

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, NOVEMBER 19, 2013
AGENDA

BRIEFING	ROOM 6/E/S, 1500 MARILLA STREET	11:00 A.M.
LUNCH		
PUBLIC HEARING	ROOM 6/E/S, 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Tuesday, October 22, 2013 Board of Adjustment Public Hearing Minutes	M1
BDA 123-064	5414 Melrose Avenue REQUEST: Of Robert V. Hunt to extend the time to file an application for a building permit for certificate of occupancy an additional 6 months beyond the 180 days from the Board of Adjustment's favorable action for a variance for variances to the front and side yard setback regulations and to the maximum lot coverage regulations	M2

UNCONTESTED CASES

BDA 123-109	10349 Strait Lane REQUEST: Application of Robert Baldwin for a special exception to the fence height regulations	1
BDA 123-110	4727 Sapphire Street REQUEST: Application of Mark Quinn, represented by Peter Kavanagh, for a variance to the height regulations	2
BDA 123-119	4225 Singleton Boulevard REQUEST: Application of Chris French for a special exception to the landscape regulations	3

REGULAR CASE

BDA 123-112

3917 (aka 3907) W. Camp Wisdom Road

4

REQUEST: Application of Brian Fisher,
represented by Melissa Lindelow, to appeal the
decision of the administrative official

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

(Rev. 6-24-12)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A October 22, 2013 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 123-064

REQUEST: To extend the time period in which to file an application for a building permit or certificate of occupancy an additional 6 months beyond the 180 days from the Board of Adjustment's favorable action on requests for a variance to the front yard setback regulations of 18', variances to the side yard setback regulations of 2', and a variance to the lot coverage regulations of 437 square feet granted by Board of Adjustment Panel A on June 18, 2013.

LOCATION: 5414 Melrose Avenue

APPLICANT: Robert V. Hunt
Represented by Brittany Harris

STANDARD FOR EXTENDING THE TIME PERIOD IN WHICH TO APPLY FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY:

- The Dallas Development Code states:
 - The applicant shall file an application for a building permit or certificate of occupancy within 180 days for the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.
- The *Board of Adjustment Working Rules of Procedure* state the following with regard to extensions of the time period for making application for a building permit or certificate of occupancy:
 - A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a *specific finding* based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the board extend the time period beyond 18 months from the date of its favorable action.

Timeline:

June 18, 2013: The Board of Adjustment Panel A granted a variance to the front yard setback regulations of 18', variances to the side yard setback regulations of 2', and a variance to the lot coverage regulations of

437 square feet, and imposed the submitted site plan as a condition to these requests. The case report stated that request was made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story single family home structure that the applicant intends to demolish. (See Attachment A for a copy of the case materials related to this application).

November 6, 2013: The Board Administrator emailed the applicant's representative acknowledging her November 5th request for the Board to extend the time period in which to file an application for a building permit or certificate of occupancy beyond the 180 days he had to do so from the June 18, 2013 favorable action (see Attachment B). The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date of the request; and deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- an attachment of materials related to BDA 123-064; and
- The Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."



City of Dallas

m2
Attach A
r51

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-064

Data Relative to Subject Property:

Date: 4-30-13

Location address: 5414 Melrose Avenue 75206 Zoning District: R-7.5(A)
part of
Lot No.: 849 Block No.: C/1978 Acreage: 4,372 SQ'
.10 acres Census Tract: 10.02

Street Frontage (in Feet): 1) 47' 2) _____ 3) _____ 4) _____ 5) _____ 524

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RVH Real Estate Opportunity Fund, LLC

Applicant: Robert V. Hunt, manager Telephone: 214.824.5750

Mailing Address: 5811 Gaston Avenue Dallas, TX Zip Code: 75214

E-mail Address: RobertVHunt@sbglobal.net

Represented by: Robert V. Hunt Telephone: same

Mailing Address: same Zip Code: same

E-mail Address: same

Affirm that an appeal has been made for a Variance X, or Special Exception of A variance of 18' to the front yard setback, and a variance of 2' in the side yard setbacks, AND A VARIANCE OF 437' TO THE MAXIMUM LOT COVERAGE.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

owing to an irregularly shaped 4,372 SQ' lot (58% of the minimum 7,500 SQ' site required in a R-75(A) zoning district). Further, the front width is only 47' wide whereas most lots in this zoning district are 50' wide. The depth of the lot is between 73' to 98' deep whereas most typical lots in this zoning district are 150' deep.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

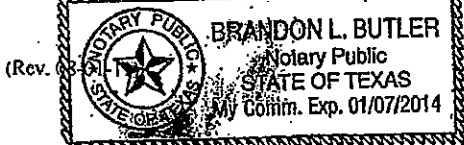
Affidavit

Before me the undersigned on this day personally appeared ROBERT V. HUNT
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Robert V. Hunt
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 29th day of April, 2013



[Signature]
Notary Public in and for Dallas County, Texas

M2
Attach A
pg 2

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

TUESDAY, JUNE 18, 2013

FILE NUMBER: BDA 123-064

BUILDING OFFICIAL'S REPORT: Application of Robert V. Hunt for variances to the front and side yard setback regulations and to the maximum lot coverage regulations at 5414 Melrose Avenue. This property is more fully described as part of Lots 8 & 9, Block C/1978, and is zoned R-7.5(A), which requires a 25 foot front yard setback, a 5 foot side yard setback, and limits lot coverage to 45 percent. The applicant proposes to construct and maintain a structure and provide a 7 foot front yard setback, which will require a variance to the front yard setback regulations of 18 feet, 3 foot side yard setbacks, which will require variances to the side yard setback regulations of 2 feet, and exceed the maximum 45 percent lot coverage, which will require a variance to the maximum lot coverage regulations of 437 square feet.

LOCATION: 5414 Melrose Avenue

APPLICANT: Robert V. Hunt

REQUESTS:

The following appeals have been made in conjunction with constructing and maintaining a two-story single family home structure on a site that is currently developed with a one-story single family home structure that the applicant intends to demolish:

1. A variance to the front yard setback regulations of 18' is requested as the proposed structure would be located 7' from the front property line or 18' into the required 25' front yard setback.
2. Variances to the side yard setback regulations of 2' are requested as the proposed structure would be located 3' from the site's two side property lines or 2' into the required 5' side yard setbacks.
3. A variance to the lot coverage regulations of 437 square feet is requested as (according to the applicant) this request would allow up to 2,404 square feet of maximum lot coverage when 1,967 square feet is allowed now (or 45 percent) on the 4,372 square foot subject site.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

Chairman

Larry V. Holmes
Larry Holmes, Building Official



M2
ATTACH A
pg 4

June 27, 2013

Robert V. Hunt
5811 Gaston Avenue
Dallas, TX 75214

Re: BDA 123-064, Property at 5414 Melrose Avenue


Dear Mr. Hunt:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, June 18, 2013 took the following actions:

1. Granted your request for a variance to the front yard setback regulations of 18 feet subject to the following condition:
 - Compliance with the submitted site plan is required.
2. Granted your request for variances to the side yard setback regulations of 2 feet, subject to the following condition:
 - Compliance with the submitted site plan is required.
3. Granted your request for a variance to the lot coverage regulations of 437 square feet, subject to the following condition:
 - Compliance with the submitted site plan is required.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.


Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: James Martin, Code Enforcement, 3112 Canton, RM 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105

m2
Attach B

pg 1

Long, Steve

From: Long, Steve
Sent: Wednesday, November 06, 2013 8:33 AM
To: 'Harris, Brittany M'
Cc: Dean, Neva; Morrison, Laura; Duerksen, Todd; 'robert hunt'
Subject: FW: Miscellaneous Item Request for Buidling Permit Time Extension: BDA 123-064, Property at 5414 Melrose Avenue

Attachments: info related to BDA 123-064.pdf; time extension.PDF; documentary evidence.pdf; Panel A hearing date and deadlines.doc

Dear Ms. Harris,

Please disregard the email I sent you earlier this morning and consider this official notice that the miscellaneous item request for a time extension in which to file for a building permit or certificate of occupancy beyond the 180 days your associate and original applicant, Robert V. Hunt, has to do so from the June 18th favorable action by Board of Adjustment Panel A in conjunction with the board of adjustment application referenced above has been scheduled for the Tuesday, November 19th Panel A public hearing to be held in the Room 6ES of Dallas City Hall at 1:00 p.m.

Here is additional information regarding your miscellaneous item time extension request:

1. Your email of request below- which will be included in a docket that is emailed to you and the board members about a week ahead of your November 19th public hearing.
2. Related documents to BDA 123-064.
3. The provision from the Board's Working Rules of Procedure allowing the board to extend the time period in which to make application for a building permit or certificate of occupancy (Section 9.(j)).
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
5. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thanks,

Steve

From: Long, Steve
Sent: Wednesday, November 06, 2013 4:54 AM
To: 'Harris, Brittany M'
Cc: Dean, Neva; Morrison, Laura; 'robert hunt'
Subject: RE: BDA 123-064, Property at 5414 Melrose Avenue requested 6 month extension to file application of building permit

Dear Ms. Harris,

I will print this email below and add it to your miscellaneous item time extension request file – a request to be heard by Board of Adjustment Panel C on Monday, November 18th.

Thanks,

Steve

11/6/2013

M2
Attach B
Pg 2

From: Harris, Brittany M [mailto:brittany.harris@mavs.uta.edu]

Sent: Tuesday, November 05, 2013 3:50 PM

To: Long, Steve

Cc: robertvhunt@sbcglobal.net

Subject: BDA 123-064, Property at 5414 Melrose Avenue requested 6 month extension to file application of building permit

Hi Steve,

I would like to request a 6 month extension of the above variance approval, currently expiring December 14, 2013. We are seeking NO changes to the conditions approved on the date of favorable action, June 18, 2013 in the public hearing by the Board of Adjustment.

Thank you so much for your time. I look forward to hearing from you on this matter.

Brittany Harris

Assistant to Robert V Hunt

Robert V. Hunt & Associates

5811 Gaston Avenue

Dallas, TX 75214

Office: (214) 824-5750

Cell: (214) 202-3226

FILE NUMBER: BDA 123-109

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the fence height regulations at 10349 Strait Lane. This property is more fully described as Lot 13, Block D/5532 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

LOCATION: 10349 Strait Lane

APPLICANT: Robert Baldwin

REQUEST:

A special exception to the fence height regulations of 5' is requested in conjunction with constructing and maintaining a fence in the site's 40' front yard setback on a site that is currently undeveloped – a 6' high open iron picket fence with 6.6' high masonry columns with a 6' – 8.5' high open metal picket gate flanked by 9' high, approximately 12' long solid masonry wing walls with 9' high masonry entry columns.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence height regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: R-1ac(A) (Single family district 1 acre)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1ac(A) (Single family district 1 acre)

Land Use:

The subject site is vacant/undeveloped. The areas to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 093-063, Property at 10349 Strait Lane(the lot immediately north of the subject site)

On April 27, 1993, the Board of Adjustment granted a request for a special exception to the fence height regulations of 4' 3" to maintain "a 6' wrought iron fence with an 8' high gate and columns of 6.5' as amended." The case report stated that the request was made to construct a 6' high open wrought iron fence with 6' 5" high brick columns along Strait Lane and Kelsey Road.
2. BDA 078-114, Property at 10331 Strait Lane (the lot immediately south of the subject site)

On September 17, 2008, the Board of Adjustment Panel B granted a request for a special exception of 4' 4" and imposed the submitted site plan and elevation as a condition to the request. The case report stated that the request was made to construct and maintain a 7.5' high open iron picket fence/wall (with 2.5' high stone base) and a 7.5' high solid plaster fence/wall (with 2.5' high stone base) with 8' high columns, and 8' 4" high open iron gates with 8' 4" high entry columns in Strait Lane and Dorset Road front yard setbacks; and additionally construct and maintain an 8' high iron tennis court fence in the Dorset Road front yard setback.
3. BDA 95-062, Property at 10330 Strait Lane (the lot immediately east of the subject site)

On May 23, 1995, the Board of Adjustment granted a request for a variance to the height regulations (subject to compliance with the submitted elevation), granted a request for a special exception to allow an additional dwelling unit (subject to deed restrictions), and denied a request for a special exception to the height regulations of 6' 6" without prejudice. The case report stated that the

requests were made to construct and maintain an approximately 40,000 square foot, single family home with a height of 41 feet and a chimney height of 56', an approximately 2,500 square foot gate house, and a 8'6" open metal fence with 12' 6" masonry columns.

Timeline:

September 9, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 23, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 23, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

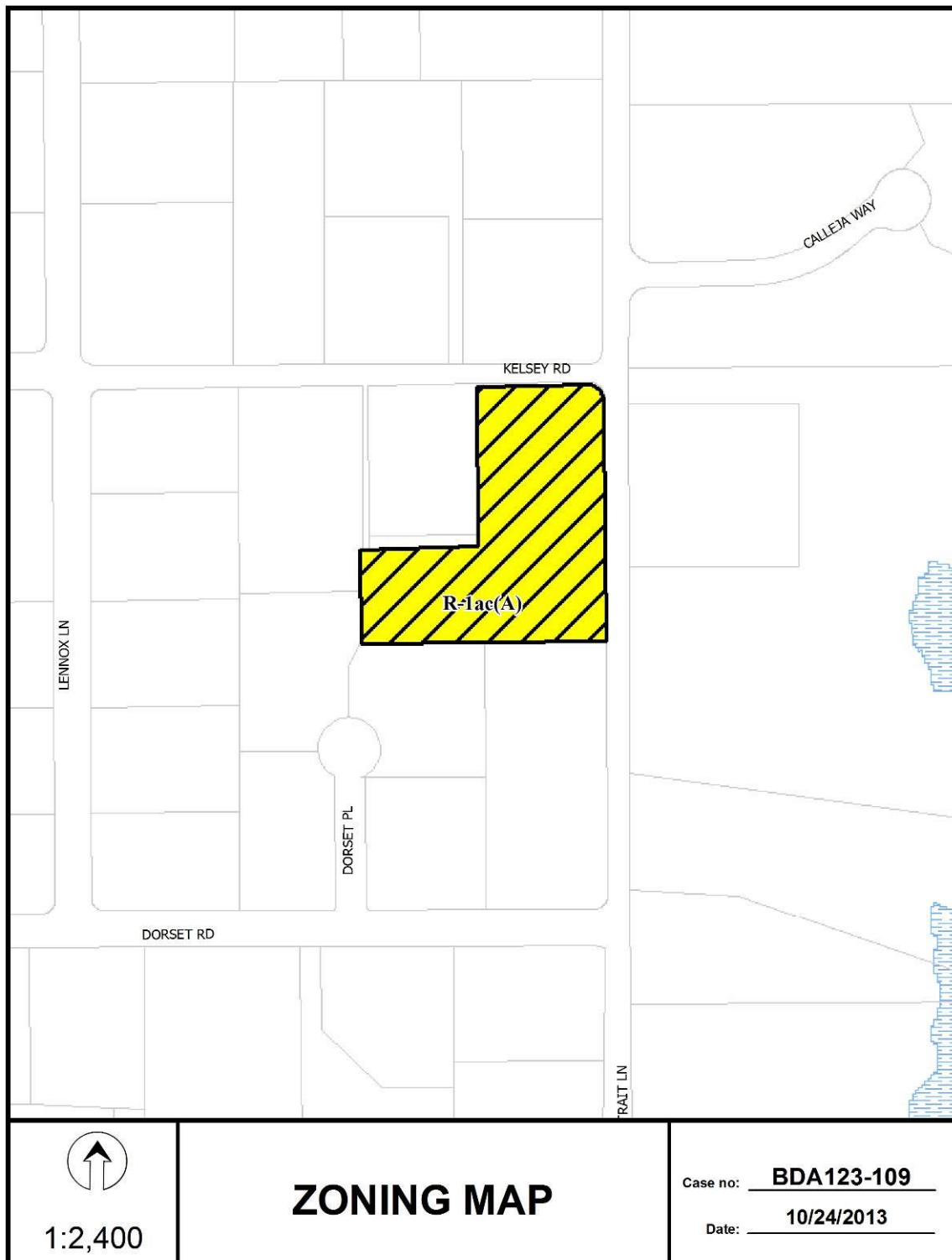
October 28, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

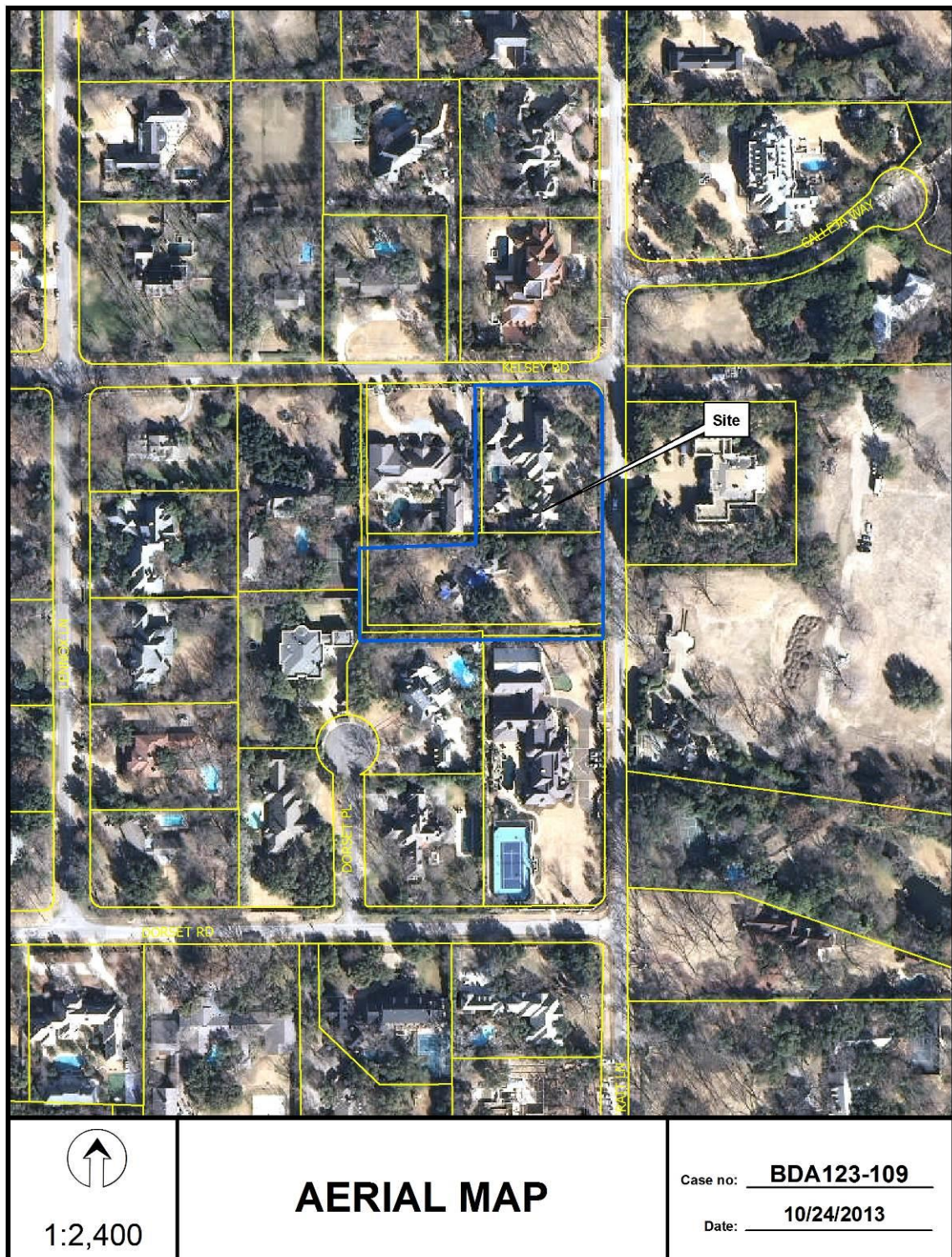
November 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a fence in the site's 40' front yard setback on a site that is currently undeveloped – a 6' high open iron picket fence with 6.6' high masonry columns with a 6' – 8.5' high open metal picket gate flanked by 9' high, approximately 12' long solid masonry wing walls with 9' high entry columns.
- The applicant states that the fence proposal on this site is designed to allow the owner to extend the fence southward from the lot he owns to the north and that he is in the process of platting into one lot.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan/elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan/elevation:
 - The proposal in the front yard setback is represented as being approximately 150' in length parallel to the street with a recessed entryway.
 - The proposed fence is represented as being located on the property line or about 15' from the pavement line.
- The proposal would be located on the site where one lot would have direct/indirect frontage, a lot which has a fence in its front yard setback with no recorded board of adjustment special exception granted by the Board. This lot immediately east has an approximately 7.5' high open iron fence (with a masonry base) and an approximately 16' high gate. (Although a request for a fence height special exception of 6' 6" was made to the Board of Adjustment in 1995, the Board denied this request without prejudice: BDA95-062).
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above 4' in height and located in a front yard setback- the previously mentioned approximately 6.5' high open metal fence immediately north of the subject site (owned by the same owner as that of the subject site) that appears to be the result of a special exception granted by the Board in 1993, and an approximately 7.5' high fence/wall immediately south of the subject site that appears to be the result of a special exception granted by the Board in 2008.
- As of November 11, 2013, no letters/emails have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed/maintained in the location and of the heights and materials as shown on these documents.





Baldwin
Associates

BDA 123-109
Attach A Pg 1

October 28, 2013

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, Texas 75201

Re: BDA 123-109
10341 Strait Lane

Dear Mr. Long:

This firm represents Mr. and Mrs. Godwin, the owner of the home located at 10341 Strait Lane. We are seeking a Special Exception to Section 51A-4.602 of the Dallas Development Code which limits the height of fences in the front yard to four (4) feet. The Godwin's seek permission to construct and extend a decorative iron fence with masonry columns, in a required front yard along Strait Lane to a height not to exceed nine feet (9'). The Godwin's have recently purchased the lot to their south and are in the process of platting the lots into a single lot. They have an existing fence on their northern lot and this proposal is designed to allow them to extend this fence along the front of their new lot as well. This will give the street a unified look along this block face.

As you can see from the attached site plan and elevation, the proposed fence will consist of open decorative iron panels with a maximum height of six-feet (6'), with masonry columns with a height of six-feet and six-inches tall (6' 6"). At the southern driveway entrance, they would like to mirror the entry feature they have on their northern driveway. This consists of masonry wing walls with a height of eight-feet and six-inches (8' 6") and masonry columns of with a total height of nine-feet (9'). There is also an open decorative iron gate with a total height of nine-feet (9'). This fence is proposed to be located along the property line parallel to Strait Lane. The fence will be approximately 15 feet off of the pavement and there will be a parkway with grass and small shrubs between the pavement and the fence. The proposed fence will not encroach into any sight visibility triangles.

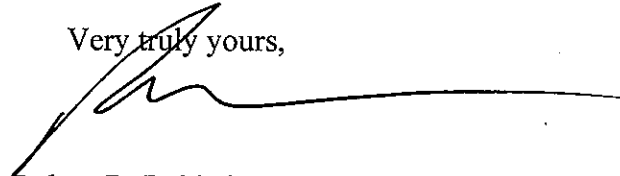
The style and proposed height of the fence and columns is common in the Preston Hollow neighborhood, especially along Strait Lane. We are proposing an open fence to help ensure that the beautiful architecture on the home is visible from Strait Lane.

BDA123-109
Attach A pg 2

The number of fences along Strait Lane that are over four feet (4') and the open design of the fence have been taken into account in this application. Therefore, the granting of the Special Exception will not be contrary to the public interest, will not have a negative impact on local property values or be detrimental to the health, safety and welfare of neighborhood residents.

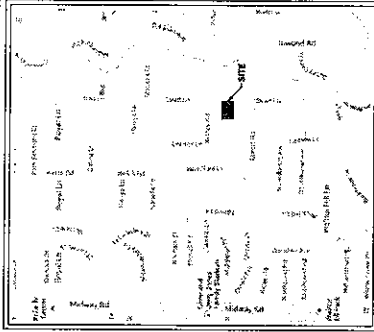
Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,



Robert B. Baldwin, AICP

KELSEY ROAD



VICINITY MAP
NTS



Baldwin
Associates

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
OFFICE: 214.624.7949
MOBILE: 214.729.7949
rob@baldwinplanning.com

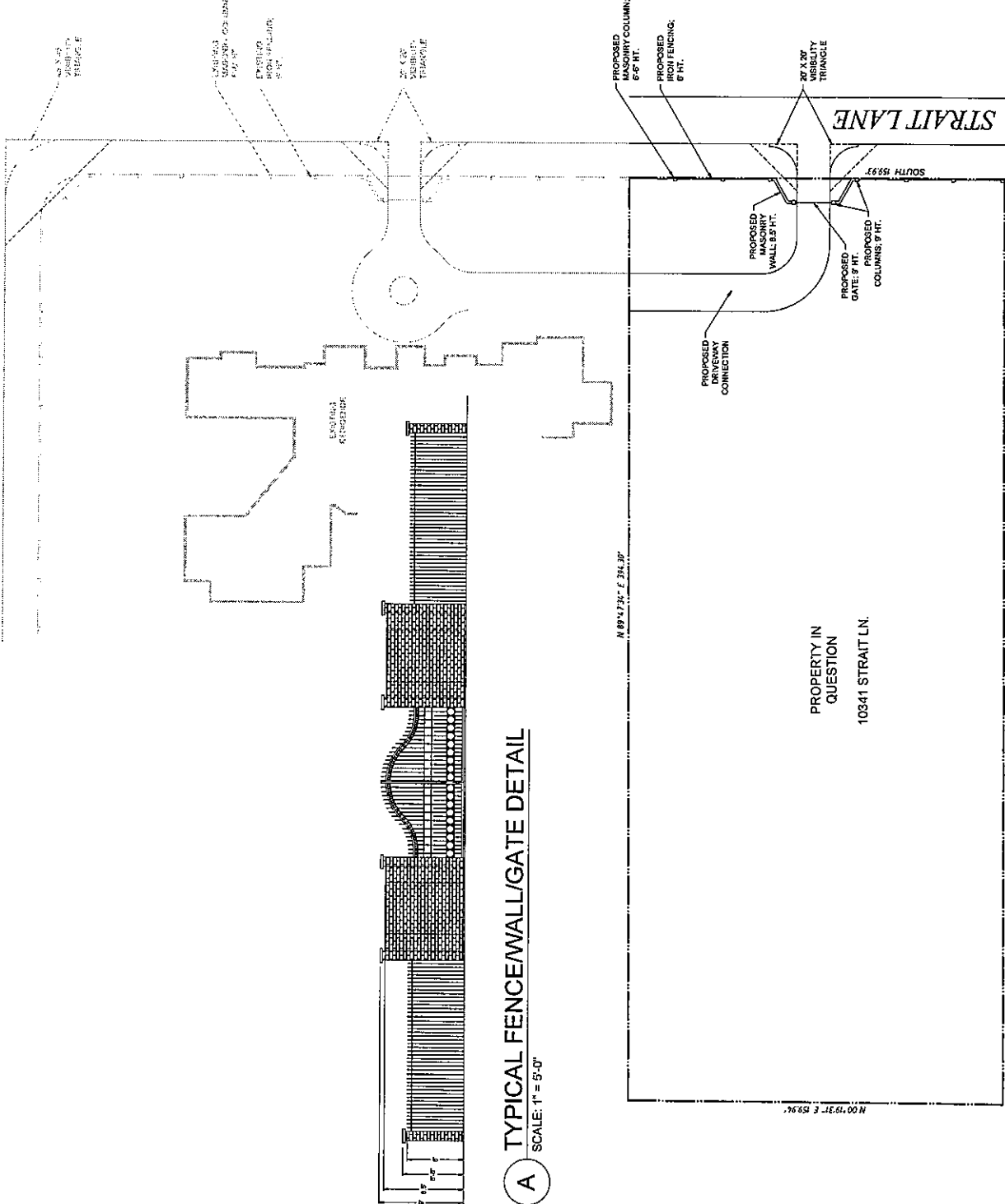
PROJECT NUMBER
10/28/13
CASE NUMBER

10341 STRAIT LN.
CITY OF DALLAS, TEXAS

BDA 123-109
Attach A Pg 3

BDA 123 - 109

BDA SITE PLAN
SCALE: 1" = 20'-0"



A TYPICAL FENCE/WALL/GATE DETAIL
SCALE: 1" = 5'-0"



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 123-109

Date: 9-9-13

Data Relative to Subject Property:

Location address: 10349 Strait Lane Zoning District: R-126(A)

Lot No.: 13 Block No.: D/5532 Acreage: 1.45 acres Census Tract: 76.01

Frontage (in Feet): 1) 160 ft 2) 422 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Donald and Carmen Godwin

Applicant: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street – Suite B, Dallas, TX Zip Code: 75226

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street – Suite B Zip Code: 75226

Affirm that a request has been made for a Variance , or Special Exception X, of a special exception of five (5) feet for a fence located in a required front yard.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant is seeking permission to construct a fence in the in the front yard of this lot which will exceed four (4) feet in height. The fence that we are requesting will not exceed nine feet in height.

