JUNE 14, 2017 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 14, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

06/02/2017
Date

M. Elizabeth Reich
Elizabeth Reich
Chief Financial Officer

6-2-17
Date

RECEIVED
2017 JUN -2 PM 5:11
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

June 14, 2017
Date

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

General Information

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

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

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

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

Rules of Courtesy

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

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

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

Información General

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

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

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

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

Reglas de Cortesía

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

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JUNE 14, 2017
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 - 38
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 39 - 42
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 43 - 77

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

AGENDA

CITY COUNCIL MEETING

JUNE 14, 2017

CITY OF DALLAS

1500 MARILLA STREET

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the May 24, 2017 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a two-year service contract, with a one-year renewal option, for title search and loan closing services for the Home Repair Program or similar programs requiring the same service - All America Title Services, Inc., most advantageous proposer of two - Not to exceed $265,936 - Financing: Community Development Block Grant Funds (subject to annual appropriations)

3. Authorize a three-year service contract for grounds maintenance at nine Dallas Police Department properties - Good Earth Corporation, most advantageous proposer of six - Not to exceed $684,555 - Financing: Current Funds (subject to annual appropriations)

4. Authorize a three-year service contract for painting and electrical services with Acumen Enterprises, Inc. through the Texas Multiple Award Schedule - Not to exceed $6,773,144 - Financing: Current Funds ($3,984,966), Convention and Event Services Current Funds ($1,475,010), Water Utilities Current Funds ($750,105), and Aviation Current Funds ($563,063) (subject to annual appropriations)

CONSENT AGENDA (continued)

Business Development & Procurement Services

5. Authorize a three-year master agreement for pumps, pump parts, and accessories – Master Pumps & Equipment Corp. in the amount of $263,500, Environmental Improvements, Inc. in the amount of $153,500, Odessa Pumps & Equipment, Inc. in the amount of $97,500, Texas Underground, Inc. in the amount of $46,000, and HD Supply Facilities Maintenance LTD dba USA Bluebook in the amount of $6,000, lowest responsible bidders of five – Total not to exceed $566,500 - Financing: Water Utilities Current Funds

City Attorney's Office

6. Authorize Supplemental Agreement No. 3 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $150,000, from $325,000 to $475,000 - Financing: Current Funds

7. Authorize Supplemental Agreement No. 3 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $7,000, from $95,000 to $102,000 - Financing: Current Funds

City Auditor’s Office

8. Authorize a budget estimate of the needs and requirements of the City Auditor’s Office for Fiscal Year 2017-18 in the amount of $3,281,475 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City

City Controller’s Office

9. An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, in a principal amount not to exceed $201,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $585,900 - Financing: Water Utilities Current Funds

CONSENT AGENDA (continued)

Code Compliance

10. An ordinance **(1)** amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; **(2)** creating the Department of Animal Care Services; **(3)** creating a director for the department; **(4)** providing duties for the director; **(5)** amending the number of required meetings for the animal advisory commission; **(6)** adding and clarifying definitions; **(7)** retitling certain titles; **(8)** providing a requirement to report likely rabies exposures; **(9)** creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; **(10)** providing notice requirements for impounded animals; **(11)** providing a presumption of transfer of ownership for certain impounded animals; **(12)** providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; **(13)** replacing registration with mandatory microchipping; **(14)** renaming the intact permit to breeding permit; **(15)** amending breeding permit requirements; **(16)** creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; **(17)** amending the standard of review for appeal of a dangerous dog proceeding; **(18)** providing enhanced penalties upon the third conviction of certain violations; **(19)** deleting and reserving a section; **(20)** making certain other structural, grammatical and clarifying changes; **(21)** providing a penalty not to exceed $500; **(22)** providing a saving clause; **(23)** providing a severability clause; and **(24)** providing an effective date - Financing: This action has no cost consideration to the City

Economic Development

11. Authorize **(1)** an amendment to Resolution No. 14-1271, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, for the development of for sale townhomes, to extend deadlines to start construction, obtain building permits, meet the minimum investment requirements, obtain a Certificate of Occupancy, complete construction of the infrastructure improvements, complete construction of each phase of the project; and **(2)** execution of an operating and maintenance agreement for the Cedar Branch Townhomes Project - Financing: No cost consideration to the City

12. Authorize amendments to Resolution No. 14-1273, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, to incorporate additional requirements for the construction of a bridge, a hike and bike trail system, and a retaining wall - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Economic Development (continued)

13. Authorize **(1)** a public hearing to be held on June 28, 2017, to receive comments concerning the renewal of the Knox Street Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, ("the Act") for the specified area of the District, 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 public hearing **(2)** a resolution approving renewal of the District for seven years, approval of the District's Service Plan for 2018-2024, and correction of certain misstatements in the petition - Financing: No cost consideration to the City

Fair Housing

14. Authorize an amendment to **(1)** the Interlocal Agreement with the University of Texas at Arlington (UTA) to establish a subrecipient agreement between the City of Dallas and UTA; and **(2)** the Memorandum of Understanding (MOU) between the City of Dallas and other U.S. Department of Housing and Urban Development entitlement jurisdictions participating in the regional effort to establish (a) Subrecipient Agreements with those entities that will pay their pro-rata share of the cost of the Regional Assessment of Fair Housing (RAFH) with Community Development Block Grant funds; and (b) Interlocal Agreements with those entities that will pay their pro-rata share of the RAFH with Public Housing federal funds previously approved on December 14, 2016 by Resolution No. 16-1987 - Financing: No cost consideration to the City

Housing & Neighborhood Revitalization

15. Authorize an agreement with HHF Eban Village I & II, LLC, the owner of the Eban Village Apartments located at 2710 Jeffries Street to amend the pre-existing Walker & HOME Deed Restrictions impressed for the benefit of the City upon the Property to include **(1)** the rider provision required by the U.S. Department of Housing and Urban Development (HUD) for owner to refinance the first lien loan with third-party, Federal Housing Administration-insured mortgage refinancing; and **(2)** to agree to subordinate the current deed restrictions only to the extent as described in the HUD rider - Financing: No cost consideration to the City

Mobility and Street Services

Authorize Project Specific Agreements with Dallas County for Three Projects

Note: Item Nos. 16, 17 and18 must be considered collectively.

16. * Authorize a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Mobility and Street Services (continued)

Authorize Project Specific Agreements with Dallas County for Three Projects

Note: Item Nos. 16, 17 and 18 must be considered collectively.

17. * Authorize **(1)** rescinding Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds; **(2)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway; **(3)** the receipt and deposit of funds from Dallas County in an amount not to exceed $700,000; and **(4)** an increase in appropriations in an amount not to exceed $700,000 in the Capital Projects Reimbursement Fund - Not to exceed $700,000 - Financing: Capital Projects Reimbursement Funds

18. * Authorize **(1)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382; **(2)** reprogramming of available funds from Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project ($1,050,000) for Camp Wisdom Road from Carrier Parkway to FM 1382 project; and **(3)** payment to Dallas County for the City's share of design and construction costs - Not to exceed $1,300,000 - Financing: 2006 Bond Funds ($600,000) and Capital Projects Reimbursement Funds ($700,000)

19. Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed $1,702,600 - Financing: 2006 Bond Funds ($603,000) and Current Funds ($1,099,600) (subject to annual appropriations)

20. Authorize **(1)** the rejection of all bids for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Office of Financial Services

21. A resolution ordering Atmos Energy Corp., Mid-Tex Division to show cause demonstrating the reasonableness of its existing Natural Gas Distribution rates within the City of Dallas - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Park & Recreation

22. Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for the purpose of a trail design and construction for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane - Not to exceed $500,000 - Financing: 1998 Bond Funds ($76,050) and 2006 Bond Funds ($423,950)

23. Authorize a ten-year Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation for the purpose of accepting a donation and installation of Dallas Strong Dream Courts on up to 30 existing basketball courts at various City of Dallas park sites requiring an in-kind contribution in the amount of $6,000 - Financing: This action has no cost consideration to the City

24. Authorize a contract with Ark Contracting Services, LLC for design-build services for partial removal (Option 1) to allow two-way small motorized boat traffic on the Trinity River at the Standing Wave located downstream from the Corinth Street Bridge at 1900 East Eighth Street - Not to exceed $1,991,200 - Financing: 1998 Bond Funds

Police

25. Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle inspections and enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City

26. Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle weight enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City

27. Authorize a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017 - Not to exceed $600,000 - Financing: Current Funds

Sustainable Development and Construction

28. Authorize acquisition from Oneyda De La O, of approximately 5,720 square feet of land improved with an uninhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project - Not to exceed $12,200 ($10,600, plus closing costs not to exceed $1,600) - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (continued)

Sustainable Development and Construction (continued)

29. Authorize acquisition from Walter T. Hardi, of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $140,001 ($137,001, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

30. Authorize moving expense and replacement housing payments for Gerardo Rodriguez and Consuelo Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2922 McGowan Street for City service and maintenance facilities - Not to exceed $111,350 - Financing: General Obligation Commercial Paper Funds

31. Authorize **(1)** the quitclaim of three properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: $22,526

32. An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets - Revenue: $100 one-time fee, plus the $20 ordinance publication fee

33. An ordinance abandoning a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner, containing approximately 518 square feet of land, located near the intersection of Forest Lane and Robledo Drive - Revenue: $5,400, plus the $20 ordinance publication fee

34. An ordinance abandoning a water easement to Lincoln Colorado Place LLC, the abutting owner, containing approximately 11,246 square feet of land, located near the intersection of Fort Worth Avenue and Colorado Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

35. An ordinance abandoning a portion of an alley to Bishop Arts Village, LLC, the abutting owner, containing approximately 999 square feet of land located near the intersection of North Bishop Avenue and Melba Street, authorizing the quitclaim, and providing for the dedication of approximately 2,523 square feet of land needed for a variable width alley easement - Revenue: $19,980, plus the $20 ordinance publication fee

Trinity Watershed Management

36. An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner, for the Able Pump Station Project containing a total of approximately 19,249 square feet of land, located at and near the intersection of Zangs Boulevard and South Riverfront Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

CONSENT AGENDA (continued)

Water Utilities

37. Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities' raw water system facilities (list attached) - Not to exceed $1,637,463 - Financing: Water Utilities Capital Improvement Funds

38. Authorize a construction contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed $12,693,833 - Financing: Current Funds ($259,917) and Water Utilities Capital Improvement Funds ($12,433,916)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

39. 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)

Mayor and City Council

40. An ordinance amending Chapters 12A, 15A, and 20A of the Dallas City Code by: **(1)** deleting the definition of designated zoning case; **(2)** providing that a non-registrant disclosure statement must be filed in all zoning cases; **(3)** restricting the time in which campaign contributions may be made to City Council Members by applicants in all zoning cases; and **(4)** renaming "designated public subsidy matter" to "public subsidy matter" - Financing: No cost consideration to the City

41. A resolution amending Section 7 of the City Council Rules of Procedure to delete the requirement that certain main motions on designated zoning cases and designated public subsidy matters be seconded two times, with each second made by a different council member - Financing: No cost consideration to the City

Office of Financial Services

42. A resolution authorizing certain transfers and fund appropriation adjustments for FY 2016-17 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

43. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 398 for MU-1 Mixed Use District and outside sales uses to add an outdoor commercial amusement use on the west corner of Burlew Street and Bryan Street
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions
Z156-352(WE)

44. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an MF-1(A) Multifamily District on the southwest corner of East Lovers Lane and Matilda Street
Recommendation of Staff and CPC: Approval
Z167-121(SM)

45. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 4B for single family uses within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the northwest side of Fort Worth Avenue, between West Colorado Boulevard and Walter Drive
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-172(SM)

46. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 84 for a private school and a school for special education on the northwest corner of Dallas North Tollway and Royal Lane
Recommendation of Staff and CPC: Approval, subject to a revised development plan, landscape plan and conditions
Z167-177(KK)

47. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District generally on the north line of South Riverfront Boulevard, west of Cadiz Street
Recommendation of Staff and CPC: Approval, subject to a site plan and conditions
Z167-181(SM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

48. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for TH-3(A) Townhouse District and public school other than an open-enrollment charter school uses on property zoned a TH-3(A) Townhouse District and an MF-2(A) Multifamily District, on the west corner of North Henderson Avenue and Manett Street
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions
Z167-205(SM)

49. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 580 for a private school on property zoned an R-1ac(A) Single Family District on the south line of West Northwest Highway at the terminus of Meadowbrook Drive
Recommendation of Staff and CPC: Approval, subject to a revised site plan/traffic management plan and conditions
Z167-206(WE)

50. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades Pre-K through 6th, which includes before and after-school care on property zoned Tract I and Tract II within Conservation District No. 6 - Hollywood/Santa Monica, on the east corner of Lindsley Avenue and Tenison Memorial 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
Z167-207(KK)

51. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the southwest side of Exposition Avenue, west of Parry Avenue
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z167-218(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

52. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1530 for an Industrial (outside) use limited to a concrete plant on property zoned Subdistrict 1, Tract 2 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the southwest corner of Joe Field Road and Denton Drive
Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z167-220(OTH)

53. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1929 for an open-enrollment charter school on property zoned an NO(A) Neighborhood Office District and a CR Community Retail District, on the northwest corner of West Camp Wisdom Road and South Westmoreland 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 traffic management plan and conditions
Z167-222(KK)

54. A public hearing to receive comments regarding an application for and an ordinance granting a GR General Retail Subdistrict on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Congress Avenue and Shelby Street
Recommendation of Staff and CPC: Approval
Z167-224(PD)

55. A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned an A(A) Agricultural District, southeast of the intersection of South Ledbetter Drive and South Walton Walker Freeway (Loop 12)
Recommendation of Staff and CPC: Approval
Z167-231(PD)

56. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 80 for a Salvation Army Community Center on property zoned an R-7.5(A) Single Family District, on the north line of Elam Road, west of Holcomb Road
Recommendation of Staff and CPC: Approval, subject to a revised site plan
Z167-232(SM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

57. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the northeast corner of Crowdus Street and July Alley
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z167-233(WE)

58. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2153 for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue
Recommendation of Staff and CPC: Approval for a period to expire on September 13, 2021, with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape plan, and conditions
Z167-244(JM)

ZONING CASES - INDIVIDUAL

59. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District on the east side of Beckley Avenue, south of Ohio Avenue
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, elevation and conditions
Z167-124(OTH)

60. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a two-year period, subject to conditions
Z167-138(SM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - INDIVIDUAL (continued)

61. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 157 for mixed uses, on the east corner of Cedar Springs Road and Oak Lawn Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan and conditions
Z167-159(KK)

62. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District and an NS(A)-D Neighborhood Service District with a D Liquor Control Overlay on the southeast side of South Westmoreland Road, south of Irwindell Boulevard
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, elevation, and conditions
Z167-184(KK)

63. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, west of Marsh Lane, north of Walnut Hill Lane
Recommendation of Staff: Approval 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 for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions
Z167-216(OTH)

64. 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 an MU-3 Mixed Use District, on the south side of Plantation Road, west of the terminus of Hawes Avenue
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a ten-year period, subject to a site plan and conditions
Z167-219(KK)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

65. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval
Z156-234(JM)
Note: This item was considered by the City Council at public hearings on September 28, 2016, October 26, 2016, January 11, 2017, January 25, 2017, February 22, 2017, and April 26, 2017, and was deferred until June 14, 2017, with the public hearing open

66. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan, elevation and conditions
Z167-165(OTH)
Note: This item was considered by the City Council at a public hearing on May 10, 2017 and May 24, 2017, and was held under advisement until June 14, 2017, with the public hearing open

67. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Used District on property zoned an IM Industrial Manufacturing District on the east corner of Dawson Street and Jeffries Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z167-189(WE)
Note: This item was considered by the City Council at a public hearing on April 26, 2017, and was deferred until June 14, 2017, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

68. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District and a P(A) Parking District on the northwest line of San Jacinto Street, between Annex Avenue and Grigsby Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-160(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

DESIGNATED ZONING CASES - INDIVIDUAL (continued)

69. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north line of West Kiest Boulevard, east of South Walton Walker Boulevard
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z167-171(WE)

70. A public hearing to receive comments regarding an application for a Specific Use Permit for a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the northeast corner of Ross Avenue and McCoy Street
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Denial without prejudice
Z167-210(JM)

71. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use, on property zoned an R-7.5(A) Single Family District, in an area bounded by Indian Ridge Trail, Algebra Drive, McKissick Lane, and Wheatland Road
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions
Z167-225(JM)

72. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and public school other than an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District on the southeast corner of South St. Augustine Drive and Grady Lane and the northeast corner of Crenshaw Drive and Old Seagoville Road
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions
Z167-226(JM)

STREET NAME CHANGE

73. A public hearing to receive comments regarding a proposal to change the name of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue” and an ordinance granting the name change - NC167-001 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

BENEFIT ASSESSMENT HEARINGS

Mobility and Street Services

74. A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed $2,082,956 - Financing: General Obligation Commercial Paper Funds ($1,615,151), Water Utilities Capital Construction Funds ($362,325), and Water Utilities Capital Improvement Funds ($105,480)

THOROUGHFARE PLAN AMENDMENTS

Mobility and Street Services

75. A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Office of Financial Services

76. A public hearing to receive comments on the Proposed FY 2017-18 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Housing & Neighborhood Revitalization

77. A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: $8,585

Tax Foreclosed and Seizure Warrant Property Resales

Agenda Item # 31

Parcel No.	Address	Vac/ Imp	Council District	Zoning	Parcel Size	Struck off Amount	# Bids Rec'd	Minimum Bid Amount	Highest Bid Amount	DCAD	Highest Bidder
1	2415 Dathe	I	7	PD-595	.1215	$23,370.00	20	$750.00	$9,000.00	$23,370.00	Denekia Smith
2	1313 Peabody	V	7	PD 595	.2655	$11,570.00	5	$2,000.00	$5,123.00	$28,920.00	County Land and Water LLC
3	2446 Volga	V	4	R-7.5(A)	.1688	$14,345.00	11	$1,000.00	$8,403.00	$22,820.00	Be Real Entertainment, Inc.

DWU Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements
Agenda Item # 37

Council District	Facility
6	Bachman Water Treatment Plant
9	Lake Ray Hubbard
Outside City Limits	East Side Water Treatment Plant
Outside City Limits	Elm Fork Water Treatment Plant
Outside City Limits	Lake Fork
Outside City Limits	Lake Tawakoni
Outside City Limits	Tawakoni Balancing Reservoir

Water and Wastewater Main Installations
Agenda Item # 38

District 1

Alley between Jefferson Boulevard and 12th Street from Beckley Avenue to Patton Avenue
Barnett Avenue from Brooklyndell Avenue south
Clinton Avenue from Ranier Street north
Falls Drive at Falls cul-de-sac
Jefferson Boulevard from Marlborough Avenue west
Suffolk Avenue from Madison Avenue to Zang Boulevard
Yarmouth Street from Madison Avenue to Zang Boulevard

District 2

Alley between Douglas Avenue and Vagas Street from Harry Hines Boulevard northeast
Burns Court from Anson Road northwest
Easement north of Woodall Rodgers Freeway from Stemmons Access Road east

District 3

Eagle Ford Drive from FM 1382 Highway east
Kiest Boulevard from northeast of Five Mile Parkway northeast

District 4

Alley between Arizona Avenue and Michigan Avenue from Woodin Boulevard south
Alley between Fernwood Avenue and Harlandale Avenue from Ohio Avenue to Elmore Avenue
Alley between Ramsey Avenue and Seevers Avenue from Illinois Avenue north
Alley between Woodin Boulevard and Louisiana Avenue from Corinth Street Road east
Hudspeth Avenue from Easter Avenue to Cardinal Drive
Montana Avenue from east of Marsalis Avenue east

District 6

Fort Worth Avenue from Edgefield Avenue east
Irving Boulevard from Sylvan Avenue west

Water and Wastewater Main Installations
Agenda Item # 38 (continued)

District 7

Alley between Martin Luther King Jr. Boulevard and Peabody Avenue from Atlanta Street to Jeffries Street
Alley between Pennsylvania Avenue and Birmingham Avenue from Edgewood Street northeast
Easement between Meyers Street and Malcolm X Boulevard from Martin Luther King Jr. Boulevard southeast

District 10

Summer Glen Lane from Club Meadows Drive to Richardson Branch Trail

District 12

Harbinger Lane from Medina Drive to Kelly Boulevard

District 13

Mockingbird Lane from Inwood Road to Greenway Boulevard

District 14

Forbes Street from Routh Street to Arts Plaza
St. Albans Drive from Norris Street to Saratoga Circle

Tax Foreclosure and Seizure Property Resale
Agenda Item # 77

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595

EXECUTIVE SESSION NOTICE

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

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

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the May 24, 2017 City Council Meeting
2			All	C	PBD, HOU	GT	0.00%	0.00%	Authorize a two-year service contract, with a one-year renewal option, for title search and loan closing services for the Home Repair Program or similar programs requiring the same service - All America Title Services, Inc., most advantageous proposer of two - Not to exceed $265,936 - Financing: Community Development Block Grant Funds (subject to annual appropriations)
3			All	C	PBD, POL	$684,555.00	76.04%	23.96%	Authorize a three-year service contract for grounds maintenance at nine Dallas Police Department properties - Good Earth Corporation, most advantageous proposer of six - Not to exceed $684,555 - Financing: Current Funds (subject to annual appropriations)
4			All	C	PBD, AVI, CES, EBS, FIR, STS, PKR, WTR	$6,773,143.35	25.00%	100.00%	Authorize a three-year service contract for painting and electrical services with Acumen Enterprises, Inc. through the Texas Multiple Award Schedule - Not to exceed $6,773,144 - Financing: Current Funds ($3,984,966), Convention and Event Services Current Funds ($1,475,010), Water Utilities Current Funds ($750,105), and Aviation Current Funds ($563,063) (subject to annual appropriations)
5			All	C	PBD, WTR	$566,500.00	71.84%	0.00%	Authorize a three-year master agreement for pumps, pump parts, and accessories – Master Pumps & Equipment Corp. in the amount of $263,500, Environmental Improvements, Inc. in the amount of $153,500, Odessa Pumps & Equipment, Inc. in the amount of $97,500, Texas Underground, Inc. in the amount of $46,000, and HD Supply Facilities Maintenance LTD dba USA Bluebook in the amount of $6,000, lowest responsible bidders of five – Total not to exceed $566,500 - Financing: Water Utilities Current Funds
6			N/A	C	ATT	$150,000.00	NA	NA	Authorize Supplemental Agreement No. 3 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $150,000, from $325,000 to $475,000 - Financing: Current Funds
7			N/A	C	ATT	$7,000.00	NA	NA	Authorize Supplemental Agreement No. 3 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $7,000, from $95,000 to $102,000 - Financing: Current Funds
8			N/A	C	AUD	NC	NA	NA	Authorize a budget estimate of the needs and requirements of the City Auditor's Office for Fiscal Year 2017-18 in the amount of $3,281,475 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City
9			N/A	C	CON, WTR	$585,900.00	NA	NA	An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, in a principal amount not to exceed $201,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $585,900 - Financing: Water Utilities Current Funds
10			N/A	C	CCS, ATT	NC	NA	NA	An ordinance (1) amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; (2) creating the Department of Animal Care Services; (3) creating a director for the department; (4) providing duties for the director; (5) amending the number of required meetings for the animal advisory commission; (6) adding and clarifying definitions; (7) retitling certain titles; (8) providing a requirement to report likely rabies exposures; (9) creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; (10) providing notice requirements for impounded animals; (11) providing a presumption of transfer of ownership for certain impounded animals; (12) providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; (13) replacing registration with mandatory microchipping; (14) renaming the intact permit to breeding permit; (15) amending breeding permit requirements; (16) creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; (17) amending the standard of review for appeal of a dangerous dog proceeding; (18) providing enhanced penalties upon the third conviction of certain violations; (19) deleting and reserving a section; (20) making certain other structural, grammatical and clarifying changes; (21) providing a penalty not to exceed $500; (22) providing a saving clause; (23) providing a severability clause; and (24) providing an effective date - Financing: This action has no cost consideration to the City

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
11			2	C	ECO	NC	NA	NA	Authorize (1) an amendment to Resolution No. 14-1271, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, for the development of for sale townhomes, to extend deadlines to start construction, obtain building permits, meet the minimum investment requirements, obtain a Certificate of Occupancy, complete construction of the infrastructure improvements, complete construction of each phase of the project; and (2) execution of an operating and maintenance agreement for the Cedar Branch Townhomes Project - Financing: No cost consideration to the City
12			2	C	ECO	NC	NA	NA	Authorize amendments to Resolution No. 14-1273, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, to incorporate additional requirements for the construction of a bridge, a hike and bike trail system, and a retaining wall - Financing: No cost consideration to the City
13			14	C	ECO	NC	NA	NA	Authorize (1) a public hearing to be held on June 28, 2017, to receive comments concerning the renewal of the Knox Street Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, ("the Act") for the specified area of the District, 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 public hearing (2) a resolution approving renewal of the District for seven years, approval of the District's Service Plan for 2018-2024, and correction of certain misstatements in the petition - Financing: No cost consideration to the City
14			N/A	C	OHC	NC	NA	NA	Authorize an amendment to (1) the Interlocal Agreement with the University of Texas at Arlington (UTA) to establish a subrecipient agreement between the City of Dallas and UTA; and (2) the Memorandum of Understanding (MOU) between the City of Dallas and other U.S. Department of Housing and Urban Development entitlement jurisdictions participating in the regional effort to establish (a) Subrecipient Agreements with those entities that will pay their pro-rata share of the cost of the Regional Assessment of Fair Housing (RAFH) with Community Development Block Grant funds; and (b) Interlocal Agreements with those entities that will pay their pro-rata share of the RAFH with Public Housing federal funds previously approved on December 14, 2016 by Resolution No. 16-1987 - Financing: No cost consideration to the City
15			7	C	HOU	NC	NA	NA	Authorize an agreement with HHF Eban Village I & II, LLC, the owner of the Eban Village Apartments located at 2710 Jeffries Street to amend the pre-existing Walker & HOME Deed Restrictions impressed for the benefit of the City upon the Property to include (1) the rider provision required by the U.S. Department of Housing and Urban Development (HUD) for owner to refinance the first lien loan with third-party, Federal Housing Administration-insured mortgage refinancing; and (2) to agree to subordinate the current deed restrictions only to the extent as described in the HUD rider - Financing: No cost consideration to the City
16			3	C	STS, WTR	NC	NA	NA	Authorize Project Specific Agreements with Dallas County for Three Projects: Authorize a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road - Financing: No cost consideration to the City
17			3	C	STS, WTR	$700,000.00	NA	NA	Authorize Project Specific Agreements with Dallas County for Three Projects: Authorize (1) rescinding Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds; (2) a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway; (3) the receipt and deposit of funds from Dallas County in an amount not to exceed $700,000; and (4) an increase in appropriations in an amount not to exceed $700,000 in the Capital Projects Reimbursement Fund - Not to exceed $700,000 - Financing: Capital Projects Reimbursement Funds

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
18			3	C	STS, WTR	$1,300,000.00	NA	NA	Authorize Project Specific Agreements with Dallas County for Three Projects: Authorize (1) a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382; (2) reprogramming of available funds from Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project ($1,050,000) for Camp Wisdom Road from Carrier Parkway to FM 1382 project; and (3) payment to Dallas County for the City's share of design and construction costs - Not to exceed $1,300,000 - Financing: 2006 Bond Funds ($600,000) and Capital Projects Reimbursement Funds ($700,000)
19			All	C	STS	$1,702,600.00	100.00%	26.28%	Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed $1,702,600 - Financing: 2006 Bond Funds ($603,000) and Current Funds ($1,099,600) (subject to annual appropriations)
20			4	C	STS	NC	NA	NA	Authorize (1) the rejection of all bids for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and (2) the re-advertisement for new bids - Financing: No cost consideration to the City
21			N/A	C	OFS	NC	NA	NA	A resolution ordering Atmos Energy Corp., Mid-Tex Division to show cause demonstrating the reasonableness of its existing Natural Gas Distribution rates within the City of Dallas - Financing: No cost consideration to the City
22			6, 13	C	PKR	$500,000.00	NA	NA	Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for the purpose of a trail design and construction for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane - Not to exceed $500,000 - Financing: 1998 Bond Funds ($76,050) and 2006 Bond Funds ($423,950)
23			N/A	C	PKR	NC	NA	NA	Authorize a ten-year Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation for the purpose of accepting a donation and installation of Dallas Strong Dream Courts on up to 30 existing basketball courts at various City of Dallas park sites requiring an in-kind contribution in the amount of $6,000 - Financing: This action has no cost consideration to the City
24			4, 7	C	PKR, TWM	$1,991,200.00	10.80%	7.43%	Authorize a contract with Ark Contracting Services, LLC for design-build services for partial removal (Option 1) to allow two-way small motorized boat traffic on the Trinity River at the Standing Wave located downstream from the Corinth Street Bridge at 1900 East Eighth Street - Not to exceed $1,991,200 - Financing: 1998 Bond Funds
25			All	C	POL	NC	NA	NA	Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle inspections and enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City
26			All	C	POL	NC	NA	NA	Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle weight enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City
27			1, 2, 3, 4, 5, 6, 7, 8, 14	C	POL	$600,000.00	NA	NA	Authorize a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017 - Not to exceed $600,000 - Financing: Current Funds
28			4	C	DEV, EBS	$12,200.00	NA	NA	Authorize acquisition from Oneyda De La O, of approximately 5,720 square feet of land improved with an uninhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project - Not to exceed $12,200 ($10,600, plus closing costs not to exceed $1,600) - Financing: General Obligation Commercial Paper Funds
29			Outside	C	DEV, WTR	$140,000.75	NA	NA	Authorize acquisition from Walter T. Hardi, of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $140,001 ($137,001, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds
30			4	C	DEV, EBS	$111,350.00	NA	NA	Authorize moving expense and replacement housing payments for Gerardo Rodriguez and Consuelo Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2922 McGowan Street for City service and maintenance facilities - Not to exceed $111,350 - Financing: General Obligation Commercial Paper Funds

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
31			4, 7	C	DEV	REV $22,526	NA	NA	Authorize (1) the quitclaim of three properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment - Revenue: $22,526
32			14	C	DEV	REV $100	NA	NA	An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets - Revenue: $100 one-time fee, plus the $20 ordinance publication fee
33			11	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner, containing approximately 518 square feet of land, located near the intersection of Forest Lane and Robledo Drive - Revenue: $5,400, plus the $20 ordinance publication fee
34			1	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a water easement to Lincoln Colorado Place LLC, the abutting owner, containing approximately 11,246 square feet of land, located near the intersection of Fort Worth Avenue and Colorado Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee
35			1	C	DEV	REV $19,980	NA	NA	An ordinance abandoning a portion of an alley to Bishop Arts Village, LLC, the abutting owner, containing approximately 999 square feet of land located near the intersection of North Bishop Avenue and Melba Street, authorizing the quitclaim, and providing for the dedication of approximately 2,523 square feet of land needed for a variable width alley easement - Revenue: $19,980, plus the $20 ordinance publication fee
36			1	C	TWM	REV $5,400	NA	NA	An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner, for the Able Pump Station Project containing a total of approximately 19,249 square feet of land, located at and near the intersection of Zangs Boulevard and South Riverfront Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee
37			6, 9, Outside	C	WTR	$1,637,463.00	100.00%	25.70%	Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities' raw water system facilities - Not to exceed $1,637,463 - Financing: Water Utilities Capital Improvement Funds
38			1, 2, 3, 4, 6, 7, 10, 12, 13, 14	C	WTR, STS	$12,693,832.50	89.34%	90.17%	Authorize a construction contract for the installation of water and wastewater mains at 28 locations - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed $12,693,833 - Financing: Current Funds ($259,917) and Water Utilities Capital Improvement Funds ($12,433,916)
39			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)
40			N/A	I	MCC	NC	NA	NA	An ordinance amending Chapters 12A, 15A, and 20A of the Dallas City Code by: (1) deleting the definition of designated zoning case; (2) providing that a non-registrant disclosure statement must be filed in all zoning cases; (3) restricting the time in which campaign contributions may be made to City Council Members by applicants in all zoning cases; and (4) renaming "designated public subsidy matter" to "public subsidy matter" - Financing: No cost consideration to the City
41			N/A	I	MCC	NC	NA	NA	A resolution amending Section 7 of the City Council Rules of Procedure to delete the requirement that certain main motions on designated zoning cases and designated public subsidy matters be seconded two times, with each second made by a different council member - Financing: No cost consideration to the City
42			N/A	I	OFS	NC	NA	NA	A resolution authorizing certain transfers and fund appropriation adjustments for FY 2016-17 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City
43			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 398 for MU-1 Mixed Use District and outside sales uses to add an outdoor commercial amusement use on the west corner of Burlew Street and Bryan Street
44			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an MF-1(A) Multifamily District on the southwest corner of East Lovers Lane and Matilda Street
45			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 4B for single family uses within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the northwest side of Fort Worth Avenue, between West Colorado Boulevard and Walter Drive

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
46			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 84 for a private school and a school for special education on the northwest corner of Dallas North Tollway and Royal Lane
47			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District generally on the north line of South Riverfront Boulevard, west of Cadiz Street
48			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 TH-3(A) Townhouse District and public school other than an open-enrollment charter school uses on property zoned a TH-3(A) Townhouse District and an MF-2(A) Multifamily District, on the west corner of North Henderson Avenue and Manett Street
49			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 580 for a private school on property zoned an R-1ac(A) Single Family District on the south line of West Northwest Highway at the terminus of Meadowbrook Drive
50			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades Pre-K through 6th, which includes before and after-school care on property zoned Tract I and Tract II within Conservation District No. 6 - Hollywood/Santa Monica, on the east corner of Lindsley Avenue and Tenison Memorial Road
51			7	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. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the southwest side of Exposition Avenue, west of Parry Avenue
52			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. 1530 for an Industrial (outside) use limited to a concrete plant on property zoned Subdistrict 1, Tract 2 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the southwest corner of Joe Field Road and Denton Drive
53			3	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. 1929 for an open-enrollment charter school on property zoned an NO(A) Neighborhood Office District and a CR Community Retail District, on the northwest corner of West Camp Wisdom Road and South Westmoreland Road
54			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a GR General Retail Subdistrict on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Congress Avenue and Shelby Street
55			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned an A(A) Agricultural District, southeast of the intersection of South Ledbetter Drive and South Walton Walker Freeway (Loop 12)
56			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 80 for a Salvation Army Community Center on property zoned an R-7.5(A) Single Family District, on the north line of Elam Road, west of Holcomb Road
57			2	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. 1685 for a bar, lounge, or tavern on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the northeast corner of Crowdus Street and July Alley
58			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. 2153 for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue
59			4	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 tower/antenna for cellular communication on property zoned a CR Community Retail District on the east side of Beckley Avenue, south of Ohio Avenue

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
60			5	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. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street
61			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 157 for mixed uses, on the east corner of Cedar Springs Road and Oak Lawn Avenue
62			1	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 tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District and an NS(A)-D Neighborhood Service District with a D Liquor Control Overlay on the southeast side of South Westmoreland Road, south of Irwindell Boulevard
63			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, west of Marsh Lane, north of Walnut Hill Lane
64			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 a mini-warehouse use on property zoned an MU-3 Mixed Use District, on the south side of Plantation Road, west of the terminus of Hawes Avenue
65			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
66			8	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 tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
67			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Used District on property zoned an IM Industrial Manufacturing District on the east corner of Dawson Street and Jeffries Street
68			2	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-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District and a P(A) Parking District on the northwest line of San Jacinto Street, between Annex Avenue and Grigsby Avenue
69			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north line of West Kiest Boulevard, east of South Walton Walker Boulevard
70			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a Specific Use Permit for a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the northeast corner of Ross Avenue and McCoy Street
71			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use, on property zoned an R-7.5(A) Single Family District, in an area bounded by Indian Ridge Trail, Algebra Drive, McKissick Lane, and Wheatland Road
72			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and public school other than an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District on the southeast corner of South St. Augustine Drive and Grady Lane and the northeast corner of Crenshaw Drive and Old Seagoville Road
73			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a proposal to change the name of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue” and an ordinance granting the name change - NC167-001 - Financing: No cost consideration to the City

AGENDA DATE June 14, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
74			4	PH	STS, WTR	$2,082,956.00	99.74%	25.41%	A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed $2,082,956 - Financing: General Obligation Commercial Paper Funds ($1,615,151), Water Utilities Capital Construction Funds ($362,325), and Water Utilities Capital Improvement Funds ($105,480)
75			8	PH	STS	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City
76			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the Proposed FY 2017-18 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds - Financing: No cost consideration to the City
77			7	PH	HOU	REV $8,585	NA	NA	A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any - Revenue: $8,585

TOTAL $32,238,700.60

AGENDA ITEM # 2

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	June 14, 2017
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Housing & Neighborhood Revitalization
CMO:	Elizabeth Reich, 670-7804 Raquel Favela, 670-3309
MAPSCO:	N/A

SUBJECT

Authorize a two-year service contract, with a one-year renewal option, for title search and loan closing services for the Home Repair Program or similar programs requiring the same service - All America Title Services, Inc., most advantageous proposer of two - Not to exceed $265,936 - Financing: Community Development Block Grant Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for goods or services, for a specific term, which are ordered on an as needed basis.

This service contract provides title search and loan closing services for applicants of the City's Home Repair Program or similar programs requiring the same service. Title searches and loan closing services are necessary for major system repairs as well as home reconstruction. The home repair and reconstruction programs provide funds for the repair of single family homes up to $20,000 and reconstruction assistance up to $103,000. The City has increased the number of major system repair program projects and may obtain funds in the future for home reconstruction. An example of a major system repair is electrical, plumbing, heating, ventilation and air conditioning, or roofing.

BACKGROUND (continued)

The criteria for applicants to receive a loan include:

- Citizenship or legal residency
- Current on property taxes
- Ownership and occupancy of the property for a minimum of two consecutive years, unless safety and/or health conditions have forced applicant to evacuate within the past 24 months of application
- Low income as defined by the Department of Housing and Urban Development's annual income figures
- Current property insurance
- Property contains no more than one active, current lien and may have no forced liens or judgments against the property

The City expects to seek title searches on approximately 400 homes over the next two years, with the possibility of some requiring loan closing services. Title search and loan closing services includes the following:

- Preparation of all closing documents and recording necessary documents
- Preparation of necessary affidavits
- Researching titles for liens and judgements
- Preparation of title commitments, issuing title policies, and closing of all loans
- Preparation of release of liens

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

- Housing & Neighborhood Revitalization (2)
- Office of Financial Services (2)
- Planning and Urban Design (1)
- Business Development & Procurement Services (2) *

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

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

- Cost 40%
- Capability and expertise 25%
- Overall approach and methodology 20%
- Business Inclusion and Development Plan 15%

BACKGROUND (continued)

As part of the solicitation process and in an effort to increase competition, Business Development & Procurement Services (BDPS) used its procurement system to send out 208 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, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 26, 2010, City Council authorized a two-year service contract, with one twelve-month renewal option, for title and loan closing services for the Home Repair Program by Resolution No. 10-1286.

The Housing Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

Community Development Block Grant Funds - $265,936 (subject to annual appropriations)

M/WBE INFORMATION

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

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

All America Title Services, Inc.

White Male	6	White Female	11
Black Male	3	Black Female	2
Hispanic Male	3	Hispanic Female	1
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development & Procurement Services received the following proposals from solicitation number BKZ1616. We opened them on October 7, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*All America Title Services, Inc.	1905 Central Dr. Suite 102 Bedford, Texas 76021	78.40	$265,936
West & Associates, LLP	320 S. R.L. Thornton Frwy. Suite 300 Dallas, Texas 75203	62.78	$506,946

OWNER

All America Title Services, Inc.

James E. Brown, President
Ken Willingham, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a two-year service contract, with a one-year renewal option, for title search and loan closing services for the Home Repair Program or similar programs requiring the same service - All America Title Services, Inc., most advantageous proposer of two - Not to exceed $265,936 - Financing: Community Development Block Grant Funds (subject to annual appropriations)

All America Title 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	$265,936.00	100.00%
TOTAL CONTRACT	$265,936.00	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%

June 14, 2017

WHEREAS, on May 26, 2010, City Council authorized a two-year service contract, with one twelve-month renewal option, for title and loan closing services for the Home Repair Program by Resolution No. 10-1286; and

WHEREAS, on July 24, 2015, Administrative Action No. 16-5547 authorized extension of the service contract for one year from May 26, 2015 to May 25, 2016; and

WHEREAS, on June 2, 2016, Administrative Action No. 16-6081 authorized extension of the service contract for six months from May 26, 2016 to November 25, 2016; and

WHEREAS, on November 28, 2016, Administrative Action No. 16-6991 authorized Supplemental Agreement No. 4 to increase the service contract and to extend the term for six months from November 26, 2016 to May 25, 2017, in an amount not to exceed $25,000, from $319,880 to $344,880.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with All America Title Services, Inc. (054283), approved as to form by the City Attorney, for title search and loan closing services for the Home Repair Program or similar programs requiring the same service for a term of two years, with a one-year renewal option, in an amount not to exceed $265,936. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to All America Title Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by All America Title Services, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $265,936 (subject to annual appropriations) to All America Title Services, Inc. from Service Contract No. POM-2017-00001596.

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:	Clean, Healthy Environment
AGENDA DATE:	June 14, 2017
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Police
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize a three-year service contract for grounds maintenance at nine Dallas Police Department properties - Good Earth Corporation, most advantageous proposer of six - Not to exceed $684,555 - 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 grounds maintenance at nine Dallas Police Department properties. These properties include:

- Central Operations Division
- Jack Evans Police Headquarters
- Helicopter Unit
- Auto Pound
- Property Unit Division
- Northwest Operations Division
- Northeast Operations Division
- North Central Division
- South Central Police Station

The awarded vendor will mow, edge, trim ground cover/shrubs, clean up leaves, maintain plant beds, remove debris and litter, and prune trees and shrubs. Additionally, the awarded vendor will apply winter rye seed, herbicides, pre-emergents, and fertilizers as needed. Finally, this contract will provide services necessary to restore landscaping damaged during recent unfortunate events at Jack Evans Police Headquarters.

BACKGROUND (continued)

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

- Dallas Police Department (2)
- Park and Recreation (1)
- Trinity Watershed Management (1)
- Business Development & Procurement Services (2)*

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

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

- Experience/qualifications 30%
- Cost 30%
- Staffing plan/approach 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development & Procurement Services (BDPS) used its procurement system to send out 952 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, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 9, 2013, City Council authorized a three-year service contract for landscape maintenance at nine Police properties by Resolution No. 13-0104.

The Budget, Finance, and Audit Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

Current Funds - $684,555 (subject to annual appropriations)

M/WBE INFORMATION

136 - Vendors contacted
134 - No response
2 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Good Earth Corporation

White Male	17	White Female	3
Black Male	59	Black Female	4
Hispanic Male	155	Hispanic Female	19
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development & Procurement Services received the following proposals from solicitation number BCZ1606. We opened them on January 26, 2017. We recommend the City Council award this service contract by group to the most advantageous proposer. Information related to this solicitation is available upon request.

*Denotes successful proposer

Proposers	**Address**	**Amount**
*Good Earth Corporation	8020 Heinen Dr. Dallas, TX 75227	Multiple Groups
JBa Land Management	10875 Jupiter Rd. Dallas, TX 75218	Multiple Groups
Urban Landscaping and Irrigation	700 South Dallas Ave. Lancaster, TX 75146	Multiple Groups
Moir Watershed Services LLC	4134 FM 66 Waxahachie, TX 75167	Multiple Groups

PROPOSAL INFORMATION (continued)

Proposers	**Address**	**Amount**
W.E.E. Commerce Service	311 Sorrel St. Duncanville, TX 75137	Multiple Groups**
Weldon's Lawn and Tree LLC	2460 Shorecrest Dr. Rockwall, TX 75087	Non-responsible**

**W.E.E. Commerce Service was deemed non-responsive on group 9 due not meeting specifications and Weldon's Lawn and Tree LLC was deemed non-responsible due to not meeting the terms and conditions.

OWNER

Good Earth Corporation

Ron Points, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for grounds maintenance at nine Dallas Police Department properties - Good Earth Corporation, most advantageous proposer of six - Not to exceed $684,555 - Financing: Current Funds (subject to annual appropriations)

Good Earth Corporation is a local, non-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	$520,555.00	76.04%
Total non-local contracts	$164,000.00	23.96%
TOTAL CONTRACT	$684,555.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Sun Coast Resources, Inc	WFWB76534N0219	$164,000.00	100.00%
Total Minority - Non-local		$164,000.00	100.00%

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%	$164,000.00	23.96%
Total	$0.00	0.00%	$164,000.00	23.96%

June 14, 2017

WHEREAS, on January 9, 2013, City Council authorized a three-year service contract for landscape maintenance at nine Police properties by Resolution No. 13-0104.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Good Earth Corporation (510006), approved as to form by the City Attorney, for grounds maintenance at nine Dallas Police Department properties for a term of three years, in an amount not to exceed $684,555. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Good Earth Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth Corporation under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $684,555 (subject to annual appropriations) to Good Earth Corporation from Service Contract No. POM-2017-00001879.

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: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Convention and Event Services
Equipment & Building Services
Fire
Mobility and Street Services
Park & Recreation
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jody Puckett, 670-3390
Joey Zapata, 670-3009
Majed Al-Ghafry, 670-3302
Jon Fortune, 670-1204
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for painting and electrical services with Acumen Enterprises, Inc. through the Texas Multiple Award Schedule - Not to exceed $6,773,144 - Financing: Current Funds ($3,984,966), Convention and Event Services Current Funds ($1,475,010), Water Utilities Current Funds ($750,105), and Aviation Current Funds ($563,063) (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 painting and electrical services for various City departments. These services are necessary to supplement City staff to meet department needs. Services shall include sand blasting, priming, address minor structural damage, peeling paint, and apply special coating as needed. The contractor shall furnish all necessary labor, tools, materials, supplies, equipment, paint, sundries, and traffic control devices to complete each assigned project.

BACKGROUND (continued)

Approximately 3,100 work orders for painting and electrical repair services were processed in the 2015-2016 fiscal year. Regular maintenance ensures all facilities are maintained and presentable to the residents of Dallas and its visitors. Areas of service shall include:

- Park and Recreation to assist in the maintenance of service centers, recreation centers, and Fair Park
- Dallas Water Utilities to maintain interior and exterior painting and electrical repairs at water treatment and distribution plants, pump stations, motor and pump housings, motors, pumps, and other equipment
- Equipment and Building Services to maintain interior and exterior painting and electrical repair for various City facilities throughout the City
- Aviation to maintain terminals and other airport facilities
- Mobility and Street Services to remove graffiti and maintain structures
- Dallas Fire-Rescue to maintain 65 station locations
- Kay Bailey Hutchison Convention Center Dallas to maintain exhibition halls and the arena

This agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Budget, Finance, and Audit Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

Currents Funds - $3,984,965.85 (subject to annual appropriations)
Convention and Event Services Current Funds - $1,475,010.00 (subject to annual appropriations)
Water Utilities Current Funds - $750,104.75 (subject to annual appropriations)
Aviation Current Funds - $563,062.75 (subject to annual appropriations)

ETHNIC COMPOSITION

Acumen Enterprises, Inc.

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

OWNER

Acumen Enterprises, Inc.

Wayne Boyter, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for painting and electrical services with Acumen Enterprises, Inc. through the Texas Multiple Award Schedule - Not to exceed $6,773,144 - Financing: Current Funds ($3,984,966), Convention and Event Services Current Funds ($1,475,010), Water Utilities Current Funds ($750,105), and Aviation Current Funds ($563,063) (subject to annual appropriations)

Acumen Enterprises, Inc. is a non-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	$1,693,285.84	25.00%
Total non-local contracts	$5,079,857.51	75.00%
TOTAL CONTRACT	$6,773,143.35	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
JP Painting, Inc	HMDB54324Y0717	$1,693,285.84	100.00%
Total Minority - Local		$1,693,285.84	100.00%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Acumen Enterprises, Inc	NMDB31556Y1217	$5,079,857.51	100.00%
Total Minority - Non-local		$5,079,857.51	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$1,693,285.84	100.00%	$1,693,285.84	25.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$5,079,857.51	75.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$1,693,285.84	100.00%	$6,773,143.35	100.00%

June 14, 2017

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Acumen Enterprises, Inc. (VS0000052362) through the Texas Multiple Award Schedule, approved as to form by the City Attorney, for painting and electrical services for a term of three years, in an amount not to exceed $6,773,143.35. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Acumen Enterprises, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Acumen Enterprises, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,773,143.35 (subject to annual appropriations) to Acumen Enterprises, Inc. from Service Contract No. POM-2017-00001745.

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: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for pumps, pump parts, and accessories – Master Pumps & Equipment Corp. in the amount of $263,500, Environmental Improvements, Inc. in the amount of $153,500, Odessa Pumps & Equipment, Inc. in the amount of $97,500, Texas Underground, Inc. in the amount of $46,000, and HD Supply Facilities Maintenance LTD dba USA Bluebook in the amount of $6,000, lowest responsible bidders of five – Total not to exceed $566,500 - Financing: Water Utilities 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 allow for the purchase of new pumps and parts of various types, brands, and sizes. Dallas Water Utilities (DWU) utilizes a maintenance program performed by City staff that includes general maintenance and minor mechanical repairs of pumps that may require the purchase of parts. Pumps that are cost prohibitive to repair are replaced utilizing this master agreement.

Below are examples of pumps that will be purchased under this agreement.

- Centrifugal horizontal pumps
- Chemical pumps
- Sludge transfer
- Submersible pumps
- Chlorine booster pumps

BACKGROUND (continued)

Pumps utilized by DWU distribute an average of 417 million gallons of treated water and 167 million gallons of wastewater daily.

As part of the solicitation process and in an effort to increase competition, Business Development & Procurement Services (BDPS) used its procurement system to send out 352 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, BDPS' ResourceLINK Team (RLT) sent notifications 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 August 14, 2013, City Council authorized a three-year master agreement for the purchase of pumps and parts by Resolution No. 13-1279.

The Budget, Finance, and Audit Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

Water Utilities Current Funds - $566,500

M/WBE INFORMATION

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

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Master Pumps & Equipment Corp.

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

ETHNIC COMPOSITION (continued)

Environmental Improvements, Inc.

White Male	21	White Female	7
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

Odessa Pumps & Equipment, Inc.

White Male	136	White Female	24
Black Male	3	Black Female	2
Hispanic Male	62	Hispanic Female	14
Other Male	0	Other Female	1

Texas Underground, Inc.

White Male	10	White Female	6
Black Male	2	Black Female	0
Hispanic Male	16	Hispanic Female	0
Other Male	0	Other Female	0

HD Supply Facilities Maintenance LTD dba USA Bluebook

White Male	40	White Female	17
Black Male	9	Black Female	4
Hispanic Male	4	Hispanic Female	5
Other Male	5	Other Female	4

BID INFORMATION

Business Development & Procurement Services received the following bids from solicitation number BM1626. We opened them on November 18, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Master Pumps & Equipment Corp.	805 Port America Pl. #100 Grapevine, TX 76051	Multiple Lines

BID INFORMATION (continued)

Bidders	Address	Amount
*Environmental Improvements, Inc.	517 N. Keavy Ave. Lewisville, TX 75057	Multiple Lines
*Odessa Pumps & Equipment, Inc.	2321 E. Pioneer Dr. Irving, TX 75061	Multiple Lines
*Texas Underground, Inc.	4710 Don Dr. Dallas, TX 75247	Multiple Lines
*HD Supply Facilities Maintenance LTD dba USA Bluebook	3781 Burwood Dr. Waukegan, IL 60085	Multiple Lines

OWNERS

Master Pumps & Equipment Corp.

Don Moilan Jr., President
Kevin Figge, Secretary

Environmental Improvements, Inc.

Lyle Milstead, President
Eric Fields, Vice President

Odessa Pumps & Equipment, Inc.

Toby Eoff, President
Daniel Molinaro, Vice President
Raymond Chang, Treasurer

Texas Underground, Inc.

Tommy Stoneman, President
Stan Stoneman, Secretary

HD Supply Facilities Maintenance LTD dba USA Bluebook

Kathleen Burandt, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for pumps, pump parts, and accessories – Master Pumps & Equipment Corp. in the amount of $263,500, Environmental Improvements, Inc. in the amount of $153,500, Odessa Pumps & Equipment, Inc. in the amount of $97,500, Texas Underground, Inc. in the amount of $46,000, and HD Supply Facilities Maintenance LTD dba USA Bluebook in the amount of $6,000, lowest responsible bidders of five – Total not to exceed $566,500 - Financing: Water Utilities Current Funds

Master Pumps & Equipment Corp., Odessa Pumps & Equipment, Inc., and Texas Underground, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Environmental Improvements, Inc. and HD Supply Facilities Maintenance LTD dba USA Bluebook are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$407,000.00	71.84%
Total non-local contracts	$159,500.00	28.16%
TOTAL CONTRACT	$566,500.00	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%

June 14, 2017

WHEREAS, on August 14, 2013, City Council authorized a three-year master agreement for the purchase of pumps and parts by Resolution No. 13-1279.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Master Pumps & Equipment Corp. (258830) in the amount of $263,500, Environmental Improvements, Inc. (243639) in the amount of $153,500, Odessa Pumps & Equipment, Inc. (517010) in the amount of $97,500, Texas Underground, Inc. (349745) in the amount of $46,000, and HD Supply Facilities Maintenance LTD dba USA Bluebook (VS0000054628) in the amount of $6,000, approved as to form by the City Attorney, for the purchase of pumps, pump parts, and accessories for a term of three years in a total amount not to exceed $566,500.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for pumps, pump parts, and accessories. If a written contract is required or requested for any or all purchases pumps, pump parts, and accessories under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $566,500 to Master Pumps & Equipment Corp., Environmental Improvements, Inc., Odessa Pumps & Equipment, Inc., Texas Underground, Inc., and HD Supply Facilities Maintenance LTD dba USA Bluebook from Master Agreement No. POM-2017-00001878.

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 # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $150,000, from $325,000 to $475,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 3 will authorize Fanning Harper Martinson Brandt & Kutchin, P.C. to continue providing legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 17, 2016, March 2, 2016, and April 6, 2016, City Council was briefed in Closed Session.

On April 13, 2016, City Council authorized Supplemental Agreement No. 1, with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services in this lawsuit by Resolution No. 16-0569.

On August 3, 2016, City Council was briefed in Closed Session.

On August 10, 2016, City Council authorized Supplemental Agreement No. 2, with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional legal services in this lawsuit by Resolution No. 16-1215.

On May 24, 2017, City Council was briefed in Closed Session.

FISCAL INFORMATION

Current Funds - $150,000

WHEREAS, the City of Dallas is involved in a lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D; and

WHEREAS, on February 23, 2016, Administrative Action No. 16-5190 authorized a professional services contract in the amount of $50,000, with Fanning Harper Martinson Brandt & Kutchin, P.C. for legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, on April 13, 2016, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., by Resolution No. 16-0569, in an amount not to exceed $125,000, from $50,000 to $175,000, for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, on August 10, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., by Resolution No. 16-1215, in an amount not to exceed $150,000, from $175,000 to $325,000, for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, the professional legal services of Fanning Harper Martinson Brandt & Kutchin, P.C., continue to be necessary for this and related matters.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., approved as to form by the City Attorney, for additional services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event, in an amount not to exceed $150,000, increasing the contract amount from $325,000 to $475,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Fanning Harper Martinson Brandt & Kutchin, P.C., in an amount not to exceed $150,000 from Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance ATT389016E27, Vendor 399210.

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

AGENDA ITEM # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event - Not to exceed $7,000, from $95,000 to $102,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 3 will authorize the Law Office of Scott D. Bergthold, PLLC to continue providing legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 17, 2016, March 2, 2016, and April 6, 2016, City Council was briefed in Closed Session.

On April 13, 2016, City Council authorized Supplemental Agreement No. 1, with the Law Office of Scott D. Bergthold, PLLC for additional legal services in this lawsuit by Resolution No. 16-0595.

On August 3, 2016, City Council was briefed in Closed Session.

On August 10, 2016, City Council authorized Supplemental Agreement No. 2, with the Law Office of Scott D. Bergthold, PLLC for additional legal services in this lawsuit by Resolution No. 16-1216.

On May 24, 2017, City Council was briefed in Closed Session.

FISCAL INFORMATION

Current Funds - $7,000

WHEREAS, the City of Dallas is involved in a lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D; and

WHEREAS, on February 23, 2016, Administrative Action No. 16-5189 authorized a professional services contract in the amount of $50,000, with the Law Office of Scott D. Bergthold, PLLC for legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, on April 13, 2016, City Council authorized Supplemental Agreement No. 1 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC by Resolution No. 16-0595, in an amount not to exceed $20,000, from $50,000 to $70,000, for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, on August 10, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC by Resolution No. 16-1216, in an amount not to exceed $25,000, from $70,000 to $95,000, for additional legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event; and

WHEREAS, the professional legal services of the Law Office of Scott D. Bergthold, PLLC continue to be necessary for this and related matters.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with the Law Office of Scott D. Bergthold, PLLC approved as to form by the City Attorney, for additional services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D, as well as any other claim by a person seeking to lease a city facility for an adult entertainment event or sell at or attend such an event, in an amount not to exceed $7,000, increasing the contract amount from $95,000 to $102,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to the Law Office of Scott D. Bergthold, PLLC in an amount not to exceed $7,000 from Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance ATT389016E26, Vendor VC15298.

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: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Auditor

CMO: Craig Kinton, 670-3222

MAPSCO: N/A

SUBJECT

Authorize a budget estimate of the needs and requirements of the City Auditor's Office for Fiscal Year 2017-18 in the amount of $3,281,475 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City

BACKGROUND

The Dallas City Charter, Chapter IX establishes the City Auditor's Office as an independent audit function with the primary responsibility of serving at the direction of the City Council.

Proposition 5 (Approved on 11-04-2014) amended the Dallas City Charter Chapter XI, Sec. 2 to require the City Auditor to furnish a budget estimate of the needs and requirements of the City Auditor's Office for the coming year directly to the City Council, to be approved by the City Council, and then consolidated with the City Manager's annual budget estimate. (Amendment of 11-08-2005, Proposition Number 13; Amendment of 11-04-2014, Proposition Number 5)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Budget, Finance and Audit Committee on May 15, 2017. Motion made by Councilmember Philip T. Kingston and seconded by Councilmember Rickey D. Callahan that the Budget, Finance, and Audit Committee approve the budget estimate, subject to final citywide adjustments, and recommend full City Council approval for inclusion in the City Manager's annual budget estimate for Fiscal Year 2017-18. The motion was passed unanimously.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

WHEREAS, on May 15, 2017, the Budget, Finance, and Audit Committee unanimously voted to recommend approval by the full City Council the City Auditor's Office budget estimate of $3,281,475, subject to final citywide adjustments, for inclusion in the City Manager's annual budget estimate for Fiscal Year 2017-18.

Now, Therefore,

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

SECTION 1. That the City Auditor's Office budget estimate of $3,281,475, subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all City departmental budgets be included in the City Manager's annual budget estimate for Fiscal Year 2017-18.

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 # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller
Water Utilities

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

MAPSCO: N/A

SUBJECT

An ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, in a principal amount not to exceed $201,000,000; establishing parameters regarding the sale of the bonds; approving the execution of agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $585,900 - Financing: Water Utilities Current Funds

BACKGROUND

This proposed revenue bond sale is for the refunding of commercial paper notes issued for interim financing of improvements to the City's water and wastewater system.

Issuance of revenue bonds for refunding up to $201,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2016-17 operating and capital budgets for the Dallas Water Utilities Department.

This ordinance authorizes, subject to parameters, city staff and financial advisors to negotiate the sale and issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017 with the underwriting syndicate on any business day on or after June 14, 2017 and before September 30, 2017 and establishes the maximum par amount of bonds to be issued at $201,000,000.

UNDERWRITER DISCLOSURE

The City plans to use Underwriting Syndicate Team "B" which comprise Citigroup, Inc.; Wells Fargo Securities; Goldman Sachs & Co.; Piper Jaffray & Co.; Stifel, Nicolaus & Co., Inc.; Frost Bank; Loop Capital Markets LLC; Samuel A. Ramirez & Co.; and Stern Brothers & Co. Loop Capital Markets LLC will be the Bookrunning Senior Manager, and Piper Jaffray & Co. will be the Co-Senior Manager.

ESTIMATED SCHEDULE OF PROJECT

Authorized preparation for issuance of bonds	April 26, 2017
Approval of parameters ordinance	June 14, 2017
Pricing	July 11, 2017
Delivery of proceeds	August 10, 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 17, 2017, the Budget, Finance, and Audit Committee was briefed regarding this item.

On April 26, 2017, City Council authorized preparation of plans for the issuance of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017 by Resolution No. 17-0684.

FISCAL INFORMATION

Water Utilities Current Funds - $585,900

See Attachment I.

M/WBE INFORMATION

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

Attachment I

SERIES 2017
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BONDS
$201,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel			
McCall, Parkhurst & Horton LLP (Vendor #193173)	$	93,000	15.9%
Escamilla & Poneck (Vendor #518903)		66,000	11.3%
Disclosure Counsel			
Andrews Kurth LLP (Vendor #VC13546)		66,000	11.3%
Co-Financial Advisors			
Hilltop Securities (Vendor #VS52889)		99,440	17.0%
Estrada Hinojosa (Vendor #259910)		52,960	9.0%
Out-of-Pocket Expenses			
Hilltop Securities (Vendor #VS52889)		5,000	0.9%
Official Statement Printing			
TBD		10,000	1.7%
Rating Agencies			
FitchRatings (Vendor #VC14720)		95,000	16.2%
Standard & Poor's (Vendor #954974)		75,000	12.8%
Auditor			
Grant Thornton LLP (Vendor #VS0000007921)		14,000	2.4%
Filing Fee			
Attorney General (Vendor #344989)		9,500	1.6%
Total Issuance Costs	$	585,900	100%
Total M/WBE Participation as % of Total Issuance Costs:		128,960	22.0%

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2017; ESTABLISHING PARAMETERS REGARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to $600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (collectively, the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds in part for the purpose of retiring an aggregate principal amount of the outstanding Commercial Paper Notes not to exceed $200,000,000, subject to the parameters hereinafter described; and

WHEREAS, because of fluctuating conditions in the municipal bond market, the City Council has determined to delegate to the City Manager and any Assistant City Manager (each, an "Authorized Representative"), acting individually but not jointly, the authority to effect the sale of the bonds hereinafter authorized for the purpose of providing for the refunding of all or a portion of the outstanding Commercial Paper Notes, subject to the parameters hereinafter described; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1207, Texas Government Code, for the purposes set forth above; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

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

Section 1. **BONDS AUTHORIZED**. That the City's bonds (the "Bonds") are hereby authorized to be issued for the purpose of (i) refunding and retiring an aggregate principal amount of the City's outstanding Commercial Paper Notes, not to exceed $200,000,000, and (ii) paying costs of issuance of the Bonds. The Bonds shall be designated as the **"City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017"**. The Bonds shall be issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds. The City Council authorizes the issuance of the Bonds in an aggregate principal amount not to exceed $201,000,000.

Section 2. **DATE, DENOMINATIONS, NUMBER, MATURITIES AND TERMS OF BONDS**. (a) That initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners thereof, or to the registered assignee or assignees of the Bonds or any portion or portions thereof, in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), maturing not later than October 1, 2046, payable serially or otherwise on the dates, in the years and in the principal amounts, and dated, all as set forth in the Purchase Contract.

(b) That it is hereby found and determined to be in the best interests of the City for the Bonds to be issued under this Ordinance to be sold through a negotiated sale pursuant to the procedures set forth herein. Loop Capital Markets LLC and Piper Jaffray & Co. are hereby designated to be the co-senior managing underwriters for the Bonds. An Authorized Representative, acting for and on behalf of the City, is authorized to enter into and carry out the Purchase Contract with the Underwriters, in substantially the form used in the City's prior financings, and which shall be made a part hereof for all purposes, with such changes as may be necessary to effect the sale of the Bonds to the Underwriters. The Bonds shall be sold to the Underwriters at such price, and subject to such terms and conditions as set forth in the Purchase Contract, as shall be determined by the Authorized Representative pursuant to subsection (c) below. In the Purchase Contract, an Authorized Representative shall determine, based upon advice provided by the City's financial advisors, that acceptance of the purchase price for the Bonds is in the best interests of the City. An Authorized Representative shall not execute the Purchase Contract unless the Underwriters have

confirmed to the City that they have made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the Underwriters, the City will submit a copy of the disclosure filings with the Texas Ethics Commission. The authority of an Authorized Representative to execute the Purchase Contract shall expire if the Purchase Contract has not been executed and delivered by the City and by the Underwriters (acting through their duly designated representative) by 5:00 p.m., Friday, September 29, 2017. Any finding or determination made by the Authorized Representative relating to the issuance and sale of the Bonds and the execution of the Purchase Contract in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(c) That as authorized by Chapter 1207, an Authorized Representative is hereby authorized, appointed, and designated to act on behalf of the City in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining and fixing the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the aggregate principal amount of the Bonds, the date of delivery of the Bonds, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount of Bonds to mature in each of such years, the rate or rates of interest to be borne by or accrue on each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds, and the refunding of the Refunded Commercial Paper Notes, including, without limitation, obtaining a municipal bond insurance policy in support of all or any portion of the Bonds, all of which shall be specified in the Purchase Contract; provided, however, that (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (ii) none of the Bonds shall bear interest at a rate greater than 10.00% per annum, and (iii) the principal of the Bonds shall be scheduled to be paid or mature on April 1 or October 1 (or both) of the years such principal is scheduled to be paid or mature. Should a municipal bond insurance policy be obtained, the conditions of the bond insurer, as set forth in its commitment to issue said policy, shall be attached to this Ordinance as an exhibit and incorporated by reference into this Ordinance.

(d) That the City Manager and the Chief Financial Officer of the City are authorized and directed to provide for and oversee the preparation of a preliminary official statement and the final official statement in connection with the issuance of the Bonds, and to approve such preliminary and final official statement and deem such preliminary official statement final in compliance with the Rule and to provide it to the Underwriters of the Bonds in compliance with the Rule.

Section 3. **REDEMPTION**. (a) That the Bonds may be subject to redemption prior to their scheduled maturities at the option of the City, on the dates and in the manner as provided in the Purchase Contract. Should the Purchase Contract provide for the redemption of the Bonds prior to their scheduled maturities at the option of the City, if less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such

maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) That should the Purchase Contract provide for the mandatory sinking fund redemption of the Bonds, the terms and conditions governing any such mandatory sinking fund redemption and the payment of Amortization Installments relating thereto shall be as set forth in the Purchase Contract.

(c) That at least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

(d) With respect to any optional redemption of the Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City

may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Bonds have not been redeemed.

Section 4. **INTEREST**. That the Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance, to their respective dates of maturity at the rates set forth in the Purchase Contract. Interest on the Bonds shall be payable on April 1 and October 1, commencing on the date as set forth in the Purchase Contract, until the maturity or prior redemption of the Bonds.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM**. (a) That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association, as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute Bond or Bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) That the entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any

notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) That the City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) That each Bond may be exchanged for fully registered Bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered Bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of

any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Bond.

(e) That all Bonds issued in exchange or replacement of any other Bond or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) That the City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) That the City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject

to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) That in addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) That the Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that DTC will hold the Bonds on behalf of the Underwriters and its participants, and that the definitive Bonds held at DTC

upon delivery of the Bonds to the Underwriters shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants, as described in the official statement for the Bonds referred to in Section 2(d) hereof, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above.

Section 6. **FORM OF BONDS**. That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance and the Purchase Contract.

Section 7. **DEFINITIONS**. That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The term "Authorized Representative" shall have the same meaning as set forth in the preamble to this Ordinance.

The terms "Bonds" and "Series 2017 Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986.

The term "Commercial Paper Notes" shall mean the City's Waterworks and Sewer System Commercial Paper Notes, Series D and Series E, authorized to be outstanding from time to time and at any one time in the aggregate principal amount of $600,000,000.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

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

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the

investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2007 Bonds, the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series

2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds and the Series 2016B Bonds.

The term "Purchase Contract" shall mean the Bond Purchase Contract relating to the Bonds, between the City and Underwriters.

The term "Refunded Commercial Paper Notes" shall mean those Commercial Paper Notes outstanding on the date the Purchase Contract is executed that are selected to be refunded by the Chief Financial Officer of the City in accordance with Section 27 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2007 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2007, dated March 15, 2007, and authorized by ordinance of the City passed March 21, 2007; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas

Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; and the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "Underwriters" shall mean the investment banking firms designated in Section 2(b) of this Ordinance as the co-senior managing underwriters for the Bonds, together with any other investment banking firms named as "Underwriters" in the Purchase Contract.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE**. (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any

Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND**. That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND**. (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND**. That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS**. (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be (A) placed in time deposits or certificates of deposit which are secured by (i) obligations of the type described in (B) hereinbelow, (ii) any obligations of the City, or (iii) any municipal bonds issued by a political subdivision in Texas bearing a rating by Standard & Poor's Ratings Services of "BBB" or Moody's Investors Service of "Baa", or better or (B) invested, including investments held in book-entry form, in (i) direct obligations of the United States of America, (ii) obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or, (iii) to the extent permitted by law, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, United States Postal Service, Farmers Home Association, and the Federal Home Loan Mortgage Association; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds.

Section 13. **FUNDS SECURED**. That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS**. (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS**. That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES**. (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS**. That on or before October 1, 2017, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption

prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS**. (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Government Obligations, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Government Obligations.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Government Obligations" shall mean direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(e) That notwithstanding any other provisions of this Ordinance, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium,

if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS**. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required

additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS**. That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) An independent certified public accountant, or independent firm of certified public accountants, signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in his or its opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS**. That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance**. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all

legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority**. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title**. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens**. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service**. It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance**. It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property**. It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance**. (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not

exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant**. The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records**. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits**. After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies**. It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition**. It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE**. (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

(1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or

(6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least

two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) That the foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 26(c)(vi) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 23. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS**. (a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) That application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) That notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond)

instead of issuing a replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) That prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) That in accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 24. **TAX COVENANTS**. That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve

fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(h) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply

with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (h), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 25. **ADDITIONAL TAX COVENANTS; WRITTEN PROCEDURES. (a) Disposition of Bond Financed Property.** That the City covenants that property financed with the proceeds of the Refunded Commercial Paper Notes will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds or the Refunded Commercial Paper Notes. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) **Written Procedures**. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

Section 26. **CONTINUING DISCLOSURE UNDERTAKING**. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds referred to in Section 2(d) of this Ordinance, being the information described in Exhibit B hereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2016. If audited

financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new end of the Year) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) **Limitations, Disclaimers, and Amendments.** (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

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

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 27. **REFUNDING.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Commercial Paper Notes is a public purpose. The Refunded Commercial Paper Notes are being refunded to convert interim financing into long-term fixed rate financing, as contemplated by the City in the operation of the interim financing program for the System, and the manner in which the refunding of the Refunded Commercial Paper Notes is being executed by the City makes it impracticable to make the determinations required by subsection (a) of Section 1207.008, Texas Government Code. The Refunded Commercial Paper Notes shall be those outstanding Commercial Paper Notes to be refunded and retired with a portion of the proceeds of the Bonds, in an aggregate principal amount not to exceed $200,000,000 in principal amount, as designated in a letter of instructions delivered by the Chief Financial Officer of the City. The principal amount of the Refunded Commercial Paper Notes shall be specifically identified in the Purchase Contract. For the sole purpose of establishing for the benefit of the Public Finance Division of the Office of the Attorney General of Texas that the City possesses sufficient Pledged Revenues to pay the Commercial Paper Notes and the interest thereon, the City shall establish sufficiency through the issuance of Prior Lien Bonds under authority of Chapter 1207 at then current market interest rates with level debt service over a forty (40) year period to refinance such Commercial Paper Notes, under authority of Section 1371.057(c), Texas Government Code. The determination of an Authorized Representative relating to the issuance and sale of Bonds to refund Refunded Commercial Paper Notes in such principal amount as provided in the Purchase Contract shall have the same force and effect as if such determination were made by the City Council.

Section 28. **DEFAULT AND REMEDIES**. (a) **Events of Default**. That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

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

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

(b) **Remedies for Default**.

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

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

(c) **Remedies Not Exclusive**.

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

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

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a

personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **APPROVAL AND REGISTRATION OF BONDS**. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the Underwriters.

Section 30. **FURTHER PROCEDURES**. That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. Should a municipal bond insurance policy be obtained insuring the payment of debt service on all or any portion of the Bonds, it is hereby authorized that a statement of insurance provided by the bond insurer may be printed on the Bonds so insured. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 31. **USE OF PROCEEDS.** That the proceeds representing accrued interest on the Bonds, if any, shall be deposited to the credit of the Interest and Sinking Fund. Proceeds representing premium, if any, paid by the Underwriters in connection with the sale of the Bonds may be used for any purpose authorized by Section 1201.042(d), Texas Government Code, including specifically, but not by way of limitation, in connection with the refunding of the Refunded Commercial Paper Notes. Concurrently with the delivery of the Bonds, proceeds in the amount of the principal amount of the Refunded Commercial Paper Notes shall be deposited to the credit of the "Series D Note Payment Fund" and the "Series E Note Payment Fund", as the case may be, each established in accordance with the provisions of the respective ordinances of the City adopted December 10, 2014 and June 25, 2014, to refund Commercial Paper Notes of such series designated by the Chief Financial Officer of the City to be refunded and retired with a portion of the proceeds of

the Bonds, in accordance with and as further described in the letter of instructions executed by the Chief Financial Officer of the City referred to in Section 27 of this Ordinance.

Section 32. **CONSENT TO CERTAIN AMENDMENTS GIVEN THROUGH OWNERSHIP OF BONDS**. By acceptance of the Bonds, each Owner of a Bond: (i) irrevocably and specifically consents to and approves the amendments described in (1) and (2) below; (ii) irrevocably appoints the City Manager as its true and lawful attorney-in-fact for the limited purpose of executing the written instrument required by Section 22(c) of this Ordinance to evidence the Owner's specific consent to and approval of the amendments described in (1) and (2) below; and (iii) confirms all actions taken by the City Manager as attorney-in-fact for the Owner, it being specifically provided that the City Manager need not consult with, or provide notice to, an Owner in connection with the actions taken by the City Manager under this Section. The power of attorney granted to the City Manager shall be limited to effecting the below amendments and is irrevocable for so long as any Bond remains Outstanding.

The amendments are:

(1) Amend Section 12(b) of this Ordinance to read:

"(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, Texas Government Code, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, Texas Government Code,, to purchase, sell and invest its funds and funds under its control.

(2) Amend Section 18 of this Ordinance to read:

"(a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any

required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes."

(3) Amend Section 20(b) of this Ordinance to read:

"(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds."

The amendments described in clauses (1) and (3) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received. The amendment described in clause (2) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received, and would apply only to the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Bonds, and any Additional Bonds delivered after the date of delivery of the Bonds.

Section 33. **PREAMBLE**. That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION**. That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any

particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond.

Section 35. **IMMEDIATE EFFECT**. That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

PASSED AND APPROVED the 14th day of June, 2017.

APPROVED AS TO FORM:
Larry Casto, City Attorney

_____

EXHIBIT A

FORM OF BOND:

NO. R- $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BOND
SERIES 2017

MATURITY DATE	INTEREST RATE	ORIGINAL ISSUE DATE	CUSIP
		_____, 2017	

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____

and to pay interest thereon, from the original issue date of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2017, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2017, such interest is payable semiannually on each April 1 and October 1 following such date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the

Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The date for determining the person to whom the interest is payable on any interest payment date means the 15th day of the preceding month (the "Record Date"). In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the Bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated as of the original issue date specified above, issued in the aggregate principal amount of $_____ for the purpose of refunding the "Refunded Commercial Paper Notes" (as defined in the Ordinance), and paying costs of issuance. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2028 may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of any Authorized Denomination, at the option of the City, on October 1, 2027, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for

redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

THE BONDS are also subject to mandatory redemption in part by lot pursuant to the terms of the Ordinance, on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 20__, in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

Term Bonds Maturing October 1, 20__

Year	Principal Amount ($)

_____
* Final Maturity

To the extent, however, that Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Bond shall be reduced by the amount obtained by multiplying the principal amount of Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest $5,000 integral; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption due

provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any

taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's Combined Waterworks and Sewer System (as defined in the Ordinance).

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

City Manager	Mayor

City Secretary

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

Dated_____

U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By: _____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO._____

STATE OF TEXAS :

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

_____
Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please insert Social Security or Taxpayer Identification Number of Transferee

_____
/_____/

_____
(Please print or typewrite name and address, including zip code of Transferee)

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____
NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

_____
NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

Exhibit B
to
Ordinance

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 26 of this Ordinance.

Annual Financial Statements and Operating Data

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

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix C described above.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, ROSA A. RIOS, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 14th day of June, 2017, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 14th day of June, 2017.

_____
Rosa A. Rios, City Secretary
City of Dallas, Texas

(SEAL)

AGENDA ITEM # 10

KEY FOCUS AREA:	Clean, Healthy Environment
AGENDA DATE:	June 14, 2017
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Code Compliance City Attorney's Office
CMO:	Raquel Favela, 670-3309 Larry Casto, 670-3491
MAPSCO:	N/A

SUBJECT

An ordinance **(1)** amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; **(2)** creating the Department of Animal Care Services; **(3)** creating a director for the department; **(4)** providing duties for the director; **(5)** amending the number of required meetings for the animal advisory commission; **(6)** adding and clarifying definitions; **(7)** retitling certain titles; **(8)** providing a requirement to report likely rabies exposures; **(9)** creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; **(10)** providing notice requirements for impounded animals; **(11)** providing a presumption of transfer of ownership for certain impounded animals; **(12)** providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; **(13)** replacing registration with mandatory microchipping; **(14)** renaming the intact permit to breeding permit; **(15)** amending breeding permit requirements; **(16)** creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; **(17)** amending the standard of review for appeal of a dangerous dog proceeding; **(18)** providing enhanced penalties upon the third conviction of certain violations; **(19)** deleting and reserving a section; **(20)** making certain other structural, grammatical and clarifying changes; **(21)** providing a penalty not to exceed $500; **(22)** providing a saving clause; **(23)** providing a severability clause; and **(24)** providing an effective date - Financing: This action has no cost consideration to the City

BACKGROUND

These ordinance changes will allow for Animal Care Services to become its own department; strengthen efforts to control unwanted pets in our community; assist with returning pets to their owners, and add additional tools for citizens to contain their animals on their properties.

BACKGROUND (continued)

The Quality of Life Committee and the Animal Advisory Commission have recommended the following changes to Chapter 2 and 7:

- Create a Department of Animal Care Services
- Create a Director position for Animal Care Services
- Include a process for municipal courts to dismiss certain citations if a citizen complies with the violation within a specific timeframe
- Require a Breeder Permit for dogs and cats with defined requirements to replace intact animal permits
- Require mandatory microchipping of all dogs and cats to replace pet registration
- Make it an offense to confine a dog or cat in an unattended motor vehicle if a trained peace officer or animal services officer determines that the animal is in physical distress
- Provide penalties for multiple convictions by an owner for the same animal within a consecutive 12-month period

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

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

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

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

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

FISCAL INFORMATION

This action has no cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 2, "Administration," and Chapter 7, "Animals," of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; creating the Department of Animal Care Services; creating a director for the department; providing duties for the director; amending the number of required meetings for the animal advisory commission; adding and clarifying definitions; retitling certain titles; providing a requirement to report likely rabies exposures; creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; providing notice requirements for impounded animals; providing a presumption of transfer of ownership for certain impounded animals; providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; replacing registration with mandatory microchipping; renaming the intact permit to breeding permit; amending breeding permit requirements; creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; amending the standard of review for appeal of a dangerous dog proceeding; providing enhanced penalties upon the third conviction of certain violations; deleting and reserving a section; making certain other structural, grammatical, and clarifying changes; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article XXIII, "Reserved," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"ARTICLE XXIII.
DEPARTMENT OF ANIMAL CARE SERVICES [~~RESERVED~~].

SEC[~~S~~]. 2-155. CREATED; DIRECTOR OF ANIMAL CARE SERVICES.

There is hereby created the department of animal care services of the city of Dallas, at the head of which shall be the director of animal care services who shall be appointed by the city manager. The department will be composed of the director of animal care services and other assistants and employees as the city council may provide upon recommendation of the city manager.

SEC. [~~THRU~~] 2-156. DUTIES OF THE DIRECTOR OF ANIMAL CARE SERVICES.

The director of animal care services shall perform the following duties:

(1) Supervise and administer the department of animal care services.

(2) Perform such other duties as may be required by the city manager or the city council."

SECTION 2. That Subsection (e) of Section 2-157, "Created; Membership; Meetings," of Article XXIV, "Animal Advisory Commission," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"(e) The commission must meet at least four [~~three~~] times a year and may hold additional meetings at the call of the chair."

SECTION 3. That Section 7-1.1, "Definitions," of Article I, "General," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-1.1. DEFINITIONS.

In this chapter:

(1) ADEQUATE SHELTER means a clean and sturdy structure large enough to allow the dog to stand erect, sit, turn around, and lie down in a normal manner.

(2) ADOPTER means a person who adopts an animal from an animal shelter or an animal adoption agency.

(3[~~2~~]) ADOPTION AGENCY means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

(4[~~3~~]) ANIMAL means any nonhuman vertebrate.

(5[~~4~~]) ANIMAL CARE SERVICES means the [~~division of the~~]department so designated by the director for the purpose of animal care and control and enforcement of this chapter.

(6[~~5~~]) ANIMAL CARE SERVICES OFFICER means an employee of animal care services whose duty it is to enforce the provisions of this chapter.

(7[~~6~~]) ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose [~~stray~~], diseased, or vicious animals.

(8[~~7~~]) ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

(9[~~8~~]) AUTHORIZED REGISTRAR means a person issued written permission by the director to register dogs and cats in compliance with this chapter.

(10[~~9~~]) CHIEF OF POLICE means the head of the police department of the city of Dallas or a designated representative.

(11[~~10~~]) COMPETITION CAT means a pedigreed cat not used for breeding that:

(A) is of a breed recognized by and registered with an approved cat breed registry, such as the American Cat Fanciers Association, the Cat Fanciers' Association, the International Cat Association, or any other cat breed registry approved by the director; and

(B) competes in cat shows or other competition events sponsored by an approved cat breed registry.

(12[~~11~~]) COMPETITION DOG means a pedigreed dog not used for breeding that:

(A) is of a breed recognized by and registered with an approved dog breed registry, such as the American Kennel Club, the United Kennel Club, the American Dog Breeders Association, or any other dog breed registry approved by the director; and

(B) shows or competes in a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other event sponsored by an approved dog breed registry.

(13) CONTACT INFORMATION means owner's name, mailing address, telephone number, and electronic mail address, if any.

(14[~~12~~]) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation, [~~or~~] deferred adjudication, or deferred disposition.

(15[~~13~~]) CURRENTLY VACCINATED means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

(A) not more than 12 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal's initial vaccination; or

(B) not more than 36 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received at least two vaccinations.

(16[~~14~~]) DIRECTOR means the director of the department of animal care services [~~designated by the city manager to perform the duties assigned in this chapter~~] or the director's authorized representative.

(17[~~15~~]) DOMESTIC ANIMAL means:

(A) livestock;

(B) a dog;

(C) a cat;

(D) a ferret;

(E) any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human's companion;

(F) any "pocket pet," such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;

(G) any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and

(H) any non-venomous and non- constrictor reptile or amphibian that is commonly kept as a human's companion.

(18[~~16~~]) EUTHANASIA means to put an animal to death in a humane manner.

(19[~~17~~]) FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:

(A) any animal confined within from escaping; or

(B) the head of a dog confined within from extending over, under, or through the fence.

(20[~~18~~]) FERAL CAT means any homeless, wild, or untamed cat.

(21[~~19~~]) LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

(22[~~20~~]) LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

(23) LOOSE means an unrestrained domestic animal that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.

(24[~~21~~]) MICROCHIP [~~IMPLANT~~] means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner.

(25[~~22~~]) ONE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year.

(26[~~23~~]) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

(27[~~24~~]) OWNER means any person owning, harboring, or having care, custody, possession, or control of an animal. An occupant of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of 17 years owns an animal, the parent, legal guardian, or head of the household is the owner for purposes of this chapter. There may be more than one owner for an animal.

(28[~~25~~]) PERMITTEE means a person issued a breeding [~~an intact animal~~] permit under Section 7-4.11 of this chapter.

(29[~~26~~]) PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

(30[~~27~~]) PET means a domestic animal to be kept as a human's companion.

(31[~~28~~]) PROHIBITED ANIMAL means:

(A) a "dangerous wild animal" as that term is defined in Section 822.101 of the Texas Health and Safety Code, as amended;

(B) a margay, badger, wolf, dingo, elephant, hippopotamus, rhinoceros, non-human primate (other than a spider monkey or capuchin), crocodile, alligator, caiman, gavial, venomous amphibian or reptile, racer, boa (other than a red-tail boa), water snake, python (other than a ball python), hawk, eagle, vulture, and owl; and

(C) any hybrid of an animal listed in Paragraph (A) or (B) of this subsection (other than a dog-wolf hybrid).

(32[~~29~~]) PROTECTIVE CUSTODY means the holding of an animal in a city animal shelter:

(A) due to the arrest, eviction, hospitalization, or death of the animal's owner;

(B) pursuant to a court order; or

(C) at the request of a law enforcement agency.

(33[~~30~~]) REGULATED ANIMAL means any [~~non-human~~] animal other than a prohibited animal or domestic animal.

(34[~~31~~]) RETAIL PET STORE means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

(35[3~~2~~]) SERVICE ANIMAL means:

(A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and

(B) any trained animal used by a governmental agency in police and rescue work.

[(~~33~~) ~~STRAY means an unrestrained domestic animal that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner~~.]

(36[~~34~~]) THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years."

SECTION 4. That Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is retitled "Animal Care Services; City Animal Shelters."

SECTION 5. That Section 7-2.4, "Quarantine of Animals," of Article II, "Animal Care Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-2.4. QUARANTINE OF ANIMALS.

(a) The director is authorized to quarantine an animal as provided in Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health under that chapter.

(b) Any person with knowledge of a likely rabies exposure to a human must report the incident to the director as soon as possible after the incident. This requirement does not apply to contact with low-risk animals as defined in 25 TAC §169.22.

(c) An owner of an animal commits an offense if, upon notification by the director that the animal has bitten, [~~or~~] scratched, or likely exposed a person to rabies, the owner fails to either:

(1) surrender the animal immediately to the director for quarantine at a city animal shelter;

(2) immediately deliver the animal to a veterinary clinic approved by the director for quarantine at the owner's expense; or

(3) quarantine the animal on the owner's property in a secure enclosure approved by the director."

SECTION 6. That Section 7-2.5, "Impoundment of Animals," of Article II, "Animal Care Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

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

(1) [~~any animal~~] in the city that is loose [~~not restrained by a tether or leash, fenced yard, or enclosed structure~~];

(2) [~~any animal~~] for protective custody;

(3) [~~any animal~~] required to be quarantined under Section 7-2.4;

(4) [~~any animal~~] seized pursuant to a warrant or court order;

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

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

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

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

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

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

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

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

SECTION 7. That Section 7-3.1, "Proper Restraint," of Article III, "Care and Treatment of Animals," of Chapter 7, "Animals," of the Dallas City Code is retitled "Loose Animals."

SECTION 8. That Subsection (a) Section 7-3.1, "Loose Animals," of Article III, "Care and Treatment of Animals," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(a) An owner [~~of an animal~~] commits an offense if the owner [~~he~~] fails to restrain the animal at all times in a fenced yard, in an enclosed pen or structure, or by a tether or leash."

SECTION 9. That Subsection (b) of Section 7-4.1, "Vaccination of Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(b) It is a defense to prosecution under Subsection (a) that:

(1) the dog or cat is [~~: (1)~~] under four months of age; [~~or~~]

(2) the dog or cat is unable to be vaccinated due to health reasons as verified by a licensed veterinarian; or

(3) the person charged produces to the court proof of vaccination from a licensed veterinarian showing the dog or cat was vaccinated at the time the citation was issued or not later than 20 days after the citation was issued."

SECTION 10. That Section 7-4.2, "Registration of Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-4.2. MICROCHIPPING [~~REGISTRATION~~] OF DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip[~~:~~

~~(1) the dog or cat is not currently registered with the city under this article;~~

~~(2) the dog or cat is not wearing a collar or harness with a current registration tag issued by the director or an authorized registrar securely attached to it; or~~

~~(3) the owner fails to show a current registration receipt and registration tag for the dog or cat upon request by the director or a peace officer~~].

(b) It is a defense to prosecution under Subsection (a) that:

(1) the dog or cat was under four months of age;

(2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization; [~~or~~]

(3) the owner of the dog or cat has resided in the city for fewer [~~less~~] than 30 days;

(4) the dog or cat qualifies for a medical exception from a licensed veterinarian;

(5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or

(6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.

(c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company [~~To obtain a registration receipt and registration tag for a dog or cat, the owner must present the dog's or cat's current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) to the director or an authorized registrar and pay to the director or authorized registrar the annual registration fee. No refund of the annual registration fee will be made~~].

(1) If the owner's contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.

(2) If the ownership of a dog or cat changes, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.

(3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued or the contact information was corrected and made current not later than 20 days after the citation was issued.

[~~(d) The annual registration fee is:~~

~~(1) $7 for a spayed or neutered dog or cat; and~~

~~(2) $30 for an unspayed or unneutered dog or cat; only an animal described in Section 7-4.10(b) may be registered as an unspayed or unneutered dog or cat.~~

~~(e) No fee is required for the registration of a dog or cat that is:~~

~~(1) used as a service animal; or~~

~~(2) spayed or neutered and owned by and residing with a person who is over 65 years of age, except that no more than three dogs, cats, or combination of dogs and cats may be registered under this paragraph.~~

~~(f) Upon presentation of a current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) and upon payment of the appropriate registration fee or submission of proof of exemption from the fee under Subsection (e), the director or authorized registrar will issue a registration receipt and registration tag to the owner that will be valid for one year after the date of issuance. The registration tag must indicate the year of registration, whether the animal is sterilized or unsterilized, and such other information as determined by the director.~~

~~(g) If the director does not receive payment of the initial registration fee for a dog or cat within 45 days after notifying the owner to register the dog or cat, a $10 late fee will be added to the registration fee. If the director does not receive an application for renewal of a registration within 45 days after the expiration of the registration, a $10 late fee will be added to the registration fee.~~

~~(h) The registration receipt and registration tag are specific to the animal for which they were issued and are not transferable to another animal.~~

~~(i) If a registration tag is lost or mutilated, a duplicate registration tag may be purchased from the director or an authorized registrar for a fee of $5~~]."

SECTION 11. That Subsection (b) of Section 7-4.10, "Restriction on Unsterilized Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(b) It is a defense to prosecution under Subsection (a) that:

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

(2) a licensed veterinarian <u>annually</u> certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(3) the animal is being held for sale by a retail pet store or <u>held</u> for adoption by animal services or an animal welfare organization;

(4) the animal is <u>certified annually</u> as a competition cat or competition dog;

(5) <u>the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued</u> [~~the animal is a service animal~~]; or

(6) the owner holds a valid <u>breeding</u> [~~intact animal~~] permit issued under Section 7-4.11 of this chapter for the animal."

SECTION 12. That Section 7-4.11, "Intact Animal Permit," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-4.11. BREEDING [~~INTACT ANIMAL~~] PERMIT.**

(a) A person commits an offense if he breeds or allows the breeding of a dog or cat without a valid breeding [~~intact animal~~] permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

(b) A[~~n~~] breeding [~~intact animal~~] permit may only be issued for a dog or cat:

(1) that is currently in compliance with the vaccination requirements of Section 7-4.1 of this chapter;

(2) that is currently in compliance with the microchipping [~~registration~~] requirements of Section 7-4.2 of this chapter;

(3) [~~that is injected with a microchip implant and registered with a national registry for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;~~]

that, not more than 90 days before the date of the breeding permit application, has been approved to breed by a licensed veterinarian; and

(4) whose owner:

(A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed; or

(B) holds a license as required by Texas Occupation Code, §802.101 for each facility owned or operated in the state [~~has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director~~].

(c) To obtain a[~~n~~] breeding [~~intact animal~~] permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual breeding [~~intact animal~~] permit fee of $100. The breeding [~~intact animal~~] permit application must include:

(1) the name, address, and telephone number of the applicant;

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat, including but not limited to, a photograph of the animal;

(4) proof that the animal is qualified for a[~~n~~] breeding [~~intact animal~~] permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section.

(d) A[~~n~~] breeding [~~intact animal~~] permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a $10 late fee will be added to the permit fee.

(e) A[~~n~~] breeding [~~intact animal~~] permit is not transferable.

(f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.

(g) It is a defense to prosecution under Subsection (f) that the permittee:

(1) received written authorization from the director under Subsection (h) of this section to allow the female dog or cat to have two litters during the permit term; and

(2) did not allow the female dog or cat to have more than the number of litters authorized by the director for the permit term.

(h) Upon request of a permittee, the director may, in writing, authorize the permittee to allow a permitted female dog or cat to have two litters during the permit term if the permittee establishes, according to regulations adopted by the director, that:

(1) having two litters during the permit term is required to:

(A) protect the health of the female dog or cat; or

(B) avert a substantial economic loss to the permittee; or

(2) previously in the permit term, the female dog's or cat's litter was euthanized or did not survive for other reasons.

(i) A permittee commits an offense if the permittee:

(1) allows the offspring of a female dog or cat for which he holds a[~~n~~] breeding [~~intact animal~~] permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;

(2) fails to keep a permitted dog or cat restrained pursuant to Section 7-3.1 of this chapter;

(3) fails to prominently display the breeding [~~intact animal~~] permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or

(4[~~3~~]) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

(A) include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;

(B) prominently display the breeding [~~intact animal~~] permit number on any sales receipt or transfer document;

(C) provide the breeding [~~intact animal~~] permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, microchipping [~~registration~~], and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(j) The director shall deny or revoke a[~~n~~] breeding [~~intact animal~~] permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the breeding [~~intact animal~~] permit application.

(k) If the director denies or revokes a[~~n~~] breeding [~~intact animal~~] permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays an action of the director in revoking the permit until the permit and license appeal board makes a final decision."

SECTION 13. That Section 7-4.12, "Duty to Locate Owners of Stray Dogs," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:"

"SEC. 7-4.12 DUTY TO LOCATE OWNERS OF LOOSE [~~STRAY~~] DOGS.

A person commits an offense if he takes possession of a loose [~~stray~~] dog in the city and knowingly fails to make, within 72 hours after taking possession, a reasonable effort to locate the dog's owner by:

(1) calling the telephone number listed on the dog's tags;

(2) taking the dog to a licensed veterinarian for a microchip, tattoo, or other identification screening and calling the owner identified through the screening;

(3) calling 311 to request that animal care services pick up the dog for identification screening and impoundment; or

(4) delivering the dog to the city's animal shelter for identification screening and impoundment."

SECTION 14. That Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended by adding a new Section 7-4.13, "Confinement of Dogs or Cats in Unattended Motor Vehicles," to read as follows:

"**SEC. 7-4.13. CONFINEMENT OF DOGS OR CATS IN UNATTENDED MOTOR VEHICLES.**

(a) A person commits an offense if he or she knowingly confines a dog or cat in an unattended motor vehicle for more than five minutes under conditions that, in the opinion of a trained peace officer, animal care services officer, or licensed veterinarian, endanger the health of the dog or cat due to extreme temperatures, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause the suffering, disability, or death of the dog or cat and as demonstrated by, but not limited to, the dog or cat's excessive drooling or panting, lethargic behavior, collapse, vomiting, or convulsions.

(b) A peace officer, animal care services officer, or licensed veterinarian may, after reasonably attempting to locate the dog or cat's owner, remove the dog or cat from the motor vehicle using any reasonable means, including breaking a window or lock. If professional services are required to remove the cat or dog from the vehicle, the owner is responsible for the cost of professional services. A peace officer, animal care services officer, or licensed veterinarian who removes a dog or cat from a motor vehicle in accordance with this section is not liable for any resulting property damage.

(c) This section does not create a cause of action for damages or enforcement of this section."

SECTION 15. That Section 7-5.4, "Appeals," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-5.4 APPEALS.

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

SECTION 16. That Section 7-8.2, "Additional Enforcement Provisions," of Article VIII, "Violations, Penalties, and Enforcement," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"**SEC. 7-8.2. ADDITIONAL ENFORCEMENT PROVISIONS.**

(a) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

(1) r[~~R~~]equire the person, at the person's expense, to attend a responsible pet ownership program approved by the director;[~~.~~]

(2) r[~~R~~]evoke any permit issued to the person under this chapter;[~~.~~]

(3) [~~Order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award the animal to the city.~~

~~(4) Suspend the person's right to own an animal in the city for a period of time as specified by the court.~~]

[~~(5)~~] r[~~R~~]equire the person to have any animal owned by the person spayed or neutered within a time period specified by the court; or[~~.~~]

(4[~~6~~]) i[~~I~~]mpose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10 or 7-4.11 of this chapter, a court may do one or more of the following:

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

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

SECTION 17. That Section 7-8.3, "Parent's Ultimate Responsibility," of Article VIII, "Violations, Penalties, and Enforcement," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-8.3 RESERVED. [~~PARENT'S ULTIMATE RESPONSIBILITY.~~

~~If an animal is owned by a minor, the parent or guardian of the minor is responsible for all actions required of an owner in this chapter and shall be liable for any violations of this chapter by the minor.~~]

SECTION 18. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 19. That Chapters 2 and 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 20. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 21. 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 22. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY:_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 11

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: 34 Y

SUBJECT

Authorize **(1)** an amendment to Resolution No. 14-1271, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, for the development of for sale townhomes, to extend deadlines to start construction, obtain building permits, meet the minimum investment requirements, obtain a Certificate of Occupancy, complete construction of the infrastructure improvements, complete construction of each phase of the project; and **(2)** execution of an operating and maintenance agreement for the Cedar Branch Townhomes Project - Financing: No cost consideration to the City

BACKGROUND

On August 13, 2014, City Council authorized a development agreement with Texas InTownHomes, LLC, to reimburse: (a) for providing affordable for sale housing units in accordance with the Mixed-Income Housing Guidelines for the Single Family Homes Pilot Program, in an amount not to exceed $5,010,000; (b) for eligible infrastructure improvement costs associated with the Cedar Branch Townhomes Project, in an amount not to exceed $2,888,366; and (c) funding, in an amount not to exceed $3,450,000 for the affordable for sale townhomes as per the Mixed-Income Housing Guidelines Pilot Program, which includes $150,000 per unit reimbursements to Texas InTownHomes, LLC upon sale to qualified buyers and the potential purchase of the affordable homes at $280,000 per unit by the City, if Texas InTownHomes, LLC is unable to sell, in accordance with Resolution No. 14-1271.

Per Section 12 of Resolution No. 14-1271, the project was required to meet certain deadlines. The resolution allows for a six-month extension for project deadlines upon recommendation of the Southwestern Medical TIF District Board of Directors and approval by the Director of the Office of Economic Development (the ("Director"). Texas InTownHomes, LLC submitted an initial request for a six-month extension for all project deadlines due to delays in receiving building permits. This delay was approved on December 16, 2015 by the Southwestern Medical District TIF District Board of Directors, approved by the Director, and extended all deadlines associated with the project by six months.

BACKGROUND (continued)

An additional twelve-month extension was authorized in June 2016 by City Council as the result of delays during the rezoning process.

The project is the first in the city to provide affordable for sale housing as part of the Tax Increment Financing (TIF) program. The developer is required to build a bridge, pursuant to City Council Resolution No. 14-1273, to connect areas south of the Cedar Branch Creek to employment areas surrounding the Parkland Medical Hospital and the Southwestern Medical District/Parkland DART Light Rail Station to the north. The townhomes project has been delayed due to reopening the Planned Development to approve changes in street distance for Hawthorne Avenue and Bengal Street, per the approved conceptual plans. This required discussions with neighborhood groups which caused a delay in zoning consideration. City Council approved this zoning request in late May 2016. A twelve-month extension was approved to assist the developer to cover any further delays and initial phases of construction.

The developer is requesting a twelve-month extension to complete the process. In requesting the extension, the developer has agreed to construct the bridge concurrent with the townhomes. Previously the bridge was to be built within one year following the final Certificate of Occupancy of the townhomes.

Based on the timing of the necessary permits required before construction can start and the redesign of the bridge construction, the developer is now requesting an additional twelve-month extension of all contractual dates in the resolution. The Southwestern Medical TIF District Board of Directors supports this request.

ESTIMATED PROJECT SCHEDULE

Begin Project	June 2018
Complete Project	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Ten (the “Southwestern Medical TIF District”), City of Dallas, Texas (hereinafter referred to as the “Zone”) and established a Board of Directors for the Zone to promote development or redevelopment in the Zone, pursuant to Ordinance No. 25965, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, V.T.C.A. (the “Act”); as amended.

On January 11, 2006, City Council authorized the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan pursuant to Ordinance No. 26204; as amended.

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

On June 4, 2014, the Southwestern Medical TIF District Board of Directors reviewed the proposed Cedar Branch Townhomes Project and the Cedar Branch Bridge Project and recommended City Council authorize development agreements with Texas InTownHomes, LLC.

On August 13, 2014, City Council authorized development agreements with Texas InTownHomes, LLC, to reimburse eligible project costs related to the land acquisition, bridge construction and other infrastructure improvements associated with the Cedar Branch Bridge and Townhomes by Resolution Nos. 14-1271, 14-1272, 14-1273, and 14-1274.

On June 22, 2016, City Council authorized amendments to Resolution Nos. 14-1271 and 14-1272 previously approved on August 13, 2014 to: (1) extend deadlines to start construction for the Cedar Branch Townhomes Project from December 31, 2015 to June 30, 2017 and to complete construction in two phases from December 31, 2019 to June 30, 2021; and (2) extend the construction deadlines for the construction of the bridge and its associated public improvements from December 31, 2019 to June 30, 2021 by Resolution Nos. 16-1058 and 16-1059. All other requirements will remain in full force and effect.

On April 11, 2017, the Southwestern Medical District TIF District Board of Directors approved and forwarded a recommendation of approval to City Council for a one-year extension of the project deadline to: (a) extend the Project Phase 1 completion deadlines from June 30, 2019 to June 30, 2020; (b) extend the Project Phase II improvement construction completion deadlines from June 30, 2021 to June 30, 2022; and (c) modify the requirements for the bridge.

The Economic Development Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

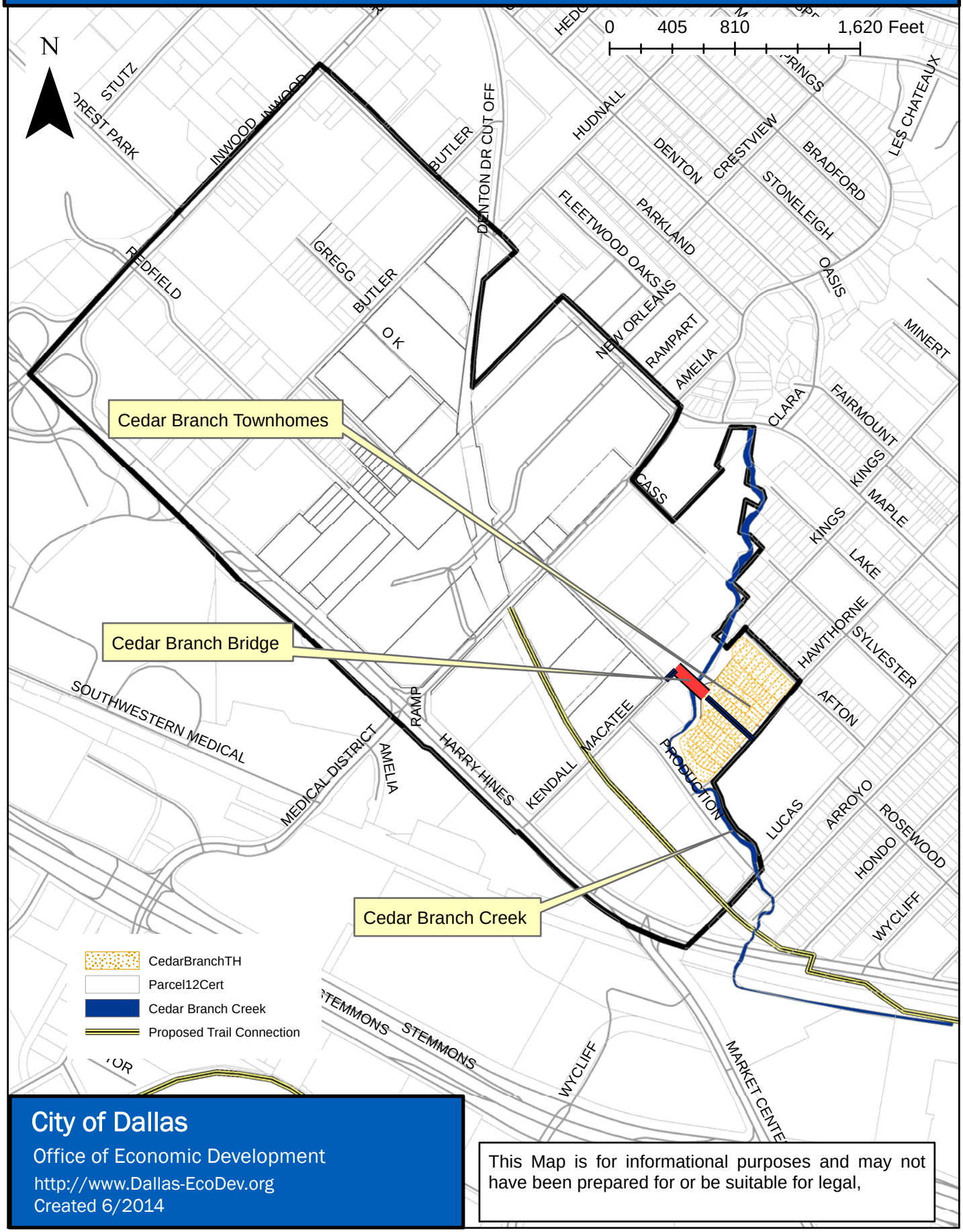
Texas InTownHomes, LLC

Frank Liu, Manager

MAP

Attached

Cedar Branch Townhomes Project
Southwestern Medical TIF District



City of Dallas

Office of Economic Development
http://www.Dallas-EcoDev.org
Created 6/2014

This Map is for informational purposes and may not have been prepared for or be suitable for legal,

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on April 27, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Ten (the "Southwestern Medical TIF District"), City of Dallas, Texas (hereinafter referred to as the "Zone") and established a Board of Directors for the Zone to promote development or redevelopment in the Zone pursuant to Ordinance No. 25965, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, V.T.C.A. (the "Act"); and

WHEREAS, on January 11, 2006, City Council authorized the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan pursuant to Ordinance No. 26204, as amended; and

WHEREAS, on October 24, 2007, City Council authorized the establishment of the Southwestern Medical TIF District Grant Program by Resolution No. 07-3150, as amended; and

WHEREAS, on December 10, 2008, City Council authorized an amendment to the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27433; and

WHEREAS, on October 14, 2009, City Council authorized an amendment to the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27704; and

WHEREAS, on June 4, 2014, the Southwestern Medical TIF District Board of Directors reviewed the proposed Cedar Branch Bridge and Townhomes Project and recommended City Council authorize development agreements with Texas InTownHomes, LLC; and

WHEREAS, on August 13, 2014, City Council authorized development agreements with Texas InTownHomes, LLC, to reimburse eligible project costs related to the land acquisition, bridge construction and other infrastructure improvements associated with the Cedar Branch Bridge and Townhomes Projects by Resolution No. 14-1271; and

WHEREAS, the creation of additional residential and retail development in the core of the Southwestern Medical 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 Southwestern Medical TIF District; and

WHEREAS, in furtherance of the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Southwestern Medical 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 a connectivity bridge for promoting a walkable neighborhood near Production Drive and Hawthorne Avenue in the Southwestern Medical TIF District; and

WHEREAS, on December 16, 2015, the Southwestern Medical TIF Board approved a six-month deadline extension for all project deadlines pursuant to Section 12 of Resolution No. 14-1271; and

WHEREAS, on May 20, 2016, the Southwestern Medical TIF District Board of Directors reviewed the current status of the Project and recommended an additional extension of project deadlines; and

WHEREAS, on June 22, 2016, City Council authorized amendments to Resolution Nos. 14-1271, 14-1272, 14-1273, and 14-1274, previously approved on August 13, 2014, to: (1) extend the construction start deadlines for the Cedar Branch Townhomes project from December 31, 2015 to June 30, 2017 and to complete construction in two phases from December 31, 2019 to June 30, 2021; and (2) extend the construction deadlines for the construction of the bridge and its associated public improvements from December 31, 2019 to June 30, 2021 by Resolution Nos. 16-1058 and 16-1059; and

WHEREAS, on April 11, 2017, the Southwestern Medical District TIF District Board of Directors approved and forwarded a recommendation of approval to City Council for a one-year extension of the project deadline to: (a) extend the Project Phase 1 completion deadlines from June 30, 2019 to June 30, 2020; (b) extend the Project Phase II improvement construction completion deadlines from June 30, 2021 to June 30, 2022; and (c) modify the developers' obligations regarding the bridge.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign and execute amendments to the development agreement with Texas InTownHomes, LLC, approved as to form by the City Attorney, as follows:

SECTION 1. (continued)

Section 12 of Resolution No. 14-1271 is amended as follows:

I. Begin construction by ~~June 30, 2017~~ June 30, 2018;

II. Build a minimum of 100 townhomes with a minimum 200,000 square feet for residential use in two phases by the end of ~~June 30, 2021~~ June 30, 2022;

VI. Invest a minimum of $25,000,000 for property acquisition cost (entire site) and hard and soft costs related to the construction of Cedar Branch Townhomes by ~~June 30, 2021~~ June 30, 2022;

VII. Complete Phase I by ~~June 30, 2019~~ June 30, 2020 and Phase II by ~~June 30, 2021~~ June 30, 2022;

IX. A portion of the existing Floodway Management Area will need to be abandoned by City Council Ordinance to construct a developer built retaining wall for erosion control, hike and bike trail, and portions of the townhomes. Once the abandonment is authorized by council, the Developer has one year (June 30, 2019) to execute an Operating and Maintenance (O&M) Agreement for the Hike and Bike trail and, complete the infrastructure improvements associated with the Cedar Branch Townhomes Project, and obtain a final Certificate of Acceptance for 50 townhomes by the Mobility and Street Services Department by ~~June 30, 2019~~ June 30, 2020;

X. Execute an operating and maintenance agreement for the public infrastructure improvements associated with the project by ~~June 30, 2019~~ June 30, 2020, for a period of 20 years (~~2019-2039~~ 2020-2040);

SECTION 2. That the City Manager is hereby authorized to sign and execute an operating and maintenance agreement with Texas InTownHomes, LLC, approved as to form by the City Attorney, for the Cedar Branch Townhomes Project.

SECTION 3. That with the exception of the Sections above, all other requirements of Resolution Nos. 14-1271 and 14-1272 will remain in full force and effect.

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

AGENDA ITEM # 12

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: 34 Y

SUBJECT

Authorize amendments to Resolution No. 14-1273, previously approved on August 13, 2014, which approved a Tax Increment Financing development agreement with Texas InTownHomes, LLC, to incorporate additional requirements for the construction of a bridge, a hike and bike trail system, and a retaining wall - Financing: No cost consideration to the City

BACKGROUND

On August 13, 2014, City Council authorized a development agreement with Texas InTownHomes, LLC, to provide reimbursement for eligible project costs related to the land acquisition, bridge construction and other infrastructure improvements associated with the Cedar Branch Bridge Project, in an amount not to exceed $826,500, by Resolution No. 14-1273 and a resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District), to reimburse Texas InTownHomes, LLC up to $826,500 for TIF-eligible project costs pursuant to the development agreement by Resolution No. 14-1274. Per Section 6 of Resolution 14-1273, the project was required to complete construction of the bridge and its associated public improvements by December 31, 2019.

Resolution No. 14-1273 allows for a six-month extension upon recommendation of the Southwestern Medical TIF District Board of Directors and approval by the Director of the Office of Economic Development (the ("Director"). Texas InTownHomes, LLC submitted a request for a six-month extension for all project deadlines due to delays in acquiring the necessary parcel of land required to start construction of the bridge. The extension was approved on December 16, 2015 by the Southwestern Medical TIF District Board of Directors, approved by the Director, and extended the deadlines to complete construction of the bridge and its associated public improvements to June 30, 2020. An additional twelve-month extension was approved in June 2016 by City Council as the result of delays during the rezoning process.

BACKGROUND (continued)

Cedar Branch bridge will connect areas south of the Cedar Branch Creek to employment areas surrounding the Parkland Medical Hospital and the Southwestern Medical District/Parkland DART Light Rail Station to the north. The project has been delayed due to:

- The bridge, originally requiring the developer to buy additional property for the proposed bridge from the adjacent owner, had to be reconfigured. During the extension, the parties were unable to come to an agreement. Thus, the developer has requested to use current City right-of-way only for the bridge's construction. This requires redrawing the construction plans.

- The project requires an abandonment of the floodway management area which city staff has asked be approved prior to construction. The abandonment is needed for the project to construct the bridge, a retaining wall for erosion control, and a hike and bike trail. A portion of the townhomes require the abandonment as some units' accessibility is currently located in the floodway management area.

In requesting the extension for the completion of the townhomes, the developer has agreed to construct the bridge concurrent with the townhomes. Previously the bridge was to be built within one year following the final Certificate of Occupancy (CO) of the townhomes. The developer has also agreed to build and dedicate the bridge to the City. The trail will have open access to the public and will be built to city standards. The developer will also be required to maintain the bridge, the retaining wall and the bike and hike trail for a minimum of 20 years. The developer plans to transfer such obligations to a home owner's association (HOA) upon completion, for the entirety of the operating and maintenance agreement. Developer will establish an HOA following the construction of the townhomes. Until the establishment of the HOA, the Developer will be obligated for all requirements of the Operating and Maintenance (O&M) Agreement.

The developer is not requesting any extension of the deadlines for the Cedar Branch Bridge. It will be built based on existing deadlines, approved by the extension in June 2016. The Southwestern Medical TIF District Board of Directors supports this request.

An amendment to the prior resolution is needed to clarify the necessary requirements to reimburse the bridge's costs with TIF funds. Following the approval by council, the developer and city staff will coordinate final design of the bridge. A development agreement will be executed between the City and the Developer to oversee the construction of the bridge. A final inspection by city staff will be required to qualify for reimbursement by TIF funds. Once accepted by city staff, the bridge will be open to the public for access and use.

ESTIMATED PROJECT SCHEDULE

Initiated acquisition process	December 2014
Complete Construction	June 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District) and established a Board of Directors for the District in accordance with the Tax Increment Financing Act, as amended, to promote development or redevelopment in the Southwestern Medical TIF District area through use of tax increment financing by Ordinance No. 25965.

On January 11, 2006, City Council authorized the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan pursuant to Ordinance No. 26205.

On October 24, 2007, City Council authorized the establishment of the Southwestern Medical TIF District Grant Program by Resolution No. 07-3150.

On December 10, 2008, City Council authorized an amendment to the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27433.

On October 14, 2009, City Council authorized an amendment to the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 27704.

On August 13, 2014, City Council authorized a development agreement with Texas InTownHomes, LLC, to reimburse eligible project costs related to the land acquisition, bridge construction and other infrastructure improvements associated with the Cedar Branch Bridge Project, in an amount not to exceed $826,500, Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District) - Not to exceed $826,500 by Resolution Nos. 14-1273 and 14-1274.

On December 16, 2015, the Southwestern Medical TIF Board approved a six month deadline extension for all project deadlines pursuant to a provision in the resolution.

On May 20, 2016, the Southwestern Medical TIF District Board of Directors reviewed the current status of the Project and recommended an additional extension of project deadlines.

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

On June 22, 2016, City Council approved Resolution Nos. 16-1058 and 16-1059, authorizing amendments to Resolution Nos. 14-1271, 14-1272, 14-1273, and 14-1274, previously approved on August 13, 2014, to extend the construction start deadlines for the Cedar Branch Townhomes project from December 31, 2015 to June 30, 2017 and to complete construction in two phases from December 31, 2019 to June 30, 2021 by Resolution No. 16-1058 and extend the construction deadlines for the construction of the bridge and its associated public improvements from June 30, 2020 to June 30, 2021 by Resolution 16-1059. All other requirements will remain in full force and effect.

On April 11, 2017, the Southwestern Medical District TIF District Board of Directors approved and forwarded a recommendation of approval to City Council changes to previously approved Resolution No. 16-1059 regarding the bridge and its associated public improvements.

The Economic Development Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

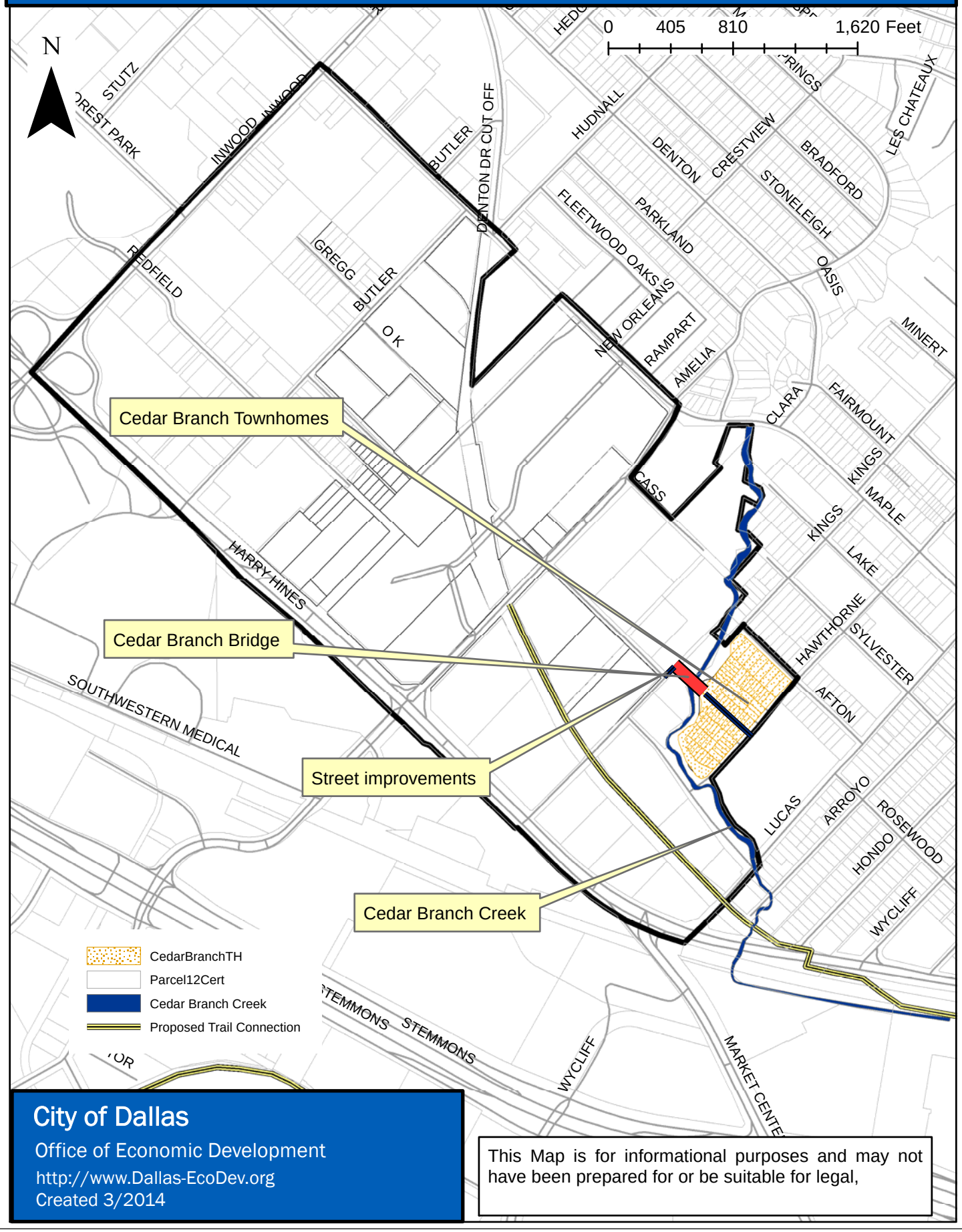
Texas InTownHomes, LLC

Frank Liu, Manager

MAP

Attached

Cedar Branch Bridge Project
Southwestern Medical TIF District



City of Dallas

Office of Economic Development
http://www.Dallas-EcoDev.org
Created 3/2014

This Map is for informational purposes and may not have been prepared for or be suitable for legal,

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on April 27, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Ten (the "Southwestern Medical TIF District"), City of Dallas, Texas (hereinafter referred to as the "Zone") under the Tax Increment Financing Act as amended and established a Board of Directors for the Zone to promote development or redevelopment in the Zone pursuant to Resolution No. 05-1361; Ordinance No. 25965, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, V.T.C.A. (the "Act"); and

WHEREAS, on January 11, 2006, City Council authorized an ordinance approving the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan and authorized a participation agreement with Dallas County for the Southwestern Medical TIF District pursuant to Resolution No. 06-0129; Ordinance No. 26204, as amended; and

WHEREAS, on October 24, 2007, City Council authorized the establishment of the Southwestern Medical TIF District Grant Program; authorized an Amended and Restated Development Agreement with Worthing at Motor, L.P.; and authorized the Southwestern Medical TIF District Board of Directors to dedicate an additional $330,000, plus grant in lieu of interest, from Southwestern Medical TIF revenues in accordance with the development agreement by Resolution No. 07-3150; and

WHEREAS, on December 10, 2008, City Council authorized an ordinance amending Ordinance Nos. 25965, previously approved on April 27, 2005 and Ordinance No. 26204, previously approved on January 11, 2006 to increase the geographical area of the Southwestern Medical TIF District to include the area bounded by Harry Hines Boulevard, Inwood Road and Maple Avenue and the area bounded by Production Drive, Hawthorne Avenue and Afton Street (excludes the single-family houses at the corner of Hawthorne Avenue and Afton Street) by Resolution No. 08-3394; Ordinance No. 27433; and

WHEREAS, on October 14, 2009, City Council authorized an ordinance amending Ordinance Nos. 25965, 26204 and 27433, previously approved by the City Council on April 27, 2005, January 11, 2006 and December 10, 2008 respectively, by Resolution No. 09-2559; Ordinance No. 27704; and

WHEREAS, on June 4, 2014, the Southwestern Medical TIF District Board of Directors reviewed the proposed Cedar Branch Bridge Project and recommended City Council authorize a development agreement with Texas InTownHomes, LLC; and

WHEREAS, on August 13, 2014, City Council authorized a development agreement with Texas InTownHomes, LLC, to provide reimbursement for providing affordable for sale housing units; eligible infrastructure improvement costs associated with Cedar Branch Townhomes Project and intent to purchase the affordance townhomes and receive proceeds from the sale of the affordable townhomes to qualified buyers in accordance with the Southwestern Medical TIF District Project Financing Plan and Southwestern District Grant Program by Resolution No. 14-1271; and a resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District), to reimburse Texas InTownHomes, LLC, in an amount not to exceed $7,898,366, for construction of affordable housing and certain infrastructure improvements pursuant to the development agreement with Texas InTownHomes, LLC by Resolution No.14-1272; and

WHEREAS, the creation of additional residential and retail development in the core of the Southwestern Medical 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 Southwestern Medical TIF District; and

WHEREAS, in furtherance of the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Southwestern Medical 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 a connectivity bridge for promoting a walkable neighborhood near Production Drive and Hawthorne Avenue in the Southwestern Medical TIF District; and

WHEREAS, on December 16, 2015, the Southwestern Medical TIF Board approved a six month deadline extension for all project deadlines pursuant to Section 12 of Resolution No. 14-1273; and

WHEREAS, on May 20, 2016, the Southwestern Medical TIF District Board of Directors reviewed the current status of the Project and recommended an additional extension of project deadlines for twelve months; and

WHEREAS, on June 22, 2016, City Council authorized amendments to Resolution No. 14-1271–previously approved on August 13, 2014, to: (1) extend the construction start deadlines for the Cedar Branch Townhomes project from December 31, 2015 to June 30, 2017 and to complete construction in two phases from December 31, 2019 to June 30, 2021 by Resolution No. 16-1058; and amendment to Resolution No. 14-1273, previously approved on August 13, 2014, which authorized a TIF development agreement with Texas InTownHomes, LLC; and to (2) extend the construction deadlines for the construction of the bridge and its associated public improvements from June 30, 2020 to June 30, 2021, by Resolution No.16-1059; and

WHEREAS, on April 11, 2017, the Southwestern Medical District TIF District Board of Directors approved and forwarded a recommendation of approval to City Council for a one-year extension of the project deadline to (a) extend the Project Phase 1 completion deadlines from June 30, 2019 to June 30, 2020; (b) extend the Project Phase II improvement construction completion deadlines from June 30, 2020 to June 30, 2021; and (c) modify the developer's obligations regarding the bridge.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend Resolution No. 14-1273, approved as to form by the City Attorney, as follows:

a. Section 1 is hereby amended as follows:

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 Southwestern Medical TIF District, in an amount not to exceed $826,500 to provide funding for TIF-eligible project costs as shown in Exhibit C. These costs include, but are not limited to ~~land acquisition,~~ design, engineering, construction management, construction, and professional services; street, utility, streetscape, and other public improvements; environmental remediation; for the Cedar Branch Bridge Project to implement the Southwestern Medical TIF District Project Plan and Reinvestment Zone Financing Plan and the Southwestern Medical TIF Board of Directors may therefore pledge or dedicate future TIF revenues in satisfaction of this agreement.

b. Section 6 is deleted in its entirety and replaced with the following:

SECTION 1. (continued)

Section 6. That in addition to the conditions set out in the Sections below and above, payment of the TIF subsidy is hereby expressly made subject to all of the following contingencies which must be performed or occur:

I. Design and construct a public bridge, a hike and bike trail, and a retaining wall for erosion control, and any non-standard public improvements (collectively referred to as the "Project Improvements"). A flood plain map depicting the location of these Project Improvements is attached hereto as **Exhibit A**.

II. Obtain review and approval from the Director of Park and Recreation Department and the Chief Arborist for the location, all design plans, construction documents and specifications for the hike and bike trail.

III. Obtain review and approval by the Mobility and Street Services Department (MSS) for all design plans, construction documents and specifications for the public bridge.

IV. Obtain review and approval from MSS, Office of Economic Development (OED), Real Estate Department, the Dallas Citydesign Studio, the Park and Recreation Department, and Trinity Watershed Management for all design plans, construction documents and specifications for the retaining wall and any additional nonstandard public improvements.

V. Construct the Project Improvements in conformance to the approved plans.

VI. Comply with the Business Inclusion and Development ("BID") goal of twenty-five percent for the TIF reimbursable improvements.

VII. Execute an operating and maintenance agreement (the "O&M") by June 30, 2018, in a form acceptable to the City. Said O&M shall provide for Developer's obligation to maintain the bridge, the hike and bike trail and any nonstandard public improvements. Developer would like to establish a homeowner's association (HOA) to assign the O&M obligations. City shall not be obligated to accept said assignment unless Developer establishes the HOA no later than two-years from the approval of the final plat and Developer has filed in the Dallas County Public Deed Records the appropriate HOA declarations and restrictive covenants (collectively "declarations") that run with the development and include the bridge, the hike and bike trail and any nonstandard public improvements as common areas, solely for operation and maintenance purposes.

SECTION 1. (continued)

If Developer never establishes the HOA, Developer shall be obligated to operate and maintain the said improvements; said obligation shall run with the land. If the HOA or any future assignee fails to maintain the bridge, the hike and bike trail or any nonstandard public improvements, the Developer shall be responsible for such maintenance, which shall run with the land.

VIII. The O&M shall provide that Developer shall maintain the bridge, the hike and bike trail and any nonstandard public improvements for a period of a minimum of twenty (20) years from the date of completion. Developer shall ensure that the HOA declarations provide that all improvements, regardless of if they are dedicated to the City, are part of the common area solely for maintenance obligations. The declaration shall acknowledge that the improvements are owned by the City and that the HOA has no property interest in the dedicated improvements.

IX. The maintenance obligations shall be conveyed per a Covenants, Conditions, and Restrictions document(s) which shall run with each townhome lot for all homes located in the Cedar Branch townhomes project; the townhomes project is identified in Resolution No. 14-1271.

X. Participate in ongoing progress meetings with MSS, OED, the Real Estate Department, the Dallas Citydesign Studio, the Park and Recreation Department, and Trinity Watershed Management.

XI. Complete a post construction audit to show the total project investment of a minimum of $826,500, such investment shall not include costs associated with the retaining wall. The following costs shall **not** be included in the definition of investment: developer fees, legal fees, marketing fees, leasing commissions, furniture/fixture/equipment costs, construction material testing costs, permit/inspection fees, builder's risk insurance, property insurance during construction, consultant fees, construction financing fees, construction loan principal or interest or any other debt service payment, construction loan closing costs, carrying or other similar costs (e.g. interest costs on land; maintenance costs on land; ad valorem taxes, etc.), or operating deficits through stabilization and other similar costs.

XII. Obtain an abandonment, by ordinance, for a portion of the existing floodway management area (FMA) for use by the adjacent Cedar Branch townhomes, developer construction of a retaining wall for erosion control, developer construction of an access way to the townhomes, and construction of the Cedar Branch bridge. The FMA abandonment shall be conditioned upon the City's acceptance of the O&M agreement.

SECTION 1. (continued)

XIII. Bridge construction will be via a private/three-way contract and an inspector will be assigned to assure City standards are followed. If funded by public funds, it will be managed/overseen by the City's Engineering Department and the OED.

XIV. During the construction process, Developer shall be subject to review by the assigned inspector(s) from MSS to review the bridge during construction.

XV. Complete construction of the Project Improvements and obtain final approval from the City by June 30, 2022, in order to be eligible for TIF reimbursement.

XVI. Upon acceptance of the bridge by the City, Developer shall dedicate the bridge to the City for public use (at no cost).

XVII. Upon acceptance by the MSS department, Developer shall open the bridge and the hike and bike trail for public access. The bridge, hike and bike trail and any nonstandard public improvements shall be open to the public in accordance with City Code Sec.32-9.1, as amended (Hours of Closure for Public Park and Park Amenities).

XVIII. The final plat shall denote the new FMA boundaries, location of the hike and bike trail, location of the bridge, the location of the retaining wall, and include appropriate plat notes regarding the common area character of the bridge, the hike and bike trail and any nonstandard public improvements, and respectively, the O&M obligations by the developer or developer's assignee, including but not limited to a developer established HOA.

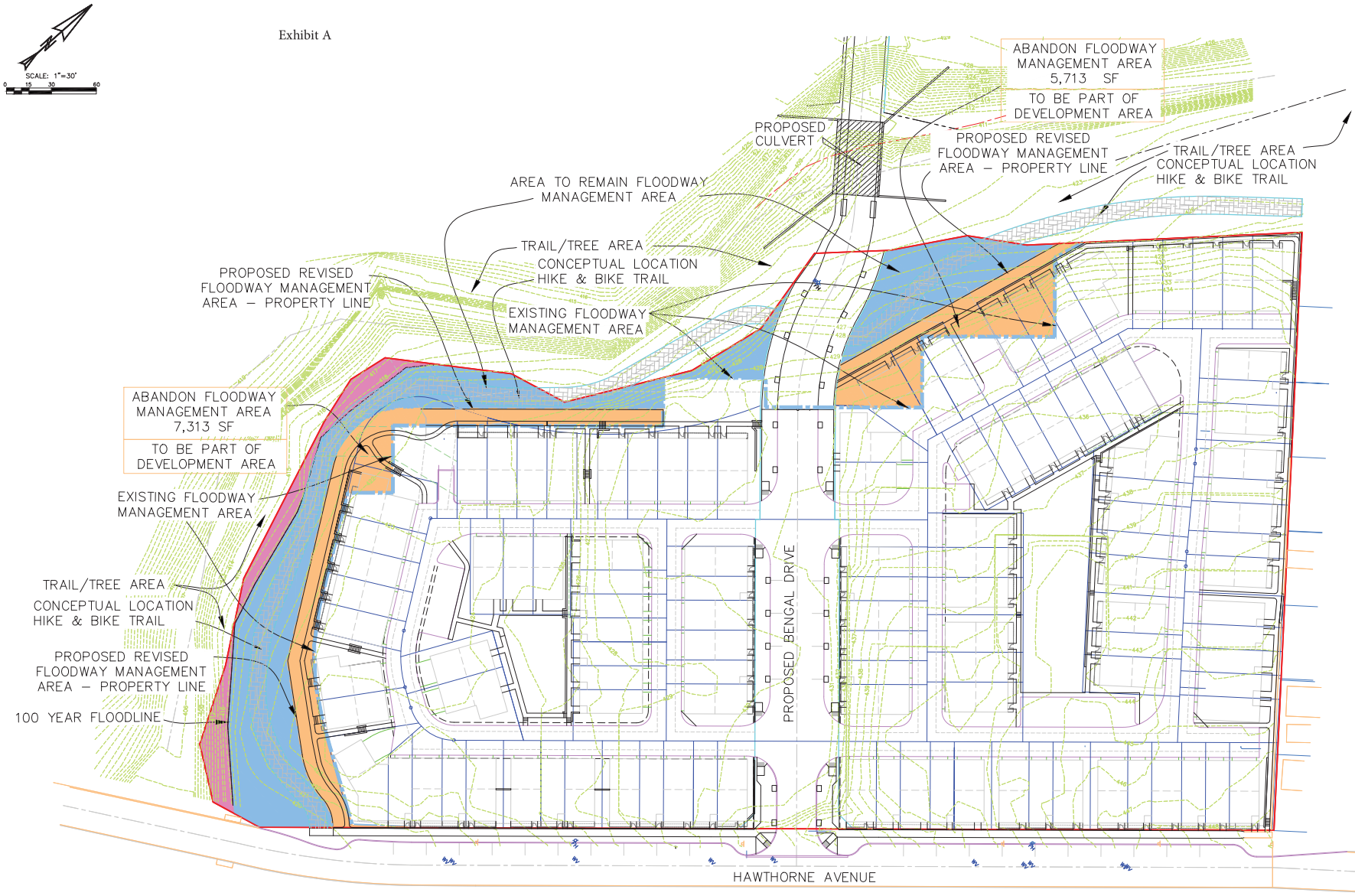
XIX. Submit quarterly project status reports to the Office of Economic Development staff (see Exhibit E for format). The first status report is due on September 14, 2017.

c. Section 8 is deleted in its entirety.
d. Exhibit C is hereby deleted and attached is a substitution for Exhibit C.

SECTION 2. That with the exception of the amendments to the sections above, all other requirements of Resolution No. 14-1273 will remain in full force and effect.

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

Exhibit A



PROPOSED FLOODWAY MANAGEMENT AREA ABANDONMENT AND CONCEPTUAL HIKE & BIKE TRAIL

S145–061 CEDAR BRANCH TOWNHOME ADDITION
DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT C
Cedar Branch Bridge
Public Improvements

Cedar Branch Bridge Public Improvement Cost	
~~Acquisition Costs~~	~~$100,000~~
	~~$566,500~~
Infrastructure cost	$666,500
Architects/Engineers/Consultants Total	$100,000
Legal & Accounting	$10,000
Soft cost and contingency	$50,000
	$826,500

Note: Maximum recommended TIF funding for the Cedar Branch Bridge is $826,500. $This is an estimate of total public improvement costs. Costs may be moved between categories based on actual expenditure, as long as total TIF reimbursement does not exceed $826,500. No interest shall accrue on any portion of the TIF subsidy.

AGENDA ITEM # 13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: 35 Q R U V

SUBJECT

Authorize **(1)** a public hearing to be held on June 28, 2017, to receive comments concerning the renewal of the Knox Street Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, ("the Act") for the specified area of the District, 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 public hearing **(2)** a resolution approving renewal of the District for seven years, approval of the District's Service Plan for 2018-2024, and correction of certain misstatements in the petition - Financing: No cost consideration to the City

BACKGROUND

On June 23, 2010, the Knox Street Public Improvement District (KSPID) was created and started operating on January 1, 2011. This will be the first renewal for the KSPID. The area is located in Council District 14.

On June 14, 2017, City Council will be asked to consider a resolution calling for a public hearing regarding the renewal of the KSPID to be held on June 28, 2017.

On April 3, 2017, the Knox Street Improvement District Corporation submitted petitions requesting the renewal of the KSPID and approval of the service plan for a period of seven years with an effective date of January 1, 2018. The staff reviewed the proposed Service Plan, verified the petitions, and found the creation plan to be viable and recommended approval.

The public improvement district (PID) is outlined in the following ways:

A. **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District.

BACKGROUND (continued)

The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.

B. **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The petition misstated both the first assessment year and the proposed amount. The first year of assessment is 2018 (not 2016) and the proposed amount is $297,513 (not $374,321). This amount is approximately equal to $0.15 per $100.00 of appraised value, as determined by the Dallas Central Appraisal District. If appraised values rise such that an assessment rate equal to the amount of $0.15 per $100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in the petition, subject to the appropriations set forth in the petition.

C. **Estimated Cost; No Bonded Indebtedness.** During the seven year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately $181,897 to $1,042,996 annually. Based on the estimated maximum cost of improvements and services, the seven year total assessment collection requested by the District shall not exceed a collective total of $2,269,332 (which is the sum of gross assessment revenue over the next seven years). In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount for the services and improvements to be provided for the year in which the property is assessed. The District shall not incur bonded indebtedness.

D. **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the 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.

BACKGROUND (continued)

The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to Public Improvement District (PID) assessment.

E. **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.

F. **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.

G. **District Management. The management entity was misstated in the petition, the District will be managed by Knox Street Public Improvement District Corporation and not Alliance for Greater Works**. Knox Street Public Improvement District Corporation is a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and annually approve the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act.

H. **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.

I. **District Dissolution.** The District shall automatically dissolve on December 31, 2024, unless renewed or dissolved through the Petition and approval process as provided by the Act. Additionally, a public hearing may be called for the purpose of dissolving the District if a petition requesting dissolution is filed with the Dallas City Secretary and the Petition contains the signatures of at least enough property owners in the District to make the petition sufficient for the creation of a public improvement district as provided in Section 372.005(b) of the “Act.”

BACKGROUND (continued)

If the District is dissolved, the District nonetheless shall remain liable for the payment of any indebtedness for the District.

J. **Request for District Renewal.** The persons signing this Petition request or concur with the renewal of the District and, if approved by the owners of the designated area, the boundaries and request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to renew the District, authorize the improvements and services described herein, levy the necessary assessments to pay for the improvements and services and take any additional actions required under the Act for the benefit of the District.

K. **PID Assessment Collection Budget Projection.** Exhibit B which is attached to the resolution, is a projection of annual PID assessment collection over the seven year service plan. If the total PID collection is less than the annual budgeted amount, the management entity, KSPID, can:

- use discretion to re-allocate PID revenues to best service property owners and residents within the PID area. No budget category may be adjusted by more than 20 percent of projected amount.
- use funds in the contingency category for other expenditures.

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- be permitted to carry over up to 20 percent of the funds budgeted for Area Improvements or Capital Improvements to the following year to account for delays or cost adjustments, provided that the cumulative seven-year total for each category is not exceeded as a result of such carry-over.
- reduce the amount of the assessment in the following year to absorb the over-collection, or
- return the funds to the property owners, or
  submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2018 to 2024). Pending approval, actual operations in the District will commence next year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized the creation of the KSPID for a seven-year period by Resolution No.10-1670.

On September 14, 2016, City Council authorized the assessment rate for 2017, by Resolution No. 16-1499; Ordinance No. 16-1499.

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

The Economic Development Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

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

WHEREAS, the Knox Street Public Improvement District was created on June 23, 2010, and started operating from January 1, 2011. This will be the first renewal; and

WHEREAS, on June 1, 2016, Knox Street Improvement District Corporation, representing owners of real property located within the Knox Street Public Improvement District area, delivered to the City of Dallas a petition to renew the Knox Street Public Improvement District (the "District") in accordance with Chapter 372 of the Texas Local Government Code, and 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, pursuant to Section 372.007 of the Act, the City staff, with the assistance of the District property owner representatives, verified the petitions, evaluated the creation service plan to determine whether the services should be made as described by the proposed service plan and found the plan to be feasible; 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 District, which intends to levy a special assessment against each property owner 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 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 28, 2017, 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 renewal of the District, with boundaries as described by **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the Petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way in the amounts described by **Exhibit B**.

SECTION 2. That certain misstatements in the petition have been identified and are corrected herein. The petition misstated both the first assessment year and the proposed amount. The first year of assessment is 2018 (not 2016) and proposed amount is $297,513 (not $374,321). The petition also misstated the management entity. The District will be managed by Knox Street Public Improvement District Corporation and not Alliance for Greater Works.

SECTION 3. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

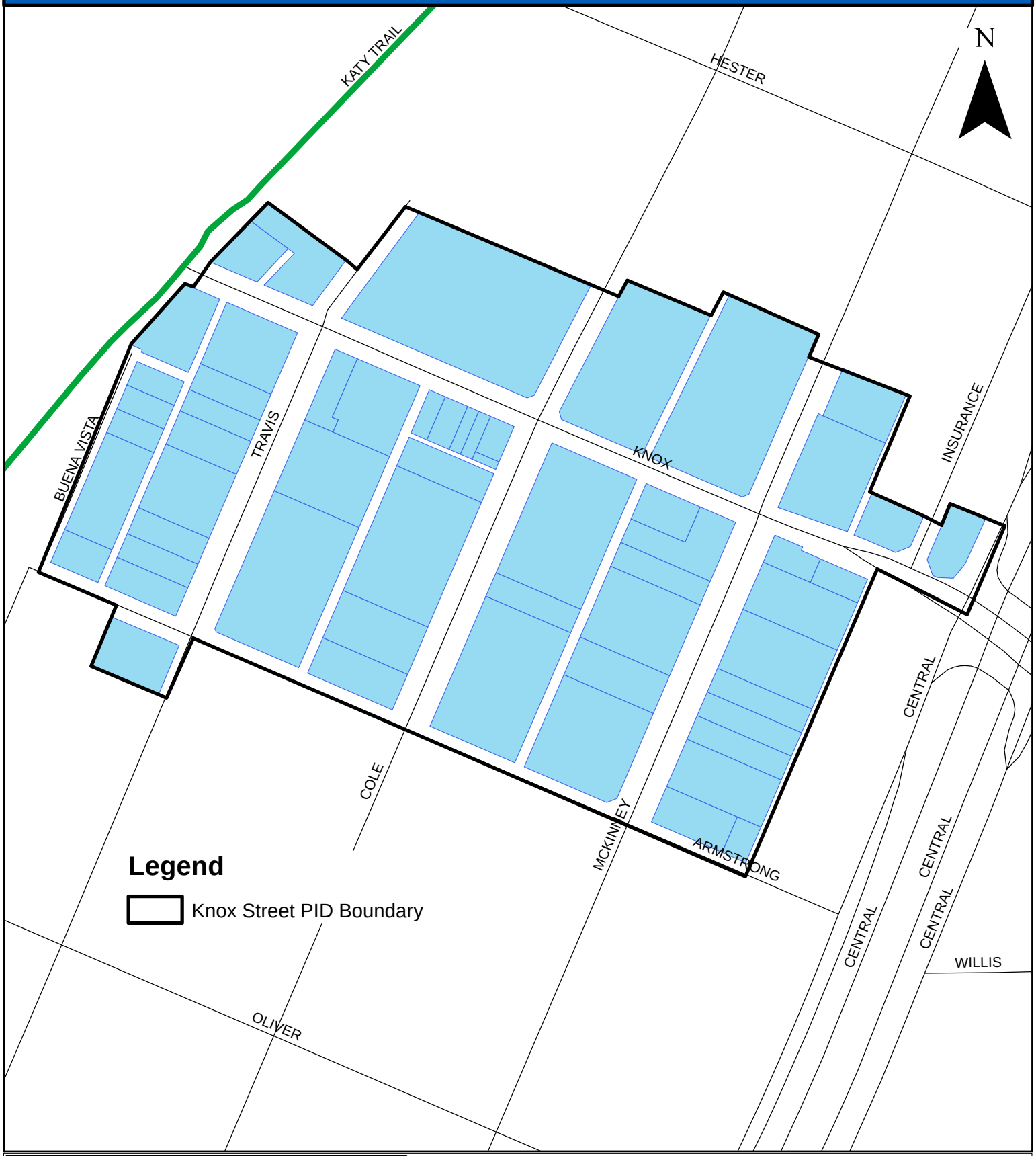
SECTION 4. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

SECTION 5. That after the close of the public hearing, City Council may consider a resolution approving the renewal of the District; authorizing the District to levy a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way, to fund the improvements and supplemental services; approving the District's Service Plan for calendar years 2018-2024; designating the Knox Street Improvement District Corporation as the Management entity of the District; and providing an effective date.

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

Knox Street PID



City of Dallas

Office of Economic Development

http://www.Dallas-EcoDev.org

Created 04/2010

Knox Street Public Improvement District - 7 Year Service Plan (for renewal effective 1/1/2018)

Initial Draft Plan as of 2/16/2017

	2017 Budget		2018 Forecast*		2019 Forecast*		2020 Forecast*		2021 Forecast*		2022 Forecast*		2023 Forecast*		2024 Forecast*	
INCOME																
Carryover Fund Balance From Previous Year	$ 632,473		$ 735,038		$ (14,962)		$ (14,962)		$ (14,962)		$ (14,962)		$ (14,962)		$ (14,962)	
Gross Assessment Revenue	$ 288,847 (1)(2)		$ 297,513		$ 306,438		$ 315,631		$ 325,100		$ 334,853		$ 344,899		$ 344,899	
Interest	$ -		$ -		$ -		$ -		$ -		$ -		$ -		$ -	
PID Oversight Charge from City**	$ (4,385)		$ (4,517)		$ (4,652)		$ (4,792)		$ (4,935)		$ (5,083)		$ (5,236)		$ (5,236)	
Net Assessment Revenue	$ 284,462		$ 292,996		$ 301,786		$ 310,839		$ 320,165		$ 329,770		$ 339,663		$ 339,663	
TOTAL INCOME & RESERVES	$ 916,935		$ 1,028,034		$ 286,824		$ 295,878		$ 305,202		$ 314,807		$ 324,700		$ 324,700	
EXPENSES																
Capital Improvements (3)	$ 25,000	3%	$ 897,565	87%	$ 152,715	53%	$ 158,020	53%	$ 163,483	54%	$ 169,111	54%	$ 169,111	52%	$ 169,111	52%
Public Safety and Security (4)	$ 46,350	5%	$ 47,741	5%	$ 49,173	17%	$ 50,648	17%	$ 52,167	17%	$ 53,732	17%	$ 55,344	17%	$ 0	0%
Marketing & Promotion (5)	$ 85,000	9%	$ 86,827	8%	$ 88,709	31%	$ 90,647	31%	$ 92,643	30%	$ 94,700	30%	$ 96,818	30%	$ (723)	0%
PID Renewal Fee (7)	$ 15,000	2%	$ -	0%	$ -	0%	$ -	0%	$ -	0%	$ -	0%	$ -	0%	$ -	0%
Insurance & Audit	$ 10,399	1%	$ 10,711	1%	$ 11,033	4%	$ 11,364	4%	$ 11,704	4%	$ 12,056	4%	$ 12,417	4%	$ 0	0%
Administrative (6)	$ 148	0%	$ 152	0%	$ 157	0%	$ 161	0%	$ 166	0%	$ 171	0%	$ 176	0%	$ 0	0%
TOTAL EXPENSES	$ 181,897		$ 1,042,996		$ 301,786		$ 310,840		$ 320,164		$ 329,770		$ 333,867		$ 168,389	
Current Net Income (2)	$ 102,565	11%	$ (750,000)	-73%	$ 0	0%	$ (0)	0%	$ 0	0%	$ (0)	0%	$ 5,796	2%	$ 171,274	53%
TOTAL CARRYOVER FUNDS AT YEAR END	$ 735,038		$ (14,962)		$ (14,962)		$ (14,962)		$ (14,962)		$ (14,962)		$ (9,166)		$ 156,312	

(1) 2017 Assessments are proposed to be set at the maximum rate of $0.15 per $100 of taxable value.

(2) 2017 Budget Revenues are based on 2016 certified tax roll with a 10% reduction applied for potential protest and refunds.

(3) Carryover funds will be used to fund capital improvement projects such as (but not limited to) gateway markers, streetscape improvements and/or in conjunction with Knox Complete Streets (and related feasibility study costs). 2018 Capital Improvements reflects anticipated spend of majority of carryover from prior years to complement Knox Complete Streets (but may be separate project from Complete Streets).

(4) Security includes private security patrol, off-duty police, camera and related security systems equipment and monitoring.

(5) Website, marketing, social media, branding, banners,special events and Christmas lights

(6) Printing, mailing, notice, legal, audit and miscellaneous adminstrative expenses.

(7) Payment to City of Dallas upon successful renewal of PID.

(Z) Actual Revenues (ie Cash Basis) in these years. Future years are on a tax year basis.

(*) Subject to successful renewal in 2017.

(**) PID Oversight Charges: Starting in 2016, includes $2.75 per account fee.

AGENDA ITEM # 14

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Fair Housing

CMO: Raquel Favela, 670-3309

MAPSCO: N/A

SUBJECT

Authorize an amendment to **(1)** the Interlocal Agreement with the University of Texas at Arlington (UTA) to establish a subrecipient agreement between the City of Dallas and UTA; and **(2)** the Memorandum of Understanding (MOU) between the City of Dallas and other U.S. Department of Housing and Urban Development entitlement jurisdictions participating in the regional effort to establish (a) Subrecipient Agreements with those entities that will pay their pro-rata share of the cost of the Regional Assessment of Fair Housing (RAFH) with Community Development Block Grant funds; and (b) Interlocal Agreements with those entities that will pay their pro-rata share of the RAFH with Public Housing federal funds previously approved on December 14, 2016 by Resolution No. 16-1987 - Financing: No cost consideration to the City

BACKGROUND

This amendment is being done to ensure compliance with HUD regulations as required when federal dollars are utilized to pay for services.

On December 14, 2016, City Council authorized an Interlocal Agreement with the University of Texas at Arlington (UTA) to conduct the Regional Assessment of Fair Housing. City Council also authorized a Memorandum of Understanding with twenty-one other jurisdictions to participate in the Regional Assessment of Fair Housing. The City of Dallas agreed to serve as lead agency including receiving payments for participating jurisdictions and Public Housing Authorities. Some of the cities and jurisdictions are utilizing federal funds to pay their portion of the cost of the study. The original agreement did not include HUD provisions to allow the use of federal funds. This amendment allows the RAFH to continue moving forward to meet the required submission deadline to HUD by January 4, 2018. Failure to submit the RAFH could potentially delay the City's and participating jurisdictions' ability to receive Consolidated Plan grant funds.

BACKGROUND (continued)

This action, if approved, will authorize the City of Dallas to designate UTA as a subrecipient of the City of Dallas and incorporate HUD provisions applicable to subrecipients for the purpose of providing services associated with development of the RAFH. Additionally, this action will authorize the City of Dallas to establish Subrecipient Agreements with HUD entitlement jurisdictions participating in the regional effort that will pay their pro-rata share of the cost of the Regional Assessment of Fair Housing (RAFH) with Community Development Block Grant funds, and Interlocal Agreements with those entities that will pay their pro-rata share of the cost of the RAFH with Public Housing funds. Contracts will be amended to ensure monitoring and inclusion of all HUD requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 16, 2016, City Council authorized the Interlocal Agreement with the University of Texas at Arlington and a Memorandum of Understanding with other U.S. Department of Housing and Urban Development entitlement jurisdictions by Resolution No. 16-1987.

Information about this item will be provided to the Housing Committee on June 5, 2017.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

WHEREAS, the U.S. Department of Housing and Urban Development issued its new rule on Affirmatively Furthering Fair Housing in July of 2015; and

WHEREAS, HUD'S new rule requires each entitlement jurisdiction that receives federal funds to conduct an Assessment of Fair Housing prior to the development of the Five Year Consolidated Plan; and

WHEREAS, HUD encourages regional collaboration between entities in the same region to develop a Regional Assessment of Fair Housing; and

WHEREAS, on December 14, 2016, City Council authorized for the City of Dallas to serve as lead agency in a collaboration of HUD entitlement jurisdictions, enter into an Interlocal Agreement with the University of Texas at Arlington to conduct the study at a cost of $734,430, and enter into a Memorandum of Understanding with entities that are participating and pay their pro-rata share of the cost of the study by Resolution No. 16-1987; and

WHEREAS, some of the cities and jurisdictions are utilizing federal funds to pay their portion of the cost of the study; and

WHEREAS, amending the original agreements to include HUD provisions to allow the use of federal funds for entities that are participating to pay their pro-rata share of the cost of the study.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend **(1)** the Interlocal Agreement with the University of Texas at Arlington (UTA) to establish a subrecipient agreement between the City of Dallas and UTA; and **(2)** the Memorandum of Understanding (MOU) between the City of Dallas and other HUD entitlement jurisdictions participating in the regional effort to establish (a) Subrecipient Agreements with those entities that will pay their pro-rata share of the cost of the Regional Assessment of Fair Housing (RAFH) with Community Development Block Grant funds; and (b) Interlocal Agreements with those entities that will pay their pro-rata share of the cost of the RAFH with Public Housing federal funds, 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 # 15

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 46T

SUBJECT

Authorize an agreement with HHF Eban Village I & II, LLC, the owner of the Eban Village Apartments located at 2710 Jeffries Street to amend the pre-existing Walker & HOME Deed Restrictions impressed for the benefit of the City upon the Property to include **(1)** the rider provision required by the U.S. Department of Housing and Urban Development (HUD) for owner to refinance the first lien loan with third-party, Federal Housing Administration-insured mortgage refinancing; and **(2)** to agree to subordinate the current deed restrictions only to the extent as described in the HUD rider - Financing: No cost consideration to the City

BACKGROUND

On September 25, 1995, City Council authorized a loan to Southfair Community Development Corporation funded by HUD's HOME Investment Partnerships Program in the amount of $440,005 (the "Loan") for development of the 2710 Jeffries Street (The "Property"). The Loan term extended 15 years with 0 percent interest forgivable 1/15th each year the project remained in compliance with program policies and guidelines.

The Loan to Southfair Community Development Corporation matured on September 25, 2011 and the lien was released by Instrument No. 20140088242. The Loan's terms required that Walker & HOME Deed Restrictions be imposed on the Property to secure the affordability period of 20 years from the date the improvements to the Property were completed. A Certificate of Occupancy for the improvements were issued on October 24, 1997, commencing the 20-year deed restriction period. HHF Eban Village I & II, LLC (Owner) is the subsequent owner bound by the deed restrictions attached to the Warranty Deed executed and recorded as Instrument No. 201300324166.

BACKGROUND (continued)

The Owner is obtaining Federal Housing Administration-insured mortgage loan pursuant to Section 223(f) of the National Housing Act, which provides for improvements and the long-term stability of the Property. To complete financing, the Owner has requested the City agree to amend the existing deed restrictions to include the HUD-required rider Exhibits A and B.

This action will authorize the City Manager to amend the Walker & HOME Deed Restrictions to (1) include the rider provision required by HUD; and (2) subordinate the Deed Restrictions to the extent required by the HUD rider.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 1995, City Council approved a development loan to Southfair Community Development Corporation funded by HUD's HOME Investment Partnerships Program in the amount of $440,005 to finance improvements to the HHF Eban Village Apartments located at 2710 Jeffries Street that included terms consistent with HUD regulations governing loans of HOME Funds by Resolution No. 95-3610.

The Housing Committee will be briefed by memorandum regarding this matter on June 5, 2017.

FISCAL INFORMATION

No cost consideration to the City.

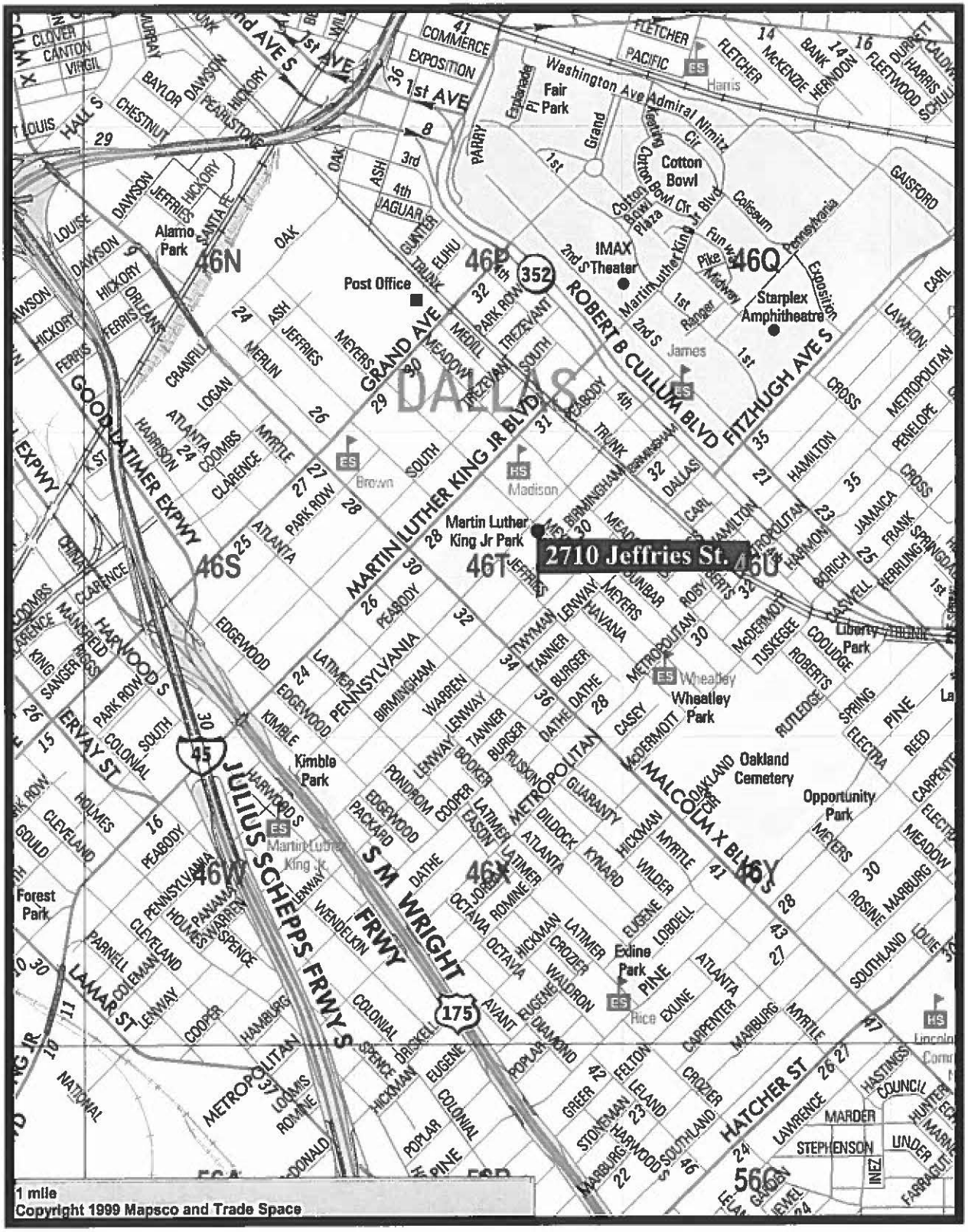
OWNER/DEVELOPER

HHF EBAN VILLAGE I & II, LLC

Alvin Johnson, President

MAP

Attached


2710 Jeffries St.
Martin Luther King Jr Park
DALLAS
GRAND AVE
ROBERT B CULLUM BLVD
FITZHUGH AVE S
MARTIN LUTHER KING JR BLVD
GOODLATIMER EXPWY
JULIUS SCHEPPS FRWY S
S M WRIGHT FRWY
MALCOLM X BLVD
HATCHER ST
Cotton Bowl
Fair Park
Alamo Park
Post Office
IMAX Theater
Starplex Amphitheatre
Oakland Cemetery
Opportunity Park
Wheatley Park
Kimble Park
Exline Park
Forest Park
Liberty Park
Brown
Madison
Harris
James
Martin Luther King Jr.
Rice
Lincoln
46N
46P
46Q
46S
46T
46U
46W
46X
46Y
56G
1 mile
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MAPSCO 46T

June 14, 2017

WHEREAS, the City of Dallas seeks to preserve decent affordable housing and a suitable living environment; and

WHEREAS, on September 25, 1995, City Council approved a development loan (the "Loan") to Southfair Community Development Corporation funded by the U.S. Department of Housing and Urban Development (HUD)'s HOME Investment Partnerships Program in the amount of $440,005 to finance improvements to the Eban Village Apartments located at 2710 Jeffries Street that included terms consistent with HUD regulations governing loans of HOME Funds by Resolution No. 95-3610; and

WHEREAS, the Loan terms required that Walker & HOME Deed Restrictions (Deed Restrictions) be impressed on the Property to secure the affordability for a period of 20 years from the date the improvements to the Property were completed; and

WHEREAS, HHF Eban Village I & II, LLC (Owner) is a successor in interest to the Property; and

WHEREAS, the terms of the Loan were satisfied and the lien was released by Instrument No. 20140088242; and

WHEREAS, the Deed Restrictions remain in place according to their terms for the benefit of the City; and

WHEREAS, Owner is refinancing the property and has requested an amendment of the Deed Restrictions to include a rider provision required by HUD is substantially the form attached hereto as Exhibits A and B to approve mortgage insurance pursuant to Section 223(f) of the National Housing Act, as amended.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an agreement with HHF Eban Village I & II, LLC, the owner of the Eban Village Apartments located at 2710 Jeffries Street to amend the pre-existing Walker & HOME Deed Restrictions impressed for the benefit of the City upon the Property to include **(1)** the rider provision required by the U.S. Department of Housing and Urban Development (HUD) owner to refinance the first lien loan with third-party, Federal Housing Administration-insured mortgage refinancing; and **(2)** to agree to subordinate the current deed restrictions only to the extent as described in the HUD rider.

SECTION 2. That this resolution does not make or imply any endorsement, approval, or other representation regarding any loan or other financial commitment regarding Owner or the Property nor does it authorize the City to incur any obligations or liability as a result of amendment to the Deed Restrictions.

SECTION 3. That this resolution shall not authorize any action inconsistent with the Deed Restrictions for the remainder of their terms.

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

RECORDING REQUESTED BY

Exhibit A

Michael Decina
Kantor Taylor Nelson Evatt & Decina PC
901 Fifth Ave, Suite 4000
Seattle, WA 98164

WHEN RECORDED RETURN TO:

Leslie F. Dominy
Greystone Funding Corporation
419 Belle Air Lane
Warrenton, VA 20186

FIRST AMENDMENT TO
DEED RESTRICTIONS

Eban Village Phase I Apartments
(Walker & HOME)

THIS FIRST AMENDMENT TO DEED RESTRICTIONS (this "**Amendment**") is made and entered into as of _____, 2017, by and between HHF EBAN VILLAGE I & II, LLC, a Texas limited liability company (the "**Owner**") and the CITY OF DALLAS, TEXAS (the "**City**").

W I T N E S S E T H:

WHEREAS, Eban Village I, LTD. ("**Eban**") and City entered into that certain document titled Deed Restrictions executed as of September 25, 1996, and recorded on September 25, 1996, in the Official Records of Dallas County (the "**Records**") as Document Number 001890117 (the "**Restrictions**") relating to the multi-family rental housing development known as Eban Village (the "**Project**") located on the real property described in Exhibit "A" attached hereto and made a part hereof;

WHEREAS, Eban provided the Restrictions in favor of City in exchange for financial assistance from City;

WHEREAS, Owner is the successor-in-interest to Eban under the Restrictions;

WHEREAS, Owner is obtaining a mortgage loan (the "**FHA Loan**") in the approximate amount of [Thirteen Million Six Hundred Thousand and 00/100 Dollars ($13,600,000)] from Greystone Funding Corporation, a Virginia corporation ("**Lender**") to be secured by a Multifamily Deed of Trust, Assignment of Leases and Rents, and Security Agreement (Texas) (the "**Mortgage**"), which FHA Loan shall be insured by the U.S. Department of Housing and

Urban Development Federal Housing Administration ("**HUD**") pursuant to Section 207, pursuant to Section 223(f) of the National Housing Act, as amended;

WHEREAS, in accordance with Section IV of the Agreement, HUD requires that the Agreement be made subordinate to the Mortgage as a condition of insuring the FHA Loan; and

WHEREAS, City wishes to consent to this Amendment.

NOW, THEREFORE, City and the Owner hereby agree as follows:

Section 1. Definitions. Unless otherwise defined, capitalized terms used herein shall have the meanings assigned to them in the Declaration.

Section 2. HUD Requirements. The Agreement is hereby amended to add Section XIII, as follows:

"XIII

HUD Requirements. The HUD Rider to Restrictive Covenants, attached hereto as Exhibit "B", is incorporated by reference into the Declaration for such time as the Project is subject to a mortgage, deed of trust or security instrument insured or held by the Secretary of Housing and Urban Development ("**HUD**"), or its successors or assigns."

Section 3. HUD Rider to Restrictive Covenants. Exhibit "B" attached hereto is hereby added to the Declaration as Exhibit "B".

Section 4. Reaffirmation of Restrictions. City and the Owner each hereby reaffirms each of the provisions of the Declaration and confirms that the Declaration, as amended, and each of the terms and provisions thereof shall remain in full force and effect for the term thereof.

Section 5. Execution of Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[Signatures on following pages]

IN WITNESS WHEREOF, City and the Owner have executed this First Amendment to Deed Restrictions by duly authorized representatives, all as of the date first above written.

CITY:

CITY OF DALLAS, TEXAS

By: _____

Name: _____

Its: _____

STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on this _____ day of _____, 2017, by _____ the _____ of _____ on behalf of said corporation.

_____
Notary Public, State of Texas

(Seal)

[Signatures continued on the following page]

Owner Signature Page to First Amendment to Deed Restrictions.

OWNER:

HHF EBAN VILLAGE I & II, LLC,
a Texas limited liability company

By: Hope Housing Foundation, a Texas nonprofit corporation, its Managing Member

By: _____
Alvin Johnson, Director

STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on this _____ day of May, 2017, by Alvin Johnson, the Director of Hope Housing Foundation, a Texas nonprofit corporation, the managing member of HHF EBAN VILLAGE I & II, a Texas limited liability company, on behalf of said company.

_____
Notary Public, State of Texas

(Seal)

EXHIBIT A

Description of Real Property

TRACT 1:
Lot 20A, Block 2/1357 of Eban Village Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 97026, Page 1747, Map Records, Dallas County, Texas.

TRACT 2:
Lot 20A, Block 5/1358 of Eban Village II, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 2001023, Page 00023, Map Records, Dallas County, Texas.

TRACT 3:
Lot 1B, Block 2/1357 of Eban Village V, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 2001201, Page 98, Map Records, Dallas County, Texas.

TRACT 4:
Non-exclusive Easement Estate created and defined by that Agreement and Declaration of Covenants and Easements dated September 8, 2000, by and between Eban Village I, Ltd. and Eban Village II, Ltd., filed September 8, 2000, recorded in Volume 2000175, Page 7967, Deed Records, Dallas County, Texas.

EXHIBIT B

HUD Rider to Restrictive Covenants

"EXHIBIT B
HUD RIDER TO DEED RESTRICTIONS"

This Rider to Restrictive Covenants ("**Rider**") is made as of _____, 2017, by HHF EBAN VILLAGE I & II, LLC, a Texas limited liability company (the "**Owner**"), and THE CITY OF DALLAS, TEXAS ("**City**").

WHEREAS, the Owner has obtained financing from Greystone Funding Corporation, a Virginia corporation (the "**Lender**") for the benefit of the project known as Eban Village (the "**Project**"), which loan is secured by a Multifamily Deed of Trust, Assignment of Leases and Rents, and Security Agreement (Texas) ("**Security Instrument**") dated as of May 1, 2017, and recorded in the Records of Dallas County, Texas (the "**Official Records**") concurrently with the amendment to which this Rider is attached, and is insured by the United States Department of Housing and Urban Development ("**HUD**");

WHEREAS, Owner's predecessor-in-interest received HOME funds from City and, as a condition thereof, executed and delivered that certain document titled Deed Restrictions executed as of September 25, 1996, and recorded on September 25, 1995, in the Official Records of Dallas County as Document Number 001890117 in favor of City (the "**Restrictive Covenants**").

WHEREAS, HUD requires as a condition of its insuring Lender's financing to the Project, that the lien and covenants of the Restrictive Covenants be subordinated to the lien, covenants, and enforcement of the Security Instrument; and

WHEREAS, City has agreed to subordinate the Restrictive Covenants to the lien of the Mortgage Loan in accordance with the terms of this Rider.

NOW, THEREFORE, in consideration of the foregoing and for other consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

(a) In the event of any conflict between any provision contained elsewhere in the Restrictive Covenants and any provision contained in this Rider, the provision contained in this Rider shall govern and be controlling in all respects as set forth more fully herein.

(b) The following terms shall have the following definitions:

"HUD" means the United States Department of Housing and Urban Development.

"HUD Regulatory Agreement" means the Regulatory Agreement between Owner and HUD with respect to the Project, as the same may be supplemented, amended or modified from time to time.

"HUD-FHA Requirements" means (i) the Mortgage Loan Documents, including without limitation, the Security Instrument, the HUD Regulatory Agreement, and (ii) Program Obligations.

"Lender" means Greystone Funding Corporation, a Virginia corporation, its successors and assigns.

"Mortgage Loan" means the mortgage loan made by Lender to the Owner pursuant to the Mortgage Loan Documents with respect to the Project.

"Mortgage Loan Documents" means the Security Instrument, the HUD Regulatory Agreement and all other documents required by HUD or Lender in connection with the Mortgage Loan.

"National Housing Act" means the National Housing Act of 1934, as amended.

"Program Obligations" has the meaning set forth in the Security Instrument.

"Residual Receipts" has the meaning specified in Program Obligations.

"Security Instrument" means the mortgage or deed of trust from Owner in favor of Lender, as the same may be supplemented, amended or modified.

"Surplus Cash" has the meaning specified in the HUD Regulatory Agreement.

(c) Notwithstanding anything in the Restrictive Covenants to the contrary, Owner covenants that it will not take or permit any action that would result in a violation of the HUD-FHA Requirements or Restrictive Covenants. In the event of any conflict between the provisions of the Restrictive Covenants and the provisions of the HUD-FHA Requirements, HUD shall be and remains entitled to enforce the HUD-FHA Requirements. Notwithstanding the foregoing, nothing herein limits the City's ability to enforce the terms of the Restrictive Covenants, provided such terms do not conflict with statutory provisions of the National Housing Act or the regulations related thereto. The Owner represents and warrants that to the best of Owner's knowledge the Restrictive Covenants impose no terms or requirements that conflict with the National Housing Act and related regulations.

(d) [Intentionally deleted]

(e) Owner and City acknowledge that Owner's failure to comply with the covenants provided in the Restrictive Covenants does not and shall not serve as a basis for default under the HUD Requirements, unless a default also arises under the HUD Requirements.

(f) Except for the City's reporting requirement, in enforcing the Restrictive Covenants the City will not file any claim against the Project, the Mortgage Loan proceeds, any reserve or deposit required by HUD in connection with the Security Instrument or HUD Regulatory Agreement, or the rents or other income from the property other than a claim against:

i. Available Surplus Cash, if the Owner is a for-profit entity;

ii. Available distributions of surplus cash and residual receipts authorized for release by HUD, if the Owner is a limited distribution entity; or

iii. Available Residual Receipts authorized by HUD, if the Owner is a non-profit entity.

(g) For so long as the Mortgage Loan is outstanding, Owner and City shall not further amend the Restrictive Covenants, with the exception of clerical errors or administrative correction of non-substantive matters, without HUD's prior written consent.

(h) Subject to the HUD Regulatory Agreement, the City may require the Owner to indemnify and hold the City harmless from all loss, cost, damage and expense arising from any claim or proceeding instituted against City relating to the subordination and covenants set forth in the Restrictive Covenants, provided, however, that Owner's obligation to indemnify and hold the City harmless shall be limited to available surplus cash and/or residual receipts of the Owner.

(i) [Intentionally omitted].

AGENDA ITEMS # 16,17,18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 61 A-R X Y; 61 B-J N; 71 A-B

SUBJECT

Authorize Project Specific Agreements with Dallas County for Three Projects

* Authorize a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road - Financing: No cost consideration to the City

* Authorize **(1)** rescinding Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds; **(2)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway; **(3)** the receipt and deposit of funds from Dallas County in an amount not to exceed $700,000; and **(4)** an increase in appropriations in an amount not to exceed $700,000 in the Capital Projects Reimbursement Fund - Not to exceed $700,000 - Financing: Capital Projects Reimbursement Funds

* Authorize **(1)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382; **(2)** reprogramming of available funds from Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project ($1,050,000) for Camp Wisdom Road from Carrier Parkway to FM 1382 project; and **(3)** payment to Dallas County for the City's share of design and construction costs - Not to exceed $1,300,000 - Financing: 2006 Bond Funds ($600,000) and Capital Projects Reimbursement Funds ($700,000)

BACKGROUND

Merrifield Road from east of Mountain Creek Parkway to Ledbetter Drive Extension/Grady Niblo Road, Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway, and Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 (FM 1382) are three partnership projects between the City of Dallas and Dallas County that were selected by Dallas County's Major Capital Improvements Program (MCIP) Second and Fifth Call for Projects. This action will authorize a Project Specific Agreement with Dallas County for the Merrifield Road project, and the Camp Wisdom Road project as well as reprogram available funds to the Camp Wisdom Road project. This action will also authorize rescinding Resolution No. 05-0130, previously authorized by City Council on January 12, 2005, and release encumbered funds and to authorize a new project specific agreement with Dallas County for the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project.

Dallas County was originally planned to be the lead agency administering the design and construction for the Merrifield Road and Ledbetter Drive Extension/Grady Niblo Road projects. However, due to uncertainty regarding future development and community opposition from the impacted property owners, project limits for both projects were modified during the preliminary design process. In order to expedite the projects in support of active private development, the City took over and administered the construction of both projects. The estimated project costs for the modified Merrifield Road project and the Ledbetter Drive Extension/Grady Niblo Road projects are $500,000 and $2,100,000, respectively. Project costs for these two projects are to be shared 50/50 between the City and Dallas County.

Camp Wisdom Road from Carrier Parkway to FM 1382 was submitted by the City of Grand Prairie and selected by Dallas County's MCIP Fifth Call for Projects. One third of the project limits is located within the city of Dallas. Dallas County is the lead agency for the Camp Wisdom Road Project, and as such, has requested the City participate in funding project costs within the city limits. The Camp Wisdom Road project begins from approximately 1,700 feet west of Carrier Parkway in the City of Grand Prairie to FM 1382 in Dallas. The improvements will include the reconstruction of the existing two-lane asphalt roadway to a four-lane reinforced concrete roadway with drainage improvements and a new bridge at Mountain Creek Parkway. The four-lane roadway will be divided within the city limits of Grand Prairie and undivided within the City limits of Dallas. On the north side of Camp Wisdom Road within the city of Dallas, there will be an 8-foot wide cycle track and a 5-foot wide sidewalk, which will provide an east-west pedestrian/bike/trail connector south of the I-20 corridor. The estimated project cost for the Camp Wisdom Road project is $15.8 million of which $7.2 million will be funded by Regional Toll Revenue (RTR), $4.3 million by Dallas County, $3.0 million by the City of Grand Prairie, and $1.3 million by the City of Dallas. The City's share of funding for the Camp Wisdom Road project is coming from the reprogramming of the available Merrifield Road project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road project ($1,050,000), available because their projects scope were modified/reduced.

ESTIMATED SCHEDULE OF PROJECT

Merrifield Road from East of Mountain Creek Parkway to Ledbetter Drive Extension/Grady Niblo Road

Began Design	July 2015
Completed Design	February 2016
Began Construction	May 2017
Complete Construction	August 2018

Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway

Began Design	December 2013
Completed Design	April 2014
Began Construction	September 2014
Completed Construction	May 2015

Camp Wisdom Road from Carrier Parkway to FM 1382

Began Preliminary Design	September 2012
Completed Preliminary Design	December 2014
Begin Final Design	July 2017
Complete Final Design	June 2018
Begin Utility Relocation	March 2018
Complete Utilities Relocation	September 2018
Begin Construction	January 2019
Complete Construction	July 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2001, City Council authorized a Master Agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104.

On April 11, 2001, City Council authorized the submission of the list candidate projects to Dallas County in Dallas County's Major Capital Improvement Fund Thoroughfare Programs Call for Projects and acceptance and implementation of the projects selected by Resolution No. 01-1219.

On January 12, 2005, City Council authorized a Project Specific Agreement with Dallas County for participation in design, right-of-way acquisition, and construction of paving, drainage, and water main improvements on Ledbetter from Merrifield Road to Mountain Creek Parkway by Resolution 05-0130.

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

On April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On June 25, 2014, City Council authorized a contract with Tiseo Paving Company for the construction of street paving and storm drainage improvements for the Grady Niblo Road Extension by Resolution No. 14-1017.

On November 19, 2015, the City Plan Commission Transportation Committee approved staff recommendations for an amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road from Farm-to-Market (FM) 1382 to Grand Prairie City Limits from a standard six-lane divided roadway to a special four-lane undivided roadway with bicycle facilities within 100 feet of right-of-way.

On December 3, 2015, the City Plan Commission followed the City Plan Commission Transportation Committee approved an amendment to the City of Dallas Thoroughfare Plan amendment for Camp Wisdom Road from FM 1382 to Grand Prairie City Limits.

On January 27, 2016, Ordinance 30007, amended the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road within the City of Dallas as approved by the City Plan Commission Transportation Committee by Resolution No. 16-0208.

Information about this item was provided to the Transportation and Trinity River Project Committee on May 22, 2017.

FISCAL INFORMATION

Capital Projects Reimbursement Funds – $700,000
2006 Bond Funds - $600,000

Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road	
Design (by Dallas County)	$ 250,000
Construction (by City)	$ 250,000
Total Estimated Project Cost	$ 500,000

*City of Dallas' share $250,000 and Dallas County's share $250,000

Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway	
Design (by Dallas County)	$ 350,000
Construction (by City)	$ 1,750,000
Total Estimated Project Cost	$ 2,100,000

FISCAL INFORMATION (continued)

*City of Dallas' share $1,050,000 and Dallas County's share $1,050,000

Camp Wisdom Road from Carrier Parkway to FM 1382	
Design	$ 2,100,000
Construction	$ 13,200,000
Right-of-Way Acquisition	$ 25,000
Material Testing	$ 100,000
Contingency	$ 375,000
Total Estimated Project Cost	$ 15,800,000

TxDOT's (RTR) share	$ 7,200,000
Dallas County's share	$ 4,300,000
City of Grand Prairie's share	$ 3,000,000
City of Dallas' share	$ 1,300,000
Total Funding Source	$ 15,800,000

MAP

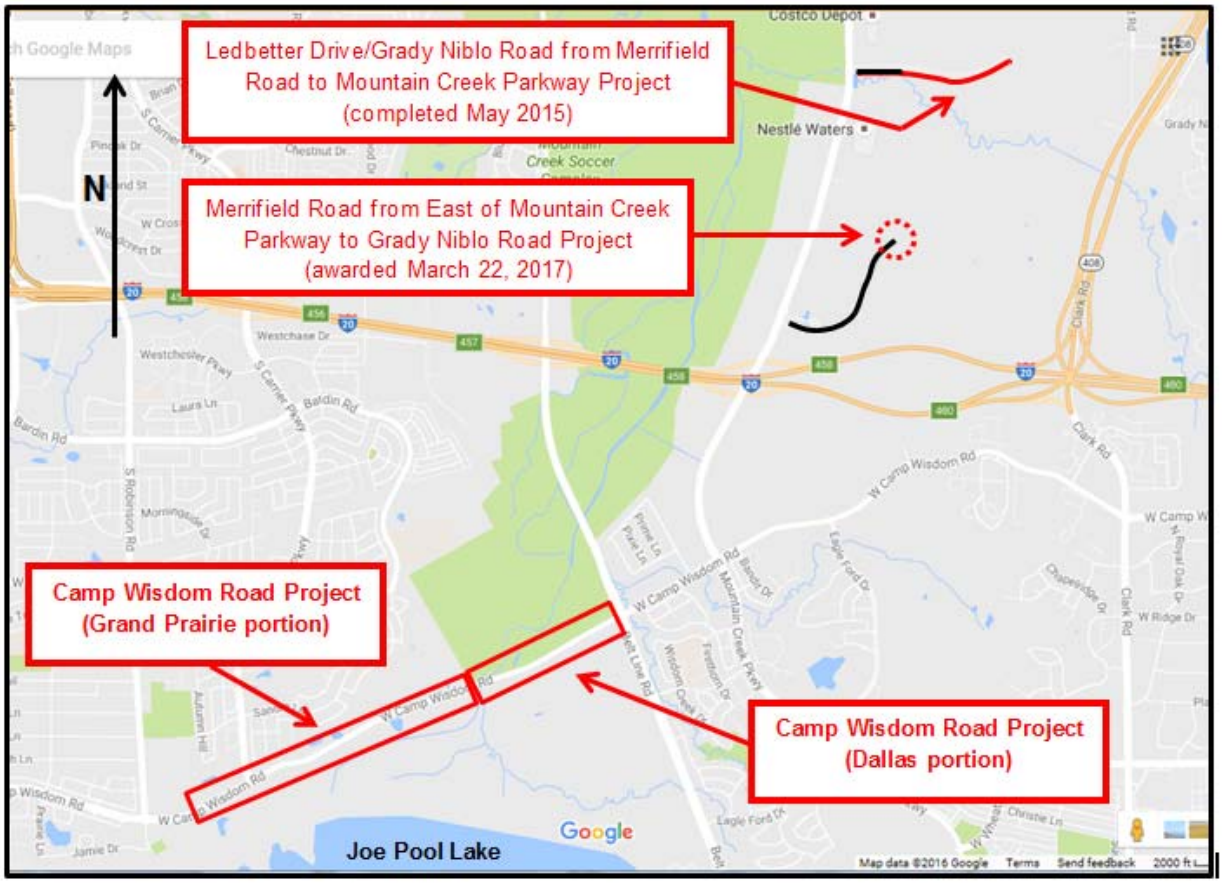
Attached

Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 Project

Ledbetter Drive/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project

Merrifield Road from East of Mountain Creek Parkway to Grady Niblo Road Project

(Council District: 3)



MAPSCO: 61A-R; 61B-J,N
(Merrifield Extension & Grady Niblo Projects)

MAPSCO: 61A-X,Y; 71A-B
(Camp Wisdom Road Project)

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, on April 11, 2001, City Council authorized the submission of the list of candidate projects to Dallas County in Dallas County's Major Capital Improvement Program Second (2001) Call for Projects by Resolution No. 01-1219; and

WHEREAS, the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project was submitted by the City of Dallas and selected by the Dallas County's Major Capital Improvement Program (MCIP) Second Call for Projects in 2002; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, Dallas County was originally planned to be the lead agency to administer the design and construction of the Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road Project; and

WHEREAS, due to community opposition from the local property owners impacted, the project limits were modified during the design; and

WHEREAS, the City of Dallas took over the project to construct only a section of roadway to support the current land development which includes a turnaround at the east end of Merrifield Road; and

WHEREAS, the estimated project cost for the Merrifield Road project is $500,000 which is to be funded 50/50 by the City of Dallas and Dallas County; and

WHEREAS, it is now necessary to authorize a Project Specific Agreement with Dallas County for paving and drainage improvements for the Merrifield Road from east of Mountain Creek to the Grady Niblo Project.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for paving and drainage improvements for the Merrifield Road from East of Mountain Creek to the Grady Niblo Project.

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.

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, on April 11, 2001, City Council authorized the submission of the list candidate projects to Dallas County in Dallas County's Major Capital Improvement Fund Thoroughfare Programs Call for Projects by Resolution No. 01-1219; and

WHEREAS, Ledbetter Drive/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway was submitted by the City of Dallas and selected by Dallas County's Major Capital Improvement Program (MCIP) Second Call for Projects in 2002; and

WHEREAS, on January 12, 2005, City Council authorized a Project Specific Agreement with Dallas County for design, right-of-way acquisition, and construction of paving, drainage, and water main improvements on Ledbetter Extension from Merrifield Road to Mountain Creek Parkway, in an amount not to exceed $440,000.00, by Resolution No. 05-0130; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, Dallas County was originally planned to be the lead agency to administer the design and construction of the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project; and

WHEREAS, due to community opposition from local impacted property owners, the limits of the project were modified to Grady Niblo Road from Mountain Creek Parkway to approximately 3,000 feet east of Mountain Creek Parkway; and

WHEREAS, in order to expedite the project in support of active private development, the final design was privately administered and funded, and the City administered the construction of the Grady Niblo Road Project; and

WHEREAS, on June 25, 2014, City Council authorized a contract with Tiseo Paving Company for the construction of street paving and storm drainage improvements for the Grady Niblo Road Extension, in an amount not to exceed $2,368,718.55, by Resolution No. 14-1017; and

WHEREAS, the estimated project cost, excluding Dallas Water Utilities improvements, for the Grady Niblo Project is $2,100,000.00 which is to be funded 50/50 by the City of Dallas and Dallas County; and

WHEREAS, Dallas County previously expended $300,000.00 on preliminary design which will be credited towards their share of construction costs; and

WHEREAS, it is now necessary to rescind Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds to Dallas County and to authorize a Project Specific Agreement with Dallas County for paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to rescind Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds in an amount not to exceed $440,000.00 for the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project as follows:

Street and Transportation Improvements Fund Fund 3R22, Department PBW, Unit R314 Activity PBW1, Object 4111, Program PB03R314 Encumbrance PD PBW03R314D1-01, Vendor 014003	($150,000.00)
Street and Transportation Improvements Fund Fund 4R22, Department PBW, Unit R314 Activity PBW1, Object 4111, Program PB03R314 Encumbrance PD PBW03R314D1-02, Vendor 014003	($150,000.00)
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42 Activity 7CIP, Object 4111, Program 705035 Encumbrance PD PBW705035CP, Vendor 014003	($140,000.00)
Total amount not to exceed	($440,000.00)

SECTION 2. That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Dallas County, in an amount not to exceed $700,000.00 in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W147, Revenue Code 6511.

SECTION 4. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W147, Object 4510, in an amount not to exceed $700,000.00.

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.

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 (FM 1382) was submitted by the City of Grand Prairie and selected by Dallas County in the Dallas County's Major Capital Improvement Program (MCIP) Fifth Call for Projects in 2008; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, on January 27, 2016, City Council amended the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road within the city of Dallas from a standard six-lane divided roadway to a special four-lane undivided roadway with bicycle and pedestrian facilities by Resolution 16-0208; and

WHEREAS, Dallas County is the lead agency to administer the design and construction of the Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382 Project; and

WHEREAS, the section of Camp Wisdom Road from the Dallas city limits to FM 1382 is located in the city of Dallas; and

WHEREAS, Dallas County has requested the City participate in funding project costs located in the city of Dallas; and

WHEREAS, funding for the City's share of the Camp Wisdom Road Project costs will come from the available funds of the Merrifield Project ($250,000) and Ledbetter Drive Extension/Grady Niblo Road Project ($1,050,000); and

WHEREAS, it is now necessary to authorize **(1)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382; **(2)** reprogramming of available funds from the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project ($1,050,000) for the Camp Wisdom Road from Carrier Parkway to FM 1382 Project; and **(3)** payment to Dallas County for the City's share of design and construction costs.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reprogram available funds from the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project ($250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project ($1,050,000) for the Camp Wisdom Road from Carrier Parkway to FM 1382 Project.

SECTION 2. That the City Manager is hereby authorized to **(1)** sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for participation in the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to FM 1382; and **(2)** make payment to Dallas County for the City's share of design and construction costs, in an amount not to exceed $1,300,000.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,300,000 to Dallas County in accordance with the terms and conditions of the agreement as follows:

Capital Projects Reimbursement Fund Fund 0556, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1, Vendor VS0000067010	$ 700,000
Street and Transportation Improvements Fund Fund 2T22, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1 Vendor VS0000067010	$ 60,000
Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1, Vendor VS0000067010	$ 540,000
Total amount not to exceed	$ 1,300,000

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit any unused bond funds reimbursed by Dallas County pertaining to this project in Fund 3T22, Department STS, Unit W147, Object 4510.

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 # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed $1,702,600 - Financing: 2006 Bond Funds ($603,000) and Current Funds ($1,099,600) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with Kimley-Horn and Associates, Inc. (KHA) for the design of 75 new and upgraded traffic signals that include: 17 traffic signals funded through the Street Assessment Funds ($403,600) for a U.S. Department of Transportation (USDOT) - Federal Highway Administration (FHA) 2016 Highway Safety Improvement Program (HSIP) grant identified as "Group A"; 30 traffic signals funded through Street Assessment Funds ($696,000) for a USDOT - FHA 2017 HSIP grant identified as "Group B"; and 28 new warranted traffic signals funded through 2006 Bond Funds ($603,000) identified as "Group C"; with a not to exceed fee of $1,702,600.

The City of Dallas was awarded grant funding totaling $8 million from the USDOT-FHA 2016 HSIP, administered by the Texas Department of Transportation (TxDOT), to reconstruct several signals at high accident intersections in the city of Dallas. Group A of this item provides for $403,600 in design services as local matching funds to leverage the remaining federal and state funds for the construction of traffic signals and associated intersection improvements at the 17 2016 HSIP intersections. These locations will all be let for construction in 2019 and 2020.

The 17 2016 grant-funded signals are off-system. For off-system intersections, TxDOT will pay for a 90 percent match for Direct State Engineering and construction costs. The City will bear design costs, 10 percent construction costs and a portion of the required fees.

BACKGROUND (continued)

The design of the 30 traffic signals included in Group B are for the 2017 HSIP submittal. Staff currently is preparing a grant request for 30 traffic signals through the 2017 HSIP submittal. These intersections will need the right-of-way (ROW) surveys prior to award approval. The funding in this request will also include the ROW surveys conducted by KHA. These 30 2017 HSIP signals letting schedule is yet to be determined.

Of the remaining signals in this action, 28 are new traffic signals that will be identified for construction through warrant studies. Design of these signals will be funded utilizing 2006 Bond Funds for warranted signals and school flashers. This contract includes only the design portion of these warranted signal projects.

In June 2013, the City of Dallas released a Request for Qualifications (RFQ) for engineering services for traffic engineering and intelligent transportation systems (ITS) services.

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%

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)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2017
Complete Design and Construction	June 2021

FISCAL INFORMATION

Current Funds - $1,099,600 (subject to annual appropriations)
2006 Bond Funds - $603,000

Group A: Highway Safety Improvement Program Intersections

17 intersections determined by the 2016 HSIP award.

Total	$403,600

Group B: Highway Safety Improvement Program Intersections

30 intersections are to be determined upon the 2017 HSIP award.

Total	$696,000

Group C: Warranted Signal Intersections

28 intersections are to be determined through warranted signal studies that are ongoing through a separate contract and vendor.

Total	$603,000
Grand Total	$1,702,600

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

White Male	1,091	White Female	483
Black Male	21	Black Female	18
Hispanic Male	78	Hispanic Female	40
Other Male	91	Other Female	43

PROPOSAL INFORMATION

The following top three 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
*Kimley-Horn and Associates, Inc.	12750 Merit Drive, Suite 1000 Dallas, TX 75251	88.25%
Lee Engineering, LLC	3030 LBJ Freeway, Suite 1660 Dallas, TX 75234	86.75%
Savant Group, Inc.	1700 Pacific Avenue, Suite 1240 Dallas, TX 75201	75.00%

Statements of Qualifications were received from solicitation number BHZ1308 and opened on July 11, 2013 from the following 13 consultant teams: Civil Associates, Inc.; Teague Nall and Perkins, Inc.; Kimley-Horn and Associates, Inc.; Binkley and Barfield, Inc.; Lee Engineering, LLC.; Urban Engineers Group, Inc.; Neel-Schaffer, Inc.; Urban Engineers Group, Inc., DBA Urban Services, Inc.; Savant Group; Orthon; HDR, Inc.; AECOM; AZ and B Arrendo; and Zepeda and Brunz, LLC.

OWNER

Kimley-Horn and Associates, Inc.

John Atz, President
Aaron Nathan, Vice-President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed $1,702,600 - Financing: 2006 Bond Funds ($603,000) and Current Funds ($1,099,600) (subject to annual appropriations)

Kimley-Horn and Associates, Inc., is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,702,600.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$1,702,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Gorrondona & Associates	HMMB86153Y0718	$303,400.00	17.82%
Othon, Inc. Consulting Engineers	HMMB70845Y0918	$144,000.00	8.46%
Total Minority - Local		$447,400.00	26.28%

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	$447,400.00	26.28%	$447,400.00	26.28%
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	$447,400.00	26.28%	$447,400.00	26.28%

WHEREAS, the City desires to enter into a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of 13, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks, in an amount not to exceed $1,702,600.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Kimley-Horn and Associates, Inc., approved as to form by the City Attorney, for traffic signal design services of 75 traffic signals at various intersections and other related tasks, in an amount not to exceed $1,702,600.

SECTION 2. That the City Manager is hereby authorized to approve the design of 28 traffic signals utilizing 2006 Bond Funds.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,702,600 to Kimley-Horn and Associates, Inc., as follows:

General Fund (subject to annual appropriations) Fund 0001, Department STS, Unit 3049, Object 4111 Activity PB24, Program TP304917 MASC STS STS17KHAG01 Commodity 91842, Vendor 135447	$ 403,600
General Fund (subject to annual appropriations) Fund 0001, Department STS, Unit 3049, Object 4111 Activity PB24, Program TP304917 MASC STS STS17KHAG01 Commodity 91842, Vendor 135447	$ 696,000
Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit U811, Object 4111 Activity PB24, Program TP304917 MASC STS STS17KHAG01 Commodity 91842, Vendor 135447	$ 603,000
Total amount not to exceed	$1,702,600

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 # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 66B

SUBJECT

Authorize **(1)** the rejection of all bids for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

On September 25, 2013, City Council authorized a professional services contract with Raymond L. Goodson, Jr., Inc. for the engineering design services for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue to include street paving, storm drainage, water and wastewater main improvements, in an amount not to exceed $142,810, by Resolution No. 13-1731. Eight construction bids were received on March 24, 2017; however, the low bidder was approximately 57 percent higher than the allocated funds. This action will authorize the rejection of all bids received for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue and the re-advertisement for new bids.

To help bring the projects within budget, staff will evaluate feasible project scope modifications, as well as combining the projects with other construction projects planned for the area, thus providing potential improved pricing through the advantage of economy of scale.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	October 2017
Complete Construction	March 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

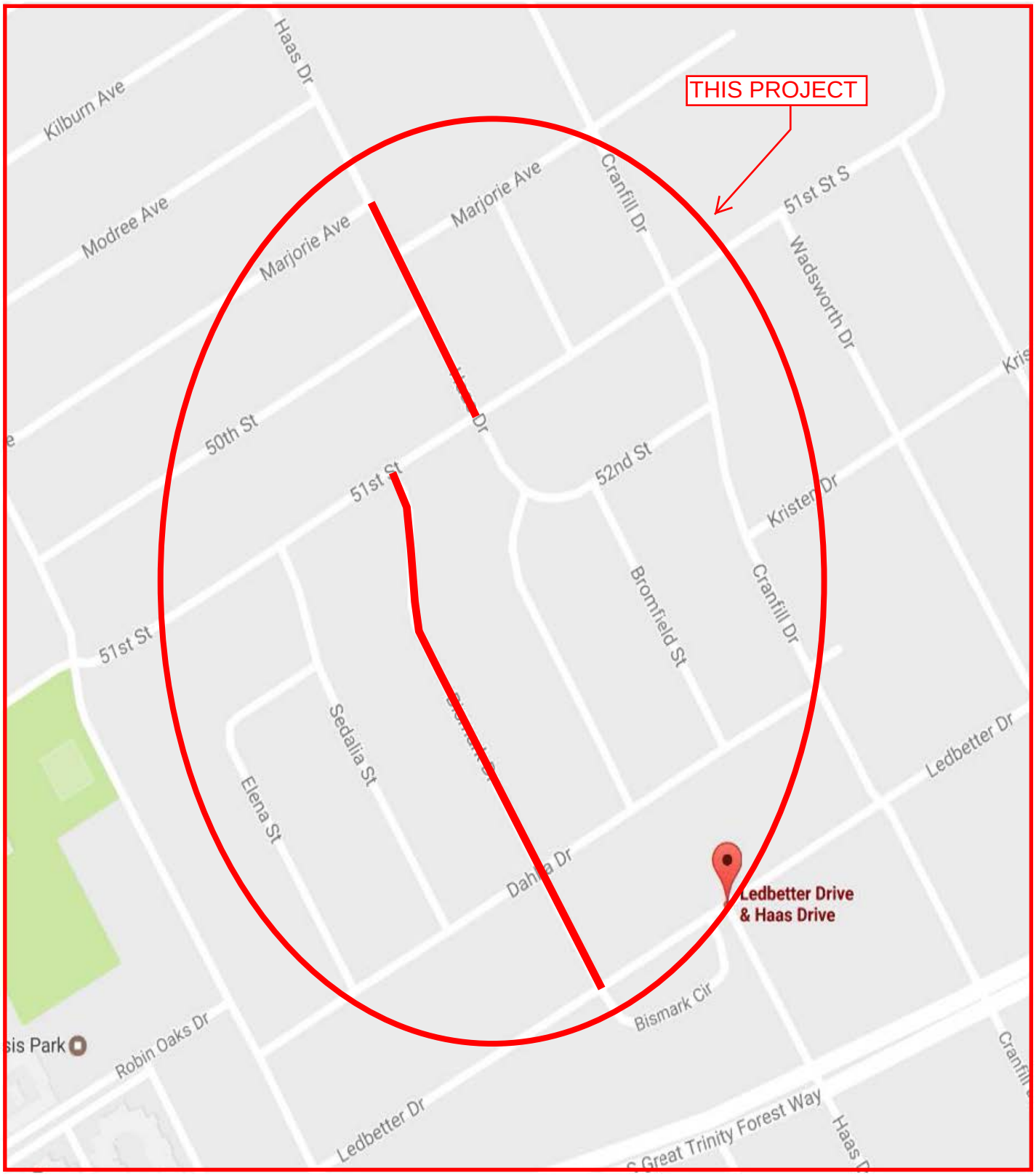
MAP

Attached

STREET RECONSTRUCTION

BISMARK DRIVE FROM E. LEDBETTER DRIVE TO 51ST STREET

HAAS DRIVE FROM 51ST STREET TO MARJORIE AVENUE



MAPSCO 66B

June 14, 2017

WHEREAS, on September 25, 2013, City Council authorized a professional services contract with Raymond L. Goodson, Jr., Inc. for the engineering services for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue, in an amount not to exceed $142,810.00, by Resolution No. 13-1731; and

WHEREAS, the construction bids received on March 24, 2017, for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue were significantly higher than the available funding; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject all bids received and re-advertise for new bids.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reject all bids received for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue, and to re-advertise for new bids.

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: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A resolution ordering Atmos Energy Corp., Mid-Tex Division to show cause demonstrating the reasonableness of its existing Natural Gas Distribution rates within the City of Dallas - Financing: No cost consideration to the City

BACKGROUND

The City is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has original jurisdiction over the rates of Atmos Energy Corp., Mid-Tex Division (Atmos). Pursuant to Sections 103.021, 104.003, and 104.151 of GURA the City may on its own motion or on a complaint by an affected person, initiate a proceeding to determine whether the existing rates of a gas utility are unreasonable or in any way in violation of any provision of law. Upon such a finding of unreasonableness, the City may determine just and reasonable rates.

The City has reason to believe that Atmos is over earning and that its current rates are excessive. The rates currently in effect were established by the Railroad Commission of Texas in Gas Utilities Docket No. 9869 in 2010 and thereafter, and adjusted by the Atmos Dallas Annual Rate Review Tariff.

The City's costs in reviewing the rates are reimbursable by Atmos.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 15, 2017, the Budget, Finance, and Audit Committee was briefed regarding this matter.

The City Council discussed this issue on May 24, 2017.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, the City of Dallas is a Regulatory Authority within the meaning of the Gas Utility Regulatory Act ("GURA"), Texas Utilities Code, Title 3, Subtitle A, which also vests the City as a regulatory authority with original jurisdiction over the distribution rates of Atmos Energy Corp., Mid-Tex Division (Atmos) to determine if such rates are just and reasonable; and

WHEREAS, the City Manager established a "Rate Filing Package," pursuant to City Ordinance No. 24980; and

WHEREAS, the "Rate Filing Package" is a complete, detailed and systematic set of requirements for use by Company (Atmos) in any future filings of applications to change rates; and

WHEREAS, the City Manager provided a copy of the "Rate Filing Package" to TXU Lone Star Gas on March 11, 2003; and

WHEREAS, Atmos is the successor in interest to TXU Lone Star Gas; and

WHEREAS, use of the "Rate Filing Package" by Atmos is mandated by its franchise with the City; and

WHEREAS, Sections 103.021, 104.003 and 104.151 of GURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any gas utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

WHEREAS, the City of Dallas has reason to believe that Atmos is over earning and that its rates exceed those which are just and reasonable; and

WHEREAS, the City Council of the City of Dallas desires, on the City's own motion, to exercise the City's authority under Sections 103.021, 104.003 and 104.151 of GURA; and

WHEREAS, a procedural schedule should be established for the filing of certain information by Atmos, procedures to be followed to obtain and review information from Atmos, the filing of an analysis of such information by the City, the filing of rebuttal information from Atmos, and a public hearing at which time the City shall make a determination whether the existing rates of Atmos are unreasonable or unjust, including whether they are in any way in violation of any provision of law, and if such rates should be revised and just and reasonable rates determined for Atmos.

Now, Therefore,

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

SECTION 1. This resolution constitutes notice of the City's intent to proceed with an inquiry into the local distribution rates charged by Atmos. On or before August 18, 2017, Atmos shall file with the City of Dallas, information that demonstrates good cause for showing that Atmos' distribution rates for service within the City of Dallas should not be reduced. Atmos' filing shall be in a form consistent with the City of Dallas "Rate Filing Package". Specifically, Atmos shall file with the City of Dallas information for the test year beginning April 1, 2016 and ending March 31, 2017, regarding Atmos' cost of service elements, including, but not limited to the elements detailed by the Railroad Commission as necessary for the filing of a Statement of Intent to Change Rates.

SECTION 2. The City's designated representatives shall have the right to obtain additional information from Atmos through the filing of written requests for information, to each of which Atmos shall respond in writing within fifteen (15) calendar days from the receipt of each such request for information, and the City's designated representatives may elect to apply one or more of the rules adopted by Resolution No. 03-0865 on March 5, 2003 to this proceeding.

SECTION 3. After Notice and Review by City Staff, the City Council shall conduct a public hearing for the City of Dallas. Based upon such hearing, the briefing of staff, and the consultants' findings, a determination of the reasonableness of the existing rates of Atmos shall be made by the City Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Atmos within the City of Dallas, Texas.

SECTION 4. The City Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

SECTION 5. The City Manager shall give notice to Atmos Energy Corp., Mid-Tex Division, by transmitting a copy of this resolution to the President of the Mid-Tex Division.

SECTION 6. That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

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 # 22

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 23 D G H J K L M N P 24 A B

SUBJECT

Authorize a Project Specific Agreement with Dallas County, County Transportation Major Capital Improvement Projects 40226, for the purpose of a trail design and construction for Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane - Not to exceed $500,000 - Financing: 1998 Bond Funds ($76,050) and 2006 Bond Funds ($423,950)

BACKGROUND

This action will authorize a Project Specific Agreement (PSA) to establish the terms for the design, right-of-way acquisition, and other responsibilities for the four miles of trail which encompass Northaven Trail Phases 2B and 2C from Denton Drive to Cinderella Lane. Phases 2B and 2C will enhance public safety and provide a vital east-west multimodal transportation link in the Regional Veloweb identified in the North Central Texas Council of Government's Mobility 2040 trail network with access to employment, residential areas, schools, parks, and commercial centers.

Phase 1A of the Northaven Trail in north Dallas from Valleydale Drive to Preston Road was completed by the City in 2013. The City of Dallas and Dallas County (County) have partnered to design and construct the remainder of the Northaven Trail. Currently, Phase 1C and 2A are under design by separate agreement. When constructed, these phases will include: a twelve-foot wide trail, the installation of signalized crossings at twenty-four street crossings, and pedestrian traffic beacons at Royal Lane, Marsh Lane, and Webb Chapel Road. Upon completion of all phases, the entire length of the Northaven Trail will be nearly nine miles long extending from White Rock Creek Trail to the Walnut Hill/Denton DART Station.

BACKGROUND (continued)

This PSA is funded by County and the Texas Department of Transportation (TxDOT) through Dallas County Transportation Major Capital Improvement Projects (MCIP) funds and Federal Transportation Alternative Program (TAP) funds. The City is to provide funding in the amount of $500,000.00 for acquisitions and basic scope costs. City funds used for these purposes will be matched by the County 50/50. Should scoping and acquisition costs not require the full $500,000.00, the City may apply any remaining funds towards amenity cost which must be funded 100 percent by the City.

The County will be responsible for the management, design, TxDOT and other agency coordination and agreements, and construction management. The City will be responsible for right-of-way acquisition and coordination of City-owned utility adjustments for construction.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2011, City Council authorized a ten-year master agreement with Dallas County by Resolution No. 11-0927.

On October 20, 2011, the Park and Recreation Board authorized a Funding Agreement with Dallas County.

On November 7, 2011, City Council authorized a Funding Agreement with Dallas County by Resolution No. 11-2977.

On December 12, 2011, City Council authorized an Amendment to the Funding Agreement with Dallas County by Resolution No. 12-3057.

On December 11, 2014, the Park and Recreation Board authorized the hike and bike trail master plan for the Northaven Trail Phase II and III located from Preston Road to the DART Walnut Hill Station.

On May 18, 2017, the Park and Recreation Board authorized the Project Specific Agreement with Dallas County.

Information about this item will be provided to the Quality of Life & Environment Committee on June 12, 2017.

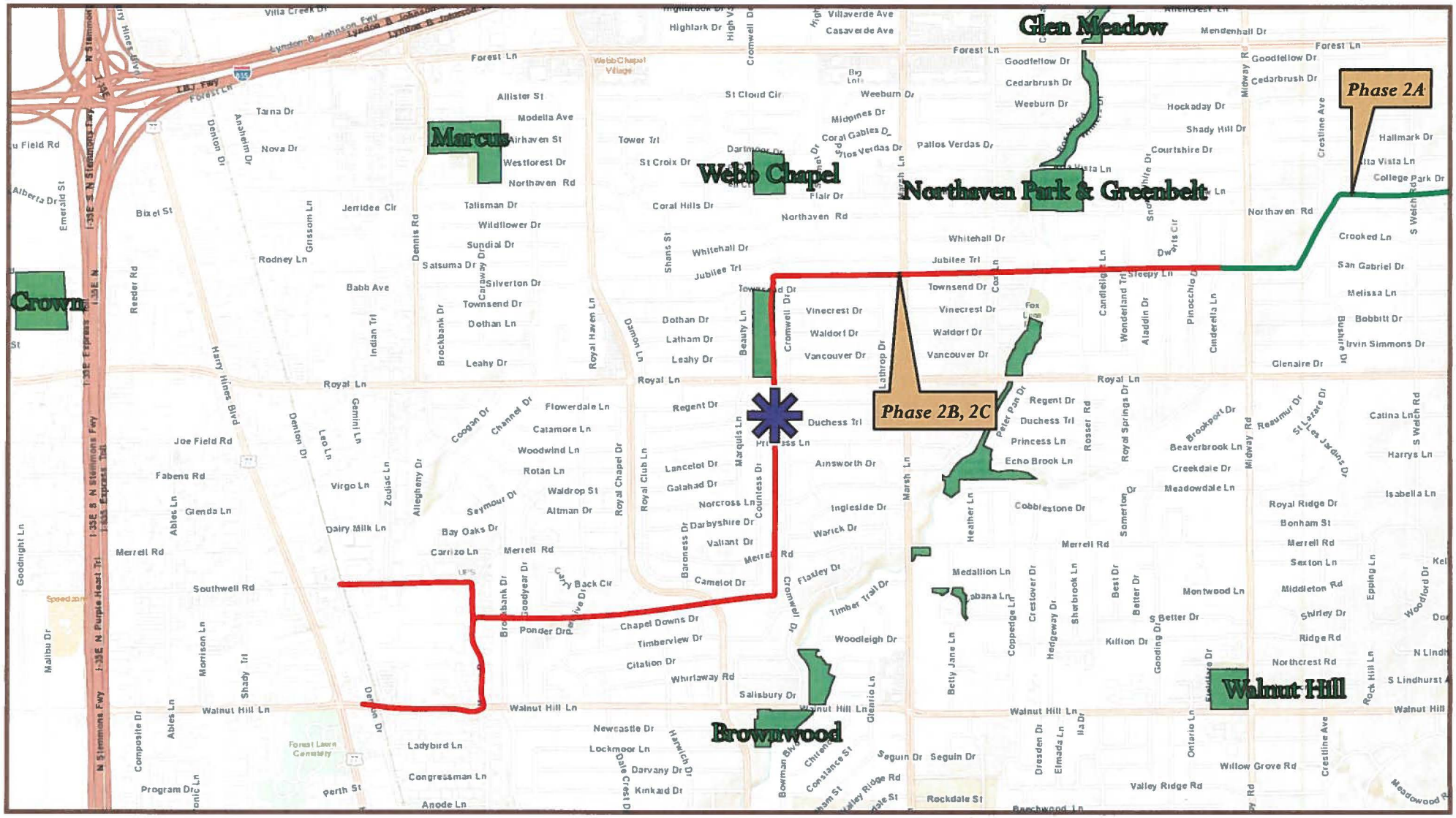
FISCAL INFORMATION

1998 Bond Funds - $76,049.59
2006 Bond Funds - $423,950.41

Council District	Amount
6	$ 55,000.00
13	$445,000.00
Total	$500,000.00

MAP

Attached



0 700 1,400 2,800 4,200 Feet

May 18, 2017

Northaven Trail Phase 2B and 2C PSA
(Denton Dr to Cinderella Ln)

Mapsco
23 D,G,H,J,K,L,M,N,P
24A,B

District
6,13

June 14, 2017

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects to be jointly funded and developed by the County and the City (Court Order 2011-1287) by Resolution No. 11-0927; and

WHEREAS, on November 7, 2011, City Council authorized a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill DART Green Line light rail station and Preston Road, in an amount not to exceed $50,000.00 (MCIP Project 10225), by Resolution No. 11-2977; and

WHEREAS, on December 12, 2012, City Council authorized amendment No. 2 to the Program Funding Agreement with Dallas County for the development of a master plan for the Northaven Trail between the Walnut Hill/Denton Station and Preston Road to expand the project limits, scope, and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail by Resolution No. 12-3057; and

WHEREAS, it is now necessary to authorize a Project Specific Agreement (PSA) for trail design and construction, coordination with Dallas County for any agreements required with Texas Department of Transportation (TxDOT), assignment and acquisition to the City of right-of-way for future construction of the project, and establishment of the preferred alignment which encompasses the remainder of the Northaven Trail Phase 2B and 2C from Denton Drive to Cinderella Lane.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for the completion of the Northaven Trail Phase 2B and 2C trail design and construction, right-of-way acquisition, and coordination with Dallas County on TxDOT agreements required for the project, in an amount not to exceed $500,000.00.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a PSA with Dallas County, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $500,000.00 to Dallas County, in accordance with the terms and conditions of the PSA, as follows:

Park, Playground, Recreation Fund Fund 0P00, Department PKR, Unit T241, Object 4599 Activity H1BT, Program PK06T241.2, Encumbrance CT-PKR17019980 Commodity 91200, Vendor 014003	$76,049.59
Park and Recreation Facilities Fund Fund 3T00, Department PKR, Unit T241, Object 4599 Activity H1BT, Program PK06T241.2, Encumbrance CT-PKR17019980 Commodity 91200, Vendor 014003	$423,950.41
Total amount not to exceed	$500,000.00

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 # 23

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a ten-year Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation for the purpose of accepting a donation and installation of Dallas Strong Dream Courts on up to 30 existing basketball courts at various City of Dallas park sites requiring an in-kind contribution in the amount of $6,000 - Financing: This action has no cost consideration to the City

BACKGROUND

Nancy Lieberman Charities (NLC), in coordination with World Ventures Foundation (WVF), contacted Chief David Brown of the Dallas Police Department (DPD) after the July 7, 2016 shootings in downtown Dallas. In Fall 2016, NLC and WVF proposed a partnership to renovate and upgrade two existing basketball courts in target areas to promote positive relationships between the community and DPD.

As part of the ongoing commitment, NLC, WVF and DPD want to partner with Park and Recreation (PKR) to enhance up to 30 additional courts over the next ten years.

Court renovations are paid entirely through donations to WVF and NLC. Site locations are made at the discretion of the Director of the PKR or his or her designee, in collaboration with DPD, based upon the needs of the community. Court enhancements include interlocking polymer tile safety surfacing, new basketball posts, goals and backboards.The City will be the recipient of the donation which is valued at approximately $28,000 per court with an estimated total value in the amount of up to $840,000 for 30 enhanced basketball courts.

The contractor is required to carry insurance as specified by the City's Risk Management Office and names the City of Dallas as additional insured.

BACKGROUND (continued)

The Agreement will be subject to the following terms:

CITY RESPONSIBILITIES FOR THE PREMISES

1. Schedule and manage the installation of the basketball courts on the premises
2. Provide general maintenance including graffiti removal, litter pick up, mowing
3. Coordinate City activities related to the project
4. Remove the existing rims, backboard and goal posts before the installation

WVF AND NANCY LIEBERMAN CHARITIES RESPONSIBILITIES FOR THE PREMISES

1. Hire a contractor to install the basketball courts on the Premises at no cost to the City
2. Coordinate the installation timeline with the Park and Recreation Department
3. Comply with the insurance requirements as mentioned in this MOU
4. Request approval from the Director of the Park and Recreation Department or his or her designee for this project prior to installation and for all future improvement projects on the premises

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 18, 2017, the Park and Recreation Board authorized a ten-year Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation.

Information about this item will be provided to the Quality of Life & Environment Committee on June 12, 2017.

FISCAL INFORMATION

This action has no cost consideration to the City.

In-kind costs to the City includes staff labor costs to remove existing rims, backboards and goal posts before court installation - $200 per court with a total cost of $6,000 for up to 30 courts.

June 14, 2017

WHEREAS, the City Charter provides for the Park and Recreation Board to approve contracts and agreements within the department for the acceptance of donations as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and Nancy Lieberman Charities (NLC) and World Ventures Foundation (WVF), desire to enter into a Memorandum of Understanding (MOU) for the purpose of installing safety tile surfacing, backboards, posts and goals on up to 30 existing basketball courts at selected park sites pursuant to the terms of the MOU; and

WHEREAS, the City will be the recipient of the donation which is valued at approximately $28,000 per court with an estimated total value in the amount of up to $840,000 for 30 enhanced basketball courts; and

WHEREAS, the City will provide the labor and staffing to remove existing rims, backboards, and goal posts before new installation at an estimated cost of $200 per court with a total cost of $6,000 for up to 30 courts.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation, approved as to form by the City Attorney, for the purpose of accepting a donation and installation of Dallas Strong Dream Courts on up to 30 existing basketball courts at various City of Dallas park sites.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Memorandum of Understanding with Nancy Lieberman Charities and World Ventures Foundation, approved as to form by the City Attorney.

SECTION 3. That the term of this Memorandum of Understanding is for 10 years.

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

AGENDA ITEM # 24

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4, 7

DEPARTMENT: Park & Recreation
Trinity Watershed Management

CMO: Willis Winters, 670-4071
Jody Puckett, 670-3390

MAPSCO: 55C

SUBJECT

Authorize a contract with Ark Contracting Services, LLC for design-build services for partial removal (Option 1) to allow two-way small motorized boat traffic on the Trinity River at the Standing Wave located downstream from the Corinth Street Bridge at 1900 East Eighth Street - Not to exceed $1,991,200 - Financing: 1998 Bond Funds

BACKGROUND

The United States Department of Army Corps of Engineers (USACE) requires that this section of the Trinity River allow for two-way small motorized boat traffic and have determined that the current configuration of the Standing Wave does not allow for upstream transit of small motorized boat traffic. There are three options which could provide two-way small motorized boat traffic: 1) partial removal, 2) complete removal, and 3) modification of the existing by-pass channel. This action awards a design-build contract for the design and construction of Option 1 - partial removal to Ark Contracting Services, LLC, in an amount not to exceed $1,991,200, award amount with $128,700 for pre-construction and design services and $1,862,500 for construction.

A two-step selection process was conducted to select a design-build firm, which included a Request for Qualifications (RFQ) and Request for Proposals (RFP) for the three proposed options. The RFQ was issued on March 2, 2016 for the project. Only one firm, Ark Contracting Services, LLC, responded to the RFQ. The RFP was issued to the one responsive vendor on April 7, 2016. The RFP required that proposers submit conceptual designs and pricing for the three options.

The selection panel, composed of Park and Recreation Department, Dallas Water Utilities Department and Trinity Watershed Management Department staff, deemed that this design-build firm has the qualifications and expertise to be able to undertake this project.

BACKGROUND (continued)

Original proposals (May 13, 2016)

Option 1 - Partial Removal: $3,287,000
Option 2 - Complete Removal: $8,820,000
Option 3 - Modify By-Pass Channel: $5,630,000

Negotiations have been completed and the proposed prices has been finalized.

Final proposals (November 15, 2016)

Option 1 - Partial Removal: $1,991,200
Option 2 - Complete Removal: $7,459,000
Option 3 - Modify By-Pass Channel: $4,248,600

ESTIMATED SCHEDULE OF PROJECT

Begin Design	September 2017
Complete Design	December 2017
Begin Construction	January 2018
Complete Construction	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 24, 2016, City Council authorized the use of design-build procurement method by Resolution No. 16-0385.

On April 6, 2017, the Park and Recreation Board was briefed.

On May 4, 2017, the Park and Recreation Board unanimously authorized the recommendation to proceed with Option 1 - Partial Removal.

On May 17, 2017, City Council was briefed regarding this matter.

FISCAL INFORMATION

1998 Bond Funds - $1,991,200

Council District	Amount
4	$ 995,600
7	$ 995,600
Total	$1,991,200

M/WBE INFORMATION

1,762 - Vendors contacted
1,761 - No response
1 - Response (Bid)
0 - Response (No bid)
1 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Ark Contracting Services, LLC

White Male	21	White Female	5
Black Male	0	Black Female	0
Hispanic Male	131	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposal from solicitation number CIZ-1599. Bids were opened on May 13, 2016. We recommend the City Council award this contract for design-build services to the lone most advantageous proposer.

