this 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 of Dallas.



13

Proposed Development Plan



1:7,200

VICINITY MAP

Case no: Z134-112

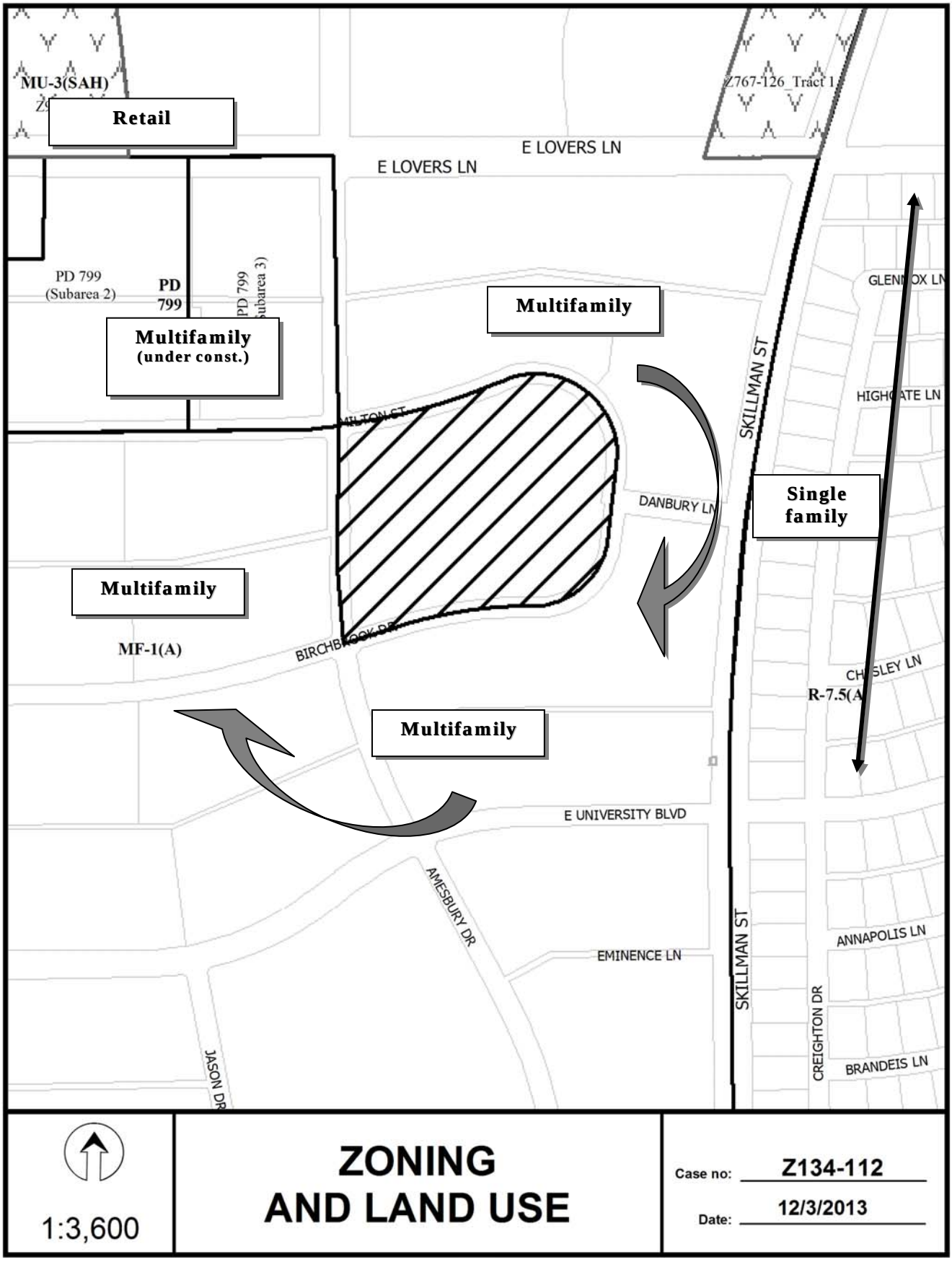
Date: 12/3/2013

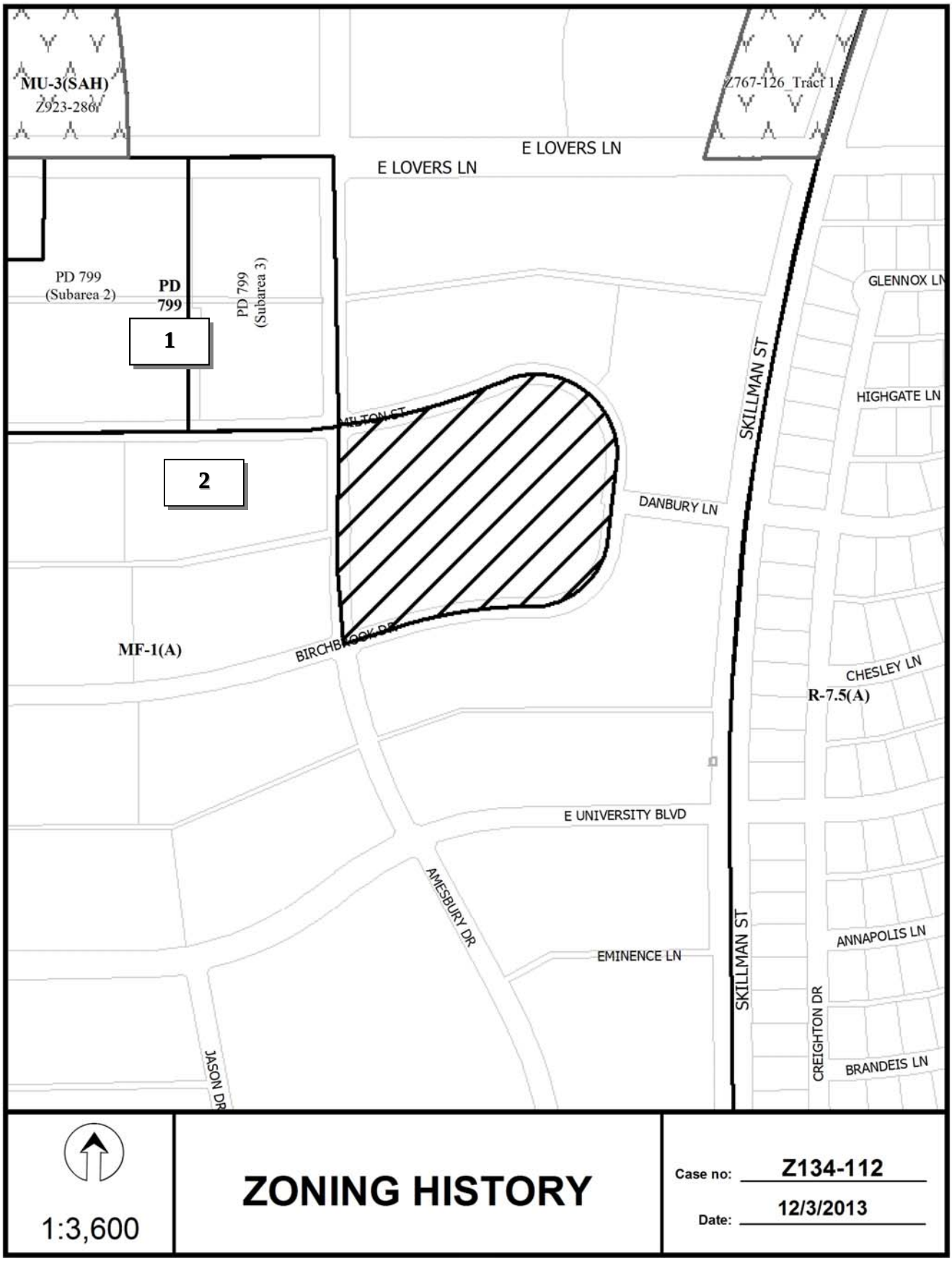
1:3,600

AERIAL MAP

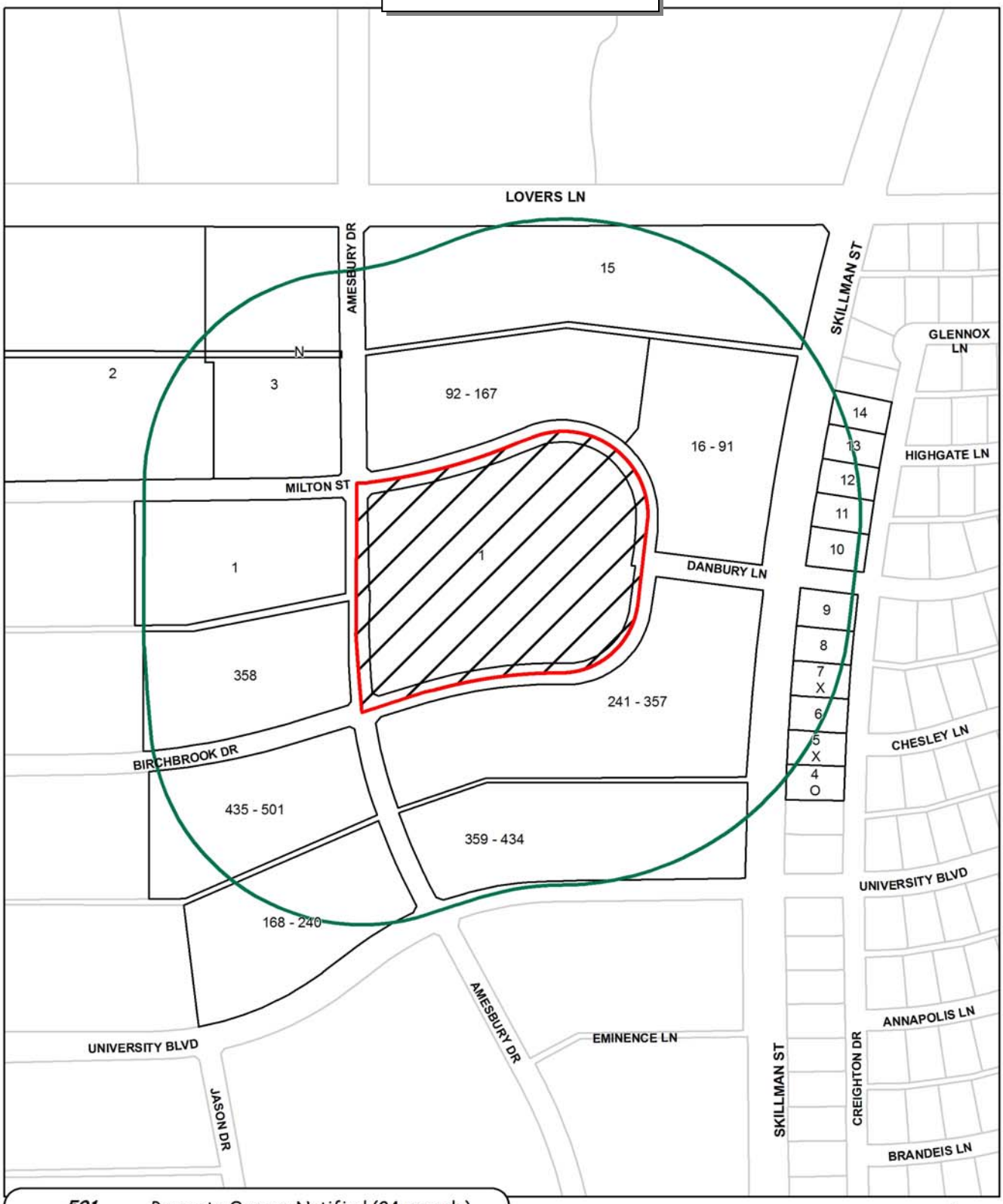
Case no: Z134-112

Date: 12/3/2013


MU-3(SAH)
Retail
Z767-126_Tract 1
E LOVERS LN
E LOVERS LN
PD 799
(Subarea 2)
PD
799
PD 799
(Subarea 3)
Multifamily
(under const.)
Multifamily
MILTON ST
Multifamily
SKILLMAN ST
GLENMOX LN
HIGHGATE LN
DANBURY LN
Single
family
Multifamily
MF-1(A)
BIRCHBROOK DR
CHESLEY LN
R-7.5(A)
Multifamily
E UNIVERSITY BLVD
AMESBURY DR
EMINENCE LN
SKILLMAN ST
ANNAPOLIS LN
CREIGHTON DR
BRANDEIS LN
JASON DR
1:3,600
ZONING
AND LAND USE
Case no: Z134-112
Date: 12/3/2013


MU-3(SAH)
Z923-286
Z767-126 Tract 1
E LOVERS LN
E LOVERS LN
PD 799
(Subarea 2)
PD
799
PD 799
(Subarea 3)
1
2
MILTON CT
DANBURY LN
SKILLMAN ST
GLENNOX LN
HIGHGATE LN
MF-1(A)
BIRCHBROOK DR
CHESLEY LN
R-7.5(A)
E UNIVERSITY BLVD
AMESBURY DR
EMINENCE LN
SKILLMAN ST
ANNAPOLIS LN
CREIGHTON DR
BRANDEIS LN
JASON DR
1:3,600
ZONING HISTORY
Case no: Z134-112
Date: 12/3/2013

CPC RESPONSES



501	Property Owners Notified (24 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
500'	Area of Notification
3/20/2014	Date

Z134-112
CPC

N
W E
S

1:3,600

3/20/2014

Reply List of Property Owners

Z134-112

501 Property Owners Notified 1 Property Owners in Favor 2 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	5025	AMESBURY DR	ALDEN AMESBURY ENTERPRISE LLC
	2	5936	LOVERS LN	LOVERS TRADITION II LP
	3	5936	LOVERS LN	CT LOVERS LANE APARTMENTS LP
O	4	4921	CREIGHTON DR	VOGEL ANN M & JESUS
X	5	4927	CREIGHTON DR	MATASSA FRANCES
	6	4933	CREIGHTON DR	BEKKER ALEX
X	7	4939	CREIGHTON DR	RUPPEL DORIS ELIZABETH
	8	4947	CREIGHTON DR	DONNELLY BRENDA &
	9	4955	CREIGHTON DR	BOLT JOHN M
	10	5007	CREIGHTON DR	TODORA ANN
	11	5015	CREIGHTON DR	TODORA STEVEN T &
	12	5021	CREIGHTON DR	WEIR THOMAS C & ROSALIE S
	13	5027	CREIGHTON DR	WILSON ROBERT H JR
	14	5105	CREIGHTON DR	DAVIS DAVID M
	15	6044	LOVERS LN	BEHRINGER HARVARD LOVERS LANE REIT I LLC
	16	6005	DANBURY LN	SMALL LEE REVOCABLE TRUST
	17	6005	DANBURY LN	KRISHNAMURTHI DEEPA
	18	6005	DANBURY LN	RODRIGUEZ YOLANDA
	19	6005	DANBURY LN	EQUITY TRUST COMPANY
	20	6005	DANBURY LN	REESE DEEANN
	21	6005	DANBURY LN	VANIAN DANIEL J TR &
	22	6005	DANBURY LN	VIGER ANGELA & EDWARD TIMOTHY
	23	6011	DANBURY LN	ARNOLD COLIN &
	24	6011	DANBURY LN	GOLDMAN AYA & EREZ
	25	6011	DANBURY LN	GUERRERO VERONICA
	26	6011	DANBURY LN	GOLDMAN SAM

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	27	6011	DANBURY LN	RING INTERNATIONAL LLC
	28	6011	DANBURY LN	WEISFELD RONALD A
	29	6011	DANBURY LN	MORENO BARBARA
	30	5003	SKILLMAN ST	US BANK NA
	31	5003	SKILLMAN ST	BAXAVANIS NICHOLAS &
	32	5003	SKILLMAN ST	FRASER LEWIS J III
	33	5003	SKILLMAN ST	LAM SUI LUN
	34	5003	SKILLMAN ST	BAXAVANIS NICHOLAS &
	35	5003	SKILLMAN ST	LESTER JULIA CLAIRE
	36	5003	SKILLMAN ST	STOKES RYAN K & MARRI P
	37	5003	SKILLMAN ST	FITZGERALD STEVEN &
	38	5003	SKILLMAN ST	MAJESTIC SKIES SERIES LLC
	39	5003	SKILLMAN ST	BOWSHEWICZ TORY &
	40	5003	SKILLMAN ST	STOKES RYAN K & MARRI P
	41	5005	SKILLMAN ST	MORGAN PARK LTD &
	42	5005	SKILLMAN ST	LEVITAN INVESTMENTS LLC
	43	5005	SKILLMAN ST	KEEFE JANET R EST OF
	44	5005	SKILLMAN ST	GEBREDINGIL TESFA
	45	5003	SKILLMAN ST	HABTEGEBRIEL ZEWIDITU &
	46	5005	SKILLMAN ST	5005 SKILLMAN LAND TRUST
	47	5005	SKILLMAN ST	REDICK MICHAEL
	48	5005	SKILLMAN ST	WILSON KATHRYN
	49	5103	SKILLMAN ST	LLN PROPERTIES LLC
	50	5103	SKILLMAN ST	GARCIA MARY
	51	5105	SKILLMAN ST	CLIFFORD INVESTMENTS INC
	52	5103	SKILLMAN ST	CHUNG FRANK F
	53	5105	SKILLMAN ST	LEVITAN MICHAEL M
	54	5111	SKILLMAN ST	VANIAN MARY TRUSTEE
	55	5111	SKILLMAN ST	DONOVAN JAMES
	56	5111	SKILLMAN ST	SHEGERE AMELEWRK H
	57	6061	MILTON ST	HSU YU JEN

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	58	5111	SKILLMAN ST	DECKARD JOHN & DEBORAH C
	59	5107	SKILLMAN ST	BEANE STEVEN E &
	60	5111	SKILLMAN ST	HIPPS CLARENCE E &
	61	5111	SKILLMAN ST	FLORES CARLOS T &
	62	5111	SKILLMAN ST	FISHER ROBERT W &
	63	5111	SKILLMAN ST	LEVITAN INVESTMENTS LLC
	64	5111	SKILLMAN ST	EQUITY TRUST CO
	65	5111	SKILLMAN ST	ACOSTA VIRGINIA
	66	5111	SKILLMAN ST	HAMMONDS DEXTER
	67	5111	SKILLMAN ST	GEBRIEL TESSGAY
	68	6061	MILTON ST	YAMMANEE SUKANYA
	69	6065	MILTON ST	GREGG GARY L TR &
	70	6065	MILTON ST	ADAM RONALD
	71	6067	MILTON ST	LOVE ERIC
	72	6067	MILTON ST	HILL WILLIAM & STEPHEN
	73	6065	MILTON ST	STOCKERT ANDREA D TRUST
	74	6065	MILTON ST	SABUNCUYAN ARDAS & NIRVA
	75	6067	MILTON ST	ROBERTS MARK S
	76	6077	MILTON ST	GOLDMAN EREZ & AYA
	77	6077	MILTON ST	SOLIZ DANIEL & KIMBERLY
	78	6073	MILTON ST	RAY ANDREW J
	79	6073	MILTON ST	HSU YUJEN
	80	6077	MILTON ST	KIT JOHN S &
	81	6077	MILTON ST	MATEVOSYAN KARINE
	82	6073	MILTON ST	DAVIS DWAYNE G & SUSAN C
	83	6073	MILTON ST	OTTON RICHARD
	84	6081	MILTON ST	LEE NORMAN R & PAT ANN M
	85	6081	MILTON ST	CARDENAS LEONARD
	86	6081	MILTON ST	JACKMAN SADIE
	87	6081	MILTON ST	BRYANT JUDY K
	88	6081	MILTON ST	PARSONS VIROJ &

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	89	6081	MILTON ST	KERWIN THOMAS M
	90	6081	MILTON ST	SANI AL &
	91	6081	MILTON ST	KIMMEL LARRY
	92	5130	AMESBURY DR	CHAVEZ CONSUELO BERNAL
	93	5130	AMESBURY DR	REINHART COLIN
	94	5130	AMESBURY DR	SILVA GENARO
	95	5132	AMESBURY DR	COUSINO JAY FREDERICK &
	96	5132	AMESBURY DR	LABARBA FRANK JR
	97	5132	AMESBURY DR	SALGADO GARY
	98	5130	AMESBURY DR	JONES TERRY P & REBECCA B
	99	5130	AMESBURY DR	COUSINO JAY & LORI
	100	5130	AMESBURY DR	PARKER LORI
	101	5132	AMESBURY DR	ARRANGEMENT CONDO HOA
	102	5132	AMESBURY DR	G4 LLC
	103	5132	AMESBURY DR	MORANTE JAVIER
	104	5136	AMESBURY DR	BUFORD R LEE
	105	5136	AMESBURY DR	CASTELLANOS JOSEFA
	106	5138	AMESBURY DR	GOLDEN STEPHANIE W &
	107	5138	AMESBURY DR	RICKRICH WHITE LLC
	108	5138	AMESBURY DR	COUSINO JAY
	109	5136	AMESBURY DR	GILBREATH CYNTHIA
	110	5136	AMESBURY DR	STRAIN ELIZABETH A
	111	5138	AMESBURY DR	CCHIRCA ANTOMIO
	112	5138	AMESBURY DR	PHILLIPS ROGER
	113	5140	AMESBURY DR	BARONET ALICE K
	114	5140	AMESBURY DR	CHAVEZ RIGOBERTO &
	115	5142	AMESBURY DR	KRANICH GEORGE W
	116	5142	AMESBURY DR	KRANICH GEORGE W
	117	5142	AMESBURY DR	ERNST BOBBIE JEAN
	118	5140	AMESBURY DR	BRIDGES WILLIAM SAMUEL JR
	119	5140	AMESBURY DR	CVIJETIC GORAN

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	120	5142	AMESBURY DR	FERIA JULIA V
	121	5142	AMESBURY DR	GARZA ERICK
	122	5142	AMESBURY DR	KENNEDY CAROLE K
	123	5148	AMESBURY DR	AVIVA INVESTMENTS LP
	124	5148	AMESBURY DR	FELLOWS HOWARD F JR &
	125	5148	AMESBURY DR	SIGAUD JOSE
	126	5148	AMESBURY DR	KELLER PHILLIP LANCE
	127	5148	AMESBURY DR	JOHNSON MARGARET E
	128	5148	AMESBURY DR	KAROVA RENI TZVETANOVA
	129	5148	AMESBURY DR	NEGA AKLIL
	130	5148	AMESBURY DR	BROTHERTON KATHERINE
	131	5150	AMESBURY DR	STEVENS MICHAEL W
	132	5150	AMESBURY DR	FAITH DORIS
	133	5150	AMESBURY DR	SABOGAL ANDREW
	134	5150	AMESBURY DR	GRAY GARY T
	135	5150	AMESBURY DR	LOZANO JR LINO GARZA &
	136	5150	AMESBURY DR	WATKINS BUSTAMANTE
	137	5150	AMESBURY DR	SIKORSKI JOSEPH
	138	5154	AMESBURY DR	COLE MICHAEL
	139	5154	AMESBURY DR	DEVITO JILL
	140	5154	AMESBURY DR	MORENO BARBARA
	141	5154	AMESBURY DR	STARK RANDY
	142	5154	AMESBURY DR	ORTEGA TABITHA C & JOSE B
	143	5154	AMESBURY DR	HOLMES WILLIAM H
	144	6001	MILTON ST	GHENNET MICHELE
	145	6003	MILTON ST	WELCH JO T
	146	6005	MILTON ST	VANGRUBER YAEL
	147	6007	MILTON ST	DAMETIE TADELE
	148	6009	MILTON ST	DUNN ZENEBECH
	149	6011	MILTON ST	FISHER RENEE C
	150	6015	MILTON ST	NORMAN THOMAS E

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	151	6017	MILTON ST	DAVENPORT LESLIE C
	152	6019	MILTON ST	HUPP ANDREW & EKATERINA KONOVALOVA
	153	6021	MILTON ST	IBRAHIM MARY
	154	6023	MILTON ST	SMITH CLAELE
	155	6025	MILTON ST	CARTER KEVIN R & BARBARA
	156	6033	MILTON ST	DAMARYS QUINTANA D
	157	6035	MILTON ST	SMITH MARLYS L
	158	6037	MILTON ST	MULLENNIX BERRY J & REGINA A CO-TRUSTEES
	159	6039	MILTON ST	ROBBINS MYRA ELIZABETH
	160	6041	MILTON ST	COCANOUGHER ANDREW MARK
	161	6043	MILTON ST	FRERICH BRADLEY J
	162	6045	MILTON ST	PATTERSON BRIAN S
	163	6047	MILTON ST	NAKPAIRAT SOPON & ANN M
	164	6049	MILTON ST	RESENDEZ JENNIFER
	165	6051	MILTON ST	CORSE CATHY DOWDY TR
	166	6053	MILTON ST	MERCHED CHADI J
	167	6055	MILTON ST	MOLHOEK DAVID C
	168	5907	UNIVERSITY BLVD	MARSHALL AARON
	169	5907	UNIVERSITY BLVD	CAMACHO GERARD M
	170	5907	UNIVERSITY BLVD	GAST JASON T
	171	5907	UNIVERSITY BLVD	MANDALA STEPHEN &
	172	5907	UNIVERSITY BLVD	DUPONT JASON
	173	5907	UNIVERSITY BLVD	LISENBY DANA
	174	5915	UNIVERSITY BLVD	KONOPA OTTO
	175	5915	UNIVERSITY BLVD	KILHOFFER GREGORY N
	176	5915	UNIVERSITY BLVD	BANK OF AMERICA NA
	177	5915	UNIVERSITY BLVD	VENABLE JOSEPH R ET AL
	178	5915	UNIVERSITY BLVD	YONGLOVE GEOF & BELINDA
	179	5915	UNIVERSITY BLVD	GLENN STEPHEN T
	180	5915	UNIVERSITY BLVD	HARTLEY TIMOTHY &
	181	5917	UNIVERSITY BLVD	SONDECKER PENNY

3/20/2014

Reply	*Label #*	*Address*		*Owner*
	182	5917	UNIVERSITY BLVD	GORDILLO DIEGO M &
	183	5917	UNIVERSITY BLVD	VAN LERBERGHE WIM H
	184	5917	UNIVERSITY BLVD	VOIGT ALEXANDER R
	185	5917	UNIVERSITY BLVD	BURBANK ELI T
	186	5917	UNIVERSITY BLVD	BGY INVESTMENTS LP
	187	5919	UNIVERSITY BLVD	SIMON DREW SCOTT &
	188	5919	UNIVERSITY BLVD	FLEMING DAGMAR B
	189	5919	UNIVERSITY BLVD	SAAVEDRA BRUNA
	190	5919	UNIVERSITY BLVD	EICHSTADT ANDRESS & ALEX LEE
	191	5919	UNIVERSITY BLVD	MEDCALF PAUL ERIC
	192	5919	UNIVERSITY BLVD	DAVIS CHARLES C
	193	5927	UNIVERSITY BLVD	EARSLEY JAMES L
	194	5927	UNIVERSITY BLVD	NIELSEN STEVEN
	195	5927	UNIVERSITY BLVD	BEAUDRY GABRIELLE
	196	5927	UNIVERSITY BLVD	FREED CLAYTON N
	197	5931	UNIVERSITY BLVD	STOVALL BILLY J II
	198	5931	UNIVERSITY BLVD	PARKER PRISCILLA &
	199	5927	UNIVERSITY BLVD	GROGMAN RYAN
	200	5927	UNIVERSITY BLVD	DENNIS RICHARD G
	201	5927	UNIVERSITY BLVD	GILSON LISA
	202	5927	UNIVERSITY BLVD	GILBERT JENNIFER C
	203	5927	UNIVERSITY BLVD	GLASS MARK W
	204	5931	UNIVERSITY BLVD	ORTEGON ANTHONY L & COURTNEY
	205	5931	UNIVERSITY BLVD	SHU KEE J
	206	5931	UNIVERSITY BLVD	KOKIC SUMMER
	207	5931	UNIVERSITY BLVD	ORTEGON ANTHONY
	208	5931	UNIVERSITY BLVD	STEPHENSON SALLY TAYLOR
	209	5931	UNIVERSITY BLVD	WALIA SUMMIT S
	210	5931	UNIVERSITY BLVD	PAI JAMES
	211	5931	UNIVERSITY BLVD	ELLIS CHAD M
	212	5931	UNIVERSITY BLVD	SMITH BISSELL & MARIA C