Note to applicant: If the relief requested in this application is granted by the Board of Adjustment, said permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

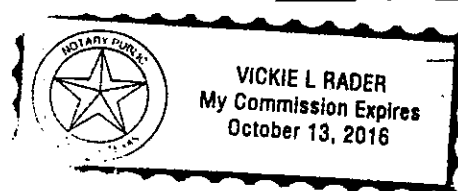
Respectfully submitted: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared _____ who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 9th day of September, 2013



[Signature]
Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

Date of Hearing

Appeal was--Granted OR Denied

Remarks

Chairman

I hereby certify that Robert Baldwin

BDA123-109. Application of Robert Baldwin for a special exception to the fence height regulations at 10349 Strait Lane. This property is more fully described as Lot13, Block D/5532 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

55321A

555218

5024

60
4600

KEYS
4700

RD 4800
100

64

LN. 8

3

9526

1-12

55917

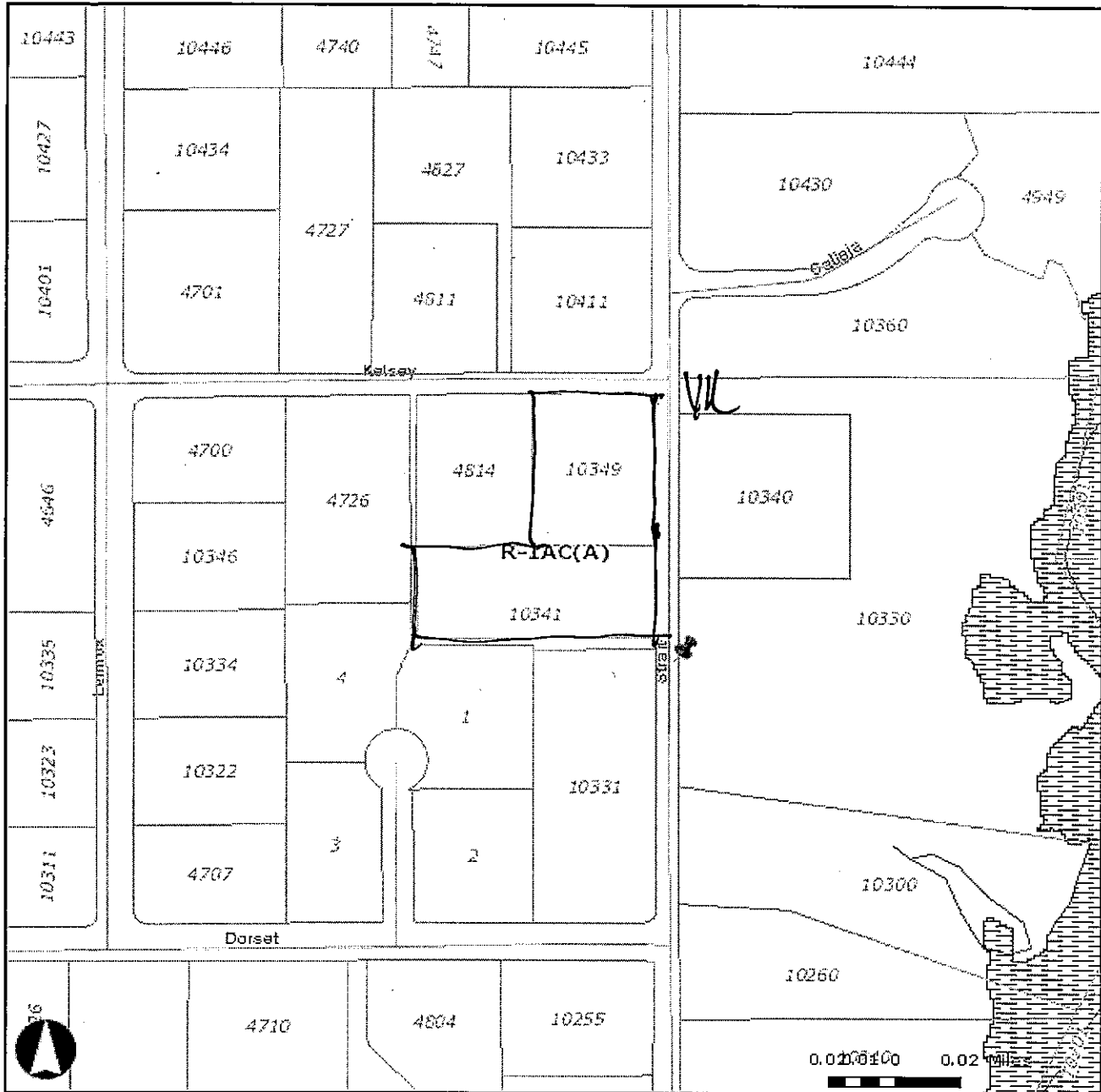
5532/C

5532/D

65271

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City of Dallas Zoning



Address Candidates

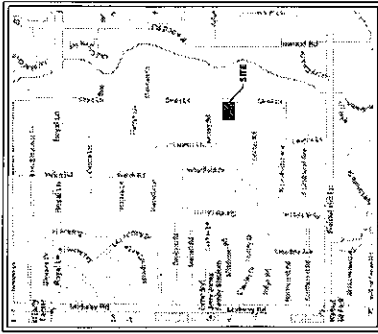
- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

SUP

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

PDS Subdistricts

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP



VICINITY MAP



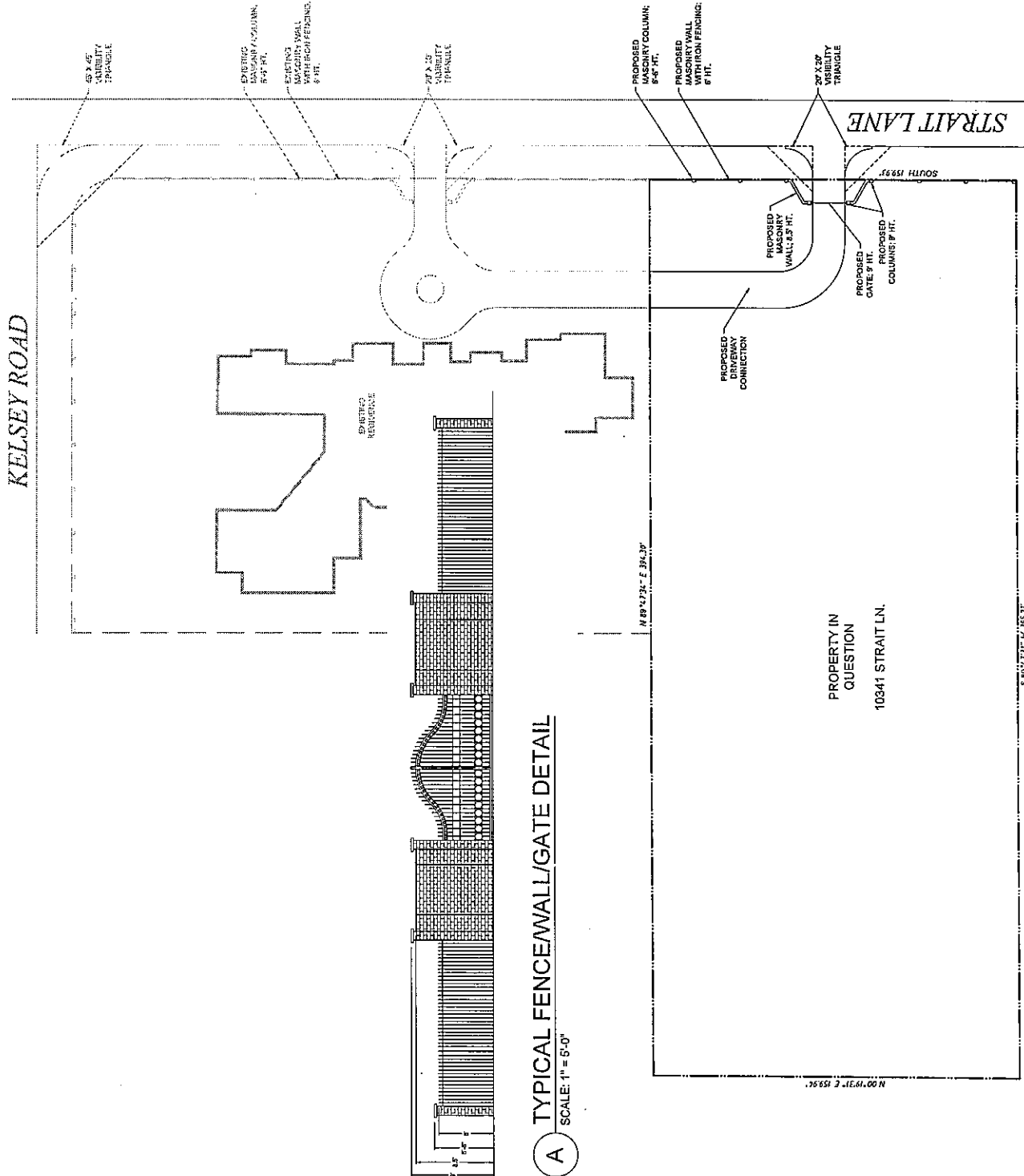
NTS

BDA SITE PLAN

SCALE: 1" = 20'-0"



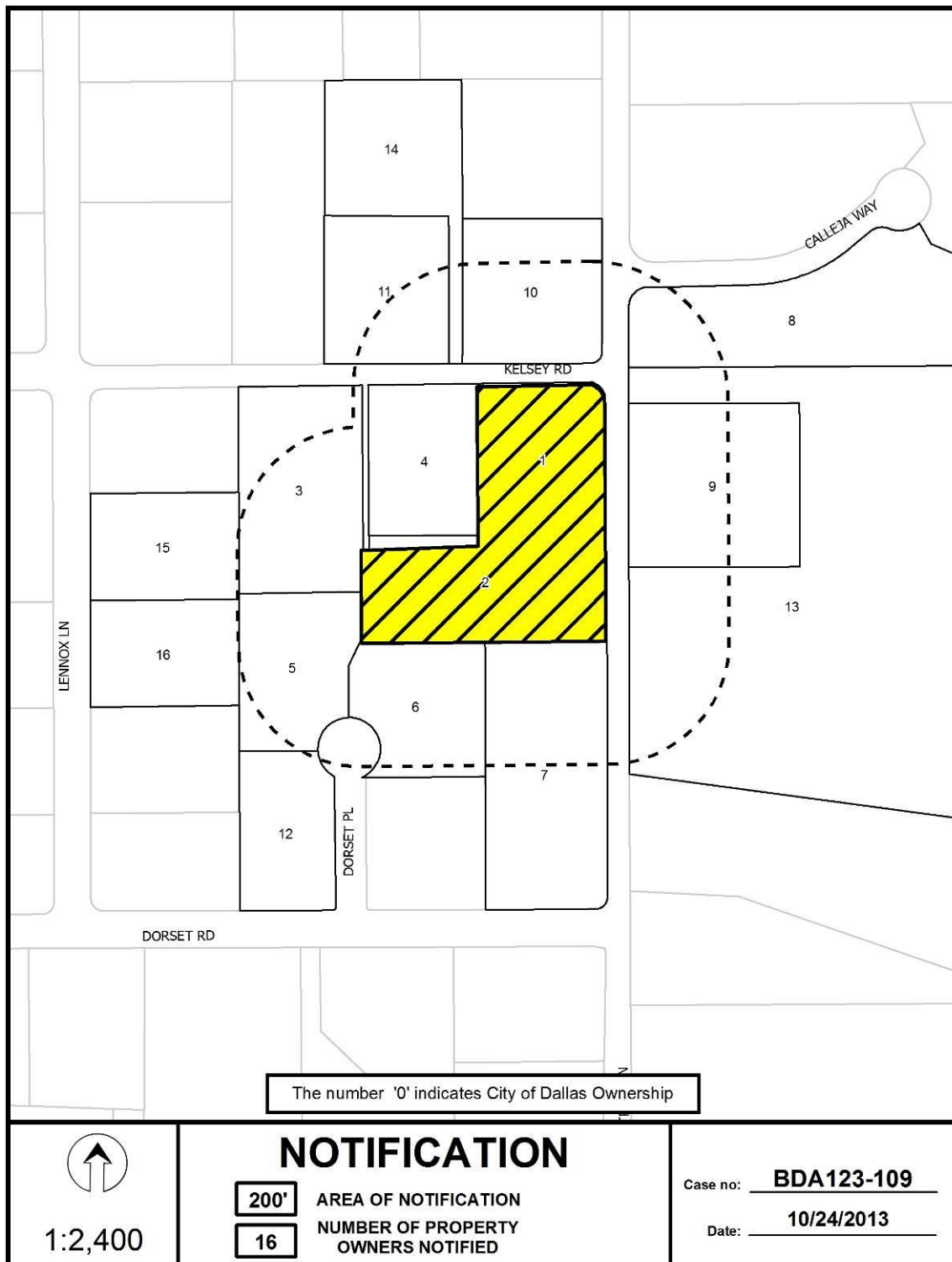
CASE NUMBER: XXX - XXX



TYPICAL FENCEWALL/GATE DETAIL

SCALE: 1" = 5'-0"





Notification List of Property Owners

BDA123-109

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10349 STRAIT LN	GODWIN DONALD E & CARMEN Q
2	10341 STRAIT LN	GODWIN DONALD & CARMEN
3	4726 KELSEY RD	HOLCOMBE MILTON W & BETTY
4	4814 KELSEY RD	WITTMANN THOMAS PETER
5	4 DORSET PL	KARNS MICHAEL D &
6	1 DORSET PL	FENNEL REBECCA ANN LANG TRUSTEE REBECCA
7	10331 STRAIT LN	RANDAL A & RACHEL TR THE REVOCABLE TRUST
8	10360 STRAIT LN	TAYLOR CAMILLE
9	10340 STRAIT LN	GREEN NORMAN & KELLY
10	10411 STRAIT LN	WEINSTEIN MIKE & ALISON
11	4811 KELSEY RD	RYAN DEBORAH J
12	3 DORSET PL	NAIFEH JEROME G & DONNA
13	10330 STRAIT LN	PLAN II PARTNERS LLC
14	4827 KELSEY RD	DOUGLAS DAVID
15	10346 LENNOX LN	ZLOTKY JEFFREY A & LAUREN
16	10334 LENNOX LN	NEWTON GEOFFREY L & MARY DIANA

FILE NUMBER: BDA 123-110

BUILDING OFFICIAL'S REPORT: Application of Mark Quinn, represented by Peter Kavanagh, for a variance to the height regulations at 4727 Sapphire Street. This property is more fully described as a 5.56 acre tract of land in Block 2621 and is zoned CS, which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and maintain a structure with a building height of 40 feet, which will require a 14 foot variance to the height regulations.

LOCATION: 4727 Sapphire Street

APPLICANT: Mark Quinn
Represented by Peter Kavanagh

REQUEST:

A variance to the height regulations (specifically to the residential proximity slope) of 14' is requested in conjunction with raising a portion of an existing approximately 20' high warehouse structure to 40' in height on a site developed with a warehouse use (Melissa Feeders). The proposed raised/heightened warehouse structure that would reach 40' in height would be located above the RPS (residential proximity slope) line that begins at the R-5(A) single family residentially-zoned mostly undeveloped/vacant property immediately west of the site.

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan/elevation is required.

Rationale:

- The subject site's slope and irregular shape preclude the applicant from developing it in a manner commensurate with development of other parcels of land in CS zoning which are flat and rectangular in shape. In addition, granting this variance would not be contrary to public interest with the site plan/elevation imposed as a condition since the portion of the structure exceeding the RPS line would be limited to a relatively small area of the subject site (an approximately 45' length of an existing approximately 180' long warehouse) adjacent to undeveloped residentially zoned property.

BACKGROUND INFORMATION:

Zoning:

Site: CS (Community service)
North: CS & R-5(A) (Community service and single family district 5,000 square feet)
South: PD 525 (Planned Development)
East: R-5(A) (Single family district 5,000 square feet)
West: R-5(A) (Single family district 5,000 square feet)

Land Use:

The subject site is currently developed with a warehouse use (Melissa Feeders). The area to the north is developed with a mix of commercial and residential uses; the area to the east is developed with single family uses; the area to the south is a railroad line; and the area to the west is a mix of undeveloped and single family uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

September 5, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 23, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 23, 2013: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 4, 2013: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

November 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

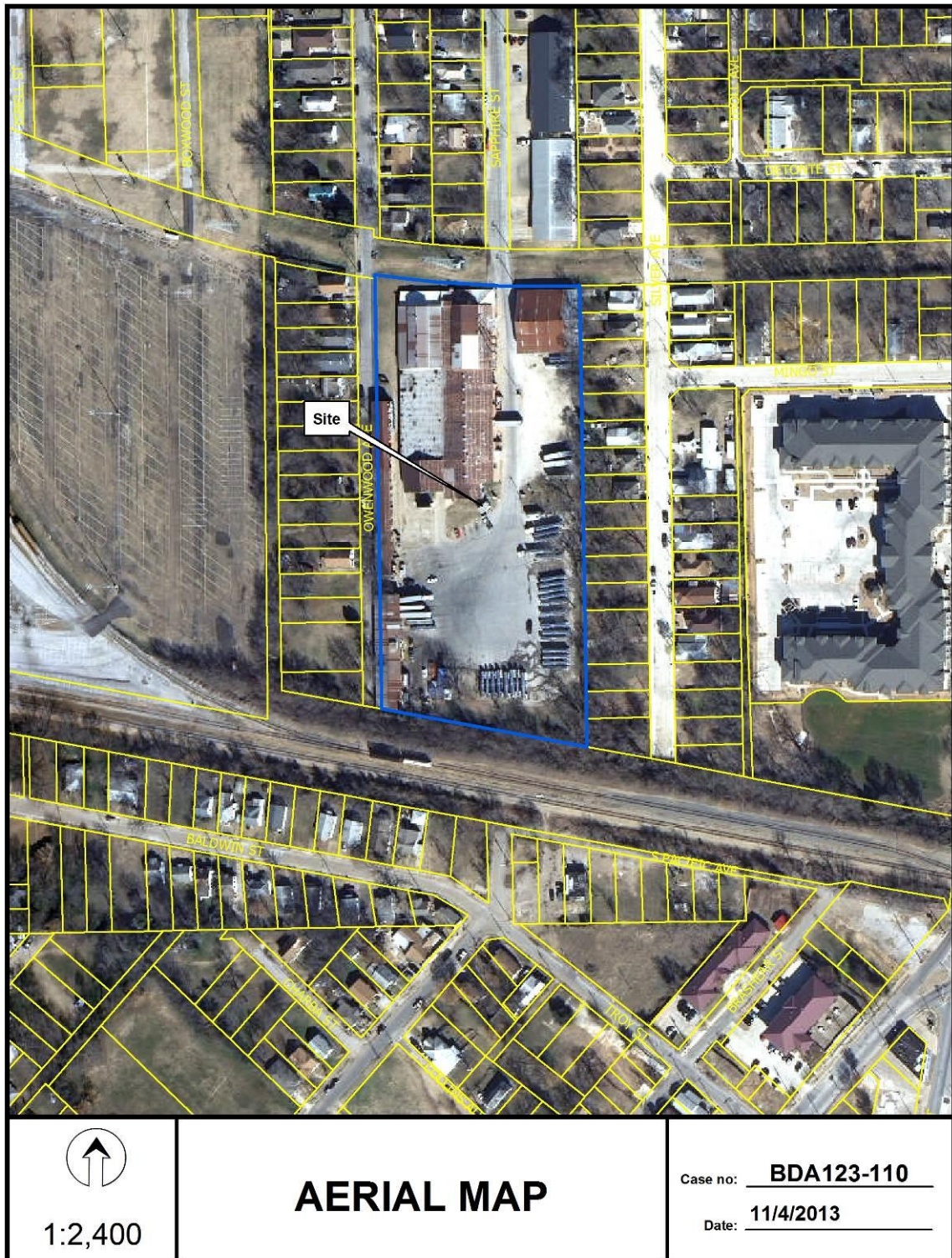
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses raising a portion of an existing approximately 20' high warehouse structure to 40' in height (approximately 45' of the total existing warehouse length of 180') on a site developed with a warehouse use (Melissa Feeders). The proposed raised/heightened warehouse structure that would reach 40' in height would be located above the RPS (residential proximity slope) line that begins at the R-5(A) single family residentially-zoned mostly undeveloped/vacant property immediately west of the site.
- The maximum height for a structure in a CS zoning district is 45', however, any portion of a structure over 26' in height cannot be located above a residential proximity slope, which in this case given that the subject site is immediately adjacent to property zoned R-5(A) single family, is a 1:3-slope (or 1 foot in height for every 3 foot away from property in a residential zoning district). The RPS slope on the subject site begins at the R-5(A) zoned property immediately west of the site.
- The application and Building Official's Report states that a variance of 14' is requested since there is a structure proposed to reach 40' in height or 14' higher/beyond than the 26' height allowed for a structure within the RPS line.

- The submitted site plan/elevation shows the “proposed raised roof area” of the existing warehouse structure requiring variance to the RPS located near the southwest corner of the subject site.
- It appears from calculations made by the Board Administrator from the submitted site plan/elevation that approximately 1,400 square feet (or about 19 percent) of the existing approximately 7,400 square foot building footprint is to be located above the RPS line.
- It appears from a field visit conducted by the Board Administrator in late September that the area immediately adjacent to the area of the existing warehouse to be raised and above the RPS line is undeveloped land.
- DCAD records indicate the improvements for property at 4727 Sapphire Street is a “storage warehouse” with 22,800 square feet constructed in 1955.
- The subject site is described by the applicant as having a 12’ slope or drop from the northwest corner of the property to the southwest. The subject site is virtually rectangular in shape and according to the application, is 5.56 acres in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to height regulations due to the residential proximity slope will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CS (Commercial service) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CS (Commercial service) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan/elevation as a condition, the structure encroaching above and beyond the residential proximity slope would be limited to what is shown on the submitted plan/elevation, which in this case is a 40’ high, approximately 1,400 square foot raised warehouse structure that would be immediately adjacent to single family zoned undeveloped land.





Long, Steve

BDA123-110

From: Peter Kavanagh [peterk@zonesystems.com]
Sent: Monday, November 04, 2013 8:10 PM
To: Long, Steve
Cc: Peter Kavanagh
Subject: BDA 123 110 slope study attached

Attach A

pg 1

Attachments: Melissa Feeders slope study-for Board of Adjustment request.pdf

Steve: Attached is the slope study you requested. The site would permit a 26' building in this location. We are proposing a 40' building. The variance is for 14 feet. See attached. Thanks, Peter

Peter Kavanagh
Zone Systems, Inc.
1620 Handley Drive, Suite A
Dallas, TX 75208

Office: 214-941-4440
Fax: 214-941-5259
MOBILE: 214-957-6188

1" = 10'

EXISTING BUILDING

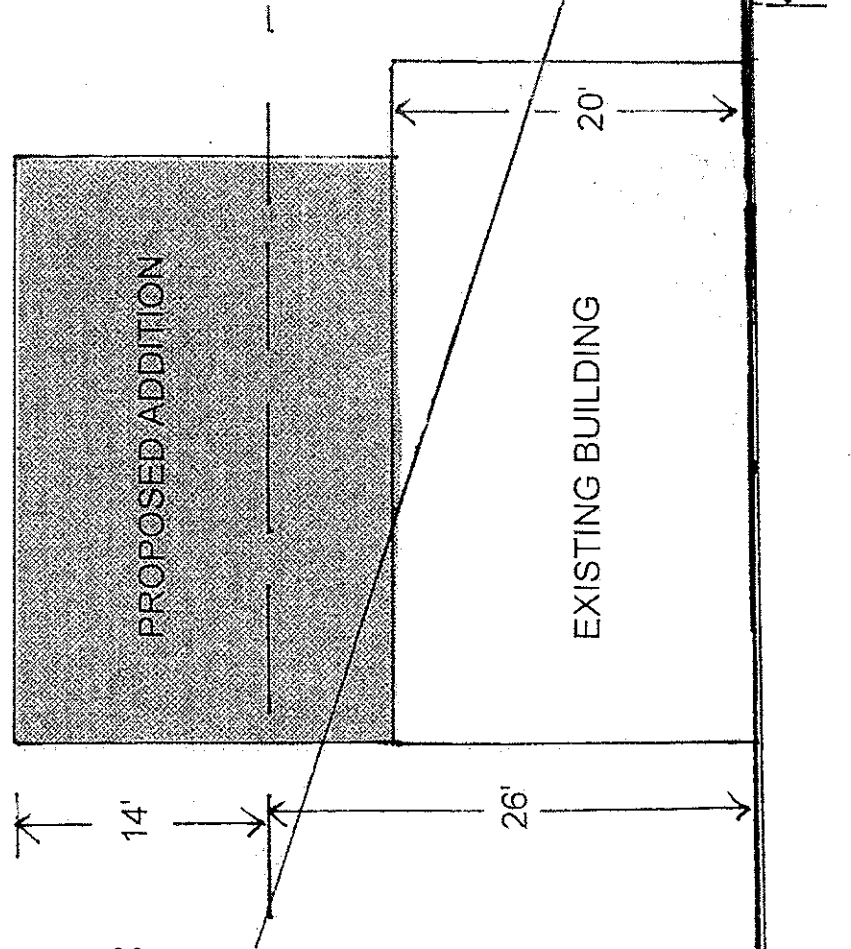
PROPOSED ADDITION

Dallas Development Code provides for a 3:1 slope from Single Family zoned property for structures over 26 feet in height.

Existing building is 33 feet from single family zoned property. Code provides for a 3:1 slope line projecting from single family property. Structures are to be under that slope line. The code permits a height of 26 feet for structures that may be above that slope.

This property contains a building that is 20 feet in height. The code permits a 26 feet in height building.

A height of 40 feet is proposed. The variance request is for 14 feet.





