

RECEIVED

ECONOMIC DEVELOPMENT COMMITTEE REVISION

DALLAS CITY COUNCIL COMMITTEE AGENDA

2015 OCT 15 PM 12:21

CITY SECRETARY
DALLAS, TEXAS

MONDAY, OCTOBER 19, 2015
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M. – 10:30 A.M.

Chair, Rickey D. Callahan
Vice-Chair, Councilmember Casey Thomas, II
Councilmember Lee M. Kleinman
Councilmember Carolyn King Arnold
Councilmember Adam Medrano
Councilmember B. Adam McGough

Call to Order

1. Approval of Minutes

BRIEFINGS

2. Argos/West Dallas Investments
Karl Zavitkovsky
Director, Office of Economic Development
3. Victory Park Cinema Project/Victory Sub-district
Sports Arena TIF District
Karl Zavitkovsky
Director, Office of Economic Development
4. DCA 145-005 Application to Amend Cell Tower
Regulations – Temporary Towers and Height
Restrictions
David Cossum
Director, Sustainable Development & Construction

5. UPCOMING AGENDA ITEMS

October 28, 2015

- A. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. The Hale Living Trust, Connie E. Hale, et al, pending in County Court At Law No. 2, Cause No., CC-15-01531-B for acquisition from The Hale Living Trust, of approximately 7,044 square feet of land located near its intersection of Royal and Goodnight Lanes for the Goodnight Lane Street Improvements project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$21,153, increased from \$47,579 (\$44,279, plus closing costs and title expenses not to exceed \$3,300) to \$68,732 (\$65,432 being the award, plus closing costs and title expenses not to exceed \$3,300) - Financing: 2006 Bond Funds
- B. An ordinance amending Chapter 43, of the Dallas City Code to define sidewalk cafes, establish annual and one-time fees for licenses and license renewals and reduce application fees for certain uses of the public right-of-way - Financing: No cost consideration to the City

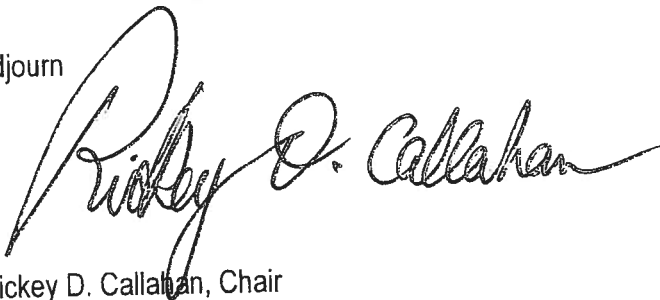
A quorum of the City Council may attend this Council Committee meeting

- C. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dennis Ray Hightower of a tract of land containing approximately 133,347 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$61,476 (\$57,976, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Construction Funds
- D. Authorize acceptance of grants from the Federal Aviation Administration for the federal share of the eligible capital improvement projects for the Airport Improvement Program Grant for Hold Position Relocation with grant no. 3-48-0062-49-2015, CFDA No. 20.106 and amount \$863,445 for the grant period fiscal year 2015; acceptance of a grant from Federal Aviation Administration for Airport Improvement Program Grant for Airfield Pavement Analysis with grant no. 3-47-0062-047-2014, CFDA No. 20.106 and amount \$833,157 for fiscal year 2010-2014; and execution of the grant agreements not to exceed \$1,696,602 at Dallas Love Field - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds, the projects are currently in the design and evaluation phase

November 10, 2015

- A. An ordinance providing for the abandonment and relinquishment of portions of a utility easement, a sanitary sewer easement, a water easement and a fire apparatus access road to Magnolia Station, LLC, the abutting owners, containing approximately 46,248 square feet of land, located near the intersection of Magnolia Hill Court and Lyte Street - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adjourn



Rickey D. Callahan, Chair
Economic Development Committee

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

Economic Development Committee **DRAFT**

Meeting Record September 21, 2015

The Economic Development Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Office of Economic Development, Staff Coordinator at 214-670-1686.

Meeting Date: September 21 2015 **Meeting Start time:** 9:06 AM

Committee Members Present:

Rickey D. Callahan (Chair)
Casey Thomas, II (Vice Chair)
Lee M. Kleinman
B. Adam McGough
Carolyn King Arnold
Adam Medrano

Other Council Members Present:

Philip Kingston

Staff Present:

Ryan S. Evans, First Assistant City Manager,
City Manager's Office
Karl Zavitkovsky, Director, Office of Economic
Development
Karl Stundins, Manager, Office of Economic
Development
Heather Lepeska, Manager, Office of
Economic Development

Other Presenters:

1. Approval of September 8, 2015 Minutes of the Economic Development Committee

Presenter(s):

Action Taken/Committee Recommendation(s): Motion made to approve the minutes

Motion made by: Mr. Kleinman

Motion seconded by: Mr. McGough

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

2. Dallas Development Fund/New Market Tax Credit Program Update

Presenter(s): Karl Zavitkovsky, Director, Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval *One correction changing the council agenda date from October 7, 2015 to October 14, 2015

Motion made by: Mr. Thomas

Motion seconded by: Mr. Callahan

Item passed unanimously: X with Ms.

Item passed on a divided vote: _____

Arnold voting No

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

3. 717 N. Harwood Redevelopment Project (City Center TIF District)

Presenter(s): Karl Zavitkovsky, Director, Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Medrano

Motion seconded by: Mr. McGough

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Upcoming Agenda Items

September 22, 2015

- A. An ordinance abandoning a common access and fire lane easement of Ojala Woodside Owner, LP, the abutting owner, containing approximately 5,031 square feet of land, located near the intersection of Worthington and Woodside Streets, Revenue: \$5,400, plus the \$20 ordinance publication fee.
- B. An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues and providing for the dedication of approximately 6,364 square feet of land for a wastewater easement-Revenue: \$5,400, plus the \$20 ordinance publication fee.
- C. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from First National Bank, of a tract of land containing approximately 16,022 square feet and approximately 14, 167 square feet of land for a temporary working space easement, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project – Not to exceed \$148 ,177 (\$145,177, plus closing costs and title expenses not to exceed \$3,000) – Financing: Water Utilities Capital Improvement Funds.
- D. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southport Properties, LP, of a tract of land containing approximately 326,340 square feet located near the intersection of Langdon and JJ Lemmon Roads for the Southwest 120/96-inch Water Transmission Pipeline Project- Not to exceed \$626,850 (\$614,850 plus closing costs and title expenses not to exceed \$12.000) –Financing: Water Utilities Capital Improvement Funds

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Medrano

Motion seconded by: Mr. Kleinman

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Meeting Adjourned: 10:05 AM

Approved By: _____

Memorandum



DATE October 16, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Lee M. Kleinman,
Adam Medrano, Carolyn King Arnold, B. Adam McGough

SUBJECT **Argos/West Dallas Investments**

On Monday, October 19, 2015, the Economic Development Committee will be briefed on the Argos/West Dallas Investments in the West Dallas Sub-District of the Sports Arena TIF District. Briefing material is attached.

Should you have any questions, please contact me at (214) 670-3296.

Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Argos/West Dallas Investments

Economic Development Committee

October 19, 2015

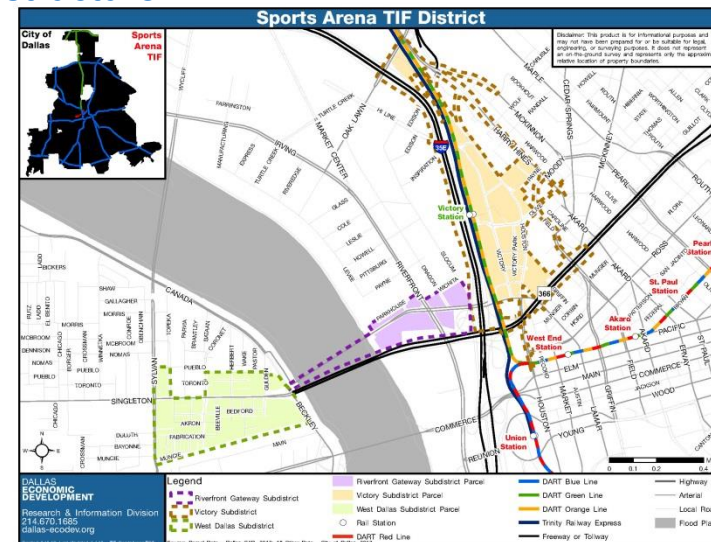


Purpose

- Provide background information on West Dallas Gateway Project, Public Investment and West Dallas Urban Structure Guidelines adopted by Council in 2011
- Consider Argos Ready Mix Plant Relocation project and \$2.5M public support request
- Review terms of Agreement between City and West Dallas Investments (WDI) for future development in the West Dallas area
- Seek Economic Development Committee's approval of \$2.5M Chapter 380 Grant Agreement with Argos to be considered on October 28, 2015 Council agenda

West Dallas Gateway Area Background

- In 2011 Council adopted West Dallas Urban Structure and Guidelines, a shared vision for the future of West Dallas
 - CityDesign Studio conducted a year long collaborative process to complete the area plan for this portion of West Dallas
- In 2012 Margaret Hunt Hill Bridge opened, connecting West Dallas to downtown
- West Dallas Sub-district created in 2012 within Sports Arena TIF to spur development/redevelopment that was not feasible without public assistance, due to a lack of basic infrastructure and existing market comparables
 - 10% of increment generated in the Victory Sub-district of the TIF is set-aside for the West Dallas Sub-district
 - To date Victory Sub-district has contributed approx. \$685K to West Dallas Sub-district and additional \$11.8M by 2028



West Dallas Gateway Area

Background

- In 2012, City allocated \$34.3M of 2012 General Obligation bond program funding to the West Dallas Gateway Project
 - Create better connectivity from Singleton Boulevard to the Commerce/Fort Worth Avenue
 - Funding for design and construction of three new railroad crossings under Union Pacific (UP) tracks at Herbert, Bataan and Amonette Streets from Singleton Boulevard, south to West Commerce Street/Fort Worth Avenue
- In 2014 Continental Avenue Bridge re-opened to pedestrians only



ARCHITECTURE DEMAREST ALEXAN WEST
2727 Parkview Parkway, Suite 2000
Dallas, Texas 75244-1407
P: 214.748.4400 F: 214.748.4400

CONCEPTUAL RENDERING

DALLAS, TEXAS
11/18/2014

Sports Arena TIF

West Dallas Sub-District Activity

- Trinity Groves Restaurant Incubator Project
 - Over 100K square feet of restaurant space
 - \$51.9M investment
 - \$3.5M TIF support



- Trinity Groves Mixed Use Project with Columbus Realty
 - 349 Residential Units
 - \$57.6M investment
 - \$13.95M TIF support



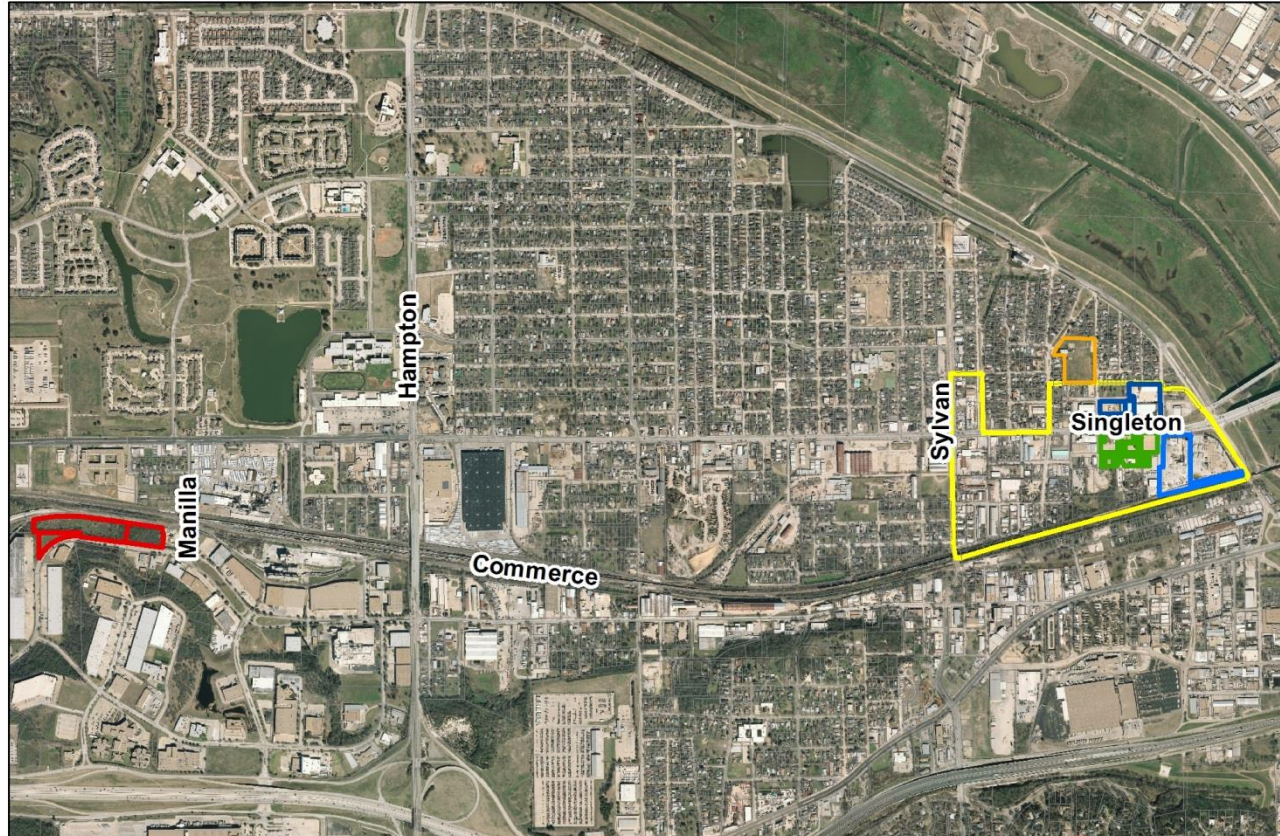
Argos Relocation Project

Background and Description







- Argos Ready Mix South Central is an existing ready mix concrete company operating at foot of the Margaret Hunt Hill Bridge in West Dallas at 240 Singleton Boulevard
- The plant's aggregate stone is brought to its current location by rail
- **Relocation Project**
 - Argos proposes to relocate its company to Lone Star Industrial Park, a more suitable location for its operations (2900 West Commerce Street)
 - Argos will invest \$10.5M to construct a state of the art facilities at new location
 - New location is not currently serviced by rail and construction of rail spur and accompanying switches will cost an estimated \$2.5M
 - **Estimated Construction Start** : December 31, 2015
 - **Estimated Project Completion** : December 31, 2016
 - **Completion/Acceptance by UPRR of switch/spur construction**: August 31, 2017
 - **Total Estimated Project Cost**: \$13 million
 - **380 Grant**: \$2.5 million (Source: 2012 General Obligation bond funds)
 - **Argos' relocation would not take place without public assistance**