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Reply	*Label #*	*Address*		*Owner*
	213	5937	UNIVERSITY BLVD	KING PRESTON A
	214	5937	UNIVERSITY BLVD	MILES RACHEL
	215	5937	UNIVERSITY BLVD	THACKER RORY
	216	5937	UNIVERSITY BLVD	PERRYMAN DALE
	217	5937	UNIVERSITY BLVD	GALVAN DAVID
	218	5937	UNIVERSITY BLVD	BAYNARD PAUL T &
	219	5937	UNIVERSITY BLVD	CHATTERJEE BASUDEB &
	220	5937	UNIVERSITY BLVD	HEGRANES JONATHAN B
	221	5911	UNIVERSITY BLVD	CHAMBWE FUNGISAL
	222	5911	UNIVERSITY BLVD	STERN STACEY N & DEBORAH
	223	5911	UNIVERSITY BLVD	ALEXANDER SINDHU M
	224	5911	UNIVERSITY BLVD	ABBOTT CHRISTINE F
	225	5911	UNIVERSITY BLVD	MONACELLI CHRISTOPHER A
	226	5911	UNIVERSITY BLVD	CHUMBLEY KEVIN WAYNE
	227	5911	UNIVERSITY BLVD	SESSION SAMUEL A
	228	5911	UNIVERSITY BLVD	ALVES NATHALIE Y
	229	5911	UNIVERSITY BLVD	SHAW TIFFANY LEIGH
	230	5911	UNIVERSITY BLVD	HENSLEY WILLIS &
	231	5911	UNIVERSITY BLVD	BUTCHER KALE
	232	5925	UNIVERSITY BLVD	DICKEY BERT G IV
	233	5925	UNIVERSITY BLVD	ROSILES ASHLEIGH S
	234	5925	UNIVERSITY BLVD	FLORES YVETTE
	235	5925	UNIVERSITY BLVD	CHRISTENSEN KATHRINE
	236	5925	UNIVERSITY BLVD	CAFFALL DANIEL C
	237	5925	UNIVERSITY BLVD	THWEATT JANETTE
	238	5925	UNIVERSITY BLVD	SMITH MARIA A
	239	5925	UNIVERSITY BLVD	CONERLY LAMAR A III
	240	5925	UNIVERSITY BLVD	HAMLIN CURTIS C
	241	4944	AMESBURY DR	STAFFORD CLYDE JR & JACQUELINE
	242	4944	AMESBURY DR	GARRETT H FRANCES
	243	4944	AMESBURY DR	MCEOWEN JONATHAN SCOTT

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Reply	*Label #*	*Address*		*Owner*
	244	4944	AMESBURY DR	SCRIMA ELIZABETH
	245	4944	AMESBURY DR	MCGUIRE JIMMIE W II &
	246	4944	AMESBURY DR	PROBST LEAH SUZANNE
	247	4944	AMESBURY DR	CIMO JUDY A
	248	4944	AMESBURY DR	NERO FRANCES J TRUST THE
	249	4944	AMESBURY DR	RICHARDS IAN J & MARIA C
	250	4944	AMESBURY DR	LEWIS SARAH &
	251	4944	AMESBURY DR	BURK ANN R
	252	4944	AMESBURY DR	LUDWIN CLAUDIA
	253	4944	AMESBURY DR	SNYDER JEREMY M &
	254	4944	AMESBURY DR	SUNG CAROLINE
	255	6020	BIRCHBROOK DR	FLOOD SHIRLEY K
	256	6020	BIRCHBROOK DR	RHODES ROBERT L ETAL
	257	6020	BIRCHBROOK DR	SCHERMANN GARRY R
	258	6020	BIRCHBROOK DR	SCHMID JACK R
	259	6020	BIRCHBROOK DR	KARLOS RICHARD L &
	260	6020	BIRCHBROOK DR	PARIS ROY
	261	6020	BIRCHBROOK DR	TYRA JOE CLIFFORD
	262	6020	BIRCHBROOK DR	WEBB HELEN F
	263	6020	BIRCHBROOK DR	VINTON PATRICIA A
	264	6026	BIRCHBROOK DR	MAY LAURA L
	265	6026	BIRCHBROOK DR	PAUL CAMMIE K
	266	6026	BIRCHBROOK DR	COLBY LISA FAY
	267	6026	BIRCHBROOK DR	EMORY CYNTHIA
	268	6026	BIRCHBROOK DR	LASKA DAVID &
	269	6026	BIRCHBROOK DR	MORGAN STEPHEN T
	270	6026	BIRCHBROOK DR	RICKRICH WHITE LLC
	271	6026	BIRCHBROOK DR	WILLIAMS R L
	272	6026	BIRCHBROOK DR	DRAKE RONALD G
	273	6026	BIRCHBROOK DR	HENDERSON JAY M
	274	6026	BIRCHBROOK DR	WHITE LINDA LOUISE

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Reply	*Label #*	*Address*		*Owner*
	275	6026	BIRCHBROOK DR	DEBROW CHRISTOPHER B
	276	6030	BIRCHBROOK DR	BURNETTE MARY
	277	6030	BIRCHBROOK DR	MARTIN DONALD RAY
	278	6030	BIRCHBROOK DR	FAKIER KURT
	279	6030	BIRCHBROOK DR	OFSTAD NORMAN & PAULINE
	280	6030	BIRCHBROOK DR	ANDERSON DOUGLAS W &
	281	6030	BIRCHBROOK DR	ARRINGTON JAMES M
	282	6030	BIRCHBROOK DR	LE BOEUF RAYMOND J
	283	6030	BIRCHBROOK DR	LA BARBA CHRISTOPHER L
	284	6030	BIRCHBROOK DR	MARTIN BARRY W
	285	6030	BIRCHBROOK DR	CAIN MARGARET C
	286	6030	BIRCHBROOK DR	ALLEN MARK S & KAREN
	287	6036	BIRCHBROOK DR	ONEILL SANDRA J
	288	6036	BIRCHBROOK DR	BLACK CAROL A
	289	6036	BIRCHBROOK DR	VEYTSMAN ARTHUR
	290	6036	BIRCHBROOK DR	STRASMICK DEBBIE
	291	6036	BIRCHBROOK DR	YEE SAM K JR
	292	6036	BIRCHBROOK DR	DUNCAN THOMAS FAMILY TRUST
	293	6036	BIRCHBROOK DR	PACKER GREGORY D
	294	6036	BIRCHBROOK DR	HILL DOROTHY A & JOSEPH M JR
	295	6036	BIRCHBROOK DR	MENDE GENE
	296	6036	BIRCHBROOK DR	DURTSCHI CHARLES A & PANSY G
	297	6036	BIRCHBROOK DR	LAPARCHE LORELLE M
	298	6036	BIRCHBROOK DR	BROWN KIMBRA L
	299	6046	BIRCHBROOK DR	KLEIN KEVIN W
	300	6046	BIRCHBROOK DR	MACCORKLE LAURA R
	301	6046	BIRCHBROOK DR	CANTWELL NANCY
	302	6046	BIRCHBROOK DR	DAVIS SANDRA M
	303	6046	BIRCHBROOK DR	GLASER RICHARD E JR
	304	6046	BIRCHBROOK DR	BERRY VERNON H JR &
	305	6046	BIRCHBROOK DR	MARTIN RUBY N

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Reply	*Label #*	*Address*		*Owner*
	306	6040	BIRCHBROOK DR	BUEHRING CAROL C
	307	6040	BIRCHBROOK DR	STONEBRAKER JOHN
	308	6040	BIRCHBROOK DR	FORESTER GENE & TAMMY
	309	6040	BIRCHBROOK DR	SUMTER RONALD S &
	310	6040	BIRCHBROOK DR	NICHOLS GREGORY L &
	311	6050	BIRCHBROOK DR	MORGAN WILLIAM DAVID JR
	312	6050	BIRCHBROOK DR	GARRETT BENTLEY T
	313	6050	BIRCHBROOK DR	VAN UUM JOHANNES C H &
	314	6050	BIRCHBROOK DR	GILMORE DEAN H
	315	6050	BIRCHBROOK DR	DAVIS SARA B
	316	6050	BIRCHBROOK DR	HOPKINS THOMAS LELAND &
	317	6050	BIRCHBROOK DR	BOUDREAUX JANE A
	318	6050	BIRCHBROOK DR	SUMMERFIELD DONNA J
	319	6050	BIRCHBROOK DR	CROSSLAND MARY ELLEN
	320	6050	BIRCHBROOK DR	COLLINS JOHN
	321	6050	BIRCHBROOK DR	HAIK SAMIEL
	322	6050	BIRCHBROOK DR	MCQUARTERS EDDIE L JR &
	323	6050	BIRCHBROOK DR	DELANEY ANNE M
	324	6050	BIRCHBROOK DR	ANDERSON ANDREA &
	325	4933	SKILLMAN ST	COX LAUREN
	326	4933	SKILLMAN ST	CLAY MICHAEL S
	327	4933	SKILLMAN ST	BOUDREAUX JANE A LIFE ESTATE
	328	4933	SKILLMAN ST	BUGBEE DAVID L
	329	4933	SKILLMAN ST	RODRIGUEZ JULIO
	330	4933	SKILLMAN ST	THORNTON JEAN
	331	4933	SKILLMAN ST	WISEMAN PAUL L &
	332	4933	SKILLMAN ST	WATSON TIMOTHY C
	333	4933	SKILLMAN ST	BEDELL MARY E
	334	4933	SKILLMAN ST	GATHINGS JOYCE
	335	4933	SKILLMAN ST	MARTIN JAMES DWAYNE
	336	4949	SKILLMAN ST	TAGG DEBRA B & PAUL F

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Reply	*Label #*	*Address*		*Owner*
	337	4949	SKILLMAN ST	HURDLE STEVEN W
	338	4949	SKILLMAN ST	SUMTER SCOTT S
	339	4949	SKILLMAN ST	BENNATT MOLLY
	340	4949	SKILLMAN ST	YOUNG LINDA
	341	4949	SKILLMAN ST	DEUTSCH BLANCHE I & KARL RONALD
	342	4949	SKILLMAN ST	NORTON IMA EST OF
	343	4949	SKILLMAN ST	HARBOUR ERIN &
	344	4949	SKILLMAN ST	HANSEN GLADYS M
	345	4949	SKILLMAN ST	PLAISANCE WILLIAM G
	346	6060	BIRCHBROOK DR	HERRERA MARTHA E
	347	6060	BIRCHBROOK DR	CHATFIELD EVELYN
	348	6060	BIRCHBROOK DR	MARSH FREDERICK W JR
	349	6060	BIRCHBROOK DR	SANTILLO A C
	350	6060	BIRCHBROOK DR	GLEBOFF STEPHEN G & DEE M
	351	6060	BIRCHBROOK DR	DAVIS JUNE M
	352	6060	BIRCHBROOK DR	HORTON SAUNDRA
	353	6060	BIRCHBROOK DR	HOLLAND MARJORIE BRUCE
	354	6060	BIRCHBROOK DR	DEMERS MICHEL
	355	6060	BIRCHBROOK DR	SEIFERT CHARLOTTE
	356	6060	BIRCHBROOK DR	HOLLAND JOHN B &
	357	6060	BIRCHBROOK DR	BANKSTON HAZEL &
	358	5909	BIRCHBROOK DR	LA CIMA NEWPORT PARTNERS LLC
	359	6019	UNIVERSITY BLVD	WORTH ANNE L
	360	6019	UNIVERSITY BLVD	FAYNAN JEFFREY B & JULEE
	361	6021	UNIVERSITY BLVD	WOLFE STEVEN C & PATTI L
	362	6021	UNIVERSITY BLVD	M M MULTIPLE HOLDINGS LLC
	363	6019	UNIVERSITY BLVD	VATICALOS ROBERT L & ETAL
	364	6019	UNIVERSITY BLVD	PIERCE JAN
	365	6021	UNIVERSITY BLVD	TOWNSWICK MARIYA A
	366	6021	UNIVERSITY BLVD	MARTIN CHRISTENE P
	367	6023	UNIVERSITY BLVD	DESALME ROGER A

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Reply	*Label #*	*Address*		*Owner*
	368	6023	UNIVERSITY BLVD	HAMEDI ALYSSA N &
	369	6023	UNIVERSITY BLVD	HERRING CHARLES W
	370	6023	UNIVERSITY BLVD	LISING JOHN B & ALICIA
	371	6029	UNIVERSITY BLVD	SCHOCK SUMMER S
	372	6029	UNIVERSITY BLVD	SOLIS BRUCE A
	373	6029	UNIVERSITY BLVD	BARNETT ANGELA
	374	6029	UNIVERSITY BLVD	BENEKE ROBERT L
	375	6029	UNIVERSITY BLVD	GAMEZ CARLA CONTRERAS
	376	6029	UNIVERSITY BLVD	SMITH KIMBERLY D
	377	6029	UNIVERSITY BLVD	BANK OF AMERICA NA
	378	6027	UNIVERSITY BLVD	PRICHARD JULIA A M
	379	6027	UNIVERSITY BLVD	MEYERS KAREN LINNET
	380	6027	UNIVERSITY BLVD	BOLLES CATHRYN TR
	381	6027	UNIVERSITY BLVD	SUNIO MARIA L
	382	6027	UNIVERSITY BLVD	WILSON LORI M
	383	6027	UNIVERSITY BLVD	BERGERON MICHELE V
	384	6025	UNIVERSITY BLVD	ORTON ASHLEA D
	385	6025	UNIVERSITY BLVD	HENSEY MARY LOUISE
	386	6017	UNIVERSITY BLVD	KRAUTTER REEDITH
	387	6017	UNIVERSITY BLVD	CASEY KAREN S
	388	6017	UNIVERSITY BLVD	COUCH THERESA A &
	389	6017	UNIVERSITY BLVD	PEREZ KARINA
	390	6017	UNIVERSITY BLVD	ZACKEY BOBBIE R
	391	6017	UNIVERSITY BLVD	SNAVELY LINDA K
	392	6017	UNIVERSITY BLVD	SHELLEY JASON
	393	6017	UNIVERSITY BLVD	BOYD KAREN
	394	6017	UNIVERSITY BLVD	HAMMOND JIMMIE
	395	6017	UNIVERSITY BLVD	JOHNSON CATHERINE
	396	6015	UNIVERSITY BLVD	LAW RACHEL M
	397	6015	UNIVERSITY BLVD	VERHEIN M KERLIN
	398	6015	UNIVERSITY BLVD	VIA ROBERT M

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Reply	*Label #*	*Address*		*Owner*
	399	6015	UNIVERSITY BLVD	TUCKER FRANCIS TRUST
	400	6015	UNIVERSITY BLVD	BAUGHER LAUREN
	401	6015	UNIVERSITY BLVD	KNUTH CHARLOTTE
	402	6015	UNIVERSITY BLVD	MCLURE RICHARD D
	403	6015	UNIVERSITY BLVD	NWABUISI ROSE & AUGUSTINE
	404	6015	UNIVERSITY BLVD	BOONE JAMES VANNES JR
	405	6015	UNIVERSITY BLVD	BOSCH LYNN S
	406	6015	UNIVERSITY BLVD	RICHARDSON GREGORY D & CHRISTEN G
	407	6015	UNIVERSITY BLVD	MARCUM MELISSA &
	408	6009	UNIVERSITY BLVD	GILLESPIE LINDA SHARON
	409	6009	UNIVERSITY BLVD	BEASLEY WILLIAM SCOTT
	410	6009	UNIVERSITY BLVD	SIFFORD LEWIS R
	411	6007	UNIVERSITY BLVD	MOSELEY JULIAN P JR EST OF
	412	6007	UNIVERSITY BLVD	CHANDLER GAY EDNA
	413	6007	UNIVERSITY BLVD	MCKELVEY RICHARD S & CHELSEA R &
	414	6007	UNIVERSITY BLVD	MAXWELL SARAH H
	415	6007	UNIVERSITY BLVD	TOZER RICHARD F
	416	6005	UNIVERSITY BLVD	ROSALES MARIA B
	417	6005	UNIVERSITY BLVD	FLAY KATHERINE A & JOHN CLARK
	418	6005	UNIVERSITY BLVD	PAQUET STEVE
	419	6005	UNIVERSITY BLVD	REYNOLDS SEAN
	420	6005	UNIVERSITY BLVD	LAMMERS ELIZABETH L
	421	6005	UNIVERSITY BLVD	CARR RACHEL G
	422	6005	UNIVERSITY BLVD	FOWLER NATALIE J
	423	6011	UNIVERSITY BLVD	CHAPMAN MARK C
	424	6011	UNIVERSITY BLVD	DAY JOHN
	425	6011	UNIVERSITY BLVD	CARPENTER GRANT ALLEN
	426	6011	UNIVERSITY BLVD	SHALLEY JACOB H & HAYLEY
	427	6011	UNIVERSITY BLVD	DANIEL DEIDRE D
	428	6011	UNIVERSITY BLVD	DEVER LAURA E
	429	6013	UNIVERSITY BLVD	LAMB DAVID B JR FAMILY LIVING TRUST

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Reply	*Label #*	*Address*		*Owner*
	430	6013	UNIVERSITY BLVD	JONES BRANDY R
	431	6013	UNIVERSITY BLVD	WEIRICH ANTHONY W
	432	6013	UNIVERSITY BLVD	ELDER WILLIAM
	433	6013	UNIVERSITY BLVD	LAPIANA NAOMI
	434	6013	UNIVERSITY BLVD	BOBADILLA JULIO C ETAL
	435	5916	BIRCHBROOK DR	REA MALCOM & LINDA G
	436	5916	BIRCHBROOK DR	BOX DOROTHY B
	437	5916	BIRCHBROOK DR	IBARRA GUADALUPE
	438	5916	BIRCHBROOK DR	CROWDER MORGEN KING &
	439	5916	BIRCHBROOK DR	REDDEN TRENT
	440	5916	BIRCHBROOK DR	GROSS BARBARA LYNN
	441	5916	BIRCHBROOK DR	MCGRAW MARISSA E &
	442	5916	BIRCHBROOK DR	CHUMBLEY JESSICA
	443	5916	BIRCHBROOK DR	BURRESON KATHRYN C &
	444	5916	BIRCHBROOK DR	GRAY BRENDA
	445	5916	BIRCHBROOK DR	QUICK JAMES E & VICKI D
	446	5916	BIRCHBROOK DR	OCONNELL AMY C
	447	5916	BIRCHBROOK DR	HALL LINDSEY
	448	5916	BIRCHBROOK DR	WOLFE ROSE H
	449	5916	BIRCHBROOK DR	BARLOEO HEIDI M
	450	5916	BIRCHBROOK DR	JOHNSON JEFFREY & AMY
	451	5916	BIRCHBROOK DR	EDSON THOMAS
	452	5916	BIRCHBROOK DR	TALLEY RENEE S
	453	5916	BIRCHBROOK DR	CUNNINGHAM WILLIAM R JR
	454	5916	BIRCHBROOK DR	GRIFFITH RICKEY S
	455	5916	BIRCHBROOK DR	DEFRANGE JAMES A
	456	5916	BIRCHBROOK DR	FORMAN ERIC W
	457	5916	BIRCHBROOK DR	WATSON STACEY L &
	458	5916	BIRCHBROOK DR	ELLSBERRY MARTHA M
	459	5916	BIRCHBROOK DR	RENZ CONRAD & SUSAN
	460	5916	BIRCHBROOK DR	CUMBIE LINDA &

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Reply	*Label #*	*Address*		*Owner*
	461	5916	BIRCHBROOK DR	KRUEGER REBECCA C &
	462	5916	BIRCHBROOK DR	MINEHANE MICHELLE &
	463	5916	BIRCHBROOK DR	EDMONDSON SHAINA N
	464	5916	BIRCHBROOK DR	MILLER CLAUDE VINCENT JR
	465	5930	BIRCHBROOK DR	NUMAX PPTIES LLC
	466	5924	BIRCHBROOK DR	JOHNSON JEFFREY
	467	5930	BIRCHBROOK DR	VAUGHN LISLE & SHARON
	468	5930	BIRCHBROOK DR	CLARKE NORMA RUTH
	469	5924	BIRCHBROOK DR	PULLIAM ROBERT
	470	5924	BIRCHBROOK DR	SCOTT GLENN
	471	5924	BIRCHBROOK DR	GRIFFITH RICK
	472	5924	BIRCHBROOK DR	KELTNER MELANIE J
	473	5924	BIRCHBROOK DR	GILBERT SARA
	474	5930	BIRCHBROOK DR	CHRISTMAN MELISSA A
	475	5924	BIRCHBROOK DR	NULPH WENDY D
	476	5924	BIRCHBROOK DR	GRAHAM LOUISE M
	477	5924	BIRCHBROOK DR	JACKSON RANDY K
	478	5930	BIRCHBROOK DR	MARKHOFF STEVEN
	479	5924	BIRCHBROOK DR	WHITLATCH ALLAN
	480	5924	BIRCHBROOK DR	NASUHUGLU JAMIE
	481	5924	BIRCHBROOK DR	DUNLAP ELIJAH THOMAS &
	482	5924	BIRCHBROOK DR	BEAL ROBERT &
	483	5924	BIRCHBROOK DR	PEREZ ALBERTO
	484	5930	BIRCHBROOK DR	LANE JIM
	485	5930	BIRCHBROOK DR	REICHENSTEIN JAKE M &
	486	5924	BIRCHBROOK DR	MAUPIN MATT
	487	5930	BIRCHBROOK DR	WEISFELD RONALD A
	488	5924	BIRCHBROOK DR	BANFIELD SANDRA &
	489	5930	BIRCHBROOK DR	BYRD JOYCE
	490	5930	BIRCHBROOK DR	FLEMING WALTER LEE III
	491	5930	BIRCHBROOK DR	CARLSON CARPENTER MAXINE

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Reply	*Label #*	*Address*		*Owner*
	492	5930	BIRCHBROOK DR	KRATUS ROBERT
	493	5924	BIRCHBROOK DR	BRAGG JAMIE L
	494	5924	BIRCHBROOK DR	KINCEL ALISON F
	495	5924	BIRCHBROOK DR	FOREMAN MELISSA
	496	5924	BIRCHBROOK DR	SHIMPS ANTHONY
	497	5930	BIRCHBROOK DR	LEACH KEN W
	498	5930	BIRCHBROOK DR	BAIG MOHAMMAD AHMAD
	499	5930	BIRCHBROOK DR	MONAGHAN CAROLINA D
	500	5930	BIRCHBROOK DR	RUSSELL ARGARTHA
	501	5930	BIRCHBROOK DR	RIVERA ANTONIO

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 22 N; P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete asphalt on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road

Recommendation of Staff and CPC: Approval of an IM Industrial Manufacturing District and approval of a Specific Use Permit for a five-year period, subject to a site plan and conditions

Z123-210(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER: Z123-210(WE) **DATE FILED:** February 19, 2013

LOCATION: East line of Luna Road, north of Ryan Road

COUNCIL DISTRICT: 6 **MAPSCO:** 22-N &P

SIZE OF REQUEST: Approx. 26.7 acres **CENSUS TRACT:** 99

APPLICANT/ OWNER: TCI Luna Ventures LLC

REPRESENTATIVE: Santos Martinez
MASTERPLAN

REQUEST: An application for an IM Industrial Manufacturing District and a Specific Use Permit for a potentially incompatible industrial (outside) use limited to concrete and asphalt crushing on property zoned an IR Industrial Research District.

SUMMARY: The purpose of this request is to allow a facility [Orange Crush] to crush concrete and asphalt on the site. There will be no manufacturing or mixing of these materials on the site.

CPC RECOMMENDATION: **Approval** of an IM Industrial Manufacturing District and **approval** of a Specific Use Permit for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of an IM Industrial Manufacturing District and **approval** of a Specific Use Permit for a five-year period, subject to a site plan and conditions.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The requested use should not have a negative impact on the surrounding areas. The request site is located within an industrial area and is contiguous to an IM zoning District, which is located along the northern property line. The applicant is installing a six-foot berm along the property adjacent to the street frontage and along a portion of the northern and southern property lines. In addition, a 200-foot buffer will be located around the boundaries of the concrete/asphalt crushing. These conditions are intended to mitigate any potential negative impacts from dust and noise.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use of the site does not contribute or promote the welfare of the area.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed use will not be a detriment to the public health, safety, or general welfare. The equipment and materials will be placed in the site's interior to avoid any safety issues that are associated with the operation of the facility. Staff has inserted a condition that requires the applicant to sprinkle the Property, including any stockpiles, with water or chemicals, as necessary to achieve the maximum control of dust emissions.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The proposed use will comply with all applicable zoning regulations and standards. No variances or exceptions are requested.

BACKGROUND INFORMATION:

- The request site is currently undeveloped and is proposed to be used to crush concrete and asphalt and store the materials on site.

- The applicant has operated a concrete or asphalt crushing facility east of the request site on Spangler Road (expired SUP No. 1609). The applicant is legally bound to crush the remaining materials on property at Spangler Road. All materials were scheduled to be crushed and removed before the end of January 2014. No new materials are being accepted on this property and the property owner is working with the city attorney's office to clean the site prior to the opening of the new city soccer fields.

- The applicant anticipates relocating the Spangler Road facility to the request site as soon as the zoning application is approved by City Council.

Zoning History: There have been three zoning changes requested in the area.

1. Z089-107 On January 28, 2009, the City Council approved the renewal of Specific Use Permit No. 1653 for an outside industrial potentially incompatible use on property zoned an IM Industrial Manufacturing District with deed restrictions on property on the north side of Manana Drive, West of Newkirk Street

2. Z101-183 On June 22, 2011, the City Council approved an amendment to and a renewal of Specific Use Permit No. 1609 for a potentially incompatible industrial (outside) use, limited to concrete and asphalt crushing for a one year period on property zoned an IM Industrial Manufacturing District on the west side of Spangler Road, north of Manana Drive. City Council previously renewed this SUP on February 9, 2006, April 11, 2007, and June 24, 2009.

3. Z112-262 On March 27, 2013, the City Council approved a Specific Use Permit No. 2003 for an industrial (outside) use limited to a concrete batch plant for a five year time period on property zoned an IR Industrial Research District on the northwest corner of Luna Road and Ryan Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Luna Road	Principal Arterial	60 ft.	60 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provides during the application submittal.

Surrounding Land Uses:

The property is surrounded by undeveloped land to the north; undeveloped and industrial uses to the south; undeveloped to the west and a golf course to the northwest.

	Zoning	Land Use
Site	IR	Undeveloped
North	IR	Undeveloped
South	IR	Industrial
East	IR, IM w/SUP No. 1609	Concrete batch plant
West	IR	Industrial/Golf Course

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 Plan identifies the request site as being in an Industrial Area.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited. With the recommended conditions, the use conforms to the Plan.

AREA PLANS:

Trinity River Corridor Comprehensive Land Use Plan:

The Elm Fork District contains a mix of light industrial, heavy industrial, office, and commercial corridor uses adjacent to collection of parks, river bottom wetlands, and trails along the Elm Fork of the Trinity River. The Land Use Plan for the Elm Fork District affirms its role as a location for industrial activities and businesses in Dallas. With the recommended conditions, the use conforms to the Plan.