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-110

Data Relative to Subject Property:

Date: September 5, 2013

Location address: 4727 Sapphire Street Zoning District: CS

Lot No.: _____ Block No.: 2621 Acreage: 5.56 Census Tract: 25.00

Street Frontage (in Feet): 1) 706 2) 40 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Southern Foods Group LP

Applicant: Mark Quinn Telephone: _____

Mailing Address: 5376 FM 545 Melissa, TX Zip Code: 75454

E-mail Address: mcquinn@Flash.net

Represented by: _____ Peter Kavanagh Telephone: 214 941 4440

Mailing Address: 1620 Handley Dr., Suite A Dallas Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____ of 14 feet
to building height
Section 51A-4.412

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

Variance to accommodate slope and size of property
See attachment.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

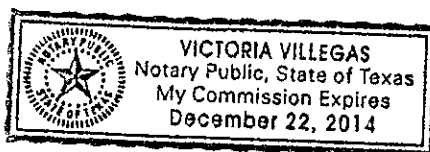
Before me the undersigned on this day personally appeared Mark Quinn, DVM
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: La. Mark Quinn
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of September, 2013

(Rev. 08-01-11)



Victoria Villegas
Notary Public in and for Dallas County, Texas
Collin County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

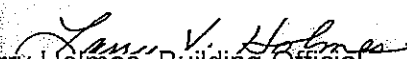
Chairman

Building Official's Report

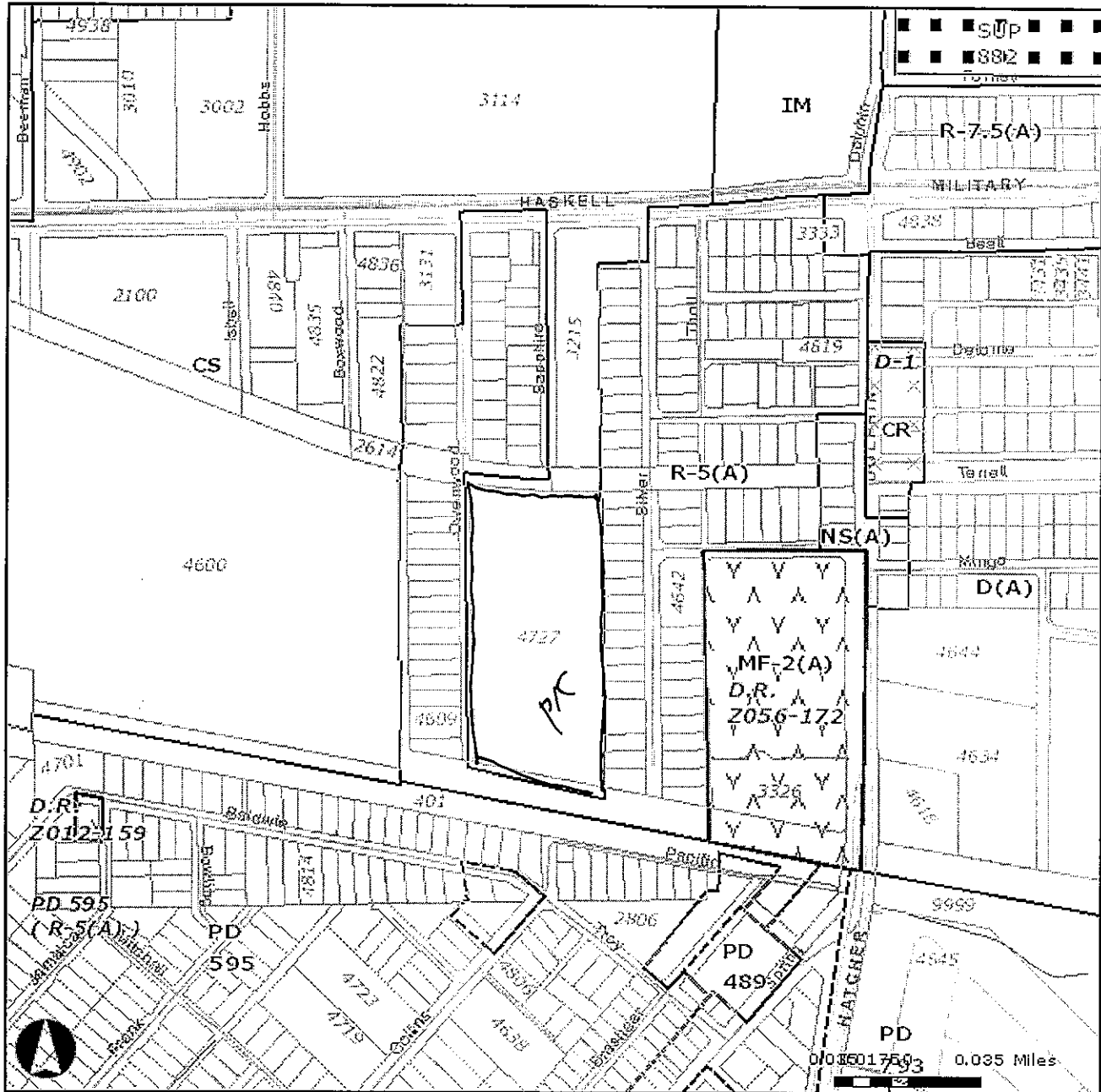
I hereby certify that MARK QUINN
represented by PETER KAVANAGH
did submit a request for a variance to the building height regulation
at 4727 Sapphire Street

BDA123-110. Application of Mark Quinn represented by Peter Kavanagh for a variance to the building height regulation at 4727 Sapphire Street. This property is more fully describe as a 5.56 acre tract of land in Block 2621 and is zoned CS, which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct and maintain a nonresidential structure with a building height of 40 feet, which will require a 14 foot variance to the maximum building height regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

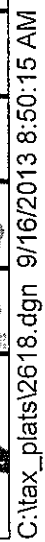
- City Boundary
- County
- Certified Parcel
- DISD Site
- Council District
- Waterways
- Parks

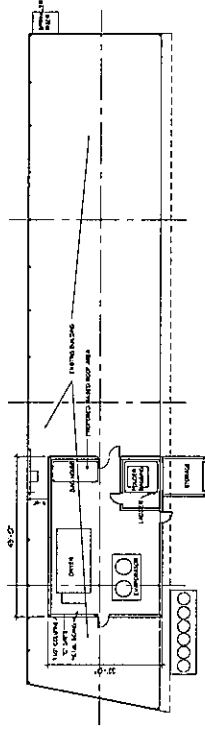
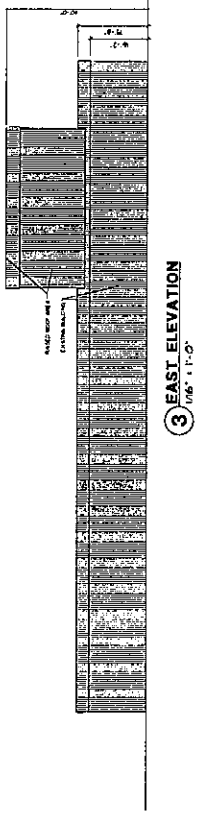
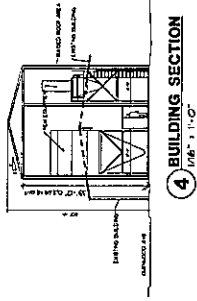
Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

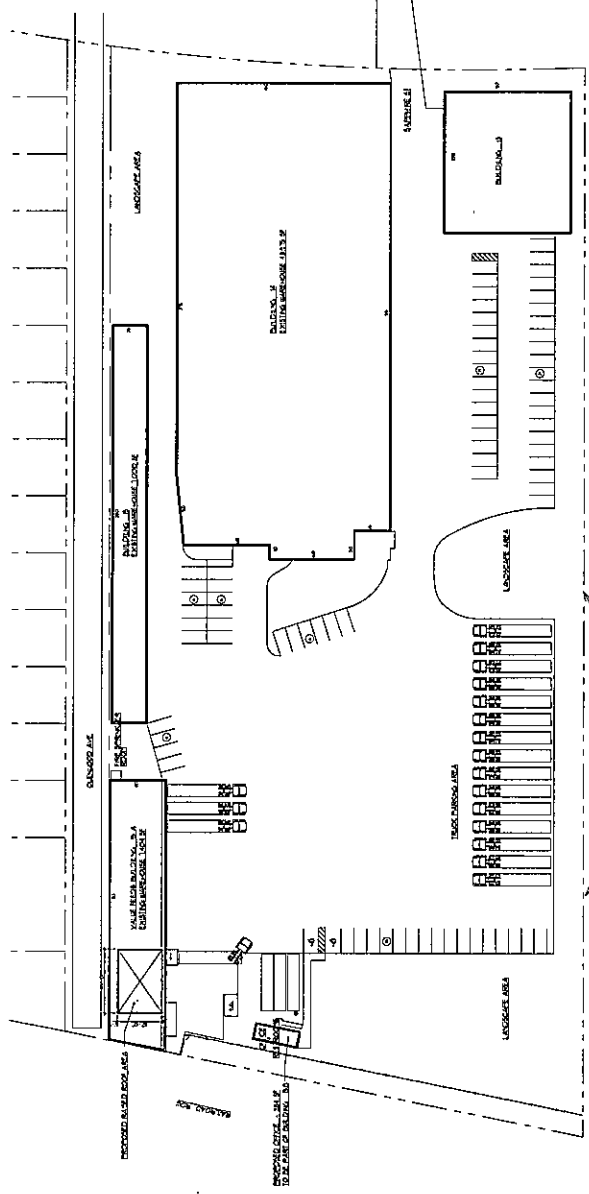
Base Zoning

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors





2 FLOOR PLAN
 1/8" = 1'-0"



1 SITE PLAN
 1/4" = 1'-0"

4727 SAPPHIRE STREET
DALLAS, TX

VARIANCE: RESIDENTIAL PROXIMITY SLOPE

The maximum permitted height is 26 feet. The proposed height of the building will remain 20 feet with a small 45-foot section of the building to be 40 feet in height. The variance is 14 feet of height to the height limit due to the residential proximity slope.

REASON FOR THE VARIANCE: The building exists and will be used in its current condition except for a small 45-foot section that will be raised to a height of 40 feet to accommodate new equipment that is approximately 35 feet in height that must have approximately 5 feet of clearance.

September 13, 2013

Mr. Steve Long
Board Administrator
Board of Adjustment
City of Dallas
1500 Marilla
Dallas, TX 75201

RE: Melissa Feeders
4727 Sapphire

Dear Mr. Long:

This property contains a number of buildings around a central drive area. The drive area provides for the large semi-trailer box trucks and tanker trucks to maneuver on the property.

Melissa Feeders operates its business in one building. The building contains 7,404 square feet of floor area. The business uses all of the building. The business is getting new equipment that requires a higher ceiling and roof than is now on the building. The plan is to raise the area of the roof only in the area of the needed height for the new equipment. The new equipment will require a roof height of forty (40) feet. The current roof height is 19 feet eight inches. The area of the raised roof is a 45' x 32' area near the south end of the building. The elevation and floor plan of the building is shown on the site plan. The building that contains the business was constructed in 1963.

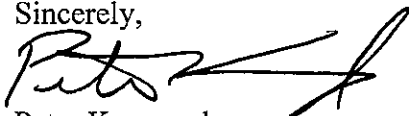
The building backs to Owenwood Avenue. Owenwood is zoned CS on the east side of the street that contains this building. The property on the west side of Owenwood is zoned R-5. Property behind or west of the lots facing Owenwood is zoned CS.

The property has a twelve foot slope or drop from the northwest corner of the property to the southwest. The property is developed to efficiently accommodate the existing use of the property. The addition of the raised roof on a small portion of the south end of the southernmost building on the property will have no negative impact on neighboring properties. It will provide for continuous productive use of the property. There are no homes near the area of the proposed raised roof.

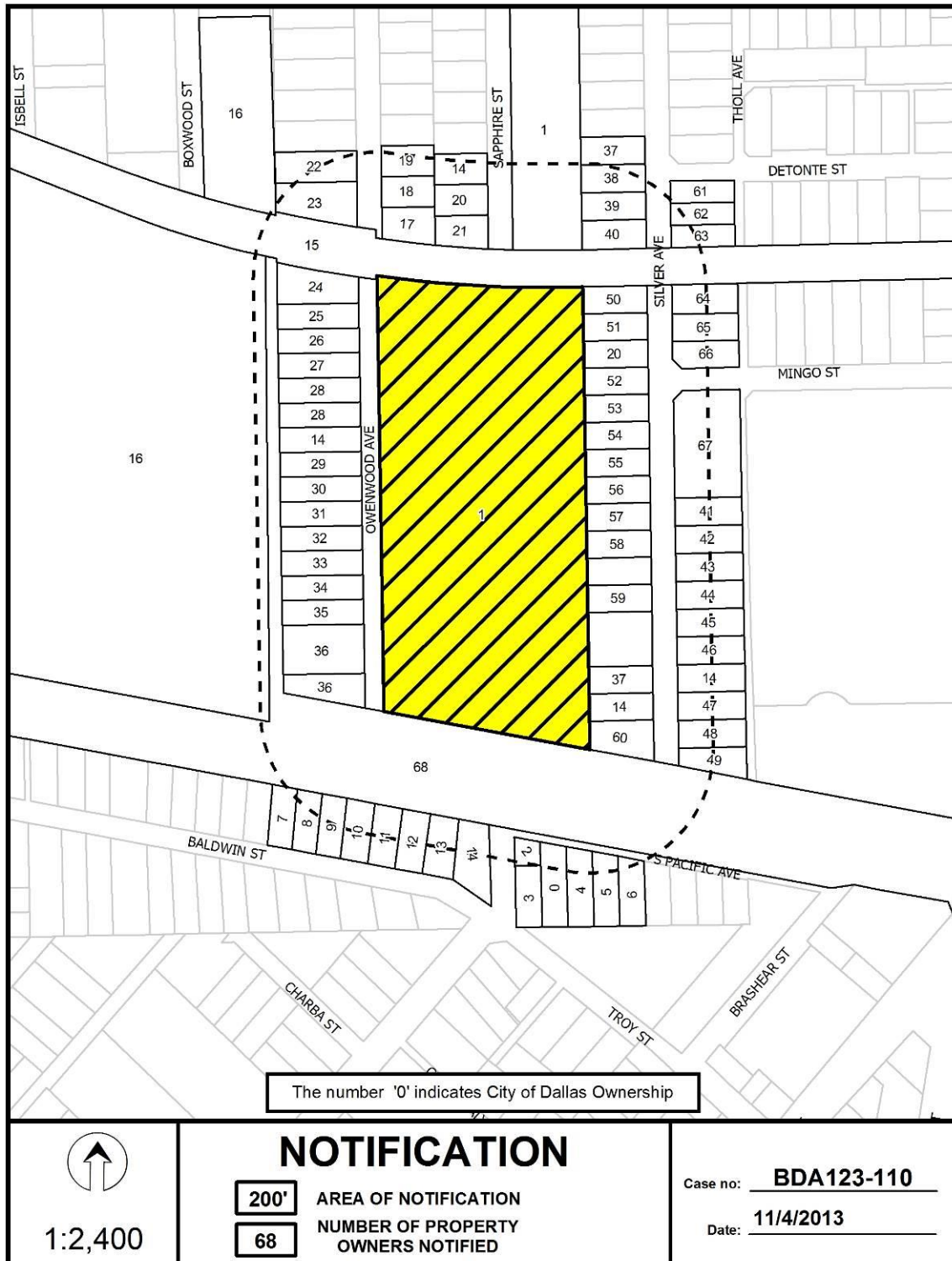
The height limit due to the residential proximity slope is 26 feet. The small portion of the building that will contain the raised roof will have a height of 40 feet. The height variance requested is 14 feet and is limited to the area shown on the site plan.

Thank you for your work on this project.

Sincerely,



Peter Kavanagh



Notification List of Property Owners

BDA123-110

68 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3215 HASKELL AVE	SOUTHERN FOODS GROUP LP
2	4910 COLLINS AVE	PACHECO JOSE D
3	4904 COLLINS AVE	ANTHONY NOBLE COREY ET AL
4	4909 PACIFIC AVE	DALLAS AREA HABITAT FOR HUMANITY INC
5	4911 PACIFIC AVE	HURDLE JULIA % ANNIE M B HIGH
6	4915 PACIFIC AVE	SOUTH DALLAS FAIR PARK INNERCITY COMMUNI
7	4837 BALDWIN ST	BAILEY LATOYA MICHELLE &
8	4841 BALDWIN ST	ST LUKES COMMUNITY UNITED METHODIST CHUR
9	4845 BALDWIN ST	WINSTON DERRICK
10	4849 BALDWIN ST	TERRELL ENTERPRISES INC
11	4855 BALDWIN ST	CHAMBERS OLLIE
12	4859 BALDWIN ST	DAVIS RAYMOND
13	4863 BALDWIN ST	DALLAS HOUSING ACQUISITION & DEVELOPMENT
14	4869 BALDWIN ST	DALLAS HOUSING ACQUISITION & DEV CORP CI
15	2614 HASKELL AVE	TEXAS UTILITIES ELEC CO % STATE & LOCAL
16	4822 BOXWOOD ST	STATE FAIR OF TEXAS INC
17	4802 OWENWOOD AVE	CHUNAB ALONSO H
18	4806 OWENWOOD AVE	ANGEL ROBERTO R
19	4810 OWENWOOD AVE	WOOD NELLIE
20	4807 SAPPHIRE ST	DALLAS CITY OF ETAL
21	4803 SAPPHIRE ST	FUENTES ABNER M
22	4809 OWENWOOD AVE	VALENZUELA CESAR
23	4803 OWENWOOD AVE	MORENO ALFREDO & HORTENCIA
24	4729 OWENWOOD AVE	KOELTZOW FAM LIVING TR
25	4725 OWENWOOD AVE	OWENS MICHAEL
26	4721 OWENWOOD AVE	FITZGERALD ISSAICAR

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4717 OWENWOOD AVE	FITZGERALD YOLANDA
28	4715 OWENWOOD AVE	VILLASENOR JUAN MARTINEZ
29	4703 OWENWOOD AVE	PINNOCK JAMES
30	4635 OWENWOOD AVE	THOMAS RAJA
31	4629 OWENWOOD AVE	LOFTON MERLIN
32	4625 OWENWOOD AVE	SUN LAND RESERVE OF AMERICA INC
33	4621 OWENWOOD AVE	JONES JERRY L
34	4617 OWENWOOD AVE	DALLAS HOUSING ACQUISITION & DEVELOPMENT
35	4613 OWENWOOD AVE	TAYLOR CHARLES B ETAL
36	4609 OWENWOOD AVE	TAYLOR CHARLES B
37	4815 SILVER AVE	PATICUM FOUNDATION
38	4811 SILVER AVE	WILLIAMS ALBERT LEE % JANIS WILLIAMS
39	4807 SILVER AVE	MITCHELL MARIE ET AL
40	4803 SILVER AVE	FRAZIER REVITALIZATION
41	4636 SILVER AVE	GIPSON LUBY J
42	4632 SILVER AVE	MARTINEZ GUADALUPE
43	4630 SILVER AVE	ROBERTS INA EST OF % GLADYS PRUDIE
44	4626 SILVER AVE	MARTINEZ FERNANDO & MARY
45	4620 SILVER AVE	BURNS NELL ANSLEY
46	4616 SILVER AVE	JONES LEONA & JOHN L
47	4608 SILVER AVE	PETTIGREW CLARK D % JAMES W PRICE
48	4604 SILVER AVE	JONES CARTIE B
49	4600 SILVER AVE	SALAS MARIA YOLANDA
50	4709 SILVER AVE	ALLEN HATTIE M TRUSTEE
51	4705 SILVER AVE	ROACH VIDA VIOLA
52	4655 SILVER AVE	RICKS ROBERT G
53	4651 SILVER AVE	SMITH CHARLES E
54	4647 SILVER AVE	WOOD ANTHONY WAYNE
55	4643 SILVER AVE	WASHINGTON STANLEY
56	4639 SILVER AVE	MOORE SCOTT G & ROCHELLE J
57	4635 SILVER AVE	DALLAS CITY OF ETAL PROPERTY MANAGEMENT

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4631 SILVER AVE	DALLAS HOUSING ACQUISITION & DEVELOPMEN
59	4623 SILVER AVE	ANSLEY JAMES W
60	4605 SILVER AVE	YOUNG MARY % IRENE NICKERSON
61	4806 SILVER AVE	SANSOM DOUGLAS % HAZEL FOWLER
62	4804 SILVER AVE	HOOPER JIM
63	4800 SILVER AVE	HATCH SHERRY
64	4708 SILVER AVE	CRAVER ARCHIE LEE GRACE ESTATE OF
65	4704 SILVER AVE	FRAZIER REVITALIZATION INC
66	4700 SILVER AVE	TORRES MARTEL & FAUSTINO CORTEZ
67	4642 SILVER AVE	HOLMES RONNIE L & GLORIA HOLMES
68	401 BUCKNER BLVD	DART

FILE NUMBER: BDA 123-119

BUILDING OFFICIAL'S REPORT: Application of Chris French for a special exception to the landscape regulations at 4225 (AKA 4125) Singleton Boulevard. This property is more fully described as Lot 1, Block B/7153, and is zoned IM & IR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4225 (AKA 4125) Singleton Boulevard

APPLICANT: Chris French

REQUEST:

A special exception to the landscape regulations is requested in conjunction with constructing and maintaining a structure on a site currently under development, and not fully meeting the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The applicant has substantiated how strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property. The existing 80' wide overhead electric transmission corridor adjacent to and parallel to the site's Singleton Boulevard street frontage precludes the applicant from meeting the street tree requirements of Article X: Landscape Regulations.
- The City's Chief Arborist recommends approval of the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: IM & IR (SUP 1816)(Industrial/research and Industrial/manufacturing)
North: IR & R-5(A) (Industrial/research and Single family residential)
South: PD 595 (Planned Development)
East: R-5(A) (Single family residential)
West: R-5(A) (Single family residential)

Land Use:

The site is currently under development. The area to the north appears to be undeveloped; the areas to the east, south and west appear to be undeveloped with mostly commercial and warehouse uses.

Zoning/BDA History:

- | | |
|---|---|
| 1. BDA Z090-124, Property at the north line of Singleton Boulevard, east of Pluto Street (the lot immediately north of the subject site) | On April 27, 2011, the City Council approved an application for an IM Industrial Manufacturing District, subject to deed restrictions volunteered by the applicant and approval of a Specific Use Permit for an Outside salvage and reclamation use for a two- year period with eligibility for automatic renewal for additional three-year periods, subject to a site plan and conditions on property. |
| 2. BDA Z090-124, Property at the north line of Singleton Boulevard, east of Pluto Street (the lot immediately north of the subject site) | On February 8, 2012, the City Council passed an ordinance creating Specific Use Permit No. 1816 for an outside salvage or reclamation use imposing a time limit stating that this specific use permit automatically |

terminates on April 27, 2016.

Timeline:

September 25, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 23, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 23, 2013: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

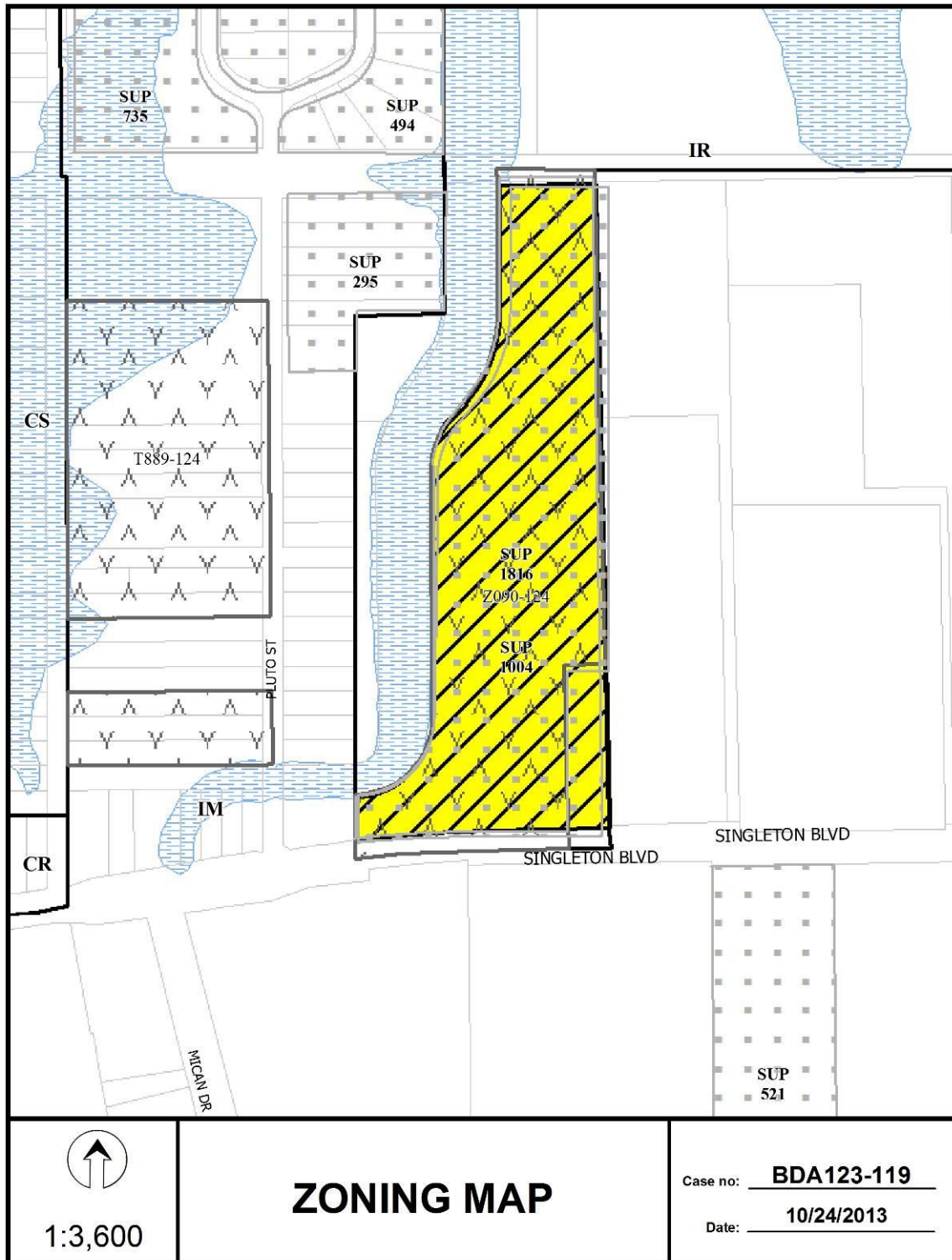
November 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

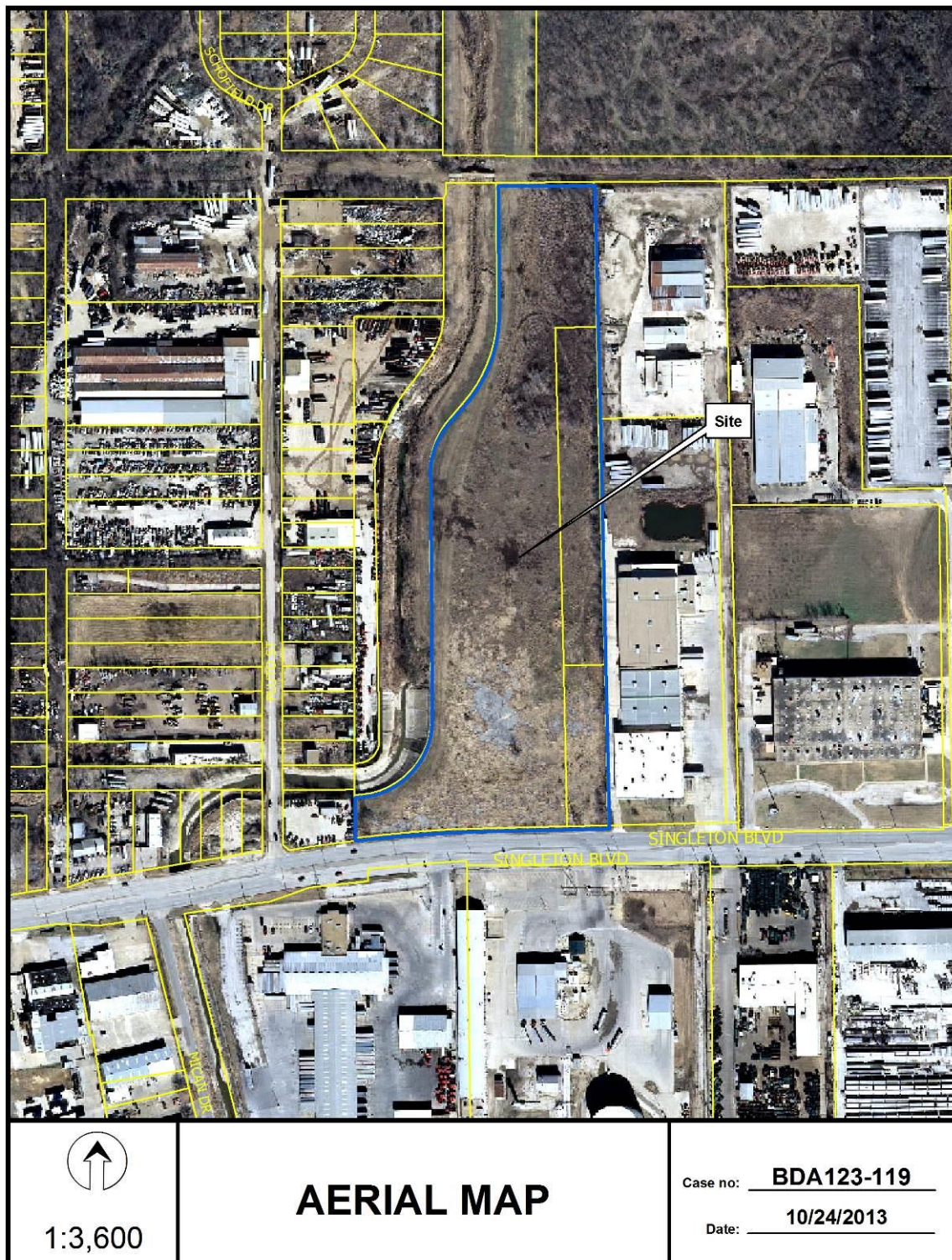
November 7, 2013: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a structure on a site currently under development, and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site is deficient to the Landscape Regulations in that it does not comply with street tree requirements where one large tree is required per 50’ of street frontage and within 30’ of street curb.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by new construction proposed on the site.
- The arborist's memo lists the following factors for consideration:
 1. The proposed plan would comply with all requirements of the Landscape Regulations with the exception of street tree requirements.
 2. An overhead electric transmission corridor of 80' in width exists adjacent to and parallel to the site's Singleton Boulevard street frontage. The Public Utility Commission requires the local utility provider to maintain the corridor to certain specifications which prohibits the installation of trees within the easement.
- The City of Dallas Chief Arborist recommends approval of this request given his assessment of how the applicant has demonstrated how strict compliance with the requirements of the landscape ordinance will unreasonably burden the use of the property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted landscape plan as a condition to the request, the site would be provided exception from full compliance with the street tree requirements of Article X: The Landscape Regulations.





Memorandum

BDA 123-119

Attach A
pg 1



CITY OF DALLAS

DATE November 7, 2013

TO Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 123 - 119 4225 Singleton Blvd

The applicant is requesting a special exception to the landscape requirements of Article X.

Trigger

New construction.

Deficiencies

The proposed landscape plan does not comply with the street tree requirements of Article X, Section 51A-10.125(b)(4), Street Trees. This requires the placement of one large tree of 3-inches diameter per 50 feet of street frontage, and within 30 feet of the street curb. The ordinance would require a minimum of 11 street trees for this frontage.

Factors

The proposed plan would comply with Article X for all other requirements.

- 1) Site trees: At 1 tree per 6,000 sf of lot area for industrial uses, 92 plus trees are provided by planting, and by preserving existing trees in the designated 'Protected Tree Zone' to be retained. At 1 tree per 4,000 sf of lot area, 138 trees are required. Although the applicants survey does not represent existing trees less than 4" caliper, it is believed by my office the 'Protected Tree Zone' exceeds the minimum site trees required by including additional existing trees that could be measured at 2" caliper and greater.
- 2) Parking lot trees: New trees in the central island will provide compliance.
- 3) Design Standards: The plan demonstrates 1) foundation planting and 2) screening of off-street parking. The screening would be applied by a berm at a minimum height of 3 feet above the adjacent parking surface.

An overhead electric transmission corridor of 80 feet in width exists adjacent to, and parallel to, the Singleton Boulevard street frontage. The Public Utility Commission requires the local utility provider to maintain this corridor to certain specifications which prohibits the installation of trees within the easement.