Argos Relocation Project

Location Map



Legend

- | | | |
|---|---|---|
|  Trinity Groves Mixed-Use |  Trinity_Groves_Restaurant_Incubator |  LaBajada_Urban_Youth_Farm |
|  New_Batch_Plan_Site_2900_W_Commerce |  Batch_Plant_Site |  Sports_Arena_TIF_Boundary |

Argos Relocation Project

Existing Facility vs. Proposed New Facility/Location

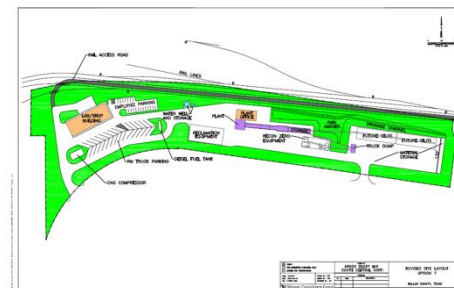
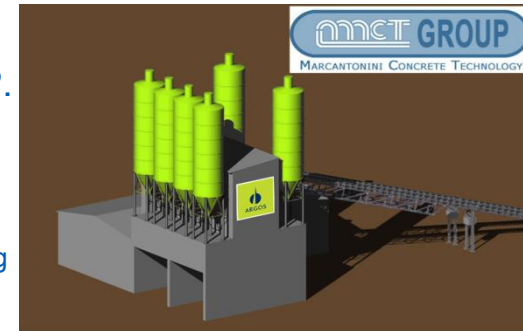
- **Existing Facility and Location**

- 240 Singleton Boulevard – 600 feet west of the landing of the Margaret Hunt Hill Bridge in West Dallas
- Approximately 7.4 acres in size
- Argos will sell property to West Dallas Investment L. P.
- Buildings have exceeded their useful life
- Existing buildings viewed as ‘eyesore’ and incompatible with redevelopment efforts in the area



- **New Facility and Location**

- 2900 West Commerce Street – Lone Star Industrial Park
- Approximately 9.8 acres in size
- Argos will purchase property from West Dallas Investments, L.P.
- Plan/Site designed to gain LEED Certification
 - Large “rain garden” in the middle of the plant site to capture and filter any water on the site
 - Enclosed plant mixing tower and aggregate storage bins dramatically reducing dusting from the plant equipment and helps abate plant noise
 - Argos committed to convert its truck fleet to CNG powered vehicles; new site will have CNG fueling equipment



Public Benefits of Argos Relocation Project

- Retains the 35 existing jobs and creates the potential to add an additional 48 employees over the next three years
- Allows Argos to sign plat for dedication of right-of-way for West Dallas Gateway Project's alignment of Amonette Street on existing plant site (versus costly eminent domain purchase)
- Improves air quality
- Eliminates a non-conforming use and 'eyesore' at foot of Margaret Hunt Hill Bridge
- Reduces plant related traffic on Singleton Boulevard
- Creates opportunities for redevelopment of the existing plant site in accordance with West Dallas Urban Structure Guidelines and PD 891
- Redevelopment of the Trinity Groves site could include a mixture of hotel, office and or residential uses with a total estimated investment of \$175M to \$225M

Argos Relocation Project

Funding Sources and Uses

Sources	Amount	%	Uses
Developer Equity	\$13,000,000	100%	Acquisition and Construction
	\$13,000,000	100%	

Related WDI and City Agreement

- City identified \$34.3M in 2012 General Obligation bonds for design/construction of 3 railroad crossings under UP tracts at Herbert, Amonette and Bataan Streets – the West Dallas Gateway Project
- No bond funds committed until street alignments approved by Council, final specs completed and construction contracts approved/awarded
- WDI owns 80+ acres of property in immediate area and benefits significantly from West Dallas Gateway Project

Related WDI and City Agreement

WDI Commitments

- Dedicate ROW necessary for streets associated with West Dallas Gateway Bond Project
- Provide public access easements for open space required by zoning for the area PD 891
- Mixed Income Housing Requirements
 - 10% of all residential units constructed on WDI-controlled property will be affordable to households earning 80% or below AMI for 15 years
 - Residential projects receiving TIF support must comply with 20% affordability requirement as part of Mixed Income Housing requirements
- Work collaboratively with CityDesign Studio and Urban Design Peer Review Panel related to development of WDI-controlled properties
- Apply to amend existing PD 714 south of UP railroad to achieve density similar to PD 891 (Appendix E - Map of PD Boundaries)
 - Open space requirements commensurate in size and quality to open space required by PD 891
 - Mixed income housing requirements, outlined above
 - Urban Design Peer Review Panel advisory involvement with all development projects on WDI land

Related WDI and City Agreement

City Commitments

- Present amendment to existing PD 714 south of UP railroad to achieve similar density/public space to PD 891, subject to CPC and Council approval
- Count mutually agreed upon ROW dedication related to West Dallas Gateway Project and Thoroughfare Plan toward ROW abandonments necessitated by redevelopment WDI properties

Recommendations

- Staff requests ECO Committee approval for Council consideration on October 28, 2015 for the following:
 - 1) A Chapter 380 Grant Agreement in amount not to exceed \$2.5M for the Argos Relocation Project by City Council at their October 28, 2015, Council meeting.
 - 2) An agreement with West Dallas Investments related to future development commitments activities on WDI's properties in the West Dallas Gateway project area

APPENDICES

Appendix A

Requirements of Grant Funding – Argos & WDI

- **Argos Obligations**

- Invest \$10M for new plant construction and equipment
- Sale of existing plant to WDI by December 31, 2015
- Sign Columbus Realty Final plat for ROW dedications on existing plant site
- Start new facility construction within 30 days of receiving building permit
- Air Permit approval/issuance by TCEQ
- Approval of railroad improvements by Union Pacific Railroad (UPRR) and Dallas, Garland & Northeastern Railroad (DGNO) prior to start of construction
- Execution of track agreement(s) between Argos and DGNO prior to start of construction
- Vacate facilities and cease operation at 240 Singleton Boulevard by December 31, 2016
- CO for LEED Certified West Commerce Street plant by December 31, 2017
- Completion and acceptance of railroad improvements by UPRR and DGNO by December 31, 2017
- O&M agreement with DGNO by December 31, 2017, if necessary
- Comply with M/WBE Goals (25% of construction expenditures)

- **WDI Obligations**

- Acquisition of Argos' Singleton property within 30 days of receipt of TCEQ air permit and Sale of West Commerce Street site to Argos
- Approval of Columbus Realty Project's final plat, that dedicates ROW for Amonette, Akron and Herbert Streets
- Argos site is subject to TIF Mixed Income Housing requirement

Appendix B: West Dallas Sub-district Increment Chart

Sports Arena TIF District Increment Collection Chart - West Dallas Sub-district

Tax Year	Property Value Estimate	Added Value Estimated	Property Value Growth	Anticipated Captured Value	Tax Increment Revenue City	Tax Increment Revenue Dallas County	Increment from Victory Sub-District	Tot. Anticipated Increment Revenue	Tot. Anticipated Accumulated Revenue (NPV)
2012	\$11,598,966	Base Year Value							
2013	\$13,977,339	\$2,378,373	20.51%	\$2,378,373	\$17,060	\$3,180	\$313,640	\$333,880	\$315,726
2014	\$14,377,807	\$400,468	2.87%	\$2,778,841	\$19,933	\$3,715	\$366,812	\$390,460	\$664,879
2015	\$17,452,878	\$3,075,071	21.39%	\$5,853,912	\$41,990	\$7,827	\$492,596	\$542,413	\$1,123,537
2016	\$17,714,671	\$261,793	1.50%	\$6,115,705	\$43,868	\$8,177	\$579,492	\$631,537	\$1,628,521
2017	\$43,330,391	\$25,615,720	144.60%	\$31,731,425	\$227,610	\$42,427	\$706,286	\$976,322	\$2,366,750
2018	\$43,980,347	\$649,956	1.50%	\$32,381,381	\$232,272	\$43,296	\$793,064	\$1,068,631	\$3,130,842
2019	\$80,640,052	\$36,659,705	83.35%	\$69,041,086	\$495,232	\$92,311	\$907,451	\$1,494,995	\$4,141,669
2020	\$124,099,653	\$43,459,601	53.89%	\$112,500,687	\$806,967	\$150,419	\$1,010,322	\$1,967,709	\$5,399,777
2021	\$125,961,148	\$1,861,495	1.50%	\$114,362,182	\$820,320	\$152,908	\$1,179,211	\$2,152,439	\$6,701,167
2022	\$208,950,565	\$82,989,417	65.88%	\$197,351,599	\$1,415,603	\$263,869	\$1,241,593	\$2,921,065	\$8,371,248
2023	\$212,084,824	\$3,134,258	1.50%	\$200,485,858	\$1,438,085	\$268,060	\$1,190,978	\$2,897,123	\$9,937,576
2024	\$218,447,368	\$6,362,545	3.00%	\$206,848,402	\$1,483,724	\$276,567	\$1,251,729	\$3,012,020	\$11,477,479
2025	\$225,000,789	\$6,553,421	3.00%	\$213,401,823	\$1,530,731	\$285,329	\$1,315,518	\$3,131,578	\$12,991,452
2026	\$263,950,801	\$38,950,012	17.31%	\$252,351,835	\$1,810,120	\$337,407	\$1,147,746	\$3,295,273	\$14,497,942
2027	\$267,910,063	\$3,959,262	1.50%	\$256,311,097	\$1,838,520	\$342,701	\$0	\$2,181,220	\$15,440,903
2028	\$328,123,714	\$60,213,651	22.48%	\$316,524,748	\$2,270,432	\$0	\$0	\$2,270,432	\$16,369,062
2029	\$333,045,570	\$4,921,856	1.50%	\$321,446,604	\$2,305,736	\$0	\$0	\$2,305,736	\$17,260,402
2030	\$401,141,253	\$68,095,684	20.45%	\$389,542,287	\$2,794,187	\$0	\$0	\$2,794,187	\$18,281,832
2031	\$407,158,372	\$6,017,119	1.50%	\$395,559,406	\$2,837,348	\$0	\$0	\$2,837,348	\$19,262,644
2032	\$413,265,748	\$6,107,376	1.50%	\$401,666,782	\$2,881,156	\$0	\$0	\$2,881,156	\$20,204,445
2033	\$419,464,734	\$6,198,986	1.50%	\$407,865,768	\$2,925,621	\$0	\$0	\$2,925,621	\$21,108,781
2034	\$425,756,705	\$6,291,971	1.50%	\$414,157,739	\$2,970,753	\$0	\$0	\$2,970,753	\$21,977,139
2035	\$430,014,272	\$4,257,567	1.00%	\$418,415,306	\$3,001,293	\$0	\$0	\$3,001,293	\$22,806,721
2036	\$434,314,415	\$4,300,143	1.00%	\$422,715,449	\$3,032,138	\$0	\$0	\$3,032,138	\$23,599,259
2037	\$438,657,559	\$4,343,144	1.00%	\$427,058,593	\$3,063,291	\$0	\$0	\$3,063,291	\$24,356,404
2038	\$443,044,135	\$4,386,576	1.00%	\$431,445,169	\$3,094,756	\$0	\$0	\$3,094,756	\$25,079,734
2039	\$447,474,576	\$4,430,441	1.00%	\$435,875,610	\$3,126,536	\$0	\$0	\$3,126,536	\$25,770,758
2040	\$451,949,322	\$4,474,746	1.00%	\$440,350,356	\$3,158,633	\$0	\$0	\$3,158,633	\$26,430,917
2041	\$456,468,815	\$4,519,493	1.00%	\$444,869,849	\$3,191,051	\$0	\$0	\$3,191,051	\$27,061,588
2042	\$461,033,503	\$4,564,688	1.00%	\$449,434,537	\$3,223,794	\$0	\$0	\$3,223,794	\$27,664,087
Totals				\$449,434,537	\$56,098,759	\$2,278,192	\$12,496,440	\$70,873,391	\$27,664,087