Proposer	Address	Scores	Amount
Ark Contracting Services, LLC	420 S. Dick Price Rd. Kennedale, TX 76060	RFQ 78.87% RFP 66.25%	$1,991,200

OWNER

Ark Contracting Services, LLC

Steven C. Bowman, President
Mark North, Vice President
Micheal Calvert, Partner
Mary Beth Shipka, Treasurer, Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Ark Contracting Services, LLC for design-build services for partial removal (Option 1) to allow two-way small motorized boat traffic on the Trinity River at the Standing Wave located downstream from the Corinth Street Bridge at 1900 East Eighth Street - Not to exceed $1,991,200 - Financing: 1998 Bond Funds

Ark Contracting Services, LLC, 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

	Amount	Percent
Total local contracts	$215,000.00	10.80%
Total non-local contracts	$1,776,200.00	89.20%
TOTAL CONTRACT	$1,991,200.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
J & A Trucking, LLC	HMMB93814N0319	$100,000.00	46.51%
Total Minority - Local		$100,000.00	46.51%

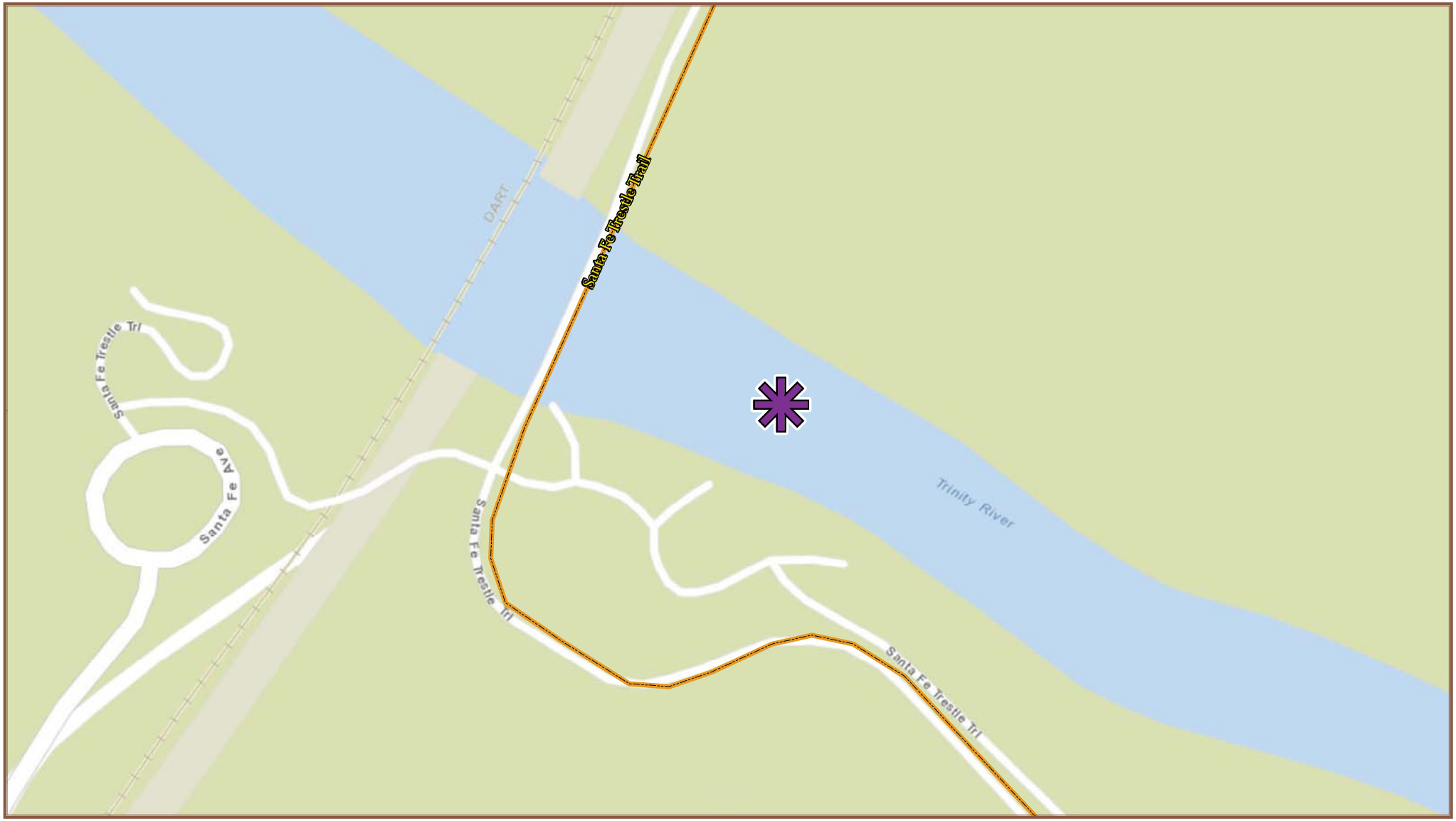
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
ANA Consultants, LLC	WFDB57431Y0516	$25,000.00	1.41%
Brock Environmental Services, LLC	WFWB96114Y1118	$15,000.00	0.84%
Buyers Barricades	WFDB52135Y0617	$8,000.00	0.45%
Total Minority - Non-local		$48,000.00	2.70%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY (continued)

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$100,000.00	46.51%	$100,000.00	5.02%
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%	$48,000.00	2.41%
Total	$100,000.00	46.51%	$148,000.00	7.43%



0 30 60 120 180 Feet

N
W E
S

February 16, 2017

Trinity Standing Wave
(Trinity River Northeast of Santa Fe Ave)

Mapsco
55 C

District
4,7

June 14, 2017

WHEREAS, on May 23, 2017, a best and final offer was received from Ark Contracting Services, LLC for the partial removal of the Trinity Standing Wave located downstream from the Corinth Street Bridge at 1900 East Eighth Street; and

WHEREAS, it has been determined that acceptance of the proposal for design-build services from Ark Contracting Services, LLC, in the amount of $1,991,200 is the best value for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Trinity River Corridor Project Funds be allocated as indicated: $128,700 for pre-construction and design services and $1,862,500 for construction.

SECTION 2. That the City Manager is hereby authorized to sign a contract with Ark Contracting Services, LLC, approved as to form by the City Attorney, for the partial removal of the Trinity Standing Wave, in an amount not to exceed $1,991,200.

SECTION 3. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Ark Contracting Services, LLC, approved as to form by the City Attorney.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,991,200 to Ark Contracting Services, LLC, as follows:

Trinity River Corridor Project Fund Fund 6P14, Department TWM, Unit N963, Object 3210 Activity TRPP, Program PB98N966, Encumbrance TWM98N966H5 Commodity 91244, Vendor VS0000017816	$ 128,700
Trinity River Corridor Project Fund Fund 6P14, Department TWM, Unit N963, Object 3210 Activity TRPP, Program PB98N966, Encumbrance TWM98N966H5 Commodity 91244, Vendor VS0000017816	$1,862,500
Total amount not to exceed	$1,991,200

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 # 25

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle inspections and enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City

BACKGROUND

The goal of the Motor Carrier Safety Assistance Program is to reduce commercial motor vehicle (CMV) involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The CMV program detects, corrects or temporarily puts out of service commercial vehicles that exhibit safety defects, driver deficiencies, and unsafe motor carrier practices before they become contributing factors to crashes and a hazard to the citizens of Dallas.

Police officers of the Traffic Section of the Dallas Police Department are responsible for CMV inspections and enforcement within the city of Dallas. These officers are trained and certified by the Texas Department of Public Safety (DPS) to conduct CMV inspections and enforcement. DPS requires a memorandum of understanding between them and the City of Dallas in order to ensure uniformity with state and federal enforcement and inspection guidelines.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 8, 2014, City Council authorized a Memorandum of Understanding and acceptance of the Motor Carrier Safety Assistance Program, from the Texas Department of Public Safety by Resolution No. 14-1683.

On January 27, 2016, City Council authorized a Memorandum of Understanding and acceptance of the Motor Carrier Safety Assistance Program, from the Texas Department of Public Safety by Resolution No. 16-0174.

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

Information about this item will be provided to the Public Safety Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

WHEREAS, the City desires to enter into a Memorandum of Understanding with the Texas Department of Public Safety for the Dallas Police Department to conduct commercial motor vehicle inspections and enforcement; and

WHEREAS, it is the best interest of the City to enter into this Memorandum of Understanding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Memorandum of Understanding with the Texas Department of Public Safety, State of Texas, approved as to form by the City Attorney, authorizing the Dallas Police Department to perform commercial motor vehicle inspections and enforcement for the period July 1, 2017 through July 31, 2019.

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 # 26

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding between the City of Dallas and the Texas Department of Public Safety, State of Texas authorizing the Dallas Police Department to perform commercial motor vehicle weight enforcement for the period July 1, 2017 through July 31, 2019 - Financing: No cost consideration to the City

BACKGROUND

The goal of the Motor Carrier Safety Assistance Weight Enforcement Program is to reduce commercial motor vehicle (CMV) involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. The CMV program detects, corrects or temporarily puts out of service commercial vehicles that exhibit weight defects, before they become contributing factors to crashes and a hazard to the citizens of Dallas.

Police officers of the Traffic Section of the Dallas Police Department are responsible for CMV weight enforcement within the city of Dallas. These officers are trained and certified by the Texas Department of Public Safety (DPS) to conduct CMV weight enforcement. DPS requires a memorandum of understanding between them and the City of Dallas in order to ensure uniformity with state and federal enforcement and inspection guidelines.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 27, 2016, City Council authorized a Memorandum of Understanding and acceptance of the Motor Carrier Safety Weight Enforcement Program, from the Texas Department of Public Safety by Resolution No. 16-0175.

Information about this item will be provided to the Public Safety Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

WHEREAS, the City desires to enter into a Memorandum of Understanding with the Texas Department of Public Safety for the Dallas Police Department to conduct commercial motor vehicle weight enforcement; and

WHEREAS, it is the best interest of the City to enter into this Memorandum of Understanding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Memorandum of Understanding with the Texas Department of Public Safety, State of Texas, approved as to form by the City Attorney, authorizing the Dallas Police Department to perform commercial motor vehicle weight enforcement for the period July 1, 2017 through July 31, 2019.

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 # 27

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 7, 8, 14

DEPARTMENT: Police

CMO: Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017 - Not to exceed $600,000 - Financing: Current Funds

BACKGROUND

In January 2008, the Dallas County Sheriff's Office assumed primary freeway coverage responsibility in Southern Dallas County allowing Dallas Police Department to reallocate resources to focus more intently on neighborhoods, while the Dallas County Sheriff's Office provides a targeted regional response on the highways to achieve greater response times and enhanced response capabilities.

In FY 2011-12, the City of Dallas assisted Dallas County in meeting budgetary shortfalls for the Dallas County Highway Program by contributing $1 million in financing toward the program. In addition, the agreement modified the traffic management coverage areas for the Dallas Police Department and the Dallas County Sheriff's Office.

During FY 2012-13 and FY 2013-14, highway coverage remained the same and the City contributed $800,000 to program expenses in FY 2012-13 and $600,000 in FY 2013-14.

During FY 2014-15 and FY 2015-16, highway coverage remained the same and the City contributed $600,000 to cover program expenses.

For FY 2016-17, highway coverage has remained the same and the City is being asked to contribute $600,000 to cover program expenses. In addition to our support, the Dallas County Highway Traffic Program will receive additional financial support from the Regional Transportation Council for $3 million.

BACKGROUND (continued)

Under this agreement, the Dallas County Sheriff's Office manages traffic coverage in the following locations:

Loop 12	Trinity River to Interstate 35/Loop 12 (Walton Walker) split
Woodall Rodgers Freeway	from Central Expressway to Riverfront Boulevard
U.S. Highway 175	from I-45 to City of Seagoville city limits
Interstate 45	Woodall Rodgers Freeway to U.S. Highway 175
Interstate 30	from the City of Irving city limits to the City of Mesquite city limits
Interstate 35	from Woodall Rodgers Freeway to the city limits (North of 635) and from the Interstate 35/U.S. Highway 67 split to Woodall Rodgers Freeway
Interstate 20	from the City of Balch Springs city limits to the City of Grand Prairie city limits

Dallas County is committed to reviewing and adjusting the traffic court fee collection process to identify improvements with the system. If additional revenue is collected, the revenue will be applied proportionately to reduce the funding contributed by Dallas County, the City of Dallas and North Central Texas Council of Governments as outlined above.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2011, City Council authorized a payment of $1 million for FY 2011-12 Program Expenses for the Southern Dallas Highway Program by Resolution No. 11-3246.

On November 14, 2012, City Council authorized a payment of $800,000 for FY 2012-13 Program Expenses for the Southern Dallas Highway Program by Resolution No. 12-2755.

On January 22, 2014, City Council authorized a payment of $600,000 for FY 2013-14 Program Expenses for Dallas County Highway Program by Resolution No. 14-0188.

On June 17, 2015, City Council authorized a payment of $600,000 for FY 2014-15 Program Expenses for Dallas County Highway Program by Resolution No. 15-1244.

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

On May 11, 2016, City Council authorized a payment of $600,000 for FY 2016-17 Program Expenses for Dallas County Highway Program by Resolution No. 16-0731.

Information about this item will be provided to the Public Safety Committee on June 12, 2017.

FISCAL INFORMATION

Current Funds - $600,000

Council District	Amount
1	$ 66,666
2	$ 66,666
3	$ 66,666
4	$ 66,667
5	$ 66,667
6	$ 66,667
7	$ 66,667
8	$ 66,667
14	$ 66,667
Total	$600,000

June 14, 2017

WHEREAS, Dallas County maintains a highway traffic program for limited-access facilities in portions of Dallas County Highway Traffic Program; and

WHEREAS, the Parties previously agreed upon a funding strategy for the Dallas County Highway Traffic Program to address an expected shortfall for FY 2012, FY 2013, FY 2014, FY 2015 and FY 2016; and

WHEREAS, given the success of the funding strategy for FY 2012, FY 2013, FY 2014, FY 2015 and FY 2016 the Parties now desire to enter into an agreement concerning the funding for the Dallas County HighwayTraffic Program for FY 2017; and

WHEREAS, in consideration of these premises, Dallas County, the City of Dallas, the Regional Transportation Council, and the North Central Texas Council of Governments agree to reimburse program expenses associated with the Dallas County Highway Traffic Program.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay the Dallas County Sheriff's Office (Vendor 014003), in an amount not to exceed $600,000 from Fund 0001, Department DPD, Unit 2121, Object 3070, Contract/Encumbrance PX2121CR17G53, Vendor 014003.

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

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Equipment & Building Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55H

SUBJECT

Authorize acquisition from Oneyda De La O, of approximately 5,720 square feet of land improved with an uninhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project - Not to exceed $12,200 ($10,600, plus closing costs not to exceed $1,600) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of approximately 5,720 square feet of land improved with an un-inhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project. This property will be used for future location of City service and maintenance facilities. The consideration is based on an independent appraisal. No relocation costs are associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

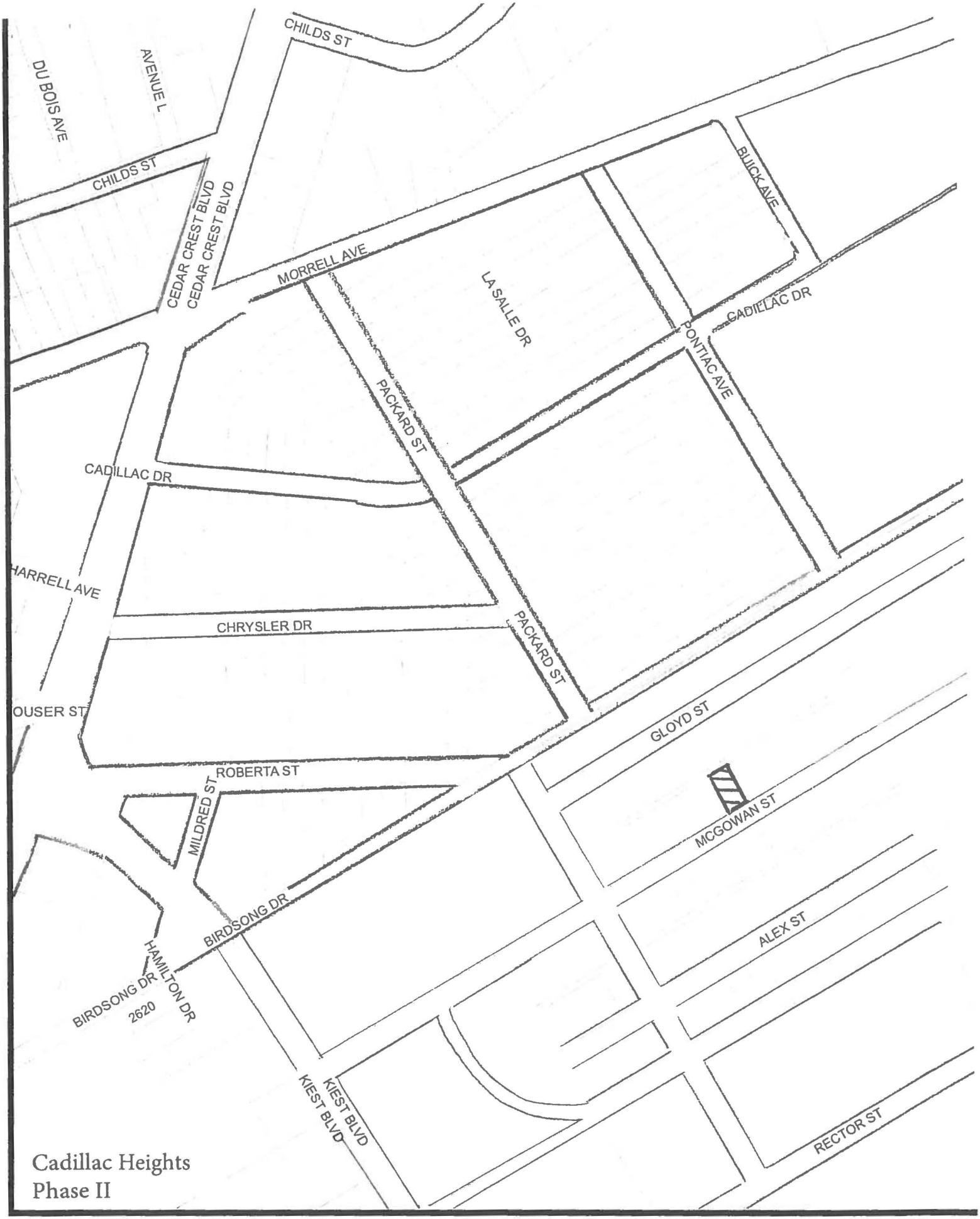
2006 Bond Program (General Obligation Commercial Paper Funds) - $12,200 ($10,600, plus closing costs not to exceed $1,600)

OWNER

Oneyda De La O

MAP

Attached


CHILDS ST
DU BOIS AVE
AVENUE L
CHILDS ST
CEDAR CREST BLVD
CEDAR CREST BLVD
MORRELL AVE
LA SALLE DR
BUICK AVE
CADILLAC DR
PONTIAC AVE
PACKARD ST
CADILLAC DR
HARRELL AVE
CHRYSLER DR
PACKARD ST
OUSER ST
GLOYD ST
ROBERTA ST
MILDRED ST
MCGOWAN ST
BIRDSONG DR
ALEX ST
HAMILTON DR
BIRDSONG DR
2620
KIEST BLVD
KIEST BLVD
RECTOR ST
Cadillac Heights
Phase II

Subject:

June 14, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 5,720 square feet of land located 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 thereto.

"PROJECT": Cadillac Heights Phase II

"USE": City service and maintenance facilities 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": Oneyda De La O, 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.

"PURCHASE AMOUNT": $10,600

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,600

"AUTHORIZED AMOUNT": Not to exceed $12,200

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Fund, Fund 4T11, Department EBS , Unit T825, Activity LAAQ, Program PB06T825, Object 4210, Encumbrance SUSVLT82577. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

EXHIBIT A

Being Lot 38, of MEADOW GARDENS, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 7, page 465, of the Map Records of Dallas County, Texas.

NOTICE OF CONFIDENTIALITY OF 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.

EXHIBIT B

GENERAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That Oneyda De La O, a married person, not joined herein by spouse, as the property hereby conveyed constitutes no part of the business or residence homestead and is in her sole management and control (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TEN THOUSAND SIX HUNDRED AND NO/100 DOLLARS ($10,600.00) 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, the following (all said property and interests being collectively referred to herein as the "Property"):

(a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;

(b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;

(c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;

(d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and

(e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

TO HAVE AND TO HOLD the Property, 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 _____, _____.

_____
Oneyda De La O

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____by Oneyda De La O.

_____
Notary Public, State of TEXAS

After recording return to:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: VLeal

Warranty Deed Log No. 44413

EXHIBIT A

Being Lot 38, of MEADOW GARDENS, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 7, page 465, of the Map Records of Dallas County, Texas.

AGENDA ITEM # 29

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	June 14, 2017
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Sustainable Development and Construction Water Utilities
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	60A-P

SUBJECT

Authorize acquisition from Walter T. Hardi, of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $140,001 ($137,001, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal. No relocation costs are associated.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $140,000.75 ($137,000.75, plus closing costs and title expenses not to exceed $3,000)

OWNER

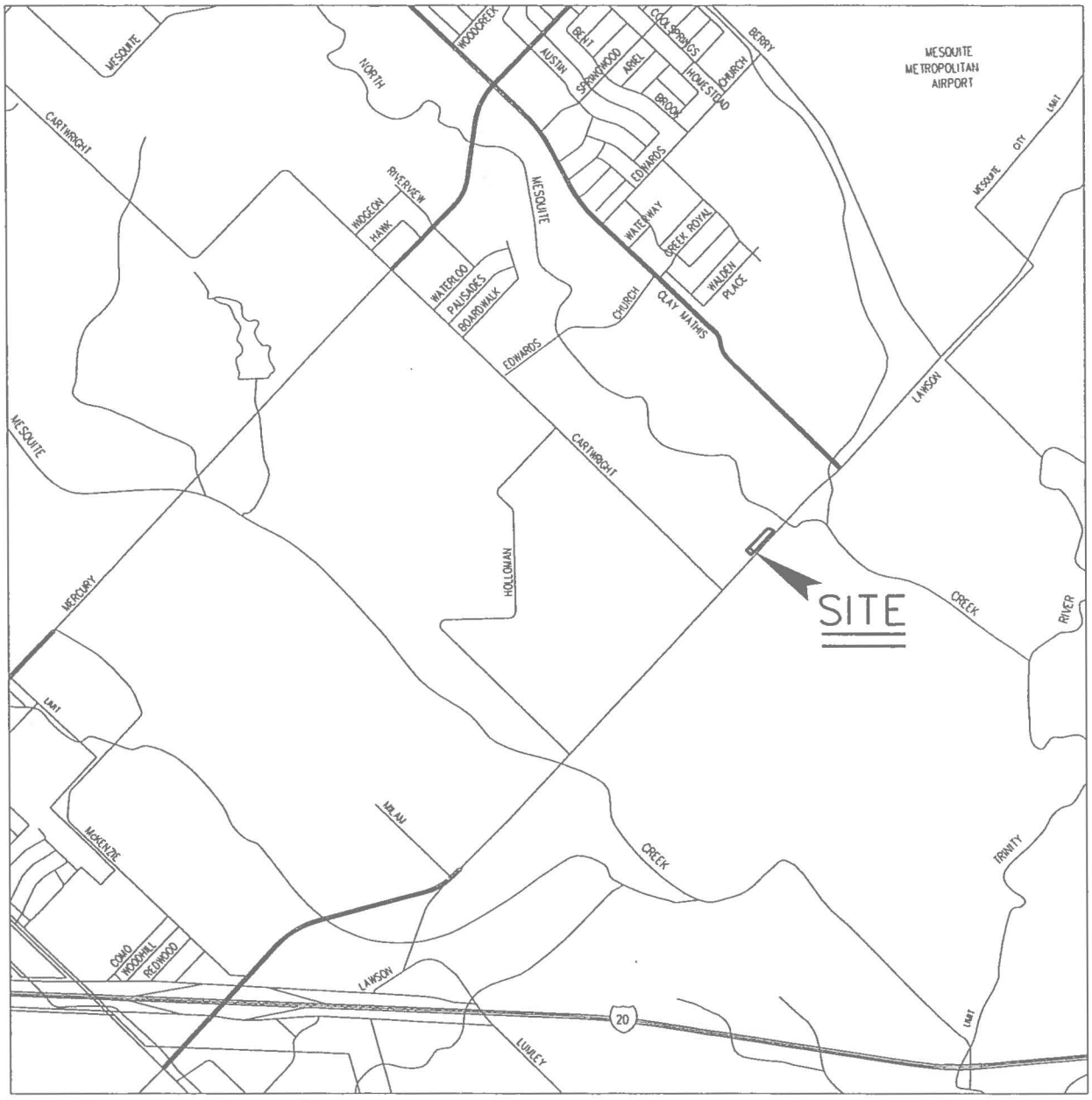
Walter T. Hardi

MAP

Attached

PARCEL E-22
BEING A PORTION OF

IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



June 14, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 56,579 square feet of land located 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 thereto.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE" : The construction, installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": Walter T. Hardi, 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.

"PURCHASE AMOUNT": $137,000.75

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

"AUTHORIZED AMOUNT": Not to exceed $140,000.75

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, Encumbrance CT-DWU706623ENAY. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

Exhibit A

PARCEL E-22
FIELD NOTES DESCRIBING PART OF THE HARDI TRACT IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS TO BE ACQUIRED FOR A 120 INCH WATER LINE

BEING a 1.299 acre tract of land situated in the John P Anderson Survey, Abstract Number 1, in the City of Mesquite, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east end of a corner clip at the intersection of the northwest right-of-way line of Lawson Road (a variable width right-of-way) and the northeast right-of-way line of Cartwright Road (a 120 foot wide right-of-way);

THENCE North 44 degrees 14 minutes 28 seconds East, with said northwest right-of-way line of Lawson Road and the southeast line of that tract of land described in Special Warranty Deed to White Property Company # 2, LTD, as recorded in Instrument No. 200600225782 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), a distance of 623.74 feet to a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east corner of said White Property Company tract and the POINT OF BEGINNING of the herein described tract, said point being on the southwest line of said Hardi Tract;

THENCE North 45 degrees 40 minutes 58 seconds West, departing said northwest right-of-way line and with the common line between said White Property Company tract and said Hardi tract, a distance of 110.20 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD";

THENCE North 44 degrees 14 minutes 28 seconds East, departing said common line, a distance of 498.04 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" on the northeast line of said Hardi tract and the southwest line of that tract of land described in Warranty Deed to Frank Vasquez, as recorded in Volume 2005003, Page 1902, O.P.R.D.C.T.;

REVIEWED BY 8/23/10

PARCEL E-22
FIELD NOTES DESCRIBING PART OF
THE HARDI TRACT
IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1,
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120 INCH WATER LINE

THENCE South 61 degrees 18 minutes 17 seconds East, with the common line between said Hardi tract and said Vasquez tract, a distance of 114.38 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" on said northwest right-of-way line of Lawson Road and from which a found 1/2 inch iron rod with yellow cap stamped "NDM" bears South 61 degrees 18 minutes 17 seconds East a distance of 32.20 feet;

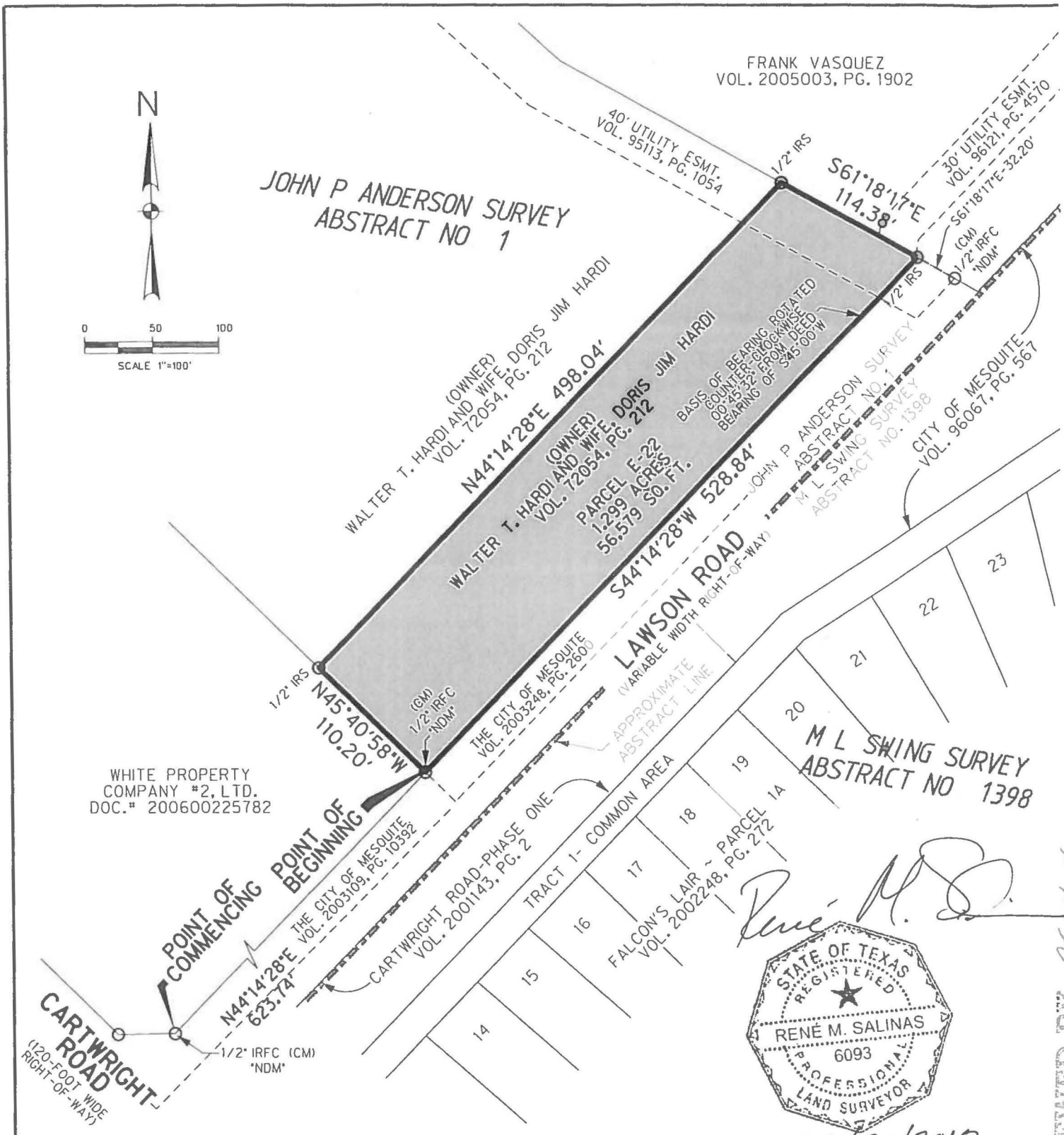
THENCE South 44 degrees 14 minutes 28 seconds West, departing said common line and with said northwest right-of-way line, a distance of 528.84 feet to the POINT OF BEGINNING and CONTAINING 56,579 square feet or 1.299 acres of land, more or less.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 32 seconds from deed as described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, with a bearing of South 45 degrees 00 minutes 00 seconds West along the southwest line of said Hardi tract.

STATE OF TEXAS
REGISTERED
RENÉ M. SALINAS
6093
PROFESSIONAL
LAND SURVEYOR

08/20/2010

REVIEWED BY [illegible] 8/25/10



LEGEND:

IRF	IRON ROD FOUND
IRS	IRON ROD SET W/ YELLOW "GLD" CAP
IRFC	IRON ROD FOUND W/CAP
(CM)	CONTROL MONUMENT

NOTES:

1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

PARCEL E-22
FIELD NOTES DESCRIBING A PORTION OF WALTER T. HARDI AND WIFE, DORIS JIM HARDI TRACT IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1 CITY OF MESQUITE, DALLAS COUNTY, TEXAS TO BE ACQUIRED FOR A 120-INCH WATER LINE

Garcia Land Data, Inc.
T 214 987-0149
F 214 987-4026
6210 Campbell Rd., Ste 110
Dallas, TX 75248-1388

DATE: 08/19/10
PROJ: 5330

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
DALLAS §

That Walter T. Hardi, a widower (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of DALLAS, State of Texas, for and in consideration of the sum of ONE HUNDRED THIRTY SEVEN THOUSAND AND 75/100 DOLLARS ($137,000.75) 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 _____, _____.

_____
Walter T. Hardi

EXHIBIT B

* *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Walter T. Hardi.

_____
Notary Public, State of TEXAS

* *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 36307

Exhibit A

PARCEL E-22
FIELD NOTES DESCRIBING PART OF
THE HARDI TRACT
IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1,
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120 INCH WATER LINE

BEING a 1.299 acre tract of land situated in the John P Anderson Survey, Abstract Number 1, in the City of Mesquite, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east end of a corner clip at the intersection of the northwest right-of-way line of Lawson Road (a variable width right-of-way) and the northeast right-of-way line of Cartwright Road (a 120 foot wide right-of-way);

THENCE North 44 degrees 14 minutes 28 seconds East, with said northwest right-of-way line of Lawson Road and the southeast line of that tract of land described in Special Warranty Deed to White Property Company # 2, LTD, as recorded in Instrument No. 200600225782 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), a distance of 623.74 feet to a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east corner of said White Property Company tract and the POINT OF BEGINNING of the herein described tract, said point being on the southwest line of said Hardi Tract;

THENCE North 45 degrees 40 minutes 58 seconds West, departing said northwest right-of-way line and with the common line between said White Property Company tract and said Hardi tract, a distance of 110.20 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD";

THENCE North 44 degrees 14 minutes 28 seconds East, departing said common line, a distance of 498.04 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" on the northeast line of said Hardi tract and the southwest line of that tract of land described in Warranty Deed to Frank Vasquez, as recorded in Volume 2005003, Page 1902, O.P.R.D.C.T.;

REVIEWED BY DE 8/25/10

PARCEL E-22
FIELD NOTES DESCRIBING PART OF
THE HARDI TRACT
IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1,
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120 INCH WATER LINE

THENCE South 61 degrees 18 minutes 17 seconds East, with the common line between said Hardi tract and said Vasquez tract, a distance of 114.38 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" on said northwest right-of-way line of Lawson Road and from which a found 1/2 inch iron rod with yellow cap stamped "NDM" bears South 61 degrees 18 minutes 17 seconds East a distance of 32.20 feet;

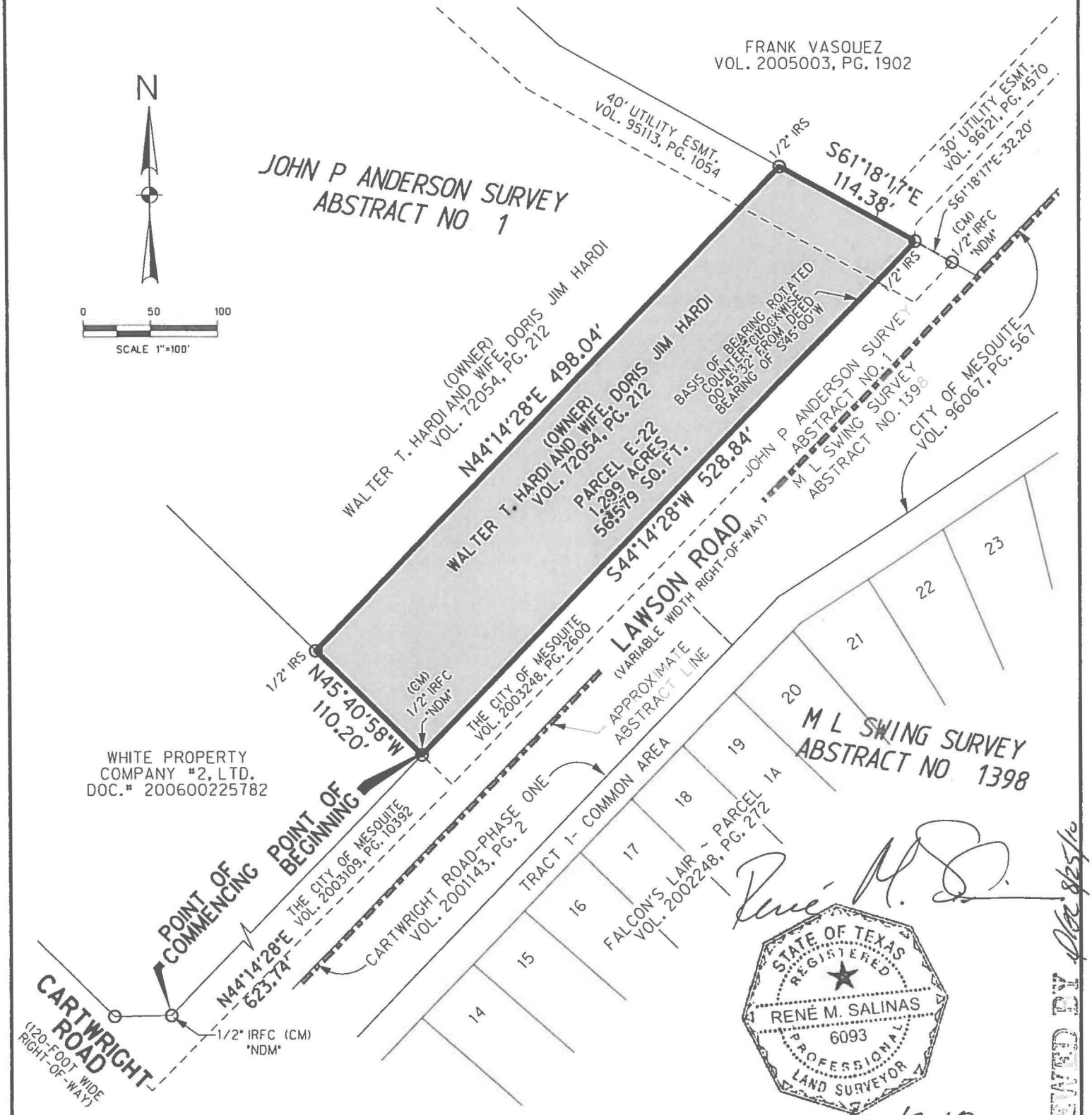
THENCE South 44 degrees 14 minutes 28 seconds West, departing said common line and with said northwest right-of-way line, a distance of 528.84 feet to the POINT OF BEGINNING and CONTAINING 56,579 square feet or 1.299 acres of land, more or less.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 32 seconds from deed as described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, with a bearing of South 45 degrees 00 minutes 00 seconds West along the southwest line of said Hardi tract.



08/20/2010

REVIEWED BY 8/25/10



STATE OF TEXAS
REGISTERED
RENE M. SALINAS
6093
PROFESSIONAL
LAND SURVEYOR

08/20/2010

RENE M. SALINAS 8/25/10

RECEIVED BY

LEGEND:

IRF	IRON ROD FOUND
IRS	IRON ROD SET W/ YELLOW "GLD" CAP
IRFC	IRON ROD FOUND W/CAP
(CM)	CONTROL MONUMENT

NOTES:

1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

PARCEL E-22
FIELD NOTES DESCRIBING A PORTION OF WALTER T. HARDI AND WIFE, DORIS JIM HARDI TRACT IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1 CITY OF MESQUITE, DALLAS COUNTY, TEXAS TO BE ACQUIRED FOR A 120-INCH WATER LINE

Garcia Land Data, Inc.
T 214-987-0149 6210 Campbell Rd., Ste. 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 08/19/10
PROJ: 5330

EXHIBIT B

EASEMENT – ACCESS
[Specific Location]

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "2", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

ATTACHMENT 1

PARCEL E-22 ACCESS EASEMENT
FIELD NOTES DESCRIBING A PORTION OF
WALTER T HARDI AND WIFE, DORIS JIM HARDI TRACT
IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1,
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a 6,612 square foot tract of land situated in the John P Anderson Survey, Abstract Number 1, in the City of Mesquite, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east end of a corner clip at the intersection of the northwest right-of-way line of Lawson Road (a variable width right-of-way) and the northeast right-of-way line of Cartwright Road (a 120 foot wide right-of-way);

THENCE North 44 degrees 14 minutes 28 seconds East, with said northwest right-of-way line of Lawson Road and the southeast line of that tract of land described in Warranty Deed to the City of Dallas, as recorded in Instrument No. 201300152094 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), a distance of 623.74 feet to a found 1/2 inch iron rod with a yellow cap stamped "NDM" for the east corner of said City of Dallas tract, said point being on the southwest line of said Hardi tract;

THENCE North 44 degrees 14 minutes 28 seconds East, departing the southwest line of said Hardi tract, and continuing with said northwest right-of-way line of Lawson Road, a distance of 19.00 feet to 1/2-inch iron rod set with cap stamped "GLD" for corner and the **POINT OF BEGINNING** of the herein described tract,

THENCE North 45 degrees 40 minutes 58 seconds West, departing said northwest right-of-way line, a distance of 110.20 feet to a 1/2-inch iron rod set with cap stamped "GLD" for corner;

THENCE North 44 degrees 14 minutes 28 seconds East, a distance of 60.00 feet to a 1/2-inch iron rod set with cap stamped "GLD" for corner;

FIELD NOTES APPROVED:

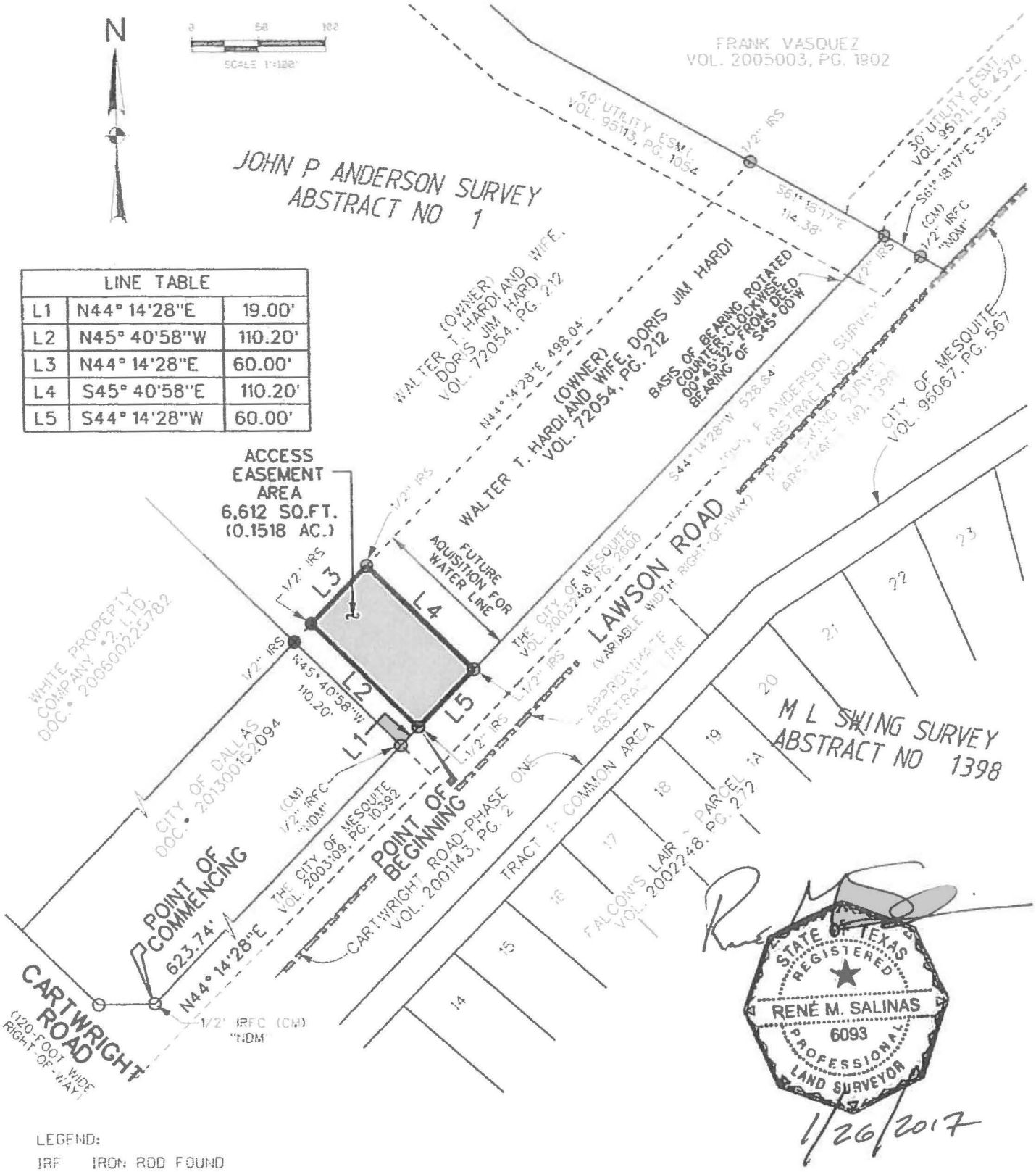
PARCEL E-22 ACCESS EASEMENT
FIELD NOTES DESCRIBING A PORTION OF
WALTER T HARDI AND WIFE, DORIS JIM HARDI TRACT
IN THE JOHN P. ANDERSON SURVEY, ABST. NO. 1,
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE South 45 degrees 40 minutes 58 seconds East, a distance of 110.20 feet to a 1/2-inch iron rod set with cap stamped "GLD" for corner, said iron rod being on the aforementioned northwest right-of-way line of Lawson Road;

THENCE South 44 degrees 14 minutes 28 seconds West, with said northwest right-of-way line, a distance of 60.00 feet to the **POINT OF BEGINNING** and **CONTAINING** 6,612 square feet or 0.1518 acres of land, more or less.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 32 seconds from deed as described in Warranty Deed to Walter T. Hardi and wife, Doris Jim Hardi, as recorded in Volume 72054, Page 212, of the Deed Records of Dallas County, Texas, with a bearing of South 45 degrees 00 minutes 00 seconds West along the southwest line of said Hardi tract.





LINE TABLE		
L1	N44° 14'28"E	19.00'
L2	N45° 40'58"W	110.20'
L3	N44° 14'28"E	60.00'
L4	S45° 40'58"E	110.20'
L5	S44° 14'28"W	60.00'

STATE OF TEXAS
REGISTERED
RENÉ M. SALINAS
6093
PROFESSIONAL
LAND SURVEYOR

1/26/2017

LEGEND:

IRF	IRON ROD FOUND
IRS	IRON ROD SET W/ YELLOW "GLD" CAP
IRFC	IRON ROD FOUND W/CAP
(CM)	CONTROL MONUMENT

NOTES:

1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

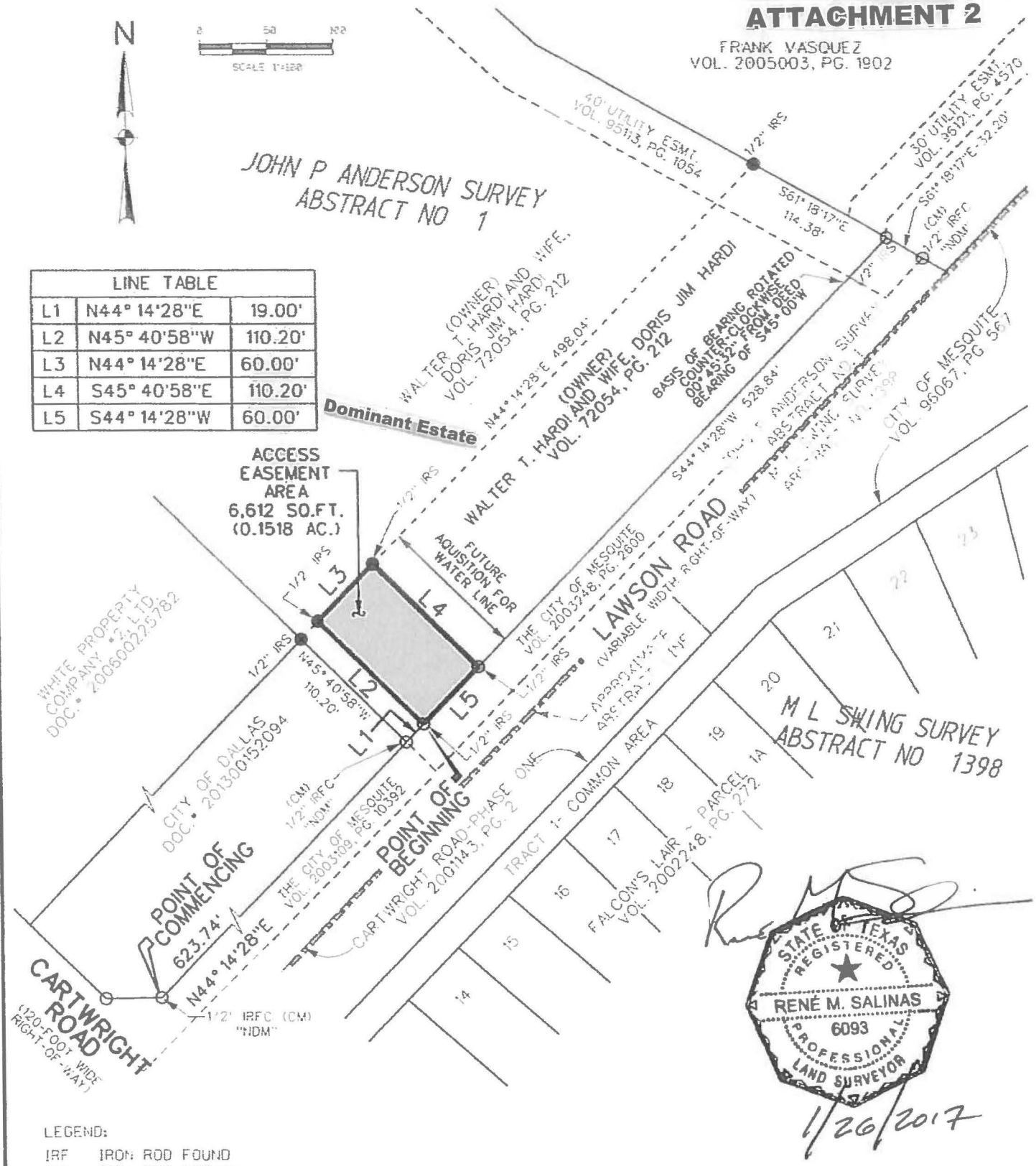
rev.: 1/26/17
rev.: 12/15/16
iss. 10/18/16

PARCEL E-22 ACCESS EASEMENT
BEING A PORTION OF
WALTER T. HARDI AND WIFE, DORIS JIM HARDI TRACT
IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214 947-0149
F 214 947-4026
6310 Campbell Rd. Ste. 110
Dallas, TX 75248-1398

DATE:	1/26/17
PROJ:	5330
	PAGE 3 OF 3

ATTACHMENT 2



LINE TABLE		
L1	N44° 14'28"E	19.00'
L2	N45° 40'58"W	110.20'
L3	N44° 14'28"E	60.00'
L4	S45° 40'58"E	110.20'
L5	S44° 14'28"W	60.00'

LEGEND:

IRF	IRON ROD FOUND
IRS	IRON ROD SET W/ YELLOW "GLD" CAP
IRFC	IRON ROD FOUND W/CAP
(CM)	CONTROL MONUMENT

NOTES:

1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

PARCEL E-22 ACCESS EASEMENT
BEING A PORTION OF
WALTER T. HARDI AND WIFE, DORIS JIM HARDI TRACT
IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-947-0149 6210 Campbell Rd., Ste. 170
F 214-987-4026 Dallas, TX 75248-1148

DATE: 1/26/17
PROJ: 5330
PAGE 3 OF 3

rev: 1.26.17
rev: 12/15/16
iss. 10/18/16

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Equipment & Building Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55H

SUBJECT

Authorize moving expense and replacement housing payments for Gerardo Rodriguez and Consuelo Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2922 McGowan Street for City service and maintenance facilities - Not to exceed $111,350 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On January 13, 2016, City Council authorized the acquisition of real property known as 2922 McGowan Street for City service and maintenance facilities by Resolution No. 16-0091. Gerardo Rodriguez and Consuelo Rodriguez will be displaced as a direct result of this property acquisition. They qualify for a moving expense payment of up to $2,350 and a last resort calculated replacement housing payment of up to $109,000 pursuant to the Dallas City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized the acquisition by Resolution No. 16-0091.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - $111,350

OWNERS

Gerardo Rodriguez

Consuelo Rodriguez

MAP

Attached

CADILLAC HIEGHTS PHASE II PROJECT
RELOCATION ASSISTANCE



LOT 55, BLOCK 6642—2922 McGowan Street

June 14, 2017

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for City service and maintenance facilities; and

WHEREAS, Gerardo Rodriguez and Consuelo Rodriguez will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by City of Dallas property acquisition activities; and

WHEREAS, on January 13, 2016, City Council authorized the acquisition of 2922 McGowan Street located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of City service and maintenance facilities by Resolution No. 16-0091.

Now, Therefore,

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

SECTION 1. That Gerardo Rodriguez and Consuelo Rodriguez will be displaced in conjunction with the construction of City service and maintenance facilities and are entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

SECTION 2. That Gerardo Rodriguez and Consuelo Rodriguez are eligible to receive a moving expense payment in an amount up to $2,350 and a replacement housing payment in an amount up to $109,000.

SECTION 3. That the Chief Financial Offer is hereby authorized to draw warrants in favor of Gerardo Rodriguez and Consuelo Rodriguez, in an amount not to exceed $111,350 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

Land Acquisition in Cadillac Heights Fund	
Fund 4T11, Department EBS, Unit T825	
Object 4240, Activity LAAQ, Program PB06T825	
Encumbrance SUST825JF82, Vendor 342843	$109,000

SECTION 3. (continued)

Land Acquisition in Cadillac Heights Fund Fund 4T11, Department EBS, Unit T825 Object 4240, Activity LAAQ, Program PB06T825 Encumbrance SUST825JF81, Vendor VC16800	$ 2,350
Total amount not to exceed	$111,350

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 # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4, 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46W X 55Z

SUBJECT

Authorize **(1)** the quitclaim of three properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: $22,526

BACKGROUND

This item authorizes the quitclaim of three properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $22,526

OWNERS

Be Real Entertainment, Inc.
Clinton Garland, President

County Land and Water LLC
Wayne Prokay, Managing Member

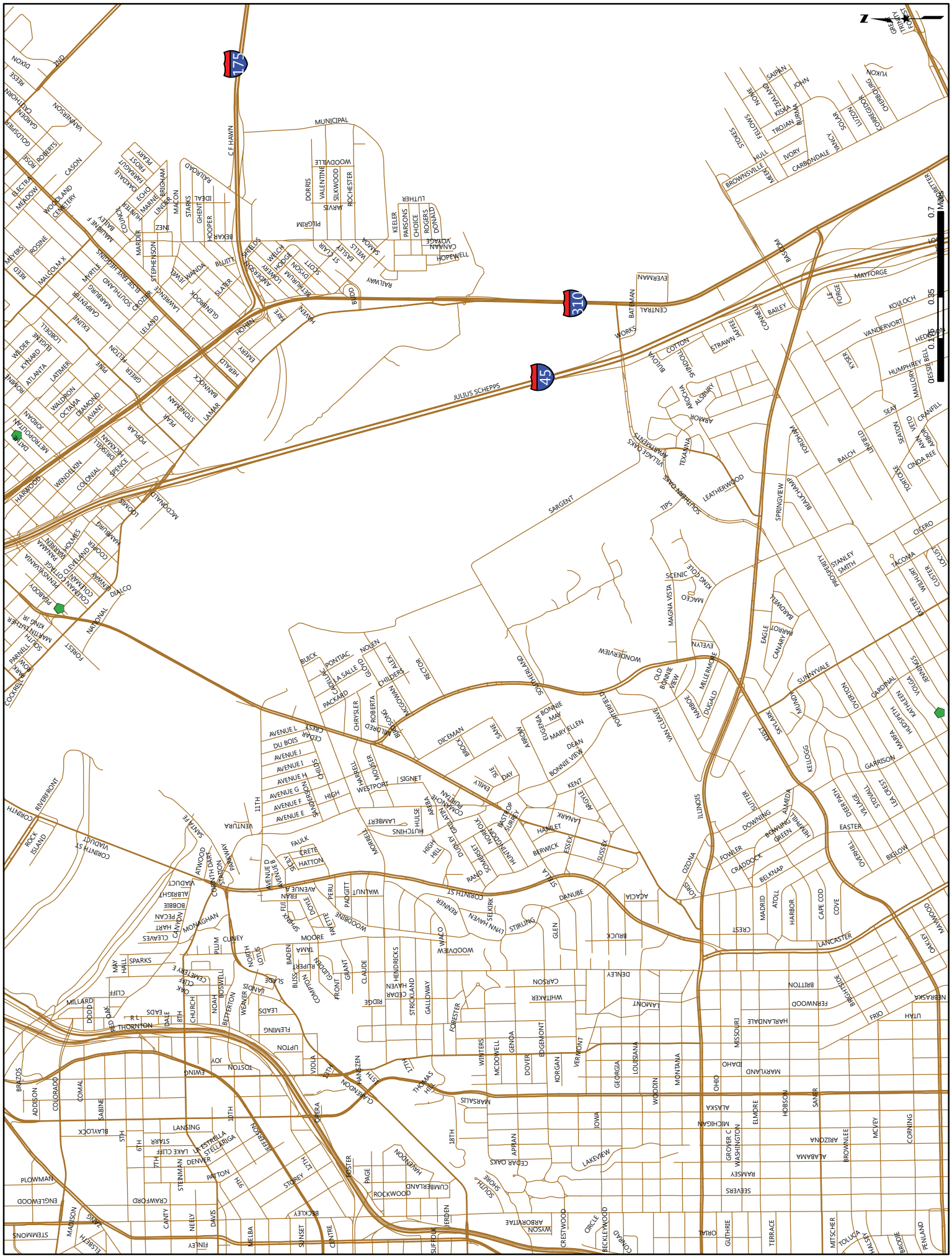
Denekia Smith

MAP

Attached

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST

ITEM #	STREET ADDRESS	VAC/ IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
1	2415 DATHE	I	7	PD-595	.1215	$23,370.00	20	$750.00	$9,000.00	$23,370.00	Denekia Smith
2	1313 PEABODY	V	7	PD 595	.2655	$11,570.00	5	$2,000.00	$5,123.00	$28,920.00	County Land and Water LLC
3	2446 VOLGA	V	4	R-7.5(A)	.1688	$14,345.00	11	$1,000.00	$8,403.00	$22,820.00	Be Real Entertainment, Inc.


175
310
45
MUNICIPAL
C F HAWN
JULIUS SCHEPPS
SARGENT
MAYFORGE
BATEMAN
CENTRAL
EVERMAN
WORKS
BAILEY
COTTON
STRAWN
MAYFIELD
BULOVA
SYNDICUT
ROCHA
ALSBURY
ARMOR
VILLAGE OAKS
NORTHRIDGE
TEXANNA
LEATHERWOOD
SOUTHERN OAKS
TIPS
SPRINGVIEW
BELLCHAMP
FONDREN
LINFIELD
BALCH
SEAY
CRANFILL
HUMPHREY
MOUNTAIN VIEW
KOLLOCH
VANDERVORT
HEDGCOXE
BELL
DESOTO
TORTOISE
CINDA REE
ANN ARBOR
VERO
SATON
KYSER
FORGE
LOCUST
CICERO
TACOMA
STANLEY SMITH
PROSPERITY
WILLHURT
BAXTER
KATHLEEN
HUDSPETH
MARSA
JENNINGS
VOLGA
OVERTON
GARDINAL
SUNNYVALE
MUNION
KELLOGG
GARRISON
LEA CREST
STOWELL
VILLAGE
DEER PATH
EASTER
BOWLING GREEN
HERMITAGE
OVERHILL
BIGLOW
CRADDOCK
FOWLER
DOWNING
ALMEDA
SUTTER
SIONITH
VAN CLEAVE
MARBOR
DUGALD
MILLERMORE
OLD BONNIE VIEW
WONDERVIEW
MAGNA VISTA
SCENIC
KING COLE
MACEO
EVELYN
BARROWELL
EAGLE
CANARY
BARROW
NAST
SYLVAN
PORTERFIELD
SOUTHERLAND
BONNIE VIEW
DEAN
MARY ELLEN
EUGENIA
MAY
BONNIE
ARBOR
KENT
MCGILL
LANARK
HAMLET
BERWICK
ESSEX
SUSSEX
SHEILA
DANUBE
ACACIA
ORIS
VINCO
CRAIG
BELKNAP
ATOLL
HARBOR
CAPE COD
COVE
MADRID
CREST
LANCASTER
OAKLEY
NEBRASKA
UTAH
FRIO
BRIGHTHOPE
FERNWOOD
BRITTON
DENLEY
LAMONT
CARSON
WHITTAKER
FORESTER
GALLOWAY
STRICKLAND
HAVEN
CEDAR
HENDRICKS
RIDGE
GRANT
CLAUDE
FRONT
GLADDEN
COMPTON
BLISS
RUPERT
BADEN
TAMA
SLADE
LAVON
WEBNER
PEPPERTON
NOAH
BOSWELL
CHURCH
OAK
CLIFF
CEMETERY
MAY
HALL
SPARKS
MILLARD
DODD
PARK
EADS
DALE
8TH
THORNTON
R L
FLEMING
UPTON
TOSTON
JOY
EWING
VIOLA
ALTA
CARENDON
PARKWOOD
THOMAS HILL
MARSALIS
WINTERS
MCDOWELL
GENOA
DOVER
EDGEMONT
KORGAN
VERMONT
GEORGIA
LOUISIANA
MONTANA
WOODIN
IOWA
OHIO
IDAHO
MARYLAND
MISSOURI
HARLANDALE
ALASKA
MICHIGAN
GROVER C
WASHINGTON
ELMORE
HOBSON
SANER
ARIZONA
ALABAMA
BROWNLEE
CORNING
MCVEY
RAMSEY
SEEVERS
MITSCHER
TOLUCA
HALSEY
MOORE
PENTLAND
ORAM
GLUTHRIE
TERRACE
CIRCLE
CRESTWOOD
BECKLEWOOD
CONRAD
ARBORVITAE
WYSON
CEDAR OAKS
APPIAN
LAKEVIEW
SHORE
SCOTTIE
18TH
17TH
16TH
15TH
14TH
13TH
12TH
11TH
10TH
9TH
7TH
6TH
5TH
CUMBERLAND
ROCKWOOD
HAVERSON
FOSTER
PAGE
SUFFOLK
GERDEN
SUNSET
CENTRE
MELBA
FINLEY
ESSEX
MADISON
ZANG
STEMMONS
DAVIS
NEELY
CANITY
STEINMAN
DENVER
LAKE CLIFF
STELLA
LA ESTRELLA
HEFFINGTON
STARR
LANSING
BLAYLOCK
ENGLEWOOD
CRAWFORD
PLOWMAN
PATTON
STOREY
BUCKLEY
ROCK ISLAND
CORINTH ST
VIADUCT
RIVERFRONT
CORINTH
SANTA FE
VENTURA
ALBRIGHT
BOBBIE
HART
PECAN
MONAGHAN
CUNEY
PLUM
CLEAVES
ATWOOD
CORINTH DARK
STANTON
PARKWAY
AVENUE B
AVENUE E
FAULK
CRETE
ALTA
HATTON
FILL
SPARK
FERN
DOYLE
PERU
WALNUT
PADGITT
WOODBINE
FLETTE
PARK
MOORE
MORRELL
LAMBERT
HUTCHINS
HIGH HILL
DUDLEY
RAND
SOMERSET
NORWICK
HUNTINGDON
CASTLE
GRANADA
CONSTANTINE
ARBAH
SHULSE
EASTCLIFF
SELKIRK
LYNN HAVEN
RENNER
STIRLING
GLEN
WACO
WOODVIEW
BRUCK
DELEON
AVENUE L
DU BOIS
AVENUE J
AVENUE I
AVENUE H
AVENUE G
AVENUE F
AVENUE E
CEDAR CREST
CHILDS
HIGH
SUNRISE
11TH
WESTPORT
SIGNET
THORNHILL
WOLFER
ROBERTA
MCCOWAN
BRADSHAW
MILDRED
CHRYSLER
PACKARD
CADILLAC
OLDS
LA SALLE
PONTIAC
BUICK
NOLEN
ALEX
CHILDERS
RECTOR
DICEMAN
BROCK
SALE
SLOT
DAY
BAILEY
ARBOR
MOORE
MAY
BONNIE
EUGENIA
MARY ELLEN
DEAN
BONNIE VIEW

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas, ("County"), and/or Dallas Independent School District ("DISD") acquired Sheriff Deeds to properties ("Properties") at a sheriff tax sale ("the First Sale") authorized by a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on "Exhibit A," attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties ("the Second Sale") subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner's Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code.

Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing

SECTION 1. (continued)
entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager is hereby authorized to execute a release(s) of lien, approved as to form by the City Attorney, for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit “A”; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit “A”.

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

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.

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/ IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
1	2415 DATHE	Lot 14, Block A/1711	I	1, 2, 3	3/5 & 3/6	20	$750.00	$9,000.00	Denekia Smith
2	1313 PEABODY	Being Lot 11 and the southwest 25 feet of Lot 10, Block B/1147	V	1, 2, 3	3/5 & 3/6	5	$2,000.00	$5,123.00	County Land and Water LLC
3	2446 VOLGA	Lot 4, Block K/5855	V	1, 2, 3	3/5 & 3/6	11	$1,000.00	$8,403.00	Be Real Entertainment, Inc.

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45K

SUBJECT

An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets - Revenue: $100 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $100 one-time fee, plus the $20 ordinance publication fee

OWNER

LICGF Dallas Lofts, Inc.

Heiner Franssen, President

MAP

Attached



LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a private license to LICGF Dallas Lofts, Inc. to occupy, maintain and utilize aerial space over a portion of Akard Street right-of-way located near the intersection of Main and Akard Streets adjacent to City Block 114/69 ½ within the limits hereinafter more fully described, for the purpose of maintaining and utilizing an awning without premise sign; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

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 LICGF Dallas Lofts, Inc., a Delaware 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 HUNDRED AND NO/100 ($100.00) DOLLARS**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with the 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**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be

SECTION 3. (continued)

subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain, and utilize an awning without premise sign.

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: **GRANTEE** shall ensure that Americans with Disability Act required clearances are maintained throughout the area.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction 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 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to

SECTION 11. (continued)

Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A

AERIAL RIGHTS PRIVATE LICENSE AGREEMENT

part of Akard Street
between the elevations of
436.00' and 446.00' above mean sea level
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

PROPERTY DESCRIPTION

BEING a 103 square feet (0.002 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City and County of Dallas, Texas, and being a portion of Akard Street (a variable width right-of-way at this point), as dedicated by Smith, Murphy and Martins Addition, recorded in Volume H, Page 83 and Volume 143, Page 403 Map Records, Dallas County, Texas and being more particularly described as follows but only as to that portion of the License Agreement between the elevations of 436.00 feet and 446.00 feet above mean sea level:

COMMENCING at an "X" cut found in the northwest line of Main Street (a 79.5' public right-of-way, City of Dallas Ordinance 1A, Page 131) and in the southerly line of a tract of land described as Tract I to LICGF DALLAS LOFTS, INC. by Special Warranty Deed with Vendor's Lien as recorded in Instrument No. 201600084621 of the Official Public Records, Dallas County, Texas, said "X" also being the southwest corner of Lot 8A, Block 114 69-1/2 of MEA Addition, an addition to the City of Dallas as recorded in Instrument No. 20070252210 Official Public Records, Dallas County, Texas;

THENCE North 76°13'47" East along the common line between said Main Street and said Lot 8A for a distance of 51.12 feet to a "V" cut found at the intersection of said Akard Street and said Main Street, said "V" cut also being the southeast corner of said Lot 8A;

THENCE North 14°00'00" West along the common line between said Akard Streend said Lot 8A a distance of 18.21 feet;

THENCE North 13°46'54" West along the common line between Tract II of the aforementioned LICGF tract and said Akard Street for a distance of 54.78 feet to the **POINT OF BEGINNING**:

THENCE North 13°46'54" West, continuing along said common line for a distance of 25.15 feet to a corner;

THENCE North 76°16'33" East, over and across said Akard Street, for a distance of 4.09 feet to a corner;

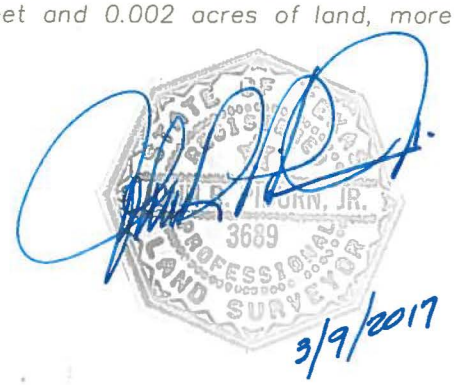
THENCE South 13°46'54" East, over and across said Akard Street, for a distance of 25.15 feet to a corner;

THENCE South 76°16'33" West, over and across said Akard Street, for a distance of 4.09 feet to the **POINT OF BEGINNING** and containing 103 square feet and 0.002 acres of land, more or less.

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	3/24/17
SPRG NO.:	4022

BASIS OF BEARINGS:
Bearings are based upon the easterly line of Tract II per LICGF DALLAS LOFTS, INC (S 13°46'54" E) deed as recorded in Instrument No. 201600084621, Official Public Records of Dallas County, Texas.

REV: March 09, 2017
DATE: August 19, 2016
Project No. 15099

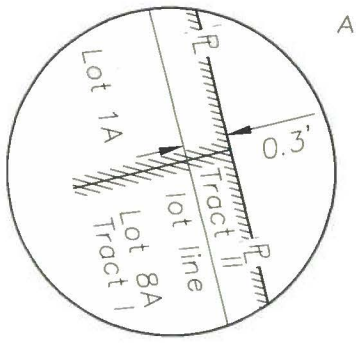


PIBURN & CARSON
801 East Campbell Road – Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

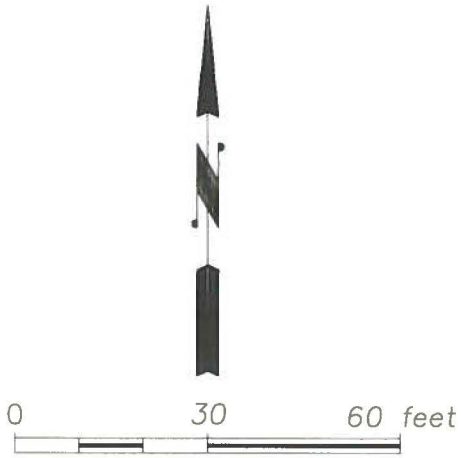
EXHIBIT A

AERIAL RIGHTS PRIVATE LICENSE AGREEMENT

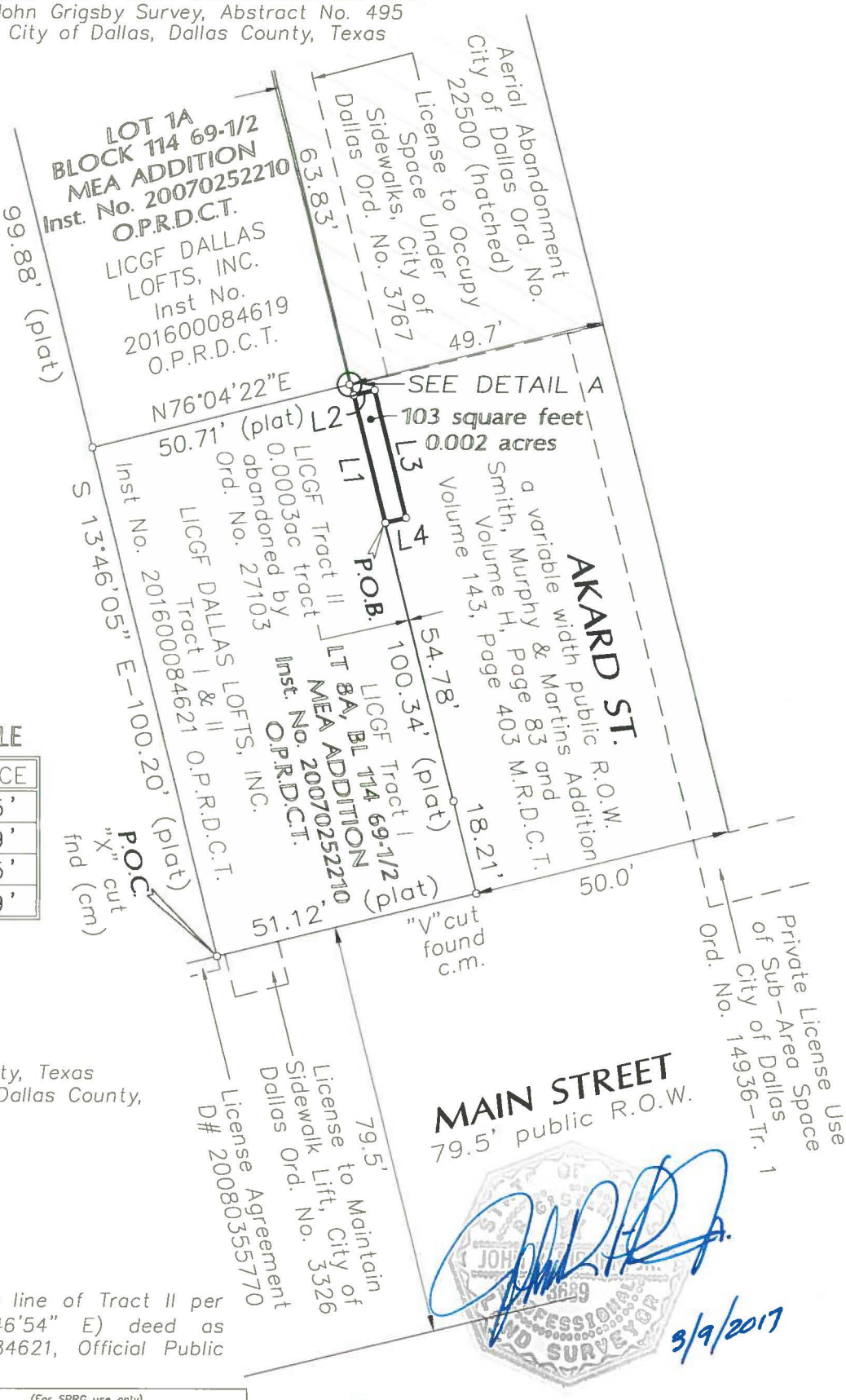
part of Akard Street
between the elevations of
436.00' and 446.00' above mean sea level
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas



DETAIL A
not to scale



SCALE: 1" = 30'



LICENSE AGREEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 13°46'54" W	25.15'
L2	N 76°16'33" E	4.09'
L3	S 13°46'54" E	25.15'
L4	S 76°16'33" W	4.09'

LEGEND:
c.m. – controlling monument
Inst. No. – Instrument Number
M.R.D.C.T. – Map Records, Dallas County, Texas
O.P.R.D.C.T. – Official Public Records, Dallas County, Texas
P.O.B. – Point of Beginning
P.O.C. – Point of Commencing
PL – property line
R.O.W. – right-of-way
Ord. No. – Ordinance Number

BASIS OF BEARINGS:
Bearings are based upon the easterly line of Tract II per LICGF DALLAS LOFTS, INC (S 13°46'54" E) deed as recorded in Instrument No. 201600084621, Official Public Records of Dallas County, Texas.

3/9/2017

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 3/24/17
SPRG NO.: 4022

REV: March 09, 2017
DATE: August 19, 2016
Project No. 15099

PIBURN& CARSON
801 East Campbell Road – Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 15 Y L

SUBJECT

An ordinance abandoning a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner, containing approximately 518 square feet of land, located near the intersection of Forest Lane and Robledo Drive - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner. The area will be included with the property of the abutting owner for patio and landscaping improvements of an existing residential home. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

CADG Forrest Lane 6, LLC

CADG Holdings, LLC

2M Holdings LP

2M Ventures, LLC

Mehrdad Moayedi, Manager

MAP

Attached



Log 44506

Abandonment area:

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portion of a sanitary sewer easement located in City Block 46/7460 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to CADG Forrest Lane 6, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein providing for conveyance of a new easement to the City of Dallas and the relocation of existing facilities; 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 a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of CADG Forrest Lane 6, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE,** its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE** shall:

a) shall retain the existing sanitary easement until the main is abandoned.

b) obtain a Private Development Contract (P-Contract) with the City of Dallas. Retain existing easements at project location until all mains are abandoned or relocated. Relocate all affected upstream wastewater mains so to maintain wastewater service to all upstream customers in City Block 7460. P-Contract should address the relocation of the upstream wastewater main.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sanitary sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and 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 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance.

SECTION 11. (continued)

The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A

SANITARY SEWER EASEMENT ABANDONMENT
WATERFRONT AT FORREST ADDITION, LOT 1C, BLOCK 46/7460
THOMAS DYKES SURVEY, ABSTRACT NO. 405
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 518 square feet or 0.012 acres tract of land situated in the Thomas Dykes Survey, Abstract No. 405, City of Dallas, Dallas County, Texas, the subject tract being a portion of Lot 1C, Block 46/7460, Waterfront at Forrest Addition according to the plat recorded in Instrument Number 201600134905 of the Official Public Records, Dallas County, Texas (OPRDCT), as conveyed to CADG Forrest Lane 6, LLC, by Special Warranty Deed with Vendor's Lien, (Tract 1 and 2) recorded in Instrument Number 201400211192 OPRDCT, and being a portion a 10 foot wide sanitary sewer easement, created and recorded in Volume 67048, Page 510 of the Deed Records, Dallas County, Texas (DRDCT), and a portion of another 10 foot wide sanitary sewer easement defined by plat of Shangri–La Addition, recorded in Volume 77231, Page 594 DRDCT, with the subject tract being more particularly described as follows:

COMMENCING at a 3" aluminum disc stamped "Waterfront at Forrest Addition" found on the north line of Forest Lane, a variable width right–of–way, and on the north line of the right–of–way dedication thereof to the City of Dallas conveyed by said plat of Waterfront at Forrest Addition, and being on the east line of Rue Du Lac, a variable width right–of–way created by the plat of Revised Shangri–La Addition, recorded in said Volume 77231, Page 594 DRDCT, for the southwest corner of Lot 1A, Block 46/7460, Waterfront at Forrest Addition;

THENCE N 89°04'39" E, along the north line of said right–of–way dedication and along the south line of Lot 1A, passing at 76.16 feet the southeast corner of Lot 1A and the southwest corner of Lot 1B, Block 46/7460, passing at 134.46 feet the southeast corner of Lot 1B and the southwest corner of Lot 1C, Block 46/7460, in all a total distance of 202.86 feet to the southeast corner of Lot 1C and the southwest corner of Lot 1D, Block 46/7460;

THENCE N 00°55'21" W, 57.00 feet along the east line of Lot 1C and the west line of Lot 1D to a point being on the north line of a 7 foot wide utility easement created by said plat of Waterfront at Forrest Addition;

THENCE S 89°04'39" W, 9.00 feet departing said line, into Lot 1C, along the north line of said utility easement, to a point on the west line of a 20 foot wide wastewater easement created by said plat of Waterfront at Forrest Addition;

THENCE N 00°55'25" W, 98.54 feet along the west line of said 20 foot wide wastewater easement to the POINT OF BEGINNING of the subject tract, a point for corner;

THENCE along the west line of the sanitary sewer recorded in Volume 77231, Page 594 DRDCT, around a non–tangent curve to the left having a central angle of 42°27'31", a radius of 96.33 feet, a chord of N 40°36'41" W – 69.76 feet, an arc length of 71.38 feet to a point on the south line of said 20 foot wide wastewater easement;

THENCE S 70°23'34" E, 47.57 feet through the aforementioned sanitary sewer easements, along the south line of said 20 foot wide wastewater easement to a point for a bend point in said wastewater easement, and from which a 3" aluminum disc stamped "Waterfront at Forrest Addition" found for the southeast corner of Lot 1F, Block 46/7460, Waterfront at Forrest Addition, and being on the west line of Lot 1, Block 50/7460, Skibell Addition, an addition recorded in Instrument Number 200600296035 OPRDCT, and on the north line of Forest Lane, bears S 45°23'49" E, 269.82 feet;

THENCE S 00°55'25" E, 37.00 feet along the west line of said 20 foot wide wastewater easement, though said sanitary sewer easements, to the POINT OF BEGINNING with the subject tract containing 518 square feet or 0.012 acres of land.

(For SPRG use only)
Reviewed By: JD
Date: 3/30/2017
SPRG No: 4050

A plat of even date accompanies this legal description.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)

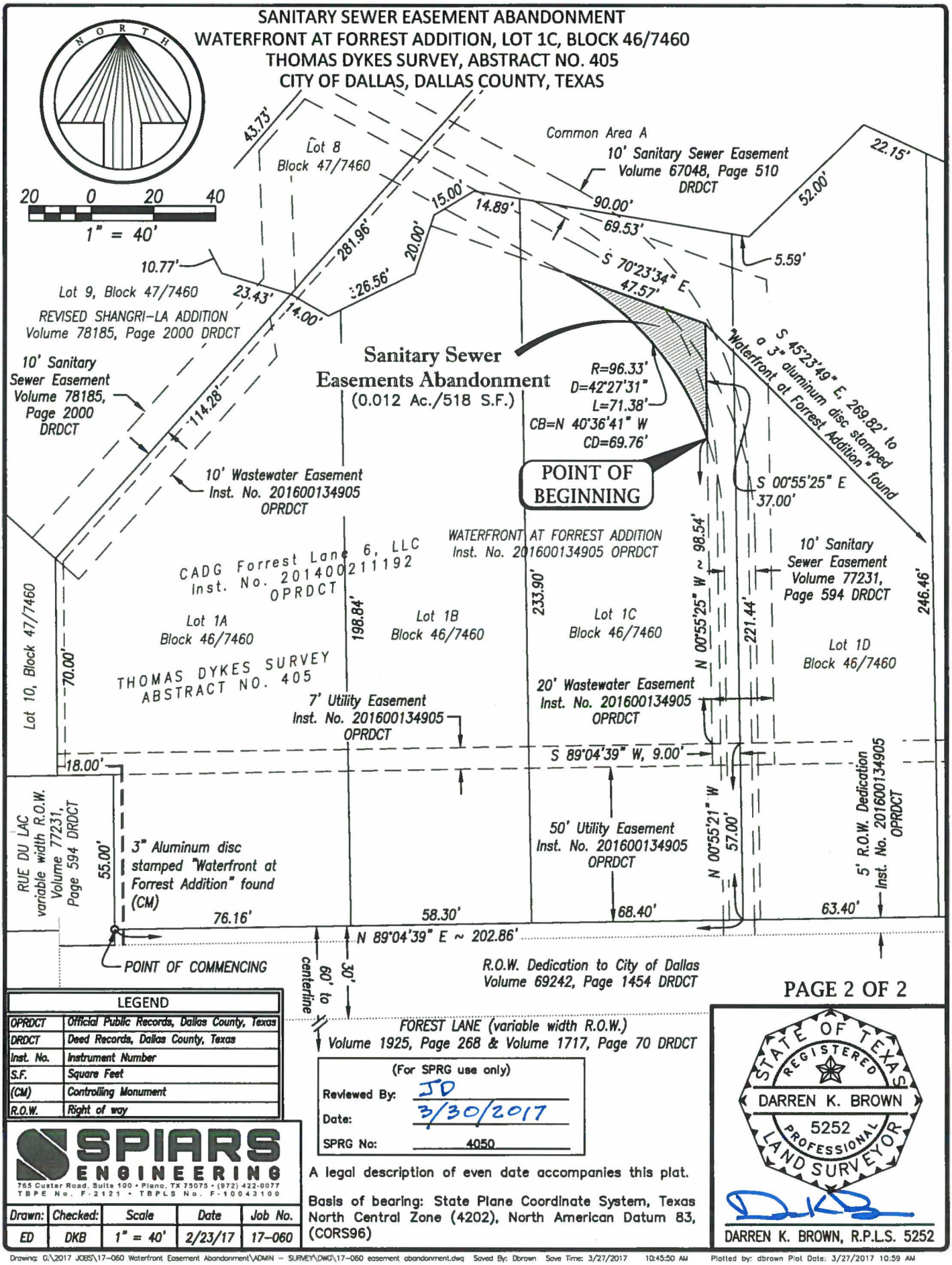
STATE OF TEXAS
REGISTERED
DARREN K. BROWN
5252
PROFESSIONAL
LAND SURVEYOR

DARREN K. BROWN, R.P.L.S. 5252

SPIARS ENGINEERING
755 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077
TBPE No. F-2121 • TBPLS No. F-10043100

Drawn:	Checked:		Date	Job No.
ED	DKB		2/23/17	17–060

Exhibit A



PAGE 2 OF 2

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
S.F.	Square Feet
(CM)	Controlling Monument
R.O.W.	Right of way

(For SPRG use only)
Reviewed By: JD
Date: 3/30/2017
SPRG No: 4050

A legal description of even date accompanies this plat.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)

SPIARS ENGINEERING
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077
TBPE No. F-2121 • TBPLS No. F-10043100

Drawn:	Checked:	Scale	Date	Job No.
ED	DKB	1" = 40'	2/23/17	17-060

STATE OF TEXAS
REGISTERED
DARREN K. BROWN
5252
PROFESSIONAL
LAND SURVEYOR

DARREN K. BROWN, R.P.L.S. 5252

Drawing: G:\2017 JOBS\17-060 Waterfront Easement Abandonment\ADMIN - SURVEY\DWG\17-060 easement abandonment.dwg Saved By: Dbrown Save Time: 3/27/2017 10:45:50 AM Plotted by: dbrown Plot Date: 3/27/2017 10:59 AM

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 43Z

SUBJECT

An ordinance abandoning a water easement to Lincoln Colorado Place LLC, the abutting owner, containing approximately 11,246 square feet of land, located near the intersection of Fort Worth Avenue and Colorado Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement to Lincoln Colorado Place LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

Lincoln Colorado Place LLC

LPC MM Colorado Place LLC

LPC Manager, Inc.

John Timothy Byrne, President

MAP

Attached



N
W E
S

ABANDONMENT AREA

WATER EASEMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block A/4689 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Lincoln Colorado Place LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Lincoln Colorado Place LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, 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 its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE,** its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and 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 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____

WATER EASEMENT ABANDONMENT
LOT 1, BLOCK A/4689
COLORADO PLACE APARTMENTS
ANSON McCRACKEN SURVEY, ABSTRACT NO. 868
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

BEING AN 11,246 SQUARE FOOT (0.258 ACRE) TRACT OF LAND SITUATED IN THE ANSON McCRACKEN SURVEY, ABSTRACT No. 868, CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK A/4689 OF COLORADO PLACE APARTMENTS, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 99037, PAGE 5, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C.T.) AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED IN VOLUME 99227, PAGE 1926, D.R.D.C.T., ALSO BEING A PORTION OF THAT CALLED 12.6095 ACRE TRACT OF LAND DESIGNATED AS TRACT 1 DESCRIBED IN THE SPECIAL WARRANTY DEED TO LINCOLN COLORADO PLACE, LLC, RECORDED IN INSTRUMENT No. 201600098755, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), ALSO BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS AN EASEMENT FOR A TEMPORARY WATER SERVICE LINE TO THE DALLAS CITY WATERWORKS RECORDED IN VOLUME 2141, PAGE 354, D.R.D.C.T. SAID 11,246 SQUARE FOOT ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK A/4689 ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 5130 OF MILNER SUBDIVISION AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 79049, PAGE 486, D.R.D.C.T, AND BEING THE SOUTH CORNER OF SAID 12.6095 ACRE TRACT OF LAND ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO CPIF INVESTORS 1, LP RECORDED IN INSTRUMENT 201500167025 O.P.R.D.C.T. SAME BEING THE SOUTH CORNER OF SAID TEMPORARY WATER SERVICE LINE EASEMENT (HEREAFTER REFERRED TO AS EASEMENT);

THENCE NORTH 30°45'59" WEST ALONG THE COMMON LINE OF SAID LOT 1, BLOCK A/4689 AND SAID LOT 1, BLOCK 5130 AND SAID EASEMENT, A DISTANCE OF 20.00 FEET TO THE WEST CORNER OF SAID EASEMENT FROM WHICH A 1/2-INCH IRON PIPE FOUND FOR THE WEST CORNER OF SAID LOT 1, BLOCK A/4689, ALSO BEING THE NORTH CORNER OF SAID LOT 1, BLOCK 5130, ALSO BEING THE WEST CORNER OF SAID 12.6095 ACRE TRACT OF LAND, ALSO BEING THE NORTH CORNER OF SAID CPIF INVESTORS 1, LP, TRACT OF LAND SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FORT WORTH AVENUE, (A 120 FOOT WIDE PUBLIC RIGHT-OF-WAY) ALSO KNOWN AS STATE HIGHWAY 1 AS RECORDED IN VOLUME 1779, PAGE 378, D.R.D.C.T BEARS NORTH 30°45'59" WEST A DISTANCE OF 299.81 FEET;

THENCE DEPARTING SAID COMMON LINE, OVER AND ACROSS LOT 1, BLOCK A/4689 AND SAID 12.6095 ACRE TRACT OF LAND THE FOLLOWING CALLS:

NORTH 59°11'00" EAST ALONG THE NORTHWESTERLY LINE OF SAID EASEMENT, A DISTANCE OF 562.30 FEET TO THE NORTH CORNER OF SAID EASEMENT;

SOUTH 30°49'00" EAST, ALONG THE NORTHEASTERLY LINE OF SAID EASEMENT, A DISTANCE OF 20.00 FEET TO THE EAST CORNER OF SAID EASEMENT;

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 2/14/17
SPRG NO: 4007

WATER EASEMENT ABANDONMENT
LOT 1, BLOCK A/4689
COLORADO PLACE APARTMENTS
ANSON McCRACKEN SURVEY, ABSTRACT NO. 868
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

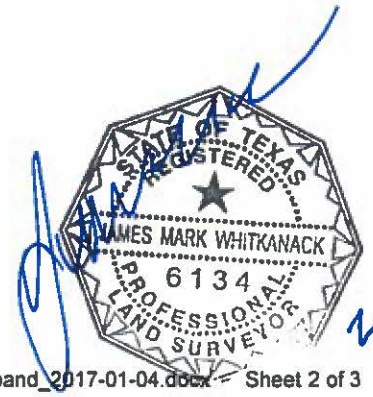
SOUTH 59°11'00" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID EASEMENT, A DISTANCE OF 562.31 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A COMPUTED AREA OF 11,246 SQUARE FOOT OR 0.258 ACRES, MORE OR LESS

NOTES:
BASIS OF BEARING IS THE SOUTHWESTERLY LINE OF LOT 1, BLOCK A/4689, COLORADO PLACE APARTMENTS BEING NORTH 30°45'59" WEST AS RECORDED IN VOLUME 99037, PAGE 5, DEED RECORDS DALLAS COUNTY, TEXAS.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

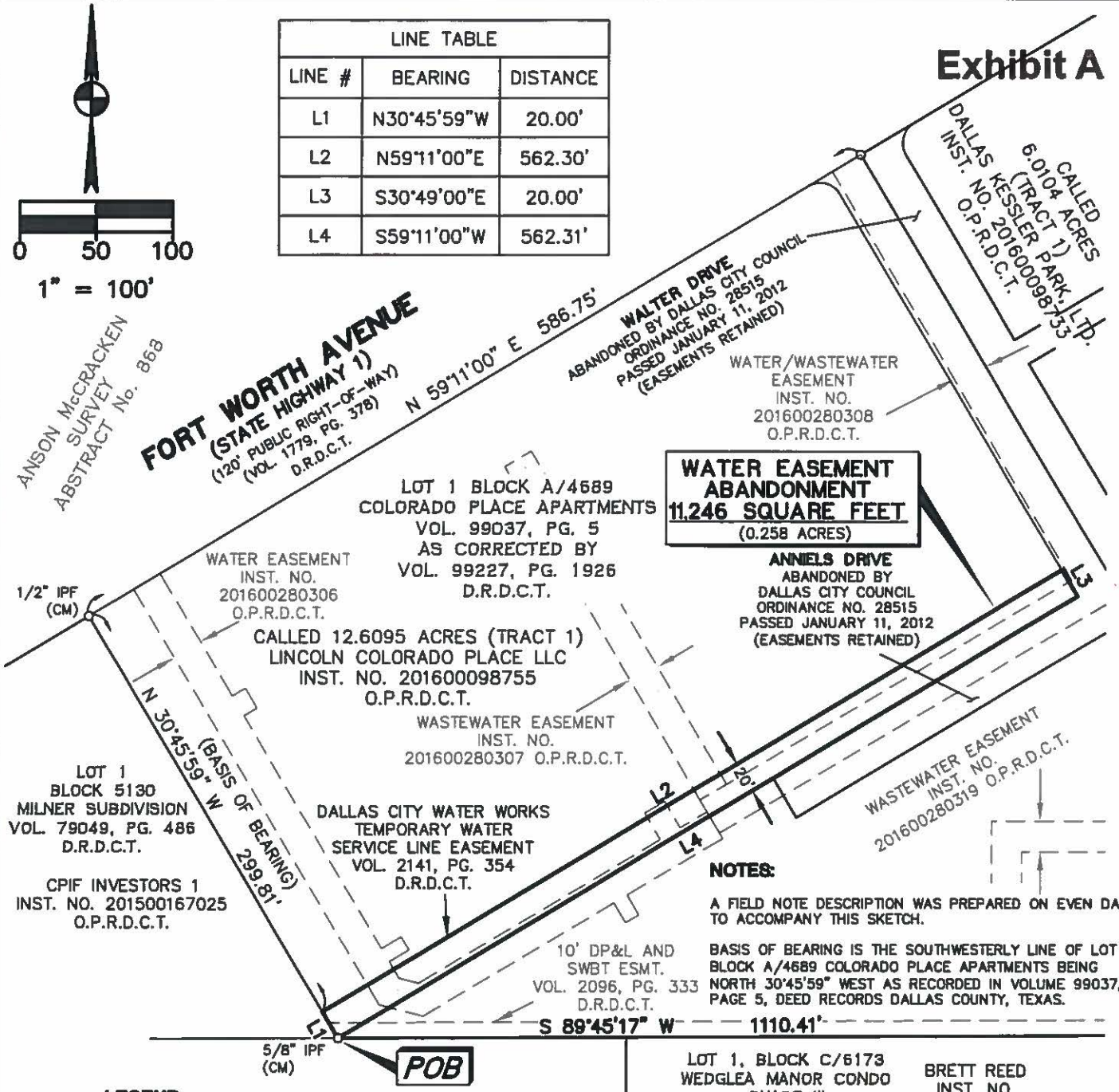
(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 2/14/17
SPRG NO: 4007



2-13-17

Exhibit A

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N30°45'59"W	20.00'
L2	N59°11'00"E	562.30'
L3	S30°49'00"E	20.00'
L4	S59°11'00"W	562.31'



NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

BASIS OF BEARING IS THE SOUTHWESTERLY LINE OF LOT 1, BLOCK A/4689 COLORADO PLACE APARTMENTS BEING NORTH 30°45'59" WEST AS RECORDED IN VOLUME 99037, PAGE 5, DEED RECORDS DALLAS COUNTY, TEXAS.

LEGEND

IPF	IRON PIPE FOUND
(CM)	CONTROLLING MONUMENT
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
VOL./PG.	VOLUME, PAGE
POB	POINT OF BEGINNING
DP&L	DALLAS POWER & LIGHT
SWBT	SOUTHWESTERN BELL TELEPHONE

(FOR SPRG USE ONLY)
REVIEWED BY: A.Rodriguez
DATE: 2/14/17
SPRG NO. 4007

Stantec
12222 Merit Drive, Suite 400
Dallas, Texas 75251
Tel. (972) 991-0011
TBPE # 6324 TBPLS # 10194229

WATER EASEMENT ABANDONMENT
LOT 1, BLOCK A/4689
COLORADO PLACE APARTMENTS
ANSON McCRACKEN SURVEY
ABSTRACT No. 868
CITY OF DALLAS, DALLAS COUNTY, TEXAS

STATE OF TEXAS
REGISTERED
JAMES MARK WHITKANACK
6134
PROFESSIONAL
LAND SURVEYOR

JAMES M. WHITKANACK
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6134

DATE: 02-13-17	SCALE: 1" = 100'	DRAWN BY: RSG	PROJECT NO.: 222210069	SHEET NO. 3 OF 3

V:\2222\active\222210069\survey\exhibits\1-4-17 WATER ABANDONMENT\10069v_ex_water_aban.dwg Feb 13, 17 12:09 PM by: mwhitkanack

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54C

SUBJECT

An ordinance abandoning a portion of an alley to Bishop Arts Village, LLC, the abutting owner, containing approximately 999 square feet of land located near the intersection of North Bishop Avenue and Melba Street, authorizing the quitclaim, and providing for the dedication of approximately 2,523 square feet of land needed for a variable width alley easement - Revenue: $19,980, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Bishop Arts Village LLC, the abutting owner. The area will be included with the property of the abutting owner to facilitate a mixed use muti-family and commercial development. The owner will dedicate approximately 2,527 square feet in a variable width alley easement for a turnaround on the alley. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 39 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $19,980, plus the $20 ordinance publication fee

OWNER

Bishop Arts Village, LLC

Exxir Capital, LLC

Farrokh Nazerian, Manager

MAP

Attached



Log: 42224

Mapsco: 54C

Applicant: Bishop Arts Village, LLC

Abandonment:

Dedication:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located in City Block 33/3153 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Bishop Arts Village, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Bishop Arts Village, LLC, a Texas Limited Liability Company, 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 alley 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 **NINETEEN THOUSAND NINE HUNDRED EIGHTY AND NO/100 DOLLARS ($19,980.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11, and 13, the City of Dallas does by these presents **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 Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction- Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

SECTION 8. (continued)

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 file a final replat of the adjoining properties 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.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

a) at no time during or after the project, cause any delay to emergency traffic or cause interruption to water supply in the area.
b) contact Texas Excavation Safety System (Texas 811) to have facilities marked and located within the affected area before any excavations are started.

SECTION 11. That as a condition of this abandonment and as part of consideration for the quitclaim made herein **GRANTEE** shall convey by easement to the City of Dallas a variable width alley easement, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 33/3153. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain approximately 2,523 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 11 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable

SECTION 12. (continued)

Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 14. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 11, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 15. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

ALLEY ABANDONMENT
Part of Block 33, Dallas Land & Loan Company
Addition No. Two and
Part of Block 33/3153
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

Exhibit A

DESCRIPTION, of a 999 square foot (0.023 acre) tract of land situated in the George L. Leonard Survey, Abstract No. 770, City of Dallas, Dallas County, Texas and in Block 33/3153, an Official Number of the City of Dallas, Texas; said tract being part of that 20-foot wide alley crossing Block 33, created by the plat of Dallas Land & Loan Company Addition No. Two, an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, subsequently being transcribed to Volume 3, Page 530 of the Map Records of Dallas County, Texas, and said City Block 33/3153; said abandonment tract being bounded on the north by the south line of Lot 11, of said Block 33, on the east by the projected west right-of-way line of Bishop Avenue and on the south by the north line of Lot 10, of said Block 33; said 999 square foot (0.023 acre) tract being more particularly described as follows (Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (2011)):

COMMENCING, at a 5/8-inch iron rod found (controlling monument) at the intersection of the south right-of-way line of Melba Street (a 60-foot wide right-of-way) and the west right-of-way line of Bishop Avenue (a 60-foot wide right-of-way); said point being the northeast corner of said Lot 11 and North 89 degrees, 21 minutes, 09 seconds East, a distance of 50.00 feet from a 1/2-inch iron rod found (controlling monument) at the northwest corner of said Lot 11 and the northeast corner of Lot 12, of said Block 33;

> THENCE, South 01 degrees, 06 minutes, 51 seconds East, departing the said south line of Melba Street and along the said west line of Bishop Avenue, a distance of 116.00 feet to the POINT OF BEGINNING; said point being at the intersection of the said west line of Bishop Avenue and the north right-of-way line of said 20-foot wide alley; said point also being the southeast corner of said Lot 11;

THENCE, South 01 degrees, 06 minutes, 51 seconds East, along the said projected west line of Bishop Avenue, same being the east terminus of said 20-foot wide alley, a distance of 20.00 feet to a point for corner at the intersection of the south right-of-way line of said 20-foot wide alley and the said west line of Bishop Avenue; said point also being the northeast corner of said Lot 10;

THENCE, South 89 degrees, 21 minutes, 09 seconds West, departing the said west line of Bishop Avenue and along the said south line of the 20-foot wide alley and the said north line of Lot 10, a distance of 49.95 feet to a point for corner;

THENCE, North 01 degrees, 06 minutes, 51 seconds West, departing the said south line of the 20-foot wide alley and the said north line of Lot 10 and into and across said 20-foot wide alley, a distance of 20.00 feet to a point for corner in the north line of said 20-foot wide alley and the south line of said Lot 11;

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	4/10/17
SPRG NO:	3461

ALLEY ABANDONMENT
Part of Block 33, Dallas Land & Loan Company
Addition No. Two and
Part of Block 33/3153
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

Exhibit A

THENCE, North 89 degrees, 21 minutes, 09 seconds East, along the said north line of the 20-foot wide alley and the said south line of Lot 11, a distance of 49.95 feet to the POINT OF BEGINNING;

CONTAINING, 999 square feet or 0.023 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 of land described.

03/09/2017

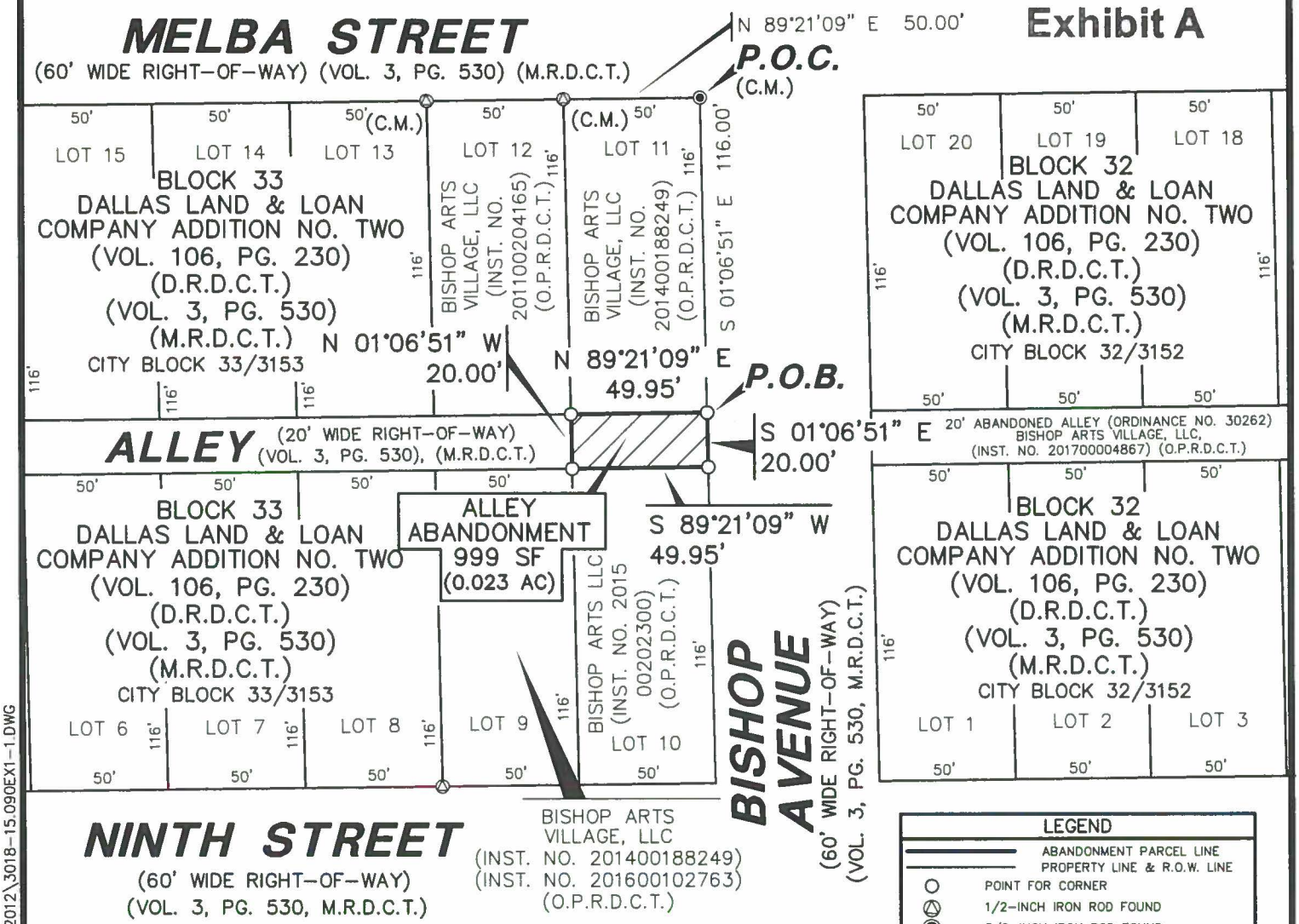
STATE OF TEXAS
REGISTERED
MICHAEL C. CLOVER
5225
PROFESSIONAL
LAND SURVEYOR

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas, Texas 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000

3018-15.090EX1-1.doc
3018-15.090EX1-1.dwg acd

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/10/17
SPRG NO: 3461

Exhibit A



LEGEND	
	ABANDONMENT PARCEL LINE
	PROPERTY LINE & R.O.W. LINE
○	POINT FOR CORNER
◬	1/2-INCH IRON ROD FOUND
◉	5/8-INCH IRON ROD FOUND
(C.M.)	CONTROLLING MONUMENT
SF	SQUARE FOOT
AC	ACRE
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING

0 30 60 120

GRAPHIC SCALE IN FEET

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/10/17
SPRG NO: 3461

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 the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (2011).

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

STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Date 03/09/2017

ALLEY ABANDONMENT

PART OF BLOCK 33, DALLAS LAND & LOAN COMPANY ADDITION NO. TWO AND
PART OF BLOCK 33/3153
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
ACD	MCC	1"=60'	MARCH 2017	3018-15.090

DWG FILE: 3018-15.090EX1-1.DWG

M:\DWG-30\3018-15.090\DWG\SURVEY C3D 2012\3018-15.090EX1-1.DWG
03/09/2017 - 10:08AM
KLARA

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.

VARIABLE WIDTH ALLEY EASEMENT
Dallas Land & Loan Company Addition No. Two
Part of Lot 12, Block 33
City Block 33/3153
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

EXHIBIT C

DESCRIPTION, of a 2,523 square foot (0.058 acre) tract of land situated in the George L. Leonard Survey, Abstract No. 770, City of Dallas, Dallas County, Texas and in Block 33/3153, Official Block Numbers of the City of Dallas, Texas; said tract being part of Lot 12, Block 33, Dallas Land & Loan Company Addition No. Two, an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas, being subsequently transcribed to Volume 3, Page 530 of the Map Records of Dallas County, Texas; said tract also being part of those certain tracts of land described in General Warranty Deed to Bishop Arts Village, LLC recorded in Instrument No. 201100204165 of the Official Public Records of Dallas County, Texas; said 2,523 square foot tract being more particularly described as follows (bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202):

COMMENCING, at a 1/2-inch iron pipe found (Controlling Monument) at the intersection of the north right-of-way line of Melba Street (formerly Prospect Street, a 50-foot wide right-of-way) and the east right-of-way line of Bishop Avenue (formerly Monroe Avenue, a 60-foot wide right-of-way); said point being the southwest corner of Lot 1, Block 27 of said Dallas Land & Loan Company Addition No. Two (City Block 27/3147);

THENCE, South 89 degrees, 21 minutes, 09 seconds West, crossing said Bishop Avenue right-of-way, at a distance of 60.00 feet passing the intersection of the said north line of Melba Street and the west right-of-way line of said Bishop Avenue and the southeast corner of Lot 10, Block 26 of said Dallas Land & Loan Addition No. Two (City Block 26/3146), then continuing along the said north line of Melba Street and the south line of said Lot 10 in all a total distance of 110.06 feet to a point at the southwest corner of said Lot 10 and the southeast corner of Lot 9, of said Block 26 (City Block 26/3146);

THENCE, South 01 degrees, 06 minutes, 51 seconds East, departing the said north line of Melba Street and crossing the said Melba Street right-of-way, a distance of 50.00 feet to a 1/2-inch iron rod found (Controlling Monument) in the south right-of-way line of said Melba Street at the northeast corner of said Lot 12 and the northwest corner of Lot 11 of said Block 33 (City Block 33/3153);

THENCE, South 89 degrees, 21 minutes, 09 seconds West, along the said south line of Melba Street and the north line of said Lot 12, a distance of 8.05 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set (hereinafter referred to as "iron rod set") for corner at the POINT OF BEGINNING;

THENCE, South 01 degrees, 06 minutes, 51 seconds East, departing the said south line of Melba Street and the said north line of Lot 12 and traversing across said Lot 12, a distance of 116.00 feet to an iron rod set for corner in the north right-of-way line of a 20-foot wide alley across said Block 33 and the south line of said Lot 12;

THENCE, South 89 degrees, 21 minutes, 09 seconds West, along the north line of said alley and the said south line of Lot 12, a distance of 40.00 feet to an iron rod set for corner; said point being the beginning of a non-tangent curve to the left;

(For SPRG use only)
Reviewed By: JK
Date: 09.06.2016
SPRG NO: 3853

EXHIBIT C

VARIABLE WIDTH ALLEY EASEMENT
Dallas Land & Loan Company Addition No. Two
Part of Lot 12, Block 33
City Block 33/3153
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

THENCE, in a northeasterly direction, departing the north line of said alley and the said south line of Lot 12 and traversing across said Lot 12, the following two (2) calls:

Along said curve to the left, having a central angle of 60 degrees, 00 minutes, 00 seconds, a radius of 40.00 feet, a chord bearing and distance of North 28 degrees, 53 minutes, 09 seconds East, 40.00 feet, an arc distance of 41.89 feet to an iron rod set for corner at the end of said curve;

North 01 degrees, 06 minutes, 51 seconds West, a distance of 81.19 feet to an iron rod set for corner in the said south line of Melba Street and the said north line of Lot 12;

THENCE, North 89 degrees, 21 minutes, 09 seconds East, along the said south line of Melba Street and the said north line of Lot 12, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 2,523 square feet or 0.058 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 easement tract described.

09/06/2016

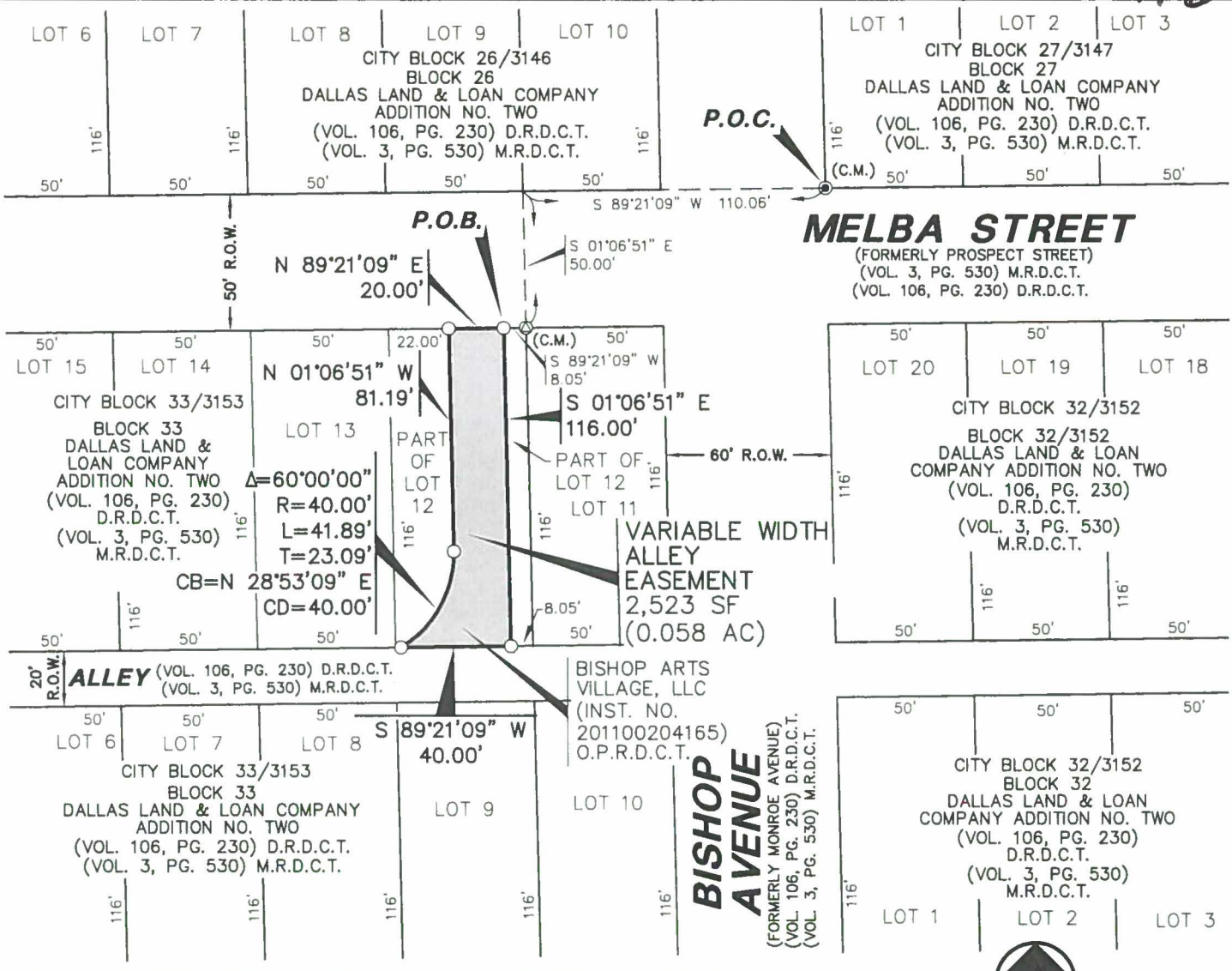
STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas, Texas 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

3018-15.090EX2.doc
3018-15.090EX2.dwg kal

(For SPRG use only)
Reviewed By: JK
Date: 09.06.2016
SPRG NO 3853

EXHIBIT C



LEGEND

LOT LINE	D.R.D.C.T. — DEED RECORDS, DALLAS COUNTY, TEXAS
NEW EASEMENT LINE	O.P.R.D.C.T. — OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
R.O.W. LINE	VOL. — VOLUME
○ 5/8-INCH IRON ROD W/ "PACHECO KOCH" CAP SET	PG. — PAGE
△ 1/2-INCH IRON ROD FOUND	INST. NO. — INSTRUMENT NUMBER
◉ 1/2-INCH IRON PIPE FOUND	**P.O.C.** POINT OF COMMENCING
(C.M.) – CONTROLLING MONUMENT	**P.O.B.** POINT OF BEGINNING
M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS	

0 30 60 120

GRAPHIC SCALE IN FEET

(For SPRG use only)
Reviewed By: JR
Date: 09.06.2016
SPRG NO: 3853

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

STATE OF TEXAS
REGISTERED
MICHAEL C. CLOVER
5225
PROFESSIONAL
LAND SURVEYOR

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Date 09/06/2016

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 the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202.

VARIABLE WIDTH ALLEY EASEMENT

DALLAS LAND & LOAN COMPANY ADDITION NO. TWO
PART OF LOT 12, BLOCK 33
CITY BLOCK 33/3153
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
KAL	MCC	1"=60'	SEPT. 2016	3018-15.090

DWG FILE: 3018-15.090EX2.DWG

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09/06/2016 - 7:48AM
MCLOVER

AGENDA ITEM # 36

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Trinity Watershed Management

CMO: Jody Puckett, 670-3390

MAPSCO: 45S

SUBJECT

An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner, for the Able Pump Station Project containing a total of approximately 19,249 square feet of land, located at and near the intersection of Zangs Boulevard and South Riverfront Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner. The abandonment area will be used to facilitate the expansion and construction of the Able Pump Station. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

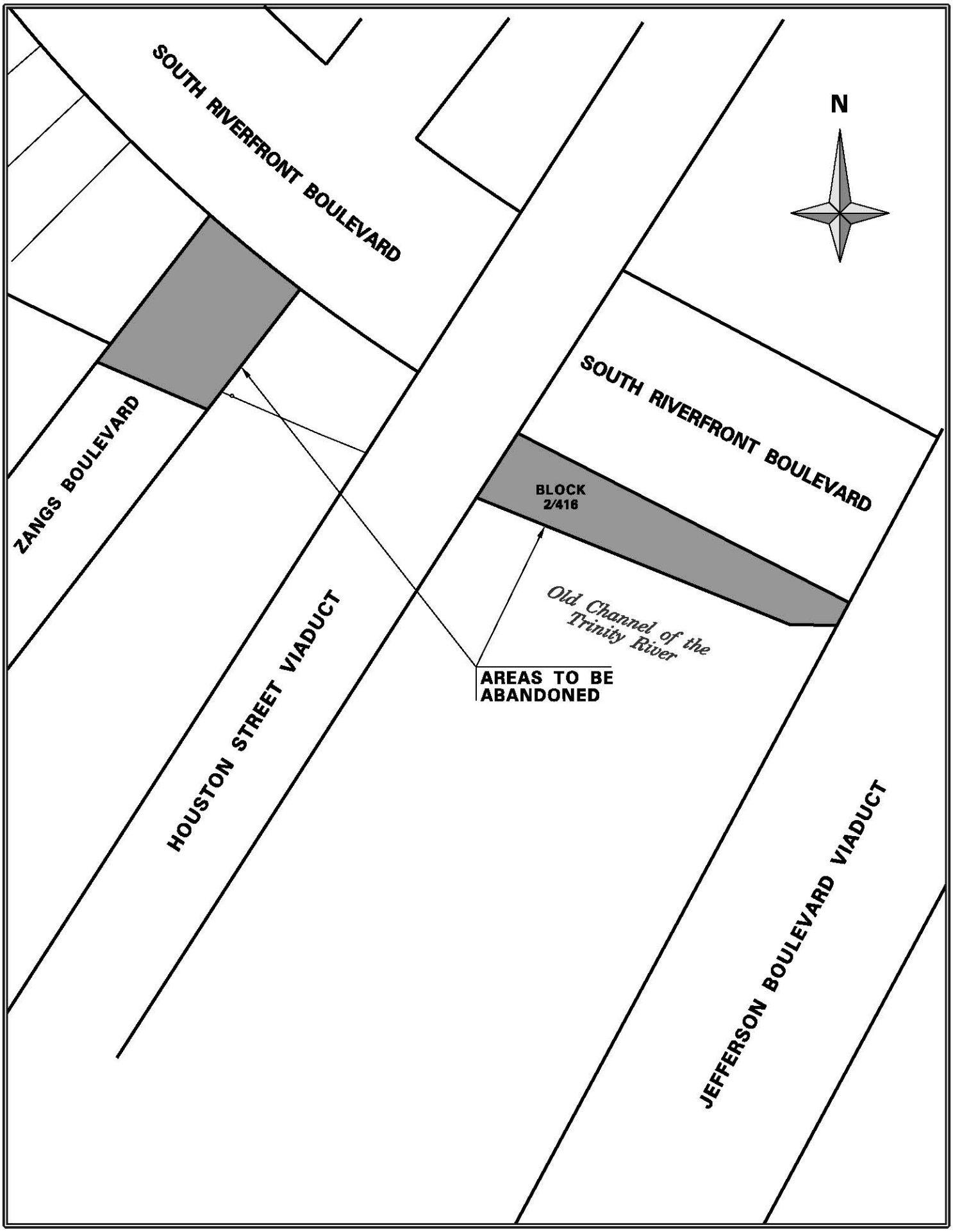
Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

MAP

Attached


SOUTH RIVERFRONT BOULEVARD
N
ZANGS BOULEVARD
SOUTH RIVERFRONT BOULEVARD
BLOCK
2/416
Old Channel of the
Trinity River
HOUSTON STREET VIADUCT
AREAS TO BE
ABANDONED
JEFFERSON BOULEVARD VIADUCT

ORDINANCE NO. _____

An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard in City Block 2/416 and adjacent to City Block 64/415 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the City of Dallas (the "City"); providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon City's own request and petition as the owner of the properties abutting and the underlying fee title to the hereinafter described tracts of land, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to itself for a non right-of-way public project and use, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Zangs and South Riverfront Boulevards are not needed for public use, and same should be abandoned and quitclaimed to City, 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 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 tracts 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum **FIVE THOUSAND FOUR HUNDRED AND NO/100** (**$5,400.00) DOLLARS**, paid by City and/or credited by the City of Dallas to the appropriate internal municipal accounts and the further consideration described in Sections 8, 9 and 10; the City of Dallas does by these presents forever Quitclaim unto City, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, and does abandon, vacate and relinquish all public right, title and interest in and to the public right-of-way as to and encumbering those certain tracts of land herein above described in Exhibit A. **TO HAVE AND TO HOLD** all such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the right, privilege, hereditaments and appurtenances thereto in any manner belonging unto City forever.

SECTION 3. That upon payment and/or crediting of the monetary consideration set forth in Section 2, City accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to transfer the monetary consideration set forth in Section 2 plus recording and publication fees in the amount of $98.00 from the Flood Protection and Storm Drainage Facilities Fund 3U23, Department TWM, Unit S768, Activity SDRS to the General Fund 0001, Agency 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, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon the City of Dallas, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, City shall maintain a right-of-way width for South Riverfront Boulevard per the Dallas Thoroughfare Plan, Section 51-9.100, Riverfront requires 130 feet of right-of-way, adjacent to the abandonment, closure and vacation areas.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to City made herein, City shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by City in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, City shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. Responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by City, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. 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 and/or crediting of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, the Director of Department of Sustainable Development and Construction, or designee shall record same. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A
TRACT I

Field Notes Describing an 8,967 Square Foot (0.206 Acre) Portion of Zangs Boulevard To Be Abandoned

Being an 8,967 Square Foot (0.206 Acre) portion of Zangs Boulevard, an 80-foot wide street Right-of-Way conveyed to the City of Dallas by A.M. Cockrell by deed dated September 7, 1897, recorded in Volume 221, Page 25 of the Deed Records of Dallas County, Texas, said property lying in the John Neely Bryan Survey, Abstract Number 149, in the City and County of Dallas, Texas, between City Blocks 64/415 and 2/416 (Official City of Dallas Block Numbers), parallel with the Southwest Right-of-Way line of Riverfront Boulevard (a variable width, undedicated Right-of-Way at this location), and being more particularly described as follows:

BEGINNING at the most Northerly corner of the herein described tract of land (not monumented), *from which* a Mag Nail with washer marked "CITY OF DALLAS" set at the most Easterly corner of Lot 23 of Block 64/415 of the Industrial Improvement Project Unit 2 Addition, an addition to the City of Dallas recorded in Volume 5, Page 415 of the Map Records of Dallas County, Texas, and said corner lying at the intersection of the Southwest line of Riverfront Boulevard (a 130-foot wide Right-of-Way, as dedicated by the said Industrial Improvement Project Unit 2 Addition) with the Northwest Right-of-Way line of the above said Zangs Boulevard, bears North 37°37'36" East a distance of 3.00 feet:

THENCE Southeasterly, departing the last said Northwest line of Zangs Boulevard and the Southeast line of said Lot 23 of Block 64/415, over and across Zangs Boulevard along a Curve to the Left having a Radius of 1,214.28 feet, a Central Angle of 3°46'38", an Arc Length of 80.05 feet and a Chord which bears South 50°37'34" East a distance of 80.04 feet to the intersection with the Southeast line of said Zangs Boulevard, *from which* a Mag Nail with washer marked "CITY OF DALLAS" set at the most Northerly corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201500137580 of the Official Public Records of Dallas County, Texas, bears North 37°37'36" East a distance of 3.00 feet, and being also the most Easterly corner of the herein described tract of land:

THENCE South 37°37'36" West with the common line between said City of Dallas tract and Zangs Boulevard a distance of 101.15 feet to a 5/8-inch diameter Iron Rod with cap marked "DALLAS" set at the Southeast corner of the herein described tract of land:

EXHIBIT A
TRACT I

Field Notes Describing
an 8,967 Square Foot (0.206 Acre)
Portion of Zangs Boulevard
To Be Abandoned

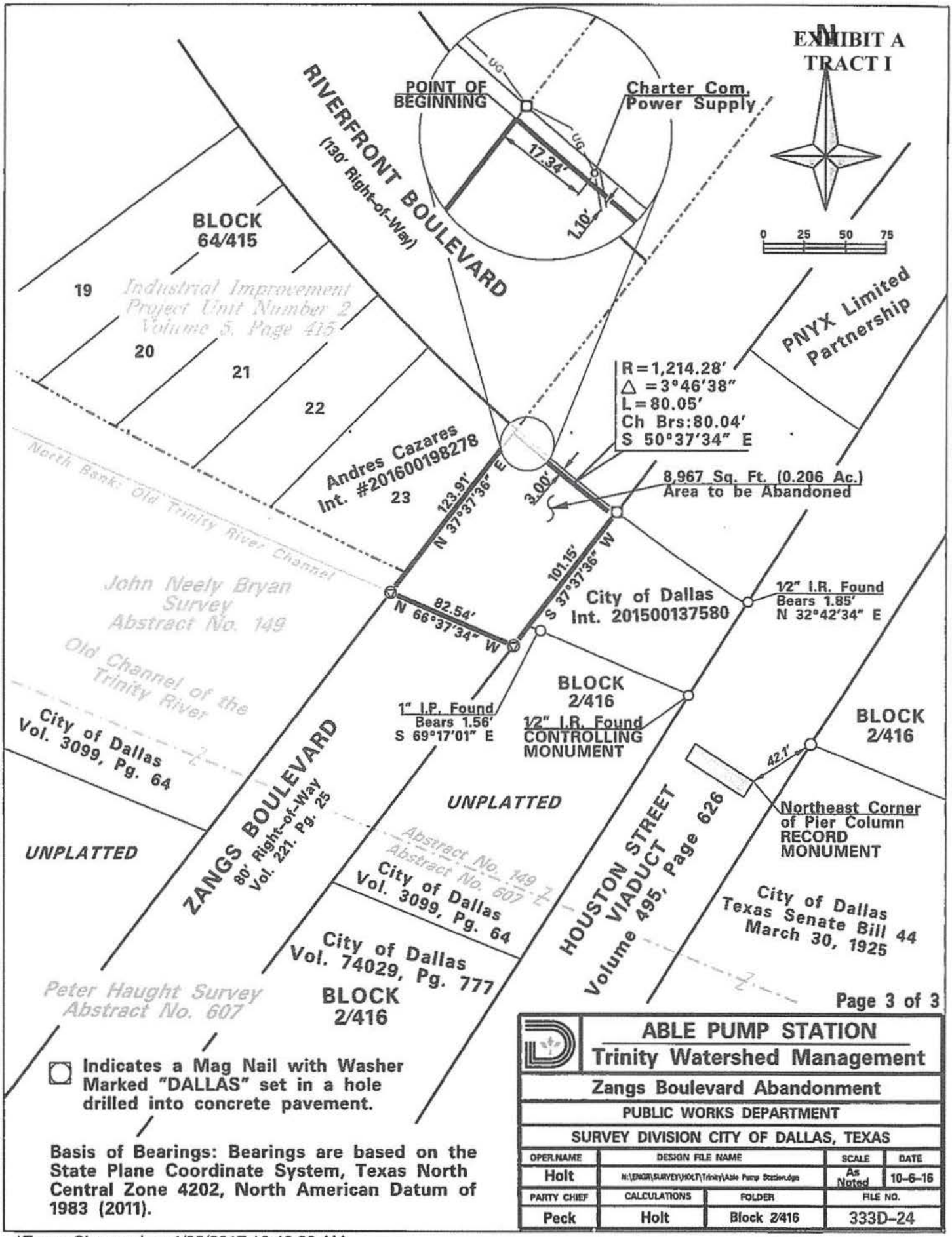
THENCE North 66°37'34" West, departing the last said Southeast Right-of-Way line, over and across Zangs Boulevard a distance of 82.54 feet to a 5/8-inch diameter Iron Rod with cap marked "DALLAS" set at the intersection with the above said Northwest line of Zangs Boulevard, being also the most Southerly corner of the above said Lot 23 of Block 64/415 and the Southwest corner of the herein described tract of land:

THENCE North 37°37'36" East, with the common line between Zangs Boulevard and said Lot 23 a distance of 123.91 feet to the **POINT OF BEGINNING**, containing 8,967 Square Feet, or 0.206 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
4/25/2017





ABLE PUMP STATION			
Trinity Watershed Management			
Zangs Boulevard Abandonment			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Holt	N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn		As Noted / 10-6-16
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 2/416	333D-24

...\Zangs Closure.dgn 4/25/2017 10:42:29 AM

EXHIBIT A
TRACT II

Field Notes Describing a 10,282 Square Foot (0.236 Acre) Tract of Land in City Block 2/416 To Be Abandoned

Being a 10,282 Square Foot (0.236 Acre) tract of unplatted land lying in the City of Dallas, Dallas County, Texas, being a part of Block 2/416 (Official City of Dallas Block Numbers), and a part of the John Neely Bryan Survey, Abstract No. 149, and being all of the property conveyed to the City of Dallas by Instruments 201400005984 and 201500248818 of the Official Public Records of Dallas County, Texas, lying between the Southeast Right-of-Way line of the Houston Street Viaduct (formerly the "Dallas-Oak Cliff Highway Viaduct"), the Northwest Right-of-Way line of the Jefferson Street Viaduct (formerly the "Northern Texas Traction Company Street Railway Viaduct"), North of the Northeasterly bank of the old channel of the Trinity River, and South of the Right-of-Way of Riverfront Boulevard (formerly "Industrial Boulevard"), and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the most Westerly corner of the herein described tract of land, at the intersection of the above referenced Northeasterly bank of the old channel of the Trinity River (conveyed to the City of Dallas from the State of Texas by Senate Bill 44, dated March 30, 1925), and the Southeast Right-of-Way line of the Houston Street Viaduct (an 80-foot wide Right-of-Way) at 42.1 feet Northeasterly from the Northeasterly face of the first pier of said Viaduct Northeast of said old channel of the Trinity River" (Record Monument), from which a ½ inch diameter Iron Rod (Controlling Monument) found on the Northwest line of the said Houston Street Viaduct at the South corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201600319092 of the Official Public Records of Dallas County, Texas bears North 68°32'06" West, over and across said Houston Street Viaduct a distance of 81.57 feet:

THENCE North 32°42'26 East, departing the last said Northeasterly bank of the old channel of the Trinity River and with the said Southeast line of the Houston Street Viaduct a distance of 52.40 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest Right-of-Way line of Riverfront Boulevard (a Variable Width Right-of-Way), from which a ½-inch diameter found iron rod bears North 33°01'28" East a distance of 2.55 feet:

Field Notes Describing a 10,282 Square Foot (0.236 Acre)
Tract of Land in City Block 2/416
To Be Abandoned

THENCE South 62°56'34" East, departing the last said Southeast line of the Houston Street Viaduct and with the said Southwest line of Riverfront Boulevard a distance of 254.87 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above said Northwest line of the Jefferson Street Viaduct (a 150-foot wide Right-of-Way):

THENCE South 28°15'00" West, departing the last said Southwest line of Riverfront Boulevard and with the said Northwest line of the Jefferson Street Viaduct a distance of 17.65 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above referenced Northeasterly bank of the old channel of the Trinity River:

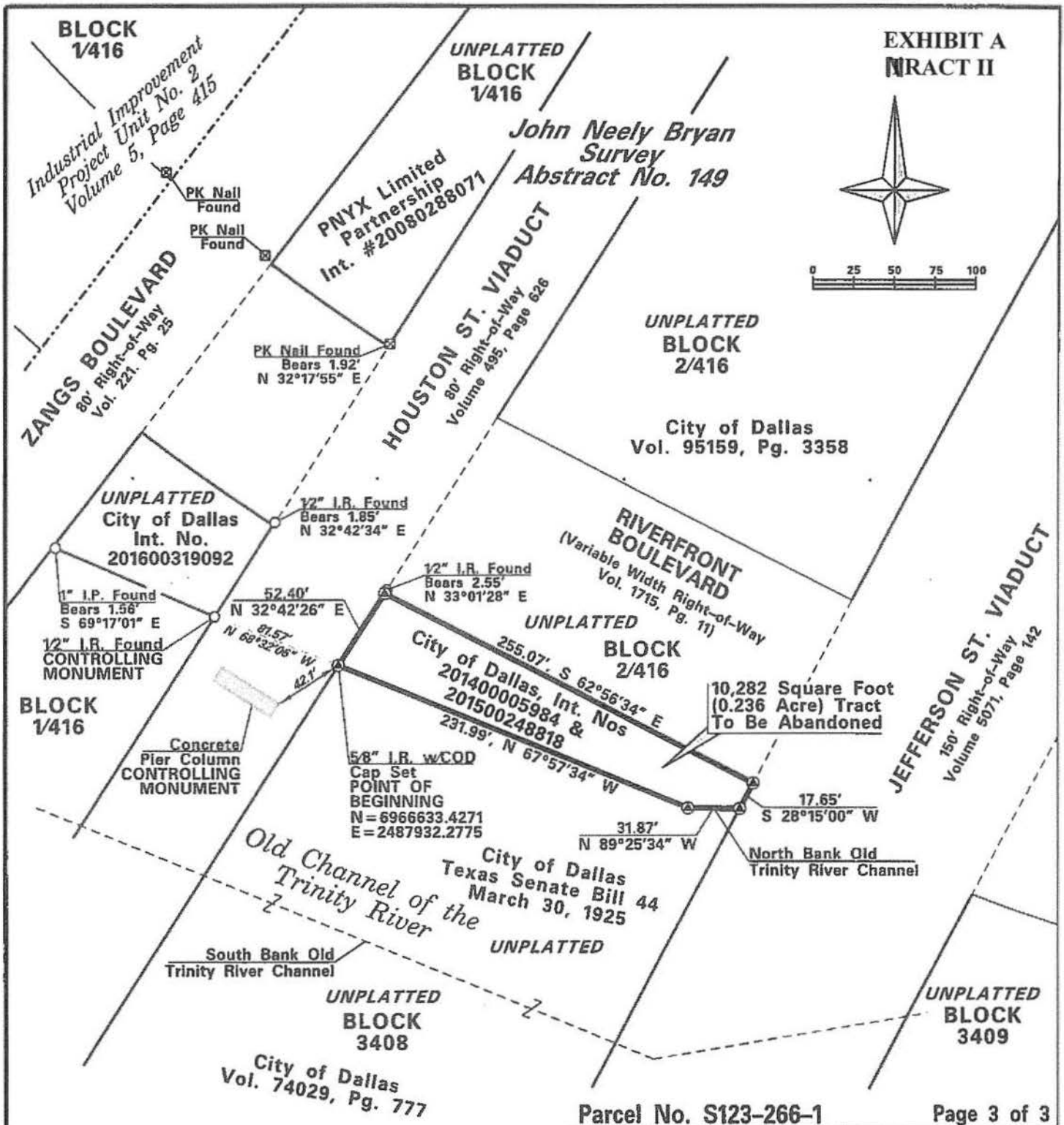
THENCE North 89°25'34" West, departing the last said Northwest line of the Jefferson Street Viaduct and with the Northeasterly bank of the old channel of the Trinity River a distance of 31.87 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

THENCE North 67°57'34" West, continuing with the said Northeasterly bank of the old channel of the Trinity River a distance of 231.99 feet to the **POINT OF BEGINNING**, containing 10,282 Square Feet, or 0.236 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
4/26/2017





Parcel No. S123-266-1 Page 3 of 3

LEGEND:

- ○ Iron Pipe Found, Size As Noted
- ○ Iron Rod Found, Size As Noted
- ⏃ 5/8" I.R. w/COD Cap Set
- ⊠ PK Nail Found

Basis of Bearings: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.
All Coordinates shown are State Plane values.

ABLE PUMP STATION			
Trinity Watershed Management			
Street Abandonment; Block 2/416			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER.NAME	DESIGN FILE NAME		SCALE / DATE
Holt	N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn		As Noted / 7-19-13
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 2/416	041D-71

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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 # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 6, 9, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: Various

SUBJECT

Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities' raw water system facilities (list attached) - Not to exceed $1,637,463 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the evaluation/study and preliminary design of major maintenance and rehabilitation improvements associated with Dallas Water Utilities' raw water system facilities. The improvements include condition assessments of intake structures, screening equipment, pump stations, and valves that are nearing the end of their service life. Also included are pump and piping modifications to improve system operations and reduce maintenance costs. The facilities are located at three Dallas Water Utilities plant sites: East Side, Bachman, and Elm Fork Water Treatment Plants, as well as Lake Fork, Lake Tawakoni, Lake Ray Hubbard and Tawakoni Balancing Reservoir.

This item is the first of two planned awards for engineering services to evaluate improvements. It includes the investigation, study, evaluation, and preparation of a preliminary design report outlining the evaluated alternatives and recommended improvements. The second phase of this project will provide the detailed design and construction administration services associated with this work, and will be awarded in a subsequent Council action after the full extent of the work is determined.

ESTIMATED SCHEDULE OF PROJECT

Begin Evaluation/Study	July 2017
Complete Evaluation/Study	April 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $1,637,463

Council District	Amount
6	$ 164,000
9	$ 250,001
Outside City Limits	$1,223,462
Total	$1,637,463

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Garver, LLC

Hispanic Female	4	Hispanic Male	8
Black Female	3	Black Male	8
White Female	98	White Male	333
Other Female	7	Other Male	13

OWNER

Garver, LLC

Herbert J. Parker, P.E., Senior Vice President and Chief Administrative Officer

MAPS

Attached

DWU Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements

Council District	Facility
6	Bachman Water Treatment Plant
9	Lake Ray Hubbard
Outside City Limits	East Side Water Treatment Plant
Outside City Limits	Elm Fork Water Treatment Plant
Outside City Limits	Lake Fork
Outside City Limits	Lake Tawakoni
Outside City Limits	Tawakoni Balancing Reservoir

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities' raw water system facilities (list attached) - Not to exceed $1,637,463 - Financing: Water Utilities Capital Improvement Funds

Garver, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,637,436.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$1,637,436.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

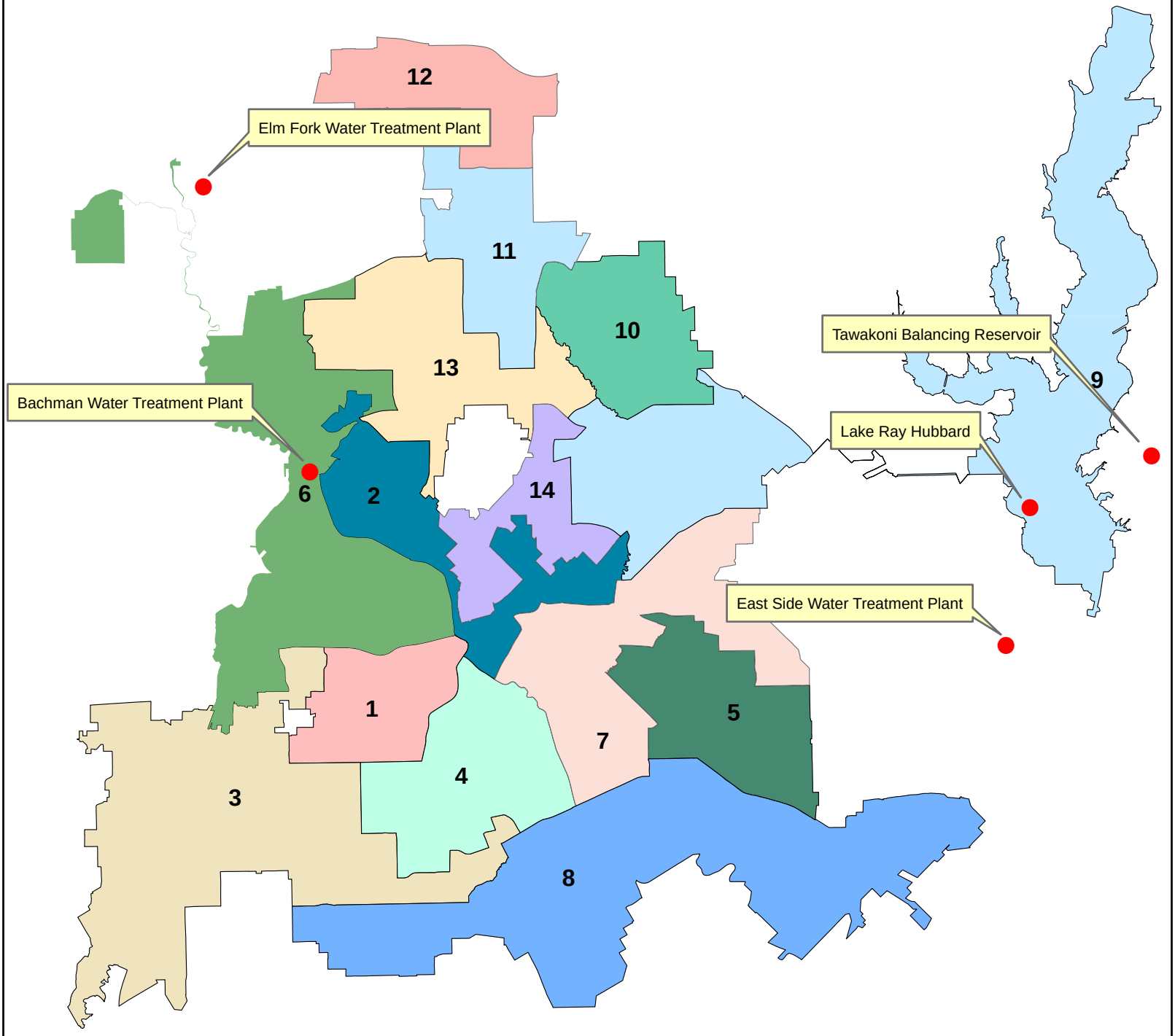
Local	Certification	Amount	Percent
Mbroh Engineering, Inc.	BMDB12885Y0417	$113,890.00	6.96%
JQ Infrastructure, LLC	IMDB36707Y0717	$178,670.00	10.91%
KIT Professionals, Inc.	IMMB28423N1218	$128,220.00	7.83%
Total Minority - Local		$420,780.00	25.70%

Non-Local Contractors / Sub-Contractors

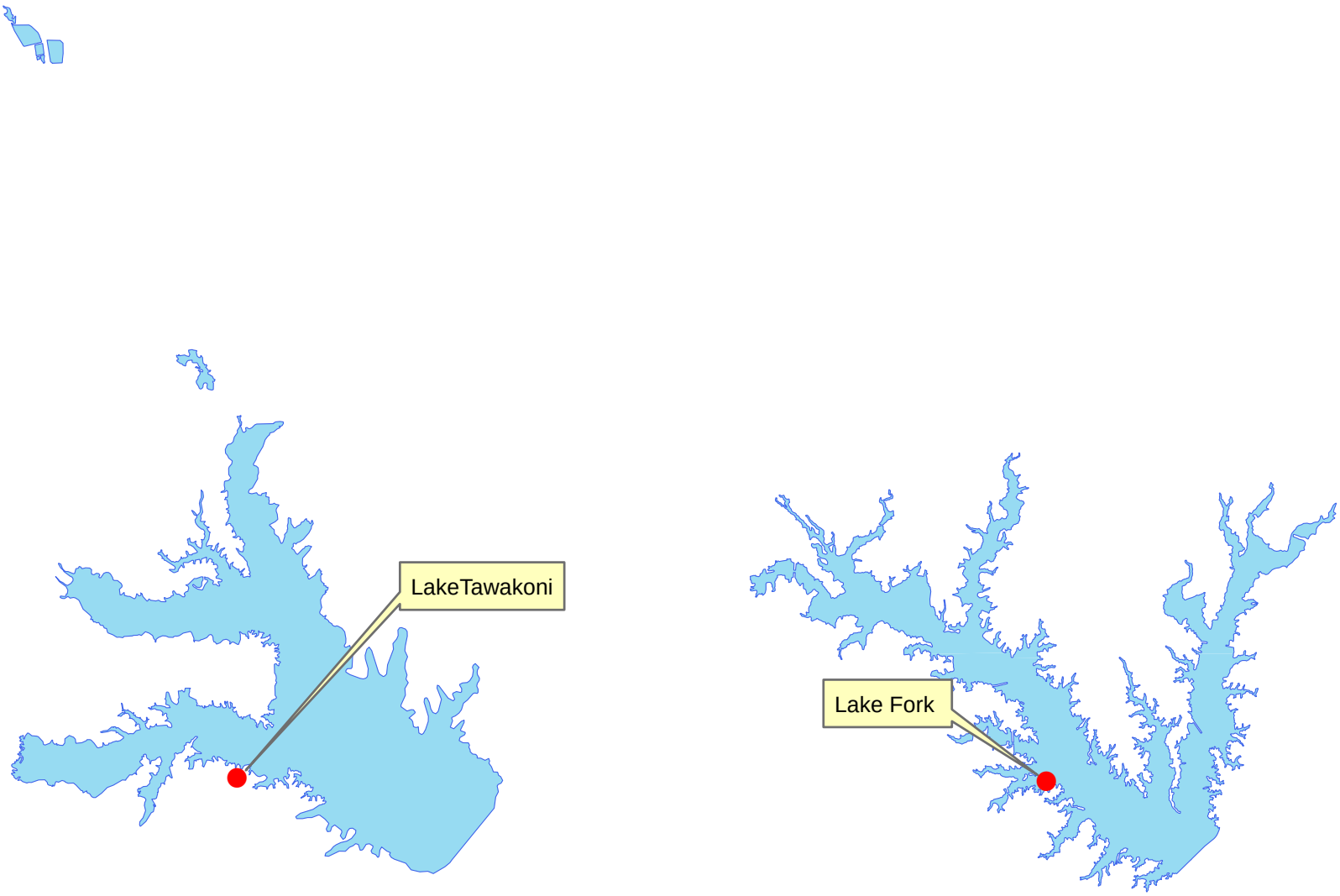
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$113,890.00	6.96%	$113,890.00	6.96%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$306,890.00	18.74%	$306,890.00	18.74%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$420,780.00	25.70%	$420,780.00	25.70%



Dallas Water Utilities
Contract No. 17-023E
Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements



Dallas Water Utilities
Contract No. 17-023E
Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements

June 14, 2017

WHEREAS, Dallas Water Utilities (DWU) has identified the need for major maintenance and rehabilitation improvements in its raw water system facilities; and

WHEREAS, engineering services are required to perform an evaluation/study and preliminary design of these major maintenance and rehabilitation improvements at DWU's raw water system facilities; and

WHEREAS, Garver, LLC, 14160 North Dallas Parkway, Suite 850, Dallas, Texas 75240, has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

SECTION 1. That the proposal submitted by Garver, LLC, in the amount of $1,637,463 be approved and the consultant be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign an engineering services contract with Garver, LLC, approved as to form by the City Attorney, to perform an evaluation/study and preliminary design for major maintenance and rehabilitation improvements of DWU's raw water system facilities, in an amount not to exceed $1,637,463.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,637,463 to Garver, LLC (Contract No. 17-023E) from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW20, Object 4111, Program 717023, Encumbrance CT-DWU717023CP, Vendor VS0000016343.

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 # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1, 2, 3, 4, 6, 7, 10, 12, 13, 14

DEPARTMENT: Water Utilities
Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: Various

SUBJECT

Authorize a construction contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed $12,693,833 - Financing: Current Funds ($259,917) and Water Utilities Capital Improvement Funds ($12,433,916)

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 38,823 feet of water and wastewater mains. This includes the installation of approximately 100 feet of 4-inch, 600 feet of 6-inch, 18,465 feet of 8-inch, 775 feet of 12-inch, and 2,230 feet of 16-inch water mains, and the installation and rehabilitation of approximately 680 feet of 6-inch, 10,933 feet of 8-inch, 4,800 feet of 12-inch, and 240 feet of 18-inch wastewater mains.

The existing water and wastewater mains were built between 1912 and 1986. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

Mobility and Street Services and Dallas Water Utilities have partnered together on this project to provide additional paving at several locations where street conditions warrant complete street replacement in lieu of paving replacement for just the water and wastewater improvements. This additional paving will provide a more suitable riding surface and better quality product at the completion of the project.

BACKGROUND (continued)

SYB Construction Co., Inc., completed contractual activities in the past three years:

	MSS	DWU	PKR
Projects Completed	3	3	0
Change Orders	8	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2013
Completed Design	January 2017
Begin Construction	July 2017
Complete Construction	November 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 14, 2004, City Council authorized a professional services contract to provide engineering services for the design to replace water mains and rehabilitate wastewater mains in various locations by Resolution No. 04-1160.

On September 11, 2013, City Council authorized a professional services contract to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 31 locations by Resolution No. 13-1582.

On December 10, 2014, City Council authorized an engineering services contract to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 34 locations by Resolution No. 14-2127.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Current Funds - $259,917.00
Water Utilities Capital Improvement Funds - $12,433,915.50

Design	$ 840,000.00
Construction (this action)	$12,693,832.50
Total Project Cost	$13,533,832.50

FISCAL INFORMATION (continued)

Council District	Amount
1	$ 2,457,000.00
2	$ 722,000.00
3	$ 395,832.50
4	$ 3,678,000.00
6	$ 993,000.00
7	$ 498,000.00
10	$ 873,000.00
12	$ 1,720,000.00
13	$ 599,000.00
14	$ 758,000.00
Total	$12,693,832.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

SYB Construction Co., Inc.

Hispanic Female	1	Hispanic Male	107
Black Female	0	Black Male	1
White Female	7	White Male	19
Other Female	0	Other Male	0

BID INFORMATION

The following four bids with quotes were opened on March 31, 2017:

*Denotes successful bidder

Bidders	Bid Amount
*SYB Construction Co., Inc. 421 Compton Avenue Irving, Texas 75061	$12,693,832.50
Camino Construction, L.P.	$12,714,685.00
John Burns Construction Company of Texas, Inc.	$13,520,976.00
Ark Contracting Services, LLC	$13,668,030.00

OWNER

SYB Construction Co., Inc.

Shirley Y. Bennett, President

MAPS

Attached

Water and Wastewater Main Installations

District 1

Alley between Jefferson Boulevard and 12th Street from Beckley Avenue to Patton Avenue
Barnett Avenue from Brooklyndell Avenue south
Clinton Avenue from Ranier Street north
Falls Drive at Falls cul-de-sac
Jefferson Boulevard from Marlborough Avenue west
Suffolk Avenue from Madison Avenue to Zang Boulevard
Yarmouth Street from Madison Avenue to Zang Boulevard

District 2

Alley between Douglas Avenue and Vagas Street from Harry Hines Boulevard northeast
Burns Court from Anson Road northwest
Easement north of Woodall Rodgers Freeway from Stemmons Access Road east

District 3

Eagle Ford Drive from FM 1382 Highway east
Kiest Boulevard from northeast of Five Mile Parkway northeast

District 4

Alley between Arizona Avenue and Michigan Avenue from Woodin Boulevard south
Alley between Fernwood Avenue and Harlandale Avenue from Ohio Avenue to Elmore Avenue
Alley between Ramsey Avenue and Seevers Avenue from Illinois Avenue north
Alley between Woodin Boulevard and Louisiana Avenue from Corinth Street Road east
Hudspeth Avenue from Easter Avenue to Cardinal Drive
Montana Avenue from east of Marsalis Avenue east

District 6

Fort Worth Avenue from Edgefield Avenue east
Irving Boulevard from Sylvan Avenue west

District 7

Alley between Martin Luther King Jr. Boulevard and Peabody Avenue from Atlanta Street to Jeffries Street
Alley between Pennsylvania Avenue and Birmingham Avenue from Edgewood Street northeast
Easement between Meyers Street and Malcolm X Boulevard from Martin Luther King Jr. Boulevard southeast

District 10

Summer Glen Lane from Club Meadows Drive to Richardson Branch Trail

District 12

Harbinger Lane from Medina Drive to Kelly Boulevard

District 13

Mockingbird Lane from Inwood Road to Greenway Boulevard

District 14

Forbes Street from Routh Street to Arts Plaza
St. Albans Drive from Norris Street to Saratoga Circle

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed $12,693,833 - Financing: Current Funds ($259,917) and Water Utilities Capital Improvement Funds ($12,433,916)

SYB Construction Co., Inc. is a local, 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

	Amount	Percent
Total local contracts	$11,340,467.50	89.34%
Total non-local contracts	$1,353,365.00	10.66%
TOTAL CONTRACT	$12,693,832.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Partnering for Success, Inc.	HFMB42467Y0618	$5,000.00	0.04%
North Texas Trucking, Inc.	HMDB94180Y1117	$35,000.00	0.31%
SYB Construction Co., Inc.	WFDB45282Y0517	$11,278,467.50	99.45%
American Striping Co.	WFDB57733Y0517	$12,000.00	0.11%
Magnum Manhole & Underground, Co.	WFDB06880Y0617	$10,000.00	0.09%
Total Minority - Local		$11,340,467.50	100.00%

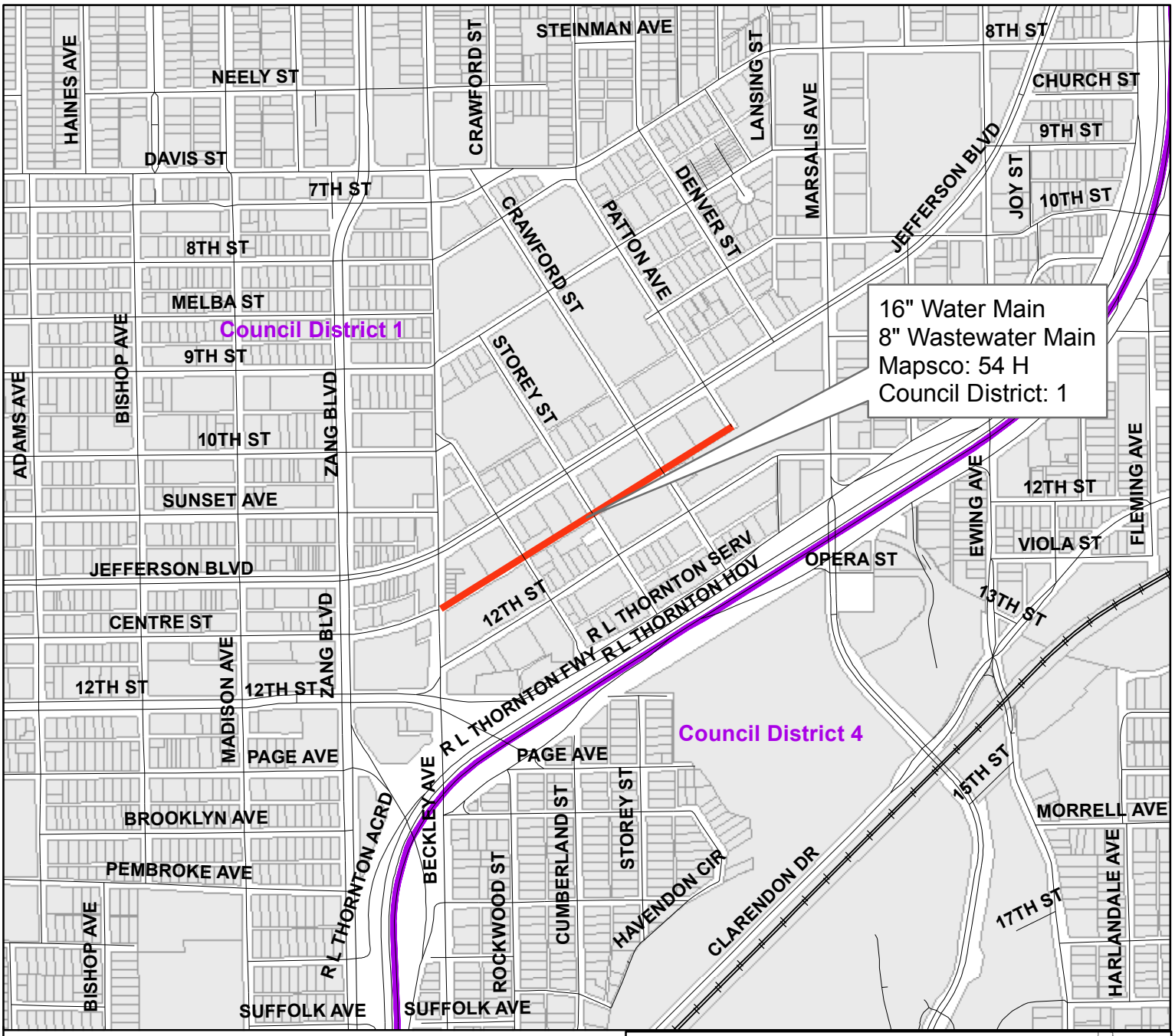
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Ricochet Fuel Distributors, Inc.	WFWB69066Y0219	$50,000.00	3.69%
Miller Surveying, Inc.	WFWB64425N0317	$40,000.00	2.96%
Buyers Barricades, Inc.	WFDB52135Y0617	$15,000.00	1.11%
Total Minority - Non-local		$105,000.00	7.76%

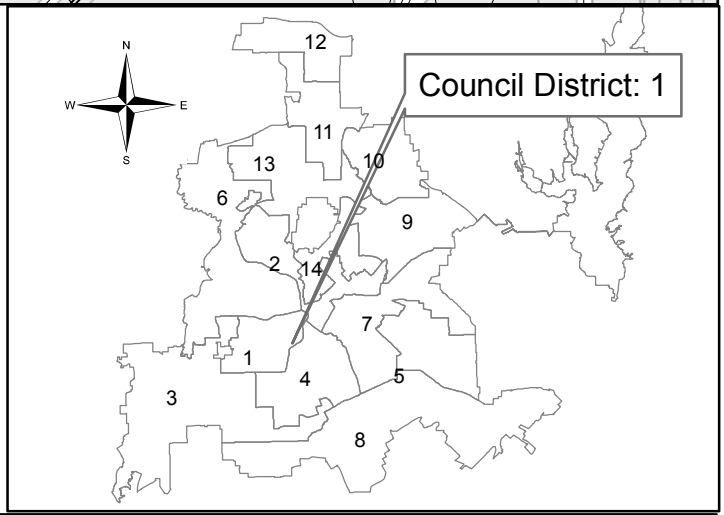
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$40,000.00	0.35%	$40,000.00	0.32%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$11,300,467.50	99.65%	$11,405,467.50	89.85%
Total	$11,340,467.50	100.00%	$11,445,467.50	90.17%



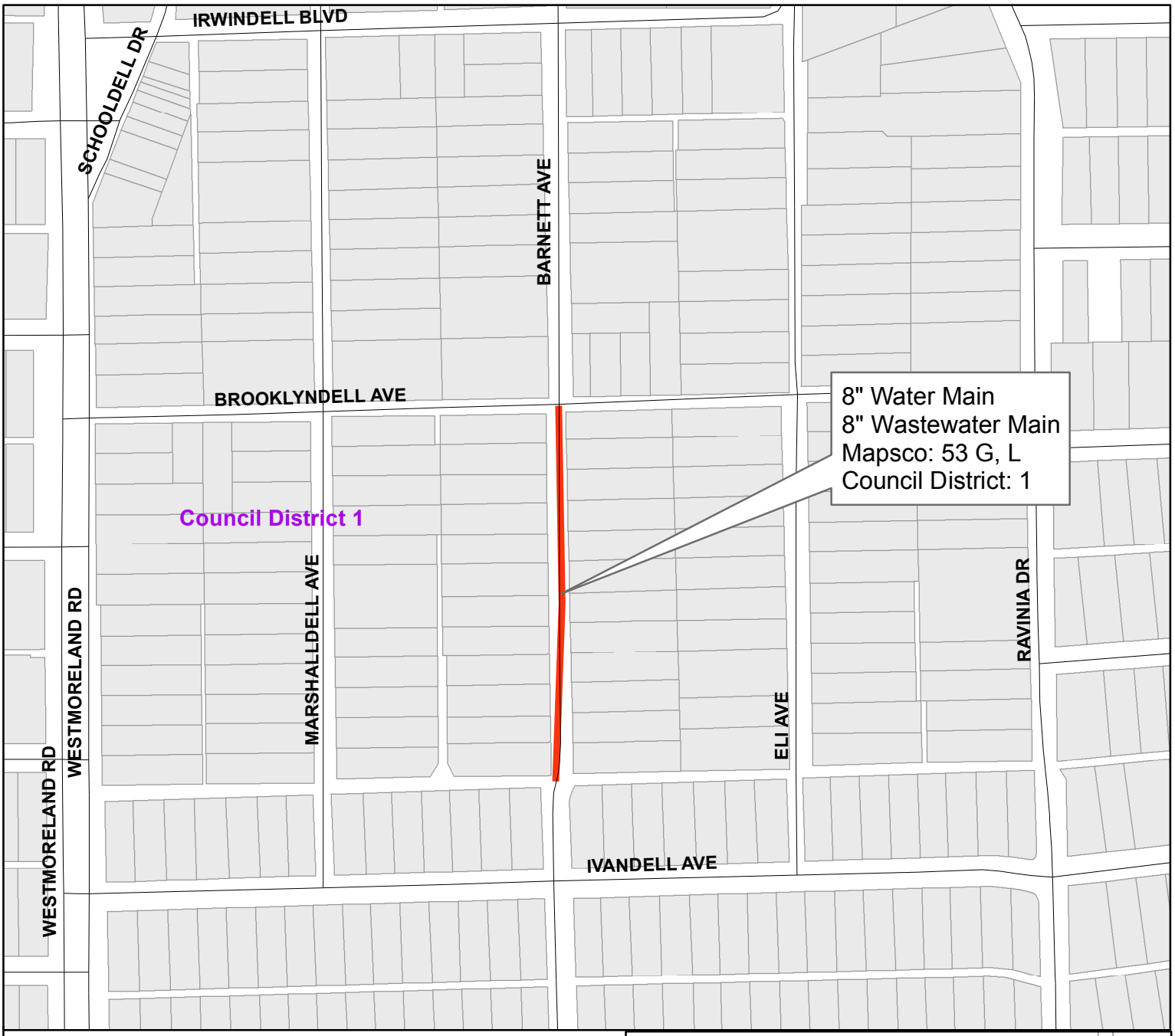
Alley between Jefferson Boulevard and 12th Street from Beckley Avenue to Patton Avenue



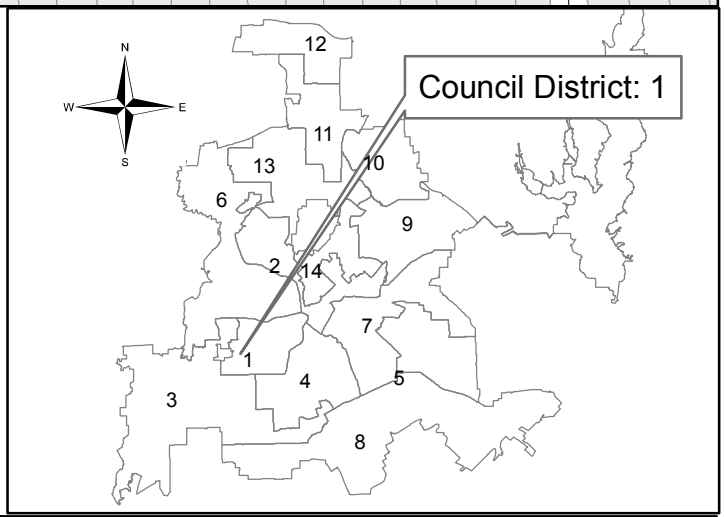
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5648

Segment 1 of 28



Barnett Avenue
from Brooklyndell Avenue south



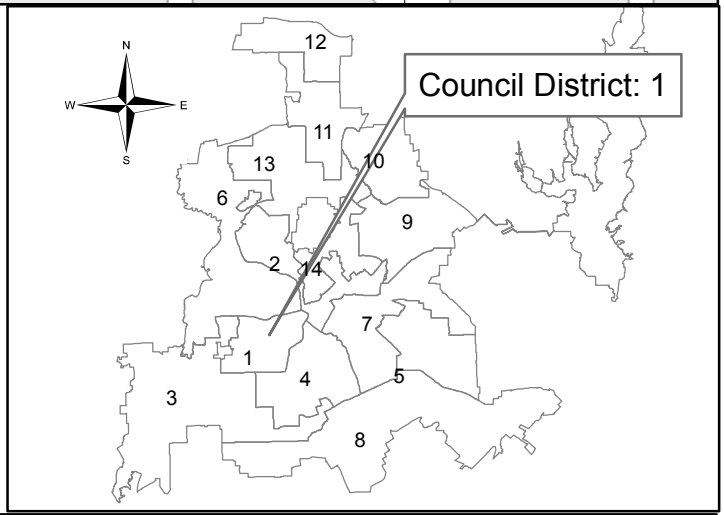
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3282

Segment 2 of 28



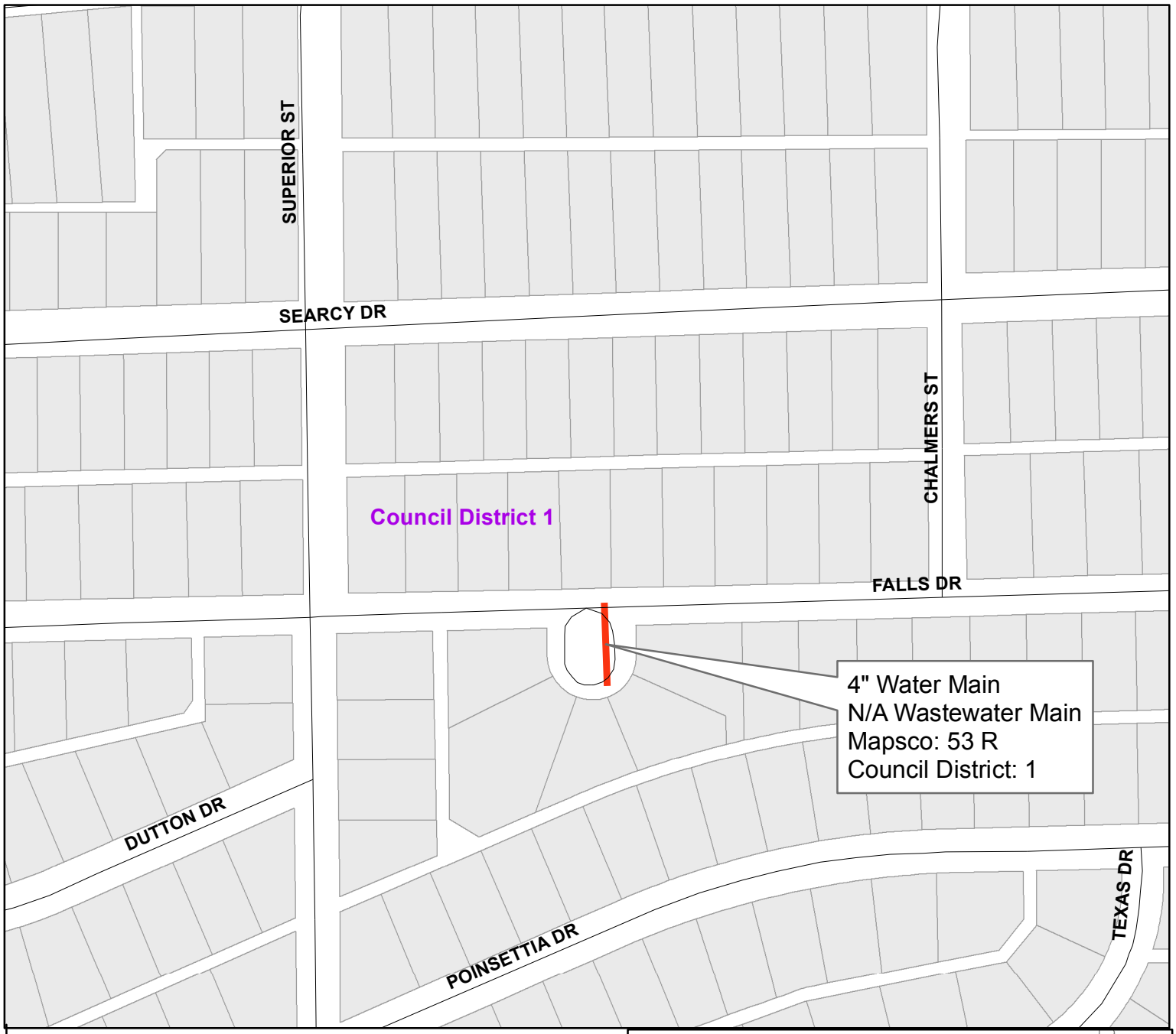
Clinton Avenue
from Ranier Street north



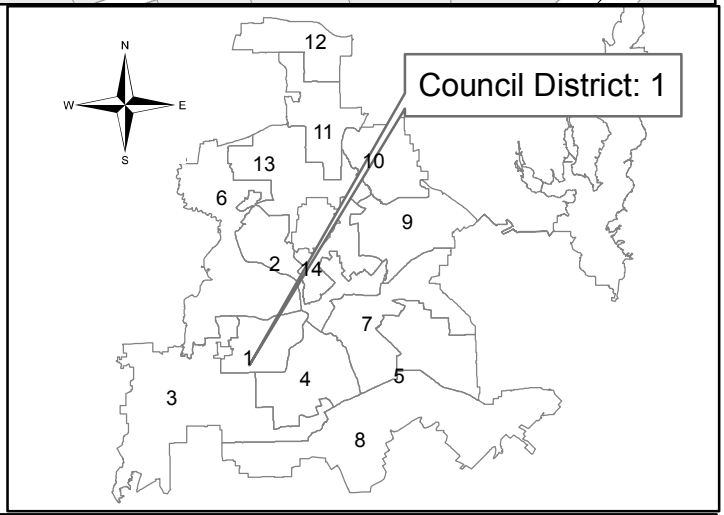
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3215

Segment 3 of 28



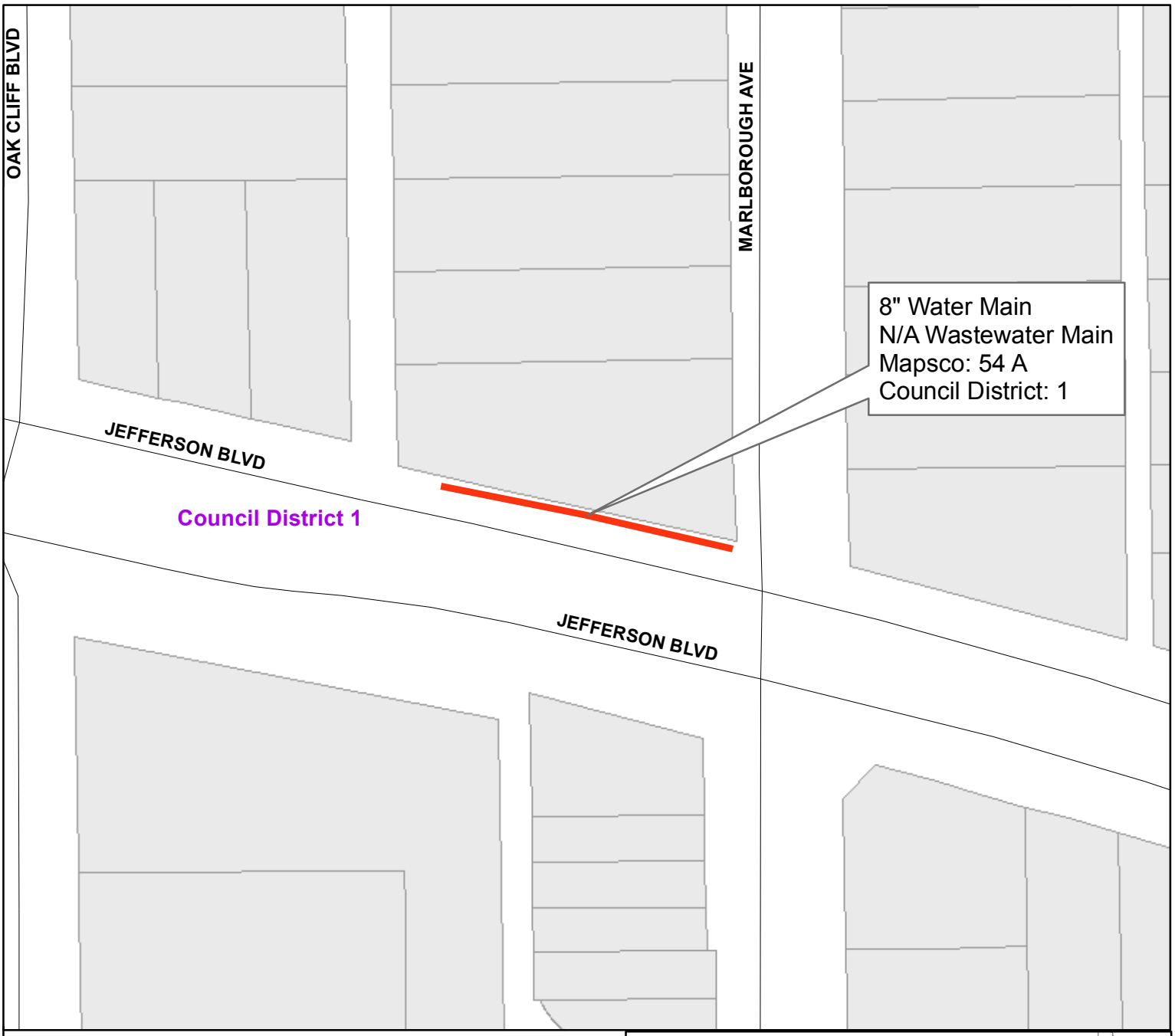
Falls Drive
at Falls cul-de-sac



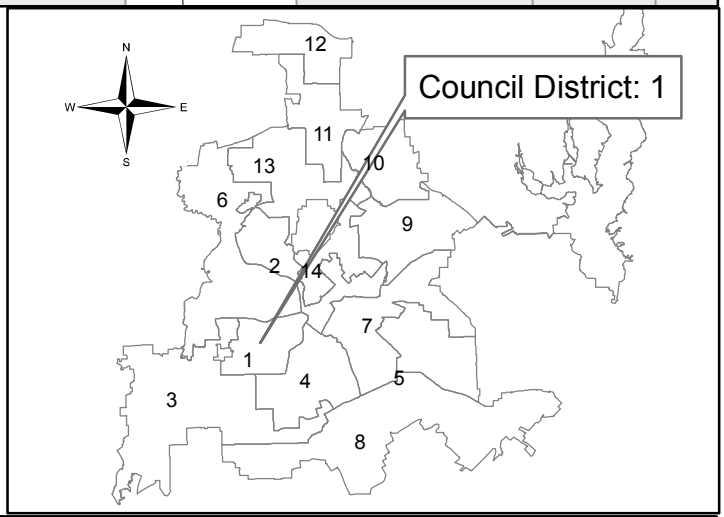
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3325

Segment 4 of 28



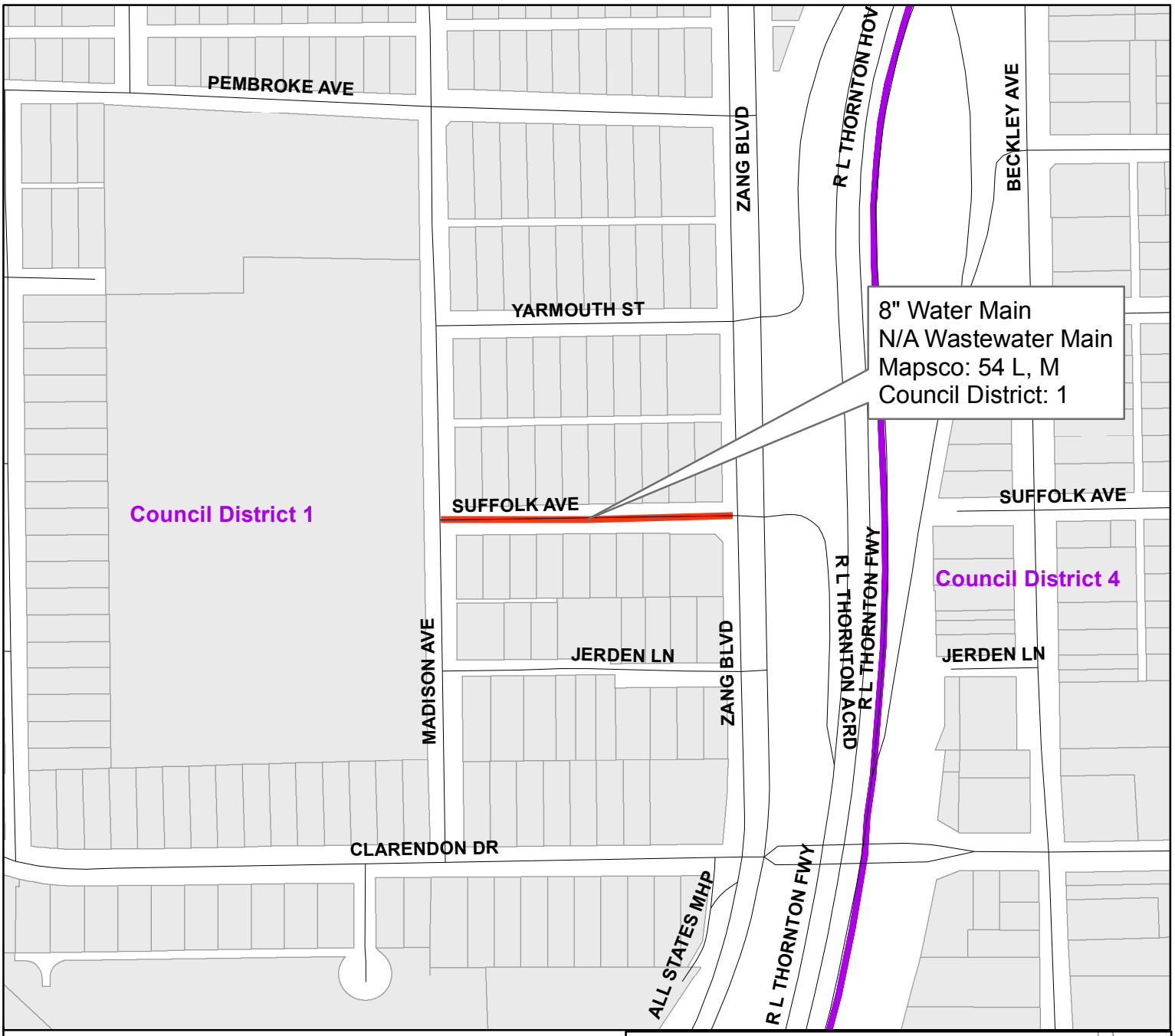
Jefferson Boulevard
from Marlborough Avenue west



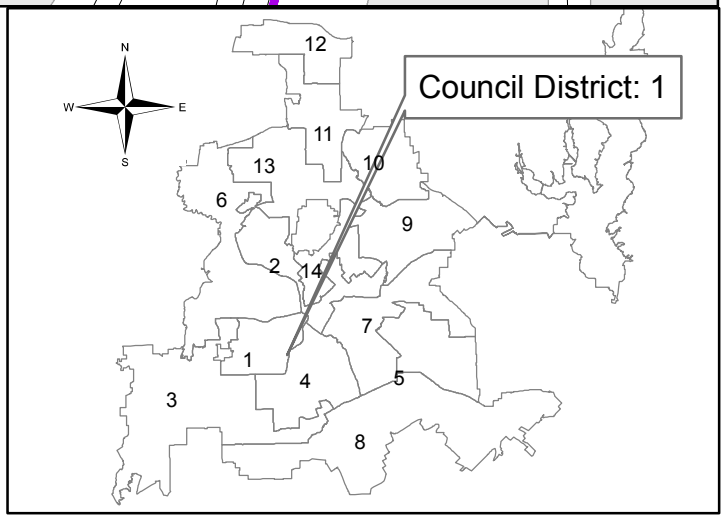
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3430

Segment 5 of 28



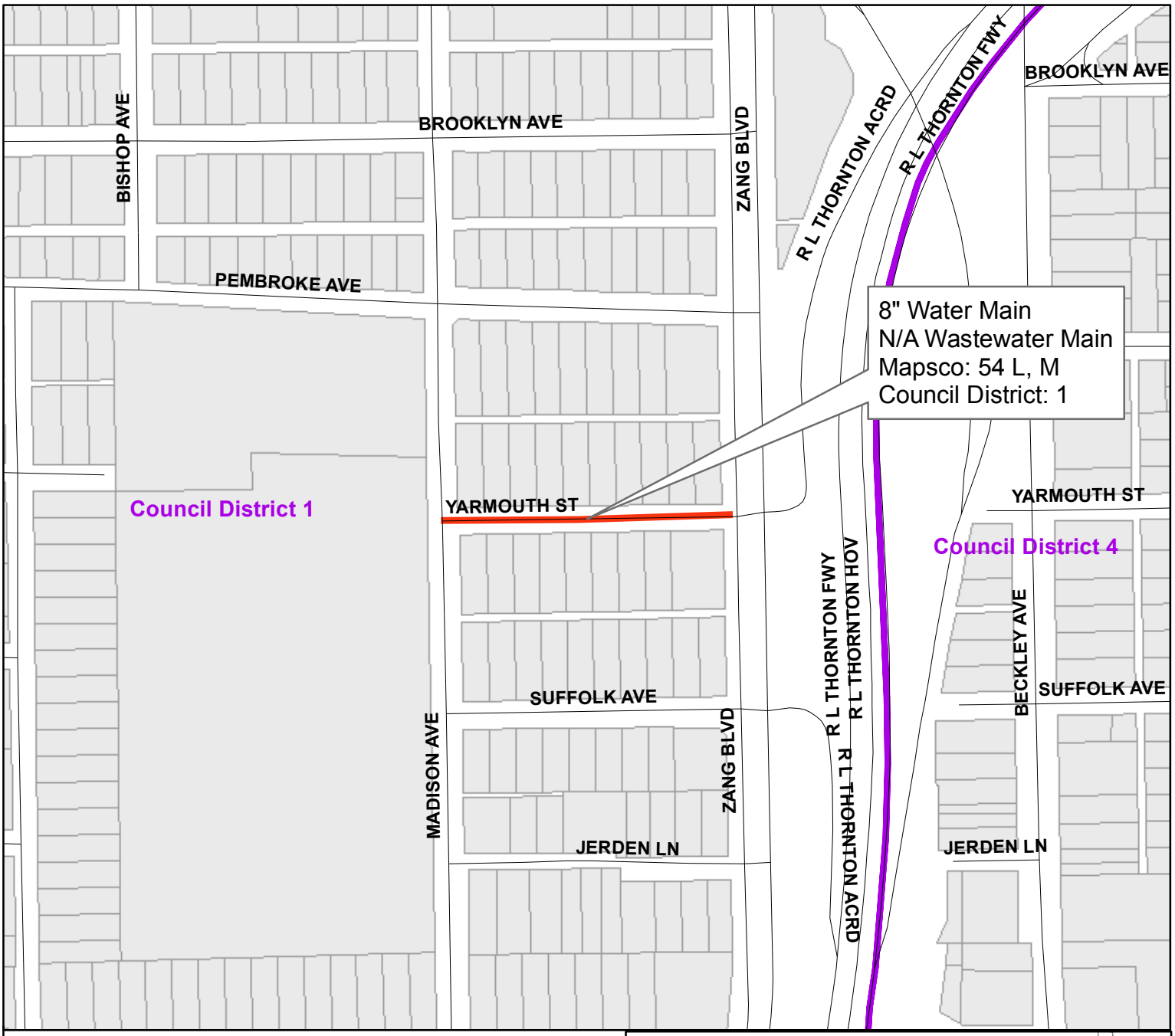
Suffolk Avenue
from Madison Avenue to Zang Boulevard



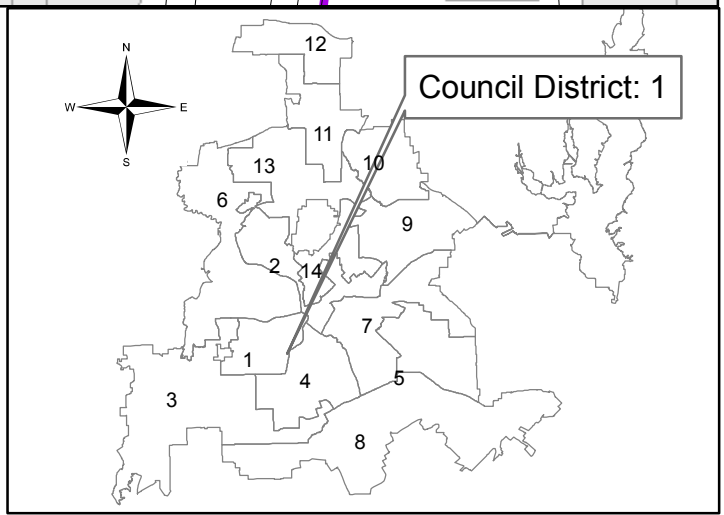
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3294

Segment 6 of 28



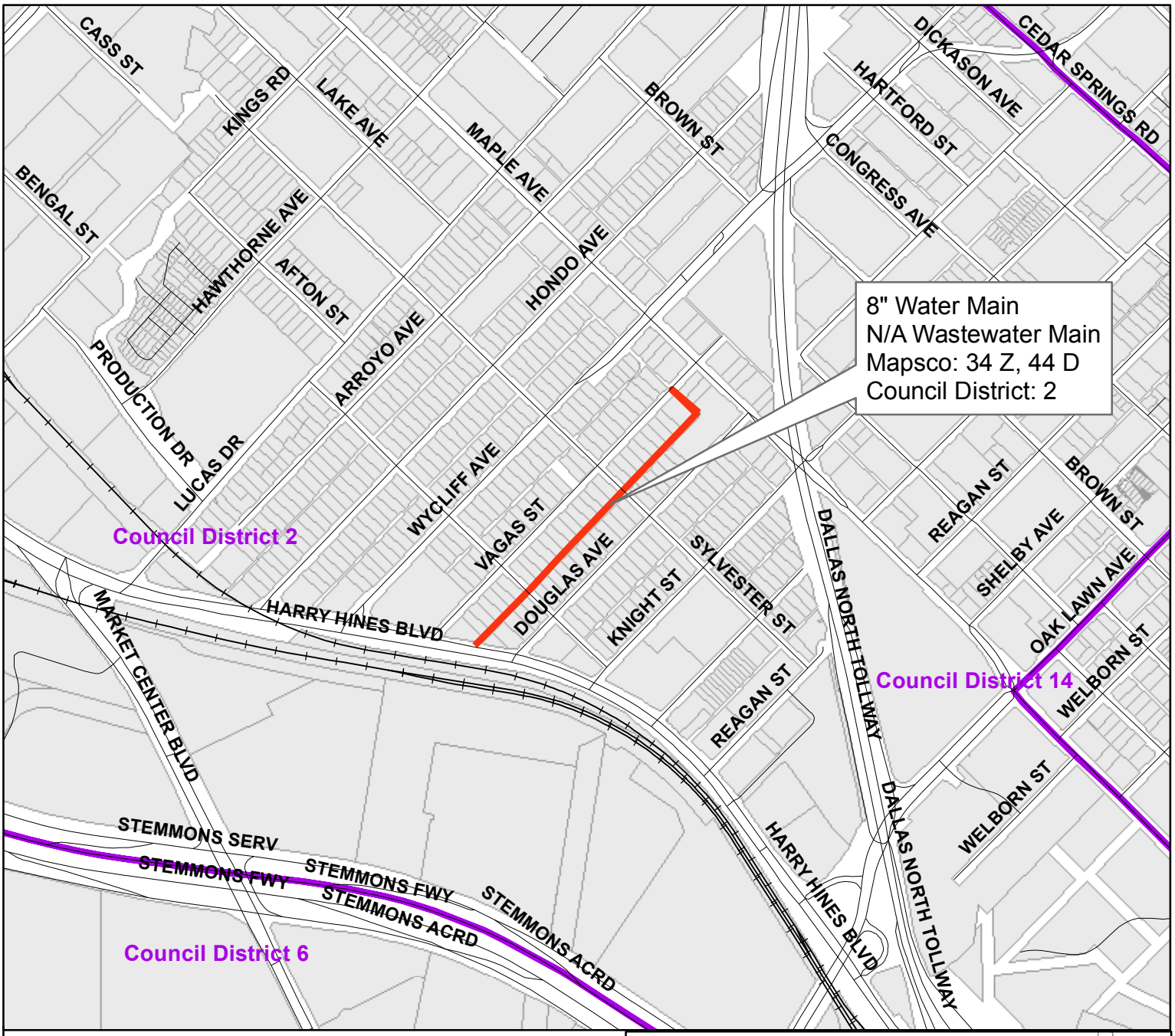
Yarmouth Street
from Madison Avenue to Zang Boulevard



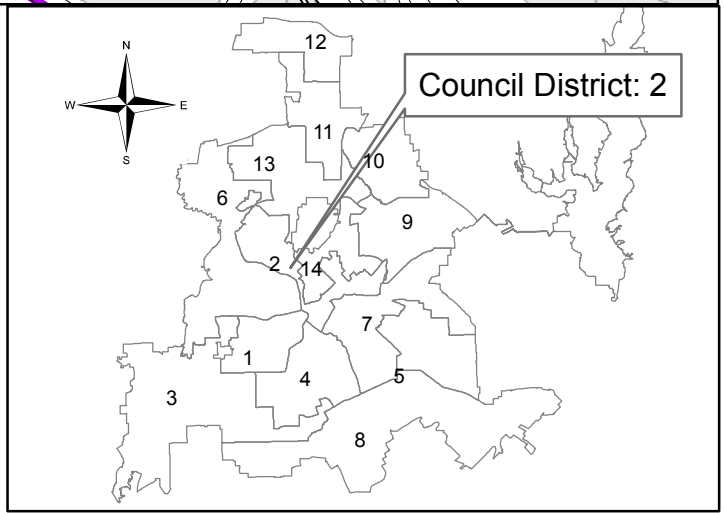
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3293

Segment 7 of 28



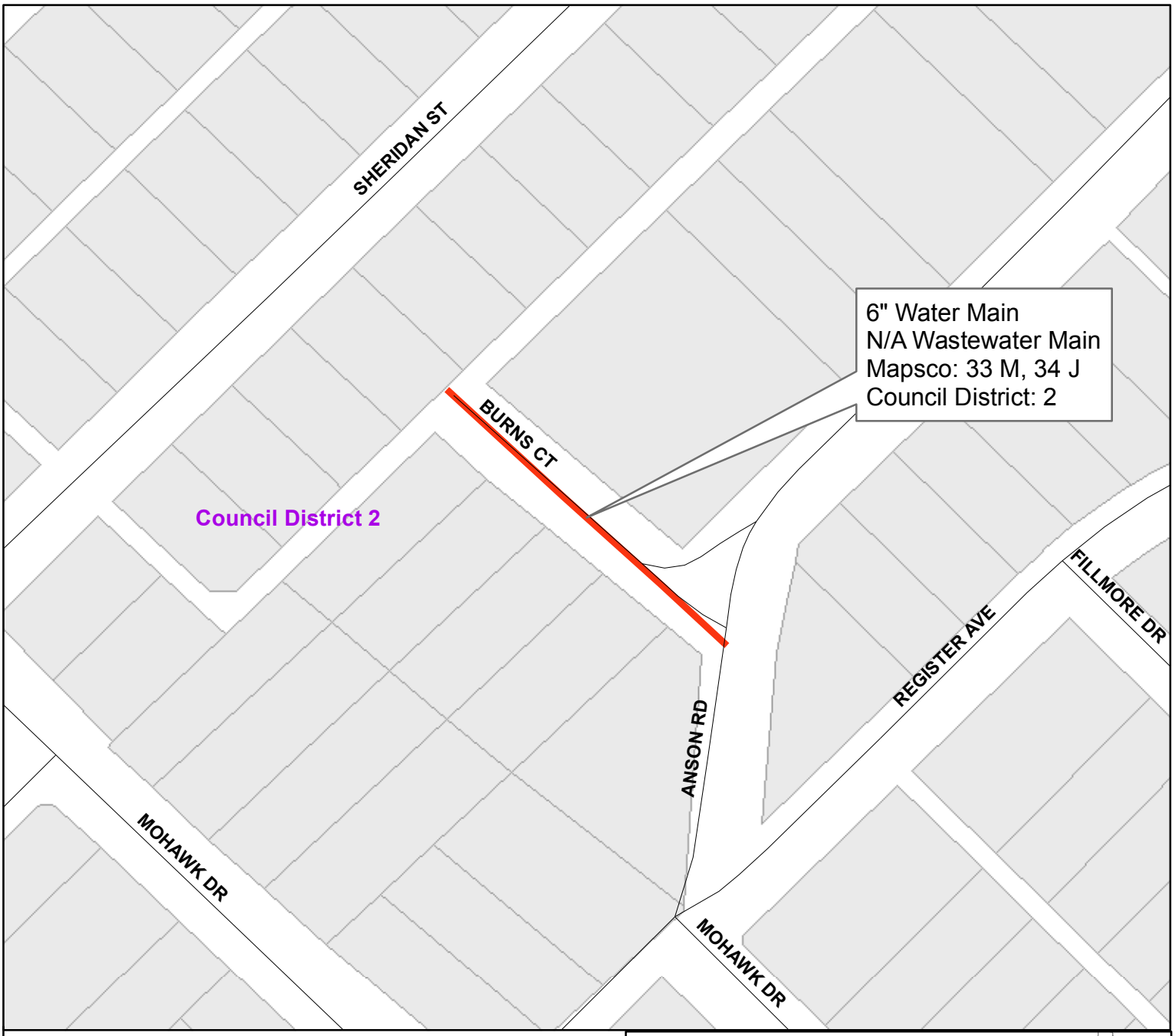
Alley between Douglas Avenue and Vagas Street from Harry Hines Boulevard northeast



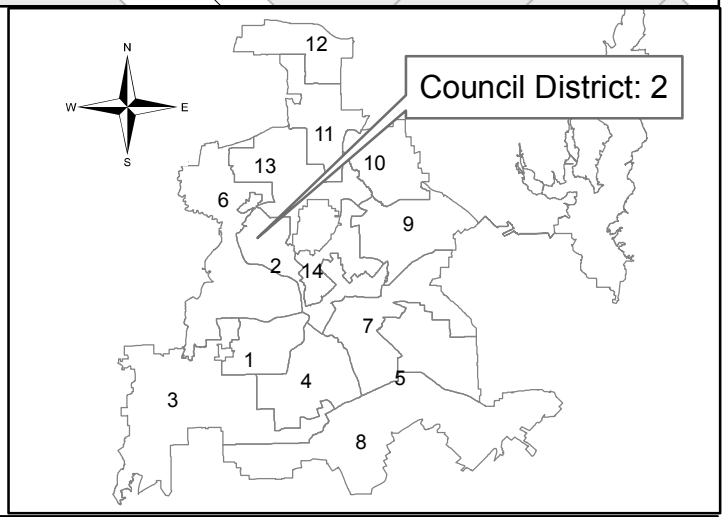
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 2188

Segment 8 of 28



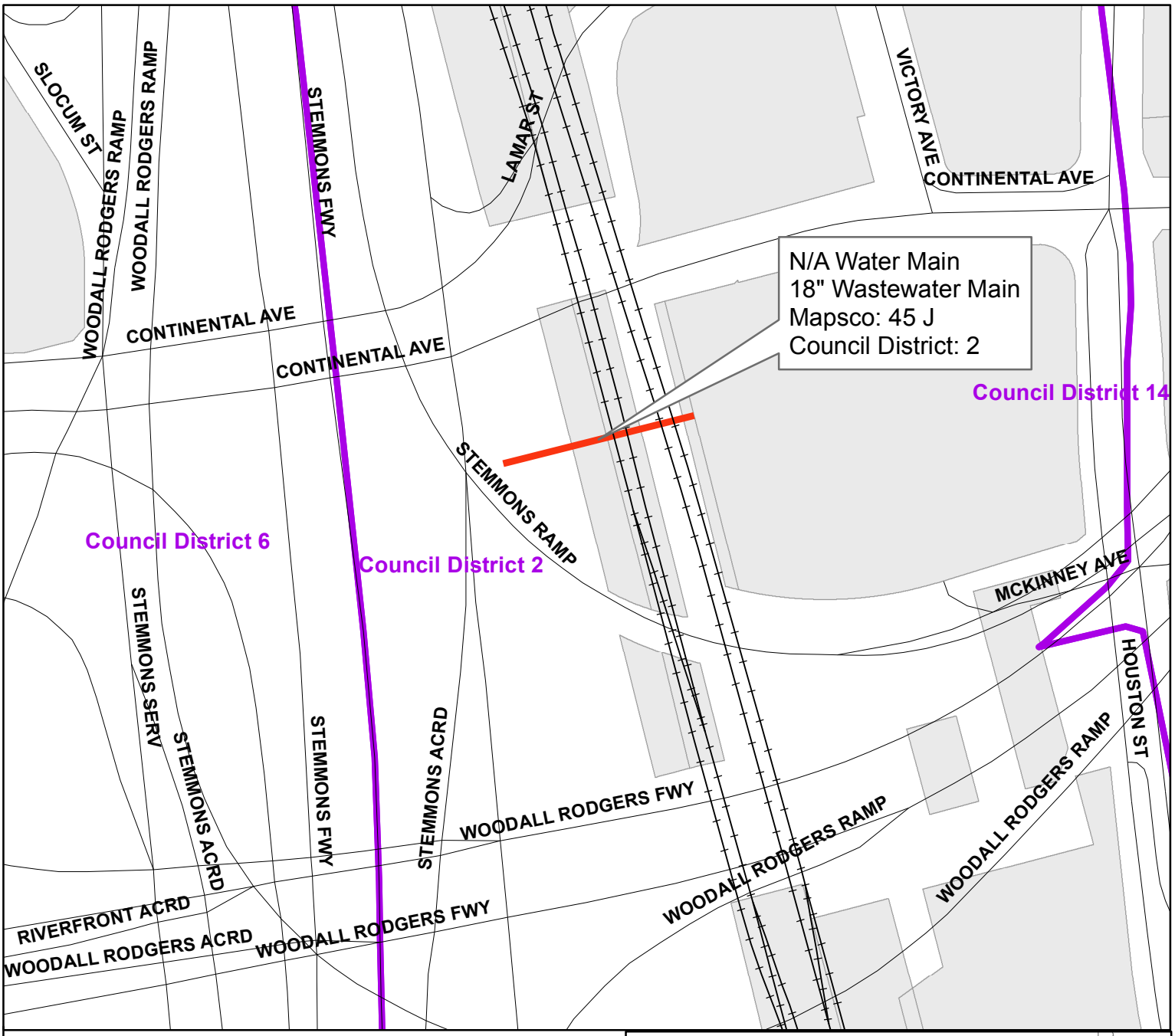
Burns Court
from Anson Road northwest



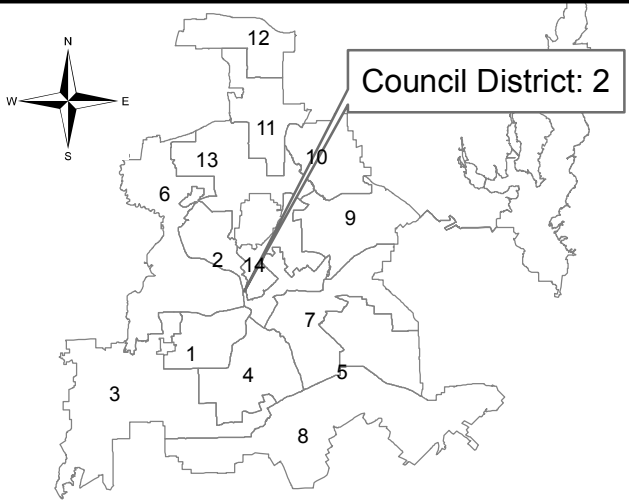
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3002

Segment 9 of 28



Easement north of Woodall Rodgers Freeway from Stemmons Access Road east



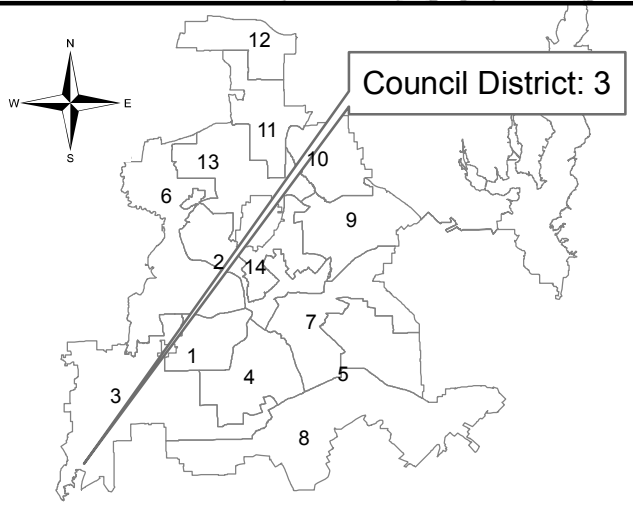
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations at 28 Locations

PID: 5951

Segment 10 of 28



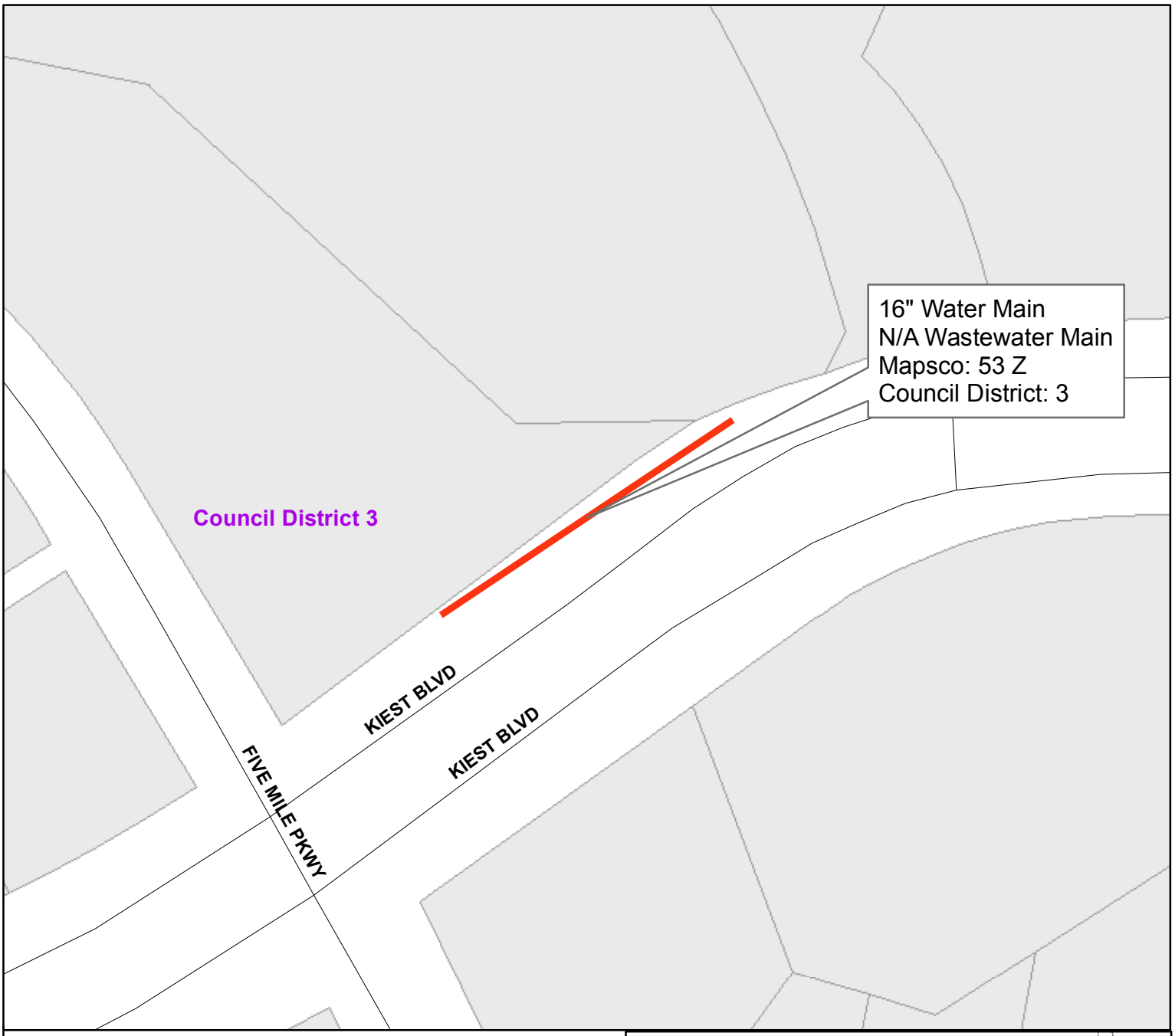
Eagle Ford Drive
from FM 1382 Highway east



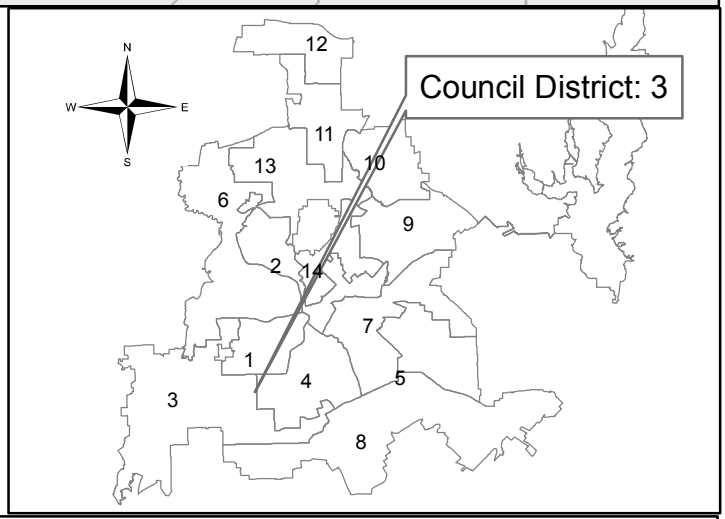
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 4998

Segment 11 of 28



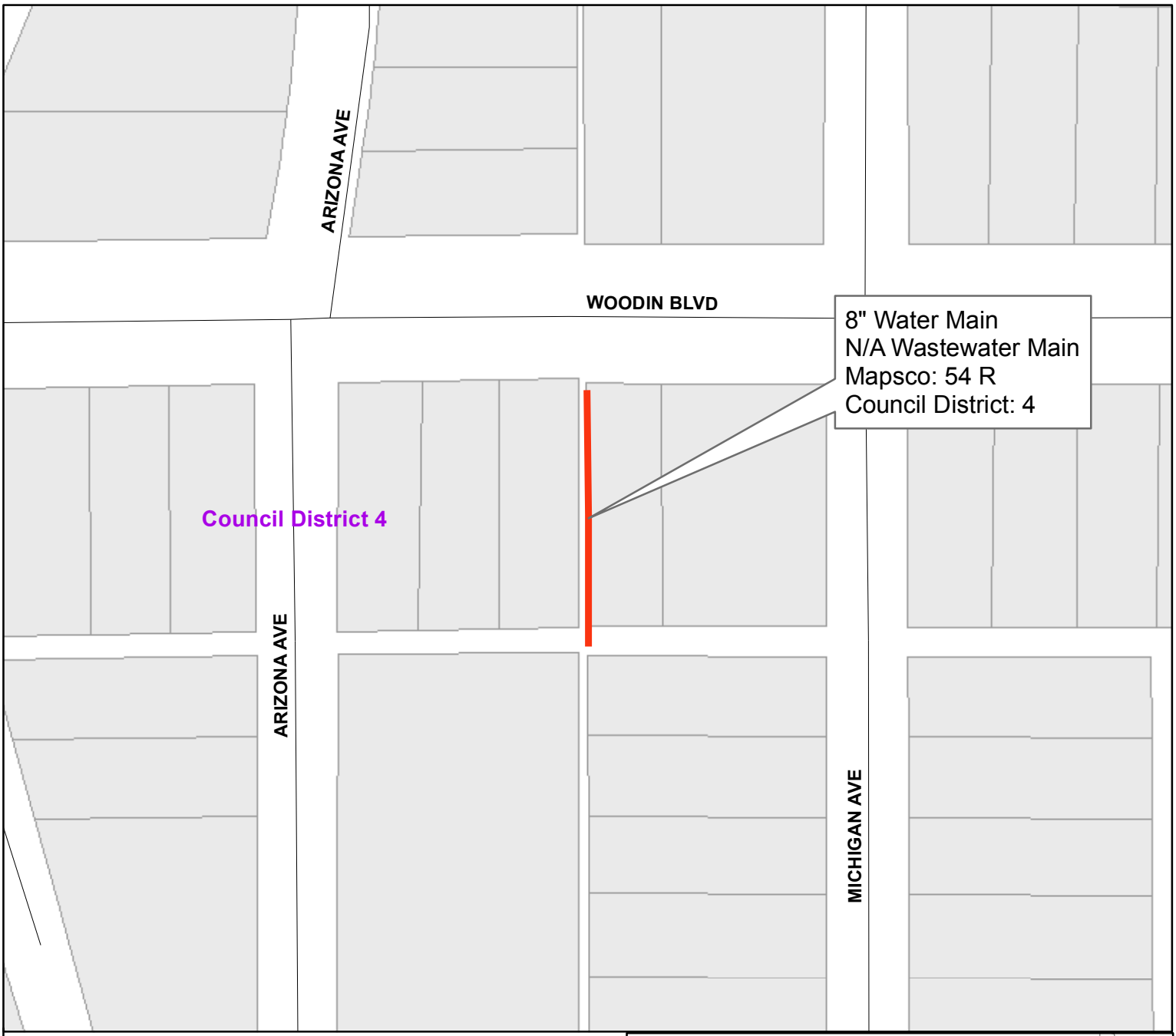
Kiest Boulevard
from northeast of Five Mile Parkway northeast



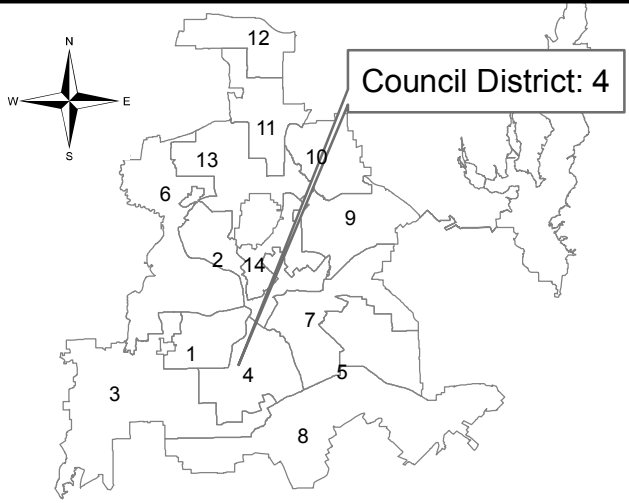
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5609

Segment 12 of 28



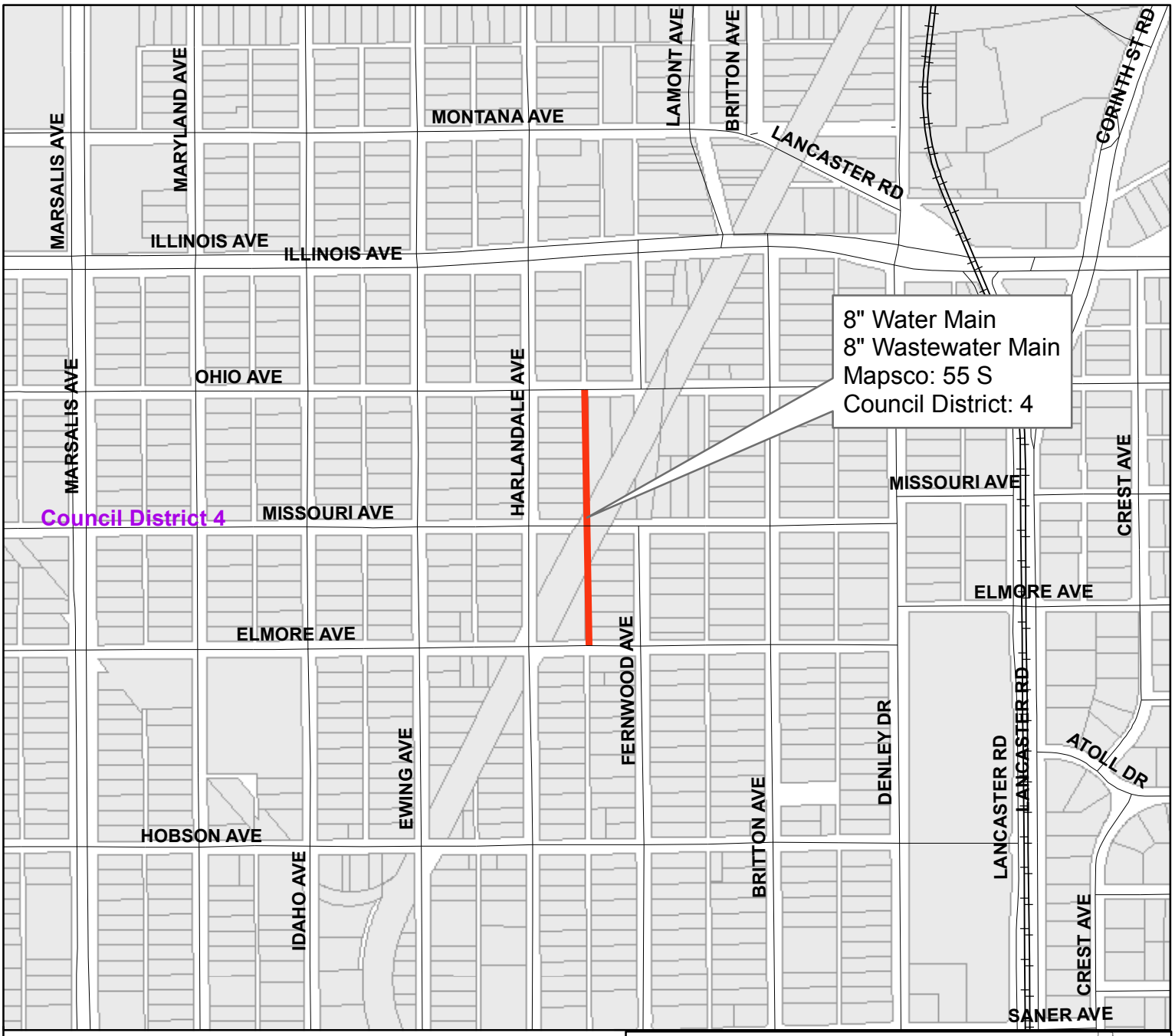
Alley between Arizona Avenue and Michigan Avenue from Woodin Boulevard south



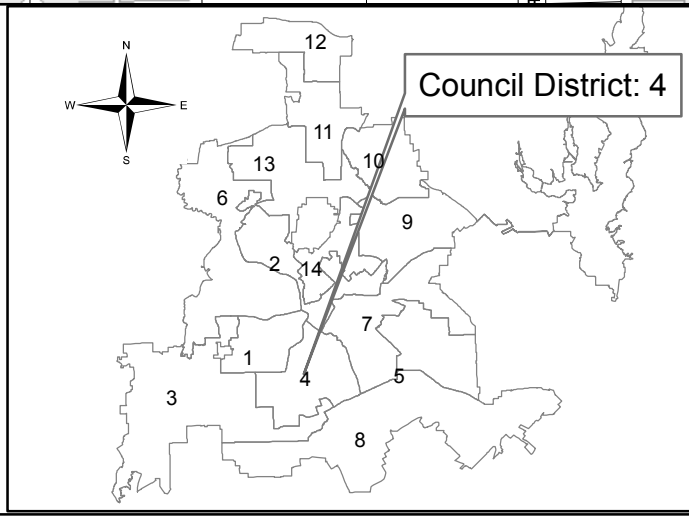
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3443

Segment 13 of 28



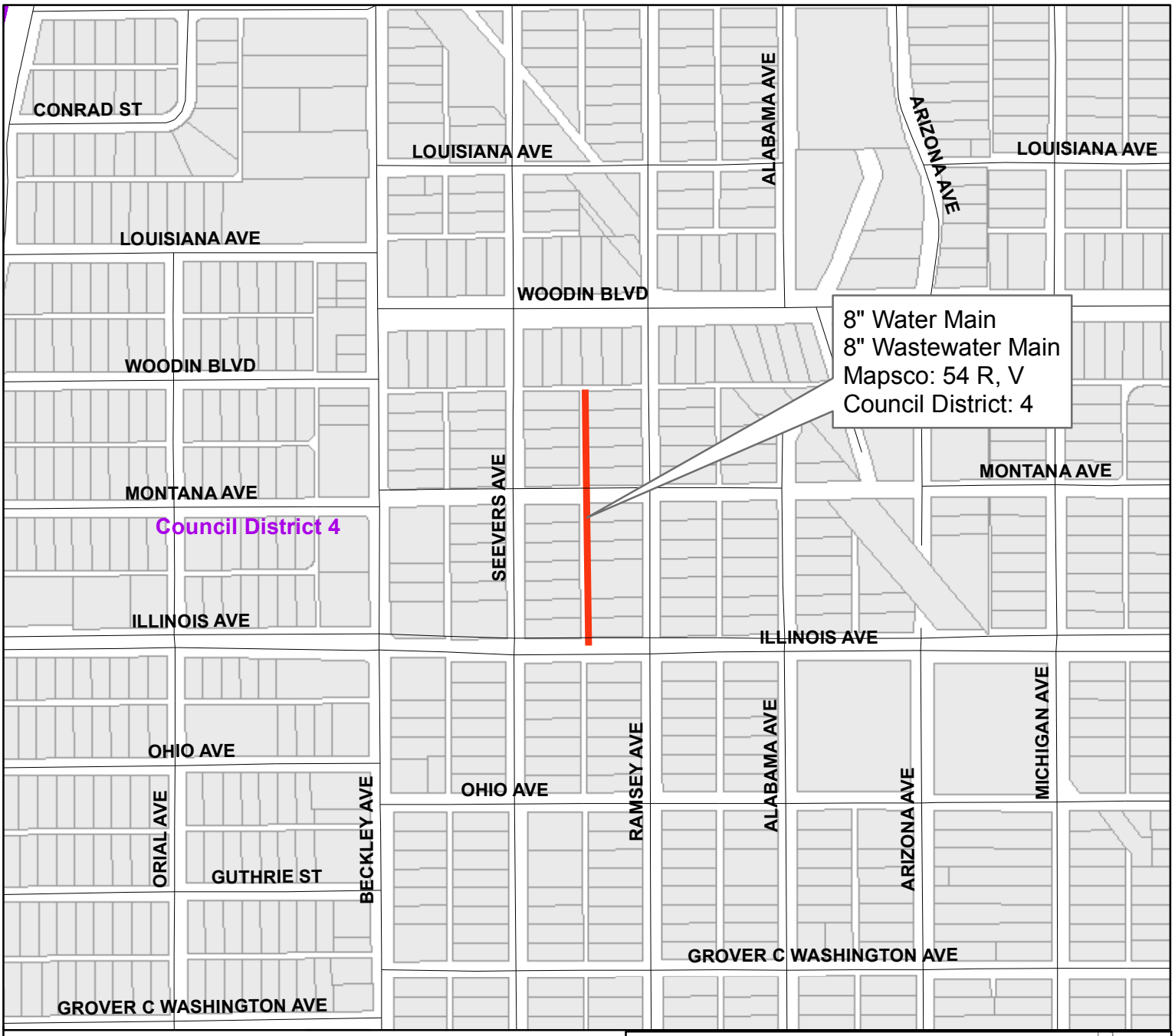
Alley between Fernwood Avenue and Harlandale Avenue
from Ohio Avenue to Elmore Avenue



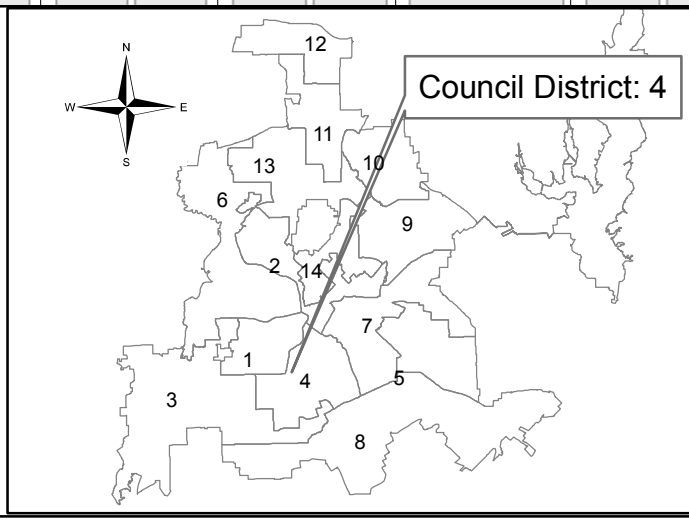
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 1064

Segment 14 of 28



Alley between Ramsey Avenue and Seevers Avenue from Illinois Avenue north



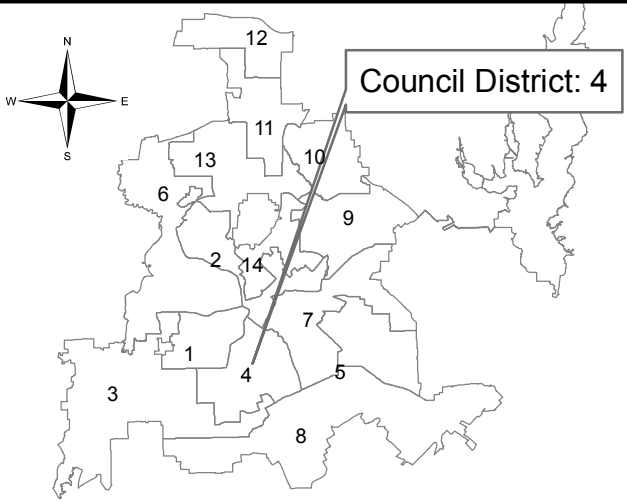
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 1426

Segment 15 of 28



Alley between Woodin Boulevard and Louisiana Avenue from Corinth Street Road east



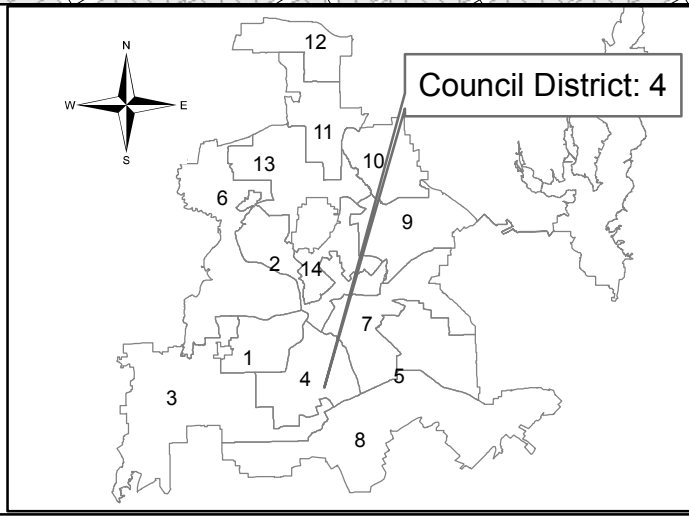
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5613