The property is regulated with Specific Use Permit 1816 for an outside salvage or reclamation use. This arborist review and landscape plan does not account for a proposed use for the property, or the related site plan and landscape plan requirements for that specific outside salvage or reclamation use. Article X is applicable with the construction of physical improvements on the property.

BDA123-119
Attach A
Pg 2

Recommendation

The Chief Arborist recommends approval of the proposed alternate landscape plan because it has been demonstrated that strict compliance with Article X requirements for street trees will unreasonably burden the use of the property.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-119

Date: Sept 25, 2013

Data Relative to Subject Property:

Location address: 405 Singleton Singleton Zoning District: IM/IR

Lot No.: 1 Block No.: B/7153 Acreage: 12.6684 Census Tract: 106.01

Street Frontage (in Feet): 1) 200'64" 2) _____ 3) _____ 4) _____ 5) _____ SW 19

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BRUCE BEHROUZ HEYDARIAN

Applicant: Bruce Heydarian Telephone: _____

Mailing Address: P.O. Box 59103 Dallas TX Zip Code: 75229

E-mail Address: _____

Represented by: Chris French Telephone: 469-628-4308

Mailing Address: 1012 MUSTANG RD Zip Code: 75165

E-mail Address: CHRIS.FRENCH28@yahoo.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of Article 10 provisions
Special Exception Alternate landscape plan

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

Special Exception

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

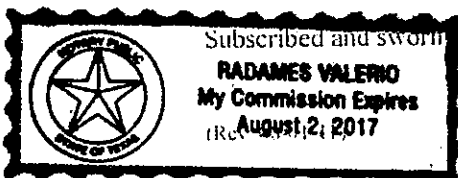
Affidavit

Before me the undersigned on this day personally appeared _____
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of September, 2013



Notary Public in and for Dallas County, Texas

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks

Chairman

I hereby certify that CHRIS FRENCH

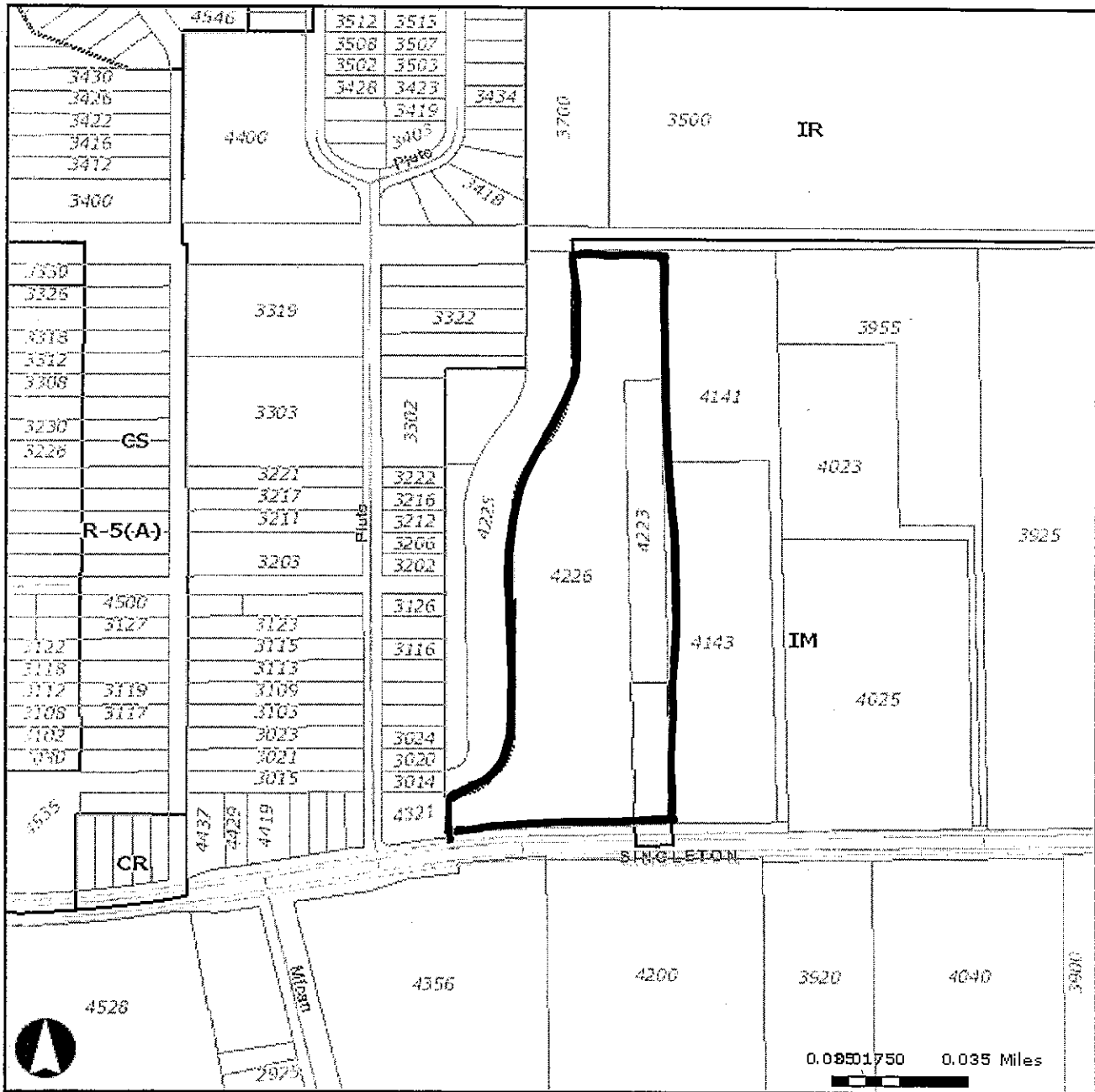
did submit a request for a special exception to the landscaping regulations
at 4225 Singleton Blvd.

BDA123-119. Application of Chris French for a special exception to the landscaping regulations at 4225 Singleton Blvd. This property is more fully described as Lot 1, Block B/7153, and is zoned IM & IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries



Certified Parcels



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



MD Overlay



CD Subdistricts



PD Subdistricts



PD193 Oak Lawn



PDS Subdistricts



Base Zoning



Zoning Disclaimer

The data on this website do not constitute the official zoning map of the City of Dallas. We make every effort to ensure this data is accurate and complete, but this website should not be relied on as a substitute for the official version. No development activity should be started without reference to the official version. The official version may be obtained by contacting the Sustainable Development &





Notification List of Property Owners

BDA123-119

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4141 SINGLETON BLVD	DFW ECO PROCESSING LLC
2	4225 SINGLETON BLVD	HEYDARIAN BRUCE
3	4223 SINGLETON BLVD	HEYDARIAN BRUCE ETAL
4	4226 SINGLETON BLVD	HEYDARIAN BRUCE ETAL
5	4143 SINGLETON BLVD	RCI PROPERTIES LLC
6	4225 SINGLETON BLVD	BARSTOW MANAGEMENT LLC
7	3212 PLUTO ST	MIKO INDUSTRIES LEASING LLC
8	3312 PLUTO ST	JACOBS JOINT REVOCABLE TRUST THE
9	3020 PLUTO ST	DEN EM LEASING INC
10	3102 PLUTO ST	MORADO VICTOR & SANTA
11	3108 PLUTO ST	MORADO VICTOR &
12	4356 SINGLETON BLVD	OLD DOMINION FREIGHT LINES INC
13	4200 SINGLETON BLVD	MAGELLAN PIPELINE TERMINA LP
14	3500 NORWICH ST	126 WEST DALLAS LP
15	4321 SINGLETON BLVD	RIOS ALEJANDRO

FILE NUMBER: BDA 123-112

BUILDING OFFICIAL'S REPORT: Application of Brian Fisher, represented by Melissa Lindelow, to appeal the decision of the administrative official at 3907 W. Camp Wisdom Road. This property is more fully described as Lot 1A, Block 1/6940 and is zoned CR, which requires that the building official shall deny a certificate of occupancy application if the building official determines that the proposed use does not comply with the requirements of the Dallas Development Code. The applicant proposes to appeal the decision of an administrative official in the denial of a certificate of occupancy.

LOCATION: 3907 W. Camp Wisdom Road.

APPLICANT: Brian Fisher
Represented by Melissa Lindelow

REQUEST:

An appeal has been made requesting that the Board of Adjustment reverse/overturn the Building Official's September 12, 2013 decision "to deny a certificate of occupancy for a financial institution without drive-through window at 3917 W. Camp Wisdom Road, Suite 107."

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community retail)
North: CR (Community retail)
South: CR (Community retail)
East: CR (Community retail)
West: CR (Community retail)

Land Use:

The subject site is developed as a retail strip center. The areas to the north, south, and west are developed with what appears to be mostly commercial/retail uses; the area to the east is developed as a charter school.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

Timeline:

September 23, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 23, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 23, 2013: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis (with a notation that staff does not form a recommendation on this type of application); and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

November 5, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Interim Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

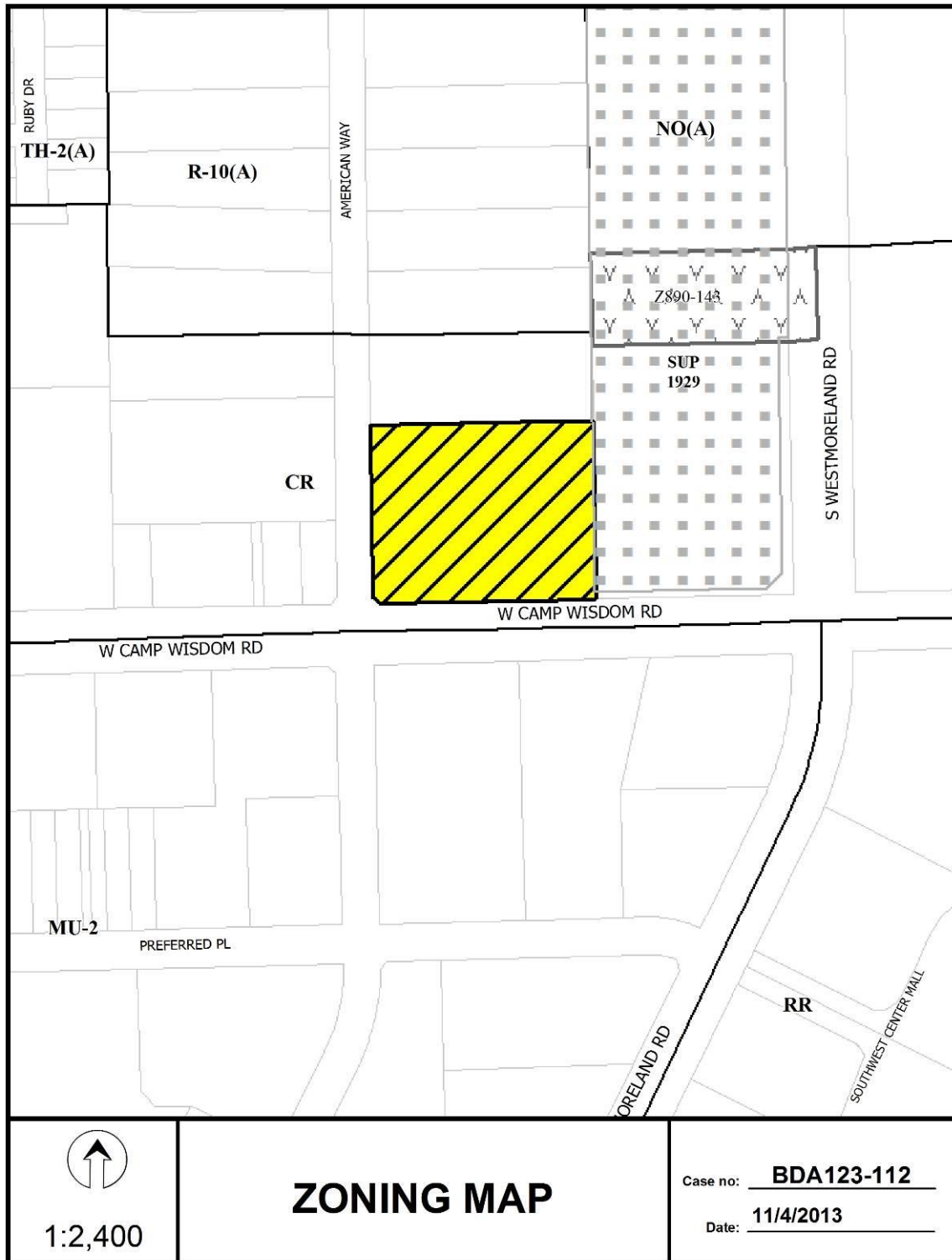
No review comment sheets with comments were submitted in conjunction with this application.

November 8, 2013: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- A copy of the Building Official's September 12, 2013 letter to Stephanie Drake, Regional Finance Corporation of Texas, Brian J. Fisher, Vice President and General Counsel of Regional Management Corp., and Melissa Lindelow, Shupe Ventura Lindelow & Olson, PLLC that denies an application for a certificate of occupancy for financial institution without drive-through window is included in this case report.
- The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.

|







SHUPE VENTURA LINDELOW & OLSON, PLLC
ATTORNEYS & COUNSELORS

November 8, 2013

Melissa Lindelow
Attorney
500 Main Street, Suite 800
Fort Worth, Texas 76102
817.405.9937
melissa.lindelov@svlandlaw.com

Via Email Correspondence

City of Dallas Board of Adjustment
c/o Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

**Re: Appeal of Building Official's Decision re: 3917 West Camp Wisdom Road,
Suite 107, Dallas, TX 75237 by Regional Finance Corporation of Texas**

Dear Members of the Board of Adjustment,

I represent and am appearing before the Board of Adjustment on behalf of Regional Finance Corporation of Texas ("Regional Finance"). Regional Finance is a subsidiary of Regional Management Corp., a publicly traded company (NYSE: RM). Regional Finance and its affiliates have been in operation since 1987, and have 264 locations nationwide, with 67 stores in Texas and nine stores in the Dallas-Fort Worth area.

Regional Finance applied for a certificate of occupancy at 3917 West Camp Wisdom Road, Suite 107, Dallas, Texas 75237 for a financial institution without drive-in windows. A copy of the application is attached as Exhibit A. On September 12, 2013, the City's Building Official signed a letter (the "Building Official Letter") stating his determination that Regional Finance is an "alternative financial establishment," as that term is defined in Chapter 51A of the Dallas City Code ("Chapter 51A"). A copy of the Building Official Letter is attached as Exhibit B. As explained below, Regional Finance is not an alternative financial establishment, as defined by Chapter 51A, and the Building Official's decision should be reversed and the requested certificate of occupancy should be issued.

There are two definitions in Chapter 51A that are relevant to this appeal. The first is the definition of a financial institution without drive-in window, which is defined as "*a facility for the extension of credit and the custody, loan, or exchange of money which does not provide drive-in window service for customers in motor vehicles.*" Regional Finance's business unquestionably falls within this definition.

The second is the definition of an alternative financial establishment, which is defined as follows:

(A) Definitions: In this paragraph:

(i) *ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business, check cashing business, or money transfer business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.*

(ii) *CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle. ["Small" and "short-term" are not defined.]*

(iii) *CHECK CASHING BUSINESS means a business that provides check cashing, payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee. ["Short-term" is not defined.]*

(iv) *MONEY TRANSFER BUSINESS means an establishment that transmits funds for a fee.*

Because Regional Finance unquestionably meets the definition of a financial institution without drive-in windows, the only question is whether Regional Finance might also meet the definition of an alternative financial establishment. To be an alternative financial establishment, Regional Finance must be a car title loan business, a check cashing business, or a money transfer business under Chapter 51A. For the following reasons, and as further set forth below and in the attached exhibits, Regional Finance is not a car title loan, check cashing, or money transfer business:

1. Car Title Loan Business. Regional Finance is not a car title loan business because it does not make small, short-term consumer loans secured by a title to a motor vehicle. A small percentage of Regional Finance's non-purchase money loans are secured by vehicle titles; however, these loans range from a minimum of \$2,500 to a maximum of \$16,500, and are therefore not "small." In addition, these loans range from a minimum of 18 months to a maximum of five years, and are therefore not "short-term." As a result, Regional Finance cannot reasonably be classified as a car title loan business under Chapter 51A.

2. Check Cashing Business. Regional Finance is not a check cashing business because it does not provide check cashing services for a specified fee, nor does it provide payday cash advances, payroll advances, short-term cash loans, short-term cash advances, instant payday cash advances, short-term money loan services, or similar services to individuals for a specified fee. In particular, Regional Finance does not engage in deferred presentment transactions in its loan business. It does not hold postdated checks as security for any of its loans or for any of its other transactions, nor

does Regional Finance obtain access to a customer's bank account or hold powers to debit the customer's financial accounts if the customer does not pay a loan on time.

The Building Official appears to have concluded that Regional Finance provides "similar services" that are "short-term." A percentage of Regional Finance's loans consist of small installment loans ranging from a term of four months to three years, although the vast majority of these loans are for terms of six months or longer. Any attempt to characterize loans of this duration as "short-term" is inaccurate for several reasons. Loans that range from many months to many years are not within the ordinary, plain meaning of "short-term" in the context of lending, as demonstrated on the attached exhibits. In addition, the attached exhibits demonstrate that the City Council was targeting unregulated payday and car title lenders that typically have loans of 30 days or less, commonly described as "short-term" by the lenders themselves. The words "short-term" should not be misapplied to prohibit a regulated traditional installment lender that offers cash loans with a term of four months to three years as a fraction of its overall business.

3. Money Transfer Business. Regional Finance is not a money transfer business because it does not transmit funds for a fee.

See Tables 1 and 2 following this letter summarizing information related to Regional Finance's loans and further demonstrating that Regional Finance is not an alternative financial establishment.

When the City Council adopted the "alternative financial establishment" land use, it had the opportunity to define that use as *all financial establishments* other than a state and federally chartered bank, community development financial institution, savings and loan, or credit union, which is how the City staff has erroneously chosen to interpret it. However, the definition of an "alternative financial establishment" is much more limiting than staff would have you believe. It is not a catchall category for all other lending institutions. A business must squarely fall within the limited definition of a car title loan business, a check cashing business, or a money transfer business. If it does not, the use is a financial institution, not an alternative financial establishment.

The City Council clearly intended that the alternative financial establishment use apply only to a subset of financial institutions – credit access businesses (i.e., unregulated payday and car title lenders), as further explained below. The alternative financial establishment regulations were intended to fill a gap in state regulation that allows payday and car title lenders to operate virtually free of regulation and caps on interest rates. These City regulations were never intended to apply to regulated installment lenders like Regional Finance whose lending practices, including interest rates, are regulated by the Texas Finance Code.

*Background of Regional Finance and Amendments to Chapter 51A
to Address Alternative Financial Establishments*

Regional Finance offers three types of loan products in Texas: direct installment loans, automobile purchase loans, and furniture and appliance purchase loans. Regional Finance is a traditional installment lender. Traditional installment loans are fixed rate, fully-amortized closed-end extensions of direct consumer credit. Fully-amortized means that the principal and the scheduled interest are repaid in substantially equal multiple installments at fixed intervals to fulfill the consumer's obligation. Traditional installment loans have none of the following characteristics that are associated with the payday and car title lenders targeted by the City Council: (1) the transaction requires that the full amount of the credit extended together with all fees and charges for the credit be repaid in 91 days or less; (2) the transaction's scheduled repayment plan contains one or more interest-only payments and/or a balloon payment at maturity; (3) the transaction, at origination, requires the borrower (a) to agree to a pre-authorized automatic withdrawal in the form of a bank draft, a preapproved ACH or its equivalent, (b) to agree to an allotment or an agreement to defer presentment of one or more contemporaneously-dated or postdated checks; or (c) to repay the loan in full at a borrower's payday or other recurring deposit cycle, where the repayment is connected with a bank account (commonly referred to as a "bank payday loan"); or (4) the creditor did not make a reasonable attempt under the circumstances to determine the borrower's ability to repay the loan.

The City Council adopted Chapter 50 of the City Code, an ordinance governing credit access businesses, within a month after the City Council's adoption of the alternative financial establishment ordinance. As evidenced by the legislative history documented in Exhibit C, these companion ordinances were in response to concerns with unregulated payday and car title lenders, not regulated installment lenders like Regional Finance. Chapter 50 requires licensing of credit access businesses (i.e., payday and car title lenders). Unlike payday and car title lenders, Regional Finance is not a credit access business and is not required to be licensed under Chapter 50. This issue is not in dispute.

The staff reports and briefing materials attached as Exhibit C accompanied the adoption of the alternative financial establishment regulations and Chapter 50, and demonstrate a clear intent to regulate check cashing, payday lending, and car title lending businesses, all of which operate under a loophole in Texas finance law. Time after time, the legislative record refers to payday and car title lending and their "predatory" lending practices, demonstrating the City Council had a very specific focus. The materials in Exhibit C also indicate that the City Council defined credit access businesses as payday lenders and car title lenders. One of the attached reports states that "credit access businesses are commonly referred to as 'pay day lenders' and 'auto title lenders.'" It is important to emphasize that Regional Finance is *not* a credit access business; therefore, it is not an alternative financial establishment within the meaning intended by the City Council.

In adopting the alternative financial establishment regulations, the City was attempting to address its concern that payday and car title lenders have a detrimental effect on neighborhoods and create an appearance of an area in decline. Interior and exterior photos illustrating Regional Finance's typical signage and decor are attached as Exhibit D. Regional Finance's advertising, signage, and office decor are tasteful, unlike many payday and car title lenders. It is clear from these photos that Regional Finance's presence would not cause detrimental effects on

neighborhoods, given that its storefront and operations are virtually indistinguishable from a bank or credit union.

*Payday and Car Title Lending Characteristics that
Differ from Regional Finance's Practices*

Payday and car title loan businesses have the following characteristics that make them the targets of criticism: (a) no assessment of a consumer's creditworthiness or ability to repay; (b) no installment payments that allow a consumer to make fixed payments on a schedule, instead requiring a single balloon payment at the end of the loan term, which the consumer often cannot pay, resulting in loan rollovers and a cycle of debt; (c) unregulated interest rates and ancillary fees; and (d) short-term, small-dollar loans (typically 30 days or less for amounts less than \$1,000), with no long-term loan options or purchase loans. The materials on **Exhibit E** provide independent authority for the fact that payday and car title lenders (i) have distinct lending practices that set them apart from regulated installment lenders like Regional Finance; (ii) offer loan products that are truly short-term and measured in days or weeks, unlike Regional Finance's loans; and (iii) characterize their loans as "short-term."

Regional Finance performs underwriting on all of its loans, evaluating each potential customer's creditworthiness by examining the individual's unencumbered income, length of current employment, duration of residence, and a credit report detailing the applicant's credit history. Regional Finance also structures all loans on a fixed-rate, fixed-term basis with fully amortizing equal monthly installment payments, repayable at any time without penalty. Regional Finance does not offer loan products with balloon payments. Regional Finance sources its loans through its branches, direct mail campaigns, independent and franchise automobile dealerships, online credit application networks, furniture and appliance retailers, and its consumer website. Regional Finance also reports to credit bureaus, allowing its customers to build a positive credit history.

Unlike payday and car title lenders, Regional Finance's installment loans are subject to regulation under Chapter 342 of the Texas Finance Code, which regulates the loan size, loan term, rate of interest, and all fees and amounts that may be received by the lender. Regional Finance's operations are further regulated and supervised by the Texas Office of Consumer Credit Commissioner, the state agency charged with enforcing Chapter 342. The regulated rates of interest permitted by the Texas Finance Code are far lower than those offered by payday or car title lenders; accordingly, Regional Finance offers a safer alternative for consumers. See **Exhibit E** for information on the interest rates charged by payday and car title lenders.

Council Member Jerry Allen led the effort to amend Chapter 51A to create the alternative financial establishment land use. At the May 25, 2011 City Council hearing on those Chapter 51A amendments, Council Member Allen stated that the City is working to develop loan programs in the range of \$300 to \$1,500 at a 36 percent interest rate as an alternative to citizens who have had to turn to high interest rate loans with payday and car title lenders. On more than one occasion, Council Member Allen emphasized the need for "installment" loans and loans with interest rates in the 36 percent range. He also indicated that the City of Dallas is reaching out to

loan companies outside of Dallas to bring them into the City to offer these lower price loans. In speaking out against payday and car title lenders and in favor of efforts to bring low cost loan alternatives to Dallas, Council Member Allen also stated, *"That's what we got to have and they have got to be installments, none of this two week stuff."* Ironically, Regional Finance is a company that seeks to expand into the Dallas market and offer the very loans that Council Member Allen wants for the citizens of Dallas. Regional Finance's loans are long-term (not "two week" loans), have far lower, regulated interest rates, and are installment loans that involve underwriting to assure the applicant has the ability to repay the loan. See the May 25, 2011 hearing transcripts on Exhibit C.

Unlike short-term payday and car title loans, Regional Finance offers loans with terms of four months to six years, with approximately 99 percent of its loans originated in Texas in 2013 having a term of six months to six years and the vast majority of its loans having a term of one to six years. The small percentage of loans of less than six months are originated either at the customer's request or as "starter loans." Starter loans are made to persons with low income or damaged credit. The loan allows Regional Finance to evaluate a customer's repayment performance and allows the customer the opportunity to rebuild a credit score and history with the three major credit reporting bureaus. If the customer performs well with the starter loan, he or she may qualify for a longer term loan. Regional Finance maintains that the approximately one percent of its overall Texas business that can be attributed to loans ranging from four to six months in duration is accessory in nature.

The Building Official Letter and the Erroneous Decision of the Building Official

The Building Official Letter indicates that the Building Official's decision to deny the certificate of occupancy was based in part on the information Regional Finance provided that approximately one-third of its loans in Texas had an original principal balance of less than \$1,320. The letter states that because one-third of Regional Finance's business is offering *"short-term loans"* that are similar to services offered by check cashing businesses, Regional Finance's use cannot be for a financial institution, nor can it be accessory or customarily incidental to a financial institution. The Building Official equated the *amount* of these loans with the *term* of these loans, which is a flawed analysis contrary to the applicable standard under Chapter 51A.

The Building Official argues that Regional Finance has "short-term" loans and is, therefore, an alternative financial establishment. Regional Finance offers loans under Chapter 342, Subchapter F of the Texas Finance Code ("Subchapter F Loans") that are a maximum of \$1,320 and have terms from four months to three years with the vast majority being six months or longer. The average term of all of Regional Finance's Subchapter F loans as of May 2013 was 14.5 months, a far cry from the 30 days or less attributable to payday and car title loans. Based on the statements in the Building Official Letter, the Building Official mistakenly concluded that Regional Finance offers "short-term" loans because one third of its loans statewide are for amounts of \$1,320 or less, without any inquiry regarding the actual duration of these loans. The amount of the loan is irrelevant under the definition of a "check cashing business." The Building Official reached this conclusion notwithstanding that (a) Regional Finance's Subchapter F Loans

are more appropriately characterized as long-term given that they are measured in terms of months and years, not days; (b) payday and car title loans that were the object of these regulations are typically for terms of 14 to 30 days; and (c) Regional Finance's Subchapter F Loans are clearly not the intended target of the City Council, as evidenced by the fact that Regional Finance does not fall under the City's credit access business ordinance or its companion amendments to Chapter 51A. The Building Official overreached when he tried to force Regional Finance into a box that was intended for unregulated payday and car title lenders that have been the subject of much criticism in the local, state, and national news in recent years and are the target under a number of Texas municipal ordinances, including the City's 2011 ordinances.

In addition, the Building Official Letter clearly acknowledges that Regional Finance is not a "check cashing business" by stating that Regional Finance is offering loans "that are *similar to services* offered by check cashing businesses...." (emphasis added) A "check cashing business" is a term defined by Chapter 51A, and the Building Official acknowledged that Regional Finance may be similar to such a business, but is not, in fact, a check cashing business. Because Regional Finance is not a check cashing business or any other type of alternative financial establishment, Regional Finance is entitled to a certificate of occupancy for a financial institution use.

Conclusion

The attached legislative history demonstrates that the City Council's focus was on payday and car title lending involving short term loans (typically 30 days or less). The undefined words "short-term" must be applied in a manner consistent with the legislative history, and all indications from the legislative history are that "short-term" should be interpreted to mean the short terms typically associated with payday and car title lenders. Short-term, in the context of payday lending, means *the next payday*, typically in two weeks. There is nothing in the legislative history to suggest the City Council intended to target all lenders other than federally chartered banks or credit unions, nor is there any evidence that the City Council sought to target regulated installment lenders with loan terms measuring from many months to many years. In fact, there is evidence to the contrary – that the City is actively seeking to recruit regulated installment lenders like Regional Finance who offer a better, safer alternative to the citizens of Dallas.

Based on the Chapter 51A definition of an alternative financial establishment, the legislative history leading up to the City Council's adoption of that definition, the plain meaning of the terms "payday lending" and "car title lending," and other reasons stated above, it is clear that Regional Finance's business is not an alternative financial establishment within the meaning of Chapter 51A. Because Regional Finance's business does not fall within the scope of the alternative financial establishment regulations, Regional Finance respectfully requests that the Board of Adjustment reverse the Building Official's decision and direct the Building Official to issue Regional Finance's requested certificate of occupancy for a financial institution without drive-in windows.