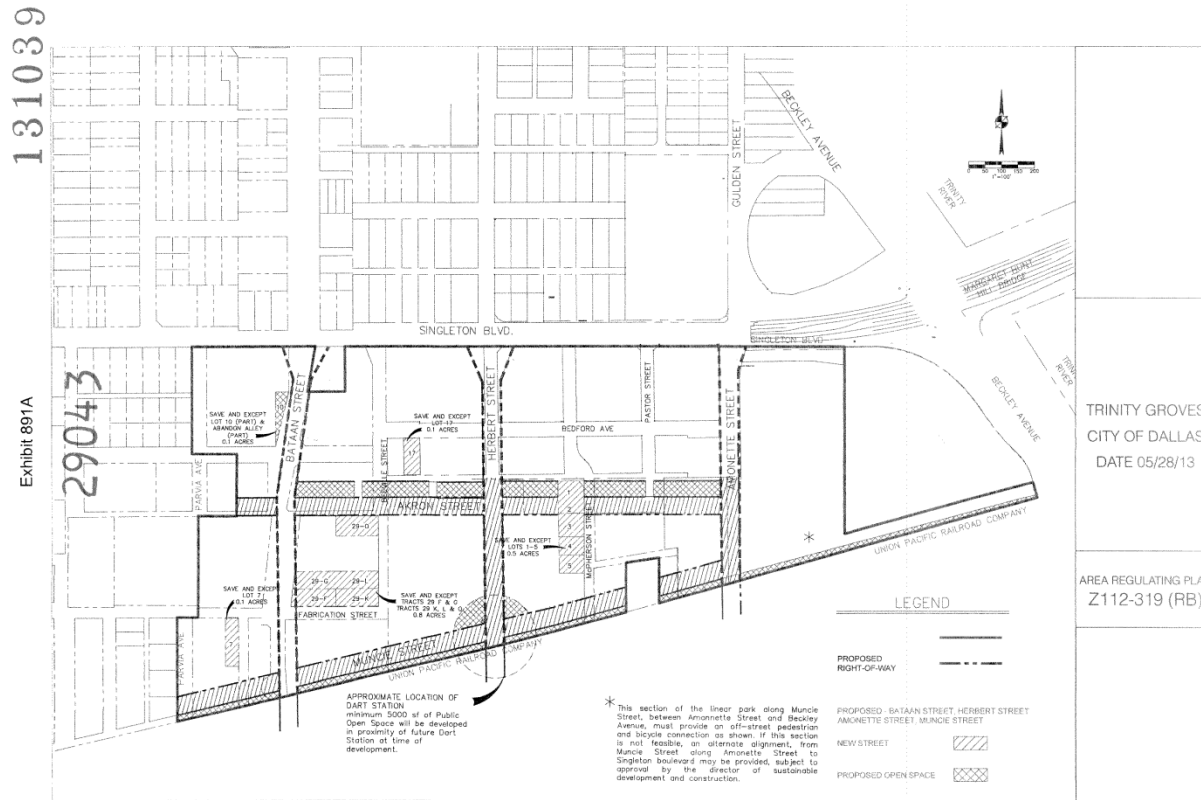
Appendix C: West Dallas Investments, L.P.

- Trinity Groves LLC oversees the operations and management of the Trinity Groves development as part of West Dallas Investments, L.P. The development is owned by West Dallas Investments LP, a real estate partnership focused on purchasing and development of property in the West Dallas area. They currently own more than 80 acres in West Dallas.
 - **Phil Romano** - investor, entrepreneur, artist, and restaurateur for over 40 years; In his career he has created Fuddruckers, Romano's Macaroni Grill, Spageddies, Cozymel's, Rudy's Country Store and BBQ, and eatZi's Market & Bakery.
 - **Stuart Fitts** - is the Managing Partner of Fitts Investment Company, a Dallas based investment firm with investments in a diverse firm of interests including golf course development, oil and gas, commercial real estate, pharmaceutical and medical and technology. He is also the co-owner of EBG, LLC the holding company that owns and operates eatZi's Market & Bakery.
 - **Butch McGregor** – is a partner in West Dallas Investments. A 40-year veteran of commercial real estate in Dallas, Texas, Mr. McGregor in 2005 joined Mr. Romano and Mr. Fitts to form West Dallas Investments for acquiring land in the West Dallas area. Today, the company owns approximately 80 acres in the area.
 - **Jim Reynolds** – is Senior Vice President of Development and Construction for Trinity Groves LLC. Mr. Reynolds has over 25 years working on large scale mixed use, commercial/retail projects as well as directing strategic development, construction and real estate transactions.

Appendix D: Argos Legal Entity and Signator

- Argos Ready Mix South Central Corporation
- Tommy Abbott, President

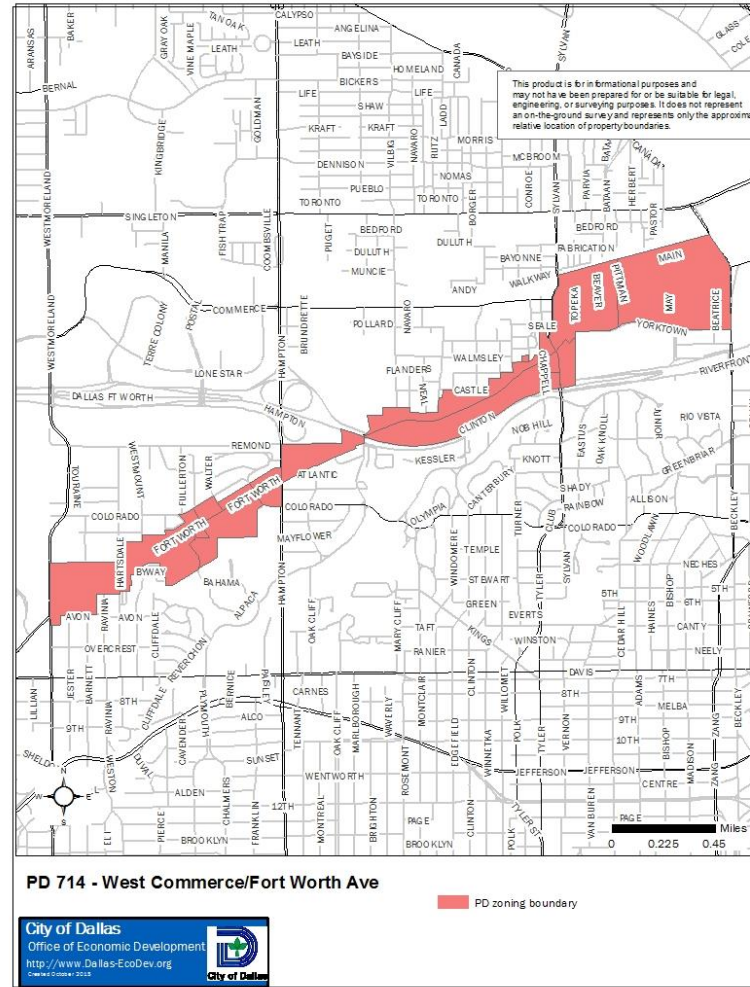
Appendix E: West Dallas Zoning



Planned Development
District No. 891

Approved
City Plan Commission
June 6, 2013

Appendix E: West Dallas Zoning



Memorandum



DATE October 16, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Lee M. Kleinman,
Adam Medrano, Carolyn King Arnold, B. Adam McGough

SUBJECT **Victory Park Cinema Project, Victory Sub-district, Sports Arena TIF District**

On Monday, October 19, 2015, the Economic Development Committee will be briefed on the Victory Park Cinema Project in the Victory Sub-district of the Sports Arena TIF District. Briefing material is attached.

Should you have any questions, please contact me at (214) 670-3296.

Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Victory Cinema Project
Victory Sub-district
Sports Arena TIF District

Economic Development Committee
October 19, 2015



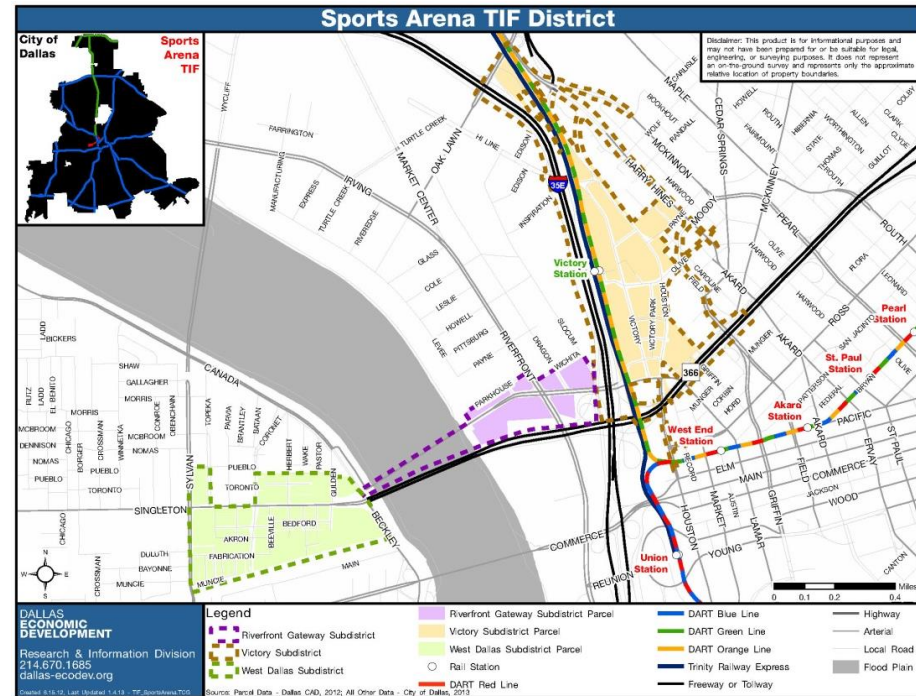
Purpose

- Provide background on Sports Arena TIF and Victory Sub-district
- Give status update on Victory Sub-District projects, Silver and South Parking Garages and implementation of Design/Technical Study recommendations
- Review retail technical study recommendations
- Discuss Victory Park Cinema Project as retail anchor for district and proposed \$5M TIF grant for project
- Obtain Economic Development Committee approval for Council consideration of funding request for the movie theater project on October 28, 2015 agenda

Sports Arena TIF District

Background

- Originally created 1998
- Amended May 2012
 - Extended term to December 31, 2028
 - Boundary expanded to create Riverfront Gateway and West Dallas Sub-districts
 - Created 10% set-aside of Victory Sub-district increment for West Dallas Sub-district
 - Increased budget for TIF district to \$273M (See Appendix A) and Victory Sub-district to \$133M
- Purpose of District Amendment
 - Allows collection of additional tax increment in Victory Sub-district to address parking, circulation, and neighborhood design
 - Supports new development in West Dallas by dedicating 10% of increment generated in Victory Sub-district
 - Exponentially increases property value of Victory Sub-district during extended term (DCAD value increased 67% from 2012 values to \$679M in FY 2015)



Sports Arena TIF District

Amended District's First Priority - Parking

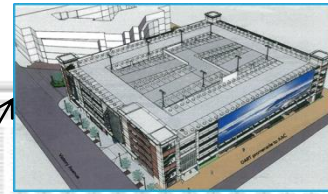
- Efforts to date reduced the amount of surface parking by 1,696 spaces. City Zoning and Arena Agreements require 5,000 parking spaces to be available at all times for AAC event parking (3,000 were surface spaces prior to TIF financial support for structured parking). With the opening of the Silver and South Garages, the required amount of surface parking dropped to 1,304 spaces. Here is the current parking mix:
 - Platinum Garage (2,000 spaces)
 - Silver (North) Garage (1,271 spaces)
 - South Parking Garage (425 spaces)
 - Surface parking lots (1,304 spaces)
- Since 2012 TIF Plan Amendment, the following structured parking was added:
 - **North Parking Garage** – 1,271 space parking structure dedicated solely to AAC event parking (releases ≈7 acres of surface parking for development; City owns the land and garage)
 - **South Parking Garage** – 425 AAC event spaces relocated into an existing parking garage (releases ≈6 acres for development; TIF District receives 75% of revenue generated by public transient parking during AAC event and non-event times)
- Currently approximately 10 acres of surface parking remain in Victory Park.
- Technical studies recommend, any future structured parking (supported by TIF funding) should provide usage at both AAC event and non-event times

Victory Sub-district Status Update

- Worldwide Express signed 28,992 SF office lease October 2014
- Additional 14,000 SF office lease out for signature



- 378-unit multi-family complex
- Opened January 2014



- 1,271 space parking garage owned by the City
- Opened July 1st, adjacent to DART station



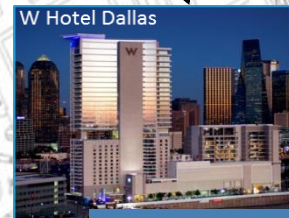
- 425-unit multi-family complex
- Anticipated completion Fall 2015



Plaza Buildings are 99% occupied



- 336-unit tower under construction
- completion January 2015



- Modern American gastropub, Cook Hall, opened in Spring 2013
- \$4 million renovation – Fall 2013
- Ghostbar space replaced with Altitude – an event/banquet space