Segment 16 of 28



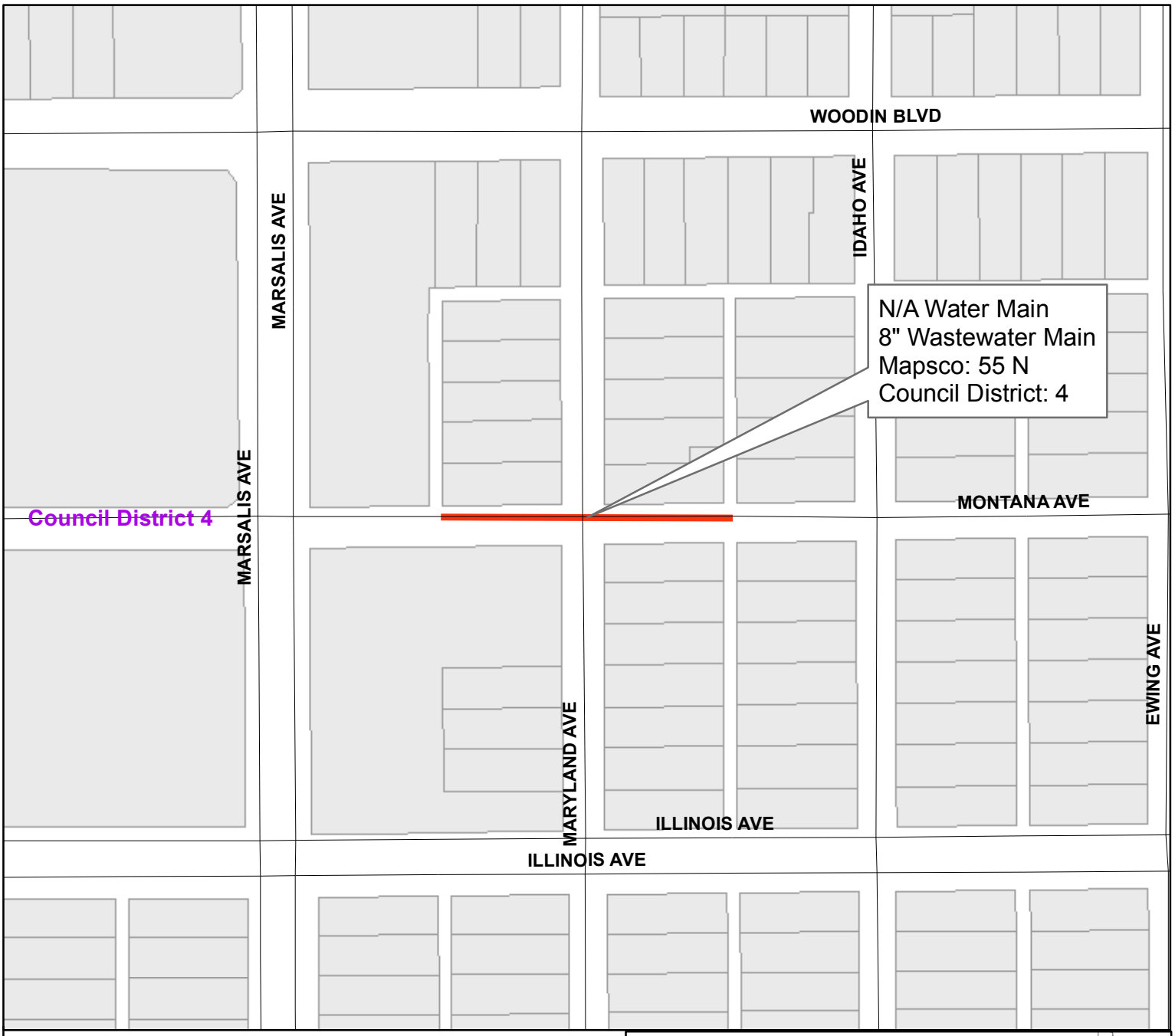
Hudspeth Avenue
from Easter Avenue to Cardinal Drive



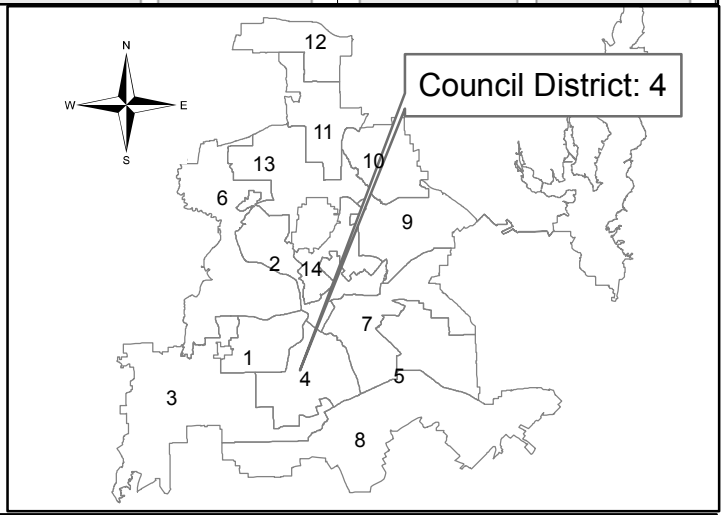
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3610

Segment 17 of 28



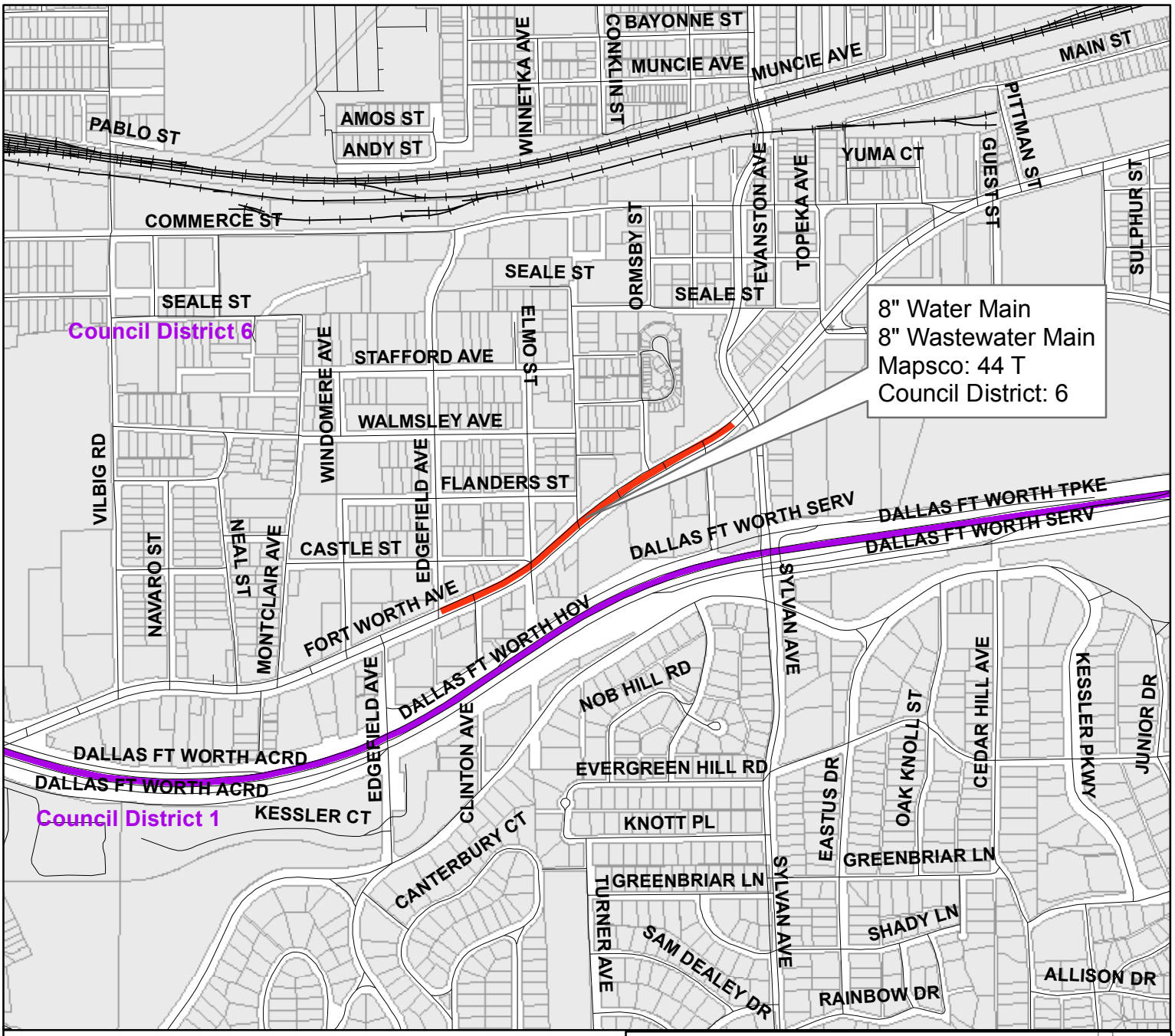
Montana Avenue
from east of Marsalis Avenue east



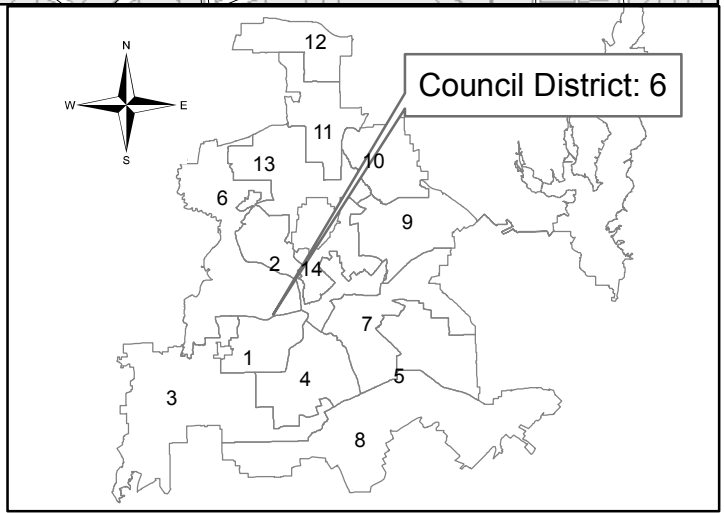
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5392

Segment 18 of 28



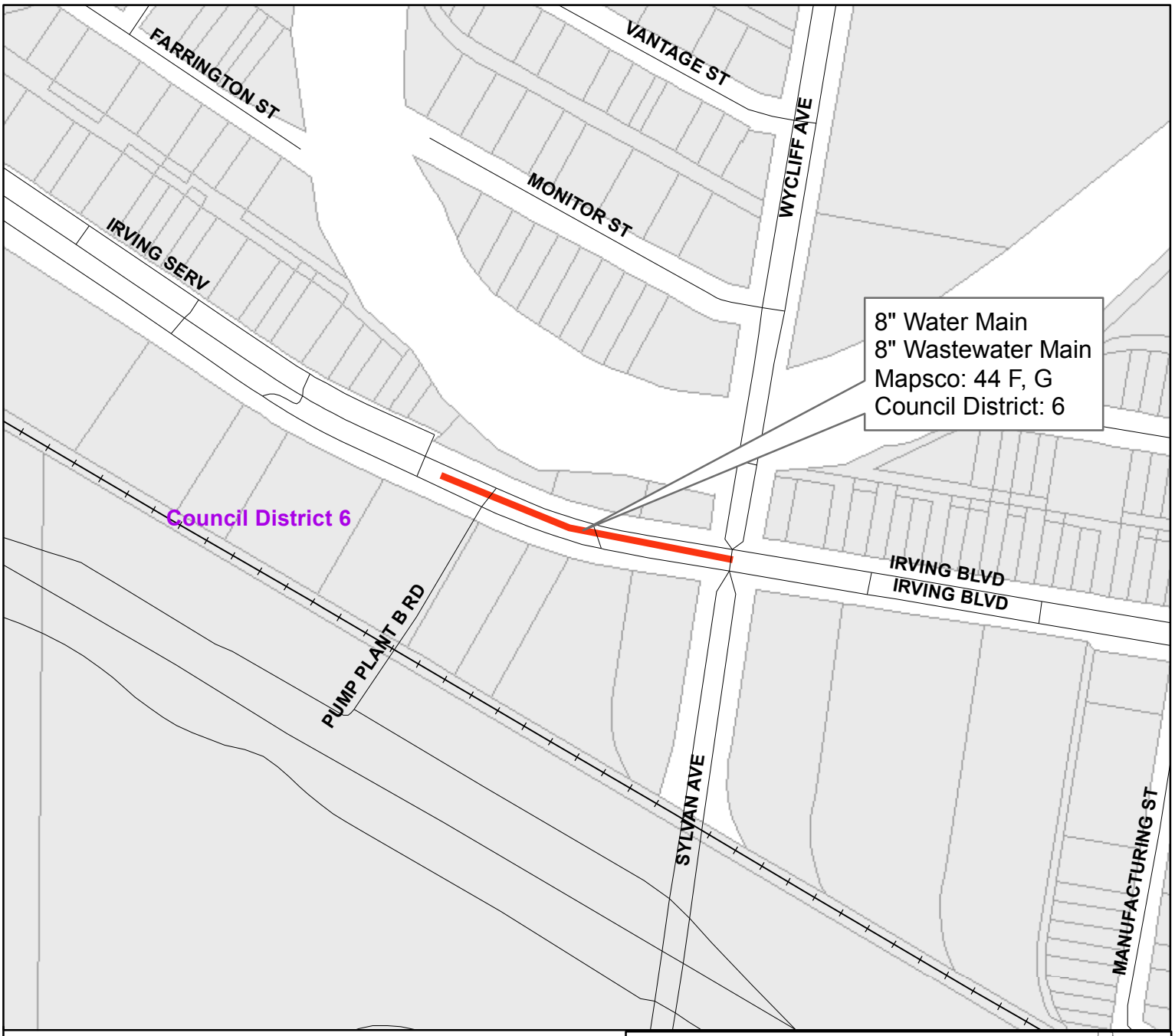
Fort Worth Avenue
from Edgefield Avenue east



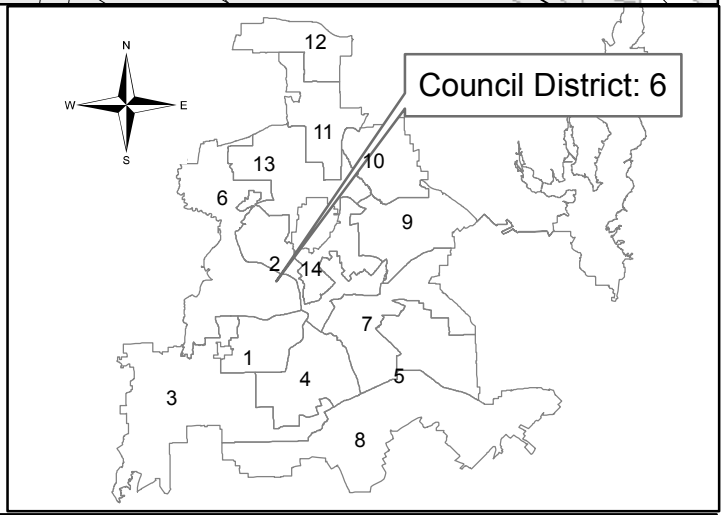
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 3166

Segment 19 of 28



Irving Boulevard
from Sylvan Avenue west



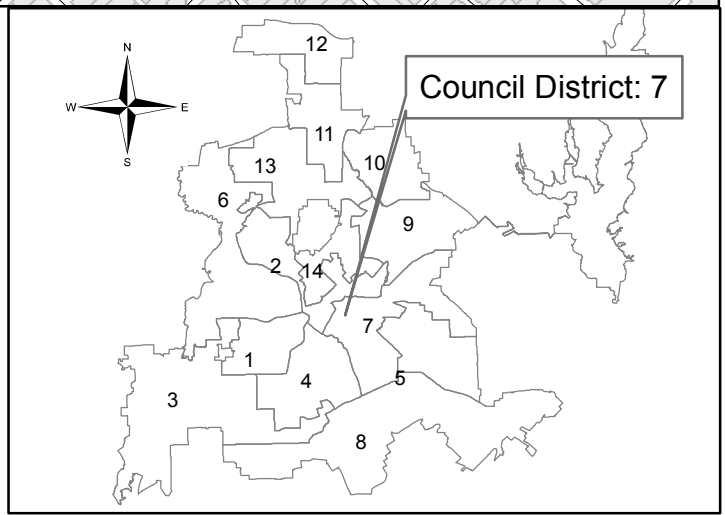
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5170

Segment 20 of 28



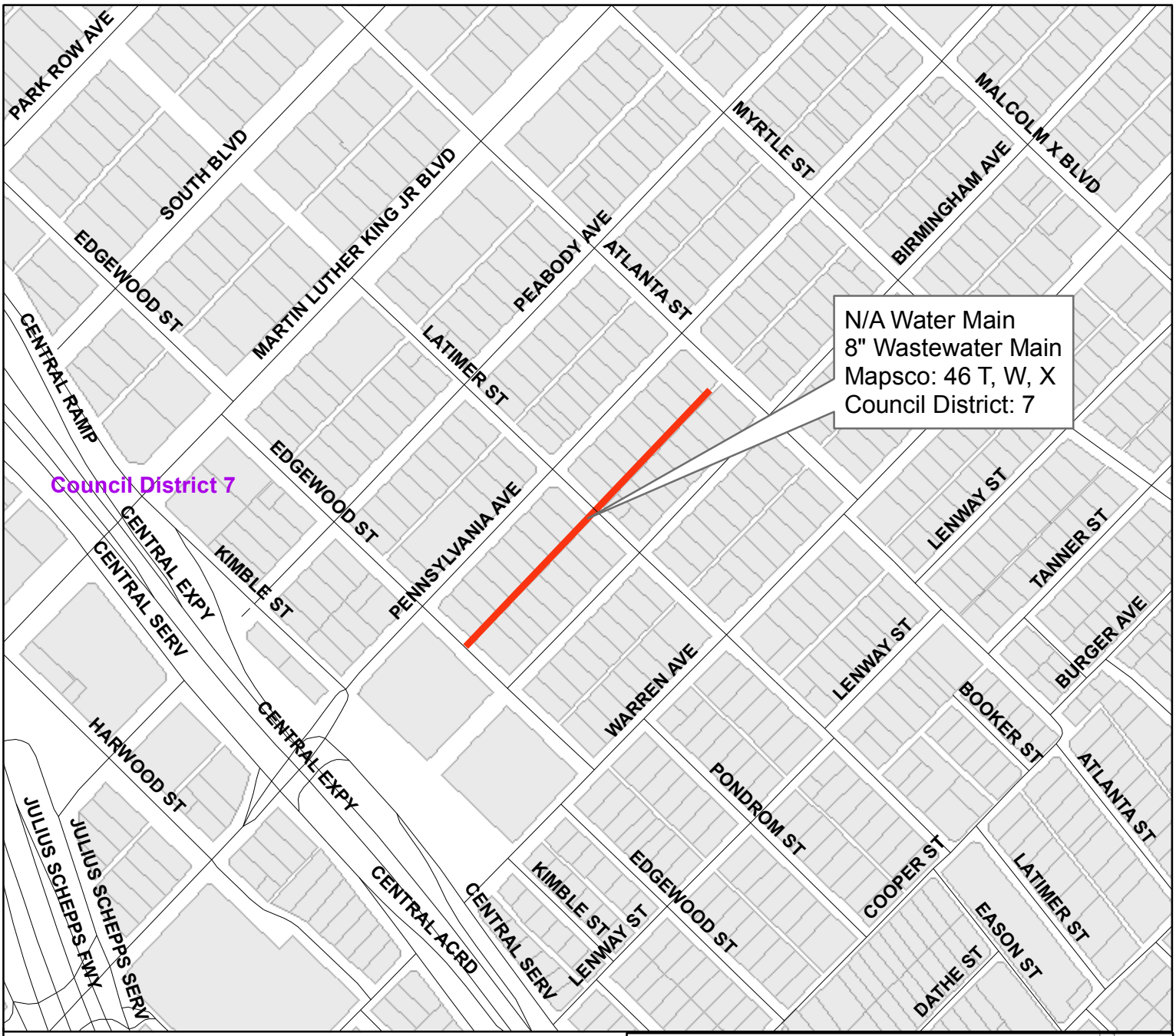
Alley between Martin Luther King Jr. Boulevard and Peabody Avenue from Atlanta Street to Jeffries Street



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

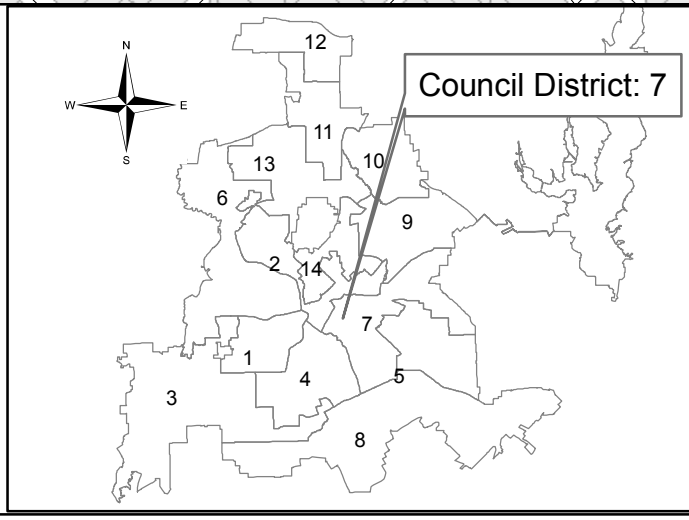
PID: 5816

Segment 21 of 28



Alley between Pennsylvania Avenue and Birmingham Avenue

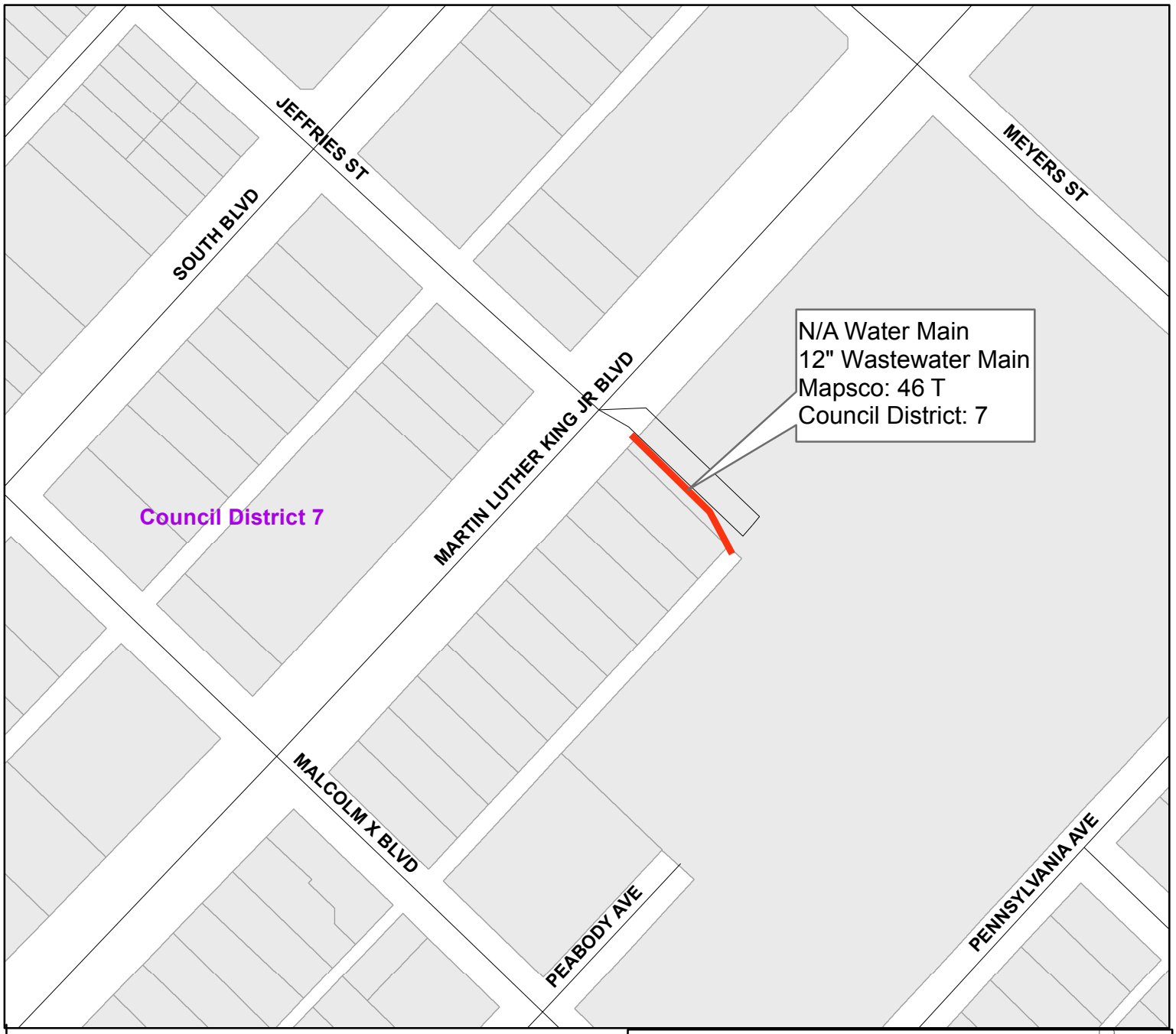
from Edgewood Street northeast



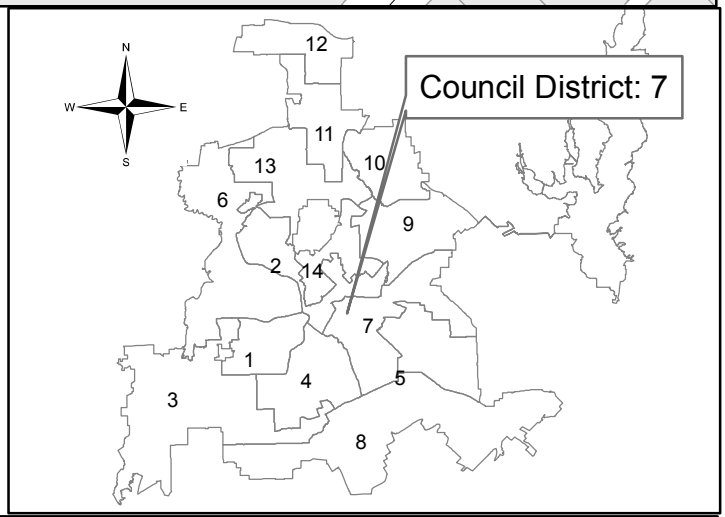
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5296

Segment 22 of 28



Easement between Meyers Street and Malcolm X Boulevard
from Martin Luther King Jr. Boulevard southeast



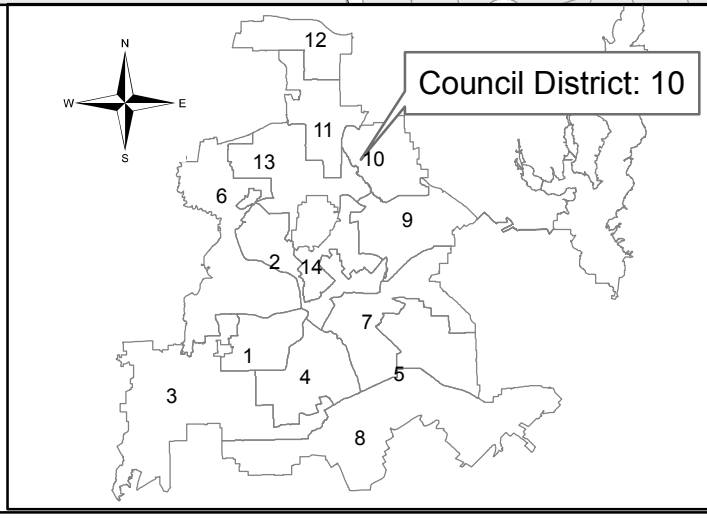
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5880

Segment 23 of 28



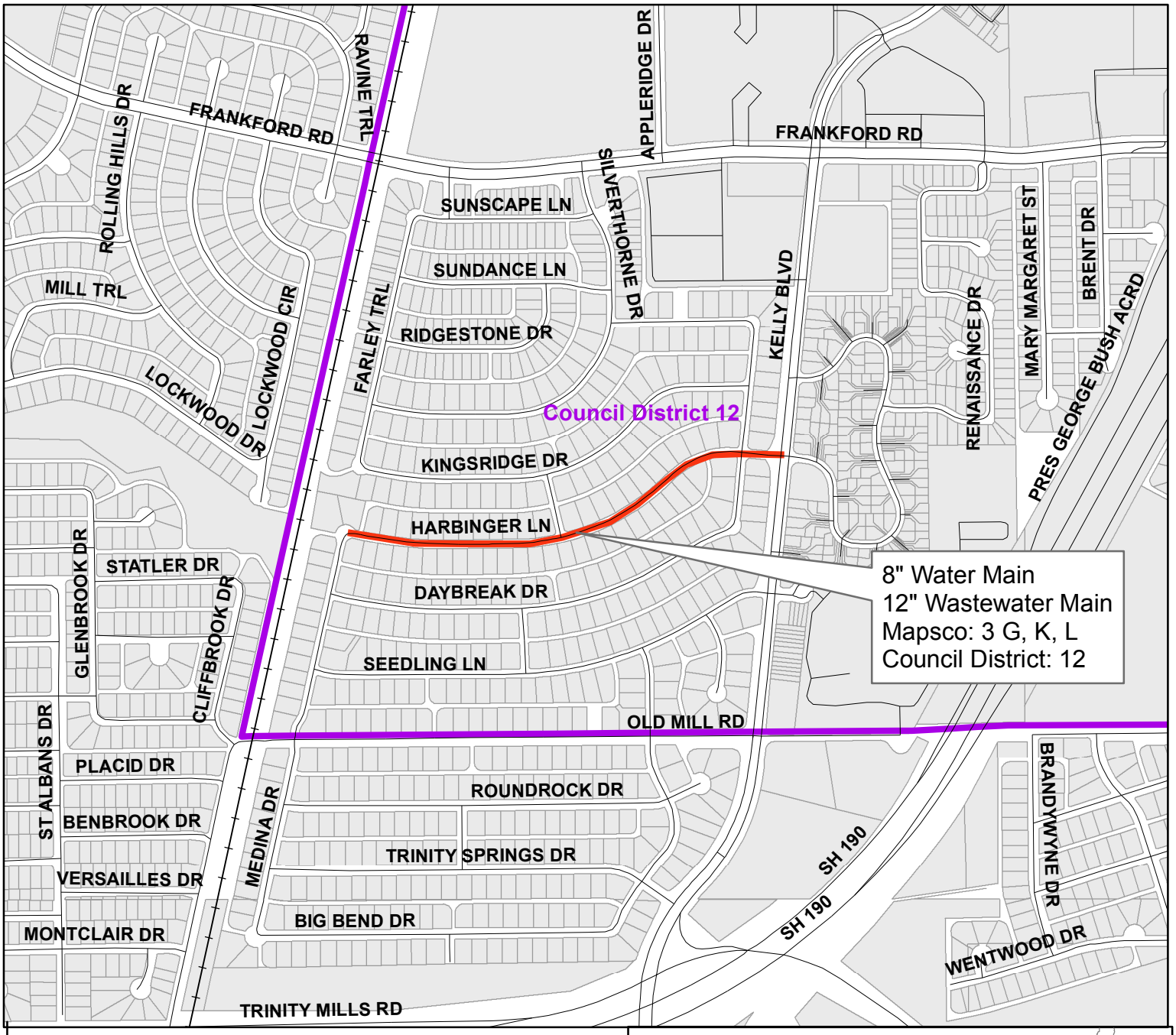
Summer Glen Lane
from Club Meadows Drive to Richardson Branch Trail



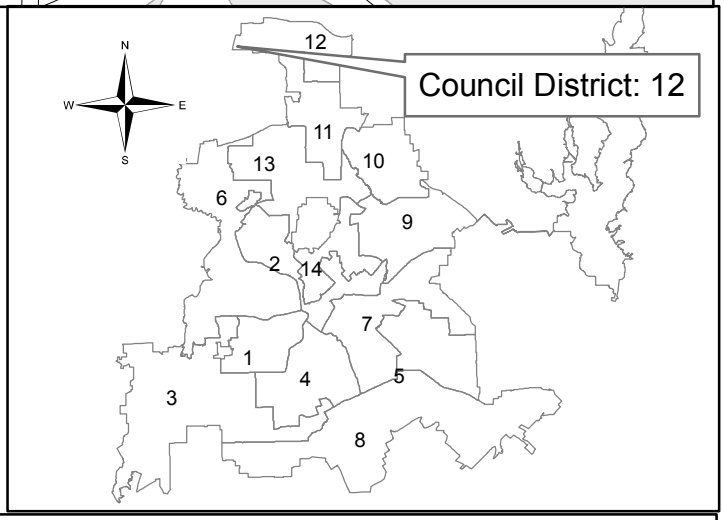
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 4644

Segment 24 of 28



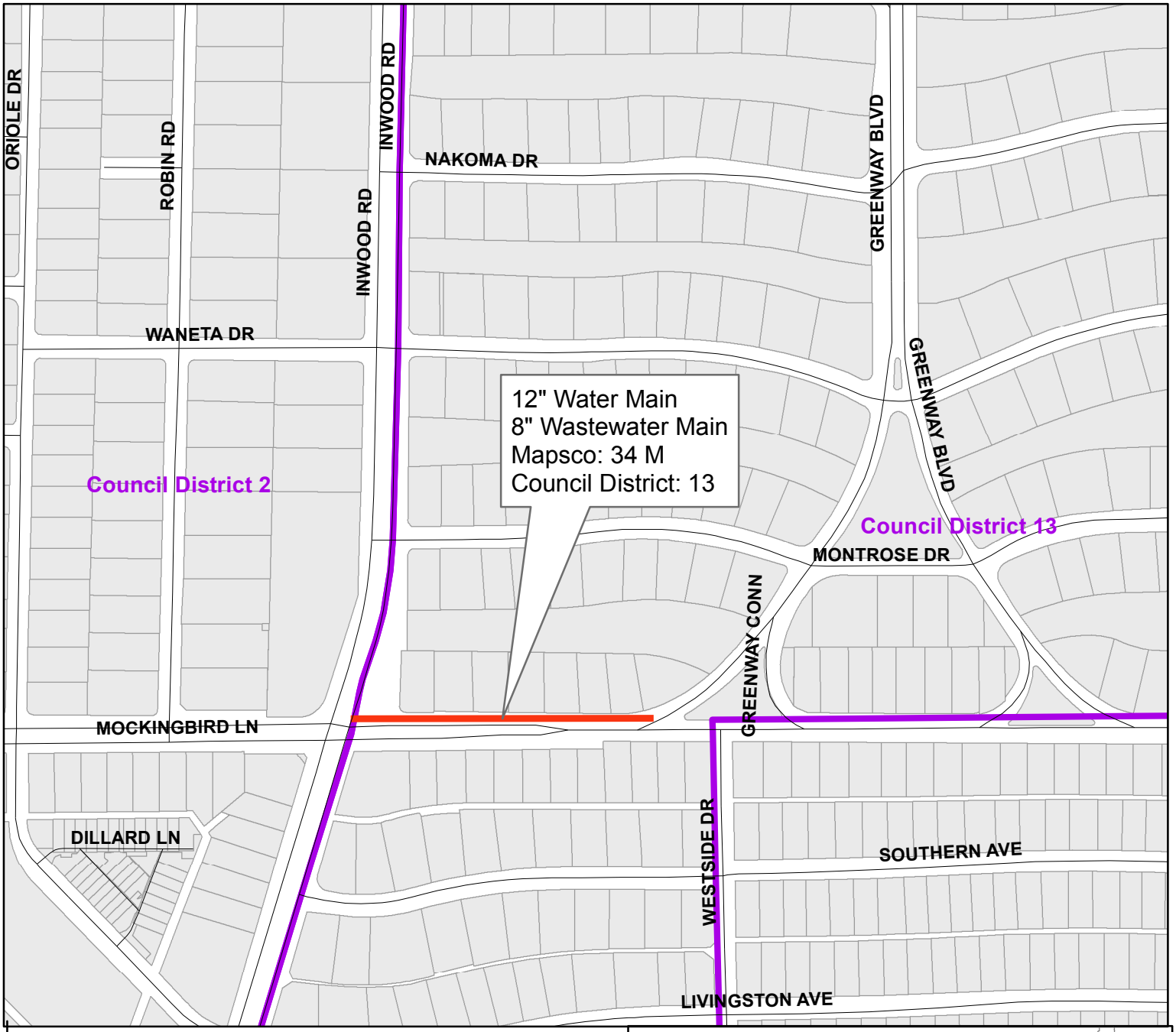
Harbinger Lane
from Medina Drive to Kelly Boulevard



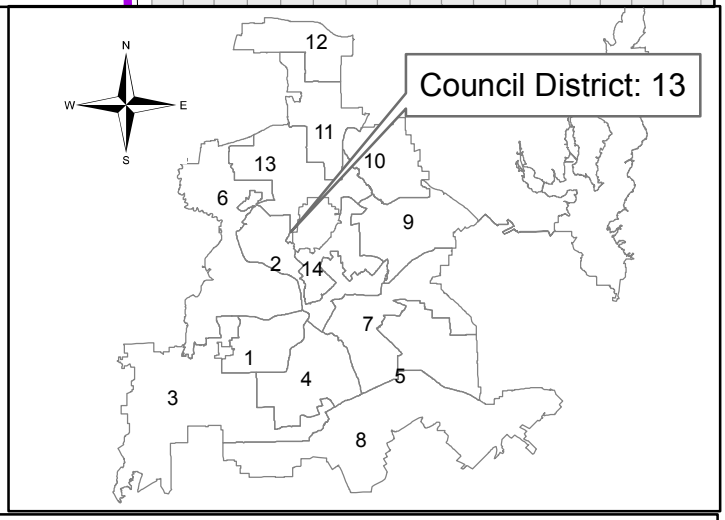
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5366

Segment 25 of 28



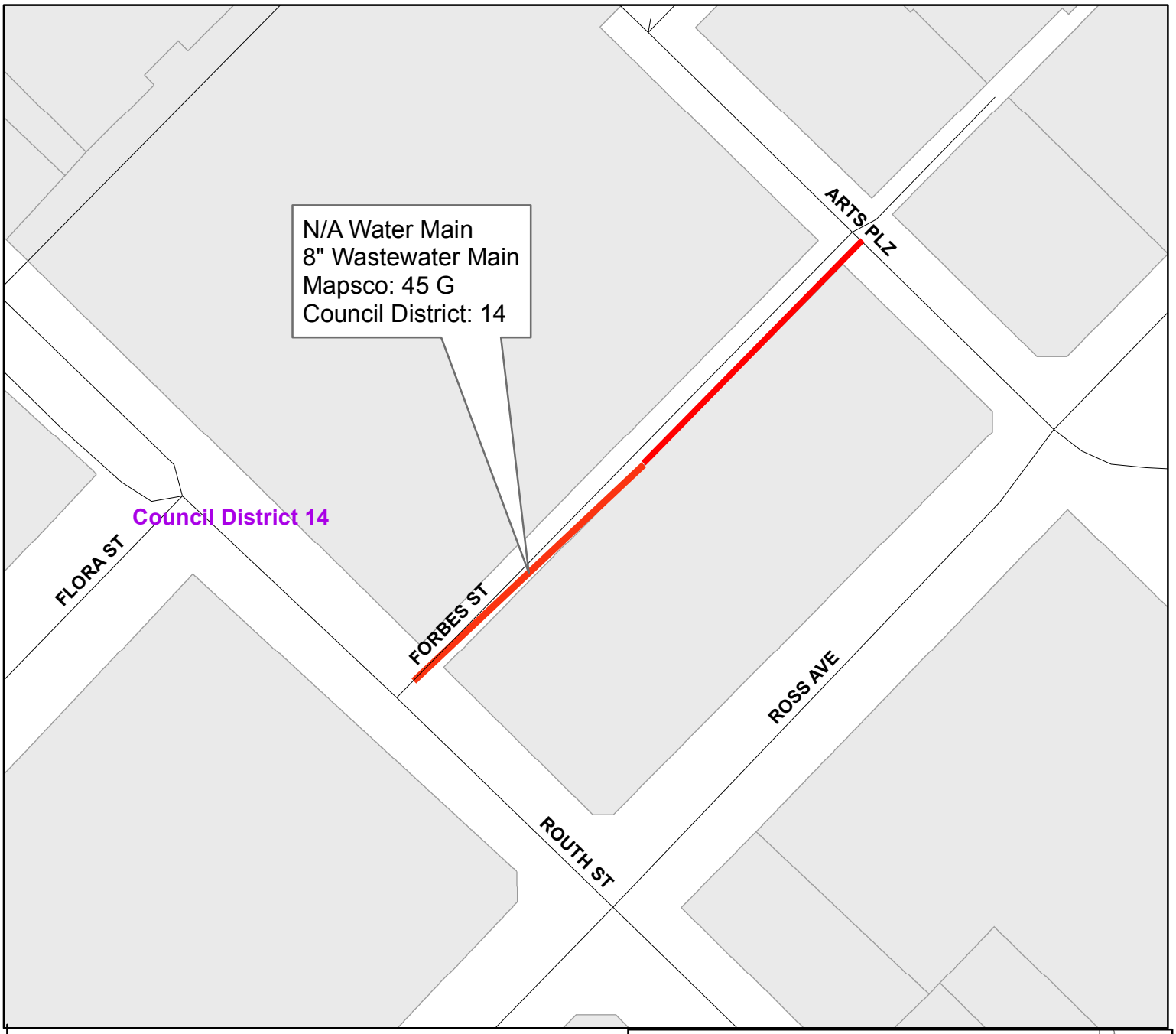
Mockingbird Lane
from Inwood Road to Greenway Boulevard



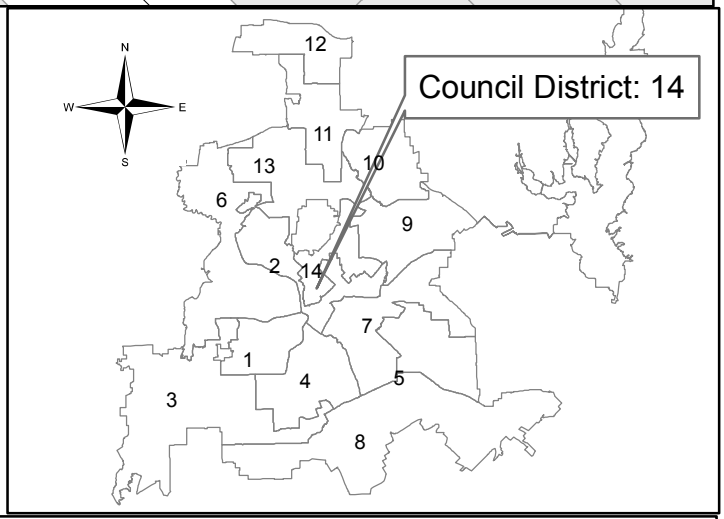
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 4173

Segment 26 of 28



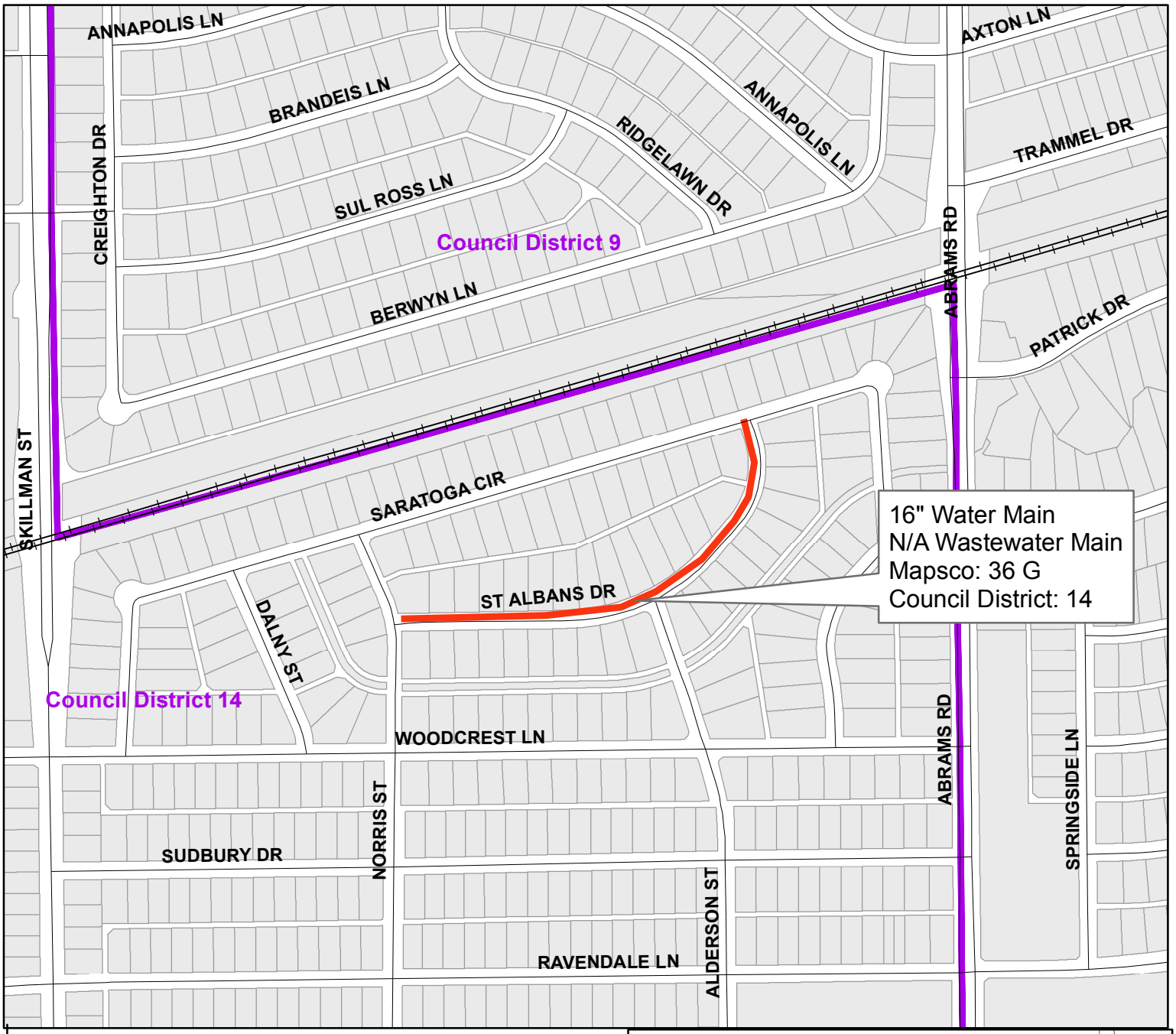
Forbes Street
from Routh Street to Arts Plaza



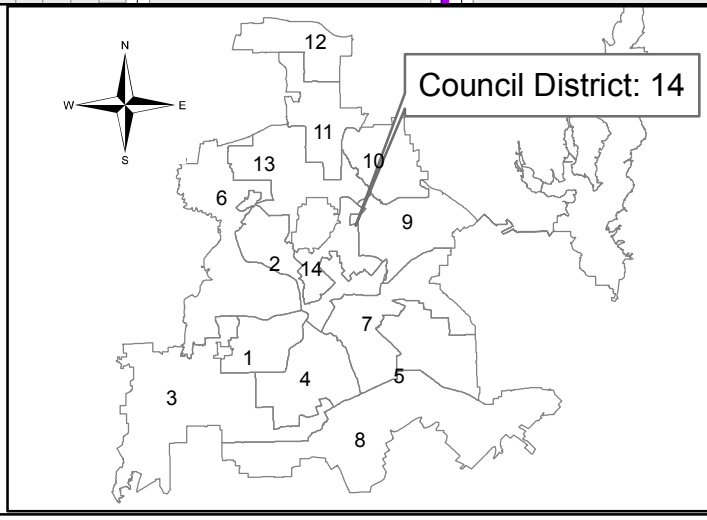
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 5631

Segment 27 of 28



St. Albans Drive
from Norris Street to Saratoga Circle



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

PID: 2213

Segment 28 of 28

June 14, 2017

WHEREAS, on March 31, 2017, four bids were received for the installation of water and wastewater mains at 28 locations, Contract No. 16-233/234, listed as follows:

BIDDERS	**BID AMOUNT**
SYB Construction Co., Inc.	$12,693,832.50
Camino Construction, L.P.	$12,714,685.00
John Burns Construction Company of Texas, Inc.	$13,520,976.00
Ark Contracting Services, LLC	$13,668,030.00

WHEREAS, the bid submitted by SYB Construction Co., Inc., 421 Compton Avenue, Irving, Texas 75061, in the amount of $12,693,832.50, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by SYB Construction Co., Inc., in the amount of $12,693,832.50, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-233/234, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with SYB Construction Co., Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains at 28 locations.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $12,693,832.50 to SYB Construction Co., Inc. as follows:

Contract No. 16-233
Water Capital Improvement Fund
Fund 3115, Department DWU, Unit PW40, Object 4550
Program 716233, Encumbrance CT-DWU716233CP
Commodity 91200, Vendor 507202 $ 9,260,457.38

Contract No. 16-234
Wastewater Capital Improvement Fund
Fund 3116, Department DWU, Unit PS40, Object 4560
Program 716234, Encumbrance CT-DWU716234CP
Commodity 91200, Vendor 507202 $ 3,173,458.12

SECTION 3. (continued)

General Fund	
Fund 0001, Department STS, Unit 3432, Object 3072	
Encumbrance CT-STSCU3432I1	
Vendor 507202	$ 259,917.00
Total amount not to exceed	$12,693,832.50

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.

DEPARTMENT: City Secretary

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

SUBJECT

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

AGENDA ITEM # 40

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

An ordinance amending Chapters 12A, 15A, and 20A of the Dallas City Code by: **(1)** deleting the definition of designated zoning case; **(2)** providing that a non-registrant disclosure statement must be filed in all zoning cases; **(3)** restricting the time in which campaign contributions may be made to City Council Members by applicants in all zoning cases; and **(4)** renaming "designated public subsidy matter" to "public subsidy matter" - Financing: No cost consideration to the City

BACKGROUND

Chapter 15A of the Dallas City Code prohibits an applicant in a designated zoning case from knowingly making a campaign contribution to a city council member between the date the first notices of a public hearing to consider the case by the city plan commission are mailed and the later of: (1) 60 days after the designated zoning case is withdrawn pursuant to Section 51A-4.701(f) of the Dallas City Code; (2) 60 days after the date a decision of the city plan commission on the designated zoning case becomes final and all opportunities for appeal are exhausted; or (3) 60 days after the date a final decision on the designated zoning case is made by the city council either granting or denying the request. An exception is provided for historic districts, conservation districts, and neighborhood stabilization overlays.

Chapter 12A of the Dallas City Code requires applicants, property owners, and property purchasers who lobby members of the city council or city plan commission on designated zoning cases or who lobby city council members on designated public subsidy matters to file initial and quarterly non-registrant disclosure statements.

Chapter 20A of the Dallas City Code identified the applicability of designated public subsidy matters specific to housing voucher incentives.

BACKGROUND (continued)

The proposed ordinance deletes the definition of and references to “designated” zoning cases; requires a non-registrant disclosure statement be filed for all zoning cases, restricts the time in which campaign contributions may be made to council members by applicants in all zoning cases; and renames “designated public subsidy matter” to “public subsidy matter.”

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 10, 2017, City Council discussed the applicability requirements for designated zoning cases and designated public subsidy matters.

On April 12, 2017, the Administrative Ad Hoc City Council Committee discussed the need to review Chapters 12A, 15A and 20A and the City Council Rules of Procedure, all of which address designated zoning cases and designated public subsidy matters.

On May 24, 2017, the Administrative Ad Hoc City Council Committee reviewed Chapters 12A, 15A, and 20A as well as the City Council Rules of Procedure and recommended the proposed changes be presented to City Council for consideration.

FISCAL INFORMATION

No cost consideration to the City.

5/30/2017

ORDINANCE NO. _____

An ordinance amending Chapter 12A, "Code of Ethics," of the Dallas City Code by amending Sections 12A-15.2 and 12A-15.7; amending Chapter 15A, "Elections," of the Dallas City Code by amending Section 15A-4.1; amending Chapter 20A, "Housing," of the Dallas City Code by amending Section 20A-3; deleting the definition of designated zoning case; providing that a non-registrant disclosure statement must be filed in all zoning cases; restricting the time in which campaign contributions may be made to city council members by applicants in all zoning cases; renaming "designated public subsidy matter" to "public subsidy matter"; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 12A-15.2, "Definitions," of Article III-A, "Lobbyists," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"**SEC. 12A-15.2. DEFINITIONS.**

In this article, unless specifically provided otherwise:

(1) CITY OFFICIAL means:

(A) The mayor and city council members.

(B) The city manager and assistant city managers.

(C) The city attorney and first assistant city attorney.

(D) The city secretary and first assistant city secretary.

(E) The city auditor and first assistant city auditor.

(F) Municipal judges.

(G) All department directors.

(H) City of Dallas appointed members to the following boards and commissions:

(i) Board of adjustment and board of adjustment alternate members.

(ii) Building inspection advisory, examining, and appeals board.

(iii) City plan and zoning commission.

(iv) Civil service board and civil service board adjunct members.

(v) Community development commission.

(vi) Dallas area rapid transit board.

(vii) Dallas-Fort Worth international airport board.

(viii) Ethics advisory commission.

(ix) Fire code advisory and appeals board.

(x) Housing finance corporation board.

(xi) Landmark commission and landmark commission alternate members.

(xii) All local government corporation boards.

(xiii) All municipal management district boards.

(xiv) Park and recreation board.

(xv) Permit and license appeal board.

(xvi) All reinvestment zone boards.

(2) CLIENT.

(A) "Client" means any person on whose behalf lobbying is conducted.

If a person engages in lobbying on that person's own behalf, whether directly or through the acts of others, the person is both a client and a lobbyist.

(B) In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(C) In the case of a limited liability company, limited partnership company, or similar entity, the client includes the managers and general partners, but does not include the non-managing members or limited partners.

(D) In the case of affiliated business entities, the client includes the parent entity and each subsidiary with a direct economic interest in a municipal question and on whose behalf the municipal question is being lobbied, but does not include any other subsidiaries or entities whose only involvement in the municipal question or lobbying activities is being under the common control or ownership structure of the parent entity.

(3) COMPENSATION.

(A) "Compensation" means any money, service, facility, or other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying.

(B) "Compensation" does not include:

(i) a payment made to any individual regularly employed by a person if:

(aa) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and

(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

(ii) any amounts previously reported under Section 12A-15.6 of this article.

(C) If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if, for the purpose of evading the obligations imposed under this article, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities.

(D) Compensation that has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the

date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first.

(4) [~~DESIGNATED PUBLIC SUBSIDY MATTER means any of the following:~~

~~(A) A tax abatement.~~

~~(B) A housing tax credit.~~

~~(C) An historic development tax abatement.~~

~~(D) Federal grant money administered by the city.~~

~~(E) Tax increment financing.~~

~~(F) An economic development grant or loan.~~

~~(5) DESIGNATED ZONING CASE means a change of zoning on a specific property where:~~

~~(A) the property is 25 acres or more;~~

~~(B) the proposed floor area for retail or personal service uses is 200,000 square feet or more;~~

~~(C) the proposed floor area for industrial uses is one million square feet or more;~~

~~(D) the proposed zoning change is to a multifamily district of 10 acres or more;~~

~~(E) the proposed zoning change allows 60 dwelling units or more per acre; or~~

~~(F) the city staff recommendation and the city plan commission recommendation regarding the proposed change of zoning do not agree.~~

~~(6)~~] EXPENDITURE.

(A) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value, including a contract, promise, or agreement to make an expenditure, regardless of whether such contract, promise, or agreement is legally enforceable.

(B) "Expenditure" does not include:

(i) an amount paid to any individual regularly employed by a person if:

(aa) the amount paid to the individual is ordinarily paid regardless of whether the individual engages in lobbying activities; and

(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

(ii) the cost of photocopying city documents, if those costs are the only expenditures made by the person in question on lobbying activities.

(C) The date on which an expenditure is incurred is determined according to generally accepted accounting principles.

(5[~~7~~]) GIFT has the same meaning as in Section 12A-2.

(6[~~8~~]) IMMEDIATE FAMILY means a spouse, a domestic partner, and dependent children.

(7[~~9~~]) LOBBYIST means a person who engages in lobbying, whether directly or through the acts of another. If an agent or employee engages in lobbying for a principal or employer, both the agent and the principal, or the employee and the employer, are lobbyists.

(8[~~10~~]) LOBBY or LOBBYING.

(A) "Lobby or lobbying" means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question.

(B) "Lobby or lobbying" does not include a communication:

(i) merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a city official;

(ii) made by a public official or employee (including, but not limited to, an official or employee of the city of Dallas) acting in his or her official capacity;

(iii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iv) made in a speech, article, publication, or other material that

is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;

(v) made at a meeting open to the public under the Texas Open Meetings Act;

(vi) made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(vii) made in writing as a petition for official action and required to be a public record pursuant to established city procedures;

(viii) made in an oral or written response narrowly tailored to address an oral or written request by a city official for specific information;

(ix) the content of which is compelled by law;

(x) made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;

(xi) made on behalf of an individual with regard to that individual's employment or benefits;

(xii) made by a fact witness or expert witness at an official proceeding; or

(xiii) made by a person solely on behalf of that individual, his or her spouse or domestic partner, or his or her minor children.

(9[~~11~~]) LOBBYING FIRM means:

(A) a self-employed lobbyist;

(B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; or

(C) a person who has one or more employees that are lobbyists on the person’s behalf and the person is the client.

(10[~~12~~]) MUNICIPAL QUESTION means a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or any city board or commission. The term includes, but is not limited to, proposed actions or proposals for action in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term does not include the day-to-day application,

administration, and execution of city programs and policies such as permitting, platting, and design approval matters related to or in connection with a specific project or development.

(11[~~13~~]) PERSON means an individual, corporation, association, firm, partnership, committee, club, organization, or a group of persons voluntarily acting in concert.

(12) PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

(13[~~14~~]) REGISTRANT means a person required to register under this article."

SECTION 2. That Section 12A-15.7, "Non-Registrant Disclosure Statements," of Article III-A, "Lobbyists," of Chapter 12A, "Code of Ethics," of the Dallas City Code is amended to read as follows:

"**SEC. 12A-15.7. NON-REGISTRANT DISCLOSURE STATEMENTS.**

(a) Non-registrant disclosure statement required for designated persons.

(1) [~~Designated~~] Z[~~z~~]oning cases. Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member or a member of the city plan commission on a municipal question relating to a [~~designated~~] zoning case that will affect the property shall file a non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member or member of the city plan commission for lobbying purposes. This paragraph only applies to lobbying contacts made after the application for the [~~designated~~] zoning case is filed with the city.

(2) [~~Designated~~] P[~~p~~]ublic subsidy matters. Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member on a municipal question relating to a [~~designated~~] public subsidy matter that will affect the property shall file a

non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member for lobbying purposes. This paragraph only applies to lobbying contacts made after the [~~designated~~] public subsidy matter is posted on a city council committee agenda or a council agenda, whichever occurs first.

(b) Required information. A non-registrant disclosure statement must be filed with the city secretary on the form and in the manner prescribed by the city secretary. If the applicant, property owner, or purchaser with a property under contract is not an individual, an authorized officer or agent of that person shall file the non-registrant disclosure statement. The non-registrant disclosure statement must include, to the extent applicable, the following information:

(1) The full name, telephone number, permanent address, and nature of the business of:

(A) the applicant;

(B) the property owner; and

(C) the purchaser with a property under contract.

(2) The full name, telephone number, permanent address, and nature of the business of the person filing the non-registrant disclosure statement, if different from the applicant, property owner, or purchaser.

(3) The address of the property that is the subject of the designated zoning case or designated public subsidy matter, whichever applies.

(4) A description of the designated zoning case or designated public subsidy matter.

(5) The name of each city council member or city plan commission member contacted by the applicant, property owner, or purchaser relating to a [~~designated~~] zoning case or the name of each city council member contacted by the applicant, property owner, or purchaser relating to a [~~designated~~] public subsidy matter, and the type of contact made (in person, telephone call, letter, or electronic mail).

(6) A statement that, by filing the non- registrant disclosure statement, the filer swears or affirms under penalty of perjury that, to the best of the filer's knowledge, all information contained in the non- registrant disclosure statement is true, correct, and complete and includes all information required to be disclosed under this section.

(c) Quarterly disclosure statements. Lobbying contacts on a [~~designated~~] zoning case or [~~designated~~] public subsidy matter made after an initial non- registrant disclosure statement is filed must be reported by the applicant, property owner, or purchaser with a property under contract in quarterly non-registrant disclosure statements. A quarterly non-registrant disclosure

statement must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the same information required in Subsection (b) of this section. The non-registrant disclosure statement for the preceding calendar quarter must be filed not earlier than the first day or later than the 15th day of April, July, October, or January.

(d) No fee. No fee will be charged for filing a non-registrant disclosure statement under this section.

(e) Exceptions. This section does not apply to:

(1[~~A~~]) an applicant, property owner, or purchaser with a property under contract who is currently registered with the city as a lobbyist and filing activity reports in accordance with this article; or

(2[~~B~~]) a neighborhood association, crime watch group, or homeowners association or its members when lobbying on a municipal question that affects the group or association as a whole."

SECTION 3. That Section 15A-4.1, "Campaign Contributions by Applicants in Designated Zoning Cases and Designated Public Subsidy Matters and by Bidders and Proposers on City Contracts," of Article I, "Campaign Contributions," of Chapter 15A, "Elections," of the Dallas City Code is amended to read as follows:

"**SEC. 15A-4.1. CAMPAIGN CONTRIBUTIONS BY APPLICANTS IN [~~DESIGNATED~~] ZONING CASES AND [~~DESIGNATED~~] PUBLIC SUBSIDY MATTERS AND BY BIDDERS AND PROPOSERS ON CITY CONTRACTS.**

(a) In this section:

(1) AFFILIATED means the relationship created when one business entity is the parent or subsidiary of another business entity or when multiple business entities are subsidiaries of the same parent business entity.

(2) APPLICANT means any person who:

(A) owns all or part of the property that is the subject of a [~~designated~~] zoning case or [~~designated~~] public subsidy matter;

(B) is a parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or the domestic partner, of:

(i) the property owner; or

(ii) any individual described in Paragraph (2)(E) of this subsection;

(C) is a representative of the property owner in connection with the [~~designated~~] zoning case or [~~designated~~] public subsidy matter, and, if the representative is an entity, includes any individual who holds with the entity any position described in Paragraph (2)(E)(i) through (vii) of this subsection;

(D) is affiliated with the property owner; or

(E) if the property owner is an entity, is an individual who holds any of the following positions with the entity or with any affiliated business entity:

(i) the chief executive officer, chief financial officer, or chief operating officer, or any person with equivalent duties, powers, and functions;

(ii) a member of the board of directors of a corporation;

(iii) a general partner of a general partnership or limited partnership;

(iv) a manager of a limited liability company that is managed by managers;

(v) a member of a limited liability company that is managed by members entitled to manage the company;

(vi) a member of the board of directors of a cooperative association; or

(vii) a trust manager of a real estate investment trust.

(3) CANDIDATE means a person who has filed an application with the city secretary for a place on the official ballot in an impending election for one or more members of the Dallas city council.

(4) [~~DESIGNATED~~] PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

[~~(5) DESIGNATED ZONING CASE means a change of zoning on a specific property where:~~

~~(A) the property is 25 acres or more;~~

~~(B) the proposed floor area for retail or personal service uses is 200,000 square feet or more;~~

~~(C) the proposed floor area for industrial uses is one million square feet or more;~~

~~(D) the proposed zoning change is to a multifamily district of 10 acres or more;~~

~~(E) the proposed zoning change allows 60 dwelling units or more per acre; or~~

~~(F) the city staff recommendation and the city plan commission recommendation regarding the proposed change of zoning do not agree.~~]

(b) An applicant in a [~~designated~~] zoning case shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member or candidate during the period between the date the first notices of a public hearing to consider the [~~designated~~] zoning case by the city plan commission are mailed and the later of:

(1) 60 days after the [~~designated~~] zoning case is withdrawn pursuant to Section 51A-4.701(f) of the Dallas City Code;

(2) 60 days after the date a decision of the city plan commission on the [~~designated~~] zoning case becomes final and all opportunities for appeal are exhausted; or

(3) 60 days after the date a final decision on the [~~designated~~] zoning case is made by the city council either granting or denying the request.

(c) Subsection (b) does not apply to a change of zoning for historic districts, conservation districts, or neighborhood stabilization overlays.

(d) An applicant in a [~~designated~~] public subsidy matter shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city

council member or candidate from the time the matter is posted on a council committee agenda or a council agenda, whichever occurs first, until 60 days after the date the city council votes on the [~~designated~~] public subsidy matter or the application for the [~~designated~~] public subsidy matter is withdrawn by the applicant.

(e) A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) knowingly make a campaign contribution to a city council member or candidate from the time the advertisement or public notification of the request for bids or request for proposals is made until 60 days after the date the contract is awarded by the city council. For purposes of this subsection, "person" includes:

(1) any individual responding to the request for bids or proposals;

(2) any entity responding to the request for bids or proposals and its affiliated business entities;

(3) if the person responding to the request for bids or proposals is an entity, any individual who holds with the entity (or with any affiliated business entity) any position described in Subsection (a)(2)(E)(i) through (vii) of this section;

(4) the parent, child, spouse, or other family member within the first degree of consanguinity or affinity, or the domestic partner, of any individual described in Paragraph (1) or (3) of this subsection; and

(5) a representative of the bidder or proposer in connection with the city contract, and, if the representative is an entity, includes any individual who holds with the entity any position described in Subsection (a)(2)(E)(i) through (vii) of this section.

(f) This section applies to a campaign contribution made to any specific-purpose political committee that will ultimately contribute to an identified city council member or candidate, and any campaign contribution made to the specific-purpose political committee during the time restrictions imposed by this section will be considered to have been made to that city council member or candidate. The time restrictions imposed by this section do not apply to when the specific-purpose political committee makes a campaign contribution to the identified city council member or candidate.

(g) This section applies to a campaign contribution made by any political committee established, administered, financially supported, or assisted pursuant to state or federal law by a corporation or labor organization that is an applicant in a [~~designated~~] zoning case or [~~designated~~] public subsidy matter or that is the person responding to a request for bids or proposals on a city contract. The time restrictions imposed by this section do not apply to when an individual campaign contribution is received by the political committee, but only to when the political committee actually makes the campaign contribution to the city council member or candidate.

(h) Except as provided in Subsection (g), this section does not apply to a campaign contribution made to or by any general-purpose political committee."

SECTION 4. That Paragraph (13), "Financial Award," of Chapter 20A, "Housing," of the Dallas City Code is amended to read as follows:

"(13) FINANCIAL AWARD means a [~~designated~~] public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or any loan, grant, tax abatement, or monies awarded by the city."

SECTION 5. That Paragraph (22), "Subsidy," of Chapter 20A, "Housing," of the Dallas City Code is amended to read as follows:

"(22) SUBSIDY means a [~~designated~~] public subsidy matter, as that term is defined in Section 12A-15.2 of this code, as amended, or a density bonus, and that was approved by city council."

SECTION 6. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 7. That Chapter 8 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. 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 10. That this ordinance shall take effect immediately, and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 41

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

A resolution amending Section 7 of the City Council Rules of Procedure to delete the requirement that certain main motions on designated zoning cases and designated public subsidy matters be seconded two times, with each second made by a different council member - Financing: No cost consideration to the City

BACKGROUND

Section 7 of the City Council Rules of Procedure to require that a main motion to approve or deny a designated zoning case or a designated public subsidy matter be seconded two times, with each second made by a different city council member. By seconding the motion, the city council member would represent that he or she has reviewed the facts and has developed an opinion on the appropriateness of city council consideration of the item. The two seconds requirement would not apply to: (1) a development code amendment or an area plan; (2) a zoning ordinance on the consent agenda when the change of zoning was previously approved by the city council; or (3) a motion to postpone to a certain time, commit or refer, or amend, except that any subsequent motion of this nature made at a later city council meeting and relating to the particular designated zoning case or designated public subsidy matter would require two seconds.

The proposed resolution will delete the requirement that certain main motions on designated zoning cases and designated public subsidy matters be seconded two times, with each second made by a different council member. Operationally, the city secretary will no longer need to read the statement informing of the need for two seconds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 12, 2017, the Administrative Ad Hoc City Council Committee discussed the need to review Chapters 12A, 15A and 20A and the City Council Rules of Procedure, all of which address designated zoning cases and designated public subsidy matters.

On May 10, 2017, City Council discussed the applicability requirements for designated zoning cases and designated public subsidy matters.

On May 24, 2017, the Administrative Ad Hoc City Council Committee reviewed Chapters 12A, 15A, and 20A as well as the City Council Rules of Procedure and recommended the proposed changes be presented to City Council for consideration.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, the city council has decided to eliminate the definition of "designated zoning case" and the word "designated" from "public subsidy matter" from the Dallas City Code; and

WHEREAS, the city council has determined that two seconds for a motion to approve a public subsidy matter or a zoning case is not necessary; and

WHEREAS, these amendments to the City Council Rules of Procedure ("Rules") will bring the Rules into compliance with the Dallas City Code.

Now, Therefore,

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

SECTION 1. That Section 7.13, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters," of the Rules, is deleted as follows:

"[~~7.13. **Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters.**~~

~~(a) A main motion to approve or deny a designated zoning case or a designated public subsidy matter must be seconded two times, with each second made by a different city council member. By seconding the motion, the city council member represents that he or she has reviewed the facts and developed an opinion on the appropriateness of city council consideration of the designated zoning case or designated public subsidy matter.~~

~~(b) For purposes of this subsection:~~

~~(1) DESIGNATED PUBLIC SUBSIDY MATTER means any of the following:~~

~~(A) A tax abatement.~~

~~(B) A housing tax credit.~~

~~(C) An historic development tax abatement.~~

~~(D) Federal grant money administered by the city.~~

~~(E) Tax increment financing.~~

~~(F) An economic development grant or loan.~~

SECTION 1. (continued)

~~(2) DESIGNATED ZONING CASE means a change of zoning on a specific property where:~~

~~(A) the property is 25 acres or more;~~

~~(B) the proposed floor area for retail or personal service uses is 200,000 square feet or more;~~

~~(C) the proposed floor area for industrial uses is one million square feet or more;~~

~~(D) the proposed zoning change is to a multifamily district of 10 acres or more;~~

~~(E) the proposed zoning change allows 60 dwelling units or more per acre; or~~

~~(F) the city staff recommendation and the city plan commission recommendation regarding the proposed change of zoning do not agree.~~

~~(c) Paragraph (a) of this subsection does not apply to:~~

~~(1) a development code amendment or an area plan;~~

~~(2) a zoning ordinance on the consent agenda when the change of zoning was previously approved by the city council; or~~

~~(3) a motion to postpone to a certain time, commit or refer, or amend, except that any subsequent motion of this nature made at a later city council meeting and relating to the particular designated zoning case or designated public subsidy matter requires two seconds.~~]"

SECTION 2. That the City Council Rules of Procedure, as amended, will remain in full force and effect, save and except as amended by this resolution.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____

Assistant City Attorney

AGENDA ITEM # 42

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A resolution authorizing certain transfers and fund appropriation adjustments for FY 2016-17 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

BACKGROUND

On September 21, 2016, City Council adopted the Operating, Grants/Trusts, and Capital Budgets for FY 2016-17, by Ordinance Nos. 30178 and 30179. The FY 2016-17 operating and capital budgets were part of a funding strategy to maintain overall street conditions with zero degradation by improving over 550 lane miles. The FY 2016-17 funding strategy relied on $27.3 million of 2017 bond funds to complete approximately 100 miles. The City Council did not call a May 2017 bond election, and therefore, the projects were placed on hold.

Management has closely monitored revenues and expenses. We anticipate expenditure savings, unbudgeted one-time revenue, and one-time unappropriated bond interest that we recommend using to fund $20.1 million of the street and alley improvements that were placed on hold. Adjustments to the operating and capital budget are needed to avoid exceeding authorized appropriations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2016, City Council adopted the FY 2016-17 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 16-1526; Ordinance Nos. 30178 and 30179.

On May 15, 2017, the Budget, Finance, and Audit Committee was briefed on this item and voted to recommend approval to the full Council.

FISCAL INFORMATION

No cost consideration to the City.

June 14, 2017

WHEREAS, on September 21, 2016, City Council adopted the Operating, Grants/Trusts, and Capital Budgets, for FY 2016-17 by Ordinance Nos. 30178 and 30179; and

WHEREAS, shortages and excesses in various department and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, certain adjustments in fund appropriations are needed for public improvements; and

WHEREAS, City Council is authorized, in accordance with Chapter XI, Section 4, of the Dallas City Charter and Ordinance No. 30178, to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the City Manager, and to do so by resolution; and

WHEREAS, City Council is authorized, in accordance with Chapter XI, Section 5, of the Dallas City Charter, to appropriate excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; and

WHEREAS, the City Manager hereby recommends transfers and appropriations consistent with Sections 1 - 5 of this resolution; and

WHEREAS, the excess revenues appropriated in this resolution do not conflict with any uses for which such revenues specifically accrued.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to decrease non-departmental department appropriations, in an amount not to exceed $4,000,000 from $70,412,439 to $66,412,439 in Fund 0001, Department BMS, Unit 1987, Object 3072.

SECTION 2. That the City Manager is hereby authorized to decrease Police Department appropriations, in an amount not to exceed $1,000,000 from $478,003,576 to $477,003,576 in Fund 0001, Department DPD, Unit 2121, Object 1102.

SECTION 3. That the City Manager is hereby authorized to increase the General Fund operating revenue appropriation budget by $8,100,000 from $1,230,927,483 to $1,239,027,483 due to additional one-time reimbursement revenue.

SECTION 4. That the City Manager is hereby authorized to increase the Mobility and Street Services department appropriations, in an amount not to exceed $13,100,000 from $84,577,101 to $97,677,101 in Fund 0001, Department STS, Unit 3432, Object 3072.

SECTION 5. That the City Manager is hereby authorized to increase the capital budget appropriation by $7,000,000 due to one-time unappropriated bond interest in the following funds:

Street and Transportation Fund

Fund 1U22	Unit P573	Department STS	Object 4599	Amount	$ 60,000
Fund 2U22	Unit P573	Department STS	Object 4599	Amount	$ 650,000
Fund 3U22	Unit P573	Department STS	Object 4599	Amount	$ 550,000
Fund 1T22	Unit P573	Department STS	Object 4599	Amount	$1,100,000
Fund 2T22	Unit P573	Department STS	Object 4599	Amount	$ 770,000
Fund 3T22	Unit P573	Department STS	Object 4599	Amount	$ 220,000
Fund 6T22	Unit P573	Department STS	Object 4599	Amount	$ 250,000
Fund 7T22	Unit P573	Department STS	Object 4599	Amount	$ 500,000
Fund 8T22	Unit P573	Department STS	Object 4599	Amount	$ 500,000
Fund 5R22	Unit P573	Department STS	Object 4599	Amount	$ 300,000

Streets and Thoroughfares Fund

Fund 3R22	Unit P573	Department STS	Object 4599	Amount	$1,700,000
Fund 4R22	Unit P573	Department STS	Object 4599	Amount	$ 200,000

06 Street and Transportation Improvements Fund

Fund 6R22	Unit P573	Department STS	Object 4599	Amount	$ 200,000

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 # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 398 for MU-1 Mixed Use District and outside sales uses to add an outdoor commercial amusement use on the west corner of Burlew Street and Bryan Street
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions
Z156-352(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-352(WE) **DATE FILED:** August 29, 2016

LOCATION: Burlew Street and Bryan Street, west corner

COUNCIL DISTRICT: 2 **MAPSCO:** 46-A

SIZE OF REQUEST: Approx. 0.234 acres **CENSUS TRACT:** 15.03

APPLICANT: Bryan Street Tavern - Joe Hinkson

OWNER: Baymar Hotels & Properties, Inc.

REPRESENTATIVE: Audra Buckley

REQUEST: An application for amendment to Planned Development District No. 398 for MU-1 Mixed Use District and outside sales uses to add an outdoor commercial amusement use.

SUMMARY: The purpose of the request is to allow for an outdoor commercial amusement use (pavilion) to operate as an accessory use to the main use [Bryan Street Tavern]. The proposed outdoor commercial amusement will be used only by the Bryan Street Tavern patrons.

CPC RECOMMENDATION: **Approval**, subject to a development/landscape plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development/landscape plan and conditions.

BACKGROUND INFORMATION:

- In May 1994, the Dallas City Council approved Planned Development District No. 398 for outside sales and MU-1 Mixed Use District uses.

- The request site is currently developed with an outside pavilion. The outside pavilion is an accessory use to the adjacent restaurant [Bryan Street Tavern]. The addition of the outdoor commercial amusement uses in PDD No. 398 will permit various outdoor activities to take place for the patrons on the adjacent restaurant use. The only outside activity that is permitted in PDD No. 398 is outside sales in addition to the uses that are permitted in an MU Mixed Use District.

- The applicant's request will allow for an additional use to be permitted within the PD as well as define the parking requirements for the new use. The applicant is requesting to add an "outside commercial amusement use." The outside commercial amusement use will be an extension of the Bryan Street Tavern, which will allow for, but not be limited to, art exhibits, small sport courts for bocce ball and sand volleyball. The proposed use will also have an uncovered patio area.

Zoning History: There has been one zoning change requested in the area during the past five years.

1. Z156-226 On September 14, 2016, the City Council approved an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324 on the east corner of Scurry Street and Burlew Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Burlew Street	Local	40 ft.	40 ft.
Bryan Street	Minor Arterial	80 ft.	80 ft.

Land Use:

	Zoning	Land Use
Site	PDD No. 398	Pavilion
Northeast	PD No. 298 MU-1 (Subarea 9), PDD No. 324 (Tr. 1)	Surface parking, Industrial
Southeast	PD No. 298 MU-1 (Subarea 9)	Surface parking, Office
Northwest	PD No. 298 MF-2(A)	Undeveloped, Single family
Southwest	PD No. 298 MU-1 (Subarea 9)	Restaurant, bar, lounge or tavern

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

AREA PLAN: In March 1991, the City Council approved the "*Peak Bryan Place Community Market Study*." The request site was identified to be developed as a public market to serve the surrounding community. The report stated that the "The multi-purpose market space primarily will be for the sale of local products and produce." The study also recommends the development of mixed uses, where residential uses are developed over retail shops.

STAFF ANALYSIS:

Land Use Compatibility: The site is developed with an outside pavilion. The applicant's request is for an amendment to PDD No. 398 to allow for an outside commercial amusement use to permit outside activities to occur within the existing pavilion. The outside pavilion will be considered an accessory use to the adjacent restaurant use [Bryan Street Tavern] and will be required to provide off-street parking for the new use. The outside commercial amusement will be an extension of the Bryan Street Tavern, which will allow for, but not be limited to, art exhibits, small sport courts for bocce ball and sand volleyball. The proposed use will also have an uncovered patio area. The applicant has imposed a requirement in the PDD condition to comply with the special event permit for food trucks and live music under Chapter 42A, Article II of the Dallas Development Code. This provision was inserted to prevent any abuse of the outside commercial amusement use.

The surrounding land uses consist of a variety of retail and personal service uses, office, industrial (inside), and single family uses.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 398 - existing MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, outside sales
PDD No. 398 - proposed MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, outside sales, commercial amusement (outside)

Landscaping: Landscaping of any development will be in accordance with development /landscape plan.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Parking: The applicant has provided provisions in the PDD conditions that require off-street parking for the new use. These new provisions include establishing a parking ratio of one off-street parking space for every 100 square feet of non-permeable covered area and allow the remote parking distance to be increased from 300 feet to 1,200 feet. The valet parking will eliminate any off-street parking within the adjacent neighborhood as well provide safety for the customers using the outside commercial amusement use [pavilion]. A license is required to authorize an extension of the walking distance of 600 feet to 1,200 feet.

The existing pavilion covers an area of approximately 1,745 square feet and with the parking ratio of one space per 100 space feet of floor area, the applicant will provide a minimum of 18 off-street parking spaces. In addition, staff supports the applicant's request to not include the restrooms facilities, waitress stations, and storage areas in the non-permeable covered area calculations because 1) the outside commercial amusement use is an accessory use to the adjacent restaurant use and 2) the development code has not established any parking ratios for the stand alone uses under an outside commercial amusement use as mentioned above.

CPC Action (May 4, 2017)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 398 for MU-1 Mixed Use District and outside sales uses to add an outdoor commercial amusement use, subject to a revised development/landscape plan and conditions on the west corner of Bryan Street and Burlew Street.

Maker: Anglin
Second: Houston
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 0
Vacancy: 0
Conflict: 3 - Jung, Peadon, Ridley

Notices: Area: 500 Mailed: 60
Replies: For: 0 Against: 0

Speakers: None

LIST OF OFFICERS/PARTNERS

Baymar Hotels & Properties, Inc.

- Roy Marcayan President and Secretary

LIST OF OFFICERS/PARTNERS

BST (Bryan Street Tavern) Hospitality, Inc.

- Joseph Hinkson Principal and Secretary
- Waylon Yale Director

PROPOSED PDD CONDITIONS

ARTICLE 398.

PD 398.

SEC. 51P-398.101. LEGISLATIVE HISTORY.
PD 398 was established by Ordinance No. 22054, passed by the Dallas City Council on May 25, 1994. Ordinance No. 22054 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended.

SEC. 51P-398.102. PROPERTY LOCATION AND SIZE.
PD 398 is established on property generally located along the northwest line of Bryan Street, northeast of the northeast line of Peak Street. The size of PD 398 is approximately 0.39 acres.

SEC. 51P-398.103. DEFINITIONS AND INTERPRETATIONS.
(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51A apply to this article.

(b) OUTDOOR COMMERCIAL AMUSEMENT means an event or gathering including one or more of the following activities:

1. food and beverages sales in collaboration with the adjacent restaurant;

2. art shows or craft shows;

3. outdoor sport courts with portable seating including sand volleyball courts, bocce ball courts. The portable seating area may not exceed 875 square feet of floor area as shown on the development plan;

4. exhibits or exhibitions that may also involve erection of a temporary tent; and

5. food trucks and live music by special event permit only in accordance with Chapter 42A, Article II of the Dallas City Code.

(c) Unless otherwise stated, all references to code articles, divisions, or sections in this article refer to articles, divisions, or sections in Chapter 51A

(d) This district is considered to be a nonresidential zoning district.

SEC. 51P-398.104. DEVELOPMENT PLAN AND REGULATIONS.

Development and use of the Property must comply with the development plan (Exhibit 398A). [~~Development of the Property is governed by the regulations governing the MU-1 Mixed Use District contained in the Dallas Development Code, except as~~

~~provided by the provisions of this article or the development plan.~~] If there is [~~In the event of~~] a conflict between the text of this division [~~provisions of this article~~] and the development plan, the text of this division [~~provisions of this article~~] control.

SEC. 51P-398.104.1. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

Except as provided in this section, the yard, lot, and space regulations for the MU-1 Mixed Use District apply.

SEC. 51P-398.105. USES PERMITTED.

(a) The only main uses permitted in this subdistrict are those main uses permitted in the MU-1 Mixed Use District, subject to the same conditions applicable in the MU-1 Mixed Use District, as set out in Part I of this article. For example, a use permitted in the MU-1 Mixed Use 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 MU-1 Mixed Use District is subject to DIR in this district; etc.[~~The only uses authorized by this PD are outside sales, and those uses permitted in the MU-1 Mixed Use District.~~]

(b) The following uses are permitted by right:

-- Outdoor commercial amusement.

-- Outside sales.

SEC. 51P-398.105.1. ACCESSORY USES.

(a) In general. As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) Outdoor commercial amusement.

(1) Outdoor commercial amusement may be considered accessory to a main use, such as an alcohol related establishment or restaurant and may be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on premise consumption.

(2) The outdoor commercial amusement use may be located on a separate building site, lot or tract from the main use but sites must be adjacent and combined under a unified site plan approved by the Building Official.

SEC. 51P-398.106. SETBACKS.

There are no minimum setbacks unless required by the visual obstruction regulations [~~contained~~] in Section 51A-4.602.

SEC. 51P-398.107. OFF-STREET PARKING.

(a) ~~-~~Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use. [~~Parking must be provided as shown on the development plan.~~]

(b) Outdoor commercial amusement.

(1) One off-street parking space must be provided for every 100 square feet of non-permeable covered area shown on Exhibit 398A. Restroom facilities, waitress stations, and storage areas are not included in the non-permeable covered area calculations.

(2) Outdoor seating areas that are uncovered or covered with a permeable cover, are not included in required parking calculations provided the seating area does not contain a square footage that exceeds 50 percent of the non-permeable covered area.

(3) Remote parking may be located on a separate lot that is within 1,200 feet walking distance of the use served by the remote parking. 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.

(A) The walking distance for remote parking may be extended up to 1,200 feet by license as set out in Division 51A-4.320.

(B) Section 51A-4.328(a) does not apply in this subdistrict. An agreement authorizing remote parking for a use may be based on a lease of the remote parking spaces only if the lease:

(i) Is in writing on a form obtained from the building official;

(ii) contains legal descriptions of the properties affected:

(iii) specifies the special parking being provided and the hours of operation of any use involved:

(iv) is governed by the laws of the State of Texas;

(v) is signed by all owners of the properties affected;

(vi) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(vii) is for a minimum term of three years; and

(viii) 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.

(4) Except as expressly modified in this article, the special parking regulations in Division 51A-4.320 apply to all uses permitted in this article. If special parking is used to satisfy off-street parking requirements, an agreement must be signed and filed in accordance with Section 51A-4.328. If there is a conflict between this article and the special parking regulations, this article controls.

SEC. 51P-398.108. LANDSCAPE PLAN.

Landscaping must be provided as shown on the development plan. Landscaping must be installed within six months after the issuance of a certificate of occupancy. Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-398.109. ADDITIONAL PROVISIONS. [~~MAINTENANCE.~~]

(a) Outdoor commercial amusement may only operate between 11:00 a.m. and 10:00 p.m., Sunday through Thursday; and between 11:00 a.m. and 12:00 a.m. (midnight), Friday and Saturday.

(b) The Property [~~entire premises~~] must be properly maintained in a state of good repair and neat appearance.

(c) 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.

(d) Development and use of the Property must comply with Part I of this article.

SEC. 51P-398.110. [GENERAL REQUIREMENTS.

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.

[~~SEC. 51P-398.111. 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-398.111[~~2~~].] 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 city.

(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 [~~for a use in this PD~~] until there has been full compliance with this division [~~article~~], the Dallas Development Code, the construction codes, and all other [~~applicable~~] ordinances, rules, and regulations of the city.

[~~SEC. 51P-398.113. ZONING MAP.~~]

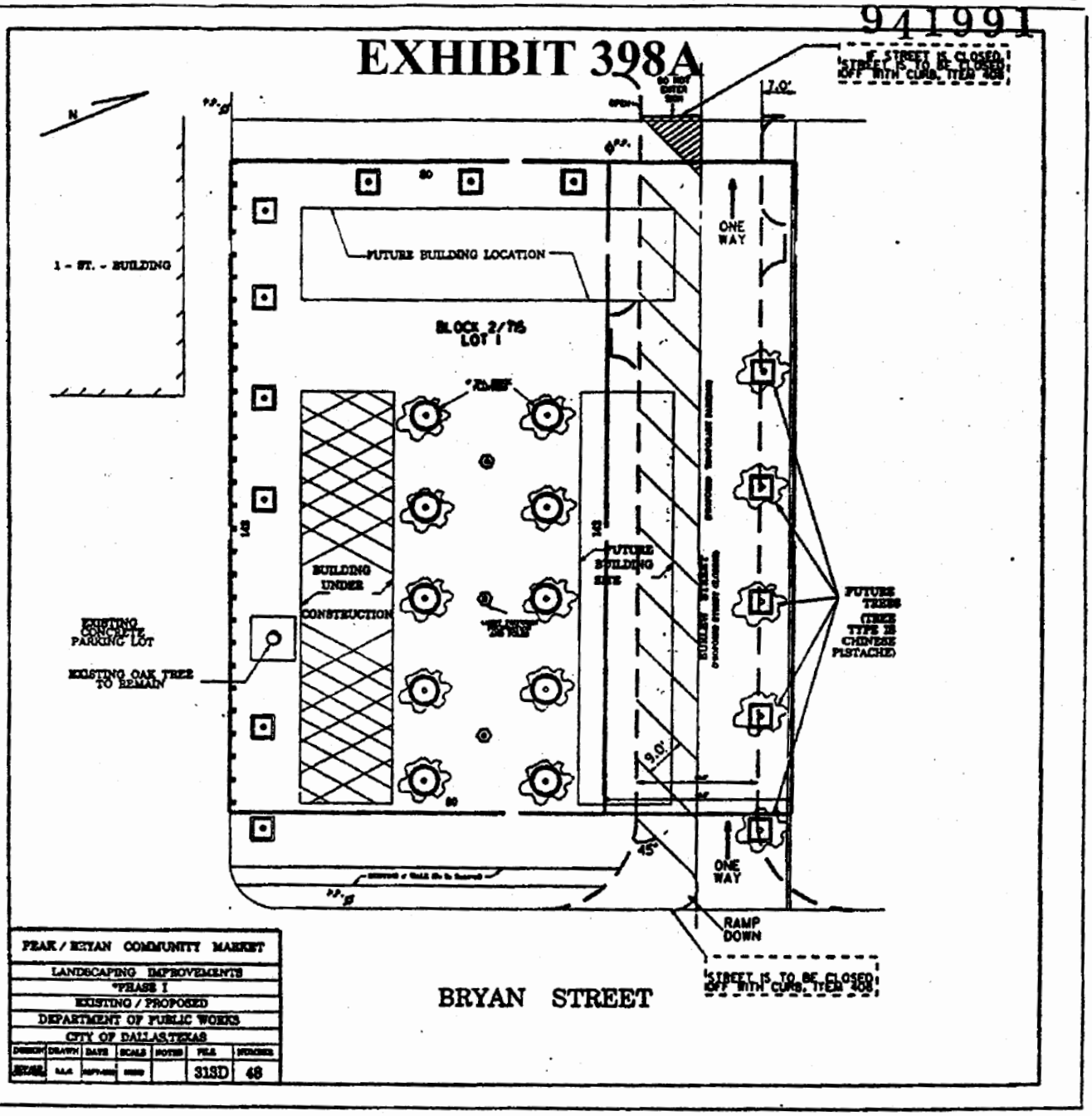
[~~PD 398 is located on Zoning Map No. I-8.~~]

EXISTING DEVELOPMENT PLAN

25850

050182

941991

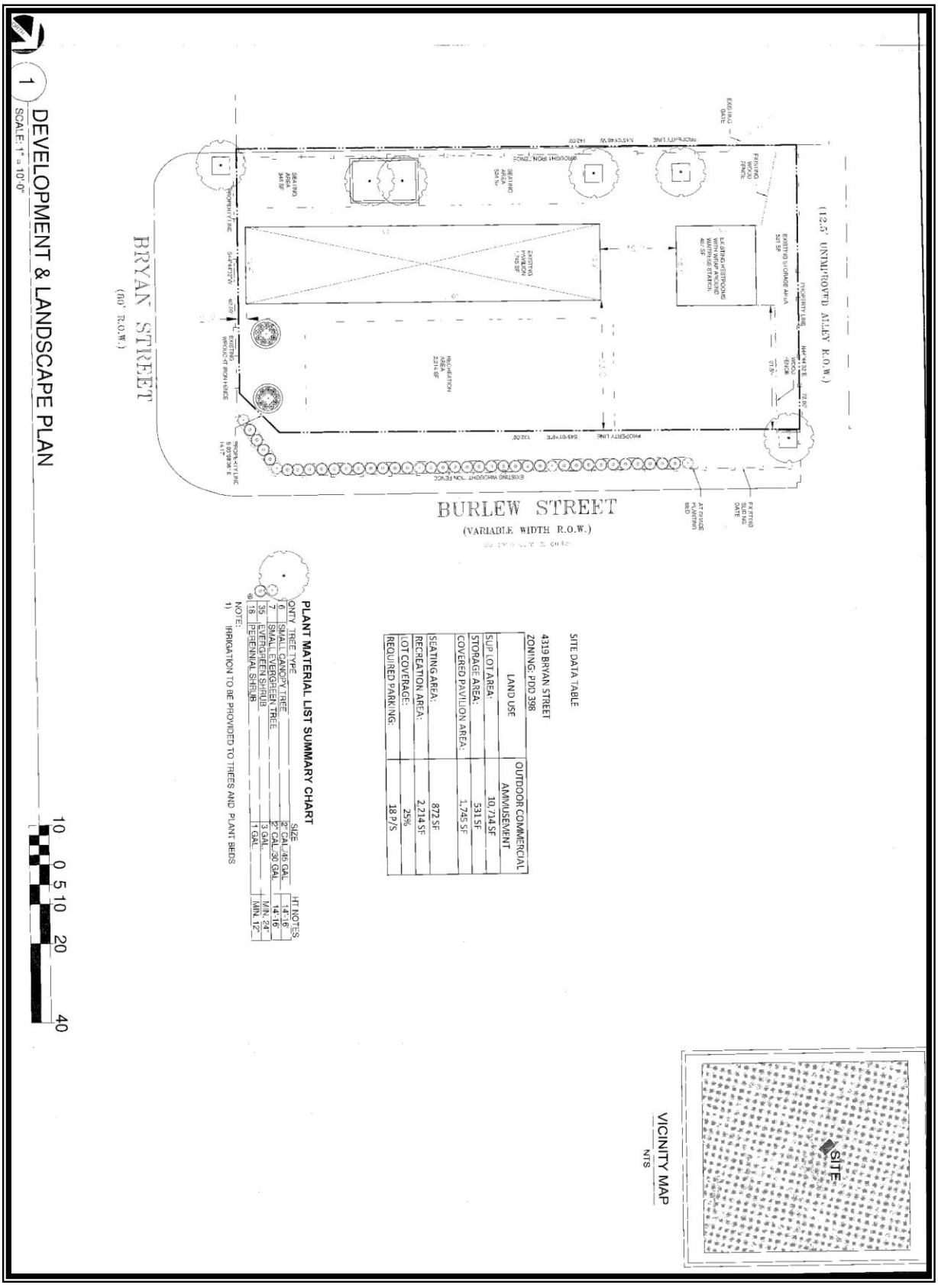


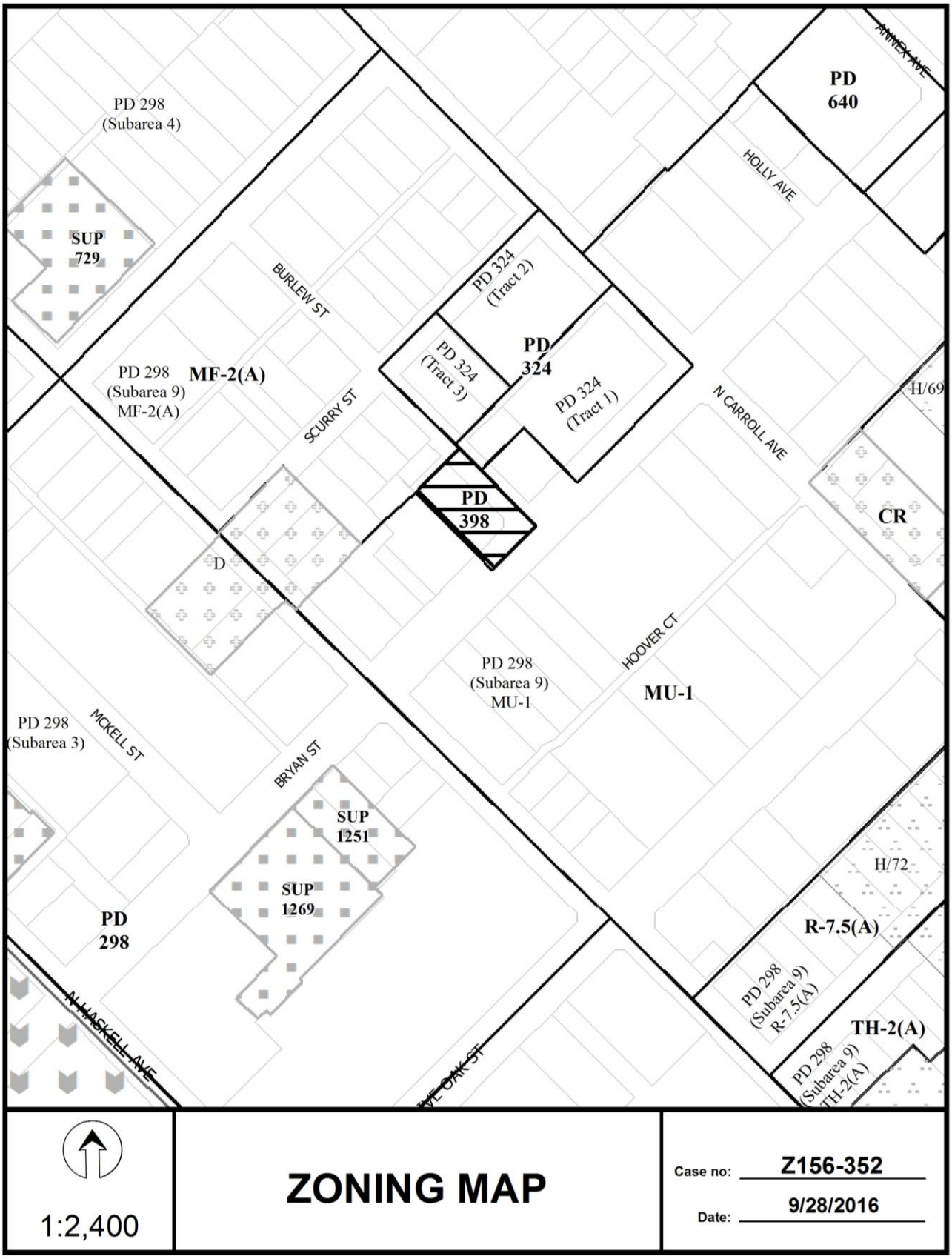
Approved
City Plan Commission
4-21-94

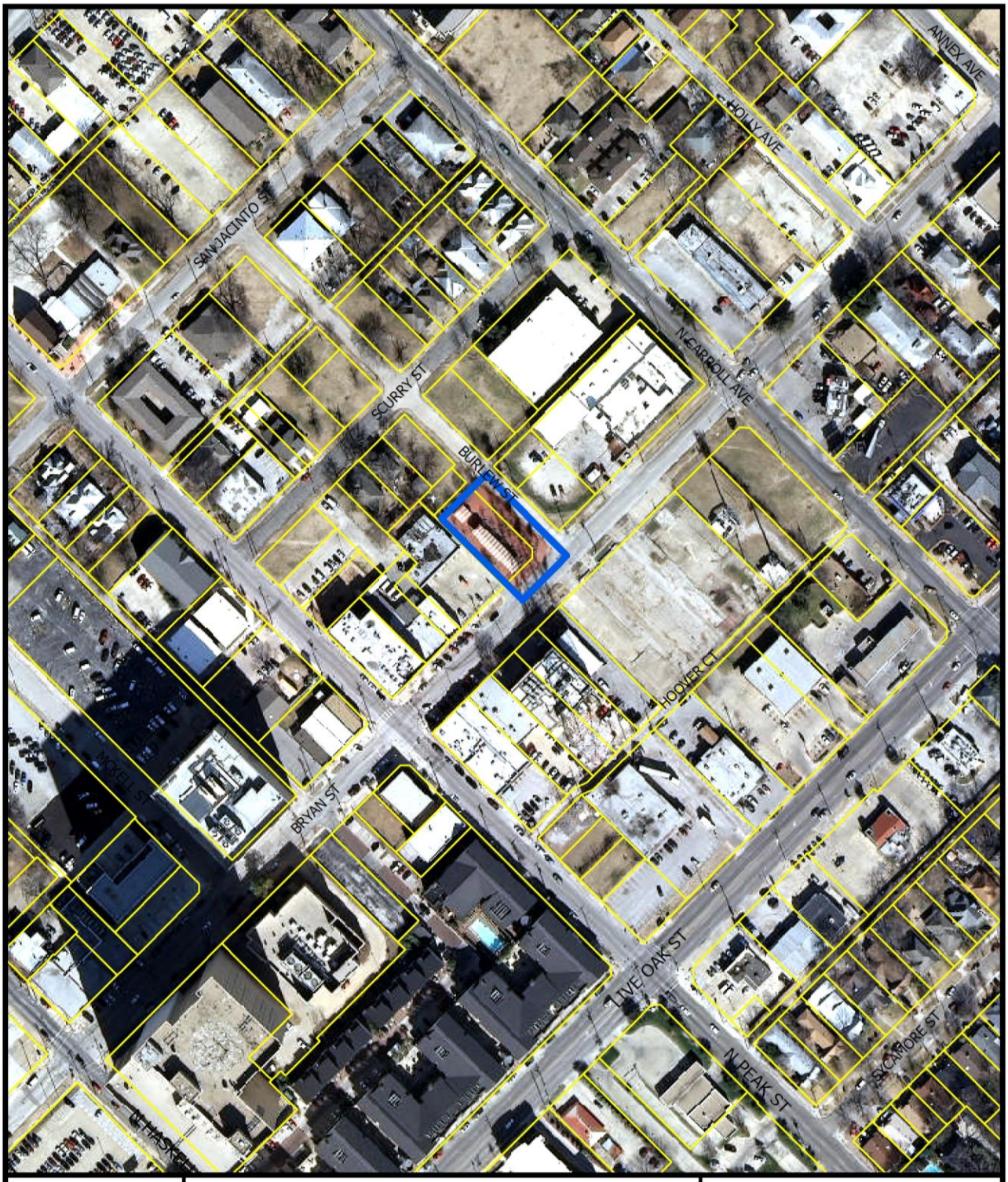
PLANNED DEVELOPMENT DISTRICT NO. 398

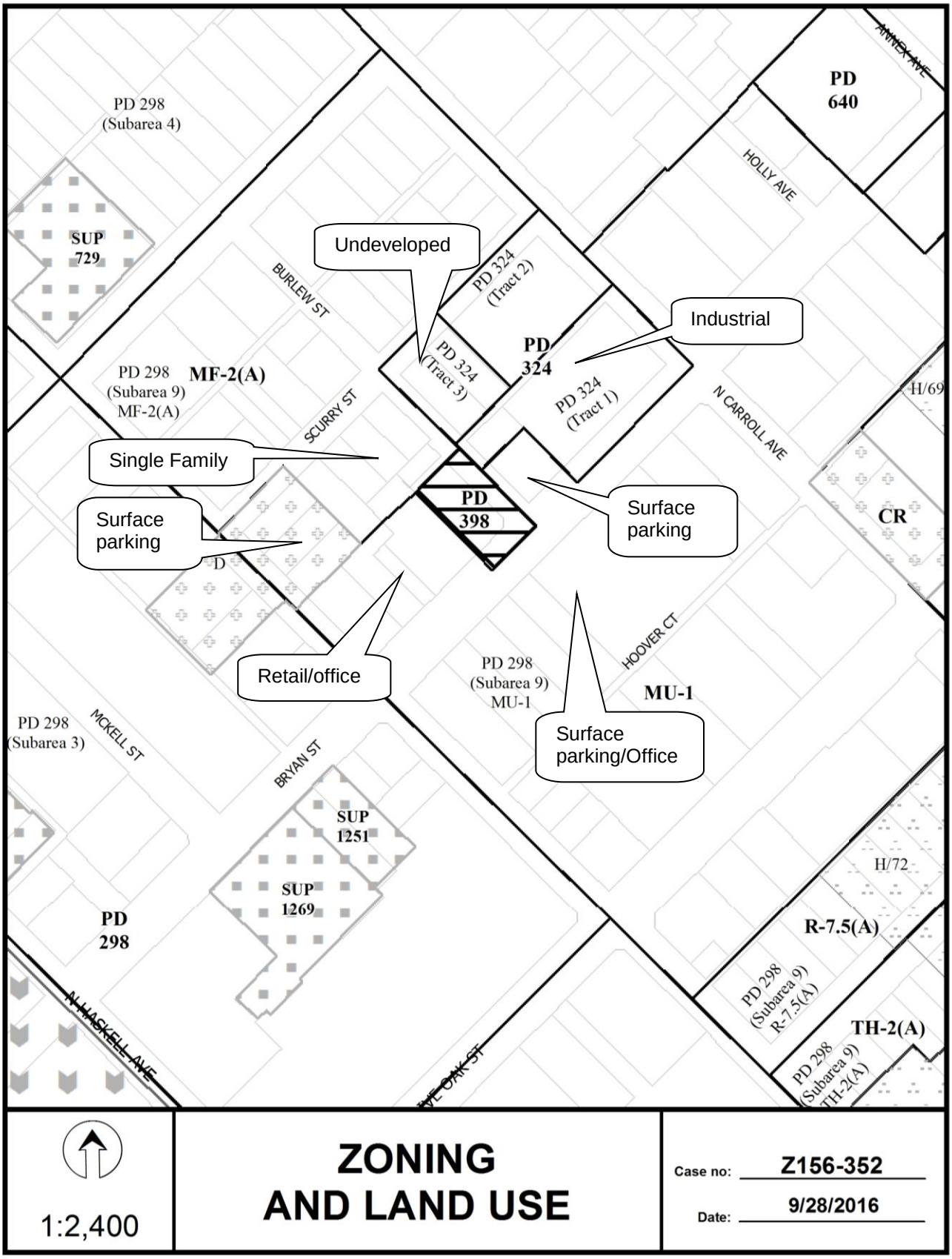
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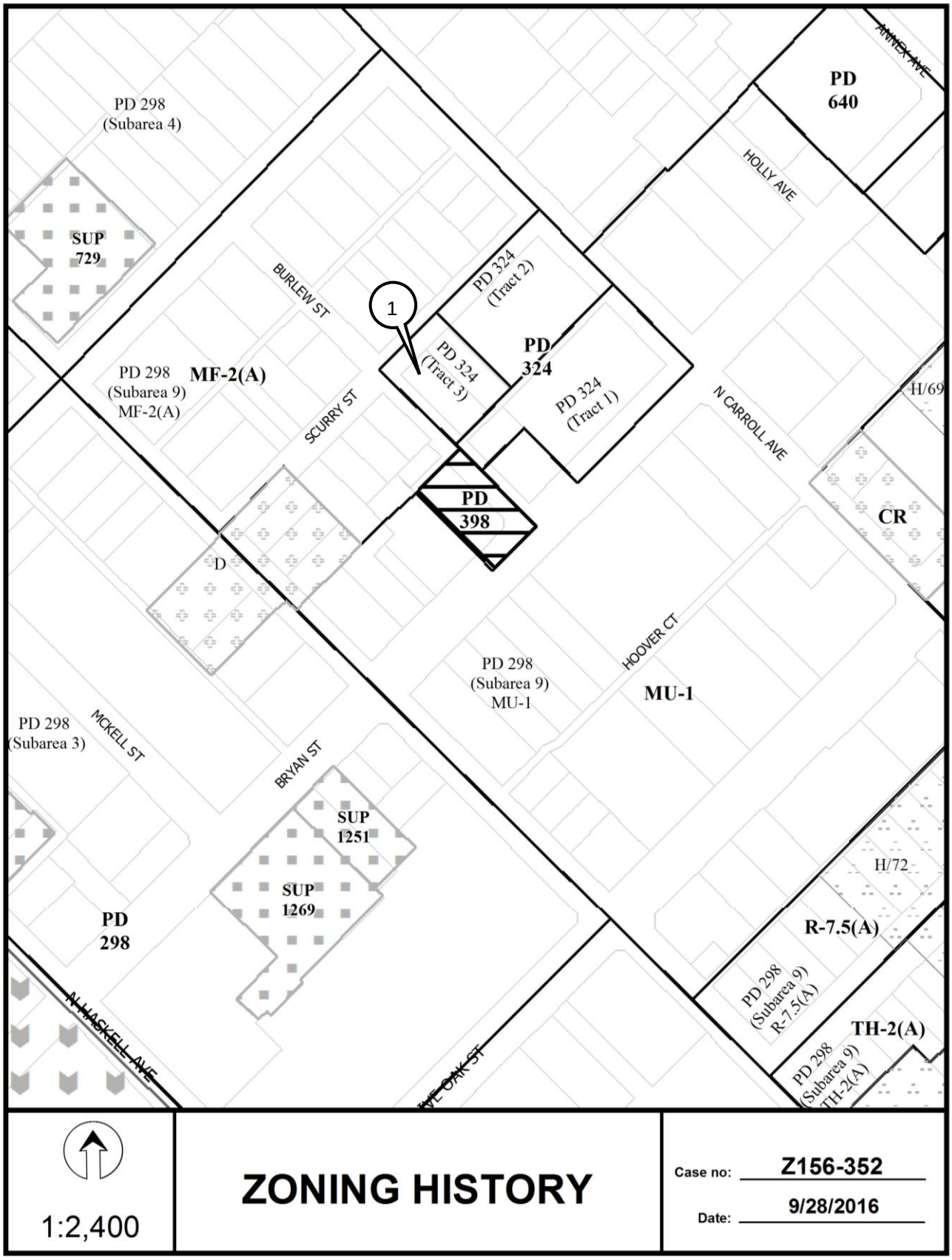
PROPOSED DEVELOPMENT/LANDSCAPE PLAN



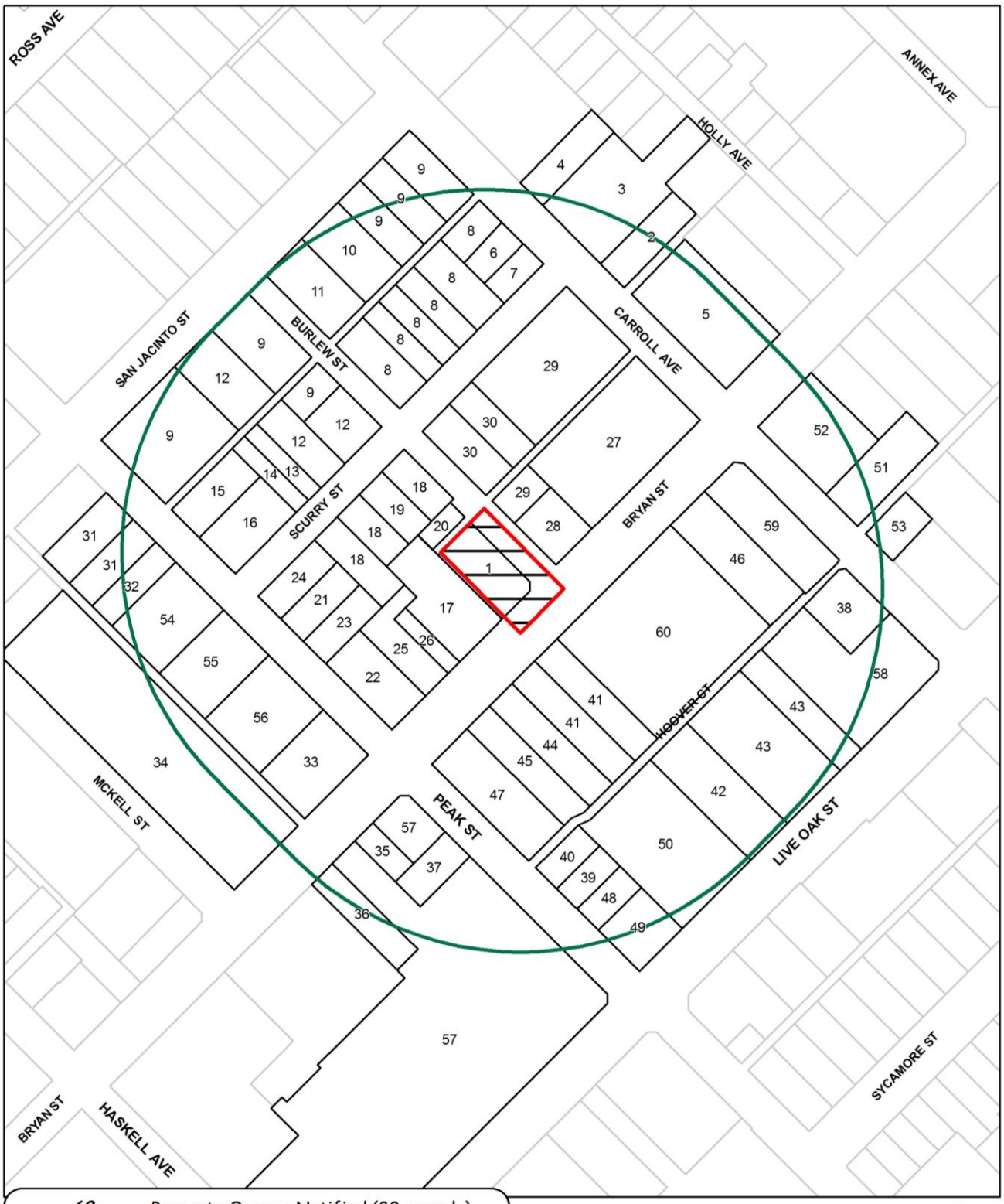

PD 298
(Subarea 4)
SUP
729
BURLEW ST
PD 324
(Tract 2)
PD 324
(Tract 3)
PD
324
PD 324
(Tract 1)
HOLLY AVE
ANNEX AVE
PD
640
PD 298
(Subarea 9)
MF-2(A)
MF-2(A)
SCURRY ST
N CARROLL AVE
H/69
PD
398
CR
D
HOOVER CT
PD 298
(Subarea 9)
MU-1
MU-1
PD 298
(Subarea 3)
MCKELL ST
BRYAN ST
SUP
1251
SUP
1269
H/72
PD
298
R-7.5(A)
PD 298
(Subarea 9)
R-7.5(A)
TH-2(A)
PD 298
(Subarea 9)
TH-2(A)
N HASKELL AVE
1:2,400
ZONING MAP
Case no: Z156-352
Date: 9/28/2016


SAN JACINTO ST
SCURRY ST
BURLEW ST
N CARROLL AVE
HOLLY AVE
ANNEX AVE
HOOVER CT
BRYAN ST
NOVELL ST
LIVE OAK ST
N PEAK ST
SYCAMORE ST
1:2,400
AERIAL MAP
Case no: Z156-352
Date: 9/23/2016


PD 298
(Subarea 4)
SUP
729
BURLEW ST
PD 324
(Tract 2)
PD 324
(Tract 3)
PD
324
PD 324
(Tract 1)
Undeveloped
Industrial
PD 298
(Subarea 9)
MF-2(A)
MF-2(A)
SCURRY ST
Single Family
Surface
parking
PD
398
Surface
parking
D
Retail/office
PD 298
(Subarea 9)
MU-1
MU-1
HOOVER CT
Surface
parking/Office
PD 298
(Subarea 3)
MCKELL ST
BRYAN ST
SUP
1251
SUP
1269
PD
298
N HASKELL AVE
PD
640
ANNEX AVE
HOLLY AVE
N CARROLL AVE
H/69
CR
H/72
R-7.5(A)
PD 298
(Subarea 9)
R-7.5(A)
TH-2(A)
PD 298
(Subarea 9)
TH-2(A)
1:2,400
ZONING
AND LAND USE
Case no: Z156-352
Date: 9/28/2016


PD 298
(Subarea 4)
SUP
729
BURLEW ST
1
PD 324
(Tract 2)
PD 324
(Tract 3)
PD
324
PD 324
(Tract 1)
PD 298
(Subarea 9)
MF-2(A)
MF-2(A)
SCURRY ST
PD
398
D
HOLLY AVE
PD
640
ANNEX AVE
N CARROLL AVE
H/69
CR
HOOVER CT
PD 298
(Subarea 9)
MU-1
MU-1
PD 298
(Subarea 3)
MCKELL ST
BRYAN ST
SUP
1251
SUP
1269
PD
298
H/72
R-7.5(A)
PD 298
(Subarea 9)
R-7.5(A)
TH-2(A)
PD 298
(Subarea 9)
TH-2(A)
N HASKELL AVE
LIVE OAK ST
1:2,400
ZONING HISTORY
Case no: Z156-352
Date: 9/28/2016

CPC RESPONSES



60	Property Owners Notified (80 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
5/4/2017	Date

Z156-352
CPC

N W E S

1:2,400

Notification List of Property Owners

Z156-352

60 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #		Address	Owner
	1	4319	BRYAN ST	BAYMAR HOTELS & PPTIES INC
	2	1416	N CARROLL AVE	LEE ALDRIC
	3	1500	N CARROLL AVE	OLD EAST CARROL LLC
	4	1510	N CARROLL AVE	QUINTERO BERTIN
	5	1412	N CARROLL AVE	YONG & JD INC
	6	1505	N CARROLL AVE	THREE MAD OX LLC
	7	1501	N CARROLL AVE	1501 N CARROLL LLC
	8	1509	N CARROLL AVE	TWO MAD OX LLC
	9	1515	N CARROLL AVE	HB CAPITAL DALLAS LP
	10	4406	SAN JACINTO ST	PHAN LORN C
	11	4400	SAN JACINTO ST	RIGGIO DAVID
	12	4321	SCURRY ST	URBAN SOUTHWEST EASTSIDE LP
	13	4313	SCURRY ST	PACHECO MARIA
	14	4311	SCURRY ST	GOMEZ AUGUSTINE
	15	1508	N PEAK ST	PEAK 1508 LLC
	16	1502	N PEAK ST	OLD EAST PEAK LLC
	17	4315	BRYAN ST	4315 BRYAN ST PROPERTIES LLC
	18	4324	SCURRY ST	ONE MAD OX LLC
	19	4320	SCURRY ST	ONE MAD OX LLC
	20	1413	BURLEW ST	SUN LAND RESERVE OF AMERICA INC
	21	1416	N PEAK ST	RECONCILIATION OUTREACH
	22	4301	BRYAN ST	RECONCILIATION OUTREACH
	23	1412	N PEAK ST	RECONCILIATION OUTREACH
	24	1420	N PEAK ST	RECONCILIATION OUTREACH MINISTRIES
	25	4307	BRYAN ST	RECONCILIATION OUTREACH
	26	4311	BRYAN ST	RECONCILIATION OUTREACH

05/17/2017

Reply	*Label #*		*Address*	*Owner*
	27	1401	N CARROLL AVE	J & J COMPANY
	28	4401	BRYAN ST	KIPNESS PROPERTY CO LTD
	29	1408	BURLEW ST	KIPNESS MAX
	30	4404	SCURRY ST	MAKENS LENDER JAMES M
	31	1517	N PEAK ST	RECONCILIATION OUTREACH
	32	1509	N PEAK ST	WORDEN JACQUELYN M
	33	4217	BRYAN ST	PICCOLA ERNEST CHARLES
	34	4211	BRYAN ST	SOUTHWESTERN BELL
	35	4214	BRYAN ST	CAMPISE LUCY R MENTESANA
	36	4210	BRYAN ST	PEN PLAZA PROPERTIES LLC
	37	1325	N PEAK ST	PEAK STREET DC PROPERTY LLC
	38	1305	N CARROLL AVE	NWC CARROLL LIVE OAK LTD
	39	1310	N PEAK ST	LILLARD FRANK H &
	40	1314	N PEAK ST	LILLARD FRANK H &
	41	4318	BRYAN ST	BORDERCOMM PARTNERS LP
	42	4321	LIVE OAK ST	MILLER TRIPLETS
	43	4409	LIVE OAK ST	BILLINGSLY L B INV CO
	44	4316	BRYAN ST	4316 BRYAN ST LP
	45	4308	BRYAN ST	ABERNETHY MEDIA
	46	4416	BRYAN ST	HUYNH LONG & KIMYEN T
	47	4302	BRYAN ST	CASS DON E TR
	48	1306	N PEAK ST	LILLARD FRANK H RESIDUAL TRUST
	49	4311	LIVE OAK ST	LILLARD FRANK H &
	50	4311	LIVE OAK ST	LILLARD FRANK H &
	51	1316	N CARROLL AVE	BURGER KING CORPORATION
	52	4502	BRYAN ST	FONBERG REAL ESTATE INV
	53	4503	LIVE OAK ST	BURGER KING 202
	54	1503	N PEAK ST	RECONCILIATION OUTREACH
	55	1421	N PEAK ST	RECONCILIATION OUTREACH
	56	1411	N PEAK ST	RECONCILIATION OUTREACH
	57	4207	LIVE OAK ST	EGW LIVE OAK INVESTMENT LP

05/17/2017

Reply	*Label #*		*Address*	*Owner*
	58	4423	LIVE OAK ST	LUCKY JAMAL USA LLC
	59	1321	N CARROLL AVE	1250 WDT LTD
	60	4408	BRYAN ST	DFW MLA OPPORTUNITY

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an MF-1(A) Multifamily District on the southwest corner of East Lovers Lane and Matilda Street
Recommendation of Staff and CPC: Approval
Z167-121(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-121(SM)	**DATE FILED:**	October 25, 2016
LOCATION:	Southwest corner of East Lovers Lane and Matilda Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	36-B
SIZE OF REQUEST:	Approx. 0.599 acre	**CENSUS TRACT:**	79.13

APPLICANT:	Lincoln LAG, Ltd.
OWNER:	Texas Utilities Electric Co.
REPRESENTATIVE:	Jonathan G. Vinson Jackson Walker, LLP
REQUEST:	An application for an MU-1 Mixed Use District on property zoned an MF-1(A) Multifamily District.
SUMMARY:	The applicant proposes to utilize the property for overflow parking for nearby users including Tradition Senior Living and Central Market.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- The area of request was originally owned by the Texas Electric Railway and was a portion of the original 1909 extension of the Sherman/Denison Interurban Line.

- The area of request is also a proposed trailhead for the Matilda Trail as identified in the Park and Recreation Department's 2008 Dallas Trail Network Plan.

- The area of request is located between two 50-foot wide rights-of-way that were originally designed as a couplet for Matilda Street. Portions of the western couplet street have been abandoned over time, including a portion to the south of the request site.

Zoning History: There have been three zoning changes requested in the past five years.

1. **Z145-326**: On August 10, 2016, the City Council approved an amendment to Subareas I and II within Planned Development District No. 799.

2. **Z134-110**: On June 25, 2014, the City Council approved a Planned Development District and the termination of Specific Use Permit No. 416 for a private country club, Specific Use Permit No.1272 for a utility or government installation other than listed, and deed restrictions on property zoned MF-1(A) Multifamily District, MF-2(A) Multifamily District, CR Community Retail District, MU-3(SAH) Mixed Use District, and MC-1 Multiple Commercial District.

3. **Z134-111**: On May 14, 2014, the City Council approved a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District.

Thoroughfares/Streets:

Thoroughfare/Street	Function	Proposed Dimension	ROW
East Lovers Lane	Minor Arterial	Minimum-6 lanes-Divided	100 feet
Matilda Street (east)	Local	-	50 ft.
Matilda Street (west)	Local	-	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

STAFF ANALYSIS:

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

Land Use Compatibility: The request site is relatively flat and contains a grassy area with overhead electrical lines. A shopping center, grocery store, and motor vehicle fueling station are located on the north side of East Lovers Lane and retirement housing with a medical clinic is located to the east, across the eastern couplet of Matilda Street. A grocery store is located to the southwest with accessory surface parking to the west and south of the request site. The applicant is also preparing an application to abandon the western portion couplet of Matilda Street. The abandonment would allow the applicant to connect the area of request to the surface parking area to the west and south with additional surface parking on the area of request.

Staff supports the request of a MU-1 Mixed Use District because it provides a transition between the multifamily based zoning to the east to the nonresidential zoning to the west and north. Additionally, since the site is identified as a proposed trailhead, the request would allow the main use *public park or playground* whereas a P(A) Parking District would prohibit a *public park or playground*.

	Zoning	Land Use
Site	MF-1(A)	Local Utilities
North	MU-3, MU-3(SAH) DR Z923-286	Retail and Motor Vehicle Fueling Station
East	PDD No. 799 (Subareas 1 and 2)	Medical Clinic and Retirement Housing
South	PDD No 610 (Tract 1)	Parking
West	PDD No 610 (Tract 2)	Retail

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MF-2(A) - Existing Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	RPS 90'; 7 stories 120'; 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

CPC Action – May 4, 2017:

Motion: It was moved to recommend **approval** of an application for an MU-1 Mixed Use District on property zoned an MF-1(A) Multifamily District on the southwest corner of East Lovers Lane and Matilda Street.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: None

TEXAS UTILITIES ELECTRIC COMPANY, INC.

List of Officers and Directors

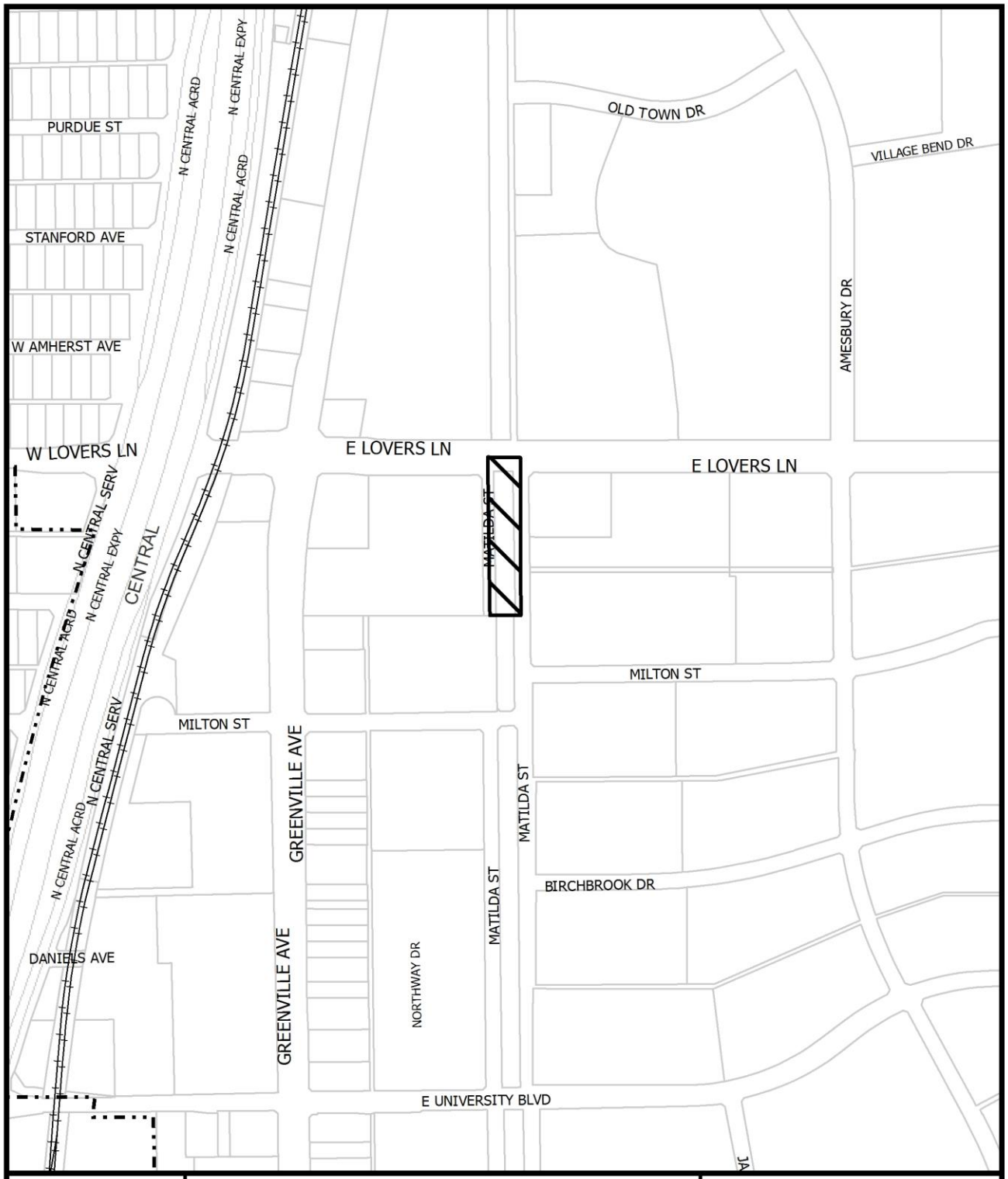
PAUL M. KEGLEVIC	DIRECTOR
PAUL M. KEGLEVIC	PRESIDENT
JEFFREY J. WALKER	VICE PRESIDENT
JEFFREY J. WALKER	SECRETARY
ASHLEY A. BURTON	ASSISTANT SECRETARY
JILL L. ALVAREZ	TRANSMISSION ENGINEERING MANAGER, ATTORNEY-IN-FACT

LINCOLN LAG, LTD.

Director and Officer List

General partner: Akard Ervay, Inc. a Texas corporation.
Directors and Officers of Akard Ervay, Inc., are:

MACK POGUE	CEO
MACK POGUE	DIRECTOR
WILLIAM C. DUVALL	PRESIDENT
WILLIAM C. DUVALL	DIRECTOR
NANCY A. DAVIS	VICE PRESIDENT
NANCY A. DAVIS	SECRETARY
NANCY A. DAVIS	TREASURER
LEIGH ANN EVERETT	ASSISTANT SECRETARY
STEPHEN G. SEITZ	VICE PRESIDENT
STEPHEN G. SEITZ	ASSISTANT SECRETARY
GREGORY S. COURTWRIGHT	VICE PRESIDENT
GREGORY S. COURTWRIGHT	ASSISTANT SECRETARY
ROBERT DOZIER	VICE PRESIDENT
TOM KUHLMANN	VICE PRESIDENT


PURDUE ST
STANFORD AVE
W AMHERST AVE
W LOVERS LN
E LOVERS LN
E LOVERS LN
OLD TOWN DR
VILLAGE BEND DR
AMESBURY DR
MATILDA ST
MILTON ST
MILTON ST
GREENVILLE AVE
GREENVILLE AVE
MATILDA ST
MATILDA ST
BIRCHBROOK DR
NORTHWAY DR
DANIELS AVE
E UNIVERSITY BLVD
N CENTRAL ACRD
N CENTRAL EXPY
N CENTRAL SERV
CENTRAL
1:4,800
VICINITY MAP
Case no: Z167-121
Date: 12/22/2016

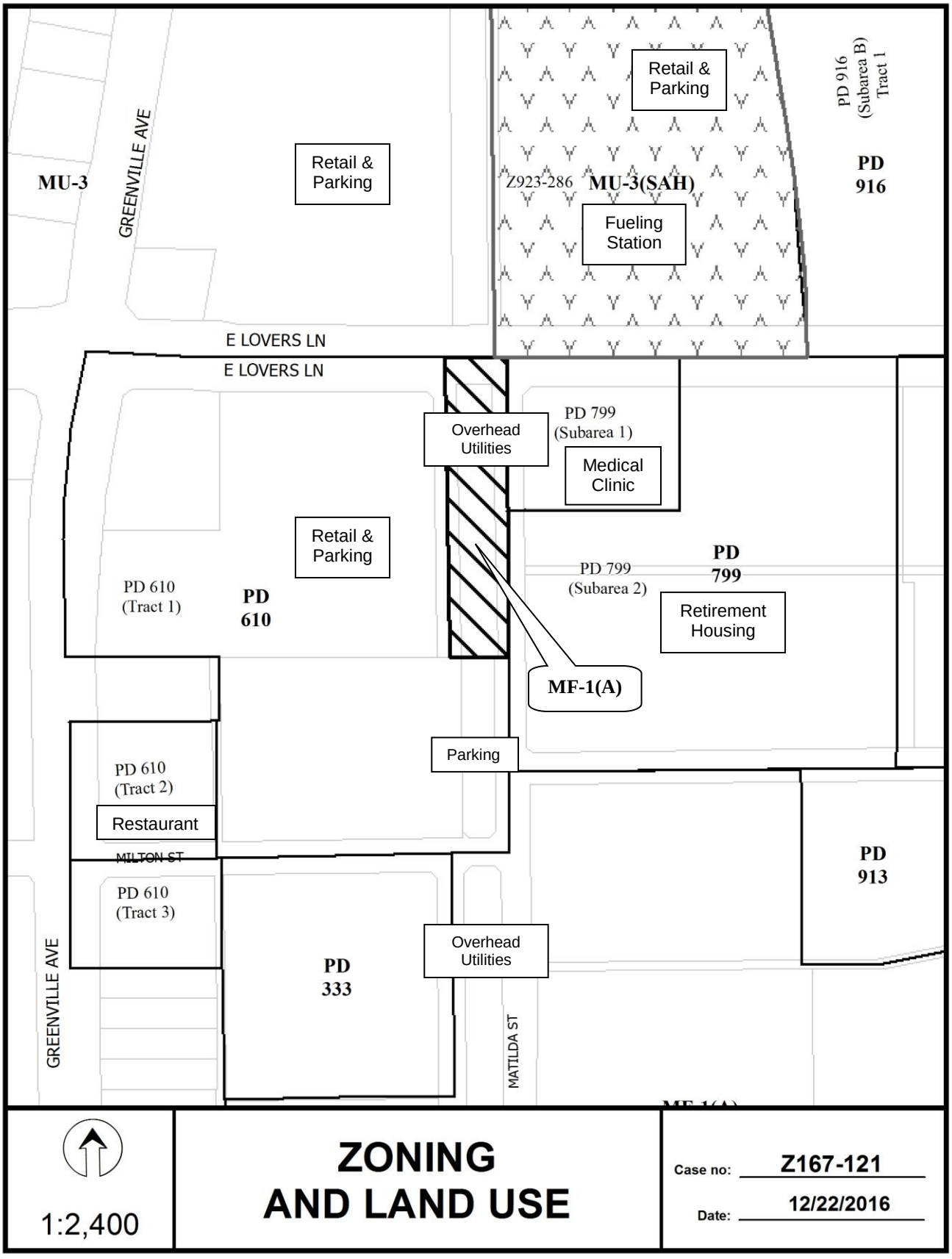


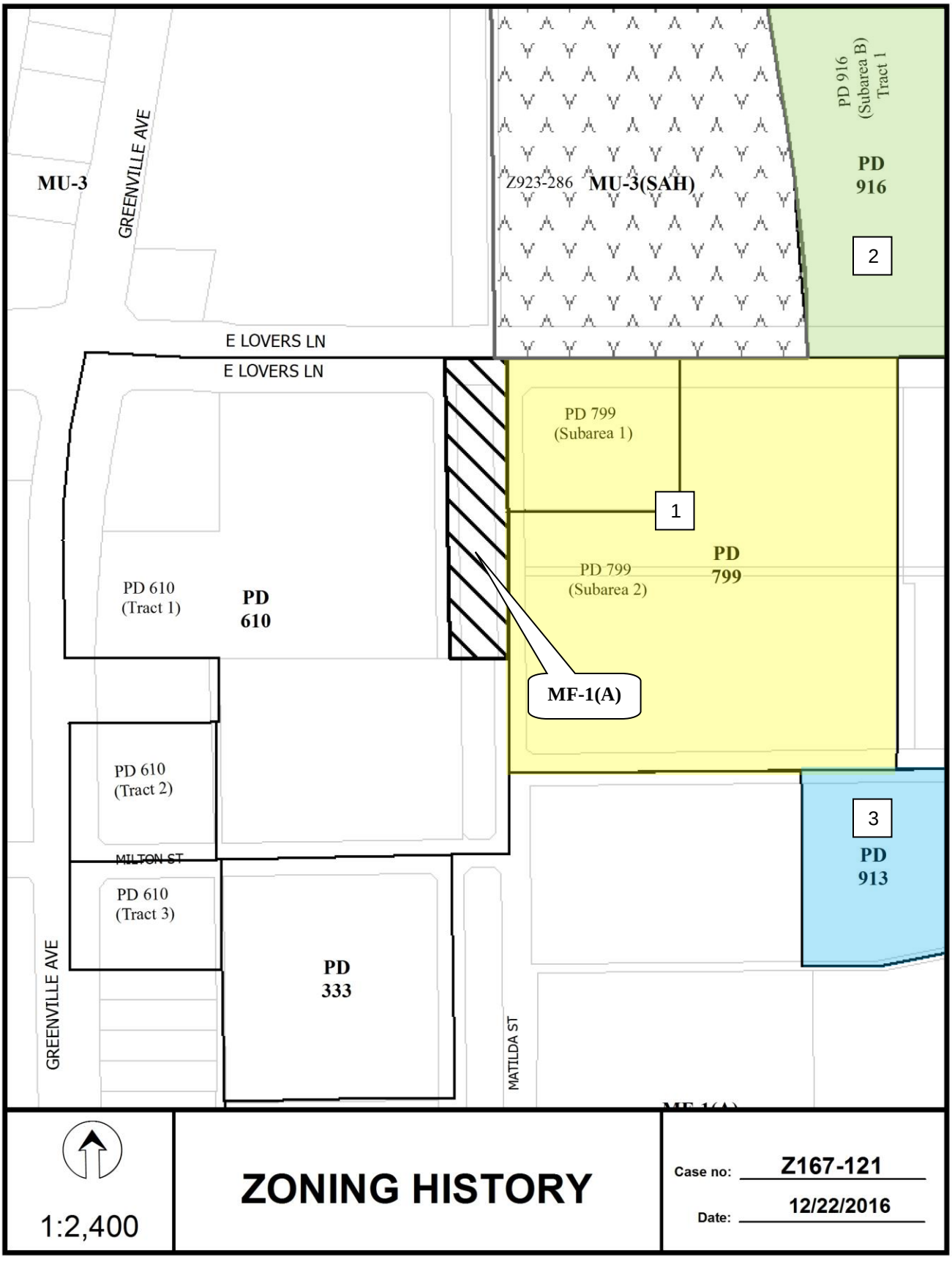
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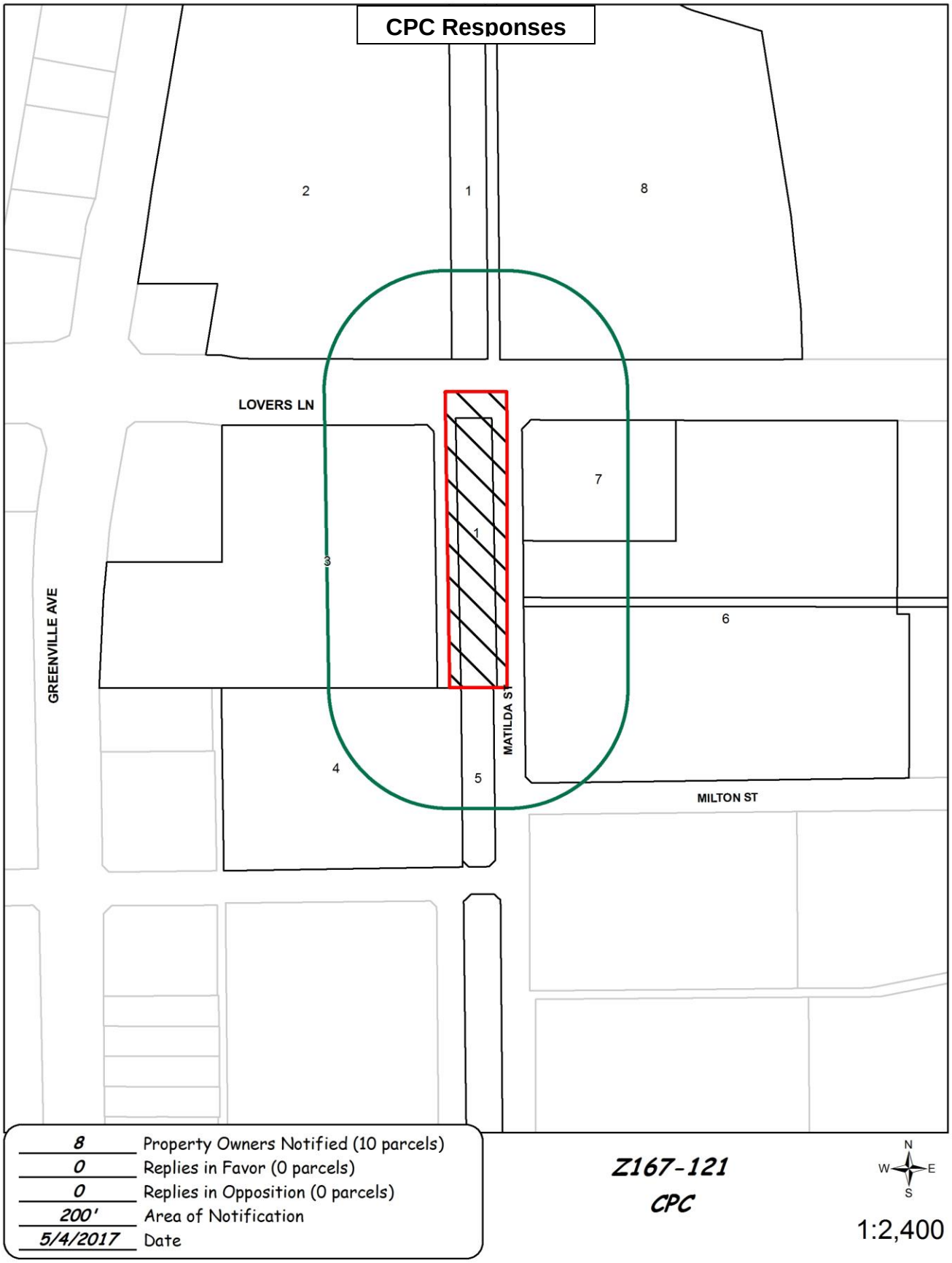
AERIAL MAP

Case no: Z167-121

Date: 12/22/2016


Retail & Parking
PD 916 (Subarea B) Tract 1
PD 916
GREENVILLE AVE
MU-3
Retail & Parking
Z923-286
MU-3(SAH)
Fueling Station
E LOVERS LN
E LOVERS LN
Overhead Utilities
PD 799 (Subarea 1)
Medical Clinic
Retail & Parking
PD 610 (Tract 1)
PD 610
PD 799 (Subarea 2)
PD 799
Retirement Housing
MF-1(A)
Parking
PD 610 (Tract 2)
Restaurant
MILTON ST
PD 913
PD 610 (Tract 3)
Overhead Utilities
PD 333
GREENVILLE AVE
MATILDA ST
1:2,400
ZONING AND LAND USE
Case no: Z167-121
Date: 12/22/2016


MU-3
GREENVILLE AVE
Z923-286
MU-3(SAH)
PD 916 (Subarea B) Tract 1
PD 916
2
E LOVERS LN
E LOVERS LN
PD 799 (Subarea 1)
1
PD 799
PD 799 (Subarea 2)
PD 610 (Tract 1)
PD 610
MF-1(A)
PD 610 (Tract 2)
3
PD 913
MILTON ST
PD 610 (Tract 3)
PD 333
GREENVILLE AVE
MATILDA ST
1:2,400
ZONING HISTORY
Case no: Z167-121
Date: 12/22/2016


CPC Responses
2
1
8
LOVERS LN
7
1
3
GREENVILLE AVE
6
MATILDA ST
4
5
MILTON ST
8 Property Owners Notified (10 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
5/4/2017 Date
Z167-121
CPC
N
W
E
S
1:2,400

05/15/2017

Reply List of Property Owners

Z167-121

8 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4500	GREENVILLE AVE	TEXAS UTILITIES ELEC CO
	2	5500	GREENVILLE AVE	OT TX GREENVILLE LP
	3	5750	E LOVERS LN	LINCOLN LAG LTD
	4	5750	LOVERS LN	LINCOLN LAG LTD
	5	4500	GREENVILLE AVE	LINCOLN LAG LTD
	6	5850	E LOVERS LN	LOVERS TRADITION II LP
	7	5800	E LOVERS LN	LOVERS MEDICAL INVESTORS LP
	8	5809	E LOVERS LN	OT TEXAS GREENVILLE LP

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 43 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 4B for single family uses within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the northwest side of Fort Worth Avenue, between West Colorado Boulevard and Walter Drive

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z167-172(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-172(SM) **DATE FILED:** January 3, 2017

LOCATION: Northwest side of Fort Worth Avenue, between West Colorado Boulevard and Walter Drive

COUNCIL DISTRICT: 1 **MAPSCO:** 43-Z

SIZE OF REQUEST: Approx. 2.7687 acres **CENSUS TRACT:** 69.00

APPLICANT/OWNER: GRBK Frisco, LLC

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for an amendment to Subdistrict 4B for single family uses within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District.

SUMMARY: The applicant proposes to construct a single family development with a shared access easement with a maximum of 62 dwelling units.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- PDD No. 714 was approved by the City Council on February 23, 2005. The PDD is comprised of 11 distinct subdistricts.

- The site was previously developed with multifamily uses that were demolished in April 2010, according to permit records.

- On February 24, 2010, the City Council approved an amendment to Subdistrict 4A and 4B of Planned Development District No. 714, the West Commerce Street/Ft. Worth Avenue Special Purpose District. The request added that in Subdistrict 4B, the sales/leasing office of a multifamily use is considered a retail and personal service use in order to qualify as a mixed use project and it created standards for a streetcar/trolley shelter and modified development standards, parking regulations, landscaping, and architectural design regulations.

Zoning History:

1. **Z145-294:** On October 28, 2015, City Council approved an amendment to Subdistrict 4 of Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District and a Specific Use Permit for a tower/antenna for cellular communication limited to a mounted cellular antenna.

2. **Z123-334:** On January 22, 2014, City Council approved a Specific Use Permit for a Convalescent and nursing homes, hospice care, and related institutions use and to terminate the deed restrictions.

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system. Garage entries and drive approaches are not allowed on Fort Worth Avenue; all access for the proposed development is through a singular shared access drive that runs parallel to Fort Worth Avenue.

Thoroughfares/Streets:

Thoroughfares/Street	Function	Proposed Dimension	ROW
Fort Worth Avenue	Principal Arterial	4 lanes-divided with bicycle facility	100 feet
Colorado Boulevard	Local	N/A	60 feet
Walter Drive	Local	N/A	50 feet

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

Land Use Element

Goal 1.1 Align land use strategies with economic development priorities

> Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Economic Element

Goal 2.1 Promote balanced growth

> Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Urban Design

Goal 5.1 Promote a sense of place, safety and walkability

> Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Neighborhood Plus

> Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety
>
> Policy 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Area Plan

Fort Worth Avenue Corridor Land Use and Urban Design Study

The *Fort Worth Avenue Corridor Land Use and Urban Design Study* was approved by Council January 26, 2005. The Study identified goals, land use objectives, and a vision for the area and was the basis of the creation of PDD No. 714. The PDD was approved by the City Council on February 23, 2005 and encompasses approximately 245 acres (north and south lines of West Commerce Street and Ft. Worth Avenue, between North

Beckley Avenue and Westmoreland Road). The PDD and the Study states the following in regard to Subdistrict 4 (italics added),

> Subdistrict 4 is a mixed-use subdistrict dominated by multifamily uses. While commercial and retail uses are encouraged at street level, *maintenance of the residential density is desired*. Pedestrian protections from traffic, such as broad sidewalks, street trees, and crosswalks, are desired. *New construction should be oriented to address the street front*. Existing slip roads providing on-street parking and pedestrian amenities should be preserved.

Since the vision for this portion of the Fort Worth Avenue Corridor is to preserve residential densities and encourage multifamily uses, the proposal that includes accommodations for the proposed shared access development is consistent with the vision of the PDD.

Land Use Compatibility:

The proposed amendments to Subdistrict 4B would allow a maximum of 62 single-family units in a shared access development. In the Dallas Development Code (Code), a shared access development means a development where one or more of the lots within the development do not front on a public or private street, where access to the lots within the development is provided via a shared access area, and that meets all of the requirements of this section[1]. The Code also specifies that a shared access development is treated as one lot for purposes of compliance with the front, side, and rear yard regulations, applicable landscape regulations, and any prohibition against parking in a front yard. For example, the front yard of the shared access development as a whole determines whether the front yard setback is in compliance with the zoning district regulations, and the individual lots within the shared access development are not individually required to meet front yard setback requirements. Therefore, shared access developments, although they are considered a single family main use, are often constructed in a way to resemble lower density multifamily developments and townhouse developments, as recommended by the Study.

The request site is on the northwest line of Fort Worth Avenue and is undeveloped. An established single family neighborhood is located to the northwest, across an existing 20-foot alley. To the northeast, there is a mix of non-residential uses, including office, retail, and restaurants that all front on Fort Worth Avenue. To the southeast, across Fort Worth Avenue, are large undeveloped parcels and a multifamily building is located to the southwest. Since the existing regulations regarding land use are remaining unchanged, the request's land use is compatible with surrounding properties.

[1] Reference Section 51A-4.411

	Zoning	Land Use
Site	PDD No. 714 (Subdistrict 4B)	Undeveloped
Northwest	R-7.5(A)	Single Family
Northeast	PDD No. 714 (Subdistrict 3B)	Office, retail, and restaurant
Southeast	PDD No. 714 (Subdistrict 4A)	Undeveloped
Southwest	PDD No. 714 (Subdistrict 4)	Multifamily

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: PDD	Min: 15' to FW, 5' other Max: 50'	20' res. 0' nonres.	50'	90%	RPS	Mixed uses
Proposed: PDD	Min: 5' Max: 50' to FW No max other	15'	42'	90%.	RPS	Mixed uses

The above comparison of development standards of the existing and proposed is a condensed version of the request. The full spectrum of requests is included in the proposed conditions in the following pages of this report. As the above summary shows, the requested amendments are not significantly different from the existing requirements and the existing development standards are generally maintained.

The minimum front yard is proposed to be reduced from 15 feet to five feet. This reduction allows the shared access development to bring the structures on Fort Worth Avenue closer to the sidewalk and therefore could provide additional shade and "eyes on the street" for pedestrians. It also allows the buildings to be constructed ten more feet further from the adjacent R-7.5(A) Single Family District and therefore allows those structures to reach more than two stories in height due to residential proximity slope restrictions.

The maximum front yard setback is proposed to be restricted only to Fort Worth Avenue and the corresponding setback area to Walter Drive and Colorado Boulevard is also included with the request. Maximum front yard setbacks are important to establishing a "street wall" in order to frame streets however; they can also create logistical problems when multiple streets are present and when no street hierarchy exists. When a maximum front yard setback is applied to all streets, logistical problems arise in that a building facade is forced into an over-built rectangular or U-shape or it makes the site undevelopable because other regulations such as maximum lot coverage, building

separation to allow fire access, and breaks in the building facade to allow for vehicular access and parking are prohibited.

The urban form side and rear yard setback for portions that exceed 45 feet is also proposed to be deleted in the request because the height is proposed to be limited to 42 feet.

Floor area ratio (FAR) is proposed to not be limited for shared access development in Subdistrict 4B. Because height is limited to 42 feet and further restricted with residential proximity slope the FAR is inherently limited. Further, because FAR calculations are done on a lot-by-lot-basis, shared access development would not include all the vehicular shared access drives, amenity areas, and guest parking spaces, FAR would appear to be out of scale whereas FAR for the entire shared access would be comparable to the existing FAR limitations of 1.6 FAR.

The Shared Access Development regulations in Section 51A-4.411 allow multifamily districts to include the shared access drive in determining maximum lot coverage. The proposed provision to treat Subdistrict 4B as a multifamily district for purposes of determining lot coverage is consistent with multifamily districts standards throughout the City and serves as clarification as how to apply maximum lot coverage regulations.

Overall, staff recommends approval of the requested amendments because they are consistent with the goals and objectives of the Fort Worth Avenue Corridor Land Use and Urban Design Study and they establish a basis for the balance of development and the co-existence with the built environment along the corridor.

Architectural Design Standards:

The proposed amendments to the architectural design standards are limited in scale and are recommended to accommodate the shared access development.

The proposed amendments specify that primary entrances be oriented to face Fort Worth Avenue in contrast with any right-of-way. This is important for buildings on corner lots such that two primary facades and entrances are not required to face both streets.

Single family uses are proposed to meet one of the listed elements whereas there are no regulations for street-facing facades that do not exceed 30 feet in length. Finally, Subdistrict 4B is proposed to be exempt from providing divisions of a base, middle, and top of buildings because height is limited to 42 feet.

Parking:

The existing parking regulations of the PDD require a maximum of two parking spaces per dwelling unit and pursuant to Section 51A-4.411 of the Dallas Development Code, 0.25 guest parking spaces are required per dwelling unit to accommodate guests. With 62 planned units, 16 spaces in addition to the two spaces per dwelling unit are required for the maximum build out of the proposed amendments. Additionally, the street section exhibits in the existing PDD are remaining unchanged by this request.

Landscaping:

Landscaping must be provided in accordance with the current landscaping regulations in the planned development district, as amended. No modifications to landscaping is proposed or recommended by staff.

CPC Action – May 4, 2017:

Motion: It was moved to recommend **approval** of an amendment to Subdistrict 4B for single family uses, subject to a development plan and revised conditions (as briefed) within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on property on the northwest side of Fort Worth Avenue, between West Colorado Boulevard and Walter Drive.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 89
Replies: For: 9 Against: 1

Speakers: None

List of Officers

GRBK Frisco, LLC

James R. Brickman, CEO and Director

Richard A. Costello, CFO

Jed Dolson, President

Proposed Amending Conditions

ARTICLE 714.

PD 714.

West Commerce Street/Fort Worth Avenue Special Purpose District

SEC. 51P-714.101. LEGISLATIVE HISTORY.

PD 714 was established by Ordinance No. 25898, passed by the Dallas City Council on February 23, 2005. (Ord. 25898)

SEC. 51P-714.102. PROPERTY LOCATION AND SIZE.

PD 714 is established on property located north and south of West Commerce Street and Fort Worth Avenue from North Beckley Avenue to Westmoreland Road. The size of PD 714 is approximately 248.9 acres. (Ord. Nos. 25898; 26876; 27056; 28505)

SEC. 51P-714.103. CREATION OF SUBDISTRICTS.

(a) This district is divided into the following subdistricts:

(1) Subdistrict 1. This subdistrict is for medium density mixed-use development that respects existing businesses but gives incentive for new mid-rise commercial and residential development. Development should support West Commerce Street as the gateway from downtown into the area, and strengthen the Sylvan Avenue-Fort Worth Avenue intersection as a retail anchor. New development should support future light rail along the northern edge of the subdistrict. Preserving historic buildings through adaptive re-use is a priority. This subdistrict will be the most densely developed urban subdistrict due to its proximity to the Trinity River and downtown. The mix of uses should lean more to commercial, although residential development is essential to the success of the mixed uses. Buildings should front the street with broad sidewalks. Street trees should line the street edge. On-street parking should be parallel parking along West Commerce Street and Fort Worth Avenue. Off-street parking should be provided behind buildings or in parking structures and shared between adjacent lots. This subdistrict should have an overall urban feel, but still provide pedestrian amenities. Subdistricts 1A, 1B, and 1C have maximum building heights and maximum stories that reflect the rising topography and protect the downtown view. Buildings should have minimum or no setbacks, with commercial and retail uses at the ground level and office and residential above. Pedestrian protections from traffic, such as street trees, planters, and crosswalks, are desired. Subdistricts 1A, 1B, and 1C are part of Subdistrict 1. Except as provided in this article, Subdistrict 1 regulations apply in Subdistricts 1A, 1B, and 1C.

(2) Subdistrict 2. Subdistrict 2 is a mixed-use subdistrict that consists predominately of residential uses, but with some small retail and office uses. Because residential neighborhoods are adjacent to the subdistrict, it should be more serene than other subdistricts. New development should strengthen the existing residential neighborhoods and help to create a pedestrian-friendly environment. North Edgefield Avenue should connect the north and the south neighborhoods. Pedestrian protections from traffic, such as on-street parking, street trees, and parkways, are desired. Buildings should have minimum or no setbacks. Building heights are controlled separately in Subdistricts 2A, 2B, 2C, and 2D to optimize medium density residential development, preserve downtown views, and be sensitive to the existing single-family neighborhood to the north. Preserving historic buildings through adaptive re-use is a priority. Subdistricts 2A, 2B, 2C, and 2D are part of Subdistrict 2. Subdistrict 2 regulations apply in Subdistricts 2A, 2B, 2C, and 2D unless otherwise indicated.

(3) Subdistrict 3. Subdistrict 3 is a mixed-use subdistrict primarily developed with commercial and retail uses, but with some residential uses. Retail and commercial areas should be strengthened with more varied uses. New development should include residential uses and vertical stacking of uses for more efficient land use resulting in activity throughout the day and night. Buildings should have minimum or no setbacks. Off-street parking should be provided behind buildings and shared between neighboring lots. Use of traffic calming elements such as median plantings, on-street parking, street trees, broad sidewalks, and low-to-mid-rise buildings is desirable. Development should strive to create a village center accessible by pedestrians, bicycles, mass transit, and cars. Land uses are controlled separately in Subdistricts 3A and 3B to be sensitive to residential neighborhoods.

(4) Subdistrict 4. Subdistrict 4 is a mixed-use subdistrict dominated by multifamily uses. While commercial and retail uses are encouraged at street level, maintenance of the residential density is desired. Pedestrian protections from traffic, such as broad sidewalks, street trees, and crosswalks, are desired. New construction should be oriented to address the street front. Existing slip roads providing on-street parking and pedestrian amenities should be preserved. Building height, land use, and setbacks are controlled separately in Subdistricts 4A and 4B to encourage mixed use and townhouse development. Subdistricts 4A and 4B are part of Subdistrict 4. Subdistrict 4 regulations apply in Subdistricts 4A and 4B unless otherwise indicated.

(5) Subdistrict 5. Subdistrict 5 is a mixed-use district balanced with residential, commercial, and retail uses. New development should include vertical stacking of different uses to achieve more efficient land use and activity throughout the day and night. New development should also include a medium density residential component to strengthen surrounding residential neighborhoods and ensure the success of commercial and retail development. Building heights and uses are controlled to be sensitive to residential neighborhoods. New development should strengthen pedestrian connections on Fort Worth Avenue. Buildings should have minimum or no setbacks, with commercial and retail uses at the ground level and office and residential uses above. Off-street parking should be provided behind buildings and shared between neighboring lots. Pedestrian protections from traffic, such as broad sidewalks, street trees, planters, and crosswalks, are a priority.

(b) Exhibit 714A is a map showing the boundaries of this district and its subdistricts. Exhibit 714B is a verbal description of the boundaries of this district and its subdistricts. In the event of a conflict between the graphic depiction in Exhibit 714A and the verbal description in Exhibit 714B, the verbal description in Exhibit 714B controls.

(c) This district is considered to be a mixed-use zoning district. (Ord. Nos. 25898; 26876; 27056; 27820; 28505; 29654)

SEC. 51P-714.104. DEFINITIONS.

Unless otherwise stated, the definitions in Chapter 51A apply to this article. In this district:

(1) BINGO PARLOR means a facility licensed for the conducting of bingo pursuant to Texas Occupation Code Chapter 2001, as amended.

(1.1) BUILD-TO ZONE means the area where a specified percentage of a street-facing building facade must be constructed on a lot.

(1.2) CERAMIC STUDIO means a studio containing kilns used to fire ceramics.

(2) DISTRICT means the entire planned development district (the West Commerce Street/Fort Worth Avenue Special Purpose District) created by this article.

(2.1) ELECTRICAL VEHICLE CHARGING STATION means a dedicated parking area for vehicles that includes publicly accessible recharging equipment.

(3) FRONT FACADE means the primary building elevation facing the front yard.

(4) FULLY SIGHT-OBSCURING FENCE means a fence that provides complete visual separation. Fully sight-obscuring fences must be six feet high and 100 percent sight-obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, or wood. Landscaping with a minimum height of three feet must be provided on the street side of the fence. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping 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. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(4.1) GATEWAY PLAZA means a plaza in Permissible Building Area A of Subdistrict 1C as shown on the conceptual plan that marks the entrance to Subdistrict 1C by creating a sense of arrival and that incorporates a minimum of two of the following, which must be shown on an approved development plan:

(A) Public art.

(B) A prominent architectural feature that marks the corner through increased height such as a tower or monument.

(C) A visual enhancement such as a water feature, distinctive landscaping, or a display window.

(D) Site configuration that allows direct pedestrian access through the plaza and into the interior of Subdistrict 1C through the use of pedestrian passages or paseos.

(5) HIGH SCREEN means a landscape treatment that provides physical and visual separation between uses. Shrubs must form a six-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. If a wall or fence is also provided, it must be on the interior side of the high screen.

(6) LIVE/WORK UNIT means an interior space with street-level access that combines residential with office or retail and personal service uses.

(7) LOW SCREEN means a landscape treatment that provides physical separation between uses. Shrubs must form a three-foot-high screen that is 95 percent opaque year-round within three years of planting. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years. Ground cover plants must cover the remainder of the landscaped area. A three-foot-high masonry wall may be substituted, but ground cover plants are still required. A berm may be substituted. The berm must be planted with turf grass or groundcover recommended for local area use by the building official. The berm may not have a slope that exceeds one foot of height per three feet of width. If a wall or fence is provided in addition to shrubs or a berm, it must be on the interior side of the shrubs or berm.

(8) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in floor area of an original building by 50 percent or more. With regard to streets and sidewalks, MAJOR MODIFICATION means reconstruction, alteration, or renovation that exceeds 50 percent of the surface area of that street or sidewalk segment.

(9) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under the physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, massage by registered physical therapists who treat only patients recommended by a licensed physician and who operate only under the physician's direction, or massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(9.1) MICRO-BREWERY OR MICRO-WINERY means a facility that produces no more than 15,000 barrels of beer or wine, as defined in the Texas Alcoholic Beverage Code, per year for sale or distribution on or off the premises.

(9.2) MICRO-DISTILLERY means a facility that manufactures no more than 250,000 gallons of distilled spirits, as defined in the Texas Alcoholic Beverage Code, per year for sale or distribution on or off premises.

(10) MIXED-USE PROJECT means a development containing uses in two or more of the following categories, and with the combined floor areas of the uses in each category equaling or exceeding the following percentages of the total floor area of the project:

Use category	Percentage of total floor area
Lodging	**10%**
Office	**15%**
Residential	**10%**
Retail and personal service	**5%**

(11) NEW CONSTRUCTION means construction of a main structure that did not exist on February 23, 2005, the date of the establishment of this special purpose district. With regard to streets and sidewalks, NEW CONSTRUCTION means construction of a street or sidewalk that did not exist on February 23, 2005.

(12) ORIGINAL BUILDING means a structure existing on February 23, 2005, but does not include a structure that has undergone a major modification.

(13) PARTIALLY SIGHT-OBSCURING FENCE means a fence that provides partial visual separation. Partially sight-obscuring fences must be six feet high and at least 50 percent sight-obscuring. Fences must be constructed of one or more of the following: brick, concrete masonry (split or polished face only; no unfinished units or cinder block), stone, stucco, wood, or wrought iron. Landscaping with a minimum height of three feet must be provided on the street side of the fence. Landscaping must consist of hedge-like evergreen plant materials recommended for local area use by the building official. Landscaping 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. Plants must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(13.1) PHOTOGRAPHY STUDIO means a facility for taking and processing photographs. This does not include a bulk photography processing plant.

(13.2) PEDESTRIAN ZONE means the area between the back-of-curb and the building facade, which is intended for sidewalks, planting areas, outdoor eating areas, and pedestrian amenities.

(14) PIERCING SALON 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.

(14.1) REQUIRED FRONTAGE means the percentage of the street-facing facade that must be located within the build-to zone.

(14.2) SPECIAL COMMUNITY ACTIVITY means a temporary event or gathering such as:

(A) sale of merchandise, food, or beverages;

(B) art shows or craft shows; or

(C) outdoor shows, concerts, exhibits, or exhibitions that may also involve erection of a tent; installation of a stage, bandshell, trailer, van, portable building, grandstand, or bleachers; placement of portable toilets; or placement of temporary no-parking, directional, over-size, or identification signs or banners.

(14.3) SPECIAL TEMPORARY RETAIL USE means an outdoor temporary facility for the retail sale of seasonal products such as food, Christmas trees, and live plants.

(15) STREET CAR/TROLLEY SHELTER means a structure which affords protection from the weather to persons who are waiting to board a publically-owned or franchised street car or trolley.

(16) SUBDISTRICT means one of the subdistricts referred to in Section 51P-714.103 of this article.

(17) 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.

(17.1) TEMPORARY CELLULAR UNIT means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the

Federal Communications Commission that is designed to temporarily provide service where an existing tower/antenna for cellular communication is not operable due to one or more of the following reasons:

(A) The existing tower/antenna for cellular communication use is damaged or destroyed by something other than the intentional act of the owner or agent; or

(B) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(18) VISIBILITY TRIANGLE means the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection. VISIBILITY TRIANGLE means the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on driveway or alley edge and the street curb line 20 feet from the intersection.

(19) WRECKER SERVICE means a facility for the parking or storage of vehicle tow trucks. (Ord. Nos. 25898; 27820; 28470; 28505; 29914)

SEC. 51P-714.105. INTERPRETATIONS.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this article are references to articles, divisions, or sections in Chapter 51A.

(b) Section 51A-2.101, "Interpretations," applies to this article.

(c) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol ***[L]*** appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

(3) The symbol ***[SUP]*** appearing after a listed use means that the use is permitted by specific use permit only. ["SUP" means "specific use permit." For more information regarding specific use permits, see Section 51A-4.219, "Specific Use Permit (SUP)."]

(4) The symbol ***[DIR]*** appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan

Review." ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol ***[RAR]*** appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800, "Development Impact Review.")

(d) If there is a conflict, the text of this article controls over any charts, exhibits, graphic displays, or maps. (Ord. 25898)

SEC. 51P-714.105.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 714A: Subdistrict boundary map.

(2) Exhibit 714B: Verbal description of the district and subdistrict boundaries.

(3) Exhibit 714C: Native and adapted xeriscape plants.

(4) Exhibit 714D: Main and accessory land use chart.

(5) Exhibit 714E: Development standards chart.

(6) Exhibit 714F: Street diagrams and landscaping.

(7) Exhibit 714G: Residential proximity slope illustration.

(8) Exhibit 714H: Residential proximity slope illustration for Subdistrict 4A.

(9) Exhibit 714I: Subdistrict 1C conceptual plan. (Ord. 28505)

SEC. 51P-714.106. CONCEPTUAL PLAN.

(a) Except for Subdistrict 1C, there is no conceptual plan for this district.

(b) The Fort Worth Avenue Corridor Land Use and Urban Design Study should be consulted for goals, objectives, policy statements, and recommendations for development of this district.

(c) The West Dallas Urban Structure and Guidelines should be consulted for goals, objectives, policy statements, and recommendations for development of Subdistricts 1C.

(d) Development and use of Subdistrict 1C must comply with the Subdistrict 1C conceptual plan (Exhibit 714I). (Ord. Nos. 25898; 28505)

SEC. 51P-714.107. DEVELOPMENT PLAN.

(a) Except for Subdistrict 1C and Subdistrict 4B, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) A development plan must be approved by the city plan commission before the issuance of any building permit to authorized work in Subdistrict 1C and Subdistrict 4B. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(c) For Subdistrict 1C, each development plan must comply with the requirements for a development plan listed in Section 51A-4.702 and include a tabulation box that includes:

(1) existing, proposed, and total floor area for all Permissible Building Areas;

(2) required and provided off-street parking for all permitted uses; and

(3) detail for all special temporary retail uses, inclusive of land area for each and required off-street parking; date of issuance of certificate(s) of occupancy, any 30-day extensions (noting revised off-street parking requirement for more than one 30-day extension). In lieu of a minor amendment to a development plan to comply with paragraph, an analysis may be submitted for approval by the director that contains the information required by this paragraph.

(d) For single family uses in Subdistrict 4B, Exhibit 714F – Subdistrict 4B is to be replaced by the development plan which shall, among other details, clearly show the following:

(1) The slip street between Fort Worth Avenue and the structures facing Fort Worth Avenue is eliminated,

(2) requirement for maximum feasible inset, parallel street parking spaces along Fort Worth Avenue,

(3) minimum 10-foot wide sidewalk on Fort Worth Avenue and minimum six-foot wide sidewalks on West Colorado Boulevard and Walter Drive,

(4) street trees along Fort Worth Avenue, West Colorado Boulevard, and Walter Drive, and

(5) minimum and maximum front yard setbacks on Fort Worth Avenue and minimum front yard setbacks on West Colorado Drive and Walter Drive.

(Ord. Nos. 25898; 28505)

SEC. 51P-714.108. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NOS. 1A AND 1B.

OMMITED FOR BREVITY

SEC. 51P-714.108.1 USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 1C.

OMMITED FOR BREVITY

SEC. 51P-714.109. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 2.

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SEC. 51P-714.110. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 3.

OMMITED FOR BREVITY

SEC. 51P-714.111. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 4.

(a) Uses. The following listed uses are the only main uses permitted in this subdistrict:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.
-- Custom business services. *[Subdistrict 4A only.]*

(3) Industrial uses.

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. *[SUP]*
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. *[SUP]*
-- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
-- Convent or monastery. *[SUP]*
-- Library, art gallery, or museum.
-- Open-enrollment charter school. *[SUP]*
-- Private school. *[SUP]*
-- Public school. *[SUP]*

(5) Lodging uses.

-- Extended stay hotel or motel. *[SUP] [Subdistrict 4A only.]*
-- Hotel or motel. *[SUP] [Subdistrict 4A only.]*

(6) Miscellaneous uses.

-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[DIR]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Country club with private membership. *[SUP]*
-- Private recreation center, club, or area. *[RAR]*
-- Public park, playground, or golf course.

(9) Residential uses.

-- Live/work unit. *[Subdistricts 4A and 4B only.] [The non-residential portion of a live/work unit is considered an office use or a retail and personal service use for purposes of a mixed-use project.]*
-- Multifamily. *[Only as a component of a mixed-use project.] [In Subdistrict 4B, the sales/leasing office of a multifamily use is considered a retail and personal service use.]*
-- Retirement housing. *[RAR]*
-- Single family. *[Except Subdistrict 4B, a~~A~~ minimum of eight single*

family structures must be attached together with a minimum of 15 feet between each group of eight single family structures. In Subdistrict 4B, a minimum of six single family structures must be attached together and separated from other attached structures by a minimum 15 feet, except that a maximum of 7.5 percent of single family structures may be detached or occur in groupings of fewer than six structures. In Subdistricts 4A ~~and 4B~~, this only applies to single family structures located in the front yard setback area of Fort Worth Avenue. Except in Subdistrict 4B, Single family detached structures are prohibited.

(10) Retail and personal service uses.

-- Animal shelter or clinic without outside runs. *[SUP] [Subdistrict 4A only.]*
-- Business school. *[Subdistrict 4A only.]*
-- Commercial amusement inside. *[SUP] [Subdistrict 4A only. Bingo parlor, billiard hall, Class E dance hall, and motor track prohibited.]*
-- 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. *[Subdistrict 4A only.]*
-- General merchandise or food store 100,000 square feet or more. *[SUP] [Subdistrict 4A only.]*
-- Household equipment and appliance repair. *[Subdistrict 4A only.]*
-- Motor vehicle fueling station. *[RAR] [Prohibited in Subdistrict 4B.]*
-- Nursery, garden shop, or plant sales.
-- Personal service uses. *[Massage establishment, piercing salon, and tattoo studio prohibited.]*
-- Restaurant without drive-in or drive-through service. *[RAR] [In Subdistrict 4B, RAR not required if the restaurant has a floor area of 2,000 square feet or less.] [In Subdistrict 4B, SUP required if the restaurant has a floor area greater than 2,000 square feet.]*
-- Restaurant with drive-in or drive-through service. *[DIR] [SUP in Subdistrict 4B.]*
-- Temporary retail use.
-- Theater. *[SUP] [Subdistrict 4A only.]*

(11) Transportation uses.

-- Private street or alley. *[SUP]*
-- Street car/trolley shelter. *[Subdistricts 4A and 4B only.]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10).]*

(12) Utility and public service uses.

-- Electrical substation. *[SUP]*
-- Local utilities. *[Local utilities by right. Communication exchange facility by SUP.]*
-- Police or fire station.
-- Post office. *[SUP]*
-- Tower/antenna for cellular communication. *[Limited to a mounted cellular antenna and temporary cellular unit in Subdistrict No. 4 only. Mounted cellular antenna by SUP in Subdistrict No. 4 only. Prohibited in Subdistrict Nos. 4A and 4B]*
-- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Wrecker service. *[Prohibited.]*

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(2) In this subdistrict, the following accessory uses are not permitted:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside storage.
-- Accessory pathological waste incinerator.
-- Amateur communication tower.
-- General waste incinerator.
-- Private stable.
-- Pedestrian skybridges.

(3) In Subdistrict 4B, an accessory community center (private) is a permitted accessory use to a shared access development.

(c) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space

Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard.

(A) Minimum front yard.

(i) Except as provided in this subparagraph, minimum front yard is 15 feet.

(ii) Except as provided in this subparagraph, in Subdistrict~~s~~ 4A ~~and 4B~~, no minimum front yard setback is required.

(iii) In Subdistrict 4B, minimum front yard setback ~~from Colorado Boulevard and Walter Drive~~ is five feet. Steps, stoops, porches and associated railings and banisters may extend a maximum of five feet into the required minimum front yard. This paragraph controls over setbacks shown in Exhibit 714F.

(B) Maximum front yard.

(i) Maximum front yard from Fort Worth Avenue is 50 feet.

(ii) Except as provided in this subparagraph, in Subdistricts 4A and 4B, maximum front yard is 50 feet. In Subdistrict 4B, no maximum setback for Walter Drive or Colorado Boulevard.

(iii) In Subdistrict 4A, maximum front yard is 100 feet on all right-of-ways other than Fort Worth Avenue or rights-of-way adjacent to Fort Worth Avenue if no more than one row of off-street parking is located in the setback. In Subdistrict~~s~~ 4A ~~and 4B~~, if a public right-of-way is dedicated adjacent to the existing Fort Worth Avenue right-of-way, maximum front yard is 50 feet measured from the Fort Worth Avenue right-of-way shown on the Subdistrict 4A ~~and 4B~~ existing Fort Worth Avenue right-of-way exhibit (Exhibit 714I).

(C) Setback areas. In Subdistricts 4A and 4B, structures fronting Fort Worth Avenue or a right-of-way dedicated adjacent to Fort Worth Avenue must be located within the Fort Worth Avenue setback area for at least 60 percent of the lot width. In Subdistrict 4A, structures fronting current or future right-of-way dedications must be located within the setback area for at least 60 percent of the lot width. In Subdistrict 4B, the remainder of the front facade must comply only with the minimum front yard setback.In Subdistrict 4B, structures fronting Walter Drive or Colorado Boulevard must be located within the setback area for at least 60 percent of the street frontage width. The setback area is the area between the minimum and maximum front yard setbacks.

(D) Garage door. In Subdistrict~~s~~ 4A ~~and 4B~~, a residential use may not have a garage door facing the front lot line. In Subdistrict 4B, a residential use within 50 feet of Fort Worth Avenue may not have a garage door face Fort Worth Avenue, and a residential use

may not have a garage door facing Colorado Boulevard or Walter Drive.

(E) Street car/trolley shelter. In Subdistricts 4A and 4B, a street car/trolley shelter is exempt from the front yard requirements, but must be at least five feet from the edge of a roadway.

(2) Side and rear yard.

(A) Except as provided in Subparagraph (B), minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district or a residential use (but not a mixed-use project with a residential component); ~~and~~

(ii) 15 feet in Subdistrict 4B.

(iii) no minimum in all other cases.

(B) Except in Subdistrict~~s~~ 4A and 4B, an additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet.

(C) In Subdistricts 4A and 4B, a carport is allowed within the side or rear yard setback. Carports must remain open. Storage of items other than motor vehicles within a carport is prohibited.

(D) In Subdistricts 4A and 4B, a streetcar/trolley shelter is exempt from the side and rear yard requirements, but must be at least five feet from the edge of a roadway.

(3) Density.

(A) No maximum dwelling unit density.

(B) Minimum dwelling unit size is 450 square feet.

(4) Floor area ratio.

(A) Except as provided, m~~M~~aximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories. A mixed-use project with three use categories must include a residential use.]

Use category	Base (no MUP)	MUP=2 (no res.)	MUP=2 (with res.)	MUP=3 (with res.)
Lodging	**1.6**	**2.5**	**3.0**	**3.5**
Office	**1.6**	**2.5**	**3.0**	**3.5**
Residential	**1.6**	**--**	**3.0**	**3.5**
Retail and personal service	**1.0**	**1.1**	**1.2**	**1.3**
Total	**--**	**2.5**	**3.0**	**3.5**

(B) A street car/trolley shelter is not counted as floor area.

(C) No maximum floor area for a shared access development in Subdistrict 4B.

(5) Height.

(A) Subdistrict 4.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height. A mounted cellular antenna may exceed residential proximity slope if located atop an existing structure that is nonconforming to residential proximity slope.

(ii) Maximum height. Maximum structure height is 180 feet.

(iii) Temporary cellular unit. A temporary cellular unit must comply with the yard, lot and space regulations of the district and may not exceed the height of the existing tower/antenna for cellular communication use to be removed. Lightning rods atop a temporary cellular unit are not included in height calculations. A temporary cellular unit is not subject to the residential proximity slope. If a temporary cellular unit collocates existing operators on a single vertical temporary cellular unit, the following regulations apply:

(aa) If the height of the existing mounted cellular antenna to be removed is less than the maximum structure height of the district, the maximum structure height may extend an additional 10 feet in height for each existing operator above one, not to exceed the maximum structure height of the district.

(bb) If the height of the existing mounted cellular antennas to be removed is equal to or exceeds the maximum structure height of the district, the maximum height of the temporary cellular unit may not exceed the height of the existing mounted cellular antennas to be removed.

(B) Subdistrict 4A.

(i) Residential proximity slope.

(aa) Except as otherwise provided in this subparagraph, if any portion of a structure is over 20 feet in height, that portion may not be located above a residential proximity slope. The residential proximity slope is a plane projected upward and outward at a one-to-two slope beginning at a point seven feet above grade at the site of origination, as shown on Exhibit 714G.

(bb) The residential proximity slope is infinite.

(cc) The residential proximity slope does not apply to a residential use 40 feet in height or less.

(dd) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less. Chimneys may project through the residential proximity slope to a height 12 feet above the residential proximity slope and 12 feet above the maximum structure height.

(ee) The residential proximity slope applies only to MF-1(A) adjacency. For the southernmost portion of this subdistrict, the site of origination is the north and northwest lines of the Wedglea Creek Addition as shown on Exhibit 714H.

(ii) Maximum height. Maximum structure height is 180 feet.

(C) Subdistrict 4B.

(i) Residential proximity slope.

(aa) Except as otherwise provided in this subparagraph, if any portion of a structure is over 20 feet in height, that portion may not be located above a residential proximity slope. The residential proximity slope is a plane projected upward and outward at a one-to-two slope beginning at a point seven feet above grade at the site of origination, as shown on Exhibit 714G.

(bb) The residential proximity slope terminates 150 feet from the site of origin.

(cc) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less. Chimneys may project through the residential proximity slope to a height 12 feet above the residential proximity slope and 12 feet above the maximum structure height.

(ii) Maximum height. Maximum structure height is 42[~~50~~] feet. The highest point of a structure with a gable, hip, gambrel, or dome roof may project a maximum of 12 feet above the maximum height.

(6) Lot coverage.

(A) Except as provided in this paragraph, maximum lot coverage is 80 percent.

(B) In Subdistricts 4A and 4B, maximum lot coverage is 90 percent. Subdistrict 4B is treated as a multifamily district for lot coverage in accordance with 51A-4.411.

(C) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size. No minimum lot size.

(8) Stories.

(A) Maximum number of stories above grade is 12, except that maximum number of stories above grade in Subdistrict 4B is three.

(B) Parking garages are exempt from this paragraph, but must comply with the height regulations of Paragraph (5).

(d) Off-street parking and loading. See Section 51P-714.113, "Off-Street Parking and Loading."

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. Except as modified in Section 51P-714.114, "Landscaping," see Article X.

(g) Shared access development. In Subdistrict 4B, a maximum of 62 units may be platted in a single shared access development with a minimum of two access points.

SEC. 51P-714.112. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT NO. 5.

OMMITED FOR BREVITY

SEC. 51P-714.113. OFF-STREET PARKING AND LOADING.

(a) In general. Except as modified in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Except as modified in this section, consult the off-street parking and loading regulations in Divisions 51A-4.300 et seq. for information regarding off-street parking and loading generally.

(b) Remote parking. Except as provided in this section, remote parking is allowed if it is located within 600 feet of the main use and the requirements of Division 51A-4.320, "Special Parking Regulations," are met. Except for residential uses, all of Subdistrict 4A is considered one building site for parking purposes.

(c) Residential.

(1) One space per bedroom up to a maximum of two spaces per dwelling unit.

(2) In Subdistricts 4A and 4B, for purposes of this subsection, a bedroom is defined as having at least 100 square feet of floor area and direct access to a closet.

(3) In Subdistrict 4A, at least one parking space per residential unit must be located on the same building site as the residential unit. Any additional required parking spaces must be located on a building site within Subdistrict 4A and within 200 feet of the building site containing the residential use.

(d) Restaurant.

(1) One space per 125 square feet of floor area.

(2) Except as provided in this subsection, any outdoor dining area, whether or not covered, counts as floor area for calculation of the parking requirement. For purposes of this provision, "outdoor dining area" means a rectangular area that includes all outdoor tables, chairs, and wait-stations.

(3) In Subdistricts 4A and 4B, 50 percent of an outdoor dining area, whether or not covered, is excluded for calculation of the parking requirement as long as the outdoor dining area is within 20 feet of, and has direct access to, a street, sidewalk, or publically accessible open space. This exclusion only applies to an area up to 20 percent of the size of the indoor floor area. Any portion of an outdoor dining area in excess of 20 percent of the size of the indoor floor area must be parked in accordance with Paragraph (2).

(e) Retail and personal service in Subdistricts 4A and 4B. Except for a business school; commercial amusement (inside); furniture store; nursery, garden shop, or plant sales; and theater, one space per 250 square feet of floor area. The floor area of a sales/leasing office and amenities for residential uses that are part of a mixed use project do not count for purposes of determining parking calculations. The non-residential portion of a live/work unit is treated as an office or a retail and personal service use for parking purposes.

(f) Retirement housing in Subdistricts 4A and 4B. 0.7 spaces per dwelling unit or suite. In Subdistrict 4A, all required parking must be located on the same building site as the retirement housing use.

(g) Above-grade off-street parking. Parking is permitted on any level of a building.

(h) Bicycle parking. If an institutional and community service use, mixed-use project,

or retail and personal service use has a floor area of 4,000 square feet or more, it must provide a lockable rack for a minimum of two bicycles.

(i) Mixed-use shared parking reduction.

(1) Office and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 25 percent of the parking requirements for the use requiring fewer spaces. For example, if the office component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 120 spaces [(100 x 1.00) + (80 x .25) = 120].

(2) Retail and residential uses within a mixed-use project must share parking. Any shared parking must be on the same building site as the mixed-use project. The number of off-street parking spaces required for the mixed-use project is 100 percent of the parking requirement for the use requiring the greater number of spaces plus 75 percent of the parking requirements for the use requiring fewer spaces. For example, if the retail component would separately require 100 spaces and the residential component would separately require 80 spaces, then the parking requirement for the mixed-use project is 160 spaces [(100 x 1.00) + (80 x .75) = 160].

(3) If a mixed-use project has office, retail, and residential uses, the project must use the parking reduction that offers the greatest reduction, but may not use both. For example, if the office-residential reduction reduces the parking to 120 spaces and the retail-residential reduction reduces the parking to 160 spaces, then the office-residential reduction must be used and the retail-residential reduction may not be used.

(4) The parking reduction in this subsection may not be used in Subdistrict 1C.

(j) On-street parallel, straight, or angled head-in parking.

(1) Except as provided in this subsection, any on-street parallel parking spaces on West Commerce Street, Fort Worth Avenue, or a street that intersects Fort Worth Avenue may be counted toward the parking requirement of the use adjacent to the on-street parallel parking space.

(A) An on-street parallel 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.

(2) In Subdistrict 4A, any on-street parallel, straight, or angled head-in parking space may be counted toward the total off-street parking requirement of the use adjacent to the on-street parallel, straight, or angled head-in 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.

(3) In Subdistrict 4B, parallel, straight, or angled head-in parking accessed from the alley between Subdistrict 4B and Colorado Boulevard is allowed and screening from the alley is not required.

(4) In Subdistrict 4B, on-street parallel, straight, or angled head-in parking may be counted towards the total off-street parking requirement.

(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.

(k) Parking to the rear of the main structure.

(1) In Subdistrict 1A and 1B, 100 percent of any parking for new construction located on the same building site as the main use must be to the rear of the main structure.

(2) Except as provided in this subsection, in Subdistricts 2, 3, 4, and 5, only 25 percent of any parking for new construction located on the same building site as the main use, or one row of parking, whichever is fewer spaces, may be located in front of the main structure. In addition, only one drive aisle may be located in front of the main structure.

(3) In Subdistrict 4B, one row of parking is allowed in front of the main

structure with no limit on the percentage of total parking.

(l) Parking structures.

(1) In Subdistrict 4A, if an aboveground parking structure is located within 200 feet of an adjacent residential district not dedicated to a public park, playground, or golf course use, the parking must be concealed in a structure with a facade similar in appearance to the main structure's facade. At least 12 percent of the parking structure facade, including openings, must be covered with the same material predominately used on the first 24 feet in height of the main structure. Openings in the aboveground parking structure may not exceed 52 percent of the total facade.

(2) Except as provided in this subparagraph, aboveground parking structures are prohibited in Subdistrict 4A within 100 feet of a residential district not dedicated to a public park, playground, or golf course use. If an aboveground parking structure is located in that portion of Subdistrict 4A shown on Exhibit 714H, which is located within 100 feet of the boundary of the adjacent residential district, the aboveground parking structure must be aligned with the existing aboveground parking structure. If the existing aboveground parking structure in the adjacent residential district is demolished or is not used for parking prior to construction of the aboveground parking structure in Subdistrict 4A, the aboveground parking structure in Subdistrict 4A must be located more than 100 feet from the boundary line of the adjacent residential district.

(3) In Subdistrict 2D, parking must be concealed in a structure with a facade similar in appearance to the main structure's facade. At least 12 percent of the parking structure facade, including openings, must be covered with the same material predominately used on the first 24 feet in height of the main structure. Openings in the aboveground parking structure may not exceed 52 percent of the total facade.

(m) Loading.

(1) In Subdistricts 4A and 4B, a nonresidential use with a floor area greater than 10,000 square feet, but less than 20,000 square feet, per occupancy must have one small size loading space as defined in Section 51A-4.303.

(2) In Subdistricts 4A and 4B, a required loading space may be located within the public right-of-way.

(n) Parking lanes and private drives. In Subdistrict 4B, parking lanes and private drives may be accessed from an alley. (Ord. Nos. 25898; 26876; 27820; 28505; 29654)

SEC. 51P-714.114. LANDSCAPING.

(a) In general.

(1) Except as modified in this section, the regulations in Article X, "Landscape and Tree Preservation Regulations," apply to this district. In the event of a conflict between this section and Article X, this section controls.

(2) Landscaping of streets as shown in Exhibit 714F is required.

(b) Street trees.

(1) One street tree must be provided per 30 feet of street frontage, with a minimum of two street trees per building site. Along Fort Worth Avenue in Subdistrict 1C, small tree types, as listed in Section 51P-714.114 (c)(5) may be provided in lieu of street trees.

(2) It is recommended that, to the extent possible, street trees be spaced 30 feet apart, but, where necessary, street trees may be spaced a minimum of 20 feet apart.

(3) Street trees must have a minimum caliper of three inches and must have a minimum height of eight feet when planted.

(4) In Subdistricts 1A and 1B, street trees must be placed in a 16-foot square tree grate. In Subdistrict 1C, street trees must be planted in either a minimum 16-foot square tree grate or a minimum 4x6 foot planting area. In Subdistrict 1C, street trees must be planted within six feet of the back of curb.

(5) In Subdistrict 2, street trees must be placed in a four-foot-wide planting strip with a minimum length of six feet.

(6) In Subdistrict 3, street trees must be placed in a 16-foot square tree grate.

(7) Except as provided in this subsection, in Subdistrict 4, street trees must be placed in a four-foot-wide planting strip with a minimum length of six feet.

(8) In Subdistricts 4A and 4B, street trees must be placed in a minimum 15 square foot tree grate if placed within a sidewalk or other non-permeable area. In Subdistricts 4A and 4B, street trees not planted within a sidewalk or other non-permeable area must be placed in a minimum 15 square foot planting strip. In Subdistricts 4A and 4B, street trees may be placed anywhere within the public right-of-way.

(9) In Subdistricts 4A and 4B, credit will be given for the preservation of existing street trees in accordance with Section 51A-10.125(b)(3)(B).

(10) In Subdistricts 4A and 4B, site trees and street trees planted in the right-of-way count as replacement trees required for the mitigation of protected trees.

(11) In Subdistrict 5, street trees along Fort Worth Avenue must be placed in a 16-foot square tree grate, and street trees along all other streets must be placed in a four-foot-wide planting strip with a minimum length of six feet.

(12) Street trees at the following frontages must be placed in a 16-foot[-]square

tree grate:

(A) The Fort Worth Avenue frontage of Block B/3926 between Neal Street and Montclair Avenue.

(B) The Fort Worth Avenue frontage of Block 6157 and Block 6156.

(C) The Fort Worth Avenue frontage of Block 3977 between Windomere Avenue and Edgefield Avenue.

(D) The Fort Worth Avenue frontage and the Sylvan Avenue frontage of Block 4015.

(E) Any location where the provision of parallel parking would require a retaining wall in excess of four feet.

(13) Trees must be evenly spaced over the length of a planting strip.

(14) Except for Subdistrict 1C, see Exhibit 714F for the required location of tree grates or planting strips.

(15) Except as provided in this paragraph, street trees may not be counted as site trees. In Subdistrict 4A, street trees may be counted as site trees. In Subdistrict 4B, street trees other than those directly adjacent to Fort Worth Avenue may be counted as site trees.

(16) Except as provided in this section, street trees must be provided from the following list of Texas native or adapted species:

Scientific name	**Common name**	**Tree type**
Acer barbatum var. "Caddo"	**Caddo maple**	**Large canopy**
Acer buergerianum	**Trident maple**	**Large canopy**
Acer grandidentatum	**Bigtooth maple**	**Large canopy**
Acer truncatum	**Shantung maple**	**Medium canopy *[Subdistrict 1C only]***
Diospyros virginiana (male only)	**Common persimmon**	**Large canopy**
Fraxinus americana	**White ash**	**Large canopy**
Fraxinus pennsylvanica	**Urbanite ash**	**Large canopy *[Subdistrict 1C only]***
Gymnocladus dioicus	**Kentucky coffee tree**	**Large canopy**
Liquidambar styraciflua	**Sweetgum**	**Large canopy**
Pistachia chinensis	**Chinese pistachio**	**Large canopy**
Prosopis glandulosa	**Maverick mesquite**	**Large canopy *[Subdistrict 4A and 4B only]***
Quercus buckleyi	**Texas red oak**	**Large canopy**
Quercus durandii	**Durand oak**	**Large canopy**
Quercus fusiformis	**Escarpment live oak**	**Large canopy**
Quercus muhlenbergii	**Chinkapin oak**	**Large canopy**

Quercus shumardii	**Shumard oak**	**Large canopy**
Quercus virginiana	**Live oak**	**Large canopy**
Quercus virginiana "SLDN"	**Cathedral live oak**	**Large canopy [Subdistrict 1C only]**
Quercus virginiana "QVTIA"	**High-rise live oak**	**Large canopy *[Subdistricts 1C, 4A and 4B only]***
Ulmus crassifolia	**Cedar elm**	**Large canopy**
Ulmus parvifolia	**Bosque elm**	**Large canopy *[Subdistricts 4A and 4B only]***
Ulmus parviflora	**Lacebark elm**	**Large canopy**

(17) Street trees required to be planted along West Commerce Street or Fort Worth Avenue must be provided from the following list of Texas native or adapted species:

Scientific name	**Common name**	**Tree type**
Acer barbatum var. "Caddo"	**Caddo maple**	**Large canopy**
Acer buergerianum	**Trident maple**	**Large canopy**
Acer grandidentatum	**Bigtooth maple**	**Large canopy**
Acer truncatum	**Shantung maple**	**Medium canopy *[Subdistrict 1C only]***
Fraxinus pennsylvanica	**Urbanite ash**	**Large canopy *[Subdistrict 1C only]***
Liquidambar styraciflua	**Sweetgum**	**Large canopy**
Pistachia chinensis	**Chinese pistachio**	**Large canopy**
Prosopis glandulosa	**Maverick mesquite**	**Large canopy *[Subdistrict 4A and 4B only]***
Quercus buckleyi	**Texas red oak**	**Large canopy**
Quercus durandii	**Durand oak**	**Large canopy**
Quercus fusiformis	**Escarpment live oak**	**Large canopy**
Quercus muhlenbergii	**Chinkapin oak**	**Large canopy**
Quercus shumardii	**Shumard oak**	**Large canopy**
Quercus virginiana	**Live oak**	**Large canopy**
Quercus virginiana "SLDN"	**Cathedral live oak**	**Large canopy *[Subdistrict 1C only]***
Quercus virginiana "QVTIA"	**High-rise live oak**	**Large canopy *[Subdistricts 1C, 4A and 4B only]***
Ulmus crassifolia	**Cedar elm**	**Large canopy**
Ulmus parvifolia	**Bosque elm**	**Large canopy *[Subdistricts 4A and 4B only]***
Ulmus parviflora	**Lacebark elm**	**Large canopy**

(c) Site trees.

(1) One site tree must be provided per 3,000 square feet of lot area or fraction thereof, with a minimum of four trees provided.

(2) Site trees must have a minimum caliper of two inches.

(3) Site trees may not be counted as street trees.

(4) In Subdistricts 4A and 4B, site trees planted in the right-of-way count as replacement trees required for the mitigation or protected trees.

(5) Except as provided in this paragraph, site trees must be provided from the following list of Texas native or adapted species. In Subdistrict 1C, other species of trees may be used as street trees with approval from the building official.

Scientific name	Common name	Tree type
Acer barbatum var. "Caddo"	**Caddo maple**	**Large canopy**
Acer buergerianum	**Trident maple**	**Large canopy**
Acer grandidentatum	**Bigtooth maple**	**Large canopy**
Acer truncatum	**Shantung maple**	**Medium canopy *[Subdistrict 1C only]***
Aesculus glaba v. arguta	**Texas buckeye**	**Small**
Aesculus pavia	**Red buckeye**	**Small**
Carya illinoinensis	**Pecan**	**Large canopy**
Carya texana	**Black hickory**	**Large canopy**
Cercis canadensis	**Redbud**	**Small**
Chilopsis linearis	**Desert willow**	**Small**
Diospyros texana	**Texas persimmon**	**Small**
Diospyros virginiana (male only)	**Common persimmon**	**Large canopy**
Fraxinus americana	**White ash**	**Large canopy**
Fraxinus pennsylvanica	**Urbanite ash**	**Large canopy *[Subdistrict 1C only]***
Gymnocladus dioicus	**Kentucky coffee tree**	**Large canopy**
Ilex decidua	**Deciduous holly or Possumhaw**	**Small**
Ilex vomitoria	**Yaupon holly**	**Small**
Juglans microcarpa	**Texas black walnut**	**Large canopy**
Juniperus ashei	**Ashe juniper**	**Small**
Juniperus virginiana	**Eastern red cedar**	**Large noncanopy**
Lagerstroemia indica	**Crepe myrtle**	**Small**
Liquidambar styraciflua	**Sweetgum**	**Large canopy**
Magnolia grandiflora	**Southern magnolia**	**Large noncanopy**
Pistachia chinensis	**Chinese pistachio**	**Large canopy**
Prosopis glandulosa	**Mesquite**	**Small**
Prosopis glandulosa	**Maverick mesquite**	**Large canopy *[Subdistrict 4A and 4B only]***
Prunus mexicana	**Mexican plum**	**Small**
Quercus buckleyi	**Texas red oak**	**Large canopy**
Quercus durandii	**Durand oak**	**Large canopy**
Quercus fusiformis	**Escarpment live oak**	**Large canopy**
Quercus macrocarpa	**Bur oak**	**Large canopy**
Quercus muhlenbergii	**Chinkapin oak**	**Large canopy**
Quercus shumardii	**Shumard oak**	**Large canopy**
Quercus virginiana	**Live oak**	**Large canopy**
Quercus virginiana "SLDN"	**Cathedral live oak**	**Large canopy [Subdistrict 1C only]**

Quercus virginiana "QVTIA"	**High-rise live oak**	**Large canopy *[Subdistricts 1C,4A and 4B only]***
Rhamnus caroliniana	**Carolina buckthorn**	**Small**
Rhus lanceolata	**Flameleaf sumac**	**Small**
Rhus virens	**Evergreen sumac**	**Small**
Sophora affinis	**Eve's necklace**	**Small**
Taxodium ascandens	**Pond cypress**	**Large noncanopy**
Taxodium distichum	**Bald cypress**	**Large noncanopy**
Ulmus crassifolia	**Cedar elm**	**Large canopy**
Ulmus parvifolia	**Bosque elm**	**Large canopy *[Subdistricts 4A and 4B only]***
Ulmus parviflora	**Lacebark elm**	**Large canopy**
Viburnum rufidulum	**Rusty blackhaw viburnum**	**Small**

(d) Parking lot trees.

(1) Except as provided in this subsection, each required parking space must be within 75 feet of the trunk of a large canopy site tree.

(2) In Subdistricts 4A and 4B, each required parking space not within a parking structure must be within 75 feet of either a site tree or street tree.

(3) Parking lot trees must have a minimum caliper of three inches.

(4) Parking lot trees may not be planted closer than two feet from a paved surface.

(5) Parking lot trees may be counted as site trees, but may not be counted as street trees.

(e) Prohibited trees. The following trees may not be planted within this district:

Scientific name	**Common name**
Pyrus calleryana	**Bradford pear**
Populus deltoides	**Cottonwood**
Albizia julbrissen	**Mimosa**

(f) Open space fund.

(1) If a property owner cannot plant all the required trees on the building site, the property owner shall make a payment into the West Commerce Street/Fort Worth Avenue Open Space Fund for no more than 50 percent of the required trees.

(2) The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a tree equal in caliper to the tree not planted, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is

designated by the building official, and adding the cost of planting and maintaining the tree for two years as determined by the park and recreation department.

(3) The department shall administer a city account to be known as the West Commerce Street/Fort Worth Avenue Open Space Fund. Funds from the West Commerce Street/Fort Worth Avenue Open Space Fund must be used only for acquiring and maintaining property for parks and open space within this district and for median landscape improvement on West Commerce Street or Fort Worth Avenue. The Fort Worth Avenue Development Group, its successor or a similar organization, should be consulted on uses of the fund

(g) Landscaping in the public right-of-way.

(1) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(2) 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 compliance with the landscaping requirements of this district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape 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 license 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.

(3) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(4) Upon the installation of landscaping 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.

(5) Each owner or tenant is responsible for maintaining the right-of-way landscaping in a healthy, growing condition, and for keeping 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 right-of-way landscaping or make repairs. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of landscaping in the public right-of-way.

(h) Plant requirements. Plants used to satisfy landscape requirements must comply with the following requirements:

(1) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(2) Solid sod or hydro-mulch grass may be used.

(3) Artificial plant materials may not be used.

(4) Any required landscaping that dies must be replaced.

(5) Except as provided in this subsection, trees and shrubs must be planted at least 10 feet from the centerline of any water or sewer main. Landscaping over water or sewer mains must be limited to ground cover.

(6) In Subdistricts 4A and 4B, trees and shrubs must be planted at least five feet from the centerline of any water or sewer main.

(7) Trees must be trimmed to provide adequate clearance for pedestrians and vehicles so as not to create a safety hazard.

(8) Trees may not be located within 15 feet of light poles, signal lights, warning signs, or traffic control devices. This provision does not apply to existing trees in Subdistricts 4A and 4B.

(9) Trees may not be planted within 90 feet of a school crossing or a railroad crossing. This provision does not apply to existing trees in Subdistricts 4A and 4B.

(10) An adequate irrigation and drainage system must be provided for all landscaping. Drought tolerant plants must be used when an irrigation system is not provided. See Section 51A-10.106, "Irrigation Requirements."

(11) Plants other than trees within parkways must be maintained so that they do not overhang the curb.

(i) Plantings within medians.

(1) Trees within medians may not be planted adjacent to left turn lanes.

(2) Trees within medians must be located so as to provide adequate sight distance.

(3) Trees within medians may not be planted within 30 feet of the tip of the median.

(4) Trees within medians may not be planted within three feet of the back of the curb.

(5) Trees within medians must be placed in a six-foot-wide planting strip.

(6) Plants other than trees within medians must be maintained so that they do not overhang the curb.

(7) Trees within medians must have a minimum clearance of 15 feet.

(8) Drought tolerant plants must be used in medians.

(j) Landscape plan.

(1) This section becomes applicable to a building site when an application is made for a building permit for construction work that within a 24-month period:

(A) increases the number of stories in a building on the site;

(B) increases the combined floor area of all buildings on the site; or

(C) increases the nonpermeable coverage on the site by 1,000 square feet or more.

(2) Landscape plans must be reviewed by water utilities and the department of public works and transportation.

(3) A landscape plan must include a schedule for maintenance of required landscaping.

(4) A landscape plan must earn at least 75 points (out of a total of 125 possible points). The points awarded for providing each feature is provided in parentheses. Existing landscaping qualifies for points. If the landscape plan earns at least 75 points, the design standards of Section 51A-10.126, "Design Standards," are not required.

(A) Lighting. (Total possible points = 30) Ten points each are awarded for providing tree lighting, building facade lighting, or landscape area lighting. Tree lighting must provide lighting in each tree in the front yard. Building facade lighting must illuminate the

entire front facade. Landscape area lighting must illuminate a landscape feature such as a planting bed, fountain, sculpture, or water feature. The lighting must be at least 1.5 foot-candles in intensity.

(B) Foundation planting strip. (Total possible points = 30) Thirty points are awarded for a three-foot-wide foundation planting strip extending along at least 50 percent of the foundation facing the street. The foundation planting strip must have evergreen shrubs planted every three feet on center.

(C) Seasonal color landscaping. (Total possible points = 15) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for each 10 square feet of landscape area. The plants in the landscape area must be changed at least twice per year with appropriate seasonal color plants. The landscape area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(D) Native or adapted xeriscape landscaping. (Total possible points = 30) Points may be obtained for using native plants or xeriscape plants for at least 80 percent of the landscape requirement. Native plants or adapted xeriscape plants listed in Exhibit 714C must be used.

(E) Creation of open space. (Total possible points = 20) Five points are awarded for every 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this district. For purposes of this subparagraph, "open space" means a contiguous space containing primarily grass or vegetation and pedestrian amenities such as fountains, benches, paths, or shade structures. In Subdistricts 4A and 4B, dog parks, community gardens, and publically-accessed plazas are also open space. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued. (Ord. Nos. 25898; 26876; 27820; 28505)

SEC. 51P-714.115. STREET AND SIDEWALK STANDARDS.

(a) In general.

(1) The street and sidewalk standards of this section apply only to new construction or a major modification.

(2) Except as provided in this section, streets as shown in Exhibit 714F are required. This provision does not apply in Subdistrict 1C.

(3) Except as provided in this section, sidewalks along streets as shown in Exhibit 714F are required.

(b) Street standards.

(1) Except as provided in this section, streets must be constructed as shown in Exhibit 714F. If future right-of-way dedications are made in Subdistricts 4A and 4B, the pavement width for new streets must be in accordance with Exhibit 714F. Parallel parking must be provided as shown in Exhibit 714F. This provision does not apply in Subdistrict 1C.

(2) Vehicular a[A]ccess to and from Subdistrict 4B is restricted to Colorado Boulevard and Walter Drive is permitted only at the locations in existence on February 24, 2010.

(3) The following frontages are exempt from parallel parking requirements:

(A) The Fort Worth Avenue frontage of Block B/3926 between Neal Street at Montclair Avenue.

(B) The Fort Worth Avenue frontage of Block 6157 and Block 6156.

(C) The Fort Worth Avenue frontage of Block 3977 between Windomere Avenue and Edgefield Avenue.

(D) The Fort Worth Avenue frontage and the Sylvan Avenue frontage of Block 4015.

(E) Any location where the provision of parallel parking would require a retaining wall in excess of four feet.

(F) Street frontages in Subdistricts 4A and 4B.

(c) Sidewalk standards.

In Subdistricts 1A and 1B, there must be a 15-foot-wide sidewalk along West Commerce Street and Fort Worth Avenue, and an 11-foot, six-inch-wide sidewalk along any other street. In Subdistrict 1C, there must be a minimum 15-foot-wide pedestrian zone along Fort Worth Avenue, and a minimum 11-foot, six-inch-wide pedestrian zone along Sylvan Avenue.

(2) In Subdistrict 2, there must be a six-foot sidewalk.

(3) In Subdistrict 3, there must be a 12-foot sidewalk along Fort Worth Avenue, and an 11-foot, six-inch sidewalk along any other street.

(4) Except as provided in this subsection, in Subdistrict 4, there must be a six-foot sidewalk.

(5) In Subdistricts 4A and 4B, the minimum width of sidewalks along Fort Worth Avenue is 10 feet. At least five feet of the sidewalks along Fort Worth Avenue must be made of concrete; the remainder may be an aggregate or permeable surface. All other sidewalks along a right-of-way must be at least six-feet-wide with at least three feet of the sidewalk unobstructed and clear. ADA-approved tree grates are not a sidewalk obstruction. If a sidewalk is located in the front yard, the property owner must dedicate a sidewalk easement or access

agreement to the city to assure its availability to the public as a permanent pedestrian way.

(6) In Subdistrict 5, there must be a 10-foot sidewalk.

(7) Except as provided in this paragraph, see Exhibit 714F for the required widths of sidewalks. See Paragraph (1) for the required width of sidewalks in Subdistrict 1C.

(8) The street curb may not be counted as part of the sidewalk width.

(9) The following frontages must provide the sidewalks shown on page 6 of Exhibit 714F.

(A) The Fort Worth Avenue frontage of Block B/3926 between Neal Street at Montclair Avenue.

(B) The Fort Worth Avenue frontage of Block 6157 and Block 6156.

(C) The Fort Worth Avenue frontage of Block 3977 between Windomere Avenue and Edgefield Avenue.

(D) The Fort Worth Avenue frontage and the Sylvan Avenue frontage of Block 4015.

(E) Any location where the provision of parallel parking would require a retaining wall in excess of four feet.

(10) Sidewalk widths must taper or expand to match the width of existing sidewalks in front of adjacent properties at the point of convergence.

(11) Sidewalks must be located along the entire length of the street frontage.

(12) Each owner or tenant is responsible for maintaining sidewalks, and for keeping sidewalks safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to maintain sidewalks or make repairs. (Ord. Nos. 25898; 26876; 27820; 28505)

SEC. 51P-714.116. SCREENING REGULATIONS.

(a) In general. Except as modified in this section, the provisions of Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," apply.

(b) Parking lots.

(1) Except as provided in this subsection, surface parking lots must be screened with a low screen. The screening requirement for surface parking lots applies only to new construction.

If a structure is built in Permissible Building Area E in Subdistrict 1C before structures are built in Permissible Building Areas A, B, C, and D and surface parking exists between Permissible Building Area E and the the public right-of-way, then the surface parking must be screened from the public right-of-way with a low screen until structures are built in Permissible Building Areas A, B, C, and D. In Subdistrict 1C, screening of surface parking is not required for any surface parking between Permissible Building Areas C and D.

(c) Loading spaces. Except as provided in this subsection, off-street loading spaces must be screened with a fully sight-obscuring fence or a high screen. In Subdistricts 4A and 4B, only off-street loading spaces visible from Fort Worth Avenue must be screened.

(d) Dumpsters and garbage storage areas.

(1) All dumpsters and garbage storage areas must be screened on all four sides with a solid fence. One side may be a gate.

(2) Screening materials must match the main building. This provision does not apply to Subdistrict 1C.

(3) Screening must be at least as tall as the objects being screened, but in no case less than six feet in height.

(4) Each panel of the gate must have a pin that can be inserted in a sleeved hole in the ground to allow the gate to be held open during garbage collection.

(e) Outside storage areas.

(1) Except as provided in this subsection, all outside storage areas for commercial and business services uses and industrial uses must be entirely screened on any side visible from a street with a fully sight-obscuring fence or a high screen.

(2) In Subdistrict 1C, outside storage used for temporary outside display and sales does not need to be screened.

(3) In Subdistrict 1C, accessory outside storage provided in conjunction with a special temporary retail use must be screened with a minimum four-foot solid screen. Metal panels or slats are prohibited screening materials. Accessory outside storage may not exceed five percent of the land area associated with each special temporary retail use.

(f) Nonresidential buildings. The rear or service side of a nonresidential building must be screened with a partially sight-obscuring fence if the nonresidential building is exposed to a residential use.

(g) Maintenance.

(1) Each owner or tenant is responsible for maintaining screening at no expense to the city, and the city is absolutely exempt from any requirements to maintain screening or make repairs.

(2) Screening must be properly maintained so that:

(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced. (Ord. Nos. 25898; 27820; 28505)

SEC. 51P-714.117. SIGNS.

(a) See Division 51A-7.2000, "Provisions for the West Commerce Street/Fort Worth Avenue Sign District," of Article VII."

(b) No signs are permitted on street car/trolley shelters except government signs, street car or trolley system logos, schedules, and route information. (Ord. Nos. 25898; 27820; 28505)

SEC. 51P-714.118. ARCHITECTURAL DESIGN STANDARDS.

(a) Purpose.

(1) The district is hereby designated as an area of historical, cultural, and architectural importance and significance. The architectural design standards of this section are intended to preserve the historical, cultural, and architectural importance and significance of the West Commerce Street/Fort Worth Avenue corridor. The corridor has historic and cultural importance as an early major east-west thoroughfare in the Dallas metroplex. The development patterns and architecture along the corridor reflect pioneer settlements; the Great Depression; mid-20th century Americana; and post-World War II automobile, nightclub, and restaurant culture. These architectural design standards are intended to preserve the character of the corridor while allowing compatible new construction and modifications that respect the corridor's historical, cultural, and architectural significance.

(2) The purpose of these architectural design standards is to:

(A) ensure that new development enhances the character of the corridor and complement adjacent neighborhoods;

(B) ensure that increased density in established neighborhoods makes a positive contribution to the area's character;

(C) ensure the integrity of historic buildings and the compatibility of new development; and

(D) enhance the character and environment for pedestrians.

(b) Applicability. The architectural design standards of this section apply to:

(1) New construction and major modifications of buildings containing a nonresidential use.

(2) Buildings containing only residential uses.

(c) Plan review. The director shall review any plan submitted to determine whether it complies with the requirements of this section.

(d) Building orientation.

(1) Except as provided in 51A-714.118(e)(3), the primary facade and primary entrance of new construction must be oriented to face the public right-of-way. In Subdistrict 4B, the primary facade and primary entrance of new construction must be oriented to face Fort Worth Avenue.

(2) Except as provided in 51P-714.111(c)(1)(D), ~~G~~garage doors serving eight or fewer dwelling units may not face West Commerce Street or Fort Worth Avenue. In Subdistrict 1C, this provision applies only to individual vehicular garages for residential dwelling units.

(e) Entrances.

(1) In general. All street-facing entrances must be architecturally prominent and clearly visible from the street. This provision applies only to new construction. In Subdistrict 1C, except as provided in 51A-714.118(e)(3), all customer entrances for retail and personal service uses must have the same level of design and articulation whether street-facing or not.

(2) Primary customer entrances for retail and personal service uses in all subdistricts. Except as provided in 51A-714.118(e)(3), primary customer entrances for retail and personal service uses must face the street. For corner lots, primary customer entrances for retail and personal service uses may be oriented toward the corner. Primary customer entrances for retail and personal service uses must be clearly visible through the use of two or more of the following architectural details:

(A) Arcade.

(B) Arch.

(C) Attached tower or turret.

(D) Awning.

(E) Canopy.

(F) Decorative elements such as tile work, molding, raised banding, or projected banding.

(G) Display windows.

(H) Integral planters or wing walls that incorporate landscaped areas or places for sitting.

(I) Overhang.

(J) Peaked roof form.

(K) Patio.

(L) Porch.

(M) Portico.

(N) Projection.

(O) Raised corniced parapet.

(P) Recess.

(3) Additional regulations for customer entrances for retail and personal service uses in Subdistrict 1C. Street-facing customer entrances must be provided as follows:

(A) In Permissible Building Area A, one entrance must be oriented to Sylvan Avenue unless the facade oriented to Sylvan Avenue is 60 percent or more glazing. For purposes of calculating glazing percentage, glazing must be located a minimum of three feet above grade and a maximum of 10 feet above grade.

(B) In Permissible Building Area B, one entrance must be oriented to Sylvan Avenue.

(C) In Permissible Building Area C, two entrances must be oriented to a public street.

(D) In Permissible Building Area D, one entrance must be oriented to Ft. Worth Avneue.

(E) Four of the five entrances required in this paragraph must comply with Paragraph (2). All other entrances are not required to comply with Paragraph (2).

(f) Facades.

(1) Street-facing facades on a single development tract must have similar architectural design.

(2) Street-facing facades exceeding 30 feet in length must have two of the following elements. Street-facing facades exceeding 100 feet in length must have four of the following elements. Single family uses in Subdistrict 4B must have at least two of the following elements.

(A) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and a depth of at least eight inches and may include columns, planters, arches, and niches.

(B) Architectural details such as raised bands and cornices.

(C) Architecturally prominent public entrance.

(D) Attached tower or turret.

(E) Awnings.

(F) Change in color.

(G) Change in material.

(H) Change in texture.

(3) The ground floor of the primary facade of nonresidential uses or mixed-use projects with retail uses on the ground floor must have at least two of the following elements for at least 60 percent of the width of the facade:

(A) Arcades, canopies, or secondary roofs to provide shade.

(B) Display windows.

(C) Awnings associated with windows or doors.

(4) Except in Subdistrict 1C and Subdistrict 4B, street-facing facades of all buildings other than accessory buildings must be visually divided into a base, a middle, and a top. The base must be at least two feet above grade and distinguished from the middle by a change of materials, horizontal banding, change of color, or change of plane. The top must be distinguished from the middle by cornice treatments, roof overhangs with brackets, stepped parapets, corbeling, textured materials, or differently colored materials. Color bands are not acceptable as the only treatment for the top.

(5) Accessory structures must have the same architectural detail, design elements, materials, and roof design as the primary structure.

(6) Except as provided in this paragraph, any parking structure for a residential use must be constructed of comparable materials and be of the same architectural treatment as the dwelling units. In Subdistrict 4A, this provision only applies to a facade facing a public street.

(7) Additions and alterations must have the same architectural detail, design elements, materials, and roof design as the portion of the structure that is not being altered.

(8) That portion of the ground-level floor facing the street of any multi-floor parking facility must have a use other than parking. For Permissible Building Area E in Subdistrict 1C, a minimum of 50 percent of the ground-level western facade must be a use other than parking.

(9) Except in Subdistrict 1C, at least 20 percent, but no more than 80 percent, of street-facing facades of nonresidential uses must be windows and doors. In Subdistrict 1C, at least 20 percent, but no more than 80 percent, of non-street level facades of nonresidential uses must be windows and doors, except for residential portions of mixed-use structures. Windows and doors on street-level facades in Subdistrict 1C must be provided as follows:

	Permissible Building Area A	Permissible Building Area B	Permissible Building Area C	Permissible Building Area D
Minimum transparency required**	50% facing Sylvan*	50% facing Sylvan	50% facing Sylvan	60% facing Fort Worth Ave

* See SEC. 51P-714.118(e)(3) for additional requirements.

** For purposes of calculating the minimum transparency required, glazing must be located a minimum of 3 feet and a maximum of 10 feet above grade.

(10) If a building is two stories or less, 30 percent of the street-facing facade, excluding fenestration, must be masonry. If the building is more than two stories, 100 percent of the first-story street-facing facade, excluding fenestration, must be masonry. In Subdistrict 1C, metal and stucco are allowed in addition to masonry on up to 50 percent of the total area of street-facing facade per street frontage. In Subdistrict 4B, 75 percent of the first-story street-facing facade, excluding fenestration, must be masonry.

(11) Facades may not consist of more than 80 percent glass. For purposes of this provision, glass block is not considered as glass.

(12) Within Permissible Building Area E in Subdistrict 1C, vehicular access must be provided from west to east.

(13) Within Permissible Building Area E in Subdistrict 1C, a minimum of 50 percent of the ground floor of any parking structure oriented to and visible from the east boundary line of Subdistrict 1C must be screened by plant material.

(14) In Subdistrict 1C, facades oriented to Sylvan Avenue and Ft. Worth Avenue may have overhead garage-type doors if the doors do not open to an automotive use.

(15) In Subdistrict 4B, facades of single family structures that face Walter Drive or Colorado Boulevard must have a minimum 10 percent fenestration.

(g) Fences and walls. To prevent visual monotony, at least 20 percent of the length of any fence or wall longer than 200 feet must be alternate materials, alternate textures, gates, offsets, or openings. The alternate materials, alternate textures, gates, offsets, or openings may spread out over the length of the fence or wall. In Subdistrict 4B, a maximum four-foot-high fence is allowed in a front yard and shall be transparent to allow for visibility of the building. Allowable materials for fences shall be limited to decorative metal (for example, wrought iron). Allowable materials for pillars shall be limited to decorative metal, brick, stone and masonry. A maximum three-foot-high handrail may be located on maximum four-foot-high retaining walls in a front yard. A maximum three-foot-high handrail may be located on retaining walls in a front yard.

(h) Materials. Exterior building materials should be high quality and durable.

(1) Glass.

(A) Allowed. Glass is allowed. In Subdistrict 1C, no more than 50 percent of the total area of street-facing facade per street frontage may be metal panels.

(B) Prohibited. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used on stories above the first two stories may not exceed 27 percent. As used in this provision, "reflectance" is the percentage of available light energy reflected away from the exterior surface of the glass. The higher the reflectance percentage, the more mirror-like the surface will appear.

(2) Masonry.

(A) Allowed.

(i) Brick.

(ii) Cement-based siding or panels.

(iii) Finished concrete masonry units such as split-faced concrete masonry units.

(iv) Tilt architectural pre-cast concrete with an applied masonry finish.

(B) Prohibited.

(i) Painted brick.

(ii) Simulated brick.

(iii) Unfinished concrete masonry units.

(3) Metal.

(A) Allowed. No more than 20 percent of a street-facing facade may be flat or corrugated metal panels. In Subdistrict 1C, no more than 50 percent of the total area of street-facing facade per street frontage may be metal panels.

(B) Prohibited.

(i) Aluminum siding.

(ii) Reflective metal panels.

(4) Plastic.

(A) Allowed. Fiberglass.

(B) Prohibited. Plastic, including plastic siding and vinyl siding.

(5) Stone.

(A) Allowed.

(i) Cast stone.

(ii) Materials that simulate natural stone.

(iii) Natural stone.

(B) Prohibited. Painted stone.

(6) Stucco.

(A) Allowed. Stucco. In Subdistricts 4A and 4B, miscellaneous foam trim sections are permissible as base material to be covered in stucco.

(B) Prohibited. Simulated stucco. In Subdistricts 4A and 4B, exterior

insulated finish systems (EIFS).

(7) Tile. Terra cotta and tile are allowed.

(8) Wood.

(A) Allowed.

(i) Natural wood.

(ii) No more than 20 percent of a street-facing facade may be shake shingles or plywood.

(B) Prohibited. Flakeboard.

(i) Roofs. Roofs must comply with the following:

(1) Sloped roofs must have a pitch of 4:12 or more, and must have overhanging eaves extending no less than 12 inches past the supporting walls.

(2) Flat roofs and roofs with a pitch of less than 4:12 must have a parapet that meets the following:

(A) The parapet must be articulated or detailed as an element distinct from other building facade elements.

(B) Single-story buildings must have a parapet at least 18 inches high.

(C) Multi-story buildings must have a parapet at least 24 inches high.

(3) Except as allowed in Subdistrict 1C, mechanical equipment, skylights, and solar panels on roofs 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. In Subdistrict 1C, skylights and solar panels may be part of any structure regardless of visibility.

(j) Story dimensions.

(1) A minimum 10-foot floor-to-floor dimension is required for the ground floor of single-story and multi-story residential structures. Except in Subdistricts 4A and 4B, the foundation must be two feet above grade.

(2) A minimum 12-foot floor-to-floor dimension is required for the ground floor of single-story nonresidential structures and single-story mixed-use projects.

(3) Except as provided in this subsection, a minimum 14-foot floor-to-floor dimension is required for the ground floor of multi-story nonresidential structures and multi-story

mixed-use projects.

(4) In Subdistrict 4A, a minimum 10-foot floor-to-floor dimension is required for the ground floor of multi-story nonresidential structures and the nonresidential portions of multi-story mixed use projects.

(5) In Subdistrict 4B, a minimum nine-foot floor-to-floor dimension is required for the ground floor of multi-story nonresidential structures and the nonresidential portions of multi-story mixed-use projects.

(6) In Subdistricts 4A and 4B, a minimum eight-foot floor-to-floor dimension is required for any residential portion of a structure. (Ord. Nos. 25898; 27820; 28505)

SEC. 51P-714.119. ADDITIONAL PROVISIONS.

(a) In general. Property within this district must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. Development and use of property within this district must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Visual obstruction regulations. A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle and between two and one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle. The board of adjustment shall grant a special exception to the requirements of this subsection when, in the opinion of the board of adjustment, the item will not constitute a traffic hazard.

(d) Temporary cellular unit.

(1) The building official may issue a certificate of occupancy for a period not to exceed one year. The building official may grant two six-month extensions if an application for or amendment to a specific use permit or planned development district has been filed with the director or a permit is issued for the replacement of the existing tower/antenna for cellular communication.