STAFF ANALYSIS:

Land Use Compatibility:

The 26.7 acre site is undeveloped and is contiguous to a variety of industrial uses and several undeveloped tracts of land. In December 2013, the Building Official issued the applicant a certificate of occupancy for outside storage that will be used for the crushed concrete and asphalt materials. An outside storage use is permitted, by right, in the IM

Industrial Manufacturing District. In addition, the applicant is required to submit an application for a paving permit for the dive approach and off-street parking proposed on site.

The applicant will install a 6-foot berm adjacent to road and along a portion of the northern and southern property line, in order to mitigate the potential noise and dust problems that as associated with a crushing operation. Furthermore, staff has included language in the Specific Use Permit conditions that addresses the ground and dust control.

The applicant will also place the equipment within the site's interior, approximately 570-feet from the existing road. Staff has worked with the applicant to ensure that the crushed materials will not be stored within 200 feet of the eastern, northern and southern property lines and will limit the stockpiling of the crush materials to a maximum height of 60 feet, in the location as shown on the site plan.

Staff recommendation is for approval of the IM Industrial Manufacturing District and approval of a Specific Use Permit for a five year period, subject to a site plan and conditions.

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.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR - Existing 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
IM - Proposed Industrial manufacturing	15' 0' on minor	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	110' 8 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping of any development will be in accordance with Article X requirements, as amended. The landscape requirements will be triggered when the office building is constructed.

Parking: The parking requirement for an industrial (outside) use is one space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area. The parking requirement for the proposed use is 6 spaces and the applicant is providing 6 spaces. The number of spaces is based on the 3,600 square feet of floor area the site is use for the crushing operation.

CPC Action (January 23, 2014)

Motion: In considering an application for an IM Industrial Manufacturing District and a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete crushing on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road, it was moved to **hold** this case under advisement until February 6, 2014.

Maker: Anglin
Second: Tarpley
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy*, Ridley, Alcantar

Against: 0
Absent: 2 - Culbreath, Hinojosa
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 11
Replies: For: 0 Against: 3

Speakers: None

CPC Action (February 6, 2014)

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing District and **approval** of a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete crushing for a five-year period, subject to a revised site plan and revised conditions to include wheel washing provisions on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road.

Maker: Hinojosa
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley*, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 11
Replies: For: 0 Against: 3

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

LIST OF OFFICERS
TCI Luna Ventures LLC

- Ron Akin, President
- Gene S. Bertcher, Vice President and Treasurer
- Louis J. Corna, Secretary
- Stephen Shelley, Vice President
- Pamela M. Arsentault, Assistant Secretary
- Melissa G. James, Assistant Secretary
- Melody A. Woffard, Assistant Secretary

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use, limited to concrete and asphalt crushing.

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 the ordinance).

3. FENCING: The Property must be fenced and gated along Luna Road as shown on the attached site plan.

4. GROUND AND DUST CONTROL: The Property, including any stockpiles, must be sprinkled with water or chemicals as necessary to achieve maximum control of dust emissions.

5. INGRESS/EGRESS: Ingress and egress may only be provided in the two locations shown on the attached site plan.

6. OFF-STREET PARKING: All parking and vehicle maneuvering areas must comply with Division 51-4.300, "Off-Street Parking and Loading Regulations," of the Dallas City Code, as amended.

7. ROAD REPAIR: The operator, or its successors or assigns, is responsible for repairing holes or other surface damages on Luna Road caused by operation of the concrete crushing facility. The road repairs must conform to City of Dallas standards as approved by the director of public works and transportation.

8. STOCKPILE HEIGHT: The maximum stockpile stacking height is 60 feet in the areas shown on the site plan.

9. WHEEL WASHING: A wheel washing area must be provided in the locations shown on the attached site plan. All vehicles exiting the Property must ensure that mud and other earth materials are removed from the exterior of the vehicles before entering Luna Road.

10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

11. 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."

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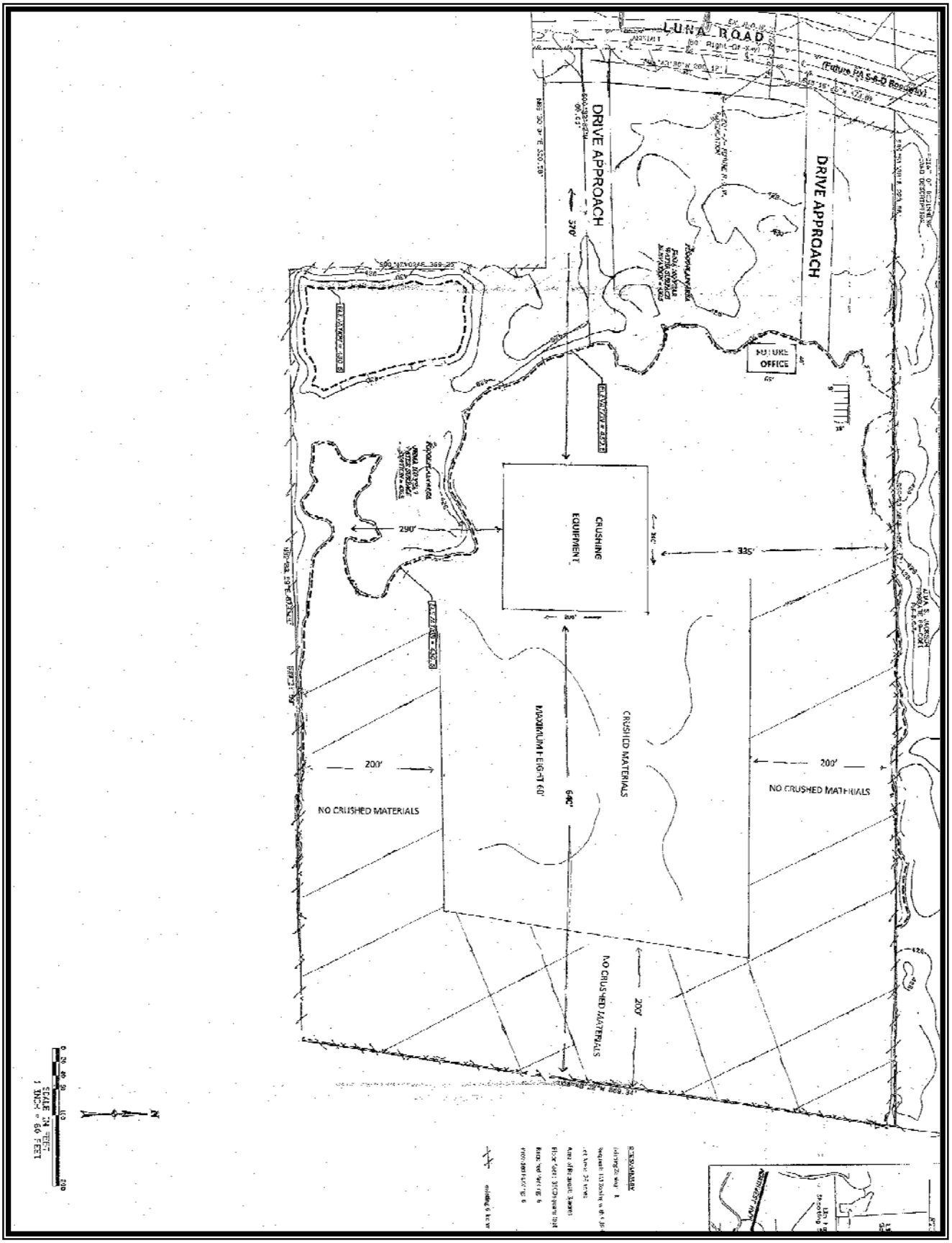
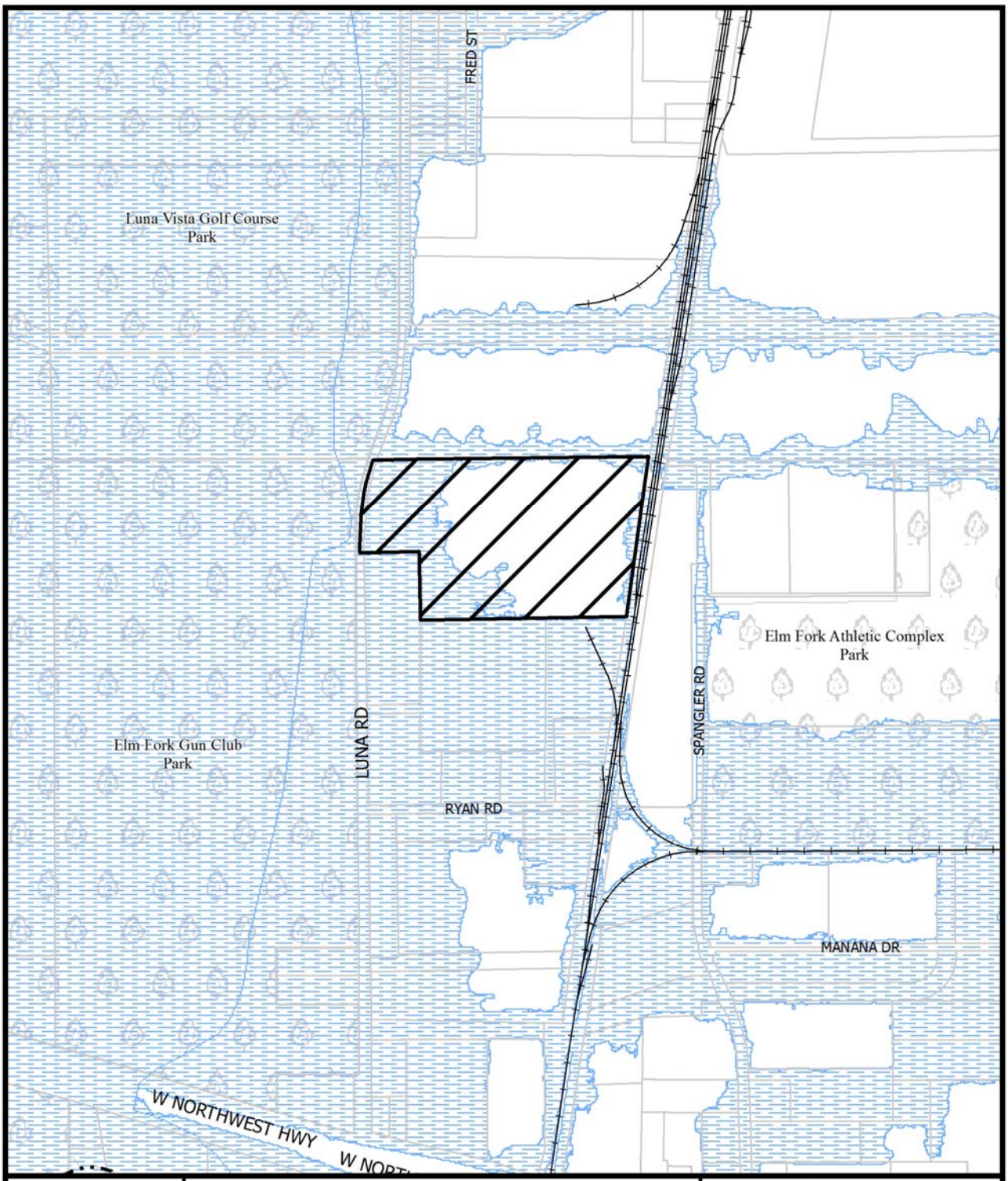
PROPOSED SITE PLAN



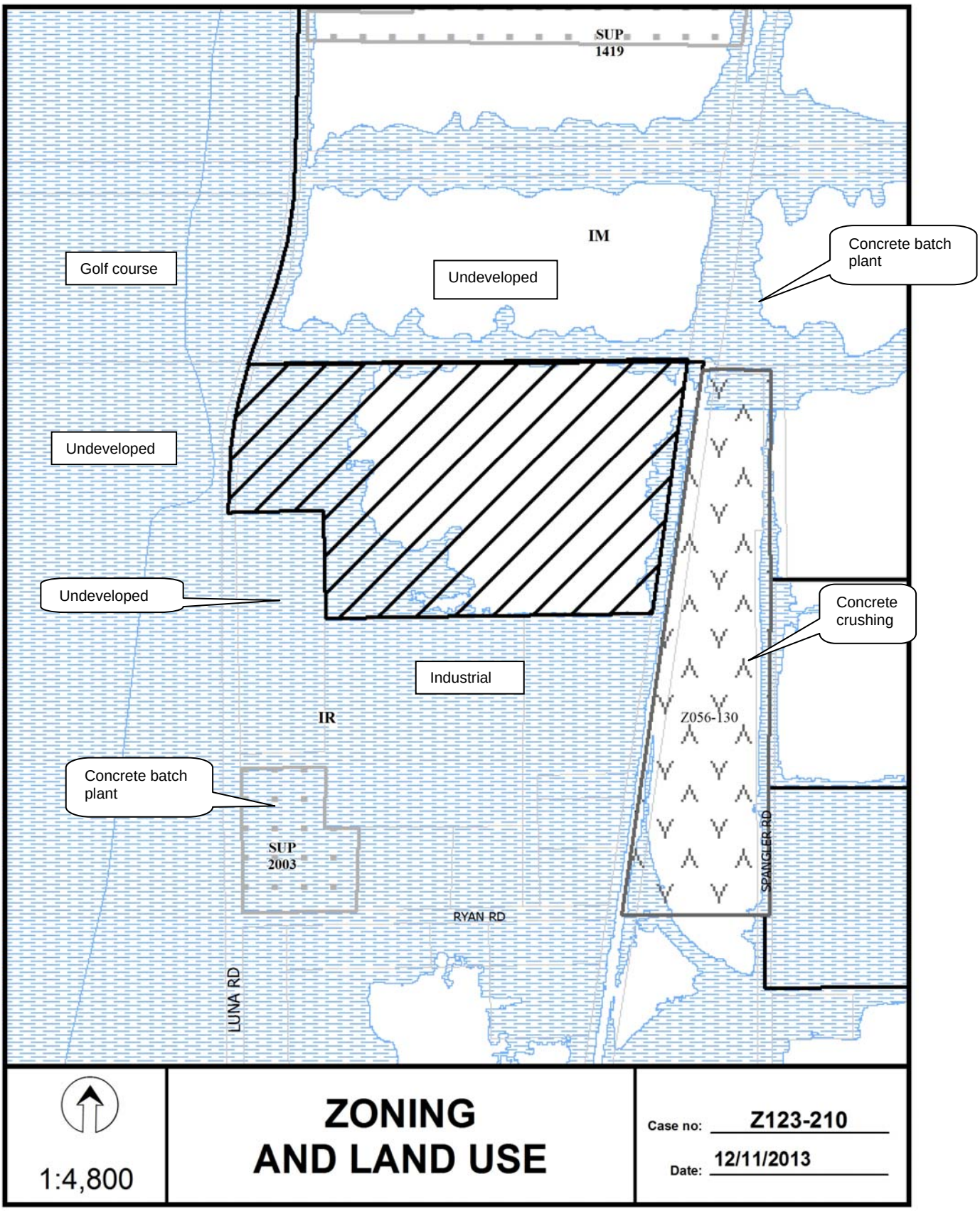

FRED ST
Luna Vista Golf Course
Park
Elm Fork Athletic Complex
Park
SPANGLER RD
LUNA RD
Elm Fork Gun Club
Park
RYAN RD
MANANA DR
W NORTHWEST HWY
1:8,400
VICINITY MAP
Case no: Z123-210
Date: 12/11/2013

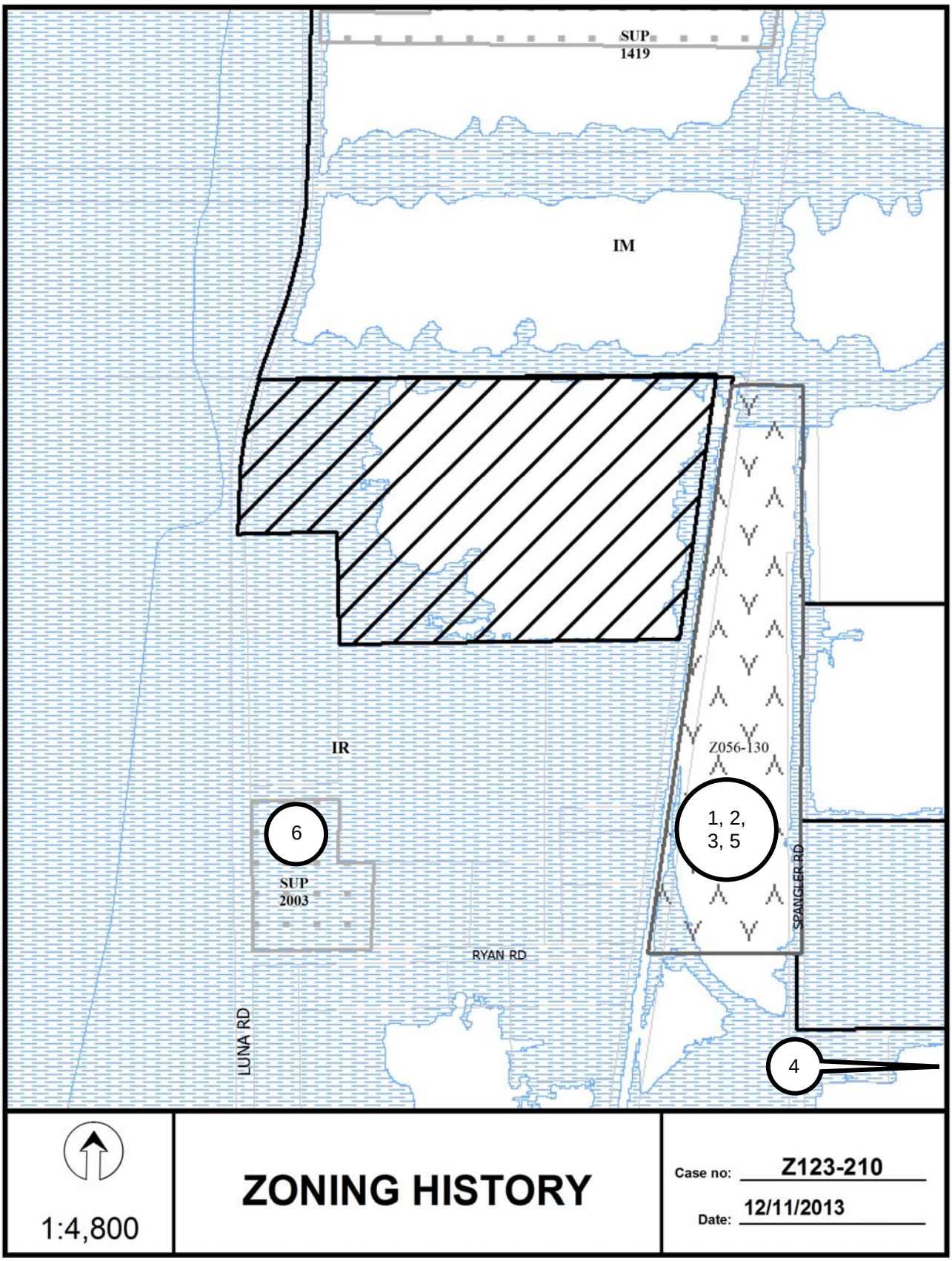
1:4,800

AERIAL MAP

Case no: Z123-210

Date: 12/11/2013


SUP
1419
IM
Golf course
Undeveloped
Concrete batch plant
Undeveloped
Undeveloped
Concrete crushing
Industrial
IR
Z056-130
Concrete batch plant
SUP
2003
RYAN RD
LUNA RD
SPANGLER RD
1:4,800
ZONING
AND LAND USE
Case no: Z123-210
Date: 12/11/2013


SUP
1419
IM
IR
Z056-130
1, 2,
3, 5
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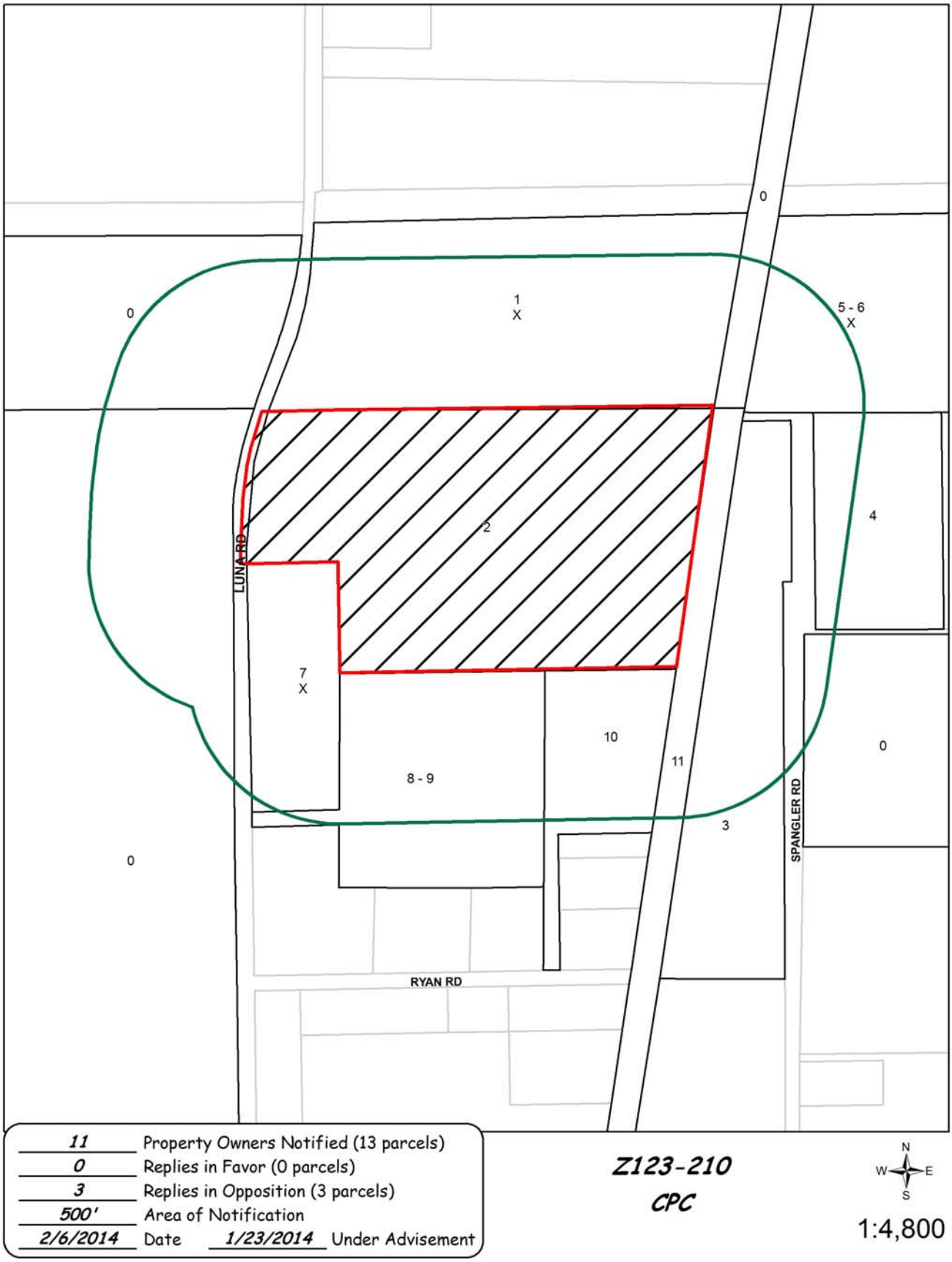
SUP
2003
RYAN RD
LUNA RD
SPANGLER RD
4
1:4,800
ZONING HISTORY
Case no: Z123-210
Date: 12/11/2013

CPC RESPONSES



Notification List of Property Owners

Z123-210

11 Property Owners Notified 0 Property Owners in Favor 3 Property Owners Opposed

Reply	Label #	Address		Owner
X	1	10900	LUNA RD	JACKSON ALMA S ET AL
	2	10850	LUNA RD	TCI LUNA VENTURES LLC
	3	10801	SPANGLER RD	WEIR BROTHERS PRTNRS LLC
	4	10940	SPANGLER RD	PROFFIT VAUGHN & ANNETTE
X	5	2101	WALNUT HILL LN	JACKSON ALMA S ET AL
	6	2101	WALNUT HILL LN	WASHMON ENTERPRISES INC
X	7	10850	LUNA RD	LUNA VANOD B TRUST PART M
	8	10848	LUNA RD	ONEAL METALS LP
	9	10848	LUNA RD	ONEAL STEEL BLDGS CO
	10	1885	RYAN RD	ONEAL METALS LP
	11	2300	GRAND AVE	BNSF RAILWAY

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 2, 7

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 45 M; R; 46 J; K; N; P

SUBJECT

A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, with consideration given to amending certain use regulations and development standards in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west and an ordinance granting the amendments

Recommendation of Staff: Approval, subject to staff recommended conditions
Recommendation of CPC: Approval
Z123-267(CG)

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, MAY 28, 2014**

ACM: Theresa O'Donnell

FILE NUMBER:	Z123-267(CG)	**DATE FILED:**	April 24, 2013
LOCATION:	T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L.Thornton Freeway on the south, and North Central Expressway on the West		
COUNCIL DISTRICT:	2, 7	**MAPSCO:**	M-45, R-45, J-46, K-46, N-46 and P-46
SIZE OF REQUEST:	±273.64 acres	**CENSUS TRACT:**	33.00

REQUEST: A City Council authorized hearing to determine proper zoning on property zoned Planned Development District No. 269, the Deep Ellum/East Side District, with consideration given to amending certain use regulations and development standards.

SUMMARY: The proposed amendments would amend certain use regulations and development standards. The amendment were brought forward by the Deep Ellum Association Foundation and other stakeholders and resulted from numerous meetings between 2011 to present.

CPC RECOMMENDATION: **Approval**.

STAFF RECOMMENDATION: **Approval**, subject to staff recommended conditions.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The type of uses proposed to encourage mixed use development will promote a vibrant urban, walkable pedestrian community envisioned by the *forward Dallas! Comprehensive Plan* and the *Downtown 360 Plan*.

2. *Traffic impact* – The Engineering Section of the Department of Sustainable development and Constructions has determined that the request will not have a negative impact on the street system.

3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is in compliance with the *forward Dallas! Comprehensive Plan* and the *Downtown 360 Plan*.

4. At the request of the Deep Ellum Association Foundation and stakeholders, the City Council authorized a hearing to determine proper zoning with consideration given to amendments of use regulations and design standards to encourage and stimulate development activity within the district.

BACKGROUND INFORMATION:

- The Deep Ellum/Near East Side District (Planned Development District No. 269) was created on April 29, 1987. The PD has been amended several times most recently in June 2006.

- Representatives of the Deep Ellum Association Foundation and other stakeholders initiated discussions with the city staff on proposed amendments in early 2011.

- On April 24, 2013, the City Council authorized a hearing to determine proper zoning of the area based on input from representatives of the Deep Ellum Association Foundation and key stakeholders.

- In July 2013, City staff participated in a community meeting to address issues associated with proposed amendments to PD No. 269.

- The proposed amendments are offered to update use regulations, design standards and to allow for parking reductions to attract certain uses to increase the business potential and facilitate growth in the areas of mix use development in the Deep Ellum community.

Zoning History: There has been one recent zoning case requested in the area.

1. SPSD 134-003 A City Council authorized hearing to consider proposed amendments to the Deep Ellum/Near East Side Special Provision Sign District. (SSDAC recommendation pending.)

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Parry Ave.	C / M-F-U	100 ft.	100 ft.
East R.L. Thornton Frwy.	Highway	variable lane widths	variable lane widths
N. Central Expwy.	Highway	variable lane widths	variable lane widths

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 Plan identifies the request site being within the Downtown Building Block.