- 263-unit multi-family complex
- Opened in March 2014

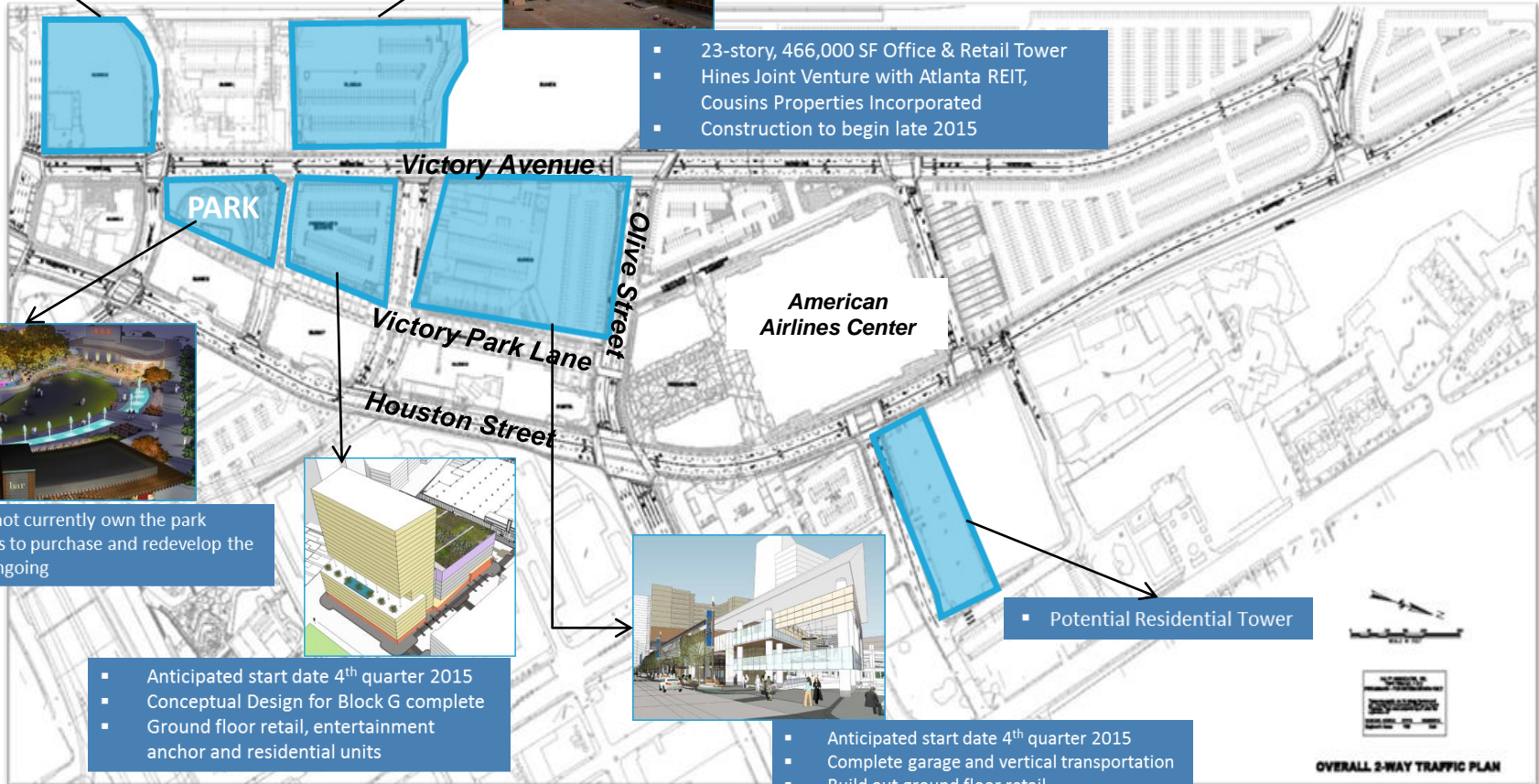
Victory Sub-district

Projects Announced and /or Anticipated

- 228 space parking structure for event and public use
- Estimated completion September 2015



- 23-story, 466,000 SF Office & Retail Tower
- Hines Joint Venture with Atlanta REIT, Cousins Properties Incorporated
- Construction to begin late 2015



PARK

Victory Avenue

Olive Street

Victory Park Lane

Houston Street

American Airlines Center

- Potential Residential Tower



- UST does not currently own the park
- Discussions to purchase and redevelop the park are ongoing



- Anticipated start date 4th quarter 2015
- Conceptual Design for Block G complete
- Ground floor retail, entertainment anchor and residential units



- Anticipated start date 4th quarter 2015
- Complete garage and vertical transportation
- Build out ground floor retail
- Final Design in review



OVERALL 2-WAY TRAFFIC PLAN

Victory Sub-district

Design and Technical Studies

- City Council approved TIF Grant May 2012 to reimburse UST for design and technical studies. A majority of the specific studies and projects were completed by May 2013 (check = complete) and implementation is underway on the other strategies/projects:
 - **Circulation**
 - ✓ Two Way Traffic
 - ✓ Pedestrian Access
 - ✓ Bicycle Access
 - **Parking**
 - Current & Future Parking
 - Shared Parking Analysis
 - **Retail Analysis**
 - ✓ Tenant Storefront Redesign Program
 - Complete Block D Retail and Activate Vacant Lots
 - Activate Vacant Lots
 - ✓ Merchandise Strategy & Program
 - **Urban Neighborhood Design**
 - ✓ Placemaking
 - ✓ Victory Park Lane
 - ✓ Signage & Wayfinding
 - Victory Park Redesign



Retail Technical Study

Retail Analysis

- Retail Analysis Recommendation:
 - Implement district wide leasing strategy that incorporates new retail, F&B, and entertainment uses to compliment existing uses and complete the development.
- Merchandise Strategy & Leasing Program Recommendation:
 - *Target entertainment anchor to support future restaurants*
 - Drive consistent daily non-event traffic with a diverse, unique tenant mix
 - *Attract quality grocery, cinema and service retail tenants*
 - *Pursue mix of restaurants, bars, live music, entertainment options and shops targeting the 25-40 year-old demographic*



Victory Park Cinema

Project Description

- **Cinema:** 44,000 square foot, 700 seat theater
- **Parking:** 125 parking spaces dedicated to theater and district wide retail parking in garage beneath theater
- **Project Cost:** \$22,119,539
- **TIF Grant:** \$5,000,000
 - Annual payments of \$625,000 over 8 years. Annual payment contingent upon cinema being open and operating
- **Start Construction:** January 31, 2016
- **Complete Construction:** March 31, 2018
- *Project is adjoined by a mixed use tower that will include residential units and ground floor retail. Lennar Homes is developing the residential tower.*

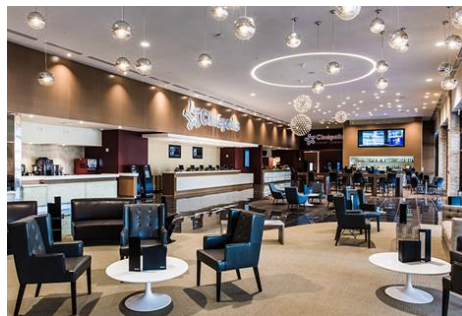
Victory Park Cinema *Project Renderings*



Victory Park Cinema Project

Theater Operator – Cinépolis, USA

- Mexico-based parent company, Cinépolis Mexico
 - Fourth largest movie theater exhibitor in the world
 - Opened first US theater in Del Mar, California in July 2011
 - Founded in Mexico in the city of Morelia, Michoacán in 1971
 - Grown operations in 13 countries, including the United States, Central America, Brazil, India and Spain
 - As of July 2015, Cinépolis' 30k employees operate 506 cinema complexes and 4,348 screens with over 715k seats worldwide.
- **First theater in Texas offering**
 - fully-reclining, over-sized leather seats
 - cutting edge sound and projection technology
 - in-theater waiter service
 - complete gourmet menu with full bar
 - elegant lobby spaces



Victory Park Cinema Project

Funding Sources and Uses

Sources	Amount	%	Uses
Developer Equity	\$22,119,539	100%	Construction
	\$22,119,539	100%	

Victory Park Cinema Project

Proposed TIF Funding

- TIF District's amended plan: facilitation of higher levels of retail occupancy and development of a more sustainable tenant mix for the area requires retail recruitment financial incentives, specifically for a retail anchor
- Amended budget for the sub-district dedicated a maximum of \$10 million for Retail Incentives within the sub-district
- Victory Park Cinema Project is consistent with goals and recommendations of amended District plan and retail technical study
- Specific TIF Funding Conditions, see **Appendix B**

Description	Amount
Tier Two Improvements	
Retail Incentives (TIF Grant)	\$5,000,000
Total Proposed TIF Grant	\$5,000,000

Victory Park Cinema Project

TIF Board Recommendation and Peer Review

- On September 16, 2015, the Sports Arena TIF District Board of Directors approved and recommended approval of a grant agreement with Blocks GKM, L.P. for TIF Funding for the Victory Park Cinema Project in an amount not to exceed \$5,000,000.
- On March 20, 2015, the City's Urban Design Peer Review Panel reviewed the project's design. The final conceptual designs incorporated the panels recommendations.

Recommendation

- Staff requests ECO Committee's approval for consideration by Council on October 28, 2015:
 - Grant agreement with Blocks GKM, L.P. for not to exceed \$5,000,000 for the Victory Park Cinema Project.

APPENDICES

Appendix A: Sports Arena TIF District Budget

Sports Arena TIF District Projected Increment Revenues to Retire TIF Fund Obligations			
Category	Total Budget*	Total Committed or Spent	Total Remaining
Original Improvements			
Total Original Improvements	\$38,588,359	\$38,389,665	\$198,694
Victory Sub-district Amended Budget			
West Dallas Set-Aside	\$12,779,264	\$679,107	\$12,100,157
Tier One Improvements	\$50,294,300	\$48,919,013	\$1,375,287
North Parking Garage			
South Parking Garage			
Economic Development TIF Grants			
Tier Two Improvements	\$69,573,502	\$13,403,582	\$56,169,920
Additional North Parking Garage			
Additional South Parking Garage			
Other District Improvements:			
Open Space/Connectivity, Special Studies			
Infrastructure Improvements and Retail			
Total Victory Sub-District	\$132,647,066	\$63,001,702	\$69,645,364
Category	Total Budget	Total Committed or Spent	Total Remaining
West Dallas Sub-district			
Economic Development Grants, Retail Incentives, Infrastructure Improvements, Technical Studies Environmental/Demolition			
Total West Dallas Sub-District	\$91,599,839	\$17,455,000	\$74,144,839
Riverfront Gateway Sub-district			
Economic Development Grants, Infrastructure Improvements, Environmental/Demolition Open Space, Connectivity and Retail			
Total Riverfront Gateway Sub-district	\$9,558,813	\$0	\$9,558,813
Administration and Implementation	\$997,010	\$571,974	\$425,036
Total Amended Budget	\$273,391,087	\$119,418,341	\$153,972,746

Appendix B: Project Proforma

Victory Park Cinema Project		
Sports Arena TIF District		
PROJECT DESCRIPTION:	2100 Victory Avenue	
PROJECT TYPE:	Cinema	
CONSTRUCTION START DATE:	January 31, 2016	
PROJECT COMPLETION:	March 31, 2018	
Use Breakdown	SF	Tot. Leasable SF
Cinema	40,000	40,000
Project Costs		
Hard Cost	\$20,737,651	
Soft Cost (less Developers Fee)	\$1,160,875	
Acquisition	\$0	
Total Project Cost (without City)	\$21,898,526	
Total Project Cost	\$21,898,526	
TIF Assistance	\$5,000,000	
Net Cost to Developer (after TIF reim)	\$16,898,526	
NOI	\$877,357	
Return on Cost Analysis		
NOI/Total Project Costs		
Return on Cost (without City \$)	4.0%	
Return on Cost (with City \$)	5.2%	

Appendix C: Technical Studies

Circulation Recommendations/Actions Taken

- **Two-Way Conversion**

- **Recommendation:** Amend City's Thoroughfare Plan to convert Houston Street and Victory Avenue to two-way traffic flow

Action : City Council approved Thoroughfare Plan amendment January 22, 2014;
Implementation of Two-Way Conversion Project planned for late 2015

- **Bicycle Access**

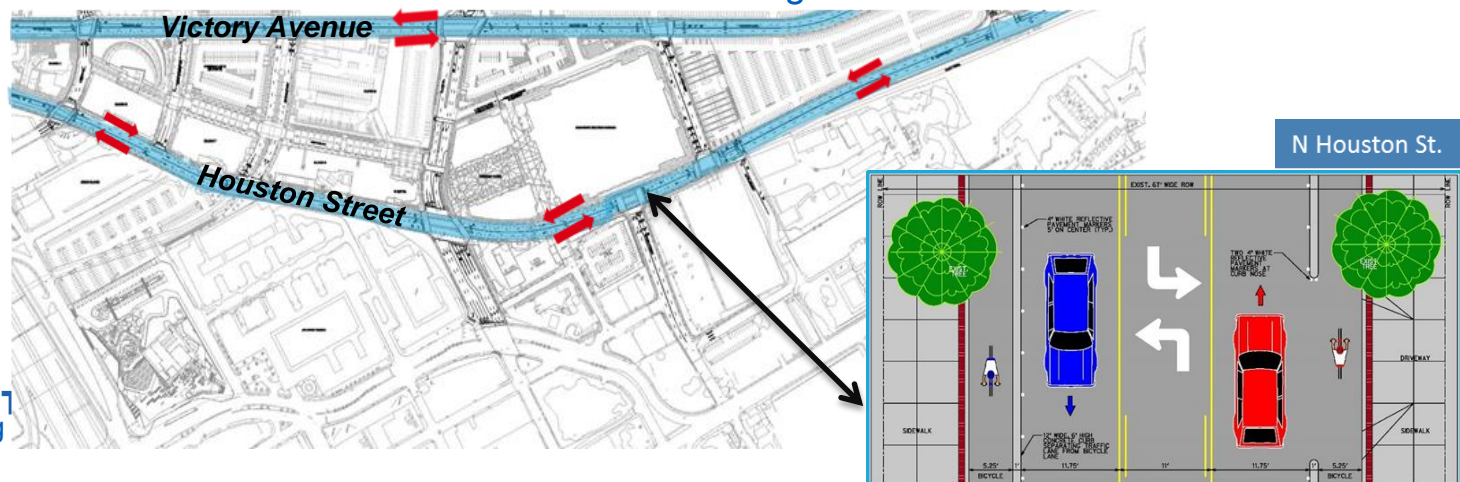
- **Recommendation:** Improve bicycle circulation throughout the sub-district