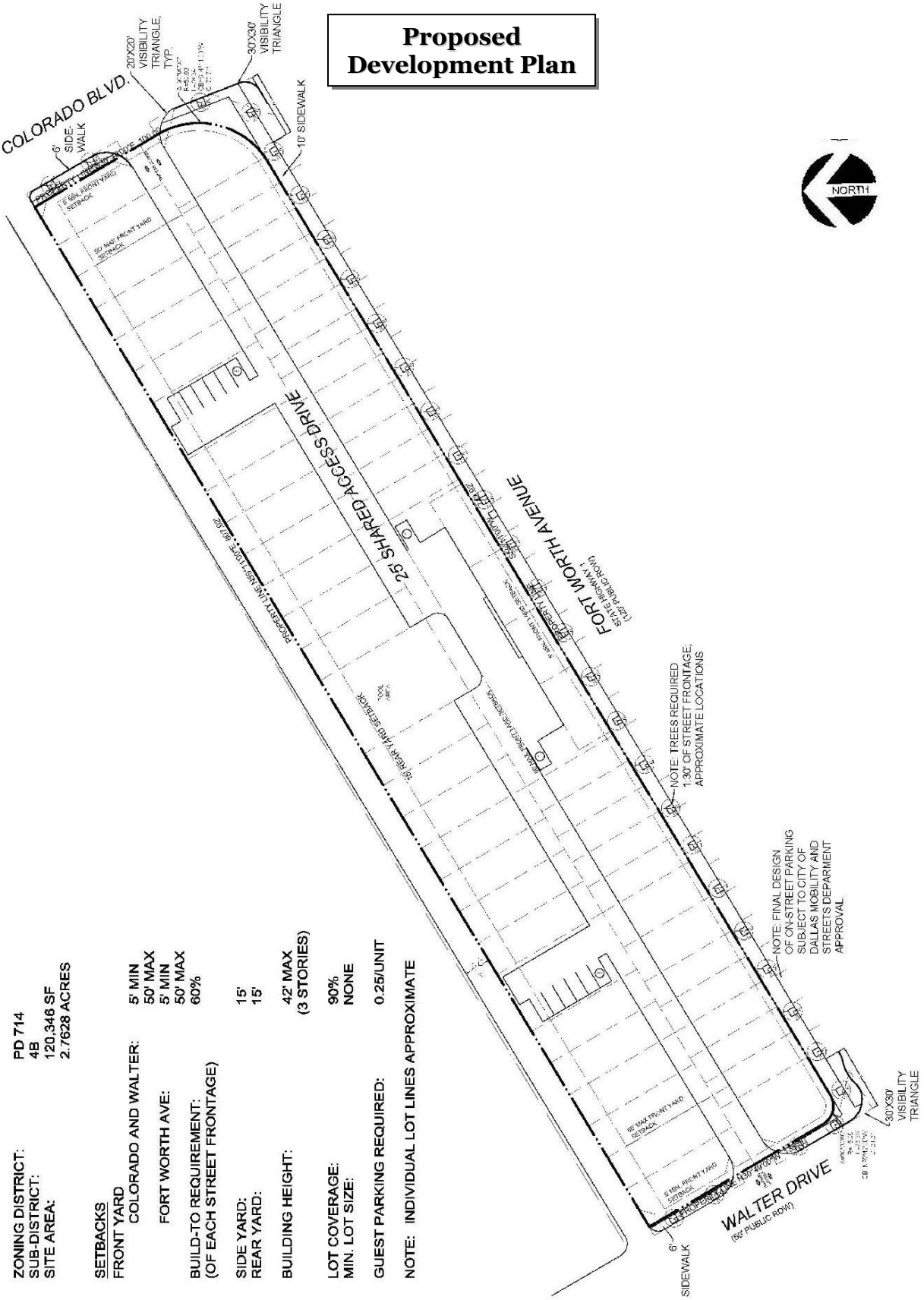
(2) A temporary cellular unit must be removed upon the expiration of its certificate of occupancy or upon the completion or expiration of a permit to construct a structure to mount a permanent mounted cellular antenna, a monopole cellular tower, or other cellular antenna. (Ord. Nos. 25898; 29914)

SEC. 51P-714.120. 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. (Ord. 25898)

Proposed Development Plan

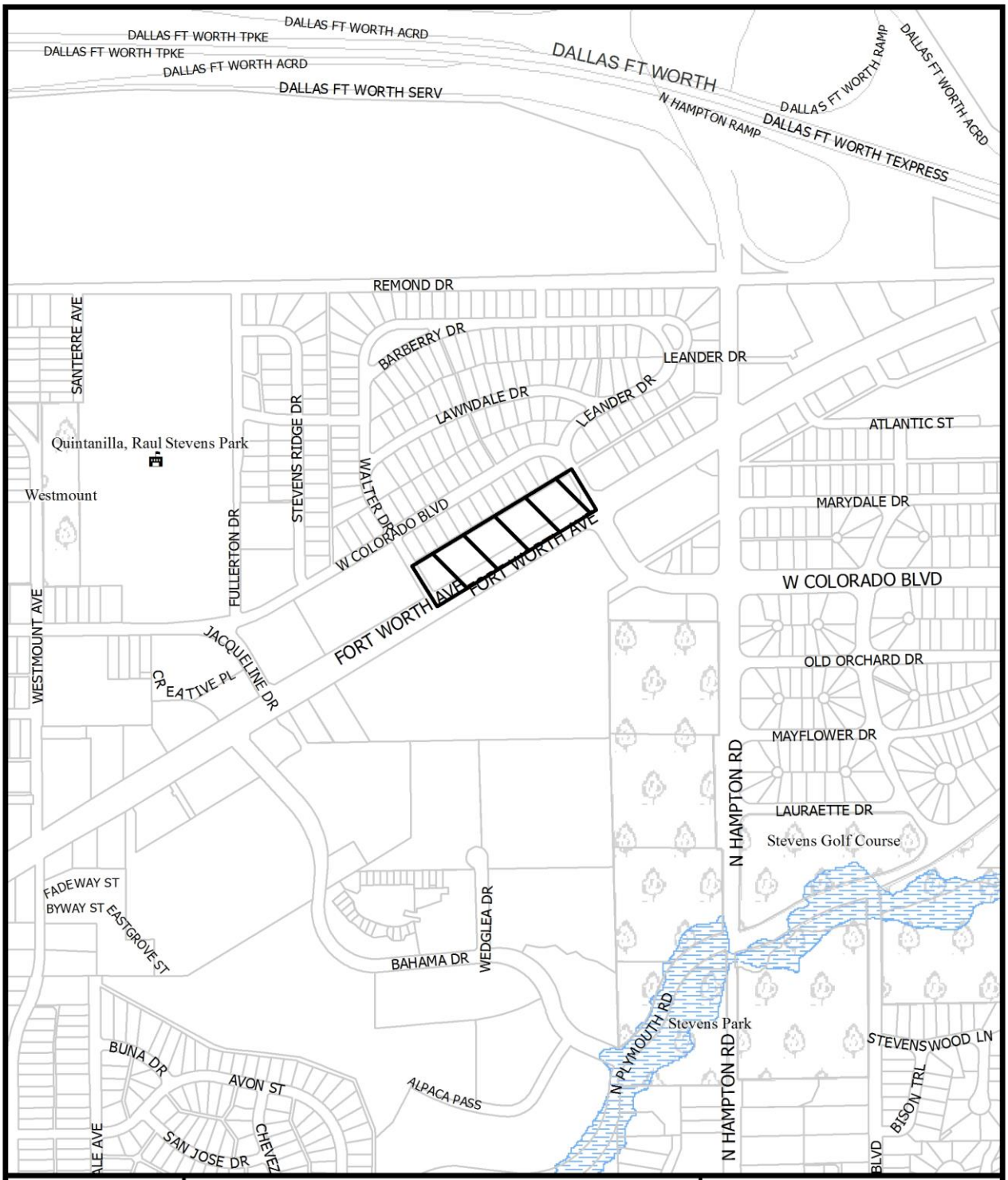


SITE INFORMATION

ZONING DISTRICT:	PD 714
SUB-DISTRICT:	4B
SITE AREA:	120,346 SF
	2.7628 ACRES

SETBACKS		
FRONT YARD		
	COLORADO AND WALTER:	5' MIN 50' MAX
	FORT WORTH AVE:	5' MIN 50' MAX
BUILD-TO REQUIREMENT: (OF EACH STREET FRONTAGE)		60%
SIDE YARD:		15'
REAR YARD:		15'
BUILDING HEIGHT:		42' MAX (3 STORIES)
LOT COVERAGE:		90%
MIN. LOT SIZE:		NONE
GUEST PARKING REQUIRED:		0.25/UNIT

NOTE: INDIVIDUAL LOT LINES APPROXIMATE



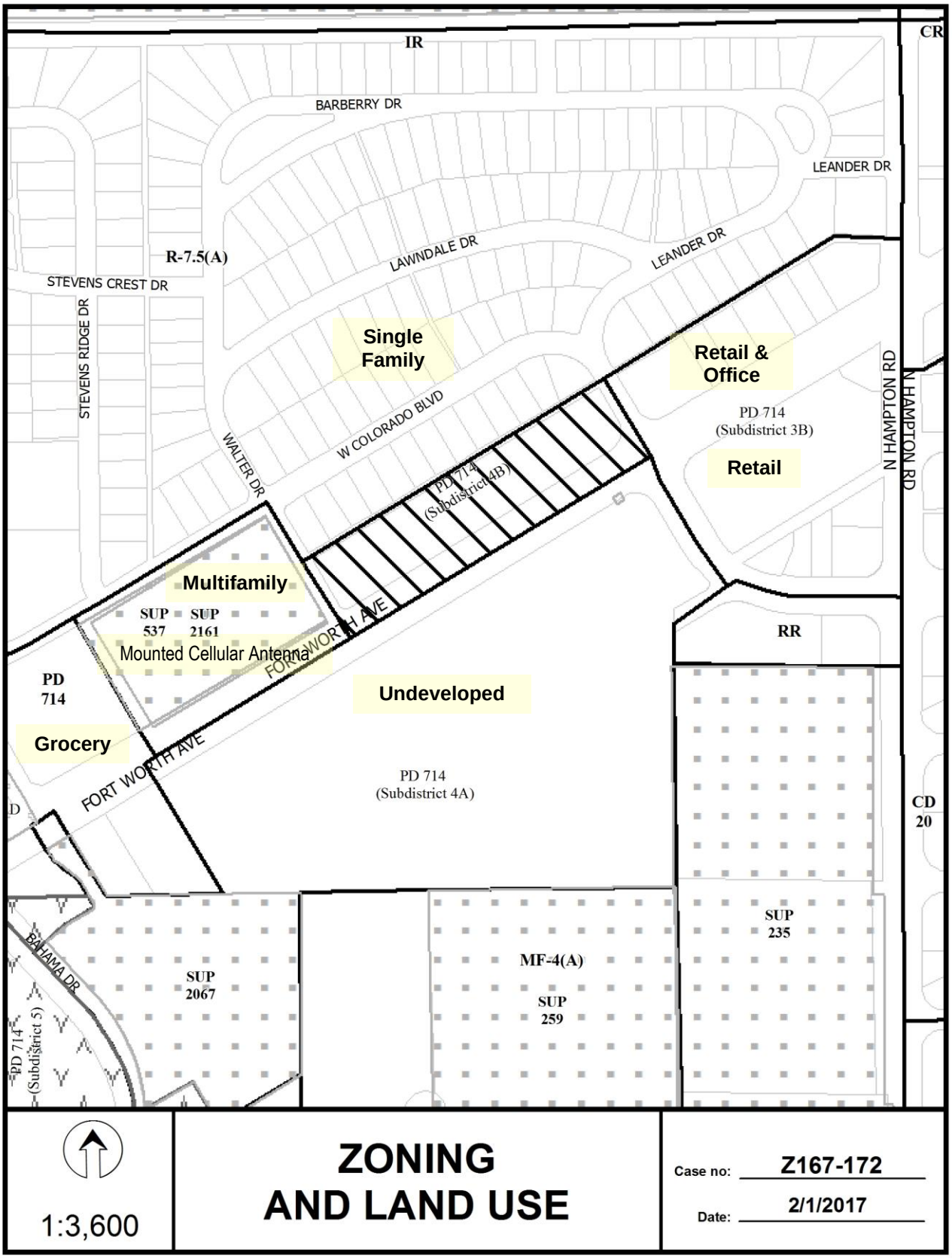
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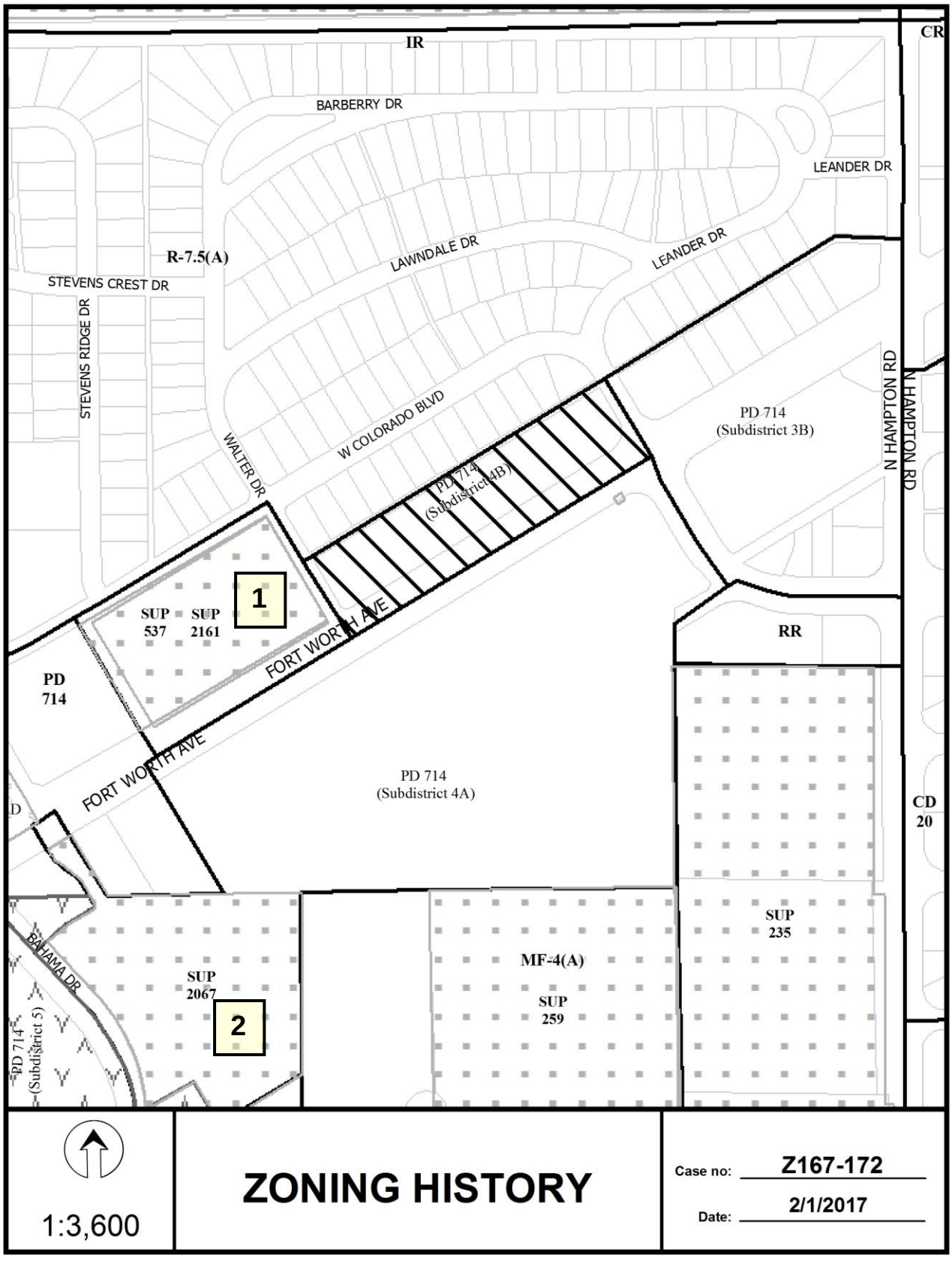
VICINITY MAP

Case no: Z167-172

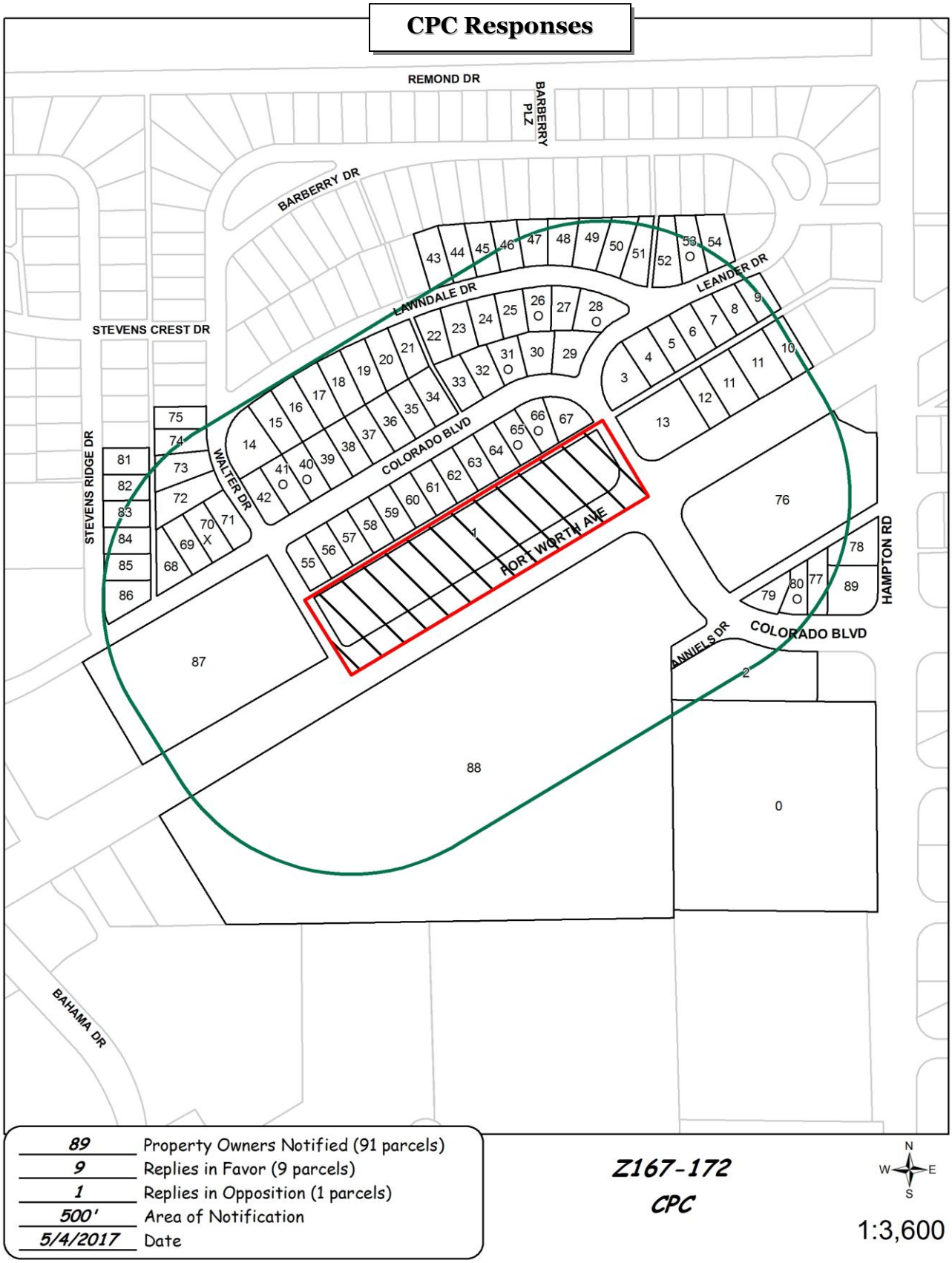
Date: 2/1/2017


REMOND DR
BARBERRY DR
BARBERRY PLZ
LEANDER DR
LAWNDALE DR
LEANDER DR
STEVENS CREST DR
STEVENS RIDGE DR
WALKER DR
W COLORADO BLVD
N HAMPTON RD
W COLORADO BLVD
FORT WORTH AVE
FORT WORTH AVE
BAHAMA DR
N HAMPTON RD
1:3,600
AERIAL MAP
Case no: Z167-172
Date: 2/1/2017


IR
CR
BARBERRY DR
LEANDER DR
LAWNDALE DR
LEANDER DR
R-7.5(A)
STEVENS CREST DR
STEVENS RIDGE DR
Single Family
Retail & Office
PD 714 (Subdistrict 3B)
Retail
N HAMPTON RD
W COLORADO BLVD
WALTER DR
PD 714 (Subdistrict 4B)
Multifamily
SUP 537
SUP 2161
Mounted Cellular Antenna
FORT WORTH AVE
RR
PD 714
Undeveloped
Grocery
FORT WORTH AVE
PD 714 (Subdistrict 4A)
CD 20
SUP 235
BAHAMA DR
SUP 2067
MF-4(A)
SUP 259
PD 714 (Subdistrict 5)
1:3,600
ZONING AND LAND USE
Case no: Z167-172
Date: 2/1/2017


IR
CR
BARBERRY DR
LEANDER DR
R-7.5(A)
LAWNDALE DR
LEANDER DR
STEVENS CREST DR
STEVENS RIDGE DR
W COLORADO BLVD
WALTER DR
PD 714
(Subdistrict 3B)
N HAMPTON RD
PD 714
(Subdistrict 4B)
1
SUP
537
SUP
2161
RR
PD
714
FORT WORTH AVE
FORT WORTH AVE
PD 714
(Subdistrict 4A)
CD
20
SUP
235
MF-4(A)
SUP
259
BAHAMA DR
SUP
2067
2
PD 714
(Subdistrict 5)
1:3,600
ZONING HISTORY
Case no: Z167-172
Date: 2/1/2017

CPC Responses



89	Property Owners Notified (91 parcels)
9	Replies in Favor (9 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
5/4/2017	Date

Z167-172
CPC

N W E S

1:3,600

05/15/2017

Reply List of Property Owners

Z167-172

89 Property Owners Notified ***9 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2201	FORT WORTH AVE	CPIF INVESTORS 1 LP
	2	2100	W COLORADO BLVD	CALABRIA JAMES THOMAS
	3	2146	LEANDER DR	ROSO ANTHONY R
	4	2142	LEANDER DR	GODWIN JOSEPH H
	5	2136	LEANDER DR	NEWTON SHEILA &
	6	2132	LEANDER DR	PICKETT CLINT D
	7	2126	LEANDER DR	JACKSON ERIC W
	8	2122	LEANDER DR	FLORES ANDRE
	9	2116	LEANDER DR	FANNIN BRIAN
	10	2115	FORT WORTH AVE	WILMOTH JOINT GRANTORS TR
	11	2131	FORT WORTH AVE	SAGINAW HARRY
	12	2139	FORT WORTH AVE	2139 FT WORTH AVE LLC
	13	2151	FORT WORTH AVE	LEISURE & RECREATION
	14	2336	LAWNDALE DR	TREJO F R
	15	2332	LAWNDALE DR	PANOPOULOS MARINA
	16	2328	LAWNDALE DR	MCCONNELL BENJAMIN M &
	17	2324	LAWNDALE DR	FRIEDEL CHERIE L
	18	2318	LAWNDALE DR	BOGGAN GREGORY
	19	2314	LAWNDALE DR	CARVELL DENA MARIE REV LIV TR THE &
	20	2306	LAWNDALE DR	JOHNSON VAN A
	21	2302	LAWNDALE DR	ROMERO JOHN M
	22	2240	LAWNDALE DR	ROECKER RICHARD J
	23	2234	LAWNDALE DR	HATTON JACQUELYN J
	24	2230	LAWNDALE DR	HILES JUSTIN S &
	25	2226	LAWNDALE DR	TRISTAN JONATHAN STEPHEN &
O	26	2218	LAWNDALE DR	MOUNT PAMELA JANE

05/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	2214	LAWNDALE DR	BREEDLOVE BRIAN
O	28	2202	LAWNDALE DR	BOYD JOHN A &
	29	2203	W COLORADO BLVD	DEGIRONEMO LOUIS
	30	2209	W COLORADO BLVD	MYNATT MARK D &
O	31	2215	W COLORADO BLVD	JONES CLIFFORD N JR & MARJORIE JONES
	32	2219	W COLORADO BLVD	GUERRA GONZALEZ EVELYN & ABEL GUERRA
	33	2223	W COLORADO BLVD	WHITE STEPHEN DEWAYNE
	34	2229	W COLORADO BLVD	MERTZ JENNIFER S
	35	2235	W COLORADO BLVD	GARZA TRINIDAD
	36	2241	W COLORADO BLVD	ROSALES HENRY
	37	2303	W COLORADO BLVD	PRUITT CHARLES W & JANIS K
	38	2307	W COLORADO BLVD	WILKINSON STEPHEN E
	39	2309	W COLORADO BLVD	SMITH LARRY
O	40	2315	W COLORADO BLVD	LELAND ROBYN
O	41	2323	W COLORADO BLVD	DUNCAN BATSON TRUST
	42	2329	W COLORADO BLVD	WATKINS KEVIN DEMETRI
	43	2243	LAWNDALE DR	ZACCARELLO ALICE
	44	2239	LAWNDALE DR	MUNOZ ROBERT
	45	2235	LAWNDALE DR	PETERS MATTHEW &
	46	2229	LAWNDALE DR	PREZIOSI DAVID S
	47	2225	LAWNDALE DR	BOZEK CHARLES G
	48	2219	LAWNDALE DR	MCELFRESH TODD E
	49	2215	LAWNDALE DR	BAKER JOHN THOMAS
	50	2209	LAWNDALE DR	LEWIS NELLIE B
	51	2203	LAWNDALE DR	ZARRELLA NANCY CHATMAS
	52	2131	LEANDER DR	JELEN JASON LEE
O	53	2127	LEANDER DR	POWERS JANICE
	54	2121	LEANDER DR	BRAZILL STEPHANIE L
	55	2328	W COLORADO BLVD	VENTURA STEVE
	56	2322	W COLORADO BLVD	GOODYEAR SHARON
	57	2318	W COLORADO BLVD	FARRIS MICHAEL

05/15/2017

Reply	*Label #*	*Address*		*Owner*
	58	2314	W COLORADO BLVD	SAENZ RENE R & ELIDA T
	59	2308	W COLORADO BLVD	MINKLER AMANDA D &
	60	2302	W COLORADO BLVD	JOHNSON MYLA A
	61	2234	W COLORADO BLVD	SCHAPER ANNETTE
	62	2230	W COLORADO BLVD	LEE SCOTT E & LAURA A
	63	2226	W COLORADO BLVD	POOL LEONARD
	64	2220	W COLORADO BLVD	OCON LUCIA M
O	65	2214	W COLORADO BLVD	JONES J B
O	66	2208	W COLORADO BLVD	THOMPSON SHARON MARIE
	67	2202	W COLORADO BLVD	IRELAND JACK WADE
	68	2419	W COLORADO BLVD	CASTILLO DARRELL
	69	2411	W COLORADO BLVD	MORALES ROSALBA L & CESAR H
X	70	2407	W COLORADO BLVD	DOMINGUEZ VALENTINE G &
	71	2403	W COLORADO BLVD	MALONE KEVIN & MELISSA
	72	1215	WALTER DR	CZITROM ALEC LADISLAU
	73	1219	WALTER DR	CAMPBELL JERRY D &
	74	1223	WALTER DR	IMTHURN MELINDA &
	75	1227	WALTER DR	CHILES JESSICA
	76	2128	FORT WORTH AVE	CENTRO NP HOLDINGS 12 SPEC LLC
	77	2111	W COLORADO BLVD	ARTELL CORPORATION
	78	1221	N HAMPTON RD	SPECIALTY INVESTMENTS CORPORATION
	79	2119	W COLORADO BLVD	MATYASTIK PAUL J
O	80	2115	W COLORADO BLVD	CLEAR VALLEY PROPERTIES LLC
	81	1236	STEVENS RIDGE DR	RIVERA ESMERALDA
	82	1230	STEVENS RIDGE DR	GOODRIDGE ERIN
	83	1224	STEVENS RIDGE DR	MUNOZ JORGE & ANGELICA R
	84	1218	STEVENS RIDGE DR	MUNOZ JESUS M & LUCINA
	85	1212	STEVENS RIDGE DR	MENDOZA JOVITO
	86	1206	STEVENS RIDGE DR	GAYTAN RAUL O
	87	2423	FORT WORTH AVE	DALLAS HOUSING AUTHORITY
	88	2300	FORT WORTH AVE	CPIF INVESTORS 1 LP
	89	1205	N HAMPTON RD	RODRIGUEZ ROSARIO PADILLO

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 25 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 84 for a private school and a school for special education on the northwest corner of Dallas North Tollway and Royal Lane

Recommendation of Staff and CPC: Approval, subject to a revised development plan, landscape plan and conditions

Z167-177(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-177(KK) **DATE FILED:** January 11, 2017

LOCATION: Northwest corner of Dallas North Tollway and Royal Lane

COUNCIL DISTRICT: 13 **MAPSCO:** 25-E

SIZE OF REQUEST: Approx. 5.55 acres **CENSUS TRACT:** 134.00

APPLICANT/ OWNER: Winston School

REPRESENTATIVE: Jackson Walker L.L.P., Suzan Kedron

REQUEST: An application to amend Planned Development District No. 84 for a private school and a school for special education.

SUMMARY: The purpose of this request is to amend the planned development district to revise the development plan to include a separate landscape plan to allow for trees to be planted in a protected easement, alter setbacks to allow for netting poles to be located within it, and amend the time requirement when the required landscaping must be installed. The remaining conditions and the allowable land uses are not proposed to change.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan, landscaping plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan, landscape plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a private school and a school for special education [Winston School]. The school has been in operation at this location beginning in the fall of 1978.

- On August 4, 1975, PDD No. 84 was approved by City Council.

- The purpose of this request is to amend the planned development district to revise the development plan to include a separate landscape plan to allow for trees to be planted in a protected easement. Per the applicant, this amendment includes an agreed upon solution with the neighbors to the north of the site were trees were removed from a protected drainage easement, alter the setbacks to allow for netting poles to be located within it, and amend the time requirement to when the required landscaping must be installed. The remaining conditions and the allowable land uses are not proposed to change.

- The 36 foot tall netting poles were installed at some point after the issuance of building permits to construction an addition to the school. The addition permits were issued from Building Inspection on March 8, 2016. No permits were issued for the installation of the netting poles at that time.

- The proposed amendments will allow for the continued operation of the Winston School, a college preparatory school geared toward learning-different students. This land use is further defined in PDD No. 84 as a school for students with learning differences or attention deficit disorder.

Zoning History: There has not been any recent zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Dallas North Tollway	Highway	100 ft.
Royal Lane	Principal Arterial	100 ft.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 84	Private school and a school for special education
North	R-1/2ac(A)	Single family dwellings
East	R-16(A)	Single family dwellings
South	PDD No. 91, R-1ac(A), SUP No. 45	Single family dwellings, Library, Church
West	R-1/2ac(A), R-1ac(A)	Single family dwellings

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.

ECONOMIC ELEMENT

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

Abutting the property directly to the north and west are single family dwellings, zoned R-1/2ac(A) and R-1ac(A) Single Family Districts. Across Royal Lane to the south are single family dwellings, a library, and a church, zoned R-1ac(A) Single Family District, PDD No. 188 and PDD No, 91. To the east is the Dallas North Tollway, with single family dwellings across the tollway, zoned R-16(A) Single Family District, as well as a multifamily development and duplex development to the southeast across the tollway, zoned D(A) Duplex District and MF-2(A) Multifamily District.

The applicant proposes three amendments with this request:

(1) To revise the text of the planned development to require a separate landscape plan from the development plan.

(2) To revise the text of the planned development to allow netting poles to be allowed in the required front yard setback. A stop work order has been issued on the site until the zoning is resolved. Once the stop work order is lifted, the contractor will pull a permit to legally install the netting poles that are existing on site today.

(3) To amend the time requirement when the required landscaping must be installed.

There are no new additions, increases in floor area or classroom count with the proposed development plan. The continued operation of this private school is compatible with the surrounding uses and provides another choice to serve educational needs in the community. The use is compatible with the mix of uses in the area. It is located on a major thoroughfare to allow for access to the school without interfering with a residential traffic. The remaining conditions and the allowable land uses are not proposed to change.

Parking:

The parking requirement set forth in Sec.51P-84.106(3) is not proposed to change. The planned development requires that a minimum of 105 parking spaces must be provided for this development as shown on the development plan.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system.

Landscaping:

Landscaping must be installed as shown on the landscape plan and must be installed prior to the issuance of a Certificate of Occupancy for Area II as shown on both the development and landscape plans. The existing conditions stated that landscaping could be installed within six months after the issuance of a Certificate of Occupancy. The proposed revision requires all landscape to be installed and inspected by an Arborist with Building Inspection before a Certificate of Occupancy can be issued for Area II.

The revisions to the proposed landscape plan are to provide a solution with the neighbors to the north of the site were trees were removed from a protected drainage easement. The approved landscape plan will allow for trees to be planted in a protected easement. The representative had to obtain approval from the North Texas Toll Authority (NTTA) for the proposed trees to be located in a flowage easement that is maintained by NTTA.

Once this landscaping is installed all existing trees along the floor easement area and in the area north of the flood easement area must remain. This area is shown on both the development and landscape plan. No construction is permitted on the north side of the flood easement, however, the north side of the flood easement can be used for recreational and open space purposes.

CPC Action

May 4, 2017

Motion: It was moved to recommend **approval** for an amendment to Planned Development District No. 84 for a private school and a school for special education, subject to a revised development plan, landscape plan and conditions on the northwest corner of Dallas North Tollway and Royal Lane.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 277
Replies: For: 9 Against: 2

Speakers: None

List of Partners/Principals/Officers

Winston Board 2016-2017

Stephanie Al Otaiba, Ph.D
Terri Anderson – Treasurer
Nancy Best
Emily Corrigan
Jennifer Corrigan
Michelle Early
Nancy Furney – Board Chair
Michele Garza
Dr. John Hart, Jr.
Bob Hays
Johnny Hea – Secretary and Parliamentarian
Joan Buchanan Hill, Ph.D
Arnie Holtberg
Craig Lentzsch
Ray Marr
William Moore, M.D.
Will Morris
Caroline Perini
Ginny Pettey
Melissa Stewart
John Thompson
Rhea Wolfram

Head of School
Rebbie Evans
Mario Porro – Business Manager
Laura Barnes – Development Director

PROPOSED PDD CONDITIONS

ARTICLE 84.

PD 84.

SEC. 51P-84.101. LEGISLATIVE HISTORY.

PD 84 was established by Ordinance No. 14947, passed by the Dallas City Council on August 4, 1975. Ordinance No. 14947 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14947 was amended by Resolution No. 77-1115, passed by the Dallas City Council on April 25, 1977; Ordinance No. 22187, passed by the Dallas City Council on June 12, 1996. (Ord. Nos. 10962; 14947; 22187; 22777; 25423; Res. 77-1115)

SEC.51P-84.102. PROPERTY LOCATION AND SIZE.

PD84 is established on property general located at the northwest corner of Royal Lane and the Dallas North Tollway. The size of PD 84 is approximately 8.59 acres. (Ord. Nos. 14947; 25423; 27875)

SEC.51P-84.103. DEFINITONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. In this article, SCHOOL FOR SPECIAL EDUCATION means a school for students with learning disabilities or attention deficit disorder.

(b) Unless otherwise stated, all code references are to Chapter 51.

(c) This district is considered to be a residential zoning district. (Ord. Nos. 22187; 25423)

SEC.51P-84.104. DEVELOPMENT~~/CONCEPTUAL~~ PLAN.

A development/conceptual plan (Exhibit 84A) for each phase of development within the PD is attached to and made part of the PD ordinance. Development and use of the Property must comply with the development/conceptual plan. In the event of a conflict between the provisions of this article and the development/conceptual plan, the provisions of this article control. For those portions of the Property shown in concept on the development/conceptual plan, a development plan must be approved by the city plan commission before issuance of any building permit. (Ord. Nos. 22178; 22777; 25423)

SEC.51P-84.105. USES.

The only uses permitted within the PD are a private school and a school for special education~~, which for purposes of this PD is defined as a school for students with learning differences or attention deficit disorder~~. (Ord. Nos. 22187; 25423)

SEC.51P-84.106. USE REGULATIONS AND DEVELOPMENT STANDARDS.

The use regulations and development standards in the MF-3 District apply to this PD, with the follow exceptions:

(1) Height. No structure may exceed a maximum allowable height of 36 feet as measured from the highest point on the structure, including all structures listed in Section 51-4.408(a)(2).

(2) Stories. The number of stories is limited to two.

(3) Off-street parking. A minimum of 105 off-street parking spaces must be provided.

(4) Setbacks.

(A) Area I. The building line setback [~~for Area I~~] from Royal Lane is 95 [~~100~~] feet, as shown on the development/conceptual plan.

(B) Area II. The building line setback [~~for Area II~~] from Royal Lane is 145 feet and 95 feet, as shown on the development/conceptual plan.

(C) Private field netting. Practice field netting and support poles may be located in a required front, side or rear yard setback.

(5) Landscaping.

(A) Landscaping must be provided as shown on the landscape plan ~~development/conceptual plan~~. If there is a conflict between the text of this article and the landscape plan ~~development/conceptual plan~~, the text of this article controls.

(B) Landscaping must be installed prior to ~~within six months after~~ issuance of a certificate of occupancy for Area II.

(C) Plant materials must be maintained in a healthy, growing condition.

(6) Lot coverage. Maximum allowable lot coverage is 28 percent.

(7) Floor area. Maximum building square footage permitted on the site is limited to 57,942 square feet for Area I, and 28,787 square feet for Area II.

(8) Ingress and egress. Ingress and egress to and from Royal Lane is limited to a one-way entrance and a one-way exit as shown on the development/conceptual plan. (Ord. Nos. 22187; 22777; 25423; 27875)

SEC.51P-84.107. LIGHTING.

All lights, except security lights, must be turned off by 10:30 p.m. every evening. Night lighting must be constructed so that light will be reflected downward and not toward any nearby residential property. No lighting of the areas identified as “recreation fields” and “playing fields” on the development/conceptual plan is permitted. (Ord. Nos. 22187; 25423)

SEC.51P-84.108. DRAINAGE AREA.

Existing trees along the flood easement area and in the area north of the flood easement area, as shown on the development~~/conceptual~~ plan, must remain. No construction is permitted on the north side of the flood easement, however, the north side of the flood easement can be used for recreational and open space purposes. (Ord. nos. 22187; 25423)

SEC.51P-84.109. SCREENING.

(a) A solid fence or hedge must be maintained in the locations shown on the development/conceptual plan along Royal Lane between the south property line and the area identified as “Existing Parking Area” on the development/conceptual plan.

(b) A solid screening fence along the western and northern boundaries of the Property must be maintained in the locations shown on the development/conceptual plan at heights of six feet and eight feet.

(c) All other screening must be provided prior to the issuance of a building permit on Area II.

(d) The existing fence and 36’ pole and field netting along the eastern property line adjacent to the Dallas North Tollway must be maintained. (Ord. Nos. 22187; 25243; 27875)

SEC.51P-84.110. SIGNS.

Signs must comply with the provisions for non-business zoning districts. (Ord. Nos. 22187; 25423)

SEC. 51P-84.111. ADDITONAL PROVISIONS. ~~STREETS AND PAVING.~~

(a) The 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.

~~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. (Ord. Nos. 22187; 25423; 26102)~~

SEC. 51P-84.112. COMPLIANCE WITH CONDITIONS.

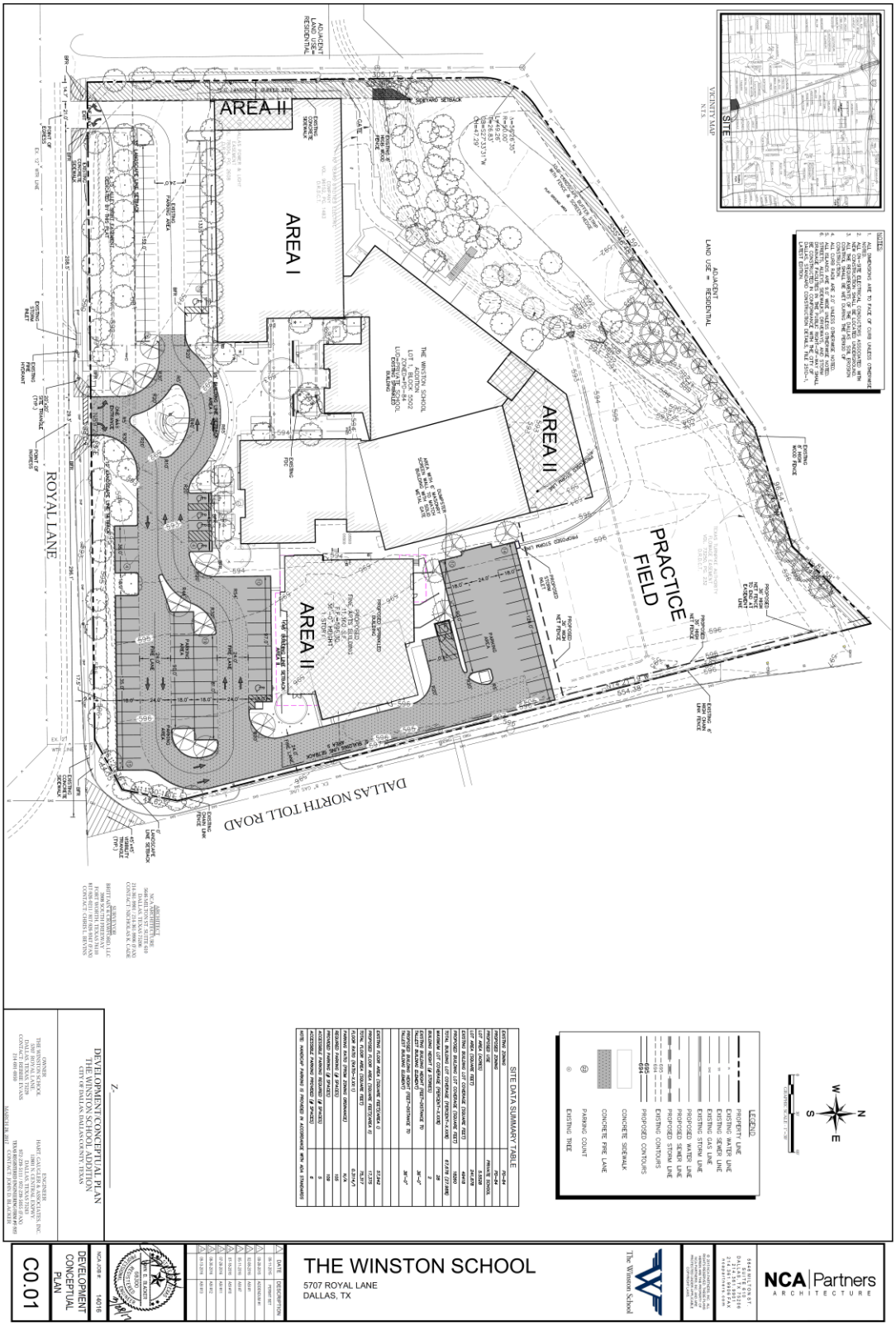
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of ~~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. 22187; 25423)

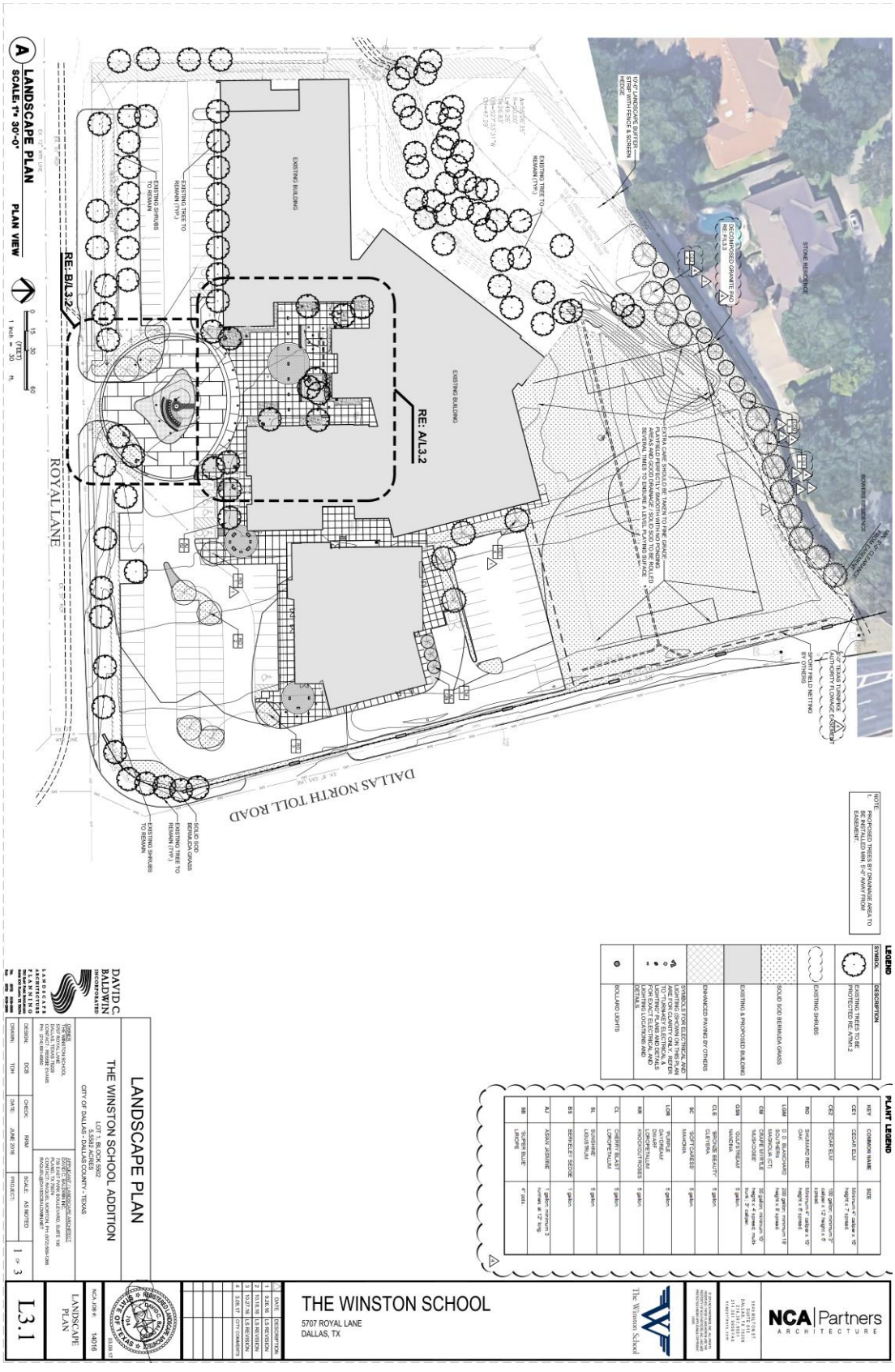
~~SEC. 51P-84.113. ZONING MAP.~~

~~PD 84 is located on Zoning Map No. E-7. (Ord. Nos. 22187; 25423)~~

PROPOSED DEVELOPMENT PLAN

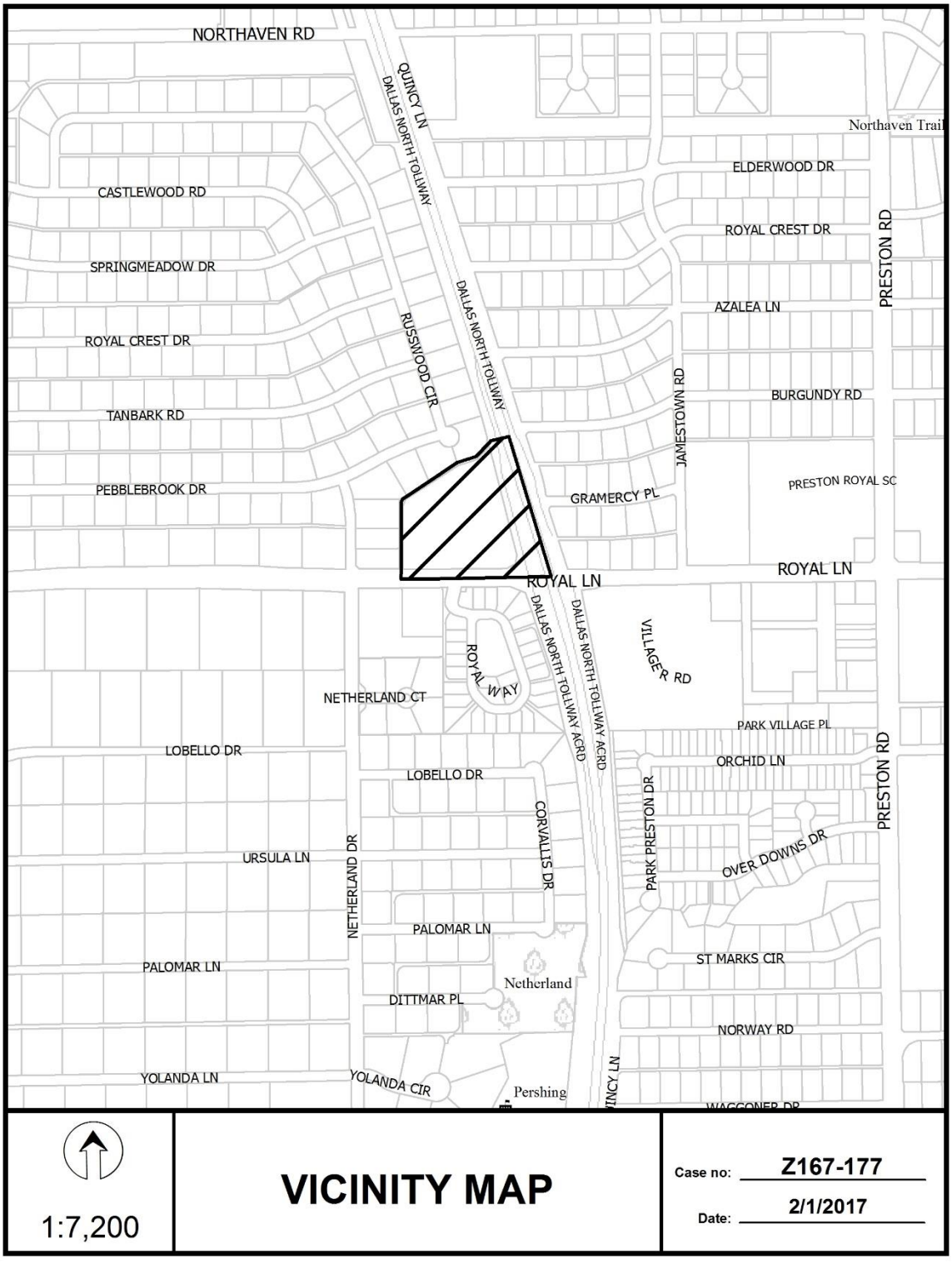


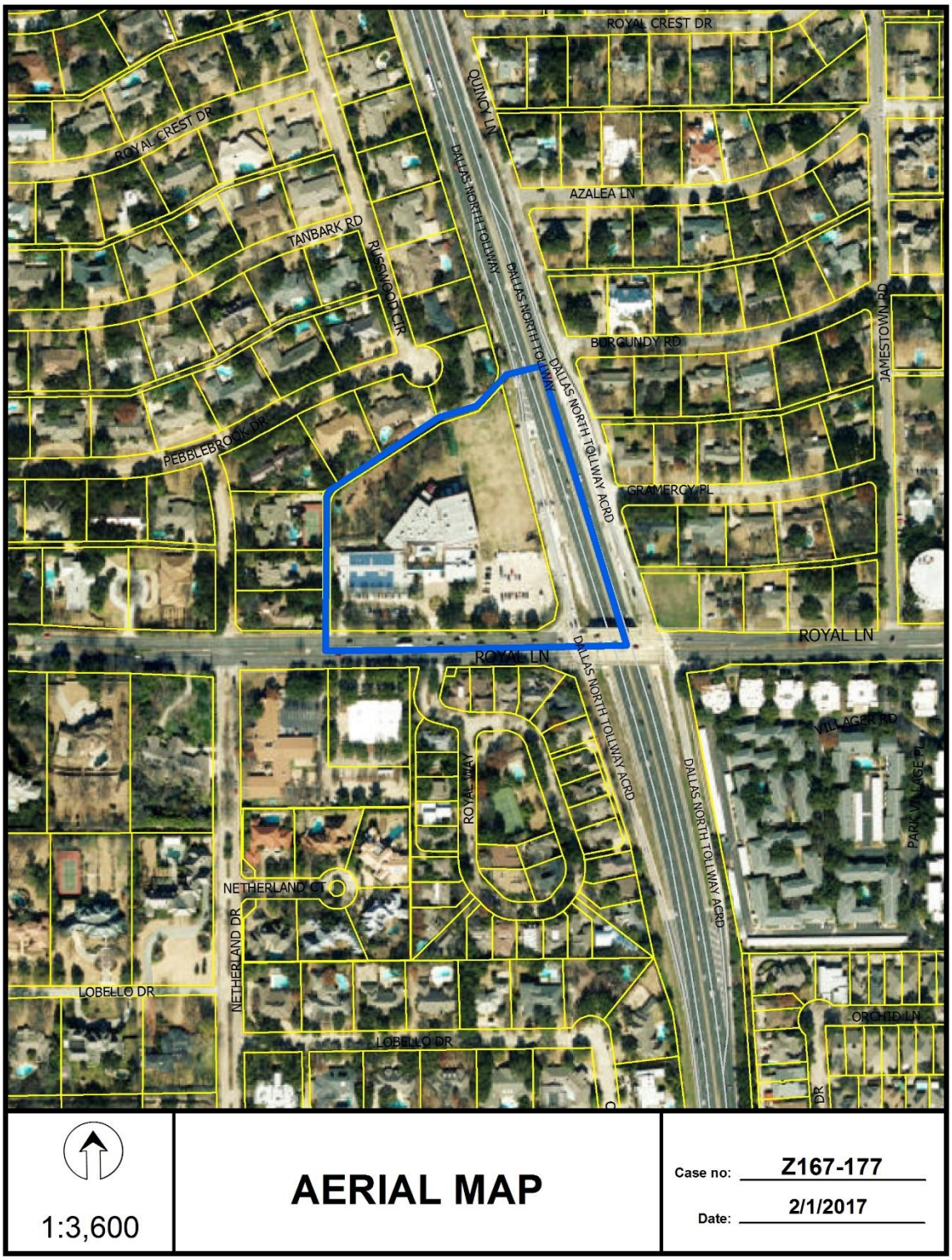
PROPOSED LANDSCAPE PLAN

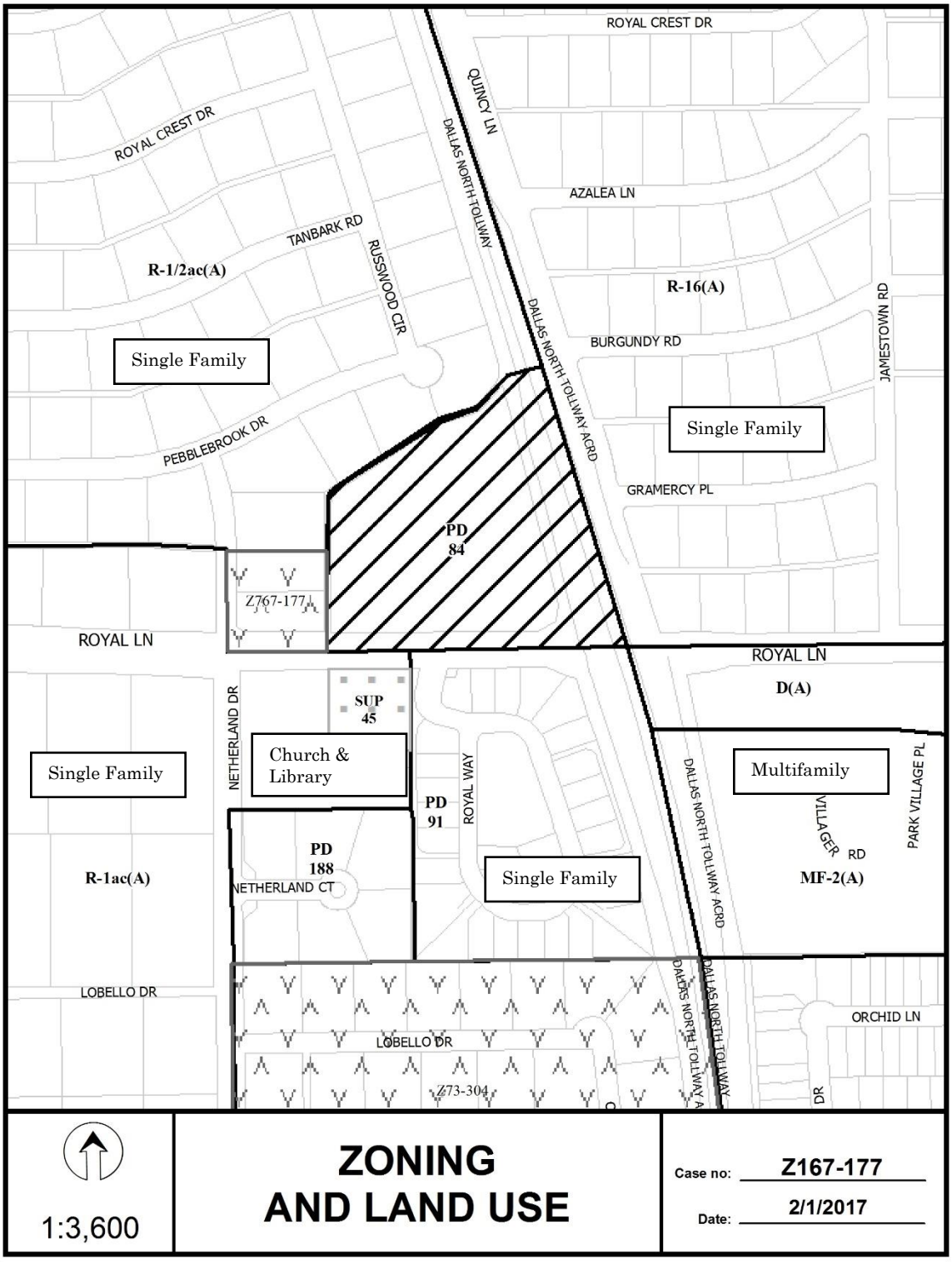


EXISTING DEVELOPMENT PLAN

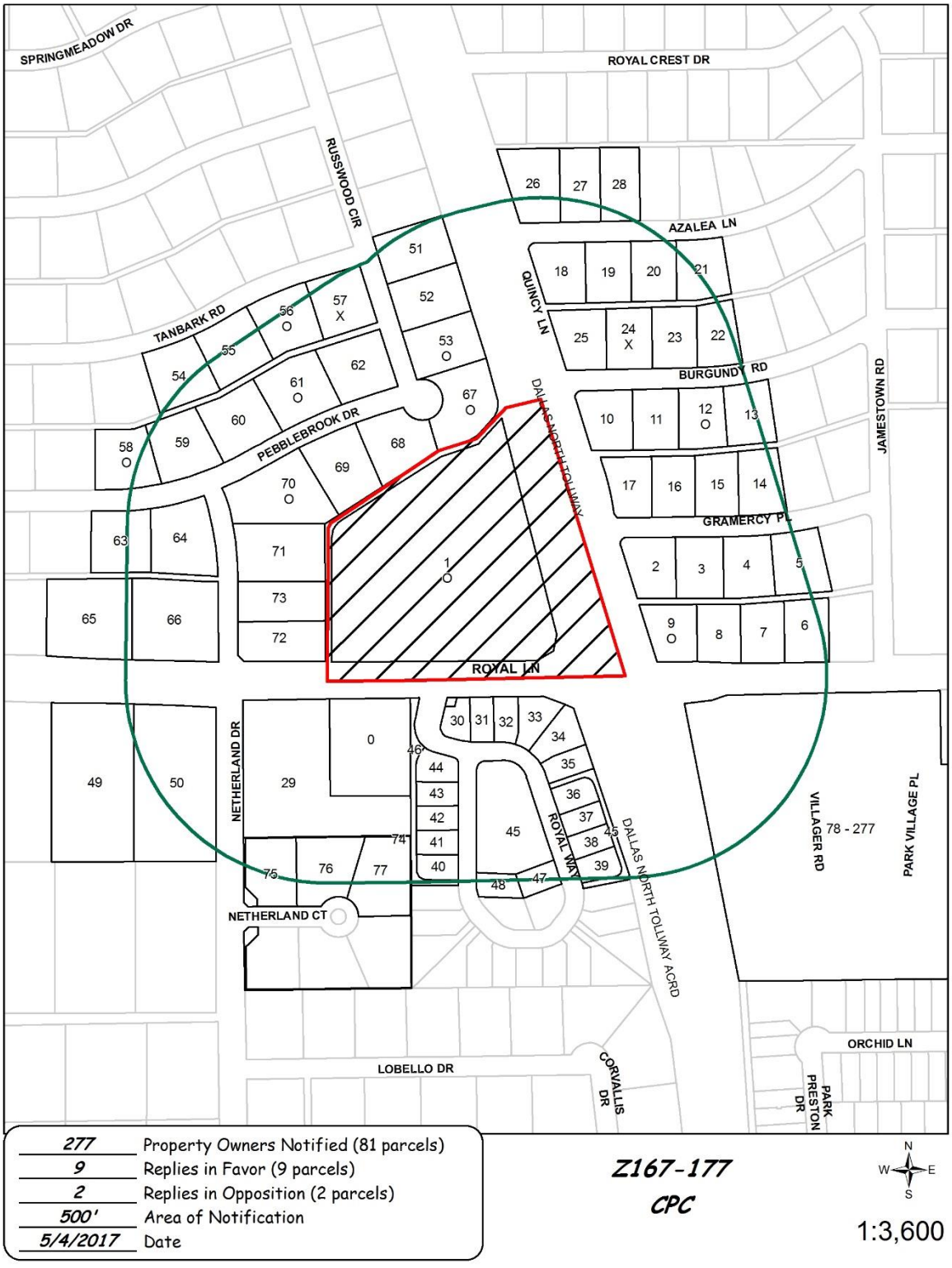



NORTHAVEN RD
QUINCY LN
DALLAS NORTH TOLLWAY
Northaven Trail
ELDERWOOD DR
CASTLEWOOD RD
ROYAL CREST DR
PRESTON RD
SPRINGMEADOW DR
AZALEA LN
RUSSWOOD CIR
ROYAL CREST DR
JAMESTOWN RD
BURGUNDY RD
TANBARK RD
PRESTON ROYAL SC
PEBBLEBROOK DR
GRAMERCY PL
ROYAL LN
ROYAL LN
DALLAS NORTH TOLLWAY ACRD
VILLAGER RD
ROYAL WAY
NETHERLAND CT
PARK VILLAGE PL
LOBELLO DR
ORCHID LN
LOBELLO DR
CORVALLIS DR
PARK PRESTON DR
URSULA LN
NETHERLAND DR
OVER DOWNS DR
PALOMAR LN
ST MARKS CIR
PALOMAR LN
Netherland
DITTMAR PL
NORWAY RD
YOLANDA LN
YOLANDA CIR
Pershing
WAGGONER DR
1:7,200
VICINITY MAP
Case no: Z167-177
Date: 2/1/2017


ROYAL CREST DR
QUINCY LN
ROYAL CREST DR
AZALEA LN
TANBARK RD
RUSWOOD CIR
DALLAS NORTH TOLLWAY
DALLAS NORTH TOLLWAY
BORGUNDY RD
JAMESTOWN RD
PEBBLEBROOK DR
DALLAS NORTH TOLLWAY ACRD
GRAMERCY PL
ROYAL LN
ROYAL LN
DALLAS NORTH TOLLWAY ACRD
VILLAGER RD
ROYAL WAY
DALLAS NORTH TOLLWAY ACRD
PARK VILLAGE PL
NETHERLAND CT
NETHERLAND DR
LOBELLO DR
LOBELLO DR
ORCHID LN
DR
1:3,600
AERIAL MAP
Case no: Z167-177
Date: 2/1/2017


ROYAL CREST DR
QUINCY LN
DALLAS NORTH TOLLWAY
ROYAL CREST DR
AZALEA LN
TANBARK RD
RUSSWOOD CIR
R-1/2ac(A)
R-16(A)
JAMESTOWN RD
BURGUNDY RD
Single Family
DALLAS NORTH TOLLWAY ACRD
Single Family
PEBBLEBROOK DR
GRAMERCY PL
PD 84
Z767-177
ROYAL LN
ROYAL LN
D(A)
SUP 45
NETHERLAND DR
Church & Library
Single Family
Multifamily
PD 91
ROYAL WAY
DALLAS NORTH TOLLWAY ACRD
VILLAGER RD
PARK VILLAGE PL
PD 188
NETHERLAND CT
R-1ac(A)
Single Family
MF-2(A)
LOBELLO DR
LOBELLO DR
DALLAS NORTH TOLLWAY
ORCHID LN
Z73-304
1:3,600
ZONING AND LAND USE
Case no: Z167-177
Date: 2/1/2017

CPC RESPONSES



05/30/2017

Reply List of Property Owners

Z167-177

277 Property Owners Notified 9 Property Owners in Favor 2 Property Owners Opposed

Reply	*Label #*	*Address*	*Owner*
O	1	5707 ROYAL LN	WINSTON SCHOOL
	2	5806 GRAMERCY PL	ROSE AARON TIMOTHY &
	3	5818 GRAMERCY PL	HIGGINBOTHAM PHILIP R III & JODI K
	4	5826 GRAMERCY PL	STREY COURTENAY H &
	5	5834 GRAMERCY PL	KERMAN KAY LYNN
	6	5831 ROYAL LN	MCELYEA JACQUELYN SUZANNE
	7	5823 ROYAL LN	DERKACH VIKTOR
	8	5815 ROYAL LN	DERKACH VIKTOR
O	9	5807 ROYAL LN	MORGULOFF MARTHA H &
	10	5806 BURGUNDY RD	POWELL CHARLES D &
	11	5818 BURGUNDY RD	NICOL JULIE A
O	12	5826 BURGUNDY RD	MERO VENTURES LLC
	13	5834 BURGUNDY RD	ELLIOTT JAMES PETER &
	14	5831 GRAMERCY PL	WARTHAN MOLLY MAE
	15	5823 GRAMERCY PL	WILKES MIRAM CATHERINE
	16	5815 GRAMERCY PL	JOHNSON JOYCE M &
	17	5807 GRAMERCY PL	MORROW CRAIG P &
	18	5806 AZALEA LN	SILVA MARY DELIA
	19	5818 AZALEA LN	MOORE TIMOTHY JAY &
	20	5826 AZALEA LN	GUNBY ROBERT T III
	21	5834 AZALEA LN	JACKSON SCOTT & LISA
	22	5831 BURGUNDY RD	GREEN ALLAN
	23	5823 BURGUNDY RD	LEON TRIP
X	24	5815 BURGUNDY RD	YOUNG JOHN ROBERT & CHARNETTE KAY
	25	5807 BURGUNDY RD	CASE MATTHEW OWEN & STEPHANIE M
	26	5807 AZALEA LN	BOOZER MARK & KASANDRA D

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	27	5815	AZALEA LN	OHLENBURG JAMES E
	28	5823	AZALEA LN	HAYES MARK & MERIDITH
	29	5600	ROYAL LN	CENTRAL CONGREGATIONAL CH
	30	1	ROYAL WAY	WHITING DAVID & HARRIET
	31	2	ROYAL WAY	KLEIN ALAN C & SUSAN S
	32	3	ROYAL WAY	CIVELLO CATHERINE A &
	33	4	ROYAL WAY	STACY ANN HOOPER
	34	5	ROYAL WAY	HARPER JOE K & RITA B
	35	6	ROYAL WAY	TAYLOR H EARL & LAWANDA S
	36	7	ROYAL WAY	WELLS DENNIS L &
	37	8	ROYAL WAY	DECLEVA SOPHIA
	38	9	ROYAL WAY	BERMAN HAROLD B
	39	11	ROYAL WAY	FIRST AMENDED & RESTATED MCCALL LAVERNE
	40	29	ROYAL WAY	SIMON DANNA W
	41	30	ROYAL WAY	LANAHAN BRUCE G &
	42	31	ROYAL WAY	MORAN PATRICIA J MGT TR EST OF
	43	32	ROYAL WAY	MORAN PATRICIA J MGT TR
	44	33	ROYAL WAY	DELOACHE MARY F
	45	5700	ROYAL WAY	FIFTY SEVEN ROYAL OWNRS
	46	5700	ROYAL WAY	FIFTY SEVEN ROYAL OWNRS
	47	10	ROYAL WAY	FRANKLIN BARBARA J
	48	28	ROYAL WAY	CAMPDERA ANTONIO J
	49	5514	ROYAL LN	HUGHES JEFFREY D & MARIE M
	50	10775	NETHERLAND DR	YU LI
	51	10930	RUSSWOOD CIR	MCCREA VICTOR CHASE III &
	52	10920	RUSSWOOD CIR	SLADEK WILLIAM LEE &
O	53	10910	RUSSWOOD CIR	MCMANUS JONATHAN L
	54	5508	TANBARK RD	MASSMAN RICHARD
	55	5518	TANBARK RD	NIELSON STAFANIE A & KENT R
O	56	5528	TANBARK RD	YELLEN JONATHAN H &
X	57	5538	TANBARK RD	NAIK PREETI

05/30/2017

Reply	*Label #*	*Address*	*Owner*
O	58	5431 PEBBLEBROOK DR	RICHMAN MARC H &
	59	5441 PEBBLEBROOK DR	HOCHSTER LEONARD S &
	60	5511 PEBBLEBROOK DR	HAYES MEREDITH L &
O	61	5521 PEBBLEBROOK DR	WILFONG LALAN S & SHELLY R
	62	5531 PEBBLEBROOK DR	NAFTALIS JEROME M MD
	63	5430 PEBBLEBROOK DR	SAYAH LAWRENCE E
	64	5440 PEBBLEBROOK DR	NASECK BARRY P & KAREN S
	65	5511 ROYAL LN	ABLON BARON P
	66	5527 ROYAL LN	SCHERZ CARL C
O	67	5540 PEBBLEBROOK DR	BOWERS MIKEL J
	68	5530 PEBBLEBROOK DR	STONE NATHAN E & ANNE L
	69	5520 PEBBLEBROOK DR	LASTELICK JOSEPH J & BETTY
O	70	5510 PEBBLEBROOK DR	RAY JOSEPH H & ALYSON L
	71	10820 NETHERLAND DR	DECKER RECBECCA A
	72	10810 NETHERLAND DR	GOLDBERG ROBERT J & LAURA
	73	10816 NETHERLAND DR	HESSE GREGORY G & PATRICIA S
	74	1 NETHERLAND CT	NETHERLAND COURT ASSN INC
	75	5605 NETHERLAND CT	BOCK ELAINE
	76	5615 NETHERLAND CT	BLEDSOE BILL L & GLENDA G
	77	5625 NETHERLAND CT	RIOS JULIO E II &
	78	5818 ROYAL LN	GRAY DORTHY KAY TRUST
	79	5820 ROYAL LN	HUBER MARGARET
	80	5826 ROYAL LN	GRAVEL BARRIE
	81	5828 ROYAL LN	RAINES ARTHUR LEE & KATHERINE P
	82	5834 ROYAL LN	BYRNE JOHN P & MARY JON
	83	5836 ROYAL LN	DODD LINDA & THOMAS JOSEPH
	84	5842 ROYAL LN	BOWSER DIANA A
	85	5844 ROYAL LN	RUTH MATINA &
	86	5906 ROYAL LN	SELF S SUSAN
	87	5908 ROYAL LN	VATTAM SREENADHA &
	88	5810 ROYAL LN	POULOS MARGARET MARY

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	89	5812 ROYAL LN	MIZE CHARLES E & SUSAN G
	90	10656 PARK VILLAGE PL	COMEAUX JAMIE A
	91	10656 PARK VILLAGE PL	SWARTZ DIANA
	92	10656 PARK VILLAGE PL	SUMTER RONALD S &
	93	10656 PARK VILLAGE PL	YOUNG ISABELLE LIFE ESTATE
	94	10660 PARK VILLAGE PL	HAMILTON MILDRED J
	95	10660 PARK VILLAGE PL	ESTABROOK JUNE TEMPLETON &
	96	10660 PARK VILLAGE PL	PITTMAN DONNA LOU
	97	10660 PARK VILLAGE PL	PEUGH LYNDA LEOLA
	98	10710 PARK VILLAGE PL	SEELEY MARGARET M
	99	10710 PARK VILLAGE PL	MALVAEZ DIANA L
	100	10710 PARK VILLAGE PL	ARMENT DEBRA
	101	10710 PARK VILLAGE PL	THE WHITAKER FAMILY TRUST
	102	10658 PARK VILLAGE PL	WHEELER SHIRLEY J
	103	10658 PARK VILLAGE PL	REED JANE J
	104	10714 PARK VILLAGE PL	MCCULLOUGH MARGARET SUE W
	105	10714 PARK VILLAGE PL	TAYLOR ROBERT F & DEBBIE M
	106	10714 PARK VILLAGE PL	ABSHIRE RICHARD K &
	107	10714 PARK VILLAGE PL	MARTIN RYAN DOUGLAS & AMANDA LEANN
	108	10716 PARK VILLAGE PL	SPORER SMITH ANN COIT TR
	109	10716 PARK VILLAGE PL	BROWN DELLA DONICE
	110	10716 PARK VILLAGE PL	KNOX NANCY
	111	10716 PARK VILLAGE PL	KOLINEK SHERRY J BALDWIN
	112	10718 PARK VILLAGE PL	SCOTT DAVID & AIMEE
	113	10718 PARK VILLAGE PL	GUMMER STEVEN V
	114	10718 PARK VILLAGE PL	ACKERMAN VALERIE RUTH
	115	10718 PARK VILLAGE PL	MEIS THERESA
	116	10720 PARK VILLAGE PL	WALKER PAMELA & JOHN W
	117	10720 PARK VILLAGE PL	KIRK FAMILY PARTNERS LTD
	118	10720 PARK VILLAGE PL	HEY MATTHEW
	119	10720 PARK VILLAGE PL	MARSH SHIRLIE Y

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	120	10724 PARK VILLAGE PL	VAIL PATRICIA C
	121	10724 PARK VILLAGE PL	HINKLEY SARAH BLAKE &
	122	10724 PARK VILLAGE PL	BULLWINKLE MARY
	123	10724 PARK VILLAGE PL	HARTMAN CHARLES E &
	124	10730 PARK VILLAGE PL	BLAND MARILYN
	125	10730 PARK VILLAGE PL	HERN G NEAL
	126	10730 PARK VILLAGE PL	LOPEZ LUIS &
	127	10730 PARK VILLAGE PL	SRNICK GREGORY P
	128	10734 PARK VILLAGE PL	FOUNTAIN JIMMIE C TR
	129	10734 PARK VILLAGE PL	JOHNSTON HARRIET B
	130	10734 PARK VILLAGE PL	WEBER LUCILLE C LIFE ESTATE
	131	10734 PARK VILLAGE PL	BOX GERALD
	132	10736 PARK VILLAGE PL	OLSSON JOHN P &
	133	10736 PARK VILLAGE PL	BADOW THERESE E
	134	10738 PARK VILLAGE PL	DUQUETTE BRANDON
	135	10738 PARK VILLAGE PL	GUMMER MARTHA
	136	10738 PARK VILLAGE PL	THOMPSON CATHERINE KEY
	137	10738 PARK VILLAGE PL	CRANFILL JENNIFER
	138	10744 PARK VILLAGE PL	BIGGERSTAFF JOAN WOOD
	139	10744 PARK VILLAGE PL	POTTS ESTELLE J &
	140	10744 PARK VILLAGE PL	STEINDORF VICTORIA L
	141	10744 PARK VILLAGE PL	HUTTON ELINORE
	142	10750 PARK VILLAGE PL	NURRE MICHAEL THEODORE JR
	143	10750 PARK VILLAGE PL	JENKINS KEVIN L
	144	10750 PARK VILLAGE PL	KATZ SANDRA KAHN
	145	10750 PARK VILLAGE PL	BUTLER NELL
	146	10727 PARK VILLAGE PL	LOCHNER MARCIA
	147	10727 PARK VILLAGE PL	CALLIS ELLIE LIFE ESTATE
	148	10727 PARK VILLAGE PL	HOLLAND RUSSELL B
	149	10727 PARK VILLAGE PL	DOUGHERTY PATRICK W
	150	10737 PARK VILLAGE PL	REZANOUR FARHAD

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	151	10737 PARK VILLAGE PL	YONACK SURVIVORS TRUST
	152	10737 PARK VILLAGE PL	NEWMAN PHYLLIS
	153	10737 PARK VILLAGE PL	STEPHENS PEGI A
	154	10747 PARK VILLAGE PL	ABNEY MARK L & ANN C
	155	10747 PARK VILLAGE PL	JOSEPH BERNARD
	156	10747 PARK VILLAGE PL	ROMAGOSA MARIAN A
	157	10747 PARK VILLAGE PL	LOCKLIN DELORES LEE
	158	10776 VILLAGER RD	ATALLA PATRICIA ANNE BRIGHTMAN
	159	10776 VILLAGER RD	BUSH STEVEN M
	160	10744 VILLAGER RD	DUNN JAMES D & SHAZELL J
	161	10744 VILLAGER RD	DAVIS CRYSTAL K
	162	10744 VILLAGER RD	ORMAN WARREN B
	163	10744 VILLAGER RD	KRUSE ROBERT W & CYNTHIA
	164	10754 VILLAGER RD	KENNEDY BETH W
	165	10754 VILLAGER RD	FENCL DANIEL ALLEN
	166	10754 VILLAGER RD	SCOTT PATRICIA ANN
	167	10754 VILLAGER RD	HODGKINSON LAURA
	168	10764 VILLAGER RD	TOWNSEND BETTY WILLIS
	169	10764 VILLAGER RD	MANCUSO THOMAS
	170	10764 VILLAGER RD	JERABEK LYNN B HARDEE
	171	10764 VILLAGER RD	FOOR JOE P & ANNE C
	172	10774 VILLAGER RD	KENNY JENNY C ETAL
	173	10774 VILLAGER RD	ARMENT NORMA JEAN
	174	10774 VILLAGER RD	PIENAAR CRYSTAL
	175	10774 VILLAGER RD	RAFIEI MELIKA
	176	10707 PARK VILLAGE PL	SULLIVAN VALERIE
	177	10707 PARK VILLAGE PL	SMITH AMY DEANNE
	178	10707 PARK VILLAGE PL	LAMBERT DAVID R
	179	10707 PARK VILLAGE PL	TORNOW RENEE L
	180	10709 VILLAGER RD	MARX ANITA L
	181	10709 VILLAGER RD	A MAR VENTURES LLC

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	182	10711 VILLAGER RD	CHAKOS GUS W EST OF &
	183	10711 VILLAGER RD	EDWARDS KRISTY CARMICHAEL
	184	10711 VILLAGER RD	KARALLA CHERYL L
	185	10711 VILLAGER RD	COLEMAN HELEN E
	186	10715 PARK VILLAGE	PLSPIES ELIZABETH JANE
	187	10715 PARK VILLAGE	PLSMITH JONAN B
	188	10715 PARK VILLAGE	PLDIPP MICHAEL J &
	189	10715 PARK VILLAGE	PLBAKER CHRISTINE R
	190	10717 VILLAGER RD	CHUNG JUNJOO
	191	10717 VILLAGER RD	SCHWARTZ ANNA K
	192	10717 VILLAGER RD	MCELLIN CATHERINE
	193	10717 VILLAGER RD	BENNETT RICHARD
	194	10719 VILLAGER RD	BOSTICK JAMES H JR & MARGARET R
	195	10719 VILLAGER RD	STEEL EDITH E LIVING TR
	196	10719 VILLAGER RD	MACHO KHRISTINE
	197	10719 VILLAGER RD	PRINCE MARIAESTELLA
	198	10721 VILLAGER RD	CLAERHOUT JULIEN C & GLORIA F
	199	10721 VILLAGER RD	MOBLEY ROXANNE M
	200	10721 VILLAGER RD	BOSTICK JAMES H III LIFE ESTATE
	201	10721 VILLAGER RD	LAWLER DELMAS LACY
	202	10723 VILLAGER RD	LAUGHLIN ROY C & JOYCE P
	203	10723 VILLAGER RD	BAN BARBARA A NESBITT
	204	10723 VILLAGER RD	STILL JOSEPH W JR
	205	10723 VILLAGER RD	ONEAL LYNDA S
	206	10727 VILLAGER RD	LOK MARY H
	207	10727 VILLAGER RD	CONINE RESIDENTIAL GROUP INC
	208	10727 VILLAGER RD	STEPHENSON FAMILY TRUST
	209	10727 VILLAGER RD	LAMONT KATHLEEN ROGERS
	210	10729 VILLAGER RD	WOMACK MORRIS & MAUREEN
	211	10729 VILLAGER RD	DRIVER DIANA
	212	10729 VILLAGER RD	ROUSE AMANDA MICHELE

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	213	10729 VILLAGER RD	JOHNSTON MARGARET ELLEN
	214	10731 VILLAGER RD	GATT SALLIE HAHN LIFE ESTATE
	215	10731 VILLAGER RD	PITNER CHRISTINA ANN
	216	10733 VILLAGER RD	HELLMAN MICHAEL C
	217	10733 VILLAGER RD	CURRY BRIAN S
	218	10733 VILLAGER RD	KEE MARILYN G
	219	10733 VILLAGER RD	LUMPKIN LISA L
	220	10735 VILLAGER RD	STURMAN PEARL
	221	10735 VILLAGER RD	COUTODASILVA OCTAVIO H JR &
	222	10735 VILLAGER RD	WATSON ROBERT L II
	223	10735 VILLAGER RD	MURCHISON MARY KATHLEEN
	224	10737 VILLAGER RD	MOSES MICHAEL A & DEBRA A
	225	10737 VILLAGER RD	WILSON JANIS F
	226	10737 VILLAGER RD	KUONEN SANDRA & OSWALD
	227	10737 VILLAGER RD	RICHARDSON KATHERINE M
	228	10739 VILLAGER RD	STRIETZEL ERHARD
	229	10739 VILLAGER RD	HILL LACY & BILLY J HILL JR
	230	10739 VILLAGER RD	GIDLEY JEFFREY
	231	10739 VILLAGER RD	NAUMANN KENNETH D
	232	10741 VILLAGER RD	VANBERGH PATRICIA
	233	10741 VILLAGER RD	GASH GWEN
	234	10749 VILLAGER RD	BRANDENBURG LISA L
	235	10749 VILLAGER RD	DOOLITTLE WILCOX S JR TRUSTEE
	236	10751 VILLAGER RD	BUSH WENDELL ALLEN
	237	10751 VILLAGER RD	ODOHERTY KATHLEEN
	238	10751 VILLAGER RD	MORRIS BRUCE III & SUSAN G
	239	10751 VILLAGER RD	KNOX LAURIE
	240	10753 VILLAGER RD	NUCCIO FRANK P
	241	10753 VILLAGER RD	JACKSON KATHERINE P
	242	10753 VILLAGER RD	KOEN LISA
	243	10753 VILLAGER RD	BOND TOBY C JR

05/30/2017

Reply	*Label #*	*Address*	*Owner*
	244	10747 VILLAGER RD	GOLDFARB ALAN & TERRY
	245	10747 VILLAGER RD	GOTTLICH PATRICIA P
	246	10755 VILLAGER RD	WSM 2005 DESCENDANTS TRUST THE
	247	10755 VILLAGER RD	STEWART JENNIFER
	248	10755 VILLAGER RD	TAYLOR M ELAINE
	249	10755 VILLAGER RD	CASWELL EDWARD M
	250	10745 VILLAGER RD	BASHARKHAH SIMINDOKHT
	251	10745 VILLAGER RD	DUNNE PATTY
	252	10745 VILLAGER RD	ASHLEY WILLIAM B
	253	10745 VILLAGER RD	FRANKLIN MORAN LLC
	254	10757 VILLAGER RD	BLAINE ROBERT A III
	255	10757 VILLAGER RD	TETTAMANZI CARLA ROSA
	256	10757 VILLAGER RD	LATHROP EVA GULBIS
	257	10757 VILLAGER RD	WETHERBEE LOUELLA V
	258	10767 VILLAGER RD	MCLANE PEGGY MARIE
	259	10767 VILLAGER RD	JESSUP MARILYN A
	260	10767 VILLAGER RD	EPSTEIN CORINNE B
	261	10767 VILLAGER RD	WENTZEL FELIPE J
	262	10769 VILLAGER RD	COLBERT RITA B
	263	10769 VILLAGER RD	BOYD ROSALIE
	264	10769 VILLAGER RD	OLLILA JOY
	265	10769 VILLAGER RD	MALVAEZ DIANA
	266	10771 VILLAGER RD	SCHWARTZ ROBERTA
	267	10771 VILLAGER RD	WEITZUL CHADWICK EDWARD & SARAH BARTLES WEITZUL
	268	10771 VILLAGER RD	SCHWARTZ SUSAN
	269	10771 VILLAGER RD	YOUNG ZACHARY
	270	10763 VILLAGER RD	HODGKINSON CINDY
	271	10763 VILLAGER RD	BAKER MARY P
	272	10763 VILLAGER RD	MCHARGUE ELIZABETH B
	273	10763 VILLAGER RD	RUBENSTEIN LEON
	274	10765 VILLAGER RD	RAINES EMILY KATHERINE

05/30/2017

Reply	*Label #*	*Address*	*Owner*	
	275	10765	VILLAGER RD	THOMAS GIL
	276	10765	VILLAGER RD	BUTLER ERNEST
	277	10765	VILLAGER RD	PRICE LYNN A

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District generally on the north line of South Riverfront Boulevard, west of Cadiz Street
Recommendation of Staff and CPC: Approval, subject to a site plan and conditions
Z167-181(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-181(SM) **DATE FILED:** January 17, 2017

LOCATION: Generally on the north line of South Riverfront Boulevard, west of Cadiz Street

COUNCIL DISTRICT: 1 **MAPSCO:** 45-T

SIZE OF REQUEST: Approximately 0.57acres **CENSUS TRACT:** 100.00

APPLICANT/OWNER: Pine H Partnership, LP

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

REQUEST: An application to create a new subdistrict within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District.

SUMMARY: A new subdistrict is being created to permit a monopole cellular tower. The other uses permitted in the Cedars West Subdistrict of the Planned Development District will continue to be allowed, as well. [Verizon Wireless]

CPC RECOMMENDATION: **Approval**, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- Planned Development District No. 784, Trinity River Corridor Special Purpose District was originally adopted on September 24, 2008 before Article XIII Form Districts were adopted. This district is intended to function as a form based district and therefore has similar goals and tools that it utilizes to direct development, including but not limited to, regulating building facades, transparency, wide sidewalks, pedestrian scaled lighting, benches, bike lanes, and street sections.

- In October 2010, the City Council amended Planned Development District No. 784, the Trinity River Corridor Special Purpose District, to include the Cedar West Subarea.

- The Cedars West Subdistrict of Planned Development District No. 784 allows mounted cellular antennas by right but prohibits all other types of tower/antenna for cellular communications.

- On August 12, 2015, the Council denied an application to create a new subdistrict within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District without prejudice on the request site.

Zoning History: There have been three recent zoning changes requested in the area Within the last five years.

1. Z134-203 On August 13, 2014 the City Council approved a new subarea within Planned Development District No. 784, the Trinity River Corridor Special Purpose District that allowed a utility or government installation other than listed (Able Pump Station) by SUP and adopted SUP No. 2098 for an utility or government installation other than listed (Able Pump Station).

2. Z112-241 On August 22, 2012, the City Council approved a renewal to SUP No. 1484 for a commercial amusement (inside) limited to a Class A dance hall subject to a five year period.

3. Z112-160 On April 25, 2012, the City Council approved a new subarea within Planned Development District No. 784, the Trinity River Corridor Special Purpose District that allowed a restaurant with drive through use by SUP and granted SUP No. 1953 for a three year period.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Special cross street designation
Riverfront Boulevard	Principal Arterial	6 lanes divided, 130' ROW, 93' pavement with bicycle lanes

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Surrounding Land Uses:

	PDD No. 784 Subdistrict	Land Use
Site	Cedars West	Vacant restaurant
North	Cedars West	IH-30 elevated and separated highway
East	Cedars West	IH-35E elevated and separated highway
South	Cedars West	Electric utilities
West	Mixmaster Riverfront	IH-35E elevated and separated highway

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.

There are no goals or policies supporting or opposing the request.

Trinity River Corridor Comprehensive Land Use Plan:

The *Trinity River Corridor Comprehensive Land Use Plan* was adopted by the City Council in March 2005. The 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 Mixed Use – High Density Module.

This module represents a mix of uses in a dense vertical arrangement within a tall building. The active pedestrian uses are located on the ground floor with direct access to major streets and/or transit stations. High density mixed use development can include hotel, office, residential, entertainment and civic uses. Dense mixed-use development fosters active pedestrian areas and is usually located where it can take advantage of quality views.

Land Use Compatibility:

The vacant building to the rear of the site, located on the same parcel as the proposed monopole cellular tower, was constructed in 2002 to 2003 and most recently was occupied by a restaurant, named the Riverfront Café that received a certificate of occupancy in November 2012. The proposed monopole cellular tower is situated near Riverfront Boulevard. The applicant has requested the location shown on the site plan because all other locations would obstruct the faces of the nearby billboard. During staff review, the applicant agreed to move the tower as far away from the Riverfront right-of-way in order to accommodate the regulating plan and public improvements so that the monopole tower does not protrude into pedestrian areas or project in front of future building facades. An essential part of the Area Plans is to encourage a work, live, and play environments and it is staff's position that it includes connectivity to cellular services.

The property to the south houses electric utilities and contains various vertical pole and utility structures. The remainder of the surrounding properties consists of elevated and separated interstate highways and access roads that separate the property from contiguous development and therefore creates an island affect for the subject property that makes the Plan's High Density Building Block virtually impossible to obtain. Therefore, staff supports a tower/antenna for cellular communication use at this uniquely situated property without a specific use permit but rather by a site plan, as explained in the next section.

Site Plan Requirement:

The request restricts the tower/antenna land use to a site plan that is approved by Council. This allows Council the discretion to evaluate whether or not the proposed plan is appropriate, as specified by the criteria listed in the PDD. This requirement is similar to a development plan requirement, however; the PDD was organized and created with similar terminology for a site plan rather than a development plan.

Unique to this PDD are two items that are pertinent to this request: (1) the PDD has regulating plans and (2) the PDD allows CPC to approve site and landscape plans that do not conform to the regulating plan. The PDD describes that, “Regulating plans [show] the subarea boundaries and height regulations, and additional regulations such as streetscape standards, build-to lines, setback lines, and parking setback lines for each subarea."[1] The PDD also states the following:

> The city plan commission shall approve a site plan or landscape plan that does not comply with the regulating plan if the modification:
>
> (A) is to the right-of-way or street alignments shown on the regulating plan, and the modification does not alter the street types designated on the regulating plan;
>
> (B) does not alter the minimum or maximum heights designated on the height map; and
>
> (C) the site plan or landscape plan:
>
> (i) does not alter the basic relationship of the proposed development to abutting property;
>
> (ii) does not adversely affect surrounding properties;
>
> (iii) is consistent with the Trinity River Corridor Comprehensive Land Use Plan; and
>
> (iv) is consistent with the vision and intent of the applicable form district and regulating plan.[2]

Therefore, in this PDD, a site is not required to comply with the full extent of the PDD regulations if the above criteria listed for a site plan approval are met and approved by City Plan Commission. Since the tower/antenna use is also proposed to be required to have a Council approved site plan for the use, staff supports the request.

Location and screening: The proposed site plan situates the monopole seven feet from the property line on Riverfront Boulevard. Part III of PDD No. 714 describes streetscape standards for each street and for Riverfront Boulevard, which is also designated on the Thoroughfare Plan. The current right-of-way for Riverfront Boulevard

[1] Reference Section 51P-784.103(c)(3)
[2] Reference Section 51P-784.108(c)

varies as it traverses through the PDD. The Thoroughfare Plan calls out 130 feet of right-of-way which includes 93 feet of pavement. The street section that is included in Part III of PDD 714 corresponds with the dimensions described in the Thoroughfare plan but describes a 10 foot-wide pedestrian zone between the curb and edge of the right-of-way and finally, a maximum seven-foot build-to line.

The site currently contains a three-sided non-premise sign, or billboard. The applicant reports that the siting of the monopole tower is based on view corridors for the billboard so as to not obstruct views of the signs and the siting of the equipment is to not obstruct the operations of the existing vacant restaurant. Additionally, the monopole is situated a minimum of seven feet from the property line which would allow the monopole to sit at or behind any future building facade. A six-foot CMU split face masonry wall is proposed to surround the base of the monopole and equipment. Staff recommends approval because the screening material proposed for the monopole and equipment will ensure that the site will remain tidy, durable, and the locations proposed do not obstruct future redevelopment possibilities.

Parking: The proposed site plan complies with the Dallas Development Code minimum off-street parking regulations.

Landscaping: The utility or government installation other than listed use will not trigger any requirements under Article X. Further, the request proposes that a tower/antenna for cellular communication is exempt from installing the specific landscaping regulations and pedestrian amenities for Riverfront Boulevard.

CPC Action – May 4, 2017:

Motion: It was moved to recommend **approval** of the creation of a new subdistrict, subject to a site plan and conditions within the Cedars West Subdistrict of Planned Development District No. 784, the Trinity River Corridor Special Purpose District generally on the north line of South Riverfront Boulevard, west of Cadiz Street.

Maker: Anglin
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung*, Housewright, Schultz, Peadon*, Murphy, Tarpley

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Ridley

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 9
Replies: For: 1 Against: 0

Speakers: None

LIST OF OFFICERS

Pine H Partnership, L.P.

4514 Travis Street

Suite 326

Dallas, TX 75205

Manager: Barry E. Hancock

Margaret M. Hancock

Marilyn H. Augur

PROPOSED REVISED CONDITIONS
PD 784 CEDARS WEST SUBAREA

Note: Due to the size of the PD, only the portions of the conditions pertinent to this request are included in this report.

SEC. 51P-784.203. URBAN VILLAGE FORM DISTRICT REGULATIONS.

(a) In general.

(1) The urban village form district emphasizes a dense, urban mid-rise development with a mix of residential and nonresidential uses. The character of development will include low-rise and mid-rise structures with active pedestrian frontages. Streets will create an important public open space network with wide sidewalks and other amenities. Landscaping is urban and emphasizes street trees within the planting and amenity zones to create pedestrian shading.

(2) This district is considered to be a nonresidential zoning district.

(3) In the Cedars West Subdistrict No. 2, a tower/antenna for cellular communication use is not required to meet the standards in Subparagraphs (b) through (j) if the City Council approves a site plan that complies with the zoning procedures in Section 51A-4.701. The City Council shall approve a site plan for a tower/antenna for cellular communication use if the City Council finds that:

(A) the request complies with the right-of-way or street alignments shown on the regulating plan and the modification does not alter the street types designated on the regulating plan, excluding

(i) frontage on build-to-line requirements and

(ii) the number of tree requirements when a capital improvement project is approved to install street trees;

(B) the request does not alter the minimum or maximum heights designated on the height map; and

(C) the site plan :

(i) does not alter the basic relationship of the proposed development to abutting property;

(ii) does not adversely affect surrounding properties;

(iii) is consistent with the Trinity River Corridor Comprehensive Land Use Plan; and

(iv) is consistent with the vision and intent of the applicable form district and regulating plan.

Table 203.12. Main uses permitted in the urban village form district.

Utility and public service uses		
Commercial radio or television transmitting station	Permitted	
Electrical substation	Permitted	
Local utilities	Permitted	
Police or fire station	Permitted	
Post office	Permitted	
Tower/antenna for cellular communication	Permitted	Except as otherwise provided, o[~~O~~]nly mounted cellular antenna permitted. In Cedars West Subdistrict No. 2, any type of tower/antenna for cellular communication use that complies with Section 51P-784.203(a)(3) is permitted.
Utility or government installation other than listed	Permitted	Detention facility prohibited.

PART III.

SUBAREA REGULATIONS.

SEC. 51P-784.301. REGULATING PLANS.

Use and development of the Property must comply with the regulating plan approved for each subarea. If there is a conflict between the text of this article and a regulating plan, the text of this article controls. (Ord. 27331)

SEC. 51P-784.302. CREATION OF SUBAREAS.

(a) Subareas are geographic areas within the district. The form district regulations are applied to the subareas.

(b) The following subarea are incorporated into the Trinity River Special Purpose District (See Illustration 302A):

(1) Mixmaster Riverfront Subarea.

(A) Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

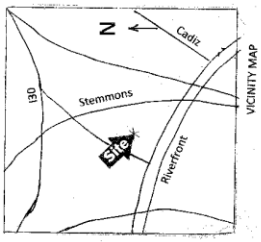
(B) Mixmaster Riverfront Subarea Tract 2.

(2) Cedars West Subarea.

(A) Cedars West Subdistrict No. 1.

(B) Cedars West Subdistrict No. 2.

PROPOSED SITE PLAN



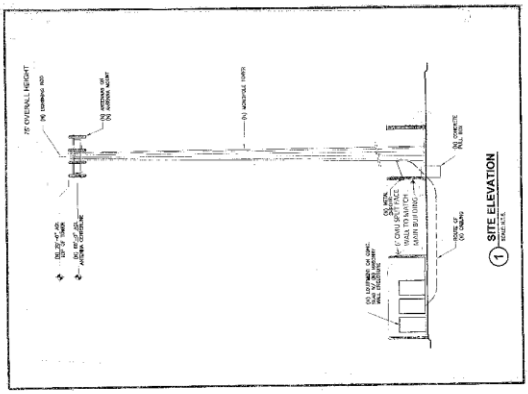
REPRESENTATIVE: ZONE SYSTEMS, IN
1620 HANDLEY DRI
DALLAS, TX, 75208
214 941-4440

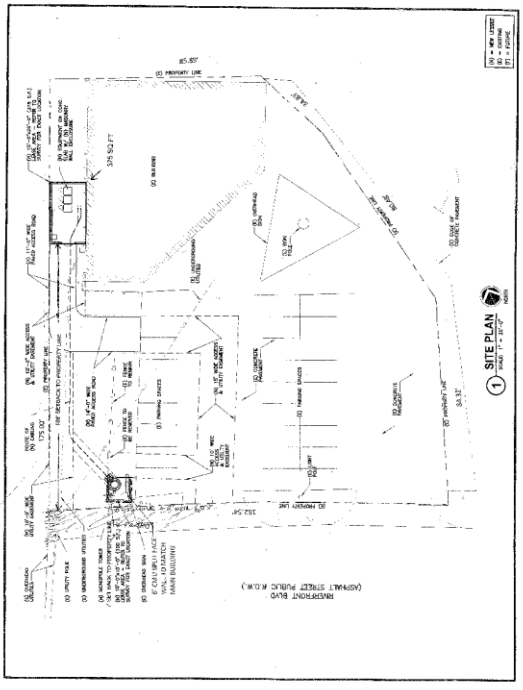
OWNER: PINE H PARTNERSHIP
4514 TRAVIS STREET
DALLAS, TX 75206
214 808-0000

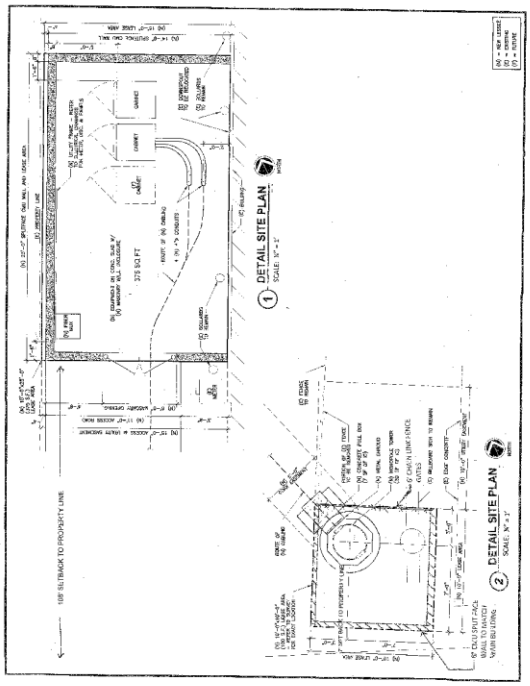
SITE PLAN

906 S. RIVERFRONT BLVD.
DALLAS, TX
ELMERS ADDITION NO.1
LOT 1, BLOCK 7334
W.S. BEATTY SURVEY, ABSTRACT NO.57

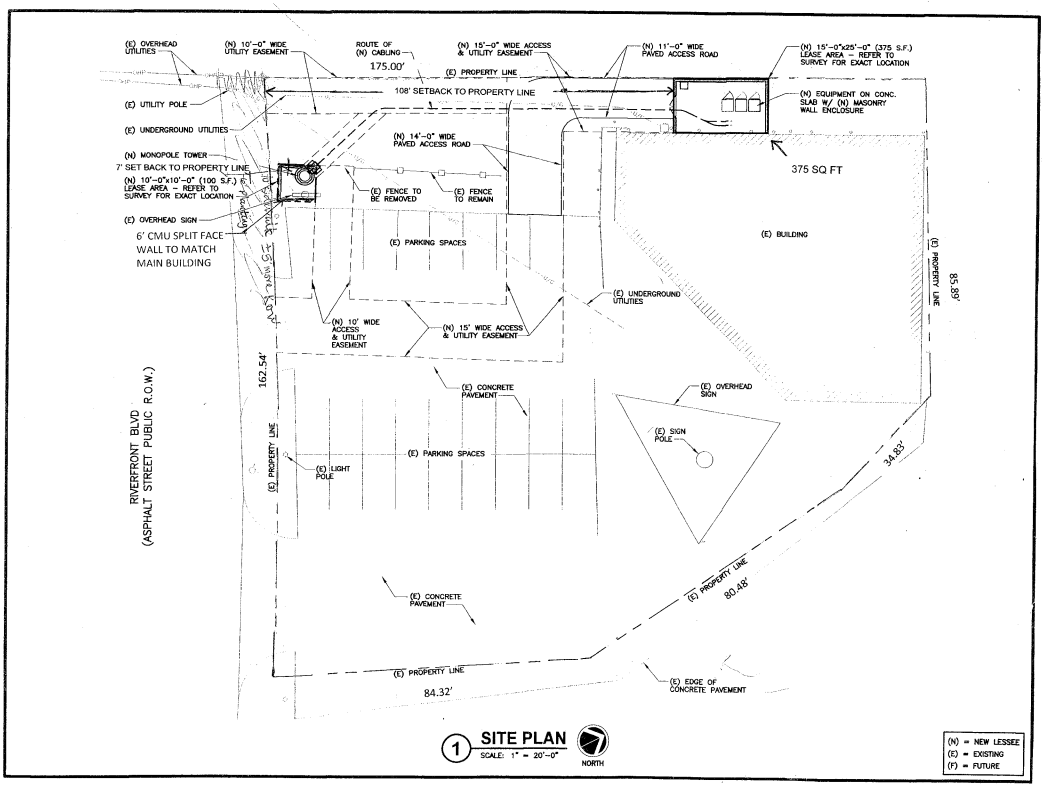
Z167-181

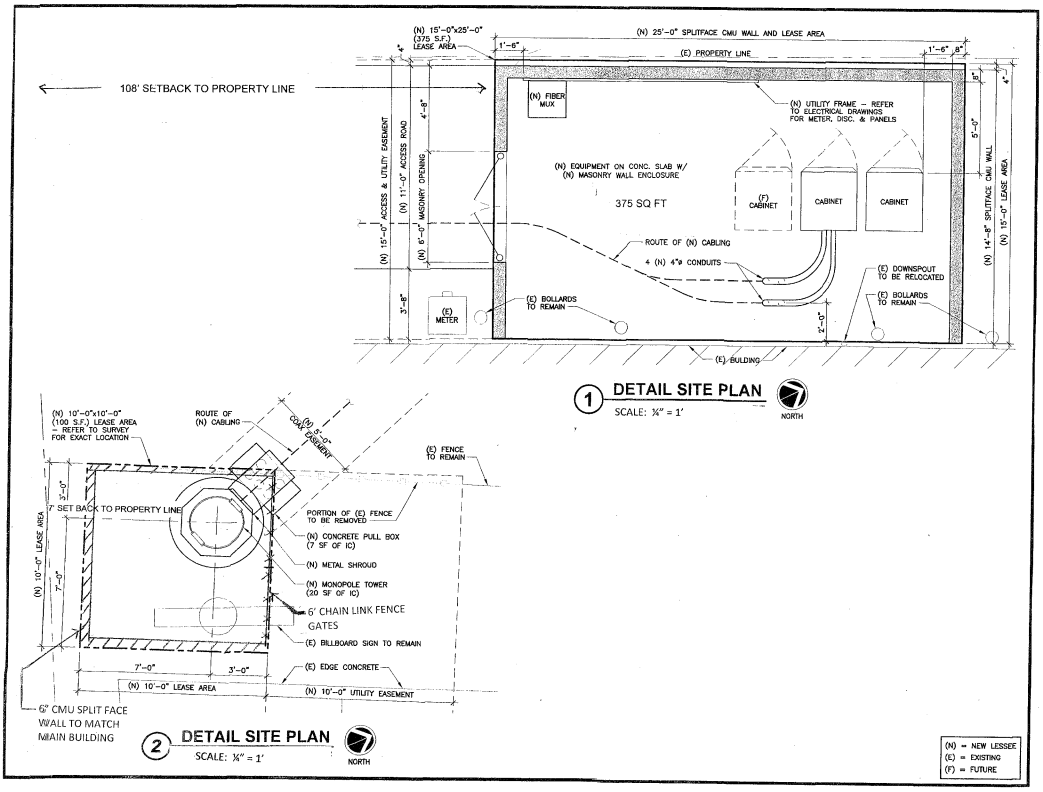




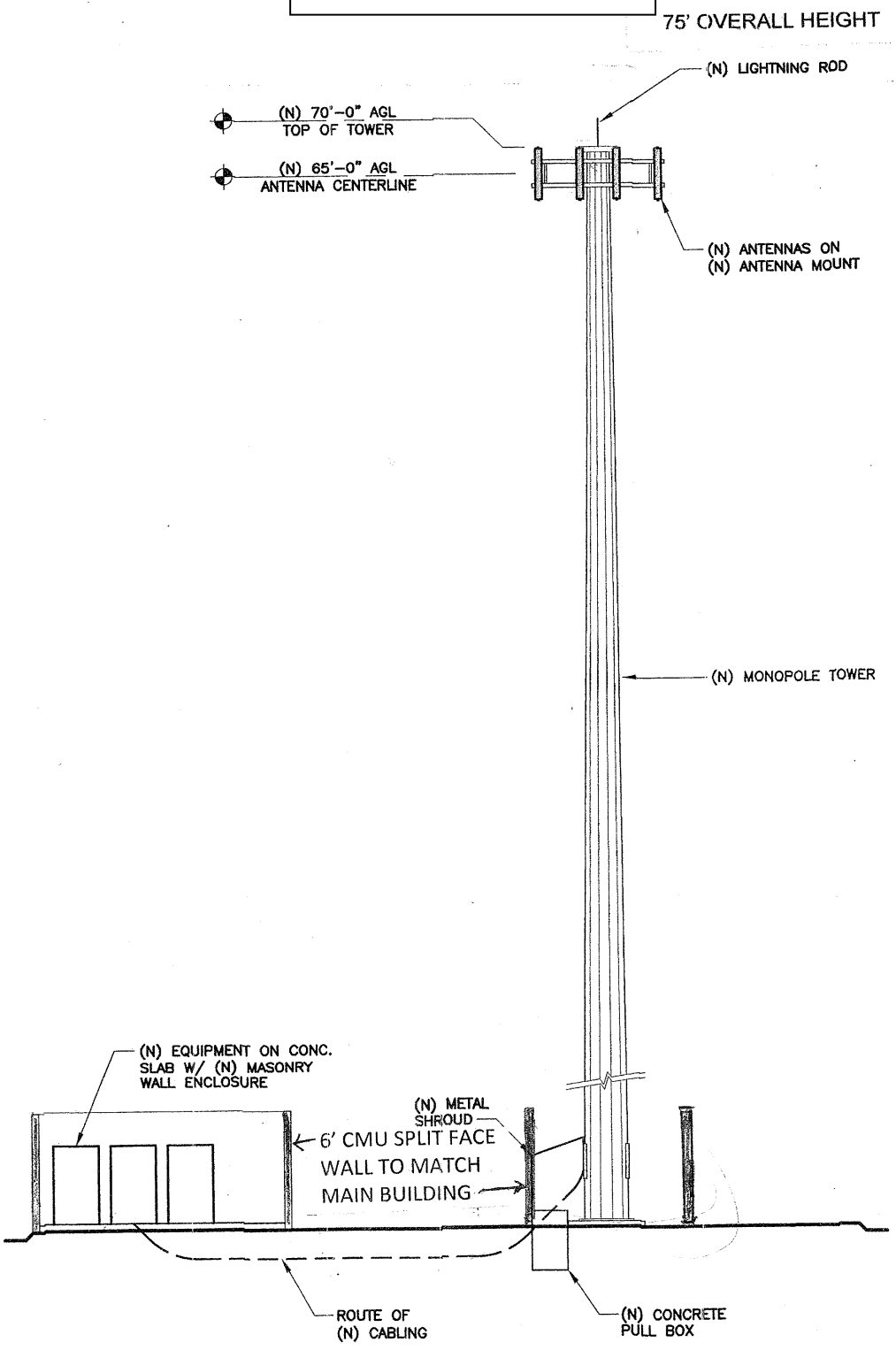


PROPOSED ENLARGED SITE PLAN



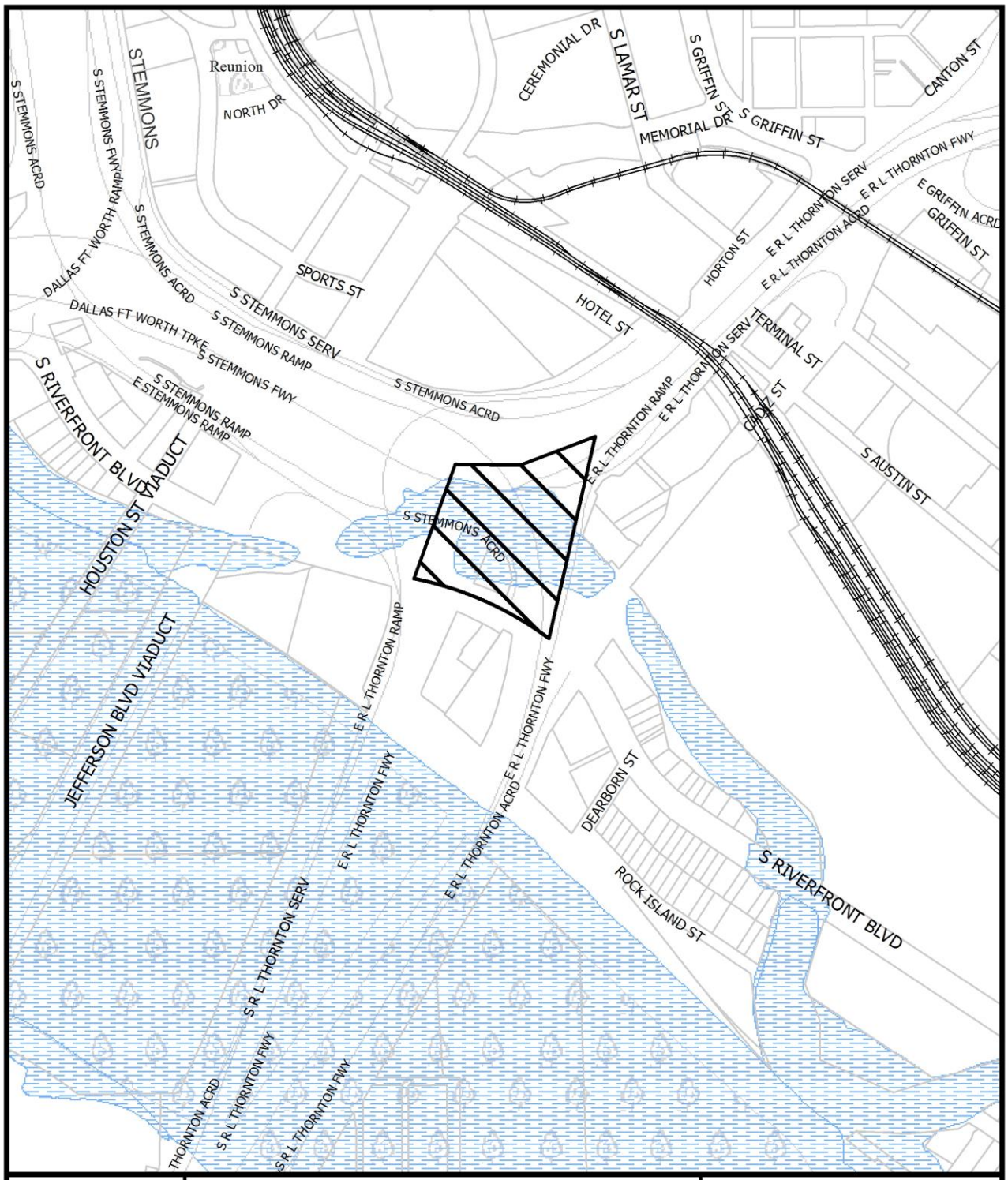


PROPOSED ENLARGED ELEVATION PLAN



1 SITE ELEVATION

SCALE: N.T.S.

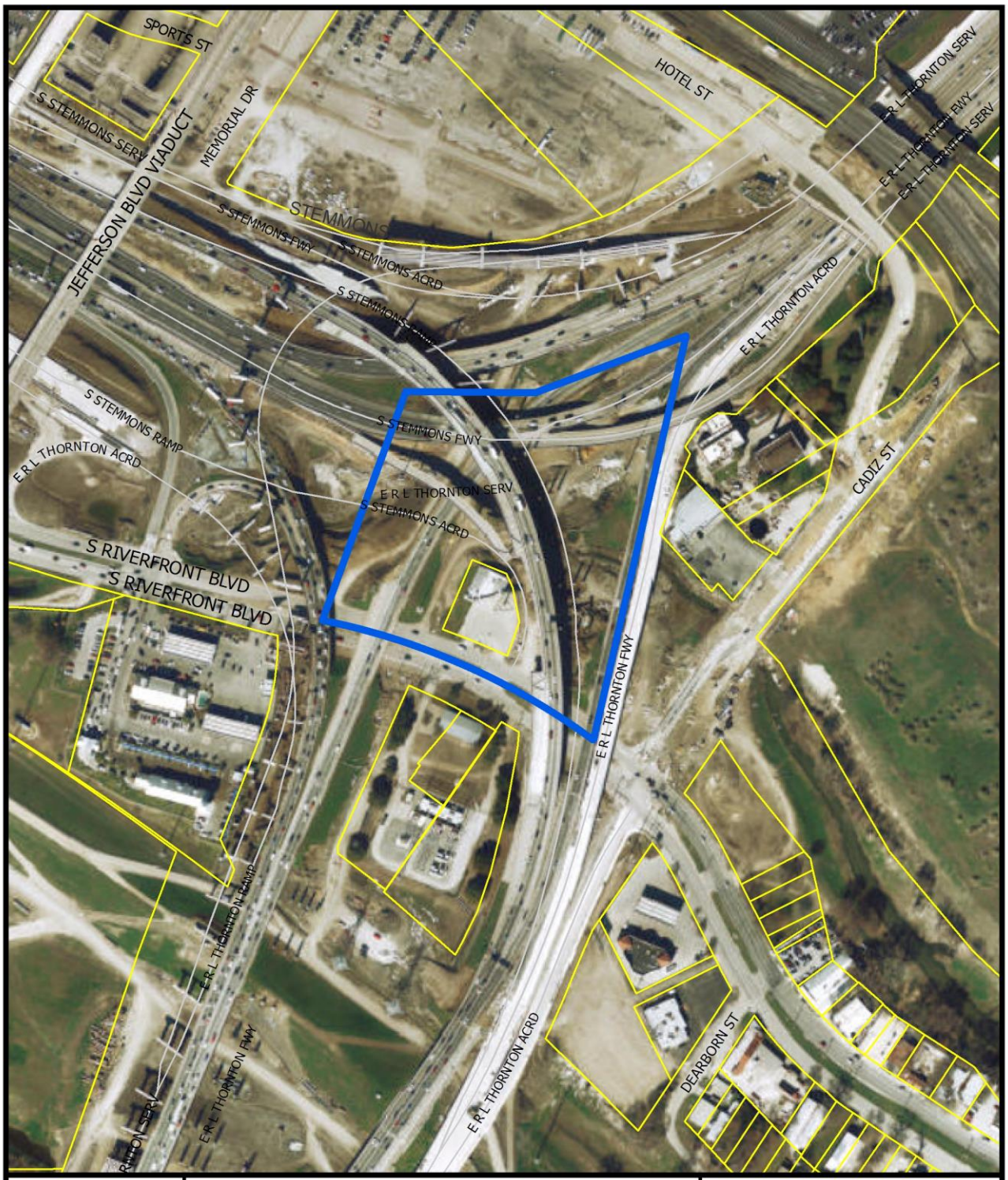


1:7,200

VICINITY MAP

Case no: Z167-181

Date: 4/19/2017

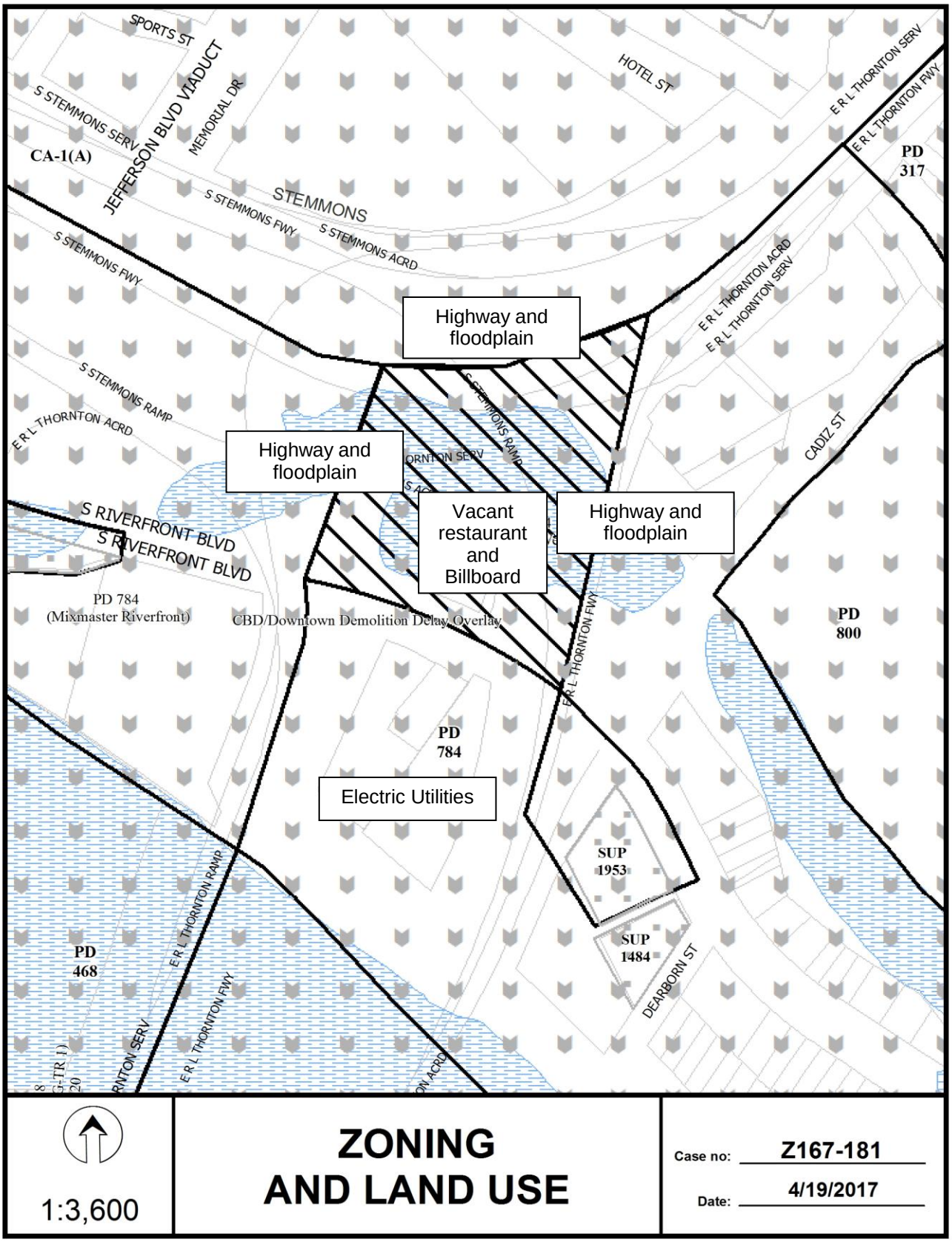


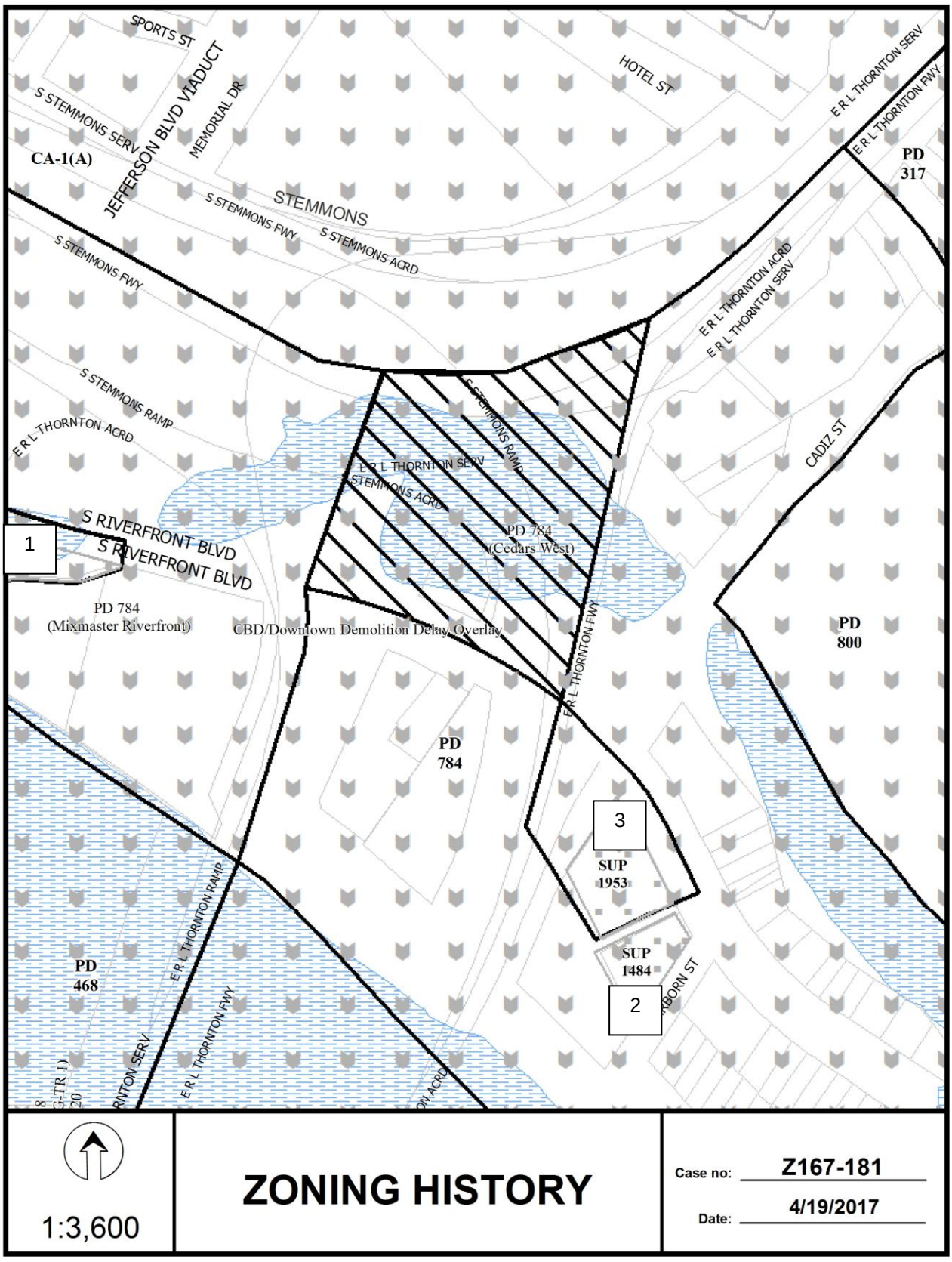
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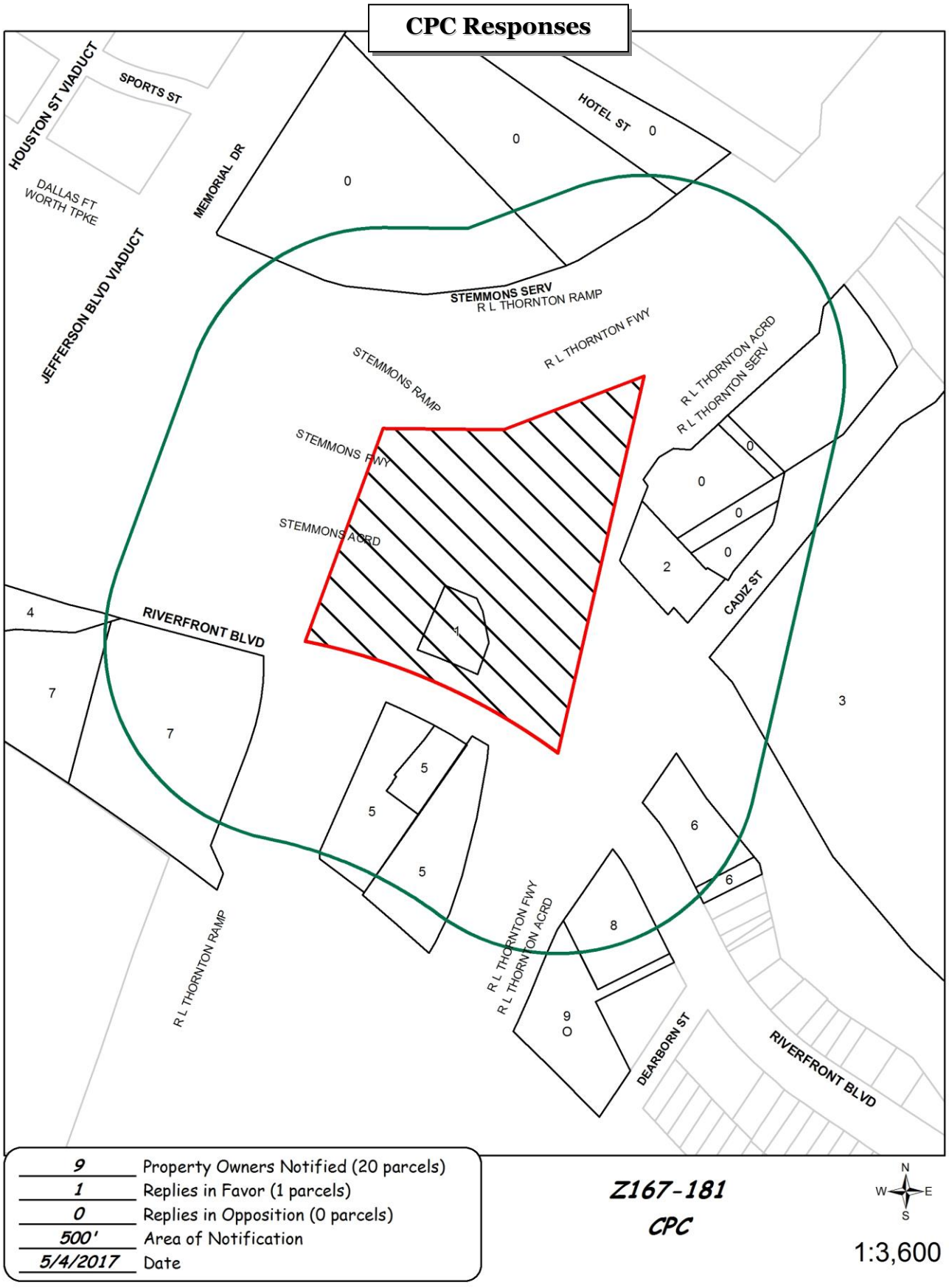
AERIAL MAP

Case no: Z167-181

Date: 4/19/2017


SPORTS ST
JEFFERSON BLVD VIADUCT
MEMORIAL DR
S STEMMONS SERV
CA-1(A)
STEMMONS
S STEMMONS FWY
S STEMMONS ACRD
HOTEL ST
E R L THORNTON SERV
E R L THORNTON FWY
PD 317
E R L THORNTON ACRD
Highway and floodplain
S STEMMONS RAMP
CADIZ ST
Highway and floodplain
Vacant restaurant and Billboard
Highway and floodplain
S RIVERFRONT BLVD
PD 784 (Mixmaster Riverfront)
CBD/Downtown Demolition Delay Overlay
PD 800
PD 784
Electric Utilities
SUP 1953
SUP 1484
DEARBORN ST
PD 468
E R L THORNTON RAMP
E R L THORNTON FWY
1:3,600
ZONING AND LAND USE
Case no: Z167-181
Date: 4/19/2017


SPORTS ST
JEFFERSON BLVD VIADUCT
MEMORIAL DR
S STEMMONS SERV
CA-1(A)
STEMMONS
S STEMMONS FWY
S STEMMONS ACRD
HOTEL ST
E R L THORNTON SERV
E R L THORNTON FWY
PD 317
E R L THORNTON ACRD
S STEMMONS RAMP
E R L THORNTON ACRD
CADIZ ST
S RIVERFRONT BLVD
1
PD 784
(Mixmaster Riverfront)
CBD/Downtown Demolition Delay Overlay
PD 784
(Cedars West)
PD 800
PD 784
3
SUP 1953
SUP 1484
2
PD 468
E R L THORNTON RAMP
E R L THORNTON FWY
1:3,600
ZONING HISTORY
Case no: Z167-181
Date: 4/19/2017


CPC Responses
HOUSTON ST VIADUCT
SPORTS ST
HOTEL ST
MEMORIAL DR
DALLAS FT WORTH TPKE
JEFFERSON BLVD VIADUCT
STEMMONS SERV
R L THORNTON RAMP
R L THORNTON FWY
STEMMONS RAMP
STEMMONS FWY
STEMMONS ACRD
R L THORNTON ACRD
R L THORNTON SERV
CADIZ ST
RIVERFRONT BLVD
R L THORNTON RAMP
R L THORNTON FWY
R L THORNTON ACRD
DEARBORN ST
RIVERFRONT BLVD
9 Property Owners Notified (20 parcels)
1 Replies in Favor (1 parcels)
0 Replies in Opposition (0 parcels)
500' Area of Notification
5/4/2017 Date
Z167-181
CPC
N
W
E
S
1:3,600

05/16/2017

Reply List of Property Owners

Z167-181

9 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	908	S RIVERFRONT BLVD	HFT PROPERTIES LLC
	2	327	CADIZ ST	SHERO INDUSTRIAL PPTIES LP
	3	318	CADIZ ST	TEXAS CENTRAL REAL ESTATE
	4	130	E JEFFERSON BLVD	DALLAS COUNTY FLOOD
	5	915	S RIVERFRONT BLVD	TEXAS UTILITIES ELEC CO
	6	200	CADIZ ST	SPORTATORIUM ASSOC INC &
	7	801	S RIVERFRONT BLVD	INDUSTRIAL GOLD RUSH LTD
	8	1005	S RIVERFRONT BLVD	ARLINGTON LAKESIDE GROCERY & GRILL INC
O	9	106	DEARBORN ST	REYNA ROGER & ROSA

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for TH-3(A) Townhouse District and public school other than an open-enrollment charter school uses on property zoned a TH-3(A) Townhouse District and an MF-2(A) Multifamily District, on the west corner of North Henderson Avenue and Manett Street
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions
Z167-205(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-205(SM) **DATE FILED:** February 10, 2017

LOCATION: West corner of North Henderson Avenue and Manett Street

COUNCIL DISTRICT: 14 **MAPSCO:** 35-V

SIZE OF REQUEST: Approx. 3.907 Acres **CENSUS TRACT:** 9.00

OWNER /APPLICANT: Dallas ISD

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a Planned Development District for TH-3(A) Townhouse District and public school other than an open-enrollment charter school uses on property zoned a TH-3(A) Townhouse District and a MF-2(A) Multifamily District.

SUMMARY: The applicant proposes to construct an addition to the existing two-story Solar Preparatory School for Girls and to redesign and expand the existing parking lot and bus lane. The applicant proposes to reduce side and rear yard setbacks where adjacent to or directly across an alley from a public park or playground and allow flag poles, light poles, benches, seating, planters, and steps with ramps and railings are allowed in required yards.

CPC RECOMMENDATION: **Approval**, subject to a development plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The original school building was constructed around 1923 and was previously known as James B. Bonham Elementary School. That school closed May 2012.

- Throughout the decades, additions, portables, and parking areas were added.

- According to the school's website, the Dallas ISD Board of Trustees approved Solar Prep in 2015 following a competitive proposal process through the district's Office of Transformation and Innovation as part of its Public School Choice Initiative. Solar Prep opened with 199 scholars in grades K-2 in August 2016 and plans to add one grade level each year until it includes the eighth grade.

- On March 2, 2017 preliminary plat number S167-094 was approved, subject to conditions. The plat combined six lots into one lot to make the existing site into a single lot.

Zoning History: There have been two recent zoning requests in the vicinity in the past five years.

1. Z156-202: On August 24, 2016, Council approved a Planned Development District for MF-2(A) Multifamily District Uses on property zoned an MF-2(A) Multifamily District.

2. Z123-332: On June 25, 2014, Council approved an amendment to Planned Development District No. 820.

Thoroughfare/Streets

Thoroughfare/Street	Designation	ROW
Henderson Avenue	Local	50' ROW
Manett Street	Local	50' ROW

STAFF ANALYSIS:

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

Land Use Element

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The site is located on the southwest line of North Henderson Avenue. Across North Henderson Avenue, to the northeast of the property, there is a line of mixed residential buildings that are allowed to house single family, duplex, and multifamily uses. On the westernmost portion of that block, there is a restaurant and veterinary office. To the southeast, there is a large multifamily development with on-street parking on Manett Street. Additional mixed residential buildings lie to the south, southwest and west of the property. Immediately to the west and adjoining a property line with the subject site, is an existing park with playground equipment, tennis courts, and open areas.

The school was originally opened in the 1920's with a four-year break in operation. The school was recently re-purposed as an all-girls STEAM school and is currently operating with Kindergarten through the second grade. The school proposes to construct an addition to behind the original school building to provide additional facilities for the planned growth of the school. Because the addition is two stories and is compatible in scale and similar to the existing school, it is compatible with the surrounding land uses.

Traffic: The reconfiguration of the bus lane, the expansion the off-street surface parking area, and the construction of on-street parking on Manett Street to provide additional parent-walk up areas, as described in the proposed traffic management plan are improvements that will adequately serve the future expansion of the school. The Engineering Division of the Sustainable Development and Construction Department has reviewed the request, including the attached traffic management plan, and determined that the proposed development will not have a negative impact on the surrounding street system.

Parking: No modifications to the minimum off-street parking requirements of the Dallas Development Code are requested with this application. The request exceeds the minimum number of off-street parking spaces required for a school per the Dallas

Development Code by seven spaces. The parking requirement is one and a half spaces per elementary school classroom and three and a half per middle school classroom. The proposed school will have 24 elementary classrooms and 12 middle school classrooms. Therefore, the minimum parking requirement is 78 spaces and 85 spaces are provided on the proposed development plan.

Sidewalk Crossings: The singular difference between CPC recommendation and the applicant's proposal is for the areas where sidewalks cross over driveways. CPC recommended the crossings be distinguished both by a contrasting color and texture from the driveway. The applicant has requested that the crossings be either distinguished by color or texture. Sidewalk crossings that are simply painted, which would constitute a contrasting color but not a contrasting texture, are regularly worn off by tires and fade within a few years, depending on the volume of traffic that traverses the pedestrian crossing. Similarly, if the crossing has a stamped design in the concrete, it may not be noticeable to a driver until the tires are upon the crossing. Additionally, if the crossing has a stained concrete crossing but does not differ in texture, it may fade over time to eventually blend in with the driveway.

Because student and pedestrian safety is a paramount concern for a school, CPC recommends that sidewalk crossings be required to be constructed of a material that differs both in texture and color from that of vehicular ingress and egress driveways in order to communicate both the visual and physical distinction to drivers and buses that cross sidewalks at the school.

Landscaping: The request will not require any landscape regulatory changes. The proposed addition will require landscaping per Article X of the Dallas Development Code.

CPC Action – May 4, 2016:

Motion: It was moved to recommend **approval** of a Planned Development District for TH-3(A) Townhouse District and public school other than an open-enrollment charter school uses, subject to a revised development plan, traffic management plan, and staff's recommended conditions; specifically Section 114 to read as follows: "(a) For a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in texture and color from that of vehicular ingress and egress driveways" on property zoned a TH-3(A) Townhouse District and a MF-2(A) Multifamily District, on the west corner of North Henderson Avenue and Manett Street.

Maker: Ridley
Second: Rieves
Result: Carried: 13 to 1

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 1 - Peadon
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 500 Mailed: 184
Replies: For: 9 Against: 22

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TXD, 75226
Alan Rister, 5222 Homer St., Dallas, TX, 75206
For (Did not speak): Tiana Booker, 2525 N. Henderson Ave., Dallas, TX, 75206
Against: None

List of Officers

Dallas Independent School District

Board of Trustees

Dan Micciche

Edwin Flores

Audrey Pinkerton

Jaime Resendez

Dustin Marshall

Lew Blackburn

Joyce Foreman

Miguel Solis

Bernadette Nutall

CPC RECOMMENDED
PLANNED DEVELOPMENT DISTRICT CONDITIONS

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 west corner of Henderson Avenue and Manett Street. The size of PD _____ is approximately 3.9 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. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

(2) Exhibit ___B: traffic management plan.

SEC. 51P- ____.105. DEVELOPMENT PLAN.

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P- ____.106. MAIN USES PERMITTED.

(a) Except as provided, the only main uses permitted are those main uses permitted in the TH-3(A) Townhouse District, subject to the same conditions applicable in the TH-3(A) Townhouse District, as set out in Chapter 51A. For example, a use permitted in the TH-3(A) Townhouse 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 TH-3(A) Townhouse District is subject to DIR in this district; etc.

(b) The following main use is permitted by right: public school other than an open-enrollment charter school.

SEC. 51P-____.107. ACCESSORY USES.

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.

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 TH-3(A) Townhouse District apply.

(b) Public school other than an open-enrollment charter school.

(1) Side and rear yard. Minimum side and rear yard is five feet where adjacent to or directly across an alley from a public park or playground. Mechanical equipment is allowed in the northwest side yard as shown on the development plan.

(2) Required yards. Flag poles, light poles, benches, seating, planters, and steps with ramps and railings are allowed in required yards.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations 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) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P--____.112. TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit ___B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2018. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P- ____.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

CPC recommended:

(a) For a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in texture and color from that of vehicular ingress and egress driveways.

Applicant requested:

(a) For a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in texture or color from that of vehicular ingress and egress driveways.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

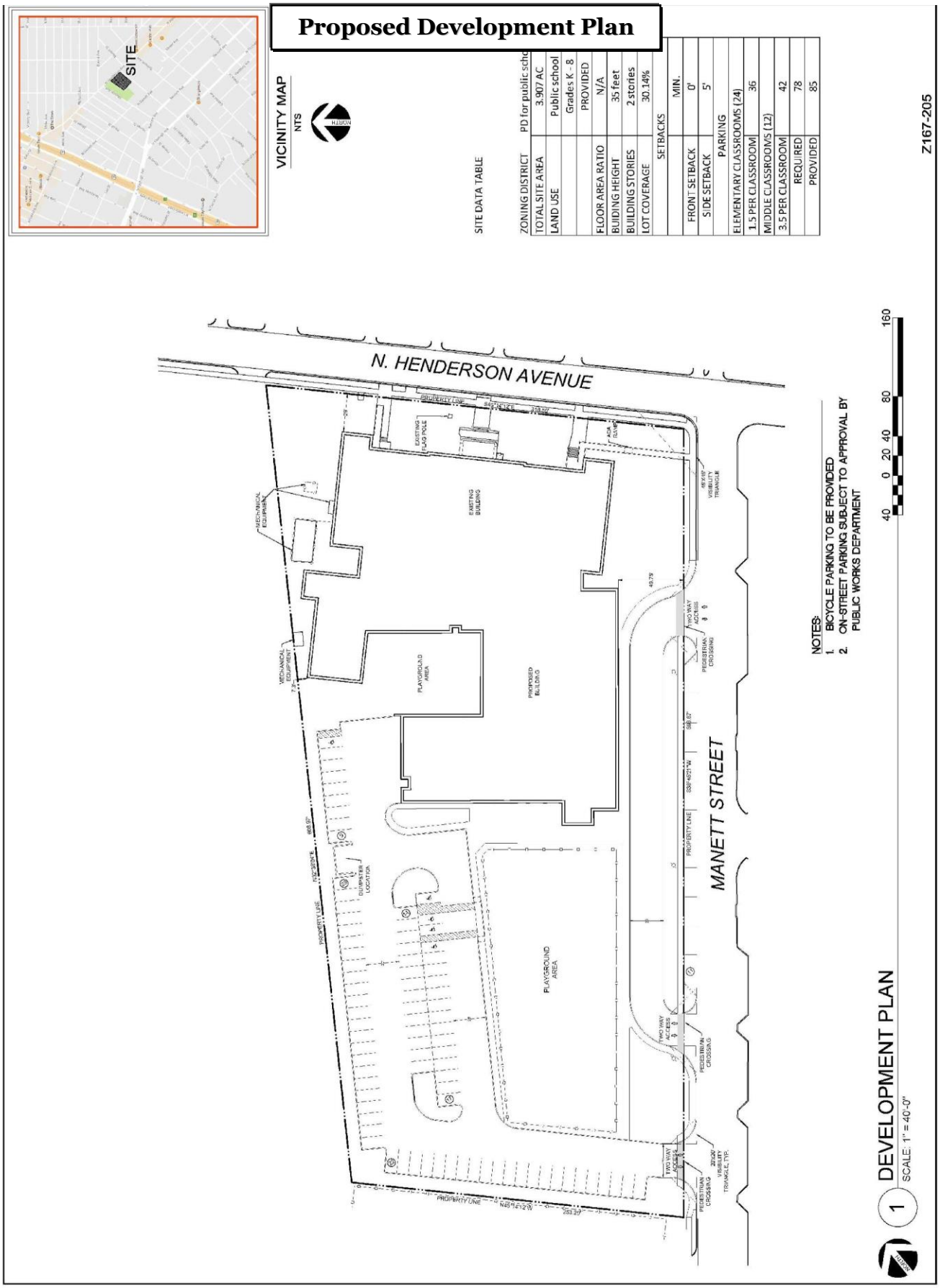
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.115. 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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Proposed Development Plan



April 6, 2017
PK# 3921-17.035
Z 167-205 SM

TRAFFIC MANAGEMENT PLAN

Project:
DISD Solar Preparatory School for Girls
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
Dallas Independent School District

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



Pacheco Koch

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(972) 235-3031 www.pkce.com
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-1000800-00

April 4, 2017

TRAFFIC MANAGEMENT PLAN
DISD Solar Preparatory School for Girls
Dallas, Texas

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Expectations 3
Changes to TMP 4
Traffic Management Plan 5

Proposed Site Plan

Exhibit 1. Existing Conditions
Exhibit 2. Recommendations/Proposed Conditions

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained on behalf of **Dallas Independent School District (DISD)** to prepare a Traffic Management Plan (TMP) for the *Solar Preparatory School for Girls* (the "School") located at 2617 N. Henderson Avenue in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking creation of a Planned Development District for the site from the City of Dallas (the "Approving Agency") to facilitate proposed site improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

Project Description

The site currently consists of an existing elementary school that currently serves 198 students in grades Kindergarten through 2nd. DISD plans to add one grade per year through 2022. At full occupancy, the school will serve grades Kindergarten through 8th with an enrollment of approximately 900 students.

The school fronts on N Henderson Avenue, a collector street, which intersects Manett Street, a local street, at a minor-approach STOP-control. Surrounding land uses include multifamily on the east (across Manett Street), mixed residential uses to the immediate south and north (across Henderson Avenue), and a public park (Cochran Park) immediately west of the site.

Proposed site improvements include new building construction, replacing the existing parking lot with a bus loading area and play area, and construction of a new 98-space parking lot. A proposed site plan for the DISD Solar Preparatory School for Girls, prepared by BWA Architects, is provided at the end of this report.

NOTE: Pacheco Koch was and is not involved with site selection, site design, or the operations for this project.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;

2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;

3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;

4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,

5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

Pacheco Koch was not involved with site selection, site design, or the current operations for this project. Pacheco Koch is not responsible for the *implementation* of the recommended TMP Strategies contained in this study.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to

take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "*TMP Objectives*"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency (-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibits. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, some specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) may be estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

A graphical summary of existing conditions is depicted in **Exhibit 1**; graphical summaries of recommendations and proposed conditions are depicted in **Exhibit 2**. A summary of specific recommendations are provided below:

1. Due to the current and future emphasis on busing and the benefits to reducing traffic impact, it is recommended that the expanded 'bus loop' on Manett Street be used exclusively for school bus loading and unloading. The School/DISD should strive to maximize school bus ridership.

2. Likewise, the expanded parking lot should be utilized to provide an off-street area for parent queuing during the afternoon pick-up period.

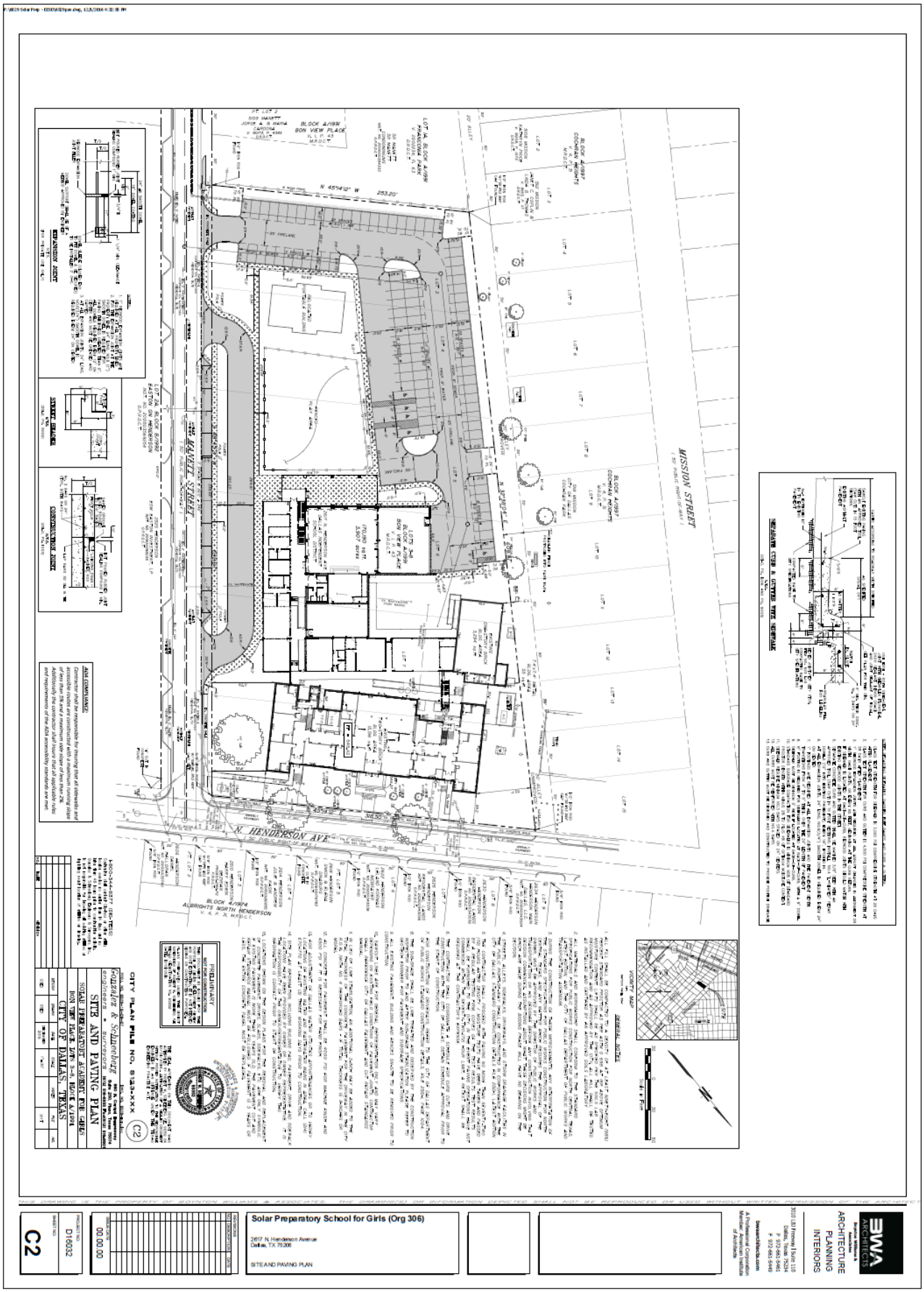
3. Available parking spaces within the expanded parking lot (3A) and the new, recessed, on-street parking spaces adjacent to the school site on Manett Street (3B) should be used for parent walk-up (to escort and greet students).

4. Due to narrow street widths, on-street parking/standing should be prohibited along curbsides where recessed parking is not provided.

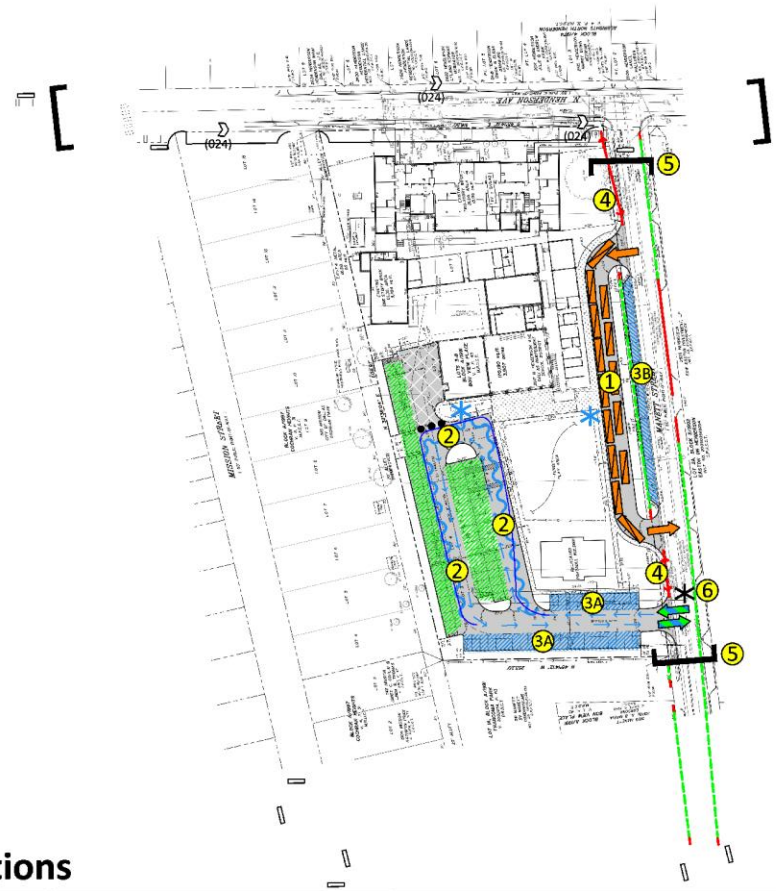
5. Install a new school zone on Manett Street.

6. Utilize a traffic officer during on Manett Street during afternoon pick-periods. (City staff recommendation.)

END OF MEMO

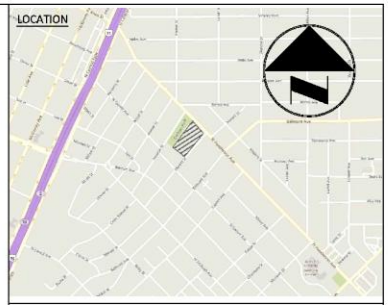

MISSION STREET
N. HENDERSON AVE
MAVETT STREET
SITE AND PAVING PLAN
Solar Preparatory School for Girls (Org 306)
2617 N. Henderson Avenue
Dallas, TX 75206
C2
D16032
00.00.00
ARCHITECTURE
PLANNING
INTERIORS

Existing Conditions
Henderson Avenue
Mission Street
Manett Street
(024)
LOCATION
LEGEND:
No Parking
- Existing, On Street
- Proposed, On Street
- Off-street
Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point
Queuing/Loading
- Queue Area (Controlled)
- Loading Area (Designated)
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
- Staff Assistance
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Public Transit Stop
(DART Route No.)
- Stop Line
- Traffic Signal
- Traffic Cone
BACKGROUND:
Event Information
Approving Agency: City of Dallas
Event/Type: Public School (Elementary School)
Event Organizer: Solar Preparatory for Girls
Event Time(s)/Date (s): Weekday morning & evenings (seasonal)
Event Frequency: Recurring / Occasional / One-Time
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY STEVE E. STONER, P.E. 84828 ON 03/21/2017. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT
TX. REG. ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00
PK #3921-17.035
(HWL: 03/21/17)
NOTE: This drawing is conceptual only and does not reflect a detailed design.
EXHIBIT 1
Z167-205
Traffic Management Plan
Existing Conditions
DISD Solar Preparatory Elementary School for Girls
Dallas, Texas
Pacheco Koch



Proposed Conditions

LOCATION



LEGEND:

No Parking
- Existing, On Street
- Proposed, On Street
- Off-street

Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point

Queuing/Loading
- Queue Area (Controlled)
- Loading Area (Designated)
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
- Staff Assistance
- Traffic Officer

Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Public Transit Stop (DART Route No.)
- Stop Line
- Traffic Signal
- Traffic Cone

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY STEVE E. STONER, P.E. 84828 ON 04/06/2017. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

Steve E. Stoner

TX. REG. ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

PK #3921-17.035
(HWL: 04/06/17)

BACKGROUND:

Event Information

Approving Agency:	City of Dallas
Event/Type:	Public School (Elementary/Middle School)
Event Organizer:	Solar Preparatory for Girls
Event Time(s)/Date (s):	Weekday morning & evenings (seasonal)
Event Frequency:	[Recurring] / Occasional / One-Time

NOTE: This drawing is conceptual only and does not reflect a detailed design.

RECOMMENDATIONS

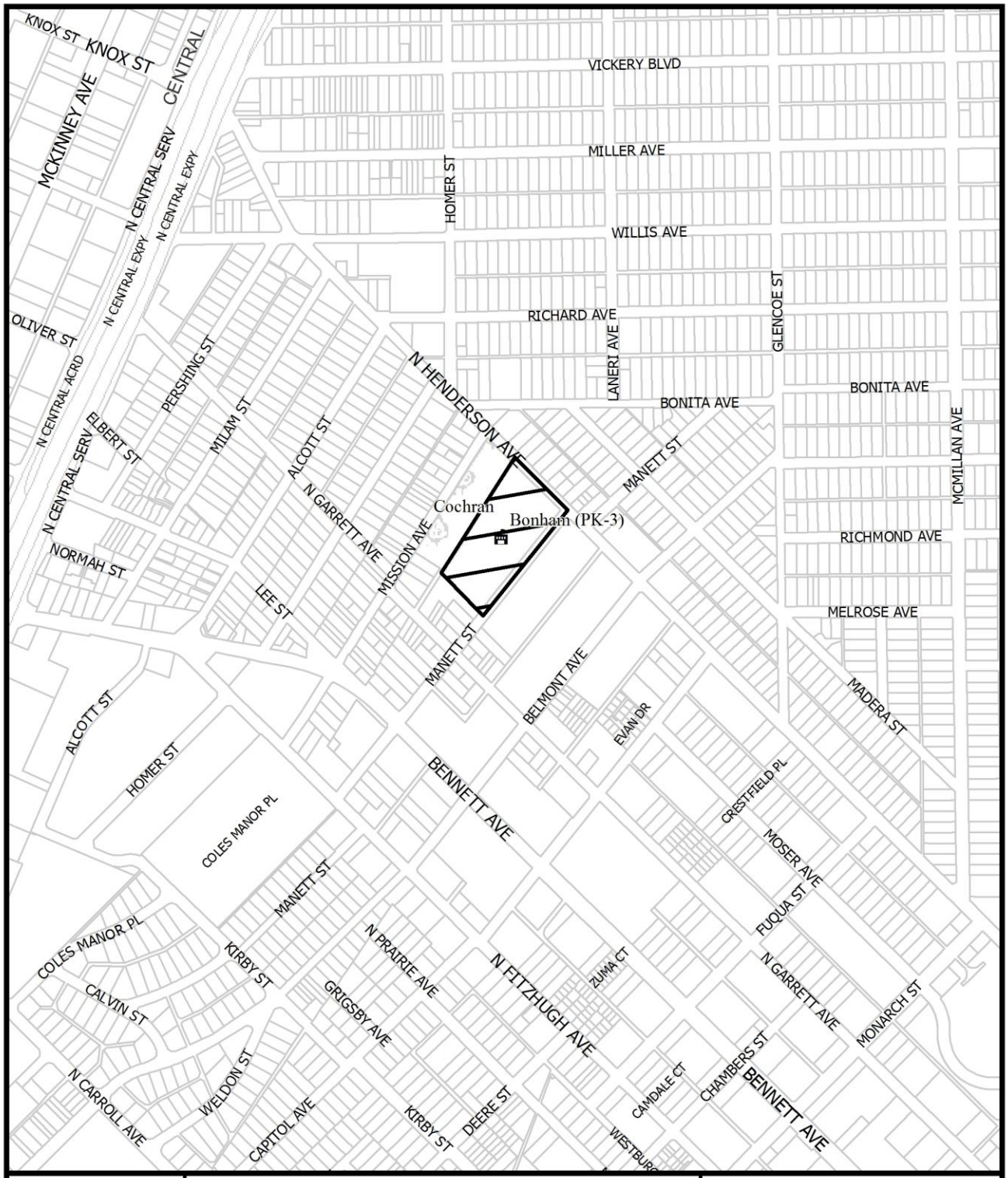
1. Utilize for Bus Use Only
2. Utilize for Parent Pick-up Only
3. Utilize for Parent Walk-up (See TMP Memo for Details)
4. Prohibit Parking/Standing Along Curbside Where Recessed Parking is not Provided
5. Install New School Zone on Manett Street
6. Designate Traffic Officer at School Driveway (Recommended by City Staff)

EXHIBIT 2 Z167-205

Traffic Management Plan
Proposed Conditions

DISD Solar Preparatory Elementary School for Girls
Dallas, Texas

Pacheco Koch

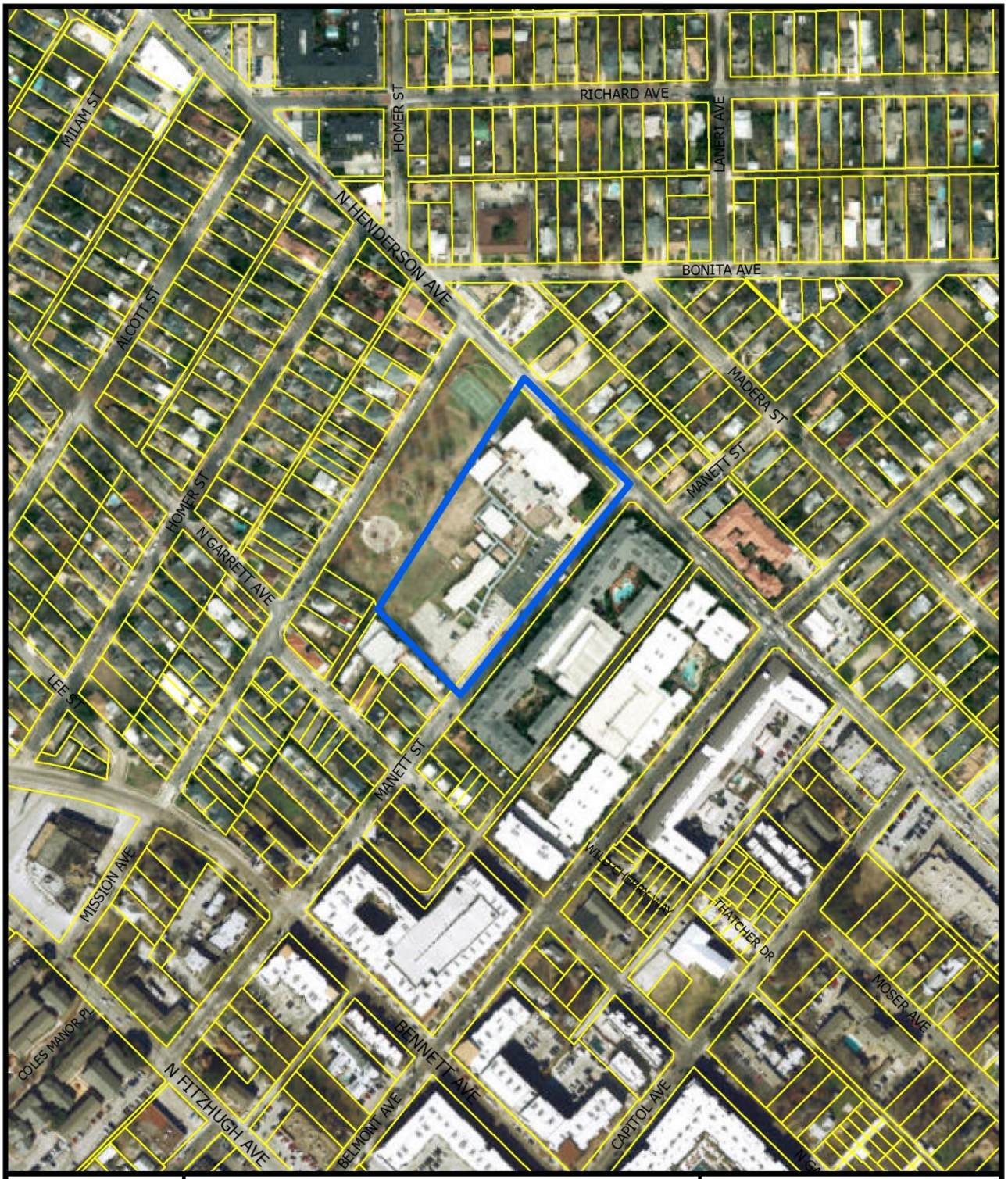


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VICINITY MAP

Case no: Z167-205

Date: 2/22/2017

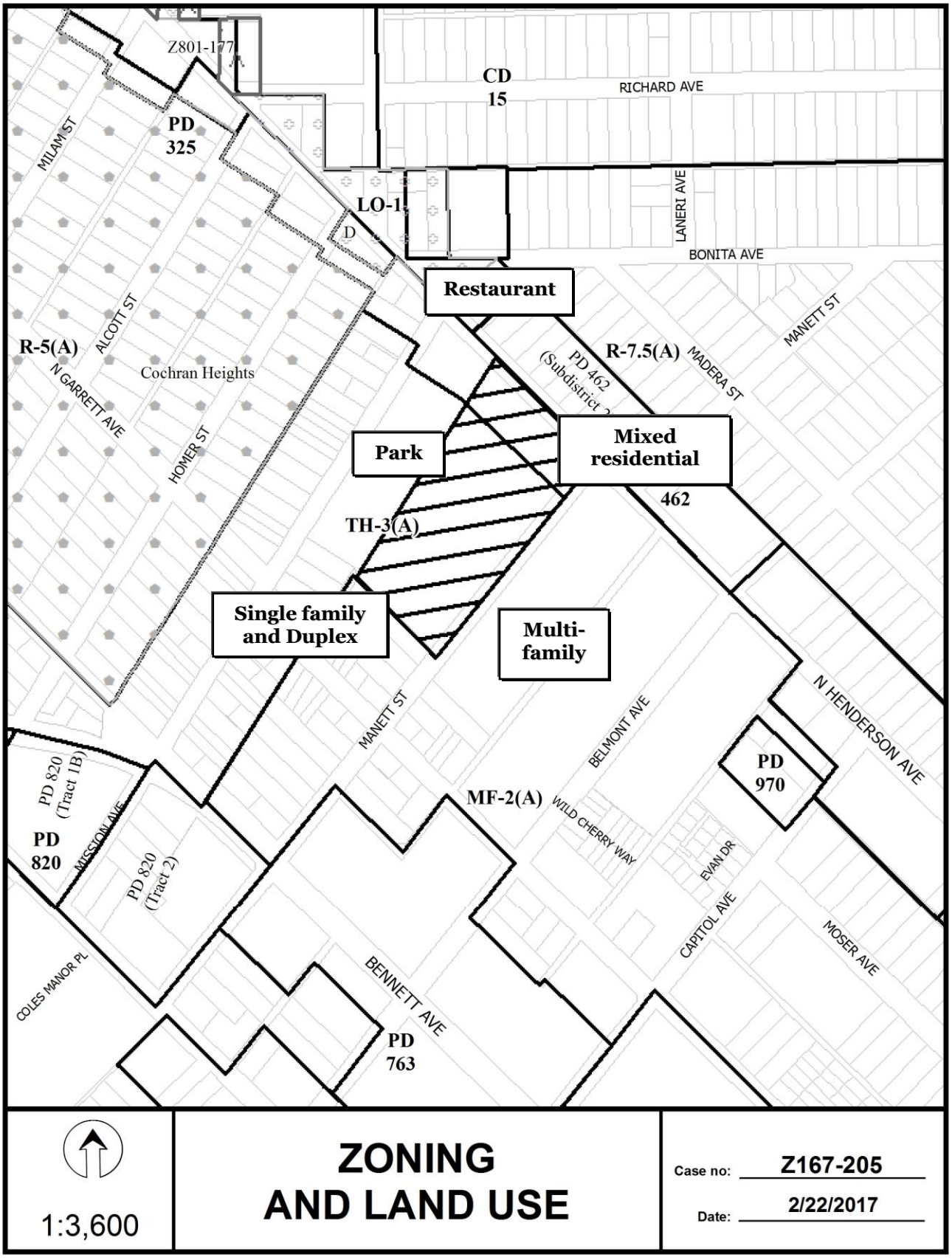


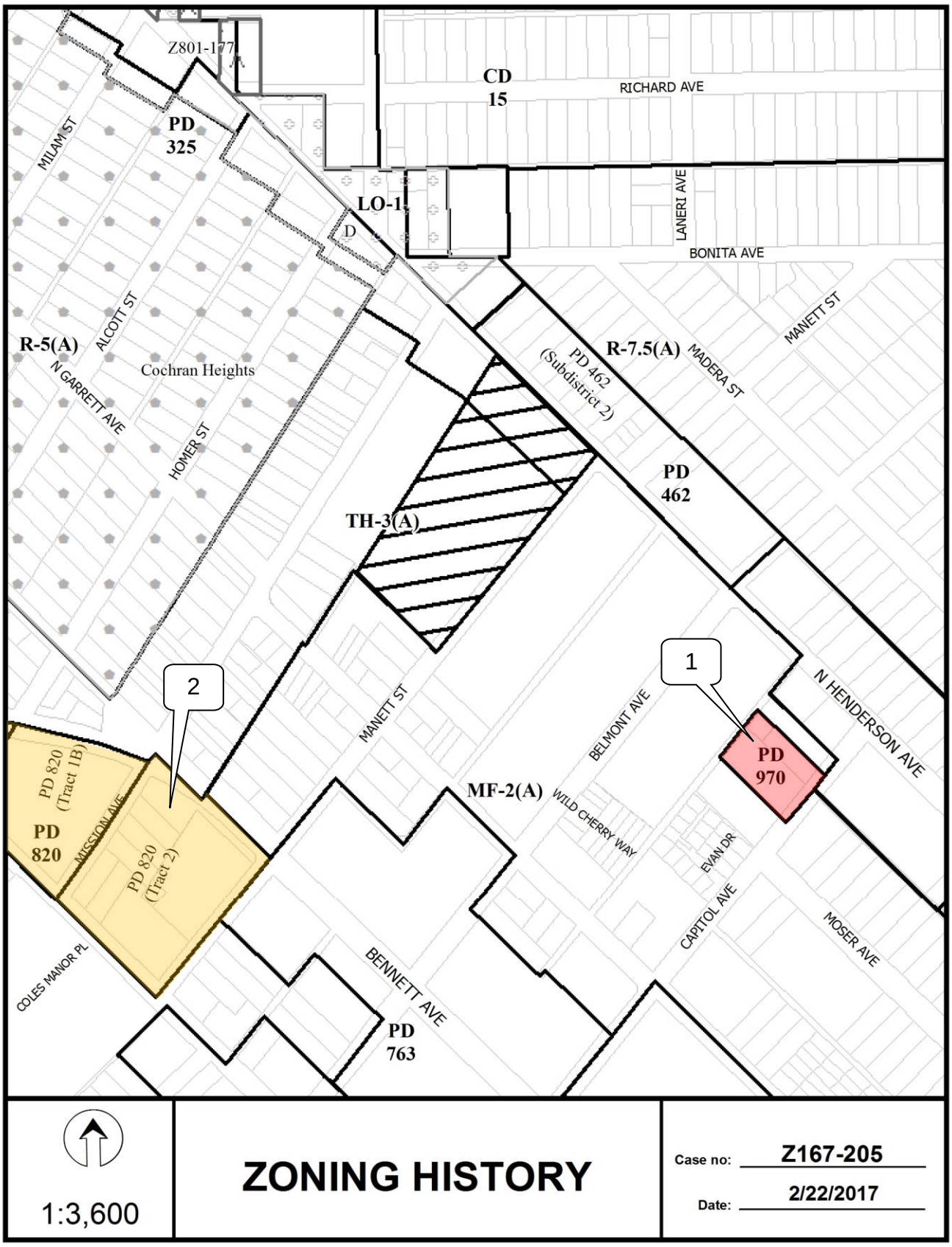
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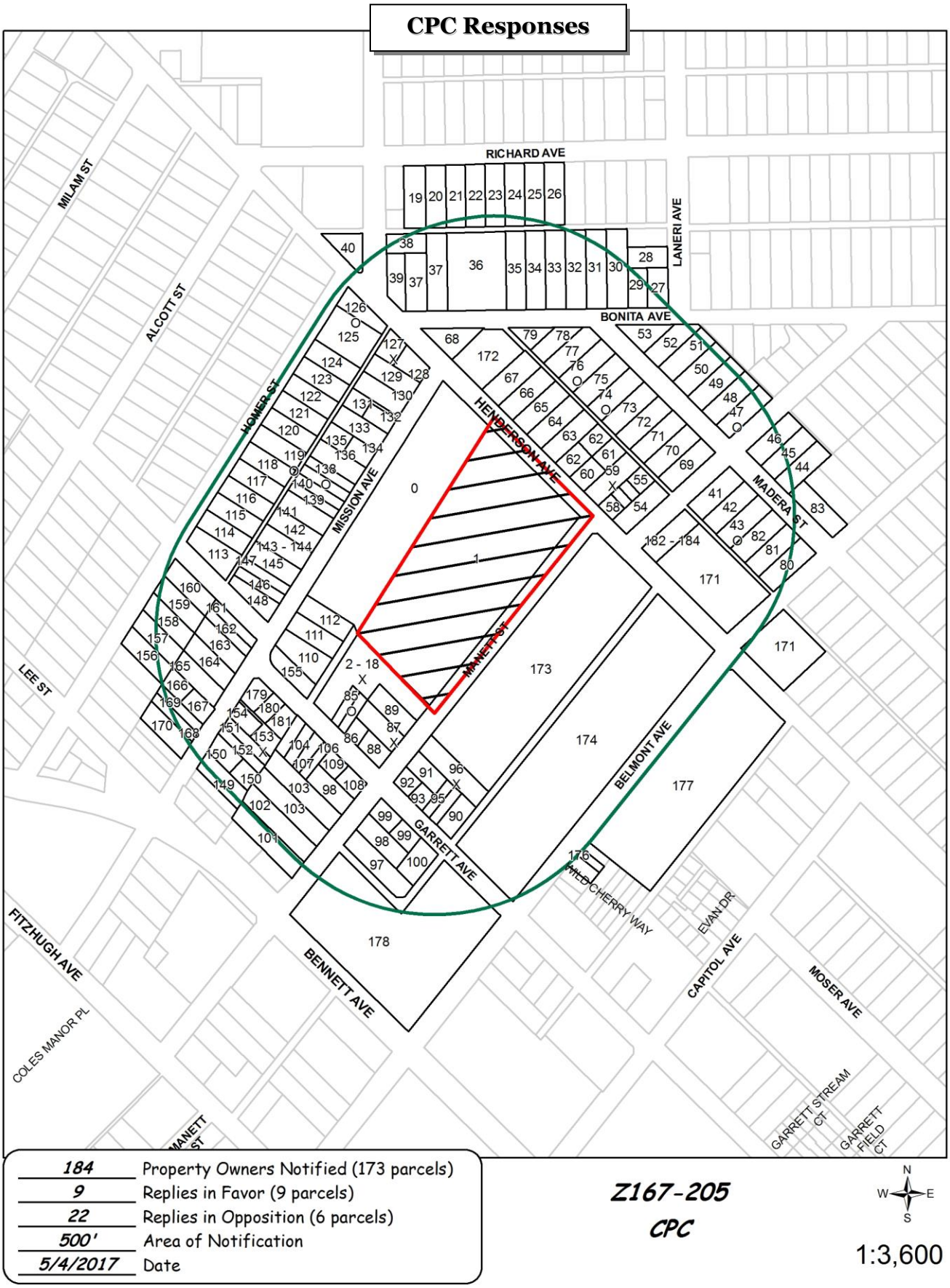
AERIAL MAP

Case no: Z167-205

Date: 2/22/2017


Z801-177
CD 15
RICHARD AVE
PD 325
MILAM ST
LO-1
D
LANERI AVE
BONITA AVE
Restaurant
R-5(A)
ALCOTT ST
N GARRETT AVE
Cochran Heights
HOMER ST
PD 462 (Subdistrict 2)
R-7.5(A)
MADERA ST
MANETT ST
Park
Mixed residential
462
TH-3(A)
Single family and Duplex
Multi-family
MANETT ST
BELMONT AVE
N HENDERSON AVE
PD 970
PD 820 (Tract 1B)
PD 820
MISSION AVE
MF-2(A)
WILD CHERRY WAY
EVAN DR
PD 820 (Tract 2)
CAPITOL AVE
MOSER AVE
COLES MANOR PL
BENNETT AVE
PD 763
1:3,600
ZONING AND LAND USE
Case no: Z167-205
Date: 2/22/2017


Z801-177
CD
15
RICHARD AVE
PD
325
MILAM ST
LO-1
D
LANERI AVE
BONITA AVE
R-5(A)
ALCOTT ST
N GARRETT AVE
Cochran Heights
HOMER ST
PD 462
(Subdistrict 2)
R-7.5(A)
MADERA ST
MANETT ST
PD
462
TH-3(A)
1
2
N HENDERSON AVE
MANETT ST
BELMONT AVE
PD 820
(Tract 1B)
PD
820
MISSION AVE
PD 820
(Tract 2)
MF-2(A)
WILD CHERRY WAY
PD
970
EVAN DR
CAPITOL AVE
MOSER AVE
COLES MANOR PL
BENNETT AVE
PD
763
1:3,600
ZONING HISTORY
Case no: Z167-205
Date: 2/22/2017


CPC Responses
RICHARD AVE
MILAM ST
ALCOTT ST
LANERI AVE
BONITA AVE
HOMER ST
MISSION AVE
HENDERSON AVE
MANETT ST
MADERA ST
LEE ST
BELMONT AVE
GARRETT AVE
FITZHUGH AVE
BENNETT AVE
COLES MANOR PL
CAPITOL AVE
MOSER AVE
EVAN DR
WILD CHERRY WAY
GARRETT STREAM CT
GARRETT FIELD CT
184 Property Owners Notified (173 parcels)
9 Replies in Favor (9 parcels)
22 Replies in Opposition (6 parcels)
500' Area of Notification
5/4/2017 Date
Z167-205
CPC
N
W
E
S
1:3,600

05/03/2017

Reply List of Property Owners

Z167-205

184 Property Owners Notified ***9 Property Owners in Favor*** ***22 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2617	N HENDERSON AVE	Dallas ISD
X	2	5111	MANETT ST	BALLEW JOHN W
X	3	5111	MANETT ST	PATEL POONAM
X	4	5111	MANETT ST	ECKMANN DOUGLAS H &
X	5	5111	MANETT ST	RAY SAMIR
X	6	5111	MANETT ST	DAWS TYLER J
X	7	5111	MANETT ST	WILCOX JASON A
X	8	5111	MANETT ST	YATES DAVID
X	9	5111	MANETT ST	BAYAHIBE PROPERTIES LLC
X	10	5111	MANETT ST	MORAS CHRISTOPHER &
X	11	5111	MANETT ST	BRAY CHASE L &
X	12	5111	MANETT ST	LONG REBECCA & TIMOTHY S
X	13	5111	MANETT ST	DELAPENA BEA
X	14	5111	MANETT ST	ECKMANN DOUGLAS H & COURTNEY S
X	15	5111	MANETT ST	HUMBLE MELANIE R &
X	16	5111	MANETT ST	FORTENBERRY ZEKE
X	17	5111	MANETT ST	KIM MIHW
X	18	5111	MANETT ST	HALLMAN CHRISTOPHER R
	19	5206	RICHARD AVE	GOSSETT DAN
	20	5210	RICHARD AVE	SWEET ANGELA
	21	5214	RICHARD AVE	ASSET DISCOVERY LLC
	22	5218	RICHARD AVE	SUCCESS REAL ESTATE CO LTD
	23	5222	RICHARD AVE	CASTILLO DORA
	24	5226	RICHARD AVE	DIGIACOMO DANIEL
	25	5230	RICHARD AVE	ROQUE JOSE ANTONIO
	26	5234	RICHARD AVE	5234 RICHARD AVENUE REALTY LLC

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	5253	BONITA AVE	HENLY MILLER
	28	2411	LANERI AVE	MIRELES FIDEL F &
	29	5251	BONITA AVE	HARRELL ALLEN
	30	5247	BONITA AVE	PETTIT TODD & KIMBERLY
	31	5241	BONITA AVE	WRIGHT TYLER C
	32	5239	BONITA AVE	LANDON MARILYNN W &
	33	5235	BONITA AVE	SUGERA RUBIN
	34	5231	BONITA AVE	RIZVI SYED ABULBAR
	35	5227	BONITA AVE	SEQURA JOSE
	36	5221	BONITA AVE	ANTROSS LLC
	37	5211	BONITA AVE	YAFFEE LLC
	38	2414	HOMER ST	NORTH HENDERSON AVENUE LLC
	39	2726	N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
	40	2730	N HENDERSON AVE	SCOTT LULIE M
	41	2525	MADERA ST	GONZALEZ AMANDA R & JOEL S
	42	2521	MADERA ST	ROMERO IGNACIO
O	43	2515	MADERA ST	GORDON SCOTT K
	44	2514	MADERA ST	ESPINOZA FELIPE ROSALES
	45	2518	MADERA ST	GUEDIN ROBERT M JR &
	46	2522	MADERA ST	RODRIGUEZ MARGARITA
O	47	2600	MADERA ST	WEST OLIN N & SHAUNA BETH
	48	2606	MADERA ST	QUINONES DANIEL
	49	2610	MADERA ST	ROJAS AGAPITO H &
	50	2614	MADERA ST	GUEVARA PABLO
	51	2618	MADERA ST	KELLY DINEEN A
	52	2622	MADERA ST	PINN GROUP LLC
	53	2626	MADERA ST	SMITH SHARON LEIGH
	54	2600	N HENDERSON AVE	LEATHERWOOD MIKE
	55	2606	N HENDERSON AVE	SNEDEN JEFFREY C
	56	2606	N HENDERSON AVE	WU JENNIFER W
	57	2606	N HENDERSON AVE	NIEGOS MATTHEW

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	58	2606	N HENDERSON AVE	HALLORAN DANIEL T
X	59	2610	N HENDERSON AVE	BEZIRIAN HARRY EDWIN
	60	2614	N HENDERSON AVE	KASIK JULIE & ANDREW
	61	2616	N HENDERSON AVE	WALLACE CORY D
	62	2618	N HENDERSON AVE	DINABURG SIMON & ELENA
	63	2622	N HENDERSON AVE	MCBRAYER LELAND KORMAS
	64	2626	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
	65	2630	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
	66	2634	N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
	67	2700	N HENDERSON AVE	GLENDA HURLEY TRUSTEE
	68	2720	N HENDERSON AVE	HENDERSON GRAND OWNER DALLAS LLC
	69	2603	MADERA ST	DHG PARTNERS LLC
	70	2607	MADERA ST	FAGAN CECIL &
	71	2611	MADERA ST	BURGESS JUSTIN D
	72	2615	MADERA ST	KELLY LISA J & JOSEPH
	73	2619	MADERA ST	SAWYER JENNIFER & BRIAN
O	74	2623	MADERA ST	COCKERELL MYNETTA
	75	2627	MADERA ST	PEDEN SARAH
O	76	2631	MADERA ST	CARADINE JENNIFER PATRICIA
	77	2635	MADERA ST	URZUA DELORES LF EST
	78	5228	BONITA AVE	CAMPBELL DANIEL
	79	5220	BONITA AVE	MORGAN PARK LTD &
	80	2501	MADERA AVE	POWELL RICHARD CHAD
	81	2505	MADERA AVE	MOON MICHAEL D
	82	2511	MADERA ST	FABIYI MICHAEL
	83	5301	BELMONT AVE	GATEWOOD ALEXANDRA &
	84	2608	N GARRETT AVE	KELLY SHANE
O	85	2608	N GARRETT AVE	WELLS NICHOLAS R & JJULIE E
	86	2606	N GARRETT AVE	VILLEGAS ENRIQUE
X	87	5107	MANETT ST	CANDLER WILLIAM R

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	88	5103	MANETT ST	FUENTES MANUEL
	89	5109	MANETT ST	CARDONA JORGE A & MARIA E
	90	2518	N GARRETT AVE	MONTOYA PEDRO
	91	5104	MANETT ST	ESCOBELO ANDRES J
	92	5100	MANETT ST	GREGORY DANIEL A &
	93	5102	MANETT ST	SKY PROFESSIONAL INVESTMENTS INC
	94	2524	N GARRETT AVE	TETERS DAINEL W &
	95	2522	N GARRETT AVE	ANDREWS JANET DLENE
X	96	5108	MANETT ST	SMITH ROLAND L
	97	5020	MANETT ST	B AND K PROPERTIES LTD
	98	5026	MANETT ST	GARNICA MARIO
	99	5030	MANETT ST	GREEN EARTH INVESTMENTS LLC
	100	2519	N GARRETT AVE	AZUL PROPERTIES LLC
	101	5009	MANETT ST	AJOONI INVESTMENTS LLC
	102	5015	MANETT ST	SUBDIVISIONS REALTY 6 LLC
	103	5021	MANETT ST	SNFT 2 LLC
	104	2617	N GARRETT AVE	MINIX DYKE A II
	105	2619	N GARRETT AVE	ARMSTRONG LAUREN &
	106	2609	N GARRETT AVE	WITTIG CRAIG C & KATHRYN D
	107	2611	N GARRETT AVE	BOSWELL BRADLEY G
	108	5029	MANETT ST	WITTIG CRAIG &
	109	5031	MANETT ST	WEST DUSTIN ALLEN
	110	5104	MISSION AVE	HOWELL PAULA K
	111	5108	MISSION AVE	PRICE KATHRYN
	112	5112	MISSION AVE	COPLIN JANET C &
	113	5102	HOMER ST	MALAISE MICHAEL HOWARD
	114	5106	HOMER ST	PETRIN NOEL A & ELIZABETH
	115	5110	HOMER ST	KIRCHWEY GEORGE & JUDITH
	116	5114	HOMER ST	BURKE SHERRY H &
	117	5118	HOMER ST	MESSER LAUREN
	118	5122	HOMER ST	LUTKEHAUS CYNTHIA
O	119	5126	HOMER ST	DEVORE BRANDON

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	120	5202	HOMER ST	ABLES PIERCE J
	121	5206	HOMER ST	SAXON STEVEN D
	122	5210	HOMER ST	5210 HOMER LLC
	123	5214	HOMER ST	WEST RYAN E
	124	5218	HOMER ST	WALLS RAUL &
	125	5222	HOMER ST	RISTER ALAN FORREST &
O	126	5230	HOMER ST	ARMSTRONG GREGORY J &
X	127	2717	N HENDERSON AVE	WHITTINGHAM MICHAEL R & GAIL J
	128	5231	MISSION ST	CLARK JON G
	129	5225	MISSION AVE	JUAREZ OSVALDO & ARACELI
	130	5223	MISSION AVE	FERNANDEZ SUSANA
	131	5219	MISSION AVE	SIMMONS RYAN
	132	5217	MISSION AVE	CARRIER JEAN
	133	5215	MISSION AVE	LOZANO JOSE & MARIA
	134	5209	MISSION AVE	GOTTSCHALK PATRICIA MATTA
	135	5211	MISSION AVE	DOLBOW REBECKAH
	136	5207	MISSION AVE	RUSSELL W HOLMES
O	137	5201	MISSION AVE	MILLER JERALD W
O	138	5203	MISSION AVE	SPILLER HEATHER
	139	5127	MISSION AVE	MCFARLING BRANDON JOEL
	140	5129	MISSION AVE	SMITH SEAN & MEGAN
	141	5121	MISSION AVE	MORAS CHRISTOPHER T
	142	5117	MISSION AVE	SHIELDS WILLIAM O
	143	5113	MISSION AVE	FRIEDMANN JAMES &
	144	5115	MISSION AVE	FRIEDMANN JAMES &
	145	5109	MISSION AVE	A GONZALEZ INVESTMENTS LTD
	146	5105	MISSION AVE	PATEL KEYUR &
	147	5107	MISSION AVE	MOORE GENTRY P
	148	5103	MISSION AVE	HOYA MARGARET VONDER
	149	5010	MISSION AVE	SHIPLEY CHARLOTTE IRREVOCABLE TRUST

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	150	5014	MISSION AVE	GLICK DANIEL
	151	5018	MISSION AVE	HIBBS DOUGLAS
	152	5016	MISSION AVE	LOMBARD ANTHONY J
X	153	5022	MISSION AVE	LEMAK JOHN S
	154	5020	MISSION AVE	SUKI WADE A
	155	5100	MISSION AVE	5100 MISSION LLC
	156	5018	HOMER ST	SALON ESTATE LLC
	157	5022	HOMER ST	STONE GARY RAY
	158	5026	HOMER ST	MOHAN KOKILA
	159	5030	HOMER ST	UPHUES CHRISTOPHER
	160	5036	HOMER ST	CARDOSO MARTIN &
	161	5035	MISSION AVE	PANGRAC JOSEPH WILLIAM
	162	5033	MISSION AVE	JONES JEFFREY A
	163	5031	MISSION AVE	SHRESTHA ANJAN
	164	5027	MISSION AVE	FITZHUGH HEIGHTS LLC
	165	5023	MISSION AVE	PADRON CRUZ M &
	166	5019	MISSION AVE	LOMBARD ANTHONY J
	167	5017	MISSION AVE	COURON TROY & AUDRA
	168	5013	MISSION AVE	DOYLE LAWRENCE M &
	169	5015	MISSION AVE	NGUYEN CHIDUNG & VICTORIA
	170	5011	MISSION AVE	DALLAS SUNDOWN PPTY INV LLC
	171	2510	N HENDERSON AVE	LIC HENDERSON AVE LP
	172	2708	N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
	173	2525	N HENDERSON AVE	EGW EASTON INVESTMENT LP
	174	5215	BELMONT AVE	GS EASTWOOD HENDERSON LLC
	175	5118	BELMONT AVE	LIPP TYLER H
	176	5122	BELMONT AVE	JONES DANA
	177	5222	BELMONT AVE	CAMDEN PPTY TRUST
	178	2500	BENNETT AVE	BELMONT BENNETT AVE LLC
	179	5026	MISSION AVE	ALTY KYLE J & CHRISTINA L
	180	2627	N GARRETT AVE	TATUM MICHAEL DAVID
	181	2623	N GARRETT AVE	ALLEN MATTHEW HUSTON &

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	182	2522	HENDERSON AVE	KING MICHAEL & MARISSA
	183	2522	HENDERSON AVE	SHIRLEY CHRISTOPHER P
	184	2522	HENDERSON AVE	KRISHNAN SANTOSH

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 24 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 580 for a private school on property zoned an R-1ac(A) Single Family District on the south line of West Northwest Highway at the terminus of Meadowbrook Drive

Recommendation of Staff and CPC: Approval, subject to a revised site plan/traffic management plan and conditions

Z167-206(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-206(WE)	**DATE FILED:**	August 26, 2016
LOCATION:	South line of West Northwest Highway at the terminus of Meadowbrook Drive		
COUNCIL DISTRICT:	13	**MAPSCO:**	24-Z
SIZE OF REQUEST:	Approx. 1.5 acres	**CENSUS TRACT:**	73.01

APPLICANT:	Robbie Fusch
OWNER:	Meadowbrook School
REPRESENTATIVE:	Bob Welty
REQUEST:	An application for an amendment to Specific Use Permit No. 580 for a private school on property zoned an R-1ac(A) Single Family District.
SUMMARY:	The purpose of this request is to allow for the construction of an 800 square foot addition to the private school [Meadowbrook School]. The private school has a maximum enrollment of 66 students.
CPC RECOMMENDATION:	**Approval**, subject to a revised site plan/traffic management plan and conditions.
STAFF RECOMMENDATION:	**Approval**, subject to a revised site plan/traffic management plan and conditions.

BACKGROUND INFORMATION:

- The site is developed with a 4,652 square foot single family structure that is being used as a private school.

- In March 1972, the City Council approved Specific Use Permit No. 580 for a private school. From 1973 to 1989, there have been four application submittals for renewal of SUP No. 580. In May 1989, during the last renewal, the City Council approved Specific Use Permit No. 580 for a private school for a permanent time period.

- In July 2008, the City Plan Commission approved a minor amendment to the site plan to permit the construction of a 194 square foot additional classroom along the northern building façade.

- The applicant's request for an amendment SUP No. 580 will allow for the construction of an 800 square foot classroom on the southern portion of the site. The latest request could not be a minor amendment because the increase in the floor area on the original site plan exceeds more than five percent.

Zoning History: There has not been any zoning case in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
West Northwest Highway	Principal Arterial	100 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	R-1ac(A), SUP No. 580	Private School
North	PDD No. 815, R-1ac(A)	Church surface parking lot, Single Family
Southeast	R-1ac(A), R-16(A)	Single Family
West	R-1ac(A)	Single Family

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-1ac(A) Single Family	40'	10'	1 Dwelling Unit/ 1 Acre	36'	40%		Single family

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

STAFF ANALYSIS:

Land Use Compatibility: The site is developed with a 4,652 square foot structure that is being used as a private school. The surrounding area is predominately developed as single family uses. North of the request site, across West Northwest Highway, is a church, surface parking lot, and single family uses.

The applicant's request for an amendment to Specific Use Permit No. 580 will allow for the construction of an 800 square foot classroom on the southern portion of the site. The private school consists of preschool and kindergarten and has a maximum enrollment of 66 students. The private school currently operates between the hours of 7:00 a.m. and 4:30 p.m., Monday through Friday.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff's recommendation is for approval of the applicant's request because the use is compatible with the surrounding area. The private school serves preschool and kindergarten age students in a predominately residential area. While the private school will continue to provide valuable service to this area of the city, the request site is not directly accessible from the adjacent residential neighborhood.

Landscaping: Landscaping will continue to be in accordance to the landscaping requirements in Article X, as amended.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

The applicant has submitted a Traffic Management Plan that shows that the school will provide no queuing on the City right-of-way and ensure the safety of the children during the drop-off and pick-up times. The site plan reveals an ingress and egress to and from the school on West Northwest Highway.

Parking: The requirement for off-street parking for the school is derived by two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The requirements for off-street parking are as follows:

- one and one-half spaces for each elementary school classroom,

The applicant is proposing to add one additional classroom to the campus. Based on the 16 classrooms, which includes the addition, the required number of parking spaces is 24 spaces and the applicant is providing approximately 27 spaces. The applicant has provided an additional nine off-street parking spaces near the entrance of the school.

CPC Action (May 4, 2017)

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 580 for a private school, subject to a revised site/traffic management plan and revised conditions (as briefed) on property zoned an R-1ac(A) Single Family District on the south line of West Northwest Highway at the terminus of Meadowbrook Drive.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 18
Replies: For: 1 Against: 1

Speakers: None

LIST OF
PARTNER/PRINCIPALS/OFFICERS
Meadowbrook School

- Robbie Fusch President

CPC PROPOSED SUP CONDITIONS

[~~2.~~](1) USE: The only use authorized by this specific use permit is an open-enrollment charter school.

[~~1.~~](2) SITE PLAN: Use and development of the Property must comply with the attached site plan.

[~~8.~~](3) TIME LIMIT: This specific use permit expires has no expiration date.

[~~3.~~](4) OFF-STREET PARKING: Off-street parking must be provided at a ratio of one and one-half spaces for each kindergarten/elementary school classroom, and provided in accordance with the requirements of the Dallas Development Code, as amended.

[~~4. PAVING: All parking spaces, aisles, maneuvering areas, and driveway connections to streets or alleys, whether enclosed or unenclosed, must be surfaced to comply with the standards set out in the Dallas Development Code, as amended.~~]

5. INGRESS – EGRESS: A circular drive or similar area must be provided for the off-street loading and unloading of children as shown on the attached site plan.

6. OUTDOOR PLAY AREA: A minimum of 100 square feet of outdoor play space must be provided for each child in the play area at one time as indicated on the attached site plan.

7. HOURS OF OPERATION: The private school may operate between the 7:00 a.m. and 4:30 p.m., Monday through Friday.

8. TRAFFIC MANAGEMENT PLAN:

A. In general. Operation of an open-enrollment charter school must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **March 1, 2019**. After the initial traffic study, the

Property owner or operator shall submit updates of the traffic study to the director by March 1 of each odd-numbered year.

ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

a. ingress and egress points;

b. queue lengths;

c. number and location of personnel assisting with loading and unloading of students;

d. drop-off and pick-up locations;

e. drop-off and pick-up hours for each grade level;

f. hours for each grade level; and

g. circulation.

iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

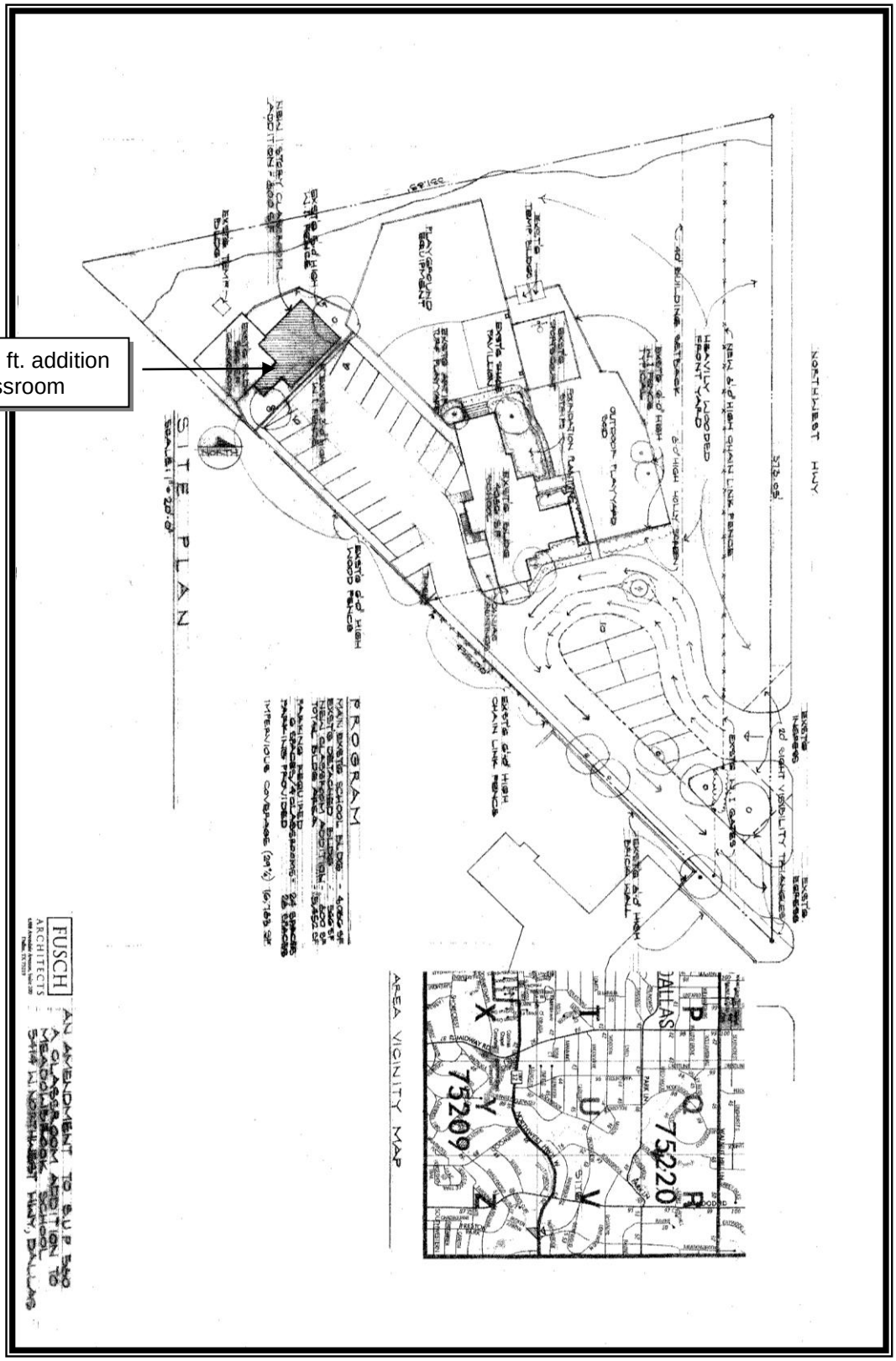
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

[~~10. SIGNS: All signs must comply with the provisions for non-business zoning districts contained in Article VII, "Sign Regulations," of the Dallas Development Code, as amended.~~]

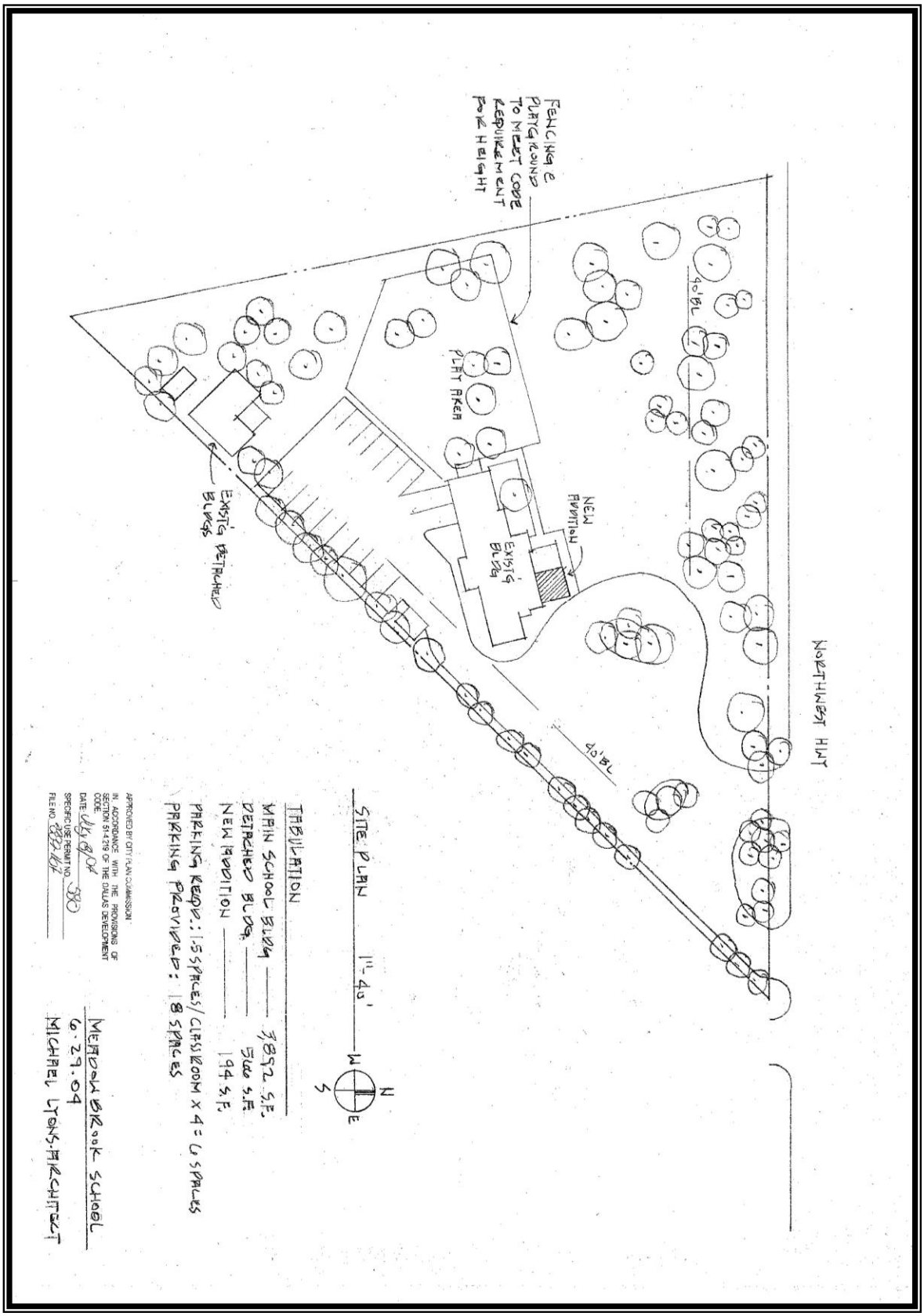
[~~11.~~](10) GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

800 ft. addition classroom



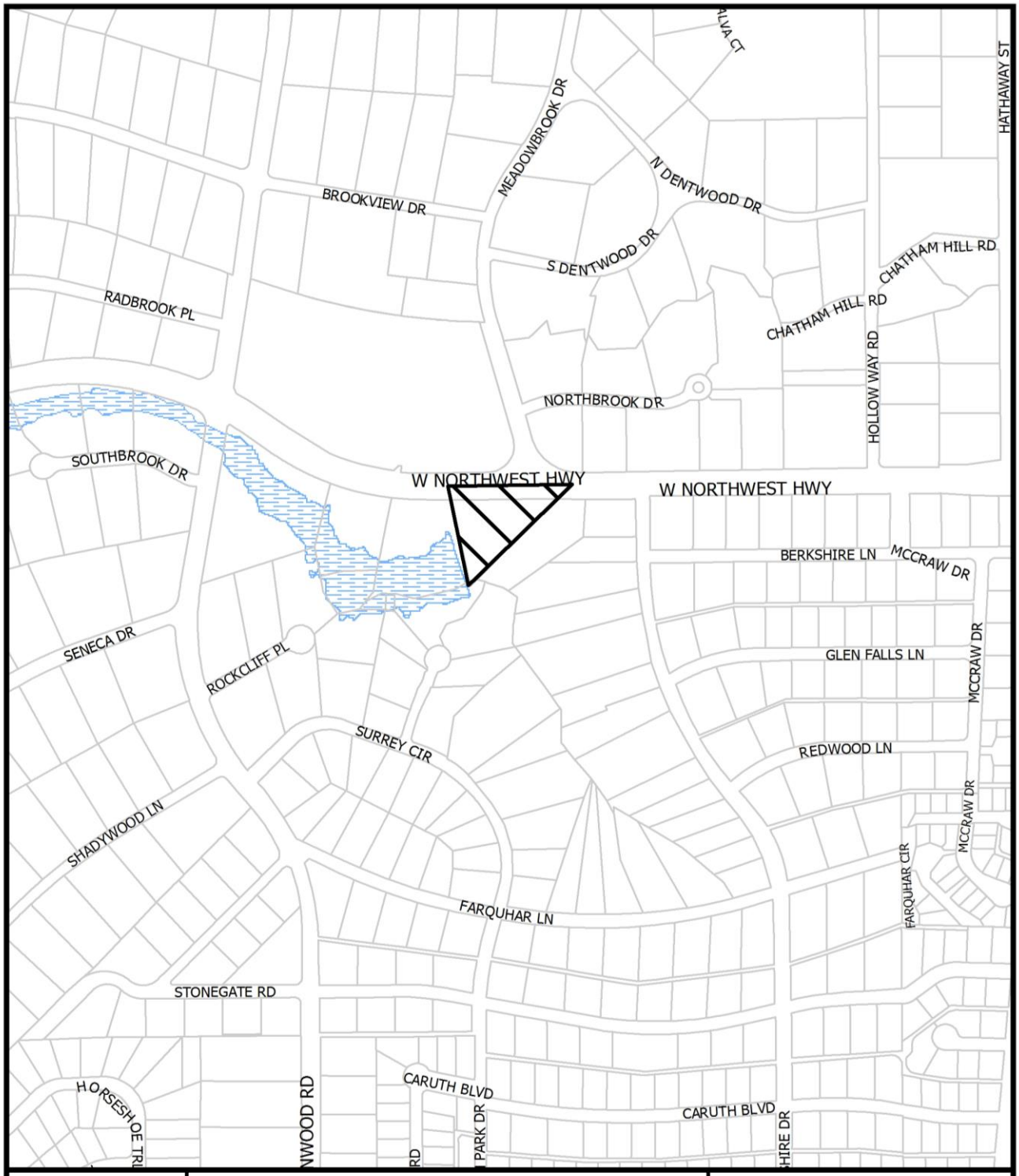
EXISTING SITE PLAN



PROPOSED TRAFFIC MANAGEMENT PLAN

Traffic Management Plan

a. There is one ingress point and one egress point located on the South side of Northwest Hwy. near the East end of the site.
b. There is queue length in 2 drop off lanes which accommodate a total of 12 cars. 290' total from property line.
c. Two teachers arrive at school at 7:45 A.M. Four more teachers arrive at school 8:15 A.M. The first child drop off begins at 8:00 A.M. Two teachers will monitor the drop off for approximately 18 families. The next drop off is at 8:45 A.M. of approximately 32 families. Six teachers monitor this drop off. At 11:45 A.M., 6 teachers will monitor the pickup of approximately 30 families. At 12:00 P.M.,6 teachers will monitor the drop off for approximately 25 families. PM/Kindergarten pickup will be at 3:00 P.M for approximately 35 families monitored by 6 teachers. If we have enrichment that number will drop to 15-20 families. If we do the lunch bunch, we have a 2:00 P.M. pickup of approximately 15 families, monitored by 4 teachers. These numbers are based on 45 A.M. children, 25 P.M. children and 10 kindergarten children.
d. The drop off and pickup locations are at the front door of the school noted on the site plan.
e. We noted the times for drop off and pickup in "c".
f. The morning group arrives from 8:00 – 8:15 A.M. and is picked up at 11:45 A.M. The afternoon group arrives at 12:00 P.M. and picked up at 3:00 P.M. The teachers arrive from 7:45 – 8:15 A.M. and depart between 3:15 – 4:00 P.M.
g. The traffic circulates in a circular direction as shown on the site plan.
I asked the director of the School if there has ever been backups or accidents on Northwest Hwy caused by drop off or picks at the school at our ingress/egress points. She responded "no" to both. She added that there is a policy in their school package (which must be signed by each parent) which states, "If the parking area is full, please do not stop on the highway. This is extremely dangerous for you and others. Please circle around and wait until there is a safe approach into the driveway", copy attached.



1:6,000

VICINITY MAP

Case no: Z167-206

Date: 4/19/2017

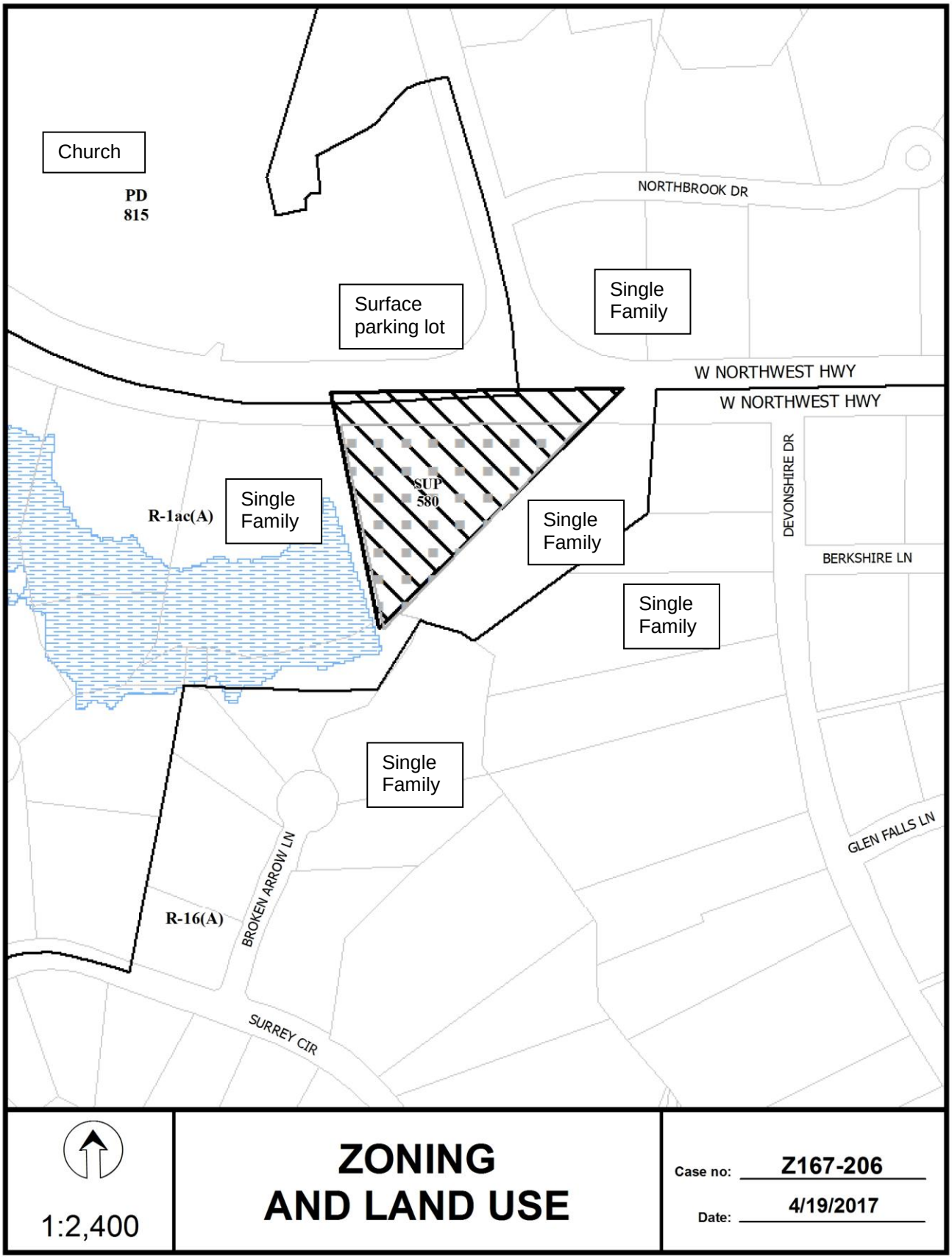


1:2,400

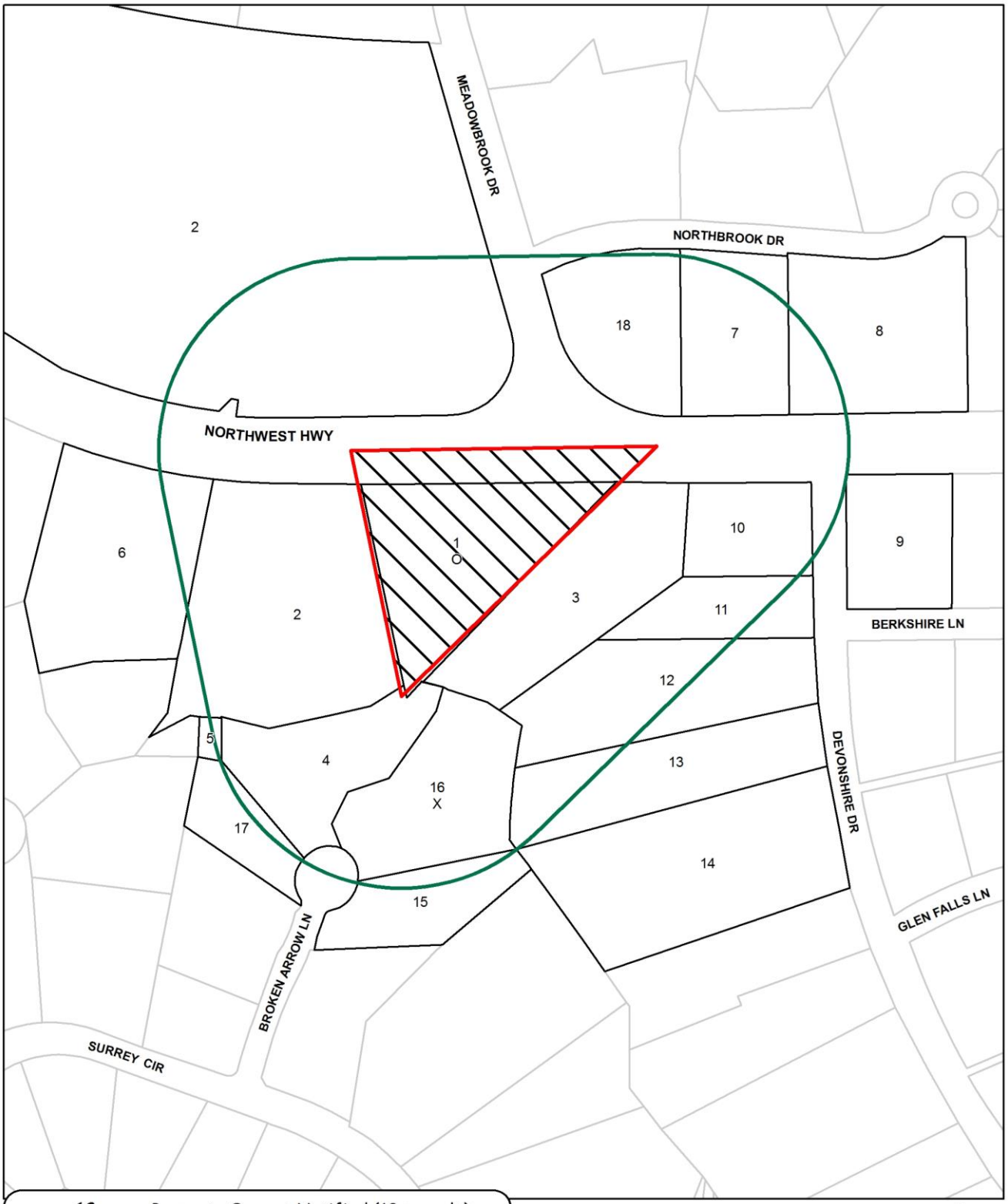
AERIAL MAP

Case no: Z167-206

Date: 4/19/2017


Church
PD 815
NORTHBROOK DR
Surface parking lot
Single Family
W NORTHWEST HWY
W NORTHWEST HWY
SUP 580
R-1ac(A)
Single Family
Single Family
DEVONSHIRE DR
BERKSHIRE LN
Single Family
Single Family
GLEN FALLS LN
BROKEN ARROW LN
R-16(A)
SURREY CIR
1:2,400
ZONING AND LAND USE
Case no: Z167-206
Date: 4/19/2017

CPC RESPONSES



18	Property Owners Notified (19 parcels)
1	Replies in Favor (1 parcels)
1	Replies in Opposition (1 parcels)
300'	Area of Notification
5/4/2017	Date

Z167-206
CPC

N
W E
S

1:2,400

Notification List of Property Owners

Z167-206

18 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	5414	W NORTHWEST HWY	MEADOWBROOK SCHOOL
	2	5324	W NORTHWEST HWY	LOVERS LANE UNITED
	3	5500	W NORTHWEST HWY	NELSON GORDON H
	4	9035	BROKEN ARROW LN	MUTCH RUTH ODONNELL TRUSTEE
	5	9004	W NORTHWEST HWY	AINSCOW DONALS G &
	6	5324	W NORTHWEST HWY	LOVERS LN UNITED METH CH
	7	5430	NORTHBROOK DR	IVY RONALD S & LINDA R
	8	5444	NORTHBROOK DR	5444 NORTHBROOK DRIVE LLC
	9	5711	BERKSHIRE LN	WYNNE JOAN J FAMILY LIVING TRUST
	10	9143	DEVONSHIRE DR	CODY FRANK
	11	9139	DEVONSHIRE DR	TURNER DARIN
	12	9131	DEVONSHIRE DR	ROBERT SOLENDER FAMILY TRUST
	13	9123	DEVONSHIRE DR	WILSON ADDISON III
	14	9115	DEVONSHIRE DR	VOSE CHARLES A III &
	15	9024	BROKEN ARROW LN	ACADIA REVOCABLE TRUST
X	16	9030	BROKEN ARROW LN	JONES JEFFREY L & PATTIE M
	17	9029	BROKEN ARROW LN	AINSCOW DONALD G &
	18	5420	NORTHBROOK DR	MAHONEY MICHAEL H

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 37 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades Pre-K through 6th, which includes before and after-school care on property zoned Tract I and Tract II within Conservation District No. 6 - Hollywood/Santa Monica, on the east corner of Lindsley Avenue and Tenison Memorial 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

Z167-207(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-207(KK) **DATE FILED:** February 10, 2017

LOCATION: East corner of Lindsley Avenue and Tenison Memorial Road

COUNCIL DISTRICT: 14 **MAPSCO:** 37-W

SIZE OF REQUEST: Approx. 2.81 acres **CENSUS TRACT:** 0012.02

APPLICANT/ OWNER: Lumin Education Inc.

REPRESENTATIVE: Coker Company, Michael R. Coker

REQUEST: An application to amend and expand Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades Pre-K through 6th, which includes before and after-school care on property zoned Tract I and Tract II within Conservation District No. 6 – Hollywood/Santa Monica.

SUMMARY: The applicant is proposing to incorporate an adjacent single family lot into the specific use permit bounds, modify the conditions, and add an outdoor play area and gardens to the site/landscape plan and staff's recommended conditions.

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.

BACKGROUND INFORMATION:

- The request site is currently developed with a private school and an open-enrollment charter school limited to grades pre-K through 6th, which includes before and after-school care.

- The use has been in operation beginning in December of 1998 when the existing church was converted into Lumin Park Community School.

- On May 25, 2005, the City Council approved Specific Use Permit No. 1374 for the above stated land use for a five year time period with eligibility for five year automatic renewals on the subject property. The site received auto renewals through 2014, amended the SUP in 2015 and is back now amending the SUP again in 2017.

- The applicant is proposing to expand the limits of the specific use permit by incorporating an adjacent single family lot, modify the conditions, and adding an outdoor play area and gardens to the site plan. The proposed additions to the site plan will not change the required parking for the site.

- To the north of the request site, across Lindsley Avenue, is a city of Dallas park facility (Lindsley Park). East and southeast of the request site are developed multifamily properties. South and west of the request site are single family dwellings. All of these properties described and surround properties to the request site are zoned Conservation District No. 6 - Hollywood/Santa Monica (CD 6) Tracts I, II, and IIA.

Zoning History: There have been two recent zoning changes in the area within the last five years.

1. **Z145-146:** On May 27, 2015, Specific Use Permit No. 1374 was issued a renewal that will expire on May 24, 2020.

2. **Z056-162:** On May 25, 2005, City Council approved an application to amend Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades pre-K through 6th, which includes before and after school care on property zoned Conservation District No. 6 – Hollywood/Santa Monica, to allow new deck structures, breezeways and covered porches.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Lindsley Avenue	Substandard	40 ft.
Tenison Memorial Road	Substandard	40 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system. The Engineering Division is also not requiring the applicant to provide a traffic management plan (TMP). A TMP has not been required of the site in prior zoning and permitting approvals. Staff felt that the changes were so minor and given past history that a TMP would not be required.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

Land Use Element

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

URBAN DESIGN

GOAL 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

Surrounding Land Uses:

	Zoning	Land Use
Site	CD No. 6, SUP No. 1374	Private School and an Open-Enrollment Charter School
North	CD No. 6	City Park (Lindsley Park)
South	CD No. 6	Multifamily, Single Family Dwellings
East	CD No. 6	Undeveloped, Single Family
West	CD No. 6	Single Family

Land Use Compatibility:

The current SUP area is developed with a 97,738 square foot private school and an open-enrollment charter school that is limited to the grades of Pre-k through 6th grade. The site also includes accessory school features such as play areas, parking, and covered and uncovered walkways. The use has been in operation since December of 1998 when the existing church was converted into Lumin Park Community School. This use finalized construction on an addition and obtained an updated Certificate of Occupancy in May of 2016.