The Downtown area is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing. A Downtown includes pedestrian-oriented and mixed-use development and offers multiple transportation options. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest. Civic and open spaces provide an inviting atmosphere for pedestrians as well as a diversity of uses, generating activity throughout the day and evening.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

HOUSING

GOAL 3.2 ANSWER THE NEED FOR HOUSING OPTIONS

Policy 3.2.2 Encourage higher density housing within a quarter-mile of DART stations.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

AREA PLAN: In 2011, the City Council approved the *Dallas 360 Plan,* which envisioned the development of a mix of townhouses and low-rise multifamily and condominiums that limited ground floor retail and personal service uses in the downtown area.

STAFF ANALYSIS:

Land Use Compatibility: The Deep Ellum/Near East Side Planned Development District No. 269 comprises approximately 274 acres, located east of Downtown. The recommended amendments incorporate new uses, modify parking reductions for uses in original buildings, simplify the ability to enter into shared parking agreements, and encourage the development of outside seating and provision of amenities in and adjacent to street right-of-way. The reduced parking requirements for multifamily, office, retail and restaurant uses in original buildings and additions to original buildings, is intended to encourage the preservation of original buildings and encourage an appropriate mix of uses. The proposed parking reductions are possible because of the location of the two DART stations in the district and a substantial number of parking lots and metered spaces in the area. In addition, the Santa Fe Trail ends just to the east of the district boundaries.

The proposed amendments are focused on the type of development envisioned for this area as it provides for additional housing and recreational activities in the urban core of downtown area and is in compliance with the vision of the Downtown 360 Plan.

Staff's recommendation is for approval of the proposed amendments to the Deep Ellum/Near East Side PDD No. 269, subject to staff's recommended conditions.

Landscaping: Landscaping must be in accordance with the landscaping requirements of the Deep Ellum/Near East Side Planned Development District No. 269.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not adversely impact the surrounding street system for the proposed development.

City Plan Commission Action:
(April 17, 2014)

Motion: It was moved to recommend **approval** of amending certain use regulations and development standards, subject to applicant's conditions to include the following: 1) strike commercial parking lot specific use permit requirements, unconditionally; 2) remove alternate landscape plan requirements for small parking lots; 3) strike the private license granted requirements and use current requirements on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west.

Maker: Soto
Second: Culbreath
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Schultz
Vacancy: 0

Notices: Area: 200 Mailed: 394
Replies: For: 42 Against: 1

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Jonathan Hetzel, 2622 Commerce St., Dallas, TX, 75226
For (Did not speak): Benton Payne, 5219 McCommas Blvd., Dallas, TX, 75206
Against: None

City Plan Commission Action:
(April 3, 2014)

Motion: In considering a City Council authorized hearing to determine proper zoning with consideration given to amending certain use regulations and development standards on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west, it was moved to **hold** this case under advisement until April 17, 2014.

Maker: Ridley
Second: Murphy
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 394
Replies: For: 35 Against: 1

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Barry Annino, 2630 Commerce St., Dallas, TX, 75226
Jonathan Hetzel, 7002 Vivian Ave., Dallas, TX, 75223
For (Did not speak): Benton Payne, 5219 McCommas Ave., Dallas, TX, 75206
Against: None

City Plan Commission Action:
(March 6, 2014)

Motion: In considering a City Council authorized hearing to determine proper zoning with consideration given to amending certain use regulations and development standards on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west, it was moved to **hold** this case under advisement until April 3, 2014.

Maker: Soto
Second: Bagley
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	200		Mailed:	394
Replies:	For:	35		Against:	1

Speakers: None

CPC RECOMMENDED CONDITIONS

SEC. 51P-269.101. LEGISLATIVE HISTORY.

PD 269 was established by Ordinance No. 19532, passed by the Dallas City Council on April 29, 1987. Ordinance No. 19532 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19532 was amended by Ordinance Nos. 20409, passed by the Dallas City Council on August 9, 1989; Ordinance No. 21195, passed by the Dallas City Council on February 12, 1992; and Ordinance No. 22752, passed by the Dallas City Council on May 8, 1996. (Ord. Nos. 10972; 19532; 20409; 21195; 22752; 25423; 26369)

SEC. 51P-269.102. PROPERTY LOCATION AND SIZE.

PD 269 is established on property generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the East, R.L. Thornton Freeway on the south, and North Central Expressway on the west. The size of PD 269 is approximately 273.64 acres. (Ord. Nos. 19532; 25423; 26369)

SEC. 51P-269.103. ESTABLISHMENT OF TRACTS.

The Deep Ellum/Near East Side District is divided into three tracts: Tract A, Tract A-1, and Tract B. The boundaries of these three tracts are described in the Exhibit B attached to and made a part of Ordinance No. 19532. (Ord. Nos. 19532; 25423; 26369; 28594)

SEC. 51P-269.104. DEFINITIONS AND INTERPRETATIONS.

(a) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51.

(b) Measurement of distances between body piercing studios and tattoo studios.

(1) The distance between body piercing studios and tattoo studios is measured in a straight line on either side of the street where the uses are located, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located (this means that body piercing studios and tattoo studios on the same side or opposite sides of a street must be spaced from each other, but the spacing requirement does not apply to body piercing studios and tattoo studios that are on different streets).

(2) If two uses are in a permissible location except for the spacing between the two uses, the use that was first established and continually operated at a particular location is the conforming use and the later-established use is the nonconforming use for purposes of the spacing requirement.

(c) Definitions. Except as otherwise provided in this section, the definitions contained in Chapter 51, apply to this article. In this article:

(1) BED AND BREAKFAST means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

~~(1)~~**(2)** BOARD means the board of adjustment.

~~(2)~~**(3)** BODY PIERCING STUDIO means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

~~(3)~~**(4)** CALIPER means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

~~(4)~~**(5)** CANOPY TREE means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

~~(5)~~**(6)** COMMERCIAL PARKING GARAGE means a multi-story facility for vehicle parking that is operated as a business enterprise by charging a fee for parking.

~~(6)~~**(7)** COMMERCIAL PARKING LOT means an at-grade parking lot that is operated as a business enterprise by charging a fee for parking.

(8) COMMUNITY GARDEN means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

~~(7)~~**(9)** CONSTRUCTED means that a certificate of occupancy has been issued by the city signifying completion of the building, or that the building has otherwise been approved by the building official as completed and in compliance with all applicable codes and ordinances of the city.

~~(8)~~**(10)** DANCE HALL means a dance hall as defined in Chapter 14 of the Dallas City Code, as amended.

~~(9)~~**(11)** DEEP ELLUM/NEAR EAST SIDE CONCEPTUAL PLAN means Exhibit 269A.

~~(10)~~**(12)** DIRECTOR means the director of ~~development services~~ sustainable development and construction or the director's representative.

~~(11)~~**(13)** ECONOMICALLY INFEASIBLE means that:

(A) the property owner certifies that preservation of the building will require an unreasonable expenditure of funds; and

(B) the director agrees with the certification.

~~(12)~~**(14)** FAR means floor area ratio.

~~(13)~~**(15)** FACING A STREET means parallel to or within 45 degrees of being parallel (excluding ornamental features) to a street, and marking the extent of a front yard.

~~(14)~~**(16)** FLUORESCENT COLOR means any color defined by the Munsell Book of Color as having a minimum value of eight and a minimum chroma of ten.

~~(15)~~**(17)** FLOOR AREA RATIO means the ratio of building floor area to lot area. (Note: A 1:1 FAR is stated as "1.0," 2:1 is stated as "2.0," 2.5:1 is stated as "2.5," etc.)

~~(16)~~**(18)** FRONT LOT LINE means any lot between a front yard and the primary street.

~~(17)~~**(19)** LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

(18)**(20)** LIVE MUSIC VENUE means an inside commercial amusement use primarily for the performance of live (not recorded) music for an audience. A use having a dance hall license pursuant to Chapter 14 of the Dallas City Code, as amended, is not a live music venue.

(21) MARKET GARDEN means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food or fiber; or aquaponics facilities that include crop and fish production.

(22) MICROBREWERY, MICRODISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 15,000square feet or less where the production of the alcoholic beverages takes place wholly inside a building. The floor area dedicated to retail sales and on-site consumption will not count towards the 15,000 square foot maximum floor area for this use. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(19)**(23)** NEWLY CONSTRUCTED BUILDING means a building that is not an Original Building.

(20)**(24)** OPENING means a door, window, passageway, or any other feature through which light or solid objects may pass.

(21)**(25)** ORIGINAL BUILDING means 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) ~~75~~ **150** percent if the increase is 5,000 square feet or less; or

(B) ~~50~~ **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.

~~(22)~~**(26)** PRIMARY SIDE means the side of a building facing the primary street.

~~(23)~~**(27)** PRIMARY STREET means the public street that is adjacent to the lot. If there is more than one street adjacent to the lot, the property owner shall designate the primary street.

~~(24)~~**(28)** REFRIGERATED means normally kept at a temperature of 45 degrees or less.

~~(25)~~**(29)** RESTORED means the act of putting back substantially into a former or original state of appearance, as determined by the director.

~~(26)~~**(30)** RETAIL-RELATED USES means any of the following:

(A) **Any permitted use listed in Section 51-4.211, "Retail Uses.,"** ~~or in Section 51-4.209, "Bar and Restaurant Uses."~~

(B) Barber and beauty shop.

(C) Health studio.

(D) Custom cleaning shop.

(E) Commercial cleaning shop.

(F) Commercial laundry or dry cleaning.

(G) Laundry or dry cleaning pickup and receiving station.

(H) Key shop.

(I) Shoe repair.

(J) Tailor, custom sewing, and millinery.

~~(K) Taxidermist.~~

(L) Travel bureau.

(M) Handcraft bookbinding.

(N) Photography studio.

(O) Handcrafted art work studio.

(P) Art gallery.

(Q) Instructional art studio.

~~(R) Drive-through restaurant with sound system.~~

~~(S) Drive-through restaurant without sound system.~~

~~(27)~~**(31)** SCREENING means a visual barrier provided by using one or more of the following three methods to separately or collectively attain a minimum height of two feet above the parking surface:

(A) Brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence.

(B) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width. The earthen berm may be used in combination with a wall or fence as described in Subparagraph A.

(C) Evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.

~~(28)~~**(32)** SECONDARY SIDE means the side of a building facing the secondary street, if any.

~~(29)~~**(33)** SECONDARY STREET means a public street that is adjacent to a lot, but not a primary street. There is no secondary street unless the lot has frontage on more than one street. If the lot has frontage on three or more streets, the property owner shall designate the secondary street.

~~(30)~~**(34)** SERVICE AREA means the area for all off-street occupancy support services, including but not limited to areas for delivery, loading, and trash removal.

(35) SKATE PARK means a recreational area used by skateboarders, inline skaters and/or bicyclists. The use can be located either indoors or outdoors. Required off-street parking is one (1) space for each 300 square feet of floor area. A specific use permit is required if any portion of the skate park is not located entirely inside an enclosed structure.

~~(31)~~**(36)** STREETSCAPE IMPROVEMENTS means plant materials recommended for local area use by the director of parks and recreation, tree grates, and pedestrian furniture.

~~(32)~~**(37)** STRUCTURALLY UNSOUND means that:

(A) a structural engineer has provided a written opinion to the city certifying that the building cannot support or withstand a major renovation; and

(B) the building official agrees with the written opinion.

~~(33)~~**(38)** SUP means specific use permit. See Section 51-4.219.

~~(34)~~**(39)** TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

~~(35)~~**(40)** THIS DISTRICT means the Deep Ellum/Near East Side District.

(41) TREESCAPE AREA means the portion of the lot between the front lot line and the vertical plane parallel to the front lot line containing the point or points in the front building wall that are closest to the front lot line. (Ord. Nos. 19532; 21195; 25423; 26369; 26408)

SEC. 51P-269.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 269A: Deep Ellum/Near East Side conceptual plan.

(2) Exhibit 269B: Boundaries of parking subdistricts. (Ord. 28594)

SEC. 51P-269.105. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACTS A AND A-1.

(a) Use regulations. The uses listed in this section are the only uses permitted. Except for current and traditional uses, special uses, **and other uses defined in this ordinance,** the definitions of uses contained in Chapter 51 apply to the uses listed in this section.

(1) Current and traditional uses.

(A) Current uses. This use is defined as a use not listed in this article as a permitted use or a prohibited use which, in the opinion of the director, legally existed on Tracts A and A-1 on June 27, 1984. This use is permitted by right on Tracts A and A-1.

(B) Traditional use. This use is defined as a use not listed in this article as a permitted use or a prohibited use which, in the opinion of the director, did not legally exist on Tracts A and A-1 on June 27, 1984, but which did legally exist on Tracts A and A-1 during the 10-year period between June 27, 1974 and June 27, 1984. A traditional use is permitted by right on the same building sites where it legally existed during the 10-year period, but requires an SUP to locate on any other building site on Tracts A and A-1.

(C) Definitions required. If the director determines that a use is a current or traditional use, he shall define the use as specifically as possible in writing and send a copy of the written definition to both the building official and the city secretary. The city secretary shall keep copies of all definitions received pursuant to this paragraph in the same file with Ordinance No. 19532, as amended.

(2) Special uses. Unless otherwise indicated, the following special uses are permitted by right on Tracts A and A-1:

(A) Auto body rebuilding shop (outside/with screening). This use is defined as a facility for restoring or refinishing auto bodies, with outside display and repair permitted. This use must have a visual screen of at least six feet in height which consists of solid masonry or concrete.

(B) Cold storage, freezer storage, and ice manufacturing establishment. This use is defined as an establishment for the refrigerated storage of ice, dairy products, or foodstuffs and the manufacture of ice, and includes all indoor processes required for or related to the manufacture of ice, dairy products, or foodstuffs.

(C) Commercial mailboxes. This use is defined as an establishment offering mailboxes for rent and private postal services.

(D) Commercial parking garage. Commercial parking garages must comply with the additional requirements in Section 51P-269.110.

CPC Recommendation

(E) Commercial parking lot ~~***[SUP].***~~

Staff Recommendation: Staff would support no SUP if revisions are accepted to small parking lot exemption.

(E) Commercial parking lot *[SUP]*.

(i) An Original Building that meets the design standards test set out in Subsection (1)(3) of this section may not be destroyed or removed to make room for this use unless:

(aa) the building is structurally unsound; or

(bb) preservation of the building is economically infeasible.

(ii) Commercial parking lots must comply with the additional requirements in Section 51P-269.110.

(F) Drive-in restaurant with sound system *[SUP]*. This use is defined as an establishment offering food service to customers in automobiles for consumption on the premises, and which uses an outdoor public address or paging system between the hours of 6:30 p.m. and 8:00 a.m.

(G) Drive-in restaurant without sound system. This use is defined as an establishment offering food service to customers in automobiles for consumption on the premises, and which does not use an outdoor public address or paging system between the hours of 6:30 p.m. and 8:00 a.m. This use is permitted by right.

~~(H) Drive-through restaurant with sound system *[SUP]*. This use is defined as any restaurant with direct window service allowing customers in motor vehicles to pick up food for off-premise consumption, and which uses an outdoor public address or paging system between the hours of 6:30 p.m. and 8:00 a.m.~~

~~(I) Drive-through restaurant without sound system. This use is defined as any restaurant with direct window service allowing customers in motor vehicles to pick up food for off-premise consumption and which does not use an outdoor public address or paging system between the hours of 6:30 p.m. and 8:00 a.m.~~

~~(J)~~**(H)** Exhibits or decoration manufacturing, design, sales, or rental establishment. This use is defined as an establishment for the manufacture, design, sales, or rental of exhibits or decorations and includes any indoor processes required for or related to the manufacture of exhibits or decorations.

~~(K)~~**(I)** Food processing, manufacturing, or packaging establishment. This use is defined as an establishment for the manufacture, processing, or packaging of foodstuffs from raw materials.

~~(L)~~**(J)** Municipal service center. This use is defined as a local government center or development complex for the storage of local government equipment and the distribution and delivery of local government services, and includes any indoor processes required for or related to the delivery of those services.

~~(M) Rag or paper recycling establishment. This use is defined as an establishment for the recycling of paper or rags, and includes any indoor processes required for or related to the recycling of paper or rags.~~

~~(N)~~**(K)** Sign manufacturing establishment. This use is defined as an establishment for the manufacturing of signs and includes any indoor processes required for or related to the manufacture of signs.

~~(O)~~**(L)** Soap manufacturing establishment. This use is defined as an establishment for the manufacturing of soap products and includes any indoor processes required for or related to the manufacture of soap.

~~(P)~~**(M)** Sound equipment manufacturing and assembly establishment. This use is defined as an establishment for the manufacturing, fabrication, assembling, and testing of sound equipment and includes any indoor processes required for or related to the manufacture of sound products.

~~(Q)~~**(N)** Tool or machinery manufacturing establishment. This use is defined as an establishment for the manufacturing of tools or machinery, and includes indoor processes required for or related to the manufacture of tools or machinery.

(3) Agricultural uses.

(A) Community garden.

(B) Market garden.

~~(3)~~**(4)** Animal related uses.

(A) Animal clinic without outside run.

(B) Kennel without outside run.

(C) Kennel with outside run. *[SUP]*

(D) Veterinarian's office.

~~(4)~~**(5)** Bar and restaurant uses.

(A) Bar, lounge, or tavern. *[SUP]*

(B) Catering service.

(C) Microbrewery, Microdistillery, or Winery. *[SUP]*

(D) Private club. *[SUP]*

(E) Restaurant with alcoholic beverages and/or entertainment.

(F) Restaurant without drive-in service.

~~(5)~~**(6)** Commercial uses.

(A) Appliance fix-it shop.

(B) Building repair and maintenance shop.

(C) Computer service center.

(D) Custom commercial engraving.

(E) Custom furniture construction, repair, or upholstery shop.

(F) Custom print shop.

(G) Design or decorative center.

(H) Diamond and precious stone sales. *[Wholesale only]*

(I) Duplication shop.

(J) Flea market.

(K) Garden shop, plant sales, or greenhouse.

(L) Gummed label printing.

(M) Job printing, lithographer, printing, or blue-printing plant.

(N) Machine or welding shop *[Includes sheet metal fabrication]*.

(O) Machinery sales and services.

(P) Plumbing, electrical, air conditioning, and heating shops.

(Q) Tool and equipment rental *[Inside display only]*.

(R) Venetian blind or window shade repair, assembly, and sales.

~~(6)~~**(7)** Community service uses.

(A) Community, welfare, or health center.

(B) Day care center.

(C) Foster home.

(D) Post office.

~~(7)~~**(8)** Educational uses.

(A) Business school.

(B) College, university, or seminary.

~~(C) College, fraternity, or sorority house.~~

~~(D) College dormitory.~~

~~(E)~~**(C)** Institution for special education.

~~(F)~~**(D)** Library, art gallery, or museum.

~~(G)~~**(E)** **Public, denominational, or private school.** ***[SUP]***

(H)**(F)** Technical school.

~~(8)~~**(9)** Industrial and manufacturing uses.

(A) Bedspread, drapes, and headboard manufacturing.

(B) Clothing manufacturing.

(C) Corrugated cardboard box fabrication.

(D) Light fabrication and assembly.

(E) Manufacturing laboratory. *[SUP]*

~~(9)~~**(10)** Medical uses.

(A) Ambulance service.

(B) Establishment for care of alcoholic, narcotic, or psychiatric patients. *[SUP]*

(C) Hospital.

(D) Medical appliance fitting and sales.

(E) Medical clinic.

(F) Medical or scientific laboratory.

(G) Nursing home.

(H) Optical shop.

(I) Residence home for the aged.

~~(10)~~**(11)** Motor vehicle related uses.

(A) Auto glass, muffler, or seat cover shop.

(B) Auto parts sales (inside).

(C) Auto repair garage (inside).

(D) Auto painting or body rebuilding shop (inside).

(E) Automobile or motorcycle display, sales, and service (inside).

(F) Bus or truck repair/parking garage.

(G) Car wash.

(H) Engine or motor repair shop.

(I) Service station.

(J) Steam cleaning of vehicles and machinery.

~~(11)~~**(12)** Professional, personal service, and custom crafts uses.

(A) Bank or savings and loan office (with drive-in windows).

(B) Bank or savings and loan office (without drive-in windows).

(C) Barber and beauty shop.

(D) Body piercing studio. *[SUP. Must be located at least 300 feet from all other tattoo studios or body piercing studios. A body piercing studio must be treated as a separate main use, and cannot be an accessory use.]*

(E) Broadcast or recording studio.

(F) Commercial cleaning shop.

(G) Commercial laundry or dry cleaning.

(H) Custom cleaning shop.

(I) Handcraft bookbinding.

(J) Handcrafted art work studio.

(K) Health studio.

(L) Instructional art studio.

(M) Key shop.

(N) Laundry or dry cleaning pickup and receiving station.

(O) Office.

(P) Photography studio.

(Q) Safe deposit boxes.

(R) Self-service laundry or dry cleaning.

(S) Shop repair.

(T) Tailor, custom sewing, and millinery.

(U) Tattoo studio. *[SUP. Must be located at least 300 feet from all other tattoo studios or body piercing studios. A tattoo studio must be treated as a separate main use, and cannot be an accessory use.]*

~~(V) Taxidermist.~~

(W) Temporary construction or sales office.

(X) Trade center.

(Y) Travel bureau.

~~(12)~~**(13)** Recreation and entertainment uses.

(A) Country club with private membership.

(B) Game court center.

(C) Inside commercial amusement. *[SUP required for dance halls. SUP required for live music venues. Dance halls and live music venues must be treated as a separate main use, and cannot be an accessory use.* ***SUP required for arcade. SUP required for billiard hall. SUP required for bingo parlor.***

(D) Private recreation club or area.

(E) Public park or playground.

(F) Theatre.

(G) Wax museum.

~~(13)~~**(14)** Religious uses.

(A) Church.

(B) Convent or monastery.

(C) Establishment of a religious, charitable, or philanthropic nature. *[SUP]*

(D) Rectory.

~~(14)~~**(15)** Residential uses.

(A) Bed & breakfast.

~~(A)~~**(B)** Duplex.

~~(B)~~**(C)** **Handicap group dwelling unit (HGDU)**.

(D) Hotel and motel.

(E) Lodging or boarding house. *[SUP]*

(F) Multiple-family.

(G) Single-family.

~~(15)~~**(16)** Retail uses.

(A) Antique shop.

(B) Bakery or confectionery store.

(C) Beverage store.

(D) Book and stationery store.

(E) Camera shop.

(F) Cigar, tobacco, and candy store.

(G) Clothing store.

(H) Drug store.

(I) Feed store.

(J) Florist store.

(K) Furniture store.

(L) Hardware or sporting goods store.

(M) Home improvement center.

(N) Hobby and art supplies store.

(O) Liquor store.

(P) Paint and wallpaper store.

(Q) Pet shop.

(R) Retail food store.

(S) Retail stores other than listed.

(T) Secondhand store.

(U) Swimming pool sales and supply.

~~(16)~~**(17)** Storage and waste disposal uses.

~~(A) Aluminum collection center.~~

(A) Mini-warehouse.

(B) Warehouse.

~~(17)~~**(18)** Transportation uses.

(A) Bus passenger shelter.

(B) Passenger bus station and terminal.

(C) Railroad passenger station.

(D) Helistop. *[SUP]*

~~(18)~~**(19)** Utility and service uses.

(A) Electrical energy generating plant.

(B) Electrical substation.

(C) Local utilities.

(D) Telephone exchange, switching, and transmitting equipment.

(E) Tower antennae for cellular communications. *[SUP]*

~~(19)~~**(20)** Accessory uses.

(A) Amateur communication tower.

(B) Community center (private).

(C) Game court (private).

(D) Home occupation.

(E) Occasional sales (garage sales).

(F) Open storage.

(G) Private street or alley.

(H) Swimming pool (private).

(I) Any other use that is customarily incidental to a permitted main use.

(b) Prohibited uses. The following main uses are specifically prohibited on Tracts A and A-1. In the event of a conflict between this subsection and Subsection (a) above, this subsection controls.

(1) Airport or landing field.

(2) Aluminum collection center.

~~(2)~~**(3)** Animal pound.

~~(3)~~**(4)** Auto painting or body rebuilding shop (outside/without screening).

~~(4)~~**(5)** Bail bonding service.

(6) Building mover's, temporary storage yard.

~~(5)~~**(7)** Carnival or circus.

~~(6)~~**(8)** Cemetery or mausoleum.

~~(7)~~**(9)** Class E dance hall, as defined in Chapter 14 of the Dallas City Code, as amended.

~~(8)~~**(10)** Commercial stable.

~~(9)~~**(11)** Contractor's maintenance yard.

~~(10)~~**(12)** Drag strip, go-cart track, or commercial racing.

~~(11)~~**(13)** Drive-in theatre.

(14) Extended stay hotel or motel.

~~(12)~~**(15)** Fairgrounds.

~~(13) Farm or ranch.~~

(16) Group residential facility.

~~(14)~~ **(17)** Halfway house.

~~(15)~~**(18)** Hatchery and breeding operations.

(19) Hazardous waste management facility.

~~(16)~~**(20)** Helicopter base.

~~(17)~~ **(21)** Inside salvage and reclamation.

~~(18) Kennel with outside run.~~

~~(19)~~ **(22)** Labor hall.

~~(20)~~ **(23)** Livestock auction pens or sheds.

(24) **Manufactured building sales lot.**

(25) **Manufactured home park, manufactured home subdivision and campground.**

~~(21)~~**(26)** Motor freight hauling and storage.

~~(22)~~**(27)** Open storage with visual screening.

~~(23)~~**(28)** Open storage without visual screening.

~~(24)~~**(29)** Outside commercial amusement.

~~(25)~~**(30)** Outside salvage or reclamation.

~~(26)~~**(31)** Overnight general purpose shelter.

(32) **Pathological waste incinerator.**

~~(27)~~**(33)** Pawn shop. *[Certain pawn shops may be allowed to relocate. See Section 51A-4.210(22) of the Dallas City Code, as amended.]*

~~(28)~~**(34)** Permanent concrete or asphalt batching or recycling plant.

~~(29)~~**(35)** Petroleum products storage and wholesale.

(36) **Placement of fill material.**

~~(30)~~**(37)** Private stable.

~~(31)~~**(38)** Public golf course.

~~(32)~~**(39)** Radio, television, or microwave tower.

~~(33)~~**(40)** Railroad freight terminal.

~~(34)~~**(41)** Railroad team track.

~~(35)~~**(42)** Railroad yard, roundhouse, or shops.

~~(36)~~**(43)** Refuse transfer station.

~~(37)~~**(44)** Rendering plant.

(45) **Residential hotel.**

~~(38)~~**(46)** Retail use deriving 10 percent or more of its gross revenue from the sale of firearms. *[A person owning or operating a use selling firearms shall, upon request, supply the building official with any records needed to document the percentage of gross revenue on an annual basis derived from the sale of firearms.]*

~~(39)~~**(47)** Rodeo.

~~(40)~~**(48)** Sand, gravel, or earth sales, and storage.

~~(41)~~**(49)** Sanitary landfill.

~~(42)~~**(50)** Sewage pumping station.

~~(43)~~**(51)** Sewage treatment plant.

~~(44)~~**(52)** Sexually-oriented business, as defined in Chapter 41A of the Dallas City Code, as amended.

~~(45)~~**(53)** Slaughterhouse.

~~(46)~~**(54)** STOL aircraft port.

~~(47)~~**(55)** Stone, sand, or gravel mining.

~~(48)~~**(56)** Temporary concrete or asphalt batching plant.

~~(49)~~**(57)** U-cart concrete system.

(58) **Vehicle storage lot.**

~~(50)~~**(59)** Water reservoir, well, or pumping station.