Action: On Houston Street a dedicated bicycle track will be constructed on both sides of the street and separated from car travel lanes by a raised curb

Action: Victory Park Lane will have shared bicycle lanes

- **Recommendation:** Capitalize on Victory's proximity to KATY Trail; relocate terminus of trail to district park

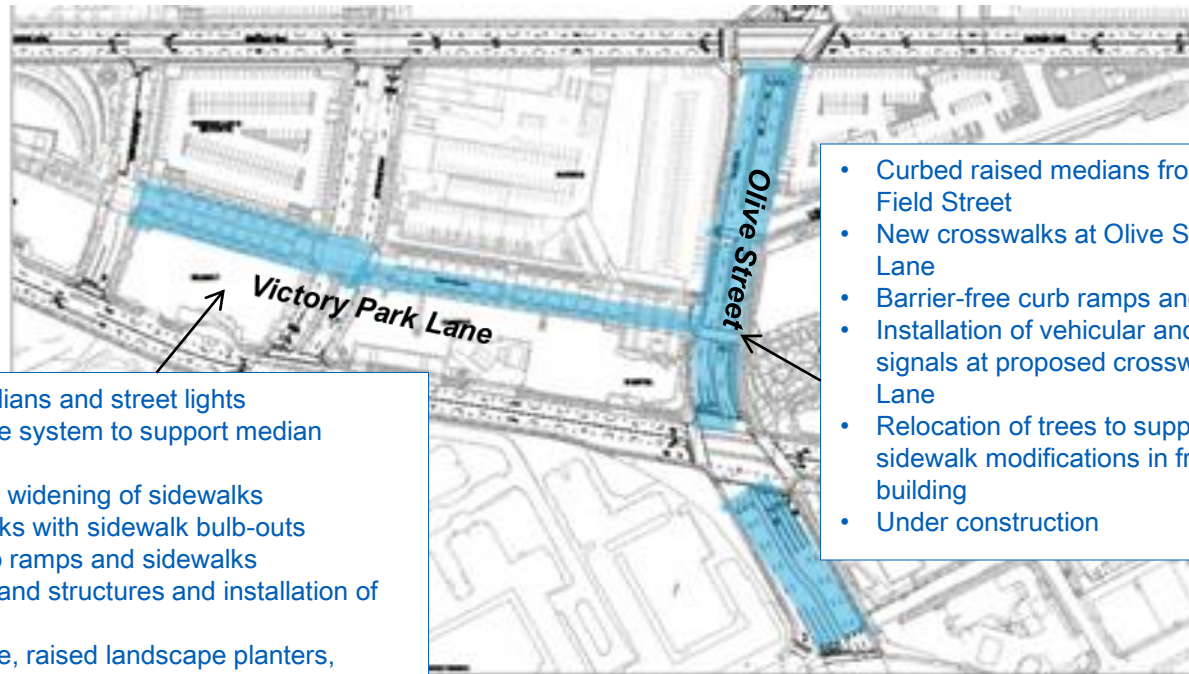
Action: The bicycle facilities on Houston Street and Victory Park Lane will connect to the current terminus of the KATY Trail and extend it throughout the sub-district



Appendix D: Technical Studies

Circulation Recommendations /Actions Taken (continued)

- Pedestrian Access
 - **Recommendation:** Provide traffic calming improvements on Olive Street
Action: City Council approved TIF reimbursement for Olive Street improvement project December 11, 2013
 - **Recommendation:** Enhance sidewalk environment on Victory Park Lane
Action: City Council approved TIF reimbursement for Victory Park Lane improvement project December 11, 2013
 - **Recommendation:** Encourage seamless flow of visitors and users throughout the urban district



- Removal of existing raised medians and street lights
- Modification of existing drainage system to support median removal
- Relocation of granite curbs and widening of sidewalks
- New raised mid-block crosswalks with sidewalk bulb-outs
- Modification of barrier-free curb ramps and sidewalks
- Foundation for new street light and structures and installation of street lights
- Installation of surface landscape, raised landscape planters, irrigation, drainage and power
- Under construction

- Curbed raised medians from Victory Avenue to Field Street
- New crosswalks at Olive Street & Victory Park Lane
- Barrier-free curb ramps and modified sidewalks
- Installation of vehicular and pedestrian traffic signals at proposed crosswalks at Victory Park Lane
- Relocation of trees to support the curb and sidewalk modifications in front of Victory Plaza building
- Under construction

Appendix E: Victory Park Cinema Project

Conditions of TIF Funding Highlights

- Minimum private investment of \$20,000,000 in construction and construction related soft costs for the Project.;
- The Project shall include:
 - Minimum 35,000 square feet of cinema space; and
 - Minimum 125 parking spaces dedicated to cinema and district retail/restaurant parking in a garage to be constructed beneath the cinema space
- Obtain a building permit issued by the City and start construction for the Project by January 31, 2016;
- Complete construction and obtain a Certificate of Occupancy for the cinema tenant, in the tenant's name, from the City by March 31, 2018;
- Obtain final acceptance of all public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Public Works and Transportation Department by March 31, 2018;
- Execute an Operating and Maintenance Agreement for public infrastructure improvements installed as part of the Project by March 31, 2018 for a period of 20 years, if any;
- The cinema must be open and operational prior to payment of the TIF Grant and shall remain open throughout the remaining term of the Victory Sub-district (December 31, 2028);

Appendix F: Victory Park Cinema Project

Conditions of TIF Funding (Continued)

- The TIF Grant will be paid over 8 years in the amount of \$625,000 annually. If the cinema is temporarily discontinued or closed, a 120 day cure period will be granted. Should the Developer fail to reopen the cinema within the cure period, the City's obligation to make remaining annual TIF Grant payments shall terminate;
- Comply with the Business Inclusion and Development ("BID") goal of twenty five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements, and the Developer shall make a good faith effort to achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each;
- If necessary, the project deadline can be extended up to 6 months, subject to the Sports Arena TIF District Board of Directors' recommendation and the Office of Economic Development Director's approval.

Memorandum



CITY OF DALLAS

DATE October 16, 2015

TO Honorable Members of the Economic Development Committee: Rickey D. Callahan (Chair), Casey Thomas (Vice-Chair), Lee Kleinman, Adam Medrano, Carolyn King Arnold, and Adam McGough

SUBJECT **DCA 145-005 Application to Amend Cell Tower Regulations – Temporary Towers and Height Restrictions**

On October 19, 2015 you will receive a follow up briefing on proposed amendments to the Development Code regarding provisions for cell towers as requested at the September 8 briefing. The City Plan Commission recommended approval of the proposed amendments on May 21, 2015. A copy of the briefing is attached. Please contact David Cossum at 670-4127 should you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Thy - R. E.' with a stylized flourish at the end.

Ryan S. Evans
First Assistant City Manager

C: Honorable Mayor and Members of City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
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Eric D. Campbell, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager

DCA 145-005

Application to Amend Cell Tower Regulations - Temporary Towers and Height Restrictions

Economic Development Committee

October 19, 2015



Background

- On February 6, 2015, an applicant submitted an application and fees to modify tower/antenna for cellular communication use regulations
 - Add temporary cellular units
 - Allow Council to waive residential proximity slope restrictions via SUP
 - Adopt language for modifications in order to comply with FCC
- Zoning Ordinance Committee (ZOC) discussed the item 3 times in March and April
- On April 16, 2015 ZOC recommended approval of the amendments
- On May 21, 2015 City Plan Commission (CPC) recommended approval
- On September 8, 2015, staff briefed the Committee and was asked to meet individually with Committee members and return to the Committee at a later date

Current Regulations

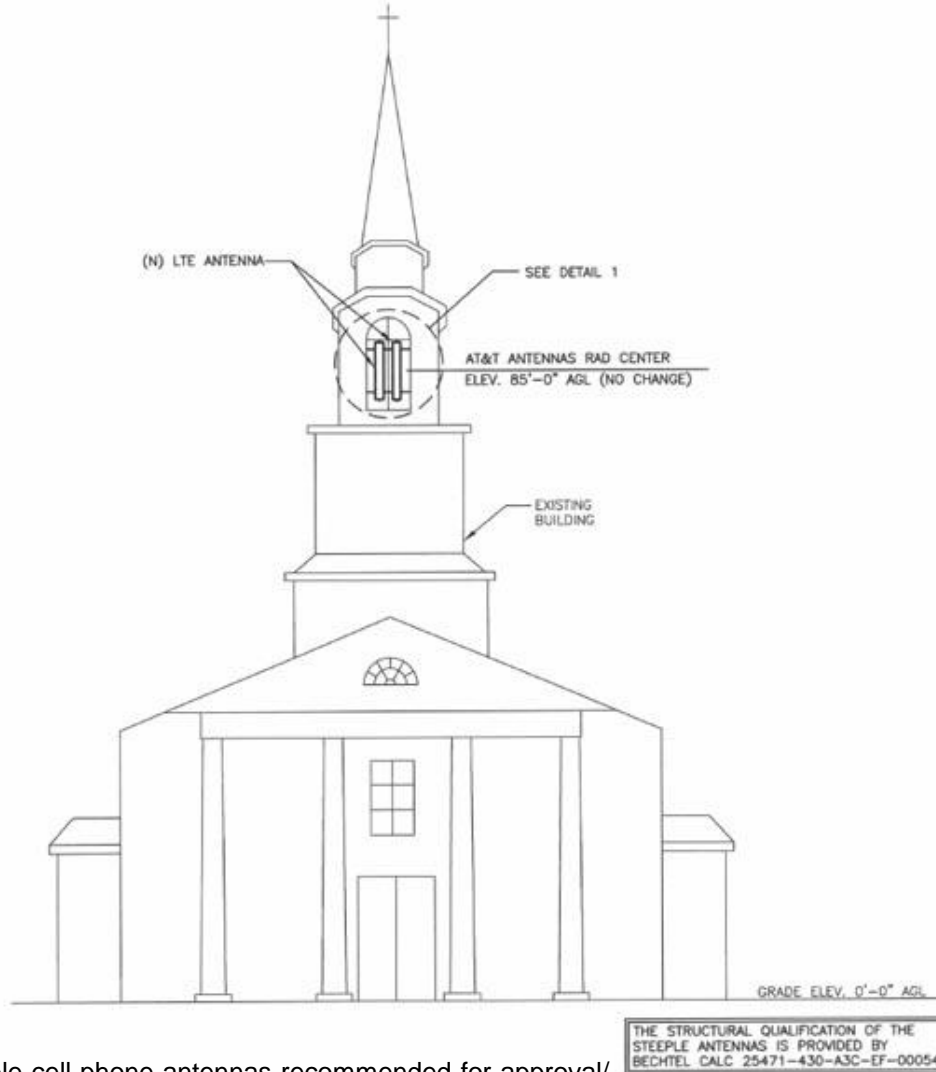
- 3 types of cellular communication technologies:
 1. **Mounted cellular antenna** means a cellular antenna that is attached to an existing structure
 2. **Monopole cellular tower** means a single pole structure that supports a platform and cellular antennas
 3. **Other cellular communication tower/antenna** means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the above definitions

Current Regulations

- All types of tower/antenna for cellular communication use are allowed in all districts by right or by SUP.
 - **Mounted** antennas are allowed by right
 - residential districts when on a nonresidential structure and in all nonresidential districts.
 - **Monopole** towers are allowed
 - by SUP in all residential districts and in NO(A) and NS(A)
 - in less intense nonresidential districts (i.e. LO(A), MO(A), GO(A), MU, MC, CR, and RR) monopoles are allowed
 - ✓ by right below specified heights, and
 - ✓ by SUP when they exceed specified heights.
 - by right in more intense nonresidential districts (i.e. commercial, industrial, and central area districts).
 - **“Other”** types are allowed
 - by right in more intense nonresidential (i.e. GO(A), CS, industrial, and central area) districts and
 - by SUP in residential districts and some less intense nonresidential (i.e. NO(A), LO(A), MO(A), retail, mixed use, and MC) districts.