Sincerely,



Melissa Lindelow

I, Brian Fisher, Vice President and General Counsel of Regional Management Corp., have reviewed the foregoing letter and affirm that the factual statements regarding Regional Finance are true and correct.



Brian J. Fisher

Vice President and General Counsel

Sworn before me this 8 day of November, 2013



Notary Public for South Carolina

My Commission Expires: May 6, 2014

TABLE 1

DALLAS DEFINITIONS FOR ALTERNATIVE FINANCIAL ESTABLISHMENTS				
1. CAR TITLE LOANS: small, short-term consumer loans secured by a title to a motor vehicle				
Components of Dallas Definition:	Types of Regional Finance Loans			
	Installment Loans <u>Not</u> Secured by Vehicle Title	Installment Loans Secured by Vehicle Title	Automobile Purchase Loans¹	Furniture/ Appliance Purchase Loan²
1. Small	N/A	Minimum \$2,500 to \$16,500 – not "small"	N/A	N/A
2. Short-term (not defined)	N/A	Minimum 18 months – not "short-term"; weighted average maturity of all of Regional Finance's 2013 loans in this category in Texas is 44.7 months	N/A	N/A
3. Secured by a title to a motor vehicle	No	Yes	N/A – these are vehicle purchase loans, not cash loans secured by a title	No

¹ This is sales financing to enable consumers to purchase automobiles, and is governed by Chapter 348 of the Texas Finance Code and regulated by the Texas Office of Consumer Credit Commissioner. Regional Finance purchases retail installment sales contracts from automobile dealers, and the customer makes the payments to Regional Finance.

² This component of the business is similar to the automobile sales finance business, except that the financing is to enable the customer to purchase furniture or appliances. These transactions are governed by Chapter 345 of the Texas Finance Code, and Regional Finance is a registered lender with the Texas Office of Consumer Credit Commissioner under Chapter 345.

2. CHECK CASHING BUSINESS: any of the following uses in 1-8 below provided to individuals <i>for a specified fee</i> :	
1. Check Cashing³	No – Regional Finance does not charge a fee
2. Payday Cash Advance	No
3. Payroll Advance	No
4. Short-Term Cash Loan	No – Regional Finance does not offer loans for a term of less than four months, and 99% of its loans have minimum terms of six months or longer; four-month loans make up only 0.17% of its Texas loan portfolio and are not "short-term" within the meaning of payday and car title lending; the average maturity of each loan type currently ranges from over 14 months to 65 months (<i>see Table 2 for a summary of loan terms</i>)
5. Short-Term Cash Advance	No (Regional Finance does not offer "advances")
6. Instant Payday Cash Advance	No
7. Short-Term Money Loan Services	See #4 above (short-term cash loan)
8. Similar Services	No – Regional Finances offers only three types of services: (1) installment loans (may or may not be secured by a vehicle title); (2) automobile purchase loans; and (3) furniture and appliance purchase loans
3. MONEY TRANSFER BUSINESS: No – Regional does not transmit money for a fee	

³ Regional Finance does not offer check cashing for a specified fee. On occasion, as a courtesy to a customer, Regional Finance may accept a personal check, payroll check, or a government check as payment on a loan and return any excess payment to the customer in cash, but this is incidental to its business and Regional Finance never charges a fee for the service. Regional Finance is not in business to cash checks.

TABLE 2

Category of Regional Finance Loan	Minimum and Maximum Terms of Regional Finance Loans	Weighted Average Maturity in Texas*	Percent of Texas Business*
Installment Loans Not Secured by a Vehicle Title	Four months to three years**	14.5 months	43.7%
Installment Loans Secured by a Vehicle Title	18 months to five years	44.7 months	10.1%
Automobile Purchase Loans	Three to six years	65.0 months	39.4%
Furniture and Appliance Purchase Loans	Six months to four years	23.7 months	6.8%
Total		23.5 months	100%

All of these loan term averages exceed one year in length, and none are "short-term."

*This data is current as of June 2013.

**More than 99 percent of these loans are for terms of greater than six months, as explained in the body of this letter.

Exhibits

Exhibit A – Application for Certificate of Occupancy

Exhibit B – Building Official Letter

Exhibit C – Legislative History, including Transcripts

Exhibit D – Photos of Typical Regional Finance Store

Exhibit E – Materials Relating to Payday and Car Title Lending

Please note that certain text is highlighted in yellow in Exhibits C and E for the purpose of focusing the Board of Adjustment on certain information; however, all of the information in Exhibits C and E is offered as evidence supporting the applicant's appeal of the Building Official's decision.

Exhibit A

DATE: 9-11-13

APPLICATION TYPE
 PERMIT ☐ CO ☒
 OTHER ☐ EXPRESS ☐



JOB NO: (OFFICE USE ONLY)
076848305

PERMIT NO: (OFFICE USE ONLY)
1309111083

HEALTH REVIEW
(Restaurants/Food Service) ☐

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 3917 Camp Wisdom Rd. SUITE/FLOOR NO: 107 USE OF PROPERTY: Financial institutions without a drive through window

OWNER/LEASER: Regional Finance ADDRESS: 3917 Camp Wisdom Rd. CITY: Dallas STATE: TX ZIP CODE:

APPLICANT: Stephanie Drake CONTR NO: COMPANY NAME: Regional Finance E-MAIL ADDRESS: Sdrake@Rmcorp.biz

ADDRESS: 451 CR2298 CITY: Mineola TX JOB CODE: BH3 PHONE NO: 403 638 3223 FAX: 3223

DESCRIPTION OF PROPOSED PROJECT: Requesting a CO for a new use in a existing building.

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ON-SITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY. ☐

CONST AREA (SQ FT): 1335 VALUATION (\$):

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

☐ BUILDING ☐ PLUMBING ☐ FENCE ☐ DRIVE APPROACH ☐ BACKFLOW ☐ BARRICADE
☐ ELECTRICAL ☐ FIRE SPRKLR ☐ SIGN ☐ SWIMMING POOL ☐ CUSTOMER SVC ☐ GREEN BUILDING/LEED
☐ MECHANICAL ☐ FIRE ALARM ☐ LANDSCAPE ☐ LAWN SPRINKLER ☐ FLAMMABLE LIQUID ☐ OTHER:

WILL ALCOHOL BE SOLD/SERVED? ☐ YES ☐ NO PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? ☐ YES ☐ NO
 WILL THERE BE A DANCE FLOOR? ☐ YES ☐ NO ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? ☐ YES ☐ NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: Stephanie Drake

FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASIC ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTION	OWN
<u>6114</u>	<u>1/694G</u>	<u>CR</u>		<u>LINE B</u>		<u>B</u>	<u>A</u>
LIST AREA	REDA	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
SR	EARLY RELEASE	SLIP	RAH	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
		DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN	<u>BS</u>	<u>9-11-13</u>	<u>CO # 0911091080</u>	PERMIT FEE
ZONING			<u>H30</u>	SURCHARGE
BUILDING				PLAN REVIEW FEE
ELECTRICAL				PREQUALIFICATION REVIEW FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				OTHER FEES
WATER				OTHER FEES
FIRE				TOTAL FEES
LANDSCAPING				<u>\$ 280.00</u>
AVIATION				
OTHER:				

Training nkh

Exhibit B



CITY OF DALLAS

September 12, 2013

CERTIFIED MAIL NO. 7008 3230 0003 2390 9647

Stephanie Drake
Regional Finance Corporation of Texas
451 CR 2298
Mineola, TX 75773

CERTIFIED MAIL NO. 7008 3230 0003 2390 9654

Brian J. Fisher, Vice President and General Counsel
Regional Management Corp.
509 W. Butler Rd.
Greenville, SC 29607

CERTIFIED MAIL NO. 7008 3230 0003 2390 9661

Melissa Lindelow
Shupe Ventura Lindelow & Olson, PLLC
500 Main St., Ste. 800
Fort Worth, TX 76102

RE: Application for a Certificate of Occupancy for Financial Services
Regional Finance
3917 W. Camp Wisdom Rd., Ste. 107
Dallas, TX 75773

Greetings:

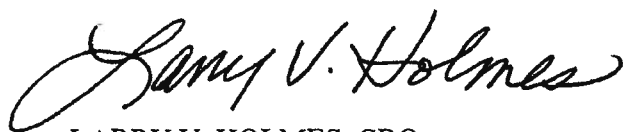
After thorough deliberation, city staff has determined that your land use is an "alternative financial establishment." This decision was based in part on the information you gave that approximately one-third of your loans are provided under Chapter 342, Subchapter F of the Texas Finance Code.

Because one-third of your business is offering short-term loans that are similar to services offered by check cashing businesses your use cannot be for a "financial institution" nor can it be accessory or customarily incidental to a "financial institution." Furthermore, this business is not licensed as a state or federally chartered bank, community development financial institution, savings and loan, or credit union.

September 12, 2013
Page Two (2)

The subject property is zoned as a CR Community Retail district. Alternative financial establishments require specific use permits in this zoning district.¹ Therefore, this application for certificate of occupancy is denied.

If you wish to apply for a specific use permit please contact LaShondra Holmes, Planning Manager, at 214.670.4216. Any determination made by the Building Official is final unless appealed to the Board of Adjustment within 15 days after the date of this letter by filing a written notice of appeal.²



LARRY V. HOLMES, CBO
Building Official
City of Dallas

c: David Cossum, Director, Sustainable Development and Construction
Phil Sikes, Assistant Building Official
Neva Dean, Assistant Director
LaShondra Holmes Stringfellow, Planning Manager
John Rogers, Assistant City Attorney

¹ Dallas Development Code §51A-4.207(1)(B).

² Paragraph (2) of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code and Dallas Development Code Section 51A-4.703(a)(2).

Exhibit C

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MAY 25, 2011

ACM: A.C. GONZALEZ

FILE NUMBER: DCA 090-005 (DC)

DATE INITIATED: 12-15-09

TOPIC: Alternative Financial Establishments

COUNCIL DISTRICT: All

CENSUS TRACT: All

PROPOSAL: Consideration of amendments to Article IV, "Use Regulations," of Chapter 51 and Chapter 51A, the Dallas Development Code, to create an alternative financial establishment use, establishing what districts the use will be permitted in and providing appropriate regulations for the use.

SUMMARY: The proposal would establish a single use category for check cashing, payday loan, and car title businesses and establish appropriate standards for the use.

STAFF RECOMMENDATION: Approval of creating a new use.

CPC RECOMMENDATION: Approval of creating a new use.

DCA 090-005

BACKGROUND INFORMATION:

- Currently, check cashing facilities are considered personal service uses under the retail and personal service use category and pay day loan and car title loan businesses are considered financial institutions under the office use category and are not a separate, distinct, use.
- Staff researched other cities ordinances and studies supporting their ordinances. Several cities in the area have adopted zoning regulations for alternative financial institutions in the area and across the country over the past several years. While some studies have found a correlation between the location of these time type of uses and relative crime rates and lower property values, the studies do not establish a direct link to the use and these impacts.
- The Zoning Ordinance Committee (ZOC) was first briefed on this topic in February of 2010. ZOC considered this issue again at 6 hearings throughout the year and made a final recommendation of no change to the development code regarding this issue at its October 7, 2010 meeting.
- In evaluating studies from other cities and studies on the area furnished by representatives of the short term loan industry, and public testimony, ZOC recommended no change to the Development Code to create the new use.

CPC Action (January 20, 2011)

Main Motion: It was moved to recommend denial of amendments to Article IV, "Use Regulations," of Chapter 51 and Chapter 51A, the Dallas Development Code, to create an alternative financial establishment use, establishing what districts the use will be permitted in and providing appropriate regulations for the use.

Maker: Anglin
Second: Schwartz

Substitute Motion: It was moved to accept a substitute motion to hold this case under advisement until February 3, 2011.

Maker: M. Davis
Second: Rodgers
Result: Carried: 10 to 3

For: 10 - R. Davis, Wally, M. Davis, Rodgers, Bagley,
Lavallaisaa, Tarpley, Shellene, Schwartz, Alcantar

ADDENDUM ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 22, 2011
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Manager's Office
CMO: Mary K. Suhm, 670-5306
MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 50 of the Dallas City Code to: (1) define terms; (2) require registration of credit access businesses; (3) establish a registration fee; (4) impose restrictions on extensions of consumer credit by credit access businesses; (5) provide recordkeeping requirements; and (6) provide defenses - Financing: No cost consideration to the City

BACKGROUND

The proposed ordinance would add Article XI, "Credit Access Businesses," to Chapter 50 of the Dallas City Code. Credit access businesses are commonly referred to as "pay day lenders" and "auto title lenders." The proposed ordinance would: (1) establish an annual registration program (including a \$50 registration fee) for credit access businesses; (2) impose recordkeeping requirements on those businesses; and (3) impose restrictions on extensions of consumer credit made by those businesses.

To obtain a certificate of registration, a credit access business would provide: (1) the name, address, and telephone number of the applicant; (2) the business or trade name of the credit access business and its address and telephone number; (3) the names, addresses, and telephone numbers of the owners of the credit access business; (4) a copy of a current, valid state license to operate as a credit access business; and (5) a current, valid certificate of occupancy showing compliance with the Dallas Development Code.

The proposed ordinance would require a credit access business to maintain for three years all records relating to extensions of consumer credit made by the business and make such records available for examination by the city upon request.

BACKGROUND (Continued)

The proposed ordinance would provide certain restrictions on the extension of consumer credit by a credit access business, including: (1) restricting the amount of cash advanced to designated percentages of a consumer's income; (2) limiting to four the number of installments in which an extension of consumer credit may be paid; (3) limiting to three the number of times an extension of consumer credit may be refinanced or renewed; and (4) requiring proceeds from each installment payment on a refinanced or renewed extension of credit to be used to repay at least 25 percent of the principal, with fees charged by the credit access business excluded from the calculation of principal.

The proposed ordinance would take effect on January 1, 2012, and violations of the ordinance would be subject to a fine of up to \$500.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item was briefed to the Budget, Finance, and Audit Committee on June 13, 2011.

FISCAL INFORMATION

No cost consideration to the City.

Memorandum



DATE April 22, 2011

TO Members of the Budget, Finance & Audit Committee: Jerry R. Allen, Chair; Ann Margolin, Vice-Chair; Vonciel Jones Hill; Angela Hunt; Delia D. Jasso; Ron Natinsky

SUBJECT Alternative Financial Establishment Development Code Amendment Status

Please find attached briefing materials on a proposed development code amendment to create an alternative financial establishment use classification and appropriate development standards for the use. This briefing is a follow up to the February 25, 2011 briefing and will be presented to the committee on April 25, 2011.

Please contact me if you need additional information.

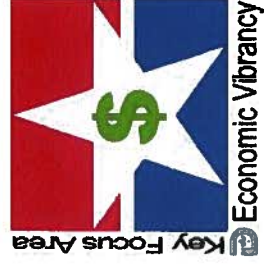

A.C. Gonzalez
Assistant City Manager

C: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge Municipal Court
Ryan S. Evans, First Assistant City Manager
Forest Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Helena Stevens-Thompson, Assistant to the City Manager

Alternative Financial Establishment Development Code Amendment

**City Council
Budget, Finance and Audit
Committee
April 25, 2011**

BDA 123-112
Attach A
Pg 24



Background

- City Council requested that the City Attorney draft an ordinance establishing a check cashing facilities and car title and pay day lending businesses a separate main use.
- The Zoning Ordinance Committee considered the issue at 6 meetings beginning in February of 2010.
- Staff and ZOC reviewed several studies and ordinances from other jurisdictions.
- ZOC recommended no change to the current Development Code on October 7, 2010.

Memorandum

RECEIVED

2011 JUN -9 PM 4:39

CITY SECRETARY
DALLAS, TEXAS



DATE: June 10, 2011

TO: Honorable Members of the Budget, Finance & Audit Committee: Ann Margolin (Vice Chair),
Vonciel Jones Hill, Angela Hunt, Delia D. Jasso, Ron Natinsky, David A. Neumann

SUBJECT: Budget, Finance & Audit Committee Meeting

Monday, June 13, 2011, 8:30 a.m.

Dallas City Hall - 6ES, 1500 Marilla St., Dallas, TX 75201

The agenda for the meeting is as follows:

1. Approval of May 23, 2011 minutes
2. Proposed ordinance to regulate Payday and Title loan lending City Attorney's Office
3. Employee & Retiree Health Care Contracts Molly McCall, Interim Director Human Resources
4. Surplus Property Auction Theresa O'Donnell, Director Sustainable Development and Construction

FYI:

5. 1998 Sports Arena Project Bonds Optional Redemption
6. Atmos Energy Gas Reliability Infrastructure Program Rate Settlement
7. Quarterly Investment Report
8. March Financial Forecast Report

Please let me know if you have any questions.

Jerry R. Allen, Chair
Budget, Finance & Audit Committee

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer

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.

Budget, Finance & Audit Committee

Meeting Record (Draft)

Meeting Date: 6-13-2011

Convened: 8:33 a.m.

Adjourned: 9:45 a.m.

Committee Members Present:

Jerry R. Allen, Chair
Ann Margolin, Vice-Chair
Delia Jasso
Ron Natinsky
Angela Hunt
David A. Neumann

Committee Members Absent:

Vonciel Jones Hill

Staff Present:

Mary Suhm, Jeanne Chipperfield, Thomas P. Perkins, Molly McCall, Theresa O'Donnel, Jack Ireland, Shelia Robinson, Mike Frosch, Ben Collins, Corrine Steeger, Edward Scott, Nick Fehrenbach, Lance Schorn, Zarin Gracey, Joey Zapata, Bonnie Meeder, Warren Ernst

AGENDA:

1. **Approval of the May 23, 2011 minutes**

Presenter(s):

Information Only: _____

Action Taken/Committee Recommendation(s):

Motion to approve the April 25, 2011 minutes.

Motion made by: Delia Jasso

Motion seconded by: Ron Natinsky

2. **Proposed Ordinance to Regulate Payday and Title Loan Lending**

Presenter(s): Thomas P. Perkins

Information Only: X

Action Taken/Committee Recommendation(s):

The briefing provided information on proposed ordinances to regulate payday and title loan lending.

The Budget, Finance & Audit Committee made a motion to authorize an approval and place the item on the June 22, 2011 agenda.

Motion made by: Jerry R. Allen

Motion seconded by: David A. Neumann

3. **Employee & Retiree Health Care Contracts**

Presenter(s): Molly McCall

Information Only: _____

Action Taken/Committee Recommendation(s):

The purpose of the briefing was to review the City of Dallas Health Benefits Plans, review the request for Proposal for Employee/Retiree Healthcare, provide results of the proposal evaluations and make recommendations.

MAY 25, 2011
DALLAS CITY COUNCIL MEETING EXCERPT
ADDENDUM ITEM NUMBER 95

1 SECRETARY: Moving over to item number 95
2 on the agenda, a public hearing to receive comments
3 regarding consideration of amendments to Chapter 51
4 and Chapter 51A of the Dallas Development Code to
5 create a new alternative financial establishment use
6 establishing which zoning district the use will be
7 permitted in and providing appropriate status for the
8 use and an ordinance granting the revision.

9 At this time, you had several speakers
10 that were signed up to speak on this item, Madam
11 Mayor. Do you want me to start with the speakers that
12 have signed up for the public hearing?

13 MAYOR: Yes, please.

14 SECRETARY: First speaker is Maria
15 Graziano, followed by Gerald Britt, Frederick Haynes,
16 Amy Walton, and Oren Hayon.

17 MS. GRAZIANO: Good afternoon. I'm Maria
18 Graziano and I am a volunteer for AARP. AARP is a
19 nationwide organization of nearly 40 million members
20 of 50-plus people, 2.3 million of whom are residents
21 of Texas. Thank you for the opportunity to speak
22 today.

23 AARP is deeply concerned with abusive
24 small-dollar lending in Dallas and across the state.
25 You have heard about the loophole and state law that

1 allows payday and other high interest lenders to make
2 loans at 500 APR. These loans are harming older
3 people, too. Data from a 2008 Texas applet sheet
4 survey shows that Texans age 50 to 59 make over 15
5 percent of the payday loan borrowers in the state.
6 The same survey showed that Texans age 60 plus make up
7 about 7 percent of payday loan borrowers in the state.
8 These statistics do not capture how many older Texans
9 financially help their children or grandchildren break
10 free of these high-cost loans.

11 A Wall Street Journal headline warned
12 that high interest lenders tap elderly and disabled.
13 For years these lenders have clustered around military
14 bases to make high-cost loans to our servicemen and
15 women because they receive reliable government checks.
16 The Wall Street Journal story documents a predictable
17 offshoot of that business strategy. These lenders are
18 increasingly targeting recipients of Social Security
19 and other government benefits, including disability
20 and veterans' benefits.

21 It is also clear that Texans want relief
22 from abusive interest rates and practices. A recent
23 AARP survey found that more than three-fourths of
24 Texans oppose payday lenders and auto title lenders
25 charging up to 500 percent interest and almost

1 two-thirds support the licensing and regulation of
2 these lenders.

3 There is some good news. AARP is pleased
4 that the Texas senate voted to approve two bills to
5 take steps towards providing some licensing and
6 oversight and improving fee disclosures in the payday
7 lending industry in Texas. It is the first time in a
8 decade that both chambers have passed significant
9 payday lending reform.

10 While we are disappointed that the bills
11 failed to address the vicious cycle of debt that
12 victimizes so many Texans, their passage is a hopeful
13 sign that lawmakers are starting to learn and listen
14 to their consultants' call for fair and responsible
15 lending in Texas.

16 Now with the legislative session coming
17 to an end, it is up to cities to take a stand against
18 the proliferation of these businesses within their
19 city limits. Large cities like Dallas need to take a
20 stand for their constituents, and by supporting
21 stricter zoning ordinances for payday and auto title
22 lenders, your actions can help downward -- help end
23 the downward spiral for residents of Dallas. It can
24 end the giant sucking sound draining your community's
25 wealth.

1 AARP respectfully urges you to consider
2 supporting stricter zoning ordinances to payday loans
3 and auto title lenders. Thank you for the opportunity
4 to speak today.

5 SECRETARY: Thank you very much. Our
6 next speaker is Gerald Britt, followed by Frederick
7 Haynes.

8 MR. BRITT: Thank you, Madam Deputy
9 Mayor. If I can have a minute, we have -- I would
10 like to at least have all of those people who are here
11 on this issue to stand. We have a number of people
12 who came. Mayor Caraway had asked when we were last
13 here to bring all the churches. We tried to bring as
14 many as we could so we wanted you to see that the
15 community stands behind the support of this -- of this
16 zoning ordinance.

17 The other thing we have, we have a packet
18 for each council person, and we also have the
19 petitions that we promised and we think that that,
20 too, is an important addition to our effort.

21 Madam Mayor and City Council, again, we
22 appreciate you hearing us on this issue today. The
23 Antipoverty Coalition is here to witness action on
24 behalf of some of Dallas' most vulnerable citizens,
25 those who in financial desperation turn to short-term

1 lenders for temporary help. We are representing those
2 who are ensnared in a web of debt and collection
3 harassment who come to our agencies to help pay --
4 help them to pay utility bills or rent or mortgages or
5 food or because of the predatory nature of these
6 loans.

7 This is not just a matter of personal
8 responsibility. These businesses prey on the anxiety
9 of consumers, making their unstable financial
10 conditions even more precarious. It's time for the
11 council to act. And frankly the last time we were
12 here, we felt lectured as if you thought we didn't
13 understand the issue. We thoroughly understand the
14 issue. We have done our homework.

15 The binders you each have represent the
16 work that we have been doing since last year. There
17 are alternatives to payday lenders. You have them in
18 those binders. You have before you petitions signed
19 by nearly 4,000 households across the city. Letters
20 of support signed by respective leaders of the
21 religious communities, the nonprofit community, and
22 throughout our city as well as two state elected
23 officials who have previously asked you to act.

24 We have met with Elizabeth Warren,
25 President Obama's appointee to organize the Consumer

1 Finance Protection Bureau, along with leaders from the
2 Christian, Jewish, and Muslim religious and nonprofit
3 communities. We laid before her our concerns with
4 payday loan companies and their investors. Our state
5 legislators have acted passing HB 2592 and HB 2593 out
6 of the house and the senate.

7 We are not looking for the City Council
8 to do what the state legislature can do. We are not
9 asking the City Council to do what the federal
10 government can do. We are asking you to do what the
11 City Council of Dallas can do. You have an audience
12 here today from all across the city, and we are
13 saying, we have done our work. We ask only that you
14 do yours. We implore you to make us proud. Don't
15 make excuses. Don't lecture us. Don't evade.
16 Respect us. Respect our communities. Vote for this
17 zoning ordinance and send a message that Dallas
18 doesn't allow exploitation to masquerade as commerce.
19 Thank you.

20 MAYOR: Thank you, Reverend Britt.

21 MR. HAYNES: Thank you. I am Frederick
22 Haynes, senior pastor of Friendship West Baptist
23 Church in Oak Cliff. I'm so honored to stand and
24 share with you. I want to, first of all, thank you so
25 much for the resolution that was passed by this body

1 that was presented to our legislative body in the
2 Capitol. That meant so much to our efforts.

3 The payday loan, auto title loan
4 industry, has been appropriately labeled as predatory.

5 And when you look up predatory, of course, predators
6 always prey on those who are weak and vulnerable.

7 And, of course, the payday/auto title loan industry
8 has made much money preying on those who are
9 financially weak and have now been weakened by
10 desperate situations as well as the economy we find
11 ourselves in. And so they are appropriately labeled
12 predators. I understand why.

13 There's a 65-year-old person who does not
14 attend my church, but as a matter of fact, she lives
15 in Council Member Allen's district, who was a victim
16 of a payday loan scheme. Why? Because she simply
17 wanted to do all she could as a widow to ensure that
18 she could get medicine not for herself but for her
19 grandchild. There was a 28-year-old college student
20 who wanted to purchase books. Both of these
21 individuals I'm referring to now are paying in excess
22 of 600 percent as it relates to an interest rate
23 because of these predators that prey on the weak and
24 vulnerable.

25 And so what we are saying is that no

1 civilized community would ever allow lions to exist in
2 plenitude around deer. No civilized community would
3 say, if you're trying to raise rabbits, we're going to
4 unleash wolves in your area. That's just uncivilized.
5 It's unethical. Well, the metaphor has its
6 limitations. I readily recognize that, but you get
7 the point. You protect those who are vulnerable and
8 weak, especially from those who make it their business
9 to profit off of those who are vulnerable and weak.

10 And so when I look at the community I'm
11 in, some 18 to 20 payday/auto title loan stores, that
12 in no way is reflective of a commitment to
13 economically empower a community, let alone protecting
14 those who are weak and vulnerable financially.

15 So we're asking you to do what any
16 civilized community would do for rabbits, for
17 chickens, as well as for deer against predators, if we
18 would do that for them. Please let's do that to
19 protect the economic well-being of our community.

20 Finally -- and we talked about Dallas
21 economically expanding and becoming the city it has
22 the potential to become. I trust that all of us
23 recognize that payday loans and auto title loan stores
24 are not the bridges to that kind of fruitful financial
25 future. As a matter of fact, I think all of us who

1 participate in any of the great religions of the world
2 recognize that every great religion has a supreme
3 value of protecting those who are poor and
4 vulnerable.

5 UNIDENTIFIED SPEAKER: Do you want me to
6 turn this down?

7 MR. HAYNES: Pardon me?

8 UNIDENTIFIED SPEAKER: Keep talking.

9 UNIDENTIFIED SPEAKER: Keep talking.

10 UNIDENTIFIED SPEAKER: Continue.

11 MR. HAYNES: Thank you very much.

12 They protect those who are poor and
13 vulnerable. And so I'm simply saying, in light of my
14 faith, Jesus would say, I was hungry, you fed me;
15 thirsty, you gave me a drink; in prison, you came to
16 visit me. I hope you will not say about Dallas, I was
17 financially desperate and you gave me more access to
18 payday loans. If I'm in a ditch, please -- especially
19 if it's with a predator -- don't throw me a shovel. I
20 need a rope. We're asking for a rope.

21 God bless you and thank you.

22 SECRETARY: Thank you, Reverend Haynes.

23 Amy Walton. Amy Walton followed by Oren
24 Hayon.

25 UNIDENTIFIED SPEAKER: She had to leave.

1 MR. HAYON: Good afternoon everyone. My
2 name is Rabbi Oren Hayon. I'm here to speak to you
3 representing the (inaudible) Association of Greater
4 Dallas, which is here along with our partner, the
5 Jewish Community Relations Council of Greater Dallas,
6 together to urge this council to support the proposed
7 zoning ordinance to limit the proliferation of payday
8 and auto title loan establishments in our city's most
9 economically vulnerable neighborhoods.

10 When lenders charge borrowers 300 to 900
11 percent interest rates on short-term loans, we cannot
12 consider it a reasonable rate for the risk assumed.

13 It is, in fact, on the contrary, the predatory
14 practice of usury, that same usury that is condemned
15 strongly by all three Aramaic faith traditions,
16 including my own. These kinds of usurious loans
17 strike most fiercely at the members of our
18 community who find themselves in the direst of
19 circumstances, those who struggle to make ends meet
20 due to emergency or chronic poverty.