~~(51)~~**(60)** Water treatment plant.

~~(52)~~**(61)** Zoo.

(c) Maximum building heights. ~~Maximum permitted heights for buildings are:~~

~~**(1)** 150 feet for buildings having an FAR for residential uses of 1.0 or more; and~~

~~**(2)** 130 feet for all other buildings.~~

Except as provided in this section, maximum permitted height for all buildings is 200 feet. Any portion of a building above 75 feet in height may not have a floor plate greater than 30,000 square feet.

(d) Special height provision. The following structures located on top of a building may project a maximum of 18 feet above the height specified in Subsection (c):

(1) A mechanical room that covers no more than one-third of the roof.

(2) An elevator penthouse that covers no more than one-third of the roof.

(e) Building setback requirements. There are no front, side, or rear yard setback requirements except as may be required under the building and fire codes and other applicable ordinances.

(f) Lot coverage. There are no lot coverage requirements.

(g) Maximum floor area ratio.

(1) Generally. Maximum permitted FAR is 4.0.

(2) Bonus provisions. FAR on a building site may be increased from 4.0 to a maximum of 6.0 if:

(A) one additional square foot of floor area for nonresidential use is added for each additional square foot of floor area for residential use; or

(B) the FAR for residential uses on the building site is equal to or greater than 2.0; or

(C) development rights are transferred to the building site pursuant to Section 51P-269.108 of this article.

(3) In no event may FAR exceed 6.0 regardless of the use mix or transfer of development rights.

(4) For purposes of this article, the floor space of a refrigerated closed storage area in a building is excluded in the calculation of floor area ratio.

(h) Reflective glass. The maximum permitted daylight reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The daylight reflectance of glass used on the exterior of the first two stories of a building may not exceed 15 percent. The daylight reflectance of exterior glass used above the first two stories of the building may not exceed 27 percent. The above restrictions do not apply to exterior glass that, in the opinion of the director, continues the architectural integrity of an Original Building.

(i) Off-street loading requirements. Off-street loading for all uses in newly constructed buildings must be provided as required by Section 51-4.303.

(j) Off-street parking requirements.

(1) Number of spaces required. Except as otherwise indicated in this subsection, the number of off-street parking spaces required for uses on Tracts A and A-1 are those required under Chapter 51. The following off-street parking requirements apply to uses as indicated below:

(A) Single-family and duplex uses. None required.

(B) Multiple-family uses. ~~One space per each dwelling unit.~~ **For each Original Building used or converted to be used for multiple-family, no off-street parking is required for the first five units. Thereafter, one parking space must be provided for every two units. For new construction (i.e., not renovation or conversion of an existing building to multiple-family use, but construction of a new building) and all other multiple-family uses, one space per each dwelling unit. Cannot be combined with "residents only parking".**

(C) Office uses. ~~No off-street parking spaces are required for the first **2,500 5,000** square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an Original Building~~. **See paragraph (M) below for possible exemption.** Otherwise, one space for each 385 square feet of floor area.

(D) Retail uses. ~~No off-street parking spaces are required for the first **2,500** **5,000** square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an Original Building~~. **See paragraph (M) below for possible exemption.** Otherwise, one space for each 275 square feet of floor area***.[now incorporated with "retail related" uses]***

(E) Bar, lounge, or tavern and private club uses. No off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an Original building. Otherwise, one space for each 100 square feet of floor area. ~~No parking is required for outside seating.~~ Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement. A**n outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space is not included in the parking requirement calculations for up to 25 percent of the interior floor area of that use. An outdoor seating area which is either not covered, or has a permeable covering, is not included in required parking calculations.**

(F) Inside commercial amusement. For inside commercial amusement uses other than dance hall uses, no off-street parking spaces are required for the first 2,500 square feet of ground level floor area in a use that has a separate certificate of occupancy if the use is located in an Original Building. Otherwise, this use must be parked in accordance with the Dallas Development Code. A**n outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space is not included in the parking requirement calculations for up to 25 percent of the interior floor area of that use. An outdoor seating area which is either not covered, or has a permeable covering, is not included in required parking calculations.**

(G) Microbrewery, microdistillery or winery. No off-street parking spaces are required for the first 5,000 square feet of floor area in a use that has a separate certificate of occupancy if the use is located in an Original Building. Otherwise, one space per 1,000 square feet of storage area, one space per 200 square feet of retail sales area, one space per 100 square feet of bar or restaurant area, and one space per 600 square feet of remaining floor area. A**n outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space is not included in the parking requirement calculations for up to 25 percent of the interior floor area of that use. An outdoor seating area which is either not covered, or has a permeable covering, is not included in required parking calculations.**

(H) Restaurant uses. No off-street parking spaces are required for the first ~~**2,500**~~ **5,000** square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an Original Building**.** Otherwise**,** one space for each 100 square feet of floor area. A**n outdoor seating area covered by a non-permeable covering that is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space is not included in the parking requirement calculations for up to 25 percent of the interior floor area of that use. An outdoor seating area which is either not covered, or has a permeable covering, is not included in required parking calculations.**

~~(G)~~**(I)** Dance hall. One space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.

~~(H)~~**(J)** Library, art gallery, or museum uses. None required.

~~(I)~~**(K)** Handcrafted art work studio uses. None required.

~~(J)~~**(L)** Special uses.

(i) Generally. One space for each 500 square feet of floor area.

(ii) Drive-in restaurant and drive-through restaurant uses. One space for each 50 square feet of floor area; a minimum of 12 spaces is required.

(iii) Commercial parking garage and commercial parking lot uses. No parking spaces are required.

~~(K) Limited exemption for certain retail-related uses. No off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level retail-related use that has a separate certificate of occupancy if the use is located in an original building (See Section 51P-269.104(b), "Definitions," of this article).~~

(M) Retail-related uses or professional, personal service, and custom crafts uses. No off-street parking spaces are required for the first 5000 square feet of floor area in a retail-related use or professional, personal service, and custom crafts use that has a separate certificate of occupancy if the use is located in an Original Building.

(N) The Board of Adjustment may grant a special exception to authorize a reduction of the number of off-street parking spaces required under this Ordinance in accordance with the provisions of Section 51A-4.311, as amended or the Director may grant an administrative parking reduction in accordance with the provisions of Section 51A-4.313 of the Dallas Development Code. Considering the facts as set forth therein, the Board and/or the Director shall be cognizant of the intent of this Ordinance and the parking reductions contained herein to promote a viable mixed use community.

(2) Location of off-street parking.

(A) Definitions. In this subsection:

(i) SPECIAL PARKING includes packed parking, remote parking, and shared parking as those terms are defined in Section 51-4.321.

(ii) WALKING DISTANCE means the distance from the nearest point of the parking lot to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway.

(B) In general. Except as specifically provided in this subsection, required off-street parking must be provided on the lot occupied by the main use.

(C) Remote parking.

(i) Remote parking may be located on a separate lot that is within the following walking distances of the use served by the remote parking:

(aa) 800 feet if the use served is located in a newly constructed building.

(bb) 1,200 feet if the use served is located in an Original Building.

(ii) The walking distance for remote parking may be extended by license as set out in Division 51-4.320.

(iii) The agreement requisites of Division 51A-4.328(a) of Chapter 51A of the Dallas Development Code as incorporated by reference into Chapter 51 of the Dallas Development Code shall not apply. Instead, a lease agreement authorizing remote parking for a use to satisfy its off-street parking requirement shall be valid and may be based on a lease of the remote parking spaces, but only if the lease:

(aa) is in writing;

(bb) contains legal descriptions of the properties affected;

(cc) specifies the special parking being provided and the hours of operation of any use involved;

(dd) is governed by the laws of the State of Texas;

(ee) is signed by all owners of the properties affected;

(ff) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(gg) is for a minimum term of three years; and

(hh) provides that both the owner of the lot occupied by the use benefitting from the parking 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.

(iv) The remote parking provisions of this subsection and Division 51A-4.320 shall not affect or cause the reduction of delta credits.

(D) Special parking. Except as expressly modified in this article, the special parking regulations in Division 51-4.320 apply to all uses in Tracts A and A-1. If special parking is used to satisfy off-street parking requirements, an agreement must be signed and filed in accordance with Section 51-4.328. In the event of a conflict between this article and the special parking regulations, this article controls.

(3) Cash in lieu of required parking.

(A) A property owner may make a one-time cash payment in lieu of providing required off-street parking spaces for a use in an Original Building in accordance with this section. The amount of the payment required is calculated by taking three-fourths of the cost of constructing a parking garage space and multiplying that cost by the number of parking spaces that will not be required by reason of the cash payment.

(B) The cost of a parking garage space is calculated by using the following formula:

National Median Cost/Sq. Ft. x 350 square feet x Dallas Cost Index

where National Median Cost/Sq. Ft. is the national median cost per square foot of a parking space in a parking garage. Both the National Median Cost/Sq. Ft. and the Dallas Cost Index must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director.

(4) Parking subdistricts.

(A) Tracts A and A-1 are subdivided into four parking subdistricts as shown on the map titled "Parking Subdistricts" (Exhibit 269B).

(B) Payments in lieu of required parking shall be paid to special parking subdistrict accounts and used to finance the construction of parking garages or other parking improvements to serve uses in the parking subdistrict which contains the property for which the payment in lieu of required parking is located, pursuant to the requirements of all applicable rules, regulations, and ordinances of the city.

(5) Parking reduction for proximity to DART stations. The off-street parking requirement for uses located within one-fourth mile of a DART light-rail station may be reduced by 10 percent.

(6) Parking reduction for on-street parking. Except as provided in this subsection, any on-street parking spaces may be counted toward the parking requirement of the use adjacent to the on-street parking space.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(B) 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.

(7) Uses may charge for required parking. Section 51A-4.301(a)(8), which requires that required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis, does not apply in this district.

(k) Nonconforming uses and structures.

(1) Generally. Except as provided in this subsection, nonconforming uses are not subject to the compliance regulations for nonconforming uses contained in Dallas Development Code Section 51A-4.704(a).

(2) Rebuilding or renovating damaged or destroyed nonconforming structures. A person may repair, renovate, rebuild, or enlarge a nonconforming structure without board of adjustment approval if the work does not increase the degree of nonconformity.

(3) Automatic termination of nonconforming rights for certain uses.

(A) The city council finds that certain nonconforming uses have an adverse effect on nearby properties. The purpose of this subsection is to eliminate these nonconforming uses and to make them comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(B) The right to operate a nonconforming bar, lounge, or tavern use; nonconforming private club use; nonconforming tattoo studio use; nonconforming body piercing studio use; or nonconforming dance hall shall automatically terminate on December 14, 2007 or one year after the use became nonconforming, whichever is later.

(C) An owner of a nonconforming bar, lounge, or tavern use; nonconforming private club use; nonconforming tattoo studio use; nonconforming body piercing studio use; or nonconforming dance hall may request an extension of the compliance deadline in Subparagraph (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 30 days before the deadline in Subparagraph (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 Subparagraph (B).

(D) Upon the filing of a complete application for extension, the board of adjustment 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 of adjustment finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board of adjustment shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board of adjustment shall deny the request. If the board of adjustment denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subparagraph (B), or 30 days after the date of the board of adjustment's decision to deny, whichever is later.

(l) Development plan review. The following development plan review procedure applies to Tracts A and A-1:

(1) Preapplication conference. A person desiring to develop property on Tracts A or A-1 should consult with the director to discuss whether the project is consistent with the Deep Ellum/Near Eastside Conceptual Plan and the requirements of this article.

(2) Review of project by director.

(A) General procedure. Upon receipt of an application for a permit for the construction or exterior modification of any building or structure on Tracts A or A-1, the building official shall refer the application and plans to the director for review to determine whether the project involves an Original Building, new construction, or renovation, and whether it is residential or nonresidential in character. The director shall also determine the parking requirements for the project and the project's

eligibility for incentive programs. The director shall evaluate the project in accordance with the design standards test and prohibitions set forth below. The director shall complete his review within 30 days from the date of submission of the completed application to the building official, or the application shall be deemed to be approved.

(B) Demolition review. Upon receipt of an application for a permit for the demolition of any building or structure on Tract A, the building official shall refer the application and plans to the director. All demolition permit requests referred to the director for review in accordance with this subsection must be accompanied by a statement expressing the need for demolition and describing what, if anything, is planned to replace the demolished building. The director shall encourage alternatives to demolition and careful consideration of adaptive reuse of the property. The director shall complete his review within 30 days from the date of submission of the completed application to the building official. After completion of the review by the director, this subsection does not act to delay or prohibit any demolition.

(3) Design standards test and prohibitions. All projects referred to the director for review in accordance with Paragraph (2)(A) above must be evaluated against the test set forth in this subsection. Plans for newly constructed buildings must score at least 65 points for the primary side and at least 50 points for the secondary side. Plans for Original Buildings must score at least 65 points for the primary side and at least 50 points for the secondary side, or the same score for those sides that the Original Building scored on the date the completed permit application was submitted, whichever is less. If a building was constructed prior to June 27, 1984, and the remodeling, reconstruction, renovation, or expansion of the building constitutes a continuation of an architectural theme already established for the building, the primary and secondary side will not be required to score more than the same score those sides scored on the date the completed building permit was submitted.

(A) Design points. Design points are awarded to projects in accordance with the following criteria:

(i) Public art or streetscape improvements. (Total possible points = 5) One point is awarded for each one-tenth of a percent of the value of improvements stated in the building permit application that is allocated to public art or to streetscape improvements, but not both, up to a maximum of five points. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times, or located in the first floor lobby of a structure and accessible to the public during normal business hours.

(ii) Elimination of front yard setback. (Total possible points = 20) One point is awarded for each two and one-half percent increment greater than 50 percent of total building facade area that is contained between the following vertical planes:

(aa) The vertical plane passing through the front lot line.

(bb) The vertical plane set back 15 feet from the front lot line and parallel to the plane described in Subparagraph (ii)(aa).

(iii) Tree plantings. If any of the points available for elimination of the front yard setback are not awarded to a project, these unused points may be awarded for planting a large tree of at least a three-inch caliper in the treescape area, according to the following scale:

No. of square feet of treescape area per tree	Points
400 or less	10
484	8
576	6
676	4
784	2

(iv) Awnings and arcades. To qualify for points under this paragraph, an arcade must have a minimum depth of six feet, a minimum height of seven feet, and a maximum height of 20 feet. An awning must have a minimum height of seven feet, and a maximum height of 14 feet. For the purpose of this subparagraph, awning and arcade height is the vertical distance between the ground or pavement directly beneath the awning or arcade and the lowest point of the awning or arcade.

(aa) For newly constructed buildings, one point is awarded for each 10 percent of front lot line linear footage of awning or arcade width. (Total possible points = 10)

(bb) When renovating or remodeling an Original Building, one point is awarded for each ten percent of front lot line lineal footage of awning width. No points are awarded for arcades. (Total possible points = 10)

(cc) When arcades extend over public rights-of-way, the minimum depth requirement of the arcade may be reduced from six feet to the maximum depth permitted under the necessary agreement with the city.

(dd) Sections 43-29, "Awning Posts," and 43-30 "Extending Over Public Property," of the Dallas City Code, as amended, apply in this district. It is the intent of this subparagraph to encourage awnings supported solely by the building to which they are attached, provided the requirements of all applicable ordinances, rules, and regulations are satisfied.

(v) Building materials. (Total possible points = 20) One point is awarded for each three percent increment greater than 40 percent of total building front facade area, excluding openings, incorporating stone, brick, glass block, tile, cast metal, cast stone, concrete masonry (split or polished face only; no unfinished units or cinder block), or a combination of those materials as facade materials.

(vi) Front facade openings. (Total possible points = 20) For purposes of this subparagraph, "front facade" means any facade facing a primary or secondary street. For purposes of awarding design points to a multi-story building under this subparagraph, the percentage of front facade area occupied by doors and windows is determined by averaging the percentages of the first and second stories. Points are awarded for the percentage of front facade occupied by doors and windows in accordance with the following scale:

Percent	Points	Percent	Points
21 or 79	1	31 or 69	11
22 or 78	2	32 or 68	12
23 or 77	3	33 or 67	13
24 or 76	4	34 or 66	14
25 or 75	5	35 or 65	15
26 or 74	6	36 or 64	16

27 or 73	**7**	**37 or 63**	**17**
28 or 72	**8**	**38 or 62**	**18**
29 or 71	**9**	**30 or 61**	**19**
30 or 70	**10**	**40-60**	**20**

(vii) Retail-related uses.

(aa) One point is awarded to both the primary side and the secondary side (if any) of the building for each four percent of first story floor area excluding halls, restrooms, utilities, and other public spaces, allocated to retail-related uses. (Total possible points = 25 for each side)

(bb) In Tract A-1, points are awarded, according to the criteria in the front facade opening standards in Item (vi), if the first story is constructed to a minimum height of 15 feet. The height of the story is measured from the top of the finished floor to the top of the finished floor above or, if there is no floor above, to the midpoint of the vertical dimension of the roof. Points are awarded regardless of whether the floor area is used for retail uses. (Total possible points = 25 for each side)

(cc) One point is awarded to both the primary side and the secondary side (if any) of the building for each 20 percent of basement or second story floor area, excluding halls, restrooms, utilities, and other public spaces, allocated to retail-related uses. (Total possible points = 5 for each side)

(viii) Sidewalk cafes. To qualify for points under this subparagraph, a sidewalk café must have a minimum depth of four feet. Sidewalk cafes must have a minimum three-foot-high railing at the perimeter. A minimum of six feet of open sidewalk must be maintained between the sidewalk café to the curb. For the purpose of this subparagraph, sidewalk café depth is the horizontal distance between the railing and the façade of the adjacent building. One point is awarded for each 20 square feet of sidewalk café. (Total possible points = 10)

CPC Recommendation:

(ix) Private license granted.

(aa) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing use of the public right-of-way for public art, landscaping, awnings, arcades, and sidewalk cafes and other streetscape improvements. An owner or tenant is not required to pay an initial or annual fee for a license for landscaping, although a fee may be charged for issuance of a streetscape improvement permit. An owner or tenant is required to pay an initial and annual fee of $25 for a license for public art, awnings, arcades, and other streetscape improvements, in addition to any fee for issuance of a streetscape improvement permit. An owner or tenant is required to pay an initial and annual fee of $150 a license for sidewalk cafes, in addition to any fee for issuance of a streetscape improvement permit. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the licensed is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

Staff Recommendation: Defer to proposed citywide reduced fees for licenses.

~~(ix) Private license granted.~~

~~(aa) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing use of the public right-of-way for public art, landscaping, awnings, arcades, and sidewalk cafes and other streetscape improvements. An owner or tenant is not required to pay an initial or annual fee for a license for landscaping, although a fee may be charged for issuance of a streetscape improvement permit. An owner or tenant is required to pay an initial and annual fee of $25 for a license for public art, awnings, arcades, and other streetscape improvements, in addition to any fee for issuance of a streetscape improvement permit. An owner or tenant is required to pay an initial and annual fee of $150 a license for sidewalk cafes, in addition to any fee for issuance of a streetscape improvement permit. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the licensed is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.~~

(bb) A property owner or tenant is not required to comply with any streetscape improvement requirement to the extent that compliance is made impossible due to the city council's revocation of a streetscape improvement permit or the revocation of the private license granted under this subsection.

(cc) Upon the installation of streetscape improvements in the public right-of-way, the owners or tenants 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 private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must 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 hereby waived to the extent that they are covered by this liability insurance policy.

(dd) Each owner or tenant 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 tenant from liability for the installation or maintenance of streetscape improvements in the public right-of-way.

(x) Permit required.

(aa) It is the responsibility of the property owner to apply for and obtain a streetscape improvement permit ("permit") before locating streetscape improvements in the public right-of-way. An application for a permit must be made to the director. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the public right-of-way affected and the construction and planting proposed.

(bb) 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 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 property owner; otherwise, the director shall deny the permit.

(cc) A 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 right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(dd) the issuance of a permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of streetscape improvements in the public right-of-way.

(xi) Work in the public right-of-way. Except as otherwise provided for streetscape improvements including sidewalk cafes, 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.

(B) Special screening requirements. Except for driveways and accessways at points of ingress and egress, off-street parking for newly constructed buildings that is adjacent to sidewalks, public rights-of-way, or other public areas must be screened. Service areas for newly constructed buildings that are adjacent to sidewalks or open areas intended for pedestrians must be screened, except where the director determines that such screening would:

(i) not reasonably accomplish any useful purpose; or

(ii) create a safety hazard.

(C) Facade prohibitions.

(i) Fluorescent exterior colors are prohibited.

(ii) Facades incorporating wooden siding, wooden sheets, or extruded metal with openings less than one inch square are prohibited if the area covered by those materials totals more than 50 percent of the total facade area. This restriction does not apply to materials that, in the opinion of the director, would continue the architectural integrity of an Original Building.

(iii) Buildings with total facade opening areas of less than 10 percent or more than 90 percent are prohibited.

(iv) Facades made of more than 80 percent glass, excluding glassblock, are prohibited.

(D) Special lighting requirement. Sodium, mercury vapor, and exposed fluorescent lighting sources must be oriented onto the property they light and generally away from adjacent residential properties.

(E) Sidewalks. Except as otherwise provided in this subparagraph, sidewalks must be a minimum of eight feet wide. All sidewalks must be clear and unobstructed ~~**by any structure or planting**~~ **for a minimum of four feet-in-width** within the area of the required eight-foot-width. The requirement of a sidewalk only becomes applicable to a lot when an application is made for a building permit for construction work that results in any increase in ~~**street level floor**~~ **ground level** area. In the event the proposed construction increases the ~~**street level floor**~~ **ground level** area of an existing main building, the sidewalk width requirement for the portion of the building site that provides street frontage for the existing building is the width available, up to eight feet, between the back of the street curb and the face of the existing main building. In no event should the sidewalk width provisions of this subparagraph be construed to require the relocation of the facade of an existing main building.

(4) Return of application to the building official. Once the director makes his determination and evaluation, he shall refer the permit application, plans, all other relevant information, and his recommendation to the building official. If the director determines that sufficient points have been accumulated under the design standards test and all mandatory provisions of this article have been met, he shall recommend approval. Otherwise, he shall recommend denial. If the recommendation is for denial, the director shall state the grounds for denial in writing to the applicant, and the building official shall not issue the permit unless the director's recommendation is overturned upon appeal. If the recommendation is for approval and the building official determines that all requirements of the construction codes and all other applicable ordinances have been met, the building official shall issue the permit. (Ord. Nos. 19532; 21195; 22752; 25423; 26369; 26408; 28594)

SEC. 51P-269.106. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACT B.

(a) Use regulations.

(1) The following uses are permitted on Tract B:

(A) Any use permitted in the Central Area-2 (CA-2) District.

(B) Liquor store.

(C) Tattoo studio. *[SUP. Must be located at least 300 feet from all other tattoo and body piercing studios. A tattoo studio must be treated as a separate main use and cannot be an accessory use.]*

(D) Body piercing studio. *[SUP. Must be located at least 300 from all other tattoo and body piercing studios. A body piercing studio must be treated as a separate main use and cannot be an accessory use.]*

(2) The following main uses are specifically prohibited on Tract B. In the event of a conflict between this subsection and Subsection (1) above, this subsection controls.

(A) Bail bonding service.

(B) Reserved.

(C) Class E dance hall, as defined in Chapter 14 of the Dallas City Code, as amended.

(D) Labor hall.

(E) Motor freight hauling and storage.

(F) Overnight general purpose shelter.

(G) Pawn shop. *[Certain pawn shops may be allowed to relocate. See Section 51A-4.210(22) of the Dallas City Code, as amended.]*

(H) Retail use deriving 10 percent or more of its gross revenue from the sale of firearms. (A person owning or operating a use selling firearms shall, upon request, supply the building official with any records needed to document the percentage of gross revenue on an annual basis derived from the sale of firearms.)

(I) Sexually-oriented business, as defined in Chapter 41A of the Dallas City Code, as amended.

(b) Development standards. Except as otherwise provided in this section, the development standards contained in Chapter 51, including the off-street parking and loading regulations, applicable to a Central Area-2 (CA-2) District, apply to this tract.

(c) Building materials. Reflective glass may not be used as an exterior building material except in accordance with Section 51P-269.105(h).

(d) Setback requirements along Good Latimer Expressway.

(1) Any portion of a building over 120 feet in height must be set back at least 20 feet from Good Latimer Expressway.

(2) Any portion of a building over 170 feet in height must be set back at least 30 feet from Good Latimer Expressway.

(e) Development plan review. The following development plan review procedure applies to Tract B:

(1) A person desiring to develop property on Tract B should consult with the director to discuss whether the project is consistent with the Deep Ellum/Near East side Conceptual Plan and the requirements of this article.

(2) Upon receipt of an application for a permit for the construction, modification, or demolition of any building or structure in this district, the building official shall refer the permit applications and plans to the director for review to determine whether the project involves an Original Building, new construction, or renovation, and whether the structure or project is residential or nonresidential. The director shall also determine the parking requirements for the project, the project's eligibility for incentive programs, and the extent to which the project is consistent with the Deep Ellum/Near East side Conceptual Plan. The review must be conducted so that the decision on the issuance of the building permit can be completed no later than 30 days from the date of submission of the completed application to the building official.

(3) Once the director makes his determinations in accordance with Paragraph (e)(2) of this section, he shall refer the permit application, plans, and all other relevant information to the building official, who shall issue the permit if all requirements of the construction codes and other applicable ordinances have been met.

(f) Nonconforming uses and structures.

(1) Generally. Except as provided in this subsection, nonconforming uses are not subject to the compliance regulations for nonconforming uses contained in Dallas Development Code Section 51A-4.704(a).

(2) Rebuilding or renovating damaged or destroyed nonconforming structures. A person may repair, renovate, rebuild, or enlarge a nonconforming structure without board of adjustment approval if the work does not increase the degree of nonconformity.

(3) Automatic termination of nonconforming rights for certain uses.

(A) The city council finds that certain nonconforming uses have an adverse effect on nearby properties. The purpose of this subsection is to eliminate these nonconforming uses and to make them comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(B) The right to operate a nonconforming bar, lounge, or tavern use; nonconforming private club use; nonconforming tattoo studio use; nonconforming body piercing studio use; or nonconforming dance hall shall automatically terminate on December 14, 2007 or one year after the date the use became nonconforming, whichever is later.

(C) An owner of a nonconforming bar, lounge, or tavern use; nonconforming private club use; nonconforming tattoo studio use; nonconforming body piercing studio use; or nonconforming dance hall may request an extension of the compliance deadline in Subparagraph (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 30 days before the deadline in Subparagraph (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 Subparagraph (B).

(D) Upon the filing of a complete application for extension, the board of adjustment 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 of adjustment finds that additional time is needed to recoup the owner's actual investment in the use before the use became nonconforming, the board of adjustment shall grant the request for extension and establish a new compliance deadline consistent with its determination of a reasonable amortization period; otherwise, the board of adjustment shall deny the request. If the board of adjustment denies the request, the right to operate the nonconforming use shall automatically terminate on the deadline in Subparagraph (B), or 30 days after the date of the board of adjustment's decision to deny, whichever is later. (Ord. Nos. 20409; 22752; 25423; 26369)

SEC. 51P-269.107. WAIVER OF CERTAIN REQUIREMENTS.

The provisions of Section 51-4.702, "Planned Development (PD) District Regulations," relating to the PD preapplication conference, site plan procedure, site analysis, conceptual plan, development plan, development schedule, and amendments to the development plan do not apply to this district. (Ord. Nos. 19532; 25423; 26369)

SEC. 51P-269.108. TRANSFER OF DEVELOPMENT RIGHTS.