Mounted Antennas

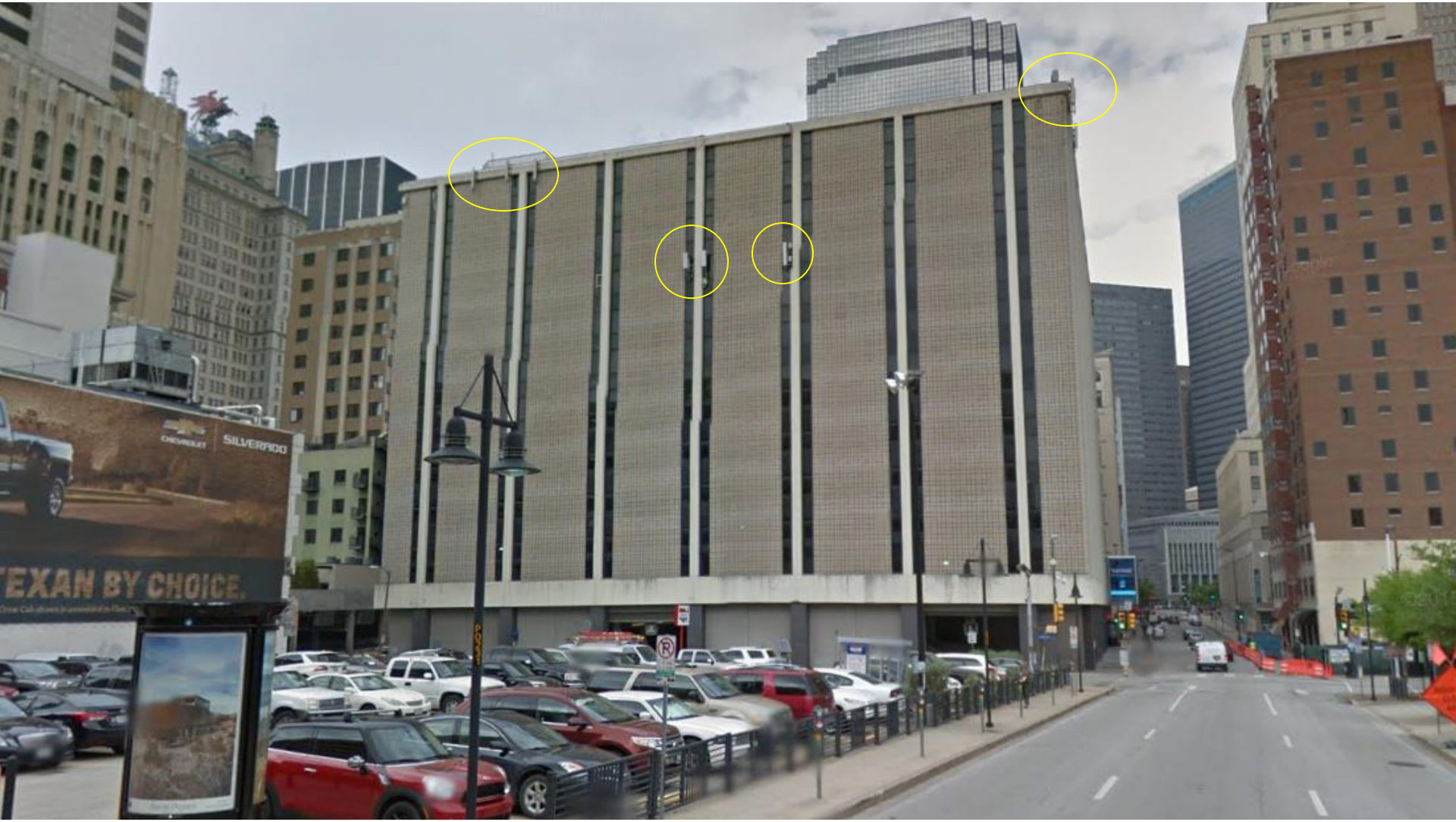
Current Regulations



<https://www.arlnow.com/2011/06/06/steeple-cell-phone-antennas-recommended-for-approval/>

Mounted Antennas

Current Regulations



Monopole Cellular Tower

Current Regulations



Monopole Cellular Tower

Current Regulations



Other Antennas and Monopole Cellular Tower

Current Regulations



Other Cellular Communication Tower/Antenna

Current Regulations



Residential Proximity Slope (RPS)

Current Regulations

- All types of tower/antenna for cellular communication use are a utility and are not restricted by zoning districts' maximum structure height
 - However, they must comply with residential proximity slope (RPS)
 - Council may waive the RPS if a specific use permit (SUP) is required.
- The board of adjustment (BDA) may grant a variance to height if it finds that the land has a restrictive size, shape, or slope that would prevent commensurate development.
 - This is often a difficult standard to prove for a monopole tower.

Residential Proximity Slope (RPS)

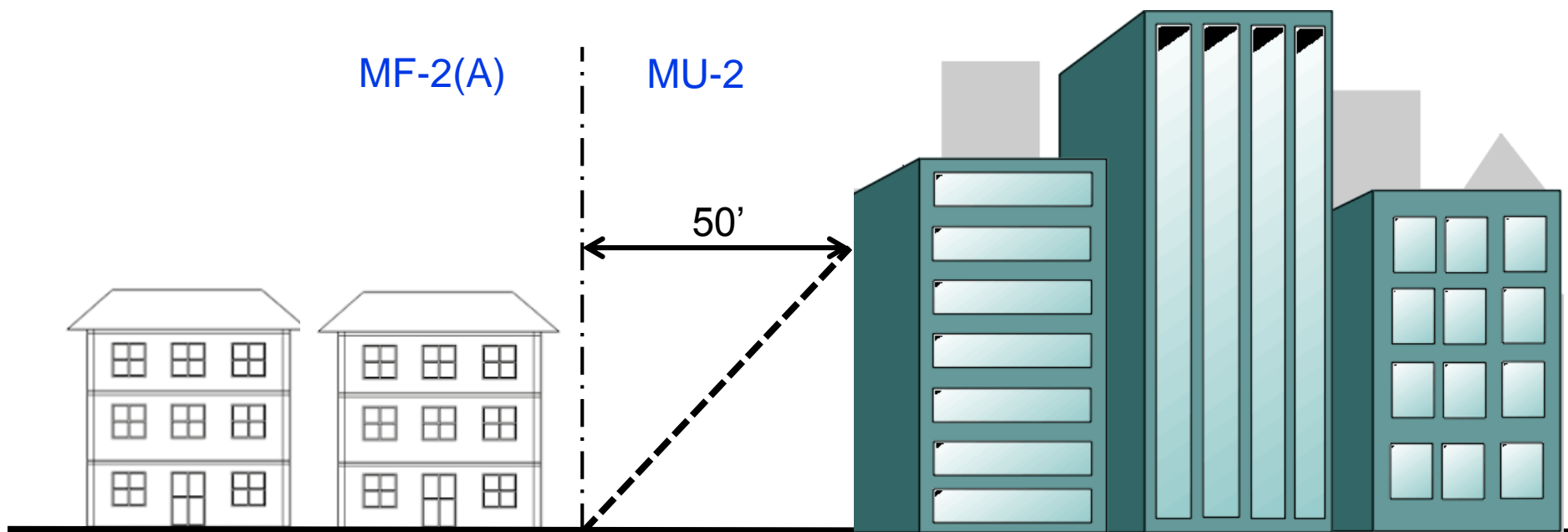
Current Regulations

- Residential Proximity Slope (RPS) is a plane projected upward and outward from every site of origination (e.g. R, D, TH Districts).
- Site of origination begins at the property lines of low density residentially zoned properties (e.g. R, D, TH Districts).
- If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope

Current Regulations

Residential Proximity Slope (RPS)

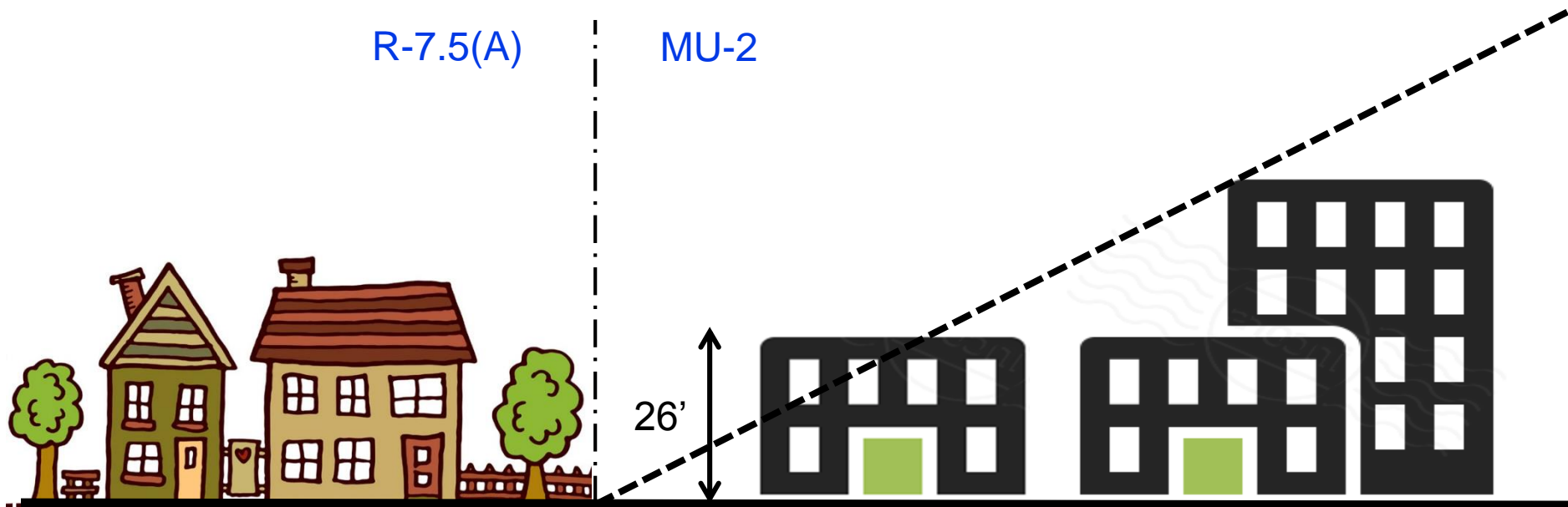
<u>Zoning Category</u>	<u>Angle of Projection</u>	<u>Extent</u>
CH, MF-1, MF-1(A), MF-2, and MF-2(A)	45° (1 to 1 slope)	Terminates at a horizontal distance of 50 feet from the site of origination.



Current Regulations

Residential Proximity Slope (RPS)

<u>Zoning Category</u>	<u>Angle of Projection</u>	<u>Extent</u>
R, R(A), D, D(A), TH, and TH(A)	18.4° (1 to 3 slope)	Infinite



Applicant Requested Amendments

- 1. Create “Temporary Cellular Units”** – Add new type to tower/antenna technologies to allow interim cellular service when an existing tower/antenna is damaged or destroyed.
- 2. Waive Residential Proximity Slope (RPS) Restrictions** – Allow Council to waive residential proximity slope (RPS) height restrictions with a specific use permit (SUP) instead of granting a variance by the Board of Adjustment (BDA).
- 3. Tower/Antenna Modifications** – Adopt language to refer to FCC requirements to allow repairs, replacement, or extensions of existing tower/antennas.

Temporary Cellular Units

Applicant's Problem Statement

- If an existing tower/antenna is damaged or destroyed, the replacement must meet the zoning regulations for a permanent tower/antenna.
 - Tall structures in locations to support cellular technology may not be available for mounted cellular antennas.
 - Other antennas often require SUP (3-4 month process) and immediate cellular service is needed to serve the public.

Temporary Cellular Units

CPC Proposed Amendment

- Add new type of tower/antenna called a “temporary cellular unit”
 - To allow temporary cellular service when an existing tower/antenna is damaged or destroyed.
 - By right in all residential and nonresidential districts.
 - Allowed for one year.
 - ❖ May be granted an additional two six month extensions, if an application for an SUP or a Planned Development District is filed.
 - Must obtain a certificate of occupancy (CO).
 - Must be removed:
 - ❖ upon the completion or expiration of a permit to construct a permanent tower/antenna or
 - ❖ expiration of the temporary cellular unit Certificate of Occupancy (CO).