The SUP site plan is not changing in aspects of floor area, classroom numbers, or required parking. The only change being made to the SUP site plan is the addition of a children's gardening area. The expansion of the SUP to incorporate the single family dwelling to the south is part of a future expansion plan. This expansion of the SUP bounds is also to use the drive approach for required fire access, per the Dallas Fire Department. The single family use is proposed to remain on the expansion area for the next 10 years until the next development phase is ready to begin. This is a total of approximately 19,602 square feet of site area.

The revisions being made to the conditions are to clean up the requirements and make them more applicable to what is currently operating on site. The "Proposed Tract" was removed from the verbiage and "Tract II" was added. This is how the conservation district describes this area of land within the zoning. The conditions associated with this land use and this Specific Use Permit has a reduced time period that may not be renewed if the property is not compliant with the conditions set forth.

To the north of the request site, across Lindsley Avenue, is a city of Dallas park facility (Lindsley Park). East and southeast of the request site are developed multifamily properties. South and west of the request site are single family dwellings. All of these

properties described and surround properties to the request site are zoned Conservation District No. 6 - Hollywood/Santa Monica Tracts I, II, and IIA.

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 and CPC are recommending an approval period of five years with the eligibility for automatic renewal for additional five-year periods. The applicant would like to request an automatic renewal time period of 20 years. Staff prefers for SUP's for schools near single family development to be renewed in a shorter time frame to ensure the site is in compliance with approved conditions and the SUP site plan. The specific use permit expansion is not foreseen to cause negative impacts upon the surround properties.

Development Standards:

DISTRICT	SETBACKS		Lot Size	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CD No. 6 (Tract I & II)	35' min 40' max (Tract I)	5' side 10' read 20' (Tract II)	5,000 SF min (Tract I) 10,000 SF min (Tract II)	24' One and on-half stories	45%	Architectural Provisions	Single Family, Duplex, Multifamily and Institutional

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. The additions being made to the site will not trigger any additional parking.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

Site Plan/Conditions:

The garden area is located in the location that was previously detailed as parking spaces for staff parking only. This parking was never installed. The school feels that a better use for this area is an outdoor learning center.

CPC ACTION

May 4, 2017

Motion: It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 1374 for a private school and an open-enrollment charter school limited to grades Pre-K through 6th, which includes before and after-school care for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and staff's recommended conditions on property zoned Tract I and Tract II within Conservation District No. 6 – Hollywood/Santa Monica, on the east corner of Lindsley Avenue and Tenison Memorial Road.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Davis, Shidid*, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon*, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0
*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 39
Replies: For: 4 Against: 1

Speakers: For (Did not speak): Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: None

List of Partners/Principals/Officers

Lumin Education
2013-2014 BOARD OF DIRECTORS
Updated January 2017

(Lumin Education is incorporated as a 501(c)(3) nonprofit corporation and was formerly known as Neighbors United for Quality Education, Inc.

Mike Birrer, Treasurer, Attorney, EHS Committee
Employment Practice Group Chair, Carrington Coleman, LLP
Advisory Board Member, Booker T. Washington High School for the performing and Visual Arts
Board Member, Creative Arts Center of Dallas

Michael Giles
Managing Principal, Right Management Consultants
Board Member, President, Summit International Preparatory
Board Member, Uplift Education

John J. Fullinwider, President
Executive Director, Common Ground Community Development Corporation
DISD Teacher of the Year, 1997-98
Board Member, Teatro Dallas
Board Member, South Dallas Cultural Center
Board Member, Dallas Peace Center

Terry Ford
Executive Director, Lumin Education

Jodi Campbell
Director of Strategic Growth, Lumin Education

Amrit Kirpalani
Founder & CEO, Nectar Online Media

Mary Caroline Parker, Vice President, Early Childhood Expertise, EHS Committee
Head of School, Barbara Gordon Montessori Association Montessori Internationale
Board Member, American Montessori Internationale of the United States Foundation (AMI/USF)
Board Member, Montessori Institute of North Texas (MINT)
Board Member, Montessori Institute of Texas (MIT)
Board Member and Secretary, AMITOT (AMI Teachers of Texas)

Trevor Palacio, Head Start Alum, EHS Committee
Student, El Centro College, Paralegal Studies
Board Member, CitySquare (formerly Central Dallas Ministries)

Jeremy Smith, Secretary
Executive Director, Rainwater Charitable Foundation
Advisory Council, Young Men's Leadership Academy

CPC Recommned Conditions
SUP No. 1374

1. USE: The only uses authorized by this specific use permit are a private school and an open-enrollment charter school limited to grade ~~age~~ Pre-K through 6th ~~grade~~, which includes before and after school care.

2. SITE PLAN: Use of the Property must comply with the attached site/landscape plan.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on _____, (Five-year period from the passage of this ordinance) ~~is approved only for a period that expires on May 24, 2010~~, but ~~and~~ 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.)

Applicant's Request

3. TIME LIMIT: This specific use permit expires on _____, 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 applications for automatic renewal is strictly enforced.)

4. LANDSCAPING:

   (a) Landscaping must be provided in accordance with Article X, and the attached site/landscape plan.
   (b) Plant materials must be maintained in a healthy, growing condition.

5. CLASSROOMS: The maximum permitted number of classrooms is 12.

6. PARKING: Parking must be provided in accordance with Chapter 51A and located as shown on the attached site/landscape plan. ~~The off-street parking area located in the area shown as "Proposed Tract" on the attached site/landscape plan is limited to staff parking only and must include signage located as shown on the attached site/landscape plan.~~

7. STRUCTURE HEIGHT: Except as provided in Section 51A-4.412, the maximum structure height within the area shown as "Tract II" ~~"Proposed Tract"~~ on the attached site/landscape plan is 28 feet.

8. ENROLLMENT: Maximum enrollment for the private school, which includes before and after school care, is 300 at any one time.

9. LOADING/UNLOADING: The Property owner must appoint an administrator to manage traffic during morning and afternoon peak hours to ensure orderly traffic drop-off and pick-up of the students. No loading or unloading is permitted on public streets.

10. HOURS OF OPERATION:

    ~~A.~~ The open-enrollment charter school and private school may only operate between 6:00 a.m. and 6:30 p.m., Monday through Friday.

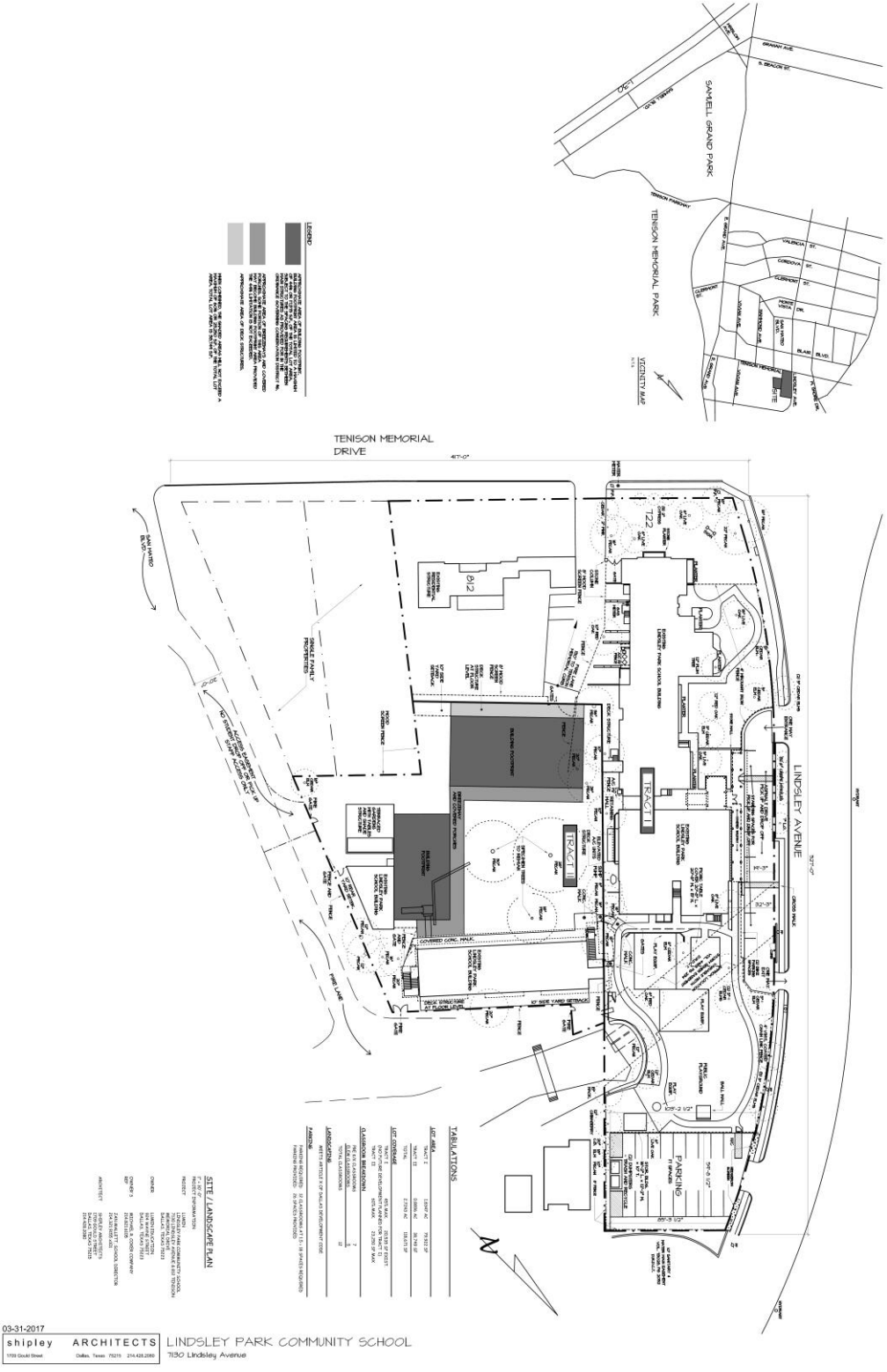
    ~~B. Outside activities within the area shown as "Proposed Tract" on the attached site/landscape plan may only take place between 7:00 a.m. and 6:00 p.m., Monday through Friday.~~

11. CIRCULAR DRIVE: A circular drive or similar area must be approved for the off-street maneuvering of vehicles, as shown on the attached site/landscape plan.

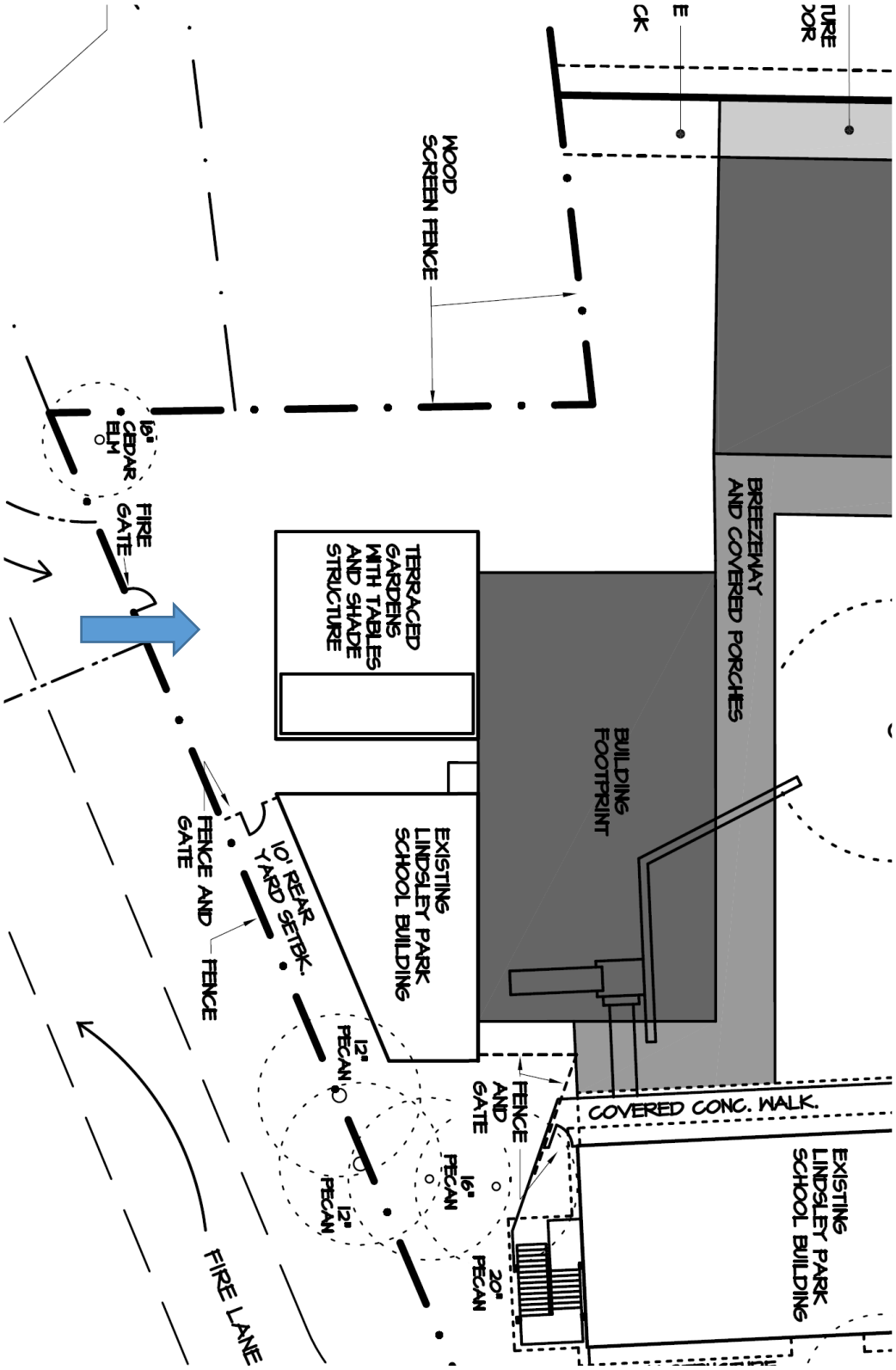
12. MAINTENANCE: The ~~entire~~ Property must be properly maintained in a state of good repair and neat appearance.

13. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all conditions, rules, and regulations of the City of Dallas.

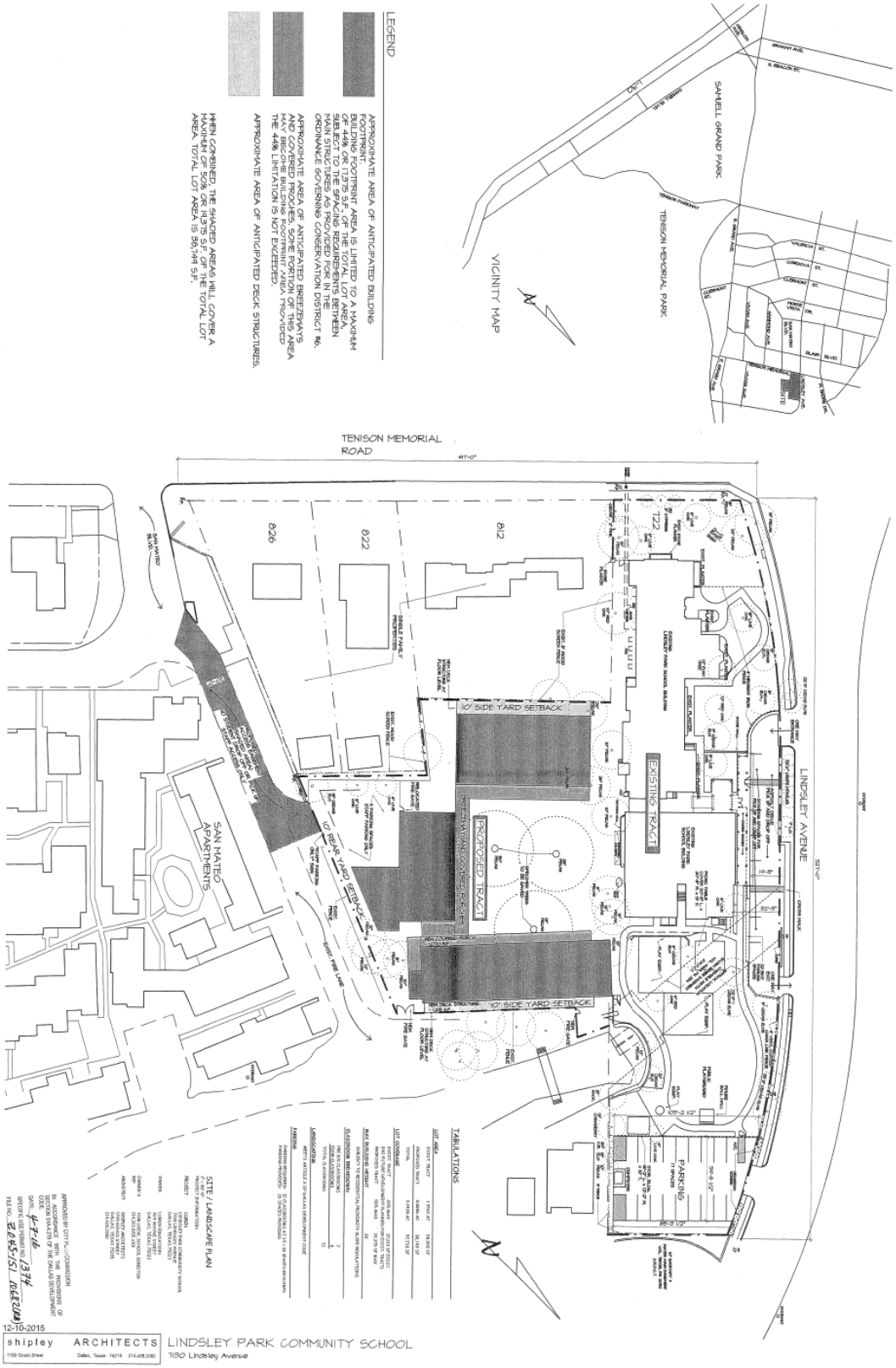
PROPOSED SITE PLAN

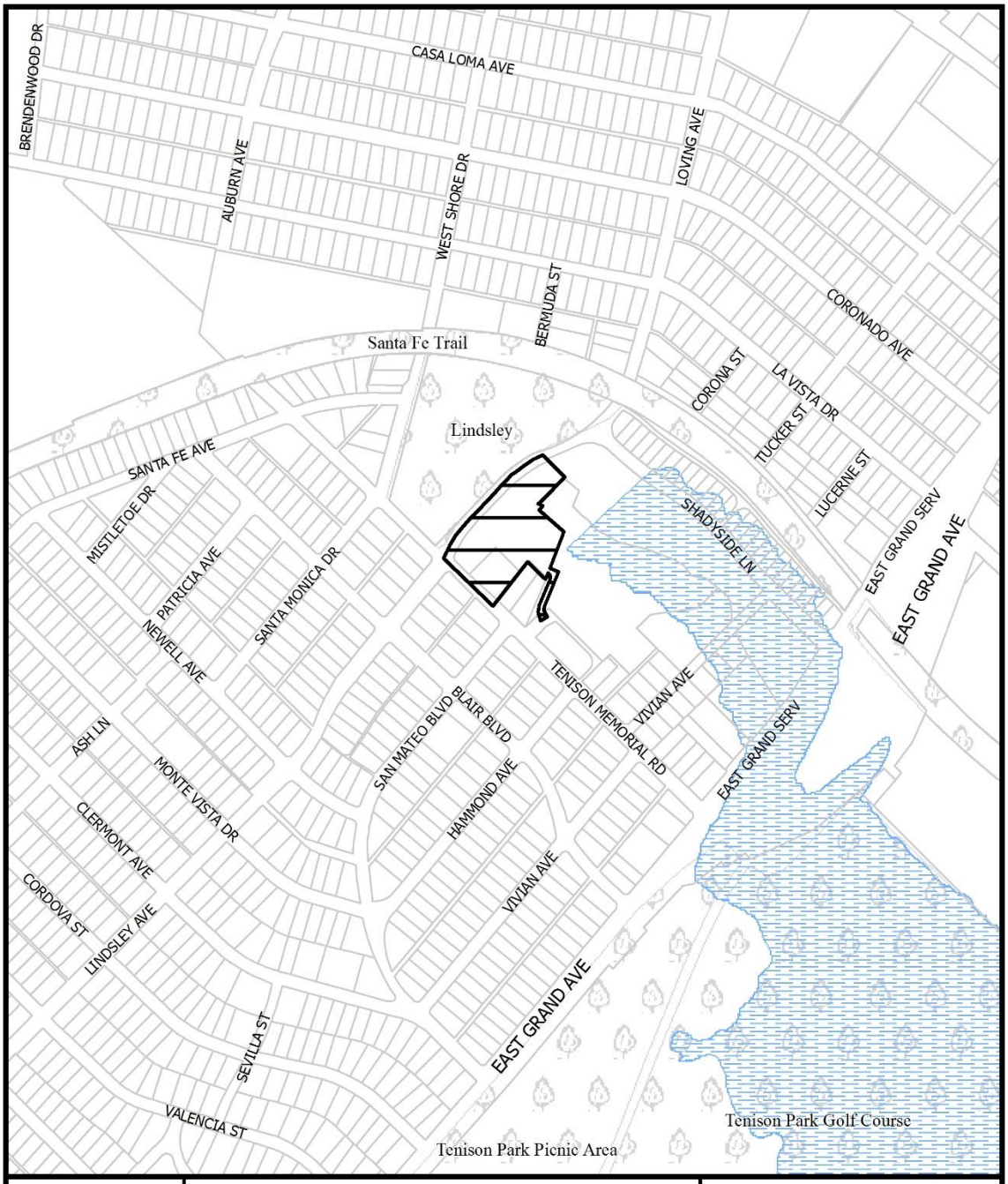


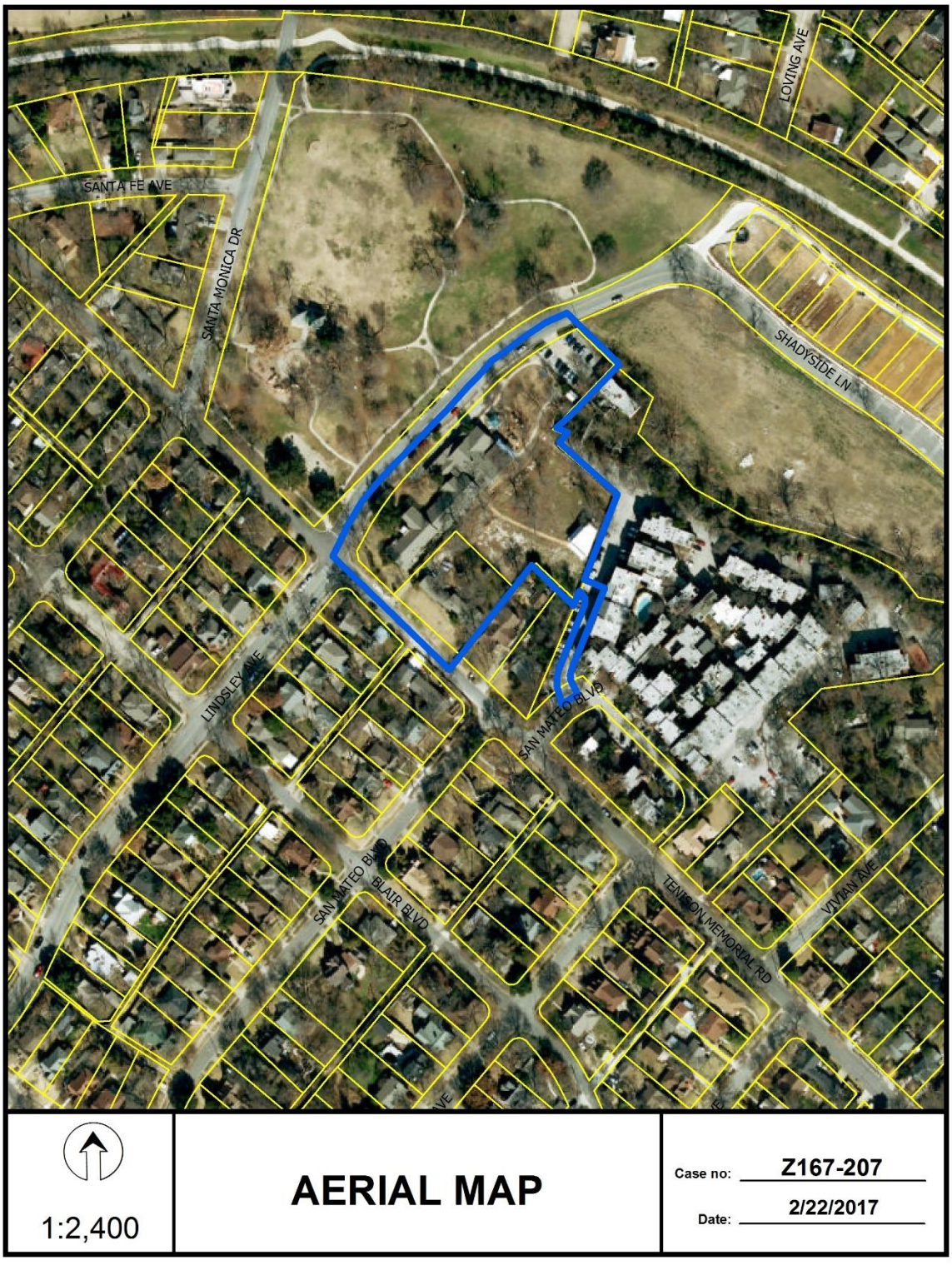
ENLARGED SITE PLAN

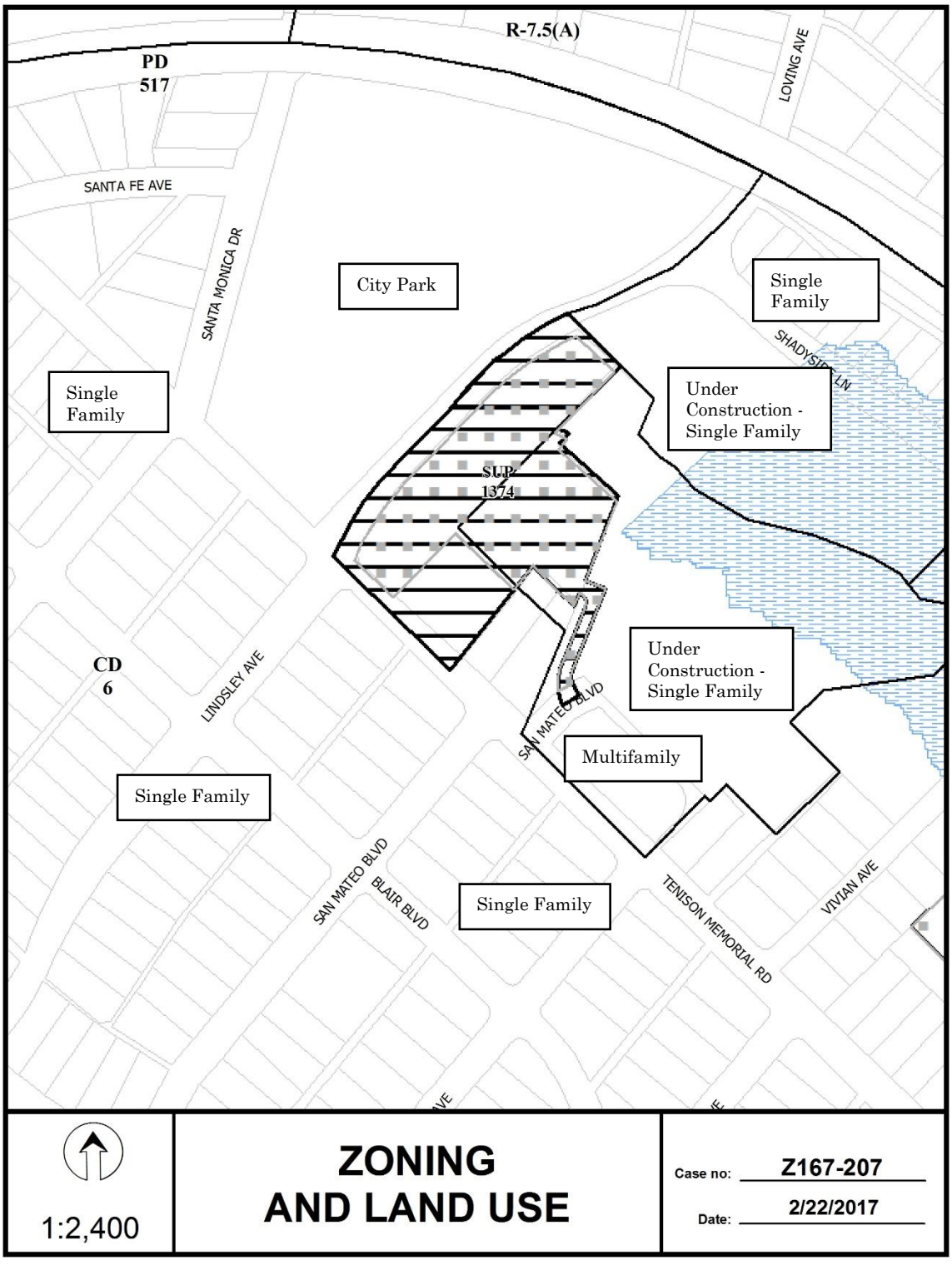


EXISTING SITE PLAN

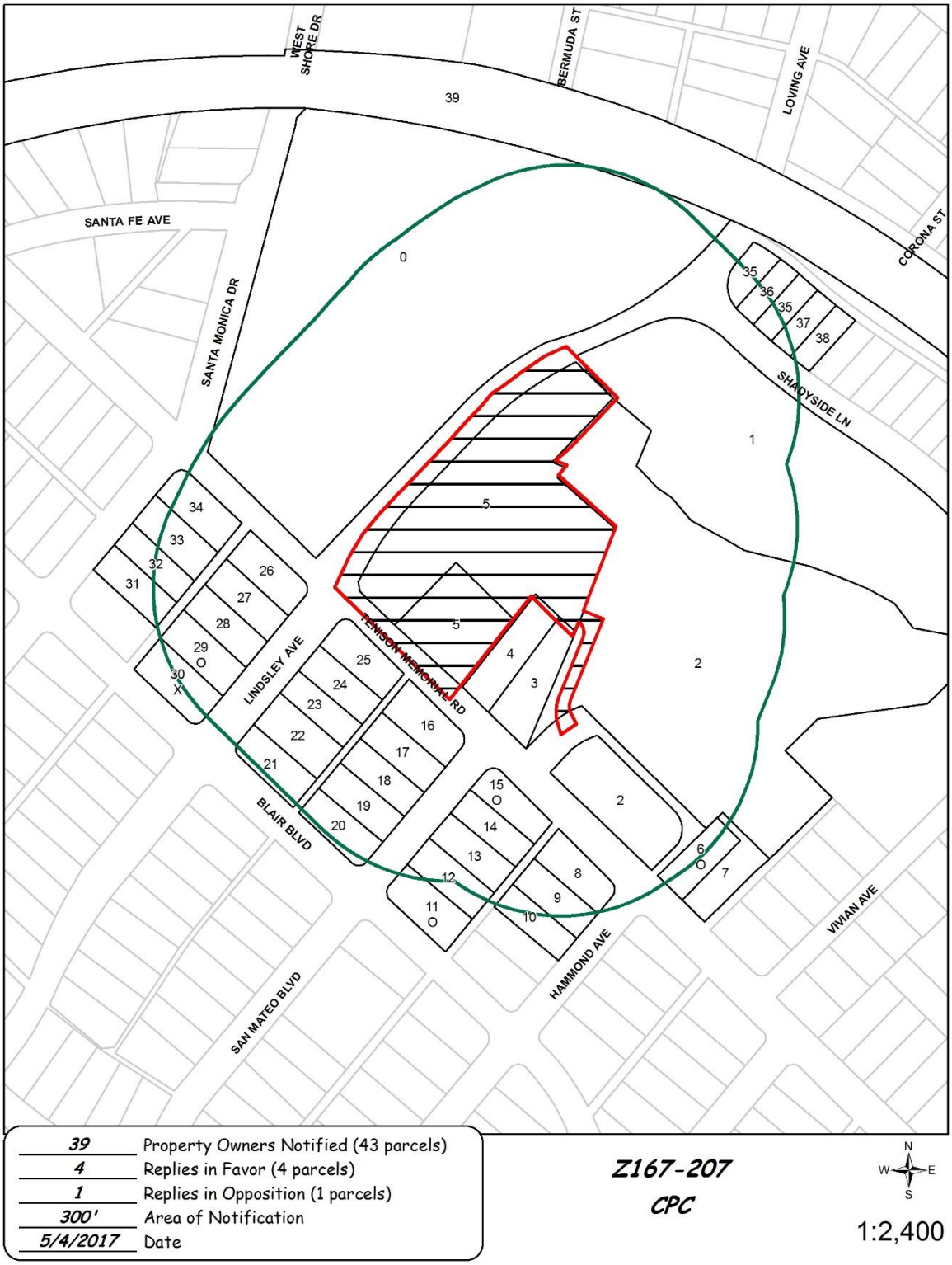



BRENDENWOOD DR
CASA LOMA AVE
AUBURN AVE
WEST SHORE DR
LOVING AVE
BERMUDA ST
CORONADO AVE
Santa Fe Trail
CORONA ST
LA VISTA DR
TUCKER ST
LUCERNE ST
Lindsley
SANTA FE AVE
MISTLETOE DR
PATRICIA AVE
NEWELL AVE
SANTA MONICA DR
SHADYSIDE LN
EAST GRAND SERV
EAST GRAND AVE
TENISON MEMORIAL RD
VIVIAN AVE
SAN MATEO BLVD
BLAIR BLVD
HAMMOND AVE
ASH LN
MONTE VISTA DR
CLERMONT AVE
CORDOVA ST
LINDSLEY AVE
SEVILLA ST
VALENCIA ST
Tenison Park Golf Course
Tenison Park Picnic Area
1:6,000
VICINITY MAP
Case no: Z167-207
Date: 2/22/2017


LOVING AVE
SANTA FE AVE
SANTA MONICA DR
SHADYSIDE LN
LINDSLEY AVE
SAN MATEO BLVD
SAN MATEO BLVD
BLAIR BLVD
TENISON MEMORIAL RD
VIVIAN AVE
1:2,400
AERIAL MAP
Case no: Z167-207
Date: 2/22/2017


R-7.5(A)
PD
517
LOVING AVE
SANTA FE AVE
SANTA MONICA DR
City Park
Single
Family
Single
Family
SHADYSIDE LN
Under
Construction -
Single Family
SUP
1374
CD
6
LINDSLEY AVE
SAN MATEO BLVD
Under
Construction -
Single Family
Multifamily
Single Family
SAN MATEO BLVD
BLAIR BLVD
Single Family
TENISON MEMORIAL RD
VIVIAN AVE
1:2,400
ZONING
AND LAND USE
Case no: Z167-207
Date: 2/22/2017

CPC RESPONSES



05/03/2017

Reply List of Property Owners

Z167-207

39 Property Owners Notified ***4 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	903	SHADYSIDE LN	MM FINISHED LOTS LLC
	2	7100	TENISON MEMORIAL RD	SAN MATEO FOREST APT LLC
	3	826	TENISON MEMORIAL RD	ALLEN JEFFREY L. & DANA L
	4	822	TENISON MEMORIAL RD	BRUSCATO LAURA
	5	812	TENISON MEMORIAL RD	NEIGHBORS UNITED FOR
O	6	1002	TENISON MEMORIAL RD	COTTON LOURDES & FRAZIER
	7	1008	TENISON MEMORIAL RD	BIANCHI DONA M
	8	7019	HAMMOND AVE	PINSON JAMES B
	9	7015	HAMMOND AVE	BOZARTH PAUL GENE JR
	10	7011	HAMMOND AVE	JEAVONS MARTHA
O	11	7000	SAN MATEO BLVD	BABINSKI JUDY M
	12	7006	SAN MATEO BLVD	HYER DANIEL H
	13	7010	SAN MATEO BLVD	OSIMIRI FELIX C
	14	7014	SAN MATEO BLVD	MURRAH CYNTHIA S
O	15	7018	SAN MATEO BLVD	KLEITCHES JAMES E
	16	7019	SAN MATEO BLVD	PHILLIPS DARREN
	17	7015	SAN MATEO BLVD	HARRISON ELAINE & WILLIAM C
	18	7011	SAN MATEO BLVD	GREEN EMILY
	19	7007	SAN MATEO BLVD	JUVERS HENRY E & NANCY M
	20	7003	SAN MATEO BLVD	BARRIE KYLE & SAMANTHA
	21	7002	LINDSLEY AVE	UDASHEN MADELINE DANAHER
	22	7004	LINDSLEY AVE	BURNETT STEPHEN & RINA TERRBURNETT
	23	7010	LINDSLEY AVE	LAKE JAMES W & NICOLE
	24	7012	LINDSLEY AVE	RICTHER ALYSON GREGORY & JONATHON W
	25	7018	LINDSLEY AVE	MANICCHIA FREDDIE L EST OF
	26	7019	LINDSLEY AVE	LAPERCHA LTD

05/03/2017

Reply	*Label #*	*Address*	*Owner*
	27	7015 LINDSLEY AVE	BRADLEY JEAN MARIE
	28	7011 LINDSLEY AVE	KESTEL JOSEPH
O	29	7007 LINDSLEY AVE	WEAVER MATTHEW S & CARLA J
X	30	7003 LINDSLEY AVE	IRBY LANNY PAUL
	31	7006 SANTA MONICA DR	ARANI SHAWN &
	32	7010 SANTA MONICA DR	GRISSEL KATHERINE DRELL &
	33	7014 SANTA MONICA DR	NYLIN JENNIFER M KREUZIGER
	34	7018 SANTA MONICA DR	FENLAW JAY ANDREW &
	35	908 SHADYSIDE LN	MEGATEL HOMES INC
	36	916 SHADYSIDE LN	MEGATEL HOMES INC
	37	932 SHADYSIDE LN	WEINTRAUB JED & JAYNE
	38	940 SHADYSIDE LN	CLARK SCOTT
	39	401 S BUCKNER BLVD	DART

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the southwest side of Exposition Avenue, west of Parry Avenue

Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions

Z167-218(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-218(OTH) **DATE FILED:** February 12, 2017

LOCATION: Southwest side of Exposition Avenue, west of Parry Avenue.

COUNCIL DISTRICT: 7 **MAPSCO:** 46 - K

SIZE OF REQUEST: 6,500 square feet **CENSUS TRACT:** 203.00

OWNER: Exposition Park Partners

APPLICANT: Eight Bells, LLC

REPRESENTATIVE: Robert Gloyna

REQUEST: An application to renew Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The applicant proposes to continue the use of the property as an alcoholic beverage establishment [Eight Bells Alehouse]. The existing conditions and site plan will not be changed.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request site is developed with a two-story structure. The second story is utilized as a residence with direct access from the rear of the property.
- The existing bar encompasses 1,475 square feet of floor area (first floor) and an uncovered patio (1,981 square feet).
- The applicant is not proposing any changes in the conditions or the site plan.
- SUP No. 1692 was originally approved on December 12, 2007, for a three year period and has been renewed twice for three-year periods each. The SUP terminates on June 11, 2017.

Zoning History:

There has been one recent zoning request in the area.

1. Z134-257 On September 10, 2014, the City Council approved Specific Use Permit No. 1691 for a bar, lounge or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District locate on the south side of Exposition Avenue, east of Ash Lane.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Exposition Avenue	Collector	80 feet ROW

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269, SUP No. 1692	Alcoholic beverage establishment limited to a bar, lounge or tavern
North	PD No. 269	Residential, office uses
East	PD No. 269	Restaurant
West	PD No. 269, SUP No. 1691	Retail, theater, bar, and vacant
South	PD No. 269	Retail, parking

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined it will not significantly impact the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The *fowardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

Economic Element

GOAL 2.5 Foster a City of Great Neighborhoods

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN

GOAL 5.3 Establishing Walk-To Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility: The request site consists of a two-story structure and an uncovered patio. The applicant is requesting renewal of SUP No. 1692 in order to continue operation of an existing bar, lounge, or tavern use.

The site is surrounded by a mix of office, retail, restaurant, theater uses and some vacant properties that are served by various surface parking lots and metered spaces along Exposition Avenue. In addition to these uses, residential lofts are developed on property to the north/northwest along Exposition Avenue.

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, subject to staff's recommended conditions, is compatible to the surrounding mix of uses. The continuation of a bar in Deep Ellum enhances the entertainment character of the area. The short time frame allows the staff and CPC to evaluate whether the use is a detriment to the area. .

Off-Street Parking:

PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. The applicant occupies 1,475 square feet of floor area and is not required to provide any designated parking for the use at this time. It should be noted that a significant number of metered on-street parking spaces exist as well as surface parking lots throughout the immediate area. The uncovered patio is not required to provide parking. There will not be any parking changes with the request.

Landscaping:

There are no landscaping requirements triggered by the request.

Police Report:

The Dallas Police Department provided a report for the period of June 11, 2014 to March 31, 2017.

Date	Premise	Address	Offense
11/8/2014	Bar/NightClub/DanceHall ETC.	831 Exposition Ave	Investigation Of
11/12/2015	Commercial Property Occupied/Vacant	831 Exposition Ave	Criminal Trespass
6/18/2016	Restaurant/Food Service/TABC Location	831 Exposition Ave	Alarm Incident
12/16/2016	Bar/NightClub/DanceHall ETC.	831 Exposition Ave	Not Coded
12/23/2016	Bar/NightClub/DanceHall ETC.	831 Exposition Ave	Alarm Incident

CPC ACTION:
May 4, 2017

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the southwest side of Exposition Avenue, west of Parry Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 9
Replies: For: 2 Against: 0

Speakers: None

List of Partners/ Principles/ Officers of Expo Park Partners, Ltd.

General Partner: JSM Investments, Inc. – John Broude, President
309 W. 7th St., Suite 1100
Fort Worth, Texas 76102

Limited Partners: SDL Partners, Ltd.- General Partners is GP SDL Partners, LLC – Susan B. Reese, Manager
2622 Commerce Street
Dallas, Texas 75226

Lower Greenville Avenue Trust – Rudy Benttenmuller, Trustee
5335 Spring Valley Road
Dallas, Texas 75254-3009

RGCT Texas LP
2622 Commerce Street
Dallas, Texas 75226

KTR Investments, LLC
2622 Commerce Street
Dallas, Texas 75226

SULU Partners, LP
2622 Commerce Street
Dallas, Texas 75226

List of Partners/ Principles/ Officers
Eight Bells, LLC, DBA Eight Bells Alehouse

Meri Dahlke,
Managing Member, Eight Bells, LLC

Mailing Address: 2220 Canton St.,
Dallas, TX 75201
Telephone No.; 214.287.1170
Email: meri@eightbellsalehouse.com

CPC Recommended Conditions

SUP No. 1692

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME PERIOD: This specific use permit expires on three years ~~June 11, 2017~~.

4. FLOOR AREA:

   A. The maximum indoor floor area is 1,475 square feet.

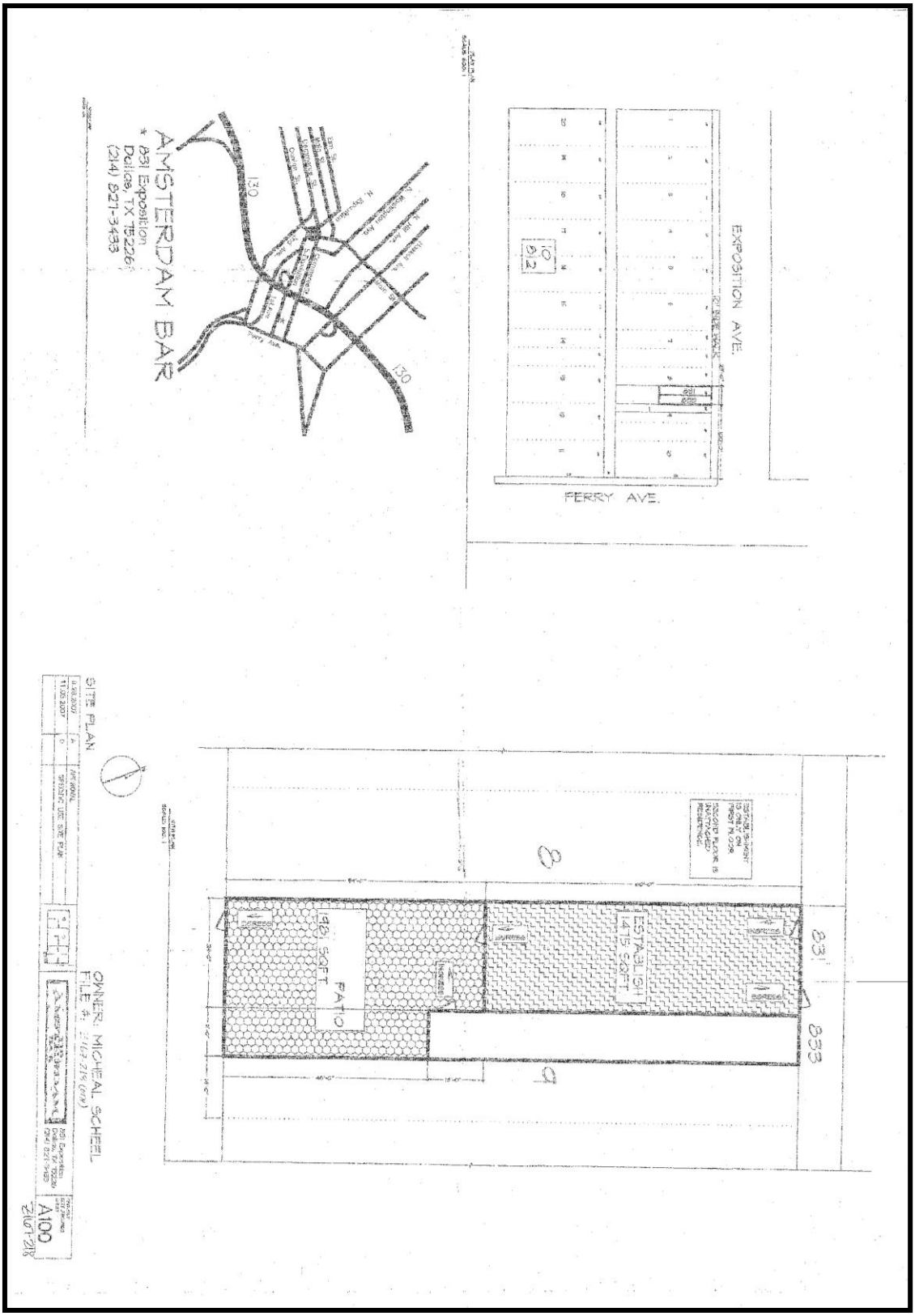
   B. The maximum floor area for a covered patio is 1,981 square feet.

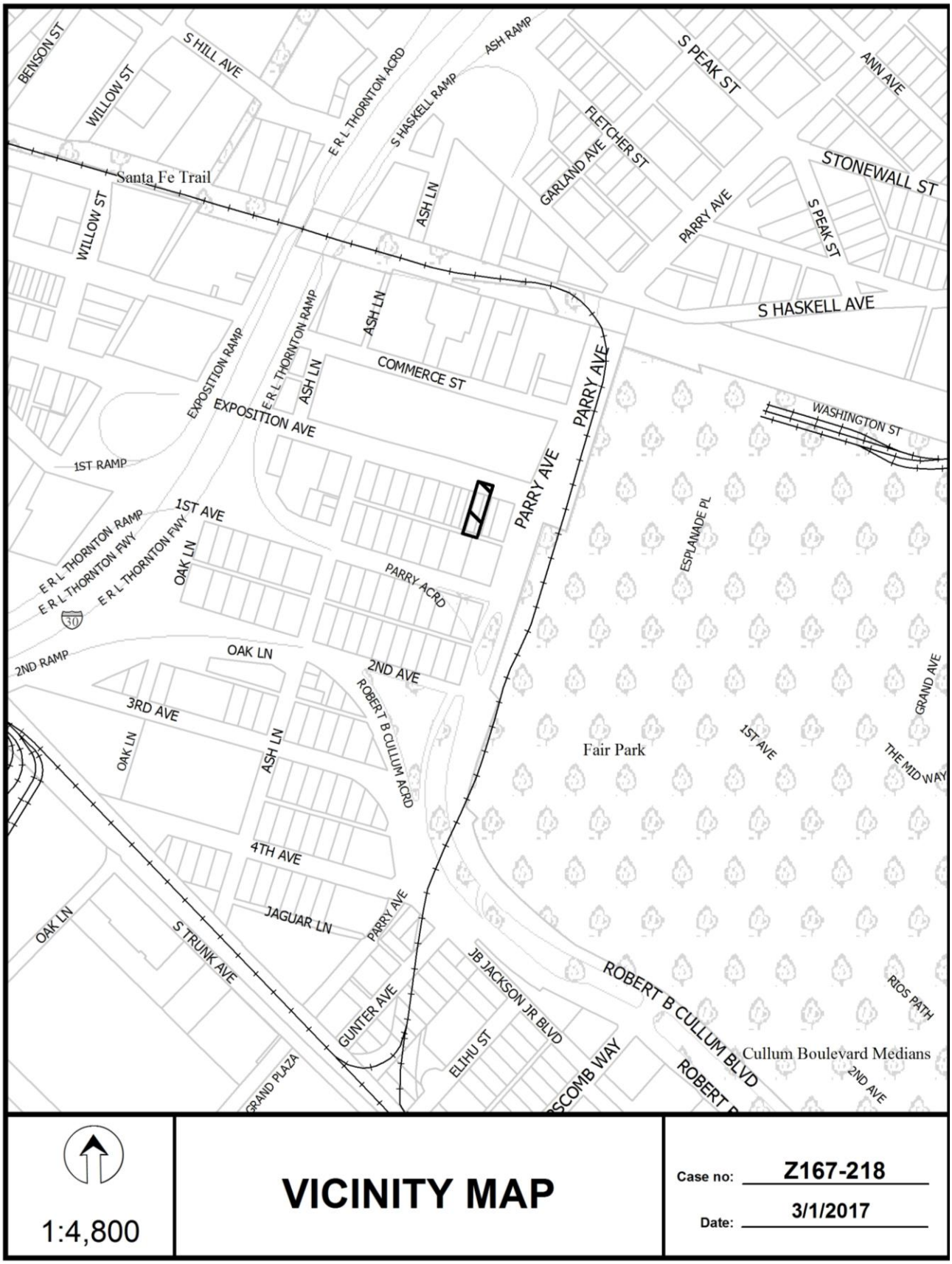
5. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.

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.

EXISTING SITE PLAN



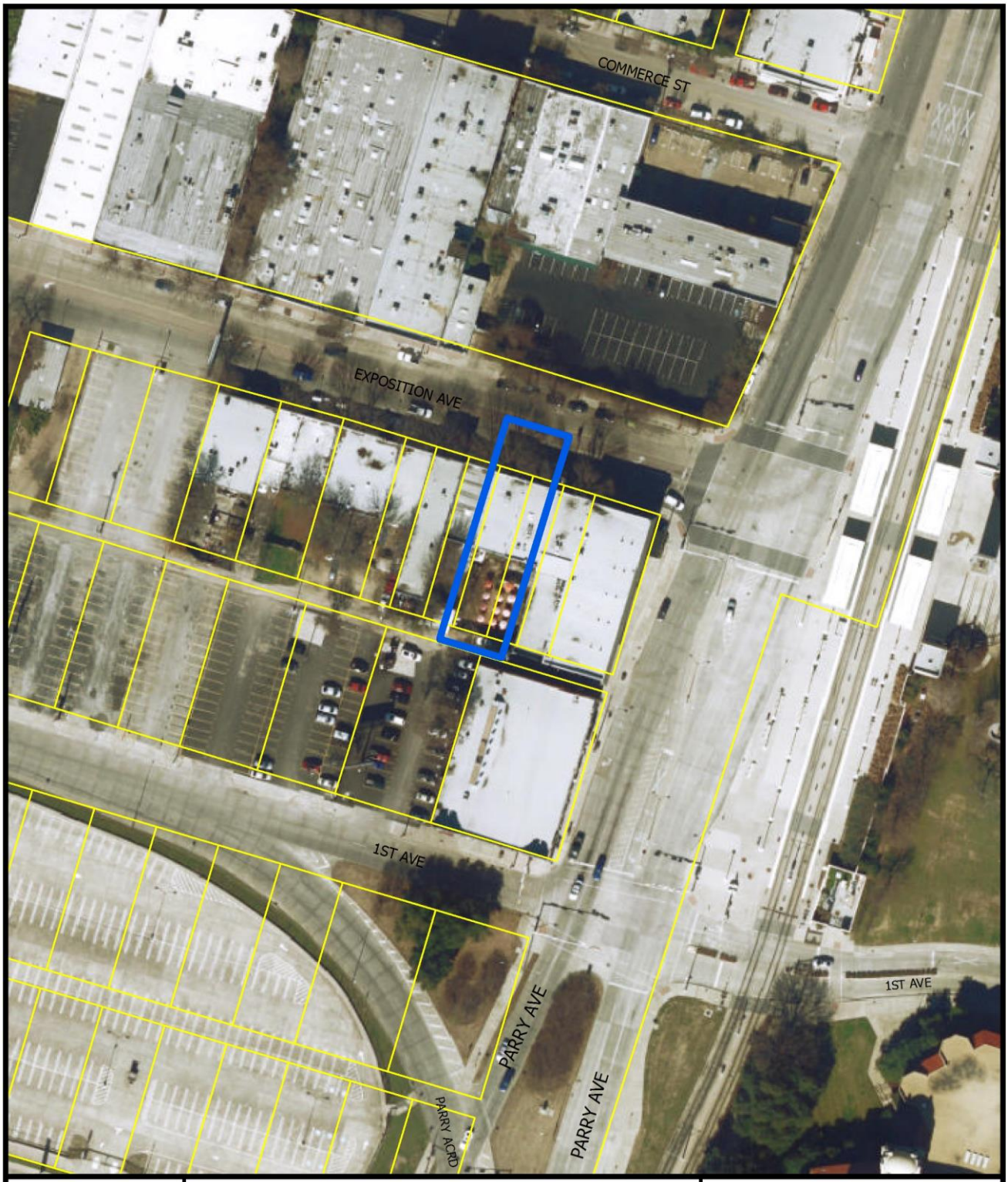


1:4,800

VICINITY MAP

Case no: Z167-218

Date: 3/1/2017

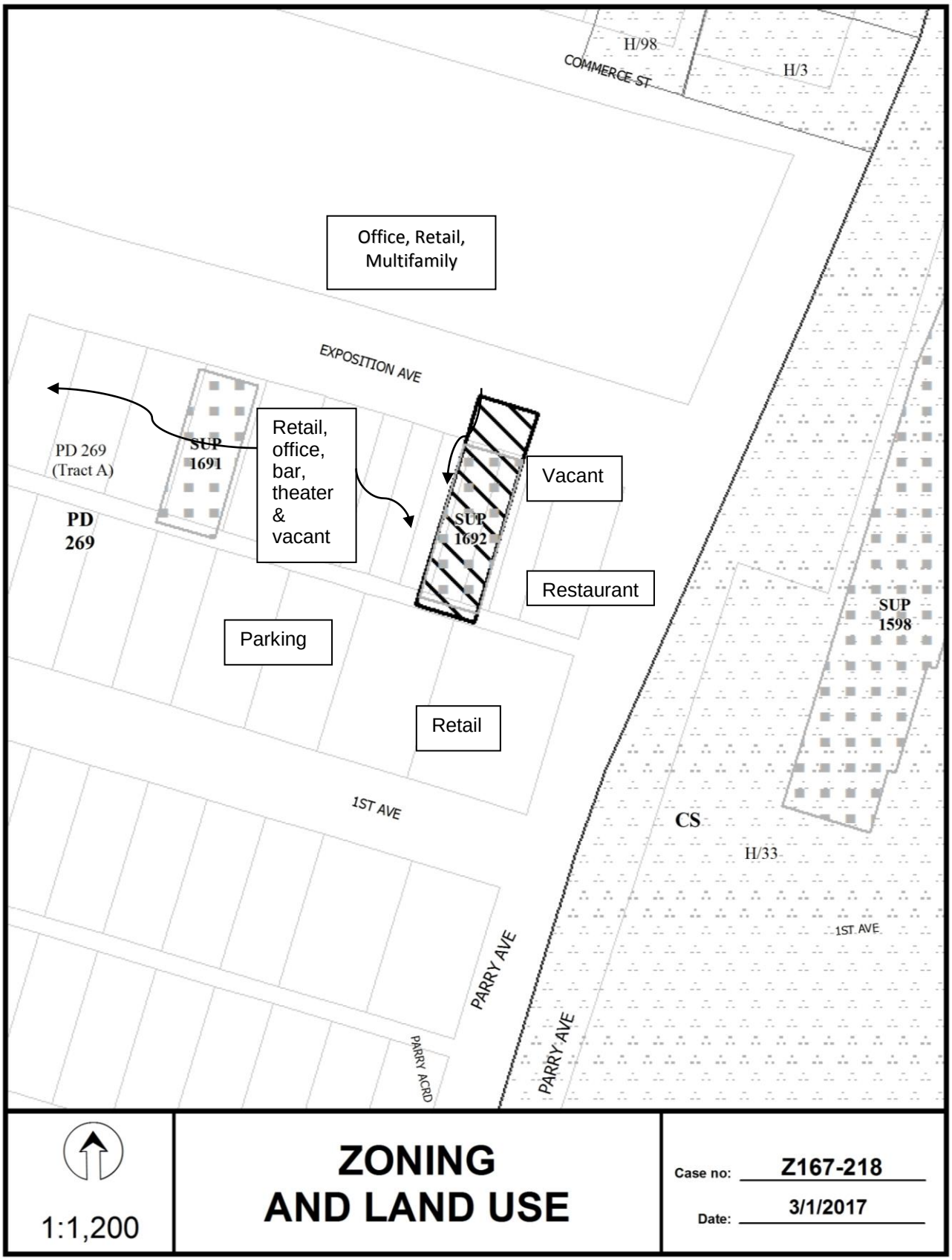


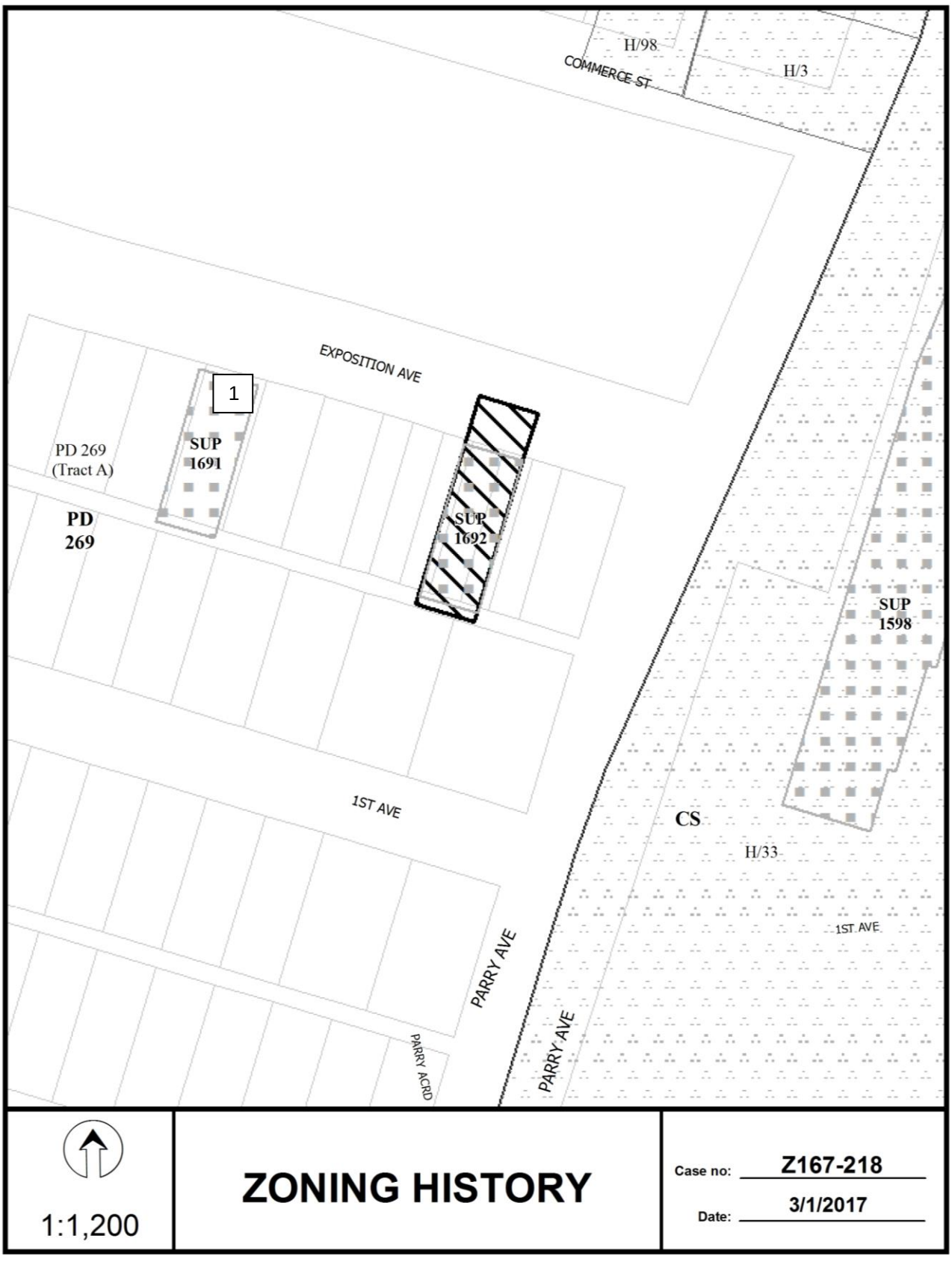
1:1,200

AERIAL MAP

Case no: Z167-218

Date: 3/1/2017


H/98
COMMERCE ST
H/3
Office, Retail, Multifamily
EXPOSITION AVE
PD 269 (Tract A)
SUP 1691
Retail, office, bar, theater & vacant
SUP 1692
Vacant
PD 269
Restaurant
SUP 1598
Parking
Retail
1ST AVE
CS
H/33
1ST AVE
PARRY AVE
PARRY AVE
PARRY ACRD
1:1,200
ZONING AND LAND USE
Case no: Z167-218
Date: 3/1/2017


H/98
COMMERCE ST
H/3
EXPOSITION AVE
1
PD 269
(Tract A)
SUP
1691
PD
269
SUP
1692
SUP
1598
1ST AVE
CS
H/33
1ST AVE
PARRY AVE
PARRY ACRD
PARRY AVE
1:1,200
ZONING HISTORY
Case no: Z167-218
Date: 3/1/2017

CPC RESPONSES



05/03/2017

Reply List of Property Owners

Z167-218

9 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	835	EXPOSITION AVE	EXPO PARK PARTNERS LTD
	2	829	EXPOSITION AVE	EXPO TRUST NO 1
O	3	811	EXPOSITION AVE	ROBERTS JOHN STEVEN
	4	821	EXPOSITION AVE	MCNEILL ROBERT K
	5	827	EXPOSITION AVE	GREENE PATRICK
	6	820	1ST AVE	FOREMOST PREOPERTY HOLDINGS LLC
	7	816	1ST AVE	BELCLAIRE REALTY LTD
	8	4115	COMMERCE ST	BLOCK 811 LTD
	9	3839	S FITZHUGH AVE	MCA PACE AMPHITHEATERS LP

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 23 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1530 for an Industrial (outside) use limited to a concrete plant on property zoned Subdistrict 1, Tract 2 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the southwest corner of Joe Field Road and Denton Drive

Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions

Z167-220(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed A-Ghafry

FILE NUMBER: Z167-220(OTH) **DATE FILED:** February 2, 2017

LOCATION: Joe Field Road and Denton Drive, Southwest corner

COUNCIL DISTRICT: 6 **MAPSCO:** 23-E

SIZE OF REQUEST: Approx. 2.717 Acres **CENSUS TRACT:** 99.00

APPLICANT/OWNER: Redi-Mix, LLC

REPRESENTATIVE: Fielder F. Nelms

REQUEST: An application for the renewal of Specific Use Permit No. 1530 for an Industrial (outside) use limited to a concrete plant on property zoned Subdistrict 1, Tract 2 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District.

SUMMARY: The applicant is proposing to continue operation of the existing concrete plant [Custom-Crete Inc.].

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is developed with a concrete plant and supporting operations/areas, including office, vehicle storage, and raw materials area.

- The applicant proposes to continue operation of the existing concrete plant.

- The business has a different owner than under previous SUPs. For this reason, the site plan is being replaced to update the name of the new owner.

- On October 8, 2003, the City Council approved an amendment to PDD No 498 to create a new Subdistrict 1 with two Tracts: Tract 1 located at the northwest corner of Joe Field Road and Denton Drive for a Home improvement center, lumber, brick or building materials sales yard; and Tract 2 located at the southwest corner of Joe Field Road and Denton Drive for a Concrete Plant (by SUP).

- On October 8, 2003, the City Council approved SUP No. 1530 for a concrete plant for a three-year period with eligibility for automatic renewal for additional three-year periods.

- August 22, 2006, SUP No. 1530 was automatic renewed for a three-year period.

- On March 25, 2009, SUP No. 1530 was amended and renewed for a three-year period that expired on October 7, 2012, but was eligible for automatic renewal for one additional two-year period. The amendment included changes to make a small expansion of an existing accessory building and to establish a maximum floor area and to change the time period.

- On August 7, 2012, staff approved the automatic renewal of the SUP for the one additional two-year period The SUP automatically terminated on October 7, 2014.

- On August 16, 2014, the specific use permit was approved for a three-year period without automatic renewals. The SUP expires on August 13, 2017, and must be considered for renewal through the public hearing process.

- On February 26, 2014, an Industrial Inspection Report prepared by environmental health city staff determined the operation was in compliance with previously reported (November 14, 2013) violations. As of April 7, 2017, the Office of Environmental Quality confirmed that the business owner complies with all regulations.

Zoning History: There has been no recent zoning activity in the immediate area relevant to this request.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined that renewal of this Specific Use Permit will not create additional impact on the surrounding roadway system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Denton Drive	Collector	60 foot
Joe Field Road	Local	50 foot

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The Comprehensive Plan does not address this type of use, therefore there are no goals or policies supporting or opposing the request.

Area Plan:

The site lies within the boundary of the Stemmons/Harry Hines Corridor Implementation Study, adopted by the City Council on December 11, 1996. This effort addresses the revitalization of the geographical area by focusing on permitted uses, public infrastructure improvements, landscaping, scale of development, and other regulations. The predominant uses of the area are light industrial/warehousing. These include commercial uses, warehouse, wholesale/retail centers, restaurants, automotive and banking businesses. The goal of the plan is to capitalize on the existing businesses and facilitate their growth and development. Part of the goals of the plan is to progressively eliminate all the non-conforming uses including residential and encourage small commercial/office uses in those properties.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 498, SUP No. 1530	Concrete plant
North	PD No. 498	Contractor's maintenance yard
East	IR	Office/showroom, warehouse
West	PD No. 498	Retail, warehouse
South	PD No. 498	Office/showroom, warehouse

Land Use Compatibility:

The applicant is requesting continued operation of a concrete plant permitted by SUP No. 1530. The applicant has operated at this location since the early 1980's.

The site is surrounded by commercial, warehouse and retail uses west of the site. The predominant land use east of the site is office/showroom/warehouse. Other surrounding uses are industrial and a contractor's maintenance yard to the north, retail and warehouse to the west of the site; and office/showroom/warehouse to the south of the property. Additionally, the elevated portion of the DART Green Line traverses this area. For orientation purposes, the Walnut Hill/Denton Station is situated approximately 1,200 feet northeast of the site.

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.

As noted above, the applicant has operated at this location for a significant time. PDD No. 498 was amended, in part, to permit the applicant's use by SUP. Staff is supportive of the requested renewal. However due to the operational characteristics associated with this type of use and the location of the use; staff recommends a shorter time period. With a shorter time period, staff will be able to monitor the use and the progress and changes in the surrounding area. The shorter time period will help ensure that the use will not negatively impact the surrounding uses as well as to identify and address any possible issues with the use.

The applicant submitted a revised site plan to update the ownership of the business. The name of the business does not have to be included on the site plan since the zoning of the property, in this case the SUP, stays with the land and not with the owner or operator of the business. The applicant just wanted to have the new name on the plan. Nothing else is being changed on the plan.

CPC ACTION:
May 4, 2017

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1530 for an Industrial (outside) use limited to a concrete plant for a five-year period, subject to a revised site plan and conditions on property zoned Subdistrict 1, Tract 2 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the southwest corner of Joe Field Road and Denton Drive.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney*, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 14
Replies: For: 2 Against: 0

Speakers: For: Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: Ana Davila, 5249 Bryce Canyon Rd., Dallas, TX, 75211

Partners and Principles

Officers	Title
Joseph Tusa	President
William Sandbrook	Vice President
Niel Poulsen	Vice President and General Manager
Paul Jolas	Vice President and Secretary
Richard Delle	Vice President and Treasurer

PROPOSED CONDITIONS
SUP No. 1530

1. USE: The only use authorized by this specific use permit is an industrial (outside) use for a concrete plant.

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) ~~August 13, 2017.~~

4. INGRESS/EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

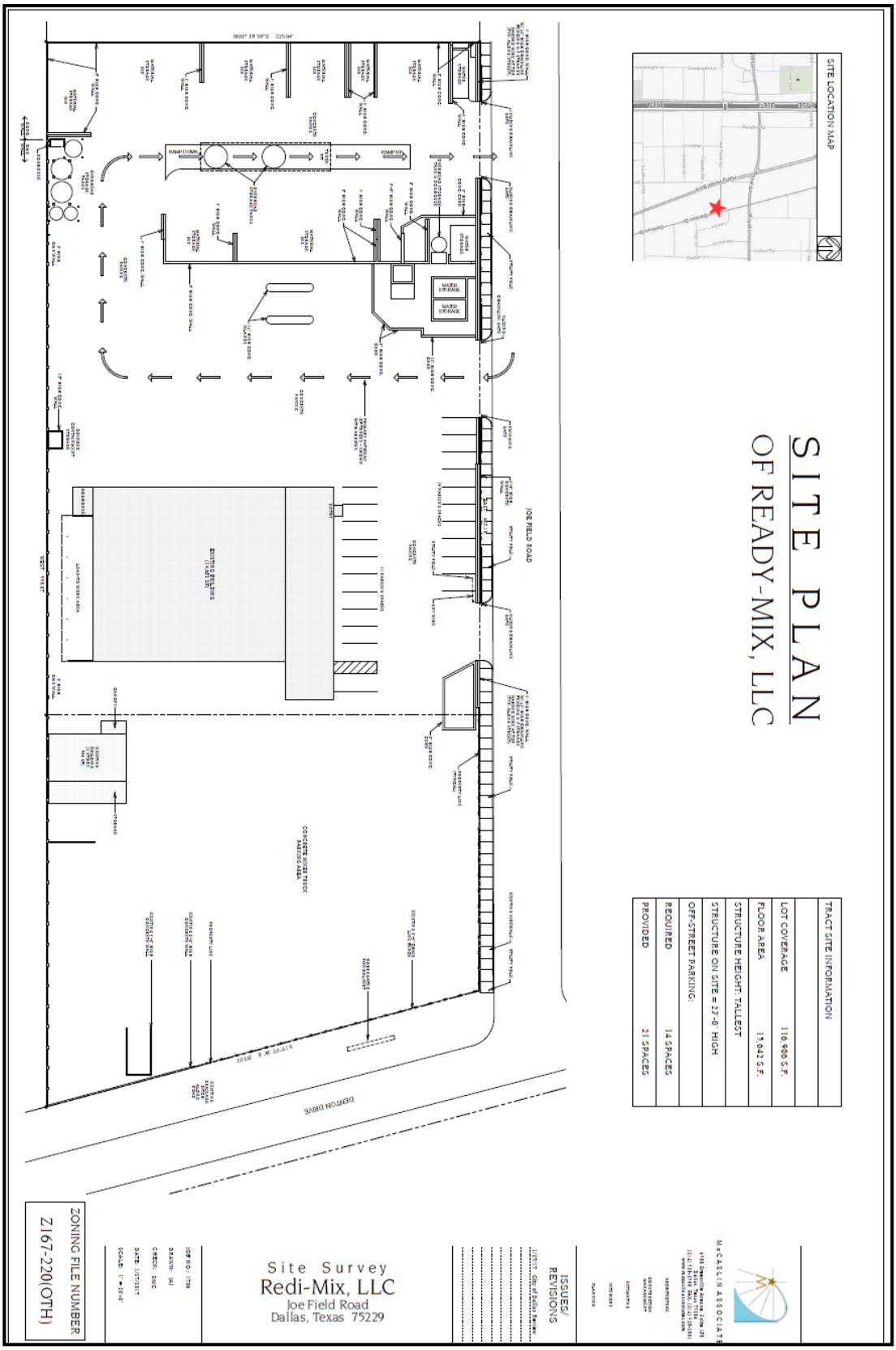
5. FLOOR AREA: Maximum floor area is 15,642 square feet in the locations shown on the attached site plan.

6. OFF-STREET PARKING: A minimum of 21 off-street parking spaces must be provided in the location shown on the attached site plan.

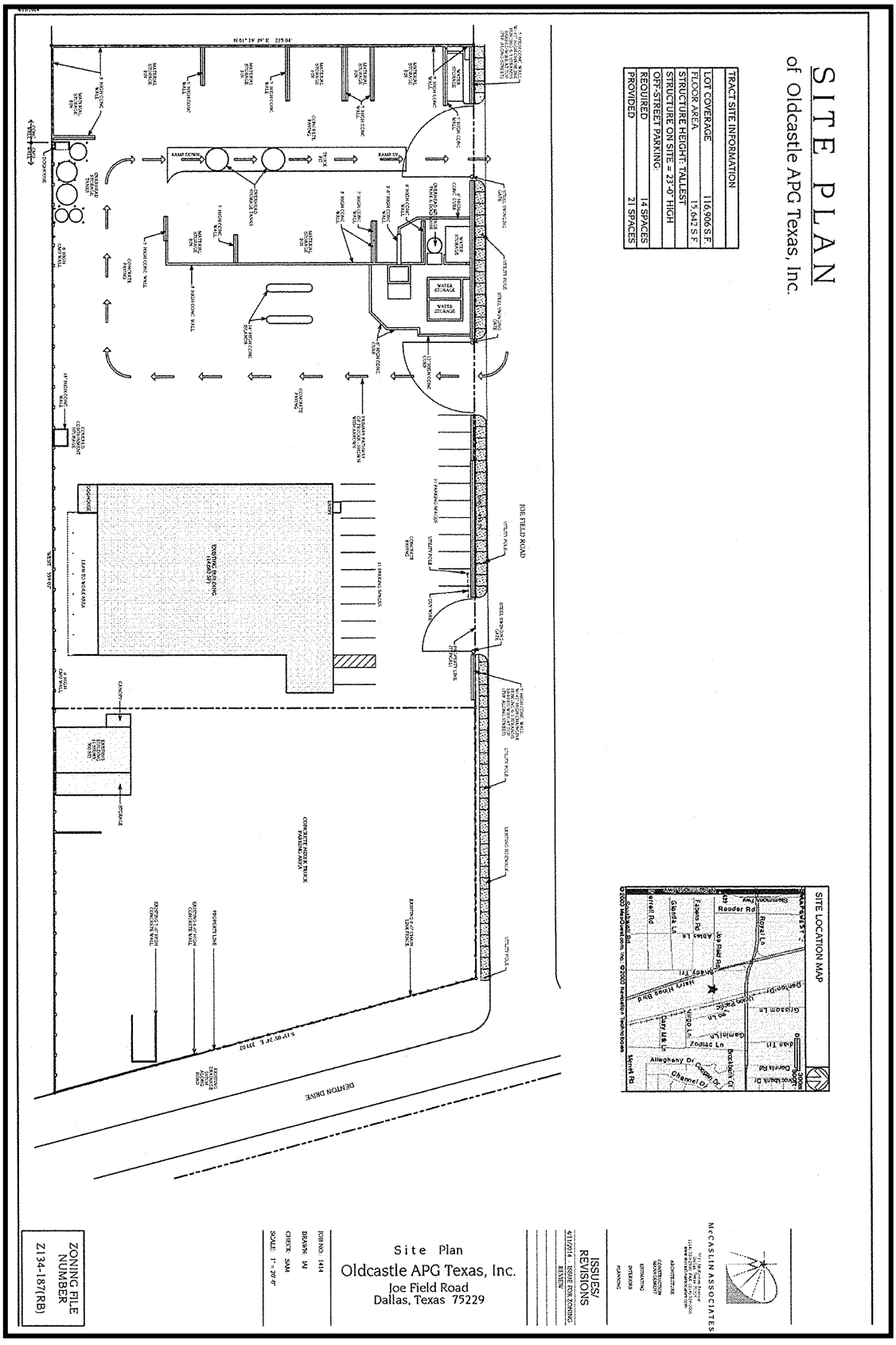
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

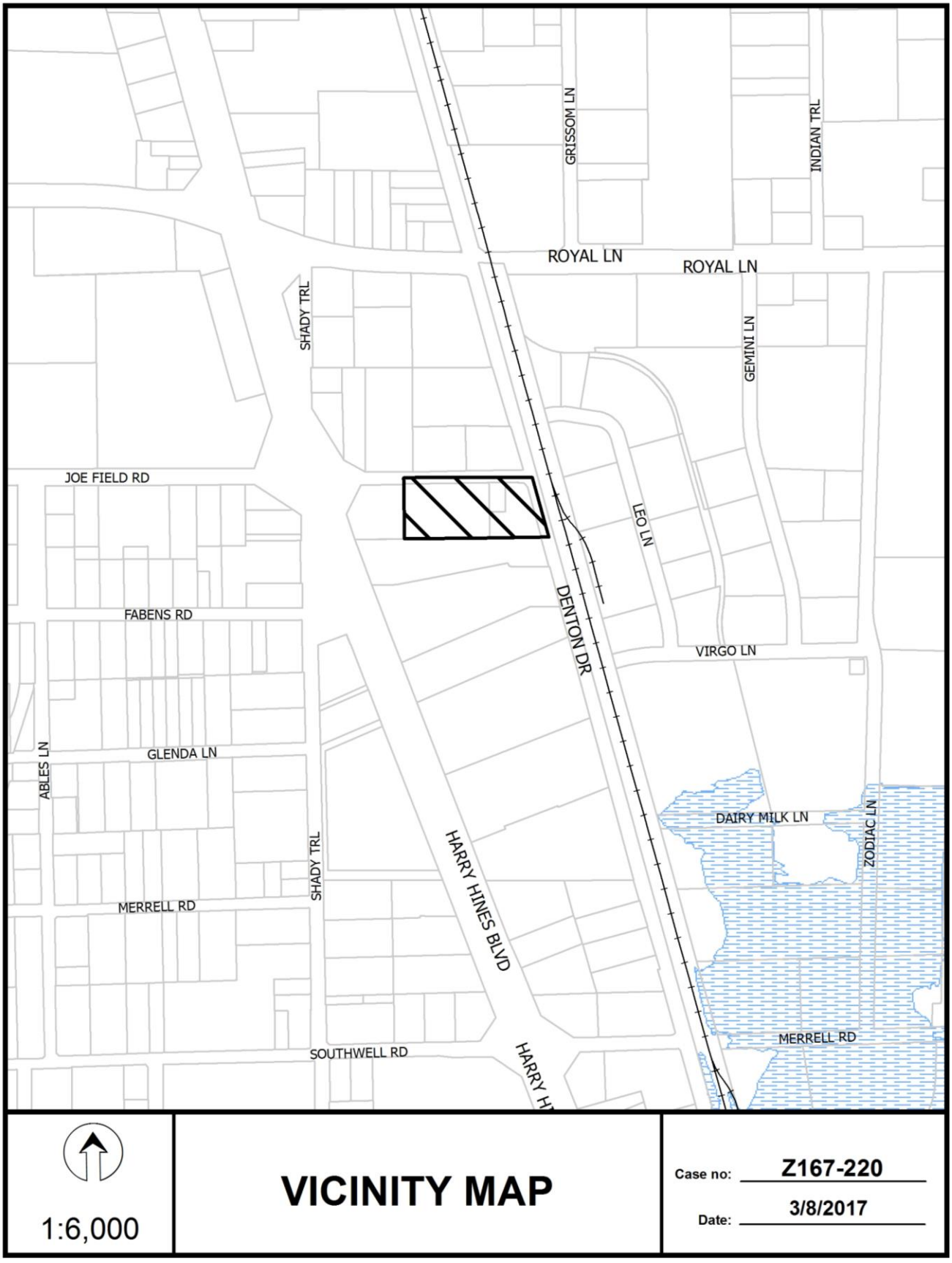
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



EXISTING SITE PLAN




GRISSOM LN
INDIAN TRL
ROYAL LN
ROYAL LN
SHADY TRL
GEMINI LN
JOE FIELD RD
LEO LN
DENTON DR
FABENS RD
VIRGO LN
ABLES LN
GLENDA LN
DAIRY MILK LN
ZODIAC LN
SHADY TRL
HARRY HINES BLVD
MERRELL RD
MERRELL RD
SOUTHWELL RD
HARRY HI
1:6,000
VICINITY MAP
Case no: Z167-220
Date: 3/8/2017

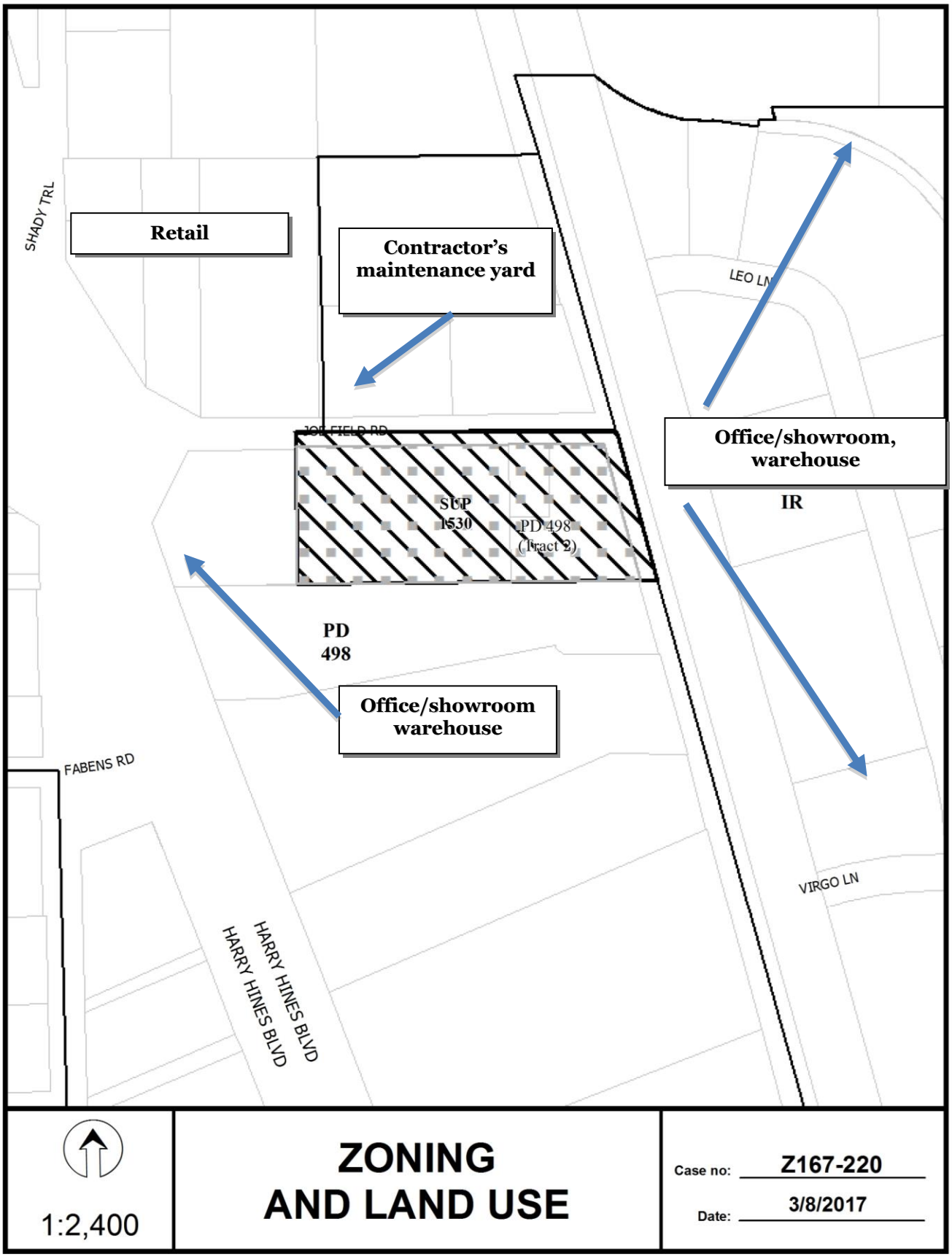


1:2,400

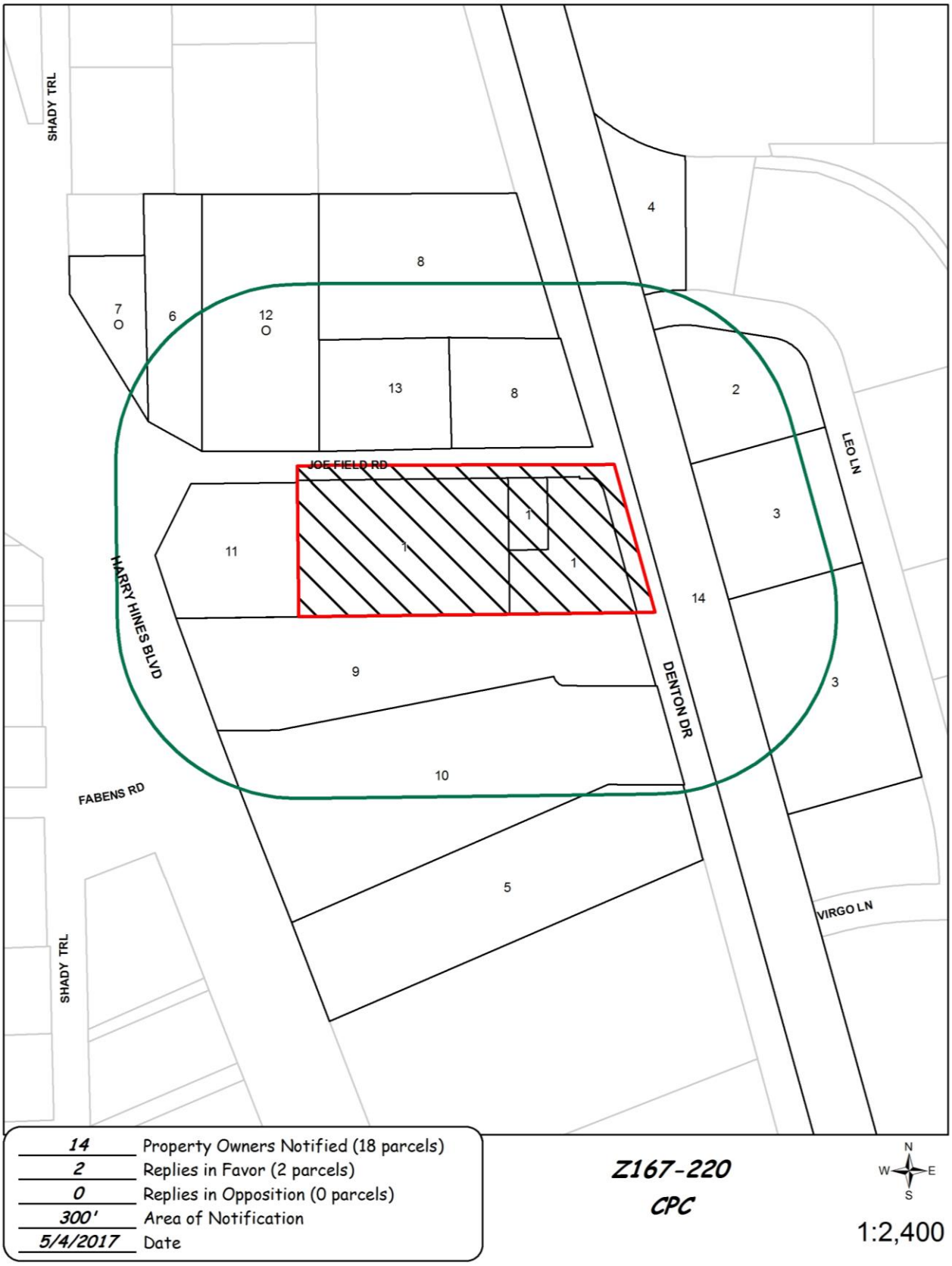
AERIAL MAP

Case no: Z167-220

Date: 3/8/2017


SHADY TRL
Retail
Contractor's maintenance yard
LEO LN
JOE FIELD RD
SUP 1530
PD 498 (Tract 2)
Office/showroom, warehouse
IR
PD 498
Office/showroom warehouse
FABENS RD
HARRY HINES BLVD
HARRY HINES BLVD
VIRGO LN
1:2,400
ZONING AND LAND USE
Case no: Z167-220
Date: 3/8/2017

CPC RESPONSES



Z167-220

14 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2654	JOE FIELD RD	REDIMIX LLC
	2	11271	LEO LN	YOU WENRU &
	3	11243	LEO LN	GRUEN RONALD TR &
	4	11292	LEO LN	DALLAS TOBACCO & IMPORTS
	5	11220	HARRY HINES BLVD	HAHN YOUNG K & SONG K LIVING TRUST
	6	2605	JOE FIELD RD	RAJ JOE FIELD LLC
O	7	11310	HARRY HINES BLVD	SCHOTT STEVEN M ET AL
	8	11309	DENTON DR	CUSTOM CRETE INC
	9	11252	HARRY HINES BLVD	HARRY HINES PROPERTIES LLC
	10	11250	HARRY HINES BLVD	HARRY HINES MILLENNIUM
	11	11276	HARRY HINES BLVD	S W C VENTURE INC
O	12	2615	JOE FIELD RD	HELEN MCGINNIS PILLIFANT GST TRUST
	13	2627	JOE FIELD RD	CUSTOMCRETE INC
	14	401	S BUCKNER BLVD	DART

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 63 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1929 for an open-enrollment charter school on property zoned an NO(A) Neighborhood Office District and a CR Community Retail District, on the northwest corner of West Camp Wisdom Road and South Westmoreland 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 traffic management plan and conditions

Z167-222(KK)

HONORABLE MAYOR & CITY COUNCIL **WENESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-222(KK) **DATE FILED:** February 22, 2017

LOCATION: Northwest corner of West Camp Wisdom Road and South Westmoreland Road

COUNCIL DISTRICT: 3 **MAPSCO:** 63-S

SIZE OF REQUEST: Approx. 8.95 acres **CENSUS TRACT:** 109.03

APPLICANT/OWNER: A.W. Brown Fellowship Leadership Academy

REPRESENTATIVE: Karl Crawley, Masterplan Consultants

REQUEST: An application to renew Specific Use Permit No. 1929 for an open-enrollment charter school on property zoned an NO(A) Neighborhood Office District and a CR Community Retail District.

SUMMARY: The applicant proposes to continue the operation of an open-enrollment charter school [A.W. Brown Fellowship Leadership Academy]. Specific Use Permit No. 1929 was eligible for auto renewal, but the applicant is proposing revisions to the traffic management plan (TMP). As a result, the renewal of the SUP has to go through the public hearing process.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised traffic management 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 traffic management plan and conditions.

BACKGROUND INFORMATION:

- The property is currently developed with an open-enrollment charter school [A.W. Brown Fellowship Leadership Academy]. This school accommodates a total number of 1,264 students and 71 classrooms for children in grades kindergarten through elementary.

- On February 22, 2012, Specific Use Permit No. 1929 for an open-enrollment charter school was approved by City Council for a five-year period. The SUP expired on February 22, 2017. The renewal application was submitted on the same date.

- The applicant's request for a renewal of Specific Use Permit No. 1929 for an open enrollment charter school will allow the school to continue to operate on the 8.95 acre site.

- This application was submitted through the renewal process instead of the automatic renewal process because the applicant submitted a revised traffic management plan (TMP) and missed the auto renewal window. The revised TMP addresses traffic concerns in the area and has been approved by the Engineering Division of the Department of Sustainable Development and Construction

- The current tenant has been operating the school since July of 2002. A five acre addition to the campus was constructed in 2012.

- Existing deed restrictions on a portion of the property zoned a CR Community Retail District provide for a maximum floor area ratio (0.5:1) as well as maximum structure height (30 feet).

- The school's administration has designated four existing driveway approaches for ingress/egress onto the site.

Zoning History: There has been one recent zoning change in the area within the last five years.

1. **Z134-210** On October 14, 2014, the City Council approved a request to amend and expand SUP No. 1995 for the use of an open-enrollment charter school on property zoned a NO(A) Neighborhood Office District, for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
West Camp Wisdom	Principal Arterial	100 feet
South Westmoreland Road	Principal Arterial	100 feet

Land Use:

	Zoning	Land Use
Site	CR, NO(A), SUP No.1929	Open-enrollment charter school
North	R-7.5(A)	Single Family Dwellings
East	CR, NO(A), SUP No. 1995	Elementary School and Undeveloped
South	MU-2, RR	General merchandise, personal service, restaurant
West	R-10(A), CR	Single Family Dwellings, General merchandise, restaurant

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.

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The request site is developed (west line of Westmoreland Road, north of Camp Wisdom Road) with an open-enrollment charter school. The applicant originally operated at this location under SUP No. 1466 beginning in April, 2002; however the SUP expired on May 31, 2006. SUP No. 1929 was approved on February 22, 2012 for a five year period. An application for SUP renewal was applied for on February 22, 2017 because the applicant missed the window to submit an automatic renewal. The initial TMP was approved by the director November 2013. The property owner was supposed to submit an updated traffic study to the director by November 2015. This deadline was not met. The applicant is now submitting the updated traffic study and TMP. The property owner or operator will be required to submit updates of the traffic study to the director by November 1st of each off-numbered year.

The request site's existing improvements are oriented along the Westmoreland Road frontage. Except for the low density residential development north, northeast, and west (in relation to the northern half of the request site), the site is adjacent to nonresidential zoning and uses. Specifically, an undeveloped property zoned for NO(A) District Uses is situated to the east with various retail uses to the south, at the intersection of Camp Wisdom Road and Westmoreland Road. Lastly, the southern half of the site abuts retail and commercial uses to the west.

The open-enrollment charter school is permitted to have a maximum of 71 classrooms used by kindergarten through elementary aged children. The school's administration has designated four existing driveway approaches for ingress/egress onto the site; all are located along South Westmorland Road. There are no drive approaches located at W Camp Wisdom.

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 continued operation of this open-enrollment charter school is compatible with the surrounding uses and provides another choice to serve educational needs in the community. The use is compatible with the mix of uses in the area. It is located on a

major thoroughfare to allow for access to the school without interfering with a residential traffic. The conditions in the Specific Use Permit and the Traffic Management Plan provide regulations that will help mitigate any potential issues. The relatively short time periods and the requirement of the updated TMP will allow staff to evaluate the operation of the use for continued compatibility.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
NO(A) Neighborhood Office	15'	20' adjacent to residential OTHER: No Min.	0.5	35' for structure with gable, hip or gambrel roof 30' for any other structure	80%	Residential Proximity Slope	Institutional, office, retail
CR Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.75 for all uses combined 0.5 office	54'	60%	Residential Proximity Slope	Retail & personal service, lodging, institutional, wholesale

Parking:

The requirement for off-street parking for the school is derived by two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The requirements for off-street parking are as follows:

- one and one-half spaces for each kindergarten/elementary school classroom,
- three and one-half spaces for each junior high/middle school classroom; and
- nine and one-half spaces for each senior high school classroom

The school is using 71 classrooms on site all for kindergarten/elementary aged students. The total number of proposed classrooms determines the number of required parking spaces. Seventy-one classrooms at 1.5 parking spaces requires 107 spaces. The number of required off-street parking spaces for the campus is 107 spaces and the existing site plan details that the site is providing 183 off-street parking spaces.

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, as amended.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system. The Engineering Division has reviewed and supports the revised Traffic Management Plan. The applicant is required, as with all Traffic Management Plans, to submit a traffic study to the director each odd-numbered year, to determine if the TMP is being implemented effectively.

The following changes were proposed and approved. The drive approach located at the southernmost portion of the property along South Westmoreland Road will become an exit only. This drive approach will remain an exit only during all hours that the school is in operation. Turning signs will be installed travelling north bound on South Westmoreland Road. These signs will detail that no left turns can be made at the two left turn lanes during school operating hours. Left-turns of northbound traffic into the school shall be prohibited during school peak hours. Traffic cones will also be used to aid in traffic pattern and flow. Vehicles must drive north past the school and make an U-turn north of Ohana Place neighborhood. They must then travel south along South Westmoreland Road and make a right hand turn into the only entrance located at the most northern portion of the site. This operation prevents any traffic conflict with residents who live on Ohana Place. Once on-site double que lines will be formed by all vehicles. This will allow for all queuing of traffic to occur on site, and should alleviate any queuing in the right-of-way.

Site Plan/Conditions:

No changes to the existing site plan are proposed. No changes have been made on site and the site is compliant with the existing site plan. Therefore, no changes are required to the existing site plan approved by City Council.

The only change to the conditions is the time limit date. All other conditions, previously approved by City Council, and not proposed to change.

CPC ACTION

May 4, 2017

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1929 for an open-enrollment charter school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a traffic management plan and conditions on property zoned an NO(A) Neighborhood Office District and a CR Community Retail District, on the northwest corner of West Camp Wisdom Road and South Westmoreland Road.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0
*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 52
Replies: For: 2 Against: 1

Speakers: None

List of Partners/Principals/Officers

A.W. Brown Fellowship Leadership Academy

Nia Khepera	Chief Academic Officer
James Montfort	Chief Financial Officer
Judy Hope Carroll	Secretary
Lorenzo Brown	President
Jamira Armstrong	Secretary
Laura Mimms	Superintendent

CPC Recommended SUP Conditions
SUP No. 1929

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.

3. TIME LIMIT: This specific use permit expires on, (five-year period from the passage of this ordinance) ~~February 22, 2017~~, (~~five-year period from the passage of this ordinance~~), 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. LANDSCAPING: Landscaping must be provided as shown on the attached site plan/landscape plan.

5. CLASSROOMS: The maximum number of classrooms is 71.

6. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.

7. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan/landscaping plan. No other ingress or egress is permitted.

8. OFF-STREET PARKING: Parking must be located as shown on the attached site plan/landscape plan.

9. TRAFFIC MANAGEMENT PLAN:

   A. In general. Operation of the open-enrollment charter school must comply with the attached traffic management plan.

   B. Queuing. Queuing is only permitted inside the property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2013. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1st of each odd~~ff~~-numbered year.

ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

a. ingress and egress points;

b. queue lengths;

c. number and location of personnel assisting with loading and unloading of students;

d. drop-off and pick-up locations;

e. drop-off and pick-up hours for each grade level;

f. hours for each grade level; and

g. circulation.

iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the application in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

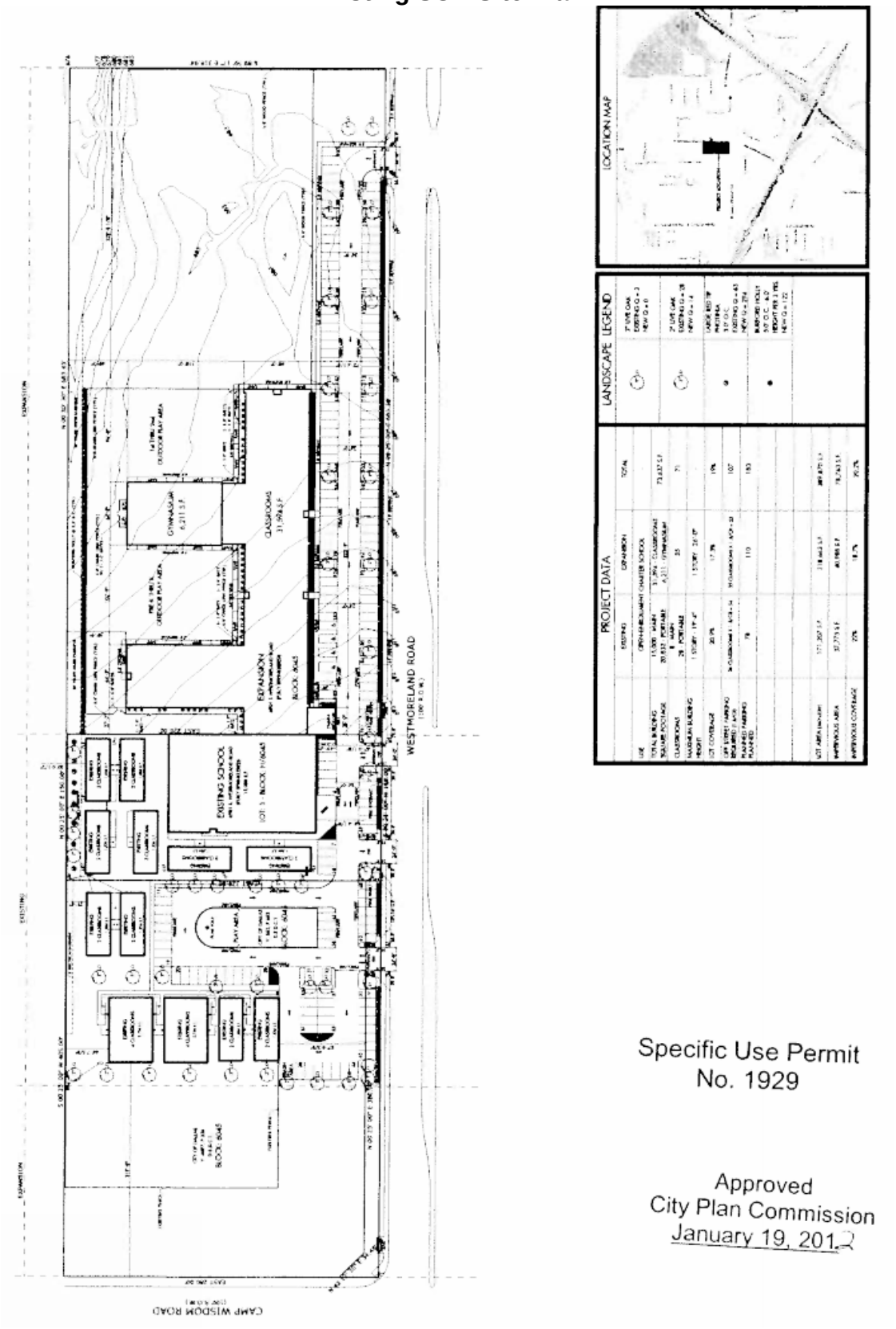
i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

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.

Existing SUP Site Plan



PROPOSED TMP

TRAFFIC MANAGEMENT PLAN FOR

A.W. BROWN
FELLOWSHIP LEADERSHIP ACADEMY
EARLY CHILDHOOD CAMPUS

DALLAS, TEXAS

DeShazo Project No. 16143

Prepared for:
Building Solutions
9401 LBJ FWY, Suite 410
Dallas, Texas 75243



Prepared by:
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 South Houston Street, Suite 330
Dallas, Texas 75202
214.748.6740

January 5, 2017

DeShazo Group

Traffic Management Plan for

A.W. Brown Fellowship Leadership Academy, Early Childhood Campus

~ DeShazo Project No. 16143 ~

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TRAFFIC MANAGEMENT PLAN 2
School Operational Characteristics 2
Site Access and Circulation 2
Student Loading 3
Vehicular Queue Lengths 3
Recommendations 3
SUMMARY 5

LIST OF TABLES:

Table 1. School Operational Characteristics

LIST OF EXHIBITS:

Exhibit 1. Recommended Site Circulation Plan

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Technical Memorandum

To: *William Marshall* — Building Solutions

CC: A.W. Brown Fellowship Leadership Academy, Early Childhood Campus

From: *David Nevarez, P.E., PTOE* — DeShazo Group, Inc.

Date: January 5, 2017

Re: Traffic Management Plan for A.W. Brown Fellowship Leadership Academy, Early Childhood Campus; *DeShazo Project Number 16143; Z___-___( )*

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm based in Dallas, Texas providing licensed engineers and planners skilled in the field of traffic and transportation engineering. The services of DeShazo were retained by Building Solutions on behalf of the school administration at A.W. Brown Fellowship Leadership Academy to provide a requisite traffic management plan (TMP) for their Early Childhood Campus. The subject site is located at 6901 S. Westmoreland Road—the northwest quadrant at the intersection of S. Westmoreland Road and W. Camp Wisdom Road in Dallas, Texas.

The school is currently in operation at the subject site with an enrollment of 1,264 students in grades Pre-K through 2nd. The school is proposing improvements to current facilities, providing a student capacity of 1,250 students. The school is currently operating under regulations provided in SUP 1929; approval by the City of Dallas is required in order to gain entitlements for the proposed modifications.

As part of the SUP approval process, submittal of a TMP to the City of Dallas is required as a record of the preferred strategies to be used by the school to ensure overall traffic safety and efficiency. This TMP is intended to assess existing and anticipated traffic conditions at the school during the morning drop-off and afternoon pick-up peak periods on the basis of satisfying these objectives. By consent of the TMP, the school agrees to be held self-accountable for the enforcement of the strategies presented herein until and unless the City of Dallas deems further measures are necessary. (NOTE: In this report, the term "parent" refers to any individual who is involved in the drop-off or pick-up of one or more students at the school.)

TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during critical periods, the safety and efficiency of other modes of travel—including pedestrian traffic—will also inherently improve, and the operational impact on the public street system should also be minimized. **This plan, however, should not be considered a comprehensive set of instructions to ensure adequate safety; it should be used as a tool to facilitate a safer and more efficient environment.**

School Operational Characteristics

DeShazo, in coordination with school representatives, visited A.W. Brown Fellowship Leadership Academy Early Childhood Campus to evaluate aspects such as passenger loading and unloading and vehicle queuing. Field observations indicate that current practices during the morning drop-off period do not present significant obstruction of vehicular traffic. Arrival of vehicles is also notably more sporadic than any traffic generated during the afternoon pick-up period. In general, vehicular traffic near the vicinity of the school operates without any evident traffic delay or congestion during the morning drop-off period. **Table 1** summarizes the school operational characteristics assumed in this analysis.

Table 1. School Operational Characteristics

	Existing Conditions	Proposed Conditions
Enrollment (by grade):	Pre-K3: 227 students Pre-K4: 282 students Kindergarten: 251 students 1st Grade: 244 students 2nd Grade: 260 students *Total: 1,264 students*	Pre-K3: 250 students Pre-K4: 250 students Kindergarten: 250 students 1st Grade: 250 students 2nd Grade: 250 students *Total: 1,250 students*
Daily Start/End Schedule	Grades Pre-K3 through 2nd: >Start: 8:00 AM >End: 3:30 PM	Grades Pre-K3 through 2: >Start: 8:00 AM >End: 3:30 PM
Approximate Percentage of Students Travelling by Mode Other Than Drop-off/Pick-up:	By Daycare/Van: ≅ 10% By Walking: ≅ 0% By Transit: ≅ 0% Parent Pick-Up ≅ 90%	By Daycare/Van: ≅ 10% By Walking: ≅ 0% By Transit: ≅ 0% Parent Pick-Up ≅ 90%

NOTE: To the highest degree practical, accounts of existing conditions presented in this report are based upon actual on-site observations conducted by DeShazo during typical school days and from personal interviews of school representatives.

Site Access and Circulation

To assess the current queuing operations from both arrival and dismissal times, DeShazo conducted field observations on three different days during typical school-day conditions, two days in November and one day in December. The Early Childhood Campus provides a site access driveway on S. Westmoreland Road. Parents currently queue on S. Westmoreland instead of on-site at the designated loading zones. Once parents are advised by adult crossing guards to enter the site, a double queue is formed from front of the school building towards the kindergarten to 2nd grade loading zone. The second loading zone is for Pre-K and daycare, which is located on the south side of the school. Here, parents also queue on S. Westmoreland instead of on-site.

Existing traffic signs in the vicinity of the school direct school traffic along a preferred arrival route. Vehicles are encouraged to arrive the school site from the north and form a systematic queue along the west curb of S. Westmoreland Road without obstructing any intersections or private driveway. Parents arriving from the south are directed to proceed northbound to the end of the queue after making a U-turn on S. Westmoreland Road. Existing conditions warrant corrective measures to eliminate a queueing spillback on S. Westmoreland Road and any adverse impact to adjacent properties resulting from peak school traffic.

Student Loading

During the afternoon pick-up period, the school implements a managed "carpool" system. The carpool queue consists of two, side-by-side lanes that are loaded simultaneously in front of the school building. At the beginning of each school term, school should issue hangtags to all parents with unique identification that pairs them with the corresponding student. During the pick-up period, the hangtags should be on display through the vehicle's windshield while parents arrive through the prescribed route. School staff is positioned at strategic locations ahead of the loading area and relay the sequence of parent arrival back to the loading area via hand radio. Students are prepped for pick-up as the parents approach. With the assistance of other school staff stationed at the loading area, several vehicles are loaded simultaneously. Once loaded, school staff clears vehicles to carefully exit the site sequentially along the designated route.

- School staff should not stop or delay approaching vehicles to request student information. Maintaining a continuous flow of incoming traffic toward the front of the queue should be a priority at all times to expedite operations and increase the efficiency of the loading protocol.

Vehicular Queue Lengths

A.W. Brown Fellowship Leadership Academy Early Childhood Campus should accommodate all vehicular queuing and drop-off/pick-up procedures in accordance with the traffic management plan presented in this report. School staff should try to maximize efficiency of student loading operations at all times. Maximum accumulation of vehicles is subject to both the rate of arrival traffic and the rate at which school staff is able to load/unload students into their corresponding cars; any delay or inadequacy in the loading/unloading operations results in unwarranted accumulation of traffic.

Recommendations

The following recommendations are provided to A.W. Brown Fellowship Leadership Academy Early Childhood Campus for the management of vehicular traffic generated by the school during peak traffic conditions. Generally, traffic delay or congestion during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to timing and concentration characteristics. In most instances, achieving efficiencies during the afternoon period is most critical, while the morning traffic operations require nominal active management. Therefore, except where stated otherwise, the recommendations provided herein pertain specifically to the afternoon period operations.

A concerted effort and full participation of all school staff members, students, and parents is crucial for the success of this traffic management plan. Proper training of school staff on the duties and expectations pertaining to the plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

Traffic Queue Operations

- Based upon a review of the proposed site conditions and the anticipated needs of traffic during peak conditions DeShazo recommends full enforcement of the site traffic circulation. This plan was designed with the intent of optimizing the on-site vehicular circulation, retention of vehicle queuing in a manner that promotes safety and operational efficiency, and also inherently reducing queuing length. To achieve this, DeShazo recommends staggering dismissal times as depicted in **Exhibit 1**.
- Parents should immediately proceed to form a double queue on site upon arriving at the school during the afternoon pick-up period at the designated student(s) dismissal time. **Exhibit 1** provides queueing operations during staggering dismissal times as follows:
    - PreK3 – PreK4: (90% parent pick-up)
        - A proposed capacity of 1,577 linear feet available at 3:20 PM will accommodate a projected queue of 56 vehicles (approximately 1,316 feet) and provides a surplus of 261 linear feet.
    - Kindergarten – 1st Grade: (90% parent pick-up)
        - A proposed capacity of 1,783 linear feet available at 3:40 PM will accommodate a projected queue of 56 vehicles (approximately 1,316 feet) and provides a surplus of 467 linear feet.
    - 2nd Grade: (90% parent pick-up)
        - A proposed capacity of 1,990 linear feet available at 4:00 PM will accommodate a projected queue of 28 vehicles (approximately 658 feet) and provides a surplus of 1,332 linear feet.
- The school should implement a "Passenger Identification System" during the afternoon pick-up period. The school should issue hangtags to parents with unique identification that pairs them with corresponding student(s) at the beginning of each school term. Hangtags must be on display through the vehicle's windshield while parents arrive at the pick-up areas during pick-up periods. School staff should also be positioned at strategic locations ahead of the loading area and relay the sequence of arrivals via hand radio while students are prepped for pick-up. With the assistance of other school staff stationed at the loading area, several vehicles should be loaded simultaneously. After each loading, vehicles should be cleared by school staff to carefully exit the queue.
- The school should investigate the use of apps or software (e.g. Driveline Dispatch®) to expedite queue operations. This software efficiently displays family names of upcoming vehicles on indoor screens and provides students and school staff with a chart of vehicles approaching the loading zone.

Student Safety

- Student safety should remain paramount at all times. School administration should remind students, parents and staff of their expectations relative to this traffic management plan continuously throughout the school year.
- School administration should review traffic operations and address any problems concerning this traffic management plan and identify solutions in the interest of student safety.

- In accordance with the Transportation Code, Section 545.4252, State law prohibits the use of wireless communication devices while operating a motor vehicle during the time a school zone is in effect. Restrictions do not apply to stopped vehicles or the use of handheld free devices.

Enforcement

- School officials should appoint a safety committee whose objective is to implement actions of this TMP and make any necessary adjustments necessary to enforce a coordinated traffic management plan.
- The plan includes recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.
- To properly organize traffic operations, left-turns of northbound traffic into the school shall be prohibited during school peak hours—effectively encouraging parents to make a U-turn north of Ohana Place. This operation prevents any traffic conflicts with residents who live on Ohana Place. In lieu of traffic cones, staff should procure a temporary A-stand sign as shown in **Exhibit 1** to further emphasize this restriction.
- Dallas Police Department staff should continue to patrol traffic on S. Westmoreland Road as shown in **Exhibit 1**.
- A fence to discourage remote parking.
- DeShazo recommends parking markings to clearly designate queueing routes for each dismissal period.
- As needed, staff directing dismissed students out of the school building should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages for STOP and SLOW. Optional additional equipment used by staff may include whistles (for audible warnings) and fluorescent vests (for visual warning).

SUMMARY

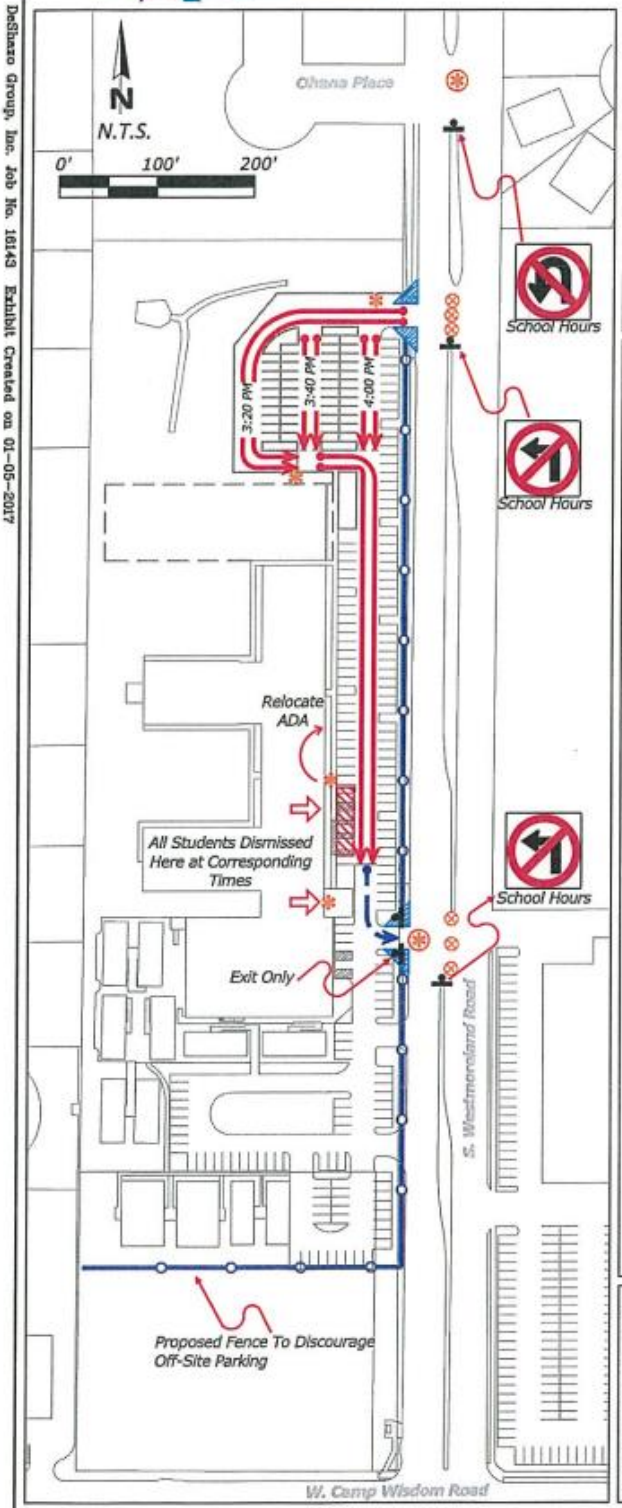
This TMP should be used by A.W. Brown Fellowship Leadership Academy Early Childhood Campus to provide safe and efficient transportation of students, staff, and faculty to and from the site. The plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. School administration should review details of this TMP on a regular basis to confirm its effectiveness.

END OF MEMO

TMP SITE PLAN

DeShazo Group

DeShazo Group, Inc. Job No. 16143 Exhibit Created on 01-05-2017



LEGEND

- School Staff
- Adult School Crossing Guard (DPD)
- Vehicular Queue
- Egress Route
- Traffic Cones
- Traffic Sign (Existing)
- Visibility Triangle (20' x 20' per City Code)

NOTE: sign within visibility triangles must not be less than 8' in height

PROPOSED CONDITIONS

Student Group/ Dismissal	Student Enrollment	Travel Modes		Vehicular Traffic Demand Queue	
PreK3 - PreK4 3:20 PM	500 Students	By Daycare/Van:	10%	Capacity:	1,577 LF (67 cars)
		By Walking:	~0%	Maximum:	1,316 LF (56 cars)
		By Transit:	0%	Surplus:	261 LF (11 cars)
		Parent Pick-Up:	90%		
Kindergarten - 1st Grade 3:40 PM	500 Students	By Daycare/Van:	10%	Capacity:	1,783 LF (75 cars)
		By Walking:	~0%	Maximum:	1,316 LF (56 cars)
		By Transit:	0%	Surplus:	467 LF (19 cars)
		Parent Pick-Up:	90%		
2nd Grade 4:00 PM	250 Students	By Daycare/Van:	10%	Capacity:	1,990 LF (84 cars)
		By Walking:	~0%	Maximum:	658 LF (28 cars)
		By Transit:	0%	Surplus:	1,332 LF (56 cars)
		Parent Pick-Up:	90%		

* Vehicular queue calculated at 23.5 feet/car based on field observations.

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

I, David Nevarez, P.E. #106200, certify that the results of the queuing analysis–upon complete enforcement of this Traffic Management Plan–indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.

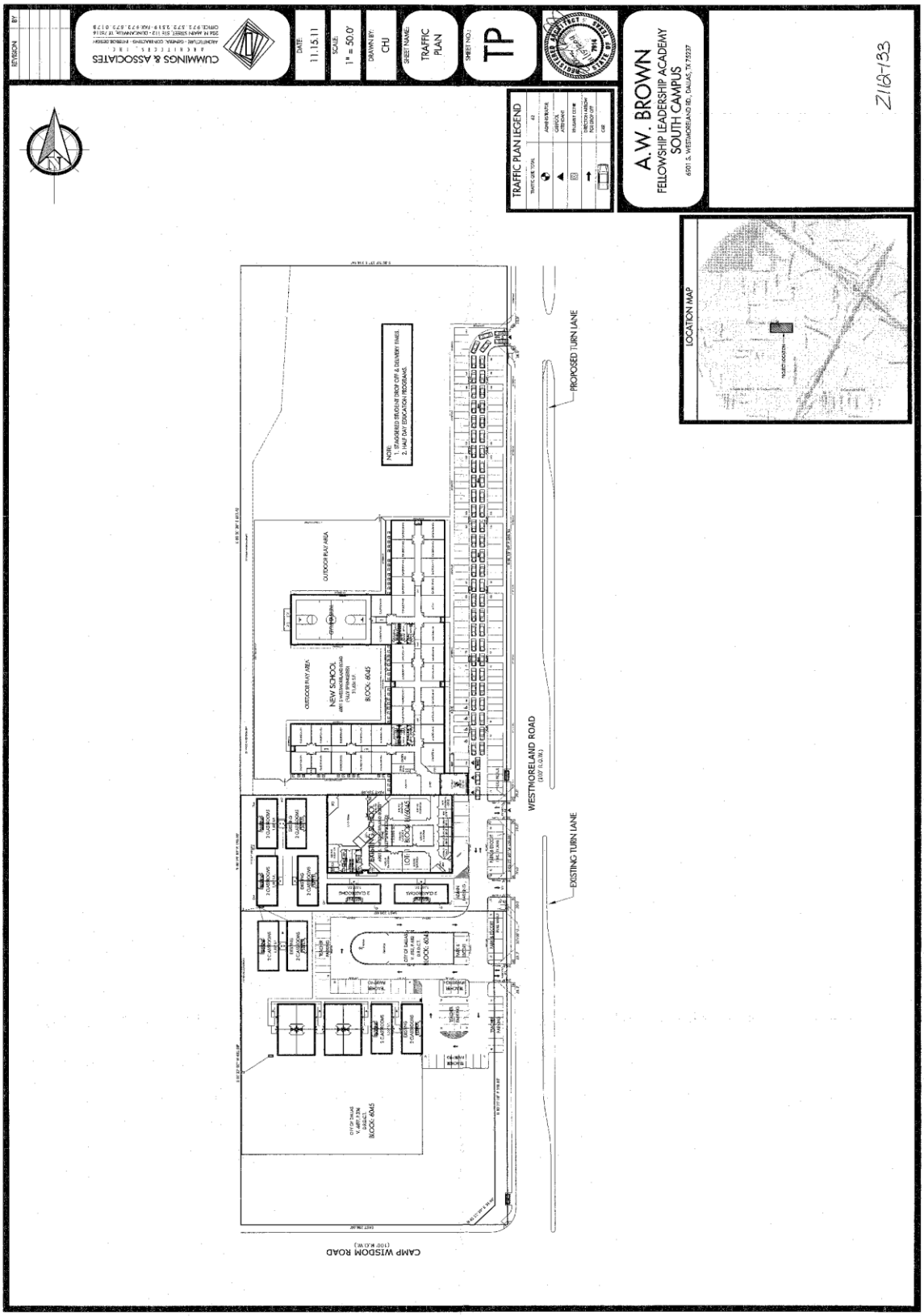
EXHIBIT 1

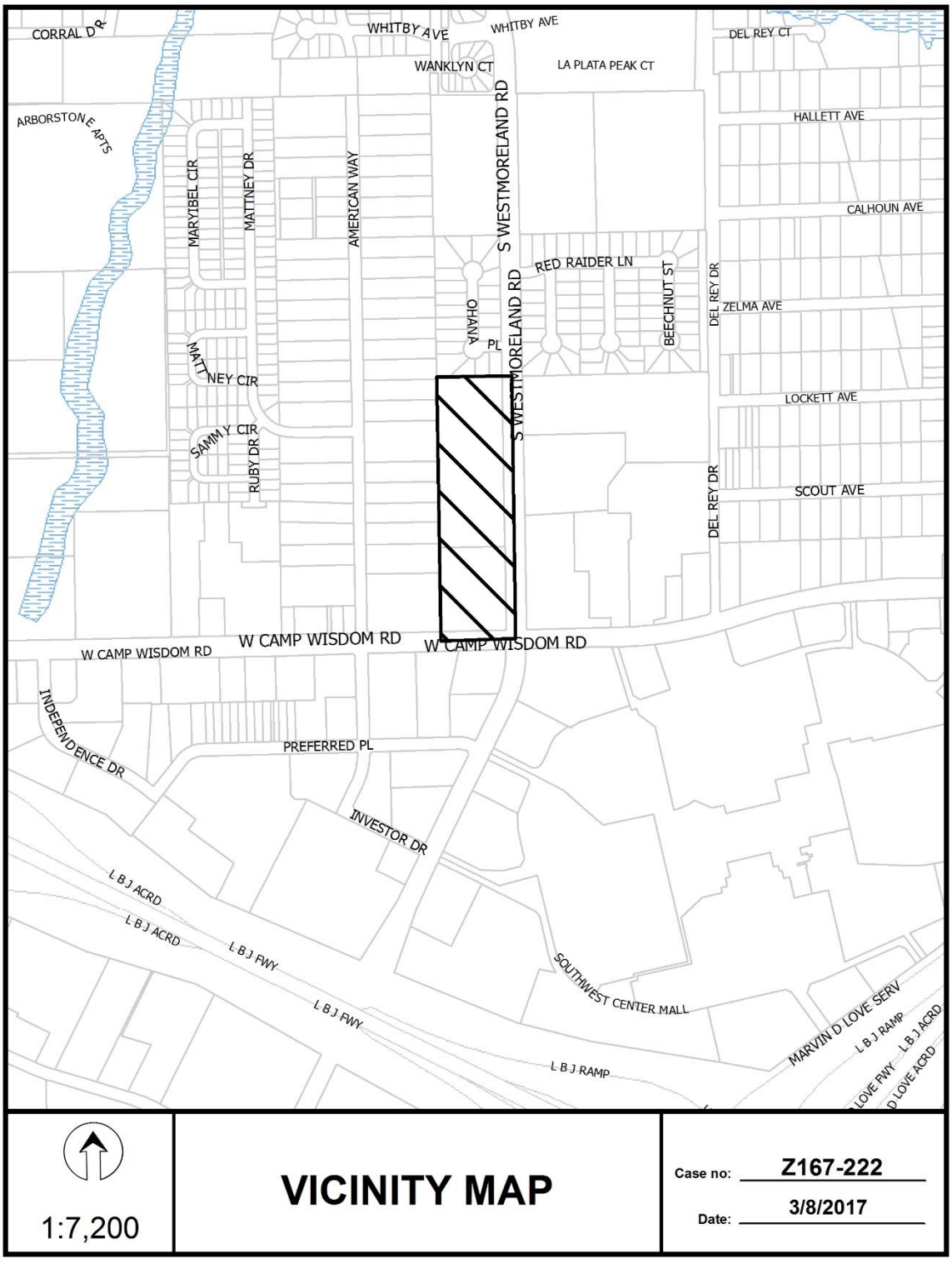
Traffic Management Plan

A.W. Brown-Fellowship Leadership Academy Early Childhood Campus
6901 S. Westmoreland Road, Dallas, Texas

DeShazo Group, Inc.
Texas Registered Engineering Firm F-3159
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

EXISTING TMP




CORRAL DR
WHITBY AVE
WHITBY AVE
WANKLYN CT
LA PLATA PEAK CT
DEL REY CT
HALLETT AVE
CALHOUN AVE
ARBORSTONE APTS
MARYIBEL CIR
MATTNEY DR
AMERICAN WAY
S WESTMORELAND RD
S WESTMORELAND RD
RED RAIDER LN
BEECHNUT ST
DEL REY DR
ZELMA AVE
OHANA PL
MATTNEY CIR
SAMMY CIR
RUBY DR
LOCKETT AVE
SCOUT AVE
DEL REY DR
W CAMP WISDOM RD
W CAMP WISDOM RD
W CAMP WISDOM RD
INDEPENDENCE DR
PREFERRED PL
INVESTOR DR
L B J ACRD
L B J ACRD
L B J FWY
L B J FWY
SOUTHWEST CENTER MALL
L B J RAMP
MARVIN D LOVE SERV
L B J RAMP
L B J ACRD
LOVE FWY
D LOVE ACRD
1:7,200
VICINITY MAP
Case no: Z167-222
Date: 3/8/2017

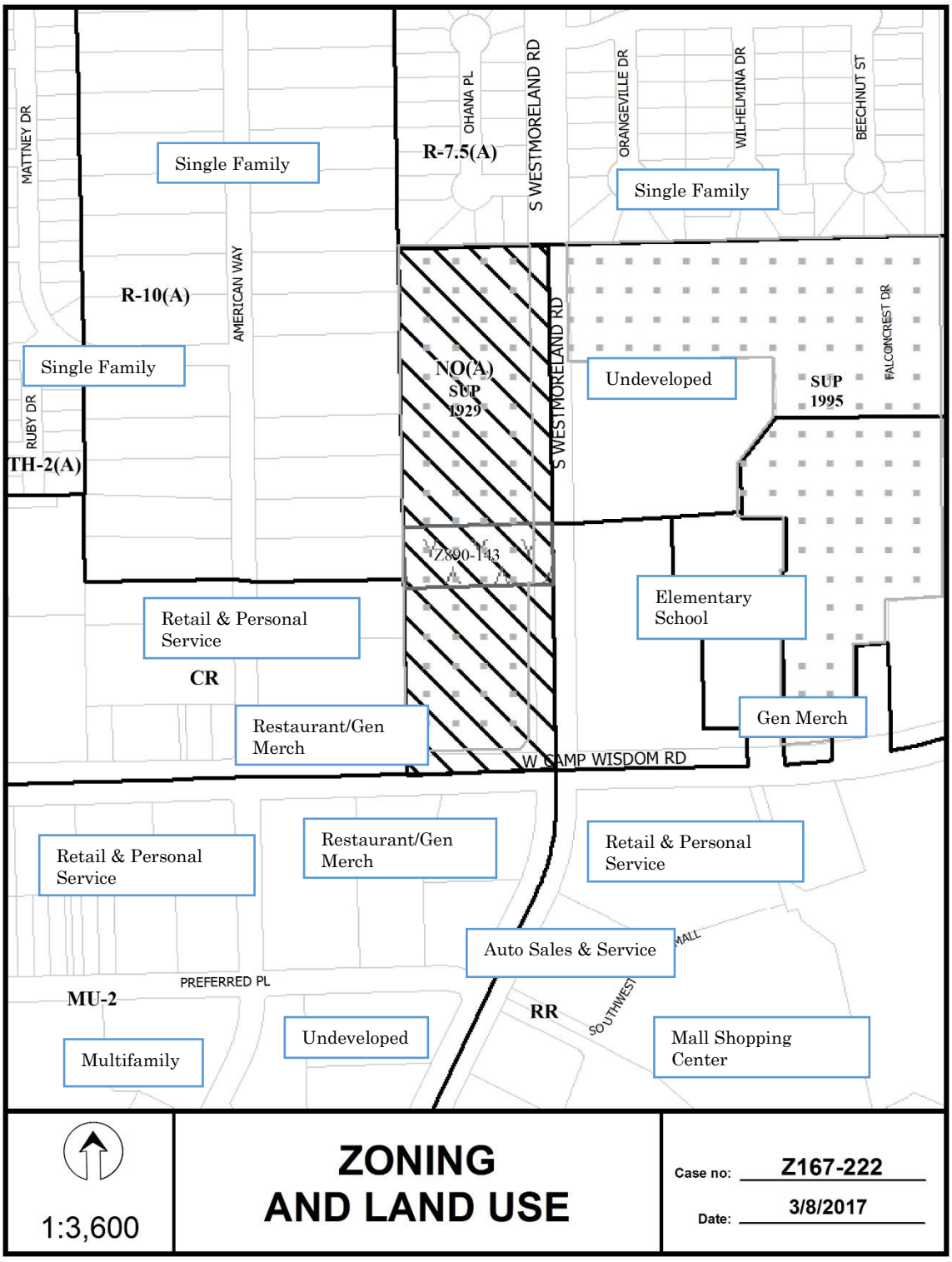


1:3,600

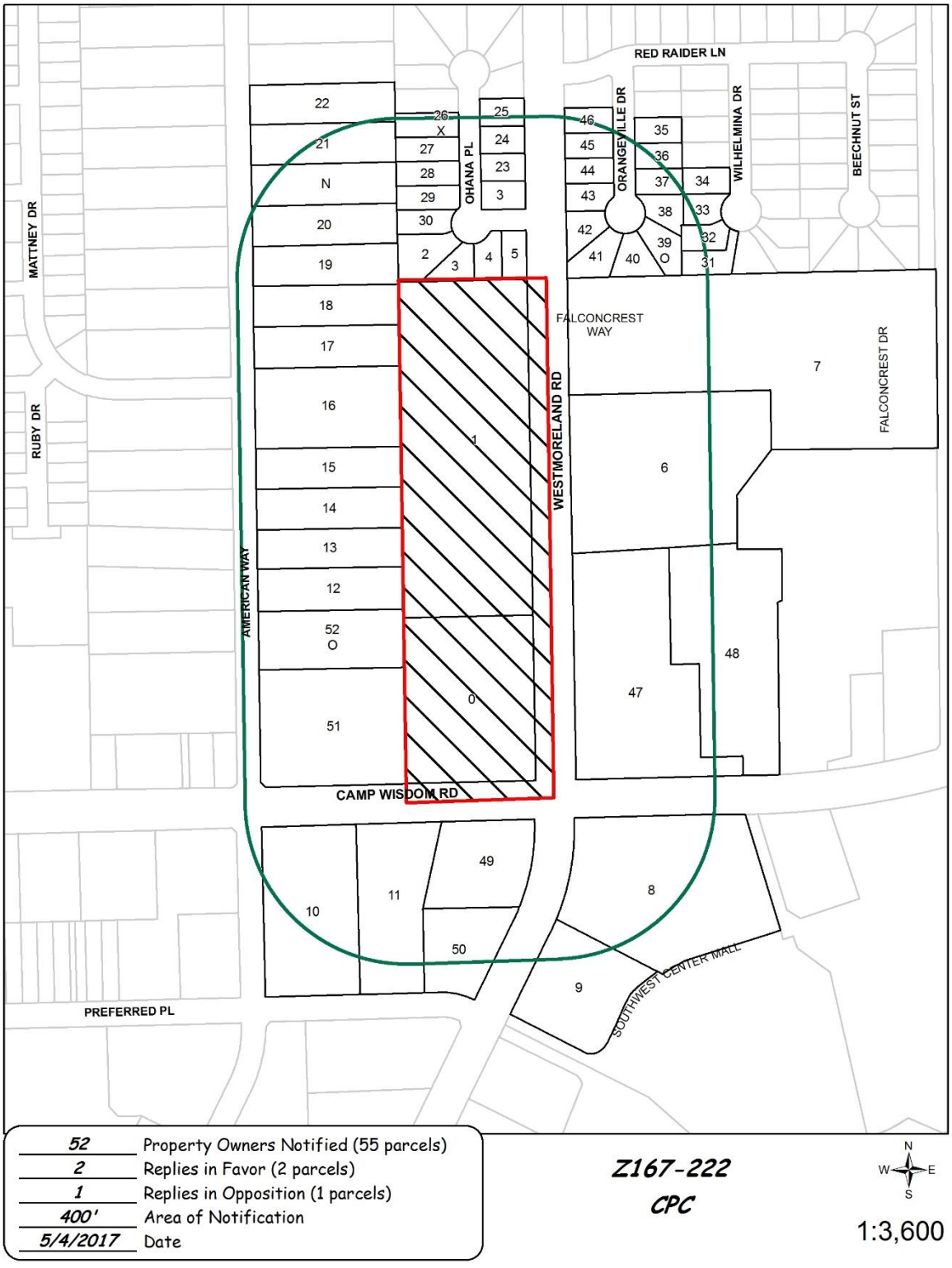
AERIAL MAP

Case no: Z167-222

Date: 3/8/2017


MATTNEY DR
Single Family
R-10(A)
AMERICAN WAY
Single Family
RUBY DR
TH-2(A)
OHANA PL
R-7.5(A)
S WESTMORELAND RD
ORANGEVILLE DR
WILHELMINA DR
BEECHNUT ST
Single Family
NO(A)
SUP
1929
S WESTMORELAND RD
Undeveloped
SUP
1995
FALCONCREST DR
Z890-143
Elementary School
Retail & Personal Service
CR
Restaurant/Gen Merch
Gen Merch
W CAMP WISDOM RD
Retail & Personal Service
Restaurant/Gen Merch
Retail & Personal Service
Auto Sales & Service
PREFERRED PL
MU-2
RR
SOUTHWEST
Undeveloped
Multifamily
Mall Shopping Center
1:3,600
ZONING
AND LAND USE
Case no: Z167-222
Date: 3/8/2017

CPC RESPONSES



52	Property Owners Notified (55 parcels)
2	Replies in Favor (2 parcels)
1	Replies in Opposition (1 parcels)
400'	Area of Notification
5/4/2017	Date

Z167-222
CPC

N
W E
S

1:3,600

05/03/2017

Reply List of Property Owners

Z167-222

52 Property Owners Notified ***2 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	6891	S WESTMORELAND RD	NEWARK CULTURAL EDUCATION FACILITIES
	2	6739	OHANA PLC	MORINHERNANDEZ MARTHA ALICIA
	3	6728	OHANA PLC	WESTMORELAND OC LLC
	4	6747	OHANA PLC	TIJERINA ALBERTO V &
	5	6751	OHANA PLC	VILLA PEDRO & GARCIA DORA
	6	6900	S WESTMORELAND RD	ST MATTHEW BAPTIST CH INC
	7	6900	S WESTMORELAND RD	KIPP DALLAS FORT WORTH INC
	8	3720	W CAMP WISDOM RD	SJJ MCCADDEN LLC
	9	7110	S WESTMORELAND RD	SHOWBIZ PIZZA TIME INC
	10	3910	W CAMP WISDOM RD	BAILEYS FURNITURE INC
	11	3906	W CAMP WISDOM RD	ACE KING PROPERTIES LLC
	12	6938	AMERICAN WAY	CONTRERAS ALEJANDRO &
	13	6930	AMERICAN WAY	DELACRUZ MARIA E
	14	6922	AMERICAN WAY	GAYTAN ALBERTO A &
	15	6914	AMERICAN WAY	GAYTAN JOSEFINA
	16	6906	AMERICAN WAY	GARCIA CONNIE
	17	6830	AMERICAN WAY	MORGAN DAVID RAY
	18	6822	AMERICAN WAY	RUBIO OSCAR
	19	6814	AMERICAN WAY	PYLAND JASON
	20	6806	AMERICAN WAY	RIVERA MELCHOR &
	21	6722	AMERICAN WAY	LUCERO LUIS ALAN
	22	6714	AMERICAN WAY	STRAIN JAMES K
	23	6724	OHANA PLC	MACIAS EDNA &
	24	6720	OHANA PLC	JONES LATASHA D
	25	6716	OHANA PLC	BLACK LANETTE &
X	26	6719	OHANA PLC	NICKLEBERRY KIMBERLY EVON

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	6723	OHANA PLC	RODRIGUEZ ROSELY SILIEZAR &
	28	6727	OHANA PLC	SMITH LEMAYA
	29	6731	OHANA PLC	MEDINAALMANZA JORGE A &
	30	6735	OHANA PLC	HERNANDEZREYES JOSE ANGEL &
	31	6833	WILHELMINA DR	MARTINEZ MARIA
	32	6829	WILHELMINA DR	OLIVARES JOSE LUIS &
	33	6825	WILHELMINA DR	WILLIAMS DEBRA
	34	6821	WILHELMINA DR	WASHINGTON GLORIA
	35	6812	ORANGEVILLE DR	RODRIGUEZ RAUL IBARRA &
	36	6816	ORANGEVILLE DR	GRIFFIN TENNILLE RICHARDS
	37	6820	ORANGEVILLE DR	BROWN TERRY
	38	6824	ORANGEVILLE DR	JU WENG
O	39	6828	ORANGEVILLE DR	MALONE BESSIE L
	40	6832	ORANGEVILLE DR	BECERRA G JAVIER
	41	6831	ORANGEVILLE DR	PEDDOMO EDGARDO
	42	6827	ORANGEVILLE DR	WILMINGTON SAVINGS FUND SOCIETY
	43	6823	ORANGEVILLE DR	BREWER ERNEST &
	44	6819	ORANGEVILLE DR	BERRY ERICKA &
	45	6815	ORANGEVILLE DR	LEVEY HOWARD II
	46	6811	ORANGEVILLE DR	BARRERA RAYNALDO &
	47	3777	W CAMP WISDOM RD	3777 WEST CAMP WISDOM LTD
	48	3737	W CAMP WISDOM RD	CAMP WISDOM WESTMORELAND
	49	3904	W CAMP WISDOM RD	CULLUM JOINT REVOCABLE LIVING TRUST
	50	7163	S WESTMORELAND RD	SHERWIN WILLIAMS REALTY HOLDINGS INC
	51	3907	W CAMP WISDOM RD	RED BIRD TRINITY LLC
O	52	7010	AMERICAN WAY	GRUPO GLEMKA TEXAS LLC

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a GR General Retail Subdistrict on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Congress Avenue and Shelby Street
Recommendation of Staff and CPC: Approval
Z167-224(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-224(PD) **DATE FILED:** June 14, 2017

LOCATION: East corner of Congress Avenue and Shelby Street

COUNCIL DISTRICT: 2 **MAPSCO:** 35-W

SIZE OF REQUEST: ± .288 acres **CENSUS TRACT:** 5.00

OWNER/APPLICANT: Calabaza Holdings, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin Planning

REQUEST: An application for a GR General Retail Subdistrict on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant is proposing to change the zoning to match the property to the south of the site to allow the property owner to have a uniform zoning district for the two properties.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- Planned Development District No. 193 was established by Ordinance No. 18580 on February 8, 1985.
- The request site is developed with an 8,628 square foot multi-use structure and zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District
- The request site is developed and surrounded by retail and personal service uses to the west and south, single family uses to the north and a public service use to the east.
- The request will allow two suites within the existing structure to combine and exceed the 2,000 square foot limit for street-level uses.

Zoning History: There have been no recent zoning changes requested in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Congress Avenue	Local	40 feet
Oak Lawn Avenue	Principal Arterial	70 feet

Traffic:
The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

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.

In general, the applicant's request is consistent with the following goal and policy of the Comprehensive Plan.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Area Plan:

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 applicant's request for a GR General Retail Subdistrict meet items 1, 2, 4, and 7. The existing development provides primary entrances that are prominent and street-facing with sidewalks along the Congress Avenue frontage; providing pedestrian friendly access to nearby retail spaces. The existing development is compatible with the surrounding uses with respect to scale and adjacency issues as an additional setback has been provided along the side property lines to mitigate any negative impact of the development on adjacent and surrounding land uses.

While the applicant's request for a zoning change to allow uniformity of the zoning districts does not meet all of the above referenced objectives, the proposed development supports objective numbers 1, 2, 4, and 7. The remaining objectives are not applicable to the proposed development as the existing use does not meet the entire statement of the objectives in the Oak Lawn Special Purpose District and the Oak Lawn

Plan. The development is existing and the applicant is not proposing any additions or demolition to the existing structure. The proposed development will conform to the character of the neighboring areas.

The property is currently developed with a single story, multi-tenant building that contains, retail, restaurant and vacant office space. Although the existing development will not contain any residential uses to the proposed development; the GR Subdistrict is the appropriate base zoning district for a retail use.

Surrounding Land Uses and Zoning:

Direction	Zoning	Land Use
Site	PD No. 193 (O-2)	Developed
North	PD No. 193 (MF-2),	Single Family
East	PD No. 193 (MF-3)	Post Office
South	PD No. 193 (GR)	Restaurant, Retail
West	PD No. 193 (MF-3)	Church

Land Use Compatibility:

The request site is currently developed with an 8,628 square foot single story, multi-tenant building that contains retail, personal service, and restaurant uses. The site is immediately adjacent to restaurant, personal service and retail uses to the south, a post office use to the east, single family uses to the north and a church use to the west. The applicant's request for GR zoning will allow a more uniform zoning district on property owned and developed together. The GR Subdistrict will also allow for retail uses whereas the O-2 Subdistrict limits the size of street level retail uses. The proposed GR Subdistrict will not only reduce the allowed floor area ratio from 4:1 to 2:1 but will also reduce the maximum building height from 240 feet to 120 feet as compared to the current O-2 Subdistrict development rights. Currently there is no demolition proposed and no additions to the building associated with this request.

The request site is located along the frontage of Oak Lawn Avenue which is classified as a special retail district. These districts are characterized as highly attractive, small scale retail districts that should be preserved and improved as these areas redevelop. Additionally, the floor area for the street level of a building is limited to 2,000 square feet in the O-2 Subdistrict. The request will allow two suites within the existing structure to combine and exceed the 2,000 square foot limit for street level uses permitted in the GR Subdistrict. Therefore the zoning change to a GR Subdistrict will not only allow the existing development to exceed the maximum square footage allowed in the O-2 Subdistrict but will also ensure compliance with code, compatibility in scale with

adjacent uses and consistency with the established character of the area. Therefore staff supports the zoning change request.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	FAR	Primary Uses
	Front	Side/Rear					
Existing							
PDD No. 193, O-2	10’	0’	N/A	240’	75%	4:1	Office
Proposed							
PDD No. 193, GR	15	0’	N/A	120’	80%	2:1	General Retail

Landscaping:
Landscaping of any development will be in accordance with Part I of PDD No. 193 except as shown on the site plan/landscape plan.

Off-Street Parking:
The off-street parking requirement for retail and personal service uses is one space per 220 square feet of floor area and one space per 100 for a restaurant use. Currently the development provides 62 parking spaces while a minimum of 56 spaces are required. The applicant is not requesting any changes to the parking requirements for the proposed rezoning request however parking is calculated per use. If uses are enlarged, required off-street parking must be provided in accordance with the Dallas Development Code.

Officers of Calabaza Holdings, LLC

Margaret M. Hancock
President

Barry E. Hancock
Secretary

City Plan Commission Action:
May 4, 2017

Motion: It was moved to recommend **approval** of a GR General Retail Subdistrict on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Congress Avenue and Shelby Street.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

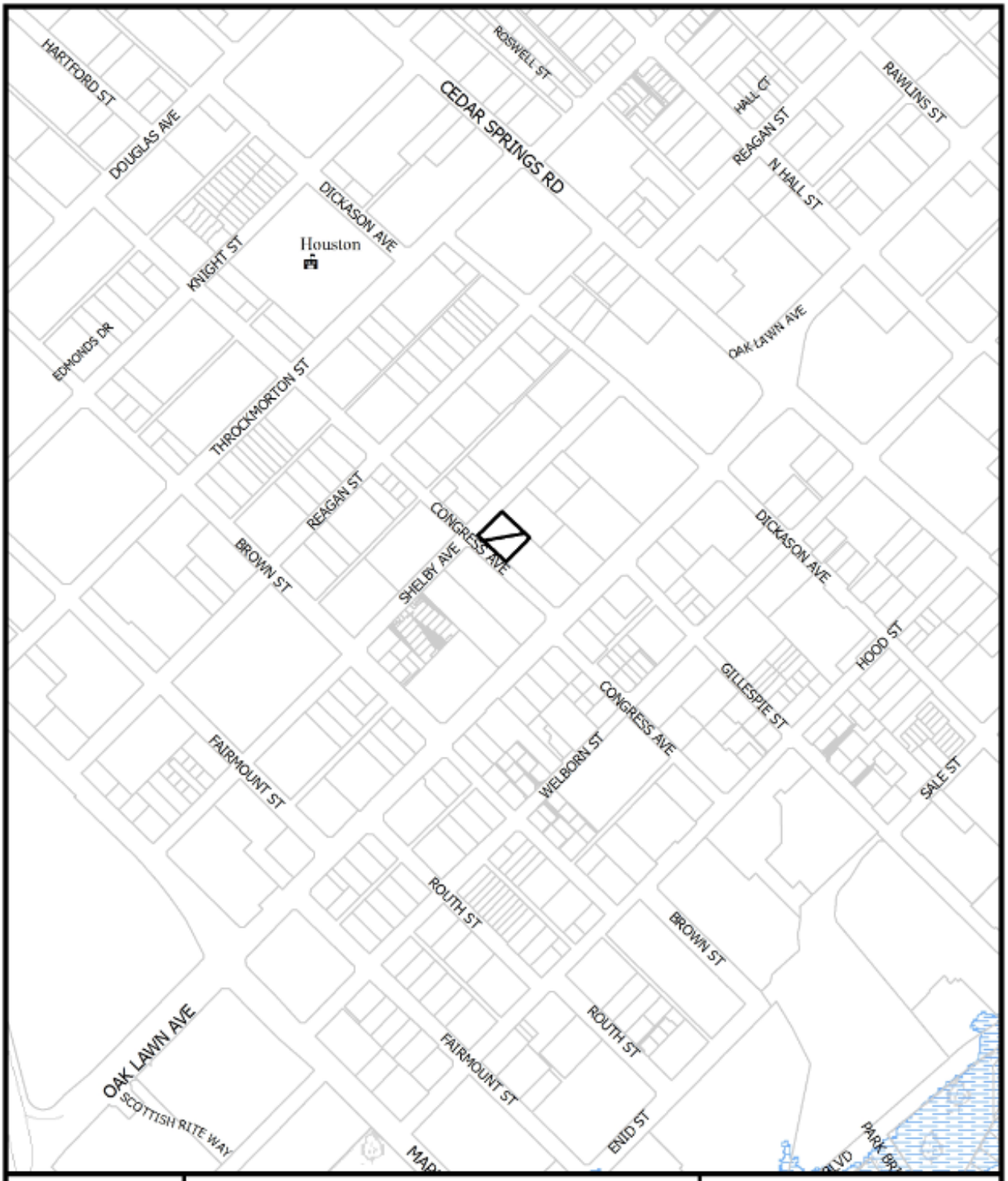
For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 29
Replies: For: 0 Against: 0

Speakers: None



1:4,800

VICINITY MAP

Case no: Z167-224

Date: 3/8/2017

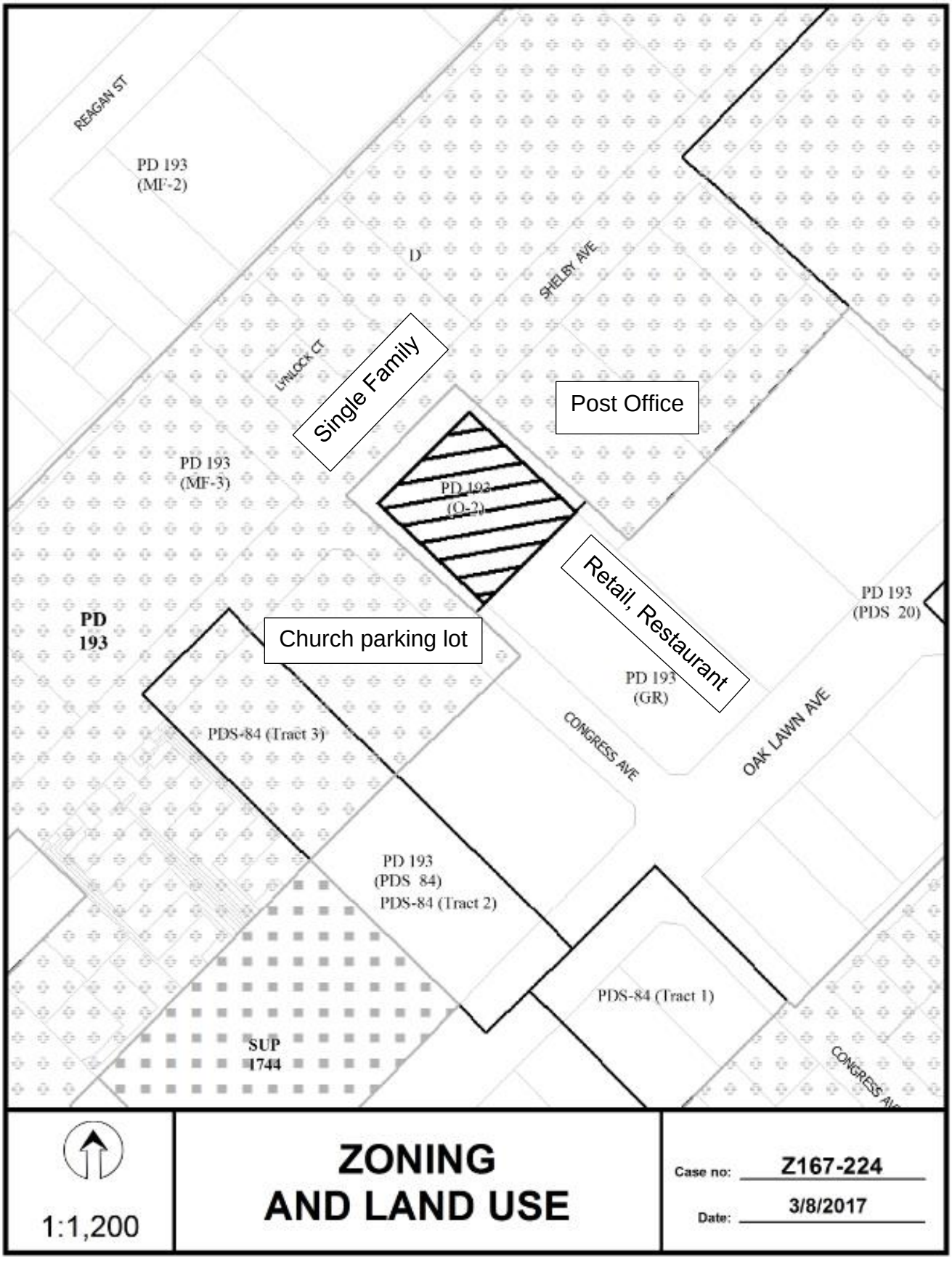


1:1,200

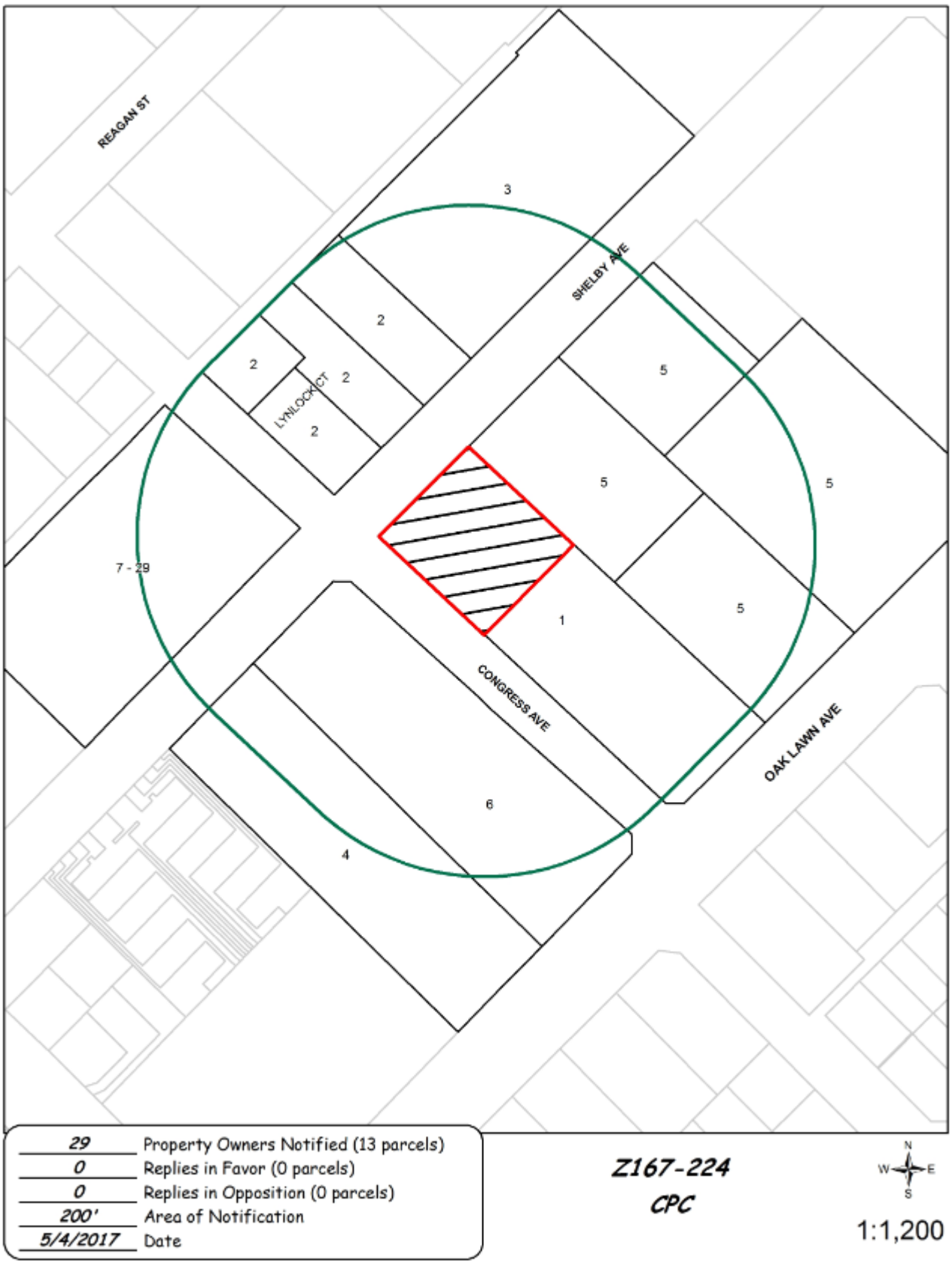
AERIAL MAP

Case no: Z167-224

Date: 3/8/2017


REAGAN ST
PD 193
(MF-2)
D
SHELBY AVE
LYNLOCK CT
Single Family
Post Office
PD 193
(MF-3)
PD 193
(O-2)
Retail, Restaurant
PD 193
(PDS 20)
PD
193
Church parking lot
PD 193
(GR)
CONGRESS AVE
OAK LAWN AVE
PDS-84 (Tract 3)
PD 193
(PDS 84)
PDS-84 (Tract 2)
PDS-84 (Tract 1)
SUP
1744
CONGRESS AVE
1:1,200
ZONING
AND LAND USE
Case no: Z167-224
Date: 3/8/2017

CPC Responses



05/17/2017

Reply List of Property Owners

Z167-224

29 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3810	CONGRESS AVE	OAK LAWN PLAZA LP
	2	3910	CONGRESS AVE	TEXAS INTOWNHOMES LLC
	3	2817	SHELBY AVE	GUEFENLIGHT SHELBY LLC
	4	2727	OAK LAWN AVE	CANNON YOUNG PPTIES LP
	5	2825	OAK LAWN AVE	U S POSTAL SERVICE
	6	2733	OAK LAWN AVE	OAK LAWN OUTDOOR LLC
	7	2727	SHELBY AVE	WESTBROOK LAFAY
	8	2727	SHELBY AVE	NARVARTE ANTONIO
	9	2727	SHELBY AVE	NARVARTE ANTONIO &
	10	2727	SHELBY AVE	REGISTER COLBY B &
	11	2727	SHELBY AVE	PAUNER ROGER LEE
	12	2727	SHELBY AVE	ALTOM JEANA
	13	2727	SHELBY AVE	ELEY GARY TALBERT
	14	2727	SHELBY AVE	NARVARTE ANTONIO &
	15	2727	SHELBY AVE	JOHNSON TYLER J
	16	2727	SHELBY AVE	GUY STANLEY E &
	17	2727	SHELBY AVE	KELLY BRIAN K
	18	2727	SHELBY AVE	ALINI DALILA
	19	2727	SHELBY AVE	LESZINSKI SLAWOMIR
	20	2727	SHELBY AVE	KROL FLORENCE D
	21	2727	SHELBY AVE	OLSON DREE A
	22	2727	SHELBY AVE	SHAFFER ALAN
	23	2727	SHELBY AVE	YIN LONGDA
	24	2727	SHELBY AVE	BAKER SUZANNE
	25	2727	SHELBY AVE	CORTEZ SANTOS
	26	2727	SHELBY AVE	GIACCONE JAYCI R

05/17/2017

Reply	*Label #*	*Address*		*Owner*
	27	2727	SHELBY AVE	HARROD J MICHAEL TR
	28	2727	SHELBY AVE	WEISS PHYLLIS
	29	2727	SHELBY AVE	GOODREAU DARRIN LEE

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 52 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned an A(A) Agricultural District, southeast of the intersection of South Ledbetter Drive and South Walton Walker Freeway (Loop 12)
Recommendation of Staff and CPC: Approval
Z167-231(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-231(PD) **DATE FILED:** February 27, 2017

LOCATION: Southeast of the intersection of South Ledbetter Drive and South Walton Walker Freeway (Loop 12)

COUNCIL DISTRICT: 3 **MAPSCO:** 52-T

SIZE OF REQUEST: ±3.00 acres **CENSUS TRACT:** 165.20

APPLICANT: Kristopher K. Owens

OWNER: Jon T. Underwood & Janna E. Underwood

REPRESENTATIVE: Terry Randolph

REQUEST: An application for an LI Light Industrial District on property zoned an A(A) Agricultural District.

SUMMARY: The applicant proposes to allow a vehicle display, sales, or service use on the site.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND:

- The request site is approximately 3.00 acres in size.
- The site is vacant and has never been developed.
- The applicant proposes to construct a 20,000 square foot, two-story structure to be used as an office building in conjunction with a vehicle display sales or service use.

Zoning History: There have been no recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S Ledbetter Drive	Minor Arterial	60 feet
S Walton Walker Freeway (Loop 12)	Principal Arterial	107 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request.

The proposed request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Surrounding Land Uses:

	Zoning	Land Use
Site	A(A)	Undeveloped
North	S. Walton Walker Freeway (Loop 12)	
South	IM	Vehicle Display Sales or Service Use
East	R-5(A)	Single Family
West	A(A), SUP No. 1288	Church, Tower/Antenna for Cellular Communication

Land Use Compatibility:

The subject site is currently zoned an A(A) Agricultural District and is vacant and undeveloped. The A(A) Agricultural District exists only in fringe areas of the city but is anticipated to change to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed.

The applicant proposes to utilize the site for a vehicle display sales or service use however the vehicle display sales or service use is not a permitted use in the A(A) District. The LI Light Industrial District is being requested because this district will allow for more main uses to be permitted on the site and allow the applicant flexibility to develop the site with uses that are compatible with adjacent land uses. Further, the applicant believes that the LI Light Industrial District will support their future needs as it relates to the yard, space and lot regulations.

The LI Light Industrial District is characterized by light industrial office, research and development, and commercial uses in an industrial park setting. This district is designed to be located in areas appropriate for development which may be adjacent to residential communities. The request site is adjacent to South Walton Walker Freeway (Loop 12) to the north, an R-5(A) Single Family District to the east, an A(A) Agricultural District to the west, and IM Industrial/Manufacturing District to the south. Therefore the scale and intensity of the proposed use will not only be similar with adjacent uses but compatible as well.

The location of the request site across South Walton Walker Freeway (Loop 12) with its 107 feet right-of-way minimizes the potential negative impact on the adjacent residential neighborhood to the east. The IM Industrial Manufacturing District immediately adjacent to the request site will be similar in scale, intensity and use as the regulations for an IM Industrial Manufacturing District and an LI Light Industrial District differ only in the maximum floor area ratio for combined uses (1.0 to 2.0), maximum height allowed (70-ft

to 110-ft) and number of stories above grade (5 stories to 8 stories). The Dallas Development Code further provides protective measures to lessen the negative impact of vehicle display sales or service uses by prohibiting inoperable or wrecked motor vehicles from remaining outside on the premises for more than 24 hours.

Staff recommends approval of the zoning request because the proposed zoning district and the above regulations provide an opportunity for the use of a vacant and undeveloped site.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
A(A) – Existing	50’	20’/10	No max.	24’	25%	N/A	Agricultural & Single Family
LI – proposed Light Industrial	15’	30’ adjacent residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70’ 5 stories	80%	Proximity Slope Visual Intrusion	Light industrial office, research & development, and commercial

Parking: The parking requirements for a vehicle display, sales and service use is one space per 500 square feet of floor area and site area exclusive of parking area. The proposed development will have approximately 20,000 square feet of office space. Based on the total floor area of 20,000 square feet, the applicant is required to provide 40 off-street parking spaces.

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

City Plan Commission Action:
May 4, 2017

Motion: It was moved to recommend **approval** of an LI Light Industrial District on property zoned an A(A) Agricultural District, southeast of the intersection of South Ledbetter Drive and South Walton Walker Freeway (Loop 12).

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

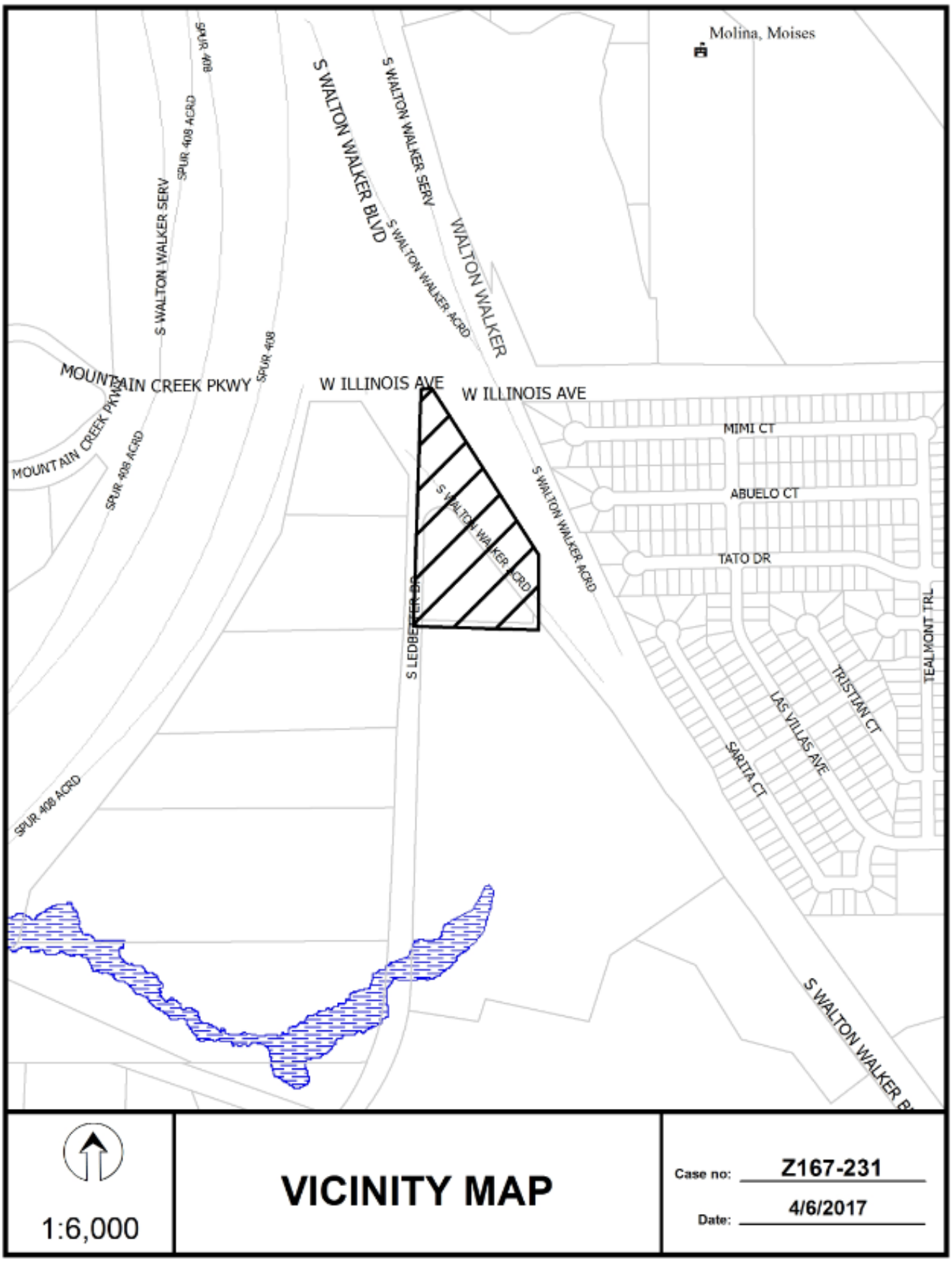
For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

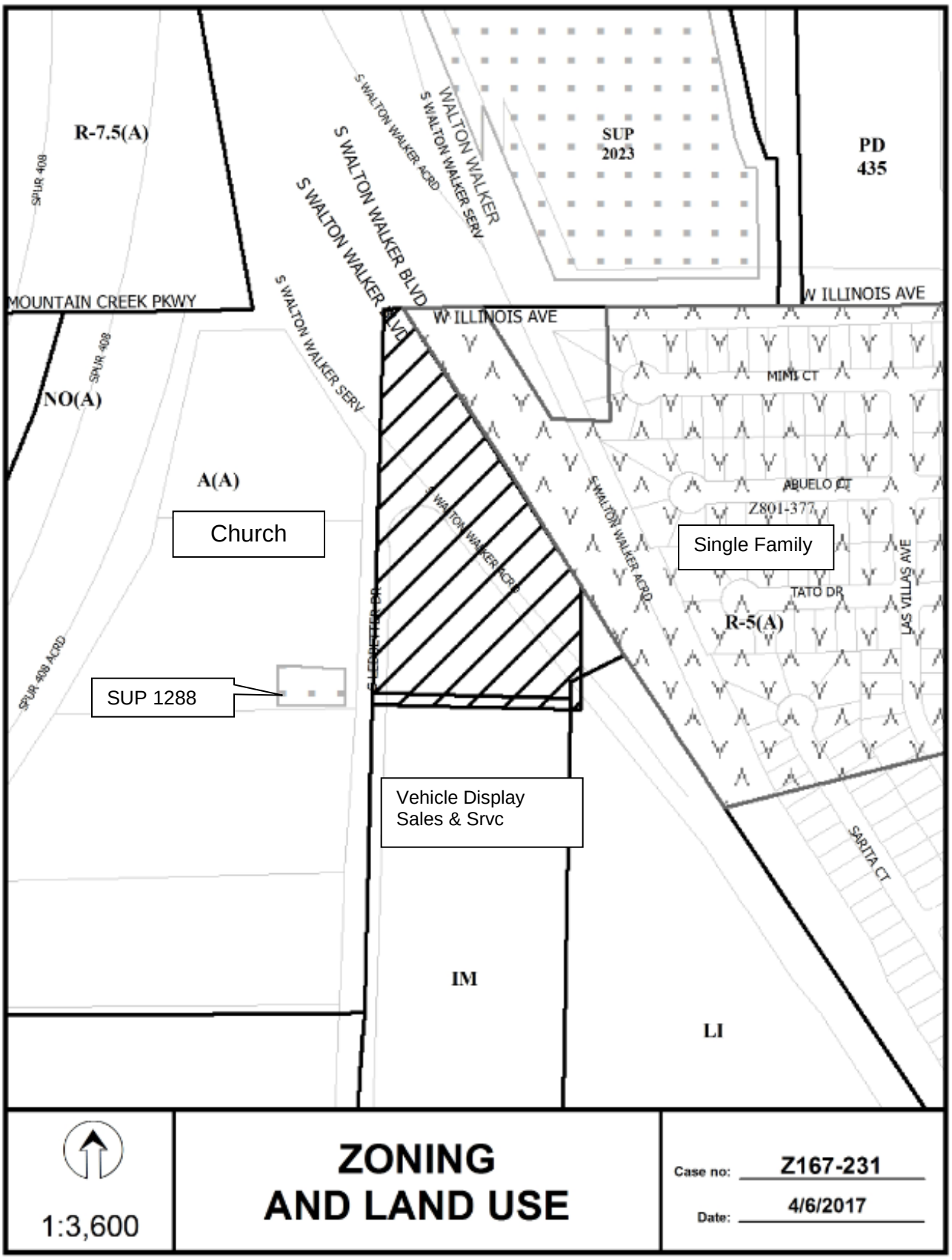
*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 14
Replies: For: 1 Against: 0

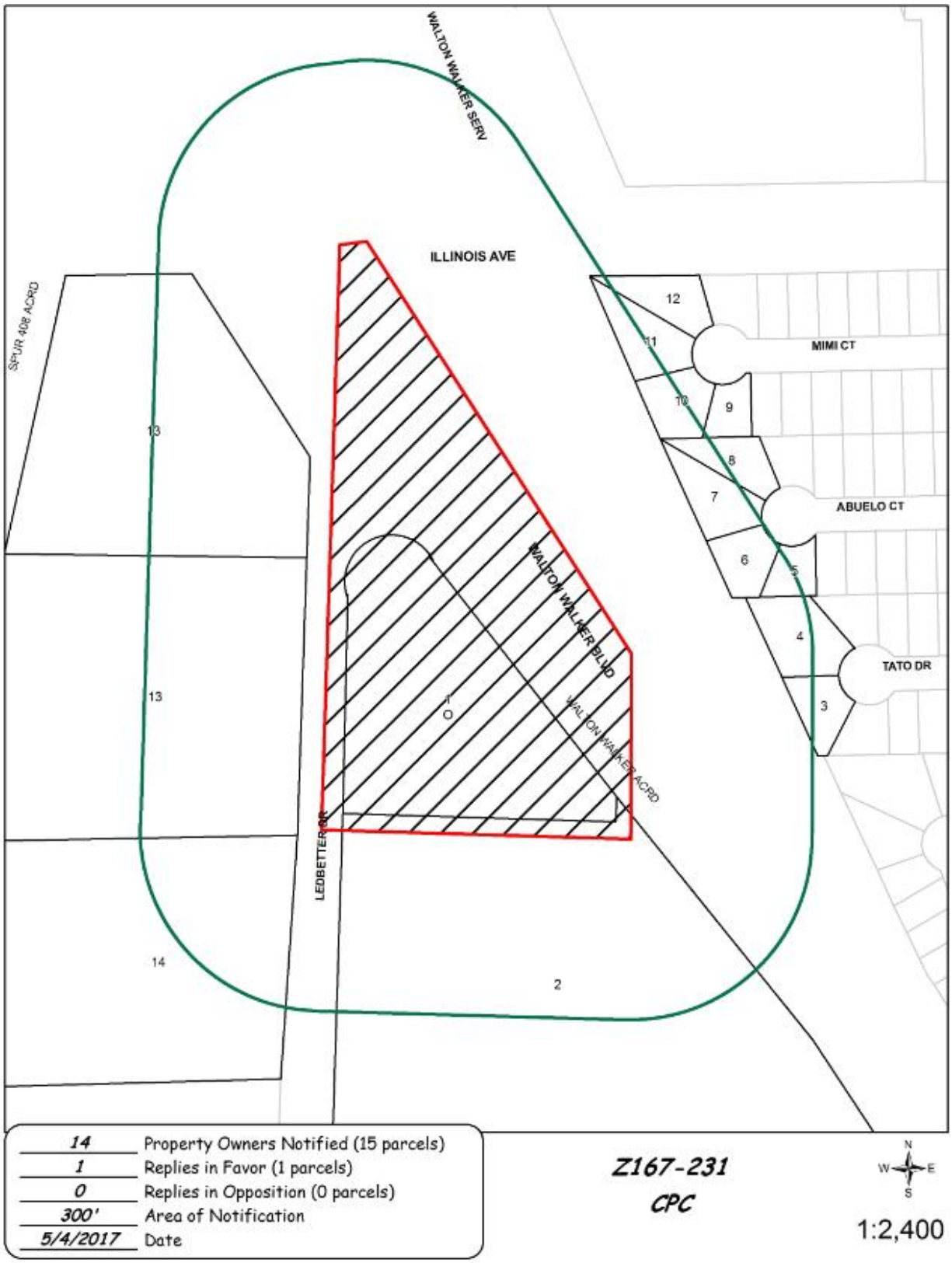
Speakers: None


Molina, Moises
S WALTON WALKER BLVD
S WALTON WALKER SERV
WALTON WALKER
S WALTON WALKER ACRD
SPUR 408
SPUR 408 ACRD
MOUNTAIN CREEK PKWY
W ILLINOIS AVE
MIMI CT
ABUELO CT
TATO DR
S LEDBETTER DR
TEALMONT TRL
TRISTIAN CT
LAS VILLAS AVE
SARITA CT
1:6,000
VICINITY MAP
Case no: Z167-231
Date: 4/6/2017


SPUR 408
S WALTON WALKER ACRD
S WALTON WALKER SERV
S WALTON WALKER
S WALTON WALKER BLVD
MOUNTAIN CREEK PKWY
MOUNTAIN CREEK PKWY
W ILLINOIS AVE
W ILLINOIS AVE
NIMI CT
ABUELO CT
TATO DR
LAS VILLAS AVE
SABITA CT
S LEDBETTER DR
SPUR 408 ACRD
1:3,600
AERIAL MAP
Case no: Z167-231
Date: 4/6/2017


R-7.5(A)
SUP 2023
PD 435
MOUNTAIN CREEK PKWY
W ILLINOIS AVE
NO(A)
A(A)
Church
SUP 1288
Vehicle Display Sales & Srvc
Single Family
R-5(A)
IM
LI
S WALTON WALKER BLVD
S WALTON WALKER SERV
WALTON WALKER
S WALTON WALKER ACRD
SPUR 408
SPUR 408 ACRD
MIMI CT
ABUELO CT
Z801-377
TATO DR
LAS VILLAS AVE
SARITA CT
ZONING AND LAND USE
1:3,600
Case no: Z167-231
Date: 4/6/2017

CPC Responses



05/17/2017

Reply List of Property Owners

Z167-231

14 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2400	S LEDBETTER DR	UNDERWOOD JON T & JANNA E
	2	2831	S WALTON WALKER BLVD	NEW TEXAS AUTO AUCTION
	3	5250	TATO DR	MENA DULCE MARIA
	4	5251	TATO DR	DURAN SALOMON &
	5	5246	ABUELO CT	CONTRERAS LIBRADO
	6	5250	ABUELO CT	MENDEZ JULIO & NATY
	7	5257	ABUELO CT	MATTHEWS RANDALL R &
	8	5253	ABUELO CT	VALENZUELA OLIVIA C &
	9	5252	MIMI CT	MUNOS MARTHA E
	10	5256	MIMI CT	LOERA MARTIN &
	11	5257	MIMI CT	MALDONADOTORRES ALMA A &
	12	5253	MIMI CT	NIETO JOSE L
	13	2549	S LEDBETTER DR	FIRST UNITED PENTECOSTAL
	14	2555	S LEDBETTER DR	CHRISTIAN CENTER OF MIRACLES HOLDINGS

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 58 R; V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 80 for a Salvation Army Community Center on property zoned an R-7.5(A) Single Family District, on the north line of Elam Road, west of Holcomb Road
Recommendation of Staff and CPC: Approval, subject to a revised site plan
Z167-232(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-232(SM)	**DATE FILED:**	March 1, 2017
LOCATION:	North line of Elam Road, west of Holcomb Road		
COUNCIL DISTRICT:	5	**MAPSCO:**	58 R; V
SIZE OF REQUEST:	Approx. 7.5827 acres	**CENSUS TRACT:**	92.02

APPLICANT / OWNER: Salvation Army

REPRESENTATIVE: James Riley, Brockette Davis Drake, Inc.

REQUEST: An application to amend and expand Specific Use Permit No. 80 for a Salvation Army Community Center on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to construct approximately 4,118 square feet in two building additions, expand and enhance existing outdoor recreational areas, and construct additional parking.

CPC RECOMMENDATION: **Approval**, subject to a revised site plan.

STAFF RECOMMENDATION: **Approval**, subject to a revised site plan.

BACKGROUND INFORMATION:

- On November 9, 1964, Council approved Special Permit No. 80 for a Salvation Army Community Center.

- Aerial photography from 1968 shows the site utilized the expansion area for athletic fields.

- On July 1, 1999, a minor amendment was approved to provide for a new restroom and storage structure approximately in the middle of the site.

- The existing facility has 21,429 square feet of building area, athletic fields with lighting, and accessory structures.

Zoning History: There has been no recent zoning activity in the immediate area relevant to this request.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and has no objection to the request.

Thoroughfare/Street	Designation	Dimension
Elam Road	Major Arterial	Minimum-6 lanes-divided; 100' ROW

STAFF ANALYSIS:

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

Land Use Element

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

Land Use Compatibility: The request site is developed with approximately 21,429 square feet of floor area in a one-story building and includes athletic fields to the north and seven existing field light poles that are approximately 45 feet in height. Although the original ordinance for SUP No. 80 from 1964 describes the area shown on the zoning map, aerial photography from 1968 shows the requested area of expansion has been utilized as athletic fields for the past 49 years. The applicant proposes to erect two one-story additions to the existing main building, enlarge and redesign surface parking, replace and add bleachers, replace the existing seven field lights with six new 45-foot-tall light poles in the athletic fields, erect a new 14-foot-tall scoreboard, and upgrade the sports fields.

Surrounding land use consists of single family uses in all directions. Additionally, since the site is located in an R-7.5(A) District, structures are not subject to residential proximity slope height restrictions. Further, since a community service center is categorized as an institutional use, it is not subject to the maximum district height [1]of 30 feet. The proposed building additions will be 16 and 18 feet and the upgrades to the athletic field lighting standards will be 45 feet.

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 Salvation Army has been a neighbor in this location for almost 50 years and wishes to expand and enhance the services to the community. A community service center use is a compatible use with the surrounding single family properties because it provides an amenity to the neighborhood with recreation and communal gathering spaces. The existing SUP conditions do not impose a time limit and since the tenant has operated in a responsible manner since the creation of the SUP, staff recommends approval without changes to the existing conditions.

Athletic Field Lighting: The request includes a proposal to replace seven athletic field light standards with six new light standards that are a maximum of 45 feet tall. The lights are proposed to surround the renovated multi-use sports field area to the north of the existing building. Three of those new lights are proposed on the north side of the field, with the lighting directed onto the field to the south and three more are proposed to the south of the sports field, with the lighting directed onto the field to the north.

[1] Reference Section 51A-4.408(a)(1) of the Dallas Development Code.

Each of the six new light standards is 45 feet tall. The proposed light standards to the north are proposed approximately 10 feet further south from the northern properties than the existing light standards and these light standards will be directed away from the closest residential properties. The light standards on the south side of the field, directing light on to the field ground surface to the north are proposed approximately 265 feet from the closest northern neighboring property line. If a three to one slope is applied as a comparison of determining appropriate height of structures, a 45 foot light pole would require 135 feet separation from residential property. Therefore, because the light poles on the north are pointing downward and increasing the separation and pointing away from adjacent properties and the three light standards on the southern side of the field is spaced 265 feet from residential property and directed downward, staff supports the proposed heights and location of the light standards.

Finally, an existing condition of SUP No. 80 is that "All outdoor lighting devices shall be designed and installed so as to direct light down and away from surrounding properties and shall be turned off not later than [ten] o'clock p.m." staff supports the request with no changes to the SUP conditions.

Screening: An existing condition of SUP No. 80 is that, "A six foot high solid screening fence shall be provided along the north, east, and west property lines as shown on the site plan." The Dallas Development Code requires screening of nonresidential parking areas to contiguous residential uses and to screen service areas of buildings. Since the existing screening condition of SUP No. 80 applies an additional screening element, staff supports the request with no changes to the SUP conditions

Parking: The existing site has 62 parking spaces for 21,429 square feet of community service center building area. Nonconforming parking, or "delta credits", are calculated by subtracting the amount of parking provided from the minimum parking requirement of the existing building at existing parking ratios[2]. The current parking requirement for a community service center is one space per 200 square feet of floor area, the parking requirement for the existing 21,429 square foot community service center is 107 spaces. Therefore, the site has 45 delta credits (107 – 62 = 45).

The Dallas Development Code allows properties to carry forward delta credits when parking requirements are increased but any unused delta credits will not be carried forward. Therefore, since the facility is proposed to be expanded to 25,547 square feet, the minimum parking requirement is 128 spaces. The proposed site plan provides 120 spaces and therefore, the site can retain eight delta credits to meet minimum parking requirements.

Landscaping: Landscaping is required in accordance with Article X of the Dallas Development Code.

[2] Reference Section 51A-4.704(b)(4) of the Dallas Development Code.

CPC Action – May 4, 2017:

Motion: It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 80 for a Salvation Army Community Center, subject to a revised site plan (as briefed) on property zoned an R-7.5(A) Single Family District, on the north line of Elam Road, west of Holcomb Road.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 112
Replies: For: 1 Against: 3

Speakers: None

List of Officers

THE SALVATION ARMY

DOING THE MOST GOOD®

FOUNDERS
William & Catherine Booth

GENERAL
André Cox

TERRITORIAL COMMANDER
Commissioner Donald C. Bell

TEXAS DIVISIONAL COMMANDER
Lt. Colonel Ken Luyk

DFW METROPLEX COMMANDER
Major Jonathan Rich

ADVISORY BOARD CHAIR
Carl Ice

SECRETARY
Lee R. Slaughter

TREASURER
Daniel O. Chesnut

IMMEDIATE PAST CHAIR
Richard K. Martin

PAST CHAIRS
J. D. McCaslin
Judy Gibbs
Elliott (Tony) Roosevelt
J. Ray Nixon, Jr.
Doug Thompson
Rita Clements
Charles J. Wyly, Jr.
Caren Prothro
Lee R. Slaughter
Margot Perot
Ruth Altshuler

MANAGEMENT SERVICES CHAIR
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PROGRAM SERVICES CHAIR
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Dr. Ernest Beecherl
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Daniel O. Chesnut
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Bernie DiFiore
Alan D. Friedman
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Carl Ice
Willis Johnson
Jeanie Laube
Dr. Bobby B. Lyle
Richard K. Martin
Preston McAfee
Debbie Oates
David Russell
LaMonte Thomas
Scott Turpin
Bernice J. Washington

WOMEN'S AUXILIARY PRESIDENT
Karen Dealy

Existing SUP No. 80 Conditions (to remain unchanged)

ORDINANCE NO. 10705

An Ordinance amending the basic Zoning Ordinance No. 5238 of the City of Dallas as enacted by the City Council on August 28, 1951, and thereafter amended, and as printed in the Appendix as Part I of the 1960 Code of Civil and Criminal Ordinances of the City of Dallas, by permitting the following described property, which is presently zoned Residential 7,500 to-wit: Being Lot 2 and part of Lot 3 of City Block 6344 and further described thus: Beginning at a point in the north line of Elam Road and 421.4 feet west of the west line of Holcomb Road; Thence northerly along a common property line, a distance of 682.7 feet to a point for corner in the south line of an existing 10 foot alley; Thence westerly along said alley line, a distance of 450.7 feet to a point for corner in the west line of Lot 2 of City Block 6344; Thence southerly along said lot line, a distance of 682.7 feet to a point for corner in the north line of Elam Road; Thence easterly along said line, a distance of 450.7 feet to the point of beginning, to be used under a Special Permit for a Salvation Army Community Center; That a Special Permit shall be granted for a Salvation Army Community Center with reference to the herein described property, subject, however, to the special conditions hereinafter more fully expressed; That the property shall be improved according to the site plan approved herewith; providing for a penalty; providing for a severability clause; and Declaring an Emergency.

WHEREAS, the City Plan Commission of the City of Dallas and the Governing Body of the City of Dallas in compliance with the Charter of the City of Dallas and the State law with reference to the granting of special permits under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and after holding due hearings and affording a full and fair hearing to all the property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof regarding the rezoning, proposed use or improvement of the property herein described, the Governing Body of the City of Dallas is of the opinion that said special permit should be granted, subject to the conditions set out herein; Now, Therefore;

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

SECTION 1. That the basic Zoning Ordinance No. 5238 of the City of Dallas as enacted by the City Council on August 28, 1951, and thereafter amended, and as printed in the Appendix as Part I of the 1960 Code of Civil and Criminal Ordinances of the City of Dallas, be, and it is hereby amended insofar as it applies to the property hereinafter described, which is presently zoned Residential 7,500, and which shall be used under a special permit for a Salvation Army Community Center, to-wit:

BEING Lot 2 and part of Lot 3 of City Block 6344 and further described thus:

BEGINNING at a point in the north line of Elam Road and 421.4 feet west of the west line of Holcomb Road;

THENCE northerly along a common property line, a distance of 682.7 feet to a point for corner in the south line of an existing 10 foot alley;

THENCE westerly along said alley line, a distance of 450.7 feet to a point for corner in the west line of Lot 2 of City Block 6344;

THENCE southerly along said lot line, a distance of 682.7 feet to a point for corner in the north line of Elam Road;

THENCE easterly along said line, a distance of 450.7 feet to the point of beginning.

SECTION 2. That this special permit for a Salvation Army Community Center with reference to the hereinabove described property is approved and granted upon the following express conditions, and in accordance with Article 165-22, Section 16 of the Zoning Ordinance:

1) Site Plan: Development shall be in conformance with the site plan as approved by the City Plan Commission;

2) Parking: Paved off-street parking shall be provided as shown on the site plan;

3) Paving: All driveways, entrances, and parking areas shall have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost and maintenance of all such improvements;

4) Screening: A six foot high solid screening fence shall be provided along the north, east, and west property lines as shown on the site plan;

5) Platting: Prior to passage of an ordinance, a plat shall be filed providing for necessary street and alley right-of-way;

6) Lighting: All outdoor lighting devices shall be designed and installed so as to direct light down and away from surrounding properties and shall be turned off not later than 10:00 o'clock p.m.

SECTION 3. That the site plan for these improvements and as approved by the City Council is attached hereto and made a part hereof for all purposes. A true copy of the site plan shall be retained by the Director of Planning and the Building Inspector for observance in connection with these improvements. That all paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard City of Dallas specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 4. No Certificate of Occupancy shall be issued by the Building Inspector until there has been a full compliance with Subsections 1 through 6 of Section 2, in accordance with the requirements of the building for which the Certificate is issued, together with all other provisions of this ordinance and any applicable provisions of the Zoning Ordinance and the Building Codes.

SECTION 5. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to the same penalties provided for in Ordinance No. 5238, particularly Article 165-30.

SECTION 6. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 7. WHEREAS, it appears that the subject property of this ordinance is to be used under a special permit for a Salvation Army Community Center, and will serve the public interest, comfort and general welfare, creates an urgency and an emergency in the preservation of the public peace, comfort and general welfare and requires that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

APPROVED AS TO FORM:
H. P. KUCERA, City Attorney

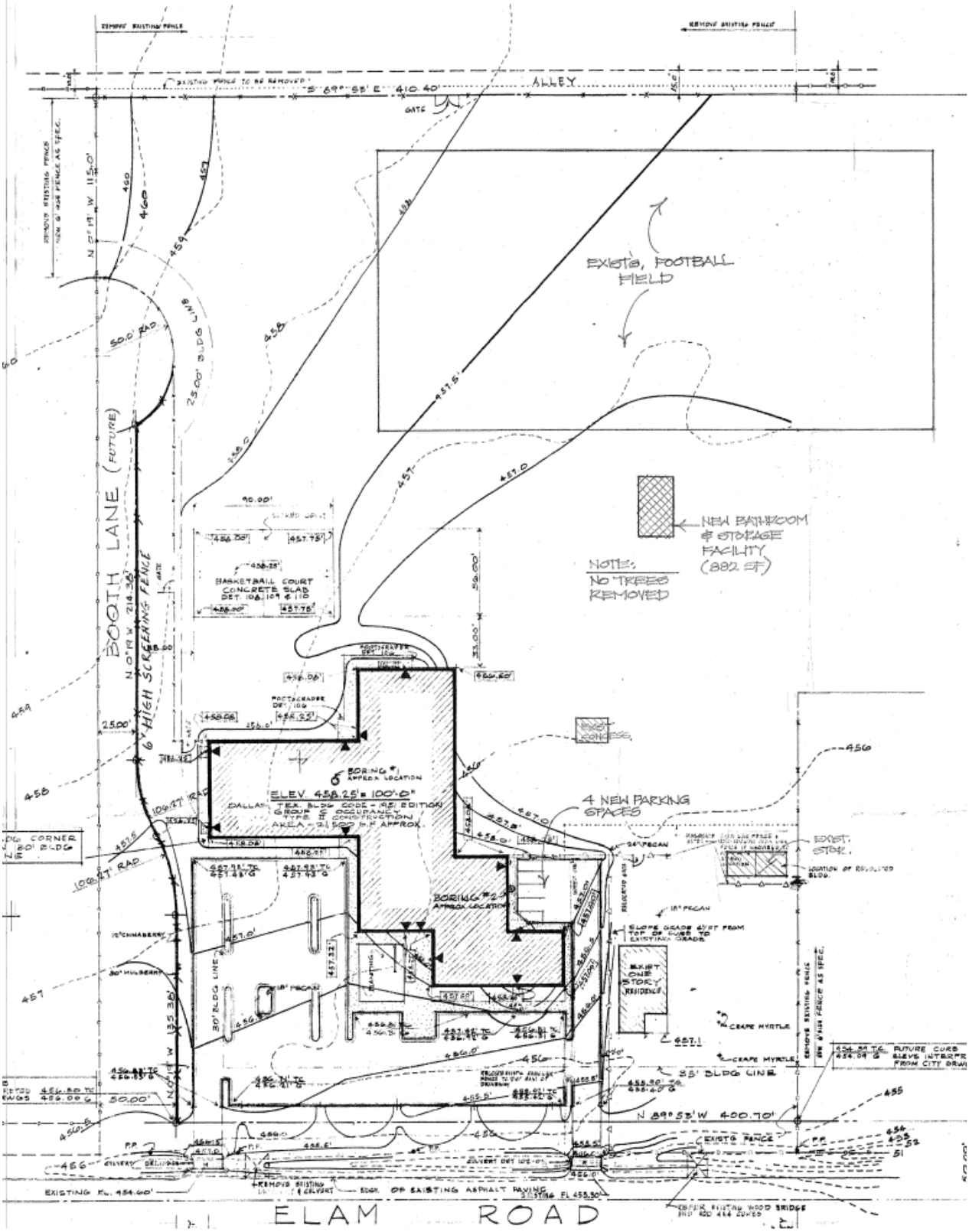
PASSED: November 9, 1964
CORRECTLY ENROLLED: November 9, 1964

APPROVED: H P Kucera
City Attorney

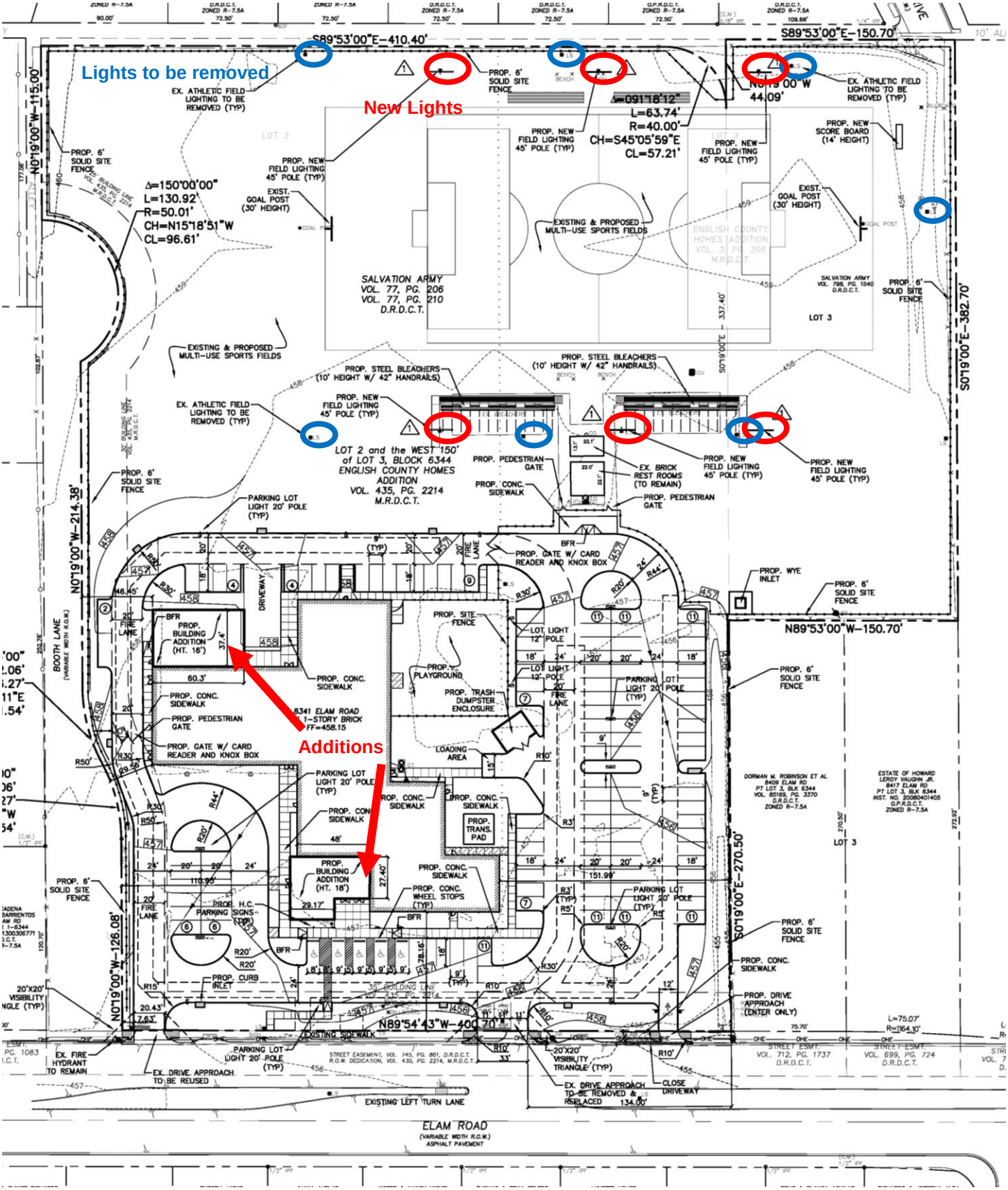
ATTEST:

Harold G. Stark
City Secretary

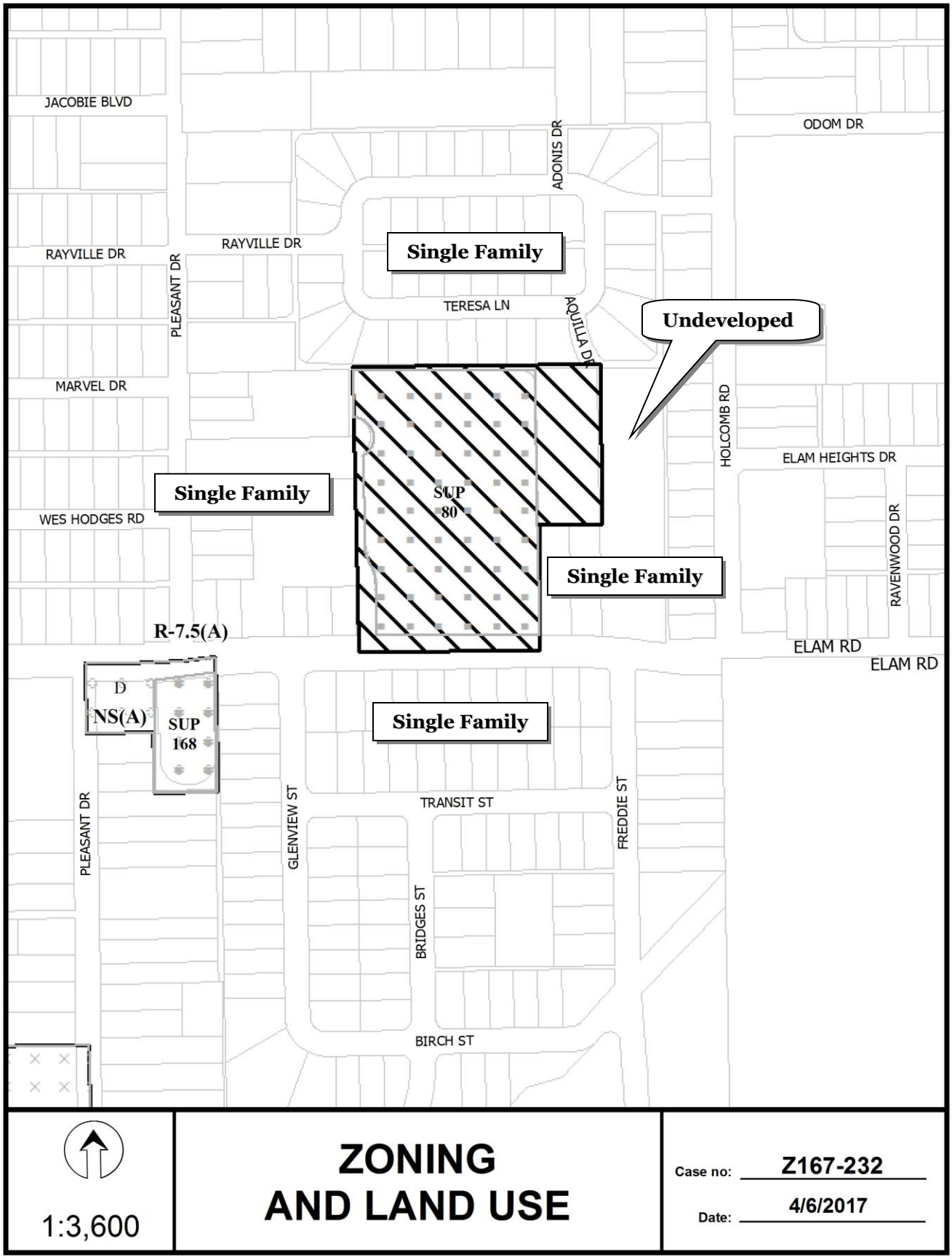
Existing Site Plan

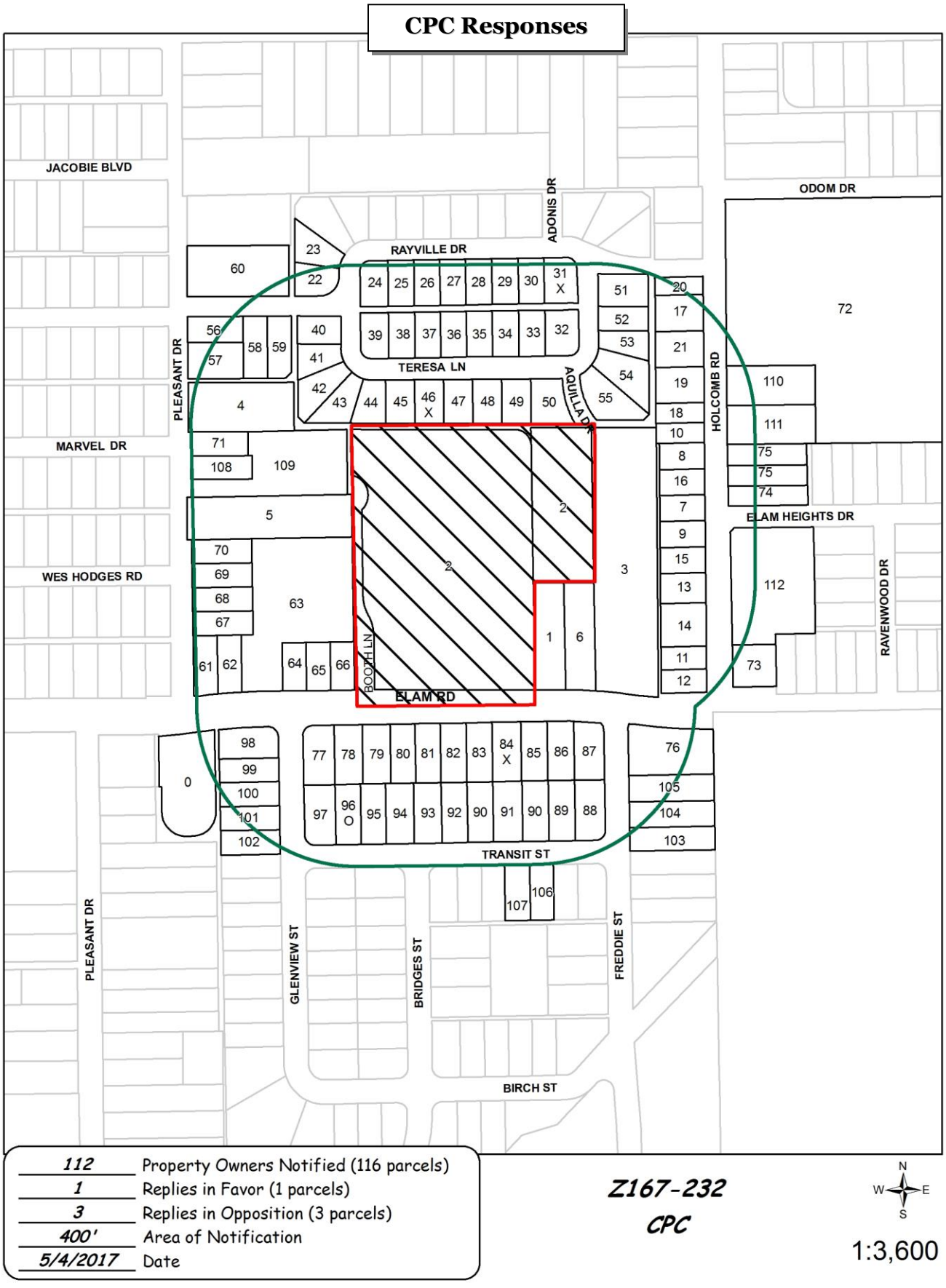


Proposed Site Plan




WIDEMAN DR
JERAN DR
MANHATTAN DR
EDEN VALLEY LN
ODENEAL ST
OLD HOMESTEAD DR
WIDEMAN DR
JACOBIE BLVD
PLEASANT DR
ADONIS DR
ODOM DR
Macon
RAYVILLE DR
RAYVILLE DR
TERESA LN
MARVEL DR
HOLCOMB RD
ELAM HEIGHTS DR
WIDEMAN DR
WES HODGES RD
BOOTH LN
RAVENWOOD DR
BRIGHTWOOD DR
ELAM RD
ELAM RD
PLEASANT DR
GLENVIEW ST
TRANSIT ST
BRIDGES ST
KIPLING DR
BIRCH ST
Crawford Memorial
REDKEY ST
GLENVIEW ST
BRIDGES ST
FREDDIE ST
1:6,000
VICINITY MAP
Case no: Z167-232
Date: 4/6/2017


JACOBIE BLVD
ODOM DR
ADONIS DR
RAYVILLE DR
RAYVILLE DR
PLEASANT DR
Single Family
TERESA LN
AQUILLA DR
Undeveloped
MARVEL DR
HOLCOMB RD
ELAM HEIGHTS DR
Single Family
SUP 80
WES HODGES RD
RAVENWOOD DR
Single Family
R-7.5(A)
ELAM RD
ELAM RD
D
NS(A)
SUP 168
Single Family
TRANSIT ST
PLEASANT DR
GLENVIEW ST
FREDDIE ST
BRIDGES ST
BIRCH ST
1:3,600
ZONING
AND LAND USE
Case no: Z167-232
Date: 4/6/2017


CPC Responses
JACOBIE BLVD
ADONIS DR
ODOM DR
RAYVILLE DR
TERESA LN
AQUILLA DR
HOLCOMB RD
PLEASANT DR
MARVEL DR
WES HODGES RD
ELAM HEIGHTS DR
RAVENWOOD DR
BOOTH LN
ELAM RD
TRANSIT ST
PLEASANT DR
GLENVIEW ST
BRIDGES ST
FREDDIE ST
BIRCH ST
112 Property Owners Notified (116 parcels)
1 Replies in Favor (1 parcels)
3 Replies in Opposition (3 parcels)
400' Area of Notification
5/4/2017 Date
Z167-232
CPC
N
W
E
S
1:3,600

05/04/2017

Reply List of Property Owners

Z167-232

112 Property Owners Notified ***1 Property Owners in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	8409	ELAM RD	ROBINSON DORMAN M ETAL
	2	8401	ELAM RD	SALVATION ARMY
	3	8425	ELAM RD	CHAVEZ EFRAIN & MARIA
	4	604	PLEASANT DR	SIERRA ABELARDO
	5	538	PLEASANT DR	MARTINEZ EFREN
	6	8417	ELAM RD	VAUGHN HOWARD LEROY JR EST OF
	7	539	HOLCOMB RD	REED PHILIP D
	8	611	HOLCOMB RD	BAYSON CHARLES J
	9	531	HOLCOMB RD	ESCOVAR JOSE R &
	10	615	HOLCOMB RD	ALVARADO FRANCISCO & ANA CECILIA
	11	507	HOLCOMB RD	VEGA ALBERTO N
	12	503	HOLCOMB RD	RUBIO MIGUEL A &
	13	523	HOLCOMB RD	PANIAGUA MARTIN R
	14	509	HOLCOMB RD	RODRIGUEZ ANTHONY
	15	527	HOLCOMB RD	PANIAGUA MARIA REFUGIO
	16	607	HOLCOMB RD	REHKOP FAYE WHITTINGTON
	17	639	HOLCOMB RD	NUZE IRSA VIRGINIA AVELAR
	18	617	HOLCOMB RD	GAMEZ DAMIAN
	19	623	HOLCOMB RD	FRANCO MARIA
	20	643	HOLCOMB RD	CARBAJAL JORGE R &
	21	627	HOLCOMB RD	LOPEZ OFELIA &
	22	8325	RAYVILLE DR	ARRIAGA RIGOBERTO &
	23	8329	RAYVILLE DR	RAMIREZ ROSA ISELA
	24	8338	RAYVILLE DR	ADAMEARENAS GUMARO
	25	8342	RAYVILLE DR	MARTINEZ SILVA MIGUEL A
	26	8348	RAYVILLE DR	RODRIGUEZ JORGE & ELIDIA

Reply	*Label #*	*Address*		*Owner*
	27	8352	RAYVILLE DR	GONZALEZ VICTOR &
	28	8358	RAYVILLE DR	NOGUEZ YOLANDA
	29	8362	RAYVILLE DR	MORALES BERNARDO &
	30	8368	RAYVILLE DR	HAWKINS ELBERT D
X	31	8372	RAYVILLE DR	MCCLUSKY J G
	32	8355	TERESA LN	PULASKI GEORGE
	33	8351	TERESA LN	BROWN MABLE LOUISE &
	34	8347	TERESA LN	RANGEL DOMINGO & BEATRIZ
	35	8343	TERESA LN	RAMIREZ MARIA E
	36	8339	TERESA LN	AGUERO MARIA GRICELDA &
	37	8335	TERESA LN	VASQUEZ ALBERT
	38	8329	TERESA LN	PEAL FRANCES
	39	8325	TERESA LN	RODRIGUEZ DAVID &
	40	8306	TERESA LN	BLANCO JOEL ANTONIO
	41	8310	TERESA LN	PRUITT BILLY JACK
	42	8314	TERESA LN	STEWART CECIL D & DIANNE
	43	8318	TERESA LN	MARTINEZ ALEJANDRO GARCIA & ERIKA PEREZ
	44	8324	TERESA LN	FLORES VIVIAN
	45	8328	TERESA LN	MILLER ANNIE M
X	46	8334	TERESA LN	RAMOS LOUIS
	47	8338	TERESA LN	JIMENEZ JAVIER &
	48	8344	TERESA LN	GORDON SUSAN PEAL
	49	8348	TERESA LN	ORTIZ EDIVINO
	50	8352	TERESA LN	ZAVALA ANGELICA G
	51	8372	TERESA LN	REED RONALD JAMES &
	52	8368	TERESA LN	MUNOZ ALFREDO
	53	8364	TERESA LN	BENCH DAN CARROLL
	54	8360	TERESA LN	LOERA ANTONIO ETAL
	55	8356	TERESA LN	RODRIGUEZ BLANCA GRISELDA
	56	8308	RAYVILLE DR	RENTERIA MIGUEL & RODE R
	57	612	PLEASANT DR	BELL ROBERT ELDON EST OF

Reply	*Label #*	*Address*		*Owner*
	58	8314	RAYVILLE DR	GRIMALDO MANUEL & MARIA S
	59	8318	RAYVILLE DR	CALDWELL ETTA M
	60	630	PLEASANT DR	GARCIA RAUL C & ORALIA
	61	8301	ELAM RD	TUDON JOSE ANGEL & MARTHA
	62	8305	ELAM RD	JONES C W
	63	8315	ELAM RD	CAZARES JUAN MANUEL & ELIDA
	64	8323	ELAM RD	SPENCE LEONARD RAY
	65	8325	ELAM RD	BESOWSKEK FRANK
	66	8331	ELAM RD	BARRIENTOS PASCUAL &
	67	514	PLEASANT DR	PEREZ GUSTAVO M &
	68	518	PLEASANT DR	SILOS JOSE
	69	524	PLEASANT DR	PANIAGUA ELBA M &
	70	530	PLEASANT DR	OLIVARES DOROTEO &
	71	554	PLEASANT DR	RUBIO CHRISTINA MARIA & JUAN GABRIEL MARQUEZ
	72	650	HOLCOMB RD	Dallas ISD
	73	8507	ELAM RD	WINGS OF DELIVERANCE
	74	602	HOLCOMB RD	DELGADO RAUL &
	75	606	HOLCOMB RD	ALVARADO FRANCISCO & ANA
	76	446	FREDDIE ST	VALDEZ ENRIQUE
	77	8344	ELAM RD	DIXON RENDIA
	78	8350	ELAM RD	RICHARDS RODNEY L &
	79	8356	ELAM RD	RICHARDS EUNICE L
	80	8360	ELAM RD	HICKS RUSELL LEO
	81	8366	ELAM RD	AVELAR JUANA IRSA
	82	8400	ELAM RD	MICHEL MOISES G & NANCY M
	83	8408	ELAM RD	TOLEDO THOMAS & ERMA
X	84	8414	ELAM RD	HOUSE DENNIS G & LYNNETTE
	85	8418	ELAM RD	NIX CHARLOTTE EMMA
	86	8424	ELAM RD	AGUILAR JESUS G & BLANCA
	87	8430	ELAM RD	ALBA RICARDO M & JOSEFINA
	88	8431	TRANSIT ST	SALINAS ANTONIO Z &

Reply	*Label #*	*Address*		*Owner*
	89	8425	TRANSIT ST	SIMPSON PAMELA G
	90	8419	TRANSIT ST	STOVALL LINDA DARLENE
	91	8415	TRANSIT ST	ROBINSON MAYBELL
	92	8403	TRANSIT ST	HERNANDEZ BEATRIZ
	93	8367	TRANSIT ST	MARTINEZ ROBERT
	94	8361	TRANSIT ST	LOFTIN STEVE J EST OF
	95	8357	TRANSIT ST	VARGAS OSCAR
O	96	8351	TRANSIT ST	PINA DELIA
	97	8345	TRANSIT ST	HERNANDEZ VICTOR & CARMEN
	98	8328	ELAM RD	BLAKE INGRAM ENTERPRISES INC
	99	463	GLENVIEW ST	BURNES DAVID
	100	457	GLENVIEW ST	ESCANDON VICTOR &
	101	453	GLENVIEW ST	TOVAR OMAR ADRIAN
	102	447	GLENVIEW ST	ESCANDON EDUARDO & NARCISA GUADALUPE
	103	432	FREDDIE ST	HERNANDEZ CEASAR I &
	104	438	FREDDIE ST	CASTILLO FERNANDO &
	105	442	FREDDIE ST	SAUCEDO RAUL
	106	8422	TRANSIT ST	PIEDRA VIRGINIA
	107	8418	TRANSIT ST	RODRIGUEZ FRANCISCO
	108	546	PLEASANT DR	SANCHEZ ANA ISABEL & JORGE HUMBERTO
	109	542	PLEASANT DR	SANCHEZ JORGE H
	110	622	HOLCOMB RD	OLIVARES VICTOR MANUEL
	111	614	HOLCOMB RD	FAVELA CATARINO & ORALIA
	112	522	HOLCOMB RD	WINGS OF DELIV TABNLE INC

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the northeast corner of Crowdus Street and July Alley

Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions

Z167-233(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-233(WE) **DATE FILED:** March 3, 2017

LOCATION: Crowdus Street and July Alley, northeast corner

COUNCIL DISTRICT: 2 **MAPSCO:** 45-M

SIZE OF REQUEST: Approx. 7,853 sq. ft. **CENSUS TRACT:** 204

APPLICANT: Reno's Chop Shop
Dale Murry (CEO / President)

OWNER: Westdale Properties America I, Ltd.

REPRESENTATIVE: Dale Murry

REQUEST: An application for a renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The purpose of this request is to allow the applicant to continue to operate the existing entertainment venue [Reno's Chop Shop].

CPC RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

BACKGROUND INFORMATION:

- The applicant's request for a Specific Use Permit is to allow for an existing bar, lounge or tavern to continue operating within the Deep Ellum District.

- In June 2006, the City Council amended the Deep Ellum Planned Development District to require certain businesses to have Specific Use Permits to operate and to sunset the non-conforming rights for those establishments.

- In October 2007, the City Council approved Specific Use Permit No. 1685 for a two year period for a bar, lounge or tavern. The City Council approved two additional renewals of Specific Use Permit No. 1685 during the periods between October 2007 and September 12, 2012. On September 12, 2012, the City Council approved a renewal of Specific Use Permit No. 1685 for a five year period.

- On June 19, 2014, the City Plan Commission approved a minor amendment to the site plan to remove two patio areas (one uncovered; and one covered) with additional off-street parking to be provided on site.

- The request site is surrounded by a mixed use of commercial, retail, office, and multifamily uses and surface parking lots.

Zoning History: There have been multiple zoning changes requested in the surrounding areas within Planned Development District No. 296, the Deep Ellum/Near East Side Special Purpose District. However, during the past five years, and shown on the zoning map, there have been seven zoning requests in the area.

1. Z112-234 On September 12, 2012, the City Council approved an amendment to and renewal of SUP No. 1685 a bar, lounge or tavern for a five year period on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District [request site].

2. Z123-109 On January 23, 2013, the City Council approved a renewal of Specific Use Permit No. 1694 for a bar, lounge or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

3. Z123-206 On June 12, 2013, the City Council approved a renewal of Specific Use Permit No. 1707 for a tattoo studio on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

4. Z134-222 On August 13, 2014, the City Council approved a renewal of Specific Use Permit No. 1757 for a bar, lounge, or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

5. Z134-307 On December 10, 2014, the City Council approved a renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement for dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

6. Z145-121 On February 11, 2015, the City Council approved a renewal of Specific Use Permit No. 1983 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District

7. Z145-160 On April 22, 2015, the City Council approved a renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Elm Street	Local Street	70 ft.	70 ft.
Crowdus Street	Local Street	35 ft.	35 ft.

Traffic: The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT:

GOAL 2.5 Foster a City of Great Neighborhoods

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.3 Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

	Zoning	Land Use
Site	PDD No. 269 w/ SUP 1685	Bar, Lounge or tavern
North	PDD No. 269	Surface parking, office
South	PDD No. 269	Retail, Commercial
East	PDD No. 269	Surface parking
West	PDD No. 269	Surface parking

Land Use Compatibility: The site is developed with a one-story structure that is adjacent to surface parking and a multi-story building. Across July Alley are various commercial and retail uses that front on Elm Street. The applicant's request for a renewal of Specific Use Permit No. 1685 for a bar, lounge or tavern will allow for the use to continue operating within the existing structure. Since 1989, this site has had a certificate of occupancy for a bar, lounge or tavern use. There are no changes to the existing site plan.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

PDD No. 269 specifies that "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."

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote

the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

The proposed use is consistent with not only the most recent use on the property, but is similar in operational characteristics of other entertainment venue uses in the immediate area. It should be noted that the general land use in the immediate area provides for various retail and entertainment venue uses (i.e., bars, live music, restaurants) that serve the new housing stock in Deep Ellum as well as serving as a destination for patrons outside of the area.

Staff recommends a five year period without automatic renewals in keeping with the previous time period approved by Council. The City Council approved a five year period without automatic renewals in 2012. In addition, the five year period will allow staff to continue to monitor the request site as a good neighbor. The applicant's request is to permit automatic renewals of SUP No. 1685 because the owner has not received any violations over the past five years and that the use has been at this location for approximately 13 years.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD no. 269 Deep Ellum/Near East Side	0'	0'	4.0 Far 6.0 FAR w/mixed uses	150'	1005%		Residential, retail, Office, Commercial & Lt. industrial

Landscaping: The request site is located within an existing structure and the landscaping requirements will not be triggered.

Parking: PDD No. 269 gives a credit for the first 2,500 square feet of bar, lounge, or tavern uses when located on the first floor in an original building. The request site is approximately 3,912 square feet. The applicant has a parking agreement filed at the Building Official's office and amended their certificate of occupancy since August 2012, when SUP No. 1685 was amended and expanded.

Dallas Police Department: The Dallas Police Department has reported no citations on the requested site during a five year period between September 23, 2012 and April 17, 2017.

CPC Action (May 4, 2017)

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern for a five-year period, subject to staff's recommended conditions on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the northeast corner of Crowdus Street and July Alley.

Maker:	Rieves
Second:	Houston
Result:	Carried: 12 to 0
For:	12 - Anglin, Rieves, Houston, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley
Against:	0
Absent:	3 - Davis, Shidid, Housewright
Vacancy:	0

Notices:	Area:	200	Mailed:	10
Replies:	For:	4	Against:	0

Speakers: For: Dave Murry, 210 N. Crowdus St., Dallas, TX, 75226
Against: None

LIST OF OFFICERS
Westdale Properties America I, Ltd.