(a) Generally. The transfer of development rights in this district is governed by this section. For purposes of this section, "development rights" eligible for transfer means the difference between the actual floor area of structures on a building site and the maximum permissible floor area as determined by the floor area ratio of the building site. The minimum amount of development rights that may be transferred under this section is:

(1) 1,000 square feet if the building site contains a city landmark building; and

(2) 10,000 square feet in all other cases.

(b) Eligibility for transfer.

(1) Tracts A and A-1. Development rights in a building site on Tracts A and A-1 may only be transferred to another building site on Tracts A and A-1.

(2) Tract B.

(A) Generally. Development rights may not be transferred from a building site on Tract B unless:

(i) the building site contains a city landmark building;

(ii) the building has been restored within the five-year period immediately preceding the date of the application for transfer; and

(iii) the total cost of the restoration exceeded 50 percent of the assessed value of the building immediately prior to the restoration.

(B) Special provision. Only that restoration for which a building, electrical, plumbing, or other permit was issued by the city may be counted in determining whether the cost exceeded 50 percent of the assessed value.

(c) Transfer process.

(1) An owner who wishes to transfer development rights shall submit to the director the following information in a form approved by the director and suitable for filing in the county deed records:

(A) Names and addresses of the owners of the development rights.

(B) Street address, lot and block number, and legal description of the property from which the development rights are to be transferred.

(C) Street address, lot and block number, and legal description of the property to which the development rights are to be transferred.

(D) The floor areas of the buildings and the lot areas of the building sites to be affected by the transfer.

(E) The amount of development rights to be transferred.

(2) Within 30 days from the date of submission of the form, the director shall check the information supplied on the form and sign the form if the applicant has complied with the requirements of this section.

(3) When the director has signed the form, the applicant shall file the form in the county deed records and supply the director and the building official with a copy of the filed document.

(4) The recipient of transferred development rights may transfer those rights to another building site in the tract by following the procedure outlined in this section.

(d) Transfer limitations.

(1) The maximum amount of development rights that may be transferred from a building site is three times the area of that building site. No development rights may be transferred from a building site if such a transfer would have the practical effect of reducing the maximum FAR on that site to less than 1.0.

(2) An increase in FAR acquired through the residential bonus provisions of Sections 51P-269.105(g)(2)(A) and (B) of this article may not be transferred. (Ord. Nos. 19532; 25423; 26102; 26369; 28594)

SEC. 51P-269.109. GENERAL REQUIREMENTS.

(a) All newly paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard city specifications and the same may be done to the satisfaction of the director of public works and transportation. No streets shall be widened, closed, or narrowed or a change made in the direction of traffic without proper public hearing of the city plan commission and the city council. This section does not apply to the recommended narrowing of Main Street within this district, nor does it apply to Pacific Avenue, Virgil Street, Clover Street, or July Alley Street within this district.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this PD 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. 19532; 25423; 26102; 26369)

SEC. 51P-269.110. ADDITIONAL REQUIREMENTS FOR COMMERCIAL PARKING GARAGES AND COMMERCIAL PARKING LOTS.

(a) Intent. The intent of this section is to create a distinct boundary between public space and private parking facilities, raise the aesthetic standards for parking facilities, and improve the quality of right-of-ways.

(b) Definitions. In this section:

(1) CORNER LANDSCAPING AREA means an area of any shape abutting the intersection of two right-of-ways equal to the area on a commercial parking lot covered by a triangle formed by connecting together the point of intersection of adjacent right-of-way lines and points on each of the right-of-way lines 12.5 percent of the length of the commercial parking lot's right-of-way frontage from the intersection, but in no case to exceed 225 square feet.

(2) PARKWAY means the portion of a right-of-way located between the street curb and the property line of an adjoining commercial parking garage or commercial parking lot.

(3) RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement, but does not include alleys.

(4) SELF-PARK SPACE means a parking space where a customer parks his vehicle and it remains there until a customer drives it away. It does not include a space where an attendant parks a customer vehicle.

(5) STRIP LANDSCAPING AREA means an area 1.5 feet in width abutting the parkway (or right-of-way if there is no parkway) and extending the length of the street frontage of a commercial parking lot, excluding the corner landscaping area and openings for pedestrian and vehicular access. **Strip landscape areas may be converted to landscape islands adjacent to street right-of-way if the landscape island is a minimum of 60 square feet in area. The total combined landscape island area must be equal to or greater than the landscape area that would have been required to comply with the strip landscape area.**

(6) WROUGHT IRON includes metal that resembles wrought iron in appearance.

(c) Site plan.

(1) When required. A site plan must be submitted to and approved by the building official in accordance with this subsection before a building permit or certificate of occupancy may be issued.

(2) Requisites. The site plan must include the following information:

(A) The number of existing and proposed parking spaces on the property.

(B) The location and dimensions of the property.

(C) The location and dimensions of all existing and proposed off-street parking and loading areas, parking bays, aisles, driveways, pedestrian access openings, and attendant booths.

(D) The location and type of all existing and proposed landscaping, fencing, trash receptacles, lighting, and signs.

(E) Any other reasonable and pertinent information that the building official determines to be necessary for site plan review.

(3) Development. If a site plan is approved by the building official, development of the property must be in accordance with the site plan.

(d) Construction.

(1) Slope. The entire surface of a commercial parking lot may not deviate more than seven degrees from the horizontal plane. No portion of the surface may deviate more than 12 degrees from the horizontal plane.

(2) Driveways. No more than one two-way driveway or two one-way driveways may be maintained for each 300 feet, or fraction thereof, of frontage of a commercial parking lot. This provision does not require the closure or relocation of driveways existing as of June 14, 2006.

(3) Pervious surface. The use of pervious surfacing materials for commercial parking lots is encouraged.

(e) Striping. All self-park spaces must be clearly and permanently identified by stripes. All self-park spaces for compact cars must be at least 7.5-foot wide stalls and must be clearly and permanently marked "compact car only." All other self-park spaces must be at least eight-foot wide stalls. Except as specified in this provision, these spaces must be provided and striped in accordance with Section 51A-4.301(d)(1).

(f) Lighting.

(1) Requirement. The following must be lighted between one-half hour after sunset and 2:30 a.m. and between 6:00 a.m. and one-half hour before sunrise:

(A) A commercial parking lot.

(B) The first story of an above-grade commercial parking garage.

(C) All other portions of a commercial parking garage that are accessible to pedestrians or vehicles during the time between one-half hour after sunset and one-half hour before sunrise.

(2) Intensity. The intensity of required lighting on the surface where vehicles are parked must be:

(A) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(B) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(3) Type of fixtures. Light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

(4) Location of fixtures for commercial parking lots. Fixtures must be attached to buildings or mounted on permanent poles. Fixtures may be located on adjoining property. This requirement does not apply to commercial parking garages.

(5) Height of fixtures for commercial parking lots. Fixtures on commercial parking lots must be at least 20 feet above the lot surface. This requirement does not apply to commercial parking garages.

(6) Reconciliation. This subsection controls over Section 51A-4.301(e).

(g) Trash receptacles. At least one trash receptacle must be provided for each commercial parking garage or commercial parking lot. Trash receptacles must not have a fluorescent color.

(h) Attendant booths. An attendant booth may not be constructed of flammable materials or have a fluorescent color.

(i) Access openings.

(1) Access openings for commercial parking lots may not exceed:

(A) 30 feet in width for a two-way drive.

(B) 20 feet in width for a one-way drive.

(C) 10 feet in width for pedestrian access openings.

(2) At least one pedestrian access opening must be provided for each commercial parking garage and commercial parking lot. The spacing between pedestrian access openings must be from 30 feet to 150 feet.

(3) This subsection does not require the closure or relocation of access openings existing as of June 14, 2006.

(j) Fencing.

(1) Fencing must be provided:

(A) For commercial parking lots, along an abutting right-of-way, excluding openings for pedestrian and vehicular access. Fencing may be located behind a corner landscaping area.

(B) For commercial parking garages, to eliminate openings not intended for pedestrian and vehicular access in the first story above grade where the garage abuts the right-of-way.

(C) Fencing is not required along a DART right-of-way if DART has provided fencing along the right-of-way.

(2) Commercial parking lots in the middle of a block with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.

(3) All other commercial parking lots must have:

(A) a wrought iron fencing;

(B) bollards;

(C) post-and-cable fencing; or

(D) other fencing that is in keeping with the intent of this paragraph, as determined by the director.

(4) If a wrought iron fence is provided:

(A) it must be at least 36 inches in height;

(B) its bars must be spaced no more than eight inches apart; and

(C) it may have a foundation that does not exceed twelve inches in height.

(5) If bollards are provided, each bollard must be:

(A) constructed of concrete, brick, or stone;

(B) at least eight inches in width or diameter;

(C) at least 30 inches in height;

(D) no more than seven feet from another bollard, unless connected by a metal chain, in which case they may be no more than nine feet from another bollard.

(6) If post-and-cable fencing is provided, the posts must:

(A) be finished metal with caps;

(B) have a minimum diameter of two-and-one-half inches;

(C) be spaced no more than 18 feet apart; and

(D) be connected with stainless steel tension cable.

(k) Landscaping.

(1) Parkway landscaping requirement for commercial parking garages and commercial parking lots. Unless a parkway landscape permit is denied or revoked, one tree or shrub must be provided in the adjoining parkway for each 30 feet along the frontage abutting the right-of-way. This provision does not apply to commercial parking garages or commercial parking lots existing as of June 14, 2006.

(2) Perimeter landscaping requirement for commercial parking lots. The corner landscaping area must be planted with a combination of ground cover, shrubs, and trees. The strip landscaping area must be planted with a combination of ground cover, shrubs, and trees. Car bumpers may overhang the strip landscaping area.

(3) Exemption along certain DART right-of-ways. Landscaping is not required along a DART right-of-way if DART has provided landscaping along the right-of-way.

CPC Recommendation: No Change.

(4) Exemption for certain small commercial parking lots. Landscaping is not required for commercial parking lots with a total area of 10,000 square feet or less, unless two or more contiguous lots have an aggregate area of 10,000 square feet or more.

Staff Recommendation: Delete and replace with alternative landscape plan in (5)(C) below.

~~(4) Exemption for certain small commercial parking lots. Landscaping is not required for commercial parking lots with a total area of 10,000 square feet or less, unless two or more contiguous lots have an aggregate area of 10,000 square feet or more.~~

(5) Alternative landscape plan.

(A) The director may approve an alternative landscape plan if compliance with this paragraph is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of this paragraph. An alternative landscape plan may include placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided.

(B) The director may approve an alternative landscape plan if compliance with this paragraph is not possible due to the location of the commercial parking garage or commercial parking lot underneath a highway. An alternative landscape plan may include placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided. An alternative landscape plan may allow the use of non-plant (hardscape) materials.

Staff Recommendation: In lieu of exemption in paragraph 4 above.

(C) The director may approve an alternative landscape plan for commercial parking lots 10,000 square feet or less, unless two or more contiguous lots have an aggregate area of 10,000 square feet or more. The alternative landscape plan may approve alternate irrigation methods or an exemption to irrigation requirements if xeriscape is employed and adequate measures are taken to establish any plant materials. An alternative landscape plan may allow the use of non-plant (hardscape) materials. The alternative landscape plan may require less landscape area than required by this section but may not allow less landscape area than the greater of the landscape area required for either a corner landscape are or the strip landscape area.

(6) Trees. All trees provided must be recommended for local area use by the director. Each tree planted must have a caliper of at least two-and-one-half inches.

(7) Shrubs. All shrubs provided must be recommended for local area use by the director. Each shrub provided must be at least 30 inches in height.

(8) Minimum tree clearance. All portions of a tree above street pavement must be at least thirteen-and-one-half feet in height.

(9) Tree grates. Tree grates conforming to state and federal standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth must be provided for all trees planted within a public sidewalk.

(10) Private license granted. The city council hereby grants a private license to the owners of all commercial parking garages and commercial parking lots in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this section. A property owner is not required to pay an initial or annual fee for this license. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate

this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance. A property owner is not required to comply with any landscaping requirement of this subparagraph if compliance is made impossible due to the termination of this license. This provision controls over Article VI, "License for Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of this code. Note: This private license does not eliminate the need for a parkway landscape permit or commercial general liability insurance.

(11) Parkway landscape permit. A parkway landscape permit must be obtained from the director of development services for all landscaping in the parkway required by this section.

(A) An application for a parkway landscape permit must be in writing on a form approved by the director of development services and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.

(B) Upon receipt of the application, the director of development services shall circulate it to all affected city departments, utilities, and other franchise holders for review and comment. If, after receiving those comments, the director of development services 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.

(C) A parkway landscape permit issued by the director of development services is subject to immediate revocation upon written notice if at any time he 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.

(D) The issuance of a parkway landscape permit under this subparagraph does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or shrubs in the right-of-way.

(12) Xeriscape. The use of xeriscape is encouraged.

(l) Additional regulations. All commercial parking garages and commercial parking lots must comply with Subsection (e), "Wheel Guards and Barriers," Subsection (f), "Passenger Unloading Zone Required in Certain Cases," and Subsection (g), "Stacking Space Required in Certain Cases," of Section 51A-4.306, "Off-Street Parking in the Central Business District."

(m) Compliance. All commercial parking garages and commercial parking lots must comply with this paragraph before July 1, 2007.

(n) Maintenance.

(1) Any improvements required by this section must be properly maintained in a state of good repair and neat appearance at all times.

(2) Plant materials required by this section must be maintained in a healthy, growing condition at all times.

(o) Special exception.

(1) In general. The board of adjustment may grant a special exception to any requirement of this section if the board finds, after a public hearing, the special exception will not adversely affect the other properties within the district and strict compliance with the requirement would result in unnecessary hardship. If the board grants a special exception, it must specify the length of time the special exception is effective.

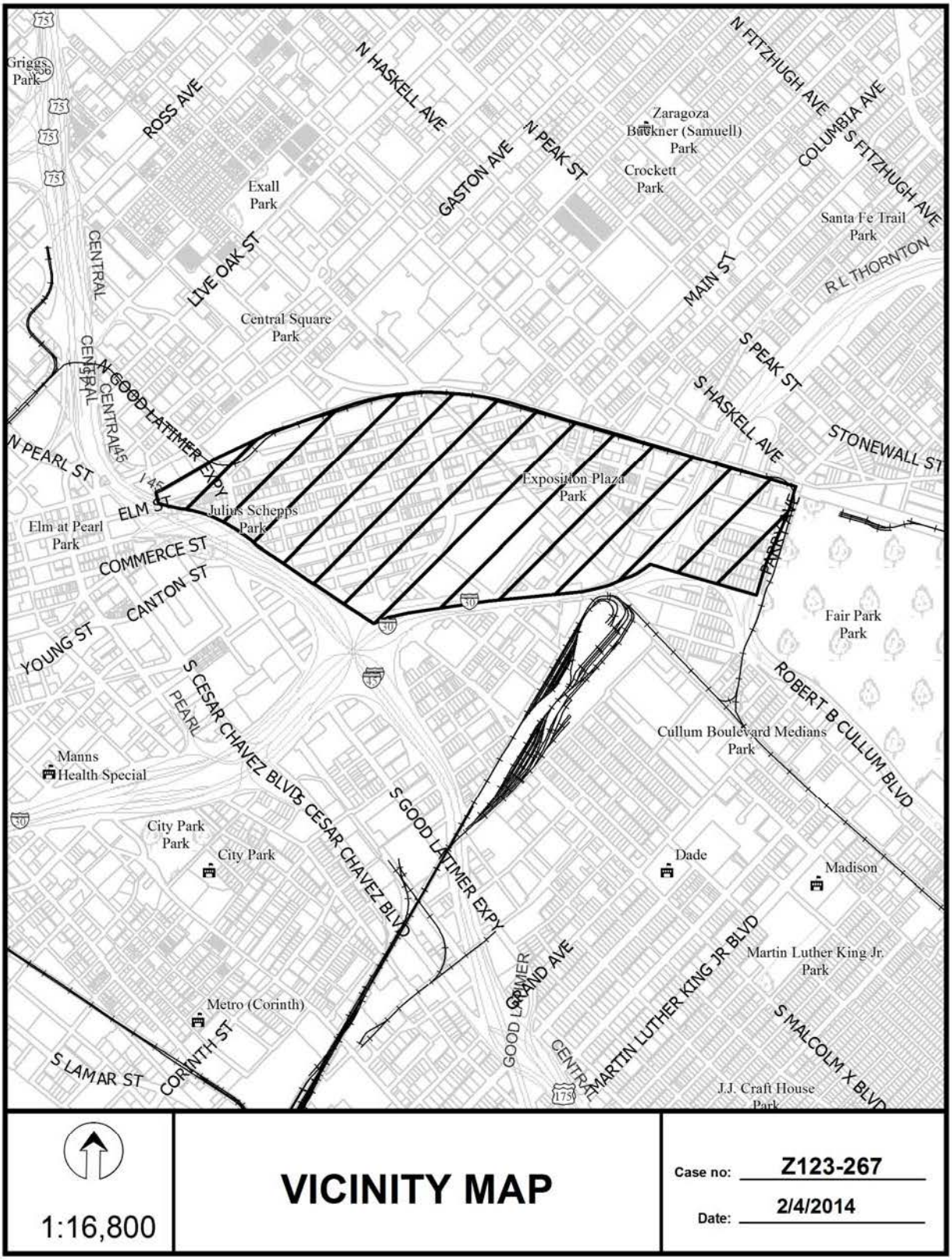
(2) Lighting. The board shall not grant a special exception to a lighting requirement unless the board also finds, after a public hearing, that the special exception will not compromise the safety of persons using the parking. In determining whether to grant this special exception, the board shall consider:

(A) the extent to which the parking will be used after dark;

(B) the crime statistics for the area;

(C) the extent to which adequate lighting may be provided by light sources located on adjacent property; and

(D) the extent to which the commercial parking garage or commercial parking lot will be secured by fences, gates, and chains. (Ord. 26369)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Exall Park
Santa Fe Trail Park
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Exposition Plaza Park
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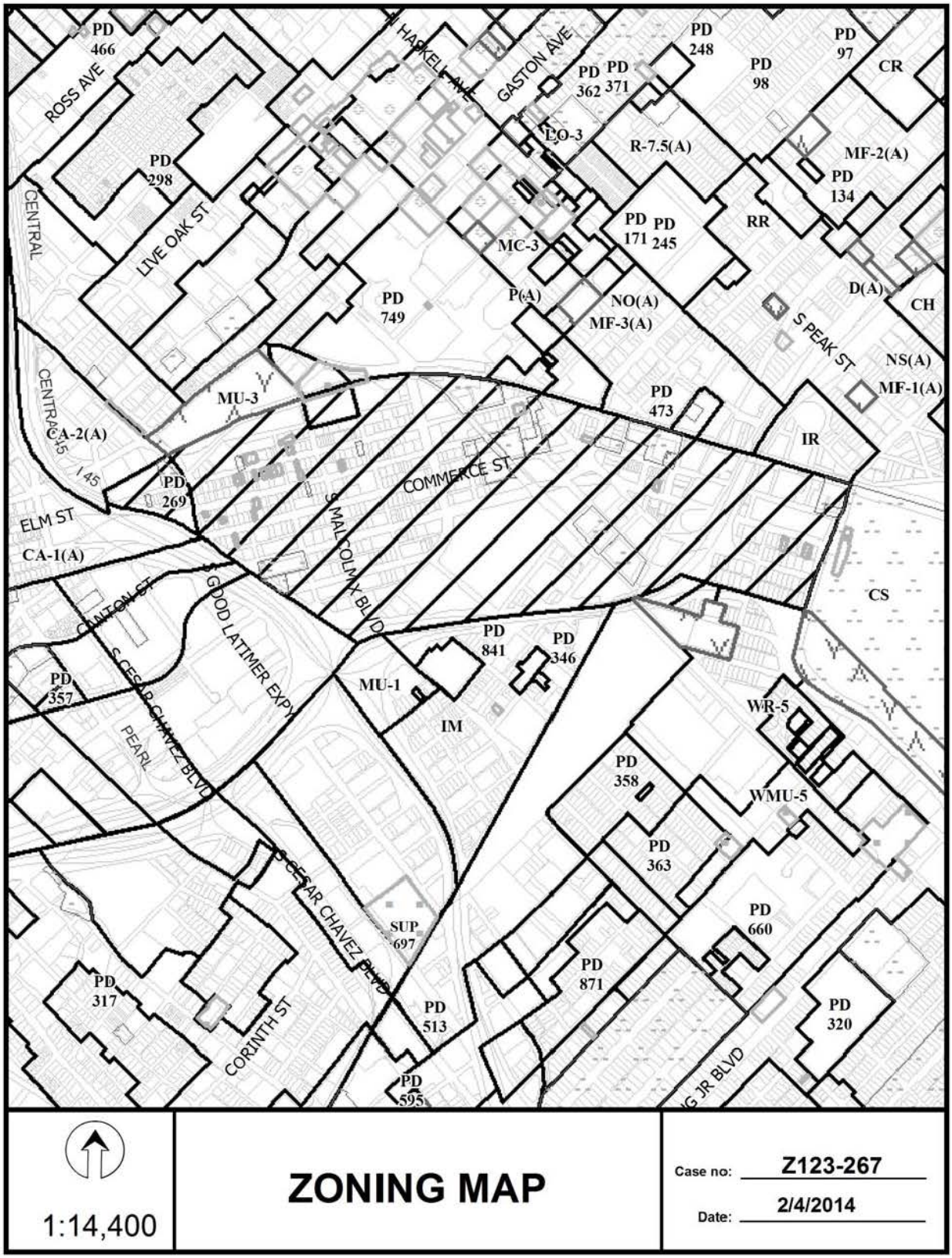
Date: 2/4/2014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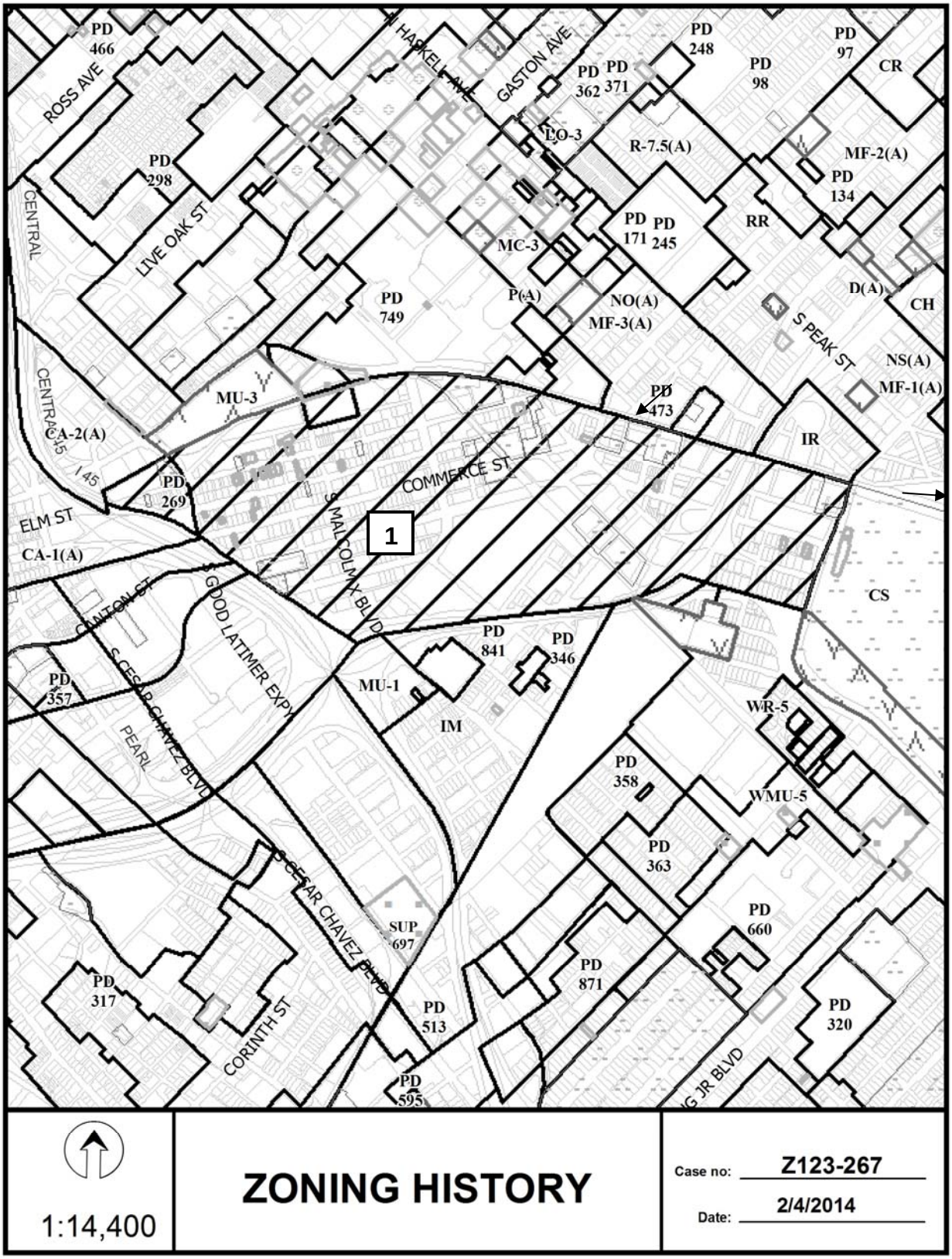
Case no: Z123-267
Date: 2/4/2014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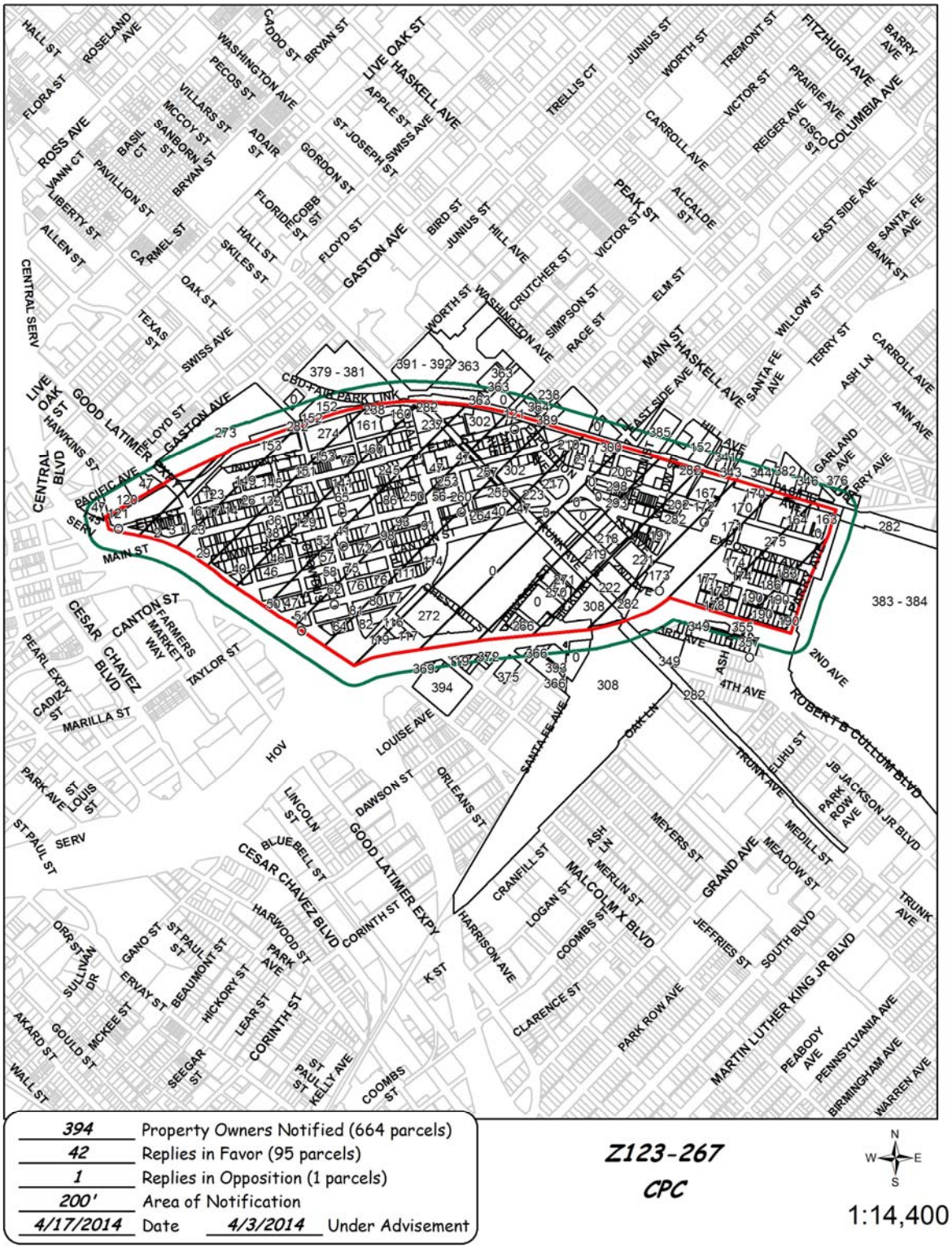
Case no: Z123-267
Date: 2/4/2014