21 The loans also drain resources from
22 elsewhere in our community, from borrowers' family
23 members, from the religious institutions and from
24 social service agencies called upon to assist those
25 trapped in desperate cycles of debt. With more than

1 three -- excuse me, with more than 200 payday and auto
2 title lenders concentrated most heavily in areas that
3 are already challenged economically, it is critical
4 that this council act as strongly as possible to
5 present -- to protect the residents of our city and to
6 allow for the growth and vitality of all its
7 neighborhoods.

8 In the Bible, Leviticus 25, verse 14,
9 gives us our religious tradition's most basic teaching
10 about ethical conduct in business. And it says, when
11 you sell or when you buy, you shall not wrong one
12 another. This is a moral standard that as a city we
13 must strive to meet. And this proposed ordinance
14 before you is an important step forward toward that
15 goal of creating an environment in Dallas in which
16 economic justice and human dignity are paramount.

17 Thank you for your time.

18 MAYOR: Thank you very much, Mr. Hayon.
19 We thank each and every one of you for being here
20 today on such an important matter.

21 Mr. Allen.

22 MR. ALLEN: Yeah, this is a big day.
23 This is a big day. I've said all along, court of
24 public opinion. Court of public opinion is what's
25 going to rule this thing. Court of public opinion.

1 It's going to take a while for Austin to pass as
2 strong of laws that we want. They're not going to do
3 it this time. They're going to do it two years from
4 now. Court of public opinion will demand it. Court
5 of public opinion will demand it, what we have here in
6 the city of Dallas, because of you fine people coming
7 down here and doing what you're doing and caring about
8 people that don't even know you care about them --
9 they don't even know it, and y'all are out there
10 caring about people. This is a movement here in the
11 city of Dallas. This is a movement.

12 Pastor, you summed it up. They're
13 preying on our weak. We didn't make up that term
14 predatory lending, did we? We didn't make it up.
15 They're preying on our weak. We are no longer going
16 to take it. We're not going to take it. Court of
17 public opinion. When they talk about Dallas, Texas
18 across the United States of America, they're going to
19 know our hearts are pure. We look out for our poor.
20 We look out for them. This is a step. We've got a
21 project out there called Bank on Dallas that we're
22 working on. Banks are coming together. Credit unions
23 are coming together to provide low cost loans. That's
24 what we got to have and they have got to be
25 installments, none of this two-week stuff. Court of

1 public opinion.

2 No longer will we allow them to prey on
3 our weak. This is the first step. What we're doing
4 today is a land use ordinance, is what we're doing, is
5 zoning. We're putting in effect zoning that's going
6 to make it very difficult for them to expand. And the
7 reason is, they're already out there. Predatory
8 lending is already out there. We're making it very
9 difficult for them to expand.

10 It is our job, though, going forward --
11 at the council level, our attorneys are working on it
12 as we speak -- advertising, making sure it's accurate.
13 If you are going to lend it at 300 percent, tell them
14 you're doing it at 300 percent. We want to do
15 whatever we can when it comes to limiting the rates.
16 Our attorneys at the City of Dallas are working on
17 that. We should have this shortly for discussion out
18 there. We want to be the shining light throughout the
19 rest of this country. And, again, it's because of
20 folks like y'all that have come down here and have
21 clapped and said, go get them, go do it.

22 Let's do not lose this movement. Let's
23 continue on because it's one step after another step
24 that we will benefit all of our citizens. And I used
25 the word "rape" in the past, and that's exactly what

1 they have been, but because of y'all's dedication,
2 your caring, your concern, we're going to -- we're
3 going to stop that from happening, going further.

4 It gives me a whole lot of pleasure to
5 say this. Fellow Councilmen, I move to approve the
6 budget, finance and audit council committee draft
7 ordinance adding the following addendum, which is
8 requiring a minimum separation of 1500 feet between
9 uses, requiring a minimum distance of 300 feet from a
10 lot in a residential district, requiring a minimum
11 distance of 500 feet from an expressway, requiring
12 that the use may not operate in a freestanding
13 building, and probably the biggest one there is,
14 requiring an SUP --

15 UNIDENTIFIED SPEAKER: Thank you.

16 MR. ALLEN: -- for the use in all
17 permitted districts. Requiring an SUP for the use in
18 all permitted districts.

19 And, citizens, what that basically means,
20 that means every one of them have got to come down in
21 front of planning and zoning and ultimately come
22 around this horseshoe, and this horseshoe has got to
23 say yea or nay if they are going to come in my
24 district or anybody else's district big time, big
25 time. So I'm asking for a second.

1 MAYOR: Before we have a second, I have
2 to ask the audience, is there anyone else that wishes
3 to speak on this topic?

4 Okay. Now you can ask for the second.
5 Okay. We have a motion to close the public hearing,
6 and we have a second by Ms. Margolin. Any other --

7 MR. ATKINS: Question. Question. On the
8 request for the separation of 1500 feet between uses,
9 are we -- for clarification, are we talking about from
10 the store or from the property line? If you have a
11 strip, you know, you have the check cashing place in
12 the middle of it, are we talking about from there or
13 from the property line?

14 UNIDENTIFIED SPEAKER: Mr. Cossum.

15 MR. ATKINS: David.

16 MR. COSSUM: Property line to property
17 line in the ordinance.

18 MR. ATKINS: So not from the --

19 MR. COSSUM: It's not from the door of
20 the establishment or from the leased space of the
21 establishment. It's from the property line of the
22 center.

23 MR. ATKINS: Of the center.

24 MR. COSSUM: Yes, sir.

25 MR. ATKINS: Thank you.

1 MR. COSSUM: All right. Madam Mayor, if
2 I could ask for one clarification on the motion.

3 MAYOR: Yes.

4 MR. COSSUM: In terms of the freestanding
5 building requirement, was it may only operate within a
6 freestanding building or may not?

7 MR. ALLEN: May. Requiring that the use
8 may only operate in a freestanding building.

9 MR. COSSUM: Thank you. Thank you.

10 MAYOR: Thank you very much for the
11 clarification, Mr. Allen.

12 Ms. Davis. Oh, I'm sorry. We cleared
13 you. Mr. Atkins and then Ms. Davis.

14 MR. ATKINS: Again, thank you for
15 everyone to come down. Just a couple of questions.
16 You know, statement that I would just like to thank
17 Dr. Frederick Haynes, Friendship West Baptist Church,
18 Concord House with Carter, and Rick Rush with IBOC,
19 and Wesley with Antioch.

20 You know, at one time, you know, in the
21 past, they marched down from Friendship West to
22 Southwest Center Mall and you could count all the
23 payday loan businesses there. And so what happened --
24 this is in District 8. And it's very, very strange
25 that in 2008 and 2007, we did not have that many check

1 cashing places. The reason why is because the bank.
2 They stopped loaning money. We had a recession
3 through the bank. Now we got to go back to the bank
4 and say what is the option to go another direction.

5 And I would like City Manager A.C. --
6 since Mary Suhm is not here -- I got a question. Who
7 is the City's bank? Who do we bank with at the City
8 of Dallas?

9 MR. GONZALEZ: Bank of America.

10 MR. ATKINS: Okay. Who?

11 UNIDENTIFIED SPEAKER: Bank of America.

12 MR. ATKINS: We bank with Bank of
13 America, right? So what is our deposit with Bank of
14 America on a yearly basis? Jeanne Chipperfield? Can
15 we get Jeanne here, please?

16 Jeanne, the question was, first, who do
17 we bank with? And I think actually we bank with Bank
18 of America, right?

19 MS. CHIPPERFIELD: Yes, sir, that is our
20 depository bank.

21 MR. ATKINS: What is our annual deposit
22 with Bank of America from the City of Dallas?

23 MS. CHIPPERFIELD: Our annual deposit?

24 MR. ATKINS: Uh-huh.

25 MS. CHIPPERFIELD: Well, we're going to

1 run all of our cash through there, so our annual
2 revenues are about 2 billion.

3 MR. ATKINS: \$2 billion, right?

4 MS. CHIPPERFIELD: Uh-huh.

5 MR. ATKINS: So we do about \$2 billion
6 with Bank of America. 2 billion. Okay. Do we at the
7 City of Dallas or do Bank of America as you know of,
8 do they have any type of special loans below \$300 that
9 if you are a citizen or you work for the City of
10 Dallas you can go over there and say, I work for the
11 City of Dallas, we can help you financially? Do we
12 have any kind of relationship with Bank of America
13 under employee point of view?

14 MS. CHIPPERFIELD: Not that I'm aware of.

15 MR. ATKINS: So --

16 MS. CHIPPERFIELD: But I would have to
17 double-check it for it.

18 MR. ATKINS: So the only relationship we
19 have would be our City Credit Union, right?

20 MS. CHIPPERFIELD: The credit union is
21 available to our employees to join. It's separate.
22 It's not part of Bank of America.

23 MR. ATKINS: So it's part of the City,
24 right?

25 MS. CHIPPERFIELD: It's a separate

1 financial institution, but its membership is open to
2 City employees.

3 MR. ATKINS: But membership -- the
4 majority of the membership is City employees, right?

5 MS. CHIPPERFIELD: For the City
6 employees' credit union?

7 MR. ATKINS: Right.

8 MS. CHIPPERFIELD: Uh-huh.

9 MR. ATKINS: So our City employees can go
10 to the City Credit Union in order to borrow money or
11 cash checks or whatever, right?

12 MS. CHIPPERFIELD: Right, they can go.

13 MR. ATKINS: They have a relationship,
14 right?

15 MS. CHIPPERFIELD: They're able to join
16 that credit union.

17 MR. ATKINS: So with Bank of America, we
18 deposit \$2 billion a year with Bank of America, but
19 our employees -- the City employees do not have a
20 relationship with Bank of America, right?

21 MS. CHIPPERFIELD: City employees through
22 the City?

23 MR. ATKINS: Yes.

24 MS. CHIPPERFIELD: Not that I'm aware of.

25 MR. ATKINS: But there is a possibility

1 that if you're a City employee and you have a bank
2 that we give them \$2 billion a year in deposit, there
3 should be some type of arrangement or some type of,
4 you know, favor? You know, we're putting \$2 billion
5 in there. We can go to (inaudible) of America or we
6 can go to Chase Bank, we can go to other banks and try
7 to make some negotiations that, hey, we do have the
8 check cashing places out there which charge us 600
9 percent, and since we give you 2 billion -- we can't
10 tell them, but it's a carrot to say, hey, you know
11 what, we can take this business and deposit somewhere
12 else. That's something that Jerry -- question to
13 Jerry. You're a banker, Jerry. I mean, if I got --
14 if I give you \$2 billion --

15 MR. ALLEN: Yeah.

16 MR. ATKINS: -- in deposits, and I said,
17 we got a problem with -- the citizens of Dallas with
18 check cashing, will you help us out some kind of way
19 to make low interest loans or something, if that is
20 possible, Jerry?

21 MR. ALLEN: Yeah, we can always talk to B
22 of A and -- talk to Bank of America. You mentioned
23 the City Credit Union.

24 MR. ATKINS: Right.

25 MR. ALLEN: And that goes back to the

1 credit unions are the ones that -- through our Bank on
2 Dallas program, that we're working with where they're
3 developing our \$300 to \$1500 loans at the 36 percent
4 interest rate. So this is where we'll be rolling
5 these out and going -- and City Credit Union has been
6 on the table and been involved in these discussions
7 because you're exactly right. You must have an
8 alternative for these folks to get away from the high
9 interest rates, and they must be able to come to a
10 financial institution. We're finding the credit
11 unions, they're designed better for handling of this.
12 And some of these products are already in place.

13 And, therefore, we're also reaching out
14 to even companies that are outside of Dallas, trying
15 to bring them into the city because they offer these
16 lower price loans, but that's crucial for our
17 citizens. We got to have that. And this is one of
18 the reasons -- I'm glad you brought it up -- why we're
19 doing the zoning requirement, so we can start to put a
20 cap almost on these payday lenders so that we allow
21 them the base to start coming up at the 36 percent
22 rate or so that allows these folks to make installment
23 loans so they no longer dig themselves deeper and
24 deeper into a ditch. So absolutely we're working on
25 that.

1 MR. ATKINS: And I guess -- Mr. Rogers,
2 can you come forward, please? John Perkins folks
3 please. Upstairs, please. John, can you do me a
4 favor, please, Mr. Perkins. Could you just turn
5 around and look at those people behind you? Just turn
6 around and look at them. I told you to look at them
7 and turn back around. And the reason why I asked
8 that, you are our attorney, the city attorney, and
9 those are our citizens out there.

10 MR. PERKINS: Yes.

11 MR. ATKINS: And I think it's our job to
12 protect our citizens in the city of Dallas. And
13 that's your job to protect our citizens. And, John, I
14 know Jerry has been working with you, but I think that
15 working with Chipperfield, we have \$2 billion that we
16 give to Bank of America, deposit to Bank of America.
17 In some kind of way without any type of pressure on
18 them -- we're not trying to tell them what to do, but
19 some kind of way they can help the citizens of Dallas
20 in loans or what. I don't know what the reason it is,
21 Jerry, and going back to financial audit, Jerry, your
22 bank is great. We got a great banker on the city
23 staff, on the City Council right now.

24 What can we work out? Because it looks
25 like the bank for some reason said, you know what, I

1 got a thousand customers out there, but I don't want
2 to deal with the paperwork of loaning to the thousand
3 people who will borrow \$200. It's too much paperwork.
4 So I prefer to take a check cashing place out there,
5 loan X amount of dollars, let them deal with a
6 thousand people, and I deal with one because there's
7 not any money there.

8 So some type of relationship with the
9 council or City attorney with Bank of America and see
10 how can we work some type of line or credit, I don't
11 know, or alternative. I know we can do that. I'm
12 just saying that if -- they are the client, right, and
13 we do shop -- Jeanne, question. We do shop different
14 banks, right? So we don't have to deal with Bank of
15 America, right? Do we have a contract with Bank of
16 America?

17 MS. CHIPPERFIELD: We do have a contract.

18 MR. ATKINS: How long is the contract?

19 MS. CHIPPERFIELD: I believe it was a
20 two-year -- three-year contract.

21 MR. ATKINS: So when is it up? When do
22 it expire?

23 MS. CHIPPERFIELD: I have to check.

24 MR. ATKINS: So --

25 MS. CHIPPERFIELD: It's probably at least

1 a year left.

2 MR. ATKINS: About one more year left,
3 right?

4 MS. CHIPPERFIELD: Uh-huh.

5 MR. ATKINS: So we can put Bank of
6 America on notice that your contract will soon expire
7 and we can look for another bank?

8 MS. CHIPPERFIELD: Right.

9 MR. ATKINS: Is that a possibility?

10 MS. CHIPPERFIELD: We would have a
11 competitive process.

12 MR. ATKINS: Competitive price, right?
13 So, colleagues, I'm putting Bank of America on notice
14 that we are looking for another bank if you don't help
15 our citizens. I want to put that on record. Thank
16 you very much.

17 MAYOR: Thank you very much, Mr. Atkins.

18 Ms. Davis.

19 MS. DAVIS: Thank you, Madam Mayor.

20 One of the things, Mr. Atkins, I want to
21 talk about is CRA. We worked with Community
22 Reinvestment Act with Ms. Ragsdale back in the late,
23 early '80s, and that used to be -- to work with banks.
24 If a bank did not do any type of lending in intercity
25 communities or (inaudible) communities, CRA would step

1 in and those banks could not relocate because they did
2 not meet a number or a point where they show lending
3 prices.

4 Under CRA what it also did was to look at
5 business loans as well. Since then CRA has become
6 weak and that's because no one goes into the bank and
7 reads the CRA requirement that's in the bank. It's
8 hanging up in every bank, every credit union in
9 America. And what the CRA says is that if you're not
10 making loans to individuals, then you cannot move.
11 And that's why we don't get loans of any kind, small
12 loans, large loans, because we do not ask for CRA data
13 information. And so what I'm asking the churches to
14 do is to start looking into CRA.

15 And, Mr. Allen, you know what CRA is.
16 It's in your bank. Every bank has one. They have to
17 post a CRA lending practice. And what the CRA lending
18 practice is going to tell you, how many loans is given
19 to minorities. And you pull it, you are going to see
20 zero perhaps.

21 UNIDENTIFIED SPEAKER: Yep.

22 MS. DAVIS: Okay. Now, that's the tool
23 that's going to work on what you guys are trying to
24 do. It is CRA lending practice. It is a tool that
25 works within banks. So we did it with at that time

1 Republic Bank back in 1983, which is now Bank of
2 America. And we must continue to do it again.

3 The other thing that CRA is going to tell
4 you, HMDA data report. The HMDA data report looks at
5 mortgage loans as well, car loans as well. So,
6 Dr. Haynes, if you can look into CRA, you will find
7 that it can be a very great tool to use. I'm reading
8 here in the book with credit union. Credit unions use
9 the same tool as well. They use the same tools as
10 well, which is community reinvestment, and it's on a
11 point system.

12 When I was on the board of the credit
13 union that was founded by the African-American
14 (inaudible) Coalition, Reverend Holmes appointed me to
15 that credit union over at St. Luke. I stayed six
16 years on the credit union, and they look at rates. We
17 got either A paper, B paper, C paper, D paper, and an
18 F paper. If you fall within D and F paper, that means
19 that your -- your credit score doesn't meet the
20 guidelines that is needed to get a loan from an
21 institution. CRA tells you that. The HMDA data
22 report tells you that. So it must meet the
23 requirements.

24 So I think what we have to do is start
25 educating ourselves on community reinvestment. We

1 must start educating ourselves on the HMDA data
2 reports. We did it back in 1983. That's why Bank of
3 America is in South Dallas, which was Republic Bank at
4 the time. And we -- we protested under strictly CRA,
5 and that's been over about 30, 40 years ago.

6 CRA is a tool that is used in Washington,
7 D.C., but it has been weakened in Washington. So the
8 tool is not looked at anymore. So I think that's one
9 of the things that we continue and we have to talk
10 about is CRA. That is a tool that works and has
11 worked over the years for our community.

12 Madam Chair, thank you so much.

13 MAYOR: Thank you very much, Ms. Davis.

14 Ms. Hill.

15 MS. HILL: Thank you, Madam Mayor. Thank
16 you for all of you who have appeared today and
17 particularly those of you who have spoken today about
18 this very important issue.

19 My reason for speaking at this time is to
20 clarify an issue that has movement within some parts
21 of the community. There appears to be some confusion
22 as to whether or not this entire council supports your
23 position. Please understand this entire council does.
24 We handle the way we show our support differently
25 based on logistics and strategy.

1 The resolution that went to the state
2 legislature was a resolution agreed upon by all of us.
3 I provided the initial draft, but everyone agreed upon
4 it. We were not in the position to have everyone be a
5 signatory at the time, but, again, that has to do with
6 strategy.

7 My biggest charge on this council is
8 legislative. I work with the legislature in Austin
9 and with the Congress. And, again, legislatively
10 because you do not see a face does not mean that
11 there's not support. With legislative issues, one has
12 to be very careful in how one handles the issue in
13 order to get the result that one wants.

14 Let me give you an example. If the
15 legislator who is the greatest obstacle happened to be
16 a Republican from North Dallas, it is probably not the
17 best strategy to have me from Southern sector
18 addressing that person. And so legislatively, which
19 is where this issue has had to be fought lately, we
20 strategize, and all of us, everybody around this
21 horseshoe is placed by me legislatively where he or
22 she will do the most good.

23 So please be aware that if you don't see
24 the face, it does not mean that you do not have the
25 support. My father in the ministry, the Reverend Zan

1 Holmes, Jr., also a mentor of Reverend Haynes, said,
2 everyone that we see may not be for and everybody
3 who's for we may not see.

4 So I want you to be aware that
5 strategically while you may not see a particular face,
6 it does not mean you do not have the absolute support
7 of this council. Because you have the absolute
8 support of this council and because this council is
9 legislatively very smart, we have been able to move
10 some things along in Austin where previously nothing
11 was happening. We moved some things along this
12 legislative session. Legislatively if you cannot get
13 the whole lion killed with one shot, then you work on
14 each leg at a time. That's what we're doing.

15 If you need to understand more clearly
16 what I have tried to outline for you in broad terms,
17 do feel free to have a private conversation with me,
18 but know that you have the support of this entire
19 council.

20 Thank you, Madam Mayor.

21 MAYOR: Thank you very much, Ms. Hill.

22 Ms. Koop.

23 MS. KOOP: Thank you, Madam Mayor.

24 First of all, I want to thank my
25 colleague, Council Member Allen. We have some similar

1 areas in our district, mine being in Spring Valley and
2 Coit, which is quite challenging -- having a quite
3 challenging time with payday loans. I think you heard
4 me mention it when we had some of the committee
5 meetings, that the City of Richardson, which is just
6 right there on my boundary, changed their regulations.
7 And then it seemed like all of a sudden I got a lot
8 more payday loans institutes or establishments in my
9 district because of an ordinance that they put in. So
10 I was very anxious. I appreciate you listening to me.
11 Council Member Allen, I was very anxious to see that
12 this get moved along very quickly because of that,
13 because it continues to be an issue.

14 I also want to thank, of course, the
15 reverends that are here. They always speak so
16 eloquently and so we appreciate -- we appreciate you
17 very much.

18 And we also appreciate the United Way
19 folks who came down and explained to me why some of
20 the loans were continuing to roll over and why we have
21 these smaller establishments all of a sudden beginning
22 to pop up because I didn't realize that one of the --
23 one of the ways that we get a lot more payday lending
24 places is because once you can't go to the larger
25 ones, they start to kind of feed off the small ones.

1 And so I appreciate the work that United Way has done
2 as well because that was very helpful.

3 And to the point of women, a lot of
4 women, and especially single women with children, are
5 often seeking payday loans. And I think you may have
6 heard me address one day, as I was coming back from a
7 meeting about 10:00, that in the big payday lending
8 place in my district near Spring Valley and Coit, that
9 at 10:00 at night in the evening when it was very,
10 very dark, I noticed that very interesting phenomena
11 as I drove by. I could not believe there were so many
12 women standing in line, even out the door. It was
13 very obvious. And so I appreciated that information
14 as well. Lots of single moms. That makes sense over
15 in that area. All of a sudden it makes sense to me
16 why that was happening in that area, lots and lots of
17 children in that area.

18 So a lot of people have been interested
19 in this issue, have been really trying to work through
20 this issue, the community, the council. And I'm just
21 really proud today to be able to support this.

22 I just wanted to thank you, Jerry.

23 I have one question that I'm not quite
24 sure about, so I'm going to have to have some staff
25 member come up and talk to me about grandfathering and

1 grandfathering not -- grandfathering in a building
2 that is being leased that's not a standalone building.

3 So we talked, Mr. Cossum, about if a payday lending
4 place comes in and it has to be in a freestanding
5 building, those shopping centers that have leased
6 properties in it and there's a payday lending place in
7 one of the areas there, one of the -- you know, one of
8 the offices there.

9 MR. COSSUM: The --

10 MS. KOOP: If they move, is it that
11 particular office or is it the entire strip that is
12 owned by a (inaudible)?

13 MR. COSSUM: It would be that specific
14 lease space --

15 MS. KOOP: Okay.

16 MR. COSSUM: -- that had the CO for that
17 use. So it would not -- for instance, they couldn't
18 move next door.

19 MS. KOOP: Okay. Without an SUP?

20 MR. COSSUM: Unless it met all of the
21 requirements of the ordinance. I mean, which,
22 obviously it wouldn't be a freestanding, so they
23 couldn't do that.

24 MS. KOOP: If they moved out and another
25 payday lending operation moved in, a different one

1 under a different name, would that --

2 MR. COSSUM: Yes, that is permitted under
3 the nonconforming provisions. As long as that space
4 is not vacated for a period of six months or more,
5 they have the right to reoccupy that space with the
6 same use under our nonconforming provisions.

7 MS. KOOP: Okay. Okay. Okay. So now
8 they're going to become nonconforming uses. And if
9 you go in -- I'm thinking, you know, we're getting
10 ready to, perhaps, do some rezoning in certain areas
11 and that kind of thing and, you know, a lot of the
12 areas are going to become nonconforming, a lot of the
13 businesses are going to become nonconforming uses, not
14 even payday lending are going to become nonconforming
15 uses. Did that affect it as well?

16 MR. COSSUM: Well, it depends.

17 MS. KOOP: Because what if they become --
18 what if one of those buildings becomes a -- instead of
19 regional retail, it just becomes an office building or
20 something like that? Are they still allowed in there?
21 And I'm thinking ahead because I'm going to have this
22 situation occur in my district so...

23 MR. COSSUM: Well, I mean, the first part
24 of your question I was hearing in terms of the planned
25 development district or something like that because

1 there are some PDs within the city that specifically
2 call out that use and have specific regulations for
3 that use. And those PDs will be governed by that. If
4 I had a PD that just refers to our standard use
5 classification and say those uses are permitted in CR
6 or RR, these new regulations would apply to those PDs.

7 Now, if I had a PD that listed specific
8 uses, now we're adopting a new use definition --

9 MS. KOOP: Right.

10 MR. COSSUM: -- that's not listed, then
11 it would not be permitted without having to come in
12 and try to amend that PD.

13 MS. KOOP: If you change the zoning --

14 MR. COSSUM: Uh-huh.

15 MS. KOOP: -- on the -- on the
16 property --

17 MR. COSSUM: Right.

18 MS. KOOP: -- and they had a payday
19 lending place there to begin with --

20 MR. COSSUM: Yes, ma'am.

21 MS. KOOP: -- and you change the zoning,
22 they would have to come back in?

23 MR. COSSUM: No, ma'am. It's -- I think
24 you said if it went from --

25 MS. KOOP: Okay.

1 MR. COSSUM: -- CR to RR. That
2 nonconforming any -- or vice versa, to make it more
3 restrictive. Say it went from CR to NO. Any use in
4 that shopping center is nonconforming when it's
5 converted to CO, and we maintain those nonconforming
6 rights based on that same six-month provision.

7 MS. KOOP: Okay. Thank you.

8 Thank you, Madam Mayor.

9 MAYOR: Thank you, Ms. Koop.

10 Ms. Jasso.

11 MS. JASSO: Thank you, Madam Mayor.

12 And this will be short because I know you
13 guys are waiting for us to vote on this. I also want
14 to thank the speakers. You're very eloquent and you
15 hit the nails on the head every time. I've looked
16 over the book that you gave us, and I think the
17 alternatives are part of the education that we need to
18 give to our constituents and our citizens to make sure
19 they know that there are alternatives.

20 You know, I've seen places in my district
21 in North Oak Cliff where, you know, our Hispanic
22 single mothers are taking their young kids to
23 translate for them because they don't speak the
24 language, and it's the little kids who are giving the
25 moms the information. So we've got to do something

1 about addressing the fact that our non-English
2 speaking, especially females, and males who are using
3 these payday loan places to pay other bills -- if they
4 get the education that there are other alternatives.

5 And I think that's the bottom line because they just
6 don't see another way to find an alternative.

7 And I think the proposal that Council
8 Member Atkins brought up is very, very clear that
9 needs to be used in our community, in the Hispanic
10 community as well, to see, you know, what are the
11 banks doing to help our citizens with small loans.

12 So, once again, thank you very much. I
13 love what's in this book, and I stand ready to help
14 you, especially in the Hispanic community for our
15 bi -- for our Spanish-speaking people to understand
16 that there are alternatives.

17 So thank you very much, Madam Mayor.

18 MAYOR: Thank you, Council Member Jasso.

19 Mr. Neumann.

20 MR. NEUMANN: Thank you, Madam Mayor.

21 Very briefly, thank you for everyone
22 being here today. It seems like this is pretty
23 unanimous at this stage of the game. I want to take a
24 special moment to thank a colleague of mine, Jerry
25 Allen. Jerry has -- when he took over budget, finance

1 and audit two years ago, he made a decision to take a
2 different approach to this council committee that has
3 been -- that's actually called out in the charter.
4 Our city charter calls for, amongst other things, a
5 specific standing committee -- budget, finance and
6 audit -- and he made the commitment to fellow council
7 members to bring experts to the table, to bring new
8 issues to the table as opposed to just looking at
9 reports and numbers each month.

10 And, Jerry, you have done a very good job
11 of that. You have enlightened myself and other
12 council members and the city staff to say, let's look
13 at our city for more than just a number. When you
14 headed down the road of Bank on Dallas and then made a
15 slight turn to this payday loan issue, you brought us
16 all with you, and we appreciate that leadership.

17 This ordinance today is in large part due
18 to Jerry keeping on point, Mr. Allen keeping on point.

19 And very publicly I want to say, thank you, Jerry.

20 Thank you very much.

21 Thank you, Madam Mayor.

22 MAYOR: Thank you, Council Member

23 Neumann.

24 Council Member Natinsky.

25 MR. NATINSKY: Thank you, Madam Mayor.

1 This will be very brief because I think
2 everything that needs to be said has been said and
3 everybody out there is wearing their red stickers or
4 the orange stickers or those holding their head like
5 this waiting for the vote -- he knows who I'm talking
6 about -- are waiting for this.

7 But, Jerry, I just want to say something.
8 If Jerry Allen hadn't taken the bull by the horns on
9 this thing, we might still be having it in task force,
10 in committee, trying to, you know, think the thing
11 through. Hopefully we'll have a unanimous vote on
12 this, and we can move on and take the next step. And
13 it's long overdue, Jerry, and you deserve a big
14 accolade. If we were allowed to give applause in the
15 chambers here, we would give it to you, but you can
16 just look out there and people are giving you silent
17 applause.