- Joseph G Beard President and CEO
- Chuck Hixson Vice President

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a bar, lounge, or tavern.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPCs Recommendation

3. TIME LIMIT: This specific use permit expires on [~~September 12, 2017~~] five years from the passage of this ordinance.

Applicant's Proposal

3. TIME LIMIT: This specific use permit expires on [~~September 12, 2017~~], five years from the passage of this ordinance 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 application for automatic renewal is strictly enforced.)

4. FLOOR AREA: The maximum floor area is 3,912 square feet.

5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 7:00 p.m. and 2:00 a.m. (the next day), Monday through Wednesday: between 4:00 p.m. and 2:00 a.m. (the next day), Thursday and Friday: and between 11:00 a.m. and 2:00 a.m. (the next day), Saturday and Sunday.

6. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4) of Chapter 51A of the Dallas City Code, as amended, may not be used to meet the off-street parking requirement.

7. PATIO:

A. The covered patio is limited to 719 square feet in area in the location shown on the attached site plan.

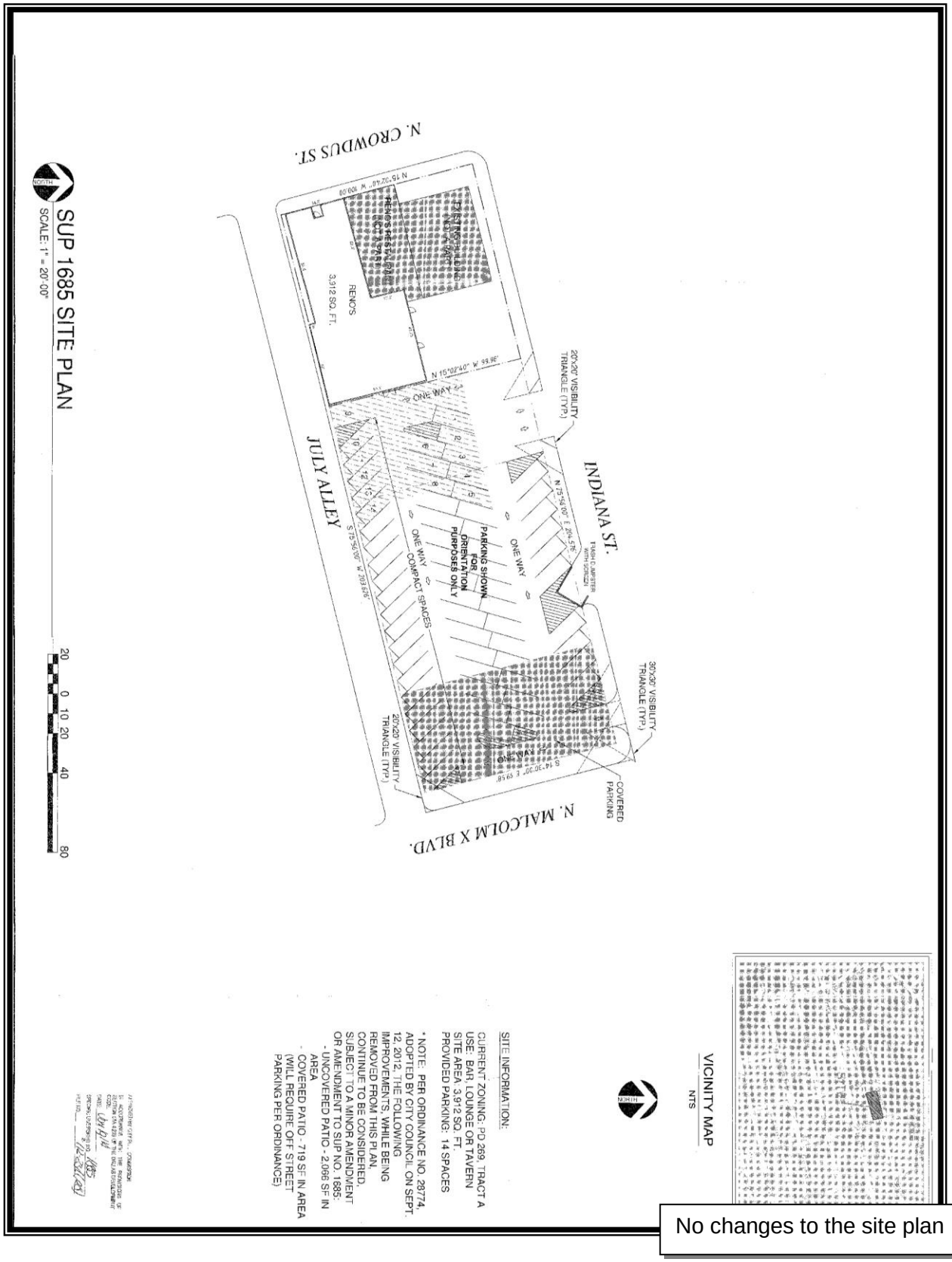
B. The uncovered patio is limited to 2,066 square feet in area in the location shown on the attached site plan.

8. OUTSIDE AMPLIFICATION: Outside amplification is prohibited.

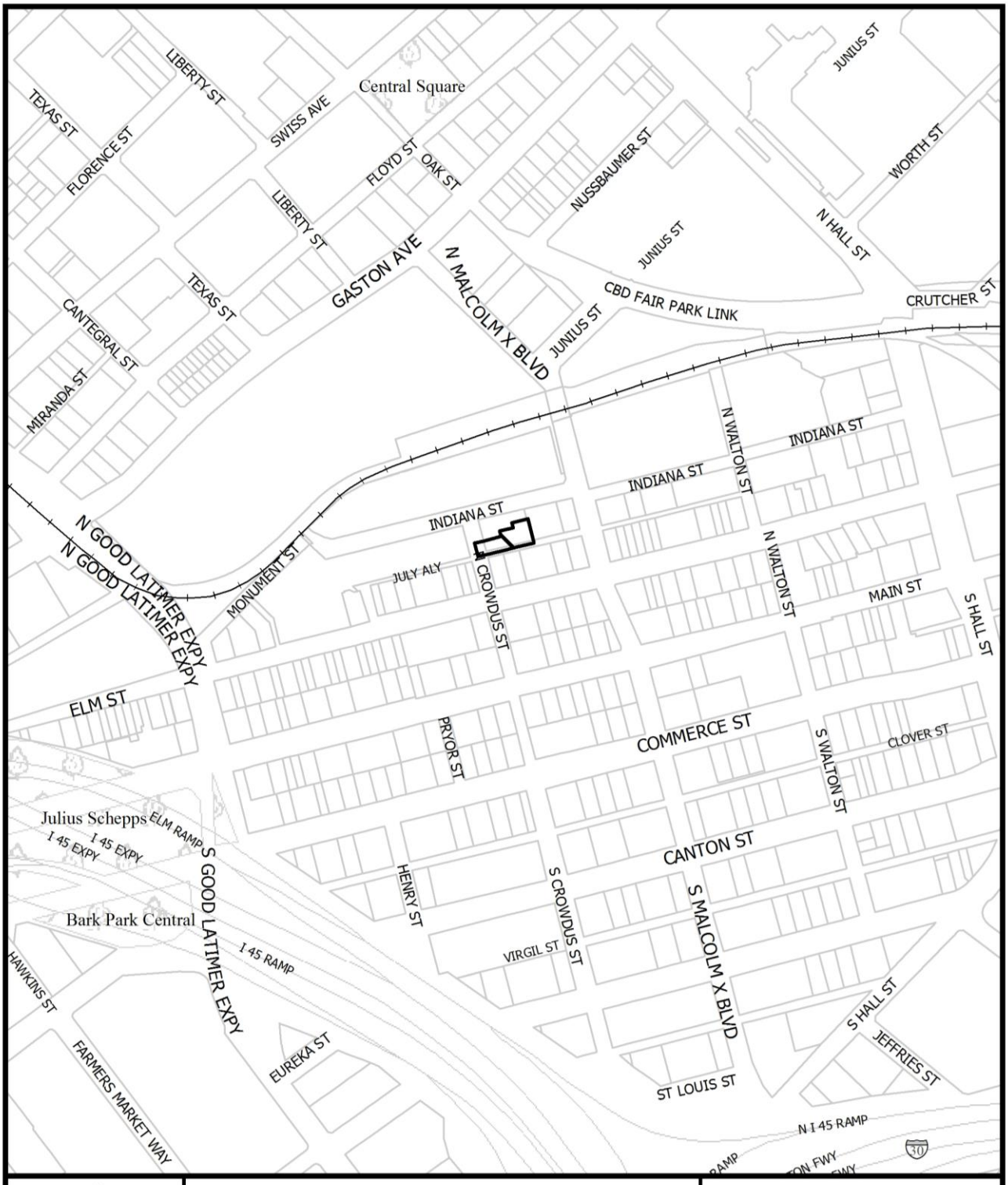
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. 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.

EXISITNG SITE PLAN



No changes to the site plan



1:4,800

VICINITY MAP

Case no: Z167-233

Date: 3/20/2017

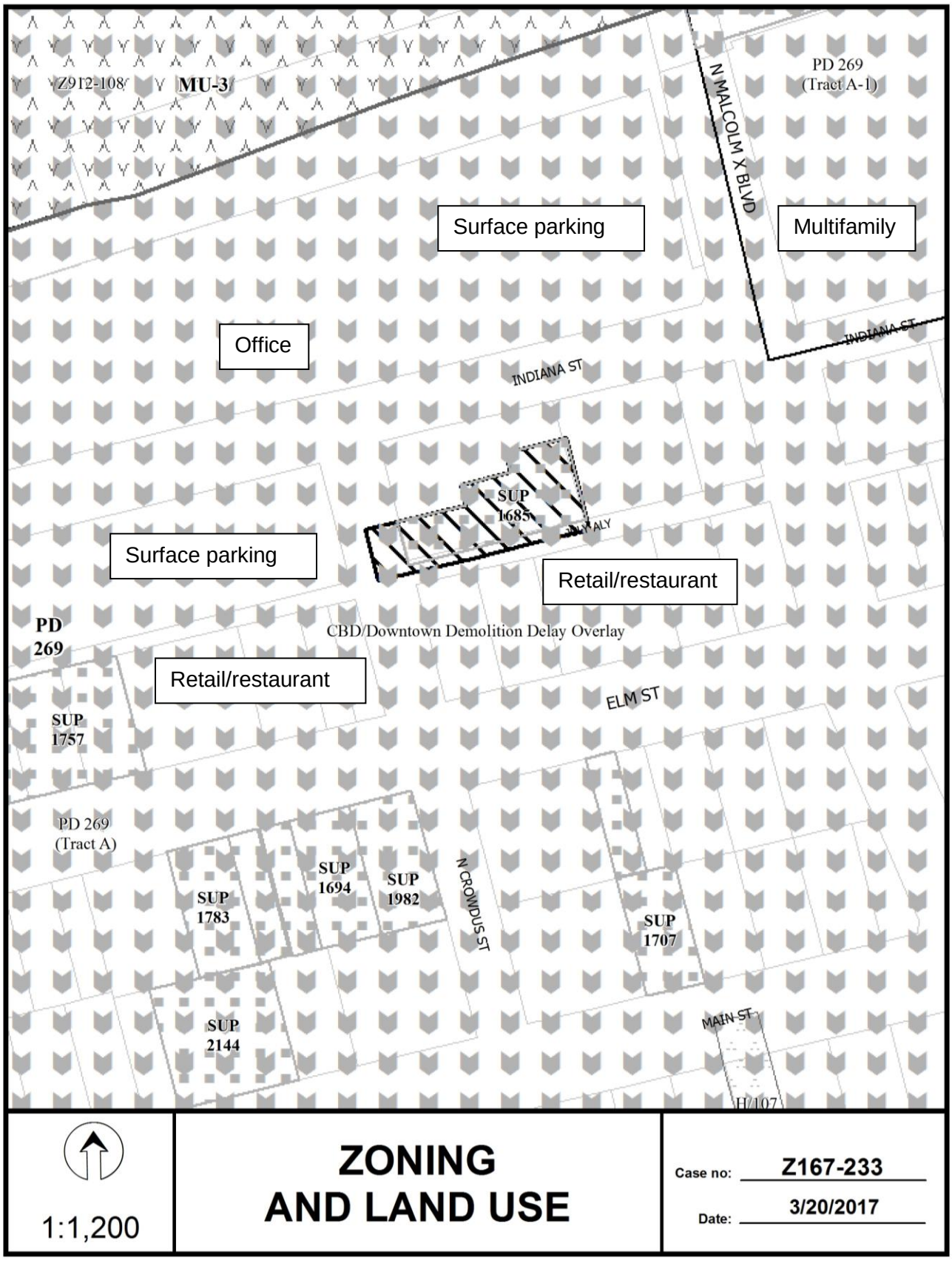


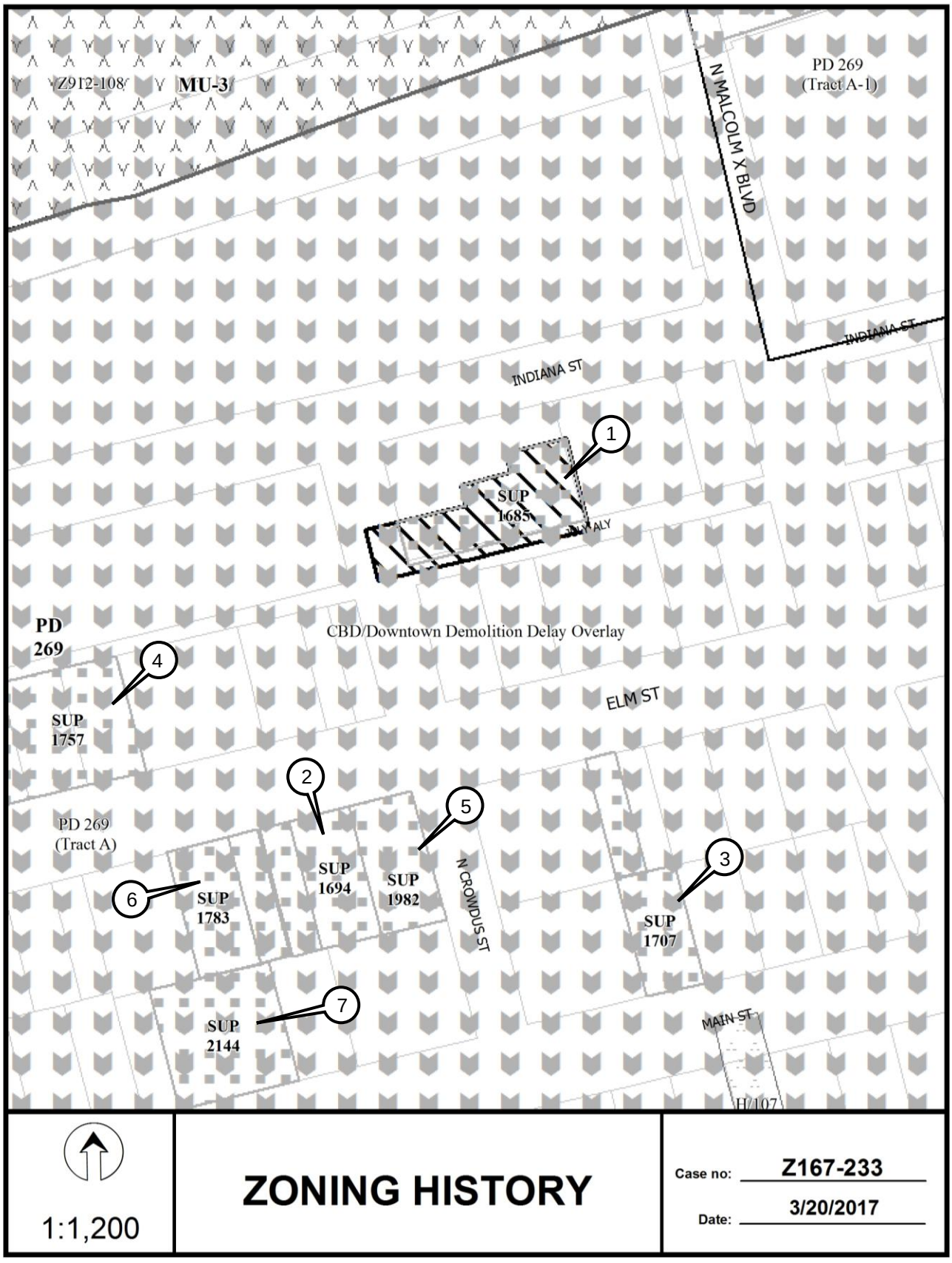
1:1,200

AERIAL MAP

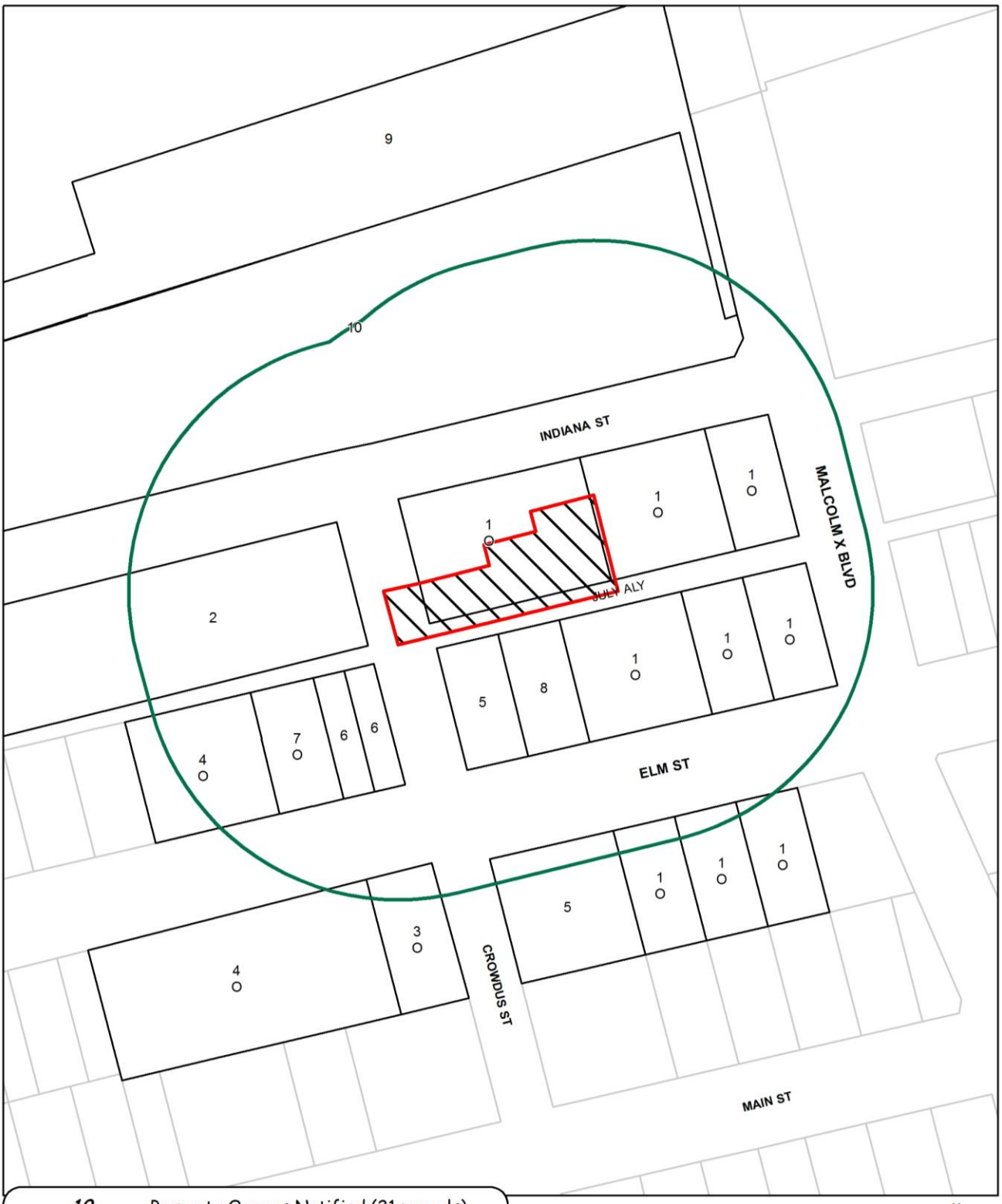
Case no: Z167-233

Date: 3/20/2017


Z912-108
MU-3
PD 269
(Tract A-1)
N MALCOLM X BLVD
Surface parking
Multifamily
Office
INDIANA ST
INDIANA ST
SUP
1685
ALY
Surface parking
Retail/restaurant
PD
269
CBD/Downtown Demolition Delay Overlay
Retail/restaurant
ELM ST
SUP
1757
PD 269
(Tract A)
SUP
1783
SUP
1694
SUP
1982
N CROWDUS ST
SUP
1707
SUP
2144
MAIN ST
H/107
1:1,200
ZONING
AND LAND USE
Case no: Z167-233
Date: 3/20/2017


Z912-108
MU-3
PD 269
(Tract A-1)
N MALCOLM X BLVD
INDIANA ST
INDIANA ST
1
SUP
1685
ALY
PD
269
CBD/Downtown Demolition Delay Overlay
4
SUP
1757
ELM ST
2
5
PD 269
(Tract A)
SUP
1694
SUP
1982
N CROWDUS ST
3
6
SUP
1783
SUP
1707
7
SUP
2144
MAIN ST
H/107
1:1,200
ZONING HISTORY
Case no: Z167-233
Date: 3/20/2017

CPC RESPONSES



Notification List of Property Owners

Z167-233

10 Property Owners Notified 4 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #		Address	Owner
O	1	2818	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	2	2625	ELM ST	UPLIFT EDUCATION
O	3	2724	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
O	4	2720	ELM ST	ELM STREET REALTY LTD
	5	2806	ELM ST	42 DEEP ELLUM LP
	6	2723	ELM ST	2723 ELM STREET JV
O	7	2717	ELM ST	WESTDALE PPTIES AMERICA LTD
	8	2807	ELM ST	BLANTON JEANNE
	9	2600	MONUMENT ST	DALLAS AREA RAPID TRANSIT
	10	301	N CROWDUS ST	ANIMATION BUILDING LP THE

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 44 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2153 for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue

Recommendation of Staff and CPC: Approval for a period to expire on September 13, 2021, with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape plan, and conditions

Z167-244(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-244(JM)	**DATE FILED:**	March 13, 2017
LOCATION:	Northeast corner of McBroom Street and North Winnetka Avenue		
COUNCIL DISTRICT:	6	**MAPSCO:**	44-K
SIZE OF REQUEST:	± 0.4509 acres	**CENSUS TRACT:**	101.02

APPLICANT/OWNER: Wesley-Rankin Community Center, Inc.

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for the renewal of Specific Use Permit No. 2153 for a child-care facility on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to continue the operation of a child-care facility at the subject site. The site also holds SUP No. 1456 for a community service center. In an effort to align deadlines for simpler renewals, staff is recommending the same expiration date for the current renewal request.

CPC RECOMMENDATION: **Approval** for a period to expire on September 13, 2021, with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape plan, and conditions.

STAFF RECOMMENDATION: **Approval** for a period to expire on September 13, 2021, with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape plan, and conditions.

BACKGROUND INFORMATION:

- The site has operated with a child-care facility under SUP No. 2153 since August 26, 2015. City Council approved the request for an initial two-year period.
- A community service center has operated at the same request site under SUP No. 1456 since 2003.
- In August 2016, the City Council denied a request to add an open-enrollment charter school use to the site. The current request is to renew the existing SUP No. 2153 for a child-care facility with small revisions being made to the existing site and landscape plans.
- While the applicant is not requesting any changes to the existing site plan, landscape plan, or conditions, upon performing a compliance visit, staff found the plan required minor edits to show two fenced mechanical areas. These are the updates made to the revised SUP site and landscape plans.

Zoning History:

There have been two recent zoning cases at the subject site within the last five years.

1. Z156-214 On August 10, 2016, the City Council denied an amendment to Specific Use Permit No. 2153 to add an open-enrollment charter school for grades pre-K to third grade at the request site.

1. Z145-266 On August 26, 2015, the City Council approved Specific Use Permit No. 2153 for a child-care facility for a two-year period at the request site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
McBroom Street	Minor Arterial	50 feet
North Winnetka	Minor Arterial	50 feet

Land Use:

Area	Zoning	Land Use
Site	R-5(A) with SUP No. 1456 & SUP No. 2153	Community service center (SUP No. 1456), child-care facility (SUP No. 2153)
North	R-5 (A)	Church
East	R-5 (A)	Park
South	R-5 (A)	Single family
West	R-5 (A)	Single family

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

Neighborhood Plan:

The subject site is located in the area of The West Dallas Neighborhood Investment Program (NIP) Community Revitalization Plan (CRP). This plan serves as a guiding document that articulates a vision for the West Dallas NIP. The Plan also: (1) provides a framework for designation as a "Community Revitalization Plan" (CRP) under the Texas Department of Housing and Community Affairs (TDHCA) 2013 Qualified Allocation Plan (QAP); (2) lends support for the allocation of public resources under the NIP; and (3) lays the groundwork for future and more detailed planning. As part of the plan itself, it listed several important elements that are relevant to this case. For instance, the plan states the lack of neighborhood servicing businesses as a major weakness for the area. A child-care facility is a much needed neighborhood servicing business.

STAFF ANALYSIS

Land Use Compatibility:

The 3,433 square feet one-story building is located in a residential area. The existing uses of the property are a child-care facility and a community service center. A child-care facility is classified as an institutional and community service use. Residential

neighborhoods need services like this, as well as other institutional and recreational options. A nearby church exists to the north and a park to the east.

The use is compatible with the other uses in the area. The Wesley-Rankin Community Center is a community center focused facility that provides services to the local families with summer programs and child-care in their own neighborhood. The child-care facility operates from Monday through Sunday from 7:00 am to 10:00 pm with an enrollment of approximately 33 children.

In an effort to align deadlines for simpler renewals, staff is recommending the same expiration date for the current renewal request. The community service center expires on September 13, 2021, but is eligible for 10-year auto renewals. The request is made to allow the child-care facility to match this expiration date, but with five-year auto renewals. This would reduce overall resubmittals to four per decade for both SUPs operating at the site. The applicant and representative have been notified that the community service center will require the same amendments to the site and landscape plans to accurately depict the two gated mechanical areas. These structures are found on the north side of the building, abutting the building and beside the existing playground 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.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-5(A)	20’	10’	No max. dwelling unit	30’	25%	N/A	Single family

Parking:

Pursuant to §51A-4.204 of the Dallas Development Code for a child-care facility use that requires an SUP, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one parking space per 500 square feet of floor area is required. The site contains approximately 3,433 square feet of floor area, which

would require seven parking spaces; however, a parking analysis was submitted with the last request which indicated that four parking spaces are sufficient for the child-care facility. Staff continues to support the parking reduction.

The facility provides four parking spaces, one of which is a handicapped, van-accessible space.

Landscaping:

The City arborist completed a site inspection and determined that the site is in compliance with the last approved landscape plan.

CPC Action:
May 4, 2017

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 2153 for a child-care facility for a period to expire on September 13, 2021, with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape plan, and conditions on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 0

Speakers: None

List of Officers

Wesley Rankin Community Center Inc
List of Officers

William D. Young	President
Christine Berry	Vice President
William Lesikar	Treasurer
Kathy Cleveland	Secretary
Sarah J. Squires	Executive Director
Sue Myers	
Laird Johnson	

Z167-244

Proposed SUP No. 2153 Conditions
Z167-244(JM)

1. USE: The only use authorized by this specific use permit is a child-care facility.

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 ~~August 26, 2017.~~ September 13, 2021, 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. LANDSCAPING: Landscaping must be provided as shown on the attached landscape plan.

5. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 10:00 p.m., Sunday through Saturday.

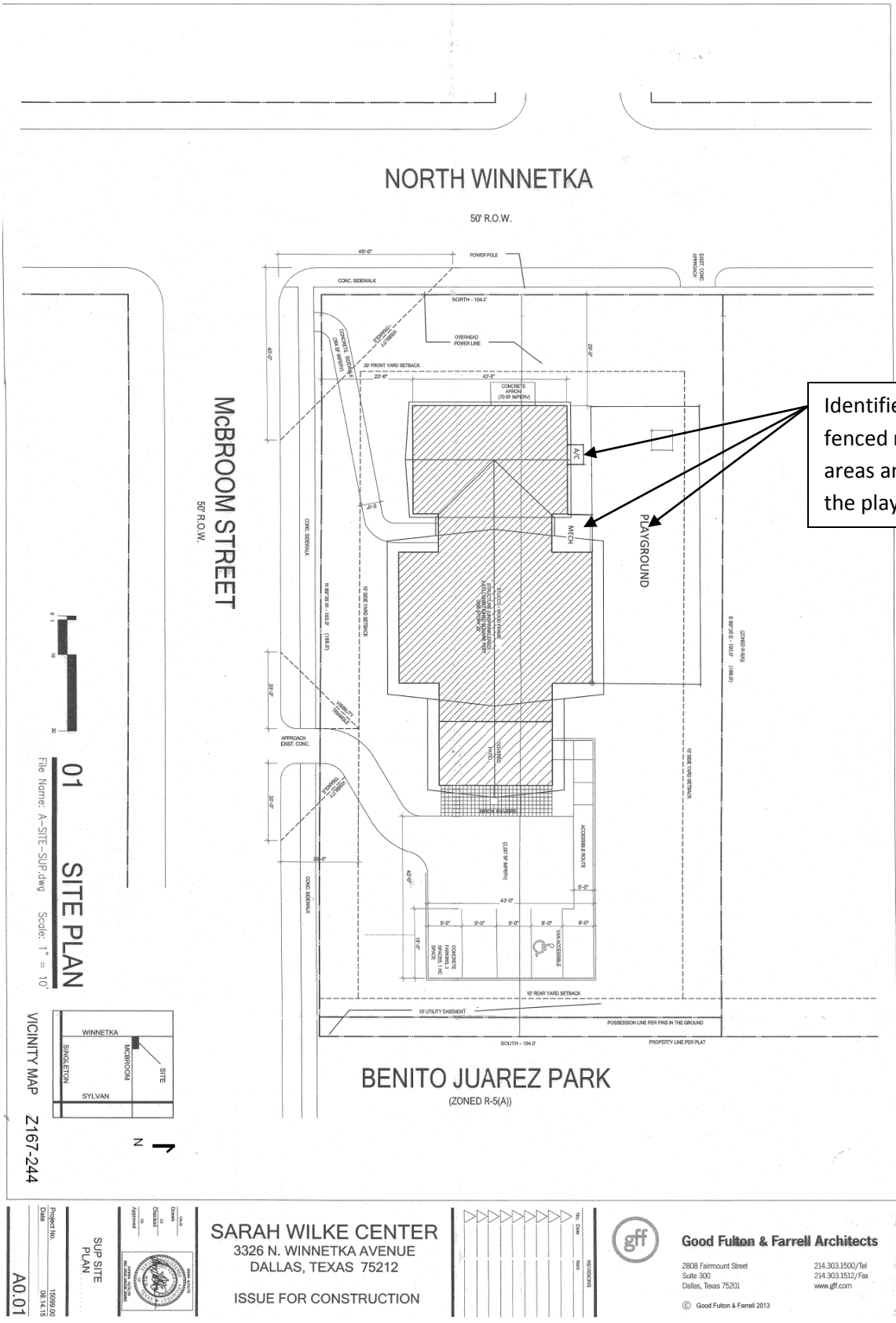
6. INGRESS AND EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress and egress is permitted.

7. OFF-STREET PARKING: Off-street parking must be located as shown on the attached site plan. No additional off-street parking is required.

8. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



Identified two fenced mechanical areas and labeled the playground.

SARAH WILKE CENTER
3326 N. WINNETKA AVENUE
DALLAS, TEXAS 75212

ISSUE FOR CONSTRUCTION

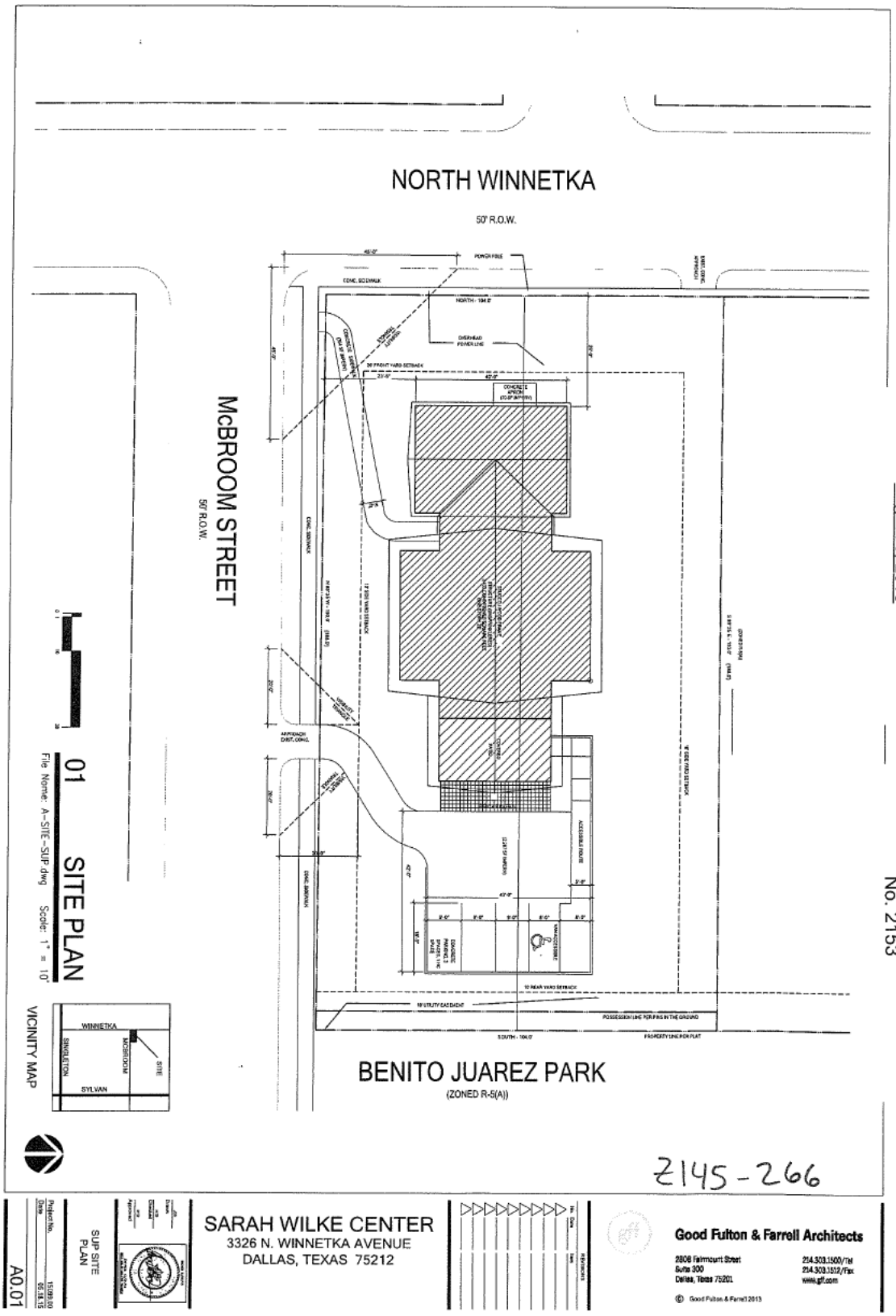
Good Fulton & Farrell Architects
2808 Fairmount Street
Suite 300
Dallas, Texas 75201
214.303.1500/Tel
214.303.1512/Fax
www.gff.com

© Good Fulton & Farrell 2013

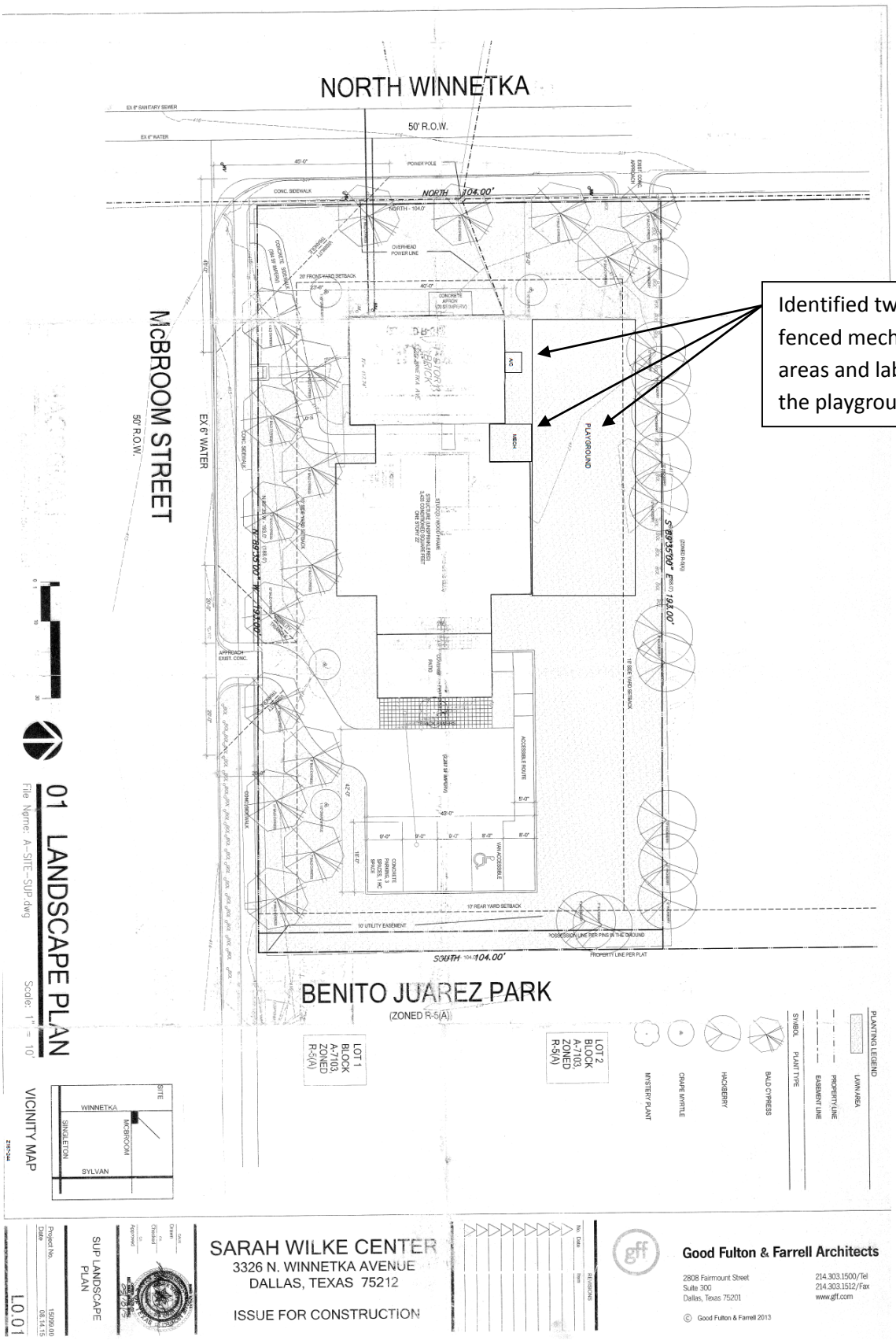
SUP SITE PLAN
A0.01

EXISTING SITE PLAN

29833 151588

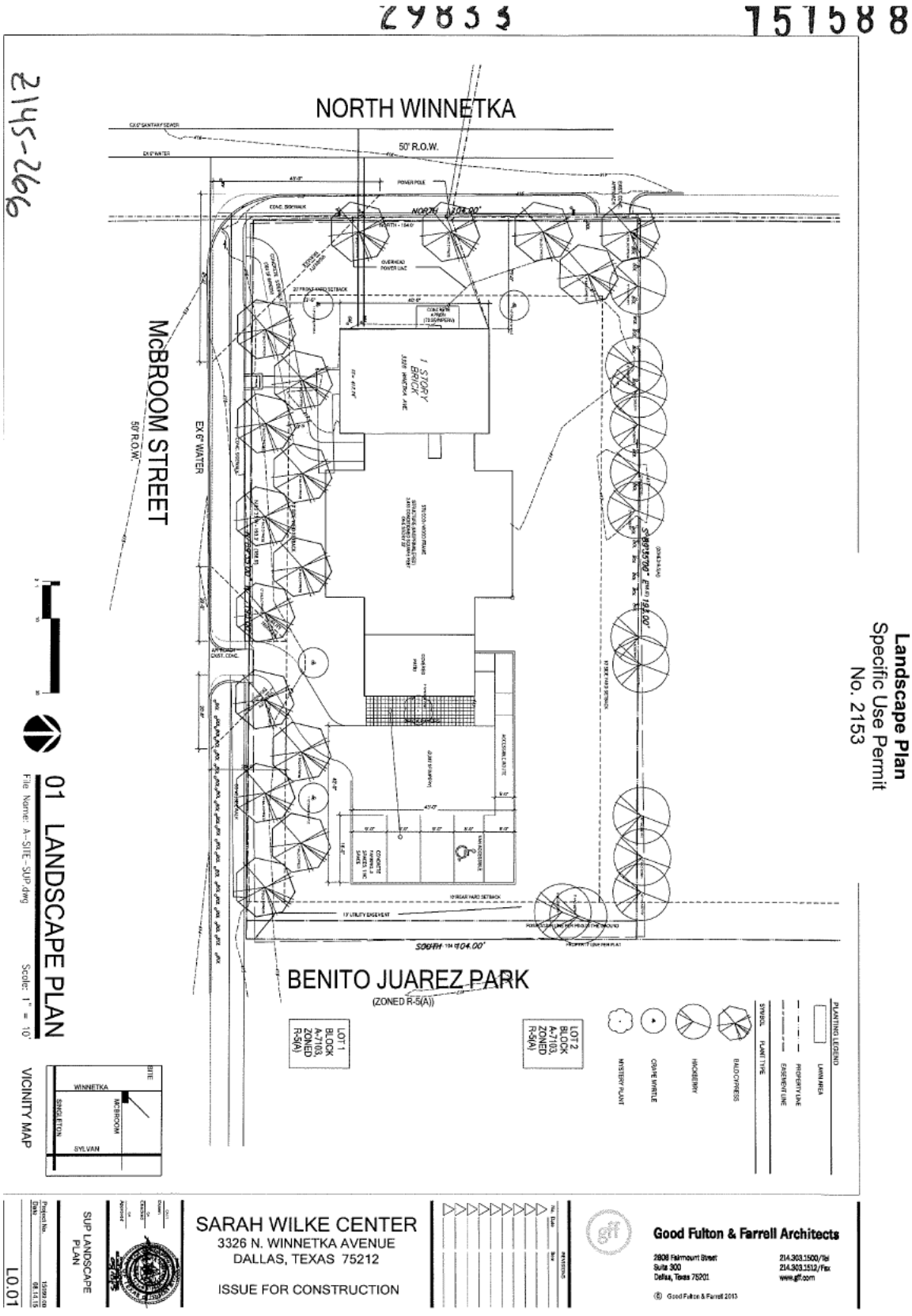


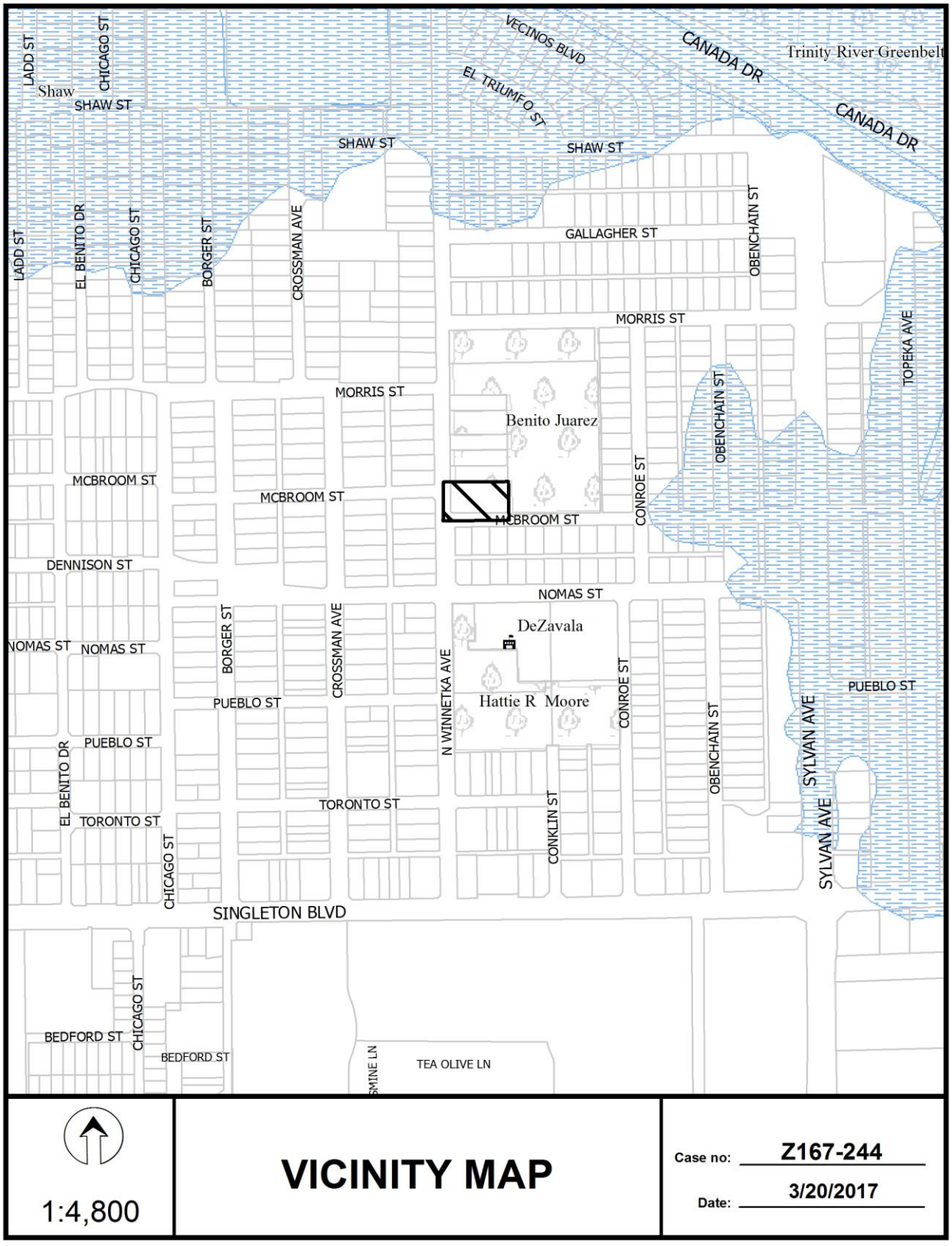
PROPOSED LANDSCAPE PLAN



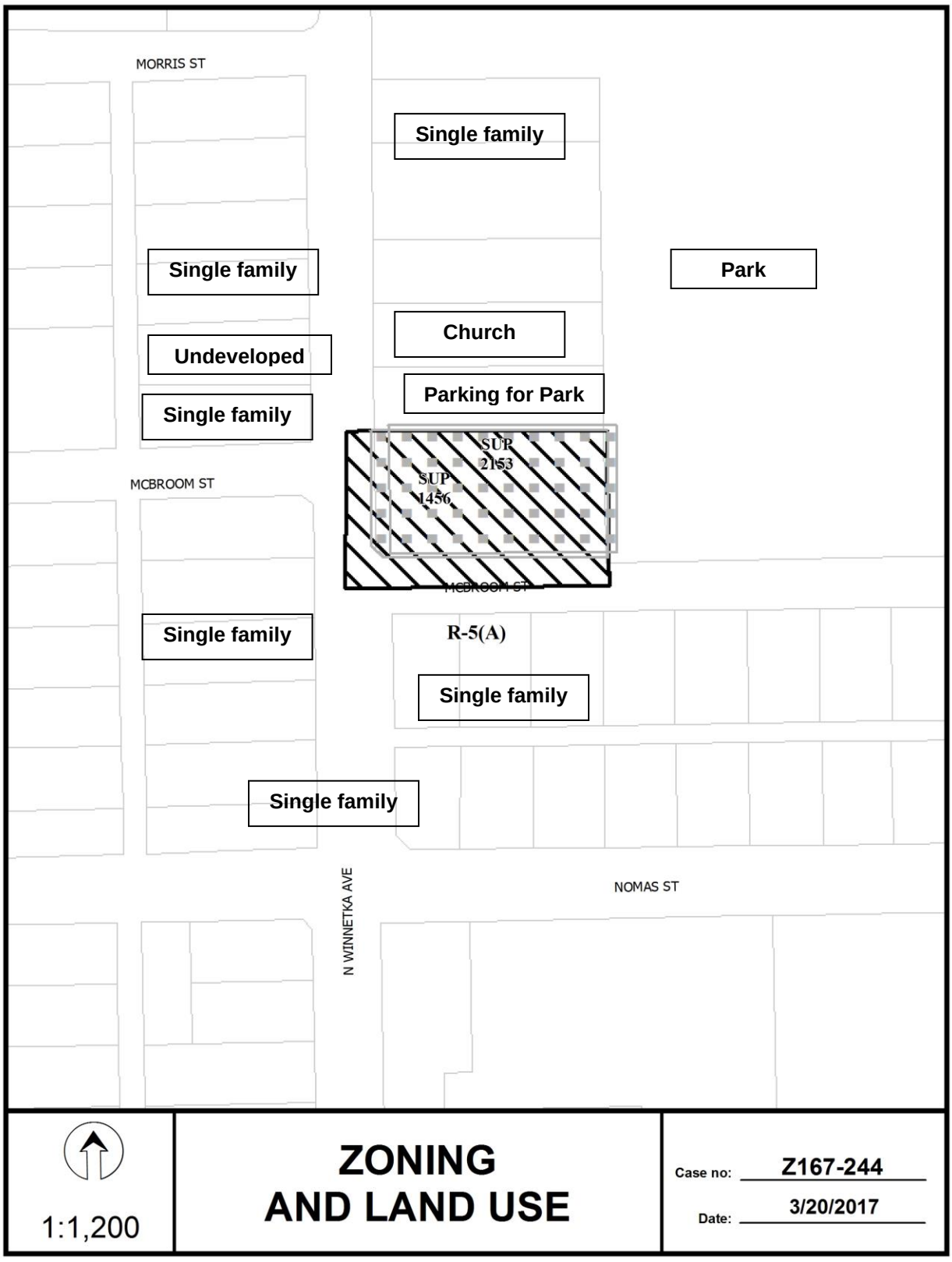
Identified two fenced mechanical areas and labeled the playground.

EXISTING LANDSCAPE PLAN

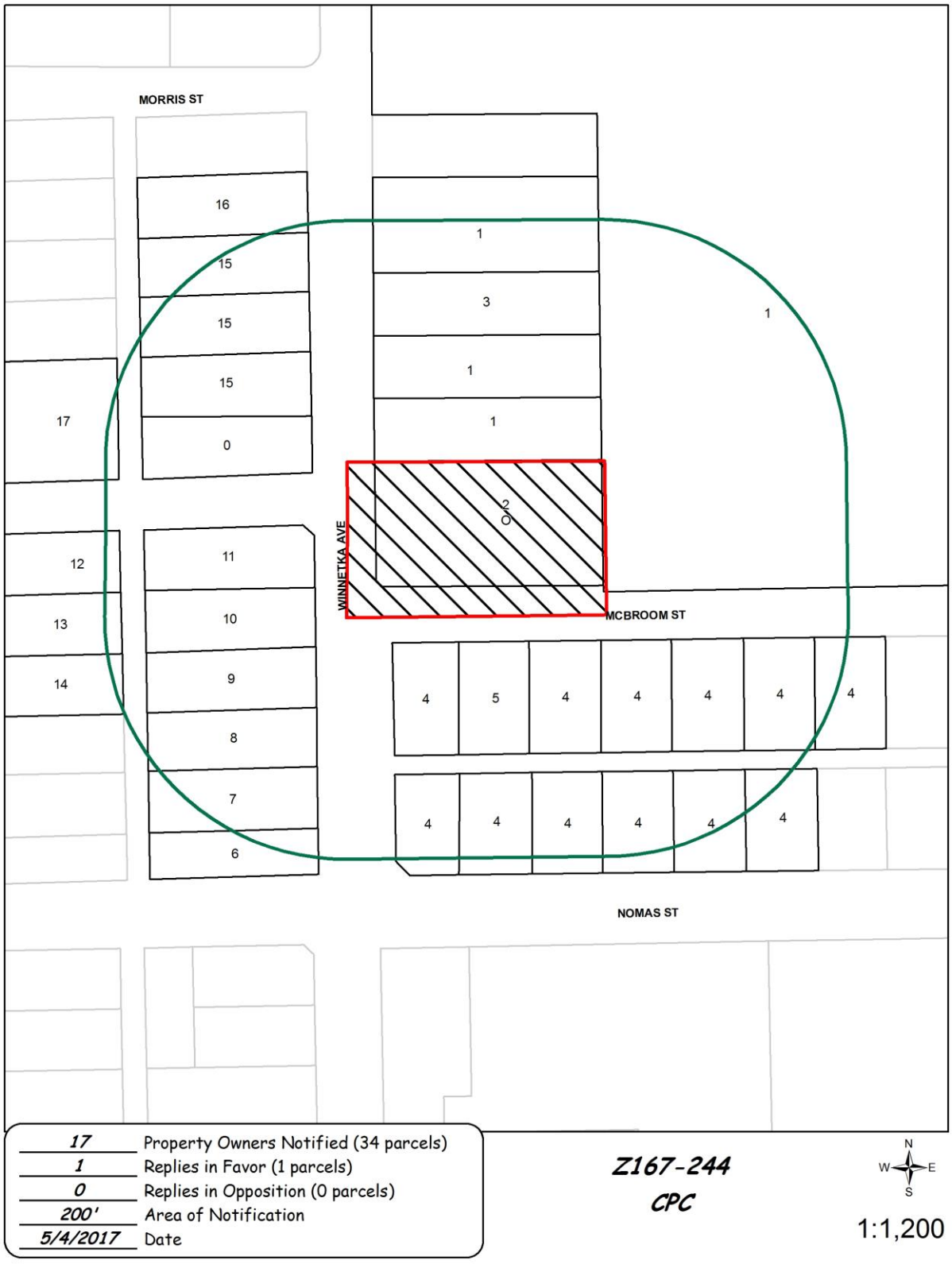



LADD ST
CHICAGO ST
Shaw
SHAW ST
VECINOS BLVD
EL TRIUMFO ST
CANADA DR
Trinity River Greenbelt
EL BENITO DR
BORGER ST
CROSSMAN AVE
GALLAGHER ST
OBENCHAIN ST
MORRIS ST
TOPEKA AVE
Benito Juarez
MCBROOM ST
CONROE ST
DENNISON ST
NOMAS ST
DeZavala
Hattie R Moore
N WINNETKA AVE
PUEBLO ST
SYLVAN AVE
TORONTO ST
CONKLIN ST
SINGLETON BLVD
BEDFORD ST
TEA OLIVE LN
1:4,800
VICINITY MAP
Case no: Z167-244
Date: 3/20/2017


MORRIS ST
MCBROOM ST
MCBROOM ST
N WINNETKA AVE
NOMAS ST
1:1,200
AERIAL MAP
Case no: Z167-244
Date: 3/20/2017


MORRIS ST
Single family
Single family
Park
Church
Undeveloped
Parking for Park
Single family
SUP 2153
SUP 1456
MCBROOM ST
MCBROOM ST
Single family
R-5(A)
Single family
Single family
NOMAS ST
N WINNETKA AVE
1:1,200
ZONING AND LAND USE
Case no: Z167-244
Date: 3/20/2017

CPC Responses



05/03/2017

Reply List of Property Owners

Z167-244

17 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3352	N WINNETKA AVE	Dallas ISD
O	2	3326	N WINNETKA AVE	WESLEY RANKIN COMMUNITY
	3	3338	N WINNETKA AVE	IGLESIA CHRISTIANA
	4	1020	MCBROOM ST	HMK LTD
	5	1016	MCBROOM ST	TORRES ALVARO
	6	3303	N WINNETKA AVE	RINCON SERGIO GUADALUPE
	7	3305	N WINNETKA AVE	ALEJANDRO SALOME M EST OF
	8	3311	N WINNETKA AVE	AYALA JOSE ANGEL II & KRYSTAL ALEJANDRO
	9	3313	N WINNETKA AVE	PANAMENO ANDRES A &
	10	3319	N WINNETKA AVE	ROJAS JULIAN
	11	3323	N WINNETKA AVE	SORIANO JULIO & SANDRA
	12	3322	CROSSMAN AVE	ALEJANDRO ARMANDO
	13	3318	CROSSMAN AVE	LOZANO ADRIANA
	14	3314	CROSSMAN AVE	AGUIN ELIZABETH Y
	15	3335	N WINNETKA AVE	BANDA MARIA C &
	16	3347	N WINNETKA AVE	GARCIA JERRY ZENON &
	17	3330	CROSSMAN AVE	MARTINEZ NORMA ALICIA

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District on the east side of Beckley Avenue, south of Ohio Avenue

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, elevation and conditions

Z167-124(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed A-Ghafry

FILE NUMBER: Z167-124(OTH) **DATE FILED:** October 28, 2016

LOCATION: East side of Beckley Avenue, south of Ohio Avenue.

COUNCIL DISTRICT: 4 **MAPSCO:** 54-V

SIZE OF REQUEST: Approx. 7,250 sq. ft. **CENSUS TRACT:** 56.00

OWNER: James Ronnie Key

APPLICANT: Eco-Site, Inc.

REPRESENTATIVE: Dave Kirk

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District.

SUMMARY: The purpose of this request is to construct a stealth monopole tower for cellular communication [T-Mobil]. The tower will be a maximum height of 100 feet and will include a ten-foot lightning rod for a total height not to exceed 110 feet above ground level.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation 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, elevation and conditions.

BACKGROUND:

- The proposed site is currently zoned a CR Community Retail District. The 7,250 square feet lot is used as part of a construction company.

- The applicant is proposing to build a 100 feet tower/antenna with a ten-foot lightning rod for a total height not to exceed 110 feet above ground level on the north side of the property.

- The lease area for the tower is approximately 1,000 square-feet.

- The height of the proposed tower requires an SUP because the height exceeds 65 feet. The applicant had originally proposed to build the tower on the eastern side of the property closer to the single family development. Staff suggested that the applicant move the tower away from the single family district. The tower will be a stealth tower instead of a regular monopole tower.

- On January 13, 2016, the City Council approved a Code amendment allowing a monopole cellular tower by SUP in any district where the monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. During the SUP process, the City Council must consider the impact of the tower height on an adjacent residential district.

Zoning History: There has been one zoning case in the area over the past five years.

Z167-124 On April 13, 2016, the City Council approved a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the southwest corner East Illinois Avenue and Seevers Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Beckley Avenue	Local	60 feet
Ohio Street	Local	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

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.

There are no goals or policies supporting or opposing the request.

	Zoning	Land Use
Site	CR	Office use
North	CR	Retail, office, hotel,
East	R-7.5(A)	Single Family
South	CR	Office; vehicle display sales and service
West	CR	Retail, auto service centers

Land Use Compatibility:

The proposed site is used in conjunction with another property for a construction company including an office use building and a few sheds. The proposed area for the tower is 1,000 square-feet. The applicant is proposing to locate the 110 foot cell tower to the north of the lot and away from the existing residential development to the east.

The request site is located within a commercial area and is adjacent to retail and various uses to the north; single family to the east; vehicle display sales and service, office uses to the south; and retail, auto uses to the hotel.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

The area is mainly retail, auto service centers and residential uses. The proposed cellular tower will provide service to the area and enhance and promote welfare to the adjacent properties. Staff recommends the applicant install a stealth tower instead of the typical cellular tower with various antenna cells. The typical cellular tower with the antenna cells could alter the visual aesthetics of the neighborhood's character. The visual aesthetic of a typical cellular tower would not contribute to, enhance or promote the welfare of the area of request and adjacent properties at this location. A stealth cellular tower will reduce any visual impact the proposed use will have on the adjacent neighborhood. Also, the use does not generate any significant traffic thus posing no detriment to traffic in the area.

The applicant's request is consistent with the intent of the Dallas Development Code which stipulates that a monopole cellular tower is exempt from residential proximity slope height restrictions if an SUP is required for the monopole cellular use and the impact of the tower height on an adjacent residential district is considered in the SUP process. The tower will be located at approximately 120 feet from property lines of the single family lots. If the RPS was applied, the tower would have to be 330 feet away from the residential development or the height of the tower would have to be 40 feet in height.

In order to mitigate the impact of the proposed tower on the adjacent residential uses, a six-foot tall board-on-board wooden fence and landscaping will be installed along the perimeter of the lease area. There is also an existing 15-foot alley that provides separation between the single family homes and the area of request. The single family rear yards as well as the subject property that have direct adjacency, have a fence to separate their lots from the alley.

Development Standards:

DISTRICT	SETBACKS		Density	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

Landscaping: In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Even though the site of the tower is not required to provide any landscaping because the area is less than 2,000 square feet, the applicant is providing landscaping to screen the tower with shrubs approximately three feet in height outside the proposed solid six foot, board-on-board wood fence.

Fence: The applicant is providing a solid six foot, board-on-board wood fence along the perimeter of the lease area for the tower.

Parking: Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than a 120 square feet. The applicant is providing one parking space within the interior of the lease area.

Notification Area:

On January 13, 2016, the City Council approved an amendment to the Development Code regarding tower/antenna for cellular communication use. One provision pertains to the notification area and requires written notification of the public hearing on an application for an SUP for a tower/antenna for cellular communication to all real property within 500 feet of the building site on which the tower/ antenna for cellular communication will be located.

CPC MINUTES:
May 4, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions on property zoned a CR Community Retail District on the east side of Beckley Avenue, south of Ohio Avenue.

Maker: Davis
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 98
Replies: For: 2 Against: 6

Speakers: For: Dave Kirk, 11314 Dujon Ln., Dallas, TX, 75218
Against: None

Partners and Principles

Dale Carey	Founder, Chairman and chief Executive Director
Bob Glosson	Cofounder, President and Chief Operating Officer
Richard Stern	Cofounder, Executive Vice President and General Counsel
Jack Barry	Chief Financial Officer
Robert Anderson	Vice President of Business Development
Mike Brennan	Vice President of Finance and Administration
Mike Collins	Vice President and General Manager of the Northeast Region
Cecil Frith	Vice President and General Manager of the South and West Regions
Abby Harrington	Vice President of Deployment
Eva Hayward	Vice President of Densification Solutions
Brian Root	Vice President and General Manager of the Central Region

CPC CONDITIONS
Z167-124(OTH)

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication limited to a monopole cellular tower.

2. SITE PLAN/TOWER ELEVATION: Use and development of the Property must comply with the attached site plan/tower elevation.

3. TIME LIMIT: This specific use permit expires on _____ (ten years), 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. CELLULAR TOWER: The tower/antenna for cellular communication must be a stealth monopole tower (cables, antennas, and other similar equipment must be located within the structure) as shown on the attached site plan.

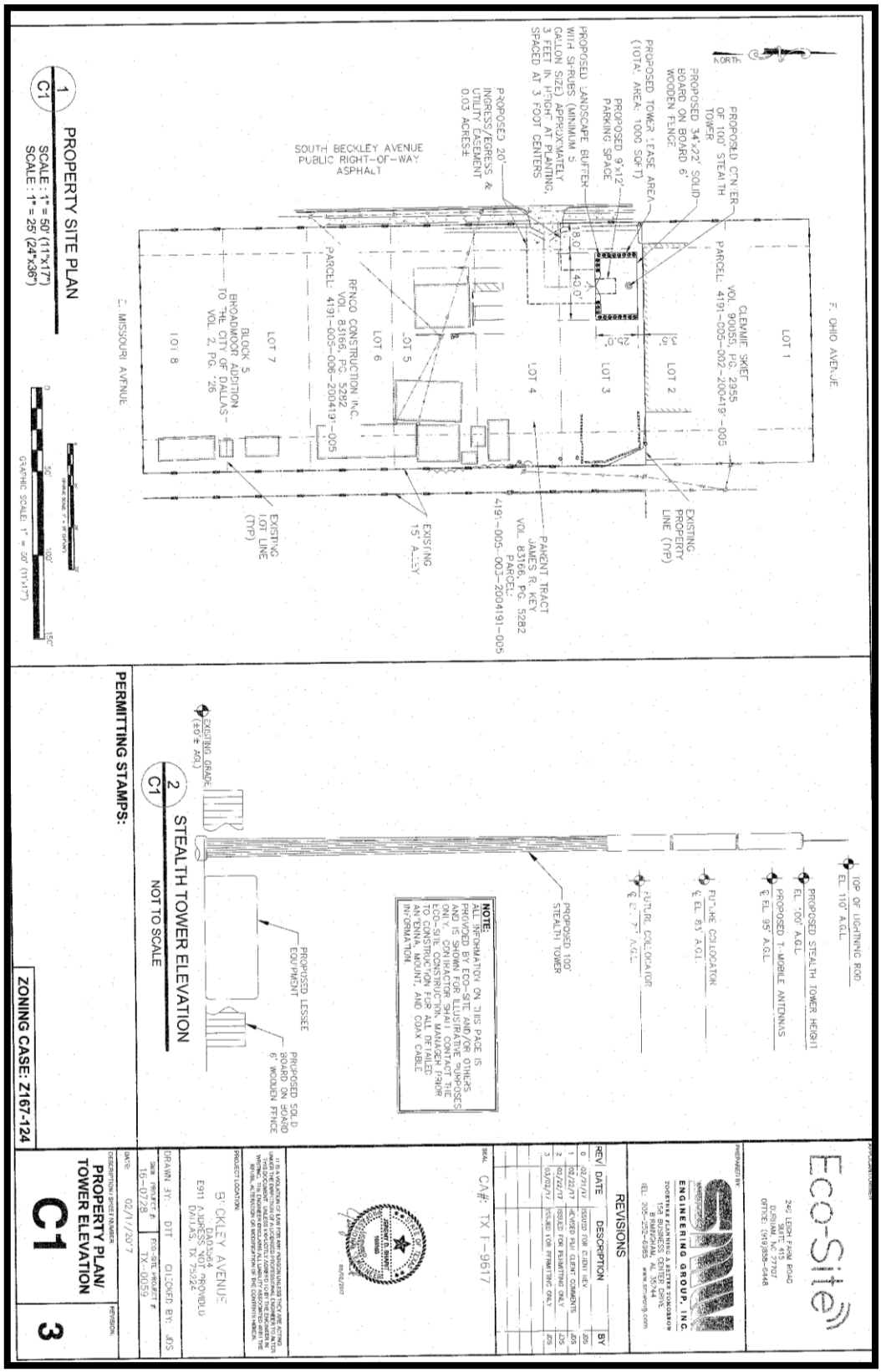
5. HEIGHT: The tower/antenna for cellular communication limited to a monopole cellular tower may not exceed 100 feet in height, with a ten-foot lightning rod, for a total height not to exceed 110 feet above ground level.

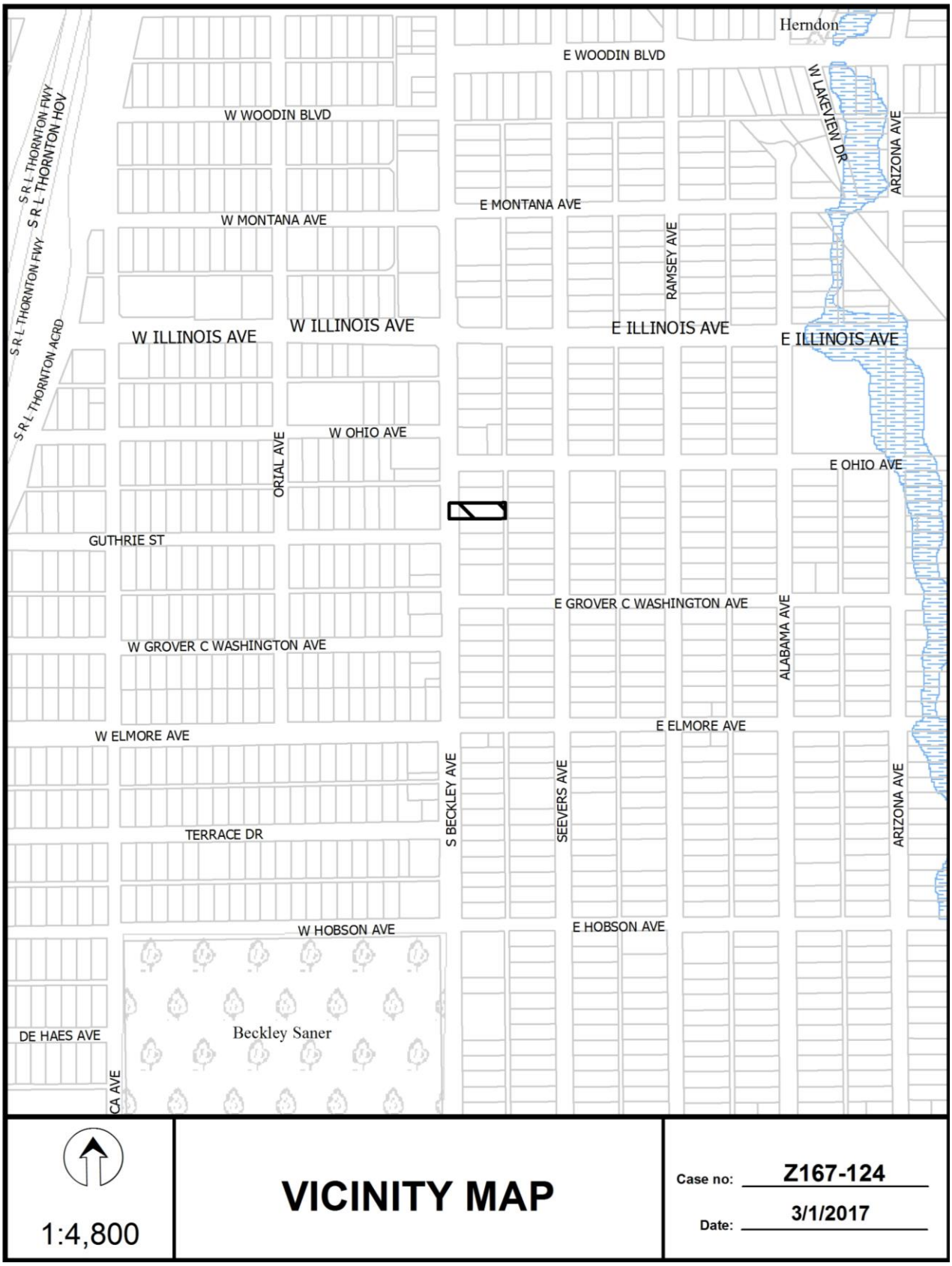
6. SHARED USE WITH OTHER CARRIERS: The tower/antenna for cellular communication limited to a monopole cellular tower must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.

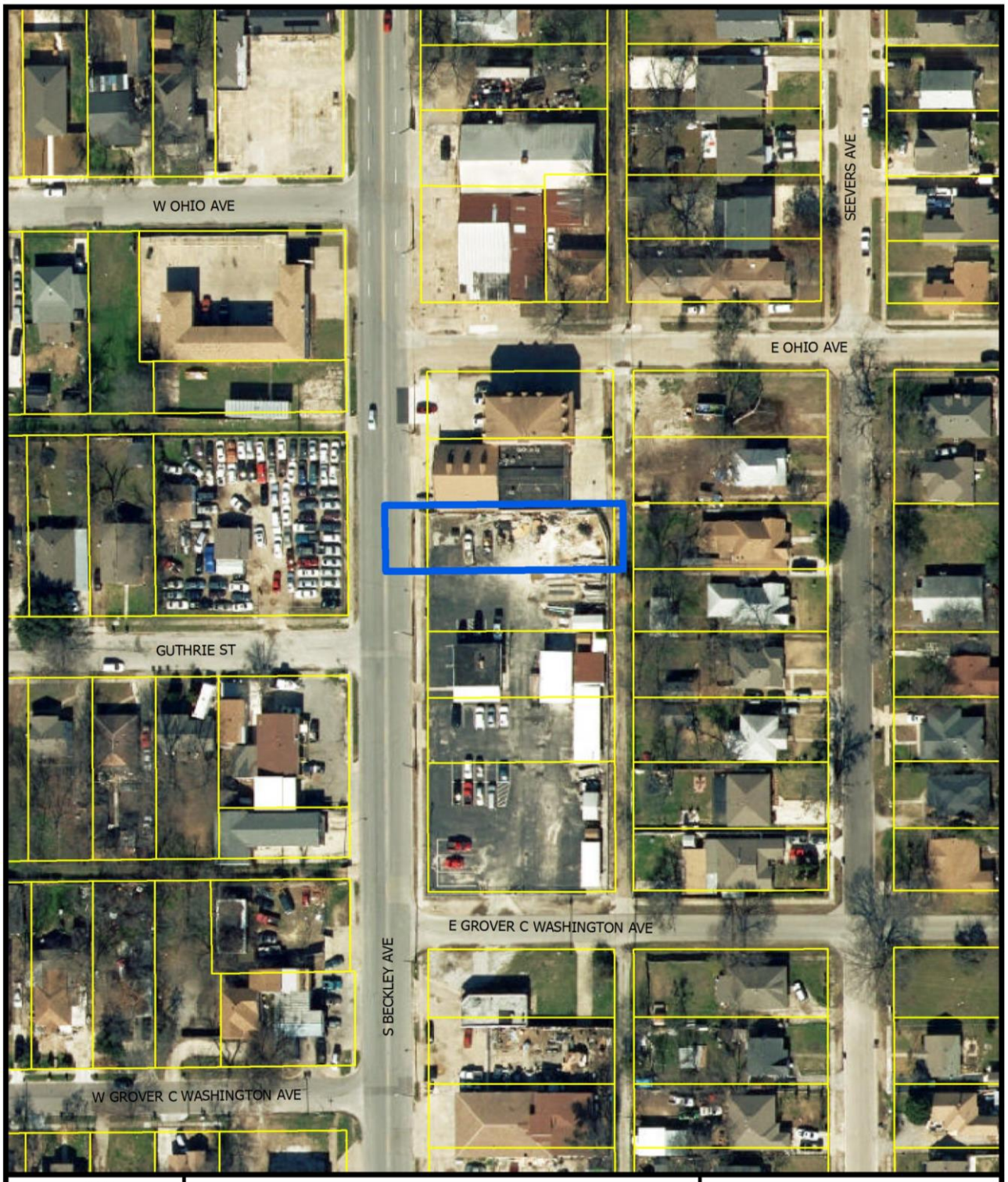
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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




Herndon
E WOODIN BLVD
W WOODIN BLVD
W LAKEVIEW DR
ARIZONA AVE
S R L THORNTON FWY
S R L THORNTON HOV
E MONTANA AVE
W MONTANA AVE
RAMSEY AVE
S R L THORNTON FWY
S R L THORNTON ACRD
W ILLINOIS AVE
W ILLINOIS AVE
E ILLINOIS AVE
E ILLINOIS AVE
W OHIO AVE
ORIAL AVE
E OHIO AVE
GUTHRIE ST
E GROVER C WASHINGTON AVE
W GROVER C WASHINGTON AVE
ALABAMA AVE
E ELMORE AVE
W ELMORE AVE
S BECKLEY AVE
SEEVERS AVE
ARIZONA AVE
TERRACE DR
W HOBSON AVE
E HOBSON AVE
DE HAES AVE
Beckley Saner
CA AVE
1:4,800
VICINITY MAP
Case no: Z167-124
Date: 3/1/2017

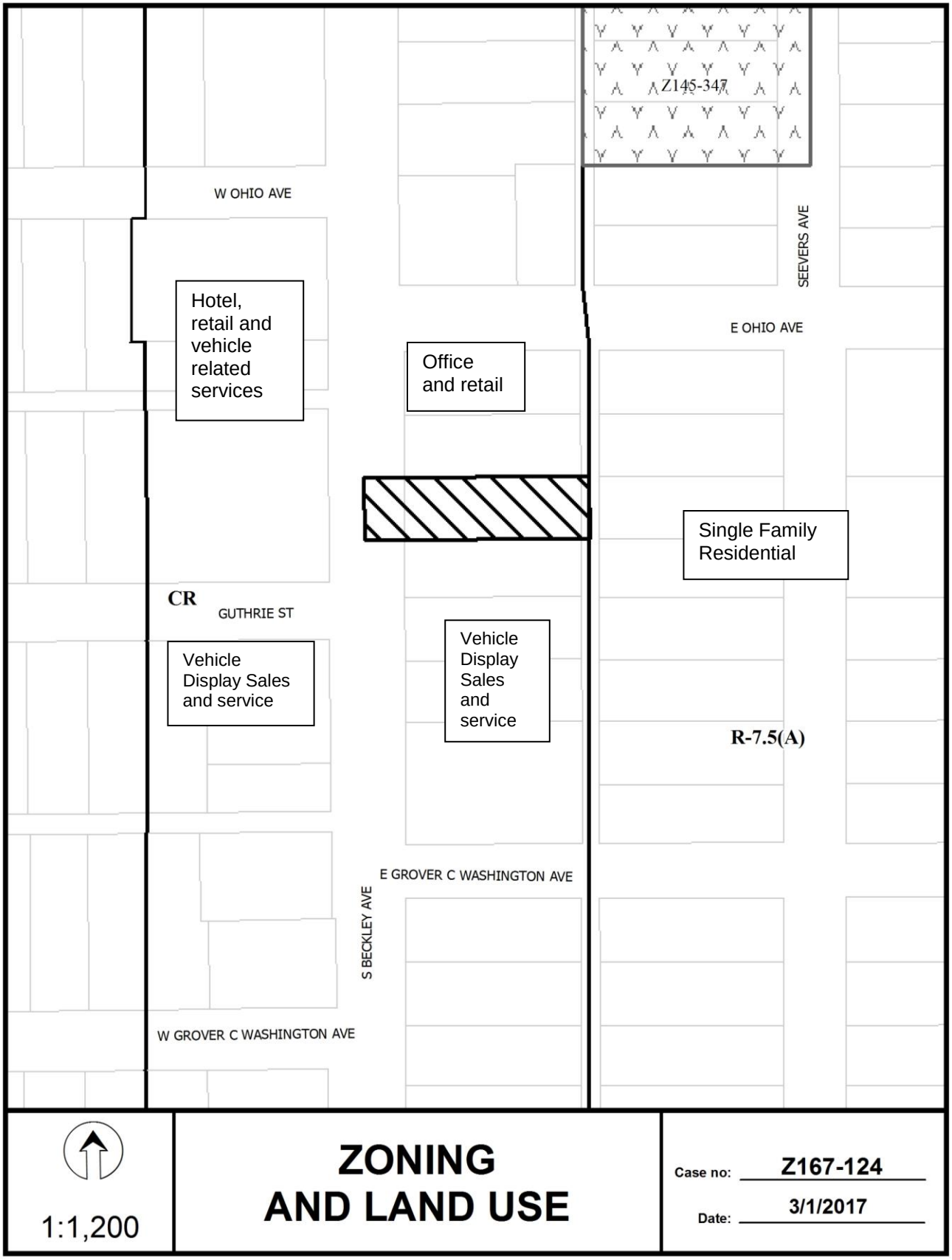


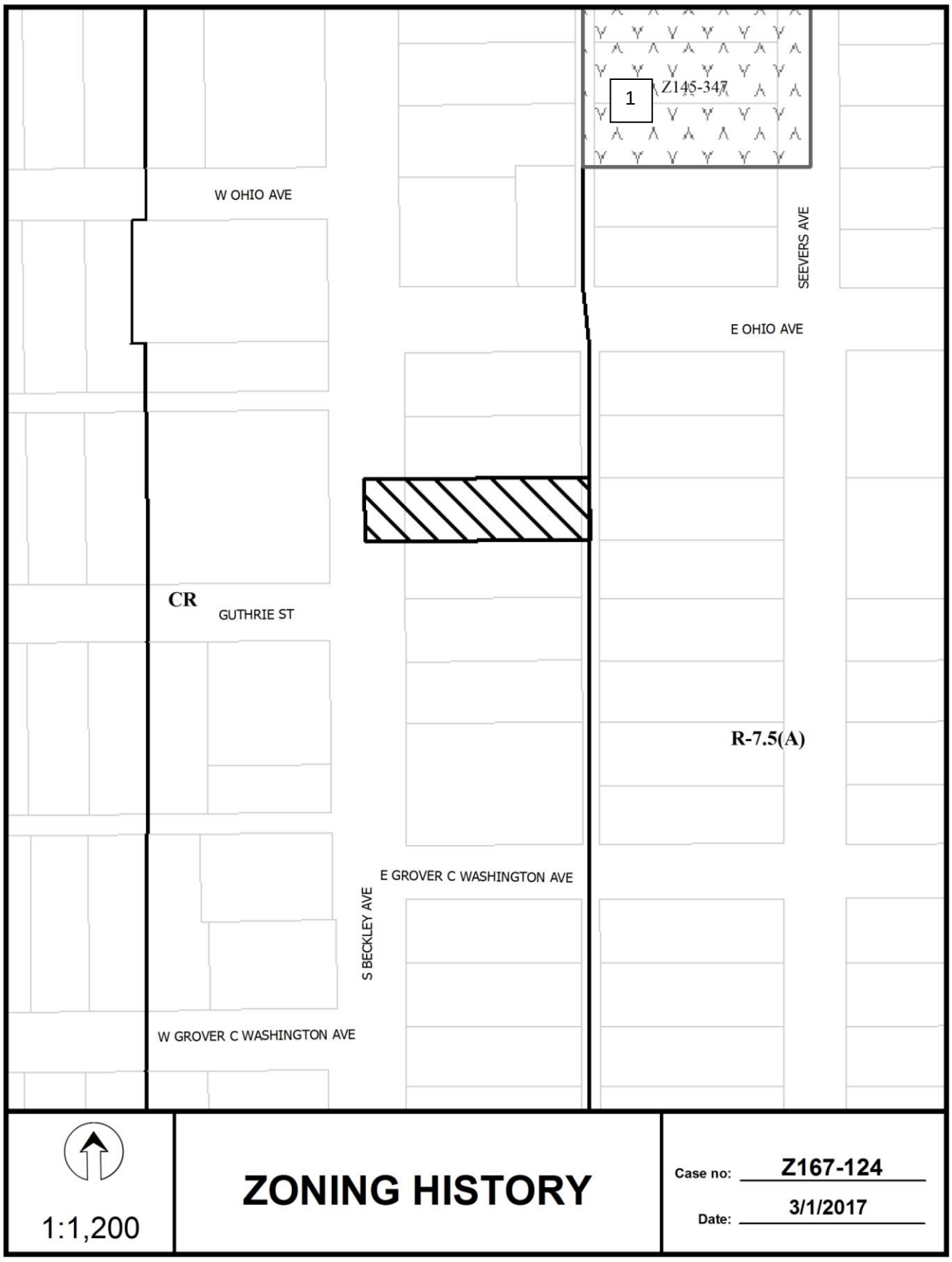
1:1,200

AERIAL MAP

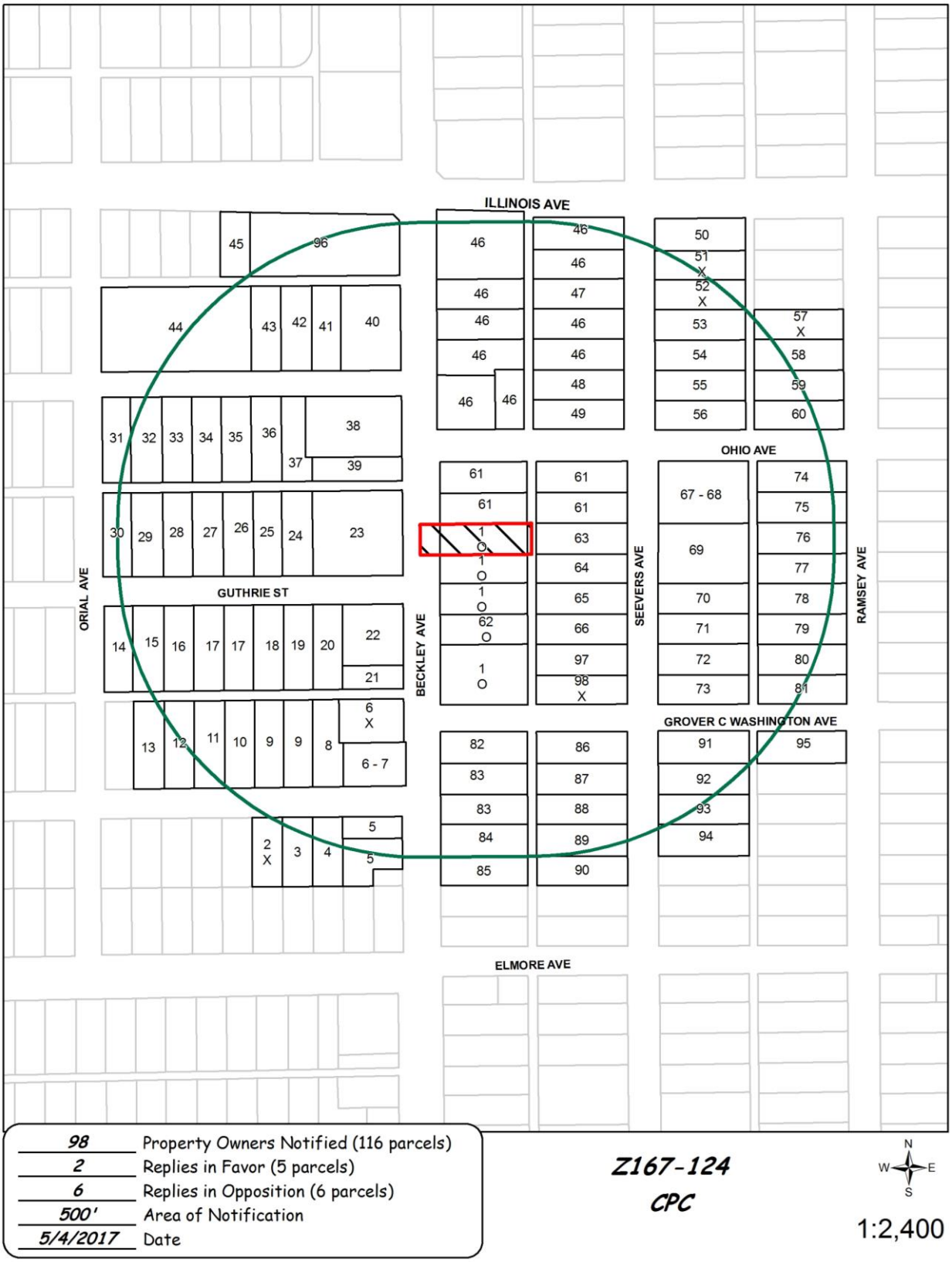
Case no: Z167-124

Date: 3/1/2017


Z145-347
W OHIO AVE
SEEVERS AVE
E OHIO AVE
Hotel, retail and vehicle related services
Office and retail
Single Family Residential
CR
GUTHRIE ST
Vehicle Display Sales and service
Vehicle Display Sales and service
R-7.5(A)
E GROVER C WASHINGTON AVE
S BECKLEY AVE
W GROVER C WASHINGTON AVE
1:1,200
ZONING AND LAND USE
Case no: Z167-124
Date: 3/1/2017


1
Z145-347
W OHIO AVE
SEEVERS AVE
E OHIO AVE
CR
GUTHRIE ST
R-7.5(A)
E GROVER C WASHINGTON AVE
S BECKLEY AVE
W GROVER C WASHINGTON AVE
1:1,200
ZONING HISTORY
Case no: Z167-124
Date: 3/1/2017

CPC RESPONSES



05/03/2017

Reply List of Property Owners

Z167-124

98 Property Owners Notified ***2 Property Owners in Favor*** ***5 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2410	S BECKLEY AVE	KEY JAMES R
X	2	118	W GROVER C WASHINGTON AVE	GOMEZ JOSE O & JULIA
	3	114	W GROVER C WASHINGTON AVE	BURTON HAROLD JR
	4	110	W GROVER C WASHINGTON AVE	LOPEZ FRANCISCO
	5	2503	S BECKLEY AVE	MORENOGAONA RAFAEL
	6	2451	S BECKLEY AVE	GARCIA NORA
	7	107	GROVER C WASHINGTON AVE	GARCIA NORA
	8	111	W GROVER C WASHINGTON AVE	EWING BEN
	9	115	W GROVER C WASHINGTON AVE	GARCIA RAUL JR
	10	123	W GROVER C WASHINGTON AVE	GARCIA RAUL
	11	127	W GROVER C WASHINGTON AVE	RAMIREZ BENJAMIN
	12	131	W GROVER C WASHINGTON AVE	GONZALEZ MARTIN
	13	133	W GROVER C WASHINGTON AVE	PAGE DOUGLAS L & ANGELYN
	14	138	GUTHRIE ST	RAMOS ALEJO
	15	134	GUTHRIE ST	ROMERO AURELIANO &
	16	130	GUTHRIE ST	GUTIERREZ FELIX &
	17	126	GUTHRIE ST	MARQUEZ IRMA
	18	118	GUTHRIE ST	SMITH STELLA
	19	112	GUTHRIE ST	GARCIA ALVARO &
	20	110	GUTHRIE ST	DELATORRRE MARIA N
	21	2437	S BECKLEY AVE	DUBOSE LARRY C
	22	2431	S BECKLEY AVE	MARTINEZ ALBERTO
	23	2415	S BECKLEY AVE	HARPER STEPHEN P
	24	115	GUTHRIE ST	GARCIA ALVARO RAMIREZ &
	25	119	GUTHRIE ST	TRUJILLO SONIA
	26	123	GUTHRIE ST	VILLELA ANGELICA

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	127	GUTHRIE ST	SANCHEZ LILIANA J &
	28	131	GUTHRIE ST	DELATORRE DIEGO
	29	135	GUTHRIE ST	MUNOZ AMERICA
	30	139	GUTHRIE ST	RAMOS MARIA E S
	31	138	W OHIO AVE	CHERRY JOHNSON WILLIE J
	32	134	W OHIO AVE	MAGANA RAMIRO & GABINA
	33	130	W OHIO AVE	CHILDERS ROY & LINDA
	34	126	W OHIO AVE	RODRIGUEZ ARMANDO & DIANA IBARRA
	35	122	W OHIO AVE	IBARRA DIONIDES & PAULA
	36	118	W OHIO AVE	DELATORRES XAVIER
	37	114	W OHIO AVE	MCDANIEL ALICE N
	38	106	W OHIO AVE	TRISHA L L C DBA
	39	2409	S BECKLEY AVE	RAOFPUR DAVID
	40	2313	S BECKLEY AVE	HAMPTON 122S LLC
	41	111	W OHIO AVE	VIERA VALENTE
	42	115	W OHIO AVE	BENITEZ ERACLIA EST OF
	43	119	W OHIO AVE	JIMENEZ ROBERTO
	44	135	W OHIO AVE	HOLY CROSS CATHEDRAL SHEKINAH CHURCH
	45	122	W ILLINOIS AVE	LOREDO MARIA JANET
	46	2300	S BECKLEY AVE	ORANGE BECKLEY LLC
	47	2315	SEEVERS AVE	ORANGE BECKLEY LLC
	48	2327	SEEVERS AVE	SEGOVIA RODRIGO M &
	49	2329	SEEVERS AVE	SEGOVIA ROCIO
	50	2306	SEEVERS AVE	SAUCEDO FERMIN &
X	51	2310	SEEVERS AVE	MATA JOSE REFUGIO & ADRIANA R
X	52	2314	SEEVERS AVE	MATA JOSE R & ADRIANA R
	53	2318	SEEVERS AVE	BRYANT LILLIE M ESTATE OF
	54	2322	SEEVERS AVE	ROJAS FRANCISCO JAVIER &
	55	2324	SEEVERS AVE	SALAZAR ANGEL

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	56	2328	SEEVERS AVE	BENJAMIN THOMAS W JR
X	57	2317	RAMSEY AVE	WHITAKER CLARA P
	58	2323	RAMSEY AVE	RIOS TRINIDAD GUEVARA
	59	2327	RAMSEY AVE	MORALES MIGUEL A
	60	2331	RAMSEY AVE	DELATORRE CESAR & ELDA
	61	2402	S BECKLEY AVE	SKIEF CLEMMIE
O	62	2422	S BECKLEY AVE	RENCO CONSTRUCTION INC
	63	2411	SEEVERS AVE	RAMIREZ CLEMENTE & ELVA
	64	2415	SEEVERS AVE	RODGERS OLLIE V
	65	2419	SEEVERS AVE	GONZALEZ LUIS E
	66	2423	SEEVERS AVE	NUNEZ GILRARDO MENDOZA &
	67	2400	SEEVERS AVE	MOYA VICTOR &
	68	2404	SEEVERS AVE	RAMIREZ MISAEL &
	69	2414	SEEVERS AVE	ROJAS EDGARDO ULISES &
	70	2416	SEEVERS AVE	PERSPECTIVE PLUS LLC
	71	2420	SEEVERS AVE	ONTIVEROS CAROLINA
	72	2424	SEEVERS AVE	MOTA LUIS ALEJANDRO &
	73	2426	SEEVERS AVE	BRANNON FORREST V EST OF
	74	2401	RAMSEY AVE	BIBLE DELIVERANCE HOLY
	75	2405	RAMSEY AVE	MEDINA JUAN G & LUPE V
	76	2411	RAMSEY AVE	MALDONADO FAUSTINO &
	77	2415	RAMSEY AVE	LOERA CECELIA
	78	2419	RAMSEY AVE	CARBAJAL DANIEL CORIA
	79	2423	RAMSEY AVE	LOPEZ JUAN
	80	2427	RAMSEY AVE	GARCIA IGNACIO
	81	2431	RAMSEY AVE	NICHOLS R M
	82	2502	S BECKLEY AVE	MOSAD AMMAR
	83	2506	S BECKLEY AVE	JABBAR AL FRIDAWI
	84	2514	S BECKLEY AVE	ALFRIDAWI JABBAR
	85	2518	S BECKLEY AVE	SARMIENTO JOSE GUSTAVO

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	86	2501	SEEVERS AVE	RIOS CRESCENCIO
	87	2507	SEEVERS AVE	WEST BROCK C
	88	2509	SEEVERS AVE	VASQUEZ ROSALBA
	89	2515	SEEVERS AVE	LEDEZMA RUTH
	90	2519	SEEVERS AVE	MENDEZ RAMON
	91	2502	SEEVERS AVE	LAPRADE LEO
	92	2506	SEEVERS AVE	FLORIDO JOSE
	93	2510	SEEVERS AVE	BORJA SONIA LETICIA
	94	2514	SEEVERS AVE	MANCILLA RUBEN GUZMAN
	95	2503	RAMSEY AVE	VASQUEZ JUAN JR & EMMA L
	96	106	W ILLINOIS AVE	AMPEX HOLDINGS OF DALLAS LLC
	97	2427	SEEVERS AVE	FRAGOSO MAYRA
X	98	2431	SEEVERS AVE	CUELLAR MARIA A

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a two-year period, subject to conditions
Z167-138(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-138(SM) **DATE FILED:** November 18, 2016

LOCATION: South side of Military Parkway, between Scottsdale Drive and McNeil Street

COUNCIL DISTRICT: 5 **MAPSCO:** 48-T

SIZE OF REQUEST: approximately 0.14 acres **CENSUS TRACT:** 85.00

APPLICANT: Kijan Market, LLC

REPRESENTATIVE: Pamela Craig

OWNER: Fonberg Real Estate Investments, LTD

REQUEST: An application to renew Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell beer and wine in conjunction with an existing general merchandise or food store [Dallas Amigos Food Mart]. The applicant's Convenience Store registration expired June 15, 2016. The facility passed inspection on April 12, 2017 and is currently in compliance with Chapter 12B.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- Dallas Central Appraisal District records show the building was constructed in 1961.
- The first Certificate of Occupancy for DBA Dallas Amigo's Food Mart was issued September 2001.
- On February 25, 2015, Specific Use Permit No. 2138 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved by City Council for a two-year period.

Surrounding Zoning History:

There have not been any recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Military Parkway	Principal Arterial	100 feet

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.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D -1, SUP No. 2138	General merchandise or food store less than 3,500 square feet
North	NO(A) with deed restrictions, R-7.5(A)	Funeral home and single family
East	CR-D	Undeveloped
South	CR-D	Undeveloped
West	CR-D	Restaurant, Auto Service and Medical Offices

Land Use Compatibility:

The request site is currently developed with a retail building, originally constructed in 1961, according to Dallas Central Appraisal District records. A funeral home and single family uses are located to the north, across Military Parkway. An undeveloped parcel and a post office are located to the east. Undeveloped property separates the request site to a church to the south; the church is located further than the minimum 300-foot distance requirement to the request site, measured from door-to-door. The Alcohol Measurement Survey from 2014 is located on page eight of this report; no changes have occurred since the 2014 survey. A mix of retail uses is located to the west, including a restaurant, auto service center, and medical offices.

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. The applicant's CS license expired June 15, 2016 and passed inspection April 12, 2017.

The requested renewal of the continued sale of alcoholic beverages in conjunction with the existing general merchandise or food store is compatible with the surrounding retail and other non-residential uses. The use is separated from residential uses by a six-lane divided thoroughfare, undeveloped land, or nonresidential parcels. Additionally, the continued sale of alcoholic beverages in conjunction with the existing general merchandise or food store should not be a detriment to the adjacent properties because the Specific Use Permit requires periodic review.

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

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

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 approximately 2,550-square-foot convenience store requires 13 parking spaces. Off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any additions to the property that exceed 35% of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

Site Plan:

No changes to the existing site plan are proposed or have been made on site. Therefore, no changes are required to the existing site plan.

Police Records:

Since SUP No. 2138 was issued, two incidents occurred from February 1, 2015 to January 4, 2017:

Date	Time	UCR Offense
3/2/2015	22:15	Burglary-Business
8/26/2015	0:00	Robbery-Business

CPC Action – February 2, 2017:

Motion: In consider an application to renew Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street, it was moved to **hold** this case under advisement until March 2, 2017.

Maker: Houston
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon*, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: None

CPC Action – March 2, 2017:

Motion: In consider an application to renew Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street, it was moved to **hold** this case under advisement until April 6, 2017.

Maker: Shidid
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright*, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Pamela Craig, 400 S. Zang Blvd., Dallas, TX, 75208
Against: None

CPC Action – April 6, 2017:

Motion: In consider an application to renew Specific Use Permit No. 2138 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street, it was moved to **hold** this case under advisement until May 4, 2017.

Maker: Shidid
Second: Schultz
Result: Carried: 15 to 0
For: 15 - Anglin*, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: None

CPC Action – May 4, 2017:

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 2138 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 on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the south side of Military Parkway, between Scottsdale Drive and McNeil Street.

Maker: Shidid
Second: Schultz
Result: Carried: 14 to 0

For: 14 - Anglin*, Rieves, Houston, Davis*, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: For: Pamela Craig, 400 S. Zang Blvd, Dallas, TX, 75208
Against: None

List of Partners

OWNER OF THE PROPERTY

Fonberg Real Estate Inv Ltd

Managing Partner:

Mitchell Fonberg

TENANT:

Kijan Market, LLC

LLC Managers:

Menebo Tsegaye
Doelamo Tsegaye
Dolorro Yohannes

CPC RECOMMENDED AMENDING CONDITIONS
SUP NO. 2138

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.

CPC Recommended:

3. TIME LIMIT: This specific use permit expires on [~~February 25, 2017.~~] (two years),

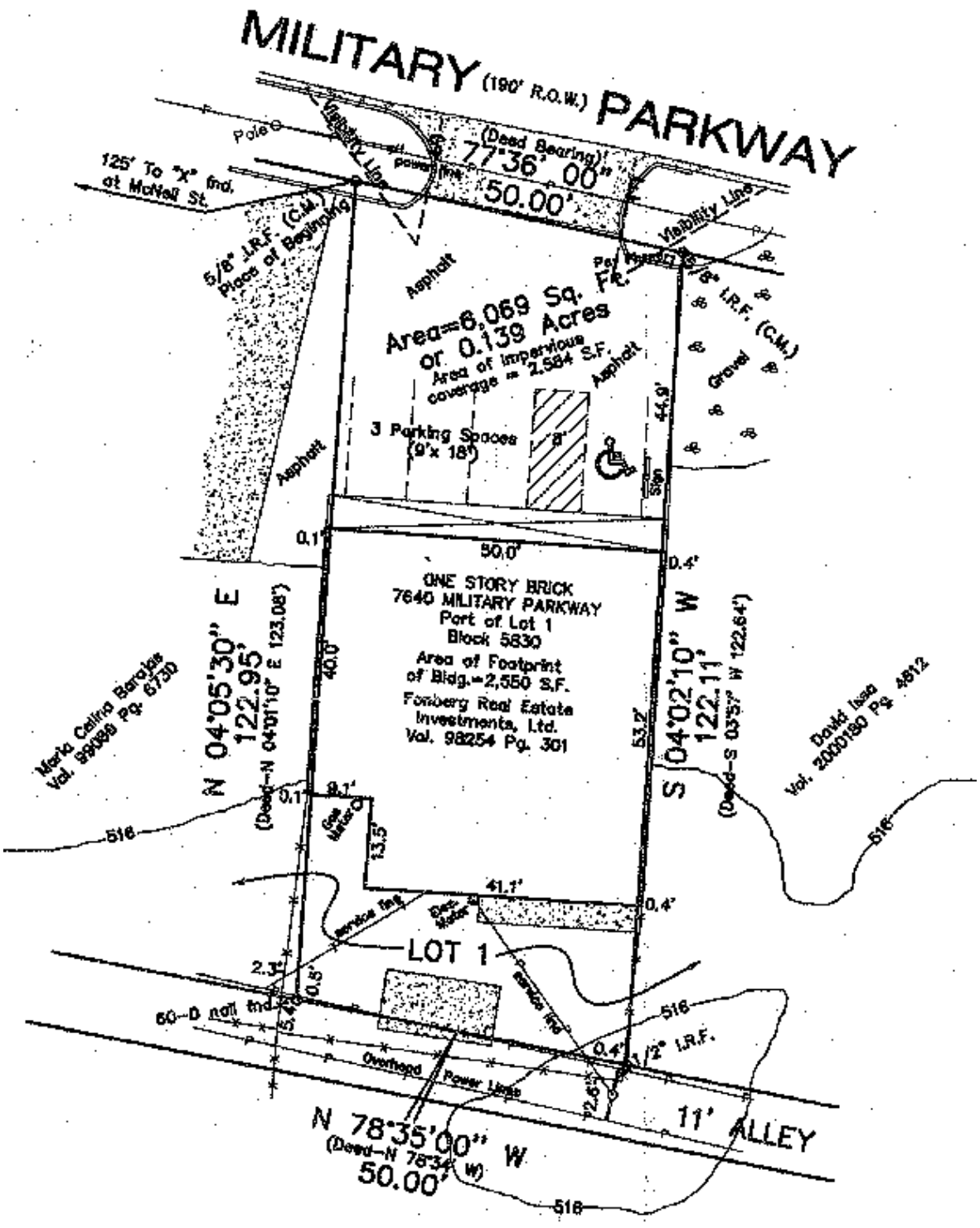
Staff Recommended and Applicant Requested:

3. TIME LIMIT: This specific use permit expires on [~~February 25, 2017.~~] (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.)

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.

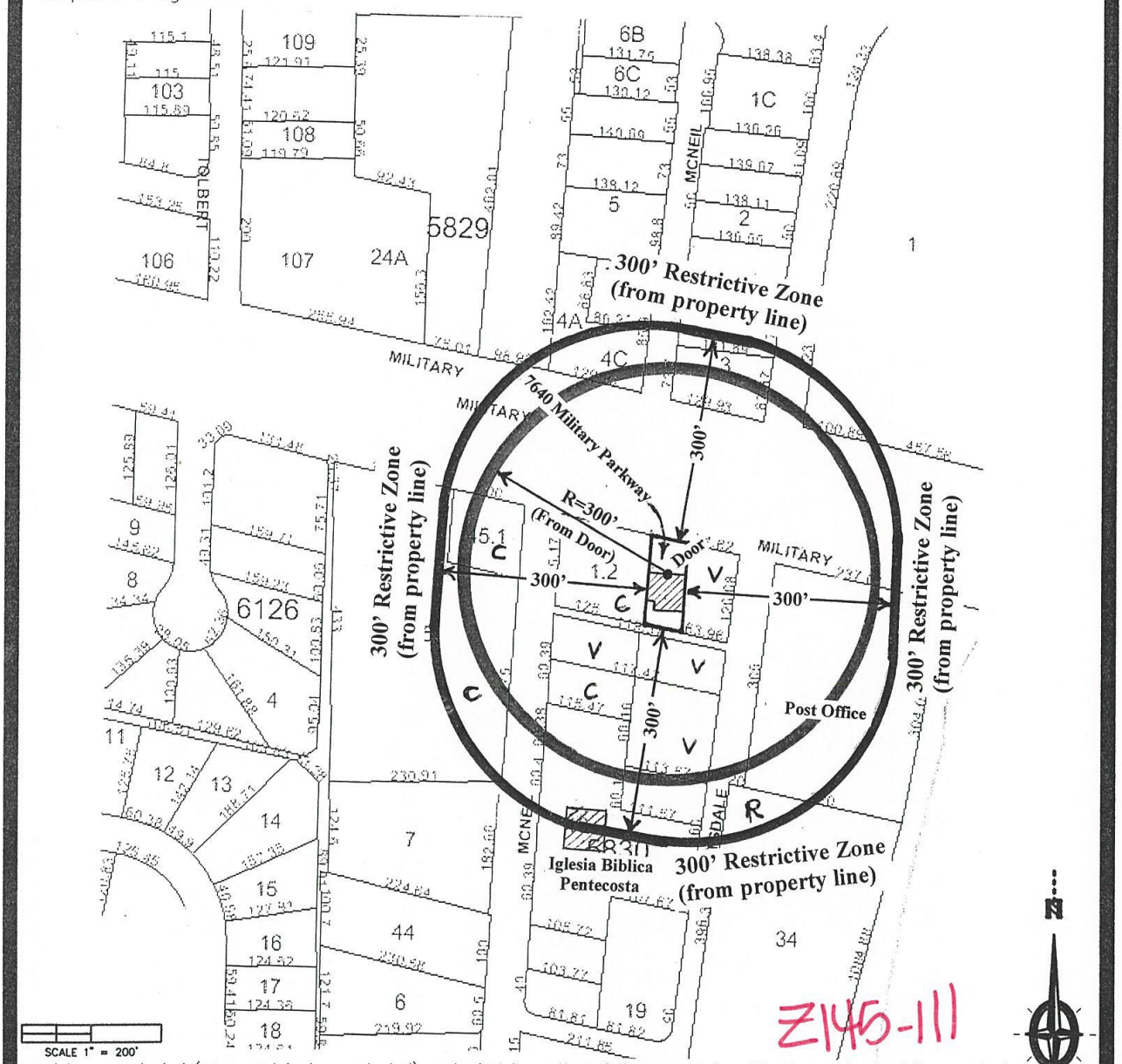
Enlarged Existing Site Plan



Alcohol Measurement Survey

ALCOHOL MEASUREMENT PLAT

FOOD MART
7640 Military Parkway
Dallas, Texas 75227
Able of Texas
Mapsco Page 48–T



Z145-111

I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code 6–4.

The Food Mart, located at 7640 Military Parkway in the City of Dallas is not within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6–4.

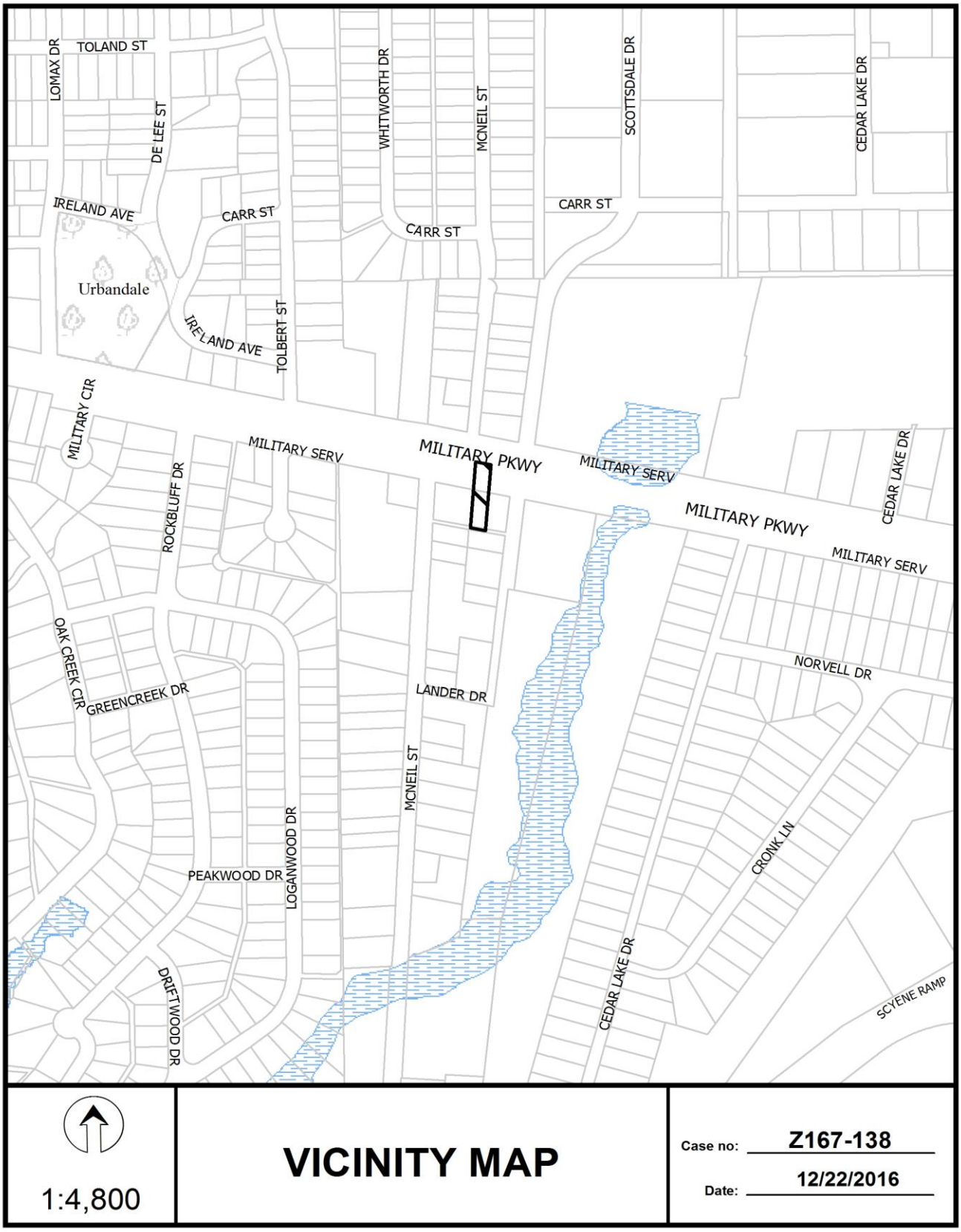
R = Residential
C = Commercial
V = Vacant

Date 10/09/2014
Job 13–439

This survey was performed for an alcohol–measurement certification. All improvements may not been shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.

STATE OF TEXAS · REGISTERED · BEN D. RYCHLIK · #1630 · PROFESSIONAL LAND SURVEYOR

Registered Professional Land Surveyor 1630
SURVEYING ASSOCIATES
1018 S. Beckley, Dallas, Tx. 75203
Phone: (214) 948–3324
Fax: (214) 946–7540


LOMAX DR
TOLAND ST
DE LEE ST
WHITWORTH DR
MCNEIL ST
SCOTTSDALE DR
CEDAR LAKE DR
IRELAND AVE
CARR ST
CARR ST
CARR ST
Urbandale
IRELAND AVE
TOLBERT ST
MILITARY CIR
MILITARY SERV
MILITARY PKWY
MILITARY SERV
CEDAR LAKE DR
MILITARY PKWY
MILITARY SERV
ROCKBLUFF DR
OAK CREEK CIR
GREENCREEK DR
LANDER DR
NORVELL DR
MCNEIL ST
PEAKWOOD DR
LOGANWOOD DR
CRONK LN
CEDAR LAKE DR
DRIFTWOOD DR
SCYENE RAMP
1:4,800
VICINITY MAP
Case no: Z167-138
Date: 12/22/2016

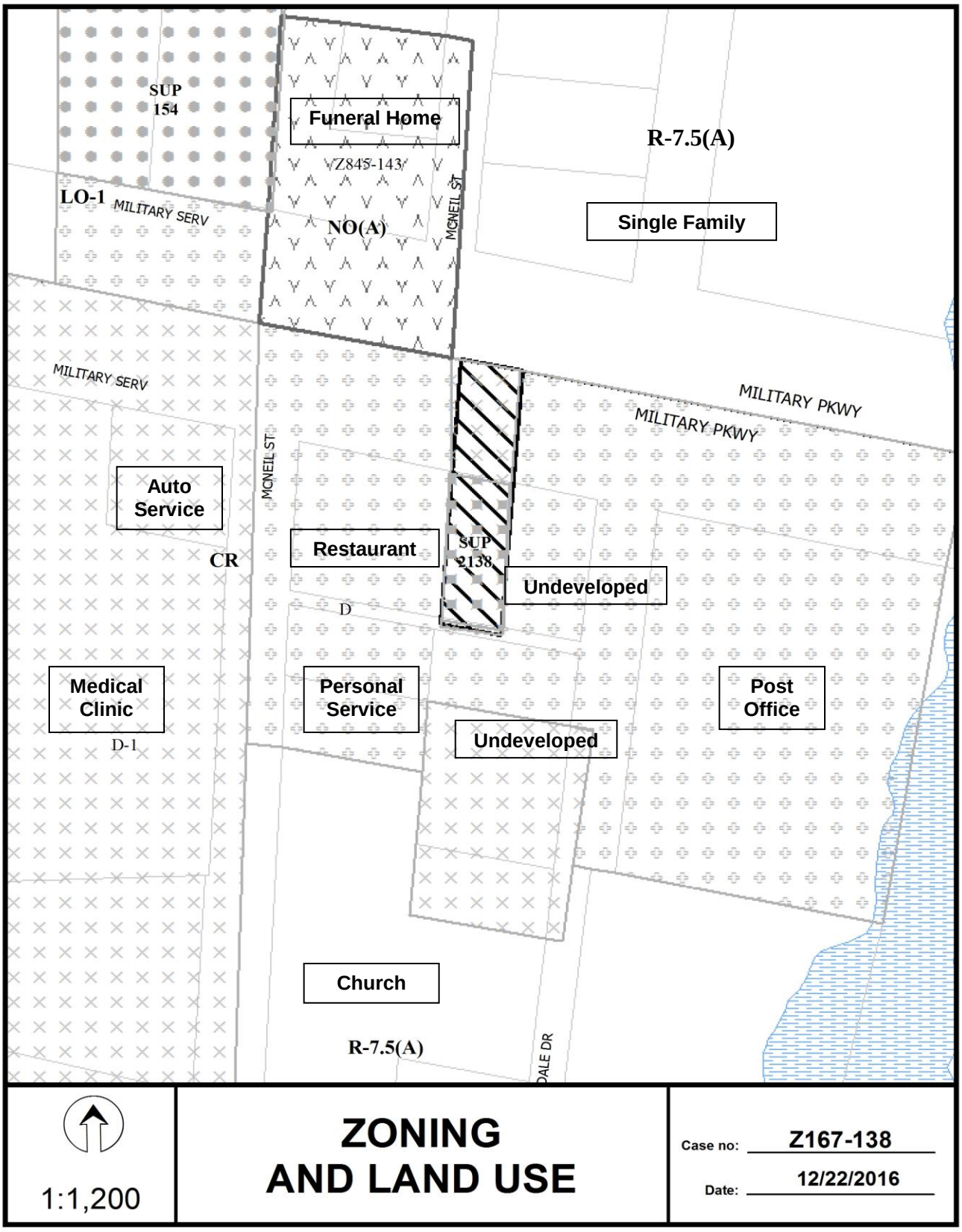


1:1,200

AERIAL MAP

Case no: Z167-138

Date: 12/22/2016


SUP 154
Funeral Home
Z845-143
NO(A)
MCNEIL ST
R-7.5(A)
Single Family
LO-1
MILITARY SERV
MILITARY SERV
MILITARY PKWY
MILITARY PKWY
MCNEIL ST
Auto Service
CR
Restaurant
SUP 2138
Undeveloped
D
Medical Clinic
D-1
Personal Service
Undeveloped
Post Office
Church
R-7.5(A)
DALE DR
1:1,200
ZONING AND LAND USE
Case no: Z167-138
Date: 12/22/2016


CPC Responses
MILITARY PKWY
MILITARY SERV
MCNEIL ST
SCOTTSDALE DR
1
2
3
4
5
6
7
8
9
10
11
12
12
13
14
15
16
16 Property Owners Notified (17 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
5/4/2017 Date
Z167-138
CPC
N
W
E
S
1:1,200

05/03/2017

Reply List of Property Owners

Z167-138

16 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	7640	MILITARY PKWY	FONBERG REAL ESTATE
	2	7711	MILITARY PKWY	MONTOYA IRENE F & ANTHONY
	3	3908	MCNEIL ST	CASTILLO LUIS ENRIQUE
	4	3902	MCNEIL ST	CASAS JOSE DE JESUS
	5	7629	MILITARY PKWY	CERVANTES MARTHA
	6	7639	MILITARY PKWY	GARCIA BRENDA
	7	7630	MILITARY PKWY	BARAJAS MARIA CELINA
	8	7650	MILITARY PKWY	ALPINE GLOBAL INVESTMENTS LLC
	9	3808	MCNEIL ST	BARAJAS MARY CELINA
	10	3809	SCOTTSDALE DR	FLORES WALFRE V
	11	3802	MCNEIL ST	ROJAS ELOISA
	12	3717	SCOTTSDALE DR	IGLESIA BIBLICA
	13	3612	MCNEIL ST	IGLESIAS BIBLICA
	14	7616	MILITARY PKWY	ARIAZ EDWARD
	15	7610	MILITARY PKWY	ARC FMDLSTX001 LLC
	16	7720	MILITARY PKWY	U S POSTAL SERVICE

AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35 W; X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 157 for mixed uses, on the east corner of Cedar Springs Road and Oak Lawn Avenue

Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan and conditions

Z167-159(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-159(KK) **DATE FILED:** December 16, 2016

LOCATION: East corner of Cedar Springs Road and Oak Lawn Avenue

COUNCIL DISTRICT: 14 **MAPSCO:** 35-W; X

SIZE OF REQUEST: Approx. 3.01 acres **CENSUS TRACT:** 6.05

APPLICANT/ OWNER: Quadrant Investment Properties, LLC/AG QIP Oak Lawn LP

REPRESENTATIVE: Jackson Walker L.L.P., Suzan Kedron

REQUEST: An application to amend Planned Development District No.157 for mixed uses.

SUMMARY: The purpose of this request is to amend the planned development district to revise the landscape portion of the approved development plan to allow for enhanced landscaping in the publicly accessible courtyard area, alter the maximum allowed floor areas per land use, and amend the sign requirements. The total floor area of retail/bar/restaurant land uses is proposed to slightly increase due to the demand for these land uses according to the applicant. The conditions on the residential land use is not being amended, and the allowable land uses are not proposed to change.

The development plan shown in the case report does not match with the City Plan Commission recommendation. The applicant did not provide a revised development plan to reflect the Commission's comments.

CPC RECOMMENDATION: **Approval**, subject to a revised development/landscape plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development/landscape plan and conditions.

BACKGROUND INFORMATION:

- The request site was constructed prior to 1971 according to permit records.
- On August 3, 1983, PDD No.157 was approved by City Council.
- The purpose of this request is to update the development/landscape plan and amend the text of PDD No.157 to allow for the renovation and to be able to upgrade the mixed-use office building. Per the applicant, the renovated building would be geared toward those businesses seeking a collaborative office experience.
- Over the years there have been multiple interior remodel permits pulled for the area of request. The construction on site is currently permitted for a scope of work consisting of interior renovations with minor exterior renovations.

Zoning History:

1. Z123-129: On February 27, 2012, the City Council approved a Planned Development District for mixed uses on property zoned Planned Development Subdistrict No. 73 in Planned Development District No. 193, the Oak Lawn Special Purpose District and a Historic Transition Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District, with deed restrictions on a portion on the east side of McKinney Avenue, between Routh Street and Fairmount Street.

2. Z123-130: On February 27, 2012, the City Council approved the termination of deed restrictions and a new subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State Thomas Historic District subject to deed restrictions volunteered by the applicant.

3. 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.

5. Z112-135: On February 22, 2012, the City Council approved a Specific Use Permit for a Hotel or Motel use on property zoned Core Subdistrict within the Historic District within Planned Development District No. 225, the State-Thomas Special Purpose District

4. Z112-163: On 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.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Oak Lawn Avenue	Principal Arterial	75 ft.
Cedar Springs Road	Community Collector	60 ft.
Welborn Street	Substandard Street	56 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed amendment and development plan will not have a negative impact on the surrounding street system. A waiver of traffic impact analysis was given to the development by the Engineering Division due to this being an existing property and that no additional trips are projected with the approval of this zoning change.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No.157	Retail, Restaurant, Office, Multifamily
North	(GR) PDD No. 193	Personal Service, Multifamily, General Merchandise, Retail
East	(GR) PDD No. 193	Personal Service, Multifamily, Office
South	PDD No.229 & (O-2) PDD No. 193	Multifamily, Office, Retail
West	(PDS 101) & (GR) PDD No. 193	Hotel, General Merchandise, Postal Office, Church, Undeveloped

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.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTRE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Policy 5.1.4 Enhance visual enjoyment of public space.

Land Use Compatibility:

Abutting the property directly to the north is the Argyle apartment building, zoned GR Subdistrict within PDD No. 193, with restaurants, retail, personal service, and office. Diagonally across Cedar Springs Road and Oak Lawn Avenue to the west is the Warwick Melrose Hotel, zoned PDS 101 within PDD No. 193. To the south across Welborn Street are multifamily, retail and office uses zoned PDD No. 229 and O-2 Subdistrict within PDD No. 193.

The applicant proposes three amendments with this request, two are discussed here and the other will be discussed in the landscape section:

(1) To modify the maximum allowable floor areas per allowed land uses. The applicant proposes to increase the total allowable floor area of the retail/bar/restaurant uses due to the current demand and decrease the allowable office space to be occupied. The requested amendment will serve to allow flexibility as ownership renovates, re-tenants, and updates the building. The zoning request follows the redevelopment of the area where more office spaces are being converted to residential and/or retail land uses. These modifications support the economic element of the comprehensive plan that

ensures that zoning is flexible enough to respond to changing economic conditions. The applicant has indicated that development is targeting restaurants with alcohol sales and not bar only land uses. This is proposed to be updated in the text of the planned development. Staff has proposed to clean up and clarify the text of this section as well. The bar/restaurant land use is originally listed twice which can be confusing to staff when reviewing permits and Certificates of Occupancy for issuance. The conditions on multifamily land uses is not being amended in any manner. The allowable land uses are not proposed to change.

(2) Allow for a freestanding tower element attached to the below grade garage be considered attached for purposes of signage. The applicant also wants two facades to be considered a primary for purposes of complying with Sec. 51A-7.305. This code amendment will allow the second façade to be similar to the original primary façade which allows the same size message to rotate through two sides. Lastly, the applicant requests that one in every six changes of messages are allowed to be tenant or building identification signage that exceeds the allowable effective area for purposes of complying with Sec.51A-7.216(a). This would allow tenant or building identification signage to extend beyond the allowable two screens one time in every six rotations. Per the applicant, the sign will primarily be used for art images, i.e. the other five rotations. The freestanding tower element also encourages complementary building height, scale and design per the urban design goals detailed in the comprehensive plan. Approval from the chief sign inspector was obtained with this zoning request. He is in agreement that these revisions meet compliance with the purpose of the sign regulations as detailed in the Dallas Development Code.

Parking:

The parking requirement set forth in Sec.51P-157.107 is not proposed to change. The planned development required that a minimum of 1,183 parking spaces must be provided for this development as shown on the development plan. The only change to the development plan increases the non-required parking number by providing on-street parking. The representative has obtained approval for the proposed on-street parking by Mobility and Street Services Department. They have agreed upon the layout and need of this on-street parking. This parking will provide drive-up access to the retail tenants that are located on the ground level of this structure. This on-street parking will be additional to the required 1,183 parking spaces that must be provided per the planned development.

The remaining condition of the ordinance that an additional 51 parking spaces must be provided by this development for the use of the Argyle Apartments is remaining and the applicant has stated that these parking spaces will continue to be provided.

Landscaping:

The last amendment proposed is to revise the landscape portion of the approved development/landscape plan to allow for enhanced landscaping in the publicly accessible courtyard areas as well as the enhanced pedestrian streetscape.

Landscaping must be installed as shown on the development/landscape plan. The revisions to the proposed development/landscape plan are to allow development to enhance the landscape in the publicly accessible courtyards as well as enhance the pedestrian streetscape. Per a tree survey and confirmation from our Chief Arborist, 16 protected trees were removed totaling 108 caliper inches. Per the proposed development/landscape plan, 26 three inch caliper trees are proposed to be planted back on site. This will leave 78 caliper inches to be mitigated for by paying into the Tree Mitigation Fund by the developer. The text was also amended to allow two trees to be located within the visibility triangle located at the corner of Welborn Street and Hall Street. The Engineering Division of the Sustainable Development and Construction Department reviewed this amendment request and confirmed that best on the traffic flow these trees would not create an obstruction if located in the visibility triangles as shown on the development plan.

Comparison of the proposed amendments:

	Existing Conditions	**Proposed Conditions**
Uses Permitted	- Max 47,000 square feet of retail/bar/restaurant uses - Max 59,163 square feet of athletic club facilities - Max 335,000 square feet of office uses - Min 80,000 square feet of residential uses - Max 27,000 square feet of bar/restaurant uses	- Max 89,304 square feet of retail/bar/restaurant uses - Athletic club facility - Office Use - Min 80,000 square feet of residential uses
Signs	All signs must comply with the provisions for business zoning districts	- Freestanding tower element to be considered attached for purposes of signage - Secondary façade to be considered primary façade - Digital display permitted to exceed effective area limitation
Landscaping		- Two trees permitted to be located in visibility triangle

CPC Recommendation:

On May 4, 2017 the City Plan Commission recommended approval for an amendment to Planned Development District No. 157 for mixed uses, subject to a revised development/landscape plan and conditions with the following modifications: 1) Remove angle parking on Welborn Street and 2) Limit signage to a maximum of 5 percent of the relevant façade on the east corner of Cedar Springs Road and Oak Lawn Avenue.

The fist modification would defer back to what is existing on site which is four parallel on-street parking spaces located in Welborn Street. The second modification would base the calculation of five percent relevant façade on the building façade instead of sign square footage as detailed in the Dallas Development Code. Sec.51A-7.216(a) states, “The effective area of digital display may not exceed 50 square feet or 50 percent of the total effective area of the sign as allowed in the provisions for the respective zoning district, whichever is greater”. The modification would limit the effective area of digital display to a maximum of five percent of the total effective area of the sign.

The applicant has decided not to provide the CPC recommended development plan at this time. The development plan will be submitted based on Council’s preference with the ordinance and plan to return for final action by City Council.

CPC ACTION

May 4, 2017

Motion: It was moved to recommend **approval** for an amendment to Planned Development District No. 157 for mixed uses, subject to a revised development/landscape plan and conditions with the following modifications: 1) Remove angle parking on Welborn Street and 2) Limit signage to a maximum of 5 percent of the relevant façade on the east corner of Cedar Springs Road and Oak Lawn Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 1

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 1 - Peadon
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 240
Replies: For: 6 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Against: Christopher Meringer, 3111 Welborn St., Dallas, TX, 75219
Jonathan Formanek, 3111 Welborn St., Dallas, TX, 75219

List of Partners/Principals/Officers

AG-QIP Oak Lawn Owner, L.P.
AG-QIP Oak Lawn Owner GP, L.L.C., General Partner
AG-QIP Oak Lawn Parent, L.L.C., Limited Partner, and Sole Member of AG-QIP Oak Lawn Owner GP, LLC
AG Real Estate Manager, Inc., Manager of AG-QIP Oak Lawn Parent, L.L.C.
Matt Jackson, Authorized Signer of AG Real Estate Manager, Inc.

Quadrant Investment Properties, LLC
Managers of Quadrant Investment Properties, LLC
Chad Cook
Quadrant Partners Investments, LLC

Managers of Quadrant Partners Investments, LLC
Michael Young
Howard Rachofsky
Randall Fleisher

PROPOSED PDD CONDITIONS

ARTICLE 157.

PD 157.

SEC. 51P-157.101. LEGISLATIVE HISTORY.

PD 157 was established by Ordinance No. 17940, passed by the Dallas City Council on August 3, 1983. Ordinance No. 17940 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 17940 was amended by Ordinance No. 20490, passed by the Dallas City Council on October 25, 1989, and Ordinance No. 24115, passed by the Dallas City Council on December 8, 1999. (Ord. Nos. 10962; 17940; 20490; 24115; 25508)

SEC. 51P-157.102. PROPERTY LOCATION AND SIZE.

PD 157 is established on property generally located at the east corner of Oak Lawn Avenue and Cedar Springs Road. The size of PD 157 is approximately 3.13 acres. (Ord. Nos. 17940; 25508)

SEC. 51P-157.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. 25508)

SEC. 51P-157.104. DEVELOPMENT PLAN.

Use of the property must be in conformance with a city plan commission-approved development/landscape plan (Exhibit 156A). (Ord. 24115; 25508)

SEC. 51P-157.105. USES PERMITTED.

(a) The following main uses are the only main uses permitted ~~development permitted within this PD is limited to the following uses~~:

(1) (limited to 89,304 square feet) ~~a maximum of (89,304) 47,000 square feet of~~ retail/bar/restaurant uses;

(2) ~~a maximum of 59,163 square feet of~~ athletic club facilities;

(3) ~~a maximum of 335,000 square feet of~~ office uses;

(4) ~~a minimum of 80,000 square feet of~~ residential and accessory uses (minimum 80,000 square feet); ~~and~~

~~(5) a maximum of 27,000 square feet of bar/restaurant uses.~~

(b) Total nonresidential development may not exceed 397,738 square feet for a maximum nonresidential floor area ratio of 2.91 to 1.

(c) Development on stories 12 through 19 is limited to residential uses. (Ord. Nos. 24115;25508)

SEC. 51P-157.106. MAXIMUM HEIGHT.

Maximum height of this development may not exceed 268 feet, 6 inches. (Ord. Nos. 24115; 25508)

SEC. 51P-157.107. PARKING.

(a) A minimum of 1,183 parking spaces must be provided for this development as shown on the development plan. An additional 51 parking spaces must be provided by this development for the use of the Argyle Apartments.

(b) Use of parking spaces and parking signage must comply with the Parking Management Plan for the Centrum (Exhibit 157B). (Ord. Nos. 24115; 25508)

SEC. 51P-157.108. SUBDIVISION PLAT.

Prior to the issuance of a building permit, a subdivision plat as approved by the city plan commission must be filed for record with the county clerk. The subdivision plat must show all right-of-way dedications required by the Traffic Management Plan as approved by the department of public works and transportation. (Ord. Nos. 24115; 25508)

SEC. 51P-157.109. SIGNS.

(a) Except as provided in this section, ~~All~~ signs must comply with the provisions for business zoning districts ~~contained~~ in Division 51- 7.300.

(b) The freestanding tower element labeled on the development plan attached to the below grade garage is considered attached for purposes of signage.

(c) For purposes of Section 51A-7.305, secondary facades may also be considered primary facades.

CPC Recommendation:

(d) Digital display signs in Section 51A-7.216(a), are permitted to exceed the effective area limitation only if the digital display sign displays tenant or building identification signage one in every six change of messages with the other change of messages being art images. Signage will be limited to a maximum of 5 percent of the relevant façade on the east corner of Cedar Springs Road and Oak Lawn Avenue.

Applicant's Request:

(d) Digital display signs in Section 51A-7.216(a), are permitted to exceed the effective area limitation only if the digital display sign displays tenant or building identification signage one in every six change of messages with the other change of messages being art images. (Ord. Nos. 24115; 25508)

SEC. 51P-157.110. SCREENING AND LANDSCAPING.

(a) Landscaping must be provided as shown on the development/landscape plan.

(b) The director of public works and transportation shall approve the location of all landscape material within the street right-of-way prior to the planting.

(c) The director of parks and recreation must approve a maintenance agreement for maintaining all landscape material within the street right-of-way prior to any planting. All landscaping must be maintained in a healthy, growing condition at all times.

(d) Two trees are permitted in the visibility triangle at the corner of Welborn Street and Hall Street, as shown on the development/landscape plan. (Ord. Nos. 24115; 25508)

SEC. 51P-157.111. ADDITIONAL PROVISIONS ~~GENERAL REQUIREMENTS~~.

(a) The property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the ~~this~~ P~~p~~roperty must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations ~~the requirements of all departments~~ of the city. (Ord. Nos. 24115; 25508; 26102

SEC. 51P-157.112. ~~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. (Ord. Nos. 24115; 25508; 26102)~~

SEC. 51P-157.113. COMPLIANCE WITH CONDITIONS.

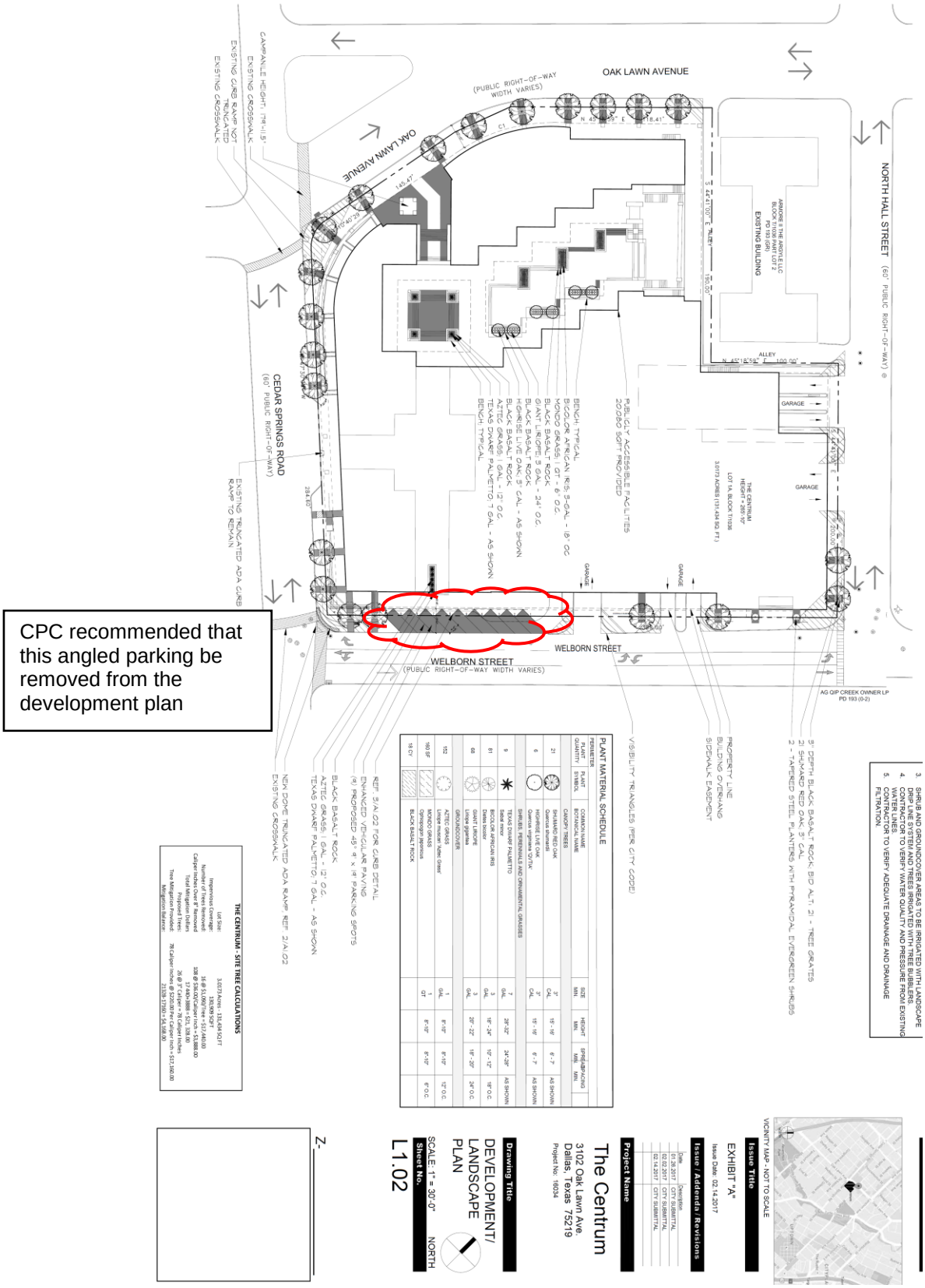
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of ~~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 ~~Dallas City~~ c~~C~~ode. (Ord. Nos. 24115; 25508)

~~SEC. 51P-157.114. ZONING MAP.~~

~~PD 157 is located on Zoning Map No. I-7. (Ord. Nos. 17940; 25508)~~

Proposed Development/Landscape Plan



CPC recommended that this angled parking be removed from the development plan

3. SHRUB AND GROUNDCOVER AREAS TO BE IRRIGATED WITH LANDSCAPE DRIP LINE SYSTEM AND TREES IRRIGATED WITH TREE BUBBLERS.
4. CONTRACTOR TO VERIFY WATER QUALITY AND PRESSURE FROM EXISTING WATER MAINS.
5. CONTRACTOR TO VERIFY ADEQUATE DRAINAGE AND DRAINAGE FILTRATION.

8' DEPTH BLACK BASALT ROCK BID ALT. 2) - TREE GRATES
2) SHUMARD RED OAK 3" CAL
2 - TAPERED STEEL PLANTERS WITH PYRAMIDAL EVERGREEN SHRUBS

PLANT MATERIAL SCHEDULE

PERIMETER QUANTITY	PLANT SYMBOL	COMMON NAME / BOTANICAL NAME	SIZE MIN.	HEIGHT MIN.	SPREAD/SPACING MIN.
		CANOPY TREES			
21		Shumard Red Oak Quercus shumardii	3" CAL	16' - 18'	6' - 7'
6		Highrise Live Oak Quercus virginiana 'CITYH'	3" CAL	16' - 18'	6' - 7'
		SHRUBS, PERENNIALS AND ORNAMENTAL GRASSES			
9		Texas Dwarf Palmetto Sabal minor	7 GAL	28"-32"	24"-36"
81		Black Basalt Rock Dallas Decor	3 GAL	18"-24"	10" - 12"
68		Giant Liriope Liriope gigantea	3 GAL	20" - 22"	18" - 20"
		GROUNDCOVER			
152		Aztec Grass Lomandra 'Aztec Grass'	1 GAL	8'-10"	8'-10"
160 SF		Mondo Grass Ophiopogon japonicus	1 QT	8'-10"	8'-10"
18 CY		Black Basalt Rock			

THE CENTRUM - SITE TREE CALCULATIONS

Lot Size:	3.6077 Acres / 157,154 SQFT
Impervious Coverage:	130,509 SQFT
Number of Trees Removed:	16 @ $1,000/Tree = $17,640.00
Caliper inches Over 8" Removed	338 @ $150.00/Caliper Inch = $50,988.00
Total Mitigation Value:	$68,628.00
Proposed Trees:	26 @ 3" Caliper = 78 Caliper Inches
Tree Mitigation Provided:	78 Caliper Inches @ $220.00/Per Caliper Inch = $17,160.00
Mitigation Balance	231.09 - 17160 = $ 51,468.00

Issue Title
EXHIBIT "A"
Issue Date: 02.14.2017

Issue / Addenda / Revisions

Date	Description
01.26.2017	CITY SUBMITTAL
02.02.2017	CITY SUBMITTAL
02.14.2017	CITY SUBMITTAL

Project Name
The Centrum
3102 Oak Lawn Ave
Dallas, Texas 75219
Project No: 16034

Drawing Title
DEVELOPMENT/ LANDSCAPE PLAN

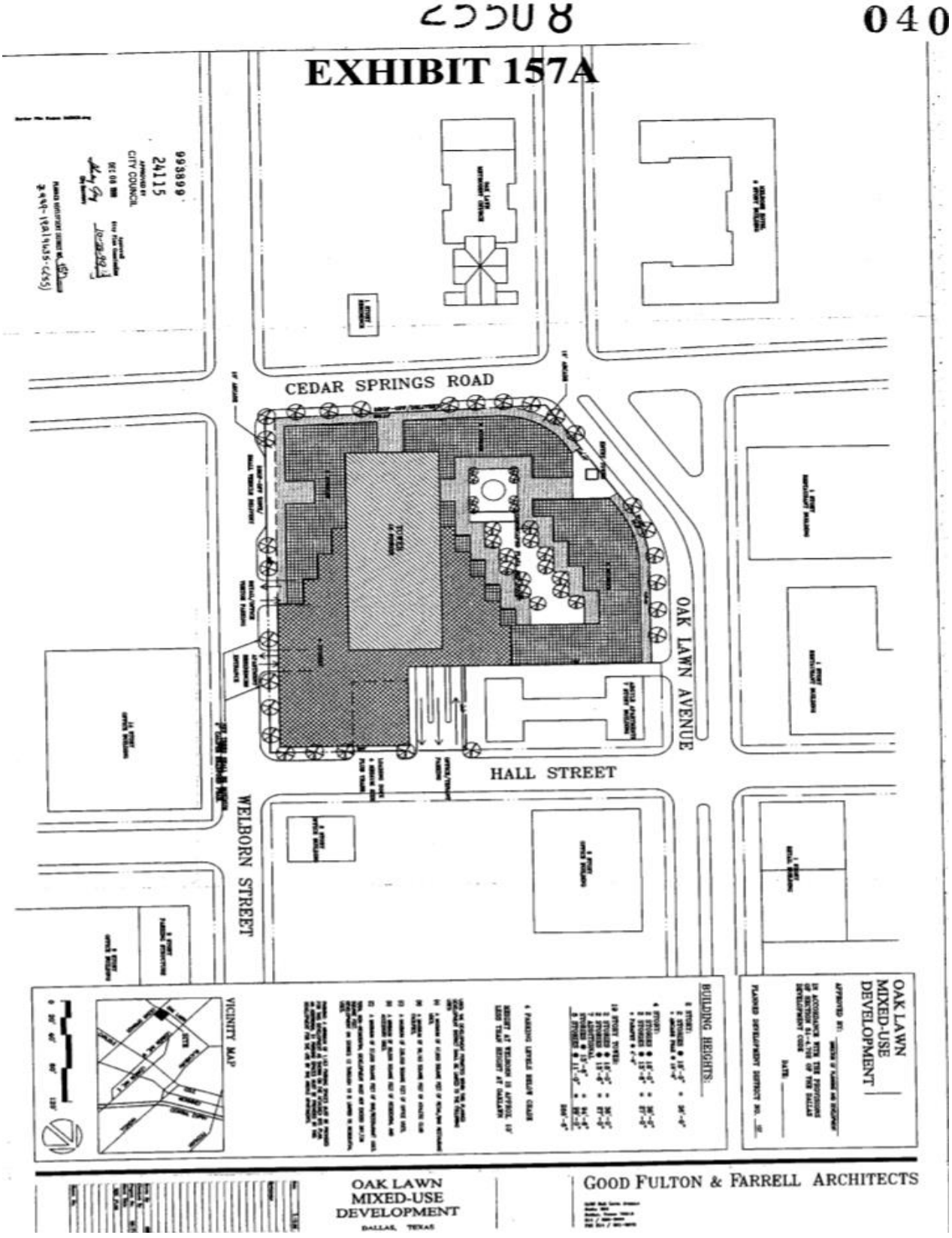
Sheet No.
L1.02

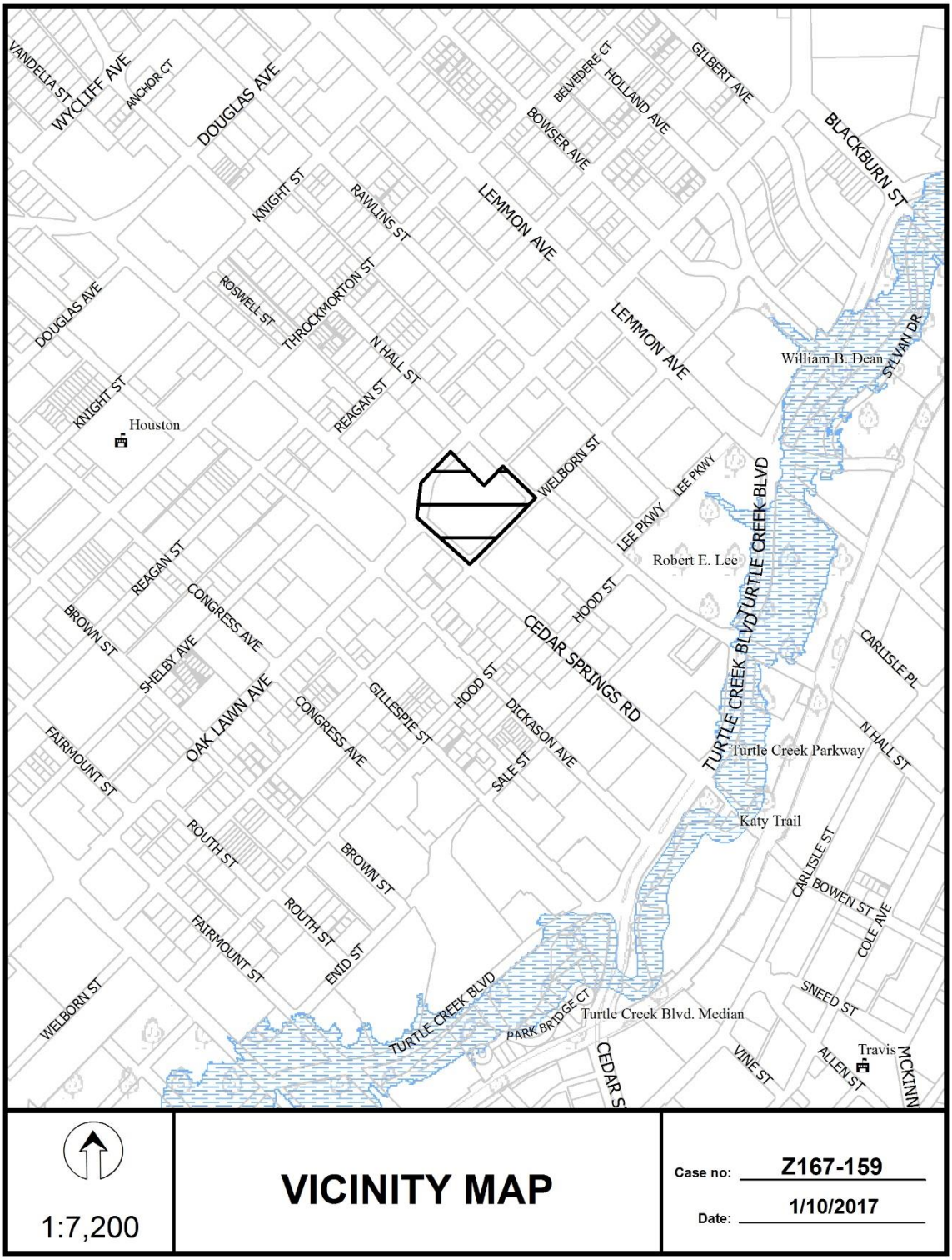
SCALE: 1" = 30'-0" NORTH

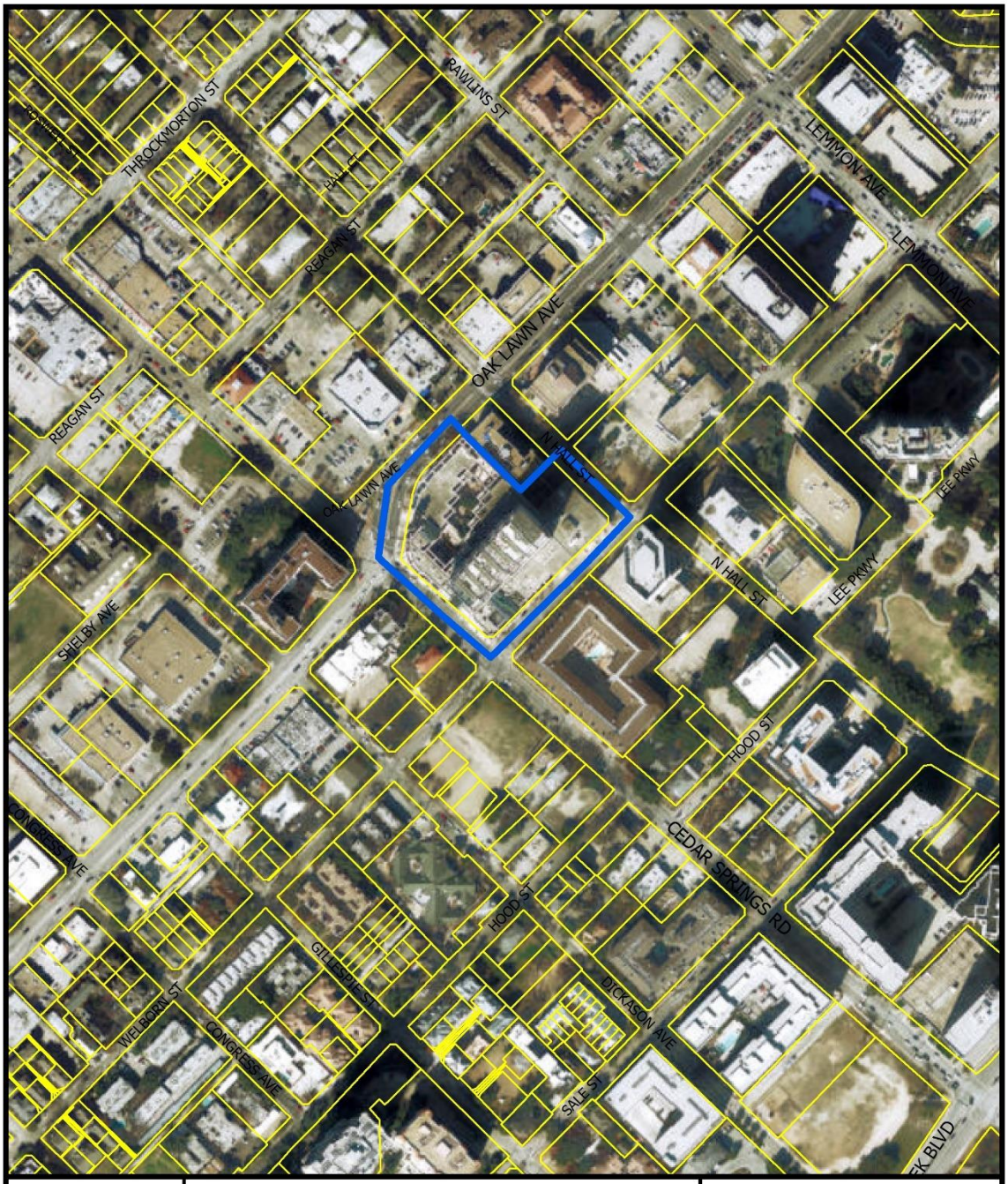
VICINITY MAP - NOT TO SCALE

Z-

Existing Development/Landscape Plan




VANDELIA ST
WYCLIFF AVE
ANCHOR CT
DOUGLAS AVE
KNIGHT ST
RAWLINS ST
LEMMON AVE
BELVEDERE CT
HOLLAND AVE
GILBERT AVE
BOWSER AVE
BLACKBURN ST
ROSWELL ST
THROCKMORTON ST
N HALL ST
REAGAN ST
William B. Dean
SYLVAN DR
Houston
WELBORN ST
LEE PKWY
TURTLE CREEK BLVD
Robert E. Lee
CONGRESS AVE
BROWN ST
SHELBY AVE
OAK LAWN AVE
HOOD ST
CEDAR SPRINGS RD
GILLESPIE ST
DICKASON AVE
SALE ST
CARLISLE PL
Turtle Creek Parkway
FAIRMOUNT ST
ROUTH ST
Katy Trail
CARLISLE ST
BOWEN ST
COLE AVE
ENID ST
SNEED ST
PARK BRIDGE CT
Turtle Creek Blvd. Median
VINE ST
ALLEN ST
Travis
MCKINN
1:7,200
VICINITY MAP
Case no: Z167-159
Date: 1/10/2017

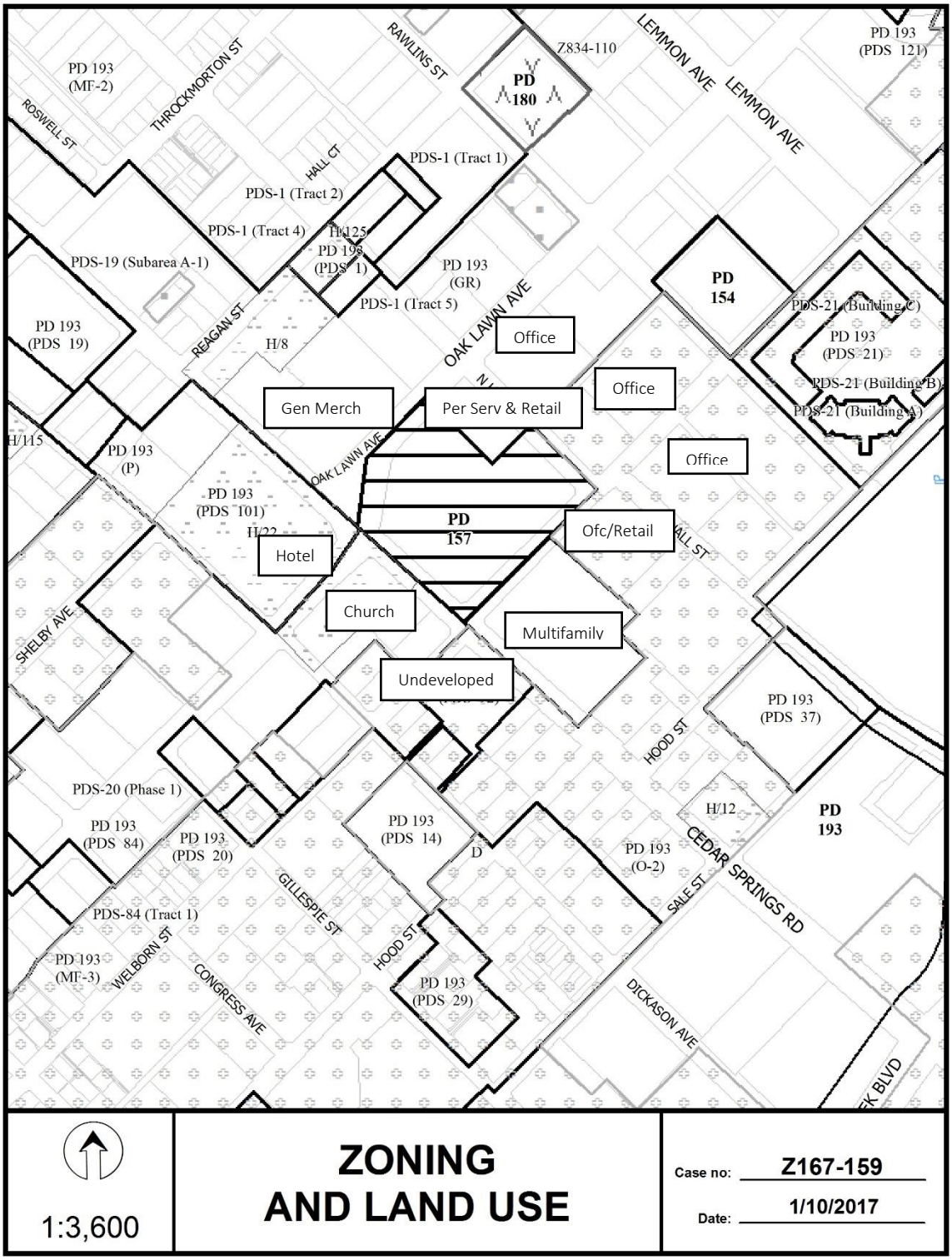


1:3,600

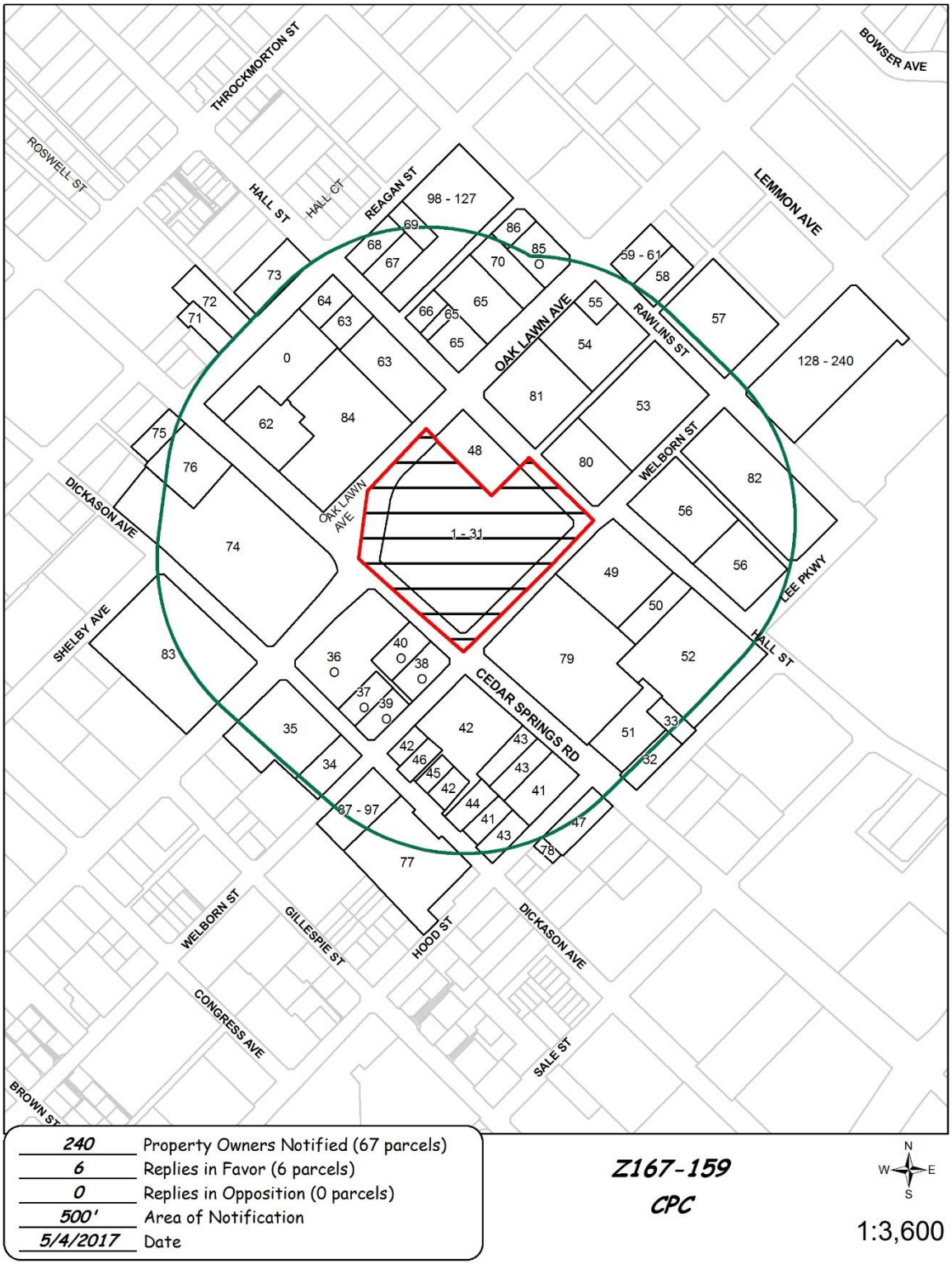
AERIAL MAP

Case no: Z167-159

Date: 1/10/2017


PD 193 (MF-2)
THROCKMORTON ST
RAWLINS ST
Z834-110
PD 180
LEMMON AVE
LEMMON AVE
PD 193 (PDS 121)
ROSWELL ST
HALL CT
PDS-1 (Tract 1)
PDS-1 (Tract 2)
PDS-1 (Tract 4)
H/125
PD 193 (PDS 1)
PDS-19 (Subarea A-1)
PD 193 (GR)
PDS-1 (Tract 5)
PD 154
PDS-21 (Building C)
PD 193 (PDS 21)
PDS-21 (Building B)
PDS-21 (Building A)
PD 193 (PDS 19)
REAGAN ST
H/8
OAK LAWN AVE
Office
Office
Gen Merch
Per Serv & Retail
H/115
PD 193 (P)
OAK LAWN AVE
Office
PD 193 (PDS 101)
H/22
PD 157
Ofc/Retail
Hotel
Church
Multifamily
Undeveloped
SHELBY AVE
PD 193 (PDS 37)
HOOD ST
PDS-20 (Phase 1)
PD 193 (PDS 84)
PD 193 (PDS 20)
PD 193 (PDS 14)
H/12
PD 193
PD 193 (O-2)
CEDAR SPRINGS RD
SALE ST
GILLESPIE ST
PDS-84 (Tract 1)
WELBORN ST
HOOD ST
PD 193 (MF-3)
CONGRESS AVE
PD 193 (PDS 29)
DICKASON AVE
1:3,600
ZONING
AND LAND USE
Case no: Z167-159
Date: 1/10/2017

CPC RESPONSES



240	Property Owners Notified (67 parcels)
6	Replies in Favor (6 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
5/4/2017	Date

Z167-159
CPC

N
W E
S

1:3,600

05/30/2017

Reply List of Property Owners

Z167-159

240 Property Owners Notified ***6 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3102	OAK LAWN AVE	AG QIP OAK LAWN OWNER LP
	2	3102	OAK LAWN AVE	AG QIP OAK LAWN OWNER
	3	3111	WELBORN ST	FORMANEK JONATHAN P LIV TR
	4	3111	WELBORN ST	ANBOUBA IMAD K
	5	3111	WELBORN ST	CAPRA JACQUELINE D
	6	3111	WELBORN ST	WESSON DONALD E & WANDA F
	7	3111	WELBORN ST	BRUFF CATHERINE ECKERT
	8	3111	WELBORN ST	MERINGER CHRISTOPHER G & MARIA CANO
	9	3111	WELBORN ST	LAWRENCE CHARLES M & KIMBERLY D
	10	3111	WELBORN ST	JOHNSON MADELEINE
	11	3111	WELBORN ST	ROBERTS MAIDA L B
	12	3111	WELBORN ST	DASEKE DON ROBERT &
	13	3111	WELBORN ST	MARTENS ROGER W & JOANN H
	14	3111	WELBORN ST	LONDON FREDERICK A & JUDITH A
	15	3111	WELBORN ST	RACZ TRUST
	16	3111	WELBORN ST	DERINGER MATTHEW ROBERT
	17	3111	WELBORN ST	SCHWARTZ JEANNINE BAZER
	18	3111	WELBORN ST	BOYD CURTIS W &
	19	3111	WELBORN ST	BOONE FAMILY TRUST
	20	3111	WELBORN ST	FRANKS BRENT J &
	21	3111	WELBORN ST	JOHNSON MADELEINE
	22	3111	WELBORN ST	DANIS JEROLD I & JEANNE M
	23	3111	WELBORN ST	FORMANEK JONATHAN P LIV TR
	24	3111	WELBORN ST	HUNT HELEN LAKELLY
	25	3111	WELBORN ST	HUNT HELEN LAKELLY
	26	3111	WELBORN ST	HALVORSONBOYD GLENNA J &

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	27	3111	WELBORN ST	SUDER ERIC
	28	3111	WELBORN ST	THOMSON MICHAEL D
	29	3111	WELBORN ST	CENTRUM TOWERS LTD
	30	3111	WELBORN ST	JONES ARMINTA REVOCABLE TRUST
	31	3111	WELBORN ST	3111 WELBORN STREET LLC
	32	3526	CEDAR SPRINGS RD	CUTSHALL RALPH TR & HANNAH TR
	33	3113	HOOD ST	CUTSHALL HANNAH D TR & RALPH S TR
	34	2929	WELBORN ST	CONRADO INC
	35	2920	OAK LAWN AVE	INTERPROPERTIES GROUP INC
O	36	3014	OAK LAWN AVE	OAK LAWN M E CHURCH
O	37	3706	DICKASON AVE	OAK LAWN METH CHURCH
O	38	3703	CEDAR SPRINGS RD	OAK LAWN METH CH
O	39	3704	DICKASON AVE	OAK LAWN METH CHURCH
O	40	3707	CEDAR SPRINGS RD	BD OF TRUSTEES OAK LAWN
	41	3601	CEDAR SPRINGS RD	SALI LP
	42	3631	CEDAR SPRINGS RD	3631 CEDAR SPRINGS LLC
	43	3613	CEDAR SPRINGS RD	WINHAVIR LP
	44	3636	DICKASON AVE	3636 DICKASON LLC
	45	3620	DICKASON AVE	3631 CEDAR SPRINGS LLC
	46	3624	DICKASON AVE	3631 CEDAR SPRINGS LLC
	47	3525	CEDAR SPRINGS RD	3525 EXECUTIVE SUITES LLC
	48	3721	N HALL ST	ARMORE II THE ARGYLE LLC
	49	3625	N HALL ST	PARK CREEK PLACE LLC
	50	3615	N HALL ST	AD STALCUP LLC
	51	3530	CEDAR SPRINGS RD	CUTSHALL RALPH S JR & HANNAH D TR
	52	3141	HOOD ST	W&K HOOD STREET PTNR LP
	53	3333	WELBORN ST	CONSTRUCTORS & ASSOCIATES INC
	54	3316	OAK LAWN AVE	3316 OAK LAWN PTNR LTD
	55	3330	OAK LAWN AVE	BUCKS OAK LAWN LP
	56	3303	LEE PKWY	BWP LEE PARK PORTFOLIO LLC
	57	3710	RAWLINS ST	GAEDEKE HOLDINGS II LTD

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	58	3720	RAWLINS ST	3720 RAWLINS LP
	59	3400	OAK LAWN AVE	BUZZINI LP
	60	3400	OAK LAWN AVE	RESIDUARY TESTAMENT TRUST
	61	3400	OAK LAWN AVE	HILL HENRY L JR
	62	3818	CEDAR SPRINGS RD	GILLILAND PPTIES II LTD
	63	3211	OAK LAWN AVE	MADISON PACIFIC DEV
	64	3829	N HALL ST	SAMPER OMAR D
	65	3301	OAK LAWN AVE	3311 OAK LAWN PTNR LTD
	66	3812	N HALL ST	BAYLESS ALVIN K &
	67	3822	N HALL ST	MADISON PACIFIC
	68	3828	N HALL ST	MADISON PACIFIC DEVELOPMENT COMPANY INC
	69	3300	REAGAN ST	BROWER MANAGED ASSETS LLC
	70	3317	OAK LAWN AVE	OAK LAWN HOLDINGS I LP
	71	3109	REAGAN ST	CEDAR SPRINGS LLC
	72	3113	REAGAN ST	CEDAR SPRING LLC
	73	3901	N HALL ST	HOWELL REAL EST MGMT
	74	3015	OAK LAWN AVE	WARWICK MELROSE DALLAS
	75	3847	CEDAR SPRINGS RD	LERER JANE SAGINAW
	76	3839	CEDAR SPRINGS RD	WARWICK CEDAR SPRINGS CORP
	77	3611	DICKASON AVE	SSL LANDLORD LLC
	78	3014	HOOD ST	ROARK ROBERT CONRAD & DANA L
	79	3604	CEDAR SPRINGS RD	CWS CEDAR SPRING PV WB LP
	80	3301	WELBORN ST	CONSTRUCTORS & ASSOC INC
	81	3300	OAK LAWN AVE	OAK LAWN REALTY ASSOC L P
	82	3333	LEE PKWY	GPI LEE PARKWAY LP
	83	2929	OAK LAWN AVE	NADG OAKLAWN LTD PS
	84	3802	CEDAR SPRINGS RD	WALGREENS STORE NO 7839
O	85	3329	OAK LAWN AVE	ELEVEN OAKS PTNRS LP
	86	3811	RAWLINS ST	3811 RAWLINS LLC
	87	3627	DICKASON AVE	BLS III REAL ESTATE LLC
	88	3627	DICKASON AVE	ADAMS DAVID G

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	89	3627	DICKASON AVE	LEARY ANNE C
	90	3627	DICKASON AVE	WALSH STEPHEN A & MARY L
	91	3627	DICKASON AVE	RICE JAMES L & VONDA L
	92	3627	DICKASON AVE	MARTINISKO TRAVIS
	93	3627	DICKASON AVE	BOECKLE SCOTT
	94	3627	DICKASON AVE	ACCR HOLDING LLC
	95	3627	DICKASON AVE	MACIAS ROSENDO GILBERTO &
	96	3627	DICKASON AVE	WILLMANN PAMELA JEAN
	97	3627	DICKASON AVE	GALLI JEFFREY
	98	3817	RAWLINS ST	PASSPORT MINISTRIES
	99	3817	RAWLINS ST	MOROCH PTNRS LP
	100	3817	RAWLINS ST	ALINI ELENA
	101	3817	RAWLINS ST	PASSPORT MINISTRIES
	102	3817	RAWLINS ST	MIOT DANIEL &
	103	3817	RAWLINS ST	TYLER PHYLLIS
	104	3817	RAWLINS ST	YATES E LEIGH
	105	3817	RAWLINS ST	HOLLEY NICK R
	106	3320	REAGAN ST	HARROD JAMES M TRUST
	107	3815	RAWLINS ST	MATHEWS MICHAEL G
	108	3320	REAGAN ST	COCO MAR PROPERTIES COMPANY LLC
	109	3320	REAGAN ST	BOSWELL ROBERT
	110	3320	REAGAN ST	HARROD JAMES MICHAEL TR
	111	3320	REAGAN ST	PROPHET GARY M
	112	3320	REAGAN ST	RAINES DALE EST OF &
	113	3320	REAGAN ST	MULLER ERIC
	114	3320	REAGAN ST	PEREZ PATRICIA
	115	3815	RAWLINS ST	DAVIS DAVID PAUL
	116	3320	REAGAN ST	FALCON ROSA I
	117	3320	REAGAN ST	CHAMBERLAIN ERNEST DON
	118	3320	REAGAN ST	CHUI WAI L
	119	3818	N HALL ST	KELLY KIMBERLY ANN

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	120	3818	RAWLINS ST	STRONG D WALKER
	121	3818	N HALL ST	SINGH GURPAL GILL &
	122	3818	N HALL ST	FIGUEROA RAY E &
	123	3818	N HALL ST	NASH KEVIN
	124	3818	N HALL ST	FOLEY CHRISTOPHER
	125	3818	N HALL ST	QUINONES JULIO
	126	3818	N HALL ST	CARLSON GLEN
	127	3818	N HALL ST	MILLER STEPHEN E
	128	3400	WELBORN ST	DELIER MICHAEL
	129	3400	WELBORN ST	SANGANI SARA
	130	3400	WELBORN ST	PAULSON PATRICIA
	131	3400	WELBORN ST	JONES TAMARA R
	132	3400	WELBORN ST	MONTEMAYOR JAVIER
	133	3400	WELBORN ST	VUONG NICHOLAS MINH
	134	3400	WELBORN ST	NAVARRO MICHAEL R
	135	3400	WELBORN ST	GEARHART JERROLD JEROME III
	136	3400	WELBORN ST	BORDELON JAMES M
	137	3400	WELBORN ST	MORCHOWER KAREN R
	138	3400	WELBORN ST	GEHI LAXMAN
	139	3400	WELBORN ST	AUSTIN KELLY
	140	3400	WELBORN ST	ROBERTS BRITT
	141	3400	WELBORN ST	LOEPER PHILIP W
	142	3400	WELBORN ST	PAPARELLA MARY
	143	3400	WELBORN ST	OLIVEIRA TANYA
	144	3400	WELBORN ST	BECK MARGARET A
	145	3400	WELBORN ST	MILDREN GLYNNE L &
	146	3400	WELBORN ST	HARDY SMITH PETER M REV TR
	147	3400	WELBORN ST	ROBERTSON MELVIN TODD
	148	3400	WELBORN ST	WAN LINDA K
	149	3400	WELBORN ST	GOOD MARY & JAMES G GOOD
	150	3400	WELBORN ST	BRATTAIN DAVID

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	151	3400	WELBORN ST	BUIDA WILLIAM T & PATSY L
	152	3400	WELBORN ST	SOMES FAMILY TRUST A
	153	3400	WELBORN ST	MILLER MATTHEW
	154	3400	WELBORN ST	BONAZZOLI RICHARD &
	155	3400	WELBORN ST	PALCHIK YEFIM & SOFYA
	156	3400	WELBORN ST	GONGRE MICHAEL
	157	3400	WELBORN ST	CARNE JAMES REVOCABLE TRUST
	158	3400	WELBORN ST	NASON GREGORY A
	159	3400	WELBORN ST	MOAYYAD NATHAN
	160	3400	WELBORN ST	STEWART WILLIAM A & RAVI D
	161	3400	WELBORN ST	LU LE
	162	3400	WELBORN ST	HARRELL KEN & DEBRA
	163	3400	WELBORN ST	PROEHL STEVE GOODWIN &
	164	3400	WELBORN ST	FLANAGAN JASON & ROBIN
	165	3400	WELBORN ST	TEMKIN CAROLYN
	166	3400	WELBORN ST	SEIDEMAN MONIKA J
	167	3400	WELBORN ST	GOODMAN BENNETT & PATRICIA
	168	3400	WELBORN ST	YU ADAM J & JUDY
	169	3400	WELBORN ST	WOOLDRIDGE ANN & JAMES
	170	3400	WELBORN ST	GK WYNDEMERE LLC
	171	3400	WELBORN ST	SIMMEN DEBORAH LEE
	172	3400	WELBORN ST	STROPENI NANCY
	173	3400	WELBORN ST	CARBERY JEFFREY S & JULIE D
	174	3400	WELBORN ST	SALINAS KARIN
	175	3400	WELBORN ST	MCCURLEY SKYLER ROBERT & STACEY
	176	3400	WELBORN ST	PIRKUL NESET
	177	3400	WELBORN ST	CARTER GREGORY STERLING &
	178	3400	WELBORN ST	EILEEN LUEDEY REV LIV TR
	179	3400	WELBORN ST	GIBSON JOHN LYCURGUS II
	180	3400	WELBORN ST	KAINTH MALVINDER SINGH & MONIQUE
	181	3400	WELBORN ST	BEHRENDT EMILY LAUREN

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	182	3400	WELBORN ST	INGRAHAM MATTHEW ETAL
	183	3400	WELBORN ST	BELL RENEE
	184	3400	WELBORN ST	CARRINGTON ANGELA
	185	3400	WELBORN ST	LO JESSICA M
	186	3400	WELBORN ST	LIEU FRANK C & JOYCE M LIEU TRUSTEES
	187	3400	WELBORN ST	YOUNG ANGELA NICOLE
	188	3400	WELBORN ST	DILLARD LINDA
	189	3400	WELBORN ST	RAJENDRAN KAYAL
	190	3400	WELBORN ST	SANDERS WAYNE N & PENNY J
	191	3400	WELBORN ST	SONNENSCHEIN INVESTMENT LTD
	192	3400	WELBORN ST	REGGIARDO DIANA
	193	3400	WELBORN ST	YIP MICHAEL
	194	3400	WELBORN ST	SYED NABEEL &
	195	3400	WELBORN ST	ANDERSON CHELSEA MARIE
	196	3400	WELBORN ST	RAJENDRAN SANKERLINGAM & GEETHA
	197	3400	WELBORN ST	SAADALLAH NURA & DINA
	198	3400	WELBORN ST	WAYNE FRANCES L
	199	3400	WELBORN ST	WALTER WENDOLYN SMITH
	200	3400	WELBORN ST	MAHMOODZADEH MOHAMMAD
	201	3400	WELBORN ST	BRATETICH SARA N
	202	3400	WELBORN ST	ZHANG NAN
	203	3400	WELBORN ST	BOKAMPER JERRY W
	204	3400	WELBORN ST	DOLOTINA VALENTINA NIKOLAEVNA
	205	3400	WELBORN ST	SNOWDON VICTORIA A &
	206	3400	WELBORN ST	DELEU BRIAN S
	207	3400	WELBORN ST	BRECUNIER JANE
	208	3400	WELBORN ST	WEATHRL MARTHA C
	209	3400	WELBORN ST	BHATNAGER JOGINDER MOHAN &
	210	3400	WELBORN ST	YU ADAM & JUDY
	211	3400	WELBORN ST	HIPP JAMES D
	212	3400	WELBORN ST	ZEAK SHAWN M

05/30/2017

Reply	*Label #*	*Address*		*Owner*
	213	3400	WELBORN ST	NICHOLSON DON & ALICE
	214	3400	WELBORN ST	PORRAS REBECCA L
	215	3400	WELBORN ST	MOHAN ASHWATHI &
	216	3400	WELBORN ST	PATEL ANAND N & SWATI ARVINDKUMAR PATEL REV TRUST
	217	3400	WELBORN ST	BIERMAN KARIN L
	218	3400	WELBORN ST	MAXVILL ALISSA B
	219	3400	WELBORN ST	REICHENBACH AUGUST WILLIAM
	220	3400	WELBORN ST	WHITE ANNICK
	221	3400	WELBORN ST	COOKSEY CHARLES N
	222	3400	WELBORN ST	PRANGE BRETT P
	223	3400	WELBORN ST	HASHEM ABRAHAM & SUSAN
	224	3400	WELBORN ST	HOAK EDWARD
	225	3400	WELBORN ST	OHEA LINDA L
	226	3400	WELBORN ST	TACCONI EUGENIO J &
	227	3400	WELBORN ST	VINSON RACHEL & BROOKE
	228	3400	WELBORN ST	WEBB ALBERT M
	229	3400	WELBORN ST	MUMMERT PEGGY L
	230	3400	WELBORN ST	HOANG MEGAN
	231	3400	WELBORN ST	MAYDEW RANDALL P & ALLIS
	232	3400	WELBORN ST	DE LEON CARLOS
	233	3400	WELBORN ST	STEPHENSON TIMOTHY R
	234	3400	WELBORN ST	MONTAGUE MAXWELL K &
	235	3400	WELBORN ST	BUROVA OLGA
	236	3400	WELBORN ST	D'ARCY KENNETH R
	237	3400	WELBORN ST	BALQUE DORSIN P JR &
	238	3400	WELBORN ST	GOMAR JORGE E &
	239	3400	WELBORN ST	DEMIRCI KEMAL SAFAK
	240	3400	WELBORN ST	PARENT GAYLE

AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 53 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District and an NS(A)-D Neighborhood Service District with a D Liquor Control Overlay on the southeast side of South Westmoreland Road, south of Irwindell Boulevard

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, elevation, and conditions

Z167-184(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-184(KK) **DATE FILED:** January 19, 2016

LOCATION: Southeast side of South Westmoreland Road, south of Irwindell Boulevard

COUNCIL DISTRICT: 1 **MAPSCO:** 53-F

SIZE OF REQUEST: Approx. 0.03 acres **CENSUS TRACT:** 45.00

APPLICANT/ OWNER: Branch Towers LLC/JTM Trust & David Millison

REPRESENTATIVE: Hart Mason & Associates Inc., Hart Mason

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District and an NS(A)-D Neighborhood Service District with a D Liquor Control Overlay.

SUMMARY: The applicant proposes to construct a stealth monopole tower for cellular communication [T Mobile]. The tower will be a maximum height of 100 feet and will include a five-foot lightning rod for a total height not to exceed 105 feet above ground level.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation, 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, elevation, and conditions.

BACKGROUND INFORMATION:

- The area of request is partially undeveloped and developed land. The site will contain a 2,025 square-foot area that will be improved with a stealth monopole tower for cellular communication.

- The proposed stealth monopole tower will be a maximum height of 100 feet and will include a five-foot lightning rod for a total height not to exceed 105 feet above ground level.

- The Specific Use Permit allows this additional use of the property and does not change the existing R-7.5(A) Single Family District and NS(A) Neighborhood Service District zoning. The uses permitted by the present zoning will continue to be allowed.

- The surrounding area is predominately comprised of single family dwelling development to the east and south zoned R-7.5(A) Single Family District, with retail related uses bordering the site to the north and east zoned NS(A) Neighborhood Service District.

Zoning History: There has not been any recent zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Westmoreland Road	Principal Arterial	100 feet
Schooldell Drive	Substandard Street	40 feet

Land Use:

	Zoning	Land Use
Site	R-7.5(A), NS(A)-D	Undeveloped and restaurant
North	NS(A)-D	Restaurant, general merchandise, and personal service
East	R-7.5(A)	Residential uses
South	R-7.5(A)	Residential uses
West	R-7.5(A), NS(A)-D	Restaurant, general merchandise, and personal service

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.

There are no goals or policies supporting or opposing the request.

Land Use Compatibility:

The area of request is undeveloped land and an existing restaurant use. The area of request will contain a 2,025-square-foot lease area that will be improved with a stealth monopole tower for cellular communication. The monopole tower will be a maximum height of 100 feet and will include a five-foot lightning rod for a total height not to exceed 105 feet above ground level. The applicant has detailed that the proposed tower height is the minimum height necessary to provide the required coverage relative to nearby complementary wireless facilities. If residential proximity slope were to apply, the tower would have to be setback 300 feet from the eastern property line where the property is directly adjacent to a residentially zoned district. The longest portion of the area of request is approximately 155 linear feet. The tower cannot be located on site and not encroach into residential proximity slope if the eastern property line were a site of origination.

The surrounding area is predominately comprised of single family development to the east and south with commercial uses bordering the site to the north and east. The applicant has detailed that T-Mobile seeks to improve a significant capacity deficiency in its 3G and 4G LTE coverage in the city of Dallas. Per the applicant the proposed site location was chosen to improve the voice and data capacity for customers located between West Jefferson Boulevard to the north, West Clarendon Drive to the south, and between South Westmoreland Road to the west, and South Hampton Road to the east. The applicant asserts that the area to be developed will allow wireless telephone providers the necessary infrastructure for attaching their equipment to transmit and receive radio signals to and from their customers.

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 which stipulates that a monopole cellular tower is exempt from residential proximity slope height restrictions if an SUP is required for the monopole cellular use and the impact of the tower height on an adjacent residential district is considered in the SUP process.

Although the subject site is adjacent to residential uses, the proposed monopole tower will enhance the vital communication service throughout the area. Staff recommends the applicant install a stealth tower instead of the typical cellular tower with various antenna cells. The typical cellular tower with the antenna cells could alter the visual aesthetics of the neighborhood's character. The visual aesthetic of a typical cellular tower does not contribute to, enhance or promote the welfare of the area of request and adjacent properties at this location. A stealth cellular tower will reduce any visual impact the proposed use will have on the adjacent neighborhood. Also, the use does not generate any significant traffic thus posing no detriment to pedestrians in the area. In order to mitigate the impact of the proposed tower on the adjacent residential uses, an eight-foot tall solid wooden fence will be installed along the perimeter of the lease area. There is also an existing alley that provides separation between the single family homes and the area of request. The single family rear yards that have direct adjacency have a fence to separate their lots from the alley and the area of request.

Development Standards:

DISTRICT	SETBACKS		Lot Area	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Residential	25'	5'/5'	7,500	30'	45% res	Proximity Slope Visual Intrusion	Residential
NS(A) Retail	15'	20' where adj. to res No min. in all other cases	No max DWU density	35' for structure with gable, hip, or gambrel roof 30' for any other structure	40%	Proximity Slope Visual Intrusion	Retail, Institutional

Parking:

Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than a 120 square feet. The auxiliary building is less than 120 square feet, therefore no parking is triggered by the development of this use.

Landscaping:

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Per the current proposal, the area of request will not be required to provide landscaping because less than 2,000 square feet of non-permeable surface will be installed.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Notification Area:

On January 13, 2016, the City Council approved an amendment to the Development Code regarding tower/antenna for cellular communication use. One provision pertains to the notification area and requires written notification of the public hearing on an application for an SUP for a tower/antenna for cellular communication to all real property within 500 feet of the building site on which the tower/ antenna for cellular communication will be located.

As a result of the amendment, the SUP will be placed on the larger 0.03-acre tract of land, and the notification area will extend from this boundary rather than from border of the 2,025-square foot lease area of the tower/antenna for cellular communication.

CPC Action

May 4, 2017

Motion: It was moved to recommend **approval** a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation, and conditions on property zoned an R-7.5(A) Single Family District and as NS(A) Neighborhood Service District on the southeast side of South Westmoreland Road, south of Irwindell Boulevard.

Maker: Anglin
Second: Houston
Result: Carried: 8 to 6

For: 8 - Anglin, Rieves, Houston, Shidid, Peadon, Murphy, Ridley, Tarpley

Against: 6 – Davis, Anantasomboon, Haney, Mack, Jung, Schultz
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 500 Mailed: 124
Replies: For: 6 Against: 24

Speakers: For: Hart Mason, 4017 Courtshire Dr., Dallas, TX 75229
Against: Christapher McElheney, 3323 Brooklyndell Ave., Dallas, TX 75211
Milton Campos, 514 S. Westmoreland Rd., Dallas, TX, 75211
Against (Did not speak): Catherine Garrison, 3308 Arnoldell St., Dallas, TX, 75211

List of Partners/Principals/Officers

Members of Branch Towers, LLC, a Delaware Limited Liability Company:

1. Peppertree Capital Telecom Tower Fund, LP
2. Curtis Branch
3. Branch Communications, LLC

Officers:

1. Curtis Branch, President
2. Ryan D. Lepene, Secretary

Principal place of business: 1516 South Boston Avenue, Ste. 115, Tulsa, OK 74119
Registered Agent is the Corporation Trust Center with an address of 1209 Orange Street, Wilmington, Delaware 19801

Officers for Branch Communications, LLC:

1. Curtis Branch, President
2. Jared Ledet, Vice-President
3. Mark Kesner, Vice-President
4. David Wells, Vice-President

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit expires on (ten 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 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. FENCE: The proposed lease area must be enclosed by an eight-foot-tall wooden fence and secured by a 12-foot-tall access gate in the location shown on the attached site plan.

5. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height, with a five-foot lightning rode, for a total height not to exceed 105 feet.

6. MONOPOLE CELLULAR TOWER DIMENSIONS:

    A. The pole portion of the tower/antenna for cellular communication may not exceed 42 inches in diameter.

    B. The platform portion of the tower/antenna for cellular communication may not have a horizontal cross sectional area greater than 196 square feet.

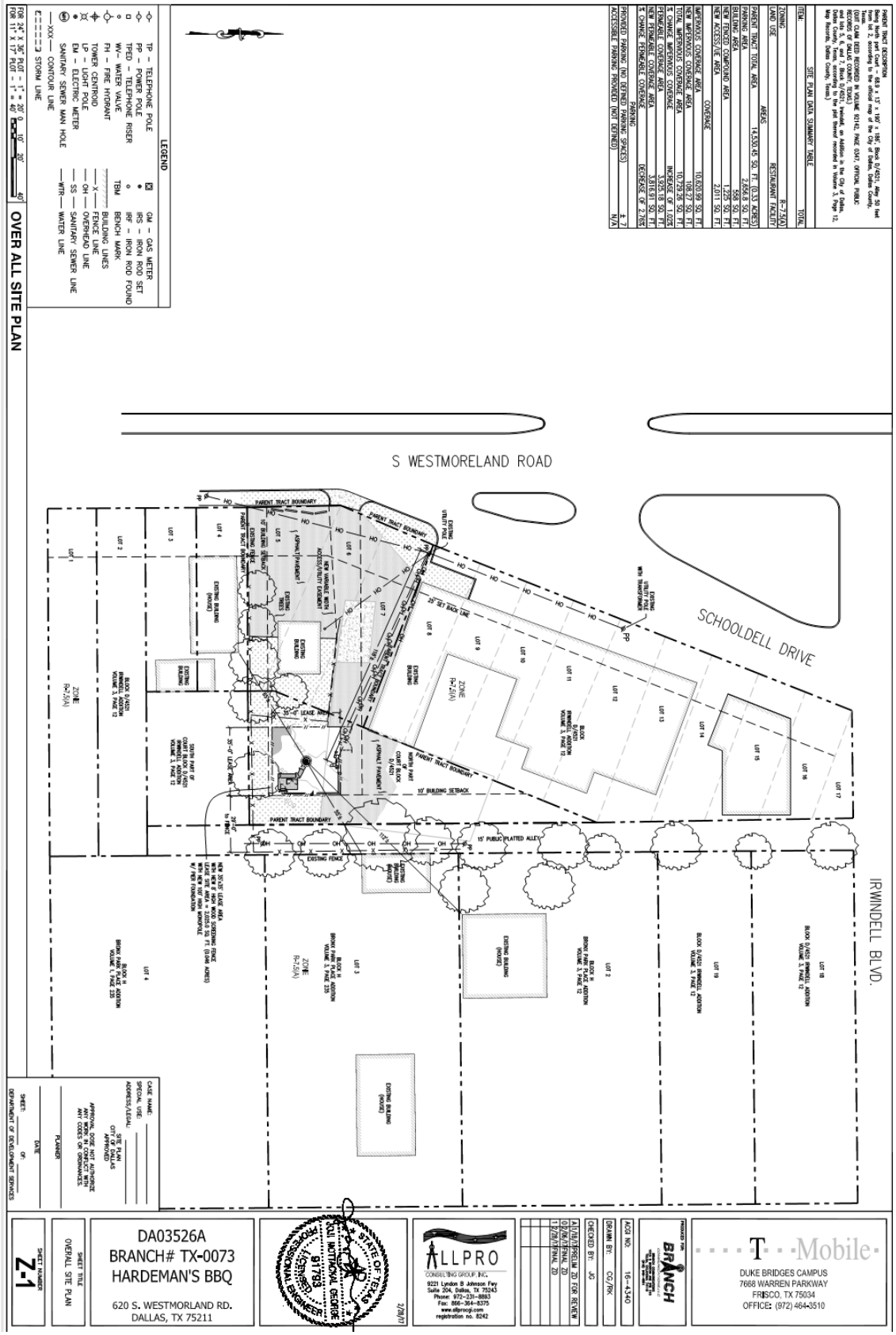
    C. The depth of the platform may not exceed four feet, excluding any whip antenna.

7. SHARED USE WITH OTHER CARRIERS: Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.

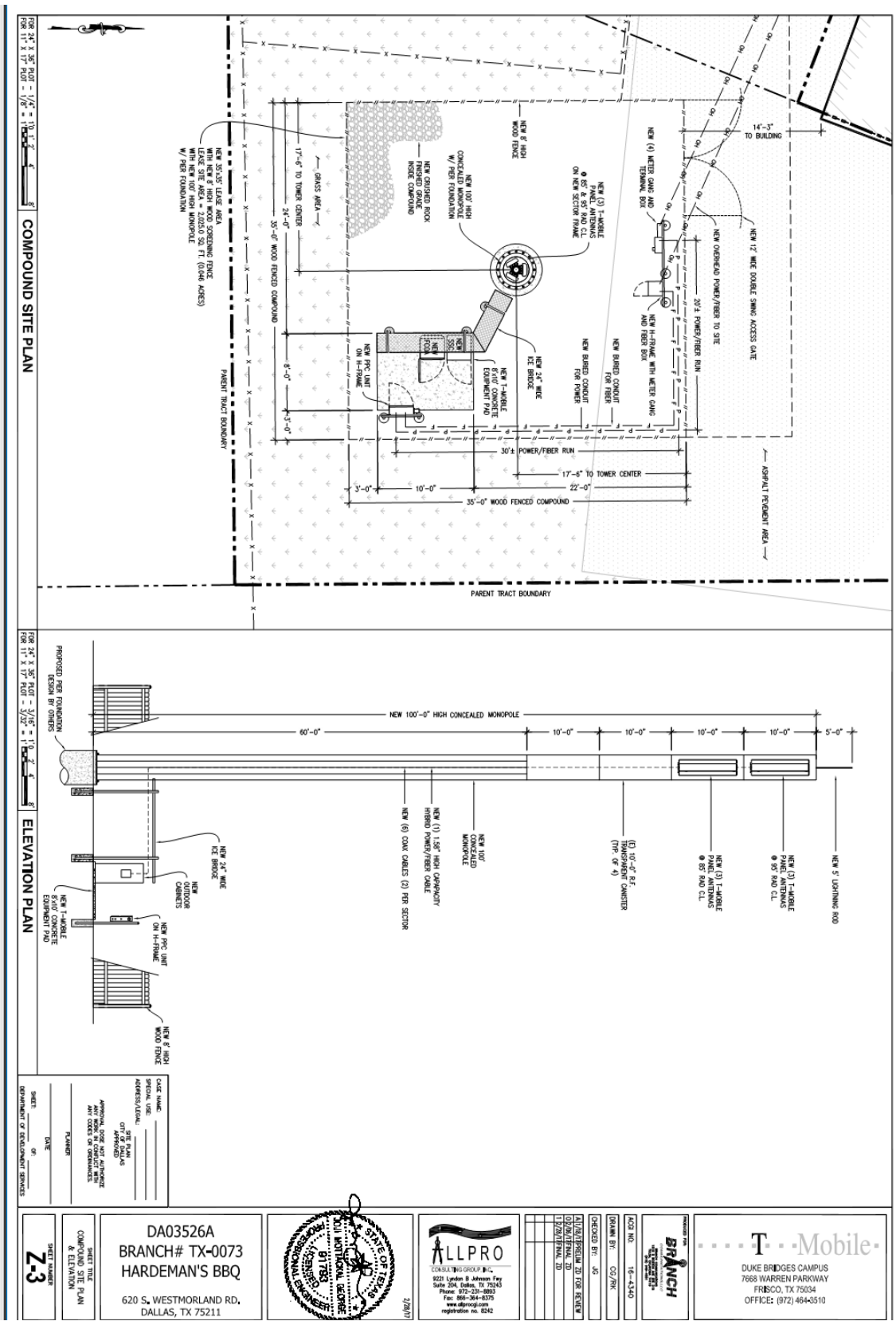
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

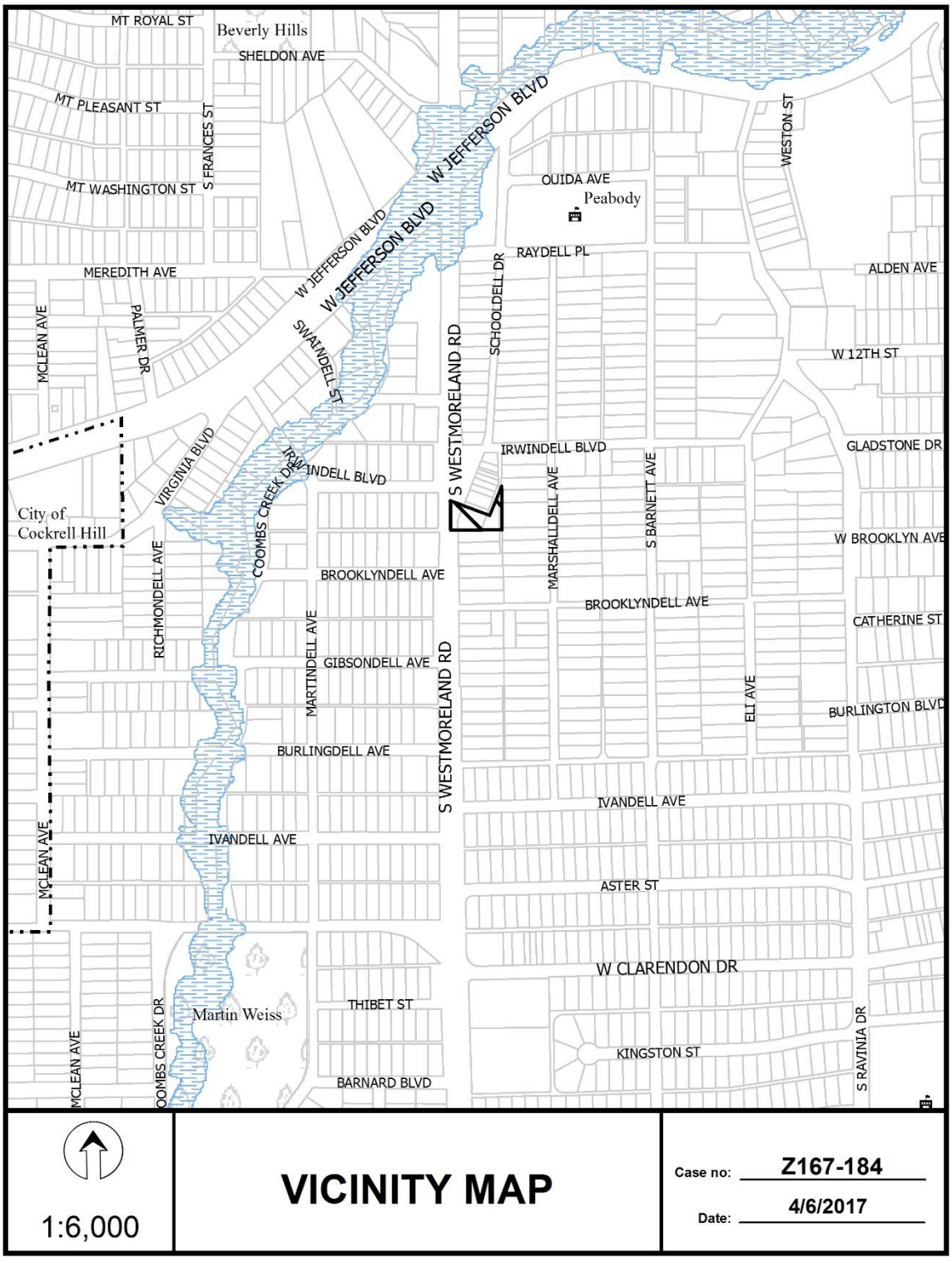
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

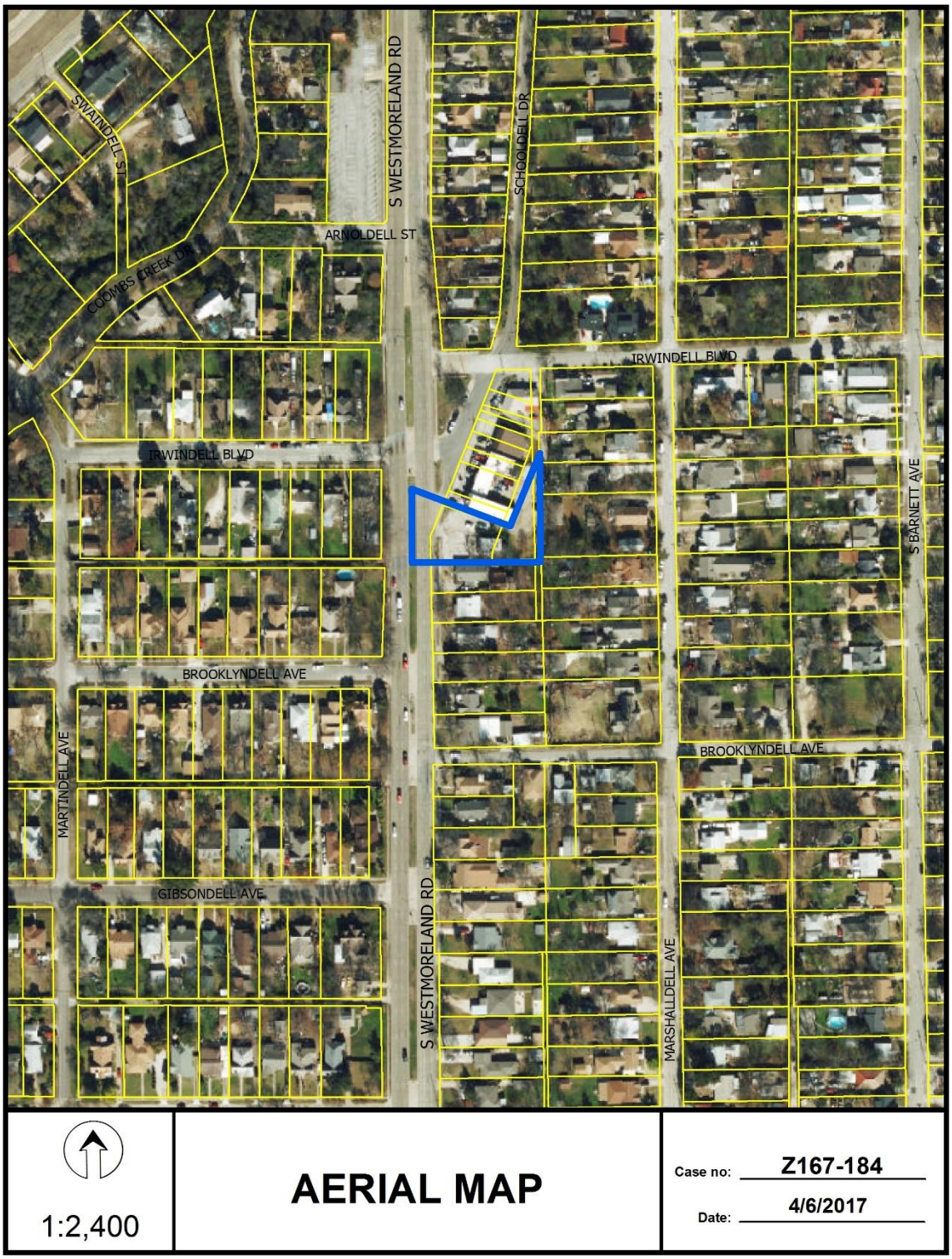
PROPOSED SITE PLAN

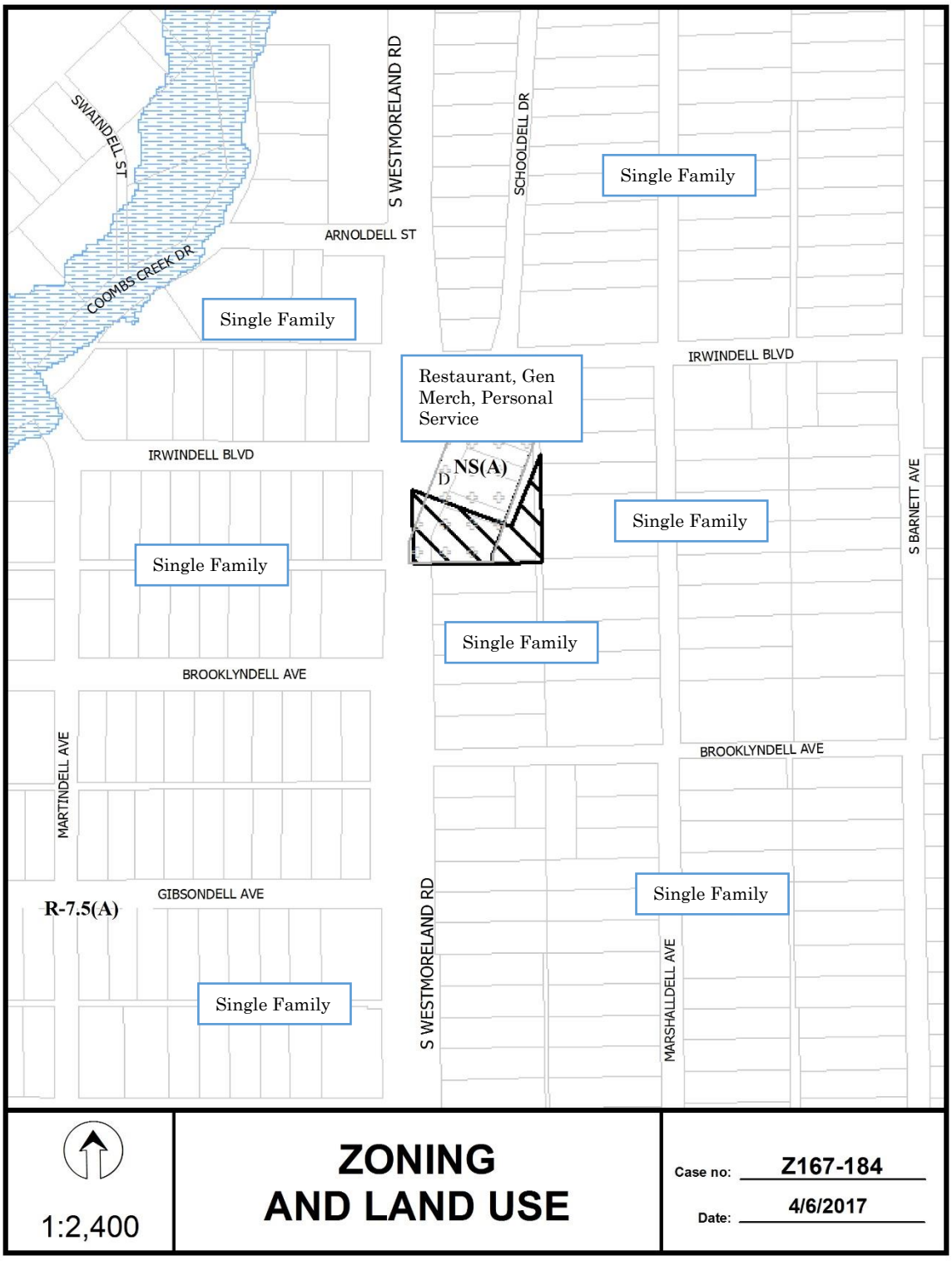


PROPOSED ELEVATION

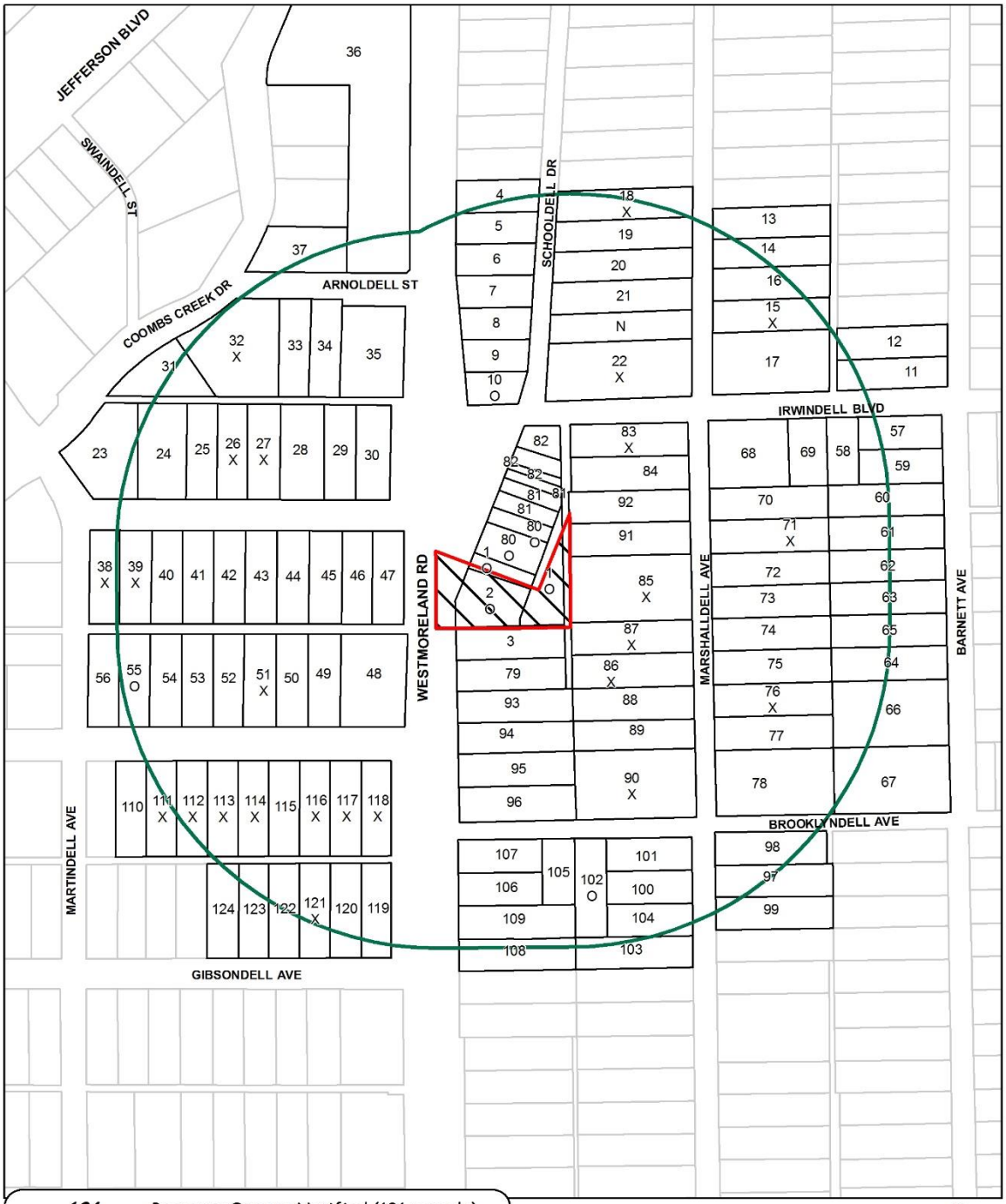



MT ROYAL ST
Beverly Hills
SHELDON AVE
MT PLEASANT ST
S FRANCES ST
MT WASHINGTON ST
W JEFFERSON BLVD
OUIDA AVE
Peabody
WESTON ST
MEREDITH AVE
RAYDELL PL
ALDEN AVE
MCLEAN AVE
PALMER DR
SWANDELL ST
SCHOOLDELL DR
S WESTMORELAND RD
W 12TH ST
VIRGINIA BLVD
IRWINDELL BLVD
GLADSTONE DR
City of
Cockrell Hill
COOMBS CREEK DR
MARSHALLDELL AVE
S BARNETT AVE
W BROOKLYN AVE
RICHMONDELL AVE
BROOKLYNDELL AVE
CATHERINE ST
MARTINDELL AVE
GIBSONDELL AVE
ELI AVE
BURLINGTON BLVD
BURLINGDELL AVE
IVANDELL AVE
ASTER ST
W CLARENDON DR
Martin Weiss
THIBET ST
KINGSTON ST
S RAVINIA DR
BARNARD BLVD
1:6,000
VICINITY MAP
Case no: Z167-184
Date: 4/6/2017


S WESTMORELAND RD
SCHOOLDELL DR
SWAINDELL ST
ARNOLDELL ST
COOMBS CREEK DR
IRWINDELL BLVD
IRWINDELL BLVD
S BARNETT AVE
BROOKLYNDELL AVE
BROOKLYNDELL AVE
MARTINDELL AVE
GIBSONDELL AVE
S WESTMORELAND RD
MARSHALLDELL AVE
1:2,400
AERIAL MAP
Case no: Z167-184
Date: 4/6/2017


SWAINDELL ST
S WESTMORELAND RD
SCHOOLDELL DR
Single Family
ARNOLDELL ST
COOMBS CREEK DR
Single Family
IRWINDELL BLVD
Restaurant, Gen Merch, Personal Service
NS(A)
D
Single Family
S BARNETT AVE
Single Family
Single Family
BROOKLYNDELL AVE
BROOKLYNDELL AVE
MARTINDELL AVE
GIBSONDELL AVE
R-7.5(A)
Single Family
S WESTMORELAND RD
MARSHALLDELL AVE
Single Family
1:2,400
ZONING AND LAND USE
Case no: Z167-184
Date: 4/6/2017

CPC RESPONSES



05/03/2017

Reply List of Property Owners

Z167-184

124 Property Owners Notified 6 Property Owners in Favor 24 Property Owners Opposed

Reply	*Label #*	*Address*	*Owner*
O	1	620 N WESTMORELAND RD	JTM TRUST &
O	2	618 S WESTMORELAND RD	JTM TRUST &
	3	622 S WESTMORELAND RD	GARCIA FERNANDO G &
	4	434 S WESTMORELAND RD	COOPER BRENDAN & TIFFANY
	5	438 S WESTMORELAND RD	BAXTER LOREN T
	6	440 S WESTMORELAND RD	MORENO JORGE & BELEN R
	7	502 S WESTMORELAND RD	REIGEL JEREMY &
	8	506 S WESTMORELAND RD	GRILLOT SUZANNE M
	9	510 S WESTMORELAND RD	RATLIFF KENNETH JR &
O	10	514 S WESTMORELAND RD	CAMPOS ERICA Y & MILTON J
	11	523 S BARNETT AVE	HUX DANNY R
	12	519 S BARNETT AVE	GUZMAN JESSE A
	13	506 MARSHALLDELL AVE	CORTEZ DOLORES
	14	510 MARSHALLDELL AVE	MONDRAGON IGNACIO A ESTATE OF
	16	514 MARSHALLDELL AVE	MORALES JUAN I
	17	522 MARSHALLDELL AVE	WALLS ROBERT A
X	18	503 MARSHALLDELL AVE	VALDERAS FRANCCEVASCA M
	19	507 MARSHALLDELL AVE	MENDOZA LORENZO & MARTHA
	20	511 MARSHALLDELL AVE	GOMEZ ALICA M
	21	513 MARSHALLDELL AVE	LOERA BASILIO
X	22	523 MARSHALLDELL AVE	MENDOZA CARLOS &
	23	3343 IRWINDELL BLVD	SMITH LONNIE L
	24	3335 IRWINDELL BLVD	STORM RONALD L STORM
	25	3331 IRWINDELL BLVD	FUNDERBURK MARGIE LIFE ESTATE
X	26	3327 IRWINDELL BLVD	JONES DIANA E
X	27	3323 IRWINDELL BLVD	CRITTENDEN CAROL JANE

05/03/2017

Reply	*Label #*	*Address*	*Owner*
	28	3319 IRWINDELL BLVD	HERNANDEZ ALEJANDRO &
	29	3313 IRWINDELL BLVD	JIMENEZ AGUSTIN P
	30	3307 IRWINDELL BLVD	LEE RANDELL K
	31	510 COOMBS CREEK DR	FAIRLY JEANNINE
X	32	500 COOMBS CREEK DR	CRUZ JOSE LUIS OLIDE &
	33	3318 ARNOLDELL ST	MACIAS ARMANDO A &
	34	3314 ARNOLDELL ST	BECKNER ZACHARIAH KATHLEEN
	35	3308 ARNOLDELL ST	GARRISON CATHERINE
	36	411 S WESTMORELAND RD	GRACE FELLOWSHIP IN
	37	3333 ARNOLDELL ST	TRUJILLO LINDA E
X	38	3340 IRWINDELL BLVD	PATTERSON ALICE
X	39	3338 IRWINDELL BLVD	HOWELL BRYAN
	40	3334 IRWINDELL BLVD	CALDERON JOSE &
	41	3330 IRWINDELL BLVD	REYES ROBERTO
	42	3326 IRWINDELL BLVD	ARNS INVESTMENT
	43	3322 IRWINDELL BLVD	BACERRA GLORIA R
	44	3318 IRWINDELL BLVD	HINDERSON SHAWNTA
	45	3314 IRWINDELL BLVD	IRWINDELL PROPERTIES LLC
	46	3310 IRWINDELL BLVD	GONZALEZ GREGORIO
	47	3306 IRWINDELL BLVD	ALFARO ANTONIO R EST OF
	48	3311 BROOKLYNDELL AVE	HARGER ANDREW T
	49	3315 BROOKLYNDELL AVE	VELA HENRY JR &
	50	3319 BROOKLYNDELL AVE	GAYTAN JAMES JR &
X	51	3323 BROOKLYNDELL AVE	MCELHENEY CHRISTAPHER W &
	52	3327 BROOKLYNDELL AVE	SALAS ERNERSTINA
	53	3331 BROOKLYNDELL AVE	BUYS RYAN E &
	54	3335 BROOKLYNDELL AVE	RUIZ NORMA J
O	55	3339 BROOKLYNDELL AVE	DTX RENTALS LP
	56	3343 BROOKLYNDELL AVE	HIGA FRANCISCO & ALICIA
	57	601 S BARNETT AVE	GARCIA ROGELIO V & MARICELA G
	58	3110 IRWINDELL BLVD	RIOS RITA

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	59	605	S BARNETT AVE	WONG ALEX TUNG CHOI
	60	611	S BARNETT AVE	CISNEROS MARSHALL
	61	615	S BARNETT AVE	HERNANDEZ MARIA DEL REFUGIO &
	62	619	S BARNETT AVE	OSTERHOLT EVERETT J EST OF
	63	623	S BARNETT AVE	AMAYA JOSE CRISTOBAL &
	64	707	S BARNETT AVE	RAMIREZ RICARDO &
	65	703	S BARNETT AVE	SANCHEZ GRIMALDO SR
	66	715	S BARNETT AVE	DOMINGUEZ MARY EST OF
	67	719	S BARNETT AVE	DOMINGUEZ ALFRED & MARY
	68	602	MARSHALLDELL AVE	RAMIREZ NOE & LOURDES
	69	3116	IRWINDELL BLVD	RAMIREZ ISIDRO &
	70	610	MARSHALLDELL AVE	RITTER NICHELLE
X	71	614	MARSHALLDELL AVE	SERRANO PETER A
	72	618	MARSHALLDELL AVE	ZEPEDA JUAN JOSE
	73	622	MARSHALLDELL AVE	ZEPEDA JOSE SALUD
	74	702	MARSHALLDELL AVE	MATA ANDRES L & ORELIA
	75	706	MARSHALLDELL AVE	NIETO ELIZABETH &
X	76	714	MARSHALLDELL AVE	CASTILLO REBECCA &
	77	710	MARSHALLDELL AVE	HERNANDEZ LUISA ET AL
	78	722	MARSHALLDELL AVE	MULLIN BARBARA
	79	628	S WESTMORELAND RD	DBDFW LLC
O	80	616	SCHOOLDELL DR	JTM TRUST
	81	610	SCHOOLDELL DR	LOPEZ ERNEST
	82	606	SCHOOLDELL DR	RIOS HENRY &
X	83	3216	IRWINDELL BLVD	SOTO BENITO & MARIA G
	84	607	MARSHALLDELL AVE	SORIA HOMER
X	85	619	MARSHALLDELL AVE	MORRIS TERESA
X	86	707	MARSHALLDELL AVE	SERRATO ISMAEL
X	87	701	MARSHALLDELL AVE	RAMOS ESIQUIO & MARIA
	88	711	MARSHALLDELL AVE	MORIN RAMIRO & MARIA
	89	715	MARSHALLDELL AVE	LOREDO JOSE JESUS

05/03/2017

Reply	*Label #*	*Address*		*Owner*
X	90	721	MARSHALLDELL AVE	GLENN RAYMOND D
	91	615	MARSHALLDELL AVE	DELGADO ROSA
	92	611	MARSHALLDELL AVE	RIOS SANDRA
	93	638	S WESTMORELAND RD	MCGRAW DANIA &
	94	642	S WESTMORELAND RD	MENDOZA CHRISTINA C
	95	646	S WESTMORELAND RD	GARCIA SAUL
	96	650	S WESTMORELAND RD	MARTINEZ OPHELIA C
	97	806	MARSHALLDELL AVE	MEDELES ANDREA H
	98	802	MARSHALLDELL AVE	RAMIREZ VICENTE P
	99	808	MARSHALLDELL AVE	MARTINEZ JAIME
	100	807	MARSHALLDELL AVE	PALAFOX DIANA DURON
	101	803	MARSHALLDELL AVE	ORTUNO ANTONIO &
O	102	3210	BROOKLYNDELL AVE	LOPEZ ANITA
	103	815	MARSHALLDELL AVE	RAMOS MARIA
	104	809	MARSHALLDELL AVE	SKINNER FRED P
	105	3214	BROOKLYNDELL AVE	BALDERAS ISMAEL & ANTONIA
	106	706	S WESTMORELAND RD	SANCHEZ JOSE F
	107	702	S WESTMORELAND RD	FRANCO REYNALDO &
	108	714	S WESTMORELAND RD	LEYVA RIGOBERTO &
	109	710	S WESTMORELAND RD	GALVAN FERNANDO & MARIA
	110	3338	BROOKLYNDELL AVE	MARTINEZ ALBERT E JR &
X	111	3334	BROOKLYNDELL AVE	HARGROVE ANITA V
X	112	3330	BROOKLYNDELL AVE	DELABRA JOSE L & MARIA G
X	113	3326	BROOKLYNDELL AVE	DELABRA CUAUHTEMOC & AMPARO
X	114	3322	BROOKLYNDELL AVE	DELABRA ARTEMIO & NORMA
	115	3318	BROOKLYNDELL AVE	VARGAS RAFAEL &
X	116	3314	BROOKLYNDELL AVE	BEIMER CHRISTOPHER &
X	117	3310	BROOKLYNDELL AVE	MONTALVO JOSE & PETRA
X	118	3306	BROOKLYNDELL AVE	LOZANO RAMIRO
	119	3307	GIBSONDELL AVE	MEZA GODOFREDO & ARACELI
	120	3311	GIBSONDELL AVE	GUERRA ELUTERIO O

05/03/2017

Reply	*Label #*	*Address*		*Owner*
X	121	3315	GIBSONDELL AVE	ANDERSON MICHAEL J
	122	3319	GIBSONDELL AVE	GARCIA PERFECTO
	123	3323	GIBSONDELL AVE	HEBERT DENELLE G
	124	3327	GIBSONDELL AVE	BACKES EDWIN C III
X	A1	518	MARSHALLDELL AVE	SHAW BRUCE

AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 23 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, west of Marsh Lane, north of Walnut Hill Lane

Recommendation of Staff: Approval 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 for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions

Z167-216(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed A-Ghafry

FILE NUMBER:	Z167-216(OTH)	**DATE FILED:**	February 14, 2017
LOCATION:	West of Marsh Lane, north of Walnut Hill Lane		
COUNCIL DISTRICT:	13	**MAPSCO:**	23-R
SIZE OF REQUEST:	Approx. 1,956 sq. ft.	**CENSUS TRACT:**	97.02

OWNER: Hopkins Marsh Lane Plaza, L.P.