CPC RESPONSES



4/17/2014

Reply List of Property Owners

Z123-267

394 Property Owners Notified ***42 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2511	MAIN ST	ELM STREET LOFTS LTD
	2	2429	MAIN ST	ELLER MEDIA COMPANY
	3	2509	MAIN ST	WESTDALE MAIN LTD
	4	2512	ELM ST	KUNOFSKY MORRIS &
	5	2518	ELM ST	GOLDSTEIN EDWARD M
	6	2528	ELM ST	CITY HOTEL LTD
	7	2532	ELM ST	CTC TEXAS ASSOCIATES LLC
	8	2536	ELM ST	JEANETTE INV II LTD
	9	2542	ELM ST	FRIEDMAN LAWRENCE J TR
	10	2540	ELM ST	SCHWARTZ HYMIE TRUST
	11	2544	ELM ST	SCHWARTZ JERRY TRUSTEE &
O	12	2612	COMMERCE ST	DEEP ELLUM HOLDINGS LLC
O	13	2625	MAIN ST	42 DEEP ELLUM LP
	14	2634	ELM ST	ROSE BARSHOP RESIDUARY TR
	15	2628	ELM ST	ROSE BARSHOP RESIDUARY TR
	16	2604	ELM ST	SEJ ASSET MGMT & INVESTMENT CO
	17	2610	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	18	2649	MAIN ST	PETERS WILSON G
	19	2644	ELM ST	CAMERON PAUL DARREN
O	20	2635	MAIN ST	42 DEEP ELLUM LP
	21	2638	ELM ST	MGP HOLDINGS LLC
	22	2634	ELM ST	BAZZLE S WAYNE &
	23	2603	MAIN ST	PARKIN ART JOINT VENTURE
	24	2642	ELM ST	LALCO INC
	25	2650	ELM ST	ELM ELM LLC
	26	2646	ELM ST	TEXAS AUTO RADIATOR CO

4/17/2014

Reply	*Label #*	*Address*		*Owner*
O	27	2650	MAIN ST	42 DEEP ELLUM LP
	28	2616	MAIN ST	MASTERMIND INVESTMENT GROUP LLC
	29	2611	COMMERCE ST	MEGGS RICHARD LLC ET AL
	30	2612	MAIN ST	2612 MAIN LLC
O	31	2604	MAIN ST	42 DEEP ELLUM LP
	32	2623	COMMERCE ST	KLUCK LINDA LOU
	33	2620	MAIN ST	BLANTON DON
	34	2622	MAIN ST	BLANTON DON EST OF
	35	2712	MAIN ST	CASS DON E TR
	36	2708	MAIN ST	LAMBETH WILLIAM V &
	37	2656	MAIN ST	SCHWARTZ HYMIE TRUST &
	38	2703	COMMERCE ST	SCHWARTZ JEANNETTE TRUST
	39	2711	COMMERCE ST	LAMBETH WILLIAM V
	40	2713	COMMERCE ST	WESTDALE PPTIES AMERICA I
O	41	2622	COMMERCE ST	SDL PARTNERS LTD
	42	2616	COMMERCE ST	NOLA LTD
	43	215	HENRY ST	BARNES & ROBERTS REAL ESTATE
O	44	2730	COMMERCE ST	MADISON PACIFIC DEV CO
O	45	2724	COMMERCE ST	SDL PARTNERS INC
	46	2718	COMMERCE ST	2713 CANTON LTD
	47	2700	COMMERCE ST	WESTDALE PROPERTIES
X	48	2701	CANTON ST	BARNES & ROBERTS REAL ESTATE
O	49	2700	CANTON ST	WESTDALE ADAM HATS LTD
	50	2705	TAYLOR ST	WESTDALE ADAM HATS LTD
O	51	2720	TAYLOR ST	WESTDALE PROPERTIES
	52	2700	TAYLOR ST	BA PROPERTIES
	53	2820	COMMERCE ST	BLANTON DON
	54	2800	COMMERCE ST	GILPIN J R
	55	2805	CANTON ST	GEBHARDT BROADCASTING LLC
	56	2809	CANTON ST	BALLAS VICTOR
	57	2825	CANTON ST	INDUSTRIAL RESERVICES LLC

4/17/2014

Reply	*Label #*	*Address*		*Owner*
	58	2824	CANTON ST	HORTON T L DESIGN INC
	59	2814	CANTON ST	FITZGERALD KAREN K &
	60	2810	CANTON ST	WARREN PROPERTY HOLDINGS LLC
	61	2801	VIRGIL ST	BLANTON DONNY G
O	62	2803	TAYLOR ST	DEEP ELLUM CHURCH
	63	2800	TAYLOR ST	SOUTHWESTERN TYPOGRAPHICS
	64	2801	ST LOUIS ST	DEEP ELLUM BREWING COMPANY LLC
O	65	2900	MAIN ST	SDL PARTNERS LTD &
	66	2900	MAIN ST	SUNRISE FURNITURE COMPANY
	67	2901	COMMERCE ST	CITY PARK A LOT LP
	68	2926	COMMERCE ST	STAHLMORR PROPERTIES LTD
O	69	2909	CANTON ST	CANTON MAIN PROP LTD
	70	2913	CANTON ST	DUET COMMERCIAL LLC
	71	2917	CANTON ST	MORRISON ROBERT C &
	72	2919	CANTON ST	GARDNER ROBERT P III
O	73	2921	CANTON ST	CERVIN BENNETT W
O	74	2930	CANTON ST	2930 CANTON STREET INC
	75	2914	CANTON ST	ONDRUSEK W J
	76	2909	TAYLOR ST	RADICAL COMPUTING INC
	77	2934	TAYLOR ST	TRW REALTY HOLDING LLC
O	78	2928	TAYLOR ST	2930 CANTON STREET INC &
O	79	2924	TAYLOR ST	ALAND RONALD Z
	80	2920	TAYLOR ST	2920 TAYLOR LTD
	81	2914	TAYLOR ST	OPUS FORTUNATUS LTD
	82	2903	ST LOUIS ST	OPUS FORTUNATUS TOO
	83	2915	ST LOUIS ST	INDUSTRIAL RESERVICES LLC
	84	3010	MAIN ST	SILKY LLC
	85	3017	COMMERCE ST	VOGEL BRACKEN PRINTERS
	86	3004	MAIN ST	FUSSELL GREGG &
	87	3000	MAIN ST	CARRANZA DAVID &
O	88	3003	COMMERCE ST	N Y EXPRESS DRYWALL CONST

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Reply	*Label #*	*Address*		*Owner*
O	89	3005	COMMERCE ST	FUSSELL GREGG &
	90	3034	COMMERCE ST	MARTIN JEANNE C
	91	3035	CANTON ST	3035 CANTON STREET PARTNERS LTD
	92	3018	COMMERCE ST	DIXIE RESORTS INC
	93	3014	COMMERCE ST	BALLAS VICTOR E
O	94	3012	COMMERCE ST	HUNT DENNY H
	95	3008	COMMERCE ST	HOPPER KIRK
	96	3004	COMMERCE ST	VINTAGE WAREHOUSE LLC
	97	3000	COMMERCE ST	SWANEY JEFFREY A
	98	210	WALTON ST	COLLINS KAREN E
	99	3007	CANTON ST	RDS HOLDINGS INC
	100	3005	CANTON ST	ANDERSON DEAN BELL
	101	3011	CANTON ST	30009 CANTON STREET
	102	3013	CANTON ST	UPPERCASE COMMERCIAL LLC
	103	3021	CANTON ST	3009 CANTON ST PTNR LTD
	104	3027	CANTON ST	3030 CANTON LP
	105	3020	CANTON ST	GRAHAM MORTGAGE CORP
	106	3008	CANTON ST	DUNLAP DELANO &
	107	3002	CANTON ST	HASKINS MICHAEL & VIRGINIA
	108	306	WALTON ST	WORKMAN ROBERT BRUCE
	109	3004	CANTON ST	BEAUREGARD PAUL DONALD II
	110	310	WALTON ST	SEELIG TIMOTHY
	111	3030	TAYLOR ST	RADICAL COMPUTING, INC.
	112	335	HALL ST	SINNETT IAN C
	113	3025	TAYLOR ST	NEWTON JEFFREY PAUL
	114	333	HALL ST	LABARBA JEFFREY L &
	115	3027	TAYLOR ST	PETERMAN JOHN MOFFATT &
	116	514	HALL ST	GLASFLOSS INDUSTRIES LP
	117	2830	JEFFRIES ST	GLASFLOSS INDUSTRIES, LP
	118	528	HALL ST	PETER NEELY COMPANY LLC
	119	530	HALL ST	PATRICK REALTY CORP

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Reply	*Label #*	*Address*		*Owner*
	120	2500	PACIFIC AVE	GRAINGER W W INC
O	121	2505	ELM ST	WESTDALE PROPERTIES
O	122	2605	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	123	2625	ELM ST	UPLIFT EDUCATION
	124	2615	ELM ST	GRAVES ALBERT JR ET AL
	125	2824	MAIN ST	BLADE PROPERTIES LLC
	126	2820	MAIN ST	SMITH PACIFIC PPTIES LTD
	127	2814	MAIN ST	SOUND WAREHOUSE OF DALLAS
	128	2800	MAIN ST	CONGRESS STREET NIGHTS
	129	2801	COMMERCE ST	WESTDALE PPTIES AMERICA
	130	2815	COMMERCE ST	SMITH PACIFIC LP
	131	2825	COMMERCE ST	INTERNATIONAL LIONS LAIR
	132	2720	ELM ST	ELM STREET REALTY LTD
	133	2715	MAIN ST	MAIN PROPERTIES LLC
	134	2707	MAIN ST	DEALEY CHRISTOPHER C
O	135	2701	MAIN ST	42 DEEP ELLUM LP
	136	2825	MAIN ST	SMITH PACIFIC INC
	137	2809	MAIN ST	BLANTON DON G
	138	2944	ELM ST	ANDREASON JUSTINE POKLADNIK
O	139	2936	ELM ST	EISCHINGER FURTULA BUDD
	140	2928	ELM ST	ANDREASON JUSTIN MARIE POKLADNIK
	141	2920	ELM ST	ANDREASON JUSTINE MARIE POKLADNIK
O	142	2908	ELM ST	SDL PARTNERS LTD
	143	2931	MAIN ST	POKLADNIK CYRILL J
	144	2913	MAIN ST	POKLADNIK CYRILL J ESTATE
	145	2723	ELM ST	2723 ELM STREET JV
	146	2717	ELM ST	WESTDALE PPTIES AMERICA LTD
	147	2717	ELM ST	WESTDALE PPTIES AMERICA LTD
	148	2707	ELM ST	BELMOR CORP
	149	2703	ELM ST	BELMOR CORP
	150	2701	ELM ST	BELMOR CORP

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Reply	*Label #*	*Address*		*Owner*
	151	2819	ELM ST	MCCORMICK ARTHUR SR LFEST
	152	2600	MONUMENT ST	DALLAS AREA RAPID TRANSIT
	153	2901	INDIANA BLVD	ANIMATION BUILDING LP THE
	154	2901	ELM ST	R & F INVESTMENTS LTD
	155	2905	ELM ST	2905 ELM STREET PTNR LTD
	156	2907	ELM ST	2905 ELM STREET PTNRS LTD
	157	2935	ELM ST	MANZANARES PORFIRIA &
	158	3001	ELM ST	BAYLOR HEALTH CARE SYSTEM
	159	3009	ELM ST	MCMURRAY JOHN D III
	160	3004	INDIANA BLVD	BAYLOR HEALTH CARE SYSTEM
	161	300	WALTON ST	BAYLOR HEALTH CARE SYSTEM
	162	3021	ELM ST	BAYLOR HEALTH CARE SYSTEM
	163	3809	PARRY AVE	BLOCK 809 LTD
	164	4112	PACIFIC AVE	GIBSON DAVID H
	165	4100	COMMERCE ST	GODWIN DWAYNE & PAT
	166	4118	COMMERCE ST	4118 4130 COMMERCE LTD
	167	4008	COMMERCE ST	DAVIS J MICHAEL
	168	4018	COMMERCE ST	DAVIS J MICHAEL
	169	4006	COMMERCE ST	HINCKLEY INC
	170	4040	COMMERCE ST	BOUCHER DANIEL D &
	171	710	EXPOSITION AVE	GONZALES ALEX
O	172	4003	COMMERCE ST	3900 COMMERCE 1996 LTD
O	173	601	1ST AVE	BELCLAIRE INV CORP &
	174	721	EXPOSITION AVE	JEFFEXPO LTD
	175	729	EXPOSITION AVE	BERT CONCESSIONS INC
	176	3609	ASH LN	JEFFEXPO LTD
	177	701	1ST AVE	PATRICK MEDIA GROUP INC
	178	713	1ST AVE	EXPO PARK PARTNERS LTD &
O	179	3525	ASH LN	ASH LLC
O	180	728	2ND AVE	PARK A LOT LP
	181	811	EXPOSITION AVE	ROBERTS JOHN STEVEN

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Reply	*Label #*	*Address*		*Owner*
	182	821	EXPOSITION AVE	MCNEILL ROBERT K
	183	827	EXPOSITION AVE	GREENE PATRICK
	184	829	EXPOSITION AVE	HAYS BURL A
	185	820	1ST AVE	JAMES WILLIAM PRITCHETT REVOCABLE LIVING
	186	816	1ST AVE	JAMES W PRICHETT REVOCABLE LIVING TRUST
O	187	812	1ST AVE	BELCLAIRE REALTY LTD
	188	808	1ST AVE	MOXIE INVESTMENTS LTD
O	189	804	1ST AVE	PARK LINK LTD
	190	801	1ST AVE	TEXAS STATE OF
	191	507	EXPOSITION AVE	621 CARROLL LLC
	192	345	EXPOSITION AVE	ANDERSON BARRY
	193	401	EXPOSITION AVE	404 EXPOSITION LTD
	194	417	1ST AVE	BOSWELL PATRICIA &
	195	417	1ST AVE	BANK ONE TEXAS NA TRUSTEE
	196	418	1ST AVE	BOSWELL PATRICIA &
	197	418	1ST AVE	BANK ONE TEXAS NA TRUSTEE
	198	400	1ST AVE	BOSWELL PATRICIA &
	199	400	1ST AVE	BANK ONE TEXAS NA TRUSTEE
	200	409	EXPOSITION AVE	SIMUN FRANCIS
	201	500	EXPOSITION AVE	500 EXPOSITION LTD
	202	3900	COMMERCE ST	500 EXPOSITION LTD
	203	412	EXPOSITION AVE	BOUCHER DANIEL D
	204	408	EXPOSITION AVE	MEYER FRED & MICHELLE
	205	404	EXPOSITION AVE	404 EXP PARTNERSHIP
	206	3712	COMMERCE ST	3714 COMMERCE ST PS LTD
	207	3815	EAST SIDE AVE	REEVES GEORGE M ET AL
	208	3612	COMMERCE ST	REEVES GROUP LTD
	209	3600	COMMERCE ST	CITY POCKET LP
	210	3600	MAIN ST	ALDRIDGE DOUGLAS E &
	211	110	EXPOSITION AVE	HEYLAND EDWARD
	212	3500	COMMERCE ST	PANORAMIC DEV LLC

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Reply	*Label #*	*Address*		*Owner*
	213	3506	COMMERCE ST	SCHWARTZ HYMIE TRUST &
	214	3713	CANTON ST	MOTT W E JR SPOUSAL TRUST
	215	3511	PACIFIC AVE	PANORAMIC DEVELOPMENT LLC
O	216	305	EXPOSITION AVE	TALL COTTON PPTIES LTD
	217	3400	COMMERCE ST	RIEGEL MAYNARD W &
	218	333	1ST AVE	333 1ST AVE LTD
	219	424	2ND AVE	SECOND HICKORY LTD
	220	417	1ST AVE	MCGREGOR AUTOMOTIVE INC
	221	502	2ND AVE	PETO HOLDINGS LLC
	222	501	2ND AVE	KAELSON COMPANY
	223	3300	COMMERCE ST	WESTDALE PPTIES AMERICA I
O	224	3404	MAIN ST	JERNIGAN REALTY PTNR LP
	225	3416	MAIN ST	CHOW JUNE C &
	226	3418	MAIN ST	WITHERSPOON DAVID
	227	3302	ELM ST	TEXAS UTILITIES ELEC CO
	228	3400	ELM ST	WESTDALE PPTIES AMERICA 1
O	229	3404	ELM ST	WESTDALE PPTIES AMERICA I
O	230	3407	MAIN ST	JERNIGAN & MITCHELL INV
	231	3414	ELM ST	SONS OF HERMANN
O	232	3417	MAIN ST	JERNIGAN REALTY PTNRS LP
	233	3502	PACIFIC AVE	ADVANCE BRAKE & CLUTCH
	234	232	TRUNK AVE	STAHL PATRICIA L
	235	3333	ELM ST	WESTDALE PROPERTIES
	236	210	HALL ST	BAYLOR HEATH CARE SYSTEM
	237	334	HALL ST	BAYLOR HEALTH CARE SYSTEM
	238	3713	ELM ST	BAYLOR HEALTH CARE SYSTEM
	239	3011	MAIN ST	MADDRAN RONALD W & ROBIN
	240	3013	MAIN ST	DEEP ELLUM MAIN GROUP LLC
	241	3033	MAIN ST	BAKERS RIBS INC
	242	3029	MAIN ST	HUDSPETH HUDSPETH
	243	3036	ELM ST	SCHMITZ JOHN

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Reply	*Label #*	*Address*		*Owner*
	244	3026	ELM ST	UNICORP SERVICES INC
	245	3016	ELM ST	MCMURRAY JOHN DENNISON IV
	246	3008	ELM ST	MCMURRAY JOHN DENNISON IV &
	247	111	HALL ST	KIPRIOTIS TONY & SYBIL
	248	3028	MAIN ST	JAS INTERESTS INC
	249	3033	COMMERCE ST	KIPRIOTIS TONY & SYBIL S
	250	3023	COMMERCE ST	CHAMPION COMMERCIAL PTIES
	251	3100	MAIN ST	KELCHER MARK &
	252	3104	MAIN ST	LEE LIZA
	253	3112	MAIN ST	MAIN MURRAY L L C
O	254	3117	COMMERCE ST	SMITH ED W MACHINE WORK
	255	3200	MAIN ST	WESTDALE FUTURA LOFTS LTD
	256	3210	MAIN ST	WESTDALE FUTURA LOFTS LTD
	257	100	TRUNK ST	WESTDALE PROPERTIES
	258	3102	COMMERCE ST	GARTMAN TERRY W
	259	3106	COMMERCE ST	BAXTER ALLEN T
O	260	3116	COMMERCE ST	WEINBERG ROBERT
	261	3101	CANTON ST	CORNELL D M REVOCABLE TRUST
	262	3111	CANTON ST	OBER PHILIP B &
	263	3200	COMMERCE ST	BAUMGARTNER HERBERT &
	264	3209	CANTON ST	BAUMGARTNER CECILIA E
	265	3225	CANTON ST	ALFORD ENTERPRISES
	266	1613	BAYLOR ST	BARTZ ARTHUR G SUPPLEMENTAL NEEDS TRUST
	267	1620	BAYLOR ST	WOOD BRITTON M
	268	3103	HICKORY ST	WOOD MAURICE JR &
	269	1600	PEARLSTONE ST	ROGERS JAMES F
	270	1622	PEARLSTONE ST	LIQUID STONE INC
	271	3200	HICKORY ST	ROGERS JAMES F &
	272	400	HALL ST	GLASFLOSS INDUSTRIES INC
	273	2752	GASTON AVE	DEEP ELLUM MARQUIS LP
	274	2901	INDIANA BLVD	BROADSTONE AMBROSE LP

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Reply	*Label #*	*Address*		*Owner*
	275	4115	COMMERCE ST	BLOCK 811 LTD
	276	500	1ST AVE	NGUYEN KIM KHANH DINH
	277	502	1ST AVE	ORESKOVICH ANDREW J
	278	504	1ST AVE	JOHNSON OWEN JOE
	279	506	1ST AVE	TSAI JEFFREY S
	280	405	EXPOSITION AVE	LONG ROBERT DUSTIN
	281	3808	WILLOW ST	WILLOW BUILDING 3800 LTD
	282	821	HASKELL AVE	DART
	283	3831	COMMERCE ST	SOLOMON DONALD W
	284	3827	COMMERCE ST	ROTHWELL TRINA
	285	3823	COMMERCE ST	PATTERSON RICHARD &
	286	3819	COMMERCE ST	BHUTANI YVETTE P & SUMIT
	287	3815	COMMERCE ST	ANDERSON BRENT
	288	3811	COMMERCE ST	MAXWELL KENNETH E
	289	3807	COMMERCE ST	GRANT SUSAN K
	290	3803	COMMERCE ST	BOUCHER DANIEL D
	291	3816	COMMERCE ST	PINNELL ALDEN G
	292	3800	COMMERCE ST	MITCHELL INV PTNS LTD
	293	302	EXPOSITION AVE	KARRION ENTERPRISES INC
	294	3715	COMMERCE ST	HORNBUCKLE LOE
	295	3713	COMMERCE ST	FAGERSTONE DENNIS & SUSAN
	296	3711	COMMERCE ST	ANDERSON JEREMY C
	297	3709	COMMERCE ST	3700 COMMERCE STREET
	298	3703	COMMERCE ST	3703 COMMERCE STREET LLC
	299	3701	COMMERCE ST	LINE DIANE
	300	3720	CANTON ST	METRO PACIFIC EQUITIES IN
	301	3435	COMMERCE ST	BOATWRIGHT JOYCE CAMPBELL
	302	3300	MAIN ST	WESTDALE DEEP ELLUM LOFTS
	303	3400	MAIN ST	WESTDALE DEEP ELLUM LOFTS
	304	317	2ND AVE	FONBERG PETER TR
O	305	3309	ELM ST	TALL COTTON PPTIES LTD

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Reply	*Label #*	*Address*		*Owner*
	306	3301	ELM ST	DICKENSON DANIEL
	307	3215	HICKORY ST	DEEP ELLUM SELF STO 1 LLC
	308	3101	OAK LN	DALLAS AREA RAPID TRANSIT
	309	9999	NO NAME ST	UNION PACIFIC RR CO
	310	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	311	3026	COMMERCE ST	GRUNNAH WIILAIM JR
	312	3026	COMMERCE ST	FEDERAL HOME LOAN MTG CO
	313	3026	COMMERCE ST	ROWAND EDWIN W
	314	3026	COMMERCE ST	SCOGIN MELISSA LEE
	315	3026	COMMERCE ST	KORMANIK JOSEPH D
	316	3026	COMMERCE ST	MCQUILLEN EDWARD R
	317	3026	COMMERCE ST	KU LEO
	318	3020	COMMERCE ST	DELIPSEY JAN MARIE
	319	3022	COMMERCE ST	MUNSTERMAN PAUL &
	320	3024	COMMERCE ST	SMITH DEBORAH A
	321	3027	CLOVER ST	KLORES JILL
	322	3028	COMMERCE ST	HUSSEINI NADER
	323	3029	CLOVER ST	REEVES STEVEN W &
	324	3030	COMMERCE ST	MCCLURE JASON S
	325	3031	CLOVER ST	MARTINEZ ADELAIDA L
	326	3032	COMMERCE ST	PETREAS JAMES &
	327	215	WALTON ST	FUTURA LLC
	328	215	WALTON ST	MALY ALLAN
	329	215	WALTON ST	DUBOSE BRUCE KEVIN
	330	215	WALTON ST	CONNOLLY GAIL
	331	215	WALTON ST	GRIFFITH JUSTIN
	332	215	WALTON ST	SALINAS GERRIT & LEAH
	333	215	WALTON ST	ANNINO BARRY
	334	215	WALTON ST	WALTON LOFT LLC
	335	215	WALTON ST	ARTIGLIERE ORLANDO JR
	336	215	WALTON ST	MOON THOMAS J

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Reply	*Label #*	*Address*		*Owner*
	337	215	WALTON ST	YUMA PPTIES LP
	338	201	HAWKINS ST	PHILLIPS PATRICIA W EST
	339	2500	PACIFIC AVE	WESTDALE PROPERTIES AMERICA I
	340	509	HILL AVE	HINCKLEY COLD STG INC
	341	503	HILL AVE	HINCKLEY FRANK B ETAL
	342	503	HILL AVE	HINCKLEY FRANK B III ETAL
	343	513	HILL AVE	HINCKLEY F B III ET AL
	344	619	HILL AVE	TOURMALINE PARTNERS PROPERTIES LLC
	345	817	HASKELL AVE	PINSKER OTTO & BARBARA
	346	723	HASKELL AVE	PINSKER OTTO & BARABARA
	347	717	HASKELL AVE	PATTERSON MEAT COMPANY
O	348	3407	OAK LN	GRTP LTD
	349	3301	OAK LN	THIRD AND ASH LLC
	350	715	2ND AVE	PAYNE OUIDA M
	351	700	3RD AVE	GRUBBS DAVID K
	352	3410	ASH LN	DARBY ELSON III ET AL
	353	3416	ASH LN	FAIR PARK J V
	354	801	2ND AVE	SMITH THOMAS M &
	355	807	2ND AVE	DARBY EVERETT V &
	356	809	2ND AVE	DARBY MAYE E
O	357	818	3RD AVE	JERNIGAN ARVEL L
	358	812	3RD AVE	CAMPBELL BERNARD D
	359	808	3RD AVE	DARBY ELSON JR EST OF
	360	802	3RD AVE	CHAMPION DAVID W
	361	3901	EAST SIDE AVE	RMW DEVELOPMENT INC
	362	3995	BENSON ST	AC BENSON REALTY LTD
	363	3704	RACE ST	BAYLOR HEALTH CARE SYSTEM
	364	3705	ELM ST	WHITEHEAD RICHARD
	365	3712	RACE ST	BAYLOR HEALTH CARE SYSTEM
	366	1802	CHESTNUT ST	1818 CHESTNUT LLC
	367	1714	BAYLOR ST	NATIONAL ADVERTISING CO

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Reply	*Label #*	*Address*		*Owner*
	368	3001	HICKORY ST	MORALES ANDREW &
	369	1601	JEFFRIES ST	BERKSHIRE ENTERPRISES INC
	370	2960	R L THORNTON FWY	SMITH MARGUERITE M
	371	2917	DAWSON ST	JAMAICA ROBERT
	372	2921	DAWSON ST	JAMAICA ROBERT & EVA
	373	2913	DAWSON ST	MORENO AUGUSTINE M
	374	1616	JEFFRIES ST	HENDERSON WADE
	375	1703	CHESTNUT ST	SAFAVIMATIN PARVIN
	376	802	HASKELL AVE	HOMEWORKS CONST CO
	377	822	HASKELL AVE	ZOYS INC
	378	900	HASKELL AVE	PURE ICE & COLD STG CO
	379	705	HALL ST	BAYLOR HEALTH CARE SYSTEM
	380	621	HALL ST	BAYLOR UNIVERSITY MED CTR
	381	621	HALL ST	BAYLOR UNIVERSITY MED CTR
	382	4000	ASH LN	PATTERSON BROS
	383	3500	FITZHUGH AVE	DALLAS CITY OF
	384	3839	FITZHUGH AVE	MCA PACE AMPHITHEATERS LP
	385	3917	WILLOW ST	CA WILLOW LLC
	386	3912	WILLOW ST	SIMBOLWOOD LTD
	387	3812	ELM ST	BAYLOR UNIVERSITY MED CTR
	388	3801	MAIN ST	BAYLOR UNIVERSITY MED CTR
	389	3700	ELM ST	BAYLOR HEALTHCARE SYSTEM
O	390	3800	MAIN ST	CANTON MAIN PROP LTD
	391	3410	WORTH ST	BAYLOR HEALTH CARE SYSTEM
	392	3410	WORTH ST	RREAL EST TAX ADVISORS LLC
	393	1800	CHESTNUT ST	STANLEY BLANCHE M TRUST
	394	1610	MALCOLM X BLVD	CDM CENTER OF HOPE INC

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 59 A 59 B

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 2.05 acres of the current 3.57 acres of land, located at the northwest corner of Bruton Road and St. Augustine Road, within the floodplain of Estes Branch, Fill Permit 14-01 - Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately 2.05 acres of the current 3.57 acres of floodplain, from a total tract of 11.19 acres, to be mixed use retail and multi-family residential. The proposed fill is located at the Northwest corner of Bruton Road and St. Augustine Road within the floodplain of Estes Branch.