Temporary Cellular Units

Proposed Amendment

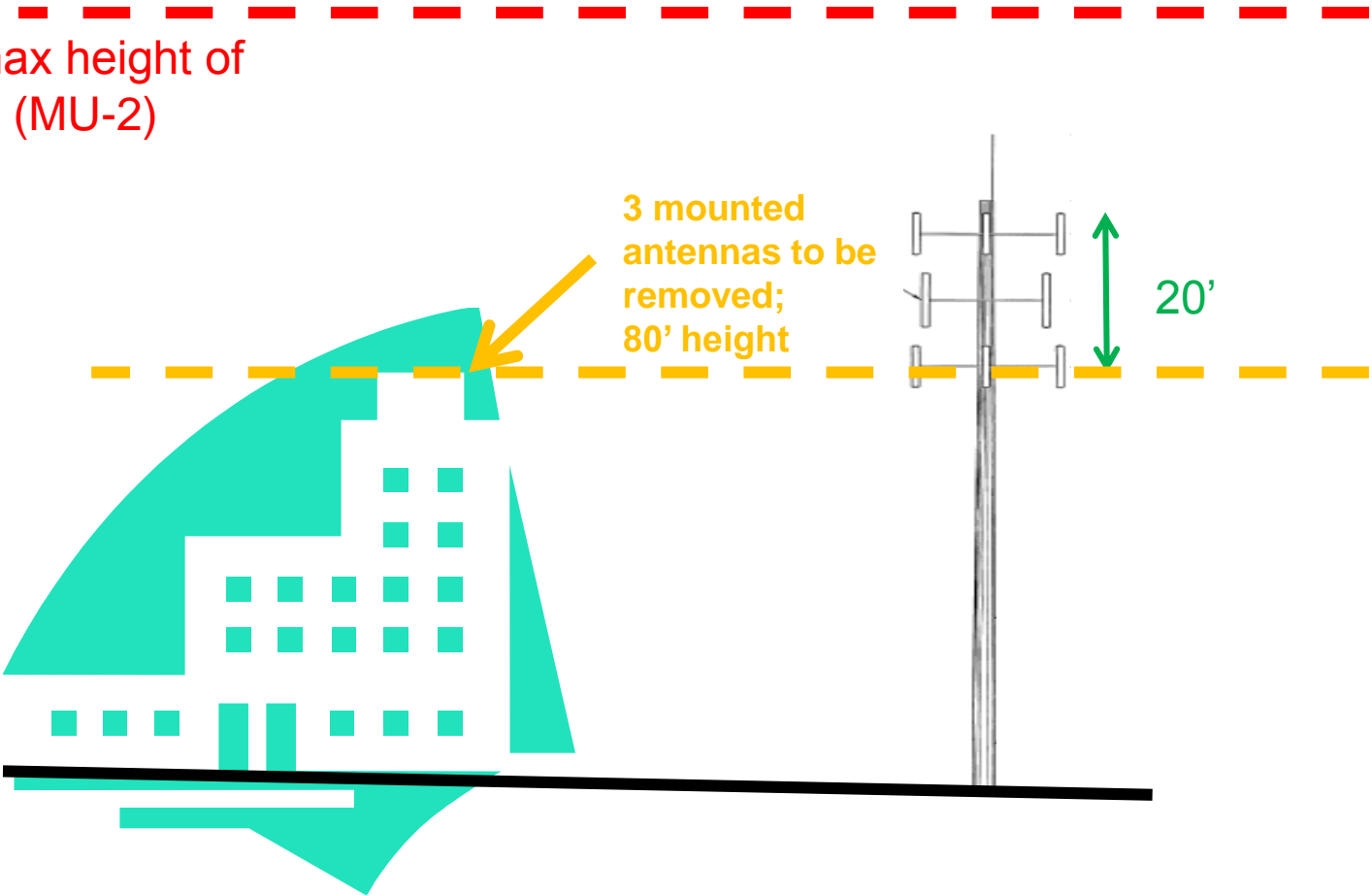
- Height restrictions
 - Residential proximity slope does not apply
 - Lightning rods are excluded in height calculations
 - If multiple pole structures are erected, limited to the height of existing antennas
 - Height restrictions for a single pole structure:
 - ❖ If the height of the existing tower/antenna to be removed is **less than** the maximum structure height of the district, the maximum structure height **may extend** an additional ten feet in height for each existing operator above one, **not to exceed the maximum structure height of the district.**
 - ❖ If the height of the existing tower/antenna 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.

Temporary Cellular Units

Proposed Amendment

Height restrictions for a single pole structure:

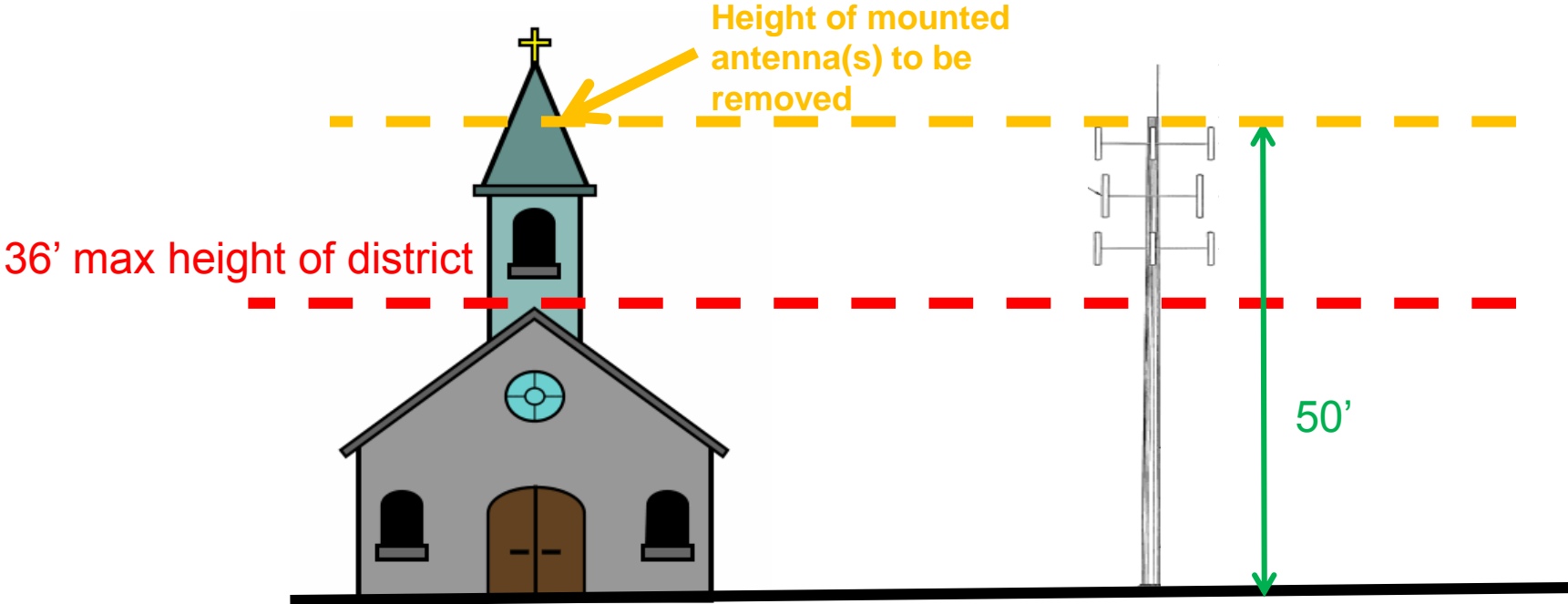
135' max height of district (MU-2)



Temporary Cellular Units

Proposed Amendment (continued)

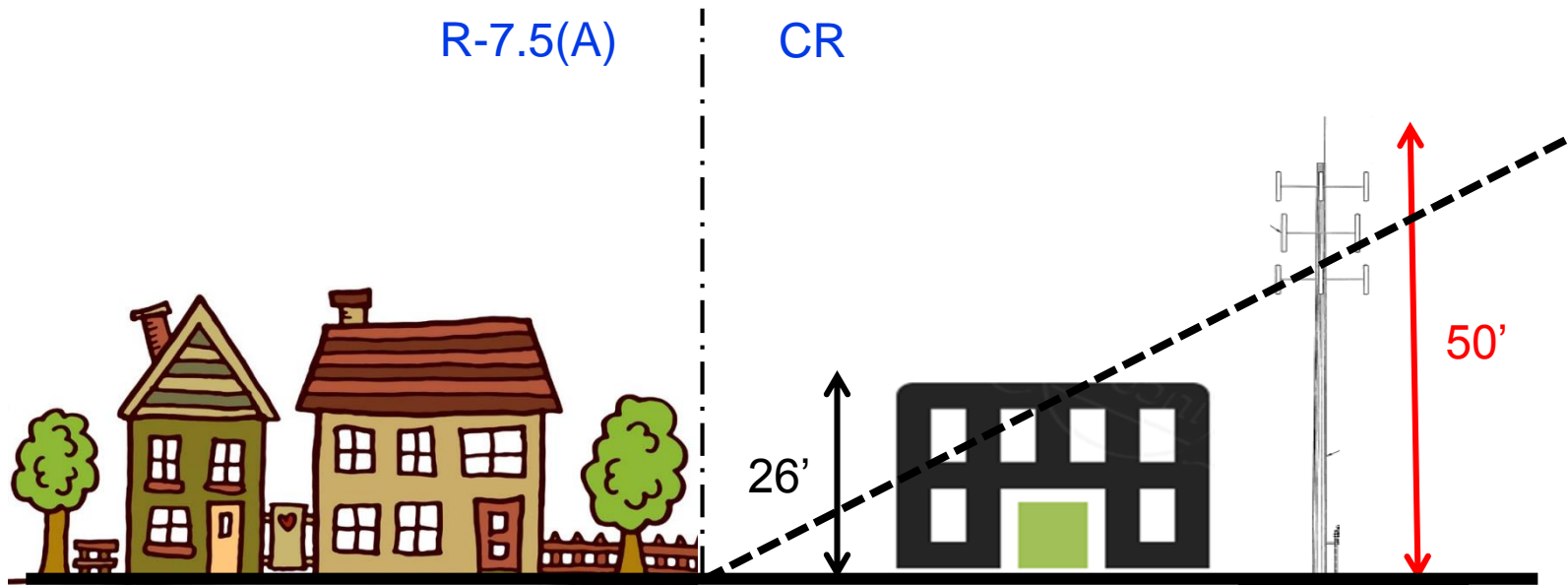
Height restrictions for a single pole structure:



RPS Restrictions

Applicant Problem Statement Example

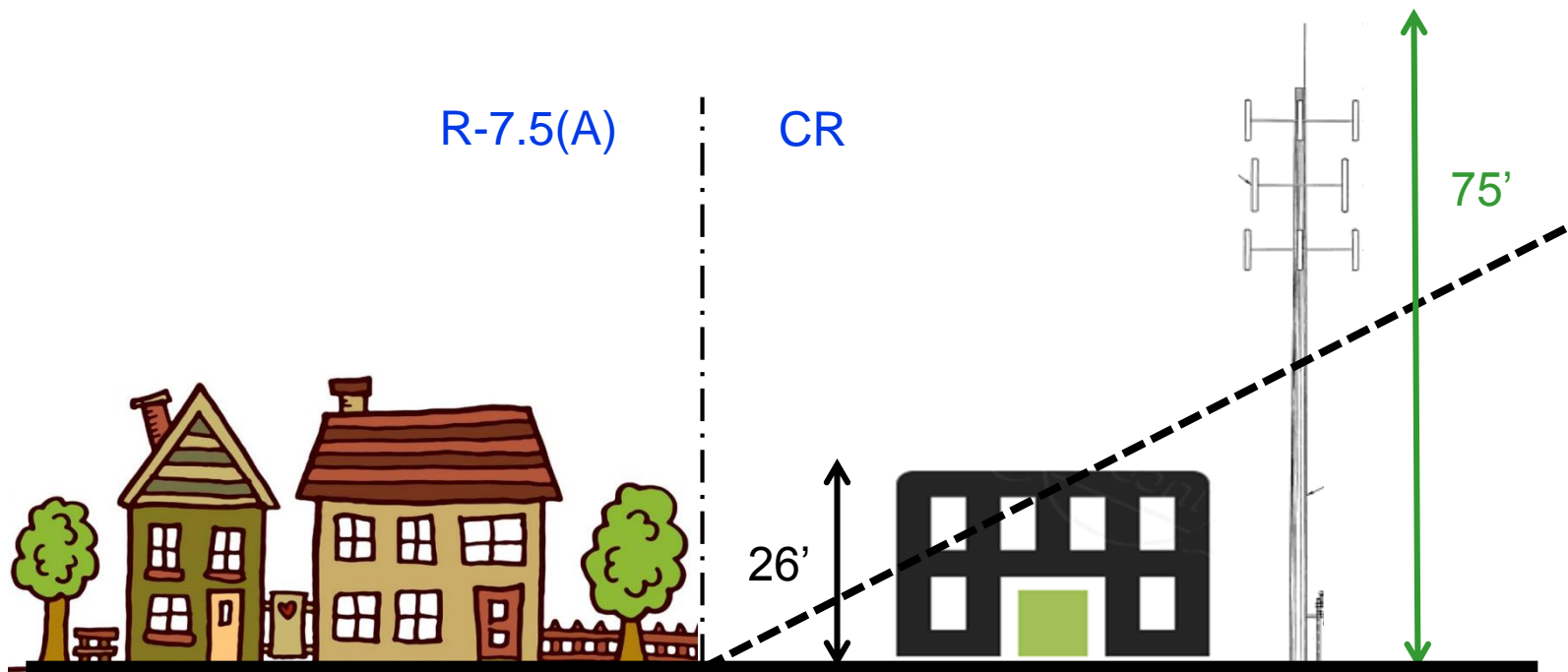
- Monopoles are allowed **by right** in CR when less than 65' tall.
 - RPS Remedy: Appeal to Board of Adjustments (BDA)
 - May be difficult to prove hardship of land to BDA (restrictive size, shape, or slope)



RPS Restrictions

Applicant Problem Statement Example

- Monopoles are allowed **by SUP** in CR when 65' tall or more.
 - RPS Remedy: Council may waive RPS with SUP
 - Less difficult standard to prove.
 - Can be approved through SUP process.



RPS Restrictions

CPC Proposed Amendment

- Allow Council to consider waiving the residential proximity slope (RPS) height restrictions through a specific use permit (SUP).

Tower/Antenna Modifications

Applicant's Problem Statement

- In October 2014, the Federal Communications Commission (FCC) issued the *Wireless Infrastructure Report and Order* which requires municipalities to adopt regulations that would allow for existing cellular systems to make modifications that did not “substantially modify” the “tower or base station”.

Tower/Antenna Modifications

CPC Proposed Amendment

- Adopt language to track FCC language to allow for modifications to existing towers/antennas in
 - use regulations,
 - maximum building height, and
 - nonconforming uses and structures

Next Steps

- Schedule for City Council Agenda

Appendix

- Proposed language to comply with FCC requirements:
 - “An application or amendment for an SUP or Planned Development District that would otherwise be required is not required for a modification to an existing towers/antennas or its base station unless the modification substantially changes the physical dimensions of the existing [type of tower/antenna for cellular communication technology] or its base station. A modification substantially changes the physical dimensions of an existing [type of tower/antenna for cellular communication technology] or its base station if it meets any of the criteria listed in 47 C.F.R. §1.40001(b)(7).”