APPLICANT/ REPRESENTATIVE: J & K Rios Investments, LLC

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The 1,956-square-foot request site is located within a retail shopping center (5.57 acres). The applicant proposes to continue the use of the suite with a restaurant [Texanito Taqueria & Bar] and to be able to continue to sell alcoholic beverages for on premise consumption. The restaurant without drive-in or drive through use is permitted by right. The sale of alcoholic beverages requires a specific use permit in the D-1 Liquor Control Overlay.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND:

- The proposed use is located within a large shopping center. The suite is approximately 1,956 square-feet and the applicant is currently using it for a restaurant.

- Specific Use Permit No. 2130 was approved by City Council on January 14, 2015, for a two-year period with eligibility for additional five-year periods. However, the SUP expired on January 17, 2017. The applicant missed the mandatory period to automatically renew the SUP.

- The applicant is a different tenant from the previous applicant. The conditions and site plan will be the same as the previous SUP.

Zoning History:

There have been one recent zoning changes in the area:

1. Z134-104 On January 22, 2014, the City Council approved a CR Community Retail District on property zoned an LO-1 Limited Office District on property located on the west side of Marsh Lane, north of Walnut Hill Lane.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marsh Lane	Principal Arterial	100 ft.	100 ft.
Walnut Hill Lane	Principal Arterial	90 ft.	90 ft.

Land Use:

	Zoning	Land Use
Site	CR-D-1	Restaurant and bar
North	CR-D-1	Retail
South	CR-D-1, CR-D	Retail
East	CR-D-1 & SUP 1902	Retail
West	PD No. 31	Single Family Residential

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

URBAN DESIGN

GOAL 5.3 Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

STAFF ANALYSIS:

Land Use Compatibility:

The surrounding land uses consist of single family to the west and south; a variety of retail uses north and east of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane, is developed with office and single family uses. The sale of alcohol in conjunction with a restaurant is consistent with the surrounding land uses for 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.

The applicant's request is compatible with the surrounding retail uses. The initial short time period will require that the request be reevaluated to ensure the operator is complying with the conditions and site plan and to ensure any negative impacts of the use are recognized and deterred.

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

Landscaping:

No new development is proposed by this application. Therefore, the landscaping requirements of Article X of the Dallas Development Code will not be triggered.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant without drive-in or drive through is one space per 100 square feet of floor area. Therefore, the ± 1,956-square-foot area requires 20 spaces, as depicted on the site plan.

Police Records:

No incidents were reported for this business from January 4, 2015, to March 31, 2017.

CPC ACTION
May 4, 2017

Motion: It was moved to recommend **approval** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a two-year period with eligibility for automatic renewals for additional two-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, west of Marsh Lane, north of Walnut Hill Lane.

Maker: Murphy
Second: Schultz
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 24
Replies: For: 2 Against: 0

Speakers: For: Karina Rios, 10031 Marsh Ln., Dallas, TX, 75229
Against: None

Partners/Principals/Officers

J&K Rios Investments, LLC

- Managing Member-Karina Rios
- Managing Member-Johnatan Rios

Hopkins Marsh Lane Plaza L.P.
General Partner
Hopkins Retail Inc

- Vice President- Edward Schaefer

PROPOSED CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service.

2. SITE PLAN: The sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service is allowed only in the location shown in the 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)_____, but is eligible for automatic renewal for additional two-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.)

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.)

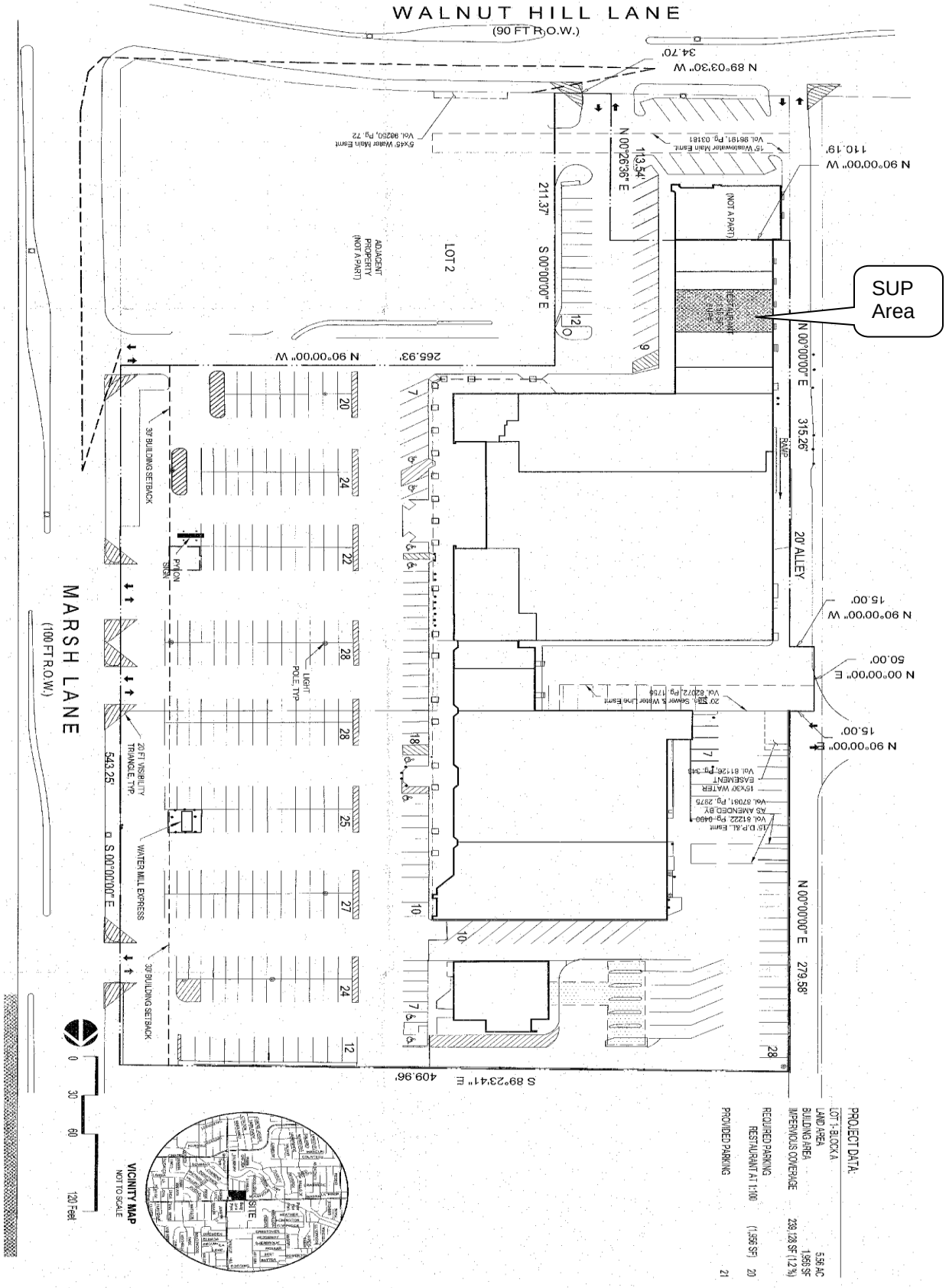
4. FLOOR AREA: The maximum floor area is 1,956 square feet.

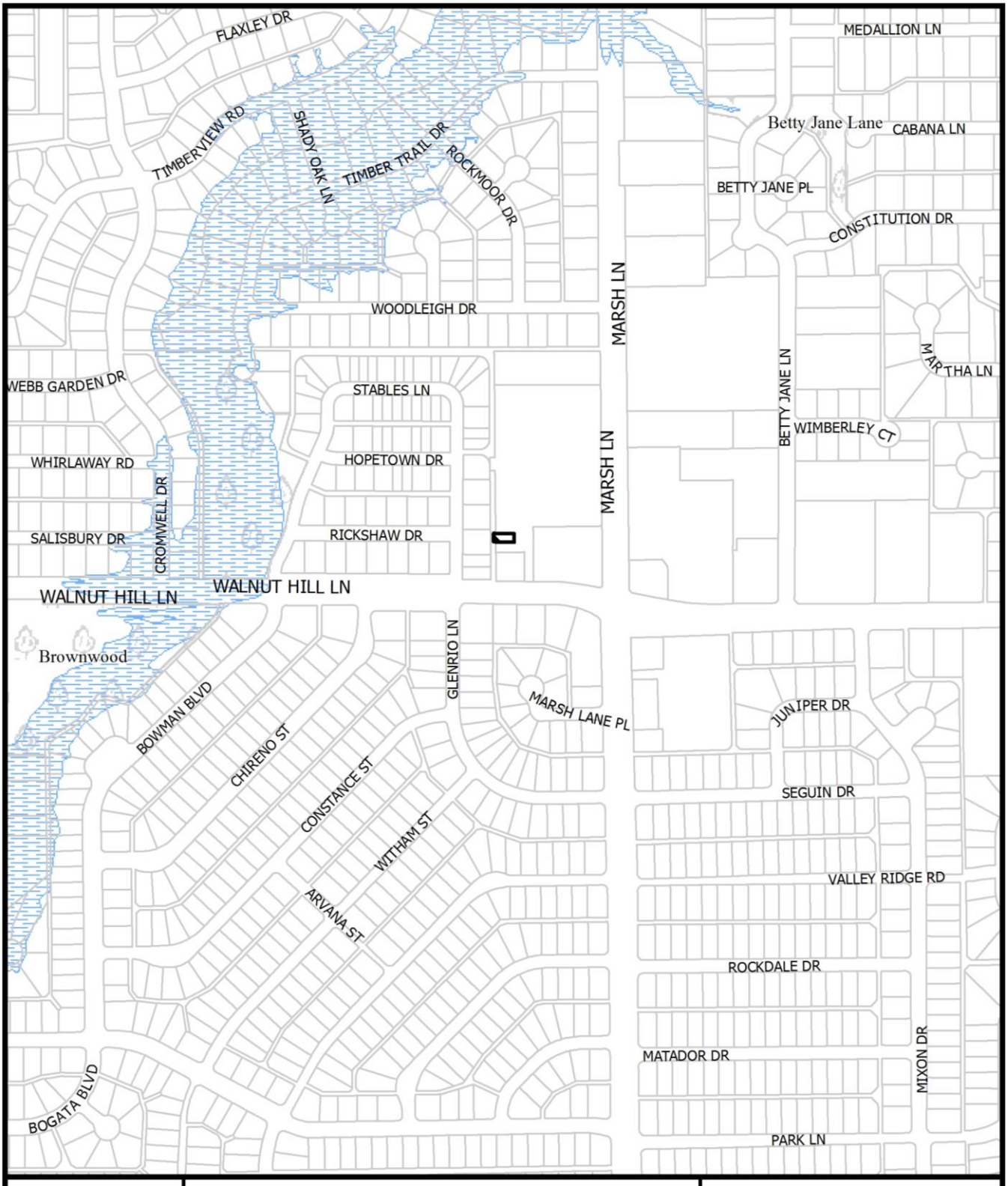
5. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.

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.

SITE PLAN


WALNUT HILL LANE
(90 FT R.O.W.)
MARSH LANE
(100 FT R.O.W.)
SUP Area
LOT 2
ADJACENT PROPERTY (NOT A PART)
20' ALLEY
RAMP
PYLON SIGN
LIGHT POLE, TYP.
20 FT VISIBILITY TRIANGLE, TYP.
WATER MILL EXPRESS
30' BUILDING SETBACK
N 89°03'30" W 34.70'
N 00°26'36" E 113.54'
S 00°00'00" E 211.37'
N 90°00'00" W 265.93'
N 00°00'00" E 315.26'
N 90°00'00" W 110.19'
N 90°00'00" W 15.00'
N 00°00'00" E 50.00'
N 90°00'00" E 15.00'
N 00°00'00" E 279.58'
S 89°23'41" E 409.96'
S 00°00'00" E 543.25'
VICINITY MAP
NOT TO SCALE
SITE
0 30 60 120 Feet
PROJECT DATA:
LOT 1-BLOCK A
LAND AREA 5.56 AC
BUILDING AREA 1,956 SF
IMPERVIOUS COVERAGE 239,128 SF (12.%)
REQUIRED PARKING
RESTAURANT AT 1:100 (1,956 SF) 20
PROVIDED PARKING 21

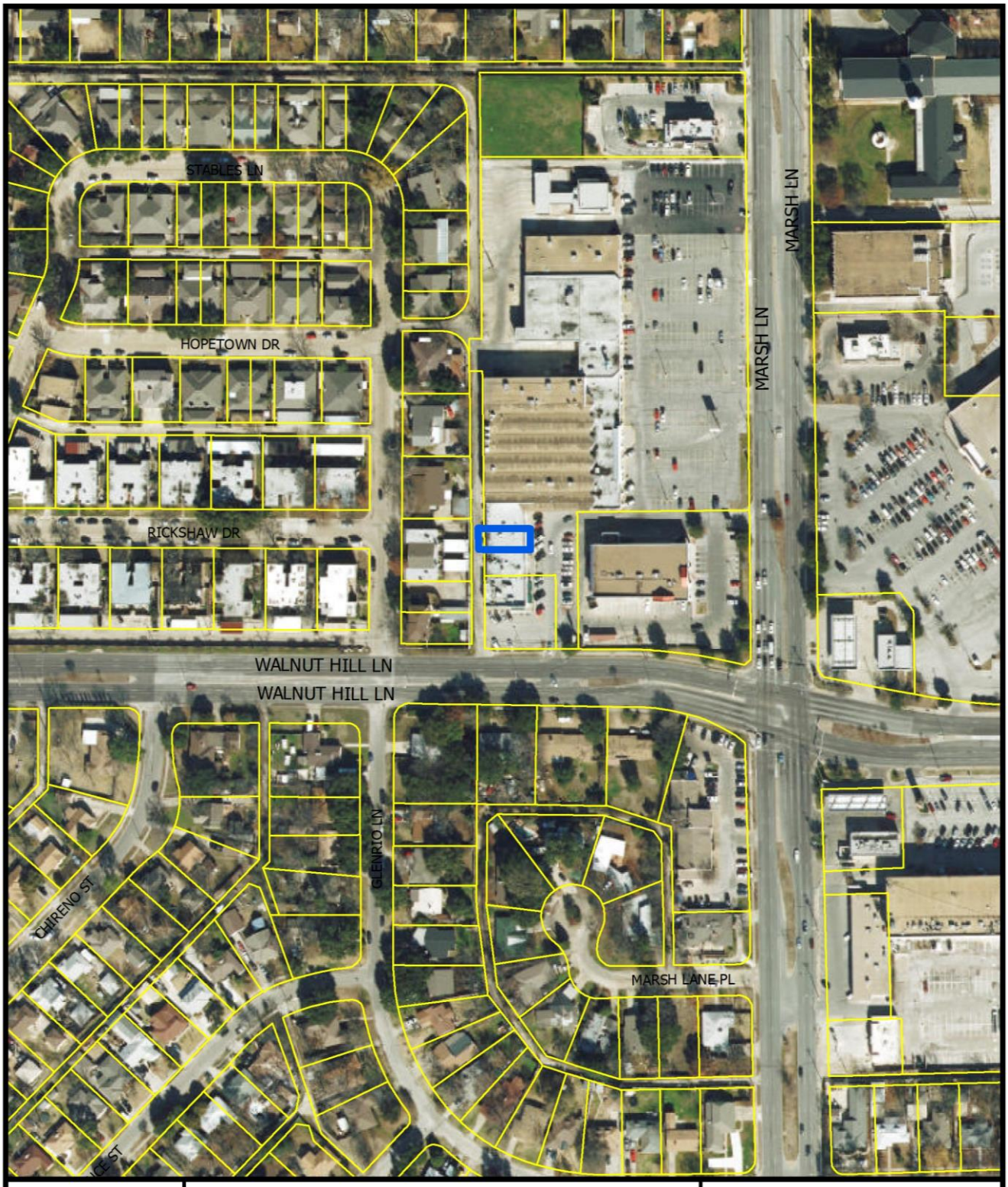


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VICINITY MAP

Case no: Z167-216

Date: 3/20/2017

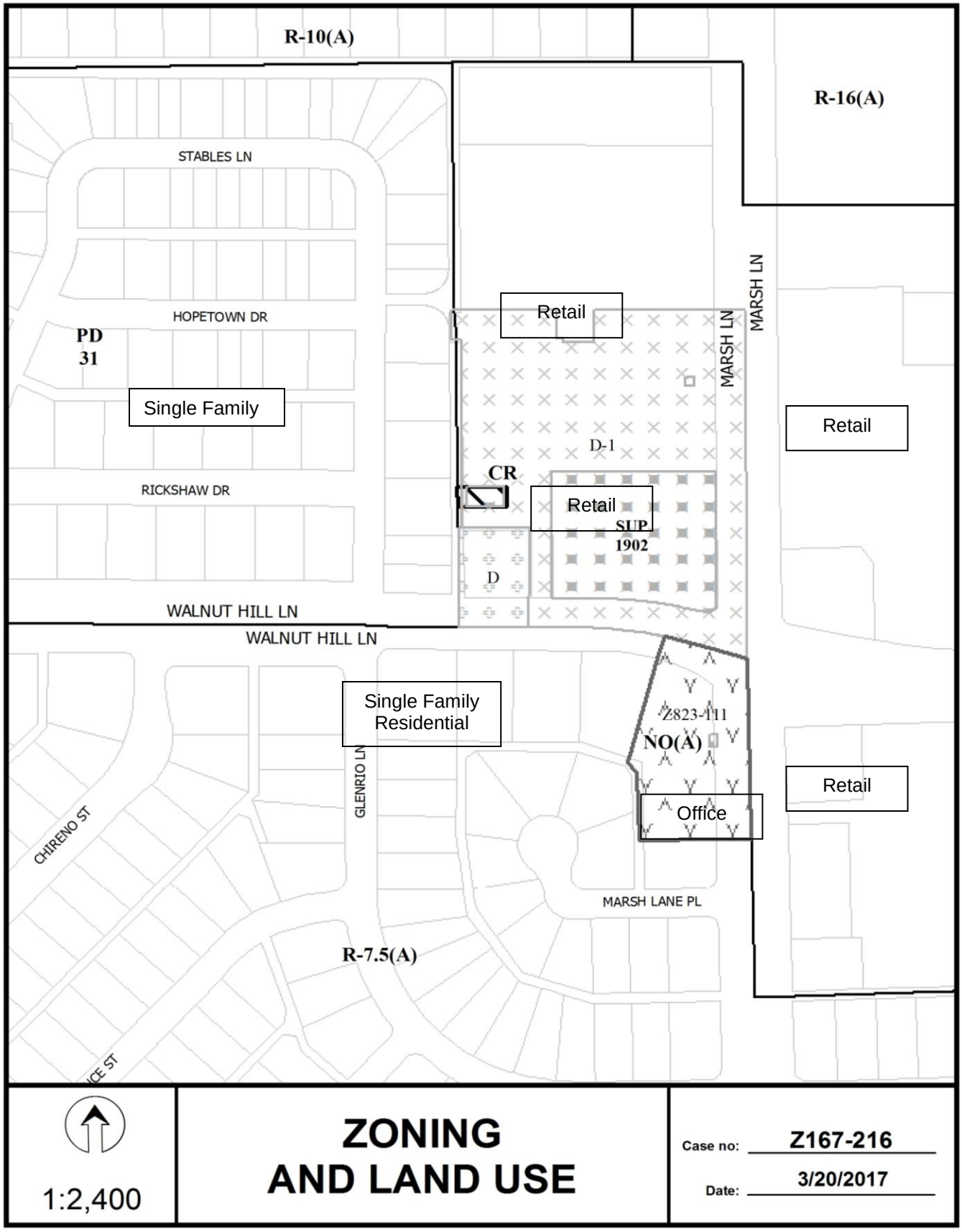


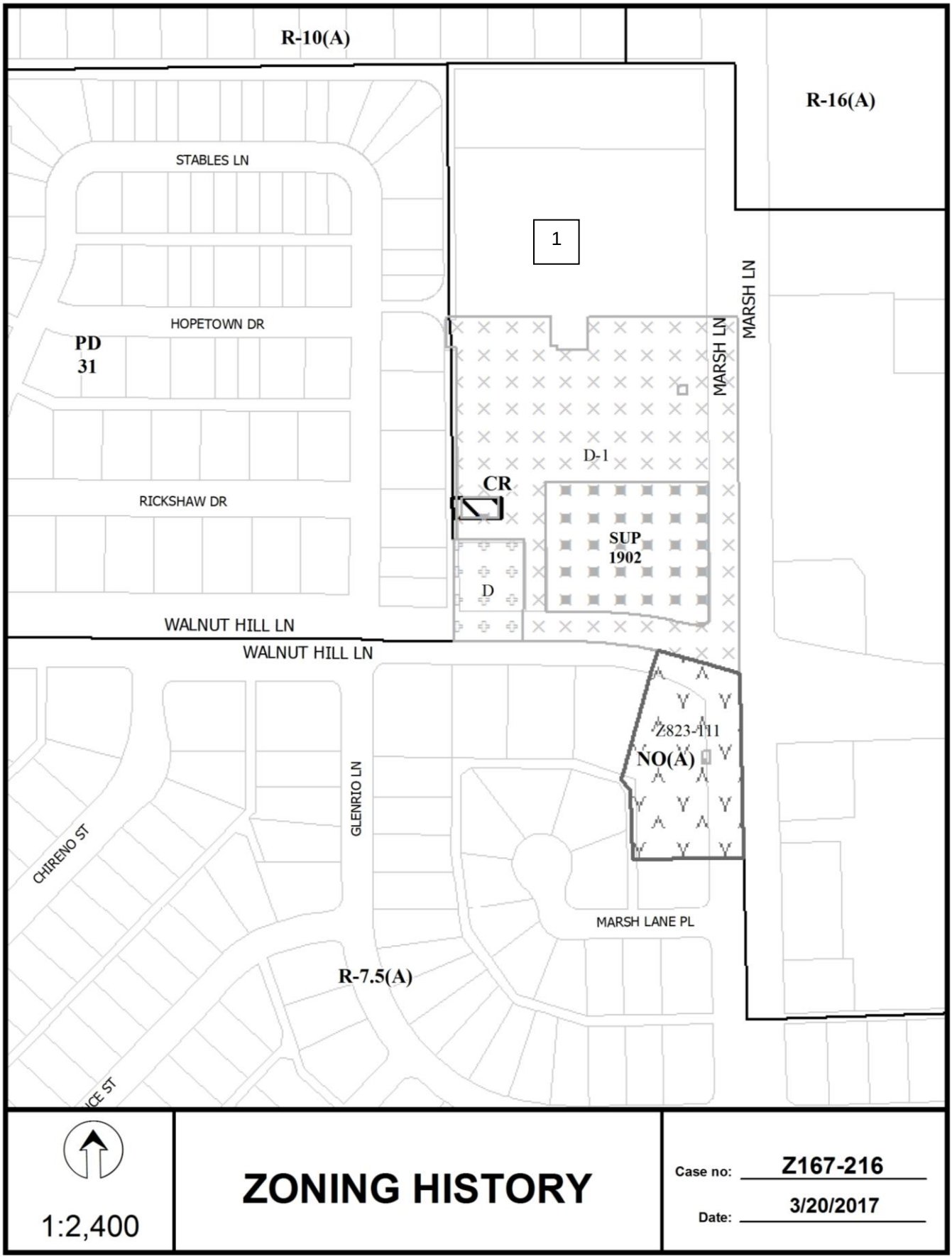
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AERIAL MAP

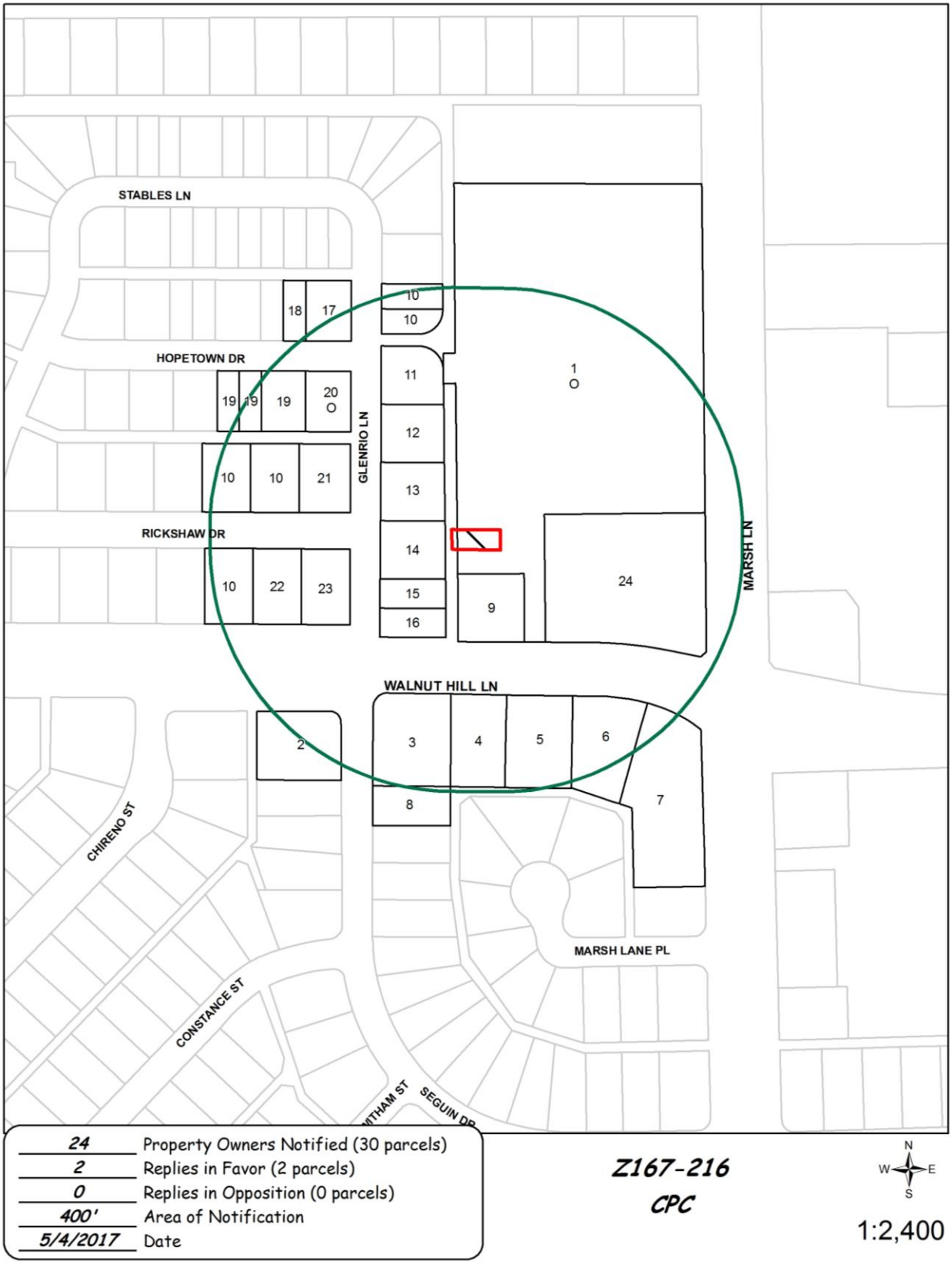
Case no: Z167-216

Date: 3/20/2017


R-10(A)
R-16(A)
STABLES LN
HOPETOWN DR
PD
31
Single Family
RICKSHAW DR
Retail
MARSH LN
MARSH LN
Retail
D-1
CR
Retail
SUP
1902
D
WALNUT HILL LN
WALNUT HILL LN
Single Family
Residential
Z823-111
NO(A)
Retail
Office
GLENRIO LN
CHIRENO ST
MARSH LANE PL
R-7.5(A)
1:2,400
ZONING
AND LAND USE
Case no: Z167-216
Date: 3/20/2017


R-10(A)
R-16(A)
STABLES LN
1
HOPETOWN DR
PD
31
MARSH LN
MARSH LN
D-1
CR
RICKSHAW DR
SUP
1902
D
WALNUT HILL LN
WALNUT HILL LN
Z823-111
NO(A)
GLENRIO LN
CHIRENO ST
MARSH LANE PL
R-7.5(A)
1:2,400
ZONING HISTORY
Case no: Z167-216
Date: 3/20/2017

CPC RESPONSES



Reply List of Property Owners

Z167-216

24 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	10051	MARSH LN	HOPKINS MARSH LANE PLAZA LP
	2	3618	WALNUT HILL LN	EVANS DEWEY DAVID
	3	3634	WALNUT HILL LN	DALTON GEORGE R &
	4	3642	WALNUT HILL LN	ESTRELLO ERNEST EST OF
	5	3650	WALNUT HILL LN	DENTON EDWARD J
	6	3658	WALNUT HILL LN	DENTON EDWARD J
	7	9991	MARSH LN	BERMANI PROPERTIES LTD
	8	9932	GLENRIO LN	AGUILAR FERMIN & VIRGINIA
	9	10031	MARSH LN	PICKERING MARY K ETAL
	10	3665	STABLES LN	SMOGER ILENE J
	11	10040	GLENRIO LN	MAGELLAN FUNDING PTRS FUND I LP
	12	10028	GLENRIO LN	TADESSE TEWABECH N
	13	10022	GLENRIO LN	BRODEUR LAURA D & ERIC R FAMILY TRUST
	14	10010	GLENRIO LN	ENGRAM BRYAN H
	15	10004	GLENRIO LN	DAKINGKING SERAFIN V &
	16	10002	GLENRIO LN	PAMPELL PATRICIA D
	17	3635	HOPETOWN RD	PASSMORE TOM &
	18	3631	HOPETOWN RD	BOLLINGER DONALD FREDERIC
	19	3626	HOPETOWN RD	AMERICAN NATL BANK OF TEXAS
O	20	3634	HOPETOWN RD	LASTELICK TIFFANY KAYE
	21	3675	RICKSHAW DR	HENSON DORIS JEAN
	22	3660	RICKSHAW DR	FEE JASON E
	23	3676	RICKSHAW DR	3670-3676 RICHSAW LLC
	24	10003	MARSH LN	CV MARSH LANE DALLAS LLC

AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 33 V

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 an MU-3 Mixed Use District, on the south side of Plantation Road, west of the terminus of Hawes Avenue

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a ten-year period, subject to a site plan and conditions

Z167-219(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-219(KK) **DATE FILED:** February 21, 2017

LOCATION: South side of Plantation Road, west of the terminus of Hawes Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 33-V

SIZE OF REQUEST: Approx. 2.37 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: Jennifer Jakubowski/Life Storage

REPRESENTATIVE: Jennifer Jakubowski, Life Storage

REQUEST: An application for a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District.

SUMMARY: The applicant proposes to operate a mini-warehouse use in seven existing structures totaling 51,633 square feet. The proposed mini-warehouse use will include a 1,425 square foot accessory office.

CPC RECOMMENDATION: **Approval** for a ten-year period, 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.

BACKGROUND INFORMATION:

- The structures were built in May of 1985, totaling 51,633 square feet according to permit records. The land use given in 1985 was Office/Showroom/Warehouse.

- Certificate of Occupancies have been applied for and approved over the years for the same land use Office/Showroom/Warehouse. The following are the years that these permits were approved and issued: November 1985, November 1989, and March 1996.

- The purpose of this request is the applicant desires to obtain an updated Certificate of Occupancy including a DBA (doing business as) name change and ownership name change. When applying for this new Certificate of Occupancy the correct land use will also need to be assigned to this site. The correct land use for this development is mini-warehouse, which requires a Specific Use Permit in MU-3 Mixed Use District. While ownership has changed over the years, according to permit records, the use was established in 1985 and has been in continual operation.

- Our permit records have given no indication as to why the Office/Showroom/Warehouse land use was given to this development instead of the correct mini-warehouse land use.

- There are no proposed changes or additions being made to the existing site.

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Plantation Road	Substandard	40 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not 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.

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.

The Plan identifies the request site as being located within the Commercial Corridor. 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 located at the intersection of major streets, are easily accessed via automobiles. These areas have one to five stories buildings, restaurants, offices, many retail and commercial buildings and residential apartment buildings and condominiums. This request is characteristic of the Commercial Corridor Building Block because it supports the adjacent established residential, commercial, and retail uses by providing storage facilities.

Surrounding Land Uses:

	Zoning	Land Use
Site	MU-3	Mini-warehouse
North	MU-3	Restaurant, general merchandise, & personal service uses
South	MU-3	Warehouse & contractors maintenance yard uses
East	MU-3	Industrial inside & contractors maintenance yard uses
West	MU-3	Industrial & warehouse uses

Land Use Compatibility:

The request site is developed with a seven buildings that total 51,633 square feet with six off-street parking spaces located along the northern facade. The applicant proposes to continue to operate a mini-warehouse on the request site. Per MU-3 Mixed Use District, the requested use requires an SUP in order to obtain a Certificate of Occupancy. The applicant desires to obtain an updated Certificate of Occupancy including a DBA (doing business as) name change and ownership name change.

The area of request is fully surrounded by MU-3 Mixed Use District zoning. Adjacent uses include restaurants and retail related uses including general merchandise to the north. Surrounding land use consists of a mix of nonresidential uses in all directions, while the

uses to the north are separated from the site by the Mockingbird Lane. An office/showroom/warehouse and industrial inside land uses are to the east. To the west are industrial, warehouse, and contractor's maintenance yard uses, to the south are additional warehouse and contractor's maintenance yard uses. The area of request is approximately 1.6 miles from Parkland Memorial Hospital, 0.6 from William P. Clements Jr. University Hospital, 1 mile from the UT Southwestern School of Health Professionals, and 2.5 miles from Dallas Love Field Airport. The adjacency to these large established developments lends the need for a mini-warehouse use because of the timeline associated with the individual who may work, study or live in the area. The tenure at the apartment complexes, medical school, hospitals, and airport typically have a relatively short expiration on their stay or tenure; therefore the need for a storage facility makes sense. This is further perpetuated with the multitude of other mini-warehouses in the nearby vicinity.

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 conditions associated with this land use and this Specific Use Permit has a reduced time period that may not be renewed if the property is not compliant with the conditions set forth. Staff is recommending an approval period of ten years with the eligibility for automatic renewal for additional ten-year periods. The applicant would like to request a permanent time line for this Specific Use Permit. Staff prefers for SUP's to have to be renewed to ensure the site is still in compliance with all approved conditions and the SUP site plan. The conditions prohibit outside storage as well as limit the number of units. These conditions may help to deter any negative components of the use.

Parking:

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200. The Dallas Development Code requires off-street

parking to be provided for a mini-warehouse is a minimum of six spaces required. These spaces may not be used for outside storage, vehicle storage, or parking of vehicles for rent.

Landscaping:

The applicant is not proposing additional floor area or nonpermeable surface area that would trigger Article X landscaping requirements.

CPC Action

May 4, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and staff's recommended conditions on property zoned an MU-3 Mixed Use District, on the south side of Plantation Road, west of the terminus of Hawes Avenue.

Maker: Rieves
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 300 Mailed: 12
Replies: For: 0 Against: 0

Speakers: None

List of Partners, Principals, Officers

Life Storage LP

Edward F. Killeen	Chief Operating Officer
Paul T. Powell	Chief Investment Officer
Kenneth J. Myszka	President
Robert J. Attea	Executive Chairman
David L. Rogers	Chief Exectuive Officer
Andrew J. Gregoire	Chief Financial Officer and Secretary
Michael Rogers	Vice-President – Real Estate Operations

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.

CPC Recommendation:

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.)

Applicant's Request:

3. TIME LIMIT: This specific use is approved for a permanent time period.

4. FLOOR AREA:

   A. Total maximum floor area for the storage buildings is 51,633 square feet.

   B. Maximum floor area for the office is 1,425 square feet in the location shown on the attached site plan

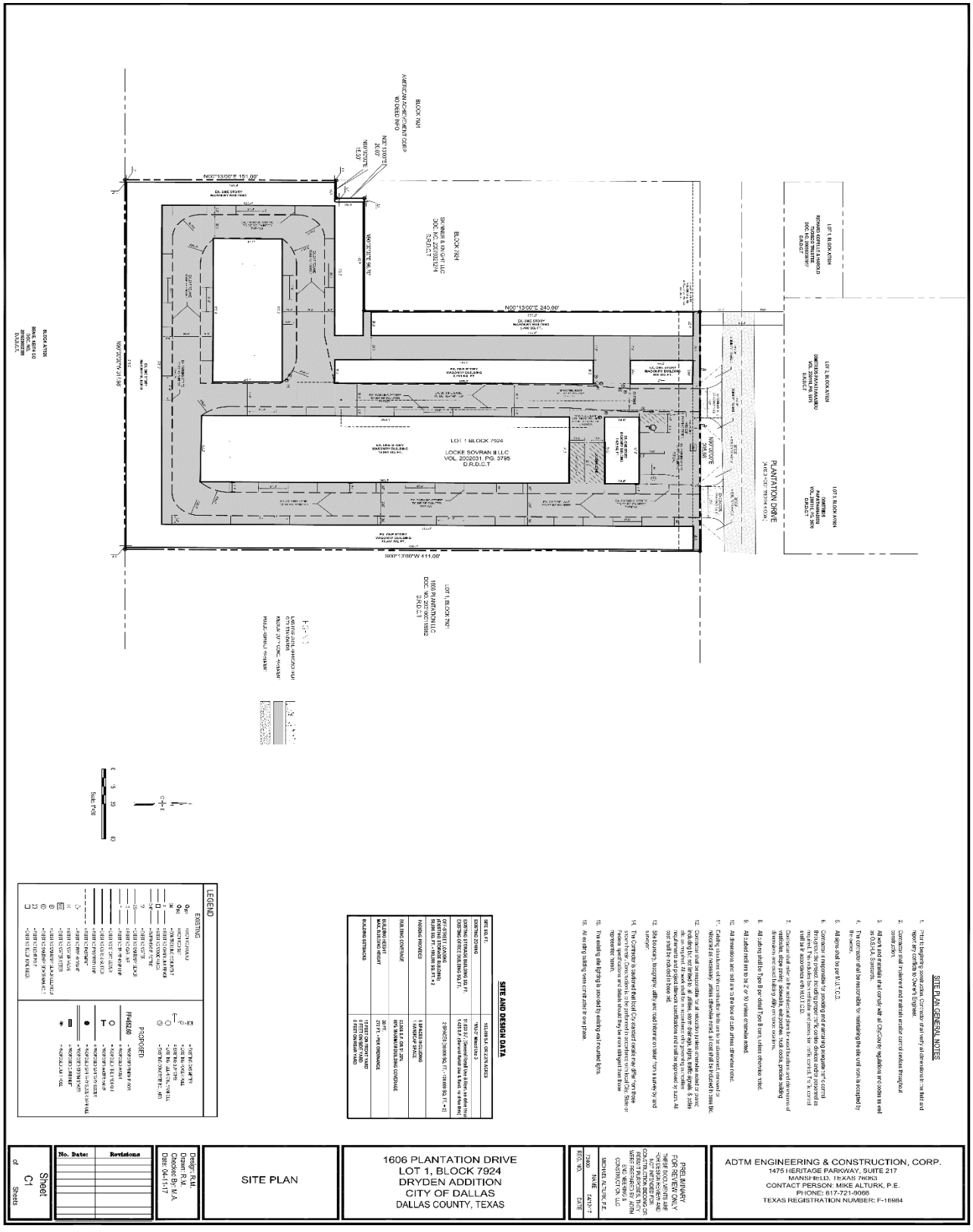
   C. Total maximum number of storage rental units is 507.

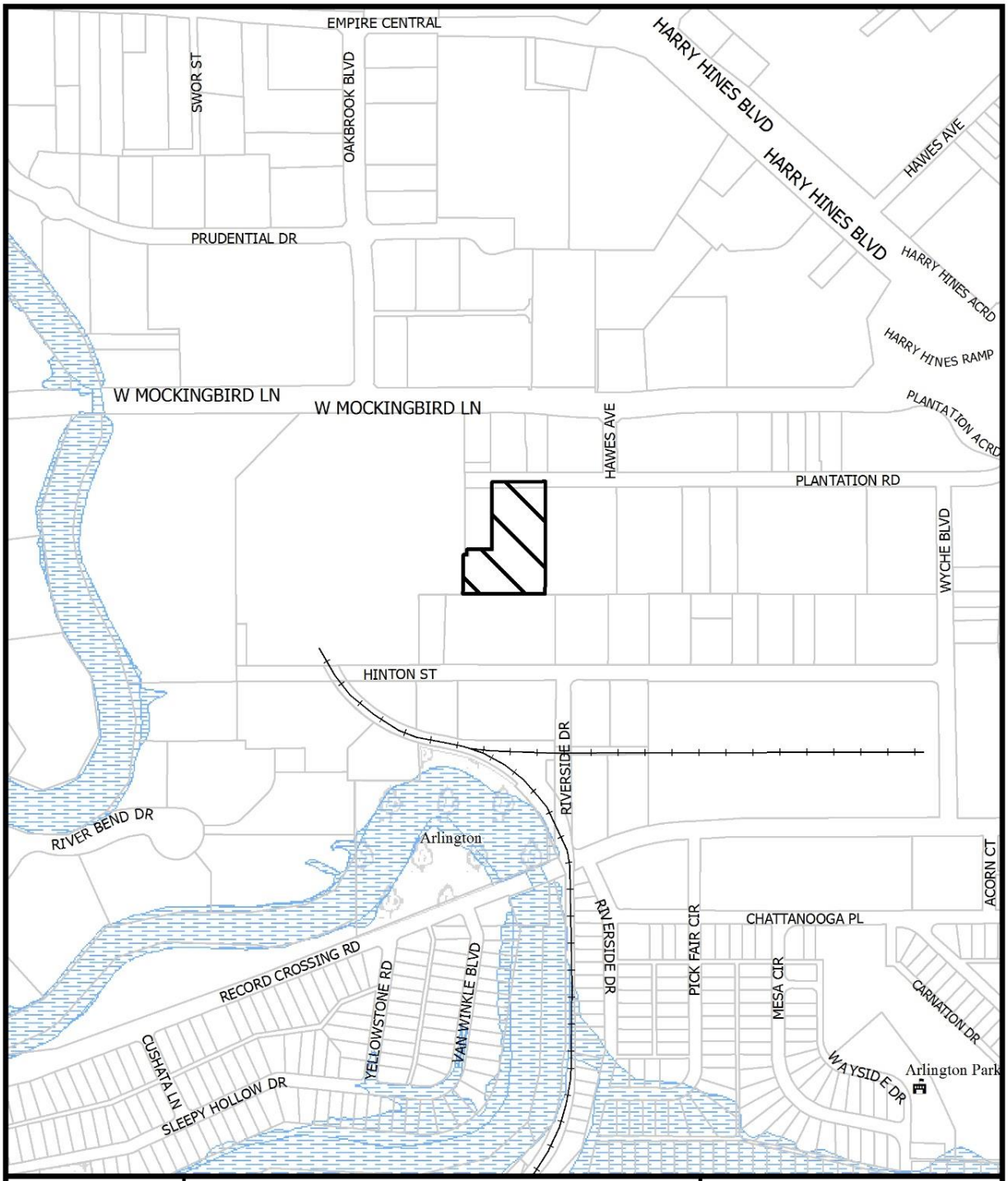
5. OUTSIDE STORAGE: Outside storage of vehicles, boats, and equipment and parking of vehicles for rent are prohibited.

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



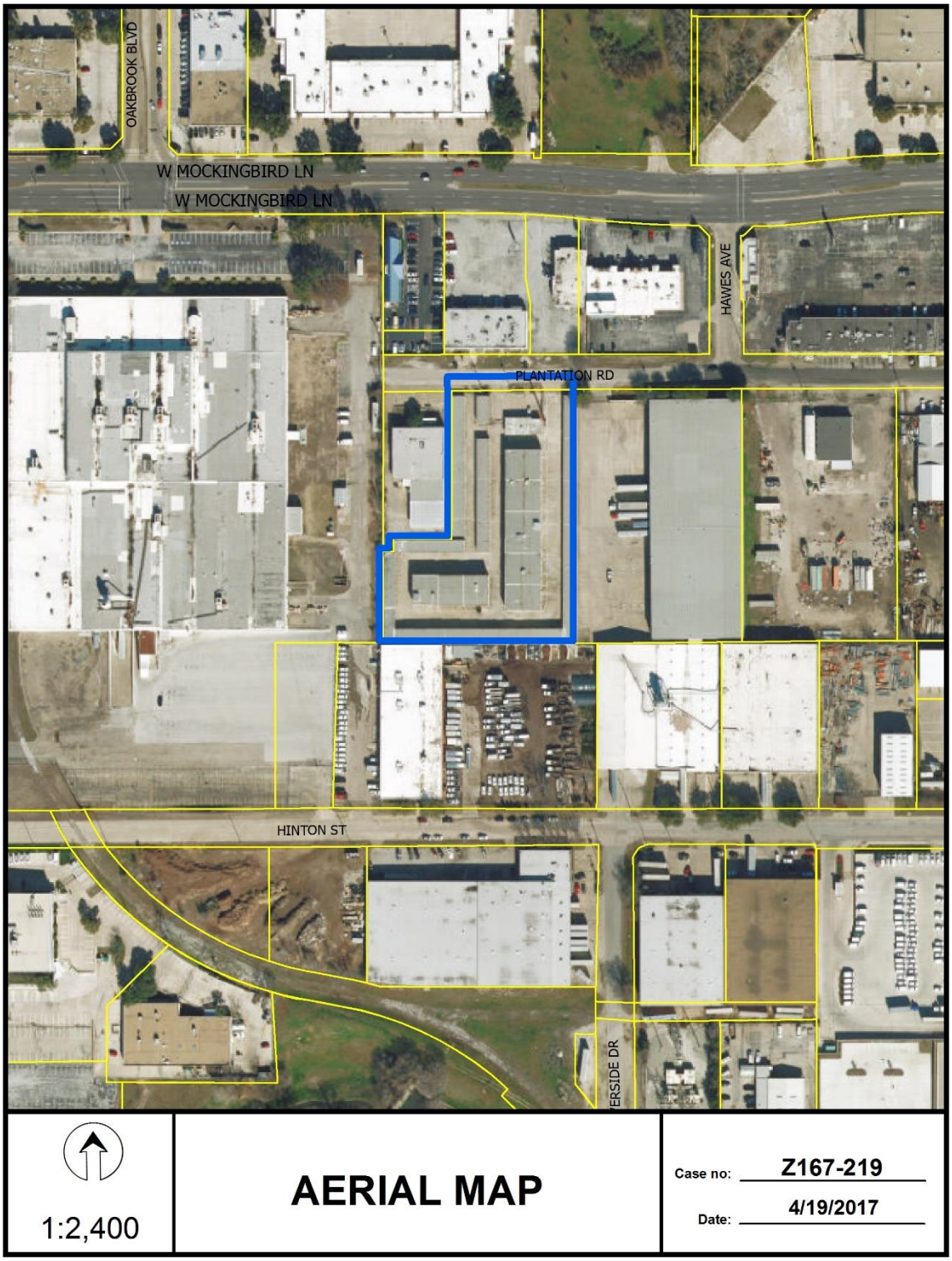


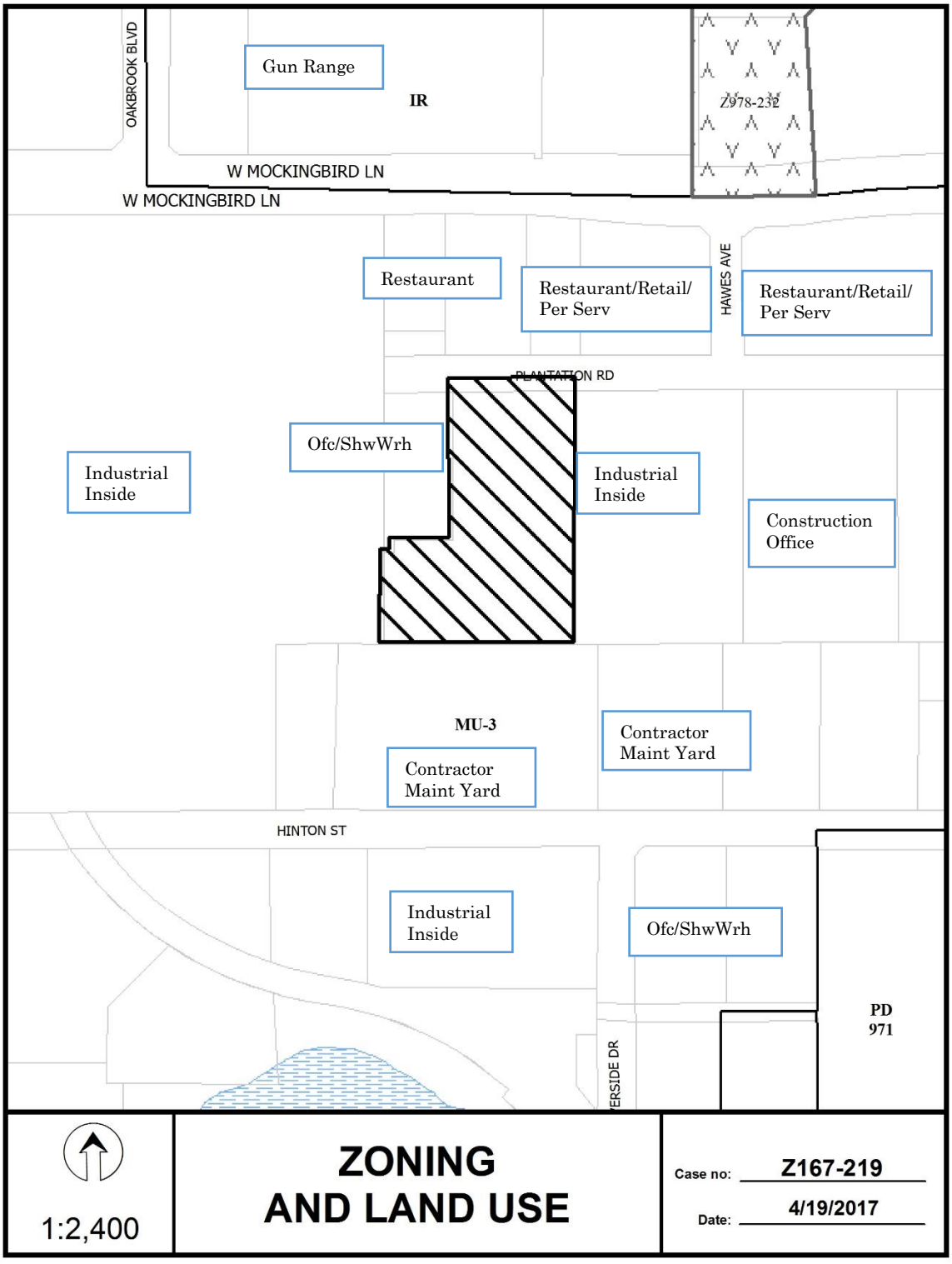
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VICINITY MAP

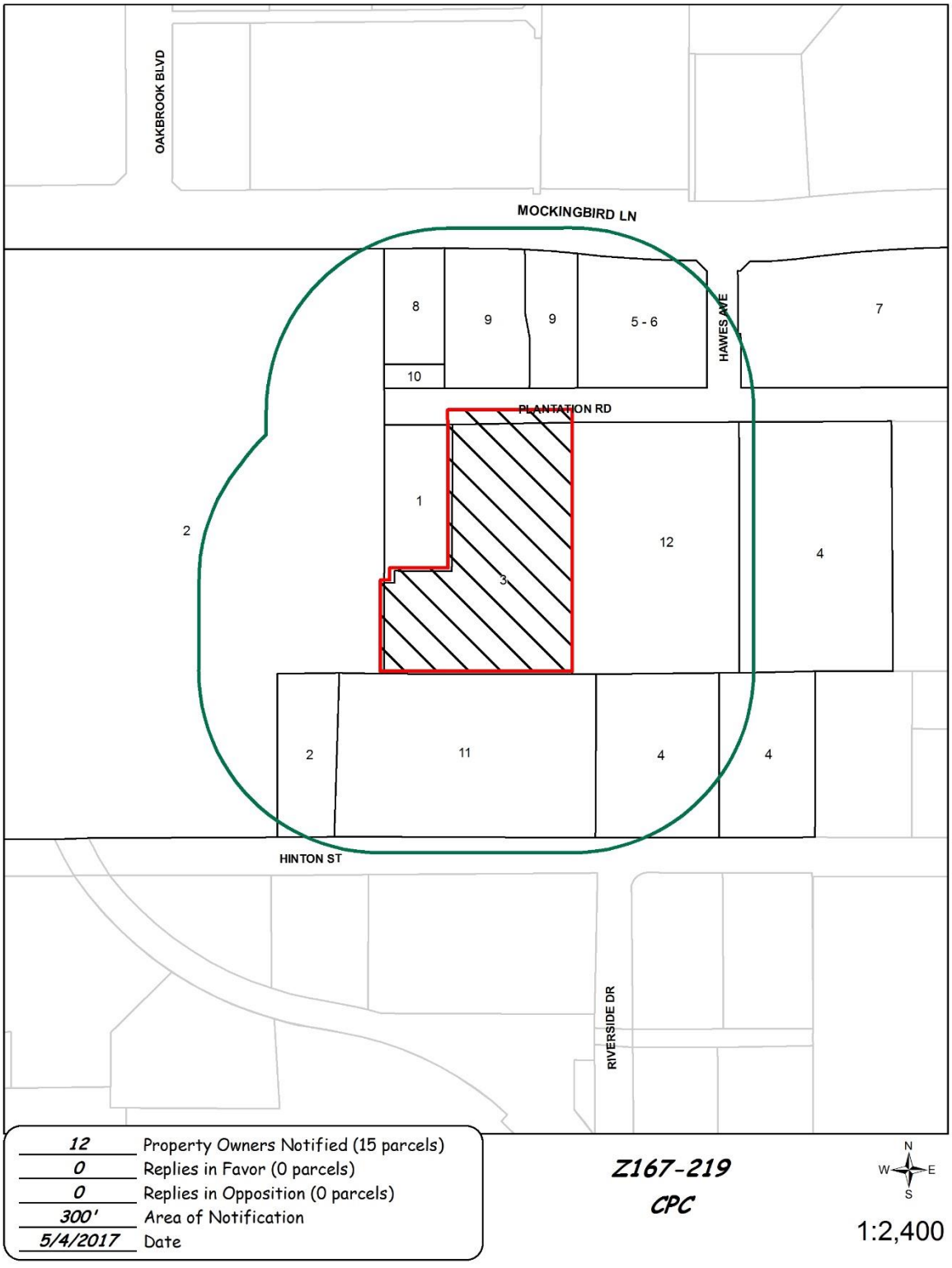
Case no: Z167-219

Date: 4/19/2017


OAKBROOK BLVD
W MOCKINGBIRD LN
W MOCKINGBIRD LN
HAWES AVE
PLANTATION RD
HINTON ST
ERSIDE DR
1:2,400
AERIAL MAP
Case no: Z167-219
Date: 4/19/2017


OAKBROOK BLVD
Gun Range
IR
Z978-232
W MOCKINGBIRD LN
W MOCKINGBIRD LN
Restaurant
Restaurant/Retail/
Per Serv
HAWES AVE
Restaurant/Retail/
Per Serv
PLANTATION RD
Ofc/ShwWrh
Industrial
Inside
Industrial
Inside
Construction
Office
MU-3
Contractor
Maint Yard
Contractor
Maint Yard
HINTON ST
Industrial
Inside
Ofc/ShwWrh
PD
971
ERSIDE DR
1:2,400
ZONING
AND LAND USE
Case no: Z167-219
Date: 4/19/2017

CPC RESPONSES



05/03/2017

Reply List of Property Owners

Z167-219

12 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1500	PLANTATION RD	SKINNER & KNIGHT LLC
	2	1550	W MOCKINGBIRD LN	TAYLOR PUBLISHING CO
	3	1606	PLANTATION RD	LOCKE SOVRAN II LLC
	4	1625	HINTON ST	DALE FAMILY LTD PS THE
	5	1720	W MOCKINGBIRD LN	LORAX PROPERTIES LLC
	6	1720	W MOCKINGBIRD LN	COMMONWEALTH EQUITIES INC
	7	1820	W MOCKINGBIRD LN	GIC 1820 LP
	8	1626	W MOCKINGBIRD LN	H R TRUST
	9	1634	W MOCKINGBIRD LN	PAPATHANASIOU DIMITRIOS
	10	1626	W MOCKINGBIRD LN	HR TRUST
	11	1525	HINTON ST	BEN E KEITH CO
	12	1608	PLANTATION RD	1608 PLANTATION LLC

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 49 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval
Z156-234(JM)
Note: This item was considered by the City Council at public hearings on September 28, 2016, October 26, 2016, January 11, 2017, January 25, 2017, February 22, 2017, and April 26, 2017, and was deferred until June 14, 2017, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-234(JM) **DATE FILED:** March 15, 2016

LOCATION: Southwest corner of Forney Road and North Prairie Creek Road

COUNCIL DISTRICT: 7 **MAPSCO:** 49-N

SIZE OF REQUEST: ±2.4496 acres **CENSUS TRACT:** 121.00

APPLICANT/OWNER: West Texas Rebar Placers, Inc.

REPRESENTATIVE: Marco A. Hernandez

REQUEST: An application for a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant is requesting the zoning change in order to operate a contractor maintenance yard. The intent is to store heavy equipment on-site, and do necessary maintenance and repairs to that equipment. An office is intended to be on-site, as well.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district allows uses that are similar, but with greater restrictions for height. The Commercial Service District adds 18 uses, primarily in the retail and personal services, and wholesale, distribution, and storage uses categories. More information is provided under Development Standards and Land Use Comparison sections of this report.

2. Development on this block is similar to the requested use, but not allowed. The property is not currently in use, although there is some machinery being stored pending the outcome of this case.

3. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.

4. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Business Center or Corridor Building Block. While the proposed district is inconsistent with this building block, it generally supports economic goals within the comprehensive plan. Additionally, the proposed district and use are consistent with surrounding land use patterns.

Zoning History: There have been no recent zoning cases in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Forney Road	Community Collector (S-4-D)	80 feet
Prairie Creek Road	Principal Arterial (M-6-D(A))	100 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

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*. 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.

The proposed CS Commercial Service District is described as being for the development of commercial and business serving uses that may involve outside storage, service, or display. This district ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

Vision: Embrace all types of land use. Workshop participants were interested in having a wide range of land use options and scale in Dallas. While some land use types reflect a definite nod toward autos, others focused more heavily on walking and bicycling. Variety is the key in what workshop participants wanted for land use types throughout the city, recognizing differences in appropriateness and scale from place to place.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS
A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

Land Use Compatibility:

	Zoning	Land Use
Site	LI w/D-1 Overlay	Vacant (storage of equipment)
North	LI w/D-1 Overlay	Vacant land, warehouse & distribution centers (freight terminal)
East	LI w/D-1 Overlay	Tool or equipment rental
South	LI w/D-1 Overlay	Cell tower, railroad, vacant land
West	LI w/D-1 Overlay	Tool or equipment rental

The request site is ± 2.5 acres situated between several industrial parks and business centers. Immediately adjacent zoning is Light Industrial. Surrounding land uses are of an industrial nature. Many have outside storage of semi-trucks and trailers. The proposed CS Commercial Service District and contractor's maintenance yard use seems compatible with the area.

The request to rezone is to allow for a contractor's maintenance yard use, which includes the outside storage of equipment. This will require screening of the entire site. The screening will provide a transitional buffer as the area continues to change over time. While an industrial zoning district like CS Commercial Service is not typically a zoning district that is envisioned for Business Center or Corridor Building Blocks, given that LI is the existing zoning on the property, and because the site and surrounding area are being commercially utilized for industrial uses, the request can be supported. The subject site is adjacent to industrial and business parks on the fringe of Dallas city limits and Mesquite city limits.

Development Standards:

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing						
LI Light Industrial	15'	0'	0.5 to 1.0	70'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.
Proposed						
CS Commercial Service	0'	0'	0.75 to 1.0	45'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.

Land Use Comparison:

	Proposed	Existing
Use	**CS**	**LI**
Vehicle or engine repair or maintenance.	**RAR**	**X**
Alcoholic beverage manufacturing.		**RAR**
Inside industrial.		**RAR**
Temporary concrete or asphalt batching plant.		**By CBO authorization**
Convent or monastery.	**X**	
Public School.	**RAR**	**SUP**
College dormitory, fraternity, or sorority house.	**X**	
Ambulance service.	**RAR**	
Animal shelter or clinic without outside run.	**RAR**	**X**
Alcoholic beverage establishments*	**SUP**	**Check Use**
Commercial amusement (outside).	**DIR**	
Convenience store with drive-through.	**SUP**	
Drive-in theater.	**SUP**	
General merchandise or food store greater than 3,500 square feet.	**X**	
Liquefied natural gas fueling station.	**SUP**	**Check Use**
Liquor store.	**X**	
Mortuary, funeral home, or commercial wedding chapel.	**X**	
Nursery, garden shop, or plant sales.	**X**	
Use	**CS**	**LI**
Outside sales.	**SUP**	
Pawn shop.	**X**	
Swap or buy shop.	**SUP**	
Auto auction.	**SUP**	
Building mover's temporary storage yard.	**SUP**	
Contractor's maintenance yard.	**RAR**	
Petroleum product storage and wholesale.	**SUP**	

Sand, gravel, or earth sales and storage.	**SUP**	
Vehicle storage lot.	**SUP**	
Accessory pathological waste incinerator.	**X**	

X *indicates permitted by right.*
SUP *indicates permitted with a Specific Use Permit.*
RAR *indicates permitted, but subject to Residential Adjacency Review.*
DIR *indicates permitted, but subject to Development Impact Review.*
Check Use *indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.*
By CBO Authorization *indicates that the use may be allowed with permission from the Chief Building Official.*

WEST TEXAS REBAR PLACERS, INC.

10209 Plano Rd. Suite 101
Dallas, Texas 75238

PHONE: (214) 221-1333
FAX: (214) 221-1303

Marco A. Hernandez – President

Magno A. Hernandez – Vice-President

Z156-234

CPC Action:
September 1, 2016

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

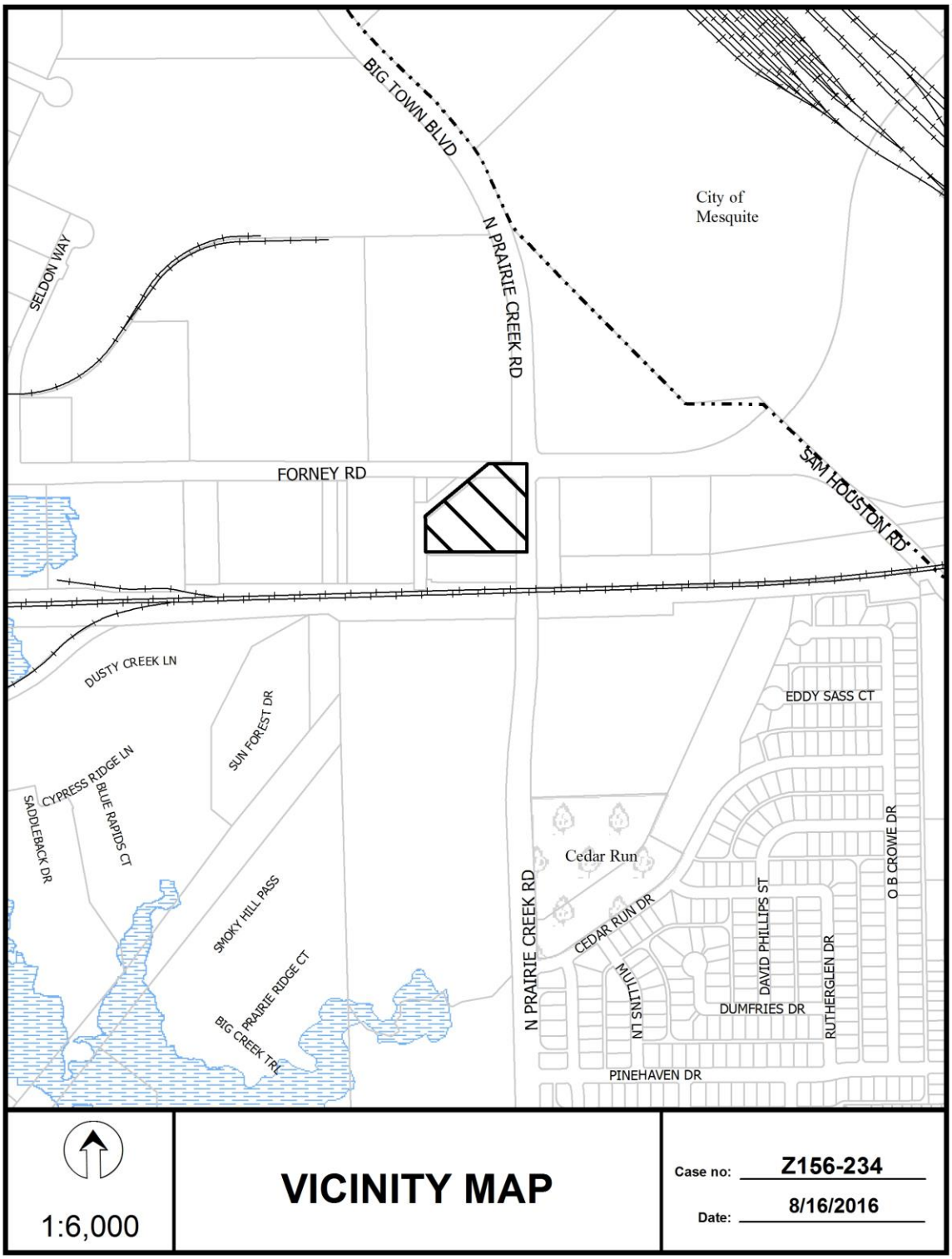
For: 14 - Anglin, Rieves, Houston, Davis, Shidid*, Anantasomboon, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

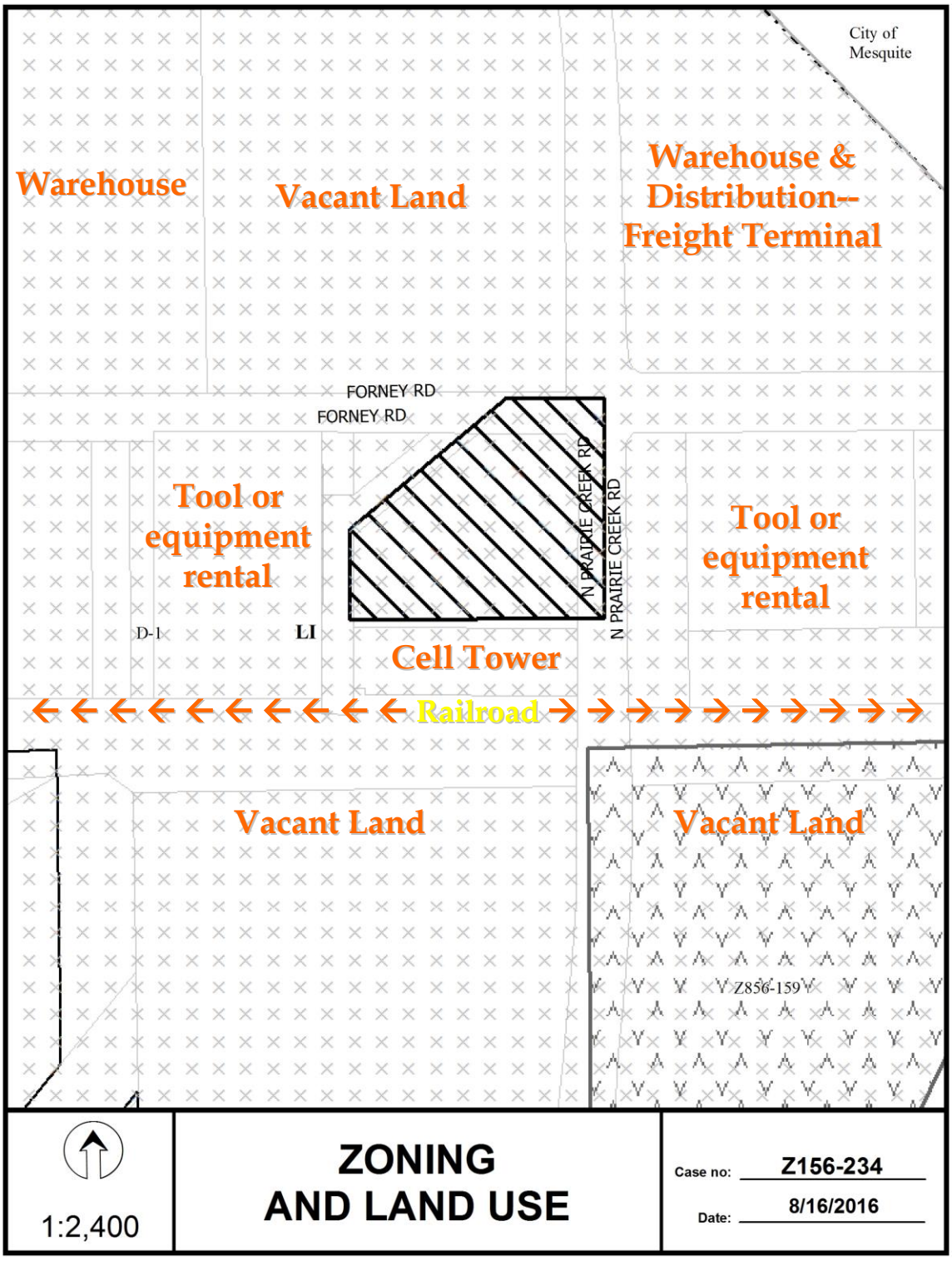
*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 14
Replies: For: 4 Against: 1

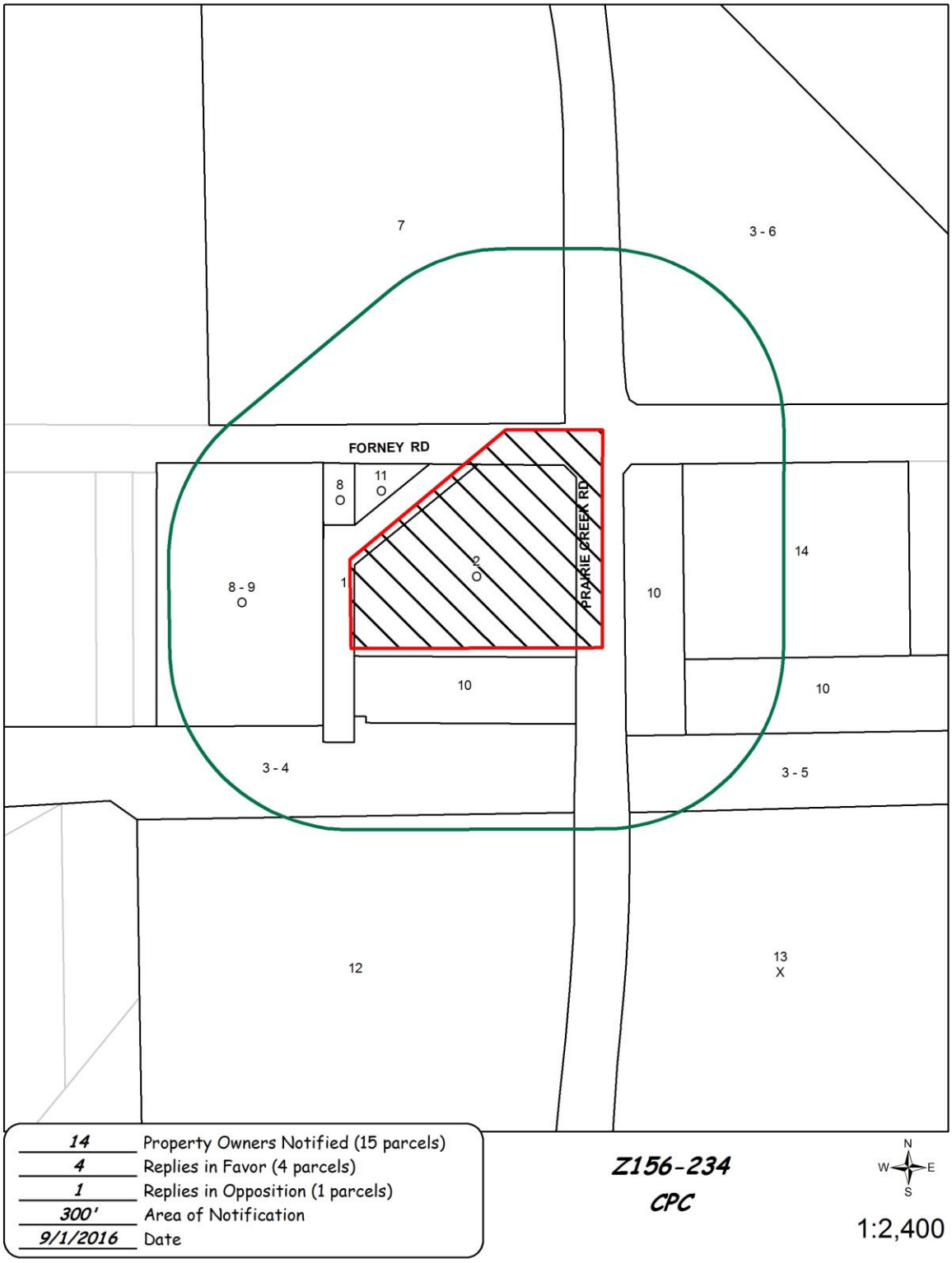
Speakers: None


BIG TOWN BLVD
City of Mesquite
SELDON WAY
N PRAIRIE CREEK RD
FORNEY RD
SAM HOUSTON RD
DUSTY CREEK LN
SUN FOREST DR
CYPRESS RIDGE LN
BLUE RAPIDS CT
SADDLEBACK DR
SMOKY HILL PASS
BIG PRAIRIE RIDGE CT
BIG CREEK TRL
EDDY SASS CT
Cedar Run
N PRAIRIE CREEK RD
CEDAR RUN DR
MULLINS LN
DAVID PHILLIPS ST
DUMFRIES DR
RUTHERGLEN DR
O B CROWE DR
PINEHAVEN DR
1:6,000
VICINITY MAP
Case no: Z156-234
Date: 8/16/2016


City of Mesquite
FORNEY RD
FORNEY RD
N PRAIRIE CREEK RD
N PRAIRIE CREEK RD
1:2,400
AERIAL MAP
Case no: Z156-234
Date: 8/16/2016


City of Mesquite
Warehouse
Vacant Land
Warehouse & Distribution-- Freight Terminal
FORNEY RD
FORNEY RD
N PRAIRIE CREEK RD
N PRAIRIE CREEK RD
Tool or equipment rental
Tool or equipment rental
D-1
LI
Cell Tower
Railroad
Vacant Land
Vacant Land
Z856-159
1:2,400
ZONING AND LAND USE
Case no: Z156-234
Date: 8/16/2016

CPC RESPONSES



08/31/2016

Reply List of Property Owners

Z156-234

14 Property Owners Notified 4 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	9202	FORNEY RD	COUNTY OF DALLAS
O	2	9124	FORNEY RD	WEST TEXAS REBAR PLACERS INC
	3	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999	NO NAME ST	UNION PACIFIC RR CO
	5	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	6	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	7	1201	BIG TOWN BLVD	BAPTIST FOUNDATION OF TX
O	8	9090	FORNEY RD	GILLIS EDWARD T &
O	9	9090	FORNEY RD	GILLIS EDDIE
	10	4501	PRAIRIE CREEK RD	TEXAS UTILITIES ELEC CO
O	11	9124	FORNEY RD	GILLIS EDWARD TRAVIS & DEBORAH KAY GILLIS
	12	4401	PRAIRIE CREEK RD	DAL TILE CORP
X	13	4400	N PRAIRIE CREEK RD	DWL REAL ESTATE INC
	14	9208	FORNEY RD	BERRY MARK W &

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 69A R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan, elevation and conditions
Z167-165(OTH)
Note: This item was considered by the City Council at a public hearing on May 10, 2017 and May 24, 2017, and was held under advisement until June 14, 2017, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-165(OTH)	**DATE FILED:**	October 28, 2016
LOCATION:	South side of CF Hawn Freeway, southeast of South Belt Line Road		
COUNCIL DISTRICT:	8	**MAPSCO:**	69A-R
SIZE OF REQUEST:	Approx. 2.64 acres	**CENSUS TRACT:**	170.01

OWNER: Rim Investments LLC

APPLICANT: Eco-Site, Inc.

REPRESENTATIVE: Dave Kirk

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to construct a stealth monopole tower for cellular communication. The tower will be a 100 feet and with a 10-foot lightning rod for a total height not to exceed 110 feet above ground level [T-Mobile].

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, elevation 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, elevation and conditions.

BACKGROUND:

- The proposed site is currently zoned a CS-D-1 Commercial Service District with Liquor Control Overlay. The lot is currently undeveloped.

- The applicant is proposing to build a 100 feet tower/antenna with a 10-foot lightning rod for a total height not to exceed 110 feet above ground level on the southwest side of the property.

- The lease area for the tower is approximately 2,500 square-feet.

- Because the height of the proposed tower requires an SUP based upon the height exceeding 65 feet, the height of the tower must be taken into consideration during the SUP process. If Council deems appropriate, the tower may be exempt from the RPS requirements per Chapter 51A.

Zoning History: There has been one zoning case in the area over the past five years.

Z167-153 An application for an Specific Use Permit for outside sales on property zoned a CS-D-1 Commercial Service District with D-1 Liquor Control Overlay and an R-10(A) Single Family District located on the east side of CF Hawn, southeast of South Belt Line Rd. The zoning case has not been scheduled for CPC.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Beckley Avenue	Local	60 feet
Ohio Street	Local	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

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.

There are no goals or policies supporting or opposing the request.

	Zoning	Land Use
Site	CS-D-1	Undeveloped
Northeast	CS-D-1, SUP No. 1883	Retail, undeveloped and auto sales
Southeast	MF-1(A) (SAH)	Multifamily
Southwest	CS-D-1	Undeveloped
Northwest	CR-D-1 & SUP No. 1911	Retail, fueling station & undeveloped

Land Use Compatibility:

The proposed site is currently undeveloped. The proposed area for the tower is 2,500 square-feet. The applicant is proposing to locate the 100 foot cell tower to the southwest of the property away from the existing residential development.

The request site is surrounded by retail, undeveloped and auto sales to the northeast; multifamily to the southeast; undeveloped to the southwest; undeveloped, retail and motor vehicle fueling station to the northwest.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff was concerned with the originally proposed location of the tower, which was on the property line adjacent to a multifamily district. After discussion with the applicant's representative, the applicant agreed to locate the tower away from the residential development to the northwest of the property. Since the point of origination is an MF District, the required slope is a 45 degree slope which is a 1 to 1 projection angle and will terminate at 50 feet. The proposed cell tower is located approximately 110 feet from the multifamily district.

Staff discussed the option of a stealth tower in lieu of a typical cellular tower with the applicant. The applicant decided against a stealth tower due to the limitations this type of tower presents. A monopole tower allows more flexibility in adjusting the arrays and also allows for more coverage. Staff is supportive of a monopole tower because of the location of the property and the existing surrounding uses. The applicant did move the tower away from the multifamily district to be more compatible with the nearby multifamily development.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Fence: The applicant is proposing a chain link fence around the lease area.

Parking: Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than a 120 square feet. The applicant is providing one parking space within the interior of the lease area.

CPC ACTION:
April 6, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a five-year period, subject to a site plan, elevation and conditions on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 20
Replies: For: 0 Against: 1

Speakers: None

Partners and Principles

Eco-Site is a corporation owned predominantly by Eco-Site Investor, LLC. 85.6% and by other shareholder (mostly individuals).

Principals, Board of Directors:

- Mark Feidler
- Barry Boniface,
- Ryan Leach of MSouth, a 50% owner of Eco-Site Investor, LLC.
- Russ Cassella, a representative of Project Echo, LLC, a 50% owner of Eco-Site Investor, LLC., Dale Carey

Officers:

- Dale Carey - Chairman of the Board
- Bob Glosson - President and Chief Operating Officer,
- Rich Stern - Executive Vice President and Secretary

RIM Investments LLC.

Mariano Hernandez
Redolfo Deanda
Yadin Barriga

PROPOSED CONDITIONS
Z167-165(OTH)

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication limited to a monopole cellular tower.

2. SITE PLAN/TOWER ELEVATION: Use and development of the Property must comply with the attached site plan/tower elevation.

3. TIME LIMIT: This specific use permit expires on _____ (ten years), 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.)

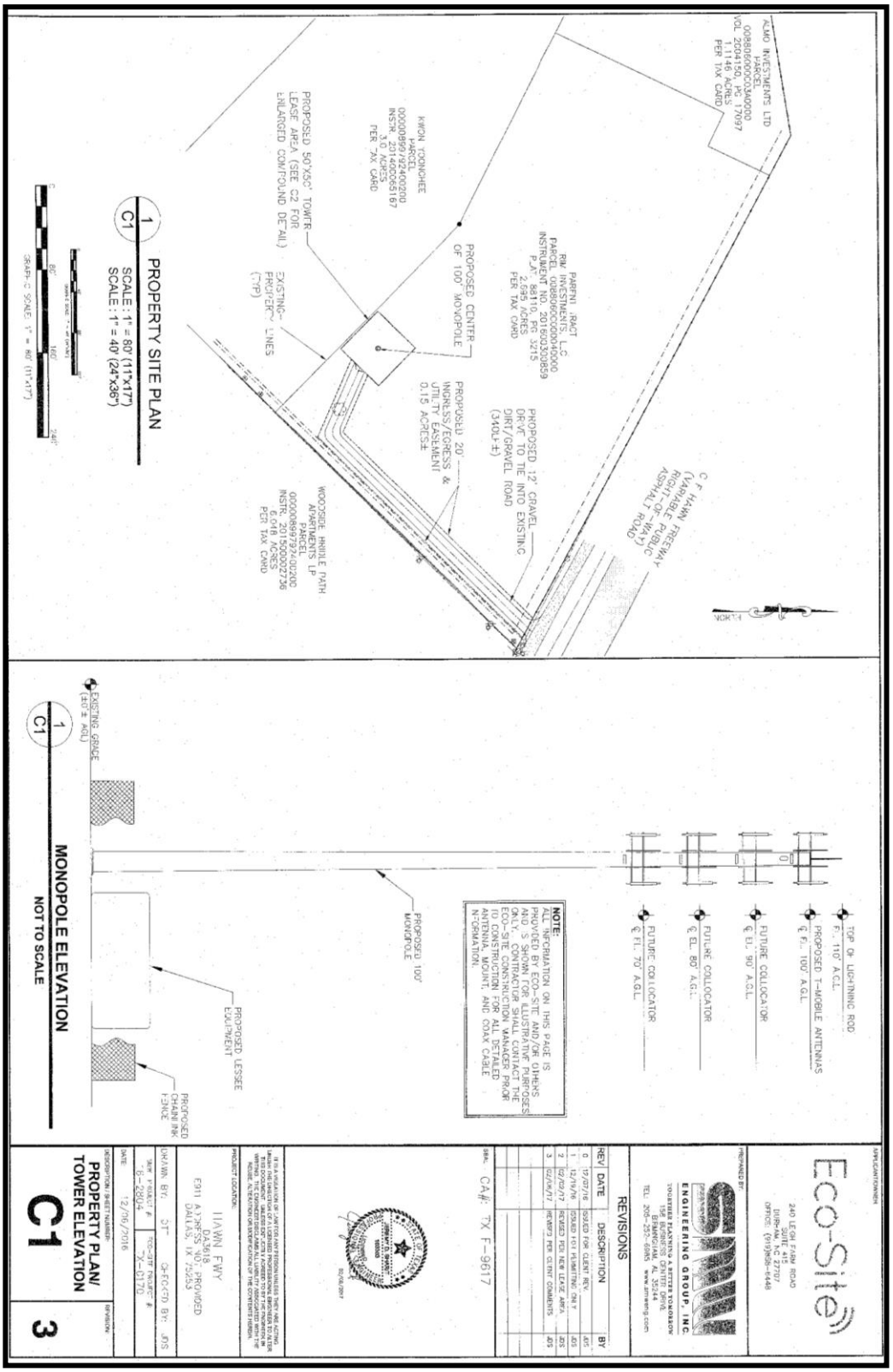
4. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height, with a ten-foot lightning rod, for a total height not to exceed 110 feet above ground level.

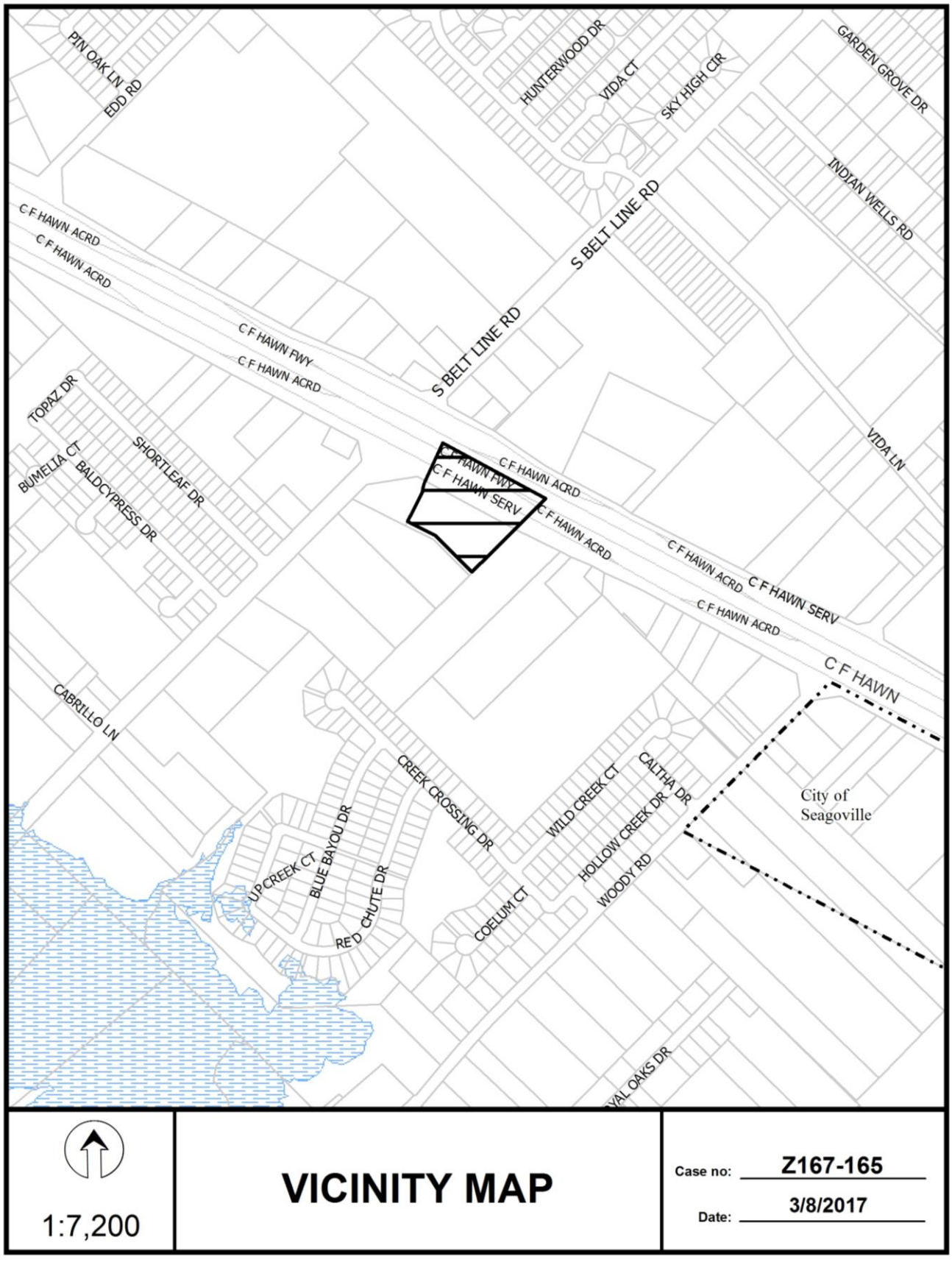
5. COLLOCATION: Any tower/antenna support structure at this site authorized by this specific use permit that exceeds 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.

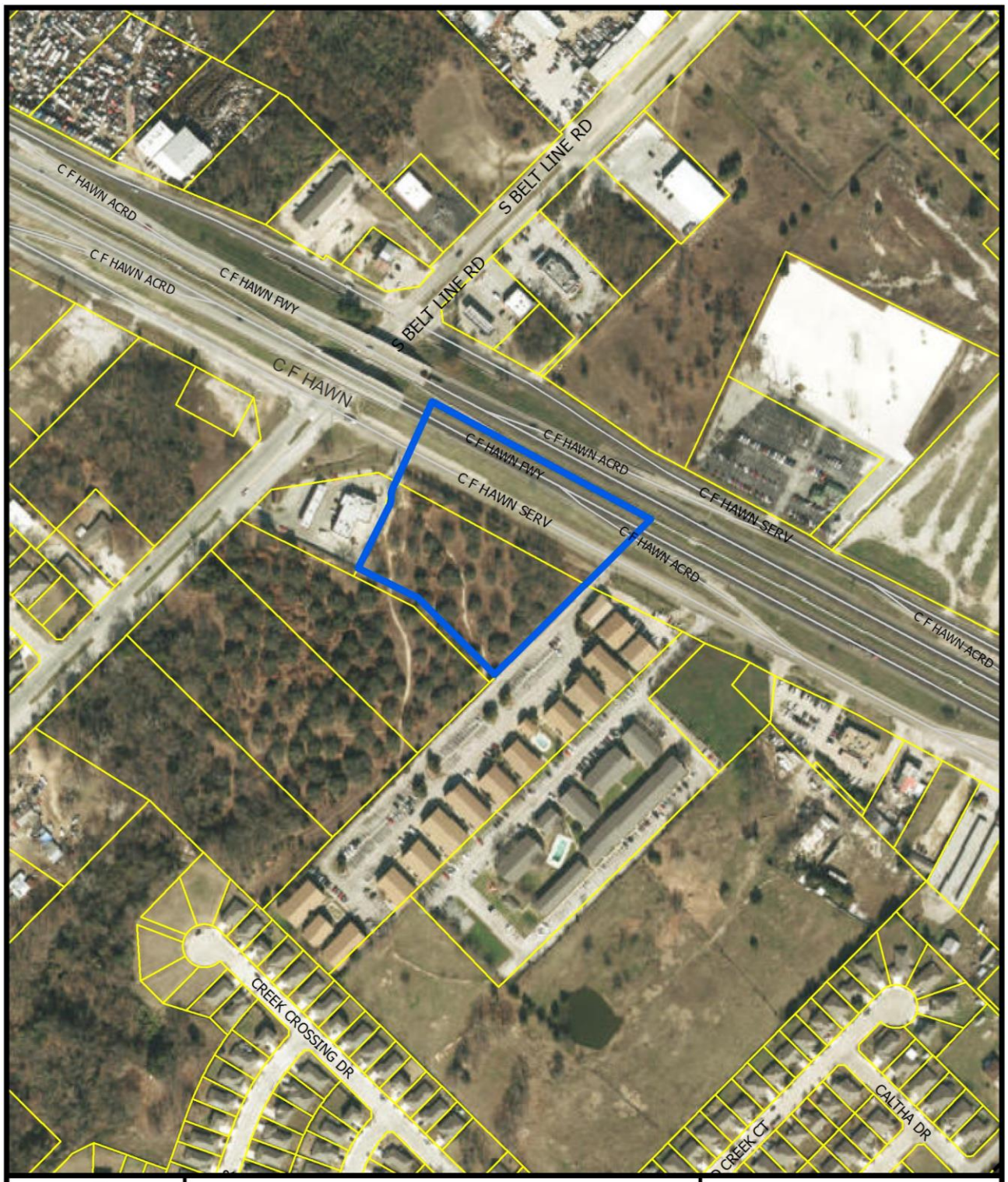
6. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

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




PIN OAK LN
EDD RD
HUNTERWOOD DR
VIDA CT
SKY HIGH CIR
GARDEN GROVE DR
INDIAN WELLS RD
S BELT LINE RD
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
C F HAWN ACRD
S BELT LINE RD
TOPAZ DR
SHORTLEAF DR
BUMELIA CT
BALDCYPRESS DR
C F HAWN FWY
C F HAWN SERV
C F HAWN ACRD
VIDA LN
C F HAWN ACRD
C F HAWN SERV
C F HAWN ACRD
C F HAWN
CABRILLO LN
CREEK CROSSING DR
WILD CREEK CT
CALTHA DR
HOLLOW CREEK DR
WOODY RD
City of
Seagoville
UP CREEK CT
BLUE BAYOU DR
RED CHUTE DR
COELUM CT
VAL OAKS DR
1:7,200
VICINITY MAP
Case no: Z167-165
Date: 3/8/2017

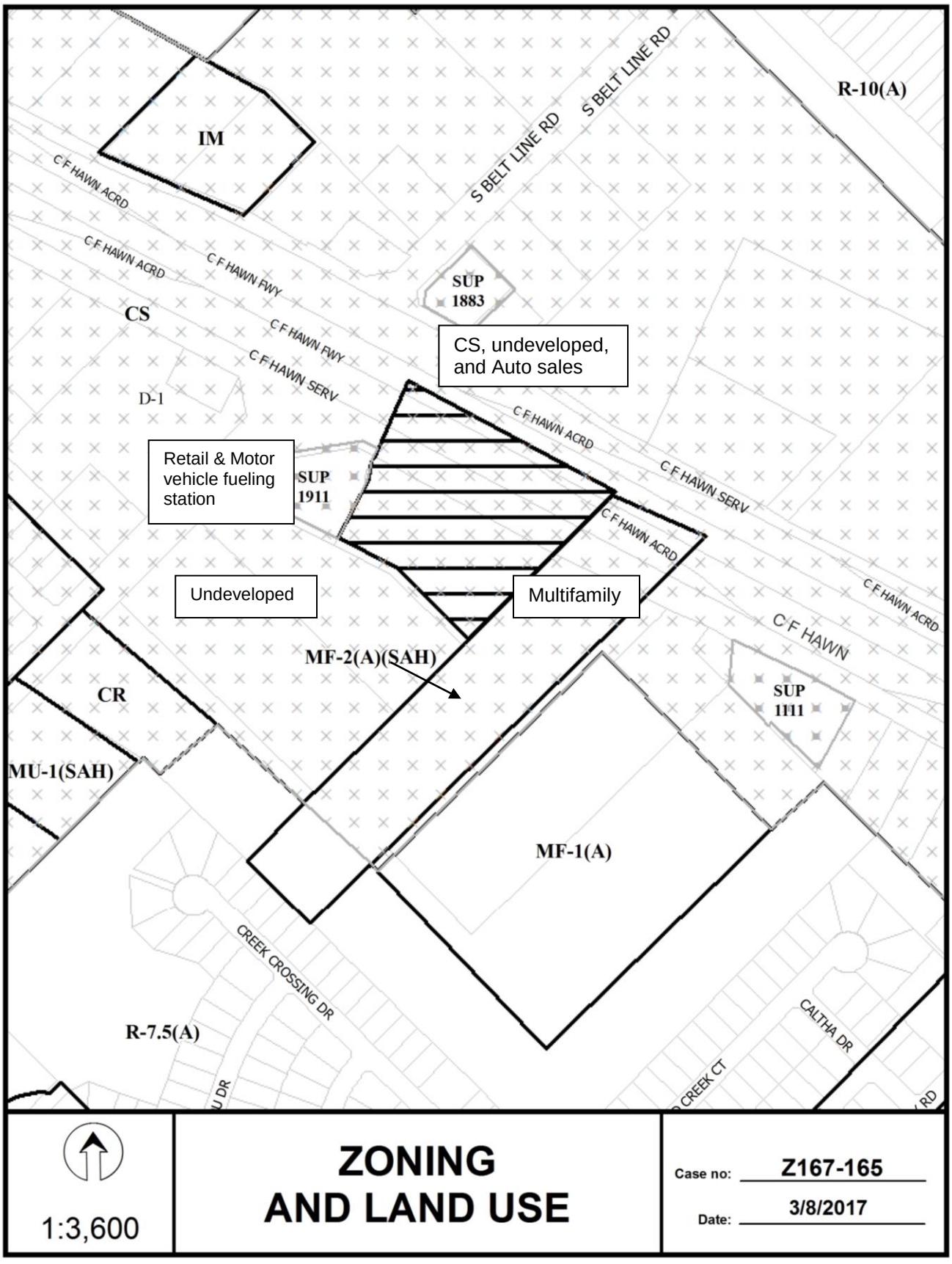


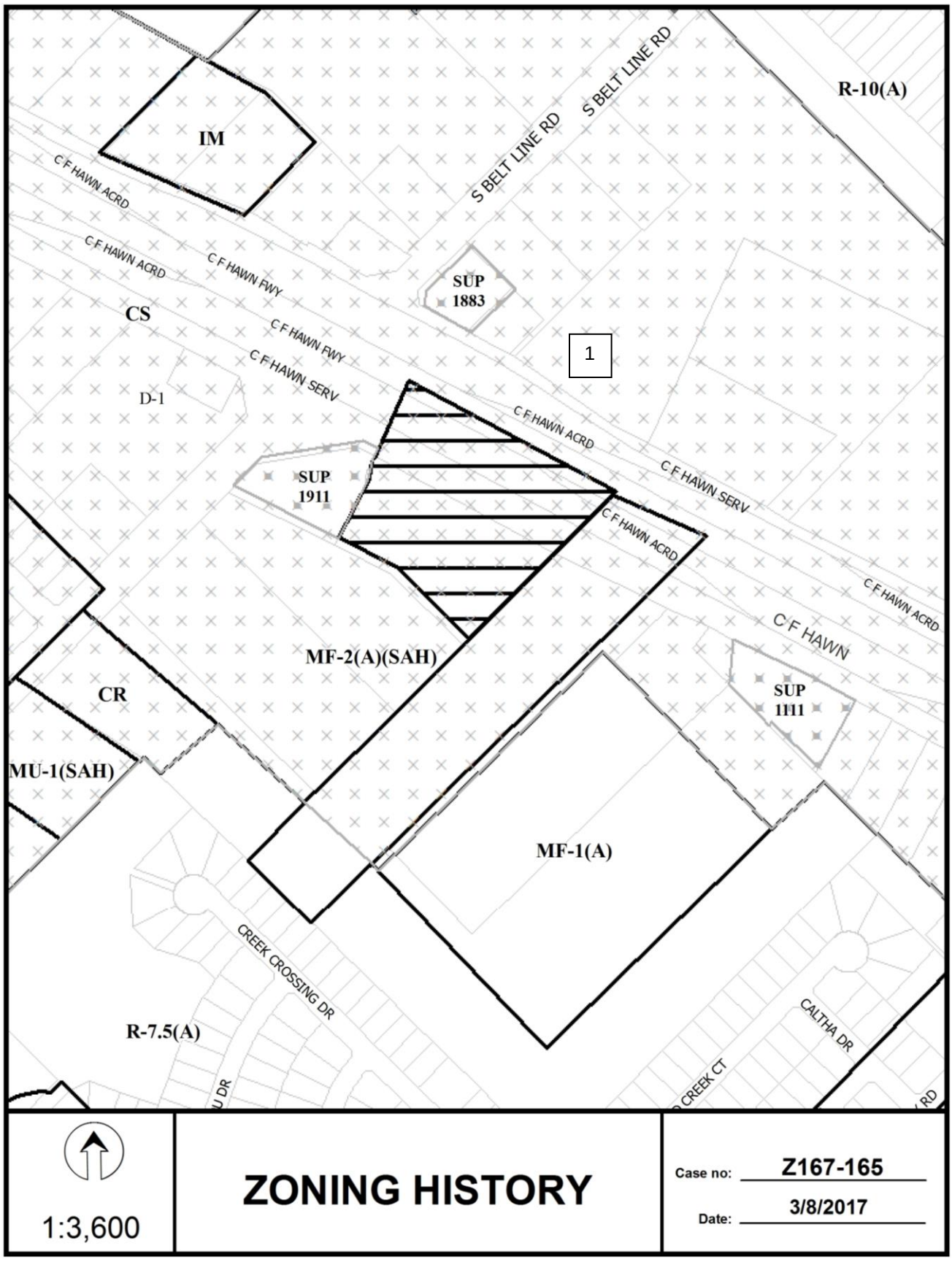
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AERIAL MAP

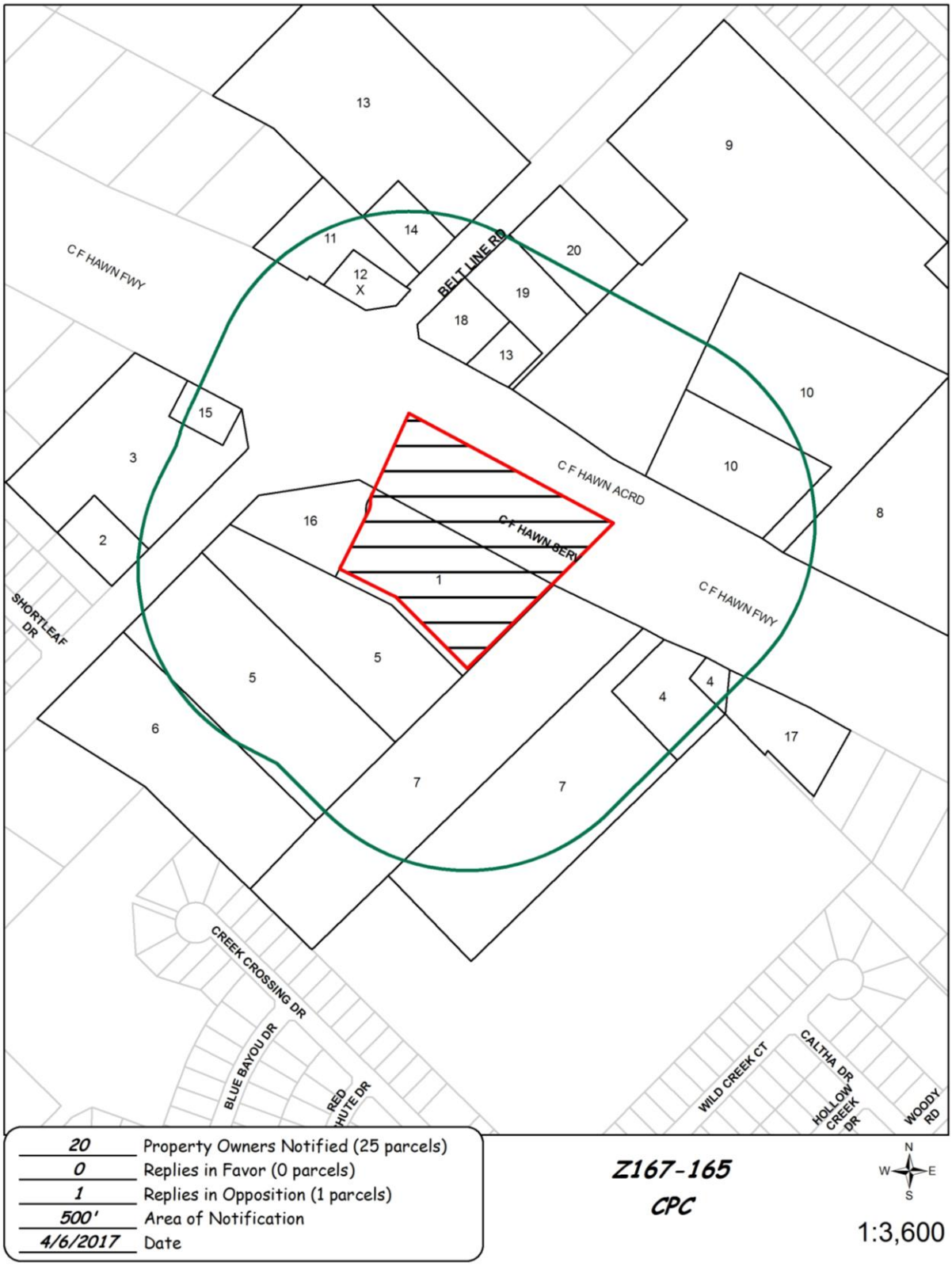
Case no: Z167-165

Date: 3/8/2017


IM
R-10(A)
S BELT LINE RD
S BELT LINE RD
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
C F HAWN FWY
C F HAWN SERV
SUP 1883
CS
CS, undeveloped, and Auto sales
D-1
C F HAWN ACRD
C F HAWN SERV
Retail & Motor vehicle fueling station
SUP 1911
C F HAWN ACRD
Undeveloped
Multifamily
C F HAWN ACRD
C F HAWN
MF-2(A)(SAH)
SUP 1111
CR
MU-1(SAH)
MF-1(A)
CREEK CROSSING DR
R-7.5(A)
CALTHA DR
1:3,600
ZONING AND LAND USE
Case no: Z167-165
Date: 3/8/2017


IM
S BELT LINE RD
S BELT LINE RD
R-10(A)
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
C F HAWN FWY
SUP 1883
CS
C F HAWN SERV
1
D-1
C F HAWN ACRD
C F HAWN SERV
SUP 1911
C F HAWN ACRD
C F HAWN ACRD
C F HAWN
MF-2(A)(SAH)
SUP 1111
CR
MU-1(SAH)
MF-1(A)
CREEK CROSSING DR
R-7.5(A)
CALTHA DR
CREEK CT
1:3,600
ZONING HISTORY
Case no: Z167-165
Date: 3/8/2017

CPC RESPONSES



04/05/2017

Reply List of Property Owners

Z167-165

20 Property Owners Notified ***0 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	13558	C F HAWN FWY	COMEDA REAL ESTATE
	2	1931	S BELTLINE RD	MORAN JOSEPH P
	3	13508	C F HAWN FWY	ALMO INVESTMENT II LTD
	4	13830	C F HAWN FWY	SOTO JOSE OMER
	5	1904	S BELTLINE RD	KWON YOONGHEE
	6	1900	S BELTLINE RD	SANTILLAN CANDIDO
	7	13700	C F HAWN FWY	WOODSIDE BRIDLE PATH APARTMENTS
	8	13943	C F HAWN FWY	KLEBERG MARKET PLACE INC
	9	13710	C F HAWN FWY	BELTLINE & HAWN INC
	10	13701	C F HAWN FWY	KLEBERG MARKET PLACE INC
	11	13415	C F HAWN FWY	OM SHANTI ARP LLC
X	12	13525	C F HAWN FWY	POWERS J D &
	13	1811	S BELTLINE RD	KAMY REAL PPTY TRUST
	14	1800	S BELTLINE RD	CRARE INC
	15	13510	C F HAWN FWY	MASRI ABDELRAZAK
	16	1920	S BELTLINE RD	ALMO INVESTMENTS LTD
	17	13838	C F HAWN FWY	BECERRA LEONARDO
	18	13601	C F HAWN FWY	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY
	19	1800	S BELTLINE RD	MCDONALDS CORP 42 524
	20	1790	S BELTLINE RD	SEAGOVILLE ONE LP

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Used District on property zoned an IM Industrial Manufacturing District on the east corner of Dawson Street and Jeffries Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval
Z167-189(WE)
Note: This item was considered by the City Council at a public hearing on April 26, 2017, and was deferred until June 14, 2017, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**
ACM: Majed Al-Ghafry

FILE NUMBER: Z167-189(WE) **DATE FILED:** January 20, 2017

LOCATION: Dawson Street and Jeffries Street, east corner

COUNCIL DISTRICT: 7 **MAPSCO:** 46-N

SIZE OF REQUEST: Approx. 0.5 acre **CENSUS TRACT:** 204

APPLICANT: Keith Smith

OWNER: Robert Lancaster & Sam Leake

REPRESENTATIVE: Keith Smith

REQUEST: An application for an MU-1 Mixed Used District on property zoned an IM Industrial Manufacturing District.

SUMMARY: The purpose of this request is to allow for a single family dwelling to be developed on site. The applicant's intent is to have a work/live environment.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Denial**

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The request site was built in 1963 and is currently being used as a warehouse. In 1984, the Building Official issued a certificate of occupancy (CO) for a job printing, lithographer, printing or blueprinting plant. In 2002, a CO was issued for a warehouse use.

- The applicant's request for an MU-1 Mixed Use District will allow for the construction of a single family dwelling adjacent to the warehouse. The applicant's intention is to provide a work/live environment.

- The surrounding land uses consist of commercial/ industrial type uses, warehouse, single family, auto related use and undeveloped tract of land. The property southeast of the request site is developed with a cellular tower and a church.

Zoning History: There has not been any zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Dawson Street	Local	50 ft.	50 ft.
Jeffries Street	Local	50 ft.	50 ft.

Land Use:

	Zoning	Land Use
Site	IM	Warehouse
Northeast	IM	Auto related use
Southeast	IM	Cell tower, Church
Northwest	IM	Single Family, Warehouse
Southwest	IM, PDD No. 841	Undeveloped, Warehouse

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.

There are no goals or policies supporting or opposing the request. The denial is based on the land use compatibility.

STAFF ANALYSIS:

Land Use Compatibility: The 0.5 acre site is developed with a one story, 4,250 square foot warehouse structure. The applicant is proposing to construct a single family dwelling adjacent to the warehouse to establish a work/live environment. Currently the applicant has a certificate of occupancy for a warehouse.

The surrounding land uses consist of commercial/ industrial type uses, warehouse, single family, auto related use and undeveloped tract of land. The property southeast of the request site is developed with a cellular tower and a church.

The proposed MU-1 Mixed Use District allows for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites. Staff recommends denial of the applicant's request for an MU-I District because the development pattern and character of the area is predominately industrial in nature. Since 1965, the area has been zoned an Industrial District.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IM - existing 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
MU-1- proposed Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

Landscaping: Landscaping of any development will be in accordance the attached landscape plan.

CPC Action (March 16, 2017)

Motion: It was moved to recommend **approval** of an MU-1 Mixed Used District on property zoned an IM Industrial Manufacturing District on the east corner of Dawson Street and Jeffries Street.

Maker: Mack
Second: Jung
Result: Carried: 12 to 1

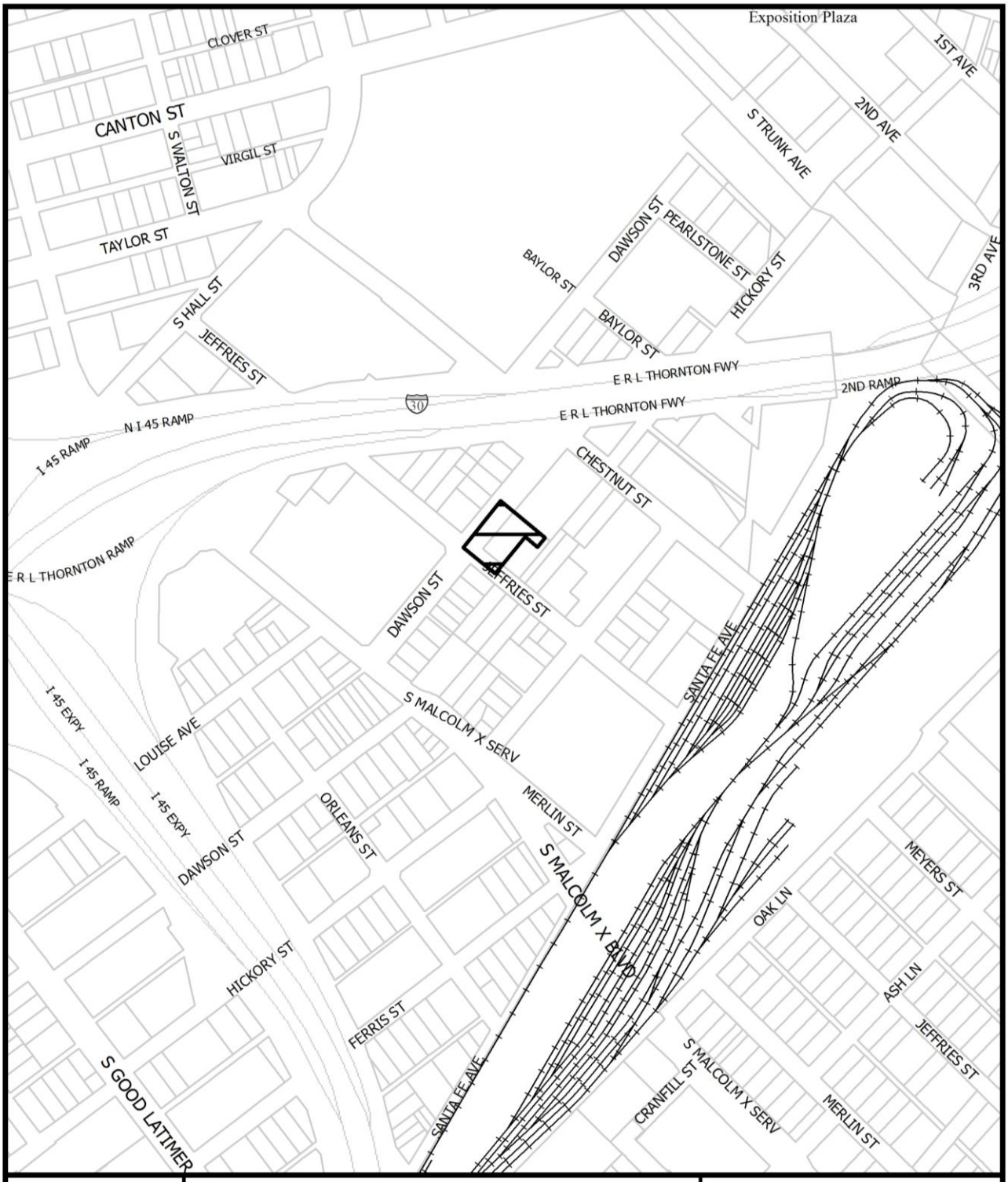
For: 12 - Anglin, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Tarpley

Against: 1 - Rieves
Absent: 1 - Haney
Vacancy: 0
Conflict: 1 - Ridley

Notices: Area: 200 Mailed: 21
Replies: For: 1 Against: 1

Speakers: For: Keith Smith, 2900 Dawson St., Dallas, TX, 75226
Mary Fehler, 1510 McKee St., Dallas, TX, 75215
Hansel Von Quenzer, 2915 Santa Fe Ave., Dallas, TX, 75226

Against: None


Exposition Plaza
CLOVER ST
1ST AVE
CANTON ST
S WALTON ST
VIRGIL ST
2ND AVE
S TRUNK AVE
TAYLOR ST
DAWSON ST
PEARLSTONE ST
BAYLOR ST
HICKORY ST
3RD AVE
S HALL ST
JEFFRIES ST
BAYLOR ST
E R L THORNTON FWY
2ND RAMP
E R L THORNTON FWY
I 45 RAMP
N I 45 RAMP
CHESTNUT ST
E R L THORNTON RAMP
DAWSON ST
JEFFRIES ST
SANTA FE AVE
I 45 EXPY
S MALCOLM X SERV
LOUISE AVE
I 45 RAMP
I 45 EXPY
MERLIN ST
ORLEANS ST
DAWSON ST
S MALCOLM X BLVD
MEYERS ST
OAK LN
HICKORY ST
ASH LN
FERRIS ST
JEFFRIES ST
S MALCOLM X SERV
CRANFILL ST
SANTA FE AVE
S GOOD LATTIMER
MERLIN ST
1:4,800
VICINITY MAP
Case no: Z167-189
Date: 2/15/2017

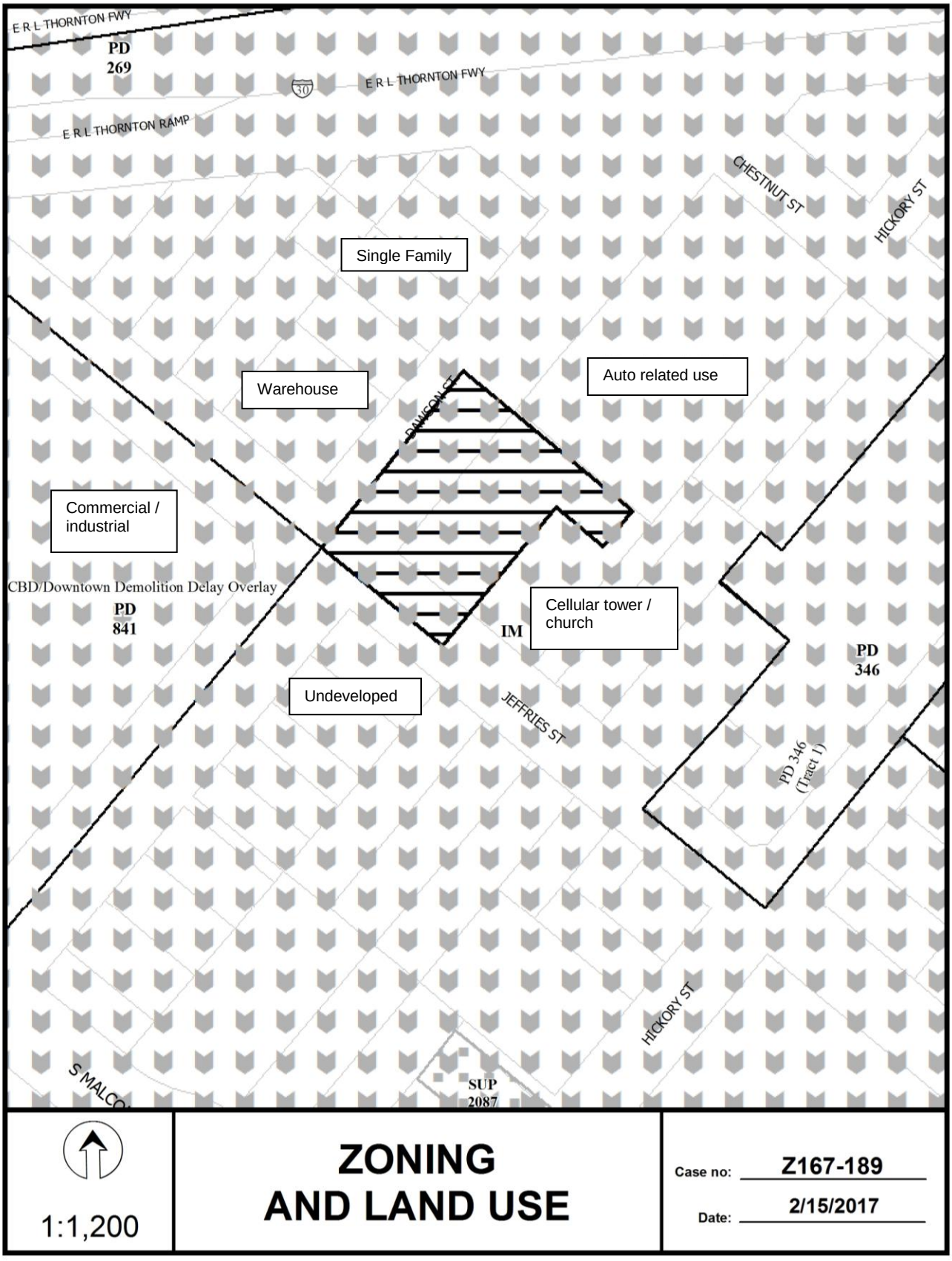


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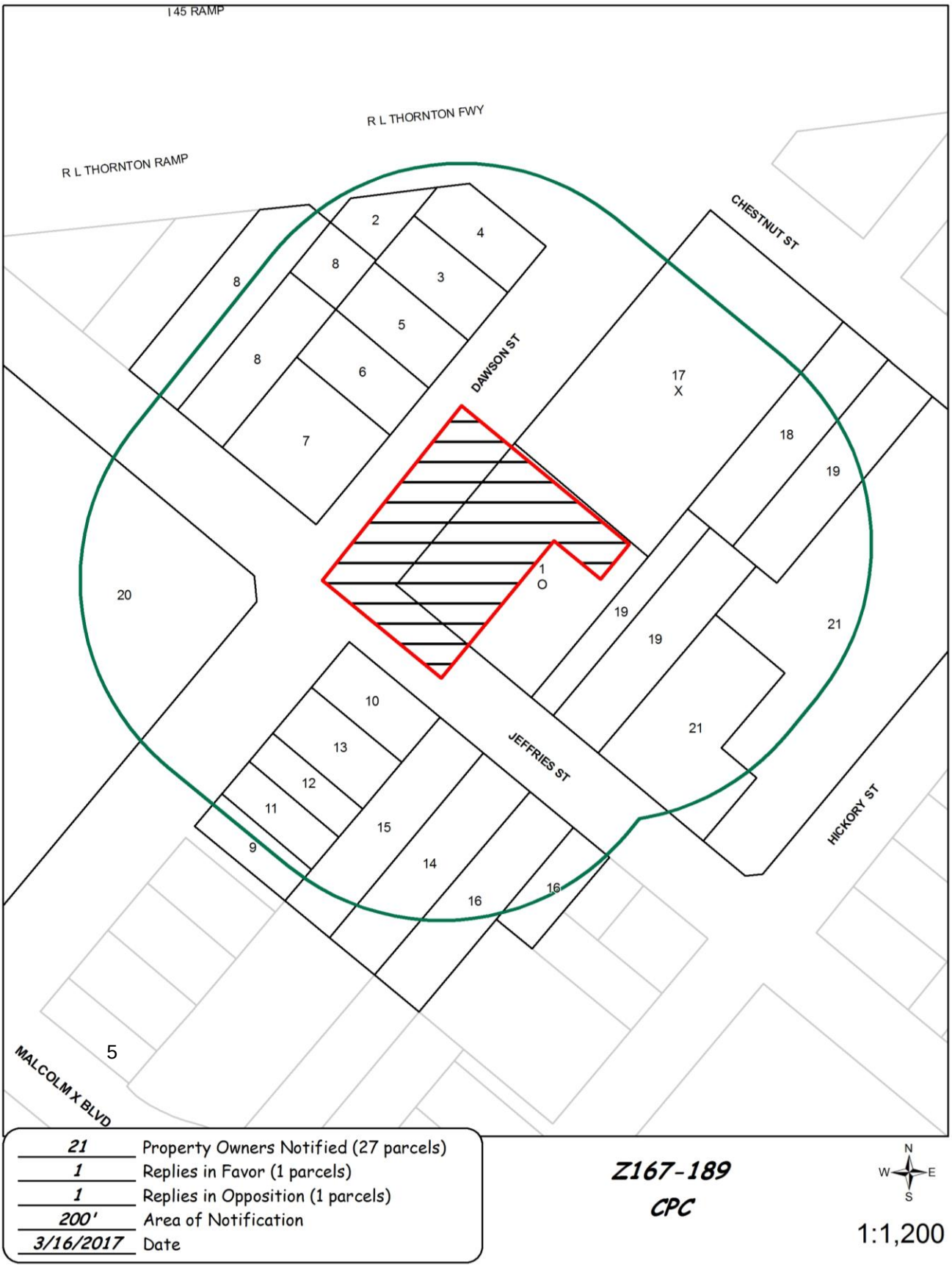
AERIAL MAP

Case no: Z167-189

Date: 2/15/2017


E R L THORNTON FWY
PD 269
E R L THORNTON FWY
E R L THORNTON RAMP
CHESTNUT ST
HICKORY ST
Single Family
Warehouse
Auto related use
DWIGGINS CT
Commercial / industrial
CBD/Downtown Demolition Delay Overlay
PD 841
IM
Cellular tower / church
PD 346
Undeveloped
JEFFRIES ST
PD 346 (Tract 1)
HICKORY ST
S MALCO
SUP 2087
1:1,200
ZONING AND LAND USE
Case no: Z167-189
Date: 2/15/2017

CPC RESPONSES



21	Property Owners Notified (27 parcels)
1	Replies in Favor (1 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
3/16/2017	Date

Z167-189
CPC

N
W E
S

1:1,200

Notification List of Property Owners

Z167-189

21 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	2900	DAWSON ST	LANCASTER ROBERT P &
	2	2960	E R L THORNTON FWY	SMITH MARGUERITE M
	3	2917	DAWSON ST	JAMAICA ROBERT
	4	2921	DAWSON ST	JAMAICA ROBERT & EVA
	5	2913	DAWSON ST	MORENO AUGUSTINE M
	6	2911	DAWSON ST	JAMAICA RAFAEL JR &
	7	1624	JEFFRIES ST	MUHAMED MULAT
	8	1616	JEFFRIES ST	HENDERSON WADE
	9	2814	DAWSON ST	CRABTREE J M EST
	10	2826	DAWSON ST	ALLIED ROOFING OF TEX INC
	11	2816	DAWSON ST	TOVAR DOMINGA &
	12	2818	DAWSON ST	GRAVES PROPERTIES LLC
	13	2822	DAWSON ST	JACQUELINE LORRAINE SNEED
	14	1715	JEFFRIES ST	HERNANDEZ ALLEN ET AL
	15	1711	JEFFRIES ST	GRAVES PROPERTIES INC
	16	1717	JEFFRIES ST	KIRK SHEET METAL CO INC
X	17	1703	CHESTNUT ST	SAFAVIMATIN PARVIN
	18	1715	CHESTNUT ST	SOLOMON GERALD
	19	1719	CHESTNUT ST	SOLOMON GERALD
	20	1610	S MALCOLM X BLVD	CDM CENTER OF HOPE INC
	21	2929	HICKORY ST	SHELTER MINISTRIES OF

AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District and a P(A) Parking District on the northwest line of San Jacinto Street, between Annex Avenue and Grigsby Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-160(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-160(JM) **DATE FILED:** December 20, 2016

LOCATION: On the northwest line of San Jacinto Street, between Annex Avenue and Grigsby Avenue.

COUNCIL DISTRICT: 2 **MAPSCO:** 46-A

SIZE OF REQUEST: ±1.7 acres **CENSUS TRACT:** 15.03

REPRESENTATIVE: Rob Baldwin

APPLICANT/OWNER: Cypress Real Estate Advisors, Inc.

REQUEST: An application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District and a P(A) Parking District.

SUMMARY: The applicant would like to develop the request site with a mix of residential units.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The request site is partially developed with multifamily uses. The remainder served as a parking lot for a bank facing Ross Avenue, which is no longer in operation.

- The purpose of this request is to match the zoning of these properties similarly to adjacent properties to the north and northwest, facing Ross Avenue.

- A development plan provided for this request indicates that the property owner would like to develop the site across the parcel boundary, into the PD No. 298 area facing Ross, as one cohesive site.

- The proposed PD is for MF-2(A) Multifamily uses. The conditions for the proposed development indicate the applicant would like to provide a reduced front, side, and rear yard. The maximum structure height has been increased from 36 feet to 54 feet plus 12 feet for mechanicals. The lot coverage has been increased from 60 percent to 70 percent. Urban design standards for sidewalks, pedestrian scale lighting, highly reflective glass, fencing, entry-facing units, façade articulation, and architectural elements were added to partially match Subarea 4 of PD No. 298. Finally, a provision allowing for smaller street trees and required buffer trees in the event of utility conflicts was added.

Zoning History:

1. Z156-172: On May 25, 2016, the City Council approved Specific Use Permit No. 2200 for a child-care facility on the southeast line of Munger Avenue, between Annex Ave. and N. Prairie Ave.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Grigsby Avenue	Local	45 feet
San Jacinto Street	Local	50 feet
Annex Avenue	Local	50 feet

Land Use:

	Zoning	Land Use
Site	MF-2(A) and P(A)	Multifamily and Parking Lot
Northwest	PD No. 298 Subarea 4	Vacant and Convalescent Home
Northeast	MF-2(A)	Multifamily
Southeast	MF-2(A)	Multifamily
Southwest	PD No. 298 Subarea 4 and MF-2(A)	Retail and Multifamily

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and required a traffic impact analysis. The report has been approved, as the City engineer determined it will not have a negative impact on the existing street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

> Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

NEIGHBORHOOD PLUS

> Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

Land Use Compatibility:

The surrounding land uses consist primarily of aging multifamily units across Grigsby Avenue, San Jacinto Street, and Annex Avenue. Properties along Ross Avenue have been redeveloping as evident with a growth in nearby retail and personal service uses such as banks, restaurants, and shops. The site itself has two multifamily units, one of which the applicant plans to keep at the northeast corner of San Jacinto Street and Grigsby Avenue, and the other along Annex Avenue and San Jacinto Street which is planned for demolition (as identified on the proposed development plan). A continuation of multifamily uses at this site, while providing a mix of different styles of units (townhomes are proposed along Grigsby Avenue), will add fresh housing stock and support redevelopment efforts in the area.

In an effort to increase the pedestrian amenities, the proposed PD offers the following urban design standards:

A. Six foot sidewalks;
B. Pedestrian scale lighting;
C. A provision protecting from highly reflective glass;

D. Fencing standards to maximize openness—up to eight feet allowed in front yard with the top four feet being of wrought iron, tubular steel, or similar material;
E. An entry provision requiring direct street access for 80 percent of units along Annex Avenue and 50 percent of units facing San Jacinto Street;
F. A building articulation requirement for each 50 feet of length to minimize monotony;
G. A matching material façade standard for parking structures; and,
H. The addition of architectural elements at all building corners and public entry points including prominent public entrances, canopies, awnings, or attached towers.

Letters A-D directly mimic Subarea 4 of PD No. 298. The remainder was added to increase the urban nature of the neighborhood.

Additional façade requirements for materials were added at the CPC hearing on May 4, 2017. The applicant agreed to the amendments before the hearing. The changes include requiring a minimum of two different facade materials for each street-facing facade. Additionally, the surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete, or a combination of these materials. Other cement products (such as stucco, Hardy Plank, or other similar materials) are limited to 50 percent of the buildings' exterior finishes. When used, stucco must be located at least eight feet above grade on a facade visible from a public right-of-way or a public area.

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	**Side/Rear**				
Existing: MF-2(A)	15'	0' single family 5' duplex 10' others 0' single family 10' duplex 15' others	36'*	60% res. 50% nonres.	RPS *Plus12 feet for mechanicals	Residential, Institutional, Recreation, Utility and public service.
Existing: P(A)	10'	--	--	--	--	Parking
Proposed: PDD	5'	0'	54'*	70%	*Plus12 feet for mechanicals	PD for MF-2(A) uses—all uses above.
Adjacent: PD No. 298 Subarea 4	5' min 15' max	0' 5'	54'	90%	RPS	Commercial and Business Service, Institutional and Community Service, Lodging, Office, Recreation, Residential, Retail and Personal Service, Utility and public service.

The applicant chose to mimic the contiguous lot's zoning to the north which they plan to develop as a cohesive site along with the area of request. However, the proposed height of 54 feet plus 12 feet of mechanicals would make for an 18 to 30 foot difference in height along the area of request and existing units and properties all zoned MF-2(A) to the east, south, and west. These properties have rights to develop up to 36 feet plus up to 12 feet for mechanicals. Additionally, PD No. 298, Subarea 4 does not allow projections above 54 feet in height. While the area is an urban neighborhood, an added protection of stepping-back or recessing the additional mechanicals 50 feet from each exterior street-facing façade for all items that project above 54 feet, as allowed by the proposed conditions, offers visual protection and relief from potentially excessive massing.

The requested change in lot coverage will act as a stepping increase in density from the development site, making the area a progressive, yet cohesive site. Subject properties to the northeast, southeast, and southwest all can reach maximum lot coverage of 60 percent. This half of the development site, which is closest to those areas currently zoned MF-2(A) and is the area of request for this zone change, would increase to 70 percent lot coverage with additional height; followed by the section of the development site facing Ross Avenue and not a part of this zone change, which can be developed with up to 90 percent lot coverage and up to 54 feet in overall height. As the development progresses to Ross Avenue, it increases in overall density.

Parking:

Parking will be provided per Chapter 51A. A breakdown cannot be provided at this time, since the number of units has yet to be determined. A multifamily use requires one parking space per bedroom.

Landscaping and Screening:

The applicant has added a provision in the proposed PD for the minimum caliper of street trees to be reduced to two inches and remain at six feet tall. This also applies to required buffer plant material, but adds the requirement for three large evergreen shrubs. These changes were made after speaking with the City arborist, who found a conflict with overhead utilities. Large trees were found to be undesirable where utility conflicts exist. This provision was added to only apply when a utility conflict exists. All other landscaping would be provided according to Article X.

In comparison, Subarea 4 within PD No. 298, contiguous and a part of the remainder site and development would have to comply entirely with Article X—as referred by PD No. 298.

CPC Action:
May 4, 2017

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a development plan and conditions with the following modifications under (f) Facades (2) to read as: "(A) The surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete, or a combination of these materials.", "(B) Other cement products (such as stucco, Hardy plank, or other similar materials) are limited to 50 percent of the buildings' exterior finishes.", "(C) When used, stucco must be located at least eight feet above grade on a facade visible from a public right-of-way or a public area." on property zoned an MF-2(A) Multifamily District and a P(A) Parking District on the northwest line of San Jacinto Street, between Annex Avenue and Grigsby Avenue.

Maker: Rieves
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy*, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 107
Replies: For: 5 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

LIST OF OWNERS AND OFFICERS

List of Owners and Officers

1625 Grigsby Avenue

1889 Holdings, LLC
Scott Martin, member
Cale Drumright, member

4600 Ross Avenue and 1604 Annex Avenue

Tuesday Real Estate Ross Annex, LLC
Ramsey Soliman, President
Arturo Singer, Vice President
Jay Schuminsky, Manager

Applicant

Cypress Real Estate Advisors, Inc.

M. Timothy Clark, President and Director
Stephen T. Clark, Chairman and Director
Brent Heath, Vice President

CPC Recommended PD Conditions

"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 northeast corner of San Jacinto Street and Annex Avenue. The size of PD _____ is approximately _____ 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 the article: Exhibit ____A: development plan.

SEC. 51P- ____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- ____.106. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(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-2(A) Multifamily District is subject to DIR in this district; etc.

SEC. 51P-____.107. ACCESSORY USES.

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.

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-2(A) Multifamily District apply.

(a) Front yard. Minimum front yard is five feet. Stairs, stoops, balconies, bay windows, and other ordinary architectural projections may encroach up to four feet into the required front yard.

(b) Side and rear yard. No Minimum side or rear yard.

(c) Density. Maximum number of dwelling units is 170.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height.

(1) Maximum structure height is 54 feet.

(2) The following structures may project a maximum of 12 feet above the maximum structure height when set back from each exterior street-facing facade by 50 feet:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Ornamental cupola or dome.

(F) Skylights.

(G) Clerestory.

(H) Visual screens which surround roof mounted mechanical equipment.

(I) Chimney and vent stacks.

(J) Parapet walls, limited to a height of four feet, do not have to be setback 50 feet from the exterior street-facing façade.

(f) Lot coverage. Maximum lot coverage is 70 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories.

(1) Except as provided in this subsection, maximum number of stories above grade is four.

(2) For parking structures, maximum number of stories above grade is five.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations 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. URBAN DESIGN STANDARDS.

(a) Sidewalks. Sidewalks with a minimum width of six feet must be provided along all street frontages.

(b) Pedestrian scale lighting. Pedestrian scale lighting must be provided at a minimum of 1.5 foot candles and be mounted at a height no greater than 14 feet.

(c) Highly reflective glass. Highly reflective glass may not be used as an exterior building material on any building or structure. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

(d) Fencing. Except for required screening, fencing located between the street and a front building facade must be wrought iron, tubular steel, or similar materials or a combination of these materials with up to a four-foot-high masonry base.

(e) Entries.

(1) A minimum of 80 percent of the street-facing, street-level dwelling units along Annex Avenue and a minimum of 50 percent of the street-facing, street-level dwelling units along San Jacinto Street must have:

(A) individual entries directly from the outside;

(B) street access; and

(C) improved paths connecting the dwelling unit to the sidewalk.

(2) A minimum of 70 percent of the street-facing, street-level dwelling units along Annex Avenue and a minimum of 40 percent of the street-facing, street-level dwelling units along San Jacinto Street must have individual entries, stoops, or porches that are elevated between six and 30 inches above the finished sidewalk grade, measured to the top of the entry, stoop, or porch.

(f) Facades.

(1) To break up the monotony created by long facade walls, street-facing facades must have building articulation with a minimum depth of one foot for every 50 feet of facade length.

(2) A minimum of two different facade materials must be provided on each street-facing facade.

(A) The surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete, or a combination of these materials.

(B) Other cement products (such as stucco, Hardy Plank, or other similar materials) are limited to 50 percent of the buildings' exterior finishes.

(C) When used, stucco must be located at least eight feet above grade on a facade visible from a public right-of-way or a public area.

(3) Facades for parking structures which are visible from the public right-of-way must be similar in materials, architecture, and appearance to the facade of the main structure.

(g) Architectural elements. A minimum of one architectural element must be provided at all building corners and at public entry points along Annex Avenue and San Jacinto

Street. Some examples of architectural elements are architecturally prominent public entrances, canopies, awnings, or attached towers.

SEC. 51P-_____.112. LANDSCAPING.

(a) In general. Except as provided in this section, and except when a utility conflict exists, landscaping must be provided in accordance with Article X.

(b) Street trees.

(1) Two small trees with a minimum caliper of two inches and a minimum height of six feet may be substituted for each large tree required.

(c) Buffer plant materials.

(1) A landscape buffer strip provided to comply with this section or Section 51A-10.126 must contain two small trees with a minimum caliper of two inches and a minimum height of six feet spaced no less than 25 feet apart and three large evergreen shrubs for each 50 linear feet of the buffer strip.

(d) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- ____.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) The 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.

SEC. 51P-_____.115. 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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Proposed Development Plan

Enlarged Development Plan

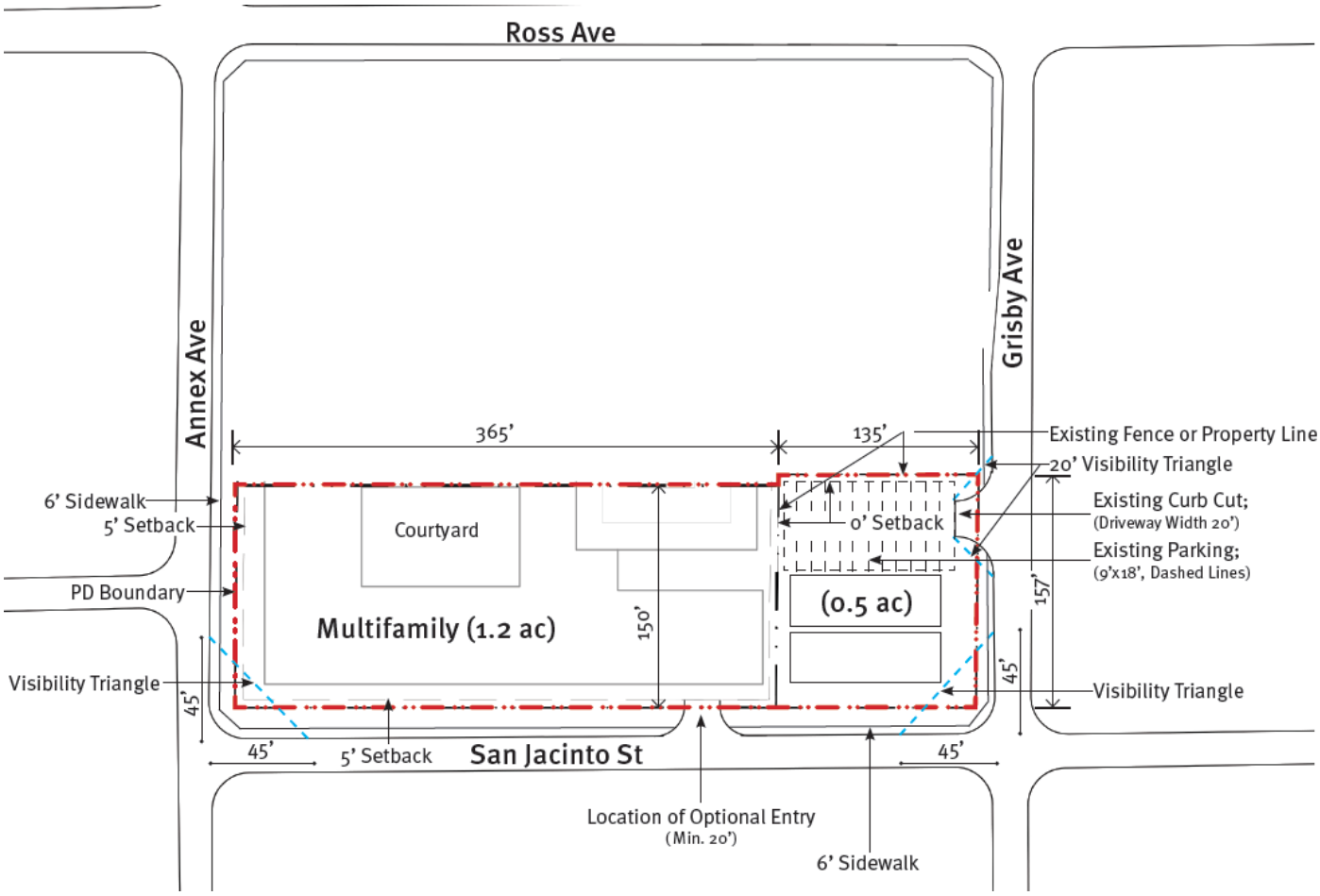
Z167-160(JM)

0' 50' 100' 200'

04.21.2017 | 2016067.00 ZZ

Copyright © JHP 2017
Not for Regulatory Approval, Permit or Construction: Mark J. Wolf
Registered Architect of State of Texas, Registration No. 9129

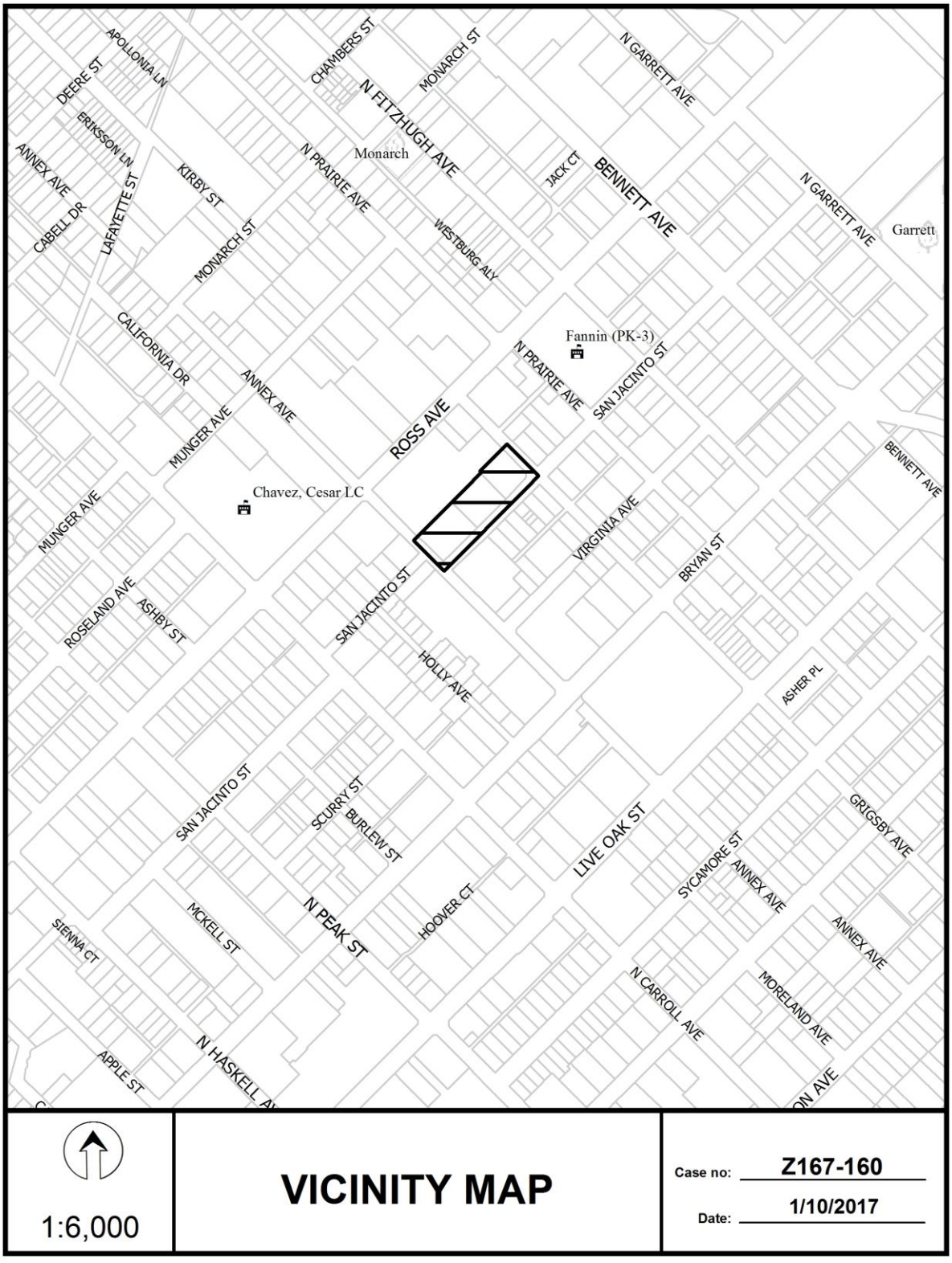
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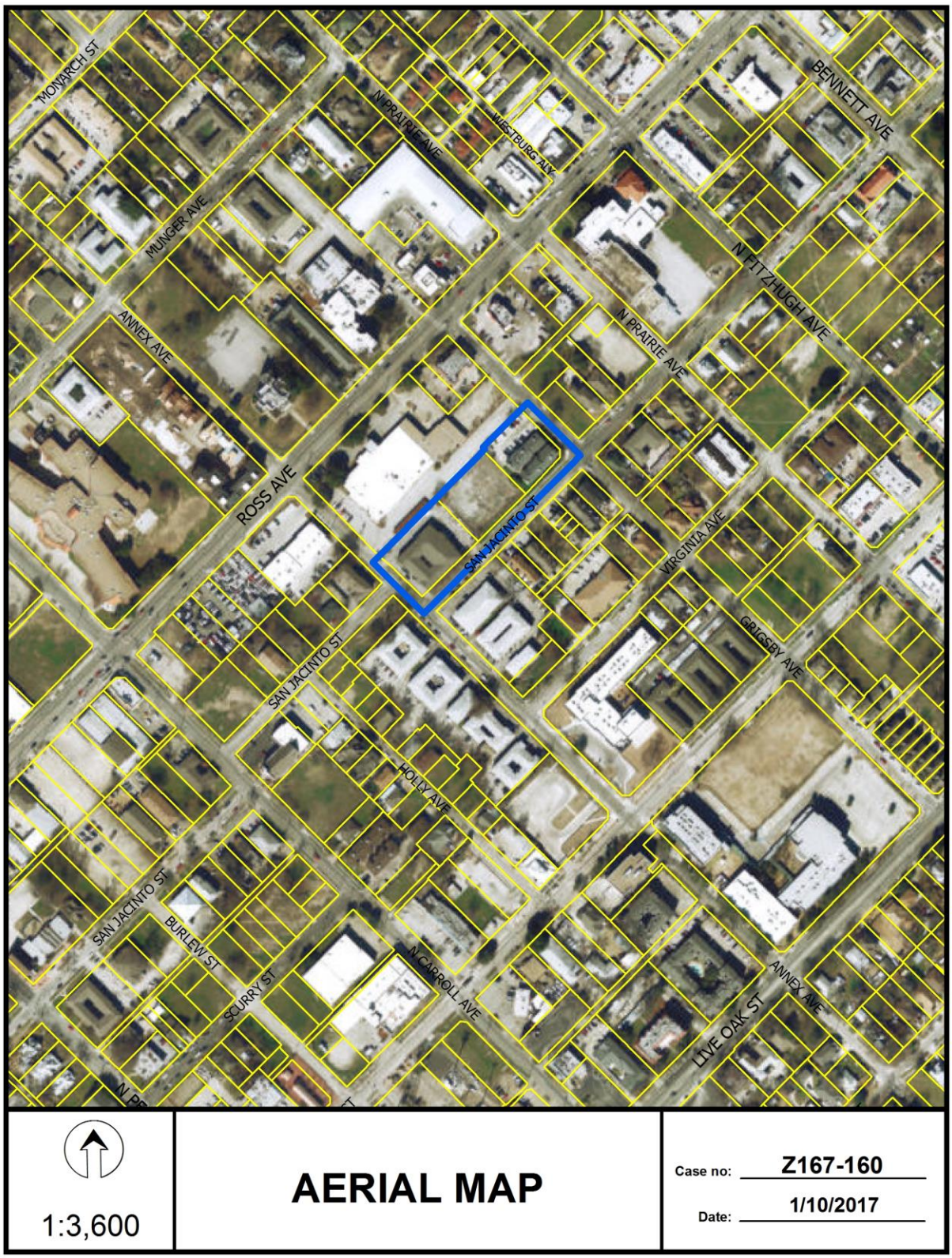


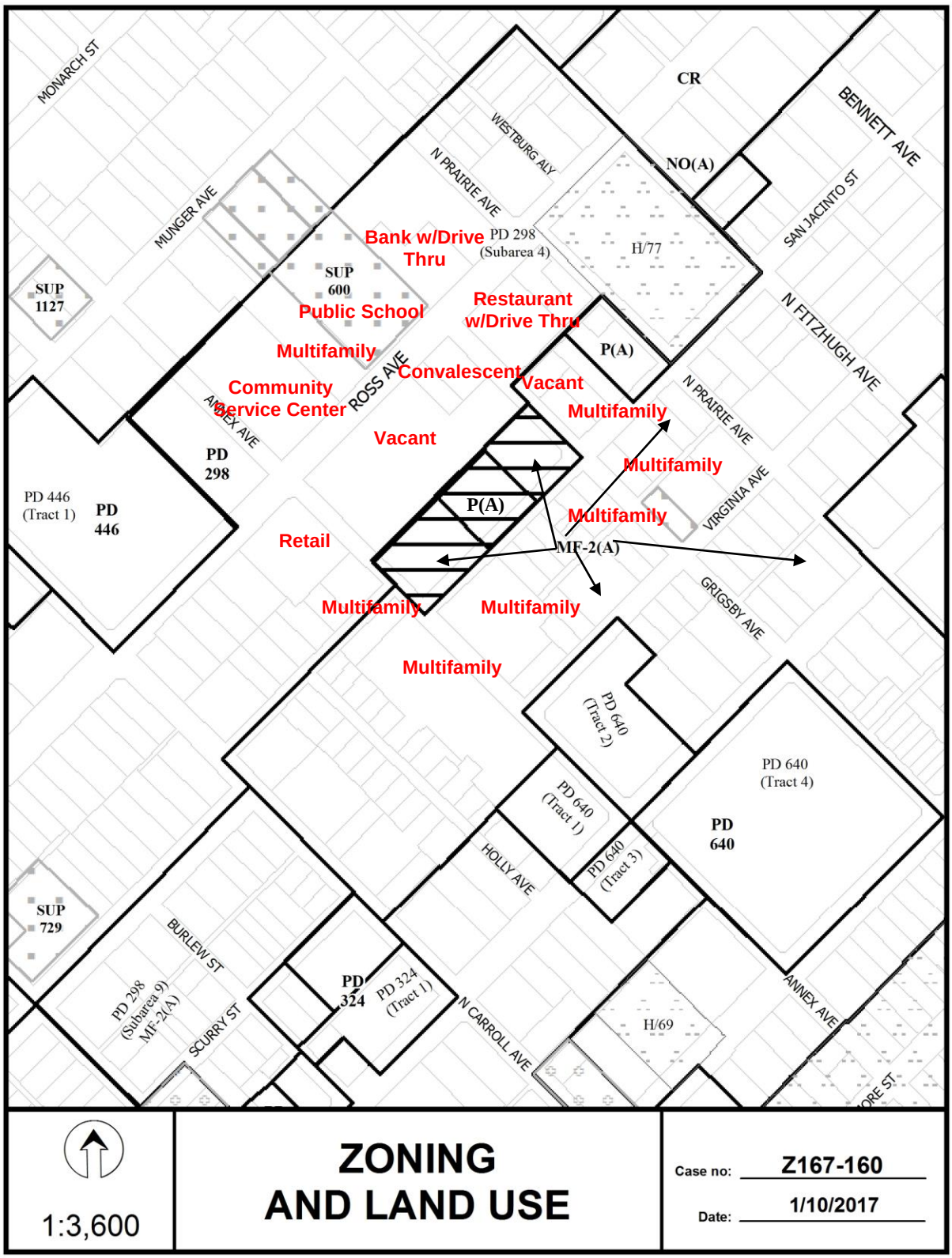
SITE DATA

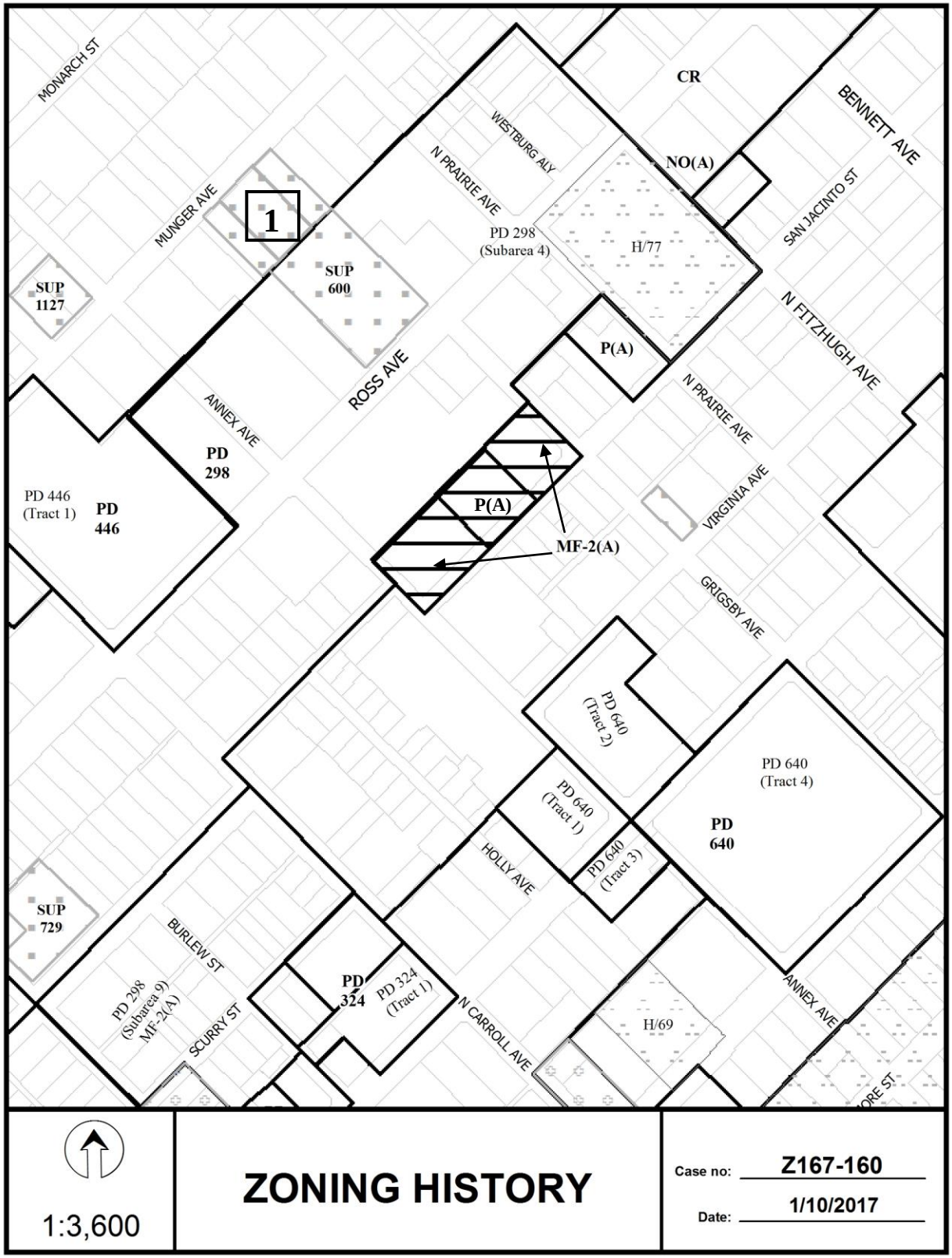
Site Area:	75,940 s.f. (1.7 Acres)
Primary Use:	Multifamily
Units:	170 Units
Maximum Height:	54 ft
Parking Required:	1 Sp/Bedroom
Building Footprint:	53,200 s.f.
Lot Coverage:	70%
Building Levels:	4 Stories for MF 5 Stories for Garage

Bicycle Parking is Required;
(Location to be determined)

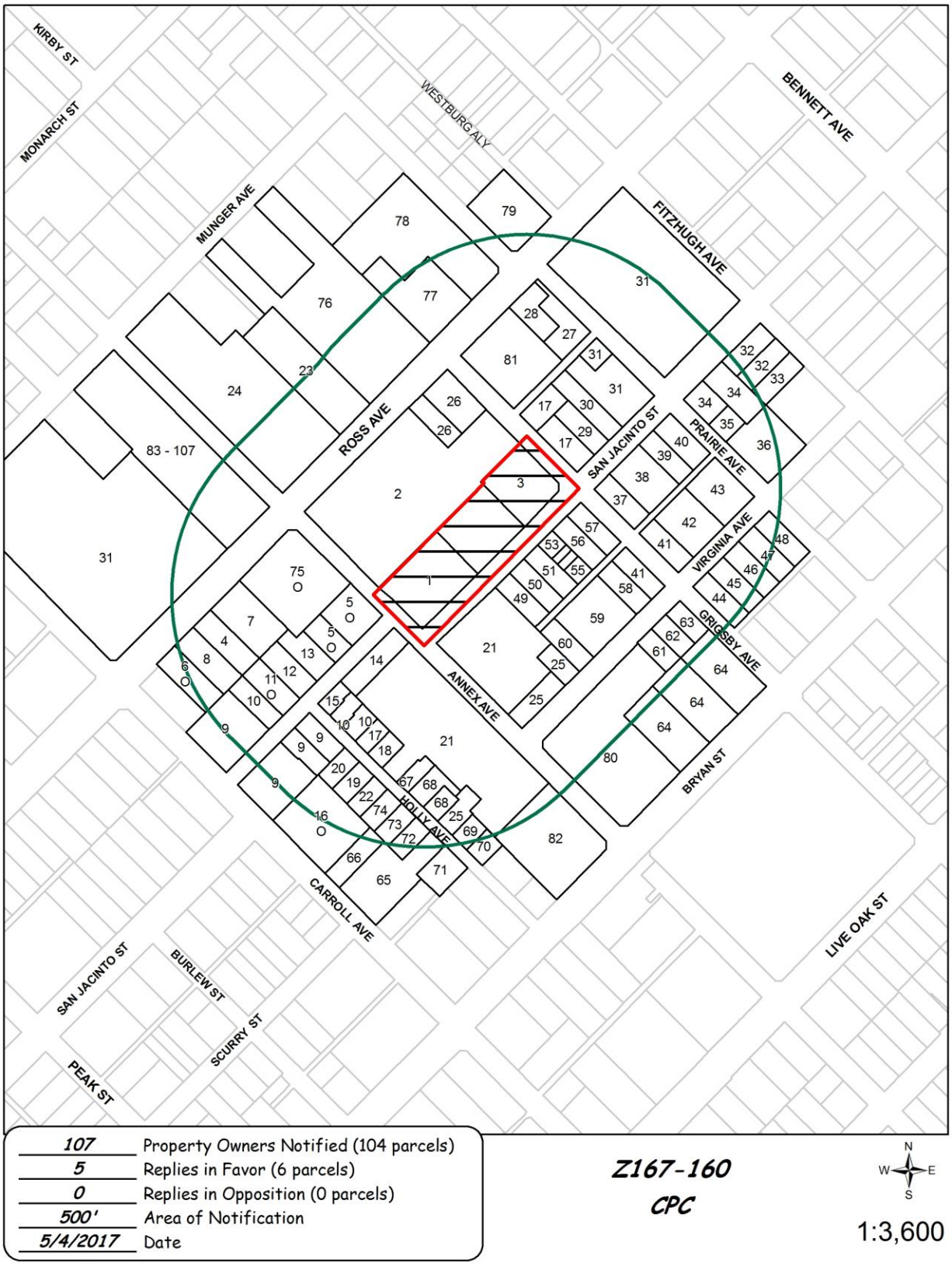

APOLLONIA LN
DEERE ST
ERIKSSON LN
ANNEX AVE
CABELL DR
LAFAYETTE ST
KIRBY ST
CHAMBERS ST
MONARCH ST
N FITZHUGH AVE
Monarch
N PRAIRIE AVE
WESTBURG ALY
JACK CT
BENNETT AVE
N GARRETT AVE
Garrett
CALIFORNIA DR
Fannin (PK-3)
SAN JACINTO ST
ROSS AVE
MUNGER AVE
Chavez, Cesar LC
VIRGINIA AVE
BRYAN ST
ROSELAND AVE
ASHBY ST
HOLLY AVE
ASHER PL
SCURRY ST
BURLEW ST
LIVE OAK ST
GRIGSBY AVE
SYCAMORE ST
MCKELL ST
N PEAK ST
HOOVER CT
SIENNA CT
N CARROLL AVE
MORELAND AVE
APPLE ST
N HASKELL AVE
1:6,000
VICINITY MAP
Case no: Z167-160
Date: 1/10/2017


MONARCH ST
N PRAIRIE AVE
WESTBURG ALY
BENNETT AVE
MUNGER AVE
N FITZHUGH AVE
ANNEX AVE
N PRAIRIE AVE
ROSS AVE
SAN JACINTO ST
VIRGINIA AVE
SAN JACINTO ST
GRIGSBY AVE
HOLLY AVE
SAN JACINTO ST
BURLEW ST
SCURRY ST
N CARROLL AVE
ANNEX AVE
LIVE OAK ST
1:3,600
AERIAL MAP
Case no: Z167-160
Date: 1/10/2017


MONARCH ST
CR
BENNETT AVE
WESTBURG ALY
N PRAIRIE AVE
NO(A)
MUNGER AVE
SAN JACINTO ST
Bank w/Drive Thru
PD 298 (Subarea 4)
H/77
SUP 600
SUP 1127
Public School
Restaurant w/Drive Thru
N FITZHUGH AVE
Multifamily
P(A)
ROSS AVE
Convalescent
Vacant
Community Service Center
AMBLEX AVE
Multifamily
N PRAIRIE AVE
Vacant
PD 298
Multifamily
PD 446 (Tract 1)
PD 446
P(A)
VIRGINIA AVE
Multifamily
Retail
MF-2(A)
GRIGSBY AVE
Multifamily
Multifamily
Multifamily
PD 640 (Tract 2)
PD 640 (Tract 4)
PD 640 (Tract 1)
PD 640
HOLLY AVE
PD 640 (Tract 3)
SUP 729
BURLEW ST
PD 298 (Subarea 9) MF-2(A)
PD 324
PD 324 (Tract 1)
SCURRY ST
N CARROLL AVE
H/69
ANNEX AVE
1:3,600
ZONING AND LAND USE
Case no: Z167-160
Date: 1/10/2017


MONARCH ST
MUNGER AVE
1
SUP 1127
SUP 600
WESTBURG ALY
N PRAIRIE AVE
PD 298 (Subarea 4)
CR
NO(A)
BENNETT AVE
SAN JACINTO ST
H/77
N FITZHUGH AVE
P(A)
ROSS AVE
ANNEX AVE
PD 298
PD 446 (Tract 1)
PD 446
P(A)
MF-2(A)
VIRGINIA AVE
GRIGSBY AVE
PD 640 (Tract 2)
PD 640 (Tract 4)
PD 640
PD 640 (Tract 1)
PD 640 (Tract 3)
HOLLY AVE
SUP 729
BURLEW ST
PD 298 (Subarea 9) MF-2(A)
SCURRY ST
PD 324
PD 324 (Tract 1)
N CARROLL AVE
H/69
ANNEX AVE
1:3,600
ZONING HISTORY
Case no: Z167-160
Date: 1/10/2017

CPC Responses



05/03/2017

Reply List of Property Owners

Z167-160

107 Property Owners Notified ***5 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1604	ANNEX AVE	TUESDAY REAL ESTATE ROSS ANNEX LLC
	2	4600	ROSS AVE	TUESDAY REAL ESTATE ROSS ANNEX LLC
	3	1625	GRIGSBY AVE	1889 HOLDINGS LLC
	4	4516	ROSS AVE	ALLEN THOMAS RICHARD
O	5	1601	ANNEX AVE	TOPSPIN DEVELOPMENT LP
O	6	4508	ROSS AVE	OPTIMUM REALTIES FL1 LLC
	7	4522	ROSS AVE	CHAPMAN MOTORS INC
	8	4512	ROSS AVE	ALLEN THOMAS RICHARD &
	9	4501	SAN JACINTO ST	CITY CHURCH INTERNATIONAL
	10	4511	SAN JACINTO ST	REIGER ASSOC 90 I LTD
O	11	4515	SAN JACINTO ST	VALDEZ JUVENTINO
	12	4519	SAN JACINTO ST	BECERRA ANTONIO &
	13	4521	SAN JACINTO ST	REIGER ASSOC 90 I LTD
	14	1535	ANNEX AVE	MIL INVESTMENTSM LLC
	15	1536	HOLLY ST	PLEASANT RUN LANCASTER
O	16	1518	N CARROLL AVE	CARROLL AVE INVESTMENTS LLC
	17	1524	HOLLY ST	1250 WDT LTD
	18	1520	HOLLY ST	TOMAINO PROPERTIES LP
	19	1519	HOLLY ST	GAMEZ SIXTO
	20	1527	HOLLY ST	ROJAS JOSE GAMEZ &
	21	1519	ANNEX AVE	ANNEXROSS STREET
	22	1517	HOLLY ST	ESPINOZA MARICRUZ
	23	4619	ROSS AVE	HETRICK DENNIS W &
	24	4601	ROSS AVE	DALLAS WOMANS FORUM
	25	4607	VIRGINIA AVE	GRAHAM MORTGAGE CORPORATION
	26	4636	ROSS AVE	DALLAS 24 HOUR CLUB INC

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	1621	N PRAIRIE AVE	VALUE WASH
	28	4716	ROSS AVE	MFT ENTERPRISES INC TR
	29	4705	SAN JACINTO ST	PENA ANDREW M &
	30	4709	SAN JACINTO ST	ANDRADE SERGIO
	31	4717	SAN JACINTO ST	Dallas ISD
	32	1519	N FITZHUGH AVE	JUREK PROPERTIES LTD
	33	1513	N FITZHUGH AVE	4813 VIRGINIA
	34	4808	SAN JACINTO ST	ST JOSEPH MISSIONARY
	35	1516	N PRAIRIE AVE	TRISKELE LLC
	36	4801	VIRGINIA AVE	4813 VIRGINA
	37	4702	SAN JACINTO ST	GUERRERO GUADALUPE
	38	4708	SAN JACINTO ST	GARLAND ANNIE B
	39	4714	SAN JACINTO ST	LOPEZ JOSE
	40	4720	SAN JACINTO ST	SAINT JOSEPH MISSIONARY
	41	4701	VIRGINIA AVE	FAITH COMMUNITY CHURCH
	42	4707	VIRGINIA AVE	MARTINEZ MARIA A
	43	4713	VIRGINIA AVE	ISAMBARD INVESTMENTS TRUST
	44	4702	GRIGSBY AVE	4718 BRYAN LP
	45	4706	VIRGINIA AVE	GARCIADESUAREZ AURORA
	46	4710	VIRGINIA AVE	MARTINEZ REYNOLD
	47	4714	VIRGINIA AVE	YELPERT PROPRIETARY LTD TRUSTEE
	48	4720	VIRGINIA AVE	ISAMBARD INVESTMENT TRUST
	49	4618	SAN JACINTO ST	SUVANNACHAKKHAM NOUNINH & SANE
	50	4620	SAN JACINTO ST	LEIGH STEPHANIE
	51	4622	SAN JACINTO ST	GNG PROPERTIES INC
	52	4624	SAN JACINTO ST	LINAVONG KHENE
	53	4624	SAN JACINTO ST	KEOVICHITH KHAMPHOR
	54	4624	SAN JACINTO ST	SAKDAVONG VILATH
	55	4624	SAN JACINTO ST	SAKDAVONG VILATH
	56	4626	SAN JACINTO ST	SINGH HARJINDER &
	57	4638	SAN JACINTO ST	OIBARA CATTLE FAMILY HOLDINGS LLC
	58	4627	VIRGINIA AVE	GARDENERS IN COMMUNITY
	59	4625	VIRGINIA AVE	VIRGINIA APTS INC

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	60	4609	VIRGINIA AVE	INSIXIENGMAY LAM N
	61	4630	VIRGINIA AVE	BENAVIDES DAVID
	62	4632	VIRGINIA AVE	RODRIGUEZ FRANCISCO &
	63	4636	VIRGINIA AVE	BBI REALTY LLC
	64	4645	BRYAN ST	COMAR PROPERTIES INC
	65	1500	N CARROLL AVE	OLD EAST CARROL LLC
	66	1510	N CARROLL AVE	QUINTERO BERTIN
	67	1514	HOLLY ST	HUNT ROBERT VILLAREAL &
	68	1510	HOLLY ST	HUNT ROBERT V
	69	1414	HOLLY ST	ROBERT B BURKS & JUDITH A
	70	1410	HOLLY ST	MEDINA JOSE M &
	71	1413	HOLLY ST	ESPINOZA ARMANDO SR
	72	1505	HOLLY ST	MENDEZ JESUS G &
	73	1511	HOLLY ST	GUAJARDO LUIS A
	74	1515	HOLLY ST	PAREDES URIEL
O	75	4540	ROSS AVE	PRESCOTT INTERESTS MIDWAY PLAZA LTD
	76	4621	ROSS AVE	AMERICA CAN
	77	4709	ROSS AVE	4709 ROSS AVE LLC
	78	4721	ROSS AVE	PS LPT PPTIES INVESTORS
	79	4801	ROSS AVE	SONIC DRIVE IN OF DALLAS LLC
	80	4603	BRYAN ST	LIFT EDUCATION
	81	4700	ROSS AVE	GONZALES MARIA R TR
	82	4539	BRYAN ST	UPLIFT EDUCATION
	83	1717	ANNEX AVE	ELLSWORTH ALLISON ANNE & STEPHEN JAMES
	84	1717	ANNEX AVE	STEPHENS CHERYL L
	85	1717	ANNEX AVE	LEGGETT JAMES
	86	1717	ANNEX AVE	DURNELL JEREMY
	87	1717	ANNEX AVE	CHANG ANGELA
	88	1717	ANNEX AVE	G17TT LLC
	89	1717	ANNEX AVE	CHINICH JUSTIN
	90	1717	ANNEX AVE	THOMAS CLIFTON

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	91	1717	ANNEX AVE	MANGO MELISSA JEANETTE
	92	1717	ANNEX AVE	MAY MARIA CULASI
	93	1717	ANNEX AVE	RANGEL JOSE L JR
	94	1717	ANNEX AVE	BAKER ANTHONY & MELISSA J
	95	1717	ANNEX AVE	MORGAN KOLE P &
	96	1717	ANNEX AVE	ELIBIARY IHAB
	97	1717	ANNEX AVE	TATUM LESLIE
	98	1717	ANNEX AVE	JENNINGS BRIAN A &
	99	1717	ANNEX AVE	CEJA FERNANDO
	100	1717	ANNEX AVE	FIELDS MICHAEL
	101	1717	ANNEX AVE	BRANCH THOMAS L FAMILY 1991 REV TR
	102	1717	ANNEX AVE	KEYSTONE DEVELOPMENT LLC
	103	1717	ANNEX AVE	MICKELSEN DANIEL R & PAULA J REVOCABLE TRUST
	104	1717	ANNEX AVE	KRAUSELECKIE JAN
	105	1717	ANNEX AVE	BOWMAN MATTHEW THOMAS
	106	1717	ANNEX AVE	PRIESTLY CORLEE &
	107	1717	ANNEX AVE	KHARABANDA APPAN &

AGENDA ITEM # 69

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 52 Y; Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north line of West Kiest Boulevard, east of South Walton Walker Boulevard
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z167-171(WE)

FILE NUMBER: Z167-171(WE) **DATE FILED:** January 3, 2017

LOCATION: North line of West Kiest Boulevard, east of South Walton Walker Boulevard

COUNCIL DISTRICT: 3 **MAPSCO:** 52-Y; Z

SIZE OF REQUEST: Approx. 8.425 acres. **CENSUS TRACT:** 108.05

APPLICANT: Flow-Line Construction, Inc.
Eduardo M. Hernandez, sole owner

OWNER: Nicholas Q. Lee

REPRESENTATIVE: Angela Hunt
FGH Law

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District.

SUMMARY: The purpose of this request is to allow for the development of a contractor's office and outside storage on site [Flow-Line Construction, Inc.]. The applicant volunteered deed restrictions to prohibit certain landscaping materials such as fertilizer, mulch and compost waste. In addition, the deed restrictions will limit the maximum height of the outside storage materials and building structure to 30 feet. The outside materials will also be restricted to the southwest quadrant of the site.

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant

STAFF RECOMMENDATION: **Denial**

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The site is undeveloped.

- The site is adjacent to a 100-foot utility easement and a 100-foot railroad easement that provides a separation between the residential uses to the north and northwest of proposed development.

- The applicant's request for a CS Commercial Service District will allow for the construction of a 14,000 square foot, two-story contractor's office with outside storage. The applicant has volunteered deed restrictions that will limit the outside storage to the southwestern quadrant of the site as well as prohibit certain main uses and landscaping materials.

- The request site is adjacent to a utility easement and railroad right-of-way to the north and northwest, and a retail use to the east. A property to the south, across West Kiest Boulevard, is developed with a charter school.

Zoning History: There has been one zoning change request in the area for the past five years.

1. Z134-174 On June 11, 2014, the City Council approved an amendment of Specific Use Permit No. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
West Kiest Boulevard	Principal Arterial	100 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	RR	Undeveloped
North	RR, R-7.5(A), TH-3(A)	Utility easement, Single family
South	RR, SUP No. 2028	Open-enrollment charter school
East	RR	Retail
West	R-7.5(A)	Railroad line, Single Family

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request does not meet the following goals and policies:

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC EVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

IMPLEMENTATION MEASURE 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

ECONOMIC

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other

STAFF ANALYSIS:

Land Use Compatibility: The request site is undeveloped and is adjacent to 100-foot utility easement and a 100-foot railroad easement that provides a separation between the residential uses to the north and northwest of proposed development. The applicant's request for a CS Commercial Service District will permit the construction of a contractor's office with outside storage.

The chart below provides a summary of the proposed development on the site.

Materials/Structures	Sq. Footage
Office Building	14,000
Warehouse building	15,000
Retention pond	40,000
Landscaping area	45,000
Exterior storage	125,000
Undeveloped	117,019

Staff has worked with the applicant to mitigate any negative impact the use may have on the residential uses to the north and northwest of the request site. The applicant has volunteered deed restrictions to prohibit specific CS Commercial Service uses that may impact the adjacent residential uses and proposed to locate the outdoor materials on the southwestern quadrant of the property, near West Kiest Boulevard. The materials that will be stored on site should not produce any unpleasant odors that will impact the adjacent residential uses [See attached deed restrictions]. In addition, the applicant's intent is to permit the CS uses that are appropriate for the contractor's office and outside storage operation while maintaining the RR Regional Retail District uses that are currently permitted on site and also in the CS District. The maximum height of the materials stored on site will be limited to 30 feet.

Staff denial is based on the type of use that is being proposed on site. Staff does not encourage any commercial type uses to encroach east of Walton Walker Boulevard into an area that is developed with low to medium residential uses. The Commercial Service District is to provide for the development off commercial and business serving uses that may involve outside storage, service or display. This district is not intended to be located in areas of low and medium density residential development. West of Walton Walker Boulevard is zoned for Industrial type uses and is a more appropriate location for the contractor's office and outside storage.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS- proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office
RR - existing Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping must be in accordance with Article X.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Below is a comparison chart of the zoning districts with the deed restrictions volunteered by the applicant.

	Proposed	Existing
Use	**CS**	**RR**
Agricultural uses		
Crop production	**X**	**X**
Commercial and business service uses		
Building repair and maintenance shop [RAR]	**X**	**X**
~~Bus or rail transit vehicle maintenance or storage facility [RAR]~~	**DR**	
Catering service	**X**	**~~X~~**
~~Commercial bus station and terminal [DIR] [By right or SUP]~~	**DR**	
~~Commercial cleaning or laundry plant [RAR]~~	**DR**	
Custom business services	**X**	**X**
~~Custom woodworking, furniture construction, or repair~~	**DR**	
Electronics service center	**X**	**X**
~~Job or lithographic printing [RAR]~~	**DR**	
~~Labor hall [SUP]~~	**DR**	**SUP**
Machine or welding shop [RAR]	**X**	
Machinery, heavy equipment, or truck sales and services [RAR	**X**	**X**
Medical or scientific laboratory	**X**	**SUP**
~~Technical school~~	**DR**	
Tool or equipment rental	**X**	**X**
Vehicle or engine repair or maintenance [RAR]	**X**	**X**
Industrial uses		
Gas drilling and production [SUP]	**X**	**X**
Industrial (inside for light manufacturing	**X**	
Temporary concrete or asphalt batch plant	**X**	**X**
Institutional and community service uses		
Adult day care facility	**X**	**X**
Cemetery or mausoleum [SUP]	**X**	**X**

Child-care facility	X	X
Church	X	X
College, university, or seminary	X	X
Community service center [SUP]	X	X
Hospital [RAR]	X	
Open-enrollment charter school [SUP]	X	X
Public school other than an open-enrollment charter school [RAR]	X	X
Lodging uses		
Extended stay hotel or motel [SUP]	X	X
Hotel or motel {RAR or [SUP]	X	X
Lodging or boarding house	X	X
Overnight general purpose shelter	X	~~X~~
Miscellaneous uses		
Attached non-premise sign [SUP]	X	X
Carnival or circus (temporary)	X	X
Temporary construction or sales office	X	X
Office uses		
Alternative financial establishment [SUP]	X	X
Financial institutional without drive-in window	X	X
Financial institutional with drive-in window [RAR]	X	**DIR**
Medical clinic or ambulatory surgical center	X	~~X~~
Office	X	X
Recreation uses	X	
Country club with private membership	X	X
Private recreation center, club or area	X	X
Public park, playground, or golf course	X	X
Residential uses		
College, dormitory, fraternity, or sorority house	X	X
Retail and personal service uses		
Alcoholic beverage establishment	X	~~X~~
Ambulance service [RAR]	X	X

Animal shelter or clinic without outside runs [RAR]	**X**	**X**
Animal shelter or clinic with outside runs [SUP may be required]	**X**	**X**
Auto related use [RAR]	**X**	
Business school	**X**	**X**
Car wash [RAR]	**X**	**X**
Commercial amusement (inside) [SUP may be required)	**X**	**X**
Commercial amusement outside [DIR]	**X**	**SUP**
~~Commercial motor vehicle parking (SUP if within 500 feet of residential district)~~	**DR**	
Commercial parking lot or garage [RAR]	**X**	**X**
Convenience store with drive-through [SUP]	**X**	**X**
~~Drive-in theater [SUP]~~	**DR**	
Dry cleaning or laundry store	**X**	**X**
Furniture store	**X**	**X**
General merchandise or food store 3,500 square feet or less	**X**	**X**
General merchandise or food store greater than 3,500 square feet	**X**	**X**
General merchandise or food store 100,000 square feet or more [SUP]	**X**	**X**
Home improvement center, lumber, brick or building materials sales yard [RAR]	**X**	**X**
Household equipment and appliance repair	**X**	**X**
Liquor store	**X**	**X**
Mortuary, funeral home, or commercial wedding chapel	**X**	**X**
Motor vehicle fueling station	**X**	**X**
Nursery, garden shop, or plant sales	**X**	**X**
Outside sales [SUP]	**X**	**X**
Pawn shop	**X**	**X**
Personal service uses	**X**	**X**
Restaurant without drive-in or drive-through service [RAR]	**X**	**X**
Restaurant with drive-in or drive-through service [DIR]	**X**	**X**
Swap or buy shop [SUP]	**X**	**X**
~~Taxidermist~~	**DR**	
Temporary retail uses	**X**	**X**
Theatre	**X**	**X**

~~Truck stop [SUP]~~	**DR**	
Vehicle display, sales, and service [RAR]	**X**	**X**
Transportation uses		
Commercial bus station and terminal [DIR]	**X**	**X**
Heliport [SUP]	**X**	**X**
Helistop [SUP]	**X**	**X**
Transit passenger shelter	**X**	**X**
Transit passenger station or transfer center	**X**	**SUP**
Utility and public service uses		
Commercial radio or television transmitting station	**X**	**X**
Electrical substation	**X**	**X**
Local utilities [SUP or RAR may be required]	**X**	**X**
Police or fire station	**X**	**X**
Post office	**X**	**X**
Radio, television, or microwave tower [RAR]	**X**	**X**
Tower/antenna for cellular communication	**X**	**X**
Utility or government installation other than listed [SUP]	**X**	**X**
Wholesale, distribution, and storage uses		
~~Auto auction [SUP]~~	**DR**	
~~Building mover's temporary storage yard [SUP]~~	**DR**	
Contractor' maintenance yard [RAR]	**X**	
~~Freight terminal [RAR]~~	**DR**	
~~Manufactured building sales lot [RAR]~~	**DR**	
Mini-warehouse	**X**	**SUP**
~~Office showroom/warehouse~~	**DR**	
Outside storage (with visual screening) [RAR]	**X**	
~~Petroleum product storage and wholesale [SUP]~~	**DR**	
Recycling buy-back center	**X**	**X**
Recycling collection center	**X**	**X**
Recycling drop-off container	**X**	**X**
Recycling drop-off for special occasion collection	**X**	**X**

Sand, gravel, or earth sales and storage [SUP]	**X**	
~~Trade center~~	**DR**	
~~Vehicle storage lot [SUP]~~	**DR**	
Warehouse [RAR]		
X *indicates permitted by right.* ***SUP*** *indicates permitted with a Specific Use Permit.* ***L*** *indicates use permitted by right as limited use* ***See Use Regs*** *indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.* ***~~Strikethrough text~~*** *indicates items which are being voluntary deed restricted (***DR***). Those uses will not be allowed.*		

CPC Action (March 16, 2017)

Motion: In considering an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north line of West Kiest Boulevard, east of South Walton Walker Boulevard, it was moved to **hold** this case under advisement until April 27, 2017.

Maker: Houston
Second: Schultz
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

Notices: Area: 400 Mailed: 57
Replies: For: 1 Against: 2

Speakers: For: Angela Hunt, 1700 Pacific Ave., Dallas, TX, 75201
Against: None

CPC Action (April 27, 2017)

Motion: It was moved to recommend **approval** of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north line of West Kiest Boulevard, east of South Walton Walker Boulevard.

Maker: Houston
Second: Anglin
Result: Carried: 13 to 1

For: 13 - Anglin, Rieves, Houston, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 1 - Haney
Absent: 1 - Davis
Vacancy: 0

Notices: Area: 400 Mailed: 57
Replies: For: 7 Against: 1

Speakers: For: Angela Hunt, 1700 Pacific Ave., Dallas, TX, 75201
Huelon Harrison, 3310 Grayson Dr., Dallas, TX, 75224
Eduardo M. Hernandez, 5447 McCommas Blvd., Dallas, TX, 75206
Against: None

PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Flo-Line Construction, Inc., a Texas Corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the William Pearson Survey, Abstract No. 1127, City Block 6966, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Nicholas Q. Lee, by deed dated _____, and recorded in Volume _____, Page _____, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Lot 1A, Block 6966, Tract 1, City of Dallas, Dallas County Texas, commonly known as 4601 W. Kiest Boulevard, Dallas, Texas 75236

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

A. Malodorous materials prohibited. Other than landscaping materials to be used on the Property, noxious and malodorous materials, including but not limited to fertilizer, mulch and compost waste, may not be stored on the Property.

B. Structure height. Maximum structure height is 30 feet.

C. Contractor's maintenance yard and outside storage.

   a. Height. Outside storage may not exceed 30 feet in height or three stacked containers, whichever is the greater.

   b. Location. Contractor's maintenance yard and outside storage is limited to the Southwest Quadrant of the site, as shown on Exhibit A.

D. Fencing. An eight-foot-high masonry fence must be constructed along the entire northern boundary of the Property, bounded by the D.P.&L. Easement, and along the entire western boundary of the Property, bounded by C.C.&S.F. Railroad. An eight-foot-high ornamental metal fence must be constructed along the southern boundary of the Property, bounded by West Kiest Boulevard.

E. Lighting. Maximum height for perimeter lights is 10 feet. Perimeter light poles may exceed the height of the light by two feet... Maximum height of interior lights is 13 feet. Interior light poles may exceed the height of the light by two feet. All lights must be directed down and away from adjacent residential areas.

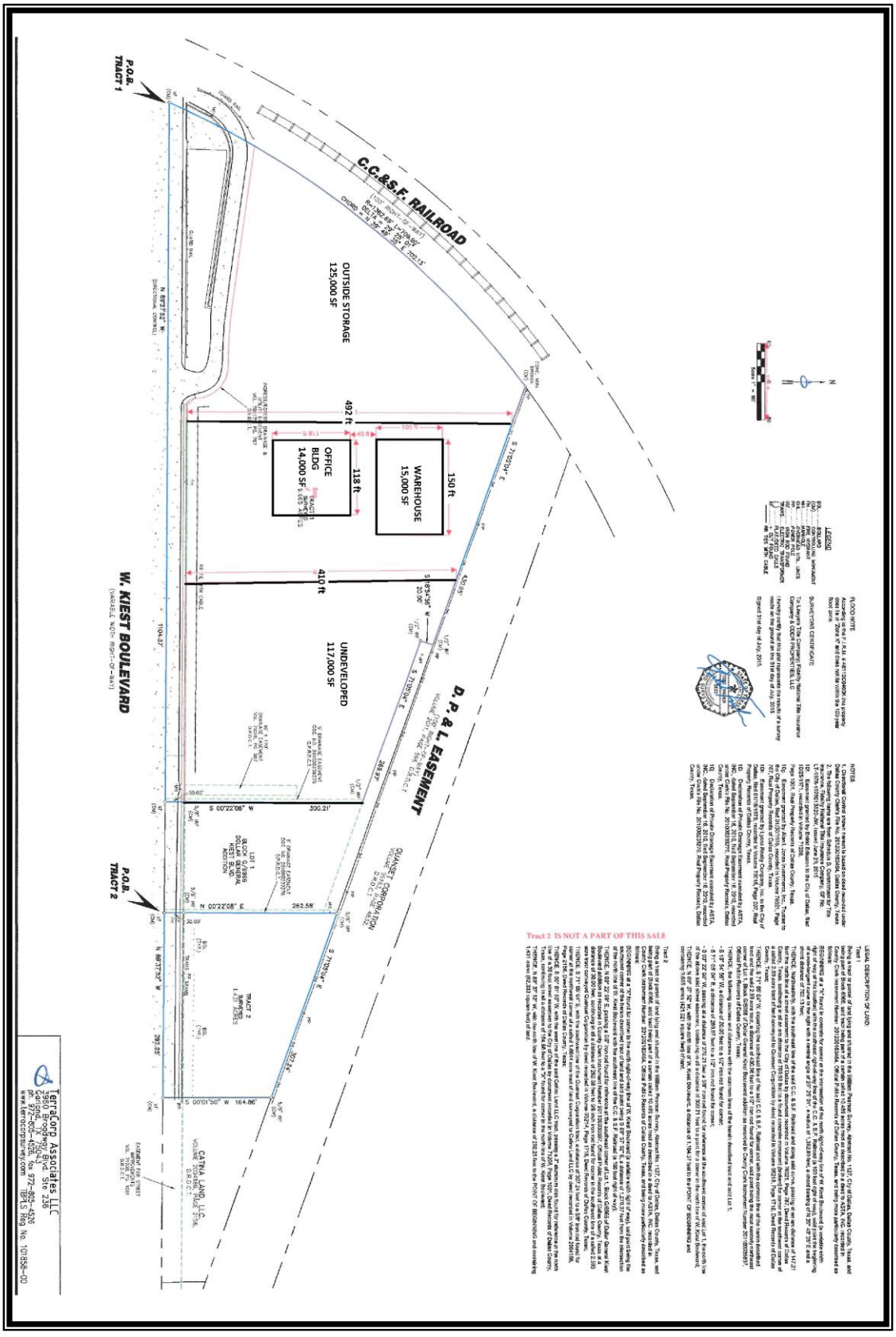
F. Prohibited Uses. The following main uses are prohibited:

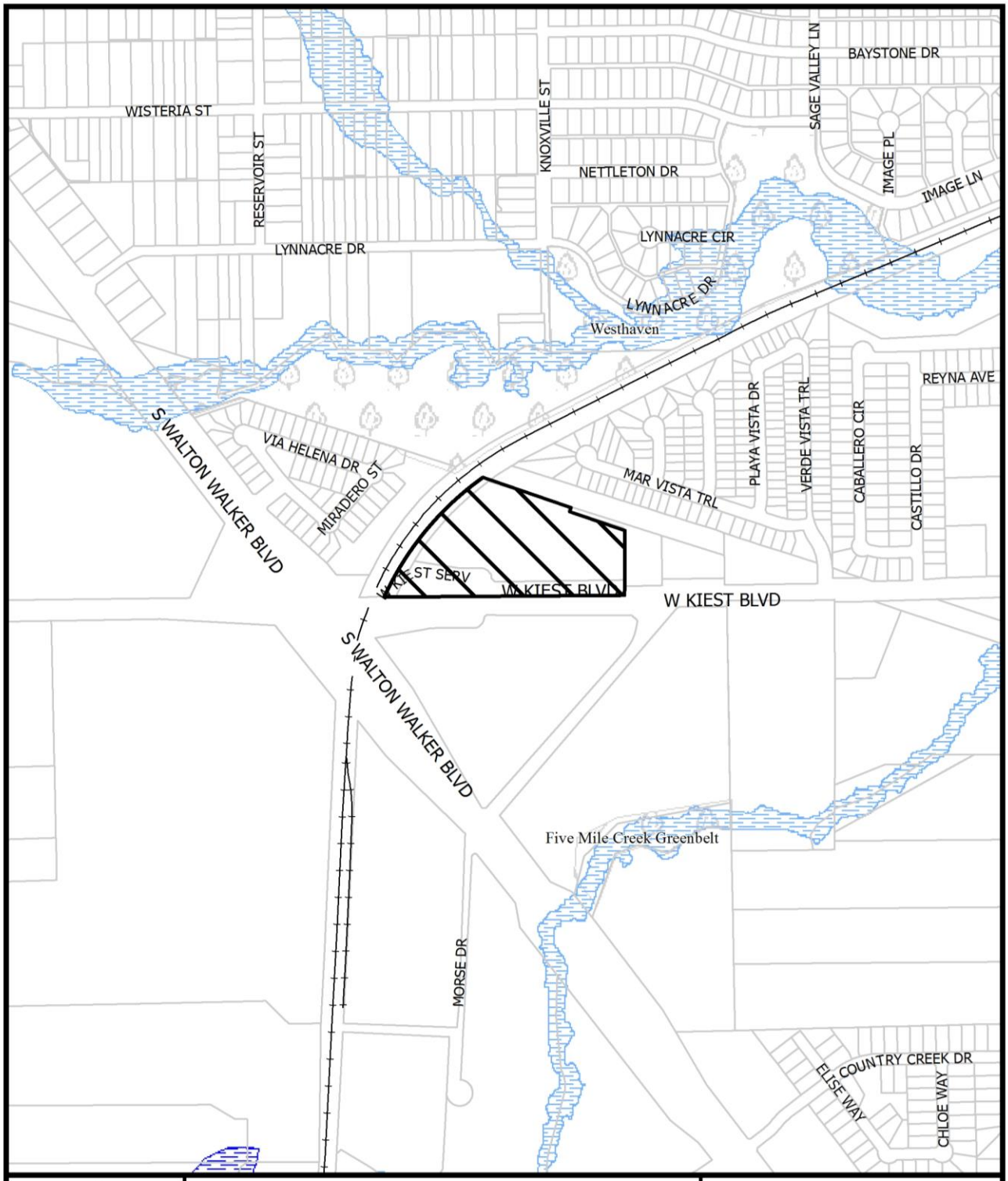
a. Bus or rail transit vehicle maintenance or storage facility.
b. Commercial bus station and terminal.
c. Commercial cleaning or laundry plant.
d. Custom woodworking, furniture construction, or repair.
e. Job or lithographic printing.
f. Labor hall.
g. Technical school.
h. Commercial motor vehicle parking.
i. Drive-in theater.
j. Taxidermist.
k. Truck stop.
l. Auto auction.
m. Building mover's temporary storage yard.
n. Freight terminal.
o. Manufactured building sales lot.
p. Office showroom/warehouse.
q. Petroleum product storage and wholesale.
r. Trade center.
s. Vehicle storage lot.

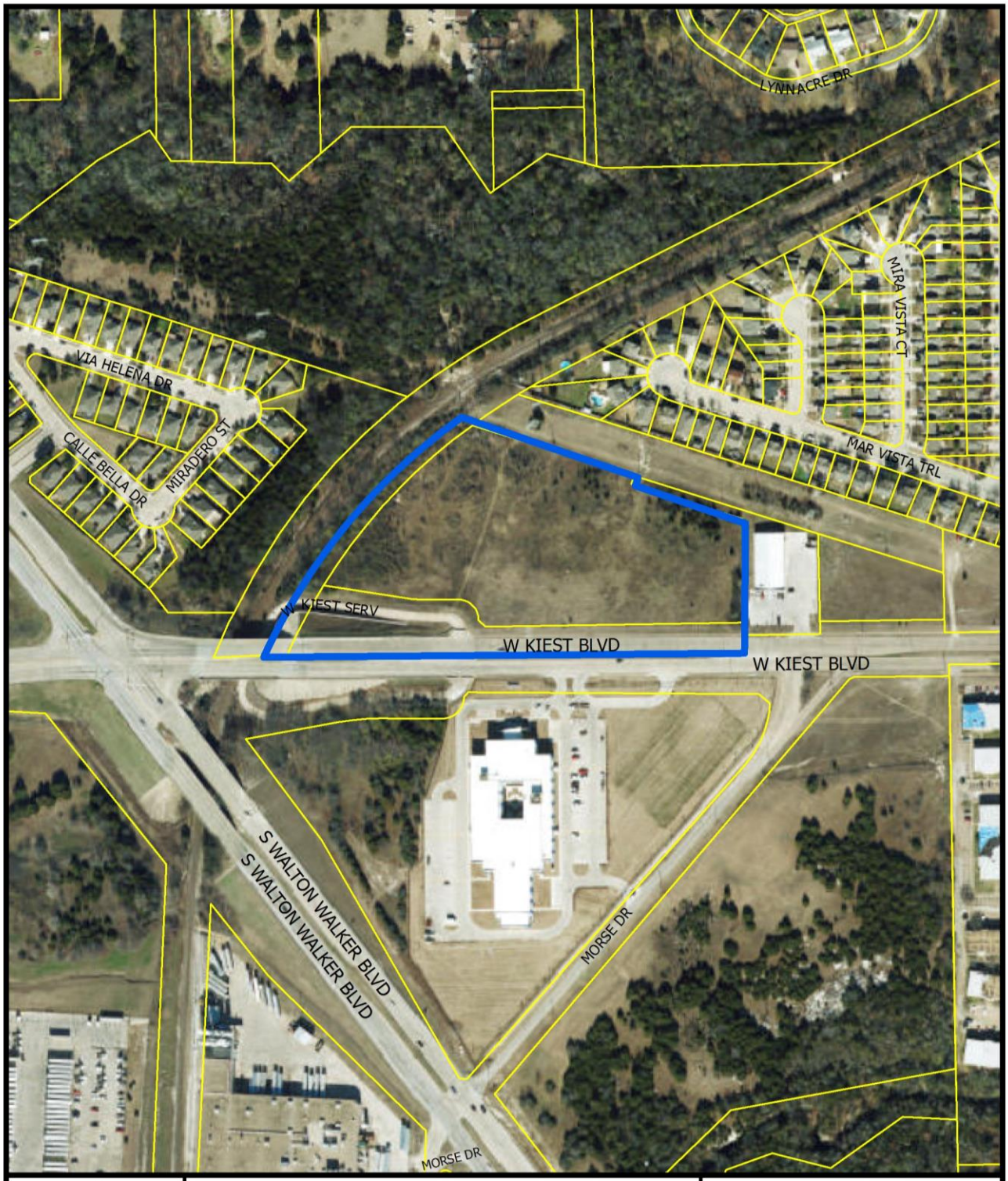
III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

EXHIBIT A


C.C.&S.F. RAILROAD
OUTSIDE STORAGE
125,000 SF
492 ft
OFFICE
BLDG
14,000 SF
118 ft
WAREHOUSE
15,000 SF
150 ft
410 ft
UNDEVELOPED
117,000 SF
D. P. & L. EASEMENT
W. KIEST BOULEVARD
P.O.B.
TRACT 1
P.O.B.
TRACT 2
TRACT 2
1.31 ACRES
57,000 SQ. FT.
LOT 1
BLOCK 6/7889
KIEST BLVD
ADDITION
CATINA LAND, LLC
VOLUME 2004186
PAGE 7256
D.R.D.C.
TerraCorp Associates LLC
3960 Broadway Blvd Ste 226
Garland, TX 75043
ph 972-805-4526 fax 972-805-4526
www.terracorpsurvey.com TBPLS Reg No. 10185800
LEGAL DESCRIPTION OF LAND
Tract 1
Tract 2
Tract 2 IS NOT A PART OF THIS SALE


WISTERIA ST
RESERVOIR ST
KNOXVILLE ST
SAGE VALLEY LN
BAYSTONE DR
NETTLETON DR
IMAGE PL
IMAGE LN
LYNNACRE DR
LYNNACRE CIR
LYNN ACRE DR
Westhaven
REYNA AVE
PLAYA VISTA DR
VERDE VISTA TRL
CABALLERO CIR
CASTILLO DR
S WALTON WALKER BLVD
VIA HELENA DR
MIRADERO ST
MAR VISTA TRL
W KIEST BLVD
Five Mile Creek Greenbelt
MORSE DR
COUNTRY CREEK DR
ELISE WAY
CHLOE WAY
1:7,200
VICINITY MAP
Case no: Z167-171
Date: 2/1/2017

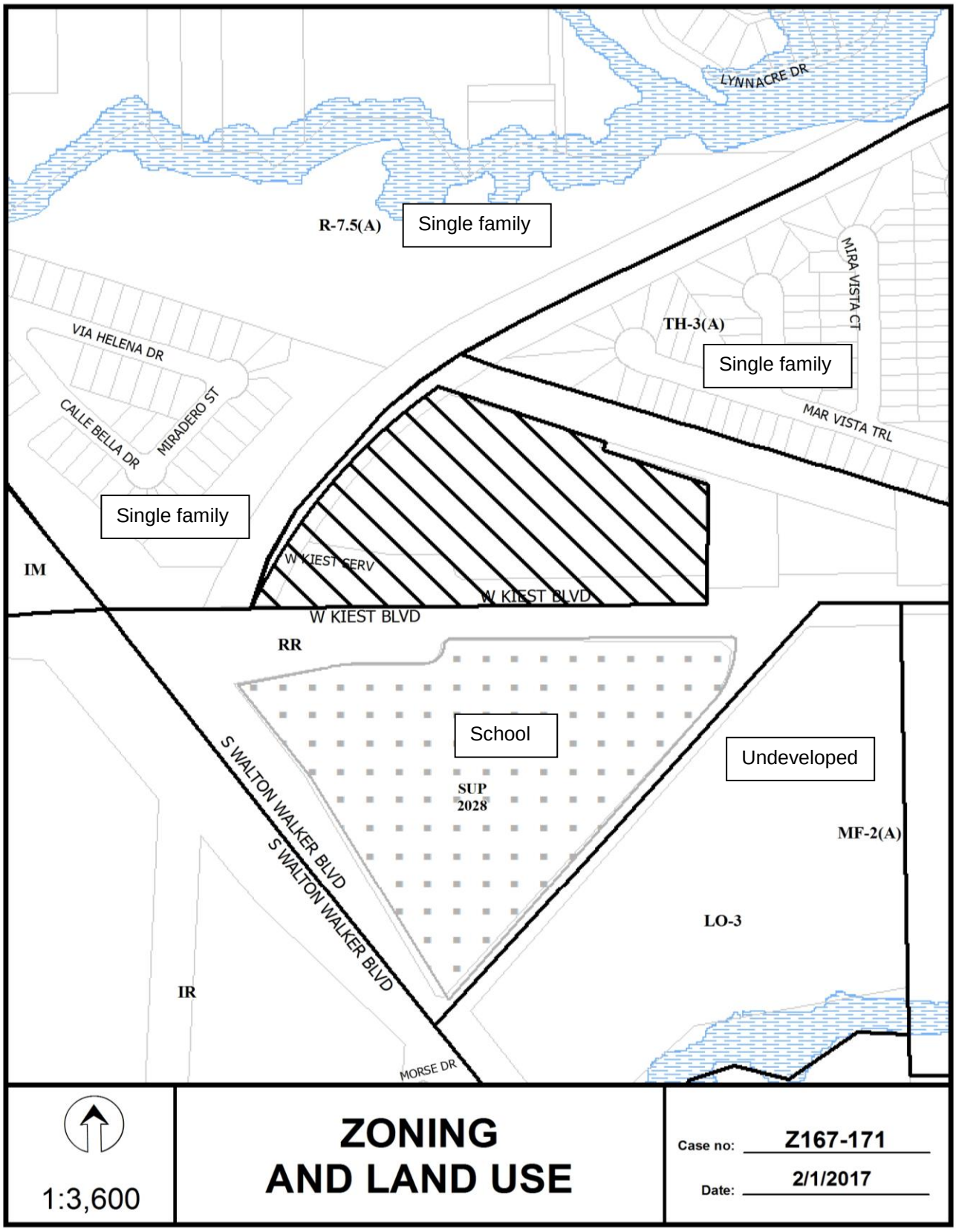


1:3,600

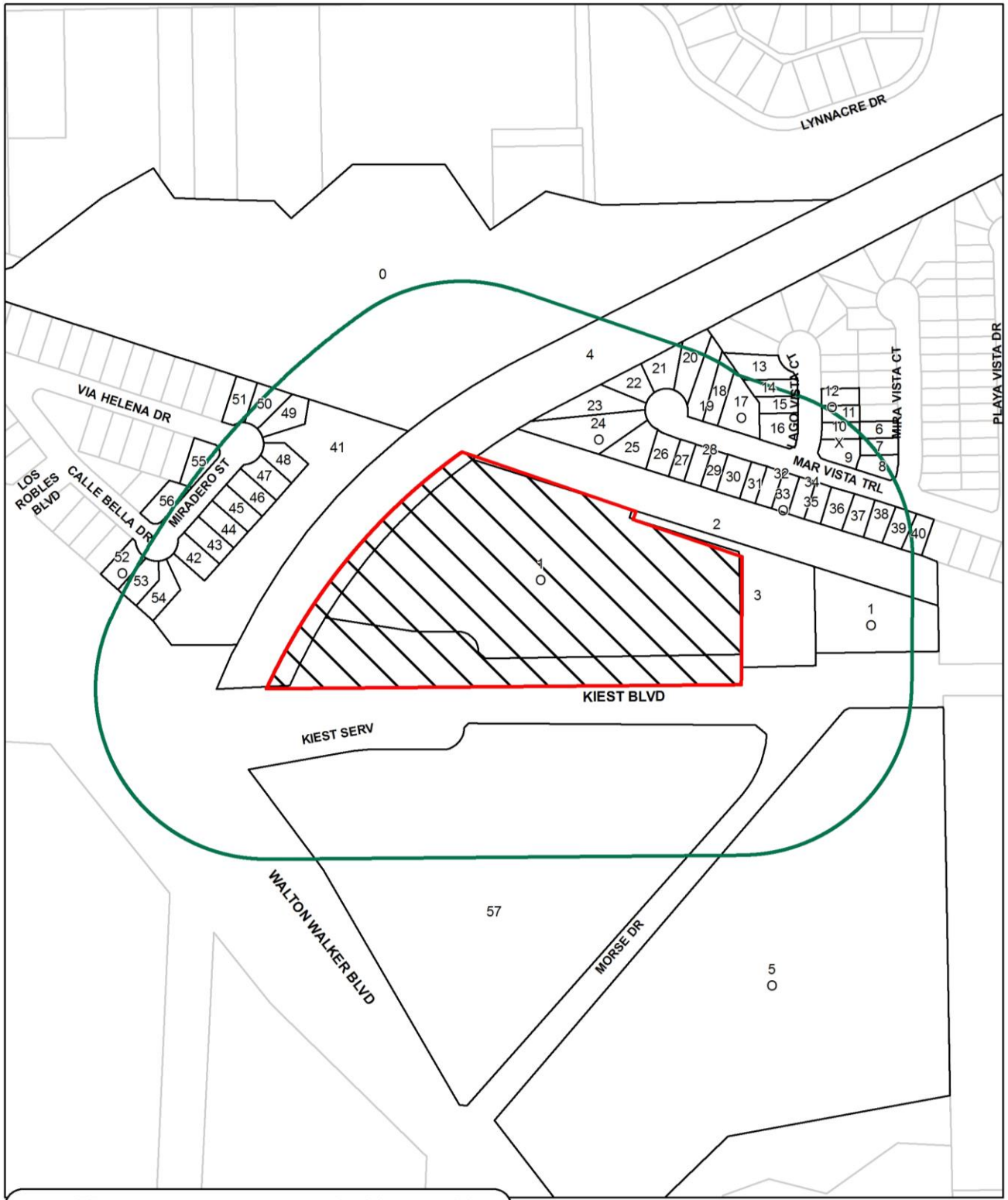
AERIAL MAP

Case no: Z167-171

Date: 2/1/2017


LYNNACRE DR
R-7.5(A)
Single family
MIRA VISTA CT
TH-3(A)
Single family
VIA HELENA DR
CALLE BELLA DR
MIRADERO ST
MAR VISTA TRL
Single family
IM
W KIEST SERV
W KIEST BLVD
W KIEST BLVD
RR
School
SUP
2028
Undeveloped
S WALTON WALKER BLVD
S WALTON WALKER BLVD
MF-2(A)
LO-3
IR
MORSE DR
1:3,600
ZONING
AND LAND USE
Case no: Z167-171
Date: 2/1/2017

CPC RESPONSES



57	Property Owners Notified (59 parcels)
7	Replies in Favor (8 parcels)
1	Replies in Opposition (1 parcels)
400'	Area of Notification
4/27/2017	Date

Z167-171
CPC

N
W E
S

1:3,600

Notification List of Property

Z167-171

57 Property Owners Notified 7 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
O	1	4601	W KIEST BLVD	LEE NICHOLAS Q
	2	4511	W KIEST BLVD	QUANSET CORPORATION
	3	4627	W KIEST BLVD	FINKLESTEIN MAX J &
	4	2300	AL LIPSCOMB WAY	BNSF RAILWAY
	6	3041	MIRA VISTA CT	CHAVEZ SAMPSON
	7	3045	MIRA VISTA CT	GALLEGOS SILVIA
	8	3049	MIRA VISTA CT	GONZALEZ SOREL IGNACIO &
	9	3038	LAGO VISTA CT	BUENO ELISEO & NICOLASA
X	10	3034	LAGO VISTA CT	LOPEZ ISIDRO
	11	3030	LAGO VISTA CT	LOPEZ MANUEL & MARIA L
	13	3013	LAGO VISTA CT	RODRIGUEZ EDGAR ORTIZ &
	14	3017	LAGO VISTA CT	RODRIGUEZORTIZ EMILO
	15	3021	LAGO VISTA CT	BELMONTE JOSE M &
	16	3025	LAGO VISTA CT	POSADA JUAN J
	18	4639	MAR VISTA TRL	MARTINEZ MARIA
	19	4643	MAR VISTA TRL	ARVAIZA ANA C &
	20	4647	MAR VISTA TRL	LOPEZ ALFREDO R & PAMELA L CRUZ VARGAS
	21	4651	MAR VISTA TRL	MARTINEZ JENNIFER IRENE
	22	4655	MAR VISTA TRL	WILLIAMS FEDERICO
	23	4660	MAR VISTA TRL	SMITH GRADY JOHN &
	25	4652	MAR VISTA TRL	GAMINO MARCO ANTONIO
	26	4648	MAR VISTA TRL	MARTINEZMENDEZ ANTONIO
	27	4644	MAR VISTA TRL	ARBAIZA JOSE H &
	28	4640	MAR VISTA TRL	REYES GRICELDA
	29	4636	MAR VISTA TRL	CORTINAS ANITA M
	30	4632	MAR VISTA TRL	DORSEY KIMBERLY &

04/26/2017

Reply	*Label #*		*Address*	*Owner*
	31	4628	MAR VISTA TRL	FLOWERS SHARI M
	32	4624	MAR VISTA TRL	MADDOX JACQUELINE
	34	4616	MAR VISTA TRL	FOSTER ANGELA
	35	4612	MAR VISTA TRL	AMEZQUITA ERASMO
	36	4608	MAR VISTA TRL	CANALES SANTOS LUCILO & MARIA URIAS
	37	4604	MAR VISTA TRL	SEGOVIA CONSUELO
	38	4542	MAR VISTA TRL	TINAJERO LUIS &
	39	4538	MAR VISTA TRL	BARRETO DAVID
	40	4534	MAR VISTA TRL	NELSON LARRY W
	41	3100	S WALTON WALKER BLVD	MRL CONSTRUCTION LP
	42	4728	MIRADERO ST	REYES IGNACIO
	43	4724	MIRADERO ST	PLUTARCO ESPIRICUETA
	44	4720	MIRADERO ST	TAMEZ EDWIN A
	45	4716	MIRADERO ST	VALENCIA EDWARD
	46	4712	MIRADERO ST	VILLATORO CARLOS M
	47	4708	MIRADERO ST	BAUTISTA MIGUEL M
	48	4704	MIRADERO ST	CABRALES ALFREDO
	49	3166	VIA HELENA DR	MARQUEZ CYNTHIA J
	50	3162	VIA HELENA DR	DAVILA SHELLY & DORIAN M
	51	3158	VIA HELENA DR	NIEVES JUAN J
	53	3151	CALLE BELLA DR	ARTEAGA ALFREDO
	54	4732	MIRADERO ST	CRUZ JERMAN
	55	3151	VIA HELENA DR	BARRERA ANTONIO M
	56	3144	CALLE BELLA DR	LYON HILARIA F
	57	4680	W KIEST BLVD	LA ACADEMIA DE ESTRELLAS
O	A1	3026	LAGO VISTA CT	ARANDA ERNEST &
O	A2	4635	MAR VISTA TRL	LOMELI JUAN C
O	A3	4656	MAR VISTA TRL	TREVINO JOE & MARIA ELENA
O	A4	4620	MAR VISTA TRL	PAYNE MARGARET E
O	A5	3400	WALTON WALKER BLVD	LA ACADEMIA DE ESTELLAS
O	A6	3147	CALLE BELLA DR	ALVARADO RIGOBERTO

AGENDA ITEM # 70

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 H

SUBJECT

A public hearing to receive comments regarding an application for a Specific Use Permit for a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the northeast corner of Ross Avenue and McCoy Street
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Denial without prejudice
Z167-210(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-210(JM)	**DATE FILED:**	February 13, 2017
LOCATION:	Northeast corner of Ross Avenue and McCoy Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	45-H
SIZE OF REQUEST:	Approx. 0.30 acres	**CENSUS TRACT:**	16.00

APPLICANT: Kyle Bourgeois, Smoothie King

OWNER: Mitchell Fonberg

REPRESENTATIVE: Eric Wilhite, AICP for CEI Engineering Associates, Inc.

REQUEST: An application for a Specific Use Permit for a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The purpose of this request is to allow the site to be developed with a drive-through restaurant (Smoothie King).

CPC RECOMMENDATION: **Denial without prejudice**.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The site is currently undeveloped. A certificate of occupancy was issued in 1988 for a retail paint store. No other records were found for the site.

- The applicant would like to operate a restaurant with a drive-through and walk-up window with patio area. There will not be any interior seating available. The patio will not be covered.

Zoning History:

1. Z145-272(WE) On September 22, 2015, the City Council approved a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the north corner of North Hall Street and Roseland Avenue.

2. Z145-340(WE) On January 13, 2016, the City Council approved a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the north corner of North Hall Street and Roseland Avenue.

3. Z156-129(SM) On April 13, 2016, the City Council denied a request for a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subarea 1B of Planned Development District No. 298, the Bryan Area Special Purpose District on the south corner of Ross Avenue and Villars Street.

4. Z156-242(JM) On August 10, 2016, the City Council approved SUP No. 2206 for a liquor store use on property zoned Subarea 1 of Planned Development District No. 298, the Bryan Area Special Purpose District on the southeast side of Ross Avenue, northeast of Hall Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Ross Avenue	Community Collector	80 ft.
McCoy Street	Minor Arterial	50 ft.

Land Use:

Area	Zoning	Land Use
Site	PD 298 Subarea 1	Undeveloped
Northwest	PD 298 Subarea 1	Vacant & Under Demolition
Northeast	PD 298 Subarea 1A & SUP No. 1819	Multifamily
Southeast	PD 298 Subarea 1	Catering Service, Personal Service, Vacant (Auto Related)
Southwest	PD 298 Subarea 1	Vacant (Auto Related), Retail, Bank w/drive-thru, Liquor Store

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and required a determined that the proposed development will not have a negative impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

> Policy 1.1.1 Use Vision Building Blocks as a general guide for desired development patterns.

The Plan designates the area of request in the Multi-modal corridor. This request is characteristic of this Building Block because it is part of a larger effort to redevelop the neighborhood into a more vibrant and walkable area. The new restaurant would provide a new service within the urban neighborhood, serving immediate multifamily across McCoy Street, and attracting residents from nearby single family residences down Ross Avenue.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.2 Define urban character in Downtown and urban cores.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Area Plan:

The Bryan Area Study of 1988 determined that a Planned Development District was appropriate to help organize and enhance the development potential in an area of East Dallas adjacent to and northeast of the Central Business District. Beginning in March 2004, an evaluation study was conducted to determine if development was meeting the objectives of the Bryan Area Study and to make recommendations to adjust regulations that were falling short. The original study identified eight objectives: (1) promote urban character; (2) encourage residential development; (3) encourage redevelopment and commercial activity; (4) establish the Bryan Area as a regional health care complex of Dallas; (5) enhance the physical appearance and promote urban character within the Bryan Area; (6) reinforce the multi-cultural character of the Bryan Area; (7) focus commercial/retail redevelopment opportunities to the Village Center; and (8) establish linkages to regional activity centers.

Subsequent to that study, an evaluation study was conducted and found that objectives 3 and 7 were off track. Specifically, Ross Avenue was divided into a few subdistricts of differing regulations and the predominance of auto-related uses was identified as a redevelopment inhibitor. The recommendations of the evaluation study identified changes to PD No. 298 to encourage the desired development for the Ross Avenue corridor, namely: (1) subdistricts 1, 2, and 3 were combined along Ross Avenue to encourage uniform regulations for this gateway corridor; (2) razor wire and barbed wired fencing was prohibited and desired fencing materials listed; and (3) compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential.

Redevelopment is occurring on Ross Avenue and this request supports the changing uses along the gateway corridor.

STAFF ANALYSIS

Land Use Compatibility:

Surrounding land uses include a demolition site to the northwest, multifamily units to the northeast, retail and personal service as well as vacant auto-related uses to the southeast and southwest. The subject site is zoned Subdistrict 1 of Planned Development District No. 298, the Bryan Place Special Purpose District, and has been an undeveloped lot for over two decades, according to a historical search of aerial views, as well as county and city documents.

The proposed restaurant with drive-in or drive-through service will complement the variety of shops for the community. The walk-up window with patio area was designed with several of the area plan goals in mind, including increasing walkability and the overall liveliness of the streetscape. The site was developed closely with the City Design Studio to ensure that while the request is primarily a drive-through, auto-oriented use, the addition of a patio and certain design elements were taken advantage of to encourage walkability to the site, as well as past the site. This includes how the main structure and patio were reoriented to bring the building up to the street/sidewalk to provide for a lively environment engaging pedestrians and multi-modal riders (cyclists, bus, etc.). The design is secured by the SUP site plan, a condition of approval which would guarantee compliance with the agreed-upon design.

There are no similar restaurants in the immediate vicinity. The proposed development would be an added contribution to the area, attracting visitors, as well as serving the multiple multifamily structures in walking distance to the north.

A restaurant with drive-in or drive-through service is allowed in this district with an SUP. The SUP process of approval and renewals allows for uses to develop with consideration of the changing environment of the neighborhood. Staff is recommending an initial approval period of five-years, with eligibility for automatic renewals for additional five-year periods in anticipation of a successful redevelopment of the site from an undeveloped lot, to an engaging and lively service for the neighborhood. At each five-year renewal, the site is subject to compliance with the approved SUP conditions and site plan.

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					
PD No. 298 Subarea 1	5' min 15' max	0' or 10' Side 5' Rear	Per plan	120'	90%	Proximity Slope Visual Intrusion	Commercial, Business Services, Institutional, Lodging, Office, Recreational, Residential, Retail, & Utility Uses

Landscaping:

Landscaping will be in accordance with PD No. 298.

The applicant has chosen to comply with landscaping requirements, provide large, unobstructed sidewalks with a minimum clearance of six feet, as well as to implement design elements such as bringing the building up to the street to align with the redevelopment of Ross Avenue.

Parking:

A restaurant with drive-in or drive-through service use requires of one parking space per every 100 square feet of floor area (1/100). The plan provides a 653 sq. ft. building, thereby requiring seven parking spaces. The required parking is shown on the proposed site plan.

CPC Action:
May 4, 2017

Motion: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northeast corner of Ross Avenue and McCoy Street.

Maker: Ridley
Second: Rieves
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 200 Mailed: 18
Replies: For: 3 Against: 0

Speakers: For: Eric Wilhite, 3030 LBJ Freeway, Dallas, TX, 75234
Against: None

LIST OF OFFICERS
Smoothie King

Sung-Wan Kim – Director and Chief Executive Officer
Brian Judge – Director and Chief Financial Officer
Kevin King – Director and Chief Development Officer
Thomas O'Keefe – Director
Taeyub Kim – Director
Joseph Lewis – Secretary

APPLICANT'S PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a restaurant with drive-in or drive-through service.

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.)

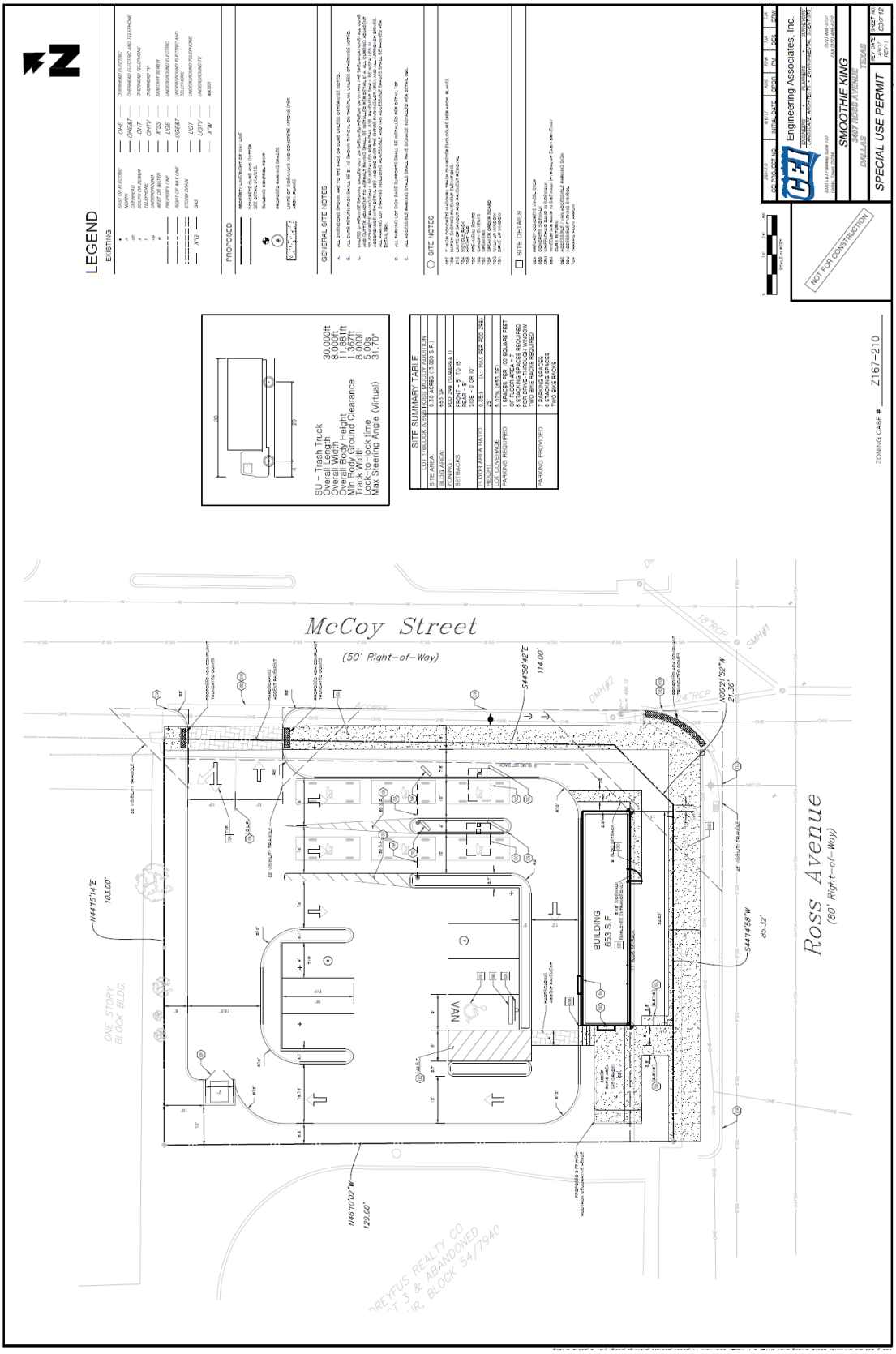
4. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

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.