A neighborhood meeting was held at the Prairie Creek Library, on April 15, 2014. There were five citizens present. Attendees included one of the developer's engineers, three of the developer's representatives, and two city staff members. There were concerns about flooding as a result of the development, and they were addressed by staff satisfactorily. There was no other opposition to this 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

Bruton Apartments LTD
200 Concord Plaza Dr. Suite S-900
San Antonio, Texas 78216

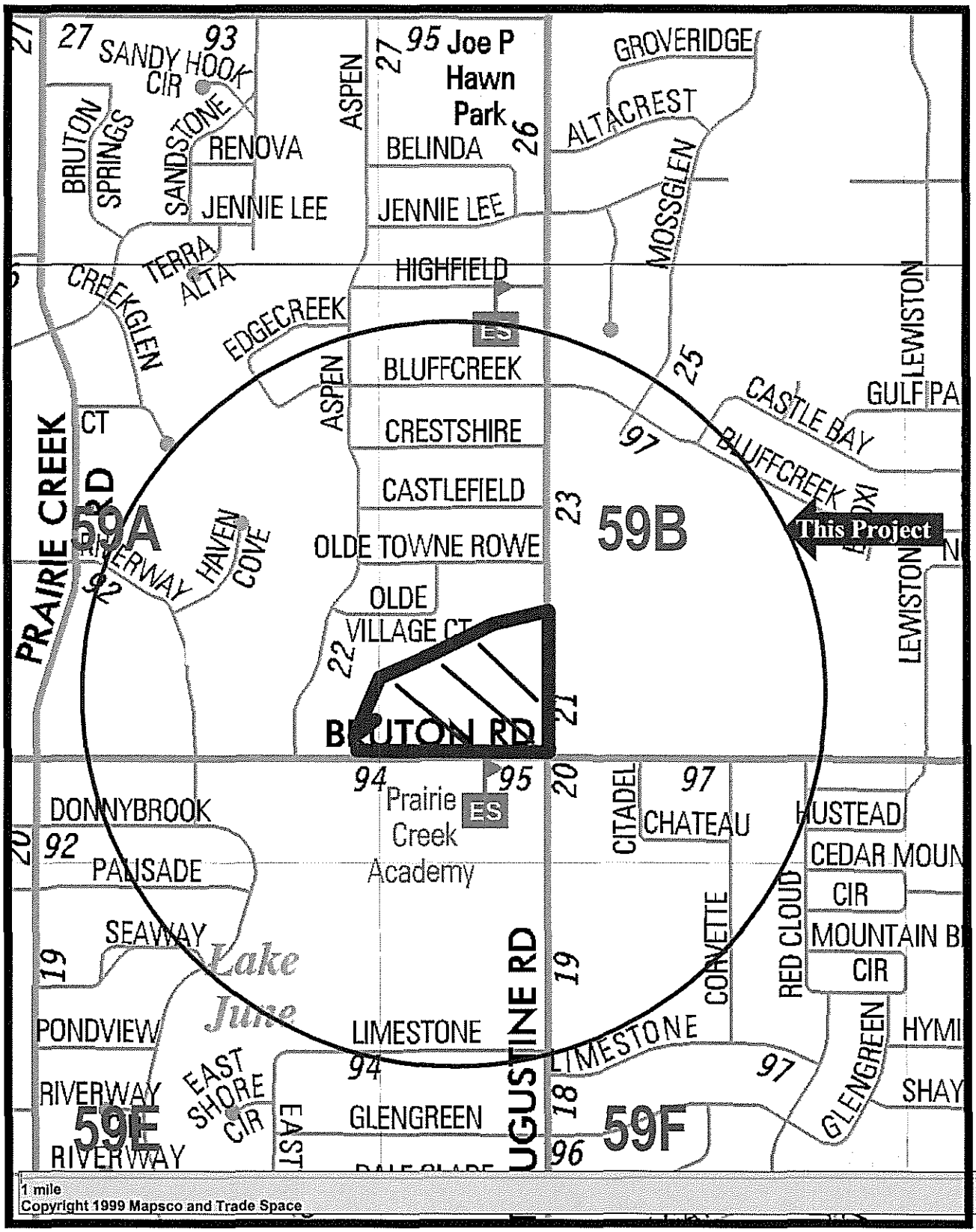
ENGINEER

Mac McWilliams, Jr., P.E.,
Bury Engineering.
5310 Harvest Hill Lane, Suite 100
Dallas, Texas 752320

MAP

Attached.

Fill Permit 14-01



Mapsco 59-A, B

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 67 S T W X

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 18.24 acres of the current 59.74 acres of land, located at the Northwest corner of I-20 and J.J. Lemmon, within the floodplain of Newton Creek and White Branch, Fill Permit 14-02 - Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately 18.24 acres of the current 59.74 acres of floodplain, from a total tract of 96.58 acres, to be used for warehouse development. The proposed fill is located at the northwest corner of I-20 and J.J Lemmon within the floodplain of Newton Creek and White Branch.

A neighborhood meeting was held at the Tommie M. Allen Recreation Center, on April 16, 2014. There was one citizen present. Attendees included two of the developer's engineers, two of the developer's representatives, and three city staff members. There was 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

Trammell Crow Company
2100 McKinney Ave.
Dallas, Texas 75208

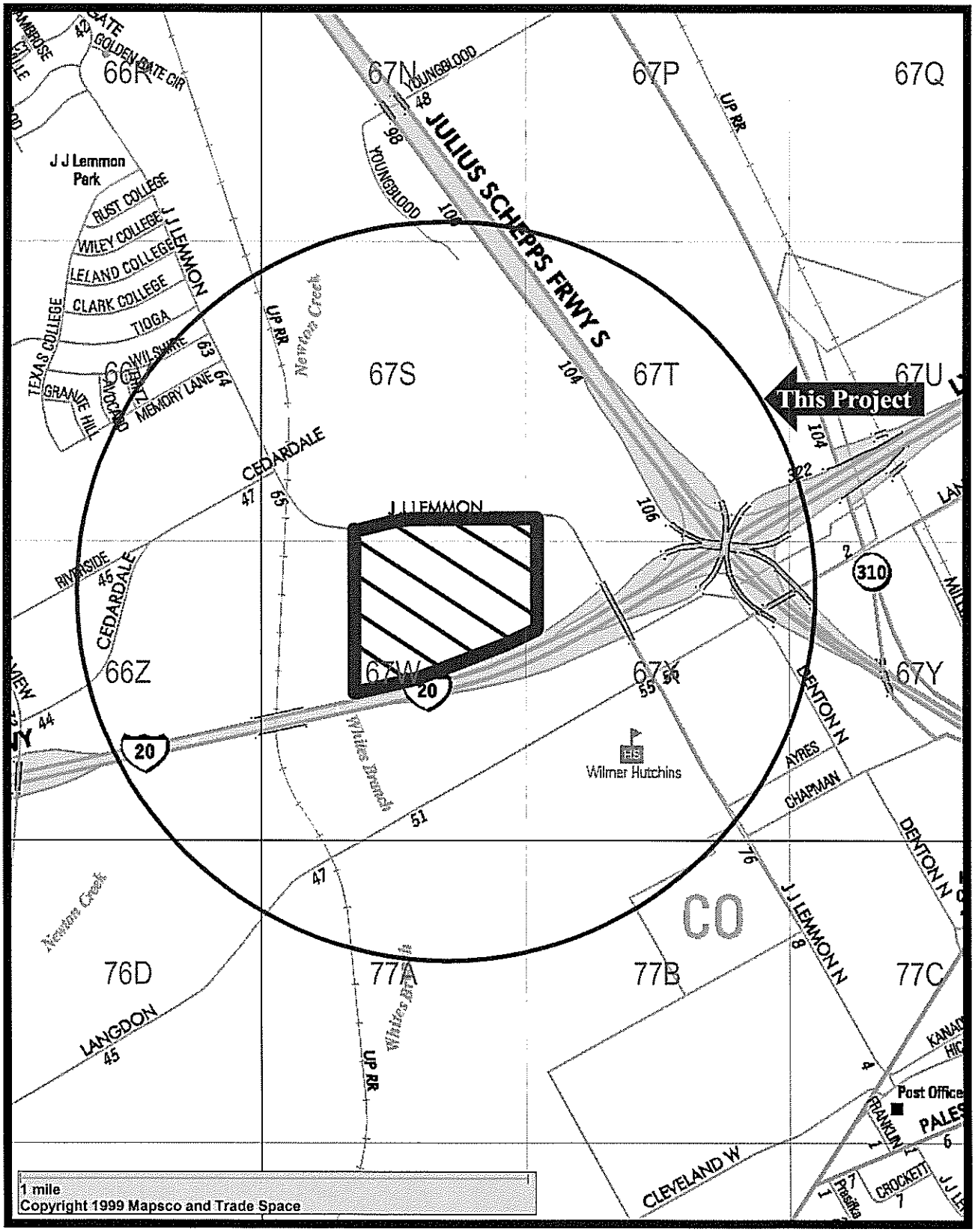
ENGINEER

Jeffrey Alvarez, P.E., CFM
Halff Associates, Inc.
1201 North Bowser Road
Richardson, Texas 75081

MAP

Attached.

Fill Permit 14-02



Mapsco 67-S, T, W, X

AGENDA ITEM # 56

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the FY 2014-15 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds a series of public hearings to provide the citizens of Dallas the opportunity to speak on next year's budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS

On May 14, 2014, City Council authorized the public hearing by Resolution No. 14-0751.

FISCAL INFORMATION

No cost consideration to the City

AGENDA ITEM # 57

KEY FOCUS AREA: Culture, Arts and Recreation

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State Law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

BACKGROUND

Section 42.041(b)(14) of the Texas Human Resources Code, as amended, allows city-sponsored youth recreation programs to be exempted from the state's day care licensing laws if the city adopts standards of care for those programs and complies with other requirements of that legislation. One requirement is that the City Council hold a public hearing annually on the city's youth program standards of care and adopt an ordinance re-establishing and continuing in effect the standards.

Ordinance No. 23159, adopted by the City Council on June 11, 1997, created Chapter 12 of the Dallas City Code in order to exempt City of Dallas youth programs from State child-care licensing requirements and provide minimum standards by which the City operates youth programs. Chapter 12 was readopted by Ordinance No. 23534 on June 10, 1998, by Ordinance No. 23907 on June 9, 1999, by Ordinance No. 24281 on June 14, 2000, by Ordinance No. 24611 on May 23, 2001, by Ordinance No 24943 on May 22, 2002, by Ordinance No. 25269 on May 28, 2003, by Ordinance No 25628 on June 9, 2004, by Ordinance No. 25998 on May 25, 2005, by Ordinance No. 26376 on June 14, 2006, by Ordinance No. 26800 on June 13, 2007, by Ordinance No. 27222 on June 11, 2008, by Ordinance No. 27565 on June 10, 2009, by Ordinance No. 27911 on June 9, 2010; by Ordinance No. 28217 on May 25, 2011; by Ordinance No. 28670 on May 23, 2012; and by Ordinance No. 29036 on June 12, 2013. Chapter 12 will expire on June 16, 2014 unless sooner terminated or extended by ordinance of the City Council.

BACKGROUND (continued)

The Director of the Park and Recreation Department implements, administers, and enforces Chapter 12, which applies to youth programs sponsored by the City, whether offered after school, during the summer, or during holidays. A coordinator initiates an inspection report for each program to confirm that standards of care are being met.

The youth program coordinators and leaders must meet certain qualifications pertaining to age, education, and experience and are provided orientation and training relating to working with children.

Each program must operate with a participant to leader ratio of 20:1 and must follow guidelines pertaining to safety, fire, and health as set forth in the standards of care.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized the public hearing on May 14, 2014, by Resolution No. 14-0755.

FISCAL INFORMATION

No cost consideration to the City.

4-10-14

ORDINANCE NO. _____

An ordinance amending Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code by amending Section 12-2; extending the expiration date of the city youth program standards of care; 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 12-2, "Effective Date," of Article I, "General," of Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code is amended to read as follows:

"**SEC. 12-2. EXPIRATION [~~EFFECTIVE~~] DATE.**

This chapter and the youth program standards of care established in this chapter expire on June 16, 2016 [~~2014~~], unless sooner terminated or extended by ordinance of the city council."

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 12 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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:

WARREN M.S. ERNST, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 22 R

SUBJECT

A public hearing to receive comments regarding a proposal to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" - NC134-001 - Financing: No cost consideration to the City

BACKGROUND

On February 12, 2014, the City of Dallas accepted an application to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way". Notification signs were put up on February 25, 2014, notifying the community of the proposed street name change in accordance with Section 51A-9.305(C).

In accordance with Section 51A-9.306(b), notices were sent to six property owners notifying them of the Subdivision Review Committee meeting on March 6, 2014; the City Plan Commission hearing on May 8, 2014; and the May 28, 2014, City Council hearing. There was one reply in opposition and no replies in favor of the proposal at the CPC hearing.

Appropriate City departments and other affected entities were notified of the proposed change in accordance with Section 51A-9.305(a). Based on comments received, the change of Ables Lane to "James Parker Way" complies with Section 51A-9.300.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 6, 2014, the Subdivision Review Committee recommended approval of the street name change proposal of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with an unanimous vote.

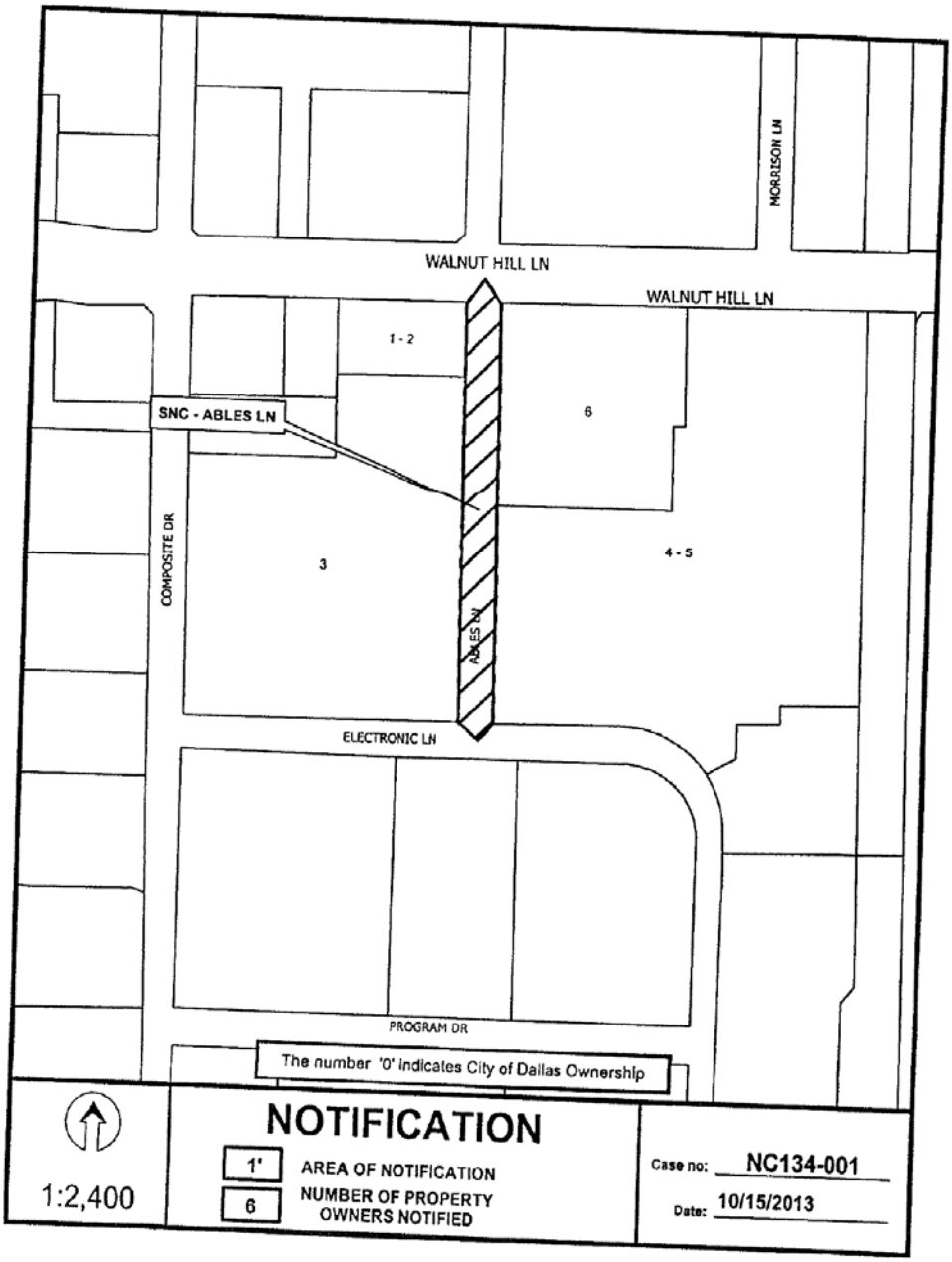
On May 8, 2014, the City Plan Commission recommended approval of the street name change proposal of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with an unanimous vote.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.


WALNUT HILL LN
WALNUT HILL LN
MORRISON LN
1 - 2
6
SNC - ABLES LN
COMPOSITE DR
3
4 - 5
ABLES LN
ELECTRONIC LN
PROGRAM DR
The number '0' indicates City of Dallas Ownership
1:2,400
NOTIFICATION
1' AREA OF NOTIFICATION
6 NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: NC134-001
Date: 10/15/2013

PARKER
UNIVERSITY
Igniting Passion. Transforming Lives.

February 4, 2014

Paul Nelson
Administrator-Subdivision
City of Dallas
320 E. Jefferson Blvd
Dallas, Texas 75203

Dear Paul,

Please accept this letter as notification that we have made a formal "application for a street name change" to the City of Dallas today.

It is Parker University's desire to change the name of our adjacent street Ables Lane to James Parker Way, as the attached map indicates.

The name change request will:

-Honor James Parker, the founder of Parker University

-Better identify a street that has sole adjacency to the University

-Initiate the process of improving the neighborhood by having a readily identifiable street near Parker's campus and Walnut Hill and I35.

I am pleased that we have 100% support of adjacent property owners. We are utilizing David A. Neumann, with Jasper Neumann Consulting to assist Parker University with its external relationships which include representing Parker through this application for a street name change process.

Please contact me should you have any questions.

Sincerely,

BJ McAulay

Dr. Brian McAulay
President

BJM/alk

OFFICE OF THE PRESIDENT

2540 Walnut Hill Lane
Suite S200
Dallas, Texas 75229

p: 214-902-3470
f: 214-902-2470
w: parker.edu

APPLICATION FOR STREET NAME CHANGE

Development Services Department, City of Dallas, Texas
Room 115, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Dallas, TX 75203
Telephone 214-948-4299

Property Owner (Applicant)

Name Parker University Telephone 214-902-3470
Address 2540 Walnut Hill Lane
Dallas, Texas Zip 75229

Project Description

Existing Name: Ables Lane
Proposed Name: James Parker Way
From: Walnut Hill Lane to Electronic Lane
Street Status: ☐ Major ☒ Minor

Office Use

File No:
CPC HRG DATE:
Sent:
Fees RCVD:
Reply:
Map No:
Census Tract:
Council District:

Accepted By: Date Accepted:

Statement (Reasons for Request)

The proposed name change will:
1) Honor James Parker, the founder of Parker University
2) Better identify a street that has sole adjacency to Parker University
3) Initiate the process of improving the business neighborhood by having a readily identifiable street near Parker – I35 / Walnut Hill Lane

General Information

- ☒ PETITION INDICATING THAT AT LEAST FIFTY-ONE (51) PERCENT OF OWNERS OF LOTS ABUTTING THE STREET WHOSE NAME IS TO BE CHANGED FAVOR THE NAME CHANGE
- ☐ APPLICATION FEE
- ☒ SITE PLAN SHOWING LOCATION OF THE STREET
- ☒ STATEMENT OF REASONS FOR SUPPORTING A STREET NAME CHANGE
- ☒ ROADWAY'S STATUS AS A MAJOR OR MINOR ROADWAY
- ☒ EXISTING AND PROPOSED STREET NAMES

Applicants Signature

I hereby certify that I am the applicant in the foregoing application, and that I am the owner of a lot abutting the street for which a street name change is being requested.

Signature Date 2/4/14

PETITION FOR STREET NAME CHANGE

We, the undersigned owners of the lot or lots indicated which abut (name of existing street) Ables Lane

do hereby petition for a change in the street name to (requested street name) James Parker Way

Print Owner's Name	Owner's Signature	Street Address	Lot & Block Number
Joshua Meeks	Joshua Meeks	10 920 Composite Dr	
USA Bowl LLC			
Jose Reynaldo Rosales			
Basin Creek Corp DBA		2920 Walnut Hill Ln	
The Windmere Restaurant			
BRIAN McAULAY	BJMcAuley	2570 WALNUT HILL	
PARKER UNIVERSITY		LANE	
PRESIDENT			

This petition must be included with the application for a street name change and must contain at least 51 percent of the owners of all lots abutting the street who favor the name change (Dallas Development Code 51A-9.303(5)).

Page __ of __

5-5-14

ORDINANCE NO. _____

An ordinance changing the name of Ables Lane, between Walnut Hill Lane and Electronic Lane to James Parker Way; 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 the name of Ables Lane, between Walnut Hill Lane and Electronic Lane is changed to James Parker Way

SECTION 2. 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.

SECTION 3. That this ordinance shall take effect on July 12, 2014, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

* Dallas Development Code Section 51A-9.309 requires that the effective date be at least 60 days after the date of passage. City council may set a later effective date.

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 28, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Trinity Watershed Management

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: Citywide

SUBJECT

A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-5.102, of the Dallas City Code to adopt the Dallas County flood insurance study and accompanying flood insurance rate maps, as revised, which become effective July 7, 2014, as a requirement of the Federal Emergency Management Agency; and, at the close of the hearing, consideration of an ordinance authorizing the adoption of the Dallas County Flood Insurance Rate Maps - Financing: No cost consideration to the City

BACKGROUND

Dallas County is the fifth county that includes incorporated areas of the City of Dallas to receive updated Flood Insurance Rate Maps (FIRMs) under the new Federal Emergency Management Agency (FEMA) digital mapping process. These become effective July 7, 2014. This action will adopt the new maps as required by FEMA.

As a participant in the National Flood Insurance Program since 1978, updates to the Flood Insurance Rate Maps are an on-going process by FEMA. A Flood Insurance Rate Map is an official map of a community on which FEMA has delineated areas of special flood hazards and the insurance risk premium zones applicable to the community.

When the Flood Insurance Study for a community is revised, new maps are issued by FEMA. FEMA requires each community to formally adopt the new study and maps prior to the effective date of the maps (July 7, 2014). Recently, FEMA has changed to county-specific mapping, making it necessary for communities whose boundaries cross county lines to adopt multiple maps.

The July 7, 2014 Dallas County maps exclude six Trinity Levee panels from the August 4, 2004 maps. These six Trinity Levee panels will be revised as the levees are recertified.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the adoption of a 10-point engineering criteria plan for development in the floodplain on November 8, 1976, by Resolution No. 76-2940.

Authorized an amendment to the Dallas City Code to comply with federal issuance eligibility requirements and to simplify the process for making improvements to existing structures in the floodplain on July 28, 1982, by Resolution No. 82-2652, and Ordinance No. 17482.

Authorized corrections and additions of the floodplain prefix to all City zoning maps for all previously unidentified areas in the Southwest, Northwest, Northeast and Southeast quadrants of the City on April 6, 1983, by Resolution No. 83-1184, and Ordinance No. 17782.

Authorized an amendment to the Dallas City Code to include Corridor Development Certificate process as a means to avoid adverse impacts from development within the Trinity River Corridor and reduce flood risks and damage in the corridor on May 12, 1993, by Resolution No. 93-1737.

Briefed to Council regarding floodplain regulations on April 21, 1999.

Briefed to the Health, Youth and Human Services Committee on May 10, 1999.

Briefed to the Health, Youth and Human Services Committee on May 24, 1999.

Briefed to Council on June 16, 1999.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria, new definitions and additional technical requirements on October 27, 1999, by Resolution No. 99-3486, and Ordinance No. 24085.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria, new definitions and additional technical requirements on August 4, 2004, by Resolution No. 04-2472, and Ordinance No. 25716.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions on September 10, 2008, by Resolution No. 08-2489, and Ordinance No. 27318.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions on May 27, 2009, by Resolution No. 09-1365, and Ordinance No. 27551.

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

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria, new definitions, and additional technical requirements on May 26, 2010, by Resolution No. 10-1346, and Ordinance No. 27893.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions on April 13, 2011, by Resolution No. 11-0991, and Ordinance No. 28164.

Authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions on July 3, 2012, by Resolution No. 12-1422, and Ordinance No. 28671.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO._____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-5.102 to adopt the Dallas County flood insurance study; providing a penalty not to exceed $2,000; providing a saving 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 hearing 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 (A) of Paragraph (3) of Subsection (a), "In General," of Section 51A-5.102, "Designation or Removal of FP Areas," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(A) identified as special flood hazards by FEMA in the:

(i) August 4, 2004 Dallas County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(ii) September 26, 2008 Rockwall County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iii) June 2, 2009 Collin County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iv) April 18, 2011 Denton County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, [~~or~~]

(v) July 3, 2012 Kaufman County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, or [~~and~~]

(vi) July 7, 2014 Dallas County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, and"

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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:

WARREN M. S. ERNST, City Attorney

By_____
Assistant City Attorney

Passed_____