18 Thank you, Madam Mayor.

19 MAYOR: Thank you, Mr. Natinsky.

20 I believe that we are ready -- oh,
21 Mr. Allen. Second round.

22 MR. ALLEN: Just one last -- just before
23 we vote, I just want the citizens one last time to
24 know that this is a movement, a court of public
25 opinion is going to be the gas, and this council is

1 going to be the foot pedaling. We got a foot on that
2 pedal and we're going forward because we're going to
3 fight for lower rates, all the things that we need to
4 do to help.

5 And, again, y'all keep just clapping,
6 clapping, and clapping and demanding, demanding,
7 demanding because we have got a lot of work in front
8 of us, but this is another step that we're doing. And
9 this is a good council to bring us forward. We're
10 going to make a difference, so I'm ready for that
11 vote.

12 MAYOR: Thank you, Mr. Allen.

13 We are ready to call the question. All
14 those in favor. Aye.

15 COUNCIL MEMBERS: Aye.

16 MAYOR: All those opposed?

17 It passes unanimously.

18 Thank you very much. And we appreciate
19 you quietly existing the chambers.

20 (End of excerpt.)

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I FURTHER CERTIFY that the foregoing pages comprise a true and correct computer transcription by me of said audio.

Certified to by me this 7th day of November, 2013.



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JUNE 22, 2011
DALLAS CITY COUNCIL MEETING EXCERPT
ADDENDUM ITEM NUMBER 28

1 MAYOR CARAWAY: All right. We're going
2 to get back in order, and we're going to start with
3 Addendum Item 28.

4 UNIDENTIFIED SPEAKER: That's the one we
5 delayed, right?

6 MAYOR CARAWAY: Yeah. Addendum Item
7 Number 28 is an ordinance amending Chapter 50 of the
8 Dallas City Code to define terms; require registration
9 of credit access business to -- well, two, require
10 registration of credit access businesses; three,
11 establish a registration fee; four, impose
12 restrictions on extension of consumer credit by credit
13 access businesses; and five, provide recordkeeping
14 requirements; and six, provide defenses.

15 MAYOR CARAWAY: Mr. Allen, please.

16 UNIDENTIFIED SPEAKER: We didn't have any
17 speakers to sign up on this.

18 The -- okay. Well, real quick I want to
19 recognize there's a lot of folks out in the audience.
20 Reverend Britt, I see you out there, too. Would you
21 come down here and just kind of give us some pearls of
22 wisdom from you on this?

23 MR. BRITT: I don't know what kind of
24 pearls they'll be, but I'll speak up on behalf of this
25 issue. First of all, I want to thank the council --

1 well, two things. First of all, I want to thank those
2 who are in term on the council now and thank you for
3 your service. There are some of us who didn't always
4 agree, but I have to respect the courage and the
5 fortitude of those who choose to serve our city. And
6 I want y'all to know that I greatly respect and admire
7 your service.

8 The other thing that is important is I
9 want to thank you all for the vote on May 25th, which
10 was a significant step towards protecting some of the
11 most vulnerable citizens in Dallas. And it's those
12 people who find themselves in desperate circumstances,
13 desperate financial circumstances, and seek relief or
14 seek to address those circumstances by becoming
15 customers of these payday lenders and getting trapped
16 in a cycle of debt because of that.

17 It is -- it is very important that we
18 recognize that these are citizens who don't have --
19 who can't afford lobbyists to speak for them, can't
20 afford anybody else to stand up in this, and they have
21 agencies like CitySquare and those others who are part
22 of the Antipoverty Coalition and they have you. And
23 it is very important that we send a message that in
24 the city of Dallas we don't allow commerce --
25 exploitation to masquerade as commerce. And so what

1 you have done on the 25th is very important. What you
2 contemplate doing right now is incredibly important
3 because it sends even a stronger message. We didn't
4 get what we wanted out of the state, but that does not
5 mean that this council cannot act, it doesn't mean
6 that it can't act courageously and it doesn't mean
7 that it can't act in a way that sends a message
8 throughout this country that we need to take a stand
9 against exploitation of our citizens.

10 And so I appreciate you considering it,
11 and I implore you to pass this ordinance and help us
12 to continue to act on behalf of our citizens.

13 MR. ALLEN: Reverend, thank you so much
14 and thank you, Antipoverty Coalition. I see Stephanie
15 Warren is out there also with United Way. And many
16 times y'all have been down to Austin. Many times
17 you've stood up for the folks that are somewhat less
18 fortunate looking for a better quality of life for
19 them, and I appreciate y'all's efforts. Again, we
20 didn't quite get what we wanted in Austin, but we're
21 doing everything we can here at the city level, City
22 of Dallas level, to help protect the folks that need
23 help.

24 And we said this before and we're going
25 to say it one last time. Again, this is -- our first

1 ordinance was land use. This next one is tightening
2 up who they can -- the terms of these payday lenders
3 so -- and our continued effort will be back to
4 education. And that's where y'all become involved in
5 this, is financial literacy, the budgeting process.
6 So it is a continuing effort that will continue to go
7 on and will not stop here today and that's my promise
8 and I know my colleagues feel exactly the same way
9 along these lines.

10 So with that, colleagues, I ask that we
11 pass the Addendum Item Number 28. And you have
12 received where we have changed some of the wording in
13 Section 50-151-3-, and it's number D and E, and I
14 would like to include that in our -- in this proposal,
15 this ordinance.

16 MR. NEUMANN: I second that motion.

17 MAYOR CARAWAY: All right. It's been
18 moved and seconded. Mr. Allen, let me say to you,
19 thank you for your leadership. Again, thank you for
20 your leadership. You got on that plane and you went
21 into Austin and you took the community with you and
22 your heart. And, Reverend Britt, thank you for
23 staying on point. At the end of the day, it is what
24 is best for our community, and you went in and we
25 might not have gotten all that we wanted, but we did

1 score some points. And in a game you score the points
2 and you score to win, and certainly you all brought
3 the victory back. So I just wanted to chime in and
4 say thank you for your leadership.

5 Mr. Neumann, please.

6 MR. NEUMANN: Thank you, Mayor.

7 Kudos to Brother Jerry. Jerry, you took
8 this and, council members, you took on this project
9 and you showed the importance of leadership for our
10 city, not just your district. Too often we hear about
11 this district or that district or my district or your
12 district, and we have 14 proud districts of a million
13 four, million three citizens absolutely, but the
14 important thing for us as a council to do is to deal
15 with issues that deal with our city and take
16 leadership for our city.

17 And time and time, Mr. Allen, you have
18 provided city leadership, whether it be in your role
19 as chairman of budget finance and audit or your role
20 in taking the leadership on this. So I say kudos to
21 you, Jerry, for taking city leadership. Thank you.
22 And I proudly second the motion.

23 MAYOR CARAWAY: Thank you. Mr. Atkins,
24 please.

25 MR. ATKINS: Thank you, Mayor. Again,

1 Jerry -- thank you, Jerry, for taking a leadership,
2 especially going to Austin and had a great speech.
3 And also, Linda -- thank you, Linda. I remember a
4 couple of years ago you talking about, you know, it's
5 not just only the southern sector, but it's right next
6 door to your district to bring it up. Also, thank
7 you, Mayor Caraway, to help to speed this issue so
8 rapidly, you know, down so the council can hear it.
9 Also, Councilwoman, Vonciel Hill, thank you for
10 keeping this on your radar when you go back to Austin.

11 This situation did not arise today. You
12 know, it started way back in 2005, 2006, you know,
13 when the banks -- recession kickoff and we tried to
14 find alternatives to find another way for people to
15 borrow money. Certain things that we asked, the city
16 council cannot do because the state would trump us
17 what we do, but we are trying to make sure the
18 citizens of Dallas do have the quality of life and do
19 know what -- how to be educated.

20 And Jerry, Britt -- Reverend Britt, thank
21 you also, but also have to thank Commissioner West and
22 the Concord and RBOC, Mr. Rush and Freddie Haynes and
23 Wesley -- Dr. Wesley and those people. And also the
24 community to see that there is a situation out there,
25 how do we as the City of Dallas and the council of

1 Dallas listen to the community and see a better
2 option. Is that an option now? Yes, Jerry, you have
3 put some kind of option in there that we can regulate
4 those people and know what is going on in the
5 community, but it's still up to you. It's still up to
6 the citizens. It's still up to the council to say
7 where do we go forward for now? The fight has just
8 begun. We got a long way to go and I thank Jerry for
9 your leadership and also Vonciel down in Austin, maybe
10 in D.C., to make sure the whole world know what's
11 going on.

12 Again, Jerry, thank you.

13 MR. ALLEN: Thank you very much,
14 Mr. Atkins.

15 MAYOR CARAWAY: A record vote on this
16 particular item, please.

17 UNIDENTIFIED SPEAKER: Oh. Record vote.

18 Mr. Mayor, all have voted on the motion.

19 Voting in favor of the motion: Mayor Caraway, Deputy
20 Mayor Pro Tem Medrano, Council Members Kadane,
21 Neumann, Koop, Natinsky, Salazar, Atkins, Hill, Davis,
22 Jasso, Margolin, Hunt, and Allen. The motion passes
23 unanimously.

24 MR. BRITT: Thank you very much.

25 Thank you, Mr. Allen, and thank you, City

1 of Dallas.

2 (End of excerpt.)

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1 REPORTER'S CERTIFICATE

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Exhibit D

Regional Finance LOANS

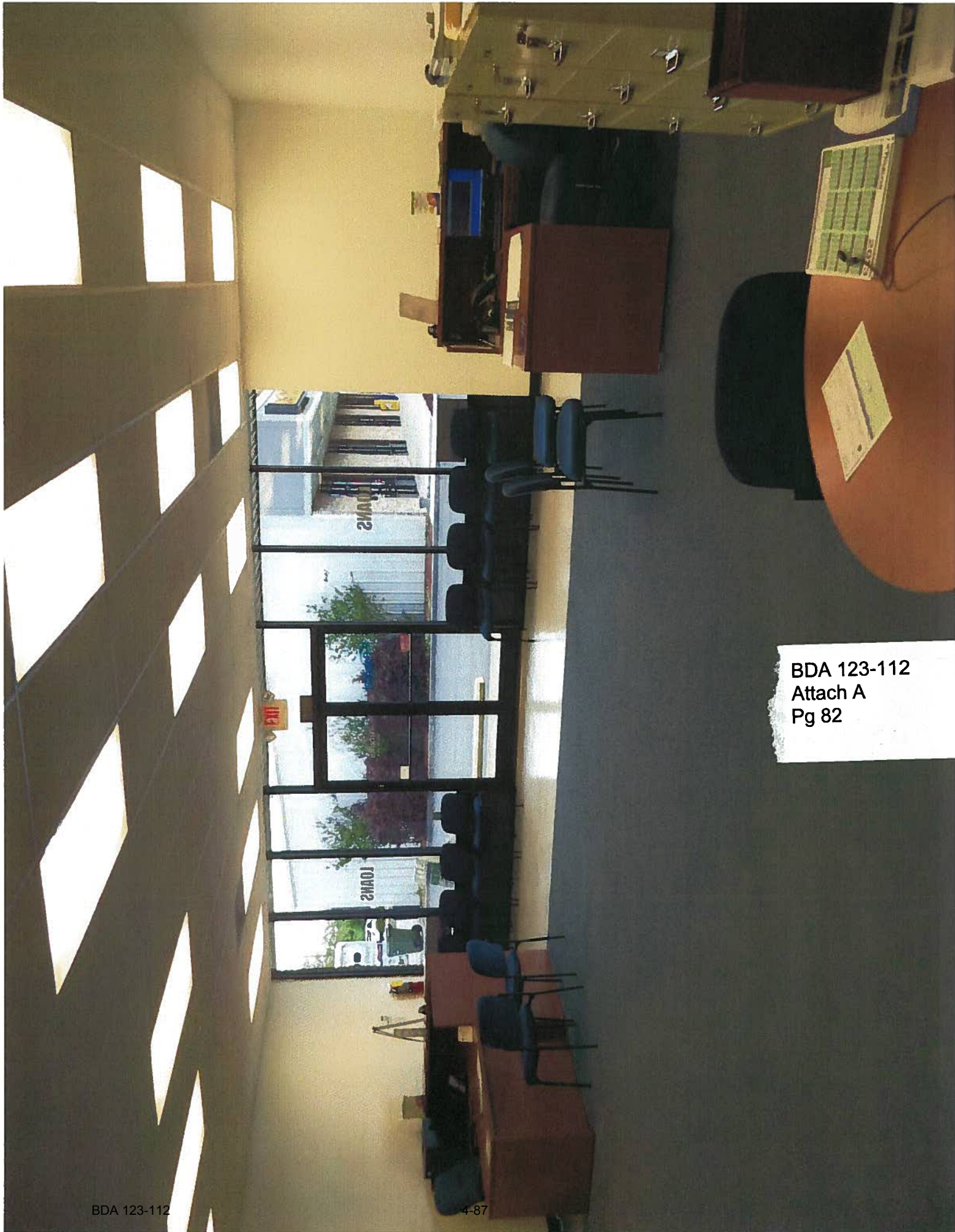


PERSONAL
LOANS

AUTO
LOANS

FURNITURE
LOANS

BDA 123-112
Attach A
Pg 81



BDA 123-112
Attach A
Pg 82

Exhibit E

Fee Schedule for Single Payment Payday Loans

Amount Received	Standard Loan Term	*Standard Rate (CAB Fee)	Lender Interest (\$amount)	Annual Percentage Rate
\$250.00	14 Days	\$62.50	\$0.96	661.77%
\$300.00	14 Days	\$75.00	\$1.15	661.79%
\$500.00	14 Days	\$125.00	\$1.92	661.76%
\$700.00	14 Days	\$175.00	\$2.68	661.77%
\$1,000.00	14 Days	\$250.00	\$3.84	661.77%

BDA 123-11
Attach A
Pg 84

Fee Schedule for Single Payment Title Loans

In Addition to the CAB Fee for Title Loans, a one time \$33.00 Lien Filing Fee will be added and paid for by the customer in order to filing the lien on the title.

Amount Received	Standard Loan Term	*Standard Rate (CAB Fee)	Lender Interest (\$amount)	Annual Percentage Rate
\$250.00	30 Days	\$75.00	\$2.05	374.97%
\$300.00	30 Days	\$90.00	\$2.47	374.97%
\$500.00	30 Days	\$150.00	\$4.11	374.97%
\$700.00	30 Days	\$210.00	\$5.75	374.97%
\$1,000.00	30 Days	\$300.00	\$8.22	373.31%

- Late Fee of greater of 5% of the payment amount or \$7.50 if any payment is in default for period of not less than 10 days.

* Standard Rate could vary upon locations and promotions advertising and rates.

** This business is licensed and examined by the State of Texas - Office of Consumer Credit Commissioner. Call the Consumer Credit Hotline or write for credit information or assistance with credit problems. OCCC, 2601 N. Lamar Blvd, Austin, TX 78705-4207, (800) 538-1759, consumer.complaints@occc.state.tx.us, www.occc.state.tx.us.

** An advance of money obtained through a payday loan or auto title loan is not intended to meet long-term financial needs. A payday loan or title loan should only be used to meet intermediate short-term cash needs. Refinancing the loan rather than paying the debt in full when due will require the payment of additional charges.

Cash Loan FAQs

Payday Loan or Cash Advance?

A Payday Loan and a Cash Advance are the same thing; small (under \$1,000) loans that allow customers to receive an advance or borrow against their next payday check (or other source of income). Most Payday Loans are for periods of less than four weeks, because they are intended for short-term emergencies and not for long-term, larger financial needs. People have also called these loans Personal Loans, Check Loans, Payday Advances, Fast Cash Loans, or Quick Cash Funds.

How do you qualify for a Payday Loan?

The basic requirements are that you are over 18 years old, live in the U.S., have an active checking account, and that you are currently receiving income via a job or employment. In some cases, if you are paid via direct or automatic deposit from your employer, more lenders will be able to provide funds to you, and will be able to deposit money into your account faster.

What are good uses for a Cash Advance?

The most common uses for a short-term cash loan are for unexpected emergency expenses like a car repair, moving expenses, medical bills, debt, or any type of late payment fee in which if you don't pay your bill now, you will have to pay large additional fees. If you are unsure if your need is a good use for a payday loan, you should contact a financial advisor.

How much money will I be able to get?

When you complete an application, your information will be sent to a loan provider who can service you. They will determine how much you qualify for. In some cases, you can qualify for up to \$1,000 cash. The average payday loan ranges between \$300 and \$500. These loans are recommended to be paid back within the next pay period, which usually is within four weeks. Some lenders will allow you to extend the loan, but additional fees may be added. Please check with your lending institution for more details.

Are there anymore tips or advice you can give for customers?

Please see the links for financial tips and industry recommended practices. It is important that you use a payday loan or cash advance service wisely and under the right circumstances. You should never use a payday loan to pay off a preexisting payday loan.

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{Close Window}

SINGLE PAYMENT PAYDAY LOANS DELIVERED FROM WEBSITE **("ONLINE PAYDAY LOANS")**

FEE SCHEDULE AND OCCC NOTICE

Check 'n Go is a Credit Access Business ("CAB") that arranges loans made by NCP Finance Limited Partnership, an unaffiliated lender, at an interest rate of 10% per annum. The lender also charges a \$30 returned item fee and a late fee equal to the greater of 5% of the late payment or \$7.50 if a payment 10 or more days delinquent.

For single payment payday loans delivered from our website ("Online Payday Loans"), Check 'n Go charges a CAB fee equal to 25% of the Amount Financed. The Amount Financed is the amount of loan proceeds paid directly to you or credited to your account with the lender. The lender offers Online Payday Loans in Amount Financed increments of \$5, with a minimum loan of \$100 and a maximum loan of \$1,500.

An Online Payday Loan has a term ranging from 5 to 35 days with a payment tied to the date on which you receive your next installment of regular income. If you receive regular income in bi-weekly or weekly intervals, then a typical term is 14 days. If you receive regular income in monthly or semi-monthly intervals, then a typical term is 30 days.

The following table shows the CAB fees for 14-day Online Payday Loans in the illustrative loan amounts of \$250, \$750, and \$1,250.

ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate (Assumes a 14-day term)	FINANCE CHARGE The dollar amount the credit will cost you	AMOUNT FINANCED The amount we pay to you or on your behalf	TOTAL OF PAYMENTS The amount you will have paid after you have made all payments as scheduled	NUMBER OF PAYMENTS	Components of the Finance Charge	
					CAB Fee paid to Check 'n Go (25% of Amount Financed)	Interest paid to unaffiliated lender
661.80%	\$63.46	\$250.00	\$313.46	1	\$62.50	\$0.96
661.80%	\$190.38	\$750.00	\$940.38	1	\$187.50	\$2.88
661.78%	\$317.29	\$1,250.00	\$1,567.29	1	\$312.50	\$4.79

The following table shows the CAB fees for 30-day Online Payday Loans in the illustrative loan amounts of \$250, \$750, and \$1,250.

ANNUAL PERCENTAGE RATE The cost of your credit as a yearly rate (Assumes a 30-day term)	FINANCE CHARGE The dollar amount the credit will cost you	AMOUNT FINANCED The amount we pay to you or on your behalf	TOTAL OF PAYMENTS The amount you will have paid after you have made all payments as scheduled	NUMBER OF PAYMENTS	Components of the Finance Charge	
					CAB Fee paid to Check 'n Go (25% of Amount Financed)	Interest paid to unaffiliated lender
314.14%	\$64.55	\$250.00	\$314.55	1	\$62.50	\$2.05
314.16%	\$193.66	\$750.00	\$943.66	1	\$187.50	\$6.16
314.16%	\$322.77	\$1,250.00	\$1,572.77	1	\$312.50	\$10.27

This business is licensed and examined by the State of Texas – Office of Consumer Credit Commissioner. Call the Consumer Credit Hotline or write for credit information or assistance with credit problems. Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, (800) 538-1579, consumer.complaints@occc.state.tx.us, www.occc.state.tx.us.

An advance of money obtained through a payday loan or auto title loan is not intended to meet long-term financial needs. A payday loan or auto title loan should only be used to meet immediate short-term cash needs. Refinancing the loan rather than paying the debt in full when due will require the payment of additional charges.

What Is a Cash Advance?

Getting a cash advance (often also called a "payday loan") from Check 'n Go is convenient and quick. Consumers who desire a short-term, single-payment loan can easily obtain the loan in two different ways: in store or online. Consumers who have a Check 'n Go store location conveniently located near them can provide their most recent pay stub, proof of address, proof of identity and a personal check to secure a loan. Installment loans can also be obtained online by visiting www.checkngo.com.

Why Would Someone Use a Cash Advance?

While most Americans do pretty well at managing household budgets, many have occasional cash flow issues. An increasing number of consumers choose short-term, single-payment loans to cover unexpected expenses or to bridge a temporary cash gap between paydays to avoid incurring revolving debt, reconnection costs, or late or overdraft fees. A cash advance from Check 'n Go is a short-term financial management tool that provides a sensible alternative to costly bounced checks, late payment charges and tarnished credit ratings. While most banks and credit unions will not provide single-payment, small-dollar loans, they do charge very costly fees for bounced checks and overdrafts.

How Does It Work?

Loan amounts and fees vary from state to state. Within these state-specific loan maximums, individuals qualify for a particular advance amount based on current income. Contrary to common belief, Check 'n Go does not advance more than the individual has the ability to pay. That kind of practice wouldn't help the individual or make business sense.

In store, customers provide Check 'n Go a personal check written for the amount of the loan plus the finance charge. Check 'n Go holds this check until the customer's next payday, which is typically 14 days. Fees charged are competitive and in compliance with applicable federal and state laws. Check 'n Go is committed to doing business with all customers, even those who have not honored their contractual agreement with Check 'n Go, in a professional, fair and lawful manner.

Finance Charges

States regulate many variables on cash advances, including maximum loan amount, how many loans a consumer can have out at one time, how many consecutive times a consumer can roll over a loan and maximum loan period. Check 'n Go typically charges \$15 to \$20 per \$100 for a loan.





**Payday Single Payment Loan
Third-Party Loan Fees and Examples**
Term is 9 days to 35 days based on pay date
Amounts from \$200 to \$1500 in \$25 increments*
The CSO fee is \$30 per \$100 borrowed.

Loan Amount	Lender Interest (10% per annum)	CSO Fee	Total Finance Charge	Total Amount Due To CSO / To Lender / Equals			Annual Percentage Rate (APR) (assumes 14-day term)
\$200.00	\$0.76	\$60.00	\$60.76	\$60.00	\$200.76	\$260.76	792.05%
\$400.00	\$1.52	\$120.00	\$121.52	\$120.00	\$401.52	\$521.52	792.05%
\$600.00	\$2.28	\$180.00	\$182.28	\$180.00	\$602.28	\$782.28	792.05%

ACE Credit Access LLC is only a credit services organization and credit access business and is not the lender. All loans are made by an unaffiliated third party lender.

This information above is based upon the customer paying on time. For example, other fees that a customer might have to pay include a late charge of the greater of 5% of the payment amount or \$7.50 if the customer is in default for 10 or more days, and a dishonored item charge of \$30.00 if an electronic payment is not paid by your bank.

Before entering into a transaction, you should read the disclosure statements and contract that are provided to you for more information.

An advance of money obtained through a payday loan or auto title loan is not intended to meet long-term financial needs.

A payday loan or auto title loan should only be used to meet immediate short-term cash needs.

Refinancing the loan rather than paying the debt in full when due will require the payment of additional charges.

This business is licensed and examined by the State of Texas – Office of Consumer Credit Commissioner. Call the Consumer Credit Hotline or write for credit information or assistance with credit problems. Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, (800)538-1579, consumer.complaints@occc.state.tx.us, www.occc.state.tx.us.

*Maximum loan amount subject to adjustment for specified test or promotional programs.

TX CSO Fee Schedule (2/12)

Exhibit E, P. 5

- [Home](#)
- [Apply](#)
- [Pay on a Current Loan](#)
- [FAQ](#)
- [Contact Us](#)

BDA 123-112
Attach A
Pg 89



Frequently Asked Questions



How does a cash advance, or payday loan, work?



Once approved, your money will be either wired into your checking account that same day or electronically deposited the next business day. Your due date is based on your payday. When you come due, you can either pay the full amount of your advance, or any amount equal to or greater than your minimum payment. All payments are made online and are automatically withdrawn from your account on your due date. There is no need for you to ever leave the privacy of your home or office.



How much can I borrow?



You can get \$100, \$200, \$300, or \$400 for your first cash advance with higher amounts available for returning customers. Returning customers in good standing may borrow as much as \$1,000.



How much does it cost?



The fee for a check advance is 25% of the amount borrowed, so for a \$100 loan, the fee is \$25. That means your total amount due will be \$125.



Do you offer any special deals?



Yes! We do offer special deals from time to time for reduced fees and free advances. Check your email for updated offers.



How long does it take for me to get the money?



Most of our payday loans are approved within 24 hours, but it will depend on how you would like to receive your money. If you've opted for an ACH, or direct bank deposit, it will take one business day for the money to appear in your checking account. So, if you apply prior to the 2:00 PM EST processing deadline, funds could be available to you tomorrow!

If you've decided on same day cash and have completed the application process before 12:00 PM EST, you could have the money wired today! Remember, we do not operate on the weekends or national holidays.



What time will I see the money in my account?



Exhibit E, P. 7

All you need is a checking account open for at least one month with no bounced checks, a steady job making at least \$1,000 a month, no more than one other payday loan outstanding, and be at least 18 years of age.



How long is the loan for?



This is a cash advance. That means your due date is based on your next payday (up to 16 days away). If you get paid twice a month, you will be due on your very next payday. If that date is less than 5 days away, we will use your next payday up to 16 days total.



How long should I have the loan for?



These are short term loans designed to help you with an urgent situation. All payday loans, cash advances, and check advances should be paid back rapidly, and not used for an extended amount of time. It's always better to pay your balance in full when you can.



How do I change my banking information before my next payment or advance?



You may change your banking information by faxing in a copy of a voided check from the new account, a copy of your bank statement from the new account, and the Change of Banking Information EFT form. This form may be downloaded on our site [here](#), or we can email or fax it to you, at your request.

Remember, if you need the information to be updated before your next payment, please make sure this is sent in to us before your payment request deadline.



What if I need to fax you something and don't have my own fax machine?**A**

If you do not have access to a fax machine, you may also try scanning and emailing the document as an attachment. If you don't have a scanner, you can visit a local FedEx Office Store or UPS Store in order to send your fax. Follow these links to find the store nearest you:

[FedEx Office Store Finder](#) [UPS Store Finder](#)

Q**What's your fax number?****A**

Our fax number is 1-866-513-0374. Remember, if you don't have a fax machine, you can always scan and email whatever you need to send! For other methods of communication, please check our [Contact Us](#) page.

Q**How much will be withdrawn from my bank account on my due date?****A**

The full amount due will be withdrawn unless you choose to make a payment. For example, if you borrow \$100, your total amount due will be \$125. So, \$125 will be deducted from your bank account on your payday/due date.

If you want to make a minimum or partial payment, the 25% fee will be added to whatever balance is left over. The minimum payment will always be equal to the 25% cash advance fee.

Remember, if you are paid once a month, you are required to pay in full.

Q**Will I be approved?****A**

Most people are approved for our payday loans, unless you have bounced checks or are not currently employed. Once you are approved you can use the money to pay your bills.



How will I know the loan is approved?



If your application is approved, we will give you a call to let you know. In order for us to send the funds your way, we must speak to you directly. So, make sure you provide accurate contact information when you apply!



Can I make payments or do I have to pay in full?



If you are paid once a month, you will be required to pay your balance in full on your due date, which is your payday. However, if you are paid MORE than once a month, we do offer payment options on our cash advances.



When can I make a payment?



You can submit a payment request anytime before the payment request deadline, which is 2:00 PM EST the business day before you are due. Rest assured that no matter how early you submit the request, the payment will never come out of your bank account until your due date. Remember, your due date is based on your pay period.

In the case of some holidays, our payment request deadline may be a little earlier – we will always let you know in advance.



Loan Amount	Loan Fee (Finance Charge)	Check Amount (Total of Payments)	Loan Term: 1 Payment (# of Days)	APR
\$100	\$25	\$125	16	506.94%
			14	651.57%
			7	1303.57%
\$200	\$50	\$250	16	506.94%
			14	651.57%
			7	1303.57%
\$300	\$75	\$375	16	506.94%
			14	651.57%
			7	1303.57%

Q

I've been making payments on my balance but it hasn't decreased. Why is this?

A

Remember, every time you make a minimum payment, you are just covering your 25% cash advance fee. The fee is added to the remaining balance each time you do not pay in full. It is always a good idea to pay your balance in full or as much over the minimum payment as you can.

Q

What do your other customers think about your services?

A

Our customers have a lot to say! Check out what others have said about their experiences with National Payday in our Customer Testimonials section.

Q

Do you have a referral program?

A

Yes, we do! It's called the National Payday Refer-a-Friend Program and you can make \$100 for every friend you send our way that's approved for a payday loan. There's no limit to how many friends you can refer to us or how much money you can make.