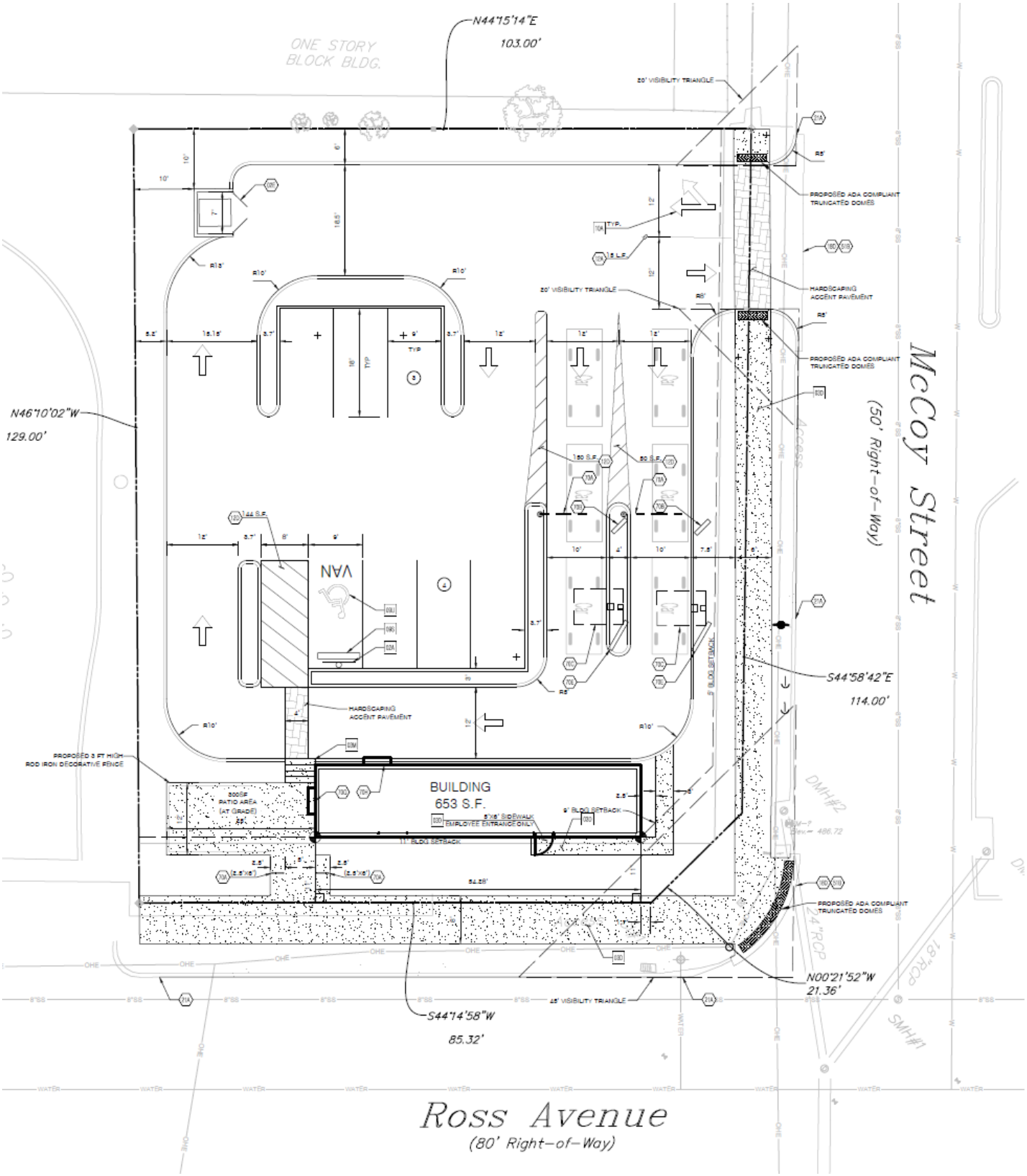
Z167-210(JM)

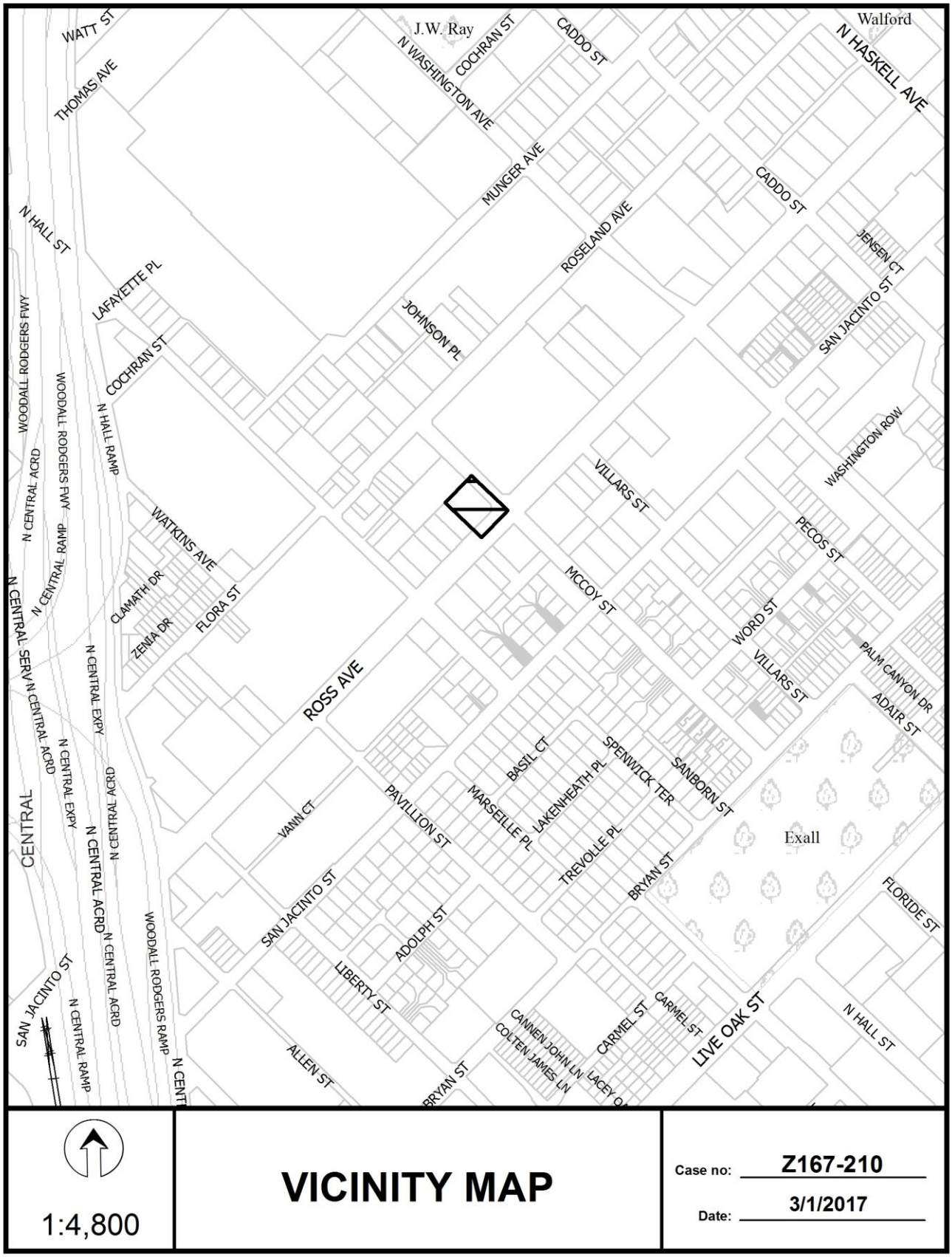
PROPOSED SITE PLAN



Z167-210(JM)

ENLARGED SITE PLAN
ROTATED RIGHT




WATT ST
THOMAS AVE
J.W. Ray
N WASHINGTON AVE
COCHRAN ST
CADDO ST
Walford
N HASKELL AVE
MUNGER AVE
CADDO ST
N HALL ST
ROSELAND AVE
JENSEN CT
LAFAYETTE PL
JOHNSON PL
SAN JACINTO ST
WOODALL RODGERS FWY
COCHRAN ST
N HALL RAMP
WASHINGTON ROW
N CENTRAL ACRD
WOODALL RODGERS FWY
VILLARS ST
WATKINS AVE
N CENTRAL RAMP
PECOS ST
CLAMATH DR
MCCOY ST
N CENTRAL SERV
ZENIA DR
FLORA ST
WORD ST
N CENTRAL EXPY
VILLARS ST
PALM CANYON DR
ROSS AVE
ADAIR ST
BASIL CT
SPENWICK TER
SANBORN ST
LAKENHEATH PL
VANN CT
PAVILLION ST
MARSEILLE PL
TREVOLLE PL
Exall
CENTRAL
N CENTRAL ACRD
BRYAN ST
SAN JACINTO ST
FLORIDE ST
ADOLPH ST
WOODALL RODGERS RAMP
LIBERTY ST
SAN JACINTO ST
N CENTRAL RAMP
CARMEL ST
CARMEL ST
LIVE OAK ST
N HALL ST
CANNEN JOHN LN
COLTEN JAMES LN
ALLEN ST
BRYAN ST
1:4,800
VICINITY MAP
Case no: Z167-210
Date: 3/1/2017

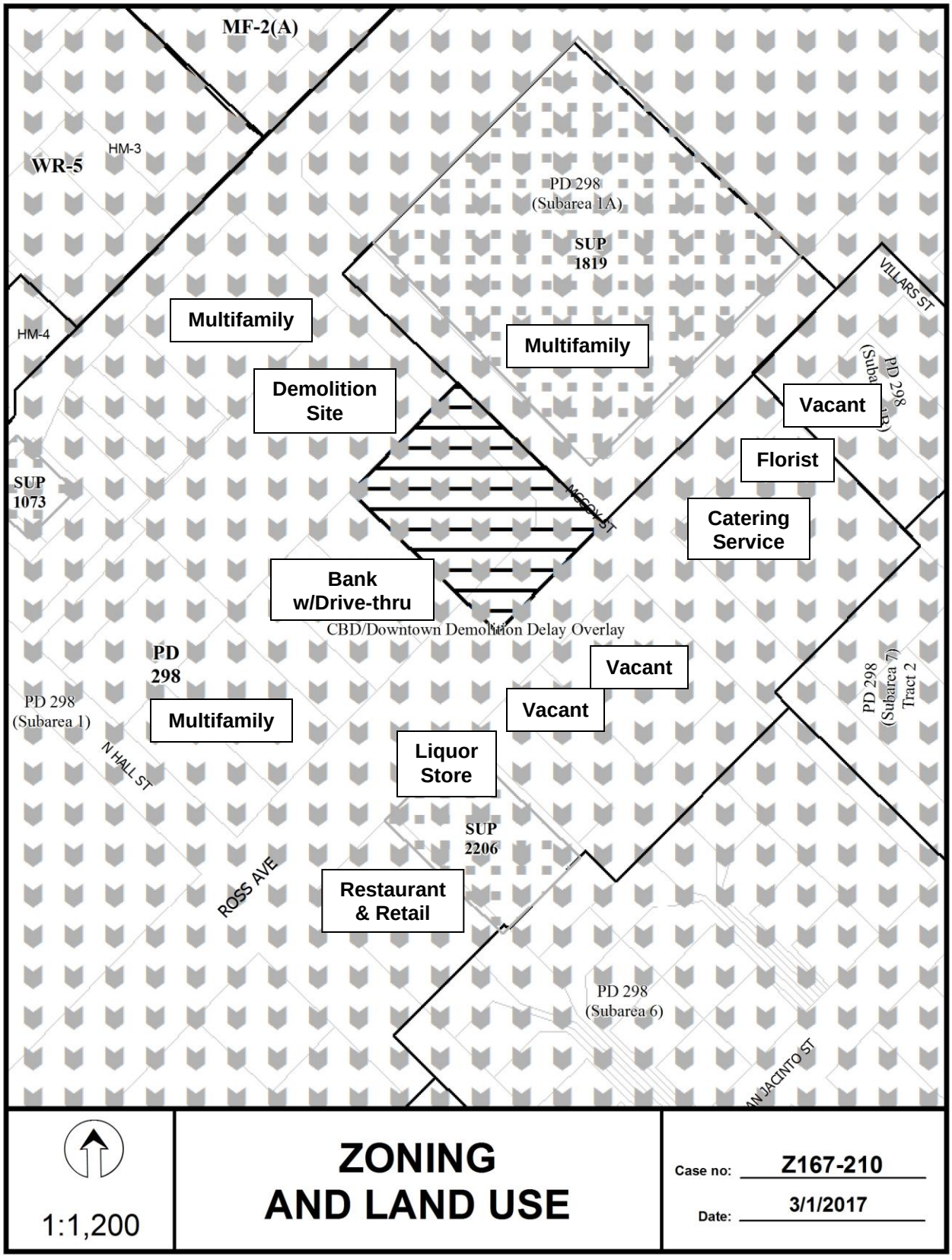


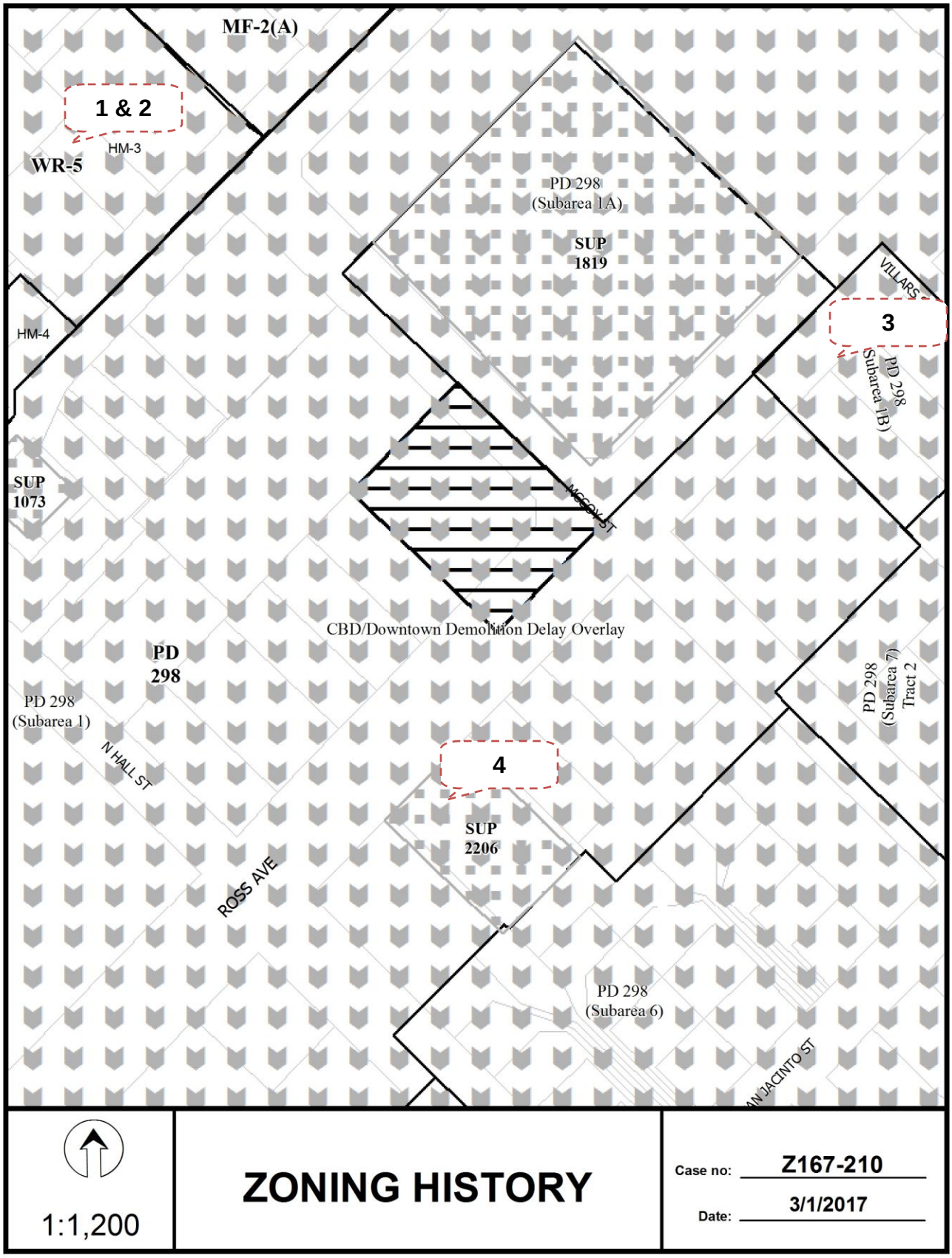
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AERIAL MAP

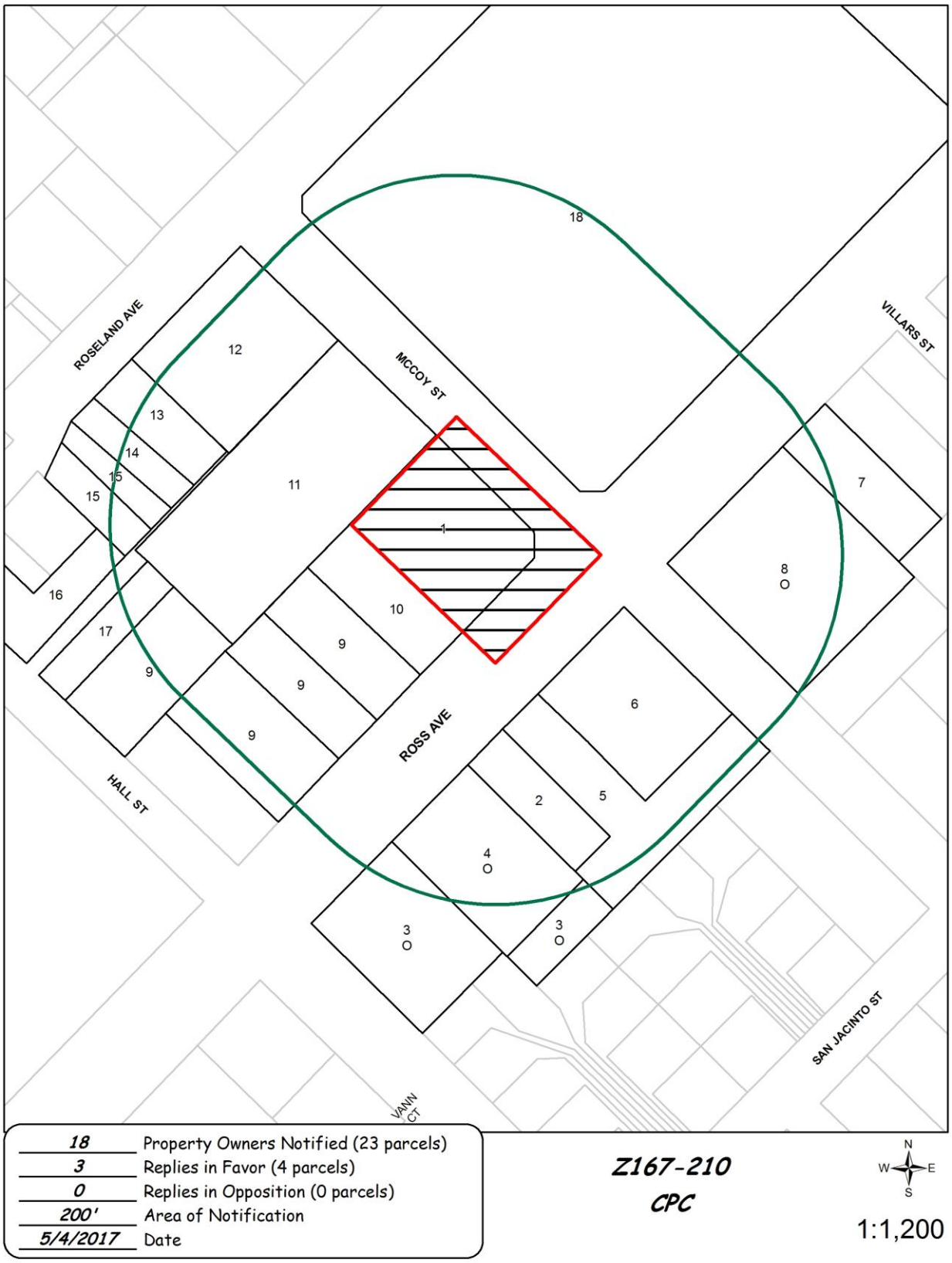
Case no: Z167-210

Date: 3/1/2017


MF-2(A)
HM-3
WR-5
HM-4
PD 298
(Subarea 1A)
SUP
1819
VILLARS ST
Multifamily
Multifamily
Demolition
Site
Vacant
Florist
SUP
1073
MCGOWAN ST
Catering
Service
Bank
w/Drive-thru
CBD/Downtown Demolition Delay Overlay
PD
298
Vacant
Vacant
PD 298
(Subarea 1)
Multifamily
PD 298
(Subarea 7)
Tract 2
N HALL ST
Liquor
Store
SUP
2206
ROSS AVE
Restaurant
& Retail
PD 298
(Subarea 6)
N JACINTO ST
1:1,200
ZONING
AND LAND USE
Case no: Z167-210
Date: 3/1/2017


MF-2(A)
1 & 2
HM-3
WR-5
PD 298
(Subarea 1A)
SUP
1819
VILLARS
3
HM-4
PD 298
(Subarea 1B)
SUP
1073
MCKINNEY ST
CBD/Downtown Demolition Delay Overlay
PD
298
PD 298
(Subarea 1)
N HALL ST
PD 298
(Subarea 7)
Tract 2
4
SUP
2206
ROSS AVE
PD 298
(Subarea 6)
N JACINTO ST
1:1,200
ZONING HISTORY
Case no: Z167-210
Date: 3/1/2017

CPC RESPONSES



05/17/2017

Reply List of Property Owners

Z167-210

18 Property Owners Notified ***3 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3407	ROSS AVE	R & F INVESTMENTS II LTD
	2	3400	ROSS AVE	HERNANDEZ JULIO
O	3	3300	ROSS AVE	BSK SCHWARTZ LTD
O	4	3310	ROSS AVE	BSK SCHWARTZ LTD
	5	3404	ROSS AVE	PARKS JAMES B JR
	6	3410	ROSS AVE	606 MIDLAND BAR LLC
	7	3512	ROSS AVE	MBOGO HINGA ET AL
O	8	3510	ROSS AVE	PARKS JAMES B JR
	9	3311	ROSS AVE	3405 DHG LLC
	10	3405	ROSS AVE	1507 DRAGON STREET LLC
	11	1711	MCCOY ST	GIRMA ASKE
	12	1723	MCCOY ST	HOUSING AUTHORITY OF THE
	13	3404	ROSELAND AVE	ROSE LIMITED PS
	14	3402	ROSELAND AVE	KIM RACHEL
	15	3400	ROSELAND AVE	WOODARD JOHN R JR
	16	1722	N HALL ST	HALL & ROSS LTD PS
	17	1716	N HALL ST	HALL & ROSS LTD
	18	3606	ROSELAND AVE	WW ROSS AVENUE LP

AGENDA ITEM # 71

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 74 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use, on property zoned an R-7.5(A) Single Family District, in an area bounded by Indian Ridge Trail, Algebra Drive, McKissick Lane, and Wheatland Road

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions

Z167-225(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-225(JM) **DATE FILED:** February 24, 2017

LOCATION: Area bounded by Indian Ridge Trail, Algebra Drive, McKissick Lane, and Wheatland Road

COUNCIL DISTRICT: 8 **MAPSCO:** 74-A

SIZE OF REQUEST: ±29.40 acres **CENSUS TRACT:** 111.01

APPLICANT/OWNER: Dallas Independent School District

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use, on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to construct an addition including a gym and expansion of administrative offices. No new classrooms would be added. A planned development district is requested to allow a public school use [David W. Carter High School] by right, to allow existing parking in the required front yards along McKissick Lane and West Wheatland Road, and to provide an alternate landscape plan.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, traffic management plan, and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The site was developed with a public school use, David W. Carter High School, in 1965.

- The applicant would like to construct an addition including a gym and expansion of administrative offices. The existing zoning designation of an R-7.5(A) Single Family District requires a specific use permit in order to operate a public school other than an open-enrollment charter school use. The applicant has elected to apply for a new planned development district because the subject site would have conformance issues with today's code under the existing zoning designation. The issues include existing parking in required front yards, and amending landscape requirements, most notably for existing parking lots.

- A new PD is requested to allow for the following changes:
    - Allow the public school other than an open-enrollment charter school use by right, rather than by SUP.
    - To allow existing parking in front yards to remain.
    - To submit an alternate landscape plan, rather than comply with Article X.

Zoning History:

There have been no zoning cases in the area within the last five years.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
West Wheatland Road	Principal Arterial	100 feet
Indian Ridge Trail	Local	60 feet
Algebra Drive	Local	50 feet
McKissick Lane	Local	Varies

Land Use:

Area	Zoning	Land Use
Site	R-7.5(A)	Public School
North	R-7.5(A)	Single Family
East	R-7.5(A)	Undeveloped
South	PD No. 598 Tract 2A	Church & Undeveloped
West	R-7.5(A) & SUP No. 1097	Undeveloped & Church w/Child Care Facility

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and traffic management plan. The plan has been approved. The city engineer determined the zone change will not have a negative impact on the existing street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

Land Use Compatibility:

Surrounding land uses consist of single family to the north, undeveloped land to the east, a church and undeveloped land to the south, and a church, child-care facility, and undeveloped land to the west. The school has been serving the community for over 50 years. The use continues to be compatible with surrounding residential, institutional, and largely undeveloped uses in the area.

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: R-7.5(A)	25'	5'	30'	45%		Single Family
Proposed: PDD	25'	5'	66'	45%		School

The proposed PD would allow parking to be located in the required front yard along McKissick Lane and West Wheatland Road for a public school other than an open-enrollment charter school use only. While the current lot coverage proposed on the development plan is 16.60 percent, the allowable lot coverage is still 45 percent. Any increase would require a revised development plan for approval. The overall height is being requested to match the existing three-story structure at 66 feet. No other changes to development standards are proposed.

Finally, the applicant has provided an additional provision where for a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in color from that of vehicular ingress and egress driveways. While some intersections are suitable for textured pavement in addition to a change in color for sidewalk intersections of driveways, this is not a requirement in all cases.

Parking:

No modifications to the minimum off-street parking requirements of the Dallas Development Code are requested with this application. A public school other than an open-enrolment charter school use is required to provide nine and one-half parking spaces for each senior high school classroom. The high school has 61 classrooms; therefore, 580 parking spaces are required. The proposed development plan indicates that the site will provide 586 parking spaces.

Landscaping:

A landscape plan has been provided for consideration with this request. The City arborist reviewed the proposed landscape plan and recommended approval of the alternate landscape plan and conditions.

CPC Action:
May 4, 2017

Motion: It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use, subject to a development plan, landscape plan, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District, in an area bounded by Indian Ridge Trail, Algebra Drive, McKissick Lane, and Wheatland Road.

Maker: Haney
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

Notices: Area: 500 Mailed: 111
Replies: For: 0 Against: 4

Speakers: None

List of Officers

Dallas Independent School District

Board of Trustees

Dan Micciche

Edwin Flores

Audrey Pinkerton

Jaime Resendez

Dustin Marshall

Lew Blackburn

Joyce Foreman

Miguel Solis

Bernadette Nutall

CPC Recommended PD Conditions

"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 northwest corner of Wheatland Road and Indian Ridge Trail. The size of PD _____ is approximately 29.40 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. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

(2) Exhibit ___A: landscape plan.

(3) Exhibit ___C: traffic management plan.

SEC. 51P- ____.105. DEVELOPMENT PLAN.

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P- ____.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family 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 R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) Public school other than an open-enrollment charter school is permitted by right.

SEC. 51P-____.107. ACCESSORY USES.

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.

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 R-7.5(A) Single Family District apply.

(b) Height. For a public school other than an open-enrollment charter school, maximum structure height is 66 feet.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a public school other than an open-enrolment charter school, parking may be located in the required front yard along McKissick Lane and Wheatland Road.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-_____.111. LANDSCAPING.

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Public school other than an open-enrollment charter school.

(1) Except as provided in this subsection, landscaping must be provided as shown on the landscape plan (Exhibit _____B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(2) If an existing tree shown on the landscape plan is removed or seriously injured, it must be replaced with a minimum two-inch caliper tree of the same type within fifty feet of the replaced tree, unless a minor amendment to the landscape plan is approved for an alternate location.

(3) A minimum of one large street tree must be provided within the required front yard for each 50 feet of street frontage along Algebra Drive and along the northernmost 150 feet of Indian Ridge Trail before new construction is permitted for 200 square feet of additional floor area or 10 or additional parking spaces within 300 feet of Algebra Drive.

(4) Any renovation or reconstruction of an existing parking lot that requires a building permit, or new construction of a parking lot, must comply with the parking lot requirements of Section 51A-10.125(b) and be reflected on a landscape plan to be approved by the city plan commission.

(5) An automatic irrigation system must be provided to maintain new landscape trees required by this section or Article X.

(6) The tree preservation, removal, and replacement provisions in Division 10.130 apply.

(e) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC. 51P--_____.112. TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit ___B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2018. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each **even-numbered year**.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P- ____.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) For a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in color from that of vehicular ingress and egress driveways.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c) 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.

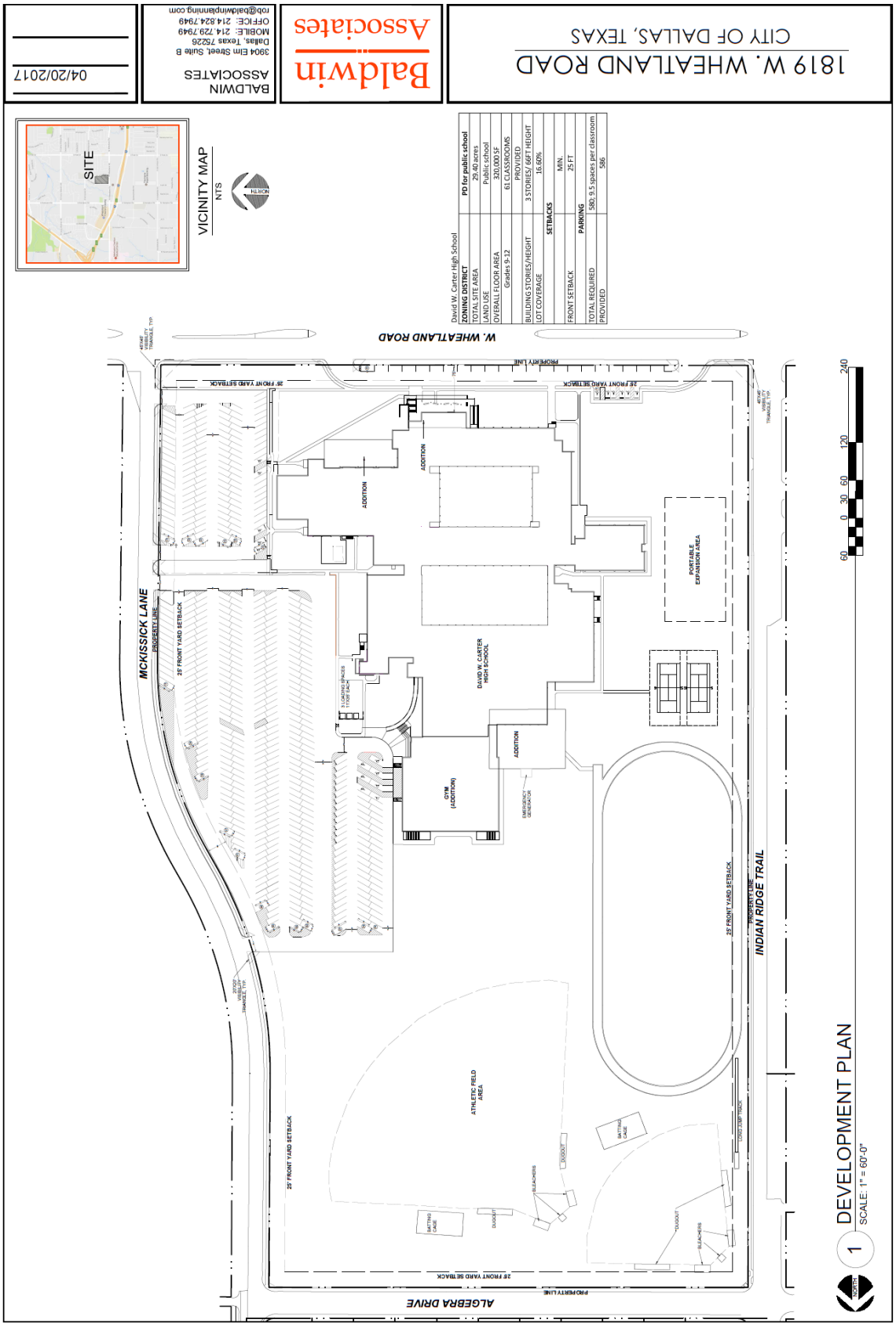
SEC. 51P-____.115. COMPLIANCE WITH CONDITIONS.

(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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

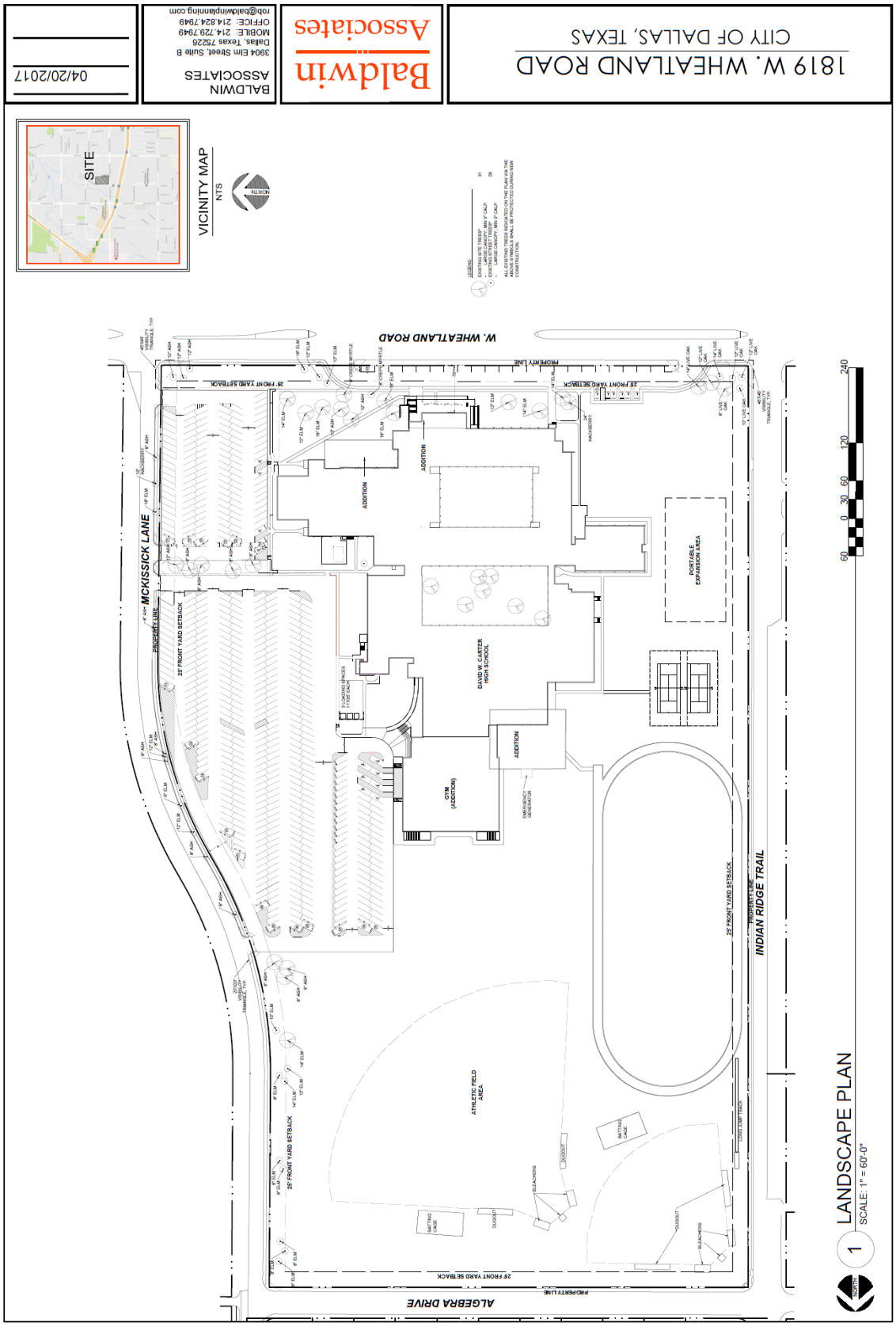
Z167-225(JM)

Proposed Development Plan



Z167-225(JM)

Proposed Landscape Plan



Traffic Management Plan

April 24, 2017
PK# 2268-17.048

TRAFFIC MANAGEMENT PLAN

Project:
DISD David W. Carter High School
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
Dallas Independent School District

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



Pacheco Koch

7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX. REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

February 22, 2017

Pacheco Koch

TRAFFIC MANAGEMENT PLAN
DISD David W. Carter High School
Dallas, Texas

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TMP Objectives *2*
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Proposed Site Plan

Exhibit 1. Existing Conditions
Exhibit 2. Recommendations/Proposed Conditions

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained on behalf of **Dallas Independent School District**, to prepare a Traffic Management Plan (TMP) for the David W. Carter High School (the "School") located at 1819 W Wheatland Road in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking creation of a Planned Development District for the site from the City of Dallas (the "Approving Agency") to facilitate proposed site Improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

Project Description

The site currently consists of an existing public high school. Current enrollment is summarized below in Table 1. The School is not anticipating an increase enrollment as a result of the Project. School starts at 9:15 AM and ends at 4:15 PM.

Table 1. Current Enrollment

LEVEL	STUDENTS ENROLLED
9th Grade	396
10th Grade	285
11th Grade	251
12th Grade	191
TOTAL	1,123

*Enrollment Data provided by *DISD*

Access to the campus is via Wheatland Road, a six-lane, median-divided major thoroughfare, and two local roads, Indian Ridge Trail and McKissick Lane. Both intersections at Wheatland Road are STOP-controlled on the minor-street approach. Nearby traffic signals are located on Wheatland Road at the intersections with Hampton Road (one-half mile west of school) and Polk Street (one-half mile east of school). The site is located in a predominately residential area. A major church is located across Wheatland Road.

A proposed site plan for the DISD David W. Carter High School, provided by Baldwin Associates, is attached at the end of this report.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

Pacheco Koch was not involved with site selection, site design, or the current operations for this project. Pacheco Koch is not responsible for the *implementation* of the recommended TMP Strategies contained in this study.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "*TMP Objectives*"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibits. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions

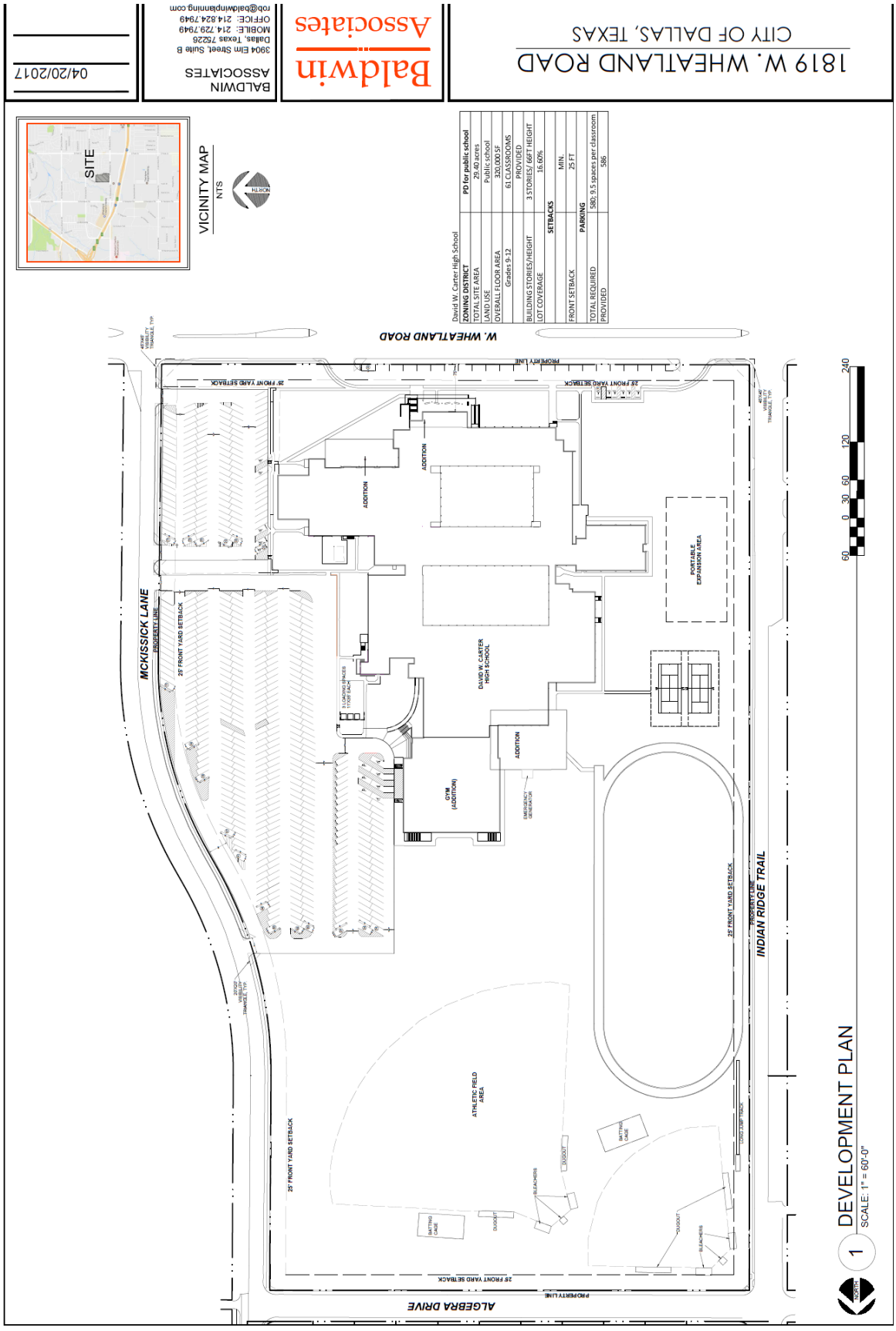
generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

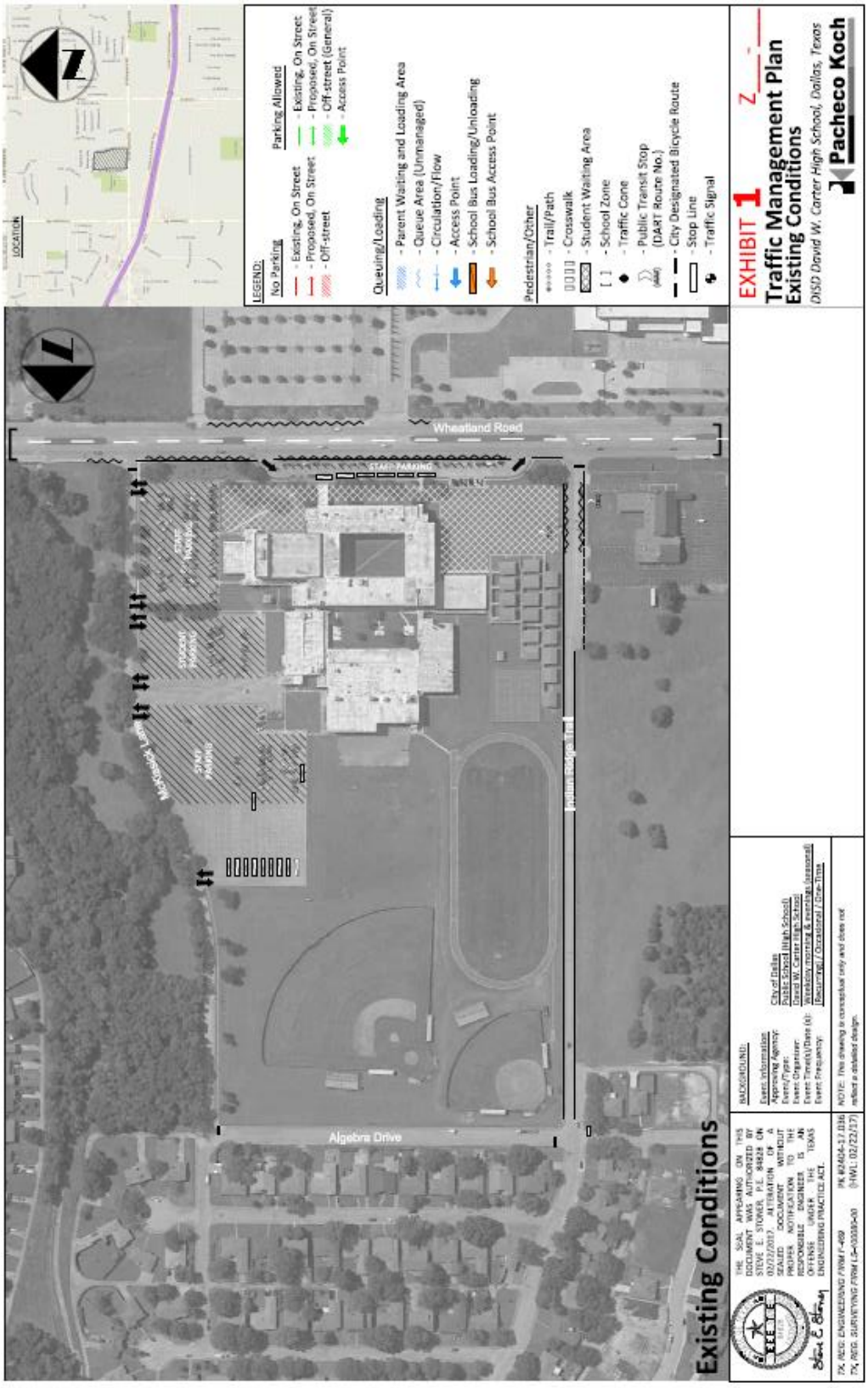
A graphical summary of existing conditions is depicted in **Exhibit 1**; graphical summaries of recommendations and proposed conditions are depicted in **Exhibit 2**.

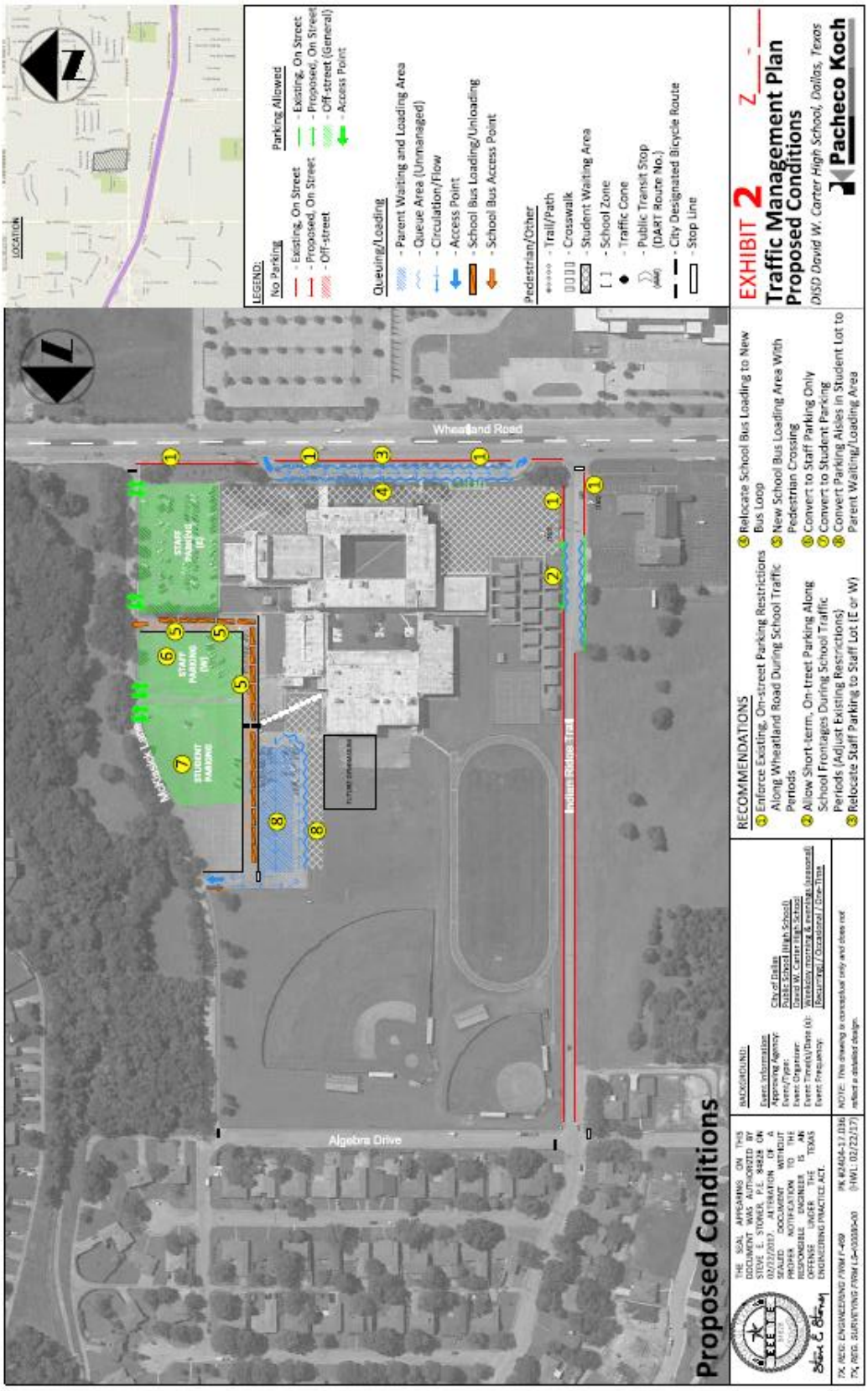
A summary of specific recommendations are provided below:

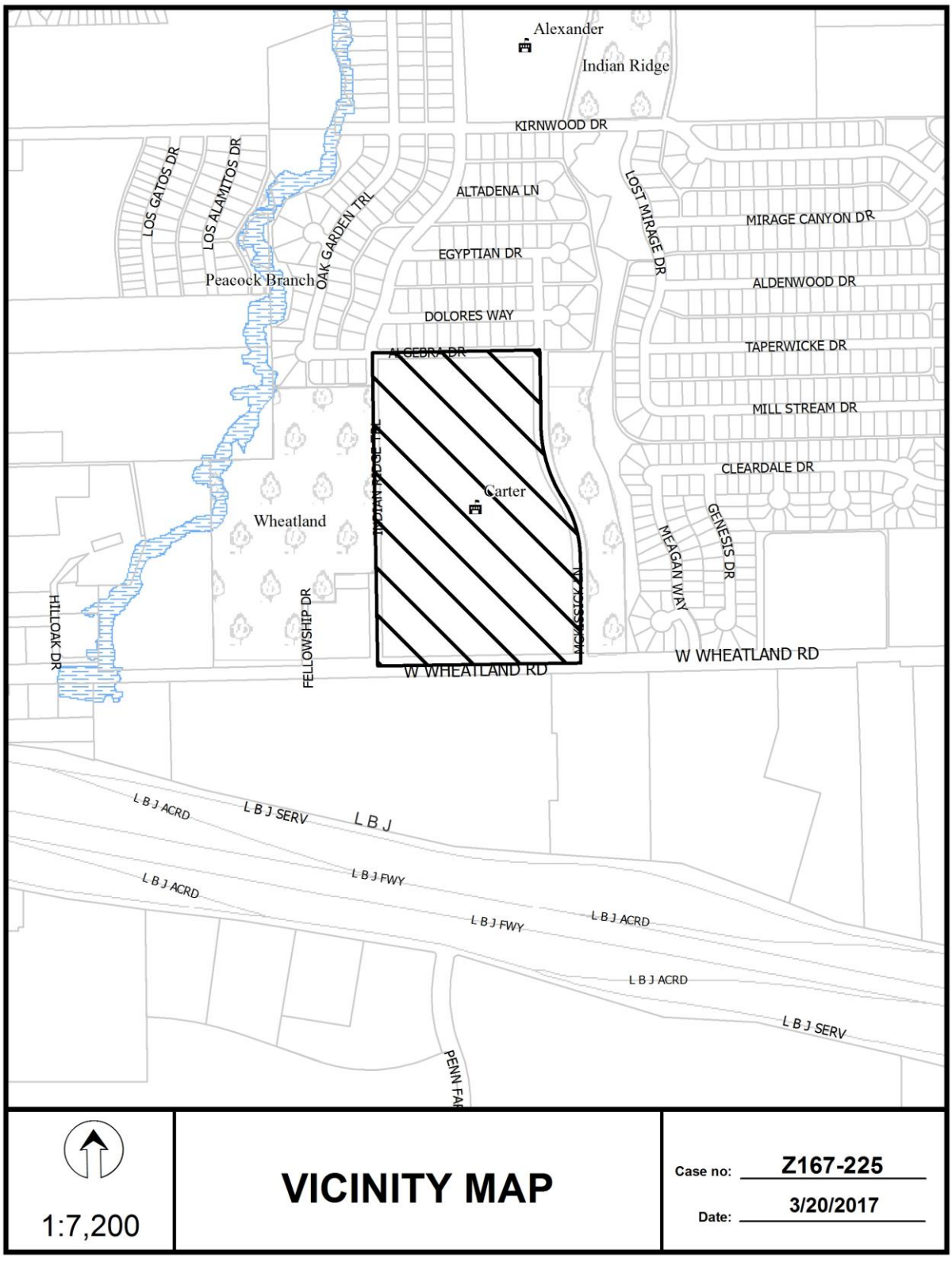
1. Enforce existing, on-street parking restrictions along Wheatland Road during school traffic periods. [Intent: to minimize impact to thoroughfare.]
2. Allow short-term, on-street parking along school frontage on Indian Trail Ridge during school traffic periods (i.e., adjust existing restrictions).
3. Relocate all staff parking located in front of school to the staff lot (E or W) located east of the school.
4. Relocate all school bus loading to the new bus loop.
5. Create new bus loop as indicated on proposed site plan. (Preferably, the bus loop will be physically separated by raised curbs with safe loading areas.)
6. Convert parking lot to staff parking only as indicated on proposed site plan.
7. Convert parking lot to student parking only as indicated on proposed site plan.
8. Create a designated parent waiting/loading area in existing parking lot. [Intent: To provide off-street location for parents to stand/park during afternoon pick-up periods in lieu of standing/parking on thoroughfare.]

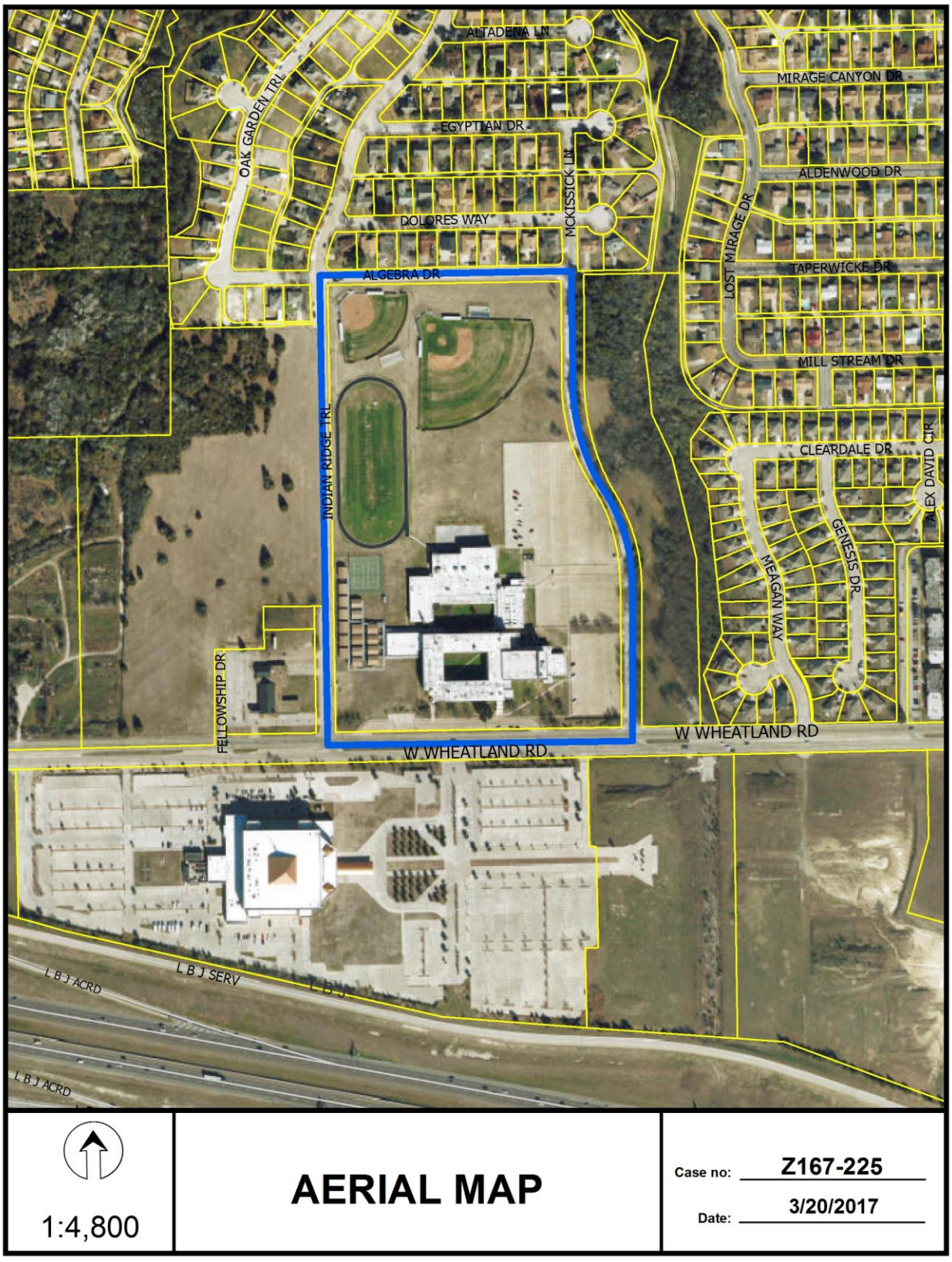
END OF MEMO

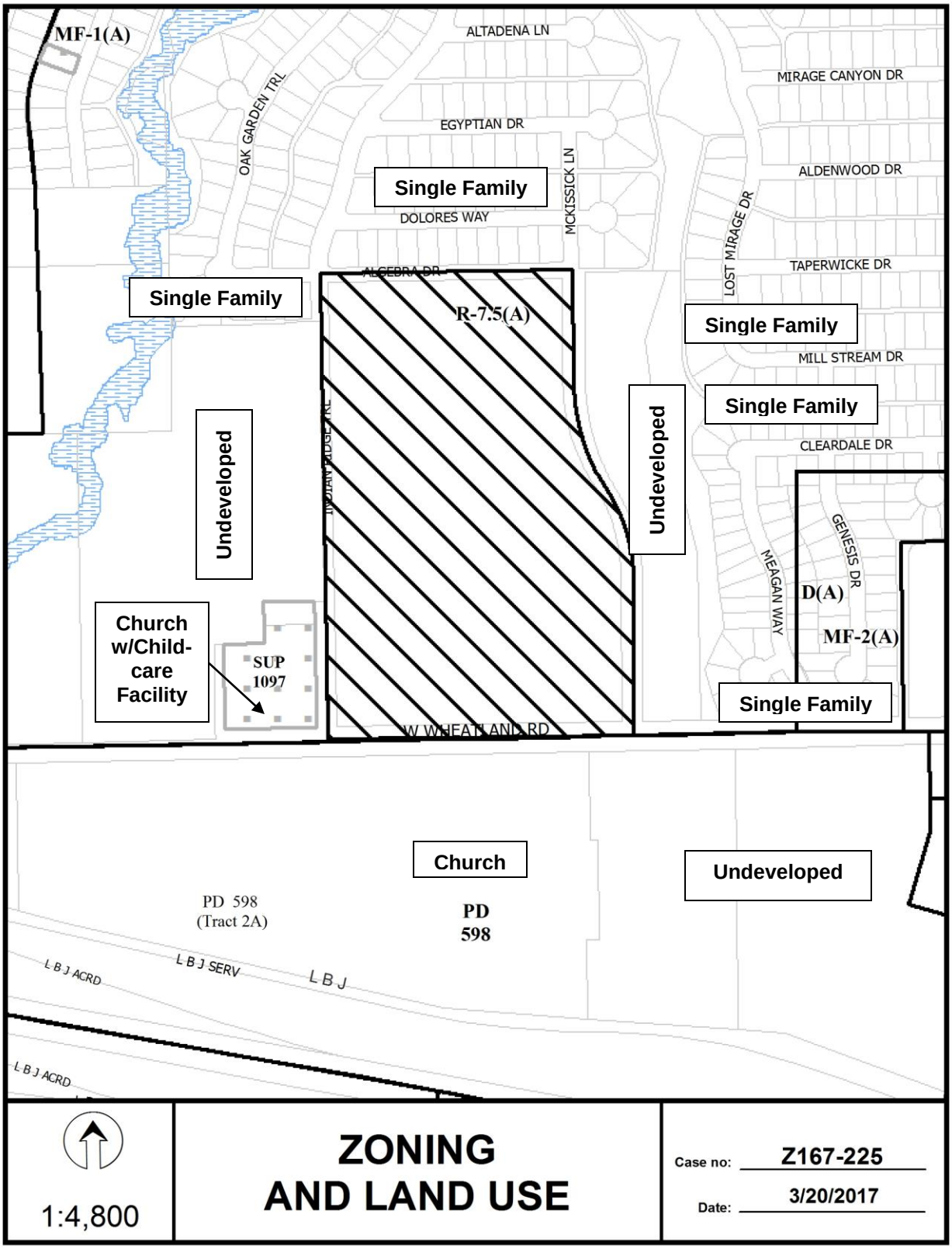

1819 W. WHEATLAND ROAD
CITY OF DALLAS, TEXAS
Baldwin Associates
BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com
04/20/2017
VICINITY MAP
NTS
SITE
NORTH
David W. Carter High School
ZONING DISTRICT | PD for public school
TOTAL SITE AREA | 28.40 acres
LAND USE | Public school
OVERALL FLOOR AREA | 320,000 SF
Grades 9-12 | 61 CLASSROOMS
PROVIDED
BUILDING STORIES/HEIGHT | 3 STORIES/ 66FT HEIGHT
LOT COVERAGE | 16.60%
SETBACKS
FRONT SETBACK | MIN. 25 FT
PARKING
TOTAL REQUIRED | 580; 9.5 spaces per classroom
PROVIDED | 586
W. WHEATLAND ROAD
ALGEBRA DRIVE
MCKISSICK LANE
INDIAN RIDGE TRAIL
PROPERTY LINE
25' FRONT YARD SETBACK
ADDITION
GYM (ADDITION)
DAVID W. CARTER HIGH SCHOOL
PORTABLE EXPANSION AREA
ATHLETIC FIELD AREA
LOADING SPACES FOOD BACK
EMERGENCY GENERATOR
BATTING CAGE
DUGOUT
BLEACHERS
LONG JUMP TRACK
45'X45' VISIBILITY TRIANGLE, TYP
20'X20' VISIBILITY TRIANGLE, TYP
60 0 30 60 120 240
1 DEVELOPMENT PLAN
SCALE: 1" = 60'-0"
NORTH


Existing Conditions
Algebra Drive
Wheatland Road
Pelham Ridge Trail
STAFF PARKING
LEGEND:
No Parking
- Existing, On Street
- Proposed, On Street
- Off-street
Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point
Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Traffic Cone
- Public Transit Stop (DART Route No.)
- City Designated Bicycle Route
- Stop Line
- Traffic Signal
LOCATION
EXHIBIT 1
Z___-___
Traffic Management Plan
Existing Conditions
DISD David W. Carter High School, Dallas, Texas
Pacheco Koch
BACKGROUND:
Event Information
Approving Agency:
Event/Type:
Event Organizer:
Event Time(s)/Date (s):
Event Frequency:
City of Dallas
Public School (High School)
David W. Carter High School
Weekday morning & evenings (seasonal)
Recurring / Occasional / One-Time
NOTE: This drawing is conceptual only and does not reflect a detailed design.
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY STEVE E. STOWER, P.E. 84828 ON 02/22/2017. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.
TX. REG. ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-10000500
PK #2404-17.036
(HWL 02/22/17)

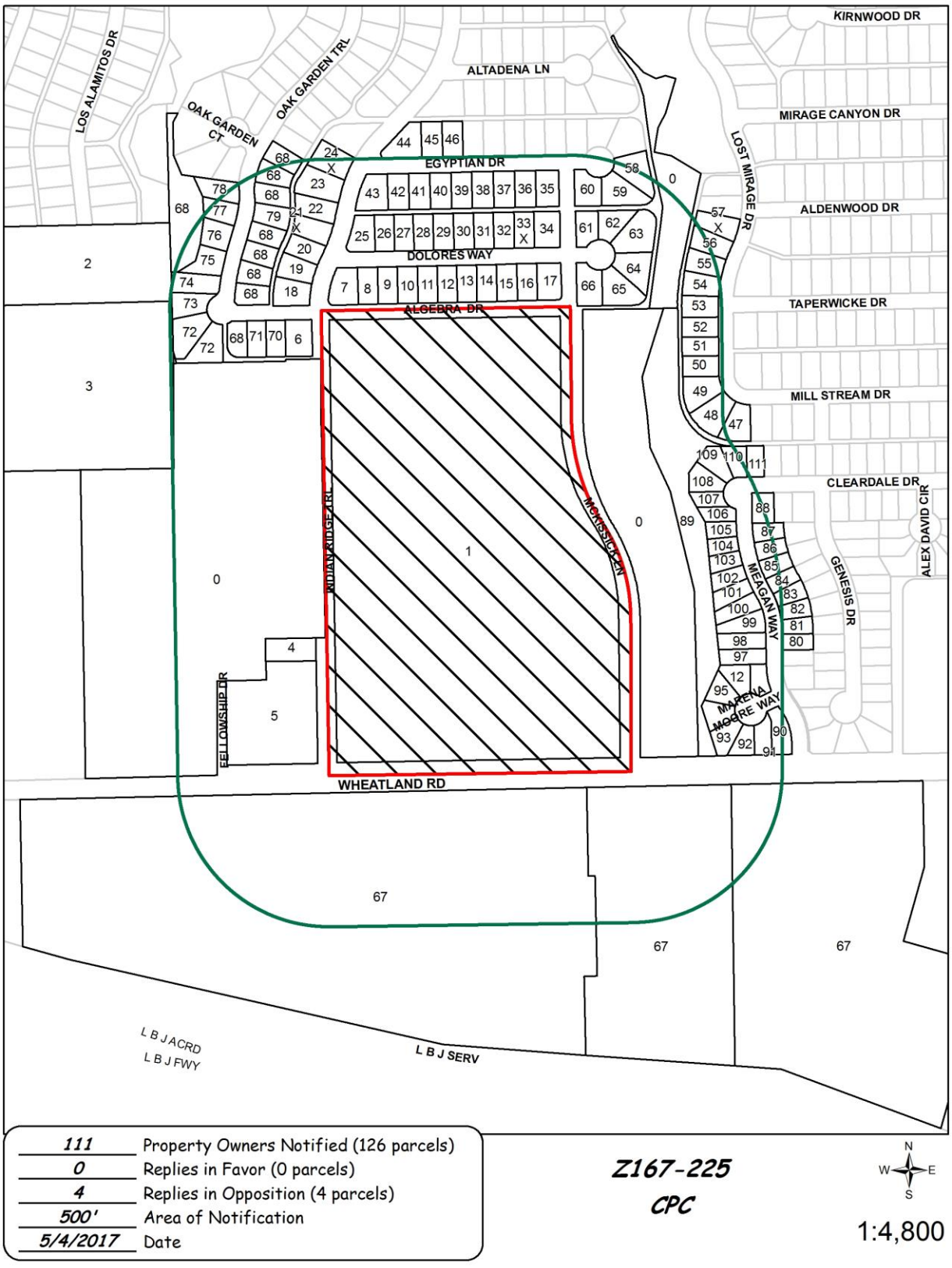

Proposed Conditions
Algebra Drive
Wheatland Road
Indian Ridge Trail
McKissick Lane
STAFF PARKING (E)
STAFF PARKING (W)
STUDENT PARKING
FUTURE EXPANSION
LOCATION
LEGEND:
No Parking
- Existing, On Street
- Proposed, On Street
- Off-street
Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point
Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Traffic Cone
- Public Transit Stop (DART Route No.)
- City Designated Bicycle Route
- Stop Line
RECOMMENDATIONS
1 Enforce Existing, On-street Parking Restrictions Along Wheatland Road During School Traffic Periods
2 Allow Short-term, On-treet Parking Along School Frontages During School Traffic Periods (Adjust Existing Restrictions)
3 Relocate Staff Parking to Staff Lot (E or W)
4 Relocate School Bus Loading to New Bus Loop
5 New School Bus Loading Area With Pedestrian Crossing
6 Convert to Staff Parking Only
7 Convert to Student Parking
8 Convert Parking Aisles in Student Lot to Parent Waiting/Loading Area
BACKGROUND:
Event Information
Approving Agency:
Event/Type:
Event Organizer:
Event Time(s)/Date (s):
Event Frequency:
City of Dallas
Dubie School (High School)
David W. Carter High School
Weekday mornings & afternoons (assumed)
Recurring / Occasional / One-Time
NOTE: This drawing is conceptual only and does not reflect a detailed design.
EXHIBIT 2
Z_____
Traffic Management Plan
Proposed Conditions
DISD David W. Carter High School, Dallas, Texas
Pacheco Koch


Alexander
Indian Ridge
KIRNWOOD DR
LOS GATOS DR
LOS ALAMITOS DR
OAK GARDEN TRL
ALTADENA LN
LOST MIRAGE DR
MIRAGE CANYON DR
EGYPTIAN DR
ALDENWOOD DR
Peacock Branch
DOLORES WAY
TAPERWICKE DR
ALGEBRA DR
MILL STREAM DR
CLEARDALE DR
Carter
Wheatland
GENESIS DR
MEAGAN WAY
HILLOAK DR
FELLOWSHIP DR
W WHEATLAND RD
W WHEATLAND RD
L B J ACRD
L B J SERV
L B J
L B J FWY
L B J ACRD
L B J FWY
L B J ACRD
L B J ACRD
L B J SERV
PENN FA
1:7,200
VICINITY MAP
Case no: Z167-225
Date: 3/20/2017


ALTADENA LN
OAK GARDEN TRL
EGYPTIAN DR
MCKISSICK LN
DOLORES WAY
ALGEBRA DR
MIRAGE CANYON DR
ALDENWOOD DR
LOST MIRAGE DR
TAPERWICKE DR
MILL STREAM DR
CLEARDALE DR
ALEX DAVID CIR
GENESIS DR
MEAGAN WAY
INDIAN RIDGE TRL
FELLOWSHIP DR
W WHEATLAND RD
W WHEATLAND RD
L B J ACRD
L B J SERV
L B J ACRD
1:4,800
AERIAL MAP
Case no: Z167-225
Date: 3/20/2017


MF-1(A)
ALTADENA LN
MIRAGE CANYON DR
OAK GARDEN TRL
EGYPTIAN DR
Single Family
MCKISSICK LN
ALDENWOOD DR
DOLORES WAY
LOST MIRAGE DR
TAPERWICKE DR
ALGEBRA DR
Single Family
R-7.5(A)
Single Family
MILL STREAM DR
Undeveloped
Undeveloped
Single Family
CLEARDALE DR
GENESIS DR
MEAGAN WAY
D(A)
MF-2(A)
Church w/Child-care Facility
SUP 1097
Single Family
W WHEATLAND RD
Church
Undeveloped
PD 598 (Tract 2A)
PD 598
L B J ACRD
L B J SERV
L B J
L B J ACRD
1:4,800
ZONING AND LAND USE
Case no: Z167-225
Date: 3/20/2017

CPC Responses



111	Property Owners Notified (126 parcels)
0	Replies in Favor (0 parcels)
4	Replies in Opposition (4 parcels)
500'	Area of Notification
5/4/2017	Date

Z167-225
CPC

N W E S

1:4,800

05/03/2017

Reply List of Property Owners

Z167-225

111 Property Owners Notified ***0 Property Owners in Favor*** ***4 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1819	W WHEATLAND RD	Dallas ISD
	2	7700	S HAMPTON RD	HAWKINS MARTIN
	3	7750	S HAMPTON RD	ROSE ROY R &
	4	7800	INDIAN RIDGE TRL	NEW COVENANT CHRISTIAN
	5	2025	W WHEATLAND RD	NEW COVENANT CHRISTIAN
	6	2004	ALGEBRA DR	CALHOUN FRANCIS &
	7	1926	DOLORES WAY	HARRIS SOLANDA R &
	8	1920	DOLORES WAY	ROBERTSON LASHAWN
	9	1916	DOLORES WAY	EDWARDS HARRELL &
	10	1910	DOLORES WAY	AHR FIRST BORROWER LLC
	11	1906	DOLORES WAY	JONES THOMAS E
	12	1834	DOLORES WAY	CAH 2014 1 BORROWER LLC
	13	1828	DOLORES WAY	BARBER ROBERT R
	14	1822	DOLORES WAY	GEORGE NETTIE B
	15	1818	DOLORES WAY	WALKER MARY
	16	1812	DOLORES WAY	TODD SHERRY M
	17	1806	DOLORES WAY	KINDER DANNY & DELORIS
	18	7837	INDIAN RIDGE TRL	CALHOUN RUTH &
	19	7833	INDIAN RIDGE TRL	ASDJ PPTIES LLC
	20	7827	INDIAN RIDGE TRL	BAGLEY SHARRUNDA M
X	21	7823	INDIAN RIDGE TRL	REECE JAMES W
	22	7817	INDIAN RIDGE TRL	WILLIAMS ROBERT E JR
	23	7811	INDIAN RIDGE TRL	REESE TIFFANY
X	24	7805	INDIAN RIDGE TRL	COY EUGENE JR
	25	1919	DOLORES WAY	PATTERSON JIMMY
	26	1915	DOLORES WAY	DAMN STRAIGHT ENTERPRISES LLC

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	1909	DOLORES WAY	ADAMS LEO JASON &
	28	1905	DOLORES WAY	CUMBO ARCHIE L
	29	1833	DOLORES WAY	BELL DAISY
	30	1827	DOLORES WAY	HIGHTOWER ALVERSTEIN
	31	1821	DOLORES WAY	LONG ALBERTA VENORA
	32	1817	DOLORES WAY	BOLDEN NELDA J
X	33	1811	DOLORES WAY	DAVIS ALPHA
	34	1807	DOLORES WAY	SAMS LAWRENCE G
	35	1808	EGYPTIAN DR	BOLDEN GEORGE W ETAL
	36	1814	EGYPTIAN DR	SMITH SHIRLEY M
	37	1820	EGYPTIAN DR	MOORE ESTER P
	38	1826	EGYPTIAN DR	RILEY BOBBIE
	39	1832	EGYPTIAN DR	WILSON JOHN T &
	40	1906	EGYPTIAN DR	BELL DOMITILA
	41	1912	EGYPTIAN DR	COLSON JOHN H
	42	1918	EGYPTIAN DR	QUANTUM TEXAS LLC
	43	1924	EGYPTIAN DR	HODGE SHIRLEY
	44	1921	EGYPTIAN DR	THOMPSON HOWARD
	45	1911	EGYPTIAN DR	GRANT BETTY JOE
	46	1905	EGYPTIAN DR	BAILEY JAMES EDWARD
	47	1416	MILL STREAM DR	STATEN OTTIS R
	48	1422	MILL STREAM DR	GOMEZ JULIAN &
	49	7925	LOST MIRAGE DR	STENCER THERESA
	50	7919	LOST MIRAGE DR	MASON PAULA
	51	7915	LOST MIRAGE DR	RICE R O & RUBY NELL
	52	7909	LOST MIRAGE DR	JONES JACQUELINE R
	53	7905	LOST MIRAGE DR	CASMER MICHAEL &
	54	7851	LOST MIRAGE DR	GREER L L
	55	7847	LOST MIRAGE DR	MY INFINITY HOLDINGS LLC
	56	7841	LOST MIRAGE DR	BANDY LEROY JR &
X	57	7837	LOST MIRAGE DR	MAZE W L

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	58	1704	EGYPTIAN DR	ETHRIDGE GREGORY M &
	59	1710	EGYPTIAN DR	HAMILTON COREY D
	60	1714	EGYPTIAN DR	MCCOY KAYE FRANCIS
	61	1715	DOLORES WAY	ADAMS GAYLE SUE
	62	1711	DOLORES WAY	TAYLOR EDNA ISABELL
	63	1705	DOLORES WAY	LEWIS TERENCE D
	64	1704	DOLORES WAY	RODRIGUEZ RAFAEL &
	65	1710	DOLORES WAY	CAH 2014 2 BORROWER LLC
	66	1714	DOLORES WAY	HARDY RUFUS C & BELINDA K
	67	1500	W WHEATLAND RD	FRIENDSHIP WEST BAPTIST
	68	1901	KIRNWOOD DR	TEXAS STATE AFFORDABLE HOUSING CORP
	69	1901	KIRNWOOD DR	GRIDIRON-CARTER SQUARE LP
	70	2008	ALGEBRA DR	AMAYA JOHAN CACERES
	71	2012	ALGEBRA DR	NCD LP
	72	7839	OAK GARDEN TRL	TEXAS STATE AFFORDABLE HOUSING CORP
	73	7831	OAK GARDEN TRL	WILLIAMS HAZEL R
	74	7827	OAK GARDEN TRL	AGUILAR LEYBI
	75	7823	OAK GARDEN TRL	SPURLOCK MONICA E
	76	7817	OAK GARDEN TRL	WAITERS JOSEPHINE L
	77	7813	OAK GARDEN TRL	SHANKS TIFFANY
	78	7809	OAK GARDEN TRL	STARWOOD WAYPOINT TRS LLC
	79	7812	OAK GARDEN TRL	CANNON ALVIN M
	80	8036	MEAGAN WAY	SAKA HIROSHI
	81	8032	MEAGAN WAY	VAKANI ZAFAR
	82	8028	MEAGAN WAY	GUZMAN RICARDO E
	83	8024	MEAGAN WAY	CAH 2015 1 BORROWER LLC
	84	8020	MEAGAN WAY	SCOTT JACQUELINE
	85	8016	MEAGAN WAY	PEREZ JOSE
	86	8012	MEAGAN WAY	MCDONALD KIMBERLY & ERIC
	87	8008	MEAGAN WAY	WALLACE KEITH
	88	1340	CLEARDALE DR	ALLEN MILLIE M

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	89	1601	W WHEATLAND RD	WHEATLAND HILLS ESTATES
	90	1404	MARENA MOORE WAY	GARDNER JOYCE D
	91	1408	MARENA MOORE WAY	PHILLIPS C L & MARTHA
	92	1412	MARENA MOORE WAY	OHANA EQUITIES LLC
	93	1416	MARENA MOORE WAY	VEGA PATRICIA
	94	1417	MARENA MOORE WAY	TOSTE PHILLIP A
	95	1413	MARENA MOORE WAY	BROWN ANGELA D &
	96	1405	MARENA MOORE WAY	WANG CHEN YU
	97	8039	MEAGAN WAY	ZAMORA CRISOFORO &
	98	8035	MEAGAN WAY	WILLIAMS DIANE
	99	8031	MEAGAN WAY	BEAULY LLC
	100	8027	MEAGAN WAY	DINH MARY
	101	8023	MEAGAN WAY	PROCTOR TANYA
	102	8019	MEAGAN WAY	LOVE ZACHARY &
	103	8015	MEAGAN WAY	MANGANDY NOEL & ARACELY
	104	8011	MEAGAN WAY	WELLS JOREAN
	105	8007	MEAGAN WAY	ONEIL PHYLLIS
	106	8003	MEAGAN WAY	BEAULLY LLC
	107	1359	CLEARDALE DR	CURRIE PAULA N
	108	1355	CLEARDALE DR	WHISNANT J CLIFTON
	109	1351	CLEARDALE DR	JYLC LP
	110	1347	CLEARDALE DR	BURNS PATRICK &
	111	1343	CLEARDALE DR	WILSON DANA RENEE &

AGENDA ITEM # 72

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 59 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and public school other than an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District on the southeast corner of South St. Augustine Drive and Grady Lane and the northeast corner of Crenshaw Drive and Old Seagoville Road
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions
Z167-226(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JUNE 14, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-226(JM) **DATE FILED:** February 24, 2017

LOCATION: On the southeast corner of South St. Augustine Drive and Grady Lane and the northeast corner of Crenshaw Drive and Old Seagoville Road.

COUNCIL DISTRICT: 5 **MAPSCO:** 59-X

SIZE OF REQUEST: ±31.53 acres **CENSUS TRACT:** 117.01

APPLICANT/OWNER: Dallas Independent School District

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Planned Development District for R-7.5(A) Single Family District uses and public school other than an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant would like to construct an addition to the existing structure including 10 additional classrooms and surface parking. A planned development district is requested to allow a public school [H. Grady Spruce High School] use by right, to allow existing parking in the required front yards along South St. Augustine Drive, and to exempt sports equipment/posts from the setback requirements.

.

CPC RECOMMENDATION: **Approval**, subject to a development plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, traffic management plan, and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The site was developed with a public school use, H. Grady Spruce High School, in 1972.

- The applicant would like to construct an addition including 10 new classrooms and surface parking. The existing zoning designation of an R-7.5(A) Single Family District requires a specific use permit in order to operate a public school other than an open-enrollment charter school use. The applicant has elected to apply for a new planned development district because the subject site would have conformance issues with today's code under the existing zoning designation. The issues include existing parking in required front yards, and existing sports equipment which violates the setback and height requirements for the zoning designation.

- A new PD is requested to allow for the following changes:
    - Allow the public school other than an open-enrollment charter school use by right, rather than by SUP.
    - To allow existing parking in front yards to remain.
    - To exempt sports equipment/posts from the setback and height requirements.

- While the property owned and used for the high school extends to September Lane, the applicant has chosen not to include it all in the proposed PD. The majority of the remainder lot is wooded land, but one portion houses tennis courts used for the high school. The area is also in the process of replatting the tennis court area into a separate lot. These courts would now be considered either an accessory use to the school (which is lost due to the replat separating the use), or a separate main use, a private recreation area. In both cases, an SUP is required. If the property is replatted it would mean that the tennis courts that remain would be an illegal use instead of a nonconforming use.

- Staff suggested to the applicant to include the remainder of the property with this request, especially the section with the tennis courts, but DISD has chosen not to do so at this time.

- On October 20, 2010, the subject site was granted 1) a two-foot special exception to the fence height requirements to allow a six-foot chain link fence and gates around the parking lot to the northwest of the site, and 2) special exceptions to the visual obstruction regulations for the driveway entrances of the parking lot along Crenshaw Street, subject to maintaining open chain link and/or open metal materials.

Zoning History: There have been three zoning cases in the area within the last five years.

1. **Z123-239:** On October 28, 2015, the City Council renewed SUP No. 2065 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3.500 square feet on the southwest corner of Seagoville Road and South St. Augustine Drive.

2. **Z145-319:** On October 22, 2013, the City Council approved SUP No. 2065 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3.500 square feet on the southwest corner of Seagoville Road and South St. Augustine Drive.

3. **Z145-321:** On January 27, 2016, the City Council approved Planned Development District No. 956 and SUP No. 2178 for a private school or open enrollment charter school use on the southwest corner of Old Seagoville Road and South Masters Drive.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Old Seagoville Road	Local	Varies
South St. Augustine Drive	Collector	60 feet
Grady Lane	Local	60 feet

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Public School
North	R-7.5(A), and , PD No. 662	Single Family, Public School [Julius Dorsey Elementary School], Undeveloped
East	R-7.5(A)	Undeveloped, Private Recreation Area
South	R-5(A), R-7.5(A), PD No. 956 w/SUP No. 2178, CR-D-1	Single Family, Retail, Undeveloped, and Church with an SUP for a Open-enrollment Charter School
West	R-7.5(A), and MF-2(A)	Multifamily, Fire Station, Single Family, & Undeveloped

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and traffic management plan. The plan has been approved. The city engineer determined the zone change will not have a negative impact on the existing street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

Land Use Compatibility:

Surrounding land uses consist of a public school [Julius Dorsey Elementary School], single family, and undeveloped land to the north; a private recreation area (tennis courts for the school) and undeveloped land to the east; retail uses, single family, a church with an open-enrollment charter school and undeveloped land to the south; and multifamily, a fire station, single family, and undeveloped land to the west. Staff highly recommends adding the tennis courts, if not all of the remainder lot owned and used for the school, to the proposed PD. Land uses across September Lane include more single family residential.

The school has been serving the community for over 45 years. The use continues to be compatible with surrounding residential, institutional, and retail uses, as well as with the pockets of undeveloped land in the area.

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: R-7.5(A)	25'	5'	30'	45%		Single Family
Proposed: PDD	25'*	5'	38'	45%	*Sports related items may encroach into setbacks.	Parking

The proposed PD would allow parking to be located in the required front yard along South St. Augustine Drive for a public school other than an open-enrollment charter school use only. Additionally, the overall height is being requested to match the existing three-story structure at 38 feet. Certain sports related items shown on the development plan would be allowed to provide a reduced setback. A baseball diamond at the center of the property's north end has a dugout and bleachers which encroach into the required 25 foot front yard setback for Grady Lane, providing approximately nine feet of front yard before reaching the property line. These items all currently exist, as shown on the proposed development plan. Any changes to include new sports related items would require a new development plan, possibly a minor amendment. While the current lot coverage proposed on the development plan is 15 percent, the allowable lot coverage is still 45 percent. Any increase would require a revised development plan for approval. No other changes to development standards are proposed.

Finally, the applicant has provided an additional provision where for a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in color from that of vehicular ingress and egress driveways. While some intersections are suitable for textured pavement in addition to a change in color for sidewalk intersections of driveways, this is not a requirement in all cases.

Parking:

No modifications to the minimum off-street parking requirements of the Dallas Development Code are requested with this application. A public school other than an open-enrollment charter school use is required to provide nine and one-half parking spaces for each senior high school classroom. The high school has 91 classrooms; therefore, 865 parking spaces are required. The proposed development plan indicates that the site will provide the required 865 parking spaces.

Landscaping and Screening:

The site will comply with Article X.

CPC Action:
May 4, 2017

Motion: It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses and public school other than an open-enrollment charter school use, subject to a development plan, traffic management plan, and revised conditions (as briefed) on property zoned an R-7.5(A) Single Family District on the southeast corner of South St. Augustine Drive and Grady Lane and the northeast corner of Crenshaw Drive and Old Seagoville Road.

Maker: Anglin
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Housewright, Schultz, Peadon*, Murphy, Ridley*, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 190
Replies: For: 3 Against: 1

Speakers: None

List of Officers

Dallas Independent School District

Board of Trustees

Dan Micciche

Edwin Flores

Audrey Pinkerton

Jaime Resendez

Dustin Marshall

Lew Blackburn

Joyce Foreman

Miguel Solis

Bernadette Nutall

Proposed PD Conditions

"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 South Saint Augustine Drive and Grady Lane. The size of PD _____ is approximately 31.53 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. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

(2) Exhibit ___B: traffic management plan.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P- ____.106. MAIN USES PERMITTED.

(a) Except as provided, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family 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 R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) A public school other than an open-enrollment charter school is permitted by right.

SEC. 51P-____.107. ACCESSORY USES.

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.

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, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Encroachments. Accessory athletic field structures may encroach into the required front yard up to 16 feet, as shown on the development plan.

(b) Height. For a public school other than an open-enrollment charter school, the maximum height is 38 feet.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a public school other than an open enrolment charter school, parking may be located in the required front yard along South St. Augustine Drive.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-_____.112. TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit ___B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2018. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each **even-numbered year**.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P- ____.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) For a public school other than open-enrollment charter school, at each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in color from that of vehicular ingress and egress driveways.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c) 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.

(d) Fencing in a required front yard surrounding a parking lot may not exceed six feet in height.

SEC. 51P-____.115. 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 city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Z167-226(JM)

Proposed Development Plan



Traffic Management Plan

April 24, 2017
PK# 2268-17.048
Z 167-226

TRAFFIC MANAGEMENT PLAN

Project:
DISD H. Grady Spruce High School
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
Dallas Independent School District

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



Pacheco Koch

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TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

February 23, 2017

Pacheco Koch

TRAFFIC MANAGEMENT PLAN
DISD H. Grady Spruce High School

Dallas, Texas

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Traffic Management Plan 4

Proposed Site Plan

Exhibit 1. Existing Conditions
Exhibit 2. Recommendations/Proposed Conditions

Appendix

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained on behalf of **Dallas Independent School District (DISD)**, to prepare a Traffic Management Plan (TMP) for the *H. Grady Spruce High School* (the "School") located at 9733 Old Seagoville Road in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking creation of a Planned Development District for the site from the City of Dallas (the "Approving Agency") to facilitate proposed site improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

Project Description

The site currently consists of an existing public high school. Current enrollment is summarized below in Table 1. The School is expected to accommodate an enrollment of approximately 2,065 students at full capacity. School starts at 9:15 AM and ends at 4:15 PM.

Table 1. Current Enrollment

LEVEL	STUDENTS ENROLLED
9th Grade	598
10th Grade	507
11th Grade	369
12th Grade	266
CURRENT TOTAL	1,740
PROJECTED TOTAL	2,065

*Enrollment data provided by DISD.

Access to the campus is provided on Old Seagoville Road and Crenshaw Drive, both local streets. Old Seagoville Road intersects with St. Augustine Drive (west of school) and Masters Drive (east of school), a community collector and a major arterial, respectively—both intersections are signalized. Crenshaw Drive is a private street and operates as one-way, northbound, during school hours. Land uses surrounding the site are predominately single-family residential with some multifamily and commercial uses in the vicinity.

A proposed site plan for the DISD H. Grady Spruce High School, provided by Baldwin Associates, is attached at the end of this report.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

Pacheco Koch was not involved with site selection, site design, or the current operations for this project. Pacheco Koch is not responsible for the *implementation* of the recommended TMP Strategies contained in this study.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "*TMP Objectives*"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibits. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions

generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

A graphical summary of existing conditions is depicted in **Exhibit 1**; graphical summaries of recommendations and proposed conditions are depicted in **Exhibit 2**. All assumptions, calculations, and other quantitative data are provided in the **Appendix**.

A summary of specific recommendations are provided below:

1. Enforce existing, on-street parking restrictions in residential areas (not fronting school property) during school traffic periods. [Intent: to minimize impact to neighborhood.]

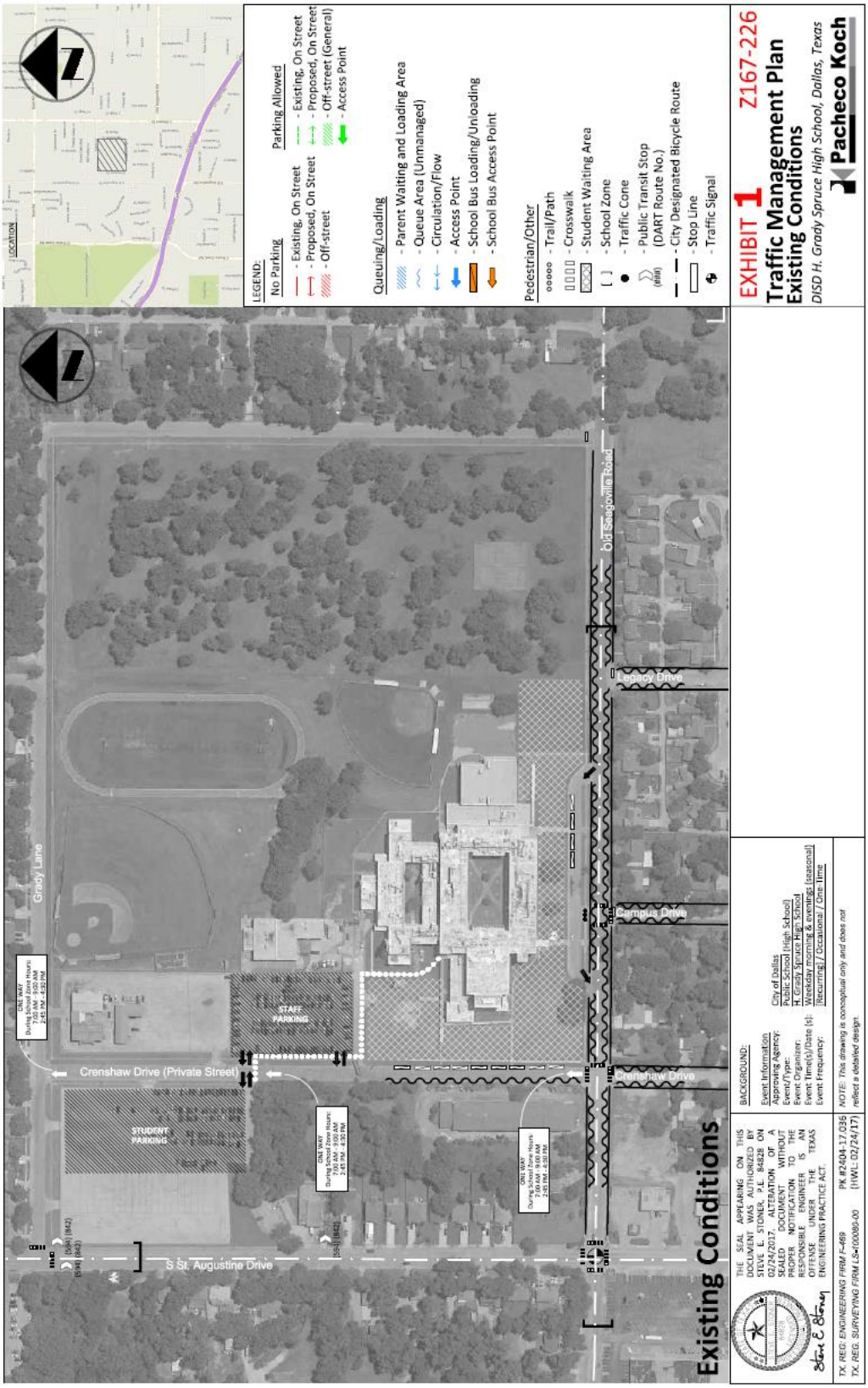
2. Allow short-term, on-street parking along school frontages during school traffic periods (i.e., adjust existing restrictions).

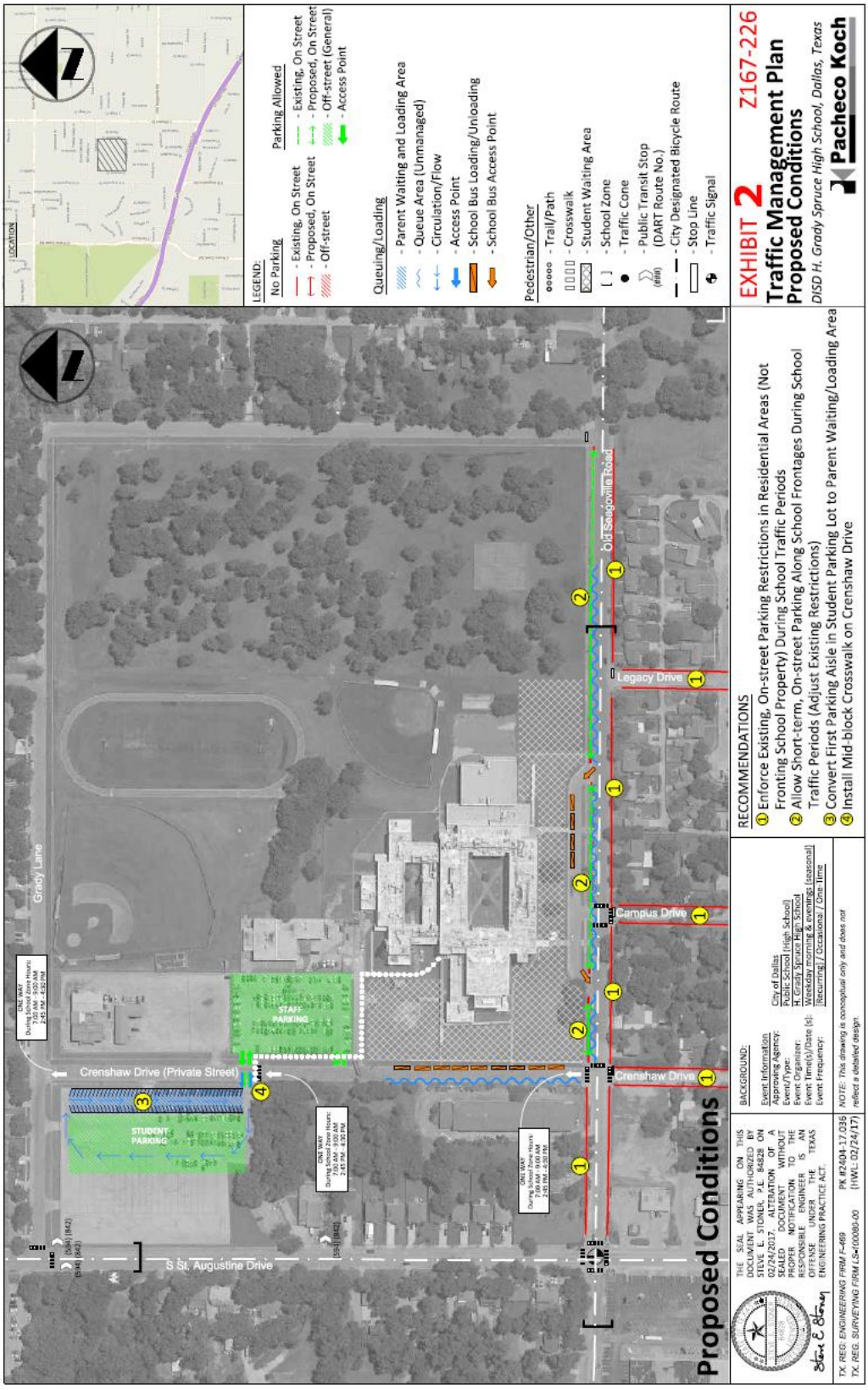
3. Convert the first parking aisle in the Student Parking Lot to parent waiting/loading area. Parking should be angled with one-way flow as illustrated in **Exhibit 2**. [Intent: To provide an off-street location for parents to stand/park during afternoon pick-up period in lieu of standing/parking in front of residences.]

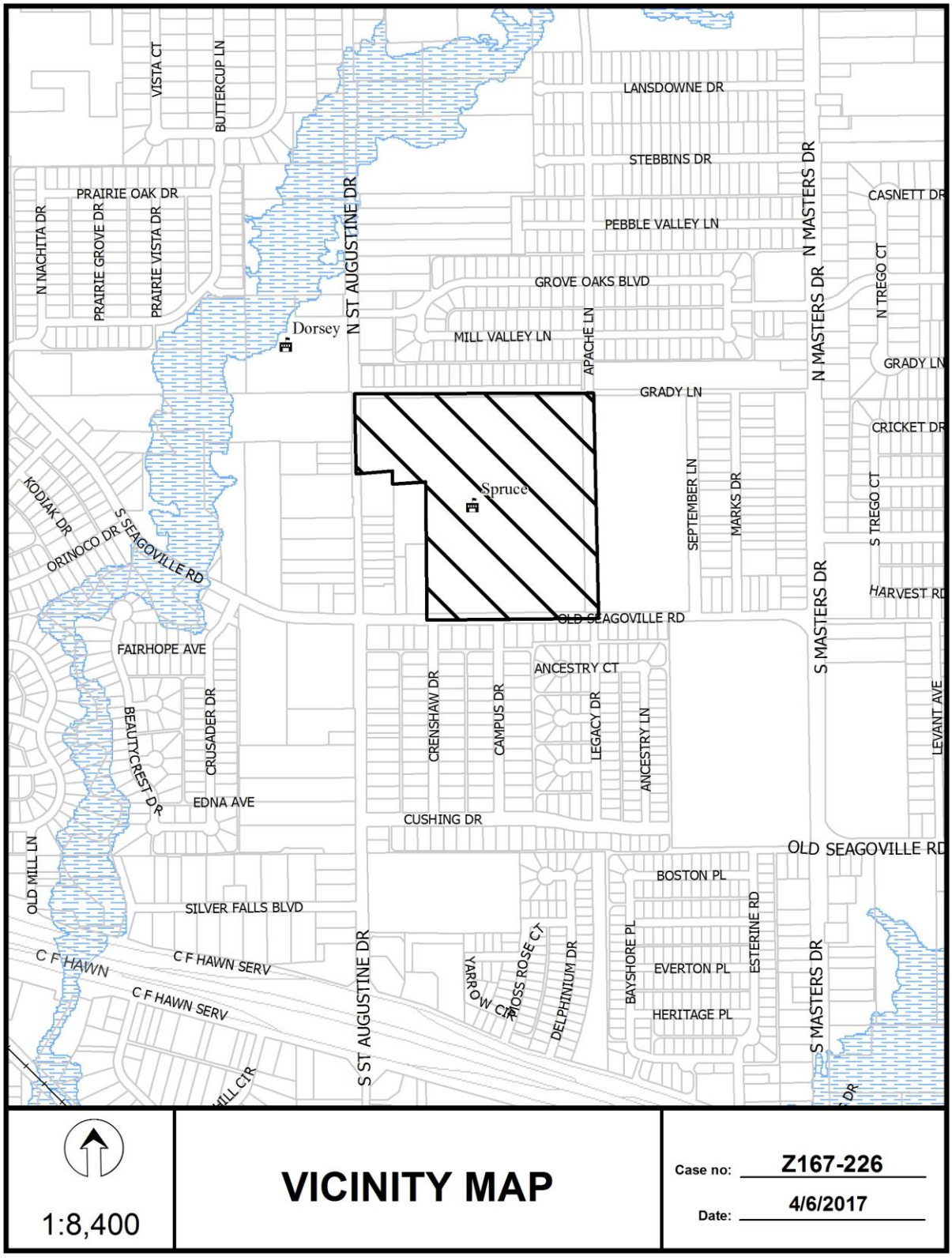
4. Install a mid-block crosswalk on Crenshaw Drive for students entering student lot.

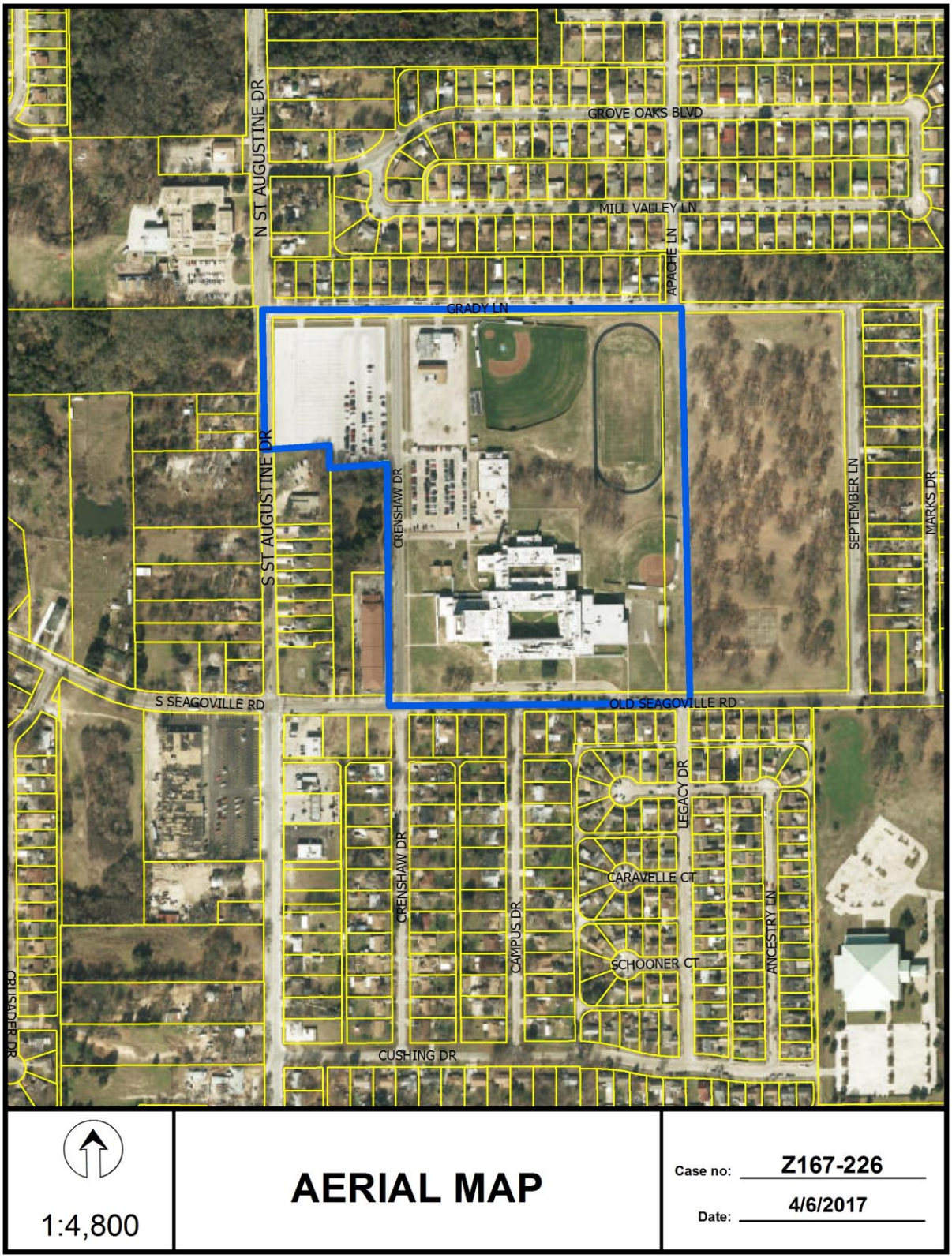
END OF MEMO

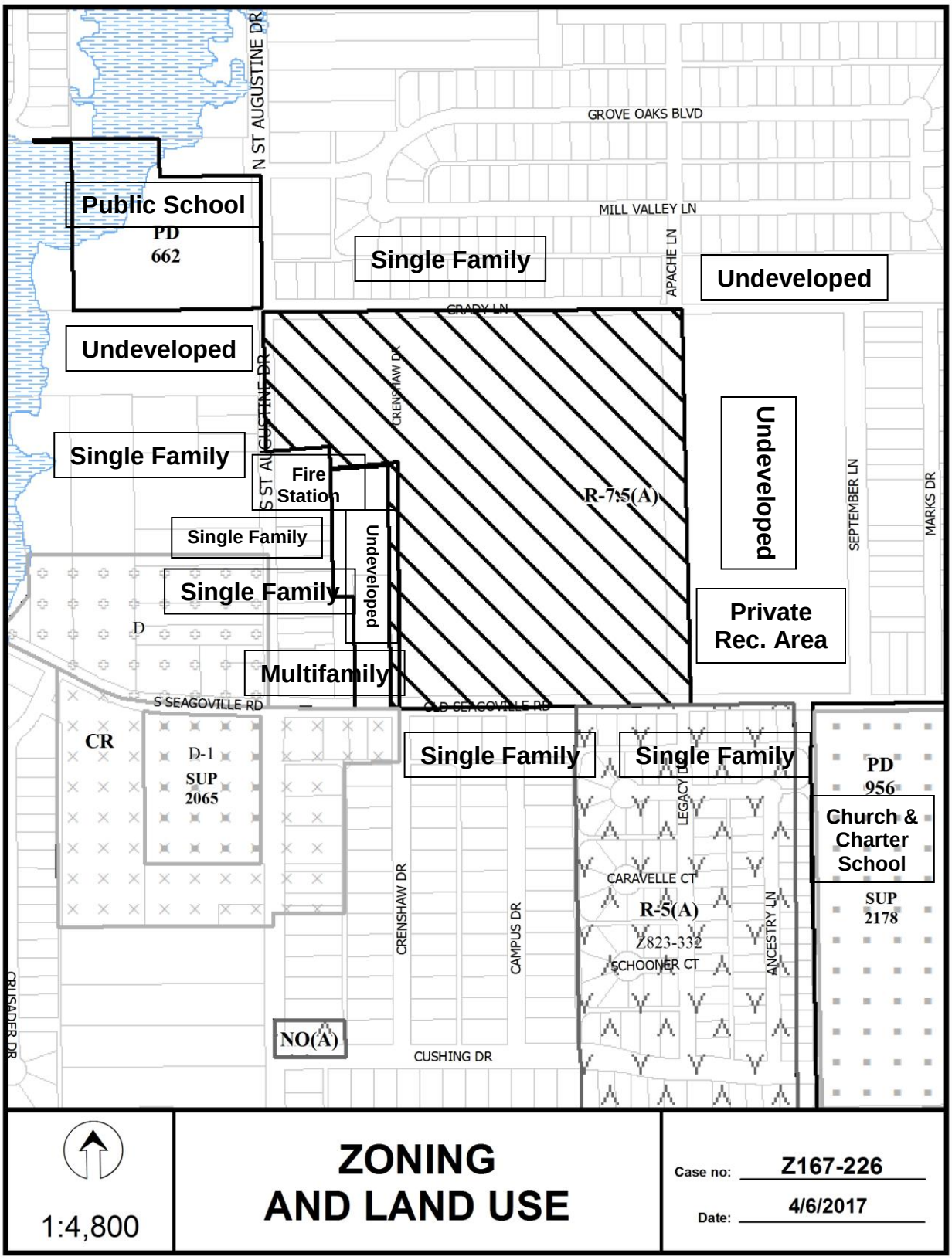

9733 OLD SEAGOVILLE ROAD
CITY OF DALLAS, TEXAS
Baldwin Associates
BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com
04/20/2017
SITE
VICINITY MAP
NTS
SITE DATA TABLE
ZONING DISTRICT | PD for public school
TOTAL SITE AREA | 31.543 ACRES
LAND USE | Public school
Grades 9-12
TOTAL FLOOR AREA | 290,000 SQ FT
PROVIDED
BUILDING STORIES/HEIGHT | 3 stories/ 38FT
LOT COVERAGE | 15%
SETBACKS | MIN.
FRONT SETBACK | 25 FT
SIDE SETBACK | 10 FT
REAR SETBACK | 15 FT
PARKING
HIGH SCHOOL CLASSROOMS (91)
9.5 PER CLASSROOM
TOTAL REQUIRED | 864.5
PROVIDED | 865
CASE #Z167-226
GRADY LANE
OLD SEAGOVILLE ROAD
CRENSHAW DRIVE (PRIVATE DRIVE)
ST. AUGUSTINE ROAD
FIELD HOUSE
STORM SHELTER (NEW ADDITION)
COURTYARD
SCHOOL BUILDING
ATHLETIC FIELD AREA
TRACK
25' FRONT YARD SETBACK
10' SIDE YARD SETBACK
60 0 30 60 120 240
1 DEVELOPMENT PLAN
SCALE: 1" = 60'-0"
NORTH

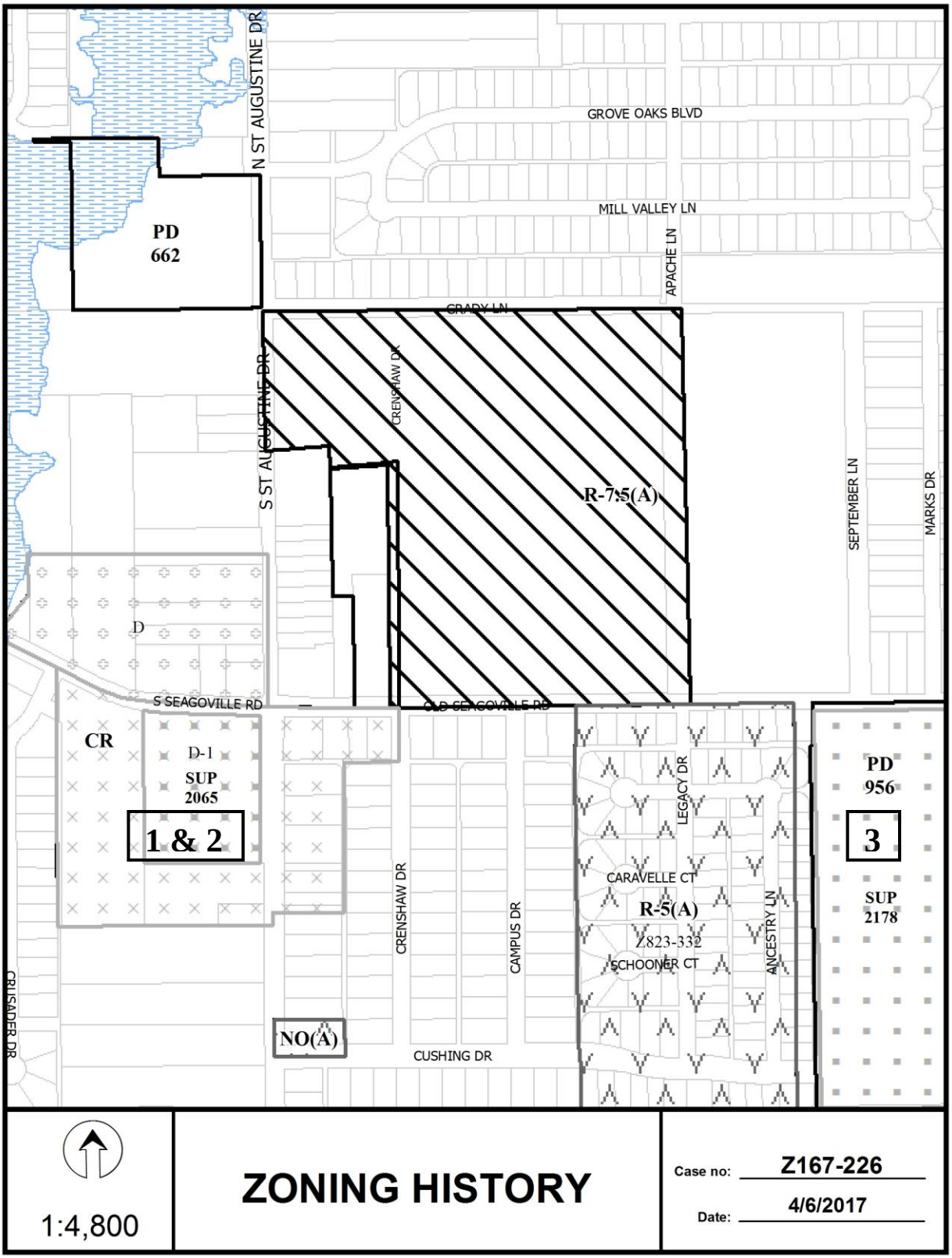

EXHIBIT 1
Z167-226
Traffic Management Plan
Existing Conditions
DISD H. Grady Spruce High School, Dallas, Texas
Pacheco Koch
LEGEND:
No Parking
- Existing, On Street
- Proposed, On Street
- Off-street
Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point
Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Traffic Cone
- Public Transit Stop (DART Route No.)
- City Designated Bicycle Route
- Stop Line
- Traffic Signal
LOCATION
Existing Conditions
BACKGROUND:
Event Information
Approving Agency:
Event/Type:
Event Organizer:
Event Time(s)/Date (s):
Event Frequency:
City of Dallas
Public School (High School)
H. Grady Spruce High School
Weekday morning & evenings (seasonal)
Recurring / Occasional / One Time
NOTE: This drawing is conceptual only and does not reflect a detailed design
Crenshaw Drive (Private Street)
Grady Lane
S St. Augustine Drive
Campus Drive
Crenshaw Drive
Big Stanley Drive
Big Stanley Drive
STAFF PARKING
STUDENT PARKING
ONE WAY
During School Zone Hours:
7:00 AM - 9:00 AM
2:45 PM - 4:45 PM


EXHIBIT 2
Z167-226
Traffic Management Plan
Proposed Conditions
DISD H. Grady Spruce High School, Dallas, Texas
Pacheco Koch
LOCATION
LEGEND:
No Parking
- Existing, On Street
- Proposed, On Street
- Off-street
Parking Allowed
- Existing, On Street
- Proposed, On Street
- Off-street (General)
- Access Point
Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Traffic Cone
- Public Transit Stop (DART Route No.)
- City Designated Bicycle Route
- Stop Line
- Traffic Signal
RECOMMENDATIONS
1 Enforce Existing, On-street Parking Restrictions in Residential Areas (Not Fronting School Property) During School Traffic Periods
2 Allow Short-term, On-street Parking Along School Frontages During School Traffic Periods (Adjust Existing Restrictions)
3 Convert First Parking Aisle in Student Parking Lot to Parent Waiting/Loading Area
4 Install Mid-block Crosswalk on Crenshaw Drive
BACKGROUND:
Event Information
Approving Agency: City of Dallas
Event/Type: Public School (High School)
Event Organizer: H. Grady Spruce High School
Event Time(s)/Date (s): Weekday morning & evenings (seasonal)
Event Frequency: Recurring / Occasional / One-Time
Proposed Conditions
Crenshaw Drive (Private Street)
S St. Augustine Drive
Grady Lane
Old Seagoville Road
Legacy Drive
Campus Drive
Crenshaw Drive
STUDENT PARKING
STAFF PARKING
ONE WAY
During School Zone Hours:
7:00 AM - 9:00 AM
2:45 PM - 4:45 PM
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY STEVE L. STOVALL, JR. #82834 ON 02/24/2017. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.
TX. REG. ENGINEERING FIRM F-469
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PK #24004-17.036
(HWL: 02/24/17)
NOTE: This drawing is conceptual only and does not reflect a detailed design

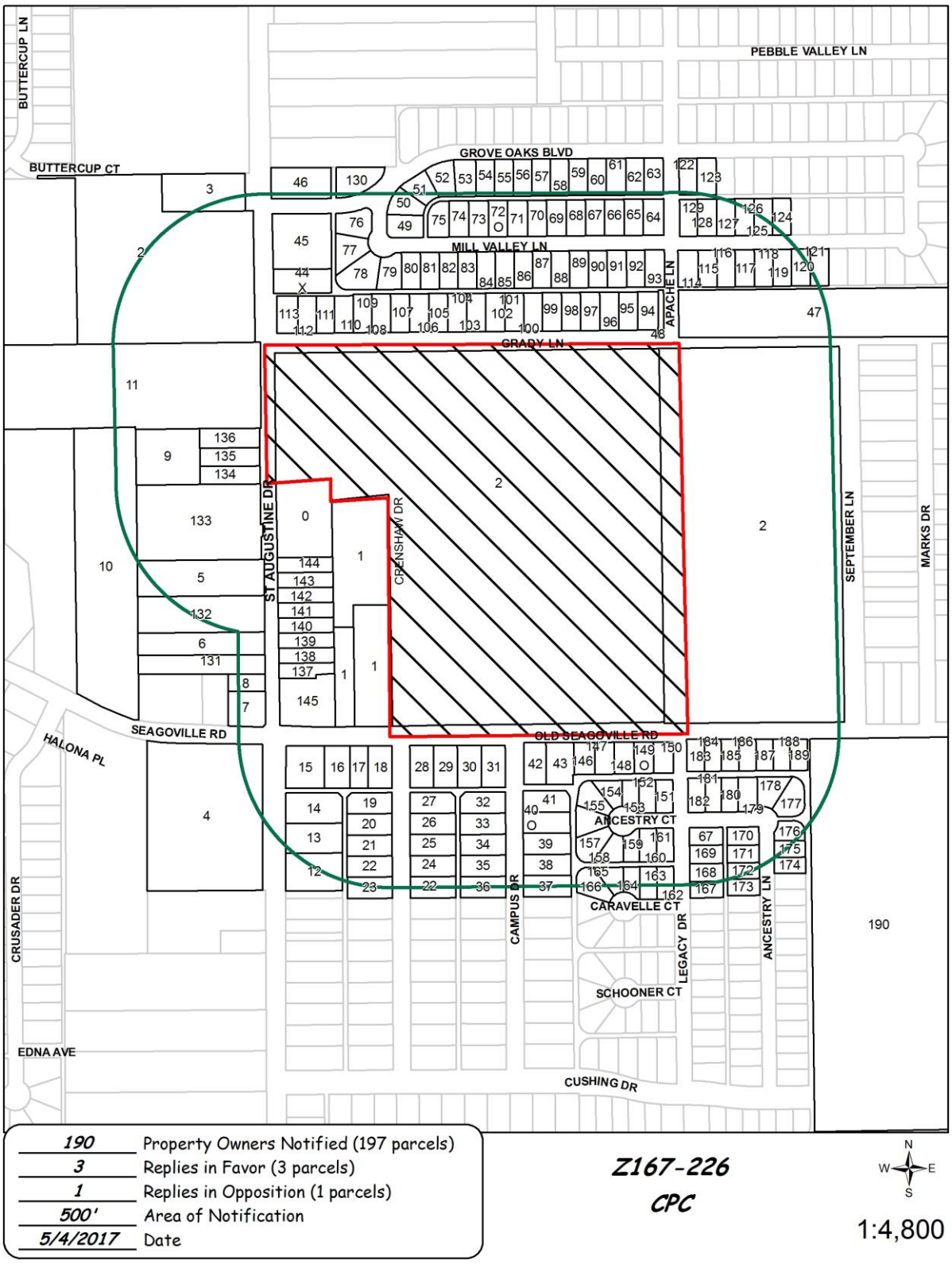

VISTA CT
BUTTERCUP LN
LANSDOWNE DR
STEBBINS DR
PRAIRIE OAK DR
N NACHITA DR
PRAIRIE GROVE DR
PRAIRIE VISTA DR
N ST AUGUSTINE DR
PEBBLE VALLEY LN
N MASTERS DR
CASNETT DR
N TREGO CT
GROVE OAKS BLVD
Dorsey
MILL VALLEY LN
APACHE LN
GRADY LN
CRICKET DR
Spruce
SEPTEMBER LN
MARKS DR
S TREGO CT
KODIAK DR
ORINOCO DR
S SEAGOVILLE RD
HARVEST RD
OLD SEAGOVILLE RD
S MASTERS DR
FAIRHOPE AVE
ANCESTRY CT
CRENSHAW DR
CAMPUS DR
LEGACY DR
ANCESTRY LN
LEVANT AVE
BEAUCREST DR
CRUSADER DR
EDNA AVE
CUSHING DR
OLD SEAGOVILLE RD
OLD MILL LN
BOSTON PL
SILVER FALLS BLVD
ESTERINE RD
C F HAWN
C F HAWN SERV
C F HAWN SERV
S ST AUGUSTINE DR
MORROW CIR
CROSS ROSE CT
DELPHINIUM DR
BAYSHORE PL
EVERTON PL
HERITAGE PL
S MASTERS DR
1:8,400
VICINITY MAP
Case no: Z167-226
Date: 4/6/2017


GROVE OAKS BLVD
N ST AUGUSTINE DR
MILL VALLEY LN
APACHE LN
GRADY LN
S ST AUGUSTINE DR
CRENSHAW DR
SEPTEMBER LN
MARKS DR
S SEAGOVILLE RD
OLD SEAGOVILLE RD
LEGACY DR
CRENSHAW DR
CARAVELLE CT
CAMPUS DR
SCHOONER CT
ANCESTRY LN
CRUSADER DR
CUSHING DR
1:4,800
AERIAL MAP
Case no: Z167-226
Date: 4/6/2017


N ST AUGUSTINE DR
GROVE OAKS BLVD
MILL VALLEY LN
APACHE LN
Public School
PD
662
Single Family
Undeveloped
GRADY LN
Undeveloped
CRENSHAW DR
S ST AUGUSTINE DR
Single Family
Fire Station
R-7.5(A)
Undeveloped
SEPTEMBER LN
MARKS DR
Single Family
Undeveloped
Single Family
Private Rec. Area
D
Multifamily
S SEAGOVILLE RD
OLD SEAGOVILLE RD
CR
D-1
SUP
2065
Single Family
Single Family
PD
956
LEGACY DR
Church & Charter School
CARAVELLE CT
R-5(A)
Z823-332
SCHOONER CT
SUP
2178
CRENSHAW DR
CAMPUS DR
ANCESTRY LN
CRUSADER DR
NO(A)
CUSHING DR
1:4,800
ZONING
AND LAND USE
Case no: Z167-226
Date: 4/6/2017


N ST AUGUSTINE DR
GROVE OAKS BLVD
MILL VALLEY LN
APACHE LN
PD 662
GRADY LN
CRENSHAW DR
S ST AUGUSTINE DR
R-7.5(A)
SEPTEMBER LN
MARKS DR
D
S SEAGOVILLE RD
OLD SEAGOVILLE RD
CR
D-1 SUP 2065
1 & 2
LEGACY DR
PD 956
3
CARAVELLE CT
R-5(A)
Z823-332
SCHOONER CT
ANCESTRY LN
SUP 2178
CRENSHAW DR
CAMPUS DR
CRUSADER DR
NO(A)
CUSHING DR
1:4,800
ZONING HISTORY
Case no: Z167-226
Date: 4/6/2017

CPC Responses



190	Property Owners Notified (197 parcels)
3	Replies in Favor (3 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
5/4/2017	Date

Z167-226
CPC

N
W E
S

1:4,800

05/03/2017

Reply List of Property Owners

Z167-226

190 Property Owners Notified ***3 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	9625	SEAGOVILLE RD	WOOD SHAUN D & JENNIFER L
	2	133	N ST AUGUSTINE DR	Dallas ISD
	3	149	N ST AUGUSTINE DR	ELAM CONGREGATION OF
	4	333	S ST AUGUSTINE DR	BALLAS VICTOR E
	5	201	S ST AUGUSTINE DR	REJINO JUAREZ
	6	201	S ST AUGUSTINE DR	SOUTH CENTRAL MTG INC
	7	237	S ST AUGUSTINE DR	PEREZ REFUCIO & MARIA
	8	233	S ST AUGUSTINE DR	SALAZAR JESUS MANUEL
	9	340	S SEAGOVILLE RD	SOUTH CENTRAL MORTGAGE INC
	10	316	S SEAGOVILLE RD	CHANG ROGER A
	11	115	S ST AUGUSTINE DR	ENGLISH MARC S
	12	332	S ST AUGUSTINE DR	MILLER W C TRUSTEE
	13	326	S ST AUGUSTINE DR	OPALACH THOMAS
	14	316	S ST AUGUSTINE DR	DANG TUAN N &
	15	300	S ST AUGUSTINE DR	PHAM VU T & THIEM PHAM
	16	9612	SEAGOVILLE RD	SARAVIA LAURA
	17	9618	SEAGOVILLE RD	MITCHELL DANIEL
	18	9622	SEAGOVILLE RD	HERNANDEZ VICTOR M
	19	315	CRENSHAW DR	AREVALO NORMA A
	20	319	CRENSHAW DR	LENTO BARBARA S
	21	325	CRENSHAW DR	PORTILLO REINA DE LAPAZ
	22	331	CRENSHAW DR	SERRATO ADELFA
	23	337	CRENSHAW DR	BENITES ANITA
	24	330	CRENSHAW DR	SOSA MARTINA
	25	324	CRENSHAW DR	SOSA JOSE J
	26	318	CRENSHAW DR	DELGADO LUIS & SONIA

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	27	314	CRENSHAW DR	CHAVEZ LUCIANO NAVA
	28	9706	SEAGOVILLE RD	COLLINS WILLIAM
	29	9710	SEAGOVILLE RD	PAZ ANTONIO
	30	9716	SEAGOVILLE RD	BURROWS GWENDOLYN ESTATE OF
	31	9720	SEAGOVILLE RD	DELGADO LUIS & SONIA
	32	317	CAMPUS DR	BLYTHE VALERIE
	33	321	CAMPUS DR	WEATHERSBEE NZINGA KHEMIU
	34	327	CAMPUS DR	SIMMONS BOBBY A & ETTA
	35	333	CAMPUS DR	RODRIGUEZ ROBERTO RODRIGUEZ &
	36	339	CAMPUS DR	NEGRETE AVELINA M
	37	338	CAMPUS DR	COOK LARITA ANN
	38	332	CAMPUS DR	REYESGARCIA JUANA TERESA &
	39	326	CAMPUS DR	SANDOVAL JOSE
O	40	320	CAMPUS DR	KASPOHL SANDRA C
	41	316	CAMPUS DR	ESPINOZA MARIA
	42	9804	SEAGOVILLE RD	NEMETH ERICH
	43	9810	SEAGOVILLE RD	MORENO RAMON &
X	44	128	N ST AUGUSTINE DR	SIMS JIMMY R & PATRICIA L
	45	134	N ST AUGUSTINE DR	LUNA SONIA IMELDA DE &
	46	150	N ST AUGUSTINE DR	CORNELL MARVIN ALLAN
	47	101	N MASTERS DR	SIBLEY CHILDREN'S TRUST
	48	9700	GRADY LN	SIBLEY CHILDREN'S TRUST
	49	9705	MILL VALLEY LN	OLIVA MARIA T
	50	9706	GROVE OAKS BLVD	BONNER CORNELIUS
	51	9714	GROVE OAKS BLVD	VAQUERA RUBEN
	52	9720	GROVE OAKS BLVD	MARQUEZ JAVIER
	53	9724	GROVE OAKS BLVD	CAMPOS JORGE A
	54	9730	GROVE OAKS BLVD	HURD TARA L
	55	9736	GROVE OAKS BLVD	DIAZ ALEJANDRINO
	56	9740	GROVE OAKS BLVD	MOSLEY JANICE RUTH
	57	9804	GROVE OAKS BLVD	OLIVA DIONICIO

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	58	9810	GROVE OAKS BLVD	RODRIGUEZ BENJAMIN
	59	9816	GROVE OAKS BLVD	STEWART GARY D & SONIA R
	60	9820	GROVE OAKS BLVD	CLARK D K
	61	9824	GROVE OAKS BLVD	JACKSON CONSTANCE ELAINE
	62	9830	GROVE OAKS BLVD	SANTIAGO ROGELIO
	63	9834	GROVE OAKS BLVD	GARCIA JESUS ESPARZA &
	64	9839	MILL VALLEY LN	MORENO DANNY &
	65	9835	MILL VALLEY LN	NUNEZ FIGUEROA EXAR M &
	66	9829	MILL VALLEY LN	TYNDALL JIMMIE
	67	9825	MILL VALLEY LN	MECCA APRIL INC
	68	9819	MILL VALLEY LN	THOMAS JAMES LEE &
	69	9815	MILL VALLEY LN	SCHILLER RICHARD K
	70	9809	MILL VALLEY LN	HALL IVERY JR
	71	9805	MILL VALLEY LN	GRIFFIN VERNELL
O	72	9747	MILL VALLEY LN	SILVA JUAN JOSE
	73	9741	MILL VALLEY LN	HERNANDEZ AGUSTIN EST OF
	74	9737	MILL VALLEY LN	KAUR DALJIT
	75	9729	MILL VALLEY LN	HALL TONJA A
	76	9706	MILL VALLEY LN	GOMEZ WILLIAM
	77	9710	MILL VALLEY LN	RAMIREZ RAUL SERGIO &
	78	9714	MILL VALLEY LN	WIGGINS CAROLYN
	79	9718	MILL VALLEY LN	GIPSON RAYMOND L
	80	9724	MILL VALLEY LN	PAUL ANNIE P
	81	9728	MILL VALLEY LN	CARR TOMMY L
	82	9734	MILL VALLEY LN	BROWN GRACE EST OF
	83	9738	MILL VALLEY LN	JP MORGAN MORTGAGE ACQUISITION CORP
	84	9742	MILL VALLEY LN	SCOTT SANDRA MARIE
	85	9748	MILL VALLEY LN	COLEMAN VERLON R
	86	9806	MILL VALLEY LN	TAYLOR CLOIS JAMES
	87	9810	MILL VALLEY LN	MATTHEWS ALLEN WAYNE
	88	9816	MILL VALLEY LN	BOWENS W B

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	89	9820	MILL VALLEY LN	MCDONALD THADDEUS A JR
	90	9826	MILL VALLEY LN	PORTUGAL JUAN & IMELDA
	91	9830	MILL VALLEY LN	RODEN RAYMOND W
	92	9836	MILL VALLEY LN	KELLEY R D
	93	9840	MILL VALLEY LN	ORTIZ VENTURA R &
	94	9841	GRADY LN	ESQUIVEL VICTOR
	95	9835	GRADY LN	TOVAR JOSE A &
	96	9829	GRADY LN	MENDOZA AIDA
	97	9823	GRADY LN	GONZALEZ ILICIA MAGALY
	98	9817	GRADY LN	FEGGETT SHAWN & TONYA
	99	9811	GRADY LN	LINARES GLORIA L &
	100	9805	GRADY LN	JOHNSON CECIL EARL &
	101	9741	GRADY LN	GONZALES JOSE RUBEN &
	102	9735	GRADY LN	LEIJA LUCIO & ROSALINDA
	103	9729	GRADY LN	AGUILAR MA DE LOURDES CHAVEZ
	104	9723	GRADY LN	CHITSEY DEBRA K TRUSTEE
	105	9717	GRADY LN	RAOUFPOUR SAADAT K
	106	9711	GRADY LN	MORALES PATRICIA &
	107	9705	GRADY LN	PARKER RANDY & CAROLYN J
	108	9635	GRADY LN	HARRELL EARNEST S
	109	9629	GRADY LN	ASCENT INVESTMENTS LLC
	110	9623	GRADY LN	AZA EMILIO &
	111	9617	GRADY LN	AZA EMILIO & MARIA R
	112	9611	GRADY LN	VALLE JOSE ROGELIO
	113	9605	GRADY LN	VALARTA CARLOS
	114	9906	MILL VALLEY LN	BLANDFORD GLADYS
	115	9912	MILL VALLEY LN	WILLIAMS AMOS L
	116	9918	MILL VALLEY LN	DURLEY BERLINE
	117	9924	MILL VALLEY LN	NICKERSON TAFT EARL JR
	118	9930	MILL VALLEY LN	CALDERON JOSE &
	119	9936	MILL VALLEY LN	DAWSON EUGENE

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	120	9942	MILL VALLEY LN	PERALES FLORENCIO V
	121	10006	MILL VALLEY LN	DURAN AURELIANO B SR
	122	9906	GROVE OAKS BLVD	MORENO DANNY &
	123	9912	GROVE OAKS BLVD	NINO MARIA JUANA
	124	9935	MILL VALLEY LN	ARNS INVESTMENTS LLC
	125	9929	MILL VALLEY LN	RODRIGUEZ FEDERICO &
	126	9923	MILL VALLEY LN	HART RUBY
	127	9917	MILL VALLEY LN	SMALL LEE J & BRENDA
	128	9911	MILL VALLEY LN	SANTIBANEZ RENE
	129	9905	MILL VALLEY LN	REZA MARIA &
	130	9619	GROVE OAKS BLVD	HARRIS CLIFFORD & TERESA
	131	229	S ST AUGUSTINE DR	PATINA EVERARDO &
	132	215	S ST AUGUSTINE DR	MARTINEZ GERARDO
	133	137	S ST AUGUSTINE DR	VALENCIA JULIA
	134	133	S ST AUGUSTINE DR	LOPEZ MARTIN & TERESA
	135	129	S ST AUGUSTINE DR	OVALLE MARTIN
	136	125	S ST AUGUSTINE DR	HERNANDEZ PRIMITIVO
	137	278	S ST AUGUSTINE DR	HERNANDEZ JUAN & MARTHA
	138	274	S ST AUGUSTINE DR	JIMENEZ PRISHNA
	139	270	S ST AUGUSTINE DR	RAMIREZ SERGIO
	140	266	S ST AUGUSTINE DR	SUAREZ HERMILO &
	141	262	S ST AUGUSTINE DR	MORENO CHRISTI &
	142	258	S ST AUGUSTINE DR	VELAZQUEZ WENDY
	143	254	S ST AUGUSTINE DR	PEREZ JOSE LUIS
	144	250	S ST AUGUSTINE DR	SANCHEZ JULIO &
	145	9615	SEAGOVILLE RD	INTELL LILY INVESTMENT LP
	146	9816	SEAGOVILLE RD	SESSION SHEILA
	147	9822	SEAGOVILLE RD	HERRERA RAY A
	148	9828	SEAGOVILLE RD	VAZQUEZ RAUL &
O	149	9834	SEAGOVILLE RD	HEATH DAVID ET AL
	150	9840	SEAGOVILLE RD	STURNS EARLINE

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	151	9823	ANCESTRY CT	HERNANDEZ TRACY D
	152	9819	ANCESTRY CT	FAZ ALEJANDRO & MA IRMA
	153	9815	ANCESTRY CT	HILL MILTON JR
	154	9809	ANCESTRY CT	ROSSUM LENORA & NATHANIEL
	155	9805	ANCESTRY CT	HERNANDEZ RICARDO & PAULA
	156	9806	ANCESTRY CT	GARCIA C JOSE
	157	9810	ANCESTRY CT	BUIRL JOYCE A &
	158	9814	ANCESTRY CT	BARNES BARBARA JEAN
	159	9818	ANCESTRY CT	MAYFIELD YOLAUDA
	160	9822	ANCESTRY CT	TORRES RAMIRO & MINERVA BANUELOS ARRELLANO
	161	9826	ANCESTRY CT	MEJIA FRANCISCO JAVIER &
	162	9823	CARAVELLE CT	WALKER SHEILA J
	163	9819	CARAVELLE CT	WILLIAMS GERALDINE
	164	9815	CARAVELLE CT	CUEVAS ROCIO
	165	9809	CARAVELLE CT	WOODS RAYE EVELYN
	166	9805	CARAVELLE CT	WOOD RICHARD JR LIFE EST
	167	334	LEGACY DR	HERNANDEZ MARTIN
	168	330	LEGACY DR	HURNDON GWENDOLYN C
	169	326	LEGACY DR	OLIVA JULIO & ERICA
	170	331	ANCESTRY LN	HEADWAY LLC
	171	335	ANCESTRY LN	SOSA VICTOR R
	172	339	ANCESTRY LN	COLEMAN ARTHUR
	173	343	ANCESTRY LN	MARTINEZ FEDERICO J &
	174	336	ANCESTRY LN	BAZAN FRANCISCO
	175	332	ANCESTRY LN	HERNANDEZ JOSE A &
	176	328	ANCESTRY LN	ROBERTS BARBARA JEAN
	177	324	ANCESTRY LN	HERNANDEZ SANJUANA &
	178	320	ANCESTRY LN	DELGADO LUIS & SONIA
	179	316	ANCESTRY LN	COLEMAN WANDA S &
	180	312	ANCESTRY LN	SANDOVAL FEDERICO &
	181	308	ANCESTRY LN	BUSTILLO JOSE ALFREDO &

05/03/2017

Reply	*Label #*	*Address*		*Owner*
	182	304	ANCESTRY LN	BRUNDAGE BRENDA JOHNSON
	183	9906	SEAGOVILLE RD	CARRANZA SABINO & BERTA
	184	9912	SEAGOVILLE RD	LUCERO ARTURO
	185	9918	SEAGOVILLE RD	OLVERA MIRNA ELVIA
	186	9924	SEAGOVILLE RD	GREEN DANIEL
	187	9930	SEAGOVILLE RD	CHACON NELSON
	188	9936	SEAGOVILLE RD	DIAZ ALICIA
	189	9942	SEAGOVILLE RD	MORENO JOSE &
	190	445	S MASTERS DR	A+ CHARTER SCHOOLS

AGENDA ITEM # 73

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 44 Q

SUBJECT

A public hearing to receive comments regarding a proposal to change the name of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue” and an ordinance granting the name change - NC167-001 - Financing: No cost consideration to the City

BACKGROUND

On October 13, 2016, City of Dallas accepted an application to change the name of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue”.

On November 8, 2016, notices of the proposed street name change were sent to the appropriate city departments and other affected entities, in accordance with Section 51A-9.305(a) of the Dallas Development Code.

On January 4, 2017, notices were sent to nine property owners notifying them of the hearing before the Subdivision Review Committee on January 19, 2017 for the proposed street name change. Notification signs were put up on January 4, 2017 notifying the community of the proposed street name change, in accordance with Section 51A-9.305(c).

On January 19, 2017, the Subdivision Review Committee voted unanimously to recommend approval of the proposed street name change of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue”.

On February 13, 2017, notices were sent for the City Plan Commission public hearing on March 16, 2017 to 9 property owners which abut the street notifying them of the proposed street name change, in accordance with Section 51A-9.306(b).

On March 16, 2017, the City Plan Commission voted unanimously to recommend approval of the proposed street name change of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue”.

BACKGROUND (continued)

On May 31, 2017, notices were sent for the City Council hearing on June 14, 2017 to nine property owners which abut the street, notifying them of the proposed street name change, in accordance with Section 51A-9.306(c).

New street blades are to be prepared and paid for by the applicant.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 19, 2017, the Subdivision Review Committee voted unanimously to recommend approval of the proposed street name change of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue”.

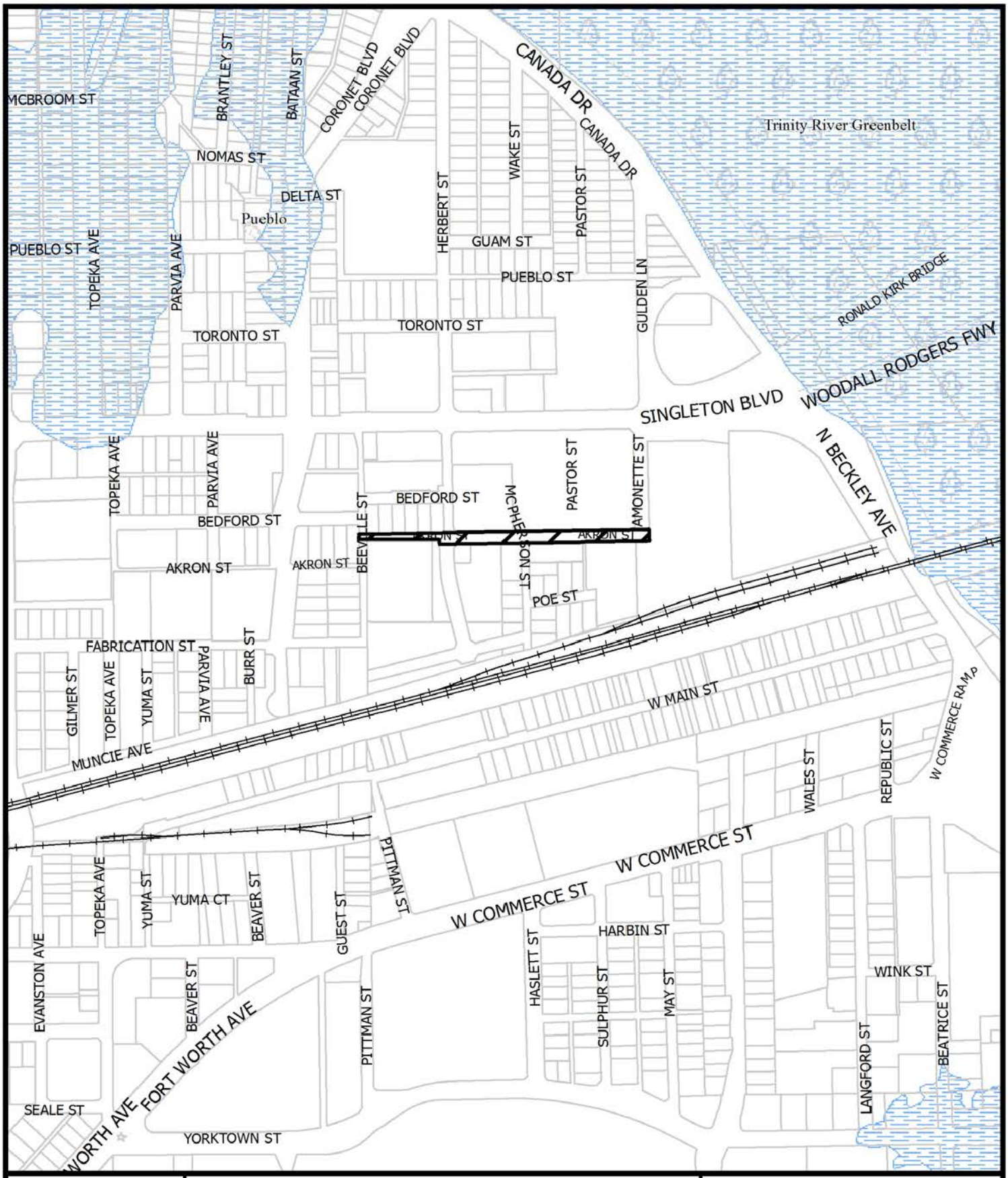
On March 16, 2017, the City Plan Commission voted unanimously to recommend approval of the proposed street name change of Akron Street, between Beeville Street and Amonette Street, to “Broadway Avenue”.

FISCAL INFORMATION

No cost consideration to the City; new street blades are to be prepared and for paid by the applicant.

MAP

Attached



1:6,000

VICINITY MAP

Case no: NC167-001

Date: 5/19/2017

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 Jim Reynolds Telephone 817-714-1763
Address 425 Bedford St.
Dallas Tx Zip 75212

Project Description

Existing Name: Akron St. 9/9/2016
Proposed Name: ~~Akron Ave~~ Broadway Ave
From: Antoinette To ~~Beeville~~ Beeville St.
Street Status: ○ Major ● Minor

Office Use

File No:
CPC HRG DATE:
Sent:
Fees RCVD:
Reply:
Map No:
Census Tract:
Council District:

Accepted By: Ada Maxwell 10/13/16 Date Accepted:

Statement (Reasons for Request)

The existing alignment of Akron runs east/west from Antoinette to Beeville, ties to the sixth approach lot. Then continues to Bataan. The new alignment for Akron does not tie at Beeville but extends to Bataan. The new alignment will cause two parallel streets to have the same name.

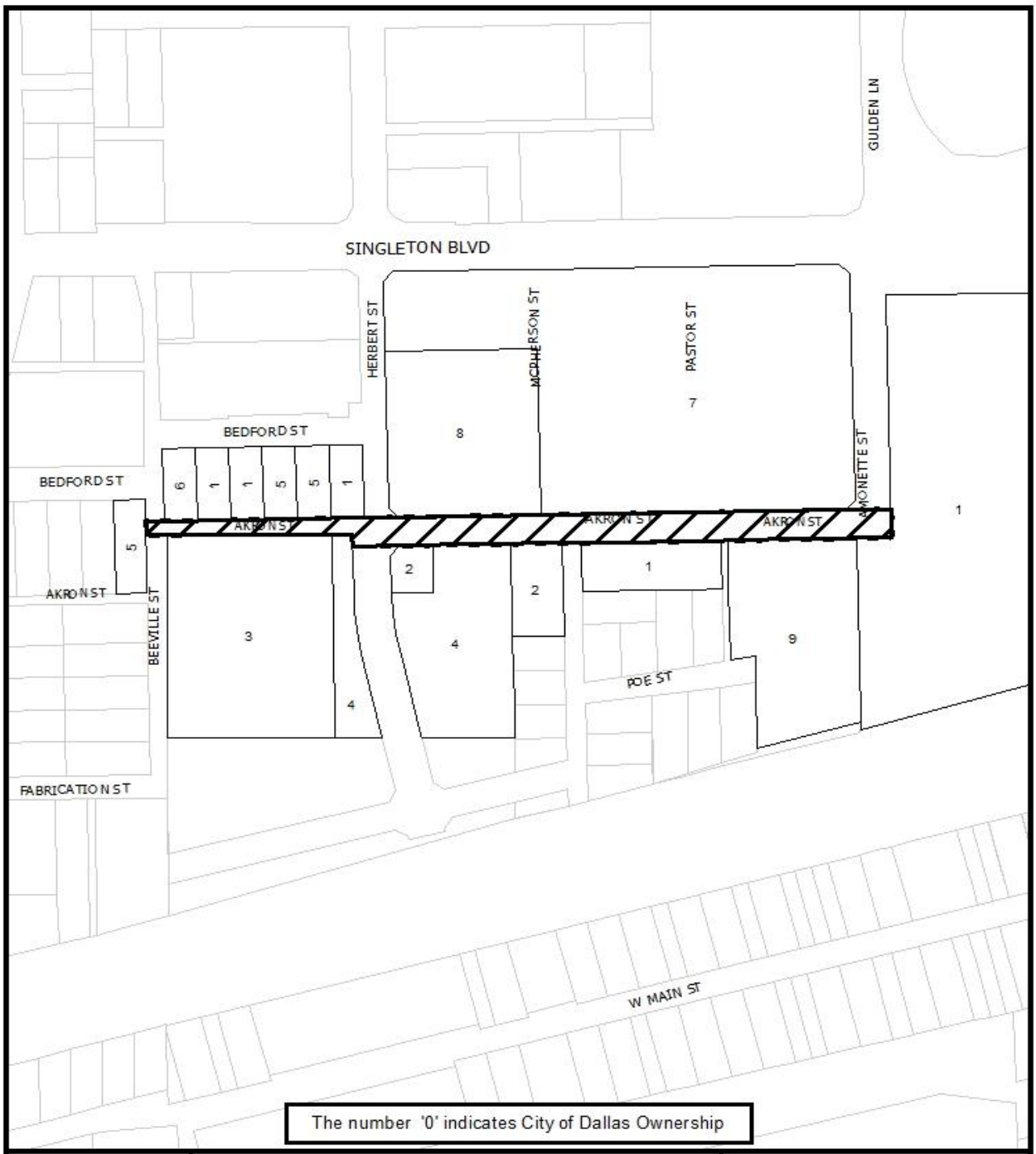
General Information

- ☑ 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 [signature] Date 8/3/16


GULDEN LN
SINGLETON BLVD
HERBERT ST
MCPHERSON ST
PASTOR ST
MONETTE ST
BEDFORD ST
BEDFORD ST
AKRON ST
AKRON ST
AKRON ST
AKRON ST
BEEVILLE ST
POE ST
FABRICATION ST
W MAIN ST
8
7
6
1
1
5
5
1
5
2
2
1
3
4
4
9
1
The number '0' indicates City of Dallas Ownership
1:2,400
NOTIFICATION
1'
AREA OF NOTIFICATION
0
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: NC167-001
Date: 10/21/2016

10/21/2016

Notification List of Property Owners

NC167-001

9 Property Owners Notified

Label #	*Address*		*Owner*
1	240	SINGLETON BLVD	WEST DALLAS INVESTMENTS LP
2	2731	MCPHERSON ST	WEST DALLAS INVESTMENTS LP
3	2712	BEEVILLE ST	WEST DALLAS INV LP
4	500	AKRON ST	WEST DALLAS INV
5	406	BEDFORD ST	WEST DALLAS INV L P
6	422	BEDFORD ST	WEST DALLAS INVESTMENTS L
7	320	SINGLETON BLVD	TRINITY GROVES RESIDENTIAL I LP
8	360	SINGLETON BLVD	WEST DALLAS INVESTMENTS LP
9	302	BEDFORD ST	WEST DALLAS INVESTMENTS LP

AGENDA ITEM # 74

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	June 14, 2017
COUNCIL DISTRICT(S):	4
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	55J

SUBJECT

A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed $2,082,956 - Financing: General Obligation Commercial Paper Funds ($1,615,151), Water Utilities Capital Construction Funds ($362,325), and Water Utilities Capital Improvement Funds ($105,480)

BACKGROUND

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue was included in the 2012 Bond Program as a Thoroughfare Project. On September 25, 2013, City Council authorized a professional services contract for the design of this project by Resolution No. 13-1731. This action will allow the public hearing to be held and will authorize the levying of assessments and contract for construction. The improvements will consist of a 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This is the third and final step in the process.

BACKGROUND (continued)

The following chart illustrates Jeske Construction Company's contractual activities with the City of Dallas for the past three years:

	MSS	DWU	PKR
Projects Completed	1	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	September 2017
Complete Construction	December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

On May 10, 2017, City Council authorized street paving, drainage, water and wastewater main improvements and a benefit assessment hearing by Resolution No. 17-0748.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - $216,315.83
2012 Bond Program (General Obligation Commercial Paper Funds) - $1,398,835.17
Water Utilities Capital Construction Funds - $362,325.00
Water Utilities Capital Improvement Funds - $105,480.00

Design	$ 170,732
Construction (this action)	
Paving & Drainage - MSS	$1,615,151
Water & Wastewater - WTR	$ 467,805
Total Project Cost	$2,253,688

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	20
African-American Female	0	African-American Male	4
Other Female	0	Other Male	0
White Female	1	White Male	5

BID INFORMATION

The following eight bids with quotes were received and opened on April 3, 2017.

*Denotes successful bidder

Bidders	**Bid Amount**
*Jeske Construction Company 2546 Merrell Road, Suite 106 Dallas, TX 75229	$2,082,956.00
Ed Bell	$2,549,810.70
MACVAL Associates, LLC	$2,593,993.00
Vescorp Construction, LLC	$2,641,246.47
Tiseo Paving Co.	$2,851,892.75
Camino Construction, LP	$3,044,590.00
Texas Standard Construction	$3,050,202.64
Rebcon, Inc.	$3,265,707.40

Original estimate:	MSS	$ 986,850
	WTR	$ 707,466
Total Project		$1,694,316

OWNER

Jeske Construction Company

Steve Jeske, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed $2,082,956 - Financing: General Obligation Commercial Paper Funds ($1,615,151), Water Utilities Capital Construction Funds ($362,325), and Water Utilities Capital Improvement Funds ($105,480)

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

	Amount	Percent
Total local contracts	$2,077,456.00	99.74%
Total non-local contracts	$5,500.00	0.26%
TOTAL CONTRACT	$2,082,956.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Logan Trucking	BMMB13960N0119	$50,000.00	2.41%
Flow Line Utilities	HMMB31596N0419	$468,330.00	22.54%
WOE Construction	WFWD51223N0518	$5,500.00	0.26%
Total Minority - Local		$523,830.00	25.21%

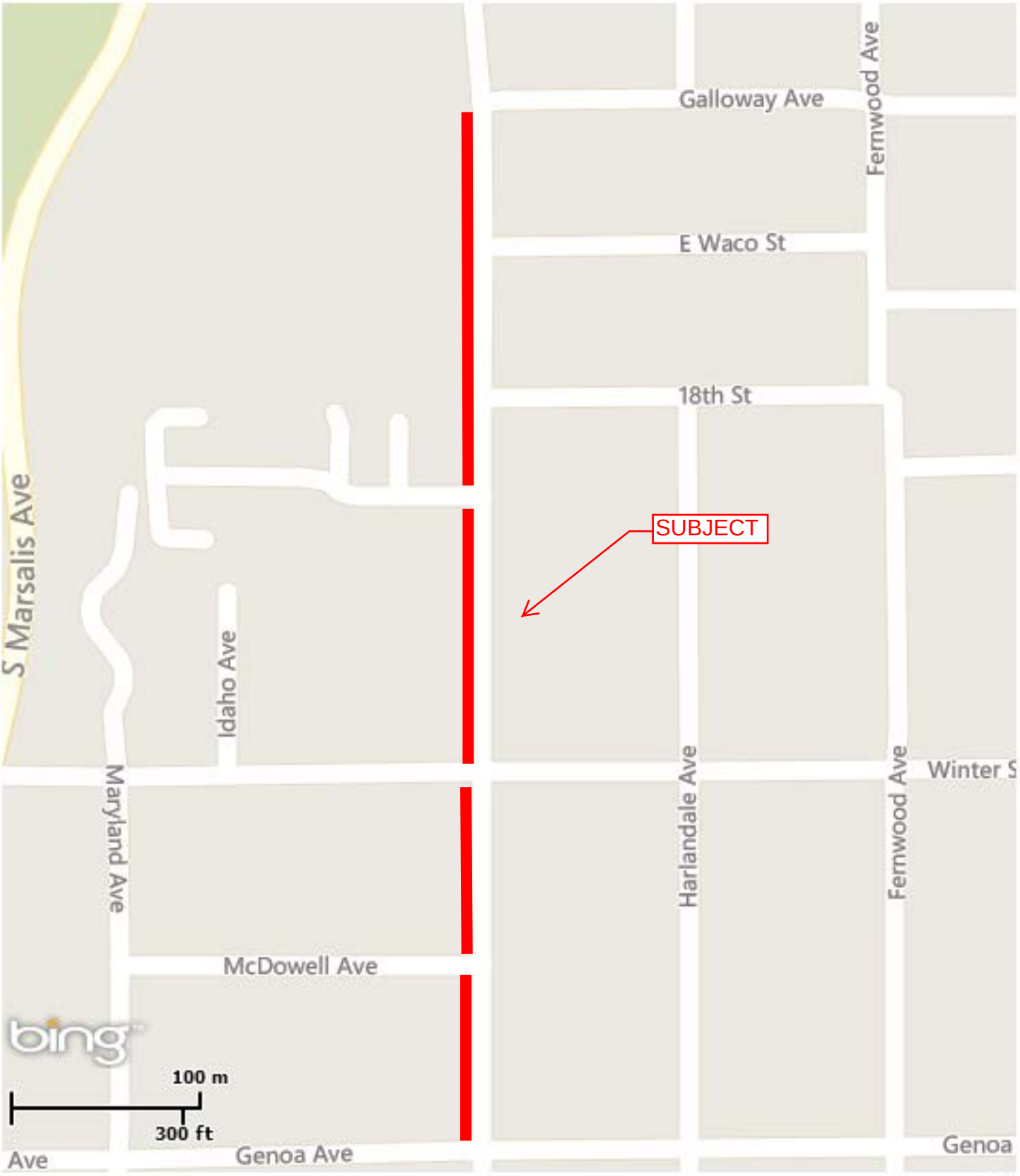
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Buyers Barricades	WFDB52135Y0617	$5,500.00	100.00%
Total Minority - Non-local		$5,500.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$50,000.00	2.41%	$50,000.00	2.40%
Hispanic American	$468,330.00	22.54%	$468,330.00	22.48%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$5,500.00	0.26%	$11,000.00	0.53%
Total	$523,830.00	25.21%	$529,330.00	25.41%

SOUTH EWING AVENUE - GENOA AVENUE TO GALLOWAY AVENUE



MAPSCO 55J

June 14, 2017

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue; and

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and

WHEREAS, the said hearing was duly held at said time and place; and

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by Con-Real Support Group LP, an independent appraiser, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

Now, Therefore,

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

SECTION 1. That the said hearing held on the 14th day of June A.D. 2017 be and the same is hereby ordered closed.

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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.

Enhancement Evaluation Study

Enhancement Evaluation Study Project Group Ewing Ave from Genoa Ave to Galloway Ave Report #17-07

Prepared for:
Mobility and Street Services Dept
Petition/Assessment Section
Lisa Williams
Oak Cliff Municipal Center
320 E. Jefferson Blvd, Room 307, Dallas, TX 75203



Con-Real, LP
Troy C. Alley Jr., MAI
8150 N. Central Expressway
Suite M1120
Dallas, Texas 75206

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Date of Inspection:	April 14, 2017
Effective Date of Study:	April 27, 2017
Date of Transmittal:	April 27, 2017
Subject Property:	Various Residential
Location:	**Street:** Ewing Ave from Genoa Ave to Galloway Avenue
Zoning Classifications:	Single Family Commercial Service District Multi-Family
Current Use:	Single Family Dwellings Commercial Service Multi-Family
Highest & Best Use:	Residential Uses, Commercial Service, Multi-Family
Flood Zone:	Based only on a cursory inspection, the properties appear to **not** be in a flood plain.
Purpose of Study:	The purpose of this study is to estimate the value of the enhancement, if any, to the properties in the defined enhancement study area based on the completion of the proposed street, sidewalk, and driveway improvements that affect the subject properties as of April 26, 2017
Function of Study:	The function of this enhancement study is to assist the City of Dallas in estimating a fair and reasonable amount of the actual costs of the street, sidewalk, and driveway improvements that the subject property owners should be levied based on the estimated market value enhancement to each property due to the proposed improvements by the City of Dallas
Scope of Study:	The scope of this study encompasses the inspection of the subject properties, neighborhood and comparable properties. Further, the analysis of the data is undertaken in order to support a conclusion of estimated value for the enhancement, if any, to the subject properties

PROPERTY ANALYSIS

The streets include Ewing Ave from Genoa Ave to Galloway Avenue in Dallas Texas and consists of 32 parcels. The properties located on the streets are similar in area size ranging from 930 to 84,238 square feet, majority are single family residences along with multi-family and commercial. They are located along South Ewing Avenue, which consists of two lanes.

PROPERTY HIGHLIGHTS

Description for Project:

Street: Ewing Ave from Genoa Ave to Galloway Avenue, Dallas County, Texas (Mapsco – **Dallas 55 J**).

Property Owners: Varied (see tables pages 26-33)

Street Group Including Streets: Ewing Ave from Genoa Ave to Galloway Avenue

Area Description: The area of Dallas; a mix of residential, special development, retail; Hwy 35-E, S Ewing Avenue, Interstate 45, E Illinois Ave, W Keist Blvd., Loop 12 are the major roadways

Area Boundaries: Hwy 35-E (North), Loop 12 (South), Hwy 35-E (West), and S Lancaster (East)

Neighborhood Description: The residential neighborhood with schools, churchs, and commercial businesses; level to rolling terrain

Property Values: $50,000-1,570,400

Demand/Supply: Stable

Neighborhood Land Use: 85% residential; 10% commercial, and 5% churches, schools, hospitals

Neighborhood Trend & Probable Changes: Neighborhood is stabilized

Factors Affecting the Neighborhood: No adverse factors noted

Zoning Classification of Project Area: Residences

Highest and Best Use: Residential

Utilities: All available

Pictures: The photos can be found on the following pages numbered as S1 & S2

PROPERTY CHALLENGES & SOLUTIONS

*Street: Ewing Ave from Genoa Ave to Galloway Avenue, Dallas, Dallas County, Tex*as

Driveways- various homeowners are without paved driveways and have to park on gravel. This effects the attractiveness of the property and overall neighborhood. There is a lack of consistency in the neighborhood's uniformed attractiveness.

- The proposed improvements are expected to increase the neighborhood curb appeal and may enhance the properties attractiveness.

Sidewalks- there is a lack of sidewalks within the neighborhood which is a possible safety hazard for residents and children within the community.

- The improvement of sidewalks in the area will provide a safe route to walk for pedestrians; especially, children. The sidewalks also increase the neighborhood's overall attractiveness.

SCOPE OF WORK

In preparing this study, we completed the research and analysis below:

- Conducted an inspection of the group of subject properties and the surrounding areas to determine the impact the improved driveways, sidewalks, curbs and gutters will have on the neighborhood

- Gathered and analyzed property, neighborhood, and community information pertaining to the group of subject properties

- Determined the approaches (Sales Approach and Assessment Valuation Method) which are deemed reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements

- Provided a recommendation for the proposed improvements

EVALUATION ANALYSIS

The improvements proposed by the City of Dallas are to include new concrete paving of the streets which includes concrete curbs and gutters, concrete sidewalks, concrete drives (approaches) where necessary. In the assessment prepared by the City of Dallas, the City calculated a Linear Foot, Square Foot or Square Yard price in order to estimate the actual cost for each property for the proposed improvements. A summary of the assessment values presented in the study are as follows:

The assessed value of the improvements was enhanced by a range between $20.52 to $133.57 per linear foot for the concrete paving, $5.17 to $10.35 per linear foot for the concrete sidewalks and $53.46 per square yard for the concrete drives. Properties that have existing sidewalks and drives are not being assessed for the new improvements that take the place of the current improvements. This is one method of estimating the value the improvements provide to the subject, however, there are other ways to analyze the value the sidewalk improvements enhances the property.

We have reviewed the study performed by the City of Dallas pertaining to the subject properties regarding assessments to the property owners for the construction of the sidewalk improvements. In addition to that study, we have tested two other approaches that we deem reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. They include the Sales Comparison Method and Assessment Valuation Method. The Assessment Valuation Method is utilized to determine a reasonable assessed rate for every property in regards to street improvements, sidewalks, and driveways.

SALES COMPARISON METHOD

This method involves comparing the sales prices of recent sales properties with & without existing curbs and gutters, drives, and sidewalks and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has existing curbs and gutters, drives, and sidewalks improvements over a property that does not have those improvements.

The subject's area was searched for recent sales of a variety of residential properties that were similar in size and location to the subject properties so that a comparative analysis of each type could be performed. This search provided very few sales of properties that did not have curbs and gutters, drives, and sidewalks due to the fact that most of the streets in the area do have these features. The subject properties employed in the analysis include both improved and unimproved streets, and while the structures and areas employed in this analysis may not be truly comparable to the properties involved with this project, they do provide a basis for comparison between the properties with curbs and gutters, drives, and sidewalks, and properties that don't have these features.

Adjustment grids for the following types of properties are located on the following pages:

1) **Residential Sales – Unimproved Street vs. Improved Streets**

   - Representing the Group of Streets: Ewing Ave from Genoa Ave to Galloway Avenue (32 parcels)

RESIDENTIAL PROPERTY "Representation Of Subject Property" (will be employed as the subject lot)



Mapsco:	55-L (DALLAS)
Location:	2107 Hulse Boulevard, Dallas, Texas
Grantor:	T Thu Pho
Grantee:	Adolfina Beiza & Mendoza Octavio
	January 24, 2017
Date of Sale:	201700025010
Recording Data:	Dallas
County:	1,040 SF
Size:	Rectangular
Shape:	Single Family
Zoning:	City Sewer, City Water
Utilities:	Basically Level
Topography:	$69,000
Consideration:	$66.35
Per SF:	Cash to Seller
Terms:	$69,000
Cash Equivalent Consideration:	$66.35
Per SF:	MLS/Deed Records
Source:	This site is located on a two-lane interior
Comments:	street which **is not** improved with curbs and gutters, drives, and sidewalks.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependent upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available

RESIDENTIAL SALE NO. 1 (Located 2.8 Southeast of Subject.)



Mapsco:	56-W (DALLAS)
Location:	4202 Cicero Street, Dallas, Texas
Grantor:	GSLS LLC
Grantee:	NA
Date of Sale:	March 7, 2017
Recording Data:	201300278674
County:	Dallas
Size:	1,052 SF
Shape:	Rectangular
Zoning:	Single Family
Utilities:	City Sewer, City Water
Topography:	Basically Level
Consideration:	$71,500
Per SF:	$67.97
Terms:	Cash to Seller
Cash Equivalent Consideration:	$71,500
Per SF:	$67.97
Source:	MLS/Deed Records
Comments:	This site is located on a two-lane interior street which is improved curbs and gutters, drives, and sidewalks.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

RESIDENTIAL SALE NO. 2 (Located 1.4 miles Southwest of subject)



Mapsco:	55-J (DALLAS)
Location:	1255 Whitaker Avenue, Dallas, Texas
Grantor:	Debra Williams
Grantee:	Noe Jose Ortega & Rivera Leticia Lopez
	April 5, 2017
Date of Sale:	201700096876
Recording Data:	Dallas
County:	1,170 SF
Size:	Basically Rectangular
Shape:	Single Family
Zoning:	City Sewer, City Water
Utilities:	Basically Level
Topography:	$79,900
Consideration:	$68.29
Per SF:	Cash to Seller
Terms:	$79,900
Cash Equivalent Consideration:	$68.29
Per SF:	MLS/Deed Records
Source:	This site is located on a two-lane interior
Comments:	street which is improved curbs and gutters, drives, and sidewalks.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependent upon information obtained from parties with knowledge of the transaction This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available

Residential Sales
Unimproved Street vs. Improved Streets

				
Location	**Representation of Subject Property** 2107 Hulse Boulevard Dallas, Texas	**Sale 1** 4202 Cicero Street, Dallas, Texas	**Sale 2** 1255 Whitaker Avenue, Dallas, Texas	**Sale 3** 2035 Fordham Road, Dallas, Texas
Sales Price/ Per Square Foot	$66.35	$67.97	$68.29	$72.61
Eff. Sale Price	$66.35	$67.97	$68.29	$72.61
Size/SF	1,040	1,052 -0-	1,170 -0-	1,088 -0-
Bedrooms	3	3 -0-	3 -0-	3 -0-
Driveways	No	Yes	Yes	Yes
Sidewalks	No	Yes	Yes	Yes
Curbs/Gutters	No	Yes	Yes	Yes
Location	Average	Similar	Similar	Superior -6%
Condition	Average	Similar	Similar	Similar
Percentage Adjustment		0%	0%	-6%
Net Adjustment		$0.00	$0.00	($4.36)
Adjusted Sale Price	$66.35	$67.97	$68.29	$68.25

The Representation of the (Subject's Property), at 2107 Hulse Boulevard is a 1,040 square foot property that **did not** have curbs and gutters, drives, and sidewalks and sold for $66.35 per square foot. The sales that **did** have curbs and gutters, drives, and sidewalks on their sites sold at prices ranging from $67.97 to $72.61 per square foot. The sales are located within a three-mile radius and each have similar locational characteristics in regards to surrounding developments, type of homes and assessed lot and dwelling values. Sales 1 and 2 are similar to the Representation of the Subject's Property. Sales 3 is superior to the Representation of Subject Property in regards to location and a downward adjustment was made since they are located closer to the hospital.

After making warranted adjustments to the sales comparables, a range of values of $67.97 to $68.29 per square foot was derived from Sale 1, 2, & 3. Based on the sales comparables in comparison to the subject property the variance between the subject property and comparables is less than 3%, which leads to the conclusion that there isn't a significant difference in pricing by not having improved curbs and gutters, drives, and sidewalks.

ASSESSMENT VALUATION PROCESS

The analyst acknowledges that the new street improvements will provide some enhancement to the overall value of the subject properties, but in most cases the improvements will not increase the value of the subject properties at the same rate the City is proposing to assess the property owners. As with all home improvements, the value of the enhancement is very rarely equal to or greater than the actual cost of the improvement. Samples of these types of improvements are: new roofs, replaced fencing, updating of flooring, kitchens, bathrooms, etc. Generally speaking, these type of repairs, renovations or enhancements cost more to replace/construct than they will ever return should the property be sold. A good example is the addition of a swimming pool. A typical swimming pool can cost $25,000 to install, but upon resale rarely yields $10,000 more than a similar property without a swimming pool. The same goes for a new roof. While a new roof may be a selling feature in trying to market the property, very rarely does the property owner ever realize a return on the sale of the property equal to the cost to install the new roof. The same is true with the proposed street improvements and accompanying sidewalks and drives. **Based on the market data gathered and examined by the analyst, it is my opinion that the market value of the subject properties will only experience a slight increase in value because of the proposed improvements.**

In an effort to be equitable to the property owners, given that all of the property owners will be paying their fair share, it is our opinion that the property owners will be assessed at a rate of 10% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters) because they front on Ewing Avenue the improved proposed roadway and will receive the full benefit of the improvement and its exposure.

However, there are several residential properties that are assessed at a rate of 3-5% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters). The assessed percentage used for residential properties is derived by implementing the lot ratios which takes into consideration side yard and frontage along the improvements. Several of these residential properties do not front on the main street of the improvement. Based on this analysis a 3-5% assessment percentage is reasonable. Although the properties are treated differently, all evaluations are based on a case by case basis that is influenced by location, property type, frontage, and potential improvements.

The property owners are assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements. The reason for the percentages of the construction costs for the concrete paving, sidewalks, and concrete drives, is that the improvements do not provide a dramatic increase to the overall property, but offer additional benefit for the property owners. Some of the properties in the project area already have sidewalks and drives. Those property owners should not be compelled to pay additional money for improvements that they already have in place. In some instances, particularly on the subject parcels with large tracts of land, 10% of the assessed land value is greater than the total estimated cost of the proposed improvements. This is due to the fact that these properties typically have a large amount of road frontage and benefit from greater exposure from the street, and in those instances the estimated cost of the improvements as proposed by the City of Dallas is the recommended amount.

The Tables on the following pages in the Addenda identifies each of the subject properties, the assessment process employed by the City of Dallas, and finally, my estimation of a fair and reasonable value for the assessment.

ASSESSMENT VALUATION PROCESS (TABLES)

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT/VALUE- LAND	RECOMMENDED ASSESSMENT
WEST SIDE OF STREET								
			J.T. OLIVER'S					
JOYCE ARCHULETA	Pt. Lt. 4	8/3750	130 FT PVMT	$20.52	$2,667.60			**$431.40**
743 GENOA AVENUE	80X140		120 FT WALK	No Cost	$0.00			**$0.00**
DALLAS, TX 75216			12.2 SY DR (10'Wide)	$53.46	$652.21		$431.40 (3% of lot value $14,380)	**$326.11**
						$3,319.81		**$757.51**
								*$326.11 rounded (50% of Driveway $652.21)
EWING AVENUE BAPTIST CH	Tr 2	8/3750	135 FT PVMT	$20.52	$2,770.20			**$504.00**
1323 S EWING AVENUE	80X140		117 FT WALK	$5.17	$604.89			**$302.45**
DALLAS, TX 75216	McDowell & Ewing V. 69181 P.1092 **742 McDowell St**		18 FT DRIVE	No Cost	$0.00		$504 (3% of lot value $16,800)	
						$3,375.09		**$806.45**
								*$302.45 rounded (50% of Sidewalk $604.89)
MCDOWELL ST INTERSECTS								
EWING AVENUE BAPTIST CH	Tr 1	8/3749	135 FT PVMT	$20.52	$2,770.20			**$431.40**
1323 S EWING AVENUE	80x140		135 FT WALK	$5.17	$697.95			**$348.98**
DALLAS, TX 75216	V.69181 P.1092 **743 McDowell St**						$431.40 (3% of lot value $14,380)	
						$3,468.15		**$780.38**
								*$348.98 rounded (50% of Sidewalk $697.95)

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
RUTH P CONQUEST	Being a	8/3749	135 FT PVMT	$20.52	$2,770.20			$431.40
2820 THOMAS AVENUE	Tract of Land		135 FT WALK	$5.17	$697.95			$348.98
DALLAS, TX 75204	80x140 out of							
	Lt 1, V. 5954 P.60						$431.40 (3% of lot value $14,380)	
	744							
	Winters St							
						$3,468.15		**$780.38**

*$348.98 rounded (50% of Sidewalk $697.95)

WINTERS ST INTERSECTS

SOLID ROCK FIRST BAPTIST CHURCH

SOLID ROCK FIRST	2B	1/3747	90 FT PVMT	$98.24	$8,841.60			$2,627.00
BAPTIST CHURCH	Acs 0.402		75 FT WALK	No Cost	$0.00			$0.00
1247 S. EWING AVE			18.9 SY DR(20'Wide)	$53.46	$1,010.39		$2,627 (10% of lot value $26,270)	$505.20
DALLAS, TX. 75216								
						$9,851.99		**$3,132.20**

*$505.20 rounded (50% of Driveway $1,010.39)

J. T. PIRANIO'S SUBDIVISION

DAVID EDWARDS	3 & 12.5'	1/3747	50 FT PVMT	$98.24	$4,912.00			$1,150.00
1239 S. EWING AVE	off the rear		40 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216	adjoining end of		9.4 SY DR(10'Wide)	$53.46	$502.52			$251.26
	Lt 10, Inst.#201300190710					**$5,414.52**		**$1,401.26**

*$251.26 rounded (50% of Driveway $502.52)

MARIA J LOREDO	4 &	1/3747	50 FT PVMT	$98.24	$4,912.00			$1,150.00
1235 S EWING AVE	50X27.5' Lt 9		40 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00			$0.00
						$4,912.00		**$1,150.00**

JUAN & FELIPA SALAS	5 & Pt Lt 8	1/3747	47 FT PVMT	$98.24	$4,617.28			$1,150.00
5502 BONITA AVENUE	**1231**		37 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75206	**S Ewing Ave**		10 FT DRIVE	No Cost	$0.00			$0.00
						$4,617.28		**$1,150.00**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
KRYSTLE CALDERON	6 & E.	1/3747	49 FT PVMT	$98.24	$4,813.76			$920.00
1203 S COCKRELL HILL RD	50X36 Lt 7		39 FT WALK	No Cost	$0.00		$920 (10% of lot value $9,200)	$0.00
DALLAS, TX 752116	1227		10 FT DRIVE	No Cost	$0.00			$0.00
	S Ewing Ave					$4,813.76		$920.00
			SPHINX AT REESE COURT					
SDC EWING COURT LP	1B	1/3747	320 FT PVMT	$133.57	$42,742.40			$31,174.00
3030 LBJ FWY STE 880	ACS 4.771		292 FT WALK	No Cost	$0.00		$31,174 (10% of lot value $311,740)	$0.00
DALLAS, TX 75234	1201		28 FT DRIVE	No Cost	$0.00			$0.00
	S Ewing Ave					$42,742.40		$31,174.00
GENERAL ASSEMBLY	2A	A/3443						
CHURCH OF THE LIVING GOD	1121						NO ASSESSMENT PAVEMENT IN PLACE	
1112 S EWING AVE	S Ewing Ave							
DALLAS, TX 75216								
JOSEPH GEORGE K ETAL	Pt Lts 1&2	A/3443						
PO BOX 4140	1107						NO ASSESSMENT PAVEMENT IN PLACE	
DALLAS, TX 75208	S Ewing Ave							
HOGG FRANK	N 66Ft Lt 1	A/3443						
% FRANKS AUTO CLINIC							NO ASSESSMENT PAVEMENT IN PLACE	
1101 S EWING AVE								
DALLAS, TX 75216								

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
EAST SIDE OF STREET								
C C BERRY JR & BILLIE J BERRY 616 REGALWOOD DRIVE DESOTO, TX 75115	1A.1 Acs 0.2537 **1102** **S Ewing Ave**	B/3380					**NO ASSESSMENT PAVEMENT IN PLACE**	
CHURCH OF THE LIVING GOD 616 REGALWOOD DR DESOTO, TX 75115	Pt Lt 1A Acs 0.0764 **1102** **S Ewing Ave**	B/3380					**NO ASSESSMENT PAVEMENT IN PLACE**	
CHURCH OF THE LIVING GOD 4119 ELK HORN TRL DALLAS, TX 75216	2A Acs 0.5085 **1112** **S Ewing Ave**	B/3380					**NO ASSESSMENT PAVEMENT IN PLACE**	
WACO AVE INTERSECTS								
GENERAL ASSEMBLY OF CHURCH OF THE LIVING GOD 1130 S EWING AVE DALLAS, TX 75216	Lts A-B&2 40531 SQFT	C/3381					**NO ASSESSMENT PAVEMENT IN PLACE**	
	MIDWAY HEIGHTS ADDITION							
EIGHTEENTH ST INTERSECTS								
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	1 **1202** **S Ewing Ave**	1/3444	49 FT PVMT 49 FT WALK	$98.24 $10.35	$4,813.76 $507.15	**$5,320.91**	$1,150 (10% of lot value $11,500)	**$1,150.00** **$253.58** **$1,403.58**

*$253.58 rounded (50% of Sidewalk $507.15)

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT/VALUE- LAND	RECOMMENDED ASSESSMENT
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	2 1204 S Ewing Ave	1/3444	45 FT PVMT 45 FT WALK	$98.24 $10.35	$4,420.80 $465.75	$4,886.55	$1,066 (10% of lot value $10,660)	$1,066.00 $232.88 $1,298.88
								*$232.88 rounded (50% of Sidewalk $465.75)
MAUDIE L JEFFERSON 3525 HAVANA ST DALLAS, TX 75215	3 1210 S Ewing Ave	1/3444	46 FT PVMT 46 FT WALK	$98.24 $10.35	$4,519.04 $476.10	$4,995.14	$1,150 (10% of lot value $11,500)	$1,150.00 $238.05 $1,388.05
								*$238.05 rounded (50% of Sidewalk $476.10)
			MIDWAY HEIGHTS ADDITION					
CAZARES CASAS LLC 3122 ROCKFORD DR DALLAS, TX 75211	4 1214 S Ewing Ave	1/3444	47 FT PVMT 47 FT WALK	$98.24 $10.35	$4,617.28 $486.45	$5,103.73	$1,150 (10% of lot value $11,500)	$1,150.00 $243.23 $1,393.23
								*$243.23 rounded (50% of Sidewalk $486.45)
DESOTO REAL ESTATE RESOURCE LLC 816 BRIDGEPORT DR DESOTO, TX 75115	5 1216 S Ewing Ave	1/3444	48 FT PVMT 48 FT WALK	$98.24 No Cost	$4,715.52 $0.00	$4,715.52	$500 (10% of lot value $5,000)	$500.00 $0.00 $500.00
JAMES T ROGER C/O DENNIS L WHITE 1620 STONEMAN ST DALLAS, TX 75215	6 1222 S Ewing Ave	1/3444	47 FT PVMT 47 FT WALK	$98.24 No Cost	$4,617.28 $0.00	$4,617.28	$1,150 (10% of lot value $11,500)	$1,150.00 $0.00 $1,150.00

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
JIMMIE L GASTON	7	1/3444	47 FT PVMT	$98.24	$4,617.28		$1,150 (10% of lot value $11,500)	$1,150.00
1117 S HIGH HILL PL APT A	1226		47 FT WALK	$10.35	$486.45			$243.23
DALLAS, TX 75203	S Ewing Ave					$5,103.73		$1,393.23
							*$243.23 rounded (50% of Sidewalk $486.45)	
WILLIAM L DAVIS	8 & N. 3'	1/3444	45 FT PVMT	$98.24	$4,420.80		$1,150 (10% of lot value $11,500)	$1,150.00
1230 S EWING AVE	Lt 9		23 FT WALK	No Cost	$0.00			$0.00
DALLAS, TX 75216			22 FT DRIVE	No Cost	$0.00			$0.00
						$4,420.80		$1,150.00
CRUSADE FOR CHRIST CH	S 50 Ft	1/3444	51 FT PVMT	$98.24	$5,010.24		$1,100 (10% of lot value $11,100)	$1,100.00
OF GOD IN CHRIST	Lt 9		27 FT WALK	No Cost	$0.00			$0.00
1234 S EWING AVE			21.6 SY DR(24'Wide)	$53.46	$1,154.74			$577.37
DALLAS, TX 75216						$6,164.98		$1,677.37
							*$577.37 rounded (50% of Driveway $1,154.74)	
CEDAR HAVEN-SAM C SUTTON'S								
CRUSADE FOR CHRIST CH	1/2 Lt 4	L1/3444	50 FT PVMT	$98.24	$4,912.00		$1,150 (10% of lot value $11,500)	$1,150.00
OF GOD IN CHRIST	1238		30 FT WALK	No Cost	$0.00			$0.00
1234 S EWING AVE	S Ewing Ave		16.2 SY DR(20'Wide)	$53.46	$866.05			$433.02
DALLAS, TX 75216						$5,778.05		$1,583.02
							*$433.02 rounded (50% of Driveway $866.05)	
JUAN ACOSTA &	1/2 Lt 5	L1/3444	110 FT PVMT	$20.52	$2,257.20		$345 (3% of lot value $11,500)	$345.00
LUIS ACOSTA			98 FT WALK	No Cost	$0.00			$0.00
803 WINTERS ST			12 FT DRIVE	No Cost	$0.00	$2,257.20		$0.00
DALLAS, TX 75216								$345.00

WINTERS ST INTERSECTS

CLARENCE W LONDON	6	M/3741	95 FT PVMT	$20.52	$1,949.40		$345 (3% of lot value $11,500)	$345.00
802 WINTERS ST			85 FT WALK	No Cost	$0.00			$0.00
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00			$0.00
						$1,949.40		$345.00

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
			GLENWOOD					
ROSIE J RICHARD	3	10/3741	49 FT PVMT	$98.24	$4,813.76			$1,150.00
1310 S EWING AVE			39 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			14.7 SY DR(10'Wide)	$53.46	$785.86			$392.93
						$5,599.62		$1,542.93
								*$392.93 rounded (50% of Driveway $785.86)
NICOL SHAED PROPERTIES	4	10/3741	50 FT PVMT	$98.24	$4,912.00			$1,150.00
LLC	1314		32 FT WALK	No Cost	$0.00			$0.00
2242 S STEMMONS FWY	S Ewing Ave		14.7 SY DR(18'Wide)	$53.46	$785.86		$1,150 (10% of lot value $11,500)	$392.93
STE 233								
DALLAS, TX 75247						$5,697.86		$1,542.93
								*$392.93 rounded (50% of Driveway $785.86)
ARTURO GONZALEZ	5	10/3741	49 FT PVMT	$98.24	$4,813.76			$500.00
1318 S EWING AVE	1318		31 FT WALK	No Cost	$0.00		$500 (10% of lot value $5,000)	$0.00
DALLAS, TX 75216	S Ewing Ave		17.5 SY DR(18'Wide)	$53.46	$935.55			$467.78
						$5,749.31		$967.78
								*$467.78 rounded (50% of Driveway $935.55)
			GLENWOOD					
CONSTANCIA B SANTINANEZ	6	10/3741	49 FT PVMT	$98.24	$4,813.76			$1,150.00
1322 S EWING AVE			39 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			12.2 SY DR(10'Wide)	$53.46	$652.21			$326.11
						$5,465.97		$1,476.11
								*$326.11 rounded (50% of Driveway $652.21)
LOUISE WILLIAMS	7	10/3741	50 FT PVMT	$98.24	$4,912.00			$1,150.00
1326 S EWING AVE			28 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			11.5 SY DR(22'Wide)	$53.46	$614.79			$307.40
						$5,526.79		$1,457.40
								*$307.40 rounded (50% of Driveway $614.79)

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
HELEN HOLLAND	8	10/3741	50 FT PVMT	$98.24	$4,912.00			$1,150.00
1330 S EWING AVE			40 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00			$0.00
						$4,912.00		$1,150.00
		GLENWOOD						
LAWRENCE WRIGHT	9	10/3741	48 FT PVMT	$98.24	$4,715.52			$1,150.00
1334 S EWING AVE			38 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00			$0.00
						$4,715.52		$1,150.00
FERNANDO BENITEZ &	10	10/3741	50 FT PVMT	$98.24	$4,912.00			$1,150.00
CARLINA BENITEZ	1338		32 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
1542 HARLANDALE	S Ewing Ave		18 FT DRIVE	No Cost	$0.00			$0.00
DALLAS, TX 75216						$4,912.00		$1,150.00
JUAN NINO	11	10/3741	49 FT PVMT	$98.24	$4,813.76			$1,150.00
1342 S EWING AVE			39 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00			$0.00
						$4,813.76		$1,150.00
EST OF KELLY DAVIS	12	10/3741	54 FT PVMT	$98.24	$5,304.96			$1,150.00
3422 CEDARDALE DR	1346		54 FT WALK	No Cost	$0.00		$1,150 (10% of lot value $11,500)	$0.00
DALLAS, TX 75241	S Ewing Ave							$0.00
						$5,304.96		$1,150.00

RECOMMENDATION:

The Sales Comparison Method was conducted for the Street Group of properties. The Street Group showed a comparison between residential properties with and without curbs and gutters, sidewalks, or driveways.

The Project Group: Ewing Ave from Genoa Ave to Galloway Avenue which encumbers 32 parcels, were represented within the Sales Comparison Method by a similar improved residential property "2107 Hulse Boulevard, Dallas, Texas" which shared similar features as the group. Recent improved residential properties without improved driveways, sidewalks, and curbs/gutters were able to be obtain to show a similar comparison.

The Street Group comparison method concluded that there isn't a significant increase in sales price for properties with curbs/gutters, driveways, and sidewalks when compared to sales of similar type of properties that did not possess those features. That does not necessarily mean that a property is not more marketable or attractive to a potential purchaser, it only means that based on the data we were able to gather and verify, we could not positively prove that a difference existed in the marketplace.

However, the lack of concrete street improvements, sidewalks and drives, will not affect the desirability of the property within the real estate market. While it is true that the property owners will receive a nominal benefit from having a new concrete street improvement, sidewalks and drives, the benefit received from these new items will only provide a minimal amount of enhanced value to the properties when compared to the largest portion of the value of the lot. As such, it is our contention that the subject properties will increase in value from the street and sidewalk improvements proposed by the City of Dallas, but not by the actual cost of the improvements. It is our opinion that the property owners should be assessed at a rate of 10% or 3-5% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters), and the property owners be assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements.

CERTIFICATE

We do hereby certify that, except as otherwise noted in this report:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, unbiased professional analyses, opinions and conclusions.

3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.

4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report. This assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.

5. Ownership and site data was obtained from information appearing on the Tax Rolls and from data provided by the client.

6. Troy Alley, Jr. has made a personal inspection of the property which is the subject of this report. Kristen Alley has also made a personal inspection of the property.

7. Kristen Alley provided significant professional assistance to the person signing this report.

8. The analyst(s) is not an employee, officer or appointed board or commission member of the City of Dallas. We did not consider race, color, religion, sex, national origin, handicap or familial status in determining the value of the Subject Property.

9. **THIS IS NOT AN OPINION OF VALUE, IT IS A ENHANCEMENT STUDY AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon our work, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

Con-Real, LP

Troy C. Alley, Jr.
Sr. Analyst

Kristen Alley
Analyst

ORDINANCE NO._____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

by filling, raising, grading, and paving same; and

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Mobility and Street Services (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 10th day of May, 2017; and

WHEREAS, in accordance with the terms of the law, the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 14th day of June, 2017; and the City also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 14th day of June, 2017 at 1:00 O'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 14th day of June, 2017, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed. The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET			***J.T. OLIVER'S***			
JOYCE ARCHULETA	Pt. Lt. 4	8/3750	130 FT PVMT	$20.52	$2,667.60	
743 GENOA AVENUE	80X140		120 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			12.2 SY DR (10'Wide)	$53.46	$652.21	
			Total		$3,319.81	
			Adj. Per Enhancement Eval.		$2,562.30	
			Net Due By Owner			**$757.51**
EWING AVENUE BAPTIST CH	Tr 2	8/3750	135 FT PVMT	$20.52	$2,770.20	
1323 S EWING AVENUE	80X140		117 FT WALK	$5.17	$604.89	
DALLAS, TX 75216	McDowell		18 FT DRIVE	No Cost	$0.00	
	& Ewing		**Total**		$3,375.09	
	V. 69181		**Adj. Per Enhancement Eval.**		$2,568.64	
	P.1092		**Net Due By Owner**			**$806.45**
	742					
	McDowell St					
MCDOWELL ST INTERSECTS						
EWING AVENUE BAPTIST CH	Tr 1	8/3749	135 FT PVMT	$20.52	$2,770.20	
1323 S EWING AVENUE	80x140		135 FT WALK	$5.17	$697.95	
DALLAS, TX 75216	V.69181		**Total**		$3,468.15	
	P.1092		**Adj. Per Enhancement Eval.**		$2,687.77	
	743		**Net Due By Owner**			**$780.38**
	McDowell St					
RUTH P CONQUEST	Being a	8/3749	135 FT PVMT	$20.52	$2,770.20	
2820 THOMAS AVENUE	Tract of Land		135 FT WALK	$5.17	$697.95	
DALLAS, TX 75204	80x140 out of		**Total**		$3,468.15	
	Lt 1, V. 5954 P.60		**Adj. Per Enhancement Eval.**		$2,687.77	
	744		**Net Due By Owner**			**$780.38**
	Winters St					

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WINTERS ST INTERSECTS							
			SOLID ROCK FIRST BAPTIST CHURCH				
SOLID ROCK FIRST	2B	1/3747	90	FT PVMT	$98.24	$8,841.60	
BAPTIST CHURCH	Acs 0.402		75	FT WALK	No Cost	$0.00	
1247 S. EWING AVE			18.9	SY DR(20'Wide)	$53.46	$1,010.39	
DALLAS, TX 75216			**Total**			$9,851.99	
			Adj. Per Enhancement Eval.			$6,719.79	
			Net Due By Owner				**$3,132.20**
			J. T. PIRANIO'S SUBDIVISION				
DAVID EDWARDS	3 & 12.5'	1/3747	50	FT PVMT	$98.24	$4,912.00	
1239 S. EWING AVE	off the rear		40	FT WALK	No Cost	$0.00	
DALLAS, TX 75216	adjoining end of		9.4	SY DR(10'Wide)	$53.46	$502.52	
	Lt 10, Inst.#20130019071O			**Total**		$5,414.52	
			Adj. Per Enhancement Eval.			$4,013.26	
			Net Due By Owner				**$1,401.26**
MARIA J LOREDO	4 &	1/3747	50	FT PVMT	$98.24	$4,912.00	
1235 S EWING AVE	50X27.5' Lt 9		40	FT WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT DRIVE	No Cost	$0.00	
			Total			$4,912.00	
			Adj. Per Enhancement Eval.			$3,762.00	
			Net Due By Owner				**$1,150.00**
JUAN & FELIPA SALAS	5 & Pt Lt 8	1/3747	47	FT PVMT	$98.24	$4,617.28	
5502 BONITA AVENUE	**1231**		37	FT WALK	No Cost	$0.00	
DALLAS, TX 75206	**S Ewing Ave**		10	FT DRIVE	No Cost	$0.00	
			Total			$4,617.28	
			Adj. Per Enhancement Eval.			$3,467.28	
			Net Due By Owner				**$1,150.00**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
			PIRANIO'S SUBDIVISION				
KRYSTLE CALDERON	6 & E.	1/3747	49	FT PVMT	$98.24	$4,813.76	
1203 S COCKRELL HILL RD	50X36 Lt 7		39	FT WALK	No Cost	$0.00	
DALLAS, TX 75216	**1227**		10	FT DRIVE	No Cost	$0.00	
	S Ewing Ave		**Total**			$4,813.76	
			Adj. Per Enhancement Eval.			$3,893.76	
			Net Due By Owner				**$920.00**
			SPHINX AT REESE COURT				
SDC EWING COURT LP	1B	1/3747	320	FT PVMT	$133.57	$42,742.40	
3030 LBJ FWY STE 880	ACS 4.771		292	FT WALK	No Cost	$0.00	
DALLAS, TX 75234	**1201**		28	FT DRIVE	No Cost	$0.00	
	S Ewing Ave		**Total**			$42,742.40	
			Adj. Per Enhancement Eval.			$11,568.40	
			Net Due By Owner				**$31,174.00**
GENERAL ASSEMBLY	2A	A/3443	NO ASSESSMENT				
CHURCH OF THE LIVING GOD	**1121**		PAVEMENT IN PLACE				
1112 S EWING AVE	**S Ewing Ave**						
DALLAS, TX 75216							
JOSEPH GEORGE K ETAL	Pt Lts 1&2	A/3443	NO ASSESSMENT				
PO BOX 4140	**1107**		PAVEMENT IN PLACE				
DALLAS, TX 75208	**S Ewing Ave**						
HOGG FRANK	N 66Ft Lt 1	A/3443	NO ASSESSMENT				
% FRANKS AUTO CLINIC			PAVEMENT IN PLACE				
1101 S EWING AVE							
DALLAS, TX 75216							
EAST SIDE OF STREET							
C C BERRY JR &	1A.1	B/3380					
BILLIE J BERRY	Acs 0.2537		NO ASSESSMENT				
616 REGALWOOD DRIVE	**1102**		PAVEMENT IN PLACE				
DESOTO, TX 75115	**S Ewing Ave**						

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S) BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
CHURCH OF THE LIVING GOD 616 REGALWOOD DR DESOTO, TX 75115	Pt Lt 1A B/3380 Acs 0.0764 **1102** **S Ewing Ave**	NO ASSESSMENT PAVEMENT IN PLACE			
CHURCH OF THE LIVING GOD 4119 ELK HORN TRL DALLAS, TX 75216	2A B/3380 Acs 0.5085 **1112** **S Ewing Ave**	NO ASSESSMENT PAVEMENT IN PLACE			
WACO AVE INTERSECTS					
GENERAL ASSEMBLY OF CHURCH OF THE LIVING GOD 1130 S EWING AVE DALLAS, TX 75216	Lts A-B&2 C/3381 40531 SQFT	NO ASSESSMENT PAVEMENT IN PLACE			
	MIDWAY HEIGHTS ADDITION				
EIGHTEENTH ST INTERSECTS					
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	1 1/3444 **1202** **S Ewing Ave**	49 FT PVMT 49 FT WALK **Total** **Adj. Per Enhancement Eval.** **Net Due By Owner**	$98.24 $10.35	$4,813.76 $507.15 $5,320.91 $3,917.33	**$1,403.58**
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	2 1/3444 **1204** **S Ewing Ave**	45 FT PVMT 45 FT WALK **Total** **Adj. Per Enhancement Eval.** **Net Due By Owner**	$98.24 $10.35	$4,420.80 $465.75 $4,886.55 $3,587.67	**$1,298.88**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
			MIDWAY HEIGHTS ADDITION			
MAUDIE L JEFFERSON	3	1/3444	46 FT PVMT	$98.24	$4,519.04	
3525 HAVANA ST	**1210**		46 FT WALK	$10.35	$476.10	
DALLAS, TX 75215	**S Ewing Ave**		**Total**		$4,995.14	
			Adj. Per Enhancement Eval.		$3,607.09	
			Net Due By Owner			**$1,388.05**
CAZARES CASAS LLC	4	1/3444	47 FT PVMT	$98.24	$4,617.28	
3122 ROCKFORD DR	**1214**		47 FT WALK	$10.35	$486.45	
DALLAS, TX 75211	**S Ewing Ave**		**Total**		$5,103.73	
			Adj. Per Enhancement Eval.		$3,710.50	
			Net Due By Owner			**$1,393.23**
DESOTO REAL ESTATE	5	1/3444	48 FT PVMT	$98.24	$4,715.52	
RESOURCE LLC	**1216**		48 FT WALK	No Cost	$0.00	
816 BRIDGEPORT DR	**S Ewing Ave**		**Total**		$4,715.52	
DESOTO, TX 75115			**Adj. Per Enhancement Eval.**		$4,215.52	
			Net Due By Owner			**$500.00**
JAMES T ROGER	6	1/3444	47 FT PVMT	$98.24	$4,617.28	
C/O DENNIS L WHITE	**1222**		47 FT WALK	No Cost	$0.00	
1620 STONEMAN ST	**S Ewing Ave**		**Total**		$4,617.28	
DALLAS, TX 75215			**Adj. Per Enhancement Eval.**		$3,467.28	
			Net Due By Owner			**$1,150.00**
JIMMIE L GASTON	7	1/3444	47 FT PVMT	$98.24	$4,617.28	
1117 S HIGH HILL PL APT A	**1226**		47 FT WALK	$10.35	$486.45	
DALLAS, TX 75203	**S Ewing Ave**		**Total**		$5,103.73	
			Adj. Per Enhancement Eval.		$3,710.50	
			Net Due By Owner			**$1,393.23**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			MIDWAY HEIGHTS ADDITION			
WILLIAM L DAVIS	8 & N. 3'	1/3444	45 FT PVMT	$98.24	$4,420.80	
1230 S EWING AVE	Lt 9		23 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			22 FT DRIVE	No Cost	$0.00	
			Total		$4,420.80	
			Adj. Per Enhancement Eval.		$3,270.80	
			Net Due By Owner			**$1,150.00**
CRUSADE FOR CHRIST CH	S 50 Ft	1/3444	51 FT PVMT	$98.24	$5,010.24	
OF GOD IN CHRIST	Lt 9		27 FT WALK	No Cost	$0.00	
1234 S EWING AVE			21.6 SY DR(24'Wide)	$53.46	$1,154.74	
DALLAS, TX 75216			**Total**		$6,164.98	
			Adj. Per Enhancement Eval.		$4,487.61	
			Net Due By Owner			**$1,677.37**
			CEDAR HAVEN-SAM SUTTON'S			
CRUSADE FOR CHRIST CH	1/2 Lt 4	L1/3444	50 FT PVMT	$98.24	$4,912.00	
OF GOD IN CHRIST	**1238**		30 FT WALK	No Cost	$0.00	
1234 S EWING AVE	**S Ewing Ave**		16.2 SY DR(20'Wide)	$53.46	$866.05	
DALLAS, TX 75216			**Total**		$5,778.05	
			Adj. Per Enhancement Eval.		$4,195.03	
			Net Due By Owner			**$1,583.02**
JUAN ACOSTA &	1/2 Lt 5	L1/3444	110 FT PVMT	$20.52	$2,257.20	
LUIS ACOSTA			98 FT WALK	No Cost	$0.00	
803 WINTERS ST			12 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75216			**Total**		$2,257.20	
			Adj. Per Enhancement Eval.		$1,912.20	
			Net Due By Owner			**$345.00**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT
WINTERS ST INTERSECTS								
			SAM C. SUTTON'S CEDAR HAVEN ADDITION					
CLARENCE W LONDON	6	M/3741	95	FT	PVMT	$20.52	$1,949.40	
802 WINTERS ST			85	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT	DRIVE	No Cost	$0.00	
			Total				$1,949.40	
			Adj. Per Enhancement Eval.				$1,604.40	
			Net Due By Owner					**$345.00**
			GLENWOOD					
ROSIE J RICHARD	3	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1310 S EWING AVE			39	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			14.7	SY	DR(10'Wide)	$53.46	$785.86	
			Total				$5,599.62	
			Adj. Per Enhancement Eval.				$4,056.69	
			Net Due By Owner					**$1,542.93**
NICOL SHAED PROPERTIES	4	10/3741	50	FT	PVMT	$98.24	$4,912.00	
LLC	**1314**		32	FT	WALK	No Cost	$0.00	
2242 S STEMMONS FWY	**S Ewing Ave**		14.7	SY	DR(18'Wide)	$53.46	$785.86	
STE 233			**Total**				$4,154.93	
DALLAS, TX 75247			**Adj. Per Enhancement Eval.**					**$1,542.93**
			Net Due By Owner					
ARTURO GONZALEZ	5	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1318 S EWING AVE			31	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			17.5	SY	DR(18'Wide)	$53.46	$935.55	
			Total				$5,749.31	
			Adj. Per Enhancement Eval.				$4,781.53	
			Net Due By Owner					**$967.78**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			GLENWOOD			
CONSTANCIA B SANTINANEZ	6	10/3741	49 FT PVMT	$98.24	$4,813.76	
1322 S EWING AVE			39 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			12.2 SY DR(10'Wide)	$53.46	$652.21	
			Total		$5,465.97	
			Adj. Per Enhancement Eval.		$3,989.86	
			Net Due By Owner			**$1,476.11**
LOUISE WILLIAMS	7	10/3741	50 FT PVMT	$98.24	$4,912.00	
1326 S EWING AVE			28 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			11.5 SY DR(22'Wide)	$53.46	$614.79	
			Total		$5,526.79	
			Adj. Per Enhancement Eval.		$4,069.39	
			Net Due By Owner			**$1,457.40**
HELEN HOLLAND	8	10/3741	50 FT PVMT	$98.24	$4,912.00	
1330 S EWING AVE			40 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00	
			Total		$4,912.00	
			Adj. Per Enhancement Eval.		$3,762.00	
			Net Due By Owner			**$1,150.00**
			GLENWOOD			
LAWRENCE WRIGHT	9	10/3741	48 FT PVMT	$98.24	$4,715.52	
1334 S EWING AVE			38 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00	
			Total		$4,715.52	
			Adj. Per Enhancement Eval.		$3,565.52	
			Net Due By Owner			**$1,150.00**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			GLENWOOD ADDITION			
FERNANDO BENITEZ &	10	10/3741	50 FT PVMT	$98.24	$4,912.00	
CARLINA BENITEZ	**1338**		32 FT WALK	No Cost	$0.00	
1542 HARLANDALE	**S Ewing Ave**		18 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75216			**Total**		$4,912.00	
			Adj. Per Enhancement Eval.		$3,762.00	
			Net Due By Owner			**$1,150.00**
JUAN NINO	11	10/3741	49 FT PVMT	$98.24	$4,813.76	
1342 S EWING AVE			39 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			10 FT DRIVE	No Cost	$0.00	
			Total		$4,813.76	
			Adj. Per Enhancement Eval.		$3,663.76	
			Net Due By Owner			**$1,150.00**
EST OF KELLY DAVIS	12	10/3741	54 FT PVMT	$98.24	$5,304.96	
3422 CEDARDALE DR	**1346**		54 FT WALK	No Cost	$0.00	
DALLAS, TX 75241	**S Ewing Ave**		**Total**		$5,304.96	
			Adj. Per Enhancement Eval.		$4,154.96	
			Net Due By Owner			**$1,150.00**

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

Total Property Owners' Cost - Assessments	$193,994.23	
Adjustments Per Enhancement Evaluation	$125,577.54	
Total Net Due by Owners		$68,416.69
Total City of Dallas' Cost - Paving	$1,444,156.31	
Total City of Dallas' Cost - Drainage	$102,578.00	
Total Water Utilities Department Cost Water and Wastewater Main Improvements	$467,805.00	
Total City of Dallas' Cost		$2,014,539.31
Total Cost of Improvements		$2,082,956.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block

SECTION 6. (Continued)

Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or his designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

Prepared by Lisa Williams
Project Coordinator

Approved by _____
Director, Mobility and Street Services Department

June 14, 2017

WHEREAS, on May 10, 2017, City Council authorized street paving, drainage, water and wastewater main improvements and the public hearing by Resolution No. 17-0748; and

WHEREAS, on April 3, 2017 eight bids were received for street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue:

Bidders	**Bid Amount**
Jeske Construction Company	$2,082,956.00
Ed Bell	$2,549,810.70
MACVAL Associates, LLC	$2,593,993.00
Vescorp Construction, LLC	$2,641,246.47
Tiseo Paving Co.	$2,851,892.75
Camino Construction, LP	$3,044,590.00
Texas Standard Construction	$3,050,202.64
Rebcon, Inc.	$3,265,707.40

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with Jeske Construction Company, approved as to form by the City Attorney, for the construction of street paving, drainage, water and wastewater main improvements, for South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue, in an amount not to exceed $2,082,956.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,082,956.00 to Jeske Construction Company in accordance with the terms and conditions of the contract as follows:

Street and Transportation Improvements Fund Fund 4U22, Department STS, Unit S311, Activity SREC Object 4510, Program PB12S311 Encumbrance CT STS12S311I1, Vendor 083791	$1,398,835.17
Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit S311, Activity SREC Object 4510, Program PB12S311 Encumbrance CT STS12S311I1, Vendor 083791	$ 216,315.83

SECTION 2. (continued)

Water Construction Fund Fund 0102, Department DWU, Unit CW42, Object 4550 Program 717011, Encumbrance CT DWU717011CP Vendor 083791	$ 328,875.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42, Object 3221 Program 717011X, Encumbrance CT DWU717011EN Vendor 083791	$ 20,650.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Object 3222 Program 717012X, Encumbrance CT DWU717012EN Vendor 083791	$ 12,800.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42, Object 4560 Program 717012, Encumbrance CT DWU717012CP Vendor 083791	$ 105,480.00
Total amount not to exceed	$2,082,956.00

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 # 75

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 70N P

SUBJECT

A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

Pape-Dawson Engineers, Inc. and Shady Oaks Estates have applied to amend the City of Dallas Thoroughfare Plan. They are developing property located at Woody Road and CF Hawn Freeway (US Highway 175). The developer is requesting an amendment to delete Garden Grove Drive from Woody Road to Stark Road from the Thoroughfare Plan. This roadway does not currently exist and the City does not own the right-of-way required to build the road.

The residential development will consist of 431 single-family homes on approximately 114 acres in southeast Dallas. The primary access will be accommodated along Woody Road, Stark Road, and CF Hawn Freeway. The City of Dallas does not own the right-of-way to construct Garden Grove Drive from Woody Road to Stark Road, and construction of this roadway would impact existing homes.

Staff recommends approval to the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 4, 2017, the City Plan Commission Thoroughfare Committee acted on this item and followed staff recommendation of approval.

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

On May 18, 2017, the City Plan Commission acted on this item and followed staff recommendation of approval.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

Garden Grove Drive

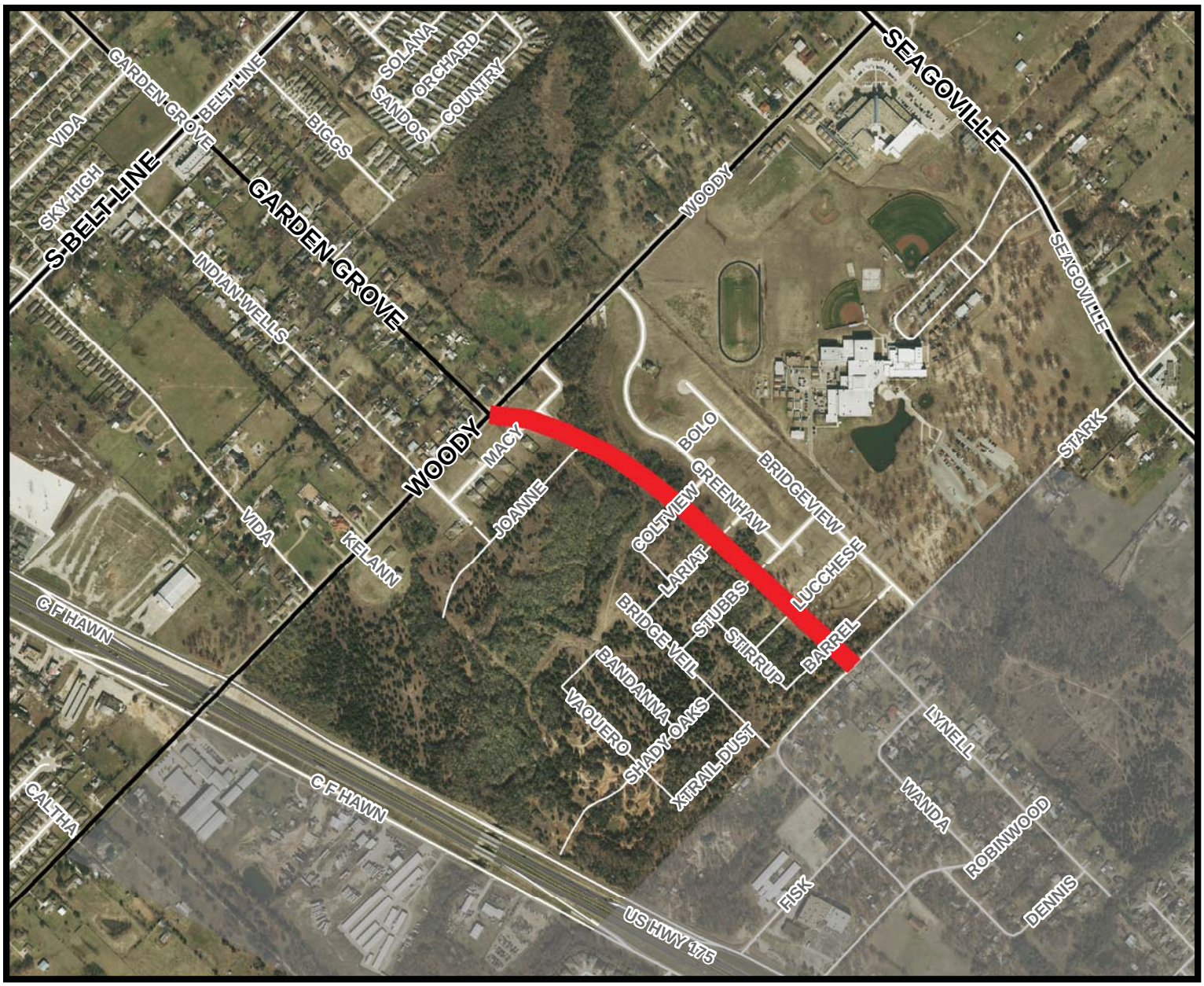
Woody Road and Stark Road

Council District: 8

MAPSCO: 70N, P

Thoroughfare Plan Amendment Map





AGENDA ITEM # 76

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the Proposed FY 2017-18 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds - Financing: No cost consideration to the City

BACKGROUND

Federal regulations require a public hearing on the City's Proposed Consolidated Plan Budget for U. S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

Federal regulations and the City's Citizen Participation Plan require a public comment period of not less than 30 days and a public hearing to receive comments.

On May 24, 2017, City Council authorized a public hearing to be held on June 14, 2017 before the City Council by Resolution No.17-0848. The public hearing will provide an opportunity for comments on the proposed use of funds. The public review and comment period continues through June 27, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 6, 2017, the Community Development Commission (CDC) was briefed on the City Manager's Proposed FY 2017-18 HUD Consolidated Plan Budget. The CDC held committee meetings in April 2017 to review the proposed budget.

On May 4, 2017, the CDC concurred with the City Manager's proposed budget and there were no amendments.

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

On May 17, 2017, City Council was briefed on the Proposed FY 2017-18 HUD Consolidated Plan Budget and the CDC's recommendations.

On May 24, 2017, City Council approved preliminary adoption of the Proposed FY 2017-18 HUD Consolidated Plan Budget and authorized a public hearing by Resolution No. 17-0848.

On June 7, 2017, City Council is scheduled to be briefed on the Proposed FY 2017-18 HUD Consolidated Plan Budget.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 77

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 56H

SUBJECT

A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: $8,585

BACKGROUND

The House Bill (HB)110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that require the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records.

BACKGROUND (continued)

Prior to the approval of any sale, the Code requires that the City Council provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land.

Dallas Neighborhood Alliance for Habitat (DNAH) submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyers at a proposed sales price of $95,000 to $110,000 with construction to begin in May 2020.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of eight unimproved properties to DNAH, and, at the close of the public hearing, authorizes the sale of the properties to DNAH, by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 12, 2017, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat by Resolution No. 17-0588.

City Council was briefed by memorandum regarding this matter on April 28, 2017.

On May 10, 2017, this item was deferred by Councilmember Tiffinni A. Young.

FISCAL INFORMATION

Revenue - $8,585

OWNER

Dallas Neighborhood Alliance for Habitat

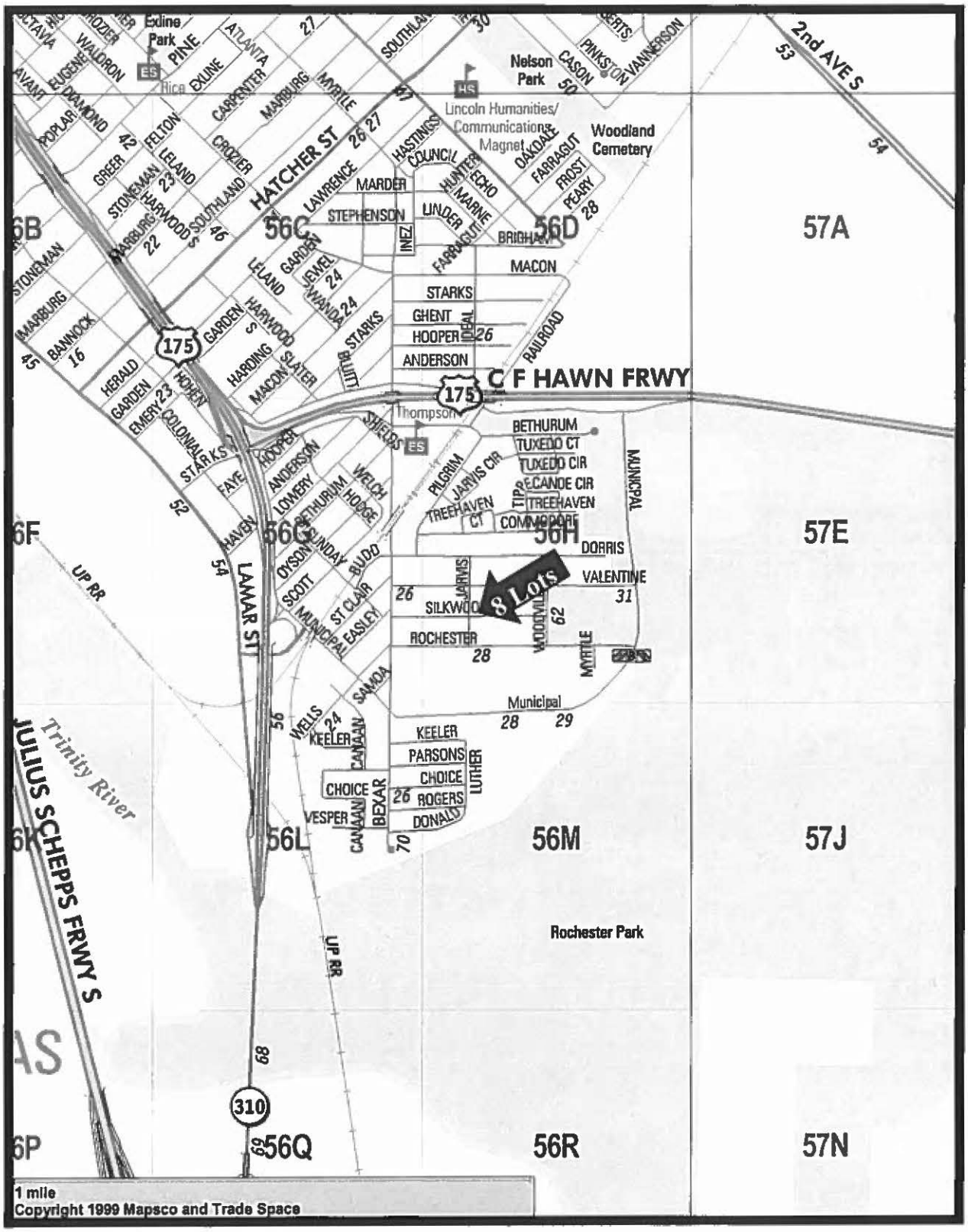
William Hall, Chief Executive Officer

MAP

Attached

Tax Foreclosure and Seizure Property Resale

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595


Edline Park
Nelson Park
Lincoln Humanities/ Communications Magnet
Woodland Cemetery
2nd AVE S
HATCHER ST
MARDER
STEPHENSON
MACON
STARKS
GHENT
HOOPER
ANDERSON
C F HAWN FRWY
175
Thompson
BETHURUM
TUXEDO CT
TUXEDO CIR
PILGRIM
JARVIS CIR
TREEHAVEN
DORRIS
VALENTINE
SILKWOOD
8 Lots
ROCHESTER
Municipal
KEELER
PARSONS
CHOICE
ROGERS
DONALD
LAMAR ST
UP RR
JULIUS SCHEPPS FRWY S
Trinity River
Rochester Park
310
56B
56C
56D
57A
56F
56G
56H
57E
56L
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1 mile
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MAPSCO 56H

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the House Bill (HB)110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deed must also include deed restrictions that require the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land; and

WHEREAS, Dallas Neighborhood Alliance for Habitat, submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto and made a part hereof (hereinafter the "property"), for purchase by a low to moderate income homebuyer at a proposed sales price of $95,000 to $110,000 with construction to begin in May 2020; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

Now, Therefore,

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

SECTION 1. That upon receipt of the requisite monetary consideration from Dallas Neighborhood Alliance for Habitat (hereinafter the "non-profit organization") and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

SECTION 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

SECTION 3. That the non-profit organization's proposal for the development of affordable housing on the property, described in Exhibit A, is hereby approved.

SECTION 4. That the quitclaim deed shall contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the non-profit organization develop the property in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the Director of Housing & Neighborhood Revitalization determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization's proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

SECTION 4. (continued)

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

(d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.

(e) A statement and acknowledgment that the quitclaim deed for the property is subject to all redemption rights provided by state law.

SECTION 4. (continued)

(f) The non-profit organization's representation and agreement that it did not purchase the property on behalf of a "prohibited person" and will not sell or lease the property to a "prohibited person" for five years from the date of the quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

SECTION 5. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the quitclaim deed, including the deed restrictions and the proposal.

SECTION 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the quitclaim deed.

SECTION 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

SECTION 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

SECTION 9. That any and all proceeds for the City's sale of the property to the non-profit organization be deposited in General Fund, Fund 0001, Department DEV, Balance Sheet 0519.

SECTION 10. That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is hereby authorized to disburse proceeds of the sale of the property in accordance with Section 34.06 of the Texas Tax Code, which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 9 above.

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.

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2723 Silkwood** Lot 13, Rochester Park Block 1/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
2	**2726 Silkwood** Lot 14, Rochester Park Block 2/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
3	**3015 Valentine** TR 15 - 40x120, 170'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
4	**3027 Valentine** TR 17 - 100x120, 250'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,585.00
5	**2907 Rochester** Lot 24, Rochester Park Block 7/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
6	**2932 Rochester** Lot 15, Rochester Park Block 8/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
7	**3000 Rochester** TR 1 - 50x127.5, Rochester and Woodville Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
8	**3014 Rochester** TR 4 Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
TOTAL				**$8,585.00**