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 28, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction
City Attorney's Office
Public Works Department

CMO: Ryan S. Evans, 671-9837
Warren M.S. Ernst, 670-3491
Jill A. Jordan, P.E., 670-5299

MAPSCO: 22G

SUBJECT

Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. The Hale Living Trust, Connie E. Hale, et al., Cause No. CC-15-01531-B, pending in County Court At Law No. 2, for acquisition from The Hale Living Trust, of approximately 7,044 square feet of land located near its intersection of Royal and Goodnight Lanes for the Goodnight Lane Street Improvements project; and (2) settlement of the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$21,153, increased from \$47,579 (\$44,279, plus closing costs and title expenses not to exceed \$3,300) to \$68,732 (\$65,432 being the award, plus closing costs and title expenses not to exceed \$3,300) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes deposit of the amount awarded by the Special Commissioners for the acquisition of approximately 7,044 square feet of land. The City made its final offer totaling \$44,279 and was based on a written appraisal from an independent certified appraiser. The offer was not accepted by the owner and the City filed an eminent domain case to acquire the land. After a hearing, the Special Commissioners awarded \$65,432.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on November 12, 2013, by Resolution No. 13-1965.

Council will be briefed by memorandum regarding this item.

Information about this item will be provided to the Economic Development Committee on October 19, 2015.

FISCAL INFORMATION

2006 Bond Funds - \$21,153

Resolution No. 13-1965	\$47,579
Additional Amount (this action)	<u>\$21,153</u>
Total Authorized Amount	\$68,732

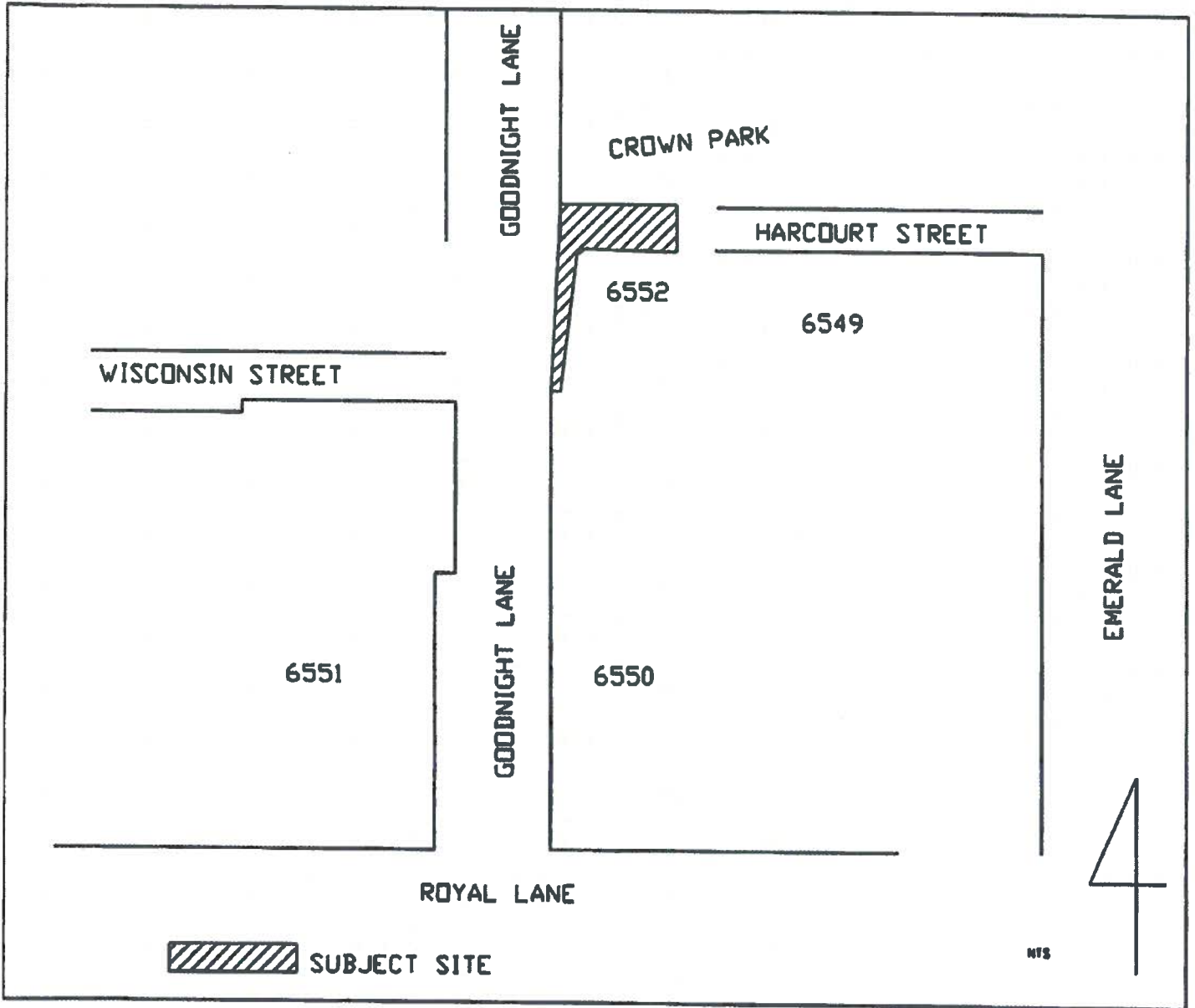
OWNER

The Hale Living Trust

Connie E. Hale, Trustee

MAP

Attached



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 28, 2015
COUNCIL DISTRICT(S): All
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: Citywide

SUBJECT

An ordinance amending Chapter 43, of the Dallas City Code to define sidewalk cafes, establish annual and one-time fees for licenses and license renewals and reduce application fees for certain uses of the public right-of-way - Financing: No cost consideration to the City

BACKGROUND

Chapter 43 of the Dallas City Code currently provides application and license fees for certain uses of public right-of-way. The proposed ordinance would amend Chapter 43 to reduce the annual fee for sidewalk cafes and the one-time fees for landscaping and appurtenant irrigation systems; awnings and canopies without premise signs; subdivision and monuments signs; and other streetscape elements. The proposed ordinance would also reduce the application fee for those uses.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to Council on August 5, 2015.

Information about this item will be provided to the Economic Development Committee on October 19, 2015.

FISCAL INFORMATION

No cost consideration to the City.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 28, 2015

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dennis Ray Hightower, of a tract of land containing approximately 133,347 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$61,476 (\$57,976, plus closing costs and title expenses not to exceed \$3,500) – Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 133,347 square feet located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline Project. The consideration is based on an independent appraisal plus \$9,000 for improvements, as approved by Dallas Water Utilities.

This acquisition is part of the right of way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, TX and then to the Eastside Water Treatment plant located in Sunnyvale, TX. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to Economic Development Committee on October 19, 2015.

FISCAL INFORMATION

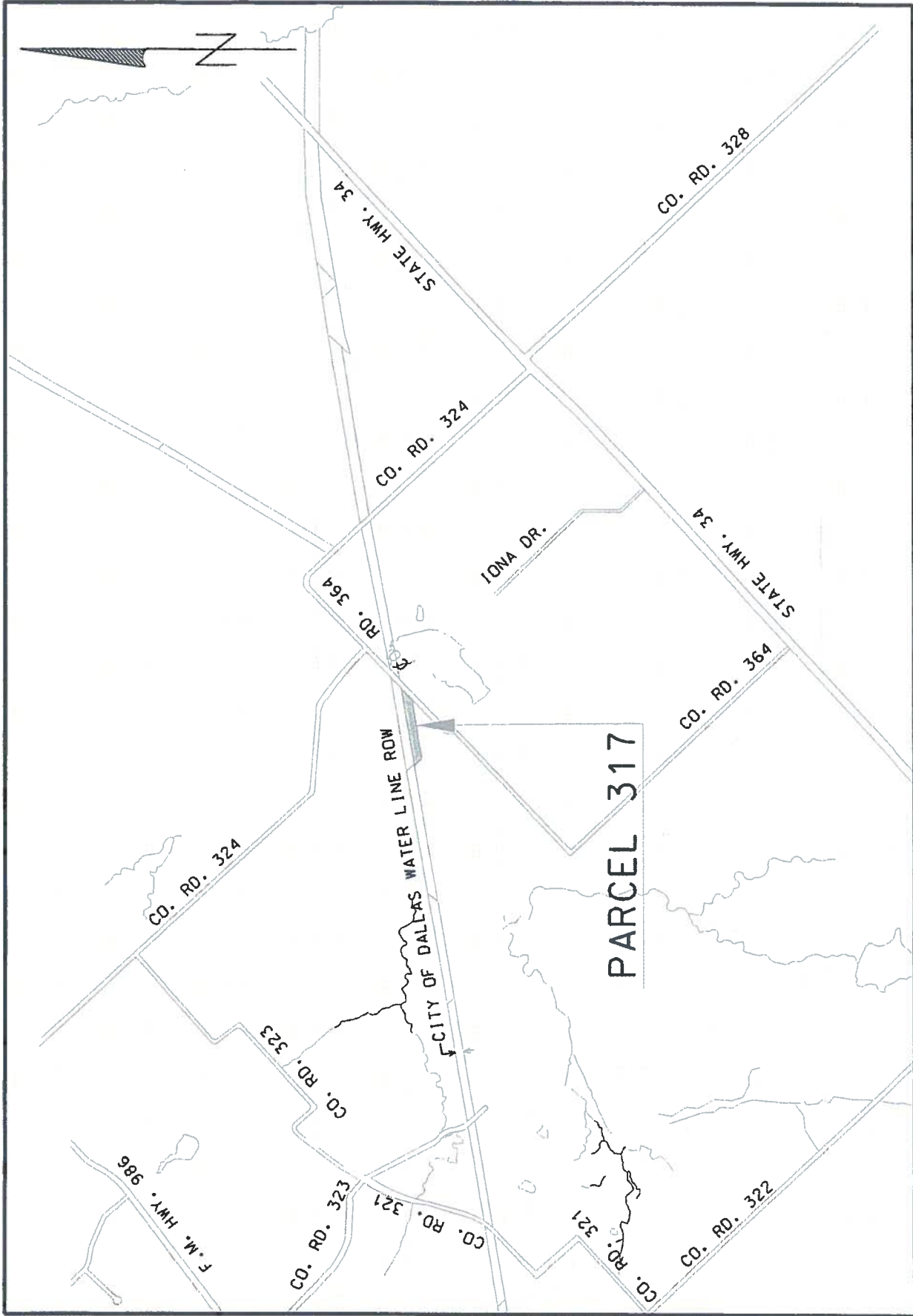
Water Utilities Capital Construction Funds - \$61,476 (\$57,976, plus closing costs and title expenses not to exceed \$3,500)

OWNER

Dennis Ray Hightower

MAP

Attached



VICINITY MAP
 APPROXIMATE SCALE 1" = 2000'

KEY FOCUS AREA: E-Gov
AGENDA DATE: October 28, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize **(1)** the acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible capital improvement project costs at Dallas Love Field through the Airport Improvement Program Grant for Hold Position Relocation (Grant No. 3-48-0062-49-2015, CFDA No. 20.106) in the amount of \$863,445; **(2)** acceptance of a grant from the Federal Aviation Administration through the Airport Improvement Program Grant for Airfield Pavement Analysis (Grant No. 3-47-0062-047-2014, CFDA No. 20.106) in the amount of \$833,157; and **(3)** execution of the grant agreements - Total not to exceed \$1,696,602 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

BACKGROUND

The Federal Aviation Administration (FAA) has approved the following projects for federal funding in an amount up to \$1,696,602.00 of the actual and eligible project costs. Grant funds for these specific projects will be used to reimburse the program. These projects are currently in the design and evaluation phase.

Runway Hold Position Relocation

Currently, a number of holding positions on Runways 13L-31R and 13R-31L are located closer to the runway centerline than permitted by FAA Criteria. This design project will relocate aircraft holding position signage and markings on taxiways intersecting Runway 13L-31R and 13R-31L so that they are in compliance with criteria contained in current FAA Advisory Circulars. The relocated holding positions will assure that Dallas Love Field airport complies with the latest industry safety standards.

BACKGROUND (Continued)

Airfield Pavement Analysis

This project will take a comprehensive look at airfield pavement through testing, investigation and nondestructive means and methods. The analysis will provide recommendations for a pavement management plan including improvement projects, cost estimates and a pavement management system. The evaluation of the airport's pavement infrastructure will provide cost-effective solutions along with detailed plans, project justifications and documentation for FAA planning purposes.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the professional services contract with Kimley Horn and Associates, Inc. for Airfield Pavement Analysis, on March 26, 2014, by Resolution No. 14-0511.

Authorized the professional services contract with Atkins North America, Inc. for Runway Hold Position Relocation, on September 24, 2014, by Resolution No. 14-1604.

Information about this item was provided to the Budget, Finance and Audit Committee on October 5, 2015.

FISCAL INFORMATION

\$1,696,602.00 - Federal Aviation Administration Airport Improvement Program Grant Funds

Memorandum



DATE October 16, 2015

TO Honorable Members of the Economic Development Committee: Rickey D. Callahan (Chair), Casey Thomas (Vice-Chair), Lee Kleinman, Adam Medrano, Carolyn King Arnold, and Adam McGough

SUBJECT **Upcoming Addendum Item on the October 28, 2015 Council Agenda - Magnolia Station, LLC – Abandonment**

This item authorizes the abandonment of portions of a utility easement, sanitary sewer easement, water easement and fire apparatus access road to Magnolia Station, LLC, the abutting owner, containing a total of approximately 46,248 square feet. The abandonment area will be included with the property of the abutting owner for construction of multifamily units.

Please let me know if you have any questions.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Emst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council
David Cossum, Director, Sustainable Development and Construction