Excerpts from the Check 'n Go Payday Loans website at:
<http://www.checkngo.com/resources/state-center/tx.rates>

Maximum Payday Loan Amount

The maximum loan amount for Texas residents is \$1,500.00.

Payday Loan Terms

The minimum loan term is 10 days and the maximum loan term is 40 days. For a Check 'n Go store location the minimum loan term is 5 days and the maximum loan term is 35 days.

Only one loan is permitted at Check 'n Go, whether online or at a store.

Extensions

You may extend your loan up to a maximum of 7 times. To extend your loan you must pay the current loan fee before the full amount must be satisfied.

<http://www.checkngo.com/resources/faq/payday-loans/general/payday-loan-due.aspx>

When will my payday loan be due?

A payday loan gets its name from its typical due date. A payday loan is due on the borrower's payday following the approval of the loan. In general, this means two weeks from the date the contract is signed. Larger loan periods are negotiable between the borrower and lender, up to a maximum period that is regulated by state law. A payday advance loan is meant to be a short-term loan, so the loan periods, as well as the loan amounts, are regulated to protect the borrower.

Excerpts from MyPaydayLoan.com: <http://www.mypaydayloan.com/faq>

Frequently Asked Questions

How much can I borrow with a cash advance?

As a first-time applicant you can borrow between \$200 and \$600. After you pay off your first loan, you can borrow up to \$700. With each successful payoff your renewal amount increases by \$100, allowing you to potentially borrow up to \$1,000.

What if I have poor credit or have filed bankruptcy?

If you have poor credit, it will not affect the approval of your loan. However, if you have filed for bankruptcy within the past year or if you have filed multiple times, we will not be able to extend an advance to you.

How much does a payday loan cost?

The fee for advancing a payday loan is \$30 per every \$100 borrowed. For example, if you borrowed \$300 the fees would total \$90.

What is the period of time the short term, payday loan is designed for?

Payday loans are intended to be used for quick cash in the case of a financial emergency. The loan period is most often 14 days long, but may be shorter depending on when your next payday is.

Do you perform a credit check?

We do not perform credit checks, but we do verify your check writing/loan history with national databases.

What is a payday loan?

A payday loan is a cash advance extended to you in between paydays, to help you with unexpected expenses. It is designed to be used for emergency financial situations. Mypaydayloan.com strives to be the #1 source for our customers' short-term financial needs. We encourage you to use our services as a short-term solution to a financial emergency, not as a long-term debt solution.

Will I be approved for a payday loan?

Most people who meet our basic requirements are approved for a payday loan. Please see our "Requirements" page for more information.

Excerpts from SonicCash: <http://www.soniccash.com/Faq.html>

What if I have poor credit or have filed bankruptcy?

If you have poor credit it will not affect the approval of your loan. However, if you have filed for bankruptcy within the past year or if you have filed multiple times, we will not be able to extend a cash advance to you.

Do you perform a credit check?

We DO NOT perform credit checks, however, we do verify your check writing/loan history with national databases.

What is a payday loan?

A payday loan is designed to be used for short-term financial needs. The due date will be your next payday. It is not a solution for longer term financial problems for which longer term financing may be more appropriate. Payday advance fees are, however, lower than many of consumers' alternatives.

In comparison, when expressed as APRs for two-week terms:

- \$100 payday loan with \$35 fee = 912.50% APR (This is our most common rate)
- \$100 bounced check with \$25 NSF + \$24 merchant fees = 1,278% APR
- \$100 utility bill with \$50 late/reconnect fees = 1,304% APR

CashNetUSA

888.403.6947 | Login

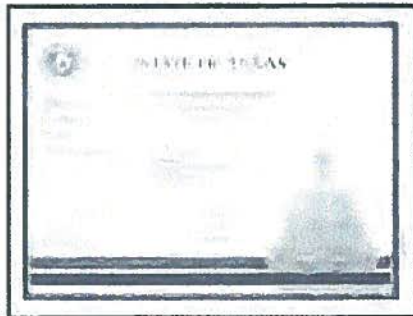
- How It Works
- Rates & Terms
- Contact Us
- FAQ
 - General Questions
 - Payday Loans
 - Cash Advance
 - Online Loans
 - Installment Loans

Holiday notice

Due to the upcoming banking holiday, all requests to make changes for loans due on Nov 12 2013 must be received by 3:00 PM CST on Nov 07 2013.

All loans approved on Nov 08 2013 will generally be funded on Nov 12 2013.

Rates & Terms for Texas



Credit Access Business

CashNetUSA will not be the lender for loans received at this site. CashNetUSA is a Credit Access Business. We will attempt to arrange a loan between you and a third party lender and service that loan once it is issued. Any questions, service issues or complaints about your loan will be addressed by CashNetUSA and not the lender.

Loan Terms

- The maximum loan amount for Texas residents will be 35% of gross monthly income or \$1800.00, whichever is less.
- Your loan will be due on your next payday that falls between 8 to 35 days away.
- If you are paid by paper check, we will give you a grace period of 1 day to deposit your check.
- If you are paid monthly, your loan will be due on your next payday that falls between 8 to 35 days away.

- If your pay dates fall outside of these ranges, your loan will be due in 14 days.
- You have the right to rescind your loan within 3 days of signing your loan contracts. To access the cancellation forms, click [here](#).

Loan Repayment

You have the right to repay your loan in full on your due date. However, you also have the option of requesting to extend your loan due date up to a maximum of 4 times. If you extend your loan due date, you will pay your Credit Access Fee and lender interest on the original due date and pay your loan principal, any additional interest and Credit Access Fee on your extended due date. After you have extended your loan due date four times, you may be eligible for an extended payment plan. For more information on the extended payment plan, click [here](#). Extension, partial payment, and early payoff requests must be received at least 2 business days prior to your due date. You may request these changes by logging into your personal account or calling our customer service team. For more information on extensions [visit our FAQ page](#).

Fee Schedule and APR

Your Credit Access Business fee will be \$25.00 per \$100.00 borrowed. You will also be charged interest by your lender of 10.00% APR on loan principal and CAB fees. Click [here](#) to find fee schedules for three common loan amounts offered to our customers.

Consumer Disclosure Form

These three links leads to disclosures, required by the state of Texas for all residents applying for a CAB loan or an extension, which outline the total costs associated with these types of loans of different amounts.

- [An Estimate of the Costs of a Two Week \\$550 Loan](#)
- [An Estimate of the Costs of a Two Week \\$750 Loan](#)
- [An Estimate of the Costs of a Two Week \\$950 Loan](#)

Consumer Credit Notice

This business is licensed and examined by the State of Texas – Office of Consumer Credit Commissioner. Call the Consumer Credit Hotline or write for credit information or assistance with credit problems. Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, (800) 538-1579, consumer.complaints@occc.state.tx.us, www.occc.state.tx.us.

An advance of money obtained through a payday loan or auto title loan is not intended to meet long-term financial needs. **A payday loan or auto title loan should only be used to meet immediate short-term cash needs.** Refinancing the loan rather than paying the debt in full when due will require the payment of additional charges.

[Apply Now!](#)

Excerpts from the PCA Personal Cash Advance website at:
<http://www.personalcashadvance.com/faqs.html>

What is a short-term loan? A payday advance enables you to receive a short-term cash advance to tide you over until your next paycheck. Consumers elect these innovative services to take care of small, unexpected expenses while dodging expensive overdraft fees and late payment penalties. We make it easy to apply for these services by using the secure form located on this site.

How do I qualify? Qualifying may be much easier than you think (it is certainly more easy than trying to qualify for a traditional loan). Your paycheck is considered collateral, so you don't have to put up any personal property or possessions.

Am I able to use your service multiple times? We are humbled by the amount of return customers to our site. As long as you have repaid any prior short-term loans, you can use our free service to apply for another one. That said, short-term borrowing is ideal for specific situations that warrant the service. Responsible borrowers use these services sparingly and do not become over reliant on them..

When will I have to repay the balance? The majority of consumers repay the lender when their next paycheck arrives. This is typically within two weeks, so it is important to be cognizant of this when budgeting. Always ensure you can repay it in a timely manner to minimize any fees or surcharges.

Will my credit play a factor in my eligibility? Many consumers with bad credit rely on these services because they are extremely easy to qualify for, especially when compared to traditional lending options. You will never have to undergo a formal credit or background check in order to be approved, although the provider you are paired with will make the final determination about your eligibility.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-112

Data Relative to Subject Property:

Date: September 23, 2013

Location address: 3917 W. Camp Wisdom Road, Suite 107, Dallas, TX 75237 Zoning District: CR

Lot No.: 1A Block 1/6940 Acreage: 2.380 (per deed) Census Tract: 109.03

Street Frontage (in Feet): 1) 282' 2) 347' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): S.K.D. Property Management, L.P.

Applicant: Brian Fisher, V.P. and General Counsel, Regional Management Corp. Telephone: 864.422.8011

Mailing Address: 509 W. Butler Road, Greenville, SC Zip Code: 29607

E-mail Address: bfisher@regionalmanagement.com

Represented by: Melissa Lindelow Telephone: 817.405.9937

Mailing Address: 500 Main Street, Suite 800, Fort Worth, Texas Zip Code: 76102

E-mail Address: melissa.lindelow@svlandlaw.com

Affirm that an appeal has been made for a Variance (N/A), or Special Exception (N/A), of _____
An appeal of the Building Official's decision to deny a certificate of occupancy for a financial institution
without a drive through window at 3917 W. Camp Wisdom Road, Suite 107

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The Building Official's decision was made in error, and the certificate of occupancy should have been granted

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Brian Fisher
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of Sept., 2013

(Rev. 08-01-11)

Notary Public in and for Greenville County, South Carolina

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____


Chairman

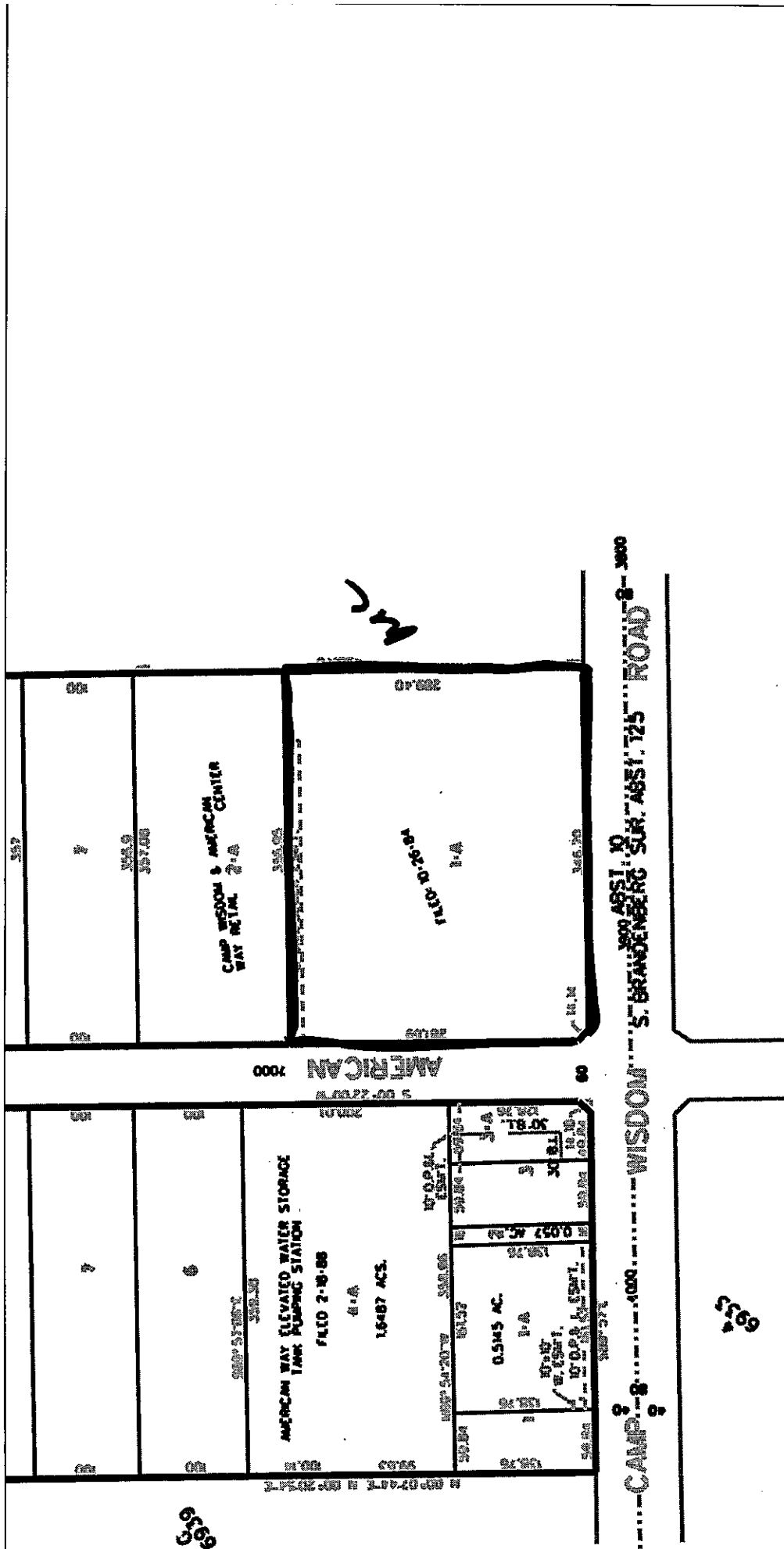
Building Official's Report

I hereby certify that Brian Fisher
represented by Melissa Lindelow
did submit a request to appeal the decision of the administrative official
at 3907 W. Camp Wisdom Road

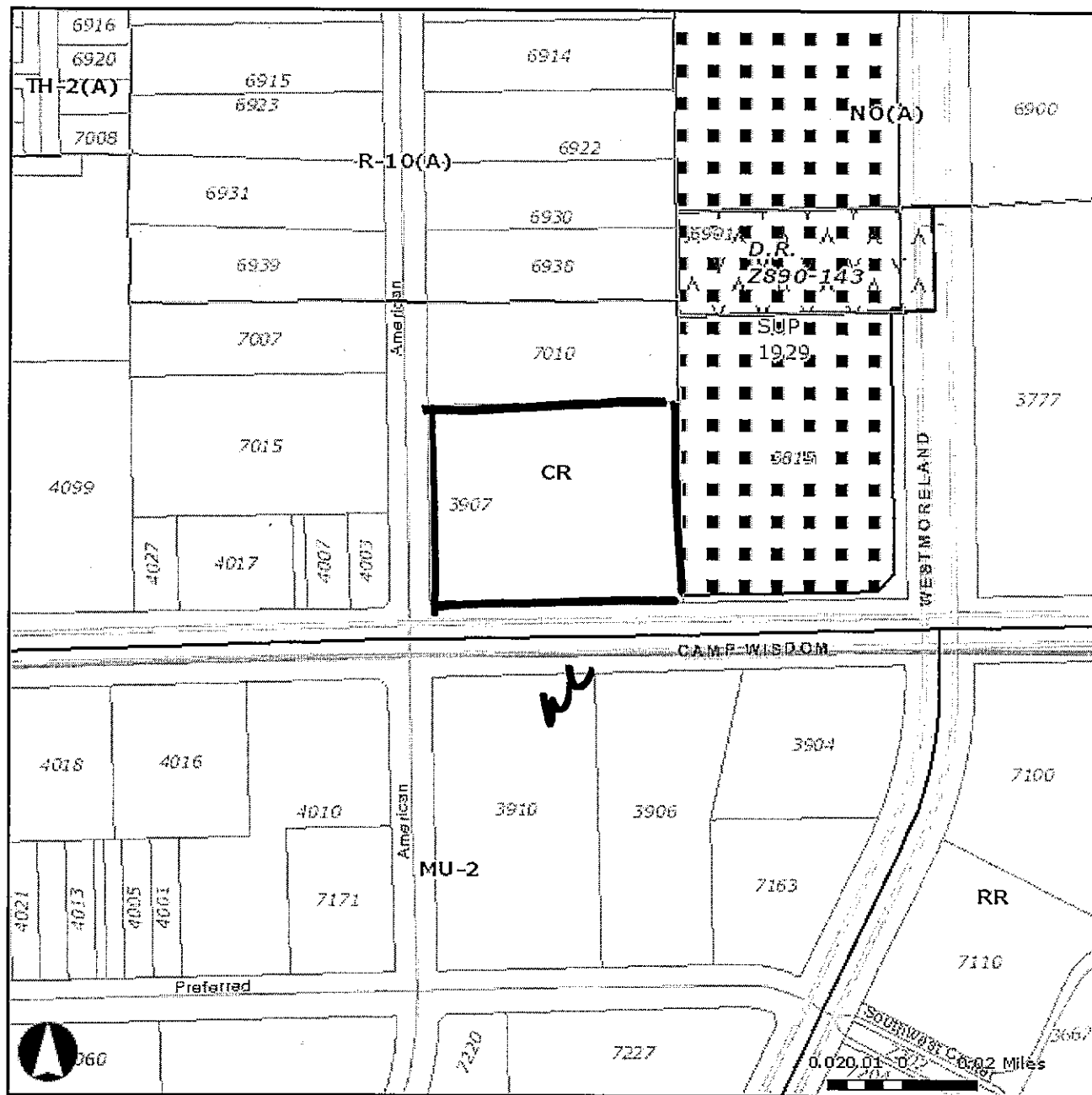
BDA123-112. Application of Brian Fisher represented by Melissa Lindelow to appeal the decision of the administrative official at 3907 W. Camp Wisdom Road. This property is more fully described as Lot 1A, Block 1/6940 and is zoned CR, which requires that the building official shall deny a certificate of occupancy application if the building official determines that the proposed use does not comply with the requirements of the Dallas Development Code. The applicant proposes to appeal the decision of an administrative official in the denial of a certificate of occupancy.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DIST Sites



Council Districts



Waterways



Parks



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



MD Overlay



Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



Peak's Branch



X PROTECTED BY LEVEE



Pedestrian Overlay



Environmental Corridors



CITY OF DALLAS

September 12, 2013

CERTIFIED MAIL NO. 7008 3230 0003 2390 9647

Stephanie Drake
Regional Finance Corporation of Texas
451 CR 2298
Mineola, TX 75773

CERTIFIED MAIL NO. 7008 3230 0003 2390 9654

Brian J. Fisher, Vice President and General Counsel
Regional Management Corp.
509 W. Butler Rd.
Greenville, SC 29607

CERTIFIED MAIL NO. 7008 3230 0003 2390 9661

Melissa Lindelow
Shupe Ventura Lindelow & Olson, PLLC
500 Main St., Ste. 800
Fort Worth, TX 76102

RE: Application for a Certificate of Occupancy for Financial Services
Regional Finance
3917 W. Camp Wisdom Rd., Ste. 107
Dallas, TX 75773

Greetings:

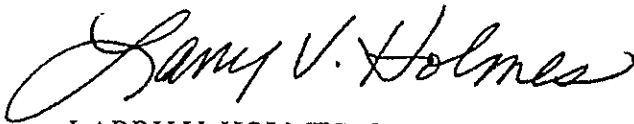
After thorough deliberation, city staff has determined that your land use is an "alternative financial establishment." This decision was based in part on the information you gave that approximately one-third of your loans are provided under Chapter 342, Subchapter F of the Texas Finance Code.

Because one-third of your business is offering short-term loans that are similar to services offered by check cashing businesses your use cannot be for a "financial institution" nor can it be accessory or customarily incidental to a "financial institution." Furthermore, this business is not licensed as a state or federally chartered bank, community development financial institution, savings and loan, or credit union.

September 12, 2013
Page Two (2)

The subject property is zoned as a CR Community Retail district. Alternative financial establishments require specific use permits in this zoning district.¹ Therefore, this application for certificate of occupancy is denied.

If you wish to apply for a specific use permit please contact LaShondra Holmes, Planning Manager, at 214.670.4216. Any determination made by the Building Official is final unless appealed to the Board of Adjustment within 15 days after the date of this letter by filing a written notice of appeal.²



LARRY V. HOLMES, CBO
Building Official
City of Dallas

c: David Cossum, Director, Sustainable Development and Construction
Phil Sikes, Assistant Building Official
Neva Dean, Assistant Director
LaShondra Holmes Stringfellow, Planning Manager
John Rogers, Assistant City Attorney

¹ Dallas Development Code §51A-4.207(1)(B).

² Paragraph (2) of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code and Dallas Development Code Section 51A-4.703(a)(2).

DATE: 9-11-13

APPLICATION TYPE

PERMIT ☐ CO ☒

OTHER ☐ EXPRESS ☐



City of Dallas

JOB NO: (OFFICE USE ONLY)
016848305

PERMIT NO: (OFFICE USE ONLY)
1309111083

HEALTH REVIEW
(Restaurant/Food Service) ☐

BUILDING INSPECTION APPLICATION

STREET ADDRESS OF PROPOSED PROJECT: 3917 Camp Wisdom Rd. SUITE/BLDG/LR NO: 107 USE OF PROPERTY: Financial institutions without a drive through window

OWNER: Regional Finance ADDRESS: 3917 Camp Wisdom Rd. CITY: Dallas STATE: TX ZIP CODE:

APPLICANT: Stephanie Drake CONTR NO: COMPANY NAME: Regional Finance E-MAIL ADDRESS: Sdrake@Rmcorp.biz

ADDRESS: 451 CR 2298 CITY: Mineola TX ZIP CODE: 75703 PHONE NO: 403 638 FAX: 3223

DESCRIPTION OF PROPOSED PROJECT: Requesting a CO for a new use in a existing building.

ALL FOOD SERVICE ESTABLISHMENTS REQUIRE A GREASE INTERCEPTOR INSTALLED ONSITE. CHECK BOX IF THERE IS ONE LOCATED ON THE PROPERTY. ☐

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX AND PROVIDE CONTRACTOR/SUBCONTRACTOR INFORMATION ON THE BACK OF THIS FORM. NOTE: AN AFFIDAVIT IS REQUIRED FOR THE SALE OR SERVING OF ALCOHOL.

☐ BUILDING ☐ PLUMBING ☐ FENCE ☐ DRIVE APPROACH ☐ BACKFLOW ☐ BARRICADE
☐ ELECTRICAL ☐ FIRE SPRKLR ☐ SIGN ☐ SWIMMING POOL ☐ CUSTOMER SVC ☐ GREEN BUILDING/LEED
☐ MECHANICAL ☐ FIRE ALARM ☐ LANDSCAPE ☐ LAWN SPRINKLER ☐ FLAMMABLE LIQUID ☐ OTHER:

WILL ALCOHOL BE SOLD/SERVED? ☐ YES ☐ NO PERSONAL SERVICE LICENSE REQUIRED FOR THE PROPOSED USE? ☐ YES ☐ NO
WILL THERE BE A DANCE FLOOR? ☐ YES ☐ NO ARE POTENTIALLY HAZARDOUS FOODS/OPEN FOODS BEING SOLD? ☐ YES ☐ NO

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS.

APPLICANT SIGNATURE: Stephanie Drake

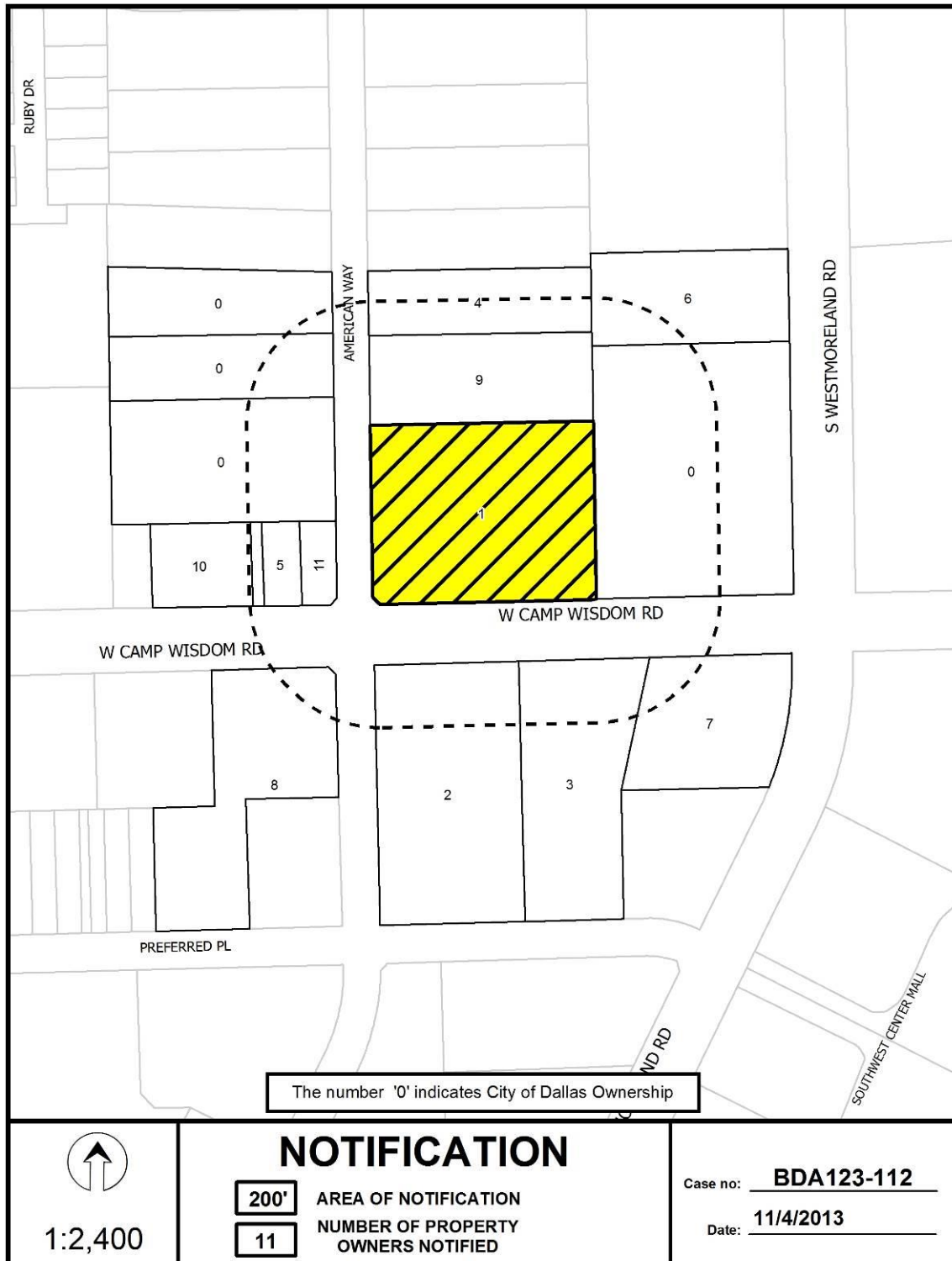
FOR OFFICE USE ONLY

ZONING				BUILDING		MISCELLANEOUS	
LOT AREA	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
<u>6114</u>	<u>1/694G</u>	<u>CR</u>		<u>UNCL</u>	<u>B</u>	<u>B</u>	<u>A</u>
	REQUIRED PARKING	PROPOSED PARKING		SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
	SUP	RAH		STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	LL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS	FEE CALCULATIONS (\$)
PRE-SCREEN	<u>BS</u>	<u>9-11-13</u>	<u>CO # 0911091083</u>	PERMIT FEE
ZONING			<u>1430</u>	SURCHARGE
BUILDING				PLAN REVIEW FEE
ELECTRICAL				PREQUALIFICATION REVIEW FEE
PLUMBING/MECHANICAL				EXPRESS PLAN REVIEW
GREEN BUILDING				HOURLY FEE TOTAL
HEALTH				HEALTH PERMIT FEE
HISTORICAL/CONS DIST				OTHER FEES
PUBLIC WORKS				OTHER FEES
WATER				OTHER FEES
FIRE				TOTAL FEES
LANDSCAPING				<u>\$ 280.00</u>
AVIATION				
OTHER:				

SUSTAINABLE DEVELOPMENT AND CONSTRUCTION DEPARTMENT • BUILDING INSPECTION DIVISION
 OAK CLIFF MUNICIPAL CENTER, 320 E. JEFFERSON BLVD., ROOM 118, DALLAS, TX 75203 • TEL. NO. (214) 648-4460

REV 12-21-2012



Notification List of Property Owners

BDA123-112

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3907 CAMP WISDOM RD	S.K.D PROPERTY MANAGEMENT
2	3910 CAMP WISDOM RD	FORTY DEGREES LLC
3	3906 CAMP WISDOM RD	SANTA FE HONG KONG LTD STE 400
4	6938 AMERICAN WAY	CONTRERAS ALEJANDRO & VERONICA
5	4017 CAMP WISDOM RD	CAMP RICHARD D SR
6	6901 WESTMORELAND RD	NEWARK CULTURAL EDUCATION FACILITIES FIN
7	3904 CAMP WISDOM RD	CULLUM JOINT REVOCABLE LIVING TRUST
8	4010 CAMP WISDOM RD	PEP BOYS MANNY MOE & JACK OF CALIFORNIA
9	7010 AMERICAN WAY	GRUPO GLEMKA TEXAS LLC
10	4017 CAMP WISDOM RD	REALTY INCOME TEXAS PROPERTIES LP
11	4003 CAMP WISDOM RD	DAN HAN TR & YU DAN TR DH YD TRUST